

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION FISHERIES

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ATLANTIC HIGHLY MIGRATORY SPECIES
ADVISORY PANEL

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MEETING

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TUESDAY,
MARCH 29, 2016

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The Advisory Panel met in the DoubleTree
Hotel, Ballroom D, 8120 Wisconsin Avenue,
Bethesda, Maryland 20814, at 10:35 a.m., Bennett
Brooks, Facilitator, presiding.

PRESENT:

BENNETT BROOKS, Facilitator
JASON ADRIANCE, State Rep
PATRICK AUGUSTINE, Recreational
MARTHA BADEMAN, State Rep
TERRI BEIDEMAN, Commercial
RICK BELLAVANCE, Recreational
ANDRE BOUSTANY, Academic
BENJAMIN CARR, Environmental
ANDREW COX, Recreational
PAMELA DANA, Council Rep
JAMES DRYMON, State Rep
MARTIN FISHER, Commercial
SONJA FORDHAM, Environmental
WALTER GOLET, Academic
JOHN GRAVES, ICCAT Advisory Committee
RANDY GREGORY, State Rep
MARCOS HANKE, Council Rep
BEN HARTIG, Proxy for Anna Beckwith, Council Rep
DEWEY HEMILRIGHT, Proxy for Stephen Linhard,
Council Rep
RUSSELL HUDSON, Commercial
ROBERT HUETER, Academic
STEPHEN IWICKI, Recreational
WALLACE JENKINS, State Rep
SHAWN JOYCE, Recreational
MICHAEL KELLY, Recreational
DAVID KERSTETTER, Academic
JAMES LAWSON, Recreational
MARK LINGO, State Rep
ANDREW MARSHALL, Commercial
SHANA MILLER, Environmental
JEFF ODEN, Commercial
TIM PICKETT, Commercial
MICHAEL PIERDINOCK, Recreational
GEORGE PURMONT, Commercial
RICHARD RUAIS, Commercial
MARTIN SCANLON, Commercial
GREGORY SKOMAL, State Rep
DAVID STILLER, Commercial
SCOTT TAYLOR, Commercial
RICK WEBER, Recreational
KATE WESTFALL, Proxy for Valerie Miller,
Environmental
ROMULUS WHITAKER, Recreational
ANGEL WILLEY, State Rep

ALSO PRESENT:

**RANDY BLANKINSHIP, Branch Chief, Southeast
Branch, Highly Migratory Species Management
Division**

**WYNN CARNEY, Supervisory Enforcement Officer,
Office of Law Enforcement**

**GUY DUBECK, Acting Branch Chief, Operations
Branch, Highly Migratory Species Management
Division**

**BRAD MCHALE, Branch Chief, Northeast Branch,
Highly Migratory Species Management Division**

**KATIE MOORE, Fisheries and Protected Species
Strategic Planner, U.S. Coast Guard**

**JOHN REGHI, Criminal Investigator, Enforcement
Operations Division**

**LOREN REMSBERG, Attorney Advisor, Office of
General Counsel**

**CHRIS ROGERS, Division Chief, Office of
International Affairs**

**MARGO SCHULZE-HAUGEN, Division Chief, Highly
Migratory Species Management Division**

**CARRIE SOLTANOFF, Regulatory Analyst, Highly
Migratory Species Management Division**

**TOM WARREN, Fishery Management Specialist, Highly
Migratory Species Management Division**

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

10:35 a.m.

1
2
3 FACILITATOR BROOKS: All right, good
4 morning, everybody. Welcome to the HMS Advisory
5 Panel meeting. My name is Bennett Brooks and I'm
6 a senior mediator with the Consensus Building
7 Institute, but in this particular case I feel a
8 little bit more like Whoopi Goldberg or Steve
9 Martin when they're invited back to the Emmys
10 after several years, or the Oscars.

11 Some of you may remember I facilitated
12 the HMS Advisory Panel several years ago. I
13 think the last time was something like 2012, but
14 it's great to be back here and see a bunch of
15 familiar faces, both from my past work here with
16 HMS, and also work I do with take reduction teams
17 and other fisheries issues on the East Coast, on
18 the West Coast, and also in Hawaii.

19 Thank you all for joining us, and
20 thank you, Margo and staff, for all the hard work
21 you put into this. These meetings are always jam
22 packed, and we have another jam packed meeting
23 for the next two and a half days. I hope
24 everyone is well rested and ready to engage.
25 Obviously, these meetings are very important
26 opportunities to share information around this
27 table. There's lots that HMS needs to share with
28 you all, updates, analyses, where different rules
29 may be heading, etc. But obviously as important,
30 and really even more important is the feedback
31 they get from you all.

32 Twice a year we get to have this
33 conversation, hear your thoughts, hear the
34 concerns you have, the perspectives you have on
35 different issues around the table and on the
36 agenda, so we really look forward to a very rich
37 conversation over the next couple of days. I
38 want to walk through the agenda in a minute and
39 just let folks know what the game plan is, but
40 before I do that, I think the first thing we'll
41 do is just walk our way around the room, do some
42 intros, so we all know who's at the table.

43 Let me just ask a couple of things.
44 If you're an existing member of the HMS panel and
45 you've been on here for a while, just let us know
46 your name and your organization. We do have new
47 members, as well, so I'd invite the new members
48 to, in addition to name and organization, give us

1 a 15 or 20-second sketch of yourself, so your
2 fellow panel members know a little bit more about
3 you. If you're a proxy today, if you could let
4 us know who you're sitting in for, as well. Then
5 after we walk our way around the table, we'll go
6 around the room and see who else is in here.
7 Then finally, we do have a teleconference open
8 for both AP members who couldn't be here, and we
9 might have public, as well, so we'll hear who's
10 on the phone because it's always helpful for
11 everybody to know who's in the room. Starting
12 with that, why don't I go to my right.

13 MS. SCHULZE-HAUGEN: Hi, I'm Margo
14 Schulze-Haugen, division chief of the Highly
15 Migratory Species Management Division.

16 MEMBER FORDHAM: Me?

17 FACILITATOR BROOKS: Yes, and you.

18 MEMBER FORDHAM: Okay. Sonja Fordham,
19 Shark Advocates International, existing panel
20 member.

21 MEMBER MARSHALL: Hi, everyone.
22 Andrew Marshall, fishing vessel Typhoon,
23 commercial bluefin tuna. I'm a new member.

24 MEMBER RUAIS: Hi, Rich Ruais,
25 Director of American bluefin Tuna Association.
26 I've been here for a while.

27 FACILITATOR BROOKS: Are these mics
28 working in the back?

29 (Simultaneous speaking.)

30 MR. DUBECK: Margo, do you have your
31 control mic? The one with the white piece of
32 tape, turn it on and off. Okay, turn it on.
33 Yeah that's -- just turn it on.

34 (Simultaneous speaking.)

35 MR. DUBECK: Now, try it again, Margo.

36 MS. SCHULZE-HAUGEN: Can you hear me
37 now?

38 MEMBER FORDHAM: Yes, I can.

39 FACILITATOR BROOKS: Okay, let's keep
40 going.

41 MEMBER CARR: My name is Ben Carr.
42 I'm here with Oceana. Last year, I was at NOAA.
43 Previous to that, I did a PhD with Les Kaufman in
44 highly migratory species catch and quota in the
45 Pacific for tuna and billfish in data-poor
46 situations.

47 FACILITATOR BROOKS: You are a new
48 member of the panel.

1 MEMBER CARR: I am a new member, yes.
2 MEMBER PIERDINOCK: Mike Pierdinock --
3 PARTICIPANT: Try again.
4 FACILITATOR BROOKS: Try again.
5 MEMBER PIERDINOCK: There we go. Mike
6 Pierdinock. I'm a charter boat captain, fish
7 north and south of Cape Cod. I'm Massachusetts
8 chairman of the Recreational Fishing Alliance,
9 and I'm also on the board of directors at the
10 Stellwagen Bank Charter Boat Association, new
11 member, thanks.
12 MEMBER PURMONT: Good morning. George
13 Purmont. I'm a fish spotter, commercial, and my
14 company's called Pura Vida, Inc.
15 MEMBER GOLET: I am Walt Golet,
16 University of Maine, Gulf of Maine Research
17 Institute.
18 MEMBER BOUSTANY: Andre Boustany, Duke
19 University.
20 MEMBER MILLER: Shana Miller, The
21 Ocean Foundation.
22 MEMBER KELLY: Michael Kelly, science
23 and policy specialist, The Billfish Foundation.
24 MEMBER COX: Andrew Cox, editor of
25 Marlin Magazine.
26 MEMBER IWICKI: Steve Iwicki,
27 recreational, no organization, just a fisherman.
28 MEMBER BELLAVANCE: Rick Bellavance
29 from Priority Fishing Charters in Point Judith,
30 Rhode Island, and president of the Rhode Island
31 Party and Charter Boat Association.
32 MEMBER BEIDEMAN: I'm Terri Beideman.
33 I'm here representing commercial interests,
34 primarily pelagic longline fishing for Blue Water
35 Fishermen's Association.
36 MEMBER JOYCE: Shawn Joyce.
37 FACILITATOR BROOKS: Sorry, can you
38 hit the mic?
39 MEMBER JOYCE: Shawn Joyce,
40 recreational.
41 MEMBER ODEN: Jeff Oden, commercial,
42 North Carolina.
43 MEMBER LAWSON: Jimmy Lawson, I'm a
44 recreational, South Carolina and Alabama.
45 FACILITATOR BROOKS: Sorry, could we
46 -- John, do you have counseling for us on what's
47 happening with the microphones?
48 MR. DUBECK: Do it again Margo. Turn

1 yours on, turn it off.
2 FACILITATOR BROOKS: Let's keep going
3 and speak loudly please.
4 MEMBER GREGORY: Not a problem for me.
5 Randy Gregory, North Carolina Division of Marine
6 Fisheries.
7 MEMBER WHITAKER: Rom Whitaker,
8 owner/operator of a charter boat in Hatteras for
9 30 years.
10 MEMBER AUGUSTINE: Pat Augustine. I
11 don't know what I am. Been here forever.
12 Recreational, thank you.
13 MEMBER SCANLON: Marty Scanlon,
14 owner/operator of the Fishing Vessel Provider II.
15 MEMBER PICKETT: Tim Pickett with
16 Lindgren-Pitman Incorporated, Pompano Beach,
17 Florida. Commercial interest.
18 MEMBER KERSTETTER: Dave Kerstetter,
19 Nova Southeastern University at Fort Lauderdale.
20 Academic.
21 MEMBER FISHER: Martin Fisher, Rising
22 Sun Fisheries, St. Pete, Florida.
23 MEMBER HANKE: Marcos Hanke,
24 Caribbean, charter operator, Puerto Rico.
25 MEMBER LINGO: Mark Lingo, Texas Parks
26 and Wildlife.
27 MEMBER HUETER: Rob Hueter, Mote
28 Marine Laboratory.
29 MEMBER JENKINS: Wallace Jenkins from
30 South Carolina Department of Natural Resources.
31 MEMBER ADRIANCE: Jason Adriance,
32 Louisiana Wildlife and Fisheries.
33 MEMBER DRYMON: Marcus Drymon,
34 University of South Alabama, and I'm here as a
35 representative for the first time for the State
36 of Alabama.
37 MEMBER GRAVES: John Graves, Virginia
38 Institute of Marine Science. I'm here
39 representing the U.S. ICCAT Advisory Committee.
40 MEMBER STILLER: David Stiller,
41 commercial fisherman from Alabama.
42 MEMBER HEMILRIGHT: Dewey Hemilright,
43 proxy for Steve Linhard, Mid-Atlantic Fishery
44 Management Council.
45 MEMBER HUDSON: Rusty Hudson, Directed
46 Sustainable Fisheries, specializing in sharks and
47 paying attention to everything else.
48 MEMBER TAYLOR: Scott Taylor, Dayboat

1 Seafood, represent a group of commercial longline
2 boats that we own, manage, and independence in
3 the South Florida area.

4 MEMBER WESTFALL: Kate Westfall. I'm
5 a proxy for Valerie Miller, Environmental Defense
6 Fund.

7 MEMBER BADEMAN: Martha Bademan,
8 Florida Fish and Wildlife Conservation
9 Commission.

10 MEMBER DANA: Pam Dana, Gulf Council.

11 MEMBER WILEY: Angel Wiley, Maryland
12 Department of Natural Resources.

13 MEMBER HARTIG: Ben Hartig, South
14 Atlantic Council.

15 FACILITATOR BROOKS: Great, then let's
16 go around the room over here. Brad, you want to
17 start?

18 MR. MCHALE: Brad McHale, Highly
19 Migratory Species Management Division, located in
20 Gloucester.

21 MR. BLANKINSHIP: Randy Blankinship,
22 HMS Management Division, Southeast Branch Chief
23 in St. Petersburg, Florida.

24 MS. MCLAUGHLIN: Sarah McLaughlin,
25 HMS, Gloucester.

26 MS. CUDNEY: Jennifer Cudney, HMS, St.
27 Pete.

28 MS. DAVIS: Katie Davis, HMS, St.
29 Pete.

30 MS. SOLTANOFF: Carrie Soltanoff, HMS
31 headquarters.

32 MR. WARREN: Tom Warren, HMS
33 Gloucester.

34 MR. SILVA: George Silva, HMS
35 headquarters, Silver Spring.

36 MR. COCKRELL: Greg Cockrell, HMS,
37 Silver Spring.

38 MR. DURKEE: Steve Durkee, HMS, HQ.

39 MR. DESFOSSE: Joe Desfosse, HMS,
40 Pascagoula.

41 MS. BAERTLEIN: Heather Baertlein,
42 HMS, previously Heather Balchowsky, Southeast
43 Fisheries Science Center.

44 MR. PEARSON: Rick Pearson, HMS
45 Management Division, St. Petersburg, Florida.

46 MS. REMSBERG: Loren Remsberg, NOAA,
47 Office of General Counsel.

48 MS. ORTIZ: Delisse Ortiz, HMS

1 headquarters.
2 MS. PARK: Caroline Park, NOAA, Office
3 of General Counsel.
4 MR. COOPER: Peter Cooper, HMS, Silver
5 Spring.
6 MR. REDD: Larry Redd, HMS
7 headquarters.
8 MR. GOLDSMITH: Willie Goldsmith, PhD
9 student at the Virginia Institute of Marine
10 Science.
11 MR. GALLAND: Grant Galland, The Pew
12 Charitable Trust.
13 MS. MOORE: Katie Moore, U.S. Coast
14 Guard, Atlantic area.
15 LT. CARNEY: Wynn Carney, NOAA Office
16 of Law Enforcement, fisheries. Did my training
17 at Salisbury, Maryland.
18 MS. WILSON: Jackie Wilson with HMS at
19 headquarters.
20 MS. BREWSTER-GEISZ: Karyl
21 Brewster-Geisz, HMS headquarters.
22 DR. CARLSON: John Carlson, National
23 Marine Fisheries Service, Southeast Fisheries
24 Science Center.
25 DR. DIAZ: Guillermo Diaz, Southeast
26 Fisheries Science Center.
27 MR. DUBECK: Guy DuBeck, HMS
28 headquarters.
29 FACILITATOR BROOKS: Great. Did we
30 miss anybody? I think we got everybody. All
31 right. Do we have anyone on teleconference at
32 this point?
33 MR. DUBECK: I think we have some
34 members of the public on the teleconference, if
35 you could introduce yourself and just be bold,
36 jump in.
37 OPERATOR: Sir, the parties on the
38 telephone lines are on listen only. Do you want
39 their lines unmuted?
40 FACILITATOR BROOKS: Actually, can you
41 introduce them for us? Do you have names?
42 OPERATOR: I'm sorry, sir. The audio
43 is not coming through real clearly from your
44 location. I did not understand what you said.
45 FACILITATOR BROOKS: Do you have names
46 of the participants that you can tell us who's
47 on?
48 OPERATOR: No, sir, we do not have

1 their names.

2 FACILITATOR BROOKS: Okay. We have
3 members of the public on, and we'll maybe see if
4 we can get their names later and share that with
5 folks. Let me just do a quick scan of the agenda
6 here. As I said, it is a packed agenda, so we've
7 got a lot to step through. Mostly, we'll be in
8 plenary for the two and a half days, but we will
9 have breakout sessions tomorrow morning.

10 We'll have a more focused conversation
11 around implementation of the bluefin tuna
12 management measures that have now taken place.
13 Today is a heavy focus on updates. We'll start
14 with the usual scan that Margo does of HMS
15 activities. Then we'll hear from John on ICCAT.
16 We've got a series of law enforcement updates,
17 some updates of activity dealing with
18 international fisheries and ports, etc., and then
19 an update on the electronic bluefin tuna catch
20 document. Later this afternoon, we'll take our
21 first dive into the Atlantic bluefin tuna
22 management topic. We're really going to do this
23 in two ways. I would say this is really one of
24 our primary focus for this meeting this
25 afternoon.

26 There's a lot of information to share,
27 a lot of data to share, both looking at 2015, and
28 then taking stock of implementation to date. The
29 game plan this afternoon is really to share all
30 of that, so that we're all working with a common
31 base of knowledge and information. Then tomorrow
32 morning, we will dive into breakout sessions
33 around bluefin tuna management.

34 Those sessions will be split into two.
35 One will focus on the pelagic longline incidental
36 bluefin tuna fishery, and then we'll have a
37 second breakout session focused around the
38 handgear and purse seine fisheries directed
39 bluefin tuna fishery. We will not assign you,
40 and you can choose whichever breakout session you
41 want to be in, but the intent is to -- sorry,
42 these mics are just cutting out. The intent of
43 the breakout sessions is to enable very, very
44 focused conversations on this topic and really
45 give HMS an opportunity to hear from all of you
46 around what are the concerns -- what are you
47 experiencing in implementation of these new
48 management approaches, and then what are

1 thoughts, recommendations, strategies you have
2 that you want HMS to consider as it goes forward.

3 And the intention here is really to
4 understand what are the key issues. Are there
5 changes or approaches that would really give the
6 best bang for the buck going forward. We'll have
7 a focused breakout session in the morning. Then
8 we'll come back in plenary and share the report
9 outs from both of those breakout sessions.

10 So everyone, regardless of what
11 session you were in, will have an opportunity to
12 hear what was the conversation in the other room
13 and weigh in on that and try to bring those
14 different strands together. That's the game plan
15 for tomorrow morning. In the afternoon, we will
16 have more discussions, but focused around shark
17 management issues. We've got a couple of updates
18 there, a discussion around blacknose shark quota
19 related issues. Then towards the end of the
20 afternoon tomorrow, we will talk about some lemon
21 shark management issues off Florida. These are
22 issues that have sort of surfaced over the last,
23 I guess, nine months or so -- a couple of months
24 around lemon shark aggregation issues there, a
25 change in the start date of the fishery, and some
26 issues that have come up.

27 We want to have a good conversation
28 around that and put that into context of both
29 essential fish habitat and just understand what's
30 going on there and what's at play, and then,
31 again, talk about some feedback. We expect that
32 will also be a conversation that will engender a
33 lot of input, perhaps, in public comment, so we
34 have a fairly lengthy public comment anticipated
35 at the end of that day.

36 Finally, on Day 3, that will be a
37 half-day session. We'll have several updates
38 there, one on Deepwater Horizon, a pelagic
39 longline project update. We'll have updates on
40 bycatch-related updates. Then as well, in the
41 morning, Eileen Sobeck, who's the assistant
42 administrator for fisheries, will be here to talk
43 with you all. That's always a focus of these HMS
44 meetings, an opportunity to meet with senior
45 leadership, hear from them, and share with them
46 thoughts that are on your mind. That's the game
47 plan. I just want to emphasize we will have
48 public comment at the end of each day. We'll

1 have public comment today. We'll have public
2 comment tomorrow, and again at the end of the
3 morning on Wednesday.

4 I do want to pause and see if there's
5 any issues that aren't anticipated to be covered
6 that folks want to try to fit in while we are
7 here. Any AP members have any issues on their
8 mind that we want to try to fit in for at least
9 some sort of conversation? Rich?

10 MEMBER RUAIS: Yes, Bennett, it's not
11 a new issue. It's a comment more on the process
12 that you just outlined. I think we've probably
13 had this conversation before to plan to have a
14 breakout session for bluefin. I question whether
15 that really is the best way to go. Many of us
16 have intense interest in the three meeting
17 subjects that you're -- or breakout subjects that
18 you're talking about. I find that if you're not
19 involved in -- for example, if I'm not involved
20 in the longline discussion, then I miss things
21 there, and there's some redundancy in the amount
22 of time that it takes to bring everybody back up
23 to speed. Whereas, if you just divided the
24 issues, you've allotted a lot of time for it to
25 just simply discuss the issues in full session,
26 with everybody benefitting on everybody
27 participating. It's just the alternative to what
28 you're suggesting I think works better.

29 FACILITATOR BROOKS: Thanks, Rich.
30 It's always a tension when we're designing these
31 between the full plenary and the breakouts.
32 Obviously, the up side of the breakouts is -- our
33 hope is that it allows for more focused
34 conversation and diving deeper into the issues,
35 but I hear you. If anyone else wants to weigh in
36 on that, we're certainly happy to hear it.

37 MEMBER ADRIANCE: Yes, I would agree
38 with that. I think it would be better to have
39 that discussion with everyone around, so everyone
40 can participate in that if they're interested in
41 more than one subject.

42 FACILITATOR BROOKS: Okay, we will
43 discuss that up front here. I think we have the
44 game plan that we feel good about, but I hear
45 you. Let us consider it. Let me just run
46 through a couple of ground rules before we get
47 going. The first one is just for the benefit of
48 our hardworking court report over there, if,

1 before you speak, you can just mention your name,
2 that will help her immensely in taking notes. I
3 know it's hard for us all to remember that, but
4 do try to remember to just state your name, so
5 she has the benefit of that.

6 Just a couple of things. As Margo
7 said, I guess in the orientation beforehand for
8 the new members, but it's worth repeating, the
9 Advisory Panel is here to give input to HMS. We
10 are not a consensus seeking body. Obviously,
11 it's a great opportunity to hear what people are
12 thinking, if there's a meeting of the minds, that
13 sort of sensibility will emerge organically, but
14 we are not, by definition, consensus seeking, so
15 just -- we hope to keep that in mind.

16 As far as participation, the
17 conversation is around the table among Advisory
18 Panel members. Again, there will be
19 opportunities for public comment at the end of
20 each day, but really, the conversation will stay
21 at the table. If Margo wants to call on members
22 of her HMS team to weigh in at times, obviously
23 that will be helpful, and we'll count on that.
24 We do have teleconference participants, I will
25 invite any AP members who are on the line to
26 weigh in if they express interest. As far as the
27 nature of the discussion, this group, I think,
28 always has a lively conversation.

29 I don't think, though, this group has
30 a lot of shrinking violets around the table, but
31 the goal here is really to hear from everybody
32 because you all have slightly different
33 perspectives on the issues. If HMS is going to
34 benefit from the input and really understand the
35 breadth of perspectives, we need to hear from
36 everybody. That means a couple of things. One,
37 it means if you have a lot to say, we ask you to
38 be succinct as possible, so there's air time for
39 others.

40 For those of you that are a little bit
41 more reluctant to weigh in, we really urge you to
42 weigh in. We need to hear from you, even if it's
43 just to say, AHey, I agree with what Speaker X
44 said.@ Say that, so we know what you're
45 thinking. It's really helpful for us to get a
46 sense of where the group is at. Obviously, there
47 are times where the group has very different
48 opinions on issues under discussion. That's

1 okay, we just ask you to engage respectfully and
2 really try hard to understand what your
3 counterparts around the table are saying. That's
4 the greatest value that we can get. We may come
5 away with different views, but if we seek to
6 understand each other, that's going to give HMS
7 the greatest perspective on what you all are
8 thinking.

9 In short, help the Agency understand
10 the issues by weighing in. We will, up front
11 here, myself and HMS staff, throughout the day,
12 try to synthesize what we're hearing along the
13 way, reflect that back, and you can tell us if
14 we're getting it right or what we're missing.

15 Also, HMS does a fairly detailed
16 summary at the end of the three days, Margo and
17 her staff really take an impressive level of
18 notes and do a distillation that gets framed back
19 to you all just before we'll leave on Wednesday,
20 so we'll do that -- Thursday. We'll do that, as
21 well. Just a couple other final logistics. When
22 you speak, in addition to stating your name, if
23 you want to get in the queue, if you could just
24 turn your name placard on its side, that will
25 give me a sense of who wants to get into the
26 queue. I will generally honor the flow that
27 these name tags came up, but I won't always do
28 that because I want to be able to have a
29 conversation back and forth. So if someone wants
30 to jump in on a conversation, I'll take a little
31 latitude, just so we can have a little bit of
32 back and forth.

33 Similarly, if someone hasn't spoken at
34 all, I might let them hop the queue a little bit,
35 just to get some other voices into the mix, but
36 that's roughly how I'll manage it. If your cell
37 phones aren't off already, if you could turn them
38 off or put them on silent, that would be
39 appreciated. When we have presentations, what
40 we'll do is let the speakers work through their
41 presentations, then we'll open it up for
42 clarifying questions, and then open it up for
43 comments.

44 That'll be the rhythm, presentation,
45 clarifying questions, and then discussion. Just
46 a cautionary note, the feet of the screen up here
47 stick out, so you'll notice there's a box
48 sticking over one of the legs. That's for your

1 protection. Please don't move it out of the way,
2 so people don't take a header, and if you walk
3 this way, just be careful. We really don't want
4 anyone to take a fall. Lastly, lunch. In your
5 packets, there are order forms for lunch. If you
6 want a box lunch from the hotel, I think we need
7 you to fill that out as soon as possible, and
8 then you were going to -- Guy's going to wander
9 around and pick up those forms. It's not
10 obligated. You have an hour and a half for
11 lunch. It's just up to you if you want to do it.
12 I think that's all I want to say. Margo,
13 anything to add?

14 MS. SCHULZE-HAUGEN: No, it's perfect.

15 FACILITATOR BROOKS: Okay, all yours.

16 MS. SCHULZE-HAUGEN: Hopefully the mic
17 will stay on and you all can hear me. I'm not as
18 loud as Bennett. Can everyone hear me in the
19 back? Sometimes. I will alternate between
20 shouting at you, so that I am prepared, when the
21 mic goes out, for you to hear me. Randy, I'm
22 going to use you. Can you give me a high sign if
23 you really can't hear me? This is the overview
24 of what we've been doing since we met in
25 September. Again, I'll try and keep this brief,
26 so that we can get to the other presentations.
27 I'm also not going to be touching on the issues
28 that will be covered later in the agenda, so
29 that's a fairly long list. This will be all the
30 other stuff. Since September, we published one
31 proposed rule on the ICCAT electronic bluefin
32 catch documents. That was right before the ICCAT
33 meeting in November. We also published two final
34 rules.

35 That's Final Amendment 9, and the 2016
36 shark specifications. All three of these
37 actually will be covered in more detail. We've
38 also published any number of inseason actions,
39 transfers, quotas, closures, adjustments of a
40 number of sorts. In 2015, total, we issued 36
41 exempted fishing permits, scientific research
42 permits, or letters of acknowledgement.

43 Again, we issue a number of these as
44 ATCA, our implementing legislation regulates
45 research. We also issued seven shark research
46 fishery permits and registered 273 tournaments.
47 So far this year, in 2016, we've issued four
48 EFPs, five shark research fishery permits, and 97

1 tournaments, and we've got about 5,500 people on
2 our listserv, getting all of our email notices.
3 One thing I wanted to take a moment here, on
4 Amendment 5b. This was one of the actions that
5 we had intended to be discussing in detail with
6 you all. If you recall, in September, we
7 covered, again, some of the details of the things
8 that we're thinking of, the pre-amendment stage.
9 Unfortunately, that is not the case. We are not
10 prepared to discuss this. We were sued at the
11 end of October based on lack of action here, and
12 that litigation is ongoing.

13 Unfortunately, that detracts from our
14 ability to do other things, so we won't be
15 discussing this amendment. The good news on
16 dusky sharks is that the stock assessment is
17 underway. We are able to use data through 2015
18 in that assessment. It will be an update, so
19 it's basically the same models, the same time
20 series. It's adding the extra years of data.

21 The last assessment included data
22 through 2009, so we've got several years of
23 additional data to include, so we expect that
24 peer-reviewed assessment will be completed by the
25 end of August. On swordfish, if you remember, in
26 the summertime, we implemented inseason action
27 that adjusted the retention limits in all areas
28 except Florida to the maximum of six swordfish
29 per vessel, per trip. That's the Northwest
30 Atlantic, Gulf of Mexico, and U.S. Caribbean.
31 That was effective for July through the end of
32 2015. We did a similar action increasing limits
33 for January through June of this year, so we will
34 be looking at whether or not another adjustment
35 for the latter half of the year is warranted
36 again. On sharks, again, we have a lot of quotas
37 and different species groups, so we do fairly
38 intense quota monitoring.

39 We've had a number of closures, Gulf
40 of Mexico, Atlantic, different small coastals and
41 large coastals, so most recently here was closing
42 the Gulf of Mexico blacktip, aggregated large
43 coastal and hammerhead fisheries on March 12th.
44 We actually filed a notice of retention limit
45 adjustment for the Atlantic yesterday that will
46 take effect, I believe, tomorrow or Thursday.
47 That is reducing the retention limit from 36 to
48 3.

1 This is one of the things that we had
2 talked about doing in the final shark
3 specifications, where we looked at when we would
4 drop retention limits based on amount of quota
5 landed. We reached that point, so you should be
6 seeing that in your email inboxes. This is our
7 BAYS, the bigeye, albacore, yellowfin and
8 skipjack landings. Last meeting we had requests
9 to provide a little more information on trends
10 over the years -- or within the year, sorry. We
11 have here -- the bars to the left are the total
12 for the Years 2013, '14 and '15, and then for
13 '15, on the right-hand side here, you can see the
14 landings by month. It's color coded so you can
15 see. I can see it on my screen.

16 If you have it on screen, you can see
17 the color differences. It looks fairly dark.
18 For recreational swordfish landings, 2015 ended
19 up similar to 2014, with about 260 fish landed.
20 So far in '16, we've got 22. These are
21 non-tournament landings. For the total U.S.
22 North Atlantic swordfish landings, we have
23 several years on here, 2012, '13, '14, '15, and
24 2016 to date.

25 2015 ended up very similar, at the end
26 of December, to 2014 landings, which were below
27 2012 and '13. We don't have the final total for
28 2015. We're waiting on the estimation of the
29 discards for that, so that will be increasing
30 some. Then for 2016, we are slightly below where
31 we were in '15, so similar, but not quite there.
32 For recreational billfish landings, '15 was also
33 similar to '14, about 113 fish landed. So far,
34 to date, we've got 38 sailfish. Most of the
35 marlin landings coming in later in the year, as
36 expected. For tournaments, again, '15 pretty
37 similar to '14, with 97 registered to date. This
38 is broken out by region, Northeast, Southeast,
39 Gulf and Caribbean. Also on tournaments, if you
40 remember, we've been talking about moving to
41 online registration and reporting.

42 We had asked for volunteers to test
43 the sites, and we've had three volunteers so far.
44 We're close to having that go live, but we are
45 still interested in having folks take a look at
46 it, user friendliness kinds of things. So if you
47 are interested in that, please let me know, and
48 then we're hoping to have that very soon.

1 Hopefully, that will make things a lot more
2 efficient for folks.

3 One thing that we've also been working
4 on is not quite out yet is a proposed rule on
5 archival tag regulations. These regulations,
6 right now, for archival tags, require that people
7 be permitted, and they also report to us on
8 implementation of any kind of archival tag,
9 whether it's a popup or an internally implanted
10 tag. These regulations were implemented in the
11 mid to late '90s, when archival tags were fairly
12 new. The mortality associated with them wasn't
13 well know, so we needed, for mortality tracking
14 purposes, to be aware of when these were being
15 implanted. Since then, technology has largely
16 moved so most of them are pop off, so you don't
17 actually have to get the fish back in order to
18 get the data anymore.

19 We also have a decade more of research
20 showing that the mortality with them is
21 negligible. What this proposed rule would do is
22 remove the requirement to be permitted before
23 implantation, but would maintain the ability for
24 a fisherman to keep a fish with an implanted tag,
25 regardless of season or quota or things, in order
26 to return that tag to the researcher.

27 So this is something that we had
28 mentioned before, so we're very close to having
29 that proposed rule out. Likely, it would be a
30 comment period in between this and the next AP
31 meeting, so we'd like to hear from you here
32 during public comment period. One thing that we
33 did include was a request for comment on whether
34 fishermen who catch a fish with an externally
35 attached archival tag, such as a PSAT tag, should
36 be required to release the fish, even if the fish
37 is otherwise legal to land. This was a comment
38 that came up last September. We had a little bit
39 of exchange on that, not enough to actually be
40 included in the regulation, itself, but we are
41 interested in getting feedback from you all, as
42 well as from the public, so looking for input on
43 that, potentially for a future regulatory change.

