

UNITED STATES OF AMERICA

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC  
ADMINISTRATION

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THE HIGHLY MIGRATORY SPECIES  
MANAGEMENT DIVISION OF THE OFFICE OF  
SUSTAINABLE FISHERIES

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MEETING

+ + + + +

THURSDAY  
MARCH 15, 2007

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and Atmospheric Administration.

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HMS AP MEMBERS PRESENT:

BEVERLY SAULS - FFWCC, Fish and Wildlife  
Research Institute

CAROLYN BELCHER - Georgia Coastal Resources  
Division

DAVID NIELAND (Proxy for John Gold) -  
Louisiana Sea Grant College Program

DEWEY HEMILRIGHT - F/V Tar Baby

DON NEHLS - Lindgren-Pitman, Inc.

DR. ANDRE BOUSTANY - Nicholas School of  
Environment & Earth Sciences

DR. JOHN GRAVES - Virginia Institute of Marine  
Science

DR. MICHAEL BUHL - Deputy Director, NC  
Division of Marine Fisheries

DR. ROBERT HUETER - Center for Shark Research

EUGENIO PINEIRO-SOLER - Chairman, Caribbean  
Fish, Management Council

GAIL JOHNSON - Pocahontas, Inc.

JACK DEVNEW (Proxy for Glenn Delaney) - Marine  
Division Maury, Donnelly & Parr, Inc.

JAMES DONOFRIO - Recreational Fishing Alliance

JASON SCHRATWIESER - International Game Fish  
Association

JOSH LOEFER - SC Dept. of Natural Resources

KEN HINMAN - National Coalition for Marine  
Conservation

PAT AUGUSTINE - Mid-Atlantic Fishery  
Management Council

PUTNAM MCLEAN (Proxy for Peter Weiss) - East  
Coast Tuna Association

RICHARD B. STONE - National Marine  
Manufacturer's Association

RICHARD RUAIS - East Coast Tuna Association

RICK WEBER - South Jersey Marina

RITA MERRITT - South Atlantic Fishery  
Management Council

ROM WHITAKER - Hatteras Harbor Charter Boats

RONALD CODDINGTON - Southeast Swordfish Club

RUSSELL HUDSON - Directed Shark Fisheries

RUSSELL NELSON - Nelson Resources Consulting

SHANA MILLER - Tag a Giant Foundation

SHAWN DICK (Proxy for Terri Beideman) -  
Aquatic Release Conservation (ARC)

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HMS AP MEMBERS PRESENT: (continued)

SKIP SMITH (Proxy for Ellen Peel) -  
 Charterboat Captain  
 SONJA FORDHAM - The Ocean Conservancy  
 THOMAS DePERSIA - President, Stellwagon Bank  
 Charter Boat Association  
 VINCE MONTELLA  
 WILLIAM ETHERIDGE - NC Fisheries Association  
 WILLIAM GERENCER - Marine Trade Center

ALSO PRESENT:

CHRIS VONDERWEIDT - Atlantic States Marine  
 Fisheries Commission  
 TIM PALMER - Buoy Gear fisherman  
 PHIL KOZAK - Nationl Fishing Association

NMFS PERSONNEL:

BILL HOGARTH  
 SAM RAUCH  
 CARRIE SELBERG  
 MARGO SCHULZE-HAUGEN  
 KARYL BREWSTER-GEISZ  
 MICHAEL CLARK  
 JOE DESFOSSE  
 HEATHER HALTER  
 LeANN SOUTHWARD HOGAN  
 SARI KIRALY  
 CHRIS RILLING  
 RONALD RINALDO  
 GEORGE SILVA  
 JERON STANNARD  
 CARY WONG  
 JACKIE WILSON  
 MARK MURRAY-BROWN  
 BRAD McHALE  
 SARAH McLAUGHLIN  
 RUSSELL DUNN  
 RANDY BLANKINSHIP  
 GREG FAIRCLOUGH  
 RICK PEARSON  
 FRANK SPRTEL  
 CONSTANCE SATHRE  
 STEPHANIE BOLDEN

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regs discussion  
Randy Blankinship

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and  
John Regai [ph]  
NMFS Special Agent

Q&A Session

Outreach Discussion

Swordfish Revitalization  
Discussion  
Rick Pearson, HMS  
Management Division

Q&A Session

Tim Baumer [ph]  
Buoy gear  
originator

Q&A Session

Adjournment

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P R O C E E D I N G S

1  
2 MS. SCHULZE-HAUGEN: Before we get  
3 started, I do want to introduce a new AP  
4 member, a proxy for Peter Weiss. His name is  
5 Putnam McLean. Putnam, there you are. So  
6 welcome.

7 Yes, Rick?

8 [The remainder of tape side 13A is  
9 blank]

10 [Start tape side 14A]

11 MR. BLANKINSHIP: Good morning.  
12 My name is Randy Blankinship and I'm before  
13 you again this morning to talk to you about a  
14 proposed rule to temporarily suspend circle  
15 hook requirements in Atlantic billfish  
16 tournaments. The handouts for this were  
17 passed out yesterday evening, and I know there  
18 were some handouts that went out again this  
19 morning. I'm not sure which ones were which,  
20 but anyway, I hope that you've got the  
21 handouts for this presentation.

22 Also, what we call a micro comp, or

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1 the printing of what this is going to look  
2 like in the Federal Register was available.  
3 Hopefully, you've got that also. This  
4 proposed rule is expected to publish today.

5 MR. : [Off-mike remark]

6 MR. BLANKINSHIP: So that was the  
7 Register notice that went out this morning,  
8 that you got. Thank you very much.

9 Also of note is that the, what we  
10 call the fax notice, or the e-mail notice that  
11 went out, we just realized, this morning, that  
12 it did not include the public hearing dates  
13 and locations in that, and so I'll be  
14 announcing that a little bit later.

15 Those hearings are going to be  
16 March 27th through the 29th, and I'll announce  
17 the locations a little bit later, and we are  
18 expecting to send out a correction over the e-  
19 mail notice, to make sure that that  
20 information gets out there.

21 The purpose of this proposed rule  
22 is to increase post-release survival of

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1 Atlantic billfish in the long term, and the  
2 reason is due to continuing public comment,  
3 before and following implementation of the  
4 circle hook rule, that indicated that  
5 additional time was needed for implementation  
6 of the rule.

7           And this is to allow anglers to  
8 become more familiar and proficient with  
9 techniques for rigging and fishing with circle  
10 hooks, and to increase awareness among  
11 tournament anglers of circle hook conservation  
12 benefits.

13           An important premise here, is that  
14 by allowing additional time for regulation  
15 implementation, improved compliance with the  
16 regulation may be achieved. The circle hook  
17 regulation was originally developed because of  
18 the overfished state of Atlantic billfish  
19 stocks.

20           In 2006, the ICCAT/SCRS conducted a  
21 stock assessment for blue and white marlin,  
22 and for blue marlin, in the executive summary

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1 of that report, indicated and reported that  
2 the biomass for blue marlin was less than the  
3 biomass at MSY, the fishing mortality was  
4 greater than the fishing mortality at MSY.

5 It also reported that recent  
6 abundance trends from 2001 to 2004 is possibly  
7 stabilizing, following decline since the mid  
8 1990's. But it should be noted that there's  
9 quite a bit of uncertainty in the data  
10 associated with those models, for blue marlin  
11 and white marlin.

12 In the ICCAT/SCRS report, and that  
13 stock assessment for white marlin, it reported  
14 that the biomass is less than biomass at MSY,  
15 and that fishing mortality is possibly greater  
16 than fishing mortality at MSY, and that the  
17 recent abundance trend from 2001 to 2004 is  
18 slightly upward.

19 The 2006 report from the SCRS also  
20 reported on the latest stock assessment for  
21 sailfish and spearfish, which was conducted in  
22 2001, once again reporting that the overfish

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1 and overfishing status of sailfish and  
2 spearfish is unknown, and that the outlook is  
3 uncertain.

4 Regulations for Atlantic billfish  
5 are divided, really, kind of into two  
6 different categories, one of which is for the  
7 directed fishery and the other is for managing  
8 of interactions in other fisheries.

9 The current regulations for the  
10 directed fishery include permitting for  
11 recreational vessels, the sale of fish is  
12 prohibited, there's a gear restriction to rod  
13 and reel only, there are size limits that are  
14 in place for blue and white marlin and  
15 sailfish, and retention of longbilled  
16 spearfish is prohibited.

17 There's also the 250 marlin landing  
18 limit, which is a recommendation from ICCAT  
19 that is for all marlin species for the entire  
20 year, and of course the circle hook  
21 requirement that went into effect on January  
22 1st, 2007, which is the one that this proposed

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1 rule address.

2           The other current regulations in  
3 other fisheries that manage interactions  
4 include pelagic longline closed areas,  
5 including the Charleston Bump, East Florida  
6 coast, and DeSoto Canyon, and also pelagic  
7 longline gear restrictions for circle hooks,  
8 circle hook use only, and no live bait in the  
9 Gulf of Mexico.

10           The circle hook requirement was  
11 implemented as a result of the 2004 biological  
12 opinion for the protection of endangered  
13 leatherback turtles, but it also has the  
14 conservation benefit of reducing post-release  
15 mortality on billfish.

16           Also, retention of Atlantic  
17 billfishes on commercial vessels is  
18 prohibited. So kind of reviewing the question  
19 of why circle hooks originally, recent  
20 research on the post-release hooking mortality  
21 on Atlantic billfish, and specifically to  
22 white marlin because that information is

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1 available in comparisons between J-hooks and  
2 circle hooks, indicate that the post-release  
3 hooking mortality for white marlin on J-hooks  
4 is approximately 35 percent.

5           With circle hooks and white marlin,  
6 information indicates that post-release  
7 hooking mortality is somewhere between zero  
8 and 12 percent.

9           So the benefit is there for use of  
10 circle hooks as opposed to J-hooks. But one  
11 of the hurdles has been the acceptance of the  
12 idea of using circle hooks recreationally,  
13 because the idea that J-hooks are more  
14 effective. But research done in 2002, by Art  
15 Prince and some others, indicate that that's  
16 actually not the case. Circle hooks are about  
17 1.8 times more likely to hook a sailfish, and  
18 once hooked, the catch percentage between  
19 circle hooks and J-hooks is almost identical.

20           Now taking that post-release  
21 hooking mortality, those numbers that I  
22 presented earlier, and kind of using those to

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1 give you an idea of what this means as far as  
2 a conservation benefit, we developed this  
3 table, and this looks at, from the  
4 recreational billfish survey--and this is  
5 tournament landings--for white marlin, from  
6 1999 to 2006, the average annual number of  
7 white marlin released is 1,398. And if you  
8 apply the J-hook post-release hooking  
9 mortality estimate of 35 percent to that, that  
10 results in approximately 486 mortalities from  
11 those releases.

12           Once again, if you applied a  
13 seahook mortality rate to that average, at 12  
14 percent, you come up with a result of 168  
15 mortalities from those releases.

16           So if you made the assumptions,  
17 that over that time period, and made the  
18 comparisons from everybody that may have been  
19 using J-hooks, if everybody over those years  
20 was using J-hooks, compared to everybody using  
21 circle hooks over that time period, you might  
22 have had the advantage, annually, of 318 white

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1 marlin that would have survived, if circle  
2 hooks were consistently being used throughout  
3 that fishery. This table is just used as an  
4 example of what that conservation benefit  
5 could be.

6           Because of this rationale, the  
7 circle hook regulation that is currently in  
8 place was developed through the consolidated  
9 HMS fishery management plan, and that rule  
10 that is currently in place says that anglers  
11 fishing from HMS-permitted vessels, and  
12 participating in Atlantic billfish  
13 tournaments, must deploy only non-offset  
14 circle hooks when using natural bait or  
15 natural/ artificial lure combinations, and may  
16 not deploy a J-hook or an offset circle hook  
17 in combination with natural bait or a natural  
18 bait, artificial lure combination.

19           This is the rule that is currently  
20 in place. The proposed rule that was  
21 published today has the alternative of the  
22 status quo, which is to maintain existing non-

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1 offset circle hook requirements for anglers  
2 fishing from highly-migratory species  
3 permitted vessels and participating in  
4 Atlantic billfish tournaments.

5 It also has the preferred  
6 alternative, alternative two, which is to  
7 suspend existing non-offset circle hook  
8 requirements for anglers fishing from HMS-  
9 permitted vessels and participating in  
10 Atlantic billfish tournaments through December  
11 31st, 2007. And we put the regulation back  
12 into effect on January 1st, 2008.

13 A third alternative that was  
14 considered, but not further analyzed, was to  
15 remove Atlantic billfish tournament circle  
16 hook requirements and promote voluntary use of  
17 circle hooks by tournament anglers.

18 This alternative was fully analyzed  
19 in the consolidated MHS/FMP and not preferred.

20 Voluntary promotion of circle hook use prior  
21 to January 1st, 2007 did not result in a high  
22 percentage of circle hook use by Atlantic

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1 billfish anglers. Because of this, the  
2 alternative is not expected to result in a  
3 substantial reduction in post-release  
4 mortality of Atlantic billfish. Therefore,  
5 the alternative was not further analyzed.

6 And now I want to just present to  
7 you a summary of the preferred alternative  
8 impacts, starting with ecological impacts, and  
9 that includes that possible billfish post-  
10 release mortalities in the short term may  
11 occur, but they are expected to be offset by  
12 improved compliance in the long term.

13 There are also economic impacts.  
14 Those include possible increase in angler  
15 consumer surplus due to stock rebuilding, and  
16 potential limited increase in tournament  
17 participation, given the perception of an  
18 improved ability to catch billfish with J-  
19 hooks during the suspension.

20 Also there's the possible cost of  
21 reprinting tournament rules for those  
22 tournaments that may have already printed

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1 their rules for this year.

2 An estimate of the number of  
3 affected permit holders that may be affected  
4 by this rule include a little over 24,000 HMS  
5 angling permits, a little over 4,000 HMS  
6 charter head boat permits, and a little over  
7 4,000 Atlantic tuna general category permits.

8 General category is included here  
9 because even though it's a commercial permit,  
10 those permits can be used to target Atlantic  
11 billfish when the boat and anglers are  
12 participating in HMS-registered tournaments.

13 The timeline for this proposed rule  
14 of course is that publication of the rule  
15 happened today. Public hearings are scheduled  
16 from March 27th to 29th. The comment period  
17 closes March 30th. The final rule is  
18 anticipated to publish in April and the  
19 expected effective date of any regulations  
20 resulting from this is expected to be in May.

21 I've included, because the rule  
22 published today, and we are, I guess,

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1 officially in the comment period now, comments  
2 may be made through any one of these outlets.

3 And with that, we can open it up to  
4 comments and questions.

5 MR. : Thank you, Randy, good  
6 morning, and I guess you're getting a  
7 perspective now, sitting on the other side of  
8 the table here.

9 I'd first like to start off with a  
10 technical comment. If you'll go back to the  
11 slide entitled Why Circle Hooks? with the  
12 table.

13 MR. BLANKINSHIP: This one here is  
14 the one where, actually, we have the numbers.

15 MR. : Right.

16 MR. BLANKINSHIP: You want the  
17 other ones?

18 MR. : I want to go to your  
19 expansion.

20 MR. BLANKINSHIP: Okay.

21 DR. GRAVES: First of all, the  
22 expansion that was used was incorrect. With

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1 circle hooks, in the Hordiski [ph] paper, the  
2 value for post-release mortality for the 20  
3 fish that were caught on circle hooks, tagged  
4 and released, was zero. Using the Goodyear  
5 expansion, the 95 percent confidence intervals  
6 for that zero went between zero and 12  
7 percent, would be the values for your post-  
8 release mortality.

9 For the 20 J-hooks, the value was--  
10 we had seven mortalities, so it's 35 percent  
11 post-release mortality, but with the low  
12 number of observations, twenty being a low  
13 number, but at \$3,000 a tag, it's an expensive  
14 number nonetheless.

15 You know, you're upperbound, on the  
16 95 percent confidence interval there, was 59  
17 percent. So if you're going to make an  
18 expansion, you have to decide whether you're  
19 going to use the value for both values, or  
20 you're going to use the upperbounds and the 95  
21 percent confidence intervals.

22 What you've done is for the circle

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1 hooks, you've used the upperbound and the 95  
2 percent confidence intervals, whereas you used  
3 the actual value for the J-hook.

4 So just to give you a little more  
5 update, you know, no one believed that circle  
6 hooks have zero morality, but I've gone ahead  
7 and looked at three different types of circle  
8 hooks, which I've put 20 tags on fish caught  
9 on each of these types of circle hooks, to see  
10 if there's differences, slight degree of  
11 offset or not, and also in some of the shapes  
12 of circle hooks.

13 And out of those, we have 59  
14 observations as one tag came off after the  
15 first day. But on those 59 observations we  
16 have 58 surviving fish. So we now have one  
17 mortality on circle hooks out of 59 fish. So  
18 if you want to crank a number in there to use  
19 for your expansion, you can use that, which is  
20 a little less than 2 percent.

21 If you use 2 percent, which I did,  
22 that would change your circle hook mortalities

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1 down from 168 to 28, and then would also, you  
2 would adjust your potential annual white  
3 marlin survivals, just from tournaments alone,  
4 from 318 up to 462. Okay. So that's--it's a  
5 fairly significant change.

6 So that's my technical comment. I  
7 have a couple other comments that are a little  
8 less technical but I'll make them nonetheless.

9 I don't see this as being  
10 precautionary. There is concern, and I  
11 understand the concerns with the blue marlin  
12 fishermen in the tournaments in North  
13 Carolina. Blue marlin are in better shape  
14 than white marlin. I thought we were trying  
15 to be precautionary here with white marlin,  
16 and to give a break to the blue marlin  
17 fishermen in North Carolina, I'm not sure that  
18 that's the way to go. At our last AP meeting,  
19 it was suggested that if you were going to  
20 make a difference to accommodate the North  
21 Carolina fishermen that are fishing with  
22 islanders, using an islander head over a horse

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1 ballyhoo, and wanted to use a J-hook, that you  
2 might try a rule that discriminated based on  
3 hook size, cause a large J-hook is probably  
4 not going to impact a deep hooking event in a  
5 white marlin.

6 But on the converse, blue marlin  
7 come up aggressively on a small J-hook, on a  
8 ballyhoo, that you might be fishing for a  
9 white marlin, can easily get caught and very  
10 quickly take it down, even with a short  
11 dropback, and we demonstrated this,  
12 unfortunately, in Venezuela, a few times in  
13 November, while filming. The blue marlin came  
14 up, and even with the two or three second  
15 dropback, came tight on the hook, and broke  
16 like a gill arch on the fish and the blue  
17 marlin died.

18 So I'm a little concerned that  
19 you're not taking a precautionary approach  
20 here. You know, it seems to me that you've  
21 been given an order to have a certain outcome  
22 on this and you have to develop a rationale

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1 for it. And frankly, with a lot of these  
2 things in ICCAT, when the United States does  
3 something, we call it, it has to pass the  
4 "straight face test." This doesn't pass a  
5 straight face test.

6 To tell me that you think you're  
7 going to get better compliance if you delay  
8 this for a year, stands, first of all, in the  
9 face of common sense, but also the fact that  
10 Marlin magazine has been publishing many, you  
11 know, how-tos with rigging these baits. There  
12 have been workshops at tournaments, and even  
13 North Carolina Sea Grant has done a DVD that  
14 is available, showing the use of circle hooks.

15 So this has been ongoing for some  
16 time. And finally, just parity among your  
17 constituencies, I think it's important to  
18 realize that if you decided, for the longline  
19 fishery, the pelagic longline fishery, and you  
20 were mandating the use of circle hooks or a  
21 hook type, and you said, "Well, we were going  
22 to do this but we want to give them a year to

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1 kind a think about it and get used to it, so  
2 we have better compliance," you'd never do  
3 that. You've got to treat these fisheries the  
4 same. I mean, it just doesn't pass a straight  
5 face test. So I'll leave it at that.

6 MR. NELSON [?]: Hey, Randy, I bet  
7 you read Alice In Wonderland when you were a  
8 kid, but didn't expect you were actually going  
9 to step through the looking glass.

10 I'm not going to repeat anything  
11 that John said. I agree with everything that  
12 he said. We had the lady from the Protected  
13 Species office, came in and talked to us. I  
14 thought she was refreshingly candid and  
15 straightforward, yesterday, about the white  
16 marlin review.

17 One thing she stated was that one  
18 of the positives, looking forward, was the  
19 fact that we're going to be looking to a  
20 decrease in release mortality. This rule was-  
21 -the original rule was supposed to produce a  
22 decrease in release mortality, one of the

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1 positives that we hoped would help us get  
2 through this white marlin review without a  
3 listing.

4 Now what you are proposing is in  
5 fact a threat that increases the possibility  
6 that white marlin would--that review might  
7 determine that they should be listed as  
8 threatened, or endangered.

9 We had a meeting in Fort  
10 Lauderdale, that you all held, a noticed  
11 meeting with tournament directors and others  
12 involved. We had very good discussions of the  
13 use of circle hooks, the advantages, the  
14 disadvantages. By the end of that meeting,  
15 even the tournament directors from North  
16 Carolina agreed that they could live with  
17 this. It was probably better not to go  
18 forward with any kind of exempted fishing  
19 permit for stuff in tournaments, but that they  
20 could live with it.

21 I was fairly certain that that was  
22 pretty simple. We got through that meeting

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1 and it looked like, you know, most of the  
2 opposition, the rational opposition had  
3 disappeared. This is a ill-founded rule. As  
4 John said, it's ludicrous, what you're  
5 stating. This rule is to enhance survival of  
6 white marlin. Compliance was going to be a  
7 100 percent. It has to be.

8           Tournaments require that all their  
9 participants follow every law and every rule,  
10 and they're very competitive, and if anybody  
11 didn't comply with this rule, somebody in the  
12 tournament would know about it, they'd turn  
13 them in and the tournament judge would  
14 disqualify them, and they'd lose their  
15 opportunity to win the big prize.

16           So there's no question, the  
17 compliance would be there. Whether there was  
18 resentment, that might exist, but compliance  
19 would be there, and I just would like to ask  
20 you, if this rule is a direct outcome of the  
21 unnoticed meeting between Bill Hogarth and the  
22 directors of the Big Rock tournament that was

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1 held on December 27th?

2 MS. SCHULZE-HAUGEN: No; it's not.  
3 this is internal deliberations that have been  
4 occurring over several months.

5 MR. NELSON [?]: I would have  
6 expected, Margo, that after all that internal  
7 deliberation, you guys could a come up with a  
8 little stronger rationale for a rule.  
9 Obviously, you ought to talk to your  
10 attorneys, because this rule, if anyone--if it  
11 was to go forward and anyone decided to  
12 challenge it, it's rife in internal  
13 inconsistencies and the record does not  
14 support it.

15 MR. BLANKINSHIP: Thank you. Thank  
16 you, Russ. Thanks for the presentation.

17 Jim.

18 MR. DONOFRIO: Jim Donofrio,  
19 representing the RFA. I want to clear up a  
20 misconception or a perception that was put out  
21 earlier in your statement there, Randy.

22 I think you had said that most of

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1 the you know, the recreational fishermen don't  
2 want to go to circle hooks. I don't know  
3 where that information is coming from.  
4 Everyone we've talked to, that are members of  
5 our organization, that fish in the billfish  
6 tournaments, or specifically target, you know,  
7 the canyons and fish for billfish, are happy  
8 to go, happy to go to circle hooks. That's  
9 what they've expressed to us.

10 And the problem that we've  
11 expressed here at this committee is that what  
12 is the standard. I know we all saw Dr. Eric  
13 Prince's presentation here a while back, where  
14 there was like a, b, c, and d circle hook.  
15 Only one of them was a real circle hook as far  
16 as conservation benefit, and the other ones  
17 were just called circle hooks in a package,  
18 and I think that's where, you know, that's  
19 where the perception of the RFA not supporting  
20 the circle hooks comes out.

21 We'll support the conservation, but  
22 give us a hook that is real conservation.

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1 Don't just give us a package that says circle  
2 hook from Joe Blow Company here and it's not a  
3 real circle hook doing the conservation  
4 benefit.

5 I mean, you do need to develop a  
6 standard. And so we're supportive of going to  
7 circle hooks. But the other thing I heard was  
8 is that the circle hooks are being developed  
9 in the Atlantic billfish fisheries for all  
10 billfish, and I thought the original intent  
11 was because of white marlin. So I don't know  
12 if that's, you know, the Agency rewriting  
13 history, but I thought it was specifically for  
14 reducing mortality for white marlin,  
15 specifically. Thank you.

16 MR. : We never moved forward  
17 with trying to spec out a hook because of all  
18 the pitfalls around that, and the Agency is  
19 actually--we've begun conversations with hook  
20 manufacturers. There was a meeting down in  
21 Miami, a couple a weeks ago, that went very  
22 well.

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1           But with regard to the original  
2 rule, it was never developed specifically for  
3 white marlin but that was certainly a  
4 significant factor in that, and the majority  
5 of the sort of analysis, I would say, centered  
6 around white marlin because that's where the  
7 best data was, and because of the looming  
8 issues out there like the ESA listing.

9           So it's understandable that you  
10 have that perception, but you'll see that  
11 there's discussion of the other species as  
12 well. But it was pretty heavily focused on  
13 white marlin.

14           MR. GERENCER: Bill Gerencer. Even  
15 without Dr. Graves' adjustments to the chart,  
16 the benefits of the circle hook seem pretty  
17 significant, and a learning curve is just  
18 that, a learning curve, and it doesn't start  
19 until you actually engage in the activity that  
20 you're learning.

21           So I'm confused as to how  
22 postponing the start will improve the

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1 fisherman's ability to use the new gear. I  
2 think the best way to get through the learning  
3 curve is to get on with it. Thanks.

4 MR. SMITH: Skip Smith, proxy for  
5 Ellen Peel. As far as experience with anglers  
6 learning circle hooks, many of our anglers  
7 already travel to Third World countries like  
8 Costa Rica, that a 100 percent use circle  
9 hooks. So as far as them being familiar with  
10 them, a lotta these Americans travel there,  
11 they do have the experience.

12 On my way up here, I called a  
13 couple of the top captains that win money in  
14 these tournaments. They're already locked,  
15 loaded, with circle hooks, with their baits.  
16 So they're prepared. The notice has been out.

17 Number three. Blue marlin aren't the target  
18 species as per your letter you guys just  
19 released. This is about blue marlin. Most of  
20 these tournaments are encountering white  
21 marlin. If they're put on the endangered  
22 species list, you're going to have thousands

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1 of people out of a job. If we implement  
2 circle hooks and ten less people fish these  
3 tournaments, we haven't lost that much.

4 So I can't see why we're still in  
5 this argument for a year now. There's plenty  
6 of alternative fishing methods out there. You  
7 know, the guys are fishing lures, and if you  
8 try to go through these tournaments and find  
9 out how they're catching the fish, most of  
10 these blue marlin are probably getting caught  
11 on lures already.

12 So, you know, as you move forward  
13 in this, trying to protect the white marlin,  
14 the J-hooks, the numbers are in our face, all  
15 day long, to go to this. Of course I was  
16 involved in circle hooks being implemented in  
17 the South Florida tournaments on our own.

18 The anglers fought us but now it's  
19 a norm, they'd rather use circle hooks and  
20 we're doing the right thing down there. It's  
21 accepted. There's no problem. I think more  
22 what you're hearing from whatever pressure you

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1 guys are getting is more the fear of the  
2 unknown, these guys up here not knowing what's  
3 going to happen.

4 But the top crews are ready for it,  
5 they've adapted, and they have other  
6 alternatives ready to go. So like I said, I  
7 can't see why we're still "beating this  
8 horse." I was at October's meeting here. I  
9 was at the tournament directors meeting. To  
10 have this come up is a great big surprise.  
11 Thank you.

12 MR. : Yes, unfortunately, I  
13 missed the October meeting, but, yeah, I've  
14 used circle hooks, I like circle hooks, think  
15 they are definitely of conservation advantage  
16 with the white marlin and sailfish. I do  
17 think that we rushed into these regulations a  
18 little bit, without thinking it all through,  
19 even though I know the paper says white  
20 marlins are the one that are really hurting.

21 Well, you know, I caught a hell of  
22 a lot more white marlins last year than I did

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1 blue marlins, fishing in the same water, in  
2 the same way. So blue marlins, I feel like  
3 certainly need a lot of thought.

4           What's going to happen on the  
5 Southeast coast to most of the guys that I  
6 know, that are going to fish these blue marlin  
7 tournaments, where you're looking for a big  
8 blue marlin, they're not going to pull this  
9 bait right here. This is a islander or some  
10 type of islander with a single hook with a  
11 ballyhoo on it. They're going to quit pulling  
12 that because that's a natural bait and you're  
13 not, according to NMFS, you're not going to be  
14 able to.

15           So most of them are going to go to  
16 lure fishing, and more of the lure fishermen  
17 fish a double hook 180 degree lure, like that,  
18 if everybody can see that.

19           So I don't know about you, but  
20 trying to get that out of a live blue marlin's  
21 mouth is not the most pleasant thing to do.  
22 You can get a hook in your hand, your arm,

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1 wherever. So I guess my point is that you  
2 need to think about it. If you're going to  
3 go, to take away the artificial bait and have  
4 all the blue marlin fishermen fishing lures,  
5 then maybe you need to have a single hook lure  
6 provision in the rule. That, in my opinion,  
7 is going to cause more mortality on blue  
8 marlins than what we have right now.

9 So that being said, I really think  
10 you do need some comments from some of these  
11 fishermen in the Southeast, right on up, and I  
12 certainly don't have any problems with you  
13 going with the circle hook, and I don't think  
14 anybody in our industry does on 50 pound  
15 tackle, and under, which is what we use for  
16 white marlin. So I do think you need to look  
17 at that a little bit. Thank you.

18 MR. HEMILRIGHT: Dewey Hemilright.

19 Could you put your slide up there with your  
20 permitted vessels. And that's--I got my  
21 numbers a little wrong. Basically there's--I  
22 mean, there'll only probably be about 1700

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1 boats, that would probably be affected by  
2 this. If you look at--I only know probably  
3 four kill tournaments on the East Coast. So  
4 it's basically if you put 1700 boats and you  
5 put six anglers to a boat, I mean, that's  
6 about ten thousand anglers.

7 So basically, you're catering to  
8 10,000 anglers to change this from your  
9 original rule, 10,200 anglers, somewhere  
10 thereabouts.

