

U.S. DEPARTMENT OF COMMERCE  
NATIONAL ATMOSPHERIC AND  
OCEANIC ADMINISTRATION

NATIONAL MARINE FISHERIES SERVICE

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HIGHLY MIGRATORY SPECIES ADVISORY PANEL

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MEETING

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WEDNESDAY,  
MARCH 14, 2012

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The Advisory Panel met in the Ballroom Room in the Crowne Plaza Hotel, 8777 Georgia Avenue, Silver Spring, Maryland, at 8:30 a.m., Margo Schulze-Haugen, Chief, Highly Migratory Species Division, NOAA, presiding.

PANEL MEMBERS PRESENT:

PAMELA BAKER  
TERRI BEIDEMAN  
RICK BELLAVANCE  
ANDRE BOUSTANY

THOMAS DePERSIA  
SONJA FORDHAM  
WILLIAM GERENCER  
WALTER GOLET  
RUSSELL HUDSON  
ROBERT HUETER  
DAVID KERSTETTER

GERALD LEAPE  
SHANA MILLER  
VINCENT MONTELLA

KENNEDY NEILL  
SANDY NGUYEN  
JEFF ODEN (proxy for Sam McKeon)  
TIM PALMER  
ELLEN PEEL  
RALPH PRATT  
RICHARD RUAIS  
MARK SAMPSON  
MARK TWINAM  
SCOTT VAETH  
RICK WEBER  
ROM WHITAKER

ICCAT REPRESENTATIVE:

JOHN GRAVES

STATE REPRESENTATIVES:

JASON ADRIANCE, Louisiana  
LISA GREGG, Florida  
RANDY GREGORY, North Carolina  
WALLACE JENKINS, South Carolina  
CARRIE KENNEDY, Maryland  
MARK LINGO, Texas  
GREGORY SKOMAL, Massachusetts

COUNCIL REPRESENTATIVES:

LARRY ABELE, GMFMC  
DAVID CUPKA, SAFMC  
MARCOS HANKE, CFMC  
CHRIS VONDERWEIDT, ASMFC

FACILITATOR:

SCOTT McCREARY

NOAA STAFF:

SAMUEL RAUCH, III, Acting Administrator for  
Fisheries  
MARGO SCHULZE-HAUGEN  
RANDY BLANKINSHIP

PETE COOPER

JEN CUDNEY

GUILLERMO DIAZ

MEGGAN ENGELKE-ROS

GREG FAIRCLOUGH

LeANN HOGAN

BRAD McHALE

SARAH McLAUGHLIN

RICHARD MERRICK

RICK PEARSON

JOHN REGHI

RON SALZ

ANGELA SOMMA

DIANNE STEPHAN

JENNI WALLACE

THOMAS WARREN

A-G-E-N-D-A

Amendment 5 Pre-Draft: Atlantic Shark  
 Rebuilding (HMS Staff) Sandbar, Dusky,  
 Blacknose, Scalloped Hammerhead Sharks. . . . 5

Remarks from Samuel D. Rauch, III, Acting  
 Assistant Administrator for Fisheries . . . . 73

Amendment 5 Pre-Draft continued . . . . .103

Amendment 6 Scoping: Consideration  
 of Catch Shares in Shark Fishery  
 Update (HMS Staff). . . . .136

HMS Research Plan and Remarks from  
 Dr. Richard Merrick, Director Scientific  
 Programs & Chief Science  
 Advisor for Fisheries . . . . .164

Amendment 4 Caribbean Management  
 Proposed Rule (HMS Staff) . . . . .194

Public Comment: Amendment 4 Caribbean  
 Management Proposed Rule. . . . .250

Amendment 8 Pre-Draft: Swordfish

Commercial Access (HMS Staff) . . . . .252

Swordfish 2012 Quotas, Minimum Sizes, and  
 Other Measures (HMS Staff). . . . .330

Public Comment. . . . .345

Adjourn

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

2 8:38 a.m.

3 MR. MCCREARY: This discussion is  
4 going to be organized in a couple of sections  
5 and Pete will explain that in a minute. But  
6 before we start with that part of the agenda  
7 Margo has a couple of updates she wants to  
8 share with you.

9 MS. SCHULZE-HAUGEN: Yes, I just  
10 wanted to let folks know that we just got the  
11 publication information on bluefin tuna  
12 specifications so that will file March 15th  
13 which means it is available for public viewing  
14 and will actually publish on Friday, March  
15 16th. We will be working on getting hearings  
16 scheduled very quickly.

17 I also wanted to ask for comments  
18 from panel members on the white paper by the  
19 end of this month, so March 31st. And that  
20 will give us time to review from the meeting  
21 itself, incorporate comments as we turn that  
22 into a scoping document.

1                   And I also wanted to note I've had  
2                   at least one request for additional time to  
3                   discuss the bluefin tuna issues at this  
4                   meeting. I think we'd like to try and target  
5                   the end of today to do that. So we'll be  
6                   trying to be efficient with our time so that  
7                   we can find that time at the end of the day.

8                   MR. MCCREARY: Great. So just a  
9                   program note. Sam Rauch is coming at 10 so  
10                  Pete will begin his presentation. He has  
11                  organized it into two or three different  
12                  modules and we'll try and sequence and time it  
13                  so that we can take a break at 10 and then  
14                  we'll come back and finish it after Sam's  
15                  presentation. So Pete, welcome.

16                  MR. COOPER: Thanks, Scott, and  
17                  good morning everyone. Good to see everybody  
18                  again and some new faces.

19                  Last time we met I was talking  
20                  about Amendment 5 and the scoping aspect.  
21                  Now, we went out for scoping, collected  
22                  comments and pulled together a pre-draft for

1 Amendment 5.

2           And just a quick overview of what  
3 I'm going to present today. I'm just going to  
4 touch on the need for action and then get into  
5 the pre-draft. And if you don't have a copy  
6 of it you can access it online and I think  
7 there's some hard copies at the table in the  
8 other room. And just explore the range of  
9 possible management alternatives that's  
10 contained within the tax quotas and retention  
11 limits, commercial at-vessel mortality and  
12 discard reduction, and modifying time/area  
13 closures. And then we'll look for your  
14 comments.

15           So the need for action. As we  
16 talked about in scoping there were some new or  
17 updated stock assessments for scalloped  
18 hammerhead, dusky, sandbar and blacknose  
19 sharks. And they indicated that management  
20 measures may be necessary to end overfishing  
21 and rebuild some of these stocks. And our  
22 time line for these new management measures to

1 be implemented is by April 28th, 2013. And  
2 that's 2 years from the overfished/overfishing  
3 declaration for scalloped hammerhead sharks.

4 This slide I presented last time  
5 and it's just a quick overview of the stock  
6 statuses. We have overfished statuses for  
7 four of the stocks with an unknown status for  
8 the Gulf of Mexico blacknose stock that a  
9 SEDAR 21 assessment was not accepted because  
10 of problems with model fit of some of the  
11 data. So, we have unknown, overfished and  
12 overfishing for Gulf of Mexico blacknose. And  
13 we have overfishing of scalloped hammerhead,  
14 dusky and Atlantic blacknose, but no  
15 overfishing of sandbar stock.

16 So, just the Amendment 5  
17 objectives besides some of the overall  
18 objectives of the FMP to better coordinate  
19 domestic conservation and management of HMS  
20 and reduce bycatch, et cetera, is to end  
21 overfishing and rebuild the stock of scalloped  
22 hammerhead sharks, Atlantic blacknose sharks

1 and dusky sharks; address the unknown,  
2 overfished and overfishing status of Gulf of  
3 Mexico blacknose sharks and then to rebuild  
4 the stock of sandbar sharks.

5 And here's just a quick table on  
6 the TAC recommendations that we have and the  
7 rebuilding time lines associated with them.  
8 For scalloped hammerhead we have a TAC  
9 recommendation of 2,800 -- so for scalloped  
10 hammerhead we have a TAC recommendation of  
11 2,853 sharks with a 10-year rebuilding time  
12 line. With dusky the TAC is as close to zero  
13 as possible so that's the same, but we have a  
14 recommendation to reduce fishing mortality by  
15 about two-thirds. Sandbar, the TAC  
16 recommendation came back at 178 metric tons.  
17 Atlantic blacknose, 7,300 sharks and we did  
18 not get our TAC recommendation for Gulf of  
19 Mexico blacknose because the stock assessment  
20 was not accepted.

21 So, the potential management  
22 approaches that are explored in the pre-draft

1 are kind of in three categories: TACs, quotas  
2 and retention limits, commercial at-vessel  
3 mortality and discard reduction, and then  
4 modifying time/area closures. So as Scott  
5 mentioned before, we're going to take that  
6 hard break at 10 for Sam to talk to us. So  
7 right now I'm going to try to cover the first  
8 two bullet points, the TACs quotas and  
9 retention limits, and the at-vessel mortality  
10 and discard reduction. And then we'll stop  
11 the presentation, have a discussion about it  
12 and then go to Sam, and then come back with  
13 the time/area closures.

14 And so with TACs quotas and  
15 retention limits I'm just going to go through  
16 duskies, then sandbars, then blacknose,  
17 Atlantic and Gulf of Mexico, and then  
18 scalloped hammerhead sharks.

19 So for dusky sharks they're  
20 currently prohibited from commercial and  
21 recreational retention since 2000. And so  
22 adjustments to the TAC or quota retention

1 limits which are zero, they wouldn't get to  
2 reduction of F. So a couple of the potential  
3 alternatives here to reduce F would possibly  
4 through a dusky shark bycatch cap and that  
5 would allow us, you know, a specific number of  
6 dusky shark mortalities in a specific  
7 commercial or recreational HMS fisheries.  
8 Close those fisheries once their associated  
9 shark bycatch cap was reached.

10 It would need to be associated  
11 with something other than landings, either  
12 dusky shark catch or dead discard rates based  
13 on observer data, or recreational survey data  
14 because landings would continue to be  
15 prohibited. And so we could calculate those  
16 different fishing mortality rates, and when  
17 the bycatch cap is exceeded for a particular  
18 fishery that fishery would close.

19 The other option explored here  
20 would be additional outreach to the  
21 recreational community about species ID and  
22 that dusky sharks are prohibited from

1 retention. Some of the survey data we see  
2 duskies popping up a little bit and that might  
3 be through those sorts of misidentification or  
4 not understanding of the regulations. So just  
5 increased outreach.

6 And here's a table that has those  
7 two options. And throughout the presentation  
8 I'll have more tables. They're in the pre-  
9 draft. These are kind of abbreviated versions  
10 of them. I'll try to let you know which table  
11 I'm referring to for each one. This one is  
12 Table 2.12.

13 Moving onto sandbar sharks.  
14 They're also currently prohibited from  
15 commercial and recreational retention except  
16 in the shark research fishery and that  
17 occurred after Amendment 2 was implemented in  
18 2008. And with the most recent stock  
19 assessment seeing that overfishing is no  
20 longer occurring some of the management  
21 measures in Amendment 2 may have been -- may  
22 have helped in ending overfishing.

1                   And so we have a couple of TAC  
2                   recommendations here. We could maintain the  
3                   current 220 metric ton TAC which still has a  
4                   greater than 70 percent probability of  
5                   rebuilding the stock by 2070. The most recent  
6                   stock assessment gave us a modified TAC of 178  
7                   metric tons with 70 percent probability of  
8                   rebuilding by 2066 so that's the other option  
9                   to shave off those 4 years. And so here's the  
10                  table. That's Table 2.13 for sandbar sharks.

11                  And now getting into blacknose  
12                  sharks. With blacknose and scalloped  
13                  hammerhead we have a lot more potential  
14                  alternatives as far as TACs, quotas and  
15                  retention limits. With the SEDAR 21 stock  
16                  assessments for Atlantic and Gulf of Mexico we  
17                  now have two stocks. The previous assessment  
18                  looked at it as one stock. So we have two  
19                  stocks with one TAC recommendation for the  
20                  Atlantic of 7,300 sharks and unknown for the  
21                  Gulf of Mexico. Just to note the current TAC  
22                  for that overall stock is 19,200 sharks. So,

1 we need to determine a Gulf of Mexico TAC and  
2 then set the Gulf of Mexico and Atlantic  
3 commercial quotas. And then consider linking  
4 blacknose quotas with the non-blacknose small  
5 coastal shark quotas. I'll get into that in  
6 greater detail. And then also consider some  
7 commercial and recreational retention limits.

8           And here's just a quick diagram of  
9 what we have going on. We have that one big  
10 overall stock of 19,200 sharks for the TAC and  
11 then the recommendation of 7,300 for the  
12 Atlantic and the unknown recommendation in the  
13 Gulf of Mexico.

14           So our alternatives, and this is  
15 Table 2.4, potential alternatives for  
16 blacknose shark TAC. We have the no action,  
17 just maintain that one overall, a TAC of  
18 19,200 sharks and not allocate the regional  
19 TACs, or we can get into regional allocations.  
20 We have the TAC recommendation of 7,300 in the  
21 Atlantic and then calculate a Gulf of Mexico  
22 blacknose TAC. One way to do that would be to

1 look at the -- or take the current TAC and  
2 subtract the recommended Atlantic blacknose  
3 TAC to get the Gulf of Mexico TAC which would  
4 be 11,900 sharks.

5 Another option, 1c, would be to  
6 take the current TAC of 19,200 and multiply it  
7 by the catch ratio that was used in the SEDAR  
8 21 stock assessment which was 51 percent for  
9 Gulf of Mexico blacknose, which would get you  
10 to 9,792 sharks.

11 And then the final option here,  
12 1d, would be to look at the annual directed  
13 and incidental fishing mortality that's going  
14 on since Amendment 3 when the blacknose sharks  
15 were taken out of the small coastal quota and  
16 set the TAC according to that.

17 And another thing I like to  
18 mention with these alternatives for blacknose  
19 and the scalloped hammerhead. They're sort of  
20 set up like suites. So you can, as you saw in  
21 1a, 1b, 1c, you can -- we could choose one of  
22 those options and then choose another option

1 for quota that would go along with it. So,  
2 with -- in considering quota you're looking at  
3 2a, the no action, that would go along with  
4 the no action alternative 1a and maintain the  
5 current blacknose quota.

6 We could also set regional  
7 blacknose quotas for the Atlantic and Gulf of  
8 Mexico based on, you know, taking into account  
9 the recreational landings and discards, and  
10 that's available for those 1b, 1c and 1d. Or  
11 the other kind of bookend of it would be to  
12 establish a blacknose shark quota of zero  
13 sharks and prohibit retention in commercial  
14 fisheries.

15 Now, moving onto these potential  
16 non-blacknose small coastal shark commercial  
17 quota alternatives. These alternatives are in  
18 association with linking the two quotas.  
19 Currently, and I'll get to this in a couple of  
20 slides, we have a linkage between the  
21 blacknose shark quota and the non-blacknose  
22 small coastal shark quota mainly to minimize

1 dead discards when the blacknose shark quota  
2 is reached. And so this is something that we  
3 could consider to continue moving forward if  
4 we go into regional quotas. So the no action  
5 would maintain the current overall non-  
6 blacknose small coastal shark quota.

7           And the other ones would split the  
8 non-blacknose small coastal shark quota into  
9 regional quotas. And this would be for quota  
10 linkage purposes. So we could do that in a  
11 way where we would just split it 50/50 or look  
12 at the percentage of landings in each region  
13 since the implementation of Amendment 3.

14           And then option 4 would allow an  
15 in-season regional transfer if we went with  
16 one of those regional quotas between regions  
17 in the event that one region would run out of  
18 non-blacknose small coastal shark quota.

19 Because it's actually one region it doesn't  
20 really matter where the landings come from.

21 It's set up for quota linkage purposes.

22           The last quota measures, potential

1 quota measures here are for the recreational  
2 fishery. And that is just the status quo do  
3 not establish a recreational quota or look at  
4 establishing a recreational quota. We could  
5 do that overall based on average annual  
6 recreational landings or do it based on  
7 regional landings in the Atlantic and Gulf of  
8 Mexico.

9           And so these next slides are just  
10 getting at the quota linkage. And I'll just  
11 walk you through it real quick. So currently  
12 this is our situation. We have a blacknose  
13 shark quota and a non-blacknose small coastal  
14 shark quota for both regions and their links.  
15 So when landings approach or reach 80 percent  
16 of the blacknose shark quota and that fishery  
17 closes the non-blacknose small coastal shark  
18 fishery also closes, and it works the other  
19 way around.

20           If we got into a situation where  
21 we had two regional blacknose quotas, and this  
22 is just an example of something that could

1 happen if we kind of kept the current links as  
2 is. So if the Gulf of Mexico blacknose shark  
3 fishery closed it would close the non-  
4 blacknose small coastal shark fishery. But  
5 because that fishery closes, it would in turn  
6 close the Atlantic. And so you have this  
7 indirect linkage between the Gulf of Mexico  
8 blacknose and the Atlantic blacknose where the  
9 Gulf of Mexico could close the Atlantic if you  
10 link it through the non-blacknose overall  
11 quota.

12 So that's the idea behind keeping  
13 -- splitting up the non-blacknose small  
14 coastal shark quotas into regional quotas and  
15 just keeping in mind that it's an overall  
16 quota and so that's why that alternative 4 is  
17 in there. So if in the rare occurrence where  
18 the Gulf of Mexico non-blacknose small coastal  
19 shark quota would get close to 80 percent and  
20 would close, and the Atlantic still had plenty  
21 of quota we could do a transfer to keep it  
22 open. Because the intent of the linkage is to

1 minimize dead discards of blacknose sharks  
2 when those quotas are being reached.

3 So, this is Table 2.5 and these  
4 are the quota linkage alternatives. So  
5 there's the no action and then, you know,  
6 creating the regional blacknose quotas and not  
7 linking it with the overall non-blacknose  
8 small coastal shark quota. Or creating  
9 regional blacknose and also non-blacknose  
10 small coastal shark quotas and linking them.

11 Moving on to the retention limit  
12 table, and this is 2.7. Currently the no  
13 action would be to maintain the current  
14 commercial retention limits for directed  
15 permits that's no retention limit and for  
16 incidental it's up to 16 blacknose sharks.  
17 Another option would be to apply the  
18 incidental small coastal shark retention limit  
19 to both the directed and incidental permits  
20 with the idea that that would reduce any  
21 incentive to target blacknose in the future if  
22 that ever came up. And 3 would just be

1 overall prohibition of retention.

2 In the recreational fishery  
3 potential recreational retention limits would  
4 be the current one shark per vessel per trip  
5 greater than 54 inches fork length. Or we  
6 could modify that, instead of per trip make it  
7 one blacknose shark per vessel per day, or go  
8 to something along the lines of a prohibition.

9 So, those were the proposed -- or  
10 not proposed, excuse me, potential  
11 alternatives for blacknose. Scalloped  
12 hammerhead is similar. We do have a TAC  
13 recommendation of 2,853 sharks. And currently  
14 scalloped hammerhead sharks are included in  
15 the non-sandbar large coastal shark complex.  
16 So, we need to set commercial quotas for  
17 scalloped hammerhead sharks. And since we're  
18 pulling them out of the non-sandbar we need to  
19 also set quotas for non-sandbar LCS and also  
20 consider a similar linkage to the quotas and  
21 look at commercial and recreational retention  
22 limits.

1                   So, here is Table 2.9. And the no  
2                   action is just maintain the current commercial  
3                   non-sandbar LCS quota. And then we start  
4                   getting into our suites of potential quota  
5                   alternatives for scalloped hammerhead sharks.  
6                   And so we could set the quota below the TAC,  
7                   accounting for scalloped hammerhead  
8                   recreational landings and discards. We could  
9                   account for recreational landings and discards  
10                  and set the quota equal to the highest annual  
11                  commercial landings for scalloped hammerheads  
12                  since Amendment 2.

13                  We could do something similar and  
14                  look at average annual commercial landings  
15                  since Amendment 2 while still accounting for  
16                  rec landings and discards. We could also set  
17                  the quota equal to landings in the shark  
18                  research fishery and just allow commercial  
19                  retention on shark fishery research trips  
20                  only, or then the other bookend of setting the  
21                  quota at zero metric tons which should be a  
22                  prohibition.

1                   And then the potential  
2 alternatives for adjusting the non-sandbar  
3 large coastal shark quota since scalloped  
4 hammerhead sharks are part of the non-sandbar  
5 large coastal shark quota. And we have two  
6 regional non-sandbar large coastal shark  
7 quotas, Gulf of Mexico and Atlantic, and one  
8 scalloped hammerhead quota. These  
9 alternatives are trying to address those  
10 issues.

11                   So, we could deduct the scalloped  
12 hammerhead shark quota from the non-sandbar  
13 regional quotas according to the percentage of  
14 scalloped hammerhead landings from each  
15 fishery since the implementation of Amendment  
16 2. So trying to reflect what's been going on  
17 in the fishery.

18                   We could deduct the scalloped  
19 hammerhead shark quota evenly from both LCS  
20 regions. So, whatever that quota number is,  
21 take 50 percent from the Atlantic and 50  
22 percent from the Gulf of Mexico non-sandbar

1 large coastal shark quotas. Or if we went  
2 with the previous alternative of having  
3 retention only in the shark research fishery.  
4 We could just deduct the quota from the shark  
5 research fishery quota.

6 And then some of the recreational  
7 potential quota alternatives would just be no  
8 action, do not establish a recreational quota,  
9 or try to establish a recreational quota based  
10 on average recreational landings.

11 And so another illustration for  
12 quota linkage. Right now currently the  
13 Atlantic and Gulf of Mexico non-sandbar large  
14 coastal shark quotas operate independently of  
15 each other. They're available at different  
16 times of the year and the closure of one of  
17 the quotas does not determine if the other  
18 quota is available for harvest.

19 If we linked these quotas with a  
20 scalloped hammerhead quota to try to minimize  
21 dead discards of scalloped hammerheads you'd  
22 come up with a similar situation with the

1 blacknose but in reverse. So, if the Gulf of  
2 Mexico non-sandbar large coastal shark quota  
3 was reached and that fishery closed it would  
4 in turn close the scalloped hammerhead  
5 fishery. And if that was linked with the not  
6 Atlantic it would in turn close the Atlantic.

7           So you'd have this in practice  
8 closure of the Gulf of Mexico non-sandbar  
9 large coastal shark fishery closing the  
10 Atlantic which I don't think is something that  
11 is intended to occur to try to minimize  
12 scalloped hammerhead dead discards. And you  
13 might come into a situation where one fishery  
14 gets a chance to open and fish before the  
15 other one even opens.

16           So, that would be the rationale  
17 behind splitting the scalloped hammerhead  
18 quota into a Gulf of Mexico quota and an  
19 Atlantic quota to kind of keep these quota  
20 links intact and operating in ways where one  
21 regional non-sandbar large coastal shark quota  
22 would not close the other regional non-sandbar

1 large coastal shark quota.

2           So these alternatives are in Table  
3 2.10. And we could keep the commercial quotas  
4 for both scalloped hammerhead sharks and non-  
5 sandbar LCS separate and independent from each  
6 other, or we could create the scalloped  
7 hammerhead regional fishery quotas and link  
8 them with the corresponding commercial non-  
9 sandbar large coastal shark quotas.

10           And these following alternatives  
11 address large coastal shark retention limits.  
12 And currently the retention limit for large  
13 coastal sharks for directed permit-holders is  
14 33 non-sandbar large coastal sharks. So we  
15 could consider a separate trip limit for  
16 scalloped hammerhead sharks because we've set  
17 up a TAC and a quota for scalloped hammerhead  
18 sharks if that does happen.

19           So we could consider the  
20 relationship between scalloped hammerhead  
21 retention limit and the large coastal shark  
22 retention limit, and also consider

1 recreational retention limits and reporting  
2 requirements.

3           So this is Table 2.11. So the no  
4 action would just maintain the current  
5 commercial non-sandbar large coastal shark  
6 retention limits and all hammerhead shark  
7 landings would be counted against the current  
8 33 non-sandbar large coastal sharks per-trip  
9 limit.

10           The second potential alternative  
11 would be to create a hammerhead shark trip  
12 limit and you could do that equal to the  
13 average number of hammerhead sharks landed on  
14 trips that landed hammerhead sharks since the  
15 implementation of Amendment 2. Or you could  
16 do it in a way to set it equal to the maximum  
17 number of hammerhead sharks landed on trips  
18 that landed hammerhead sharks. Being at that  
19 -- setting it to the maximum number, would  
20 there be less potential for dead discards  
21 because of trip limits. But it could have a  
22 greater incentive for targeting scalloped

1 hammerhead sharks depending on how the trip  
2 limit interacts with the non-sandbar large  
3 coastal shark trip limit.

4           And then these are the potential  
5 commercial retention limit alternatives on how  
6 they would interact if there was a scalloped  
7 hammerhead retention limit. So 3a would be to  
8 keep the current non-sandbar large coastal  
9 trip limit, exclude the scalloped hammerheads  
10 from counting against the trip limit. And so  
11 you would be able to harvest 33 non-sandbar  
12 large coastal sharks and then whatever the  
13 scalloped hammerhead trip limit is. Or you  
14 could keep the scalloped hammerheads as part  
15 of the overall 33, have them count against the  
16 large coastal shark trip limit. So there  
17 would be a trip limit for scalloped  
18 hammerheads, you could catch those but they  
19 would be counted against the total of 33 that  
20 you could bring in.

21           As far as potential recreational  
22 retention limit alternatives, the no action,

1 just maintain the current recreational shark  
2 retention limits which is one per vessel per  
3 trip greater than 54 inches. Scalloped  
4 hammerhead would fall into that. You could  
5 establish a size limit for recreational caught  
6 scalloped hammerhead sharks that corresponds  
7 with female scalloped hammerhead shark minimum  
8 size at maturity which is higher than the  
9 current 54-inch fork length minimum size. And  
10 the third option would be to expand that to  
11 all recreational hammerhead sharks with the  
12 idea of minimizing any sort of confusion  
13 between great, scalloped and smooth. And then  
14 the fourth option would be to prohibit  
15 recreational retention of scalloped hammerhead  
16 sharks.

17 And then as far as recreational  
18 reporting we could continue on with the no  
19 action, maintain the current recreational  
20 reporting requirements for hammerhead sharks  
21 which is no requirements unless selected for  
22 internal reporting or contacted by the LPS or

1 MRFSS program, or MRIP now, excuse me. Or we  
2 could require reporting of all recreational  
3 landed hammerhead sharks to NMFS through the  
4 non-tournament landing system within 24 hours  
5 of landing.

6 In the pre-draft we refer to a  
7 NMFS For-Hire Pilot Study that surveyed for-  
8 hire vessels in Florida. And that was one of  
9 their recommendations on increasing reporting.  
10 And the hammerheads were included in that so  
11 we included it in our options here.

12 So, that wraps up the TACs quotas  
13 and retention limits section. And now I'll  
14 jump into the potential commercial at-vessel  
15 mortality and discard reduction alternatives.  
16 And there's three sets of alternatives and  
17 they deal with managing soak time of fishing  
18 gear, some gear tending measures and modifying  
19 bottom longline hook requirements.

20 And so getting to managing soak  
21 time of fishing gear and taking a look at some  
22 of the observer data since the implementation

1 of Amendment 2. We have a decrease in the  
2 annual average number of hooks being used in  
3 the bottom longline fishery and also the  
4 annual average mainline length. But there's  
5 been an increase seen in the average annual  
6 soak time.

7 And taking a look at some of the  
8 species that we're working with here, three of  
9 the four, blacknose, dusky and scalloped  
10 hammerheads have high at-vessel mortality  
11 rates on bottom longline gear which generally  
12 increase the longer the gear is soaked.  
13 Therefore, creating some sort of soak time  
14 restriction may help reduce mortality on  
15 sharks that are prohibited or would be  
16 discarded dead.

17 So, the potential alternatives  
18 that are included in the pre-draft are the no  
19 action, you know, do not implement gear soak  
20 time restrictions for the bottom longline  
21 fishery.

22 And then the other two are time of

1 day restrictions rather than number of hours  
2 because of the challenges in reporting and  
3 monitoring and enforcing an actual soak time.  
4 So we have soak time, gear allowed to be  
5 soaked at night from 7 p.m. to 7 a.m. And  
6 then the opposite side of it, to be soaked  
7 during the day from 7 a.m. to 7 p.m. local  
8 time. These types of alternatives may require  
9 VMS so that a vessel could declare that they  
10 are on a bottom longline shark-fishing trip.

11 Gear tending measures, I know this  
12 has been discussed at past APs. And regarding  
13 the bottom longline practice of setting gear,  
14 filling a trip limit, leaving the gear in the  
15 water to go offload and then returning to haul  
16 the rest of the gear. It's a practice that  
17 has gone on prior to Amendment 2 but it seems  
18 that the practice has increased since  
19 Amendment 2 and the smaller trip limit. And  
20 leaving gear unattended and actively fishing  
21 for extended periods diminishes the likelihood  
22 that any sharks are still alive at haul-back,

1 especially some of those species that have  
2 high at-vessel mortality rates and that are  
3 prohibited or would need to be discarded dead.

4 Gillnets currently have a gear  
5 tending requirement and some of the observer  
6 program data that's included in the pre-draft,  
7 some of the figures I think figure in this  
8 section has shown that within the gillnet  
9 fishery that the sets have been getting  
10 shorter and that there's been a shift away  
11 from targeting sharks to more targeting of  
12 teleost fish. And pelagic longline gear  
13 generally does not target sharks or leave gear  
14 in the water to offload to fill a shark trip  
15 limit.

16 So, the gear tending measures, the  
17 potential gear tending measures that are  
18 included in the pre-draft are based on bottom  
19 longline gear. We have the no action, do not  
20 require the gear to be tended and then require  
21 the gear to be attached to the vessel at all  
22 times or to have the vessel remain within 1

1 nautical mile of the gear. And that's Table  
2 2.17.

3 And then moving onto modifying  
4 shark bottom longline hook requirements.  
5 Currently there's no restriction on the number  
6 of hooks that can be used on a bottom longline  
7 fishing set. Like I mentioned earlier, the  
8 observed annual average number of hooks per  
9 set has decreased since Amendment 2. It's  
10 ranged between 312 to 352 hooks. Also,  
11 limiting the number of hooks could reduce  
12 total hook hours in the water and dead  
13 discards. If we're, you know, we see a  
14 decrease in hooks but we see an increase in  
15 soak time. So this might be a way at getting  
16 at reducing some of those hook hours and  
17 decreasing dead discards.

18 So, the potential alternatives  
19 here are the no action, just maintain the  
20 existing measures of unlimited number of hooks  
21 on BLL vessels. And then the second one is to  
22 restrict the number of hooks that can be

1 deployed per set. And the total number that  
2 can be possessed onboard bottom longline  
3 fishing vessels with directed shark permits.  
4 And this is Table 2.18. And that could --  
5 that number could be calculated in a number of  
6 ways to try to get at a number of hooks per  
7 set that could be used to still fill trip  
8 limits and just not have excessive amount of  
9 gear in the water.

10 So, that concludes those two  
11 sections on TACs quotas and retention limits  
12 and commercial at-vessel mortality and discard  
13 reduction. And so Scott, I'll stop the  
14 presentation now and open it up.

15 MR. MCCREARY: Very good. Thank  
16 you, Pete. We have about 45 minutes before  
17 Sam is slated to be here so Pete's put a lot  
18 of options on the table. As he said, many of  
19 these are really designed and intended to fit  
20 together as a suite. So some of these  
21 measures may be very complementary, others may  
22 not be complementary. And the Agency really

1 welcomes your comments and questions about  
2 this set of options that Pete has put on the  
3 table.

4 Yes, go ahead.

5 MR. VAETH: Scott Vaeth. First of  
6 all, the soak time, that's something that's  
7 not enforceable. I don't see how you could  
8 enforce -- when you set gear if the boat  
9 hauling the gear has any problems whatsoever  
10 the gear is going to be down for longer than  
11 your set hours. So I don't think that's  
12 anything that you could ever enforce.

13 The gear tending, what do you want  
14 us to do? Do you want us to catch our 33  
15 fish, haul the rest of the gear and dump the  
16 rest of the fish whether they're dead or  
17 alive? I mean, that's something too that I  
18 don't think that would go over. That's just  
19 a complete waste because you're going to have  
20 dead fish no matter whether you tend the gear  
21 or if you don't tend the gear.

