

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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WEDNESDAY,  
MARCH 30, 2016

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The Advisory Panel met in the DoubleTree  
Hotel, Ballroom D, 8120 Wisconsin Avenue,  
Bethesda, Maryland, at 10:27 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  
PAM DANA, Council Rep  
MARCUS 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  
ASHTON HARP, Commission 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:**

**MARGO SCHULZE-HAUGEN, Division Chief, Highly Migratory Species Management Division**  
**STEVE DURKEE, Fishery Management Specialist, Highly Migratory Species Management Division**  
**RANDY BLANKINSHIP, Branch Chief, Southeast Branch, Highly Migratory Species Management Division**  
**GEORGE SILVA, Economist, Highly Migratory Species Management Division Headquarters**  
**BRAD McHALE, Branch Chief, Northeast Branch, Highly Migratory Species Management Division**  
**KARYL BREWSTER-GEISZ, Branch Chief, Headquarters, Highly Migratory Species Management Division**  
**JENNIFER CUDNEY, Fishery Biologist, Highly Migratory Species Management Division**  
**JOHN CARLSON, Research Fishery Biologist, Southeast Fisheries Science Center**  
**GUY DUBECK, Acting Branch Chief, Operations Branch, Highly Migratory Species Management Division**

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

(10:27 a.m.)

1  
2  
3 FACILITATOR BROOKS: All right, thank  
4 you all. I know in the pelagic long line group  
5 we had a pretty rich discussion, and we'll  
6 reflect that back I assume. Same was in the  
7 handgear breakout as well.

8 So again, our game plan here is to  
9 hear back from the reporters from each of the two  
10 breakouts and then give folks who were in that  
11 breakout session a chance to fill in if we missed  
12 anything that they saw as essential, and then  
13 open it up to the full panel for discussion since  
14 obviously these issues apply around the table.

15 So with that, I don't know who wants  
16 to start, Greg or Martha? Looks like Greg is  
17 still working, so Martha, I think you're up.  
18 Martha wants to says Greg. Okay.

19 MEMBER BADEMAN: That's fine, assuming  
20 that my microphone works. Okay, so this was the  
21 pelagic longline group. Our posters are looks  
22 like these three over here.

23 The first question that we talked  
24 about was the IBQ and IBQ system use, was it  
25 working well or not well. Technically the answer  
26 was yes, but we did have some discussions about  
27 the program in general which we then touched on  
28 in other conversations.

29 One thing I will say that came up here  
30 and other places was the accountability for that  
31 system, should it be trip level or should it be  
32 some other period of time, and there were a  
33 couple different suggestions there, quarterly or  
34 once a year or potentially in the last quarter of  
35 the year.

36 People didn't know how to find quota  
37 though, that was an issue. The next issue that  
38 we talked about was electronic monitoring and  
39 whether that was working well or not well.

40 And there were some technical issues  
41 that came up. People were having issues with the  
42 hard drives that initially that they were getting  
43 hard drives that didn't fit their computer.  
44 There was a comment that someone was appreciative  
45 of the new VMS system that they have.

46 There were concerns about replacements  
47 and repairs. There was also concern about the  
48 contractor and subcontractors that are working on

1 these units. And there was a discussion of a  
2 safety at sea issue that was caused by this.  
3 Apparently some of the wiring that has been used  
4 has been interfering with other systems on the  
5 boat like the VHS system, or VHF, excuse me.

6 Let's see. What else? One suggestion  
7 that came up in this group, or this discussion  
8 was only sending the hard drives in when they're  
9 fully used so that they could be used over  
10 multiple trips.

11 And let's see. The next topic we  
12 discussed was communications. And I would say  
13 overwhelmingly everybody thought communicating  
14 every way possible all the time, particularly  
15 through VMS units and the IBQ email system would  
16 be excellent. So basically keep doing what  
17 you're doing.

18 And next we had a lengthy discussion  
19 about the three year review of the IBQ Catch  
20 Shares System. Let's see, there was a lot of  
21 things that came out of this.

22 So we again talked about the timing of  
23 when to send in those tapes or the hard drives.  
24 We talked again about the allocation scheme and  
25 who should be holding IBQ shares.

26 There was I think consensus around the  
27 table that the people who are fishing should be  
28 holding those shares, not people who have been --  
29 there shouldn't be allocation in the hands of  
30 anyone who's not fishing.

31 Again, we talked about trip level  
32 versus other periods of accountability. Let's  
33 see. We had a discussion about maybe some of the  
34 goals and things that should be evaluated in this  
35 three year review.

36 One of those was maximizing catch  
37 target. We also talked about looking at barriers  
38 to entry and how to deal with fleet attrition.  
39 Some of the barriers that were identified now  
40 were easily accessible fishing grounds, the size  
41 of the boats and the permits, and how those  
42 interplay with each other, and then giving quota  
43 to new vessels, how would they obtain that quota.

44 Let's see. We also had discussion of  
45 closed areas. And there was a concern that  
46 Charleston Bump is closed at the wrong time of  
47 year.

48 And there were a few people that

1 mentioned that they felt that more research was  
2 needed to look into these closures and whether  
3 they were still applicable and that some of the  
4 electronic monitoring data that's being collected  
5 now potentially could be used this way, or we  
6 could use electronic monitoring systems to  
7 accomplish this.

8 For the Slope Sea, there was similar  
9 concern that there was more needed cooperative  
10 research. And in the Gulf of Mexico, that there  
11 are closures when bluefin tuna are no longer  
12 there.

13 And let's see, I don't remember what  
14 that one was. There was a comment that HMS  
15 should provide a list of what can and cannot be  
16 done in terms of rulemaking just in general, this  
17 concept.

18 And then right at the end when the  
19 group is kind of breaking up, a comment was made  
20 that we should be looking at the five percent  
21 rule for demersals. And again, using electronic  
22 monitoring to evaluate those and whether  
23 restrictions could be changed with that  
24 information. So that was a very brief overview,  
25 but I'll stop there.

26 FACILITATOR BROOKS: Okay. Thanks,  
27 Martha, very much. Just a couple of other things  
28 to fold in there under the electronic monitoring  
29 discussion.

30 We did hear concerns about the  
31 importance of pre-testing any new equipment with  
32 fishermen ahead of time so that, you know, the  
33 first time you're seeing this shouldn't be when  
34 it's being put on your boat to go out on a trip,  
35 that that's not a good policy.

36 And cost concerns that, you know, the  
37 costs that are currently being born by federal  
38 government, at some point is that going to be  
39 shifted to fishermen and the potential impacts of  
40 that.

41 And then again, as I think Martha  
42 said, on the research piece, pretty strong  
43 discussion around taking advantage of the  
44 electronic monitoring systems that are now on  
45 these vessels to get into now closed areas and  
46 conduct some carefully constructed research  
47 projects that can then look at whether or not  
48 there's the potential to reopen these.

1                   And then more broadly, conversation  
2 around you've got these systems now that are  
3 getting a lot of information. Can that  
4 information be used to sort of test assumptions  
5 that have led to closures and management regimes  
6 and sort of limit when or how the fleet can be  
7 fishing and is there a way to glean information  
8 that can begin to sort of loosen up some of the  
9 constraints that have been in place for quite  
10 some time.

11                   So let me just open it up to any  
12 members of the group that were in on that  
13 conversation to add in if there was anything that  
14 we discussed that was a key point, and I  
15 emphasize key point that we didn't highlight  
16 already, please feel free to weigh in.

17                   But I would ask you to keep it very  
18 focused because then I want to open this  
19 conversation up to the folks who weren't in the  
20 room. Anyone from that breakout session care to  
21 weigh in? Covered it? Nod yes. Okay, please.

22                   MEMBER FISHER: Good morning. I'm not  
23 from the group, but two meetings ago I suggested  
24 that any time NOAA or HMS or any fishery service  
25 body wants to introduce new electronic monitoring  
26 things on commercial vessels that they first be  
27 tested on NOAA vessels and all the bugs worked  
28 out before they're, you know, plopped in the laps  
29 of fishermen. Thank you.

30                   FACILITATOR BROOKS: Thanks. Again,  
31 anyone else from that group want to weigh in on  
32 anything that we covered that we didn't hit  
33 adequately? Sounds like we did. Thank you,  
34 Martha. So with that, let me open it up to more  
35 broadly the entire AP.

36                   Are there questions you have about the  
37 conversations that we had in the breakout session  
38 or additional thoughts and perspectives that you  
39 want to fold in on anything you heard? Rich?

40                   (Off microphone comments)

41                   FACILITATOR BROOKS: They seem to be  
42 working, but just use them and don't say it.

43                   MEMBER RUAIS: Don't jinx it. Okay.  
44 I'll bring a mini telescope next time so I can  
45 read the stuff that's up on the board next time.  
46 But I would just like to ask two questions  
47 basically.

48                   One is on the Slope Sea note. I got

1 up close to read it and it just says need more  
2 research or something like that. I was wondering  
3 if that could be elaborated upon. And then I  
4 have a second issue.

5 FACILITATOR BROOKS: Right. So I  
6 think, Terri, maybe that was your comment about  
7 pursuing cooperative research in Slope Sea? Did  
8 you want to weigh in on that?

9 MEMBER BEIDEMAN: Well, toward the end  
10 we took a, I was taking a look at the list of  
11 things that we hadn't actually touched upon. I  
12 wanted to just kind of put that in as a marker  
13 that, you know, pelagic longline boats certainly  
14 are capable and much of that data came from  
15 longline boats.

16 So anyway, just support for research.  
17 Science is what we're supposed to be looking for  
18 here. And you know, I just rung in that that's a  
19 good idea.

20 FACILITATOR BROOKS: Richard?

21 MEMBER RUAIS: Thanks for that, Terri,  
22 and we'll make a note of that. And there's  
23 certainly going to be used for research in that  
24 area. The second issue was, I can't read it very  
25 well so I'm just wondering in terms of the IBQ  
26 system, what was the general reaction of the  
27 group if somebody wants to summarize just  
28 quickly.

29 I know was it, I mean, it wasn't well  
30 utilized, it wasn't extremely utilized, it wasn't  
31 heavily utilized is the correct way to look at  
32 it. But what was the experience with it, are  
33 people satisfied that they want to give it  
34 another two years or three years or whatever  
35 amount of time. Is it here to stay forever?  
36 Scott, any feelings on that? Anyone else have  
37 any feelings on that?

38 FACILITATOR BROOKS: Go ahead, Scott.

39 MEMBER TAYLOR: Well, I think there's  
40 a lot of different opinions on this, and I think  
41 that they're valid. There are those within the  
42 group that, you know, felt that although this was  
43 vetted during the Amendment 7 process and that we  
44 need to give it an ample amount of time to work  
45 its way through to see exactly how it's going to  
46 shake out.

47 And there was discussion particularly  
48 about whether or not that the primary concern was

1 minimizing the discard or whether it was going to  
2 be utilizing the quota associated with the  
3 allocation to the longline fleet itself because  
4 clearly the latter was not achieved, that I think  
5 that the initial data will show that the numbers  
6 associated with the fleet were down, but that the  
7 fleet clearly isn't utilizing that resource  
8 that's been assigned to it.

9 And so I think there's a lot of  
10 different opinion about how we're going to  
11 accomplish that. The issue is that a lot of this  
12 has to do with the actual rulemaking itself,  
13 particularly how the quota is allocated.

14 That was a process that went on for  
15 three years, probably isn't going to change. And  
16 we're just going to have to wait and see how the  
17 culture within the industry is.

18 And I can give an example that I was  
19 talking to Tom right when we were in the break  
20 that what I think is important to understand for  
21 the group in general is when you look at this in  
22 a global way and there's whatever it was, 180  
23 metric tons that were non-utilized, that's a big  
24 number and I think, is that the correct number,  
25 Brad? Give or take.

26 (Off microphone comments)

27 MEMBER TAYLOR: But if you look at it  
28 on an individual boat basis, where a boat may  
29 only have two fish and it's making the decision  
30 as to whether or not to harvest a live fish in  
31 the way they would have before, that decision is  
32 being made not to harvest because they don't know  
33 what potentially is down the line.

34 And just like with the harpoon  
35 fishery, there is a timeframe. In July somebody  
36 turns the switch off, they give you more quota,  
37 it doesn't do any good for you. For us in the  
38 longline fleet, the maximum value in harvesting  
39 these fish is the wintertime when they have high  
40 fat content, when they're going to have value.

41 Once we get into the summer months,  
42 into June and July and the general category is  
43 producing, you know, the higher quality fish, the  
44 fish that are going to come off the longline  
45 fleet don't have any value.

46 And so you have this disconnect in  
47 timing in which kind of you have this big global  
48 amount that's going unutilized, but on the

1 individual basis, the little quota that's being  
2 held by each individual boat needs to be  
3 preserved in the event that there's a problem. I  
4 hope that's --

5 (Off microphone comments)

6 FACILITATOR BROOKS: Yes, thanks,  
7 Scott. I want to see if there's any rec  
8 fishermen out there or environmental folks who  
9 want to weigh in or share some thoughts on the  
10 time area closure research and concept of getting  
11 some research going in there, again taking  
12 advantage of the electronic monitoring, a  
13 carefully designed study.

14 Thoughts on that line of thinking that  
15 came out of this breakout session? Does silence  
16 equal yes that makes sense? I mean, we need to  
17 hear from folks, it would be helpful to hear yes  
18 that makes sense or if anyone has any concerns  
19 about that or thoughts about how that should go  
20 forward if it were going to go forward, it would  
21 be very important for the HMS folks to hear those  
22 perspectives. Martha?

23 MEMBER BADEMAN: Yes, so this is  
24 Martha Bademan from Florida. Our agency has  
25 commented a couple of times when this issue pops  
26 up occasionally. And our commission has  
27 typically not been in favor of opening these  
28 areas to pelagic longline fishing.

29 With that said of course, if there's  
30 an EFP, you know, we would look at that,  
31 application, we would look at that on its own  
32 merit. So, I mean, I think that's how this  
33 process would go and how we would have to handle  
34 it.

35 FACILITATOR BROOKS: Anyone else care  
36 to weigh in on that?

37 MS. SCHULZE-HAUGEN: So the way the  
38 record will be reflected, oh I see some tent  
39 cards going up.

40 FACILITATOR BROOKS: Go ahead, please.

41 MEMBER COX: Andrew Cox, Marlin  
42 Magazine. I think that, I mean, as much as I  
43 hate to say it I think that some of the displaced  
44 effort could be increasing billfish bycatches.

45 We've talked about earlier, Scott,  
46 that I would entertain the idea of the EFP in  
47 that area just to see what you guys have to look.  
48 I think the biggest issue potentially is going to

1 be interactions between rec boats and longline  
2 boats.

3 We don't want that. So depending upon  
4 where the line is set in the Florida East Coast,  
5 we could at least entertain the idea and see an  
6 EFP.

7 FACILITATOR BROOKS: So displaced  
8 efforts elsewhere are saying, suggesting yes,  
9 maybe we should take a look at that. But  
10 regardless, we have to be mindful of gear  
11 conflicts going forward.

12 MEMBER COX: Yes, exactly.

13 FACILITATOR BROOKS: Okay, thank you.  
14 Scott?

15 MEMBER TAYLOR: I would just like to  
16 respond to that, Andrew. And I really appreciate  
17 that kind of public tacit approval for, if that's  
18 what you want to call it.

19 And I want to assure you all that we  
20 get it. We get it, okay. But we also need the  
21 help and the support of the recreational and the  
22 environmental community.

23 I think that our company has had a  
24 track record in the past of demonstrating, being  
25 able to reach across that aisle and support that  
26 and that our only objective here is to increase  
27 swordfish production, and that if we're not able  
28 to do that in a way that we're going to minimize  
29 the environmental impact and bycatch issues, that  
30 ultimately whatever research that's going to be  
31 done would be for a moot point.

32 But that I think that the industry  
33 deserves the chance given the level of  
34 accountability that's been asked of it that's  
35 sort of almost unprecedented in almost every  
36 other industry to show that we can and that we do  
37 know best how to harvest these fish in the most  
38 responsible way.

39 So we're not talking about, to be  
40 clear, the EFP proposal. And I think that it  
41 will come out and, you know, and it will be  
42 worked on through Dave Kerstetter does not  
43 include the Straits of Florida.

44 That I think that we're all in  
45 agreement that that area is just too narrow, too  
46 much of a choke point and shouldn't be  
47 considered. What we're hoping to demonstrate is  
48 more of a methodology and a way to be able to get

1 science and also to be able to maximize the  
2 mature swordfish that we're looking to harvest.

3 FACILITATOR BROOKS: Scott, I'm going  
4 to jump in just because Dave wants to get in.  
5 Kerstetter.

6 MEMBER TAYLOR: That's fine. He can  
7 talk better than I.

8 MEMBER KERSTETTER: Thanks, Scott.  
9 No, I think Scott actually made most of the  
10 points that I was trying to get at, especially  
11 earlier in our breakout session.

12 I would thank Andrew and some of the  
13 other people who have expressed their willingness  
14 to consider our proposal and remind you, or  
15 everybody on the Panel that it still is a work in  
16 development. This is not something that we're  
17 ready to roll out next month.

18 So if anybody has any concerns, I  
19 would be happy to talk with you about the design  
20 that we're working on and our predicted catches  
21 and do my best to address your concerns  
22 proactively.

23 FACILITATOR BROOKS: Thanks. Marty?

24 MEMBER SCANLON: Yes, one thing I  
25 would like to just, you know, you made a comment,  
26 Andrew, about gear conflict with us. And what  
27 I've found over the course of the years is that,  
28 you know, in the open water that a lot of times  
29 the recreational guys utilize our gear to help  
30 catch their fish.

31 You know, they try to find us and they  
32 try to find that structure that we create on a  
33 temporary basis to help their fishing effort.  
34 You know what I'm saying? So it works hand in  
35 hand.

36 I mean, sure there are times when  
37 there's a conflict. But usually it's not because  
38 of the so much of the longline, it's your guys  
39 that don't have the real knowledge, the  
40 recreational guy that doesn't have the knowledge  
41 to know how to go around that gear and utilize  
42 that gear to that advantage. Do you know what  
43 I'm saying?

44 There's plenty of you guys that go out  
45 there and they fish right alongside of us,  
46 trolling right along there to their advantage.  
47 They don't interfere with us whatsoever.

48 FACILITATOR BROOKS: All right, if

1 there are no other comments on the pelagic  
2 longline breakout, let's shift over to you, Greg,  
3 if you are ready.

4 MEMBER SKOMAL: Always ready.

5 FACILITATOR BROOKS: Always ready.

6 Good.

7 MEMBER SKOMAL: Always ready. May not  
8 relay accurate information, but always ready to  
9 talk. I can barely read these and I'm five feet  
10 away, so bear with me. I'll work off these as  
11 much as I can then go to my own notes.

12 We didn't get as far into this as of  
13 course we wanted to, but we did talk about the  
14 three categories, Angling, General, and Purse  
15 Seine and had great discussions, cooperative  
16 discussions about each. And I will touch on the  
17 major points and let others fill in as necessary.

18 But number one with regard to Angling  
19 and Charter/Headboat category there was great  
20 discussion about ample opportunities to increase  
21 the school fish bag limits given the fact we  
22 haven't met our ten percent allowance at ICCAT in  
23 recent years and plenty of fish perceived out  
24 there in some areas.

25 Definitely consensus to increase those  
26 bag limits for charter/headboat and private  
27 anglers. The charter/headboat in particular  
28 expressed interest in knowing not only that these  
29 numbers are higher, but also being able to  
30 advertise them as early as possible in the season  
31 so they can sell charters and book trips.

32 And for them it's all about doing so.  
33 And the recreational private sector in general  
34 also feels that it increases opportunity for  
35 those anglers if they know there's more fish that  
36 can be had and can be landed.

37 So being able to increase the bag  
38 limit, and the numbers put out there were along  
39 the lines of three schoolies and one large  
40 school/small medium for the charter headboat  
41 group and then two plus one for the private  
42 anglers.

43 And coupled with that was definite  
44 interest in the room in increasing the capacity  
45 to report these animals in real time. So the  
46 ACCSP effort through e-trips was mentioned as  
47 well as VTRs and such as a way to report these  
48 fish so that if necessary inseason changes can be

1 made.

2 But along those lines also, the one  
3 stop shopping is always the best way for most  
4 anglers, commercial, recreational to be able to  
5 report this instead of having to go through  
6 multiple applications and get the data to you  
7 guys.

8 So that was the consensus along the  
9 lines of what the Angling and the Charter/  
10 Headboat folks wanted. With the three plus one  
11 for charter/headboat and the two plus one for the  
12 private sector, better reporting through  
13 electronic real time reporting.

14 And not a lot of discussion about that  
15 arbitrary May 15th date, but I think people  
16 wanted to look at when fish actually start coming  
17 in and picking a date that probably reflects the  
18 data that are coming in. So could be a little bit  
19 later perhaps, depending on what sector is  
20 catching fish where.

21 With regard to the Angling category  
22 subquotas for the Gulf of Mexico, I think there  
23 was general agreement from those at the table  
24 that the Gulf of Mexico subquota is a good thing.  
25 So let's keep that.

26 Moving on to the second general  
27 discussion about General, Harpoon, C  
28 harter/Headboat category commercial retention.  
29 It was put out there first and foremost right  
30 away that at June 1st at five fish (General  
31 category limit) was best and recommended, and I  
32 think that was the general consensus in the room.

33 For the harpooners, the two mediums  
34 was important as well, although that was not  
35 discussed to any great degree. What did generate  
36 some discussion was the winter General category  
37 fishery and a desire by those participating in  
38 that to perhaps fill that quota instead of  
39 picking in the March 31st stop date.

40 So if it goes into April or May, so be  
41 it, but have the opportunity in that winter  
42 fishery to fill that quota that's set in January  
43 or February.

44 Moving on to discussion, short  
45 discussion regarding Purse Seine start date.  
46 This was largely divided along category lines.  
47 Start date, from the General category folks in  
48 the room and Angling category folks in the room

1 was as late as possible. You know? Certainly  
2 not before the July 15th, no earlier than that.

3 And this was largely because the  
4 potential conflicts and conflicts that do occur  
5 between Harpoon category, General category, and  
6 the purse seiners and the market effects of the  
7 purse seine fleet when they bring in large  
8 amounts of fish.

9 On the flip side of that, those  
10 representing the purse seiners, they need to  
11 catch the fish when they're available as well.  
12 And that sometimes is early in the season. It  
13 was even suggested that, you know, setting fixed  
14 start dates, even setting fixed end dates is not  
15 the right way to go. It should be based on quota  
16 and fish availability.

17 And the availability of those fish  
18 should be to all categories, not just one over  
19 another. So some disagreement in the room as to  
20 what the optimal start date was, but something  
21 I'm sure you guys will sort out.

22 And that was about it. We didn't get  
23 too much further in the agenda, and I hope I  
24 captured the general consensus or the general  
25 feelings in the room. And if not, I'm certain  
26 there are others that will weigh in.

27 FACILITATOR BROOKS: Please, Andre?

28 MEMBER BOUSTANY: In terms of  
29 increasing the either school or any of the other  
30 size classes, the retention limit for those,  
31 that's something that I think we would have to be  
32 very careful about and we would want to implement  
33 some sort of another point that you mentioned,  
34 Greg, some sort of accounting before doing that  
35 because we run the risk of getting into a  
36 situation like with the 2002 year class where  
37 this big cohort came through and all of a sudden  
38 you had the recreational angling categories  
39 landing the majority of fish.

40 With the way that that accounting is  
41 currently done where we account for that and  
42 calculate that at the end of the year, that might  
43 be too late and potentially creating some major  
44 headaches.

45 So with that in mind, I would like to  
46 say that it would be great if we could go to a  
47 catch card system or some sort of dynamic  
48 measuring of these landings and both within

1 Charter/Headboat, within the recreational, within  
2 the Angling category. So any move that we could  
3 do in that direction would be great.

4 FACILITATOR BROOKS: And just a follow  
5 up question on that. So in your group's  
6 discussion, when there was the discussion of  
7 increasing the limits, was the real time  
8 reporting tied to that or was there a sense of  
9 yes that would be good, but regardless, increase  
10 those limits?

11 MEMBER SKOMAL: No, I mean, the  
12 discussion was very much coupled between, you  
13 know, increasing our capacity to report these  
14 things in near real time so that if inseason  
15 adjustments need to be made they can be.

16 FACILITATOR BROOKS: I've got a few  
17 cards. Rich, and then over to John.

18 MEMBER RUAIS: Just specifically to  
19 Greg's last comment, I think there was also a  
20 realization around the room expressed largely by  
21 representatives of the charter boat fleet that  
22 there's not a real expectation that we're going  
23 to see a great leap in the catch of those size  
24 fish but that from a marketing perspective, from  
25 a successful economic business perspective, the  
26 higher the bag limit is is the way you secure  
27 your charters.

28 And that's where the support was  
29 really coming from. Well, not only that. If  
30 they catch them, finest kind as well. The only  
31 other, I still have the mic, it's okay to go on?

32 The only other point I wanted to make  
33 was on the early Seine start date. Again, Greg  
34 did a great, you all did a great job of, you  
35 know, covering a whole lot in an inadequate  
36 amount of time. But we had to be brief on a lot  
37 of issues that we could have discussed a lot  
38 further.

39 And the Seine start date was one. I  
40 referenced two major letters that we've put into  
41 the Agency, one on March 6th, 2016 and one in  
42 April of 2015 that, you know, adamantly predicted  
43 in 2015 exactly what the damage was going to be  
44 to the harpoon fisheries that have that short  
45 window dependent upon that, on visible fish at  
46 the surface. And that damage was materialized.

47 And so this year we have asked that  
48 July 6 didn't provide an adequate enough window

1 and we were hoping we could get closer to July  
2 15th. This is what we're looking to do. And  
3 actually I think the letter is probably a little  
4 stronger than that and says do not, please do not  
5 open the fishery before July 15th. Thanks.

6 FACILITATOR BROOKS: John?

7 MEMBER GRAVES: Sure. Mine was just  
8 a quick point to Andre's point where if you're  
9 looking at the dynamic accounting, you know, the  
10 LPS survey certainly doesn't, you don't get  
11 enough information quick enough to do it.

12 And when we had the 2003 year class  
13 which was the successful year class, and  
14 essentially the Agency got behind the eight ball  
15 a few years later as those school fish entered  
16 the fishery, we had a four year period then to  
17 average our, at that time it was eight percent of  
18 our quota as undersized fish.

19 When we increased that percentage of  
20 undersized fish to ten percent when we had our  
21 quota reduced sort of as a compensation that  
22 would keep the recreational fishery going, our  
23 period over which we averaged it was reduced from  
24 four years to two years which makes it almost an  
25 impossible task for the Agency.

26 So if they exceeded in one year, it's  
27 going to be closed in the next. And in fact in  
28 the four year period from 2005 or 2006, the  
29 Agency effectively shut down the school sized  
30 fishery for a year. And that had a huge impact  
31 on a lot of charter businesses.

32 FACILITATOR BROOKS: Thanks, John.  
33 Let's go to the end of the table. I can't see  
34 who's card that is. It's Martin? Okay, Martin  
35 and then we'll go over to Rick.

36 MEMBER FISHER: Thank you, Bennett.  
37 One of the things we're all suffering from across  
38 the board in many fisheries is attrition due to  
39 the age of the captains and the crews and the  
40 skill base moving out.

41 And one of the ways to encourage  
42 recapitalization and new entrants coming into the  
43 fishery would be to deal with the last item on  
44 the breakout page, should NMFS consider relieving  
45 vessel upgrade restrictions for swordfish  
46 handgear or permitted vessels.

47 If that was accomplished, that would  
48 probably set the stage for doing the similar

1 thing in the longline community. And I think  
2 there's some support around the table for that.

3 So we weren't able to get to that  
4 item, and I just wanted to get it out in plenary.  
5 Thank you.

6 FACILITATOR BROOKS: And just to note,  
7 that did come up briefly in the longline  
8 conversation as well. And one of the things that  
9 we talked about up here is we recognize this  
10 didn't really get a good airing in the breakouts.  
11 And if we have a little time, we thought we would  
12 open it up just for general conversation. So  
13 Rick?

14 MEMBER BELLAVANCE: Thank you. Rick  
15 Bellavance, charter boat operator from Point  
16 Judith, Rhode Island. Just wanted to offer a  
17 little comment in regards to the ability for us  
18 to collect data from the recreational side.

19 We heard in our discussion that the  
20 LPS survey has improved over time and the amount  
21 of data and the quality of data they're getting  
22 is a little bit better than it was in 2002. So I  
23 think that that's something that's noteworthy.

24 And then we do have tools in place for  
25 the for-hire sector to help us report more  
26 robustly and more timely. So I think that that's  
27 an important component to increasing the bag  
28 limits on the small fish, and I don't think it  
29 should be something that kind of holds us up here  
30 a little bit.

31 I do think we should definitely move  
32 forward with increasing the bag limits with  
33 better accountability.

34 FACILITATOR BROOKS: Thank you.  
35 Scott, is that a leftover card? Okay. Anyone  
36 else from either the breakout group or the Panel  
37 want to weigh in on any of the issues that were  
38 covered by Greg in his summary? Yes, Dewey?

39 MEMBER HEMILRIGHT: Yes, Dewey  
40 Hemilright. I was just curious in yesterday's  
41 presentation that showed about the, I guess I  
42 would call the accountability of reporting of  
43 only 13 percent of the General category,  
44 Charter/Headboat, Harpoon.

45 How did the breakout group decide to  
46 deal with that as far as, you know, it's  
47 mandatory reporting. You're supposed to be  
48 reporting. You know that when you renew your

1 permit as I look on the Report Your Fish on the  
2 permit shop site. And everybody's talking about  
3 increasing more fish, getting more.

4 And what was your thoughts on that?  
5 Do you know, how is --

6 (Off microphone comments)

7 MEMBER HEMILRIGHT: -- start enforcing  
8 the report your fish condition of the permit that  
9 people have? And it's definitely compliance  
10 issue because you have the dealer that gets the  
11 fish, and the people aren't reporting.

12 So is there any validity to the  
13 thought of you have to have a number or logbook  
14 number to give to that dealer to report your  
15 fish? I mean, it's got to start somewhere, you  
16 just can't get free fish all the time.

17 And in the commercial industry, people  
18 are held to a higher standard of not being able  
19 to fish in areas because they send it a late  
20 logbook. And so the accountability on the  
21 commercial side is he doesn't get to go fishing  
22 in a gear restricted area. One of the criteria  
23 is because he sent his logbooks in late.

24 (Off microphone comments)

25 FACILITATOR BROOKS: Okay, so two  
26 issues here. One is I think your first question,  
27 Dewey, was this in fact discussed. And Greg is  
28 saying no, it wasn't covered. The second  
29 question is we should discuss it and does the  
30 Agency have thoughts on the issue of  
31 accountability associated and compliance with  
32 this requirement and an issue of parity of, you  
33 know, the charter boats to commercial.

34 I don't know what the Agency's  
35 thinking is, and I know you floated an idea  
36 yesterday, and we also heard that there were some  
37 technical glitches on how it rolled out last year  
38 that I think we get a sense that that will get  
39 improved as it goes on. So I don't know, give  
40 the Agency chance if they want to fold in, and  
41 then I see I've got a few cards to come in.

42 MR. MCHALE: So unfortunately, Dewey,  
43 in that breakout session we didn't get into it.  
44 But, you know, I think twice now that you've  
45 mentioned what takes place regarding the trip  
46 tickets and kind of how things play out in the  
47 commercial fishery where a vessel operator needs  
48 to show report before that catch can be sold.

1                   And I think there's immense validity  
2 to that, and to look into that in regards to some  
3 of the hand gear fisheries. In some of the  
4 sidebar conversations that we've also had is  
5 exploring what some of the states require for  
6 commercial fishermen to report through the SAFE  
7 system.

8                   And learning more about that and what  
9 states may have something like that where it  
10 would actually achieve exactly what you had  
11 recommended is that there's a verification that  
12 fish has been reported from the vessel that then  
13 the dealer could verify.

14                   So there's merits to that. I think it  
15 needs a little bit more exploration to kind of  
16 figure out what's already out there, what the  
17 states are doing, and then trying to tease out  
18 what the federal versus state requirements are.

19                   But I think there's opportunity there  
20 to achieve exactly as what you're commenting on  
21 is, you know, when it comes to compliance,  
22 Longline category knows it very well on multiple  
23 fronts.

24                   And granted, it is the initial year,  
25 but we do have the commercial deal reported  
26 catches as the data set to then verify vessel  
27 reports to. It's then trying to see what  
28 mechanisms are out there, what would need to be  
29 developed, and then ultimately mapped up.

30                   So it didn't get a lot of air time in  
31 plenary other than your comment during the  
32 breakout group, but it's something I've latched  
33 on walking away from this.

34                   FACILITATOR BROOKS: Thanks. So let's  
35 go to, work our way down to Shana, Rick, Rom,  
36 then up to Rich and then back down to Marty. So  
37 Shana?

38                   MEMBER MILLER: Yes, I just wanted to  
39 really quickly add on to what Dewey was saying.  
40 You know, it's not just the charter boat fleet  
41 that has these reporting requirements. It's also  
42 the private boat fleet, and that call in system  
43 has been mandatory for years.

44                   And compliance continues to be low  
45 with that. And I mean, really at some point, you  
46 know, I go out fishing much to everyone's  
47 disbelief. And, you know, you come home, you put  
48 your bluefin on Facebook or wherever you want to

1 put it, and then you report it to NMFS. I mean,  
2 it just, at some point there needs to be  
3 enforcement of those mandatory reporting  
4 requirements.

5 FACILITATOR BROOKS: Rick?

6 MEMBER BELLAVANCE: Thanks. Rick  
7 Bellavance, party boat operator, charter boat  
8 operator on Point Judith. I just, Dewey, I agree  
9 with everything that you're saying. We do have  
10 to do a better job of reporting.

11 I just don't want to get wound around  
12 the axle with having all these different places  
13 to have to report. You know, if you're a bluefin  
14 fisherman, you got to use this system. If you're  
15 a groundfish fisherman you've got to do your  
16 vessel trip reports for GARFO.

17 If you're a state blackfish fisherman  
18 and you've got to do a state electronic report or  
19 a paper report. If you're commercial you've got  
20 to do this, if you're a charter boat you've got  
21 to do that.

22 And that's where we get kind of, I  
23 think we have a lot of non-compliance issues  
24 because there's such a burden to what we have to  
25 report. I'm dual permitted. I've got five  
26 different places that I have to report.

27 And we need to be working towards one  
28 system where I go out fishing and I catch some  
29 groundfish on the beginning part of my trip, I  
30 trawl around for some tuna fish, I get a bluefin.  
31 And on my way home I hit some striped bass in  
32 state waters and I just put all that on one  
33 tablet, hit send, and it goes to whoever it's got  
34 to go to.

35 And I think that's really where we  
36 need to be striving for and stopping management  
37 measures while we wait for that to happen is just  
38 going to hurt fishermen.

39 I think we need to be working that way  
40 and just keep plugging along. But I don't think  
41 putting, you know, a tag system here or an app  
42 here or whatever, all these different solutions  
43 to problems at a particular fishery is going to  
44 help anybody. I think it's going to be worse.  
45 We just need to have a comprehensive look at how  
46 we all report.

47 FACILITATOR BROOKS: So conceptually  
48 agree, but a streamlined workable system is

1 needed. Okay, Rom?

2 MEMBER WHITAKER: Yes. My only input  
3 of what Dewey was talking about, in our state we  
4 have catch card program. So when you catch a  
5 fish, you get a tag and you attach it to that  
6 fish before it's removed from the boat and record  
7 your HMS number, your boat name, the date you  
8 caught it, the length of the fish I think. Maybe  
9 it's a couple of other things.

10 But I would say that most of the  
11 people are not calling in also. I was assuming  
12 that once you do you catch card that you didn't  
13 have to call in. And then if you do call in, is  
14 this fish captured twice, whether recreationally  
15 or commercial.

16 And I guess that might be a little bit  
17 of the problem. But I would like to know the  
18 answer to is this fish captured twice or is there  
19 mechanisms in there to make sure the same fish is  
20 one time. Thank you.

21 MR. MCHALE: So I don't want to  
22 confuse the recreational and the commercial  
23 aspects because you're right. In North Carolina  
24 as well as in Maryland there are those census  
25 catch card programs in place to capture the  
26 recreational harvest, the bluefin and some of the  
27 marlin.

28 And those two states are exempt from  
29 the recreational call in system and have been.  
30 So there isn't that dual reporting. What we also  
31 do is work with the staff of North Carolina and  
32 Maryland to cross reference those data sets to  
33 make sure that there isn't duplicative reporting  
34 as well.

35 It's relatively rare, but every now  
36 and then we'll catch, you know, somebody that's  
37 done both and we'll weed those out.

38 When it does come to that commercial  
39 aspect, all right, that is a little bit different  
40 where the dealers do report to the agency. And  
41 currently there aren't any exemptions at the  
42 state level for vessels.

43 Those commercially, either  
44 Charter/Headboats fishing commercially, General,  
45 or the Harpoon to self-report their catch in that  
46 system as well. And so there, again it wouldn't  
47 be duplicative reporting. We're counting the  
48 vessel catch in addition to what the dealers are

1 reporting.

2 It's more that verification and the  
3 accuracy as well as trying to capture that  
4 release information that the dealers aren't  
5 necessarily going to be able to obtain.

6 FACILITATOR BROOKS: Thanks. Let's  
7 take a couple of more comments on this, and then  
8 I want to make sure we're saving a little time to  
9 again talk about the vessel upgrade restrictions  
10 for swordfish. So let's go to Rich, then Marty,  
11 then Tim, then Dewey.

12 MEMBER RUAIS: Thank you. And I'm  
13 glad Brad just made that latter clarification  
14 because there was some confusion I think that was  
15 entering in over the fact that the Angling  
16 category has been required to call in for several  
17 years now.

18 And this is the first year, 2015 was  
19 the first year the General category had to call  
20 in the, as a result of implementation of  
21 Amendment number 7.

22 And I think what we're doing now is  
23 making a mountain out of a molehill. I totally  
24 understand the motivation behind it. And so be  
25 it. It can get to the point where it's going to  
26 be looking a little bit silly to be doing this.

27 I challenge anyone to find a category  
28 that NMFS has better and more accurate data on  
29 than the General category since, in our modern  
30 era. Let's just leave it at that.

31 And I'll just repeat because  
32 apparently we have to if you want us to defend  
33 ourselves, and I take it that's what Longline  
34 people want us to do is to defend the General  
35 category in this case.

36 The dealer, the responsibility falls  
37 to the dealer in the first instance within 24  
38 hours of submitting the facts because he's land  
39 based. The fisherman sometimes, the trips, a day  
40 trip, what's called a day trip for bluefin can  
41 often amount to a 36 hour trip or longer because  
42 he's fighting the fish for 16 hours on a rod and  
43 reel.

44 So he doesn't get in in time. And if  
45 the office closes at 5:00 and there's no  
46 recording machine, it's physically impossible  
47 unless he has a satellite phone and can, well and  
48 call in before 5:00 if he's hooked the fish

1 before 5:00.