11 Last October when we met, I mean,  
12 we'd been talking about the circle hooks,  
13 longline fish, you all didn't give me no grace  
14 period to figure out how to work on this  
15 circle hook stuff. You just kind a shoved it  
16 down our throats. You know, you sit around  
17 here. This just don't pass the smell test and  
18 I feel like you all are going to go ahead with  
19 this proposed rule. It's going to happen  
20 anyway, no matter what anybody says around the  
21 table.

22 Cause you wouldn't a brought this

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1 back up after you made a rule, if somebody  
2 wasn't gouging you or pushing you along. It  
3 seems like to me, you'd have to come up with--  
4 you all should a come up with a better  
5 rationale. I mean, Randy and Russ is pretty  
6 smart, but you all's rationale for changing  
7 the rule just isn't working.

8 I mean, you know, better  
9 compliance. Well, if the tournament's got you  
10 gotta use the hook, you ain't going to enter  
11 unless you, you know, use that hook.

12 So another thing. I mean, aren't  
13 you all worried about getting sued by somebody  
14 for this here? We've looked at circle hooks  
15 and the great conservation measure it will  
16 have for a lot of work on white marlins. I  
17 don't know too much about the blue marlin  
18 aspect of it. But I mean, it sounds like  
19 everything's working good, industry's all  
20 working.

21 I mean, what is the--you know, you  
22 couldn't even get the green stick right, and

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1 yet here you done a rule and now you're going  
2 to back face on it. I mean, what's--there  
3 must a been some good negotiations, or  
4 something behind the scenes, to get this to  
5 go.

6 I mean, obviously, it's--you know,  
7 I just think you need to go ahead with it, be  
8 done with it, everybody'll--you know, people  
9 are going to go fish the tournaments anyway.  
10 You know, the guys will change, learn hooks,  
11 and they're smart enough to do all that stuff,  
12 so--but I still think you'll probably rescind  
13 it for a year. I'm pretty sure you will.  
14 Thank you.

15 MR. LOEFER: Josh Loefer, South  
16 Carolina DNR. I just want to add one thing,  
17 state the obvious, that the timing of this is  
18 pretty bad. At least where I work, the  
19 tournaments start in May and June, is the  
20 heavy tournament season, and these guys, a lot  
21 of them work in the off-season. I know a  
22 bunch of the boats I work with have been

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1 practicing with circle hooks while they're,  
2 you know, in Florida, in the Bahamas, for the  
3 off-season. And now you put this rule out and  
4 it's going to be "up in the air" until a week  
5 or two before the tournament, what kind a hook  
6 they're going to be using.

7 MR. WEBER: Randy, could I have the  
8 slide--Rich Weber. Randy, could I have the  
9 slide, Circle Hook Regulations. That one.  
10 After the ellipsis in the top, I assume that  
11 it says something about in tournaments with  
12 white marlin categories; right? Cause it's  
13 not just in all billfish tournaments. It is  
14 in tournaments with white marlin categories.  
15 It is in all billfish tournaments, any  
16 billfish category.

17 MR. BLANKINSHIP: Yes. Any HMS-  
18 registered tournament that awards prizes.

19 MR. WEBER: Okay.

20 MR. BLANKINSHIP: It benefits  
21 basically for Atlantic billfish--

22 MR. WEBER: At one point I thought

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1 we were talking about it for white marlin.

2 I am largely pleased with the rule,  
3 and displeased with your implementation of it.

4 The reasons you brought just make it seem, to  
5 this whole room, that we are all trying to do  
6 something surreptitious, and bad; you know.  
7 The fact of the matter is, Russ, you said, you  
8 know, you couldn't create a circle hook  
9 definition because of, quote, "all the  
10 pitfalls," and my frustration is you looked,  
11 saw all the pitfalls, and decided you'll just  
12 push it off on the tournament directors to  
13 define what a circle hook is.

14 And I think you were moving in a  
15 right direction. Margo, we were all in--most  
16 of us were at the October meeting. We know  
17 there's a North Carolina blue marlin basis  
18 behind this. You have not discussed, at all,  
19 revamping the rule to take that into account.

20 All you're saying is we're pushing it off for  
21 six months.

22 Will the rule come back exactly as

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1 written, or is there some consideration being  
2 paid to changing it?

3           The North Carolina consideration is  
4 that the big blue marlin J-hooks do not act  
5 the same as--you know, changing them is not  
6 like changing the white marlin J-hooks. There  
7 is not as much drop-back on them, and so they  
8 don't have the mortality. Are you just buying  
9 Carolina some time to learn? Is that all  
10 we're doing, and their argument about that,  
11 about the mortality of the J-hooks is being  
12 set aside?

13           MS. SCHULZE-HAUGEN: Well, the  
14 rule, as stated, the regulation would come  
15 back into effect, as currently written, in  
16 January. The rule is applicable everywhere,  
17 not just North Carolina. And the rule will be  
18 applicable everywhere, when it comes back into  
19 effect, if we finalize the rule, as proposed.

20           MR.       : I don't know that this is  
21 going to--I feel like you're pushing a fight  
22 off further, because the complaint that was

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1 coming from North Carolina had little to do  
2 with "we need some more time to learn it." It  
3 had to do with the overall mortality of the  
4 blue marlin and that it wasn't relevant in  
5 their fishery, and I think we're delaying that  
6 fight another six months.

7 MR. SMITH: I just wanted to touch  
8 on one of the things Rom said about the  
9 islanders. I brought the islanders up here  
10 last October, and they make a rubber bait  
11 that's replaced the bait. So the guys will  
12 still be able to use that thing. But I agree  
13 with them a 100 percent, and I would back  
14 them. In the future, you guys do need to look  
15 at the lures with single hooks only. The  
16 double hooks leaving the blue marlin in the  
17 vest.

18 As far as 50 pound to 80 pound, the  
19 fish aren't selective. That big blue marlin's  
20 going to come up and suck down a J-hook,  
21 ballyhoo or whatever you want. It's not going  
22 to go just to the 80 pound test. So you can't

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1 be that selective. It's got to be all or  
2 nothing.

3 John Graves pointed out Marlin  
4 magazine's been addressing it. I've got a  
5 magazine, the Australian's magazine. They  
6 catch some big marlin out in Australia.  
7 They're pushing circle hooks all the way.

8 So Australia's already gone to  
9 that. The thing about J-hooks and these  
10 marlin, blue marlin--you know, I've caught a  
11 couple a blue marlin, they'll suck down a big  
12 hook. That your top captains out there are  
13 going to let them suck down a J-hook on an  
14 eighty, so they get a better grip on the fish,  
15 get their attention, catch them quicker, make  
16 sure they catch them. So trying to sit there  
17 and be selective is not going to work, I can  
18 tell you that.

19 They can put a circle hook in a big  
20 bait, just like they do in Australia, they're  
21 going to catch them in the corner of the  
22 mouth. The blue marlins will live, the white

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1 marlins will live, and, you know, you guys  
2 push it off, doesn't mean these guys are going  
3 to go try it this summer. You push it off,  
4 they're going to go back and do the same  
5 tactics they've used for years. They're not  
6 going to say, you know, you're pushing them  
7 back on the tournament director, saying, Give  
8 'em some bonus points for the circle hooks.

9           The good guys ain't going to do  
10 that. They know they can go gut hook these  
11 fish the same way they've been doing, they  
12 don't have to retrain their anglers, they  
13 don't have to do anything different at all.  
14 They're going to go back to their same  
15 tactics. You're just delaying the inevitable.

16 Put it on the tournaments, the guys will  
17 practice during their fishing days, they go  
18 pre-fish, they're getting their practice in.  
19 You're putting it on just a few tournaments.  
20 I don't see what the problem is, once again.  
21 Thank you. That was Skip Smith; sorry.

22           MR. RUAIS:       Rich Ruais, with

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1 Bluewater. Bluewater Fishermens Association  
2 wants to align itself with Dr. John Graves'  
3 comments and views, particularly the technical  
4 correction that he made, which shows that  
5 closer to 500 white marlin might be saved by  
6 status quo on this rule, not the preferred  
7 alternative.

8 We also want to support Russ Nelson  
9 and Skip Smith's views here. Russ makes a  
10 very relevant point, that in light of the  
11 white marlin status review, I think rules like  
12 that, and the increased protection that ICCAT  
13 is providing to white marlin, are all relevant  
14 factors that need to be considered in the  
15 status review.

16 So going with the status quo I  
17 think helps the United States in this  
18 endangered species status review case as well,  
19 and I think thus far, you've heard the vast  
20 majority of the advisers commenting in favor  
21 of the status quo and in opposition to the  
22 delay. Thanks.

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1 DR. GRAVES: Thank you. John  
2 Graves, Virginia Institute of Marine Science.

3 Just a couple quick technical points, one  
4 regarding Jim Donofrio's comments about Eric  
5 Prince's description of circle hook types.

6 There's a real difficulty trying to  
7 describe what a circle hook is, not only in  
8 its offset but in its circularity and its  
9 shape. Chris Boggs, in Hawaii, has spent a  
10 lotta time trying to do that and gave up, and  
11 there aren't too many people that are sharper  
12 than Chris.

13 What we did, we tried three  
14 different hook types, circle hook types. We  
15 used a slightly offset hook. We used the  
16 standard eagle claw and then we used the  
17 owner, and the owner looks essentially just  
18 like a J-hook, and the one thing that  
19 distinguishes it from a J-hook is that the  
20 barb is 90 degrees to the shank.

21 And there's no difference in the  
22 performance of those in terms of post-release

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1 survival. They all worked really well. So I  
2 would agree with Rick Weber, that don't leave  
3 it up to the Feds to try and describe what a  
4 circle hook is, they can't do that, but the  
5 tournaments will be able to determine which  
6 hooks they sanction, and ultimately, they're  
7 going to have to do that.

8 But this whole rule is  
9 unenforceable. I mean, I can't really  
10 imagine, you know, the Coast Guard stopping  
11 somebody and looking at their hooks, and  
12 determining whether or not it's circle or  
13 whether someone's manually offset a circle  
14 hook, whatever it is. But the tournaments are  
15 going to be the ones that are doing the  
16 policing, and when you've got a million dollar  
17 white marlin on the line, yeah, it's going to  
18 count.

19 So the hook types, you know, this  
20 is the first time that's statistically looked  
21 at differences in hook types rather than  
22 speculation from trends and data.

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1           And then for Rom, looking at the  
2 lures, we use lures with both single and  
3 double hooks. When we originally started  
4 doing post-release survival studies, and we  
5 were just trying them on blue marlin off of  
6 Bermuda, and we had some double hooks, some  
7 single hooks, but they were all lure-caught  
8 fish or they were, had islanders, and were at  
9 high speed, all with J-hooks, and eight of the  
10 nine tags reported, and all eight tags that  
11 reported, those blue marlins survived.

12           So lure-caught fish seem to do just  
13 fine.

14           MR. DONOFRIO: Jim Donofrio. John,  
15 thanks for that clarification. We were basing  
16 our opinion on what I learned here at the HMS  
17 meeting. I'm not a hook expert. I had to go  
18 by the expertise of a scientist, Dr. Prince,  
19 when he came in here. What we want to see is  
20 the real benefit of a circle hook. If it's  
21 going to be a benefit. Not just have it for  
22 name sake--ah-ha, we're using a circle hook.

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1 So what?

2 If it's going to be a benefit to  
3 conservation, yeah, I agree, I stand corrected  
4 then. If they're all beneficial, that's  
5 great. That was my point. If they're just  
6 for name sake, then what are we doing here?

7 But I will stand corrected. If  
8 they're all beneficial, as John said, great.  
9 Let's go forward then. Let's go forward.

10 The other thing, on the single hook  
11 blue marlin fishing, last time I fished a  
12 tournament I think was your tournament, Rick.

13 Maybe '93. I was using single hooks back  
14 then on my lures, jig fishing for blue marlin.

15 They are better. Double hooks, I've had  
16 popped eyeballs out on blue marlins. I know  
17 everybody else has had that experience. We  
18 should go to single hooks. First of all, your  
19 hookup ratio is much better anyway.

20 MR. HINMAN: Ken Hinman, National  
21 Coalition for Marine Conservation. I think  
22 you're getting a message here. I just wanted

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1 to quickly add my voice in opposition to  
2 postponing this rule. I think, given the dire  
3 condition of the white marlin stock, to  
4 postpone the possibility of saving hundreds of  
5 marlin this year doesn't make any sense. I  
6 think it would be irresponsible, and I think  
7 the idea that compliance will offset any  
8 losses this year with better compliance next  
9 year, I would look at it the other way, is  
10 that better compliance next year with this  
11 rule, implemented this year, will just add to  
12 the conservation benefit from the rule. Thank  
13 you.

15A 14 MR. DICK: Thanks. Shawn Dick,  
15 Aquatic Release Conservation, proxy for Terri  
16 Beideman. Randy, thanks for the presentation.  
17 I have several questions; a little  
18 clarification. You said that there was  
19 additional comments from the industry that  
20 requested that this be postponed for a year.  
21 Can you go back to that. It says "continuing  
22 public comment before and following

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1 implementation." Can you be a little bit more  
2 specific on that.

3 MR. BLANKINSHIP: Well, the  
4 comments that came in related to that, came in  
5 towards the end of the finalization of the  
6 consolidated HMS/FMP, through finalization and  
7 continuing on past implementation of the rule  
8 on January 1st, and they were basically from  
9 recreational fishing community and some--and  
10 not across the board--but that's where they  
11 mainly were coming from, and from some  
12 tournaments.

13 MR. DICK: As a followup, I'd have  
14 to agree, in most part, with John Graves, with  
15 Russell, Skip, and especially with Jim  
16 Donofrio. We do need a description of a  
17 circle hook. I don't believe all circle hooks  
18 work the same. If you offset a circle hook,  
19 it's going to act like a J, in some cases,  
20 depending on the degree of offset.

21 There are, you know, from my  
22 experience, there's dozens and dozens of types

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1 of circle hooks. John Watson, in the NED, was  
2 very specific, in requiring a very specific  
3 type of circle hook. It was a Linger and  
4 Pittman 18 ought with a 10 degree offset or  
5 less, and it was a 16 ought J-hook.

6 I'd definitely have to agree with  
7 Skip, that in Costa Rica, they're using 100  
8 percent circle hooks, and very effectively  
9 down there in the recreational sector.

10 We were down there with National  
11 Marine Fisheries service, several years ago,  
12 with MarViva, and we found the same thing to  
13 be true. They're 100 percent circle hooks.

14 It's important that we stay  
15 consistent and complementary in our measures  
16 when dealing with the international community.

17 I'm not quite sure, why the delays there, nor  
18 do I have enough information to make a  
19 determination on it, but I think that A, that  
20 we do need to describe what a circle hook is,  
21 whether it's the Agency or the industry that  
22 does so. Otherwise, I agree with Jim

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1 Donofrio, that it would just be a lesson in  
2 futility, because some hooks will act like a  
3 J-hook and tend to be deeper swallowed.

4 If we're going to delay this  
5 program for a year, we must address the  
6 increased post-release mortality that J-hooks  
7 will help occur because they're going to be  
8 deeper swallowed, and everybody I think  
9 agrees, and the consensus is that J-hooks tend  
10 to be deeper swallowed.

11 The circle hooks will be caught, or  
12 be placed more in the corner of the mouth,  
13 which causes less mortality and it's an easier  
14 hook to remove. If this is a delay from the  
15 North Carolina consideration of the double  
16 rigs or the double hooks, I'm opposed to any  
17 kind a double rigs because I believe that they  
18 increase mortality, and I believe that we  
19 should stay with single hooks. Thank you. I  
20 appreciate it.

21 MR. SCHRATWIESER: Jason  
22 Schratwieser, IGFA. I would like to throw

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1 IGFA into the hat, in terms of opposition to  
2 the proposed rule. I think this is something  
3 that should just go forward as well for all  
4 the good reasons that we've heard already.  
5 However, I do think that we have the ability  
6 to properly describe what makes a good circle  
7 hook. We have a lot of knowledge in the  
8 industry and we have a lot of knowledge in  
9 terms of people that are using them.

10 While it is true, that  
11 statistically, we have not been able to show  
12 that different types of circle hooks have  
13 different performance in terms of hook  
14 location, the recent study I worked on with  
15 Eric Prince did show that there are some  
16 trends, depending on shapes of hooks, and I do  
17 think that we can look at some of the basic  
18 inferences from this work, to kind a go  
19 forward, to help define better what makes a  
20 good circle hook.

21 So I don't tend to think that this  
22 is impossible. I think that we do have the

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1 knowledge to be able to do that. Thank you.

2 MR. : In addition to everything  
3 you've heard thus far today, I'd say that one  
4 terrible thing about this rule right now is  
5 you're just going to throw every tournament  
6 organizing committee and rules committee into  
7 chaos, because they've been anticipating that  
8 we're going to have these circle hooks.  
9 Probably most of them have already drafted and  
10 printed their programs and rules, and now  
11 you're going to throw out the possibility that  
12 they won't have to require the use of circle  
13 hooks, and you're saying you'll decide by May  
14 1st whether--I mean, that's--I think the only  
15 rational thing that you all could possibly do  
16 at this point is just send out a notice saying  
17 you're withdrawing this proposed rule, let the  
18 other rule go into effect and move forward.

19 MR. STONE: Dick Stone, National  
20 Marine Manufacturers Association. I'd just  
21 like to say that my reading of the meeting  
22 with industry, concerning circle hooks, that

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1 was held recently, they certainly were on  
2 board with proceeding with this, and actually  
3 on board with helping to describe the circle  
4 hook. So, again, I don't understand, you  
5 know, the need for this.

6 MS. SCHULZE-HAUGEN: Okay. Well, I  
7 think that's it. Thanks for your comments and  
8 we'll certainly be taking a look at them as we  
9 go into the final rule portion.

10 You know, this is a short comment  
11 period, so if you could encourage your  
12 constituents, let them know, and get any  
13 written comments in.

14 MR. : Margo, could you tell us  
15 where the public hearings are going to be.  
16 I'd rather you just say you're going to pull  
17 the rule.

18 MR. BLANKINSHIP: Yes. Sorry. I  
19 meant to do that. On March 27th, the public  
20 hearing will be at Snow Hill, Maryland, and  
21 March 28th will be at Fort Lauderdale. March  
22 29th will be at Morehead City, North Carolina.

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1 All the meetings will start at 7:00 p.m., and  
2 if you want the specifics of the locations,  
3 that's in that Federal Register notice, you  
4 can look in that, and then also we'll be  
5 sending out that corrected e-mail notice as  
6 well.

7 MR. : You know, you've got a  
8 lotta billfish tournaments in the Gulf of  
9 Mexico, in the panhandle of Florida, Alabama,  
10 Mississippi, Texas. Are you not going to hold  
11 a public hearing anywhere in that part of the  
12 United States?

13 MS. SCHULZE-HAUGEN: Well, we have  
14 a very short timeframe to do this, and so we  
15 were trying to minimize the number of public  
16 hearings. If there's a specific request for a  
17 specific location in the Gulf, we can try and  
18 see what we can do.

19 All right. Why don't we move on.  
20 We have next an enforcement update. Meggan  
21 Engelke-Ros will be giving that for us.  
22 Meggan, if you want to come on up. Actually,

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1 hangs on folks. We need to load the  
2 presentation.

3 MS. ENGELKE-ROS: Hi. As Margo  
4 said, I'm Meggan Engelke-Ros. I'm one of the  
5 Enforcement attorneys at NOAA, here, in Silver  
6 Spring, and this is John Regai [ph], who is a  
7 headquarters special agent with NMFS, who is  
8 assigned to handle headquarters HMS issues.

9 I just wanted to, as a preliminary  
10 matter, as you're listening to this, Margo  
11 asked Enforcement to give a presentation to  
12 the AP. Frequently, Enforcement makes  
13 presentations to the councils, and she thought  
14 it might be useful for the AP to hear some  
15 Enforcement information. A lot of what is  
16 presented to the councils didn't seem quite  
17 relevant for this group, so as you're  
18 listening to this presentation, I'd like you  
19 to think about what kinds of information would  
20 be useful for you to hear from Enforcement at  
21 future AP meetings.

22 Our e-mail addresses are at the end

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1 of the presentation. Unfortunately, I had a  
2 printer issue last night, so I only have about  
3 ten copies of the presentation. But I also  
4 have some business cards. So you can either  
5 catch me after and get a copy of the  
6 presentation, or a business card, or jot down  
7 our e-mail addresses at the end, I'd really  
8 like to hear some feedback about what kinds of  
9 stuff you'd like to hear later on. So we'll  
10 get started.

11 Basically, the purpose of this  
12 slide is to kind of--I don't know how familiar  
13 all of you are with NOAA's Enforcement  
14 program, but basically, there are various  
15 levels of enforcement action, and it's a  
16 upside-down pyramid, to reflect the fact that  
17 the highest number of, the largest number of  
18 issues are dealt with with the lower level of  
19 enforcement action, which is outreach and  
20 education. Do you want to speak to this?

21 MR. REGAI: Actually, you're going  
22 to see a progressive approach, again, starting

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1 with outreach and education, as we progress  
2 down towards, ultimately, civil sanctions  
3 under the NOVA process of criminal sanctions.

4 MS. ENGELKE-ROS: On NOAA's Web  
5 site, if you click on general counsel and look  
6 for my office, GCEL, you'll see that there are  
7 penalty schedules posted on the Web. They  
8 identify categories of cases that are dealt  
9 with through something called "Fixit" tickets.

10 So this is verbal warnings and  
11 Fixit tickets issued by Office of Law  
12 Enforcement that's OLE, Coast Guard, and our  
13 state joint enforcement partners. I think we  
14 have joint enforcement agreements with nearly  
15 all coastal states.

16 MR. REGAI: That's correct.

17 MS. ENGELKE-ROS: Also on the Web  
18 are sort of lower-level violations that are  
19 dealt with with a prescribed penalty amount.  
20 We call them summary settlements. It's issued  
21 like a ticket. You can pay it in the field.  
22 They can be issued by Office of Law

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1 Enforcement, Coast Guard, and state JA  
2 partners, as well as written warnings.

3 The next level are written warnings  
4 issued by my office, attorney-issued written  
5 warnings. I should go back and say that  
6 summary settlements and written warnings can  
7 be appealed to the Office of General Counsel,  
8 and attorney-issued written warnings, are  
9 appealed, sort of further up the general  
10 counsel chain, in the first instance.

11 And then there is civil  
12 prosecution, which is a case package is  
13 forwarded from state JA partners, Coast Guard,  
14 Office of Law Enforcement to my office, a  
15 penalty is assessed by the prosecutor. Again,  
16 on the Web, we have penalty schedules that  
17 list sort of general ranges for categories of  
18 violations.

19 So it'll say things like violations  
20 involving overages, violations involving gear  
21 restrictions. That kind of thing. They're  
22 broken out regionally.

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1           And then the smallest number of  
2 cases are handled through criminal  
3 prosecution. Cases are forwarded to the  
4 Justice Department. These are Lacey Act  
5 violations or Title 18 violations. John  
6 probably knows more about that than I do,  
7 cause they're not handled by my office.

8           MR. REGAI: Particularly in the  
9 case of the criminal prosecution cases, we're  
10 bound by the requirements of Speedy Trial Act.

11       So if a case has meritorious criminal  
12 elements to it that need to be addressed, we  
13 have to go to the Office of the United States  
14 Attorney in the district where the office is  
15 located or the violation occurred, or Main  
16 Justice, to have them review it for potential  
17 criminal prosecution. Then after that, then  
18 we defer to civil prosecution measures.

19           Now this progressive scale that you  
20 see on the upside-down triangle behind me,  
21 it's very important, with Office of Law  
22 Enforcement, to take progressive action. As

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1 you know, laws in the United States are based  
2 upon compliance by its citizens and with that  
3 as a legal theory--it's called the "law and  
4 society" approach, and basically it talks  
5 about what's the acceptable level of deviation  
6 from a rule before enforcement action has to  
7 be taken, and a lot of that is based upon the  
8 statute itself, whether it's strict liability  
9 or general liability, and things like that.  
10 So that's why we take progressive action when  
11 and where we can.

12 MS. ENGELKE-ROS: I also wanted to,  
13 just for those of you who aren't familiar with  
14 it, when cases are prosecuted civilly a NOVA,  
15 often there's a notice of permit sanction or a  
16 notice of intent to deny a permit. That kind  
17 of thing. Permit sanctions can range from a  
18 few days in New England. Sometimes we take  
19 days at sea to revocation. Sometimes we enter  
20 into settlement agreements, requiring people  
21 to leave the fishery, for repeat violations.  
22 The penalty schedules are set up so that it's

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1 progressive also in terms of whether or not  
2 the respondent has a history of prior  
3 violations.

4 MR. REGAI: The Office of Law  
5 Enforcement does take a great deal of pride in  
6 its outreach efforts that it engages in,  
7 particularly in the area of HMS. We do  
8 participate in public meetings and various  
9 symposia, and we do have appearances at boat  
10 shows, public hearings, and we do conduct a  
11 lot of tournament and enforcement outreach,  
12 where available.

13 MS. ENGELKE-ROS: Okay. I pulled  
14 these numbers out for our own use a couple of  
15 months ago, so they're a little bit--they  
16 might not be--there might be slight  
17 adjustments to these numbers. But in the  
18 period from 1999 to 2006, there were 340  
19 counts opened involving violations of HMS regs  
20 in the Northeast Region.

21 And the way we track them is by  
22 count. That doesn't mean there were 340 case,

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1 because often, a single violation involves  
2 more than one. I mean, what an ordinary  
3 person might think of as a single violation  
4 might involve several counts, because, you  
5 know, there might be several different  
6 regulations that are violated simultaneously.

7           During the same period, there were  
8 approximately 770 counts opened, involving  
9 violations of HMS regulations in the Southeast  
10 Region. So you can see that there's quite a  
11 large disparity, regionally.

12           Two hundred and six of those counts  
13 were actually elevated to be prosecuted. The  
14 remainder of them were disposed of through  
15 written warning, summary settlements, Fixit  
16 notices, verbal warnings, or they ended up  
17 being merged into another account or dismissed  
18 for lack of evidence or lack of resources, or  
19 some other reason.

20           MR. REGAI: And with the violations  
21 that the Office of Law Enforcement looks at,  
22 whether they're civil or criminal, regardless

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1 of how they're disposed of, whether through  
2 outreach in education or through a NOVA or  
3 criminal prosecution, if we can prove the  
4 elements of the offense, we're obligated to  
5 move forward on it, and quite often we do  
6 dismiss cases for lack of evidence.

7 I was the first line enforcement  
8 supervisor on Hawaii for five years, and, you  
9 know, part of my duties were conducting case  
10 reviews and looking at cases that were opened  
11 up, to see if they had merit, and the ones  
12 that didn't were shut down. The other ones,  
13 where we could prove the elements of the  
14 offense, we did move forward on.

15 MS. ENGELKE-ROS: This slide  
16 reflects the penalty amounts assessed during  
17 the same period. You'll see that although  
18 there were a lot more cases in the Southeast,  
19 the penalty amount in the Northeast is a lot  
20 higher. But that's largely attributable to a  
21 single extremely shark finning case in the  
22 Northeast. And that's the penalty amount that

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1 was assessed. It may not be the penalty  
2 amount that was actually paid, because a lot  
3 of cases are disposed of through some kind of  
4 settlement agreement, some of which involve  
5 time payments. An amount may have been--you  
6 know, the people might still be paying. That  
7 sort of thing.

8 This slide reflects the sort of  
9 broad types, categories of violations that we  
10 see in the different regions. You can see,  
11 unsurprisingly, that the largest number of HMS  
12 cases in the Northeast are bluefin tuna cases,  
13 and I think there's some possibility that some  
14 of the sale and purchase, and permit reporting  
15 cases that you see further down the slide, are  
16 also involving bluefin tuna.

17 MR. REGAI: Yes, that's correct,  
18 and the Office of Law Enforcement is focusing  
19 on violations of recreational regulations that  
20 apply to bluefin tuna as well. We're making  
21 that a priority.

22 MS. ENGELKE-ROS: Okay. In the

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1 Southeast, you can see that the largest number  
2 of counts opened, or cases involved, were  
3 shark finning cases. You can see sort of the  
4 breakdown otherwise--tournament cases, live  
5 bait, observers, other kinds of sale and  
6 purchase restrictions, exceeding trip limits.

7 That kind of thing. So the next slides sort  
8 of highlight the different categories of cases  
9 that are most prevalent in the two regions, in  
10 Northeast and Southeast.

11 The Southeast can--I don't have a  
12 lot to--I think all of us are--I mean,  
13 everyone in this room's pretty familiar with  
14 the elements of most of the shark finning  
15 cases, but that's a big issue in the  
16 Southeast.

17 Prohibited shark species cases are  
18 another large area of HMS violations in the  
19 Southeast.

20 MR. REGAI: And species  
21 identification too. You know, the special  
22 agents and our joint enforcement agreement

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1 partners that we work with, we are responsible  
2 for knowing what we're looking at when we're  
3 out in the field.

4 MS. ENGELKE-ROS: As I mentioned,  
5 in the Northeast, although the largest  
6 category of cases are bluefin tuna cases,  
7 there was one extremely large shark finning  
8 case in the Northeast that altered the  
9 breakdown of penalty assessments.

10 In the Southeast, they see a lot, I  
11 guess they've been dealing with a lot of  
12 Florida, straight swordfish closure cases. We  
13 rely a lot on VMS to help us in closed area  
14 cases, just because, you know, you can't be  
15 everywhere. Undersized swordfish cases. Live  
16 bait in the Gulf. Tuna cases in New England.

17 And I guess this is one of the areas that we  
18 spend a lot of time talking to the councils  
19 about because they get fairly into the details  
20 of the regulations. But just some sort of  
21 general elements that help to make a  
22 regulatory scheme more enforceable from our

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1 perspective. If it's easily understood, it's  
2 easier for us to--I mean, it's easier for  
3 Enforcement to understand it, and also to  
4 explain it to our JA partners, our Coast Guard  
5 partners.

6 It's easier for us to hold  
7 responsible parties accountable, if it's  
8 clear. If the changes are less frequent, or  
9 at least, you know, have some rational  
10 timeframe. Regulations based on EFER [ph]  
11 control have proven to be a little easier to  
12 enforce. Closed areas that have clear  
13 delineations, a minimum of exemptions, are  
14 easier to enforce, and any scheme that  
15 includes some kind of accountability, through  
16 a catch documentation scheme, or VMS  
17 requirement, is far easier for us to enforce.