22 The number of hooks. Down in the

1 Keys, I don't know about other areas but, I  
2 mean, we set a lot of hooks down there because  
3 we have a lot of bycatch of nurse sharks. I  
4 mean, sometimes I'm setting seven, eight  
5 hundred hooks. I'm catching 50 percent nurse  
6 sharks, 400 nurse sharks on a set. So if you  
7 number the amount of hooks that we're allowed  
8 to set, I mean we could have, you know, we  
9 might not ever get our 33 fish. That's about  
10 it for right this second. Thank you.

11 MR. MCCREARY: Thank you. Other  
12 comments? Mark. Use your mic.

13 MR. TWINAM: I'm Mark Twinam. On  
14 page 46 there, restrict the number of hooks  
15 that could be deployed per set and the total  
16 number of hooks that could be possessed  
17 onboard the vessel. Restrict the number of  
18 hooks, you know, that could possibly make  
19 sense. I mean, it's definitely going to cut  
20 your profits. The less hooks you can set, the  
21 less fish you're going to catch. You know  
22 that'll come into play with the catch shares

1 because then maybe it's easier to -- I don't  
2 know. I really don't know about that.

3 But the thing I'm worried about is  
4 it says how many hooks that can be possessed  
5 onboard a vessel. So if you go fishing and  
6 you're allowed 150 hooks and they're going to  
7 say you can only have 150 hooks on the vessel  
8 you can't have any spare hooks, you can't have  
9 any grouper hooks, you can't have any kingfish  
10 hooks, you can't have anything else. And it  
11 sounds like on the research fishery that's the  
12 way they've set it.

13 And I don't know if they want to,  
14 you know, they may change that after a year  
15 but to begin with it's just overly restrictive  
16 because a guy could go out there and put a  
17 shark line in the water and go kingfishing for  
18 a few hours and come back and get his shark  
19 gear, or he could grouper fish for two or  
20 three days and then shark fish the last three  
21 days of his trip, and it just hurts his  
22 flexibility.

1                   And on page 44, require that a  
2 bottom longline gear be attached to the vessel  
3 at all times. I don't know how you'd do that  
4 in a practical way.

5                   And require that vessels with a  
6 shark permit that are using a bottom longline  
7 gear remain within 1 nautical mile of the  
8 gear, that's the same thing. If you wanted to  
9 set your gear and run around and go  
10 kingfishing or run around and go grouper  
11 fishing or something it's unnecessarily  
12 restricting you with really no benefit.

13                   And then on the page 42, the soak  
14 time restrictions, it just -- it's not really  
15 a full explanation there so I don't know  
16 exactly what you're going for. But if you  
17 have the gear in the water between 7 p.m. and  
18 7 a.m. does that mean you start setting at 7  
19 p.m. and you make sure it's all up by 7 p.m.  
20 or 7 a.m.? Or does that mean you start  
21 setting at 7 p.m. and you make sure you start  
22 hauling at 7 a.m.?

1 MR. COOPER: I think it would be  
2 that the gear can be in the water between that  
3 time, so set would start at 7 p.m. and then it  
4 would have to be out of the water by 7 a.m.

5 MR. TWINAM: By 7 a.m. Yes,  
6 that's -- I mean that's -- if you don't want  
7 shark-fishing to go on, I mean, rules like  
8 that is a good way to do it because there's --  
9 you're just guaranteeing you're going to get  
10 in trouble. I mean, if you get sharks, get  
11 too many sharks or get too many bite-offs and  
12 have to hunt for your gear. It's just, and  
13 doing it at night also, you know. You might  
14 want your gear to set at night but it's much  
15 easier to haul in the daytime where you can  
16 see. So I don't know. Those would make it  
17 very difficult to shark-fish. Excuse me just  
18 for a second.

19 A lot of the different ways of  
20 keeping the scalloped hammerheads in and out  
21 of the LCS and all that is kind of confusing.  
22 It seems like keeping the scalloped

1 hammerheads inside your 33-fish retention  
2 limit would be easier. Excuse me just for a  
3 minute.

4 On the scalloped hammerheads,  
5 consider separate trip limit for scalloped  
6 hammerhead sharks. I'm just worried that on  
7 a trip if you had a separate trip limit and  
8 say it was three sharks and then you caught  
9 five in that trip you have to leave two go  
10 which we know hammerheads are most of the time  
11 dead. Then if you didn't fill the quota at  
12 the end of the year those sharks that you  
13 released like that wouldn't have been killed,  
14 wouldn't have been sold, and wouldn't have  
15 counted against the quota. It would have  
16 never been filled.

17 I'm almost, I don't know how other  
18 shark fishermen feel about it but I'd almost  
19 rather have a quota on scalloped hammerheads  
20 and when they're caught fishing is done. I  
21 don't know. Excuse me just for a second.

22 That's all I have. Really before

1 that, when it gets into the -- all the  
2 scenarios there I guess I need to think that  
3 over a lot more to figure out how to do  
4 putting the scalloped in the large coastal,  
5 out of the large coastal and all of that but  
6 the main thing is you want to reduce dead  
7 discards. So that's all. Thank you.

8 MR. MCCREARY: Good, thanks very  
9 much. I'll have Bob, Sonja, Terri and Mark  
10 Lingo. Bob.

11 DR. HUETER: Okay, thanks Scott.  
12 Pete, good morning. It's a big assignment for  
13 you and a long list so I'm going to go through  
14 my list starting back at the beginning of  
15 things that I'd like to highlight.

16 Starting with the dusky, you say  
17 that the goal is to reduce fishing mortality  
18 by two-thirds. That's a pretty big chunk, so  
19 looking at the various alternatives what I  
20 would like to see is looking at where this  
21 fishing mortality is occurring, where and when  
22 as opposed to punishing the entire fishery if

1 we can identify those spots where this is  
2 happening. So I'm going to defer on that and  
3 look forward to hearing about the time/area  
4 closures in the next section for the dusky.

5 Sandbar, it seems like reducing  
6 the TAC to gain 4 years over an approximately  
7 50-year span isn't much of a payback so I  
8 would, and I'm not sure the precision of the  
9 stock assessments is there to justify that.  
10 So I would listen to industry on that, whether  
11 that's -- they want to reduce the allowable  
12 catch to buy those 4 years.

13 Blacknose. I would go with for  
14 the TAC alternatives, alternative 1c. I think  
15 certainly splitting the Gulf from the Atlantic  
16 in terms of overall management is justified  
17 because the stock structure justifies it since  
18 we know these are separate stocks. So I would  
19 go with 1c using the, sort of the traditional  
20 landing percentage which here says it's 51  
21 percent for the Gulf. And I would do that  
22 because the status in the Gulf is unknown. So

1 I would just maintain status quo until we know  
2 better what's happening there in terms of  
3 overfishing.

4 The recreational, I would not  
5 change the retention limits for blacknose  
6 specifically and drop it below the 54-inch  
7 limit. I mean, that is a very large number  
8 for blacknose sharks so it pretty much  
9 controls the amount of blacknose take and it  
10 would just be confusing I think for the  
11 recreational fishermen given that blacknose  
12 are one of the most misidentified sharks in  
13 the ocean.

14 And I would say don't close the  
15 Atlantic when the Gulf quota is reached and  
16 vice versa. And that's justifiable as I said  
17 by the stock structure.

18 On the other hand the scalloped  
19 hammerhead, in my mind splitting the quota and  
20 doing things in the Atlantic versus the Gulf  
21 separately is not justified by the stock  
22 structure as we understand it. So any

1 measures to uncouple the Gulf from the  
2 Atlantic I don't think is justified in this  
3 case.

4           For the commercial fishery, if we  
5 go to some kind of no retention that's just  
6 going to lead to a big increase in dead  
7 discards and nobody wants that. So I can't  
8 see that working. And I'm not sure, I would  
9 like to hear from industry more about what  
10 their thoughts are on that. I would note that  
11 Florida where a lot of these animals are  
12 caught currently protects all hammerheads in  
13 the state waters. So they have state  
14 protection.

15           On the other hand, on the  
16 recreational side for scalloped hammerhead I  
17 would argue for zero retention. And I think  
18 that's warranted because catch and release of  
19 hammerheads is absolutely doable. You can't  
20 transfer that principle over to the commercial  
21 side because catch and release doesn't work  
22 with commercial as well. You've got dead

1 discards with longline gear. So I would go  
2 for option 4 and promote catch and release of  
3 actually all the hammerheads at this point in  
4 the recreational fishery, following Florida's  
5 lead.

6 And then last on the managing gear  
7 aspects. As far as the soak times again I  
8 would yield to industry and listen to them  
9 because that's really a matter of safety and  
10 efficiency. I think Scott and Mark already  
11 addressed the issues there.

12 Gear tending. This is a  
13 derivative of our 33-shark limit that we have  
14 this problem. When these guys get a big set,  
15 rather than just take the 33 and let  
16 especially all the dead discards go they come  
17 back out to get those dead discards and land  
18 those under the quota.

19 And I'm trying to remember why we  
20 have the 33-shark limit. I guess it was to  
21 spread out the fishery and also for safety  
22 reasons, but I certainly have heard from the

1 commercial guys that that's too low.

2 Hooks, no comment. But what I  
3 would say is that all these issues with  
4 managing gear and many of the issues with the  
5 individual species management, it just screams  
6 out in my mind this is why we need catch  
7 shares for this fishery. Because we're using  
8 these various techniques to spread out the  
9 fishery, to avoid overfishing and when we're  
10 playing with, you know, soak times, gear  
11 tending, really potentially making the fishery  
12 a lot more inefficient and decreasing the  
13 safety for the commercial guys. And with a  
14 catch share system I think you do away with  
15 all those issues, at least in terms of the  
16 managing gear side.

17 And I think that's it for now.

18 MR. MCCREARY: Thanks, Bob.

19 Sonja?

20 MS. FORDHAM: Thank you. I just  
21 have two questions and then some very  
22 preliminary comments but I'll ask the

1 questions first. And I'm sorry that I haven't  
2 looked this up, but can you give any sense of  
3 when the scientists said that the stock status  
4 for blacknose on the Gulf of Mexico was  
5 unknown, did they give any kind of direction  
6 or guidance in terms of a range or anything  
7 beyond we don't know?

8 MR. COOPER: From what I recall  
9 from the stock assessment is that because it  
10 was not accepted we don't have anything as far  
11 as a range.

12 MS. FORDHAM: Okay. My other  
13 question is there are a lot of options here  
14 for scalloped hammerheads. I know that  
15 there's at least one paper that looked at the  
16 hammerheads as a complex with the great and  
17 the smooth. Does this mean because you've  
18 laid out the options in this way that there's  
19 no -- do we have no hope of managing as a  
20 complex and applying the scalloped hammerhead  
21 measures to the smooth and the great  
22 considering that we don't know a lot but it

1 seems to be similar biology and similar  
2 sensitivity and so forth? Is there still hope  
3 that we could choose hammerheads as a complex  
4 in this amendment?

5 MR. COOPER: We're still in the  
6 pre-draft stage so any options are still on  
7 the table.

8 MS. FORDHAM: Okay. Well, in that  
9 case I would urge some consideration of that  
10 considering what we -- the similarities, you  
11 know, just getting on with this before it's  
12 too late knowing that we have some concern for  
13 those species too.

14 And also I was just thinking when  
15 we were looking at these different how the  
16 Atlantic and the Gulf quotas affect each other  
17 and so forth. It might be useful to have a  
18 breakdown of what Bob was talking about, the  
19 stocks structure. So if we know blacknose,  
20 there's definitely two populations, but  
21 hammerheads are not. And maybe I'll just make  
22 Bob do it during the break, but to look at the

1 species that we're thinking about and the ones  
2 that are affected by the small coastal and  
3 large coastal quotas, and just to have a  
4 better sense when we make those determinations  
5 of whether one quota links with the other. It  
6 would be good to just have a breakdown in  
7 maybe a table form of which of these stocks  
8 are separate between Atlantic and Gulf and  
9 which ones are just one. Just in terms of  
10 decision-making.

11                   And then like Bob I look forward  
12 to getting a better handle on the where and  
13 the when for dusky sharks but also for  
14 scalloped hammerheads and where most of the  
15 landings are coming from, the Atlantic or the  
16 Gulf.

17                   And also just, obviously there's a  
18 lot to think about in terms of options and I  
19 really appreciate -- I've been asking for  
20 hammerhead measures. I have been promoting a  
21 ban on retention but also trying to look at  
22 ways to avoid bycatch and reduce discard

1 mortality because of this sensitivity of the  
2 species which obviously complicates  
3 management. So I appreciate what I think is  
4 a pretty thorough analysis so far of those  
5 different ways to -- for gear modifications  
6 and time/area closures and so forth. So I  
7 appreciate that and I'll have to take a look  
8 at that.

9           It does seem like the rebuilding  
10 schedule for scalloped hammerhead is really,  
11 it's optimistic. So I mean, it seems to be  
12 optimistic which should make me happy but it  
13 also makes me worry because I think we've been  
14 sometimes overly optimistic about sandbars and  
15 duskies in the past. So I'm going to continue  
16 to err on the side of caution there I think in  
17 terms of wanting to take a precautionary  
18 approach for hammerheads which are a pretty  
19 much global species of concern.

20           But I will take a look at this and  
21 remain open to the options that fall short of  
22 that. I would agree with Bob that it seems

1       like the recreational ban on retention seems  
2       to be something that, a step we might be able  
3       to take.

4                   And that size limits for  
5       hammerheads, given the sensitivity of the  
6       animals I don't think is the way to go. So  
7       I'll leave it at that for now. Thank you.

8                   MR. MCCREARY: Thanks very much.  
9       We have about half a dozen people who would  
10      like to speak before Sam joins us. This is  
11      obviously a complex set of options so we  
12      understand you're trying to process it. So,  
13      to the extent we can balance that and trying  
14      to make concise comments the would be helpful.

15                   Also know that there is another  
16      time for conversation on this topic after Sam  
17      speaks. So if we don't get all the way  
18      through the queue, apologies.

19                   I have Terri, Mark Lingo, Pam,  
20      Marcos, Rusty and Gerry. Terri?

21                   MS. BEIDEMAN: All right, thank  
22      you. A couple of things. Maybe it escaped

1 me, but what percentage of dusky sharks or any  
2 of these sharks for that matter are caught by  
3 U.S. commercial/recreational fishermen  
4 together? I mean what is our impact? How  
5 much collectively are we going to be able to  
6 help? How much sacrifice are we going to be  
7 discussing for what goal? So, I don't know if  
8 you have that information but in particular  
9 with regard to dusky sharks where we're  
10 looking at some pretty restrictive things. I  
11 just would like to know does anybody know what  
12 percentage we are of the Atlantic catch?

13 MR. COOPER: I will just start  
14 here. I have numbers from the stock  
15 assessment that breaks down commercial,  
16 recreational and discards for dusky sharks.  
17 It doesn't break them down by percentage so we  
18 can look at that.

19 MS. SCHULZE-HAUGEN: Terri, I  
20 heard you ask recreational percentage but then  
21 seemed to indicate you were looking for U.S.  
22 percent.

1 MS. BEIDEMAN: I was looking for  
2 the total U.S. percentage of the species  
3 versus the rest of the world, not just us.

4 MR. COOPER: Oh, okay.

5 MS. SCHULZE-HAUGEN: That would be  
6 different sets of data and different sets of  
7 data for different species. So, I don't know  
8 that we have that at our fingertips at this  
9 point but it is to a degree something that we  
10 can get. We're not going to be able to get it  
11 completely for everything.

12 MS. BEIDEMAN: Okay. I just think  
13 that that would be an important thing for us  
14 to consider in this debate, you know, what is  
15 the -- if we have perfect implementation of  
16 some of these very things, you know, what is  
17 the realistic likelihood that we're going to  
18 have a huge impact. So that's what I would  
19 like. And I recognize that our bean-counting  
20 is much better than some other countries, so.

21 With reference to page 55 of your  
22 -- and it doesn't matter, it's any single one

1 of these charts that shows the numbers  
2 particularly of interactions. But for  
3 instance, I have this one up and it says, you  
4 know, it's from the HMS logbook. It's 5  
5 years' worth of data. It shows I guess the  
6 big red circle here is 104 interactions over  
7 5 years, over 12 months of effort. So, just  
8 to try to clarify, you know.

9 CPUE information would be a lot  
10 more helpful because that could just be an  
11 impact of effort. And you know, I don't know,  
12 20 a year, I don't know.

13 And my concern with restrictions  
14 of hooks, I know Mark raised some. You know,  
15 you do lose hooks, you have to have a certain  
16 number but I really would be interested to see  
17 what kind of economic impact and CPUE data  
18 might show you that, what kind of impact  
19 that's going to have economically. Is it  
20 going to be viable to fish? I mean, it sounds  
21 good and it would reduce interactions  
22 certainly if you don't put hooks in the water.

1 It would reduce interactions if you fished  
2 with anchors. You know, I mean there's a lot  
3 of ways to reduce interactions but can people  
4 make a living doing it? And if they can't,  
5 what should be the option? So, those are my  
6 quick thoughts on this. Thanks.

7 MR. MCCREARY: Thanks, Terri.  
8 Mark Lingo.

9 MR. LINGO: I'm Mark Lingo, Texas  
10 Parks and Wildlife. I'm just going to speak  
11 to the recreational side of this thing real  
12 quick.

13 First off, to go with what Bob  
14 said, I think that the splitting the stock on  
15 the blacknose is definitely the way to go.  
16 Gulf of Mexico is definitely a different stock  
17 there.

18 And for the recreational fishermen  
19 on the blacknose and for the scalloped  
20 hammerhead to differ with Bob, I believe that  
21 the retention should remain like it is now,  
22 just the one fish per vessel per day over 54

1 inches. I mean, we're talking that's just one  
2 shark of any kind and not just -- it's not  
3 going to be all of any one of those. So, the  
4 count is going to be very small on the  
5 retention on that.

6 And I guess finally what I'd like  
7 to just bring up and kind of expand on some of  
8 the stuff we talked about yesterday. My  
9 office is actually in Brownsville and I  
10 witness the Mexican longliners every time I go  
11 out there. I mean, we've counted up to 16  
12 boats on our side at any given time doing  
13 longlines so we need to really try to continue  
14 to work with our neighbors to the south on  
15 these issues. They're taking a lot of sharks,  
16 gillnets and longlines, and we need to  
17 definitely continue looking at that and trying  
18 to do something with that. That's all I have.

19 MR. MCCREARY: Good, thank you  
20 Mark. Pam.

21 MS. BAKER: Thank you. I think a  
22 lot of the potential solutions put on the

1 table have a potential to create derbies or  
2 worsen derbies where they already exist  
3 especially linking the closure of blacknose  
4 and dusky and hammerheads to the complex. And  
5 separating the Gulf and the Atlantic is an  
6 important step but I don't think it's going to  
7 solve that problem.

8 Also, I think a number of the  
9 measures can increase the dead discards which  
10 others have already discussed, and that then  
11 in turn obviously contributes to the mortality  
12 and overfishing which these are intended to  
13 address. It's also poor use of a valuable  
14 resource. And I think we want to look at how  
15 to manage so that mortality goes towards  
16 landings and towards an economic contribution.  
17 Nobody wants to see these animals wasted.

18 Also, the regulations in addition  
19 to the trip limits and others that already  
20 exist are very costly to the industry. They  
21 reduce efficiency and they begin to micro-  
22 manage the fishery and that, you know, the

1 businesses all have their own way of operating  
2 and it's hard to micro-manage across a fleet  
3 and get a good outcome.

4 And I think all of this argues for  
5 moving toward IFQs. It's hard to manage this  
6 fleet using one single set of tools. IFQs  
7 would allow you to allocate the quotas for the  
8 species where you need that and for the  
9 complex where that's okay. And then allow the  
10 individuals to figure out how to best target  
11 their catch for what quotas that they have and  
12 avoid the species where they don't have the  
13 quotas.

14 And then finally I would just like  
15 to echo Terri's question about if there's  
16 information to help us understand how much of  
17 the contribution to the mortality of some of  
18 these stocks that the U.S. contributes to.  
19 And if we are able to completely solve this  
20 problem how much does that help the stocks  
21 overall. Thanks.

22 MR. MCCREARY: Thanks, Pam.

1 Marcos.

2 MR. HANKE: I want to address a  
3 few issues that is very related to the  
4 differences on the fishery in the U.S.  
5 Caribbean.

6 First of all, there is not the  
7 direct fishing for shark in there. It's  
8 always mostly incidental catches and I would  
9 like you guys to consider the idea of  
10 allocating a little quota for incidental  
11 landings for the fishermen.

12 Most of the interaction with other  
13 gear, once they are fishing for something else  
14 and they hook up a shark or entangle a shark  
15 is with deepwater snappers is the species that  
16 we are touching here. And that's something  
17 that historically we don't have access to  
18 because the way the whole system is set now  
19 practically we cannot touch those sharks in  
20 Puerto Rico. Once -- if you get a hold of  
21 them the quota is already done and we cannot  
22 land any. But there is no direct fishery for

1       them and a like incidental quota would be  
2       something to look at.

3                   Another thing that I would like to  
4       stress out is for hammerheads, for the group  
5       in the case of the Caribbean I think it is  
6       very important to consider the whole group as  
7       a -- for catch and release only for the  
8       recreational fishermen. For the biological  
9       aspects of the species and because in Puerto  
10      Rico I know there is the majority of the  
11      people don't know how to put them to -- apart.  
12      And it will simplify the process. You know,  
13      just let the hammerhead go if you're  
14      recreational fishing and that should help a  
15      lot. Thank you.

16                   MR. MCCREARY: Thank you. Rusty.

17                   MR. HUDSON: Are you able to hear  
18      me? I guess the light is not working so sorry  
19      about that. Rusty Hudson, director of  
20      Sustainable Fisheries.

21                   We've heard from a couple of  
22      stakeholders that actually fish and you've got

1 to listen to them. We only have until April  
2 13th to comment on this pre-draft so we've got  
3 less than 30 days. And there's 121 pages in  
4 the pre-draft itself with a whole bunch of  
5 appendixes that have to be rationalized in our  
6 mind to make a good comment.

7 Also, Carol, if I could get a copy  
8 of the Morgan, Cooper, Curtis & Burgess  
9 document from 2009, the Overview of the U.S.  
10 East Coast Bottom Longline Shark Fishery that  
11 you used for slide number 41 of the 71,  
12 Managing Soak Time. And that would be useful  
13 to see the characteristics there.

14 Some of your other analysis is  
15 using observer data from 1994 to recent times,  
16 and the nature of the fishery has changed a  
17 bunch.

18 I feel, and you know how I feel  
19 about the Hayes, et al., document on scalloped  
20 hammerhead. The trends analysis is driven by  
21 MRFSS data. The recreational landings in the  
22 early eighties, two of the peak years was over

1 forty something thousand animals by the  
2 recreational component. And now you have them  
3 down in a few hundred as far as the bycatch  
4 per year in some of your more recent analysis.  
5 At the very least the Hayes, et al., should  
6 have been extended to do a continuity run with  
7 that in-house stock assessment that was  
8 reviewed anonymously.

9           And this is the type of stuff that  
10 I thought that there was an understanding with  
11 HMS and SEDAR that we would have something  
12 that was open and transparent. We already  
13 went through this exercise with the catch free  
14 model for dusky back in '06 when we were  
15 trying to do stuff and because it was being  
16 done in-house anonymously as far as the  
17 review.

18           I still have a problem with how  
19 the dusky shark was conducted. When we have  
20 16 to 20 percent of the tag recoveries come  
21 from Mexico alone and now we have dusky  
22 recoveries all the way down into Central

1 America I believe that we have to be able to  
2 rationalize the straddling stock scenarios.  
3 And because our sandbars over-winter in  
4 Mexico, again, we keep on unilaterally  
5 targeting our own domestic fishery.

6 We are probably the most  
7 sustainable fishery of sharks in the world.  
8 We should be an example but we still keep  
9 seeing that target hoisted on our back.

10 The latest examples is this stuff  
11 with trying to eliminate the shark fin market  
12 and portraying us as a bunch of gangsters or  
13 dealing with gangsters. And I haven't seen  
14 them step forward to tell that the big lie  
15 being supported, and we were able to eliminate  
16 in Florida that effort because of the big lie  
17 that there's massive finning going on in the  
18 state and federal waters. That's just not  
19 true. Why would we even risk our permits, our  
20 boats, our homes, our livelihoods to do  
21 something silly like that? That ended in 1993  
22 and I believe that NMFS and the leadership

1 should step forward to deal with that.

2 I see that you've also put the  
3 councils in a bind particularly in the Gulf of  
4 Mexico with regards to the shrimp bycatch.  
5 When you start looking at the numbers, it'd be  
6 on page 31 of the 121-page document, Table  
7 2.3. And you'll see the numbers for the Gulf  
8 of Mexico shrimp is off the board. And you're  
9 going to have to come to terms with all that.

10 Also, we have been saying no to  
11 blacknose. Our guys know that where you have  
12 it connected to the non-blacknose small  
13 coastal shark landings it's crazy to try to go  
14 catch twenty or thirty thousand pounds in  
15 total from Maine to Texas and give up 600,000  
16 pounds. You need to disconnect blacknose from  
17 all the non-blacknose small coastals.

18 The Dade-Monroe County line is a  
19 very efficient use of dividing the Gulf from  
20 the Atlantic because of the fact of the U.S.  
21 1 issues that go on between the South Atlantic  
22 and the Gulf of Mexico. We had to do it for

1 several other species. We did it for sandbar,  
2 to be able to -- not sandbar, but non-sandbar,  
3 in order not to be at the mercy of what goes  
4 on in state waters of Louisiana.

5 As far as catch shares, that's a  
6 stakeholder issue. And I'm going to emphasize  
7 again, just like I did at the workshop,  
8 referendum. Let the stakeholders speak.  
9 Listen to them. If they want it, they'll want  
10 it. There's whatever number of permits in the  
11 Gulf of Mexico.

12 Remember what Carolyn Belcher said  
13 at the last meeting. She said if you're going  
14 to do a complex, the weakest species will  
15 drive the quota. And that's not going to be  
16 good for any stakeholder whether it's an open  
17 access under these limited access permits or  
18 whether it's a catch share.

19 And if it's going to be a catch  
20 share make sure it doesn't become a tradable  
21 commodity and sent off to some corporation  
22 somewhere separate from this particular event.

1 I had a NMFS scientist that's an analyst  
2 that's still with NMFS back in 1998 share a  
3 story with me that, Rusty, you know, the  
4 science, you're right about the science. It's  
5 not mature enough. It's not good enough.

6 And once the mom and pops go belly  
7 up then the big corporations will take control  
8 and then they will wind up being able to get  
9 the science fixed. And that's the way I  
10 believe that since we're under a mandate every  
11 5 years to do stuff and I think that for the  
12 first time since 1993 the Mexicans are going  
13 to show up at the Gulf of Mexico blacktip  
14 assessment next week. It'd be interesting to  
15 see what they bring to the table. But because  
16 it's a standard assessment, in other words a  
17 glorified update, there's really not much  
18 leeway to do much there except tweak whatever  
19 had been done before.

20 The continuity exercise already  
21 conducted indicated that it's not overfished  
22 and overfishing is not occurring. So if

1 you're going to do -- if those stakeholders in  
2 the Gulf of Mexico want a standalone blacktip  
3 catch share let them vote on it. I think  
4 there's 27 directed permits something, just  
5 off the top of my head. But we've got 100 of  
6 them over on the East Coast here.

7           And I think you saw the Walter  
8 Jones document recently. They basically don't  
9 want the catch shares at this time. Part of  
10 the reason is the quotas are too small.  
11 You're going to have people fighting over just  
12 something that they can't really make a living  
13 on. So open access under the limited access  
14 permits still allows that to take place.

15           And so there's a lot to have to  
16 think about here. Again, we've got less than  
17 30 days to comment on this document and  
18 there's a lot of things here. Soak time is  
19 unrealistic. Keeping the bottom longline  
20 hooked to the boat. What if you have some  
21 kind of FUBAR down in one end? You've got to  
22 run to the other end. So, you know, being in

1 the area of the gear, that's probably a good  
2 thing, but at the same time with your 33  
3 mandated limit for large coastals versus I  
4 think you're going to increase to 36 here in  
5 a year or two or something like that was on  
6 the books, but that's still nothing. These  
7 guys catch per unit of effort is off the  
8 charts.

9 And when I'm looking at some of  
10 the Delaware 2 stuff from 2009 in the appendix  
11 of these 121 pages I see a lot of examples of  
12 where you've got dusky and sandbar and other  
13 stuff and the rate of catches and things is  
14 pretty high. And that's exactly what we just  
15 had happen when you started this new approach  
16 for our sandbar experimental fishery.

17 I call it the Barney Fife  
18 approach. You give them one bullet, you don't  
19 let them put it in the gun till it's time to  
20 shoot it and usually shoots themselves in the  
21 foot. But in the case of the East Coast of  
22 Florida, at least Joey Klosterman was able to

1 go out and know with his 150 hooks limit on  
2 the boat that these migratory sandbars coming  
3 up from Mexico are interacting with the  
4 thermoclines and they are actually breeding at  
5 that time in March and April. You know, this  
6 is what we used to call the pupping season  
7 closure and stuff like that. Well, that's  
8 where the males and the females get together.

9           And so he was able to go out, he  
10 lost 25 of his hooks on bite-offs. He caught  
11 58 sandbars. Came back in and then re-gearred,  
12 150 hooks, went back out, caught 41 sandbars.  
13 The biggest was a 70-pound female dressed, and  
14 that's honestly a very large sandbar. And  
15 again, I can go on and on and on but the  
16 reality is you're micro-managing this fishery  
17 out of business. And until you get your  
18 science right you're hurting everybody. And  
19 so it's just a glorified science experiment.  
20 And Scott, I'll wrap it up since you want me  
21 to.

22           MR. MCCREARY: We have -- Gerry

1 had his card up. Marcos and Terri, you put  
2 your card up. Okay. Gerry, you wanted to  
3 speak. If you can just be very concise and  
4 Sam's up in a couple of minutes here. Well,  
5 we have two minutes so make them count.

6 MR. LEAPE: Thanks. Fair enough.  
7 And fortunately going at this point is a lot  
8 of what I wanted to say has been said so I can  
9 support others' comments.

10 On duskies, need to hear more.  
11 I'm sorry, this 2099 rebuilding time line is  
12 frankly meaningless and so we need to figure  
13 out what is the problem here. Is it do we  
14 need better science? And I appreciate the  
15 points that Terri was making about let's see  
16 what our impact is and what do we need to do  
17 beyond this amendment process to give more  
18 help to the dusky shark. Because that, you  
19 know, I don't plan on being around 87 years  
20 from now to see it when it's rebuilt.

21 In terms of the sandbar, reducing  
22 it from 2070 to 2066, you know, also in the

1 realm of the meaningless and would leave that  
2 up to the industry.

3 In terms of linking blacknose and  
4 non-blacknose, intriguing and I think that's  
5 something at least Pew would like to see us  
6 look further into. And obviously support the  
7 comments that were made that it should be  
8 based on the stock structure how we would do  
9 that and not to try and eliminate the  
10 arbitrariness of the decision.

11 Like Sonja's group we've also --  
12 Pew has also been supporting management of the  
13 hammerheads as a complex. And Marcos, support  
14 Marcos's point as well. And within that  
15 support the suggestion of the option to  
16 prohibit retention catch and release by the  
17 recreational fisheries. And continued look on  
18 how we can address the potential dead discard  
19 issue that's been raised in terms of  
20 prohibited retention by the commercial fleet.  
21 We were frankly disappointed by the very  
22 surgical nature that NMFS implemented the

1 ICCAT directive about a year ago.

2 And obviously these are just  
3 preliminary comments and like many others Pew  
4 will be submitting more detailed comments  
5 before the deadline. But thanks.

6 MR. MCCREARY: Thanks, Gerry. So,  
7 at this point Sam Rauch is here to give us a  
8 few comments and we want to welcome Sam. And  
9 we have about 15 minutes for this part of our  
10 program.

11 Sam, I'll leave it to you. I'm  
12 not quite sure what points you're going to  
13 cover but welcome. For those of you that  
14 still have your cards up we will come back  
15 after Sam makes his comments.

16 MR. RAUCH: Thank you. I am Sam  
17 Rauch. I'm am the acting director of the  
18 National Marine Fisheries Service. And let me  
19 spend a few minutes to tell you what that  
20 means.

21 You have heard before from Eric  
22 Schwaab who is and continues to be the real

1 director of the Fishery Service. There are --  
2 Jane Lubchenco as the head of NOAA has two  
3 political deputies. They're called assistant  
4 secretaries. One of them -- these are Senate-  
5 confirmed positions and one of the people that  
6 was in that slot, Dr. Larry Robinson, went  
7 back to academia last fall.

