

**Summary of the February 2009 Meeting of the
Highly Migratory Species Advisory Panel**

June 2009
Highly Migratory Species Management Division
National Marine Fisheries Service
Silver Spring, MD

This document is a summary of what was heard by the Agency at the February 2009 AP meeting in Silver Spring, MD. This document is **not** meant to indicate any consensus by the AP or decisions by the Agency or to be a verbatim transcript. Unless specifically indicated, comments were **not** made by NMFS staff and do not represent the Agency's position on any issues. Copies of this document as well as all presentations made during the meeting are available upon request or on the Agency webpage (<http://www.nmfs.noaa.gov/sfa/hms>). Transcripts of the meeting will also be available on the same webpage.

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1.0 AGENDA

**Highly Migratory Species Advisory Panel Meeting
February 18-19, 2009
Crowne Plaza, Silver Spring, MD
Draft Agenda**

Wednesday, February 18, 2009

- 10:00 am *Informal Introduction to HMS Management and the Advisory Panel*
- 1:00 pm Welcome and Introductions
 Welcome Proxies & HMS staff
 Purpose and Goals of Meeting
 Ground rules
- 1:30 pm Overview of HMS Actions for Last 6 Months
- 2:15 pm ICCAT 2008 Update/ 2009 Implications
 - Presentation
 - AP questions & comments
- 3:15 pm Break
- 3:30 pm Bluefin Tuna Fishery Update
- 4:30 pm Bluefin Tuna 2009 Proposed Specifications
 - Presentation
 - AP questions & comments
- 5:45 pm Public Comment
- 6:00 pm Adjourn

Thursday, February 19, 2009

- 8:30 am Shark Amendment 3
 - Presentation
 - AP questions & comments
- 9:15 am Gulf of Mexico Turtle TEDs/BRDs
 - Presentation
 - AP questions & comments

10:00 am Break

10:15 am Shark Amendment 3 Break Out Group Discussion

11:00 am Shark Amendment 3 Break Out Discussion Reports & Discussion

12:00 am Shark Amendment 3 Public Comment

12:15 pm Lunch

1:30 pm Bycatch Update
Topics: Gulf of Mexico bottom longline reef fish turtle bycatch,
bluefin tuna gear research, pelagic longline closed area research,
workshops & gear update

2:30 pm Enforcement Update

3:15 pm Break

3:30 pm Yellowfin Tuna Detailed Presentation
- Presentation
- AP comment

4:30 pm Public Comment

5:00 pm Adjourn

2.0 ADVISORY PANEL (AP) PARTICIPANTS FEBRUARY 2009

Last Name	First Name	Affiliation
Augustine	Pat	Mid-Atlantic Fishery Management Council
Belcher	Carolyn	Georgia Department of Natural Resources
Blinsinger	Curt	Proxy for Bill Gerencer
Boustany	Andre, Dr.	Nicholas School of Environment & Earth Sciences
Budi	Jim	Proxy for Dewey Hemilright
Coddington	Ronald	Southeast Swordfish Club
Cupka	David	South Atlantic Fishery Management Council
Delaney	Glenn	Independent Consultant
DePersia	Thomas	President, Stellwagen Bank Charter Boat Assoc.
Fischer	Myron	Different Drummer Charters
Fordham	Sonja	The Ocean Conservancy
Gold	John, Dr.	Texas A&M University
Graves	John, Dr.	Virginia Institute of Marine Science
Gregg	Lisa	Florida Fish and Wildlife Commission
Gregory	Randy	North Carolina Division of Marine Fisheries
Hinman	Ken	National Coalition for Marine Conservation
Hudson	Russell	Directed Shark Fisheries, Inc.
Hueter	Robert, Dr.	Center for Shark Research
James	Steven	Boston Big Game Fishing Club
Lingo	Mark	Texas Parks and Wildlife Department
Loefer	Josh	South Carolina Department of Natural Resources
Miller	Shana	Tag-A-Giant Foundation
Montella	Vince	Commercial AP Representative
Palmer	Tim	(F/V Blue Baron) and Swordfish Buoy Gear Association
Panacek	Ernie	Proxy for Gail Johnson (F/V Seneca)
Peel	Ellen	The Billfish Foundation
Pratt	Ralph	Commercial Sector
Pyle	Vince	F/V Carrol Ann
Ruais	Richard	East Coast Tuna Association and Blue Water Fishermen's Association
Sampson	Mark	Ocean City Charterboat Captains Association
Schratwieser	Jason	International Game Fish Association
Skomal	Greg	Massachusetts Department of Fish and Game
Stiles	Margo	Proxy for Elizabeth Griffin (Oceana)
Stone	Richard	National Marine Manufacturers Association
Vonderweidt	Chris	Atlantic States Marine Fisheries Commission
Walker	Bobbi	Gulf of Mexico Fishery Management Council
Weiner	Christopher	Commercial Sector
Whitaker	Rom	Hatteras Harbor Charter Boats

Public/Staff Attending February 2008 HMS AP Meeting

Last Name	First Name	Affiliation
Barrat	James	WGTV
Blankinship	Randy	NMFS
Brewster-Geisz	Karyl	NMFS
Buchanan	Chris	Frontline
Chabongsai	Peter	The Billfish Foundation
Cimo	Laura	NMFS
Cockrell	Craig	NMFS
Cooper	Peter	NMFS
Cooper	Anne	Senate Commerce Committee
Dick	Shawn	Angler Conservation Education
Dunn	Russell	NMFS
Elsen	Paul	Oceana
Engelke-Ross	Meggan	NMFS
Fairclough	Greg	NMFS
Freeman	Othel	NMFS
German	Chris	USCG
Kiraly	Sari	NMFS
Lederhouse	Terra	NMFS
Lent	Rebecca	NMFS
McHale	Brad	NMFS
McLaughlin	Sarah	NMFS
Murray-Brown	Mark	NMFS
Orbesen	Eric	NMFS
Pearson	Rick	NMFS
Raabe	Kristen	Angler Conservation Education
Radonski	Jeff	NMFS
Regenery	Rebecca	Humane Society
Reghi	John	NMFS
Rilling	Chris	NMFS
Risenhoover	Alan	NMFS
Salz	Ron	NMFS
Schulze-Haugen	Margo	NMFS
Silva	George	NMFS
Hogan	LeAnn	NMFS
Stannard	Jeron	NMFS
Stark	Elliot	The Billfish Foundation
Stephan	Dianne	NMFS
Walline	Megan	NMFS
Weiner	Steve	Public
Wilson	Jackie	NMFS

3.0 INTRODUCTION TO HIGHLY MIGRATORY SPECIES (HMS) MANAGEMENT

Margo Schulze-Haugen, Chief, HMS Management Division, presented an overview of the Division and its process including: history of the Division, management overview, international compliance, domestic laws and requirements, HMS Advisory Panel (AP) process compared with Regional Fishery Management Councils, summary of regulatory actions, HMS operational infrastructure, and expectations of the HMS AP. Comments and questions from the AP included:

- Changing bag limits for the bluefin tuna (BFT) fishery takes a three day notice. Could the BFT target catch requirements for the pelagic longline (PLL) fishery be changed as quickly with a three day notice?
- If changing the PLL target catch requirements would be a regulatory amendment, why would the process take so long?
- The National Marine Fisheries Service (NMFS) should re-evaluate the closed areas. Is there any way we could do this at one of the AP meetings? I mention this because we need access to swordfish and our fisheries are clean enough to allow fishing in those areas.
- There must be a way to have a sunset provision in fishery closed areas. Reaching an objective of a closed area, like rebuilding the swordfish stock, should be a reason to re-evaluate the closed areas validity.
- How much data is collected from fishery observers and logbooks in different fisheries?