18 MR. REGAI: Again, this underscores  
19 the importance of interaction by the Office of  
20 Law Enforcement with stakeholders, early on.  
21 My experience out in the Western Pacific was  
22 that there's no substitute for working closely

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1 with the fishery management councils and the  
2 regional administrator's office to identify  
3 what the goals are, and to actually outline  
4 what's considered enforceable.

5           You can have laws and regulations,  
6 as you know, that are in force, but whether or  
7 not they make sense, whether or not you can  
8 prove a violation, or whether or not the net  
9 effect is it's going to accomplish what you've  
10 set out to do, that's very important.

11           You know, standing out in the  
12 hallway this morning, I did hear some  
13 anecdotal stories about the circle hooks and  
14 the offset degrees. We did go through that in  
15 Hawaii. You know, I started in 2000 with this  
16 Agency after transferring over from the  
17 Department of Justice, U.S. Marshals Service,  
18 and I went through the, you know, the  
19 swordfish closures, the use of side-setting  
20 and torry (phonetic) lines, and, you know,  
21 what works. Turtle mitigation take equipment.

22           You know, and getting what was considered

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1 acceptable, and it took a while for the  
2 regulations to move forward and get developed,  
3 and we had to, you know, craft our enforcement  
4 response accordingly. Form follows function,  
5 and like I said, it's very important, early  
6 on, for Enforcement to engage everybody and to  
7 get input.

8 MS. ENGELKE-ROS: I also wanted to  
9 say, just to backtrack, cause as I said, some  
10 of the numbers on cases, and sort of what the  
11 largest areas of violations are, were  
12 developed a couple of months ago. I know  
13 yesterday, there was a lot of discussion about  
14 the fact that NMFS, a feeling amongst panel  
15 members that NMFS should be looking into what  
16 happened with the nonreporting, and  
17 Enforcement is working closely with the  
18 science center and with HMS, to try to figure  
19 out what happened and what changes we can make  
20 to try and keep it from happening in the  
21 future, or at least to develop a strategy for  
22 responding.

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1           These are our e-mail addresses. I  
2 really would--I'm sure people have questions--  
3 but just if you have thoughts, moving forward,  
4 for what you'd like to hear about at the next  
5 AP meeting, it would help a lot.

6           MR. STONE: I appreciate your  
7 presentation. Dick Stone, National Marine  
8 Manufacturers Association, and I just want to  
9 follow up on working with stakeholders. Last  
10 year, I had worked with Enforcement and HMS,  
11 to try to set up a meeting to look at for-hire  
12 sector in the Northeast, and the potential of  
13 filleting bays tunas and bringing in racks,  
14 and unfortunately, we weren't able to get that  
15 meeting together, but we would like to follow  
16 up and work with you again on that this year.

17 Thank you.

18           MR. RUAIS: Rich Ruais. I know you  
19 said that that slide that showed that in New  
20 England we had about half the violations as  
21 the Southeast, but the fines were, looked like  
22 about 300,000 greater than the Southeast.

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1 Like 2 million for the Northeast and 1.7, or  
2 something like that. And you said it  
3 reflected largely one shark case, a fine in  
4 one shark case.

5 If you took that shark case out, do  
6 you know if there really is a balance there,  
7 or is it more expensive to violate regulations  
8 in New England? Do we commit bigger crimes  
9 than--bigger fish crimes?

10 MS. ENGELKE-ROS: The way the  
11 penalty schedules are developed and the way  
12 individual prosecutors determine what penalty  
13 to assess depends on--we have a range of  
14 aggravating and mitigating factors that we  
15 consider, and so some of it just depends on  
16 the violation. You know, sometimes we have  
17 cases involving one fish that are very high  
18 penalty, and cases in Alaska that involve tons  
19 of fish, that are very low penalty.

20 I mean, I would say, as a general  
21 matter, it is more expensive to violate in New  
22 England. Yes. The shark finning case was, I

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1 think, about--it was over a million dollars.  
2 So yes.

3 MR. RUAIS: Could I follow up?

4 MR. : Yes; go ahead.

5 MR. RUAIS: You used to have, in  
6 the '80s, I recall that NOAA would use it, if  
7 they had a strategy, where if you were getting  
8 a lot of reports of a certain type of  
9 violation, you would take agents from various  
10 regions and redeploy them, and sort of have a  
11 concentrated undercover effort to try to, you  
12 know, "nip in the bud" this problem, and in  
13 New England in the '80s, there were several of  
14 those things that were very well-publicized  
15 after the fact and did--I worked for the  
16 regional counsel at the time, and I remember,  
17 it really improved compliance that was going  
18 on.

19 Do you still use that, if you get--  
20 on the basis of a, you know, a large number of  
21 tips, that there's a certain activity going  
22 on, that people are upset about, do you take

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1 some agents out of other regions, where it  
2 might be lightly covered for the reality of  
3 the normal situation?

4 MR. REGAI: Yes; we can. Those are  
5 referred to as "pulse" operations, and  
6 largely, it's resource driven. It's based  
7 upon what the priorities of the Agency are,  
8 and, you know, the regional administrator's  
9 office. A number of factors figure into the  
10 decision matrix on what to enforce, when to  
11 enforce it, and what penalty, you know, is  
12 attached to it.

13 MR. HEMILRIGHT: Dewey Hemilright.  
14 Could you all go back to your slide,  
15 something about you have to have a thousand  
16 pounds of carcasses, your shark fins, back in  
17 your shark fin section. Further back than  
18 that. I saw some other stuff. Okay.

19 Here's a hypothetical question that  
20 I think's a pretty good one, because we  
21 experience or see it sometimes. The shark  
22 fishing laws, you're supposed to have 5

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1 percent as your fin ratio to dress weight to  
2 carcass, and suppose I come to the dock and I  
3 got all whole sharks, and I take these sharks  
4 and I have a agent, let's say you're there at  
5 the dock when I arrive, and I take these whole  
6 sharks and I clean 'em, right in front of your  
7 eyes, and all of a sudden we go to weigh these  
8 sharks up, and their fins, and my fin ratio is  
9 seven and a half percent.

10 Hold on a second, pay attention  
11 here now, don't be whispering. This fin ratio  
12 is 7.55 percent, and you've witnessed this  
13 right in front of your eyes. Am I going to  
14 get a ticket, number one, and number two, what  
15 am I supposed to do with the excess fins?

16 MR. REGAI: Again, in a situation  
17 like that, in general, what we do in  
18 Enforcement is, you know, we collect all the  
19 facts available, and one of the most important  
20 things that we do in the Office of Law  
21 Enforcement, is we try to prove that somebody  
22 didn't commit a violation. Now through the

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1 investigative process, that gets chipped away  
2 at, and we collect facts and evidence, and we  
3 put it in the case package that gets reviewed  
4 at the supervisory level, and gets further  
5 transferred up the Office of General Counsel.

6 And again, Meggan earlier spoke to  
7 thresholds that the offices have set in place  
8 for enforcement of the laws, and other  
9 mitigating factors that can be considered.

10 I don't know, Meggan, do you have  
11 something you'd like to add?

12 MS. ENGELKE-ROS: I think I would  
13 only add that special agents and prosecutors  
14 have, you know, fairly broad discretion. I've  
15 never heard of that situation arising, so I  
16 don't know if I can speak to a specific  
17 hypothetical about what the outcome would be.

18 But I don't--

19 MR. REGAI: I haven't encountered  
20 anything like that in the field, and from my  
21 experience out in the Western Pacific. So I  
22 can't speak to that.

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1 MR. HEMILRIGHT: But what would one  
2 do. I mean, just if you're there, and you're  
3 cleaning the sharks, and you're sitting there  
4 watching, in front of 'em, and your ratio is  
5 higher than 5 percent? Will he be ticketed?

6 And if there was a excess of fins,  
7 what is he supposed to do, and what is he  
8 supposed to record in his logbooks?

9 MR. REGAI: Again, we would wind up  
10 documenting it, and reviewing it, you know,  
11 for merit. That's probably about the fairest  
12 and best answer I can you, right now, on that  
13 hypothetical, sir.

14 MR. : John, Meggan, thanks for  
15 the presentation; it was really comprehensive.

16 Meggan, it's good to see you again. I just  
17 wanted to stress and appreciate the outreach  
18 and education aspect of your enforcement. We  
19 have noticed and observed an increased  
20 presence of Enforcement at the careful  
21 handling and release workshops that's being  
22 conducted by the pelagic longline and bottom

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1 longline fisheries in cooperation with NOAA  
2 fisheries, and I think this is a very  
3 important thing, that you see, in this case,  
4 how the equipment works, what equipment's  
5 needed.

6 We had a situation up in the  
7 Northeast where one of the vessels was  
8 boarded, and I'm not sure whether it was Coast  
9 Guard or your agency, but the gentleman had  
10 the required equipment on board. In this case  
11 it was two of seven pieces of mouse spreaders  
12 (phonetic) and gags (phonetic) but yet I think  
13 he got ticketed, either and/or warned, and I  
14 think that--you know--and we want to invite  
15 Enforcement to the rest of these series of  
16 workshops, so that, you know, they can become  
17 familiar with the various mitigation  
18 equipment, the protocols, the proposed in the  
19 regs, new regs on board.

20 As for, you know, Dewey's  
21 consideration, I think I understand exactly  
22 what Dewey's saying, and he may have put this

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1 into a perspective that you haven't seen. But  
2 I think the point he's trying to make is that  
3 in some cases, and I know this is a  
4 regulations situation, that the fins will  
5 exceed 5 percent from time to time.

6 In our fishery, we did notice  
7 between a 5 and 7.5 percent fin-to-weight  
8 ratio, and I think that once--and you haven't  
9 seen the situation--they usually cut the fins,  
10 prior to hitting the dock, and I think that  
11 the point he was trying to make is that in  
12 some cases they believe, and industry  
13 believes, and in some cases rightly so, that  
14 honest fishermen are being, you know, made  
15 into criminals, because they do have the  
16 correct amount of fins to match the carcass,  
17 but in the case, they do not actually weigh  
18 out to 5 percent. They could weigh in between  
19 6 and 7 percent.

20 So my question, or I guess  
21 statement, would be that we would hope that  
22 there would be some sort of flexibility or

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1 tolerance if this situation did occur, and I  
2 understand here, again, it's a regulatory  
3 situation, that you have to abide by the  
4 regulations, but in the case where the  
5 fishermen are actually cutting the actual fins  
6 from the shark and the carcasses, and they do  
7 match the carcasses, and, you know, either  
8 they're boarded or, you know, they unload at  
9 the dock, and they do exceed that weight, it's  
10 either you're going to throw the fins  
11 overboard, or you're in violation.

12 And so I think that's the point  
13 Dewey was making. I sure appreciate you being  
14 here today.

15 MR. : [Off-mike remark]

16 MR. MCLEAN: Putnam McLean,  
17 representing general category, Tuna  
18 Association. But this question actually  
19 addresses the point just made recently. I was  
20 wondering, what happens to the violations or  
21 warnings that aren't accurate when they come  
22 to your office? Or where do they go? When

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1 the Coast Guard writes up a slip--in this  
2 case, a boat was boarded and cited. There was  
3 never any fine or anything. But he was cited  
4 for not having an avian speculum on the boat,  
5 which is one of a variety of turtle tools. He  
6 might a had seven other ones but he didn't  
7 have that particular one.

8           Understandably, there's such a rash  
9 of regulations, that a lotta these Coast Guard  
10 guys, I'm sure--you know--are very confused,  
11 and in understanding the total parameters. So  
12 I'm just wondering, if you build up suddenly a  
13 record, because that same boat, about a month  
14 later, off--this, I think he was stopped off  
15 Nantucket but he went south, and he was later  
16 cited by the Coast Guard and forced to throw  
17 durado overboard north of Puerto Rico, because  
18 the Coast Guard down there claimed he had--  
19 because they had a foreign nationality  
20 fisherman on an HMS boat, he claimed that we  
21 couldn't retain dolphin.

22           So they made--I don't know if--I

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1 can't remember if they wrote a ticket up for  
2 that one too. But we start accumulating these  
3 little violations. I don't know if that looks  
4 bad on your record, or what you guys do to  
5 address that. Cause we haven't gotten a  
6 letter back, saying that no, we were wrong,  
7 you weren't in violation.

8 MR. REGAI: From the supervisory,  
9 management perspective, when tickets come in,  
10 whether written warnings are issued or summary  
11 settlements, there is an appellate process  
12 that's involved, and, you know, when I was  
13 running the shop out in Honolulu, I even had  
14 letters sent in from fishermen requesting  
15 review of just verbal warnings that were  
16 provided to them.

17 Regarding training, absolutely.  
18 There's no substitute for, you know, regular  
19 and routine and ongoing training. I used to  
20 work closely with the Coast Guard out in  
21 Honolulu, with District 14, and the D11  
22 Alameida Training Group, to review their

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1 boarding officer JABAY [ph] kits and their  
2 flight crew JABAY kits, to make sure that the  
3 regulations were consistent with current regs,  
4 and what we were trying to enforce.

5 And we, you know, work closely with  
6 the Coast Guard, too, to, you know, review  
7 what the regional priorities are, and making  
8 sure that enforcement is fair and equitable.

9 There have been times where, just  
10 because it's the way things happen, I've  
11 gotten written warnings forwarded late, and,  
12 you know, as something ages, its value does--  
13 it can be diminished, and that's affected us  
14 also, taken into consideration when you're  
15 looking at, you know, violations, and what to  
16 do with them.

17 MR. MCLEAN: Is there a central  
18 clearinghouse that looks at these and then can  
19 perhaps write a letter back to the boat, and  
20 say, no, you're not--or do those sort of semi  
21 warnings actually, you know, end up in the  
22 database as some kind of a violation? That's

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1 what I'm concerned about.

2 MR. REGAI: Yes. Actually, we do  
3 have an enforcement database. They are locked  
4 in to that database, you know, in event that  
5 the appellate process is successful for the  
6 respondent. You know, those are reflected as  
7 such in our enforcement database. As far as,  
8 you know, mitigation, there have been times  
9 where I've directed agents that I've  
10 supervised, sent out educational letters in  
11 lieu of collecting either summary settlements  
12 or issuing a formal written warning.

13 MR. MCLEAN: Well, these aren't  
14 violations. They were incorrect assessments.  
15 I just wondered what happens to those. We  
16 never heard anything more about them, no  
17 letter stating that they weren't, in those two  
18 particular cases. They were incorrect  
19 warnings of violation, and I just wondered  
20 what happens to those. Do they end up in a--  
21 you know, does somebody go through them and  
22 look at them, and say, hey, this is no good.

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1 But we haven't received a letter back,  
2 exonerating us of the warning either.

3 MR. REGAI: Once a written warning  
4 or a ticket's issued, there's a rebuttable  
5 presumption and the burden shifts, the  
6 respondent to at least reach out and let the  
7 Office of Law Enforcement know that you may  
8 believe that there's a problem, and, you know,  
9 just work with us and we'll try to work with  
10 you, and we'll come out and talk to you, and  
11 find out what the situation is.

12 MR. MCLEAN: Well, I mean, I'm not  
13 going to sort of bother with it. I suppose if  
14 some time down the pike, something like that  
15 comes up, and I guess it could be reviewed  
16 then, if it has relevance to something else  
17 you're trying to do. You know, if a  
18 government charter, or something, but other  
19 than--

20 MS. ENGELKE-ROS: There is--I mean,  
21 I'm unclear, if you're talking about verbal  
22 warnings or--

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1 MR. MCLEAN: These are written  
2 warnings.

3 MS. ENGELKE-ROS: Written warnings  
4 have--

5 MR. MCLEAN: A little yellow piece  
6 of paper like--

7 MS. ENGELKE-ROS: A written warning  
8 has an appeal process that's in our civil  
9 procedure regs, and if someone receives one,  
10 they believe in error, they can appeal to my  
11 office, the Office of General Counsel for  
12 Enforcement, and if the written warning is  
13 determined to have been issued in error, it's  
14 expunged.

15 But I'm unaware of any process to--  
16 because they're such low-level violations, in  
17 our view, I'm unaware of any process where we,  
18 of our own--I mean, there's just too many--

19 MR. MCLEAN: Do you have a central  
20 office where these things come--

21 MS. ENGELKE-ROS: They're tracked  
22 but I don't believe that anybody is reviewing

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1 them, if they're not challenged.

2 MR. MCCLEAN: Well, there was no  
3 fines involved, so I didn't want to bother  
4 going any further, but I suppose it could come  
5 back to haunt a--

6 MS. ENGELKE-ROS: Well, it is  
7 considered to be a prior violation in our  
8 determination of future violations.

9 MR. : [Off-mike remark]

10 MS. ENGELKE-ROS: And that if you  
11 believe you receive a written warning, in  
12 error, I would encourage you to look online  
13 for the--I believe that the process for  
14 appealing it is on the written warning itself.

15 But I would encourage you to appeal it, if  
16 you believe you were issued one, in error.  
17 Because we just don't have the resources to--

18 MR. MCCLEAN: Neither do I!

19 MR. : [Off-mike remark]

20 MR. CODDINGTON: Ron Coddington  
21 with The Swordfish Club. We heard, loud and  
22 clear, and understood everything that was said

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1 yesterday in Dr. Hogarth's brief comments  
2 about the problem with the illegal sales of  
3 swordfish in South Florida, specifically  
4 Southeast Florida.

5 I just want to let Enforcement know  
6 that we're working closely with Florida  
7 Wildlife Commission, who I'm sure is  
8 coordinating with you, to assist in  
9 enforcement action, to assist in stings, to  
10 tip them off on illegal sales of swordfish.

11 The executive board of The  
12 Swordfish Club, and the advisory panel is  
13 willing to sit down with Enforcement, and look  
14 at how we can help you with that issue.

15 For instance, one of the dealers  
16 that we know is a problem down there, was  
17 reported, cleaned up his act, by himself. He  
18 is probably back buying illegally-caught  
19 swordfish, or swordfish from nonpermit  
20 holders.

21 So i just want to make sure you  
22 know we're available, we're willing to work

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1 with you, we want to work with you, we want to  
2 clean up this problem. We understand the  
3 difficulty and the problem on our coastline,  
4 where we can't even stop immigrants and drugs  
5 from coming in, that there are priority issues  
6 with the local agencies.

7 But, again, we'd like to work with  
8 you on that. That's something we can help you  
9 with. Something you can help us with is the  
10 reporting frequency of our swordfish. We've  
11 talked to your Agency several times about what  
12 we perceive as difficulties that still exist  
13 in the reporting system for specifically  
14 swordfish.

15 Remember, we come in at midnight,  
16 then we gotta get up at 6:00 in the morning to  
17 try to pretend we're at work, and then we're  
18 leaving work early to try to go swordfishing  
19 again or go get some sleep, or mow the lawn,  
20 or whatever we didn't do when we were supposed  
21 to be swordfishing.

22 One of the things we heard about

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1 was an electronic reporting system that might  
2 be upcoming. Anything you can do to expedite  
3 that will help us, one, in cleaning up this  
4 nonreporting, and two, get those fish on the  
5 quota, because most of our members understand  
6 the importance of reporting, but of course the  
7 difficulty and the noncompliance, we  
8 understand is an issue we need to deal with.

9 MS. ENGELKE-ROS: Just to that  
10 point, we are close to a beta testing phase on  
11 that system, and after that, I think it will  
12 roll out fairly quickly, and we plan on doing  
13 a fairly widespread notice and educational  
14 push for that when it is up and running. So I  
15 expect another couple months.

16 MR. DONOFRIO: Thank you, thanks  
17 for the presentation. Jim Donofrio  
18 representing the RFA. I have a different, go  
19 in a different area here. I find it  
20 incredible, that there's only 24,000 permits  
21 out there, when I know the amount of boats  
22 that are--Florida alone. I mean, you look at-

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1 -my God, you can look in coastal New Jersey,  
2 there's probably 24,000 boats alone. I don't  
3 know how many target HMS but I'd say a good  
4 percentage of them.

5 Do you, in your opinion, do you  
6 think that there's hardly any compliance with  
7 the HMS permit? That's one part.

8 And I feel there--

16A 9 [Start tape side 16A]

10 MR. DONOFRIO: [in progress] not  
11 with us anymore, is deceased, we've always  
12 talked about that we don't think the numbers  
13 on yellowfin tuna, in particular, even  
14 albacore up in the North--we're not getting  
15 the numbers, because the permits don't even  
16 match the amount of people that are actually  
17 fishing.

18 I think we're way behind here in  
19 permits, and we're not going to get the  
20 reporting. We're big on getting good data. I  
21 mean, we work this Magnuson Act now to ensure  
22 that we're going to get good data collection,

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1 cause we get disenfranchised, even on the MERS  
2 [ph] level, statewide; but on the North  
3 Atlantic at the LPS, we have to report, if  
4 we're going to get into quota battles later  
5 on, we've got to have numbers here that are  
6 going to support our fishery for continued  
7 use.

8 And so I'm suggesting that law  
9 enforcement, maybe together with Margo's  
10 office, contact dealers through the Marine  
11 Retailers Association of America, through  
12 NMMA, and when boats are sailed, at point of  
13 sail, maybe--I don't think half of these  
14 people know they have to have a permit and  
15 report. So maybe you can start some kind of  
16 outreach that way. I've never heard of any  
17 outreach that way.

18 You can contact the Government  
19 Affairs Office right here in D.C. That's  
20 Moneeta Fontaine [ph]. Contact her office and  
21 make a suggestion about working together,  
22 putting a meeting together. But all these

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1 boats being sold, people going fishing, I  
2 don't think they know that they have to have a  
3 permit, and my thing there is reporting. I  
4 want to get the numbers up, in case we get  
5 into any quota battles later on.

6 MS. ENGELKE-ROS: One thing we've  
7 done for the reporting aspect is included the  
8 phone number and information on reporting  
9 actually on the permit for the angling  
10 category and charter head boat category.

11 So that's one step that we've tried  
12 to get, to get that information out to  
13 everyone that may be affected. In terms of  
14 getting the word out to every buyer of a boat,  
15 no, we haven't done that, and I think, you  
16 know, that would be something we would all  
17 look to you all to help us with, is, you know,  
18 in your outlet venues, and when you send out  
19 notices, remind people--you've got to have the  
20 HMS permit, if you're fishing for HMS.

21 I mean, that's something that I  
22 think we can all work to improve. But then, I

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1 don't know if there've been--

2 MR. : [Off-mike remark]

3 MR. DONOFRIO: Well, from our  
4 organization, we publish your rules in our  
5 newsletter. We're a small organization.  
6 There's not one organization here, whoever it  
7 is, whether it's IGFA, CCA, the Billfish  
8 Foundation--no one has more than 90-, 100,000  
9 members. if Congress says there's 9 million  
10 anglers, obviously, we can't--none of us can  
11 reach out to everybody. There has to be an  
12 outreach to the buyer there, that if you look  
13 at the magazines that are out there, at the  
14 most, one magazine may have 140,000  
15 subscribers. Another one's got 120,000 or a  
16 hundred.

17 So, obviously, there's a lotta  
18 people out there that are not members of  
19 organizations, they don't subscribe to  
20 magazines, so we can't get to them. It's up  
21 to that point of sale, because they're buying  
22 boats, okay, and maybe they have no interest

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1 in joining any organization, they just want to  
2 go fishing, you know, we can do what we can do  
3 but you guys gotta do some better outreach, if  
4 we're going to get the reporting we need, to  
5 get the quota we need later on, if we're going  
6 to get into battles with other countries, as  
7 ICCAT starts to grow more and more, and people  
8 want our quota shares.

9 MS. ENGELKE-ROS: As we mentioned  
10 at the beginning, there is, you know, the  
11 Office of Law Enforcement does do outreach,  
12 and probably the most directed outreach that  
13 I've heard of happening, and cases resulting,  
14 that sort of relates to what you're talking  
15 about, is outreach efforts to go visiting  
16 tournaments and reminding--because it's  
17 surprising, the number of people who register  
18 for HMS tournaments, you know, participate in  
19 HMS tournaments, who don't have HMS permits  
20 themselves.

21 So I've prosecuted cases like that  
22 myself and I know that we've been doing

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1 outreach on that.

2 I'm unaware of any scheme to try to  
3 do what you're talking about; but I'll certain  
4 raise it.

5 MR. MONTELLA: Hi. Vince Montella.

6 As you know, the Southeast Florida illegal  
7 sale of recreational, buoy, handline,  
8 swordfish has become a big problem, has a  
9 direct impact on commercial boats.

10 Can you give us information as to  
11 any increased effort, both at sea and land  
12 base, that you guys are doing with dealers. I  
13 know people that have recreationally fished  
14 out of South Florida for seven years, never  
15 been stopped once.

16 I've personally been back into that  
17 industry, recreational fishing, two years now;  
18 never been stopped. I know buyers, nobody  
19 comes around. Every restaurant buys fish  
20 through the backdoor.

21 I'm just wondering if you can offer  
22 us information of any additional effort you're

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1 making in that area.

2 MS. ENGELKE-ROS: We take illegal  
3 sale of fish by recreational fishermen, like  
4 to back doors of restaurants, really  
5 seriously. I've seen a lot of those of those  
6 cases, both in the Northeast and the  
7 Southeast. We're working all the time, to  
8 think about ways to better address.

9 It's hard, because like the issue  
10 of recreational fishermen, you know, we have a  
11 certain number of agents. It's not really an  
12 "at sea" enforcement issue, because the  
13 violation is really once they try to sell it.

14 So Coast Guard is not so involved  
15 in this. But we're working all the time. I  
16 mean, we put this presentation together for a  
17 meeting that we had with Coast Guard and  
18 Enforcement, to try to strategize about some  
19 ways to address issues like that, and some of  
20 the reporting issues.

21 So, yes, we are aware of it. I men  
22 I would encourage people, if you go on the HMS

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1 Web site, in the back of the compliance guide  
2 for the FMP consolidated regs, there are all  
3 the tip lines for NMFS enforcement and there  
4 might be contact numbers for the Coast Guard  
5 as well. But I know there are tip lines. I  
6 mean, that's how we find out about a lot of  
7 violations.

8 So I know there have been--I mean,  
9 we've staked out restaurants. So we know that  
10 that's happening and we are addressing it.

11 MR. MONTELLA: Well, the BNC [ph]  
12 was more in regard to you know, monitoring  
13 illegal size fish, things like that. But also  
14 the land based. Can you give us an example of  
15 the penalty process of when you catch somebody  
16 with illegal fish?

17 Is it a warning? I mean, what is  
18 the process? What do the fines consist of?

19 What do you do to ensure that it's  
20 not going to happen again by the same vessel,  
21 or, you know, same fisherman?

22 MS. ENGELKE-ROS: I think there is

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1 some challenges in trying to address  
2 deterrents when you're dealing with  
3 recreational fishermen as opposed to  
4 commercial fishermen, just because when  
5 someone is a participant in a regulated  
6 industry, they have an interest in, you know,  
7 maintaining their standing, so permit  
8 sanctions and things like that are really a  
9 useful tool in trying to encourage future  
10 compliance and deter violations.

11 It's harder with recreational  
12 fishermen. I can't speak, just because I  
13 don't remember, off the top of my head, what  
14 kinds of penalties we assess for that, but  
15 it's not a warning. I can say that.

16 And if you look online, you can get  
17 an idea, what the range is. Under the  
18 Magnuson Act, the civil penalties are adjusted  
19 periodically for inflation. So the current  
20 maximum is \$130,000.

21 For repeat violators, even repeat  
22 recreational violators, we have the discretion

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1 to charge up to the maximum. In addition,  
2 once we charge a case, and if it goes to  
3 hearing, the Administrative Law Judge can  
4 reconsider the penalty and increase it. And  
5 they do.

6 So it depends on what resource  
7 we're talking about, how serious the illegal  
8 sale is, what the state of the stock is,  
9 whether the person has priors. I can't give a  
10 figure. But if you look online, at our civil  
11 penalty schedules, you can see what the range  
12 is.

13 MR. MONTELLA: Can a recreational  
14 fisherman be denied his HMS access permit?

15 MS. ENGELKE-ROS: Yeah. I think.  
16 I'm not sure if our penalty schedules are set  
17 up for that, but theoretically, at least. I  
18 don't know of it happening but--

19 MS. FORDHAM: Sonja Fordham, The  
20 Ocean Conservancy. Thank you for your  
21 presentation. I just wanted to get back to  
22 Dewey's point about the fin-to-carcass ratio,

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1 and I would assume that if a fisherman comes  
2 to the dock with a shark with its fin still  
3 attached, that they wouldn't be subject to the  
4 ratio. But I could be wrong.

5 But I would just add that it has  
6 been 14 years since the Atlantic shark finning  
7 ban went into place, and the 5 percent fin-to-  
8 dress carcass ratio has been confirmed by U.S.  
9 scientists, as recently as 2005, as an upper,  
10 rather generous limit for mixed shark  
11 fisheries. If things have changed, though,  
12 and more sharks are being processed on shore,  
13 at the dock, rather than at sea, then I would  
14 suggest that it's time that we reconsider the  
15 original idea that for a requirement that  
16 sharks be landed with their fins attached, and  
17 scientists have repeatedly said that this is  
18 the best method for data collection, would  
19 actually do a world of good in terms of  
20 improving our specie-specific data collection  
21 for sharks, and obviously, conservationists  
22 think this is the best method, because it's

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1 the only "sure fire" way to make sure that  
2 finning isn't going on.

3 In the past, Enforcement has said  
4 that this would be the most enforceable  
5 method. I don't know if you have any--if  
6 things have changed, if you have any comments.

7 Thank you.

8 MS. ENGELKE-ROS: My understanding  
9 is that the removal of fins at sea is allowed  
10 because it is preferred by fishermen.  
11 Enforcement would prefer if sharks are landed  
12 whole.

13 I'm just not familiar enough with  
14 the studies to address Dewey's question about  
15 shark finning practices, specifically, and  
16 ratios. You know, we enforce the regulations  
17 that are written. But, I mean, clearly, the  
18 point of the ratio, as I understand it, and  
19 Margo can correct me if I'm wrong, is to  
20 prohibit finning. So if sharks are landed  
21 whole, then, you know, then Enforcement  
22 doesn't have an issue. It would be much

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1 easier for us.

