

UNITED STATES OF AMERICA
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DEPARTMENT OF COMMERCE
+ + + + +
NATIONAL OCEANIC AND ATMOSPHERIC

ADMINISTRATION
+ + + + +
NATIONAL MARINE FISHERIES SERVICE
+ + + + +
HIGHLY MIGRATORY SPECIES ADVISORY PANEL

MEETING

+ + + + +

THURSDAY,
FEBRUARY 19, 2009

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CROWNE PLAZA
SILVER SPRING, MARYLAND

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

2 8:30 a.m.

3 MS. STILES: After the breakout
4 session report outs we'll see where we are in
5 time and then kind of talk about how to
6 structure the rest of the day. I think we
7 have some options to either have much shorter
8 presentations in the afternoon potentially
9 have some sidebar or maybe a working lunch on
10 some of the options, possibly on the yellowfin
11 we could have a working lunch for those that
12 are interested.

13 Kind of play it by ear, see where
14 we are and what kind of time we've got so that
15 we do have some time. We will make the time
16 to come back to some of the bluefin
17 discussions.

18 So with that actually we're not as
19 ready as we thought we were.

20 Okay. Well for those of you that
21 know this is Jackie Wilson who is with us,
22 actually based in Atlanta but working for

1 headquarters. So thank you.

2 MS. WILSON: This morning I'm
3 going to be talking about the pre-draft for
4 Amendment 3. You were given this
5 electronically, we also have hard copies
6 available I believe in the back.

7 This is a rather long
8 presentation. I'm going to go through it
9 rather quickly but we won't have a lot of time
10 for questions at the end. If we do have time
11 there will be just brief clarifications and
12 then we do have break out session after our
13 next presentation which will be given by the
14 South East Fishery Science Center and then we
15 can handle the more in depth questions at that
16 point.

17 So the first thing that I want to
18 do a quick overview are the latest stock
19 assessments that have occurred for sharks.
20 There have been two. The first one was done
21 by the South East Data Assessment and Review
22 process or SEDAR, and that was for small

1 coastal sharks. That assessed the small
2 coastal shark complex or SCS which you'll hear
3 me be saying throughout the presentation.

4 That assessment found that
5 Atlantic shark nose, fine tooth and bonnet
6 head are not over-fished with no over-fishing
7 occurring. However, the assessments for all
8 those individual species did recommend
9 cautious management.

10 In addition, the assessment for
11 black nose sharks found that black nose are
12 over-fished with over-fishing. The assessment
13 recommended rebuilding with a 70 percent
14 probability in 11 years if all fishing
15 mortality were set to zero. It also
16 recommended a tack of 19,200 black nose sharks
17 per year. That would allow a 70 percent
18 probability of rebuilding by 2027.

19 Now in 2008 the Standing Committee
20 on Research and Statistics which is the ICAP
21 body that conducts stock assessments,
22 conducted stock assessments for shortfin Mako

1 sharks as well as blue sharks and that
2 assessment found that there's a non-negligible
3 probability that shortfin Mako sharks biomass
4 is below that which corresponds to MSY and
5 that the fishing mortality rate is above that
6 that corresponds to MSY.

7 So based on that NMFS has
8 determined that while shortfin Mako sharks are
9 not over-fished, they are approaching an over-
10 fish status and that over-fishing is
11 occurring.

12 The assessment also found for blue
13 sharks that the blue shark population was
14 close to the un-fished biomass levels and that
15 the fishing mortality rate was below that
16 corresponding to MSY so NMFS has determined
17 that blue sharks are not over-fished with no
18 over-fishing occurring.

19 So based on the latest small
20 coastal shark assessment as well as the SCRS
21 assessments new management measures are needed
22 because black nose sharks are over-fished with

1 over-fishing occurring and shortfin Mako
2 sharks are experiencing over-fishing. So the
3 main objectives of Amendment 3 will be to
4 rebuild and end over-fishing of black nose
5 sharks as well as to end over-fishing of
6 shortfin Mako sharks.

7 But as I've mentioned before,
8 there are three species which in that small
9 coastal shark complex that are not over-fished
10 with over-fishing, so we do want to try to
11 maintain a sustainable fishery for those other
12 species.

13 This is a preliminary time line.
14 We had a long scoping period between July and
15 November of 2008. We're currently at this
16 pre-draft stage and we expect a draft
17 environmental impact statement and a proposed
18 rule in the summer or fall of 2009. We have
19 our final EIS slated for early 2010 with the
20 final rule in spring of 2010.

21 So based on the scoping comments
22 that we received on Amendment 3 we put

1 together this pre-draft document. This pre-
2 draft document is a summary essentially of
3 what we have heard and what we hope this does
4 is stimulate discussion from you as our
5 consulting parties, as well as members of the
6 public, to give us feedback on what we should
7 include in that draft environmental impact
8 statement and our proposed rule.

9 We're asking that you submit the
10 comments by March 16 to Karyl Brewster-Geisz,
11 the address is here as well as the fax number
12 and I'll also give this at the end of the
13 presentation.

14 So this is an outline of what is
15 included in the pre-draft document and what I
16 will be going through today in the
17 presentation. The main topics are given to
18 you in bold, some of those have sub-topics
19 associated with them, such as the SEFC
20 controls is made up of quotas and specie
21 complexes, retention limits and gear
22 restrictions. For each one of these we have

1 a range of potential alternatives that we've
2 identified based on what we heard during
3 scoping. What I want to stress at this point
4 is nothing is proposed here. These
5 alternatives are basically what we heard
6 during scoping, they may change by the time we
7 get to the draft Environment Impact Statement
8 and proposed rule based on feedback by you all
9 as well as any additional information or
10 scientific advice the agency receives. So
11 keep that in mind.

12 In addition, I'm not going to be
13 going through the ecological and socioeconomic
14 impacts that are associated with each one of
15 these alternatives due to time but those are
16 all laid out in the pre-draft document and I'd
17 be happy to talk about those during break out
18 discussion.

19 In addition, after this
20 presentation we're going to have a
21 presentation by Dan Foster from the South East
22 Science Center on the bycatch reduction

1 methods in the shrimp trawl fishery. We'll
2 have a short break and then we're going to
3 have a break-out session for discussions.
4 There's going to be two different groups, a
5 group that will focus on small coastal sharks
6 and then a group that will focus on shortfin
7 Mako sharks and smooth dogfish. Okay? So
8 that's kind of how we're going to proceed with
9 getting feedback during the AP meeting.

10 Now the one thing I want you to
11 keep in mind as I go through the presentation
12 is that there isn't one alternative or one
13 silver bullet that's going to allow us to
14 basically reach the objectives that we have
15 for Amendment 3. We're going to have to
16 consider a combination of alternatives in
17 order to rebuild black nose sharks and end
18 over-fishing and in addition we're going to
19 need cooperation from the councils in order to
20 rebuild black nose sharks.

21 And this I'm going to highlight in
22 this next slide. There's a couple of things

1 that I want to stress here. The first is this
2 is the average number of black nose sharks
3 that are killed in the different fisheries,
4 per year, all right? This is data from 1999
5 through 2005. The SEDAR stock assessment the
6 terminal year was 2005, and the first thing I
7 want to note is the average size which is
8 shown there for the commercial and the
9 recreational fishery. That average size
10 corresponds to immature sharks, okay, so a lot
11 of this mortality is occurring on immature
12 individuals. Given the life history of these
13 animals the stock assessment has shown that
14 they can't withstand this level of
15 exploitation.

16 Now if you add up the average
17 number of sharks killed in each one of the
18 fisheries you get about 86,000 black nose
19 sharks taken each year and, if you recall, the
20 tack that the stock assessment suggested is
21 19,200 black nose sharks. So we're looking at
22 78 percent reduction in mortality in order to

1 rebuild black nose sharks.

2 So we look at just the mortality
3 in the Atlantic shark fishery we get about
4 43,000 sharks taken per year. Outside of that
5 we get about 43,000 sharks taken per year in
6 the shrimp trawl as bycatch. So even if we
7 shut down the Atlantic shark fishery we still
8 can't attain that tack of 19,200. So we're
9 going to need cuts across the board in order
10 to get at the tack of 19,200 sharks. So I
11 want you to keep that in mind as I go through
12 the presentation.

13 The first topic here is the small
14 coastal shark effort controls and the first
15 sub-topic that I'm going to be talking about
16 are quotas and species complexes. I'm going to
17 be focusing on small coastal sharks in this
18 section. The next section is going to focus
19 on pelagic sharks and what I want you to keep
20 in mind here is this is basically coming up
21 with different ways on how to allocate that
22 tack of 19,200 black nose sharks per year.

1 Okay?

2 The first alternative is the no
3 action alternative which will be the same for
4 all of the topics as I go through the
5 presentation. This would maintain the current
6 small coastal shark annual quota of 454 metric
7 tons of metric tons dressed weight; it would
8 also maintain the current small coastal shark
9 complex which is currently made up of fine
10 tooth Atlantic bonnet head and black nose
11 sharks.

12 Alternative 2 would reduce the
13 overall small coastal shark quota and this
14 reduction would be based on the mortality
15 reduction that we need to rebuild black nose
16 sharks.

17 Alternative 2(a) would essentially
18 treat all the source of mortality in all the
19 fisheries equally, that is it would reduce
20 mortality in all the fisheries that interact
21 with black nose sharks. That would be the
22 Atlantic shark bottom longline fishery,

1 gillnet fishery, recreational fishery and as
2 well as the shrimp trawl fishery. Okay?

3 Now the reduction in the HMS small
4 coastal shark fishery would be a 78 percent
5 reduction in that annual quota of 454 metric
6 tons resulting in a 99.8 metric ton annual
7 quota for small coastal sharks.

8 Alternative to (b) would only
9 reduce the mortality of small coastal sharks
10 in the Atlantic shark fishery that would set
11 a quota of zero metric tons dressed weight per
12 year and would prohibit the retention in the
13 recreational fishery.

14 Again, if we do this, this alone
15 will not attain that tack of 19,200 sharks so
16 we'd still need reduction in other fisheries.

17 Alternative 3 would remove the
18 black nose sharks from the small coastal shark
19 complex and it would establish a new SES
20 complex quota as well as a black nose specific
21 quota.

22 There's two different ways we're

1 thinking about doing this. The first is 3(a)
2 which would be to establish a new small
3 coastal shark complex quota. It would reduce
4 the current quota of 454 metric tons dressed
5 weight by the current landings of black nose
6 sharks which is 61.5 metric tons dressed
7 weight. This would result in a small coastal
8 shark complex quota of 392.5 metric tons
9 dressed weight.

10 Alternative 3(b) would basically
11 set that new SES complex quota at 392.5 but it
12 would reduce the current landings of black
13 nose sharks by the 61.5 metric tons by 78
14 percent and this would result in a black nose
15 specific quota of 13.5 metric tons. So the
16 difference between 3(a) and 3)(b) is the black
17 nose quota would be zero metric tons would be
18 prohibited in that commercial shark fishery,
19 3(b) would allow a black nose specific quota
20 of 13.5 metric tons dressed weight.

21 Alternative 4 would establish
22 species specific quotas for all species in the

1 small coastal shark complex, this would be
2 based on their average landings. You can see
3 those average annual landings on the slide
4 there and in this case black nose sharks would
5 have a 78 percent reduction of their current
6 average landings so that's 61.5 metric tons.
7 Again, that would result in a black nose quota
8 of 13.5 metric tons dressed weight.

9 Alternative 5 again would
10 establish a species specific quota for each
11 one of those species in the small coastal
12 shark complex except for in this case it would
13 prohibit black nose sharks in the commercial
14 fishery resulting in a zero metric ton dressed
15 weight commercial quota. Again, this would not
16 attain the tack alone and we'd need mortality
17 reductions in other fisheries.

18 Okay. The next sub topic under
19 small coastal shark effort controls are
20 retention limits. In the commercial fishery
21 there are two different types of shark
22 permits, one's a directed and one's an

1 incidental shark permit. The directed permit
2 holders do not have a trip limit associated
3 with small coastal sharks or pelagic sharks;
4 incidental permit holders are allowed 16 small
5 coastal sharks and pelagic sharks combined.

6 In addition there is no commercial
7 size limit in place in the commercial shark
8 fishery.

9 Recreational fisherman are allowed
10 one non-sandbar coastal sharks plus tiger
11 sharks or small coastal sharks or pelagic
12 sharks per vessel per trip. In addition they
13 are allowed one Atlantic shark nose and one
14 bonnethead per person per trip and there's a
15 minimum size limit in place of 54 inches or
16 four and a half feet.

17 Now this corresponds to the size
18 at which 50 percent of the sandbar sharks
19 reach sexual maturity.

20 So NMFS is considering a range of
21 alternatives and a retention limit. The first
22 is the no action alternative which would

1 maintain the current commercial and
2 recreational small coastal shark retention
3 limits. The second would establish directed
4 trip limits and reduce the incidental trip
5 limits based on the revised quota and the
6 number of directed shark trips.

7 Alternative 3 would modify the
8 incidental trip limit based on the current
9 catches. This would be done in order to
10 reduce incidental discards.

11 Alternative 4 would allow the
12 commercial harvest of male only black nose
13 sharks. This would be done as a way to
14 maintain the female sharks in the population
15 so that they can reproduce depending on
16 bycatch mortality but NMFS would maintain the
17 existing regulations for all the other
18 species, so male and female sharks would be
19 allowed to be landed before those other
20 species.

21 Alternative 5 would prohibit the
22 retention of black nose sharks in the HMS

1 commercial fisheries. Again, this would
2 correspond to a zero metric ton quota and this
3 alone would not attain that tack of 19,200
4 sharks.

5 Alternative 6 would institute a
6 minimum size for small coastal sharks in the
7 HMS commercial fisheries. Again, right now
8 there is no commercial size in place.

9 Alternative 7 would prohibit the
10 commercial retention of all small coastal
11 sharks in HMS commercial fisheries as a way to
12 reduce fishing mortality on black nose sharks.

13 Now in the recreational fishery,
14 and this is considering Alternative 8 which
15 would prohibit the retention of black nose
16 sharks in the recreational fishery. This
17 would establish a catch and release only
18 fishery. As I mentioned before, the average
19 size of black nose sharks in the recreational
20 fishery is about one and half pounds or less
21 than 2 feet so this well below the current
22 minimum size in federal waters and so this

1 could potentially eliminate mortality on those
2 younger age classes in the recreational
3 fishery.

4 Alternative 9 would prohibit the
5 retention of small coastal sharks in the
6 recreational fishery as a way to reduce
7 fishing mortality on black nose sharks.

8 Alternative 10 would modify the
9 minimum recreational size limit, which is 54
10 inches, based on the biology of small coastal
11 sharks. As I mentioned before that minimum
12 size is currently based on the biology of
13 sandbar sharks. NMFS could also introduce a
14 slot limit where it would protect certain
15 sizes of black nose sharks.

16 Alternative 11 would allow the
17 recreational harvest of only male black nose
18 sharks. Again, this would allow female sharks
19 to remain in the population to reproduce but
20 NMFS would maintain the current regulations
21 for all the other species.

22 Alternative 12 would increase the

1 trip limit for Atlantic sharp nose sharks
2 based on the current status of the species as
3 well as the current catches.

4 And, finally, Alternative 13 would
5 request that the states and the Atlantic
6 States Marine Fishery Commission implement
7 complementary recreational management measures
8 for all small coastal sharks. The majority
9 again of those recreational landings are
10 sharks that are smaller than the current
11 federal minimum size and presumably this is
12 due to landings in state waters that have more
13 liberal minimum size limits.

14 The next topic is gear
15 restrictions. The majority of small coastal
16 sharks are caught in gillnet gear as well as
17 bottom longline gear. Those gears do have
18 certain restrictions in place. In bottom
19 longline fishery there are cordbreak hooks
20 that are required and in both the longline and
21 the gillnet fisheries, fishermen must be
22 certified and carry the safe handling and

1 release gear. Gillnet gear is also limited in
2 length. They're required to do net checks and
3 the nets must be attached to those boats.

4 Now in the recreational fishery
5 there are no current gear restrictions in
6 place. In the pelagic longline fishery which
7 touches the shortfin Mako sharks there are a
8 number of gear restrictions in place. However,
9 due to the incidental nature of pelagic sharks
10 and short fin Mako sharks in those fisheries,
11 NMFS is not considering any additional gear
12 restrictions in the fishery at this time.

13 In addition, a number of black
14 nose sharks and small coastal sharks are
15 caught in the shrimp trawl gear as bycatch.
16 And so NMFS would work with the Gulf of Mexico
17 and the South Atlantic Fishery Management
18 Council to come up with ways to reduce that
19 black nose and other small coastal shark
20 bycatch in the shrimp trawl fishery.

21 So NMFS is considering a range of
22 alternatives here for rod and reel gillnet

1 bottom longline and shrimp trawl gear. Again,
2 the first alternative is the no action
3 alternative. This would maintain the current
4 restrictions for those fisheries. Under the
5 commercial gears within the HMS fisheries,
6 NMFS is considering Alternative 2 which would
7 close the gillnet fishery and remove that gear
8 as an authorized gear type. This has been a
9 request from the State of Georgia for a number
10 of years. However, gillnet gear is one of the
11 predominant gear types that is used to land
12 black nose sharks in the South Atlantic
13 region.

14 Alternative 3 would ban the drift
15 gillnet gear but it would allow shark strike
16 nets to continue to land sharks. Again, the
17 drift gillnet gear is one of the predominant
18 gears that is used to land blacknose sharks in
19 the South Atlantic region.

20 Alternative 4 would consider a
21 gillnet endorsement. This would limit the use
22 of gillnets for the directed shark gillnet

1 vessels that currently use gillnets and have
2 a history of targeting sharks with gillnets.
3 This would limit the redistribution of effort
4 in the gillnet fishery if we implement gear
5 restrictions in other fisheries.

6 Alternative 5 would close the
7 bottom longline fishery and remove bottom
8 longline gear as an authorized gear type in
9 the shark fishery. Bottom longline gear is
10 predominant gear used to catch small coastal
11 sharks specifically in the Gulf of Mexico
12 regions so this could reduce fishing mortality
13 on those species in that region.

14 Alternative 6 would limit the
15 length and number of hooks for shark bottom
16 longline gear. This could reduce the time to
17 haul back the gear and reduce the time that
18 sharks are actually on the gear. This could
19 help increase post release survival of any of
20 the non target species.

21 Alternative 7 would limit soak
22 time for shark bottom longline gear, again

1 limiting the time that sharks are actually on
2 the gear and increase post-release survival of
3 any non-target species.

4 And, finally, Alternative 8 would
5 require a certain hook size or hook type such
6 as circle hooks on the bottom longline
7 fishery. This could help reduce bycatch and
8 increase post-release survival of non-target
9 species.

10 Now on the recreational fishery
11 NMFS is considering a couple of alternatives.
12 Alternative 9 would require that circle hooks
13 be used in the shark recreational fishery.
14 Again, this could help reduce bycatch and
15 increase post-release survival of non-target
16 sharks and other species.

17 Alternative 10 will require the
18 safe release and handling tools in the shark
19 recreational fishery. Again, this could this
20 help ensure the safe handling and release of
21 those non-target species and increase their
22 post-release survival.

1 And, finally, the next section is
2 focusing on shrimp trawl gear. Again, this
3 gear is managed by the Gulf of Mexico and
4 South Atlantic Fishery Management Councils and
5 the majority of sharks that are caught in
6 shark trawl gear are less than three feet in
7 length. They're actually going right through
8 the turtle exclusion devices or the TEDs and
9 they're ending up in the caught end of the
10 trawl. So NMFS is looking at ways to reduce
11 this bycatch and, in addition, a lot of these
12 small sharks end up being impinged on those
13 TED bars due to the speed of the shrimp trawls
14 and we've heard that these small sharks cannot
15 swim out of the trawl so they end up being
16 impinged on those bars.

17 So NMFS is considering different
18 ways to reduce the bycatch associated with the
19 shrimp trawl gear.

20 Alternative 12 would work in
21 cooperation with the South Atlantic and the
22 Gulf of Mexico Fisheries Management Council to

1 reduce the bar spacing in turtle exclusion
2 devices or TEDs to reduce bycatch of blacknose
3 sharks by a specified amount.

4 Also during scoping what we've
5 heard is that the speed of the shrimp trawl
6 gear can affect the impingement of these small
7 sharks on TEDs, or the turtle exclusion
8 devices. So Alternative 13 would work in
9 cooperation with the councils to reduce the
10 shrimp trawl speed to reduce impingement of
11 blacknose sharks in those TEDs.

12 This next topic is focusing
13 pelagic shark effort controls. As I mentioned
14 before, the SCRS assessment determined that
15 blacknose sharks are not over-fished but they
16 are approaching an over-fished status and
17 over-fishing is occurring for these species.

18 So the first alternative is the no
19 action alternative which would keep shortfin
20 mako sharks in the pelagic shark species
21 complex where they are currently managed and
22 it would not change their current quota of 488

1 metric tons dressed weight per year.

2 Under commercial measures

3 Alternative 2 would remove shortfin Mako

4 sharks from that pelagic shark species complex

5 and would establish a shortfin Mako shark

6 specific quota that is below the current

7 landings. Right now on average about 70.1

8 metric tons dressed weight of shortfin Mako

9 sharks are landed each year.

10 Alternative 3 would remove

11 shortfin Mako sharks from the pelagic shark

12 species complex and then place the species on

13 the prohibited species list as a way to reduce

14 fishing pressure on that species.

15 Alternative 4 would keep the

16 shortfin Mako shark and the pelagic shark

17 species complex but reduce that overall

18 complex's quota. Again, that quota right now

19 is 488 metric tons and it applies to shortfin

20 Mako, oceanic white tip and common thresher

21 sharks.

22 And Alternative 5 would establish

1 a commercial size limit for shortfin Mako
2 sharks. As I've mentioned before, currently
3 there is not a size limit in place in the
4 commercial fishery.

5 Under recreational measures NMFS
6 is considering Alternative 6 which would
7 increase the recreational minimum size limit
8 for shortfin Mako based on the biology of this
9 species.

10 Alternative 7 would prohibit the
11 landing of shortfin Mako sharks in the
12 recreational fishery. Okay. And that was the
13 last alternative under shark effort controls.

14 Okay, the next topic here is
15 fisheries re-characterization. This is
16 focusing on regions and seasons.

17 Now under Amendment 2, two seasons
18 were established for non-sandbar large coastal
19 sharks, the Gulf of Mexico and an Atlantic
20 region. However, small coastal sharks,
21 pelagic sharks and non-sandbar large coastal
22 sharks within the shark research fishery are

1 managed in one overall region.

2 However, given the life history of
3 black nose sharks, differences between the
4 South Atlantic and the Gulf of Mexico as well
5 as the ASMFCs interstate shark coastal plan
6 which only affects the Eastern Seaboard, NMFS
7 may consider regional management of small
8 coastal sharks or black nose sharks.

9 However, this may also require
10 different quotas within those regions so
11 that's something to keep in mind. However,
12 Amendment 2 did keep one overall region in
13 place for pelagic sharks and so NMFS is going
14 to continue managing pelagic sharks and short
15 fin mako sharks in one overall region but may
16 revisit regional management for the species in
17 the future.

18 Now in terms of seasons, Amendment
19 2 created one fishing season for all shark
20 species. This was done to the lowered quotas
21 and the concern about dead discards if the
22 seasons should close early, and since there's

1 been only a short period of time that
2 Amendment 2 has actually been in place, NMFS
3 is going to prefer the status quo of one
4 overall season for all shark species at this
5 time, so I'm not going to be presenting a
6 range of alternatives for different seasons
7 during the presentation.

8 Now in terms of regions, the first
9 alternative is the no action alternative.

10 This would maintain the one region for small
11 coastal shark management. Alternative 2 would
12 create two regions, a Gulf of Mexico and
13 Atlantic for all small coastal sharks.

14 Alternative 3 would create two regions, a Gulf
15 of Mexico and Atlantic for black nose sharks
16 but would maintain one region for all the
17 other small coastal sharks. Again, this could
18 be done due to the biological differences
19 between the Gulf of Mexico and the Atlantic
20 Region for black nose as well as for the
21 ASMFCs shark plan that they have along the
22 Eastern Seaboard.

1 And finally Alternative 4 would
2 create other regions, that could be three or
3 more regions, for all or different species
4 within the small coastal shark complex.

5 Okay. The next topic is time area
6 closures. Now a number of time area closures
7 have been put in place to reduce interactions
8 with protected resources as well as targeted
9 HMS and non-target HMS species. However, many
10 shark species are still interacting with HMS
11 gear and, given the latest stock assessments,
12 some species are over-fished with over-fishing
13 occurring.

14 So NMFS may consider additional
15 time area closures or modifications to the
16 current closures in order to reduce these
17 interactions.

18 Now due to the incidental nature
19 and the pelagic nature of short fin Mako
20 sharks, NMFS is not considering time area
21 closures right now for this special. Short
22 fin mako sharks are mainly caught incidentally

1 in the pelagic longline fishery as well as in
2 the recreational fishery both inside and
3 outside of shark tournaments.

4 The NMFS is not considering time
5 area closures for the species at this time or
6 this gear type but may consider it as
7 necessary in the future.

8 In addition, NMFS will also work
9 with the Gulf of Mexico and the South Atlantic
10 Fishery Management Councils to consider time
11 area closures for shrimp trawl gear to reduce
12 interactions of black nose sharks with that
13 gear type and I'll be showing you a couple of
14 slides on that in a moment.

15 So in terms of the range of
16 alternatives, Alternative 1 is the no action
17 alternative. This would maintain the existing
18 time area closures and implement no new time
19 area closures.

20 Alternative 2 would modify the
21 existing time area closures for HMS. NMFS
22 would analyze the effectiveness of the current

1 time area closures and see whether or not
2 modifications are warranted.

3 Alternative 3 would establish new
4 time area closures for bottom longline gear to
5 reduce interactions with immature black nose
6 sharks as well as protected resources. This
7 could be particularly effective in reducing
8 interactions with small black nose sharks if
9 it was implemented in nursery areas if we can
10 effectively designate nursery areas for the
11 species.