8           And they have asked Eric to step  
9 up and fill that seat as a temporary matter  
10 likely through the election. And then they'll  
11 decide how they want to deal with that in the  
12 future. In the interim I have been asked to  
13 step up and head the Fishery Service for the  
14 duration of that event and I'm pleased to do  
15 so.

16           I have addressed this panel before  
17 and talked to many of you before. My real job  
18 is the deputy of the Fishery Service in charge  
19 of regulatory programming. In that role I  
20 oversaw the work of the regional offices and  
21 the headquarters offices of Sustainable  
22 Fisheries, Habitat Conservation and Protected

1 Resources. So, that's who I am and where I  
2 come from and how I came to be acting at the  
3 moment.

4 Let me say a few words and then  
5 people in general have questions often when I  
6 come here. I'd be happy to take some of  
7 those.

8 I want to first make sure I thank  
9 you for the time that you take to come here  
10 and provide us with your views and opinions.  
11 We value it highly. It is critical to us as  
12 we try to determine what to do and how -- what  
13 the various proposals are, what impacts they  
14 may have. It takes a great deal of sacrifice  
15 and preparation on your part. We know that.  
16 We appreciate that.

17 I think the breadth of the agenda  
18 for this meeting showcases the many important  
19 issues that are facing highly migratory  
20 species. We are currently working on five  
21 amendments as well as a number of other rules  
22 to support HMS management. There's much to be

1 done. I encourage you to continue to use this  
2 meeting to find a way forward on these current  
3 policy priority management issues. And we're  
4 dedicated to working with you on many of these  
5 issues. I think we've demonstrated that in  
6 the past and want to continue to do so. We  
7 want to have a two-way dialogue on these  
8 things.

9 I understand yesterday you spent a  
10 great deal of time on bluefin tuna. Those  
11 issues are challenging. There's a lot of  
12 concern over how dead discards are accounted  
13 for and the implications for all fishing  
14 categories. I look forward to hearing the  
15 report-out. I hope you're done with that.  
16 Almost. To hearing the report of those  
17 discussions.

18 Today I already see that you're  
19 working on sharks. That's good. A lot of  
20 issues there. We need to keep an open mind  
21 and look for innovative management structures  
22 to deal with that.

1                   On swordfish later, addressing  
2 bycatch is a top priority for us. It's going  
3 to be important. We need to work together on  
4 how to both increase those swordfish landings  
5 and without increasing the bycatch and dealing  
6 with that. That's been an issue for years it  
7 seems to me and it continues to be so.

8                   And I'm glad to see that we're  
9 making some progress on the unique aspects of  
10 the Caribbean region. Going to draft  
11 Amendment 4 and I look forward to hearing your  
12 suggestions on that.

13                   So thank you for being here. I'm  
14 open to taking some questions for however much  
15 time you'd like to entertain them on the  
16 future of the fisheries. On any of the  
17 subjects, whether it's related to this or  
18 whatever you want to talk about.

19                   MR. MCCREARY: Sam, thank you very  
20 much, and thank you for being willing to take  
21 questions. I'm sure there are some. I see  
22 Rich waving his card.

1 MR. RUAIS: Thanks very much for  
2 coming to our meeting, Sam, we appreciate it.  
3 And given the number of times you've been in  
4 New England recently I think you need some  
5 honorary citizenship to Maine, Massachusetts  
6 and New Hampshire as well. And hopefully  
7 you're making good progress on your groundfish  
8 dilemma and problems that are up there.

9 Yesterday in our preliminary  
10 discussions I think we're going to discuss  
11 again some more on the bluefin front, it  
12 became real clear if we're really going to  
13 tackle the discard problem that we need  
14 substantial additional research in all areas,  
15 in the PLL category to look at additional  
16 closed areas, weak gear, weak hook research.

17 It takes time and money as we've  
18 learned in the past to develop those closed  
19 areas to make sure that they're not unduly  
20 hurtful to the pelagic longline industry and  
21 accomplish the goal of reducing discards.

22 Also, we're starting afresh

1 looking at the general category, the harpoon  
2 category and the angling category. Never  
3 before have these categories had any  
4 scientific attention to look at the question  
5 of the level of discard mortality that might  
6 be occurring in those categories. So they're  
7 going to need research.

8 We have scientists on the AP, Dr.  
9 Kerstetter, Dr. Graves, Dr. Golet and others,  
10 Dr. Diaz, who I think we all support that a  
11 lot more research is going to be needed.

12 So the quick question is what are  
13 the prospects that -- I know you get hit with  
14 this question all the time and I kind of know  
15 the answer unfortunately but I'm going to ask  
16 it anyway. What are the prospects in the  
17 relative short term because we seem to be on  
18 a fast track with scoping, trying to come  
19 fairly soon, that money is going to be made  
20 available for that?

21 And also just to let you know that  
22 we intend, American Bluefin Tuna intends to

1 raise this issue of discards with ICCAT. And  
2 suggest that the advisory panel might be  
3 putting the cart before the horse, that we'd  
4 like to see ICCAT driving the level of  
5 attention that's being paid for discards, not  
6 the United States once again getting way out  
7 in front of the international community and  
8 looking down into every nook and cranny,  
9 turning over every rock looking for every  
10 discard while most of the other countries  
11 aren't doing that and they're just focusing on  
12 the major sources. So I know that's a very  
13 long question but I know you can handle it.

14 MR. RAUCH: Thank you for your  
15 vote of confidence at the end.

16 I think there's good news and bad  
17 news on the research front. So the good news  
18 is that despite the fact that the NMFS budget  
19 continues to decline. We've lost over \$100  
20 million in the last two budget cycles. We  
21 continue -- the one place in the NMFS budget  
22 that is seeing increases is increase in

1 research stock assessments and monitoring. We  
2 have been pushing for that as an  
3 administration in the budgets and Congress has  
4 responded in kind.

5 So, my hope is that no matter what  
6 else happens we continue to reflect that that  
7 is an important investment. As we demand more  
8 from our fisheries in terms of what we want to  
9 get out of them we need the research to  
10 support that. So far we've seen those  
11 increases.

12 That's the good news. The bad  
13 news is that's still not enough and there are  
14 a lot of competing fisheries to compete for  
15 those -- what is an increase but still limited  
16 dollars and at the same time we are losing a  
17 lot of ship time for our various ship surveys.  
18 And a lot of those increases are going  
19 basically to pay for dwindling ship time. So,  
20 it is a mixed bag.

21 There are a lot of priorities. We  
22 are committed to increasing our investment in

1 science and research and support. There are  
2 a lot of priorities for that. We understand  
3 how important this fishery is and we'll look  
4 into that. And so I do expect that we'll  
5 continue that. Whether we succeed with  
6 Congress or not, I don't know.

7 MR. MCCREARY: Good, thanks very  
8 much. Bill?

9 MR. GERENCER: Good morning, Sam.  
10 Bill Gerencer, Portland, Maine. I have served  
11 both on this advisory panel and the groundfish  
12 advisory panel up in New England for a number  
13 of years.

14 And science is a subject, I think  
15 you hit it right on the head that if you're  
16 going to focus on one thing in the Agency it  
17 should be science. And in my opinion I think  
18 the outcome you're looking for is for any  
19 given science center to produce an assessment  
20 and the industry to say we have to get behind  
21 this and do something about it immediately.  
22 And that's got to be the, you know, you could

1 set goals as here, the peer review came out  
2 this way, or you know, the scientific  
3 community believes it's this.

4 But I think the real success is  
5 going to be when the industry gets behind  
6 whatever assessment gets put out 100 percent  
7 and runs with it because there are many  
8 examples of industry believing in a certain  
9 situation and then really working together  
10 collaboratively to fix it. And there are  
11 plenty of platforms out there as far as  
12 vessels to get more ship time out there. And  
13 I think, I know you guys have made great  
14 strides in that direction but I just want to  
15 support the trend that good assessment is  
16 really important, accurate assessment.

17 And something that, you know,  
18 again the outcome should be the industry is  
19 really going to jump on whatever comes out and  
20 say we're going to run with it. When we can  
21 get there then I think you'll find that  
22 fisheries management is going to become a lot

1 easier going into the future.

2 MR. RAUCH: Thank you and we do, I  
3 think we place a high value first of all on  
4 transparency in the scientific process which  
5 allows anybody to come in and understand what  
6 you're doing. It also points out where the  
7 limitations are. We can't oversell our  
8 science because there are flaws in all  
9 science. There are uncertainties. That  
10 becomes exposed in our system by design and I  
11 think it's constructive, it's helpful. It is  
12 a part of the process. When that happens that  
13 creates issues for the industry because then  
14 they know just exactly what the uncertainties  
15 are.

16 We also place a high value on  
17 cooperative research as a -- not just with  
18 academic institutions but to where we can  
19 involving the fishermen themselves as a way to  
20 get support for the scientific endeavor.

21 I think a lot of that is resource-  
22 limited. As we continue to invest more

1 resources in science we will continue to do  
2 more, but I think -- I share your views that  
3 if we can ever get to the point where the  
4 industry fully supports what we're doing it  
5 will make things a lot easier. And we're  
6 trying to do that. But there's still a ways  
7 to go, I recognize that.

8 MR. MCCREARY: Good. Excellent  
9 point. Good theme there. Mark?

10 MR. TWINAM: Hello, Mark Twinam.  
11 There was a lot of talk yesterday about the  
12 pelagic longline bycatch and discards. And we  
13 could eliminate those by calling it catch and  
14 selling them. Then there would be no more  
15 discards and it wouldn't be bycatch, it's  
16 catch. The highly migratory species is  
17 sharks, swordfish and the tuna fish. And  
18 longlines accounts for well over 90 percent of  
19 the sharks, well over 90 percent of the  
20 swordfish, well over 60 percent of the  
21 yellowfin tuna, well over 80 percent of the  
22 bigeye tuna, and right now we're limited to 8

1 percent of the bluefin tuna. I think there  
2 needs to be some thought going into that.

3 The bluefin in the longline  
4 fishery is a catch. They call it a -- they're  
5 directed at the swordfish and the tuna fish  
6 but it's these other fisheries, directed  
7 fisheries. If you want to save bluefin you  
8 should be going after directed fishery first  
9 because the longliners, if you take them out  
10 you're missing your swordfish, your yellowfin  
11 and your bigeye and your sharks. So, I know  
12 that's -- you know, it's quite going against  
13 the grain but it's something to think over.

14 Another thing, it would go really  
15 against the grain but I have to bring it up  
16 while I'm here is yesterday at the end of the  
17 day we had many environmental groups up and  
18 they bring up the turtles in the longliners  
19 which the discussion was on bluefin but they  
20 brought up the turtles in the longliners.

21 And through all the longline  
22 fisheries, the bottom longlining for sharks

1 and the surface longlining, the pelagic  
2 longlining, they catch turtles and sharks.  
3 And Dr. Kerstetter down here did a study.  
4 They made 180 longline sets. They had five  
5 turtles that were released alive. They caught  
6 150 tiger sharks and 5 of those were killed  
7 which the fact that tiger sharks eat turtles.  
8 And if you look at it, I don't know what the  
9 term was, ecosystem-based management or  
10 something, that you have to take everything  
11 into consideration. And doing that you'd have  
12 to conclude, there is no other option but to  
13 conclude that longlines have a positive effect  
14 on turtles.

15 And I know nobody wants to hear  
16 that, I know the eyes are rolling back in  
17 their head. Dr. Kerstetter himself admits  
18 that he cannot wrap his mind around that.

19 (Laughter)

20 MR. TWINAM: And he was the one  
21 that saw that. But it's a fact. And at one  
22 point I went to the Southeast Fishery Science

1 Center and got a lot of the observed sets, not  
2 fantasies or wishes, observed sets of the  
3 bottom longline grouper fishery and the bottom  
4 longline shark fishery and I counted up how  
5 many turtles were caught and discarded dead,  
6 and how many tiger sharks were caught and  
7 discarded dead. And there weren't that many  
8 turtles as you'd think, but there was always  
9 more tiger sharks. So, the term I come up  
10 with is longliners are turtle-positive and  
11 it's very, very difficult -- you can hear the  
12 laughs around the room -- to get anybody to  
13 hear that, but it is what it is. And if it's  
14 not somehow get somebody to -- a scientist or  
15 someone to tell me why that's not true. And  
16 I appreciate the time to speak. Thanks.

17 MR. RAUCH: So, I think in terms  
18 of your first point about looking -- new and  
19 innovative ways of looking at discards and  
20 other things, I think our experience in recent  
21 years and part of the reason that I understand  
22 the bluefin topic is on the agenda is we do

1 need to look at different ways to deal with it  
2 because the traditional way we're dealing with  
3 it created some difficult issues last year.

4 So I appreciate those comments and I'm sure --  
5 I imagine that was vetted yesterday and I look  
6 forward to hearing some response on that.

7 On the turtles I think -- I don't  
8 have an opinion on the Atlantic longline  
9 turtles, but we did recently do a study on  
10 Pacific longlining and found I don't know that  
11 we could call it a net positive but -- and not  
12 for the reasons that you stated in terms of  
13 getting rid of shark mortality.

14 But there are other fisheries that  
15 bring tuna and swordfish into this country  
16 that have a much more devastating effect on  
17 turtles than we do. And as long as that  
18 market continues to be there, the U.S.  
19 fisheries because they're much more protective  
20 of turtles can have a net positive benefit.

21 So, the idea that a well-managed  
22 U.S. fishery might be a positive in some sense

1 of the word is not out of the realm of  
2 possibility. So, but bear in mind I don't  
3 know the data you're talking about about the  
4 sharks so I don't want to take a view on that.  
5 But there is an idea that just because you  
6 catch a turtle at a fishery, that doesn't mean  
7 that that's the worst thing for that turtle,  
8 particularly if in the grand scheme of things  
9 your fishery is having a more beneficial  
10 effect on turtles than some other way to catch  
11 that product. So, there is something to that  
12 at least as a theory.

13 MR. MCCREARY: So, I have Rick,  
14 Terri and Larry with their cards up and I  
15 think we'll cut it off at that point and take  
16 questions from the three of you and then we'll  
17 go ahead into our break. And Rusty, if you  
18 can promise to be really concise.

19 (Laughter)

20 MR. MCCREARY: Rick.

21 MR. BELLAVANCE: Thank you, Mr.

22 Rauch. I had -- to circle back a little bit

1 on some of the discussion on the stock  
2 assessments. Up in Rhode Island in New  
3 England we've been working with the Science  
4 Center to try to get some headway in better  
5 involvement with the industry in stock  
6 assessment process, data collection. And I  
7 guess my question is what do you feel that the  
8 NMFS or the NOAA commitment is to working with  
9 industry to improve stock assessments in more  
10 of a collaborative, you mentioned cooperative  
11 but also collaborative way. And how committed  
12 are you folks to doing things differently and  
13 looking outside of the box to explore new  
14 ideas brought forward from the fishing  
15 industry.

16 MR. RAUCH: Well, I think as a  
17 generic principle we're very committed to  
18 those things. I think we have tried to  
19 improve our relationship both with the  
20 industry and with the academic institutions in  
21 the Northeast. As you know we're undergoing  
22 a leadership change in the Science Center. I

1 think already we have an interim director from  
2 Alaska who's brought fresh new ideas. I can't  
3 speak to when we might have a permanent  
4 director but we are committed to using this  
5 opportunity to re-forged and become more  
6 constructive. Frankly, the attitude at least  
7 at the senior leadership level of the Center  
8 was not so constructive before and that is  
9 going to be a key criteria in the selection of  
10 a new Science Center director up there.

11 We have been working through a  
12 number of venues to improve in general, both  
13 with us and the council and for instance with  
14 SMASS to improve the collaborative process.  
15 I think that as we go forward for instance on  
16 the Gulf of Mexico cod we've indicated,  
17 there's a number of people who have indicated  
18 they want to work with us on new assessments  
19 of stock structure and other kinds of things.  
20 We're very open to that. So in general we  
21 are.

22 We are budget-limited on our

1 ability to do as much as we would like, but  
2 we've already committed a lot of money in the  
3 Northeast significantly in the past few years  
4 and we expect to continue that.

5 MR. MCCREARY: Thank you. Terri?

6 MS. BEIDEMAN: I would like to  
7 echo thank you very much for taking the time  
8 to come here and listen to us. I would like  
9 to elaborate with what Rich said that the  
10 research about some of these various options  
11 and their impact is very important. I  
12 recognize that, you know, budgets are tight  
13 but it's necessary for us to know what we're  
14 doing.

15 The United States commercial and  
16 recreational fishermen by far lead the world  
17 in best practices and that we should, you  
18 know, have all the benefit. It's kind of like  
19 what happened with the swordfish at ICCAT this  
20 year thank goodness. There's recognition that  
21 because we are the best at what we're trying  
22 to do and we take sacrifices domestically in

1 order to save other species that it has  
2 impacts.

3 And if we, this body talks about  
4 species that we share with other countries, if  
5 we lose the ability to catch what we can then  
6 we're giving the power to the other countries  
7 and hopefully they'll do the right thing but  
8 so far we've discovered at least with circle  
9 hooks that we are leading the parade and  
10 looking behind, and there is no one behind us.  
11 And we've been doing that for quite awhile  
12 when the data clearly shows that there's  
13 positive impacts for using circle hooks.

14 As Rich pointed out, we do lead  
15 sometimes too far. But I think, I sense in  
16 these documents that I read there's a  
17 recognition that antiquated management  
18 programs of the past will have to be looked at  
19 as we try to deal with particularly a bluefin  
20 tuna quota that's essentially the same as it  
21 was 30 years ago. And no one expected that.  
22 I certainly didn't.

1                   You know, when I wrote my first  
2                   letter to Dick Rowe complaining about it I  
3                   didn't expect that we'd be in this spot 30  
4                   years later. So appreciate that it's a tough  
5                   spot for everybody and that it's going to take  
6                   compromise. And our particular Blue Water  
7                   members have always taken research very  
8                   seriously. When we had a problem with  
9                   swordfish we went to ICCAT and fought for  
10                  reductions and came back and sold them to our  
11                  members saying this is what we have to do to  
12                  recover the stock. This is what we have to  
13                  do. So, we just want fairness. Thanks.

14                  MR. RAUCH: So I appreciate those  
15                  comments. I have already, I think, as I  
16                  indicated research is still important to us.  
17                  It is also important to both us and frankly to  
18                  the President about highlighting the fact that  
19                  U.S. fishermen sacrifice a lot and they should  
20                  not be out-competed in the market for various  
21                  reasons because of that sacrifice.

22                  And we've done a number of

1 initiatives. I think you will see us do some  
2 more in the coming months to try to highlight  
3 fairness and to -- in terms of that level and  
4 to stress that if you catch in the U.S. it's  
5 sustainable for the Agency to take a much  
6 stronger stance on that.

7 We just rolled out the Fish Watch  
8 website. I did that in Boston. And our big  
9 message was you can be proud when you go to  
10 the store and buy a U.S.-caught product  
11 because you know it's the best managed  
12 industry in the world. So, that's something  
13 that we're trying to do.

14 MR. MCCREARY: Great. Larry?

15 MR. ABELE: This is only my second  
16 meeting and as a newcomer to pelagics what  
17 I've found jarring is the lack of discussion  
18 that focuses on bluefin on longlines. John  
19 Graves suggested that they be kept. Mark just  
20 had a suggestion. It's just from an outsider  
21 with no previous knowledge, when you look at  
22 the data from the Gulf of Mexico it's just

1 hard to understand why we throw away so much  
2 product. There has to be a solution to that.

3 I mean, we've talked about money.  
4 John's suggestion was we keep all those  
5 bluefin and some portion of that money goes  
6 into a research fund. But when the quota  
7 apparently was not reached on bluefin and then  
8 to have all those fish thrown away, if I  
9 calculated it right I'm pretty sure we throw  
10 away more than we keep. And if the ICCAT  
11 limit is, I don't really, 47 inches or  
12 whatever it is, why wouldn't we keep fish  
13 within that rather than throw them away? And  
14 I just haven't heard any serious discussion of  
15 that, but I've only been here twice.

16 MR. RAUCH: Well, now that you're  
17 here we should be having that discussion,  
18 right?

19 I think that views like that are  
20 exactly why we want this meeting and we're  
21 glad that -- and we try to make sure that  
22 there's a broad range of issues. I don't want

1 to rehash what you have had discussions about  
2 or what you're maybe continuing discussions  
3 about, but I do appreciate that viewpoint. I  
4 think that that viewpoint is one of the  
5 reasons that we wanted you on this group so  
6 thank you.

7 MR. MCCREARY: Rusty.

8 MR. HUDSON: Rusty Hudson. Nice  
9 to see you again, Sam, since we saw each other  
10 in Raleigh in December. Thank you also, you  
11 and Margo, for hooking me up with Bill  
12 Michaels with regards to National Standard 2  
13 and where we're at. When he wrote me in  
14 October of last year he indicated that  
15 National Standard 2 for the best scientific  
16 information available was going to go into  
17 clearance and review, and then probably early  
18 2012. Well now he just wrote me a couple of  
19 weeks ago and he said it would be more like  
20 the middle of 2012. So it's been 3 years  
21 since we commented on that. But that  
22 basically segue ways over into some stuff that

1 I'm dealing with with the Southeast Science  
2 Center.

3 They are going through budget cuts  
4 that you mentioned. There's not enough  
5 analysts to keep up with our council stuff and  
6 we only have one shark analyst at the moment  
7 and one journeyman training for our sharks.  
8 Now, every 5 years we're supposed to redo  
9 assessments. We've got a lot of stocks, bull  
10 sharks, lemons, others, that have not been  
11 assessed yet. And if you're having to deal  
12 with roughly the dozen species that are  
13 probably fairly common to the catch and to the  
14 market you have to do two a year. And then  
15 you're back again at the beginning.

16 And so I don't know how you do it  
17 because we've got data constraints but that's  
18 again back to the independent surveys that she  
19 calls the gold standard. And I'm looking at  
20 marmot being reduced 40 percent, stuff like  
21 that. It's just, it's unconscionable that we  
22 can't get the data, we can't get the stuff

1 analyzed. And so how do we solve this? And  
2 do you think we'll get National Standard 2 out  
3 there by the middle of the year?

4 MR. RAUCH: So, on National  
5 Standard 2 what you're talking about for the  
6 benefit of the group is there's a rulemaking  
7 that we're doing to update the guidelines on  
8 National Standard 2. And that rule has been  
9 in production for quite some time and it's not  
10 Bill Michaels' fault that it's delayed.  
11 Frankly it has been delayed far too long and  
12 we have difficulty given all of the priorities  
13 for rulemakings getting it through our  
14 administrative process. It's not his personal  
15 fault.

16 At this point I'm hopeful but I've  
17 been -- I was hopeful in October. I'm still  
18 hopeful now. I can't tell you anything  
19 different. It is not clear to me, and I was  
20 the regulatory deputy in charge of that rule.  
21 There are delays that are outside of Fishery  
22 Service's control on that rule and I don't

1 think it has anything to do with the real  
2 substance of the rule as a priority. So I'm  
3 still hopeful that it will get done, but I  
4 can't give you anything better.

5 On the broader issue with the  
6 Southeast, I think that the Southeast has  
7 gotten a significant upgrade in their ability  
8 to do stock assessments through some of these  
9 budget increases that we have seen. It takes  
10 awhile to translate those increased funds into  
11 quicker work product. They are working on  
12 that. There's still a lot to do. And they do  
13 get, if the President's 2013 budget goes  
14 through they will see some more increase in  
15 those funds.

16 Nevertheless, their workload of  
17 any Science Center in the country is daunting  
18 and they need more than we can give them. So  
19 I don't know the prospect for getting the  
20 President's 2013 budget through. That will  
21 help them. I think you will see some  
22 improvement in the pace of their stock

1 assessments as some of the prior budget  
2 funding comes through. We got an increase in  
3 2012 for them. So you will see some improved  
4 performance out of those things. But at the  
5 same time we're investing there. As you saw  
6 marmot, there are other issues there.

7 It's a difficult issue with the  
8 overall budget cuts to the Agency to continue  
9 to maintain much less improve is very  
10 difficult. But this is something we keep  
11 talking with Congress and our partners about.  
12 We understand how difficult it is. But there  
13 are some increases both in '12 and '13 for the  
14 Southeast Science Center so that will help  
15 somewhat.

16 MR. MCCREARY: Thank you very  
17 much. At this point I think we should thank  
18 Sam very much for his time and attention and  
19 flexibility. And we should go to a break.  
20 I'm hoping we can make this a short break and  
21 return in about 10 minutes and then we can  
22 resume with our regular agenda. Sam, thank

1 you very much for joining us.

2 (Whereupon, the foregoing matter  
3 went off the record at 10:31 a.m. and went  
4 back on the record at 10:52 a.m.)

5 MR. MCCREARY: There are a couple  
6 of people that had their cards up before we  
7 shifted to Sam Rauch's presentation. And we  
8 will put you at the top of the queue when we  
9 next break for questions.

10 So Mark and Jason, we know that  
11 you wanted to speak. We'll put you back in  
12 the queue when we break after the next part of  
13 the presentation. But for now we'll go back  
14 to Pete.

15 MR. COOPER: Thanks, Scott. All  
16 right, so yes, we knocked out the tax quotas  
17 retention limits and at-vessel mortality  
18 stuff. Now moving on to time/area closures,  
19 and this is the map of time/area closures  
20 that's in our Commercial Compliance Guide. It  
21 has closure areas, special restricted areas  
22 and such.

1                   And so thinking about potential  
2                   time/area closure alternatives and modifying  
3                   some of the current time/area closures or  
4                   implementing additional time/area closures in  
5                   order to reduce mortality on sharks. And it  
6                   may be an effective approach for species that  
7                   are prohibited from retention and/or have that  
8                   high at-vessel mortality rates by limiting  
9                   interactions. And we're also looking at  
10                  working with some of the Fishery Management  
11                  Councils to complement some other of their  
12                  closure regulations.

13                  So here is a table of potential  
14                  alternatives, Table 2.19. We have the no  
15                  action, maintaining just our existing HMS  
16                  closures. Number 2 is to modify the Mid-  
17                  Atlantic bottom longline time/area closure.  
18                  Three is to modify the Charleston Bump pelagic  
19                  longline time/area closure. Four is to  
20                  implement a closure for bottom longline gear  
21                  in the Eastern Gulf of Mexico shoreward of 35  
22                  fathoms between June and August, mirroring

1 what goes on in the Gulf of Mexico Reef Fish  
2 FMP. And then 5 would be to expand the  
3 Atlantic States Marine Fisheries Commission  
4 time/area closure in the state waters off  
5 Virginia, Maryland, Delaware and New Jersey,  
6 expand that out to federal waters between May  
7 15th and July 15th.

8 So the following slides are from  
9 the appendix in the pre-draft. Just some of  
10 the fishery independent and dependent data  
11 that we pulled together just to kind of look  
12 at where different interactions are happening  
13 for the four species that we're considering in  
14 the pre-draft.

15 So, first just to touch on  
16 blacknose shark. This is bottom longline  
17 survey data from the Southeast Fishery Science  
18 Center from 1995 to 2009. The different dots  
19 represent CPUE number of individuals caught  
20 per 100 hook hours. And the black points are  
21 the highest CPUE levels ranging from 10 to 40.  
22 You see some of those off of Florida West

1 Coast and off Texas and Louisiana.

2 And moving onto dusky sharks. We  
3 have a variety of different maps here. This  
4 one is from the Delaware to Apex predators  
5 bottom longline survey that was conducted in  
6 April and May of 2009. And this also looks at  
7 dusky shark CPUE at these different stations.  
8 This is the number of dusky sharks per 10,000  
9 hook hours. And you can kind of see that up  
10 toward the Mid-Atlantic closed area we have  
11 some high levels of CPUE compared to other  
12 areas along the East Coast were looked at in  
13 the survey.

14 Continuing on with some dusky  
15 shark interaction data. We have just a side-  
16 by-side of HMS logbook and Pelagic Observer  
17 Program dusky shark interaction data. And  
18 these maps are created similarly to the  
19 bluefin tuna maps that you saw yesterday. The  
20 dots represent interactions in 1 by 1 degree  
21 squares and they're located at the  
22 southeastern corner of those squares so that

1 it's aggregated data.

2 And following through, the  
3 logbook's on the right and the POP's on the  
4 left and higher areas are marked in red. You  
5 see some in the logbook in the Charleston Bump  
6 area and off of the Cape Hatteras Special  
7 Research Area. And then the same, you see  
8 some similar high interaction rates with POP  
9 data as well.

10 And moving in a little closer with  
11 some of the dusky PLL interaction data. And  
12 this is, the map on the right looks at that  
13 same PLL data that we just looked at in the  
14 other one, but -- and overlays the Apex Survey  
15 CPUE data. And you see those higher levels of  
16 interactions that I was just talking about.

17 Then in the map on the right you  
18 have the actual numbers of interactions in  
19 those areas. Those kind of red dots represent  
20 101 interactions plus. We just put some of  
21 the numbers that were associated with it to  
22 differentiate between those dots.

1                   And then here looking at the North  
2 Atlantic there's a couple of areas off of the  
3 northeastern U.S. closure that we pointed out  
4 with 101 interactions there. And this is also  
5 logbook data.

6                   And then here's some bottom  
7 longline observer data for dusky sharks in the  
8 Gulf of Mexico and East Coast. Again, it's  
9 aggregated number of interactions per 1 by 1  
10 degree square. And also the Apex Survey is  
11 included. And there's that one higher level  
12 of interaction that's pointed out off of  
13 Florida with 75 interactions.

14                   Moving ahead to scalloped  
15 hammerhead sharks and back to the Southeast  
16 Fishery Science Center bottom longline survey.  
17 It's similar to the blacknose map that we  
18 showed earlier. It had a CPUE per 100 hook  
19 hours in this survey and the black points  
20 represent the highest CPUEs.

21                   Then we also have the Delaware to  
22 Apex Predators Survey CPUE data. This is

1 scalloped hammerheads per 10,000 hook hours on  
2 these stations. You see a lot of zeroes on  
3 this one and some levels of interactions  
4 between Florida and South Carolina. Then  
5 here's a similar map that we've looked at with  
6 duskies both for scalloped hammerheads with  
7 the PLL logbook on the right and the POP  
8 observer data on the left.

9           And looking at the number of  
10 interactions you have with the PLL logbook  
11 data, you've got those high level of  
12 interactions off the Florida Keys and then  
13 kind of up off the Special Research Area. And  
14 you don't see exactly the same. You do see it  
15 off of the Special Research Area with the  
16 observer data.

17           And so here's another look similar  
18 to the dusky zoomed in with the PLL logbook  
19 data looking at the numbers that are  
20 associated with some of those 1 by 1 degree  
21 squares. You have that, the big over 500,  
22 2,891 point in the Mid-Atlantic. And then

1 looking at the logbook data in the Gulf of  
2 Mexico and that point off the Keys, that came  
3 in at 766. And some of the POP observer data  
4 on the right with some of those higher level  
5 of interactions that are seen in the Gulf of  
6 Mexico.

7 And finally some of the maps for  
8 sandbar shark back to the Southeast Fishery  
9 Science Center bottom longline survey in the  
10 Gulf. And again, it's CPUE per 100 hook hours  
11 with black points representing the highest  
12 level of CPUE.

13 And then the Apex Predators Survey  
14 CPUEs per 10,000 hook hours. And you see  
15 interactions up and down the Coast. You look  
16 at those higher levels near and within the  
17 Mid-Atlantic closed area, you still have large  
18 CPUEs off South Carolina. And then the same  
19 comparison of the PLL logbook and PLL observer  
20 data and definitely seeing those trends that  
21 are similar in some of the data off of the  
22 Special Research Area.

1                   And then here's just pointing out  
2                   what that -- a zoomed-in version of the  
3                   previous map. And this is with observer  
4                   program data and that 1 by 1 degree square off  
5                   of the Cape Hatteras Special Research Area.  
6                   And then we also have some bottom longline --  
7                   or this is, excuse me, pelagic longline  
8                   observer data for the Gulf and South Atlantic,  
9                   and showing some of the sandbar shark  
10                  interactions from 2006 to 2009. And so that's  
11                  just an overview of some of the maps for  
12                  time/area closures that were included in the  
13                  pre-draft.

14                  Just touching on the Amendment 5  
15                  time line, we ended scoping at the end of the  
16                  year and just got the pre-draft out and  
17                  looking for comments by April 13th. Then  
18                  we'll be moving forward with a proposed rule  
19                  and EIS mid-year 2012 and then looking at a  
20                  final EIS late 2012, early 2013, and with the  
21                  final rule in early 2013.