2 MS. FORDHAM: My point was just  
3 that if things have changed, as that was  
4 certainly the idea, but that was 14 years ago.  
5 So if more sharks are being processed on  
6 shore, rather than at sea, if things have  
7 changed--I think that's what Dewey was saying,  
8 that he's processing at shore rather than at  
9 sea.

10 MS. ENGELKE-ROS: I don't want to  
11 speak for Dewey but as I understood that, it  
12 was a hypothetical question about if we did  
13 fin on the dock, and that's why I was saying  
14 I've never heard of that happening, I've never  
15 heard of fishermen finning their sharks at the  
16 dock in front of an agent.

17 MR. AUGUSTINE: Pat Augustine.  
18 Thank you. A followup on Jim Donofrio's  
19 comment about identifying or notifying those  
20 folks that are purchasing vessels. I think if  
21 we're trying to expand the universe and get a  
22 more accurate number of those folks that are

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1 fishing for highly-migratory species, it would  
2 seem to me a one-time note, or notice from  
3 National Marine Fisheries Service, to coastal  
4 states, state registrations, or registration  
5 offices, requesting a list of all the vessels--  
6 pick a size--if you want to say over 24 foot--  
7 anything that typically could go offshore--a  
8 one-time listing of their addresses, to send  
9 them a notification one time.

10 Because they've got to be listed in  
11 some state. I think you would expand your  
12 horizons, as the total possibly expanding, and  
13 having a more accurate listing. I know  
14 they're available in New York state, if you  
15 want them. So just a suggestion.

16 MS. SCHULZE-HAUGEN: That's a good  
17 idea and we can look at that. What Chris  
18 asked me to mention too, is in your packets,  
19 there is a business card that has the  
20 information on it, and we have the ability to  
21 give you any number of those, if you are able  
22 to help us distribute those, or know of

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1 particular venues where that would be a good  
2 place to put that information out. So we'll  
3 look for any suggestions. Lots of good ideas  
4 coming in. Thanks.

5 MR. HEMILRIGHT: Back to the shark  
6 fins here and back to Sonya's point over  
7 there. The hypothetical that I was asking,  
8 when you look up here, it said all shark fins  
9 must be weighed in conjunction with the weight  
10 of the vessel at the first port.

11 Well, if my shark fins are over 5  
12 percent, and the law's 5 percent, what am I  
13 supposed to do with my excess fins?

14 And number two, Sonja said that if  
15 I land the sharks whole and bring 'em to the  
16 dock, then I'm exempt. I believe that's what  
17 you were saying; or asking.

18 But my question is what do I write  
19 in my logbook, because what I write in my  
20 logbook is what could get me in trouble,  
21 because it would be over 5 percent.

22 There was a study--the law of 5

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1 percent is based on 12 sandbar sharks that was  
2 done in 1993. The 12 sandbar sharks. It was  
3 done on a research cruise on the research boat  
4 Delaware, and the ratios were from 4.2 percent  
5 to 6.9 percent. Two years ago, it got  
6 revised, the high, the 6.2, cause somebody  
7 couldn't add a couple sharks right.

8 Then in 2005, there was a paper  
9 come out that had shark fin ratios, National  
10 Marine Fisheries went and found shark studies  
11 on 27 other sandbars, that had a ratio, a low  
12 of 2.9 to 9.9 percent. So that put the median  
13 at 5.9 percent. I know we're not here to ask  
14 about the validity of law because we've been  
15 told that many times by Enforcement. But my  
16 question to you all is, it is obvious that  
17 sandbars, on different times, are over 5  
18 percent.

19 Now if I come in with my sharks  
20 whole and I clean 'em all at the dock, right  
21 in front of an enforcement officer, and he  
22 sees that it's--wherever it's at, what am I

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1 supposed to write in my logbook?

2 Am I supposed to throw these fins  
3 over to get into you all's law? With science.

4 There is plenty a science that shows that on  
5 sandbar sharks, mature, it's over 5 percent.

6 So we are encouraging the  
7 fisherman, that's landing sandbar sharks, a  
8 majority of what we catch, to throw over the  
9 fins to equal your law, which that would make  
10 me--it would make me, I guess, illegal, cause  
11 writing all the fins down.

12 So what's the rationale here for--  
13 what are we supposed to do?

14 MR. : Well, they can't answer  
15 you, Dewey. They can't answer it. But the  
16 issue is--and I was going to ask the question:  
17 Is there any regular interaction between NOAA  
18 Enforcement and the science centers, or the  
19 HMS Division, notifying you that there is some  
20 change in the scientific information  
21 supporting or underwriting these regulations?

22 In the case of sharks, to answer

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1 Sonja's question, in 2006, the SCRS said that  
2 they do have new data that suggests the 5  
3 percent is not a proper specification, that  
4 there has to be a better way of specifying it  
5 than that. Because what Dewey's trying to  
6 point out is that fishermen are absolutely  
7 following the law, but if they bring in a 1000  
8 pounds of meat, and they fin it right there,  
9 they can end up with 70 pounds of shark fins  
10 on the dock.

11 And they're technically in  
12 violation but they have complied with the  
13 regulation. So that's the absolutely  
14 situation that he's pointing out, and my  
15 question is are the science centers or the  
16 management divisions getting back to you when  
17 there are those controversies, so your agents  
18 can be informed that, you know, you've got to  
19 be careful about issuing violations when you  
20 have a situation that is changing, because new  
21 information is being brought to light?

22 MS. ENGELKE-ROS: Margo says that

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1 she can help answer it, so maybe I'll let her  
2 speak to it. But, no, I mean, the short  
3 answer is no. I mean, Enforcement enforces  
4 the regulations, as written, according--you  
5 know, we prioritize them based on the  
6 priorities that we hear from the Agency, from  
7 NMFS, from headquarters, and from the regional  
8 administrators.

9 Enforcement is not--I mean, that's  
10 why we can't answer Dewey's question, because  
11 this, enforcement is not the mechanism for  
12 changing regulations.

13 MR. HEMILRIGHT: I've got to ask  
14 one more thing. What am I supposed to do with  
15 the excess fins? And then what do I write in  
16 my logbook? Do I throw the fins over that's  
17 excess? I mean, I'm asking, what do you write  
18 on your logbook?

19 MS. SCHULZE-HAUGEN: How about  
20 this? We have a lotta folks here that have  
21 been sitting here for a long time, and why  
22 don't I recommend that maybe Dewey, Meggan,

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1 John and I, move over--anyone who wants to  
2 talk about shark finning, during the break.

3 MR. : [Off-mike remark]

4 MS. SCHULZE-HAUGEN: Well, we need  
5 to move on with our other important things. I  
6 know there are a lot of people that want to  
7 talk about the swordfish revitalization. So I  
8 think we've spent sufficient time on this as a  
9 group. We can continue the dialogue with the  
10 folks that are interested.

11 Everyone that wants to talk about  
12 shark finning, stay in the room. Anybody that  
13 wants a break, now is the time. I don't mean  
14 to cut this off, and I guess one other point  
15 would be, you know, the jury's discussion at  
16 Croatia, I believe, was referencing  
17 international fisheries, different species,  
18 different fishing practices, and I think his  
19 point was that a fishery review, you know,  
20 could come up with different numbers. Could.

21 This number is based on this  
22 fishery for the U.S., and is a mixed fishery.

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1 The sandbar was the highest number and it was  
2 picked as the maximum. If we were to go and  
3 do a species by species fin ratio, the numbers  
4 would likely be lower. And so we are managing  
5 for a mixed fishery, in a way that's trying to  
6 accommodate the operation of the fishery to  
7 fin, but yet retain the carcasses.

8 Further consideration of bins on  
9 landing, if this is the problem, may be  
10 warranted. There may be other opportunities  
11 to do things. But at this point, I'd like to  
12 give the folks that aren't interested in shark  
13 finning a break, 15 minutes. So come back at  
14 quarter of. We'd like to have a quick  
15 discussion on outreach and then we'll move  
16 straight into swordfish revitalization. We  
17 can get to that before lunch. Thank you.

18 [A brief recess was taken.]

19 MS. SCHULZE-HAUGEN [?]: You'll  
20 notice that there's space for you to write in  
21 your comments on each one of these. How  
22 useful they are to you is mainly what we're

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1 looking for. You know, do you love it? Is it  
2 a resource you go to all the time and you get  
3 great information there?

4 Is it a resource that you want to  
5 be using but you're not necessarily getting  
6 what you want from it?

7 Is it a resource that you know  
8 there's good information there but it's too  
9 awkward or too time-consuming for you to get  
10 to it? Or do you have no intention of using  
11 it, ever, and you know there's no good  
12 information there? Those are the kinds of  
13 comments we're looking for on this, and it is  
14 very important, because it will impact  
15 directly on where we put our efforts in the  
16 future.

17 So real quickly, the first category  
18 is electronic media and that includes the HMS  
19 News, e-mail distribution list. Most of you,  
20 I'm sure, are on it. NMFS has a Fish News,  
21 which a lot of you may be on, and then there's  
22 the HMS Web site. Federal publications. Some

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1 of these are required by statute. The Federal  
2 Register. The HMS compliance guide meets some  
3 of the federal requirements. And then there's  
4 HMS brochures and fact sheets which, you know,  
5 may or may not be. Then there's print media.

6 Mainstream newspapers. If you're getting any  
7 HMS news there, we'd like to know that.

8 Then fishing publications. And  
9 those are your commercial trade publications  
10 and your recreational media, sport fishing  
11 magazines, etcetera. And then association  
12 newsletters.

13 I know many of you are members of  
14 associations and we'd like to know if you're  
15 getting information there.

16 There's direct mail. The division  
17 does about three mailings a year, I'm told,  
18 and then there's permit renewal mailings. If  
19 you're getting good information there, we'd  
20 like to know that. Or no information. We'd  
21 like to know. And then any others.

22 Telephone. Of course this is something

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1 everybody uses. We'd like to know how useful  
2 that is to you.

3 And then there's the toll-free  
4 information lines that HMS has set up. So  
5 we'd like to know what you think of that.

6 Face-to-face communications. This  
7 is how a lot of things get done. Public  
8 hearings, meetings. Workshops. We've just  
9 implemented a lot of workshops with the  
10 consolidated FMP. AP meetings like this one.

11 Association meetings, tournaments, and then  
12 other Agency personnel. That would include  
13 port agents and observers, law enforcement. I  
14 know there's a lot of interaction there.

15 And then state fishery  
16 representatives as well.

17 Before we open the floor for  
18 discussion, I'd like to draw your attention to  
19 question one, and that is, Where do you go  
20 first for answers? And please fill this out  
21 as we're going, as we have this discussion.

22 But I'd really like you to write

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1 down, before you say anything, your first  
2 reaction. When you are looking for HMS  
3 information, where is the first place you go?

4 So if I could see you writing, that  
5 would make me feel really good.

6 And then as a followup, the second  
7 thing I have there is what do you do when you  
8 don't find them? When you don't find the  
9 information in the places you go to look. If  
10 you want to put that there. What is your  
11 fallback position?

12 So I'm seeing people writing and  
13 that's great. So we're going to open the  
14 floor, and the second question is basically  
15 just where I want to see feedback, and we want  
16 to hear it and I'd like you to write it too,  
17 but I'd like to get some discussion going of  
18 how effective all these resources are, and  
19 we've got them broken out into six categories.

20 So electronic. The HMS News, which  
21 I'm sure a lot of you get, versus Fish News.  
22 Does everybody get HMS News? Yes; yes. Okay.

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1 Does everybody get Fish News? Yes. Okay.  
2 I'm sure you're getting HMS-only information  
3 from HMS, but are you getting HMS information  
4 from Fish News too? Yes.

5 Okay. So you're looking in both  
6 places for information there, generally.  
7 Okay; great. How about the HMS Web site? If  
8 we could get some feedback. Are you getting  
9 what you want from it?

10 MS. JOHNSON: Now that I know where  
11 to go, it's okay, but when I first went to the  
12 Web site, I had a heck of a time. It was like  
13 circular, trying to find particular places.  
14 So as I say, once you learn the Web site, it's  
15 good; but learning it was hard.

16 MS. SCHULZE-HAUGEN: Gail, just to  
17 follow up on that, do you mean once you found  
18 the HMS Web site, or even--you're talking  
19 about within the HMS Web site?

20 MS. JOHNSON: Well, first of all  
21 was finding the HMS Web site, and then, after  
22 that, it doesn't take too long, but when

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1 you're frantic about finding something out, it  
2 was hard then.

3 MR DICK: Shawn Dick, Aquatic  
4 Release Conservation, proxy for Terri  
5 Beideman. Just a couple short comments. I  
6 use all six of the electronic media and  
7 federal publications. I find them extremely  
8 helpful. I did have one time or two, having  
9 a--I think when the Web site was changed or  
10 upgrades, I had a little bit of a hard time  
11 finding some things, but it only took me a few  
12 minutes to, you know, get back on it.

13 But I found them extremely useful  
14 tools in understanding the proposed  
15 regulations, and, you know, and the activities  
16 of NOAA fisheries. But in addition to that, I  
17 wanted to applaud and thank the Agency on  
18 their significant and extremely successful  
19 cooperative outreach initiatives, especially  
20 the workshop process, and this has been by and  
21 between NOAA fisheries, industry, the NGOs,  
22 and private sector gear technologists.

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1           As you're aware, in the workshop  
2 process we've been running a series of 43  
3 mandatory workshops for the pelagic longline  
4 and bottom longline fisheries, and I just  
5 wanted to make a couple statements on this.

6           I know this is an integral  
7 component of the Magnuson-Stevens Act and the  
8 Endangered Species Act, the biological opinion  
9 RPMs. In the domestic arena, in the  
10 commercial sector, Bluewater Fishermens  
11 Association, in 2005, stepped up to the plate  
12 in this workshop process and conducted two  
13 voluntary workshops, one in Orlando, Florida,  
14 and one in New Orleans, and these were later  
15 grandfathered into the process.

16           I wanted to applaud Bluewater  
17 Fishermens Association for their efforts, and  
18 beginning this process in 2005.

19           And accordingly, in 2006 and 2007,  
20 Margo, the Agency, Greg Fairclough and Siro  
21 [ph] established the pelagic longline and  
22 bottom longline workshops, is a series of 43,

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1 as I said. We've done fifteen scheduled, that  
2 are completed.

3 We did an additional six  
4 unscheduled workshops to help those fishermen  
5 get back to fishing and get their license up  
6 to date.

7 And then we've also been able to  
8 have some of the Gulf of Mexico refish,  
9 charter boat, head boat industry attend these  
10 meetings. We've had Enforcement attend, and  
11 we felt it's like a really good venue for the  
12 participants to get together, share ideas.  
13 It's a good form of camaraderie.

14 In the recreational sector, the  
15 Recreational Fishing Alliance, through its  
16 fishing clubs, its tournaments, its  
17 newsletters, and through their membership and  
18 constituents, has been, you know, very  
19 advantageous in the workshop and education  
20 process. The International Game Fish  
21 Association has worked with the youth fishing  
22 activities; through their constituent pace,

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1 their newsletters, the American Sporting  
2 Fishing Association through the Fish Smart  
3 initiative. The Billfish Foundation, and  
4 other recreational organizations in the  
5 international arena.

6 We had a completely successful  
7 transfer of the mitigation technology and  
8 outreach initiatives, especially in Australia  
9 through the Australia Fishery Management  
10 Authority, through CNET, Ocean Watch, in the  
11 commercial sector, and also through the Gently  
12 Does It program initiative and the post-  
13 release survival which is in the recreational  
14 sector.

15 We've had other countries, such as  
16 Nova Scotia, adopt and endorse these workshops  
17 and mitigation technologies a 100 percent.  
18 Costa Rica has been mentioned, previously  
19 discussed at this AP meeting. And MarViva.  
20 NGOs such as PRETOMA. Randall Arauz has  
21 really stepped up to the plate to help with  
22 circle hooks, and to help transfer our

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1 successful mitigation technologies to them.

2 Mexico, Defenders of Wildlife.  
3 Ecuador, National Marine Fisheries Service has  
4 worked with World Wildlife Fund. Also Brazil,  
5 Chile and Guatemala, France, Italy, Vietnam,  
6 Taiwan and Japan. And I want to applaud all  
7 the efforts of all the shareholders,  
8 internationally and domestically, especially  
9 the stakeholders, for stepping up to the plate  
10 and making the workshop process and initiative  
11 such a successful event. Thank you.

12 MR. : [off-mike remark]

13 MR. SCHRATWIESER: Jason  
14 Schratwieser, IGFA. I'm on your Web site  
15 right now, and I find it kind a strange, that  
16 you don't have a hot link on the NOAA  
17 fisheries home page for regulations. I get  
18 calls, all the time, at the office, from  
19 people that are having a hard time finding  
20 what various federal regulations are, not only  
21 HMS but other ones. Be aware that a lotta  
22 people that visit your Web are probably going

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1 to do so in order to make sure they're  
2 compliant, and, right now, it's fairly  
3 difficult for them to navigate the pages.

4           It's not exactly intuitive for  
5 somebody to go to your home page, then go to  
6 sustaining fisheries, then to look at the top  
7 and see HMS, or what about species that aren't  
8 HMS, where do I go for that? It'd probably be  
9 good to have a button or a hot link on your  
10 home page that says fishing regulations,  
11 commercial or recreational, and then you can  
12 divert them to highly-migratory species or the  
13 appropriate council to get them, because right  
14 now, it's very, very difficult. Thanks.

15           MS. SCHULZE-HAUGEN [?]: Thank you.

16       So skipping down now to the federal  
17 publications, the Federal Register. Is  
18 there's anybody in the industry that I think  
19 would be going to the Federal Register to get  
20 information, it would be the people in this  
21 room. So are you doing that, or--do you  
22 actually go to the Federal Register yourself,

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1 or do you get the HMS clips? You get the HMS  
2 news clips on your--

3 MR. : [off-mike remark]

4 MS. : Okay. That's what I  
5 figured.

6 All right. And then there's the  
7 compliance guide, and this might relate back  
8 to Jason's point about the ease of getting  
9 really user-friendly and plain language  
10 information on what's required for  
11 regulations.

12 Do you use the compliance guide?  
13 If so, where do you get it? Do you just pick  
14 up copies at this meeting, or do you print  
15 them off the Web site?

16 MR. : [Off-mike remark] I have  
17 several copies in my office. I always carry  
18 one with me. I used it earlier in this  
19 meeting to look at a regulation, and I always  
20 pick it up--you always them available at  
21 public hearings, and they're very available,  
22 very clear. I think the only suggestion that

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1 I'd have is some place, like the latest  
2 booklet basically tells you the major changes  
3 to the regulations since the consolidated FMP  
4 came into place.

5 One of those guides, if you had an  
6 expanded guide that did the entire--I don't  
7 know if that's feasible, the entire CFR  
8 regulations for the tuna/swordfish fisheries,  
9 that would be--do you know what I'm referring  
10 to? You don't get all of the sections in the  
11 existing, How do I comply? or whatever the  
12 colorful brochure, you know, cover is.

13 MS. Well, it's not a one-for-one  
14 crosswalk, you're right; it's structured a  
15 little differently. Although we think we've  
16 hit the regs in the compliance guide. So if  
17 there are things that you have not been able  
18 to find, please let us know, cause we can add  
19 those in.

20 MR. : It's like I'm never sure  
21 if I have the entire definition of a PRSN  
22 (phonetic) vessel, or something like that,

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1 because I mean it always skips--you know,  
2 635.7, then 635.9. Eight is just a little--

3 MS. : Eight is now workshops.

4 MR. : Are you serious? You  
5 knew that?

6 [No response]

7 MS. : Okay. So general  
8 feedback is, you know, you pick those up at  
9 meetings and they are useful, except that--  
10 when you find them they're useful, basically  
11 is what I'm hearing.

12 MR. : [Off-mike remark]

13 MS. : Yes. Okay.

14 All right. Next, then, print  
15 media, and this includes mainstream  
16 newspapers. I know there are some outdoor  
17 writers that cover HMS News. Are you looking  
18 at those columns and getting in there?

19 Yes; no; not really. Jason.

20 MR. SCHRATWIESER: I might  
21 suggestion that you partner more actively with  
22 some of the publications that focus on HMS, to

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1 get your information out to them directly  
2 instead of relying on reporters or other  
3 people in the industry to relay information to  
4 them. That way, you can get it to them on a  
5 timely basis and with a minimal of errors in  
6 terms of the way they understand it or infer  
7 it.

8 MS. : Well, just to clarify,  
9 do you mean, then--you're talking about, okay,  
10 kind of two different courses. There's  
11 establishing relationships with the outdoor  
12 writers themselves, or there's producing press  
13 releases, and--

14 MR. SCHRATWIESER: I'd say going  
15 directly to the publications themselves. You  
16 should have an intimate relationship, for  
17 example, with something like Marlin magazine.

18 MS. : Okay. So you're  
19 thinking of the recreational pubs,  
20 specifically?

21 MR. SCHRATWIESER: Yes.

22 MS. : Okay; gotcha.

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1           MR. SCHRATWIESER:    Because I know  
2 from some of the commercial publications that  
3 I read, Weekly Fisherman and things like that,  
4 there seems to be a lot more direct  
5 correspondence from NOAA fisheries there as  
6 opposed to some of these recreational  
7 publications.

8           MR.           :    Do you all have a list  
9 of all the outdoor writers on the Atlantic and  
10 Gulf coasts?

11          MS. SCHULZE-HAUGEN:  I don't think  
12 we have a list but we certainly know of the  
13 major players.

14          MR.           :    It might be helpful to  
15 try to compile such a list and make sure that  
16 all of them are getting your mails, cause I  
17 find that often, the information's in there  
18 but locally, where I live, the three  
19 newspapers pretty much get it secondhand  
20 through press releases from Billfish  
21 Foundation, or another organization, and  
22 haven't heard about it directly.

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1           So it shouldn't be too hard, if you  
2           can get someone just to go--I mean, actually,  
3           probably some of our organizations have lists  
4           we might be able to share with you, of the  
5           outdoor writers. Get them in their e-mails  
6           and just make sure they're getting the  
7           releases directly, because most of them--you  
8           know, most writers love content, especially  
9           free content, and they'll stick it in there if  
10          they get it.

11           MR.           : Hey, Abbie.

12           MS.           : Hi.

13           MR.           : Some of the local, like  
14          the Fisherman magazine, I know, which covers  
15          from North Carolina north--

16           MR.           : [Off-mike remark]

17           MR.           : Fisherman magazine, I  
18          think is one that you should--Al Ristori [ph]  
19          always has some nice things to say about you  
20          every time a publication comes out. So it  
21          might be in your best interest to try to get  
22          some information in there from time to time.

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1 MS. SCHULZE-HAUGEN: Actually, if I  
2 could just follow up a little bit. You know,  
3 to Russ's point, I think we know kind a the  
4 major players, but there may be a lot of the  
5 more local, either newspapers, or magazines,  
6 that put out fishing information, and I don't  
7 think we've got a good grip on that. So, you  
8 know, that kind of comment is very helpful.

9 MR. : Well, Margo, that was  
10 going to be my comment, exactly, because as  
11 Jim pointed out there, there are a lotta  
12 fishermen out there that aren't members of  
13 organizations or subscribe to fishing  
14 magazines, and local newspapers, especially  
15 coastal newspapers, I think you all need to  
16 have a direct link to them, where they get  
17 information straight from you all, so it's not  
18 interpreted a different way. And would you  
19 like for us to list our local papers maybe on  
20 this piece of paper?

21 MS. SCHULZE-HAUGEN: Yes;  
22 absolutely; please.

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1 MR. : Okay.

2 MR. AUGUSTINE: Thank you. Pat  
3 Augustine. There's a group in New York, New  
4 Jersey, Connecticut, that's called the New  
5 York Metropolitan Press Writers Association,  
6 that consists of about a 100 writers,  
7 including Al Ristori, but I'm going to make a  
8 note of that, and the person to contact would  
9 be Mr. Dave Chandra [ph] who is the director  
10 of DEP for--or Department of Environmental  
11 Conservation for the state of New Jersey.

12 MR. : Margo, the Outdoor  
13 Writers Association of America, they have  
14 individual chapters, north, west, all over,  
15 everywhere. Those are the writers, as Rom was  
16 suggesting, the guys that don't belong to  
17 associations. The first thing they do when  
18 they pick up their newspaper, if they're avid  
19 fishermen or hunters, they go right to that  
20 sport page. They just throw the rest, then  
21 they go right to that writer. Whoever that  
22 writer is in that local area, they're local

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1 icons. I'd suggest reach out to the Outdoor  
2 Writers Association. They probably have a Web  
3 site, whatever. We have lists in our office I  
4 will share with you, if you want to have  
5 somebody call. David Miller's our press guy.

6 MS. SCHULZE-HAUGEN: They have a  
7 saltwater chapter?

8 MR. : All saltwater; yes. But  
9 you can contact David Miller. I'll let him  
10 share a list with you guys, if you want. But  
11 if you want to reach out to the people that  
12 are not members of groups, they all read the  
13 fishing column. That's the one thing that's a  
14 weekly, so--or daily, and maybe two, three  
15 days a week some a these guys write; but  
16 they're up to date.

17 MS. SMITH: Skip Smith, proxy for  
18 Ellen Peel. I'd suggest also that, in a  
19 recent conversation I had with Johnny Morris,  
20 Bass Pro Shops, he sends out 4 million  
21 saltwater catalogs a year and 40 million  
22 freshwater catalogs. Between him and

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1 Cabela's--I don't know Cabela's numbers cause  
2 I don't have a relationship with him, but they  
3 have more addresses than anybody out there  
4 that I've ever seen.

5 So those would be two very good  
6 sources for you.

7 MS. SCHULZE-HAUGEN: Do they do  
8 catalog inserts?

9 MR. SMITH: I wouldn't know.  
10 That's going to be someone else's call.

11 MS. SCHULZE-HAUGEN: All right.  
12 Okay.

13 MR. SMITH: At least you can ask  
14 them. Johnny's got a great heart. He does a  
15 lot for conservation. So to be able to put  
16 something in some of their mailings, I think  
17 should be taken advantage of.

18 MS. SCHULZE-HAUGEN: The next  
19 category is direct mail and this is what you  
20 get from HMS themselves. So I kind of assume  
21 this is a no-brainer. This is useful  
22 information. Yes? Or is it not? Tell me if

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1 it's not.

2 MR. : [Off-mike remark]

3 MS. JOHNSON: The permit renewal  
4 mailings, every year I get, as somebody said,  
5 a notice that I'm missing something that I've  
6 already sent. So it is essential that we do  
7 get those mailings, and I send a duplicate,  
8 and appreciate the telephone call, too, to the  
9 AP members, about the rules coming up.  
10 Thanks.

11 MR. : I don't need the direct  
12 mail and I just prefer not to get it. I mean,  
13 everything I get electronically works great  
14 for me. I don't know if there's a way, on one  
15 of the, you know, the electronic lists that  
16 you could, you know, put in there, say if you  
17 don't want to receive direct mail, mark it  
18 here or send it back, and it probably doesn't  
19 cost you much but that's--

20 MS. : Thank you. I do like  
21 direct mail over e-mail. Sorry. I'm just a  
22 little technically behind everybody else. Old

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1 school. You've got that right. But to Gail's  
2 point, I have had some of the same issues with  
3 the mail. Except we'll get packages from HMS  
4 on logbooks, and let's see, permit application  
5 forms, and we'll get them usually in plenty of  
6 time, and oftentimes sent priority mail, are  
7 very expensive mailing pieces. But then, just  
8 recently, we got something we thought was very  
9 important regarding our permit applications,  
10 saying we were missing information that we  
11 also felt that we'd previously sent in as  
12 well.

13           And that was sent on a folded, one  
14 sheet folded piece of paper, that evidently  
15 got jammed in the post office machines, best I  
16 can tell from the way that it arrived, and it  
17 arrived more than a month later. And that was  
18 really--while we haven't missed our deadline  
19 on the application, it can definitely have  
20 slowed up, or perhaps even never gotten notice  
21 at all. And I find that going to that cheaper  
22 mailing, when it was, at least to us, a much

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1 more urgent piece of information, probably  
2 would have been wiser to send that priority  
3 mail.

4 MR. DICK: Shawn Dick. A lot of  
5 the fisherman that I'm talking to in the  
6 workshop process would prefer to get direct  
7 mail. A lot of them don't have access to a  
8 computer, and some, you know, would just  
9 prefer the direct mail. Thank you.

10 MR. : Just a couple comments.  
11 Next generation. My son doesn't know what  
12 mail is. He's in college now. Everything is  
13 e-mail. I don't think he's opened a letter in  
14 his life. And even, you know, at school, they  
15 don't get mail; everything comes through a  
16 laptop. But even as far as boats at sea, we  
17 have e-mail capability, but of course we don't  
18 have any mail, so they an actually communicate  
19 through e-mail as well, so--

20 MS. SCHULZE-HAUGEN: So you think  
21 it's more of a generational issue, that it  
22 might--

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1 MR. : Well, as far as next  
2 generations, yes, I--

3 MS. SCHULZE-HAUGEN: Okay.

4 MR. : Yes. They don't read  
5 newspapers. He doesn't read magazines. He  
6 doesn't read anything. He reads a lotta stuff  
7 but it's not on paper.

8 MS. JOHNSON: Gail Johnson. But  
9 please, please, do not send any attachments to  
10 boats. Okay. That's get wicked expensive.

11 MR. STONE: Dick Stone, NMMA. I  
12 don't think it's a generational thing. I  
13 prefer e-mail and recognize, though, that  
14 direct mail is necessary for permits and  
15 things like that.

16 MS. SCHULZE-HAUGEN: Sorry. If I  
17 could just jump in real quickly, just to note,  
18 one of the provisions in the Magnuson  
19 reauthorization talks about that Web postings  
20 and e-mail notices are not sufficient for  
21 notice, and so you actually all may be getting  
22 a whole lot more direct mailing as a way to

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1 provide that notice.

2 MR. : This is on the direct  
3 mail issue, something I've wondered about, and  
4 I think people we reach out to wonder about  
5 too, and this is the other side of outreach.  
6 It's the feedback to you, and I think for our  
7 purposes, it's what is the most effective  
8 format to communicate opinions--

17A 9 [Start Tape side 17A]

10 MR. : [in progress]  
11 necessarily to say that one gets more  
12 attention than the other, but, you know, for  
13 people who want to communicate, we usually  
14 give them several opportunities--your  
15 addresses, your fax number, your e-mail  
16 number, and phone numbers, and if there's one  
17 that's most effective and most useful and  
18 efficient for you, we'd like to know that.