12 In addition, during scoping NMFS
13 heard that NMFS should consider implementing
14 closures for bottom longline gear that
15 corresponds to the re-fish longline and buoy
16 gear restricted area as well as the re-fish
17 stressed area restricted area. So I'll be
18 showing you slides of those closed areas in
19 just a moment.

20 Alternative 4 would establish new
21 time area closures for gillnet gear, again to
22 reduce interactions with immature black nose

1 sharks and protected resources. Again this
2 could be particularly effective if they were
3 placed in nursery areas.

4 Alternative 5 would establish new
5 time area closures for recreational rod and
6 reel gear in order to reduce interactions with
7 immature black nose sharks. Again, the
8 majority of not all of the landings in the
9 recreational fishery occur on immature black
10 nose sharks so closures in areas such as
11 nursery areas could be particularly effective
12 in eliminating mortality on these smaller
13 sharks.

14 Alternative 6 would close all of
15 the federal waters in the Atlantic Region to
16 commercial black nose fishing. However, the
17 fisheries would remain open in the Gulf of
18 Mexico region whereas Alternative 7 would
19 close all federal waters in the Gulf of Mexico
20 region to commercial black nose fishing but
21 the fisheries would remain open in the
22 Atlantic Region.

1 And, finally, under the non-HMS
2 fisheries NMFS would work in cooperation with
3 the Gulf of Mexico and the South Atlantic
4 Fishery Management Councils to implement
5 closures to reduce mortality of juvenile and
6 neonate black nose sharks in the council-
7 managed fisheries. This could be particularly
8 effective if we could identify hot spots for
9 black nose bycatch with shrimp trawl gear and
10 I'll be showing you a slide of where those
11 interactions have taken place for shrimp trawl
12 gear in just a moment.

13 Now this first slide here is
14 showing you the re-fish longline and buoy gear
15 restricted area, that red line is showing you
16 the boundary. It was suggested that NMFS
17 close this area to shark bottom longline gear
18 in order to reduce interactions with immature
19 black nose sharks.

20 The black dots are the observed
21 bottom longline sets for 1994 through 2007 and
22 one thing I want to note is that the majority

1 of observer coverage is occurring in the
2 Eastern Gulf of Mexico so the lack of dots
3 that you're seeing in the Western Gulf of
4 Mexico do not necessarily mean that the bottom
5 longline sets are not occurring there.

6 The other thing to note is that
7 this is a restricted area that's currently in
8 place in the Gulf of Mexico. This is not an
9 area that the Gulf of Mexico Council is
10 currently considering in order to reduce
11 interactions of protected resources with re-
12 fish longline gear.

13 This next slide shows the greener
14 blue boundary for the re-fish stressed
15 restricted area. Again, this was suggested
16 for NMFS to close for shark bottom longline
17 gear to reduce interactions with immature
18 black nose sharks which suggested that this
19 closure may be more appropriate if the
20 previous closure that I showed you, the re-
21 fish, longline and buoy gear restricted area
22 encompassed too much of the historical fishing

1 effort. The black dots again are the observed
2 bottom longline sets in the shark observer
3 program from 1994 through 2007.

4 This slide here is showing you
5 neonate black nose interactions. They
6 predominantly occur off the Eastern and
7 Western Coast of Florida but they also are
8 seen off of Georgia and South Carolina.

9 This slide is showing you juvenile
10 black nose shark interactions. These occur off
11 the East and West Coast of Florida but they
12 extend from Texas all the way up to North
13 Carolina.

14 And here we had adult black nose
15 shark interactions. These have a wide
16 distribution, as you can see, that occur from
17 Texas all the way up off of Virginia.

18 Finally, this map here is showing
19 you the interactions of black nose sharks with
20 the fisheries independent shrimp surveys of
21 the sea map data which are show in the red
22 triangles. The green circles are showing you

1 the interactions of black nose sharks with the
2 observed commercial fleet.

3 You can't hear me? Louder? Okay.

4 So again the green circles here
5 are showing the observed interactions in the
6 commercial shrimp fleet. The one thing I want
7 to note here is that the sea map surveys occur
8 predominantly in the Western Gulf of Mexico
9 which is why you're not seeing the red
10 triangles over there in the Eastern portion
11 and there are few observed interactions
12 because currently only about one percent of
13 the shrimp fleet carries scientific observers.

14 Okay. The next topic is
15 monitoring and compliance. The first sub-
16 topic here is vessel monitoring systems.

17 Amendment 1 to the 1999 FMP
18 required that all directed shark vessels that
19 carry bottom longline gear and fish within the
20 vicinity of the mid-Atlantic shark closed area
21 carry VMS and have it operating between
22 January 1 and July 31. In addition, all

1 directed shark vessels that have gillnut gear
2 regardless of where they fish must have VMS
3 operating during the right whale cabbng
4 season.

5 Now NMFS may have to implement
6 additional or expand the universe of vessels
7 that carry VMS if we implement additional time
8 area closures. In addition, NMFS may consider
9 increasing the current transmission or
10 reporting frequency, which is once every hour,
11 to something more frequent such as every 15
12 minutes to 30 minutes. This would allow
13 enforcement to have a better picture of the
14 type of fishing that is occurring.

15 So NMFS has a range of
16 alternatives here under VMS, or vessel
17 monitoring systems. The first one is the no
18 action alternative which would maintain the
19 current VMS requirements. Alternative 2 would
20 increase the reporting frequency for gillnut
21 and bottom longline vessels that are currently
22 required to possess VMS. This could be

1 transmissions from every 15 to 30 minutes, it
2 could be 24 hours a day, seven days a week
3 even when a vessel is in port. Again, this
4 would give enforcement a better picture of the
5 type of fishing that's going on. Certain
6 types of fishing such as strike netting occur
7 so quickly that enforcement right now only get
8 one or two reports given a certain strike net
9 set or trip.

10 Alternative 3 would require
11 mandatory VMS for all bottom longline and
12 gillnet vessels that possess directed shark
13 permits and fish in the vicinity of any new
14 time area closures.

15 Alternative 4 would require hail
16 in and hail out requirements to declare what
17 fishing gear will be used on a given trip. In
18 this case fishermen would contact enforcement
19 before they go out. They would declare the
20 type of gear they're going to use and they
21 would also call enforcement when they come
22 back into port. However, they could

1 potentially have the flexibility to call
2 enforcement during a trip if they wanted to
3 change the gear that they were going to use.

4 And, finally, Alternative 5 would
5 require additional requirements to improve
6 proper VMS unit operation. This would entail
7 professional installation and maintenance of
8 those VMS units as well as the visual
9 indicator that would indicate when a VMS is
10 powered on and transmitting.

11 The next topic under monitoring
12 compliance is dealer reporting. Currently
13 federal dealers or currently dealers who want
14 to buy shark products from federally permitted
15 vessels must have a federal dealer permit.
16 Those dealers must report bimonthly and NMFS
17 must receive those reports ten days after a
18 bimonthly reporting period and so NMFS is
19 considering modifying the reporting frequency.
20 This could be particularly important if we
21 have to reduce quotas under a different
22 rebuilding plan.

1 So the first alternative is a no
2 action alternative. It would maintain the
3 dealer reports on a biweekly basis.
4 Alternative 2 would have dealer reports
5 received by NMFS within five days of receiving
6 shark product. Alternative 3 dealer reports
7 would have to be faxed or e-mailed to NMFS
8 within 24 hours of receiving shark product and
9 again more frequent reporting would allow
10 perhaps more effective quota monitoring and
11 prevent over-harvest if we have to reduce
12 those quotas under rebuilding plans.

13 The last section under monitoring
14 and compliance is recreational reporting.
15 Currently, recreational fishermen are not
16 required to report their recreational landed
17 sharks unless they are contacted by the large
18 pelagic survey or LPS, where by the marine
19 recreational information program or IMRF.

20 In addition, NMFS does select
21 certain tournaments to report shark landings.
22 So NMFS is considering a range of alternatives

1 to improve recreational shark reporting.

2 The first is the no action
3 alternative where recreational fishermen would
4 not be required to report their recreational
5 landed sharks. Alternative 2 would require
6 recreational fishermen to report their landed
7 sharks. This could be through a call in
8 system or catch card system.

9 Alternative 3 would require
10 recreational fishermen to report all the
11 sharks they catch. That would include those
12 that are released as well as those that are
13 landed. This may give us more information on
14 recreational fishing and the absence of
15 recreational log books.

16 Alternative 4 would require
17 anglers or tournament operators to report all
18 sharks landed in shark tournaments. Again
19 right now only certain tournaments are
20 selected to report shark landings.

21 The final section I'm going to
22 talk about today are additional species

1 considerations. There are a number of species
2 that NMFS is considering putting in the HMS
3 management unit.

4 The first of these is smooth
5 dogfish which are currently not managed under
6 Federal Management Plan. NMFS is also
7 considering adding deep water sharks to a
8 management unit which right now is only in a
9 data collection category. NMFS has also been
10 asked to consider adding ragged tooth sharks
11 as a prohibited species.

12 NMFS has a list of criteria that
13 basically determines whether or not a shark
14 can be added to the prohibited species as long
15 as two of these are criteria are met, and I'll
16 go through these quickly.

17 The first one is dealing with
18 sufficient biological information to indicate
19 that the stock warrants additional protection,
20 such as indication of depletion, low breed
21 productive potential or the species was on the
22 EFA candidate list.

1 Criterion 2 is the species is
2 rarely encountered or observed caught in HMS
3 fisheries. The third one is species is not
4 commonly encountered or observed caught as
5 bycatch in fishing operations and the final
6 one is that the species is difficult to
7 distinguish from other species and creates a
8 look alike issue.

9 So in terms of smooth dogfish NMFS
10 is considering a number of alternatives. The
11 first is the no action alternative which would
12 be to not add smooth dog fish to an Atlantic
13 HMS management unit. Alternative 2 would add
14 smooth dogfish to a management unit and
15 implement management measures such as quotas,
16 retention limits, size limits etc.

17 Alternative 3 would add smooth dog
18 fish to the Atlantic HMS management unit and
19 mirror the management measures implemented in
20 the ASMCF interstate shark plan. One thing I
21 want to mention about that is currently the
22 only regulations in the ASMCF's chart plan is

1 that smooth dogfish have to be offloaded with
2 their fins naturally attached and there are
3 some recreational retention limits in place.

4 However, there is right now an
5 amendment being considered to that plan that
6 would remove those requirements.

7 Under deep water sharks, NMFS is
8 considering a no action alternative which
9 would be to not add deep water sharks to a
10 management unit. Alternative 5 would add deep
11 water sharks to the management unit and place
12 these species on the prohibited species list
13 if they meet two of the criteria that I just
14 mentioned.

15 Alternative 6 would add deep water
16 sharks to a management unit and require all
17 the catches to be given to NMFS for scientific
18 research. Given the rarity that these occur
19 in the commercial fisheries, these additional
20 samples could help with scientific research
21 for deep water sharks.

22 Alternative 7 is the no action

1 alternative. This would be to not add ragged
2 tooth sharks to an Atlantic HMS management
3 unit, and the final alternative is to add
4 ragged tooth sharks to the management unit and
5 place them on the prohibited species lists if
6 they meet two of the criteria that I mentioned
7 before.

8 So that covers the topics that are
9 in the pre-draft. We're asking again that
10 your comments be submitted by March 16 to
11 Karyl Brewster-Geisz at this address or they
12 can be faxed in.

13 There are two breakout sessions
14 that we have that will be occurring after our
15 presentation by the South East Fisheries
16 Center. We're going to have two different
17 groups here. We're going to have a group A
18 which is going to focus on small coastal
19 sharks and this will deal with the allocation
20 of the tack and recommendations that should be
21 made to the different councils to reduce black
22 nose shark bycatch.

1 Group B is going to be focusing on
2 short fin Mako sharks as well as smooth dog
3 fish. Okay? And with that we'll end here
4 and do we have time for a quick clarification?

5 PARTICIPANT: Well, we're at 9:15
6 which is where we have scheduled for the next
7 presentation. Let me just by a show of hands
8 if we were to take questions right now, who
9 would have questions of clarification as
10 opposed to kind of commentary? About half a
11 dozen questions? That's going to take us at
12 least till 9:30. We probably have to have
13 the questions at some point so whether it's
14 now or after the second presentation.

15 MS. STILES: And if folks could
16 keep them to clarifications and not start
17 commenting, there's ample time later for that
18 when we come out in the breakout sessions.

19 PARTICIPANT: Do you mean in the
20 breakouts or right before the breakouts?

21 MS. STILES: Well I think the
22 comments and things I hope would come out of

1 the breakout sessions, but the clarifications
2 if we could keep them short let's try and do
3 that.

4 PARTICIPANT: Let's try it now
5 then. Okay. Let me have your hands again.
6 Now we have a lot more. Just keep your hands
7 up a second.

8 MR. DELANEY: Glenn Delaney
9 speaking on behalf of the Southern Shrimp
10 Alliance which is basically the warm water
11 shrimp industry trade association from Texas
12 to North Carolina.

13 Just two quick process question.
14 On your pre-draft are you seeking comments on
15 just the proposed alternative management
16 measures or should we also comment on your
17 responses to our previous comments? You have
18 a whole section in there about respond to the
19 comments that you had received previously.
20 Do you continue that process of discussing
21 those issues or do you just want us to focus
22 on the management measures.

1 MS. WILSON: It's wide open at
2 this point. I mean obviously if you have
3 comments on the measures that are put in the
4 pre-draft, feel free. Additional things that
5 aren't in there that we should consider please
6 let us know and then we obviously will
7 continue the dialogue in terms of other
8 questions that we try to address.

9 MR. DELANEY: Okay. It was
10 appropriate in that document.

11 Okay. The second question is can
12 you clarify, I'm not familiar with the
13 situation before where HMS AP has asked a
14 council to take management actions on a
15 species that's under the council's
16 jurisdiction. So how and when do you envision
17 that process taking place?

18 MS. WILSON: You're right. This
19 would be new for us. We've had a number of
20 examples where councils have asked us to
21 backstop their measures but this would be the
22 first where we're kind of taking the other

1 direction. So it's something we're going to
2 have to figure out as we go.

3 MR. DELANEY: You've got like a
4 DEIS proposed rule coming out in the summer.
5 Is that when you'd start asking the council
6 for their input or do you wait to the point
7 where you have a final rule and then use that
8 as a set of recommendations to the council and
9 then ask them to okay please consider a
10 recommendation very seriously and then
11 implement these through I guess it would have
12 to be a plan amendment? Is that the way it
13 works?

14 MS. WILSON: Yes, I think we
15 wouldn't necessarily wait a long time. I
16 think sooner rather than later would be better
17 in this case. But the exact form and timing
18 I think are not--

19 I think where we're at is we're
20 looking for input on what sorts of options and
21 the measures would get us to reduce mortality.
22 I think we know the percentage reduction we

1 need and so if we have an idea on a specific
2 measure we can talk to them about that. If we
3 don't, councils are the experts on those
4 fisheries and it may be asking the councils to
5 reduce by a certain percentage mortality. And
6 then letting the councils figure out how.

7 I mean this is new for us. We
8 haven't encountered this before so we're still
9 thinking about how to proceed in the best way.

10 PARTICIPANT: All right. Right
11 now I have Rusty, Mark, Sonja, Rich, Myron,
12 Greg and Chris. I may have missed a few. If
13 so, make sure you get my attention. Rusty, go
14 ahead.

15 MR. HUDSON: Rusty Hudson,
16 director Shark Fisheries. Two questions. One
17 is what is the date certain that you have to
18 have over-fishing stopped in all the user
19 groups to achieve the 78 percent. Is that
20 January 2010?

21 MS. WILSON: Well on the
22 Magnusson right now we need to have a draft

1 plan within one year that we made the
2 determination. This is because this fishery
3 was determined to be over-fished with over-
4 fishing before July 12 of 2009. So we have one
5 year to have a draft plan in place. We don't
6 have a specified amount to actually have the
7 final plan in place at this point.

8 MR. HUDSON: I guess my question
9 is, is there a date certain that you have to
10 have the over-fishing stopped based on
11 Magnusson and if you're saying what July last
12 year, by this year, early next year? I mean
13 what date do you have to have the shrimp fleet
14 and all of the other components of this 78
15 percent reduction from the 86,000 animals to
16 the 19,000 animals achieved?

17 MS. WILSON: What I'm saying is
18 because this fishery was determined to be
19 over-fished and over-fishing before July 12 of
20 2009, we have to have a draft plan in place
21 within one year. We don't have a final drop
22 dead time of when we actually have to end

1 over-fishing under Magnusson. We have to have
2 a draft plan in place within one year that we
3 made the determination that the fishery was
4 over-fished with over-fishing.

5 MR. HUDSON: What was that date?

6 MS. WILSON: The determination,
7 notice of intent came out in May of 2008.

8 MR. HUDSON: Okay. So we're
9 already at one year this may?

10 MS. WILSON: Yes.

11 MR. HUDSON: And that's when you
12 have to have a plan?

13 MS. WILSON: That's when we're
14 supposed to have a plan.

15 MR. HUDSON: And then it has to
16 be implemented one year out from that?

17 MS. WILSON: There actually
18 isn't a stipulation on when the final plan
19 actually has to be in place.

20 MR. HUDSON: Okay. The second
21 question how big, not in pounds based on your
22 pound and a half for your recreational since

1 that's 79 percent of the total samples that
2 you're using from the Cortez data workshop
3 document No. 15. What length is a neonate?

4 MS. WILSON: Well the length of
5 the recreational size, the 1.5 pounds, is
6 about 1.8 feet in total length and that
7 corresponds to, that's right about the break
8 of a neonate very small juvenile shark.

9 MR. HUDSON: A young of the
10 year? The umbilical has healed?

11 MS. WILSON: Well what's what we
12 called our neonate shark.

13 MR. HUDSON: And so having healed
14 then it becomes a young of the year as Bob
15 reminded me. So then it becomes a juvenile
16 after that year is up, is that basically
17 correct?

18 MS. WILSON: Right now how we
19 have it designated is on a size thing of when
20 it enters that juvenile state and goes out of
21 the neonate stage.

22 MR. HUDSON: Okay. So if the

1 majority of the recreational is neonate, then
2 what you're saying is 1.8 feet total length
3 which is going to be probably one and a half
4 foot fork length since almost everything we
5 deal with is in fork length, you have a
6 minimum size since 1999 of four and a half
7 foot. So it's a big three foot difference in
8 the measurement. Is that pretty accurate
9 then?

10 MS. WILSON: Yes. And I actually
11 would say that even an adult black nose shark
12 I think it's rare that they would actually
13 reach that minimum size of four and a half
14 feet. But again that minimum size was based
15 off of sandbar sharks.

16 PARTICIPANT: Thanks Rusty. Mark
17 Sampson?

18 MR. SAMPSON: Yes. Mark Sampson.
19 Just two quick questions. I have lots of
20 comments for later but I'm trying to stay in
21 protocol here. So No. 1, with the breakout
22 sessions now is it right that we can only be

1 in either the pelagic or the black nose but if
2 we want to be involved in both we can't? Is
3 that how it's set up here?

4 MS. WILSON: Yes. I think right
5 now we have people in one or the other unless
6 you can figure out a way to split yourself and
7 go in the two things. But right now we have
8 you in one of the other group.

9 MR. SAMPSON: And actually Rusty
10 just really in your discussion with him
11 clarified somewhat questions about the
12 recreational catch. I guess my primary thing
13 here is, just for clarification, the primary
14 black nose recreational catch is that correct
15 it's sub-legal fish? Now these animals are
16 being caught and I assume they're not by
17 recreational fishermen targeting sharks as
18 much as perhaps just for lack of a better term
19 as a bycatch during other fishing efforts?

20 MS. WILSON: Or presumably
21 they're being caught in state waters that have
22 a more liberal minimum size limit than our

1 federal minimum size so they're being in state
2 waters.

3 MR. SAMPSON: What state waters
4 might those be?

5 MS. WILSON: Well now with the
6 Atlantic States Marine Fishery plan they
7 actually don't have a minimum size in place at
8 all for any of the small coastal species, but
9 I don't know the exact states off the top of
10 my head. I have to go back and look and see
11 what those minimum sizes are to know what
12 states that are predominantly catching those
13 sharks.

14 MR. SAMPSON: Okay. Even that
15 being the case, if they're catching these
16 animals in state waters where there is no
17 minimum size, do we know if the predominant
18 catch is by anglers who are actually targeting
19 sharks as opposed to targeting re-fish or
20 whatever else?

21 MS. WILSON: The surveys I think
22 do ask what you were fishing for? But I'm not

1 sure. Sometimes people are fishing for what
2 they caught and so that doesn't always
3 translate to what they set out to catch.

4 I would just point out that the
5 state regs are included in the safe report
6 that's in the back so you can look at that.
7 I think it's early in the report itself. It
8 gives you what the state regs are and then
9 some references to follow up if you have more
10 questions.

11 MR. SAMPSON: Thank you.

12 PARTICIPANT: Thanks Mark.

13 Sonja, Rich, Myron, Greg and Chris. Sonja?

14 MS. FORDHAM: Thank you. Sonja
15 Fordham, Ocean Conservancy. Thank you Jackie
16 for your presentation. I was trying to look
17 this up so if you don't know if off the top of
18 your head we can work it out. But you did say
19 that for the South Atlantic that gillnets were
20 the dominant gear for the black nose sharks
21 outside of the main mortality was the shrimp
22 trawls, right?

1 So actually targeting or landing
2 black nose, the dominant gear in the South
3 Atlantic is the gillnets and the dominant gear
4 in the Gulf of Mexico for again aside from the
5 shrimp trawl mortality for the small coastals
6 as a whole was the bottom longline?

7 MS. WILSON: Yes.

8 MS. FORDHAM: So can you tell us
9 what the dominant gear in the Gulf is for the
10 black nose and the dominant gear in the South
11 Atlantic for the small coastals or should we
12 just look them up?

13 MS. WILSON: I think black nose
14 are predominantly caught on bottom longline
15 gear in the Gulf of Mexico and small coastal
16 sharks are in general caught in the gillnet
17 fishery, apparently more in the drift gillnet
18 fishery than the strike gillnet fishery in the
19 South Atlantic region.

20 MS. FORDHAM: Okay. Great.
21 Thank you.

22 MS. WILSON: There's also more

1 information on that specific on the catches in
2 the Cortez and near the No. 15 paper that
3 Rusty had mentioned that was in the data
4 assessment portion of SEDAR. So they give a
5 more detailed breakout of the catches.

6 MS. FORDHAM: Okay. Thank you.
7 And these breakout groups we're going to be
8 assigned or do we get to pick?

9 MS. WILSON: I think we have some
10 key people that we want to try to divvy up
11 among the different groups and the different
12 tables and then other people can fill in as
13 they are interested.

14 MS. FORDHAM: Okay. Thank you.

15 PARTICIPANT: Thanks Sonja.
16 Rich? Rich Ruais.

17 MR. RUAIS: I think this might be
18 more appropriate for Margo but which ICCAT
19 recommendation in terms of the shortfin Mako
20 proposals and alternatives, which ICCAT
21 recommendation are we responding to? The
22 only one that's quoted in the draft is the

1 2004 recommendation which I don't see any
2 action, any calls for action in that
3 recommendation. Was there a later one that's
4 just not cited here right now?

5 MS. WILSON: Well we're primarily
6 responding to the stock assessment. It is an
7 ICCAT assessment that found that the results
8 for short fin Mako were approaching over-fish
9 condition and over-fishing was occurring.

10 There is a recommendation, it may
11 be an '05 recommendation to reduce mortality
12 of short fin Mako and that is more than the
13 '04 recommendation which I think was largely
14 the finning ban and some other things. So I
15 mean this is consistent with ICCAT, there's
16 not a specific recommendation right now saying
17 reduce short fin Mako by X but it is
18 consistent.

19 MR. RUAIS: The second part of
20 that is do we know of any other countries that
21 have initiated a similar plan right now? I
22 mean if we're going to be trying to target

1 doing something biologically for short fin
2 Mako we need to be acting in concert obviously
3 with the other countries that are exerting
4 mortality on them as well when they're fishing
5 the high seas. And I don't recall, I'll pay
6 more attention, but I don't recall any other
7 countries that they're prepared to take action
8 on short fin Mako.

9 MS. WILSON: Well, the
10 recommendation stands from '05 to reduce
11 mortality. I think we can read the national
12 reports for efforts by other countries.

13 PARTICIPANT: Thanks Rich.
14 Myron?

15 MR. FISHER: Thank you very much.
16 I have just two quick issues and I'll try to
17 rush through that relate to the black nose
18 mortality by gear type and your chart is from
19 '99 to '05. And considering the largest
20 single entity is the Gulf of Mexico shrimp
21 catch is there any way we could get some
22 updated figures because Dr. Nance has reported

1 approximately a 75 percent downtown in the
2 shrimp industry in the Gulf of Mexico recently
3 and that's sizeable. A quick on the back on
4 a napkin that's 28,000 off of 38,000, it's a
5 sizeable decrease. And I don't know if these
6 figures are available if they could be tweaked
7 into this but if you're asking for a 78
8 percent reduction, in reality with the shrimp
9 industry on a downturn might only be a 50
10 percent reduction which is sizeable but
11 palatable to some.

12 The other is I see nothing of
13 bycatch in the menhaden industry and that was
14 something in Louisiana that was looked at, or
15 I should say the Gulf Council looked into many
16 years ago and it was a state issue therefore
17 it was just deferred over. But I thought I
18 remember presentations that the menhaden
19 industry alone caught about 50 percent of the
20 shark quota and I mean I was surprised that
21 it's not mentioned in here. It's a quiet
22 industry. Thank you.

1 MS. WILSON: Okay. To address
2 your first one, we actually are working with
3 the South East Fishery Science Center to try
4 to get updated numbers from the shrimp bycatch
5 model for 2006 and 2007. The SEDAR assessment
6 only went through 2005. In 2005 they actually
7 did reduce the effort by 50 percent. At that
8 time they didn't have the official 2005
9 numbers but they did that as an assumption
10 based on the effects of Katrina.

11 So if you actually look in the
12 SEDAR report and you look at that 2005 number
13 you see it's much lower than what the previous
14 years have been. But we are working with the
15 South East Fishery Science Center to get
16 updated numbers for the shrimp trawl bycatch
17 for 2006 and 2007 so that's in the works.