22                  And for comments please feel free

1 to send me an email. You can submit things by  
2 fax or mail and comments are due again by  
3 April 13th. So, that's the end of the  
4 presentation. And Scott, we can open it up  
5 for previous discussion and discussion on  
6 time/area closures.

7 MR. MCCREARY: All right, so we  
8 have adjusted our morning agenda a little bit  
9 obviously to accommodate Sam Rauch's  
10 presentation and questions that you posed to  
11 him. We'd like to shift into the next agenda  
12 item at about 11:25 so please be mindful of  
13 the comments that you're making. We'll start  
14 with Mark Sampson. You were in the queue  
15 before, and then Jason, and then we'll go to  
16 the folks that just put their cards up.

17 MR. SAMPSON: Thank you. I'm  
18 actually commenting on what was said before.  
19 And speaking in regards to the recreational  
20 fishery for sharks obviously there were some  
21 comments made in discussions about some  
22 additional measures that could be enacted on

1 the recreational shark fishermen to minimize  
2 some of the take of hammerheads and perhaps  
3 some of the other species.

4           Again, I guess I would like to  
5 just start by reminding folks that, you know,  
6 for the most part our recreational shark  
7 fishery has pretty much been whittled down to  
8 the point where it's primarily a catch and  
9 release fishery anyway, whether that's by  
10 regulation or by the angler's own inclinations  
11 to release certain species rather than to  
12 retain them, perhaps because they're not very  
13 edible or whatever. But it's mostly a catch  
14 and release fishery overall.

15           However, you know, at certain  
16 times, certain species, certain areas are  
17 targeted more for retention such as in the  
18 Mid-Atlantic and the Northeast, you know, the  
19 mako sharks of course and to some degree the  
20 thresher sharks. Pretty much people want to  
21 go out and catch one or bring one back.  
22 However, for the most part anymore

1 recreational shark fishery is a catch and  
2 release fishery. Whether the anglers are  
3 intentionally shark-fishing or they're fishing  
4 for other species and unintentionally hook and  
5 land a shark in most cases they are released.

6 Now, depending upon what set of  
7 numbers you look at you might agree with those  
8 comments or not. You know, I have one volume  
9 here that has one set of numbers. For  
10 instance, we're speaking about hammerheads.  
11 If I look at the LPS survey from the period of  
12 2006 through 2010 for all the hammerhead  
13 species, that would be the smooth, scalloped,  
14 gray and the unidentified. For those 5 years  
15 all recreational catches of all hammerheads  
16 totaled three, okay?

17 Now, if I flip the page and look  
18 at that same period and look at the MRFSS  
19 survey, same period, same species, 7,102  
20 sharks, hammerheads. So something is not  
21 jiving here. Obviously you could probably say  
22 well, the LPS study, let's throw that out

1 because obviously they're not sampling  
2 properly or something, they're not getting  
3 those so let's just look at the MRFSS. And  
4 just take some other species from MRFSS.  
5 Apparently sand tiger sharks which had been a  
6 prohibited species for a lot of years, zero  
7 landings except for 2006 there was 1,040 of  
8 them taken in the recreational fishery. Don't  
9 know what that's all about.

10 As far as the tiger sharks go we  
11 bounce around from 110 to 1,300 to 1,800.  
12 There's a couple of years there, one that  
13 there was just one caught, another there was  
14 four caught. So, again you know, the validity  
15 of these numbers. And I, you know, I guess  
16 we're just still waiting. You know, we've had  
17 some discussions here this morning about what  
18 numbers you all are working with and I guess  
19 we'll just wait till that kind of shakes out  
20 to see where these have come from.

21 Dusky sharks, you know, I've  
22 always been kind of amazed at the fact because

1 I was always looking at the recreational catch  
2 of numbers of dusky sharks that have been  
3 thrown out there and it was always a large  
4 number of sharks. Well, again it depends upon  
5 who you look at. If you look at one study  
6 over the past 5 or 6 years I think in Florida,  
7 and this is recreational retained duskies, 58  
8 duskies in Florida, 388 in South Carolina, 455  
9 in Puerto Rico. And Rick, you guys in New  
10 Jersey, recreational fishermen, you guys  
11 caught 2,324 dusky sharks. Shame on you. All  
12 the other states though on the East Coast,  
13 apparently we caught none.

14 So I guess again, what I'm getting  
15 at here is these numbers just seem to be so  
16 far all over the place that before we start  
17 getting involved with cutting back, you know.  
18 And hey, I think I was all for having a zero  
19 retention on recreational caught hammerheads  
20 until I really started looking at these  
21 numbers. And then we think about, I mean I  
22 don't want to get into the commercial fishery.

1 I mean that's not -- I don't have a dog in  
2 that fight.

3           However, you know, we're talking  
4 about the bycatch in those fisheries of these  
5 fish and the dead discards and all that and  
6 what are we going to do about it. And then to  
7 some degree there can't be anything done about  
8 it and okay. But if -- why should we be  
9 looking at the recreational guys to, I'm not  
10 going to say pick up the slack. And I realize  
11 that every animal that can be left in the gene  
12 pool, every one that can be left out there to  
13 reproduce is a valuable animal to that  
14 complex. But I'm beginning to think that  
15 maybe as far as the recreational fishery goes,  
16 as far as imposing new restrictions and new  
17 regulations to curtail our catch might not be  
18 so important as possibly some other things.

19           And primarily, you know, the only  
20 thing I can say right now is what maybe should  
21 be done within the recreational fishery is  
22 more education to our fishermen about species

1 identification and safe handling practices at  
2 the boat. And again, possibly let's look at  
3 starting to look at some gear restrictions,  
4 you know, circle hooks, D hooking devices,  
5 things like this that might -- at some point  
6 there might be a need to make them mandatory  
7 within the fisheries.

8 But just as far as curtailing the  
9 catch of the recreational fishermen, until the  
10 numbers, some good hard numbers that really  
11 show what we really are catching and  
12 retaining, until those come out I'm not sure  
13 that it's necessarily time to start moving in  
14 that direction. Thank you.

15 MS. SCHULZE-HAUGEN: A quick  
16 response about some of those numbers. It's  
17 always important to look at the information  
18 you have as appropriate. And so we're trying  
19 to provide all the information that we have.  
20 But please recall that the Large Pelagic  
21 Survey is designed for bluefin tuna and the  
22 coverage both in time and space is for that

1 purpose. It has catches and does pick up  
2 information on other species but if the time  
3 and area don't overlap well it's not going to  
4 be as robust as some other surveys that have  
5 a better overlap. So we've always got to  
6 remember that the focuses are sometimes quite  
7 different and so the data then will be  
8 different as well. And right now we're  
9 looking at all of the available information.

10 MR. MCCREARY: Thank you. Jason.

11 MR. ADRIANCE: Thanks, Scott, and  
12 thanks, Pete, for that presentation.

13 I'm going to start with the TAC  
14 quota and retention limit section. Since line  
15 length, hook number, soak time and trip limits  
16 were discussed I just wanted to give a  
17 perspective on the Louisiana state water  
18 fishery.

19 Our bottom lines are already  
20 limited to 440 yards. Generally it's between  
21 50 and 100 hooks, most guys probably 50 hooks.  
22 Soak times are not that very long. I don't

1 have any numbers on it but we don't need to --  
2 the lines don't need to soak long. Trip  
3 limits, our trip limit is not a trip limit,  
4 it's a daily limit. It's 33 sharks a day.  
5 There's no multiple tripping except if you  
6 have a federal permit. So I just wanted to  
7 add that in. There's already some more  
8 restrictive regulations in Louisiana.

9 As far as the time/area closures  
10 in the eastern Gulf of Mexico it was a June  
11 through August closure, is that what was  
12 mentioned? For the large coastals, the Gulf  
13 of Mexico usually at that point is already  
14 closed. I think there's been a few times  
15 we've gone. This most recent year we went  
16 into July. But I think in the past it's  
17 closed before then so I don't know if that  
18 would do anything for you.

19 And as far as some other species,  
20 for hammerheads there definitely appear to be  
21 some hot spots where time/area closures might  
22 be effective. You have the Keys and then

1       there was that spot in the northern Gulf of  
2       Mexico.  And that's about all I wanted to add  
3       right now.

4                   MR. MCCREARY:  Thank you, Jason.  
5       Let's go to Lisa Gregg.

6                   MS. GREGG:  Thanks.  Just one  
7       question.  I was just curious about the HMS,  
8       the for-hire survey for the Florida Pilot  
9       Study and to what extent were the  
10      recommendations that came out of that study  
11      considered for Amendment 5.

12                  MR. COOPER:  I believe what we  
13      considered was adding the reporting  
14      requirement for recreationally landed  
15      hammerhead sharks.  And there was a suite of  
16      large coastal sharks that they recommended to  
17      be added to the non-tournament reporting  
18      requirement.  And so we had that in there.

19                  MS. GREGG:  But that doesn't  
20      incorporate the full recommendation that they  
21      gave because the full recommendation of that  
22      report was that reporting should occur prior

1 to fish being removed from the vessel. And  
2 that's not how it's being done right now. And  
3 I don't know that you've recommended changing  
4 how the reporting is done.

5 MR. COOPER: Well, yes. I mean,  
6 right now there isn't a requirement so we  
7 don't have that. We're in pre-draft stage so  
8 that was the idea of, you know, moving forward  
9 with that recommendation from the study. So  
10 I appreciate the comment on going, you know,  
11 taking the full recommendation. That's  
12 something we can consider.

13 MR. MCCREARY: Okay, I have Rusty,  
14 Scott, Ron, Bob and Sandy. Rusty?

15 MR. HUDSON: Dusky sharks. I am  
16 looking through this document. I cannot find  
17 the current quota in terms of weight and that  
18 would be dress weight I'm sure. How you have  
19 the blacknose you have it in numbers of  
20 animals. How does that translate into number  
21 of animals and average size of dusky? If you  
22 can provide me that material before I leave,

1 you know, to go back home it would be great to  
2 be able to understand what a two-thirds  
3 reduction from the current quota is and how  
4 many numbers of animals is that that you're  
5 trying to eliminate. Is that anywhere to be  
6 found?

7 MS. BREWSTER-GEISZ: So, there is  
8 no quota for dusky sharks. They are  
9 prohibited. So, it's not a reduction of two-  
10 thirds of the quota, it's two-thirds of  
11 fishing mortality.

12 MR. HUDSON: So, where is that  
13 number?

14 MR. COOPER: It's in the stock  
15 assessment.

16 MR. HUDSON: Can we have that  
17 number so we can see what it is in weight,  
18 numbers of animals, and what that two-thirds  
19 reduction means when we spread it out across  
20 all the fisheries? Because that's really what  
21 we need to know before we can comment  
22 intelligently on your two-third reduction of

1 mortality.

2 MR. MCCREARY: A fact-checking  
3 opportunity it sounds like. You can look into  
4 that, right? Yes, they will look into that,  
5 Rusty. Thanks. Scott?

6 MR. VAETH: First I had a question  
7 on the closure from June to August from 35  
8 fathoms seaward or shoreward. What's the  
9 purpose of that closure? What would you  
10 actually be protecting by closing it from June  
11 to August in that shallow water? I mean, is  
12 that where you -- was it for the sandbars and  
13 duskies and hammerheads or what was the actual  
14 reasoning behind that? It said east of 85  
15 degrees, 35 fathoms shoreward. I think it was  
16 like on slide 2. Jason brought that up.

17 MR. COOPER: Right, right, right.  
18 It's a backstopping of a closure in the Gulf  
19 of Mexico Reef Fish FMP.

20 MR. VAETH: Okay, but I mean doing  
21 that for shark-fishing you're not saving  
22 anything. I mean, the sandbars and the

1 duskies in the Gulf of Mexico are usually  
2 deeper than 35 fathoms. So you're really, I  
3 mean I think that's basically worthless to  
4 have a closure like that.

5 And I was also looking at Figure  
6 2.33 on page 103 here. It said sandbar  
7 interactions on pelagic longline gear and  
8 shows a little chart. If I'm reading this  
9 correctly it shows all the interactions are in  
10 a closed area where you're not even allowed to  
11 pelagic longline. I don't know if I'm reading  
12 that correctly or not. I think it might have  
13 been the same chart on page 59, yes.

14 MR. COOPER: It's the same one.  
15 We're talking about?

16 MR. VAETH: Page 59.

17 MR. COOPER: Oh, sorry about that.  
18 Is this it?

19 MR. VAETH: Oh no, I guess that's  
20 not it.

21 MR. COOPER: Okay. Are we talking  
22 dusky or sandbar?

1                   MR. VAETH: It said sandbar. It  
2 said sandbar shark interactions on pelagic  
3 longline gear.

4                   MR. COOPER: Okay.

5                   MR. VAETH: And three of the dots,  
6 I mean it's completely in a closed area.  
7 We're not even allowed to pelagic longline  
8 fish at all.

9                   MR. COOPER: One of the things  
10 that might be -- we've got to remember that  
11 these points are not actual points.

12                   MR. VAETH: Oh, okay.

13                   MR. COOPER: They are  
14 representative of the 1 by 1 degree square  
15 aggregate. So it could have occurred if the  
16 square overlaps the closed area in the area  
17 that is open.

18                   MR. VAETH: Okay. I just read it  
19 wrong then. Yes, it would have been the chart  
20 on the left there. Okay, that's it. Thank  
21 you.

22                   MR. MCCREARY: Rom Whitaker.

1                   MR. WHITAKER: Yes, Rom Whitaker,  
2 Hatteras Charter Boat.

3                   I would just like to echo Mark  
4 Sampson's comments on the recreational landing  
5 of sharks, especially the hammerhead. I mean,  
6 all of a sudden this is the answer, to  
7 eliminate the recreational catch. Well, in my  
8 area and I think our state landings which I  
9 hope Randy can probably get for us here, but  
10 it's more of a rare event to see a large  
11 hammerhead than it is a blue marlin on the  
12 dock. And so they're not -- there are less  
13 than a hundred of those a year I think on the  
14 whole East Coast killed.

15                  So I think you're eliminating or  
16 trying to eliminate something that's a catch  
17 and release fishery mostly, but there are a  
18 lot of people that want the opportunity to  
19 land a trophy. They might not do it, they may  
20 book a charter 20 times to land a trophy and  
21 it might not be a hammerhead. It may be a  
22 mako, it may be a thresher, may be something

1 else. But don't eliminate, you know, that --  
2 that opportunity will book your boat for to  
3 land one large fish. You might not do it but  
4 the people that know they have the opportunity  
5 will make a difference. And to just say let's  
6 do away with it when I don't -- I honestly  
7 don't feel like it's going to be much impact  
8 on the problem. Thank you.

9 MR. MCCREARY: Thanks. Bob?

10 DR. HUETER: Okay, I have two  
11 quick points and actually Rom's point goes to  
12 my first. I wanted to go back to the  
13 hammerhead retention question in the  
14 recreational fishery. And emphasize that I'm  
15 not arguing for total catch and release in  
16 recreational shark fishery.

17 Certainly a species like the  
18 blacktip shark is very healthy and there's no  
19 reason why we couldn't have retention of a  
20 species like that. But in the case of these  
21 clearly stressed species, overfished species,  
22 and especially in the case of the hammerhead

1 I really don't see a viable argument for  
2 retaining them.

3 The meat is not prized, the jaws  
4 of a hammerhead shark are very unimpressive.  
5 If you've ever seen the jaws they're very  
6 small for the size of the fish so it's not a  
7 great trophy. And you can get a perfectly  
8 good mount of your shark if you want to show  
9 it off by just simply getting a length  
10 measurement, a length estimate while you're at  
11 sea. So as far as getting a trophy, a cash  
12 prize to kill a fish and bring it in and then  
13 probably dump it, that's where I draw the  
14 line.

15 The other point is -- I'm not  
16 going to make any friends on this point  
17 either, but as I scroll through all these  
18 various maps the one area that jumps out at me  
19 as an epicenter for interactions across a lot  
20 of these species. It's not the only one, but  
21 the one that really seems to light up is the  
22 pelagic longline fishery off of Hatteras.

1                   Of course, Hatteras is a great --  
2                   has a great fishing culture because that's  
3                   where the fish are. It is a great place to  
4                   fish for many different species. But that  
5                   seems to be really, not 100 percent  
6                   consistent, but it really is showing up in a  
7                   lot of these interactions and I would suggest  
8                   that that's one area to focus. And I might,  
9                   I wouldn't say that's the only area but I  
10                  would start there to try to address how to  
11                  minimize these interactions and get fishing  
12                  mortality down on these overfished stocks.  
13                  Thank you.

14                   MR. MCCREARY: Thanks very much.  
15                  Jeff Oden.

16                   MR. ODEN: Oh boy. I feel like  
17                  the bulls' eye. Anyway, seeing the dusky  
18                  presentation, you know, I sure would like to  
19                  see that's error. Maybe there's somewhere  
20                  right now where I can find it on the times of,  
21                  you know, the majority of the interactions.  
22                  And you know, from my perspective I'm just not

1 seeing the interactions. I live there. You  
2 people need to, you know -- I don't know. I'm  
3 just, I'm not seeing it, you know.

4 I've been back in the fishery for  
5 5 years. I was in it in the early nineties  
6 through '95. You know, I don't know. I've  
7 fished all but 3 months of the year and I have  
8 not caught one dusky on my pelagic longline.  
9 And you know, it's incredible that I see this  
10 is logbook, you know, reported.

11 You know, I've carried observers.  
12 I wish Mr. Kerstetter was here. I was doing  
13 the hook study. You know, I just keep seeing  
14 numbers pop up and it's not reality. You  
15 know, right now it looks like I do have a  
16 bulls' eye on my head. It doesn't matter if  
17 it's a dusky, a hammerhead or a bluefin. It  
18 looks like people are coming after us in their  
19 area and I'm pretty sensitive to it.

20 You know, anyhow, I would  
21 definitely like to see the time frame on the  
22 dusky interactions. If you all could, you

1 know, during the course of the year. But  
2 anyway, thanks.

3 MR. MCCREARY: Thank you, Jeff.  
4 Terri, you're going to have the last comment  
5 and then we're going to switch to the next  
6 agenda item.

7 MS. BEIDEMAN: It's really more of  
8 a technical question and I guess I'll be  
9 showing my ignorance here, but the Apex  
10 Predators Survey that's on most of these that  
11 shows a comparison. Two things. Probably  
12 more than two but at least two. They've been  
13 conducting that for a long time. Are they  
14 using gear like we actually use? Is that a  
15 basis of essentially abundance survey? Then  
16 they're using the same old shark gear that we  
17 used to use years and years and years ago or  
18 what?

19 And then just another general  
20 comment. If you could answer that. And I  
21 don't know, 10,000 hook hours. What is that?  
22 Again, if you could explain to me. I mean,

1 10,000 hook hours is 416 days. I don't know  
2 what you're talking about. Please explain for  
3 me.

4 MR. COOPER: That's a bottom  
5 longline survey and so I'm just saying. I'm  
6 just saying. And my understanding is that  
7 they've kept the gears similar over the years.

8 As far as this calculating the  
9 CPUE it just takes the number of hooks times,  
10 you know, the hours that it's soaked and then  
11 the number of dusky sharks that it interacted  
12 with to just get that number so they can  
13 compare it to the different stations.

14 MS. BEIDEMAN: Okay. I'm just  
15 trying to figure out what -- you know,  
16 sometimes because there's so many hooks  
17 involved it comes up to a pretty, you know,  
18 like 2.0 when the catch per unit per hook is  
19 really quite small. And you know, would that  
20 it were that every hook we put in the water  
21 caught something, you know. I remember  
22 looking at Mid-Atlantic gear interactions with

1 my boat and 95 percent of the hooks came back  
2 with the bait on them or sometimes a bare  
3 hook, nothing on it. Not a shark, not a  
4 bluefin, not a swordfish, nothing. So CPUE,  
5 anyway, thank you for that information.

6 My concern is a lot of these show  
7 fishing around the periphery of closed areas  
8 and make them look like hot spots when it's  
9 really effort-based. And you know, if they  
10 have an abundance for, say, dusky sharks that  
11 looks, you know, like they can catch, you  
12 know, 500, 700, 1,200, whatever, maybe the  
13 stock assessments are not what they could be  
14 certainly.

15 But anyway, I caution against the  
16 closed areas. It's like squeezing a balloon,  
17 it's the same thing over again. Unintended  
18 consequences from moving a fleet from one  
19 place to another needs to be carefully  
20 considered in light of what your benefit is  
21 going to be. Again, what percentage of dusky  
22 sharks do we potentially affect? Is it

1 justified for us to fall on our sword when we  
2 have international fleets fishing on the same  
3 stock?

4 Same goes with the recreational.  
5 When we, you know, lose our infrastructure and  
6 we lose our dock presence and we lose our  
7 industries we aren't going to get them back.  
8 So everything needs to be carefully considered  
9 as to what we're really giving up and what  
10 we're really accomplishing. It might look  
11 good on paper. Thanks.

12 MR. MCCREARY: Thank you very  
13 much. So Randy, you are going to truly get  
14 the last word and then we will shift gears  
15 here. Randy.

16 MR. GREGORY: Thank you. I just  
17 want to echo some of Jeff's comments. After  
18 the presentation yesterday I went immediately  
19 to Jeff and I said who in the world is setting  
20 all that pelagic longline gear and interacting  
21 with all the bluefin tunas? And that's  
22 something the guys don't want to do with that

1 gear. This was from yesterday.

2 Please before we draw anymore  
3 boxes, please take a good look at what we're  
4 getting. Make sure that it's truly coming  
5 from the guys that are operating in that area  
6 most of the time. You know, anything we can  
7 do to avoid that. That's the same remark I  
8 get from all the guys I go talk to is we're  
9 just not seeing that. We're not seeing what,  
10 you know, it's not relaying. So just please  
11 be careful about that.

12 MR. MCCREARY: Thanks very much.

13 All right. So we are ready to shift gears.

14 The next agenda item is Amendment  
15 6, Scoping: Consideration of Catch Shares in  
16 Shark Fishery Update. And Margo, who's going  
17 to lead this item?

18 MS. SCHULZE-HAUGEN: LeAnn.

19 MR. MCCREARY: Welcome.

20 MS. BREWSTER-GEISZ: If I could  
21 just interrupt while LeAnn is getting settled  
22 and interact with everybody. I haven't had

1 enough of that yet during this meeting.

2           You'll notice in Amendment 5  
3 there's a lot of separation of scalloped  
4 hammerhead from the non-sandbar large coastal  
5 shark complex and things like that. If you  
6 guys in your comments could come up with nice  
7 names for things so we don't end up with a  
8 non-sandbar non-scalloped hammerhead large  
9 coastal shark complex I would love it. Thank  
10 you.

11           MR. MCCREARY: Fair plea. Okay,  
12 LeAnn.

13           MS. HOGAN: Hi, everyone. I'm  
14 LeAnn Hogan and I work at headquarters in  
15 Silver Spring at HMS. I'm going to be brief  
16 because I know that we're bumping up against  
17 lunch.

18           So I'm just going to give you a  
19 picture of what we've been hearing so far  
20 during scoping. We've had a number of scoping  
21 workshops and we've presented this information  
22 to the councils and the commissions. So we're

1 giving you a little background and, like I  
2 said, a summary of comments and then next  
3 steps. And then we'll hopefully have time for  
4 some discussion and questions.

5 So this slide gives you an idea of  
6 where we've been and where we are now in the  
7 process. We are in scoping currently and the  
8 scoping comment period is open until March  
9 31st.

10 So the next slides, there are a  
11 lot of comments on these slides. I'm not  
12 going to go through each of the comments but  
13 just to give you kind of a general idea of  
14 what we've been hearing. We've obviously  
15 heard a lot of general comments on catch  
16 shares, some for, some against catch shares.  
17 And the next three slides will give you an  
18 idea of some of those general comments that  
19 we've received.

20 I would say that one comment we've  
21 heard at almost every workshop is that the  
22 constituents really want to have a referendum

1 or some type of vote. Now, this is not  
2 required in HMS fisheries. I know in other  
3 council-managed fisheries it is a requirement.  
4 It is not a requirement in HMS fisheries but  
5 that is one comment that we have had at every  
6 workshop.

7 We've also heard from those that  
8 are supportive of catch shares. They've  
9 articulated some of the potential benefits of  
10 catch share programs.

11 And we've heard from constituents  
12 who are opposed to catch shares. They are  
13 worried that such a program could disadvantage  
14 some fishermen. It could potentially take  
15 quotas away, it could take profits away and so  
16 they have expressed those concerns to us.

17 We've also heard that some of the  
18 problems that the shark fishery is  
19 experiencing, that they could simply be  
20 addressed by maybe modifying season opening  
21 dates or modifying trip limits, that maybe  
22 catch shares is not necessarily the tool that

1 is needed, that there are other ways to  
2 address the problems.

3 Others are worried that NMFS  
4 doesn't have the science that is needed to  
5 implement catch shares, and that potentially  
6 catch shares would lead to an effort shift to  
7 other fisheries.

8 So, when we put out this Notice of  
9 Intent we also put out a white paper. And in  
10 that white paper we looked at design elements  
11 of a potential catch share program. And we  
12 followed the NOAA Catch Share Policy when we  
13 went through those design elements. And at  
14 many of the workshops we did get into the  
15 details of those design elements of a  
16 potential program. So these next slides will  
17 show you some comments that we've heard on  
18 each of those design elements.

19 So in terms of regions, many of  
20 the constituents had the questions about the  
21 effects of putting in a catch share program in  
22 one region instead of another region. So it's

1 maybe doing a Gulf-specific catch share  
2 program and not in the Atlantic, and the  
3 effects that would have on the fishermen.

4 Others recognize the need to  
5 consider state water fishermen and also  
6 implement a non-federal quota. We've also  
7 heard that we need to consider the different  
8 regions. We got the question how can a  
9 program address the needs of the Gulf of Maine  
10 and also the Gulf of Mexico, recognizing that  
11 there are very different situations in the  
12 different regions.

13 The next design element is  
14 resource unit. And when discussing this at  
15 the workshops there were a lot of good ideas  
16 on which species to include. Some had the  
17 ideas of only including large coastals in a  
18 catch share program. Others thought that you  
19 might -- we might include large coastals and  
20 small coastals.

21 A really interesting question that  
22 came up that we'll have to address if we move

1 forward is how should we incorporate sandbar  
2 sharks. This was obviously a large part of  
3 the historical catches. You can't -- it's  
4 prohibited to catch sandbars right now except  
5 for in the Research Fishery so many had the  
6 question how do you consider sandbars in a  
7 catch share program if you can't catch them  
8 now.

9 So with regards to eligibility  
10 many constituents felt that a potential catch  
11 share program should not include recreational  
12 fishermen. Others thought that we should  
13 limit a program to the active directed shark  
14 fishermen and that all latent permits should  
15 be eliminated. Others thought that incidental  
16 permits also should not be included in a catch  
17 share program.

18 Okay, so we have a couple of  
19 slides on allocation. As you can imagine this  
20 was a hot topic because this is kind of the  
21 meat of a potential program. An initial  
22 allocation is very important. And we had a

1 lot of good discussion at the workshops on  
2 allocation.

3 I would say that a majority of the  
4 comments were supportive of using catch  
5 history for allocation instead of having an  
6 equal allocation across the fishery. Although  
7 there were some comments that having a certain  
8 portion dedicated to an equal allocation,  
9 maybe a small portion that is equally divided  
10 would make it more fair for the fishermen and  
11 for everyone in the fishery.

12 We also discussed qualifying  
13 years. If we were to use catch history what  
14 would the qualifying years be for the initial  
15 allocation. And there was general agreement  
16 that we need to consider a portion of the  
17 historical catch but also the current landings  
18 to make it a little more equitable in the  
19 fishery.

20 Some commented that since the  
21 quotas are already so small that a lot of the  
22 active fishermen wouldn't get much quota

1 because, you know, there's not a lot currently  
2 to go around. Others were worried that a  
3 catch share program would take quota away from  
4 the active fishermen and potentially give it  
5 to historical fishermen that are not fishing  
6 anymore. So there was that concern expressed.

7 So in addition to all these  
8 comments that I've flashed quickly before you  
9 we also got a lot of good questions. And one  
10 thing like I said in the beginning that we  
11 will need to consider if we move forward is  
12 whether we should do a referendum or a vote.  
13 And if we do that then how do we use that  
14 referendum to proceed, what is the process  
15 that we will put in place to move forward on  
16 a referendum.

17 Also, as you can see here there  
18 are a lot of great questions that were asked  
19 and if we do proceed there are many issues  
20 that will need to be addressed and a lot of  
21 questions that we will need to answer.  
22 However, if we don't move forward with a catch

1 share program then we also need to determine  
2 our next steps as we move forward as well.

3 And so I will leave it there and  
4 hopefully we have a couple of minutes for  
5 questions. Thank you.

6 MR. MCCREARY: We definitely have  
7 some minutes for questions. Well done. Thank  
8 you. So, Rom, that's a remnant from last  
9 time, right? Yes. Any questions or comments  
10 based on what LeAnn just outlined? You all  
11 want to go to lunch early and not talk about  
12 it. Scott.

13 MR. VAETH: I'm sure, you know,  
14 there's a lot of people around the table that  
15 are against catch shares but as a full-time  
16 shark fishermen I see in the Gulf of Mexico  
17 that's basically the only way to go. I mean,  
18 I wish we could go back to the 4,000 pound  
19 limit, I really do, but we all know that  
20 that'll never happen.

21 The catch shares, if you look at,  
22 you know, what you're coming out with with

1 Amendment 5 that would take care of a lot of  
2 the problems. A lot of the soak time  
3 problems, the hook number problems, discard  
4 problems, it's -- a lot of people said they'll  
5 still be, you know, high-grading if they do go  
6 to the catch shares which I don't believe  
7 that's true.

8 I mean, we're out there to make  
9 money. The blacktips, we all know that  
10 they're not worth as much as the bulls or  
11 lemons or the other sharks we're targeting.  
12 But to be able to bring them all in in one  
13 shot we would still be making money, you know,  
14 where now it's -- the 33-head is not working,  
15 we know that. Something has got to change.

16 You know, these guys that are all  
17 against catch shares, we keep asking them  
18 questions over and over again, well, come up  
19 with a better solution and we haven't heard  
20 any yet. So the way I look at it, this is the  
21 best option that we have on the table as of  
22 this point. Thank you.

1 MR. MCCREARY: Thanks, Scott.

2 Pam?

3 MS. BAKER: Thanks. Can I also  
4 just make a quick comment on the time/area  
5 closures -- I think my card was hard to see --  
6 in addition to this? Is that okay?

7 On the time/area closures, I think  
8 as I understand the purpose has to do with  
9 reducing interactions of some of those  
10 species. And I'm a little curious as to how  
11 some of the interaction patterns might be  
12 related to existing closures that you showed  
13 on some of the first maps for other fisheries  
14 and if that may affect those patterns.

15 And also, generally enclosing an  
16 area to reduce interactions or to reduce  
17 catch, you shift the effort to other places.  
18 And what impact is that going to have on the  
19 other sites that are likely to be where you  
20 have more concentrated effort. So just on  
21 that, the shifting effort is a common outcome  
22 there.

1                   On Amendment 6 the -- as we  
2                   discussed for Amendment 5 the complexity and  
3                   the micro-management I think does argue for  
4                   catch shares. And the folks in the Gulf who  
5                   already operate under IFQs have experience  
6                   with that and have talked about this and I  
7                   think put some good ideas on the table. I  
8                   think if you can imagine a system whereby we  
9                   can allocate the quotas to the fishermen and  
10                  aim for using the quotas for landings versus  
11                  subtracting them from the ACLs for discards  
12                  before setting the quotas that we would make  
13                  better use of the valuable resources that we  
14                  have instead of a lot of it going to waste.

15                  For that to work really, really  
16                  well we need monitoring. We can do a lot  
17                  better with a small amount of monitoring like  
18                  we have in the Gulf reef fish fishery IFQ  
19                  program. It's not a perfect monitoring system  
20                  but it is a multi-species IFQ and it works a  
21                  lot better than the multi-species derby that  
22                  was in place before.

1                   At the other end of the spectrum  
2                   on monitoring you have like the Pacific  
3                   Groundfish Fishery which has 100 percent  
4                   monitoring and that allows, I think that  
5                   complex has 70 species and some of them are  
6                   very low quotas and they're able to target  
7                   what they need to target and avoid what they  
8                   need to avoid. And the full monitoring is  
9                   very expensive and looking at ways to do that  
10                  more efficiently, reduce the costs and/or  
11                  reduce the monitoring to a level that is  
12                  adequate but maybe not full.