44 Changing gears a bit, looking at
45 Endangered Species Act updates. Our fisheries
46 are undergoing consultation -- all of our
47 fisheries are undergoing consultation now. We
48 had re-initiation of consultation for the pelagic

1 longline fishery some time ago, based on some sea
2 turtle mortality figures, and then re-initiated
3 on all of the fisheries due to some newly listed
4 species, including 20 species of coral that have
5 some overlap in our fishery regions, as well as
6 the listing of Western and Central Atlantic
7 scalloped hammerheads that also have overlap.

8 We're waiting for new biological
9 opinions on all of our fisheries, basically.
10 When those come out, we'll be sure to update you
11 on what is included in those. Then as many of
12 you know, the Agency received a number of
13 petitions to list different shark species over
14 the last couple of years. Many of them are in a
15 status review process right now. If you recall,
16 when a petition is submitted, the Agency does an
17 initial look -- it's called the 90-day finding --
18 which determines whether the petition includes
19 substantial information.

20 If there's a negative finding, at that
21 point, saying that the petition does not submit
22 substantial information, that's the end of that
23 process. If there is a positive finding at that
24 point, then it continues to what's called a
25 status review. So there's an in-depth look with
26 a multi-disciplinary team, and then there would
27 be what's called a 12-month finding.

28 It's basically determining whether the
29 species warrants listing. If it does, there's a
30 proposed rule that we follow. We would come out
31 with public comment. If the determination is
32 that the species does not warrant listing, then
33 it's a negative finding. We're in the stage here
34 for porbeagle, common and bigeye thresher, as
35 well as smooth hammerheads. They're in that
36 second stage, that more detailed status review,
37 so we are expecting that those may be coming out
38 fairly soon. Some of them are getting close to
39 their times. We don't lead these processes.
40 This is the Office of Protected Resources that
41 runs these under the Endangered Species Act, but
42 we will participate as part of that
43 multi-disciplinary team, providing the expertise
44 and information on impacts of management and what
45 management has been.

46 HMS staff are involved in all of
47 these. The last one here, oceanic whitetip,
48 there's a positive 90-day finding. There was a

1 public comment period for folks to submit any
2 relevant data. That comment period has just
3 closed, so the next step would be development of
4 that status review team, and then the status
5 review.

6 So lots of these going, different
7 points. A couple things to note here. The
8 Louisiana greenstick gear study, which was
9 ongoing for a number of years, is now complete.
10 That final report is available. Let me know if
11 you are interested in it. Then our ICCAT monthly
12 submissions, we've been reporting bluefin
13 catches/vessel list changes on a frequent basis
14 and are starting to report quarterly bigeye tuna
15 landings starting this year because of the new
16 ICCAT measure. Then the electronic bluefin catch
17 document program is in its, hopefully, final
18 stages of development, and we'll be hearing more
19 about that. We have about 439 dealers reporting
20 their positive landings or negative if they
21 didn't purchase anything on a weekly basis.

22 Then we also have our longline permits
23 with dealers in the individual bluefin quota
24 system. We'll be hearing more on that this
25 afternoon. Finally, I wanted to circle back with
26 you all on the Office of Sustainable Fisheries
27 strategic plan. If you remember, Lindsay
28 Fullenkamp had come and spoke with you all,
29 looking for input on the Office's plan.

30 That plan is now final, but it is
31 intended to be a living document that will be
32 reviewed periodically. There are two goals
33 within it, sustainable and resilient fisheries
34 and fishing communities, as well as
35 organizational excellence. There's a number of
36 cross-cutting things. If you look at the plan,
37 you'll see the HMS division activities, many of
38 them within that first goal, but then there's a
39 number of things like outreach and education
40 partnerships that are spread throughout the plan
41 because they apply to multiple parts of the
42 office. So the website here is where that plan
43 is located, if you are interested. Then wanted,
44 also, to alert you to a number of national
45 initiatives that are underway, some fairly
46 recent.

47 There's a national climate policy that
48 came out in the last couple of months,

1 articulating, I think, seven overarching
2 objectives -- data collection, benchmarks that
3 we're looking for -- but then there's also more
4 detailed regional action plans that are in
5 development. These are being led by the
6 Southeast and Northeast science centers, and HMS
7 staff are participating in them, as well.

8 The prioritizing fish stock assessment
9 process is continuing. That is something that
10 had come out some time ago. We are continuing to
11 give our input through that. Then in January,
12 there was a tech memo on the comparative analysis
13 of U.S. Federal Fishery Management to the FAO
14 Ecolabelling Guidelines. This is a pretty
15 interesting report that tracks how the
16 Magnuson-Stevens requirements compare to the FAO
17 Ecolabelling Guidelines. It basically confirms
18 what I think many of us in this room know, that
19 the U.S. Federal Fishery Management process meets
20 the ecolabelling guidelines. I think that was
21 good news. There was also a memo on safety at
22 sea and how to evaluate and what questions to ask
23 when you're developing fishery management
24 actions.

25 Then also, climate vulnerability. In
26 October, there was a methodology that was
27 released, and most recently, there was a case
28 study in the Northeast that came out on how to
29 assess species vulnerability to climate change,
30 as well as there's an ecosystem-based fishery
31 management policy in development.

32 A lot of things happening nationally.
33 We'll also hear about a number of the national
34 bycatch initiatives on Thursday. Lots going on.
35 We try and keep a finger in all of these so the
36 HMS Fisheries Management and species are well
37 represented in these. So even though we may not
38 be leading them, we are participating. Looking
39 ahead, we've got a number of things in queue that
40 we'll be working on: Draft Amendment 5b, we
41 continue to work on that, looking forward to the
42 new stock assessment; Draft Amendment 10 on
43 essential fish habitat; our 2016 swordfish
44 specifications; we need to implement a rule to
45 implement the ICCAT measure on porbeagle sharks
46 requiring live release when possible; and then
47 the blacknose shark measures that we'll talk
48 about tomorrow.

1 In our upcoming final action would be
2 adjustment of the northern albacore quota, with
3 underharvest from 2015, if available. We're
4 waiting on the final estimates of that before
5 doing that adjustment. Then finally, this is the
6 same slide I've put up for a number of meetings.
7 The communication goal, two ways that we all know
8 what's happening.

9 The advisors, you all are aware and
10 informed and engaged, as are we. We look to you
11 to engage in the discussions, share the
12 information back with the constituencies that you
13 represent, so that you're funneling the
14 information both to us, but then also back out,
15 and then obviously to share your ideas and advise
16 the Agency. Then our job is to ensure compliance
17 with all the requirements, international and
18 domestic, to raise the issues to you as we are
19 aware of them, keep you informed, and to also
20 listen and engage in the discussions. Then
21 finally, we take all of this input back, up to
22 the NMFS leadership, and make informed decisions
23 based on the input. My goal is that you all know
24 what we're doing, and we know what you think
25 about it, so that what we do is informed by your
26 input. That's kind of what I have at this point.
27 We've got a packed agenda, a lot to talk about, a
28 lot of issues, so we're looking forward to it.

29 FACILITATOR BROOKS: Let's see if
30 there's a quick question or two, and then hand it
31 off to John Graves. Scott.

32 MEMBER TAYLOR: Mine's more -- I
33 wanted to make a comment about the question you
34 asked before, it occurred to me about one of the
35 thing that was not on the agenda, but maybe we
36 could just give a few minutes to. I'm sure that
37 everybody that was in the commercial and the
38 recreational industry was well aware of the
39 impact on the HMS fishery last year of the
40 dolphin regulation in the Southeast Fisheries
41 Council. Being as we have Ben Hartig here that
42 is intimately aware of that regulatory authority,
43 and that we're going to have some level of
44 discussion about bycatch interaction and
45 problems, even though it's not something that's
46 directly regulated by this panel, I think it
47 would be a constructive discussion to have, as it
48 pertains to bycatch.

1 FACILITATOR BROOKS: Okay. Thanks,
2 Scott. Anybody else? Yes, please, Ben, and then
3 Rich.

4 MEMBER CARR: I was wondering if there
5 was a timeline on 5b if you're already at the
6 assessment to finish in August before a proposed
7 rule or if there's going to be any action before
8 that?

9 MS. SCHULZE-HAUGEN: That is something
10 that is in flux right now, as we are under
11 litigation. We're actively considering our
12 options.

13 FACILITATOR BROOKS: Rich, and again,
14 if I can remind folks to say your name before you
15 speak.

16 MEMBER RUAIS: Rich Ruais. I hope
17 this is the right button to press. I'm looking
18 at the North Atlantic swordfish landings. Again,
19 nothing to be happy about there. The landings
20 continue this downward trend. It started when we
21 started talking about Amendment No. 7 through
22 implementation, we have the first full year,
23 2015, not quite first full year of Amendment No.
24 7, and we're down to, what, 20 percent of
25 baseline quota is what we're now catching. Those
26 of us on the ICCAT Advisory Committee know that's
27 going to be difficult to defend, over time, if we
28 don't change that. But anyway, I assume we can
29 talk about that more in the breakout group,
30 although I do think that's interesting,
31 everybody.

32 The other thing that's not tied to
33 this is the -- which I would think is logical,
34 would be to look at the IBQ program for bluefin
35 and how did that interact with this? First, the
36 bluefin incidental catch, itself, they have
37 almost 200 metric tons of free quota, and then
38 there's the entire IBQ program. Maybe Scott,
39 later, in the breakout sessions, would want to
40 comment and tell us how that would work out. All
41 in all, I'd say that's a pretty good point.

42 FACILITATOR BROOKS: Thanks. I would
43 say I think we'll have ample opportunity to talk
44 about all those issues, Rich, when we have a more
45 focused conversation on bluefin. With that, I
46 think, oh please, Terri.

47 MEMBER BEIDEMAN: Terri Beideman. I
48 would support Rich in that comment, for sure,

1 dismal. Can you go up to Slide 7, please? Those
2 base landings, they're based on what -- on who,
3 sector? Are these all longline landings?

4 MS. SCHULZE-HAUGEN: I think probably
5 largely. It's commercial landings. It's not
6 necessarily one gear.

7 MEMBER BEIDEMAN: Okay. With regard
8 to, I guess, the presentation that we'll be
9 getting about the IBQ situation and all of that,
10 I noted that there were, under slide -- I didn't
11 write the number -- 241 Atlantic tuna longline
12 permits. My question -- hopefully it will be
13 answered -- thank you -- during the presentation
14 by whomever is doing it -- is how many electronic
15 monitoring devices were installed on those 241
16 permits, and how many of those that did receive
17 electronic monitoring systems, how many permits
18 actually fished in 2015? That probably goes
19 right back to the slide we were looking at, in
20 terms of reduced landings, but I'm interested in
21 those numbers, if you could get them for me.
22 Thank you.

23 FACILITATOR BROOKS: Yes, again, that
24 will be shared during the 4:00 session. We'll
25 take one last comment on this. Martin.

26 MEMBER FISHER: Margo, thank you. Do
27 you have any data on the general swordfish
28 bandings?

29 MS. SCHULZE-HAUGEN: We do. I don't
30 have it right off the top.

31 MEMBER FISHER: Okay, great.

32 MS. SCHULZE-HAUGEN: One point. Folks
33 wanting to dig into the bluefin tuna information,
34 it's all posted. Go to the HMS website, under AP
35 meetings, this meeting today, the presentations
36 are posted, so you can be looking before we dig
37 in.

38 FACILITATOR BROOKS: All right.
39 Thanks, Margo, and thanks for the questions
40 there. Let's push to the next topic. John, do
41 you want to come up here? We'll hear from John
42 Graves on the ICCAT 2015 update.

43 MEMBER GRAVES: Margo's making me sit
44 down, which really cramps my style, as a
45 professor, but I made her stand up at the IAC
46 meeting, so it's payback. Several of you that
47 were at the ICCAT Advisory Committee meeting
48 heard this presentation, so I won't be offended

1 if you fall asleep or go get a cup of coffee.
2 But for those that weren't, let's get going. The
3 Commission meeting was held in Malta, St.
4 Julian's, Malta, in November. We had a fairly
5 large U.S. delegation. You can look at that and
6 say, "What were all those people doing over
7 there?"@ ICCAT was about a ten-ring circus last
8 year.

9 We had several different things that
10 were happening, so we had teams dedicated to each
11 of these, whether it was the electronic bluefin
12 catch documentation system, or it was the ICCAT
13 amendment process, compliance, the different
14 species working groups. We operate in a bunch of
15 teams, and then we meet twice a day, outside of
16 plenary, to make sure that people are staying
17 current with everything that's going on, even
18 though you're working on particular teams.

19 It's a logistic challenge, put it that
20 way. For countries that don't have large
21 delegations, some of the developing nations, how
22 they can stay current with many of these things
23 -- well, they can't. We had 41 of the 50
24 parties. For those of you that are new members
25 here, the EU is one of those parties. Of course,
26 the EU represents 28 nations, so it is fairly
27 international in scope. The United States does
28 have leadership positions at ICCAT. Derek
29 Campbell is the chair of the compliance
30 committee, which I would consider to be the heart
31 and soul of ICCAT, and Deirdre Warner-Kramer is
32 the Chair of the convention amendment working
33 group and helping us get through that process.

34 The results of the meeting were nine
35 new recommendations and four resolutions. These
36 were adopted by consensus, so you've got 41
37 parties that you're working for consensus with.
38 Consensus doesn't work well in this group. You
39 can imagine it in the international agenda. What
40 were the U.S. priorities going into ICCAT? We
41 went through our usual process.

42 Of course, bigeye tuna was important
43 because it was assessed last year. Billfish were
44 important because the measure that has the live
45 release of white marlin and blue marlin, and also
46 has country-specific quotas, that was a
47 three-year measure and was expiring, so it had to
48 be renewed. Sharks are always an issue, trying

1 to get ICCAT to be consistent with the science.
2 Compliance is always a big issue for us, trying
3 to make sure that people are doing what they're
4 supposed to be doing. The convention amendment
5 working group is really just trying to bring the
6 ICCAT convention, which goes back to the late
7 '60s, up and current with modern environmental
8 law and consistent with some of the other RFMOs.
9 Then, of course, improved monitoring, compliance,
10 and surveillance measures. That's our list.

11 We got some of the things. Bigeye
12 tuna, which was a major issue, if you look, at
13 the time of the last assessment, in 2010, they
14 were assessed as being at a bio mass that fully
15 supported MSY. Overfishing wasn't occurring, and
16 a TAC was set, at that time, at 85,000 metric
17 tons. Over the next five years, that TAC wasn't
18 exceeded, so, of course, everything should be
19 just hunky dory.

20 But we go through the assessment
21 process and it was anything but. Most of the
22 models point us up into the bad zone, where stock
23 is overfished, so it has a bio mass less of that
24 necessary to support MSY, and the fishing
25 mortality was higher than that necessary to
26 support MSY. So it had gone from the green to
27 the red. If we look at that and look, actually,
28 at the assessment and what was going on, you can
29 see that the maximum sustainable yield dropped
30 significantly from 2010 to 2015. It went from
31 being right at where you'd like it to be, a 1.01
32 biomass, to .67. That's a huge drop. The
33 fishing mortality went from just under that level
34 for MSY to well over. What happened?

35 Catches didn't increase in total, but
36 actually what happened was the selectivity of the
37 fishery changed dramatically. There was an
38 increase in the number of juveniles that are
39 taken. It turns out that small bigeye and
40 yellowfin tuna co-school with skipjack. If you
41 look at the surface fishery in the Gulf of Guinea
42 for skipjack, the purse seine fishery, that,
43 overall, went from 150,000, bouncing around
44 150,000 metric tons, up to 250,000 metric tons.

45 You're taking a lot more small bigeye
46 and yellowfin tuna, along with the skipjack. In
47 addition, there was a shift in the surface
48 fishery from fishing on both free schools and

1 FADs, or fish aggregating devices, to fishing
2 almost exclusively on FADs. The size of skipjack
3 tuna and yellowfin tuna, bigeye tuna is smaller
4 on schools associated with FADs than the
5 free-swimming schools. As you change the
6 selectivity of the fishery, you change the MSY.
7 With that change in selectivity, they were
8 essentially overfishing the fishery. This was a
9 major problem. ICCAT had an existing time/area
10 closure for fishing on FADs in the gulf of
11 Guinea, but as the FCRS or the fishery science
12 part of ICCAT -- those scientists pointed out it
13 was ineffective.

14 This just shows you the proportion of
15 juvenile fishes. Age 0 and 1, you can see that
16 85 percent of the bigeye that are taken are
17 little fish. That's gone up dramatically over
18 the years. We thought, as we went into this,
19 that there would be some measures put forward,
20 one by the European Union, which has many of the
21 surface fishery boats, the purse seine vessels,
22 down in the Gulf of Guinea.

23 These are the large super seiners,
24 both France and Spain, and Ghana has a fishery,
25 as well. But we thought there'd be competing
26 measures with those countries that are major
27 longline nations because those are the ones that
28 essentially lost their fisheries. If all of
29 these small fish are being taken out in the Gulf
30 of Guinea, as juveniles, they're not going to
31 recruit to the longline fisheries. Surprisingly,
32 Japan did put out a measure, but its measure
33 wasn't much different than the European Union's,
34 so we didn't have a great place -- too much
35 contrast to start our negotiations with. The
36 bottom line was neither of them really addressed
37 the major issue, which were the catch of
38 juveniles.

39 That's a politically sensitive issue
40 because you're asking a country that has a
41 skipjack fishery to give that up so that other
42 countries, which have yellowfin or bigeye
43 fisheries, would take those. You can understand
44 the issues. The measure that we ended up with --
45 and I don't think anyone on the U.S. delegation
46 was happy with it, but it's what was there and
47 was the best that we could do -- was you drop the
48 total allowable catch from 85,000 to 65,000

1 metric tons.

2 There are reduced hard quotas for the
3 major harvesters. The ability to carry forward
4 unused quota was reduced from 30 percent to 10
5 percent. There are soft limits for the minor
6 harvesters, 3,500 metric tons for developing
7 nations, 1,575 for developed nations, which is
8 what we would be. But again, those are soft
9 targets because there's no consequence, really,
10 to exceeding them. The FAD time/area closure was
11 expanded to the 2004 dimensions, but only for two
12 months. This was the original time/area closure
13 back in the '90s. It started out as a voluntary
14 closure by France and Spain, and it was from
15 November through January, so three months.

16 But Ghana was not really playing much
17 by the rules, so France and Spain decided enough
18 of that. So we came in with a much smaller
19 time/area closure, known as the Piccolo closure,
20 and it was for one month. So you went from three
21 months here, to one month there, great.

22 Eventually, they went to this model
23 here, and this has been in place for some time,
24 but then what the scientists from the FCRS noted
25 was that when you have a time/area closure like
26 this, what's going to happen to effort? It gets
27 displaced. Where were they fishing? A lot of
28 them were fishing just offshore here, waiting for
29 the FADs to either drift out, or when it was
30 open, go in and -- of course, the FADs were still
31 aggregating fish. But it turned out that the
32 bycatch of bigeye tuna, some of the rates were
33 actually higher here, so you may have displaced
34 the effort into an area where you were having
35 higher catch rates. We've gone back to this
36 larger box now, this one here, and it is for two
37 months. There were pushes to have a total
38 closure on surface fishing, but that didn't go
39 very far at all.

40 That was the major part of the bigeye
41 measure. There were a lot of other things in
42 there that the -- all 12 pages of it or whatever
43 are accessible on the ICCAT website. Another
44 recommendation was to continue the ad hoc working
45 group on fish aggregating devices. This is just
46 essentially restating a recommendation that was
47 there before, but pushing a little more for
48 interaction among the different tuna RFMOs.

1 Northern temperature tunas. Albacore
2 being assessed this year, North, South, and, I
3 guess, Mediterranean, as well, and the stocks.
4 ICCAT is pushing to establish harvest control
5 rules for the North Atlantic albacore stock
6 because that's one of our -- I think it will be
7 one of our test cases for that. Essentially,
8 those of you that are familiar with the process
9 of harvest control rules, it is sort of a tango
10 between science and management. It's been funny
11 to watch at ICCAT because ICCAT will tell the
12 scientists, "We want you to do this," and then
13 the scientists come back and say, "Wait a minute;
14 you haven't told us what your goals are." So it
15 goes back and forth and back and forth.

16 This essentially set it up so that at
17 the current assessment, if North Atlantic
18 albacore are in the green, that is that they're
19 not overfished and overfishing is not occurring,
20 they will have harvest control rules that
21 maintain them in the green with 60 percent
22 probability. Alternately, if they're overfished,
23 then there would be harvest control rules that
24 would take them back to the green zone with 60
25 percent probability as soon as possible, but no
26 later than 2020.

27 That sets it up. There will be a
28 meeting of Panel 2, which is the northern
29 temperature tunas intersessional meeting, in
30 Sapporo, Japan, in July, to continue this
31 process. Bluefin tuna, especially in the East,
32 there's dissatisfaction of many countries with
33 their quotas, the allocation system that was
34 used. Algeria realized that it's not a good
35 thing to miss a meeting, especially when
36 allocation is going on. They're continuing to
37 try and redo their allocation, but we didn't open
38 it up. It will be opened up within the next two
39 years, though.

40 The assessment was postponed for a
41 year, so I doubt we'll necessarily address
42 allocation issues, although it could come up
43 because we're going to have to roll over the
44 measure, at least for a year. The benchmark
45 assessment is postponed to 2017, and there was an
46 intersessional in March to go over the fishing
47 plans for those nations in the East that are
48 going to be fishing in the Mediterranean. Just

1 showing here the connectivity.

2 These are the tuna pens off of Malta,
3 actually, as you fly in there. What does that
4 have to do with our fishery? Well, here's a fish
5 that we released eight years ago, a 40-pound
6 fish, just tagged it. We already had our fish.
7 It was caught seven years later, in the
8 Mediterranean, at the time of spawning, and then
9 taken to the pen. It was caught in June, taken
10 to the pen, harvested in November. A 35-pound
11 fish ended up being 617 pounds in seven years, so
12 just showing the connectivity between the East
13 and the West, and also highlighting the growth
14 rate of these animals. South Atlantic albacore,
15 things were fine. Catches were below the TAC, so
16 no issues there.

17 Going into Panel 4, billfish, we had
18 hoped to increase some of the measures as we
19 rolled over to get more attention paid to circle
20 hooks or ways of reducing the fishing mortality
21 for the billfish, but everything that we've tried
22 met with strict resistance. In the end, we
23 essentially rolled over the measure pretty much
24 as it was, but at least we rolled it over.

25 Again, when this went into force three
26 years ago, we actually did country-specific
27 allocations without anyone bringing up the
28 allocation word. It was just done. So we have
29 those, and they're held to those in the
30 compliance committee. Swordfish, not too much
31 happened with swordfish last year. The EU was
32 pushing to get a swordfish vessel list, but that
33 only went into effect really for the South
34 Atlantic. It doesn't affect us. I'm sure the
35 last thing that international affairs and Margo's
36 group is another set of vessel lists to contend
37 with. In terms of sharks, after five or six
38 years of competing EU and Canadian proposals and
39 never having to compromise, they finally did
40 compromise and adopted one that requires live
41 release of porbeagles in ICCAT fisheries. So, in
42 a way, this sort of goes around the problem of
43 Canada's small coastal directed fishery, but it
44 gives some protection for porbeagles.

45 But, as usually with sharks, it's much
46 more about the proposals that weren't adopted.
47 So fins attached, now we have 30 parties that are
48 sponsoring this, and it still didn't pass. Blue

1 shark, shortfin mako, which were essentially just
2 following the science, which was to hold the
3 fishing mortality where it was.

4 Essentially, those proposals said, AIf
5 it increases, we should do something.@ Those
6 didn't fly. Then the EU threw one out on common
7 thresher, and there really wasn't much science to
8 support that, so it didn't go anywhere.

9 Compliance committee, we went through the whole
10 -- I realize I'm running out of time here -- we
11 went through the whole litany. We didn't have as
12 much time on compliance issues at ICCAT last
13 year. We didn't have as many sessions. That
14 sort of reduces the effectiveness of the
15 committee. Also, countries still are having
16 problems in terms of how they're presenting their
17 data, especially observer coverage. We had an
18 intersessional to address some of those, and
19 hopefully we'll have more time and a more
20 effective meeting of the compliance committee
21 this year.

22 We did go through the process. There
23 was only one country that was identified,
24 Trinidad and Tobago, and that was relative to
25 their billfish overharvest, and also some data
26 reporting irregularities. Then letters, formerly
27 known as letters of concern, went out to 26 of
28 the contracting parties, 1 non-contracting party,
29 and 4 non-contracting parties.

30 They have a year to respond and
31 indicate whatever the problem was and how they're
32 correcting that action, and that will be
33 evaluated, their response, by the compliance
34 committee next year. Then no action for 23
35 members, including the United States, so well
36 done with all the reporting deadlines there.
37 Permanent working group, the electronic bluefin
38 tuna catch documentation system, we'll talk more
39 about that, I think, later at this meeting. It
40 is scheduled to start in May, so with the first
41 season starting in June, unless there's a major
42 glitch. So we'll see, but that's where we stand
43 right now. High seas boarding and inspection,
44 that has been a big push from the U.S., with
45 several other countries, for some time.

46 We thought we were going to get there
47 this year, and we really didn't. It turned out
48 to be a binding recommendation or a non-binding

1 resolution. Basically, some countries just have
2 a difficulty with domestic legislation allowing
3 their vessels to take over another vessel in high
4 seas boarding for the inspection. That still
5 isn't continuing.

6 Then in terms of the plenary session,
7 one of the recommendations was to develop harvest
8 control rules and management strategy evaluation.
9 This is looking forward to albacore, and then
10 other stocks, but it was really just a document
11 to define the terms that we're using, so that
12 we're all using the terms the same way. Then the
13 application of an ecosystem approach to fisheries
14 management, the use of precautionary approach,
15 and the criteria for allocation of fishing
16 possibilities were all resolutions that were put
17 in and adopted until we have the convention
18 amendment process taken care of. This was sort
19 of a baby step in that process. Convention
20 working group has been going on. It has several
21 issues that were resolved.

22 Those included, as I just mentioned --
23 also the objections was another one -- the
24 objection resolution or how you make them. Then
25 what wasn't resolved and went to an
26 intersessional in March was dispute resolution,
27 and also what to do about Taiwan. Because at
28 ICCAT, you've got the People's Republic of China
29 at the table, so you can't recognize Taiwan, but
30 Taiwan is a major fishing nation, so they need to
31 have a voice and be a member.

32 Actually, they got pretty far along
33 the way with Taiwan. There's some, still,
34 problems with the depository of the convention
35 because it can't be at the FAO anymore because of
36 the Taiwan issue, but there's some solutions for
37 that. The dispute resolution still needs some
38 resolution. There's a Canadian compromise paper
39 that they're working off of, but still somewhere
40 to go. Other things going on. We're going to
41 have a second external performance review of
42 ICCAT. That is occurring this year. Those of
43 you may remember the last one. It was, I don't
44 know, eight years ago, ten years ago, whatever it
45 was.

46 It was a scathing review of ICCAT, and
47 it really did change a lot of things there, so
48 that was good. Driss Meski will work through

1 2017, right into early 2018, but they're going to
2 have to look for a new executive secretary. We
3 have elections every two years at ICCAT. Things
4 stayed pretty much the same, except we had a
5 switch from the chair and the first vice chair.
6 Martin, from Ghana, is now the chair; whereas,
7 Stefaan, from the EU, is now first vice chair.

8 We had a change in the PWG, where
9 Taoufik, from Morocco, stepped down, and now
10 Fabrizio Donatella, from the European Union, is
11 in that position. Everything else really
12 remained the same. The panel chairs are from
13 countries, so the countries, those remain the
14 same. Looking up to this year, just real
15 quickly, we're going to be doing assessments of
16 North and South Atlantic albacore -- and
17 Mediterranean, right, Guillermo? You're doing
18 Mediterranean, right, as well? So all three.
19 There's a sailfish assessment late May, early
20 June, yellowfin tuna assessment late June, early
21 July -- and yellowfin will probably be, I'll put
22 my money, just as bad as we saw for bigeye tuna
23 -- and then Mediterranean swordfish in July.
24 Then there's the intercessional meetings that I
25 had sort of alluded to, and that's it.

26 FACILITATOR BROOKS: Thanks, John,
27 that's a great scan. If there is a burning
28 question or two, entertain that, please.

29 MEMBER PURMONT: John, thank you very
30 much for your presentation. Given the nature of
31 FAD fishing -- and I've fished FADs in the
32 Pacific, and the Pacific have proffered the idea
33 of prohibiting FADs or eliminating FADs, and the
34 bycatch of zero to one year old fish -- is there
35 any conversation about reducing the presence of
36 FADs?

37 MEMBER GRAVES: Good question, George.
38 Yes, with a full ICCAT stringency in the
39 recommendation, they limit it to 500 FADs per
40 boat.

41 FACILITATOR BROOKS: That should take
42 care of that, huh? Scott.

43 MEMBER TAYLOR: I was just wondering
44 if you could give us a little bit of take on what
45 these numbers mean to the longline fleet and
46 impact. Is this the next problem that we're
47 looking at for us, as well? It seems to me that
48 what's going on over there on the Gulf of Guinea

1 with these juvenile fish ultimately are going to
2 home to roost here, as well.

3 The second comment was that I thought
4 -- maybe I should be more versed on this -- but
5 the consensus was that there was a substantial
6 difference between the Western stock on the
7 bluefins and the Eastern stock on the bluefins.
8 Your comment during the slide was that -- was it
9 just an isolated instance, this capture of the
10 fish, or are we really looking at a different way
11 of looking at these bluefin stocks, in general?

12 MEMBER GRAVES: Yes, okay. To the
13 bigeye tuna and yellowfin tuna, we know that
14 there is connectivity of juveniles from the Gulf
15 of Guinea to the western Atlantic and
16 connectivity of some medium-sized fish from the
17 western Atlantic to the Gulf of Guinea,
18 presumably animals going back to spawn. But we
19 really don't know how much recruitment has
20 occurred -- our fishery, what sort of recruitment
21 depends on spawning that might occur in other
22 locations. ICCAT, with heavy funding from the
23 EU, is doing a very large tropical tuna tagging
24 program that's going to start.

25 It may give us some insight into that.
26 A lot of people believe that much of our
27 recruitment comes from the Gulf of Guinea. If
28 you're essentially turning down the faucet,
29 letting those little fish come over here, you
30 know exactly what it's going to say for the
31 longline fishery. That's why I expected Japan
32 and some of the distant water fisheries to have a
33 much more aggressive proposal to deal with the
34 small fish issue.

35 I was surprised that they didn't. In
36 terms of bluefin, we know that there's exchange
37 of bluefin back and forth. It doesn't change
38 that there might be two stocks, that there's
39 spawning to high fidelity, but the juvenile fish
40 -- if you look, the eastern stock's ten times the
41 size of the western stock. If you even had just
42 5 percent migration occurring between them, you
43 would have 50 percent of the juveniles in the
44 West would be eastern fish. We know that there's
45 exchange. That's not new. It was just since we
46 were in Malta and that was there that I had to
47 put it up.

48 FACILITATOR BROOKS: I'm going to put

1 you on hold just for the sake of time. Marty.

2 MEMBER SCANLON: Marty Scanlon. John,
3 did I hear you correctly say that in a skipjack
4 fishery, that France and Spain increased its
5 fleet over the past couple of years, and if so
6 how much of an increase in their fleet?

7 MEMBER GRAVES: Marty, I said that the
8 major participants are the EU. With the current
9 capacity limitations, I think they're allowed 37
10 boats or something like that, and Ghana's maybe
11 15. The numbers are close to that. But overall,
12 the catches of skipjack went up. I don't know
13 what the history of the capacity is, but if you
14 look at the total skipjack catches from the East,
15 those have increased. They were bouncing around
16 150,000, and now they're bouncing up 220,000 to
17 250,000. Obviously, you're having a much larger
18 bycatch of the juvenile bigeye and yellowfin.

19 MEMBER SCANLON: Is there any
20 indication of what their effort is in that same
21 time frame? I know you're talking about it went
22 up, but is there a significant increase in their
23 participation in some way, or you don't know
24 that?

25 MEMBER GRAVES: Certainly, they have
26 to catch data, because that was the basis of the
27 assessment, so they know what the catch rates
28 were. I don't know if Guillermo wants to speak
29 to that or not? No. I can get with you later on
30 that.

31 FACILITATOR BROOKS: Rich.

32 MEMBER RUAIS: Yes, I, in partial
33 answer to Scott, and I was intending to address
34 this with John, but we don't have to wait -- as
35 we watch this continuing disaster in the Gulf of
36 Guinea on bigeye and yellowfin, we don't have to
37 wait to see what the impact is on the United
38 States' catches of bigeye and yellowfin. They're
39 right here. We've lost about 700 tons in the
40 last three years in annual production. Many of
41 the people on the fishing ground certainly
42 believe that it's fish that are being taken small
43 in the Gulf of Guinea, and that's why -- not --
44 they're not escaping the Gulf of Guinea to come
45 up to our canyon areas, etc., etc. You have
46 another issue that's related to that if you're
47 looking for future impacts on the longline
48 fishery. You've got a monument designation

1 that's underway.

2 It's going to take about another
3 100,000 square miles of closed area of, in some
4 cases, fertile productive longline fishing ground
5 from you from our friends on the other side. The
6 other issue, as John mentioned, is the
7 independent review that's coming up. I, too, am
8 happy to hear that.