18 In response to your other quetsion
19 on the menhaden fishery we'll definitely look
20 at discards and catches in all the fisheries
21 that we can find and have data on. I mean the
22 hard part there is trying to get an estimate

1 of what those are, and we'll consider that for
2 the draft EIS.

3 PARTICIPANT: Thanks Myron. Greg
4 and then Chris.

5 MR. FAIRCLOUGH: Thanks Jackie.
6 Two quick questions. Dogfish. If indeed they
7 are brought into HMS management does that
8 infer that we might see a stock assessment a
9 little sooner than later?

10 MS. WILSON: I believe it has
11 been identified as a priority for SEDAR for
12 something to do. We don't have it on a
13 particular time frame right now but smooth
14 dogfish have not been assessed so that is
15 something that would be good to get.

16 MR. FAIRCLOUGH: I agree. And
17 then with short fin Mako, I haven't run the
18 numbers in a couple of years but by my
19 accounting the U.S. proportionally landings of
20 about 10 percent Atlantic white. Is that
21 about the same in terms of shortfin Mako
22 landings U.S. proportion?

1 MS. WILSON: About the same now
2 you're saying? You know, I'd have to look at
3 the national report and actually see what that
4 trend has been. It could be but I actually
5 haven't looked specifically at that.

6 MR. FAIRCLOUGH: All right. Well
7 thank you.

8 PARTICIPANT: Thanks Greg. Chris
9 and go ahead and state your name just for the
10 record.

11 MR. VONDERWEIDT: Hi. Chris
12 Vonderweidt, Atlantic States Marine Fisheries
13 Commission proxy for Vince O'Shea. Thanks for
14 the presentation Jackie, I thought it was
15 great.

16 I just wanted to clarify one thing
17 in that we only have recreational possession
18 limits for smooth dogfish. Our plan does
19 actually include provisions where the board
20 can put in quotas, trip limits, dealer are
21 required to have a federal permit. There's
22 commercial and recreational gear and bycatch

1 reduction measures as well. So just to be
2 clear on that.

3 And then one of my questions
4 related to what Greg said, not surprisingly as
5 he's the chair of our technical committee, so
6 I had the same question of when smooth dogfish
7 were going to be assessed and that's kind of
8 the limiting thing for management right now as
9 far as the board level.

10 But what my question is, and
11 Margot and Karyl were at the ASMSC meeting a
12 week ago and the board has removed the trip
13 limits or possession limits that they had.
14 The board has drafted or has initiated an
15 addendum to exempt smooth dogfish fishermen
16 from the requirement to keep the fans attached
17 to the carcass naturally through landing, and
18 they've also expressed concern about the
19 recreational possession limit which was
20 mirrored after the Atlantic sharp nose on
21 possession limits.

22 So given that one of the

1 alternatives in here is to mirror ASFMC
2 regulations, how does what happened at the
3 board meeting last week impact your
4 consideration of mirroring our regulations if
5 at all?

6 MS. WILSON: Again, it would
7 mirror whatever ASMFC has in place. I mean
8 that's one of the alternatives that we would
9 consider.

10 One of the other alternatives is
11 that we would put in additional management
12 measures. If we put them into a management
13 unit we could implement whatever management
14 measures we thought was appropriate in federal
15 waters. So at this point it really would be
16 mirroring what the ASMFC has in place and if
17 that changes by the time we get to the DEIS it
18 would be what you have in place at that time.
19 So that's really where that's coming from.
20 It's wide open at this point.

21 MR. VONDERWEIDT: And just as far
22 as being that you're required to follow the

1 Magnusson Stevens Act, how limited are you for
2 implementing regulations without having an
3 assessment on the actual stock fishing with
4 dogfish?

5 MS. WILSON: Well, the real
6 driving force behind that is going to be black
7 nose shark because they're the ones that have
8 been determined to be over-fished with over-
9 fishing. So that would be the driver in order
10 to have something in place. The driver
11 wouldn't be smooth dog fish, it would be an
12 additional consideration we would have in the
13 amendment.

14 And the requirement is to use the
15 best available science. And so what that is
16 may vary. Sometimes there's assessments,
17 sometimes there isn't.

18 And just to be clear, one of the
19 alternatives we're considering is to be
20 consistent with the commission plan, but it's
21 one of many that we're considering and
22 wouldn't necessarily mean that all of the

1 differences between where the commission may
2 come down would be adopted across the board.
3 So it would be something we would look at and
4 want to get a comment on but would be a larger
5 view as well.

6 PARTICIPANT: That's great.

7 Thank you. So we're going to move into Dan's
8 presentation now and then before we take our
9 break, after Dan's presentation, we'll give
10 you the instructions on kind of how we want
11 you to come back from the break and move into
12 your breakout tables. Okay?

13 MR. FOSTER: Good morning. Can
14 everybody hear me? I assume yes. I'm Dan
15 Foster, I'm with the South East Fishery
16 Science Center with the harvesting systems
17 team of the engineering and harvesting branch
18 in Pascagoula, Mississippi.

19 I've been asked to come here today
20 and talk a little bit about addressing shrimp
21 trawl bycatch in the Gulf of Mexico in the
22 South East Atlantic.

1 The group I work for is a unique
2 group of people. About half of us are fishery
3 scientists and about half of us are made up of
4 people that have history in the fishery. And
5 so it's a unique group that allows us to work
6 closely with the fisheries to address
7 different bycatch problems that occur in
8 different fisheries. We work with trawl gear,
9 we also work with pelagic longlines, we work
10 with gillnets, also track gear.

11 There was also some discussion
12 yesterday about the bluefin tuna mitigation
13 research that's occurring in the Gulf of
14 Mexico and I'm also project coordinator of
15 that project and yesterday there was some
16 discussion about a report. We did complete
17 the report, we have copies of it up here on
18 the front table if you'd like to get a copy of
19 that later on.

20 Also Lee Benaka is here, he also
21 wanted me to give a plug for the national BREP
22 report to Congress. It's not currently out in

1 the table in the front in the table in the
2 lobby but there will be copies of that report
3 later on available to you out there.

4 The BREP is the national bycatch
5 reduction engineering program.

6 Shrimp trawling in the U.S. has
7 come to a lot of other trawl fisheries,
8 generally in the Gulf of Mexico we use either
9 to two four nets to drag along the bottom
10 which are cone-shaped nets. Generally shrimp
11 trawls catch pretty much anything in their
12 path and because of that there are a lot of
13 bycatch issues associated with almost all
14 trawl fisheries around the world.

15 There have been a lot of
16 approaches to try to address trawl bycatch and
17 there are several different strategies that
18 are commonly used. First of all the question
19 is as far as target catch and by catch, how is
20 the size of the target catch and bycatch in
21 relation to one another?

22 There are several approaches that

1 can be used. In situations where the target
2 catch is larger than the bycatch it's common
3 to use mesh size in accordance. Many
4 fisheries have requirements in regulations in
5 situations such as in fish trawl fisheries,
6 many times the bycatch is actually undersized
7 target catch. We use mesh size to allow the
8 undersized fish to escape.

9 In situations where the bycatch
10 species are actually larger than the target
11 catch, it's common to use sorting grids. Also
12 in situations where the bycatch species are
13 similar in size to the target catch then we
14 have to rely on behaviorals. Swimming
15 ability, behavioral differences between the
16 bycatch and target catch to separate the
17 target catch from bycatch species.

18 In a situation of using sorting
19 grids in 1978 when sea turtles were listed on
20 the endangered species list, the harvest and
21 systems team began working on ways to
22 eliminate sea turtles from shrimp trawls and

1 working over a decade in 1989 we had the
2 requirement for all shrimp trawls in the South
3 East United States to use turtle exclude
4 devices. Now turtle exclude devices are
5 basically a sorting grid that's placed in the
6 trawl between the trawl body and the cord and
7 it's a grid that is placed on an angle,
8 generally constructed of steel or aluminum and
9 basically has three components.

10 The sorting grid has an escape
11 opening that you see the turtle sticking its
12 head out of. It also has a waving flap that
13 covers the escape opening. The waving flap is
14 usually held closed by water to prevent shrimp
15 loss.

16 Now TEDs were found in the initial
17 study to be very effective in excluding sea
18 turtles. It gets rid of about 97 percent with
19 only about a 4 percent reduction in bycatch
20 and shrimp loss than 6 percent. The earlier
21 designs had shrimp loss around 6 percent but
22 today we see a shrimp loss rate much lower

1 than that.

2 In this initial study we didn't
3 look at shark bycatch reduction because
4 basically we were just looking at shrimp
5 retention rates, but there have been studies
6 in Australia that have shown that sharks and
7 bycatch reduction in Australia has been found
8 to be around one-third, in the 30 percent
9 range.

10 Now the maximum bar spacing of a
11 TED is four inches in the South East and this
12 is based on the minimum sized turtles we
13 encounter and also the maximum bar spacing to
14 maintain shrimp catch. So it's a combination
15 of turtle size and shrimp retention that
16 dictates the bar spacing of grids.

17 The angle of grids found to the
18 optimum angle was between 45 and 55 degrees in
19 the trawl. This is a combination of two
20 things. No. 1 is we don't want debris to
21 build up on the grid so at an angle greater
22 than 55 degrees debris tends to build up on

1 the grid, but also at an angle of 55 degrees
2 the turtles do not escape from the TEDs very
3 well.

4 There have been many regulation
5 changes over the years the most recent of
6 which was in 2003. Apperley and Tees found
7 that many of the turtles that were washing up
8 on the beach dead were actually too large to
9 fit out of the escape opening of TEDs. And to
10 address that we had to make changes to the
11 escape opening requirements for TEDs requiring
12 that the escape openings be larger.

13 We found two ways to do that.
14 There's two options that are used today. One
15 is called a 71-inch opening, one is called
16 double cover flap.

17 Now the advantages of these two
18 flap designs the industry actually found that
19 these were better TED technology, because of
20 these large openings it's easier for the flap
21 to be pushed open and so less debris builds up
22 on the TED and so they found they have a

1 higher shrimp retention rate because of the
2 new flap designs.

3 Also because of new flap designs
4 we suspect because it's easier to push the
5 flap open, small organisms such as sharks will
6 probably have an easier time getting out of
7 the TED also.

8 Now we said that the water flow
9 holds the flap closed and with these new flap
10 designs like I said earlier that we suspect
11 that debris and small organisms will have an
12 easier time pushing the flap open.

13 These new modern designs have a
14 higher shrimp retention rate and also have a
15 very efficient exclusion of sea turtles and
16 more fish and debris exclusion.

17 Now we really don't have a hard
18 fast number on what we expect that TEDs are
19 excluding, it is a function of shark size so
20 shark distribution, size distribution sharks
21 in the area we suspect will have a high effect
22 on the exclusion rates by TEDS.

1 I do have a short video showing
2 some sharks in a TED and we have two scenarios
3 here. There will be two sharks coming into
4 the TED about at the same time. One shark is
5 too large to fit between the bar spacing and
6 he will be excluded; there's another shark
7 that is smaller and you'll see it come
8 through. It happens fairly quickly and I
9 apologize about that.

10 So here's a larger shark coming
11 into the grid. And the two sharks will hit
12 the grid just about the same time. And the
13 escape opening is at the bottom by the way.
14 So one shark goes through the grid, the other
15 shark goes out of the escape opening flap. So
16 you really don't have a good idea exactly what
17 kind of reduction rate we're seeing with
18 sharks right now with TEDs but we do know it's
19 occurring.

20 One of the things that we are
21 planning to do this year is through the
22 National Bycatch Reduction Engineering Program

1 is to conduct some research this year looking
2 at reducing the bar spacing of TEDs. And not
3 only reduction of sharks but also other fin
4 fish bycatch species. One of the real
5 concerns by the industry is that a narrow bar
6 spacing will potentially have a high shrimp
7 loss rate so we do plan on doing some research
8 with the industry this year to look at that.

9 Also I mentioned earlier that in a
10 scenario where you have a situation where the
11 target catch and the bycatch species are about
12 the same size, you have to rely on behavioral
13 differences between the two for sorting.

14 Behavioral differences are not
15 generally as effective as using mechanical
16 means such as sorting grids or webbing size
17 but it can be also an effective tool.

18 In the Gulf of Mexico fin fish
19 bycatch can be a significant problem not only
20 for fisheries management but also for deck
21 crews. In the Gulf of Mexico we can catch
22 sometimes as high as four pounds of bycatch

1 for every one pound of shrimp, which can be a
2 nuisance for the deck people and also a
3 difficult problem for fisheries managers.

4 In 1990 amendments to the
5 Magnusson Act tasked the Secretary of Commerce
6 with doing two things. No. 1 to start a three
7 year project to evaluate the impact of shrimp
8 trawling on bycatch species; also it started
9 a regional bycatch program partnership between
10 fishers in the Gulf of South Atlantic
11 Fisheries Foundation to work with the industry
12 to try to develop ways to address bycatch
13 issues in the gulf fleet.

14 Under this program the criteria
15 used for evaluating was based on the 1998
16 stock assessment of red snapper. The stock
17 assessment showed that we need to reduce the
18 mortality of juvenile red snapper shrimp
19 trawls by 44 percent in order to achieve the
20 target recovery date for red snapper.

21 Under this criteria there were two
22 BRD or bycatch reduction designs that were

1 developed by the industry and tested by the
2 industry and certified for use. One was the
3 fish eye and one was the Jones Davis BRD. The
4 predominant BRD used in the fishery and still
5 today is the fish eye. The fish eye is
6 basically an eye-shaped frame or hole in the
7 cord in the net which has been in a way where
8 the opening faces into the water flow. Fish,
9 who are stronger swimmers than shrimp, are
10 able to swim out of this opening while shrimp
11 aren't able to make that maneuver and swim out
12 of the cord in the trawl.

13 This is by far the most common BRD
14 used today.

15 The National Fishery Services
16 continued after 1998 when these BRDs came into
17 effect, we continued to work with the industry
18 to design new ways and learn new ways to
19 reduce fin fish bycatch from trawls. Also
20 between 1998 and 2003 we started a voluntary
21 observer program to go into the fleet to
22 evaluate how effective these new BRD designs

1 are in the fishery. And this took place
2 between 1998 and 2003.

3 In 2005 with the new stock
4 assessment of red snapper we found that the
5 red snapper stock continued to be over-fished
6 and that new recommendations recommended a
7 reduction in red snapper mortality of 74
8 percent in shrimp trawl bycatch as compared to
9 baseline of 2001 and 2003. So not only do we
10 need to achieve 44 percent, now the new
11 recommendation is 74 percent.

12 Well at about the same time this
13 occurred the report came in on BRDs that were
14 currently being used in the fishery. We did
15 an analysis of the observer data with pretty
16 disappointing results. We found that not only
17 were fish eyes not achieving the 44 percent
18 reduction we'd hoped for, but we were only
19 achieving 11.7 percent reduction in red
20 snapper mortality and shrimp trawls. And we
21 saw that the overall fish reduction by fish
22 eyes was only 16.5 percent which were pretty

1 disastrous results.

2 But there was something else
3 occurring at about this same time within the
4 shrimp fishery. As with many other fisheries
5 around the world, there were a lot of factors
6 that were affecting the fishery. One major
7 factor affecting the shrimp trawl fishery was
8 the price of fuel. In early this decade the
9 price of fuel starts skyrocketing which has
10 had a major impact on the shrimping industry.

11 Also the price of inexpensive
12 imports coming into the country really drove
13 down the price of shrimp in the United States.
14 In addition, in 2004 and 2005 we had a series
15 of major hurricanes in the Gulf of Mexico.
16 All of these things combined has really caused
17 a dramatic shift in the fishery and we've seen
18 a dramatic decline in effort starting in 2003
19 in the Gulf of Mexico.

20 Now these are updated graphs, I
21 don't know, it's probably very hard to see the
22 dates on the bottom but the graph starting on

1 the left is starting at 1960 and going through
2 2008. And looking at the total offshore
3 effort in the Gulf of Mexico you can see that
4 we are currently in 2008 at the lowest point
5 of effort we've been prior to 1960, so we're
6 looking at a 50-year low on effort in the Gulf
7 of Mexico.

8 And evaluating a reduction effort
9 as a reduction in shrimp trawl bycatch of red
10 snapper, we looked at the depth range of
11 10,000 to 30,000 which is the zone in which of
12 the most red snapper bycatch occurs and we can
13 see that in 2008 we see an 80.4 percent
14 reduction effort as compared to that 2001 to
15 2003 baseline period that we are gauging red
16 snapper reduction by.

17 So in effort alone we are
18 achieving our 74 percent reduction in red
19 snapper bycatch so red snapper bycatch is no
20 longer a major problem to the shrimping
21 industry. There are many other problems but
22 red snapper bycatch is no longer one of them.

1 Because red snapper is no longer
2 an issue and to try to become more consistent
3 with the wording of the MSRA, in 2008 we
4 changed the criteria by which we evaluate BRDs
5 and because the fish eye is no longer working,
6 we had to make some changes. In 2008 in the
7 Gulf and South Atlantic we now consider a good
8 bycatch reduction device, a device that can
9 demonstrate a 30 percent reduction in total
10 fin fish by weight, so it's not going based on
11 one species as by a total fin fish reduction.

12 And, based on that, we certified a
13 BRD called the modified Jones Davis. Also we
14 have a condition by which we provisionally
15 certify BRDS. The provisional certification
16 is a bycatch reduction advice that shows at
17 least a 25 percent reduction. It didn't quite
18 meet the criteria but we allow the industry to
19 use that BRD for two years in hopes of ways to
20 figure out a way to tweak it and make it a
21 little bit better. So it's a way to work with
22 the industry to stimulate innovative ideas.

1 Two BRDs that have been certified
2 as provisionally certified is the extended
3 funneling composite panel. And because of the
4 failure of the fish eye to perform in May of
5 this year, we'll see some major restrictions
6 on the use of fish eyes within the Gulf of
7 Mexico fishery.

8 Now the modified Jones Davis
9 device is one of the devices that have been
10 allowed. These are a little bit difficult to
11 explain but basically all of these BRD designs
12 are similar in concept. Basically what we do
13 is we create a funnel of webbing behind the
14 TED. On the two blue panels you see a creative
15 funnel.

16 The entire catch, anything small
17 enough to go through the grid, goes through
18 the funnel into the caught in. Around the
19 outside of the funnel there's escape openings
20 in the extension of the trawl to allow fish to
21 come around the outside of the funnel and go
22 out of the opening.

1 The modified Jones Davis device
2 has a webbing cone which is the cone-shaped
3 object in the back, which stimulates fish not
4 to go into the caught end but stimulates them
5 to stay forward and assist in the exclusion.

6 Now if you look at the, and it may
7 be difficult, see the picture at the bottom
8 left is a little video clip. The webbing you
9 see immediately to the left is the funnel and
10 the opening that you're looking through is
11 actually an escape opening of the trawl. And
12 you can see fish that are moving forward,
13 coming around the outside of the funnel toward
14 the escape opening.

15 It's a little bit easier to see on
16 the next device, which is the extended funnel,
17 the extended funnel is basically the same
18 concept but rather than having holes cut into
19 the trawl extension there's a large mesh
20 section of webbing there which basically works
21 almost identically as the modified Jones
22 Davis. There's a also a video clip of the

1 extended funnel.

2 And you can see fish come around
3 the outside of the funnel and go out of the
4 square mesh. The composite panel is almost
5 exactly the same way, just a variation on a
6 theme. So basically all these new BRD designs
7 are better designs, many of which have come
8 about by working with the fishery. And our
9 hope is that these designs will also show an
10 increased shark bycatch reduction.

11 I do have one video clip of a
12 shark. We don't see sharks too often when
13 we're diving on the trawls but here's one
14 example of a shark escaping from a modified
15 Jones Davis device. You can see the holes cut
16 into the extension and the blue panel in the
17 middle is the funnel.

18 The shark comes along the outside
19 of the funnel and goes out of the escape
20 opening.

21 And one thing I did want to do for
22 this presentation was to go back and see if we

1 have any shark data from the data sets to kind
2 of get an idea of what kind of reduction rate
3 we expect with bycatch reduction devices. The
4 original observer program data for the fish
5 eye evaluated it and saw that we for all
6 caught species we see an 18.9 percent
7 reduction. By the number of sharks with the
8 fish eye we see a 17 percent reduction by
9 weight.

10 On looking at the new BRD designs
11 we had 161 tows that had sharks and we see a
12 26 percent reduction by number with the new
13 BRD designs and a 45 percent reduction by
14 weight. So we do see reduction occurring with
15 sharks that are small enough to go between the
16 bars of the TED.

17 In summary, we see that TEDs are
18 effective in reducing sharks when they're
19 large enough that they can't go between the
20 bars but we really don't know how effective
21 they are. We don't know what kind of
22 reduction rate we're achieving.

1 We do know that some sharks that
2 are small enough to go between the bars do go
3 out of the bars of the TEDs but once again we
4 don't know exactly what that rate is.

5 The new BRD designs that are being
6 implemented in the fishery we do feel like
7 these BRDs are better BRDs for reducing sharks
8 and we feel like we will see an increase in
9 shark bycatch reduction as compared to older
10 BRD designs.

11 And also the dramatic decline in
12 the shrimping effort of government of course
13 had a substantial effect on bycatch mortality
14 reduction of fish that are caught in shrimp
15 trawls.

16 And that's the end of my
17 presentation.

18 PARTICIPANT: Thanks Dan. We
19 have a couple of minutes just for some quick
20 questions. Keep your hands up. Okay. Rusty,
21 Bob, Ken and Glenn. Rusty go ahead.

22 MR. HUDSON: Nice presentation

1 Dan. Back in the 80s I ran a 70-foot shrimp
2 boat and I was one of the one percent of the
3 one percent that voluntarily used the trawling
4 efficiency device, the dinosaur cage. That
5 was a six inch bar if I remember on the
6 separation.

7 MR. FOSTER: Right.

8 MR. HUDSON: Having shrimped
9 without is using both 100 foot mongoses with
10 my St. Augustine trawler and also using 50-
11 foot oar barrels, I was able to notice not
12 only the jelly balls and the rays being
13 efficiently eliminated from the trawl, that's
14 with the six inch bar.

15 Then I also noticed bigger things
16 like red fish, sun fish, sharks, logs, all
17 that stuff, if you remember that was a top
18 opening device. Then I shifted to the
19 collapsible and at some point, and I'm not
20 certain if it was with a collapsible or with
21 the dinosaur cage, it went from the six inch
22 to the four inch bar,

1 And then Chuck Orvitz got me to
2 try the FEDs, the Fish Ejecting or Excluding
3 Devices. Of course we found problems with
4 that, not only were we excluding our flounder,
5 our big whiting and a few other things, I had
6 to do some modifications in those big
7 openings.

8 But I got out of the shrimping in
9 `88 and so between 1980 and `88 I had been
10 able to do this as well as supply bait to all
11 the shark fishery as well as develop shark
12 production myself.

13 Well, the thing that I tried to
14 indicate when I was working at the three SEDAR
15 meetings in 2007, the data, the assessment and
16 the review, was that there was a benefit to
17 the TEDs because they had the ability to
18 exclude the bigger animals.

19 Now I'm not certain if the first
20 video you showed was the Georgia bulldog stuff
21 or not. It was? Okay. And it was nice to be
22 able to see that modified BRD that you had

1 there because that gets some good ideas going.

2 But the part that I'm sensing is
3 that when you all went to the four inch bars
4 the exclusion of sharks would have been even
5 more. So I guess my first question to you is
6 was it about 1991 that it was mandated from
7 Texas to North Carolina or thereabouts for the
8 TEDs to be on these nets?

9 MR. FOSTER: It was kind of on
10 again off regulation that started about 1989.
11 And it's kind of a long story but yes it was
12 around 1990 when requirements went into effect
13 yes.

14 MR. HUDSON: Which back in 1989
15 that's when NMFS had me come to Pascagoula
16 because they were going to hire me as a gear
17 tech, but they cut the funding so they
18 couldn't do it.

19 MR. FOSTER: Right.

20 MR. HUDSON: Well, basically
21 what I tried to explain at the data workshop,
22 and I succeeded in SEDAR 17 with the king

1 mackerel assessment was to get the idea that
2 the TEDs were useful in the way. But it just
3 didn't appear in the small coastal assessment.
4 That's comment later on.

5 As far as what I feel the majority
6 of the bulldog footage came off of Cape
7 Canaveral and most of those animals were
8 either bonnets or predominantly Atlantic sharp
9 nose. Now I personally was a shark fin buyer
10 and also have caught all of these animals. I
11 mean when you get a black nose there's no
12 doubt. A lot of guys called them baby lemons
13 and stuff like that because they're yellow
14 green.

15 But as it was, usually it would be
16 a guy about like this which would be the young
17 of the year and because it would be more than
18 that foot and a half. And so that would be
19 about it. That would be about the biggest ones
20 I would see in my shrimp nets after I started
21 using the TEDs. And they'd be stiff as a
22 board because basically black nose didn't turn

1 around and you could see those sharp nosed
2 they'd be swimming right there in the bars.
3 So when you slowed down the trawl and started
4 hauling back the animals were able to get out,
5 which I don't know if you've actually worked
6 the cameras but one of the things I saw with
7 Scott Nicholls' work was a lack of
8 identification and he wasn't sure if even the
9 observers could identify the species. So it
10 was generic.

11 So in my mind what is your
12 opinion? Do you believe that there's already
13 been a reduction based on the use of TEDs of
14 bigger sharks, the ones that were probably
15 wider than the four inches? And then as far
16 as having achieved that reduction, your
17 involvement and if I remember right you were
18 probably involved back there in the 80s?
19 Okay. Because it seems like I may have met
20 you back then.

21 Well, with the reduction in the
22 fleet as you know most of the boats were built

1 in the 70s and 80s but in the small coastal
2 shark assessment it's almost like we were
3 still having a growing shrimp fleet.

4 Now it's my opinion, and could you
5 say your opinion, do you believe that that
6 fleet actually was going through a reduction
7 after Singletons and all those big fleets
8 started dissipating and they quit building
9 Descos and St. Augustine trawlers in the early
10 80s to mid 80s, do you believe the shrimp
11 fleet started declining in numbers?