4.0 OVERVIEW OF HMS ACTIONS

Margo Schulze-Haugen, Chief, HMS Management Division, presented the current actions and their status within the Division since the last AP meeting in September/October of 2008. This presentation also included an update on the PLL closed area research and a description of new issues in several fisheries since September/October. Comments and questions from the AP included:

- Last fall, the draft EFH amendment identified a new BFT habitat area of particular concern (HAPC) in the Gulf of Mexico. There were no proposed fishery impacts, but the comment period was not closed. Is it safe to assume that there will not be any measures to minimize fishing impacts in the final amendment?
- I looked at the proposed BFT specs and I thought NMFS eliminated the agreement that allowed for the transfer of quota to another ICCAT party. I thought NMFS was not even going to include that in the final agreement. Were we wrong about the agreement in the delegation and the decision to eliminate it?
- How would NMFS characterize the appeal Blue Ocean Institute submitted?
- I would like to see the continued operation of 100 percent observer coverage in the Gulf of Mexico. I heard that a report could be coming out detailing the 100 percent observer coverage done in 2008. Does NMFS know when this report will be released?
- The weak circle hook study has been getting a lot of publicity. Will there be a detailed report released on this research?
- I heard that a review of the results was done on phase I of the weak hook project. I know most of phase I took place in the eastern Gulf of Mexico. Is NMFS planning on continuing phase II in the western Gulf of Mexico? I know that phase I did not produce enough data and the principle investigator is hoping phase II will fill in the gaps.
- Have there been any plans by NMFS to study hook shape or size? I think an appropriate sized hook could retain yellowfin tuna and not BFT.
- An exceptional job has been done by NMFS staff to change regulations, and we appreciate your work in our fisheries. On your last slide you mention things we suggested at the last AP meeting and one was about the need to utilize the swordfish quota. Are there any bullets we can take off that list that have been done for swordfish?
- After the recent disasters in the swordfish market and misinformation about mercury and swordfish, will the new administration make an effort to dispel these myths regarding swordfish? Will NMFS educate the new administration to the health benefits and lack of health risks with eating swordfish? Many studies show that women should be eating more seafood, not less.
- There is a lot of public misconception and miscommunication on shark tournaments up and down the Atlantic coast. Does NMFS have a way of dealing with animal activist groups that harass tournament directors and NMFS

biologists? Has NMFS taken any action via public relations for these activist groups?

5.0 INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS (ICCAT) 2008 UPDATE/2009 IMPLICATIONS

Russell Dunn of the HMS Management Division presented an update from the 2008 ICCAT meeting and possible implications for 2009. The presentation included new resolutions passed during the 2008 meeting, what those resolutions mean domestically, and what is on the horizon for the 2009 ICCAT meeting. Comments and questions from the AP included:

- The target date of 2019 for the BFT rebuilding plan was based on a low recruitment scenario.
- NMFS should not minimize the 95 metric ton (mt) quota allocation to Mexico. It is significant, particularly for those concerned about fishing for BFT in the Gulf of Mexico. Only 25 mt was supposed to be directed catch, but I think that Mexico will direct on BFT but will land more in the Gulf of Mexico.
- NMFS cannot reduce catches on the western BFT stock and increase the probability of rebuilding without considering mixing with the eastern BFT stock.
- For our BFT quota allocation in 2010, the handgear and harpoon categories take up the largest share. Under these allocations, we are still going to have a 70 percent underharvest. Is NMFS going to let the underharvest go and lose quota at ICCAT? If we do, we will make the commercial BFT fishery extinct.
- Could NMFS refresh my memory on the tolerance for school BFT landings in the eastern Atlantic?
- I went to the ICCAT meeting in Spain this past year, and during the meeting we had great leadership. The U.S. delegation deserves our accolades and thanks for what they do for our fisheries.
- Another stock assessment will be done for BFT in 2010. The quotas that were established in this year's plan are going to be highly vulnerable in 2010 and 2011 based on the new assessment. The European Union (EU) will use the new assessment to wipe the slate clean and try to get a quota share strategy. We will need to be prepared for an even more complex battle at the ICCAT annual meetings in 2010.
- The BFT target catch requirements have implications that could increase catch. We may want to keep considering those options to fill the quota we are given.
- In 2009, the message to the Agency is that the revitalization efforts for swordfish are needed when the quota shares are re-negotiated. I am not sure how much of the U.S. quota is utilized, but I think we will face strong efforts to reallocate quota shares. We need to press on those measures designed to allow more swordfish to be harvested. We need greater access to the resource and greater landings.
- What is done at ICCAT is very difficult and the United States was a principle mover in getting that far with negotiations. I think it is very hard to say if the EU will stay within their quotas when they consistently blow it out of the water. Several Mediterranean countries that were identified as IUU countries were allowed to have carryovers. In 2011, the goal will be considerably lower, and in

order to stop overfishing on the eastern stock, we will have to chase a moving target.

- Does anyone know if there were any objections about the agreement by the eastern parties?
- In the table under bigeye tuna, it says 70 percent of bigeye tunas that are landed are less than 3.2 kilograms. This is shocking to me. Are they caught in purse seines and are they caught in conjunction with yellowfin? Does sexual maturity have anything to do with this?
- These fish are taken in purse seine and bait fisheries. The major fishery interaction is skipjack tuna, where they co-school with juvenile yellowfin and bigeye tuna, taking the majority of these fish at a small size. The skipjack have moved to other grounds which have helped, but they could come back and we will have this problem again in the Gulf of Guinea.
- There was a discussion earlier about BFT carryover and restrictions on what could be carried over. That stems from independent peer review and the west has a much better argument for carryovers than the east.
- The west has regulations in place that create underharvests and issues with availability of fish. The interesting thing to note is that the carryovers are going from a 50 percent to a 10 percent rollover provision and the EU did not blink. It will be interesting to watch when that issue comes up for albacore tuna. The EU may have some problem with limits in albacore roll over.
- The Oceana office in Europe is working hard on the issues concerning eastern BFT. We would like to see the United States keep eastern BFT in their interest as well. We were disappointed to see that the scientific advice was not followed in the east. Oceana is also looking for leadership from the United States on the eastern stock.
- What will be the U.S. plan at ICCAT be for swordfish? What will the United States tell the E.U. about U.S. swordfish revitalization efforts? What can we do between now and then to show that U. S. fishermen will not continue to be disadvantaged, and how they will be able to catch more fish?
- On April 5-7 at the ICCAT intercessional meeting, we will have some information on the species working groups. Ultimately, it is a negotiation between the contracting parties. No matter what we say for the revitalization, the data we submit to the stock assessment is what we submit. What we do this year will not show up in the data. We can make the case about the recovery of the fish stock occurred on the backs of our fishermen by closing fishing areas, and how we have taken out a portion of our fleet. We will do everything we can to protect a reduction in our quota.
- I think he is trying to ask what we can do at this meeting to provide some ammunition for the revitalization strategy. What can we do to help increase landings of swordfish? Are there things on the agenda that can speak to that? We are asking help from NMFS to find some way to change the regulations.
- I thought the 15 percent swordfish quota transfer provision was eliminated by the U. S. delegation.