9 I think hopefully, the target of that
10 will largely be on this Gulf of Guinea and the
11 continuing disaster that's going on over there,
12 and it won't be so much addressed -- or
13 shouldn't, at least, be as focused on bluefin as
14 the first one appropriately was. It helped
15 improve the management, the infrastructure,
16 compliance, the whole deal on bluefin. Maybe or
17 maybe not, it will do something for yellowfin.

18 FACILITATOR BROOKS: Thanks, Rich. We
19 do need to push on. Ron, something quick down
20 there?

21 MEMBER WHITAKER: Those numbers just
22 astound me about the yellowfin bigeye. If
23 250,000 metric tons is the total, I guess,
24 albacore or of skipjack, what percentage, or
25 where could I go? Is the bycatch 50 percent?

26 MEMBER GRAVES: It's a very small
27 fraction, and I can get with you later on that.
28 Again, it's a very small fraction, but those are
29 -- it's the numbers of fish that you're removing.
30 We're going to have another shot at this this
31 year because I would imagine the yellowfin
32 assessment is going to look bad, as well, so we
33 still have another opportunity to put in measures
34 to protect juvenile tuna in the Gulf of Guinea.

35 FACILITATOR BROOKS: Scott, I see
36 you're itching to get back in, so I'm going to
37 let you, but before you do, let me just invite
38 the enforcement folks to come up here, and then
39 we'll shift into that presentation. Scott.

40 MEMBER TAYLOR: My question was more
41 along the lines of regulatory than it was as to
42 whether or not it was a question of whether or
43 not the impact in the catch numbers. We're
44 seeing that in the slide. My question was are we
45 going to be looking at regulatory authority from
46 the U.S. over this issue that we're seeing in the
47 Gulf of Guinea? Is that something that we're
48 going to be seeing down the line?

1 (Simultaneous speaking.)

2 MEMBER GRAVES: Margo comes with us,
3 so she's there. But the thing is we tried very
4 hard, in the case of bigeye, to keep our soft
5 quota. Bigeye are episodic. We have good years;
6 we have bad years. We can't plan for them, so we
7 want to keep that flexibility. We are very
8 cognizant of that. We don't need another thing
9 that we have to micromanage. I hear you.

10 FACILITATOR BROOKS: Fair enough.
11 Thanks, John. Thanks for the questions and
12 comments. At this point, we have several
13 enforcement updates that we would like to shift
14 to. We're going to hear from three folks. John
15 Reghi with GC, general counsel, is going to talk
16 first. Then we'll hear from Wynn Carney, with
17 Office of Law Enforcement, and then I believe
18 Colby Schlaht with U.S. Coast Guard -- or is it
19 going to be you, Katie? It's going to be Katie
20 Moore. John, you're up.

21 MR. REGHI: Thank you, and hello,
22 everybody. My name is John Reghi, special agent
23 assigned to NOAA enforcement headquarters. I
24 just want to give a brief overview of some of the
25 enforcement things that have happened since our
26 last meeting that happened in the fall.

27 With us, we have Loren Remsberg with
28 the Office of General Counsel. She's assigned to
29 the Southeast Enforcement Division. She's
30 handling Frank Sprtel's caseload from
31 headquarters while Mr. Sprtel is assigned to the
32 U.S. Coast Guard on temporary assignment. We
33 also have Lieutenant Wynn Carney with our
34 Uniformed Enforcement Officer Division.

35 Lieutenant Carney will be also giving
36 a presentation on our enforcement officer (EO)
37 program. Our general counsel, I just wanted to
38 put a quick placeholder in there for your
39 convenience. This presentation will be posted to
40 the web, and we do have the web address. GCS
41 website does have their most recent enforcement
42 decisions, as well as penalty schedules and lots
43 of other information in the enforcement toolbox.
44 Our Office of Law Enforcement home page, we're
45 doing a really good job of keeping it updated and
46 current, and a lot of current stories on there.
47 One new addition to the OLE home page, and it's
48 under the section "About Us", is the Office of

1 Law Enforcement's annual report that covers
2 fiscal year 2015. This is the first type of
3 annual report that has been done on the Office of
4 Law Enforcement.

5 It covers national programs,
6 cooperative enforcement work, and a
7 division-by-division breakout of priorities, how
8 those priorities are being met, and certain
9 enforcement case actions that are being handled.
10 Point your web browser to that when you have a
11 chance and please take a look at the OLE annual
12 report.

13 I think you're going to find a
14 treasure trove of information in there that'll be
15 very helpful to you. Starting off in the
16 Northeast Enforcement Division, since our last
17 time we met, we had an enforcement officer issue
18 a \$500 summary settlement. That was to a
19 recreational angler who retained an undersized
20 white marlin. That case was received by our
21 joint enforcement agreement partners with
22 Delaware, and a summary settlement was paid by
23 the subject. We also had a NOAA EO in the
24 Northeast Division respond to a complaint that
25 was concerning the owner/operator of a rec vessel
26 that landed yellowfin tuna without a permit. The
27 EO, at that time, resolved the incident with
28 education outreach, and the permits were secured
29 thereafter.

30 We also had a \$750 summary settlement
31 offer was sent to a charter/headboat captain.
32 That individual was detected selling yellowfin
33 tuna to a non-federally permitted dealer. He was
34 documented selling two yellowfin tuna at a
35 roadside stand, and that was detected by our
36 Maryland Department of Natural Resources joint
37 enforcement agreement partners.

38 We also had an EO investigate a
39 complaint concerning a porbeagle shark that was
40 taken with unauthorized gear type, specifically a
41 harpoon. At that time, it was reported that the
42 individual possibly did not have the proper
43 permits. That was in Marshfield, Massachusetts.
44 The incident was later resolved with a verbal
45 warning for unauthorized use of a harpoon, and it
46 was determined the vessel operator was properly
47 permitted at that time. Early October of 2015,
48 we had a NOAA enforcement officer issue a \$1,000

1 summary settlement. That was to a charter
2 captain. On two separate occasions, he failed to
3 report the landing of swordfish and white marlin.

4 Also, in February of 2016, we had an
5 EO and a supervisory enforcement officer, port
6 agent, and HMS HQ personnel, they attended the
7 George Poveromo's Bass Pro Shops Seminar Series
8 in Linwood, New Jersey. Over 480 participants
9 were there. It was estimated that about 80 to 90
10 percent of the attendees would fish for HMS tuna
11 and billfish. We conducted education and
12 outreach at that event.

13 Also, this month, towards the outset,
14 we had 12 NOAA enforcement officers and special
15 agents from the Southeast, Northeast, and FLETC
16 -- Federal Law Enforcement Training Center --
17 they participated in bluefin tuna saturation
18 patrols focusing on the Outer Banks of North
19 Carolina. Forty-one vessels were boarded and
20 inspected, including commercial charter and rec
21 vessels. Only a few technical violations were
22 detected during that pulse operation. Compliance
23 was high. Shifting gears to the Southeast, we
24 had a Corpus Christi special agent complete an
25 investigation regarding the operator of a
26 recreational fishing vessel that landed and
27 retained a 75-pound white marlin -- that was
28 during the 2015 Texas International Fishing
29 Tournament -- without an HMS permit.

30 Subject was issued a written warning,
31 and a permit was obtained by the subject. Also,
32 we had an EO from Charleston, South Carolina who
33 conducted a roadside seafood vendor inspection.
34 During that inspect, it was determined that five
35 sharks were identified as Atlantic sharpnose, and
36 it was closed at that time for harvest. The OLE
37 enforcement officer also had a South Carolina
38 Department of Natural Resources JEA partner with
39 them, and the DNR officer issued a \$450 state
40 ticket.

41 In February 2016, we had an EO in
42 South Carolina complete an Atlantic HMS case.
43 The subject did not hold a valid permit. That
44 was cued by the U.S. Coast Guard boarding. The
45 subject was found to be in possession of one
46 yellowfin tuna and expired HMS permit. The
47 subject was able to obtain a new permit, and the
48 EO issued a verbal warning. Also in Southeast,

1 we had GCES advise that a notice of violation and
2 assessment and the penalty amount of \$62,625 was
3 issued to a seafood importer at Oakland Park,
4 Florida. That investigation documented 114
5 imports of shark and shark fins between January
6 2011 and March of 2015. That was without the
7 required international trade permit, in violation
8 of the Magnuson Act.

9 Also in Southeast, we had a NOAA
10 enforcement officer monitor a swordfish offload
11 that was in Charleston, South Carolina. They did
12 gear inspections and permits and catch. One
13 oceanic white tip shark was located in the fish
14 hold, which is a prohibited species when using
15 pelagic longline gear.

16 The operator stated he didn't know it
17 was prohibited. However, he did possess an HMS
18 compliance guide on board the vessel. The EO
19 showed the operator the prohibition in the
20 compliance guide, and he issued a \$275 summary
21 settlement to the subject. Down in Port Orange,
22 Florida, we had \$1,000 summary settlement offer
23 issued to a vessel operator for failing to have
24 an HMS angling permit, and for possessing
25 undersize sailfish. That case was cued by our
26 JEA partners from FWCC who was on a joint
27 enforcement agreement patrol that was 20 miles
28 east of Ponce de Leon Inlet. The boarding of the
29 sport vessel revealed the undersize sailfish.
30 The operator did not have an HMS Angling permit.
31 That concludes my brief enforcement overview,
32 I'll be glad to answer any questions from the
33 group.

34 FACILITATOR BROOKS: Questions,
35 anybody? Let's go to the next presentation.
36 Thank you.

37 LT. CARNEY: Sorry, I'm trying to keep
38 the table up. I'm Wynn Carney, and I'm the
39 supervisory enforcement officer out of the Mid
40 Atlantic, out of Salisbury, Maryland. I
41 appreciate you guys inviting me here. My
42 presentation is just to tell you a little bit
43 about the enforcement officer program.

44 To begin with, I appreciate, like I
45 said, you guys letting me come here, but I was
46 going to think I was going to have to tell you
47 guys I'm sorry for my accent, but it seems like
48 there's a lot of people here from the South, so

1 thank you for being here. If you don't
2 understand what I'm saying, just ask one of them,
3 and they can interpret for me. Usually, they
4 don't let me up past the Delaware Bay. I have to
5 get special permission. Everybody from New
6 England, I'm sorry. I'll try my best to
7 enunciate.

8 Yes. A little bit about me. I'm from
9 Georgia, born and raised. I began my career as a
10 police officer in the State of Georgia and as a
11 Georgia game warden with Georgia DNR. I was
12 actually a joint enforcement agreement officer.
13 That's the JEA program. I'm going to talk about
14 it a little bit in the presentation. Office of
15 Law Enforcement overview.

16 We cover a lot of area, all the way
17 from Alaska to our territories up and down the
18 West Coast and the East Coast. We have 95,000
19 miles of U.S. coastline -- a lot of you know this
20 -- 13 national marine sanctuaries, 4 marine
21 national monuments. Our headquarters is out of
22 Silver Spring. We have five regions, and we have
23 offices in each different region. We have 53
24 field offices throughout the U.S. We have nearly
25 130 sworn personnel and more than 60 enforcement
26 support staff members. The mission of NOAA
27 Office of Law Enforcement is to protect local
28 marine resources. We're here to protect the
29 fisheries, marine mammals, endangered species,
30 but also in a way that people can still use them
31 for their enjoyment.

32 We also protect the habitat. We do
33 this by several acts. We have the authority from
34 the Magnuson-Stevens Fishery Act, the Endangered
35 Species Act, the Marine Mammal Protection Act,
36 the Lacey Act. Those are our main acts that give
37 us the authority to enforce what we enforce. We
38 have 37 other acts, as well. We do what we can.
39 We're short staffed. There's not many of us.

40 We do a lot of this by our
41 partnerships. That's some of the main things we
42 try to get out every day is working with our
43 state partners. In my area, in the Mid Atlantic,
44 it's Maryland, Delaware, Virginia, New Jersey,
45 and New York. It's always funny talking to the
46 people from New York and New Jersey because we
47 really can't understand each other a lot. Why
48 does a strong enforcement program matter?

1 Sustainability, to sustain the fish stocks,
2 prevent the illegal, unreported and unregulated
3 harvesting and trafficking of fish and wildlife,
4 protect marine mammals and endangered species,
5 conserve coral reefs and marine protected areas,
6 leveling the playing field for all industry
7 participants.

8 That's something we're trying to do is
9 level the playing field and hold accountable
10 those who do violate the law. Leveling the
11 playing field, we want to make sure that
12 everybody gets a fair share. We have fair,
13 law-abiding fishermen and conservationists, and
14 then we have the IUU Fish and Wildlife
15 Trafficking.

16 If we're looking at the illegal,
17 unreported and unregulated fish that come into
18 the United States from another country overseas
19 that's trying to be marketed as a United States
20 product, that's what we would like to find and
21 stop because it helps out the commercial fishery
22 and the recreational fishery over here. Some of
23 the job duties -- like I said, I'm an enforcement
24 officer. We also have special agents. The
25 special agents are conducting more of the complex
26 investigations, and the enforcement officers are
27 doing more of the field work, face-to-face
28 boardings, small-term investigations,
29 face-to-face outreach, education, those types of
30 things. How do we do this? Deterring and
31 detecting violations. We have new marked
32 vehicles that we have.

33 I have a picture of one in just a
34 second, as you can see, and we have different
35 officers in different assigned areas of
36 responsibility. We're trying to hire more
37 officers to fill voids. In the Mid Atlantic, I
38 only have three officers right now, two in
39 Newport News, Virginia, and one in Wall, New
40 Jersey. How do we enforce the laws in other
41 parts of those areas?

42 We do this by our partnership with the
43 states. We board commercial and recreational
44 fishing vessels in port or at sea, examine
45 shipments of marine resource products entering
46 the United States at ports of entry, airports,
47 harbors, those types of things. BWI Airport,
48 we'll go there and check, and we'll check

1 different fish markets, such as Fulton Fish
2 Market and the Jessup Fish Market. Then we try
3 to document all the apparent violations that we
4 can. Sometimes, that becomes a large load, so
5 what do we do then? We probably could have one
6 officer that just works referrals from the state.
7 A lot of times, we try to get the state to write
8 state tickets if they can, and sometimes we try
9 to write our own federal summary settlements or
10 notice of violation assessments.

11 Duties continued -- we conduct
12 arrests, searches, and seizures, and we comply
13 with our policies and procedures and guidelines.
14 This is a recent picture, I think within the past
15 year, at the Fulton Fish Market. Our training
16 for an enforcement officer, we attend the Federal
17 Law Enforcement Training Center in Glynco,
18 Georgia.

19 I always try to get a trip down there
20 because that's a free trip home for me. Staff
21 must also attend annual training. We have our
22 annual training for the Northeast coming up
23 pretty soon in Portland, Maine, in April, 40
24 hours. The basic training for enforcement
25 officers, 12 weeks' uniformed police training at
26 FLETC, four weeks at the FLETC Marine Law
27 Enforcement Training Program, which is an amazing
28 training program. Actually, after your training
29 program, we could possibly get our captain's
30 license, if we take the test. Then 12 weeks
31 field training, that's the Field Training
32 Evaluation Program. We actually have some
33 officers getting through with that right now, and
34 some more will be entering this pretty soon.

35 That goes through everything, making
36 sure they know what type of gear they're looking
37 at, how to interact with people, and know what
38 type of fish they're looking at. Our
39 partnerships, I can't say enough how much our
40 partnerships help us. We have 28 joint
41 enforcement agreements with the coastal states
42 and U.S. territories, federal partnerships,
43 especially with the U.S. Coast Guard, the Fish
44 and Wildlife Service, the National Park Service,
45 Customs and Border Protection, and there's many
46 more, regional fisheries management
47 organizations.

48 Then we have two ways of enforcing our

1 violations that we detect. One are through civil
2 cases, through NOAA's Office of General Counsel,
3 and another is through criminal cases, through
4 the U.S. Department of Justice, through U.S.
5 attorneys and so forth. It depends on what the
6 violation is which way we go. We interact a lot
7 with our general counsel, and we try to determine
8 where we go from there. This picture is one of
9 my officers, I believe it was Fulton Fish Market,
10 looking at some lobsters. How to spot us --
11 these are our new vehicles that we have.

12 These are two of my officers right
13 here, Justin and John. These are some of the
14 uniforms you'll see us in. The long sleeved is
15 more of a cold weather type. We also have boats,
16 too. A lot of the vessels that we patrol off of
17 are state, and they're also Coast Guard. We'll
18 try to catch a ride with the Coast Guard, go out
19 there and give them our fisheries knowledge, and
20 also we'll go out with the state, as well.

21 Here's some information for us. If
22 you have any questions, let us know. If you need
23 to write a number down, that's actually my cell
24 phone number, and my email, as well, so let us
25 know if we can help in any way, shape, or form
26 with some of those cases that John was talking
27 about previously came from the Mid Atlantic. One
28 of the things we're trying to do is conduct a lot
29 of outreach and education, as well, and at the
30 same time, get compliance. If we have to, we'll
31 make an enforcement action, whether by summary
32 settlement or a notice, which I discussed
33 previously.

34 FACILITATOR BROOKS: Any questions?
35 Marty.

36 MEMBER SCANLON: Yes, I just have a
37 comment to make, not so much a question. I see
38 here where you guys are trained for enforcement
39 here, 12 weeks, 4 weeks, and 4 weeks. It's 28
40 weeks to be an enforcement officer here. Over
41 the past year or two here, we've had the observer
42 program start instituting a policy of monitoring
43 us on enforcement issues.

44 These same observers here will be put
45 on a boat with as little as two weeks of overall
46 training, and they are basically the beginning of
47 judge, jury, and executioner on these pelagic
48 longline vessels, with minimal, if any,

1 enforcement training. I'd like to know why, if
2 you guys are being trained for 28 weeks, if these
3 guys are going to be judging on us on enforcement
4 issues, why they're not subjected to the same
5 28-week program?

6 LT. CARNEY: The 28-week program is --
7 the 12-week program is the law-enforcement side
8 of it. I can't talk for the observer program,
9 why they don't go through a longer process. But
10 one reason why ours is so long is just because
11 we're -- like he said earlier, we carry a gun.

12 MEMBER SCANLON: Don't get me wrong.
13 I respect what you're doing 100 percent. I'm not
14 arguing how long you train for. My question
15 really isn't for you. I respect the fact that
16 you are well trained, and that you do -- I've
17 been boarded just recently, this past year, by a
18 uniformed officer. He was polite. He was very
19 professional, and I respected that, what you guys
20 are doing. What I'm saying, though, is that if
21 we're going to have these observers on our boats,
22 and they're going to be judging us on enforcement
23 issues, then they should be subjected to the same
24 training that you guys are going through.

25 FACILITATOR BROOKS: Marty, let me
26 jump in and say what we already said, which is
27 obviously this is not a question for Lieutenant
28 Carey. But let me just add, Marty, that in the
29 discussion with bluefin tuna, there are some
30 opportunities to talk about the observer role and
31 the observer program, so I think it's relevant
32 there. I think that would be a helpful place to
33 bring it up.

34 MEMBER SCANLON: Okay.

35 FACILITATOR BROOKS: Yeah, please.

36 MEMBER ODEN: Seems like every time I
37 come here and the Enforcement Division has their
38 little say, I'm trying to defend a friend.
39 Recently, this past week, a friend just got a
40 NOVA of \$24,000 --

41 FACILITATOR BROOKS: Hang on a second,
42 Jeff. We can't hear you.

43 (Simultaneous speaking.)

44 MEMBER ODEN: I mentioned this before
45 at a prior AP meeting. The individual was part
46 of the shark research division. He ended up with
47 six. He was 25 miles from the dock. So his
48 dilemma was do I let these fish lie here or do I

1 take them to the dock, so he told someone who was
2 part of the shark research fishery. She gave the
3 assurance that people normally bring them in to
4 the mouth of the creek, throw them over, re-hook
5 them, and then come and take them back in and
6 come back out. By the time he had done that, as
7 well, they would have been ruined. He begged her
8 please allow him to bring them in to the dock and
9 put them on offload, which she did. She said
10 okay. Anyhow, later on she had him sign an
11 affidavit saying she did not say that, in which
12 case he was given the NOVA because he reported
13 them. He reported landing six. My real question
14 is who was guilty?

15 Is it NMFS for allowing a fisherman --
16 they've since changed this fishery, now, to where
17 there's a trend. The law got changed probably
18 because of that one incident. This individual,
19 who was only trying to help the shark research
20 fishery, was given a \$24,000 fine.

21 LT. CARNEY: I don't know the specific
22 case, but I can get back with you. That's the
23 best I can do. What's your name again, sir?

24 MEMBER ODEN: My name is Jeff Oden.

25 LT. CARNEY: Are you from North
26 Carolina?

27 MEMBER ODEN: Yes, sir.

28 FACILITATOR BROOKS: Thanks, Jeff.

29 LT. CARNEY: What was your name again,
30 sir? I can't read it.

31 FACILITATOR BROOKS: Marty Scanlon --
32 Martin Scanlon.

33 MS. REMSBERG: Also, I'm not familiar
34 with that case at all. It wasn't a case that was
35 charged out of my office, that I'm aware of.

36 MEMBER ODEN: Can I say one other
37 thing? In my friend's defense, he cannot even
38 defend himself now because the lady who gave him
39 permission to come into port and land them, she's
40 since passed away. She had an aneurysm two
41 months after that happened and passed away, so he
42 can't even defend himself in a court of law.

43 FACILITATOR BROOKS: Let's let
44 Lieutenant Carney get back to you after he looks
45 into it a little bit. Katie, I think you're up,
46 Katie Moore with the U.S. Coast Guard. Oh, do I
47 have a question back there?

48 MEMBER PICKETT: Yes, this is just a

1 quick one. Tim Pickett. I was wondering what
2 your jurisdiction is in terms of investigating
3 illegal offloads and stuff. You say you spend
4 time at the fish houses and fish markets and
5 stuff. In my experience with illegal fishing,
6 especially where we're at in South Florida, it's
7 fairly rampant, mostly recreational fishermen
8 selling fish, back door sales and things like
9 that. It goes on all the time. Have you looked
10 into other avenues? Because in my opinion, going
11 through fish houses and stuff like that, those
12 are some of the more -- by far the more
13 legitimate operations, a place like Scott's or a
14 couple of the other places that are around.
15 Everything's very, very well documented, and it's
16 easy to double check that. Do you have any
17 jurisdiction, in terms of investigating
18 restaurants having end users providing receipts
19 for fish that might be in house or anything like
20 that, or have you looked into that?

21 LT. CARNEY: Yes, we have. A lot of
22 that comes from the Lacey Act and false labeling.
23 A lot of the Lacey Act gives us the authority to
24 investigate those types of things. We have
25 investigated those types of instances before.

26 FACILITATOR BROOKS: Those are
27 investigations that are initiated because you've
28 gotten a phone call of some kind typically?

29 LT. CARNEY: Sometimes. It depends --
30 a phone call, a tip, yes.

31 FACILITATOR BROOKS: Thank you.
32 Thanks very much. We'll hand it off to Katie
33 Moore with U.S. Coast Guard.

34 MS. MOORE: Good afternoon. I am
35 Katie. I'm not Colby. You met Colby at the last
36 meeting. Coast Guard is very dynamic. Our goal
37 is to have him be your point of contact, but he
38 has since been pulled to do more Homeland
39 Security issues, so I will be your point of
40 contact to provide some continuity. Again, with
41 the U.S. Coast Guard 13 years, working on law
42 enforcement.

43 I am their program manager for the
44 Atlantic Area Office. That deals with several
45 districts, District 1, Northeast, District 5, Mid
46 Atlantic, District 7, South Atlantic, and
47 Caribbean and District 8, Gulf of Mexico. It's
48 nice to see the people that have been here, and

1 also the new ones.

2 I provide generally the same type of
3 presentation every meeting. If there is a
4 different type of information you would like, let
5 me know. I got some feedback last time, and I
6 tried to incorporate it. Generally, we start off
7 with how much effort we have expended on
8 fisheries. This is a reflection of our efforts
9 fiscal year to date for fisheries in my area of
10 responsibility. It is not limited to just HMS,
11 but it shows you generally what we're putting
12 towards fisheries. We both have air assets and
13 surface assets, small boats, as well as major
14 cutters. To let you know, we have had a
15 reduction in major cutters toward fisheries, and
16 that's been primarily due to the Department of
17 Homeland Security's focus on some of our Western
18 Hemisphere drug issues.

19 That has taken some of our major
20 cutters down South. We have had an increase in
21 small boat hours towards fisheries. The end
22 result is looking at our number of HMS boardings
23 historically, compared to this year to date,
24 we're generally on par with where we have been in
25 past years on boardings. We are looking to be
26 essentially as effective as we have been
27 historically.

28 The number of boardings that we've had
29 have been primarily in the Mid Atlantic District,
30 and those have been predominantly commercial, but
31 our goal is to try to board both commercial,
32 passenger, and pleasure craft because we know all
33 of them have regulations. Next up, we've only
34 had one violation since the last time we reported
35 to you. That occurred in the Mid Atlantic. It
36 was a permit violation, and also retaining an
37 illegal species onboard. That reflects our
38 domestic efforts at enforcement. We are also
39 very active in ensuring that we do not have
40 foreign vessels coming into our waters to take
41 HMS species.

42 Last meeting, you asked us to show
43 historically where we've been with the number of
44 detections of foreign fishing vessels,
45 interceptions, as well as interdictions.
46 Detection is when we either see a foreign fishing
47 vessel with gear, or just the fishing gear
48 already having been set. Predominantly, this is

1 in the Gulf of Mexico, with our Mexican lanchas
2 coming into U.S. waters.

3 Interceptions is when Coast Guard is
4 on scene, and we also have an illegal vessel on
5 scene, predominantly from Mexico. An
6 interdiction is when we have halted them, stopped
7 them. What we do is we catch them, we catch
8 their gear, the species, and we return them
9 through CVP back to their home country, which
10 predominantly is Mexico. People have asked is
11 this threat increasing? What we think is we're
12 getting better at detecting the threat. We think
13 there's about 1,100 incursions that occur a year
14 in the Gulf of Mexico, and we've been working
15 very closely with partners, with the state, as
16 well as the Customs and Border Patrol, to have a
17 better presence on the water. We don't think the
18 threat is increasing; we just think we're better
19 at detecting them. We have been better at
20 interdicting them.

21 That's also because we do joint
22 patrols with Customs and Border Patrol. We've
23 also been using some Navy assets to help us with
24 this mission. I show you what has been caught --
25 and sorry, that's an error. It's July '15
26 through fiscal year to date '16. We tell you for
27 those catches that had HMS species what type of
28 gear was used, the length of the gear, and what
29 information we have on the HMS species.

30 They're predominantly sharks. In some
31 instances, we've been able to get the sharks
32 close enough to our boats to be able to detect
33 the species ID, but for safety reasons, we
34 definitely want to make sure that our guys come
35 back with all their fingers, and we release the
36 sharks as much as we can to allow for that safety
37 precaution. You had asked previously are they
38 using longlines, are they using gillnets?
39 Traditionally, the longline is used to target the
40 red snapper. The gillnet is used to target
41 sharks. In those instances where we have seen
42 HMS catch, it has been from the longline gear.
43 The majority of the gear is longline gear. We
44 only had one case in this time period with
45 gillnet gear.

46 We looked over the last two fiscal
47 years and we have seen there are more instances
48 of longline gear. FYI, that was answering your

1 question from the last meeting. We continue to
2 try to do as much as possible about species ID
3 because we know there's interest both from this
4 group, as well as NMFS, for their stock -- to
5 inform their stock status.

6 Ongoing efforts. Coast Guard is
7 trying to do stuff in house as much as possible
8 to use our toolbox -- intelligence, using our
9 assets most effectively, and then working with
10 our policy advisors on use of force. We have
11 been pretty successful in house with the Lancha
12 Working Group. We've been able to re-address our
13 hot pursuit policies, so we can stop the
14 Mexicans, and we just had a meeting two weeks
15 ago. That is an ongoing work group within the
16 Coast Guard that I think has been pretty
17 successful. But we can't do it alone, and we
18 don't, so we work with NOAA. We have a meeting
19 April 15th, I believe, where we have senior level
20 officials coming together to look at this issue.
21 Are we using everything in our law enforcement
22 and prosecution toolbox to make sure that we're
23 stopping this threat?

24 Also, we're working on the global
25 level to address IUU. We're participating with
26 the Task Force on IUU, and also the Department of
27 State's Sea Scout Initiative. What that tries to
28 do is state this is a global issue. We can't do
29 it alone, and are there opportunities for
30 information sharing, technology sharing, and
31 joint operations?

32 Last week, I was at the North Atlantic
33 Coast Guard Forum, where we had representatives
34 from Ireland, Portugal, Greenland, and many
35 others. We talked about what's the best way of
36 addressing this threat. We also did tabletop
37 exercises on high sea IUU, and we have been in
38 Africa to address Dr. Graves' concerns and issues
39 about the Gulf of Guinea. For several years, we
40 have been participating with the Navy to train up
41 countries such as Ghana, Senegal, and Cameroon,
42 so that they are better capable of doing
43 enforcement of their regulations in their waters.
44 Colby was actually there the last couple months,
45 and we continue to see ourselves active in that
46 joint effort into the future. If you ever have
47 any questions, you're welcome to contact me.

48 If there are any information that you

1 have regarding a threat on the water, we have a
2 24/7 command center, and that's the phone number
3 of it. I'm happy to answer any questions, either
4 on this presentation, or questions you have for
5 information you'd like to see in future
6 presentations.

7 FACILITATOR BROOKS: Thanks, Katie.
8 Rich, I see you've got your card up.

9 MEMBER RUAIS: Katie, if I might,
10 thank you for being responsive to the requests
11 for the more detailed information. I'd also like
12 to suggest that maybe a chart, particularly in
13 the Gulf of Mexico, showing where these -- I'm
14 not sure if I'm using the right term --
15 interdiction or whatever of the three terms means
16 you stop the boat and you're looking at the gear.
17 It'd be nice to know where those are taking
18 place. It also seems to me that it certainly
19 seemed to be really wise to transfer that effort
20 -- the effort that you've been expending in the
21 Atlantic. You've got 14,000 hours that you had
22 in there, and you only came up with one potential
23 violation.

24 Maybe moving a lot of that effort into
25 an area known as a spawning grounds, it extends
26 beyond just the US EEZ in the Gulf of Mexico, but
27 on the other side, as well. From our
28 perspective, that seems to be a major win for
29 resource management. The question I had was are
30 you limited in any way, in terms of international
31 authority, to intercepting these vessels -- I
32 should know the answer to this -- on the high
33 seas, outside of our EEZ, and is that something
34 that we've addressed?

35 Maybe John can help me refresh my
36 memory. Haven't we addressed that at ICCAT,
37 allowing -- we can talk about that later. The
38 question is are there any obstacles in the way of
39 the Coast Guard? Thank you.

40 MS. MOORE: I would say our obstacle
41 right now is having cutters that can be out there
42 doing it. In terms of authorities, that hasn't
43 been the limiting factor for us. When we see a
44 vessel -- we have a lot of bilateral agreements
45 for not just fisheries. So if we suspect a
46 vessel is doing illegal operations, sometimes
47 that can get us onboard, and it doesn't
48 necessarily have to be the fishing aspects.

1 If I had my way, I would definitely
2 have more major cutters, so we could have a
3 greater patrol on the high seas, but right now,
4 our efforts have been mostly in the Pacific for
5 high seas. We've overcome some of our authority
6 issues out there. We've had shiprider
7 agreements, which have been pretty helpful, so
8 that brings the other nations' authorities on to
9 the Coast Guard platforms. But right now, that
10 hasn't been our limiting factor.

11 MEMBER RUAIS: Just one final point,
12 if I could.

13 FACILITATOR BROOKS: Let's just see if
14 John wants to weigh in on that.

15 MEMBER RUAIS: Oh, I'm sorry.

16 FACILITATOR BROOKS: Okay.

17 MEMBER RUAIS: I wanted to just note
18 that obviously the major species that you seem to
19 be finding is the shark. That's why it would be
20 interesting to know how close to the Gulf of
21 Campeche are you border-wise. It would also be
22 nice to know the exact gear they're using. How
23 light is it, in other words?

24 Is it likely that some of the bigger
25 pelagics that we might be interested in, in
26 particular, break off the gear, and that's why
27 you're capturing -- I don't even know the size of
28 the sharks that you're catching, but the gear
29 that they're using would be of interest to us to
30 see why they're not -- in my mind, they should be
31 intercepting some bluefin tuna on that gear if
32 they're fishing in the Gulf of Mexico -- what's
33 defined as the Gulf of Mexico -- at that time of
34 year.

35 FACILITATOR BROOKS: Terri, do I see
36 your card up?

37 MEMBER BEIDEMAN: Terri. I just want
38 to, I guess, note that over the years sitting
39 here, and over the years reading these reports,
40 even when I wasn't here, it seems that our
41 problem in terms of enforcement --

42 FACILITATOR BROOKS: Terri, your mic
43 just went out.

44 MEMBER BEIDEMAN: -- recreational
45 activity that maybe is being done.

46 FACILITATOR BROOKS: Thanks, Terri.
47 Mike.

48 MEMBER PIERDINOCK: Thank you. On

1 your third slide, the recreational boardings,
2 where are those found, as well as the charter
3 boat boardings? And I have another question,
4 too, for the next person.