2 But real fishermen in the General  
3 category don't go home by 5 o'clock. They keep  
4 fishing until they've either caught the fish or  
5 it's dark. And so there are, the compliance rate  
6 was low. Needs to be corrected. It will be  
7 corrected.

8 We can get the word out. Andrew has  
9 already posted it in a few places where the  
10 responses that are coming in are "what reporting  
11 requirement?". So we did a bad job, a poor job.  
12 ABTA did a poor job of it.

13 The Agency was probably less than  
14 adequate as well even though I know the extensive  
15 work that you did to do it. But apparently it  
16 didn't get out to everybody.

17 We've got to overcome the logistical  
18 issues. But, you know, primarily between the  
19 dealer reporting with the facts and then the two-  
20 week reporting, it's coming in and now you'll  
21 have the phone call coming in saying yes, I did  
22 catch one and you'll see two more backups of it.

23 We are a commercial fishery. When  
24 there are issues, we've had issues with dealers.  
25 Just this year we had quite a major issue where a  
26 couple of dealers got visits by federal agents  
27 for not faxing in the cards within 24 hours,  
28 missing cards.

29 There's going to be NOVAs issued I've  
30 been told. And we're paying prices, the same  
31 price that others will do. I'm taking longer  
32 than you want, but at the same time the criticism  
33 is getting to the point where it's a little bit  
34 much.

35 FACILITATOR BROOKS: Okay. So we hear  
36 you. I would invite us not to wander down the  
37 path of whose data is better because that's not  
38 on the agenda today and probably won't be a very  
39 helpful conversation. Marty, Tim, Dewey. Dewey,  
40 you took your card down, so Marty and Tim, and  
41 then I want to push on so we can have a little  
42 bit --

43 (Off microphone comments)

44 MEMBER SCANLON: So first of all, I  
45 would like to welcome everybody to the pelagic  
46 longline responsibility for reporting through  
47 multiple ways.

48 FACILITATOR BROOKS: Marty, let's not

1 go there, okay?

2 MEMBER SCANLON: Well, I mean, I don't  
3 think I have to go through all the details. I  
4 think everyone knows how much reporting --

5 FACILITATOR BROOKS: I know. Marty,  
6 let's not go there, we don't have the time to do  
7 it.

8 (Simultaneous speaking)

9 MEMBER SCANLON: What I would like to  
10 know is what exactly, we've had, you know, 86  
11 percent non-compliance. You just had a breakout  
12 session which just goes to display the arrogance  
13 that it wasn't even discussed on what's happening  
14 with that issue. So it's not a real priority to  
15 them.

16 What's the agency going to do about  
17 the fact that they were 86 percent non-  
18 compliance, that's what I would like to know. I  
19 know in pelagic longline industry, if we don't  
20 call in for an observer, you're sending, you  
21 know, enforcement is showing up at the door.

22 FACILITATOR BROOKS: Marty, let's let  
23 the Agency respond to your question.

24 MR. MCHALE: All right, so a couple  
25 thoughts here. One is I echo the sentiment that  
26 nobody here can compare who's better or who's  
27 worse regarding data.

28 With all due respect, I think where  
29 there are some vessels that now have cameras on  
30 them. We may start to learn more about them. So  
31 whether we know more about General, more about  
32 Angling, Harpoon, or Longline, I know enough  
33 about all of them for the most part because  
34 you're all around this table informing us and  
35 such.

36 When it comes to compliance, and I  
37 think we all understand this is that when any  
38 kind of new regulation rolls out, more often than  
39 not we leave a window of opportunity for learning  
40 both on the Agency side as well as the effective  
41 constituency side to get that word out there.

42 So if we've done a poor job, we can  
43 refine it, we allow that, we require the  
44 opportunity before I pick the phone up and call  
45 in and have them come knocking on doors.

46 And so yes, this is the first year of  
47 that requirement. But we also to the point I  
48 think Marty's raising is there are always going

1 to be impediments to comply with various  
2 regulations, whether it's I can't find a mailbox  
3 to put a hard drive in or there isn't somebody  
4 there to answer the phone or there isn't an  
5 answering machine or I don't have a smartphone or  
6 I don't have web access.

7 These impediments, regardless of  
8 whether it's longliners' compliance, handgear  
9 compliance, whatever, are always going to be  
10 different in some form or fashion.

11 And we're collectively going to need  
12 to overcome them. And, you know, so I put my  
13 eggs more in that education basket, the learning  
14 basket. I would accept as much responsibility as  
15 you have said ABTA hasn't done the best job of  
16 getting the word out there.

17 I will say that we did the same. And  
18 so Marty, to your point, that's ultimately where  
19 we're going to first approach this is making sure  
20 that that word gets out there.

21 Now that being said, I also want to  
22 make the point is that we will know every single  
23 commercially landed (General, Harpoon category)  
24 fish. We'll have that data set, something that we  
25 don't have in the Angling category.

26 And so at some point in time, and I  
27 don't know exactly what that horizon is, at least  
28 as of this morning is that we wouldn't be able to  
29 do, go back and do that comparison and say hey  
30 listen, I see that Brad McHale landed a fish here  
31 on June 1st and he didn't report it. Hey Wynn,  
32 give him a call.

33 You know, we might have to get to that  
34 point. And that will garner attention. But I  
35 prefer to move forward with the carrot and the  
36 education versus the stick and acknowledge that  
37 there are reporting burdens on all individuals in  
38 the HMS fisheries regardless of commercial, rec,  
39 or gear type.

40 FACILITATOR BROOKS: Shawn, is that  
41 your card I see up there?

42 MEMBER JOYCE: Yes. The General  
43 category piece, we're not seeing that in our  
44 reporting. The dealers are reporting, we know  
45 that's accurate. But there has been no  
46 enforcement at all.

47 I mean, I don't know anybody that's  
48 ever had any follow up with whether they've

1 reported a fish or not. And I've spoken about  
2 this before in prior meetings and people being  
3 aware of the education of them being aware of  
4 their requirement.

5 But I guess most commercial guys are  
6 just seeing the General category that the  
7 dealer's reporting it so "so what," and there's  
8 no follow up. So they just figure it's okay, the  
9 dealers report it and the data is captured.

10 But the big, the troubling part is the  
11 recreational guys which I, you know, I know many  
12 of those. And a lot of those guys don't even  
13 understand their requirement to report.

14 And I would say when you look at the  
15 fact that the General category doesn't report,  
16 they let the dealer do the reporting and the rec  
17 guys I would assume you're not catching that  
18 data. We're not getting it. Those guys just  
19 don't know of the requirement and/or they don't  
20 do it.

21 I mean, I know guys that are  
22 recreational guys and landing fish on our dock  
23 and they don't even know how to process it. I  
24 mean, they look for one of us to help them decide  
25 and come back with the guts and everything and  
26 they say can you help me with this.

27 And like, shit, that fish is 12 hours  
28 old and it's been sitting in August water. It's  
29 no good now, let alone knowing the fact that you  
30 had to go on and report that you caught that fish  
31 and it's a giant trophy fish.

32 So we have to do a better job at  
33 educating these people that are pulling these  
34 permits that they are required to report because  
35 I don't think they are.

36 FACILITATOR BROOKS: Thanks. Pat,  
37 we'll give you the last word and then jump to  
38 swordfish.

39 MEMBER AUGUSTINE: Thank you. Maybe  
40 we need to revert to robo-calls. Make it simple,  
41 stupid. We haven't tried that yet. Tried  
42 everything else. And there is pretty high level  
43 of non-reporting in all categories.

44 If you're not reporting, you have to  
45 commit to report or you lose it. But what else  
46 could we do besides the simple robo-call. Or if  
47 you've got permit, you're required to submit  
48 either a card or something back to permit office

1 once at the middle of the year or at the end of  
2 the season.

3 It just seems as though there's got to  
4 be some kind of follow up. I mean, the excuse of  
5 not knowing, people have got the permit, they  
6 look at it, they don't look at it. They just got  
7 the permit and they put it on their vessel and  
8 they go fishing.

9 And I think it's pretty dumb on the  
10 part of those folks that are getting these  
11 permits. So in any case, why don't we try  
12 something simple? It just seems like we tried  
13 all that other complicated systems with the  
14 pelagic guys are doing all their reports.  
15 Everybody else is doing their reports except the  
16 people who really need to do it. Let's focus on  
17 them.

18 FACILITATOR BROOKS: Thanks, Pat. So  
19 clearly, pretty broad agreement that the  
20 compliance isn't at an acceptable level. It  
21 needs to be better and there's a lot of  
22 improvement that can be done in the outreach.

23 Maybe some technical fixes like having  
24 a phone that's answered after 5 o'clock or an  
25 answering machine, things like that, education,  
26 outreach, robo-calls. Who knows what it is, but  
27 there's better ways to do the outreach and the  
28 education that have been done that needs to be  
29 given a chance.

30 If there's a shift to, you know, a  
31 more real-time, almost real-time reporting  
32 system, that that needs to be streamlined and  
33 done in a way that isn't overly burdensome and  
34 can work for the fishermen who are out there.

35 And then I think there is still a sort  
36 of larger conversation that's quite dynamic  
37 around is the compliance level low enough that it  
38 should be a barrier to increasing bag limit, trip  
39 limits. I do not hear anything resembling any  
40 kind of concurrence around that issue, and also  
41 is there need for sort of stronger enforcement  
42 for those vessels that really aren't complying.

43 So I think that's where that's at.  
44 Seems like the immediate next step really is  
45 around this education piece, you know, on a lot  
46 of shoulders around the table.

47 So with that, we've got about ten  
48 minutes where we can dive into the vessel upgrade

1 restrictions. And I think I would look to one of  
2 the HMS folks to maybe tee that up in a way just  
3 with a focused question given the time we have.

4 MS. SCHULZE-HAUGEN: So there's only  
5 two issues here that we had teed up for the  
6 different discussions. There's upgrade  
7 restrictions that are applicable in the swordfish  
8 directed permits that we had teed up for the  
9 pelagic longline discussion.

10 And there's also swordfish handgear  
11 limited access permit upgrade horsepower  
12 restrictions that we had teed up in the handgear  
13 discussion.

14 And so I think in the longline group  
15 we heard that the upgrade restrictions on the  
16 swordfish directed permits were very entry and  
17 that there's a lot of energy put to trying to  
18 match boats and sizes to permits, and that it  
19 wasn't necessarily relevant anymore given the  
20 status of that fleet relative to when those were,  
21 restrictions were implemented in the late '90s.

22 I don't know if it came up in the  
23 handgear discussion at all. But I would note  
24 that the swordfish handgear, the horsepower  
25 restriction in that was in part due to a number  
26 of discussions relevant to the swordfish special  
27 management area and the gear conflicts and effort  
28 in Florida waters that would be something to  
29 consider in that aspect of the discussion.

30 FACILITATOR BROOKS: So Tim, and then  
31 over to Terri.

32 MEMBER PICKETT: Okay. A couple of  
33 points here on that bulleted list and kind of to  
34 discuss this in general. It's, you know, you  
35 have a kind of three part list here about  
36 modifying the general commercial permit limits,  
37 and maybe including this out Florida area in  
38 that.

39 Kind of first question, and it had  
40 been discussed briefly yesterday, the general  
41 success of the general category permit, I don't  
42 really have my finger pulse on it because there's  
43 a zero retention in south Florida where we  
44 operate.

45 And so, you know, in terms of that  
46 general category permit, I would like to hear  
47 about the general success of that. You know, is  
48 there significant amount of fish being offloaded

1 by general category permits either in the Gulf of  
2 Mexico or north of where we're at on the east  
3 coast, and is it really doing anything to help  
4 landings?

5 I understand it's, you know, in  
6 outreach that I do in doing seminars and stuff  
7 kind of on the recreational side of our business,  
8 a lot of people are unaware of it.

9 I've done several seminars in New  
10 York, New Jersey, Massachusetts on deep tropical  
11 swordfish, and just about everyone there was  
12 unaware of the general category.

13 Same thing in the Gulf of Mexico when  
14 I traveled there. A lot of those fishermen are  
15 unaware of their ability to utilize this general  
16 category.

17 Inclusion of south Florida into the  
18 general category under that first bullet point I  
19 think would be a terribly, terribly bad thing.

20 And it was poorly received when it was  
21 brought down to the people of south Florida, I  
22 think to the surprise of a lot of the Agency  
23 staff that went to the meeting that we had in Ft.  
24 Lauderdale from both sides of the aisle, from the  
25 commercial hand gear side of the aisle, guys that  
26 are invested heavily in permits and boats and  
27 gear and stuff like that and also from the  
28 recreational side of the aisle that says hey, we  
29 don't necessarily need any more hooks where we're  
30 at right now.

31 And you know, it was an interesting  
32 coalescing of both sides there. So I think  
33 increasing the limit in the south Florida region  
34 to zero would be, increasing it from zero would  
35 be incredibly counterproductive and would be met  
36 with a lot of resistance.

37 On the other side of the coin,  
38 increasing it from six right now with the general  
39 category elsewhere, you know, you could increase  
40 it as much as you want. Then it comes down to  
41 the ability to actually catch them using rod and  
42 reel techniques. Catching more than six is a  
43 difficult proposition anywhere, especially with  
44 multi-day trips.

45 The VMS adding here on the next bullet  
46 point, I think that would do more of a detriment  
47 to the handgear fishery than it would a positive  
48 thing allowing them to do more than, you know,

1 multiple day trips.

2 Again, speaking of south Florida, a  
3 lot of those folks are too small, too inexpensive  
4 of operations to be putting expensive monitoring  
5 systems on. And to be honest with you, the  
6 handgear boats down by us, they're not equipped  
7 for multiple day trips, nor would they take them  
8 if they were able to.

9 And you know, outside of our area, the  
10 general category boats that would have the  
11 general category swordfish permit would be likely  
12 general category tuna fishing boats which they  
13 are reluctant to want to have VMS anyways as  
14 well.

15 In terms of upgrades --  
16 FACILITATOR BROOKS: Tim, hang on.  
17 Hang on one second.

18 MS. SCHULZE-HAUGEN: That was a  
19 comment that came in from a fisherman. So --

20 MEMBER PICKETT: Wanting to have VMS?

21 MS. SCHULZE-HAUGEN: Yes, it was for  
22 offshore trips and that VMS for I think reporting  
23 purposes. So this wasn't something that we just  
24 made up. This was a suggestion that came in from  
25 an actual fisherman.

26 MEMBER PICKETT: Okay, yes, yes. I'm  
27 just, you know, airing for reading it where I'm  
28 reading it.

29 FACILITATOR BROOKS: Tim, there's a  
30 few other people in the queue.

31 MEMBER PICKETT: Okay.

32 FACILITATOR BROOKS: So if you could  
33 finish up if you can.

34 MEMBER PICKETT: Yes, yes. And in  
35 terms of upgrade restrictions, upgrade  
36 restrictions would be a good kind of medium point  
37 in at least the south Florida area. There's a  
38 lot of underutilized permits. But it would be an  
39 interesting medium point between that and  
40 allowing a general category retention limit in  
41 south Florida. Thanks.

42 FACILITATOR BROOKS: Terri, over to  
43 you.

44 MEMBER BEIDEMAN: The swordfish  
45 general hand gear fishery is open, correct? So  
46 if you decide to get a bigger boat with more  
47 horsepower, you can just go ahead and buy  
48 yourself another permit, isn't that right? So I

1 don't understand why they have upgrade  
2 restrictions on them because I don't understand  
3 that.

4 MS. SCHULZE-HAUGEN: Sorry. They  
5 don't. We have a number of issues getting very  
6 mixed right now.

7 MEMBER BEIDEMAN: Okay. Okay good,  
8 because that was confusing to me. And okay, on  
9 the issue of upgrading, on the directed swordfish  
10 permits, our position has been consistently over  
11 and over and over again that horsepower has  
12 nothing whatsoever to do really with the capacity  
13 for boats to catch fish.

14 It does sometimes limit how far you  
15 could go. Fuel tanks usually limit that.

16 (Off microphone comments)

17 MEMBER BEIDEMAN: Well upgrade  
18 restrictions on directed swordfish permits, it's  
19 on the list. So I don't know --

20 (Off microphone comments)

21 MEMBER BEIDEMAN: Pardon?

22 MEMBER SCANLON: I think that only  
23 pertains to late. Our horsepower limit has been  
24 lifted.

25 FACILITATOR BROOKS: Hold on, let  
26 Margo weigh in on it.

27 MEMBER BEIDEMAN: The upgrade  
28 restrictions --

29 MS. SCHULZE-HAUGEN: So there are  
30 vessels --

31 MEMBER BEIDEMAN: -- are only keeping  
32 people in boats that need to be replaced or  
33 repaired and the length has been an issue to try  
34 to match. So I just don't see it. We're trying  
35 to revitalize, why not get rid of them.

36 FACILITATOR BROOKS: Okay, thanks.  
37 David, is your card up? I'm sorry, I can't see  
38 that far.

39 MEMBER FISHER: I hate to say this,  
40 Bennett, but I think you need to change your  
41 prescription.

42 FACILITATOR BROOKS: I tell my doctor  
43 that but he doesn't agree.

44 MEMBER FISHER: That's okay. Is there  
45 any chance we can get up on the board this page  
46 so we can all see what we're talking about? Is  
47 that possible?

48 MS. SCHULZE-HAUGEN: So what I would

1 actually like to do is maybe stop this and work  
2 on a slide or handout that actually lays out  
3 swordfish hand gear permit restrictions, limits,  
4 swordfish directed permits, restrictions, limits,  
5 general commercial swordfish permit limits,  
6 restrictions because we are blurring the  
7 discussion right now incredibly.

8 And there are separate issues  
9 associated with the different permits and the  
10 different areas and things. So I think this is a  
11 great discussion, but I think we need to take a  
12 step back and get you all some clarity on what  
13 applies when.

14 MEMBER FISHER: Thank you. Well,  
15 that's actually what I was going to suggest  
16 because the third item on here is totally  
17 separate from the first two. And they don't  
18 really go all together.

19 FACILITATOR BROOKS: So let's follow  
20 your lead on that. And we've got a couple of  
21 issues which we're wanting to squeeze onto the  
22 agenda this afternoon. So we'll take stock over  
23 lunch and figure out the best way and timing to  
24 bring this back.

25 So we want to shift to the HMS rec  
26 tournament survey update. Before we do that, I  
27 did want to see if there was anyone who wanted to  
28 weigh in on anything else from either of the  
29 breakouts that wasn't tied to the swordfish  
30 piece. Jeff, was your card up to jump in on the  
31 swordfish or something else?

32 MEMBER ODEN: One thing on vessel  
33 upgrade restrictions.

34 FACILITATOR BROOKS: No, no. I'm  
35 going to ask you to hold it because we're going  
36 to bring the issue back, we're just not going to  
37 do it right now. I just wanted to make sure I  
38 wasn't missing anything else.

39 So with that, let's hand this off.

40 MR. SILVA: Good morning, everyone.  
41 Sorry to get between you and lunch. But  
42 hopefully I can be quick, and we'll keep on this  
43 tight agenda.

44 I'm George Silva, the economist with  
45 Atlantic HMS Division. This morning and  
46 yesterday we've been talking about commercial  
47 issues. And right now I'm going to kind of shift  
48 gears a little bit and move us on to discuss our

1 current research on the HMS recreational  
2 fisheries.

3 I'm going to provide a quick update on  
4 the Atlantic HMS tournament expenditures survey.  
5 We've discussed it previously at the last AP  
6 meeting in a breakout session, but some of you  
7 might have been involved in an A7 breakout at the  
8 time. So this might be new for a few of you.

9 Keeping that in mind, I figured I'd  
10 review the overall goals of the Atlantic HMS  
11 study, update you on the HMS tournament study  
12 timeline, and our outreach efforts associated  
13 with that, and also share with you the tournament  
14 operator and participant survey instruments in  
15 their current version right now. And I'll  
16 outline the survey delivery and sampling  
17 protocols that are now underway.

18 So some of you might already know our  
19 goals, but I'm just going to review it, get  
20 everyone on the same page. For this study we are  
21 hoping to estimate the total direct economic  
22 activity associated with Atlantic HMS tournament  
23 operations.

24 We've had some anecdotal information  
25 about the economics of tournaments, but most of  
26 it's already a decade or two old at this point.  
27 And there were only, really, a couple of case  
28 studies.

29 So our goal at this time is to be  
30 comprehensive and take a look at all tournaments  
31 across the Atlantic HMS area, including the  
32 Atlantic, Gulf, and Caribbean.

33 We're going to estimate the number of  
34 Atlantic HMS tournament participants along with  
35 this process, estimate the directed economic  
36 activities associated with tournament  
37 participants, you know, in addition to the  
38 operations of the tournament. We're going to  
39 take a look at about half of the tournaments, and  
40 look at the participants, and then expand that  
41 out to get an overall picture.

42 We're also going to estimate the total  
43 regional economic impact associated with the  
44 Atlantic HMS tournaments in a similar fashion to  
45 what we did with charter head boats. You know, I  
46 have a copy of the charter head boat study we  
47 recently completed.

48 It's out in the hallway in case

1 someone was interested in that. But we've talked  
2 about that last year a couple of times. And this  
3 tournament study will kind of have a similar end  
4 point in doing a regional economic impact  
5 analysis.

6 And finally, our goal is to kind of  
7 inform the regulatory process as to the  
8 importance of the economic activities associated  
9 with these tournaments using this input.

10 So we've been pretty busy with the  
11 study. We published a Federal Register notice  
12 last year. It was, I think, shortly after our  
13 advisory panel meeting. We published it on  
14 August 25th. And a few advisory panel members  
15 actually provided great comment on that Federal  
16 Register notice. And we really appreciate that.  
17 It was helpful to the process to incorporate  
18 those comments.

19 And I think, you know, your  
20 involvement in these opportunities is helpful in  
21 our coordination with the Office of Management  
22 and Budget. They like to know that we've  
23 received input. And they might not be familiar  
24 with our advisory panel process. So actually,  
25 you know, feeding in that comment was really  
26 appreciated in an informal way.

27 So OMB took a look at that. And we  
28 got an OMB control number in January, January 7th  
29 of 2016. And just before that we had secured a  
30 contractor to help us administer the survey.

31 And just the beginning of  
32 this year, we started developing our outreach  
33 information. We posted a flyer of the survey to  
34 our website. The flyer is also out in the hall.  
35 It's a one-pager, color, kind of easy, a go to  
36 guide.

37 We could probably, if you're  
38 interested, we can make sure you get a copy of  
39 that as well. I think we've also distributed  
40 that on our LISTSERV. Some of you might have  
41 seen that in HMS news.

42 And shortly thereafter, we also  
43 finalized the questionnaires in the sampling  
44 protocols. We notified the initial tournaments  
45 that are going to be a part of the survey in  
46 March, for the March round, that they were going  
47 to be doing the survey.

48 And that brings us up to basically

1 right now. A few weeks ago, we sent out a  
2 LISTSERV notice. And about two weeks ago we  
3 started notifying the April tournaments of the  
4 survey. So many of them are actually aware of,  
5 now, the survey process.

6 This summer, we'll be running the  
7 survey throughout the summer. The number of  
8 participants will ramp up dramatically when we  
9 hit the peak tournament season, mid-summer.

10 And we're going to run the tournament  
11 all the way -- the survey all the way through  
12 February of 2017, so we have a full year of data.  
13 And then in 2017 we'll develop the final report,  
14 do the analysis, and hopefully be able to report  
15 back to the AP at the end of 2017 on our initial  
16 results.

17 So our big effort since the last time  
18 we met was to kind of start putting together our  
19 outreach information. Up here we have a picture  
20 of the flyer that we have out in the hall, and as  
21 I mentioned before, our HMS newsletter, HMS news  
22 notice.

23 We've also started contacting a few  
24 fishing publications. And anybody in the room  
25 that's involved in the recreational community,  
26 we'd be more than happy to help you get the word  
27 out to your constituents as well. Turning in the  
28 survey will be happening this summer.

29 So on to the exciting part, the survey  
30 instrument. So we developed two survey  
31 instruments. Some of you saw samples, paper  
32 copies of it last fall. It's dramatically  
33 revised since then. We have the operator's  
34 survey and a tournament participant survey.

35 After getting lots of feedback, we  
36 went out last year, visited six tournaments, had  
37 the advisory panel feedback. And we also got  
38 some individuals who contacted us.

39 And in coordination with working with  
40 our contractor, we decided to select an online  
41 survey form. Some of the advantages of the  
42 online survey form is we were able to get a  
43 responsive web design which means we could put it  
44 on a smartphone, tablets, computers. It's very  
45 versatile.

46 And it also allows for questions that  
47 are yes/no questions, that then need further  
48 response. Was your tournament involved in

1 charitable contributions? You know, if yes then  
2 provide some more details. So the survey can be  
3 a little shorter for folks, depending on the  
4 types of questions that they respond to.

5 And the other key advantage for going  
6 with an online survey form is it allows us to  
7 work with tournament operators to distribute the  
8 participants' survey device, tool, out to their  
9 participants.

10 We did learn from many of the  
11 operators that their email lists or their contact  
12 lists are a bit sensitive. They are kind of  
13 close-held. And so in order to work around this,  
14 we thought that we could leverage the tournament  
15 operators in their communication to have them  
16 distribute out our survey, a link to our survey  
17 and any outreach materials, you know, to ease  
18 that kind of privacy, confidentiality of their  
19 participant list.

20 But we didn't forget about kind of the  
21 old school forms. We still have the paper forms  
22 available. We're going to provide that along  
23 with the electronic for folks who are more  
24 comfortable filling out a paper form.

25 And here's, on the next slide here,  
26 we'll give you kind of a preview of what the  
27 online form for operators looks like. This is,  
28 like, the beginning of the form here.

29 And it just has a bit of overall, you  
30 know, what's the name of the tournament, where is  
31 it located, weigh-in dates, weigh-in locations,  
32 which species -- further down, a little bit off  
33 the screen here -- you know, basically what  
34 species have points in the tournaments. So we  
35 can kind of differentiate the different types of  
36 tournaments that way.

37 Then Part B of the tournament form is  
38 where we've kind of gotten the meat and potatoes  
39 of it. Funding sources here, we ask survey  
40 operators to give us estimates of the amount of  
41 registration fees that they collected, any  
42 optional fees associated with it.

43 Some tournaments have different  
44 specialty price categories. It's kind of a  
45 catch-all for that. Sponsor money at some  
46 tournaments, sponsorships are a major element.

47 A new emerging thing is concessions,  
48 you know, stands, rental locations at the

1 tournaments. And some tournaments are actually  
2 opening up their own little sales of merchandise,  
3 T-shirts, hats, that type of thing. And any  
4 other creative funding sources, we've left an  
5 opening here.

6 And there's also, in addition to Part  
7 B, there's Part C. And this is kind of the part  
8 we're most interested in, is how much the  
9 tournament's spend. And the expenditures include  
10 items such as monetary awards, trophies, site  
11 fees, licensing, local licensing they might need  
12 to obtain, AV equipment rentals, catering,  
13 lodging for staff, security.

14 And then we also have a little  
15 breakout for how many people were involved  
16 working on the facility, so employment impact.  
17 And another category we discovered, thankfully  
18 when we went out on the road last year, was  
19 charitable expenditures. A lot of tournaments  
20 are partners with non-profit organizations and  
21 other charities.

22 So that gives us kind of a quick  
23 overview of the operators' survey. And it's  
24 pretty short. It should be filled out in, we're  
25 estimating, about a half hour or less depending  
26 on how your accounting's done.

27 The participant survey, this is kind  
28 of the intro page to it. It is a bit unique. We  
29 have a little motivational statement at the  
30 beginning here, why we're doing this survey.

31 And then we do have, in order to kind  
32 of control it and make it a more qualified  
33 survey, we do have this pass code. So the  
34 participants, when they are selected to do the  
35 surveys, they will get a four digit pass code.

36 We know sometimes that those pass  
37 codes might not be available or might get lost  
38 after they first get it. So we do, even if you  
39 don't have your pass code, there's another way  
40 through.

41 You can pick no, and then there's a  
42 little screen there that you can just kind of  
43 type in the details. And then later on we'll  
44 just match up to make sure you're actually  
45 selected for the participants' survey.

46 Here's a quick screen here of the main  
47 section of the participants' survey. This is the  
48 expense portion. And it goes through kind of the

1 fees that you pay to enter the tournament, you  
2 know, groceries, restaurant, parking, fuel,  
3 rentals, bait.

4 Further down is lodging,  
5 entertainment, transportation, airfare, any  
6 permits, and other expenses. And we have another  
7 breakout section for some slightly more durable  
8 equipment such as any rods, poles, reels that  
9 were bought just to, you know, enter that  
10 tournament, any specialty tackle that was picked  
11 up.

12 Sometimes folks pick up electronics,  
13 they want to get their, you know, GoPro to make  
14 sure that the details are recorded. So we have  
15 that in a little further down section.

16 One thing we got a lot of feedback on  
17 the last time we distributed the survey to this  
18 group was that we had a long demographic section.  
19 We dramatically consolidated that. Now it's much  
20 more simplified, just some real basics.

21 You know, we're getting a little bit  
22 of age information, male, female, kind of how  
23 long have you been fishing, so we have that  
24 experience, and also how many tournaments have  
25 you been involved with.

26 We're also interested in how avid they  
27 are in participating in the tournament, and the  
28 number of days that they've been fishing that  
29 year.

30 Just moving right along, our sampling  
31 plan is pretty simple. We're going to survey all  
32 NMFS registered Atlantic HMS tournaments in 2016,  
33 really March through next February. That's going  
34 to be about 270 tournaments. So we're going to  
35 hit, we're going to ask all the operators to fill  
36 out that portion of the form.

37 And then for about half the  
38 tournaments, we're going to randomly select about  
39 half of them to provide the participant survey,  
40 distribute that to their participants. So we'll  
41 have a pretty good sample size there as well,  
42 hopefully.

43 The delivery strategy is for  
44 tournament operators to be sent out a pre-  
45 notification letter prior to the tournament, I  
46 think about two weeks before the tournament, and  
47 then a follow-up email and phone call after the  
48 tournament has been conducted.

1 Tournament participants, as I said  
2 before, we're sending out flyers to the operators  
3 to distribute at captains' meetings. We'll also  
4 provide a web address and pass code on those  
5 flyers that are unique for each tournament. And  
6 then we're asking operators to send out reminder  
7 emails after the tournament's been completed or  
8 in their newsletter.

9 Here's where we are so far on the  
10 tournament study. It's really early. There were  
11 three March tournaments that we sent out flyers  
12 for. We selected two of those three for a  
13 participant survey.

14 There were some weather-related issues  
15 in March, so it appears a few of the tournaments,  
16 I think maybe two of them actually, one has  
17 rescheduled for late in the month. And the other  
18 tournament, the status is kind of unknown. It  
19 seems to be cancelled, but we're not quite sure  
20 where they're at in that.

21 April, things really ramp up. We have  
22 11 tournaments in April. And we've selected five  
23 of those tournaments to do the participant  
24 portion of the survey.

25 And that's a quick run through.  
26 Hopefully I kept on time here. Yes, perfect.  
27 And we have some time for questions and comments.

28 FACILITATOR BROOKS: We do, yes.  
29 Please.

30 MEMBER PURMONT: Just a very simple  
31 question. What percent of the people are in fact  
32 respondents to your surveys in these tournaments?

33 MR. SILVA: We've --

34 MEMBER PURMONT: In other words, if  
35 you have a tournament with 100 folks, is it  
36 obligatory?

37 MR. SILVA: No. It's a voluntary  
38 survey.

39 (Off microphone comments)

40 MR. SILVA: Oh, yes, certainly. The  
41 question was in regards to the response rate  
42 associated with the survey, and is the survey  
43 obligatory?

44 So the response rate, we really don't  
45 have a good sense of the response rate right now,  
46 since we've only had basically three surveys that  
47 have been underway. And the survey is voluntary.  
48 But we're really hoping for -- we expect a really

1 high participation rate from operators.

2 And we expect kind of -- HMS zone  
3 survey respondents usually are a little bit  
4 better than average in fisheries related surveys.  
5 So we're hoping that will hold true for this  
6 survey as well. I think that was the response  
7 rate, somewhere between 30 and 50 percent, I  
8 think, is probably likely for participants.

9 FACILITATOR BROOKS: Let's head down  
10 to the far corner and then come up to Pam.

11 MEMBER FISHER: The far corner's name  
12 is Martin Fisher.

13 (Off microphone comments)

14 MEMBER FISHER: That's okay. So I'm  
15 curious. Is there any interface? This is a  
16 perfect place for this discussion to happen.  
17 Because I can't remember this gentleman's name  
18 over here, Rich, that guy, Rich?

19 And I and others around the table  
20 really want to consolidate the electronic  
21 reporting so that we have a one-stop shop. Is  
22 there any interface between your efforts and  
23 other electronic reporting efforts to make an  
24 effort to consolidate so you can have a one-page  
25 deal?

26 And also, I wanted to ask you if you  
27 were aware, up in the Mid-Atlantic states and up  
28 this way, if the private angler community is --  
29 do they use boat ramps where there's a lot of  
30 people going in and out?

31 And if there was, NOAA could create a  
32 kiosk situation like a bank ATM. And it would be  
33 a touch screen. And when they come out from  
34 fishing, they just go up to the kiosk and blah,  
35 blah, blah, blah, there's their  
36 information.

37 I know that doesn't apply to  
38 tournaments, but I don't think we should be  
39 talking just about tournament electronic  
40 reporting. I think this has to be a general  
41 conversation.

42 MR. SILVA: Yes, and that's a good  
43 point. This electronic effort actually doesn't  
44 have any catch information. So we're staying  
45 clear of any catch related -- we don't want to  
46 have any double reporting of catch. We're not  
47 overlapping with MRIP or LPS on that aspect.  
48 We're really just collecting expenditure

1 information.

2 I'm sure those folks, we're actually  
3 in pretty contact with MRIP folks. And they'll  
4 probably be very interested in our response rates  
5 and how people filled it out. So we'll share  
6 that information with them and our partners in  
7 the Science and Technology Office. But that's  
8 about the limit, the extent for this effort.

9 (Off microphone comments)

10 FACILITATOR BROOKS: Go ahead, Marcos,  
11 you had the --

12 MEMBER HANKE: Yes.

13 (Simultaneous speaking)

14 MEMBER HANKE: In the Caribbean we  
15 have many tournaments that probably you guys are  
16 aware of that they're listed and so on. But I  
17 have a concern, because they have wahoo and mahi  
18 tournaments and other tournaments that I want to  
19 make sure that if they are registered or not with  
20 you guys.

21 Because they have prizes if they catch  
22 a billfish or a HMS species on it. And I want to  
23 know if you guys know anything about that.

24 Because I can take that to the Secretary of the  
25 NR of Puerto Rico, because they are the ones that  
26 locally permit, deal with the permits for those  
27 tournaments. Do you have any comment on that?

28 MR. SILVA: That's probably a good  
29 question to look into. Right now we can take a  
30 look at the tournaments that are registered. We  
31 have all our, the folks that have registered on  
32 our tournament registration page. And we could  
33 take a look at the previous years' ones and see  
34 if there's any issue there between ones that have  
35 registered in the Caribbean, at the state level  
36 and not necessarily at the federal level. But I  
37 think that's about my awareness on that issue.

38 MR. MCHALE: And I think, Marcos, to  
39 your point, and it's my understanding, and again  
40 this isn't necessarily my forte, but it's my  
41 understanding that if there's an award system for  
42 a highly migratory species that that then, in  
43 turn, triggers the requirement to register with  
44 HMS. And so if there's a, if the primary target  
45 species are wahoo and dolphin, then they have  
46 that --

47 MEMBER HANKE: To the point. Very  
48 quick add up to it. Sometimes it's not even the

1 prize money or whatever. It's just that the  
2 count for points, you know, is there on the  
3 tournament system of points, HMS. If you catch a  
4 blue marlin it's 400 points, even if it's  
5 released.

6 MR. SILVA: Yes. I think our rules is  
7 if there's a category. I don't think it's tied  
8 to prize money.

9 MS. SCHULZE-HAUGEN: Prizes. So that  
10 would qualify for needing to be registered.

11 MEMBER DANA: Thank you, George, for  
12 the presentation. I see that you're looking at  
13 March and April tournaments. In the Gulf of  
14 Mexico largely, where, you know, we're at is that  
15 HMS tournaments happen in June, in that  
16 timeframe. And Martha was saying Mid-Atlantic  
17 was kind of that same case.

18 Where are you, primarily where are the  
19 tournaments that you've selected located at? And  
20 if they're in the same section or same general  
21 area, can you consider that representative then?

22 MR. SILVA: So right now we're  
23 sampling monthly. So every month we're going to  
24 pick 50 percent of the tournaments. So we've  
25 only done -- and we're doing it about two weeks  
26 out. So we're on April, basically, with the two  
27 weeks out. And in a few weeks we'll be starting  
28 to look at May. And so it'll be a rolling wave  
29 of -- so the registration requirement, I forgot  
30 how many weeks.

31 MS. DAVIS: Four weeks.

32 MR. SILVA: Four weeks. And so we  
33 don't know what those tournaments are going to be  
34 yet. And some of them we know historically. And  
35 we've looked at last year's tournaments. But,  
36 you know, there's new ones and ones that drop  
37 off. And sometimes they shift from one month to  
38 another. So we'll take care of those. And we  
39 plan to do it every month for the next 12 months.

40 FACILITATOR BROOKS: I think we have  
41 a point of clarification down here.

42 MEMBER WEBER: Your sampling plan says  
43 you survey all tournaments and 50 percent of  
44 participants, not 50 percent of tournaments.

45 MR. SILVA: Okay. Well, I'll just  
46 chat over that one. It's, yes, every operator  
47 will get the operator survey. And then half of  
48 the tournaments, we'll be looking at

1 participants.

2 MEMBER WEBER: Okay. But to her  
3 question, all tournaments are selected?

4 MR. SILVA: Yes.

5 MEMBER WEBER: Not 50 percent of  
6 tournaments?

7 MR. SILVA: Well, 50 percent of  
8 tournaments, we're providing the additional  
9 survey for participants.

10 MEMBER WEBER: Okay.

11 FACILITATOR BROOKS: All right. Let's  
12 run through our final comments and then let you  
13 get to lunch. I've got Mike, and then Pat, and  
14 Michael.

15 MEMBER PIERDINOCK: Thank you. The  
16 shark tournaments I've participated in we fill  
17 out these --

18 FACILITATOR BROOKS: Sorry, we're not  
19 hearing anybody. If you could just speak up?  
20 (Simultaneous speaking)

21 FACILITATOR BROOKS: Project please,  
22 the mics --

23 MEMBER PIERDINOCK: Okay. The shark  
24 tournaments I've participated in, we fill out  
25 catch and release cards and then they test it,  
26 provide the scientific information they need to  
27 do research.