12 MR. FOSTER: What we actually saw
13 was, and a lot of it had to do with finance,
14 creative financing and thing like that, but
15 what we actually saw back in the 90s were not
16 so much an increase in the fleet but
17 increasing size of vessels and trawls that
18 were being used. There was a big increase in
19 effort in the 90s. There were boats being
20 built that were in excess of 100 feet which we
21 didn't see before. And there was just this
22 big boom in construction.

1 And because of these boats they
2 were getting \$1 million dollar boat built and
3 these were some of the first boats to go out
4 when all these economic situations happened
5 because these boats were trying to float these
6 huge notes and they just couldn't do it.

7 So there was a big boom in
8 construction and an increase in vessel size.
9 But I don't know that we'll ever see that back
10 at the numbers that we've seen.

11 MR. HUDSON: I guess the final
12 observation, Dan, is that with that change in
13 the size of the fleet and everything there was
14 definitely a lot of how would you describe it?
15 With the people that were involved, with the
16 fisheries that were involved and I believe
17 permits, I think that's my question to you.
18 When did the permits come in because we had a
19 real difficult time being able to substantiate
20 just how many shrimp boats there were until I
21 discovered some documents and Steve Turner
22 started using that in the assessment.

1 But the permits are a more recent
2 phenomenon aren't they?

3 MR. FOSTER: Yes, that's correct
4 and I apologize that I don't have the dates
5 actually off the top of my head but it's been
6 in the past few years that we did go to a
7 permit system and there has been a moratorium
8 on letting of permits in the Gulf of the
9 Mexico. And if my memory serves me correctly
10 back in the 80s we estimate that the fleet was
11 over 5,000 boats in the Gulf of Mexico and I
12 think if my memory serves me correctly we only
13 have about 1,300 permits out there. So
14 there's a lot fewer permits than that we know
15 historically we had in the fleet.

16 PARTICIPANT: Bob?

17 DR. HUETER: Bob Hueter, Marine
18 Lab. Dan, it's good to see you again.

19 MR. FOSTER: Good to see you.

20 DR. HUETER: A very good
21 presentation. The problem with sharks would
22 be solved if we could keep the sharks from

1 going into the net in the first place. Sharks
2 are very sensitive to electrical fields. Is
3 that chapter completely closed in terms of the
4 use of electrical field around the mouth of
5 the net to prevent the animals from going in
6 the first place?

7 MR. FOSTER: No, I don't think
8 the idea is completely closed. I don't know
9 if it's been completely explored or not. I
10 know Australia has done a little bit of work
11 looking at, and I can't remember the exact
12 device name, but there's a device that has
13 been developed for divers in Australia to use
14 an electrical device to prevent shark attacks
15 and some fishermen have been playing around
16 with attaching these in the mouth of trawls.

17 And so there has been some
18 preliminary work being done but no I don't
19 think that's completely been explored enough.

20 DR. HUETER: I would like to
21 throw that out as a research priority to look
22 into to see if there's some way to ring the

1 mouth of the net with a fairly low powered,
2 electrical field, probably run by a car
3 battery, that would keep a lot of these
4 animals from going in in the first place.

5 MR. FOSTER: Yes, that has some
6 potential I think.

7 PARTICIPANT: Ken?

8 KEN: Thank you. Dan, you sort
9 of answered this question but I just want to
10 get a little bit more definitive answer and it
11 has to do with the fact that clearly the most
12 effective bycatch reduction measure or device
13 has been the dramatic reduction in the fishing
14 effort in the fleet since 2003.

15 You seem to be saying that you
16 didn't think that effort was coming back.
17 That's really what my question was. How mucy
18 of that loss of effort can we assume is
19 permanent, the vessels have actually left the
20 fleet, or how much is it temporary and boats
21 are poised to return should circumstances get
22 more favorable because that would certainly

1 affect our future management decisions in
2 terms of these devices and how effective they
3 are if the effort is going to be increasing at
4 least if not all the way back to the historic
5 highs at least to even half that level would
6 certainly would be substantial.

7 MR. FOSTER: Well, I'm not
8 really an expert on the fleet dynamics but my
9 understanding is that most of the reduction
10 effort that we've seen is a result of people
11 losing their vessels and so it's not that
12 people are tying their vessels up and just
13 waiting for better days.

14 Most of these lost vessels, a lot
15 of these vessels that have been repossessed by
16 the banks are being sold to overseas fleet and
17 so the vessels themselves are actually being
18 exported from the country.

19 Also there is the cap on permits
20 in the Gulf of Mexico so it is a limited entry
21 now which had been capped at much lower level
22 than historic highs. And so I don't think

1 there's any risk of, I really don't have any
2 idea what the potential of recovery is but I'm
3 certain we will never see levels anywhere near
4 historic highs.

5 PARTICIPANT: Thanks Ken. Glenn?

6 MR. DELANEY: Yes and Ken just to
7 that point they can't come back legally. I
8 mean there's a limited entry permit cap
9 moratorium on issuance of any more permits and
10 it's around 12 something just shy of 1,300.
11 It's about 1,300. I mean we're down from five
12 or 6,000 boats.

13 Dan, there's so many things and
14 I'm anticipating that we'll be, Margot sorry
15 to interrupt you, but will we be able to make
16 a discussion or presentation or just detailed
17 comments following our breakout session?

18 Okay. So I don't need to do it all right
19 now.

20 MS. STILES: Please don't.

21 MR. DELANEY: Okay. Well, I just
22 would point out to you then, well we're going

1 to hear from me though, is Dan the Georgia
2 bulldog video has now been analyzed with the
3 University of Georgia folks and they'll have
4 a report out shortly that you'll be able to
5 see. And I don't want to scoop them too much
6 but that video alone is probably about an 80
7 some odd percent reduction in shark bycatch
8 with the TED that's currently required to be
9 used in the shrimp fishery.

10 That video took clips from a lot
11 of different types of equipment including TEDs
12 that are already allowed to be used in federal
13 waters and it presents an image that a lot of
14 sharks are being caught, but that's not what
15 what's going on in the fishery. That was done
16 on a research vessel. And I think you're
17 familiar with that.

18 MR. FOSTER: Yes, right. We
19 actually contracted most of that work to be done.
20 We used the Georgia bulldog to evaluate TEDs.
21 We have a small turtle certification test that
22 we do in Panama City every year but we also

1 when there's a new TED technology being tested
2 we generally contract the Georgia bulldog and
3 go off the East Coast and collect video on
4 wild turtle captures and get observations of
5 wild turtles going through TEDs. So most of
6 the shark video, the one I showed and the ones
7 that Georgia has produced, is a byproduct of
8 actually our TED certification test for wild
9 turtles.

10 So, yes, there is a lot of really
11 great footage that has been done by the
12 Georgia Marine Station Service.

13 PARTICIPANT: Great. Dan, thank
14 you very much. I think we're at the point
15 where we're ready to take a break but before
16 we release you we want to give you some
17 instructions of what to do kind of right after
18 the break.

19 MS. STILES: Well, I think what
20 we'll do is take the time during the break to
21 set up the easels. We do have different
22 questions and we're thinking of two different

1 topics. So what we may do is to make sure
2 that there's expertise at all the tables to
3 see where people are kind of gravitating and
4 then maybe ask some select folks that we know
5 have expertise to go to some tables so that we
6 don't have a table that has no expertise
7 there.

8 We were also hoping to distribute
9 some of the state and council folks where
10 they're best needed and so I would ask your
11 flexibility if we approach you and say would
12 you please move or consider moving, that would
13 be great.

14 And just back to Glenn's point, I
15 didn't mean to be flip there, but yes we have
16 tried to build in time not only for the
17 smaller sessions to talk but then for them to
18 report out and then have the larger group
19 discussion of all of it. So we do have time
20 scheduled for all of that.

21 PARTICIPANT: Very good. So the
22 cue for you when you back from your break is

1 a table with a flip chart next to it is a live
2 table, don't go sit at a table without a flip
3 chart, that would not be the right thing to
4 do. And we'll probably have the A groups come
5 up towards the front of the room and the B
6 groups come towards the back of the room just
7 to keep you all separated and keep the noise
8 level down. Okay? Fifteen minutes from
9 right now.

10 (Whereupon, the above-entitled
11 matter went briefly off the record.)

12 (BREAKOUT GROUP DISCUSSIONS)

13 PARTICIPANT: Okay. So who's
14 going to start us off? We need someone to
15 break the ice. Brad, you've got it. Okay.
16 Group B.

17 MS. STILES: Do you want to hand
18 them the portable mic?

19 MR. MCHALE: All right. So
20 essentially we were Group B so were looking at
21 the Mako issue as well as the smooth dogfish
22 and we had a number of consistency actually

1 across a lot of the comments we heard.

2 One is that it would be a strong
3 preference to actually engage in this
4 discussion at the ICCAT level versus taking
5 unilateral action and getting out ahead of the
6 curve, thereby kind of staying in unison with
7 ICCAT. So whatever management measures were
8 ever decided upon, we're not taking a double
9 hit where we're actually imposing some sort of
10 restriction, regulation here at the U.S. level
11 and then ICCAT comes in behind is and then
12 we're hit again.

13 And if I miscouch what they're
14 saying at the table, chime up and correct me.

15 And a lot of that was predicated
16 based upon the level of U.S. mako catch in
17 comparison to the overall landed. And I think
18 a quick look at the numbers shows that our
19 landing have us at anywhere at 6 or 7 percent
20 of the overall mortality. So we're not a large
21 contributor. I'm not saying that we won't try
22 to address any over-fishing but the key needs

1 to be in unison with ICCAT.

2 MR. REGHI: Brad, could I just
3 chime in here?

4 MR. MCHALE: Sure.

5 MR. REGHI: It wasn't to be in
6 unison with ICCAT, it was that we can go ahead
7 and implement a domestic measure and have some
8 impact on the stock but wouldn't it be a much
9 better way to go ahead and for the U.S. to
10 work with some countries and to put forward a
11 paper recommendation at ICCAT that would
12 affect entire stock. That was the point.

13 MR. MCHALE: Thanks John, and
14 yes to receive any credit for what we would be
15 doing here in the States. In regards to the
16 teasing out individual species from the
17 pelagic complex, it seems like there is
18 movement already going that way so that there
19 was support for that on that particular
20 aspect.

21 When it came down to minimum sizes
22 there was also support for that generally. We

1 would need to go back to see what sort of
2 information is available to establish what are
3 the appropriate levels of those minimum sizes.
4 Currently in the recreational fishery there's
5 kind of a practice already occurring where
6 smaller mako sharks are being released boat
7 side versus what the recreational minimum size
8 it at. So how do you reap some of the
9 benefits of current conservation that's taking
10 place now as we were to move forward.

11 Briefly discussed what sort of
12 data sets, whether it's observed, what
13 scientific literature is out there, length of
14 maturity, etc., etc., so data sets not
15 necessarily isolated to the U.S. but data
16 overall in regards to mako.

17 There was also some discussion as
18 far as a release provision for those fish that
19 are brought to boat side live similar to you
20 know in the longline fishery, but we just
21 touched on that very briefly. It's something
22 potentially to consider.

1 MR. REGHI: Brad, could I just
2 chip in here? I think what the group wanted
3 was we definitely were supportive of a minimum
4 size to reach a particular reduction in
5 fishing mortality. But as we sort of don't
6 have a target for that yet it would be nice,
7 we realized that the catch and size
8 information is scarce for this but with the
9 existing data Atlantic wide to see what kind
10 of a minimum size, what different minimum
11 sizes, what do you gain in a reduction in
12 fishing mortality would be. That we should
13 try and do that prior to the ICCAT meeting and
14 have some knowledge of what the minimum size
15 should be for the fishing mortality reduction
16 that we want. And so that was a point.

17 MR. MCHALE: For the most part I
18 think that kind of captures it. There was a
19 couple of other points we hit, some dealing
20 with Magnusson, tabling a paper to ICCAT once
21 that target is discovered, established, trying
22 to see what measures are there and then

1 getting some benefits there in Magnusson.

2 We jump over to the smooth
3 dogfish. I think the key point there was well
4 we need an assessment and then who in turn
5 does that assessment? Is it the Atlantic
6 states? Is it HMS NMFS? But that's the key
7 element that would need to take place.

8 In looking at some of the options
9 that were provided in the scoping document,
10 when looking at option No. 2 which was the HMS
11 would take over management, or not take over
12 but manage smooth dogfish, one of the benefits
13 when comparing it to the third option which
14 was implement the Atlantic states, measures
15 right now is potentially finning and just
16 right now where we have the ban on finning,
17 any sort of exemptions to what when it comes
18 to management of smooth dogfish.

19 And we briefly got into the
20 history of why smooths and not spiny. We
21 didn't really go too deep into the history
22 there but acknowledging that if there's a

1 movement does that mean anything further down
2 into the future of HMS management where
3 currently spiny are managed federally, would
4 there be any movement to kind of move that to
5 the HMS side as well because that's way down
6 the line.

7 So that's kind of it in a
8 nutshell.

9 PARTICIPANT: Thank you.

10 MR. AUGUSTINE: We're Group 2B.

11 We had a very aggressive group. Very
12 outspoken, especially me making a lot of
13 noise. Sonja and I always go at it and we
14 always end up at the same page when it's over
15 and done with.

16 We're group 2B, we were looking at
17 smooth dogfish and then shortfin Mako. We
18 looked at the alternative that the staff put
19 together and worked on that first to decide
20 whether or not we should approve those or
21 disapprove them. And what we agreed were the
22 following.

1 NMFS should conduct stock
2 assessment as a priority, immediately if
3 possible via the ASMFC FMP that's underway
4 right now and then look at supporting ASFMC
5 management across three councils. We have the
6 New England Fishery Management Council, Mid-
7 Atlantic Fishery Management and South Atlantic
8 and these fish are prosecuted in all three
9 waters. But for the time being ASMFC has
10 taken the lead so with the stock assessment
11 ASMFC in technical committee with the HMS
12 folks to decide what the right course of
13 action would be. Remember they all have to be
14 landed in state waters and we think that would
15 be a very good control.

16 So include Atlantic Fishery
17 Measures to allow comment, that's as soon as
18 the FMP is completed, at least the
19 preliminary, that goes out to the public to
20 look at that we should look at the comments
21 from the public and then combine those with
22 what we have here today, and come up with the

1 right combination.

2 Implement federal management and
3 request the ASFMC to backstop. It could go
4 either way, potential trip limits for
5 commercial might be talked and discussed.

6 PARTICIPANT: If I could give you
7 one clarification. The way I read these for
8 the second third reports was that there was
9 support around the table for a master paper on
10 management, but there was also support for the
11 council to take it on rather than NMFS.

12 MS. STILES: Could you get to the
13 mic, sorry.

14 PARTICIPANT: Basically we found
15 at the table there was support for federal
16 management but there was divergence of opinins
17 as to where that management should occur.
18 Should it be at HMS? There was support for
19 HMS to handle it but there was also support
20 within the group for the councils to manage it
21 instead of HMS. That was the way I would
22 interpret that.

1 PARTICIPANT: Just for the point
2 as far going forward for public comment, it
3 would be beneficial I think to include the
4 specific ASFMC's smooth dogfish management
5 measures in detail so that people could
6 comment on a more specific and less broad, you
7 know, do the ASFMC's smooth dogfish management
8 measures when they might not know what those
9 are. So I think that from our standpoint it
10 would be nice to see what the comment is and
11 it would also probably help you get a read on
12 how the public feels about the specific
13 measures one by one. So that's just what the
14 bullet was.

15 MR. AUGUSTINE: The Mako. If a
16 minimum size is changed or adopted, would you
17 go status quo at four and a half feet or 54 I
18 inches? There was a recommendation to raise
19 the minimum size at sexual maturity for
20 females and the recreational size and went
21 after that point only in saying that an eight-
22 foot-six inch mako weighs about 400 pounds and

1 I think that's about seven years old. So I
2 don't know when she becomes able to produce
3 these little critters.

4 And if you want to go 9-6 you'd
5 end up with about a 500 pound mako.

6 So somewhere between 54 inches and
7 8 feet we could pick a size. None was picked
8 in particular but I think we have to look at
9 that to see if it's viable.

10 Okay. We could disband the
11 current pelagic shark complex, go into
12 individual species both recreational and
13 commercial. Right now they're combined and
14 it's a 488 metric ton and we should be able to
15 track them more closely.

16 There was support for status quo
17 for recreational fishery. And then we should
18 go into an ICCA, that's the international
19 group, to request additional information as to
20 how we should manage short fin Mako.

21 And that was pretty much it. Oh
22 we have another page? I thought it was all

1 over. We left the commercial guys out, the
2 most important group of the bunch.

3 Commercials. We want also
4 species-specific management of the current
5 pelagic complex pretty much the way it is.
6 Sonja has a question I think.

7 MS. FORDHAM: I just wanted to
8 clarify on the recreational size limit, we
9 didn't agree that it should be between status
10 quo and 8 feet. There was a suggestion that if
11 you're going to go ahead and raise the minimum
12 size you should consider size maturity.

13 MR. AUGUSTINE: Yes, I clarify
14 that point. Thank you. Any other questions?

15 PARTICIPANT: Just one last
16 comment. On the commercial discussion there
17 was no support around the table for the
18 recommendations that were put out there and
19 there was a suggestion, as Pat said, to break
20 the pelagic complex into its individual
21 species since right now it is composed of
22 three species which have pretty dissimilar

1 behaviors or habitat preferences.

2 PARTICIPANT: Thank you Pat. Is
3 the last B group ready to go?

4 MS. STILES: Can we give him the
5 portable mic? Paul, can you give Rich the
6 portable?

7 MR. RUAIS: Okay. We had a group
8 of about 11 of us and on this first set of
9 recommendations I think we were almost
10 unanimous with one exception and obviously
11 we'll get to that. You can say what you need
12 to say at that point in time.

13 We also spent most of our time
14 deciding upon who was going to be the
15 moderator and I lost so I'm here. So Steve
16 James has to contribute here.

17 But we started off by actually
18 looking at the ICCAT recommendation that deals
19 with short fin Mako and decided that it's much
20 too broad and generic. There's no mention of
21 what percent of reduction of mortality is
22 needed at this point in time. And so

1 therefore we think it's premature that NMFS is
2 really looking at anything specific.

3 In terms of the alternatives that
4 are suggested in the document, our
5 recommendation is basically a new alternative
6 and that's that the AP recommend to the U.S.
7 delegation that we go back to ICCAT and we
8 seek another recommendation that sort of
9 first asks SCRS okay well give us a better
10 feel for what you think the status of Mako is,
11 what percentage reduction you think might be
12 needed across the board and provide that to
13 the plenary body or whatever sub-group, I
14 don't even remember what sub-group I think
15 it's Panel 4 that handles it, let it go back
16 to Panel 4 and then have Panel 4 set up a very
17 specific framework if you will of what would
18 be a management plan to accomplish that
19 percent reduction in mortality that's needed.

20 And our feeling, of course, is
21 that it probably ought to be proportional. It
22 seems as though we have a range of estimates

1 of what the U.S. contribution is and it's
2 somewhere between 6 percent and 10 percent of
3 the landings. So clearly we're a very small
4 player in this and, frankly, we're already out
5 front. We reviewed around this table at least
6 two states, we have knowledge of at least two
7 states that have in the case of Massachusetts
8 a 54 or 57 inch shark. Federal? Oh federal,
9 I'm sorry federal landing. But the state of
10 New Jersey Court was suggesting, the state of
11 New Jersey had a state landing limit as well.
12 So we've already got some things in place.

13 So bottom line is the
14 recommendation is for the AP to go to the
15 ICCAT advisory committee and eventually the
16 U.S. delegation and seek clarification on both
17 the level of mortality reduction and an
18 equitable program for all of the countries
19 that are turning mortality Atlantic wide on
20 short fin Mako to come up with a long term
21 comprehensive plan.

22 We did look at some alternatives

1 but I know you want to save some time here
2 Paul. Things like the possibility of looking
3 at some spawning areas. There was some
4 support some suggested that maybe instead of
5 quotas you might want to go with minimum size.

6 So does the group want to add
7 anything to that? Did I leave anything out
8 on short fin mako? Okay? Come on over.

9 PARTICIPANT: Just to kind of
10 reiterate what Rich was saying and that is we
11 didn't want to forfeit or give up any clout
12 that we might currently have with ICCAT by
13 sacrificing any more of our shark fishery.
14 We've seen it historically with the tunas and
15 we've got a proven track record of taking the
16 lead and getting burned on it. So simply that
17 was one more point that I wanted to put out
18 that we didn't want to sacrifice or jeopardize
19 our current position with ICCAT by cutting our
20 quota, or excuse me cutting our catch rates
21 any more.

22 The other point I would make is

1 that currently 54 inch sharks are legal to
2 retain for the National Marine Fishery
3 Services and it's only one fish per vessel per
4 day. And we'd also like to understand exactly
5 what the rest of the folks that represent this
6 mako fishery on the Eastern Side in Canada,
7 what their retention limits are both
8 commercially and recreationally. Thank you.

9 PARTICIPANT: There was a couple
10 of other potential measures that we were
11 suggesting that NMFS look into. That was the
12 live release slot limits and the other was the
13 minimum size.

14 MR. RUAIS: Right. Andre made the
15 comment that this species might be a good
16 candidate for slot minimum size and there was
17 support for consideration of that. Again,
18 that's a question for SCRS to answer and give
19 us some specific advice on.

20 That's what we spent the majority
21 of our time on.

22 No. 2 smooth dogfish. The big

1 question round the table is what is the status
2 of dogfish? Again, it's premature to come to
3 the AP in our mind and ask us where we should
4 be going, in our view where we should be going
5 with smooth dogfish until somebody tells us
6 what the stock assessment is. And what needs
7 to be done to make sure that we don't get into
8 either an over-fishing or an over-fish
9 situation. So we heartily encourage again if
10 this is coastal or mostly domestic then
11 domestic scientists to take a look at it.
12 Otherwise the recommendation should be to
13 SCRS.

14 In terms of the deep water sharks
15 the recommendation is that since they are
16 rarely encountered, that somehow and maybe
17 through this amendment that there be a
18 recommendation that any deep water sharks be
19 retained for scientific research.

20 And that's the extent of Group 3.

21 PARTICIPANT: Great, Rich. Thank
22 you. Chris, did you want to-- All right,

1 we're doing great. Thank you very much. Can
2 we move to this table? Randy, are you
3 presenting? Okay.

4 MR. BLANKINSHIP: I guess
5 organizing and reciting of what we talked
6 about. Okay. If I can stand up and if that
7 still works then we'll do it that way. I
8 volunteered to report for this group based on
9 several excuses of ailments of different kinds
10 from different representatives in the group so
11 I'll try to reflect what the group talked
12 about. Try to reflect that as best I can.

13 First of all, I think the group
14 kind of stated the recognition that shrimp
15 trawl mortalities for black nose sharks was a
16 key thing that needed to be addressed, that
17 was kind of across the board up front. That
18 related to the first question that we were to
19 address, which was how should NMFS allocate
20 the 19,200 black nose tack that the feeling of
21 the group was that the different fisheries and
22 sectors should be treated equally in relation

1 to that, as should consideration of sources
2 mortality.

3 However, I think that the group in
4 general felt that you look at what the larger
5 sources of mortality are as far as addressing
6 those first.

7 Let's see. There was a
8 recognition related to shrimp trawl bycatch
9 mortality, issues with black nose, that the
10 information was presented related to recent
11 developments in bycatch reduction devices is
12 quite important, that that should be further
13 investigated and the stock assessment portion
14 related to shrimp trawl mortality should be
15 updated with the most recent information.

16 The other thing that was mentioned
17 was managing request or recognition or desire
18 for black nose to be managed on a division of
19 the quota between the Gulf of Mexico and the
20 Atlantic. There was some support expressed
21 from ASFMC as well as others around the group.
22 That was one specific thing that was talked

1 about.

2 Then it was recognized that if the
3 present decline in shrimp effort in the Gulf
4 and Atlantic did not reduce bycatch of black
5 nose enough, that time area closures might be
6 one thing to look at. However, there were
7 some unknowns that were talked about related
8 to that, specifically unknowns related to
9 where nursery areas are, information along
10 those lines. Well that was one of the major
11 things there and seasonality was a component
12 as well and lacking information along those,
13 recognition that that needed to be addressed.

14 One of the things was related to
15 looking at and evaluating bycatch reduction
16 devices and the criteria that's used for that
17 analysis, the specific thing was to include
18 sharks in that criteria in addition to red
19 snapper and other fin fish. And to continue
20 further research on other types of bycatch
21 exclusion devices for sharks.

22 One specific comment that was made

1 was for going into a draft EIS that there be
2 a narrowing down of the number of alternatives
3 in that document. That was one thing.

4 There were some questions and
5 comments related to vessel monitoring systems
6 and some desire for that to be a situation
7 where the VMS are on 24/7 around the clock.

8 There was a statement that related
9 to tow speed of shrimp trawls, that it was un-
10 forcible to try to regulate tow speed and that
11 even if you could that you might not get much
12 reduction there. A statement was made related
13 to there not being much difference in the
14 catch based on tow speed.

15 Also, there was an expressed
16 desire to need to find a way to get states to
17 have the same regulations as the federal
18 regulations, recognition that some effort is
19 underway in the Atlantic already with the
20 Atlantic states.

21 Also there was an expressed desire
22 for electronic log books for the four higher

1 portion of the fishery, that that would be a
2 beneficial way to collect better information
3 as well as better implementation of electronic
4 trip tickets in the states.

5 There was a statement related to
6 some of the alternatives considering
7 recreational reporting and I guess the feeling
8 of the group was that some methods of
9 reporting, mandatory reporting recreationally
10 might not be feasible because of a lack of
11 compliance with that.

12 There was also a feeling of
13 putting black nose on the prohibited species
14 list just for the recreational fishery might
15 go over quite well because it's biologically
16 justified, and I think that comment was
17 specific to Texas.

18 Also, there was a statement for
19 related circle hooks and the de-hooking gear
20 for the recreational fishery, that that was
21 something that was not necessarily supported
22 by available information because there's not

1 any information on the particular
2 effectiveness of circle hooks related to black
3 nose sharks specifically, and questionable
4 about how effective that requiring de-hooking
5 gears on recreational fishermen would be.