5 MS. MOORE: In terms of the question
6 about our boardings for launches, I think that's
7 something we could provide, and I could probably
8 do the same next time for this -- the components,
9 the recreational and the charter. These right
10 here, as far as the granularity, I just know
11 general regions, so I couldn't answer by state,
12 if that was your question.

13 MEMBER PIERDINOCK: The last question,
14 with the Mexican vessels that are illegally
15 coming in and landing the sharks there, are you
16 seeing habitually the same vessel that continues
17 to come into our waters? And if so, what kind of
18 enforcement discretion do you have to just stop
19 it completely?

20 MS. MOORE: That is the issue for the
21 15th of April meeting. We do see repeat
22 violators, to the point we almost know their
23 names by their face, so that is why we've
24 elevated to higher levels of NOAA, as well as
25 Coast Guard, to address what can we do? It is
26 challenging because it's an international issue.
27 We've been working with them on other issues, so
28 it's really a question of diplomacy. How hard do
29 you want to press from one particular angle? We
30 continue this operation. Our at-sea enforcement
31 efforts are going to be consistent until we get
32 different advisement from that meeting.

33 MEMBER PIERDINOCK: Just one last
34 thing. As a charter boat captain, if I do such a
35 violation, you'll just take my boat, permits and
36 everything, and I'm done. I'm just curious of
37 why can't the same be done? Is that because of
38 international law?

39 MS. MOORE: Coast Guard had to launch
40 a working group to address this issue. We've
41 seen the violations be at a level that we're not
42 comfortable with our deterrent effect, so that's
43 why we looked at can we do hot pursuit into
44 Mexican waters? Can we look at the failure to
45 heave to and, instead of going civil, go with
46 criminal cases? That's what we've done when some
47 of the launches have not addressed our -- when we
48 have told them to stop and they don't, and they

1 either hit our boats or fail to stop, then we
2 have been successful with some criminal cases.
3 That has not been the majority of the instances.
4 I see where you're coming from, and that's
5 exactly why we elevated it. We wanted to make
6 sure what we can do is what we should be doing to
7 deter this threat.

8 FACILITATOR BROOKS: Thanks, Katie,
9 for the presentation. I see you taking notes on
10 the suggestions for next time, so thanks in
11 advance. We need to get you off to lunch. I
12 guess there is one card down there. I might
13 advise the other folks to just talk offline, just
14 so we can get everyone to lunch, but at the end
15 of the table, yes?

16 MEMBER LINGO: Yes, I just wanted to
17 answer Rich's questions real quick here. I don't
18 have a pretty graph for you, but if you draw a
19 hemisphere around Brownsville about 50 miles,
20 it'll take most of your boats. To answer the
21 lancha question, they do seize those whenever
22 they catch the guys. As she mentioned, that
23 doesn't happen even most of the time. They're
24 running lanchas with 150 tiller steers, and they
25 make it across the border before they can catch
26 them. When they are caught, they do seize those
27 vessels. A lot of them are just restored on
28 site, but most of the time, they make it back
29 across because they are so close to the border
30 when they come out, and they let each other know
31 whenever the Coast Guard comes out of the Brazos
32 Santiago Pass. Hope that answered you all's
33 questions.

34 FACILITATOR BROOKS: Scott, you've got
35 30 seconds.

36 MEMBER TAYLOR: I would just encourage
37 you -- Scott Taylor. I would just encourage you,
38 when you have your meetings -- it seems to me
39 that if you have repeat offenders, like what's
40 going on in the Gulf, and you know that the
41 primary problem is Mexico, but yet, Mexico has
42 literally free access to export its product here,
43 to the U.S., that the real deterrent has got to
44 come from the Mexican government or through our
45 State Department. There needs to be some sort of
46 consequence for your interdictions. Because
47 clearly, your interdictions have to represent a
48 very, very small number of the offenses that are

1 taking place, regardless of how efficient you
2 become. I would encourage you, in that
3 environment, to see if we can apply, at least,
4 some pressure through the State Department, or
5 through the regulatory authorities, when they
6 actually do ship product here to the U.S.

7 FACILITATOR BROOKS: Well, thanks, all
8 of you, for the presentations. We need to let
9 you all go to lunch. We will reconvene at two
10 o'clock sharp. And if you did order a lunch box,
11 see Katie, okay. Two o'clock sharp, be back in
12 the room. Thank you.

13 (Whereupon, the above-entitled matter
14 went off the record at 12:37 p.m. and resumed at
15 2:04 p.m.)

16 FACILITATOR BROOKS: Okay. Thanks,
17 everybody. I hope you found some good lunches
18 somewhere to have.

19 We've got a full afternoon ahead of
20 us. We'll be here until 6:00 o'clock.

21 Again, for any members of the public
22 that are here or on the phone, we will have
23 public comment at 5:45. So hang in there. We
24 will have that time for you all to talk.

25 In a minute, I'm going to hand it off
26 to Chris Rogers and Randy Blankinship up here to
27 give us a suite of international updates.

28 But before we do that, however, I just
29 wanted to double back to Rich's suggestion that
30 we consider staying in plenary. And we discussed
31 that over lunch here. And I take very seriously
32 the request that Rich put out there and totally
33 understand the interest in doing that.

34 At this point, our inclination is to
35 stay the course for this meeting. And let me
36 tell you why, and then sort of share some other
37 thoughts.

38 The large group is a plus in that you
39 can all hear everything that's said. That is
40 definitely a unique piece that it gives us and a
41 good vantage point.

42 The challenge of the large group is it
43 mostly allows people to stay in position while
44 they're thinking, and it is very limited on the
45 back and forth of the dialogue. In particular,
46 it's really challenging and it limits HMS' staff
47 of having that sort of back and forth where the
48 conversation comes up, an issue comes up. With a

1 smaller group, they can really have a good back-
2 and-forth. And those are the key exchanges that
3 really help them post-meeting to figure out
4 what's right and what's the path to take.

5 So similarly in smaller groups, not
6 only can you have that deeper conversation, it
7 does give a chance for more folks around the
8 table to fold in their voices. So it's not
9 tension that we're trying to balance.

10 But with that said, I think there are
11 some different strategies and new approaches that
12 we could be thinking about and trying going into
13 the next AP meetings. There are technologies
14 that are out there that allow us to sit us in a
15 larger group and sort of hold or weigh in on a
16 Google doc -- things we can do that are high
17 tech.

18 There are also things we can do that
19 are low tech in smaller conversations around
20 grounds, et cetera where you have more focused
21 conversations but also not lose that plenary
22 aspect. So for now because we didn't prep for
23 the plenary conversation, I'm not convinced we
24 could do a plenary conversation that would be as
25 good or as meaningful. But let us promise to you
26 that we will think about that and come up with
27 some strategies.

28 And honestly, I would just like to
29 sort of pilot stuff. And we'll try it. We'll
30 see how it goes. And hopefully we hit some
31 approaches that work and you'll let us know which
32 ones work and which ones don't. We'll count on
33 you, Rich, to let us know.

34 PARTICIPANT RUAIS: As Donald Trump
35 would say, you owe me one now.

36 FACILITATOR BROOKS: You got it.

37 And just a couple of other points on
38 that -- just small points is you are not bound to
39 stay in one of the break-out groups for the
40 entire break-out session. So if you want to vote
41 with your feet and spend half the time in one and
42 half in the other, you can. Our only caveat to
43 that would be we will have topics that we're
44 covering at set times, and we won't go back. We
45 just don't have time to do that. So that's one
46 thing.

47 Obviously another thing would be to
48 talk to a colleague who's also around the AP

1 table and have one of you cover the pelagic
2 longline conversation and someone else cover the
3 handgear and purse seine conversation.

4 And then finally again, we will come
5 back into plenary. So whatever is discussed at
6 the break-out sessions will come back. We'll
7 have a full report out and we'll create an
8 opportunity then for anyone else to weigh in on
9 ideas that they may have that didn't come up in
10 the break-out sessions.

11 So we hope we're creating an
12 opportunity for that richer conversation.

13 That's it. Margo, did you want to add
14 anything on that?

15 (No audible response.)

16 FACILITATOR BROOKS: Okay. So with
17 that, let me hand it off to Chris Rogers, again
18 with NOAA Fisheries' Office of International
19 Affairs.

20 It's all yours.

21 DR. ROGERS: Okay Thank you, Bennett.

22 I know most of you. There's some new
23 faces to me, at least, but many of you from the
24 HMS Advisory Panel of yesteryear and also the
25 ICCAT Advisory Committee.

26 Margo had asked for some updates from
27 the Office of International Affairs and Seafood
28 Inspection, both from a legislative and
29 regulatory perspective and some ongoing
30 happenings that would affect the domestic
31 management of the Highly Migratory Fisheries.

32 So I'll just go through the slides.
33 Some of you from the ICCAT Advisory Committee
34 have just seen this update a couple weeks back.
35 But here's your opportunity to ask more in-depth
36 questions if you have them.

37 And we'll start with some of the
38 legislative updates.

39 As many of you know -- particularly
40 those engaged in the council process -- the
41 Magnuson-Stevens Act is up for re-authorization
42 again. Regional hearings were held last Congress
43 but no further action was taken.

44 There has been a recent introduction
45 of legislation by Congressman Young -- H.R. 1335,
46 Strengthening Fishing Communities and Increasing
47 Flexibility in Fisheries Management Act. The
48 bill was passed by the House of Representatives

1 but has not taken any action in the Senate yet.

2 The Administration is still undecided
3 on whether it will submit an administration re-
4 authorization proposal. However, in preparation
5 for that eventuality -- should it occur -- NMFS
6 has identified many issues of importance that
7 could be addressed during Magnuson-Stevens re-
8 authorization. Many of those issues were
9 highlighted in the last Managing our Nation's
10 Fisheries Conference that some of you may have
11 been participating in.

12 So it's a wait and see at this point
13 whether the Senate will take up the House Bill or
14 come up with something on their own or whether
15 the Administration will consider dropping its own
16 bill. I tend to think that unlikely given the
17 longevity of the existing Administration and the
18 upcoming election season. But we'll see what
19 happens.

20 Other legislative updates affecting
21 international fisheries, H.R. 774 was passed in
22 House and Senate and signed into law by the
23 President last November. This was the Illegal,
24 Unreported and Unregulated Fishing Enforcement
25 Act. It had been introduced in previous
26 Congresses several times in various forms but
27 this time pulled a couple of different things
28 together into one bill and made it through.

29 It harmonized the administrative and
30 enforcement authorities across several RFMO-
31 implementing statutes. It revised procedures to
32 identify and certify under the High Seas Driftnet
33 Moratorium Protection Act. In particular, this
34 was something the Agency sought that the time
35 frames for information that could be collected
36 and considered in identifying and certifying
37 nations for illegal fishing, bycatch and
38 unsustainable shark fishing. Had been limited to
39 one year. And that certainly impaired our
40 ability to make such identifications.

41 So it was expanded for both IUU and
42 bycatch for three years. Unfortunately, they
43 missed the boat -- so to speak -- on the shark.
44 But we're still seeking a vehicle to get the
45 shark consideration expanded to three years of
46 data as well.

47 It also authorized the implementing
48 regulations for the Antigua Convention. That's

1 the Inter-American Tropical Tuna Commission, a
2 modernized convention that was adopted there.
3 Most importantly, it implements the FAO agreement
4 on port state measures to prevent and deter
5 eliminate IUU fishing.

6 So as I said, it's been signed into
7 law. The Agency is currently examining each of
8 the features and requirements under the statute
9 and determining a regulatory plan -- what we will
10 require new regulations to implement and what we
11 will propose and take comment on in the near
12 future. We probably would try to get a rule out
13 this summer to address all of the features of
14 H.R. 774.

15 Also, some legislation not directly
16 germane to highly migratory species in the
17 Atlantic, but several pieces of legislation in
18 the last several Congresses dealing with the new
19 North Pacific Fisheries Commission, the South
20 Pacific Regional Fishery Management Organization,
21 the new NAFO convention and the Port State
22 Measures Agreement had been taken up in prior
23 Congresses but nothing had been adopted.

24 Port State Measures, of course, was
25 split out and put into the H.R. 774. So that's
26 already been taken care of.

27 We have some pending issues with
28 respect to North Pacific Fisheries Commission and
29 the South Pacific Regional Fisher Organization.
30 These non-tuna or non-HMS commissions. So again,
31 not of direct interest but the U.S. does want to
32 participate in these new organizations that had
33 been formed.

34 So H.R. 4576 was introduced by
35 Congressman Radewagen in February of this year
36 ensuring access to the Pacific Fisheries Act that
37 would allow the U.S. to have implementing
38 authorization for the North Pacific Fisheries
39 Commission and the South Pacific Regional Fishery
40 Management Organization.

41 The House Natural Resources Committee
42 has had a hearing on that subject for those two
43 RFMOs. And Russell Smith, our Deputy Assistant
44 Secretary for International Fisheries testified
45 on behalf of NOAA about what the Agency would
46 need to implement those requirements and be a
47 contracting party to those two new Pacific RFMOs.

48 On the High Seas Driftnet Moratorium

1 Protection Act identifications, for those
2 familiar this is covered ground, but the
3 Magnuson-Stevens Re-authorization Act of 2006
4 amended the High Seas Driftnet Moratorium
5 Protection Act -- some good acronyms there --
6 that requires identification and certification of
7 nations with vessels that are engaged in IUU
8 fishing and vessels taking protected living
9 marine resources as bycatch.

10 Subsequently, the Shark Conservation
11 Act of 2010 added an identification and
12 certification procedure for shark fishing on the
13 high seas that is inconsistent with conversation
14 standards. So under these provisions of the
15 Moratorium, there is a requirement to identify
16 and certify nations through a biennial report to
17 Congress. We did rulemaking to implement the
18 procedures and articulate a process for how we
19 would collect information, make identifications,
20 do consultations with identified countries and
21 make those certification decisions.

22 So as I said, it's a biennial report
23 to Congress. Reports have been issued in 2009,
24 '11, '13 and most recently 2015.

25 In the 2009 biennial report, we
26 identified six nations for IUU fishing. In the
27 2011 report, we certified those nations positive.
28 However, we had six new identifications.

29 Likewise in 2013, six previously
30 identified nations were certified positive, ten
31 nations were identified for IUU fishing, one also
32 for bycatch. This was the first instance where
33 we had sufficient information to do a bycatch
34 identification. That was for Mexico and a
35 gillnet fishery in the west coast -- Baja
36 California -- that took Northern Pacific
37 loggerhead turtles.

38 So in the 2015 -- the most recent
39 report -- we again certified the previously
40 identified nations as positive for the IUU
41 issues, had six new identifications for IUU
42 fishing in that report. We also for the first
43 time made a negative certification. This was for
44 the situation in Mexico. We did not have
45 sufficient grounds to give certification.

46 Is this something I'm doing?

47 So we're still in that process of
48 addressing the requirements of that negative

1 certification for Mexico. Under the procedures
2 for the Moratorium Protection Act, a negative
3 certificate means denial of access for port
4 privileges to vessels of that certified nation as
5 well as a potential for trade-restrictive
6 measures. So we are working on it on an
7 interagency basis to look at what trade measures
8 may be effective in helping Mexico address that
9 situation or providing an incentive. We are
10 engaged in bi-lateral discussions with Mexico.
11 They do have a regulatory program in position but
12 we're waiting to see if it is effective in
13 addressing that problem with Pacific loggerhead
14 bycatch.

15 Just to bring the countries into focus
16 that had an identification in the 2015 report
17 that are ICCAT members, although these
18 identifications were non-ICCAT illegal fishing
19 activities -- Nigeria, Mexico, Portugal and
20 Nicaragua were identified but not for ICCAT
21 violations. We are currently working with those
22 countries to see what they can do to achieve a
23 positive identification in the next report to
24 Congress due next January.

25 Next, I'll move to the International
26 Trade Data System. I've presented this over a
27 number of years. It's a project that's been long
28 in the making.

29 The International Trade Data System is
30 a government-wide system for entry retrieval of
31 trade data. It's a single-window concept. All
32 data provided by the private sector goes through
33 that single window making a more efficient data-
34 entry process. And all partner government
35 agencies that need access to that data will also
36 access it through the single window. So
37 efficiencies on both sides of the equation for
38 submitting and using information about the
39 trading of commodities.

40 There will be electronic filing of
41 data, review and communication of the
42 admissibility decisions and holds or holds for
43 inspection, if necessary, again through that
44 electronic system.

45 The premise then is not only the
46 customs information -- the information required
47 for making a customs' entry for products would
48 also trigger the agency-specific trade monitoring

1 requirements. So things like our bluefin catch
2 document or bigeye swordfish, statistical
3 documents, our tuna tracking and verification
4 program -- those data points and/or image files
5 of the forms will be collected in that single
6 window.

7 The rulemaking. So we have issued a
8 rule. It came out last December. The rule
9 proposes a consolidated trade permit. Currently,
10 we had two permitting programs for different
11 import monitoring, export monitoring programs.
12 What we decided to do is consolidate the trade
13 permit into one. All commodities would be
14 covered. We call that the International
15 Fisheries Trade Permit.

16 There will be a requirement for
17 electronic entry filing -- the message said for
18 NMFS, these NMFS, regulated commodities and
19 document images would be submitted again through
20 that single-window.

21 I guess I'm going to have to touch the
22 button for you when you're presenting, too,
23 right?

24 MR. BLANKINSHIP: I'm apparently not
25 touching it correctly.

26 DR. ROGERS: There are some database
27 development issues -- both the NMFS side as well
28 as the CBP side. As I said it's a project long
29 in the making. It involves not only CBP but 47
30 other government agencies. It's a web-based
31 messaging system to communicate with the trade
32 and with the agencies. So currently many
33 agencies, including NMFS, are involved in pilot
34 testing the message set and the document imaging
35 system.

36 To expedite the actual deployment of
37 the International Trade Data System under the
38 current Administration, President Obama issued an
39 Executive Order in February of 2014 called
40 Streamlining the Export/Import Process of
41 America's Businesses. And it made mandatory the
42 use of the ITDS system by December 31, 2016 for
43 all agencies that have a role in making
44 admissibility decisions for inbound products and
45 also for export controls.

46 But NMFS is among those several
47 agencies that are scheduled for early
48 implementation. So we're looking to finalize our

1 rule and work with Customs to implement the
2 program as early as July and not wait for the
3 December deadline. I think there's about six or
4 seven agencies that are in this tranche that will
5 go through in July.

6 So as I said, we issued a proposed
7 rule in December 2015. The comments were taken
8 through the 29th of February. The proposed rule
9 consolidates the trade permit. It stipulates the
10 electronic entry filing as well as export
11 declaration requirements that brokers and
12 shippers would make through the system. It's
13 called ACE -- the Automated Commercial
14 Environment. It's part of the concept. As
15 Customs likes to say, ITDS is the concept, but
16 ACE is the system or vehicle. So a lot of times
17 you'll see ACE/ITDS -- the Automated Commercial
18 Environment to implement the International Trade
19 Data System.

20 Pilot testing is underway. We
21 certainly could use a few more entry filers to
22 try to use the method set in the imaging system.
23 So you folks involved in importing and exporting
24 --

25 FACILITATOR BROOKS: Hang on one
26 second.

27 DR. ROGERS: -- importing and
28 exporting commodities, please try and encourage
29 your brokers, filers, importers, exporters to
30 meet with us in a pilot test.

31 All right. We anticipate our final
32 rule in July. And again, that depends on test
33 results with CBP and readiness. So still working
34 on some transition issues.

35 The tests that we have undertaken to
36 date have worked out rather well. Shipments are
37 clearing pretty quickly in 15 minutes or so.

38 On top of all of our efforts with ITDS
39 integration for the existing trade monitoring
40 programs, the Administration put out a -- or set
41 up a task force. Many of you are familiar with
42 the task force to prevent IUU fishing and seafood
43 fraud. Recommendations 14 and 15 of that task
44 force were to gather stakeholder input to
45 identify and develop information and operational
46 standards of the traceability program that would
47 deter the entry into the U.S. commerce of
48 illegally-acquired seafood.

1 These recommendations required the
2 interagency group to establish within 18 months
3 the first phase of a risk-based traceability
4 program to track seafood from the point of
5 harvest to the point of entry into U.S. commerce.
6 In order to do that, we first identified
7 principles for at-risk species, that being at
8 risk of illegal fishing or at risk of seafood
9 fraud, not necessarily meaning that the
10 particular species were at risk of
11 overexploitation. Fraud and illegal fishing can
12 occur on healthy stock as well as a depleted
13 stock. So this was looking at the risk of IUU
14 fishing and seafood fraud.

15 We sought comment on minimum standards
16 and necessary data, how species' names and codes
17 might be revised to have a better handle on what
18 was coming into the marketplace, looked at
19 information sharing with other agencies
20 particular Food and Drug Administration which has
21 a role in monitoring seafood from the health
22 perspective, not necessarily the lawful
23 acquisition perspective. So we're both looking
24 -- U.S. FDA and National Fisheries Service --
25 looking at the same commodities but from
26 different perspective. But information sharing
27 can help us do a better job from both angles.

28 This traceability rulemaking, we also
29 envisioned a Trusted Trader program and
30 provisions for evaluating and expanding the
31 program to other commodities.

32 So with respect to looking at the
33 initial species that would be included in the
34 program, we published a Federal Register Notice
35 on principles that we might look at to consider
36 and evaluate the scope, the extent, the level of
37 risk of IUU fishing and seafood fraud. So we
38 published those principles. Took some comment on
39 those principles. And that led to the
40 development of a list of species that we propose
41 to include in the initial phase of the
42 traceability program.

43 Those species are listed here. I
44 would note that last one on the bottom -- bluefin
45 tuna -- we had not considered it to be at risk of
46 IUU fishing or seafood fraud on the basis of the
47 existing catch documentation programs in effect
48 and several RFMOs. However, out of concern for

1 fair treatment of tuna species, looking at it
2 from a trade organization perspective, equal
3 treatment for all countries, for all commodities,
4 we decided to include bluefin tuna in the scope
5 of the rulemaking even though we had not
6 identified it as an at-risk species.

7 So pretty much similar to the ITDS
8 rule itself, with the seafood traceability
9 program we're using the International Fisheries
10 Trade Permit, again a consolidated permit -- one
11 permit all commodities for import and export --
12 use of the ACE/ITDS single window as the means of
13 collecting the information and the importer of
14 record would be the responsible party. In other
15 words, the importer of record would obtain the
16 permit. The importer of record would collect
17 that information on the harvest event and provide
18 that to their customs broker for reporting at
19 entry.

20 There would also be a chain of custody
21 recordkeeping requirement on the part of the
22 reporter of record so that if we selected a
23 particular entry for an audit, we would have the
24 harvest event reported associated with that. The
25 harvest event meaning the vessel, gear, location,
26 point of landing -- all of the descriptors of
27 that harvest event that would be reported at
28 entry for us to determine that the product was
29 lawfully acquired. The chain of custody
30 recordkeeping would just show the supply chain
31 information for us to trace back to verify that
32 the product did come from that harvest event. So
33 audits would be somewhat at random, somewhat
34 developed by screening and targeting criteria.

35 So, some notable issues about that
36 rulemaking, no new reporting rules are being
37 proposed for U.S. domestic wild capture
38 fisheries. We believe the same information we
39 would collect on imports for foreign-source
40 product are already captured under state and
41 federal programs here in the U.S.

42 However, again, for the World Trade
43 Organization fairness, equal treatment concerns,
44 we do have some issues with data gaps for
45 domestic production of aquaculture for shrimp and
46 abalone. So to the extent that we are asking
47 information for foreign-source aquaculture
48 products, we have to determine that we collect

1 that same information for domestic production.
2 And that is not within the NMFS' jurisdiction for
3 inland aquaculture or shore-based aquaculture.
4 So we are working to close those gaps with other
5 federal agencies and state programs to ensure
6 that we would have equal treatment.

7 We are seeking comment on this
8 proposal through April. The final rule is to be
9 published this fall. But one of the important
10 aspects that we're seeking comment on is the
11 timing that's necessary for the trade to come
12 into compliance. We've asked for comments on a
13 range of implementation time frames from 90 days
14 from filing to final rule to up to one year.

15 And we will also put out a notice in
16 April on a concept paper for trusted traders. In
17 other words, a trusted trader would have a
18 lessened requirement for reporting at entry --
19 basically their recordkeeping -- and they would
20 avail themselves of expedited release as well as
21 a lower inspection rate of audits or follow-up.

22 So that's the equal traceability
23 rules.

24 One other rule that we're working on
25 in the office is the Marine Mammal Protection Act
26 fishing important provisions. The Marine Mammal
27 Protection Act, Section 102(a) bans the import
28 fish products from foreign fisheries that use
29 commercial fishing technology which results in
30 incidental kill, incidental serious injury of
31 ocean mammals in excess of U.S. standards. The
32 Agency had been petitioned back in 2008 to ban
33 swordfishing imports if they came without proof
34 of effective marine mammal bycatch mitigation.
35 The Agency determined that we needed to do
36 rulemaking in order to implement the import bans
37 or import prohibition programs. So we started
38 that process in 2010 with an advanced notice of
39 proposed rulemaking requesting comment on how to
40 define U.S. standards and procedures for
41 evaluating foreign fisheries.

42 Due to unreasonable delay in the eyes
43 of the petitioners, we went to court. We had a
44 settlement agreement in response to that law
45 suit. And we agreed to a proposed rule coming
46 out in June 2015 and a final rule in August 2016.
47 We didn't make the date for the proposed rule,
48 but we did get it out in August of 2015. The

1 comment period has closed on that rule, and we
2 will issue a final rule in August of 2016.

3 The proposal had regulations to define
4 what U.S. standards would be in terms of marine
5 mammal bycatch mitigation and a process for
6 making comparability findings. In other words,
7 the standard we proposed was that the actions
8 taken in a foreign fishery are comparable in
9 effectiveness to the actions taken in U.S.
10 fisheries.

11 In the event a fishery is not
12 certified as comparable but other products from
13 different fisheries for that country would come
14 in. In other words, if we did not certify a
15 drift net fishery but they also had a longline
16 fishery that we did certify, we would have a
17 shipment-by-shipment certification from both
18 nations. And the uncertified fishery products
19 couldn't come in but the certified fishery could.

20 So that's how that rule works.

21 I'll note there's a five-year
22 implementation period with a two-year requirement
23 for a progress report on nations. So the first
24 step to implement this final rule would be to
25 identify a list of foreign fisheries for which we
26 are going to be making or seeking comparability
27 findings and put those nations on notice that we
28 need information about their marine mammal
29 bycatch mitigation program for those issues.

30 So we're out of time.

31 FACILITATOR BROOKS: Do you have
32 another slide to give?

33 DR. ROGERS: No, no. No slide. But
34 if there were questions on any of these --

35 FACILITATOR BROOKS: Yes. Definitely
36 want to leave a little bit of time.

37 Let's go right to Sonja. Why don't
38 you jump in here first and we'll work our way.

39 MEMBER FORDHAM: Is it going to work
40 at all?

41 FACILITATOR BROOKS: I would speak as
42 loudly as you can. Right now when they're all
43 blinking, that's not a good sign. It looks
44 really pretty, but not so good for hearing.

45 MEMBER FORDHAM: Sonja Fordham, Shark
46 Advocates International.

47 So we talked at the ICCAT meeting
48 about the comment period.

1 In case someone would like to have
2 rays added to the list of at-risk species -- the
3 slide doesn't have the exact date. Is it April
4 5th or 6th -- the comment period?

5 DR. ROGERS: Well, the slide doesn't
6 have the exact date. The comment period was to
7 end on April 5th. However, we've had some
8 requests for extending the comment period. So we
9 are looking into that.

10 MEMBER FORDHAM: So through April?

11 DR. ROGERS: Through early April. But
12 perhaps beyond the 5th at this stage.

13 MEMBER FORDHAM: Okay.

14 FACILITATOR BROOKS: Was that it?

15 MEMBER FORDHAM: Yes. Thank you.

16 FACILITATOR BROOKS: Okay.

17 George?

18 MEMBER PURMONT: Yes. In regards to
19 chain of custody, is it your design that it have
20 applications to the final consumer?

21 DR. ROGERS: The Presidential task
22 force did allude to that as the eventual
23 expansion of the program. However, the initial
24 phase, we do not consider that particularly from
25 the known perspective because we felt it was not
26 within our authority or purview to look at
27 anything beyond the entry process or import
28 products or anything beyond that point of first
29 landing of the Magnuson authority for seafood
30 products.

31 In large measure, that's a lot of
32 state and local requirements perhaps with
33 consumer protection agencies, things like that.

34 So yes, the recommendation of the task
35 force did contemplate looking into how the
36 information could be expanded -- information
37 collection and provision of that information
38 could be expanded to include the so-called net-
39 to-table approach.

40 However, this rulemaking is basically
41 saying at the point of entry into U.S. commerce
42 which would be a landing for a U.S. fishery or an
43 import for a foreign fishery which we are
44 collecting information.

45 MEMBER PURMONT: Thank you.

46 FACILITATOR BROOKS: Rusty. And
47 repeat your name, please, for our reporter.

48 MEMBER HUDSON: Rusty Hudson.

1 Chris, you and I have already talked
2 a couple of times about the sharkfin scenario.
3 With the recordkeeping bi-weekly reporting, is
4 that still in the process and then you have to
5 maintain the records for two years from the time
6 it is set for them?

7 DR. ROGERS: Well, the recordkeeping
8 and reporting part for domestic programs are not
9 affected by this ruling. So this is basically
10 saying that for an imported product, we want some
11 information on the harvest event and the
12 recordkeeping for the chain of custody linking
13 that harvest event through the product that
14 showed up on their doorstep that they want to
15 leak to the U.S. Commerce.

16 MEMBER HUDSON: I guess what I was
17 caught up in is the comment period that ended on
18 February 29th that the ITP --

19 DR. ROGERS: Right. For the ITP rule.

20 MEMBER HUDSON: Okay. So that's still
21 under your purview?

22 DR. ROGERS: That's under our purview.
23 As I said, the final rule will come out in July
24 on that.

25 MEMBER HUDSON: Okay.

26 FACILITATOR BROOKS: Dewey, then Scott
27 and then Pat.

28 MEMBER HEMILRIGHT: Dewey Hemilright.

29 Where do I find in recordkeeping under
30 imports the import into this country of gassed
31 tuna -- carbon monoxide or gassed tuna? Is there
32 a separate labeling for record of fish that's
33 imported into this country that's been gassed?

34 DR. ROGERS: Well, not under NOAA's
35 jurisdiction. We will work in our import amounts
36 program is based on the tariff codes. There's no
37 tariff code per se that identifies the process
38 under which the -- well, I shouldn't say that.
39 There are certain tariff codes which might split
40 out things like fresh or frozen or whole. So to
41 some extent, the tariff codes can be specific as
42 to some process that had occurred, but not with
43 respect to carbon monoxide or gassing of the
44 tuna.

45 However, FDA does have a more
46 extensive system to assess health risk of food
47 product coming into the country. And when you
48 make an entry of a food product, FDA has what

1 they call a Product Code to link to that.

2 I'm not familiar with gassing tuna.
3 Carbon monoxide treatment is listed in their Code
4 Builder. But if here is a health concern, it
5 certainly would be appropriate to contact FDA and
6 say we need to examine the extent to which these
7 products are coming into the U.S. market, and it
8 would be helpful to distinguish them.

9 So in the FDA Code Builder process,
10 you pick your commodity by type -- meat, fish, et
11 cetera -- and you kind of work your way down in a
12 classification.

13 So it includes both the species, type
14 of product but also the processing under which
15 that product -- because processing itself can
16 provide or contribute to a risk or mitigate a
17 risk as opposed to the product itself. So the
18 FDA code building system where you report on
19 what's coming in with that shipment includes both
20 a product type, a product processing component
21 and also a product packaging component. And
22 that's how FDA assesses risk for inspection of
23 inbound food products.

24 Again, I'll send you that link to the
25 FDA Code Builder website. If there's nothing
26 there about carbon monoxide treatment of tuna
27 products or other food products for that matter,
28 it might be well to raise that with FDA to
29 include that.

30 FACILITATOR BROOKS: I'm sorry.
31 What's the criteria behind your question?

32 MEMBER HEMILRIGHT: The whole argument
33 is if we bring in fresh, frozen and different
34 products, this is a treated product that is
35 treated outside of our country that's being
36 imported into the country. And I'm just trying
37 to ask a question where to find that because it's
38 millions of pounds. I was just wondering is it
39 labeled as tuna? I mean, it's a chemical
40 additive to fish. So I was just wondering is
41 there a slot that says chemically-added fish
42 imported into this country. And I'm just trying
43 to find out about that. Maybe I'll talk offline
44 with you more and maybe I can find out that
45 answer later on.

46 FACILITATOR BROOKS: Don't give up on
47 your mics. They do work periodically. So when I
48 get to you, give them a shot even if they're

1 acting up.