28 So I don't know if that's what they're  
29 saying down at that end or if we would have an  
30 app that we could put in on our phones instead of  
31 having to fill out 100 cards, a card for every  
32 single shark that we land. That would be of some  
33 use or help. Is that the road we're going down  
34 or --

35 MR. SILVA: No. This one is just a  
36 social science study. So we're looking at the  
37 trip expenses. And it's a kind of a one-time  
38 survey tool. So it doesn't really have the  
39 capacity to handle, I think, each individual  
40 catch card. I don't think we have money for  
41 that.

42 But I'm sure, you know, folks, you  
43 know, that idea has been tossed around. And, you  
44 know, that's just a matter of time probably  
45 before, you know, that capability comes around.  
46 I mean, there's probably some limitations to  
47 that, you know. I'll leave it at that at this  
48 point.

1 FACILITATOR BROOKS: Pat?

2 MEMBER AUGUSTINE: Mine is a quick  
3 question. Thank you, George. Under bait, does  
4 terminal tackle come underneath that? I mean,  
5 you're figuring kites are a hundred bucks, and  
6 lures are a hundred bucks, and line, if you spool  
7 up, a reel is going to cost you \$40 or \$50.

8 So is the bait big enough as a word to  
9 include all those without something on there that  
10 says that we should set a terminal tackle?

11 MR. SILVA: So there's a section under  
12 this Section B that I have up on the screen here  
13 that's a light tackle. And terminal tackle would  
14 be, I think the folks will see that down below.  
15 Maybe you're pointing out maybe there's going to  
16 be a slight confusion there, that they might not  
17 spot that. But really bait there means more --

18 MEMBER AUGUSTINE: When you look at all  
19 the things that we line up the money for,  
20 groceries and everything else, it would seem as  
21 though that should be right there, because when  
22 we go out and buy line --

23 MR. SILVA: Yes. And it'll appear on  
24 that same page. This is all I put up, like, you  
25 can see up on this. I didn't want to be --

26 (Simultaneous speaking)

27 MEMBER AUGUSTINE: Good. That's all  
28 I need. Thank you, George.

29 MR. SILVA: And then if anyone's  
30 interested, we could pull up a copy of the survey  
31 during the break. And we can take a look at what  
32 it actually looks like.

33 MEMBER AUGUSTINE: That's good.  
34 Thanks.

35 FACILITATOR BROOKS: Mike, or Michael?

36 MEMBER KELLY: Yes, I would like to  
37 know why the random selection process was  
38 considered. I don't know if the random selection  
39 would be the best avenue to do so, given the  
40 regionality of some of the tournaments.

41 I think the repeat reminder, a lot of  
42 crews, cabins, mates will fish many of the same  
43 tournaments. Mid-Atlantic is one region, South  
44 Florida is coming to mind. The repeat reminder  
45 would go a long way with increasing your response  
46 rate.

47 As it is, I think the 30 percent  
48 response rate is pretty optimistic. I know a lot

1 of boat owners won't even tell their wives what  
2 they're spending at tournaments.

3 (Laughter)

4 MEMBER KELLY: And you're a government  
5 entity, you already kind of have your household  
6 going against you, in that case. I think working  
7 with NGOs or the private sector would go a long  
8 way.

9 Of course, in matters of funding,  
10 positional constraints go a long with that. With  
11 that said, I would emphasize the outreach  
12 efforts, emphasizing the importance of the  
13 survey, emphasizing that potential regulation  
14 changes can come from this in favor of the sport  
15 fishing, and the recreational sector.

16 I would like to know the final  
17 questions, all of the questions that are not  
18 necessarily listed here on the presentation. One  
19 in particular that's not listed is fuel expenses.

20 And also the pass code, I think, may  
21 be a deterrent. Some people may not necessarily  
22 follow-up and click no and just automatically  
23 assume they don't have any pass code. They  
24 cannot participate, which that would be  
25 unfortunate if they thought that. Thank you.

26 MR. SILVA: Thanks, yes. So let me  
27 see, follow-up on, so the pass code, if they hate  
28 it, it'll go right to the screen saying that  
29 they're okay to go on. But it could be a little  
30 bit of a deterrent.

31 Fuel is definitely included. And we  
32 can take a look at the full survey tool. And I'm  
33 trying to remember the first part of your  
34 question. It was something --

35 MEMBER KELLY: Why the random  
36 selection --

37 MR. SILVA: Oh, the random -- so we  
38 did think about doing a stratified selection,  
39 regionally stratified. And it was an option in  
40 the beginning, but only because that could move  
41 to 50 percent selection rate monthly. And we  
42 matched it to our stratified sample.

43 It really was pretty much the  
44 equivalent, especially when we were doing monthly  
45 rates. And the added complexity of the analysis  
46 to deal with stratification, when we would try to  
47 model out the outcomes across all tournaments at  
48 the end, was just one extra layer of analytical

1 complexity that didn't seem to be necessary,  
2 given the high, the 50 percent selection.

3 If we decided only to do 25 percent of  
4 tournaments, I think we would have definitely  
5 gone with a stratified sample size.

6 FACILITATOR BROOKS: All right, let's  
7 take the last comment here. Please?

8 MEMBER DRYMON: Hi, this is Marcus  
9 Drymon. And I applaud this effort. I think this  
10 is really interesting information to collect.

11 I'm trying to think about the  
12 tournament that I work with every year in  
13 Alabama. They do land HMS, but it's a very small  
14 component of the overall landings from the  
15 entrance.

16 So just trying to visualize if, for  
17 instance, that tournament was selected for that  
18 part of the 50 percent participation or  
19 tournament participation parts, do you have any  
20 plan to stratify which component of those anglers  
21 get surveyed? Because let's say there's 3,000  
22 anglers in this tournament. I mean, 2,800 of  
23 them aren't fishing for HMS. So it's very likely  
24 you didn't take that into consideration.

25 All of your questionnaires will go to  
26 folks that have no, that don't know anything  
27 about HMS, didn't fish for HMS. And so that  
28 might influence the outcome of your survey  
29 results in that case.

30 MR. SILVA: Yes. I mean, that's  
31 probably a consideration. I don't think we've  
32 fully folded in that scale of tournament. I  
33 think the idea was to have about an average of  
34 about 50 participants, or 50 boat participants,  
35 something of 50 teams --

36 MEMBER DRYMON: Sure.

37 MR. SILVA: -- at tournaments,  
38 usually limited by marina size. So we'd  
39 definitely be interested in following up with you  
40 a bit.

41 I think there is the kind of -- we are  
42 limiting the participant survey a bit on the  
43 tournaments that are more year-round, kind of the  
44 web-based, persistent events. So we're not  
45 really focused on those for the participant  
46 portion at this point.

47 FACILITATOR BROOKS: Rom, you're  
48 standing between us and lunch --

1                   MEMBER WHITAKER: Well, it seems to be  
2 the problem that -- having a shore boat. It  
3 seems that some are running very confused. If  
4 you go to Page 12, it says survey all HMS  
5 tournament operators. And then you're going to  
6 take 50 percent of the participants. Is that a  
7 correct statement?

8                   MR. SILVA: Yes, so all the operators  
9 will get the operator survey. And then about  
10 half of the tournaments, we'll also select that  
11 tournament for a tournament participant survey,  
12 so two different surveys. So some tournaments  
13 would just get the one survey. And then half of  
14 the tournaments will get both surveys.

15                   MEMBER WHITAKER: Okay. Thank you.  
16 I think it's a good project and I fully support  
17 it. I just wanted to clear that up.

18                   MR. SILVA: Yes, thanks. It is a  
19 little confusing. We probably could maybe get a  
20 little better terminology. Most of the  
21 participants won't get that level of confusion  
22 though. We're not really promoting the operator  
23 portion of the survey in our outreach efforts.  
24 We're really focused on the participant portion  
25 to cut down on that confusion.

26                   FACILITATOR BROOKS: Thanks, George.  
27 So we want to get you to lunch. Before we break,  
28 just to let you know, the game plan for this  
29 afternoon.

30                   In the 1:30 to 3:00 Atlantic Shark  
31 management discussion, there are actually two of  
32 the four topics that are there we're not going to  
33 be covering today. So our plan is to come back  
34 at 1:30 after the break and take up the dolphin  
35 discussion that was raised yesterday at the  
36 outset as a topic we'd like to cover.

37                   So we'll set aside 30 minutes for  
38 that. Then we'll walk through the two different  
39 shark related issues for the afternoon. We'll  
40 turn to public comment at 5 o'clock. We do  
41 expect to have public comment, but it's our best  
42 guess at this point that about a half hour or so  
43 should cover that.

44                   And then, so assuming we finish up by  
45 5:30, we would dive back to the swordfish issue  
46 that we were taking up. And Margo's staff is  
47 working on a handout that will sort of streamline  
48 the different pieces that we're talking about so

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we can have a clearer conversation.

So I know there were a few folks that still had their cards up, wanted to get into that conversation. So we will come back or return later.

And thank you to Karyl and folks that kept the mics going for now. And we'll play with them more over lunch. So we'll re-adjourn at, I'm sorry, reconvene at 1:30. Thank you.

(Whereupon, the above-entitled matter went off the record at 12:07 p.m. and resumed at 1:30 p.m.)

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

O-N

(1:33

p.m.)

FACILITATOR BROOKS: If folks will find their seats, please. Thank you. It got quiet. That was good. All right. So, as promised, we want to come back and take the first 20, 30 minutes here and talk about the dolphin issue that, Scott, you raised yesterday morning as a topic to bring up.

So again, we've got about 20, 30 minutes to give to this. There's a couple of people still, right? Maybe dive in. Margo, do you want to pick up? Or are we still waiting on a few more?

MS. SCHULZE-HAUGEN: Well, the only thing I would say is that Ben Hartig from the council is not back from lunch yet. And dolphin are managed by the South Atlantic Council. So, I

1 can't necessarily speak to the issues. Anybody  
2 see him at lunch? Is he --  
3 PARTICIPANT: I've got his phone  
4 number.  
5 MS. SCHULZE-HAUGEN: Yes. Maybe we  
6 should --  
7 FACILITATOR BROOKS: Should we take  
8 the first set of shark stuff?  
9 MS. SCHULZE-HAUGEN: Yes. Are you  
10 guys ready to --  
11 MS. BREWSTER-GEISZ: We're ready.  
12 MS. SCHULZE-HAUGEN: Yes. Why don't  
13 we flip it and do one to --  
14 FACILITATOR BROOKS: Let's just start  
15 with --  
16 MS. SCHULZE-HAUGEN: -- or 1:30 p.m.  
17 Yes. And then the --  
18 FACILITATOR BROOKS: Okay. Change of  
19 plans. Since we don't have the council rep here.  
20 Let's start with the final amendment on the  
21 smoothhound management rule. And who do we got?  
22 Steve.  
23 MR. DURKEE: Good afternoon. My name  
24 is Steve Durkee. I am with HMSHQ, and I'm going  
25 to talk about Amendment 9. Amendment 9 focuses  
26 on smoothhound sharks, which includes smooth  
27 dogfish. And this was rulemaking that became  
28 effective about two weeks ago on March 15th.  
29 This is a pretty dense presentation.  
30 However, the good news is I'm going to whip  
31 through it pretty fast to save time for some of  
32 the sexier shark species that are coming up a  
33 little bit later.  
34 PARTICIPANT: Hey, hey, hey.  
35 MR. DURKEE: I'll be careful with  
36 that. The good news is that you will have access  
37 to the presentation. So if you have questions  
38 later, just reach out and ask me. And I'm happy  
39 to answer some questions right now.  
40 So first, let's just touch on the  
41 recent smoothhound shark stock assessment, SEDAR  
42 39. Now, when I refer to smoothhound sharks,  
43 it's a complex of three shark species, smooth  
44 dogfish, Florida smoothhound and Gulf  
45 smoothhound.  
46 SEDAR 39 assessed this complex as two  
47 separate stocks, one in the Atlantic, composed  
48 exclusively of smooth dogfish, and one in the

1 Gulf of Mexico that has all three species, smooth  
2 dogfish, Florida smoothhound and Gulf  
3 smoothhound.

4 The assessment found that those stocks  
5 are not overfished, and are not experiencing  
6 overfishing. And recent harvest levels are  
7 likely sustainable.

8 So moving into the actual measures in  
9 Amendment 9. These five bullets up here are a  
10 quick sum of what was in there. First, they  
11 established an effective date of some smoothhound  
12 measures that were previously adopted in other  
13 rulemakings, mainly Amendment 3 and the 2011 HMS  
14 Trawl Rule.

15 It also implemented the smooth  
16 dogfish-specific provision of the Shark  
17 Conservation Act of 2010. This is the provision  
18 that allowed the limited removal of smooth  
19 dogfish fins while at sea. It also implemented a  
20 quota, based on the recent stock assessment.

21 It modifies sink and drift gillnet  
22 requirements to comply with the 2012 shark BiOp.  
23 And finally, modifies the VMS requirements in the  
24 directed shark gillnet fishery.

25 Now, the next two slides are actually  
26 the measures, the smoothhound measures that were  
27 in Amendment 3. And I won't go through them  
28 point by point.

29 But just something that's a big  
30 takeaway though is that there's now permit  
31 requirements in both the recreational and the  
32 commercial fishery, as well as a requirement that  
33 dealers purchase from commercially permitted  
34 smoothhound shark fishermen.

35 Amendment 9 also implemented the  
36 smoothhound-specific measure in the 2011 HMS  
37 Trawl Rule, mainly that smoothhound sharks that  
38 are caught with trawl gear can be retained,  
39 provided they were obtained within the levels,  
40 which is less than 25 percent of the total catch.

41 All right. One of the big measures in  
42 this rulemaking was the smooth dogfish specific  
43 provision in the Shark Conservation Act. This is  
44 that provision again that will allow smooth  
45 dogfish, or has now allowed smooth dogfish fins  
46 to be removed at sea in the Atlantic, provided  
47 that the following five criteria are met.

48 First, 25 percent of the retained, at

1 least 25 percent of the retained catch on board  
2 must be smooth dogfish. And note that other  
3 sharks are allowed on board, provided those fins  
4 remain naturally attached.

5 Two, in addition to a federal  
6 smoothhound permit the fisherman needs to hold a  
7 state commercial fishing license that's  
8 appropriate for the retention of smoothhound  
9 sharks.

10 The catch needs to occur within 50  
11 nautical miles of shore, and must occur along the  
12 Atlantic coast from Maine to the east coast of  
13 Florida. And then finally, the fin to carcass  
14 ratio cannot exceed 12 percent. Just a quick map  
15 of where, that geographic applicability.

16 And then we get to the quotas. Again,  
17 Amendment 9 established smoothhound shark quotas  
18 in the Atlantic and Gulf of Mexico based on  
19 recent stock assessments. The numbers are up  
20 here, a little over 1,200 metric tons dressed  
21 weight in the Atlantic, and 336.4 metric tons in  
22 the Gulf of Mexico.

23 There's also new measures for shark,  
24 Atlantic shark and smoothhound shark gillnet  
25 fishermen that are using drift and sink gillnets.  
26 If fishermen are using sink gillnets then  
27 they'll limit their soak time to 24 hours.  
28 And if using drift gillnets they need to conduct  
29 a net check at least every two hours.

30 The last two bullets up here are  
31 what's new in the regs defining the drift and  
32 sink gillnet, which is the measure of which, of  
33 those two requirements you'll follow, the soak  
34 time restriction or the net check requirement.

35 So, the new VMS requirements. So,  
36 prior to March 15th of this year Atlantic shark  
37 directed permit holders who had gillnet gear on  
38 board had to use VMS.

39 Amendment 9 limited that requirement  
40 to a discreet area off of the east coast of  
41 Florida. And that's that area in this red  
42 triangle up here.

43 I recognize this map is extremely  
44 difficult to see. But Vero Beach is up towards  
45 the northern ends of that triangle. And to the  
46 southern end is Jupiter, Florida.

47 And I can definitely show you a better  
48 map if you're interested on where this area is,

1 or where VMS is now required.  
2 All right. So the rest of this  
3 presentation just goes into a generalized idea of  
4 how we take shark stock assessments and turn them  
5 into quotas. And then also goes a step by step  
6 process, calculation methodology on how we turn  
7 the smoothhound shark stock assessments into  
8 Atlantic and Gulf of Mexico quotas.  
9 I won't go into detail on those. You  
10 have the presentation. And I'm happy to answer  
11 some questions either here or off line about that  
12 process. That's the quick and dirty version, and  
13 that's it. Okay.  
14 FACILITATOR BROOKS: Okay. Let's see  
15 if we have any questions. And obviously you all  
16 can see from the blinking microphones that we are  
17 once again off mic.  
18 PARTICIPANT: Some are on.  
19 FACILITATOR BROOKS: Some are on.  
20 Okay. So you may be lucky, and have one that's  
21 on. I'm not so lucky. So, let's see if there  
22 are any questions. And, Martin, I'm going to  
23 start with you at every time now. Just kidding.  
24 Any questions? Sonja.  
25 MEMBER FORDHAM: Can I try this?  
26 FACILITATOR BROOKS: No. Just  
27 project, please.  
28 MEMBER FORDHAM: Sonja Fordham, Shark  
29 Advocates International. I'm just wondering, I  
30 talked a little bit to Pete about this. But I'm  
31 wondering when we might start to get some  
32 information on the trade in smoothhound meat,  
33 where it's going, and whether or not it will be  
34 put into the science and technology database as  
35 dogfish? Or will it be separated out in that  
36 trade database? And when that might start?  
37 MR. DURKEE: Yes, good question. The  
38 question is, right now it's really difficult to  
39 find out what the market for smooth dogfish is.  
40 Oftentimes it's labeled as dogfish. And so  
41 they're having some problems with assigning  
42 dogfish. Which is it?  
43 And the answer to the question is, I  
44 don't know. As far as, hopefully, now that we  
45 have it as a smoothhound shark quota, if some of  
46 the exports are already labeled as smoothhound  
47 sharks, perhaps we can find some differences.  
48 But that's beyond the realm of my expertise.

1 MEMBER FORDHAM: Could you maybe find  
2 out for me? Because that's --  
3 MR. DURKEE: I will try, yes,  
4 absolutely.  
5 FACILITATOR BROOKS: Any other  
6 questions? Okay. Thank you very much.  
7 MR. DURKEE: Thanks, guys.  
8 (Off microphone comments)  
9 MR. DUBECK: All right. Jeff, can you  
10 hear me back there?  
11 MEMBER ODEN: Oh, yes.  
12 MR. DUBECK: All right. All right.  
13 So I'm here to talk about the blacknose shark  
14 management. To first give you a little  
15 background information about the management  
16 history of blacknose sharks I'm going to go  
17 through, there you go, potential management  
18 options, and then discussion at the end.  
19 So, blacknose sharks were first  
20 assessed in SEDAR 13. It was assessed as one  
21 stock across both the Atlantic and Gulf of Mexico  
22 regions. And it's determined to be, the stock to  
23 be overfished with overfishing occurring.  
24 In Final Rule, Amendment 3 NMFS  
25 established, among other things, blacknose shark  
26 and non-blacknose small coastal quotas and linked  
27 to quotas. So that means whenever either the  
28 blacknose or the non-blacknose small coastal  
29 quota reach 80 percent of the quota, or are  
30 projected to reach 80 percent, we'd be closing  
31 the entire small coastal fishery.  
32 We continue to allow landings of  
33 sharks in the gillnet, with gillnet gear south of  
34 North Carolina and the Gulf of Mexico, based on  
35 comments from fishermen that said they can avoid  
36 blacknose sharks.  
37 We also encouraged fishermen to avoid  
38 blacknose sharks. And then we stated that if  
39 fishermen continue to target blacknose sharks  
40 we'll consider implementing more management  
41 measures to ensure the rebuilding of the stock.  
42 The next assessment was SEDAR 21,  
43 where it concluded that there are separate  
44 blacknose stocks, one in the Gulf and one in the  
45 Atlantic. The Atlantic stock came back, was  
46 determined to be overfished, with overfishing  
47 occurring. While the Gulf of Mexico stock, the  
48 assessment was not accepted. Therefore, the

1 stock status is unknown.

2 In the final rule of Amendment 5a NMFS  
3 determined, among other things in 5a, to divide  
4 blacknose and non-blacknose small coastal quota  
5 into Atlantic and Gulf of Mexico regional quotas,  
6 and linked the regional quotas.

7 So, in recent years landings data  
8 suggest that several fishermen have targeted  
9 blacknose sharks, quickly filling or exceeding  
10 the blacknose quota.

11 The non-blacknose small coastal quota  
12 has closed early due to the quota linkage, as you  
13 in 2013, 2014, and also 2015. The non-blacknose  
14 small coastal quota has been underutilized. And  
15 as all small coastal species must be discarded  
16 once the fisheries are closed.

17 And then the blacknose shark quota's  
18 been exceeded in 2012 and 2015. And in both  
19 those years the harvest was so much we spread the  
20 overharvest over multiple years. And currently  
21 right now we have, we'll be paying back that  
22 harvest until 2018 for both instances.

23 So here's kind of a quick layout of  
24 vessels landing blacknose sharks. We got the  
25 years on the left hand side, the number of  
26 vessels that were reporting landings of blacknose  
27 sharks by year, the number of trips that had  
28 blacknose landings in it.

29 And then also the percentage of  
30 blacknose landed per trip by weight over the  
31 entirety of the overall total landings of the  
32 trip. So for example, in 2010 158 trips had, you  
33 know, 25 percent or less of the total catch was  
34 blacknose sharks.

35 And as you can see, in 2010, 2011,  
36 2012, 2013, they were, the majority of the trips  
37 landed less than, 25 percent or less of their  
38 total catch was blacknose sharks.

39 In 2014 you can see the trend changed,  
40 whereas more split between 25 percent to 50, to  
41 75 percent of the trips, excuse me, 75 percent of  
42 the total catch was blacknose sharks.

43 And then in 2015 you see a large  
44 number of trips, you know, 35 percent of the  
45 trips landed over 75 percent of just blacknose  
46 sharks. So there was actually a couple of trips  
47 where 100 percent were straight, only landed with  
48 blacknose sharks.

1                   So then in Amendment 6, recently came  
2 out in August, we established among other things,  
3 you know, management boundary in the Atlantic  
4 region, along with 34 degree latitude line for  
5 small coastal fisheries.

6                   We maintained the non-blacknose, small  
7 coastal and blacknose quota linkage south of the  
8 line. But then we removed the linkage north of  
9 the line, and prohibited retention in landings of  
10 blacknose sharks north of 34 degrees latitude.

11                   Since Amendment 6 has come out we've  
12 received multiple comments from fishermen, and a  
13 request from the South Atlantic Fishery  
14 Management Council to address the discards of  
15 non-blacknose small coastal in the Spanish  
16 mackerel gillnet fishery, you know, that catches,  
17 have stated that catches of Atlantic small  
18 coastals are unavoidable.

19                   And in gillnets gillnet fishermen must  
20 discard the marketable non-blacknose small  
21 coastal, even though the non-blacknose small  
22 coastal is underharvested, because of the  
23 seasons, because the linkage of fisheries is  
24 closed.

25                   So the goal of this rulemaking is to  
26 minimize the overharvest and discards of  
27 blacknose sharks, but also to maximize the  
28 utilization of the non-blacknose small coastal  
29 quota. And then trying to extend to the season  
30 for the non-blacknose small coastal fisheries.

31                   So now we're going to potential  
32 alternatives. So, the first one is no action.  
33 Don't do anything. Keep the status quo where  
34 everything's going.

35                   The second one, based on some comments  
36 we received, was to establish a bycatch retention  
37 limit of non-blacknose small coastal, once the  
38 blacknose shark quota is reached.

39                   Some sub-alternatives would be to  
40 establish a potential limit of 50 non-blacknose  
41 small coastal, or 150, or 250. And now we're  
42 going to go to -- And well, we made a detail of  
43 that.

44                   This goes in more detail of  
45 alternative 2 is, so, there's the potential non-  
46 blacknose small coastal retention limit once the  
47 blacknose shark quota is reached. And then the  
48 corresponding blacknose quota in the region.

1                   So to unlink the non-blacknose small  
2 coastal and the blacknose quota we'd have to  
3 account for any mortality in discards that would  
4 occur when the non-blacknose small coastal will  
5 stay open year round.

6                   To do that we'd have to take off, you  
7 know, reduce the blacknose quota for that  
8 mortality. So as here, you see in the table very  
9 detailed. And I'll just go through the first  
10 row.

11                   So, if we had a retention limit of 50  
12 non-blacknose small coastal once the blacknose  
13 quota is reached, there's the, the catch  
14 composition was based on observer data as three  
15 to one. So for every non-blacknose, three non-  
16 blacknose small coastal there's one blacknose  
17 shark.

18                   And then we determined what the  
19 average of number of trips were that landed  
20 sharks with gillnet. And that was 118 trips. So  
21 we calculated how many blacknose sharks that  
22 would be interacted with.

23                   And then, based on the assessment, you  
24 know, that discard mortality would be 50 percent.  
25 So then we calculated there would be 985 sharks  
26 being discarded dead. And then calculate it into  
27 a poundage. And then that would be taken off the  
28 top.

29                   So, if we did have a 50 non-blacknose  
30 small coastal retention limit, the blacknose  
31 quota would be reduced by roughly 5,000 pounds.  
32 And that 80 percent of that, because that's when  
33 we close the fishery, the quota would be reduced  
34 to approximately 23,000 pounds.

35                   Right now the full quota is roughly  
36 34,000 pounds. So then, as you can see in  
37 alternative 2b and 2c, once we increase the  
38 retention limit, the blacknose quota gets smaller  
39 and smaller.

40                   So then, if, for example, with  
41 alternative 2c the blacknose quota would only be  
42 3,600 pounds. So once that quota is reached,  
43 then everything turns to a, you know, the non-  
44 blacknose small coastal would turn into retention  
45 limit.

46                   Right now there is no retention limit  
47 for either species. So, it would just turn it  
48 into retention limit a lot faster than it

1 currently is.  
2 (Off microphone comments)  
3 MR. DUBECK: Okay.  
4 FACILITATOR BROOKS: Just go back to  
5 that slide.  
6 MR. DUBECK: All right.  
7 FACILITATOR BROOKS: Are people clear  
8 on what we just walked through there? Or do we  
9 need an additional explanation or clarifying  
10 question on that? Yes, let's take a couple of  
11 questions. We'll go right down to you. Go  
12 ahead, Sonja, and then Mike. Try your mic. It  
13 might be working.  
14 MEMBER FORDHAM: Sonja Fordham, Shark  
15 Advocates International. I'm sorry, I missed on  
16 the table where you show that targeting is  
17 increasing. Is that Atlantic or for blacknose?  
18 MR. DUBECK: Yes, Atlantic. So this  
19 is right now, right now you can only land  
20 blacknose sharks in the Atlantic.  
21 MEMBER FORDHAM: So the tables are for  
22 Atlantic?  
23 MR. DUBECK: Yes.  
24 MEMBER FORDHAM: Okay. Thank you.  
25 MEMBER PIERDINOCK: Is this for  
26 commercial and recreational? And for commercial,  
27 what means or methods are used? Is this gillnet?  
28 Is it hook and line? I'm just not sure.  
29 MR. DUBECK: So, this is a, so it's a  
30 combination of observer data, logbooks. But it's  
31 commercial only. So there, we, gillnets are  
32 usually the primary gear to catch small coastal  
33 sharks. So a lot of it's coming from the gillnet  
34 observer data. And also from the logbooks that  
35 were, trips with gillnets.  
36 MEMBER PIERDINOCK: One last question.  
37 My experience has been, when I see a 50 percent  
38 or more dead discard mortalities, that that data  
39 or information indicates such. Is that the case  
40 here? Or do you have internal data to base those  
41 mortalities on?  
42 MR. DUBECK: So, based, so the data  
43 was from the assessment, the latest blacknose  
44 assessment. But right now they're allowed to  
45 retain as many blacknose sharks as they want.  
46 So there wasn't, they're not, there  
47 are not a whole lot of discards of blacknose  
48 sharks. They're all being retained. So from the

1 data that was gathered through the assessments,  
2 and we have the logbooks, 50 percent was what was  
3 what was internal.

4 FACILITATOR BROOKS: I see a few more  
5 questions. I'll work my way up. Just to  
6 confirm, just clarifying questions right now.  
7 Bob.

8 MEMBER HUETER: Not to be repetitive,  
9 but that, Bob Hueter, that was going to be my  
10 question as well, would be where this 50 percent  
11 figure comes from. And is that immediate at the  
12 boat mortality? Or does that include post  
13 release mortality?

14 And you don't get those numbers from  
15 an assessment. You get them from doing research  
16 on, you know, how well the animals swim away  
17 after being released. So, can we get a little  
18 bit more indication of where this 50 percent came  
19 from?

20 MS. BREWSTER-GEISZ: Fifty percent was  
21 what was used in the assessment. So that is what  
22 we used.

23 MEMBER HUETER: but where does the  
24 number come from? What research paper did that  
25 all come from?

26 MS. BREWSTER-GEISZ: It came from all  
27 the stock assessment scientists at the stock  
28 assessment. That's what they used in the stock  
29 assessment. I would have to go back to the  
30 assessment to figure out exactly how they  
31 determined that. I don't have that right at the  
32 top of my head.

33 FACILITATOR BROOKS: Okay. Thanks,  
34 Karyl. Dewey.

35 MEMBER HEMILRIGHT: Yes, Dewey  
36 Hemilright. I've had extensive conversation with  
37 HMS on this. And the history should be telling a  
38 little more about where the fish are pulled at.

39 You're saying the east coast or  
40 Atlantic coast. The area that's being  
41 concentrated in, and should be focused on is  
42 Florida. And you need to be more explicit.  
43 Because when you put this amendment in place, or  
44 proposal, or whatever it is now, you knew already  
45 who was catching the fish. And it was Florida.

46 So, with that implemented it affected  
47 the Mid-Atlantic region of not being able to fish  
48 for small coastals, because of the management

1 decision that you all placed.  
2 So you need to focus when you're  
3 telling the story of the fisherman, tell the  
4 areas. You might do that in the future, of where  
5 the fish are being caught at, to be more  
6 explicit. Thank you.

7 FACILITATOR BROOKS: Okay. Thanks,  
8 Dewey. And let me just remind the remaining  
9 folks, there are other alternatives we're going  
10 to walk through.

11 We just really were hitting the pause  
12 button here to make sure that folks were clear on  
13 the information presented here. So let me take  
14 some clarifying questions on that, and then --

15 MS. BREWSTER-GEISZ: Before you do can  
16 I --

17 FACILITATOR BROOKS: Yes.

18 MS. BREWSTER-GEISZ: I just want to  
19 clarify what Dewey is saying. What this  
20 presentation is about is about the east coast  
21 Florida, south of 34 degrees, blacknose  
22 commercial fishery, and the non-blacknose small  
23 coastal commercial fishery.

24 And this is not a proposal yet. These  
25 are alternatives we're thinking about as a result  
26 of comments we've gotten from the mackerel  
27 gillnet fishery, along with the South Atlantic  
28 Council.

29 FACILITATOR BROOKS: Thank you.  
30 Rusty.

31 MEMBER HUDSON: Thank you. Rusty  
32 Hudson. Column E, average weight of blacknose  
33 sharks at 5 pounds dressed weight for the gillnet  
34 gear. What's your conversion weight into whole  
35 weight? Is it 1.39 still? Or is it 2.0?

36 MR. DUBECK: It's 1.39.

37 MEMBER HUDSON: That's sad. That  
38 needs to be corrected. And that's something that  
39 needs to be done during an update, I guess.  
40 Because the easiest way to deal with the east  
41 coast blacknose is to do an update.

42 Dealing with, not trying to redo any  
43 of the assessments. I participated in all of  
44 them for the last 20 years for small coastals.  
45 But there's problems, because I personally  
46 believe we're 34 degrees north, Wilmington south,  
47 the blacknose was never in trouble. Never.  
48 And that's the type of thing that

1 possibly an update might ferret out. Possibly  
2 some of the other data. Because the average size  
3 that our guys are catching, whether it's dressed  
4 weight or whole weight, is in excess of this 5  
5 pounds dressed weight. And that reflects back to  
6 that 1.39.

7 I think we've, Enrique and I have been  
8 around and around about this for a lot of years.  
9 And so, just for clarification purposes I want to  
10 put that out. I have other thoughts. But we'll  
11 deal with that later.

12 FACILITATOR BROOKS: Thank you, Rusty.  
13 All right. I think the other cards that came up  
14 went down. So let's push ahead there.

15 MR. DUBECK: All right. Okay. So,  
16 moving on to another alternative we're  
17 considering is to establish a commercial  
18 potential limit for blacknose sharks per trip for  
19 all Atlantic HMS limited access permit holders in  
20 the Atlantic region.

21 So some alternatives we're considering  
22 is potential limit of 50 blacknose sharks, 16, or  
23 eight. So, here's some more detail what the  
24 retention limits of, and the number of trips per  
25 year. There you go. Thank you. For blacknose  
26 sharks under the different potential  
27 alternatives.

28 So, Alternative 1, like I mentioned,  
29 was do nothing. So as a comparison for  
30 Alternative 3 we put in by year what the average  
31 landings per trip were of blacknose sharks. And  
32 then what would be the adjusted quota. And then  
33 how many trips it would take to fill that quota.

34 So you see we have 2010 through 2015.  
35 But then we put in the average there too. So, as  
36 a comparison, if we have a retention limit of 50  
37 blacknose sharks, that would be approximately 250  
38 pounds per trip. And it would take 113 trips to  
39 fill that quota under that.

40 If we had a potential limit of 16 it's  
41 approximately 80 pounds. And then it would be  
42 about 354 trips to fill that quota. As you can  
43 see, once you get smaller and smaller the, it  
44 would in essence, it would keep the fishery open  
45 potentially year round, because it would force  
46 fishermen, fortunately, to discard some of the  
47 blacknose sharks they normally would be  
48 retaining.

1                   So, kind of a preliminary steps of the  
2 blacknose shark rule is, we're going to consider  
3 input from the Advisory Panel. In the summer or  
4 fall we're going to put a proposed rule out.

5                   And then we're going to have some  
6 public comment periods to coincide with the  
7 upcoming South Atlantic Fishery Management  
8 Council meetings.

9                   And then in the fall/winter we'll have  
10 the final rule come out. And then hopefully have  
11 it effective beginning of the 2017 shark season.  
12 So that's it. Questions?

13                   FACILITATOR BROOKS: And again, Karyl,  
14 you correct me if I'm wrong, but where we are  
15 right now is, there is not a proposed rule yet.  
16 This is the point, there's three alternatives on  
17 the table here.

18                   And your input will help HMS staff  
19 figure out where they're going with this. So we  
20 need to hear from you on these different  
21 alternatives. So, let's start with Ben, and work  
22 our way down.

23                   MEMBER HARTIG: Now, thank you very  
24 much for, you know, I appreciate you putting  
25 these alternatives together. The one question I  
26 had early on was, you talked about who was  
27 catching the blacknose in the later year. The  
28 last year it had increased substantially.

29                   And you said that, according to what  
30 you had said, the landings of blacknose were  
31 clean blacknose. There wasn't anything else with  
32 them. So that's, was that coming from a gillnet  
33 boat? Or is that another hook and line vessel  
34 that's targeting blacknose?

35                   MR. DUBECK: So for, that was again,  
36 logbook data. And for confidentiality reasons,  
37 can't say technically what. But it was, again,  
38 they're out targeting sharks, and turn, and/or  
39 just targeting blacknose sharks. And all they  
40 retained on some of those trips were blacknose  
41 sharks.

42                   FACILITATOR BROOKS: Rusty.

43                   MEMBER HUDSON: Thank you. Rusty  
44 Hudson. Sixteen small coastal sharks is  
45 considered incidental rec, incidental shark  
46 permit limit. In Amendment 6 we had suggested  
47 that as an alternative. But that choice was not  
48 followed up on.

1                   On reflection, especially seeing the  
2 eight, and until we get enough data, and get some  
3 of the corrections done, or even, you know, a  
4 standard assessment, that's another hybrid that  
5 allows a little bit of tweaking that Bonnie can  
6 do down at the science center.

7                   The eight would probably be the most  
8 reasonable situation that would allow us to catch  
9 the non-blacknose small coastal sharks. And  
10 there's no point in me debating the differences,  
11 which is only with the pupping cycle, annual in  
12 the Gulf, versus biennial on the Atlantic side.

13                   But since this is concerning from the  
14 south part of North Carolina down to the Dade  
15 Monroe county line, or something like that, we  
16 know that we would like to be able to have a year  
17 round fishery on our small coastals, or at least  
18 until we catch them.

19                   So, with that said my early tendency  
20 is to lean this way. And I know that whether  
21 it's a standard, or whether it's an update, it  
22 could be accomplished a whole lot quicker than a  
23 full benchmark again. Because I'm just not sure  
24 how much more new data you've gotten, and how  
25 much more stuff we can correct.

26                   That discard rate -- You know, when I  
27 was in the shark fin buying operations most of my  
28 blacknose came from the eastern Gulf. And I  
29 won't go into explaining why there were so many  
30 of them there. And then shrimp boat scenario was  
31 another scenario. So all that needs to be hashed  
32 out.

33                   And I'm not sure how you want to work  
34 the update to where you want to have people  
35 participating with the lab analysts. But that's  
36 a possibility. Whereas, at the council level our  
37 updates now have no interactions at all, zero.  
38 Whereas, we used to be able to participate.

39                   So right now my tendency is 3c. And  
40 that makes the most sense until we can get this  
41 science resolved over here. Because there's  
42 definitely a difference only in the cycle.

43                   Whereas, you go back to the other  
44 situation in the demographics, the age to  
45 maturity, the average number of pups, the links,  
46 everything else, it's just virtually identical  
47 between both sides. So that's all I need to say.

48                   FACILITATOR BROOKS: Thank you.

1 Scott.

2 MEMBER TAYLOR: I think Ben just  
3 raised an interesting point. And I guess this is  
4 more of a clarifying question. Are you saying  
5 that these, this increased number of blacknose  
6 was clean blacknose on the landings?

7 And if in fact that is the case, and  
8 there's only a handful of dealers here, you know,  
9 in Florida. And I'm not looking for disclosure.  
10 We saw yesterday where 71 dead discards actually  
11 got reported as a 71 pound, or 71 inch discard.

12 And I have personally, although I hate  
13 to admit it, have seen my people when they're  
14 doing the receiving, receive something  
15 incorrectly. And that in all the time that I've  
16 been seeing these small coastals I don't ever  
17 remember seeing straight blacknose sharks.

18 And so, my question is, is that when  
19 you get data like that that's, is it an anomaly?  
20 Or is it something that you have been seeing  
21 repeatedly? And if you're seeing it repeatedly,  
22 is it coming from the same dealer?

23 And I think that those are important  
24 questions that, I mean, even though you can't  
25 necessarily disclose who, I think that may be  
26 appropriate. We may be looking at information  
27 here that may be skewed from human error.

28 It just, it's awfully curious to me  
29 that we're looking at straight blacknose sharks  
30 in a particular landing.