6 And I think that that pretty much
7 sums up. We also had another question, I
8 think Myron was going to bring up, related to
9 the recent action in the Gulf of Mexico
10 related to re-fish bottom longline.

11 MR. FISHER: And also I'd like to
12 reiterate the shrimp trawl situation and I
13 forget the figure that 49 percent of the catch
14 is coming in bycatch of the shrimp trawl
15 industry. I'm not saying they have to be cut
16 back, I do think if we update their catch
17 chart reflecting the information that's on
18 slide 25 of the presentation about shrimp
19 trawl bycatch where it does include all the
20 way to 2008, we see an 80 percent reduction
21 and that alone would achieve their 79 percent
22 reduction.

1 And add to that further research,
2 further work on modifying the TEDs, modifying
3 the BRDs for shark exclusion, I think the
4 shrimp trawl industry would take care of
5 itself and they won't have to go to the time
6 area closures. That was a last resort.

7 But my question to this is one is
8 if we could at least research the menhaden
9 industry to see if there is a sizeable amount
10 of sharks in that industry. It may not be but
11 if memory serves me correct there was a Gulf
12 Council that looked at that a few years.

13 My question was what is the
14 difference between a bottom longline shark
15 gear and bottom longline re-fish gear other
16 than the possession of the permit? And would
17 the Gulf Council push an all longline reef
18 gear out to 50 fathoms on both the East and
19 West of Cape Sandblast now? What type of
20 enforcement issue would it be and actually
21 what is the differences? I mean I'm sure the
22 shark fishermen here can list the differences

1 but I'm not aware of them, I don't know what
2 they are.

3 MS. WILSON: The gear is pretty
4 adaptable and there's a lot of overlap in
5 permits so that the universe is a lot of the
6 same folks. The fishing methods though appear
7 to be quite different in terms of turtle takes
8 and it may be related more to habitat where
9 the gear is set and turtle distribution than
10 a difference in the actual gear.

11 MR. FISHER: Okay. And the issue
12 I'm getting to is not the turtle situation but
13 shark fishermen now catching a sizeable amount
14 of groupers bycatch. And they possess a re-
15 fish permit. And it would circumvent the
16 recent actions of a Gulf Council pushing their
17 re-fishery out to 50 fathoms. And it's just
18 something for you all to look at. I'm not
19 saying come up with a solution just quite yet.
20 Just something I think that should be
21 discussed.

22 PARTICIPANT: Thank you Myron.

1 Randy, thank you very much. We're going to
2 move to the last group now. Lisa?

3 MS. GREGG: Well we were kind of
4 stuck on answering question No. 1 thanks to
5 Glenn, but we got through it. It's all right.
6 And we might surprise everybody.

7 I don't want to answer No. 1 right
8 off. I'm going to preface the answers to our
9 questions based on how we approached
10 discussing the questions and examining the
11 questions.

12 We all had serious problems with
13 the data, specifically if you look on page 4
14 of the Power Point presentation the black nose
15 mortality by gear type table, there's a lot of
16 information in there that we don't think is
17 accurate. Obviously, the Gulf of Mexico shrimp
18 bycatch issue, the fact that it's only using
19 data through 2005 doesn't accurately reflect
20 the fishery at this point.

21 The average weight of the
22 recreationally caught shark being a pound and

1 a half, definitely we think that's an issue.
2 I think somebody brought up the menhaden
3 fishery, that those issues with probably purse
4 seines or pound nets that are being used in
5 that fishery, there's discards, that's not
6 being taken into account on this. And also
7 concern about the potential that there being
8 an effort shift from the grouper longline
9 fishery into the small coastal shark fishery
10 in the Gulf due to them being pushed out.

11 With all of those things being
12 taken into consideration basically we've got
13 some data issues here. And the reality of it
14 is maybe if the data's accurate we're not sure
15 if black nose really is over-fished and over-
16 fishing is occurring.

17 So with that being said and with
18 also taking into consideration the fact that
19 we have to answer these questions in order for
20 NMFS to get a draft plan in place by May, now
21 I'm going to answer the questions.

22 So the allocation of the 19.2

1 black nose for your tack among the different
2 sectors we just said even allocation based on
3 what the percentages are now. And that means
4 basically that you've got an equal reduction
5 of 78 percent amongst all the fisheries. So
6 you allocate it evenly, you've got an even
7 reduction amongst all the fisheries. And
8 that's it.

9 No. 2, the combination of
10 management actions in cooperation with the
11 councils. We didn't feel like it was our
12 place to tell the councils how to do the
13 shrimp fishery and so we figured that we'd
14 tell them what we need in reductions and we
15 need a 78 percent reduction, we've got to
16 allocate this tack. You tell us how to do it
17 to deal with the shrimp fishery. Am I okay
18 so far? Okay. Making sure.

19 And the other alternative should
20 NMFS consider in the pre-draft? Well, since
21 the pre-draft's a pre-draft and we don't
22 necessarily agree with the conclusions that

1 the pre-draft has drawn, our only
2 recommendation in this sense is to go ahead
3 with the pre-draft, get it done to meet the
4 time lines that are required by Magnusson and
5 let's hold off on the final draft. Do not put
6 together a final draft until we get these data
7 issues straightened out and new stock
8 assessment is conducted.

9 PARTICIPANT: I guess I'm not
10 sure how it fits into the questions up there
11 but we did talk briefly about breaking out
12 species specific quotas. And I don't think we
13 all agreed on the best way to do that but it
14 came up in our group.

15 PARTICIPANT: Thanks Margot.
16 Lisa. All of you that reported out, I know
17 that's not an easy, oh go ahead Glenn I'm
18 sorry.

19 MR. DELANEY: Very quickly just
20 wanted to emphasize the last point you made
21 Lisa which was that we need to do our job to
22 meet the time line of the May pre-draft but

1 that we strongly recommend that a final plan
2 be deferred until the agency has a chance to
3 do a full revision and consideration of the
4 current stock assessment. I know you said
5 that but I just wanted to.

6 PARTICIPANT: Thanks Glenn. You
7 all are great. Thank you. I don't know why
8 I'm reverberating here. I can't figure it
9 out.

10 So let me tell you where we are on
11 the calendar. Let me review the calendar.
12 Margot you keep me honest on this and make
13 sure I get it right. We're going to review
14 kind of the time that we have for the rest of
15 the day so everybody kind of knows, so
16 everyone knows how we're going to structure
17 the remainder of the day.

18 It's about 12:15 is that about
19 right? I think that our goal, our goal is to
20 be back here by 1:30 to start the afternoon
21 session. But if you recall at the end of
22 Jackie's presentation we didn't have a whole

1 lot of time, we didn't give you a lot of time
2 for Q&A or for making your comments about the
3 pre-draft openly.

4 Some of that you got out of your
5 system in the breakout groups and maybe some
6 of it you didn't. So we're really going to
7 take some time right now to open that floor
8 back up if anybody wants to make some
9 summarizing or some clear statements about
10 their thoughts, especially if they weren't
11 picked up on in the breakout presentations.

12 So we're going to do that for
13 maybe about 20 minutes or so, 20 to 30
14 minutes, but every minute we spend doing that
15 we're eating into your lunch period, okay, so
16 maybe that's an incentive to keep it
17 relatively brief.

18 But we ought to break no later
19 than 12:45 to give you 45 minutes to go grab
20 some lunch, and that doesn't give you a lot of
21 time to sit down in a restaurant and have a
22 leisurely meal but it does give you time to go

1 grab something to go or to have a quick
2 sandwich at a local deli and get back.

3 But the most important thing is
4 that we're back on track at 1:30 with the
5 bycatch presentation.

6 And we'll be back on the yellowfin
7 piece. Firm. Well we haven't been firm in the
8 last two and a half years that I've been here
9 but we'll do the best we can do. Okay. The
10 one thing we agree on is we start at 8:30, we
11 end around 5:00 and that's about all we can
12 agree on. So we'll do the best we can to stay
13 to these one hour for bycatch 1:30, bluefin
14 from 2:30, yellowfin 3:30.

15 We had a little bit of allocated
16 for enforcement. We're going to kind of blow
17 that off of the agenda. If the enforcement
18 people are back this afternoon and you can
19 catch them on the side that's great. And
20 that's pretty much what we have time for
21 today. Any questions about how we're
22 finishing up the day today?

1 We want you back here at 1:30
2 sharp. Okay? And that's when we'll start
3 the bycatch presentation with or without you.

4 So let's take a few minutes now to
5 wind up our conversation on Amendment 3 and
6 for anybody that feels like that they still
7 have something they'd like to get out onto the
8 record and Sonja I know you've had your hand
9 up the whole time I've been talking. Is that
10 regarding Amendment 3? Okay I just want to
11 make sure it wasn't process related. Okay.
12 So for being so diligent you get first billing
13 and then let me just grab some hands here.
14 Keep your hands up so I can grab you.

15 So Sonja, Mark Sampson, Greg and
16 then Glenn.

17 MS. FORDHAM: Thank you. Sonja
18 Fordham, Ocean Conservancy. I just have a few
19 comments on Amendment 3 for the record and
20 I'll try to be brief.

21 I would start by saying we
22 certainly appreciate all the work that's gone

1 into this amendment and are pleased that
2 there's this focus on sharks. We recognize
3 that the small coastal and the black nose
4 problems are quite complicated so as we've
5 said before the Ocean Conservancy has a
6 special focus on the South Atlantic and Gulf
7 of Mexico in particular and we have engaged
8 our staff there so we'll continue to work with
9 them to try to help get some measures that
10 make sense and get them in place.

11 On smooth dog fish, I think it's
12 already been said but regardless of what we
13 decide it really should be a priority to get
14 an assessment now. I think there's a lot of
15 agreement for that. And in the past you may
16 remember that I've been open about whether it
17 be a council federal lead or a NMFS HMS
18 federal lead, we do feel strongly that there
19 needs to be a federal component to
20 conservation and management of smooth dogfish
21 and most recently with the ASMFC sort of
22 moving backwards on what they agreed to do for

1 smooth dogfish this is even more important to
2 us.

3 So I have been open about whether
4 it be the councils but now with recent
5 developments we're really in favor of HMS
6 taking the lead, particularly if this would
7 involve three councils and the delays that
8 have already happened that it seems to be that
9 it would really lead to further delays if you
10 tried to get three councils with different
11 management opinions or philosophies to agree
12 on smooth dog fish.

13 I just want to say that we really
14 appreciate the serious consideration that's
15 been given to deep water sharks, so thank you
16 for that. And we have been pushing for deep
17 water sharks to be put on the prohibited list
18 but we will seriously consider the other
19 alternative that you proposed for scientific
20 purposes or landing for science.

21 I just want to flag that we're
22 still hoping there could be opportunities for

1 some additional precautionary measures for
2 oceanic white tips and threshers, particularly
3 if it does look like there's support for
4 separating out the Mako sharks and going to
5 more species-specific quotas, and we're
6 concerned about makos but would be willing to
7 bet that oceanic white tips and threshers are
8 probably in worse shape. So if there could be
9 any kind of precautionary management or the
10 reduction of the pelagic quota, with or
11 without the Mako, would take into account the
12 likely status of those species we'd appreciate
13 that. And also for hammerhead sharks there
14 has been some work done lately that we think
15 is sufficient to tighten conservation for
16 hammerhead sharks all species.

17 And lastly I just wanted to flag
18 an issue and a request that the HMS division
19 help us. The conservationists are very
20 concerned about the recent movement by the
21 ASFMC to provide an exception to the fins
22 attached rule for smooth dog fish. We think

1 this is will create loopholes and perhaps
2 species identification problems but also will
3 undermine U.S. policy and U.S. lead in
4 improving finning bans around the world. So
5 we're hopeful that NMFS can help us to stop
6 this part of the amendment that will be
7 discussed in May. Thank you.

8 PARTICIPANT: Thanks Sonja.
9 Mark, Greg, Glenn and Margo.

10 MR. SAMPSON: Thank you. Mark
11 Sampson. Just real quick a few points that
12 weren't really covered in the breakout
13 discussion so much.

14 As far as requirement of circle
15 hooks, I'm speaking now in the recreational
16 fishery, and while it's just highlighted here
17 in regards to the small coastal sharks I could
18 certainly see a good point to possibly
19 requiring circle hooks for all recreationally
20 caught sharks, both the small coastals and the
21 pelagics.

22 Then we go on to No. 10 when we

1 talk about require safe release and handling
2 tools in the shark recreational fishery, while
3 I'm a huge proponent and user of the arc, the
4 hookers and I think it's one of the greatest
5 tools around and I would caution folks though
6 in considering requiring those to be used.

7 I don't how the requirement works.
8 If you're just required to have them or if
9 you're required to use them. Okay. If
10 they're required to use them then I would
11 particularly if we're talking about maybe also
12 requiring people to use circle hooks, you can
13 dislodge a circle hook with a de-hooking
14 device, particularly obviously when the hook
15 is up in the mouth there where it normally
16 plants.

17 You can also dislodge a gut hook
18 shark using a de-hooking tool. We've had
19 great luck with that over the years. However,
20 what we found in kind of my own research we
21 did some necropsy on some sharks that were gut
22 hooked with circle hooks and what we found was

1 when we retracted the hook from a gut hook
2 shark with a circle hook, it tore the stomach
3 quite a bit and probably would end in eventual
4 mortality of that fish.

5 So consequently for own efforts
6 whenever we gut hook a shark with a circle
7 hook, although it rarely happens, we never use
8 a de-hooking tool, we just click the leader.
9 So I just point that out because if the de-
10 hooking tools are required there's going to
11 have to be some discussion about the use of
12 them with circle hooks.

13 Going further, if and I'm not
14 suggesting right off the bat that we need to
15 increase the minimum size for the
16 recreationally caught Mako shark, if it comes
17 to that though, something to consider would be
18 you know we're at a 54-inch minimum now and of
19 course that size number was set to correspond
20 with the sandbar sharks. I don't think it had
21 anything to do with the Mako.

22 Recreational anglers who target

1 Makos, a lot of them use a 100-pound as their
2 voluntary minimum size. Okay? And if you go
3 to the cooperative shark tagging web site
4 they've got a nice sliding scale where you can
5 plug in the fork length, total length and you
6 get the estimated weights and lengths and all
7 that kind of stuff together. Using that, a
8 six-foot total length mako shark estimated
9 fork length is about 66 inches. That also
10 equates, again using their scale, with about
11 112 pound Mako shark.

12 If I'm not mistaken I believe that
13 that is about maybe the lower threshold for
14 where the male Makos begin to reach sexual
15 maturity. The reason I bring that up now a
16 few things. No. 1, there might be a good
17 biological reason to use that as a minimum
18 size if we have to increase it as the 66-inch
19 fork length. Also from a conservation
20 standpoint that might eliminate a few fish
21 from being retained by recreational fishermen
22 and also it would be accepted more widely by

1 recreational fishermen as that's something
2 that a lot of them are using anyway.

3 And also a 66-inch fork length
4 that's again a six foot total length which is
5 an easy measurement. I mean you could almost
6 even say if you had to you could give them the
7 option, you know, either a 6-foot total length
8 or 66 in fork length whatever it meets because
9 if we're talking about requiring of course
10 recreational anglers to measure large sharks
11 at sea there is safety issues involved.

12 And just one more thing on that
13 point. Sixty-six inches is I think the
14 minimum size for white marlin as well. So
15 that just sort of if people had measuring
16 devices and stuff they might already be able
17 to handle that more easily. And I think
18 that's all I have. Thank you.

19 PARTICIPANT: Thanks Mark. Greg,
20 Glen, Margot and Rusty.

21 MR. FAIRCLOUGH: We're talking
22 about reducing fishing mortality in short fin

1 makos and of course I'm a supporter of doing
2 that multilaterally. Something to keep in mind
3 is that the interstate management plan has
4 adopted those minimum sizes as well, and none
5 of the states has as yet have implemented it,
6 maybe two. So there's going to be some
7 conservation benefit that we haven't
8 calculated yet coming down the pike this year.
9 So keep that in mind.

10 Of course that's just the
11 recreational sector and it may not be enough
12 but it's something that may play out.

13 PARTICIPANT: Thanks Greg. Glenn?

14 MR. DELANEY: Thank you. First, I
15 just wanted to say and to be clear that I
16 think Jackie and Karyl and whoever else worked
17 on it did an outstanding job on the pre-draft
18 and it's a well written and prepared document.
19 So none of my concerns expressed about the
20 shrimp trawl bycatch situation are in any
21 meant to reflect the quality of work which is
22 clearly excellent. The issue is the stock

1 assessment that you had to base your document
2 on and those are where our questions.

3 And there are questions and I just
4 want to point out that this isn't a fishery
5 that people are necessarily familiar with in
6 this room but the shrimp industry has got a
7 remarkable record, like the pelagic longline
8 fishery, in working with the agency on
9 technological solutions to bycatch problems
10 and have come up with remarkable solutions in
11 their process.

12 And this situation is no different
13 and we have a long history of working with the
14 agency on bycatch reduction issues. We've got
15 97 percent turtle reduction, 80 percent red
16 snapper and we'll deal with the shark fishery
17 as is necessary but we first in reviewing the
18 stock assessment find it absolutely necessary
19 to first clarify and review and probably
20 revise some of the data assumptions and
21 conclusions that are in that assessment but in
22 a purely cooperative fashion working with the

1 scientists in the South East Region and the
2 managers as well.

3 And that is in fact what's going
4 on. There are some non-federal scientists who
5 are very expert in the shrimp fishery working
6 directly with the South East Fishery Science
7 Center and trying to clarify some of these
8 questions about shrimp trawl bycatch that may
9 not have been adequately addressed in the
10 current stock assessment SEDAR 13, with the
11 anticipation and ambition of revising that
12 stock assessment through the SEDAR process.
13 And I think that hopefully will be the go
14 forward plan there.

15 And just to point out, you know,
16 one of the key issues that's been discussed
17 among this group and it's readily understood
18 and known inside and outside the shrimp
19 fishery is the reduction in shrimp trawl
20 effort in the Gulf in particular and the
21 magnitude of that. And that certainly is
22 something that plays into the conclusions of

1 the stock assessment but also the management
2 response. I mean if we just look at the stock
3 assessment on its face there's been a
4 substantial reduction in effort and therefore
5 bycatch mortality from the baseline period
6 from which we're trying to reduce 78 percent.

7 But maybe even more profound and
8 less understood is the TED effect and while
9 I'm not saying there hasn't been attention to
10 the TED effect in SEDAR 13, I think there are
11 some real issues that need to be revised as to
12 how it was addressed and that really is the
13 central point of the non-federal scientific
14 cooperative effort with the South East
15 Regional scientists' effort to revise the data
16 assumptions and conclusions.

17 And a lot of it has to do with the
18 fact that the vast bulk of the data being used
19 on the shrimp fishery is fishery independent
20 data coming from sea map cruises as you've
21 displayed on one of your slides and precious
22 little observer data. You're right, there is

1 a relatively small percentage of scientific
2 observation in the shrimp trawl fishery. And
3 in fact an inadequate amount of observer data
4 to perform a stock assessment. That's why
5 they've used fishery independent data to fill
6 in that big hole and to try to draw
7 assumptions and conclusions about the actual
8 fishery based on fishery independent data that
9 is conducted in a way that's very different
10 than what actually occurs in the fishery.

11 So in order to be able to
12 translate that fishery independent data into
13 something that is reflective or projects
14 accurately what is occurring in the actual
15 fishery, you need to have data paired to
16 basically ground truth and convert if you will
17 the fishery independent data into data that
18 reflects the reality of the observed data.

19 And there are actually in the data
20 set, in this whole huge data set, only 15
21 years where you have that paired data with the
22 fishery and the fishery independent data with

1 black nose takes occurring. Ten of those
2 years, 10 of the 15 years where that data
3 exists, and that's really the data set that
4 you have to use within the larger data set to
5 draw conclusions about the fishery. And
6 within the 15 year data set where there was
7 paired data, only 10 of those, well 10 of
8 those years were pre-TED. So they reflect
9 nothing about what is actually going on in the
10 fishery today.

11 And then the other five remaining
12 years where there is actually paired data
13 between fishery independent and fishery
14 dependent data, were before the current TED
15 that is required to be used in the fishery.
16 As you probably surmise from Dan Foster's
17 presentation, different TEDs and BRDs
18 developed over the years and there used to be
19 a smaller opening TED that was modified I thin
20 in 2003 to a large opening TED. And none of
21 the paired data exists in a data set during
22 the time since the larger TED has been

1 required.

2 So the entire federal waters
3 fishery is using a TED that is not reflected
4 in the data set.

5 So that's a simplification,
6 probably an over simplification for sure of
7 the type of analysis but I wanted to give you
8 a picture. That's the kind of thing they're
9 looking at.

10 And there are many other questions
11 also that will come out when they really start
12 to look into the model, you know, assumptions
13 about just sort of blending fecundity rates
14 between the Atlantic and the Gulf and one is
15 one year and one is every other year so they
16 took an average and made it a year and a half.
17 There's a day-night difference between bycatch
18 rates that's in the order of 15-to-1
19 magnitude.

20 There's a lot of issues there.
21 But I think two of the ones I focused on today
22 with our group were the reduction in fishing

1 effort in the fishery since the base line
2 period that you're trying to reduce from, and
3 then more than anything, is that TED
4 reduction. And that TED reduction is so great
5 it appears to be and you know we need to see
6 what the agency ultimately says to this point.
7 But if the current analysis that's been done
8 by the scientists is correct, the magnitude in
9 reduction in fishing mortality rate in the
10 shrimp fishery alone, is almost certain and I
11 won't say certain. They will tell me it's
12 certain. But I'll say almost certain that the
13 stock status determination will go from over-
14 fished to not over-fished.

15 And so going back to the
16 recommendation of our Group A1 I think we were
17 called, we need to bylaw produce a draft by
18 May of this year in compliance for the old
19 rules for a fishery being declared over-
20 fished. We have one year to develop a draft
21 plan.

22 But it would behoove all of us,

1 the industry, the AP, the agency, the whole
2 community to give the scientists a chance, a
3 reasonably opportunity to review through the
4 SEDAR process and make whatever corrections or
5 revisions are necessary so that we don't end
6 up with a whole management structure based on
7 science that didn't fully account for anything
8 and a status determination that ends up not
9 being the correct one, because if it's not
10 over-fished then everything we just spent the
11 morning on on black nose we didn't need to do
12 in the first place.

13 I don't know if that's going to
14 happen but the people that are a hell of a lot
15 smarter than me on this are telling me that's
16 what's going to happen. So I wanted everybody
17 to be aware that I think you're a lot more
18 aware of this than most of the folks in the
19 room but that's kind of the nut of what's
20 going on with the whole shrimp question. I
21 hope that helps.

22 PARTICIPANT: Glenn, thank you.

1 Margot and then Rusty.

2 MS. STILES: My colleague,
3 Elizabeth Griffin, submitted written comments
4 on behalf of Oceana so I won't read the letter
5 again and reiterate too much but I did want to
6 highlight a couple of main points in support
7 of Amendment 3 as her proxy.

8 First of all, I think I would
9 second Sonja's point that we're happy to see
10 Amendment 3 focus on sharks, we're happy to
11 see effort made to manage them better and to
12 prevent over-fishing because they are so
13 vulnerable and because they have a history of
14 sort of sparse management, no over
15 exploitation, lack of data, lots of problems.
16 So the fact that you take on this challenge is
17 a good thing.

18 Specifically as to the content, as
19 for other fisheries we'd like to see count cap
20 and control of shark landings and bycatch,
21 specifically under count we'd like to see
22 species-specific landings and bycatch data and

1 species-specific stock assessments in the
2 future. We'd like to see capping control of
3 shark discards with real limits on catch and
4 bycatch.

5 Secondly, we'd like to see over-
6 fished stocks rebuilt in a shorter time as
7 possible and added their minimum within the ten
8 years that are prescribed by Magnusson
9 Stevens.

10 Finally, I guess almost finally,
11 for deep water sharks we'd like to see
12 management specific to deep water sharks and
13 additional management for pelagic sharks. So
14 we'd like to see those two groups addressed.

15 And a final point that is more
16 general is that I think as Glenn and a number
17 of other people have raised, we're always
18 limited by our data and that makes the
19 management much more difficult. So in general
20 we'd like to see more observers and hire
21 observer coverage on the highly migratory
22 species fisheries and all the fisheries that

1 are under your charge. So that's all. Thank
2 you.

3 PARTICIPANT: Rusty, go ahead.

4 MR. HUDSON: Rusty Hudson,
5 director shark fisheries. I'm going to try to
6 make it very brief and to the point on what
7 I'm going to say. I personally would have
8 preferred a no action choice as to the tack or
9 the quota. With regards to small coastal
10 and/or black nose but that was my preference
11 because I believe that the stock assessment
12 made a mountain out of a molehill.

13 And if that choice isn't good
14 enough for the proposed rule by May then my
15 other choice would be alternative 3B which
16 establishes a small coastal shark complex
17 quota with the black nose quota removed and
18 established at 13 and a half metric ton
19 dressed weight until we can see and this is
20 what I emphasize; the new science correcting,
21 as a reviewer said, some of the situations
22 that had cropped up.

1 Then as I flip on through here I
2 believe that a small coastal shark trip limit,
3 table 2.4 alternative 2 is a good choice
4 because that would wind up keeping anybody
5 from exploiting things on a heavy level.

6 I would like to see better
7 enforcement of the minimum size. I don't know
8 how you accomplish it for the recreational but
9 it's just since '99 it's been in place in a
10 lot of federal waters and it was reflected in
11 some state waters and I believe that that's
12 important because like with black nose it's
13 real hard to get to that 54 inch fork length.

14 Alternative 12, I believe that
15 increasing the retention limit by doubling it
16 for Atlantic sharp nose is extremely
17 important, they're thick as rats in a lot of
18 places from Texas to North Carolina.

19 Keep on going. Let's get over
20 here to these other sections here. The
21 gillnet. I personally have advocated for over
22 a decade gillnet endorsement and a separate

1 quota.

2 The trip limit commercially should
3 be some small token for secondary utilization
4 of black nose commercially and minimal
5 recreational of course is going to be governed
6 by that minimum size enforcement but with the
7 commercial really there are some ways to
8 target black nose but I'd prefer people not to
9 be thinking about that. Let them just think
10 about sharp nose bonnet head, the more
11 abundant small coastals if that's what they
12 want to go after.

