

U.S. DEPARTMENT OF COMMERCE
 NATIONAL OCEANIC AND ATMOSPHERIC ASSOCIATION
 NATIONAL MARINE FISHERIES SERVICE

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HIGHLY MIGRATORY SPECIES ADVISORY PANEL

+ + + + +

MEETING

+ + + + +

TUESDAY
 JANUARY 8, 2013

+ + + + +

The Advisory Panel met in the Silver Spring Civic Center at One Veteran's Place, Silver Spring, Maryland, at 10:00 a.m., Scott McCreary, Facilitator, presiding.

PANEL MEMBERS PRESENT:

ANGIE BOEHM (proxy for Scott Vaeth)
 PAMELA BAKER
 TERRI BEIDEMAN
 RICK BELLAVANCE
 RON CODDINGTON
 DAVID CUPKA
 SONJA FORDHAM
 WILLIAM GERENCER
 WALTER GOLET
 MARIN HAWK (proxy for Bob Beal)
 RUSSELL HUDSON
 ROBERT HUETER
 STEVEN JAMES
 GERALD LEAPE
 SEAN McKEON
 RICHARD RUAIS

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PANEL MEMBERS PRESENT: (CONT.)

MARK SAMPSON
SCOTT TAYLOR
MARK TWINAM
RICK WEBER
ELIZABETH WILSON (proxy for Shana Miller)

ICCAT REPRESENTATIVE:

JOHN GRAVES

STATE REPRESENTATIVES:

JASON ADRIANCE, Louisiana Department of
Wildlife and Fisheries
BRYAN FRAZIER, South Carolina Department of
Natural Resources (proxy for Wally
Jenkins)
LISA GREGG, Florida Fish and Wildlife and
Conservation Commission (proxy for
Martha Bademan)
RANDY GREGORY, North Carolina Division of
Marine Fisheries
CARRIE KENNEDY, Maryland Department of Natural
Resources
MARK LINGO, Texas Parks and Wildlife
Department

COUNCIL REPRESENTATIVES:

DAVID CUPKA, SAFMC
JOHN FROESCHKE, GMFMC (proxy for Larry Abele)

FACILITATOR:

SCOTT McCREARY

NOAA STAFF:

KARYL BREWSTER-GEISZ, NMFS/OSF/HMSD
MICHAEL CLARK, NMFS/OSF/HMSD
CRAIG COCKRELL, NMFS/OSF/HMSD
PETE COOPER, NMFS/OSF/HMSD
JENNIFER CUDNEY, NMFS/OSF/HMSD
GUILLERMO DIAZ, NMFS/OSF/S&T
GUY DUBECK, NMFS/OSF/HMSD
STEVE DURKEE, NMFS/OSF/HMSD

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MEGGAN ENGELKE-ROS, NMFS/GC
OTHEL FREEMAN, NMFS/OSF/HMSD
NEVA HOWARD, NMFS/OSF/HMSD
EMILY MENASHES, NMFS/OSF
MAGGIE MILLER, NMFS/OPR
DELISSE ORTIZ, NMFS/OSF/HMSD
RON SALZ, NMFS/OSF/ S&T
MARGO SCHULZE-HAUGEN, NMFS/OSF/HMSD
GEORGE SILVA, NMFS/OSF/HMSD
LEANN SOUTHWARD-HOGAN, NMFS/OSF/HMSD
JERON STANNARD, NMFS/OSF/HMSD
MEGAN WALLINE, NMFS/GC

ALSO PRESENT:

LINDSAY AHLMAN, University of Maryland
HILARY GOODWIN, Dalhousie
DEWEY HEMILRIGHT
GLEN HOPKINS
MATT HUTH
AMANDA KELEDJIAN, Oceana
WILLIAM L. McINTYRE
EMILY REYNOLDS, Louisiana State University
MARTIN SCANLON
ANGEL WILLEY, Maryland Department of Natural
Resources
SARA YANG, Oceana

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

(10:02 a.m.)

1
2
3 CHAIR McCREARY: Good morning,
4 everyone. Welcome to the HMS Advisory Panel
5 meeting. Margo is going to begin with some
6 opening remarks and then much of the meeting
7 today is going to be a presentation on the
8 proposed rule.

9 Part of the agenda today, as we'll
10 hear in a bit, is also to entertain public
11 comments. But we want to really work through
12 the rule and hear from the Advisory Panel before
13 we get to that point in the day.

14 The flow of the day, as you can see
15 we are beginning with introductions, will go
16 into the amendment, then lunch, further
17 discussion and public comment, and we are
18 scheduled to adjourn at 3 but I understand we
19 have the room until 4 if there is a demand for
20 that.

21 With that, Margo.

22 MS. SCHULZE-HAUGEN: Sure, as I
23 mentioned to many of you, and you can probably
24 hear I am not at a 100 percent. I am quite
25 heavily medicated and will be medicating through
26 the day.

27 So, my -- yes, because I managed to
28 pick up whatever it is my son was sneezing all
29 over me this weekend. So I am going to do my best
30 to get through the day, but I am going to need
31 you to bear with me a little bit more than usual
32 and will be relying heavily on Scott and Karyl
33 to field questions.

34 So this is a unique meeting for us.
35 This is what we had hoped to share with you in
36 September but did not get the amendment finally
37 clear and published in time for that meeting.

38 So this is a single topic panel
39 meeting. It's also a new venue for us. It's
40 the Civic Center here. So looking for feedback
41 on the venue as well as having more focused
42 meetings if that's helpful.

43 I also wanted to talk a little bit
44 about where we are at in the process. This is
45 the proposed rule stage. So we have gone
46 through scoping, pre-draft, which is the
47 document shared with the panel, and now have
48 incorporated the input that we have gotten so far

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1 and tried to come up with something.

2 This rule has been a particular
3 challenge. It is requiring a two-thirds
4 reduction in mortality on a species that has been
5 prohibited from retention since 1999.

6 So I think it's a challenge to go
7 further below zero. But that's the challenge
8 before us. We have been trying to share the
9 information and solicit ideas from the public
10 for the better part of a year and a half.

11 To be honest, we haven't gotten a lot
12 of substantive comments and suggestions, and so
13 it was before us to come up with something, and
14 that's what we've done.

15 I don't think we expected anyone to
16 really like it. In fact, part of the reason the
17 clearance took longer is because of the
18 recognition of the magnitude of what we were
19 going to propose and the impacts that would flow
20 from that.

21 So we know it's a big deal. It's
22 part of the reason that we have scheduled a face
23 to face meeting on this, because of the
24 controversiality of it.

25 But it is also before us and our
26 charge to meet the reductions somehow, and if we
27 are not able to get substantive suggestions from
28 the public and from the panel on how to do that,
29 then you have seen what we have come up with.

30 And so it's at this point that your
31 input, we still have abilities to make changes.
32 From this point forward, we have the ability
33 within kind of the logical outgrowth of what was
34 proposed to make changes in the final.

35 If there's a fantastic idea that's
36 not within what's considered the logical
37 outgrowth of what was proposed, we may need to
38 re-propose.

39 We are very interested in all
40 comments, if that means something really
41 fantastic, is outside the realm, we would
42 consider re-proposing.

43 But I have to say that we are under
44 a statutory clock at this point, to have measures
45 in place two years from the point of the
46 assessment, so there is a time clock for us as
47 well.

48 But I really want to try and get this

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1 as best as we can. And so we have just the single
2 presentation today. Pete Cooper is going to be
3 giving that in just a minute.

4 But I wanted just to give some
5 opening remarks on where we are at, where we are
6 headed and how valuable your input is. I guess
7 the final comment that I would make is that in
8 this budget climate, we are going to have to look
9 for ways to achieve the reductions in a fairly
10 budget-neutral way.

11 And so we don't want to limit ideas
12 that may cost money, but I do want you to know,
13 and I'm trying to be very up front with you all,
14 we may not have resources to do that.

15 So looking for any ideas on that
16 front as well. So --

17 CHAIR MCCREARY: We should do
18 introductions.

19 MS. SCHULZE-HAUGEN: At this point
20 yes, why don't we go around the room. If you
21 could state your name. If you are a proxy for
22 someone, if you could state that, and the sector
23 that you are representing. And then we will get
24 into the presentation. So --

25 CHAIR MCCREARY: This is Scott
26 McCreary with CONCUR, the facilitator for the
27 meeting.

28 MR. COOPER: Pete Cooper, HMS
29 Silver Spring.

30 MEMBER BOEHM: Angie Boehm, proxy
31 for Scott Vaeth, commercial sector.

32 MEMBER BAKER: Pam Baker,
33 Environmental Defense Fund.

34 MEMBER GREGORY: Randy Gregory,
35 North Carolina Division of Marine Fisheries, and
36 I guess the state with the bullseye.

37 MEMBER TWINAM: Mark Twinam,
38 commercial longliner, Florida.

39 MEMBER SAMPSON: Mark Sampson,
40 Ocean City Shark Tournament, Ocean City Charter
41 Boat Captains Association.

42 MEMBER KENNEDY: Carrie Kennedy,
43 Maryland Department of Natural Resources
44 Fisheries Services.

45 MEMBER FROESCHKE: John Froeschke,
46 Gulf of Mexico Fishery Management Council. I'm
47 a proxy for Larry Abele.

48 MEMBER FORDHAM: Sonja Fordham,

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1 Shark Advocates International.
2 MEMBER HUETER: Bob Hueter, Mote
3 Marine Laboratory.
4 MEMBER BELLAVANCE: Rick
5 Bellavance, Rhode Island Party and Charter Boat
6 Association.
7 MEMBER ADRIANCE: Jason Adriance,
8 Louisiana Wildlife and Fisheries.
9 MEMBER GRAVES: John Graves,
10 Virginia Institute of Marine Science, here
11 representing the ICCAT Advisory Committee.
12 MEMBER GERENCER: Bill Gerencer,
13 Portland, Maine.
14 MEMBER GREGG: Lisa Gregg, Florida
15 Fish and Wildlife Conservation Commission,
16 proxy for Martha Bademan.
17 MEMBER CUPKA: David Cupka,
18 Chairman, South Atlantic Fishery Management
19 Council.
20 MEMBER FRAZIER: Bryan Frazier,
21 South Carolina Department of Natural Resources,
22 proxy for Wally Jenkins.
23 MEMBER TAYLOR: Scott Taylor,
24 commercial longline.
25 MEMBER BEIDEMAN: Terri Beideman
26 from Blue Water Fishermans Association.
27 MEMBER LINGO: Mark Lingo, Texas
28 Parks & Wildlife.
29 MEMBER HUDSON: Rusty Hudson,
30 Directed Sustainable Fisheries.
31 MEMBER MCKEON: Sean McKeon, North
32 Carolina Fisheries Association, and I too am
33 suffering, not from a cold, but from the
34 trouncing Notre Dame took last night at the hands
35 of Alabama.
36 MEMBER HAWK: Marin Hawk, Atlantic
37 States Marine Fisheries Commission. I'm the
38 proxy for Bob Beal.
39 MEMBER GOLET: Walt Golet,
40 University of Maine, Gulf of Maine Research
41 Institute.
42 MEMBER CODDINGTON: Ron
43 Coddington, Southeast Swordfish Club.
44 MEMBER JAMES: Steve James, Boston
45 Big Game Fishing Club and Stellwagen Bank
46 Charter Boat.
47 MEMBER RUAIS: Ruais, American
48 Bluefin Tuna Association.

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1 MEMBER WEBER: Rick Weber, South
2 Jersey Marina and tournaments.
3 MEMBER LEAPE: Gerry Leape, Pew
4 Environment Group.
5 MEMBER WILSON: Elizabeth Wilson,
6 Pew Environment Group, proxy for Shana Miller.
7 MS. BREWSTER-GEISZ: Karyl
8 Brewster-Geisz, HMS staff, headquarters.
9 CHAIR McCREARY: Can we go around
10 the back as well?
11 (off-mic introductions)
12 CHAIR McCREARY: Thanks, thanks
13 very much. I just want to touch on a couple of
14 very simple ground rules before I turn it over
15 to Pete. As those of you who have attended the
16 meetings know, we like you to put your card up
17 when you want to speak, and I'll build a queue.
18 Generally I'll take people in order.
19 If there's an urgent need for some back and forth
20 or an immediate follow up question, we'll be
21 flexible on that score.
22 We would ask you to please silence
23 your cell phones. Also, try to use your name
24 when you speak the first time, and ideally every
25 time. We do have a court reporter who is
26 preparing a transcript.
27 She is very skilled and she covered
28 the last meeting, but it is very helpful to her
29 to have your names listed.
30 And then finally, as Margo
31 mentioned, we are very much here not only to
32 present the outline of the rule, but also to
33 elicit your ideas, your best ideas, and if you
34 have alternative proposals, this would be a good
35 time to put them on the table.
36 So with that, Pete.
37 MR. COOPER: Thanks, Scott. And
38 thanks for everybody coming out. I'm Pete
39 Cooper and I am presenting draft amendment 5
40 here. And just a quick recap of where we are at
41 on the time line.
42 So, back in April 2011, there was a
43 status determination for scalloped hammerhead
44 sharks, and that kind of kicked into our two-year
45 Magnuson requirement.
46 And since then we have done scoping
47 at the advisory panel, also had a predraft. There
48 are also other status determinations that came

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1 through for sandbar, dusky and blacknose sharks,
2 also Gulf of Mexico black-tipped sharks.

3 So the proposed rule came out in
4 November. We are having this one-day HMS
5 advisory panel consultation, and then we are
6 going to continue on with public hearings until
7 February, and then hopefully get the final rule
8 going in March to meet that two year Magnuson
9 requirement at the end of April.

10 And so here's a quick table looking
11 at the stocks assessments and proposed actions.
12 We talked about the different stock assessments
13 in previous AP meetings that are included in this
14 draft amendment 5.

15 So we have three new stocks: the
16 scalloped hammerhead; Atlantic blacknose; and
17 Gulf of Mexico blacknose. And three of the
18 stocks -- scalloped hammerhead, dusky and
19 Atlantic blacknose -- all came back as
20 overfished with overfishing occurring.

21 Sandbar shark still overfished, but
22 kind of improved in the overfishing category
23 from yes to no now. Gulf of Mexico blacknose,
24 there were problems with the assessment, some of
25 the data fitting the model. So we have unknown
26 statuses for overfishing and overfished, and the
27 Gulf of Mexico blacktips' shark assessment came
28 back positive with no overfishing and not
29 overfished.

30 And so some of the proposed actions
31 contained within -- for the new stocks is to
32 establish TACs and quotas and rebuild stocks
33 that need rebuilding.

34 For sandbar we are going to continue
35 on, on our stock rebuilding plan, so there's no
36 specific changes targeted at sandbar.

37 And getting into those specific
38 approaches and the new quotas affect the
39 hammerhead, the blacknose and the blacktip and
40 also, because we are pulling some of these out,
41 there is going to be, or there's proposed some
42 changes to the LCS, the large coastal shark
43 complex, and how the black -- non-blacknose
44 small coastal shark complex is kind of split.

45 The recreational measures contained
46 within kind of cover the gamut of all species.
47 And then the time area closures that are
48 contained here are more specifically aimed at

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1 dusky sharks.

2 And so the way the draft amendment
3 is set up, we have a number of alternative suites
4 that deal with the takes, quotas and
5 recreational measures, and then a number of
6 stand-alone measures that deal with pelagic
7 longline and bottom longline effort controls.

8 So, and those, like I said, were
9 aimed at dusky shark rebuilding. So as Margo
10 mentioned earlier, dusky sharks have been
11 prohibited from commercial and rec retention
12 since 2000, but the assessment still shows that
13 the stock is overfished and overfishing is
14 occurring.

15 And what we got from that stock
16 assessment was a recommendation of
17 approximately two-thirds reduction in fishing
18 mortality.

19 So we are looking at reducing
20 fishing mortality on a species that is not
21 targeted and that is prohibited from retention
22 in commercial and recreational fisheries.

23 And so our proposed measures aim for
24 that approximate two-thirds reduction by
25 fishery, pelagic longline, bottom longline and
26 recreational.

27 And keep in mind that the directed
28 shark fishery has already taken on a lot of
29 reduction in effort through amendment 2 changing
30 retention limits and prohibiting sandbar
31 retention except for the shark research fishery,
32 and then amendment 3 was blacknose as well.

33 So we are kind of picking at the
34 other edges here, and this slide kind of shows
35 some of the numbers we are talking about, which
36 are relatively small, and we will come back to
37 this slide when we get into the specific pelagic
38 longline and bottom longline effort controls.
39 But our targets here are looking at a 62 percent,
40 about two-thirds reduction in interactions over
41 that three-year time period.

42 So moving on to the alternative
43 suites for TACs, quotas and recreational
44 measures, and just a quick mention of our shark
45 management.

46 Most of our sharks are grouped into
47 complexes for management purposes, but as we
48 have gotten individual stock assessments for

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1 individual species, we are starting to move to
2 manage them on an individual TAC and quota basis.

3 So right now we have sandbar and
4 blacknose with individual TACs and with some of
5 these new assessments, we are looking to do the
6 same sort of thing.

7 And in the boxes are the current
8 makeup of the large coastal shark complex and the
9 small coastal shark -- or quotas, actually.

10 And so our range of alternative
11 suites. We start with the no action
12 alternative, A1, and that will keep the complex
13 structures the same for large coastals and small
14 coastals, the quotas will be similar to previous
15 years. Commercial and recreational regs would
16 remain the same. But this would not address
17 rebuilding of sharks such as scalloped
18 hammerhead and the blacknose. So it's not
19 preferred at this time.

20 Alternative suite 5 would close all
21 shark fisheries. That would address rebuilding
22 of these species, but at an economic cost that
23 is probably higher than other options that we
24 might have here, so we are not preferring it at
25 this time either.

26 Our preferred alternative suite is
27 A2, and so it removes the hammerhead complex, so
28 all three hammerheads that can sometimes be
29 confused -- great, smooth and scalloped -- from
30 the large coastal shark complex and establishes
31 regional TACs and quotas for the Gulf of Mexico
32 and the Atlantic.

33 It also removes Gulf of Mexico
34 blacktip sharks from the Gulf of Mexico large
35 coastal shark complex and establishes
36 a separate GOM blacktip TAC and quota.

37 It also establishes regional TACs
38 and quotas for blacknose sharks and quota
39 linkages between these different quota groups,
40 and I'll get into that, a little bit different,
41 I've got a diagram that just kind of shows you
42 how that would operate.

43 And then there are several
44 recreational measures and the big one aimed at
45 dusky sharks is increasing the minimum size
46 requirements from 54 inches to 96 inches fork
47 length, also required reporting for hammerhead
48 sharks through the non-tournament reporting

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1 system, and additional outreach regarding dusky
2 shark identification and regulations.

3 So here's a quick slide and I've got
4 a table and some graphs. So if you're a table
5 person you'll like this one and if you're a graph
6 person you'll like the next one.

7 But the main point of the slide is
8 to show that the proposed quotas in A2 are kind
9 of similar to either current landings or the
10 current quotas, so there's not much of a change.

11 How things were calculated, we
12 looked at landings percentages of some of these
13 sharks. So for the hammerhead sharks, we looked
14 at the landings percentage in the Atlantic and
15 Gulf of Mexico, and then split the TAC according
16 to the recommendation from the stock assessment.

17 And then we pulled those out of the
18 larger LCS complex, which is now kind of renamed
19 aggregated large coastal complex, which is
20 what's left over, and looked at the landing
21 percentages of what those leftover sharks would
22 be and applied that to current quotas.

23 So for the Gulf of Mexico you see a
24 large reduction there, 64 percent of the
25 aggregated large coastal shark, but that's
26 because blacktips pulled out of there, and
27 blacktip kind of makes up that extra 64 percent.

28 And a similar methodology was used
29 for blacknose. I guess the proposed quota for
30 the Atlantic was what was recommended from the
31 stock assessment, and for the Gulf of Mexico,
32 since we didn't have a TAC and quota
33 recommendation, we looked at average landings
34 and weeded out some of the years that fishing was
35 restricted in the Gulf of Mexico, mainly from the
36 Deepwater Horizon oil spill to get that current
37 average landings.

38 And so looking at it in graph form,
39 the Gulf of Mexico, you have about the same
40 quotas for those same species and similar in the
41 Atlantic, and the same is true for the Gulf of
42 Mexico.

43 What is also different here is that
44 currently we have this quota linkage between
45 blacknose and non-blacknose SCS and you can't
46 make the quota linkage work regionally unless
47 you split things up regionally.

48 So that's why there's a split of the

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1 Atlantic non-blacknose SCS. But within the
2 draft amendment, there's a provision to be able
3 to transfer quota between the Atlantic and Gulf
4 of Mexico so that the non-blacknose SCS doesn't
5 become the limiting factor in those fisheries.

6 And so with the quotas, the impact
7 might not be felt with the actual numbers, but
8 it might -- fishing might be limited because of
9 the quota linkages.

10 So we generally apply the linkages
11 to sharks that are caught together and when one
12 quota closes, the other quotas that are linked
13 would close as well, to prevent overfishing of
14 -- of that other species as bycatch, the one
15 that's already been closed.

16 So our proposed quota linkages are
17 the aggregated large coastal and hammerhead and
18 blacktips, and the small coastal and blacknose.

19 And getting into how it would look,
20 here's what we have currently. We have the Gulf
21 of Mexico LCS quota and Atlantic LCS quota.

22 So in the Gulf, because we pulled
23 out, are proposing to pull out blacktip and
24 hammerhead, they would come out of that
25 aggregated LCS quota and everybody would be
26 linked, and so when one quota is reached, all
27 three would close.

28 In the Atlantic, because we are not
29 proposing to pull out of blacktip and just the
30 hammerhead complex, blacktip would stay within
31 that aggregated LCS quota and would be linked
32 with the hammerhead quota.

33 Similar with blacknose right now, we
34 have one overall quota for the Atlantic and Gulf
35 of Mexico, and one overall quota for the
36 non-blacknose SCS for the Atlantic and Gulf of
37 Mexico, because now we have individual quotas or
38 are proposing individual quotas for non- -- or
39 blacknose in the Gulf of Mexico and Atlantic.
40 We would also do that split of the non-blacknose
41 SCS to keep the quota linkages, but it would be
42 done just for that quota linkage purpose only,
43 not for rebuilding purposes.

44 So the last component of the
45 alternative suits here is the recreational
46 measures, and just a quick management history.

47 Recreational management has been
48 done more by retention limits rather than shark

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1 complex quotas, but a lot of the changes that
2 have happened over the year are mainly based on
3 ID issues of, from what we've heard, of people
4 having a hard time differentiating different
5 shark species. They can tell what a shark is but
6 not exactly what type of shark.

7 So prior to '99, we had retention
8 limits set by complex, no minimum size, about
9 five prohibited species. The '99 FMP went to
10 the one shark per vessel per trip limit, set a
11 minimum size set at 54 inches fork length, and
12 also prohibited a bunch of sharks, including
13 dusky, but made an exemption for Atlantic
14 sharpnose from the size limit.

15 And there was another exemption for
16 bonnethead in 2004 for the size limit. And in
17 2006, with the amendment 2, the retention limits
18 stayed the same, but the -- what sharks you could
19 retain changed.

20 So it went to only non-ridgeback
21 LCS, excluding tiger sharks, because they are a
22 little bit more distinctive, small coastal
23 sharks and pelagic sharks. The minimum size
24 continued. So this ended up prohibiting
25 sandbar and silky sharks.

26 So the measures that are included in
27 the preferred alternative start with increasing
28 the minimum size from 54 inches to 96 inches,
29 basically to get at our dusky reduction.

30 And that's based on the size and
31 maturity for dusky sharks. They are a little
32 bit less than 96 or 93. That was I think 7-3/4
33 feet. So we rounded it to eight feet mainly for
34 enforcement purposes.

35 There is also included in here the
36 reporting of hammerhead sharks through the NMFS
37 non-tournament reporting system and that
38 recommendation came from the MRIP for hire
39 Florida pilot study so that we included that in
40 here. And then additional outreach to anglers
41 regarding identification and prohibition of
42 dusky sharks.

43 And so that is the preferred
44 alternative suite, A2. We also have
45 alternative suites A3 and A4, which some -- have
46 some of the same measures as A2, and those are
47 designated with an asterisk here.

48 But it also has a little bit

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1 different measures. Some of the differences in
2 A3 would be a single hammerhead complex, not
3 splitting things into Gulf of Mexico and
4 Atlantic, not having quota linkages, increasing
5 the blacktip quota 30 percent above percent
6 landings.

7 What we have in A2 is a blacktip
8 quota based on current landings, which our Gulf
9 of Mexico blacktip stock assessment indicated
10 that current landings would be sustainable.

11 Here, we are kind of taking an
12 approach that we do with sharks that are
13 experiencing overfishing, overfished. There's
14 a 70 percent probability of rebuilding so you are
15 looking at 30 percent above current landings.
16 And so different recreational measures,
17 including a minimum size for hammerheads and
18 additional outreach.

19 In A4 it's a specific scalloped
20 hammerhead quota, not lumping all of the
21 scalloped hammerheads together. It would look
22 at highest one-year landings rather than average
23 landings for the aggregated LCS, and the high
24 blacktip quotas would be based on projections
25 and these projections were run outside of the
26 SEDAR process, were not peer reviewed, and
27 there's a high degree of uncertainty associated
28 with them.

29 So that's one of the reasons we are
30 not preferring this alternative. It would
31 include the quota linkages and address
32 recreational -- the issue with species-specific
33 shark quotas, which is another thing that would
34 be -- difficulties in establishing and
35 administrating, that sort of thing.

36 So here's a table of kind of all
37 those three suites, A2, A3, A4. A2 is the
38 preferred and as you are looking at these and
39 thinking about them, you know, right now, we kind
40 of have A2 and we go through all the measures.

41 But if there's another measure
42 that's included in A3 and not in A2, and you think
43 would work as a preferred, we can, you know, take
44 comments on mixing and matching and those sorts
45 of things.

46 CHAIR McCREARY: Sorry, recall that
47 Margo underscored the importance of the logical
48 outgrowth concept, right? So you would be

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1 looking -- you would probably be placing
2 emphasis on measures that are a logical
3 outgrowth of what you've proposed, I assume,
4 right?

5 MR. COOPER: Correct.

6 CHAIR McCREARY: Okay.

7 MR. COOPER: Okay. So that's kind
8 of an overview of the suite measures, and so now
9 we are going to get into the pelagic longline
10 and bottom longline effort control
11 alternatives, and these are specifically aimed
12 at dusky shark rebuilding.

13 And so we looked at pelagic longline
14 interactions through HMS logbook data, bottom
15 longline observed interactions through the
16 observer program and recreational harvest
17 estimate just to kind of get some numbers, and
18 sum them up to a three-year total, and then took
19 a 62 percent reduction of that three-year total
20 to kind of get that three-year reduction target
21 that we are aiming for.

22 So that would -- so for the first
23 instance, for pelagic longline, we are looking
24 to reduce interactions from 1,757 over a
25 three-year period to 667.

26 So, and like I stated earlier, these
27 are relatively small numbers, but we are still
28 working with this percent reduction. So --

29 So looking at just the dusky shark
30 proposed measures, the recreational measures we
31 just covered in the TAC quota and alternative
32 suites.

33 So the proposed stand-alone
34 alternatives are looking at the commercial
35 bottom longline and commercial pelagic
36 longline.

37 And the goal is to kind of add those
38 reductions up to get that approximate two-thirds
39 reduction in dusky shark fishing mortality.

40 So getting back to the data used in
41 effort control analysis, for pelagic longline,
42 we looked at the HMS logbook data from 2008 to
43 2010. This is the census data of the entire
44 fishery, of pelagic longline, and it's
45 self-reported interactions.

46 For bottom longline, we looked at
47 the bottom longline shark observer program data
48 over the same period.

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1 They are observed interactions.
2 It's a census of the shark research fishery,
3 because everybody participating in the shark
4 research fishery has to take an observe on each
5 trip, but it's a subset of the entire fishery
6 interactions.

7 On the recreational side, with the
8 combination of the MRFSS, NMFS headboat, and
9 Texas Parks and Wildlife Recreational Fishing
10 Survey over the same three-year period, this
11 gives us a survey of recreational fishing
12 activities from Maine to Texas.