31 FACILITATOR BROOKS: That's what --  
32 Guy, take a stab at that.

33 MR. DUBECK: So at the times where the  
34 blacknose sharks were landed, they were the only  
35 -- So the large coastal fishery wasn't open at  
36 that point. So there would be no confusion  
37 whether it was blacknose or what. It was all, so  
38 it would only be small coastal potential.

39 And what was reported and checked  
40 through the logbooks, and stuff, was straight  
41 blacknose sharks. So, I mean, it could be in a  
42 year fishermen want to go out fishing for  
43 something.

44 They're catching sharks, you know,  
45 they're shark fishing. They might run into a  
46 slew of blacknose sharks. And that's the only  
47 thing open, they can land them all.

48 MEMBER TAYLOR: I've got to respond to

1 that though. Because I have some fishermen that  
2 were fishing the gillnet fishery. And that, you  
3 know, I can't say that it was with me. But if it  
4 was I would answer the question specifically.

5 The sharks are reported differently.  
6 So, what you're not seeing necessarily is the  
7 trip book data from the state that was reported  
8 for whatever the other landings were.

9 That generally when these gillnet  
10 boats that are landing the small coastals are  
11 fishing, they're not targeting necessarily the  
12 small coastals, at least here in the south  
13 Florida area. They're catching bonitas, or  
14 whatever the miscellaneous bycatch that they can  
15 get. And then the small coastals, you know, are  
16 part of that.

17 So, it's been my experience, and we  
18 certainly are within the buying area that we're  
19 discussing right now, that it would be extremely  
20 unusual to see straight blacknose sharks.

21 And being as you're at the beginning  
22 of this process in here, I think that it may be  
23 prudent to go back there, take a look, and maybe  
24 ask a couple of questions about why that was  
25 entered that way.

26 MS. BREWSTER-GEISZ: So thanks, Scott.  
27 We agree with you that it's unusual. We're  
28 talking about just a couple of boats that have  
29 done this. And we have verified it through the  
30 dealer reports and the fisherman logbooks.

31 So I agree, it's unusual. But it's  
32 happening more and more that we're seeing more of  
33 these vessels over time. That's what the first  
34 table shows.

35 FACILITATOR BROOKS: Hold the  
36 document. We have some other people here. Dave,  
37 then down to Bob.

38 MEMBER STILLER: Thank you. Dave  
39 Stiller. Scott, I want to provide Scott here on  
40 some --

41 FACILITATOR BROOKS: If you could  
42 speak up, the mic's not working.

43 MEMBER STILLER: Okay. It can be done  
44 with no problem. You set a net pulling a  
45 longline behind a shrimp boat when it's to haul  
46 blacknose. It can. I've seen it happen. It can  
47 be all finetooth, or all blacknose, or all  
48 blacktip. I mean, it can happen.

1                   Especially with the blacknose quota as  
2 small as it is, it don't take but a couple of  
3 trips, four or five trips maybe to fill that  
4 whole quota. I mean, it's done. But it can be  
5 done. I mean, I've seen it done.

6                   And as Rusty suggested, a blacknose  
7 update, I don't know how hard that would be  
8 instead of a whole another assessment. But that  
9 would be great to have an update done to the  
10 blacknose, with all the new data that you all  
11 have.

12                   And we talked about them. And, yes,  
13 I've also, I've fished in a Spanish mackerel  
14 fishery on the east coast this year, south  
15 Florida, you know, the sink net fishery. And we  
16 did catch quite a few bonnetheads and sharpnose,  
17 and a handful of blacknose.

18                   And it definitely would be good for  
19 them guys to be able to fish and bring some of  
20 that -- I mean, if it's only two or three or \$400  
21 bucks a day extra, only that's, at the end of the  
22 week that pays for your expenses.

23                   A little bit extra instead of throwing  
24 them all back overboard. At least this, and  
25 we're there for two months, you know, you got 15  
26 or 20 boats fishing, it's not a bunch of waste.  
27 Because it doesn't make a whole lot of sense to  
28 waste it, someday, somehow.

29                   So I'd go with 3c myself on the  
30 blacknose, you know. Let them bring some in,  
31 that it would keep everybody from targeting them  
32 anyway. So stretch the season out for most of  
33 the year.

34                   FACILITATOR BROOKS: Thanks. Okay,  
35 Bob.

36                   MEMBER HUETER: Yes, Bob Hueter. I  
37 definitely appreciate Scott's skepticism. I  
38 Skepticism is healthy. But in this case I will  
39 go with what David said. I can tell you that  
40 blacknose do aggregate at certain times of the  
41 year.

42                   If you're in the right spot you can  
43 catch one after another. You can catch dozens of  
44 them on hook and line. So I assume the gillnet  
45 could be pretty effective as well. So, that to  
46 me is not, does not seem out of the realm of  
47 reality.

48                   FACILITATOR BROOKS: Terri.

1 MEMBER BEIDEMAN: Okay.

2 FACILITATOR BROOKS: Use your outside  
3 voice, Terri.

4 MEMBER BEIDEMAN: My outside voice.  
5 Just a clarifying question on that -- Okay. Are  
6 these open access permits that we talked about?  
7 All limited access permits, Atlantic, Gulf, so  
8 there's no opportunity for people to donate back?  
9 Okay. Then I will go along with  
10 what's been said. I just wanted to clarify that.  
11 They need to include, when we're talking about  
12 direct access permits.

13 And I know it's a couple of slides  
14 down. But I just want to make sure that we knew  
15 the role that limited access permits .

16 FACILITATOR BROOKS: Thanks, Terri.  
17 Rusty.

18 MEMBER HUDSON: As a follow-up, when  
19 we get a final rule in place it would be nice,  
20 even maybe even before, if you could go get some  
21 whole samples from the fishermen of blacknose,  
22 and then dress down to authenticate the 2.0  
23 versus the 1.39, and also the average size  
24 dressed weight, from both longline, hook and  
25 line, and gillnet, whoever they may be. Thank  
26 you.

27 FACILITATOR BROOKS: Dave.

28 MEMBER STILLER: Yes. So I'll second  
29 what Rusty just said. I would definitely like to  
30 see that conversion be done a lot different. If  
31 I'm landing 40,000 pounds a year whole weight  
32 sharks, not just me, but or even on the east  
33 coast, they do it on the east coast too, you  
34 know, pretty much the same amount, I'd venture to  
35 say throughout the year.

36 And that weight's not, that conversion  
37 table isn't right. That's another 8,000 pounds  
38 against the quota at the end of the year that  
39 should be, you know, we should be able to catch.  
40 Thank you.

41 MS. BREWSTER-GEISZ: So, we are  
42 actually looking at the conversion factor for all  
43 sharks. Part of the shark research fishery  
44 allows collection of additional sharks  
45 specifically to test for that conversion factor.

46 FACILITATOR BROOKS: Rusty, are you  
47 back? Or Ben?

48 MEMBER HARTIG: Yes. I had a couple

1 of clarifying questions. On the Alternative 2  
2 you used 118 field net trips for an average  
3 number of trips.

4 Does that incorporate only directed  
5 shark trips? Or does that go back in time far  
6 enough to incorporate some of the Spanish  
7 mackerel trips that caught these animals in the  
8 past?

9 MR. DUBECK: So, when the catch was a  
10 majority of sharks, I mean, there is going to be  
11 a mixture. But when the majority of the  
12 landings, the percentage was sharks, that was  
13 considered a shark trip.

14 MEMBER HARTIG: Okay. I was just  
15 trying to get at that, because the number of  
16 trips that we're going to be having in the future  
17 will be quite a bit higher in the Spanish  
18 mackerel fishery. But the catches will be a lot  
19 lower. So that was just one of my concerns.

20 The other thing is that on a shark  
21 trip what is, how many sharks does it take to  
22 make a profit here? What's the average number of  
23 sharks they catch on a trip? Do you have that  
24 information? Is 250 enough, is 150?

25 MR. DUBECK: Well, that's something  
26 we're going to go and look at. We find out  
27 during the public comment period. Because  
28 that's, I mean, because we found too in some of  
29 the economic data that they were getting a higher  
30 price for blacknose sharks compared to other non,  
31 other small coastal species at certain times of  
32 the year. So that could be a driver for some of  
33 the targeting.

34 But we want to find a balance where,  
35 you know, they're not going to be discarding a  
36 lot of blacknose sharks, and potential impact to  
37 the stock. So we're looking at, what would that  
38 retention limit number be for, in the future?

39 MEMBER HARTIG: Thank you.

40 FACILITATOR BROOKS: Okay. So thank  
41 you for the feedback. It sounds like all,  
42 everyone who's weighed in on this is weighing in  
43 on the side of 3c, with some side comments around  
44 the need for an update, and revisiting the  
45 conversion table.

46 So, thank you all. Let's hand the  
47 floor over to Marcos, who has a Caribbean update  
48 for us. Do you want to do it, Marcos, are you

1 good from there? Or do you want to come up here?

2 MEMBER HANKE: No. I can do briefly.

3 FACILITATOR BROOKS: Okay.

4 MEMBER HANKE: And we have a Caribbean  
5 small local permit that address many of the  
6 issues that we originally had with swordfish and  
7 tuna, the reporting, which is a great permit.  
8 But there is no shark quota on it.

9 The main reason why that permit is not  
10 solicited, or people are not engaging into it is  
11 because there is no quota. And right now there  
12 is a system of FADs being started in Puerto Rico.  
13 And that snowball of going offshore and fishing  
14 for different species going to grow. And we need  
15 to fix that.

16 In order to do that I started a report  
17 to Randy and to HMS staff, my incidental catch on  
18 shark, just to, for them to start to collect some  
19 information about the situation in our area.

20 And I really urge and request the  
21 development of scientific data for our area.  
22 Because we, the most predominant shark on our  
23 area are Caribbean reef shark and Caribbean  
24 sharpnose.

25 And you cannot catch them, you know,  
26 under the rules right now. And that have to be  
27 fixed. Because the, probably the baseline or the  
28 data used for that was not produced in the  
29 Caribbean waters. And I recognize that. And  
30 that's something that have to be fixed.

31 And the other thing that I want to  
32 point out is that more and more you see the group  
33 of people that are interacting with shark  
34 growing. You can see on the internet, on blogs,  
35 on Facebook, on different places, people catching  
36 and making comments.

37 And that, well, I kept them because  
38 they didn't let me fish for the yellowtail. And  
39 on state water, on federal waters, on many  
40 different scenarios. And that interaction is  
41 growing.

42 And I think we need to pay attention  
43 on that, and fix our problem with the Caribbean  
44 small boat permit, in regard to the, in relation  
45 to that quota.

46 And I want to make another comment  
47 about the Caribbean situation. Some of the  
48 discussion was brought on the breakout group

1 about the yellowfin. I'm changing the subject  
2 now. About the yellowfin limit of three per  
3 boat.

4 Somebody suggest to reduce that.  
5 Remember that we don't fish for bluefin tuna on  
6 the Caribbean. And that going to be a really bad  
7 thing for us. We should maintain the yellowfin  
8 on three per boat, per angler.

9 And let me see what I have, what else  
10 I have here. In Puerto Rico the local regulation  
11 on state water or territorial water endorse HMS  
12 regulation.

13 And the reality is that right now  
14 fishermen in Puerto Rico use artisanal gear,  
15 incidental procedures, and so on, where they fish  
16 for multi species on sharks.

17 They don't have a permit that they can  
18 apply into their fishery, you know. We are  
19 limping on that matter. And we need to fix that.  
20 That's it. Thank you.

21 (Off microphone comments)

22 MEMBER HANKE: Yes. One extra comment  
23 is that, thank you. One extra comment, I went  
24 around the table and consult many, many people.  
25 And of all the general category for bluefin tuna  
26 and many others, other permits that require  
27 report.

28 I don't see the reason why not to  
29 include on the printable version that you should  
30 report, or you have to report bluefin tuna,  
31 whatever, apply to that permit on the printable  
32 version. That's the paper that they take to the  
33 boat. And it doesn't cost anything. You just  
34 add to the procedure. Thank you.

35 FACILITATOR BROOKS: Rusty.

36 MEMBER HUDSON: Thank you. I've been  
37 dealing with the U.S. Caribbean representatives  
38 across the years here. And it's a whole  
39 different world down there with regards to their  
40 common species.

41 And the two sharks in particular that  
42 Marcos and I have been talking about, the  
43 Caribbean sharpnose shark, and the Caribbean reef  
44 shark are very abundant and common.

45 And I don't think that they really  
46 entered into our, we haven't done an assessment  
47 on neither of those species that really matters,  
48 you know, nothing there. Maybe somebody did an

1 estimate on the back of an envelope.  
2 But quite honestly I think that they  
3 need to be opened up, and be allowed to fish  
4 those animals there, because they're very common.  
5 And I think the literature bears that out.  
6 Some of the genetic stuff indicates  
7 from Central America, to Trinidad, Tobago, all  
8 parts of South America, right on up to maybe  
9 south Florida for all your Caribbean reef.  
10 But the Caribbean sharpnose, no, we  
11 don't have a scenario with that going on. Nobody  
12 can knowingly tell the difference between that  
13 and the very common Atlantic sharpnose. The  
14 reality is that you have to do a necropsy on the  
15 vertebrae count. And that's not going to happen.  
16 So really, just help out our Caribbean  
17 fishing communities at the, you know, U.S.  
18 managers. And it would make it a lot easier on  
19 those folks. Thank you.  
20 FACILITATOR BROOKS: Bob.  
21 MEMBER HUETER: Yes. Bob Hueter.  
22 First I want, if I can ask Marcos a clarifying  
23 question. The FADs you're talking about, Marcos,  
24 how far offshore are these? Are these out in  
25 fairly deepwater offshore, or are they right on  
26 the reef?  
27 MEMBER HANKE: The FADs installed in  
28 San Juan is, they are about, they range from five  
29 to ten miles all deepwater, 1,000, 1,500 feet  
30 plus. And the ones that are going to be  
31 installed on the east coast on the next phase,  
32 it's between 2,000 and 1,500 feet too, and about  
33 five to ten miles from the shore.  
34 MEMBER HUETER: So given that, I would  
35 be a little surprised if these were actually  
36 Caribbean reefs that are being caught out on  
37 these FADs, unless they're being somehow drawn  
38 from the reef. Because those are basically reef  
39 animals.  
40 They might range offshore a little bit  
41 at times. But I'm, my money would be, if I had  
42 to pick a species, I bet they're silky sharks  
43 that are out there, which are still prohibited.  
44 But I don't know what the quality of the species  
45 ID is.  
46 Regardless, I have to disagree with my  
47 good friend Rusty. Caribbean reefs may be  
48 locally abundant in certain areas. But they're

1 an insular species, very vulnerable to being  
2 extirpated in a given region pretty quickly.

3 So I think Marcos' concern is well  
4 founded. And last, I'm going to give Marcos my  
5 card. Because I'd love to come down there and  
6 help you do the research to figure this out.

7 MEMBER HANKE: I didn't want to get  
8 into the details. But they force me. I need a  
9 little more time. I'm fishing for 25 years,  
10 okay. Bottom fishing on five spots.

11 And those five spots the reef shark  
12 don't let us pull the yellowtail snapper up, or  
13 groupers up. Because we have to fight with them  
14 to get to the boat.

15 Every ten sharks that we hook up, we  
16 land probably one, two, maybe three of them  
17 because the circle hook got in the corner of the  
18 mouth. And we release them with the hooker, and  
19 so on.

20 I never, ever caught a shark, a  
21 Caribbean reef shark, I'm talking about 130 feet  
22 of water, okay, with a circle hook on the mouth,  
23 or a terminal tackle on it. And I'm paying  
24 attention on that.

25 And now I'm engaging, I'm being  
26 instructed to tag them, and to start to collect  
27 better data on my incidental catches. And I'm  
28 willing to do it.

29 And my concern with the FADs is that  
30 once you divert the effort on shallow waters to  
31 the FAD, those fishing grounds where the  
32 commercial fishermen are not visiting now going  
33 to be on the way to the new fishing ground FADs.

34 And that interaction for Caribbean  
35 reef on shallow reef, 130, or right on the edge  
36 of the reef, are going to increase. Because  
37 right now they are not going there, you know.

38 It's just the whole system, we fish  
39 for multi species. When the commercial fishermen  
40 going in Puerto Rico is 20 footer boats, they  
41 don't go for a species specific, they go to catch  
42 whatever they can on the way. And that's the way  
43 the fishery goes.

44 That's why you cannot be single minded  
45 on analyzing the FAD itself. We have to  
46 understand that on the way there is a lot of  
47 things happening. And that's my work. And there  
48 is silky shark too.

1 FACILITATOR BROOKS: Okay. Thank you  
2 very much. I'm not seeing any other cards on  
3 this, so I think we can go back to dolphins now.  
4 So the timing is good. We've got about a half  
5 hour to talk about this if we get it.

6 Ben, you weren't here when we started  
7 to get into this. And then we hit the pause  
8 button for you to get back. So, Margo, I think  
9 I'll hand the mic to you just to --

10 MS. SCHULZE-HAUGEN: No. Hand it to  
11 Scott.

12 FACILITATOR BROOKS: -- tee it up.  
13 All right. Scott, it's yours to tee up in.

14 MEMBER TAYLOR: So, for those that  
15 didn't know, last year was the first year that  
16 we've had the dolphin fishery closed from the cap  
17 on the ACL.

18 It took place last year at the end of,  
19 at the middle of June. It was extended until the  
20 end of June. And in my opinion was a direct  
21 result of Amendment 7.

22 That one of the things that we didn't  
23 contemplate, when we wanted to limit interaction  
24 from the pelagic longline fleet for bluefins,  
25 that seemed to be pretty prolific that time of  
26 the year, was that we might turn around and  
27 target, some of the guys might turn around and  
28 target other species.

29 And so, there was a great deal of  
30 effort in the mahi fishery that took place off  
31 the Charleston Bump area, that started in the  
32 beginning of May, May 1, and ultimately closed  
33 the fishery for the rest of the year.

34 Subsequently, and I'm just giving you  
35 a little bit of background. Subsequently there  
36 was some new rulemaking, and a change in quota  
37 that reallocated, and Ben can give probably  
38 better detail than me. But I believe there was  
39 about 14 million pounds associated with the  
40 recreational sector, and 1.1 million that was  
41 allocated to the commercial sector.

42 The reallocation added about 300,000  
43 pounds, give or take, to the recreational, I  
44 mean, to the commercial sector from the  
45 recreational sector, and changed some numbers  
46 associated with trip limits once the fishery got  
47 to a certain level.

48 This is an interesting problem for us,

1 because this is an HMS species. It's not  
2 regulated by this panel. It's regulated by the  
3 Southeast Fisheries Council, which regulates from  
4 Key West to Maine.

5 It had dramatic impact on our boats,  
6 to the tune of several thousand dollars per trip  
7 in lost revenue. In a fishery that we've seen  
8 closed before it disenfranchised a lot of the  
9 fishermen and local guys down there in the Keys  
10 that otherwise normally would have fished. And  
11 really has had dramatic impact, and will moving  
12 forward.

13 Not to mention the fact that it  
14 created another bycatch species for us that we  
15 were having to discard dead, and not utilize.  
16 Because a lot of the dolphin come up on the gear,  
17 you know, dead.

18 So I wanted to at least raise the  
19 issue, particularly because we had Ben here. And  
20 that I think that in a brief discussion I had  
21 with him, and really one that's also directed at  
22 Margo about whether or not this is something that  
23 really does apply in any way moving forward to  
24 this panel that we could address.

25 Or whether or not that the fix that is  
26 kind of temporarily in place, one that the  
27 Southeast Council, whether or not they think that  
28 it's going to solve the problem.

29 Or whether or not this is just part of  
30 some further adjustments, so that we can properly  
31 allocate this 16 or 17 million, you know, pounds  
32 of quota that's associated with the U.S. quota,  
33 that's essentially going largely unused.

34 And I'm going to wrap it up here real  
35 quickly. But I want to illustrate how bad that  
36 it was, that this fishery that for the large  
37 purpose the commercial community was taking,  
38 essentially swam past the United States, wound up  
39 in other countries, and wound up being shipped  
40 back to the U.S. because we didn't have access to  
41 the fish.

42 And this was on a quota where there  
43 was more than ample quota, that had to do with  
44 the way that it was allocated I believe. So, I  
45 mean, I kind of gave Ben a bunch to bite on. I  
46 think there's as many questions as there were  
47 statements there.

48 And I would appreciate any feedback

1 in, you know, into the future. And also to you,  
2 Margo, I'm wondering if there's anything that  
3 specifically HMS can do to reauthorize this  
4 pelagic fishery.

5 FACILITATOR BROOKS: Right. Thank  
6 you. Thanks. Let's go to Ben. And then, Margo,  
7 if you have anything you want to pull in, then  
8 anyone else.

9 MEMBER HARTIG: Yes. I mean, I think  
10 that coming to this meeting has been an eye  
11 opener for me. I'm not a longline fisherman.  
12 I'm a hook and line fisherman for the last 45  
13 years off of southeast Florida. But part of ---  
14 the dolphin has been an important part of my  
15 fishery over the years.

16 And this was something that came out  
17 of left field. We didn't see it coming. We  
18 probably should have seen it when the fishery  
19 doubled the year before. We should have had some  
20 inclination. But we missed it. And then we did  
21 have to close that fishery.

22 Not only were their boats impacted,  
23 but all the boats to the north whose season is --  
24 I don't have to tell you all this. You all went  
25 through it. You lived it.

26 You know, you had dead discards for  
27 the rest of the season in areas, you know, where  
28 you all intercept the fish later in the season.  
29 And that is pretty tough to accept.

30 The fishery has been predominantly a  
31 recreational fishery over time. And the  
32 commercial fishery hasn't stayed within its  
33 allocation for that time as well.

34 So, we have, we made a short term fix  
35 where we, at 75 percent of the quota we will go  
36 to a 4,000 pound trip limit. So the first part  
37 of the season will be unlimited, this season, and  
38 then you'll go to a 4,000 trip limit.

39 After that, subsequently, at our last  
40 meeting we put a number of options together, a  
41 number, a suite of options to further address,  
42 you know, how we're going to move forward in the  
43 dolphin fishery.

44 We talked about a common pool, where  
45 we take some of the recreational allocation, some  
46 of the commercial allocation, put it in a pool  
47 that could be accessed by either group, in case,  
48 you know, either group get their allocation.

1 That was one of the more attractive issues, I  
2 think, that the council discussed.

3 So, we have a number of suites of  
4 things. We had talked about moving allocation  
5 over permanently as well. Although, we had just  
6 done that in, you know, a previous amendment.

7 There was also the talk of wait and  
8 see. Let's see what happens this year. There  
9 was quite a bit of, a number of people that  
10 thought that that extra 300 and something  
11 thousand pounds would have extended the fishery  
12 to the north, and allow those fishermen to land  
13 those catches.

14 So, we're working on it. We have a  
15 number of different options to deal with. I will  
16 tell, I will say that what I had been thinking  
17 about this meeting, that it would be -- You all  
18 have a lot to deal with, I know.

19 But it would be helpful for us if  
20 this, you know, given the importance of dolphin,  
21 looking at, you know, through the pelagic  
22 longline landings, it would be helpful to us if  
23 you all would weigh in and have a position on  
24 dolphins that we could, you know, that we could,  
25 you know, latch onto and, you know, run through  
26 our process as well.

27 You know, we had a number of longline  
28 fishermen. And, you know, Terri came, and  
29 several other fishermen came and gave us good  
30 information, and good background information on  
31 what the HMS boats were catching, you know, that  
32 weren't targeting dolphins, per se.

33 And I think one of the things we  
34 realized is that there's been a change in the  
35 fishery. There has been fishermen who are now  
36 targeting dolphin exclusively, and not as a part  
37 of normal HMS catches that have been the way the  
38 fishery has operated through time.

39 So, we're concerned about that. They  
40 don't operate under the same rules you do, with  
41 the circle hooks, and things of that nature. And  
42 one of the things we also looked at is requiring  
43 an HMS permit to be able to participate in the  
44 dolphin fishery.

45 And we don't know the legalities of  
46 that yet, or if we'll be able to do that. But  
47 that's one thing we've been thinking about.  
48 Because, you know, basically you all, you know,

1 abide by some of the most stringent regulations,  
2 you know, on the ocean, concerning your gear.

3 And so, we would like to mirror that  
4 in our fishery as well, you know, to take care of  
5 the bycatch concerns that you have already taken  
6 care of. So, we're working on it.

7 We're trying to make it happen so that  
8 you all don't have to discard dolphin anymore.  
9 We're fully aware of it. And if you have the  
10 time we would appreciate you weighing in, you  
11 know, at some point on a dolphin measure.

12 FACILITATOR BROOKS: Sorry, just to  
13 clarify, when you say, appreciate you weighing  
14 in, is that HMS, the advisory? What are you --

15 MEMBER TAYLOR: The HMS Advisory Panel  
16 in particular. You know, what they think, you  
17 know, a dolphin amendment should be. And just,  
18 if it was just, as you do, I know you don't do  
19 consensus.

20 But just as you had different points  
21 of view as you went around the table, and then  
22 sent those to us, it would be helpful for us as  
23 we go through the process of this.

24 FACILITATOR BROOKS: Okay.

25 MS. SCHULZE-HAUGEN: So, it's  
26 interesting. We have heard that, you know, this  
27 is Amendment 7 that caused this, a direct result.  
28 And so, when we started looking into the data,  
29 you know, it said the fishery doubled in 2014,  
30 clearly pre Amendment 7, I think.

31 So that the direct cause and effect of  
32 that isn't as clear. I know some fishermen have  
33 come to the conclusion that it's not Amendment 7,  
34 because they shared that with me. I think that  
35 there's some other factors going on.

36 So, what I've been doing with Anna  
37 Beckwith, has been providing feedback, and trying  
38 to see the data to do response for questions as  
39 part of the council process. So, I think that's  
40 where we've been kind of, you know, helpful.

41 It's not within secretarial authority.  
42 So I don't think there's anything left to do. We  
43 could type up kind of the discussion, and  
44 continue to try and do that.

45 What we've been doing is trying to get  
46 people interested and concerned to the council,  
47 and getting folks to weigh in where the authority  
48 is. So --

1 FACILITATOR BROOKS: Rusty, Jason,  
2 Dewey.

3 MEMBER HUDSON: So, I'll just speak  
4 loud. Rusty Hudson. Last year's mahi quota was  
5 1,157,000 pounds for the commercial. They landed  
6 1,098,135 pounds, caught 95 percent of the  
7 allocated ACL, left 60,000 pounds on the table  
8 that should have got caught.

9 It could have been reopened for a  
10 short little while for this, you know, if they  
11 had wanted to. But they didn't. But the reason  
12 I bring that up is because last year's  
13 recreational allocation was 14,188,000 pounds,  
14 rounding it up. They caught 7,112,000 pounds.

15 So you can see that they only roughly  
16 caught 50 percent, the recreational did. And so,  
17 that being said, that's a consistent pattern on  
18 them, the recreational component.

19 Second off, on our commercial, on the  
20 State of Florida we have not had pelagic longline  
21 allowed in our EEZ since March 2001. So there's  
22 not a bycatch of mahi off of the Florida EEZ.  
23 But north of there, there is.

24 And so, I just now looked at the  
25 landings for this year. As of March 25th we did  
26 get a 400,000 pound bump on our allocation. It  
27 took us, including Dewey, being part of the vice  
28 chair of that dolphin wahoo AP.

29 It took us a couple of years to get to  
30 this point where we have no assessment. It's an  
31 annual crop like shrimp, for the majority of the  
32 animals.

33 And so, this year, of the 1,535,000  
34 pounds that we have for commercial, we have  
35 landed one percent to date. And with the  
36 recreational we have no clue, because with MRIP  
37 they have a two month wait, and a 45 day  
38 processing cycle. So we won't know for a while  
39 on the recs.

40 But I'm not worried about them.  
41 Because it consistently, with an annual crop, and  
42 they're leaving millions and millions of pounds,  
43 nobody has reexamined this allocation scenario at  
44 the South Atlantic Council, that is in charge of  
45 the dolphin and the wahoo.

46 And yes, it is a significant portion  
47 of the high sea fleet that targets swordfish and  
48 other types of stuff, tuna. But we know that we

1 had a lot of hook and line guys that could have  
2 been landing as they normally do with just hook  
3 and line in Florida, and got good prices.

4 I heard up to \$6 dollars a pound. So  
5 that's 60,000 times six. But that's what we had  
6 to start paying the foreigners to bring it in  
7 here, to be able to sell it to our restaurants.

8 So how this gets worked out, I believe  
9 that we've created a couple of actions. Ben can  
10 elaborate on them. One of them, of course, is  
11 this control date that is being fast forwarded  
12 through the process.

13 The other scenario is a trigger of 75  
14 percent I believe of the quota, that then would  
15 cause the people to ratchet down the situation  
16 with a trip limit imposed on any of the longline  
17 boats up to the north.

18 And that situation, as far as the  
19 average catch is for the hook and line guys I  
20 think are significantly a little bit lower than  
21 that proposed thing.

22 But all of that is stuff we're working  
23 on, and will be working on at the council meeting  
24 in June, in Cocoa Beach possibly, and just right  
25 on into the future.

26 Because, yes, we're keeping an eye on  
27 it. But, you know, when 99 percent of the  
28 dolphin quota commercial to be caught this year,  
29 I don't think we're going to have a replay of  
30 last year. Just don't believe it.

31 FACILITATOR BROOKS: Thanks. Jason.

32 MEMBER ADRIANCE: I guess they're  
33 still not working. This is more of, I guess, a  
34 clarifying question for Ben, and partly a  
35 comment. So, it was the commercial ACL that was  
36 exceeded, but it was your overall ACL that's  
37 obviously very large, and it wasn't exceeded.

38 Maybe this is too simple of a way to  
39 look at it. But if you're not exceeding your  
40 overall ACL, can you let it function within that  
41 total ACL without having to reallocate?

42 MEMBER HARTIG: Yes, you could. I  
43 mean, you could set it up as one ACL, you know.  
44 And I don't know that the recreational community  
45 would be comfortable with that. But  
46 functionally, I mean, you know, that certainly  
47 would work.

48 It would take care of a few years, as

1 far as the fishery, you know, was able to take  
2 advantage of a good dolphin year in particular.  
3 Last year seemed like a very good dolphin year.

4 I mean, the fish came by us the entire  
5 summer. And then, of course, you know, you all  
6 saw what you saw to the north. So yes, it could  
7 be done that way.

8 The Gulf does some of their  
9 allocations that way. They combine the ACL into  
10 one ACL instead of separating it. We haven't  
11 gone down that path. But it could be done that  
12 way.

13 MEMBER ADRIANCE: Yes. That's why the  
14 Spanish mackerel came to mind in the Gulf.  
15 That's why I thought of that.

16 FACILITATOR BROOKS: Dewey.

17 MEMBER HEMILRIGHT: Thank you. Dewey  
18 Hemilright. For probably ten years, it might not  
19 even be that long, I've been on the Advisory  
20 Panel for the South Atlantic Council. And  
21 dealing with the allocation between the  
22 recreational and commercial.

23 And this issue's always been a hot  
24 button issue with the South Atlantic Council, and  
25 particularly some of its council members, about  
26 the allocation issue, and the public.

27 Had this amendment that just gave us  
28 400,000 pounds not sat on somebody's desk for  
29 about five or six months, we would not have had  
30 this closure.

31 PARTICIPANT: True.

32 MEMBER HEMILRIGHT: That would have  
33 gave us 400 more thousand pounds. But as  
34 management takes time, it sat on somebody's desk  
35 from the time the council approved it to send  
36 forward, about five or six months.

37 You know, the price of mahi this year  
38 was probably the best it's been in a long time.  
39 People went fishing and caught the fish. But in  
40 the future, you know, you got a 15, 16 million  
41 pound quota, or annual catch limit for the mahi,  
42 divided between the recreational and commercial.

43 And if once, you know, at the end of  
44 the day it's -- And I heard the regional  
45 administrator gave some comments to this about  
46 having a common pool, where you draw from the  
47 same, as Ben talked about.

48 Because, you know, once the main part

1 of the mahi season gets by the Carolinas into the  
2 north, it's not really a whole bunch of directed  
3 fishing on the mahi. And it would be good that  
4 if we could utilize, if needed be, overages, or  
5 something that takes place, you know.

6 It only happens for two months a year,  
7 as far as the directed part. But it's equally  
8 important to the boats to the south and to the  
9 north that do other fisheries.

10 And it's a good fish. The consumer  
11 likes it. And there's no reason for our country  
12 to be leaving seven million pounds of quota on  
13 the table. Thank you.

14 FACILITATOR BROOKS: Thank you. Jeff.

15 MEMBER ODEN: Okay. Dewey and Rusty  
16 pretty much covered what I was going to get at.  
17 I just want to reiterate, I'm not very, you know,  
18 comfortable when, even with a fresh reallocation,  
19 which by the way was reallocated away from the  
20 industry a few years back. That's something that  
21 seems to be forgotten. So, we used to have what,  
22 11 percent then, what was it, 13?

23 PARTICIPANT: Thirteen.

24 MEMBER ODEN: Thirteen. And then we  
25 got taken down to seven and a half. And then we  
26 got driven back ten, you know. So it's games  
27 being played with our industry.

28 And much as they said, you know, it  
29 sat on the regional administrator's desk, well,  
30 the people of the northeast, you know, the  
31 fishermen laying, not to mention the guys, you  
32 know, the average guy in Florida who had them all  
33 year long, you know.

34 It was a wasted resource which, as  
35 said, \$6 dollars a pound we're sitting here  
36 importing them, and selling them back there. Now  
37 that, it's illogical.

38 So, again, you know, I think it needs  
39 to be in place, an allocation for -- And I think  
40 that would be fair. And I'd certainly be held  
41 accountable to that. No problem, you know, but,  
42 you know, to me I don't feel like it's been  
43 addressed.

44 And, you know, you have these,  
45 Amendment 7 comes along, and whether or not that  
46 was the reason for the, you know, the fantastic  
47 year we just had, or not, you know, I'm not  
48 certain it was.

1 I really, a lot of guys who were not,  
2 are not even HMS fishermen that were  
3 participating in fishing in the South Atlantic  
4 purview weren't doing it the last few years, that  
5 were five years ago. So I'm not certain where  
6 the upper was coming from. But anyway.

7 FACILITATOR BROOKS: Okay.

8 MEMBER ODEN: Thanks.

9 FACILITATOR BROOKS: Okay. Thanks.

10 MEMBER HARTIG: Just one clarifying  
11 thing.

12 FACILITATOR BROOKS: Okay.

13 MEMBER HARTIG: Yes. Just, to just  
14 give SEAR a little, you know, the southeast  
15 harvest a little bit of slack, it wasn't the,  
16 dolphin wasn't the only option in that amendment,  
17 unfortunately.

18 And there were some other more  
19 complicated issues in that amendment which held,  
20 it held it up. There was some legal issues that  
21 had to be resolved. And that's why it, you know,  
22 we couldn't get it in.

23 It wasn't for us not trying, and  
24 badgering them, and trying to get that done so we  
25 could have, reopen it and have, make sure that  
26 some of the dead discards could have been landed.  
27 But it was a complicated amendment that we had to  
28 add that dolphin increase to. And that's why it  
29 took the time.

30 FACILITATOR BROOKS: I think a few  
31 more comments. I've got Scott and Rusty, and  
32 then over to Terri.

33 MEMBER TAYLOR: So just a couple of  
34 things to clarify. What I meant, particularly  
35 directed at you, Margo, was that Amendment 7  
36 wasn't a direct causal relationship.

37 But when you're dealing with the  
38 Charleston Bump area opening, which is our  
39 commercial mahi season, like Dewey and Jeff will  
40 tell you, it's a very short lived season.

41 But when you're dealing with boats  
42 that are bringing in 20,000 pound trip limits, it  
43 doesn't take very many additional boats to add a  
44 lot of weight in a very short period of time.

45 So that, I personally know several  
46 boats that have entered that fishery in the last  
47 couple or three years that were motivated by  
48 several different factors.

1                   And that problem, and I have, I know  
2 of another two new ones again that are going to  
3 be there this year, because it's still an entry  
4 level fishery. It's very easy to get involved  
5 in. So it's not only one issue.

6                   It doesn't take a whole lot of effort  
7 by numbers of boats when that fishery is, because  
8 how prolific it really is. It's a migration.  
9 And once that fish moves past, and they're  
10 traveling in the Gulf Stream at that point,  
11 living, you know, four or five knots a year.

12                   They may hold up in, you know, some of  
13 the eddies and the currents. Once that comes  
14 past the lion's share of the effort goes away.  
15 And for what, you know, you could catch 70 or 80,  
16 or 90 percent of our quota in a matter of six or  
17 eight weeks. Right, Ben?

18                   MEMBER HARTIG: Yes.

19                   MEMBER TAYLOR: So what happened is  
20 that everybody else got disenfranchised, you  
21 know, in that process. So any pressure we put in  
22 one place, even though it may be minimal, I think  
23 that's part of the reason why we saw it, at least  
24 from my experience.

25                   I don't want to vilify Amendment 7.  
26 There's nothing constructive in doing that. But  
27 that, my point is that particularly to, and my  
28 question was directed at you. This is clearly a  
29 highly migratory species.

30                   And maybe this is before my time. But  
31 how did this become the purview of a regional  
32 fisheries council, rather than highly migratory  
33 species?

34                   MS. SCHULZE-HAUGEN: Well, I think  
35 it's actually the reverse. It's how this species  
36 stayed within the purview of the council, when  
37 HMS were giving it to the authority of the  
38 Secretary of Commerce.

39                   MEMBER TAYLOR: So you're saying like  
40 --

41                   MS. SCHULZE-HAUGEN: Swordfish,  
42 sharks, billfish.

43                   MEMBER TAYLOR: So it wasn't just, it  
44 was really --

45                   MS. SCHULZE-HAUGEN: It was in 1990.  
46 Before my time too.

47                   FACILITATOR BROOKS: Rusty.

48                   MEMBER HUDSON: Yes, thank you. Rusty

1 Hudson. We had a soft cap originally. It's now  
2 a hard cap of ten percent. That made a little  
3 bit of a difference.

4 Also, with regards to -- And keep in  
5 mind, on the advisory panel the recreational  
6 supported the increase for the commercial. That  
7 was something that they were all on the same  
8 page. But then there was delays on the part of  
9 the council action, so it took a little while to  
10 get to that point.

11 Second off, there is restrictive  
12 language towards the pelagic longline directing  
13 of dolphin, mahi, on pelagic longlines that have  
14 been in place since the creation of the FMP.  
15 That's something else that has to be weighed in  
16 on.

17 Third, Don Hammond did some  
18 presentations for us at the council level a  
19 couple of years in a row with his tagging of all  
20 the mahi. And you should actually have him up  
21 here to educate everybody on the movement of  
22 these animals in an annual cycle.

23 Because remember, 90 something percent  
24 of these animals is considered an annual crop.  
25 And that's a big deal. Because you don't have  
26 to, according to Magnuson, deal with an annual  
27 crop like you do with all, setting all these ACLs  
28 and ABCs for everything else.