13                  So I think there's a range of ways  
14                  to really aim for a better use of the resource  
15                  and focus on finding the efficient ways to do  
16                  that both in terms of the management and in  
17                  terms of the monitoring that can go with that.

18                  And I think -- one last comment.  
19                  I think if you get that right and you have  
20                  adequate monitoring I don't see why you  
21                  wouldn't be able to add sandbars back into  
22                  that fishery. You have a quota set for them

1 and if there is a way to be confident that  
2 those catches are staying within the quotas  
3 then I'm not sure why you couldn't do that.

4 MR. MCCREARY: Thank you. I have  
5 Rick Weber, Jeff, Carrie Kennedy and Gerry.  
6 Rick Weber.

7 MR. WEBER: I'm also going to go  
8 backwards before I go forwards.

9 I agree with Bob in that --  
10 Hueter. I don't know why someone would want  
11 to take a less-than-trophy mako and  
12 questionably even why they would want to take  
13 a -- correction, hammerhead. Why they would  
14 necessarily even want to take a trophy  
15 hammerhead. But I think we're on a slippery  
16 slope there.

17 When we start bringing ethics into  
18 this table there are people who don't know why  
19 we fish at all. There are people who don't  
20 know why we want to even eat fish. I think  
21 the heart of the question for the management  
22 is is it biologically important. Is there

1 going to be a significant impact and I think  
2 that should really be our guidance more than  
3 bringing an ethical question into why does  
4 someone want to do it. I think our question  
5 is is it harming the rebuilding or further  
6 degrading the stock, and that's I guess my  
7 opinion as a recreational fishermen.

8 LeAnn, coming back to this, I  
9 think you're missing an important slide there  
10 and that is operational concerns. I would  
11 hope that by now you've heard all sorts of  
12 operational concerns and you should be listing  
13 them.

14 How much, you know, should there  
15 be an ownership limit on catch shares? Should  
16 they sunset after a period of time? What  
17 happens -- are they on percentage or pounds?  
18 What happens in terms of an expansion? Is  
19 there transferability?

20 You know, I mean once we get into  
21 whether or not these things exist I think you  
22 would find that most people who are having

1 strong visceral reactions to just the words  
2 "catch shares" are looking at bad  
3 implementations of them. And what we have  
4 heard from NMFS so many times is we don't have  
5 to do it that way. But I really think as you  
6 bring this presentation forward you need to be  
7 addressing the fact and letting the world know  
8 that you're considering, that these parameters  
9 can be tweaked. You don't have to think that  
10 someone's going to come in and own them all.  
11 We can put that type of cap on there or those  
12 type things.

13 MR. MCCREARY: Excellent point,  
14 thank you. Jeff.

15 MR. ODEN: For the record, I guess  
16 you all pretty well already realize it but  
17 North Carolina has already given up their  
18 shark fishery. You know, without sandbars we  
19 have no fishery. So, that needs to be  
20 understood. So, until at which time we get  
21 those there is no need for a catch share in  
22 our area. There's one or two small boats that

1 still participate and primarily they're only  
2 in it when they can get in the Shark Research  
3 Fishery. It's just not viable, you know.

4 So again, to any of those who are  
5 concerned about us that, you know, we've got,  
6 you know, discard issues and other fisheries,  
7 we've already given up our shark fishery for  
8 the most part. There's a small, you know,  
9 incidental fishery in-shore in state waters so  
10 that needs to be on the record for the most  
11 part.

12 MR. MCCREARY: Thanks, Jeff.

13 Carrie?

14 MR. ODEN: Can I say one more  
15 thing?

16 MR. MCCREARY: Yes, go ahead.

17 MR. ODEN: There is one other  
18 viable way to get around a catch share too.  
19 And you know, I've made the same case with the  
20 South Atlantic, you know. That state-by-state  
21 allocations and the autonomy to deal with it  
22 in their own time, you know. And again, that

1 is, you know, our way to do it without  
2 singling out people or -- I know you all have  
3 various scenarios where, you know, it's equal  
4 allocation and all but if it goes down to  
5 history North Carolina is definitely going to  
6 be on the outside looking in.

7 We've been, you know, we've had a  
8 closed fishery for 3 years, or 3 or 4 years,  
9 I don't know how long it is. I'm sure Rusty  
10 could give me the time line. But anyhow, I  
11 mean we're disadvantaged where we want nothing  
12 to do with it. Again, we've given up our  
13 fishery. Okay.

14 MR. MCCREARY: Thanks, Jeff.  
15 Carrie Kennedy.

16 MS. KENNEDY: I'm Carrie Kennedy  
17 from Maryland DNR and I just want to talk for  
18 a second about process.

19 Maryland DNR is currently working  
20 cooperatively with our blue crab fishermen to  
21 create a catch share. There's a blue crab  
22 design team. It is a stakeholder-driven

1 process entirely. Maryland is only there at  
2 the table listening and providing some  
3 feedback. And our commercial striped bass  
4 fishery also is wrapping their heads around  
5 possibly moving toward a catch share.

6 We found that as we're thinking  
7 about these things it's very important for  
8 them to be stakeholder-driven. And I  
9 certainly would recommend possibly having some  
10 design teams maybe working with the councils  
11 at that level because, you know, it should  
12 address some of your regional issues as well  
13 as providing opportunity for, you know, states  
14 to weigh in and the state folks that are  
15 fishing in state waters. So my recommendation  
16 is design teams through the councils.

17 MR. MCCREARY: Thank you. Gerry.

18 MR. LEAPE: Thanks. Catch shares.  
19 A couple of things. One, I'd like to support  
20 a lot of the questions that Rick raised which  
21 I think honestly have to be answered. They're  
22 critical questions, questions of

1 transferability because if you allow that and  
2 depending on the ownership caps then you ought  
3 to take a look at recouping some of the costs  
4 of management. Because if you're allowing  
5 transferability the value of these catch  
6 shares will do nothing but increase. We have  
7 seen that when they've gone into effect in  
8 certain fisheries and with the crunch in the  
9 budgets you folks at the Fishery Service are  
10 feeling this is, you know, a critical question  
11 to be answered.

12 In addition, in our experience  
13 with catch shares that they don't bring about  
14 the structures you need. You need to get the  
15 structures in place first. You need good,  
16 solid science. You need stock assessments.  
17 You need management in place, accountability  
18 and enforcement. And then in some cases they  
19 can be an effective allocation tool. But  
20 let's not kid ourselves, you know, you need to  
21 have those decisions made before the catch  
22 shares are granted. Thanks.

1                   MR. MCCREARY: Thank you. Mark  
2 and then Pam.

3                   MR. TWINAM: I'm Mark Twinam,  
4 thanks. I'm on the fence with the catch  
5 shares and the sharks because I can't see the  
6 future and don't know whether it would be  
7 better or worse really.

8                   But Rick has some good points  
9 there, and one point that really I'd like to  
10 make sure they're aware of is the part about  
11 who can hold a permit. And in the reef  
12 fisheries in the Gulf of Mexico and the  
13 snapper they just went to anybody can have the  
14 permit and a lot of people are concerned that  
15 eventually New York City will own all the  
16 permits, or residents of New York City will  
17 own all the permits.

18                   And it just seems to me that if it  
19 gets to that case -- catch shares are best  
20 when it's up to the fisherman. He's got a  
21 certain amount of shares and he can stretch  
22 those shares over his year however is best for

1 his finances, his operation. It gives you the  
2 flexibility to do that. But when fishermen  
3 don't own the shares, then it seems like  
4 whoever does own the shares, the main  
5 advantage of catch shares or the main issue  
6 with catch shares is maximizing their value.

7 And I'm afraid in the red snapper  
8 fishery a lot of the share owners now, they're  
9 more concerned with maximizing the value of  
10 the shares than they are with the managing  
11 your catch over the 12 months of the year  
12 which is the most important reason for catch  
13 shares. Thank you.

14 MR. MCCREARY: Pam.

15 MS. BAKER: Carrie just reminded  
16 me of a comment that I wanted to include as  
17 have others.

18 The industry contribution to the  
19 design is critical to address the kind of  
20 concerns that people have brought up. And  
21 that, at least in the case of the Gulf  
22 programs was -- included panels of people that

1 wanted to design and figure out the best  
2 design and monitoring, all the other systems  
3 that need to be in place. And I do highly  
4 recommend that.

5 I mean, this group is a good  
6 advisory group but a working group or a design  
7 group that really focuses in on these key  
8 issues that LeAnn has brought up from  
9 allocation to transferability to all the  
10 others I think is really critical. And  
11 include those who are interested in seeing  
12 what a design may look like. Thanks.

13 MR. MCCREARY: Thank you. Rusty,  
14 you are standing between us and lunch, so be  
15 wise. And so is Bob.

16 MR. HUDSON: Rusty Hudson.  
17 Carrie, to your point, cost recovery is part  
18 of the Magnuson and so there would be a  
19 mechanism so that you know they could charge  
20 the participants in a catch share program.  
21 But again, you're not mandated to do a  
22 referendum but I hear the talk everywhere

1 they'd like to see the vote. So I'm assuming  
2 that the current 250 directed permits would be  
3 the universe, including all the latent  
4 permits. It's a shame we haven't done a  
5 mechanism to deal with that.

6 And with what Jeff had to say,  
7 he's absolutely correct. That fishery over  
8 there in North Carolina first was impacted in  
9 '05 by the closed area for 8 months out of the  
10 year and it's a sandbar habitat area of  
11 particular concern. The HAPC there, and you  
12 might as well expand it to be dusky up into  
13 Virginia and stuff like that. There's certain  
14 realities.

15 But in southeast North Carolina  
16 the reason you start us so late is because  
17 some of them guys can catch a few blacktips  
18 and stuff in that region. Sandbar's not as  
19 big an issue at that point. Again, it's a  
20 shame that our science isn't catching up with  
21 what we see at the side of the boat. Sandbars  
22 are doing real well. I was trying to explain

1 catch per unit effort earlier with regards to  
2 the science. So let's see if we can't work  
3 with the different fishermen and the  
4 interests. It's their call, stakeholder call  
5 on catch shares.

6 MR. MCCREARY: Thank you, Rusty.  
7 Bob and then Jason.

8 DR. HUETER: Okay, so since I've  
9 managed to irritate both commercial sector and  
10 the recreational sector this morning I just  
11 thought I'd try to get in the last word and  
12 then run from this room.

13 To Jeff and the commercial guys up  
14 in North Carolina I just want to reiterate  
15 that I was strictly looking at the data that  
16 were being presented and not singling you guys  
17 out. If you feel like you're in the bulls'  
18 eye that's what the data are saying. If the  
19 data are wrong then we have to fix that.

20 And to Rick, the recreational  
21 side, I very much appreciate what you say  
22 about this slippery slope and the idea of

1 ethics being invoked and different people's  
2 ethics, but I don't think we really need to  
3 play that card.

4 First of all, there is a  
5 biological reason for having no retention in  
6 the case of the hammerhead and that's what  
7 we're talking about is species that are at  
8 risk for whatever reason. So applying it  
9 generally is a misinterpretation of the need  
10 for it.

11 However, having said that, I think  
12 it's having our head in the sand if we try to  
13 decouple processes like stock assessments from  
14 public education. And if we treat all this as  
15 if it's science in the lab and don't think  
16 about the ramifications of what people take  
17 away from like a kill tournament where they  
18 see dead sharks hanging up and people getting  
19 cash prizes and then the sharks being dumped,  
20 I don't know how we can sell the cost of this  
21 process to that same public.

22 So, the idea that we only work

1 with numbers and that's what drives fisheries  
2 management I think is pretty archaic and we do  
3 have to consider the effects of these actions  
4 in the realm of public education. If you want  
5 to call that ethics, fine, but I think it's  
6 important.

7 MR. MCCREARY: Thank you. Jason.

8 MR. ADRIANCE: Thanks. I'd like  
9 to go to this stakeholder design and I think  
10 that's important. This proposal was  
11 originally brought by federal permit-holders  
12 and it's been carried out that way.

13 I think key if this goes forward  
14 is you have got to include state water and  
15 regional fishermen. Whether it's North  
16 Carolina, whether it's Louisiana they've got  
17 to be at the table. And that from the design  
18 I saw initially they were not and that needs  
19 to happen I think.

20 MR. MCCREARY: All right. Very  
21 good discussion. Thank you all very much.  
22 LeAnn, thank you for that excellent walk-

1 through. We'll go to lunch and we'll be back  
2 at 1:30 for Richard Merrick who will give us  
3 an overview of the HMS Research Plan. Thanks.  
4 So we're adjourned for lunch.

5 (Whereupon, the foregoing matter  
6 went off the record at 12:04 p.m. and went  
7 back on the record at 1:31 p.m.)

8 MR. MCCREARY: All right, if you  
9 guys would settle in please we'll hear from  
10 Dr. Richard Merrick on research priorities  
11 which we know is of great interest to many of  
12 you.

13 DR. MERRICK: Hi. I have not  
14 talked to you all before so I'm the new guy  
15 here. I'm the new chief scientist for  
16 Fisheries. So my predecessors were a variety  
17 of people but you probably know Steve Murawski  
18 and Mike Sissenwine. Those are the ones who  
19 were clearly designated as chief scientists.  
20 So I'm the tall version of the chief  
21 scientist.

22 (Laughter)

1 DR. MERRICK: But weirdly enough  
2 we all come out of the similar heritage out of  
3 the Northeast Center. So to a certain degree  
4 insofar as the Northeast is involved with HMS  
5 issues I've gotten a lot of this over the  
6 years, but my background is a little bit  
7 different than theirs.

8 I actually started on the other  
9 coast and I, prior to coming to the Northeast  
10 I was at the Alaska Center for about now 13  
11 years, most of that work being with marine  
12 mammals. I came to the Northeast Center in  
13 '97 to lead their protected species group  
14 there. So then I dealt with turtles as well  
15 which I think some of you all are familiar  
16 with and some of the issues there.

17 And about 4 years ago I became the  
18 division chief for all assessments. So all  
19 the fish stock assessment people in the  
20 Northeast as well as protected species and  
21 social scientists all worked for me. And then  
22 this past summer I was tapped to come here to

1 D.C. which is a real mind stretch as you can  
2 imagine. I spent all my career working in the  
3 field, a lot of the time working in Alaska on  
4 a little bitty island so switching from an  
5 environment like that or from New England to  
6 coming to here is very different. But one of  
7 the positive things is that it's a mind  
8 stretch because I get to learn about lots of  
9 new issues and deal with a lot of new groups.  
10 And that's the important part for me. So  
11 that's me in a nutshell.

12 I don't talk about some of the  
13 details there but one of the things that I  
14 have done a lot with particularly with  
15 protected species is deal with national level  
16 research plans. So, for me this topic is an  
17 important one to me and we'll go through that  
18 a little bit as I talk through here. So, I  
19 don't have a real long presentation. I  
20 hopefully will have some questions and we can  
21 discuss some of this because I think this  
22 research plan is fundamental to the future of

1       how our Agency deals with HMS.

2                       Now, fortunately folks here helped  
3 me with this presentation. Some of the bits  
4 of this are unclear to me like the origin of  
5 this research plan came about through multiple  
6 requests partly from you all but partly from  
7 within the Agency itself. I think where we're  
8 going to be headed in the foreseeable future  
9 for any sort of research funding, it's got to  
10 have some sort of strong documentation behind  
11 it and this is a start in that process.

12                      This has been through several  
13 drafts and I'm moving towards a final draft  
14 and I'm looking forward to having this. It'll  
15 make my job a lot easier as we try to sell  
16 this research not only to Fisheries but the  
17 real tough ones are getting it through NOAA,  
18 DOC and then Office of Management and Budget.  
19 So this documentation is important in that  
20 regard.

21                      We got a lot of input from our  
22 partners on this and I'm assuming that we'll

1 continue to have input. These documents  
2 should be living documents but some of the  
3 changes that have been made between this  
4 version and the last you can see up here. I  
5 won't read through them, but I think one of  
6 the key changes is that we need to identify  
7 what the resource needs are. That's what  
8 gives me the leverage to start bargaining with  
9 DOC when we talk about what we need for this  
10 versus other competing needs within the  
11 Agency.

12 The other side is, and you're  
13 probably aware of a lot of this, is that these  
14 are not great years for research funding  
15 within the federal government. '12 was not  
16 particularly good for us and we're still  
17 trying to sort out the damage from that. '13  
18 is worse and we're looking at actually closing  
19 down some of our labs. We're not the only  
20 ones within NOAA looking at it, NOS is as  
21 well. '14 could be another 10 percent drop.  
22 So, and this isn't what we're promoting but

1 it's the guidance we're getting from Office of  
2 Management and Budget. So we have to deal  
3 with austerity. But even with a flat budget  
4 or a declining budget it's a key priority  
5 within Fisheries to maintain a research  
6 capability. So much of my time is spent  
7 arguing for research funds and I think that's  
8 going to become my major job over the next few  
9 years is making sure that these projects  
10 continue to be funded.

11 A recap of where we've been. '11  
12 and '12 were actually fairly good years. '13,  
13 we're still sorting it out. As you can see  
14 here the largest portion of money went to the  
15 Southeast and I would expect that that will  
16 continue. The Northeast basically dealing  
17 with sharks, Southeast dealing with observer  
18 programs. That's the largest portion of the  
19 funds. Some of this goes out. And my  
20 understanding is this has declined somewhat  
21 over the years. That's not by intention. I  
22 don't think that any reduction in funds here

1 is meant to suggest that we don't think our  
2 partners working with us should not continue  
3 to be funded. It's just a budget reality.  
4 So, that's very brief but our next steps here  
5 are to continue to work in this plan.

6 And let me explain to you how some  
7 of this works. The Agency has developed three  
8 similar plans in different parts of Fisheries.  
9 One was for the Fisheries Stock Assessment  
10 Improvement Plan, another was for protected  
11 species, and then most recently a habitat  
12 assessment improvement plan. This one would  
13 follow in that family.

14 When we go forward with funding  
15 initiatives, and it varies from year to year  
16 what the process is, we need to have backup  
17 documents that show why we need to have  
18 something and specifically what we're going to  
19 do with it. And it's documents like this that  
20 help support that.

21 It's really important that  
22 whatever is in here is something that we have

1 buy-off because clearly even though we don't  
2 have direct congressional lines anymore  
3 congressionals are very interested in all our  
4 budgeting. So it's not unusual for them to  
5 take these documents and say see, you said you  
6 were supposed to be doing this so why aren't  
7 we doing more of this. Or for that matter for  
8 them, when they go through the final  
9 budgeting, final appropriation, to see lines  
10 that have been adjusted specifically to deal  
11 with some of these issues.

12 But to have a document like that  
13 is key to these discussions. That's why to us  
14 this research plan is so important. And  
15 that's why it's important to have your input  
16 to this as well. You have another generation  
17 before this is finalized and I would suggest  
18 that you take this to heart, that we're  
19 competing against every other line within NOAA  
20 for funds. And I'll tell you, fighting with  
21 Satellites is really, really tough. They have  
22 the ear of NOAA, they have the ear of DOC.

1 Fisheries, as important as it is to the  
2 country for some reason satellites seem to be  
3 more important. So anything we can have to  
4 bolster our arguments in these sort of  
5 documents are crucial to that. It helps us  
6 when we go into these funding debates.

7 I just got here just a few minutes  
8 ago and the reason for that is we're in the  
9 middle of the FY14 discussions. We have our  
10 next crucial meeting tomorrow and that's where  
11 Sam will be arguing for funding for Fisheries  
12 for the out years. And one of our hopes is to  
13 sort of try to change the direction. Instead  
14 of having us continuing to decline, to go  
15 forward with an ocean observing initiative.  
16 Projects like this fit into that.

17 We can't keep losing our  
18 capabilities. We have to draw the line  
19 somewhere. We're going to make a really  
20 strong push to NOAA that we need to take this  
21 back and start going forward with what we  
22 think is the crucial research. Research under

1 HMS is clearly crucial to us.

2 One of the biggest issues I have  
3 to deal with is bluefin tuna. And bluefin  
4 tuna is so controversial within the Agency  
5 that any manuscript that we have coming  
6 through we have to make sure that Jane  
7 Lubchenco knows about that. Any research  
8 topic that comes out about bluefin is crucial  
9 to the Agency hierarchy. So they know you're  
10 there, they know that sharks are there.  
11 They're listening. So, the question is do we  
12 compete with the rest of NOAA as we go into  
13 budgeting, how we support that.

14 Do I look forward to any  
15 questions? Any discussion from you all about  
16 how we can improve this process?

17 MR. MCCREARY: All right. Any  
18 questions for Richard? Rich, imagine that,  
19 you have a question.

20 MR. RUAIS: As surprising as that  
21 may be. Thank you very much. Thank you. I'm  
22 not sure we've met, or maybe we've met once

1 before very quickly but I've known both of  
2 your predecessors very well and Mike  
3 Sissenwine had a particular interest and quite  
4 a career with bluefin, still does. So I'm  
5 fortunate to have troubled a lot of places  
6 around the world and spent an awful lot of  
7 time with him. And I hope you take the same  
8 amount of interest as Mike did because we'll  
9 be in good shape if you do.

10 But a couple of points. Number  
11 one, my interest in satellites is very limited  
12 to just making sure that there's GPS so that  
13 I can find the nearest sushi bar to wherever  
14 I am and also find my way home. But beyond  
15 that I'm much more interested in seeing that  
16 you have the proper amount of funds for  
17 bluefin tuna research.

18 And one of the things that's been  
19 brought to our attention is that a lot of the  
20 programming of the funds that emanate from  
21 Miami sometimes don't seem to take into  
22 account or center on local regional talent and

1 establish programs, scientific programs, that  
2 are already in the regions. For example, in  
3 New England for the last at least 15 to 20  
4 years New England between the New England  
5 Aquarium starting it off, transferring over to  
6 University of Massachusetts. The GMR, Gulf of  
7 Maine Research Institute. We have quite a  
8 capability to conduct original research and  
9 at-sea research with the vessels and they have  
10 very good relationships. So, in the interest  
11 of being cost-effective I'd really urge you  
12 that when funding for bluefin is coming up the  
13 Northeast is one of the heartlands of course  
14 of the fishery and the local scientific  
15 expertise is there and it ought to be looked  
16 at as a first resource, not as a secondary  
17 resource.

18 The second and final point I  
19 wanted to make is I wasn't quite sure how to  
20 take your comment that any bluefin research  
21 has to first go through Dr. Lubchenco. Part  
22 of that I could read something positive and I

1 could read something negative into that.

2 DR. MERRICK: It's positive. She  
3 wants to see it. She's not vetting it, she  
4 just wants to know what's happening.

5 MR. RUAIS: Okay. Okay, well  
6 thank you very much.

7 DR. MERRICK: Bluefin tuna and  
8 Gulf of Mexico cod. Those are the two things  
9 that we have to make sure that anything that  
10 comes out of the Agency they're aware of.  
11 It's not that they're trying to screen it,  
12 it's just they really want to know. The  
13 interests are so important to the Agency.

14 And I'm familiar with the work  
15 that Molly's been doing in New England and I  
16 agree that that cooperative relationship,  
17 especially now that GMRI has really been  
18 useful for New England. And I'm a real strong  
19 proponent for that.

20 MR. MCCREARY: Good, thanks. John  
21 Graves.

22 DR. GRAVES: Thank you. I'm here

1 representing the ICCAT Advisory Committee  
2 which you may get an opportunity to speak to  
3 when we have our meeting in May depending upon  
4 your schedule and we haven't finalized our  
5 agenda yet.

6           But for many years the ICCAT  
7 Advisory Committee has broken into species  
8 working groups in our spring meetings and  
9 developed management and research  
10 recommendations. And my job as chair of the  
11 committee for the last forever has been to  
12 meet annually with the AA and to explain what  
13 the research recommendations are. But then  
14 the follow-up on that sometimes is not real  
15 clear what's happening. And also I've had to  
16 explain through each of the, what is it now,  
17 six AAs that I will have been dealing with  
18 that in the case of Atlantic highly migratory  
19 species when they were pulled from the  
20 councils and then put under headquarters for  
21 their management they essentially lost their  
22 opportunity for funding for some of the

1 vehicles that the councils had and this has  
2 been a constraint on that.

3 So, when you look at the various  
4 external vehicles that you have for funding,  
5 whether it's a cooperative research program,  
6 MARFIN, SK, a lot of those are really council-  
7 driven needs and getting HMS onto that has  
8 been problematic. So we don't have a council  
9 pushing for us and the Agency is there but,  
10 you know, it would be nice to see a little  
11 more emphasis. Some of the priorities would  
12 actually list an HMS species which just simply  
13 doesn't happen. So any attention to that  
14 would greatly help.

15 And also, just as a question, I'm  
16 very familiar with budget cuts. Chairing a  
17 fisheries department at a state university, we  
18 went through a 33 percent budget cut in an 18-  
19 month period. And since we're a graduate  
20 program and we don't have huge tuition  
21 revenues we just took it on the chin. So, I  
22 know the cuts.

1                   And in the face of these budget  
2                   cuts there's a tendency to circle the wagons.  
3                   And I know that NMFS is doing that so I'm just  
4                   wondering what the expectation will be in  
5                   terms of your external grant programs. Will  
6                   you be continuing to have an SK program, a CRP  
7                   program, a MARFIN program?

8                   DR. MERRICK: The intent is not to  
9                   walk away from the grant programs per se. The  
10                  SK one is a weird one in that it's the way  
11                  we've been receiving funding from Congress  
12                  they've embedded it in other lines. We had to  
13                  then try to retrieve it back. So this year  
14                  given the limit on that we're probably not  
15                  going to fund for '13, at least that's the  
16                  proposal, SK.

17                  Most of the other grant programs  
18                  though will continue, particularly the  
19                  cooperative research grants. Our intent is to  
20                  keep those moving ahead because you get so  
21                  much back from those for the money that we put  
22                  into them. I think the Agency in general

1 wants to maintain that.

2           And yes, it's tough. I'm hoping  
3 that we can take back the initiative and we're  
4 not trying to circle the wagons. We tried in  
5 this iteration to try to be very surgical in  
6 the '13 budget as to what was reduced and not  
7 reduce everything. So to reduce those  
8 projects or those programs that are very --  
9 seem to have low priority or that were not --  
10 something that could be done by someone else.  
11 Congress didn't like that and they came back  
12 and they told us that we had to cut everything  
13 proportionally.

14           So it's hard dealing with Congress  
15 now. They're taking much more of a role in  
16 our budgeting than they ever have before. But  
17 we're going to push back and that's part of  
18 the discussion we were having today was to  
19 move ahead with a different sort of initiative  
20 to stop taking budget cuts and propose back to  
21 them, tell them that this is really what we  
22 need to do our job instead of saying okay,

1 we're going to have to reduce everything by 10  
2 percent. I don't know.

3 It's not going to be easy for any  
4 of us because I think most of the other  
5 federal agencies are looking at something  
6 similar in how they deal with that. This is  
7 the one you see the most.

8 MR. MCCREARY: Thank you. Bob.

9 DR. HUETER: Hello, Dr. Merrick.  
10 My name is Bob Hueter. I'm with MOTE Marine  
11 Laboratory in Sarasota, Florida. We're an  
12 independent not-for-profit research lab and we  
13 have an MOU with NMFS in shark research,  
14 cooperative shark research and a lot of other  
15 different areas together. We've been working  
16 collaboratively in shark research for a couple  
17 of decades.

18 A couple of things. Thank you  
19 again for coming. First, I just want to  
20 mention that this presentation I don't think  
21 is on the website yet so hopefully we will get  
22 a copy of this one way or the other. And also

1 the plan, you know, the plan when the next  
2 edition is ready to be released.

3 One thing I wanted to mention and  
4 it's not to put you on the spot but there's an  
5 inconsistency in what we're hearing from you  
6 and what we heard from Sam Rauch this morning.  
7 He stated that the bad news was the NMFS  
8 budget's been going down but the good news is  
9 that budget for research has actually  
10 increased. So, but I think I probably believe  
11 your message more than his I think knowing the  
12 story. But clearly there's an inconsistency  
13 there.

14 I think he was focusing on stock  
15 assessments and monitoring. Maybe that's  
16 where the difference is, that just in those  
17 areas it's going up. I also suspect that  
18 maybe research support for ship time is kind  
19 of inflating a number in some way and actual  
20 research for projects, the support for that  
21 may not be as strong.

22 I absolutely want to second what

1 John Graves just told you about HMS falling in  
2 the cracks of -- once it was taken away from  
3 the councils of these competitive research  
4 programs. No longer is MARFIN interested, SK,  
5 and all these other programs. This has been  
6 the case for well more, you know, over a  
7 decade.

8 I would hope, we talked about this  
9 at the last meeting, that as this plan is  
10 finalized that a plan is not a plan unless it  
11 has some way of implementing it and carrying  
12 things out so it needs a budget. And I would  
13 hope that a new program would be established,  
14 an HMS competitive grants program.

15 Who would administer that I can't  
16 say but rather than just putting a little bit  
17 of money here, a little bit of money there I  
18 think it's time for something like that so  
19 that we get a fair shot at these kinds of  
20 competitive funds.

21 And I just wanted to add, kind of  
22 Rich's point, that don't think just about the

1 research needs of the various science centers  
2 because it's public-private partnerships  
3 especially that Congress likes to fund. And  
4 there is a wealth of experience and expertise  
5 in the private and university community. And  
6 we have a long history of working  
7 collaboratively with our colleagues in NMFS.

8 So, I would hope that in addition  
9 to making sure that some of the NMFS labs stay  
10 open that we try to do a better job of funding  
11 private entities like my lab that are trying  
12 to do work such as monitoring shark  
13 populations after we put all these regulations  
14 in to see if things are coming back.

15 We've had fishery independent  
16 programs in the past which were funded by a  
17 congressional earmark that went to not just us  
18 but three other labs nationwide. So it was  
19 one of those good earmarks in my opinion. But  
20 that's no longer a possible route, it's just  
21 not on the table these days. So we can't do  
22 the monitoring that we were doing when you go

1 back 10 to 20 years, and yet data from that  
2 monitoring program are going to be used next  
3 week in a stock assessment of one of these  
4 shark species. So please put the private  
5 sector front and center when you think about  
6 where this funding is going to go. Thanks.

7 DR. MERRICK: I've been to MOTE.  
8 Randy Wells and I have worked together for  
9 quite a long time. And I hear what you're  
10 saying. I agree and that may only be the way  
11 to implement this is to seek to establish a  
12 separate line. Because right now other than  
13 for the bluefin tuna research pretty much any  
14 other funding you're getting is buried in  
15 other lines. So, there is advantages and  
16 disadvantages of having your own line but it  
17 may be the way that you can get actually  
18 clearly identified funds that would go to the  
19 projects that you're most interested in.

20 And I agree that working with  
21 academics or cooperative research is an  
22 important part of this. I mean, that --

1 coming out of New England where cooperative  
2 research is so crucial there that I don't see  
3 how you can do a lot of this work without  
4 cooperative research. And yes, what Sam was  
5 talking about was yes, science has a better  
6 picture in the FY13 budget than the Agency as  
7 a whole but it is targeted to just a few  
8 lines.

9           So the integrated ecosystem  
10 assessments, for example. There's a line  
11 there that shows a large increase in '13. If  
12 that were to occur that's a place where highly  
13 migratory species like your all's should be  
14 discussed. Because integrated ecosystem  
15 assessments should include things other than  
16 pelagic fishes, groundfish and so on. And  
17 there's both a Gulf of Mexico IEA there and  
18 there's an East Coast, at least Northeast IEA  
19 that are supposed to be funded. So that could  
20 be a positive benefit for science on your  
21 side.

22           The stock assessment improvement

1 money, what's called the ESA line, that's the  
2 other big increase. And most of that's  
3 directed towards groundfish, but that's  
4 probably something we need to have more  
5 discussion about, where else we can use that.

6 It's not there for science right  
7 now. We just have to make sure that when our  
8 money's there it can get spread around as much  
9 as possible. And a lot of that money now is  
10 being used to develop partnerships with our  
11 cooperative institutes, funding research there  
12 and also to develop more stock assessment  
13 scientists. So those presumably will be  
14 positive things for you all too, though  
15 they're a little bit down the road because it  
16 takes awhile to get those people out of the  
17 schools.

18 So, even though this Agency may  
19 seem to be obsessed by council-based matters  
20 we are continuing to think about how we fund  
21 research for other species such as HMS  
22 species.