13 It's not a census. They are
14 extrapolated results. There is limited
15 locality information. It's not kind of the
16 point locality that we see from the HMS logbook.
17 Surveys, they are not really designed for rare
18 event species like sharks or HMS.

19 So, getting into these stand-alone
20 alternatives, alternative B1 would maintain the
21 existing time/area closures, no new closures,
22 and that would not address rebuilding and
23 overfishing of dusky sharks.

24 Alternative B7 would prohibit the
25 use of pelagic and bottom longline gear in
26 Atlantic HMS fisheries. That alternative would
27 address rebuilding and overfishing but at a high
28 economic cost that maybe we can use other
29 measures to still get at that rebuilding without
30 that extensive economic impact.

31 So moving through the different
32 alternatives, alternative B2 would be to extend
33 the timing of the Charleston Bump Closure
34 through May 31 of each year.

35 Currently it's closed from February
36 1 to April 30th, and when we looked at this, it
37 would get us a reduction of dusky sharks of about
38 two hundred and I think 14 over that three-year
39 time frame, when we take in redistribution, and
40 I'll talk about that in a moment. But it
41 wouldn't get us to that two-thirds reduction
42 which is over 1,000 sharks.

43 So, alternative B3, which is
44 preferred, would be to establish additional
45 pelagic longline time/area closures based on
46 dusky shark interaction hotspots.

47 So the analysis that's contained in
48 the DEIS for the dusky shark hotspots looked at

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1 the HMS logbook and all those individual sets,
2 and then what we did is we took the numbers of
3 dusky sharks that were reported as interacted
4 with and plotted them in a DEIS and looked at
5 where these interactions were occurring.

6 So on the top left-hand side of the
7 screen you see the individual sets. On the
8 right-hand side you see the dusky shark
9 interactions and these are plotted in one by one
10 degree grid cells over a three-year time period.

11 And then, when we looked at focusing
12 on the highest interaction areas in the shortest
13 amount of time, and the actual shortest amount
14 of geographic area, we looked at, well, where is
15 that -- if we close these areas, where is that
16 effort going to go?

17 And so we did some redistribution of
18 effort, and I'll get into that in a moment, and
19 also looked at, you know, where are the high
20 value areas and where would this effort go.

21 And so that map on the bottom left
22 is looking at average set revenue reported in
23 logbook, so we took that into account as well.

24 So -- and the use of interactions to
25 estimate fishing mortality reductions in the
26 draft was done because the proposed stand-alone
27 measures would not reduced dusky shark at-vessel
28 or post-release mortality and commercial
29 fisheries. There's really, especially for PLL,
30 nothing that does that.

31 In the pre-draft we looked at some
32 at-vessel post-release mortality measures.
33 But those measures weren't proposed in the
34 draft. They were mainly for bottom longline.

35 We got a lot of comments about safety
36 at sea and enforcement concerns for those types
37 of measures so they weren't moved forward.

38 And we also didn't receive any
39 additional comments during the pre-draft stage
40 or scoping that identified additional measures
41 that could be used to reduce at-vessel
42 mortality, post-release mortality of dusky
43 sharks in commercial fisheries.

44 So therefore, in this amendment, we
45 looked at -- the proposed approach looking at
46 reducing dusky shark interactions by
47 two-thirds, which would in turn reduce dusky
48 shark fishing mortality by approximately

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1 two-thirds.

2 And then, kind of piggybacking off
3 that, interactions could be used to establish a
4 bycatch cap. That's alternative B4, and I'll
5 talk about that as well, coming up.

6 But I want to talk about some of the
7 resolution of the hotspot analysis. And so that
8 previous map looked at those interactions kind
9 of on a coarse-scale level, one by one degree
10 squares.

11 And for the analysis, we wanted to
12 drill down as close as we could to keep these
13 things as small as possible in time and space.
14 And so we used a finer scale, 10 minute by 10
15 minute degree squares, to analyze that data.

16 We are not showing it due to
17 confidentiality concerns, but we are exploring
18 options to display that data at a finer scale.
19 And when we can, we will share it with you.

20 And then, getting into the actual
21 redistribution of effort analysis, to see, if we
22 close an area, what kind of reduction in dusky
23 sharks and other associated target species,
24 protected species is going to occur.

25 So, once we identified those
26 hotspots, we took a look at the number of hooks
27 that were fished there, and a CPUE of number of
28 hooks, to the different species that were
29 caught.

30 And then we also looked at the
31 redistribution areas, the number of hooks
32 caught, or number of hooks used in different
33 animals that were caught, to come up with a CPUE
34 for the redistribution area.

35 Then we moved the number of hooks
36 that were in the hotspot to the redistribution
37 area to come up with the numbers of dusky shark
38 reductions, reduction in other target species or
39 increase in other target species, and changes in
40 protected species interactions.

41 And so this is where we
42 redistributed effort. Looking from north to
43 south, that's Southern Georges Bank hotspot. We
44 moved that effort into the NEC statistical area,
45 Mid-Atlantic Bight Canyons and Hatteras Shelf
46 effort, moved into the Mid-Atlantic Bight
47 statistical area.

48 And the two Charleston Bump

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1 hotspots, we kept this within the current
2 Charleston Bump closure so then to expand it to
3 the entire South Atlantic Bight, it kept the
4 redistribution within that closure.

5 And here's just a look at our current
6 closures for pelagic longline, and others.
7 There's some bottom longline closures there too,
8 and the proposed hotspots and they are kind of
9 the same that we are showing on the other slide.
10 This has the dates associated with them as well.

11 So, Southern Georges Bank closure
12 would occur in July and August. The
13 Mid-Atlantic Bight Canyon's closure, there's
14 three in there so they are all connected and they
15 would all close in October.

16 The Hatteras Shelf closure would be
17 May, June and November and there's two
18 Charleston Bump closures. The larger one would
19 occur in May and the smaller one would occur in
20 November.

21 And then here's a look at what came
22 out of the redistribution analysis. So the
23 total economic impact when you look at all of the
24 species that had economic value associated with
25 them was a little bit -- had a negative impact
26 of a little bit over 385,000, and when we looked
27 at the reduction in dusky shark interactions,
28 when we redistribute that effort, we got a
29 reduction of 854 sharks.

30 When you look at our target that we
31 had on that -- our target slide for three-year
32 reduction, and yet these numbers are all over
33 three years, the percent reduction in
34 interactions is 49 percent.

35 So it still doesn't get us quite to
36 that 62 percent, but it is you know, that's what
37 it is, a 49 percent reduction in dusky sharks.

38 So, moving on to the idea of bycatch
39 caps, this would piggyback off of the hotspot
40 closures and use them to allow fishing in those
41 areas under a certain number of interactions
42 with dusky sharks.

43 And when that number of dusky shark
44 interactions was reached within a three-year
45 time period, that area would close on the
46 specific time.

47 So if the Mid-Atlantic Bight
48 Canyon's bycatch cap was reached in year two, it

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1 would close for year three and that one month of
2 October.

3 And so the bycatch caps would be set
4 at 10 percent of the redistributed interactions
5 from 2008 to 2010, so there's like basically a
6 10 percent reduction in dusky shark impacts and
7 economic impacts associated with this
8 alternative.

9 The vessels fishing in these areas
10 would have to be observed, so I know those
11 observed interactions count against that
12 bycatch cap.

13 And so one of the things we are
14 specifically asking for comments on is how would
15 we administer a bycatch cap program for dusky
16 sharks, not anticipating any increase in
17 observer program funding. Would that look
18 something like currently selected vessels in
19 those statistical areas, would they be allowed
20 to fish in the bycatch cap hotspot closure.
21 Would it be something like an industry-funded
22 program or electronic monitoring? So we want to
23 get some feedback on that.

24 Another one of our stand-alone
25 preferred alternatives is shifting the date of
26 the mid-Atlantic shark closure. The Atlantic
27 States Marine Fisheries Commission Shark
28 Nursery Closure runs from May 15 to June 15 and
29 that doesn't line up the end date of our
30 mid-Atlantic shark closure, which runs January
31 1 through July 31.

32 So over time we have heard from North
33 Carolina that that July 31 opening disadvantages
34 their fishermen and is contrary to National
35 Standard 4.

36 So our proposed change would shift
37 the closure dates back and would start December
38 15 and end July 15. We haven't heard much so far
39 about this alternative. So we'd love to get
40 some feedback.

41 Alternative B6 is also a preferred
42 alternative. This would be modifications to
43 the shark research fishery to minimize their
44 interactions with dusky sharks, and we would be
45 able to take advantage of our current
46 operational flexibility of the shark research
47 fishery and that could be done by limiting soak
48 time, number of hooks per set, restricting the

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1 areas that we are fishing in and just reducing
2 effort to avoid interacting with dusky sharks
3 and reaching that two-thirds reduction goal.

4 So, like I mentioned before, the
5 specific requests for public comments that we
6 have is the monitoring of bycatch caps. The
7 name "aggregated LCS," is that appropriate, or
8 is there a better name for that group of sharks?

9 Just reduction of dusky shark
10 mortality in the recreational fishery. How do
11 we improve angler identification and angler
12 awareness of dusky shark issues?

13 And just other approaches to reduce
14 dusky shark mortality recreationally. And then
15 stowing of longline gear to transit closed
16 areas. You know, we are talking about the
17 hotspot closures and we have other closures.
18 There's concerns exist about safety at sea and
19 additional economic burden moving around these
20 closures.

21 So if gangions, hooks, and buoys are
22 removed from the mainline and stowed, should we
23 allow transit of these closed areas with
24 longline gear? So we'd like to get your
25 feedback on that.

26 And I'd just throw out some of the
27 comments we have heard so far. So, we have
28 received comments on the recreational and
29 commercial end on those measures.

30 Increase in the recreational
31 minimum size from 54 to 96 will prohibit harvest
32 of sharks that do not grow to 96 inches,
33 especially concerned with blacktip sharks and
34 that leading to an inequitable allocation of
35 these species between the commercial and
36 recreational fisheries.

37 We have also heard that pelagic
38 longline measures are inequitable compared to
39 bottom longline and recreational measures. We
40 have heard suggestions for recreational slot
41 limits for sharks requiring body tags on
42 recreational sharks that are retained by
43 charter/headboats, maintaining the current
44 recreational size of 54 inches on pelagic
45 sharks, and there's many questions on the
46 recreational data, where are the duskies caught,
47 who is catching them, that sort of thing.

48 We have also heard that the

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1 redistribution and economic analysis of the PLL
2 closures is flawed, and that regional variations
3 of fleet mobility and market price are not taken
4 into account in this analysis, and that we can't
5 assume that vessels can redistribute to areas
6 outside of hotspots due to, you know, a number
7 of factors, size of vessel, capacity, those
8 sorts of things.

9 We have heard that the Hatteras
10 Shelf May Hotspot should not be closed to avoid
11 these 11 dusky shark interactions that would
12 occur if it was closed, and that the North
13 Carolina Fleet is disproportionately
14 disadvantaged by the Hatteras and Canyons
15 hotspots because it's four months of closures in
16 that Mid-Atlantic Bight area.

17 We have also heard that we should
18 apply post-release mortality rate to the total
19 number of interactions when calculating dusky
20 shark mortality.

21 There's also concerns over the
22 combined impacts of closures from amendment 5
23 and then some of the bluefin tuna amendment 7
24 potential closures that could occur.

25 We have had a number of questions on
26 the dusky shark stock assessment and data used
27 in assessment and also the data used in the draft
28 DEIS, and just concerns that recent catch rates
29 of dusky sharks do not support the latest stock
30 assessment results.

31 Just a heads up on some other shark
32 actions. We have gotten a number of petitions
33 to list sharks under the Endangered Species Act.
34 A scalloped hammerhead petition came in last
35 August.

36 White shark doesn't affect the
37 Atlantic or Gulf of Mexico because it's
38 northeastern Pacific. A petition to list
39 dusky came in in November and great hammerhead
40 in December, along with whale shark.

41 And you know, when these listings or
42 petitions are evaluated, they do take into
43 account current and future management measures,
44 so this is something to be aware of.

45 Shark season rule. The commercial
46 shark fishery opened up January 1 and the
47 porbeagle closed commercially for 2013 due to
48 overages from the previous year.

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1 And we have got upcoming shark
2 assessments through SEDAR in 2013, Atlantic
3 sharpnose and bonnethead will be occurring, and
4 then in 2014 finetooth and smoothhounds.

5 Here's our public hearings
6 schedule. You can find all this information
7 online. There is a special address of the
8 actual public hearing locations. Tomorrow we
9 are going to have a conference call, webinar and
10 that will be from one to four, and then we are
11 going to hit the road for a number of public
12 hearings in Florida, Louisiana, New Jersey,
13 North Carolina, Maryland, Massachusetts, Texas.

14 So, and that will run to the
15 beginning of February, and then until the end of
16 the comment period, which is on February 12th,
17 and you can submit comments through
18 regulations.gov.

19 We are going to take all your
20 comments today as well. We'll take a fax or mail
21 and for more information you can find all of this
22 on our website and if you have additional
23 questions, feel free to email me or give me a
24 call.

25 And so that's the end of my
26 presentation here. Scott, I'll pass it on to
27 you to open it up for questions and discussion.

28 CHAIR McCREARY: Sounds good.
29 Thanks very much Pete. Very comprehensive.
30 Key question and guidance I think for AP members,
31 obviously, as I said, we have a court reporter
32 here. Many people will have comments.

33 Does the agency encourage people
34 also to submit written comments even if they
35 restate what's said here verbally, or is that
36 redundant and not necessary?

37 MS. SCHULZE-HAUGEN: I would say
38 that if what you've said here is the sum total
39 of the comment, then we are taking notes here.
40 But to the extent that maybe it's something
41 different, or something, you know, written
42 comments are always welcome.

43 CHAIR McCREARY: Okay. Good. All
44 right, well I think that's important guidance.
45 Obviously Pete covered quite a bit of
46 information, both the background, the
47 rationale, the alternative suites, quota
48 linkage, some of the administrative challenges

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1 and an invitation to propose in particular
2 things that are logical outgrowths. So let's
3 begin with questions and comments. Steven.

4 MEMBER JAMES: Steven James, Boston
5 Big Game Fishing Club and Stellwagen Bank
6 Charter Boat. My organization of course runs
7 the Oak Bluffs Monster Shark Tournament and of
8 course that leads me into my first comments, and
9 these are numbers that I have gotten directly
10 from Greg Skomal pertaining specifically to the
11 recreational side of this, that is the dusky
12 shark recreational side of the fishery.

13 In the last 26 years, of the 66
14 tournaments that have taken place in
15 Massachusetts, there has been exactly one dusky
16 shark retained in a tournament.

17 There have been 19 interactions,
18 that is catch and releases, in 26 years. And
19 that's out of 66 tournaments.

20 We in New England are not
21 interacting with dusky sharks, and it would seem
22 that the draconian measures that are being
23 proposed here are punishing people who have
24 nothing to do with the problem.

25 So I would only ask that, for
26 starters, you try to identify who is catching the
27 dusky sharks, because it's not the folks in New
28 England.

29 I'd also ask that you attempt to
30 determine the overall length of the dusky sharks
31 that are being retained by the recreational
32 fishermen. And if you think about this, we have
33 got a proposal out there to go to 96 inches.

34 If the existing dusky sharks that we
35 are retaining are 30 inches long, we don't need
36 to go to 96 inches. We need to go to 32 inches.
37 But I don't know that that's going to solve the
38 problem because I don't know that we've got the
39 data to determine how big those fish are that
40 were supposedly being retained.

41 But certainly, having an
42 understanding of how long those fish are in
43 length is going to have a big impact on what
44 measure you need to take to reduce the overall
45 retention or interactions -- retention, excuse
46 me -- by two-thirds.

47 Let me look to another issue here.
48 Down in New York, it's my understanding that in

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1 the last two years, there's only been one dusky
2 shark retained in the Star Island Tournament.
3 So, again, I point to the fact that the
4 tournaments in New England are not interacting
5 with the dusky sharks, if you include New York
6 into the tournaments -- in New England, excuse
7 me.

8 I know that a lot of times we use
9 what's determined to be the best available
10 science in assessing retention, interactions
11 and so forth.

12 But I guess one of the points that
13 I'll make to you here, when we consider best
14 available science, I think it's important to
15 consider the best available social science as
16 well.

17 And the financial impact of shutting
18 down the recreational fishery, which is
19 essentially what an 96 inch retention limit will
20 do on all sharks, in the town of Oak Bluffs, where
21 I run the Monster Shark tournament, it is the
22 single largest event that takes place in the
23 town. It fills the hotels, the restaurants, the
24 bars, it fills the ice cream shops. It's worth
25 millions of dollars that weekend to the town of
26 Oak Bluffs.

27 And if we go to an 96 inch limit, the
28 tournament is all but gone. It will shut the
29 entire -- the entire event down and have
30 incredible impact on the town of Oak Bluffs
31 itself.

32 So the financial implications, not
33 only to the town of Oak Bluffs, but also I'll
34 point out that other towns, such as Montauk, that
35 are also largely involved in recreational shark
36 fishing tournaments, is staggering, over this
37 proposal.

38 Let me point out one other issue here
39 too, with respect to the groundfishery in New
40 England. As most people, I'm sure, have heard
41 in this room, the New England groundfishery has
42 all but collapsed.

43 It's going to have huge impact on the
44 charter business and if we turn around and again,
45 not allow people to fish or retain the sharks
46 that they are interacting with, that's just one
47 more problem for the charter industry in New
48 England, because as it looks right now, it's

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1 going to be tuna, tuna and tuna. That's what
2 you're after in the charter industry, because we
3 are going to lose a significant portion of the
4 groundfishery as a result of the stock
5 assessment up there.

6 And again, add on top of that this
7 proposal to take away the sharks, again, huge
8 impact to people who are not interacting with the
9 fish.

10 There's another really important
11 part here to figuring out how to solve this
12 problem, in my mind set, and that is of the large
13 -- or of the number of dusky sharks landing, what
14 percentage of those fish are being caught by
15 recreational surf fishermen? Because I'm not
16 aware of anyone that is really interacting with
17 dusksies as I walk around the room and I talk to
18 other charter boat captains here. Nobody seems
19 to be interacting heavily with them, and nobody
20 is retaining them, that I'm aware of.

21 And I guess I'm going to come to a
22 point here that this entire proposal is based
23 upon, and that is we've got numbers that are 80,
24 90, over 100 on the probability of statistical
25 error on the data that we have collected.

26 Those numbers that you are putting
27 forth, quite honestly, I believe to be junk.
28 They're maybe, again, best available. But at
29 the end of the day, the probability for
30 statistical error is just so far off the chart
31 that we are making proposals based upon garbage
32 information. And I think we've got to clean
33 that number up and we've got to get to the bottom
34 of our problem, and when we go down this path,
35 we have got this vague and ambiguous problem, and
36 we're putting forth a vague and ambiguous
37 solution.

38 And until you get it down to the
39 point where you've refined this, again, who,
40 when and where is this interaction taking place,
41 retention problem place, I don't think you can
42 put forth a solution that solves the problem.

43 CHAIR McCREARY: Excellent. Do
44 you have still more points, Steve? Because we
45 --

46 MEMBER JAMES: I will --

47 CHAIR McCREARY: -- have a queue
48 growing here. Do you want to come -- do you want

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1 to take a pause and come back, or do you have a
2 final comment?

3 MEMBER JAMES: I'll make just a
4 couple more points --

5 CHAIR McCREARY: All right.

6 MEMBER JAMES: -- and then I'll
7 relinquish the microphone here. It seems to me
8 that our overall problem here is specie
9 identification, and that -- how you go about
10 solving specie identification is through
11 outreach, and I would also suggest that maybe
12 it's time to think about a fine structure
13 specific to dusky sharks.

14 And I talked to Peter briefly about
15 this earlier. You know, if there's a \$500 fine
16 for taking a dusky shark, it doesn't take long
17 for that news to reach all the recreational
18 fishermen on the east coast, to know that if you
19 can't identify the specie that you have got your
20 hands on, you are susceptible to a \$500 fine.

21 Just one thought that might help
22 extinguish this problem, and I'm going to turn
23 the microphone over. I'm sure I'll have lots
24 more comments. Thank you.

25 CHAIR McCREARY: Thanks, Steve.
26 We don't want to get into a ping-pong of comments
27 and responses, but you did raise an important
28 concern among many about the data quality, and
29 Pete, I think, is going to just speak to that very
30 briefly and then we'll continue the queue.

31 MR. COOPER: And in the
32 presentation, kind of when we were going through
33 the types of data that we have, you know, we
34 definitely recognize that what we are looking at
35 as far as those numbers are survey data that is
36 extrapolated and that the survey isn't -- it's
37 not a census, it's not specifically designed for
38 HMS.

39 But we do have observed landings of
40 dusky sharks, when landings should be zero. So
41 that part of it, we know that there's landings.
42 We know that there's interactions. And so we need
43 to do something.

44 So what we came up with was that size
45 increase to kind of get at that problem. If
46 that's, you know, something that's not effective
47 at getting at that problem, we kind of need other
48 options.

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1 So, just kind of a little bit on the
2 data. We have a good idea what we are working
3 with. I don't think we are going to be hard and
4 fast with, you know, got to get to that specific
5 number with the rec data because it is
6 extrapolated from these types of surveys.

7 CHAIR McCREARY: Good. Thank you
8 very much. I have quite a queue here. I have
9 Mark Lingo, Jason, Mark Sampson, Rick
10 Bellavance, Ron Coddington, Rick Weber, Sonja
11 Fordham and Elizabeth Wilson.

12 And if I missed somebody, and I see
13 that I have -- gosh, the forest of placards has
14 grown. We'll continue around. I mean, we are
15 here as long as we need to be.

16 Did you want to say something,
17 Margo?

18 MS. SCHULZE-HAUGEN: Well, I just
19 wanted to remind folks that this initial
20 discussion is for panel members, and so folks
21 that want to speak in the public, we will get that
22 in at 2:15.

23 So, the one person I'm talking to is
24 not listening. So we'll come back to that.

25 CHAIR McCREARY: Right. Excellent
26 point. I know there are members of the public
27 here who are anxious to weigh in, but we do want
28 to defer that to the 2:15 slot.

29 Mark Lingo.

30 MEMBER LINGO: Mark Lingo, Texas
31 Parks and Wildlife. First off, let me say, you
32 know, there's two data sources in your data
33 you've collected here, there's Texas Parks and
34 Wildlife data and your own.

35 Since 1990, we have seen 22 duskies
36 in our recreational landings. That equates to
37 one per year and there hasn't been any since
38 2004, I believe. I don't have the number in
39 front of me, but somewhere around 2004 was the
40 last one that we recorded.

41 So duskies in Texas is not an issue.
42 Commercial landings, identified commercial
43 landings, were zero. There were no duskies
44 taken in Texas for commercial landings.

45 The 96 inch rule is -- for Texas
46 would be a de facto no take for all of our
47 recreational shark species. Everything that we
48 target is less than 96 inches in state waters.

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1 So we are definitely opposed to the
2 96 inch fork length. Alternative 3 looks like
3 the best thing to address those issues. So
4 that's kind of where Texas is coming from on
5 that.

6 Let's see what else I have here. I
7 would like to bring up just one point. I brought
8 it up in the last meeting. But since the last
9 meeting, that's three months of illegal gill net
10 and longline seizures in Texas, there's been
11 over 5,000 sharks in illegal take since then.

12 We have less than 3,000 sharks since
13 1978 recorded harvested in Texas. So in the
14 last three months there's been more sharks taken
15 by illegal gill netters and longliners than
16 Texas has seen in recreational, commercial
17 and/or gear combined.

18 That's Mexican longlines, yes. So
19 that's where we're at. I'd again like to say
20 that amendment, I mean alternative 3 looks like
21 it's probably the best way to go. The 96 inch
22 rule for recreational fishermen is just
23 unreasonable. And thank you.

24 CHAIR MCCREARY: Thanks, Mark.
25 You know, when we had our first comment we had
26 one person in the queue. Now we have about 12.
27 So I am going to ask everyone to be concise and
28 we'll certainly do more than one rotation,
29 probably several over the meeting. Jason.

30 MEMBER ADRIANCE: Thank you.
31 Jason Adriance. I am glad the term best
32 available science was brought up. I am curious
33 why the agency went through the time and expense
34 of a SEDAR for a Gulf of Mexico blacktip, only
35 -- that's been accepted -- only to revert to
36 landings, to set up a TAC.

37 It just seems Magnuson mandates to
38 manage towards OY and if the stock can take more,
39 why is that not being addressed? Why fall back
40 to landings? What's your -- artificial in a
41 sense? That's my question.

42 MR. COOPER: So, under the terms of
43 reference of that stock assessment, when we
44 didn't get an overfished -- or when it came back
45 as not overfished and not overfishing occurring,
46 projections weren't done within the SEDAR
47 process.

48 They were done outside of the SEDAR

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1 process, and we have that projections document
2 and I'm sure you've looked at it. But the stock
3 assessment itself that went through the peer
4 review and the SEDAR process indicated that
5 current landings would be sustainable through
6 the future, I think the next 30 years or so.

7 We do have additional alternatives
8 within the suites of having a larger Gulf of
9 Mexico blacktip quota, like you see in A3 here.
10 It would be a 30 percent increase from A2, and
11 that would actually -- of the TAC, and it would
12 be a 48 percent increase quota-wise, and then the
13 larger one in A4.

14 But again, that's based on
15 projections that were done outside of SEDAR,
16 have a lot of uncertainty associated with them
17 and haven't been peer reviewed.

18 CHAIR McCREARY: Thank you. Mark
19 Sampson.

20 MEMBER ADRIANCE: I just have a
21 quick followup. I 'm just going to ask why those
22 projections weren't done within SEDAR.

23 MR. COOPER: My understanding is
24 that, because it came back as not overfished with
25 no overfishing occurring, that that wasn't built
26 into the terms of reference.

27 CHAIR McCREARY: Okay. Mark
28 Sampson.

29 MEMBER SAMPSON: Mark Sampson,
30 Ocean City Charter Boat Captains Association,
31 Ocean City Shark Tournament. I probably will be
32 up to the mic a few times. I'll try to make this
33 as quick, as short as I can.

34 I did ask you, Pete, when we first
35 started discussions about this when amendment 5
36 came out, a few questions about the catch data,
37 and you were able to provide me with answers to
38 some of those.

39 But a couple that I haven't heard yet
40 is, number one, and it's been addressed a little
41 bit already, the size of the recreationally
42 retained duskies that we are being charged with.
43 I think that's important. It's very important,
44 in fact, particularly because if the proposal
45 was to set a size limit to curtail that harvest
46 of 96 inches, but most if the duskies that are
47 being caught are much less than that -- any less
48 than that -- then what have we done? You know,

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1 we haven't done much.

2 And Steve was talking about the
3 number of duskies that they interact with to the
4 north. I'm fishing out of Maryland, and just to
5 give you an idea of the amount of duskies that
6 we interact with, and of course, on my boat, we
7 do -- we specialize in sharks so that's what we
8 do every day for at least 100 days of the season.

9 But in the past six years, 1,053
10 duskies we caught, and just to address the size
11 situation, of those -- because I think the
12 important thing is, how many of those fish would
13 have been over 54 inches and therefore a
14 potential for somebody who couldn't identify
15 them as a dusky, how many might they have
16 retained? Out of over 1,000 fish, 49, or
17 roughly 5 percent, were over 54 inches.

18 So again, that sort of -- I think
19 somebody has to consider that when they think,
20 okay, we are going to put a size limit on these
21 fish to reduce this suggested recreational take
22 of dusky sharks, okay? So that, anyway,
23 something to throw out there.

24 And the other question that I never
25 got answered was, how many violations -- or have
26 any violations been written for recreational
27 anglers landing dusky sharks? Because -- and I
28 know, here's, you know, the big deal.

29 I know that you have to work with the
30 best available science, and I cannot believe
31 myself that you all believe that the science, the
32 data that we are all seeing about the
33 recreational catch of dusky sharks, I cannot
34 believe that anybody in this room believes it's
35 anywhere near close to anything, because when
36 you have those -- the PSE errors and all that,
37 when you throw that, I mean, it's just crazy.