- The swordfish catch in 2008 was the highest we have had since 1998, and we have been transferring some quota each year. We will face a substantial share loss in 2009 and the same will happen with BFT.
- I am glad to hear that the United States is involved with shark issues. There are no catch limits for sharks internationally and we need to start fighting for that at ICCAT. Since the ICCAT meeting, the EU has come out with their plan for sharks.
- At the porbeagle special meeting, did the United States hear anything about when the manager meeting is going to be held? I would request that the United States ask about how the planning is going. The porbeagle assessment could result in additional management measures.
- The recommendation was supposed to put forward a 0 mt dressed weight quota for the EU but, they only reduced the quota by 25 percent. The EU has proposed to strengthen their shark finning ban and wanted to reduce the 5 percent whole weight ratio to 5 percent dressed weight ratio.
- For the porbeagle assessment, it is important that the traditional ICCAT scientists try to coordinate with the northeast scientists that have worked with the Northwest Atlantic Fisheries Organization.
- Shortfin makos have been on our radar since the ICCAT assessment. It looks like ICCAT raised female maturity and age of longevity from 7 to 18.5 years respectively. Did the United States provide that information or is that a combination of effort? I would like to see that data and see why those changes occurred.

6.0 BLUEFIN TUNA FISHERY UPDATE

Mark Murray-Brown of the HMS Management Division and Guillermo Diaz of the Office of Science and Technology gave a presentation on current trends in the BFT fishery. The presentation included a summary of the results of the 2008 stock assessment for BFT, recent landings characteristics, and outlook for the BFT fishery. Comments and questions from the AP included:

- Are the data that NMFS presented fishery dependent data?
- Has NMFS looked into the logbook data to see what is going on at sea as opposed to what is being landed?
- In the slide that outlines effort, you can tell there are many HMS Angling and General category permits. When did having an HMS Angling permit become a requirement? There may not be an increase in effort but more of an increase in compliance.
- On the cohort slide, you mentioned that anglers are focusing on larger fish. These fishermen are not necessarily targeting larger BFT, but rather these are the fish that are available to them. What concerns me is the lack of recruitment. Consider the work done by Rooker et al. with stable isotopes and how he showed that 60 percent of the two year old fish from the west spawn in the east. We may not see these 5-6 year old fish enter the commercial size classes off our coast because they may instead go back to the East to spawn. In 2008, we had a large abundance of young-of-year fish of the coast off North Carolina. I predict in 2009 you will see a lot of barely legal BFT in June/July off Virginia and Maryland.
- What is NMFS saying about the scientific advice on mixing? Is there a change in advice about mixing?
- This is the second time that we have seen this presentation at the AP. I wish that we could get data from the central Atlantic to see what is going on out there. I would be curious to see what year classes the Japanese and Canadians are seeing out there. The fish that do not come back to us not only go to Mediterranean but get caught elsewhere in the Atlantic as well.
- Based on tracking data and microconstituent analysis, a lot of the fish we see are of eastern origin. Once these fish go back to the Mediterranean they are not coming back to the Atlantic. The United States should try to be more realistic and realize that most of these BFT are not going to recruit into our fishery. If this pulse of big BFT enters the commercial fishery, we should be concerned.
- I know there were a lot of fish that were sampled off Stellwagen Bank. Do we know the origin of those fish?
- It is not right to say that the focus was on the larger school fish, the focus was on what was available. We found very few small BFT last year. All the BFT we caught last year were over 47 inches. There was a good split of BFT above and over 47 inches and most of those BFT came from the Gulf of Mexico.
- What does the left axis of the cohort graph represent and what are the units? It does not seem like there is a very big sample size. If one small boat came in it

could alter those numbers. Is there a way of tracking any kind of shift that might occur in the cohort, like if they were to move to the east or we fished this cohort really hard?

- Does each bar on that graph represent a fish? Depending on the model used for the stock assessment, how much did the estimated catches affect the outcome of the model?
- Once you get BFT in the small medium/large medium size range are they spawning in our waters? Do we have or should we expect higher recruitment?
- With the mandatory reporting, is there any increase in compliance or do you need to rely on the large pelagic survey?
- Given that NMFS reduced the bag limit by half for the angling category, how does NMFS explain the increase in landings?
- On slide 14, landings are not meeting the quota. People assume the fish are not out there but that is not true. Last March and April, I was releasing a lot of fish that I could not keep because of the retention limits. My point is that when the United States goes back to ICCAT and we are not catching our quota, we should tell them it is not because those fish are not available. Maybe we should be able to count released fish in our utilized stock to show we are catching the quota and not necessarily landing it.
- On slide 23, there is no data from North Carolina.
- The question NMFS is asking is, “How good is our ability to predict what will happen to this cohort and what management measures should we be considering?”
- The whole premise that 73 inch fish are going to the Mediterranean to be caught does not seem reasonable to me. The entire cohort will not disappear to the east and leave us with nothing. Some of the fish will go but not the entire cohort, which suggests that most of these fish are probably western fish. As they get older, the proportion of western fish should go up.
- BFT in the east spawn earlier but not as early as 4 years. We will not lose the entire cohort to the east.
- This cohort could be extremely dynamic and we do not know what will happen. I think we need to know that nothing is the same for long with BFT. This should not be thought of as a static situation.
- In the Gulf of Maine, the Rooker graph of red and blue circles shows that there are only western fish in the Gulf of Maine and that is not true. All the samples are from one spot at one time. It worries me that people are saying that this finding is fact. The Rooker paper suggests that we should reduce the bag limits.
- There have been a lot of young-of-the-year BFT in Florida waters.
- Oceana is looking for a conservative approach with the management of BFT. Scientific studies seem to indicate that there is some degree of mixing. If mixing is occurring, we need to be more conservative with our management. NMFS should look at BFT discards and discard mortality in more depth.
- U.S. vessels are encountering Japanese and Canadian boats that are catching a lot of BFT. To what extent do the stock assessments include data from other countries? For discards, I know United States fishermen do not want to be in the position where they are not allowed to keep the fish they catch. The U.S. has to catch the quota or lose it.