2 We are trying to get a handheld mic,
3 at least for the speaker which should help those
4 of you in the back.

5 Pat, you're up.

6 MEMBER AUGUSTINE: On the biennial
7 reports, on those that have been identified as
8 nations that have not met the requirements --
9 IUUs -- what is the typical penalty? Or are
10 there any other than notification?

11 DR. ROGERS: Under the provisions of
12 the act it's a very restricted set of
13 circumstances that allows us to identify it.
14 Basically, we have to have evidence that the
15 nation's vessels are participating in an illegal
16 activity.

17 For the most part, we rely on
18 information reported to regional fishery
19 management organizations -- IUU vessels for
20 alleged violations that are taken up and
21 considered at a higher level. To the extent that
22 we have that information, we will identify those
23 nations based on those particular vessels.

24 And then again under the status of the
25 Act, in order to address that situation, they
26 only have to address those particular vessels.
27 So it could be as simple a matter as revoking a
28 permit for the vessel that was identified.

29 However, in some of the amendments to
30 the Act, the Agency sought, and Congress did
31 provide, a broader authority to look at issues in
32 general, like how a nation's fleet is operated
33 rather than individual vessels. So in that
34 sense, it raises the bar if a nation was
35 identified for -- let's say -- nonreporting tuna
36 catches to ICCAT. It raises the bar in terms of
37 how they need to respond. They have to come up
38 with a better monitoring program as opposed to
39 just the -- dealing with those specific vessels.

40 FACILITATOR BROOKS: Scott?

41 MEMBER TAYLOR: Okay. So I don't want
42 to sound like the voice of doom because I don't
43 think that there's anything much more important
44 that's going on than the direction that this is
45 taking. Because at the end of the day, the
46 commercial viability of our industry for the HMS
47 products is no longer tied to what we do here
48 domestically. It's tied to what happens with the

1 imports that are coming into the country.

2 And the fact of the matter is we can't
3 compete. And it is not a level playing field.
4 And that my concern that -- and I think that I
5 could elaborate a little bit on what Dewey was
6 saying about -- and I can give you a specific
7 instance.

8 There was a rather large chain that
9 because of the tuna dynamic here in this country
10 stopped buying domestic tuna in all forms and
11 went to a product line coming out of the
12 Philippines. And one of their mandates was that
13 the product is not atmospherically modified. And
14 what we mean by atmospherically modified, for
15 those that don't know, is specifically CO, which
16 is carbon monoxide that's added primarily to tuna
17 products. It makes tuna red in appearance. Sushi
18 bars sell it as saku block, is how it's referred
19 to. And this particular producer was telling the
20 customer that it was packed in oxygen.

21 I happen to know the people that were
22 involved and know for a fact that they were
23 gassing. And so, when you are dealing with
24 third-world countries, their certificate is worth
25 about as much as a \$20 bill and a rubber stamp in
26 a lot of these cases, particularly as you go into
27 some of the more remote third-world countries.

28 So I was wondering if maybe you could
29 talk a little bit about what kind of follow-up
30 there's going to be other than just the paperwork
31 which is something that's easy for these people
32 to produce along with this product from the
33 countries of origin.

34 DR. ROGERS: The recommendations of
35 the task force were to deal with illegal fishing
36 and seafood fraud. So to the extent that a
37 product is being misrepresented, that's fraud.
38 But if the product is being properly represented,
39 and let's say FDA finds no issue with carbon
40 monoxide treatment of tuna products or meat
41 products for that matter, it's not an issue that
42 we would address directly.

43 But to the extent that the products
44 are being misrepresented as to what they are, how
45 they were acquired -- lawfully or otherwise --
46 how they are entered into the supply chain,
47 that's information that we will be collecting.
48 And based on audits, at least we'll have a better

1 chance of uncovering and getting the statistics
2 that Dewey was asking for as to how prevalent
3 these products are in the marketplace and shed
4 some light on it.

5 Whether or not the Agency, the
6 National Marine Fisheries Service, has the
7 authority to address that particular problem is
8 another question. So we may have to work on an
9 interagency basis again with FDA, Consumer
10 Product Safety Commission, other agencies that
11 may have an ability to address the fraud or
12 misrepresentation issue.

13 Basically from the National Marine
14 Fisheries Service perspective, it's a lawful
15 acquisition test that we're collecting the
16 information. But in so doing -- collecting that
17 information -- we are also getting a declaration
18 certification as to what it is and where it came
19 from. And that's where we uncover fraud and then
20 work with other agencies that have jurisdiction
21 to deal with it.

22 FACILITATOR BROOKS: And Scott, it
23 seems like your question is kind of chasing it
24 back up the chain to sort of if the documentation
25 is fraudulent, is there an effort to track that.

26 MEMBER TAYLOR: That's really I think
27 what the issue is, that anybody that has dealt at
28 all in these third-world countries are seeing how
29 things operate.

30 Ultimately our goal here is to get to
31 a level playing field. But if the way that we're
32 going about that is not verifiable, then there's
33 an inherent problem in what went on.

34 I didn't use the gassed example in
35 terms of having to track what gassed tuna was
36 coming in, more from a standpoint of just how
37 easy these certifications when you leave the
38 United States are to come by and what meat is
39 there really going to be to be able to provide us
40 the protection that Magnuson was supposed to
41 provide specifically to HMS, and the way that it
42 has been applied to us in certain areas, it also
43 has provided a level playing field for us.

44 And that's clearly from a practical
45 standpoint what has not happened because
46 otherwise I can tell you that Brazil sends \$3.00
47 a pound swordfish in here, or Costa Rica sends
48 \$3.00 a pound swordfish in here. I can't produce

1 it for that. My boats can't even leave the dock
2 for that.

3 So that inherently is not a level
4 playing field. So what my hope is that as part
5 of this rulemaking that the real issue, which is
6 the documentation because you've got to start
7 someplace -- I agree -- to provide that there's
8 at least a credible attempt made to level that
9 playing field, so to speak, is more than just the
10 paperwork and documentation coming in is what I
11 guess I'm trying to impress upon you.

12 FACILITATOR BROOKS: Let's take two
13 more comments on this.

14 Dewey, and then over to Terri in the
15 corner.

16 MEMBER HEMILRIGHT: Thank you. Dewey
17 Hemilright.

18 One quick thing about the follow-up
19 for the gassed tuna, I've been researching this,
20 looking over it for the last six months because I
21 have a few episodes where I thought I was eating
22 yellowfin tuna natural, and once I took one bite
23 and looked at it, it was gassed tuna.

24 And the labeling that's put out by the
25 FDA in my research is as long as it's in a
26 package, it has to be labeled chemically altered
27 or gassed or something. It has to be labeled.
28 Once you cut the package and put it out for
29 display, you can name it ahi, you can name it
30 whatever you want to sell it. So therefore,
31 there is the fraud.

32 And I would think that it would be in
33 the purview of National Marine Fisheries Service
34 and maybe part of FDA in cooperation with them to
35 look at this. Because it is alarming, the amount
36 of gassed fish that's being placed upon the
37 consumer that is not being told it's gassed. If
38 they boiled it in a labeled package, it would
39 have to be mandated that.

40 So that's something I'll follow up
41 with you afterwards. But it is getting more
42 prevalent. And it is to level the playing field
43 because you can take one or two pieces of wild-
44 caught natural fish and lay it beside the gassed
45 fish. In a few days, the wild-caught will be
46 looking brown at a higher price. And they will
47 buy \$1.00 a pound cheaper the beautiful piece
48 that never goes bad.

1 So that's something I think would be
2 a good thing. I'll follow up with you about
3 that.

4 But it is deception and fraud.

5 FACILITATOR BROOKS: Thanks, Dewey.
6 Terri, you get the last word on this
7 one.

8 MEMBER BEIDEMAN: Okay. Like some of
9 the other speakers, I have concerns towards a
10 place that's been involved in kind of watching
11 the system moving forward and am very supportive
12 of trying to hold other imports to the similar
13 standards of fishermen here in the United States
14 who are under every -- no.

15 I'll try again. However -- and I
16 applaud the effort and I look at it as a first
17 step because I agree with Scott that without some
18 teeth and some real follow-up to see if the
19 papers that you're getting are actually factual
20 or if they're just signing -- whatever -- it's
21 easy enough to buffalo. And owners can change,
22 and we've watched that kind of thing.

23 But of more concern to me at the
24 moment is this particular final rule. But I have
25 some real questions about comparability standards
26 because the standards that the United States
27 commercial fishermen are held to are zero
28 mortality rate goal.

29 So I want to know how. I mean, that's
30 what I really want to see. Is this real or is
31 this just window dressing? Because we're held to
32 a zero mortality rate goal. And anything short
33 of that, there is no comparability. And that's
34 just the way it is.

35 We have a very high bar. And to allow
36 other fish to come in and compete against ours
37 with a lower bar approved by you will be
38 unacceptable.

39 So, thank you.

40 DR. ROGERS: Just on that note, Terri,
41 you're absolutely correct. We do have a zero
42 mortality rate goal as the U.S. standard for
43 marine bycatch, kill or serious injury. But we
44 need to be flexible in what we will address, how
45 we will evaluate a foreign nation's fishery. In
46 other words, our zero mortality rate goal is
47 predicated on having a stock assessment in place
48 so we understand what the current stock status is

1 for that marine mammal species and also what we
2 call the potential biological removal which won't
3 lead to a decline in that population or allow it
4 to recover.

5 We also have flexibility domestically
6 with respect to implementing take reduction teams
7 to look at various ways of achieving that zero
8 mortality rate goal. As it contains in its name,
9 it's a goal. It's not necessarily an absolute.
10 We're constantly striving to get there. And the
11 take reduction teams sometimes go through a
12 stepwise process to constantly improve.

13 But it may be a situation in making a
14 comparability finding if the nation doesn't have
15 a stock assessment -- a covered stock assessment
16 -- but they take a step to let's say have a
17 closed season that effectively eliminates marine
18 mammal bycatch because the fishery is no longer
19 interacting with marine mammals during a feeding
20 migration or something of that sort.

21 It's that comparable ineffectiveness.
22 In other words, if a similar U.S. fishery had
23 achieved a certain reduction towards that zero
24 mortality rate goal and that foreign country can
25 demonstrate a similar reduction, that's what
26 would lead to a comparability finding. So it
27 doesn't necessarily mean identical to what the
28 U.S. has done, but comparable in effectiveness.

29 The real key will be that measure of
30 effectiveness is what they've done and what
31 reduction has been achieved.

32 FACILITATOR BROOKS: Thanks, Chris.
33 You're inherently comparing apples and oranges
34 here.

35 So Terri, did you want to jump in on
36 that? I just ask you to keep it a little bit
37 focused because we need to hand the mic over to
38 Randy.

39 MEMBER BEIDEMAN: I am a little bit
40 focused on this particular issue. I'm not
41 talking about nothing but what's on there.

42 And flexibility, I recognize. And I
43 would ask that we also be afforded the very same
44 similar flexibility. We've been suffering under
45 these regulations for quite some time.

46 So our market is important to us. We
47 won't be here without being able to sell our
48 fish.

1 Thanks.

2 FACILITATOR BROOKS: Fair enough. So
3 I mean, clearly interest in looking carefully and
4 seeing what we can do on the fraud front, both
5 farther up the chain of command gathering up
6 detail here and going with that to the country of
7 origin to see what the stock implications are.

8 And as Terri was saying, staying
9 focused on the comparability. Are we really
10 asking these foreign fisheries to meet the same
11 standards we are holding our fishermen to here.

12 So thank you very much, Chris.

13 With that, I want to hand it off to
14 Randy Blankinship who will talk about the FAO
15 Caribbean Billfish Project.

16 And thank you all for hanging in with
17 the microphones. We are -- flummoxed was the
18 word I was searching for.

19 MR. BLANKINSHIP: All right. My name
20 is Randy Blankinship. And I am going to provide
21 an update on the United Nations Food and
22 Agricultural Organization Common Oceans Program
23 Caribbean Billfish Project.

24 This presentation is intended to
25 inform you about an initiative happening at the
26 FAO WECAFC, or Western Central Atlantic Fisheries
27 Commission, concerning billfish in the Caribbean.

28 The United States government was only
29 recently involved in a workshop in November of
30 2015 where we wanted to learn more about this
31 initiative and at which advisory comments were
32 provided. This initiative has the potential to
33 be significant for U.S. constituents because of
34 efforts underway by the FAO WECAFC to convert to
35 a regional fishery management organization or
36 RFMO, as well as further defining its
37 relationship with ICCAT and roles within
38 countries around the Caribbean Sea.

39 As I present this information to you,
40 you may have questions or concerns, many of which
41 I'm not able to answer. And I may have to refer
42 you to FAO WECAFC for an answer. Many of the
43 questions and concerns that you have might be
44 shared with the U.S. government as well. And
45 nevertheless, we think it's important to share
46 this information with you all on this Caribbean
47 initiative.

48 This Advisory Panel last heard a

1 presentation about this initiative in September
2 of 2013 when the late Russell Nelson, then with
3 the Billfish Foundation, presented some of the
4 early work with WECAFC and many of the Caribbean
5 nations that were partnering with WECAFC to
6 develop the Caribbean Billfish Fishery Management
7 plan.

8 WECAFC has spearheaded this
9 international initiative with multiple partners
10 and had a series of events that have taken place
11 over the course of about the last four years or
12 so -- some of which are listed here and in a
13 following slide. They involved working groups on
14 recreational fisheries in 2012, some cooperative
15 work with the Billfish Foundation funding some
16 economic assessment studies in the Caribbean
17 nations and then also some workshops on
18 socioeconomic impacts in 2012, continuing with
19 the global environmental facility, areas beyond
20 national jurisdiction, stakeholder meeting with
21 the World Bank in February of 2013.

22 And then that followed in March of
23 2013, the first workshop on the preparation of a
24 billfish fishery management plan for the WECAFC
25 area. And that was held in Fort Lauderdale. And
26 it was shortly after that meeting that Russell
27 Nelson came and presented to this group.

28 That was followed by a period of time
29 in which assessments of economic impacts and
30 recreational fisheries in the Bahamas and
31 Martinique were taking place.

32 This work and its initiative has been
33 conducted independently of the United States
34 government and virtually independent of ICCAT.

35 WECAFC and the Billfish Project gained
36 momentum when they received about \$1.95 million
37 in funding from the World Bank. Following that,
38 WECAFC launched the project in March of 2015.
39 It's a three-year project. The project is
40 managed by the WECAFC office in Barbados. It
41 involves several partners in other organizations
42 that include the Caribbean Regional Fishery's
43 Mechanism and also OSPECSCA which is the
44 fisheries and aquaculture organization of the
45 Central American Isthmus, and then also the
46 Caribbean Fishery Management Council.

47 In addition, IGFA is a partner and
48 provides the Consortium on Billfish Management

1 and Conservation in Fort Lauderdale at their
2 headquarters. And this is a repository of
3 information on this project.

4 So there are several components to the
5 Billfish Project that are summarized here that
6 include generating value of conservation outcomes
7 through innovative management, strengthening
8 regional billfish management and conservation and
9 planning, developing the Consortium on Billfish
10 Management and Conservation at ICCAT, as I
11 mentioned, and then also developing pilot
12 projects or business plans to develop a
13 sustainable management and conservation for
14 billfish.

15 So this is a map of the WECAFC area.
16 It is the hatch area with diagonal hatching that
17 includes the area outlined in yellow or orange
18 and the area that is outlined in the blue there
19 off of South America. You can see it's a rather
20 large area. It encompasses portions of the
21 United States.

22 So that brings us to the recent
23 meeting or workshop that the United States
24 attended in addition to 18 other countries from
25 the Caribbean. This was the second regional
26 workshop on Billfish Management and Conservation
27 in Panama City, Panama. It was in the beginning
28 portion of November.

29 At this meeting, there were lots of
30 presentations about stock status, socioeconomic
31 issues, and also quite a bit of discussions of
32 rights-based approach of fisheries management.

33 At this meeting the draft management
34 measures that would constitute a billfish
35 management and conservation plan were developed
36 and also the selection took place of two
37 countries for pilot projects for demonstration of
38 rights-spaced management based on access to fish
39 aggregating devices or FADs. The two countries
40 that were selected were Grenada and the Dominican
41 Republic.

42 So this is a summary of the draft
43 management measures that are listed in the draft
44 management plan. They include the use of non-
45 offset circle hooks and longline and hook-and-
46 line commercial fisheries, a ban on exports of
47 billfish, the use of vessel monitoring systems
48 for highly migratory species fishery vessels,

1 also registration of commercial and recreational
2 fishing vessels to combat IUU fishing. And in
3 this case, this is referring to country-specific
4 registration, not necessarily IMO registration
5 which is another type of registration. Also the
6 collection and reporting of fisheries data,
7 improving management and governance around FADs,
8 and then also guidelines for the rating of
9 recreational gear in accordance with IGFA
10 regulations or guidance.

11 So the next steps for this project
12 most immediately are in relation to the draft
13 billfish fishery management plan which is
14 actually attached to the agenda on the web for
15 this meeting. So right next to the presentation
16 that I'm giving, you'll see there's a link to
17 this draft fishery management plan.

18 It is out now, and a comment period
19 extends through May 31. Comments on this can be
20 sent to the contact information that are on this
21 presentation. That's Manuel Perez Moreno with
22 FAO in Barbados.

23 Next steps aside from that are the
24 development of the pilot projects in Grenada and
25 the Dominican Republic. Those will be taking
26 place over the course of this next year. And
27 then the final project report will be presented
28 to ICCAT and OSPESCA and CRFM in 2017. And then
29 the final report presented back to FAO and WECAFC
30 in 2018.

31 So currently, WECAFC acts as a
32 regional fisheries advisory commission under FAO
33 constitution article 6 which means that it is an
34 advisory body. They are in the process of trying
35 to convert to a regional fisheries management
36 organization or RFMO. And that was discussed at
37 this second vote -- the second WECAFC Strategic
38 Reorientation Workshop most recently in December
39 2015. The news release for that is linked in
40 this presentation. So you can see more and read
41 more about it there.

42 Following that meeting, WECAFC members
43 are continuing to consider the costs and benefits
44 of the governance structure of shifting this
45 orientation. And then the next time that they
46 will be together discussing this subject is at
47 the June 2016 WECAFC meeting.

48 So for more information about FAO

1 WECAFC and the Caribbean Billfish Project, I've
2 provided a couple of links where you can go and
3 read more about that.

4 And then the final slide is just for
5 your information -- a list of countries that are
6 members to WECAFC.

7 And that concludes my presentation.

8 FACILITATOR BROOKS: Thanks, Randy.

9 We've got time for some questions for
10 Randy. Anybody? Ben?

11 MEMBER CARR: What do you define as a
12 large size? What is the cut off for
13 registration? For the large fishing vessel, what
14 defines a large size?

15 MR. BLANKINSHIP: So, yes, I'm not
16 sure what you're looking at. But the large size
17 is -- there is not a definition that I'm aware of
18 off the top of my head that would be under the
19 provisions of this WECAFC billfish plan. I would
20 be interested in looking at that myself.

21 Thank you for sharing that.

22 MEMBER PURMONT: Can you clarify what
23 the rights-based fishing management approach is?

24 MR. BLANKINSHIP: Sure.

25 As I understand it, the rights-based
26 fishing management approach for using access to
27 FADs is based upon the concept that many of the
28 Caribbean nations have FADs already established,
29 but they are tethered FADs attached to the
30 bottom. They're not free-floating. They are
31 used by commercial and recreational fishermen.

32 The concept is that in order to reduce
33 billfish mortalities that recreational anglers
34 would pay commercial fishermen to not fish on the
35 FADs and provide access for recreational anglers
36 to fish on the FADs using fishing techniques,
37 using circle hooks or other techniques that might
38 be lower in fishing mortality, and therefore,
39 providing better or at least as much economic
40 benefits for the commercial fishermen that
41 subsist off of the fishery around those FADs.
42 And that's the basic concept of that approach.

43 FACILITATOR BROOKS: Scott?

44 MEMBER TAYLOR: I fished down in the
45 Dominican Republic recreationally. And I've seen
46 the FAD fishery that's down there.

47 Just to put some background, I don't
48 know what the difference is between what the

1 commercial take is and the recreational impact
2 because the recreational guys share the fish with
3 the commercial guys that are there and that
4 anybody's that recreationally fished around the
5 FADs and whether or not it's Atlantic or Pacific,
6 the numbers of fish that are being caught around
7 these FADs demonstrate a substantial amount of
8 mortality by themselves.

9 So I'm not sure what the purpose of
10 this really is. I mean, it's interesting to me
11 that the Dominican Republic was one of the
12 countries used as the pilot program because the
13 FADs are prolific down there.

14 So I'm not sure that I'm understanding
15 what you're saying that the recreational guys are
16 going to use the FADs and compensate the
17 commercial guys?

18 MR. BLANKINSHIP: That is the premise
19 of the idea.

20 MEMBER TAYLOR: I mean, typically --

21 MR. BLANKINSHIP: And I share some of
22 your concerns or thoughts along this line as
23 well.

24 I think the idea behind where they're
25 coming from is that the amount of fishing effort
26 exerted by the local small vessel commercial
27 fishermen using techniques that might result in
28 higher mortality for billfish -- concentrating on
29 billfish -- that that would be offset by
30 recreational anglers catching and releasing the
31 fish.

32 MEMBER TAYLOR: I've got to respond to
33 that.

34 A commercial -- I mean, a top-notch
35 professional recreational team may catch 15 or 20
36 blue marlin around one of these FADs in a single-
37 day period. So the amount of interaction that's
38 taking place from the recreational side
39 regardless of whether or not they may be using
40 circle hooks or interacting with the fish is far
41 more dramatic in numbers from a place like Punta
42 Cana or in the Mona Passage than what the actual
43 commercial activity itself is going to be.

44 So it just seems to be an interesting
45 approach in which -- I don't know what the lesser
46 of the two evils are. I mean, the good thing out
47 of all this is that our billfish stocks seem to
48 be overall pretty healthy. I mean, I have not

1 heard much coming out of this panel in the last
2 couple of years about they're being any real
3 concern about the health of the billfish numbers.

4 MR. BLANKINSHIP: So one source that
5 you could look at is the SAFE report which has a
6 summary of the status of billfish stocks. And I
7 don't think I would characterize it the same way
8 that you did as being without any problems.

9 MEMBER TAYLOR: But you're also
10 talking about a recreational industry that the
11 number of reported mortalities that even the
12 recreational sector would admit to is not
13 necessarily reflective of what really is
14 happening, particularly at an international
15 level.

16 FACILITATOR BROOKS: A couple other
17 people are getting in the queue here. We've got
18 the microphones.

19 Andrew?

20 MEMBER COX: Just to comment, I'm
21 interested to see how the rights-based management
22 is going to work. They're all owned by co-ops
23 essentially. And a lot of the things that we
24 hear from the recreational standpoint is you're
25 fishing and in my garden and how that's going to
26 pan out is going to be pretty interesting.

27 I know that Cap Cana -- that marina is
28 taking fees from all the visiting boats and then
29 paying the commercial guys to leave them alone.
30 So if that's how this is all going to work out,
31 then it potentially has some validity to it.

32 To say that a recreational boat is
33 going to catch 15 in a day and give them all the
34 commercial guys I think is a false statement. I
35 think they may give one or two which happens.
36 But as we know, circle-hook fishing has a high
37 survival rate, post-release.

38 So there might be great interactions
39 and I want to fish with the guy that's catching
40 15 blue marlin in Dominican. I know it's
41 happening in Costa Rica. But in general, I think
42 it's going to be interesting how FADs are managed
43 -- recreational and commercial -- as they are
44 expanded through the USVI and Puerto Rico and so
45 on.

46 So I think it's a larger scale thing
47 that we all need to keep our eyes on.

48 FACILITATOR BROOKS: Marcos?

1 MEMBER HANKE: I was in the meeting in
2 Panama. It was a very interesting and if you
3 want to go to into the details, if any of you
4 would like to share some experience from that
5 meeting, it would be nice to talk about it.

6 But please correct me if I'm wrong,
7 but one of the intentions of this project is to
8 get the reporting the commercial fishermen are
9 not doing in those regions. And by this switch,
10 we're going to fix some of that. And trying to
11 conduct the fishery in a better way is a better
12 success on the release and on the way the fishing
13 is done.

14 And one question I have for Randy is
15 did Dominican Republic respond officially after
16 the meeting? Because it was not represented in
17 the meeting. Do you know anything about it?

18 MR. BLANKINSHIP: I don't know if they
19 responded. And I wondered the same thing. I
20 haven't heard anything about that specifically.

21 And Marcos did bring up a really good
22 point and to reiterate about that data
23 collection. And one of the things I noticed is
24 the draft plan that came out just a little over a
25 week ago actually does a better job of presenting
26 that as one of the areas for improved work. I
27 think better than what was actually presented
28 coming immediately out of the meeting.

29 So I think what that meant to me, at
30 least, is that I think that that shows that
31 WECAFC actually heard some of the comments that
32 we made during the workshop that we were really
33 kind of highlighting that, particularly because
34 that's an issue at ICCAT that has been
35 highlighted by the SCRS. And we kind of pushed
36 that during the workshop.

37 FACILITATOR BROOKS: Michael, you'll
38 get the last word on this one.

39 MEMBER PIERDINOCK: Is this just being
40 proposed within our borders or non-U.S. borders
41 because I am very disturbed to hear that
42 recreational fishing at the bay is a right to
43 access at the fishery. And I see your
44 delineation area here that includes U.S. borders,
45 and I hope that's not what's being proposed. And
46 it's being done by the countries that I can't
47 really comment on. But recreational fishing are
48 going to have to pay for the rights, I'm very

1 concerned. Could you please clarify that?

2 MR. BLANKINSHIP: So the WECAFC area
3 shown on the map and so the pilot project is what
4 is underway right now and is working in those
5 countries to develop a project along these lines.
6 So that's where this has the potential to be
7 implemented within the near future.

8 Outside of that, as I mentioned,
9 WECAFC is an advisory body of FAO. And there are
10 no implementation requirements of member nations
11 currently. Now if they are successful in
12 reorienting towards an RFMO, then that has the
13 potential to change some of those dynamics.

14 There's also the relationship with
15 ICCAT that still is to be worked out because the
16 WECAFC area is within the ICCAT area. So a lot
17 of those questions are things that I know the
18 U.S. government would want to continue to monitor
19 and see how they proceeded.

20 FACILITATOR BROOKS: Okay. Well,
21 thank you, Randy. And thanks Chris, to both of
22 you.

23 At this point, Carrie, if you want to
24 head on up here, we will switch to the Electronic
25 Bluefin Tuna Catch Document.

26 MS. SOLTANOFF: Hi. I'm Carrie
27 Soltanoff, and I will be speaking about the final
28 rule to implement the ICCAT eBCD -- Electronic
29 Bluefin Tuna Catch Documentation System.

30 To give a little background on the
31 system -- on development of the eBCD System --
32 ICCAT adopted a recommendation in 2010 to start
33 developing the system. And in 2013, the
34 implementation system for the system was set for
35 March of 2015. However, it later became clear
36 that the system wouldn't be fully developed to
37 meet that deadline.

38 And in October of 2015, we published
39 a proposed rule on implementation of the system.
40 And following the ICCAT annual meeting in
41 November, ICCAT adopted recommendations that
42 final implementation date -- for setting
43 implementation for -- can people hear me if I
44 yell -- setting an implementation date for May
45 2016 pending full functionality of the system by
46 that time.

47 So looking at the time line from that
48 point, we have been developing the final rule for

1 the system. We expect that final rule to publish
2 in late March, early April, which is around now.
3 And ICCAT eBCD technical working group is meeting
4 in April of this year to evaluate the
5 functionality of the eBCD system.

6 Following publication of the final
7 rule, we will be holding public webinars to train
8 users on how to use the system and those will be
9 held in late April and early May. And the
10 implementation date set by the recommendation
11 committee will be May 1, 2016.

12 So the eBCD system builds on the
13 paper-based bluefin tuna catch documentation
14 program that's currently in place. The system
15 will be required by HMS international trade
16 permit or ITP holders. It'll be required for all
17 imports, exports or re-exports of Atlantic
18 bluefin tuna.

19 eBCDs will be required to be validated
20 by a government authority in the exporting or re-
21 exporting country with a notable exception for
22 tagged fish in ICCAT countries where all bluefin
23 tuna for sale are tagged and meet the ICCAT
24 tagging standards.

25 The eBCD system is currently up and
26 running and available for use on a voluntary
27 basis. Prior to any implementation deadline,
28 it's available for training. And we would
29 encourage any dealers, ITP holders to get in
30 touch with our eBCD customer service to start
31 setting up their user account and start looking
32 around in the system. So this is the phone
33 number and email address that we have set up for
34 customer service.

35 Now I'm just going to briefly give a
36 look at a little bit of the functionality in the
37 eBCD system. If anyone's interested, I'm happy
38 to go through the system in more detail any time
39 during the meeting. Just look for me.

40 So here is the welcome screen and the
41 menu that users will see when they're logged into
42 the system.

43 Just briefly looking at the fields,
44 when someone is creating a new eBCD filling in
45 the vessel and catch information and filling in
46 the information for the tag number associated
47 with each fish in a catch. Once this catch
48 section is filled out, the user can continue on

1 to fill out a trade section if they are
2 completing an export. For imports, once a user's
3 company is identified as the importer for a
4 product, they'll receive an email notification
5 with a link where they can click on it and
6 directly go to the eBCD to view the information
7 and sign the document. And for re-export,
8 there's a function in the system to create a re-
9 export certificate.

10 Just to emphasize again that there's
11 the exemption for tagged fish. So if fish
12 meeting the ICCAT requirements for tagging, a
13 government party does not need to validate those
14 eBCDs. And so, users will just need to make sure
15 not to accidentally send those eBCDs for
16 validation because that will just take more time
17 on their end and the government authority.

18 This screen on the left is showing
19 what a completed eBCD looks like and on the right
20 showing what the current paper-based document
21 looks like just to show that the fields
22 information that the dealers are filling in is
23 the exact same information. The format looks
24 overall basically the same. And this document on
25 the left is filled out for an export to Japan.

26 So here again is the link to the eBCD
27 system. We're developing training and user
28 manuals which will be available on the HMS
29 website. We're again planning to have public
30 webinars in late April and early May. And those
31 details on the dates and the call-in, log-in
32 information will be in the final rule Federal
33 Register Notice and in the list serve notice.

34 And again here is the contact
35 information for the eBCD customer service for any
36 questions on using the system and for creating
37 user accounts and my contact information for any
38 questions.

39 FACILITATOR BROOKS: Thanks. Any
40 questions for Carrie on this?

41 Yes, please.

42 MEMBER MILLER: Thanks for your
43 presentation, Carrie.

44 Given the May 1st ICCAT deadline and
45 the 30-day cooling-off period from when a final
46 rule publishes to when it goes into force, by my
47 calculations that would mean it needs to publish
48 by Friday. So is that going to happen? And if

1 not, how will the U.S. comply with the ICCAT
2 deadline?

3 MS. SCHULZER-HAUGEN: We are neck-and-
4 neck and are in the final stages. I think there
5 is a chance we'll make May 1st. If we don't,
6 we'll be a few days behind. And that will just
7 have to be how it goes.

8 We've done our best. And I think
9 we'll make it. And if not, we'll be within a
10 couple of days. And all the training materials
11 and all of that will be out there and we'll do
12 full-court press on letting folks know that it is
13 a requirement. And Japan may be requiring it May
14 1st. So we'll get there.

15 FACILITATOR BROOKS: Thanks.

16 Any other questions or comments on
17 this presentation? Anything?

18 (No audible response.)

19 FACILITATOR BROOKS: Okay. Well,
20 thank you.

21 So we are about 15 minutes ahead of
22 schedule. So we'll got to break early, and we'll
23 reconvene at 3:45 and start diving into the
24 bluefin tuna management issues.

25 And let me just note, there were a
26 couple of topics mentioned early on that folks
27 wanted to have time to try to fold into this
28 meeting. Our thinking is that probably after
29 lunch tomorrow will be our best opportunity to do
30 that. So that's when we'll think we'll do that.

31 So with that, let's go to break. And
32 we will reconvene at 3:45.

33 Thank you.

34 (Whereupon, the above-entitled matter
35 went off the record at 3:27 p.m. and resumed at
36 3:53 p.m.)

37 FACILITATOR BROOKS: So we are still
38 working with boggy microphones, and our sincere
39 apologies. We are trying to hack away at that
40 and figure out what's going on, and then again we
41 have not succeeded in doing that yet.

42 But we'd rather have no microphone up
43 here, so speakers will be using this, and we've
44 also asked them when we get questions to repeat
45 the questions, so at least you all have plenty of
46 chance of knowing what the question was and then
47 hearing the answer.

48 So we will keep pushing at this and

1 we'll try to figure out a solution for tomorrow,
2 but right now this is what we've got for the rest
3 of the afternoon.

4 So we want to dive into the bluefin
5 tuna management discussion starting with a lot of
6 data, a lot of information that will be important
7 for all of us to take in and digest.

8 And before we go there though, I want
9 to hand the mic to Margo and just sort of let her
10 set the context for this conversation.