1 MR. MCCREARY: Thank you. Bill.

2 MR. GERENCER: Bill Gerencer from  
3 Portland, Maine. Welcome, Doctor. I'm also  
4 the chair of the Groundfish AP so I appreciate  
5 the efforts that the Service has been making  
6 in assessment and the flexibility under  
7 stressful situations.

8 And I just want to reiterate  
9 something I said earlier to Sam. Going  
10 forward the outcome that we might want to be  
11 looking for with a successful stock assessment  
12 should go beyond, you know, a successful peer  
13 review. It should take the next step of, you  
14 know, we should measure success by the fact  
15 that when the industry is presented with the  
16 assessment instead of shock and awe that they  
17 run out and do the things that are necessary  
18 or whatever that assessment calls for, you  
19 know, and support it. And I think maybe  
20 that's a pie in the sky goal but that's -- to  
21 me that's a vision of success because science  
22 is key to all this. And I've been witness

1 over the last 10 years to a lot of whiplash  
2 effects of assessment turning around 180  
3 degrees not just in one case but in many  
4 cases.

5 And going forward I really look  
6 forward to a day when the industry, you know,  
7 our efforts towards collaborative assessments  
8 are really making great strides. And I  
9 appreciate that. And I look forward to the  
10 day when the assessment is presented and then  
11 the industry jumps on it and runs with it and  
12 gets out ahead of the Agency and makes changes  
13 to do whatever the assessment asks. Thank  
14 you.

15 DR. MERRICK: Yes, I would love to  
16 see that in New England. Having come from  
17 Alaska where the situation you described is  
18 basically what's happening there where  
19 industry and the Agency partner well. People  
20 keep asking me what's the difference and I  
21 think one of the big differences is there are  
22 no overfished stocks in Alaska. So there's no

1 real contention over the results of the  
2 assessments because there's so much fish to go  
3 around.

4 Perhaps part of our solution would  
5 be eventually when these stocks in New England  
6 are rebuilt or when the HMS species are  
7 rebuilt that we won't have those issues  
8 anymore.

9 In the intermediate time I think  
10 just we've got to keep talking to each other  
11 a lot and particularly in New England. The  
12 changes that have been made over the last year  
13 or two are helpful but we need to go more.  
14 The meetings we've been having in Portland I  
15 think are a step forward but there's more to  
16 come there. I think we need to keep that  
17 dialogue, particularly in New England dealing  
18 with groundfish alive because the fishing year  
19 '13 is not going to be pretty.

20 MR. MCCREARY: Thank you. Ellen?

21 MS. PEEL: Thank you for joining  
22 us. While HMS research relatively speaking to

1 others has fallen within the cracks let me  
2 point out that billfish research within the  
3 HMS can only be found in the scratches of  
4 those cracks. And while the species are in  
5 the United States are primarily important or  
6 solely important to the recreational fishery  
7 the funding is very limited.

8 I am president of the Billfish  
9 Foundation which is a science-based non-profit  
10 that has an MOU with the Agency and that has  
11 worked well. We've contributed significantly  
12 to billfish science, often providing funding  
13 ourselves which if we can secure we're glad.  
14 But when you consider putting together maybe  
15 in the future HMS grants we'd like for you  
16 also to consider and include marlin, sailfish  
17 and spearfish within those grant  
18 opportunities. Thank you.

19 DR. MERRICK: So I'm the naive guy  
20 here. Is the message there that there's a lot  
21 of money going for bluefin but not a lot for  
22 billfish?

1 MS. PEEL: Well, certainly, yes.

2 DR. MERRICK: Relatively.

3 MS. PEEL: Yes. I mean, but I  
4 recognize billfish are not the only fish in  
5 the species and we have a huge U.S. industry  
6 for bluefin that we do need to protect and we  
7 need to research. But billfish need to be  
8 considered as hopefully funding improves.

9 DR. MERRICK: Thank you.

10 MR. MCCREARY: Thank you. Gerry?

11 MR. LEAPE: Hello, Dr. Merrick. I  
12 actually remember you from up in the North  
13 Pacific. I used to be with Greenpeace and  
14 worked on stellar sea lions and pollack and  
15 all those wonderful things.

16 Had a question for you on follow-  
17 through here, what the opportunities are for  
18 those of us on the advisory committee to feed  
19 into the plan according to the stage it's at  
20 now. What would be most useful coming from us  
21 as you attempt to finalize this plan as you  
22 described?

1 MS. SCHULZE-HAUGEN: So, where  
2 we're at now is -- it's gone out to review  
3 within the centers. We're asking for  
4 additional input on some of the things that  
5 we're going to be including, some of the  
6 changes that we've identified. And I think  
7 then it'll need to go up through NMFS  
8 leadership. Past that point I think our  
9 choice would be to finalize or potentially  
10 have another round of review from partners.  
11 I think we may be open to either approach. It  
12 would mean if we have another round of review  
13 by partners that the final plan won't take  
14 that much longer, but you know conceivably if  
15 it's that much better probably worth it. So  
16 I think we're open, I'm open to suggestions.

17 MR. MCCREARY: Great.

18 DR. MERRICK: It's -- I mean,  
19 we're a little bit off cycle right now for the  
20 FY14 so if by the time this went through  
21 clearance and became a supporting document for  
22 any funding initiatives we're talking about

1 the FY15. So you've got some time. So it's  
2 up to you all, however you want to handle it  
3 I think.

4 MR. MCCREARY: Well, Richard,  
5 thank you very much. I think we're going to  
6 return to the next item on our agenda. And it  
7 sounds like you have a few things on your  
8 plate back at the mother ship. Thank you very  
9 much.

10 DR. MERRICK: Thank you.

11 MR. MCCREARY: Thanks very much.  
12 Greg, we're going to call on you next for the  
13 Caribbean Management Plan Proposed Rule.

14 MR. FAIRCLOUGH: My name is Greg  
15 Fairclough. I work out of the Southeast HMS  
16 Office with Randy who's keeping his distance  
17 from me right now.

18 (Laughter)

19 MR. FAIRCLOUGH: I am going to be  
20 speaking about Amendment 4 and a proposed rule  
21 that Margo has or has not filed. The rule,  
22 has it filed? Okay, yes.

1                   MR. MCCREARY: Apparently. Jenni  
2                   says it has.

3                   MR. FAIRCLOUGH: Okay. The rule  
4                   has filed. It will publish shortly.

5                   So what we have in the  
6                   presentation is a series of slides. We're  
7                   going to give you some background. We're  
8                   going to discuss our management objectives,  
9                   the time frame of the action, the overview of  
10                  the proposed rule that we'll publish shortly,  
11                  a summary of the alternatives and obviously  
12                  how you can provide comment to us.

13                  We've given you this slide several  
14                  times before discussing our need for action.  
15                  As you know there's an increased interest in  
16                  HMS in the Caribbean and most of our current  
17                  regulations that were designed for the  
18                  mainland don't well fit the needs of the small  
19                  vessel fishery in the Caribbean.

20                  We have small-scale fisheries down  
21                  there. They have small vessels with limited  
22                  ranges and hold capacity. Very small markets

1 for their catches. They can't come in and  
2 sell 50 tunas. There's very few dealers.  
3 Many of the fishermen themselves are dealers.  
4 They sell the fish to themselves and then sell  
5 them to different businesses. The catch are  
6 often sold directly to individuals who are  
7 restaurants, not the way they're supposed to  
8 go through the network.

9           There's also a high cost of  
10 limited access permits and that poses a  
11 barrier to many of these folks entering into  
12 the swordfish and shark limited access  
13 fisheries.

14           And the biggest issue we have is  
15 the low number of fishing and dealer permits  
16 has resulted in very limited catch and  
17 landings data reported from the Caribbean  
18 region. So, as we've gone through the process  
19 of trying to create this amendment we've sort  
20 of been baffled with the -- how little  
21 information there is coming out of the region  
22 right now.

1                   And when we talk about the U.S.  
2 Caribbean region, I know before when we talked  
3 about we discussed the amendment being the  
4 Caribbean amendment many folks sort of got off  
5 in tangents about, you know, working with all  
6 different countries. This is the area that we  
7 have control over is territories and this is  
8 the area where our regulations apply in the  
9 EEZ off of Puerto Rico, St. Thomas, St. Croix  
10 and St. John. It's that dark shaded area.  
11 And in our regs we refer to it and we refer  
12 back to 622.2 where it is defined in the Code  
13 of Federal Regulations.

14                   Currently this is the distribution  
15 of permits in Puerto Rico. I have the 2011  
16 numbers. They are very much the same as what  
17 we used in the EA. We used the 2010 numbers  
18 in the EA. You can see in Puerto Rico there's  
19 92 general category permits, 4 in St. Thomas  
20 and 6 in St. Croix, none in St. John. Charter  
21 head boat permits, 23 in Puerto Rico, 10 in  
22 St. Thomas, 7 in St. Croix. Seven hundred

1 seventy angling permits in Puerto Rico and  
2 that's down, was down in 2011 to like 694.  
3 Twenty-four angling in St. Thomas, 20 in St.  
4 Croix, zero in St. John. And for some reason  
5 there was a trap permit in Puerto Rico. And  
6 in 2011 actually I think that person changed  
7 from trap to harpoon, so we have a harpoon  
8 permit down there now.

9           You can also see how few dealer  
10 permits we have. We have seven BAYS dealer  
11 permits in Puerto Rico, two in St. Thomas and  
12 three in St. Croix, and you can guarantee that  
13 in the USVI that those are individuals who  
14 fish and buy their own fish.

15           This slide shows some of the  
16 landings and this was straight out of our  
17 national report to ICCAT. It's mostly BAYS  
18 tunas as you can see. The pelagic longline  
19 landings are domestically based boats that are  
20 heading down and fishing into the Caribbean.  
21 These aren't vessels that are permitted in the  
22 region and fishing in the region. These are

1 vessels heading down from the mainland.

2           What I want you to notice about  
3 the rod and reel landings is that this comes  
4 from statistical surveys of the U.S.  
5 recreational harvesting sector. So those  
6 numbers over here technically aren't the small  
7 boat commercial landings that we're interested  
8 in. These are the landings from the vessels  
9 that we're going to be looking at in this  
10 amendment. You can see it's not a very large  
11 fishery.

12           Now, at the bottom we discussed  
13 some of the shark landings. In 2010 there was  
14 11.8 metric tons of commercial shark landings  
15 and less than 1 metric ton reported by St.  
16 Thomas and St. John combined. Those landings  
17 were not reported in any way that we could  
18 determine species. They were not species-  
19 specific landings nor do we know if they were  
20 landed in territorial waters or federal  
21 waters. So we don't know if they were landed  
22 under territorial regs.

1                   So here are our management  
2 objectives for this action. First being to  
3 increase participation in the HMS federal  
4 fishery management program. Second, to expand  
5 regional HMS permit availability and increase  
6 permitting program awareness, participation  
7 and compliance in the U.S. Caribbean region.  
8 Third, to improve regional HMS catch and  
9 fishing effort data. Fourth, to examine and  
10 implement regionally tailored HMS management  
11 strategies as appropriate. Fifth, provide  
12 targeted training and outreach to Caribbean  
13 HMS fishery participants. And we've been  
14 doing that now since 2008 just so you know.  
15 And finally, to improve the Agency's ability  
16 to monitor and sustainably manage U.S.  
17 Caribbean HMS fisheries.

18                   Now here's sort of the time frame  
19 of the action. Awhile ago we published a  
20 Notice of Intent to commence rulemaking. We  
21 went ahead and did our scoping. We actually  
22 did a pre-scoping before we did our Notice of

1 Intent. We went ahead with our scoping. We  
2 summarized our findings from scoping in a pre-  
3 draft which we released. I have it written  
4 down. I'm sorry, it's a little bit further  
5 into my document here. Okay, you don't need  
6 to know. We have a draft EA that's coming out  
7 soon and that will be accompanied with the EA.  
8 And our final EA and rule we anticipate in  
9 late July 2012 with implementation of a permit  
10 and the beginning of 2013.

11 So what we have in our rule is the  
12 development of a Caribbean-specific management  
13 measure for the small-scale Caribbean  
14 fisherman which includes a new vessel permit  
15 which we're calling the Caribbean Small Boat  
16 Commercial Permit, the CSBP. And that comes  
17 along with vessel size restrictions as well as  
18 a requirement that it not be held in  
19 combination on a vessel with any other HMS  
20 fishing permit.

21 We're specifying specific  
22 authorized gears and retention limits for BAYS

1 tunas, swordfish and sharks. We're modifying  
2 reporting requirements for the vessels  
3 involved in the fishery and potentially  
4 requiring mandatory workshop training.

5 We created four alternatives, one  
6 being the status quo. The second being  
7 creating the small boat permit and allowing  
8 fishing for and sales of BAYS tunas and  
9 swords. Now mind you I said sales so this  
10 would allow them to fish for and sell under  
11 that permit and also have restrictions on  
12 vessel size.

13 Alternative 3, very similar.  
14 Create the small boat permit allowing fishing  
15 for and sales of BAYS tuna, Atlantic swords  
16 and sharks and also have a vessel restriction  
17 on size.

18 Alternative 4 would create a small  
19 boat permit allowing fishing for and sales of  
20 BAYS tunas, swords and sharks, and not have a  
21 vessel size restriction.

22 Now, it might be easier to see

1 this up here. I'll try to read off of the  
2 screen. This is the status quo. I don't  
3 think we need to go through all this, but it  
4 would be our current vessel and dealer permit  
5 structure, our current authorized species and  
6 gear structure, our current retention limits  
7 based on vessel permits, our current  
8 authorized gears, current logbook  
9 requirements, current dealer report  
10 requirements, upgrading restrictions and  
11 regions doesn't apply.

12 And these are basically our seven  
13 key topics that we used to create our  
14 alternatives. We created the four  
15 alternatives and selected options under each  
16 of these seven key topics.

17 Under the status quo for  
18 environmental impacts we determined that it  
19 would be negative because it would continue  
20 the lack of flow of fishery data. And this  
21 lack of data would impact fishery management  
22 capabilities. It would hurt our stock

1 assessments and create barriers to meeting  
2 international reporting requirements.

3 Socioeconomic impacts would also  
4 likely be negative in that it would limit  
5 access to commercial limited access swordfish  
6 and shark fisheries. Continue current  
7 prohibition on primary gear types used in the  
8 BAYS tuna fishery in the region. We know that  
9 those folks use unattached handlines that they  
10 call yo-yo gear. And also the lack of dealer  
11 structure limiting the ability for fishermen  
12 to sell their HMS catches in the region.

13 Alternative 2 would create the  
14 Caribbean Small Boat Permit and allow for the  
15 retention of BAYS and swords. Now, like I  
16 said before, the permit would not be able to  
17 be held with any other HMS fishing permit. It  
18 would allow holders to fish for and sell BAYS  
19 tunas and swords. What we looked at under  
20 retention limit ranges, we looked at a range  
21 of zero to 24 fish for BAYS and are  
22 investigating an initial 10 BAYS per-trip

1 limit. We looked at a range of zero to six as  
2 a retention limit for swordfish and a two  
3 swordfish per-trip limit.

4 For gears there's not a big  
5 change. Rod and reel, handline, harpoon,  
6 bandit gear and greens-tick gear, those are  
7 all currently authorized for BAYS tunas but  
8 under this permit we would be adding buoy gear  
9 which is basically identical to the yo-yo gear  
10 that they fish in the Caribbean. It's just a  
11 slight modification of it. For swordfish,  
12 same gears that are allowed currently, rod and  
13 reel, handline, harpoon, bandit gear and buoy  
14 gear.

15 For reporting, vessels and dealer  
16 reports will be collected through cooperative  
17 agreements with the territorial governments  
18 and that information would be funneled down  
19 through to the Southeast Fishery Science  
20 Center.

21 We'd have a vessel size  
22 restriction of less than 45 feet. That would

1 be a length overall. And the permit would  
2 only be valid within the U.S. Caribbean region  
3 that we showed you on the earlier chart.

4 Alternative 3 is very similar.  
5 However, it could allow zero to 3 non-sandbar  
6 LCS and up to 16 small coastal sharks.  
7 However, under this alternative we're looking  
8 at initially setting the shark limit at zero  
9 until we have more information on how many  
10 vessels would be participating in this small  
11 boat permit fishery.

12 Additionally, if shark limits are  
13 set above zero we would consider requiring  
14 them to take the shark identification training  
15 course and possess that workshop certificate  
16 onboard and at any sale of shark.

17 The gears are the same for tunas  
18 and swords under alternative 3 and for sharks  
19 they'd be the current authorized gears of rod  
20 and reel, handline and bandit gear.

21 Reporting would be the same,  
22 collected through cooperative agreements with

1 the territorial government. Vessel  
2 restriction of 45 feet or less and only valid  
3 within the Caribbean region.

4 Now, since alternatives 2 and 3  
5 are very similar in that alternative 3 did  
6 allow for the potential retention of sharks  
7 but we were looking at keeping the initial  
8 limit for sharks set at zero we created a  
9 slide here for the impacts of alternatives 2  
10 and 3 combined.

11 And we're looking at a non-  
12 substantial increase in actual landings due to  
13 the limited number of vessels involved, the  
14 limited market, nature of trips, limited  
15 vessel size requirements proposed for the  
16 vessel permit and the conservative retention  
17 limits that we set up which are analogous to  
18 existing HMS permits.

19 Additionally, the improved  
20 reporting of landings and improved overall  
21 data collection through the territorial  
22 collection efforts may improve the Agency's

1 capability to monitor and sustainably manage  
2 the HMS fisheries. The socioeconomic impacts  
3 we believe will be positive. This would allow  
4 the use of specific handgears including the  
5 buoy gear or yo-yo gear and green-stick gear  
6 to harvest BAYS tunas. It would allow the use  
7 of specific handgears to harvest swordfish;  
8 that would include buoy gear.

9           It would allow the sales to  
10 individuals who are not dealers which better  
11 reflects the traditional sales of fish in the  
12 region. I don't know how many of you have  
13 driven through the Virgin Islands or some of  
14 the areas. You'll see folks sitting on the  
15 side of the road selling fish out of a cooler.

16           We anticipate that this will  
17 result in increased revenues for fishermen in  
18 the U.S. Caribbean because they'll be able to  
19 sell some species that they're not currently  
20 authorized to possess.

21           Alternative 4 which is sort of our  
22 bookend alternative, very similar to

1 alternative 3 except we're looking at zero to  
2 24 as a range for BAYS tunas, zero to 6 as a  
3 range, an allowable range for swordfish, and  
4 33 non-sandbar LCS and no limit for small  
5 coastal sharks or pelagic sharks.

6 The initial trip limit that we  
7 would look at setting there is 24 BAYS per  
8 trip, 6 swords per trip and 1 non-sandbar and  
9 2 small coastals or pelagic sharks combined  
10 per trip. Everything else is the same.

11 This is alternative 3 which was  
12 our preferred. And I'll once again highlight  
13 that we're looking at a 10 BAYS per-trip  
14 limit, 2 swordfish per-trip limit and initial  
15 limit set at zero for sharks. The way we're  
16 doing this is we analyzed a set of ranges and  
17 then looked at setting an initial trip limit,  
18 and through the framework process that's set  
19 up in our FMP we would be able to, through  
20 rulemaking, modify trip limits as appropriate  
21 in the future, in future rulemakings, say up  
22 to 24, up to 6 and then up to 3 non-sandbar

1 and 16 SCS under alternative 3. Once again,  
2 this is our currently preferred alternative.

3 Alternative 4, we have some  
4 concerns with it. The unlimited vessel size  
5 restrictions could lead to fishery  
6 overcapitalization and an increase in local  
7 fishing effort on HMS. This is a big concern  
8 for fishermen in the region. They were very  
9 concerned about large vessels entering their  
10 small boat fishery and flooding their markets  
11 and driving their prices down which brings us  
12 down to socioeconomic impacts. In the short  
13 term there's potential for increased revenues  
14 from the higher retention limits under  
15 alternative 4. But in the long term we  
16 believe that regional overcapitalization of  
17 the resources would lead to locally depressed  
18 prices.

19 And just to give you an idea of  
20 vessel sizes in the Caribbean, the general  
21 category vessels throughout the whole  
22 Caribbean, this isn't -- I didn't look at this

1 specific by island. But we're looking at for  
2 general category 14 foot to 52 feet, charter  
3 head boats are 19 feet to 48 feet and angling  
4 vessels are 13 foot on up to super yachts that  
5 are 260 foot plus. The vast majority of the  
6 working boats in the fishery are between 18  
7 and 25 feet, and those are generally the folks  
8 that we're striking out to assist here.

9 In sending us your comments please  
10 identify them, identify the comments with  
11 NOAA-NMFS-2012-0053 if you're mailing them in  
12 or faxing them. You can also use the Federal  
13 eRulemaking Portal which I recommend that you  
14 do. If you mail them, mail them to Margo at  
15 that address there. And that fax is also a  
16 headquarters fax and they will be sent down to  
17 us in the region.

18 The public hearings for this,  
19 because we weren't sure if we were going to  
20 file while we were up here, we're going to  
21 publish those in an upcoming Federal Register  
22 Notice and you will see that Notice and we

1 will send out a listserv notice also with  
2 those dates and locations on it so that you  
3 are aware of it.

4 What Randy just brought up to me  
5 was for the proposed rule it's intended to  
6 file on 3/15. It'll publish on 3/16 and we're  
7 going to have a 90-day comment period for this  
8 rule so the comments will be due by 6/14.

9 Okay.

10 MR. MCCREARY: Excellent. Thanks  
11 very much for that very concise and clear  
12 overview.

13 So, we have about 25 or 30 minutes  
14 for questions from members of the panel and  
15 then we are scheduled to take public comment.  
16 So, if there are members of the public who are  
17 here to address the panel we will get you in  
18 at 3 o'clock or just before. So let's start  
19 receiving questions here. Marcos?

20 MR. HANKE: I want to say thank  
21 you to you guys for hearing what the fishermen  
22 have to say in the Caribbean. For the first

1 time involved in the council process and the  
2 HMS and all this management, guys, it's the  
3 first time I've seen a document that's really  
4 reflecting what those guys hear in the  
5 Caribbean.

6 And my position on the first round  
7 speaking to you guys, I'm going to touch a  
8 little basic stuff here that I want you to  
9 hear from me, and I want to hear what you guys  
10 have to say. If there is any clarification  
11 that I can help with I'll be more than glad to  
12 do it. I don't want to take all the time.  
13 But thank you very much for your job because  
14 this is very clear of the intention of the  
15 document, what the fishermen are committed to  
16 and I really think it's a very good strategy.

17 On the U.S. Caribbean we have been  
18 addressing many discussions about people who  
19 are interpreting us as Caribbean including  
20 Dominican Republic and other little islands  
21 around. You have to remember though, we are  
22 managed by the U.S. Government and the rules

1 in Puerto Rico are very strict and very  
2 different from those islands. For example,  
3 the FAD have been bringing back to me in  
4 relation to this amendment and so on. FAD's  
5 effect on the U.S. Caribbean is going to be  
6 very different than in Dominican Republic that  
7 we don't like what is going on there because  
8 those are private FADs and big problems in  
9 there. I don't want to go too deep in that  
10 but I just want to clarify that, that we don't  
11 endorse those various FAD operations on other  
12 islands.

13 He did a very good job with the  
14 presentation. I don't have much too add to it  
15 unless I need to clarify something. I just  
16 want to stress out about 90 percent of the  
17 boats that do the commercial fishing there,  
18 they are not going for HMS in the specific all  
19 the time, they might complement with this  
20 permit some HMS fishery. They will go for  
21 bottom fishes like snappers and groupers and  
22 other things. Remember that, for example,

1 from my fishing ground, just 6 miles from the  
2 port is 1,000 feet of water. We have a big  
3 range of species and fishing possibility on a  
4 small run and you don't see overnight trips.  
5 The people go out, catch some fresh fish for  
6 the concept of "catch of the day" in the  
7 restaurants. This is pretty much how it works  
8 on the Caribbean.

9 And I've made many notes here that  
10 are going to be repetitive for your  
11 presentation. I prefer to step back now and  
12 hear what the people have to say. If there is  
13 any clarification I would be more than happy  
14 to do.

15 MR. FAIRCLOUGH: Could I just add  
16 one thing to what Marcos said? There are some  
17 folks, and it seems like it's specific to St.  
18 Croix, who are specifically targeting  
19 yellowfin and not doing the, you know, the  
20 mixed bag reef fish. They're going out and  
21 specifically trying to, you know, two or three  
22 yellowfin. And that's, you know, that blows

1 their market for the week but that's what they  
2 need.

3 MR. HANKE: To the point about  
4 this fishery, like he said, it's one or two  
5 boats that respond to the market demand, what  
6 they ask for, and they go out, catch two or  
7 three yellowfin. And some of them use the yo-  
8 yo gear which is a buoy with basically a big  
9 yo-yo handline with heavy line that they go to  
10 the fishing ground, chum the area, put the  
11 line out and drift, watching two buoys  
12 drifting out. Once the fish go they fight the  
13 fish by hand and get the fish.

14 It's a very, it's specific to tuna  
15 and maybe a mahi here and there. And the gear  
16 is attended by the boat and the fishermen all  
17 the time.

18 MR. FAIRCLOUGH: One other thing I  
19 wanted to clarify was that the majority of  
20 these fish are used on the islands. These  
21 fish, it's all local consumption. I wouldn't  
22 even say majority. It's all local

1 consumption. They're not being purchased by  
2 large dealers, aggregated and then flown to  
3 the Fulton Fish Market. This is all, you  
4 know, local consumption fish.

5 MR. MCCREARY: Very good. I have  
6 Larry, Bob and Rom, and I'm not sure, Ellen,  
7 if you're -- okay, and Ellen as well. Larry.

8 MR. ABELE: Just a quick question.  
9 Are there any possible unintended  
10 consequences? That is, do you have to be a  
11 resident of that area to get a permit?

12 MR. FAIRCLOUGH: That wouldn't be  
13 legal for us to do. However, we -- you know,  
14 a person from Maine can buy that permit  
15 provided his vessel is under 45 feet and he  
16 only fishes within that area.

17 MR. ABELE: The second question is  
18 I thought the first slide said it was a cost  
19 issue for permitting. And I didn't hear any  
20 comment whether the cost would be different or  
21 the same.

22 MR. FAIRCLOUGH: We anticipate

1 that this permit will be -- what's the word  
2 I'm looking for -- managed through the  
3 Southeast Permit Center and I think their  
4 permits are approximately \$25 or \$27 for the  
5 first permit that you apply for.

6 When we're talking about prices to  
7 enter the limited access fisheries, you're  
8 looking at for a handgear swordfish permit  
9 upwards of \$30,000. That far exceeds the  
10 yearly revenue for most of these folks,  
11 possibly five to eight for a shark permit.  
12 So, those were significant barriers for them  
13 to be able to retain small amounts of  
14 swordfish and sharks.

15 MR. MCCREARY: Thank you. Bob?

16 DR. HUETER: Greg, I might have  
17 missed it but can I ask you why in the  
18 alternatives 3 and 4 are there no size limits  
19 proposed for sharks? Because if it's based on  
20 a thought that all the animals there are large  
21 and there's no nursery areas there, at least  
22 in federal waters, that's maybe not true. I

1 can tell you in Cuba on the north coast in the  
2 same kind of deep water situation right off  
3 shore the Cuban fishermen, the number three  
4 shark species they're landing in their  
5 fishery, which admittedly doesn't target  
6 sharks but gets quite a few sharks, is the  
7 oceanic whitetip. And they're all juveniles,  
8 they're little guys, about a meter long. So,  
9 why was there -- maybe I missed it. Why no  
10 size limit consideration in these alternatives  
11 for the sharks? Thanks.

12 MR. FAIRCLOUGH: Well, I think  
13 straight off because we don't currently have  
14 a size limit in any of our domestic commercial  
15 shark fisheries.

16 Also, you know, we were also  
17 considering that a fair amount of these fish  
18 may be small coastal sharks that are taken on  
19 the shelf and we're not quite sure how big  
20 those are. You know, we have Caribbean  
21 sharpnose, there's all sorts of different  
22 small coastals down there on out to the makos

1       that they may be catching while they're  
2       fishing for yellowfin tuna. So, in that we  
3       don't have a commercial size limit  
4       domestically we didn't look at it in this  
5       document here.

6                   MR. MCCREARY: Okay, thanks. Rom  
7       Whitaker.

8                   MR. WHITAKER: Yes, Rom Whitaker  
9       from Hatteras Charter Boat.

10                   I just had a couple of questions  
11       and I think Marcos maybe clarified them a  
12       little bit. But I know this permit is to  
13       establish, you know, what HMS species are  
14       being utilized there. And I'm wondering if  
15       you do maybe have some charter boats there  
16       over 45 feet that are maybe selling some of  
17       their catch as, you know, certainly possibly  
18       would be in our area. And they may be under  
19       the HMS charter head boat permit but that  
20       would be something that would certainly need  
21       to be addressed.

22                   And after hearing him talk, if

1 most of the boats are -- I mean, I know in  
2 some of the countries, I've been to Puerto  
3 Rico but Venezuela, Mexico or somewhere,  
4 they're using pangas. And good gosh, I would  
5 think 35 feet would certainly take in the  
6 biggest one. But there were my two comments.  
7 Thank you.

8 MR. FAIRCLOUGH: During pre-  
9 scoping we did discuss and we did find an  
10 individual who had a 42-foot boat out of St.  
11 Croix who was working in the handline tuna  
12 fishery. So for the most part if we did speak  
13 to somebody we were trying not to keep them  
14 out.

15 And in regard to the charter head  
16 boat fishermen selling their catch, that has  
17 been a stickler for the folks in the U.S.  
18 Virgin Islands. And my recommendation to them  
19 has been to require a -- that they have a  
20 territorial fishing license requirement needed  
21 to sell fish on the islands. But they do glut  
22 the market for the local small panga

1 fishermen.

2 MR. MCCREARY: Marcos, do you want  
3 to weigh in on this? Go ahead.

4 MR. HANKE: We discussed this and  
5 the people that participate, it was very clear  
6 that we were trying to address the commercial  
7 fishing that is taking place now in there.  
8 Because the charter boat have a venue, you  
9 know, a permit that we can apply to it and we  
10 are less limited economically than those guys  
11 that are struggling to access this fishery.  
12 We tried to limit also the size, creating a  
13 framework or an idea that addresses  
14 specifically what culturally, historically has  
15 been happening in the islands. That's the  
16 reason of the size of the boat and so on.

17 The other thing that I want to  
18 touch, and I'm not very clear how will be the  
19 size of dealer that those permits are going to  
20 carry, how going to be the report and what you  
21 guys expect from those guys, how are they  
22 going to report. And also, if they can work

1 as a dealer, let's say a charter boat or  
2 somebody with another permit that don't find -  
3 - a dealer can use those guys as a dealer and  
4 I want to clarify that.

5 MR. FAIRCLOUGH: Yes, we  
6 specifically have a prohibition on these  
7 vessels serving as dealers. So they cannot  
8 purchase from another vessel with the intent  
9 of selling those landings. So they can sell  
10 their own fish and only their own fish.

11 MR. MCCREARY: Very good. I have  
12 Ellen, Terri, Rick and Greg and then we'll see  
13 if Marcos has yet more to weigh in on. Ellen.

14 MS. PEEL: Thank you. My issues  
15 for clarification are more numerous than they  
16 are lengthy.

17 Number one, it's my assumption  
18 that anything not included in here such as  
19 required release of all marlin no barter, sale  
20 and trade still applies.

21 Number two, back to the permit.  
22 If a boat gets this small boat commercial

1 permit can they also have the charter head  
2 boat permit? And usually with a charter head  
3 boat then they would have other commercial  
4 permits through which they could sell.

5 Number three, on the limits on  
6 catches or landings are set currently per  
7 trip. Since as Marcos said deep water is so  
8 quick you could make multiple trips a day,  
9 should it be, you know, per day instead of --  
10 I mean per trip instead of -- I'm sorry, per  
11 day instead of per trip?

12 With the vessel size limitation,  
13 is there any consideration on horsepower  
14 limitations? Marcos has said to me that no,  
15 what we had heard earlier when this amendment  
16 started, that some of the artisanal boats have  
17 three outboards. He said he's not seen that  
18 but should there be some sort of consideration  
19 on horsepower.