7.0 BLUEFIN TUNA 2009 PROPOSED SPECIFICATIONS

Sarah McLaughlin of the HMS Management Division gave a presentation on the Atlantic BFT quota specifications and effort controls for the 2009 fishing year. The presentation included a description of new 2008 quota recommendations from ICCAT, proposed General and Angling Category retention limits, and implications for accounting for domestic discards. Comments and questions from the AP included:

- The 2009 BFT retention limits should be the same as the 2008 limits. If the charter business is only allowed to keep one fish, this will hurt business. Last year we did not catch smaller fish, so an additional 2 fish will not make a significant difference in the quota.
- The distribution of BFT on the North/South line has changed and needs to be re-addressed.
- Is the U.S. quota 57 percent of the total allowable catch in the Atlantic plus 25 mt dw?
- How did NMFS divide the size classes into the different categories on slide 11? Why would NMFS continue to allocate a limited quota that has already experienced overages?
- What quota would NMFS use to adjust for overages? If NMFS reallocated the quota, NMFS should be able to account for an additional 1-2 fish bag limit.
- NMFS should increase the target catch requirements for pelagic longline vessels. This will not affect the quota but it will enhance the value of the related catches. Easing the target catch requirements would attract more boats back into the industry to allow more swordfish to be caught.
- These are tough economic times. Even if more BFT are caught in small school or the large medium category, that is not where the problem lies. The problem is with the school category. If you allow retention of one or two fish 27"-47", even if the quota is exceeded, that would not matter because we are underharvesting other categories.
- Increasing the size and/or retention limit on charter/headboats would increase business opportunities. If you have a 180-200 lb BFT, it would provide enough product for a 6-pack charter. I would support the preferred bag limit on this proposed rule.
- With the stock assessment, we are 8 percent below where we started under our original rebuilding plan. This has decreased the likelihood of rebuilding the stock.
- The limited number of eastern fish that are caught underlines the fact that there are few western fish. The longline fishery catches larger fish, which are comprised of a greater percentage of western fish. I do not support the transfer of 15 percent of the U.S. BFT quota.
- The school quota should be reduced and transferred into large school/small mediums. This could help increase the retention limit for charter boats. NMFS should consider the hard economic times, and take into consideration that people

are not going to get charters with a low retention limit. What dates is NMFS considering for increasing the retention limits? Would NMFS select the dates or would the public select that? I support a change in the North/South line because BFT have shifted farther north.

- NMFS should consider changing the AP meeting format. All of the previous presentations are important, but it now leaves us with only 30 minutes to discuss BFT. We only caught around 24 percent of our commercial BFT quota. We are going to lose our quota share for both swordfish and BFT with this plan. This framework guarantees that we will be in the same place at the end of this year.
- Bluewater Fishermen's Association wanted to have some concrete proposals at ICCAT to help us increase catches. The United States needs to be a major player in the BFT fishery. The current proposed rule will not help us to achieve that. I am frustrated with NMFS because we have a specific proposal for the PLL fleet. There are things we can do but NMFS is apparently not going to do them in this rule. NMFS will be transferring quota to countries that are not as friendly to the resource. We want to increase incidental catch rates and decrease discards. All of this will ultimately increase swordfish landings. NMFS should adjust the commercial BFT minimum sizes to increase the number of fish available to fishermen.
- I know the bureaucracy that NMFS is up against. The AP needs to make some noise about losing quota. I do not want to accept the fact that the United States will lose BFT quota. This proposed rule will result in 50 percent of the quota being caught in 2009 and 2010. This will not bode well at the next ICCAT intercessional meeting in Recife.
- I have not given up on the BFT fishery yet because I have seen it go through cyclical changes. How can that continue when NMFS is going to give the U.S. BFT quota away? The General and Harpoon Category participants will not be around after the quota is gone.
- Fishermen in North Carolina caught 22 mt under the 2 fish limit, which was a restriction. There is no meeting scheduled in North Carolina but there is plenty of interest there. Perception of how many fish can be retained is something customers look at. NMFS will not know the recreational landings until the end of the year, so we will not know if we are over or under in the recreational fishery. Maryland and North Carolina have the catch cards systems that NMFS should be able to monitor.
- The United States has 180 mt in reserve. Would that be able to accommodate any possible overages? It is hard for me to understand why we have 4-5 mt left over and there is a closed season right now. I propose that the General Category users get together and think about how to fix the problem. I know we cannot do an FMP amendment in a short period of time, but NMFS should try to get rid of the closure date and utilize quota in the future. I do not want to give our BFT quota to someone else.
- Keeping the 2008 quota is a good strategy. For the General Category, if we have a historical underage why would NMFS limit fishermen? Why should that effort not be applied when there is quota?

- Discussions have started on this important topic and now we have to end it. If the United States is about to lose its historical quota, then I would hope that most of the meeting would be about the topics I am now hearing about.
- The offshore daily limit is one thing to consider. If we are not catching a lot of BFT, why not let fishermen catch the fish? No one is going to steam out to George's Bank if they can only retain three BFT. Change the retention limits to allow the harvest of multiple days and multiple BFT. I would disagree that there are no restrictions in place to prevent us from catching BFT. The fact that the fishery is closed is ridiculous. Think about where those fish are going to go. This proposed rule will stop the United States from catching the BFT quota.
- We are allowing those dead BFT discards to continue being wasted while the fishery is going bankrupt. Distant water boats are at a severe disadvantage with these incidental limits. I thought NMFS was going to see how the longliners could save the fishery. U.S. fishermen should be able to keep the fish we discard dead.
- We have not harvested 50 percent of the BFT quota for the past few years. It is not conservation to have dead BFT on the bottom of the ocean versus landing those BFT. Longliners want some changes to the current incidental take limits. This would not be a threat to the resource but should change the economics of the fishing trip. Adding one fish will make or break a fishing trip. There is no increase in the number of boats fishing, it would just convert dead discards into landings. It will translate to increased swordfish and BFT landings. This group suggested changing the incidental trip limits back at the September 2008 AP meeting. I ask NMFS to consider a modest change in the schedule. Could this be done in something less than an FMP amendment? NMFS needs to analyze what the predicted effect would be to convert dead discards to landings. I think NMFS can do that given the data sets NMFS has access to. The AP knows there is an Magnuson-Stevens Act mandate to reduce discards, and we as a nation need to catch more of these fish.
- Dead discards will have no conservation benefit for BFT. Moving fish from the school category to the large school/small mediums worries me. NMFS does not have to wait until the end of the year to know what the landings are. NMFS could look and see what is happening with landings and then make some adjustments to the bag limits. The school category has to stay within the 10 percent of the total quota.
- We need to catch the quota in 2009 or we will lose it. Charter/headboats should be able to fish commercially and recreationally in the same day. Why is it that charter/headboats catch a school fish and then target giants? Why do we need the restriction? NMFS needs to get these ideas out on the table.