38 I mean, it's beyond belief, you
39 know, to look at the catch data, for instance,
40 Maryland/Delaware, when you see the past 12
41 years when duskies have been closed, to see two
42 years when there's any supposed landings in one
43 of the -- I don't know which one of the surveys
44 did this.

45 But anyway, two years, when there's
46 -- and one year it's 100 and some, the other it's
47 1,000 and some duskies reported, and every other
48 year it's zero, absolutely zero.

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1 And that's not just for Maryland and
2 Delaware. If you go along in all the states,
3 it's all like that. So it's just bizarro world,
4 you know.

5 So, however, let me back up, I know
6 you all have to work with the best available
7 science. You are in a pickle just as much as we
8 are. Something's got to be done.

9 So let's just assume that these
10 duskies are being caught recreationally. We
11 have to end that. So -- and you are looking for
12 suggestions on how to do that.

13 I bounced this off of you, Pete, I
14 know, a few weeks ago. But I guess the -- well,
15 number one, if you've got to make a two-thirds
16 reduction in the landings of duskies, at least
17 recreational, I would suggest you do a
18 two-thirds reduction in bad data, and you'd
19 probably have the number right there. That
20 would probably be the best way.

21 If you could get a handle on the
22 data, you got the reduction in duskies, it'll
23 probably cover the supposed commercial catch as
24 well. But anyway, that's beside the point.

25 How do we address the problem, and
26 you have got it in the proposal a little bit, it's
27 all about education. Okay, yes. Okay, and
28 that is a problem. Always, probably always will
29 be. But it's getting better.

30 Fishermen and non-fishermen alike
31 are beginning to be able to identify different
32 species. It's critical, of course, for both
33 recreational and commercial, anybody who might
34 be retaining a shark, that they can identify a
35 dusky or any other species that they must not
36 retain.

37 Over the years, I think you all have
38 made some steps, you know, you've got, there's
39 some materials out that you have put out, you
40 know, some posters and other things.

41 And, I mean, I don't know what the
42 best answer is and how to bring everybody up to
43 speed, so no matter what kind of shark they
44 catch, they're going to be able to look down and
45 identify the species. That's a big matzo ball
46 out there to get.

47 But you know, it can be done. It can
48 be done. More effort needs to be made and, man,

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1 I mean, it's sort of -- my business has gotten
2 more and more into the educational end of it than
3 anything, and I would love to be a part of a
4 program like that.

5 But anyway, my suggestion is, rather
6 than this 96 inch recreational fork length
7 limit, would be to -- here. Ridgeback sharks,
8 the ridgeback sharks. Here they all are on one
9 page. The only ridgeback on this page that is
10 -- well, there's three.

11 There's the spiny and smooth
12 dogfish, you know, we can put them aside, because
13 I don't think -- well, anyway, that's the little
14 guys.

15 And then we have the tiger shark.
16 Besides that, all the other species are already
17 prohibited. A ridgeback shark, you know, what
18 we are talking about if anybody is not familiar
19 with that, between the two dorsal fins there is
20 the interdorsal ridge. It's a little fold or
21 crease of skin.

22 It's very obvious. Any of us,
23 anybody, the first time they see it, they say,
24 "okay, that's the ridge." All you would have to
25 do is educate the public that ridgeback sharks
26 are prohibited, and somehow get a caveat in there
27 that the little dogfish, if they are allowed to
28 be kept in that region or whatever, that they can
29 keep them, you've got it covered.

30 I mean, you've got the education.
31 You don't necessarily have to teach them how to
32 specifically identify a dusky shark from a
33 blacktip or a hammerhead or any of the other
34 sharks that are going to be caught up in this 96
35 inch minimum.

36 CHAIR McCREARY: Good, so that's
37 the essence of an alternative suggestion, right?

38 MEMBER SAMPSON: Yes. So I guess I
39 should stop here.

40 CHAIR McCREARY: And you did raise
41 a question about data quality, or several, and
42 we don't want to have a long debate, but I think
43 Pete wanted to just respond, no?

44 MR. COOPER: I mean, it's similar to
45 what we've talked about before.

46 CHAIR McCREARY: Okay, all right.

47 MR. COOPER: I do want to say,
48 Office of Law Enforcement is looking into

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1 violations on that. I didn't get the
2 information in time for the AP. But when we have
3 it, I will pass it on to you.

4 CHAIR McCREARY: Good, thank you.
5 And it's a fair question.

6 MS. SCHULZE-HAUGEN: Scott.

7 CHAIR McCREARY: Yes.

8 MS. SCHULZE-HAUGEN: Just a second.
9 I just want to say we are having a lot of
10 questions about the data and the recreational
11 data, particularly, so far, because that's who
12 we've listened to.

13 We have Ron Salz in the back, so if
14 we have specific questions that we need to bring
15 Ron up to answer, we can do that.

16 CHAIR McCREARY: Yes, and it might
17 make sense to kind of run through the queue for
18 a bit, see what questions we collect, and then
19 ask Ron to come up, because I sense we are going
20 to be hearing a bit more about that.

21 Rick Bellavance.

22 MEMBER BELLAVANCE: Thank you.
23 Rick Bellavance, Rhode Island Party and Charter
24 Boat Association. In the interests of time,
25 I'll hold off on my data collection questions
26 only to state that I also have my concerns about
27 the validity of it and the accuracy of the data.

28 But specifically, I had a question
29 about the 93 inch maturity age of duskies as
30 opposed to the 96 inch for enforcement measures.
31 I don't understand the concept there. A tape
32 measure's a tape measure, whether you read 93 or
33 96. I don't know why there was a need to round
34 up on that.

35 I am actually opposed to the 96 inch
36 fork length overall. For my industry up in
37 Rhode Island, that would be pretty harmful to our
38 shark fishery.

39 And I also just wanted to say that
40 of the options that are on the table, alternative
41 number 3 would be the one that would probably be
42 most favorable to us up in Rhode Island.

43 CHAIR McCREARY: Thank you, Rick.
44 Ron Coddington.

45 MEMBER CODDINGTON: Ron
46 Coddington, Southeast Swordfish Club. I am
47 going to work with your data. But I would have
48 a lot of questions about it. What I can't

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1 understand is what happened between 2008 and
2 2009 and the recreational harvest? Did all of
3 a sudden we learn what a dusky shark was and quit
4 keeping them, because we went from 2391 to 447
5 in '09 and 546.

6 If you look at the data, the data
7 suggests that we need to do nothing in the
8 recreational fishery. We have had on a yearly
9 basis an 80 percent reduction, 82 percent
10 reduction between 2008 and 2009, and between
11 2008 and 2010, a 78 percent reduction in take.

12 So it looks like the problem has
13 already solved itself in the recreational
14 fishery. To go to 96 inch measurement, you
15 effectively have shut down the Florida
16 recreational shark fishery at least, maybe not
17 immediately, because a lot of our shark fishery
18 is in state waters, but once everyone deals with
19 consistency here, we have got to deal with that
20 issue.

21 But I think what we need to do is
22 fully understand what happened between 2008 and
23 2009 and maybe look at what 2011 data is whenever
24 that is available, and see if we haven't already
25 met our reduction, and we do nothing for the
26 recreational fishery.

27 CHAIR McCREARY: Thanks, Ron.
28 Rick Weber.

29 MEMBER WEBER: Margo, I know that
30 you have always stressed a no surprises goal. I
31 believe you believe in the no surprises goal.
32 This is a shocker. I did not see this coming.

33 Yes, you are right, I have sat
34 through countless of these proposals, and
35 somewhere there should have been a floated, "If
36 we don't hear something, maybe we'd have to throw
37 out an eight-foot size limit for all sharks."

38 I assure you, you would have gotten
39 feedback 12 months ago if you had floated this
40 at some point before it was a preferred
41 alternative.

42 I mean, I called other AP members
43 going, "Did I miss a session?" It was just --
44 I believe you have a no surprises goal, and I
45 believe you strive for it. However the system
46 failed, I want to tell you that, from one AP
47 member, the system failed in this because this
48 is not a surprise, this blows surprises away.

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1 That said, you've got a long --
2 you've got a month of these hearings to go
3 through. I would suggest that, to the extent
4 you are permitted, now and possibly at other
5 meetings, I am really interested in knowing,
6 before we all spend a lot of time telling you a
7 lot of things that you do not have an appetite
8 for, I am really interested in knowing what
9 suggestions you do or do not have an appetite for
10 right now, or you are going to hear everyone
11 saying, "96 won't fly."

12 And I believe that you are open to
13 hearing other numbers other than 96, if you can
14 take care of duskies. If that is true, we'd like
15 to know it, and I'd suggest you do that at your
16 other AP meetings, or you are going to get time
17 and time again, "If you stick with 96, it's going
18 to kill me."

19 I believe you have an appetite
20 because what you said in your introductory
21 comments was, "We heard nothing, so we put this
22 in."

23 If you would like constructive
24 comments rather than just a rejection of the
25 whole preferred alternative, I'd suggest you
26 steer us.

27 To that end, if -- I question the
28 dusky data along with everyone else. You can
29 affiliate me with those comments. I personally
30 do not believe you have an appetite for reopening
31 what you feel is best available science right
32 now, and so what I need to address is the
33 lookalikes.

34 If you are determined to take care
35 of the duskies, which I believe you are,
36 regardless of my feelings on the data or
37 anyone's, then we have to figure out how to take
38 care of the lookalikes and let you do what you
39 need to do to protect duskies, and to that end
40 I'd affiliate myself with Mark Sampson's
41 comments, or in the northeast I have floated out
42 to at least one of you this idea of blue-colored
43 sharks against brown-colored sharks.

44 Something. You guys, you've been
45 around it long enough to go what is commercially
46 important to us, and this goes back to the no
47 surprises comment, you know what's commercially
48 important to us.

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1 To come out and against all of these
2 other species that are commercially important,
3 I think that was a mistake on your part. I wish
4 the Agency had floated, at some point within this
5 AP, some other alternatives.

6 That's all. You know, I do believe
7 you're trying to do your best, but I think we've
8 missed it on this one.

9 CHAIR McCREARY: Rick, thank you.
10 And Margo.

11 MS. SCHULZE-HAUGEN: To that point,
12 I hear you that you were surprised. But in some
13 ways I question that, because we have been
14 talking about this for a while. We have already
15 been managing sharks on a single shark trip limit
16 for a long time.

17 And the reasons for that are ID. And
18 we have had any number of AP discussions, and one
19 that sticks in my mind is one where Mark went
20 through an example on his own dock of like four
21 different species that people thought a shark
22 was.

23 So the ID issues are tough. And
24 that's where I think we need your input. We can
25 spend all day going through how much we don't
26 like the data. Believe me, I'm not thrilled
27 with it either.

28 But it is what we have. So we are
29 working with what we have. We have got to come
30 up with something, specific suggestions for what
31 we can look at, that will still meet the
32 objective for duskies are what we are looking
33 for. Looking at blue versus brown, ridgebacks
34 -- we have looked at ridgeback, I think that's
35 essentially where we are, but if we need to look
36 at it again I am happy to do that.

37 Certainly open to other ways of
38 doing what we need to do for dusky sharks,
39 because as bad as this data may be, we have a
40 two-thirds reduction from that.

41 We know the numbers are small. We
42 know the landings are rare. They are
43 documented. These are observed fish, so fish --
44 duskies are coming back.

45 Where do we go from here? So, I
46 mean, I'm sorry you were surprised. We did what
47 we could. I'm glad we've got your attention
48 now, because I think we are still at the point

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1 where we can make some changes.

2 It's not a final rule. That's the
3 worst. We get to a final rule and that's where
4 the surprise is. So we are earlier, it's
5 better. So, you know, these kinds of things are
6 certainly what we need to do and we are certainly
7 willing to take a look.

8 MS. BREWSTER-GEISZ: And can I just
9 follow up on that? I just want to reiterate what
10 you were saying, Rick. Yes, we need ideas. We
11 need them now. Now would be great. Would have
12 been great to have them six months ago. But now
13 is perfect.

14 When you see what the range that we
15 have, if something you are thinking of is within
16 that range, great. So we have had some comments
17 people prefer a three, I do have some questions
18 about that, wondering if it's just the 96 in A2
19 people don't like and they are okay with the
20 reporting of hammerheads, or if it's the entire
21 A2 suite that they don't like.

22 So if it's within that range of the
23 recreational range that we have already looked
24 at, we can move forward without going out again.

25 If it's something new, and I don't
26 know what new would be, maybe blue versus brown
27 would be new and outside that range, then we
28 would have to re-propose.

29 We don't want surprises at the final
30 rule. We do want ideas, any ideas you have. I
31 would agree with you that just hearing you don't
32 like 96 is not where we want to be, although I
33 don't like 96 either.

34 Ideas, specific ideas, and I don't
35 know how to emphasize that enough.

36 CHAIR McCREARY: So, a question for
37 Margo and Karyl. I believe it would be correct
38 to say, if people have in mind concepts that
39 might rise to the level of a hybrid between A2
40 and A3 that's not just a flat "change everything,
41 go to A3," you'd like to hear that.

42 You'd like more specificity about
43 what people do not like in A2 and what we do like
44 about A3, if that's what they are recommending.

45 Sonja.

46 MEMBER FORDHAM: Thank you. Sonja
47 Fordham, Shark Advocates International. I am a
48 creature of habit, so I've started with my

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1 questions, not my comments, and I'll probably
2 have comments later.

3 And I missed the last meeting so I
4 had a lot of questions, but you'll be happy to
5 know I've cut them down from six to three while
6 we all were discussing this.

7 So I have three questions for now,
8 and they are quite general. So in the interest
9 of time, if there's not a quick answer, then
10 maybe we can either talk later in the day or
11 someone can talk to me later in the day, or you
12 can just say read your proposed rule again, if
13 it's detailed in there, because I am just going
14 by the presentation today.

15 So my first question is, when you
16 talk about the measures in terms of dusky shark
17 mortality reduction, the measures that were
18 rejected due to -- or we didn't move forward
19 because of safety and enforcement concerns, I'd
20 just like to know a little bit about, like, some
21 examples.

22 If there was, say, more opposition
23 to soak time versus another modification, just
24 a little bit more information on which ones were
25 really not palatable.

26 And then whether those options as a
27 whole are closer to off the table because they
28 are seen as unworkable, or because you have
29 suggested that if we went to a scenario where the
30 experimental fishery would be able to continue,
31 and maybe test some of these soak times, these
32 other modifications, sort of where you think
33 there's hope for them, or they are just being
34 seen as so unpalatable and unworkable that we are
35 going to really try to focus on the closed areas
36 in the quotas.

37 So that's one question, if you want
38 I'll just run through all three. The other one
39 is just a general information about these dusky
40 bycatch hotspots, whether or not you know or if
41 there is information to show that those are --
42 happen to also be hotspots for blacknose and
43 hammerhead bycatch, or the opposite, like there
44 might be a danger of driving fishing into
45 different hotspots for these other overfished
46 species, or we just don't know. That would be
47 helpful.

48 And then the last one is just about

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1 hammerheads, just some general information on,
2 I know we are focused on scalloped because of the
3 assessment, and I am pleased that smooth and
4 great have been getting more attention as put
5 into this complex.

6 But I'd like to know if there are any
7 plans to assess those populations if the data are
8 sufficient to assess those populations, and if
9 we have any kind of scientific advice or
10 assumptions regarding the status of those
11 species, and how the measures that are proposed
12 for the hammerheads, which are kind of focused
13 on scalloped, might benefit or affect those
14 other two species. Thank you.

15 MR. COOPER: So, as far as the
16 at-vessel measures, an example -- you mentioned
17 soak time. So I think at the pre-draft, we had,
18 for bottom longline, allowing a maximum of a
19 12-hour soak during, from like 7 to 7 during
20 daylight hours and then during the night.

21 We have just heard a lot of comments,
22 both from the industry, that that could be a
23 safety problem, as far as you know, different
24 scenarios happening on the water, and also for
25 enforcement having to you know, know when the
26 gear is in the water, when it is not as far as
27 a soak time measure.

28 And so those alternatives are
29 addressed, considered, but not further analyzed
30 in the DEIS, I think it's in chapter 5. I don't
31 know about bringing them back to life. We'd have
32 to re-propose on that sort of thing.

33 Hotspots in terms of those other
34 sharks, they are based on the HMS logbook data,
35 so I don't think we saw many blacknose in there.
36 There's probably some hammerheads.

37 In everything that we looked at,
38 other shark species, other target species,
39 protected species, and that's in table after
40 table after table towards the end of the DEIS.
41 I don't have the hammerhead number off the top
42 of my head.

43 And then as far as plans on
44 assessments, what I'm aware of is what is shown
45 on the slide for the upcoming SEDAR assessments.

46 In general terms, A2 would put a cap
47 on hammerhead landings, whereas in the current
48 state, where hammerheads are listed under the

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1 large coastal shark quota, so they, you know,
2 great and smooth could exceed that hammerhead
3 cap. So it would probably be beneficial, but we
4 haven't analyzed that.

5 CHAIR McCREARY: Thank you. And
6 thank you very much for modulating your number
7 of questions. That's appreciated. Let's
8 continue. Terri Beideman.

9 MEMBER BEIDEMAN: Terri Beideman
10 from Blue Water Fishermans Association. I do
11 have a couple of questions and I actually looked
12 through my notes from last spring, and I have
13 read I believe carefully the very large document
14 associated with this rule, and still do not see
15 answers to things that were asked then, which you
16 know, I think is very kind of critical if you
17 consider what we are being -- what is being
18 proposed and the economic and community damage
19 that will be sustained if you put it through as
20 proposed.

21 What percentage of dusky sharks are
22 caught by U.S. commercial fishermen and
23 recreational fishermen in the global catch?
24 What percent are caught?

25 If we were totally, all, taken off
26 the water, what would it accomplish in terms of
27 recovery for dusky sharks? I don't see that
28 anywhere. No answer to that.

29 I don't even see what other
30 countries catch of them. We know that Mexico
31 catches some, you know, of the ones that we tag.

32 So you know, to me, it's the same old
33 same old. We are, you know, putting ourselves
34 in a position to be just regulated out of
35 business while the rest of the globe does what
36 it wants to do, and in the end, your best weapon
37 for conserving these species is keeping the
38 quota with U.S. fishermen, because we give a
39 damn.

40 So that's my first thought on the
41 entire aspect. I did have a question or two
42 about why particularly, I'm surprised, that you
43 used just logbook data for pelagic longline
44 information, because generally speaking, we
45 would see pelagic longline logbook data and the
46 POP observer program data, and you know, one
47 would back the other one up.

48 And it's conspicuously absent and

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1 I'm curious as to why. Why the observer program
2 that we have been doing for a very long time, and
3 it's pretty, you know, much the most observed
4 program that we have, why that information isn't
5 incorporated in here and backing up these
6 hotspots.

7 CHAIR McCREARY: Let's pause and
8 see what Pete has to say about this.

9 MEMBER BEIDEMAN: Oh, okay.

10 MR. COOPER: In the pre-draft and in
11 the draft, there are some maps of the POP
12 interactions as well, and you can kind of see
13 where they overlie with some of the hotspots that
14 were identified with the HMS logbook data. So
15 there are maps included that have that
16 information.

17 MEMBER BEIDEMAN: All right. I'll
18 check it out, but I was looking you know, for
19 CPUE. This is the other issue that I have raised
20 in some of the other proposals that you put
21 forth, is in this case, in order to make it look
22 like you are doing, and I'm referring primarily
23 to alternatives under B, although I don't
24 support putting our recreational guys out of
25 business either.

26 Closures that you have to compile
27 three years' worth of data to make them look like
28 they even do anything. Meanwhile, you provide
29 annual estimates of what the cost will be in
30 terms of minus or positive for the economic loss
31 to the 27 or 15 boats, which most of those boats
32 are the same.

33 So for each and every one of those
34 closures, you know, they are sustaining a loss.
35 I'm not saying this impacts the entire pelagic
36 longline fishery. It doesn't, these proposals.

37 But in the end it will because this
38 will only just start a process where we are
39 continuously promoting inefficiency in our
40 fishery. There's nothing efficient about how
41 you are managing longline. You are finding
42 every way possible to have us catch less, keep
43 less and then hitting us over the head for it.

44 The United States has not been
45 allowed to even possess these species since
46 2000. We are talking about a fish or a shark
47 that, it might take 400 years they say. I don't
48 know, I volunteer to be there to find out if

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1 that's going to be, you know, if somebody can
2 arrange that, that would be grand, you know?

3 Because there's a lot of question
4 marks and you are going to destroy people's
5 lives. Even if you accept your economic
6 analysis, which -- these are highly migratory,
7 one year they are in a spot, and next year they
8 are not in a spot. Picking a spot in the ocean
9 is hit or miss.

10 I say your hotspots are effort
11 spots, and if you eliminate all our effort spots,
12 you will do what you do, is push us where we don't
13 want to be fishing, and push us to catch what you
14 don't want us to be catching, as someone
15 expressed a concern about, and we've seen in the
16 data.

17 We are seeing it. How do you handle
18 success? If these nursery closures in this area
19 are actually having the kind of CPUE increases
20 that we see in the survey, the APEC survey, how
21 do we handle success? How much cutdown do we get
22 whenever anybody interacts with them? We are
23 going to have more and more and more. When is
24 it enough? When nobody else in the world is
25 doing anything, when is it enough?

26 That's my beginning. I have
27 specific comments on specific areas, and I will
28 take the time to go over them. I think in some
29 cases you don't even believe your economic
30 analysis.

31 You know, the one where you came up
32 where we actually make money if you close the
33 areas we are fishing, even you couldn't say it
34 was a positive. You had to call it a neutral and
35 I'm sure it was like, oh darn, what do we do now?
36 We came up with a positive for closing, you know,
37 the tuna fishery off the east coast of New Jersey
38 and New York, during their prime fishing season.

39 How did we do that? Well, we'd
40 better call it neutral. It's not a positive.
41 There are people behind me who came to express
42 their views this afternoon. I hope you listen
43 to them because you are going to destroy them.

44 We have taken cut after cut after
45 cut. And it's not going to take a whole lot to
46 tip us off the cliff. And once we do, we are
47 gone, all the rest of the world is just waiting.
48 They can't wait to fill in that nine percent of

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1 American catches that we now consume in this
2 country. Ninety one percent of imports.

3 So anyway, that's a start. I'll let
4 the microphone go.

5 CHAIR McCREARY: Thank you, Terri.
6 Rusty.

7 MEMBER HUDSON: Thank you, Scott.
8 Rusty Hudson, Directed Sustainable Fisheries.
9 Trying to look at these alternatives and stuff
10 is kind of like getting your mind around a
11 Chinese menu. And it's hard for me to just pick
12 a suite of choices, but I will make a few
13 comments.

14 On suite 3, you have with blacktip
15 the increase in the Gulf of Mexico. I think that
16 you should allow that to go forward. Basically,
17 the idea of the small coastal shark division at
18 the Monroe County, Dade County line, help
19 separate us from the Gulf of Mexico, especially
20 with their shrimp bycatch of blacknose, so that
21 you all can deal with that somehow.

22 Ultimately, I have my reservations
23 about a lot of the stock assessments,
24 particularly the Hayes document on scalloped
25 hammerhead. He didn't differentiate between
26 greater hammerheads and smooth hammerheads.

27 But if you were going to do -- and
28 that 78 inch fork length is pretty close to the
29 size of maturity for the scalloped hammerhead,
30 that would qualify for that animal, and your
31 smooth hammerhead is, except for the head
32 difference shapes, very similar in the fin
33 shape. The great hammerhead is totally
34 different, and it's very easy to tell the
35 difference, and yet I am sure the maturity of the
36 great hammerheads are much larger than 78 fork
37 length.

38 So I would want to always see great
39 hammerhead kept separate from smooth and
40 scalloped hammerhead. Second off, if you take
41 the MRFSS numbers out of the scalloped
42 hammerhead assessment, you really have nothing,
43 and at the moment all you have is a trends
44 analysis over in the U.S.

45 But this is a highly migratory
46 species, a straddling stock, and as long as we
47 have those issues, and we have that issue with
48 duskies, the last tagging that I could see was

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1 the stuff from 1963 through 2009. This is a
2 document used in our SEDAR 21, which is the same
3 thing, the catch free dusky model came from.

4 You have nearly 8,000 TACs of dusky.
5 Most of them were done on the east coast of the
6 United States. Some of them were done in the
7 Gulf of Mexico, some in the Caribbean, some in
8 Mexico.

9 A large amount of the 157 tag
10 recaptures -- this should have been updated as
11 part of amendment 5, honestly -- but 157 taken
12 or recaptured across all of them years, '63
13 through 2009, a lot of them came from Mexico.

14 And if I remember the analysis that
15 we did in SEDAR 11, it worked out to 16 percent
16 at liberty from one day on, or if you used one
17 year, you had 20 percent of the recaptures came
18 from Mexico.

19 So with a straddling stock,
20 something that we don't have a mandate on and it
21 killed us when we first challenged all this in
22 the shark lawsuits back in '97, was that you can
23 unilaterally put the American fishermen out of
24 business, without any kind of cooperation from
25 our neighbors, and that should be looked into.

26 I know Dr. Hogarth tried to meet with
27 the Mexicans. I know, I guess the Mexican
28 fellow came up and participated in SEDAR 29 to
29 some degree.

30 But again, these are failures, just
31 like with the prohibited species sharks.
32 There's 19 of them, 5 from '97, 14 from '99.
33 There's only been one assessed in my mind, and
34 that's the dusky with a catch free model,
35 although the hierarchical model showed a serious
36 positive uptick on dusky between the time of the
37 prohibition, the no-take for recreational and
38 commercial, that should be a positive.

39 One of the things I see with the
40 Delaware survey, year after year, in just recent
41 years, you see an increase of the number of
42 animals.

43 The bulk of those animals tagged
44 were in that range that were not mature animals.
45 You have a nursery ground up in the mid-Atlantic,
46 so it's obvious that it's pretty easy to tag them
47 up there.

48 The 96 inches, no way I could support

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1 that. You'll kill the recreational blacktip
2 and spinner fishery and people that want to fish
3 for bull sharks and stuff like that.

4 The blacknose, it's not going to be
5 off shore, it's going to be near shore, and
6 that's a scenario that we are quite familiar with
7 as being experienced people having to deal with
8 those animals.

9 Again, I just have a problem with
10 some of our assessments. I don't believe some
11 of the science. I do not believe in the year
12 2408 as the year that dusky is going to be
13 rebuilt.

14 I think it's going to be a lot sooner
15 than that, as far as this distinct population.
16 But here's the deal. We now have recaptures of
17 duskies from far away as Panama. So if we have
18 that, then you can probably figure they can
19 easily be out of South America.

20 So let's take in South America and
21 Central America, Mexico, Bahamas, all of these
22 places, Canada, who also see some of these
23 duskies, and let's do something with a
24 straddling stock instead of unilaterally
25 impacting the U.S. recreational and commercial
26 and for hire sectors.

27 It's just unconscionable to keep on
28 behaving this way, and we need the science for
29 the prohibited species. There's several of
30 those species in there that either need to be
31 eliminated, like the narrowtooth and the
32 Caribbean sharpnose, some that may actually have
33 very virgin stocks, like the bignose that I have
34 said for a long time.

35 And as far as the dusky goes, you
36 already have the recreational prohibited from
37 sandbar and dusky. Up in the mid-Atlantic, most
38 of those animals are of course juvenile, and
39 commonly, for decades, referred to as brown
40 sharks.

41 Well, technically they can't keep
42 those brown sharks. The other brown shark is a
43 silky. You've already taken that away from the
44 recreational also.

45 And yes, there are some people, even
46 in the commercial that were confused between a
47 silky and a dusky. But having been in the
48 sharkfin business, and knowing the values of the

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1 different animals, they are like night and day
2 to me, and I believe in what Mark was saying,
3 there's a definite need for outreach.

4 Now here's another problem. With
5 your numbers that you have for recreational
6 interactions, that's just interactions. I
7 don't know if that's live release, dead release,
8 or reported or observed. I don't see that.

9 Nor do I see any kind of definition
10 of where the pelagic longline, 33 percent dead
11 discards comes from, or the 55 percent on bottom
12 longline comes from, in that amendment 5 DEIS.

13 I would figure the EIS, or DEIS,
14 would have that information. And then I have to
15 go back and find the Tucker document -- I'm
16 sorry, not the Tucker -- Cliff and Thurman, 1984.
17 Six percent post-release mortality
18 for recreationally-caught dusky sharks.