20 And fifth and last, FADs are still  
21 in and I assume that there will be an  
22 opportunity to provide comments on what sort

1 of restrictions on the FADs and how those will  
2 be regulated because we certainly don't want  
3 to -- we want to provide opportunity but at  
4 the same time we don't want to encourage  
5 overfishing of species already overfished.  
6 And I know throughout the Caribbean there are  
7 issues of concern. That's all, thank you.

8 MR. FAIRCLOUGH: Okay. Yes,  
9 number one, marlin. No. Very specifically  
10 laid out in the EA. Sorry if I didn't touch  
11 on that here.

12 Number two, no. Right there. The  
13 small boat permit may not be held in  
14 combination with any other HMS permit.

15 MS. PEEL: So they can't have  
16 charter head boat, okay.

17 MR. FAIRCLOUGH: No, ma'am.  
18 They'd have to decide.

19 MS. PEEL: Okay.

20 MR. FAIRCLOUGH: Per day, because  
21 there is such a small market for these fish  
22 and there is such little enforcement --

1 MS. PEEL: Yes, okay.

2 MR. FAIRCLOUGH: -- quite honestly  
3 we have one federal agent down there now.

4 MS. PEEL: I think there are two  
5 now, aren't there?

6 MR. FAIRCLOUGH: The per day  
7 seemed reasonable to us.

8 A horsepower rating for pangas, I  
9 don't know if that's something we want to get  
10 into. Their ability to hold fish, the time  
11 that they're actually fishing, these are  
12 generally only half day trips. The other half  
13 of the day is spent marketing on the street.

14 MS. PEEL: So you would consider a  
15 45-foot boat a panga?

16 MR. FAIRCLOUGH: Something under  
17 45-foot would, you know, it could be a forward  
18 wheelhouse ex-trawler but they're not --

19 MS. PEEL: Could be, but it could  
20 also be, you know, a bigger -- could be  
21 another boat. I'm just saying you're defining  
22 a panga then anything under 45 feet.

1 MR. FAIRCLOUGH: Well, we're just  
2 using panga as a --

3 MS. PEEL: So it's not a panga  
4 essentially. It could be a panga but anything  
5 under 45 feet.

6 MR. FAIRCLOUGH: Could be a  
7 bertram but he'd still have a trip limit of 10  
8 BAYS tunas.

9 MS. PEEL: Right. And fifth was  
10 the FADs.

11 MR. FAIRCLOUGH: Yes, FADs are not  
12 addressed here. It's our understanding that  
13 most of the FADs off of Puerto Rico have been  
14 dismantled for their pieces, parts, for  
15 repairs for people's boats and otherwise. And  
16 I do not believe at this point anymore are  
17 being put off of the U.S. Virgin Islands. If  
18 anything I think they're going backwards and  
19 losing them.

20 MS. PEEL: Well, are you -- but  
21 one understanding of this is this is a  
22 government-provided, -monitored and -regulated

1 FAD. Now, Guadalupe has a most sophisticated  
2 FAD not far away, but I haven't heard of a  
3 diminishment in FADs. This will not be a  
4 government-provided anchored FAD? No, so this  
5 is anyone could put a FAD out.

6 MR. FAIRCLOUGH: Yes, this does  
7 not address FADs and this permit wouldn't be  
8 authorized anybody for fishing in Guadalupe,  
9 that's for certain.

10 MS. PEEL: No, no, but the  
11 amendment allows FAD fishing. And so my  
12 question is there's some -- has been some  
13 understanding that NOAA NMFS will be putting  
14 a FAD out to help enhance the local fishery.  
15 I was asking for clarification or does this  
16 amendment just allow anyone to create their  
17 own FADs, whether it's like in Dominican or  
18 anywhere else. Is the government putting a  
19 FAD out to enhance the fishery?

20 MR. FAIRCLOUGH: HMS is not doing  
21 anything with FADs.

22 MS. PEEL: NOAA is not putting a

1 FAD out for this.

2 MS. SCHULZE-HAUGEN: Who have you  
3 heard in NOAA is putting in a FAD?

4 MS. PEEL: No, I've just heard  
5 that it was to be a government-regulated FAD,  
6 not from anyone from NOAA. And I said oh,  
7 that surprises me. So you're not.

8 MR. FAIRCLOUGH: I think you may  
9 be hearing that it may be Virgin Islands  
10 government putting out FADs.

11 MS. PEEL: No, it was off of  
12 Puerto Rico. I just want to clarify that's  
13 not accurate. That is what I'm hearing. Is  
14 that correct?

15 MR. FAIRCLOUGH: We know nothing  
16 of it.

17 MS. PEEL: So no, okay. So this  
18 would allow anyone to put out their own FAD.

19 MS. SCHULZE-HAUGEN: What we're  
20 regulating is fishing for --

21 MS. PEEL: On FADs.

22 MS. SCHULZE-HAUGEN: No, we're not

1 touching the FAD issue. We're not allowing it  
2 explicitly, we're not disallowing it  
3 explicitly.

4 MS. PEEL: Okay, but it was  
5 originally in one of the plans.

6 MS. SCHULZE-HAUGEN: I think we  
7 have talked about it, yes. But this is not --

8 MS. PEEL: So it's not in there.

9 MS. SCHULZE-HAUGEN: It is not  
10 addressed. Putting out a FAD is not the  
11 fishing activity that we're talking about.

12 MR. FAIRCLOUGH: Yes and that  
13 deals with a whole lot of permitting and all  
14 sorts of other issues with the Coast Guard  
15 that we don't deal with.

16 MR. MCCREARY: Okay, so I have  
17 Terri, Rick Weber, Greg, Vince and Marcos, and  
18 then we will take a look, see if there's  
19 anything else and then shift to public comment  
20 on this. Terri.

21 MS. BEIDEMAN: I have to concede  
22 to being a lot ignorant about this. The

1 reality I do remember that we went at the time  
2 when HMS permits, particularly swordfish  
3 permits were being discussed in limited access  
4 that we spent quite a bit of effort trying to  
5 get the Caribbean folks to go ahead and get  
6 permits and they for whatever reason did not.

7 But I noted in your status quo  
8 that you have observer requirements currently  
9 and that none of the alternatives mention  
10 observers anywhere. So I was curious about  
11 that, so I'm noting that. I'm not saying that  
12 we should be applying observers on every  
13 vessel but they shouldn't be exempt in my  
14 opinion.

15 The limit, is there any limit on  
16 the number of permits or is this just going to  
17 be an open door situation? And if that is the  
18 case and I am truly happy to see if people are  
19 going to be able to count what's being caught  
20 and have, you know, livelihoods based on it  
21 I'm all for that. But the unintended  
22 consequences may be that local consumption

1 isn't enough and fishermen are very creative  
2 when, you know, they're faced with a closed  
3 fishery for more than a decade and then all of  
4 a sudden there's open access. I would  
5 anticipate a flood of permits and consequently  
6 a flood of landings.

7           And so at some point there will be  
8 a saturation point and you know, that brings  
9 up a whole load of other things not the least  
10 of which is other commercial requirements such  
11 as HACCP. And I don't know to what extent  
12 that applies. You know, I just know that if  
13 it's food it should be handled like food and  
14 I'm not trying to pick on anybody but these  
15 are points that come up to me in looking at an  
16 open access.

17           We've been asking for years to  
18 allow some incremental increase but my concern  
19 is with a full opening without knowing what  
20 that's going to turn out to be it could be a  
21 problem before you know it.

22           And the only other thing is to do

1 with albacore. I see quite a significant  
2 catch of albacore and I don't know if we're  
3 going to run afoul of ICCAT in all of that  
4 when we all of a sudden have more and more  
5 activity looking like it's pretty directed at  
6 albacore. So, those are my initial comments  
7 on that.

8 MR. FAIRCLOUGH: Yes, I'm not sure  
9 where those albacore landings came from. They  
10 certainly weren't from the folks that came out  
11 and saw us at our meetings when we were  
12 scoping.

13 The exemption for the observers, I  
14 don't think that many of these vessels would  
15 get the Coast Guard certification sticker and  
16 all of that that would be needed to have an  
17 observer placed safely on there.

18 And as for the number of permits  
19 currently we're moving forward or would like  
20 to move forward with the proposed rule as it  
21 being an open access permit. We've been  
22 watching permit numbers down there and we

1 believe the universe would be about 100  
2 individuals picking up these permits,  
3 basically coming from the general category.

4           Maybe some bleed over from angling  
5 and charter head boat but I doubt it. There's  
6 very few charter head boats, there's less than  
7 50 HMS charter head boats in the region and  
8 those vessels need to be able to take people  
9 for hire to pay their bills. They're not  
10 going to pay their bills on 10 BAYS and  
11 potentially 2 swords per trip.

12           The angling category folks we  
13 doubt will make the move over because they  
14 would be barred from participating in the  
15 billfish fisheries. And as we all know the  
16 majority of the angling category guys down  
17 there are billfishing.

18           MR. MCCREARY: Thank you. Rick  
19 Weber.

20           MR. WEBER: Greg, I started  
21 reading the slide. That last sentence you  
22 just hit was what relating to billfish?

1 MR. FAIRCLOUGH: Much of the  
2 angling category activity in the U.S. Virgin  
3 Islands is directed at billfish, especially in  
4 Puerto Rico.

5 MR. WEBER: Okay. I'm gathering  
6 lots of pieces from the people that spoke  
7 before me. If I were a recreational  
8 fisherman, 45 feet or less so I'm leaving out  
9 alternative 4, and I was willing to know that  
10 I was never going to be able to take more than  
11 10 BAYS and 2 swords, why wouldn't I switch to  
12 this so that I could sell anytime I wanted to?  
13 Please Marcos, I know you've had your hand in.

14 MR. HANKE: They're addressing  
15 that in Puerto Rico. The government of Puerto  
16 Rico for selling of the fish require  
17 commercial license produced by the state. As  
18 far as I understand to sell you have to have  
19 that license and once you are a commercial  
20 fisherman your marbete or your license on the  
21 boat will say "commercial." And that go along  
22 with the other permit, it's like in sequence,

1 you know. One supports the other. And a  
2 commercial boat shouldn't have a pleasure boat  
3 license in there which close the door for what  
4 you're just saying. You cannot be a -- not a  
5 commercial fisherman and try to get this  
6 permit because we'll be -- in some part of the  
7 process you're going to be illegal.

8 MR. FAIRCLOUGH: Rick, also  
9 there's a moratorium in the Virgin Islands on  
10 commercial permits, on commercial permits  
11 allowing you to sell.

12 MR. WEBER: All right, very good.  
13 I just, I was originally a long time ago first  
14 saying if I had something why should the  
15 government stand between me and a willing  
16 buyer. That was my mind set when I first  
17 joined this body.

18 Over time I have come to the point  
19 of you guys -- food safety is an important  
20 part of this and reporting. You know, we've  
21 come to rely on dealer reporting as one of our  
22 main things and if the person is their own

1 dealer will we get all of those reports?

2 I'm happy you're bringing people  
3 who are not currently under the umbrella of  
4 management under the umbrella. It's a great  
5 first step. I'm not sure we're all the way  
6 there and we have to get your people used to  
7 being under the umbrella first, but I can see  
8 us coming back to nudge it a little bit  
9 further at some point in the future for sure.

10 MR. FAIRCLOUGH: Well, you'll see  
11 how conservative our initial limits are in  
12 setting the sharks at zero. We'll see if that  
13 universe is 100, if it is less, if it is  
14 larger, and then things will move from there.  
15 This is, like you said, a first step.

16 MR. HANKE: Addressing what's  
17 being said before, right now there is a lot of  
18 those tunas that are caught and maybe there is  
19 not -- even if the commercial fisherman wants  
20 to report there is not a way to report. And  
21 our creating illegal fishermen fishing, that  
22 is not the intention of the fisherman, you

1 know. And for sure part of the extra report  
2 we're going to get is not because we are  
3 fishing more, it's just because now they have  
4 a way to report them. This is what we are  
5 trying to do here.

6 MR. MCCREARY: Thanks. I have  
7 Greg, Vince and Rich Ruais, and we'll see if  
8 Marcos has another point to make. Greg?

9 MR. SKOMAL: Thank you. I've  
10 spent a lot of time in these islands.  
11 Personally I've had a place in St. Croix for  
12 40 years and I'm very familiar with the  
13 challenges you guys face.

14 The last 10 years we've been  
15 working on a shark nursery habitat delineation  
16 and shark behavior and a lot of the nurseries  
17 we've been able to identify in the U.S. Virgin  
18 Islands. And I think this is a good start to  
19 trying to capture some of the effort and catch  
20 data because it is quite fascinating if you  
21 spend any time down there seeing what goes on.  
22 So I appreciate that.

1 I guess I have a question and then  
2 a couple of comments. My first one being I  
3 see a lot of effort on these drop-offs,  
4 particularly in St. Croix but also in St. John  
5 and St. Thomas and that is within territorial  
6 waters. How is this going to be coordinated  
7 with the territorial government? Will they  
8 adopt similar measures?

9 MR. FAIRCLOUGH: That we don't  
10 know. If they don't hold a federal permit  
11 then they're not bound by our rules, but once  
12 they do hold our permit then they would be  
13 bound by our rules say for shark-fishing  
14 within territorial waters.

15 MR. SKOMAL: And I guess my second  
16 comment kind of builds on what Bob has already  
17 touched on. There are several large coastal  
18 species that do utilize the near shore habitat  
19 for nursery areas and they are caught by local  
20 fishermen, sometimes they're sold street  
21 corners and such, blacktips, lemons, nurse  
22 sharks, et cetera. I guess I'm a little

1 concerned about the lack of a minimum size so  
2 it's something I think to consider. And we  
3 can send you data on what we've caught and  
4 what we've delineated over the years and some  
5 of it's published. And perhaps we can build  
6 on that.

7 MR. FAIRCLOUGH: Certainly. Duly  
8 noted. We do know that they're sold, shark is  
9 sold as pinchos. Can you tell me what a  
10 pinchos is? But pinchos on the side of the  
11 road. So we know they're being landed, we  
12 know that they're making it into the market.

13 MR. MCCREARY: Good, thank you.  
14 Let's go to Vince, then I have Rich Ruais,  
15 John Graves and Rick Weber. Vince?

16 MR. MONTELLA: Vince Montella.  
17 Greg, I'm wondering why the buoy fishery  
18 wasn't designed similar to the buoy fishery we  
19 have here with gears limitations rather  
20 retention limits. They've been catching  
21 swordfish in that area since the mid eighties  
22 and they're not small fish, they're large

1 fish. You have a potential retention of zero  
2 to 24 on tunas and zero to 6 on swordfish. I  
3 mean, we could be talking about a couple  
4 thousand pounds per boat. I mean, you know,  
5 there's large breeding swordfish there. So  
6 I'm just wondering why not the 35 buoy  
7 restriction and why a retention limit?

8 MR. FAIRCLOUGH: All the 35 and  
9 everything is the same. We just authorized  
10 that exact same rig for these folks and set  
11 their limit at two for the proposed rule for  
12 the preferred because we doubted that they  
13 would be able to handle and market more than  
14 two fish.

15 MR. MONTELLA: Aren't there  
16 currently still longliners that sell fish in  
17 Puerto Rico?

18 MR. FAIRCLOUGH: Yes, there are  
19 people who currently sell swordfish in Puerto  
20 Rico and other tunas to one large dealer that  
21 I do know of. And I believe those fish are  
22 trans-shipped up to Miami. But those are

1 mainland boats that are fishing south and then  
2 shipping their fish home. These aren't the  
3 small guys.

4 MR. MONTELLA: Okay, but 45-foot  
5 is not a small guy. I mean, the number one  
6 Key West hull is a 45-footer. I can name five  
7 of them that fished there during the eighties  
8 and nineties and produced 10,000 pounds per  
9 trip with a longline. But, I'm just saying,  
10 45-foot is not a panga. And the potential to  
11 ship those fish to the mainland is there  
12 because it's already being done.

13 Now, an area where, like St. Croix  
14 where three, four, five hundred pound  
15 swordfish are prevalent, spawning fish, and my  
16 reason why the Florida Straits came back, you  
17 know, another story. But you know, you could  
18 be opening a can of worms with that many boats  
19 with an existing industry that's already  
20 shipping fish to the mainland.

21 MR. FAIRCLOUGH: Our intent with  
22 the vessel size was to look at who was fishing

1       there already, be able to include them and try  
2       and keep the size of the vessel small enough  
3       so that we didn't have a huge -- I took the  
4       map away -- large vessels that are able to  
5       make their way down the coast and all the way  
6       down into the Caribbean region and fish  
7       seasonally.

8                   MR. MONTELLA: I understand that,  
9       but they don't need to. They can fish in the  
10      Mona Passage and they can fish off St. Croix  
11      in between the cuts and do just -- they don't  
12      need to go any further than that and catch  
13      large quantities of swordfish and tuna.

14                   MR. FAIRCLOUGH: Understood. They  
15      just have to -- would have to be within the  
16      U.S. EEZ there. Anything in the high seas  
17      wouldn't fly.

18                   MR. MCCREARY: Okay, thanks. The  
19      last three speakers I have are Rich, John  
20      Graves and Rick Weber. I'm going to ask you  
21      all to be quite brief because we are supposed  
22      to turn to public comment in just a few

1 minutes. Rich?

2 MR. RUAIS: Thank you. And I  
3 will, I don't want to get involved in this  
4 deeply, but Marcos, do the small boats carry  
5 ice? They do carry ice. Okay.

6 MR. HANKE: I'm sorry. I was  
7 speaking for Puerto Rico right now because  
8 this is what I see every day. Yes, they do  
9 carry ice for tuna. If they don't carry ice  
10 the restaurants and the places don't want the  
11 fish.

12 MR. RUAIS: But there is no HACCP.  
13 You don't know -- you have no HACCP there.  
14 And your state commercial permit doesn't have  
15 any temperature control restrictions that you  
16 know of?

17 MR. HANKE: To the point that if  
18 the fish is not managed it's not bought by the  
19 good restaurants and everything. There is a  
20 culture in Puerto Rico on managing the fish  
21 with brine and with ice and so on, especially  
22 for people that go to fish for tuna they need

1 to keep the meat in good shape.

2 MR. RUAIS: I'm sorry, but yes, we  
3 believe that as well when you're dealing in a  
4 sashimi market that that's the case, but  
5 sometimes one slips through the crack and it  
6 has long-lasting damaging impact.

7 I was going to ask Greg one  
8 question and that was whether or not you had  
9 any price information on any of the BAYS  
10 information or the swordfish that are caught  
11 by this lead.

12 MR. FAIRCLOUGH: I do.

13 MR. RUAIS: Just summary and  
14 cursory obviously. I'm not looking for  
15 anything extensive.

16 MR. FAIRCLOUGH: You don't want us  
17 to go to our fact-checkers?

18 (Laughter)

19 MR. RUAIS: I'm not going to  
20 challenge you.

21 MR. FAIRCLOUGH: I was prepared  
22 for you, trust me.

1 MR. RUAIS: I want to buy a boat  
2 next to --

3 MR. FAIRCLOUGH: According to Lynn  
4 Rios, our special agent, went around and  
5 looked for us. Swords is selling for \$4 to \$6  
6 per pound. BAYS tunas harvested by handline  
7 and selling up to \$7 per pound depending on  
8 quality and demand. And shark is selling for  
9 approximately \$1.57 per pound in Puerto Rico.  
10 We think that is likely due to lesser quality  
11 longline landings. That came from Fisheries  
12 of the U.S. 2010. However, a short call to  
13 the USVI DPNR got us a price of \$4 per pound  
14 from the handline fishery depending on quality  
15 and demand.

16 MR. RUAIS: Thanks.

17 MR. MCCREARY: Okay, let's try and  
18 step through this quickly and turn to public  
19 comment. John Graves and Rick Weber.

20 DR. GRAVES: I'll make it real  
21 quick. Just I want to fact-check on albacore.  
22 Rod and reel at 103.6 metric tons doesn't make

1 any sense whatsoever. That's, you know, a  
2 fifth of the U.S. quota. And so, could you  
3 tell me what the landings, find out what the  
4 landings have been for the last 5 years? That  
5 sounds like a MRFSS or MRIP.

6 MR. MCCREARY: We'll take it up  
7 offline.

8 DR. GRAVES: You have it by  
9 Caribbean.

10 MR. FAIRCLOUGH: The handliners  
11 didn't land 106 of anything. The 103.6 of  
12 albacore tuna was U.S. recreational landings.

13 DR. GRAVES: U.S. total?

14 MR. FAIRCLOUGH: Rod and reel  
15 catches and landings include estimates of  
16 landings and dead discards based on  
17 statistical surveys of the U.S. recreational  
18 harvesting sector. What I was putting up  
19 there was the information that comes from the  
20 national report and that the vessels that  
21 we're dealing with are mainly handline vessels  
22 which would be the landings in the center

1 column.

2 DR. GRAVES: We'll take it  
3 offline.

4 MR. MCCREARY: Rick, do you have a  
5 quick point?

6 MR. WEBER: Very. Just, we've  
7 talked about the scaling, the range of the bag  
8 limits. I didn't know if you had a method yet  
9 for determining where that was going to be.  
10 Vince's points are all solid there and as  
11 these reports start rolling in there ought to  
12 be a way to scale it back. I don't know if  
13 you have even an estimate yet of what you  
14 think the tonnage is going to be but those  
15 things are going to need to start tightening  
16 up fairly quickly as they approach your  
17 estimate. Or you're going to have a bunch of  
18 people who switch over.

19 MR. MCCREARY: Thank you. Ellen.

20 MS. PEEL: Question is in our last  
21 2 or 3 years' efforts to reinvigorate our  
22 swordfish fishery. Doesn't this provide an

1 opportunity? Because most of those Florida  
2 longline boats were 45 feet and less. So  
3 those vessels could go and be registered there  
4 and get this permit to contribute to more  
5 tonnage landings for the U.S. Is there any  
6 restriction on that so long as they have the  
7 vessel registered there?

8 MR. FAIRCLOUGH: I don't think I  
9 understood you about vessel being registered  
10 there.

11 MS. PEEL: Well, but if they have  
12 the permit, if they take the vessel there this  
13 would be a way to contribute to reinvigorating  
14 our swordfish fishery. Those displaced  
15 longline boats from Florida could go there.  
16 Most of them were 45 feet and under. Is that  
17 not correct?

18 MR. FAIRCLOUGH: Yes, it would be  
19 open to them if those vessels are around and  
20 can make expenses on two fish a day.

21 John, just so you know, people can  
22 actually fish for swordfish within the

1 territorial waters right now because of the  
2 proximity of the drop to, say, Puerto Rico and  
3 inside their waters. So they don't  
4 technically need the permit to fish for  
5 swordfish.

6 MS. PEEL: I'm just thinking about  
7 the displaced longline boats that were in  
8 Florida could go as part of the reinvigoration  
9 effort.

10 MR. FAIRCLOUGH: If they like the  
11 islands, yes.

12 MS. PEEL: Most people do.

13 DR. GRAVES: Okay, yes. It turns  
14 out that that rod and reel, the 100 for  
15 albacore, you're looking at in the 4 years  
16 previous to that the value reported is zero.  
17 So, take it for what it's worth.

18 MR. MCCREARY: Yes. At this  
19 point, those who are here to offer public  
20 comment on this item, we'd ask you to please  
21 come up to the front of the room, if there are  
22 any people here to make public comment.

1 Anyone interested to make public comment on  
2 this item? Apparently not. In that case  
3 we'll take a break and we'll come back in 15  
4 minutes.

5 (Whereupon, the foregoing matter  
6 went off the record at 3:07 p.m. and went back  
7 on the record at 3:24 p.m.)

8 MS. SCHULZE-HAUGEN: While people  
9 are getting seated we're going to hand out a  
10 web contact info. If you could please check  
11 what your preference is for email, phone, or  
12 snail mail address as what we could post  
13 publicly so folks could get in touch with you  
14 as representatives to the government for your  
15 constituencies that would be very helpful.  
16 So, if you could please, we'll pass it around,  
17 make sure that it gets to the next person and  
18 we'll circle it around. So, thank you.

19 MR. MCCREARY: All set? All  
20 right. Let's kick off our presentation on  
21 Amendment 8, pre-draft.

22 MS. SCHULZE-HAUGEN: Okay. So,

1 before we get started into the specifics I  
2 wanted to just give you some of the framing of  
3 why we're at a pre-draft stage.

4 Well, we took a lot of the  
5 comments that we've been talking about with  
6 you all for some time now and if you recall  
7 about a year ago I think we had come forward  
8 with a potential proposal as a way to move  
9 forward and had expected to progress further  
10 than we actually did, and are trying to find  
11 ways to meet larger, kind of more national  
12 desires to have greater increased access  
13 commercially to swordfish, increased landings,  
14 minimizing bycatch while still also  
15 recognizing some of the very unique regional  
16 concerns. And so we thought it would be  
17 helpful to try and advance the discussion to  
18 put some more meat on the bones of some of the  
19 ways forward to meet those multiple  
20 objectives.

21 We're not trying to, you know,  
22 force a decision at this point but we are

1 trying to find a way forward and thought this  
2 would be a helpful way to advance the  
3 discussion. So hopefully folks are ready to  
4 help us find that way forward.

5 MR. PEARSON: Hi, my name is Rick  
6 Pearson. I work in the St. Petersburg office  
7 of the HMS Management Division. The remainder  
8 of this afternoon will be focused primarily on  
9 North Atlantic swordfish, *Xiphias gladius*.  
10 Specifically, this presentation focuses on the  
11 pre-draft for Amendment 8 to the 2006  
12 Consolidated HMS FMP Commercial Swordfish  
13 Permit Concept.

14 This pre-draft is part of an  
15 ongoing process to revitalize the U.S.  
16 swordfish fishery and to streamline permit  
17 issuance. In 2007 PLL vessel upgrading  
18 regulations and trip limits were relaxed. In  
19 2008 Atlantic tuna's longline permit renewal  
20 regulations were revised to remove the  
21 termination date for those permits so that we  
22 could ensure that we had enough Atlantic tunas

1 longline permits to match the number of  
2 swordfish directed and incidental permits.

3 In 2009 an Advanced Notice of  
4 Proposed Rulemaking was published which  
5 included among other items the concept of a  
6 swordfish handgear permit. In 2010 the  
7 Atlantic tuna's longline permit was relocated  
8 to the Southeast Regional Office to ensure  
9 more efficient administration of that permit  
10 so that it would be handled in the same office  
11 that also handles the swordfish and shark  
12 permits.

13 In 2011 an incidental HMS squid  
14 trawl permit was developed for Illex squid  
15 boats in order to reduce regulatory dead  
16 discards of swordfish. In addition, we have  
17 had ongoing discussions of this topic at the  
18 2009, 2010 and 2011 HMS advisory panel  
19 meetings.

20 Just a quick outline of the pre-  
21 draft. First of all, I want to emphasize that  
22 copies of the pre-draft are available on the

1 table outside and everybody has been given the  
2 opportunity to look at this pre-draft ahead of  
3 time. First of all, there's an Introduction  
4 and the Need for Action, then the Range of  
5 Potential Alternatives.

6 There's primarily three issues  
7 that we will be discussing today. That would  
8 be vessel permitting and authorized gear,  
9 commercial catch reporting and retention  
10 limits. So, for each one of those issues I'm  
11 going to describe the various alternatives  
12 that we have developed and do a brief summary  
13 of the impacts associated with those  
14 alternatives.

15 In no way is this considered  
16 thorough or complete. There's -- you probably  
17 should take a look at the document for more  
18 details. I'm just going to be hitting upon  
19 one or two or three of the major impacts  
20 associated with each one of the alternatives.  
21 But I would recommend that you -- if you're  
22 interested in this subject take a closer look

1 at some of those impacts. We're going to be  
2 seeking advice from the panel with regards to  
3 whether or not there are additional  
4 alternatives that we should include and the  
5 accuracy of our analysis of the impacts  
6 associated with each of those alternatives.

7 Finally, I'm going to be  
8 describing two alternatives that the advisory  
9 panel has mentioned in previous meetings.

10 Those alternatives have been considered but  
11 are not currently anticipated to be further  
12 analyzed, and I will describe the reasons for  
13 that decision as well.

14 A little bit of background. The  
15 swordfish stock is fully rebuilt. In 2009 the  
16 B/BMSY was 1.05 so the stock is fully rebuilt.  
17 The United States has had persistent under-  
18 harvests. In 2011 the United States harvested  
19 56 percent of the baseline quota and a little  
20 bit more than 30 percent of the adjusted  
21 quota.

22 Currently it's difficult for

1 persons that might be interested in  
2 participating in this fishery to obtain the  
3 swordfish limited access permits. There are  
4 a total of 323 of those that are available.  
5 The numbers are there directed, 178 permits,  
6 67 incidental permits and 78 swordfish  
7 handgear permits.

8           One of the items that I really  
9 want to emphasize is that we have found it to  
10 be difficult to expand participation or effort  
11 under the existing limited access permit  
12 framework primarily because of constraints on  
13 bycatch and also concerns about gear  
14 conflicts, particularly buoy gear for the  
15 swordfish handgear limited access permits. So  
16 we have certain constraints that have  
17 restricted our ability to expand effort,  
18 participation using the current limited access  
19 permit program.

20           We have continued to receive  
21 requests including from members of the HMS  
22 advisory panel to provide more opportunities

1 to use rod and reel, handline, harpoon gear,  
2 bandit gear and other gear to commercially  
3 harvest swordfish.

4 I just want to provide a little  
5 bit of background here. I think that a lot of  
6 you have probably seen variations of this  
7 slide before, but the bars represent the  
8 active number of vessels that have landed at  
9 least one swordfish during a particular year,  
10 and the dots connected by the blue line  
11 represent the numbers of hooks fished.

12 As you can see there has been a  
13 clear declining trend since 1995, but since  
14 2003 the number of active vessels landing at  
15 least one swordfish during a year has remained  
16 relatively stable at between 102 and 122  
17 vessels. That's what our swordfish fleet is  
18 right now, it's between 102 and 122 vessels.

19 This graph focuses exclusively  
20 upon the current swordfish handgear limited  
21 access permit. It might be a little bit hard  
22 to read but the point that I want to emphasize

1 in this slide is that you can see that in 2001  
2 there were several states in which these  
3 swordfish handgear limited access permits were  
4 located.

5 The top portion of each bar  
6 represents the number of swordfish handgear  
7 permits in Florida and -- okay, you can see  
8 from right here it was a relatively small  
9 portion. However, in 2011 you can see that  
10 well over 50 percent of the current swordfish  
11 handgear limited access permits are now  
12 located in Florida. And I believe that that  
13 indicates the significance of that particular  
14 area with regards to the swordfish handgear  
15 fishery. Currently the swordfish handgear  
16 permits are located only in Florida, New  
17 Jersey, Massachusetts and Rhode Island.

18 Again, showing a little bit of  
19 background information with regards to the  
20 swordfish handgear limited access permits.

21 The number has declined slightly over the last  
22 several years but the amount of landings has

1 increased fairly substantially since 2007.

2 Also, I want to emphasize that the vast  
3 majority of landings come from the Atlantic  
4 Ocean. When this data was pulled there were  
5 75 swordfish handgear permits landing a total  
6 of 221 metric tons whole weight.

7 This slide focuses on the open  
8 access permits. You can see here the dark bar  
9 is the number of angling category permits that  
10 have been issued. Currently a little bit  
11 above 23,000 HMS angling category permits.  
12 And then there's approximately 4,000 each of  
13 general category permits and charter head  
14 boats permits. So this is something to keep  
15 in mind as we consider a new swordfish  
16 handgear permit concept.

17 The need for action is fairly  
18 straightforward. The U.S. is not catching its  
19 full quota. Other ICCAT countries have  
20 requested some of that quota so therefore  
21 management measures to provide additional  
22 opportunities to harvest swordfish could

1       increase landings and more fully utilize the  
2       North Atlantic swordfish quota allocation. So  
3       we're not landing the quota, other countries  
4       want it, we're trying to do something to  
5       alleviate that problem.

6               One of the opportunities may be in  
7       the handgear fishery. In this document we've  
8       analyzed rod and reel, handline, harpoon and  
9       bandit gear. Also, we have included green-  
10      stick gear which is rarely used, if ever, to  
11      harvest swordfish but it is analyzed in the  
12      pre-draft because that gear is also authorized  
13      for the current Atlantic tunas general  
14      category permit.

15              So, and I want to emphasize right  
16      now that buoy gear, although it is a handgear  
17      is not currently included or analyzed in this  
18      document. So when we're talking about  
19      authorized gears we're talking about rod and  
20      reel, handline, harpoon, bandit gear and  
21      green-stick.