19 MS. SCHULZE-HAUGEN: It's all good.  
20 I mean, we take it all, we look at it all.  
21 There's no one format that's better or more  
22 effective than another. I mean, we read every

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1 e-mail, we read every letter. Every public  
2 comment that comes in is reviewed. I mean, we  
3 really do sift through it all.

4 MS. : Is phone--is that less  
5 efficient because it's not recorded?

6 MS. SCHULZE-HAUGEN: No. Abbie was  
7 just asking if phone may be less efficient  
8 because it's not recorded, and we,  
9 particularly on things where we're in public  
10 comment, we take notes on phone conversations,  
11 so all of it enters into the record.

12 MS. : So I just want to hit on  
13 quickly the toll-free information line. There  
14 are a few, tuna, and then I can't remember  
15 all--I think there's two of them. Do you use  
16 those?

17 MR. SCHRATWIESER: Again, if you  
18 can navigate to the HMS portion of the Web  
19 site and find those numbers, I think they're  
20 informative. But, again, it's hard to find  
21 it. Another thing I'm curious about. I spend  
22 a lotta time on the NOAA Web site, out of

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1 necessity, and I've noticed that you changed  
2 your contact link on there. It used to go  
3 straight to your people locator, which I  
4 found, very, very helpful. But now it goes  
5 straight to partnerships and communications.

6 So if I'm looking for somebody  
7 specific, I can no longer go to the people  
8 locator from your Web site, or find it, and  
9 look up somebody's name and get a number.

10 MS. SCHULZE-HAUGEN: That's the Web  
11 site?

12 MS. : Yes; he's right. I've  
13 been there too.

14 MR. SCHRATWIESER: That's been  
15 changed, recently. I didn't know if you got  
16 tired of us contacting you directly; or not.

17 MR. : Jason, I think you're  
18 talking about the NMFS home page?

19 MR. SCHRATWIESER: Yes.

20 MR. : If you go to out home  
21 page, the HMS home page, and I know a lotta  
22 people are going to come in through NMFS, and

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1 that's what you're saying changed. If you go  
2 to the HMS home page and click on contact,  
3 there's still a link to the NOAA employee  
4 locator. So you're right--we need to think  
5 about both of those, though, when we're  
6 talking about HMS.

7 MR. SCHRATWIESER: Yes. You're  
8 correct. Once you get to the HMS page, it  
9 will go to people locator. But, again, I'm  
10 curious. For people that--again, it's a  
11 little bit circuitous to get to HMS, as it is,  
12 for people that don't know that, or maybe have  
13 questions outside of HMS. I'm curious why you  
14 don't have the people locator on your home  
15 page like you used to. Thanks.

16 MS. SCHULZE-HAUGEN: Is Michael  
17 Kelly here? Do you want to--being  
18 partnerships and communications--want to field  
19 that one? Could you come up to a mike,  
20 please.

21 MR. KELLY: Partnerships and  
22 communications. Jason.

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1 MR. SCHRATWIESER: Yes. I can hear  
2 you.

3 MR. KELLY: The only thing that  
4 changed on the NOAA home page, where it used  
5 to say Contact Us, it went directly to our  
6 office. After we've gone through a  
7 reorganization, it still just goes to our  
8 office. The only way that you can get to the  
9 people locator is from the NOAA site.

10 If you want to find other NMFS  
11 employees, you can find that on the NOAA site.  
12 You can't find it on the Contact Us fishery  
13 site.

14 MR. SCHRATWIESER: Well, it's still  
15 not easy to find, I guess is my point.

16 MR. KELLY: Okay.

17 MR. : [Off-mike] noaa.gov.

18 MR. SCHRATWIESER: Okay.

19 MR. WHITAKER: Well, the only thing  
20 I remember, was very helpful to me, was back  
21 when we used to get our HMS permits through  
22 the mail, you used to send out a little

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1 regulation book with it, that stipulated all--  
2 especially for the tunas, which bluefin tunas  
3 was very confusing. But I know we get our  
4 permits online now, we just get 'em, the  
5 computer prints it out. So somehow, if you  
6 could tie that into the permit holders, that  
7 was very helpful information, and you would  
8 know that all HMS permit holders should have a  
9 copy of regulations.

10 MR. : Thanks, Rom.

11 MS. SCHULZE-HAUGEN: We're almost  
12 done. Could I just get some quick feedback on  
13 the 800, the toll-free lines. Do you use  
14 those?

15 MR. : I wasn't aware of the  
16 800 lines.

17 MS. SCHULZE-HAUGEN: You weren't  
18 aware. Okay.

19 MR. : [Off-mike remark]

20 MR. : It costs me a lot to  
21 talk to you.

22 MR. : [Off-mike remark]

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1 Anybody not know they exist?

2 MS. SCHULZE-HAUGEN: Okay, then.

3 MR. : There's some quick data  
4 for you.

5 MR. : Well, on the regular  
6 lines, I find hitting a real live operator is  
7 spotty, quite a bit. Even during the 9:00 to  
8 5:00, a lotta times I go right into the, you  
9 know, search for an extension thing, and the  
10 difficulty with that is you can't ask that  
11 person if the person is in today. So you  
12 don't whether if you're wasting your money  
13 trying to call back again, a little later.

14 So the live operator is always  
15 comforting.

16 MS. SCHULZE-HAUGEN: Finally, is  
17 the face to face, and, you know, there's a  
18 whole variety here. We've gotten some  
19 feedback on the workshops already. Any quick  
20 comments on this? I'm sure we could go on all  
21 day but we want to get to swordfish, so--

22 MR. AUGUSTINE: Pat Augustine. The

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1 only comment I'd made on al of the list, I  
2 think they're all very helpful, I attend all  
3 of them, I have folks that I refer, attending  
4 all of them. But there's one disturbing part  
5 of this, the AP process, and that is that we  
6 aren't allowed to make motions, and I  
7 understand we're an advisory panel or  
8 committee.

9 But it would seem to me a case in  
10 point was earlier today, we went round and  
11 round on a particular subject, and that was  
12 relative to your most recent proposal to  
13 change the circle rule regulation.

14 The comments were collectively in  
15 favor of rescinding that, and yet we're not  
16 allowed to take a vote. I'm talking about a  
17 consensus. I'm not just saying seven in  
18 favor, twelve against. But I'm assuming,  
19 because you do take a lot of notes, that the  
20 position that will be noted from the group,  
21 highly favored rescinding that. But again,  
22 you're here for three days and you walk away,

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1 not knowing--we see a lot of nodding of heads  
2 from you and your staff, Margo, assuming  
3 you're writing the notes down, but we don't  
4 know where they're going to go.

5           And I think that's the one thing  
6 lacking. There's a lot of horsepower in this  
7 room, and I don't mean women power, manpower,  
8 but skill, experience, and in-depth years of  
9 knowledge, and when some of these folks have  
10 spoken, I've listened very attentively, as  
11 others have, and their points of view are I  
12 think very salient and important.

13           So without having a consensus of  
14 some sort, and assuming action may be taken,  
15 collectively, it leaves one wondering what  
16 will we see back in terms of the outcome of  
17 what our efforts have been. That's not a  
18 dissatisfied point. It's just a point of view  
19 that maybe there should be some consideration  
20 made to consensus.

21           MS. SCHULZE-HAUGEN: Well, the most  
22 direct feedback after this--I mean, it often

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1 takes us a while to get it out, and if that's  
2 a problem, then please let me know--is the AP  
3 summary. And so what we do is we pool all of  
4 our collective notes and list the comments  
5 that we heard, and we don't necessarily, you  
6 know, attribute it to any particular person,  
7 in that summary. But we do--you know, you can  
8 expect to see--and if you see something that's  
9 missing, or mischaracterized, please let us  
10 know because that is a very important part of  
11 our record.

12 We also transcribe the meetings and  
13 those are available. So if you do want to  
14 find out, well, who said what? it's an option,  
15 and as far as the consensus, we've always  
16 taken the position--I mean, this is an  
17 advisory group. The ultimate decisions are  
18 the Secretary's. But the AP is a very  
19 important part of the process, and we learn a  
20 tremendous amount from you all at these  
21 meetings, from your interactions with other,  
22 your comments directly to us, and all of that

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1 comment, and all that feedback comes--it feeds  
2 right in. You can rest assured that what you  
3 have told us goes back.

4 And so it may not always be as  
5 visible as a motion that was passed, but it is  
6 real.

7 MR. WHITAKER: Thank you. That  
8 cleared the air very nicely for some of the  
9 newcomers that are just starting to  
10 participate. Thank you.

11 MR. : [off-mike remark]  
12 summary.

13 MS. SCHULZE-HAUGEN: Well, that has  
14 taken a couple of months.

15 MR. : [Off-mike remark]

16 MS. SCHULZE-HAUGEN: A couple  
17 months.

18 MR. : Or we get to read the  
19 summary, I should say.

20 MS. SCHULZE-HAUGEN: For some of  
21 the faster-moving items, or things, depending  
22 on where they are in the process, that is

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1 possible. If we hear that it would be useful  
2 to turn that around quicker, we can try and do  
3 that.

4 MR. : To Pat's comment, we  
5 have taken almost like vote, or consensuses,  
6 and, you know, the last one that I remember  
7 was on the airplanes, pilot issue. But it was  
8 when we were in a different format, when we  
9 were at the square table type thing, and we  
10 had one moderator up there running the show,  
11 and, you know, we could all see each other and  
12 communicate back and forth. And I don't know  
13 if there's anything now, unless Margo, the  
14 SOPs have changed, that would allow a panel  
15 member to go around and ask every individual  
16 to give their view, so we know whether we  
17 have, how close we are to a consensus, and  
18 people are free to make summary type comments  
19 like I did on the thing, on the suspension  
20 rule, saying that I had heard, you know, a  
21 large consensus. Most of the members that  
22 spoke were in favor of the "no action"

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1 alternative.

2           And I think Pat's right. The thing  
3 about doing that is it helps us to track  
4 better whether NMFS is using the guidance,  
5 whether the guidance is helpful to NMFS. The  
6 last few years, I don't have any real serious  
7 complaints that the advice has not been  
8 followed.

9           MS. SCHULZE-HAUGEN:       Just to  
10 respond, I mean, all of the comments that are  
11 made are on the record, and people are free to  
12 tally them up. It's not a vote per se.  
13 That's not part of what this group is  
14 structured to do. It is advice, as I said,  
15 but we pay a lot of attention, you know, and I  
16 think to your point, where you said that  
17 there's no doubt that we've been listening--we  
18 do. Is there anybody else? Rita.

19           MS. MERRITT:    Yes. I'd like to  
20 encourage you, that any opportunities that you  
21 have in reaching the general consumer, the  
22 nonvoting, the nonfishing people of the United

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1 States, to be aware of what's being done--HMS,  
2 NOAA, NMFS. That is in their best interest,  
3 both from the health and safety, all the way  
4 to fair trade. Thank you.

5 MR. DONOFRIO: Jim Donofrio, RFA.

6 Let me just pay a compliment. Since a few of  
7 us have been here from the original start of  
8 this advisory panel, I remember, in some of  
9 the earlier days, we'd see each other at  
10 dinner, lunch, and say this is worthless,  
11 we're going nowhere.

12 I see a great evolvement here,  
13 Margo. You know, it's definitely working. I  
14 think, for the most part, NMFS is hearing us,  
15 you know, all the sectors, and getting things  
16 done, I think it's more effective, and so 'm  
17 pleased with the way we're going.

18 MS. SCHULZE-HAUGEN: Thanks. It's  
19 good to hear.

20 MR. AUGUSTINE: Thank you. Pat  
21 Augustine. I would second what Jim has said.

22 Quite frankly, I request of NMFS most of the

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1 brochures that they have available, as I give  
2 probably 40 talks a year to various special  
3 clubs and interest groups, and I'm forever out  
4 of brochures. So it would seem to me, in  
5 following what Rita said, that any of the  
6 outreach activities you can get involved with  
7 pointed toward whether a swordfish--whatever  
8 it happens to be--and make them simple, direct  
9 brochures, that the average person can look at  
10 them, not get bogged down in technical data,  
11 saying here's where we are, here's what we're  
12 doing and here's where we're going, and from a  
13 positive aspect, because what you hear out  
14 there from fishermen typically is they beat up  
15 on you and they beat up on us.

16           And the more of that you can, the  
17 smaller and the more simpler that you can keep  
18 them, the more effective they will be. And  
19 whatever you're doing so far, as Jim says,  
20 you're doing a great job, and you're to be  
21 commended for the effort and energy that your  
22 staff has put forth in moving the whole

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1 process forward.

2 MS. SCHULZE-HAUGEN: All right.

3 Thank you very much. All right.

4 Finally, just can't underscore  
5 enough how important these are. Please fill  
6 them out. Numbers three and four are  
7 basically the same. It's just any additional  
8 information, any additional resources that we  
9 haven't talked about, please write those in,  
10 and your name is optional, you can put it on  
11 there or not. If you want us to get back with  
12 you for more information, please put it on  
13 there, and listing your constituent group  
14 would help a lot, so we can understand kind a  
15 where you're coming from. That's it. Thank  
16 you very much. I'll stick around. Please  
17 hand these to me before you leave. If you  
18 absolutely need more time, then talk to me and  
19 we'll arrange to fax it in. Thanks.

20 All right. Well, I think we have  
21 time for the presentation that we've got on  
22 swordfish, and then I think we'll have some

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1 time for maybe clarifying questions, but we'll  
2 have to kind a come back, after lunch, to the  
3 breakout groups. Hopefully, we can have a  
4 short lunch.

5 MR. PEARSON: Okay. Let's talk  
6 about swordfish. My name is Rick Pearson.  
7 I'm with the HMS management division in St.  
8 Petersburg, Florida. With me is Sari Kiraly.  
9 She's with HMS, here, in Silver Spring, and  
10 we've been working on some of the actions to  
11 address revitalization of the swordfish  
12 fishery.

13 Dr. Hogarth's discussion yesterday  
14 provided a good introduction to some of the  
15 issues that will be discussed today. He  
16 mentioned the possibility of future  
17 discussions and we'll have that opportunity,  
18 later on today, to begin that dialogue, in the  
19 breakout groups. What I'd like to do right  
20 now is to discuss the recently-published  
21 proposed rule, describe some of the comments  
22 that we received, and then describe some of

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1 the potential future actions that may occur.

2 As you all know, the U.S. swordfish  
3 quota is derived from the recommendations of  
4 ICCAT. ICCAT considers several criteria when  
5 making the quota recommendations, including  
6 historical catches and fishing patterns.  
7 However, I'd also like to mention that ICCAT  
8 is also, in their criteria, supposed to  
9 consider other criteria as well, including  
10 compliance with ICCAT recommendations, record  
11 keeping and reporting, as well as the  
12 implementation of conservation measures.

13 So historical catches and fishing  
14 patterns is not the sole criteria. However,  
15 I've been told that that's really the main  
16 criteria that people consider when they're  
17 discussing these quota allocations.

18 The United States is required to  
19 follow those ICCAT recommendations. The  
20 biomass in 2006 was estimated to be at 99  
21 percent of the biomass necessary to sustain  
22 maximum sustainable yield. The fishing

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1 mortality rate for swordfish, at the end of  
2 2005, was at .86 the fishing mortality rate  
3 necessary to achieve maximum sustainable  
4 yield.

5 In other words, right now, the  
6 North Atlantic swordfish stock is almost fully  
7 rebuilt and fishing mortality is low.

8 At the same time, U.S. swordfish  
9 landings have been below the ICCAT-recommended  
10 quota since 1997. So our objective in  
11 preparing the proposed rule was to implement  
12 management measures, to enhance the  
13 opportunities for U.S. fisherman to fully  
14 harvest the domestic North Atlantic swordfish  
15 quota in a sustainable yet economically viable  
16 manner, while continuing to minimize bycatch  
17 to the maximum extent practicable.

18 Another important objective of the  
19 proposed rule was to have that proposed rule  
20 in hand, at the 2006 ICCAT meeting.

21 Just to lay out the process for  
22 you. In September 2006, HMS conducted six

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1 information gathering meets. We presented the  
2 comments that we received at those  
3 information-gathering meetings to this HMS  
4 advisory panel in early October.

5 Based upon the input from the  
6 advisory panel, we had about a month and a  
7 week to try to prepare a proposed rule and an  
8 environmental assessment to have those  
9 recommendations, in hand, at the ICCAT  
10 meeting, to demonstrate that the U.S. is  
11 firmly committed to revitalizing the swordfish  
12 fishery.

13 The reason I mention this is that  
14 we selected, in this proposed rule, measures  
15 that were relatively noncontroversial, and  
16 were anticipated to have relatively minor  
17 environmental impacts. Short-term measures.  
18 However, we also mentioned, in both the  
19 environmental assessment and the proposed  
20 rule, the willingness the desire to address  
21 longer-term issues in the future.

22 So I just wanted to mention that

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1 this proposed rule, where we were talking  
2 about some of the upgrading provisions  
3 yesterday, or addressing closed areas, this  
4 was not the mechanism to address some of the  
5 larger issues that may be potentially  
6 discussed or implemented in the future.

7           Anyway, the proposed rule was  
8 published at the end of November, the comment  
9 period was open until January 31st, 2007.

10           Currently, we're in the process of  
11 reviewing the comments that we received,  
12 addressing certain administrative issues, and  
13 preparing the final environmental assessment  
14 and the final rule.

15           A couple of things that I'd like to  
16 mention here. I've highlighted, in yellow,  
17 review comments, and address administrative  
18 issues, prepare final EA and rule.

19           We received approximately 50  
20 written comments, either via e-mail or by  
21 letter. In addition, we received lots of very  
22 thoughtful comment from the public during the

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1 series of public hearings that were conducted  
2 from January 17th through 31st. So we have  
3 read all of them. We have to summarize them  
4 in a logical format, and address those. We're  
5 working on that right now.

6 In addition, we have to address  
7 some administrative issues, and that is  
8 largely with regard to the vessel upgrading  
9 criteria, because some of the alternatives  
10 were specific to pelagic longline vessels, and  
11 in order to be a pelagic longline vessel, it's  
12 necessary to possess three permits  
13 simultaneously.

14 And so there's some issues with  
15 regards to how our computer system will  
16 address that, what might happen if those  
17 permits are later split, or conversely, what  
18 might happen if those three permits are later  
19 joined. So there's just some technical issues  
20 that we're trying to hammer out, internally,  
21 right now. So I wanted you to be aware of  
22 that.

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1           Anyway, we anticipate that the  
2 final rule will publish some time next month  
3 and that the final regulations will become  
4 effective in May.

5           I'd like to just quickly go through  
6 the alternatives, not spend a lot of time on  
7 this. These are for the incidental retention  
8 limits. We're always obligated to analyze the  
9 "no action" alternative.

10           In addition to that, there was an  
11 alternative that would simply remove the  
12 current incidental retention limits. Right  
13 now, it's two fish per vessel for incidental  
14 permit holders, five swordfish for squid troll  
15 vessels. Alternative 1B would remove that,  
16 until 70 percent of the quota is projected to  
17 be landed. Then it would go back to two and  
18 five.

19           The preferred alternative was to  
20 increase the incidental retention limit to 30  
21 swordfish per trip and 15 swordfish per trip  
22 for squid troll vessels. The fourth

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1 alternative there would increase it to  
2 fifteen, and ten swordfish for squid troll  
3 vessels.

4 We also addressed swordfish  
5 retention limits for recreational vessels.  
6 Right now, there's one recreational retention  
7 limit across the board. That's one per  
8 person, up to three per vessel, per trip.  
9 Under the two preferred alternatives, that  
10 would be divided essentially into three  
11 different retention limits, one for charter  
12 vessels, one for headboat vessels, and one for  
13 angling category permit holders.

14 For charter vessels, the limit  
15 would be one per paying passenger, up to six  
16 per vessel per trip. For headboat vessels it  
17 would be one per paying passenger, up to  
18 fifteen per vessel, per trip. And for angling  
19 category permit holders, the swordfish  
20 retention limits would be increased--the per  
21 vessel limit would be increased to four per  
22 vessel, per trip, again, keeping the one per

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1 person aspect of that.

2 We've received a few questions with  
3 regards to, well, are you doing this for  
4 recreational vessels? This is a recreational  
5 rule. It's important to mention that the  
6 domestic swordfish quota includes both  
7 recreational and commercial landings. So we  
8 felt that it was appropriate to try to address  
9 landings from both of those sectors.

10 We're required to provide a summary  
11 of the impacts of those alternatives. Just  
12 quickly, the impacts from increasing the  
13 incidental retention limit from two fish to  
14 thirty fish, and from five fish to fifteen  
15 fish for squid troll vessels, we project  
16 modest increase in landings, from current  
17 levels of 21,000 pounds, upwards to between  
18 66,000 pounds to 476,000 pounds.

19 Other ecological impacts are  
20 projected to be relatively minor because other  
21 bycatch mitigation measures remain in place,  
22 including circle hooks, live bait

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1 prohibitions, time area closures, VMS,  
2 etcetera.

3 We did receive some comment  
4 questioning how those projections were  
5 derived, and I'd like to take just one minute  
6 to address that. Under alternative 1C, the  
7 incidental retention limit, say, for, based on  
8 HMS logbook data, say, for example, a vessel  
9 reports, a incidental permit holder reports  
10 landing two swordfish and discarding five  
11 swordfish.

12 The lower estimate there, 66,207  
13 pounds, is derived--right here--that would be  
14 derived by simply counting those five fish  
15 that were discarded as landings.

16 Similarly, if a vessel reported  
17 landing two swordfish, discarding 35  
18 swordfish, we would count those 30 fish as  
19 landed. So that's how we got the lower end of  
20 that range. The higher end, the 476, was  
21 derived by assuming that all trips landed 30  
22 swordfish. Okay.

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1           So that's how the range was  
2 derived, right there.

3           We're required to analyze the  
4 potential economic impacts. Basically, there,  
5 we took the average weight and the average  
6 value of swordfish, I believe in 2005,  
7 multiplied that by 28 to drive a potential  
8 revenue increase of \$7,864 per trip.

9           I'm not going to spend as much time  
10 on the next two for the recreational but it  
11 was derived in kind of a similar way. Could  
12 result in additional landings of between 32  
13 and 409 swordfish per year, depending upon  
14 whether vessels continue the current trend of  
15 landing up to the retention limit.

16           Most charter headboat vessels are  
17 not reported reporting landing three fish  
18 right now, which is the current recreational  
19 limit. But for those that did report landing  
20 three fish, we assumed that they would land  
21 six fish under this alternative. So that's  
22 how that range was derived.

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1           Anyway, economic impacts, potential  
2 increased demand for charter headboat trips,  
3 positive multiple impacts on shoreside  
4 businesses. And under the angling category  
5 retention limit could result in additional  
6 landings of between six and 569 swordfish.  
7 Bottom line here is that we anticipate a  
8 modest increase in swordfish landings.

9           If we assume the upper limit here,  
10 all we're talking about is approximately  
11 landing 70 percent of the current incidental  
12 swordfish quota allocation, which is 300  
13 metric tons. So the projections that we  
14 presented to the public are showing that this  
15 is not likely to have a huge impact on  
16 swordfish landings. However, it is a start.

17           The other issue that we addressed  
18 in this proposed rule was a limited access  
19 vessel upgrading restrictions. I think we  
20 have five alternatives here. The "no action,"  
21 alternative 2B would waive or remove all  
22 upgrading restrictions for pelagic longline

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1 vessels--and when I say pelagic longline  
2 vessels, what I really mean is vessels that  
3 possess a tuna longline, directed or  
4 incidental shark and swordfish permits.

5 That's the trifecta that's  
6 necessary, essentially, to land swordfish, for  
7 the swordfish permit to be valid.

8 So alternative 2B would completely  
9 remove those for ten years, give people a ten  
10 year window to upgrade. Then the current  
11 regulations would go back into place, and  
12 right now, those current regulations are at 10  
13 percent, and length overall, gross registered  
14 tonnage and net tonnage, and a 20 percent one-  
15 time increase in horsepower.

16 Alternative 2B would waive the  
17 upgrading restrictions for vessels issued  
18 swordfish hand gear permits for ten years.  
19 Removes them.

20 Alternative 2D would waive the  
21 upgrading restrictions for all vessels,  
22 swordfish hand gear, all shark permit holders,

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1 all PLL vessels, for ten years, after which  
2 the current regulations would go back into  
3 place.

4 Finally, the preferred alternative,  
5 alternative 2B, would establish new vessel  
6 upgrading restrictions for vessels possessing  
7 the three necessary permits equivalent to 35  
8 percent of the baseline vessel, that's the  
9 vessel that was initially issued the limited  
10 access permit for size, LOA, GRT, and NT, and  
11 it would remove the horsepower upgrading  
12 restrictions for these same vessels.

13 Again, both of the issues, the  
14 retention limits and the upgrading  
15 restrictions, projected to have relatively  
16 minor environmental impacts. That's one of  
17 the reasons why we were able to conduct, say,  
18 for example, an environmental assessment  
19 versus an environmental impact statement,  
20 again, going back to the need to have these  
21 regulations in place by the ICCAT meeting.

22 So there is an upper limit

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1 established for these upgrading restrictions.

2 Were we to have preferred an alternative that  
3 would have waived or removed the upgrading  
4 restrictions, the environmental impacts would  
5 likely have been more significant and required  
6 lengthier analyses.

7 Summary of the preferred  
8 alternative for the 35 percent increase in  
9 vessel size and the removal of the horsepower,  
10 there is a potential for a long-term increase  
11 in fishing effort. However, we really were  
12 unable to quantify that increase. Again, only  
13 minor ecological impacts are participated  
14 because other bycatch mitigation measures  
15 remain in place, and because there still is  
16 some overall limit to capacity, to fleet  
17 capacity. The economic impacts.

18 Basically what you're talking about  
19 here is if you have a 40-foot vessel, just as  
20 a frame of reference, that vessel would be  
21 allowed to upgrade to just over a 50-foot  
22 vessel.

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1           So you're allowing a 10-foot  
2 increase in vessels, which we felt was a good-  
3 -it would do something--not too much; but it  
4 would do something. Provide increased  
5 flexibility for vessel owners to adjust vessel  
6 configurations according to their business  
7 needs.

8           A potential revenue increase.  
9 Again, it's hard to quantify that because it's  
10 based upon future harvests, the prices, and  
11 the operating costs associated with that  
12 upgrade, and any higher operating costs  
13 associated with operating a larger vessel.

14           A very important impact associated  
15 with this alternative is that we anticipate  
16 positive impacts on safety at sea, and  
17 finally, and importantly, this will provide,  
18 may provide an increased opportunity to  
19 harvest the domestic swordfish quota.

20           Now I would like to just describe  
21 to you all a summary of the major comments  
22 that we received on this proposed rule.

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1           Again, we received 50 e-mailed and  
2 handwritten letters, and numerous comments  
3 during the public hearings. I can't go  
4 through every single comment that we received  
5 but I think that I'm trying to hit on some of  
6 the major ones.

7           In general, the comments fell into  
8 two camps. The first camp--I'm using that  
9 term loosely--but the first camp stated that  
10 the proposed measures are not sufficient to  
11 allow full harvest of the ICCAT-recommended  
12 U.S. swordfish quota.

13           The other camp felt that the  
14 proposed measures were unnecessary. NMFS  
15 should maintain the status quo and let the  
16 swordfish resource continue to rebuild because  
17 many of those fish are still juveniles.

18           So that's just to give you some  
19 idea of the range. I'm generalizing here but  
20 that's essentially where the comments fell  
21 out.

22           Now to specifically address the

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1 recreational retention limits, we received  
2 comments indicating that increasing the  
3 recreational limit may encourage the illegal  
4 sale of recreationally-caught swordfish.

5 Some commenters felt that it could  
6 provide for more fishing opportunities. Other  
7 commenters believed that increasing the  
8 recreational retention limit may threaten the  
9 incidental catch quota.

10 As I indicated earlier, our  
11 projections indicate that that's probably not  
12 likely to be the case. We received comments  
13 from charter headboat operators, indicating  
14 that this is going to provide some additional  
15 opportunities for them to take swordfish-  
16 targeted trips.

17 For the incidental retention  
18 limits, again, increasing it from two fish to  
19 thirty fish may provide economic benefits to  
20 commercial fishermen.

21 We received a comment that NMFS  
22 should consider higher limits for extended

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1 trip squid vessels, and they specifically the  
2 Elex vessels, that have freezer capacity, and  
3 stay at sea for weeks at a time.

4 We received comments indicating  
5 that the proposed limits are too high. It may  
6 encourage incidental permit holders to convert  
7 to directed swordfish fishing.

8 Other commenters felt that NMFS was  
9 employing a precautionary balanced approach  
10 that would reduce the number of swordfish  
11 discards, while preventing a large increase in  
12 directed fishing effort.

13 Finally, we received comments  
14 indicating that it may reduce wasteful dead  
15 discards of swordfish. With regards to the  
16 vessel upgrading modifications, again going  
17 from 10/20 to 30/35, NMFS should not allow for  
18 additional vessel upgrades.

19 Other commenters felt that larger  
20 upgrades are necessary. Part of this was tied  
21 into one of the comments that we heard  
22 yesterday, when Dr. Hogarth was sitting up

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1 here, that NMFS should increase, or allow  
2 larger vessel upgrades to facilitate a freezer  
3 fleet. We received comments indicating that  
4 the proposed measures will provide for greater  
5 safety, efficiency, fishing range, and  
6 therefore opportunities for fishing trips.

7 And we received a number of  
8 comments indicating that by removing the  
9 horsepower upgrading restrictions on vessels  
10 with directed swordfish permits, more people  
11 will purchase these permits and enter the buoy  
12 gear fishery, thus leading to gear conflicts  
13 with other fishermen.

14 I thought that this was a really  
15 interesting comment, because as I indicated  
16 earlier, you need the three permits to fish  
17 with pelagic longline, and that was what we  
18 were trying to target. However, directed  
19 swordfish permit holders may fish with buoy  
20 gear. It's handgear fishermen, as well as  
21 directed swordfish fishermen, may fish with  
22 buoy gear.

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1           So the comment was that current  
2 recreational fishermen would purchase the  
3 necessary three permits and become commercial  
4 fishermen and fish primarily off the East  
5 Coast of Florida with buoy gear. We received  
6 a number of comments on that.