29 So, you can pull up Don Hammond's  
30 stuff from the council briefing book and, short  
31 of having him here. And maybe that might make an  
32 educational outreach for the group here to make  
33 better decisions with.

34 MS. SCHULZE-HAUGEN: But we're not  
35 making decisions on dolphin here. So, just to be  
36 clear.

37 MEMBER HUDSON: Well, I'm hearing a  
38 lot of people wanting you all to take  
39 jurisdiction over this situation. And I'm just  
40 trying to say --

41 MS. SCHULZE-HAUGEN: That would be an  
42 Act of Congress.

43 MEMBER HUDSON: What's that?

44 MS. SCHULZE-HAUGEN: That would be an  
45 Act of Congress.

46 MEMBER HUDSON: Okay. But the idea of  
47 at least looking at Don Hammond's work would be  
48 educational.

1 FACILITATOR BROOKS: And just to  
2 clarify, just to be clear. Terri, and then Mike.

3 MEMBER BEIDEMAN: Okay. I have to say  
4 that most of us in the industry saw that this  
5 would be coming, for the reasons that were  
6 described before, you know, the soft cap. And  
7 then the hard cap. And then the reduced cap.

8 And at that point we knew this day  
9 would come, you know. The council, to their  
10 credit, saw that too. And they took action. And  
11 unfortunately, the wheels of management took  
12 longer.

13 I was involved back in the day, when  
14 there was like a big, big discussion about where  
15 dolphin fish should be managed. And the council  
16 got dolphin. And we got swordfish under the  
17 Secretary. And that's how that played out.

18 I know there was a lot of animosity  
19 and difficulty at the time. But I have to say  
20 this, having participated, I would encourage  
21 anyone that has an interest in participating with  
22 the council, who does have jurisdiction from  
23 Florida, or the Keys, up to Maine.

24 Because having seen the competition,  
25 or composition of the council over the years, I  
26 found it very refreshing to attend the meeting,  
27 and find that there were many on that panel who  
28 were supportive of our concerns, and were trying  
29 to find a solution within what they can do.

30 I know that leaving seven million  
31 pounds of dolphin in the water is not achieving  
32 optimum yield. And the regional administrator  
33 kind of nodded his head and said, yes, you've got  
34 to try to find a way to deal with it.

35 Several other things that were raised  
36 was to try to find, if permanent reallocations  
37 make people nervous, perhaps we could do in  
38 season ones where they aren't actually  
39 technically being completely reallocated, but  
40 just used to the best use. And I found the  
41 council was very receptive to that.

42 I strongly encourage that this ten  
43 percent increase would be, will be a help, no  
44 question. But that this should not be the end.  
45 And this fleet can ill afford to have another  
46 species, and I know they're not managed here.

47 But our floating or not depends on  
48 what we end up having to discard. And despite

1 the fact that dolphin is technically not under  
2 this particular panel, it is about as close as  
3 any other species that we deal with. And needing  
4 to be considered this way.

5 So, I believe that, at least my hope  
6 is that the council and Ben, particularly, have  
7 been very helpful and supportive in this effort.  
8 And that our fishermen will be standing a chance  
9 to not have to see imports from many countries  
10 going into Trinidad, and being imported into the  
11 United States at \$6 dollars a pound, while we  
12 have to toss them overboard and get a black eye  
13 for it.

14 FACILITATOR BROOKS: Thanks, Terri.

15 MEMBER BEIDEMAN: Thank you.

16 FACILITATOR BROOKS: Mike.

17 MEMBER PIERDINOCK: Just a quick  
18 question. Is the 17 million pounds of mahi, is  
19 that managed similar to the species that we're  
20 concerned with? That if you don't use it we lose  
21 it?

22 MEMBER HARTIG: No. No. Dolphin, I  
23 mean, it's never had an assessment. We've never  
24 had a real assessment with that. We've had a  
25 back of the envelope type of estimate of what  
26 could be taken out of that stock. And that's,  
27 there's a lot of uncertainty in that number.

28 And so, you know, we're a little bit  
29 cautious about, you know, moving forward, you  
30 know, with permitted allocations. I think what  
31 Terri said about being able to, you know, every  
32 year you could move some over to the commercial.  
33 And then it would revert back. But you do it  
34 every year.

35 And that way you don't have to ever,  
36 you know, take the allocation away from the  
37 recreational fishery, you know, forever. But  
38 then you allow the commercial fishery to continue  
39 to be able to operate at the level they need to  
40 operate. And that, I think is a pretty good way  
41 to go.

42 The common pool, or that method that  
43 Terri had alluded to, either would take care of  
44 the problem that we had this year.

45 FACILITATOR BROOKS: Thanks. Rusty,  
46 you get the last word here, then break.

47 MEMBER HUDSON: Thank you. Rusty  
48 Hudson. During the December council meeting the

1 Dolphin Wahoo Regulatory Amendment 1 wound up  
2 being confirmed by the full council.

3 The choice of a preferred Alternative  
4 4, where 75 percent of the ACL for the commercial  
5 would be reached, then it would trigger a 4,000  
6 pound trip limit.

7 And the analysis, which I'd have to  
8 dig a little deeper, and I'll provide it off line  
9 here, will show you that the majority of the  
10 longline boats were coming in under that 4,000  
11 pounds.

12 So during that peak period up off the  
13 Carolinas where they were, you know,  
14 participating in these landing in last year or  
15 two. So, I just thought that might be useful.  
16 And that's still a work in progress.

17 FACILITATOR BROOKS: Thanks, Rusty.  
18 So obviously a lot of interest around keeping the  
19 longline fleet able to fish for this species, not  
20 having it move out of U.S. waters to other  
21 countries, and then being reimported here.

22 Clarification, or not clarification,  
23 but confirmation that this, like it or not, is  
24 not in HMS's lap. It is with the council. And  
25 then a lot of ideas on how to, how do you deal  
26 with this at the council level.

27 Whether that's expanding the  
28 allocation on a permanent basis to commercial,  
29 creating one ACL, or doing some in season  
30 transfers. But I think that's a council  
31 discussion.

32 And lastly, some potential and  
33 opportunity for education here, if that's a place  
34 that makes sense.

35 There's nobody else in the queue.  
36 Let's go to break. We will come back at 3:15  
37 p.m. We will have a very brief public comment  
38 window at that point, for two people who have  
39 been faithfully sitting, but need to catch a  
40 plane. And then we'll hold the remainder of  
41 public comments until 5 o'clock. So, thank you  
42 all. See you back at 3:15 p.m.

43 (Whereupon, the above-entitled matter  
44 went off the record at 2:59 p.m. and resumed at  
45 3:16 p.m.)

46 FACILITATOR BROOKS: Okay. Can you  
47 please start with your name?

48 MR. CAMPO: My name is David Campo,

1 I'm a shark fisherman in the Gulf of Mexico. And  
2 my basic concerns are, I understand you have  
3 access to sandbar and I guess blacknose in 2018  
4 or blacktips, I'm sorry.

5 What would be the timeframe to get  
6 that opening, afterwards?

7 MS. BREWSTER-GEISZ: So, you asked if  
8 we are having the assessment for sandbar and  
9 blacktip in 2018 or blacknose in 2018?

10 MR. CAMPO: Well blacktip I mean, yes.

11 MS. BREWSTER-GEISZ: Sorry.

12 MR. CAMPO: Is that correct?

13 MS. BREWSTER-GEISZ: Atlantic  
14 Blacktip. So that is not a definite yet. We are  
15 going to be doing one or the other. We are  
16 looking at ways in order to do both. But that  
17 has not been figured out yet.

18 MR. CAMPO: Okay. Well I was strongly  
19 suggesting the sandbar, obviously. But I don't  
20 understand why we haven't gotten it done yet, but  
21 that's neither here nor there.

22 So what would be the actual timeframe,  
23 if you did it get it done, on the sandbars, to  
24 reopen sandbar and what kind of quota would we be  
25 looking at?

26 MS. BREWSTER-GEISZ: So it really  
27 depends upon the assessment. The assessment last  
28 time was positive, it was over fished. No longer  
29 over fishing.

30 It would have to be increased -- and  
31 it would have to have rebuilt a lot, as I showed  
32 in my September presentation, in order for us to  
33 take action to reopen it.

34 MR. CAMPO: And can you put a comment  
35 on the timeframe for the assessment, if they --

36 MS. BREWSTER-GEISZ: So the assessment  
37 would happen in 2018 and I think we'd finish in  
38 early 2019. So it probably wouldn't be until,  
39 Margo, 2020 until we were able to get anything  
40 done? If the assessment was positive and showed  
41 that we needed to reopen it.

42 MR. CAMPO: Okay. And as far as the  
43 assessment goes, what data were you going to use?

44 MS. BREWSTER-GEISZ: The data that  
45 goes into the sandbar and all of the assessments,  
46 for all the fishermen logbooks. Well, all the  
47 assessments expect for dusky, as you said,  
48 because dusky is a catch free model.

1 But all the fishermen logbooks, all of  
2 the dealer reports, all the catch and decess and  
3 information coming from the independent surveys.  
4 Pretty much all the data you can think of. And  
5 including the observer data goes into it.

6 MR. CAMPO: Okay. Because I've been  
7 in the shark research fishier now for a few years  
8 and I've seen quite a bit. And I'm also  
9 involved, recently, with boat and marine. Doing  
10 tag and release on sandbars.

11 MS. BREWSTER-GEISZ: Okay.

12 MR. CAMPO: So I'm seeing a lot more  
13 stuff and they're telling me about their  
14 mortality rates, which are very, very low. In  
15 tag and release.

16 So I'm a little bit concerned that  
17 we're behind the times here, obviously. And that  
18 was my main concern is, when we can get them  
19 open. Thank you.

20 MS. BREWSTER-GEISZ: Thanks.

21 MR. GIAMBANCO: Hello, my name is  
22 Tony. I'm a commercial fisherman out of Port  
23 Canaveral on the East Coast. I'll fish from Key  
24 West all the way up to Jacksonville.

25 Sandbars. It's an absolute joke for  
26 what you guys have done in that fishery. You  
27 cannot physically fish from five feet of water,  
28 that's without feed in the water, without feeding  
29 every single fish you catch to one of them.  
30 Something needs to be done.

31 And I strongly say that you guys got  
32 to do that in 2018. Or as soon as possible would  
33 be even better.

34 But I mean I'll take every single one  
35 of you guys out there and I'll put money on my  
36 fish box. If you jump in the water, you come  
37 back at the end of the day, while I fish, well  
38 I'll just stand there, I don't even have to fish  
39 because they'll come up to my boat. If you come  
40 on my boat and make it at the end of the day, you  
41 can take the money that's on my fishing box.  
42 That's how bad it's gotten.

43 I can bring up one amberjack and there  
44 will be nine sandbars per jack. So if I catch my  
45 40 amberjacks per my 1,200, times by that by nine  
46 for each fish, I'll lose 2 to 3,000 pounds a day.  
47 I mean it's disgusting.

48 I went from catching 40 to 50,000

1 pounds of jacks a year to getting so disgusted by  
2 it that I don't even do it anymore. I got to  
3 figure out another fishery.

4 Which in turn I bought direct to shark  
5 burning, to catch sharks, because I'm losing  
6 income on other fish. I strongly say open those  
7 sandbars and do that.

8 I mean, oh hell, you ought to put a  
9 sign up saying don't even go swimming in the  
10 water anymore it's gotten that bad. That's all.

11 MS. BREWSTER-GEISZ: Thank you.

12 FACILITATOR BROOKS: Thank you. All  
13 right, well thank you. Thank you both for  
14 hanging in there and glad you accommodate your  
15 comments here.

16 So with that, let's turn to the final  
17 topic of, well, actually not the final topic of  
18 the day. We'll turn to the lemon shark  
19 conversation. And, Karyl, would you want to  
20 introduce it or are we just handing it right up  
21 to Guy?

22 MR. DUBECK: No, Jen.

23 FACILITATOR BROOKS: Or Jen.

24 MS. CUDNEY: Yes.

25 MR. DUBECK: Jen's starting.

26 FACILITATOR BROOKS: Jen, you go  
27 first.

28 MS. CUDNEY: Yes. Hi everybody, my  
29 name is Jennifer Cudney. I am with the Southeast  
30 branch of HMS. And over the next hour and some  
31 change we're going to be talking about some more  
32 shark issues and essential fish habit actions  
33 that are coming up.

34 We've added lemon shark, a lemon shark  
35 discussion, to the essential fish habitat  
36 presentation in response to some public concerns  
37 about lemon shark aggregations off of  
38 Southeastern Florida.

39 So I will be leading the discussion  
40 with review of Amendment 10 and recent activities  
41 associated with that amendment, which is  
42 currently in development.

43 And then Guy DuBeck will be talking  
44 about the public feedback that we received on  
45 lemon shark aggregations as a result of the 2016  
46 Atlantic shark specifications rule.

47 And then John Carlson will come up  
48 later and talk to us about the biology and the

1 fisheries and the current status of lemon sharks.

2 So for the first part of this  
3 presentation I'm going to be focusing on  
4 essential fish habitat or EFH, as I'm going to  
5 try to remember to refer to it moving forward.  
6 So what it is, how we identify it and how it is's  
7 used in management.

8 So as you may or may not be aware,  
9 essential fish habitat, or EFH, are those waters  
10 and substrate that are necessary for fish for  
11 spawning, breeding, feeding and growth to  
12 maturity.

13 EFH was initially implemented as part  
14 of the Sustainable Fisheries Act of 1996. And so  
15 it's actually celebrating its 20th anniversary  
16 this year.

17 EFH is usually designated for, well  
18 it's principally designated for federal managed  
19 species. But it may or may not include state  
20 waters in EFH designations.

21 EFH must also be periodically reviewed  
22 and revised. Usually on a five-year annual  
23 cycle. Or a five-year cycle.

24 This is a timeline of recent HMS EFH  
25 actions. Starting from 1999, when we first  
26 designated EFH for Atlantic HMS, working forward  
27 through our consolidated HMS fishery management  
28 plan and subsequent amendments. And then a  
29 couple of additional rules where we identified  
30 EFH for different species as they were brought  
31 under our mandate.

32 Most recently, we have finalized our  
33 Atlantic HMS EFH five-year review and provided a  
34 Notice of Intent to prepare Amendment 10. And  
35 this occurred in 2015.

36 And as I said, we are currently in the  
37 process of developing Draft Amendment 10.

38 So how do we identify Atlantic HMS  
39 EFH? Well, in order to do that we need to  
40 compile as much information as we can.

41 And this basically means a massive  
42 data request that went out to, not only people  
43 within the agency, but people outside of the  
44 agency. We ended up contacting over 50  
45 individuals outside of the agency.

46 Those points of contacts were  
47 identified from manuscripts that we had found in  
48 the literature that were recently published. And

1 a review of those manuscripts can be found in the  
2 five-year review that I just mentioned.

3 We also identified points of contact,  
4 as I said, within the agency, that were  
5 responsible for managing large data sets. And  
6 had other projects ongoing where we knew that  
7 they were collecting data regarding HMS.

8 To date, we have received papers with  
9 geographic data actually in tables and figures,  
10 that were provided to us by authors. We've also  
11 received over 35 data sets from contributors.

12 Some of these are data sets that are  
13 focused on individual species. Some of them are  
14 extremely large data sets that may span multiple  
15 areas or regions, multiple projects and have  
16 several HMS species in them.

17 So if you've contributed data, first  
18 of all I want to thank you. If you have  
19 information that you'd like to contribute towards  
20 our EFH efforts, you can email either myself or  
21 Peter Cooper with that information and we will be  
22 happy to talk with you about how we can  
23 incorporate your information into delineating  
24 Atlantic HMS essential fish habitat.

25 The information that we received  
26 includes independent, fishery independent survey  
27 data. We've also gotten observer data,  
28 independent research projects, tagging data. So  
29 we're looking incorporating all of that, somehow,  
30 into this effort.

31 Once we compile that information we  
32 pull it into a geographic information system as a  
33 point shapefile, which is shown in Box A. And  
34 we'll run some geo-statistical analyses to  
35 develop density plots.

36 From those density plots we're able to  
37 draw boundary lines around the areas that contain  
38 approximately 95 percent of the points. And this  
39 is following a methodology that we've developed  
40 over the last several years, principally in the  
41 last revision of this, or of our Atlantic HMS  
42 EFH. It is called the Kernal Density  
43 Estimation/95 percent Volume Contour Method.

44 Once we get those contour boundaries  
45 developed, that's going to be sort of the base  
46 for delineating our essential fish habitat  
47 boundary.

48 I have a map here of adult swordfish

1 EFH, as an example. So there are purple polygons  
2 that are drawn on the maps. Basically this is  
3 reflective of that 95 percent volume contour.

4 Once we get those rough polygons  
5 developed, we then subject our shapefiles to  
6 internal review to make sure they make sense and  
7 make sure that we're not missing any major areas.  
8 And then once we do that, we would put together a  
9 draft map that's similar to what you see here and  
10 roll that forward, with our draft amendment, for  
11 public comment later on this year.

12 So I want to reiterate that the EFH  
13 process is primarily based on the identification  
14 of areas that are important to federally managed  
15 fish populations.

16 It's derived from point data that's  
17 collected by NMFS and partner institutions, and  
18 it's a process to review and incorporate new  
19 scientific information into our EFH designations.

20 And that's why we do these five-year  
21 reviews, because new information becomes  
22 available all the time. We need to have a  
23 formalized process for incorporating that into  
24 these shapefiles and boundaries.

25 Another aspect of EHF that I want to  
26 touch on is a habitat area of particular concern  
27 or a HAPC. A HAPC is a subset of EFH that has a  
28 -- it basically meets one or more of these  
29 following criteria.

30 It can be rare. It could have  
31 particular ecological importance to the stock.  
32 It could be particularly susceptible to human-  
33 induced degradation or it could be located in an  
34 environmentally stressed area.

35 And I do want to say that there are no  
36 specific protections for Magnuson that are  
37 automatically implemented, when an area is  
38 designated as a HAPC. Anything that is a result  
39 of a HAPC usually comes later. And I'll get into  
40 that in a few minutes.

41 What are recurring HMS HAPCs? Well we  
42 have two. One is for bluefin tuna in the Western  
43 Gulf of Mexico and the other is for sandbar  
44 shark.

45 There are four specific areas that are  
46 in coastal regions, between North Carolina and  
47 New Jersey, that have been designated as sandbar,  
48 as part of the sandbar shark HAPC.

1                   So EFH and HAPC designations. Again,  
2 we want to be clear that there are not specific  
3 time/area closures.

4                   Any sort of time/area closure would  
5 require a notice and comment of rulemaking and  
6 detailed ecological, economic and social economic  
7 analyses. So at this point, anything that we  
8 would be moving forward with is more  
9 administrative in nature.

10                   Our end products from this EFH  
11 exercise are to develop an updated concise  
12 summary of life history, habitat and detailed  
13 information for each of our managed species.

14                   Our draft amendment is going to have  
15 every single species that is's managed by HMS.  
16 As much information about the life history of  
17 that species as we can compile, a text  
18 description of EFH maps and other information.

19                   So it is a useful source for if you're  
20 doing research or you're interested in learning  
21 more about the species. It's a go to place for  
22 this information.

23                   It's also a resource for the NMFS  
24 Office of Habitat Conservation to use in  
25 completing their habitat consultations, which  
26 I'll get to in a minute.

27                   Those habitat consultations. So  
28 federal agencies are required to initiate a  
29 formal consultation process with NOAA fisheries  
30 if any federal actions or activities that they  
31 are undertaking, which could include permitting  
32 or providing grants for [research or  
33 development], are identified as potentially  
34 adversely affecting EFH.

35                   These process are completed through  
36 the NMFS Office of Habitat Conservation. And  
37 they may result in conversation recommendations  
38 provided by the Office of Habitat Conversation,  
39 to avoid, reduce or mitigate impacts to EFH.

40                   So the process from here. In the  
41 Spring of 2016 we're going to be working on  
42 developing our draft Amendment 10. So mostly  
43 working on our data analyses. And we'll be  
44 working on that through the summer as well.

45                   In the fall we're hoping to finalize  
46 our draft Amendment 10 and make that available  
47 for public comment. And then next winter we are  
48 hoping to finalize Amendment 10.

1 This is the list of team members that  
2 are on the EFH project, so if you have any  
3 questions you're more than welcome to contact any  
4 of us and we will do our best to get back to you  
5 as soon as possible.

6 And now I'm going to pass it over to  
7 Guy so he can talk about the shark  
8 specifications.

9 MR. DUBECK: Thanks, Jen. So now I'm  
10 going to go through the shark season rule, 2016  
11 Shark Season Rule and then the Lemon Shark  
12 Concerns.

13 So the proposed shark season rule came  
14 out August 18th. So we proposed to open all the  
15 shark management groups on or about January 1st.

16 We proposed starting the season for  
17 the directed permit holders at 45 LCS. Other  
18 than sandbar sharks per vessel per trip.

19 Then adjusting the retention limit to  
20 in season as needed. But then also we proposed  
21 to increase the Gulf of Mexico Blacktip  
22 management group due to underharvests.

23 And then decrease the Gulf of Mexico  
24 non-blacknose small coastal and the Atlantic  
25 blacknose quotas based on overharvest. And then  
26 the comment period was for 30 days and ended on  
27 September 17th.

28 The public comments on the proposed  
29 rule, regarding just the opening date. So we  
30 received six written comments, five verbal  
31 comments for fishermen, dealers, states and the  
32 public.

33 The majority of the comments supported  
34 the proposed opening date on January 1st. For  
35 the aggregate large coastal and hammerhead groups  
36 at 45 sharks per trip.

37 And then adjusting the limit, in  
38 season, as the majority of the quota is  
39 available, so the majority of the quota is  
40 available later on.

41 So the comments for the fishermen were  
42 supporting the January 1st opening. Know that  
43 for the opportunity to land some large coastal  
44 sharks, that are caught while targeting the small  
45 coastal or other non-shark species at the  
46 beginning year rather than discarding them as in  
47 years past.

48 We did receive other comments

1 regarding the timing of the in season adjustment  
2 for the shark season.

3 Some comments opposed the proposed  
4 opening date of January 1st with an in season  
5 retention limit, due to concerns about equitable  
6 fishing opportunities for state water fishermen.

7 There are's worries that if we did  
8 open the beginning of the year, majority of the  
9 quota would be taken and there would be very  
10 limited available later in the year when certain  
11 areas had, due to the migratory parent sharks  
12 were open, and can go shark fishing.

13 Some of them preference to fish for  
14 sharks later in the end, October and December,  
15 when really no other fisheries are around.  
16 Especially in the South Atlantic.

17 You know, sharks is usually the most,  
18 one fishery that's open, and they prefer to go  
19 fishing in that timeframe instead of the  
20 beginning of the year.

21 And then also the market price of the  
22 shark products. They're concerned with having  
23 the Atlantic and the Gulf open at the same time  
24 and the price, the market value of the shark  
25 products. Because it would be too much potential  
26 product on the market and the price would drop.

27 We did not receive any comments  
28 regarding impacts to the lemon shark aggregation.

29 So on December 1st we published the  
30 final rule for the 2016 Shark Season Rule. In  
31 the final rule we opened all shark management  
32 groups on January 1st.

33 We opened the Gulf of Mexico with a  
34 retention limit of 45 sharks per trip, but we  
35 made a change in the Atlantic. Instead of  
36 starting at 45 we decided to start at 36 LCS per  
37 trip.

38 And then once the quota, if the quota  
39 was caught too quickly, approximately 20 percent,  
40 which Margo mentioned earlier is in effect on  
41 Saturday. We just put the inseason [action] to  
42 reduce it from 36 to 3 in the Atlantic. So we  
43 can save quota later in the year.

44 So then potentially around July 15th,  
45 or sometime in July, we'd increase it back up to  
46 45. So the majority of the quota would be  
47 available later on for the fishermen.

48 We finalized, we increase the Gulf of

1 Mexico blacktip quota due to underharvest, and  
2 then we also decreased the Gulf of Mexico non-  
3 blacknose small coastal and the Atlantic  
4 blacknose due to overharvest.

5 So after the final rule is published,  
6 the public concern regarding the lemon shark  
7 aggregation off the East Coast of Florida and the  
8 January 1st opening, there was a lot of, we  
9 received over 600 emails, 40 phone calls.

10 There was actually a petition to  
11 postpone the opening and requested for an  
12 emergency petition to delay the start of the date  
13 of the commercial fishing.

14 There were numerous articles that were  
15 published about the shark season rule. And then  
16 the Florida Fishing and Wildlife Commission  
17 requested development, sent us a letter  
18 requesting development of management measures for  
19 additional protection of lemon sharks in the  
20 Southeast Florida.

21 We also held a public conference call  
22 on December 11th to answer any of the questions  
23 regarding the Atlantic shark commercial fishery.

24 So going back to the petition, , to  
25 stop the commercial fishery for January 1st. So  
26 we received that on December 8th. The petition  
27 came after the public comment period closed and  
28 was after the final rule was published.

29 The petition challenges the decision  
30 to open the commercial shark fishery for Florida  
31 sharks, including hammerhead, tigers and lemon  
32 sharks, for January. And requested an emergency  
33 hearing to delay the start of the opening.

34 We treated this as an emergency  
35 petition for rulemaking.

36 So the reasons for denying this  
37 request was that it provided no new or additional  
38 information that was not previously considered by  
39 the agency or was warranted re-proposing or  
40 amending the rule.

41 And also the petition did not present  
42 recent unforeseen events, recent discovery,  
43 circumstances or any serious conservation or  
44 management problems, in the fishery.

45 And then to date here are the  
46 landings, now this is just for the Atlantic  
47 region. These are the landings through March  
48 18th. And we've broken them down, by species, as

1 best we could, due to confidentiality reasons.

2 As you see, for the aggregate large  
3 coastal landings, the quota was at 36,000 pounds  
4 of the quota has been landed. Over 70 percent of  
5 them are the landings are blacktip or spinner.

6 But there are some lemon shark  
7 landings. About 6,000 pounds of lemon sharks  
8 have been landed so far.

9 But again, overall, the aggregate  
10 large coastal quota was only at 10 percent. But  
11 then the hammerhead quota was at 17 percent and  
12 that was the reason why we did the in season  
13 action to reduce the trip limit to three starting  
14 on Saturday.

15 And now I'll move back and hand it  
16 back over the Jen.

17 MS. CUDNEY: I'm going to steal the  
18 microphone back. So as Guy mentioned, he's  
19 provided us a succinct review of how lemon sharks  
20 are managed and provided a summary of some of the  
21 public interests and requests for rulemaking  
22 activities.

23 And the reason that we have kind of  
24 packaged this lemon shark discussion with EFH is  
25 that the EFH exercise provides the next  
26 opportunity for any sort of management measures  
27 to be taken for lemon sharks.

28 But I do want to point out that these  
29 aggregations occur in areas that were previously  
30 designated as essential fish habitat.

31 So we have, on this screen, starting  
32 in the lower left corner, that is the EFH map for  
33 neonates. Followed by in the middle, the EFH map  
34 for juveniles. And then in the upper right  
35 corner, the EFH, if you're facing it, the EFH map  
36 for adults. And these are the maps that were  
37 published in Amendment 1.

38 The yellow circles that you're seeing  
39 on the maps show the areas of public concern that  
40 were included in the petition for rulemaking.

41 So you'll see that for neonates,  
42 basically neonate EFH is not included in these  
43 areas. However, juveniles and adults are  
44 included in this area. Which basically spans  
45 from Cape Canaveral to Jupiter Inlet.

46 So as part of our essential fish  
47 habitat five-year review, we of course looked at  
48 lemon sharks. And I'm providing the summary here

1 of what we found.

2 So in addition to noting, within the  
3 five-year review that there's a new management  
4 unit, which is the aggregated large coastal  
5 sharks unit, we did note that there were new  
6 tagging studies off of Southeastern Florida. And  
7 that new information, and the new management  
8 until by itself, warranted an update and a  
9 revision to the EFH.

10 So again, that is's that polygon, that  
11 purple polygon that was on the previous map.

12 Looking ahead to Draft Amendment 10.  
13 Not that there is a possibility of a HAPC  
14 designation that would be explored for lemon  
15 sharks in draft Amendment 10, but at this point,  
16 it is a possibility. And that's something that  
17 we will continue to analyze as we move forward  
18 through the spring and summer.

19 So what would revised EFH designations  
20 do for lemon sharks? Basically whenever you have  
21 an EFH designation for any species, it's going to  
22 require additional coordination and communication  
23 between NOAA fisheries and federal agencies. For  
24 any activity that could affect important  
25 habitats.

26 So for example, if a federal agency  
27 wanted to provide money to do any sort of coastal  
28 development or laying down telecommunications  
29 lines or anything like that, they would have to  
30 consult with a NMFS Office of Habitat  
31 Conservation to see if there would be any sort of  
32 effect on essential fish habitat. Including  
33 lemon sharks. And if necessary, EFH conservation  
34 recommendations could be developed.

35 So at this point I guess we can take  
36 questions.

37 FACILITATOR BROOKS: Yes, go ahead.

38 MS. CUDNEY: Okay.

39 FACILITATOR BROOKS: So questions on  
40 what you've seen so far. And again, we've got  
41 another presentation coming from John Carlson who  
42 is's going to give us an overview of, sort of  
43 lemon shark biology and population status, things  
44 like that. But we want to just see questions on  
45 EFH or any presentation so far.

46 Dewey, you got the card up first. And  
47 then Scott.

48 MEMBER HEMILRIGHT: Well thank you.

1 Dewey Hemilright. I was wondering, from Guy's  
2 presentation, is there any way in the future that  
3 you can tell us, the large coastal sharks or  
4 small coastal sharks that are being caught in  
5 state water fisheries versus the federal  
6 fisheries?

7 In North Carolina, speaking for the  
8 federal permitted fishermen, we're seeing more  
9 instance of the shark being caught in state  
10 waters by non-permitted fishermen, with no  
11 observers, with all the other things that the  
12 federal permitted fishermen are having to abide  
13 by.

14 And I know in the future, or in the  
15 past, particularly a number of years ago, where  
16 the state of Louisiana, HMS really didn't have a  
17 lot of oversight on what was happening in the  
18 state waters. And so therefore you had fisheries  
19 going on where you had no knowledge or observer  
20 work or anything else.

21 And I brought this up during the  
22 hearing about, how could you come out with these  
23 federal limits, when you had no knowledge of what  
24 was being discarded in state waters, observers,  
25 discards, catch rates or anything like that, when  
26 the majority of the sharks were being culled in  
27 state waters.

28 And I would just like to, in the  
29 future, if there can be somehow you can keep all  
30 your confidentiality clauses, but just kind of  
31 parch it out for us, what's being culled in state  
32 waters, by non-permitted fishermen, and what's  
33 culled in federal waters, by the permitted  
34 fishermen?

35 I just hope that you can do that in  
36 the future. To give us some more insight of who  
37 actually is catching the fish. Thank you.

38 FACILITATOR BROOKS: Okay, thanks.

39 Scott?

40 MEMBER TAYLOR: I just wanted to  
41 comment a little bit about the, I assume that it  
42 was a request for the essential fish habitat for  
43 this area off of Jupiter?

44 I think that was what the request was,  
45 is that correct? Is it the right terminology?  
46 For the aggregation that took place that was  
47 after the rulemaking.

48 MS. SCHULZE-HAUGEN: Well the request

1 was a petition to stop the fisheries from opening  
2 January 1. The Florida Commission asked for  
3 additional protections for lemon sharks. So  
4 depending on what you're talking about.

5 MEMBER TAYLOR: So I did want to  
6 comment a little bit about that because somehow  
7 this issue wound up on my desk down there and I  
8 was asked to intervene on behalf of, I guess this  
9 aggregation that was taking place off of Jupiter.  
10 An area that we know well and that we buy from.

11 And there was a compromise that was  
12 reached to test the few commercial fishermen that  
13 would have been accessing that particular area,  
14 not to fish in proximity to where that area of  
15 concern was.

16 And my bigger concern is that when we  
17 have specific instances like this that can be  
18 addressed sometimes with a scalpel, rather than  
19 with a sledgehammer so to speak, that they wind  
20 up in rulemaking or in proposed rules later down  
21 the line for special designation.

22 And this area in particular was very,  
23 very limited. And it pertained to an aggregation  
24 that was being dove on, primarily by divers. And  
25 that at one point I even suggested to them, have  
26 the commercial guys agree to a moratorium, if the  
27 divers would agree not to dive on the spots  
28 themselves.

29 So I think that we need to be very  
30 careful about how it is that we treat some of  
31 these special requests. I agree with NMFS  
32 position not to close the entire East Coast  
33 fishery over this one specific instance.

34 And the outcome of this, what I think  
35 was positive for everybody, that the commercial  
36 activity basically ceased in that area, to the  
37 best of my knowledge. And that it didn't turn  
38 into an issue down there.

39 But it's sort of a testament. Six  
40 hundred emails?

41 MR. DUBECK: Yes.

42 MEMBER TAYLOR: So you know, it's sort  
43 of a testament to how these things get blown up  
44 every quickly. And in an area that really  
45 doesn't have any commercial activity. Certainly  
46 no bottom longline activity where this took  
47 place.

48 And our concern for the commercial

1 guys, sort of being the ones that get directed.  
2 And I'd kind of like to get a clarified question  
3 because I never got the data.

4 I assume that this particular area,  
5 that was the area of concern down there, that  
6 there was no specific data on lemon shark take  
7 that was coming specifically out of that area,  
8 correct?

9 I mean as a dealer, we have to report  
10 the area of effort and what it was that was being  
11 taken. Most of the lemon sharks are actually in  
12 a closer proximity to shore I believe.

13 So it's not, there are catch of lemon  
14 sharks, traditionally are pretty incidental. And  
15 I don't think that there was any longline  
16 activity down there in that particular area.

17 So my comment is really directed that  
18 I would be very cautious in how we want to  
19 designate that particular area, without taking a  
20 full look at what all the facts are and allow,  
21 hopefully, relationships between people of  
22 concern and the commercial guys themselves, to  
23 try to resolve the problem. It did work in this  
24 particular circumstance. And sometimes that's a  
25 quicker, better outcome for the people that are  
26 concerned.

27 FACILITATOR BROOKS: Thanks, Scott.  
28 Now let's work our way down the line and then  
29 I'll come back up to you Ben. Rusty?

30 MEMBER HUDSON: Thank you. Rusty  
31 Hudson. The June 2015 essential fish habitat  
32 report obviously does not have Amendment 6  
33 included, because of the data of publication for  
34 final rule.

35 And I'm fairly interested in what I  
36 see with lemon shark EFH stuff. In particular,  
37 the 54 lemon sharks tagged with acoustic  
38 transmitters, juveniles. I'd like to get the  
39 document myself and examine it for the details.

40 At the same time, it does say here  
41 that a lot of these tagged lemon sharks moved  
42 northward to summer habitats, as far as the  
43 Carolinas, based on different changes with water  
44 temperature, environmental conditions.

45 At the same time, there is's no  
46 nursery ground identified for lemon sharks on the  
47 East Coast, but there is, short of what's over in  
48 Bimini. There is something new on the Chandeleur

1 Islands in the Gulf of Mexico from 2013.

2 So the Reyier 2014 document, the  
3 Mackenzie 2013 document, the Kessel et al. 2014  
4 document, we'd like to take a look at all that.  
5 But as it goes, I can tell you that the industry  
6 does not want to see lemon shark become a  
7 prohibited species at all. From the commercial  
8 angle.

9 It is a, not a really directed catch  
10 as much as it is incidental to some of the other  
11 prominent species like blacktip and bull sharks  
12 nearshore that are caught.

13 So I think the remedy that was  
14 employed during December through January, by the  
15 outreach, from Bob Hueter to myself to Scott to a  
16 variety of other fish houses, proved useful  
17 because we all made a point to try to stay away  
18 from the area where this aggregation of bigger  
19 lemon sharks seems to take place.

20 So I think that shows kind of a  
21 balance of where just a little bit of  
22 conversation can make people do things that keep  
23 people a lot calmer. So just wanted to through  
24 that out there.

25 FACILITATOR BROOKS: Let's work our  
26 way down. I can't see whose's that is next.  
27 Yes, go ahead.

28 MEMBER ADRIANCE: Thanks. Jason  
29 Adriance. Mines an EFH question but not a shark  
30 question.

31 In lite of the new Slope Sea  
32 information, is that going to be potentially  
33 reviewed as a HAPC in this new document?

34 FACILITATOR BROOKS: Go ahead.

35 MS. CUDNEY: We will take that  
36 information and incorporate it as part of our  
37 review of EFH. It is new information and we'll  
38 treat it, along with the other new information  
39 that we've received on bluefin, as we move  
40 forward with those analyses.

41 MEMBER HUETER: Okay, Bob here. First  
42 I want to second what Scott and Rusty have said  
43 that communication and collaboration are always  
44 preferable to regulation. And I think in this  
45 case that worked. I'm happy it did. At least  
46 for the short-term.

47 But, Jen, I have a question for you.  
48 You've very clearly laid out what EFH and

1 especially what HAPCs do in terms of interacting  
2 on issues that are outside of the agency. So  
3 things like dredging, I would guess oil  
4 production, coastal development. They would have  
5 to come to NMFS, to NOAA, to look at impacts.

6 But can you explain to us under what  
7 circumstances, for example, a HAPC would lead to  
8 a process of changes in fisheries regulations  
9 within the agency?

10 Your kind of leaving it as sort of an  
11 academic exercise that the agency does to advise  
12 other agencies, but there doesn't seem to be any  
13 sort of accountability within the agency as to,  
14 you know, we've found a, designated this special  
15 area. What happens then in terms of  
16 consideration of changes in fishery regulations?

17 FACILITATOR BROOKS: Margo is's going  
18 to grab that one.

19 MS. SCHULZE-HAUGEN: So, EFH and HAPCs  
20 are about the habitat. And so there is's a lot  
21 of things that can affect the habitat that have  
22 nothing to do with fishing. Fishing sometimes  
23 can affect habitat.

24 A lot of HMS fishing gear doesn't  
25 affect the habitat of water temperatures,  
26 salinity, things like that. You know, our  
27 longline gear, gillnet gear drifting through the  
28 water column doesn't fundamentally change the  
29 water column.

30 Things that touch the bottom are  
31 things that typically are more impactful for  
32 habitat. And so we have some bottom longline  
33 closures in areas around coral reefs. Things  
34 like that.

35 Where it's, again, very habitat  
36 centric when the fishing activity is affecting  
37 the habitat.

38 What I think you're asking is a  
39 time/area closure, to particular gear types, to  
40 protect a species when there is's a stock status  
41 concern or an issue with a life's history stage  
42 or something along those lines.

43 And so that's some of the difference  
44 we have here where we could, you know, we already  
45 have EFH designations for, again, the habitat.  
46 We could look at this as a special area.

47 But again, it would be habitat  
48 related. Whereas fishing regulations need more

1 of the nexus to what the fishing problem is for  
2 the species. Does that help?