19 Okay, well there's a start. We have
20 a live release in most cases because those
21 animals are going to be alive unless somebody
22 mistakenly brings one in.

23 Most of the duskies in recreational
24 catch are immature. And so for them to catch
25 what we call the 747, the one with the two-foot
26 long pectorals, a dusky doesn't even become
27 sexually mature as far as the female until that
28 pectoral is around 15 inches.

29 And then when you see the chew marks
30 on the pectorals, generally you have got an idea
31 you are dealing with a mature animal. Yet the
32 biggest sandbar pectorals will get with a nice
33 clean moon cut, is 15 inches, and that's as big
34 as they grow, and of course there's differences.
35 The dorsal over the top of the pectorals versus
36 back, the ridgeback versus the non-ridgeback.

37 A lot of this is stuff that's common
38 sense and if your bulk of your area is up there
39 in the mid-Atlantic where the nursery ground is,
40 it's pretty obvious you are going to see
41 interactions.

42 Now here's another problem -- MRFSS
43 versus MRIP. I have already said it about
44 hammerhead. What with dusky? I had to go in
45 and toy with it in order to find a dusky in MRIP.
46 Well, I found it.

47 And in the years 2008, since you have
48 those three years on your page there, chapter 4,

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1 page 46, in the year 2008 you have 2,391
2 interactions.

3 Well, in MRIP, in the mid-Atlantic,
4 you have 1,492. There's only one other region
5 they have for that year -- South Atlantic. They
6 have zero.

7 2009, you have 447. That's a big
8 drop from that 2,391. I look in MRIP,
9 mid-Atlantic, zero. South Atlantic 487, and
10 the 487 in both cases are observed, not reported,
11 not released alive.

12 And the last year, 2010, you have 546
13 for your grand total of 3,384, and this is where
14 it's get's funny. We've got four regions
15 represented because in the previous year you had
16 Gulf of Mexico was zero, with the four regions,
17 mid-Atlantic, South Atlantic, Gulf of Mexico,
18 Caribbean, you've got goose eggs in the first
19 three and in the Caribbean you've got 455
20 observed interactions.

21 So we have issues with the way the
22 recreational numbers are coming up, and as far
23 as the PSEs, anything over a 50 is considered
24 unreliable in a lot of ways, and yet you're
25 coming up with PSEs on the MRIP, 103.7 for '08,
26 104.1 for '09, 100 for '10.

27 CHAIR McCREARY: Rusty can we -- can
28 we find a break point in your review of the data?

29 MEMBER HUDSON: Well, this is what
30 I'm trying to say. When we get into doing a
31 written comment by February 12th, that's our
32 deadline, we are going to try to be able to
33 incorporate this, but we are short certain
34 pieces of information.

35 So we are having to go and look and
36 find things, same thing that you all could have
37 done. So with your 96 inch, you need to just
38 forget about that. As far as the idea of
39 impacting the recreational, please don't do it.

40 You know, it's something that we
41 need to get better cooperation out of the other
42 countries. We have unilaterally done a lot
43 here.

44 And as far as this catch free model,
45 I had problems with it in '06, I have problems
46 with it in the SEDAR 21. And I just honestly
47 believe there's got to be other alternatives to
48 modeling for that, and yet you can't do it.

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1 As the managers, you are mandated to
2 have to do something, which hurts us, again,
3 unilaterally. And with that, I'll stop until
4 this afternoon.

5 CHAIR McCREARY: Thank you, Rusty.
6 Sean.

7 MEMBER McKEON: Sean McKeon, North
8 Carolina Fisheries Association, commercial.
9 Terri and Rusty said most of what I was going to
10 say, so I'll kind of keep my comments to the world
11 I know a little bit better than the science and
12 the fishing.

13 We've got guys here who are going to
14 talk this afternoon or speak to you about some
15 of the specifics. But you know, what I hear and
16 what the perception is in North Carolina, as was
17 pointed out a little bit ago, we have a huge
18 bull's eye on our back, and have for a very long
19 time with respect to shark fishing.

20 And this is, this is almost a death
21 sentence for our longline fisheries, which is
22 about all some of our people have left on the
23 coast. Some of the fish houses and some of the
24 fellows, this is about all they have left to do.

25 I mean, what I hear and what I
26 believe with all my heart that we have, you some
27 of you heard the solution in search of a problem,
28 we have an agenda in search of a problem, and I
29 understand that you're being, you know, your
30 management measures have to fulfil -- have to
31 fulfil this.

32 But if I've heard it once at these
33 meetings, I've heard it 500 times from you all
34 and your staff, that you are not happy with this
35 data, you're not happy with what you have to do,
36 you're frustrated as we are, you'd rather not
37 even use the numbers, you said a minute ago,
38 Karyl, and that's never going to change unless
39 you all stand up and say that in this process,
40 and let people know who are pushing these
41 agendas, and people higher up, that this is
42 unacceptable, this is an unacceptable way to
43 manage stocks, to unilaterally, as has been said
44 three or four times here at least, and probably
45 will be stated throughout the day, it's
46 unacceptable to have the overwhelming burden,
47 the -- the lack of participation in any other
48 country, and that the overwhelming burden falls

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1 on the United States of America fisheries, and
2 in this instance, amendment 5 is going to fall
3 overwhelmingly on North Carolina, specifically.

4 You know, you look at -- you have
5 two-third reductions in a fishery that has been
6 prohibited since 2000, that's what we were told
7 in Margo's opening comments.

8 She also said looking for a logical
9 outgrowth, measures that will come from a
10 logical outgrowth. That to me is statements
11 that are just so contradictory.

12 I mean we have something here that
13 -- I won't belittle the data points, but I am in
14 that boat too. This data is horrific. I had
15 questions about logbook and observers, why, I
16 mean, we got an answer. I would like to go into
17 that a little bit more.

18 The economic analysis is far from
19 complete. I think it's woefully flawed. I
20 looked at one of your slides, it was roughly in
21 the Hatteras Closure Area, it was \$100,000
22 roughly. It was 28, 28 and 33 or something like
23 that. A hundred is fine.

24 But I am assuming that's an
25 ex-vessel value. Yes, 30, 30, and 37. So
26 roughly 100,000, a little bit more. We look at
27 vessels there, I mean, that is just not even
28 close to the economic impact in a place like
29 ours, in an area like ours.

30 I think that that economic analysis
31 is -- bless you, on the record bless you -- I
32 think that, I think that that is no way to manage
33 fish, as I said.

34 But again, I really just want to
35 concentrate at this time on the effort that I
36 think lacks always from the agency, when it comes
37 to the frustration you have, your jobs are
38 secure, your things are secure. But the actions
39 you take are going to make a lot of people's jobs
40 not secure, and they are going to put a lot of
41 people out of business.

42 And I think it's incumbent upon you,
43 I don't care how it has to happen, and there are
44 rules and regulations you have to follow. But if
45 it doesn't come from you, the frustration just
46 comes from us, it's not going to be heard at all.

47 And finally, with respect to
48 overfishing, you know, it may seem sophomoric to

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1 a lot of us in this room, we understand that
2 overfishing is not just fishing.

3 But you have to have some
4 flexibility. There has to be some flexibility
5 built in with the rates that you use to declare
6 these things in the state that they are in.

7 In other words, you can use some of
8 your flexibility to mitigate some of the impacts
9 on a two-third reduction, and I think that you
10 need to go back and look at that because I think
11 that the overfishing definitions have so much
12 flexibility, based on the numbers you plug in to
13 say what's overfished.

14 And I think you can go in there, even
15 at this stage and find some flexibility in those
16 numbers to mitigate, at very least mitigate some
17 of the reductions that you are calling for, and
18 there are a lot more comments that I have as well,
19 but I wanted to keep it as short as possible.

20 CHAIR McCREARY: Sean, thank you.
21 Do you want to respond to any of that, or no? No,
22 okay. Continue. Randy Gregory.

23 MEMBER GREGORY: Excuse me, Randy
24 Gregory. I'm not sure where to start. But
25 since we've got this slide up there, Dewey
26 provided me with a -- Dewey Hemilright provided
27 me with some economic figures just from four
28 boats from that fishing out of Oregon Inlet.

29 In October and November their catch
30 was -- this is four boats, there's probably nine
31 boats fishing out of Oregon Inlet -- and they
32 fish in this area. The reason they fish in this
33 area, that's where the tuna are, and you guys
34 know that, I believe.

35 \$240,000. These are four boats.
36 Small boats, may I add. And they are not going
37 to travel, not going to be able to travel.

38 That was for October and November,
39 and then almost \$400,000 for May and June. So
40 anyway, that's one of the problems.

41 I have a couple of questions. Do
42 you think the ridgeback idea would work in the
43 recreational fishery? Do you think Mark
44 Sampson's idea would work as an alternative to
45 eight foot sharks, which would eliminate
46 blacktips and a lot of other species?

47 Have you looked at the combined
48 impacts from amendment 5 and amendment 7?

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1 Basically you are looking at an area that will
2 be closed for 9 months out of the year. The 12
3 remaining pelagic longlines out of North
4 Carolina will probably go out of business.

5 Where did the 33 percent mortality
6 rate for pelagic longline for dusky sharks come
7 from? And that's -- maybe I missed something
8 somewhere. Is there a paper, is this from
9 observed data?

10 And then okay, we finally got the
11 North Carolina closure to open when the rest of
12 the world opens up, but then why did we decide
13 we are going to cut two weeks off of it at the
14 end of December?

15 And granted, that doesn't happen
16 much. There's not much of a shark fishery. But
17 that still will disadvantage North Carolina
18 fishermen from the rest of the world a little
19 bit.

20 That's probably a moot point at this
21 time. But anyway, there's a lot more, but I
22 think that's it for now.

23 CHAIR McCREARY: Thank you, Randy.

24 MR. COOPER: As far as the
25 ridgeback, non-ridgeback, we can definitely
26 take a look at it. Currently we, you know,
27 basically have a lot of non-ridgebacks, and all
28 the ridgebacks except for tiger sharks.

29 Maybe making that clear distinction
30 will resonate within the community and be a
31 positive. But that's something we'd have to
32 look into.

33 MEMBER GREGORY: Have y'all thought
34 about that? I mean, has that been anything we've
35 looked at? Or y'all have looked at?

36 MS. BREWSTER-GEISZ: That was
37 amendment 2. Amendment 2 put that in place,
38 non-ridgeback plus tiger. That was the
39 alternative. So how much we need to emphasize
40 that and stress it is something we'd have to look
41 at. But that's what we put in place

42 MEMBER GREGORY: I've just got one
43 additional thing, and I don't know why I just
44 thought of this. Is this also going to take the
45 sharpnose out? Are we still going to be allowed
46 to have our sharpnose? We are. Okay. I'm
47 sorry.

48 MR. COOPER: Thirty three percent

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1 mortality rate came from POP observer program.

2 MEMBER GREGORY: It's not a
3 scientific --

4 MR. COOPER: So it's over those
5 three years.

6 MEMBER GREGORY: It's just observer
7 reported, this one's dead, this one's not?

8 MR. COOPER: Yes. And then the
9 mid-Atlantic closure, the shift was to keep the
10 -- just the time frame as far as the conservation
11 measures for sandbar and dusky, and then I missed
12 the second one. Do you have it there, Scott?

13 MS. SCHULZE-HAUGEN: The combined
14 effects of amendment 5 and 7, so they are at
15 different points in the process. Believe me, I
16 get that there is a lot of concern about the two
17 of those together.

18 With amendment 5 coming first, no it
19 doesn't look at amendment 7, because that's not
20 even proposed. Amendment 7, which is on bluefin
21 tuna, would be where we look at the combined
22 effects of amendment 5 and 7 because at this
23 point we are still developing what will be in
24 amendment 7.

25 CHAIR McCREARY: Okay, so we have
26 about five or six people who have not spoken, and
27 we would like to try to get through that queue
28 before lunch, and then we have some people that
29 have put their card up a second time, and we will
30 come back to you all after lunch. Pam.

31 MEMBER BAKER: Thank you. Pam
32 Baker with Environmental Defense Fund. I think
33 going to the more species-specific proposals, I
34 can see how that makes sense, where we have the
35 different biologies and different status.

36 The quota linkages as currently
37 proposed, I think there's a real chance of
38 shutting the fisheries down with a lot of shark
39 quota left.

40 And this of course will serve the
41 biological need, but the vessels that do a good
42 job of targeting the species that -- for which
43 adequate quota is available, and staying away
44 from those that don't, will be shut down along
45 with the rest of the fleet, those that don't work
46 so efficiently.

47 I don't know how you fix that problem
48 in this type of amendment. I think amendment 6,

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1 where you start to look at individual vessel
2 quotas, that you can begin to address this issue,
3 and the ability to -- to allow vessels that do
4 a more efficient and a better job to stay on the
5 water and not be shut down with the others.

6 I also just want to make a quick
7 comment. Others have brought up about working
8 with neighboring countries, and I understand
9 that there are a lot of budget concerns both here
10 and in the neighboring countries.

11 I think just thinking about a more
12 deliberate process of working with those
13 countries, our organization, together with Mote
14 Marine Lab in particular, are working in Mexico
15 to try, with the government there and also with
16 universities, to improve the shark research and
17 understand the landings and species and there's
18 information and data and it seems to me that
19 thinking about a deliberate process, even if
20 there isn't a lot of additional money, might
21 allow us to think about how we do a better job
22 of joint research and maybe joint management.

23 So I would encourage you and us and
24 others to think about how do we really
25 operationalize that, and I think that there are
26 ways to do that.

27 We have seen receptivity in Mexico
28 for that and as somebody mentioned, one of the
29 scientists from Mexico attended the blacktip
30 stock assessment, and there are a lot of good
31 researchers and universities working on sharks
32 there. So that's it for now.

33 CHAIR McCREARY: Okay, thank you
34 very much, Pam. Jerry Leape.

35 MEMBER LEAPE: Thank you, and I will
36 try and be brief. My first question, I think,
37 Margo, you kind of addressed, was I think trying
38 to look to the extent that we can between the
39 further development of amendment 7 along with
40 amendment 5, because of the overlapping issues
41 we are talking about. I think to the extent you
42 are allowed to do that, I think we might be able
43 to come up with some solutions that not only try
44 and get us the conservation benefits we need but
45 also try and minimize the impact to the extent
46 possible.

47 On the longline, some of the
48 longline issues that Terri brought up, I am

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1 sympathetic with the fact that we need to do more
2 to try and get the international counterparts to
3 do their part, and I think it's not only working
4 through your counterparts within the fisheries
5 departments, but also working with your
6 counterparts at State, because this is a foreign
7 policy issue, and it could be more of a -- could
8 be handled at many of these international
9 treaties as more of a priority and through the
10 bilaterals than it currently is.

11 So I would encourage that. But that
12 doesn't -- where we may diverge is that doesn't
13 say that we can't, we shouldn't act according to
14 the impact these gears are having here at home.

15 You mentioned in the presentation
16 about the scalloped hammerhead listing petition
17 that was filed in -- I think it was August 2011.
18 Could you -- I have forgotten the sort of time
19 line that is involved there, but it seems since
20 it was August 2011, that we may be nearing some
21 deadlines and would be interested in some
22 updates on that.

23 Third, there's some enforcement
24 concerns. You talk about, especially when you
25 look at the duskies, dusky chart, there seems to
26 be some call for real significant reductions in
27 interactions, and frankly, well, regardless of
28 what the merit of them, it seems like those may
29 be very difficult to enforce if you don't have
30 any sort of envisioned regime to take care of
31 that.

32 Finally, there's, in the Pacific
33 there has been greater talk about using smart
34 VMS, and in particular with this issue of
35 transiting through closed areas, that maybe
36 there's, you know, if there's some correlation
37 between speed and times where they might be
38 catching, you know, interacting with sharks or
39 not, that may be an area to look into, because
40 it seems like we should try and put more effort
41 in that because of the tremendous impact of
42 having to transit around the closed areas if
43 there is not a more creative solution. Thanks.

44 MS. SCHULZE-HAUGEN: Just a quick
45 response on the ESA. Scalloped hammerheads,
46 the normal process is that once a petition is
47 received, there's a 90-day finding on whether
48 the petition presents substantial information

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1 and a status review will be conducted.

2 There was a 90-day finding, and we
3 are a little bit past the year clock for what the
4 status review determines. At that point, there
5 will either be a proposed rule to list, if the
6 status review determines a listing is warranted,
7 or a negative determination on listing and then
8 that's the end of the process.

9 And so scalloped hammerheads I would
10 expect that one-year determination should be
11 coming up soon and then a 90-day finding for the
12 others, the great hammerhead, duskies and whale
13 should be coming out I think in a couple more
14 months. Those just came in.

15 And also Maggie Miller from
16 Protected Resources will be here this afternoon
17 that can answer more detailed questions. She is
18 from the Office of Protected Resources.

19 CHAIR McCREARY: Thanks. Let's
20 continue. Elizabeth Wilson.

21 MEMBER WILSON: Hi. Recently NMFS
22 has been pretty vocal in their success in ending
23 overfishing, yet we are sitting here looking at
24 three shark species where overfishing is
25 occurring.

26 This is a really important amendment
27 to have in place for NMFS to be able to fulfil
28 its legal mandate to end overfishing, and I do
29 realize that it's a very difficult amendment, so
30 we do appreciate all the effort that NMFS is
31 putting in to trying to find some solutions to
32 these difficult questions.

33 It's very complicated, and I, like
34 several other people in the room, are still
35 trying to wrap my brain around what exactly it
36 all means.

37 So at this point I have more
38 questions than I do comments, although I would
39 like to say that the commercial portions of suite
40 A2 do move in a direction that we have been
41 talking about for a long time, and that's moving
42 towards species-specific management of sharks
43 that still considers the fact that many of these
44 species are caught together.

45 It's also introducing some new
46 things, like looking at different regions. So
47 I'm happy to see that after several years of
48 discussion of some of these topics in the AP,

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1 that some of that is starting to move forward.
2 I am happy to see, in that suite 2,
3 that the three hammerhead species are all
4 included in there, not just the scalloped
5 hammerhead.

6 I am curious, though, about how the
7 quota level was selected and would like to hear
8 more about that process, because I'd like to make
9 sure that the quota is precautionary enough to
10 ensure that scalloped hammerhead fishing is not
11 occurring.

12 So if you guys could talk about how
13 that quota was set or chosen, that would be
14 great. Another, just, clarification, on the
15 commercial portions of the B alternatives for
16 dusky sharks, am I reading this correctly that
17 B3, B5 and B6 would all be needed together to meet
18 the two-thirds reduction?

19 And it looks like my other questions
20 have all been covered. Thank you.

21 CHAIR McCREARY: So just to your
22 last point about the aggregation of
23 alternatives, is that, is that a question that
24 one of you can quickly answer, or do you want to
25 defer that?

26 Can you restate, Elizabeth?

27 MR. COOPER: Just, it was the
28 hammerhead quota and how that was kind of -- how
29 it came about and split it up --

30 MEMBER WILSON: Yes, they are
31 talking about the part that is saying it's a good
32 thing that we are moving in that direction. So
33 that one didn't require a specific response.
34 But the hammerhead one does. Thanks.

35 MR. COOPER: Yes. So we've got a
36 TAC from the hammerhead stock for scalloped
37 hammerhead from the assessment. And so we took
38 that TAC, took discards out of it to get our
39 commercial quota.

40 And that assessment covered the
41 Atlantic and Gulf of Mexico, but for the quota
42 linkage purposes, we wanted to split it into Gulf
43 of Mexico and Atlantic, so we looked at the
44 landings percentages between those two regions
45 over the years and then split that quota
46 appropriately.

47 And then the other question was --

48 MEMBER WILSON: The other question

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1 was about B3, B5 and B6 and are all three
2 necessary to be -- to meet the two-thirds
3 reduction in the commercial fishery.

4 MR. COOPER: The B3 and B6.

5 CHAIR McCREARY: So, I have still
6 Scott Taylor, Carrie Kennedy, Bill Gerencer and
7 Mark Twinam who have not spoken. And I am going
8 -- yes, I saw it, Mark, you put your card up
9 again. I am going to come back after lunch to
10 the people that have put their cards up again,
11 Terri, Mark, Rusty, and Ron.

12 Scott Taylor.

13 MEMBER TAYLOR: My comment first
14 went to the issue with species identification,
15 how it really is a very, very simple process. If
16 my partner that is basically mostly
17 administrative, and doesn't have very much
18 knowledge, can sit through a two-hour shark
19 workshop and walk out at the end of the workshop
20 and just be able to identify just about every
21 single shark that is in the Atlantic Ocean, I
22 think it's a relatively simple process.

23 And I think that certainly has got
24 to be the core part of the solution, at least as
25 far as the recreational sector is concerned, and
26 probably is not nearly as problematic from the
27 commercial aspect.

28 Being as we are already dealing with
29 a zero take shark, my big concern, especially for
30 the pelagic longline fleet, and I just have a
31 couple of quick comments about it, is that, you
32 know, by simply having additional closed areas,
33 my guess is that as effort moves outside of those
34 closed, specific areas, you are going to see
35 similar interactions outside of the areas that
36 you are closing.

37 It's a terribly ineffective way of
38 dealing with a pelagic species that straddles
39 not only our country's waters but, you know,
40 international waters.

41 And my concern is the same as what
42 was raised in regards to amendment 7, this map
43 is already starting to look extremely cluttered.
44 What is it going to look like after we get done
45 with amendment 7?

46 And essentially what's happening
47 is, is that all these pelagic species that you
48 potentially can interact with, you are

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1 systematically going to limit the ability for
2 the fisheries to be commercially viable, and
3 that you know, that while we don't have enough
4 time to debate the mandates of Magnuson, I think
5 Sean's comment, along the lines of the real
6 mandate that needs to be on you all, is as
7 important in evaluating what's going on.

8 I mean, you can't kill a gnat with
9 an elephant, you know, I mean, and that's really
10 what we are trying to do. I understand that
11 Magnuson mandates that, you know, that you limit
12 the interaction. But in addition to his
13 comment, I would also like to say I look at these
14 fishermen in the eyes every day. These are real
15 people. This is not a board in a council.
16 These are real people's livelihoods that are
17 being affected, and if it's not duskies or if
18 it's not smooth hammerheads, what's it going to
19 be next?

20 The next thing we are going to be
21 dealing with is going to be the bluefins. I
22 think that the same argument comes up to just
23 about any one of the pelagic species.

24 So I caution you to deal with this
25 from a standpoint of time area closures when I
26 think that most in the industry would believe
27 that the real solution is going to be in a real
28 dynamic management in real time because these
29 fish follow water patterns and food and you know,
30 and basically you know, it is not constructive
31 to deal with it in a static way.

32 And clearly the solution for the
33 health overall of the stock has to come from
34 outside of simply the, you know, the United
35 States.

36 So, beyond the education process, I
37 wish I had something constructive to add, but I
38 really don't. But I think that that's something
39 that is important and is simple, that in the same
40 way that commercial fishermen are mandated to be
41 educated before they are allowed to target or to
42 make, you know, to you know, to fish for species,
43 I think the only species we really -- that we are
44 allowed to retain at this point is either the
45 mako or porbeagle, I think. So basically --

46 MEMBER BEIDEMAN: The porbeagle
47 this year.

48 MEMBER TAYLOR: The porbeagle this

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1 year. Sorry. We don't -- in the south we don't
2 really interact with them. But you know, the --
3 on the state level, whatever it's going to be,
4 we have a lot of state agencies that are here,
5 seems like another source of revenue.

6 A simple course, if you were going
7 to have a permit to be able to catch sharks, that
8 would eliminate a lot of this recreational
9 interactions.

10 But nothing that I have heard in any
11 of this proposition deals with the core issue,
12 which is how do you eliminate real interactions?

13 And my final comment is about the
14 economic impact. I also don't know where those
15 numbers come from, but that Charleston area
16 bump, in May, is the single largest
17 mahi-producing area in this country. You are
18 going to effectively wipe that mahi fishery
19 right out by having those kind of closures that
20 are in there.

21 There's a lot of guys that are in the
22 pelagic fishery that fish that area, and they
23 fish it, they wait for the Charleston bump area
24 to open the first of May, and then they're in
25 there and it's very short-lived because the fish
26 transit through there.

27 So we're going to affect a lot of
28 other species by simply trying to eliminate, and
29 I don't have my numbers, but a handful of
30 interactions within a very small area.

31 And that's all I have to say.

32 CHAIR McCREARY: Good, thank you,
33 Scott. Okay, I have Carrie Kennedy, Bill
34 Gerencer, Mark Twinam and Rom Whitaker. And
35 we'll take those comments, and then I believe,
36 Margo, we ought to proceed to lunch. Carrie.

37 MEMBER KENNEDY: Carrie Kennedy,
38 Maryland DNR. First I have a quick question.
39 Under alternative 4, how would recreational
40 shark quotas be monitored? What tool would you
41 use to monitor those quotas?

42 MR. COOPER: I don't think we have
43 something defined in here. That would be
44 something that would have to be developed.

45 MEMBER KENNEDY: Okay. Well, this
46 -- I know a lot of recreational quotas are
47 managed and monitored based on MRFSS or MRIP, and
48 I think that you know, where we are right now,

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1 and a large part of this conversation is based
2 on problems with trying to manage fisheries
3 based on you know, these harvest estimates, and
4 we are completely ignoring PSEs.

5 So you know, I just, I want to
6 register my distress as a fisheries manager,
7 that you know, we know what the problem is, we
8 see what, you know, why it's not really as good
9 as it should be, and we are proceeding anyway,
10 and I think that's distressing.

11 But what I do suggest for trying to
12 get a better handle of this dusky harvest
13 problem, and for monitoring any quotas, would --
14 is a census catch card program, much like
15 Maryland DNR has for tuna.

16 We are likely going to be starting
17 to add sharks to our catch card program in 2013.
18 So I encourage other states to do that, and I
19 encourage you guys to think about using that as
20 a tool, maybe to get a better handle on this dusky
21 harvest estimate.

22 I think largely the problem is an
23 outreach and education problem. I don't know
24 that having alternative regulations and
25 repeating the same education process is really
26 going to solve the problem.

27 I think at least in terms of
28 recreational harvest of duskyies, I think, you
29 know, it may be better to consider alternative
30 approaches to education and outreach, including
31 ideas like having apps, mobile apps. You know
32 Rhode Island has a terrific guide, having more
33 brochures and you know, outreach materials based
34 on that Rhode Island guide, working with bait
35 shops.

36 You know, I think -- I think we
37 really need to put our heads together on better
38 forms of outreach rather than new regulations
39 that are going to be using the same forms of
40 outreach and education that hasn't already
41 worked.

42 And I think that's all I have for
43 now.

44 MS. SCHULZE-HAUGEN: So just a
45 point of clarification, the Rhode Island guide,
46 did you --

47 MEMBER KENNEDY: Yes, Rhode Island
48 has a sea -- Rhode Island Sea Grant has a sharks

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1 and --

2 MS. SCHULZE-HAUGEN: Yes, that was
3 developed with the HMS management division. It
4 is allowed to be sold, and the proceeds of that
5 are retained by Sea Grant in order to make sure
6 that is in production. So we are well aware of
7 that, and the only reason that it is still around
8 is because of that ability for them to retain the
9 proceeds from the sales. Otherwise we would
10 have provided one print run, and that was it
11 because of the costs associated with keeping
12 that quality of a guide in production.

13 MEMBER KENNEDY: So just as a
14 followup, does that mean it could never be made
15 available online or through an app, or even if
16 it was a for-profit app, or maybe it came with
17 somebody who had a recreational, you know, shark
18 harvest permit. I'm just, I'm trying to think
19 of ways to make that information more accessible
20 to more people.

21 MS. SCHULZE-HAUGEN: So for the
22 pictures that were government pictures, those
23 are free. There were some pictures in the guide
24 that were purchased and are only authorized for
25 use as part of the guide and in the form that it
26 was produced.

27 Much of the content is -- in terms
28 of the text, is derived from other sources and
29 it was attributed, so we would have to continue
30 that.

31 I don't know about for-profit apps.
32 The app world is kind of new to the government.
33 But we could look into that.