7           That was the basic summary of the  
8 comments that we received on the specific  
9 alternatives. We also received several  
10 comments addressing potential considerations  
11 for the future, that were not directly related  
12 to the alternatives, but we did mention future  
13 possibilities in the EA, and the proposed  
14 rule, and thus, we received comments on those.

15           Far and away, the largest number of  
16 comments addressed the pelagic longline time  
17 area closures. Either that that is the single  
18 most important element that is keeping the  
19 United States, preventing the United States  
20 from harvesting its swordfish quota, or that  
21 that is the single most important aspect that  
22 has enabled the swordfish stock to rebuild,

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1 and thus, we should keep them intact.

2 In addition, we received several  
3 comments indicating support for the exempted  
4 fishing permits, to allow exempted fishing  
5 activities in the closed areas.

6 We received comments indicating  
7 that NMFS should allow for additional vessel  
8 upgrades in the future, that we should either  
9 remove or keep the live bait prohibition in  
10 the Gulf of Mexico, and we received a number  
11 of comments indicating that we should  
12 reexamine the current HMS permit structure.

13 And there was actually more than  
14 these five that I've listed up here, but these  
15 were the major ones. That HMS should consider  
16 a general category for swordfish. That we  
17 should allow for the conversion of incidental  
18 swordfish permit holders to become directed  
19 swordfish permit holders.

20 That we should remove the three  
21 permit requirement for swordfish, and possibly  
22 implement gear-based permits.

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1           That NMFS should allow permits that  
2 have lapsed to be reinstated. Or that we  
3 should implement a permit to allow for  
4 recreational sales.

5           In addition to those comments, we  
6 received several that are not necessarily  
7 items that HMS can address specifically in our  
8 regulations. It may require interagency  
9 cooperation or perhaps even congressional  
10 action for some of these, provide marketing  
11 and promotional assistance for domestic  
12 swordfish.

13           Restrict or regulate foreign  
14 swordfish imports. One of the things that  
15 struck me was a comment, indicating that, say,  
16 in the month of September, when Canadian  
17 swordfish imports are coming into this  
18 country, that the price just "tanks." So  
19 other ones with regards to that second bullet,  
20 that we should require that foreign swordfish  
21 imports be held to the same conservation  
22 standards as American fishermen are held to.

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1           The third, fourth, and fifth  
2 bullets, right here, relate, again, to that  
3 concept of providing for a domestic swordfish  
4 freeze fleet. First would be to obtain access  
5 for U.S. vessels to fish in foreign waters;  
6 allow U.S. captains to lease foreign freezer  
7 vessels; and all for the employment of foreign  
8 crews on U.S. flag vessels.

9           Just a couple, I believe--and I'm  
10 no expert on this--but these last two here  
11 might be Jones Act considerations. Some of  
12 these things, I read them, and I said, you  
13 know, that sounds like a great idea. But  
14 we're kind a limited in the ability, within  
15 HMS, because our regulations simply don't  
16 address those. So it might need action taken  
17 in other places.

18           All right. You all will have most  
19 of the afternoon to discuss these very  
20 important topics. The first one is how best  
21 to increase target catches without increasing  
22 the bycatch of other species, including

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1 bluefin tuna, white marlin, sea turtles, and  
2 undersize swordfish, while also minimizing  
3 gear conflicts.

4 That would lead into the next  
5 question. I think that it's--after reading  
6 the comment letters for the past few weeks  
7 it's very obvious that there are competing  
8 interests among user groups.

9 So what HMS is asking the advisory  
10 panel, to begin some discussions, to see if  
11 there's some opportunities for cooperation or  
12 agreement, to increase U.S. swordfish  
13 landings, so that we can maintain our U.S.  
14 quota--

18A 15 [Start tape side 18A]

16 MR. PEARSON: [in progress] as well  
17 as maintaining the U.S. swordfish quota. So  
18 these are pretty meaty topics, I think, and we  
19 hope that we can get some real valuable input  
20 from everybody here, because these are  
21 questions that I know Margo and others have  
22 been struggling with, as we go forward with

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1 this swordfish revitalization plan.

2 MS. SCHULZE-HAUGEN: So maybe  
3 technical questions, clarifying questions;  
4 things like that.

5 MR. RUAIS: Rich Ruais. Bluewater.  
6 First of all, we appreciate, of course, the  
7 tremendous effort that went into this entire  
8 package, the amount of work and the pace at  
9 which you completed the work was really  
10 admirable. I don't think I've seen--you know,  
11 from the agreement to go forward with a  
12 package, to actually moving it, developing it,  
13 analyzing it, and pushing it through public  
14 hearings, it's really been fast, and I know  
15 you had the pressure of getting it ready for  
16 the ICCAT meeting. So that was huge and we  
17 really appreciate it and it served the purpose  
18 that we wanted it to at ICCAT. So that's  
19 good.

20 The bad part is it really isn't,  
21 and we commented this way throughout the  
22 public hearing process. It's not going to do

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1 much of anything. Your own analysis shows  
2 that if you look at, you know, the combined  
3 efforts of your--increases in the incidental  
4 trip limits, you know, you're still not even  
5 approaching the 300 metric ton incidental  
6 catch limit.

7 We have 6000 metric tons to catch,  
8 most likely in 2007, with the 50 percent cap.

9 It would have been more than that if we  
10 didn't have the 50 percent cap. So thank  
11 goodness we got--maybe thank goodness we got  
12 the 50 percent cap in place.

13 I think, actually, with just that  
14 thing coming on line, if nothing else happens,  
15 I'm seriously expecting to see a decline in  
16 landings in 2007. From what I'm hearing from  
17 vessel owners and captains, vessel owners, in  
18 particular, they've lost and they are losing  
19 captains. The profitability of the fishery  
20 continues to go down, they can't get young  
21 people into the fishery, the pay is not  
22 adequate, and the one--there's two common

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1 complaints.

2 One is there's no place to fish,  
3 and two, the market has been seriously  
4 impacted by negative press, and a campaign of  
5 course by Pew Charitable Trust, and the  
6 mercury issue, and we've asked for help in  
7 that area as well.

8 So, you know, I wish I could say  
9 something good about this package, but, you  
10 know, let's get it implemented. The upgrading  
11 criteria is not going to help at this point in  
12 time because there's nobody that's going to  
13 put more money into this fishery, not having  
14 any additional areas to fish.

15 There are, as you heard in the  
16 comments, there are some individuals that  
17 would like to see maybe a different type of  
18 cap, something like to the largest vessel,  
19 largest permitted vessels that are in the  
20 fleet right now, which might be able to track  
21 some freezer, combination freezer vessels,  
22 fresh fish vessels. But that's more of a

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1 long-term thing. We ought to work on it right  
2 now cause we may need it, but it's a longer-  
3 term thing that's not going to solve the  
4 problem that the U.S. has at hand, which is we  
5 need a significant bump in our catch in 2007.

6           Otherwise, we're going to lose  
7 serious quota in 2008, and what we've already  
8 talked, I think everybody has, you know, an  
9 appreciation for how losing quota share is  
10 going to negatively affect, not just the  
11 commercial fisheries but the recreational  
12 fisheries, and the stock. It's going to be a  
13 movement backwards, if we get there.

14           I'll reserve--I know those aren't  
15 technical comments but I'll reserve the rest  
16 of the talk when we get into the groups on  
17 where we're going to go, and I'm hopefully a  
18 little bit optimistic, with a couple of  
19 preliminary conversations we've had during  
20 this three day session between recreational  
21 and commercial groups, that there are some  
22 areas--I'm really pleased with the way you've

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1 phrased it here, Rick, in terms of topics for  
2 discussion, because that really is what it's  
3 all about

4           And we have a common interest to  
5 make sure we keep 3,900 metric tons of  
6 swordfish. It's not going to happen unless we  
7 reach some kind of agreement between the  
8 groups. There needs to be something in it for  
9 everybody, and we have to do the work to get  
10 there.

11           MR. AUGUSTINE: Thank you. Pat  
12 Augustine. I agree with everything that Rich  
13 said. This is long overdue, it's here, and  
14 you've done a tremendous job in the background  
15 work that you've presented to us. My question  
16 was different, a little technical. I'm trying  
17 to find out what the conversion weight was  
18 when you converted to alternative one, issue  
19 one, summary of impacts, and you talked about  
20 21,000 pound range, and you went up to 476.

21           I don't need to know how many fish,  
22 I can figure that out, but what was the

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1 conversion weight of pound per fish, because  
2 in the other two follow-on alternatives, you  
3 discussed fish only, and just for clarity  
4 purposes, I'm just wondering what average  
5 weigh you used to come up with those ranges?

6 MR. PEARSON: I can't give you that  
7 information, exactly, but I believe it was  
8 about 70.3 pounds and about 350 per pound  
9 times 28 fish. It's in the EA, but it was  
10 right about in that range.

11 MR. AUGUSTINE: That's fine; that  
12 helps. Thank you.

13 MR. GERENCER: Bill Gerencer. I do  
14 have some technical questions. On this slide  
15 where you did a comparison of the recreational  
16 alternatives, the second and third one, those  
17 are actually numbers of fish that you  
18 consider--I mean, 32 to 409 swordfish a year.  
19 That's not weight, that's just additional  
20 fish caught in those. And then--

21 [Audio goes out, momentarily]

22 MR. GERENCER: Was there actually

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1 a--go ahead.

2 MR. PEARSON: First of all, with  
3 regards to your first point, yes, those are  
4 numbers of fish.

5 MR. GERENCER: Okay.

6 MR. PEARSON: The 35 percent  
7 upgrade, that was actually one of the topics  
8 for discussion at the last advisory panel  
9 meeting, and we actually took the flipcharts  
10 and taped them up to the walls, and looked at  
11 the range of comments that we received from  
12 the AP, and 35 was one of the numbers that  
13 kind of stood out.

14 MR. GERENCER: So it was more based  
15 on--

16 [Audio goes out, momentarily]

17 MR. PEARSON: That's correct.  
18 Again, also one of the guiding factors was  
19 taking the 40-foot boat and figuring about ten  
20 feet. I can't say that there was a precise  
21 reason for falling at exactly 35 percent. But  
22 one of the important aspects of it was to

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1 still maintain some cap on overall fleet  
2 capacity, so that we could write an  
3 environmental assessment and get it through  
4 quickly, if you will.

5 [Audio goes out, momentarily]

6 MR. : Thank you for doing this  
7 so quickly. The one thing that's missing from  
8 this is an analysis of, or at least a  
9 projection of what the commercial industry  
10 will add to the harvest of the quota that  
11 we're not harvesting. I think that's very  
12 important, and I think it's important when  
13 you're choosing something like 35 percent, to  
14 attach a projected number of not just  
15 commercial harvest but also impact on bycatch,  
16 because we have to balance that.

17 But if it's not going to come close  
18 to adding to the harvest of the quota, then we  
19 need analysis on a different range, and I  
20 think that's very important, going forward,  
21 back to ICCAT, once we approve this, is be  
22 able to say we anticipate harvesting x number

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1 of pounds versus what we've been doing,  
2 because maybe we won't, we won't get it right  
3 the first year, but it's important to have the  
4 intent that we're going to harvest our quota  
5 so it doesn't get taken away from us.

6 I mean, we've got to harvest 13  
7 million pounds of swordfish this year, and  
8 that's significant. Thanks.

9 MR. NEHLS: Don Nehls. What you  
10 guys have to understand in this upgrading  
11 thing--you know what the difference is between  
12 a 40-foot boat and a 50-foot boat? Absolutely  
13 nothing, when you go offshore. It doesn't  
14 make that 40-foot boat by going 35 percent, or  
15 whatever number that you're choosing as your  
16 alternative.

17 To go from a 40-foot boat to 50-  
18 foot boat, there is actually no benefit in  
19 changing, economically, with that small of an  
20 increase on the thing. We looked at this  
21 whole thing, in the Pacific fishery you went  
22 to the largest vessel in the fleet. You

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1 already have that. Precedence has been set  
2 there.

3 In the U.S., based on a list from  
4 June, with vessels that had--where are we at  
5 here? We ended up about 10,000 feet of  
6 waterline length, over 180 permits. That  
7 doesn't include the "no vessel" ID ones  
8 because those aren't listed.

9 Yes. 180 boats were listed, have  
10 length numbers with the total length of  
11 10,287. Average of that is fifty-seven. It  
12 doesn't do anything, you're never going to  
13 catch the weight by taking that average number  
14 and driving it up to 35 percent. What it  
15 actually takes to do a split rig freezer boat  
16 is something in the range, 115 to 125 foot,  
17 minimum size limit. That's to put the fuel in  
18 the boat, all the refrigeration equipment, and  
19 the autonomy for the vessel to be correct, to  
20 be offshore for the extended lengths of time.

21 That's on the upgrade side of it.  
22 On the economic impacts there, I don't have a

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1 problem with increasing the retention limit  
2 for the recreational caught swordfish. Not a  
3 problem whatsoever with that.

4 But NMFS Enforcement doesn't have a  
5 clue, or a handle of what is going on in South  
6 Florida.

7 So in your economic impact there,  
8 you're showing positives in there, but you  
9 forgot to take in the fact that the swordfish  
10 dealers, which in South Florida, from West  
11 Palm Beach south, a large percentage of the  
12 swordfish from around the country ends up  
13 there in the wintertime.

14 Now those dealers, because there  
15 will be lack of enforcement, and there is lack  
16 of enforcement, those guys are actually going  
17 to be harmed.

18 MR. CODDINGTON: Ron Coddington.  
19 I've got a couple a quick questions to fire at  
20 you, to help me better understand this.

21 Am I correct, that the recreational  
22 catch is put in the incidental catch quota?

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1 MR. PEARSON: Yes.

2 MR. CODDINGTON: In the commercial  
3 quotas, whether it be incidental or direct,  
4 how are dead discards handled? Are they  
5 counted?

6 MS. KIRALY: They should be.  
7 Honestly, I don't recall, off the top.

8 MR. CODDINGTON: So you use a  
9 mortality figure, you think?

10 MR. PEARSON: In the logbooks you  
11 have a dead discard column, you have a  
12 released column, and I'm positive that they're  
13 putting a number to the release column for the  
14 mortality in that.

15 MS. SCHULZE-HAUGEN: Hang on.  
16 Carol reminded me that they're counted against  
17 the directed.

18 MR. CODDINGTON: That the recs are  
19 counted against the direct?

20 MS. SCHULZE-HAUGEN: Dead discards.

21 MR. CODDINGTON: Oh, the discards  
22 are counted against direct. Okay.

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1           When you did your analysis up here,  
2 I see a wide range of the number of fish  
3 anticipated in the ecological impact from 32  
4 to 409, and from six to 569. Presumably, the  
5 easiest way to make that calculation was to  
6 look at catch reports, and existing catch  
7 reports are probably where you got the six,  
8 and then you did some kind of analysis about  
9 what's the real catch, and you got up to the  
10 569 or the 409, depending on which  
11 alternative.

12           Is that correct, that some estimate  
13 of recreational--

14           [Audio goes out, momentarily]

15           MR. PEARSON: These numbers were  
16 based solely on the number, on swordfish  
17 reported to the call-in line, that's required  
18 by recreational, for recreational fishermen  
19 landing swordfish.

20           MR. CODDINGTON: We don't want  
21 amnesty but I can tell you that we know  
22 there's been a dismal reporting in the past,

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1 an increased reporting. What we don't know  
2 right now, is the reporting increase because  
3 of the increased number of recreational  
4 vessels that are participating in the fishery?

5 Or is it an increase in reporting  
6 of the outreach that the Swordfish Club has  
7 done or that NMFS has done?

8 Or is it a combination of the two?

9 Presumably, it's a combination of the two.

10 One of the holes that we see in the  
11 data is that lack of us trying to put a number  
12 on the recreational fishery, in a way that it  
13 can be used to benefit the quota, because,  
14 quite honestly, I'm here to admit that we  
15 think the catch is much higher than what  
16 you're anticipating.

17 I think a number that's been thrown  
18 around from some of the people in this panel,  
19 at sidebar discussions on what the recs are  
20 catching, I don't think there's much argument  
21 from the recreational camp here, that that  
22 number may be 250 tons a year. That's not

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1 reflected in the numbers that we have up here.

2 But that 250 tons can certainly help us with  
3 some of this jump we need on this quota.

4 Certainly, we would recommend right  
5 now, that Russ use a number of 250 tons in his  
6 ICCAT reports, and you can fix it later if  
7 there's a problem with it, because that is  
8 very reasonable, on what the recreational  
9 catch is. Another problem with the  
10 recreational catch numbers is in our reporting  
11 system, we don't have a method to either  
12 account for dead discards, and there's dead  
13 discards in any sword fishery, and there's no  
14 method to account for some percentage of  
15 mortality on the releases because we don't  
16 report dead discards or releases, although we  
17 have tried to encourage our members, and our  
18 participants in this fishery--originally, when  
19 we were talking to Greg Fairclough, is to ask  
20 him to put our releases in the comments column  
21 or something. A more formal method of doing  
22 that might help.

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1 MS. SCHULZE-HAUGEN: That will be  
2 one of the things on the Web site is the  
3 leases.

4 MR. CODDINGTON: Great; good deal.  
5 We appreciate you listening to those comments  
6 cause--pardon me?

7 MR. : [Off-mike remark]

8 MR. CODDINGTON: So if we volunteer  
9 the information on either discards or  
10 releases, that's how it's--

11 MR. : Is going to be mandatory  
12 or voluntary on the releases?

13 MR. CODDINGTON: On the releases  
14 and the dead discards.

15 MR. : [Off-mike remark]

16 MR. CODDINGTON: Okay. Another  
17 thing I want to clear up very quickly, I know  
18 everybody's got a lot of interest in this  
19 subject, when you're talking about the  
20 trifecta, our guys know you need the trifecta  
21 to fish a directed permit, even in the buoy  
22 gear fishery. Our guys are buying those

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1 permits up. We know of a handful of permits  
2 that are sitting down there right now, ready  
3 to be switched over to the new boats, pending  
4 the horsepower upgrade, because the horsepower  
5 upgrade does not prohibit a directed fisheries  
6 permit with the trifecta from entering the  
7 buoy fishery.

8           The buoy fishery does not want an  
9 increase in growth. We know that in your  
10 draft EA, or EIS, whichever it was, you  
11 mentioned some concern over upgrading the  
12 handgear, the swordfish handgear permits  
13 because of the impact on the buoy fishery.  
14 It's happening anyhow.

15           We know we've had what we think,  
16 and your numbers will tell better, but we  
17 think we've had a 500 percent increase in the  
18 buoy gear fishery since November, and the buoy  
19 gear fishermen are telling me that they're at  
20 saturation point. They can't handle any more  
21 buoys out here, even though we have resolved  
22 the gear conflicts between the recreational

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1 and the buoy. There's not room for any more  
2 buoys.

3           So we need to watch that. And I  
4 just want to make sure you understand that our  
5 guys know you need the trifecta, and they're  
6 buying the trifecta, and I think Rich can  
7 probably verify this comment, that what we  
8 have done? we've pushed the permit value up to  
9 \$25,000 now. The constituents in South  
10 Florida are buying permits for between--they  
11 started at \$8,000 in November. They quickly  
12 jumped up to \$15,000, and now the guys in  
13 South Florida that want to enter the buoy  
14 fishery are sending form letters to every PLL  
15 holder and every hand gear holder, offering  
16 about \$25,000 now for a permit.

17           So that's a growth you need to  
18 watch, we don't know anything about the buoy  
19 gear fishery, but I want to make sure you  
20 understand that they're going to use that 35  
21 percent upgrade. We're not against the  
22 upgrade. We're actually on the side of the

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1 commercial, saying they should be allowed a  
2 greater upgrade in horsepower and a greater  
3 upgrade in linear foot to do what they want to  
4 do out there in the distant waters, and  
5 compete effectively in a foreign market.

6 But we don't want those permits to  
7 enter the buoy gear fishery, or the closed  
8 area. The buoy gear fishery does not add the  
9 kind of increase to the quota--one buoy gear  
10 fisherman cannot add increase to the quota,  
11 that that directed permit can have an impact  
12 if it's put out there in the longline fishery.

13 Thank you.

14 MR. : Just a quick followup on  
15 the buoy gear fishery. Is it going to come to  
16 a time where that is capped as far as the  
17 number of participants in that? Do you  
18 continue allowing directed permits to fish  
19 with the buoy gear in the Florida East Coast  
20 area? What is your opinion or vision of what  
21 you want to happen there?

22 MS. SCHULZE-HAUGEN: It's something

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1 we're keeping an eye on. We're hearing a lot  
2 of the kind a comments on gear conflicts and  
3 expansion, and a lot of comments came in on  
4 this rule. I would hope folks remember that  
5 preconsolidated FMP, this was completely wide  
6 open, and so what the FMP did was put in a  
7 number of restrictions, limiting to the  
8 limited access permit holders, putting a limit  
9 on the number of floats that can be used. So,  
10 you know, what we did there, and that was six  
11 months ago, it's not been that long, put in a  
12 number of restrictions.

13 But, again, it is something that we  
14 are watching closely, capping it. I mean,  
15 there's any number of things that we might  
16 consider in the future. So I would say that  
17 we're open to that, particularly as concerns  
18 grow.

19 MR. : [Off-mike] know that  
20 there has been a significant increase in the  
21 use of buoy gear. There was not a significant  
22 reduction to be had in the recreational

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1 fishery, by taking it away from the  
2 recreational fishery. But as many as six hand  
3 gear permit holders, or directed permit  
4 holders, that were fishing rod and reel, have  
5 switched over to buoy gear, and quite  
6 honestly, we used to watch the stars twinkle  
7 and now we watch the strobe lights flash.

8 MR. : One thing, and just a  
9 followup to Margo, and it's more broad than  
10 the Florida East Coast. As you have other  
11 issues that develop, whether it's the Mid-  
12 Atlantic closure there to the pelagic longline  
13 gear, whether it's a closure in the Gulf,  
14 which there has been interest in the DeSoto  
15 Canyon area from the guys that used to fish--  
16 now they can't fish the pelagic gear in there--  
17 -those guys are looking at the buoy gear  
18 fishery as an alternative.

19 As bluefin stuff comes down to the  
20 pipe, I'm sure there's going to be a little  
21 bit more, larger blocks in the Gulf of Mexico.

22 From what I see of the fishery, and I've done

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1 it, and I've had people from the Southeast  
2 Center on the boat because you don't want to  
3 go for a boat ride--it is a good, viable  
4 option there, because there is no real bycatch  
5 in there.

6 It's very, very clean. So if you  
7 say I would be careful on capping the buoy  
8 gear effort, or I would be careful on the  
9 wording when it does come to that point,  
10 because as you have more closures in different  
11 areas, geographically, you would immediately  
12 block them out if you didn't word it  
13 correctly.

14 MR. : [Off-mike remark]

15 MR. : I'm sorry, Jim.

16 MR. : No problem.

17 MR. PEARSON: Ron, we did receive  
18 that comment, and I've actually given this a  
19 great deal of thought. One thing that's  
20 obvious to me in fisheries management is that  
21 nothing is quite as easy and straightforward  
22 as it seems. We really did work, trying to

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1 focus on primarily pelagic longline vessels  
2 with this vessel upgrading requirement.

3 One of the suggestions in the  
4 comment letters was to allow the upgrading but  
5 if a vessel has upgraded in horsepower to not  
6 allow them to fish in the closed area. This  
7 was one of the suggestions recommended, that  
8 we've been thinking about.

9 But just in terms of enforcement,  
10 or tracking that seems difficult to do, cause  
11 it's conditional upon whether the vessel there  
12 has been upgraded or not. So we're taking  
13 those comments into consideration, we really  
14 are, but it seems a "hard nut" to crack.

15 MR. DONOFRIO: Rick, thanks. Jim  
16 Donofrio representing the RFA.

17 I was just wondering if any other  
18 panel members here wanted to just go straight  
19 through on this rather than break for lunch,  
20 cause I think this issue require a lotta time.

21 And then I have something else I want to say.

22 MS. SCHULZE-HAUGEN: Okay. Yes.

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1 Well, a lot of brain activity requires food  
2 too. So what I was going to suggest is  
3 possibly a half-hour break, people go get  
4 lunch and bring it back; if that would work.

5 I don't know about you, but I've  
6 got to eat.

7 MR. DONOFRIO: I was going to get  
8 you something to do. But anyway, I want to  
9 make a comment on something that Ron had said.

10 I know we're not commenting now but I saw  
11 some people chuckle when he suggested that  
12 Russ enter 250 metric tons. That's as  
13 accurate as any MERS data that's out there. I  
14 can tell you that right now. Okay. So  
15 anybody wants to laugh at that estimate, that  
16 was done by many people, that fish, swordfish,  
17 in that area in Florida, and that estimate is  
18 as accurate as any MERS data, and we could  
19 always correct it later because we're heading  
20 towards a better data collection system.

21 But let's enter it and correct it  
22 later. So anybody thinks that's funny, go

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1 look at the MERS data. You can laugh at that  
2 all you want.

3 MS. SCHULZE-HAUGEN: I don't know  
4 what other people were chuckling at. What I  
5 was chuckling at was the reference to Russ  
6 doing it.

7 MR. DONOFRIO: [Off-mike remark]

8 MR. : Jim was probably  
9 laughing at me, cause I was laughing at the  
10 pulling the number outta the air type thing.  
11 You just can't submit that kind a data and  
12 expect ICCAT to accept it.

13 MR. : [Off-mike remark]

14 MR. : I don't think so. I've  
15 never seen it done before. But anyways, this  
16 is a technical comment. I think NMFS has to  
17 find another definition for the Florida East  
18 Coast closure. It is a misnomer, and we  
19 shouldn't be referring to it as the Florida  
20 East Coast closure.

21 It's clear, now, that it is an area  
22 where there's a booming recreational fishery

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1 and a growing and prospering commercial buoy  
2 fishery. That's the reality of what we have  
3 there now. So it's no longer a closed area.  
4 Let's call it for what it is as we move  
5 forward in our discussions. Thank you.

6 MS. SCHULZE-HAUGEN: Okay. Thank  
7 you. How does it sound, a half an hour to  
8 bring lunch back? Sounds good? Okay.

9 [Remainder of tape side 18 blank]

10 [A

11 luncheon recess was taken]

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

19A

1  
2 MR. GERENCER [?]: [in progress]  
3 careful handling and release procedures used,  
4 now used on longline boats because of the  
5 turtle program, and everybody uses circle  
6 hooks, etcetera, mitigation technologies and  
7 protocols. But we also recognize that many of  
8 the bycatch issues are still very significant  
9 and a very important part of this.

10 But the question is: Are the  
11 configurations of the closed areas still  
12 valid? and with that in mind, we talked about  
13 a possible EFP, not necessarily in every  
14 closed area. We didn't have complete  
15 consensus on this either, but we're very  
16 concerned about, for instance, the Florida  
17 straits.

18 But there are some parts of some of  
19 the northern closed areas, maybe eastern,  
20 offshore, that might be good targets for at  
21 least looking at, and with EFP, there's got to  
22 be hard triggers with bycatch cap, white

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1 marlin being of course highest priority,  
2 juvenile swordfish, turtles, etcetera.  
3 Something similar to the EFP that occurred in  
4 the NED closed area with observer coverage,  
5 transparency, outreach, managed by an  
6 academic, a strong research component.

7           Then we moved on to marketing. We  
8 had a presentation about outreach from highly  
9 migratory species, and we think that, you  
10 know, adding potentially 6000 metric tons, or  
11 would be more like 4000 metric tons to the  
12 U.S. landings, could actually be a big  
13 disaster. Cause you think about it, we don't  
14 really catch that much sword compared to what  
15 we used to.

16           And it's more than just marketing  
17 for the public and the consumer. The word is  
18 not out there yet, that this is a well-  
19 managed, and in many respects, environmentally  
20 friendly fishery, and with a 99.99 BMSY, it's  
21 essentially rebuilt.

22           We need better positive public

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1 outreach, the private sector can do a lot of  
2 it, but I think it's important for HMS staff  
3 to be out there saying things, and some of the  
4 target areas are, you know, we have to talk to  
5 the recreational sector about the benefits of  
6 the current program to the sector in certain  
7 areas, for instance, down in the northern Gulf  
8 of Mexico, they're not aware of some of the  
9 things that they could fish for at the moment.

10 Benefits to the commercial sector,  
11 benefits to the U.S. consumer, and of course  
12 benefits to the resource. And through all  
13 this, NMFS and HMS has to send a very strong  
14 message to ICCAT, that what we're involved  
15 here is a revitalization program of a fishery.

16 Then we looked at some of the  
17 bullet points. Retention limits. We support  
18 a change of the incidental sword permit to a  
19 directed fishery, with the understanding that  
20 most of these were pelagic longliners that  
21 chose to focus on tuna fish, and the 30 fish  
22 limit may not be appropriate.

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1           It would simplify the permit  
2 process. We support the squid troll  
3 possession limit changes. We supported a good  
4 strong consensus on alternative 1E to the  
5 charter headboat possession limit changes, as  
6 well as 1F for recreational anglers, and  
7 outreached again to the Northern Gulf, to  
8 explain to that part of the recreational  
9 community what's available to them.

10           And with Enforcement, a very  
11 important point--no sale of swordfish without  
12 a commercial license. That has to be  
13 established. If you're selling swordfish  
14 you're a commercial fisherman. And then last  
15 but not least, buoy gear fishery. This could  
16 potentially be a very important fishery but  
17 it's important to properly develop it.

18           The example we talked about was the  
19 greenstick gear, the fishery just kind of  
20 appeared, and now it seems to have pretty good  
21 support because of what it's able to do, and  
22 the buoy gear fishery has a potential to do

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1 that but it could also potentially be a  
2 disaster too. So it has to be developed  
3 properly, with data, perhaps an EFP, etcetera.

4 And that concludes this.

5 MR. : Your comment, Bill,  
6 about increasing the catch to 4000 metric tons  
7 could be a disaster. I'd suggest that a  
8 greater disaster. I'd suggest that a greater  
9 disaster would be losing 2000 metric tons of  
10 quota, permanently. You know, this is no time  
11 to be, you know, trying to finesse and play  
12 markets, and stuff like that. There's quota  
13 that has to be caught.

14 You know, maybe people aren't  
15 taking that issue serious. But if you had  
16 been in Croatia last year, and if you were  
17 here, listening to Dr. Hogarth, and if you  
18 ever get a private conversation with him, if  
19 the quota's not caught, it's gone, it's  
20 history, and if that's okay to people, then,  
21 we'll live with that and people better start  
22 accepting that realization cause that's where

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1 we're going.