13 I think it's real hard to enforce
14 requiring circle hooks in the shark
15 recreational fishery. I think that it has its
16 share of problems because of certain types of
17 gear configurations that the recreationals
18 need, particularly in the for hire fleet in
19 order to be able to make a day for their
20 fishermen that is paying big money to go out.

21 As far as safe release and
22 handling tools, that's not to be aimed at

1 turtle from the recreational because it's an
2 active year in the first place, as Mark very
3 clearly said it can be an issue even with a J-
4 hook of getting gut hooked and ripping of
5 certain areas. So whether it's a circle or a
6 J, being able to remove the hook is
7 encouraging but with a shark, like a cat,
8 makes a bite and swallows, it doesn't chew.

9 Going on to the short fin mako
10 shark. I've been trying to fathom what the
11 ICAT stock assessment from last September
12 presented in November equated to. I was a
13 little alarmed when I saw that the age to
14 maturity for females had shifted from 7 to 18
15 and a half years whereas the male had only
16 gone from eight to 10. And the age longevity
17 went from 16 to 32.

18 I have just now received from Dr.
19 Enrique Cortez both the Nathanson document and
20 the Campana document and I'm making that
21 available to the pelagic group and anybody
22 else that would like to see it.

1 I believe that I will have a more
2 detailed comment on shortfin mako as to the
3 actions there because I can't really get my
4 arms around it just yet. There's a lot of
5 material there. Shelley Clark sent me her
6 material, the reason it wasn't in the ICCAT
7 SCRS 2008 document No. 139 was because they
8 had to pull it so that it could be put into
9 this journal, this aquatic journal here just
10 recently and they thought it was one of the
11 best documents in turning shark fin into whole
12 sharks, something that I've thought about
13 doing with my own records at some date in the
14 future.

15 With black nose, table 2.9.
16 Option 3 or Alternative 3, creating two
17 regions for blacknose, maintaining one for the
18 rest of the SCS complex is extremely
19 important. I think that you should draw the
20 line for the Atlantic at the Dade Monroe
21 County line. That way you can treat the
22 component in the Keys the same way that you do

1 with the other sharks, large coastals, that
2 are currently managed.

3 Time closures. I'm not a real
4 advocate of trying to shut people out of areas
5 at this time so just no action at that point.

6 Keep on going. You definitely
7 need to work with the councils. I reiterate
8 everything that Glenn has said. I had a
9 problem at the workshops with them not paying
10 attention to the TED effect, nor in the
11 reduction in the fleet and I really have a
12 problem with the pound and a half neonate
13 recreationally caught.

14 All you have to do is look at the
15 moat marine tagging that was done, the
16 document I'll have to pull it out but it's 32
17 or something like that. And it basically
18 shows that of the 880 sharks a big portion,
19 forty something percent, most of them were
20 caught rod and reel were adults, the rest were
21 juveniles. A handful of young of the year and
22 no neonates listed. So I think that's an

1 important feature. That was a 15 year
2 tagging program.

3 The NMFS tagging program was 30
4 year's worth of data and of all the Gulf of
5 Mexico black nose tagged, nearly 300, 200 were
6 females and there's only been two returns in
7 the Gulf of Mexico, one was in the Panhandle
8 of Florida, the other was a little further
9 west, one was a male, one was unknown, whereas
10 component two-thirds of them that were tagged
11 were females. I think that sort of makes me
12 wonder where did all the females go that got
13 tagged. The percentage return of tags was
14 smaller, with Bob Hueter's work it was a lot
15 larger. More on the reasonable level of three
16 point something percent.

17 Finally, or not finally, but with
18 dealer reporting, I have been trying to say to
19 you all that this two week thing, whether or
20 not you have a limit on the postmark or not,
21 is not going to work and the more you ratchet
22 down on quotas the more you have to be on toop

1 of it.

2 We were able to work a situation
3 with the king mackerel through zero to be able
4 to not increase the take of those particular
5 animals as was supposed to be mandated. As an
6 example it took dealing with the dealers from
7 the NMFS to us in the fisheries, since I also
8 wear other hats, and so I would say at least
9 alternative 2 from table 2.12.

10 Smooth dogfish. I agree with
11 everybody that has said that we need to be
12 able to assess those animals before we go off
13 destroying people's livelihood. I think that
14 alternative 3 on table 2.14 mirroring what the
15 Atlantic States Marine Fishery Commission is
16 doing is at least a good first step.

17 Deep water sharks. I do believe
18 this is a couple of the species that could be
19 commercially viable so I do not want to see
20 you all in a rush to stick stuff in prohibited
21 species. I think you already got 14 too many
22 animals in there. I said that back in `99

1 when there was no science to be able to
2 substantiate it.

3 The only one that you all have
4 been able to get some science that you say
5 that is the reason for doing was dusky, so
6 that pulls it down to 13. There's a couple of
7 animals like Caribbean sharp nose needs to be
8 pulled out of there. The state of Florida is
9 not going to go and put their law enforcement
10 into a look alike situation. But dropping on
11 down to ragged tooth which I believe comes out
12 of the same grouping as the big eye sand tiger
13 and the sand tiger, those type of animals,
14 there's probably not a problem at all. It's
15 just going ahead and prohibiting it because of
16 the look alike issue. I don't have too much
17 issue with that because of the fact that it's
18 not an important commercial animal.

19 And there was a few typos in the
20 document but I'll deal with all that later.
21 There's a little revisionist history at the
22 beginning, especially for 1992 and `93 and `94

1 but I will address that by March 16th in my
2 written comment. And that's all I have to
3 say.

4 PARTICIPANT: Thank you Rusty. I
5 believe that's everybody who had signed up so
6 to speak. It's about 12:45. That gives you
7 enough time to maybe grab a quick bite and be
8 back here by 1:30. We're going to start
9 promptly at 1:30 with the bycatch
10 presentation. Thank you folks.

11 (Whereupon, the above-entitled
12 matter went briefly off the record.)

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

2 1:30 p.m

3 PARTICIPANT: This presentation
4 is a comparison prior to the regulations that
5 make, that use the circle hooks mandatory in
6 the longline, the pelagic longline fishery.

7 This was an analysis made by the
8 South East Fishery Science Center, the Miami
9 lab.

10 All right here we go. As I was
11 saying these are preliminary results prepared
12 by the South East Fishery Science Center of
13 the Miami lab. As you can see my name is not
14 there so I did not make this presentation and
15 I was not part of the analysis of the data.

16 Having said that, I probably am
17 limited in the type of answers that I can give
18 you to your questions or details of the
19 analysis.

20 Do you remember five years ago we
21 conducted what we called the NED experiment,
22 the North East District water experiments, to

1 see the effect of circle hooks, the use of
2 circle hooks and different bait combinations
3 on the catch rates of sea turtles.

4 And the results were quite
5 striking. What you see there is the percent
6 reduction in the catch rate of loggerhead sea
7 turtles and letter box for each hook type by
8 combination. So, for example, the first bar
9 using a circle hook 18 knot with no offset and
10 squid as bait produced a reduction in catch
11 rate of 74 percent.

12 If you go down, a J-hook with
13 mackerel for loggerhead reduced the catch rate
14 in 71 percent. Mackerel 18 knot we tend to
15 be self set 91 percent almost. 20 knot 10
16 degrees offset circle hook with mackerel 90
17 percent.

18 You see similar reductions for
19 letter box in the lower graph and these are as
20 I said the results of the experiments in 2002
21 and 2003 and these are combining both gears.

22 The control was a squid on an 18

1 knot J-hook.

2 So what was noted and I quote the
3 paper that was submitted to the Canadian
4 Journal of Fisheries and Aquatic Science by
5 Watson et al in 2005 and it says, we noted
6 that because letter box often are hooked
7 externally and that probably is not a function
8 of circle hook size, we expect that circle
9 hooks smaller than 18 knot could be at least
10 as effective as a tested 18 knot hook in
11 producing foul hooking. Thus the end results
12 should be applicable to other areas. And this
13 is for, as I said, letter box.

14 The author said for loggerheads.
15 We did not believe that experimental results
16 could be applied outside the NED to different
17 sizes of lower head turtles or for different
18 size hooks because we had evidence to suggest
19 that the ability of a loggerhead to ingest a
20 hook is a function of the hook's size and the
21 animal's size.

22 So based on this result there was

1 a final rule in 2004 which indicated that
2 within the NED, the longline fisheries should
3 use 18 knots or larger circle hook with an
4 offset of no more than 10 degrees and the bait
5 should be whole Atlantic mackerel or squid.

6 Outside the NED it was 18 knots
7 with or without offset and the offset no more
8 than 10 degrees. And the bait whole fin fish
9 or squid. And for all areas they should have
10 sea turtle release equipment and comply with
11 the specified sea turtle handling and release
12 protocols.

13 The 2004 biological opinion
14 indicated that letter box were in jeopardy and
15 the reasonable and prudent alternatives RPA
16 gave four different steps. The first require
17 quarterly and annual reports, set deadlines
18 for those reports and identify the necessary
19 contents of the report. And it also set a
20 minimum level of observers at 8 percent and
21 provided details of what kind of information
22 should be collected by those observers.

1 The second RPA required to confirm
2 how effective this measure was. So this
3 analysis what it does addresses the following
4 questions. What are the observed changes in
5 bycatch rates associated with the regulation.
6 If these changes are due to management
7 measures, basically circle hooks and the bait,
8 and if the bycatch targets are being met for
9 each species.

10 Now remember that bycatch targets,
11 the number of bycatch, is dependent on the
12 catch rate. These regulations are aimed to
13 control catch rates.

14 So to model bycatch rates the
15 analysis divided two time periods outside the
16 NED from 2001 through August 2004, that's the
17 pre-circle hook period. And the second is
18 from September 2004 through September 2008.

19 In the case of the NED there were
20 three periods analyzed. The period before
21 circle hooks from '98 to 2000, the period of
22 the experiment 2002, 2003 and past regulation

1 from June 2004 through September 2008. These
2 are the regions I'm sure you are familiarized
3 with in which what we call the domestic
4 regions for the pelagic longline fishery and
5 identify there the different closed areas.
6 You now this is the NED, this primarily is for
7 directed fishery in that region. The Gulf of
8 Mexico, mostly tuna, directed fishery with
9 some swordfish. What we call the South East
10 Coastal which is the Florida coast and the
11 South Atlantic also mostly swordfish. The
12 North East Coastal, the mid-Atlantic bite and
13 then NEC which is the North East Coastal,
14 which is swordfish, mixed species, big eye
15 tuna, yellowfin tuna and other tunas, and the
16 offshore areas which is the Sargasso Sea,
17 North Central Atlantic and the Caribbean which
18 are mostly swordfish fisheries.

19 After the regulations there was
20 some changes observed in the fishery. The
21 fishery of course that was a primarily a J-
22 hook fishery prior to regulations switched to

1 16 knot circle hooks in the Gulf of Mexico and
2 18 knot hooks in the remainder of the fishery.

3 Also we observed some increases in
4 the use of fish bait or fish and squid bait in
5 combination, particularly in offshore areas
6 including the NED. There were few changes in
7 other characteristics of the fishery but what
8 we observed was that the NED the fleet started
9 operating in cooler waters and setting the
10 hooks at shallow depths.

11 I'm not going to go too much into
12 the details here but three different types of
13 models were used depending on the distribution
14 of the data. And which model was the best was
15 evaluated by fitting the observed data with
16 the predicted data by the model. And total
17 bycatch was estimated using the catch rates
18 estimated by the model and multiplied by the
19 reported effort.

20 Now this table summarizes the
21 findings of the models for bycatch rates of
22 loggerhead turtles. The colored cells

1 indicate significant changes in the estimated
2 or the predicted bycatches. Each column
3 represents one area and the model type, the
4 only thing that is important to see here is
5 that in the case of the NED the data has to be
6 split between a model that estimated the
7 probability of catching a sea turtle, we call
8 the probably of a proportion positives and a
9 model that is --

10 (Tape 6 begins.)

11 MS. STILES: - something that we
12 pulled together last night and it's taking
13 pieces from the presentation I guess it was
14 yesterday, and what it is these graphs are
15 2003 and 20078 I believe and it's the
16 recreational data, CLPS data.

17 And what we wanted to do was just
18 basically talk about some of the, you know, we
19 talk about the specs, everybody knows we're
20 not going to catch the quota and trying to get
21 at some of what's going on there.

22 Five years ago the specs, same

1 quotas and allocations people were catching
2 the fish, so this is the commercial
3 information and what we tried to do is shrink
4 this so that if you follow straight down it's
5 essentially the same size so if you can take
6 both the top and the bottom in your minds
7 it'll be a continuum of the recreational size
8 classes. You see even some of the commercial
9 landings below the commercial minimum size
10 would be discards and then continuing on.

11 And so this is what in terms of
12 what the population looked like in 2003 and so
13 you see a pretty good distribution.

14 This is '07 to '07, we have the
15 '08 data, the rec data for '08 was up and we
16 haven't had a chance to do this for '08 fully
17 so we try to stick apples with apples. You
18 can see a pretty significant change and some
19 of these fish that you would have expected to
20 see in time are not there. And so when we
21 start talking about catching the quota and
22 loosening things up I think there's some real

1 question on what is going on with the stock,
2 what is the state of the stock in terms of
3 regulations. What should be changed, what
4 shouldn't be changed. How do we manage this
5 basically.

6 And so I wanted just to share I
7 guess some of what we're looking at as we're
8 looking at some of the proposals so that
9 people can see. In the long term this
10 appears to be what we have and how do manage
11 that? Not only for 2000 and 2010 but 2019.
12 How we make sure that this gets us to a
13 rebuilt stock in 2019? So it's both short and
14 long term.

15 PARTICIPANT: Okay. Well No. 1
16 getting to a rebuilt stock is not an exclusive
17 U.S. objective for the Western Atlantic or
18 Atlantic wide. It's a shared objective.

19 What I would hope the United
20 States is focused on right now is controlling
21 its own share of that mortality that we're
22 authorized under the program. That's what

1 we're responsible for. As long as we stay
2 within that guideline we're doing our part.

3 I can't see where as long as we're
4 staying within that, all this need for
5 analysis is that great big of a job because
6 it's already been laid out. It might be
7 pulling some of it and paraphrasing and
8 updating it and all of that, but basically the
9 analysis has been done. And again nothing
10 we're suggesting jeopardizes that fact.

11 And just quickly to the two points
12 you say about you're not clear by looking at
13 existing data the changes we make are going to
14 affect catches in terms of allowing us to
15 increase catches. Well that argument works
16 both ways. If that's the case then your
17 analysis is real simple, make the changes and
18 say we don't think it's going to have any
19 effect anyways. And then we'll let time find
20 out whether or not you were right in making
21 that projection that it's not.

22 I would certainly argue with you

1 that in the case of the incidental catch of
2 bluefin in the longline fishery that if you go
3 to the more realistic levels that we suggest
4 in our proposal you'll see more swordfish
5 trips taken by more vessels and at particular
6 times of the year where they might interact
7 with bluefin. Those trips will be more
8 profitable stimulating further interest in
9 making swordfish and other tuna-directed trips
10 that would result in more bluefin tuna being
11 landed and, hopefully, credited to our, well
12 clearly credited to our quota moving into the
13 2010 D-Day for us.

14 I think Ralph has made the point
15 on the general category. Clearly there has
16 been a restraint on effort in the general
17 category. We had the exploding fuel prices
18 which was one thing which seems to have curbed
19 or leveled off, dropped and leveled off to a
20 certain extent. But the three fish per day,
21 the absolute three fish per day restriction,
22 no matter how long your trip was effectively

1 over 24 hours or not, prevented people from
2 exploring those offshore areas more than they
3 otherwise would.

4 Put that in place today, allow
5 them, and I never heard anybody say ten day
6 trips, you have a quality issue at that point
7 in time and you're drawing that idea clearly
8 as an example, but it's the extreme example.
9 The more likelihood is a four-day trip or a
10 five-day trip. Unless you wanted to institute
11 buy boats, if you want to put buy boats back
12 into fishery like we used to have, we could
13 put buy boats out there and lead the fleet out
14 there and that would really allow pursuit of
15 a true offshore fishery. Not something that's
16 been discussed.

17 There's a whole range of things
18 that we no longer do and measures that we have
19 in place beyond what the rest of the
20 international community has that whether you
21 see it from the management perspective, from
22 the fishery side we see it as curtailing

1 catches. And the size limits is a part of
2 that issue. The daily bag limits can be.
3 Whether it's just ten trips a year that
4 somebody gets on the fish and the three fish
5 causes them to stop fishing when he's on a
6 body of fish that if he kept fishing from
7 sunrise till dark he could produce ten fish a
8 day, that three fish bag limit, show me
9 another country that's got it.

10 I mean Canada operates you buy a
11 bunch of tags and you go out fishing and
12 you've paid for the tags, sure enough, but if
13 you bought 20 tags you come back with 20 fish.
14 And when you go to the hell-hole that's what
15 those boats do.

16 We don't do that. We simply say
17 you know three fish is the maximum. And at
18 one time I would grant you I lived through the
19 development of days off. I mean I pushed for
20 days off when we needed them. When quota was
21 scarce we needed days off, we needed all these
22 restrictions. Today in 2009 we don't need

1 them and the question is how fast, and I have
2 been asking for this for two, three years at
3 least to review every regulation, I'm
4 repeating myself, for reviewing every
5 regulation with an eye towards is it
6 constraining catch in the United States? And
7 the other way of interpreting that is are we
8 doing more by keeping our catches artificially
9 low than any other country in the world to
10 conserve the resource?

11 And to some people that's
12 acceptable and okay that's fine. From our
13 perspective the issue is immediate economy is
14 one of the issues but the other one is
15 generational. There's a lot of people that
16 have been in this fishery for 30 or 40 years
17 you heard Steve Weiner stand up a while back
18 in the corner of the room. He's here for one
19 reason, he's got kids who he wants to be able
20 to participate in his fishery and there's
21 hundreds of other people like him in the
22 various gear sectors, I'm sorry for taking so

1 long Paul, that really care that future
2 generations are able to participate in these
3 large pelagic fisheries. And we're at a time
4 where we're faced with an imminent threat that
5 we're going to be knocked down and I challenge
6 my colleagues on the ICCAT advisory committee
7 to think once you've lost that quota and if
8 other countries, whether they've established
9 a chartering process or developed their own
10 fisheries, tell me how you're going to get it
11 back. Tell me how you're going to get that
12 quota back.

13 I don't see it happening in the
14 ICCAT arena. I don't see how you successfully
15 will negotiate to get the quota back that
16 you've historically had, the traditional
17 fisheries that you've had, you've made the
18 most effort to conserve and rebuild the
19 resource and yet your reward is a diminished
20 permanent role in the fishery. And that's
21 what this document, unless somebody's got
22 another rabbit that they can pull out of a

1 hat, if we're going to live with the same
2 thing that we're faced right here for the next
3 two years, my projection of where we're going
4 to end up in 2011 has got a fairly high
5 probability.

6 PARTICIPANT: A small
7 clarification regarding the analysis of the
8 SERs and the projections. When the SERs makes
9 projections there are a series of assumptions.
10 One of them is that the tack is one complete
11 field and, second, that those catches will
12 remain constant for the period that you made
13 the projection.

14 But there's another assumption
15 which is what we call the selectivity of the
16 future remains constant. Basically the
17 proportion of fish that you catch at each age
18 will remain constant.

19 So if the U.S. is catching its
20 quote but is catching it with younger fish,
21 that is going to affect the projections. In
22 general terms if you move the selectivity to

1 catch younger fish, at the end of the
2 projection you're going to have a lower
3 biomass. So it's not as simple as it's just
4 about the quota.

5 PARTICIPANT: Dennis go ahead.
6 Real quick.

7 DENNIS: Yes, real quick. I'm
8 afraid this probably occurred before your real
9 deep involvement in bluefin as it is today but
10 two times in the past recent history, early
11 mid to 1990s, we've had that exact analysis
12 done once by South East Fishery Center
13 scientists that looked at the question of
14 trading off giant fish mortality for younger
15 age classes and it's the slot minimum size.
16 We were speaking about it earlier with Andre
17 at our table. It's obviously a very common
18 practice, maybe more so in freshwater fishes
19 than saltwater fishes but you can clearly, we
20 would understand, and I think Ralph touched
21 upon it, that you would have to reduce the
22 tack on giants if you wanted to increase the

1 mortality on some of the six and 7-year-olds
2 to take that into account and not upset the
3 plan.

4 And we've always said it has to be
5 resource neutral. From the perspective of the
6 SCRS future projections and the rebuilding
7 time frame, it has to be resource neutral.
8 And we've seen what the numbers have been in
9 the past. I don't recall them specifically
10 but you have to give up quite a bit of giant
11 quota in order to be able to harvest smaller
12 fish and we're prepared or the general
13 category is prepared to take that into account
14 in order to have access to the fish that are
15 available to the fishery today.

16 PARTICIPANT: Thank you Rich.
17 I've got six people in the queue. Glenn,
18 Vince, Tom, Chris, Andre and Ralph. Glenn,
19 you're up.

20 MR. DELANEY: Thank you. Margot,
21 on one point, and it may be a
22 misinterpretation but my interpretation of

1 what you were suggesting was that the
2 presentation of these slides up here suggest
3 that a significant portion of the population
4 has gone missing and that therefore we should
5 take some extra precaution in the future about
6 loosening up the fishery and therefore
7 increasing fishing mortality on the stock.

8 And while I very much appreciate
9 the excellent ideas that Mark has presented
10 here in his papers and it's very creative work
11 and I think it inspires a lot of thought for
12 the future about how we're going to manage the
13 fishery, I don't think and I'm not so sure
14 Mark would want to suggest that this should
15 take precedence over the ICCAT SCRS analysis
16 of the Western Atlantic bluefin tuna stock
17 which allocated a certain amount of tuna to us
18 and these are supposedly the world's leading
19 bluefin tuna biologists coming together and
20 saying, okay U.S. this is the amount of
21 bluefin tuna you can harvest. And to sort of
22 overlay on that this analysis and say well,

1 notwithstanding what all those people told us
2 at ICCAT, we've been doing these stock
3 assessments for decades. We're going to
4 presume that we have a better idea as to
5 what's going on over here than they do and
6 overlay some precaution on it.

7 I also think that has a definite
8 problem from a statutory standpoint, don't
9 forget and I won't let you, Section 304(g)
10 which among other things requires us to give
11 U.S. fishermen a reasonable opportunity to
12 catch the quota that ICCAT allocates to us and
13 it's very specific to that point.

14 And one could certainly argue that
15 the type of specific measures that Blue Water
16 has put forward for example certainly does
17 provide that reasonable or enhances a
18 reasonable opportunity for U.S. fishermen to
19 catch a quota that's been scientifically
20 determined.

21 And we're supposed to follow right
22 in Section 304(e)(i) also a very specific that

1 the status determination that we're supposed
2 to follow in ending over-fishing is determined
3 by the international agreement, meaning ICCAT.

4 So I mean I'm not sure we're in a
5 position to say well we're going to dismiss
6 the quota that SCRS gave us based on their
7 scientific analysis and based on this. I mean
8 SCRS also said very emphatically, well maybe
9 emphatic is too strong a word, but they
10 certainly made the point that they're not sure
11 what explains the two slides on the bottom
12 essentially, which is where are those fish in
13 the commercial fishery right now.

14 They couldn't say that it was a
15 matter of abundance, it was potentially
16 availability that the distribution of the fish
17 had changed and so therefore the fisheries'
18 access to the resource was diminished and that
19 it wasn't necessarily a reflection of biomass.

20 And so what I thought you might
21 have suggested was that we should interpret
22 this as a biomass effect and that we should

1 therefore take more precaution than ICCAT
2 advised us to take. So I think there's lots
3 of scientific and legal questions and I'm not
4 sure Mark you're prepared to go that far with
5 this at this point. Maybe you are. But I
6 would urge some caution.

7 My second question is a process
8 one. Blue Water made a very specific
9 proposal, I think we've got maybe two specific
10 proposals? Yes.

11 MS. STILES: Something more than
12 a slip of paper on Crowne Plaza paper might be
13 good. Not to diminish this, just saying
14 administrative record.

15 MR. DELANEY: Well I can put
16 words around the numbers if you'd like but
17 it's not going to say anything different than
18 what that says but I'll do that. Sorry about
19 that.

20 But to the point was if NMFS were
21 tomorrow to be completely convinced of the
22 merits of that proposal and said yes, we think

1 we're going to do this, setting aside all the
2 other things you need to do, how long would it
3 take for you to implement something like that?
4 Is it a regulatory amendment or is it a plan
5 amendment given your NEPA and all your
6 analyses which we're certainly very familiar
7 with in the public comment process, the
8 administrative process.

9 What would be the soonest
10 something like that could actually be
11 implemented? So those are two very different
12 questions.

13 MS. STILES: They're related
14 because what I was trying to say was that in
15 the context of changes we would have to take
16 into account a series of factors, including
17 ending over-fishing and rebuilding.

18 And what gets fed into the stock
19 assessments for the United States is assuming
20 a catch at age distribution under the current
21 plan. So when you start talking about
22 changing that distribution, catching more of

1 the smaller fish that are available, you're
2 going to be affecting that catch at size
3 distribution that could affect the
4 projections. That's what I'm saying. That's
5 the kind of information, the kind of analysis
6 that we're going to have to do to make sure
7 that any of the potential changes that folks
8 are talking about don't have that effect of
9 not ending over-fishing and affecting their
10 building plan.

11 This proposal would also be
12 evaluated in that context. There is no
13 proposal that gets away from that context.
14 The answers will vary depending on what the
15 proposal is but they will all be evaluated in
16 that light. And that's the point that I was
17 trying to make.

18 In terms of process and timing,
19 this would I think likely be a regulatory
20 amendment unless we start hitting things that
21 would affect allocation. I don't necessarily
22 see that NEA versus NEIS, it's going to depend

1 on some of the things that you alluded to,
2 increasing effort could be possibly good,
3 could also affect turtle catches. You see
4 we're close to our ITS, not quite at the
5 mortality reductions. So those are factors
6 that will all have to go into this. And so
7 if it's a regulatory amendment with NEIS those
8 are six or seven months if it's EIS because of
9 some of the uncertainty or some of the bycatch
10 issues then it's two to three years.