34 CHAIR McCREARY: Ron, do you want to
35 use the mic or --

36 MR. SALZ: I just wanted to add, if
37 you go to this, the Rhode Island Sea Grant site,
38 to their bookstore, they have the shark
39 identification placards that came out of the
40 guide itself, the book, which according to this
41 you can download for free or you can purchase
42 them you know, for \$2 if you want an actual, you
43 know, printed out copy.

44 But we have been using them for the
45 large pelagic survey, you know, that's one of the
46 things that we have our interviewers hand out on
47 the survey.

48 So you know, I'd encourage you to

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1 look at those if you are looking for some free
2 materials, anyway.

3 CHAIR McCREARY: Okay, good.
4 Thanks very much. Good line of discussion. So
5 last three speakers for the morning, Bill
6 Gerencer, Mark Twinam and Rom Whitaker.

7 Bill.

8 MEMBER GERENCER: Bill Gerencer,
9 the world. Couple of quick points. Number
10 one, the linkage scheme that you have up there,
11 just remember what you are doing is creating
12 choke stocks, okay? I want to echo what Pam
13 Baker said.

14 Secondly, with the closed area
15 scheme you are shifting swordfish mortality and
16 if you drill into the economic analysis you will
17 find out that you are actually, for instance with
18 swordfish, reducing the economic opportunities
19 substantially more, about double, and you are
20 making that up by pushing those boats presumably
21 onto bigeye and yellowfin tuna.

22 And I'm not sure that's what you want
23 to be doing. And that's like digging one hole
24 to fill another.

25 A quick point on the science. It's
26 just an observation, but it seems like best
27 available science has become a placeholder for
28 whatever we happen to have or whatever the hell
29 we've got.

30 And uncertainty is allowable in that
31 realm. But once that science is put forth as
32 this is what we're stuck with using, then the
33 uncertainty goes away, because there is nothing
34 uncertain about a closed area. There is nothing
35 uncertain about an eight foot size limit on a
36 shark.

37 And so uncertainty doesn't get into
38 this world. And we need to demand a higher
39 standard for something that is going to rule over
40 us like that.

41 And then, speaking of science, on
42 slide 22 on the presentation, total dusky shark
43 interactions harvest, and it says that our
44 targets are 62 percent or two-thirds reduction
45 in interactions over the three-year period.

46 I don't know how you do that barring
47 the inability to go back in time, to reduce the
48 landings we had over that three-year period.

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1 So I could spin this a couple of
2 ways. You could look at the total landings in
3 2010 and realize that they are about half of what
4 they were in 2008, although they are 25 percent
5 more than what we had in 2009.

6 And you can't go back in time and
7 change those landings. But to say that our goal
8 is a 62 percent reduction over the three years
9 and apply it going forward, is kind of a -- it's
10 not -- it's kind of a huge leap.

11 I mean, right now we are -- and then
12 what science isn't asking, is why did the
13 recreational harvest or interactions go down so
14 much? Why are the bottom longline and pelagic
15 longline interactions going up, even though they
16 set fewer hooks in 2010 than they did in 2008.

17 Those are the questions that we
18 really need to get into getting the answers to
19 in order to effectively manage this stock. But
20 when you look at it as you know, here's where we
21 were at in 2010 with a total of 1481 interactions
22 versus 2800 in 2008, then you are not starting
23 at the edge of this big cliff. You know, you
24 don't -- you do want to look at why the pelagic
25 longline interactions went up, and if you are not
26 counting the recreational harvest correctly,
27 then once again, it goes back to this best
28 available science or data. I mean, we are not
29 doing our jobs.

30 So you might want to take a look in
31 that direction. Thank you.

32 CHAIR MCCREARY: Okay, thanks Bill.
33 Mark Twinam.

34 MEMBER TWINAM: I'm on board with
35 more species-specific management, but I think
36 that Terri had a good point when you talk about
37 how do we handle success, because if we are
38 successful in saving the hammerheads or saving
39 more duskies, then we have to make more
40 sacrifices, and the fishermen are the only ones
41 who are going to be making the sacrifice, and
42 each year that we are more successful, the
43 fisherman has to make more sacrifice.

44 So where does that end? When you
45 are looking at the pelagic longline and the
46 bottom longline surveys there as it goes up each
47 year, if that trend continued up we'd be getting
48 a shorter and shorter year every time.

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1 So I think at some point you've got
2 to figure out what happens as these species
3 recover, if they recover, to our fishing days,
4 and what mechanism can you leave in place so that
5 it just doesn't continue to -- the fishing year
6 doesn't get shorter and shorter? Thanks.

7 CHAIR McCREARY: Thanks, Mark.
8 Rom.

9 MEMBER WHITAKER: Yes. How are you
10 all today. Sorry for being late, and I wish I
11 would have heard Mark's comments. I guess he
12 talked about the recreational side. But the 96
13 inches, in my opinion, in our area, would be
14 absurd.

15 I mean, we do not catch many sharks
16 down there but what we do are normally four to
17 six footers. They would be makos and they would
18 be threshers.

19 I very seldom ever see anything come
20 to the dock other than that. I am not positive,
21 are makos, are pelagic sharks covered by this,
22 is that 96 inches?

23 Okay. Well, I am not sure I would
24 want to deal with a 96 inch mako. I don't have
25 the equipment. But you know, there are times of
26 year that a five- or six-foot mako can make your
27 day or a thresher also.

28 And I would like -- I think that I
29 just don't see where it is going to help with the
30 duskies, you know, we are -- that type of shark,
31 we are releasing all of them now anyway.

32 Second comment, these -- I am in the
33 area that you are all talking about closing, and
34 I maybe have an answer to some of the mystery of
35 some of these tables, and yes, there is a small
36 area out there, southeast of Diamond Shoals
37 where there's about 10 miles of rocks. They are
38 in about 40 fathoms, and you cannot -- I do some
39 bottom fishing, right much bottom fishing, and
40 you cannot bottom fish for about a 10-mile
41 stretch there at about 40 to 45 fathoms, because
42 whatever you hook, is going to be eaten by a dusky
43 or a sandbar.

44 And anybody on this panel is more
45 than welcome to come with me and I'll just about
46 guarantee you, when you see what comes up, if you
47 are lucky enough to get one to the top, if you
48 see what's down there, you'll figure out it's not

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1 going to take 100 years to rebuild this fishery.
2 In that area, it is rebuilt.

3 So maybe somewhere along the line,
4 somebody has set a longline through that area and
5 had, you know, a lot of interactions with
6 duskies.

7 But when you get over 60 fathoms, you
8 can bottom fish all you want, you don't have a
9 problem. So it's -- you know, maybe there is a
10 small area there that does need to be restricted,
11 but I tell you there are a lot of sharks there.
12 They've been there for the last three years. It
13 used to only be in April and May. Now it's year
14 round.

15 And it's, you know, it's -- I hate
16 to see, I mean, if -- you keep seeing these
17 restricted areas, and they all seem to be right
18 off our coast, and these guys, between this
19 amendment, I mean our -- what pelagic longliners
20 we have left, between this and amendment 7, are
21 going to be in an unemployment line.

22 So I just think that we really need
23 to look at it really close and the only thing,
24 in going through the presentation, I did see
25 where a 62 percent reduction was targeted, but
26 it looked like if you go back and look at -- once
27 they hit a certain number it almost looked like
28 once they hit 10 percent interactions, that the
29 fishery is shut down.

30 So you know, at least they ought to
31 be able to catch 35 percent before they shut it
32 down. But it just -- there are a lot of
33 questions there, and I'd just hate to see it
34 restricted way down where it doesn't need to be.

35 I know they have had some really good
36 sword fishing outside those areas lately, and I
37 know we are needing to catch the swordfish. A
38 lot of -- I mean, they are out there and there
39 are nice ones and they are catching them, but
40 with these closures, they are not going to be
41 able to. Thank you.

42 CHAIR McCREARY: Thanks very much.
43 I think at this point we will take a pause.
44 Margo and team, we have heard a lot of comments,
45 a lot of questions, certainly, about data, a few
46 new ideas, some interest in maybe some mix and
47 match of alternatives.

48 But we will continue after lunch.

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1 Take a one-hour break. Is that what we are
2 intending? So we will resume in one hour from
3 now, and we thank you for your good questions and
4 ideas. We'll take a break now.

5 (Whereupon, the above-entitled
6 matter went off the record at 12:33 p.m. and
7 resumed at 1:44 p.m.)
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A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

(1:44 p.m.)

1 MS. SCHULZE-HAUGEN: All right, so
2 just to recap a little bit from the morning, and
3 I think most of the morning we will be continuing
4 the discussion, getting around to second rounds
5 of comments and then making sure that we have
6 time for the public comment.
7

8
9 Could I get a show of hands from
10 members of the public for who wants to speak?
11 Five or six, okay, so we will make sure to have
12 enough time for that at the end.

13 Just a quick recap kind of by high
14 level topic of kind of where we have been hearing
15 constructive, specific comments, and maybe some
16 places where we haven't.

17 And I'll rely on Karyl and Pete and
18 Scott to correct me if I have missed something.
19 For the commercial TACs and quotas, I think we
20 have heard one comment that we are essentially
21 creating choke species but no other specific
22 comments on how or what to do differently.

23 For the recreational minimum size or
24 those management measures, lots of concerns and
25 questions on the data, and some specific
26 suggestions on outreach, some reporting, and the
27 different approach for ridgebacks or brown
28 versus blue.

29 For the mid-Atlantic, sorry, let me
30 back up to the pelagic longline time area
31 closures, one specific suggestion for an area to
32 look at off North Carolina. Otherwise no
33 specific suggestions or ideas on what or how to
34 do things differently.

35 For the mid-Atlantic bottom
36 longline time area closure, one comment on the
37 shift of the time but that doesn't necessarily
38 address the equity concerns either.

39 And then for the shark research
40 fishery, I have not heard any specific
41 suggestions for what or how to do things
42 differently.

43 So a quick check-in with Pete and
44 Karyl.

45 MS. BREWSTER-GEISZ: I would say we
46 have also heard for the rec some support for
47 alternative A3, but I still haven't heard
48 anything about the other options within A2 or

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1 even A3 regarding the hammerhead reporting. I
2 guess we have heard a lot about potential means
3 of outreach, and so it's really the hammerhead
4 reporting. We have really only heard about the
5 minimum size.

6 MS. SCHULZE-HAUGEN: And then we
7 also wanted, I mentioned before that Maggie
8 Miller wanted to -- if she could wave in the back
9 -- she is here, she is from the Office of
10 Protected Resources, and would be likely
11 involved in review. I think that the
12 determination on the dusky, whale and great
13 hammerhead petitions is still being evaluated.
14 But she could speak to that process and so I think
15 maybe if there are specific questions we would
16 ask her to come up. But otherwise I think she
17 is a resource for you all.

18 And finally I would say that you
19 know, we will continue to take comments but I
20 would really like you all to be as specific as
21 you can in your suggestions, just telling us how
22 much you don't like something, I appreciate
23 that. I appreciate the data and how not
24 fantastic it is. But it is what we have to work
25 with. And it's our job to work with it.

26 So we really need you, need your
27 creative ideas. If there's information that we
28 can provide you to help you think about things
29 we are happy to do that, I think there is some
30 of that happening offline already, happy to do
31 it more.

32 But if we don't hear specific
33 suggestions on how to meet the objectives, then
34 you have seen what we came up with. So with that
35 I will turn it over.

36 CHAIR McCREARY: So, just one
37 elaboration, obviously there were many
38 different data concerns. There was a point that
39 many of you essentially asked the agency staff
40 to be advocates of better data and analysis and
41 several of you hit that point and that was heard.

42 To the point about some support for
43 A3, it wasn't entirely clear to the staff if this
44 was support for A3 as a blanket proposal, or
45 whether there were certain elements of A3 that
46 seem a whole lot better or more reasonable than
47 A2.

48 And so to the extent you can be more

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1 explicit about that, the agency would appreciate
2 that. I think that's all I wanted to add.

3 So let's go, I had numbers of people
4 in the queue before lunch, and I'll tell you who
5 I have got and then I'll add to it. I had Terri,
6 Mark Lingo, Rusty, Ron Coddington and Steve
7 James. And I see Mark has put his card up this
8 afternoon. Terri, we will go to you, and Sean.

9 MEMBER BEIDEMAN: All right. Terri
10 Beideman. I guess, I don't know, in response --
11 why should we not do what we can in U.S. fisheries
12 first and I guess the reason is because we don't
13 -- we start off leading the parade and there's
14 nobody behind us, and then we're done and we
15 don't have a lot of space to go.

16 I looked at your analysis and I have
17 to tell you, some of these -- someone said that
18 you need to take a look at the socioeconomic
19 impacts, and really recognize them for what they
20 aren't.

21 And just a case. I'll go into large
22 detail I guess. But let's just take for
23 instance the -- let's take the Hatteras Shelf in
24 May, okay? And it assumes significant
25 increases in dolphin, okay, which in case you are
26 not sure, we just got like locked down on our
27 limit. We just got halved on the amount of
28 dolphin that we are allowed to keep.

29 It might be similar to last year, but
30 in percentage we just lost half. And slight
31 increases in bluefin tuna, which I believe are
32 restricted and not our desired outcome, to
33 mitigate important yellowfin tuna catches at
34 this time of year.

35 And if you accept NMFS's numbers
36 which static closures, hit or miss, your math
37 might be right, it might not, but if you assume
38 that it is, then you are saying that that would
39 be like \$30,000 lost, per boat, okay?

40 But -- or \$30,000 lost overall.
41 That equates to, with your own formula that you
42 have in here, let's see, 90 -- let's see, four
43 jobs lost, \$108,000 in income lost, which is
44 revenue to the states and the local economies,
45 sales reduced by almost \$300,000. So the total
46 lost is \$403,523 if you do that annual. That's
47 what it costs annually.

48 And this is the big benefit here.

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1 Four -- well, 3.6 potential interactions. So
2 for 400,000, four interactions. Four hundred
3 thousand dollars is a lot of money for these
4 boats.

5 And you identify, you know, like 15
6 boats, 20 boats. Most of them are all the same
7 boats, so they are going to get hit with each and
8 everyone of these.

9 So with the estimated 33 percent
10 mortality, which I am assuming comes from
11 somewhere, that's 1.2 potential duskies, you
12 know, to close a whole month and reduce people's
13 income by a significant amount.

14 So -- and I've worked this out and
15 I'll put this all in my doc, you know, I've done
16 it for each and every one of them, though the one
17 that was kind of problematic was E, which was
18 those October closures in the Mid-Atlantic
19 Bight.

20 B3E presumes large increases in
21 yellowfin tuna and bigeye in the adjacent open
22 areas. That results in an increase of closing
23 three canyon areas where people fish.

24 So this actually, even NMFS couldn't
25 bring itself to stand on this shaky analysis and
26 opted to consider it not a plus, not a positive,
27 but a neutral, because they recognize that that
28 doesn't make sense.

29 It is hardly worth the risk,
30 precluding the mid-Atlantic fishermen the
31 opportunities to have a profitable October
32 before the winter sets in.

33 All I know is on the data that you
34 have, the losses that you are looking to incur
35 are just enough that you are going to, you are
36 going to actually destroy people's lives.

37 I really would hope that NMFS would
38 take not only a good look at what it's going to
39 lose in terms of you know, part of our very, you
40 know, shrinking fleet, but the loss of
41 scientific information that will result from not
42 having the longline fishery participating,
43 because you know how much data we provide.

44 And virtually no other fishery is
45 providing that kind of data. So all we are going
46 to get into is a negative feedback loop where we
47 don't have the data to prove that we are doing
48 better or that the stocks are improving, and we

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1 are going to be eventually put in a position
2 where everybody at this table is going to be
3 looking at the same thing that the longline is
4 looking at now -- closures.

5 So I think that until your data is
6 more valid, and is accepted by more as being
7 real, and until other countries are doing
8 something that the United States doesn't have to
9 be the one who, you know, sacrifices, for what?

10 So, the CPUE is going up. For many
11 people that would indicate a recovery, or
12 perhaps that we are doing something right, and
13 that given enough time, it will show that.

14 So I think that our guys say
15 misidentification, even with our fleet, is very,
16 very possible. If you are a swordfish
17 fisherman, and a tuna fisherman, you might not,
18 if it's brown, it might be a dusky, but it might
19 not. It might be a sandbar. But I don't
20 really, you know -- a lot of these guys really
21 have not seen the difference. They are fishing
22 for swordfish and tuna, and if they catch sharks
23 it's either blue or brown. It could be a dusky.
24 It could be a sandbar. It could be a silky.
25 They might be wrong.

26 Self-reported data, possibly
27 identification problems. And they don't see
28 them outside of 50 fathoms. Rom said that.
29 This neck of the woods, our guys are fishing most
30 of the time well beyond 50 fathoms.

31 So I'm not saying that you don't get
32 an errant one here and there, but these size of
33 closures coupled with the other closures we
34 already have, coupled with other restrictions
35 that may be coming, are going to be the straw that
36 breaks the camel's back. I mean, you just can't
37 expect people to continue, you know, to try.

38 And frankly I'm surprised in many
39 cases that people to continue to even try now.
40 It's very expensive to put the fuel in the boat
41 and the groceries and the light sticks and the
42 bait and all of that, and still try to manage to
43 make a living with all the rules that we have.

44 So I would suggest that you take a
45 look at the big picture, because if we get pushed
46 out, other countries will benefit, and your
47 conservation that everybody is seeking, is going
48 to be left in the hands of the international

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1 body, or maybe not.

2 I think one of the reasons we don't
3 see a lot of reporting on what people are
4 actually catching out there in the world is
5 because they get it: if they report it, then we
6 will beat them over the head with it.

7 So they'll just be quiet about it,
8 and if it doesn't exist, then we can't do
9 anything. The only thing we can do, is diminish
10 ourselves.

11 So I don't support this in this way.
12 I understand you feel compelled, that you have
13 some sort of deadline. I've seen deadlines slip
14 when you wanted to slip the deadlines. When we
15 need them to be looked at closely, seriously, I'm
16 -- I'm begging you, do it.

17 Why, why, you know, destroy
18 fisheries? Why destroy livelihoods? Right
19 now we do everything we can just to not -- not
20 catch them. We're not allowed to keep them.

21 So now we're going into negatives.
22 I just hope that you stop before you get too far.
23 So that's enough from me, for now. Thanks.

24 CHAIR McCREARY: Thanks. Thanks
25 Terri. Mark Lingo.

26 MEMBER LINGO: Yes, Mark Lingo,
27 Texas Parks and Wildlife. First off, I promised
28 Margo that I would say after lunch that Texas
29 Parks and Wildlife really doesn't like the 96
30 inch rule. So it's out there.

31 And as far as the particulars, you
32 know, I have said before that I recommended A3,
33 and a hybrid, I guess, would be fine with us.
34 The 30 percent increase of blacktip I think is
35 a good thing, you know, to allow for additional
36 catches in the future.

37 And something else besides the 96
38 inch rule for recreational fishermen, but the
39 rest of A2 would be fine. You asked about, a lot
40 of people around here asked about sizes of what
41 was being harvested in duskies.

42 In Texas, our maximum total length
43 dusky was 64 inches. The mean was 36 inches.
44 Even if you go with the 64 inch total length, that
45 equates to a 54 inch fork length, which is where
46 the current regulation is.

47 So anything above that would not
48 decrease anything that we are harvesting now. So

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1 specific number, 54 inches. Thank you.

2 CHAIR MCCREARY: Good. Thanks
3 very much and appreciate the specificity.
4 That's good. Rusty.

5 MEMBER HUDSON: Three things.
6 First, the linkage with blacknose with this
7 non-blacknose, small coastals or whatever,
8 really you don't want to be shutting that stuff
9 down. I have said it several times. We would
10 rather have stand-alone quota, find a way to deal
11 with closing it, and that's just the way it is.
12 Blacknose closed.

13 But with the non-blacknose small
14 coastals, please just don't link them together.
15 Don't link the blacktip with all your other
16 stuff, your hammerhead and your aggregated
17 scenario with -- because you've got a difference
18 going between the Atlantic and the Gulf, so I'd
19 rather just have a stand-alone quota, something
20 the fishermen can understand.

21 The second thing had to do with the
22 pelagic longliners I used to purchase their
23 sharkfins from, all back through the '80s and the
24 '90s, up and until the prohibition in early --
25 in middle of 2000.

26 Now we had guys off of Florida and
27 Georgia that would purposely set 50 shark hooks
28 on the west end of their gear, knowing that that
29 would swing into that 100 fathom, and then they
30 would catch dusky and they'd catch sandbar,
31 usually it was in the spring, March, April and
32 stuff like that.

33 Those animals no longer are bothered
34 by those people because once it was prohibited,
35 there was no market, there was no motivation.

36 So that is now eliminated as a
37 category. There should be an understanding of
38 that from back then. A three-year snapshot
39 doesn't give you the bigger picture of what we've
40 experienced since sword fishing started in the
41 '70s and the directed shark fishing started in
42 the '80s.

43 The last thing was looking at
44 alternatives. You worked with Greg Abrams and
45 had your research vessels doing the weak hook
46 stuff. Also there's this smart gear, WWF, wound
47 up having the winner in 2006 and then that
48 company has since allowed another company to

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1 market circle hooks that have this smart
2 component about it, in other words it's a shark
3 repellent is essentially what it is.

4 And that is an important way to look
5 at stuff. Some of the research that you all
6 could be doing on your vessels that you have out
7 there would be very important to go ahead and
8 utilize.

9 So that's what I just wanted to say,
10 is that there is differences and there's things
11 that you can employ. But again, my biggest deal
12 when you are dealing with dusky and sandbar and
13 blacktip and stuff like that, we need to engage
14 Mexico and the other people. We've got to quit
15 knocking our people around.

16 CHAIR McCREARY: Good. Thank you
17 Rusty. Ron.

18 MEMBER CODDINGTON: Yes, Ron
19 Coddington, Southeast Swordfish Club. I am
20 going to try to make it quick because I know you
21 have got a lot of people waiting back there and
22 I want to hear them.

23 From a recreational standpoint,
24 I've got an email here from the editorial board
25 of Florida Sportsman, but rather than read it,
26 I can tell you that a synopsis of it is a
27 combination or a morphing between A2 and A3.

28 Get us away from that 96 inch rule.
29 Recreational fishermen don't want a 96 inch fish
30 on their boat unless they are a very specific
31 type of fisherman going after a big make over or
32 something like that.

33 We also don't kill trophy fish
34 anymore. There's a mount for every size fish
35 you want in the world. Bring a photo of it. You
36 can have it put on your wall.

37 So we don't need trophy fish anymore
38 either. We are looking at smaller fish that are
39 better for eating and we don't want to lose the
40 blacktip, especially in Florida.

41 So an A2 with a change in the minimum
42 length or an A3, and I'll yield to the guys that
43 have more information on the increases in the
44 quotas.

45 The other thing I want to address is
46 the B scenarios, because as a recreational sword
47 fisherman we are joined at the hip with the
48 pelagic longline industry for swordfish.

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1 The way they go ultimately is the way
2 we go. I don't like us killing our PLL industry
3 the way we are doing it right now. These guys,
4 it's taken them 10 years to get their CPUs up and
5 their landings up, and look, we had 80-something
6 percent as of November of our baseline quota.
7 We are getting there.

8 Now you throw them another
9 curveball, they got to start all over again. I
10 can't believe these guys want to catch dusky
11 sharks. They can't keep them. Why would they
12 want to set and have their gear torn up by dusky
13 sharks?

14 It doesn't make sense. So maybe
15 from that standpoint, bycatch caps is the way to
16 go and I'm sorry, but I don't have an answer about
17 how you fund it.

18 The only thing I can say is if you
19 are going to put all these guys out of business
20 back here, because I've been here for 10 years
21 now. I am seeing the same PLL captains. They
22 are getting grayer. They should be retiring,
23 selling their boats to younger men to take over
24 their operation or turning it over to their sons.

25 That doesn't happen in this industry
26 anymore. So don't kill these guys. B4 with
27 bycatch caps, find a way to fund it, or if you're
28 going to put these guys out of business, you
29 better find a buyback program because it's not
30 fair to be taking somebody that has been fishing
31 those waters all their life and completely shut
32 them down the way you have.

33 They have adjusted to the closed
34 zones the way they are. They are living with the
35 closed zones the way they are. If we lose our
36 PLLs, we lose a lot of environmental aspects of
37 what they do by holding our quota in the United
38 States and where's it going to go?

39 We know what happens if it goes to
40 Canada. They set 10 miles off of our gear with
41 J hooks and catch turtles all day long, or maybe
42 it will go to Mexico and we heard what happens
43 in Mexico.

44 So a combination of A2 or A3 from a
45 recreational perspective. Please don't kill
46 our PLLs.

47 CHAIR McCREARY: Okay, thanks Ron.
48 Steve James.

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1 MEMBER JAMES: Steve James, Boston
2 Big Game Fishing Club. First, I just have a very
3 brief question here. Again, I don't interact
4 with dusky sharks in any form, fashion or way.
5 I don't think I've ever even seen one other than
6 on a placard some place.

7 But here's just a basic, fundamental
8 question, and that is, of the recreational dusky
9 sharks that are being retained, why are people
10 keeping them?

11 Are these great fish to eat or trophy
12 wall plaques or why are they being retained?
13 Any idea?

14 MR. COOPER: I don't have specifics
15 about why, why the motivation of people are
16 retaining them, if it's for food purposes or if
17 it's for jaw -- you know, keeping a jaw, or Ron,
18 do you have some information?

19 MR. SALZ: That is a question that
20 we ask on the survey so from the -- and we are
21 talking about a very few number of actual fish
22 that these estimates are based on.

23 So, someone before mentioned
24 interactions, but the table that was shown
25 before, that's an expanded estimate, that's an
26 estimate of landings.

27 That's not interactions. From the
28 raw data though, we do, we do ask what is the
29 disposition of that catch, and just looking at
30 it quickly, most of them do say plan to eat.

31 So that's -- that's what they are
32 doing with it.

33 MEMBER JAMES: Very good, thank you
34 Ron. Let me come back to you. Again, the dusky
35 shark situation here, clearly I don't have a good
36 handle on the problem. I'm not sure that any of
37 us really do.

38 But I'll tell you where the problem
39 does not exist. The problem does not exist in
40 Mark's tournament, in Rick's tournament, my
41 tournament, or in the Star Island tournament.

42 We know that it does not exist there.
43 So at minimum, as you go down this path, and I
44 certainly hope this is not the direction you go,
45 but clearly the northeast tournaments should be
46 provided some level of exception to this while
47 rule of length.

48 It's not where the problem exists.

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1 Let me come down to a specific idea or maybe
2 concept, and that is, I really haven't given a
3 lot of thought to this, but you know, all of us
4 pelagic shark fishermen and tuna fishermen all
5 are required to have recreational or
6 charter/headboat or commercial licenses, and I
7 -- this is a part of a question and suggestion.
8 If they are not already there for the large
9 coastal sharks, maybe they need to get a permit
10 as well. And maybe someone can elaborate on
11 that, because I --

12 MS. SCHULZE-HAUGEN: So, there's
13 the HMS angling permit, which is for all HMS,
14 billfish, tuna, swordfish, sharks. All sharks.

15 MEMBER JAMES: All sharks, so
16 including coastal?

17 MS. SCHULZE-HAUGEN: Yes. Large
18 and small.

19 MEMBER JAMES: Thank you. Very
20 good. Back to, let me just, just point this card
21 out, it's a placard I received in the mail. It
22 pertains to sea turtles of the United States
23 Atlantic coast, you know they sent it to me so
24 I could put it in my wheelhouse. I'll show you
25 it will never make it there. I don't interact
26 with turtles.

27 But I only point this out to you from
28 the standpoint that if everyone who was in a
29 position to interact with dusky sharks got one
30 of these and instead -- it didn't say
31 congratulations, you won 500, but rather it
32 said, "You land one of these dusky sharks and you
33 may pay a \$500 fine for it." You'll get people's
34 undivided attention.

35 And again, with like Mark had talked
36 about how to identify, whether it's brown,
37 whether it's the rib or the fin -- the rib down
38 the back, I'm not sure, like I say, I don't
39 interact with dusky sharks, I don't see them.
40 But I know one thing. If I was susceptible to
41 getting a \$500 fine for having one in my boat,
42 I wouldn't lose this card.