3 MEMBER HUETER: Yes, sort of. It  
4 seems a little bit too rigid. It seems like it's  
5 almost a legalese kind of an approach in the  
6 sense that you're looking at geography in one  
7 sense and sort of discounting the biology part of  
8 it.

9 But it seems to me that certainly  
10 these EFH maps that I've seen, I think they're  
11 based on primarily catch data. I mean they're  
12 not maps to show, say a particular type of coral  
13 bottom or hard bottom or soft bottom. It shows  
14 where the organism are, where the animals are.

15 So in the sense, you're looking at  
16 things like aggregations, or not, and identifying  
17 places in times during critical life stages,  
18 where perhaps those animals should be left alone  
19 during that period. So I find the answer a  
20 little bit, a bit of a dodge.

21 And I would say, bringing it back to  
22 the lemon shark situation, if this aggregation  
23 site, if there is's nothing really that we can  
24 pinpoint in terms of the bottom type that makes  
25 it special, but the animals still come in  
26 hundreds of animals and important life stage to  
27 this place, that's enough to justify that maybe  
28 we should take some action.

29 But having said --

30 MS. SCHULZE-HAUGEN: So I see your  
31 point, but we need to keep bringing back the EFH  
32 and the HAPCs to the habitat.

33 And so what I hear you saying, and  
34 correct me if I'm wrong, is that this species is  
35 vulnerable. That there's a stock status link to  
36 fishing for it at this time and place. Not that  
37 the fishing itself is affecting the habitat of  
38 that area.

39 And that's the distinction I'm trying  
40 to draw. When we do habitat designations, is  
41 when there's a habitat issue. Not a fishery,  
42 species life history issue.

43 So I think that's the distinction I'm  
44 trying to draw.

45 MEMBER HUETER: Okay, I accept that.  
46 There's a lot of ifs in there and I want to make  
47 it clear that I'm not, I'm asking questions about  
48 process at this point. I'm not advocating one

1 thing or another. There's a lot of ifs to be  
2 answered in this particular case.

3 But clearly we can't regulate  
4 fishermen from fishing on aggregations, just by  
5 definition, because that's like saying, go  
6 fishing where there's no fish. That's no good.  
7 You know, all of us understand that.

8 But if we identify very critical  
9 periods in the life history of these fishes, if  
10 it has something to do with reproduction, for  
11 example, then it's worthy of looking at in terms  
12 of fishery regulations.

13 FACILITATOR BROOKS: Understood. You  
14 can hear the grey that you're trying to parse  
15 there. We hear it.

16 Let's go to Martha, then to Scott and  
17 then back to Jason.

18 MEMBER BADEMAN: Yes, just to pile  
19 onto that question. And again, I'm not  
20 necessarily advocating for a time/area closure.  
21 I understand that that's completely separate from  
22 this process. EFH and HAPCs and all that.

23 But I suspect that there will be some  
24 people that will ask for that. And I'm just  
25 curious, do you see what would be the vehicle,  
26 potentially for evaluating that? Is there  
27 another amendment you think that that would go  
28 into, potentially, for the future? I'm just  
29 curious.

30 If something is to move forward for  
31 lemon sharks, specifically in this time and area,  
32 what might that be, I guess, hooked up with?  
33 Because I'm assuming it wouldn't be a standalone  
34 amendment, but I don't know.

35 MS. SCHULZE-HAUGEN: I think it's  
36 something that we are evaluating. You know, this  
37 discussion is going to be an important part of  
38 our thinking about it, moving ahead.

39 FACILITATOR BROOKS: Scott?

40 (Off microphone comments)

41 FACILITATOR BROOKS: Jason, you wanted  
42 to get back in?

43 MEMBER ADRIANCE: Thanks. Jason  
44 Adriance. So circling back around to the answer  
45 given to Bob, and pardon me if I don't know the  
46 answer to this, what made the Gulf so special in  
47 its habitat that it was designated a HAPC for  
48 bluefin, instead of just the animals are

1 aggregating there?  
2 MS. SCHULZE-HAUGEN: It's the spawning  
3 ground. The know spawning ground for the western  
4 stock.  
5 MR. DUBECK: It's the habitat that's  
6 seen as --  
7 MEMBER ADRIANCE: Well, but that's my  
8 point. And the question is, you told Bob that  
9 that relates to a time/area closure if the  
10 animals are gathering there for some specific  
11 life history stage, that we should separate that  
12 from the geography. So that's why I asked the  
13 question.  
14 MS. SCHULZE-HAUGEN: Okay. But again,  
15 it's a HAPC, it's identifying that area as the  
16 spawning grounds for bluefin tuna, at the time we  
17 were designating the over fish and over fishing.  
18 And it triggers additional consultation for  
19 things that would affect the habitat.  
20 Like drilling, oil exploration.  
21 Things that we see could have the effect on the  
22 habitat for that spawning.  
23 MEMBER ADRIANCE: Okay. So an  
24 aggregation of those animals could lead to a  
25 designation of the FH or EHF or I'm sorry,  
26 essential fish habitat, or a HAPC. So it's just  
27 not geography, is that what I'm getting or am I  
28 completely wrong?  
29 MS. BREWSTER-GEISZ: All right, if I  
30 understand correctly, Bob's question was more  
31 related to, once you have something, as EFH or  
32 HAPC, and that triggers more consultation with  
33 the agency, how does that relate to consultation  
34 with the agency about fishing regulations.  
35 You are asking something related, but  
36 slightly different, on how the HAPC is  
37 designated. And that is looking more at the  
38 aggregations.  
39 So in case of lemon sharks, we're not  
40 saying that just because they are aggregating  
41 they wouldn't necessarily be, we wouldn't not  
42 list them as EFH or HAPC. In fact, it is an EFH  
43 so the next step would be, do we want to list  
44 that aggregation as a HAPC?  
45 For Gulf of Mexico, we did list those  
46 aggregations, probably at larvae, but maybe the  
47 giants, I don't have a good memory of that, as a  
48 HAPC for bluefin.

1                   That means that when people want to  
2 consult with, well, want to do something in that  
3 HAPC area, they are required to consult with the  
4 agency. It did not necessarily lead to a closure  
5 of that entire HAPC for bluefin tuna.

6                   FACILITATOR BROOKS: Bob?

7                   MEMBER HUETER: Thank you. I'm sorry,  
8 but Jason and I, we're asking the same question,  
9 we're just asking for different details of the  
10 same question. And it comes down to this.

11                   It comes down to this question. What  
12 is the trigger that would cause the agency to go  
13 into a situation with a HAPC in which they would  
14 say, okay, this is a critical part of this  
15 stock's life history, some stock that was judged  
16 to be vulnerable, and change the fishery laws,  
17 the fishery regulations, that would impact that  
18 aggregation?

19                   And I think the answer we're we're  
20 getting is, there is no trigger. It just  
21 wouldn't ever happen. Would never happen.

22                   It's only a matter of protecting that  
23 geographic place from other kinds of impacts such  
24 as, oil and gas drilling, et cetera, et cetera.  
25 Is that what we're being told?

26                   MS. BREWSTER-GEISZ: No, there are  
27 fishing instances that could impact the habitat.  
28 Fishing that would land on --

29                   MEMBER HUETER: I'm not talking about  
30 trolling on the bottom. I'm talking about  
31 removal from animals deeply affecting the stock.

32                   MEMBER WEBER: Rick Weber. I've been  
33 affected by EFH. As I understand it, basically  
34 the assumption is, we have the authority to  
35 regulate ourselves already. EFH has more to do  
36 with giving us the authority.

37                   The reason that consultation piece  
38 keeps coming back, is that when the Corps wants  
39 to do something, or if some other department  
40 wants to do something, the document that is  
41 pulled out is this document. And that's why  
42 there's nothing automatic internal, because we  
43 have the authority. We don't need to go through  
44 EFH to say, we're going to protect this place for  
45 this reason or that reason.

46                   Could you use a HAPC designation as  
47 the basis of an argument later on, Bob?  
48 Absolutely. Listen, we said it here, why don't

1 we continue it through to there.

2 But for the most part, the EFH is  
3 going to have to do with how the departments  
4 relate to each other.

5 MS. SCHULZE-HAUGEN: Maybe to continue  
6 on of Rick's thought, maybe one way to think  
7 about it is, if we designate a HAPC where the  
8 lemon sharks are aggregating, the Corps of  
9 Engineers, if they want to dredge through there,  
10 is going to have to consult with us. And that  
11 would be a habitat impact in an area of concern.  
12 So that it's a habitat impact.

13 I continue to hear your concerns  
14 coming in about the stock itself. That this is a  
15 vulnerable life history stage, it's a vulnerable  
16 aggregation that could lead to over fishing and  
17 concerns about things like that.

18 (Off microphone comments)

19 MS. SCHULZE-HAUGEN: If. If what?

20 MEMBER HUETER: If it is vulnerable.

21 MS. SCHULZE-HAUGEN: If it is, right.  
22 So then that is where, I think, the fishing would  
23 come in. If it is this vulnerable, you know, has  
24 some unique contribution to the stock, fishing on  
25 that might be in need of regulation. But it  
26 isn't necessarily a habitat issue.

27 FACILITATOR BROOKS: Ben, did you want  
28 to jump in?

29 MEMBER HARTIG: Are you ready for me?

30 FACILITATOR BROOKS: Yes. Sorry.

31 MEMBER HARTIG: I'm going to take you  
32 off habitat though. Well, then I'm on hold.

33 FACILITATOR BROOKS: Well, what we  
34 wanted to do next was invite John Carlson up to  
35 just talk about species, population, biology, et  
36 cetera. Do you want to hold till after that or  
37 go first?

38 MEMBER HARTIG: Can I ask a clarifying  
39 question --

40 FACILITATOR BROOKS: Yes.

41 MEMBER HARTIG: -- about what we just  
42 went through?

43 So I just need to have this clear in  
44 my mind so when fishermen ask me a question about  
45 what is going to impact them about in the  
46 Atlantic of when their quota is going to go from  
47 36 to three. So the verbiage in your document  
48 says if the quota is landed too quickly, example

1 of approximately of 20 percent of the quota is  
2 caught at the beginning of the year, NMFS  
3 anticipates in season reductions, EGA, to three  
4 or fewer large coast sharks, sandbars per vessel,  
5 per trip, then in season increases to 45, other  
6 than sandbar sharks per vessel, around July 15th.

7 The reason I ask that is because then  
8 when you go back down to the chart on 23, which  
9 shows the management groups, I mean your verbiage  
10 doesn't mention the management group. So I'm  
11 assuming that if the hammerhead group reaches  
12 close to 20 percent then, or the large coastal  
13 reaches close to 20 percent, I see heads nodding,  
14 so that's when either or, either one of those can  
15 trigger that?

16 Okay, that's what I need to tell my  
17 guys. Thank you.

18 (Off microphone comments)

19 FACILITATOR BROOKS: Okay, so let's  
20 invite John Carlson to come on up and present on  
21 the biology of lemon sharks and then we can open  
22 it back up again.

23 DR. CARLSON: All right. So as Guy  
24 indicated, National Marine Fishery Service did  
25 get quite a few emails regarding the lemon shark  
26 issue. And as we went through a lot of those  
27 emails, there was quite a bit of misinformation  
28 in some of the facts that were being transmitted  
29 and carried forward.

30 So we, after consultation with Karyl  
31 and Margo and Guy, we felt it would be, from a  
32 science perspective, to give all the most current  
33 information to the advisory panel and to the  
34 general public, about what we currently know  
35 about lemon sharks in terms of their biology, the  
36 impact that fisheries may be having on them and  
37 what we do know about their current status.

38 So what I would like to do is go over  
39 what we currently have in terms of that  
40 information.

41 Surprisingly, with all the research  
42 that's been done on lemon sharks, there's only  
43 been one age and growth assessment that was done  
44 on the north Atlantic, Western North Atlantic  
45 population. And that was conducted way back in  
46 the early 1980's. Like 1970's, by Brown and  
47 Gruber.

48 And what I mean by an age and growth

1 assessment, it's the traditional way that we  
2 determine how old sharks are and how fast they  
3 grow. Which is using sections of their  
4 vertebrae, from their vertebral column.

5 And for those that are not aware of  
6 this procedure, what we do is we take thin  
7 sections through the vertebrae, and like bands on  
8 a tree, we count those bands and assume, and in  
9 this case, the assumption has been validated that  
10 these bands indicate one year of growth.

11 And then what we do is fit this growth  
12 rate, or the growth rings, to a model based on  
13 the animal's length, and produce what's known as  
14 a Von Bertalanffy growth equation. Which gives  
15 us information about their theoretical maximum  
16 size, their growth and their theoretical age at  
17 zero length. Which is another way of saying  
18 their gestation period.

19 Now this early study that was done by  
20 Brown and Gruber, back in the >80's, one thing  
21 that was interesting about this model, when you  
22 went back and looked at it was, generally you  
23 would expect the growth curve to reach what's  
24 called an asymptote, where it begins to level  
25 off. And in this case, it didn't really occur  
26 for this particular model.

27 And this is the best case that was  
28 done at the time. And this caused the growth  
29 model to put out parameters where the theoretical  
30 maximum size, which is over 300 centimeter  
31 precaudal length, which is a bit larger than most  
32 of the lemon sharks out there.

33 And the growth rate, because the  
34 maximum size and the growth rate are correlated,  
35 it resulted in a low growth rate. And we assumed  
36 that that's what the growth rate was for lemon  
37 sharks because this was the best information we  
38 had at the time.

39 One thing though, is when you consider  
40 this growth rate of a tropical carcharhinidae and  
41 you look at it, when you look at other more  
42 recent studies that have been done on tropical  
43 carcharhinidae, the growth rate is much slower  
44 than for some of the other species, such as the  
45 sandbar in the Pacific Ocean, spinner sharks in  
46 the Western North Atlantic.

47 And there was even a growth study that  
48 was done on juvenile lemon sharks using tag

1 recapture data that also had a growth rate that  
2 was similar to one of these, what we expect for  
3 more tropical carcharhinidae sharks.

4 And it's very important that we do get  
5 accurate information on the growth of these  
6 animals, because this information is ultimately  
7 used when we develop demographic models for the  
8 species to predict their productivity. And then  
9 ultimately that information is used in their  
10 assessment.

11 So simply because the model is over 30  
12 years old, and the issues that I discussed with  
13 the initial model, what my lab has been doing in  
14 collaboration with Florida State University and  
15 the Bimini Biological Field Station, is we've  
16 been doing an update to the age and growth of  
17 lemon sharks, using this traditional method of  
18 counting bands on the vertebrae.

19 And what we're finding is, this is the  
20 preliminary model on the lower, well lower, my  
21 right, your lower left, sorry. The lower left is  
22 the preliminary model that we've developed so  
23 far.

24 You'll notice that the curve in this  
25 case has reached an isotope in the preliminary  
26 information that we're already entered into the  
27 data. And what this has given us is a model,  
28 which we might more predict would be  
29 characteristic of a lemon shark population in the  
30 Western North Atlantic.

31 The theoretical maximum size is now  
32 more in line with what the maximum size has been  
33 observed in the field. Both from data from the  
34 National Marine Fishing Service and from some  
35 unpublished information from some of my  
36 colleagues that are also working on this project  
37 with me.

38 And I should also note that the  
39 maximum age that we have calculated is in the  
40 upper 20's. And some of my colleagues, which are  
41 here in the room, are working on a study right  
42 now, which actually extends the maximum age into  
43 the 30's, using a combination of genetic  
44 information and tagging information. And that  
45 doesn't totally surprise me. It's what you might  
46 expect for species like this.

47 And when we see ages in the 30's and  
48 40's, among other tropical carcharhinus. And

1 with more aging information we'll probably start  
2 seeing some of those animals that were physically  
3 aging into that particular age group.

4 So onto maturity and fecundity.  
5 Again, it's a bit surprising when you start  
6 looking through the literature and what's been  
7 done from a scientific perspective. There's  
8 really been no formal analysis to estimate the  
9 size and age of maturity, or maturity schedules,  
10 for lemon shark.

11 And what I mean by that is, generally  
12 what we try to do to come up with a more  
13 quantitative estimate of this size and age of  
14 maturity, is we fit logistic models to rather the  
15 animal is mature or immature. And that gives us  
16 a proportion of the population at a certain time  
17 that's either mature or immature.

18 And it gets away from that, you know,  
19 lemon sharks age and maturity is 12. Well, the  
20 entire population doesn't reach knife age at 12.  
21 It's a range and it's a proportion.

22 So what we've been trying to do is  
23 move to that and try to develop maturity  
24 schedules for lemon shark, which will give us a  
25 better idea of when and what proportion of the  
26 population reaches sexual maturity.

27 Now when you look at what the  
28 available information, you know, just gathering,  
29 again, observations from my colleagues that are  
30 working on this project with me, anywhere from  
31 192 to 204 centimeters fork length for females is  
32 the size of maturity.

33 Now, what's generally done when you  
34 don't directly age an animal is you can back  
35 transform that length into age from the Von  
36 Bertalanffy. And generally what you see for the  
37 literature is that the age of maturity is  
38 anywhere from 12 to 16 years.

39 And that was taken from the original  
40 Brown and Gruber paper where, when you look at  
41 that paper, they took the maturity information  
42 from an even earlier study, that was done in the  
43 1980's. So a lot of this information is a bit  
44 outdated.

45 Now that being said, when you look at  
46 the new model that my colleagues are developing,  
47 the age of maturity gets a little bit younger.  
48 Anywhere now between 9 and 15 years. Depending

1 on what, again, point estimate you choose to fit  
2 into the growth model. Okay?

3 Now again, fecundity, there's not a  
4 lot of information. There's bits and pieces here  
5 and there.

6 There's information indicates  
7 fecundity is from two to 18 pups that are born  
8 every other year. Some of the information that  
9 we've been collecting, as part of the new study,  
10 suggests that anywhere between seven and 14 pups  
11 are born every other year as well.

12 So we're hoping to move forward on  
13 some of this new information. But one thing that  
14 I should note is that the demographic studies  
15 that happen, don't suggest that lemon sharks do  
16 have low productivity and then obviously a more  
17 inherent problem with fishing pressure.

18 Now that was based on some of the  
19 original, that history estimates. Now this new  
20 information that we've already gathered suggests  
21 that lemon sharks may be more productive than  
22 originally proposed, which would obviously change  
23 the demographic information in future studies.

24 So now moving on to the fisheries  
25 impacts that we've been looking at, and  
26 discussing over the last few moments. The  
27 commercial shark bottom longline fishery.

28 For those who are not aware, for the  
29 general audience and for members of the AP that  
30 are not aware of this fishery, this fishery is  
31 active for North Carolina to the Eastern Gulf of  
32 Mexico. Generally, bottom longline hooks are set  
33 at night and generally soak overnight.

34 They fish anywhere from five to 1500  
35 pups, is the average. The trip lines are  
36 anywhere between one and three days.

37 Currently there's about 270 vessels  
38 that are active, that have active directed  
39 permits. But that doesn't reflect the entire  
40 effort of the fleet. These are just the number  
41 of active directed permits.

42 They do primarily target large coastal  
43 sharks, but they will also harvest small  
44 coastals. And then they also catch grouper and  
45 snapper as part of their shark trip.

46 Now looking at the landings  
47 information, this is landing information from  
48 2000 to 2014 for the large coastal grouping, as a

1 whole. And you'll notice that, as been talked  
2 about earlier, Rusty made a comment about this  
3 and some of the others, is that the blacktips and  
4 sandbars are the primary species that have been  
5 harvested over the last 14 years for the large  
6 coastal aggregate.

7 And we notice that lemon shark occupy  
8 about three to four percent of the total landings  
9 over the 2000 to 2014 time period.

10 Now if you look at potential changes  
11 in the landings information, again for the large  
12 coastal aggregate, and we're looking at this now  
13 of a period of 2000 up to about 2008 when we had  
14 Amendment 2, which prohibited the harvesting of  
15 sandbar sharks, except for those fishermen that  
16 were in the shark research fishery. And the  
17 theory was, is that fishermen that no longer can  
18 harvest sandbar sharks, switched over to another  
19 species.

20 So if we look at the proportion of the  
21 landings, post-Amendment 2 and pre-Amendment 2,  
22 you'll see that they are're really, for lemon  
23 shark, hasn't been that much of a change between  
24 early, between pre-2008 and then post-2008. But  
25 landings are still about two to four percent.

26 Interestingly, the big changes that  
27 you note here are is the changes in bull shark  
28 and the changes in spinner shark. Which seem to  
29 have been more harvested now since Amendment 2.  
30 Not the lemon shark.

31 So this doesn't necessarily indicate  
32 that the fishermen have been now targeting lemon  
33 sharks to compensate for not being able to  
34 harvest sandbar shark.

35 Now briefly, this is information  
36 specific for landings. And I'llI'll now give you  
37 a little bit of information that, what's  
38 available from the Observer Program.

39 And again, just for members of the AP  
40 that are not aware and for members of the  
41 audience and general public, there's an Observer  
42 Program for the shark bottom longline fishery  
43 that is administered out of my laboratory.

44 The program actually began in 1994,  
45 but it was administered by the Florida Museum of  
46 Natural History. But was transferred to the  
47 Panama City Laboratory in 2005.

48 The way we select vessels for coverage

1 is we randomly stratify the number of vessels or  
2 the vessels that previously fished the season  
3 before or the year before, but three strata.

4 The North Atlantic, South Atlantic and  
5 Gulf of Mexico. And fishermen are randomly drawn  
6 based on having a directed shark permit and  
7 reported fishing for sharks in the previous  
8 season.

9 That would be for the proportion of  
10 the fishermen that are not in the research  
11 fishery. And as Karyl had indicated earlier,  
12 there's 100 percent observer coverage for eight  
13 to ten vessels that are found in the shark  
14 research fishery.

15 The data that's collected, we collect  
16 just about everything we possibly can when we  
17 have an observer on the boat. We collect  
18 information on what's targeted, what's landed.  
19 We collect information on gear, we collect  
20 information on set times and location, and we  
21 also collect biological data on the specimens.

22 We'll take vertebrae, we'll take  
23 stomachs, we'll take reproductive tissue. We  
24 take fin clips for our colleagues. So all this  
25 information is generally used for the next stock  
26 assessment for those particular species. Or it's  
27 used to aid some of our colleagues in independent  
28 research studies that they may be doing.

29 So if we look at now the proportion of  
30 the lemon shark catches based on the observer  
31 data, not just comparing this between the Gulf of  
32 Mexico and the South Atlantic, you'll notice that  
33 actually lemon sharks are harvested a lot more in  
34 the Gulf of Mexico, then they are in the South  
35 Atlantic. Quite a bit more.

36 And if you look at the locations of  
37 where lemon sharks are captured, you can see it's  
38 generally spread out through the Carolinas. But  
39 the concentration, again not too surprising, is  
40 the Peninsula area in Florida.

41 But again, both on the Gulf of Mexico  
42 side and on the Atlantic Coast side and then also  
43 in the Straits of Florida. Just as the primary  
44 area where the lemon sharks are captured.

45 It's not strictly in/off the East  
46 Coast of Florida. It's generally throughout the  
47 range that you see in lemon sharks. But it's  
48 more Florida and in the Florida Keys.

1 Lemon sharks, when they are captured,  
2 they're generally not discarded. They always  
3 seem to be retained in most cases, so there's  
4 generally not an issue with discarded bycatch.  
5 That would be like unaccounted for animals that  
6 are discarded, either dead or alive. Most of the  
7 lemon sharks are kept when they are caught.

8 So in summary, looking at the shark  
9 bottom longline fishery, lemon sharks make up a  
10 very small percentage of the large coastal catch.  
11 Most of the catches, as the proportion of the  
12 total shark catch, are in the Gulf of Mexico.

13 And there does not appear to be any  
14 change in the proportion of lemon sharks caught  
15 since Amendment 2. Which would generally  
16 increase. Since it's not an increase in  
17 targeting of lemon sharks, after the sandbar  
18 shark quota restriction happened in 2008.

19 Now lastly, I just want to talk to you  
20 about status. Just briefly looking at the IUCN  
21 red list assessment for lemon sharks, they're  
22 generally considered to be not threatened.  
23 Although this assessment is over ten years old.

24 Near threatened is one of the lower  
25 risk categories for the International Union for  
26 the Conservation of Nature's red list criteria.

27 Now unfortunately we don't have any  
28 particular stock assessment that we can use to  
29 validate how the status is. Ultimately, stock  
30 assessments provide us the best information on a  
31 species status because they use all the  
32 information. They use abundance, they use catch  
33 and they use life history.

34 However, when that data is not  
35 available, or when those assessments are not  
36 available, we sometimes can get an idea looking  
37 at abundance trends, providing those abundance  
38 trends are appropriate, to get us a general  
39 overview of what lemon shark or what the  
40 population is doing.

41 So what I did was I began contacting  
42 some of my colleagues, looking into literature to  
43 try to gather any particular bits and pieces of  
44 information I could get that might give us an  
45 idea on the abundance trends for lemon sharks.

46 And what I found there was six or  
47 seven data series that I began to look at in more  
48 detail. One of these is the Observer Program

1 from the bottom longline fishery or from the  
2 shark bottom longline fishery, excuse me.

3 Now there are several fishery  
4 independent surveys. There's a bottom longline  
5 survey that the Florida State University  
6 conducts, RSMAS conducts a drumline survey.

7 As Jen mentioned earlier, we have  
8 COASTSPAN surveys, we got our use for essential  
9 fish habitat that are also abundance surveys.  
10 There are surveys for those on the Atlantic and  
11 Gulf of Mexico.

12 And then there's also the NMFS  
13 Southeast bottom longline survey, which is run  
14 out of our Pascagoula Laboratory.

15 However, many of these surveys  
16 reported very few lemon shark captures. And for  
17 example, the NMFS bottom longline survey caught  
18 fewer than ten since 1995.

19 So it wasn't very useful to try to  
20 model the abundance when you're only modeling ten  
21 animals over 20 years. So that really doesn't be  
22 very helpful.

23 And then some of the other surveys  
24 that I looked at had some missing data, which I  
25 didn't feel was appropriate to use because of  
26 that missing data.

27 And then whenever possible, what I did  
28 was I looked at that data from a methodology that  
29 we used to correct for any factors, like changes  
30 in fishing tactics, that might influence the  
31 abundance trend, that's unrelated to the  
32 abundance of the animal. So it's what called a  
33 Delta method.

34 And for those of you that have  
35 attended some of our stock assessment workshops,  
36 this procedure will be familiar to you.

37 We look at the distribution of where  
38 the surveys were, obviously you want a survey  
39 that is over the entire stock wide. The wider  
40 and longer the survey the better it is.

41 The longest and greatest range survey  
42 that we have is from the Observer Program. And  
43 as I showed you earlier, runs from North Carolina  
44 into the Eastern Gulf of Mexico.

45 But we also have some smaller  
46 localized surveys. As I said, the COASTSPAN  
47 surveys cover South Carolina, Georgia and  
48 portions of Florida. And then the FSU survey,

1 which is in the Florida Bay area and in the  
2 Florida Keys.

3 When you look at these surveys, you'll  
4 notice there's a few peaks and valleys throughout  
5 the surveys. But the general trend, throughout  
6 all these surveys, is there's really been no  
7 change in abundance. The surveys are flat.

8 So what this is telling me, or  
9 anything, that the status of lemon sharks appears  
10 to be stable. The population appears to be  
11 previous.

12 We're not seeing any drastic declines,  
13 we're not seeing any drastic increases. So it  
14 appears, from the survey information that we're  
15 looking at, that the population appears to be  
16 stable.

17 One other thing that we can look at  
18 also, to give us an idea, is if the population is  
19 undergoing any type of fishing pressure. To see  
20 changes in the sizes of the animals that are  
21 being captured in the surveys.

22 It's a term called growth over  
23 fishing. And what you do is you look at the  
24 length of the animals that are captured in the  
25 surveys to see if they've changed. Which might  
26 indicate some are problems with fishing pressure.

27 But as you can see from both a fishery  
28 dependent surveys and our fishery independent  
29 surveys, there's really been no change in the  
30 average size of the animals that have been  
31 caught.

32 So finally, in conclusion, some of the  
33 preliminary information that we have gathered in  
34 our life history suggests that lemon sharks may  
35 be more productive than previously assumed.

36 The bottom longline fishing doesn't  
37 appear to have a significant impact on the lemon  
38 shark population.

39 And then again, while there's no stock  
40 assessment available, the data on the relative  
41 abundance seems to indicate the population is  
42 stable. The population of trending's are  
43 relatively flat. Thank you.

44 FACILITATOR BROOKS: Thanks, John,  
45 very much. Let's see if there are any questions  
46 for John or any comments. Questions? Nope.  
47 Yes, Ben and then Ben.

48 MEMBER HARTIG: I was just going to,

1 if there were no questions, just thank you for a  
2 great presentation. You put together a really,  
3 really nice piece of work. Thank you.  
4 DR. CARLSON: Thank you.  
5 MEMBER CARR: Two questions. First,  
6 when you're doing your Observer Program, did you  
7 take the gonads of the shark as well  
8 DR. CARLSON: Oh yes.  
9 MEMBER CARR: Will you be revising the  
10 doubling climates matrix from these species?  
11 DR. CARLSON: When we get all the  
12 information together. We'll probably go through  
13 a full demographic model again.  
14 MEMBER CARR: Okay.  
15 DR. CARLSON: Yes, that's the ultimate  
16 goal.  
17 MEMBER CARR: All right.  
18 FACILITATOR BROOKS: Rusty and then  
19 Rom.  
20 MEMBER HUDSON: Hey, John.  
21 (Laughter)  
22 FACILITATOR BROOKS: John, I hope  
23 you're ready.  
24 MEMBER HUDSON: So, just to cover this  
25 base, John, could you comment on the possibility  
26 that these animals have undergone some kind of  
27 biological shift in their life history, since  
28 1998, that would explain the difference between  
29 the old findings and the new?  
30 DR. CARLSON: Yes, that is a theory  
31 that potentially could be is that the population  
32 is going through some sort, gets independence  
33 because of the population with fish. Along with  
34 a lot of other large coastal species.  
35 That is something we're going to look  
36 at. In fact, one of the requests that I have is  
37 to get the original age samples that Craig Brown  
38 did and do a direct comparison to see if that  
39 hypothesis holds.  
40 FACILITATOR BROOKS: Thanks. Rom, I  
41 think I see your card up there?  
42 MEMBER WHITAKER: Yes. Rom Whitaker,  
43 I have a charter boat. First I have a question  
44 and obviously I wasn't paying attention, but I've  
45 seen the Slope Sea, I think I'm pronouncing it  
46 right, in some of the reports. What does that  
47 mean exactly? And then I do have a comment.  
48 DR. CARLSON: Sir, could you repeat

1 the question please?

2 MS. SCHULZE-HAUGEN: So the Slope Sea  
3 is referring to a paper that came out at the  
4 beginning of this month. Where some NMFS  
5 scientists and Dr. Lutcavage revealed results  
6 where they found larvae in the Slope Sea.

7 It's a oceanographic term from the  
8 North Caroline offshore up through New England,  
9 is the general description, finding larvae that  
10 had clearly not been spawned in the Gulf of  
11 Mexico. So indicates spawning activity in a new  
12 location that wasn't previously really described.

13 PARTICIPANT: Bluefin tuna larvae?

14 MS. SCHULZE-HAUGEN: Bluefin tuna,  
15 yes. Sorry.

16 MEMBER WHITAKER: Okay. Well, I  
17 learned something new today. I guess I've been  
18 fishing in the Slope Sea and didn't even know it.

19 (Laughter)

20 MEMBER WHITAKER: But my comment is,  
21 and it's not necessarily to lemon shark, but just  
22 to sharks in general. And I know you all are  
23 getting tired of hearing me say it, but I catch  
24 maybe, or I land, maybe one or two makos a year  
25 and every few years maybe a thresher.

26 But I catch a lot of brown sharks.  
27 I'm going to say they are sandbars, well I'm not  
28 going to say, I know they are. They're sandbars  
29 and duskys.

30 And it used to be a ten-mile area.  
31 Now talking to my cohorts, it's an area that's  
32 taking in the whole North Carolina Coast. And I  
33 know I've been told, well, I just happen to be in  
34 a breeding area or where they have babies.  
35 Nursing area.

36 Well now I'm getting reports from  
37 Wilmington, they can't bottom fish, they can't  
38 get a tuna to the boat. Now I just hear Donny,  
39 one of the commenters, he's all the way down off  
40 of Port Canaveral or somewhere down mid-Florida.  
41 He's expressing the same problems.

42 If this is a birthing area, I'm  
43 telling you they ought to be in a good shape.  
44 Because that takes up a lot, a lot of ocean.

45 And I think there's an assessment for  
46 sandbars coming up in 2018 and maybe dusky's this  
47 year, I'm not sure. I don't keep up with sharks  
48 as well as I should.

1                   But I can tell you, it used to be just  
2 a kind of, you tried to get away from them, maybe  
3 go offshore. But now it's really affecting, not  
4 only our catch, but I mean you're really  
5 frustrated when you're seeing 20 or 30 pound  
6 tunas, or bigger, or even bluefins, destroyed by  
7 sharks on a regular basis.

8                   And I just feel like, I know its  
9 anecdotal's antidotal, but anybody is welcome to  
10 come with me and I can certainly show them to  
11 you. But I just thought I had to make that  
12 comment. Thanks.

13                   FACILITATOR BROOKS: Thanks, Rom.  
14 Sonja?

15                   MEMBER FORDHAM: Thank you. Sonja  
16 Fordham, Shark Advocates International. Thank  
17 you for your presentation.

18                   Can you just talk a bit more about  
19 what kind of data would be needed to do a more  
20 traditional stock assessment and if there's any  
21 hope for getting that?

22                   And if so, how would that fit in with  
23 the SEDAR like schedule? In terms of all the  
24 other shark assessments you have to do. Thank  
25 you.

26                   DR. CARLSON: Well, I think you just  
27 said it. With all these other shark assessments  
28 we have to do and how lemon shark would fit into  
29 the priority. And it's not my decision on the  
30 scheduling of the assessments. I'll defer that  
31 one to Margo and Karyl.

32                   You mean, we would go through the same  
33 process for a stock assessment that we would do  
34 for any species, is gather the catch information,  
35 the abundance trend information and the  
36 productivity information. And go through that  
37 same type of procedure.

38                   MEMBER FORDHAM: So right now you  
39 don't have the data?

40                   DR. CARLSON: We would have to go  
41 through a more formal analysis to do one. And  
42 then you'd have to find someone to actually do  
43 it.

44                   FACILITATOR BROOKS: I'm not seeing --  
45 PARTICIPANT: Jeff.

46                   FACILITATOR BROOKS: -- is there,  
47 Jeff? Oh, sorry, Jeff. Thank you.

48                   MEMBER ODEN: Jeff Oden. Ben and

1 myself were talking this morning or after, maybe  
2 it yesterday afternoon, I can't remember. But  
3 anyhow we were just talking about some baffling  
4 trends that, you know, there seems to be a  
5 disconnect between the agency and the fishermen.

6 And in his case, being with the South  
7 Atlantic, it just so happens to be red snapper.  
8 Well in my case, it's sharks.

9 And, you know, your credibility truly  
10 is dropping quickly, along with the press who  
11 keeps perpetuating the myth that, well there are  
12 more people in the water and therefore there are  
13 more shark attacks or whatever.

14 I mean we can't get away from them as  
15 fishermen. You heard fishermen in here today.  
16 They're from Florida, we're from North Carolina,  
17 running a line where I used to bottom fish for 25  
18 years before I went back long lining, you can't  
19 even fish anymore because of sharks.

20 And if I ever caught one there before,  
21 in a day's time, it was out of the ordinary. Now  
22 you just can't fish.

23 It's beyond ridiculous when you're out  
24 there trying to green stick and they're batting  
25 your boat around, dusky's are batting your boat  
26 around, and you're being told there are no  
27 dusky's.

28 When people are standing on the beach  
29 because they're afraid to get past their ankles,  
30 you know, being told that there are more people  
31 in the water after four or five people have  
32 already bitten in our state and people are  
33 canceling reservations at my motel. And  
34 everybody is losing their credibility who keeps  
35 trying to perpetuate the myth.

36 The sharks are back. The pelagic  
37 survey there, the last three surveys started at  
38 the origination of the shark fishery back in  
39 1986.

40 The last three surveys have been all  
41 time highs on both sandbars and dusky's. And  
42 we're being told that it's a slow climb back,  
43 when in fact the 2015 was a 55 percent increase  
44 over the 2012. That's not a slow climb back,  
45 that's an explosion. You know, it's ridiculous.

46 And now we're told the sandbar  
47 assessment is put off until 2018. And then when  
48 it assessed it will be another three years. I'll

1 be almost 70.  
2 I mean, you know, you're all going to  
3 wait aside, I guess, you're going to win. I mean  
4 we're going to be too old to go back.  
5 But I mean it's ridiculous the way  
6 this is being kicked down the road. And we're  
7 told that, I missed it. I walked in when you're  
8 explaining to the fishermen the assessment. But  
9 my understanding is this year it's what, Gulf of  
10 Mexico blacktip, am I right?  
11 MS. BREWSTER-GEISZ: We have dusky  
12 shark underway right now.  
13 MEMBER ODEN: And Gulf of Mexico  
14 blacktip next year, is that it?  
15 MS. BREWSTER-GEISZ: Correct.  
16 MEMBER ODEN: Which is a viable  
17 fishery for the fishermen in the Gulf of Mexico,  
18 but it doesn't do much for the rest of us, which  
19 the mainstay was sandbar sharks. That's all  
20 we're after. That's the main thing we're after.  
21 And that was the bread and butter from both  
22 coasts.  
23 And anyway, I tried to say this at the  
24 last AP meeting, and I was out of context, but  
25 anyway, being it got brought up I had to say it.  
26 Your credibility is junk.  
27 MEMBER FISHER: I finally have a name.  
28 (Laughter)  
29 MEMBER FISHER: I need to echo some of  
30 the sentiment that Jeff expresses and weigh in  
31 for the Gulf side. We're seeing more sandbar  
32 sharks now, than when I used to fish for them in  
33 the 1990's. They're everywhere.  
34 Recreational anglers are complaining  
35 about them, commercial guys are complaining about  
36 them. And I'm not talking about people that  
37 don't know how to identify the species. I'm  
38 talking about people that have experience with  
39 these animals that used to fish for them for a  
40 living that prosecute re-fish fisheries not  
41 pelagic.  
42 But there is an explosion of sandbar  
43 sharks in the Gulf of Mexico. I don't know about  
44 dusky's, I can ask. Thank you.  
45 FACILITATOR BROOKS: Scott?  
46 MEMBER TAYLOR: I just also want to  
47 add, while I guess asking a question of you,  
48 Karyl.

1 I remember the September briefing that  
2 you gave us, specifically about sandbars. And we  
3 talked about the likelihood of there really being  
4 any more opportunity for commercial participation  
5 in that fishery in the near future. And that  
6 outlook was not terribly optimistic, if I recall,  
7 from the September briefing.