11 We're in the middle of an EIS
12 process right now with the draft Amendment 3,
13 so you think of how long it's been, how many
14 times we've met, how much further we have to
15 go.

16 PARTICIPANT: Okay. Thank you.
17 Vince, Tom and Chris.

18 MR. PYLE: Thank you. I have a
19 comment and then a small question. But I want
20 to speak to the economics of it and to the end
21 of catching, the ability to catch the quota I
22 think other groups' suggestions and the need

1 for flexibility for them. Their ideas will
2 achieve possibly catching the quota more than
3 the Blue Water proposal. The Blue Water
4 proposal to me is simply an economic stimulus.
5 We are already interacting with and we are
6 discarding these bluefin tunas to the cost of
7 millions of dollars a year.

8 So if we have any meaning behind
9 what I've heard now for the last year and a
10 half or two years of the agency's commitment
11 to revitalize the fleet, this is an adjustment
12 that isn't going to hurt anything. These fish
13 are going to the bottom of the ocean as Jim
14 said yesterday, and getting counted against
15 our quota. We're not meeting our quota. The
16 other user groups are being restricted and
17 they have good ideas on how to adjust some of
18 those restrictions to give them the
19 opportunity to do it. Blue Water is simply
20 saying that by remaining a non-directed
21 bluefin fishery and it's obvious that we are
22 a non-directed bluefin fishery, but we

1 interact with these.

2 My vessels can't even hold 30,000
3 pounds so I can never keep that third one.
4 Where the math went from 2,000 to 6,000 to
5 30,000 doesn't seem nearly as logical as
6 raising the threshold to 3,000 starting at
7 2,000 and then used in multiples of three and
8 end at five fish.

9 Now this will help us tremendously
10 economically speaking when we go out for our
11 swordfish directed trips. And if you want to
12 revitalize the swordfishery fleet this is a
13 wonderful opportunity that will cost
14 conservation nothing. It won't hurt or
15 threaten the quota. It doesn't even help
16 achieve catching more quota. But what it does
17 do is put an immediate and significant
18 economic difference to the PLL fleet, the very
19 small fleet that's left, that has in my
20 opinion achieved tremendous results in
21 conservation.

22 And the more we do, the more we

1 work with science, the cleaner and cleaner
2 fleet we are. There's no doubt we lead the
3 world in it and there's no question that we
4 should not be allowed, it's illogical, it's
5 immoral to allow this money at these economic
6 times to sit on the bottom and rot when it
7 could mean a significant difference in
8 profitability and employment for the American
9 fishermen. That's my comment.

10 My question is in this process
11 even if it's not a regulatory one that will
12 take two to three years hopefully, you said
13 there's other constituents that you need to
14 consider and it's the public comment period
15 and it's not just the advisors.

16 So my question is this is a body
17 of advisory panel members that are appointed
18 for various reasons but is there a scale in
19 which the AP has in your decision making
20 versus other comments from other public
21 people. Do we wait more importantly on our
22 suggestions sometimes more than other times?

1 Is there a way that you judge your AP
2 suggestions compared to non-AP suggestions?

3 MS. STILES: There's no formula.
4 Certainly AP members are selected in part
5 because they're representative of
6 constituencies, organizations, associations
7 and so we're hoping that as being an AP member
8 you are checking with your constituencies and
9 bringing their voices to the table so that you
10 would be speaking for many as opposed to
11 yourself.

12 But everyone in America gets a
13 voice. And so we look at all of it, sometimes
14 there have been individual suggestions that
15 were very persuasive and alter the course of
16 rule making; sometimes it's been associations
17 and so it's varied. We look at all of them
18 and we take all of them very seriously. The
19 fact that you're here giving us this direct
20 input I think speaks to our appreciation for
21 your input.

22 But, no, I can't say that you are

1 more than another. I mean they're all members
2 of the public, we value all of it and we look
3 at all of it.

4 PARTICIPANT: Thanks Vince. Tom,
5 Chris and Andre. Tom?

6 MR. DEPERSIA: Yes. Just trying
7 to come up with regulations that have been
8 curtailing our catch of bluefins. And once
9 again I'd like to bring up the idea of
10 allowing party charter category vessels to
11 retain combinations of angling category limits
12 and general category limits, not to exceed
13 perhaps three fish. Some formula where they
14 could catch school fish and giants in the same
15 day which seems to hold us back.

16 I do get charters that want to
17 target a half day of giant fishing and half
18 day school fishing and now I have to tell them
19 you know if we catch a school fish now we
20 can't catch a giant. Why not? If we went out
21 in the first hour and caught a school fish why
22 couldn't we target giants for the rest of the

1 day. And once again that would be adding to
2 the fish that would be counted on our quota.

3 So once again this is a regulation
4 that's curtailing our catch of bluefin. So I
5 think we really need to look at that again and
6 see if there's a way to change it. It might
7 be an easy change, I don't know.

8 Another easy one that we need to
9 look at is there's no reason why we should
10 shut down the winter fishery in North
11 Carolina, or wherever it is. As long as they
12 have quota that's left, it doesn't make sense
13 to shut them down. If they want to fish in
14 February or March perhaps they should do that
15 as long as they have quota left and they've
16 got anglers that want to do that, why should
17 we stop them from catching more fish that could
18 be added on to our quota?

19 So this is just a couple of ideas
20 that I think I'd like to see the division take
21 another look at and perhaps change and maybe
22 they're easy changes and we can get them in

1 time.

2 Now some of the ideas that have
3 come up here on the table during this
4 discussion do take time. It may take two or
5 three years. But if you think we're not going
6 to be in the same situation in 2011 and 2012
7 I think we're kidding ourselves. We're going
8 to still be in the situation. So I think we
9 need to get these things rolling now and not
10 just say well we can't get this in time for
11 2010 let's not worry about it now. I think we
12 really need to start getting some of these
13 ideas moving now because we may need them for
14 2011, 2012 when we're fighting the same
15 battle.

16 PARTICIPANT: Thank you Tom.
17 Chris, go ahead.

18 MR. WEINER: A couple of things.
19 Chris Weiner. First of all, as other people
20 said we have a quota and it's scary that
21 you're going to put a graph up here that shows
22 landings and imply that we should not catch

1 our quota because of that. I mean it's
2 amazing to me. For years we've been wondering
3 if NMFS was trying to use rules to curtail our
4 fishery and that was the most obvious example
5 I've ever seen of it.

6 As a harpooner who has done it my
7 whole life I'm still young but I've been doing
8 it since I could walk, I feel pretty confident
9 in my assessment that those landings are
10 pretty, they don't really tell you much as far
11 as I'm concerned. I could go through four or
12 five things, I'll just list them off: dogfish,
13 the fleet is incapacitated right now because
14 of dogfish.

15 Small fish, there are so many
16 small fish we can't even get at the big fish
17 half the time and Ralph as a pilot I'm sure
18 can explain that to you how many fish they
19 see.

20 Fuel. We paid five bucks a gallon
21 last year. I don't even want to begin to think
22 how much money we lost because of that but it

1 pretty much cut our fishery immensely.

2 And, fourthly, the biggest one of
3 all is the issue of herring which we've been
4 fighting for almost seven years now and
5 yesterday you had a graph up there that showed
6 tuna landings and if you put the landings of
7 mid-water trawl herring against that, Rich
8 Ruais once put a chart together, it's not just
9 anecdotal evidence, the herring fleet and the
10 overall forage issue shut us down. And then
11 when you add in the dog fish issue and you add
12 in the fuel issue, the fact that there's all
13 these small fish plus all these rules you're
14 putting on us, there's a reason those landings
15 are down.

16 And if you look at Canada they're
17 having the best fishing they've ever had and
18 I know some people like to think of Canada as
19 PEI but a lot of those fish are caught just
20 over the Hague line and if guys were allowed
21 to go out to George's and catch more than
22 three fish they would.

1 So we're not talking about some
2 distant, I know people try to come up with all
3 kinds of ideas of why Canada's catching them
4 and we're not. And I've heard all kinds of
5 theories. But the fact is they've had forage
6 and the tuna have been leaving our waters
7 every year and going there and we're finally
8 starting to get more forage after new rules
9 and if you look at the landings from this year
10 we doubled what we had two years ago and we're
11 confident that that's going to only get
12 better.

13 But my brother and I, we're not
14 going to have a fishery left the way this
15 thing's going when we get older. We already
16 heard today implying that we shouldn't be
17 allowed to catch our fish because a couple of
18 landing charts show a decline, and in two
19 years we're going to lose all our quota. And
20 it just blows my mind that our government's
21 not more inclined to help us catch our fish.
22 And I think that we wait two or three years

1 we're gone.

2 So I mean there's got to be a way
3 to do something now.

4 Oh and I just wanted to add too I
5 think that the longline issue is something
6 that needs to be looked at. I think those
7 guys deserve a chance to catch more fish if
8 they can.

9 PARTICIPANT: Thank you Chris.
10 We have Andre, Ralph, Rom, Steve and Dick.

11 DR. BOUSTANY: Thank you. A few
12 points and I don't really disagree with most
13 of what people are talking about.
14 Unfortunately I think most of what people have
15 been mentioning so far has to do with legality
16 and what we're really doing here is biology
17 which is even more important. That's the
18 ultimate baseline any time you're dealing with
19 any of these fishery species.

20 We're coming up against the wall
21 biology in bluefin tuna and just how much they
22 can produce and how much we can take out of

1 the ocean.

2 Addressing some of the issues
3 within that context that people have brought
4 up, I really don't see as far as U.S. fishers
5 there being any hope of any change coming any
6 time soon in the East Atlantic. The only
7 change that's probably going to happen there
8 is probably a complete and utter collapse of
9 that fishery and any subsidy that was given to
10 our fishery from those fish swimming over is
11 probably going to disappear.

12 A paper just came out, McKenzie et
13 al, that predicted a complete collapse of that
14 fishery within five years, I think by 2011.
15 So that right there might stop the over-
16 fishing over there. That's not necessarily in
17 a good way or the way we want.

18 The only hope that fishermen in
19 this room and fishermen in our country are
20 ever going to have a sustainable fishery is of
21 the Gulf of Mexico stock which we've seen from
22 several bits of science is a unique stock, is

1 if that stock can somehow get back to the
2 level where it can sustain real maintainable
3 fisheries on this side of the Atlantic. And
4 granted, yes, we're going to lose some fish to
5 other fisheries, the Japanese longliners and
6 East Atlantic Fisheries fishing also on that
7 stock as those fish swim over, but if we're
8 talking about 20 years and people wanting to
9 see their kids and their grandkids fish for
10 bluefin tuna, really the only hope given the
11 situation in the East Atlantic which as far as
12 I can tell is out of our hands, the only hope
13 that we have is maintaining or getting back to
14 and then maintaining a healthy Gulf of Mexico
15 stock.

16 How do we do that? There's a lot
17 of things that can be said there. I think the
18 bottom line and just to quickly encapsulate,
19 obviously there's a lot of biology that goes
20 on in rebuilding and maintaining a healthy
21 stock but as far as the suggestions that
22 people are putting forward of decreasing size

1 limits, increasing catches, increasing
2 longline retention limits, it to me completely
3 defies logic to think that less restrictive
4 measures being proposed are going to get us
5 back to a sustainable stock when more
6 restrictive measures in the past have got us
7 to the point where we are now.

8 And I know there's a lot of issues
9 there but that's the bottom line. And I know
10 it's unfair to U.S. fishermen who have been
11 conserving and have been responsible, but once
12 again it's not a question of legality, it's a
13 question of biology.

14 In regards to Canada, you hear a
15 lot about Canada having banner years. Mostly
16 it is just PEI and Northwest Nova Scotia
17 having those very good years and that looks
18 like a few age classes of very good fish, a
19 few very good age classes moving through and
20 if you look at the data there isn't much
21 behind them. Southwest Nova Scotia is not
22 having a much better time of fishing. They're

1 doing better than our fishermen are but it's
2 nowhere near what PEI is. There's a few year
3 classes that are supporting a nice fishery up
4 there but I wouldn't count on that lasting
5 more than five years.

6 Another issue with Canada if you
7 look at the overall Canada catch per unit
8 efforts, catch per unit efforts have been
9 falling, sizes of fish have been falling. And
10 both length and mass of fish have been falling
11 in those areas. So that's another indication
12 that the fishery is not just moved, the fish
13 have not just moved but there is in fact a
14 decrease in the overall abundance of bluefin
15 tuna throughout the Western Atlantic.

16 So having said all that, none of
17 which I'm sure people wanted to hear, but I
18 think it is true and I hate to say it because
19 I agree with you like I've been saying, that
20 it is unfair to U.S. fishermen particularly
21 because you have been responsible in the past
22 but biology is the baseline. It is the bottom

1 line. And if you can't sort out the biology
2 then you can't sort out the management after
3 that.

4 Not as a biologist I think one
5 thing that we need to do at ICCAT is take a
6 different approach than what we've in the past
7 which obviously has not worked.

8 You hear from a lot of people in
9 here that we're not a major player as far as
10 catches go and that doesn't give us a lot of
11 leeway, doesn't give us a lot of pull, and if
12 we become even less of a player as far as
13 catches go, we're going to lose even less
14 pull.

15 I don't think we should be looking
16 at it from a catch perspective. We need to
17 start looking at these things in terms of how
18 much we import and how much we consume. We
19 are a major player in both those areas and we
20 have a lot of pull and we have a very big
21 hammer when it comes to that. And we need to
22 flat out tell people, tell other countries

1 that we're not shifting quota. And we need to
2 say that as plainly as possible and if comes
3 to the point where we're threatening to leave
4 ICCAT because of that, I think we've gotten to
5 the point where we've been responsible enough
6 for long enough that we need to pull out all
7 the stops and be very, very aggressive with
8 ICAT in terms of potentially losing our quota.

9 And I guess that's pretty much it.

10 I just wanted to close with going back to the
11 longer term you know whether or not in 20
12 years we want a fishery. Yes, we can maintain
13 our share of the quota but if we don't do
14 something, if we don't do something different
15 obviously what we've been doing has not been
16 working, 57 percent of nothing is still
17 nothing. We can maintain our share of the
18 quota but if the fish are not there the fish
19 are not there. And it's not a legal question
20 after that, it's just a question of biology.

21 Thanks.

22 PARTICIPANT: Thank you Andre.

1 I've got four speakers and we have about 15
2 minutes left on this agenda item. We've
3 already been at it an hour but we harvested
4 an extra 15 minutes from the previous
5 presentation. So I have Ralph. Ralph, you've
6 already spoken once so try to keep this
7 short. And then Rom, Steve and Dick.

8 MR. PRATT: Ralph Pratt. The
9 four charts up here, I really can't see the
10 bottom two very well Mark but they represent
11 commercial landings do they Mark in the United
12 States? Is that what those are? Over a
13 different time period?

14 MR. SAMPSON: Yes Ralph.

15

16 MR. PRATT: So all four charts
17 are U.S.-based right?

18 MR. SAMPSON: That's right. The
19 bottom graphs, I can hardly see them.

20 MR. PRATT: No, that's all right.
21 I wasn't really clear because I just think
22 that things would look a whole lot different

1 if they moved the Hague line 50 miles, that's
2 all. Thank you.

3 PARTICIPANT: That was quick.
4 Thanks. Rom, Steve and then Dick.

5 MR. WHITAKER: Yes. Rom
6 Whitaker. I do agree with Rich entirely that
7 in my dealings with HMS and ICCAT and I don't
8 have any direct dealing with ICCAT but it
9 seems like we always get taken. We don't
10 ever get given anything.

11 So with that being said, I'm going
12 to talk about the bluefin and we basically got
13 supposedly a year-round fishery that is more
14 or less managed from June on. And by that I
15 mean obviously the fishery starts now in
16 January, I think I'm correct, and it closes
17 January 31st and then we've got four closed
18 months before it opens back up.

19 We've got fish available. We've
20 got fishermen available from the whole East
21 Coast from Maine right on down available to
22 catch them. And we've got plenty of quota

1 available to be caught. And it just seems
2 like it would be very easy to me to open up
3 that fishery year round.

4 Now I understand we're restricted
5 by area designations but you know even if you
6 were to take the 5 percent in December and the
7 5 percent in January, you know that basically
8 if we could cull that until we caught it and
9 then let whatever would roll around from June
10 the year before, then I think there's a lot of
11 this quota that could be utilized by just
12 doing that.

13 And I'm just one person speaking
14 from the Southern Region. I think there's
15 many other people that would probably have
16 comments and I'm sure they will have comments
17 in regards to this. But they're not here.

18 As far as the purse seine quota,
19 somebody brought that up. That's certainly
20 something, I'm not sure exactly what it is but
21 I know it's close to 200 and that hasn't been
22 caught in a long time and we certainly need to

1 utilize it somehow.

2 The pelagic longline discards I
3 have to agree with Vince, that's a lot of
4 money and would generate some money for
5 fishermen and we don't need to be letting that
6 lie on that bottom of the ocean.

7 Well, obviously you know you
8 certainly have a recreational bag limit you
9 could increase if you want to utilize the
10 quota. Nobody's brought that up but I
11 personally don't think that would be in the
12 best interest because it seems to get out of
13 hand and we don't have a handle on it till the
14 year after it happens. So one fish seems to
15 work good for my people. But it is an option.
16 Thank you.

17 PARTICIPANT: Thanks Rom. Steve
18 James and then Dick.

19 MR. JAMES: First of all I'd like
20 to state my opinion on a matter here and that
21 is our short-term political problems are of a
22 far higher urgency I believe with ICCAT than

1 our biological problems with the tuna fishery
2 and that if we don't take into consideration
3 that our biological issues are going to be
4 rectified by other countries, and that
5 solution's going to entail over-fishing of
6 bluefin tuna that are 45 inches instead of
7 harvesting larger fish here in our waters or
8 our EEZ.

9 The other point that I'd like to
10 make is back to Tom DePersia's proposal that
11 charter boats be allowed to take both small
12 fish and large fish. I just want to reiterate
13 my support of that. Then I'd like to make a
14 request and then a very brief simple question.

15 The request here, it's been asked
16 of me many, many times by general category rod
17 and reel fishermen, that they be allowed to
18 participate in bluefin tuna tournaments with
19 retention limits under 73 inches, much in the
20 way that a charter head boat would
21 participate. And I believe we adopted this
22 policy for shark tournaments about four years

1 ago and I'm not aware of anybody exercising
2 inappropriate conduct or taking advantage of
3 those rules and regulations. It comes back to
4 the notion that you've made an investment in
5 hardware equipment and in a lifestyle that you
6 love and that you should be allowed to take
7 your family and your friends out for a weekend
8 of tuna fishing at a recreational level. And
9 I would propose, of course, that it has to be
10 an HMS registered tuna tournament and that you
11 review the rules and so forth so you
12 understand what you're getting into just like
13 you do for the shark tournaments.

14 And finally the simple question
15 that I have is this: Of the recreational
16 fishing, trophy fish allocation that we have,
17 the quota, is that an end of year assessment
18 or is that a rolling tally that's done on a
19 per month or per week basis?

20 MS. STILES: I'm not sure I
21 understand your question. It's a percentage,
22 the trophy fish and the angling category is a

1 percentage of the adjusted, it's an SMP
2 percentage of the baseline and the adusted
3 quota.

4 MR. JAMES: Let me re-ask the
5 question. In other words, as we fulfill that
6 quota is that done at the end of the year like
7 the rest of the recreational angling fish are
8 concerned, or is that a rolling tally that's
9 done on a monthly basis, if you will, or
10 weekly or however the rest of the commercial
11 quota's done?

12 MS. STILES: The tallies come
13 in, the reports come in and we include them in
14 the landings updates that we post monthly.
15 You'll see them grow through the year. In
16 terms of the annual specs where we do the
17 quota you know what was caught the year
18 previously and what's available the next year
19 it's done that way as well. So I'm not quite
20 sure we're getting what you're asking.

21 MR. JAMES: Okay. So I gather
22 the answer is monthly. But what I was getting

1 at is the rest of the bluefin recreational
2 catches done at the end of the year,
3 recreational quota and I guess that's really
4 the essence of the question. Are you going to
5 adjust that recreational trophy fish quota if
6 it goes over the four metric tons or
7 whatever's currently in the proposal?

8 PARTICIPANT: There are two
9 things, process and result. The first thing
10 there are two processes at work, you're right.
11 All the recreational fishery, except trophy,
12 is done by the LPS survey and which we get the
13 end of year results for.

14 And the trophy fish we get the
15 numbers primarily through the ALRS, the
16 automated landings reporting system, so we do
17 get almost a weekly, it's as often as Brad
18 gets data base but it's about a weekly,
19 monthly summary and we add those numbers into
20 the weekly reports. So you've been seeing
21 that.

22 As to your question as to what we

1 would do with that, that's treated like the
2 other categories. If it's over then we would
3 close it. We then refresh it during the specs
4 process each year. So this year I don't know
5 what we did in the specs, did we roll over?
6 Six metric tons reported? And we roll over
7 any?

8 MR. JAMES: That's fine.
9 Actually I understand that. Thank you.

10 MS. STILES: And just to clarify
11 too there's also in North Carolina, Maryland
12 catch card programs that come in more real
13 time.

14 PARTICIPANT: Thanks Steve. Go
15 ahead Dick.

16 DICK: I'd just like to follow
17 up on what Tom said which made good sense is
18 that we really do need to get started now if
19 you're going to have the flexibility even a
20 couple of years down the road to do some of
21 the things that Rom and Vince and others have
22 asked for. So let's start now thinking about

1 giving us the flexibility to do some of these
2 things. And I mean granted even if it requires
3 the EIS let's not wait, let's get moving in
4 that direction so we can make some of these
5 changes. And I just want to reiterate the
6 need for the angling category to have one fish
7 in the 27 to 47 and one above that. Again
8 it's economic, it's an economic impact that's
9 important right now, an economic stimulus,
10 just like Vince said for the longline fleet
11 with the use of the discards rather than
12 letting them lie on the bottom. Thank you.

13 PARTICIPANT: Thanks Dick.
14 That's everybody I have in the queue. So a
15 few minutes left on this agenda item, if there
16 are some folks we haven't heard from that
17 would like to weigh in. Can we hear from
18 Steve again? Steve can you pull up to a mic
19 and then would you state your name again for
20 the record please. Thanks.

21 MR. JAMES: I wasn't really
22 prepared to speak but since you've got a few

1 minutes and I'm the only guy that represents
2 the public that's here today I guess. I
3 heard something today that I've always
4 suspected and I'm glad I waited around to hear
5 it, which is basically the U.S. government
6 feels that it has the I guess responsibility
7 and the right to restrict us from catching the
8 quota that comes out ICAT. Is that what I
9 heard today?

10 MS. STILES: You heard that
11 comment stated by some others. That is not
12 what I said.

13 MR. JAMES: I thought that's what
14 you said.

15 MS. STILES: No.

16 MR. JAMES: Did I misstate it?

17 MS. STILES: What I was trying to
18 point out with this graph is some of the
19 information that we're seeing and the
20 assessment, the rebuilding introductory,
21 ending over-fishing is based on the mortality
22 that has been distributed across the fishery

1 under the current FMP.

2 When we start evaluating changes,
3 getting rid of purse seines, upping general
4 category limits, opening the fishery year
5 round, I mean all of those things are going to
6 be evaluated by us for maintaining and ending
7 over-fishing, being consistent with our
8 rebuilding plan and some of that is reflected
9 in the mortality across sizes. That's what
10 this is showing.

11 MR. JAMES: Well I heard that. I
12 guess I'm going to go away with the feeling
13 though that what I heard or thought I heard I
14 heard. And I've felt it for many, many years
15 and today I think I heard it.

16 I also hear in this room yesterday
17 and today people who first of all that chart
18 doesn't really mean much to me, no offense
19 Mark, but it doesn't. The one that was up
20 there yesterday doesn't mean a lot to me. I
21 mean if we had hours I could tell you stuff I
22 see as a fisherman over the 40 years I've done

1 it that go against the grain of all that.
2 Yesterday was the survey, it wasn't an actual
3 catch, it's a survey that doesn't have a lot
4 of validity to me. I think it has a lot of
5 holes. And I guess I worry that there are
6 people in this room that see little things
7 this year, next year, five years from now,
8 five years ago and they think they know it
9 all.

10 I heard a gentleman in the room
11 today who's a scientist who I think is very
12 well respected that is betting this going to
13 happen, betting that's going to happen. I've
14 been hearing that for 40 years. Some of the
15 things he said today I heard that 30 years
16 ago, 25 years ago and here we are, the stock
17 is still there. I don't know how it happens
18 when it gets as over-fished as I think it's
19 being over-fished in the east, but it's still
20 here.

21 And it isn't good enough for me
22 and I'm going to say it again, to say well I

1 understand that you U.S. fishermen have
2 sacrificed and I feel bad for you that you've
3 sacrificed but you still have to pay the
4 penalty. I guess I would say baloney.
5 Absolute baloney to that. If we stopped
6 fishing for bluefin tuna today and the east is
7 as out of control and as hopeless Andre as you
8 said it was, where are we? We're still in a
9 mess.

10 So I think you ought to put your
11 energy towards the problem. The problem is in
12 the east and if we're all going to throw our
13 hands up and say we can't do anything about
14 that so let's just put the rest of the U.S.
15 guys out of business, It stinks. It stinks.
16 And I speak from somebody really truly that's
17 been fishing for 40 years and been at these
18 meetings for 30. So to you new people learn
19 your history a little bit and be careful what
20 you say because people me, you know, you lose
21 credibility.

22 And that chart, Mark you know,

1 people in this room lose credibility with me
2 and I think I'm worth something because I've
3 been around a long time. And there's a lot of
4 people who aren't here today who fought these
5 fights with me in the past who if they were
6 here today would be saying the same thing.
7 But you did them in. They're done. They
8 didn't have the energy, they don't have the
9 time and they don't have the money and they
10 don't have the heart anymore to come to these
11 things.