11 MS. SCHULZE-HAUGEN: Right. So we're
12 now into the first full year of implementation of
13 Amendment 7. I'll say a lot of measures came on
14 line January 2015, final monitoring with June,
15 and then the final trip level accountability of
16 January 1, 2016.

17 As far as this, we have a variety of
18 new, and the data streams coming in, sources of
19 information. And what we're doing here -- and it
20 is a lot of information. I know it's the end of
21 a long day.

22 But what we thought we would do is try
23 and give an overview of all the bluefin tuna
24 categories initially, and then we have more
25 detailed presentation on some of the Amendment 7-
26 specific implementation details.

27 We've been hearing from a number of
28 folks, a lot of how's it going, and what's the
29 data showing you, and things, and so we've tried
30 to keep track of all of those questions and have
31 the information here on the sides for you
32 tonight.

33 And we'd specifically like to do this
34 at the end of the day so that it'll give you time
35 to think about it tonight, maybe talk at -- the
36 bar or us at the bar, and then we'll come back
37 tomorrow, you know, but we'll come back in the
38 morning and have some more details in the form of
39 breakout discussions.

40 And so what we'd like here is to set
41 the stage and then give you that time to digest
42 it. It is a lot. I know it's a lot, but we've
43 got a lot to share. And so please bear with us,
44 and then we're really looking forward to some
45 very detailed discussions tomorrow.

46 FACILITATOR BROOKS: Good. And just
47 one other notifying process, so Brad will be
48 first and Tom will follow. I think Brad's sense

1 and Tom sense is that if they each, Brad will get
2 through his entire presentation first and then
3 we'll pause and take questions, and then we'll do
4 the same with Tom as well.

5 So it is a lot of material, so just
6 bear with us. We think that's probably the best
7 way to go. When we do get to the question and
8 answer and comment period, I'll repeat this at
9 that time.

10 We really want to encourage folks to
11 first of all really ask clarifying questions. We
12 have to make sure that we all understand the data
13 that's being presented. So -- including Brad,
14 right.

15 So we really need to make sure that
16 we're focused first on clarifying questions.
17 Once we kind of move through that I would like
18 people to also then think about and comment on
19 when you look at the data, when you look at the
20 trends, what are you seeing? What does it tell
21 you? You know, tomorrow we'll have time to jump
22 -- and so and what do we do about it?

23 But I think it's important that we
24 each understand and articulate what it is we see
25 when we look at these trends, because that will
26 help us understand why people are proposing
27 different approaches or reasons for concern.

28 So to the extent that we can first
29 focus on clarifying questions and then helping
30 people understand what it is you're seeing or
31 what you're not seeing. What data isn't there,
32 and therefore leaves you with questions.

33 So that's kind of the conversation
34 we'll have this afternoon, and I know that it
35 will be challenging for all of us around the
36 table not to sort of push to that final step, but
37 I think it will be helpful if we can have that
38 first and second level conversation.

39 So with that, Brad.

40 Mr. McHale= Thank you, Ben. So
41 normally I'm used to having about three or four
42 cocktails in me before I have one of these in my
43 hand and grace you all with my lack of singing
44 abilities, so maybe later on this week.

45 So as I mentioned, I have this
46 presentation that is really just kind of do a
47 very kind of cursory overview of what period of
48 time in 2015 and kind of looking at retention

1 limits, the harvest that stemmed from those
2 retention limits, et cetera, and then more of an
3 in-depth Amendment 7 kind of data will come
4 forward in Tom's presentation.

5 And then we'll break those up just so
6 it's not a death by PowerPoint experience. It's
7 death by microphone.

8 So for 2015 in review, and I'll give
9 each of these bullets a little more detail. It
10 was an extremely busy year not only for the
11 divisional staff but my staff as well.

12 In implementing Amendment 7, many of
13 you have gone troubleshooting, but also trying to
14 use some of the authorities that came through in
15 Amendment 7 to be flexible to what we were either
16 cares about or observing the data to adapt to
17 trends that we were seeing in the fishery.

18 And hopefully what that translates to
19 for my staff, myself and ultimately yourselves,
20 are you going to see some actions whether looking
21 at modifying retention rates or moving quota from
22 point A or point B.

23 So we get into a lot of that
24 information that relates to the recreational
25 fishery or the Angling category. We'll break
26 down what we observed in harpoon fishery, in
27 General category fisheries as well as the purse
28 seine fishery, and then I'll show some slides I
29 think you'll find you're familiar with that kind
30 of tracks some of the trends as far as the
31 performance of various fisheries.

32 And in keeping most of the longline
33 centric data which we'll, because of the new data
34 streams and the depth of all that information,
35 we'll keep that for our secondary presentation.

36 So just to make sure that your
37 eyesight has not yet failed -- it will now -- you
38 should have all received this sort of annual
39 summary report in our listserv where it's
40 actually legible versus of the back of the room
41 in 22 font.

42 The main intent that I wanted to
43 include in this report, if you will, is one of
44 the goals of Amendment 7. We're trying to figure
45 out, how do you optimize our various bluefin tuna
46 fisheries?

47 And one item that we've heard around
48 this table for almost as long as I've been here

1 is how can the agency ultimately better utilize
2 our Atlantic bluefin tuna quota where we're not
3 necessarily leaving fish in the water, but yet
4 we're maximizing the value of our quota space so
5 we're not having hundreds of metric tons going to
6 the bottom with regulatory or dead discards from
7 various fisheries.

8 And so the one thing I really wanted
9 to take away from this slide is that last year
10 when we combined our port landings as far as our
11 dead discards across all of the various user
12 groups, we're about 95 percent of our base quota
13 either harvested or caught.

14 And I'd like folks at some moment,
15 either over a glass of wine or beers to reflect
16 that to where we were about a decade ago. And
17 when at that point in time we had actually
18 caught, we were pushing into double digits of
19 percentages. We're talking ten percent harvest
20 rates.

21 And so just within that past decade
22 we've experienced a significant amount of change
23 in the fishery for the regulatory driven,
24 environmentally driven, what have you. But just
25 to make note of looking back over to where we
26 were at versus where we currently stand.

27 So to get into some more of the
28 details, a very busy year for my staff and
29 Margo's staff where using our ability to conduct
30 actions, so we actually had six individual
31 actions that modified retention limits, seven
32 actions that moved quota from point A to point B,
33 or in some cases from point B to point C.

34 We had two different actions that were
35 directly Amendment 7 related, one moving quota
36 around as per the provisions in Amendment 7,
37 where if the Purse Seine category had a certain
38 level of catch to modify their quotas and then
39 transfer, or shall I say move that unharvested
40 quota into a Reserve category to enable further
41 fishing opportunities in maybe some of the other
42 categories.

43 And then what we also had was the
44 modification of the overall bluefin tuna quotas
45 as per the ICCAT recommendation for the western
46 Atlantic bluefin quota had increased.

47 We experienced one closure last year
48 with the Trophy South category which has a very

1 small quota, and then we had two other
2 notifications in the sense where we had reached
3 our 25 metric tons set aside for our Northeast
4 Distant fishery that takes place in our offshore
5 pelagic longline fleet in the northeast, as well
6 as a separate action that had announced that the
7 Purse Seine category start date would commence on
8 July 6th.

9 So getting into a little bit more of
10 the detail of some of those quota inseason
11 actions and where it had come from and where it
12 went to, the first and foremost took place where
13 we used our authority to move our General
14 category of Atlantic bluefin tuna quota from the
15 December of 2015 time period, and move it upwards
16 in a year, so it could be combined with the
17 January 2015 season thereby kind of increasing
18 the allocation at the onset of the year.

19 And this seemed to work out pretty
20 well. Obviously the fish needed to cooperate to
21 be able to harvest that quota in full, but there
22 was about a 21 metric ton shift from the end of
23 the year to the front of the year, and a lot of
24 the motivation behind that action is you'll
25 recall is that the General category quota
26 snowballed throughout the year. So there was
27 still fishing opportunities late in the year that
28 weren't necessarily sacrificed as a result of
29 that.

30 In regards to the purse seine
31 transfer, there were 84, excuse me, 87.4 metric
32 tons that was actually transferred from the Purse
33 Seine category into the Reserve category that we
34 could then use our various flexibilities after
35 taking into consideration a number of different
36 items before we could move that to other places.

37 And in regards to those other places,
38 there was a transfer of 34 metric tons from that
39 Reserve category to the Longline category, so
40 that essentially equated to about one additional
41 fish per vessel that had qualified for IBQ.

42 There was a 40 metric ton to the
43 Reserve category in August, and apparently
44 whenever we conduct that inseason transfer that
45 is exactly when that harpoon fishery stops
46 producing fish. Because it's been two years in a
47 row now that on the date that we executed that
48 transfer that is when the last fish was landed by

1 that category.

2 So ultimately what we did is had some
3 other transfers kind of later in the year where
4 we moved 35 of those 40 metric tons as well as an
5 additional 65 from the Reserve category over to
6 the General category, and then later in November
7 we added 80 metric tons from the Reserve to the
8 General category as well.

9 So a lot of movement this year, a lot
10 of time put into the staff to actually execute
11 each one of these transactions. And so far for
12 2016, we've done that same December of '16 to
13 January of '16 transfer, which is slightly
14 increased because of that ICCAT rulemaking to
15 24.3 metric tons.

16 And then this year from the purse
17 seine to the reserve there was a shift of 101.4
18 metric tons again as per that ICCAT western
19 Atlantic quota increase.

20 So in regards to the recreational
21 fishery, one of the themes I also want to
22 continue through this presentation was to kind of
23 show what our retention limits for last year,
24 then ultimately what the catch was.

25 And so for last year for our pilot
26 vessels, you know, we had the January through
27 May, kind of one fish regardless of size, less
28 than 73 inches plus a trophy fish. Pretty
29 standard of how we manage that fishery each and
30 every year.

31 Then normally, as the months start to
32 warm up, we then introduce a liberalized
33 retention limit. And for the last couple of
34 years we've kind of kept a limit for the private
35 recreational fishermen, the Angling category,
36 versus the Charter/Headboat we've had two
37 separate limits.

38 And usually a more liberal limit on
39 the school-size fish for our charter/headboat
40 fleet primarily as an incentive to them going
41 book charters, whether or not that fish is caught
42 is always yet to kind of be seeded throughout
43 that retention limit, but that additional
44 opportunity can then drive folks to book those
45 charters.

46 And this is an item that we'll also
47 want to discuss how to manage this for '16 in one
48 of tomorrow morning's sessions.

1 And then again as I mentioned earlier,
2 we only had one closure in our trophy fishery and
3 that was for the southern area and that took
4 place in mid-June, and again we had a very small
5 quota associated with that.

6 So with those retention limits in
7 place, one of the things that I wanted to point
8 out is that we seemed to have produced pretty
9 well as far as landings go, in regards to our
10 largest size classes. One is the large school,
11 small medium, where we utilized about 97 percent
12 of the quota allocated to it.

13 That large medium, giant trophy
14 fishery, while we actually seeded that, that
15 again becomes very difficult to manage that one
16 right down to the dock because we're talking, you
17 know, for that southern area is 3.3 metric tons.
18 You're almost talking 20 fish.

19 So if there's a great weekend bite
20 somewhere that we're coming in Monday morning and
21 then having that knee-jerk reaction, and then
22 there's always somewhat of a little bit of a lag
23 time to get those announcements out.

24 But the one area also that we're
25 observed is that with our school-size category
26 fish we only harvested about 25 percent of that
27 quota. And again this is with the one fish for
28 the private folks and then two fish for our
29 charter folks.

30 And so again something to explore in
31 more detail tomorrow in how to manage this
32 dynamic to potentially better utilize the
33 recreational quota, but also to acknowledge some
34 of the effort concerns that we sometimes have is
35 when there is a bite and all of a sudden the
36 effort increases dramatically then so does the
37 catch.

38 And it always becomes one of these
39 things that's extremely difficult to manage while
40 it's happening given some of the reporting
41 mechanisms in place.

42 For the most part as far as where the
43 catch is taking place, you know, as well as the
44 size classes, it's pretty consistent with the
45 trends that we've seen in the last few years.

46 The one item that I want to bring our
47 attention to is that even though there was some
48 relatively poor, if you will, catches in that

1 school-size category, there were some signals of
2 potential, you know, size or year class kind of
3 moving through.

4 But we've got the data somewhat
5 limited, but I know that we've kind of gone to
6 this chart for a number of years to kind of
7 track, you know, the sizes of fish that actually
8 ultimately contribute to that recreational catch
9 and then how that impacts fishing opportunities
10 and those potential limits.

11 In regards to our commercial fishery,
12 again the number of different retention limits
13 throughout the year. We started off our winter
14 fishery in two giants per General category per
15 vessel.

16 For the heart of the season we had
17 upwards of four vessels, four per vessel, and
18 then finished out the year at three per vessel.
19 And then so far this year, and the winter fishery
20 has been set at three fish per vessel, and then
21 that fishery is set to conclude on March 31st,
22 which is Thursday.

23 In regards to our Harpoon category,
24 again we had two large medium as our kind of
25 bycatch, if you will. Again, most of the effort
26 there is directed at giants, but, you know,
27 trying to tell an 80-inch fish versus an 81-inch
28 fish we had that two fish kind of tolerance
29 limit, and but the vast majority of the harvest
30 there came in at giants.

31 And again, although that fishery
32 essentially ceased having landings in August
33 there, it officially closed on November 16th by
34 regulation.

35 So as far as what those retention
36 limits translated to the catch, so with the
37 general retention limit of two fish for the 2015
38 winter fishery we landed 31.4 metric tons, which
39 was about 74 percent of that December and January
40 combined quota.

41 For the harvest season June 1 through
42 November, we harvested 500 and just shy of 67
43 metric tons. In November and December we had one
44 little pulse of fish in '15, but it didn't
45 necessarily sustain itself all the way up through
46 the holidays, so we went out 16.6 in that last
47 kind of one month plus time frame.

48 But overall we landed about 130

1 percent of what the baseline quota would have
2 been had we conducted no inseason transfers, and
3 ultimately harvested about 95 percent of that
4 adjusted quota.

5 And then along the bottom what I
6 wanted to look at is with these various retention
7 limits throughout the year, what sort of
8 percentage of those vessels that had least
9 harvested one bluefin, how many were catching the
10 second one, how many were catching the third, and
11 ultimately the fourth?

12 And you'll see that the vast majority
13 is in that one fish category, and then those
14 numbers, you know, taper off considerably as you
15 get into that third and fourth fish --

16 In regards to our Harpoon category,
17 and again as I mentioned two large mediums and
18 unlimited on the giants as their daily retention
19 limit, the majority of the landings there were
20 giants this year.

21 There have historically been concerns
22 that if we were to liberalize that large medium
23 limits that then created an incentive to target
24 on the smaller and smaller fish that that would
25 lead to dead discards, if you will, fish that are
26 falling beneath that 73-inch mark.

27 But overall they had a successful
28 year, catching 113 percent of their baseline and
29 just over a hundred percent of what would have
30 been their adjusted quota at 43.6, and again kind
31 of trying to tease out the success rates of those
32 vessels with the multiple fish being landed both
33 at the large medium as well as at the giant
34 scale.

35 And here you kind of see a little bit
36 of a different pattern, granting there's only the
37 eight to 20 vessels that are participating in
38 this fishery.

39 It's a highly skilled activity, but
40 you can kind of see where whether it's three or
41 four giants those numbers are higher than what
42 the General category had experienced.

43 So, one item that was directly related
44 to Amendment 7 had to do with some new catch
45 reporting requirements for our handgear fisheries
46 as it relates to commercial landings.

47 And this is an area that I want to get
48 into a little bit more tomorrow as well because

1 it gets into compliance related issues and then
2 ultimately how we can utilize or be unable to
3 utilize this sort of information.

4 So with these commercially landed
5 fish, each one's reported to us by dealer, and so
6 each landing then I know about. So I know when
7 Rich lands a fish and I know what day it was and
8 I know his vessel and permit number. So in
9 essence, the requirement in Amendment 7 was that
10 Rich had to report that fish to us as well.

11 And as you can look in the table as it
12 pertained to the Harpoon category, there was a
13 hundred percent compliance. All those vessels
14 had reported their landings as well as their
15 discards to us, and so that's very successful.

16 There's a long way to go, I think, as
17 it relates to our General category fishermen.
18 Now granted, the number of participants is
19 exponentially larger.

20 The knowledge base of how in tune
21 these fishermen are is going to vary immensely,
22 but there is a significant room for improvement
23 here and something that my staff and I will be
24 looking at just to get the word out there, do a
25 little bit more outreach, but also to lead to
26 lean on you all to kind of work with your
27 constituent bases as you leave Bethesda to go
28 back and kind of spread this word is that
29 ultimately at any point in time I can spot check
30 and see who's violated this regulation.

31 And so we wanted more of an education
32 outreach awareness versus kind of getting and
33 talking to our uniformed -- and it's too easy to
34 be able to do so, something that we can work on.

35 Some of the other things that we
36 discovered in regards to some of the information
37 derived here were issues within the data as well,
38 so there's also just the education.

39 So for instance we had one harpoon
40 category vessel report that he had discarded 71
41 bluefin tuna on one trip. I said damn, you're
42 good, but not that good. Turned out he reported
43 the length of the one fish he did discard.

44 And so there's where you have user-
45 entered information there's always going to be
46 that quality control mechanism that comes into
47 play. We also experienced this with some of the
48 General category landings where folks have

1 reported their one fish that they landed, but
2 they reported it as a discard for whatever
3 reason.

4 So we're going back and looking at the
5 logic flow of that system and the complexity of
6 the questions that are answered. But, you know,
7 trying to get at this information is ultimately,
8 it can be utilized as more of a real live fire
9 exercise as far as what's taking place.

10 Shifting gears slightly to the 2015
11 purse seine fishery. So last year as per
12 Amendment 7, we established the strike data of
13 this fishery each and every year. We take in a
14 number of different aspects into consideration
15 when setting that date, but it does need to fall
16 between June and August.

17 And so last year we opted to start
18 that fishery after the July 4th holiday, and it
19 commenced on July 6th. As far as the retention
20 limits go, again there are folks more on giants
21 and have more of a tolerance limit on their large
22 medium bluefin.

23 We've discussed this around this table
24 for a number of years where we have in recent
25 history issued an exempted fishing permit,
26 thereby alleviating that 15 percent tolerance
27 limit trying to get at the same issue of how do
28 you reduce regulatory dead discards, but yet
29 balancing that with not creating an incentive to
30 target smaller fish?

31 And so for the most part, you know, I
32 think we've observed that that concern hasn't
33 necessarily played itself out in the last few
34 years as far as, you know, folks seeing their
35 effort on the smaller and smaller fish.

36 And as we look across, you know, the
37 last three years where we've seen overall
38 landings kind of remain relatively consistent but
39 yet with the exempted fishing permits those
40 landings have kind of gone up, but yet our dead
41 discards have gone down considerably, you know,
42 to the tune of, you know, on average a 67 percent
43 reduction, again solely based on that issuance of
44 the exempted fishing permits.

45 So granted, two years' worth of
46 information here, but something, you know, as
47 this fishery, if it were to continue, something
48 we'd want to look at so we're not forcing U.S.

1 fishermen to have to discard a product that could
2 come to the dock and be sold.

3 So another item that we've heard 86'ed
4 over the past few years is when you have multiple
5 gear types overlapping, especially as you're
6 looking at these handgear fisheries, say, versus
7 the purse seine fishery and the volumes of fish
8 that are coming to the dock and then entering the
9 marketplace, what sort of impacts do they have on
10 one another, and then ultimately how does that
11 then influence when we deliberate on when to
12 start the Atlantic bluefin tuna purse seine
13 fishery?

14 And so I know that there was a
15 campaign this year to lobby for a later start
16 date given some of the implications, almost on
17 price alone. There was also a campaign that if
18 the purse seiners do not harvest their quota it
19 gets taken away, so they should start early.

20 So pretty standard with what we
21 experience with bluefin tuna is that there's at
22 least two sides to every point. Usually both
23 have some level of merit, and then how do you
24 balance the two, which has given me all my grays
25 over the years.

26 So as we kind of take that into
27 consideration, we take in all the other different
28 determination criteria, the variation that takes
29 place in any year, how the categories are
30 proceeding, and then ultimately that last thing
31 that market impact due to oversupply.

32 And so what some of the HMS management
33 staff and George in particular played a strong
34 role in this, we wanted to kind of map this out
35 across the last few years to truly try to figure
36 out and quantify what sort of impact does the
37 purse seine fishing activity once it commences
38 have on the valuable, let's say, harpoon fish?

39 They're both extremely dependent upon
40 surface conditions, being able to spot the
41 schools at the surface, whether to throw the iron
42 into one or to encircle it with your net and then
43 purse that net and then bring that catch in.

44 And sure enough, what we've been
45 seeing and hearing has played out. Just as soon
46 as those purse seine landings hit the market,
47 there is a subsequent dive in the price value of
48 each of those fish whether it was a harpoon

1 landed fish, and so we've kind of been hearing
2 this market flooding aspect.

3 And there is a cause and effect. Now
4 it isn't the old effect, you know, one of the
5 other items that I know that we experienced last
6 year is we started to see the price of Harpoon
7 category fish taper off and a lot of that had to
8 do with more of the dollar and yen exchange
9 rates.

10
11 So there's multiple variables behind this
12 and it's not one smoking gun, but it's tough to
13 deny that we have a couple hundred fish hitting
14 the market that your one or two harpoon fish are
15 going to take a hit, and then ultimately the
16 value of that product go down considerably.

17 So, something that we had and will
18 continue to take into account as we figure out
19 when to start that purse seine fishery off for
20 the year 2016.

21 As far as looking at our landings
22 catch and quotas, again kind of similar trends
23 here from what we've experienced over the last
24 few years.

25 Overall catch kind of, or landings
26 increasing. Hence, overall catch is increasing.
27 That's played out with some of those General
28 category numbers I just shared, and then
29 ultimately the adjusted quota increasing more as
30 a result of some of the ICCAT recommendations
31 there.

32 As it relates to some of the 2015 dead
33 discards, so currently our methodology
34 extrapolating logbook and observe information is
35 staying at 143.7 metric tons. Granted, there's
36 this lag time, so that's the number that we have
37 available for 2014, but yet still remains the
38 best available.

39 Normally we don't have that revised
40 number locked down for another month, month or
41 two here, so that's currently underway. We'll be
42 sharing that number out as we have it available.

43 And so this is the combined longline
44 as well as any discards that we've seen or
45 observed in the various fisheries.

46 And some of these other bullets as I
47 mentioned regarding the website reporting and
48 some of the data nuances there, fish being

1 recorded as their length versus an individual
2 count.

3 And examining that avenue as far as
4 collecting the handgear information definitely
5 needs to be refined, as well as just to make sure
6 that the logic flow makes sense, then ultimately
7 how do we work with the constituency to improve
8 compliance such that information can be better
9 utilized.

10 Another chart pretty much should
11 demonstrate kind of what I've already explained
12 is we've got an increase in utilization of our
13 U.S. Atlantic bluefin tuna quota primarily in our
14 General category, but for as well as in the
15 Harpoon category.

16 And as we look at Angling, Longline
17 and Trap as well as the Purse Seine, we're then
18 relatively consistent, you know, back over the
19 last few years, and in regards to the geographic
20 area where these fisheries are being prosecuted,
21 again very similar.

22 Although the overall volume of harvest
23 has increased, the geographic areas remain
24 relatively consistent for the time frames that
25 they have over the past number of years.

26 So kind of teeing up some items for
27 tomorrow morning is that we'll be looking to
28 engage in discussions about how to establish our
29 recreational retention limits for >16, same with
30 play if they are General category, to entertain
31 any questions to meet or to refine our Harpoon
32 category tolerance limit on large mediums, also
33 to discuss some of the thoughts, concerns
34 regarding start dates of when that purse seine
35 fishery commences, as well as being open minded
36 to any and all other items that may pop up.

37 And as I mentioned earlier, most of
38 the pelagic longline and the other Amendment 7-
39 centric data, and again it's going to be in data
40 at the presentation, will come when Tom presents
41 next.

42 So I think at this point any questions
43 regarding, you know, the more of the directed
44 aspect we can field now before we kind of segue
45 to Tom's presentation and then we'll have more
46 time after that to really get into the data.

47 And then remind folks that tomorrow
48 morning we'll have the two greatest sessions to

1 really kind of sink our teeth into this once
2 we've had some time to mull it over.

3 FACILITATOR BROOKS: Great. Thanks,
4 Brad. And again let's start with clarifying
5 questions. Anything you didn't understand about
6 the information or want to know more about, so
7 let's, first to Dewey and then over to Rick.

8 MEMBER HEMILRIGHT: Yes, thank you.
9 Dewey Hemilright. In the presentation you were
10 talking about the compliance rate of 13 or 14
11 percent from the General category where they had
12 to do a call-in. Is that correct?

13 MR. MCHALE: From the website or call-
14 in, yes.

15 MEMBER HEMILRIGHT: You know, one way
16 you could fix that and make a hundred percent
17 compliance is that they have to give a number
18 where they reported to the dealer that they're
19 selling their fish to.

20 Similar to when I come in to unload
21 gillnet fishing, I have to give my VTR report to
22 the unloading where I'm unloading my fish at, at
23 the fish house. If I don't have a VTR report to
24 give to them I don't unload my fish.

25 So if you do that you'll probably have
26 instant compliance rate, maybe 99 percent, but
27 they won't be able to sell their fish until
28 they've checked it in.

29 Is that obtainable for something that
30 could be done through the dealers where they have
31 to give a number or a call-out or something to
32 the dealer, the dealer puts it in his report, so
33 therefore you've got a way to trace both reports
34 from potential other actions or something like
35 that.

36 MR. MCHALE: Yes. That's absolutely
37 an excellent suggestion. I think how we have it
38 arranged right now is that at least from the
39 language that we do have there they're reporting
40 the tag numbers.

41 So they're selling the fish, getting
42 the tag number from the dealer, and then coming
43 back into the system. But you're right. We lose
44 that incentive where we know that these other
45 programs, if that becomes a requirement whether
46 it's a VTR number or some number that needs to be
47 presented to the dealer before the monetary
48 transaction can take place that's absolutely

1 worthwhile to explore.

2 MEMBER HEMILRIGHT: It just seems a
3 quicker, simpler way because most of them are
4 selling the fish, probably a hundred percent of
5 them, so if you can't supply your dealer with a
6 number you don't get to sell your fish. So that
7 would be an easy way to quick compliance.

8 MR. MCHALE: Thank you.

9 FACILITATOR BROOKS: Let's keep going
10 to queue it again. To the extent that are
11 clarifying questions I'd love to take those
12 first. Rick?

13 MEMBER BELLAVANCE: Thanks. Brad, it
14 seems like, I was just curious if you had any
15 insight or any general knowledge about the
16 compliance rate for the Charter/Headboat category
17 for reporting their catches.

18 MR. MCHALE: So it's much easier to
19 get that, too, in regards to the commercial
20 catches, because again there's that dealer to
21 then verify the data too.

22 I know there have been a number of
23 different occasions where we've tried to verify
24 compliance with the recreational sector, so
25 recreational catch on the private angler as well
26 as the charter/headboat sector, because it's much
27 more difficult to verify that because what are
28 you verifying it against.

29 And so one aspect that we've done in
30 years past is we've looked at the MRIP program or
31 the MRFSS program or the Large Pelagics Survey
32 program to see if a catch would have to be
33 intercepted, and then ultimately is that
34 corresponding report.

35 And that's historically come back with
36 mixed results, because you have to assume one of
37 those data sets is the control. And, you know,
38 there's noise in each data set where the survey
39 methodologies aren't comprehensive.

40 And going back once again like 20, 25,
41 30 percent compliance rates when we've done those
42 and it's been some years back since we've done
43 it, so we've always known there's room for
44 improvement there, hence why survey methodologies
45 continue to unfold.

46 But in the commercial context here,
47 those charter/headboat captains fall underneath
48 the General category. Ultimately that's where

1 their quota, the fish are coming off that
2 particular quota, but I haven't teased out to see
3 based on the permit category what sort of
4 compliance we have but it's something we could
5 do.

6 FACILITATOR BROOKS: Let's go to Rich
7 Ruais then down to Terri and then up to Shana.
8 Rich?

9 MEMBER RUAIS: The mic's got fixed and
10 I didn't notice. Brad, if you could just, a
11 clarifying question on Page 19 of the
12 presentation. It wasn't clear to me on Page 19.
13 You had, I thought it was a chart where it showed
14 that there was a 1,060 sets observed in the
15 pelagic longline fleet, and that was the lowest
16 level in the last -- am I working off of a
17 different --

18 MR. MCHALE: You've preempted Tom.

19 MEMBER RUAIS: Oh.

20 MR. MCHALE: So table that one and ask
21 it in about 40 minutes.

22 MEMBER RUAIS: Oh, okay. Well, be
23 prepared for that technical question. On the
24 general categories since a few people have
25 mentioned it's a very low rate, clearly we, the
26 ABTA and a number of others, did a poor job of
27 getting the word for one thing and that certainly
28 contributed to it.

29 The second that people should know of
30 was we did have the problem where the phone
31 number given to the fisherman was at an office
32 that closed at 5 and didn't have a recording
33 machine and couldn't leave a message. And a lot
34 of fishermen in the General category in
35 particular come in much later than 5 o'clock.

36 So it might have been you could have
37 used a satellite phone or something, but I mean
38 the bottom line was that's just something we have
39 to work on to smooth over.

40 One of the thorniest issues I think
41 we're going to have to deal with tomorrow is the
42 whole issue of, you know, almost impossible
43 reconciliation of the conflict to the purse seine
44 fishery coming at the same time as the harpoon
45 fishery no matter what the volume of fish in some
46 cases.

47 They're both visible -- and George
48 Purmont is here. He can advise. He can help

1 with, you know, explain this that something has
2 changed in this fishery. People that have been
3 around for a long time know that we had fish on
4 the surface, that we had trolling on the surface.
5 We had purse seining on the surface and we had
6 harpooning on the surface well into September in
7 some years and now we don't have it.

8 It just, as you say, when we give them
9 a couple of tons, the second week in July it's
10 gone, it's over. And it's like a clock, you can
11 turn it off. You just can't harpoon and you
12 can't seine anymore after that period of time.

13 And even trolling, everybody's on the
14 hook. I mean that's just the way it's got to be,
15 so how that's going to be done.

16 But it's also I just wanted to make it
17 clear that it's also not just simply one user
18 versus the other. It's the whole issue. You
19 mentioned the end-all. That's one good issue.
20 The other one is the world supply of tuna and
21 there's the quality of the supply coming from
22 various areas right now.

23 I learned in Monterey Bay, the
24 symposium that, you know, the supply now between
25 Mexico, the farms, Kinki operation going on from
26 egg to 40 pounders and bigger is just monstrous
27 and growing, and that supply is what is going to
28 continue that way, a recondition on fish. So
29 anyway we'll get into more of it tomorrow.

30 MR. MCHALE: Yes. And later this
31 afternoon after Tom as well, we'll have time to
32 get into it.

33 MEMBER RUAIS: Okay. Thank you.

34 FACILITATOR BROOKS: Terri.

35 MEMBER BEIDEMAN: And I know you
36 brought this up, Brad, but I just wanted to, it's
37 in the really fine --

38 FACILITATOR BROOKS: Sorry, Terri.
39 Can you speak up? We're losing you again.

40 MEMBER BEIDEMAN: I'm sorry. Okay.
41 With regard to our normal estimating methodology
42 for estimating U.S. dead discards from our
43 fisheries that have regulatory discards that the
44 very good likelihood is that this is an
45 overestimate.

46 I just kind of want to put a
47 placeholder in there. I know when we come to the
48 spring meeting we almost never have the proper

1 number and we use a proxy.

2 But given that 2015 was a new day so
3 to speak that there's a very good chance because
4 we're required to, you know, retain dead discards
5 that our dead discard estimate of whatever is
6 going over the side should be much reduced.

7 And on the same page actually,
8 interestingly, did you ever resolve exactly how
9 many dead discards were reported? It says 85 and
10 that was an error. Did you actually get a number
11 that was correct after you verified that there
12 was mistakes?

13 MR. MCHALE: That quality control is
14 still ongoing. We weren't able to complete it
15 before the meeting itself, because ultimately
16 that requires calling 85 different fishermen to
17 verify. Then in addition, where we just didn't
18 want to know was that fish landed or discarded
19 but then trying to get at some of the what they
20 experienced when they did report it.

21 Did they do it through the web? Did
22 they do it through the phone? Do they recall,
23 you know, trying to get where the human error is
24 creeping in so then that could help influence us
25 as far as if we we're to do some sort of redesign
26 as an example. So that's still ongoing.

27 MEMBER BEIDEMAN: Okay. Well, thanks
28 a lot. It's encouraging to see progress, albeit
29 slow.

30 FACILITATOR BROOKS: Thanks, Terri.
31 I've got a few people in the queue
32 here. We'll go to Shana, then to Rom, Pat,
33 Marty, George and Tim. So Shana, you're up.

34 MEMBER MILLER: Thanks, Brad.
35 Following up on Terri's question, I agree
36 hopefully that the dead discard numbers will be
37 quite a bit down for 2015. And understanding
38 that the extrapolated estimates aren't available
39 yet, do you have the VMS reported estimates of
40 dead discards for the longline fishery?