Public Comment on Bluefin Tuna 2009 Proposed Specifications

- I have been fishing for a long time and have been coming to meetings like this for just as long. I am frustrated because the only conservation I have seen in my lifetime is from U.S. fishermen. Here we are conserving through the years because we cannot get anyone else to conserve. So NMFS made our fishermen

take on hardships. A lot of the problems here in the west stem from the east and I hear that BFT is a fragile resource. Therefore, we should not encourage any increase in catch. If NMFS continues that mind set, then we will lose the quota and it will go to countries that do not care how they catch the fish. In New England, BFT have fallen off the face of the world and fuel last year was a huge burden. Even if the BFT were available, fishermen cannot catch them because of the regulations. I have felt abandoned by the U.S. Government since the beginning because they make fishermen pay the price. There have always been restrictions on U.S. fishermen and there has always been a philosophy in NMFS not to let us catch the fish. I have lived this for 40 years now, and our government has not represented us well at ICCAT. Now, because we cannot catch our quota, we might lose it.

8.0 SHARK AMENDMENT 3

Jackie Wilson of the HMS Management Division gave a presentation on the predraft for Amendment 3 to the 2006 Consolidated HMS FMP. This presentation included management options for the small coastal shark (SCS) and shortfin mako fisheries, adding smooth dogfish to the management unit, and a rulemaking timeline. Comments and questions from the AP included:

- Is NMFS seeking comments on just these management measures you presented, or can the AP provide comments on the response to our previous comments?
- What is the date that NMFS has to stop overfishing on blacknose sharks? What is the length of a neonate blacknose?
- The primary blacknose recreational catch is below the minimum size. Are anglers targeting other species but keeping blacknose incidentally? If recreational fishermen are catching them in state waters, are they targeting sharks?
- In the South Atlantic, you said that gillnets were the dominant gear for blacknose and that outside the shrimp trawl fishery, the dominant gear in the Gulf of Mexico is BLL. What are the dominant gears for SCS as a whole?
- Which ICCAT recommendation are you responding to for shortfin mako? I do not see any call for action in the 2004 ICCAT recommendations. Does NMFS know if other countries are planning to change management of shortfin mako? Would it be better to act in concert with ICCAT?
- Considering the largest contributor to blacknose bycatch is the shrimp trawl fishery, can NMFS provide updated numbers on mortality since shrimp trawl effort has been reduced by so much? Why is there nothing regarding shark bycatch in the menhaden fishery?
- If smooth dogfish is brought into the HMS management unit, will NMFS conduct a stock assessment? For shortfin mako, U.S. landings were about 10 percent of the Atlantic wide catch. Is that correct?
- In the ASMFC shark plan, the board could include other measures than what you mentioned. I have the same question regarding a smooth dogfish assessment because that is what the board would need in order to act. Given the results of the last ASMFC meeting, how does that alter what NMFS is considering regarding the alternative for mirroring ASMFC regulations for smooth dogfish? How limited is NMFS without a stock assessment available?

9.0 GULF OF MEXICO TURTLE EXCLUSION DEVICE (TED)/BYCATCH REDUCTION DEVICES (BRD)

Dan Foster of the Southeast Fisheries Science Center, Pascagoula Lab, gave a presentation on shark bycatch in the Gulf of Mexico shrimp trawl fishery. This presentation included a summary of the regulations for constructing Turtle Excluder Devices (TEDs) and Bycatch Reduction Devices (BRDs), bycatch statistics in the Gulf of Mexico shrimp trawl fishery, and ongoing bycatch reduction research at the Pascagoula Lab. Comments and questions from the AP included:

- The original TEDs had problems with the exclusion of target catch. A benefit to the TEDs is that they can exclude larger animals. The first video of the Georgia Bulldog TED shows the 4 inch bar spacing for the grid design. I think that the 4 inch spacing has the ability to exclude more shark bycatch. When were the regulations for the TEDs implemented in the shrimp fishery?
- The majority of the footage gathered on the Georgia Bulldog was taken off Florida. Most of the sharks captured were Atlantic sharpnose and bonnetheads. What is NMFS's opinion on the reduction in bycatch in the shrimp fleet? Are only larger sharks being excluded? Has there been a reduction in the U.S. shrimp fleet?
- When did the change in fleet size happen and when did permits become required?
- Sharks are extremely sensitive to electrical fields. Would an electrical field around the mouth of the trawl keep sharks from being captured? You could ring the opening of the net with a low electrical field.
- The most effective bycatch measure has been the reduction in shrimp trawl effort. Do you think the effort will come back?
- The Georgia Bulldog video has been analyzed and NMFS will have a report on it soon. The current TED design represents about an 80 percent reduction in bycatch.

10.0 SHARK AMENDMENT 3 BREAKOUT DISCUSSION

Breakout groups including AP members and NMFS staff met to brainstorm several of the issues presented in the Amendment 3 presentation given earlier in the meeting. Groups were divided into two sections, one being group A and the other group B. Each group was asked to respond to a different set of questions.

The group A participants were asked the following questions:

- 1) *How should NMFS allocate the 19,200 blacknose/year total allowable catch among the different fishing sectors (i.e., recreational vs. commercial) and fisheries (e.g., HMS fisheries, Council Fisheries, etc.)?*
- 2) *What combination of management actions in cooperation with the South Atlantic and Gulf of Mexico Fishery Management Councils could reduce blacknose shark bycatch in shrimp trawl fisheries?*
- 3) *What other alternatives should NMFS consider in the Predraft?*

The group B participants were asked the following questions:

- 1) *What measures should NMFS consider to end overfishing of shortfin mako sharks?*
- 2) *What management measures should NMFS consider for smooth dogfish?*
- 3) *What other alternatives should NMFS consider in the Predraft?*

The following are responses to the questions by each group which were recorded on easels.

Group A 1

Response to Question 1

- Impacts of economic impacts post 2005
- Effort shifting-reef fish longline fishery, large costal shark fishery, menhaden fishery discards, SEAMAP data vs. observer data
- Questions and concerns about the data
 - Recreational Data*
- Assumptions are deficient

Options

- Maintain current allocations then across the board have a 78 percent reduction
- Adjust for the assessment issues
- Final management should come only after the new stock assessment with the new data
- Interest in alternative 3b other alternative is to base reductions on the percent of impact

Question 2

- Request just a percent reduction from the Gulf of Mexico and South Atlantic Fishery Management Councils. Not any management measures

Question 3

- Consider a reevaluation with new data

Group A 2

Question 1

- Treat all mortality sources the same across all fisheries and sectors
- Need to decide whether to manage blacknose in a complex or a single stock
- Manage them as a fishery specific plan
- Important to get more up to date shrimp trawl fishery bycatch information from 2005-2008 and effort information
- Look at methods for expansion
- Manage blacknose with a Gulf of Mexico quota and Atlantic quota-supported by Atlantic States Marine Fisheries Commission (ASMFC)

Question 2

- If the present decline in shrimp effort did not reduce bycatch of blacknose, then time/area closures might be a solution
- Change the protocols for turtles and finfish to include sharks
- Continue research on exclusion devices with sharks

Question 3

- Narrow down the alternatives
- Keep vessel monitoring system on 24/7
- Unenforceable to regulate tow speed and will not cut down on bycatch
- Need a way to get states to have the same regulations as federal
- Electronic logbooks for charter/headboats
- Electronic trip tickets
- Recreational reporting will not happen
- Put blacknose on the prohibited list just for recreational fishermen
- For recreational, leave out the circle hook and dehooking gear requirements
- Need to reduce fishing mortality in the recreational sector to almost none.