8 But I'm just kind of curious, you hear  
9 this, we hear this every single time we talk  
10 about sharks. And that it's one thing to hear  
11 about it, but you have a research fishery that's  
12 going on. And the research fishery that's going  
13 on, not only in the Atlantic but also in the  
14 Gulf, correct?

15 How do you reconcile the science that  
16 you're getting in the CPU data, which from my  
17 perspective in the people that I talked to, is  
18 really off the chart and supports the fishermen.  
19 Any one of the guys that I know that are  
20 participating in the sandbar fishery, the number  
21 of animals that they're catching per set is  
22 almost unbelievable.

23 How do you reconcile that with the way  
24 that you proposed to manage until, you know, at  
25 least we're talking about a minimum of until  
26 2020, correct?

27 MS. BREWSTER-GEISZ: So all of that  
28 data. The data Jeff was talking about with the  
29 Northeast longline survey, the data that John's  
30 group is collecting in the shark research  
31 fishery, all of that will be going into the  
32 assessment. Until then, the assessment we have  
33 now is the best available data that we have.  
34 That we manage off of.

35 And so we are following that  
36 rebuilding plan for sandbar, dusky. All of that  
37 data is also going into dusky. My fingers are  
38 crossed that we'll have good news come August.

39 Dusky is different than sandbar in the  
40 fact that dusky, we are able to do an update  
41 assessment. Sandbar is going to be a benchmark.  
42 So it's going to include all of the new  
43 information completely.

44 MEMBER TAYLOR: So the follow up  
45 question is, is the data that you're collecting,  
46 in what you're seeing currently, does that jive  
47 with the modeling that you would have anticipated  
48 or is it exceeding, in terms of what they're

1 seeing on the water, what you would have expected  
2 the modeling to show?

3 I think it's a gauge of an overall,  
4 kind of overview of whether or not that we did.  
5 Are you seeing this quite in the same way that  
6 the fishermen are seeing it I guess the better  
7 way to ask the question.

8 MS. BREWSTER-GEISZ: So based on what  
9 I'm hearing, and seeing in terms of the catch  
10 rates, it gives me great hope that the sandbar  
11 assessment, when we get to do it, will be  
12 positive as well. It was positive last time.

13 And I think a lot of that had to do  
14 with the information that came from the research  
15 fishery. It really updated a lot of things. And  
16 so I have great hope.

17 And I hear all the complaints from  
18 everybody about, you can't even go fishing  
19 anymore. All the tunas are being eaten, all the  
20 snappers are being eaten. Everything's getting  
21 eaten by sharks.

22 And I'm thinking, wow, ten years ago  
23 that was not what we were hearing at all. And  
24 overall, it's great news. It's great news for  
25 the fishermen, it's great news for the sharks.

26 It means we need to get the  
27 assessments done so we can update the management  
28 and get the fishermen able to catch whatever is  
29 the sustainable level of sharks again. And not  
30 just sandbar and dusky, but all of the species.  
31 It's just trying to get those assessments done.

32 FACILITATOR BROOKS: Margo?

33 MS. SCHULZE-HAUGEN: Just to reiterate  
34 something that Karyl said before is that we are  
35 exploring ways to increase the assessments.  
36 We're working with the Southeast Center on  
37 different options.

38 The limitations are, it's the same  
39 people that need to do all of them. And we have  
40 a proliferation of species.

41 Not only did we have a high number of  
42 shark species to begin with, but a lot of the  
43 genetic information is coming back showing that  
44 actually what we thought was one stock, is  
45 actually two in the Atlantic and the Gulf. Which  
46 is double the amount of work in order of keeping  
47 the assessments up to date.

48 So it's, we're struggling with it,

1 we're exploring ways to try and get both a  
2 blacktip and a sandbar assessment done because  
3 we're hearing this from so many corners. So  
4 we're trying. We'll keep you posted.

5 FACILITATOR BROOKS: Dave and then  
6 over to Sonja.

7 MEMBER STILLER: Yes, Dave Stiller.  
8 I first joined the AP, I remember asking Julian  
9 here, I said, why am I even here? Because it  
10 seems like 80 percent of what I say isn't taken  
11 into consideration.

12 You know, some of it is and I really  
13 appreciate, but sometimes we have good valid  
14 points and it isn't, we feel like we're not even  
15 considered or our comments aren't even  
16 considered. And she said, well, you're here to  
17 basically call BS when you see it.

18 And I want to speak real quick about  
19 this, with the fins intact or landing the fish  
20 with the fins naturally attached. Now the smooth  
21 dogfish, fishermen, when they're catching loads  
22 and loads, hundreds and hundreds of head at a  
23 time, they can cut them fins off and butcher them  
24 at sea. And I feel like we should be able to do  
25 that with the small coastals too.

26 If I'm going to throw the fins  
27 overboard at the dock, why do all that work to  
28 take the head and guts out, and everything else,  
29 and then take the fins off, and then pack them on  
30 ice, go to the dock, throw them on a 120 degrees'  
31 slab of concrete and then have to rinse it down  
32 for 20 minutes with a water hose to cool it off  
33 so you can do all this stuff?

34 Anyway, it just doesn't seem, it's not  
35 feasible. It's harder and harder and harder and  
36 it takes more time.

37 I mean things, yes the price of fuel  
38 has come down, but it stills costs us a lot. And  
39 takes so much longer to do it this way.

40 If I'm throwing these things overboard  
41 anyway because there's no value.  
42 Environmentalists and everybody else have  
43 crashed, basically crashed the fin market. Or a  
44 lot of it.

45 I don't know if there is's any way we  
46 can consider it. I figured maybe I ought to at  
47 least say it now instead of five years down the  
48 road. Maybe we can get a start on this. If at

1 all possible.  
2 Kind of like the smooth dogs. At  
3 least put it on the small coastals.  
4 And the enforcement, if we did the  
5 whole thing, put that whole ruling with the fins  
6 naturally attached just because enforcement can't  
7 tell the difference. But some things wrong with  
8 that picture.  
9 I mean they all, most of them  
10 enforcement guys have all gone to the shark  
11 identification class. I've helped the  
12 enforcement with a book and how to study and  
13 shown them how it works.  
14 And if they get on my boat, I'll tell  
15 them what's what. I'll show them how the card  
16 works. And most fishermen can show them how the  
17 card works. With the shark identification  
18 placard without the fins.  
19 Just tell me, when you get 45 head or  
20 36 head of large coastals, it's bad enough to  
21 land them like that when you got hundreds of  
22 hundreds of small coastals. You know, it's, I  
23 don't know, it's just a problem that I wanted to  
24 -- thank you.  
25 FACILITATOR BROOKS: Sonja.  
26 MEMBER FORDHAM: Thank you. Sonja  
27 Fordham, shark advocates.  
28 Just a quick follow up on the  
29 assessment schedule. Can you remind us how many  
30 years out you now have blocked off in the SEDAR  
31 assessment? Like how many -- how long does the  
32 schedule go out?  
33 MS. BREWSTER-GEISZ: We don't have  
34 anything planned yet for 2019 or beyond.  
35 MEMBER FORDHAM: So it's --  
36 MS. BREWSTER-GEISZ: We are trying to  
37 figure out the 2018. Are we only going to be  
38 able to do sandbar or blacktip, do we get to do  
39 both. And then we'll move from there. But right  
40 now we are stuck at the 2018.  
41 MEMBER FORDHAM: 2018, okay. And are  
42 you going to, is that something we might discuss  
43 at the next AP meeting? The APs preferences for  
44 priorities or is that more of a science question?  
45 MS. BREWSTER-GEISZ: A lot of it is a  
46 science question. I have a lot of discussions  
47 with Enrique down in the science center on what  
48 he can do next, what data we need, what might be

1 available, whether it needs to be an update or if  
2 it can be something else.

3 A lot of the assessments, as Margo  
4 mentioned, because we have gone from one stock to  
5 two stocks, we can't do an update or a standard  
6 on those that have been split. We have to do  
7 benchmarks because we don't have any benchmarks  
8 on those. So that just adds to the timing.

9 MEMBER FORDHAM: Thank you.

10 DR. CARLSON: If I may? And just when  
11 we do a benchmark assessment, I mean this process  
12 of a brand new assessment takes over a year to  
13 do.

14 I mean the SEDAR process is a very  
15 long process. Which includes a data workshop, an  
16 assessment workshop and a review workshop. So  
17 it's not something that we can do in just a few  
18 months. So it's a very long process.

19 And as Karyl indicated, as we're  
20 splitting more of these stocks, what originally  
21 was one species is now or one stock assessment is  
22 now two stock assessments. So it makes it more,  
23 it makes the workload more.

24 FACILITATOR BROOKS: Rusty?

25 MEMBER HUDSON: Thank you. A short  
26 comment. The shark population expansion shows,  
27 in our minds, our rebuilding plan is ahead of  
28 schedule. Which is a good thing.

29 Particularly since this straddling  
30 stock. And we haven't had much cooperation from  
31 Mexico on sandbar and dusky's and a few other  
32 animals.

33 Second, this fall, the SEDAR sharing  
34 committee generally meets. Karyl is usually  
35 there. I usually plan to be there. Since 2010,  
36 as I try.

37 They'll then determine what's next in  
38 the queue. And that's a good thing because that  
39 way we can plan ahead.

40 The Science Center has been a little  
41 short of analysts, short of money. That's  
42 something that we need.

43 And it usually, like in this Atlantic  
44 blacktip and sandbar shark assessment coming up,  
45 usually there's like two models, two analysts for  
46 each shark. I mean that's a lot of work.

47 And at least we have a new method, I  
48 think going forward, of making sure that we have

1 certain data in position. Vetted before we get  
2 there so that it makes it a lot easier on all the  
3 analysts and the participants to be able to deal  
4 with that. That's some recent developments.

5 But we also have these MRIP changes  
6 that we also have to take into account. The  
7 recreational estimates. Which needless to say,  
8 that was always about effort and not catch, but  
9 somehow it's being correlated into the other.

10 And in essence, I think that once we  
11 get this stuff rolling, and there's nothing  
12 stopping certain people from possibly investing a  
13 little money, like industry has done, to be able  
14 to help things along. Whether it's data  
15 acquisition or doing applications for CRPs or  
16 some of the stuff that we've done recently trying  
17 to deal with congress.

18 But just like with the fins on the  
19 small coastals, I believe congress has sort of  
20 mandated it so that we can't do anything about  
21 the fins unless congress makes the change. So  
22 there's a whole lot of things that are locked in  
23 and we just have to find a way to work with it.

24 So just wanted to throw that out there  
25 while we were on sharks.

26 FACILITATOR BROOKS: Thanks. Anybody  
27 else want to weigh in on the conversation before  
28 we shift to public comment?

29 All right. So just a quick synopsis  
30 here. We've had a couple of different  
31 conversations here over the last hour and a half  
32 or two.

33 You know, started with the lemon shark  
34 conversation which, I think the main takeaway  
35 there really were around, there was a cooperative  
36 resolution this year, that was good. We should  
37 continue to strive for those kinds of things and  
38 a nuanced approach going forward is a good, is a  
39 better alternative and a better outcome then sort  
40 of a hard regulatory fix.

41 There was a, I think what I would  
42 characterize as a swirling conversation around  
43 the HAPCs and the EFH and sort of what that  
44 means, how that plays out, how the fish  
45 aggregations feed into that.

46 And I'm not convinced that that, I  
47 think that might benefit from another go around  
48 at some point just to sort of clarify that a

1 little bit further. I think there is's still a  
2 little bit of some grey there to be clarified.

3 And then lastly, just this  
4 conversation really around hearing from a lot of  
5 fishermen around the table about the prevalence  
6 of shark populations and the sort of dire need to  
7 push in assessments and attempt to sort of bring  
8 back into sync, depending on what the assessments  
9 show, the management region and what's happening  
10 out on the grounds.

11 So obviously I think you're hearing up  
12 front here, we hear that and I think the agency  
13 is trying to figure out, how does it move forward  
14 with the assessments, given the kinds of resource  
15 constraints that we know there are and the  
16 resources they take.

17 So with that, if there aren't any  
18 other final comments on sharks at this point, we  
19 should switch to public comment. How many  
20 people, how many public commenters do we think we  
21 have?

22 One, two, three, four, five, six.  
23 Okay. Anyone on the webinar? Okay. Okay, so  
24 we've got six in the room.

25 So if I can ask everyone to sort of  
26 keep their comments to under three minutes or so,  
27 that would be helpful. On the working assumption  
28 that we may have some folks on the phone.

29 And just to remind people, after  
30 public comment we will double back for a final 30  
31 minutes or so to swordfish.

32 So we've got a mic back there, Tom, is  
33 that right? All right, I'll let you just hand  
34 that to the first commenter.

35 (Off microphone comments)

36 FACILITATOR BROOKS: So whoever,  
37 commenter, if you would please standup so we can  
38 see you and state your name. To start.

39 MR. KESSEL: My name is Steve Kessel.  
40 I'm the principle investigator for the Jupiter  
41 Lemon Shark Study. I just wanted to briefly  
42 summarize our findings from the shark  
43 aggregations there and how they may be related to  
44 the broad of stock on the East Coast.

45 Since 2007 we've tagged a 124 lemon  
46 sharks with acoustic transmitters. The results  
47 to date indicate a very consistent residency  
48 period of these animals off the Southeast Florida

1 Coast, between December and April each year.

2 Following this period, the sharks  
3 appear to move North and spread out between  
4 Florida and as far North as North Carolina. This  
5 is most probably driven by temperature gradients.

6 As the temperatures cool in the  
7 winter, the sharks again push South and  
8 congregate off the Jupiter area on the Southeast  
9 Florida Coast.

10 So what it appears we have in Jupiter,  
11 around these aggregations, is a concentration of  
12 the broader East Coast population. If this is  
13 then potentially further increased in terms of  
14 vulnerability by this aggregating behavior should  
15 these individuals be tolerated.

16 I'd just like to then quickly pass it  
17 over to Demian Chapman. He's going to explain  
18 how these results also are reflected in our  
19 genetic investigations.

20 MR. CHAPMAN: Thanks very much.  
21 Demian Chapman, Stony Brook University.

22 I work with Steve and various other  
23 people on lemon shark genetics. And sorry, John,  
24 there's multiple stocks. So, again, those stock  
25 assessments, there will be at least three, based  
26 on evidence. Sorry about that, but that's  
27 biology, isn't it?

28 So what we have, Steve indicated  
29 there's a migratory population that over winters  
30 in Jupiter and goes out North and then comes  
31 back. We've demonstrated, and published last  
32 year, genetically there's a different group from  
33 the Keys, from the Gulf from the Bahamas.

34 So they are vulnerable in that sense.  
35 And that it's a small population, small pool of  
36 females, that are then aggregating at these  
37 sites. So we appreciate anything that can be  
38 done to hit off the potential vulnerability.

39 MR. STEARNS: Hello, I'm Walt Stearns.  
40 I'm a photojournalist, Mason, Palm Beach County.

41 And as far as my experience with this  
42 lemon shark aggregation, in some ways uncommonly  
43 point versed on this. I came across this  
44 aggregation behavior as far back as 2001. In  
45 January.

46 And the behavior, when they talk about  
47 the aggregation, and instead of just what your  
48 terminology of aggregation is as far as what I

1 see the term, aggregated species. These animals  
2 move, behave in a totally different fashion than  
3 any other variety of shark I've seen, anywhere in  
4 the Caribbean, the East U.S., et cetera.

5 As they would move as a large  
6 contention of 40 to 60, upwards to 90 to a 100  
7 plus individuals. Together as a group.

8 So basically if you were to see this  
9 movement take place, it would be like seeing  
10 everybody in this room, in an area the size of  
11 this room, moving together as a group.

12 They will come in to one specific  
13 area, lay down, rest for a while, for up to an  
14 hour or more. Get up and move in group, clear  
15 out, come back later in the day, rest again in  
16 maybe a different location. But they're always  
17 moving as, basically like a herd.

18 And through the years watching this  
19 behavior, witnessing it clear back, and et  
20 cetera, working with Kessel and Dr. Gruber over  
21 these years, you know, since going back as 2001.

22 I've also watched this population  
23 dynamics drop. Going from, last time I  
24 witnesses, a 100 plus was in 2006. And each  
25 preceding year, the numbers of these sharks were  
26 dropping to the point where the last time I saw  
27 them actually as an aggregating group was 2010.  
28 And the number of sharks was reduced to 20.

29 Since then the numbers have been far  
30 lower than that, to the point where I wouldn't  
31 even call it an aggregation anymore. And I'm  
32 still out there trying to find new aggregations  
33 or see if they are returning. So far I have not  
34 seen that since then.

35 And the reason that you got the  
36 response that you did from the diving community  
37 down there, is these animals are an attraction on  
38 the tourist level. So it's an economic engine  
39 for the region I live in.

40 And when the announcement came up on  
41 January 1st, obviously it, based off that, is  
42 clear and present danger to what their operator's  
43 livelihood, as well with people that come to the  
44 region to dive, see these shark year after year.  
45 From as far away as Europe.

46 So they say that as a threat. And  
47 misguided as it may be, as far as their emails to  
48 you, because of a lack of understanding, they

1 just saw the opportunity of the season being  
2 opened at that time period when these sharks in a  
3 tight aggregation like that, as being an  
4 opportunity for somebody to overharvest, like  
5 shooting fish in a barrel.

6 And when it comes to fishing, it  
7 doesn't take a fleet to do it. It can be one  
8 boat with a two shark limit, doing this day after  
9 day after day.

10 I mean it's like this room. If you  
11 clear out two people out of this room each hour,  
12 that would be like the equivalent of one month.  
13 And in 30 hours, the room is almost empty. So  
14 it's, you know, that's the response and the  
15 nature of that.

16 And as far as the discussion on an EFH  
17 or HAPC, as far as talking about, well, that's  
18 the threat, what can happen to the environment  
19 there as far as effecting the species. In this  
20 case, attracting the species is affecting their  
21 environment in terms of a tourism engine.

22 So that's basically the stake that I  
23 have there. Bill?

24 MR. PARKS: I'm Bill Parks. I was a  
25 commercial diver in Palm Beach County, in this  
26 area, for about 30 years.

27 And in the last almost ten I've been  
28 working with Dr. Gruber, Steve Kessel and the  
29 others designing and putting the mounts for their  
30 BR2 receivers.

31 The point that we got is that Dr.  
32 Gruber and the other scientists were  
33 flabbergasted that this behavior existed at all.  
34 It's only been seen here. Nobody knew why.  
35 We're still not sure.

36 But these animals, as they said,  
37 spread out up into the Carolinas, Georgia, and  
38 then they come back and they concentrate right  
39 here. But it's a unique behavior. It's not  
40 exhibited by lemon sharks anywhere else that's  
41 known.

42 And Demian's work showed that through  
43 the females, this is an, in its own way, an  
44 encapsulated population. Not the general  
45 population of lemon sharks.

46 So when the word came out where these  
47 sharks were, as Walt just said, it just took a  
48 few manning boats working these, this very unique

1 population, to almost destroy it. And this  
2 where, again, you heard all these people writing,  
3 no, we don't want to lose this.

4 And I guess, and it sounds a little  
5 hokey, and I apologize for this, but its's  
6 similar to the monarch butterflies that aggregate  
7 or congregate down in Mexico. You can spray all  
8 of those butterflies and kill them and the  
9 species would survive. But do you want to?

10 In this case, I know that HMS's  
11 mandate is not tourism, and at least not yet.  
12 Maybe someday that will change, as the user group  
13 changes and tourism becomes an important economic  
14 engine as it has with these lemon sharks.

15 With that said, this small population  
16 of lemon sharks, very unique, separated from the  
17 rest of the population is extremely valuable in  
18 our area. And also something, if we destroy it,  
19 we may never see it again in a lifetime.

20 So we are asking, just for what  
21 protection, working with the scientists that have  
22 worked with them, like Debby and Steve, others.  
23 What we're asking you, to find a way to protect  
24 this unique population. Possibly with an area  
25 closure on fishing that fish in the range that  
26 they suggest, after working with you.

27 This is not the entire range of the  
28 lemon shark, not the entire range of your  
29 fishery. We're looking, according to those  
30 numbers up there, of anywhere from two to four  
31 percent of the overall take is lemon sharks.

32 So if you take that and you say, okay,  
33 we're only going to take this small section of  
34 the coast and say, you don't fish them here, it's  
35 even less than two to four percent because you  
36 have the rest of their range to fish. Including  
37 the Gulf.

38 Personally, we feel very strongly  
39 about it that we don't want to see this go away.

40 And Steve's first year, they tagged  
41 something like 60 sharks. And the returns from  
42 the fishermen were tags that first year, just  
43 from 60 sharks, was notable. He can fill you in  
44 on what those percentages were.

45 We just don't want to see this  
46 population destroyed. And we know from  
47 experience that it doesn't take very many people  
48 to do it. We'd like to see this continue. Maybe

1 these stocks rebuild.

2 Also, we hope some of you would be  
3 happy to talk with us after hours. There's a  
4 beautiful video Walt shot a number of years ago,  
5 when the populations were bigger. It's  
6 spectacular.

7 They have the data that scientists  
8 have. We have maps to show the areas. And  
9 that's all I have to say. We just want to save  
10 this behavior. Thank you.

11 MR. GROGAN: Hello everybody. My name  
12 is Tony Grogan and I am sort of a citizen  
13 scientist if you want. I'm a major volunteer to  
14 the various groups.

15 Especially Dr. Chris Koenig, who  
16 researches goliath groupers in the Jupiter Palm  
17 Beach area and Dr. Sunny Gruber, who researches  
18 sharks. As well as some other scientists mixed  
19 in them.

20 I also am a fisherman. I am the owner  
21 of spearboard.com, which is the world's largest  
22 spear fishing, diving online community. It's a  
23 community bulletin board.

24 I have many friends on both sides of  
25 this issue. Shark fishermen, reef huggers,  
26 people in the middle. And I try to think of this  
27 in a fair and balanced way.

28 So here's a few comments. What I've  
29 heard today is there's good news. Sharks are  
30 booming. There seems to be a lot of come back on  
31 various populations.

32 The bad news is that there's only a  
33 limited number of assessment resources. And it  
34 sounds like your priorities are rightly going to  
35 be on blacktips and sandbars or both. Because of  
36 the concerns of everybody in this room.

37 I understand, from the data that John  
38 presented and the data that Steve and Jay Demian  
39 and the others that I've worked with for years  
40 have done, is basically that the catch on lemons  
41 is about two percent. The catch on tigers is  
42 about two percent and hammerheads are around five  
43 percent.

44 Those are the three species that is  
45 the biggest bone of contention, in my opinion,  
46 with regard to the divers. The tourist divers  
47 that Bill alluded to are not the shark feeding  
48 divers.

1                   This whole tourism industry of diving  
2 with sharks has been, without any fee, for many,  
3 many years. And I too have put it, of when I  
4 encounter 50 or 100 lemon sharks.

5                   I realize this is anecdotal evidence,  
6 it's not hard science. We don't see that  
7 anymore, in that area.

8                   So I do believe that basically we  
9 should go back, we should revisit the start date.  
10 Because a few years ago, and Sonja was at a  
11 dinner that I hosted, the shark date, the start  
12 date was shifted from July back to January. And  
13 then we were able, somehow, I don't know,  
14 whatever you guys decided to put it back to July.

15                   I think if it was a turn back to July,  
16 you'd hear less of this big huge outcrying. I  
17 think if you guys don't do anything about the  
18 lemon sharks, and I particularly would like to  
19 see the tigers and the hammerheads too, but I  
20 understand the economics and all that, I think  
21 there's going to be even greater pressure to try  
22 and destroy your markets.

23                   And we see that in the general world.  
24 You know, destroy the markets where the fins are  
25 sold and where the shark meat it sold.

26                   So we're not suggesting here. And I  
27 kind of see that it isn't going to happen, from  
28 what I've heard today.

29                   But I was very impressed with Scott  
30 Taylor. I want to meet with him. Maybe there's  
31 a solution on a local level. Some sort of a  
32 sidebar agreement, some sort of a carve out that  
33 relieves the pressure from the communities that  
34 are all outraged about this, who do not  
35 understand some of them. And I'm hoping that we  
36 can come up with some solutions that will resolve  
37 the problem.

38                   I do have one comment. Earlier it was  
39 said that we don't target, I'm sorry, we don't  
40 regulate fishing on aggregations. We absolutely  
41 do. With regard to spawning aggregations.

42                   And I do believe that if you combine  
43 the geophysical area, the trade of that  
44 particular area where the shelf is narrowing, on  
45 this to this, combined with the temperature,  
46 which is what's driving the sharks into that  
47 concentrated area and creating a bottleneck, you  
48 could develop an argument for essential fish

1 habitat in that area.

2 And I understand Margo's point about  
3 what that really does. I do believe there needs  
4 to be some fishing regulation that prohibits or  
5 reduces or changes back to July, at least, the  
6 pressure on the lemon sharks in that area. Thank  
7 you.

8 FACILITATOR BROOKS: Thank you very  
9 much. Who do we have next, Greg?

10 MR. DIDOMENICO: Is this working?  
11 Excellent. I'm going to try to be as brief as  
12 possible and then --

13 FACILITATOR BROOKS: Greg, just  
14 introduce yourself first.

15 MR. DIDOMENICO: Yes, yes. My name is  
16 Greg DiDomenico. I work with the executive  
17 director in Garden State Seafood Association.  
18 And I want to be as constructive today as  
19 possible.

20 And I just want everybody to realize  
21 that while I'm familiar with some of the other  
22 management aspects, the council management in  
23 particular, I am fairly new to the HMS process.  
24 So if my comments are a little off base perhaps  
25 or they don't sound constructive, my apologies.

26 But before I say that, I also want to  
27 be complementary. The HMS staffs work on  
28 Amendment 9, smooth dogfish, I want to personally  
29 and publically thank the staff and everybody else  
30 for what I think is going to make a very  
31 excellent fishery in the near-term and in the  
32 future. So thank you for your hard work.

33 With that said, I want to bring up an  
34 issue that is extremely important. It's a matter  
35 of equity, fairness, it's a matter of  
36 conservation, it's a matter of resources use,  
37 it's a matter of public safety and I think it's  
38 also a matter of the social aspect of what's  
39 going on in many of these ports.

40 The issue is illegal on unreported  
41 sale of HMS species of which you manage. My  
42 information is only anecdotal, but it's been  
43 going on for a very long time now and someone has  
44 to pay attention and prioritize this issue and  
45 apply a level of scrutiny to the other user  
46 groups that have been applied to long liners and  
47 gillnetters for a very long time.

48 Now I vent that many of the management

1 aspects associated with commercial fishing on HMS  
2 species, like gillnetters, like long liners,  
3 there was a time where they were a threat. And I  
4 think you've absolutely done your job eliminating  
5 the threat to the resource from those user, those  
6 user sectors.

7 But you have to understand that those  
8 fleets, at this point, have been essentially  
9 neutered. They are no longer a threat.

10 Yet there's a new threat and a new  
11 fleet that has the same type of technological  
12 advances as commercial industry. Their numbers  
13 are growing, their effort increases and their  
14 access to HMS species is, in my opinion, open,  
15 and in my opinion, dangerous.

16 I believe that the 400 sector and the  
17 private sector, both permanent, and otherwise,  
18 needs attention brought to it. It needs a level  
19 of scrutiny that I think HMS and this body would  
20 find, not only useful, but justified in what I  
21 think is an underestimation of their catch, an  
22 underestimation of their discards,  
23 underestimation of the bycatch and clearly an  
24 underestimation of the seriousness of the illegal  
25 and unreported landings from those sectors.

26 I think there has to be some  
27 understanding of how social media has changed  
28 these fisheries. I think there has to be an  
29 understanding of the real time inexpensive  
30 oceanographic information that can be used by  
31 anybody at any time. It has to be brought into  
32 management of these fisheries.

33 I would like to see a mandatory  
34 monitoring of landings. Not just voluntary. I  
35 would like to make sure -- and I also want to say  
36 that there's been some, I think, some confusion  
37 about whether or not these people are doing it on  
38 purpose.

39 There may be some confusion in the  
40 regs, but I do believe that is a concerted effort  
41 to put fish into congress and it's having a very  
42 serious impact on commercial fisheries. Many  
43 people from many ports discard not being able to  
44 sell the fish all summer long, in places like New  
45 York and New Jersey.

46 So with that said, I really would like  
47 this body and HMS staff to prioritize these  
48 issues. I would like you to please consider an

1 event finding conversation problems and solutions  
2 that include servers, mandatory reporting,  
3 accurate and a more robust estimate of discards,  
4 vessel monitoring systems and pre-chart  
5 notifications. Thank you very much.

6 FACILITATOR BROOKS: Thanks, Greg.  
7 Any other public commenters in the room? Nope.  
8 Okay, do we have anyone on the phone? No.

9 Okay, thanks to all the public  
10 commenters. At this point we want to push to our  
11 final topic of the day, which is to go back to  
12 swordfish.

13 And while we get that teed-up, if  
14 people want to stretch for 60 seconds and just  
15 sort of get a little energy for the final push,  
16 go for it. But don't leave the table.

17 (Whereupon, the above-entitled matter  
18 went off the record at 5:14 p.m. and resumed at  
19 5:16 p.m.)

20 FACILITATOR BROOKS: Thank you. All  
21 right, can I have the mic over to --

22 (Off microphone comments)

23 FACILITATOR BROOKS: Pardon? Yes,  
24 you're up.

25 MR. BLANKINSHIP: Test, test. Here we  
26 go.

27 FACILITATOR BROOKS: You're working.

28 MR. BLANKINSHIP: Okay, so in the  
29 interim since this morning we have put together a  
30 couple of slides that help clarify the issues of  
31 the swordfish permits.

32 Unfortunately, now that we have this  
33 up on the screen, we were trying to make, you  
34 know, as much information, put as much  
35 information on here as possible, but I see that  
36 the webinar little green box is covering the  
37 column titles.

38 So underneath that top, that green  
39 box, it says "Years," that would be the  
40 authorized years in that column.

41 So I'm going to walk you through this  
42 table in order to queue up the discussion of the  
43 questions and we have had suggestions that we  
44 have heard from some constituents lately.

45 So you'll see that along the lefthand  
46 side in this lefthand column is "Permit Name,"  
47 and these are the commercial permits for  
48 swordfish, except for the squid trawl permit

1 which we're not really going to talk about at  
2 this point.

3 And then you'll see along the top we  
4 have "Access," which is whether it's limited  
5 access or open access, upgrade restrictions from  
6 the baseline for the qualifying vessel, the  
7 authorized years, retention limit associated with  
8 that permit, and then the questions that were  
9 discussed earlier that are on the list for the  
10 bluefin tuna breakouts, this will be the same  
11 questions that are at the bottom of Group A and  
12 Group B for that breakout list.

13 All right. So walking you through  
14 this, we have for the swordfish directed permit  
15 and for the swordfish incidental permit, these  
16 are the top two.

17 I want to point out first of all that  
18 these two permits must be held as part of the  
19 triple pack of permits. They are valid only if  
20 they are held with a tuna long life permit also,  
21 all right, and also the shark permit as part of  
22 that triple pack.

23 All right, so for swordfish directed  
24 it is a limited access permit. It has upgrade  
25 restrictions. From the baseline of the  
26 qualifying vessel, from the 1999 FMP, and that is  
27 currently a 35 percent increase in length from  
28 baseline, 35 percent increase in tonnage, and no  
29 horsepower restrictions.

30 And there is asterisks by this and it  
31 says that's for the qualifying vessels, but also  
32 to point out that this is, the upgrade  
33 restrictions that were put in place of a 2007  
34 rulemaking that increased the upgrade  
35 restrictions from what they had been originally  
36 from the 1999 FMP.

37 So this represents also vessels that  
38 qualified for this because the vessels were held  
39 in combination with one another on a trip --- on  
40 a long line vessel at that particular time in  
41 2007.

42 So in other words what that means is  
43 that not every vessel has this upgrade  
44 restriction but most of them do.

45 Okay, so moving on to the authorized  
46 years, authorized for long line and others,  
47 including buoy gear, so this is swordfish  
48 directed, can use long line and other gears

1           except buoy gear.

2                     The retention limit, there is no  
3           limit, no retention limit on this, it's  
4           unlimited. And the prompt question associated  
5           with this is should the upgrade restrictions be  
6           removed for a swordfish directed permit.

7                     Moving to swordfish incidental, it is  
8           also limited access. There are no upgrade  
9           restrictions associated with the incidental  
10          permit. The gears are long line and others but  
11          not buoy gear.

12                    The retention limit is 30 fish per  
13          trip and the question that we have associated  
14          with this, or recently is, can we increase the  
15          trip limit associated with this permit.

16                    Moving on down to swordfish handgear  
17          permit, this is a limited access permit. It has  
18          upgrade restrictions associated with it that are  
19          a 10 percent increase in length above the  
20          baseline of the qualifying vessel, a 10 percent  
21          increase in tonnage, and a 20 percent increase in  
22          horsepower.

23                    The authorized gears are the handgears  
24          and it includes buoy gear. It is unlimited in  
25          its retention limits and the question that we  
26          have associated with it is should the upgrade  
27          restrictions be removed for the swordfish  
28          handgear permit.

29                    The next one on the list is the  
30          swordfish general commercial permit and this  
31          includes charter headboat permits when they are  
32          on non-for-hire trips.

33                    So the same retention limits apply for  
34          charter headboat permits on non-for-hire trips.  
35          We will be talking about this in context with the  
36          swordfish general commercial permit.

37                    It is an open access permit. There  
38          are no upgrade restrictions associated with this  
39          permit. The authorized gears are handgears but  
40          not buoy gear.

41                    The retention limits currently are set  
42          in a range between zero and six fish per trip and  
43          these are regional retention limits, and there  
44          are several regions, we didn't put them on this,  
45          and currently it is a zero retention limit in  
46          South Florida.

47                    The default retention limit on this  
48          permit regionally is three fish per trip in all

1 of the regions except for the Caribbean, which is  
2 two fish per trip, and, of course, South Florida,  
3 which remains at zero.

4 Currently the retention limit is above  
5 the default. It is set at six fish per trip  
6 throughout all the regions except for South  
7 Florida, which is zero.

8 So the question we have associated  
9 with this, there's two of them, should we  
10 increase the retention limit on multi-day trips  
11 with this permit and in association with the use  
12 of VMS to show that the vessel has been on an  
13 multi-day trip and not just making multiple  
14 trips, or making one trip and keeping that higher  
15 amount for that one-day trip.

16 The second question is should the zero  
17 retention limit in South Florida be increased to  
18 something above zero.

19 And then finally at the bottom we  
20 included the commercial Caribbean small boat  
21 permit, which is valid only in the U.S.  
22 Caribbean.

23 It is open access. However, it is  
24 only, it may be the only place on a vessel that  
25 is 45 feet in length or less, so it's by name a  
26 small boat permit. There are no upgrade  
27 restrictions associated with that.

28 The authorized gears are handgears but  
29 not buoy gear and the retention limit is two fish  
30 per trip on that, and we don't really have any  
31 questions we've had associated with that except  
32 for Marcos's, which is related to sharks, but  
33 we're talking about swordfish in this particular  
34 conversation.

35 Okay. So we also have a little bit  
36 more information about the recent implementation  
37 of the swordfish general commercial permit that  
38 was requested, and so we put together this slide  
39 that summarizes some of that information.

40 2014 was the first year that this  
41 permit was issued, so there's only two years of  
42 data up here. Believe it or not the same number  
43 of permits were issued in 2014 and 2015 at 651.

44 Then we have split the landings and  
45 the numbers of trips that are reported here  
46 between the swordfish general commercial permit  
47 and the charter headboat permit operating under  
48 the retention limits of the swordfish general

1 commercial permit.

2 So this kind of gives you an  
3 indication of the different boats that are going  
4 but they are operating under the same retention  
5 limits.

6 So in 2014 under the swordfish general  
7 commercial the landings were 714 pounds dressed  
8 weight, that came from six trips. Under the  
9 charter headboat permit operating under these  
10 regulations it was 727 pounds dressed weight,  
11 operating under five trips.

12 And in 2015 you can see the increased  
13 amount of activity happening here, landings were  
14 under the swordfish general commercial permit  
15 1385 from 17 trips, and for charter headboat  
16 operating under these retention limits it's 2269  
17 pounds resulting from 26 trips.

18 So you can see that there's not a lot  
19 of landings yet, but it is increasing at least  
20 over this one-year period.

21 Oh, yes, and I meant to indicate and  
22 highlight in here that we have, that these trips,  
23 as reported up here, all the trips come from New  
24 York, North Carolina, Maryland, Massachusetts,  
25 Rhode Island, and Florida.

26 So with that I guess what we want to  
27 concentrate on, right, are the questions once  
28 again.

29 FACILITATOR BROOKS: Yes. Yes, and I  
30 think we should take them line-by-line. Each of  
31 my staff has gone to great trouble to make this  
32 accessible, so I think we'll do ourselves a great  
33 disservice if we just take these all at once.

34 So my recommendation is we take them  
35 line-by-line, so if we talk about the directed  
36 long line fishery first and the question is  
37 remove upgrade restrictions, and in the breakout  
38 session I believe the comments that came out were  
39 yes, that makes sense to do.

40 So we don't have to sort of redo all  
41 of the conversation we have had, but let's just  
42 see if there is any other comments on that point.  
43 Again, there is several cards up, is it all for  
44 the first line?

45 So if you're -- Okay, so let's just  
46 work our way down. Scott, you're up.

47 MEMBER TAYLOR: So as far as the  
48 general category permit was concerned, I forget

1 which year it was, but it was four or five years  
2 ago you gave the fleet the opportunity to upgrade  
3 unlimited horsepower if it was held as part of  
4 the tri-pack but there still continued to be a  
5 limit on whatever the tonnage the vessel is.

6 I guess my answer is a question and  
7 then an opinion. But my understanding was that  
8 the reason that there was originally tonnage that  
9 was limited to these vessels was that at the time  
10 that it was originally placed that the fleet was  
11 moving I think to larger and larger vessels and  
12 more and more effort and that in some way,  
13 whatever existed within the fleet, you wanted to  
14 limit that?

15 And maybe that's a premise, maybe  
16 that's not the rationale, you know, for the  
17 tonnage, but we recently to our fleet added a  
18 couple of fairly large vessels and we didn't have  
19 a whole lot of trouble within the dynamic of the  
20 existing permit base, procuring the permits that  
21 we needed.

22 I mean it required a little bit of  
23 effort in the general category, but that I think  
24 there is a level of sufficiency out there that,  
25 you know, if you wanted to acquire a new boat or  
26 to add a new boat into there the permits are  
27 available within that gross tonnage.

28 I think that you are right, Randy,  
29 that a lot of the permits today that are out  
30 there are unlimited in the general category.  
31 There is more that are unlimited than there are,  
32 than that have limitations on the horsepower, is  
33 that correct, by numbers?