2 In terms of--you said something  
3 about allowing--

4 MR. : [Off-mike remark]

5 MR. : Sure.

6 MR. GERENCER [?]: Yeah. I agree;  
7 thank you. I didn't mean that it would be a  
8 disaster if we caught it. I meant it could be  
9 a real mess if we caught it and we can't sell  
10 it, or a lot of bad press gets targeted around  
11 it. You know, we have to think this through  
12 when we do it. But yes, it'd be much worse, a  
13 true disaster, to lose that quota.

14 MR. : Okay. The other  
15 comment, you had a point where you were  
16 suggesting that maybe there'd be some  
17 consideration of allowing incidental permits  
18 to turn into directed, pelagic longline  
19 permits, and, you know, that kind of violates  
20 how fishery management is supposed to work.

21 When you establish a limited access  
22 program, you're basically--it's a two-way

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1 street. You're limiting entry to existing  
2 historical users and then you're saying to  
3 that group: You're going to suffer now, you're  
4 going to go through a period of reduced  
5 catches, increased restrictions in an effort  
6 to rebuild the resource, and then, when the  
7 resource is rebuilt we're going to make it up  
8 to you. We're going to allow you to increase  
9 your catches, we're going to give you back  
10 some areas to fish, and, you know, maybe  
11 there's room for some increased user group  
12 participation. But the expectation is you're  
13 not going to make wholesale changes to the  
14 people who made the sacrifices over the, in  
15 this case, a fairly short period of time, you  
16 know, maybe a six year period, compared to  
17 some rebuilding plans that take a lot longer  
18 time to do that.

19 So, you know, I would just see that  
20 as a very complicated issue and one that, you  
21 know, undermines some of the expectations in  
22 limited entry programs.

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1 MR. : Thanks. I'd just add, I  
2 agree, but our goal was to help prevent the  
3 disaster of losing that quota, and now is not  
4 the time to say, you know, here are boats that  
5 could land some swordfish, and now is not the  
6 time to start getting greedy. I understand  
7 that there are problems with that; but I'm all  
8 done.

9 MR. : One more point that I  
10 missed. We have been asking to do that in a  
11 somewhat different way, and that's to take  
12 some of the inactive permits and lease the  
13 U.S. domestic inactive permits with anybody  
14 else, for example, that could be on an  
15 incidental boat, who has the capability to  
16 catch swordfish, has some leasing arrangements  
17 for a period of time, you know, and if that  
18 turns into a permanent one, then the fairness  
19 issue has been addressed with the historical  
20 user.

21 MS. SCHULZE-HAUGEN: Anything else  
22 from the table?

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1                   MR.           : [off-mike] from group  
2 one. I just wanted to agree with what Rich  
3 had to say. I think those points might have  
4 been overlooked a little bit; but I definitely  
5 agree with him.

6                   MR.           : [Off-mike remark]

7                   MS.           : Is this working? Yes?  
8 Again, our focus was primarily on closed  
9 areas, and in the spirit of cooperation, we  
10 did start off with, believe it or not, parts  
11 of closed areas we opened for compatible uses  
12 between the recreational, commercial, and the  
13 for-hire sectors.

14                               In order to allow vessels to have a  
15 wider range of fishing capability, remove all  
16 vessel upgrade limitations, conduct  
17 experiments in closed areas using circle  
18 hooks, and again, this is more or less like  
19 the application we just received--in a  
20 designated, selected, experimental sub-area  
21 within the closed areas.

22                               Again, and in the spirit of

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1 cooperation, the quota should be caught by  
2 both the recreational and the commercial  
3 sector in cooperation, with a minimal amount  
4 of conflict. I can't read this.

5 Review closures created in 1997--  
6 and there was a question as to whether that  
7 was the exact year but we're assuming it is--  
8 that's when the U.S. last caught its quota, to  
9 select areas to open.

10 And for a while there, we kind a  
11 had the spirit of there's probably no quick  
12 fix and is this really a solvable problem  
13 after all.

14 Another suggestion would be to  
15 revitalize inactive permits, those that are  
16 incidental and expired permits, reactivate  
17 them to become directed permits. Promote  
18 domestic swordfish consumption. This is  
19 another marketing issue.

20 Encourage displaced fishermen, such  
21 as in the shark and the snapper/grouper  
22 sectors, for example, to switch to swordfish,

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1 if possible. Again, the "use or lose"  
2 approach to inactive permits. There are all  
3 sorts of caveats there. It could be torqued  
4 around, "use or lose" within a particular  
5 timeframe, or with other contingencies, or  
6 allow active permits to become temporarily  
7 retired, and therefore I guess others could  
8 take over those permits and make better use of  
9 them.

10 Allow HMS permits to sell catch on  
11 an experimental basis, for example, for a  
12 year, if, indeed, the vessels meet the  
13 commercial fishing vessel criteria. And  
14 that's what we came up with. Any questions?

15 MR. : [Off-mike remark]

16 MS. : [Off-mike remark]

17 MR. : If you could  
18 [inaudible].

19 MS. SAULS: Okay. Group number  
20 three. We had a good mix of recreational and  
21 commercial interests from both the Northeast  
22 and the Southeast, and it was a very good

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1 discussion, and being a first-time  
2 participation in the AP process here, I was  
3 very impressed with the way everybody sat down  
4 at the same table and talked about all the  
5 stuff, and it was pretty evident they'd talked  
6 about a lot of stuff before we sat down in  
7 this group.

8 So they had some pretty organized  
9 thought. And one thing that the whole group  
10 agreed on, before we even wanted to say  
11 anything else, was that I think everybody  
12 agrees that we need to catch our quota.  
13 That's a given. And so when we started  
14 talking about this, the proposal was put on  
15 the table, and this is a joint commercial and  
16 recreational proposal to try and attempt to  
17 avoid some of the user conflicts that seem to  
18 be creeping up in the Florida, Southeast,  
19 closed area, was that the experimental fishing  
20 permit area would be designated to an area  
21 that is north of the current pelagic longline  
22 closed area in Southeast Florida.

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1           And they had some specific  
2 specifications for that. Thirteen vessels,  
3 which I think is what's originally proposed,  
4 that there would be 100 percent observer  
5 coverage paid for by NMFS. It's not written  
6 on here but I think it was said that it would  
7 be mandatory circle hooks in that experimental  
8 area, and the area would be north of Fort  
9 Pearce up to the Charleston Bump, east of the  
10 Gulf Stream in a 100 fathoms of water, and  
11 they had some latitudinal specifications,  
12 north of 28 degrees and north of 30 degrees.  
13 At any rate it was a very detailed proposal  
14 and I think it should be given some  
15 consideration to increase catch towards  
16 quotas.

17           Some of the discussion around this  
18 proposal was, What would be the impacts on  
19 white marlin bycatch, and bluefin tunas? Why  
20 13 vessels? They wanted to open that up for  
21 discussion. You know, could it be more, could  
22 it be less?

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1                   What would be the triggers for  
2 bycatch caps to be negotiated with NMFS? You  
3 know, they wanted some specification on how  
4 would you define when the fishery would be  
5 closed down.

6                   There is not an environmental  
7 impact statement on the current proposal.  
8 However there was an environmental assessment.

9                   But with this new proposal, presumably, that  
10 would have to be relooked at, and that NMFS  
11 would have to review the white marlin bycatch  
12 issue. So that was that.

13                   Some other things we discussed.  
14 Federal Register notice for swordfish  
15 revitalization sites. The pelagic longline  
16 closed zone areas as insurance that vessel  
17 upgrades won't have adverse impact.

18                   Could you clarify what that was  
19 about.

20                   MR.           : The point there was that  
21 in the Federal Register notice for the  
22 swordfish revitalization plan, the issue on

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1 adverse impact was addressed by saying that  
2 that was taken care of by the fact that there  
3 were close zones. We put this point up  
4 because you're effectively taking away a  
5 portion of this zone, whatever you want to  
6 call it.

7 MS. SAULS: Oh. And also, there  
8 was some discussion before the experimental  
9 permits were issued, that there should be some  
10 review of the 2002 to 2005 circle hook data on  
11 pelagic longlines.

12 MR. : [Off-mike remark]

13 MS. SAULS: Oh. That should be  
14 2004 to 2005? What is the FEC? Oh. Florida  
15 East Coast closure may have benefits to blue  
16 marlin, and the Florida East Coast closure not  
17 responsible for resurgence in swordfish which-  
18 -there was some discussion--there was some  
19 disagreement, amongst the group, whether or  
20 not the East Coast closure was responsible for  
21 the rebuilding of the swordfish fishery or  
22 not. So there was disagreement in that area.

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1           And the question was also raised,  
2 would the geographical area that was proposed  
3 by the group have any impact on recreational  
4 fishing? Yes or no? It was brought up, as I  
5 think the other two groups have already  
6 brought up, that to revitalize the commercial  
7 fishing, there has to be a marketing strategy  
8 to make that successful.

9           There was some discussion of the  
10 need for vessel upgrades in the 125 foot to  
11 150 foot, and maybe more category for freezer  
12 fisheries, and perhaps that could be a new  
13 baseline. There was discussion of the  
14 potential interest in a general category  
15 permit, similar to what is already in place  
16 for bluefin tuna, perhaps some interest by the  
17 charter and headboat fleet, and by rod and  
18 reel operators who may be interested in  
19 selling catch, and upgrading from recreational  
20 to commercial.

21           There was also some discussion  
22 along those same lines, that the historic

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1 fishermen who were originally displaced from  
2 the fishery during the closures, should  
3 probably have some first chance at getting  
4 back into the fishery.

5           There was much discussion about  
6 buoy gear in the current East Florida closed  
7 area, which is--when I say "closed area," I'm  
8 referring to the pelagic longline closed area.

9           There was a suggestion that there  
10 may be a need to add swordfish to the bays  
11 type permit. I didn't understand what that  
12 meant but I was told it means--

13           MR.           : The point made there  
14 was: Is there anything we can do to have  
15 pelagic longline vessels target swords versus  
16 bays? There's been some concern by some of  
17 the recreational group, that one of the issues  
18 that's causing a decrease in our ability to  
19 catch our quota is a preference, and it may be  
20 certain times of year, in certain water, to  
21 fish for the bays versus the swords. That's  
22 what we said there.

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1 MS. SAULS: Does everybody agree  
2 with that?

3 There was a suggestion that the  
4 U.S. could possibly lease foreign vessels to  
5 come into U.S. waters under a U.S. flag, as I  
6 understand it, and possibly catch some of our  
7 quota and take it back to their countries for  
8 sale.

9 What was the point about increasing  
10 recreational fishing?

11 MR. : [off-mike remark]

12 MS. SAULS: Oh, there was concern  
13 about sales of that. And our last discussion  
14 was on opportunities for cooperation. So both  
15 sides were interested in who would take  
16 responsibility for our lost quota in 2008.  
17 Would the recreational people be willing to  
18 have that on their shoulder? Or would the  
19 commercial people also be willing to carry  
20 that burden?

21 A personal observation, in  
22 listening to both sides in our group, I think

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1 too, was that there's a desire to move forward  
2 in developing this fishery with a sense of  
3 care and caution. Not that we don't want to  
4 meet our quotas and lose it. But I think that  
5 people are also concerned that if you develop  
6 this fishery without much thought, then what?

7 What's the cost for that?

8 So I think that's why there's so  
9 much "tug and pull" in some of these  
10 discussions.

11 The last suggestion from our group-  
12 -I'm going to defer this point about  
13 geographical limits to Ron, so he can better  
14 explain it. But I think sort of the last  
15 great idea from this group was that there  
16 needs to be a stakeholder meeting with Dr.  
17 Hogarth, possible in early April, to discuss  
18 ways to increase the catch of swordfish in the  
19 United States, in ways that are, I think  
20 amicable, to all parties involved. And I  
21 thought that was a pretty positive suggestion.

22 And I'm going to turn it over to

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1 Ron to discuss this buoy gear point.

2 MR. RINALDO [?]: First, I want to  
3 say that was a very impressive rendition of  
4 what we discussed, Beverly. Thank you very  
5 much.

6 I don't know how you got all that  
7 much--[laughter]. It must be the Florida  
8 weather or something. But anyway, the one  
9 thing that I did want to elaborate a little  
10 bit on was if it's not--one of the points I  
11 was trying to make in the meeting, if it's not  
12 going to be the EFP that's going to be the  
13 principal vehicle to provide a major bump in  
14 the increase in our quota, in time to save our  
15 quota in 2008--that's how I view the issue  
16 obviously, I've said it many times--then the  
17 only other alternative that I see--and I don't  
18 think it could to the volume of quota that's  
19 necessary--is that, you know, since there  
20 seems to be support for this buoy gear  
21 fishery, then we need rapid development of the  
22 buoy gear fishery, without an exempted fishery

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1 permit in the Florida closure.

2           If the EFP is not acceptable, and  
3 buoy gear is, then let's develop that fishery.  
4 There's plenty of inactive permits in the  
5 swordfish fishery that can be quickly  
6 transferred on to, and there's handgear  
7 permits available right now, and we could  
8 develop that fishery.

9           MR. CODDINGTON:     Ron Coddington.  
10 Obviously this group picked an impartial  
11 presenter and she did a very good job at  
12 capturing the flow of ideas, back and forth.

13           A couple of things I want to point  
14 out, and there's one item we didn't address,  
15 and this is because we're talking a lot about  
16 the buoy gear fishery, and I know a lot of  
17 people in here don't understand the buoy gear  
18 fishery, are just learning what the buoy gear  
19 fishery is.

20           There's a proposal just hitting  
21 NMFS right now to do an EFP, I'll explain,  
22 quickly, why it's an EFP, to do buoy gear

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1 research. The reason it's exempt fisheries  
2 permit is the vessel that would be used to do  
3 the gear description, or the bycatch  
4 description, and all the science that would go  
5 along with this, is a pelagic longline vessel.

6 Two reasons it needs a EFP.

7 One, they want to fish more than  
8 the specified allowable number of buoys, and  
9 I'm sure the EFP will have a description of  
10 how that's going to work, but basically more  
11 buoys than are allowed to be fished.

12 The second issue here with this  
13 EFP, the reason it's an EFP is the pelagic  
14 longline vessel presumably would be doing this  
15 on piers when he's not fishing pelagic  
16 longlines, and rather than meet the  
17 requirement under the current regulations to  
18 have the longline gear off the boat or the  
19 spool off the boat when he fishes buoy gear he  
20 wants to leave the spool on the boat.

21 Neither of those are any things  
22 that the recreational community or the buoy

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1 gear commercial fishery a problem with. What  
2 we do want to make sure everyone realizes is  
3 that--and I know you shark guys have been hit  
4 with some stuff that you've called "bad  
5 science." I apologize to the scientists. I'm  
6 not in any way implying that it was bad  
7 science. I've heard something like that.

8           What we want to make sure is that  
9 the buoy gear fishermen, and coincidentally,  
10 or weirdly enough, the recreational group does  
11 have some commonality with the buoy gear  
12 fishery and we have a lot of communication  
13 with the buoy gear fishery.

14           The buoy gear can be fished one a  
15 two ways. Buoy gear can be fished as a fully  
16 tended gear, as it is by the guys that develop  
17 the buoy gear fishery and are working the buoy  
18 gear fishery off the coast of South Florida,  
19 predominantly Dade, Broward, Palm Beach and  
20 Martin County. It can be fished as tenant  
21 gear, which is very much like rod and reel. A  
22 quick description.

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1           They put eight, ten, twelve buoys  
2 out, whatever the number is. They actually  
3 bring the number of buoys back when the fish  
4 are biting because they can't handle them.

5           The buoys are set in one of a  
6 couple of methods, either in a line, and the  
7 guys sit at one end of the line or travel up  
8 the line looking for a bite. A bite is  
9 indicated by the marker buoy going up or by  
10 one of the buoys coming offline.

11           Another method of those buoys being  
12 fished, when they're fished like rod and reel,  
13 is the guys will set them up in a horseshoe  
14 and sit in the middle of it, or half circle,  
15 sit in the middle looking at marker buoys that  
16 are in front of the polyball or the large  
17 flotation buoy. Again, it's simply a bobber  
18 with a line on it, and gangeon [ph] on the  
19 bottom. Most of them are fished with one hook  
20 rather than two, although they're allowed to  
21 fish two.

22           The other way buoy gear can be

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1    fished is it can be fished like a pelagic  
2    longline where it's not tended, and what we  
3    see down there is there have been some PLL  
4    vessels pull their spool off their boat and  
5    fish, in the last few months, there were some  
6    experimented a year before, and some of those  
7    boats, because they're different type vessels  
8    from this buoy gear, typical buoy gear  
9    fishery, that's there every night, small  
10   vessels, center consoles here, pelagic  
11   longline vessels, when they pull that longline  
12   off, they're fishing that gear like a pelagic  
13   longline.

14            They're putting the gear in the  
15   water and presumably letting it soak all  
16   night, and pulling the gear in the morning.

17            There's no doubt a definite  
18   difference between the two, and the first  
19   thing we thought, from a recreational side is,  
20   and from the buoy gear side--and we do have  
21   one of the buoy gear guys here that can answer  
22   some questions about that, if need be--is when

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1 it's fished like rod and reel, we didn't want  
2 research out there that was fishing it like  
3 pelagic longline gear.

4           There are differences that are good  
5 and bad for both sides. One, we presume that  
6 if it's fished like pelagic longline gear, you  
7 have the opportunity for one fish on each  
8 buoy, and that's the only opportunity you  
9 have. When these small fish come through and  
10 knock all the baits off, you're fishing with  
11 bare hooks.

12           So presumably you would have a  
13 lower catch rate per buoy. But also fishing  
14 it like pelagic longline gear--and remember,  
15 this is a J-hook fishery, because there's no  
16 resistance on the gear it often can have--I'm  
17 not saying in a majority--but it can have a  
18 gut hook type--be a gut hook fishery.

19           Presumably, if it's fished  
20 unattended, the results are going to show a  
21 difference in catch rates and a difference in  
22 dead discards. When you come down to the rod

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1 and reel method of fishing the buoy gear, some  
2 of these buoys, an individual buoy can catch  
3 three fish a night.

4           They tend the gear like a rod and  
5 reel, they see a little wiggle on the marker  
6 buoy, they go over, if there's no fish they  
7 pull the line up, they've lost their bait,  
8 they rebait, put it back out again.

9           There's a presumption that this  
10 method would show a lower rate of dead  
11 discards and a different way of handling  
12 bycatch, and it will show a higher catch rate.

13       So there is a distinct difference.

14           Originally, before we got here at  
15 this meeting, we didn't like the EFP at all,  
16 going out there doing this, but maybe if this  
17 was modified, to include in that research with  
18 the same researcher who's gone for the grant  
19 to do this, is to monitor both types of gear  
20 to distinguish the differences between the  
21 two.

22           The rod and reel type gear is the

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1 predominant buoy gear. Most pelagic longline  
2 vessels that have come down there and  
3 experimented with pulling their reel off, and  
4 gone fishing, have had dismal results and have  
5 pulled out of the fishery. So that one we  
6 wanted to make sure was clear.

7           You know, to go through some of the  
8 other things, this was not an agreed option  
9 between the recreational/commercial sides. I  
10 think it's very clear that the recreational  
11 group has gone on record as opposing EFPs as  
12 they are now proposed.

13           We are the ones that brought up  
14 some of the unknowns. Some comments that Russ  
15 Nelson asked me to make were some comments  
16 like we haven't seen an EIS or an EA. We  
17 don't know the details of this proposal for  
18 the EFP. We don't know what science is going  
19 to be gained from it because we don't know  
20 what, exactly, is going to be done.

21           For that reason, we'd like to see  
22 more information. And I'm speaking again from

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1 the recreational side. I'm of course, in no  
2 way, speaking for the commercial side, that'll  
3 have their chance in a second. We did think  
4 that, at the last attempt at the EFPs in this  
5 area, one of the criticisms was that develop  
6 some information in the nonclosed areas, and  
7 we haven't seen any of that information in the  
8 nonclosed areas.

9 We actually mean 2004 to 2005. But  
10 we haven't seen that. Again, one of Russ  
11 Nelson's comments was that the Federal  
12 Register notice for the sword revitalization  
13 did make it clear, that one of the controls on  
14 adverse impact is the existing closed areas,  
15 but now we're talking about modifying the  
16 closed areas.

17 Some of the people did talk about  
18 whether the FEC closure is responsible for  
19 revitalization. I'm not going to make a  
20 comment on that. The scientists have some  
21 information, opinions on that, and maybe  
22 they'll share those with us at some point.

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1           Geographical areas of impact.  
2       There is a question here. There's a concern  
3       among the recreational fishing community that  
4       it will have an impact, and there's assurances  
5       by the PLL, I believe, that it won't have an  
6       impact. We still have some concerns on that,  
7       and I think there's still a lot of questions.

8           We made it clear on the vessel  
9       upgrades, we don't want to make it sound like  
10      the recreational fishing industry had any  
11      problem with vessel upgrades. We think the  
12      vessel upgrades, as proposed by National  
13      Marine Fisheries, does not address the real  
14      issues.

15           We understand this is a problem,  
16      because this can't happen tomorrow. We  
17      understand this takes a large capital  
18      investment by somebody. But if they're  
19      willing to make it, we're in full support of  
20      that. Of course the concerns about ways to  
21      bring the recreational fishing community into  
22      compliance have included everything from

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1 better enforcement action to licensing the  
2 recreational fishery as permit holders and as  
3 commercial fishermen.

4           Coincidentally, we did at a last  
5 Swordfish Club meeting, a little bit of a  
6 polling of our members, and I believe I'm  
7 correct, that 67 percent of our members said  
8 they had no interest in any ability to sell  
9 their fish.

10           Of course opportunity for  
11 cooperation. Our comment was do they want  
12 Ron's name or Rich's name there? I think Rich  
13 wants Ron's name there. Hopefully, we don't  
14 ever get there. We agree that all parties are  
15 in trouble if we lose our quota. That's a no-  
16 brainer. It is going to be a problem, if that  
17 happens. But we think that quantifying the  
18 recreational harvest in the FEC zone, and  
19 quantifying the buoy use in the FEC zone, is  
20 an important aspect of the controlled growth  
21 of this fishery, and we'd hate to see us meet  
22 our quota one year and then not be able to

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1 catch any more fish. And I'm not saying  
2 overnight but through some period of time.

3 One of the concerns that the  
4 recreational industry has made, as part of our  
5 public comments on the revitalization plan, is  
6 that there's a problem with upgrades of PLL  
7 vessels, because there's a lot of expendable  
8 cash in South Florida. These guys are trying  
9 to buy permits. They're trying to buy permits  
10 every day, and I know a lot of you people in  
11 here have had letters, trying to buy your  
12 permit

13 One of the ways to stop the  
14 directed permit upgrade from affecting the  
15 buoy gear fishery in a negative way, is to  
16 allow one-time conversion of any directed  
17 permits that are in the buoy fishery, to a  
18 handgear permit--whether or not they could  
19 ever go back to the directed is another story--  
20 -but convert those permits that are out there  
21 now in the buoy gear fishery now to a handgear  
22 permit, one time, and then not allow directed

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1 permits to fish buoys. Maybe not allow direct  
2 permits to fish buoys in a closed zone, or the  
3 FEC zone. I apologize. I'm not going to call  
4 it the closed zone anymore, at your request.

5 That was what we thought was our  
6 solution, or one option at solving the problem  
7 with vessel upgrades, because we do think  
8 vessel upgrades are a good thing, in the  
9 context that the industry has proposed it.

10 We don't have any answers that  
11 we're going to solve today. This table, right  
12 here, has had many hours more than the length  
13 of this entire meeting, talking about this  
14 subject. We heard what we think is an  
15 opportunity to sit down with Dr. Hogarth, and  
16 we're suggesting that among the parties we  
17 pick maybe three or four from each of the  
18 camps, so we can have a small group and meet  
19 with Dr. Hogarth, and see if we can hash out  
20 these problems in a way that we don't affect  
21 our quota, but at the same time we allow the  
22 recreational fishery to flourish, because we

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1 think it's a very valuable and viable industry  
2 that should stay alive in South Florida.

3           So we are going to work with Margo,  
4 to see if we can get this to happen. There's  
5 something about the early April date. It'll  
6 be post-ICCAT information, that may make this  
7 a more important meeting, and we would like to  
8 work forward to getting the parties at a  
9 table, in the spirit of cooperation, because  
10 right now, I think the two sides have the  
11 appearance of a lack of cooperation and  
12 opinion between both sides, that there's not  
13 the cooperation that we need here.

14           And we'd like to work on that,  
15 because the recreational fishing community  
16 wants to be a part of the overall fishing  
17 community in a positive way.

18           I think that's pretty much it,  
19 unless somebody has some questions, and of  
20 course Rich wants to follow through. Skip  
21 Smith would like to make some comments on the  
22 rec side also.

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1 MR. : [Off-mike remark]

2 MR. CODDINGTON: Oh, the issue on  
3 geographical limits was brought up. What we  
4 meant here is, is there a way to let the buoy  
5 fishery grow in the FEC zone, but not have all  
6 the buoys in one area? One of the suggestions  
7 is some kind of geographical limits on the  
8 buoys, some kind of limits in a block of two  
9 buoy gear permits per block, three, four five.

10 I know that's a very difficult issue but  
11 we're trying to deal with the gear conflicts,  
12 and remember that we fish a very, very narrow  
13 strip of water in the southern end of this  
14 zone, and a wider stretch of area in the  
15 northern zone. That's probably it.

16 Skip.

17 MR. : Hang on. One second,  
18 while you're still up there. You want to stop  
19 the directed permits from fishing the buoy  
20 gear but then you want to issue a general  
21 category type permit for the recreational  
22 boats to fish in the Florida East Coast zone?

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1 MR. CODDINGTON: No; that was one  
2 suggestion that was brought up. As I stated,  
3 the group I come from, the Swordfish Club, our  
4 members do not want permits to sell our fish.

5 So that was put up there as a bullet. But I  
6 particularly don't support that and I don't  
7 think there's--this was an issue put up here  
8 by Jim Donofrio. I can't champion his cause,  
9 right now, because our constituents have said  
10 that's not what we're looking for. We're not  
11 wanting to sell our fish. We're wanting to  
12 fish.

13 MR. : I mean, with that thing,  
14 as far as historic participation in that area,  
15 it was the directed permits that were in there  
16 initially, in the thing, now they can't use  
17 the longline gear, there is an option for them  
18 to use the buoy gear in there, and I don't see  
19 the problem with the boats going back and  
20 forth between the longline gear and other--on  
21 your last page that you have there with the  
22 stuff, I 100 percent agree, that the tended

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1 type buoy gear, that is the way to do it, and  
2 that is the more effective way to do it.

3 I don't think anyone in their right  
4 mind's going to set 35 sets, or 35 buoys out  
5 there, and think they're going to make that  
6 stuff fish efficiently.

7 Another question I have. Why, on  
8 Kerstetter's [ph] thing, or whatever, why is  
9 he going out of the protocol of the buoy  
10 fishery, and going to requesting it in excess  
11 of 35 buoys for his experiment?

12 MR. CODDINGTON: The description we  
13 heard, and I'm not sure if whoever gave us  
14 that description's here, but I believe he  
15 wanted to fish four buoys. Oh. Oh, I'm  
16 sorry.

17 MS. HOGAN: This is LeAnn Hogan,  
18 HMS. I'm the one that's going to be doing the  
19 EFP, and I just quickly discussed what was  
20 proposed in the application for the FP, and it  
21 is that he plans to have four buoys on each  
22 gangeon and would like to do 25 gangeons per

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1 set, test catch rates, meaning--that would be  
2 a total of a 100 floats, using J-hooks.

3 MR. : But it doesn't represent  
4 the fishery, or anything that is currently  
5 going on there. I mean, that's a completely  
6 different deal than what's out there now.

7 MS. HOGAN: All I can tell you is  
8 what he's initially proposed in the  
9 application.

10 MR. CODDINGTON: Don, and to answer  
11 your question or your concern about taking  
12 away a directed permit holder's right to fish,  
13 what we were grappling with was we understand  
14 that if National Marine Fisheries has a desire  
15 to direct these upgrades only to the pelagic  
16 longline industry, as was discussed, we just  
17 want to make sure everybody realizes that  
18 South Florida guys are buying pelagic longline  
19 and trifecta permits, and they're going out  
20 there fishing buoys.

21 But they need horsepower upgrades  
22 to do it, because as you know, our typical

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1 boat down there has much more horsepower than  
2 the average handgear or directed permit. And  
3 I think the spirit of this revitalization plan  
4 was to get bigger pelagic longline vessels and  
5 higher horsepower pelagic longline vessels,  
6 and I understand you want them bigger than  
7 what is proposed, and we agree with that.

8 But this was just one option we had  
9 at stopping upgraded, directed permits, from  
10 simply going in the buoy gear fishery, and I  
11 don't mean a guy that's going to fish there  
12 for a couple of months and then go somewhere  
13 else. You know who I'm talking about. The  
14 guys that are buying those permits, putting  
15 them on a center console boat. They're never  
16 going to enter the pelagic longline industry  
17 again. They're just simply--it's the best  
18 permit they can find, that has the ability to  
19 upgrade.

20 One thing we've done down there in  
21 South Florida is we bought all the permits out  
22 there, that are available, that have

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1 horsepower that matches the vessels down  
2 there. That's already happened over the last  
3 few months and that's why you're seeing the  
4 permit offers now coming up in the  
5 neighborhood of \$25,000, which is about a  
6 \$10,000 increase over what they were going for  
7 a few months ago.

8 MR. : All right. That's good  
9 on the clarification. I mean, it's very  
10 simple. Just make the upgrades for the  
11 directed longline fishery. Is that a possible  
12 thing to do, Margo?

13 MS. SCHULZE-HAUGEN: Well, what  
14 we've run into is that there's the three  
15 permits, but they're not gear-specific, and,  
16 you know, you need them in order to be able to  
17 land swordfish. But those three permits also-  
18 -it's triggered by the gear being on board,  
19 and so from a straight permit upgrading  
20 perspective, you can have multiple gears with  
21 that permit, and we're trying to get both a  
22 permit combination, gear combination, and that

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1 is more challenging.

2 MR. : Well, I think then maybe  
3 on that issue, as far as just maybe watch the  
4 buoy gear fishery, see how the stuff goes, and  
5 then you could always roll back on the thing  
6 and say, oh, we've got too much effort in this  
7 area, we're going to go back on the historic  
8 participation, or something like that, like  
9 you did when you went to the limited entry  
10 permits, and it became an issue on the thing  
11 there.