Group B 1

Question 1

- U.S. level of catch vs. other ICCAT countries
- Need shortfin mako numbers from assessment
- Still no targets established
- Should have management of pelagics by species-if not teased out need a minimum size
- United States is the first one to be in compliance with ICCAT
- Minimum size-need observer data but recreational fishermen protect large fish-there should be a provision for live at haulback release on longliners

Question 2

- Only smooth dogfish-what about spiny dogfish?
- We need an assessment - who would do this the ASMFC or NMFS

- Benefits of having HMS manage the stock-match ASMFC but have fins on
- Alternative 2/3 not locked into 3

Question 3

- Credit for the recreational community from ICCAT-seasonality
- Make United States actions benefit across the board
- For the Magnuson-Stevens Reauthorization Act-put forth proposal to meet target, regardless of any adoptions

Group B 2

Question 1

- If a minimum size is adopted, raise minimum size to size at sexual maturity for females
- Disband the current pelagic shark complex and divide into individual species
-support for status quo in the recreational fishery
- Go to the ICCAT Advisory Committee and request additional information

Question 2

- NMFS should conduct a stock assessment as the first priority
- Follow ASMFC plan-Addendum 1
- Support for council management

If HMS manages smooth dogfish

- Include all Atlantic States in management measures to allow comment
- Implement federal management measures and have ASMFC backstop
- Potential trip limits for commercial fishermen

Question 3

No comments

Group B 3

Question 1

- Need clarification on the ICCAT recommendation
-numbers on the reduction needed
-ask ICCAT for mortality reduction advice
-suggest potential reduction across all ICCAT countries
-hold on Amendment 3 until clarification is found
- Rebuilding vs. mortality reduction
- Need recreational vs. commercial landings
- More involved countries should cut back their landings (Canada, Spain, ect.)
- Should not consider putting on the prohibited species list
- Need information on effort reduction due to gas prices/economy
- Reduce regulatory discards
- Wait for ICCAT before the process of management can start

- Waiting for ICCAT will prevent the United States from taking on the whole burden or from making an unimportant contribution
- Reducing the U.S. quota will decrease our influence at ICCAT
- Big imports maintain our ICCAT influence (e.g., makos from Canada)
- What would be the least painful thing to reduce quota
 - minimum size change
 - slot limit
 - release all alive
- even if the regulations do not work, having regulations on the books will give the United States ground-could give other countries room to catch-we have led without any multi lateral gain

Question 2

- What is the status of dogfish?
- How can we do a stock assessment with no catch data due to no permits?
- Add to an existing species complex

Deep Water Sharks

- Retain all landings for scientific use
- Very rarely encountered

Question 3

- Get stock assessment for smooth dogfish
- ICCAT clarification for makos
- Commercial minimum size slightly higher than state to avoid conflict

10.1 SHARK AMENDMENT 3 GROUP DISCUSSION

- The focus of this action should be in the South Atlantic and the Gulf of Mexico. The council staff will help put sensible measures in place for blacknose.
- Smooth dogfish need an assessment now because there is a need for federal management of smooth dogfish. I am in favor of NMFS taking the lead instead of a council. I appreciate the consideration on deepwater sharks and the push for them on the prohibited species list. NMFS should consider the alternative for research on deepwater sharks.
- We need more precautionary measures for oceanic whitetip and thresher sharks. I support species specific management or a reduction of the pelagic complex quota. NMFS should also consider hammerhead shark measures for their protection.
- There is a conservation concern about the ASMFC providing an exception for the fins attached rule for smooth dogfish. I think NMFS should do something to help stop this exception to the fins attached rule.
- NMFS should make a requirement for circle hooks in all recreational shark fisheries.
- I would caution the AP about a dehooking gear requirement for the recreational sector. If they are required to use them, NMFS should encourage them with the use of circle hooks.

- If NMFS increases the minimum size for recreational shortfin makos, it should be 66 inches fork length. A 100 pound shortfin mako is about a 66 inch fork length. That is the lower end of the size when male shortfin mako sharks sexually mature. This minimum size limit would be more widely accepted since it is essentially already being done in the recreational fishery. A 66 inch fork length is 6 feet total length which is easy to remember.
- Reducing the fishing mortality for shortfin makos should be done multilaterally. The ASMFC interstate shark plan has adopted that minimum size as well, but none of those states have adopted those minimum sizes yet. The conservation benefits will come down the line when these regulations are put in place in all states.
- The shrimp trawl fishery has a remarkable record for reducing bycatch. NMFS needs to work with the industry on the blacknose issue. NMFS needs to review and revise the data and assumptions in a cooperative fashion.
- Industry representatives are working with the Southeast Fishery Science Center (SEFSC) and are trying to address some of the issues of shrimp trawl bycatch in anticipation of revising the stock assessment. The reduction of shrimp trawl effort will help with the management response and the results of the stock assessment.
- The TED effect is far less understood and there is a need to revise it in the assessment. That is the central point of the non-federal scientist and SEFSC efforts. The vast bulk of the data used in the assessment was without the use of TEDs. They used fishery independent data because the observer data was not reliable. NMFS should translate fishery independent data and pair it with fishery dependent data.
- Issues like differences in reproductive potential in different areas and day/night fisheries are factors. The TED reduction is so great, if the current analysis done by the scientists is correct the current stock status for blacknose will change. NMFS has one year to put the DEIS in place so give the scientists the time and chance to revisit the assessment.
- I am happy to see Amendment 3 will focus on sharks because they are so vulnerable and have a history of sparse management. NMFS should have species specific management with the shortest time possible for rebuilding.
- NMFS should have management measures for deepwater sharks and additional management measures for pelagic sharks. NMFS should have more observers for HMS fisheries to gather more data on HMS.
- I prefer the alternative of no action for the quota and species complexes. I believe the stock assessment was incorrect and much more severe than what is actually happening. NMFS should choose alternative 3b for DEIS. NMFS needs new science that corrects the stock assessment.
- NMFS should consider a directed small coastal shark trip limit.
- NMFS should provide better enforcement of the minimum sizes for the recreational fishery.
- NMFS should double the retention limit for Atlantic sharpnose for the recreational fishery.
- I support a gillnet endorsement and a separate blacknose quota for gillnetters.