43 A couple of other trivial points,
44 back to if you go this direction with this fork
45 length, thresher sharks of course I don't think
46 could ever be confused with a dusky shark.
47 There would be no reason whatsoever to include
48 a dusky shark in this program as far as I can see.

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1 Nobody, but nobody could confuse a
2 baby thresher with a dusky or vice versa. The
3 other thing that I would suggest you may want to
4 consider is regional restrictions rather than,
5 you know, unilateral restrictions up and down
6 the eastern seaboard. If you can identify the
7 areas where you've got problems and dusky sharks
8 are being landed by recreational fishermen,
9 that's where you need to target your outreach,
10 and I thank you.

11 CHAIR McCREARY: Steve, thanks.
12 Got about seven people still in the queue, and
13 we do want to save time for our members of the
14 public who want to address us. Mark Sampson.

15 So, be concise please.

16 MEMBER SAMPSON: I will be concise.
17 Thank you. Mark Sampson. One question first.
18 The -- a little bit confused by the concept of
19 recreational hammerhead reporting. Just a
20 quick synopsis, the reason for wishing to have
21 that extra reporting on hammerheads, and not,
22 you know the other sharks or whatever?

23 MR. COOPER: Well, and Ron, you
24 might recall some of the MRIP study, I think it
25 was Florida, a headboat study, looked at a number
26 of different things, and one of their
27 recommendations was recreational reporting, but
28 that was for a number of species as well as
29 hammerhead sharks.

30 Since we were addressing the
31 hammerheads or scalloped hammerhead in this
32 rulemaking, we have decided to put that in as an
33 alternative to gain more information about
34 recreational landings of hammerhead sharks.

35 CHAIR McCREARY: Good thanks.
36 Sean.

37 MEMBER SAMPSON: I'm not done.

38 CHAIR McCREARY: Oh, sorry.

39 MEMBER SAMPSON: I'll have to talk
40 to you later about that but I don't -- I'm still
41 not really clear on that. But anyway, I just
42 wanted to point out one more thing, in defense
43 of my ridgeback recommendation.

44 The 96 inch minimum on all legal
45 species of sharks is not something that would
46 enhance the efforts of species-specific
47 management. I think it's a step backwards in
48 that, because it has nothing to do with really

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1 species. While we are trying to protect one
2 species we have got this -- a blanket size on it
3 for all legal species.

4 Whereas -- and so, if for that reason
5 alone, I don't think it's a good idea. Again, you
6 know, I think in a perfect world probably
7 everybody would agree, if we could have
8 species-specific management for all sharks, it
9 would be the greatest thing since sliced bread.

10 But you know, over the years we have
11 been trying to work in that direction, and this
12 is a step back from it. The ridgeback proposal
13 that I have made, I think is a step forward in
14 species-specific management, because it's again
15 educating the anglers about some feature of the
16 sharks.

17 It's going to get them to look at
18 these sharks a little bit more closely before
19 they stick the stick the gaff or cut the leader,
20 whatever, and they are going to learn in the
21 process the difference between, you know,
22 probably not just a dusky and a mako but a dusky
23 and a sandbar and so on.

24 So I think that that, if nothing
25 else, would -- would speak in favor again of the
26 -- of the ridgeback proposal that I have
27 discussed.

28 That's all, thank you.

29 CHAIR McCREARY: Mark, thank you.
30 Sean.

31 MEMBER McKEON: Thanks, Sean
32 McKeon, North Carolina Fisheries Association.
33 I am going to repeat quickly just one of the
34 things that I want to mention again.

35 Margo, at the beginning of this
36 session, you said, you know, again, with respect
37 to the data, it's not fantastic, but it's what
38 we have and we have to use it.

39 And I could not disagree more with
40 you. You do not have to use this. You guys have
41 the opportunity in the seats that you occupy, to
42 bring up the problems with this data to people
43 higher up than you and tell them this is a
44 disgrace that the United States has to manage our
45 fisheries in this manner.

46 I've said it before and I just thing
47 it bears specifics. I think Rusty's no linkage
48 comments, I am concurring with this 100 percent,

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1 again with the choke species.

2 And I have been a few years, and I
3 keep hearing this, you know, there's nothing
4 specific, nobody is talking about anything
5 specific.

6 It's very difficult to talk about
7 things that are specific when the data and --
8 they are all over the map. It's like asking
9 somebody specifically what kind of a house are
10 we going to build on this land.

11 "Well, how big is the land?"

12 "I don't know."

13 "What's the septic requirements? "

14 "Not really sure. We are going to
15 --"

16 "What kind of a house do you want?"

17 "Not exactly clear on that either,
18 but we'd like specifics on what you'd like to
19 see."

20 Very difficult to do. Another
21 specific. How about an emergency survey of some
22 sort? These guys can tell you pretty much
23 exactly where these fish are, where the bulk of
24 them -- Rom pointed out to a place he'll take you
25 tomorrow afternoon.

26 How about we do some sort of an
27 emergency survey, and if there's a very focused,
28 surgical closure that needs to happen at a
29 specific time of year, let's do that.

30 I mean my guys have been -- since
31 I've been here, have been offering to help in any
32 way, shape or form that I can. And I think that
33 is something that you absolutely can do.

34 And I'd like to ask, if somebody
35 could give me an answer, and I'm not being
36 facetious, it's not rhetorical. Could you
37 please, on the record, tell me as an agency what
38 country or countries you are more comfortable
39 with having our quota, if we lose it by virtue
40 of closing us down? Thank you.

41 MS. SCHULZE-HAUGEN: So, on a
42 couple of these points, duskie are not the
43 highly migratory that some of the other sharks
44 are. I believe they go up and down, and I'm
45 going to have to rely on others.

46 But I think the repeated references
47 to Mexico I think are fair. But -- and to be
48 clear, this is not a species for which there is

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1 an international quota. It is not a species for
2 which ICCAT has scheduled an assessment.
3 There's not a dusky quota internationally that
4 we will lose.

5 MEMBER McKEON: Margo, to that
6 point, I was not -- I'm talking about the other
7 species that will be closed as a result of the
8 dusky -- the area closures that are being
9 proposed. Right. And -- but my point is not the
10 duskies specifically, I'm talking about when the
11 other -- when the longline guys are gone, the
12 quotas that will be lost to other countries,
13 other species that we are trying to protect that
14 are HMS, that are controlled by ICCAT, things
15 like that. That's what I'm referring to.

16 MS. SCHULZE-HAUGEN: Okay, so thank
17 you for that. I misunderstood your comment
18 there. You know, to that point, I mean, we are
19 not going to just hand out our quota. I know
20 that we have been struggling with this for a long
21 time. We have been struggling with this issue
22 for years, as the bycatch species changes, you
23 know, it's turtles, the bluefin, it's marlin,
24 it's duskies.

25 What I hear you saying about we are
26 not required to use the data, that I should
27 reject the data up the chain, all right, so tell
28 me what you said.

29 MEMBER McKEON: I didn't say reject
30 the data. What I'm saying is you do not have to
31 do it right at this moment. You have time and
32 we are offering you to come out and see this and
33 collect better data.

34 So what you have now, this best
35 available, becomes better available. You don't
36 -- I don't understand the time frame, why the
37 rush to do this when so much is at stake, as Terri
38 pointed out, I mean, the benefits to the economic
39 devastation that will happen.

40 And I understand that, you know,
41 according to Magnuson you are supposed to take
42 the economics into consideration. But I also
43 believe that where there are better ways and
44 alternatives to destroying or to devastating a
45 community, that you are supposed to err on that
46 side as well, and I think there's opportunities
47 here.

48 We keep saying nobody is being

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1 specific. The guys are saying we know where
2 they are. Why don't you come, why don't we go
3 and go with some of these guys, go to the area
4 Rom talked about, and say okay, here's a very
5 specific hotspot, very small. It's not 65
6 square miles. It's a little strip of 10 miles
7 down there. Why not identify some of those and
8 carve those out and work with the industry, when
9 and where they can avoid those places. They
10 know how to do it.

11 I mean, as they said, they don't want
12 to catch them. They can't keep them.

13 MS. SCHULZE-HAUGEN: So, we use
14 logbook data. This is industry-supplied data.
15 We tried to take the comments to, I have small,
16 surgical closures to heart. You'll see that
17 these closures are much, much smaller in time and
18 space than the others, because we are trying
19 exactly to do that.

20 I thank you for the suggestion.
21 Maybe we will be able to get some places out for
22 additional surveys. But we are using the
23 information industry has supplied, now.

24 So having additional surveys, I mean
25 so Sonja, I see you turning your mic down and you
26 are shaking your head, saying I'm not listening.
27 But what else are to do?

28 MEMBER McKEON: It seems like, I
29 don't know, I have been here seven or eight
30 years. It seems like we are in the exact same
31 spot. And all I ever hear is we have to use
32 garbage because the law says garbage is what we
33 have, garbage is what we are going to use.
34 Sorry. That's what we're going to use.

35 And it's very frustrating. These
36 are real lives. Again, you know, it's every
37 time we get to a place like this, it's the exact
38 same fallback position, and sadly, the way the
39 law is written, the judges will agree with you.

40 Best available doesn't mean it has
41 to be good at all. It just has to be available.
42 And I think you can do better, and I think the
43 agency not standing up and letting -- I mean, if
44 I sit here and hear agency tell me how frustrated
45 they are with the numbers, how they don't like
46 them, how they are, you know, fantastic, or not
47 fantastic, and yet it never goes anywhere
48 further than that. It goes in here.

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1 We know that, but you are the only
2 people that can do anything about it. We can't.
3 We are -- you know, we are advocates. We have an
4 ax to grind, you know, protecting our people.

5 But I think that unless and until it
6 comes from you all, it's not going to change,
7 unless we have some way to revamp Magnuson, but
8 I don't believe that's going to happen under the
9 current administration at all.

10 And I think it's incumbent upon you
11 and I think it's incumbent upon your people to
12 say this is not good. What we are doing is not
13 good.

14 MS. SCHULZE-HAUGEN: So, to respond
15 to that, a couple of points. You asked about
16 statutory clock. Where is that coming from?
17 You know, why do we have to proceed?

18 So it is in Magnuson that we have two
19 years from the date of an overfishing
20 declaration to implement measures. So that's
21 beginning to final. So, things in place within
22 two years.

23 So that's the statute. That's
24 Congress telling us what they want us to do. So
25 that's the driver. We are --

26 MEMBER McKEON: But the -- but
27 again, you have some flexibility with your
28 definitions and your targets of how you declare
29 something overfished and overfishing. It's not
30 black and white.

31 MS. SCHULZE-HAUGEN: But we've
32 already done that. We've done that. So the
33 clock is ticking. We took the assessment, we
34 looked at it, we accepted it. So that time now
35 from which the clock has started is in the past.

36 In terms of using garbage data, am
37 I correct that you are saying that using pelagic
38 logbook, self-reported data is garbage?

39 MEMBER McKEON: No. I am saying
40 that what you have -- I believe what I've seen,
41 it's been kind of -- I'd like to know the answer
42 to why in one case -- and you pointed out before,
43 in some instances it's observers, in some
44 instances it's logbooks.

45 It seems it's cobbled together to
46 me, is what I'm saying. We don't -- I don't
47 understand it. Maybe somebody can explain it to
48 me other than, other than the small explanation

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1 I got as to why we are using the two different.
2 MS. SCHULZE-HAUGEN: So we are
3 using all the information that we have. The
4 distinction is that when we are looking at area
5 closures for redistribution of effort analyses,
6 we do not have 100 percent observer coverage.

7 So we would not be able to use that
8 coverage as well to predict where effort will go
9 with the catch rates in the other areas would be
10 because we have eight percent coverage right
11 now.

12 But we have, as a census, 100
13 percent, is the logbook data which is the
14 self-reported data. So in terms of the
15 completeness of the data, the logbook data is far
16 more complete. So that's why we are using that
17 for that purpose.

18 We look at the observer data for, you
19 know the at-vessel mortality, for rate
20 information, ID information, for what we can use
21 it for. We are using the data as its
22 completeness warrants. So I don't know if that
23 answers the question more, to that point.

24 But I think one of the other points
25 to make is that if we don't take action, and we
26 don't take action that has a reasonable chance
27 of ending overfishing, then the result is we will
28 likely not end overfishing.

29 And so that is then a vulnerability
30 for us on the other side, from groups that would
31 sue us to end overfishing. That's the first
32 national standard.

33 And so the other point to make, just
34 in the information-sharing mode, is that this is
35 the last management measure that will be on the
36 books before the agency decides whether to
37 conduct an Endangered Species Act review.

38 If we are continuing overfishing by
39 our own acknowledgment, because we are not
40 taking action, we have already determined
41 overfishing is occurring, that will be part of
42 the consideration.

43 And so we have Congress telling us
44 to end overfishing, put in management measures
45 within set time frames. We are doing our best
46 to do that.

47 So that's what I can say.

48 MEMBER McKEON: Thank you, and

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1 specifically I would say B1, no action. That's
2 what I would suggest.

3 CHAIR McCREARY: Thank you Sean.
4 Sonja.

5 MEMBER FORDHAM: Thank you. Sonja
6 Fordham, Shark Advocates International. I will
7 submit some written comments for the record, so
8 these are just trying to be general here.

9 I am still working on a catchy
10 alternative for aggregated LCS, but I'm going to
11 keep trying. I have some -- as you might guess,
12 some continued concern that the hammerhead
13 measures are not sufficient.

14 As I mentioned, I am pleased that the
15 great and the smooth species have been added to
16 the mix. But I would continue to prefer
17 prohibited species status for all three.

18 And you know, once again, I will
19 recognize that the dead discard problem that is
20 exceptional for these species does present some
21 challenges. But I still feel like that kind of
22 mortality is going to continue once your
23 hammerhead quota is reached.

24 So -- and I also think that it hasn't
25 been mentioned that there is this pelagic
26 longline hammerhead prohibition because of
27 ICCAT. So there's still an argument that they
28 would be more equitable and you could have better
29 enforcement, if you just went with the
30 prohibition.

31 So assuming, though, that that's no
32 longer an option for this round, in terms of the
33 quota that's proposed, certainly pleased to have
34 a quota that is specific for hammerheads and tied
35 to other quotas.

36 But I was kind of struck that if I'm
37 reading right, this just two percent reduction
38 from the status quo did seem quite low in terms
39 of reduction for me, given where we have been
40 with these species.

41 And I think all of that just adds up
42 to a rather -- from my perspective -- a rather
43 risk-prone approach in terms of hammerhead
44 recovery.

45 And I realize that 10 years for
46 hammerhead recovery is quite fast when you
47 compare them to some of these other species,
48 duskies and sandbars.

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1 But it's still a decade. So I would
2 still -- and still a rather sensitive species and
3 some uncertainty and I feel like there are some
4 lessons to be learned about being a bit
5 optimistic about how these measures will work
6 out.

7 So for those reasons I would prefer
8 a significantly more cautious approach and
9 specifically a smaller quota for hammerheads.

10 On dusky sharks, I don't think that
11 the bycatch caps alone would be sufficient. It
12 doesn't sit right with me that you would continue
13 to allow that type of fishing in areas that have
14 been determined to be such hotspots for dusky
15 shark bycatch.

16 So overall, for both those species,
17 I would continue to urge work on these gear
18 modifications, the at-vessel discard mortality
19 reduction measures.

20 I think that noting there are
21 concerns that we discussed this morning,
22 progress made in that area could provide hope for
23 easing up on some of the closed areas that people
24 are finding so unpalatable.

25 But we have to keep researching that
26 I guess to make progress, and I am -- I think it's
27 just regrettable that we didn't have more to
28 offer in terms of, of not just the soak times,
29 but the restrictions on hooks and keeping the
30 gear attached to the boat and stuff like that.

31 I am very supportive of the
32 species-specific, the blacktip quota in the Gulf
33 of Mexico and strongly support the quota
34 linkages that have been proposed.

35 Beyond that, overall, you know, I
36 would recognize clearly we discussed this is not
37 a perfect situation. But I do, I am mindful that
38 it's a very tough situation and that you have to
39 do something for some species that are in really
40 bad shape.

41 So I do appreciate all the analysis
42 and work that has gone into that. I would be
43 open to some last-minute tweaks based on the
44 suggestions that you get to day and in the common
45 period.

46 But I am generally supportive of the
47 preferred alternative, certainly when compared
48 to alternative 3 and 4.

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1 And just last, on the international
2 engagement, I would like to echo what Margo just
3 said about the international aspects of dusky
4 sharks in particular, that this really does lie
5 pretty squarely with us.

6 And I would agree with all the
7 comments about the need to engage other
8 countries. I try to do a lot of that myself. I
9 appreciated Pam's comments about Mexico, and I
10 certainly appreciate the industry's frustration
11 with wanting to level the playing field.

12 But I would just add that I do see
13 a lot of progress in this area. It's slower than
14 I would like. But the U.S. is a leader not just
15 in management, but in encouraging other
16 countries to take action for sharks, and not just
17 encouraging but providing technical, and in some
18 cases financial assistance towards those goals.

19 So that's probably never going to be
20 enough for me, and I will continue you to
21 encourage it, but I wanted to recognize that that
22 is going on. Thank you.

23 CHAIR McCREARY: Good. thank you
24 very much. Gerry.

25 MEMBER LEAPE: Gerry Leape, Pew
26 Environment Group. Had a question -- first
27 wanted to associate myself with the remarks
28 Sonja just made on hammerheads, and I believe,
29 you know, our preference would be that they be
30 a prohibited species.

31 But appreciate at least the progress
32 that's starting to be made. I do have a
33 question, a protected resources question, if
34 Maggie is still here, about the -- if you could
35 give us any further idea from the question I
36 asked this morning about where the scalloped
37 hammerhead is currently in the process.

38 We expected a decision in November,
39 I think, according to the time line, and I was
40 wondering if you could give us any further
41 update.

42 Is it at OMB with everything else,
43 or when you might expect it. Any --

44 MS. SCHULZE-HAUGEN: Maggie, could
45 you come up to a mic? Sorry.

46 CHAIR McCREARY: Thank you.

47 MS. MILLER: We're hoping to have it
48 out by the end of this month. That's sort of our

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1 goal. But no, it's not at OMB yet but we are
2 working on it. So hopefully this month or next
3 month.

4 CHAIR McCREARY: Gerry, continue.
5 MEMBER LEAPE: Yes, and the chart on
6 dusky interactions, I was wondering, if you look
7 at you know, 2008 and then 2009 and '10, have you
8 looked at, you know, was there something that
9 happened in 2008? I mean, you have this sort of
10 significant reduction in interactions with
11 recreational harvest.

12 But you have a -- the flip reaction
13 with bottom longlines and pelagic longlines.
14 Were you able to look back at 2007 or '6 to see
15 what's the anomaly? Is it -- is 2009 the anomaly
16 or is 2008 the anomaly? Any reflections?

17 MR. COOPER: I don't believe we
18 looked back at 2007 to look at trends. Do you
19 think we did, Karyl?

20 MS. BREWSTER-GEISZ: No, I don't
21 think we looked back at 2007 for trends. But
22 what happened in 2008 would have been amendment
23 2, and the commercial fisheries were actually
24 closed for over half the year in 2008.

25 So no shark landings would have
26 happened then and probably no shark fishing
27 either.

28 Well, I guess toward Mark's point,
29 2008 would have been when we implemented the
30 non-ridgeback plus tigers.

31 MS. SCHULZE-HAUGEN: Yes, just to
32 clarify because there's been a lot of focus on
33 those three rec numbers up there. In each year,
34 we saw one -- those are based on dusky landed.

35 So that's the expansion we are
36 talking about. So when you are trying to look
37 for a reason, you know, if I was to draw a
38 confidence interval around that number, it
39 starts at zero and it goes way higher than those
40 numbers.

41 So that's the precision level we are
42 talking about. So I wouldn't spend too much
43 more time agonizing over, you know, the drop from
44 2391 to whatever, 447, because really it's just
45 an extremely imprecise estimate and it is an
46 estimate. These are not observed, you know,
47 these are not interactions.

48 CHAIR McCREARY: Okay, Jason.

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1 MEMBER ADRIANCE: Thanks, ill make
2 a few quick points. To this one real quick, if
3 we are not supposed to use these or put a lot of
4 weight on them, then why is that a reduction
5 target? Why is that even being used as a target?

6 Second point, the 96 inches, it's
7 been beat around the table, but that would
8 effectively in Louisiana end recreational
9 retention of sharks as well.

10 And we have species such as
11 blacktips that can handle that so it's not very
12 palatable.

13 Back to the blacktips, I think you
14 should produce some peer-reviewed projections
15 to set those TACs and quotas. That's it.

16 CHAIR McCREARY: Okay. Thank you.
17 Pam.

18 MEMBER BAKER: A couple of comments
19 which I'll state in the form -- try to state in
20 the form or recommendations. On the linkages,
21 again I generally support the concept but I think
22 doing it on a fleet-wide level can cause a lot
23 of problems, as I mentioned earlier and in
24 previous comments.

25 If you are considering the viability
26 of the fishery in doing this, I would encourage
27 you to think about doing this in association with
28 amendment 6, where you are considering
29 individual vessel quotas, and that allows you
30 the opportunity to have accountability at that
31 level versus the fleet level, so that you don't
32 result in fleet-wide closures.

33 Secondly, somebody mentioned, and
34 this is another thing I have brought up in
35 previous comments, that the closures that you
36 are proposing to reduce effort on duskies, have
37 you looked at and do we know that that doesn't
38 move the effort on to hammerheads or some other
39 sensitive species and just would like to, you
40 know, feel confident about that.

41 Third, maybe specifically in
42 thinking about how to operationalize working
43 with our neighboring countries, maybe with
44 Mexico we could think about how you guys could
45 maybe target in on two species, one being dusky,
46 because of the challenge of rebuilding it just
47 working here in the U.S., but maybe also on
48 blacktips, which is the healthier stock, but

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1 there is this important conflict at the border,
2 and maybe we can, you know -- going to Mexico with
3 a couple of specific ideas to work on through
4 either the MEXUS process, which already exists,
5 that binational research agreement, or maybe
6 something new is needed.

7 But I think coming to Mexico with a
8 couple of specific proposals might be well
9 received. And then, fourth, you are looking at,
10 both in the tuna issues as well as this, bycatch
11 caps, or looking at how to do a better job of
12 monitoring at the vessel level, and I would
13 suggest for bycatch caps, but just in general,
14 that as you are going to species-specific, this
15 better level of monitoring is so important, and
16 I understand you have budget limitations.

17 There's a lot of work on comparing
18 and contrasting observers versus the monitoring
19 technologies that are available, and how can
20 these be applied, maybe not just to sharks, but
21 if you are using it for sharks and tuna and other
22 things, then the costs maybe become more, more
23 acceptable.

24 So to look at how those maybe pile
25 on each other, if you are looking at a fleet
26 versus a particular species within a particular
27 fleet.

28 And that doesn't solve a problem
29 right now, but maybe it can help you solve a
30 problem in the near future with those issues, and
31 I know that various levels of NMFS is looking at
32 it, lots of industry groups are looking at it,
33 and I think there's a growing body of information
34 out there. That's it. Thank you.

35 CHAIR McCREARY: Thank you.
36 Angie, we have about five more people in the
37 queue, and then I am hoping we can turn to public
38 comment. Does that sound reasonable? Angie.

39 MEMBER BOEHM: What I liked in
40 amendment 3 is blacktips have a higher trip
41 limit. They are not overfished. They are not
42 experiencing overfishing. You know, let's give
43 the guys a bone and go with a little bit higher
44 quota.

45 I also like that it didn't link the
46 quotas. Choke species are a big concern. I
47 spoke with Jason during break, and Louisiana is
48 concerned with Florida, you know, catching the

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1 hammerheads and closing the Louisiana quota
2 down, and Florida is just as concerned with
3 Louisiana catching the blacktips and closing our
4 quota down, our fishery down.

5 And Peter asked how HMS would handle
6 the mortality if the quotas aren't linked. And
7 I suggest, kind of piggybacking on what Pam said,
8 do it with individual accountability and wait to
9 address to in amendment 6.

10 So a combination of A2 and A3 would
11 be our preferred. I'm not really familiar with
12 the recreational sector, but you know, please
13 consider their plight and use some kind of a
14 reasonable size limit. Thank you.

15 CHAIR McCREARY: Good. Thank you,
16 Angie. Scott Taylor.

17 MEMBER TAYLOR: I'm just a little
18 bit confused, and then I do have, you know, one
19 other comment, which is that we are dealing with
20 a species that is a no-take species for a
21 substantial period of time.

22 It is still being considered
23 overfishing and now we are going to essentially
24 end or limit fishing of other techniques because
25 the prohibition of take for that species was not
26 sufficient to quote-unquote "end fishing"?

27 I mean, it doesn't make a whole lot
28 of sense to me. I don't know where you draw the
29 line with that. I think we are moving in a
30 direction that is extremely problematic,
31 because a lot of the fisheries that are out there
32 are somewhat indiscriminate, regardless of how
33 minor that that interaction becomes.

34 But my final comment other than that
35 is that if you have to take additional action
36 because that is what you are mandated to do, I
37 implore you not to do it with static, closed
38 areas, that I agree with Pamela and several
39 others that reflect individual accountability,
40 and by giving some additional options and
41 flexibility to try to avoid areas where they are
42 interacting, you know, with the particular
43 species, rather than effecting a closure within
44 a whole pelagic fishery or in a whole specific
45 area. Because I don't believe it's going to
46 result in the -- directly the way that you want
47 it to work. I think that there will be
48 interactions as effort is made in the other

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1 areas. That's it.

2 MS. SCHULZE-HAUGEN: So, just to
3 run with that for a minute, what sort of
4 information would you use? How would it work?
5 Can you elaborate a bit on how you see that
6 happening?

7 MEMBER TAYLOR: Well, you know, as
8 far as how you design the individual
9 accountability, Margo, I think this really goes
10 to the core of what we have been talking about
11 not only with amendment 5, but with amendment 7,
12 is that you have specific areas in which there
13 are levels of interaction that affect specific
14 fisheries, to use the language of choke species,
15 and how you divide that, or how you make that
16 divisible within the fishery is something that,
17 you know, I'd have to think about and I am not
18 really prepared to answer that specifically
19 today.

20 But it's my experience that when you
21 hold somebody individually accountable for
22 their own actions and it has a direct consequence
23 to them, that you are far more likely to elicit
24 the response that you are looking for, rather
25 than sort of penalizing an entire fleet, where
26 you have got a limited geographic, you know,
27 issue, because while I feel for the situation in
28 the mid-Atlantic, or in the North Carolina area,
29 if in fact you all are correct, and we operate
30 by the premise that you are correct, that that
31 area is much smaller and much more
32 laser-targeted than I personally believe that it
33 is, and there is consequence for going in there
34 and interacting with a species that you are
35 trying to limit the interaction with, I think
36 that you are going to get a much better result
37 than sort of closing the whole area to everybody
38 and all of that type of activity, or all -- we
39 are talking about, specifically, in some of
40 these areas, closing all pelagic longline
41 activity.

42 You know, we are not simply talking
43 about just, you know, bottom longlining or the
44 recreational sector. You know, you won't be
45 allowed to fish PLL gear in there whatsoever in
46 an area that represents a very, very small level
47 of interaction, and we are not even talking about
48 mortality issue. We are talking about

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1 interactions in a species that's already zero
2 take.

3 So, you know, I don't have all the
4 data that you do to look at, to know how you
5 translate those interactions into mortality
6 issues.

7 But that's something that this
8 panel, in the few times that I have been in here,
9 chooses, and with good reason I think, not to
10 talk about post-release mortality, because that
11 covers a whole spectrum of activity that goes far
12 beyond the pelagic longline fleet.

13 So you know, my point is, is that you
14 know, the simple solution for you all in the past
15 has been static regional closures and we are
16 talking about a pelagic species that moves and
17 goes through there.