41 MR. MCHALE: Stay tuned for Tom.

42 FACILITATOR BROOKS: Good. Rom.

43 MEMBER WHITAKER: Yes, Rom Whitaker.
44 I had a short one. First of all, thanks, Brad,
45 for this report. It's very much more precise
46 than what we had been getting.

47 But my only concern, question really,
48 is it has a little bit to do with Terri said. I

1 just wondered why the dead discard, why that
2 information is so hard to capture when observers
3 and these guys longlining tell me they have to
4 have the reports in quickly, six or seven maybe
5 hours, I don't know. But I know they're --

6 PARTICIPANT: Twelve hours.

7 MEMBER WHITAKER: But anyway, I'm just
8 wondering why, you know, why we don't know that
9 number now, I guess my question.

10 MR. MCHALE: Sure. All right, so for
11 those that didn't hear Rom because the microphone
12 cut out is why don't we have a 2015 dead discard
13 estimate yet in hand? And so there's a couple
14 different layers to that.

15 So one is, you know, Terri, I think
16 you used the word normal. I could use the word
17 official methodology for reporting our dead
18 discards to ICCAT is looking at the logbooks that
19 are submitted by the longline vessels and then
20 using the observers, and then there's an
21 extrapolation process. Oversimplified, but
22 that's the official methodology.

23 And so there is a lag time of when
24 those logbooks kind of go through their quality
25 control process by the agency staff down in Miami
26 that it's their duty to just deal with the
27 logbooks alone. So then we compound that with
28 then you need to do the extrapolation process
29 there are some lag times with that official
30 methodology.

31 Now what I also heard you jump there, Rom,
32 is saying that well, what the hell did Amendment
33 7 do? Well, one of the things is, yes, there is
34 the VMS reporting requirement.

35 And I think, Marty, as you clarified
36 there is each vessel is required to report the
37 number of bluefin tuna they've interacted with in
38 a given setting and 12 hours after that setting.
39 Again, stay tuned for Tom. There are other data
40 streams as well. There's the electronic
41 monitoring and what have you.

42 One of the key elements that I want to
43 make sure that we all walk away from this table
44 with is that we're not necessarily placing the
45 official methodologies with what came online in
46 Amendment 7. We're not unplugging one system and
47 instantly plugging in the other.

48 What we need to do is run both in

1 parallel to verify the accuracy of how's the
2 compliance with VMS? And we heard around this
3 table last fall and the spring before that and
4 the fall before that and the spring before that
5 and the fall before that that there are issues
6 with the VMS units, and whether or not catchers
7 are able to comply based upon some of those
8 technical issues that we knew as having existed.

9 And so there's this balancing act of,
10 okay, there's the lag time with the official
11 methodology, but then there's also the needing to
12 build up the data. VMS is the prime example.
13 You're going to use the example you chose, well,
14 then how do you then run that in parallel to see
15 how they map up?

16 And where the VMS requirement you have
17 one year's worth of information to date, and we
18 can and are doing those comparisons. It'll take
19 a little bit more time before I think we have the
20 confidence that if we have the VMS data in hand
21 that it is an accurate reflection of exactly the
22 same data that's happening through that logbook
23 data.

24 FACILITATOR BROOKS: I've got four
25 more people who want to jump in on this, and then
26 I want to hand the mic to Tom because he's got a
27 lot to get through and we definitely want to hear
28 that today before we adjourn, so Pat, Marty,
29 George, and then Tim. Pat.

30 MEMBER AUGUSTINE: Thanks for the
31 report, Brad, very good. My name's Pat
32 Augustine. Question on the Angling category, as
33 this last year an anomaly where they only caught
34 20 percent or, I thought in the last several
35 years we've been pretty much below 50 percent.
36 Am I wrong with that or --

37 MR. MCHALE: I wouldn't necessarily
38 classify it as an anomaly, Pat. You know, it
39 does vary in given years. But what we kind of
40 have seen as a trend of, our term's under
41 performance where we've kind of set retention
42 limits and yet especially in that school-size
43 category that, you know, whether it's
44 availability, whether the retention limit was,
45 quote unquote, too restrictive, there's a number
46 of things that play where we kind of come in shy
47 of that allegation.

48 MEMBER AUGUSTINE: Yes. Basic concern

1 that I see is that trend keeps increasing. And
2 if I look at the other side of that the number of
3 charter boats have gotten, charter boat trips
4 have dropped off dramatically because of the bag
5 limit.

6 And when you have a one fish or two
7 fish bag limit, to get a six-pack to go out and
8 run 50 miles offshore, particularly I'm talking
9 about our south shore and sometimes they're in
10 close but mostly they're not, you know, it's
11 about \$1400. And so it's had a very severe
12 economic impact on those folks.

13 So I'm just wondering when you're
14 looking at 2016, whether you look at a higher
15 number earlier in the season and because you have
16 the ability to make adjustments very quickly, if
17 those periods that we're moving too close into
18 the quota and just coming back to one or two. By
19 that time maybe the schools, not schools will be
20 in, but the mid-size fish will be in.

21 But it just seems that we've had that
22 occurring now for two or three years. And again
23 everything that's happening with inshore
24 fisheries through AS advocacy and so on, all
25 those stocks are under the gun and now we're
26 having problems here on the bluefins coming back
27 a little bit.

28 But again when we see the total
29 overall economic impact on what's happening with
30 the charter boat guys who have been in the
31 business for their whole lifetime, and now it
32 looks cutting papers or cutting quota, it's kind
33 of scary. Boats are just laying fallow here and
34 there.

35 So if there's any opportunity to take
36 a look at a greater quota early on in the season,
37 at least they'll get out there, the opportunity
38 to fish as opposed to one or two fish. Thank
39 you.

40 MR. MCHALE: Let's get into that a
41 little bit tomorrow morning, and we can just get
42 into those items a little more.

43 FACILITATOR BROOKS: That's exactly
44 where I want to go tomorrow, so let's stop with
45 that. Marty.

46 MEMBER SCANLON: I'd like to start off
47 with a question. I thought under A7 that in the
48 General category, aside from this electronic

1 reporting by the General category, they just
2 posted logs. They were required to do logbooks?

3 MR. MCHALE: No.

4 MEMBER SCANLON: That was scrapped?

5 MR. MCHALE: Actually I'd have to go
6 back to the proposed rule to see if we actually
7 proposed that as an alternative. I don't recall.
8 I don't think so.

9 I think the proposal was that they
10 have to either call in or go to the website to
11 report their catch, similar to what we have in
12 place for the recreational fishery versus a
13 logbook like the longliners have been doing.

14 MEMBER SCANLON: My other question is
15 this. After looking at this, this chart here is
16 pretty shocking to me that --

17 FACILITATOR BROOKS: Which chart are
18 you looking at, Marty?

19 MEMBER SCANLON: -- basically you see
20 in the general category you had 86 percent
21 noncompliance. In chart number, in 13. You have
22 86 percent noncompliance in this program here.

23 I know the pelagic longline category
24 has to report their interaction with bluefin
25 within 12 hours. I mean, this isn't just an
26 oversight when you're talking 86 percent.

27 And the shocking thing is, is that you
28 made three dispersals to that category in a year
29 that came from a hundred percent observed
30 fisheries, these purse seiners, and at the
31 expense basically of the pelagic longline who's
32 had a choke species.

33 And you just continue to disperse
34 quota to them and you had to know that they were
35 being noncompliant. How could that possibly be
36 going on? How could you just be dispersing quota
37 from a hundred percent observed category to a
38 category that's 86 percent noncompliant?

39 PARTICIPANT: Can I make a point of
40 order on that? Can I just make a point of order.

41 FACILITATOR BROOKS: Hang on one
42 second. Let me just say, so that's not a
43 clarifying question. It's a good one; it's
44 instructive. It's an interesting question.

45 MEMBER SCANLON: I haven't got an
46 answer either.

47 FACILITATOR BROOKS: So, and I'll give
48 you a second in a second or two. But let me just

1 note that I think that's, to take that comment
2 and put that to tomorrow's conversation, the
3 question is should there be some consideration of
4 whether or not compliance and compliance rates is
5 linked with whether or not additional quota
6 should be given?

7 So I think that's kind of the question
8 from a policy perspective that we should chew on
9 tomorrow. So hang on a second, Brad.

10 MEMBER RUAIS: If I could just add to
11 that. We have, in the General category you're
12 trying to, Marty, and I understand the
13 frustration.

14 You're trying to compare the
15 requirements to the Longline, which are
16 incredible and burdensome, against the
17 requirements of the General category.

18 But we're achieving the same thing in
19 the General category except that the burden falls
20 to the dealer. Within 24 hours he has to fax,
21 physically fax a logbook card, if you will, into
22 the agencies within 24 hours.

23 And then on a two-week basis he has to
24 submit another report to the agencies. So it's
25 not like nobody knows what's going on in the
26 General category. We have weekly daily updates
27 if necessary.

28 MR. MCHALE: And to follow then what
29 Ben said, let's get into that tomorrow because
30 there's legitimate concerns on either side of
31 that. We haven't looked to see what the
32 compliance rates are with the VMS reporting yet.
33 Again, stay tuned to see Tom.

34 But there's merit on all sides, and so
35 we can get into, you know, what we set up for the
36 Purse Seine category.

37 MEMBER SCANLON: Can I have one more
38 question?

39 FACILITATOR BROOKS: Actually, Marty,
40 I'm going to let you hold on, okay. We've got a
41 couple of people want to get in, and then we've
42 really got to make sure Tom's got a good run at
43 his presentation because we need to hear that.

44 So, George.

45 MEMBER PURMONT: Thank you. Brad,
46 nicely done, very nicely done, and Rich, I
47 appreciate your comments. Shock therapy never
48 worked for me, thanks. There was a conversation

1 at one time about the leasing quota of one
2 category specifically to another?

3 Did that happen and how would it apply
4 to landings would be a question. And the second
5 question I would have would be a different arena.
6 There seems to be a paucity of information
7 involving juvenile fish.

8 Is there any active, non-fishery
9 dependent study proposed so we can better
10 understand this animal that only can we possess
11 one per boat per day?

12 I mean, you're never going to get any
13 science if there's no incentive to catch the fish
14 if you're only allowed one in your possession per
15 day. So it seems to me that the success of
16 whatever management you come up with has to be
17 backed up by improvement, so it's a familiar
18 theme in this.

19 MR. MCHALE: So seeing previous
20 comment, see Tom. The issue was actually
21 regarding the leasing that had transpired last
22 year. Tom has information in his presentation.

23 In regards to, you know, science,
24 harvesting of the younger fish, a little bit too
25 much there to chew on to knock out in the 30
26 seconds I have here.

27 So we can discuss it again a little
28 bit more tomorrow after Tom's presentation,
29 because I know there have been even some
30 international efforts of how do you get tags out
31 on x number of thousands of fish, and then it's
32 just very problematic with the availability of
33 those fish and the infrequency and the quota
34 management and everything that kind of goes along
35 with it. We can get into that when we have a
36 little bit more time.

37 MS. SCHULZE-HAUGEN: Yes, just to that
38 point, there is a study going on that maybe I can
39 connect you, George, with Dr. Diaz here. We can
40 talk about the study maybe off line.

41 FACILITATOR BROOKS: Great, thank you.
42 Tim, you're going to get the last word and then
43 over to Tom.

44 MEMBER PICKETT: Just quick, Brad, on
45 Page 17, just the price data. Everyone's done a
46 really good job addressing most of the questions
47 I have. Do you have price data for all of the
48 user groups and just is that data available

1 somewhere just for perusing?

2 MR. MCHALE: Yes, I have it. And
3 we're able to release it publicly in an
4 aggregated format, but it's a requirement for, as
5 Richard mentioned each dealer's sending us in,
6 you know, not only a landing report but whether
7 it's a longline, a purse seine, a harpooned fish.

8 They're also required, the price that
9 that fish ultimately sold at per pound. So we
10 reflect that.

11 MEMBER PICKETT: That'll be available
12 at some point or just --

13 MEMBER RUAIS: It's on Page 106 on the
14 report.

15 MR. MCHALE: So yes. We can talk off
16 line, depending on the resolution of how you're
17 slicing and dicing it, yes. We have that
18 information and it is available in a couple of
19 different formats already.

20 FACILITATOR BROOKS: Good. Thank you.
21 A lot of helpful questions there and not
22 surprisingly pushing to some topics, potential
23 areas for us to explore and we'll dive back into
24 those in detail tomorrow.

25 Tom, it's yours.

26 MR. WARREN: My name is Tom Warren. I
27 just have a few pictures, I'm not sure what
28 you'll think once you see them. Seriously, I'm
29 here to provide an update on the Pelagic Longline
30 Fishery in 2015 and the status of the
31 implementation of the pelagic longline aspects of
32 Amendment 7. And let me know if this volume
33 level needs to be up or down or more clear. Up a
34 little? Got you. So, to refresh your memory
35 with respect to some of the Amendment 7
36 objectives, before I get into the meat and
37 potatoes of the data, I'll give a brief thumbnail
38 summary of Amendment 7 and some of our
39 implementation efforts and successes.

40 Some of the high-level principal
41 objectives are continuing to prevent overfishing
42 and rebuilding the western Atlantic bluefin
43 stock, maximizing bluefin bycatch, continuing to
44 operate within the TAC set by ICCAT, and
45 optimizing the harvest of bluefin quota. And
46 Amendment 7 attempted to do this by reallocation
47 alternatives which were implemented, that
48 reallocated quota and also provided more

1 flexibility amongst the various quota categories.
2 Reduce dead discards of bluefin tuna, this is
3 done principally through the individual bluefin
4 quota program in Amendment 7. And enhanced
5 reporting and monitoring of commercial
6 requirements, including the lower end category.

7 With respect to some of the point
8 elements and measures of Amendment 7, there were
9 those that allocated among the different quota
10 categories and these reallocation measures
11 affected all of the quota categories. There were
12 those measures principally focused on the
13 longline fishery that made substantial changes to
14 how this fishery is managed, including gear
15 restricted areas, Cape Hatteras and the Gulf of
16 Mexico, the Individual Bluefin Quota Program,
17 electronic monitoring, there's cameras and
18 associated support equipment, as well as vessel
19 monitoring system reporting of bluefin catch.
20 And then as we discussed briefly, the online
21 reporting for commercial handgear categories, as
22 well as the adjustments to the General and
23 Angling quota management, harpoon retention
24 limit, et cetera, that Brad referred to.

25 Again, so Amendment 7 did impact a
26 whole variety of commercial categories, but
27 focused on pelagic longline fishery. As you are
28 aware, 2015 was indeed a year of many
29 transitions. Amendment 7 was effected in three
30 phases. The first, last January, January 2015,
31 most measures were amended, however the
32 electronic monitoring requirements, the video
33 cameras, was delayed until June 1 to provide time
34 for vessels to actually install these systems.
35 And then, January 2016, a full trip level
36 accountability in the IBQ program was
37 implemented. And some of these details I will
38 get into more later. The U.S. baseline quota for
39 bluefin was increased, as Brad mentioned, as well
40 as the numerous in-season actions.

41 So, definitely a lot of actions taking
42 place, a lot of challenges for both the fishing
43 industry, as well as NMFS. So, part of A7 was
44 determining whether specific Atlantic longline
45 tuna permits were eligible for shares or
46 percentages of the longline quota. And so, as
47 part of this determination, because we're making
48 this determination based on historical

1 information, permit holders were provided an
2 opportunity to contest this very important
3 decision.

4 Subsequently, 13 permit holders
5 requested reconsideration, essentially an appeal,
6 and one initial Administration Decision granted
7 this appeal and 12 were denied. And then the
8 next step in this process for folks who were
9 denied under this Administrative Decision, three
10 of those folks filed formal appeals with the
11 National Appeals Office, which subsequently
12 upheld NMFS's initial determinations. There was
13 litigation based principally on the economic
14 impacts of Amendment 7 based on some statutes and
15 the court recently granted a Summary Judgment for
16 NMFS on March 21 resolving that litigation.

17 An important aspect to remember of the
18 Individual Bluefin Quota rules were that there
19 were very different rules in effect for 2015 in
20 contrast to 2016. Both years, the common
21 denominator was all bluefin retained or discarded
22 must be accounted for in the online system. And
23 folks were very diligent and compliant with that,
24 for the most part. In 2015, however, although
25 folks did account for this catch, they were able
26 to continue to fish regardless of the amount of
27 quota they had in relation to catch on a
28 particular trip.

29 So, there was no minimum amount of
30 quota to fish and even if a vessel went into
31 quota debt, essentially using up all their quota
32 and owing quota, they could still fish, but this
33 quota debt did accrue throughout the year and
34 vessels were accountable at the end of the year,
35 essentially, accountable to balance the books or
36 the quota would carry over. Vessels did account
37 for their quota, in fact, by leasing additional
38 quota and, at the end of the year, all but one
39 vessel was basically in the black.

40 In 2016, by contrast, there is a
41 minimum amount of quota required to depart on a
42 fishing trip, 276 pounds in the Atlantic and 551
43 pounds in the Gulf of Mexico. This larger amount
44 is in consideration of the larger average size
45 fish in the Gulf of Mexico. So, again, if a
46 vessel has a quota debt, they cannot depart on a
47 trip. And additionally, even say ten pounds
48 reported is insufficient, vessels have to have

1 this minimum amount of quota to fish. And if a
2 vessel goes into quota debt, they cannot depart
3 on a subsequent trip until basically balancing
4 their books by leasing additional quota.

5 Vessel owners successfully coordinated
6 with our contractor, Saltwater, Incorporated, to
7 install 112 units out of 136 eligible permit
8 holders. So that is 112 vessels had two cameras
9 each, hydraulic sensor, pressure sensor, and a
10 computer monitor and a computer program, a
11 computer box on the vessel and, as of June,
12 started submitting hard drives at the end of each
13 trip. A total of 87 distinct vessels submitted
14 hard drives between June and December 2015,
15 averaging 58 vessels submitting these hard drives
16 per month. The total number of hard drives
17 submitted was 783 and on average, there was 112
18 of these hard drives submitted each month.

19 There were some technical issues and
20 continue to be some technical issues. Frankly,
21 most have been resolved pretty readily. Vessels
22 have been in constant contact with the
23 contractor, Saltwater, and there's been very few
24 serious issues, for example, a need to replace
25 cameras or the computer control boxes. Typical
26 troubleshooting issues are listed here, power
27 supply/electrical issues, installation of a
28 voltage conditioner needed, maybe the electrical
29 system was incompatible somehow and didn't detect
30 the camera or the power was intermittent. The
31 drum rotation sensor and hydraulic sensor may
32 have needed to be recalibrated or readjusted or,
33 if not these, reinstalled. Loose connections
34 between these various components, VHF
35 interference, or the vessel operator not sending
36 in the hard drive after each trip.

37 In terms of how much troubleshooting
38 this has taken, there's been an average number of
39 28 calls to our contractor, Saltwater.
40 Approximately 60 percent have been resolved with
41 a phone call and 40 percent have required onsite
42 visits by a technician. But on these onsite
43 visits, technicians have done preventative
44 maintenance, so there's some efficiencies going
45 on, and installation of the latest versions of
46 software, et cetera. So we're trying to be
47 efficient here.

48 With respect to actual use of the

1 video data, how we're sampling, what the sampling
2 protocol is, we worked with the Southeast Fishery
3 Science Center to design a sampling protocol
4 specifically for this program to meet our
5 objectives. This sampling protocol is based on
6 logbook and observer data from 2011 through 2014.
7 Over the course of the year, every vessel is
8 intended to be sampled with ten percent of the
9 overall trips being sampled.

10 The sample regime is stratified by
11 geographic area and season to account for the
12 seasonal nature of bluefin. For example,
13 approximately 15 percent of the sets in the Gulf
14 of Mexico in the first half of the year encounter
15 bluefin and, rounding down, in the last half of
16 the year, approximately zero percent. So, again,
17 due to the seasonality, the selection of sets for
18 audit reflect this seasonality.

19 The sampling is proportional to vessel
20 fishing effort. So, also another factor is how
21 much a vessel fishes. And it's a two-stage
22 selection process with trips selected first based
23 on this location and season strata and then sets
24 from that particular trip are then selected. The
25 videos reviewed for quality, a gross quality
26 control review for various parameters, is it
27 clear, is it all there? And then subsequent
28 detailed review, looking for bluefin and any
29 other fish, counting and identifying fish.

30 And software is being developed to
31 dramatically reduce the time it takes to review
32 all this video. So, for example, the video would
33 just isolate fish and the reviewer then wouldn't
34 sit and look an empty longline or people eating
35 crackers or whatever, they'll get to see just
36 fish. With respect to the status summary, the
37 audit for 2015 has been divided into two three
38 month pairs. The first period being June to
39 August. And the video reviewer looked at 124
40 sets from 42 vessels, essentially auditing, and
41 this represents about seven percent of the total
42 sets, 18 percent of trips.

43 So in that period, we accomplished the
44 objective of ten percent of trips. Out of these
45 audited 124 sets, eight sets recorded bluefin
46 interactions, which amounts to approximately six
47 percent of sets. And during the second audit
48 period, September through November, 68 sets were

1 audited from 25 vessels, representing five
2 percent of sets and 11 percent of trips. And,
3 again, the various numbers, even though these are
4 lower numbers of sets and vessels, but again,
5 it's reflective of the sampling protocol, which
6 takes into account seasonality and fishing
7 efforts, et cetera. So, out of these, eight sets
8 recorded bluefin interactions, which is 12
9 percent of the sets. And we're currently
10 comparing this electronic monitoring video data
11 to the VMS dealer and observer data.

12 So, how is it going? It's so
13 important to mention, this has definitely been a
14 year of transition. Vessel operators are
15 essentially very successfully adapting to these
16 new requirements, but there are concerns about
17 the big picture of the status of the fishery,
18 implications of these new requirements, or even
19 currently existing trends and other non-
20 regulatory issues. And so, there is a lot going
21 on, but again, folks have adapted well to these
22 new gear restricted areas, the IBQ program
23 requirements, and electronic monitoring, and
24 there's lots of preliminary data.

25 With respect to this data, I'll show
26 you two types of data, currently existing data
27 streams, such as logbook, observer data, dealer,
28 and then new data streams, such as the VMS and
29 IBQ data. So, you'll get an idea of both how the
30 new data will integrate with the old and, again,
31 the objective here is to familiarize you with the
32 data, as well as trying to get some preliminary
33 indications of the trends of bluefin catch, as
34 well as how those trends relate to some of the
35 longer and larger trends in the fishery.

36 So, starting off with dealer data, a
37 currently existing data source, bluefin landings
38 in 2015 are shown in red. And this is an average
39 by month shown on the X axis with numbers of fish
40 on the Y axis. So, 2015, the year in question is
41 in red, and in contrast, 2014 is in blue. And
42 you'll note, over the months, the general pattern
43 of increasing as it gets warmer and then decline
44 in the second half of the year, that pattern is
45 consistent, but what is different is the lesser
46 numbers of bluefin landing in 2015 compared to
47 2014.

48 And so, the specific months to note in

1 2015, there's large spikes of landings in October
2 and November that didn't occur previously. And
3 also of note are more landings in January and
4 February, which we are attributing to the poor
5 weather. And then 2016 landings are already up
6 over the level of 2015, at least in January and
7 February. And this does include NED information.
8 This is preliminary logbook data for landings and
9 total discards. The logbooks report both dead
10 and live discards, so this is not just dead
11 discards.

12 Again, this is numbers of fish from
13 2006 through 2015. The blue bars show landed
14 bluefin, there's a fairly constant trend over
15 time. In contrast, the red bars are discards,
16 there's an increase in 2006 to 2010 and then a
17 decrease over time. So, again, this is logbook
18 data reported by the vessel operator.

19 This looks at the amount of quota
20 allocated to the longline fishery in 2014 and
21 2015 and the amount of catch, two different
22 trends. The blue bars are the allocation, so
23 you'll note a dramatic increase in the amount of
24 allocated, this is due to three factors. The
25 reallocation as a result of Amendment 7 that
26 happens every year. There's also an in-season
27 transfer of quota from the Reserve category, as
28 Brad mentioned, of 34 metric tons. And also, the
29 ICCAT slightly increased the baseline quota. So,
30 the overall allocation went up, but the overall
31 catch went down. Again, this is preliminary
32 information and this is VMS reported dead
33 discards. So, it is very likely that this
34 represents an underestimate of the amount of the
35 total dead discards that we anticipate.

36 Looking real closely at 2014/2015,
37 getting into the landings and dead discards,
38 you'll note here a little bit more precisely the
39 landings were slightly less in 2015 than in 2014.
40 And, again, this is dealer landings, but it's VMS
41 reported dead discards in 2015. 2014 represents
42 the ICCAT official number of dead discards, which
43 is, again, observer data extrapolated based on
44 logbook effort data. So, again, I would
45 guesstimate that these numbers would quickly go up
46 slightly. I wouldn't say substantially though.
47 It's hard to say. I wouldn't anticipate there
48 being over 1,000 or even maybe 800, but that's

1 just me conjecturing. There are other
2 indications that I'll show you that point to
3 decreased bluefin interactions, which is why I
4 conjectured that way.

5 So, in terms of area, what happened in
6 terms of landings by area, this is dealer data
7 and IBQ data helps to reform the dealer data in
8 terms of where these landings occurred. So, the
9 IBQ data has been helpful to augment some
10 existing data sources. The Gulf of Mexico
11 decreased, in blue. The Atlantic decreased
12 substantially. The Northeast Distant Area
13 landings increased. And we don't believe these
14 are targeting additional bluefin, these are dead
15 discards turned to landings.

16 In terms of actual interactions in
17 numbers of fish and the VMS requirement, again,
18 as Brad mentioned, there's a new VMS requirement
19 that vessels report through VMS all bluefin
20 interactions within 12 hours of the end of the
21 set. The blue bars are 2015, the red bars are
22 2016. So, this pattern of numbers of fish
23 interactions, if you recall the pattern of
24 landings over the various months, this follows
25 the pattern of landings pretty well. And also,
26 the thing to note is early 2016 numbers appear to
27 be up in January and February also.

28 In terms of looking at other data we
29 have regarding the trends in bluefin, this is
30 based on Observer Program information on numbers
31 of sets observed and the interactions of bluefin
32 per observed set. So, 2012, 2013 is lower, 2014
33 is up at a level near 2012, but I guess the take
34 home message here is, based on observer data,
35 2015 does look like there was fewer interactions
36 per set. And you'll note, for example, the
37 number of total observed sets in 2012 was very
38 similar to that of 2015, so the sample size is
39 similar, but the result is very different. I'm
40 not an expert in the observer data, but that says
41 something to me.

42 With respect to the -- continuing on
43 to the VMS data and how compliance was, this
44 provides potentially an indication of compliance.
45 This shows dealer reported or this graph is based
46 on dealer reported bluefin, but also incorporates
47 the VMS data by month, so, the percentage of
48 landed dealer reported bluefin, which were

1 reported through the VMS system by month. So,
2 for example, in 2015 January, that blue bar is
3 showing about 25 percent of the bluefin landed as
4 reported by dealers were also reported through
5 VMS.

6 Not great compliance, but it was the
7 first year of the program. It does appear that
8 compliance, the percentage of those we know of
9 reported through the dealer system reported
10 through VMS appears to increase over the year,
11 with a nice compliance of 100 percent in
12 September. The compliance appears to be reduced
13 again in early 2016, but it appears to be
14 increasing.

15 VMS reports noting interactions with
16 bluefin, again this is VMS data reported by the
17 vessel operator, but again, this is a different
18 look at the data showing the percentage of
19 reports with bluefin reported. So kind of an
20 interaction rate somewhat analogous to the
21 interaction rate I showed you with respect to the
22 numbers of bluefin and observed sets. Because
23 these reports correspond to sets, it's an
24 analogous figure in terms of percentage of
25 reports, percentage of sets. It's a somewhat
26 consistent value over the months of the year, not
27 totally consistent, but within the range of zero
28 to six or ten. And you can see 2016 in red is of
29 similar magnitude.

30 So looking at the frequency of bluefin
31 interactions and sets, these first four rows are
32 based on observer data and show the percentage of
33 hauls indicating interactions with bluefin. So,
34 slightly different data than the previous numbers
35 with the bluefin interactions. This is the
36 proportion of hauls where bluefin were detected.
37 Thirteen percent in 2012, ten percent in 2013, 13
38 percent in 2014, with a drop in 2015. And then
39 just for comparison purposes, showing you the
40 overall average for 2015, the percentage of the
41 hauls with bluefin interactions based on VMS
42 data. So there does appear to be a decline in
43 the percentage of sets or hauls with bluefin
44 interactions in 2015 based on both of these data
45 sets.

46 Backing up to the allocation and
47 looking at this more from a vessel perspective,
48 A7 defined three different types of percentage

1 shares that vessels obtained, three standard
2 defined amounts of quota essentially, of
3 percentages. There's the high tier, the medium
4 tier, the low tier. So this shows the contrast
5 between the three allocation percentages. It
6 also reflects the three allocation amounts
7 provided during the year, with the annual
8 allocation showing in blue, the subsequent
9 reserve allocation from the reserve in red, and
10 then the ICCAT increase in green. Also, below
11 the X axis, you can see the number of vessels
12 under each of these three tiers.

13 So, how much IBQ was used in 2015?
14 This graph shows you a percentage of the amount
15 of allocation used on the X axis, where you'll
16 see the left side of the X axis is zero. Some
17 vessels used zero allocation. In contrast, some
18 vessels used 100 percent, and then bins of 25
19 percent to 50, 50 to 75, et cetera. And then on
20 the Y axis is the percentage of vessels. So, for
21 example, the medium tier in red, approximately a
22 little less than 50 percent of vessels used zero
23 allocation. In contrast, approximately 20
24 percent of vessels in low tier used 100 percent
25 of their allocation. So the bottom line, most
26 vessels used a low percentage of their IBQ.
27 Vessels with more allocations tended to use more.

28 Number of leases, January through
29 December, there were no leases in January or
30 February of 2015. It chugged along with a
31 dramatic spiking of leases at the end of year and
32 there appear to be more leases occurring in 2016
33 than 2015. IBQ leasing summary continued, 49
34 vessels, or actually shareholders, leased IBQ.
35 And so, we didn't track vessels moving it from
36 their shareholder accounts to their vessel
37 account, but these are between distinct,
38 different shareholder/permit holders, 49 total.

39 Fifteen different longline
40 shareholders engaged in leasing, 4 purse seine,
41 57 metric tons total, 1,598 pounds average, not
42 including three large purse seine transactions.
43 In contrast, the purse seine transactions
44 averaged 17,637 pounds. And the average price
45 per pound was \$3.12. There wasn't a whole lot of
46 data, but there was some. Not everyone provided
47 this information and we excluded an outlier of
48 one cent per pound.

1 This is the trend in price, so this is
2 not average, this is based on individual leasing
3 price per pound information that we were
4 provided. But it does show a trend at a range of
5 between \$2.50 and \$4.50 during the year, with a
6 steep decline at the end of the year.

7 This shows the number of trips by area
8 2012 to 2015 and percent change. This last
9 column shows you the difference between 2015 and
10 the average of the three previous years. So, for
11 example, Florida East Coast, the second line,
12 2015 there were 30 percent less pelagic longline
13 trips from the average of the previous three
14 years. The South Atlantic Bight, 19 percent less
15 trips in 2015 than the previous three year
16 average.

17 This is looking more at fishing effort
18 or indicators of effort, the numbers of vessels
19 fishing. This trend line is meant to compare the
20 three previous years to 2015 and answer the
21 question, the decreasing trend that was existing
22 before Amendment 7, did Amendment 7 continue on
23 the same trend or did it have any potential
24 effect on this trend line? For numbers of
25 vessels fishing, the decline continued at the
26 same rate as between 2012 and 2014. Looking at
27 numbers of trips, the three previous years also
28 showed a decline trend. The actual 2015 value is
29 in green, the estimate 2015 value if it had
30 continued the previous trend is shown in red, so
31 it does look like 2015 had the decline in numbers
32 of trips was accelerated or increased in 2015
33 compared to the trend that was previously shown.

34 This is looking at annual numbers of
35 trips in various bins. So, these blue bars are
36 2015 and comparing 2014, 2013, and 2012. As an
37 example, the number of vessels taking between 16
38 and 20 trips declined. The number of vessels
39 taking between six and ten trips increased,
40 possibly indicating some shift, maybe fewer
41 vessels took longer and more took small, it's
42 hard to tell. In terms of numbers of trips in
43 the Gulf of Mexico, this shows 2014 and 2015.
44 Fewer trips in most months and more trips in
45 January 2015. And the potential effect of the
46 Gulf of Mexico Gear Restricted Area is shown
47 between those two bars.

48 We have about ten more slides, so hang

1 in there. This shows transit landings from 1995
2 through 2015 with regulatory milestones shown,
3 the pelagic longline time/area closures in 2000,
4 Circle Hooks in 2004, FMP in 2006, and the Deep
5 Water Horizon Spill in 2010. The dotted line on
6 the top are numbers of hooks, showing the trend
7 in terms of hooks. If you look on the right hand
8 portion of the graph, the green is dolphin, so
9 that's showing a relative increase in the past
10 few years.