- Trip limits for gillnetters should be governed by the new quota if it is established.
- It is too hard to enforce circle hooks in the recreational fishery and there are problems with rigging gear for sharks.
- Safe release and handling tools can be an issue with a circle hook or J hook in the recreational fishery because of inexperience with their use.
- I am still trying to understand the ICCAT assessment results for shortfin makos. I am alarmed that the age for female maturity and longevity have increased.
- NMFS should create two regions for blacknose sharks at the Dade and Monroe county line.
- NMFS should not implement any time/area closures on blacknose sharks.
- NMFS should work with the Councils on small coastal sharks. There is a problem with the recreational minimum size for small coastal sharks. After all the tagging data NMFS collected over 30 years, the minimum size still is not right.
- The 2 week reporting period for shark dealers is not working. If NMFS reduces quotas, then NMFS should increase the reporting frequency. I support alternative 2.
- NMFS should assess smooth dogfish before taking any action. I support alternative 3, mirroring what the ASMFC has in place for a first step.
- There are a few deepwater shark species that could be commercially viable. I do not want to see these added to the prohibited species list. I think that there are too many prohibited species already.
- Ragged tooth sharks could be prohibited due to a look alike issue and it is not targeted in commercial fisheries.

11.0 BYCATCH UPDATE

Guillermo Diaz of the Office of Science and Technology presented a bycatch update for the U.S. PLL fishery. This presentation included a review of the 2004 final rule implementing bycatch reduction measures, how bycatch modeling is done, and a summary of where the fishery is now. Comments and questions from the AP include:

- I am pleased to see the results of this presentation and what the summary entailed. This shows what can be done with cooperative industry research. NMFS needs to continue to work on some things for reduction of bycatch in the fishery. Overall, the circle hooks are doing the job with the combination of bait and the safe handling and release equipment. Our challenge to NMFS is that these measures cost us about 29 percent of our directed swordfish catch. This has created an unfair playing field in the market place for U.S. fishermen. I am supportive of presenting these results at ICCAT and possibly the requirements being extended to other countries. This would make the swordfish market a more level playing field.
- The reduction in bycatch shown in this presentation is significant. Only one or two turtles may have made the difference in the reduction in mortality.
- What is the U.S. standard that other countries should be held to regarding Magnuson-Stevens Reauthorization Act, Endangered Species Act, and the International Council for the Exploration of the Seas (ICES)? This report defines the standards for NMFS.
- Why are there are two sizes of circle hooks and different baits? I thought the comparison was between circle hooks vs. J-hooks but this slide goes into baits.
- Live bait is illegal, and the only bait we do use is squid or whole mackerel. What was compared in the experiment and is it really representative of the fishery?
- The increase in leatherback bycatch in the Gulf of Mexico with circle hooks seems to counter what is seen in other areas. I do not know why there is an increase in leatherbacks with circle hooks in the Gulf of Mexico.

12.0 BLUEFIN TUNA FOLLOW UP

Several AP members requested a follow up session to discuss possible options to maximize BFT landings and fishery opportunities. Sarah McLaughlin, Margo Schulze-Haugen, and Mark Murray-Brown of the HMS Management Division participated in the discussion. Comments and questions from the AP include:

- The offshore option for PLL vessels we propose would be for vessels fishing more than 100 miles from fishing ports. If you left the dock and had to steam 15 hours out and 15 hours back, you would be able to keep the retention limit per day for the General Category. The United States does not have until 2010 to catch our quota under ICCAT. NMFS needs to find a way to catch our quota now.
- NMFS should take out the carryover for the January and December fishery, which would provide 131 tons of available BFT quota. I would propose the same thing in the harpoon category, and allow the sale of these fish. Those small fish would be spread over June through November.
- I think the base quotas should be open for the General Category with no trip limits and save 50 tons for December. Something must be done with the purse seiners' quota. If the purse seiner BFT quota is not caught by September 15th, then that quota should be divided among Angling, General, and Harpoon categories.
- What the AP discussed yesterday was started after looking at the 2009 BFT specification presentation. I know when the AP looks at this proposed rule that the United States does not have a chance to catch our current quota. The AP gave some suggestions that could get us closer to that quota. Changing the PLL incidental catch limits would allow us to land more of what the fishery would be discarding. This action would not be violating anything at ICCAT or the rebuilding plan. U.S. fishermen would be keeping fish that are normally discarded dead.
- I know the U.S. Commissioner to ICCAT is trying to keep our BFT quota when we are not catching it. In the process of losing that quota, the resource will be threatened by countries who fish on the western stock. Other countries of the west do not have our minimum size limit. All U.S. fishermen, commercial and recreational, see the benefit of keeping the quota within the United States. These are measures that we think can increase the U.S. catch and put the United States in a better position to protect our quota.
- Getting to a rebuilt BFT stock is not an exclusive U.S. objective. What I think the United States is focused on is controlling its own share of the mortality that we are authorized to take. As long as the United States stays within that guideline, we are doing our part. I do not see why NMFS doing a NEPA analysis is that big of a job. NMFS will not be sure if the changes are going to make any problems unless we try them out. If you go to the more realistic levels that the AP has proposed, you will see more swordfish trips.
- The 3 BFT per day trip limit prevented people from exploring those offshore areas more than they should, and there is a whole range of things that BFT fishermen no longer do because of the regulations. The size limits are a constraint

- to the fishermen. At one time, there was scarce quota and the fishery needed the restrictions. I have been asking NMFS for the last 2 to 3 years to investigate the regulations that are constraining BFT catch in the United States. Fishermen want future generations to participate in these large pelagic fisheries. I challenge my colleagues at ICCAT and NMFS to get the quota back once we lose it.
- NMFS would have to lower the slot limit to reduce the quota on giant BFT and increase the mortality on 6 and 7 year old BFT. The General Category is willing to give up lots of giants in order to have access to BFT that are available in the fishery today.
 - Is NMFS saying that a significant proportion of the population is missing and the United States should take additional steps to protect the stock and not lessen the restrictions? I do not think it should take precedence over ICCAT allocating western BFT TAC to the United States. To overlay this analysis suggests that you all know more than the eminent BFT biologists. Section 304(g) of the Magnuson-Stevens Reauthorization Act requires NMFS to give U.S. fishermen reasonable opportunity to catch ICCAT allocated quotas. One could argue that the type of measures Bluewater put forth enhances the reasonable opportunity to catch the quota that has been scientifically determined. NMFS does not know why commercial sized BFT are not available to the fishery right now compared to 2003. Is NMFS suggesting that we should take more steps than what is scientifically determined appropriate?
 - If NMFS has determined that the change is warranted, how long will it take to implement those changes? What would be the fastest way that regulatory changes could be implemented?
 - The ability to catch the quota and the need for flexibility may allow us to catch the BFT quota. Bluewater's proposal is really an economic stimulus for our U.S. fishermen. Fishermen are already interacting with these tunas and are typically resulting in dead discards. If NMFS had a real commitment to revitalize the fleet, then NMFS should consider this.
 - These giant BFT are going to the bottom of the ocean and being counted against our quota. My vessels cannot hold 30,000 pounds, so I can never keep the third BFT. This will help the fishermen tremendously, economically speaking. If NMFS wants to revitalize the swordfish fleet this will help fishermen. It will not hurt the resource or affect the quota, but it will put an immediate and significant economic stimulus for the PLL fleet. It is immoral to allow this money to sit on the bottom of the ocean and rot during these economic times.
 - My question is about the AP process. NMFS has said there are other constituents that need to be considered. Is there a scale the AP has in your decision making versus other comments and other people? Is there a way to judge your AP suggestions compared to non-AP suggestions?
 - I just looked at the regulations that are curtailing our catch of BFT. Party charters should be able to retain combinations of Angling and General Category limits. Charter/headboats should be able to retain giant and school BFT on the same trip. Could this proposal be an easy change for NMFS? There is no reason why NMFS should shut down the winter fishery as long as there is quota left. If fishermen want to fish for BFT in the winter and there is quota left, NMFS should let the