34 MS. SCHULZE-HAUGEN: Sorry, I'm  
35 confused. You're talking about the general  
36 commercial swordfish permit?

37 MEMBER TAYLOR: Yes, the general  
38 swordfish permit. It still has a tonnage  
39 limitation on it.

40 MR. BLANKINSHIP: Yes, you're really  
41 talking about swordfish directed.

42 MEMBER TAYLOR: Swordfish directed.

43 MR. BLANKINSHIP: Yes.

44 MEMBER TAYLOR: Oh, we're talking  
45 about swordfish --

46 MS. SCHULZE-HAUGEN: Directed.

47 (Simultaneous speaking)

48 MR. BLANKINSHIP: No, we're talking

1 about swordfish directed. You're saying --

2 (Simultaneous speaking)

3 MEMBER TAYLOR: Yes, okay, the part  
4 that we are supposed to be talking about.

5 (Simultaneous speaking)

6 MEMBER TAYLOR: So the swordfish  
7 directed permit, most of the permits out there  
8 are unlimited in horsepower, that most of the  
9 participants were given that opportunity to  
10 upgrade if they wanted to and the existing  
11 limitation is pretty much to tonnage on there and  
12 that my experience has been that adding vessels  
13 that we haven't had a whole lot of trouble in  
14 matching tonnage to the vessels that we needed.

15 Having said that I think that the  
16 initial rationale for limiting tonnage probably  
17 no longer applies if I understand what the  
18 rationale was.

19 And so that was the question, was the  
20 rationale to limit the size of the vessels of the  
21 fleet to what the current fleet was?

22 MS. SCHULZE-HAUGEN: So, yes. So when  
23 limited access was implemented in the late >90s  
24 there was over 2000 swordfish permits, or 2500  
25 shark permits, just a lot of over capacity, and  
26 so it was a desire to try and get a more  
27 manageable number of permits, more manageable  
28 universe of people that were actually fishing for  
29 these species, and so part of that was the fleet  
30 capacity.

31 We looked at length and the tonnage  
32 was part of that. It's one of the metrics that  
33 we have available to us.

34 The horsepower component was largely  
35 because of overlap with some other fisheries  
36 where they were having similar limits and there  
37 was issues and concerns about splitting permits  
38 and permits not being able to be moved in those  
39 other fisheries if there were changes, and so we  
40 just kind of matched the same limits for the  
41 horsepower.

42 And those, I think those fishery regs  
43 have now changed.

44 MEMBER TAYLOR: So as the fleet has  
45 shrunk by numbers of use and the numbers of  
46 general category tri-packs that are out there,  
47 there has been from my experience a level of  
48 sufficiency to acquire within the marketplace the

1 permits that are necessary in order to match with  
2 the vessel that you are looking to add into the  
3 fleet.

4 I don't know of too many people that  
5 have been precluded from entering the fishery  
6 because they were unable to find a permit package  
7 that was sufficient to accommodate that.

8 So I don't know whether or not the  
9 original intention for the restrictions is  
10 applicable, but I don't see necessarily the need  
11 for a proactive step.

12 FACILITATOR BROOKS: Okay, thanks.  
13 And I just want to ask folks, I know it's a very  
14 helpful, sort of setting the base for the  
15 conversation, but for folks who are in the queue  
16 we are going to have a bunch of rows to get  
17 through and we do not want to keep you here till  
18 9 o'clock at night.

19 So let's go to Martin, then over to  
20 Jeff, Terri, and then back to Tim. Martin?

21 MEMBER FISHER: Thank you. Martin  
22 Fisher here. Well I don't want to get confused  
23 with Marty Scanlon. No, that would be bad.

24 So I would like to speak in favor of  
25 removing the upgrade restrictions for the  
26 directed swordfish permits.

27 We need more capitalization and young  
28 blood in the fishery. If somebody wants to build  
29 a 90-footer and go out and catch 100,000 pounds  
30 at a time there aren't going to be a lot of  
31 permits out there available to him, and I don't  
32 think that is actually going to happen.

33 I think the fishery has kind of gotten  
34 smaller in terms of its length of boat and impact  
35 on the fishery and much more efficient, but --

36 FACILITATOR BROOKS: Maybe, can you  
37 swap out that mic, that mic seems to have an  
38 issue.

39 MEMBER FISHER: So, okay, that's  
40 better.

41 FACILITATOR BROOKS: Yes, much better.  
42 Thank you.

43 MEMBER FISHER: Yes. So that's what  
44 I would like to do. I would like to support  
45 removing the upgrade restrictions.

46 FACILITATOR BROOKS: Jeff?

47 MEMBER ODEN: Yes. Yes, the vessel,  
48 I would have probably a 48 or a 50-footer right

1 now if not in 2001 when I tried to build my boat,  
2 that law wasn't in place.

3 So, you know, and where it affects me  
4 today still is the fact that here I am, you know,  
5 required to carry an observer 100 percent of the  
6 time for four months in my, you know, in my  
7 particular area, and I was held back on that, you  
8 know.

9 The capability is due to this one law,  
10 antiquated law, in a fishery that there used to  
11 be 300 and some boats and now we're down to,  
12 what, 84 active, and, you know, what logical  
13 reason is there for it.

14 The other day I tried to buy a  
15 directed sword permit and I could've got one for  
16 \$10,000. As it turned out it cost me a little  
17 bit more, I'll get to that later, Dewey.

18 (Off microphone comments)

19 MEMBER ODEN: So, anyhow, yes.  
20 Anyhow, I was one foot too short, or too long.  
21 No, one or other. Anyway, one foot kept me from  
22 getting that permit. Now it's ridiculous.

23 And so anyhow that's pretty much my  
24 point, but let me add one other thing. After I  
25 had my boat built, you know, and was not allowed  
26 to go to a 46-footer, I had a 40-footer at the  
27 time, I ended up having to get a 42 because I  
28 couldn't find a 44 suitable or one that suited  
29 me.

30 So the company that builds my boat  
31 also makes a 46 in the same hull design and they  
32 just -- I finally ended up getting them ship me a  
33 4-foot section and it took me a week and a half  
34 to glass that on, but that's the extreme I had to  
35 go to to enlarge my boat.

36 And I mean, you know, it's just absurd  
37 that that law is still here in place, so thank  
38 you.

39 FACILITATOR BROOKS: Thank you.

40 Terri?

41 MEMBER BEIDEMAN: Well I'm going to  
42 echo those comments. For the most part I think  
43 that we don't need upgrading restrictions.

44 I find this very informational to have  
45 this up here because the word "limited" permit,  
46 you know, helps define, particularly when we get  
47 into some of the can gear categories below, but I  
48 think it could be instructive to know how many

1 we're talking about here and really what sort of  
2 impact it really would make if we're talking  
3 about, you know, 30 boats or 50 boats or 200  
4 boats.

5 So whatever it is, for me it would be  
6 helpful. I have some idea, but I don't believe  
7 that it's a good thing for us to put a  
8 restriction at this point.

9 I believe a lot of the, as you  
10 discussed, the conversation was about, you know,  
11 no effective increase and we were trying to  
12 contain something, but we haven't been there  
13 since 1995.

14 So, you know, we really have room to  
15 grow. There is technology that our boats can't,  
16 you know, be involved in, ultra low temperature,  
17 things that potentially boats could do but they  
18 sure can't do them on the sized boats that we are  
19 stuck with.

20 So I think for safety issues and just  
21 trying to modernize our fleet if it's possible  
22 why restrict them. So I'm going to say for, you  
23 know, the directed fisheries, the incidental  
24 swordfish fishery, and for the handgear, you  
25 know, get rid of any kind of upgrade  
26 restrictions.

27 FACILITATOR BROOKS: Thanks, Terri.  
28 Yes?

29 MS. SCHULZE-HAUGEN: We're looking up  
30 the permit numbers for you, but just as a general  
31 informational this is in the SAFE Report.

32 FACILITATOR BROOKS: Yes, just be  
33 helpful to see it up there, I understand. Marty?

34 MEMBER SCANLON: Yes, I'd like to echo  
35 that as far as, you know, being able to upgrade  
36 the boat.

37 You know, you got upgrades in the  
38 observer coverage which I would think  
39 automatically would mandate that, you know. In  
40 my boat in particular there, you know, just to  
41 accompany the observer and, you know, it gets  
42 crowded.

43 You know, with the upgraded restricted  
44 with the demand I'm taking more and more  
45 observers but more frequently it's important to  
46 be able to upgrade these boats.

47 So just because there are a lot of  
48 permits available, like Jeff has said, they're

1 not always easily made, you know, some people  
2 because they got a bigger permit, the prices of  
3 them are a lot more expensive, so it would sort  
4 of stabilize the price of those permits which  
5 would make it a lot easier to buy those permits  
6 and put them on a vessel because they would be  
7 more uniformed and it would just be easier to,  
8 you know, to upgrade the fleet overall.

9 FACILITATOR BROOKS: Thanks. Okay,  
10 thank you. Let's push to the next line.

11 (Off microphone comments)

12 FACILITATOR BROOKS: No? Am I missing  
13 somebody? Oh, Tim. Sorry.

14 MEMBER PICKETT: Well mine was going  
15 to be a general, I guess just general comments,  
16 so if you wanted to push on, it's just a general  
17 comment of these last two slides.

18 FACILITATOR BROOKS: Sure.

19 MEMBER PICKETT: Go now, I guess?

20 FACILITATOR BROOKS: Yes, and then  
21 we'll continue on the second line.

22 MEMBER PICKETT: Yes, you know, a  
23 couple of things. I think in terms of the  
24 upgrades, which everyone is talking about, I  
25 think it's kind of a step in the direction of  
26 trying to increase the productivity of the fleet,  
27 and it's certainly not a major or drastic step as  
28 I see it and I think it's just antiquated in  
29 general like everyone else is saying.

30 In terms of the general category deal,  
31 which it was nice seeing the data that was on the  
32 next slide, but if you look at it on the previous  
33 slide here it said one of the concerns was to  
34 increase the retention limit.

35 Well if you look at these numbers and  
36 you average them out, the amount of weight per  
37 trip, in the first year you have an average of  
38 119 and a 145 for the two different groups and  
39 then the second year you have an average of 81  
40 and 87 pounds, that doesn't correspond to anymore  
41 than two fish on average, and two small ones, so  
42 I don't see the clamoring for more than six fish,  
43 certainly.

44 And to comment on the VMS thing, you  
45 know, I thought about that after you guys had  
46 mentioned that earlier, it doesn't seem to me  
47 that anyone would want to have a VMS so they  
48 could stay for more than one day on, you know, a

1 general category permit when you can buy -- I  
2 don't understand why they'd want to have a VMS,  
3 go on a general category permit that maybe they  
4 could keep ten fish if you increased it over two  
5 days so it would be 20 or something like that and  
6 not just buy a limited access permit.

7 There is plenty of them for sale.  
8 It's just, to me, the finances of buying a VMS  
9 system and being, you know, monitored and worried  
10 about it breaking, it's overshadowed by the  
11 ability to just go fishing whenever you want to  
12 with no VMS and buy a limited access permit.

13 And the whole South Florida thing, as  
14 I said earlier, I just want to emphasize the  
15 importance of keeping that at zero. Thanks.

16 FACILITATOR BROOKS: Okay. Thanks,  
17 Tim.

18 (Off microphone comments)

19 FACILITATOR BROOKS: Yes, go ahead,  
20 Randy.

21 MR. BLANKINSHIP: Okay. So the  
22 numbers of permits, this is from the SAFE Report,  
23 so maybe you'll be able to look it up and refer  
24 back to it, but just to go over the swordfish  
25 directed permit there is 100 -- This was 2015?

26 MS. CUDNEY: 2015 through October.

27 MR. BLANKINSHIP: Say that again.

28 MS. CUDNEY: It's through October  
29 2015, so January through October.

30 MR. BLANKINSHIP: Okay, January  
31 through October of 2015. Swordfish directed,  
32 there were 188, swordfish incidental, 72,  
33 swordfish handgear limited access permit, 83,  
34 swordfish general commercial, 651, is on the  
35 slide right now, and Caribbean small boat permit,  
36 20, 14 of which are in Florida and they aren't  
37 valid.

38 (Laughter)

39 FACILITATOR BROOKS: Okay, that's  
40 interesting. All right, now let's push back to  
41 the other slide if we could. So, again, let's  
42 focus in on the second line only.

43 So this is for the swordfish  
44 incidental and the question is right now the  
45 retention limit is 30 per trip and the question  
46 is should that trip limit be increased.

47 Who would like to weigh in on that?  
48 All right, we'll start with Jeff, go to Martin,

1 and then up to Scott, and then we'll go to Rich.  
2 MEMBER ODEN: Well this was my idea  
3 five years ago I believe. I have been  
4 petitioning for this for this long and typical of  
5 my luck, you know, I finally get ready to buy a  
6 directed sword permit from my good buddy over  
7 there and here is going to echo my sentiments  
8 about, you know, allowing the increase in the  
9 incidental.  
10 But now I have bought a -- Hey, when  
11 you do it mandate that he gives me my money back,  
12 okay.  
13 (Laughter)  
14 MEMBER ODEN: Anyhow, I mean --  
15 (Off microphone comments)  
16 MEMBER ODEN: Huh? Anyway, I mean,  
17 yes, there are friends I have that -- I mean it  
18 makes no sense not to go ahead and allow these  
19 guys, I mean we're losing quota, you know, I mean  
20 so what if I got to be the sacrifice, but anyhow  
21 --  
22 FACILITATOR BROOKS: All right,  
23 thanks, Jeff.  
24 MEMBER ODEN: I mean it's just the way  
25 I see this, you know, if the incidental, guys, if  
26 there is a problem with a fishery it will be the  
27 front lines, okay, bust them back.  
28 At least increase it 15, you know, to  
29 45 or something, give them something. I mean,  
30 you know --  
31 FACILITATOR BROOKS: Okay.  
32 MEMBER ODEN: Anyway, that's my  
33 thoughts.  
34 FACILITATOR BROOKS: Thanks. All  
35 right, Martin.  
36 (Simultaneous speaking)  
37 FACILITATOR BROOKS: Martin Fisher  
38 here.  
39 MEMBER FISHER: No, it's Martin with  
40 an "N," not Marty.  
41 FACILITATOR BROOKS: Thank you.  
42 MEMBER FISHER: Oh, dear, I guess it's  
43 me, I just buzz.  
44 MALE PARTICIPANT: No, he said Marty,  
45 not Martin.  
46 FACILITATOR BROOKS: No, I said  
47 Martin.  
48 MEMBER FISHER: Martin. So I really

1 want to weigh in on this and it's hard to without  
2 some data, data meaning how many boats are  
3 catching 30 fish, how many boats are catching 28,  
4 is there a serious deficit of quota available to  
5 the boats?

6 In other words, are they bumping up  
7 against the limit and they really need more fish  
8 or is it just because we think we should give it  
9 to them?

10 I am not opposed to either one, but I  
11 would like to know, I would like to know what  
12 they are catching.

13 MALE PARTICIPANT: We don't have that  
14 handy?

15 MALE PARTICIPANT: No.

16 MALE PARTICIPANT: Okay.

17 MS. SCHULZE-HAUGEN: No, we don't have  
18 that handy. I agree that would be informative to  
19 the discussion. If we pursue it we'll be looking  
20 at it.

21 MEMBER ODEN: Can I comment?

22 FACILITATOR BROOKS: Yes, hang on one  
23 second.

24 MR. BLANKINSHIP: Yes, I'll also add  
25 that, you know, I think, Martin, because I didn't  
26 hear what Martin said when you were talking, but,  
27 yes, we don't have that prepared. Obviously, we  
28 would look seriously at more data before pursuing  
29 any of this any further.

30 Rick did make a point that the  
31 swordfish incidental retention limit currently is  
32 at 30, was increased from five fish in 2007, so  
33 that's something to just keep in mind.

34 FACILITATOR BROOKS: Jeff, you wanted  
35 to comment on this?

36 MEMBER ODEN: Yes. I mean there are  
37 friends that I have along with myself that do  
38 bump up against that and we find ourselves, you  
39 know, at times having to come in after a couple  
40 sets, you know.

41 And if you're on the east side of the  
42 stream, you know, you got a 75 to 100 mile run,  
43 if you get lucky there a couple days you could  
44 potentially help our country maintain some its  
45 quota there and, you know -- Anyway, there are  
46 numerous incidents in my fleet where the guys do  
47 bump up against that.

48 MEMBER FISHER: Can I just add,

1 please? If the data shows that there is a  
2 significant amount of boats coming up against the  
3 limit then I would advocate for an increase.  
4 Thank you.

5 FACILITATOR BROOKS: Thanks. Scott  
6 then over to Richard. Scott?

7 MEMBER TAYLOR: In this particular  
8 case I'm going to disagree with Jeff because you  
9 got to understand what the incidental permit was  
10 originally designed for, which was incidental.

11 It's being used as part of a tri-pack  
12 for some of the guys that were primarily tuna  
13 fishermen and if they find themselves wanting to  
14 target swordfish there is more than ample permits  
15 out there for the directed permit in order to be  
16 able to change the way that the tri-pack  
17 configuration is, which is what Jeff is doing.

18 So I don't know that if the desire is  
19 to target and land more swordfish from the fleet  
20 that was traditionally tuna fishing that we're  
21 really, that the permit availability is in fact  
22 out there to make that modification.

23 Most of the incidental permits as I  
24 understood were originally issued that were then  
25 added as the tri-packs had to do with trolling  
26 and some of the other fisheries and they later  
27 were combined in order to make these tri-packs so  
28 that you could, that you could in fact tuna fish  
29 and then retain and then you bumped it up like  
30 you said from five to the 30.

31 So, you know, I feel like that we need  
32 to utilize the permits that are out there before  
33 we change the dynamic of the permits for a few  
34 individuals that do have access to be able to  
35 switch from an incidental to a directed if they  
36 are going to consistently catch more than 30  
37 fish.

38 So I don't think that a trip limit  
39 increase is necessarily appropriate for the  
40 incidental and that even though it's out of turn  
41 I would support a removal of the restrictions for  
42 the handgear, and I'm only going to add this  
43 because if I don't leave I'm going to get shot,  
44 and so this will be my last comment for the  
45 night, and that is because a lot of that  
46 swordfish handgear originated as harpoon permits  
47 and it was at a time where the horsepower  
48 restrictions, because of what was available in

1 the boats, were a much lower horsepower.

2 So you're generally, in that  
3 particular fishery, you don't have any length  
4 limitation, you have a horsepower limitation, and  
5 particularly in the South Florida area where some  
6 of the boats that have been somewhat problematic  
7 that we have talked about with Randy in length  
8 would I think aggressively pursue those handgear  
9 permits.

10 They are unavailable because they have  
11 the horsepower restrictions and that really  
12 should be done away with.

13 FACILITATOR BROOKS: Thanks, Scott.  
14 Rich?

15 MEMBER RUAIS: I hesitate to engage on  
16 this because I really don't, I don't have a dog  
17 in this fight at all, but just for historical  
18 purposes I did, and we used to have long,  
19 philosophical discussions about whether it made  
20 any sense at all to get as deep as we now are  
21 into capacity controls as opposed to just  
22 strictly category quota controls.

23 I used to have that deep discussion  
24 with Rebecca Lent all the time and several others  
25 in Blue Water who were also opposed to capacity  
26 controls at this time, and this is what it leads  
27 you to.

28 You don't need the information about  
29 whether each one of these individual categories  
30 is bumping against its quota right now or not,  
31 all you need to know is that overall the United  
32 States is not catching its swordfish quota to the  
33 tune of about 68, 66 percent we're not catching  
34 of our quota, and it doesn't require a permanent  
35 change to any structure that you have already  
36 built in place if you need to borrow quotas.

37 Maybe what's missing is a big reserve  
38 that could be used by those categories that need  
39 quota because they happen to be at the time and  
40 the right place and in the areas where the United  
41 States can meet its obligation to catch its  
42 quota.

43 I totally support what Jeff is saying  
44 in terms of the restrictions on the, the six fish  
45 restrictions, which some of you might remember on  
46 the handgear fisheries I was, you know, less than  
47 shy in suggesting that there shouldn't be any bag  
48 limit in handgear fisheries for swordfish until

1 somebody proves that one is necessary.

2 If you're not even coming anywhere  
3 near close to your quota what are you talking  
4 about six fish for somebody that's going out  
5 anywhere?

6 You know, when you have a problem  
7 that's when you start cranking down with bag  
8 limits, not when you're this far down below  
9 trying to help the fishery rejuvenate itself and  
10 rebuild itself from the effort that it made to  
11 support the fishery, which was the promise and  
12 the commitment from the agency.

13 So just in general I totally agree  
14 with Martin, eliminate upgrade restrictions. I  
15 don't see any reason for upgrade restrictions.

16 Some of you might remember Don Nells  
17 who was very active and involved, and for  
18 whatever you thought of him, he had, he was, you  
19 know, very clear on what he thought it would take  
20 the United States to compete, the type of vessel  
21 that he thought it would take the United States  
22 to compete, and that did not include any of  
23 those, even the 90-footers that Scott is now  
24 mentioning, even those would not have been in his  
25 idea of what was necessary to compete in the  
26 worldwide swordfish fishery. But -- Here you go.

27 FACILITATOR BROOKS: Thanks. Thanks,  
28 Rich. Just a quick time check, we are just a few  
29 minutes before six and have a couple more rows to  
30 go through, so feel free to use the word "ditto"  
31 going forward. Dewey?

32 MEMBER HEMILRIGHT: Dewey Hemilright.  
33 In the spirit of cooperation for my friend Jeff  
34 Oden I want to echo his sentiments on the  
35 incidental quota.

36 (Laughter)

37 MEMBER HEMILRIGHT: Given that he is  
38 still an incidental quota owner as of still  
39 today. So that, but I am also yes for all of  
40 them.

41 No -- Doing away with horsepower  
42 restrictions, doing away upgrade standards, I  
43 mean until, like Rich said, until something,  
44 we're catching our quota or even getting close to  
45 it or the thought of it, there should be no  
46 limits, and so that's kind of the way I feel on  
47 that.

48 And, you know, you can revisit that in

1 the future or something because it is kind of  
2 what it is, that way it puts a level playing  
3 field for kind of everybody and just make sure it  
4 gets reported.

5 FACILITATOR BROOKS: Okay. Marty?

6 MEMBER SCANLON: I'm against raising  
7 the limit above 30. I mean if you lift the, you  
8 know, the limits on the directed fishery on the  
9 permits, it's easy that you get the permits, you  
10 know, it would be more affordable, and if you  
11 want to be a directed fisherman then be a  
12 directed fisherman and buy the permits.

13 There is a hundred and something  
14 permits available for that category. So  
15 basically you're just changing the incidental  
16 category almost to a directed category by  
17 continuing and increase the limit.

18 FACILITATOR BROOKS: Okay.

19 MEMBER SCANLON: So there is a  
20 directed fishery, buy into the directed fishery.  
21 Make the permits affordable by taking off the  
22 size limit on them, making them all uniform.

23 FACILITATOR BROOKS: Thanks, Marty.  
24 Anyone else want to weigh in in this one? No.  
25 Let's go to the next line which is the swordfish  
26 handgear, remove upgrade restrictions.

27 We've already heard a couple people  
28 weigh in on this one. I think we've heard pretty  
29 universally, yes, remove the upgrade restrictions  
30 on this one from the folks who have commented on  
31 it so far.

32 Who else wants to weigh in on it?  
33 Okay, we'll start with Martin.

34 MEMBER FISHER: Martin Fisher, thank  
35 you. So, yes, I'd like to definitely support the  
36 removal of upgrade restrictions on handgear. I  
37 may as well go down the list at this point.

38 FACILITATOR BROOKS: Sure.

39 MEMBER FISHER: Seeing the data and  
40 Tim's astute calculations, the fact that the  
41 general category seems to only be catching, at  
42 least on average, one or two fish per trip, I  
43 don't really see the importance of raising their  
44 limit.

45 However, if you do you might see an  
46 increase in permits. I mean definitely there was  
47 a big pump in the numbers of permits from the  
48 first year to the second and that may happen

1                   again.  
2                   That may be what you want and if you  
3 do want that then increasing the limit will  
4 certainly accomplish that. Thank you.  
5                   FACILITATOR BROOKS: Okay, thanks.  
6 Tim, is your card back up or is that -- That's  
7 still Martin's, okay. Go ahead.  
8                   MEMBER SCANLON: I would be against  
9 raising the limits in those other categories.  
10 One of the reasons is is that some of these  
11 vessels they may only be able to handle six fish  
12 and you're allowing to bring in fish and they're  
13 not going to be properly handled and they're  
14 putting them on our market and, you know, you  
15 got, you know, fish that could be actually  
16 dangerous.  
17                   I mean I know right now there are a  
18 lot of guys that catch tuna fish in a  
19 recreational industry and they bring those fish  
20 in and sell them.  
21                   They're not properly iced and they're  
22 being put on our market and when they go to the  
23 market and then somebody gets sick on them it  
24 automatically diverts right back to the  
25 commercial end and we get the blame for it.  
26                   FACILITATOR BROOKS: And, Marty,  
27 what's your thinking on the upgrade restrictions?  
28                   MEMBER SCANLON: On which category?  
29                   FACILITATOR BROOKS: Handgear.  
30                   MEMBER SCANLON: I don't think that  
31 that should be upgraded. I think that they  
32 should do what they're doing and if more people  
33 want to get into it, well they have the  
34 opportunity.  
35                   It's an opportunity for more people to  
36 get into it, not for the individuals to catch  
37 more fish in that category individually, that's  
38 what the category was set up for.  
39                   (Off microphone comments)  
40                   MEMBER SCANLON: You know.  
41                   FACILITATOR BROOKS: Okay. Rich?  
42                   MEMBER RUAIS: No.  
43                   FACILITATOR BROOKS: Okay.  
44                   MEMBER RUAIS: But since you called on  
45 me, with that added to Martin and Marty I think  
46 you will lose your fishery eventually, that's  
47 what you're going to do.  
48                   If you don't want to see the United

1 States increase its catch by competition and even  
2 by a few lousy fish on the market you're going to  
3 lose your fishery.

4 FACILITATOR BROOKS: Okay.

5 MEMBER SCANLON: If you just -- The  
6 thing is is I want the --

7 FACILITATOR BROOKS: Hang on, hang on,  
8 hang on, hang on.

9 MEMBER SCANLON: -- the thing is I  
10 want the bottom given back to me so I can catch  
11 the fish, not just give it to everybody else,  
12 that we made the sacrifice to rebuild.

13 FACILITATOR BROOKS: Okay. All right,  
14 hang on. Mike?

15 MEMBER PIERDINOCK: Thank you. I am  
16 for no limits. I'll specifically though address  
17 the for-hire charter boat fleet.

18 The numbers that you had on earlier  
19 you show the increase this year versus the  
20 previous year, it's no surprise for the charter  
21 boat fleet up in Massachusetts, Connecticut,  
22 Rhode Island, and so on.

23 The last two years we have seen a lot  
24 of swordfish out of the canyons and there has  
25 been an increase in the amount of landings and  
26 people going out there.

27 You know, as a result those guys are  
28 going out there, it's a significant distance, you  
29 know, to go to that distance, so we need to have  
30 the numbers.

31 God bless them if they can catch more  
32 than six and I'd be happy to support the  
33 commercial guides that they can have an unlimited  
34 amount because we got to hit that, you know, make  
35 sure we hit that target and use up our quota.  
36 Thank you.

37 FACILITATOR BROOKS: Okay. And,  
38 sorry, just to follow up, how does your comment  
39 relate to South Florida?

40 MEMBER PIERDINOCK: Unlimited.

41 FACILITATOR BROOKS: The zero increase  
42 in South Florida as well, isn't that the  
43 question?

44 MEMBER PIERDINOCK: Increase in South  
45 --

46 MALE PARTICIPANT: We were asking on  
47 common swordfish standards.

48 FACILITATOR BROOKS: I thought he was

1 bouncing to both.  
2 MALE PARTICIPANT: He went to --  
3 (Simultaneous speaking)  
4 MEMBER PIERDINOCK: Zero to -- I'm  
5 talking about a six trip --  
6 (Simultaneous speaking)  
7 FACILITATOR BROOKS: He jumped. You  
8 jumped, so I was jumping with you.  
9 MALE PARTICIPANT: Okay.  
10 MEMBER PIERDINOCK: You know, I  
11 wouldn't even want the six. I'd like that just  
12 to be unlimited.  
13 FACILITATOR BROOKS: Okay.  
14 MEMBER PIERDINOCK: In addition, the  
15 fact that as a charter boat permitted vessel  
16 going after bluefin and everything else  
17 imaginable we don't require the need for VMS, so  
18 I would hope the same would apply here. Thanks.  
19 MALE PARTICIPANT: Okay. Yes?  
20 FACILITATOR BROOKS: I was just  
21 jumping with him.  
22 MALE PARTICIPANT: Okay.  
23 FACILITATOR BROOKS: Martha?  
24 MS. BAILEY: So I'll address South  
25 Florida on this general commercial. If the  
26 situation is the same as it was when we talked  
27 about this before, I mean I think, and we've  
28 heard it a little bit around the table that the  
29 support for zero in South Florida is still there.  
30 It's a very, very busy area, there's  
31 a lot going on. I don't know that we need to add  
32 more to the mix.  
33 FACILITATOR BROOKS: Okay. Mike, you  
34 getting back in or that leftover?  
35 MEMBER PIERDINOCK: Oh.  
36 FACILITATOR BROOKS: All right, is  
37 there -- The last few commenters have worked  
38 through all the rows in your comments. I want to  
39 make sure, is there anyone who hasn't commented  
40 on anything but the Caribbean, which we haven't  
41 talked about. Please.  
42 MEMBER JENKINS: I'm Wallace Jenkins  
43 from South Carolina. I guess it's my time to  
44 speak to the second slide where you have 651  
45 permits and six trips.  
46 There is a lot of stuff going on there  
47 that you are not getting a lot. I mean I am not  
48 a rocket scientist, but I mean even I can see

1 that.  
2 Why would 651 people have these  
3 permits and there will be only five trips of  
4 record in a calendar year in an area? So that's  
5 just my comment.  
6 FACILITATOR BROOKS: Okay.  
7 (Off microphone comments)  
8 MR. BLANKINSHIP: So this data comes  
9 from dealer data, so it would be only the fish  
10 that were sold from a trip to a dealer, so there  
11 could be other trips that either didn't catch  
12 swordfish or that didn't catch them or sell them  
13 to a dealer, or the that didn't sell them to a  
14 dealer.  
15 MEMBER JENKINS: Are they required to  
16 sell to a federal dealer?  
17 MR. BLANKINSHIP: If they sell the  
18 fish they can only sell it to a permitted dealer.  
19 MEMBER JENKINS: Okay. Yes, that's  
20 not happening.  
21 (Simultaneous speaking)  
22 FACILITATOR BROOKS: So you're going  
23 to hold with your comment then?  
24 MEMBER JENKINS: Yes, I'm not changing  
25 it.  
26 FACILITATOR BROOKS: Yes, okay. All  
27 right, anybody else who wants to weigh in on any  
28 of those first -- And let's, Randy, can you go  
29 back to the next slide and maybe you can -- I  
30 know that we don't have a question on that last  
31 line, is there any discussion you want to have  
32 there?  
33 MR. BLANKINSHIP: No.  
34 FACILITATOR BROOKS: Okay, all right.  
35 Am I seeing a -- Marty?  
36 MEMBER SCANLON: I'll adjust my  
37 comment. If you won't increase their limit then  
38 increase their accountability. As long as their  
39 accountability is up to what my accountability is  
40 you can increase it to whatever you want, how's  
41 that?  
42 But as long as I am the only one being  
43 accountable then be accountable for what fish,  
44 the little fish that you're getting.  
45 FACILITATOR BROOKS: Okay. Thank you.  
46 MALE PARTICIPANT: I think Marcos may  
47 have something on the Caribbean.  
48 FACILITATOR BROOKS: Marcos? Marcos?

1 MEMBER HANKE: No.  
2 FACILITATOR BROOKS: No, Marcos? No?  
3 (Off microphone comments)  
4 FACILITATOR BROOKS: Okay, please.  
5 MEMBER HANKE: Now?  
6 FACILITATOR BROOKS: Yes, now.  
7 MEMBER HANKE: I have a few points  
8 that is a question and observation at the same  
9 time.

10 Once the Caribbean's mobile permit was  
11 designed we have a yo-yo gear, maybe not  
12 everybody are familiar with this, it's basically  
13 a buoy, free-floating buoy with line around it  
14 designed to fish for yellow fin tuna around the  
15 FADs in Saint Croix that once the fish hook the  
16 guy go to it and fight by hand.

17 MALE PARTICIPANT: The yo-yo gear?

18 MEMBER HANKE: That's the yo-yo gear.

19 MALE PARTICIPANT: Okay.

20 MEMBER HANKE: The thing is that yo-yo  
21 gear can be used to catch swordfish right now and  
22 I want to know if there is restriction on the  
23 bait for the yo-yo gear on the description, live  
24 or dead bait.

25 If there is a line test restriction,  
26 line capacity restriction for the yo-yo gear,  
27 they are not use of yo-yo gear, things that you  
28 have to write down on the yo-yo gear permit of  
29 the boat, HMS permit, whatever.

30 If there is anything like that on the  
31 description for the yo-yo gear, number of yo-yo  
32 gears in the water, that's my first observation  
33 and question at the same time.

34 MR. BLANKINSHIP: Yes, Marcos, I'm  
35 glad that you said that because you brought up  
36 that my information when I put this together  
37 quickly is incorrect.

38 That says down there that handgear is  
39 not buoy gear, it's anchors including buoy gear  
40 because yo-yo gear meets the definition of buoy  
41 gear and it is authorized under the Caribbean  
42 small boat permit, so thank you for bringing that  
43 up.

44 Now to answer some of your questions,  
45 and I may not be able to remember exactly all of  
46 them, there is not a limitation on the bait type  
47 that can be used with that.

48 There is a limitation on the number of

1 hooks, there can be no more than two hooks, and  
2 there are gear marking requirements for the  
3 buoys.

4 MEMBER HANKE: Day and night?

5 MR. BLANKINSHIP: Yes.

6 MEMBER HANKE: No restriction if you  
7 use day or night?

8 MR. BLANKINSHIP: You can use it day  
9 or night.

10 MEMBER HANKE: Okay.

11 MR. BLANKINSHIP: Now it must be  
12 deployed and retrieved by hand.

13 MEMBER HANKE: And the number of buoy  
14 gear in the water?

15 FEMALE PARTICIPANT: Thirty-five.

16 MR. BLANKINSHIP: It's 35 for buoy  
17 gear vessels. I think it's, if I recall  
18 correctly I think it's the same, yes, it's 35  
19 flotations, I mean floats total.

20 So that's not a -- So in other words  
21 you could have up to 35 buoy gears, but most of  
22 the time it's not configured that way, it's 35  
23 floats.

24 MEMBER HANKE: The reason of all those  
25 questions, some of those answers I knew it, but I  
26 know the whole floor will get used this because  
27 it was the intention of the agency to achieve the  
28 swordfish quota.

29 In our case I see possibility that a  
30 group of fishermen moving to that practice to  
31 catch swordfish. It's happening little by little  
32 attached to this permit and I want to make sure  
33 that when people ask me if they can do it to  
34 instruct them that they for sure can do it.

35 MR. BLANKINSHIP: Right. And so if  
36 they wanted to use buoy gear they need to get the  
37 Caribbean small boat permit in order to do that.

38 The swordfish general commercial  
39 permit, just want to distinguish between the two,  
40 the swordfish general commercial permit does not  
41 offer us the use of buoy gear.

42 MEMBER HANKE: Yes, okay. And  
43 another, and now it's another question, can a  
44 charter operator, charter boat, tugboat operator,  
45 have a dual permit, a small Caribbean boat  
46 permit, two, both at the same time?

47 MR. BLANKINSHIP: No. The Caribbean  
48 small boat permit may not be held with any other

1 HMS permit.  
2 MEMBER HANKE: Thank you.  
3 FACILITATOR BROOKS: Thanks. Just to  
4 sort of -- Oh, David Kerstetter. See, I knew if  
5 I kept calling David Kerstetter eventually you  
6 would want to comment.  
7 MEMBER KERSTETTER: All right. Sooner  
8 or later in due time. A quick question as a  
9 follow-up on that Caribbean commercial small boat  
10 permit.  
11 You said you could play it during  
12 night or day, does that mean that you can use it  
13 to target tunas during the day?  
14 MR. BLANKINSHIP: That is correct.  
15 MEMBER KERSTETTER: Thank you.  
16 FACILITATOR BROOKS: Jeff, is your  
17 card still up because you want to get in or is --  
18 MEMBER ODEN: No, sorry.  
19 FACILITATOR BROOKS: Okay. Okay, so  
20 just to, a quick sum up of this last  
21 conversation. I think we heard the broadest area  
22 of support were for removing vessel upgrade  
23 restrictions, both for swordfish directed and  
24 swordfish handgear.  
25 There was a good amount of support for  
26 increasing the trip limit for swordfish  
27 incidental, but that was not universal among the  
28 speakers, and then I think we heard the greatest  
29 sort of disparity and perspectives on the  
30 swordfish general commercial category about  
31 increasing trip limits and increasing in South  
32 Florida.  
33 So that's sort of I think what I was  
34 hearing up here. And I've got Martin.  
35 MEMBER FISHER: One quick question.  
36 If you guys took action on this, Margo, when  
37 would it actually, when would implementation take  
38 place?  
39 MS. SCHULZE-HAUGEN: Let me check my  
40 crystal ball. So in and of themselves these  
41 probably are not major actions and some of it  
42 will depend on the kind of feedback we get.  
43 When we have entertained these kinds  
44 of changes before we get a lot of people that are  
45 holding something of value today, that the rules  
46 would reduce the value of what they have.  
47 And so that's something we need to  
48 really consider and so we would need to that. If

1 it is a shorter, smaller action we are probably  
2 looking, you know, nine months to a year.

3 MEMBER FISHER: Thanks. So in our  
4 sector or with the gulf council it's framework  
5 action versus whatever the other term is, would  
6 this be more of a regulatory action versus a  
7 framework?

8 MS. SCHULZE-HAUGEN: I think it would  
9 be a regulatory action probably with an  
10 environmental assessment.

11 FACILITATOR BROOKS: All right. So  
12 let's let you all head out of here, it's been a  
13 long day. We will reconvene at 8:30 tomorrow  
14 morning, but first Ben has something to say.

15 MEMBER CARR: Hold on a second. So my  
16 question is off the agenda, of course, and it  
17 goes to communication, if Dusty's review comes  
18 back in August how long will we wait on a rule or  
19 the implementation or proposed rule after the  
20 assessment?

21 MS. SCHULZE-HAUGEN: We'll make that  
22 a priority, but I don't have a specific timeline  
23 for you.

24 MEMBER CARR: Thank you.

25 FACILITATOR BROOKS: So, again, we  
26 will reconvene tomorrow morning at 8:30 and the  
27 meeting tomorrow ends at 12:00. Thank you all  
28 very much for hanging in for the whole day.  
29 Thank you.

30 (Whereupon, the above-entitled matter  
31 went off the record at 6:08 p.m.)  
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