18 The fishermen themselves, I feel,
19 from what I know and from what the constituency
20 in my peer group feels that they are discounted
21 in this process quite a bit, and that what we see
22 and what we have the ability to do out there has
23 far less credibility and far less merit than a
24 lot of what the scientific evidence, and quite
25 frankly, in the past we really haven't been given
26 the opportunity to try to make some changes and
27 adjust on our own. We just were told we can't
28 fish this way, we can't fish in this area and
29 that's basically the end of it. Nothing has
30 really been tried, that I am aware of, that is
31 a more moderate position to effect a result.
32 And if there was ever an instance for that, it's
33 now. This is a non-take species. There's no
34 retention of this species. We are talking about
35 interaction numbers. And, you know, you say you
36 didn't want to -- that you want to discount these
37 numbers, what we are talking about is
38 interactions. That's what we are talking
39 about.

40 So it goes to everything else that
41 I have been kind of crying and screaming at the
42 top of my lungs about, which is a much more
43 modern, updated, dynamic way of monitoring and
44 dealing with these pelagic species, with
45 individual accountability, you know, and some
46 realtime things. It's going to take a little
47 time. It's not going to happen today. I don't
48 have a proposal to put on the floor to you.

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1 But some of the things that you are
2 talking about in there in lieu of that have dire
3 consequences to the industry, and, you know,
4 that if we go down that road, it's not just going
5 to be limited to duskies.

6 You are setting a precedent that
7 basically says that simply prohibiting the take
8 of a species is no longer enough, and in addition
9 to prohibiting a species, we are going to limit
10 fishing activity altogether in order to minimize
11 interaction that we don't even know is going to
12 result in mortality.

13 I think it's a very dangerous
14 direction that we are heading in. I'm new to
15 this game and the politics, but I am very
16 passionate about not only what I do but the
17 people that I represent.

18 And, you know, we want the same thing
19 that you do. We don't want to see species hurt
20 or eradicated, and understand your dynamic.

21 But I don't understand what we are
22 talking about and I've been sitting here for the
23 entire day and I still don't understand what we
24 are talking about, because you have already
25 prohibited the species from take. How are you
26 going to prohibit interactions in the ocean
27 where there's all kinds of fishing activity?

28 How are you going to do that and who
29 are you going to make the scapegoat? And what
30 we are doing is we are taking specific sectors
31 and we are saying you are responsible for the
32 decline of the species because you are in some
33 way interacting with this particular species
34 that's out there. It could happen whether it's
35 the recreational, or the bottom, or the
36 draggers, for that matter.

37 I mean, we haven't even discussed a
38 lot of the other fishing technique that goes on
39 out there. So I think that we are being
40 selective, and I guess I'm being -- I am
41 sensitive to it.

42 CHAIR McCREARY: Let's hear from
43 the agency folks a bit. Thank you.

44 MS. SCHULZE-HAUGEN: So, I hear
45 you. I understand. You are frustrated. I
46 think all of us are frustrated. You hit the nail
47 on the head. How do you go from a species that's
48 no take to reducing fishing mortality that is

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1 happening everywhere by two-thirds?

2 That is the issue we have, and that's
3 what we came up with to do that, is the closed
4 areas for the pelagic longliners, the 96 inches
5 for the rec, a number of species-specific quotas
6 with quota linkages for the pelagic -- the bottom
7 longliners.

8 So we have ideas out there. We are
9 floating them. There are things that I know the
10 pelagic longliners know they can do, to maybe
11 avoid, not take, get rid of those interactions
12 with dusky sharks.

13 I am not smart enough to know all of
14 those ideas. I need to hear those ideas from all
15 of you. I hear what Sean was saying about the
16 building of the house.

17 But maybe, if you are given the
18 choice between one mountain and another
19 mountain, you can decide which mountain you
20 would prefer.

21 What I'm looking for, what I'm
22 hoping the longliners can give us, is a second
23 mountain for us to look at. And as an example,
24 we had that with amendment 3.

25 Amendment 3, we went out, we looked
26 at the data, we proposed prohibiting the gill net
27 fishery. The gill netters came back and said,
28 "Hey, take another look at the data. If you look
29 at the observer data, you can see we can actively
30 avoid blacknose sharks. We can do it. Give us
31 a chance."

32 We went back and looked at the data
33 and they were correct. The data showed they
34 could avoid it. When we went final with
35 amendment 3, we did not prohibit gill nets.

36 We still have a gill net fishery.
37 They have not been closed, even though there's
38 that quota linkage, except for one year, since
39 we implemented that.

40 So I know if we work together, if we
41 come up with ideas, we can do something. But
42 right now, for the most part, what I'm hearing
43 is you don't like the static time area closures.

44 I'm hearing that again and again.
45 I'm hearing there might be possibilities for
46 other things. It's those possibilities, those
47 nuggets I really want to hear.

48 And maybe you don't have those

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1 specifically today, but I'm hoping as we work
2 through the comment period, we can come up with
3 those. So that's what I'm really hoping for.

4 MEMBER TAYLOR: The problem is that
5 I think that you have heard some of the
6 suggestions, and you know, the suggestions
7 always are around additional flexibility,
8 which, you know, we continue to be limited by.
9 It's just what we were talking about earlier,
10 that is coming.

11 The policy of the Agency has been to
12 close bottom, for one reason or another and we
13 are going to continue to see that, and as you
14 continue to do that for one reason or another,
15 you have far more flexibility.

16 These guys that are commercial
17 fishermen, we that are the commercial fishermen,
18 have the ability to be flexible and move and
19 target different species within what is
20 economically viable to do.

21 That means that the guy that's
22 running the 45-foot boat that's fishing out of
23 North Carolina, you know, he can't travel to
24 south Florida. That's where he is going to
25 fish. So you effectively close all the bottom
26 where he is, you are going to put him, you know,
27 essentially out of business. It goes to the
28 very heart of the way that management, you know,
29 has in fact been done, and the desire that I think
30 that you have heard, at least tacitly, to see
31 individual accountability.

32 The problem has been agreeing on
33 what that looks like, because in the past,
34 unfortunately, this agency, other boards have
35 decided to pick winners and losers in the
36 commercial sector.

37 It's a huge problem that alienates
38 the general majority of the constituency, that,
39 you know, somebody today does not necessarily
40 have a predisposed access that is higher or lower
41 than another fishermen's simply because he met
42 a criteria that one of those boards may have set
43 in the past.

44 So, when you talk about individual
45 accountability, shares, however it is that you
46 want to put it, the way that they have been
47 structured have always seemed to benefit a few,
48 rather than the majority within the system.

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1 And I know this is a discussion that
2 you have heard before on multiple different
3 occasions. So the stuff is there for you to do,
4 there is a solution to this.

5 But the problem is that simply
6 moratoriums and limiting access that affects the
7 whole fleet broadly, either by area or by
8 segment, is not the direction, I feel very
9 strongly, that we should go in.

10 And we can put our heads together,
11 and unlike a lot of the people that I represent,
12 I don't think you all are the enemy. You know?
13 I think that's the general consensus that's out
14 there.

15 Because, you know, essentially,
16 their livelihood is curtailed and limited more
17 and more and more, and you know, it's a natural
18 response for the industry to have.

19 I certainly understand that you are
20 mandated for certain things, but that there's
21 technology, there's things that are out there,
22 and that it's time that the agency also shows
23 some flexibility.

24 The one last comment that I'm going
25 to make, is if everything is based on
26 interactions, what does success look like?
27 Because if the species is recovering, what do you
28 think you are going to have? You are going to
29 have more interactions.

30 So does the more interactions that
31 you have mean that your success is a failure, or
32 does it mean that this species is being more
33 successfully rebounded? What does it look
34 like? Nobody really knows.

35 The only thing we know, is that I
36 have never seen anything yet as far as the
37 pelagics or the industry, be given back, that was
38 taken away, even in some of the issues that we
39 have that we are going to be addressing here in
40 the near future.

41 So it's got to be, if you really want
42 solutions and you really want help from the
43 industry, it has to be a give and take.

44 CHAIR McCREARY: Okay, thanks.
45 Margo.

46 MS. SCHULZE-HAUGEN: So, your
47 comment about individual accountability, and
48 not having fleet-wide impacts and not picking

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1 winners and losers, and I think you are talking
2 about ITQs and catch shares in other fisheries
3 and we are aware of those as well and we hear that
4 there's fish lords and all kinds of things.

5 We haven't proposed that. But I
6 would suggest that going down the path of an ITQ
7 or a catch share is a fleet-wide impact as well,
8 and particularly for a species for which no one
9 should have had landings, but there are going to
10 be interactions.

11 We are necessarily looking at more
12 limited data than a lot of those catch share ITQ
13 programs had, because landings aren't there.

14 So how do we proceed, having that
15 individual accountability, without necessarily
16 having those fleet-wide effects and picking
17 winners and losers?

18 MEMBER TAYLOR: Well, I mean, I
19 think that there is a simple -- there is a simple
20 consequence. I don't know that there is a
21 simple answer. I mean, we could sit down in a
22 short order, if you've got to limit the number
23 of interactions and you have a particular boat
24 that has a high incidence level of interactions
25 with duskies, does that mean that the other 15
26 boats that are going to be out there mahi fishing
27 in May, should be precluded from mahi fishing?
28 That I think that if somebody finds themselves
29 in that circumstance, then they are precluded
30 from fishing in that particular area for that
31 particular time frame, and they have to go do
32 something else, but you shouldn't penalize an
33 entire fleet because of one or two or three
34 interactions.

35 Generally what we have seen, and
36 this is a unique circumstance, because what we
37 are -- we are not talking about a take species
38 here, we are talking about a prohibited species
39 that's here, and if the commercial guys that I
40 know are as talented as I think that they are,
41 there's going to be some incidental
42 interactions, but I think that a lot of it will
43 be able to be controlled.

44 And when there's an unfortunate
45 circumstance then there should be a mechanism to
46 be able to deal with that, but it shouldn't be
47 at a consequence to everybody in the particular
48 industry, and I think that that's what we are

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1 trying to do, we are trying to sweep it with a
2 broad brush, whether or not it's the tournament.

3 You know, I could make the same
4 argument that's being made about the tournament
5 in the recreational sector. It's a real
6 hardship for the town that it shouldn't
7 sacrifice. What about the guy that's made his
8 living mahi fishing there every single year, and
9 probably hasn't interacted with any dusky
10 sharks?

11 So, you know, it's a double-edged
12 sword and I understand that, but the best
13 solution to these kinds of problems, if you
14 really want to make a change, is that you have
15 to hold individuals that are supposedly, you
16 know, that have talent and have some ability out
17 there, accountable for whatever it is that their
18 own actions are.

19 It's a huge problem within our
20 industry. We have -- we see it in the bluefins,
21 where there's, you know, where there's higher
22 level of incidence with certain boats
23 repeatedly, year after year after year, and yet
24 the whole fleet was prohibited basically from
25 catching any fish from May forward.

26 It doesn't have anything to do with
27 whether or not that it's a target species. It
28 is an incidental catch for us. But it creates
29 waste. It creates other problems. And I would
30 implore you, while it's not my favorite
31 solution, it's certainly better than drawing
32 lines on a map and closing areas for time, to the
33 entire fleet, that I think that you could put a
34 scenario in place that would cause people to want
35 to voluntarily avoid, if you're right.

36 CHAIR McCREARY: Okay. Thanks.
37 Go ahead.

38 MS. SCHULZE-HAUGEN: I'm sorry, I
39 know you are trying to move us forward.

40 CHAIR McCREARY: Well, I want to
41 turn back to you, Margo, and then I want to --
42 we need to continue because we've got six people
43 that came to the meeting to talk to us.

44 MS. SCHULZE-HAUGEN: Right, and I
45 definitely want to hear from them. But I do want
46 to go back to Scott's question about the success
47 and the interactions.

48 So, right now with the time area

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1 closures, we are using the interactions in order
2 to determine what area closures and how to meet
3 the two-thirds.

4 But after that, we would be relying
5 on the stock assessment showing us that dusky
6 sharks are improving. We are not counting those
7 interactions after the fact.

8 If we were to go toward bycatch caps,
9 that is a different story where, yes, the
10 interactions and those numbers would become part
11 of the story, and they would also feed into the
12 next assessment, but they are much more those
13 numbers and the success there.

14 So there are different areas, and I
15 definitely look forward to working with you and
16 the rest of the pelagic longline industry to
17 figure out maybe a more individual approach.

18 CHAIR McCREARY: Good. So you have
19 thrown down the gauntlet and Karyl has picked up
20 and has expressed willingness to talk. But
21 probably offline.

22 Bob.

23 MR. HUETER: Thanks. It's been a
24 real interesting day. Interesting discussion,
25 a lot of tough decisions to make, and I have
26 really listened very closely to all of you talk
27 and made very detailed notes, and I'm going to
28 take those back and incorporate those into my
29 written comments.

30 But I can offer one perspective and
31 maybe a couple of points. One perspective on
32 the dusky issue, and the point of urgency of this
33 issue.

34 We have heard a number of people say,
35 well, we don't interact with duskies in our area.
36 And those areas include south of New England, I
37 think off North Carolina, and somebody said
38 something off Texas.

39 Well, there's a reason why you don't
40 interact with duskies and it's not because they
41 never live there.

42 If you go back to the 1970s and go
43 off of the New English shelf south of the
44 Vineyard, south of Block Island, as I did, and
45 fish with yankee rig pelagic longline, duskies
46 were our third most commonly caught species of
47 shark.

48 So the reason you are not

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1 interacting is they are gone. And it's not
2 because they don't live in that area, and so it's
3 not a problem for that area.

4 I understand when you take measures
5 to reduce interactions, that that doesn't
6 necessarily factor in. But when we talk about
7 what does rebuilding look like, rebuilding looks
8 like putting those animals back in those areas
9 where they once thrived.

10 The same thing is true of the west
11 coast of Florida. I hadn't seen a dusky in 20
12 years on the west coast of Florida until this
13 past summer, when we got one in the deep northern
14 Gulf, and they used to be fairly common, the big
15 pregnant females off of Florida. They're not
16 there.

17 As far as the international
18 situation, Rusty is absolutely right, and a
19 number of others of you have mentioned, Mexico
20 did suck up a lot of the duskies back in the
21 1960s, '70s and '80s. But they are not catching
22 duskies anymore, and that's not where the
23 problem is right now.

24 The problem is trying to rebuild
25 what's a remnant population, and unfortunately,
26 I think in this case we are down to a situation
27 where -- which is very unusual for sharks -- but
28 perhaps 100 mature females really matters.
29 That's the problem we are in.

30 So do we want to go to an ESA process?
31 I think not. So we need to work together to
32 figure out how to reduce these interactions as
33 best as possible.

34 The 96 inch rule, I would normally,
35 I think, be in favor of that, because I see it
36 promoting catch and release in the recreational
37 shark fishery, which is something I think
38 recreational fisheries need to embrace more.

39 But I don't think it's really going
40 to work to protect duskies, for reasons that were
41 stated. Mark Sampson made a very good point,
42 that the duskies that are coming in illegally now
43 in that fishery, are probably smaller animals.

44 So simply moving the minimum size
45 from 54 to 96 isn't going to affect that. On the
46 other hand, what that is going to affect,
47 clearly, is taking out recreational components
48 targeting sharks that are healthy, that are not

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1 overfished, the blacktip shark.

2 This will, as people pointed out,
3 will wipe out recreational fishery for that
4 species, and since we have found that it's not
5 overfished, it's healthy, this is a fast-growing
6 species, it's taking us in the wrong direction.

7 We should, I wouldn't use the word
8 encourage, but we should certainly allow our
9 fisheries to shift toward focusing on something
10 like the Gulf blacktip as a sustainable and
11 viable species.

12 And finally, along that same point,
13 I don't really understand why we can't open up
14 the commercial fishery for blacktips a bit, and
15 go ahead and increase the quota, rather than just
16 keep the status quo as alternative A2 does.

17 With the blacktip, because it's
18 fast-growing, if we make an error, we can recover
19 more quickly than these other species.

20 CHAIR MCCREARY: Thanks, Bob. All
21 right. Terri, back to you. Probably your last
22 time today.

23 MEMBER BEIDEMAN: It definitely
24 will be my last time today. I have lots more to
25 say and lots of questions, not the least of which
26 is, if you really think these are hotspots, how
27 come we are the only ones that are not going to
28 be able to put hooks in that area?

29 If you really think they are
30 hotspots, then they are hotspots for every hook.
31 And number 2, in particular with regard to the
32 South Atlantic Charleston Bump analysis, do you
33 consider that we have a whole dolphin/wahoo
34 fishery that's managed by the South Atlantic
35 Council that is not an HMS permitted fishery, and
36 is allowed to fish with J hooks, to fish for these
37 and I'm not saying they shouldn't, but they'll
38 be fishing right there, because that's, as
39 everyone says, where they will be, so is there
40 any discussion about any other fisheries'
41 interactions with duskies besides us? I don't
42 know.

43 But the real reason I put my tent
44 card up is because we have folks that spent their
45 own money and took their own time to come here
46 to speak to you. And I know we ran late for
47 lunch, but I'd love to see them have an
48 opportunity to get to the mic.

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1 CHAIR McCREARY: And I didn't even
2 pay Terri to do that segue. But that is exactly
3 where we are going next. I notice that since
4 Rom, I believe, has left for the day, is that
5 correct, then -- so there are a couple of seats.

6 And any guidelines, Margo? What
7 would be most useful? Tell us your name, your
8 affiliation, and your best ideas in two or three
9 minutes.

10 MR. McINTYRE: My name's Bill
11 McIntyre. I have been a commercial fisherman
12 for 32 years, catching swordfish and tuna fish.

13 I have got a question for you on page
14 17, if you could flip to that.

15 MR. COOPER: You mean 17 of the
16 slides?

17 MR. McINTYRE: Seventeen on this
18 piece of paper right here.

19 MR. COOPER: Yes, thanks.

20 MR. McINTYRE: Sorry about that.
21 Still not there. The map. No, it's the one
22 with the approximately one percent of highly
23 migratory species revenue of 385,000. That's
24 it.

25 Could you explain that number to me,
26 the 385,000? Is that the total economic impact
27 for all those areas combined? Is that what you
28 are telling us?

29 MR. COOPER: For all those areas
30 over a three-year period.

31 MR. McINTYRE: Okay. Let me just
32 -- Margo was just talking about getting real
33 information, okay? I'm going to give you some
34 real information now, and I want to know how it
35 was extrapolated to that.

36 I make my living in those areas.
37 The Charleston Bump area, this year I made about
38 \$85,000 there for one month. Move up to the
39 Mid-Atlantic Bight, between those areas there,
40 I made \$170,000. When I move up to the other
41 one, I made another 80.

42 So that's -- you add it all up, okay?
43 That's half my income. I want each and every one
44 of you to ask yourself this question: if you lost
45 50 percent of your income, would you be very
46 happy about it?

47 And so the other question is this:
48 how did you come up with that \$385,000, because

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1 I am going to lose almost that much money myself,
2 individually.

3 There's at least 100 longliners. I
4 don't know how many there are. But I would like
5 to know how the mathematics comes down to just
6 \$385,000 lost. Make a long story short, I've
7 been doing this for 32 years, I might as well hang
8 up my coat.

9 I know you guys say redistribution,
10 okay? To me that's a euphemism for go fly a
11 kite, which is also a euphemism for something
12 else, which I will not say right here right now,
13 because I'll get thrown out of here, okay? All
14 right. That's enough said and done. We all
15 know your numbers stink.

16 Now, for some positive influences
17 here, and it's nothing new. You can change the
18 mono thickness from 400 down to 300, make sure
19 everybody uses 300 pound, it's like dental floss
20 to these sharks.

21 Hook size, reduce it to a 16-0, less
22 shank, all the rest, they bite right through it.
23 You can also go to set length. You can reduce
24 it by another 10 percent, 20 percent in some of
25 these areas here, instead of setting 30 miles of
26 gear, you can set 25 miles of gear.

27 You can have a system set up with the
28 VMS report interactions with these damn sharks,
29 and everybody else has brought up this question
30 is, who is catching these sharks? I don't know.
31 I have been doing this for 32 years. Every once
32 in a while we bump into some of these damned
33 things, and that's about it.

34 The other thing is, for the most of
35 the time when we do bump into them, it's after
36 a storm or something, the sharks get blown off
37 the bank.

38 We don't ever normally see them,
39 despite what all your information might be
40 putting out there, more than like 150 fathoms.
41 So instead of closing off the whole area, 150
42 fathoms out, you can fish.

43 And the last thing I'd like to bring
44 up is individual accountability, I agree with
45 100 percent. There's a lot of guys out there
46 that don't know what they are doing, and they
47 make it look bad for everybody else that does.

48 That's all I have to say. It's real

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1 plain and simple. Thank you.

2 CHAIR McCREARY: Thank you very
3 much. Karyl?

4 MS. BREWSTER-GEISZ: Scott, just to
5 clarify. Bill, sorry. Just to clarify, that
6 the longline length is already limited to 20
7 nautical miles.

8 MR. McINTYRE: In some of those
9 areas. No, it's not limited down there off of
10 Charleston Bump, and it's not limited up off of
11 -- out to the east there in those pictures.

12 MS. BREWSTER-GEISZ: It is in the
13 mid-Atlantic, so I just wanted to make sure that
14 --

15 MR. McINTYRE: It is in some of that
16 mid-Atlantic, but I don't think all of it is
17 enclosed in that, to be honest with you. But I
18 am well aware of the 20 mile thing.

19 MS. BREWSTER-GEISZ: Okay. I just
20 wanted to mention that.

21 MR. McINTYRE: And other areas
22 where we are doing maybe 30, 35 miles of gear,
23 reduce it 25 percent, get it down to 25 miles or
24 something like that. It will all have an
25 impact.

26 CHAIR McCREARY: Good. Thank you.
27 All right. Others who would like to address the
28 advisory panel? Step up. Dewey? Return
29 engagement here, huh?

30 MR. HEMILRIGHT: I appreciate the
31 opportunity to talk. We got up about 3:15 this
32 morning to drive up here, so I hope I get more
33 than just about two or three minutes.

34 It's kind of hard to go over the
35 telephone book, as I call it, in just a few short
36 minutes, especially when you are focusing on
37 time and area closures that's going to have
38 significant impact on my livelihood.

39 I used to shark fish a lot. Now I
40 haven't shark fished in three years. But first
41 and foremost, starting out, I don't believe this
42 amendment is about protecting the dusky shark.

43 I believe it's more about ending
44 pelagic longline fishing along the east coast.
45 And my reason for saying that is that the dusky
46 shark has been prohibited since 2000.

47 Prior to that, we used to be able to
48 fish for dusky sharks. We used to take

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1 observers, got great work, independent work that
2 showed where the dusky sharks were, what was
3 happening in our fisheries as far as the science.

4 Since 2000, when it was prohibited,
5 they went back to the areas where we used to go
6 fishing for dusky sharks and said based on where
7 you could go legally fishing for sharks, you've
8 now got a closed area.

9 The fishermen had always, always
10 advocated for April, May and like June closures
11 during pupping season. Let me back up one
12 second and please bear with me.

13 In 1994 -- I might be off a year or
14 two, but I think I'm close enough -- prior to that
15 you could go fishing for sharks 365 days a year
16 and catch all you want.

17 Around '94 there was a management
18 plan put into effect with a 4,000 pound trip
19 limit. In about 1997, they cut the quota in
20 half. All right.

21 After '97 we went through some
22 lawsuits. They put the dusky shark on a
23 prohibited list. After that, I believe in 2005
24 or '06, I might be off with my numbers, we got
25 a closure off North Carolina to protect juvenile
26 duskie and small sandbars.

27 The implementation and management
28 of the sharks from 1994 to now has done nothing
29 but reduce fishing mortality, which prior to
30 that, if you fished 365 days a year, and I could
31 go longline fishing, I could catch some sharks.

32 So we have watched management of
33 these sharks and their actions work. North
34 Carolina was proactive in its closures of its
35 inshore state water fisheries.

36 The same place now where we have
37 closures, you have what I have coined and termed
38 a guinea pig fishery. It is a small research
39 fishery that is basically done by an outboard.

40 And in this research fishery, which
41 is two boats on the east coast of Florida and
42 maybe two boats on the west coast, not very
43 familiar down here, but I know my area in North
44 Carolina, you've got to go catch dusky sharks
45 during the time where you have to go fishing.

46 So we have an area off North Carolina
47 where you are seeing the CPU, catch per unit
48 effort in the guinea pig fishery, that's small

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1 boat driven, the CPUs are going up.

2 I was talking with Mark Sampson
3 earlier. His catch per unit efforts on dusky
4 sharks I don't believe has changed much over the
5 last few years, if not increasing.

6 We look at the Delaware crews, which
7 is probably to me a real good example of what is
8 happening in the dusky fishery. First of all,
9 with this all being said, one has to buy into the
10 science part that's going to take one to four
11 hundred years to rebuild this shark. You've got
12 to buy into it to believe it.

13 The research crews on the Delaware
14 in '07 had a catch per unit effort, and I am going
15 to give you the highest estimate total for the
16 area off North Carolina, this closed area, I
17 might be off just one or two sharks, but in '07
18 I think it was 55 dusky sharks per 10,000 hook
19 hours in '07.

20 In '09 it was 367 duskies per 10,000
21 hook hours, going up a little bit. Well, in '12,
22 it was 535 give or take one or two, it might be
23 off, per 10,000 hook hours.

24 We are watching these increasing
25 numbers of the dusky sharks going up. Not only
26 that, the mortality of fishing on gill net
27 fishery and our monkfisheries off North Carolina
28 in federal waters have ceased.

29 So any time you have hot water
30 closures and different things, we have watched
31 every effort from the fishermen of the fishing
32 mortality decrease massively.

33 So this scenario is that there are
34 either more sharks out there, or there's a black
35 hole. I haven't heard the black hole theory.
36 I'm giving the theory that there's more sharks.

37 So it comes up to this point here,
38 where we look at these closures. I don't have
39 many other things left to do to go fishing. It's
40 a tough one when you look at your livelihood
41 being taken away, and you sit here and look for
42 the reasons why, it's for interactions with
43 dusky sharks.

44 Interactions. The best available
45 science is telling you -- let me take that word
46 back. It ain't best available. It's the
47 observer data that they get the number of 33
48 percent mortality at vessels. I just don't

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1 believe that number because it's not what we see.

2 The numbers for duskies that are
3 caught in these hotspot areas, so they say, we
4 can't even get the data that show, we can't even
5 figure out who's catching the dusky sharks,
6 because we're not seeing it there.

7 So we have here an area that we are
8 going to close this place off, that the economics
9 of this thing, the numbers given by National
10 Marine Fisheries Service is woefully inadequate
11 and pathetic, because they are not accurate.

12 Second of all, and I know I'm kind
13 of rambling on a little bit, but I'm a little bit
14 nervous because it just hacks the hell out of me
15 to know that my livelihood is going to be taken
16 away with these closures.

17 The next thing is, if you look at the
18 redistribution model, and I cannot find any
19 scenario in the catalog where it shows what
20 happens if you don't redistribute.

21 You are assuming that everybody is
22 going to redistribute and is able to go somewhere
23 else to go fishing. If you understood how
24 fishing operates, that scenario just doesn't
25 hold water.

26 You are telling me that I can leave
27 this hotspot, I can go up here, and I'm going to
28 catch the same amount of fish, and I'm going to
29 be all right.

30 Well, what happens if you're only a
31 boat that has 500 gallons of fuel and you've got
32 other boats out there? This scenario that you
33 all are playing -- and it's playing, because it's
34 messing with people's livelihood, destroying
35 us. We are seeing the duskies, CPUs go up, you
36 have to buy into this junk science -- my
37 terminology that I am using -- and at the same
38 time you are saying you have to do something
39 because you are mandated by Magnuson.

40 Well, what's going to happen once we
41 are gone and we have killed our communities and
42 the pelagic longline industry, you're seeing all
43 these other CPUs for the dusky shark goes up, and
44 these 100-400-year rebuilding schedule, I mean,
45 it's truly frustrating.

46 When you look at the accountability
47 measure of interaction on the commercial side
48 and for that pelagic longline fisherman, you see

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1 a closure.

2 On the recreational side, for their
3 interaction with the dusky shark, you see it go
4 up to 96 inches on a species you can't even keep.

5 So the magnitude of saying, hey,
6 look here, for you, you ain't going fishing.
7 For you, you're going fishing, you can't keep the
8 fish but you better make sure it's 96 inches.

9 So something just don't -- you know,
10 why are we trying to focus on killing the pelagic
11 longline industry and the fishermen in the
12 United States for?