fishermen go fishing. I would like to see revisions to the proposed rule and take another look at this. Some of these ideas will take time, but the United States will be in the same situation in 2011.

- The United States has BFT quota, and it is scary that you are going to put a graph up showing that landings are down. For years we were wondering if NMFS regulations are curtailing our catch and now it is obvious. If you put tuna landings up against the mid-water trawl herring fishery, the forage issue will shut the fishery down.
- Canada is catching BFT because that is where the forage is right now. Fishermen are starting to see more forage and are doubling our landings from two years ago. A couple of the landings charts are put up, and I am concerned that the government is not allowing us to catch our BFT quota.
- Longliners should be able to keep more BFT than what they can now.
- I do not disagree with what the AP is saying about the BFT quota. There are legality issues but there are also issues with the biology. I do not see any hope for U.S. fishermen expecting a change anytime soon in the eastern BFT fishery. A complete collapse of the eastern fishery is expected within 5 years. The only hope for fishermen in the United States for a future BFT fishery is if the Gulf of Mexico stock can get back to a sustainable fishery.
- The United States will lose fish to the Japanese and the east. The bottom line is that decreasing BFT size limits, increasing retention limits, and increasing target catch requirements defies all logic. This will not get us back to a sustainable fishery. I know this is not what the AP wants to hear and it is not fair to U.S. fishermen but we are up against the biology of BFT.
- The Canadians are having good years probably due to a few good year classes, but there is no recruitment behind those BFT. Another issue with Canada is that catch per unit effort is falling, the size of BFT is falling, and length/mass is falling. It is not that BFT just moved, but there is an overall decrease in the abundance of fish.
- It is unfair to U.S. fishermen, given how responsible you have been but biology is the baseline here. At ICCAT, the United States needs to take a different approach, but since we do not have a lot of catch, we will not have a lot of pull.
- The AP should not be looking at this in terms of catches. We should look at this in terms of exports and consuming. I think the United States may want to consider leaving ICCAT and pull out all the stops and be extremely aggressive.
- The United States always has quota taken from us, and we are never given anything. I want to talk about BFT, and how we supposedly have a year round fishery that is only managed from June to December. The fishery starts in January and closes January 31 and then it is closed 4 months before it opens back up. We have BFT available and fishermen available to catch them. The BFT fishery should be open year round. I know we are restricted by areas of designation, but if you take 5 percent of the quota in December, and 5 percent in January, then it can be rolled into to what we had in June the previous year.
- The purse seine quota needs to be utilized. We do not need to let PLL discards lay on the bottom of the ocean.

- NMFS has a recreational bag limit that you could increase if you want to increase utilized quota. That might not be a good idea because you do not have a handle on it until the next year.
- Our problems with ICCAT outweigh our problems with biology. The biology issue will be a problem for other countries, also. I support the charter/headboat proposal brought to the table earlier. I know the General Category fishermen would like to participate in tournaments.
- As we fulfill the BFT quota, are the calculations done at the end of the year or is it a rolling tally done on monthly basis?
- Are the rest of the BFT recreational catches done at the end of the year? Is NMFS going to adjust the recreational trophy fish retention limits?
- NMFS needs to get started now if we want the flexibility down the road. NMFS must start now in giving us the flexibility so that we can start increasing catch of BFT.

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- The U.S. government feels that it has the responsibility and the right to restrain fishermen's ability to catch ICCAT allocated quota. The chart on that slide does not mean anything to me. What I saw yesterday at this meeting does not hold water either. The stock is still here but I have heard for 30 years that it would disappear. I do not accept an apology for U.S. fishermen sacrificing their livelihoods. NMFS will lose credibility with what you say when you do not know the history. NMFS has a real responsibility and NMFS needs to look out for the people in other countries.

13.0 YELLOWFIN TUNA DETAILED PRESENTATION

Dianne Stephan of the HMS Management Division gave a presentation on the status of yellowfin tuna (YFT) in the Atlantic, Gulf of Mexico, and Caribbean. This presentation included domestic management measures, a summary of YFT landings, and YFT biology. Comments and question for the AP include:

- What is shown in this presentation and what I am seeing on the water agree. It is comforting to see that for once the science matches what I am seeing. Is the international purse seine fishery targeting YFT or something else?
- What is the United States total YFT catch?
- Some of the earlier catches do not look quite right to me. I will send a paper on YFT catches to you because more recent catches of YFT reflect what is happening now.
- There has been a drop in catch of YFT the last two years. The stock assessment went through 2006 and did not show a decline of YFT. There has been a drop of trips targeting YFT by charter fishermen. YFT fishing off NJ has been off the past few years. NMFS needs to look at catch rates of some of the other fisheries to see how widespread the trend is over the past two years.
- We are very concerned about YFT in NC. It is one of two fish that supports our charter/headboat fishery. In the last two years, our landings have been cut in half.
- Marine Recreational Fishery Statistics Survey (MRFSS) data accurately reflects what we have seen in our part of the world during the past two years. Although MRFSS does not seem to be following what we see on the water.
- It is the number of YFT in our area for charter/headboats that generates a lot of business. Our business has been off by 40 percent in recent years. In the bait boat fisheries, is it also mature YFT that are being harvested?
- I have reservations about the ICCAT YFT numbers being only through 2006. I encourage NMFS to get some more accurate information. The AP will be willing to help in whatever way we can in research to help figure out where our YFT are going.

14.0 PUBLIC COMMENT

At the conclusion of the meeting there was a short amount of time that was set aside for the public to comment on issues presented at the meeting.

- I do not oppose commercial and recreational fishing when it limits interactions with vulnerable and non-target species. We are interested in shark finning and shark tournaments. We were disappointed that our application to serve on the AP was rejected. On Amendment 3, we would like to associate ourselves with the comment that were made earlier about allowing the exception for smooth dogfish with the fins on requirement. Currently, we would like to see smooth dogfish added to the HMS management unit and have the fins on requirement extended to smooth dogfish.