12 So I'm just going to say you
13 people in this room and the people at the desk
14 and the people on the sides, you have a real
15 responsibility, be careful what you say, be
16 careful what you do and look out for the
17 people in this country because this quota's
18 going somewhere else, whether it's swordfish
19 or tuna, it's going somewhere else. And then
20 you have no hope to control anything. I'm
21 going home. Thank you for letting me speak.

22 PARTICIPANT: All right. What

1 time is it? We can march right into
2 yellowfin.

3 MS. STILES: Well I guess I'd
4 just like to close out by saying I think there
5 were a lot of suggestions. I think some of
6 the things that were raised were on kind of a
7 spectrum of changes that would be more
8 regulatory amendment within EA all the way on
9 up to whole scale EIS total reallocation. And
10 so I think we've got some ideas. There's some
11 things to look at and one of the things we
12 haven't talked about is when we'll convene
13 again as a group and where we will be with
14 anything in between.

15 The specs comment period on the
16 specific action to come into compliance with
17 the ICCAT measures, that's out. The comment
18 period closes March 20th. We do need to get
19 that done. And so we'll be looking at some
20 of the rest of this as we go. I don't have
21 much more definitive to say to you at this
22 point on that except that you know we are well

1 aware of the issues and we hear you.

2 PARTICIPANT: Just a quick one to
3 that comment Margot. Thank you for that
4 clarification. When would you anticipate a
5 final ruling to come out after the March 20th
6 submission of comments, if there are any
7 changes?

8 MS. STILES: To meet the ICCAT
9 requirements and start of the fishing year
10 we're looking for a publication of the final
11 rule around early May.

12 PARTICIPANT: Okay. We're going
13 to back off and take a break on your own
14 concept. Let's take a 10 minute break okay
15 and then we'll start Yellowfin tuna.

16 (Whereupon, the above-entitled
17 matter went briefly off the record.)

18 MS. STEPHAN: At our last meeting
19 I put together an overview from a couple of
20 different sources of what's going on with
21 yellowfin tuna. Unlike some of the previous
22 species overviews that we've done this one is

1 more preliminary in nature and it leaves a lot
2 of room for us to go in different directions
3 if you're interested in seeing some other
4 things at the next AP meeting. So we can
5 talk about that after I go through the
6 presentation.

7 And I also wanted to thank John
8 Foster and Ron Sauls from S&T and Craig Brown
9 from the South East Fisheries Science Center
10 for all the new data points that we have for
11 some of these graphs.

12 So currently our domestic
13 yellowfin management measures we've got a 27
14 inch curve fork length minimum size limit in
15 effect and we have a bag limit of three fish
16 per person per trip; for angling category and
17 for hire trips on charter head boats there is
18 no quota, there's no quota by ICCAT and the
19 only recommendation that's in place for
20 yellowfin by ICCAT was from 1993 and it
21 required a cap in effort to 1992 levels.

22 The main commercial domestic

1 fisheries for yellowfin are longline and hand
2 line and for recreational rod and reel. This
3 looks at yellowfin, domestic yellowfin tuna
4 landings by gear. The information is from our
5 2008 safe report and our national report to
6 ICAT. The time series we're looking at is
7 from 2000 up to 2007, the main gears that
8 we're looking at are rod and reel most of
9 which is recreational, some of it is
10 commercial, and longline. And you can see
11 that there really isn't much of a trend over
12 the last seven years. It varies between 5,500
13 metric tons and 7,500 metric tons.

14 This looks like the same
15 information but this time it's segregated by
16 region. The main region we're looking at
17 landings include the Gulf of Mexico, the red
18 up here, and it's the northwest Atlantic the
19 bottom numbers and then there's a little bit
20 of Caribbean coming in at the end. The last
21 year data that we have is 2007. So again I
22 don't see any trends in this. And if anybody

1 else has a little bit more information about
2 what's going on on those fisheries and can pick
3 out some things then let's talk about it when
4 we get to the end of the presentation.

5 This look at catch rates of
6 yellowfin tuna for our longline fisheries by
7 area. This information is from the national
8 report to ICCAT from last year. And the areas
9 that mainly caught my eye in this were the
10 northeast coastal area which comes out in
11 yellow and the Gulf of Mexico in red, and you
12 can see it looks to me like we've got a little
13 bit of a change over time from 1993 to 2007.
14 It looks like the Gulf of Mexico landings have
15 kind of drifted off a little bit and we've
16 seen an increase in the northeast coastal
17 areas over time.

18 Now we're moving to yellowfin tuna
19 recreational landings. These numbers are from
20 the LPS which captures data from Maine through
21 Virginia. The top line are the total
22 landings, estimated landings, the middle blue

1 line are the private landings and then the
2 bottom line are the charter boat landings.
3 And they all show decreases beginning in 2006
4 and this has a new data point for 2008, so
5 we've got a pretty good decrease from 2007 to
6 2008.

7 And the time series we have here
8 starts in 2002.

9 This figure is again LPS data and
10 it looks at the number of trips directed
11 yellowfin tuna trips and yellowfin tuna
12 landings. On the left we have the number of
13 trips and landings and then on the right we've
14 got the directed yellowfin tuna trips. Blue
15 are the total LPS trips so that's on the side
16 of the Y axis. Red are directed yellowfin
17 tuna trips and then the green are the
18 yellowfin tuna landings and you can see again
19 a big, well starting with that total LPS trips
20 a little bit of a decrease in 2008 which is
21 not a big surprise basically based on fuel
22 prices.

1 For the directed yellowfin tuna
2 trips an increase 2005, 2006, 2007, a big drop
3 off in 2008 and the yellowfin tuna landings
4 are really reflecting that decrease in effort.

5 I'm going to skip through these
6 two. This looks at the proportional responses
7 in the LPS survey to the primary target
8 question. Over the time series the LPS
9 interviewers have worked diligently to try to
10 get folks to be more responsive and really
11 drill in on exactly what species they're
12 fishing for. And so if you look at the
13 answers to the question, well the responses of
14 tuna general you can see that they're
15 decreasing from about 2005 on and that's
16 believed to be a result of how hard these
17 surveyors are working at trying to get folks
18 to narrow down their response to one species.

19 You can also see an increase in
20 the number of folks who are responding that
21 they're going after bluefin tuna in 2008 and
22 a pretty good decrease in the number of folks

1 who are responding that their primary target
2 was yellowfin tuna.

3 And there are a couple of caveats I
4 wanted to point out. The 2008 increase in
5 bluefin is probably related to the
6 Massachusetts fisheries which has really taken
7 off in the last year or so.

8 Now we're getting into looking at
9 MRFS landings. It's important to note that
10 MRFS is not constructed with HMS in mind and
11 in calculating HMS it is considered a rare
12 event, so the number of data points that were
13 used to make this landing estimates are fewer
14 than are used in the LPS and estimates are
15 more likely to differ from the actual landings
16 than what we see with the LPS.

17 Having said that, this figure
18 looks at the data from the South Atlantic,
19 which would be North Carolina to the eastern
20 coast of Florida, in waves 1 through 5, there
21 are actually 6 waves in the MRFS. Since the
22 2008 data was not complete for the last wave,

1 we've only looked at waves 1 through 5 to try
2 to get a consistency across the time series
3 there.

4 There's one other note too. There
5 was a new methodology which was instituted for
6 charter boat mode. It began in 2000 in the
7 Gulf and in 2005 for Maine through Georgia. So
8 starting in 2005 the data is a little bit less
9 comparable to the previous year's data and I
10 don't want to make a lot out of the MRFS
11 landings because the HMS are relevant species
12 and the data aren't expected to be as robust
13 as the LPS data. But we do see again a
14 decrease in landings. We're looking at total
15 landings, estimated landings, private boats
16 and charter boats. And we're looking at
17 decreases in all of those three modes.

18 This is again MRFS data, this time
19 from the Gulf of Mexico. Again, we're looking
20 at waves 1 through 5 and the change in the
21 charter boat methodology was implemented in
22 2005 for the Gulf of Mexico, sorry it was

1 implemented in 2000 so you can actually really
2 see a difference in some of the estimates. A
3 little bit less variability on this side from
4 year to year than on the left hand side of
5 where that change in methodology occurred.

6 And what we do see here is what
7 appears to be an increase in landings in the
8 Gulf of Mexico in 2008 with a lot of
9 variability between 2002 and 2008. So again
10 we've got to be careful with what we say about
11 MRFS data for highly migratory species.

12 Now I'm going to expand the scope
13 of what we're talking about. We've just been
14 talking about domestic fisheries to yellowfin
15 tuna fisheries worldwide. This figure shows
16 landings of yellowfin tuna in three different
17 areas, the Atlantic in the blue, the Pacific
18 and the Indian Ocean and the figures
19 cumulative so you can see that most of the
20 landings are coming out of the Pacific Ocean
21 right now and the Atlantic is really just a
22 drop in the bucket compared to what comes out

1 of those other two regions.

2 We also see that Atlantic tuna
3 production is less than 10 percent of the
4 world production and you can see from this
5 that it's been in decline over the past
6 decade.

7 A little bit on yellowfin biology.
8 They're tropical and sub-tropical in
9 distribution so they basically range from 15
10 degrees north of the Equator to 15 degrees
11 south of the Equator. One of the ways that
12 this is shown in their biology is that they
13 spawn year round so we don't get to see things
14 like the marching cohort that we saw for
15 bluefin tuna. It's just too hard to break
16 down the cohorts in the data that we see when
17 we look at frequency distributions.

18 They mature at about 39 inches
19 which is three years old. The primary
20 spawning area is the Gulf of Guinea equatorial
21 zone and there are some other spawning areas
22 but the relative importance of those areas is

1 unknown. The other areas include the Gulf of
2 Mexico, the south eastern Caribbean and off of
3 Cape Verde.

4 The juveniles form mixed school
5 with big eye skipjack in surface waters and we
6 talked about this a little bit yesterday and
7 the impacts that it has on management when the
8 purse seine fleets focus on catching skipjack
9 and end up with a lot of juvenile yellowfin
10 and big eye in their catches and how much we
11 think that that impacts the stocks.

12 The main international fisheries
13 include longline, purse seine and bait boat.
14 I think we're probably all familiar with
15 longline, I know we're familiar with longline
16 and purse seine. The bait boat fishery is
17 pictured in this picture here and essentially
18 it consists of a lot of bait and water being
19 put overboard to create a feeding frenzy for
20 the tuna and then the tuna are captured using
21 either rod and reels or pole and lines that
22 aren't even baited and they just toss them

1 over and pull the fish back up.

2 This shows just for Atlantic
3 yellowfin fisheries the landings from all
4 countries combined by gear and I wanted you to
5 mainly in this figure look at where the
6 location of these different fisheries are.
7 Green is longline and this shows the
8 distribution of longline landings where the
9 longline landings come from. The red is the
10 purse seine which is the greatest amount of
11 landings and the purse seine fishery focuses
12 in the Gulf of Guinea right here. And by the
13 way this is the Gulf of Guinea for those of us
14 who are less worldly in view.

15 And then bait boat fisheries again
16 Gulf of Guinea, some here off of this northern
17 coast of Venezuela, a little bit down below in
18 Brazil.

19 The stock was assessed, the
20 Atlantic stock was assessed in 2008 by ICCAT
21 in the summer of 2008. They looked at catch
22 data through 2006 so 2007 and 2008 data were

1 not included in the stock assessment. They
2 looked at yellowfin and skipjack and the
3 results were endorsed by the SCRS in October
4 of '08. The previous time that yellowfin was
5 assessed was in 2004 and in this last stock
6 assessment there was no new major information
7 on biology presented.

8 So this is the same figure that we
9 looked at before but in this figure I wanted
10 you to look at the trend in catches over time.
11 And you can see starting in about well the
12 mid-90s the catch starts to tail off in the
13 Atlantic. They've declined about 34 percent
14 since 2001 and about 44 percent since the peak
15 in the 1990s.

16 And this shows the longline
17 indices that were brought to the stock
18 assessment in Brazil. A couple of reasons I
19 wanted to show you this. One is that we were
20 talking previously about all the different
21 data that comes into play in the stock
22 assessments and you can see from this figure

1 that we've got longline indices from Japan,
2 Mexico, the United States, Uruguay, Taiwan and
3 Brazil.

4 The other thing that I thought was
5 very interesting about this is how close they
6 all track. This is catch per unit effort.
7 Once you get past about 1990 that we've got
8 very similar catch per unit effort in all
9 these longline fisheries. And then, thirdly,
10 you can see how they tail off when you get
11 past about 1990 just as we saw in the previous
12 figure. So the longline indicators show that
13 there's depletion to about a quarter of the
14 mid-1960s level of spawners.

15 The ICCAT assessment also found
16 that the mean weight in the catches decreased.
17 Part of this is because of the sole activity
18 of the fisheries, focusing on the fad
19 fisheries and the juvenile yellowfin. This is
20 the average size of the catch and you can see
21 how much it's decreased since the mid-1970s.
22 It's pretty much leveled off since about 1998.

1 This shows the increase in the
2 focus of the fisheries on smaller fish. This
3 is age zero and age one. How many more fish
4 are being captured since probably about 1985,
5 1990. And this is the actual result of the
6 stock assessment and I'm going to assume that
7 folks could use a primer on how to read this
8 just like I did before I had to stand up here.

9 This is the information from 2006
10 and it looks at the biomass on the X axis and
11 fishing mortality on the Y axis. Anything on
12 the right hand side of one on the X axis shows
13 that we are not over-fished. Anything on the
14 left hand side says that the stock is over-
15 fished. Anything north of the one for fishing
16 mortality shows that over-fishing is
17 occurring. Anything south shows that over-
18 fishing is not occurring.

19 So this is all the data from 2006
20 and these two points, there were two different
21 stock assessment models that were used. These
22 two points show the mode for the runs of those

1 models. And then this shows the relative
2 fishing mortality to relative biomass and
3 these points here are data for each year so
4 where we end up here is for one model we show
5 that over-fishing is not occurring but the
6 stock is slightly over-fished. The other
7 model shows that the stock is not over-fished
8 and over-fishing is not occurring.

9 So basically things look pretty
10 good for what's going on with yellowfin and
11 that is in fact what the assessment came up
12 with that things are looking a little bit more
13 positive for yellowfin.

14 Again there's no quota, the 2000
15 catch was about 100,000 metric tons so keep
16 that in mind when we look at the projections.
17 This is looking at spawning stock biomass by
18 year. Right now we're fishing, well the
19 fisheries are about 100,000 metric tons so
20 that would be somewhere between 90 and 110 so
21 it looks like we're on a pretty good
22 trajectory for rebuilding if the fisheries

1 stay about the same.

2 Down below where we'd be in
3 trouble 150 metric tons and we're not at that
4 level. So overall things look pretty good.

5 Some things to keep in mind that
6 were brought up earlier yesterday. That the
7 purse seine effort, a lot of the purse seine
8 effort from the EU has departed the Atlantic
9 and is fishing in the Indian Ocean. So the
10 forecasts here overall are positive as long as
11 that status continues.

12 There is concern that there is
13 diminishing opportunity in the Indian Ocean
14 and any redirection of built up capacity in
15 the Mediterranean could reverse the positive
16 trends that we're seeing here.

17 Some of the things that I thought
18 that we could do with this presentation, we
19 don't have the `08 commercial landings data
20 yet, we have to expect to have it this summer
21 so it will be nice to be able to take a look
22 at that in comparison with the MRFS data and

1 the LPS data. Also, we did have the longline
2 data for `08 so we're looking forward to
3 seeing that other commercial data. We could
4 look at more of the historical aspect of the
5 U.S. yellowfin fishery and its management and
6 any other things that you guys think might be
7 interesting to take a look at next time.
8 That's all I have.

9 PARTICIPANT: Thank you Dianne.

10 Any questions for Dianne? Okay. Let me get
11 a few hands up here. Dick, did you have your
12 hand up? I had Rom. I've got Rom. Okay.
13 Go ahead Rom.

14 MR. WHITAKER: Just a couple of
15 questions and I want to thank Dianne for doing
16 such a good job and also in reference to the
17 U.S. catch and what your science is showing
18 agrees with what I'm seeing on a personal
19 level. So that's comforting to a fisherman
20 that the science agrees with personal
21 observations because a lot of times I come to
22 these meetings and it's just the opposite.

1 Anyway, the picture looks maybe
2 much better internationally and I can't wait
3 to see when all those fish get here, but
4 anyway there was just a couple of questions.

5 In the purse seine fishery, is
6 that targeting yellowfin tuna or is that
7 targeting something else?

8 MS. STEPHAN: You're speaking
9 about the international fishery? Those are
10 targeting skipjack.

11 MR. WHITAKER: Okay. Because
12 that number was a tremendous, I mean it looked
13 like a tremendous proportion, I don't know the
14 exact numbers, but of that 100,000 metric tons
15 I guess it looked like a pretty big number.

16 And I know it's in here somewhere
17 but what is the U.S. catch total?

18 MS. STEPHAN: It's varied
19 between about 5,500 metric tons and 7,500
20 metric tons.

21 MR. WHITAKER: Okay. Thank you.
22 And I might have some more observations but

1 thank you for the report.

2 PARTICIPANT: Go ahead Dick.

3 DICK: Dianne, thank you for the
4 presentation. I'd just make a comment about
5 slide 11 and 12, some of the earlier years.
6 I'm going to send you a paper too which we did
7 a while back which covered like the '96 to '98
8 time period. There's a lot of different
9 sources of information that you could use to
10 come up with better estimates of the earlier
11 catch and it was actually a lot higher I think
12 for the recreational catch than what you had
13 there. But anyhow I'll send that paper on to
14 you.

15 But I think the more recent
16 catches probably reflect more of what's really
17 happening now. Just some of the earlier data
18 I think are not as accurate as they could be.
19 Thank you.

20 MR. REGHI: Nice presentation. If
21 you're looking at areas to where you might
22 want to take this, the assessment only went

1 through data through 2006. And the drop off
2 that we've been seeing that may be regional,
3 may not be regional, has been in the last two
4 years. And even though you say it tracks with
5 maybe with direct yellowfin trips, I think
6 some of our charter captains here have made it
7 very clear that if the fish aren't there
8 they're not going to target them. Their
9 parties aren't going to target them. And so
10 in some cases you have a drop of targeted
11 trips because prior experience has been that
12 the yellowfin aren't there. And clearly well
13 along the coast from Outer Banks up through
14 New Jersey, yellowfins for the last couple of
15 year have been scarce. And they used to fuel
16 both the spring and fall run would fuel the
17 recreational fisheries.

18 So since the U.S. has its data now
19 I would be interested to see if exploring the
20 catch rates from some of the other fisheries
21 since 2006 to see if those trends are just a
22 regional trend or they're seeing them, well

1 don't go to Venezuela. But go to some other
2 places to look at their fisheries to see how
3 widespread this trend is.

4 MS. STEPHAN: Even for the United
5 States and I skipped over this for some
6 reason, these are standardized catch rates
7 from the South East Fishery Science Center for
8 LPS and for longline log books so this is
9 catch rate not just landings. And this does
10 reflect the drop off in availability.

11 MR. REGHI: My suggestion would be
12 is this localized or not? Again the
13 assessment was using data Atlantic wide
14 through 2006. But things were pretty good and
15 2008 they don't look so good.

16 PARTICIPANT: Go ahead Randy.

17 MR. GREGORY: Well John said a
18 lot of what I wanted to and thanks again
19 Dianne. But we're very concerned in my part
20 of the world in North Carolina. Yellowfin
21 tuna is one of two fish that support the
22 largest fishery we have in North Carolina

1 which is out charter boat and fishery. And
2 basically for the last two years the landings
3 have been cut in half. So whatever we can do
4 to be diligent and stay on top of this and
5 whatever it is, if it's some type of local
6 depletion for some reason let's please try to
7 figure out what it is. And this is a very,
8 very important fishery to our part of the
9 world and basically that was it.

10 PARTICIPANT: Hang on a second
11 Bob. David go ahead.

12 MR. CUPKA: Thank you Dianne and
13 not question but just a comment and it's I
14 guess already been alluded to but when you
15 were talking about the MRF state being used in
16 the South East region and look at catches and
17 all, and the fact that it's not maybe as
18 robust as some of the other data sets.
19 Nevertheless, it does accurately reflect what
20 we've seen in our part of the world last
21 couple of years. There haven't been many
22 yellowfin at all and I know Rom and John had

1 already alluded to this but at least in this
2 case MRF does seem to be following what we're
3 actually seeing on the water.

4 MR. GREGORY: Yes, and as Randy
5 pointed out is the No. 1 fish in our area as
6 far as charter boats are concerned and
7 generates a lot of business. You know our
8 industry was off probably close to 40 percent
9 in North Carolina and I feel like that was one
10 of the big reasons.

11 I did have one more question, I'm
12 sorry. That bait boat fishery is it also, I
13 mean it looked like they were pretty big fish
14 they were pulling in, is that mature fish or
15 targeting?

16 MS. STEPHAN: Help from John.

17 MR. REGHI: Actually in different
18 areas they're targeting different fish. In
19 the western Atlantic you have purse seines and
20 bait boats that are targeting yellowfin.
21 Clearly, Venezuela's got a lot of boats out
22 there. Brazil does as well. And those bait

1 boats are targeting mature fish. I mean the
2 same 200-pound fish that we run into when
3 we're marlin fishing down in Venezuela are the
4 ones that the bait boats are going for.

5 But in the Eastern Atlantic in the
6 Gulf of Guinea there where they're using the
7 fads, that's really a skipjack fishery.

8 MR. WHITAKER: Well with that being
9 said I certainly have some reservations
10 especially with what John said being that our
11 catch numbers are only through 2006, and
12 whatever we could encourage HMS to do to get
13 some little bit more accurate information.

14 But speaking for myself and my
15 industry we would be willing to help any way
16 we could and research maybe satellite tags
17 just regular tags, to try to figure out where
18 some of our fish have gone or are going.

19 Thank you.

20 PARTICIPANT: Thank you Rom.

21 Anybody

22 else? Okay. I know we have one member of

1 the audience that would like to make some
2 comments. That period was set for 4:30 but
3 we're a little bit ahead of schedule so can we
4 go there?

5 MS. STILES: Yes I think so. I'd
6 just like to say thanks for the feedback on
7 the presentation. We'll continue to look at
8 it and keep adding information to it as we
9 can. So thanks for your suggestions.

10 PARTICIPANT: Thanks Margot.
11 Rebecca, go
12 ahead and state your name and organization.
13 Thanks.

14 MS. RAGNERI: Hi everyone. My
15 name
16 is Rebecca Ragneri and I work for the Humane
17 Society International which is part of the
18 Humane Society of the United States. My
19 organization represents about 11 million
20 constituents and was responsible for the
21 passage of nearly 100 state laws last year
22 alone.

1 We have had a professional and
2 productive relationship with the National
3 Marine Fisheries Service for over 20 years
4 now. We work to address egregious suffering
5 and exploitation of a wide range of species
6 and as many of you probably know we do not
7 oppose commercial or recreational fishing when
8 it is conducted in a responsible manner,
9 minimizing the impact on vulnerable
10 populations and non-target species.

11 In fact, we work closely with
12 fishing interests on many issues. We are,
13 however, increasingly concerned about the
14 sustainability of more wasteful and
15 destructive practice, such as shark finning
16 and shark tournaments. In light of
17 representation of the tournament community on
18 this panel, we were disappointed that our
19 application to serve on the panel and create
20 balance on that issue was rejected.

21 We would be happy to provide some
22 information on this topic for the written

1 record including some information on an
2 undercover investigation which revealed some
3 apparently illegal activities in one of the
4 tournaments.

5 On the shark finning issue we
6 commend the agency for adopting and
7 implementing the fins attached regulation in
8 the Atlantic and the Gulf of Mexico. We
9 would like to associate ourselves with the
10 comments that Sonja made earlier regarding the
11 proposed exemption from fins attached for the
12 smooth dogfish by the Atlantic States
13 Commission.

14 Doing so would create major
15 loophole, set a dangerous precedent and
16 perhaps most importantly for us, undermine the
17 ability of the U.S. government to advocate for
18 stronger enforcement of finning bans
19 internationally.

20 The United States should continue
21 its leadership on practicing and promoting
22 responsible fishing practices. Currently on

1 the fins attached front we are lagging behind
2 many less developed countries.

3 The Humane Society urges the
4 National Marine Fisheries Commission Service
5 to continue and strengthen U.S. adoption of
6 fins attached regulations by adding smooth
7 dogfish to the Atlantic management plan with
8 the fins attached regulation that applies to
9 all the other shark species that are covered.
10 And I'm happy to submit this and any other
11 information requested for the record. Thank
12 you.

13 MS. STILES: Thank you Rebecca.
14 You mentioned you have evidence of illegal
15 activities. And I'm sure enforcement, I'm not
16 sure if they're still here, but I encourage
17 you to share what you have.

18 MS. RAGNERI: I believe that it
19 has been shared with enforcement. I'm
20 actually not working on that myself but I'll
21 double check and make sure.

22 MS. STILES: All right. Well I

1 think that covers everything we've had on the
2 agenda and so a little ahead of schedule,
3 surprisingly, but thank you for all of your
4 input, thank you for staying. This is a much
5 smaller crowd than it was at the beginning of
6 the day and I appreciate your sticking to the
7 end.

8 I would ask that you try and fill
9 out the evaluation sheets. We do look at
10 them. We are always open for suggestions on
11 ways to improve the meeting format, content,
12 if you have a specific request for agenda
13 items, things to be covered at the next panel
14 meeting.

15 We don't have a good sense of time
16 of the next panel meeting, we're looking
17 roughly in September but there's a lot of
18 other things going on and we're trying to
19 match that to comment periods and schedules
20 with SCRS assessments and IAC meetings and
21 it's often quite challenging in the fall. But
22 that's tentatively what we're looking at and

1 we'll probably do some polling over the phone
2 on people's availability for dates when we get
3 a little better grip on what we're looking at.

4 So thank you very much. I really
5 do appreciate all of your time and your
6 thoughts and please don't hesitate to get in
7 touch with us in the meantime. A lot of you
8 don't seem to have any trouble with that so
9 that's good. Always glad to hear from you.

10 Thank you and have a safe trip
11 home.

12 (Whereupon, the above-entitled was
13 concluded at 5:00 p.m.)

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