12 MR. HEMILRIGHT [?]: Sitting here  
13 listening to your presentation, not the lady  
14 who spoke before you, I kind a find it  
15 baffling, that it almost sounds like this is  
16 your fishery, and all these--you know, you're  
17 not going to be able to handle the increase of  
18 people if there's more boats out there. It's  
19 not like you can control that. And how do you  
20 propose to catch the U.S. quota?

21 I saw more trying to limit effort  
22 control, trying to work up buoy gear, trying

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1 to--you know, gear conflicts, or something to  
2 that effect. You've said how you all--there's  
3 a lotta money down there and everybody's  
4 holding everybody else's permits. How do you--  
5 -and why is it that you all object?

6 You know, you're saying there about  
7 why don't we go look at EFH's in open areas  
8 and do gear experiments. How do you, as the  
9 president of the Swordfish Club, think we're  
10 to catch the U.S. quota?

11 MR. CODDINGTON: If I had the  
12 answer to that, or you had the answer to that  
13 or anybody else in this room had the answer to  
14 that, well, then open up all the zones--is  
15 that the answer to that? Our point was that  
16 we do not believe that the exempt fisheries  
17 permit process was made to go catch the quota.

18 We think it had another purpose. And I could  
19 be wrong, I'm a new member on this panel. But  
20 we didn't perceive that.

21 We think there's lots of issues  
22 that need to be addressed, to revitalize the

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1 sword fishery, and like you said back at your  
2 table, there's no quick fixes.

3 We also don't think fishing these  
4 EFPs are a quick fix either.

5 MR. HEMILRIGHT [?]: As far as the  
6 EFPs, I don't think--hit your mike there, if  
7 you would. I don't think that the EFPs--I'm  
8 not a big boat, I'm a small boat--but I don't  
9 think the EFPs are made there to catch the  
10 amount a fish. A couple years ago, there was  
11 an EFP. It's go back and look in these closed  
12 areas and see, if through experimental gear,  
13 or some different things, different shapes or  
14 forms--you know, the swordfish industry, the  
15 commercial guys have been damn "beat to hell"  
16 on this, and it seems like on the recreational  
17 side, we're so damn worried, that if anybody's  
18 going to do some experimental fishery, you  
19 know, we don't want that. Or Bluewater, or  
20 different ones. Bluewater wants it in, we're  
21 trying to work with, and looking at doing that  
22 stuff.

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1           But the only way you're going to  
2 catch the U.S. quota is to open up some areas  
3 through limited research, after limited  
4 research or something, to catch the quota. I  
5 mean, that is one answer, how to catch the  
6 quota, is you gotta open up your areas, and I  
7 mean, these fish belong to everybody in the  
8 United States, and everybody's that got a  
9 permit should be allowed to go fish wherever  
10 the heck they want, whether they're changing  
11 over, changing over, get buoy gear, flag gear,  
12 or whatever new technology comes up with.

13           But to sit there and say that, you  
14 know, go somewhere else and do a EFP, I mean,  
15 these are the areas that got closed down for  
16 swordfishing, for small swordfish, the  
17 swordfish are 99 percent rebuilt. I mean, you  
18 know, on one hand you say, well, we want to  
19 work with; but, on the other hand, your list  
20 is ten pages of not wanting to work with you.

21           MR.       : My position was made by  
22 Dewey. Thank you. My position was stated by

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1 Dewey, a concern that one group looked as  
2 though they were looking to protect--

20A

3 [Start tape side 20A]

4 MR. : We did not, or I did not  
5 hear you talk about how we stem the influx of  
6 international fish coming in and literally  
7 displacing our U.S. fishermen, and the real  
8 concern is whether or not we're going to try  
9 to keep our quota at its level, and address  
10 the first question--What's the best way to  
11 increase target catch without increasing  
12 bycatch, while minimizing gear type, followed  
13 by the cooperation required by both groups?

14 So as Dewey pointed out, I think we  
15 were pointed toward what is the most efficient  
16 way of going about saving our quota for the  
17 long term, and in the short term, address the  
18 issue of catching as much of the quota as we  
19 can by both recreational and commercial, on a  
20 limited experimental basis, while gathering  
21 data, in view of the fact your circle hooks  
22 have come into play, fully, in the last

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1 several years?

2           And as the other commercial  
3 gentleman pointed out to us, it was in 1997,  
4 there did not appear to be a problem in  
5 catching swordfish, and since that time, when  
6 the new rules came in and all these areas were  
7 closed off--and for a good reason, by the way--  
8 -it seemed that everything changed.

9           And the resistance to look at  
10 opening up these areas again, for experimental  
11 fisheries, is standing in the way of us  
12 catching this harvest, in a reasonable way,  
13 for both sides. But Dewey did a good job.  
14 Thank you.

15           MR. SMITH: Skip Smith, proxy for  
16 Ellen Peel. I want to throw another name in  
17 there. Jim Donofrio left. Jim Donofrio, with  
18 the RFA, asking me to leave his last  
19 statement, that he opposes the EFP. So Jim,  
20 you're said. My personal experience with the  
21 closure is very limited. Number one, you ask  
22 why it was closed. It was closed because of

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1 juvenile fish in bycatch, and until--  
2 personally, for me, and with the TV off--until  
3 we can see the 2004-2005 data, that they've  
4 been fishing these circle hooks outside of the  
5 areas--until you can show us what the bycatch  
6 is, and stuff like that, there's no sense  
7 coming back in this area and wiping them out.

8           You know, we're going to try to put  
9 a band aid on catching the quota, until we can  
10 get these bigger boats and go fish away from  
11 the coast. Until we can do that, you know,  
12 you want to come in there, we want to go catch  
13 some fish, you know, it's a great idea, but  
14 you gotta remember why it was closed.

15           Now the present longline fleet, due  
16 to the price of swordfish, can't fish for  
17 swordfish a 100 percent of the time. They're  
18 only fishing a few days a week for them. So  
19 we don't have a 100 percent effort, by the  
20 swordfish guys, going after the quota. It's  
21 financially impossible.

22           So coming into an area, just to

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1 catch a whole bunch a fish, right now, with  
2 the present fleet you got, it's mathematically  
3 impossible to catch the quota. You have to go  
4 back to 1997, you've got to double the fleet,  
5 double the effort, give them the windward  
6 passage, give them all those areas that  
7 they've been thrown out of, to go after that  
8 quota. So there's a bigger problem than just  
9 saying let's go in here, throw some hocus-  
10 pocus, that we're going to go in there and  
11 stack all these fish in there.

12 They're juveniles. What your catch  
13 is going to get, I don't know, but until we  
14 could see the numbers on the bycatch, you  
15 know, we need to slow down here. I don't  
16 think there--you know--and there's nowhere  
17 else to go. I'm asked them: Where else can  
18 you go? It's closed here; it's closed there.

19 You can't fish in the Northeast. There's  
20 fish out there. I understand they got  
21 weather.

22 But the bigger problem is out

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1 there--you know, is, you know, I'm upset over  
2 the buoy fishery as a recreational. I saw the  
3 longliners, in the '70s, wipe us out in four  
4 years. We have almost as much pressure with  
5 the buoy guys down there. I'm not really for  
6 the buoy guys. But like I mention here, why  
7 can't these same 13 longliners go buoy fishing  
8 if the fish are that darn thick out there in  
9 the closed zone, and go see what they can  
10 catch just on buoys alone, and add to this.

11 If this little area is such a honey  
12 hole of fish, they can go buoy fishing legally  
13 tomorrow. They can do the thirteen here, they  
14 can grab seventeen others, they can float  
15 buoys all over the place, if there's that many  
16 fish there.

17 But I got a feeling you're going to  
18 see a lotta juveniles and it's not going to be  
19 the honey hole they're looking for. So the  
20 problem's bigger than this. Hopefully, we can  
21 work it out. Thank you.

22 MR. RUAIS: As everybody noticed,

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1 Ron took a little license with the process  
2 here. The format here is that you select a  
3 presenter and your presenter presents the  
4 table's results, and you kind of accept that.

5 We don't individually then get up and go  
6 through the entire thing again. Otherwise  
7 there wouldn't be any sense in having a  
8 presenter. We should just all get up at one  
9 time.

10 And I was a little surprised, Paul,  
11 that you let the whole thing go on for as long  
12 as it went.

13 But just a couple of points. On  
14 the EFP, one of his points is that there's no  
15 environmental impact statement. Well, that's  
16 what an EFP is for, is to produce the  
17 performance information that allows you to do  
18 an environmental impact statement on larger  
19 issues.

20 What your responsibility is with an  
21 EFP, is to make sure that you put bounds on  
22 the EFP, so that you don't do any major

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1 damage, thank you, Pat, in the meantime, an  
2 that's what we've done. We're going to have  
3 bycatch caps, 100 percent observer coverage.

4 Those are the bounds that will  
5 protect the resource in the meantime. What  
6 we've had at this table is just a considerable  
7 among of demagoguery, and there was a plan to  
8 come in today, on the part of a few  
9 recreational folks, to just block today.  
10 Today, the game plan was block. There was no  
11 effort to work on the competing interest and  
12 cooperation. Maybe we'll get there some day.

13 I had hoped we could do it in this  
14 three day span. We certainly reached out and  
15 tried to move in that direction. Maybe we'll  
16 get there at the Hogarth one, but we certainly  
17 didn't get there, and I think we lost a  
18 valuable opportunity today.

19 One final point. On the general  
20 permit proposal that Jimmy made, I'll make the  
21 same comment that I made on the earlier one  
22 about changing the incidental permits and

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1 directed permits. There's no shortage of  
2 permits in this fishery. We don't need any  
3 new permit categories, any new major  
4 fisheries. We've got plenty. We've got  
5 plenty of fishermen that we made a commitment  
6 to, that if you sacrifice, if you reduce  
7 catches from 18, 20,000 metric tons, down to  
8 around six or 7,000 metric tons, if you do all  
9 these gear conservation engineering work, if  
10 you switch over to circle hooks, if you take  
11 observers at, you know, at very high cost, and  
12 you suffer for several years, when the fishery  
13 is rebuilt, there'll be some restoration of  
14 your fishery.

15 And now, you know, there's plenty  
16 of people that are coming to say no, some of  
17 you, we don't want you to be restored at all.

18 We want new players to come in and take this  
19 fishery over. And that's unacceptable to a  
20 whole bunch of other people, and, you know,  
21 we're just going to continue to fight that.  
22 Thank you.

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1 MR. DICK: Thank you. Shawn Dick,  
2 Aquatic Release Conservation, proxy for Terri  
3 Beideman. I have several questions for Rich.

4 I know you've got a tremendous amount of  
5 experience in ICCAT, and, you know, one of the  
6 primary objectives of the NED experiment was  
7 to reduce interactions of sea turtles and to  
8 reduce mortality of those interactions that  
9 could not be avoided, not only for the U.S.  
10 fleet but also for transference to the  
11 international fleet.

12 My question is I'd like a little  
13 bit more clarification and understanding  
14 about the ICCAT process. If we go back to  
15 ICCAT and lose our quota, how will that affect  
16 our bycatch situation, and our efforts in the  
17 NED to avoid sea turtle interactions in  
18 bycatch there, as well as marlin, and juvenile  
19 swordfish, with countries such as Mexico and  
20 Belize, and such as that nature?

21 MR. RUAIS: That's obviously a very  
22 sensitive point, Shawn, and our expectation

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1 is, depending upon where the quota ends up and  
2 how much quota we lose, and who gets it, if  
3 Mexico begins chartering with Taiwan or  
4 Philippine, or Japanese, or some other  
5 vessels, fleets that are not using the same,  
6 that haven't had the training, that don't have  
7 the equipment on board, that don't have the  
8 expertise on safe handling and release  
9 practices, then you can expect that there's  
10 going to be a tremendous increase in bycatch  
11 and bycatch mortality on those fleets, that  
12 largely will go unreported and will just have  
13 an effect at hurting those resources in the  
14 long term, and the end result is we're going  
15 to have to pay a higher conservation price  
16 sooner than we otherwise would have to.

17 MR. DICK: And my followup  
18 questions was to the other gentleman at the  
19 table. I kept hearing that if this EFP goes  
20 through in this closed area, that we would  
21 probably see nothing but juvenile swordfish  
22 being caught, and my question is, What's being

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1 caught currently by the recreational sector?  
2 Is it juvenile swordfish?

3 MR. SMITH [?]: Out of the club  
4 that we fish out of, probably over 50 percent  
5 of the fish are released. We had one  
6 tournament for four years, that there wasn't a  
7 fish weighed in the tournament over 65 inches.  
8 We finally got a fish over 65 inches this  
9 year, weighed in that tournament.

10 So over 50 percent of the fish are  
11 released cause they're too small.

12 MR. DICK: Okay. To follow up on  
13 that I also heard that there were a lot of J-  
14 hooks being used in that fishery, which would  
15 lead me to believe that there's a little bit  
16 deeper, tendency to deeper swallow these  
17 hooks.

18 Do you have the same comparable,  
19 careful handling release equipment onboard  
20 that fishery at this time?

21 MR. : Nope.

22 MR. CODDINGTON [?]: No. But if

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1 you'll remember, Shawn, we've already  
2 discussed making arrangements with you to come  
3 give a reduced version of the release course  
4 to the Swordfish Club members, that's only a  
5 small part of the recreational fishery, but if  
6 we can start there, quite honestly, I  
7 personally wouldn't be opposed, if we were  
8 required to have that protocol before we had  
9 our HMS angling permit.

10 I do think that's important, and I  
11 think the next thing that's going to be  
12 discussed around here at future AP meetings is  
13 a conversion of our fishery to a circle hook  
14 fishery. I probably won't be able to walk in  
15 a bar when I get home, when they hear I said  
16 that, but that is the case.

17 So I agree with you a 100 percent,  
18 sir.

19 MR. DICK: I appreciate it. Thank  
20 you.

21 MR. : Who, from HMS, was at  
22 that table? Who all? Like our table started

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1 out the same way like yours has ended up here,  
2 and somebody took charge of it, and they  
3 showed us that we're supposed to answer those  
4 two questions up there, and when I saw the  
5 question up there, and I saw minimizing gear  
6 conflicts, it really, really irked the hell  
7 out of me.

8           Because we gotta do something to  
9 try to catch those swordfish, and we all have  
10 gotta make some sacrifices.     Maybe I'll  
11 benefit from it, maybe my longline boats will  
12 benefit from it.     I've made a tremendous  
13 amount of sacrifices since 1977.

14           And my question to you, I believe  
15 your name is Don, is--

16           MR.           :   Not Don.   Ron.

17           MR.           :   Ron.   And to Slip, and  
18 Jim Donofrio, if he was here, I'd ask him, is  
19 what sacrifices are your organizations willing  
20 to make for us not to have conflicts.

21           I mean, you know, the way you  
22 spoke, Ron, is just what Dewey said.   You talk

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1 just like those fish were yours and they  
2 belong to you, and your group of people, and  
3 you gotta make some sacrifices to the U.S.  
4 plan to catch our stock, or the next people  
5 you're going to be dealing is somebody from  
6 Brazil or Argentina, or somewhere like that,  
7 and, you know, you might, with the big boats  
8 you got, the big money you throw around, you  
9 might do a little bit with their leaders; but  
10 I can tell you one thing you're not going to  
11 do much with. Is the captain and crews on  
12 them boats.

13           When they catch something, they're  
14 going to put it on there, and when our quota  
15 leaves here, you people, your organizations  
16 are going to be the reason that it's leaving  
17 here. Thank you.

18           MR. HEMILRIGHT [?]: I'd like to  
19 quickly address the sacrifices we made--

20           [Audio out, momentarily]

21           MS. JOHNSON: Thank you. Gail  
22 Johnson. Relative to where the quota will go,

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1 I've been in different countries and watched  
2 the other--

3 [Audio out, momentarily]

4 MS. JOHNSON: [in progress] the  
5 equivalent of kicking the bucket. Anyway,  
6 I've seen the other fleets, specifically in  
7 this one place, the Taiwanese, who were  
8 targeting, supposed to be targeting tunas,  
9 different tunas, and they unloaded cart after  
10 cart after cart of white marlin.

11 So they occasionally target  
12 swordfish too. So that's our competition.

13 And a statement here, I am  
14 perturbed, as you can imagine, we're not, not  
15 one of the EFP boats, not even on our radar  
16 screen. But areas on the East Coast have  
17 tunas. This is in the Mid-Atlantic area,  
18 mostly, I'm talking about, and George's Bank,  
19 that are worth considerably more than the  
20 swordfish, relative to what Ron and Skip are  
21 saying. And it's a vicious circle. We need  
22 to catch the swordfish. We've got to keep our

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1 quota. We need to keep our boats going. If  
2 we can't keep our boats going, we can't catch  
3 the quota. That's that. Can't pay for the  
4 boat; can't pay the crew.

5 And I'm kind a sorry, but we,  
6 Bluewater, myself, different commercial  
7 people, have been telling the AP for several  
8 years, the old faces, I see new faces now and  
9 maybe the institutional memory is necessary.  
10 For many years, several years, the regulations  
11 are inexorably squeezing the profits out of  
12 the swordfish fishery. and then next the  
13 boats out of the swordfish fishery.  
14 Profitability is down, next to nothing.

15 People are still going; just love  
16 to go. My husband's an example of that.  
17 Diminished number of boats; diminished fishing  
18 grounds at present; diminished market;  
19 diminished consumer demand because of either  
20 misguided or deliberately misleading  
21 statements, have led to pretty much where we  
22 are now, teetering on the brink of no quota,

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1 or drastically reduced quota, rather.

2 All this work that we're doing now,  
3 or we're trying to do now, could very well be  
4 too little and too late for the U.S. quota.

5 I heard somebody mention--I'm going  
6 to mention his name--Louie Larson, because he  
7 actually put it in print, quite a while ago to  
8 some environmental organization, that he quit  
9 longlining because he caught too many rat  
10 fish. Louie Larson was the guy who set 2500  
11 hooks a night and hauled back at 10 knots, so  
12 half of the fish that were probably too small  
13 would be pulled off anyway.

14 He was not an example of a real  
15 fisherman. He was one of the guys that went  
16 out, made his money, get out.

17 Charlie and I have worked since  
18 1974, 1974, in pelagic longlining. We're part  
19 of the group who provided information to John  
20 Hooey [ph] down at the Southeast Fishery  
21 Science Center. We took observers before we  
22 were required to pay for them. I mean, we

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1 didn't pay their salary but we never got  
2 reimbursed for anything that they used, or  
3 whatever.

4           And we're downright proud to have  
5 been part of that, part of this fishery, that  
6 has really led the world. And I'm not  
7 exaggerating. We have led the world in  
8 efforts to conserve swordfish. Actually, I  
9 have to say that regardless of all of the  
10 sacrifices that we made, and I mean by  
11 sacrifices lost catch and lost people, it was  
12 actually probably the Spanish moving to the  
13 South Atlantic and the Indian Ocean that  
14 really recovered the swordfish stock.

15           But anyway, we are proud that we're  
16 part of that effort, but profoundly sad that  
17 our hard work--and yes, I'm going to say it  
18 again--sacrifices in our catch, our time, and  
19 our money, remains--seems to be for nothing.  
20 Okay. At least for nothing for our country,  
21 for our Atlantic fishery anyway. And for the  
22 white and blue marlins, for the sharks and for

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1 the turtles that'll be caught, gratis, for the  
2 other countries that get our swordfish quota.  
3

4 MR. GERENCER: Bill Gerencer. I've  
5 been in the commercial fishing industry for 27  
6 years, and I'm proud of the fact that at the  
7 end of my day, the end result of our efforts  
8 as an industry is somebody gets a hot meal.  
9 All the same, I think it's important for the  
10 commercial industry to recognize how much  
11 concern the recreational fishery has, because  
12 they've seen different fisheries, for the most  
13 part, disappear because of--many reasons, and  
14 certainly overfishing is among them.

15 But I know right now, we have a  
16 chance to strengthen what's a pretty good  
17 industry. This is the industry that pioneered  
18 the turtle mitigation and the bycatch  
19 mitigation techniques and technology. It's a  
20 small industry but it has a chance to be  
21 rebuilt correctly. And if we don't this, it's  
22 a national disaster, and we might as well move

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1 the HMS offices to Dubai, if we're going to  
2 give all our fisheries away.

3 And finally, my last comment is  
4 Beverly, you did a great job presenting.  
5 Thank you.

6 MS. SCHULZE-HAUGEN: Okay. Well,  
7 thank you very much for a very good  
8 discussion. This has given us a lot to think  
9 about, a lot of good suggestions, a lot of  
10 good thoughts. I guess we're dwindling here.

11 I see people leaving. I'd like, maybe  
12 instead of kind of my wrap-up, maybe to give  
13 the gentleman in the back an opportunity to  
14 speak while folks are still here.

15 MR. BAUMER: I think everything I  
16 had to say has been pretty much covered.

17 [Audio out, momentarily]

18 MR. BAUMER: Tim Baumer [ph]. I  
19 fish, I was pretty much the originator of the  
20 buoy gear fishery, you know, on the East  
21 Coast, in the FEC. Can I answer any  
22 questions, first, at all?

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1 I think pretty much the way Ron  
2 described the gear before is the way that I  
3 would describe it. That it's kind of like the  
4 rod and reel fishery, in that it's a very  
5 heavily-tended gear. You know, in a six to  
6 seven hour time period, I might check my baits  
7 four or five times.

8 The one, my one concern here, which  
9 I think Mr. Nehls voiced it before, is with  
10 this experimental--or this exemption coming up  
11 with the pelagic longline vessel, you know,  
12 that's going to be doing the testing with the  
13 buoy gear.

14 I think it would be better served  
15 if that study was done on current buoy gear  
16 fishing boats, you know, ones that have the  
17 experience in fishing the gear. You know, I  
18 myself have had four years to fine-tune it. I  
19 mean, I've got my dead discard rates down to a  
20 bare minimum, because the fish just simply  
21 don't have enough time on the hook to die.

22 You know, I really think that in

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1 order for the, you know, for the study to be a  
2 real live study, it needs to be done how the  
3 rest of us are doing it, which is basically  
4 fishing ten to twelve units, each with one  
5 gangeon.

6 Any questions?

7 MR. : The question I got you,  
8 Tim, if you applied your fishery to these  
9 PLLs, if they came in this area, could they  
10 make a difference in the fishery if there's  
11 that many fish in there? In the FEC. If the  
12 PLLs came in here and fished in the FEC with  
13 your style of fishing, do you think they'd be  
14 successful?

15 MR. BAUMER: As long as they  
16 adopted my methods, yes, which is where you  
17 basically make every hook count. You know, I  
18 make eleven hooks count. You know, by  
19 checking the baits, frequently. I think that  
20 they could make a difference; yes.

21 As much of a difference as, you  
22 know, a 500 hook longline? Probably not. But

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1 I think it would be a much more  
2 environmentally friendly way of fishing, you  
3 know, in this closed zone. I mean, that's  
4 just my thoughts; could be full of holes. But  
5 I mean--

6 MR. DICK: I don't know a whole lot  
7 about buoy, fishing although I've had a lot of  
8 questions in my workshops. I know, from what  
9 I'm hearing, it's a very clean fishery, and  
10 it's being tended, and I can see how, you  
11 know, fishing it like a, you know, handline,  
12 would be much better than untended.

13 But the size frequency that you're  
14 seeing. I'm just real interested in that area  
15 because I've not fished in there.

16 MR. BAUMER: Okay. First off, I  
17 have probably a better than 50 percent release  
18 rate. More than 50 percent of the fish I  
19 catch, I release. I would have to say that  
20 probably--I would say maybe three out of five  
21 fish are what I consider to be undersize. If  
22 the fish is not deep-hooked, I like to let

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1 them go when they're under 55 inches, because  
2 my buyer tells me he doesn't want those little  
3 tiny rats.

4 He would much rather now, if I do  
5 have a poorly-hooked fish or a fish that's in  
6 poor health, I will utilize that, I mean, and  
7 that's the truth. I usually try not to kill  
8 those really tiny fish.

9 But I have seen the fish in the  
10 FEC. I have seen them, over the years, get,  
11 you know, a little bit larger. I think I  
12 probably have more keepers now that fit my  
13 criteria, but it's still a lot of small fish.

14 The last two months, I've just been  
15 plagued by tiny fish. I mean, I've had a  
16 really hard time catching a fish over, say, 55  
17 inches, I mean, and that's the truth.

18 MR. DICK: We had heard some  
19 stories from the Daytona Beach area, that you  
20 were seeing some triple makers up there. Was  
21 that untrue, then?

22 MR. BAUMER: Pretty much untrue,

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1 yes. I mean, I caught a fish that would have  
2 dressed in the fives a few years ago, but  
3 that's a very unusual fish.

4 I mean, most of the fish that I'm  
5 catching dress at under a 100 pounds. I would  
6 have to say if I was to just, right off the  
7 top of my head, come up with an average, I  
8 would say that the average dress fish that  
9 we're catching down there is about 55 pounds.

10 MR. DICK: One last question. Are  
11 you having any interactions with sea turtles  
12 or any other--

13 MR. BAUMER: None whatsoever.

14 MR. DICK: Marlin?

15 MR. BAUMER: None whatsoever. No,  
16 no sharks. I mean, yes, we have sharks. No  
17 sea turtles, no marlin, because I set the gear  
18 in the dark and I pick the gear up in the  
19 dark. So that generally cuts down on a lot of  
20 the bycatch; just that alone.

21 I used to pelagic longline, too,  
22 and I know that a lot of those, a lot of the

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1 blue marlin, the white marlin, seem to come on  
2 the part of the line that had been soaking  
3 more during the day. That was just my  
4 experience.

5 MR. DICK: Yes. I appreciate it,  
6 and like I said, I've heard that this fishery  
7 is a real clean fishery. Thank you.

8 MR. BAUMER: You're welcome.

9 MR. : Thanks, Shawn. Jason.

10 MR. SCHRATWIESER: I have a  
11 question, kind of about size distribution too.

12 We're all hearing that the sword fishery is  
13 almost rebuilt. I have a question to people.

14 I wonder what the average, or number of  
15 discards that are undersize are now, compared  
16 to when the fishery was in good shape.

17 I guess my premise there is, even  
18 though we have what people are saying, a  
19 mostly rebuilt fishery terms of abundance, I  
20 question where we are in terms of size  
21 structure, and I'd just be curious to know if  
22 anybody has any information on the amount of

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1 undersize discards, when the fishery was,  
2 quote, unquote, healthy, compared to what we  
3 have now.

4 MS. : Speaking just for our  
5 boat, we had about 120 pound average for most  
6 of our trips, except for one, which was,  
7 believe it or not, 205 pound average. But  
8 that could be from fishing the cold water too.

9 I'd like to see what the longline closed area  
10 has on the west side of the stream for big  
11 fish.

12 MR. SCHRATWIESER: I'm talking  
13 about the number of undersize fish you had,  
14 back in the day, compared to what you have  
15 now.

16 MR. : [Off-mike remark]

17 MR. SCHRATWIESER: I just didn't  
18 know if anybody had any ideas.

19 MR. : All right. I don't  
20 agree, that the current experiment with 25  
21 buoys, the way that Dave wants to do that,  
22 really depicts the buoy fishery. He is going

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1 to be fishing in other areas, that buoys have  
2 never been there from Key West basically up to  
3 Miami, from Fort Pearce north to the end of  
4 the closed zone. So maybe there'll be some  
5 information there, but, you know, I think, you  
6 know, his mortality rate definitely will be  
7 higher than the buoy gear.

8 But there seems to be an assumption  
9 here that pelagic longliners cannot convert to  
10 this current type of buoy gear.

11 Now I've been a pelagic longliner  
12 for, oh, 25 years. Every time I come home, I  
13 put a rod and reel on my boat. I go catch a  
14 fish on a rod and reel. It doesn't mean I  
15 apply pelagic longline mentality to catching a  
16 sailfish off Palm Beach, and that seems to be  
17 what they--they seem to think, once a pelagic  
18 longliner, always a pelagic longliner. They  
19 have the ability to convert. Fish ten buoys,  
20 eleven buoys, like Tim is. They have the  
21 ability to do it just the same. So, you know,  
22 they have this thing that if you're a pelagic

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1 longliner, you're a killing machine,  
2 regardless of the situation you're in, and  
3 that's totally false.

4 MS. SCHULZE-HAUGEN: Okay. Well,  
5 just in closing, a couple of things.

6 We had a request for the notes and  
7 the flipcharts to be written up and sent  
8 around, just a verbatim, as best we can,  
9 write-up. I mean, is that of interest to  
10 folks? Would you like to be able to forever  
11 remember your discussion of this day?

12 MR. : [off-mike remark]

13 MS. SCHULZE-HAUGEN: If not, we can  
14 try and provide that just to the person that  
15 requested it. Otherwise, we can--you'd be  
16 interested? Okay. Then we'll try and do  
17 that. We'll also try and get the comment  
18 summary out more quickly than we have before.

19 I think we can. It tends to go to number two  
20 when other things crop up. But we'll make an  
21 effort to get that out. And just a couple of  
22 housekeeping things.

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1 Remember any written comments on  
2 the predraft by March 31st. You have feedback  
3 surveys on the meeting in your folder. If you  
4 could please take the time to fill those out  
5 and then leave those with one of us. We're  
6 always interested in the feedback on the  
7 format.

8 I find it useful. I find the  
9 smaller group discussions to be very engaging  
10 and bringing out a lot of good comment.

11 So I'm curious to see if you share  
12 that as well, and what your feelings on that  
13 is. And also travel vouchers. We'd like to  
14 close out and get you your money as quickly as  
15 possible. So the quicker you get us the  
16 vouchers and the receipts, the quicker we can  
17 turn that around. So if you can get those to  
18 us within the next week, we would really  
19 appreciate it.

20 And I guess I would just like to  
21 close by saying thank you all very much. This  
22 has been a very good meeting. I think we've

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1 got a lot of great comments and I really  
2 appreciate your willingness to roll up your  
3 sleeves, and get into the issues with each  
4 other and provide some constructive comment,  
5 and we've got a lot to do from here.

6 So we will be in touch, for sure,  
7 and please don't hesitate to get in touch with  
8 us. So thank you.

9 [Whereupon, the HMS meeting was  
10 duly adjourned.]  
11  
12  
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