11 In contrast, swordfish and yellowfin
12 tuna have shown some recent declines. Bluefin is
13 the yellow at the very bottom, so essentially a
14 different scale, which is to show you the numbers
15 are a different scale. And then also on
16 swordfish discards, albacore, and bigeye not as
17 strong trends or variation shown. The trend does
18 appear to be unique for each species.

19 Looking more closely at swordfish and
20 yellowfin and numbers of hooks, numbers of hooks
21 is in green, and swordfish and yellowfin again
22 shown in numbers of fish. They basically track
23 the numbers of hooks. CPUE over this same time
24 period, 1995 to 2015, also showing unique trends
25 for each species, but shows similar patterns as
26 did the landings.

27 This shows revenue between 2013 and
28 2015 by the pelagic longline fleet, 2013 was
29 greater than 2014 and 2014 was greater than 2015.
30 Similar patterns by month, but again, lesser
31 amounts. The decrease in revenue from 2014 to
32 2015 was approximately 25 percent. The trends in
33 price per pound are shown here. Bluefin, bigeye,
34 swordfish, yellowfin, dolphin, and albacore
35 fluctuating with the past few years, decrease in
36 2015. Revenue per vessel show a similar recent
37 declines from 2013. Bluefin is shown in red and
38 non-bluefin species in blue. Revenue per trip
39 show a similar pattern. And, again, I apologize
40 for rushing through these, but we'll have some
41 time for questions and detailed discussion
42 tomorrow as well.

43 Possible reasons for the recent trends
44 in effort and target species, based on
45 conversations with longline owners and operators,
46 there are a host of different reasons on here.
47 It's very difficult to be definitive about what's
48 going on because of the large numbers of

1 potential factors involved, the relative newness
2 of Amendment 7 regulations and the value of their
3 impact, as well as the fact there are some long-
4 term trends going on, and that context needs to
5 be considered and it's sometimes difficult to
6 untangle.

7 So, listed here, imports,
8 participating in the Mahi fishery, lack of
9 yellowfin tuna in the Gulf, uncertainty in the
10 fishery caused by Amendment 7, lack of new
11 entrants to the fishery, aging of the vessels, et
12 cetera. And some suggestions we've heard from
13 the ICCAT advisory committee, this panel, the HMS
14 advisory panel, and individual vessel owners,
15 we've binned into various subject matter, IBQ
16 related, by gear, and related to permit.

17 So, for example, some ideas, trip
18 level accountability, change that to annual or
19 quarterly rather than on a trip-by-trip basis.
20 Allow a carry forward of IBQ. For trips starting
21 in one year and ending in the next, change the
22 accounting such that it would be accounted for in
23 the year that the trip starts. Reallocate quota
24 annually based on just active vessels to maximize
25 the quota allocation to individual vessel
26 participants or active participants. Allow IBQ
27 quota that's designated for the Atlantic, which
28 currently is not allowed to be used in the Gulf,
29 make that system more flexible and allow that
30 quota to be used in the Gulf of Mexico during the
31 latter months of the year when bluefin typically
32 are not present.

33 Allow Astrong@ hooks in the Gulf of
34 Mexico, allow cut bait, eliminate the
35 demersal/pelagic species limits that are in
36 place. Eliminate swordfish limited access permit
37 upgrade restrictions. And then, various
38 suggestions relating to research and retention
39 limits. Pursue pelagic longline time/area
40 closure EFP research, Slope Sea cooperative
41 research on bluefin tuna spawning based on the
42 recent paper that was released. Retention limits
43 for the swordfish commercial category and
44 incidental permits, and others.

45 So, wrapping up, based on Magnuson
46 Stevens requirements and the Fishery Management
47 requirements, we will do a three year formal
48 extensive review of the IBQ Catch Share Program

1 and this will incorporate data from 2015 through
2 2017 and compare this time period to that which
3 predated Amendment 7 as the baseline period
4 through a variety of metric specified by NMFS for
5 the catch share programs they've developed. And
6 our target dates at this point are, provide some
7 preliminary information in the spring of 2018 to
8 the AP meeting and a draft document in fall.

9 So, again, I threw a lot of data at
10 you, it's preliminary. It is too soon to make
11 strong conclusion with respect to how effective
12 Amendment 7 management measures were or are in
13 achieving their objectives, but we did have some
14 strong successes regarding implementation based
15 on the cooperation of the pelagic longline fleet.
16 Vessels were not prevented from fishing due a
17 malfunction of the electronic monitoring gear and
18 vessels successfully recorded and accounted for
19 catch in the IBQ system. And we're looking
20 forward to another successful year next year and
21 making changes as necessary. Thank you.

22 FACILITATOR BROOKS: Thanks, Tom. That
23 was a great overview. A lot of data, but really
24 helpful. And just note, the last few slides are
25 honestly the kinds of stuff we're going to be
26 talking about tomorrow when we all get together.
27 I want to just -- a quick question. Just a quick
28 question, do we have any members of the public
29 that are wanting to comment? I just want to
30 manage our time a little bit. Okay. Great. So,
31 we might be a few minutes later than a quarter
32 of, will that work?

33 MR. WARREN: Sure.

34 FACILITATOR BROOKS: Okay, great.
35 Thanks. So, let's try to use, we have about 15
36 minutes or so to put towards clarifying
37 questions. And, again, a lot of data. We want
38 to make sure that you all are clear on what Tom
39 just presented. Let's see if there's any
40 questions about any of the trends that he was
41 talking about or data he presented. Anybody?
42 You were all clear? Crystal clear? Okay.

43 If there aren't any clarifying
44 questions, I would like to ask for just a little
45 lightning round of how do you interpret what you
46 just looked at? Because I think it would be
47 helpful for us to understand what we're all
48 seeing when we look at that data. So, what do

1 you see when you look at those trends? Shana?

2 MEMBER MILLER: First of all, to both
3 Brad and Tom and the rest of your team, that was
4 a seriously impressive data dump. So thank you
5 for compiling that. And I take away, both from
6 the last data slide you showed, Brad, that even
7 though there was increased overall landings, that
8 the mortality in the Gulf of Mexico shrunk
9 considerably, except for a year right after the
10 oil spill. So, that was really a good sign. You
11 showed increased compliance with the VMS
12 reporting in the longline fishery, so that was a
13 great sign.

14 And decreased interactions by
15 percentage of sets, both from observed data and
16 the VMS data. And your slide, 34 I guess, target
17 catch effort, namely yellowfin and swordfish and
18 number of hooks had declined slightly in 2015,
19 but not compared to recent years. So decreased
20 bluefin interactions and relatively consistent
21 target catch. So to me, I think really good
22 signs, even though I acknowledge, I agree with
23 Tom, it's just one year of data and we need to
24 see more. But I think it's really encouraging.
25 Thanks.

26 FACILITATOR BROOKS: Thanks Shana.
27 Terri? And I'm going to just run the mic to you,
28 Terri, so hang on one second.

29 MEMBER BEIDEMAN: I guess this is more
30 a comment, a question, for you. On Slide 9, when
31 you were giving the quick and dirty on it, you
32 made mention and I wrote down that you said that
33 the technician was looking for bluefin tuna or
34 any other fish. Well, I wasn't aware of that, I
35 thought you were looking for tunas and particular
36 bluefin tunas, so I don't know what exactly that
37 means.

38 MR. MCHALE: Sure, I can hit that real
39 quick, Terri. So, one of the main reasons was
40 that, is to make -- so, you're absolutely right,
41 the intent of Amendment 7 was to look at bluefin
42 tuna, period. One of the things that we picked
43 up on pretty quickly as we were looking across
44 various data sets, is how to make sure that
45 technicians were viewing the correct set. So, if
46 we were to compare it back to a logbook or an
47 observer report, the technician wasn't then
48 observing no bluefin, but observed three. And

1 so, there we looked at some of the additional
2 species.

3 Again, there's no official capacity
4 for enumerating those, but just to say, okay, we
5 know that in this set there were X number of
6 swordfish that were triple markers or whatever
7 the case may be, to refine the process to make
8 sure that when a technician is viewing the video
9 footage and then they're doing comparisons back
10 across the other data sets, there's an apple-to-
11 apple comparison versus for whatever reason they
12 may have selected the second set of the day
13 versus the second set of the trip, those sort of
14 nuances.

15 MEMBER BEIDEMAN: Thanks for the
16 clarification. Still a little troubling, this is
17 not exactly where we should be. However, I will
18 -- I really haven't been able to review all of
19 this, and it is preliminary, however, I think
20 there are some good parts of it and then there's
21 a whole load of it that I'm not sure that I would
22 use the word success in all areas on this,
23 because I would look at this as a load of it,
24 notwithstanding the cooperation of the fleet, you
25 got cameras on and record and using VMS for the
26 most part or what have you. But we are
27 overseeing the demise of this issue. And I don't
28 think that's a fishing management success.

29 So I find troubling that there were 87
30 vessels that fished from June to December,
31 especially when I know fully where we started and
32 now that's where we're at. So, those are just
33 comments and I'm not trying to be negative, but
34 this is not necessarily a good report. And
35 there's some very interesting stuff and, believe
36 me, pelagic longline fishing data has been sliced
37 and diced and examined and scrutinized and we've
38 been here for 15, 20 years. So this is a
39 troubling from my perspective.

40 FACILITATOR BROOKS: Thanks, Terri. I
41 would like to get a few more people in on this.
42 Again, it's just your quick judgments of what
43 you're seeing. Up to Scott and then Marty, then
44 Tim. Oh, is that Martin's card? Martin card,
45 you're in first.

46 MEMBER FISHER: Thank you. Martin
47 Fisher here. One of the things that's striking
48 to me, and somewhat appalling, is there's never a

1 conversation in this room or at the policy level
2 or at the fisherman level often enough about what
3 this represents in terms of waste. We are
4 wasting a very high quantity of product, 143
5 metric tons of tuna is 326,000 pounds. On the
6 dinner plate that equates to about 200,000 or
7 400,000 meals.

8 It really seems to me that, along with
9 making sure that the fishermen are doing the
10 right thing, that we as a people do the right
11 thing, and that's to bring the fish home. That
12 fish could be sold, the proceeds go to NOAA or
13 NMFS for research and development. It would be a
14 hindrance to the fishermen to put the fish on the
15 boat, because they take up space and ice, but it
16 would also be an incentive to possibly be more
17 creative in ways in which not to catch them,
18 although I'm relieved that I have fun at dinner
19 tonight saying that. But I think this is an
20 important conversation to have. And the point is
21 that I don't hear it.

22 MR. MCHALE: Thanks for that, Martin.
23 Maybe some of the reason you're not hearing it
24 today is we've had those conversations over the
25 past three years in developing this action. And
26 that number that you're referring to, the 148, is
27 actually reflective of the dead discards that
28 took place in 2014. It's just that's the
29 available number, so what that number does not
30 reflect is the dead discards that have occurred
31 post-implementation of Amendment 7.

32 But one of the main drivers of
33 Amendment 7 was to actually get at all the things
34 you just hit. One is waste, it needs to be
35 eliminated in any way, shape possible, especially
36 where feasible. And that's across the agency,
37 that's not just this fishery. And so, that was a
38 significant driver of the final actions taken in
39 Amendment 7 where there is individual
40 accountability, there's cameras, there's
41 individual quotas, there's a mandatory retention
42 of legal sized fish that get a haul back. And so
43 a lot of those concepts went into this. What we
44 still haven't had the opportunity though is to
45 see all the data bare eyed and see, did we hit
46 those objectives or did we miss them or are there
47 modifications that still need to be made to
48 achieve that?

1 MEMBER FISHER: Short follow-up?

2 MR. MCHALE: Sure.

3 MEMBER FISHER: Certainly, I recognize
4 that. Certainly, I recognize that's only an
5 annual number, the 143 from 2014, but that makes
6 it even a bigger problem. And we're only talking
7 about one species, there are dead discards in
8 many different fisheries. There's dead discards
9 in Mahi fisheries in the Gulf. We don't have --
10 and everything that you're doing in Amendment 7
11 and that you're doing in developing this fishery
12 for these guys and women is really good and it's
13 great to be accountable and all that, but it
14 still doesn't get at the root problem of what to
15 do with the dead discards. Those dead discards
16 need to be brought back for the consumer. Again,
17 not to benefit the fishermen that's interacting
18 with them, but to benefit society. There's
19 absolutely no reason to make them into crab meat.

20 FACILITATOR BROOKS: Scott?

21 MEMBER TAYLOR: So, I'm not going to
22 take the time up getting into the analysis of the
23 data, because I don't think that's constructive
24 at this point. I think there's as many opinions
25 about what the data means around this room as the
26 number of slides that you presented to us, but
27 the one thing that I want to impress upon you all
28 is that I don't think anybody can argue how
29 disturbing this trend is as it applies. Whether
30 or not you want to associate it with industry,
31 regulatory things that have been happening over
32 the years, or whether or not it's Amendment 7
33 really becomes a moot point in the fact that it
34 is in fact happening.

35 And now we've taken another species
36 that this industry is catching, whether or not it
37 was directed or not, and essentially muted the
38 value of it. Because if you talk to the dealers
39 and the people that are around, the fish that are
40 being landed that weren't being discarded are
41 essentially your dead discarded fish or are the
42 dead fish and they have very little vessel value.
43 The data eventually will prove out that the fish
44 we were seeing \$10 a pound for is now probably
45 averaging the value the quota.

46 But what's even more disturbing, that
47 I think that we're going to talk about something
48 constructive, and I don't know which slide it's

1 on because I didn't pay attention, but the
2 General category used 138 percent of its original
3 allocation or a number about like that. What
4 percentage of the PLL fleet used of what was
5 allocated to bid? It was a very low percentage,
6 it left a tremendous amount of quota on the table
7 that went underutilized. So, what does that say?

8 To me, that says that the way that the
9 IBQ was allocated within that group was being
10 done, whether or not it was from fear of the
11 inability to fish, whether or not that it was a
12 not understanding the program, whether or not
13 that it was various other number of factors
14 doesn't really matter. What matters is that --
15 what we should be looking to is, to help this
16 fleet, is to be able to allocate whatever quota
17 that we do have access to in the most
18 advantageous way. And I don't think that we got
19 at that, I don't think that the data is going to
20 prove that out this year.

21 And so, I'm going to leave my comment
22 for the night, rather than digressing into what
23 my opinion is about the data stream. That really
24 needs to be the goal, is how do we get the
25 numbers up? Because the number per vessel, per
26 trip at this point, are not manageable. You're
27 going to continue to see attrition. The trend is
28 a real thing. At the end of the day, whether or
29 not it's the imports, whether or not it's the
30 regulatory authority, whether or not it's the
31 environmental pressure from the marketing
32 standpoint, the perception of the public, it
33 really doesn't matter, at a point that the
34 fishery no longer becomes economically viable to
35 recruit new people coming into the industry and
36 to revitalize the fleet, you aren't going to have
37 one. And I think that that is the core issue
38 that we need to address.

39 And so, Amendment 7 won't be the last
40 regulation we see, we can be reasonably sure of
41 that. And so, then I think -- but this is where
42 the buck stops, because it is really that
43 important and it's had so much emotional impact
44 really to the guys that are out there in the
45 water. Sometimes you guys don't see the data and
46 the emotional toll that this Amendment has taken,
47 and I'm here to tell you, this has taken a
48 substantial emotional toll on the people that are

1 involved in the fishery.

2 FACILITATOR BROOKS: Scott, let me
3 thank you for that and jump in and say, I think
4 tomorrow's conversation is obviously taking what
5 you just said and try to put that into context.
6 And so, what can that HMS program do? What are
7 your thoughts, given what's within their purview?
8 Not to be answered right now, that's the
9 conversation we need to have tomorrow morning.
10 So, I've got four more people in the queue.
11 We'll make that it for tonight. I'll ask the
12 folks who are going to be speaking to just be as
13 succinct as you can because we still need to get
14 to public comment and talk a little bit about
15 what's up for tomorrow. So, Marty, you are up.

16 MEMBER SCANLON: While commenting on
17 some of these suggestions as far as A7 here and
18 some of these recommendations, a lot of these
19 recommendations today were put up in the A7
20 process, carrying over the quota, stuff like
21 that. What I think the biggest thing that we've
22 had in A7, during that whole process, was the
23 fact that we need to rebuild the swordfish stock.
24 You want us to catch swordfish, you don't want us
25 to catch these other species, yet, when we had an
26 opportunity under A7 to really look at some of
27 the product that has been taken away from us in
28 order to rebuild the swordfish stock, we did not
29 seriously look at that and give us back the area
30 in which that we should be fishing today.

31 And if we had done that and we had let
32 these boats go into the areas which they have a
33 greater majority of swordfish compared to all
34 these other species, even if it were to be just
35 those areas at the right time, with the right
36 primary closures, that a lot of these other
37 problems would go away. I mean, we have the
38 problem because we never really fixed the
39 problem, we just created another problem here.
40 And until we look at, as an agency seriously look
41 at what we should be giving back for the
42 sacrifices that these fishermen have made over
43 the years, then we're going to fail them.

44 We made those sacrifices, closed the
45 Charleston Bump area, the straits of Florida,
46 areas of the Gulf of Mexico, and all we did under
47 A7 is, even under 100 percent observer coverage
48 in the Gulf of Mexico where we identified where

1 and when you could fish that swordfish and not
2 interact with bluefin whatsoever, we still closed
3 the rest of the swordfish fleet from those areas,
4 which is almost criminal, if you ask me. That's
5 absolutely shameful. So, that's my comment right
6 here.

7 FACILITATOR BROOKS: Thanks, Marty.

8 Tim?

9 MEMBER PICKETT: Okay. I've got
10 several questions that I'll ask later, most of my
11 stuff has already been covered. Slide 10, when
12 you're talking about the audit that you did of
13 the electronic monitoring system, I'm just
14 curious, was this a random audit or were you
15 looking at observed interactions? I know you
16 kind of touched on that a little bit, Brad, but
17 just kind of looking at the end game of all of
18 this data that you've spent a lot of expenditures
19 and equipment and things like that, that you've
20 now come with and it seems like low numbers of
21 this data that's actually being gone through.

22 What's kind of the end game for that?
23 Where does it end up? Do you expect to have to
24 look through all of it, some of it? Just verify
25 observer records, or vice versa with the
26 observers? Are you trying to verify them, are
27 you trying to not verify them, look at sets that
28 aren't observed? Just kind of, what's the end
29 game of all this data?

30 MR. MCHALE: Victory and however that
31 word translates to anyone around the table.

32 One of the key elements of the end
33 game is we have this new technology of electronic
34 monitors and where we have gone in to do that
35 controversial action to make it mandatory on our
36 U.S. fleet.

37 One of the benefits that I personally
38 and professionally see is to get back to
39 monitoring where we've had extrapolated discard
40 numbers that we've reported officially to the
41 United States.

42 We have law books. We have observers.
43 We have the DNS reports. We have all of --
44 everything that I've heard about for the last
45 decade and a half of the regulatory requirements
46 on this sector of the fleet.

47 Three of the ultimate end game is, can
48 you ultimately have confidence in the information

1 that's collected from that level of technology
2 that you can ultimately eliminate some of those
3 other requirements that are currently imposed?

4 So, one is something that Marty was
5 raising. What is the need for a closed area if
6 all seven areas, that level of monitoring as well
7 as the conference and the data derived from it?

8 It's a question that is going to need
9 to be explored in the short-term and also the
10 long-term. It doesn't just apply to our
11 fisheries, it's what tools does the Agency use to
12 meet those conservation goals while trying to
13 preserve, you know, whether it be commercial or
14 recreational fishery opportunities regardless of
15 the region and the species?

16 And, those are the those ultimate
17 goals.

18 So, it does take some time, though.
19 Then what you're doing is you do have to, as you
20 mentioned, compare the data back. How do you
21 gain that confidence? You can't just say boom,
22 camera model on a boat, therefore, we can have
23 the confidence in there.

24 It has to go to some level of
25 refinement to say, are that data just as sound as
26 logbook data? So, now we need to eliminate one
27 of them because it's duplicative and burdensome.

28 But that, again, takes some soak time
29 to get there.

30 And then, ultimately, you know, can
31 you get to a census at one point in time? We
32 just did logbook tallies as far as dead discards.

33 So, if there's mandatory cameras on
34 U.S. fishermen, therefore, you have census of the
35 information as far as his catch. If you can get
36 to the confidence where you're telling the big
37 guy from a bluefin from a yellowfin, can you
38 ultimately get there to get a more refined
39 number?

40 And then, that number's much more
41 readily available to make a management decision
42 on and say lag time were you getting that, you
43 know, six months after that season had concluded.

44 And then, where does that flex that
45 opportunity, provide the Agency with the
46 flexibility to adapt?

47 And, in Europe, we have a lot of
48 things in that 97 with regard to closed areas.

1 We didn't find all 97, but I also don't think
2 that is a shut the door on that where I thought
3 we had some good things there.

4 And, I think we should continue to
5 look at that because, again, we've got the
6 cameras, there's observers, there's a lot of room
7 for improvement there as there are some areas
8 that are showing bearing out success of the
9 receptor.

10 But, there are those areas that also
11 are not and I think that's where we really kind
12 of need to focus the attention on what needs to
13 be changed and modified or even scrapped, for
14 that matter.

15 And, we can try to figure out how to
16 move forward from this fishery as a whole, not
17 just from the bluefin perspective but from the
18 highly migratory species perspective.

19 FACILITATOR BROOKS: Brett, Jeff and
20 then -- you're done? Okay. Okay, thanks, Jeff.
21 Rich?

22 MEMBER RUAIS: Is that on?

23 I'll be really quick. I think the
24 first comment I wanted to make was my initial
25 reaction of the presentations here is that just
26 provide an enormous amount of credit to Rich and
27 the staff and the job they've done over, you
28 know, shepherding. And then, they said to like
29 it or don't like it, it's a phenomenal piece of
30 work that took an incredible amount of effort.

31 And, I understand that this problem
32 that we have between the bluefin tuna fish and
33 other species, it's -- I think you have to look
34 at maybe cod fishes and in New England, it's one
35 of the only -- as rivaling it in terms of
36 complexity and the number of factors that
37 contributed to the difficultly of trying to solve
38 the problem.

39 So, at any rate, that's a positive
40 comment of the effort today and we can take
41 confidence that will be one of the consequences
42 that are made any better for our employee years
43 with ground fish, although, hopefully we can keep
44 that record here.

45 But, my views side a lot closer with,
46 and this is not ABTA speaking, this is me, with
47 Scott and Marty and Terri and Jeff and others
48 said and not anyone here as changes positive

1 interpretation or glowing interpretation of some
2 of the results that are in this -- that are in
3 data received from number seven which I think
4 we've got an awful lot of work to do.

5 And, I think it's terrible that we
6 didn't succeed in getting -- finding a way to get
7 into use more of the 200 metric tons of quota
8 that you struggled and bled over to get to the
9 front line category.

10 The IBQ program ensures, you know, in
11 the first few years, it's going to take a while,
12 it may be glug, glug, glug and maybe even we'll
13 get to where it will play a bigger in the future
14 or a big fall on a scrap heap I honestly don't -
15 - I tend to think that's where that's going to
16 end up going.

17 And, declining -- the continuing
18 declining swordfish land inside the United
19 States. I mean, for me, it's just a travesty
20 that we're going to lose this resource and I'm
21 going to be dependent on buying South African
22 swordfish or Canadian swordfish. And, I'm not
23 real happy about that.

24 So, anyway, I'm hoping that -- I think
25 we're going to need several more years. I don't
26 know how many boats are going to survive, how
27 much of a fleet's going to survive. But, I hope
28 a maximum fleet, we can catch our circle ship.

29 I hate the thought of the United
30 States becoming less of a player and everybody
31 should keep in mind that we've been taught this
32 since we've seen the examples of it. When you
33 reduce the U.S. catch of any species, you reduce
34 the U.S.'s voice in how that resource is managed
35 and conserved. And, that's where we're headed
36 with the swordfish.

37 FACILITATOR BROOKS: Thanks.

38 Well, I appreciate people waiting and
39 gathering here how you all look at this and think
40 about it as, you know, I think what we heard is,
41 first of all, it's about a whole bunch of
42 information you all just pulled together.

43 And, some of that, some that data,
44 folks can look at and see some trends that look
45 encouraging. I think we hear a lot of voices
46 around the table saying, but from my perspective,
47 the trends, you know, the trends are troubling.

48 I think the challenge and what we're

1 asking of all of you, particularly tomorrow
2 morning, is to sort of answer Margo's request
3 which is help each of us understand, as you look
4 at this, as you think about --- you haven't said
5 --how this is being implemented, what are --
6 where are the next places to go? What, when you
7 look at troubling trends, you know, what are the
8 tweaks that can be made? What are the changes
9 that can be made? How can allocation be done
10 differently? Or, is there a way to make sure
11 that that quota's moving around?

12 These are the kinds of things we want
13 to be thinking about and talking about tomorrow
14 morning. So, we really strongly encourage
15 everyone to, you know, reflect on this tonight,
16 talk over dinner, whatever and come in tomorrow
17 morning ready to talk about what are possible
18 strategies? What are possible directions to move
19 in?

20 So, I think that's where we want this
21 conversation to go.

22 I'm going to hand the mike to Margo so
23 she can talk a little bit more about the game
24 plan for tomorrow.

25 Do you want to take the microphone
26 first? Okay, let's take one more comment now
27 since you've been waiting.

28 MR. GALLAND: All right, thank you
29 very much.

30 Good evening, folks. My name is Grant
31 Galland and I work on Global Tuna Conservation
32 for The Pew Charitable Trust.

33 And, I would just like focus on two
34 presentations we saw today. The first, and I
35 know this is a domestic panel but I'd really like
36 to just make a couple of comments on Dr. Graves
37 presentation about ICCAT.

38 I was there in Malta and I remember it
39 just like you did. But, I would like to
40 reiterate some of his points with respect to
41 bigeye tuna.

42 This land stock is in trouble and it's
43 a clear example of U.S. fishermen being
44 potentially harmed by fisheries making decisions
45 across the air ship.

46 Whether or not those decisions are
47 starting to hit home now may remain to be seen.
48 But, with the Atlantic yellowfin stock assessment

1 coming out this summer, it's likely that the
2 general problem that fisheries management in the
3 Gulf of Guinea and in the Eastern Atlantic will
4 start to hit home sooner than later.

5 Just one thing to add on like that is
6 the operations of the working group which Dr.
7 Graves mentioned, that group has now met twice
8 and only twice and met for the final time just a
9 couple of weeks ago.

10 And, despite some strong efforts from
11 the U.S., the recommendation is that group will
12 make to the full ICCAT in November are
13 disappointing.

14 The public or the final report to
15 those meetings is not quite lovely, but I really
16 encourage the members of this panel to seek that
17 out in the next couple of weeks when it goes
18 live.

19 The only other comment I wanted to
20 briefly touch on was the one from Ms. Soltanoff
21 on the eBCD. I'd like to congratulate HMS on
22 finishing up that rule.

23 It's really encouraging that it's been
24 so widely accepted by the members of this panel
25 and by fishermen in general.

26 We've heard the same thing from folks
27 in Mexico and Canada and in Japan. So, with
28 respect to at least the Western population, the
29 fishing states and market states are ready to go
30 with eBCD. So, I really look forward to that
31 final rule being published this week to ensure
32 that the U.S. is in compliance with the ICCAT
33 deadline of the 21st.

34 So, that's it. Thank you very much
35 and I look forward to talking to you again.

36 FACILITATOR BROOKS: Thanks and thank
37 you for adding that.

38 MR. DELANEY: Thank you.

39 Glen Delaney with the Blue Water
40 Fishermen's Association.

41 I just wanted to comment that on the
42 fact that there may be some folks in the room who
43 think that, you know, any decline in the pelagic
44 longer line of fishery from a conservation
45 perspective has got to be a new thing.

46 And, in fact, the opposite is true.
47 When we go to ICCAT, what happens in U.S. fleets
48 and our harbors, there are allocations that

1 allocation gets transferred to other countries.
2 So far on a temporary basis.

3 And, we haven't managed to avoid or
4 dodge the bullet on having a permanent
5 reallocation of U.S. quota shares of swordfish
6 and bluefin to other countries when we failed to
7 use them because we're strangling our own
8 fisheries.

9 But, then we still do annual transfers
10 of unused quotas to other countries. And, I can
11 assure you, particularly for the conservation
12 community here, many of which participate in
13 ICCAT know this very well, that the conservation
14 record of those other nations for target species
15 of swordfish, tuna fish, sharks and for protected
16 species, sea turtles, or any mammals or birds,
17 does not approach U.S. fisheries.

18 So, these fish are going to be caught.
19 They're going to be killed and a lot of other
20 catches, small fish, over quota protected species
21 are going to go along with them.

22 So, from a conservation standpoint,
23 there is a huge net conservation lost when we
24 prevent our own fisheries from using our quotas.

25 So, please keep that in mind. Thank
26 you.

27 FACILITATOR BROOKS: Thanks, Glen.
28 Thank you.

29 So, at this point, if we can have
30 another four minutes of your time, we just want
31 to give you a sense of the game plan for tomorrow
32 morning so that when we get back together we'll
33 be ready to jump into the conversations.

34 So, Margo?

35 MS. SCHULZE-HAUGEN: Okay. So, we
36 have I think it should be posted by now, but we
37 also have hard copies and the topics and
38 questions that we have for your consideration and
39 the discussion tomorrow.

40 So, if we could maybe hand those out
41 at this point.

42 We've got two groups. We've got a
43 discussion of issues regarding the pelagic
44 longline, to the extent of the fishery.

45 We tried to identify the amount of
46 time that we think we'll be spending on each
47 topic, trying to cover the gamut of things that
48 we've heard from you all in terms of issues and

1 questions as well as things that we have
2 questions for you all on.

3 And so, that's going to be Breakout
4 Group A and that will be here.

5 And then, we also have Breakout Group
6 B which I believe is going to be across the hall
7 here. But, it's on Angling, Charter/Headboat and
8 General and includes directed fishery, things
9 that we're hearing.

10 Sometimes the things that we do as a
11 matter of course, what should the Angling limit
12 potentially be this year?

13 And so, we'll get your feedback on
14 those. But, then there's a number of other
15 things where we'll be looking at some regulatory
16 changes, other things that may be on your minds.

17 And so, what I'd really like to have
18 -- I mean, I know folks who are interested in
19 staying in the plenary, but we really get a lot
20 out of the more informal discussions where we can
21 ask questions and then exchange as opposed to
22 just the listening all the time without an
23 ability to --

24 So, when I say well why is that or
25 what about this or I don't see how what you said
26 here makes sense with what you said there and so,
27 this is the kind of thing that we're really
28 hoping to get into tomorrow.

29 And, I would encourage you all to
30 think about not -- and, I know there's a lot of
31 big picture things, imports that we've heard
32 about from Dr. Rogers on, being handled by a
33 different part of the Agency, trends in, you
34 know, not a lot of people come up in a fishery.

35 But, we can't do a lot about that.
36 The aging of the fleet, I wish I could do
37 something about that because I would do that
38 myself. But, I can't.

39 So, what are the things that we can do
40 within the HMS regulations that would assist?
41 Whether it's Longline, Purse Seine or Harpoon
42 [inaudible]. --

43 So, trying to think about what sort of
44 things within the HMS division to steer, the
45 regulations that we have, what kinds of things
46 can we do?

47 We've got a long list of things that
48 we've heard, but what do you think is the top

1 priority? What would be the best thing that we
2 could do? What are the best two things, three
3 things?

4 And, try to come to some kind of group
5 view. We've heard a lot from individuals but I
6 don't have a great sense on what works for the
7 [inaudible] would be great for Jeff is going to
8 be great for Scott.

9 You know, and so, it's hard for us to
10 know, well, what do we do first? And, where do
11 we put our energies?

12 And so, that's the kind of feedback
13 that I think would be really great if we could
14 get from you all, particularly as a group to come
15 together and say, these four things, do this,
16 we'll be in a lot better shape.

17 Because, if it's a little more
18 focused, I think we have a much better shot at
19 actually being able to get it done.

20 So, that's my -- oh, in terms of
21 members of the public, they're welcome to sit in,
22 it's all open, but you do need to remember that
23 this is an advisory panel meeting. And so, the
24 discussion we focused on input from the panel.

25 If there is strong public input and
26 it's kind of limited, I think we can roll with
27 that, but it is for the panel members to be
28 talking.

29 So, again, it is open, people can sit
30 in if they want.

31 FACILITATOR BROOKS: So, just to
32 remind folks, we will reconvene tomorrow at 8:30.
33 We ask you to be here at 8:30 sharp because we
34 will go into breakout sessions right away. You
35 don't have to decide now which session you want
36 to be in. You can look at the questions that
37 we're going to be discussing.

38 But, at 8:30, we'll let you go to
39 which ever break out groups you want. And,
40 again, you'll be able to move between them.

41 So, we'll see you tomorrow at 8:30.

42 Thank you very much for being here.

43 (Whereupon, the above-entitled matter
44 went off the record at 6:06 p.m.)
45
46
47
48

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Species Advisory Panel

Before: US DOC/NOOA

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Place: Bethesda, MD

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