13 Why not look at things like Billy
14 talked about, I mean, look at some things like
15 they're using in the Gulf, weak hooks. I mean,
16 we are trying to stay fishing. There's not many
17 of us left.

18 And to sit here and focus on killing
19 us, and that's what it's going to do, it's going
20 to do that to our communities. Some of us can't
21 go other places.

22 And if I thought that it was about
23 the dusky shark, you'd probably have some
24 different solutions or conclusions. But this
25 ain't about the dusky shark, because your simple
26 methodology of looking at the science part and
27 your accountability measures in getting the data
28 to see how many sharks are out there, what you
29 have are going through the roof, the numbers of
30 the catch per unit effort.

31 So once we are dead and gone, the
32 infrastructures are taken away, what are we
33 going to have left? You know, and to close an
34 area, even to propose to close an area, I call
35 it chum, because you all like to chum us a lot
36 of times. You don't take nothing back that puts
37 money in our pocket. But proposing to close an
38 area because of 11 interactions with dusky
39 sharks? I mean, I -- well, that's just a good
40 one.

41 I mean, it's crazy to think some
42 minuscule amount, and of that number, how many
43 of them -- it would be different if all these were
44 dead dusky, if you were killing something.

45 But it's the interaction. And to
46 sit here and go look about, somebody wants to
47 list it on an endangered species list? And
48 you've got these numbers going up through the

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1 roof?

2 I mean, our fishing effort, and I'm
3 going to shut down in just a second, give me
4 another minute or two, and these efforts of
5 people fishing out there, I mean, the mortality
6 from fishing is going down.

7 You haven't let management, the
8 management stuff that you all have done, hell,
9 you're -- I mean, heck, you ought to pat yourself
10 on the back a little bit.

11 And I don't pat you very much because
12 everything I see you doing, you're putting me
13 out. But, I mean, you're seeing the different
14 things out there.

15 So when you continue going down this
16 route, and I know it's not very good on hey, you
17 didn't give me no comments on the closure, well,
18 my comment for the closure is hell no, no more
19 closure. We can't take it.

20 We don't have the -- afford the
21 luxury of going somewhere else and going
22 fishing. And this is the last thing I'll say.
23 And when you made this amendment up, this
24 amendment 5, this catalog, it also focused on me
25 just how -- and don't take this the wrong way,
26 take some constructive criticism -- just focus
27 on the way of how just non-common sense about how
28 the fisheries operate, by looking at this
29 redistribution model, your numbers are priced
30 for fish per pound. It's \$2 off on each on
31 yellowfin tuna and a bigeye tuna.

32 And the effect it's going to have,
33 yes, you've got to do something because Magnuson
34 says you do. Well, the effect it's going to have
35 is putting people out of business, and killing
36 our communities and our fishing. There ain't
37 many of us left and when we're gone, then this
38 resource can go to somebody else. But I don't
39 believe this -- I believe this is more about the
40 NGOs and the different organizations that want
41 pelagic longline fishing gone more so than it is
42 about the livelihood of the U.S. commercial
43 fisherman, and the status of the dusky shark.
44 Thank you.

45 CHAIR McCREARY: Thanks. Thanks,
46 Dewey. All right, let's continue. And again,
47 please introduce yourself, your name and your
48 affiliation.

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1 MR. HUTH: My name's Matt Huth.
2 I'm a longline fisherman -- sorry -- from
3 Wanchese, North Carolina, and I'm just kind of
4 agreeing with everything that's being said
5 today.

6 As far as what Dewey has said, a
7 couple of things that I want to mention. I am
8 definitely for no action, no closed areas. We
9 just can't afford any more regulations.

10 In Wanchese, two more fish houses
11 have gone out of business this year, and as Dewey
12 said, I mean, once the infrastructure is gone,
13 you know, there's no coming back.

14 So that being said, I think we are
15 just creating problems where they can be
16 avoided. And one other thing, on these box --
17 on the boxes, these closed areas, if in fact
18 there has to be closed areas, there's another
19 thing that needs to be thought of, is like in the
20 Hatteras Shelf closure, you know, there's a Gulf
21 Stream that runs up there below that box, and
22 you're talking about a nailbiter trying to stay
23 out of that box with six knots of tide pushing
24 you up into that box, and that -- I think we need
25 to really shape that box so to keep us from all
26 getting in trouble.

27 So anyway, thank you for letting us
28 speak.

29 CHAIR McCREARY: Thank you, Matt.
30 Marty.

31 MR. SCANLON: Yes, my name's Marty
32 Scanlon. I own and operate the fishing vessel
33 Provider 2. I have been through this before
34 with the fisheries, over and over again.

35 You know, you wonder why we lose our
36 faith in you, and it started back there, you
37 know, I'll give you a quick recap so you wonder
38 why we question your data here so adamantly.

39 It started off with the turtle
40 situation, where you purposely had cut -- you
41 didn't have 't purposely but you had cutbacks in
42 the observer program money that you had, so you
43 purposely went out and sent the turtle observers
44 out to observe us in hotspot areas.

45 Then you went out and extrapolated
46 those areas into the entire fleet. Then you
47 took the numbers of turtles, the assessment on
48 them, another completely different year, and

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1 came up with a number, and you were trying to put
2 us out of business on those turtles, having a
3 number, having us killing more turtles than you
4 claimed to even be in existence.

5 That was back in 1998 that that went
6 on and we had to go through lawsuits and
7 everything else, and we just -- we set up an
8 experimental fishery, which basically saved the
9 longline industry. With the help of NMFS and
10 the Observer program, it came up with the data
11 that we needed and much to the -- you know, a lot
12 of people weren't very happy, but it came up with
13 the circle hook, which is like also the golden
14 Grail to longlining in this country. Without
15 it, we would have been out of business a long time
16 ago.

17 It really reduced our interaction
18 and our take on all kinds of species, including
19 sharks. You know, we don't see half of what we
20 used to see, sharks, the hooks -- the fish do not
21 get foul-hooked.

22 We continue to try to modify our gear
23 over the course of time, as newer and newer
24 regulations have been put down on us. About
25 three or four years ago I worked on the pilot
26 whale take reduction team here.

27 It was three fishermen that were
28 mandated by Congress to be here to participate
29 in that. I was one of the fishermen there.
30 Once again, you talk about data, we had a guy go
31 out on the bow to Cape Hatteras with a pair of
32 big eye binoculars. I was expecting to hear
33 some really hi-tech stuff. I was really excited
34 about showing up and coming here. I was
35 expecting to hear that they had looked down there
36 with some kind of satellite and looked at the
37 herd and was able to count and extrapolate how
38 many actual fish -- how many of these whales were
39 in the ocean.

40 Instead, I heard this guy try to tell
41 me how he randomly rode out in the middle of the
42 ocean, here one day, there the next, counting a
43 whale here, counting a whale there, went out the
44 one year and he counted 10,000 whales. Fine.

45 That triggered an event, put us in
46 a critical situation in which they had to have
47 these hearings, that we are in now, some kind of
48 a, you know, I don't exactly know what you might

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1 call it there.

2 But we had to be, they had to have
3 a big review on how we can reduce the take on
4 these whales.

5 The very next year he went out, he
6 counted these whales once again. 36,000
7 whales. Same guy, same boat, same pair of
8 binoculars.

9 I argued, that to me, the best
10 available scientific data that time indicate a
11 360 percent increase in the whale population.
12 He argued with me every day that I was at those
13 hearings. For two weeks, I went there. Every
14 single day. And I kept interrupting him every
15 time he tried to tell me what the stock was and
16 what that stock had continued to decrease.

17 Finally, a guy from Duke University
18 stood up and told him he was tired of hearing me,
19 that I was absolutely right, that the data that
20 he had presented to everybody there indicated a
21 360 percent increase, and since, our take at that
22 time had actually gone only up a small fraction,
23 but that take actually had gone down a half a
24 percent by the same token.

25 Somebody from National Marine
26 Fisheries stood up there and told -- interrupted
27 me and said, "Listen. We understand that
28 there's no problem here with these whales, that
29 there's no problem with these longliners'
30 interaction. But the government has given us \$1
31 million to do this hearing and we are going this
32 hearing."

33 At that time I stood up. "Since
34 there's no problem," I said, "it's a simple
35 mathematical solution to your problem." And
36 that's what we are presented with yet again.

37 I'm looking at this data here, and
38 all the measures that were taken to reduce our
39 take in all species -- now believe me, we don't
40 -- it does me no good whatsoever to interact with
41 anything that I cannot bring to the dock and
42 sell.

43 I have a small boat. I am limited
44 to my fish capacity. I do not want to put a fish
45 on the boat or interact with a fish that I can't
46 sell and make a profit on. It costs me money.

47 So that's what my focus is always at.
48 Here, we look at an indication here, go form

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1 2008, 2009, 2010. Once again there's an
2 increase in our interaction. But once again, we
3 are not looking at that increase in interaction
4 as an increase in stock, yet at the very
5 beginning here, I heard the one man up there say
6 we started off and we are basing this -- the
7 beginning of the whole basis is starting on
8 landings, which nobody is allowed to land them.
9 So now how in the hell do we know how many there
10 are if we are not allowed to land them?

11 Now we have to basically almost
12 adjust it by what we are seeing. We are
13 continuing to modify our gear. We have these
14 circle hooks. We are continuing to try and
15 decrease our interaction with species,
16 non-wanted species. Yet we are seeing an
17 increase.

18 Yet nobody is satisfied with the
19 fact -- and wants to acknowledge that these
20 sharks are possibly coming back faster than we
21 can even be -- that's being explained.

22 I still can't get a clear
23 understanding of exactly what formula here once
24 again that we used to assess the stock
25 assessment.

26 Before we could start thinking about
27 putting men and women out of work and affecting
28 their families, in this time of economic crisis
29 within this country, how can we try to put any
30 more financial burden on us without fully
31 understanding the data that you have got to work
32 with. I mean it just doesn't make any sense.
33 It is continual this is the way you people
34 operate. It's been going on since 1998.

35 On and on and on and on. You take
36 out data, no matter how much we try to cooperate
37 with you, no matter how much work we put into
38 this, you continually take out data and you
39 extrapolate what you want to hold against us, and
40 the things that show and indicate positives that
41 we present, you ignore, or you use it against us.

42 I will present to you here a few
43 things that I think that can resolve some of
44 these issues here. Number 1, before I even get
45 to that, we have enough closed area to the
46 pelagic longline fleet in this nation that all
47 that we need to do is modify. We should not
48 increase anymore closed area.

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1 If we are going to close or take
2 anything else away from these longliners, we
3 need to give something back to them. You can't
4 just keep taking money out of their pocket, this
5 area here -- next year we are going to go over
6 there and we are going to show you what's over
7 there.

8 We are the research platforms for
9 the pelagic longline industry in the entire
10 world. We are the ones that are cooperating
11 with NMFS. We are the ones with the observers
12 on the boats. We are the one that you are
13 collecting your data from. Yet you always want
14 to misuse our data or conveniently not see this
15 or not see that.

16 You want to close any more areas,
17 then you just need to go back and you need to
18 modify some of these areas and allow us to at
19 least, like you say, make the adjustments we need
20 to make.

21 You are dealing with the best of the
22 best here. There's only probably 85 longline
23 captains in the United States. You'd be better
24 off meeting a professional baseball player than
25 meeting somebody like me come in here. There's
26 less of me than there is anybody else probably
27 in this whole country, yet you still want to try
28 to push us out of business.

29 With these boxes here, it's a joke.
30 These things here, like he says, they're
31 pelagic, they move. We have the ability to take
32 and make the adjustments.

33 We take observers on the boats.
34 They see how they fish. We go and make a set.
35 I'll make a small test set just so you have an
36 understanding of how I fish I'll put a piece of
37 gear out, get an idea of what's in the area, what
38 type of fish.

39 I go back through my history,
40 through my logbooks, over the course of years,
41 time, I compare it with time, with oceanographic
42 features.

43 I see what I possibly can catch here,
44 and I make my adjustments from there. If I see
45 sharks, I'll move off those sharks. I'll make
46 adjustments, on my own. I don't need anybody to
47 tell me that I have to make adjustments. I know
48 I've got to make adjustments.

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1 If I have a line full of fish that
2 just tear my gear up that I can't harvest or get
3 any money out of, I'll be out of business within
4 a couple of weeks. It doesn't take long to put
5 me out of business. I can put myself out of
6 business if I don't know what I'm doing.

7 I don't need you to put me out of
8 business. With these box areas here, none of
9 them should be in effect. Like Billy said. If
10 the sharks are there, you know, 150 fathoms, up
11 along the bank up there, there's a natural
12 dividing line between the pelagic longline fleet
13 and the inshore fisheries.

14 You've got lobster pots there.
15 Even if that gear goes in, it's not going to go
16 past that aluminum fence is what we call it. The
17 gear will be hung up and slammed up in there. It
18 won't go any further.

19 I think a lot of the observed data
20 that is coming from those areas are guys that are
21 not just working in the pelagic longline fleet.
22 You've got guys that go out there, they put a
23 small piece of gear on top of whatever else they
24 do. They might be bottom fishing during the
25 day. And because they don't want to back
26 outside to get lined up with the rest of the
27 fleet, they're going to put a little piece of
28 gear inside of us, inside that bank, and are
29 those the numbers that are coming up against
30 here?

31 That's a big -- I think that's a
32 strong possibility. Some of the things,
33 though, that we did come out -- some of the
34 solutions that we came up with in the whale
35 situation, I think are applicable to here.

36 Communication protocol, you know,
37 get on the radio. You go into an area, make a
38 set, there's duskies -- we do this on our own.
39 We don't need you to tell us to do this. I make
40 a set there along the bank there, and my gear gets
41 all sharked up, I tell my buddy next to me, hey,
42 I got a little sharked up over there.

43 Well, I had fish down the other end.
44 What do you think we're doing? Going down there
45 to catch fish. Right?

46 So we don't need communication --
47 the protocol of communication, that's we set up
48 with the whales. See the whales around the

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1 gear? We get the hell out of there. That's one
2 of the things that we can do here to reduce our
3 take on these things, or interaction I should
4 say, is right there, just a communication. It's
5 very easy.

6 We can communicate with the
7 government. We have these VMS machines. We
8 have email capabilities with the government
9 right now.

10 All's you got to do is notify
11 government, "Listen, this is what's there. Put
12 out a notice to all fishermen in that area, dusky
13 sharks in the area. Avoid." Right? Another
14 solution to the problem.

15 Like Billy said, 16-0 hooks, I know
16 myself, I've gone from using 18-0 hooks to 16s.
17 Why? Because I see a lot less interaction with
18 things I don't want on my gear. That's why I do
19 it.

20 Is that observer coverage -- what
21 kind of hooks did those guys use in that study
22 there? Have you looked at that? Probably not.

23 I mean as sloppy as the assessment
24 is, I'm sure you haven't -- you haven't looked
25 under every nook and cranny to come up with any
26 answers on our behalf.

27 The other thing there is like Billy
28 says, you are talking about a mile of filament,
29 300 pound test. Believe me, that 300 pound
30 test, it's not holding those duskies. Those
31 duskies, it's like he says, it's dental floss to
32 those fish. They'll go right through that
33 stuff.

34 So there's another, how many points
35 are you going to give us for that? You've got
36 the mono, you've got the hooks, you've got
37 communication, right? You've got the
38 government supposedly working on identifying
39 these hotspots to communicate with the fleet, to
40 let us know what's going on out there.

41 Every year is different. The water
42 patterns are different. The climate is
43 different. Have we taken and looked into these
44 years? Have we looked at -- have we compared the
45 weather patterns, the water features at that
46 time, how any of that is taking effect on what
47 we're doing here.

48 I mean there's a lot of factors here.

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1 To sit up there and just throw the -- throw the
2 paint on the thing and say okay, listen, the
3 easiest thing is to just say close it.

4 Hey, just close it, hey just close
5 this area, just close that area. Well as you
6 close one area, you create problems in other
7 areas, and it's continuing, and it limits our
8 ability to self-adjust ourselves.

9 That's the biggest problem I'm
10 seeing here right now, and you know, nobody wants
11 to even, you know, with the cooperation of the
12 observer program, we should know some of these
13 answers by now.

14 With the whale thing we set up a
15 research area down there off of Cape Hatteras,
16 yet no research was done. In the three years
17 that that program was supposed to be in effect,
18 there was no research done whatsoever. No
19 program was set up. There was no hearing set up.
20 They've set up any kind of a program to find out
21 how we could -- how to decrease our interaction
22 with non-wanted species.

23 None of that was done. I mean,
24 you've had three years to do something about
25 that. We have observers at our boat every -- we
26 have observers twice a year we get on the boat.
27 You get them for a quarter, you're exempt the
28 next quarter. The next quarter you get one.

29 I asked the guy the other day when
30 he was out with me before Christmas, I said, "Why
31 are you guys just coming down here and just
32 writing down, sitting there writing -- you could
33 be doing something. We are paying you a lot of
34 money. How come you're not here with some kind
35 of an experiment, something to find out what we
36 could -- what could help us not interact with
37 some of these things, not just look and see what
38 we're interacting that you don't want us to
39 interact with, how about helping us find ways not
40 to interact with it?"

41 I think that would be a positive
42 direction. And that's where NMFS needs to step
43 up to the plate. Maybe if they were stepping up
44 to the plate, and they -- like they did with the
45 turtle program, with the circle hooks, we could
46 come up with these answers.

47 But we are not going to get the
48 answers ourselves or working individually. But

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1 we have the observer program, and that's the
2 common link between the government and these
3 boats. But yet we don't utilize that link.

4 All that we are doing is using that
5 link to find ways to systematically put us out
6 of business, and it's gone on since 1998, 1997,
7 it's gone on and on and on, and it's going to
8 continue to go on unless somebody makes them
9 change it.

10 All you people that are in this room
11 here, all these environmentalists that sit here,
12 that really think that they are doing something
13 good for the environment, this is your
14 opportunity to do something good. Mandate,
15 mandate the fisheries to do something about
16 this.

17 We have an increase every year.
18 That should indicate an increase in what's
19 actually out there. If we are continually
20 fine-tuning that gear to not catch things we
21 don't want, and we're still catching things that
22 we don't want, that should indicate an increase
23 in those species.

24 I don't know what else it would tell
25 you, but that's what it tells me. I'm not the
26 smartest guy in the world, but believe me, I can
27 add, and I can subtract.

28 That's about all I have to say for
29 now, but that's, you know, that's pretty much,
30 you know, there's answers to these solutions and
31 like I said, if there's any more closures, if you
32 have to close an area that's fine. But find a
33 way to give us something back.

34 Like you said, and the economic
35 impact right there, like Billy said, I've
36 matched that in those same four areas myself.
37 So I mean is that per boat that it's impacting?

38 Or is that just -- is that for the
39 fleet -- if that's for the fleet, if that has any
40 inkling on how well this stock assessment has
41 been done, you people are so far way off base,
42 you might as well, multiply that stock
43 assessment, according to that, I'm saying times
44 that by about 70, and that's probably what your
45 stock assessment should be, because if that's
46 what they did right there, 385,000, you can
47 multiply that by 70 boats, so you can multiply
48 out what your stock assessment is, and then take

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1 that to the Magnuson-Stevens act.

2 I mean, certainly they could take it
3 -- they could certainly mandate us, but I mean
4 it takes us to the final hours to come to this
5 economic cliff thing that they had going on, just
6 up until the other day there, ridiculous. I mean,
7 I can't run my business the way this government
8 runs the government. I'd be out of business.
9 The government needs to step up and start doing
10 their job as far as I'm concerned. And let us
11 do our job.

12 I'm in the business to feed people.
13 Thank you.

14 CHAIR McCREARY: Thanks Marty. So
15 interestingly, Marty actually recapped some of
16 the solutions that came out of the pelagic
17 longline take reduction team.

18 And you mentioned captain's
19 communication, hook strength, gear
20 modification, doing research in the Cape
21 Hatteras special research area.

22 So you actually put several ideas on
23 the table. So thank you very much. Appreciate
24 it. Who else wants to address the advisory
25 panel today? And please introduce yourself and
26 name and affiliation.

27 MR. HOPKINS: I'm Glen Hopkins.
28 I'm a commercial fisherman, primarily longline.
29 He's gone now but I think Ron must have been
30 talking about me when he was talking about the
31 gray hair and -- I ought to be retiring.

32 I am pretty sure I'm retiring from
33 coming to any more of these meetings.
34 Unfortunately I don't think I'm going to have
35 anything constructive to say.

36 I'm just real disappointed and
37 really nothing personal, but the way NMFS has
38 handled this whole deal, as has been said, this
39 isn't about the dusky shark per se, I mean it's
40 the same strategy that's been going on for years.
41 It was done with the turtles, they tried it with
42 the pilot whales, tried it with the marlins.
43 Now they're already giving you a precursor that
44 they are going to try it with the scalloped
45 hammerhead too.

46 We all know what it's all about.
47 It's a strategy to end pelagic longlining, and
48 in essence, you know, eventually eliminate

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1 anything.

2 And I'm going to pretty much just
3 read, because I get nervous when I'm talking. I
4 have been at this long enough to know that this
5 is a done deal. And I swore to myself that I'd
6 never do it again, waste my time on a rigged game
7 like this.

8 For some reason, I kept thinking
9 that one day, you will surprise me and do the
10 right thing. Everyone in this room knows what's
11 going on here.

12 This is not about the dusky shark.
13 This is about ending pelagic longlining in this
14 country. How could NMFS just let this happen?

15 I used to be under the impression
16 that you gave a damn about the fishermen and
17 obstacles we face. Now I realize you guys just
18 take the path of least resistance.

19 Is there no one in the agency to just
20 stand up and say, "Hey, that's not right," or
21 "That makes no sense at all," and then go to work
22 and find out what the truth is.

23 Where has common sense gone? Why
24 would you spend all that time and money on
25 amendment 5 based on a projected, 100-year
26 rebuilding schedule?

27 Come on, just get real. I refuse to
28 acknowledge this so-called science concerning
29 sharks. I know it. You know it. Everyone in
30 this room knows it. And most definitely the
31 ones conjured this stuff up in the first place
32 know it. Trying to manage with such baseless
33 foundation is absurd.

34 Once upon a time there lived a vain
35 emperor whose only worry in life was to dress in
36 elegant clothes. He changed his clothes almost
37 every hour. He loved to show them off to his
38 people.

39 Word of the emperor's refined habits
40 spread over his kingdom and beyond. Two
41 scoundrels who heard of the emperor's vanity
42 decided to take advantage of it. They
43 introduced themselves at the gates of the palace
44 with a scheme in mind.

45 "We are two very good tailors that
46 after many years of research, we have invented
47 an extraordinary method to weave cloth so light
48 and fine that it looks invisible.

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1 "As a matter of fact, it is invisible
2 to anyone who is too stupid and incompetent to
3 appreciate its quality."

4 The chief of the guards heard the
5 scoundrels' strange story and sent for the court
6 chamberlain. The chamberlain notified the
7 prime minister, who ran to the Emperor and
8 disclosed the incredible news.

9 The Emperor's curiosity got the
10 better of him and he decided to see the two
11 scoundrels.

12 "Besides being invisible, your
13 Highness, this cloth will be woven in colors and
14 patterns created especially for you."

15 The emperor gave the two men a bag
16 of gold coins in exchange for their promise to
17 begin working on the fabric immediately.

18 "Just tell us what you need to get
19 started and we'll give it to you." The two
20 scoundrels asked for a loom, silk, gold thread
21 and then pretended to begin working.

22 The Emperor thought he had spent his
23 money quite well: in addition to getting a new
24 extraordinary suit, he would discover which of
25 his subjects were ignorant and incompetent.

26 A few days later, he called the old,
27 wise prime minister, who was considered by
28 everyone as a man with common sense.

29 "Go and see how the work is
30 proceeding," the Emperor told him, "and come
31 back to let me know."

32 The prime minister was welcomed by
33 the two scoundrels.

34 "We're almost finished, but we need
35 a lot more gold thread. Here, Excellency, admire
36 the colors, feel the softness."

37 The old man bent over the loom and
38 tried to see the fabric that was not there. He
39 felt a cold sweat on his forehead.

40 "I can't see anything," he said, or
41 he thought. "If I see nothing, that means I'm
42 stupid, or worse, incompetent."

43 If the prime minister admitted that
44 he didn't see anything, he would be discharged
45 from his office.

46 "What a marvelous fabric, he said.
47 "I'll certainly tell the Emperor." The two
48 scoundrels rubbed their hands gleefully. They

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1 had almost made it. More thread was requested to
2 finish the work.

3 Finally, the Emperor received the
4 announcement that the two tailors had come and
5 taken all the measurements to sew the new suit.

6 "Come in," the Emperor ordered.
7 Even as they bowed, the two scoundrels pretended
8 to be holding a large roll of fabric.

9 "Here it is your Highness, the
10 result of our labor," the scoundrels said. "We
11 have worked night and day but at last, the most
12 beautiful fabric in the world is ready for you.
13 Look at the colors and feel how fine it is."

14 Of course the Emperor did not see any
15 colors and could not feel the cloth between his
16 fingers. He panicked and felt like fainting.

17 But luckily the throne was right
18 behind him. But when he realized no one could
19 see what he saw in the fabric either, he felt
20 better.

21 Nobody could find out how stupid and
22 incompetent, and the Emperor didn't know that
23 everybody else around him thought and did the
24 very same thing.

25 The farce continued as the two
26 scoundrels had foreseen it.

27 I think everybody knows this story,
28 but I started doing my research and trying to
29 organize my thoughts, and somehow this story
30 popped into my mind as -- and I assume that
31 everyone here can appreciate the metaphor, and
32 put themselves in the story.

33 Looking around this room here, I can
34 see all the characters present. We know who we
35 are. My question is to you, are you at NMFS
36 going to continue with this charade, and
37 continue wearing the invisible clothes
38 fabricated by the scoundrels, or are you going
39 to finally stand up to the blackmailers and do
40 what is right?

41 Admit it or not, every person in this
42 room knows what this is. It isn't about the
43 duskies, or it has very little to do with the
44 duskies.

45 And my sincerest prayer is that you,
46 you all are God's appointed authorities over
47 this resource, will eventually do the right
48 thing, starting with amendment 5. Thanks.

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1 CHAIR McCREARY: Thank you. Are
2 there any other members of the public that would
3 like to address the advisory panel? Yes sir.

4 MR. McINTYRE: Yes, Bill McIntyre,
5 one more time. Just one last thing to leave you
6 with there. If you can give us a hook and a piece
7 of mono, we can make a living. We can't make a
8 living out of closed areas. Thank you.

9 CHAIR McCREARY: Good. Thanks
10 very much. I believe we have come to the end of
11 our public comments. Margo, Karyl, do you have
12 followup comments, any statements you want to
13 make?

14 Obviously there are a whole series
15 of meetings and hearings ahead.

16 MS. SCHULZE-HAUGEN: Yes, I mean so
17 we'll be on the road. For those of you are still
18 here, when we come to your area, it would be great
19 if you could come and help us describe what the
20 panel's input was.

21 We are continuing to look for
22 specifics. As much as people have said this is
23 a done deal, it's not. As much as you indicate
24 that we are the scoundrels or you know, have out
25 to get you, we don't.

26 I don't think I can say anything that
27 will make you believe that. But it's my truth.

28 We will continue to look for ways to
29 reduce impacts but still meet our objectives.
30 Those objectives are given to us by Congress.
31 They're my job. I take my job seriously.

32 But that doesn't mean we are trying
33 to put anyone out of business. So if you could
34 work with us, I would very much appreciate it.
35 And we will come to your neighborhood, try and
36 get your input, and hopefully we'll have -- oh
37 yes, and there's a conference call tomorrow, and
38 a whole public hearing series.

39 So -- transcripts we should have, I
40 think within 10 days or so, will be posted, so
41 you can see that.

42 Oh yes, Karyl is reminding me of all
43 the administrative stuff. Please do not take
44 your tent cards. We will reuse them. We will
45 reuse your name badges so please leave those.

46 Vouchers in within five days means
47 you get reimbursed that much more quickly. So
48 if you want your money, get us the receipts and

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we will turn that around.

So, thank you. Any further questions or comments, you know how to reach us. Thank you very much for coming.

(Whereupon, the above-entitled matter went off the record at 3:51 p.m.)

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