22              One of the advantages of these

1 hand gears is that they are tended, they can  
2 be highly selective with regards to target  
3 species and they may have lower post-release  
4 mortality on undersized fish and protected  
5 resources.

6 The most recent ESA consultation  
7 for handgears found very low bycatch  
8 interaction rates. They were not likely to  
9 jeopardize the continued existence of  
10 protected species. Under the Marine Mammal  
11 Protection Act it is a category 3 fishery  
12 which means that it has the remote likelihood  
13 of serious injury to marine mammals. And  
14 finally, there is a low risk of impacts to  
15 essential fish habitat.

16 So, these concepts are very  
17 important because these things are looked at  
18 when we're trying to propose new management  
19 measures. And if we do not have any of these  
20 issues it's easier to go forward with these  
21 particular types of gears or actions.

22 So, handgears may provide that

1 opportunity that we're looking for to more  
2 fully harvest the U.S. swordfish quota.  
3 However, in 2011 handgears accounted for only  
4 approximately 5 percent of commercial  
5 swordfish landings.

6 Now, I'd just like to focus on the  
7 particular alternatives that are analyzed in  
8 the document. Under the first issue, vessel  
9 permitting and authorized gears, alternative  
10 1.1 is the no action alternative which would  
11 maintain the current swordfish limited access  
12 program and not create a new permit.

13 Alternative 1.2 would establish an open access  
14 commercial swordfish permit and alternative  
15 1.3 would establish a new limited access  
16 commercial swordfish permit.

17 Under alternative 1.2 there are  
18 four sub-alternatives. The first sub-  
19 alternative would simply add swordfish to the  
20 existing Atlantic tunas general category  
21 permit. Alternative 1.2.2 would create a new,  
22 separate open access swordfish handgear

1 permit. Alternative 1.2.3 would allow charter  
2 head boat permit-holders to fish under open  
3 access swordfish commercial regulations that  
4 would be developed under this rule when those  
5 charter head boats are not on a for-hire trip.  
6 And that would be very similar to the way that  
7 charter head boat vessels can operate now for  
8 BAYS tunas when they're not on a for-hire  
9 trip. And finally, sub-alternative 1.2.4  
10 would add swordfish to the existing Atlantic  
11 tunas harpoon category permit.

12           Again, I'm just going to hit the  
13 major highlights associated with each of these  
14 alternatives. There are more details provided  
15 in the document. Under the current no action  
16 alternative where we would not establish a new  
17 swordfish permit there would be no change in  
18 ecological impacts. However, we have the  
19 potential negative ecological impacts if the  
20 U.S. swordfish quota were reallocated to other  
21 ICCAT parties that do not have similar bycatch  
22 controls on those fisheries.

1                   Social and economic impacts. It  
2 would maintain a very high barrier for entry  
3 into the commercial swordfish fishery and  
4 there would be an associated loss of potential  
5 income by fishermen that do want to  
6 participate in that fishery.

7                   Alternative 1.2 would establish an  
8 open access swordfish handgear permit that  
9 would authorize rod and reel, handline, bandit  
10 gear, harpoon and green-stick gear.

11                   Ecological impacts. This could  
12 contribute to an increase in swordfish  
13 landings, fishing effort, discards and discard  
14 mortality. It could also help to protect the  
15 U.S. swordfish quota.

16                   Social and economic impacts. This  
17 would remove some of the existing barriers to  
18 entry into the commercial swordfish fishery.  
19 However, it could also disadvantage current  
20 commercial swordfish limited access permit-  
21 holders.

22                   Sub-alternative 1.2 -- oh, and I

1 just want to emphasize, all of the impacts  
2 associated with alternative 1.2 also carry  
3 forward to any of the sub-alternatives under  
4 1.2.

5 Under sub-alternative 1.2.1 where  
6 swordfish would be added to the existing  
7 Atlantic tunas general category permit one of  
8 the primary ecological impacts aside from the  
9 ones that we've previously discussed under  
10 1.2, this would reduce the ability for NMFS to  
11 be able to differentiate between tuna and  
12 swordfish fishermen for analytical and fishery  
13 management purposes. When we're doing future  
14 rulemakings and so forth we would not  
15 necessarily know what is the universe of tuna  
16 fishermen and swordfish fishermen. Could be  
17 an impact. However, this would also minimize  
18 the costs for persons who already possess the  
19 Atlantic tunas general category permit and  
20 want to fish for swordfish, and it would also  
21 streamline permit issuance where you have only  
22 one permit there for essentially, you know,

1 the same gears to fish in the same way but for  
2 two different species.

3 Sub-alternative 1.2.2 would create  
4 a separate open access swordfish handgear  
5 permit. By doing this it would provide the  
6 ability for fishery managers to differentiate  
7 between tuna and swordfish fishermen.

8 However, it would increase the costs  
9 associated with obtaining the new permit for  
10 persons that already possess the Atlantic  
11 tunas general category permit but that also  
12 want to fish with handgears for swordfish.  
13 This would also not streamline permit  
14 issuance. There would likely also be  
15 increased administrative costs associated with  
16 implementing a completely separate new permit.

17 Sub-alternative 1.2.3 would allow  
18 charter head boat permit-holders to fish for  
19 swordfish under the new open access swordfish  
20 regulations when they are not on a for-hire  
21 trip. Similar impacts as 1.2, increase in  
22 landings, effort, discards and discard

1 mortality, but this could also help to protect  
2 the U.S. swordfish quota. And this would  
3 provide economic benefits to charter head boat  
4 permit-holders when they're fishing  
5 commercially, not on a for-hire trip. This  
6 could also streamline permit issuance because  
7 there would not need to be a new permit issued  
8 if they already have the charter head boat  
9 permit.

10 Sub-alternative 1.2.4 is similar  
11 to the alternative that would add swordfish to  
12 the general category permit. In this instance  
13 it would also add swordfish to the existing  
14 open access Atlantic tunas harpoon category  
15 permit. It would be difficult to  
16 differentiate between tuna and swordfish  
17 harpooners for analytical and fishery  
18 management purposes, but it would provide  
19 benefits and minimize costs for persons who  
20 already possess the Atlantic tunas harpoon  
21 category permit and wish to harpoon for  
22 swordfish as well. This would also streamline

1 permit issuance.

2           And finally under issue 1 is  
3 alternative 1.3. This would establish a new  
4 limited access commercial swordfish permit  
5 that would authorize the rod and reel,  
6 handline, bandit gear, harpoon and green-  
7 stick. This would have similar impacts as we  
8 discussed for the open access permit.  
9 However, any impacts would likely be reduced  
10 because theoretically there would be fewer  
11 permits issued under this alternative. It  
12 could remove some of the current barriers to  
13 entry into the fishery for those who qualify  
14 for it and it could reduce negative impacts on  
15 current limited access permit-holders.

16           One of the important points to  
17 emphasize here is this could significantly  
18 increase administrative costs and the burden  
19 on the public to qualify for this permit.  
20 Some of those administrative costs and burden  
21 include the established of a control date, the  
22 established of a qualification period, the

1 established of qualification criteria,  
2 application deadlines, the submission of catch  
3 history and records, Agency review of  
4 applications, grievance appeal procedures,  
5 upgrade requirements, transfer requirements  
6 and the established of no-vessel-ID types. So  
7 there's a whole lot of associated impacts with  
8 establishing a new limited access permit.

9 Issue number 2 is commercial catch  
10 reporting. Alternative 2.1 would simply  
11 require that all swordfish sold under the new  
12 or modified permits be sold only to permitted  
13 swordfish dealers.

14 Alternative 2.2 would require that  
15 swordfish sold under the new permit be  
16 reported in HMS logbooks if selected, and that  
17 all sales be to permitted swordfish dealers.

18 And alternative 2.3 would require that  
19 swordfish be tagged prior to offloading and  
20 that all sales be only to permitted swordfish  
21 dealers. The tagging option was something  
22 that was recommended by several members of the

1 advisory panel and we have included that.

2           We have also included several sub-  
3 alternatives under this alternative. Sub-  
4 alternative 2.3.1 would require that swordfish  
5 landed by vessels with the new or modified --  
6 only swordfish landed by vessels with the new  
7 or modified permits be tagged. Sub-  
8 alternative 2.3 would require that swordfish  
9 commercially landed with all gears other than  
10 pelagic longline be tagged. And finally, sub-  
11 alternative 2.3.3 would require that all  
12 commercially landed swordfish be tagged.

13           Under 2.1, just require sales to  
14 permitted swordfish dealers, this would  
15 provide a basic level of information for quota  
16 monitoring and stock assessments. It would  
17 maintain the current reporting burden on  
18 dealers and there would essentially be no  
19 administrative change associated with that.  
20 However, there would likely be a larger number  
21 of reports that -- vessels from which dealers  
22 would need to report.

1                   Alternative 2.2 would require that  
2 fishermen fill in HMS logbooks if they are  
3 selected, and that all sales be only to  
4 permitted swordfish dealers. In essence this  
5 is kind of the status quo right now for  
6 general category and charter head boat  
7 vessels. However, currently none of those  
8 sectors are selected for reporting but there  
9 is the option for them to be filling out  
10 logbooks if they are selected.

11                   So, this alternative would provide  
12 the basic information for quota monitoring and  
13 stock assessment, and it could provide some  
14 additional information if vessels with the new  
15 permit are selected. Some of this additional  
16 information could include information on  
17 effort, catch and discards. There would be an  
18 additional reporting and administrative burden  
19 if the new permit-holders are selected for  
20 reporting. If they're not selected for  
21 reporting then basically it's the same  
22 reporting burden that we have now. And it

1 would maintain the current reporting burden on  
2 swordfish dealers.

3 Finally, alternative 2.3 would  
4 require that swordfish be tagged prior to  
5 offloading for some or all commercial  
6 swordfish permit-holders and that all sales be  
7 only to permitted swordfish dealers. This  
8 alternative would provide basic information  
9 for quota monitoring and stock assessment, and  
10 it could provide potentially a great deal of  
11 additional information and benefit future  
12 stock assessments. However, there would be a  
13 significant additional reporting burden on  
14 commercial fishermen and dealers. There could  
15 also be potentially improved enforcement and  
16 a reduction in illegal sales. However, there  
17 would be significantly increased  
18 administrative costs and burdens associated  
19 with this alternative. So, I just want to  
20 emphasize that all of these impacts carry over  
21 into the next few sub-alternatives.

22 Alternative 2.3.1, only swordfish

1 landed by vessels issued the new or modified  
2 permits be tagged. Ecological impacts would  
3 be the same as alternative 2.3. Social and  
4 economic impacts is that this could cause some  
5 potential confusion because not all swordfish  
6 would be required to be tagged. So, if you  
7 can visualize in the walk-in some of the  
8 swordfish would need to be tagged and others  
9 wouldn't.

10 You have to sort of ask, you know,  
11 what would be the purpose of this and if not  
12 all of the swordfish are tagged could there  
13 possibly be an opportunity for people to get  
14 around this requirement. So, you know, if  
15 some swordfish are tagged and others aren't,  
16 it just perhaps could open the door for, like  
17 I said, people to possibly thwart this  
18 requirement.

19 So, alternative 2.3.2 would  
20 require all swordfish commercially landed  
21 using gears other than pelagic longline be  
22 tagged. This would provide a higher level of

1 reporting because more of those swordfish  
2 would be tagged. Similarly, there would be a  
3 little bit less confusing because only pelagic  
4 longline caught fish would be exempt from this  
5 requirement. But there is a higher burden on  
6 the fishermen and the dealers under this  
7 alternative.

8 And finally, under alternative  
9 2.3.3 all commercially landed swordfish would  
10 be required to be tagged. This would be the  
11 highest level -- this would provide the  
12 highest level of reporting because all fish  
13 would be tagged. It would also cause the  
14 least confusing because all fish would be  
15 tagged but it would also implement the highest  
16 burden. So, when, you know, when we hear  
17 these fish should be tagged and you know, you  
18 have to ask yourself sort of well, what are we  
19 hoping to achieve as a result of this  
20 requirement and how do we make it as  
21 enforceable and meaningful as possible. And  
22 so that's why there's these various sub-

1 alternatives under that particular  
2 alternative.

3           Finally, the last issue addresses  
4 retention limits under a potential new permit.  
5 Alternative 3.1 would implement a coast-wide  
6 zero to six retention limit for all persons  
7 with the new or modified permits and codify a  
8 specific limit within that range. So  
9 basically a zero to six fish range would be  
10 analyzed but a particular -- one particular  
11 number within that range would be implemented  
12 coast-wide. Say for, and I'm just pulling a  
13 number out of the air, say three. So there  
14 would be a three swordfish limit for this  
15 permit coast-wide, kind of the simplest of the  
16 alternatives.

17           Alternative 3.2 would codify a  
18 coast-wide zero to six fish retention limit  
19 for all persons with the new or modified  
20 permit. However, it would also establish in-  
21 season adjustment authority to change that  
22 limit based upon preestablished criteria

1 similar to what exists for bluefin tuna.

2           And some of those preestablished  
3 criteria could be the rate of landings, the  
4 attainment of a quota or a sub-quota, a high  
5 level of bycatch of juveniles, a high level of  
6 bycatch of protected species. Those criteria  
7 would need to be established. But this would  
8 provide the ability for NMFS to be able to  
9 adjust that limit on an in-season basis, a  
10 little bit quicker. So it could start out  
11 theoretically, I don't know, at four and if  
12 any of these criteria become excessive perhaps  
13 lowered down to two or one.

14           And alternative 3.3 would  
15 establish regions and it would codify a zero  
16 to six fish retention limit for all persons  
17 with the new permit with in-season adjustment  
18 authority to change that limit regionally  
19 based upon preestablished criteria. So this  
20 one offers the most flexibility of all. It  
21 would establish regions, perhaps New England,  
22 Mid-Atlantic, South Atlantic, Gulf of Mexico

1 and Caribbean, and it would set a retention  
2 limit for each one of those regions and then  
3 it would establish in-season authority to  
4 change that limit on a regional basis. So,  
5 this alternative would offer the most  
6 flexibility.

7           Zero to six -- establish a range  
8 zero to six and codify a specific limit within  
9 that range. Possible increase in effort,  
10 discards and discard mortality. It would  
11 provide -- by establishing this trip limit and  
12 this permit there would be positive economic  
13 benefits for some fishermen.

14           This alternative would also  
15 provide the most certainty with regards to  
16 what that swordfish retention limit is. You  
17 would know that it was set at five, four, you  
18 know, for the whole year. So there wouldn't  
19 be any uncertainty if whether or not that's  
20 going to change. However, there would not be  
21 the ability to quickly adjust that limit based  
22 upon a variety of circumstances occurring.

1                   Alternative 3.2 would codify a  
2                   specific trip limit but would enable NMFS to  
3                   adjust that limit on an in-season basis. This  
4                   provides the ability to quickly adjust the  
5                   limit so that any potential adverse ecological  
6                   impacts could be quickly addressed if  
7                   necessary. However, there would be less  
8                   certainty to fishermen regarding what that  
9                   trip limit is going to be and there would be  
10                  an increased administrative burden in order to  
11                  establish the adjustment criteria and then for  
12                  the Agency to monitor those criteria.

13                  And finally, alternative 3.3 which  
14                  would establish regions. It would set a trip  
15                  limit within each of those regions and it  
16                  would establish in-season adjustment authority  
17                  to change that trip limit upon the attainment  
18                  of pre-specified criteria. This would provide  
19                  the most flexibility and it provides the  
20                  ability to quickly adjust the retention limit  
21                  on a regional basis. There would be less  
22                  certainty with regards to what that retention

1 limit could be and there would be an increased  
2 administrative burden to monitor those  
3 adjustment criteria on a regional basis as  
4 well.

5 So, in that instance perhaps you  
6 could have a three fish limit in the Gulf of  
7 Mexico, a six fish limit in New England, and  
8 I'm just throwing numbers out here, and then  
9 they would need to be monitored and you could  
10 adjust each one of those regional swordfish  
11 trip limits.

12 Now I'd like to discuss a few  
13 alternatives that we have heard in previous  
14 advisory panel meetings that were suggested.  
15 One of those was to prohibit nighttime  
16 swordfishing with the new permit. The  
17 rationale behind that was to limit the bycatch  
18 of undersized swordfish that can occur in the  
19 nighttime fishery. However, this alternative  
20 would be extremely difficult to enforce, to  
21 have a regulation that all swordfish lines  
22 need to be out of the water at sunset, and it

1 would be very difficult to distinguish  
2 nighttime swordfishing from other legal  
3 swordfishing activities.

4 Also, it would be inconsistent  
5 with regulations for other swordfish permits  
6 because HMS angling category boats could be  
7 out there fishing at nighttime, but people  
8 with this potential new commercial permit  
9 would not be allowed to be there. So it would  
10 be essentially very difficult to implement and  
11 enforce a prohibition on nighttime fishing.

12 We also heard several requests to  
13 establish a 5-year sunset provision for these  
14 new management measures if they are  
15 implemented. That would not be needed at this  
16 time because at any point in time NMFS has the  
17 ability to adjust the regulations if  
18 necessary. It could also create uncertainty  
19 for persons that might be interested in  
20 obtaining this permit, say for example in year  
21 4 if they think that it's going to sunset the  
22 next year. So, these alternatives have been

1 considered but we do not currently anticipate  
2 to further analyze them.

3 This is a potential time frame.  
4 We've already had scoping in the 2009 ANPR at  
5 the September 2011 AP meeting and at other AP  
6 meetings. Today we are presenting a pre-draft  
7 because we feel that we've gathered a lot of  
8 information, wanted to present something a  
9 little bit more concrete to you all as Margo  
10 indicated. So the pre-draft is being  
11 presented today.

12 We are seeking your input and  
13 comments on the pre-draft. We could have the  
14 potential proposed rule developed perhaps by  
15 late summer of this year which would put the  
16 public hearings in the fall of 2012. Final EA  
17 and final rule next spring. And a potential  
18 effective date of summer 2013. Again, I want  
19 to emphasize that this is just a potential  
20 time frame.

21 If you have any questions please  
22 contact Randy or I. We thank you for your

1 input. We value your input. We have several  
2 questions that we'd like to obtain information  
3 on. First of all, should the Agency proceed  
4 with this action to create or modify a permit  
5 that would provide for additional commercial  
6 harvest of swordfish with handgear permit?  
7 Should we go forward with this?

8 Under permitting, should we  
9 establish a new permit or simply add swordfish  
10 to the existing Atlantic tunas general  
11 category and harpoon category permits. Also,  
12 should charter head boat vessels be allowed to  
13 fish for swordfish when they are not on a for-  
14 hire trip?

15 Catch reporting. Logbooks. If  
16 selected, tags, retention limits, at what  
17 limit should the retention limit be  
18 established at? Should it be a coast-wide  
19 limit? Should it be a regional limit? And  
20 should there be in-season adjustment  
21 authority? Finally, are there additional  
22 alternatives that we should consider?

1 MR. MCCREARY: Great. So, not  
2 only do you welcome comments broadly but you  
3 really would like responses to all or at least  
4 many of these questions as people offer their  
5 comments. So that's very helpful, thank you.

6 All right, let's start with Ralph.

7 MR. PRATT: Thank you very much,  
8 Rick. Yes, you should go ahead with this.  
9 Just one comment. On the approved gear types  
10 I would restrict the harpoon gear type to the  
11 general category and the harpoon gear.  
12 Currently, head boat, charter boats are not  
13 allowed to harpoon bluefin tuna and I think  
14 that would somewhat blur the lines for  
15 enforcement reasons. If you have a gentleman  
16 out there with a pulpit and a harp -- in a  
17 head boat, charter boat saying he's looking  
18 for swordfish but he's in amongst schools of  
19 bluefin tuna. That's all I have, thank you.

20 MR. GERENCER: Bill Gerencer. A  
21 couple of questions first. Have you looked at  
22 what you're expecting might be an increase of

1 landings for many of these alternatives? Have  
2 you got any numbers or any feeling for, say,  
3 what any of the alternatives will add to the  
4 fishery? And then I want to follow up.

5 MR. PEARSON: At this moment, no,  
6 because I mean, we could identify what the  
7 potential universe of people could be. You  
8 know, there's 23,000 angling category permits.  
9 Then we could perhaps do a range of the trip  
10 limit from one to six and then perhaps  
11 multiply those out by the estimated number of  
12 trips that each one of those boats might take.  
13 But at this point we have not performed that  
14 precise of analysis to indicate what the  
15 potential increase in landings would be.

16 MR. GERENCER: I think that's kind  
17 of important. We've been dealing with what  
18 you might characterize as an undercapitalized  
19 fishery. And one of the things we probably  
20 want to have is a vision for what a  
21 sustainably capitalized fishery is going to  
22 look like. And then I'm not of the opinion

1 that we're facing as serious of an underage as  
2 we were in the past. I got this Atlantic  
3 Swordfish Landings Update, the 2011 fishing  
4 year that you guys kindly send out and we took  
5 in the first half of the fishing season about  
6 63.6 percent of the baseline quota, quite a  
7 bit less, like under 40 percent of the  
8 adjusted quota. We took 84 percent of the  
9 baseline quota in the second half of the year,  
10 only 50 percent of the adjusted quota, but  
11 it's my understanding (a) that you can't carry  
12 over adjusted quota, just underages of the  
13 baseline quota. Am I correct in that, Margo?  
14 Okay.

15 And the second thing is that ICCAT  
16 just dropped our carryover down to 25 percent.  
17 So, if you look at it that way and assuming  
18 that we have the same baseline quota next year  
19 we're going to have about, you know, after you  
20 take away the reserve and the 300 metric tons  
21 there for -- hang on a second, I'll tell you  
22 what it's for -- incidental fishery quota and

1 the 429 metric tons for reserve, what you're  
2 looking at now is we harvested over the course  
3 of last year 74 percent of the baseline quota  
4 of the 2,208 or 1,104 split half and half.  
5 So, 74 percent of that leaves 572 metric tons  
6 of underage. If you carry that over you're  
7 left with 143 metric tons.

8 So, next year where we will have  
9 over 4,000 metric tons of total harvest for  
10 the two halves, this year we're looking at  
11 about 2,300. That's a pretty big drop. So we  
12 want to be careful that we don't overshoot.

13 I don't think by 2013 -- and maybe  
14 I'm wrong, Dr. Graves can contradict me --  
15 that we're going to be in serious trouble of  
16 anybody stealing our quota because if you look  
17 at just the adjusted quota it looks like we  
18 under-harvested by a massive amount. But when  
19 you take the fact that now we can't roll over  
20 as much and we're getting closer to harvesting  
21 our baseline we're going to be in a situation  
22 pretty soon where we're in a properly

1 capitalized fishery.

2           So, that said, and if you -- I can  
3 provide these to you, Margo -- if we come to  
4 agreement on that there's a couple of things  
5 we want to do is (a) get a good handle on what  
6 we're going to add to the fishery before we  
7 add it and (b) I think we need to focus more  
8 on -- now, this could become a seriously  
9 undercapitalized fishery again if we went as  
10 far as to say eliminate all the longliners.  
11 Then we'd be in big trouble again.

12           But I would prefer a different  
13 route which would be to focus more on the  
14 people that are taking most of the quota,  
15 focus more on helping them and facilitating  
16 their ability to fish sustainably so that we  
17 can fix the bycatch problems that we can, you  
18 know, deal with things like bluefin and  
19 turtles. And as far as, you know, to me it's  
20 a nice dream to think that you could, you  
21 know, get rid of longlining in this country  
22 and fix the problem. But we're a drop in the

1 bucket. And as far as longlining. And I  
2 don't think that fixes the real longlining  
3 problem. We use circle hooks. We've been  
4 through all this before.

5 So I would rather focus a lot of  
6 energy on fixing the -- or facilitating the  
7 longliners to make sure that they're fishing  
8 sustainably while also being careful that we  
9 don't overshoot right now. Thank you.

10 MS. SCHULZE-HAUGEN: Yes, I would  
11 actually appreciate your math. I'm not very  
12 good at following math in my head.

13 One question. In terms of  
14 predicting increased landings, one of the  
15 questions we would need to ask is how many  
16 people would avail themselves of this  
17 opportunity. We don't have solid information  
18 on that kind of speculation. So what would  
19 you advise we use to do that?

20 And my final point is I don't  
21 think this is envisioned to the exclusion of  
22 addressing other issues in other fisheries.

1 This would be in addition. So it's a point  
2 good taken, the drop in the carry-forward.  
3 You know, there are some other changes in the  
4 mix so it's a good point to keep an eye on.

5 MR. GERENCER: Well, and I can  
6 email that to you or whatever. It's pretty  
7 simple stuff.

8 But as far as how do you come up  
9 with that, it's been my experience that, you  
10 know, Fishery scientists aren't really as far  
11 as assessment, aren't biologists. They're all  
12 mathematicians. And you know, Woods Hole is  
13 primarily a group of mathematicians and I  
14 expect that that did deal with stock  
15 assessments. And statistics is their forte.

16 And so you could do a range of  
17 things, what-ifs. You know, say X number of  
18 boats took this on and across a range of  
19 possession limits and then you could build up  
20 to that. But it would be helpful to be able  
21 to predict how much you're going to end up  
22 adding or subtracting to the -- well, adding

1 to the fishery by doing this. So, I don't  
2 think we're in that dire of straits where we  
3 have to really start catching to keep from --  
4 to prevent from losing this.

5 We're -- 74 percent is a  
6 respectable number. And so before we go doing  
7 this we really want to be careful about making  
8 sure we know where it's going to bring us.  
9 Because two years from now we could be sitting  
10 here trying to figure out how to deal with  
11 over-harvest and I'd prefer not to be there.

12 MR. MCCREARY: Let's go to Walt.

13 DR. GOLET: Walt Golet, University  
14 of Maine. I'm new to the panel so forgive me,  
15 I may have some questions here that have  
16 already been addressed. But I have five  
17 questions.

18 First of all, is the quota pool a  
19 single pool for all these new permits? And  
20 that is are we tapping into the pelagic  
21 longline's existing pool or will the  
22 allocations basically be partitioned by permit

1 category? Again, forgive me if I'm asking a  
2 question that's already been addressed but I  
3 want to know how this is structured.

4 MS. SCHULZE-HAUGEN: So, there is  
5 a separation. There is directed landings  
6 allocation which is everything but the 300  
7 tons which are set aside as incidental for  
8 incidental permit-holder landings and  
9 recreational landings. So, there is a  
10 partition in the reserves is in there. So I  
11 think that's something we -- do you have a  
12 comment on how it should be done?

13 DR. GOLET: No, I'm just curious  
14 if these new permits are opened up and  
15 allocated and people purchase them are they  
16 going to be pulling off of the same quota that  
17 the pelagic longline fleet is already in or  
18 the limited access fleet is already engaged  
19 in, or is it going to be partitioned out is my  
20 question. If we're given 4,000 tons as Bill  
21 mentioned, of that 4,000 tons is that all just  
22 a big pool? Is it -- you said it's separated

1 now but will there be further separation if  
2 new categories are added in here?

3 MS. SCHULZE-HAUGEN: I think it  
4 could if necessary. I think that wasn't the  
5 intention at this point, but like I said, it  
6 may warrant some reexamination.

7 DR. GOLET: Okay. I'm not  
8 advocating one way or the other, just curious.

9 Second is when would the season  
10 open up on these permits? Would it be a year-  
11 round, would it have a seasonal temporal  
12 component to it? Because it's going to  
13 depend, you know, access to the fisheries are  
14 going to be dependent on time of year, Florida  
15 versus the Gulf of Maine, et cetera. And  
16 harpoon fisheries as we all know are fair  
17 weather fisheries and there's a finite period  
18 of time that those can be accessed. So I was  
19 just curious if that was considered.

20 MR. PEARSON: It's not currently.  
21 Would you like -- it sounds to me like you  
22 might be recommending that as a possible

1 alternative or something to be looked at and  
2 considered.

3 DR. GOLET: I'm just saying that  
4 if we open the -- if the intent is to open  
5 these up that you have to kind of keep in  
6 mind, you know, where the fish are at certain  
7 times of the year, who's going to have access  
8 to them, how far from shore they're going to  
9 be.

10 And it gets to one of my other  
11 questions. On the zero to six retention, I  
12 don't know the ins and outs of the fishery  
13 particularly in Florida or along the Carolina  
14 coast, but -- and maybe Ralph or some of the  
15 others on the commercial side can answer this,  
16 but I'm guessing that a harpoon boat going out  
17 of Chatham chasing these fish to the edge of  
18 Georgia is not going to find it profitable to  
19 go after three fish. Given that, you know,  
20 you have a minimum of two people in the crew,  
21 2 or 3 tons of ice, 45-50 foot boat and so on.  
22 I'm not -- I'm just, again, trying to see how

1 this would be structured to be profitable.

2 Not to compare our fisheries to  
3 other countries but I do know that the  
4 Canadian fleet has an active harpoon fishery  
5 and I think that there's -- it's a separate  
6 allocated quota separate from their longline  
7 fleet and it's very similar to our tuna  
8 harpoon category. You're given 80 metric  
9 tons, you go out, you get your 80 metric tons  
10 and then it's closed. So there's not an  
11 individual trip limit per se or daily  
12 retention limit. And I'm wondering how that  
13 may impact how popular these permits may be in  
14 certain areas of the country depending on how  
15 far you have to go to access these resources.

16 MR. PEARSON: I would think that  
17 that would certainly be a consideration and  
18 that might be one of -- if we were to go with  
19 some type of a regional management basis that  
20 that could be reflected under that management  
21 scenario.

22 MS. SCHULZE-HAUGEN: I would also

1 add that the vision of this permit was not to  
2 create a new permit. This is the only thing  
3 that people do to be profitable. This is  
4 designed to respond to requests for increased  
5 access for people that are really fishing  
6 already for other things.

7 DR. GOLET: And the last thing I  
8 was going to ask was as far as structuring  
9 these permits in with the tuna either general  
10 category or harpoon category, is there going  
11 to be reciprocity there? In other words, you  
12 just apply for the harpoon category and you  
13 get both swordfish and bluefin at the same  
14 time? So, for the one fee you get both  
15 permits.

16 MR. PEARSON: Yes, that's how that  
17 alternative is crafted.

18 MR. MCCREARY: Thanks. I have  
19 Rich, Andre, Jeff and Terri. Rich. Terri.

20 MS. BEIDEMAN: I don't know, going  
21 before, going after.

22 (Laughter)

1 MS. BEIDEMAN: Doesn't matter to  
2 me. I have to really applaud Bill Gerencer's  
3 remarks because the truth is that because of  
4 the time frame for development it may be that  
5 it isn't necessary anymore given ICCAT's  
6 change in stance in terms of rollover. We  
7 always looked at this huge under-harvest. In  
8 some cases, you know, part of the reason that  
9 we have fewer permits is because we had a lot  
10 of restrictions. I had a lot of people that  
11 couldn't go fishing where they used to fish  
12 and now we're proposing using J-hooks or any  
13 other kinds of hooks besides circle hooks and  
14 fishing in the same place that was closed for  
15 some small swordfish catches.

16 So I think it's -- I know that  
17 there's a little guy from Florida who's  
18 talking in my ear saying hey, they put me out  
19 of business and now they want to take it over.  
20 But the truth is that we want to right-size  
21 the fishery and we don't want to be hugely  
22 under-harvest nor have people have to throw

1 away fish. So let's try to find a balance.

2           How come this proposal has more  
3 from a revitalization document to, you know,  
4 a new gear, a new permit rather? You know,  
5 there doesn't seem to be a lot of options on  
6 the table for trying to give more access for  
7 longliners to fish in areas where there's less  
8 interactions with things people don't want us  
9 to catch. So, I don't understand why that was  
10 never included.

11           And if you couple that with the  
12 fact that our baseline quota -- in some years  
13 we get decimated with hurricanes. We have  
14 areas that are very largely closed and they  
15 were completely all closed on the basis of J-  
16 hook data. Their small swordfish issues may  
17 still be an issue but the stock is fully  
18 recovered. When those things were put into  
19 place we had very large -- when the limited  
20 access were put in place we had quota closures  
21 and that was the rationale for doing it. By  
22 the time we got it done we didn't really need

1 it anymore but here we are.

2 So, I think Bill's points need to  
3 be -- I think it would be an easy fix but it  
4 would also be an awful lot of question marks  
5 about where we're going to be in 5 years, in  
6 10 years if this happens.

7 And personally I think opening, if  
8 you're going to do it which I don't support,  
9 but if you're going to do it you should let  
10 commercial dependence on fisheries be a  
11 factor. And I realize that there's  
12 administrative costs to doing all of that but  
13 the truth is that there's commercial guys that  
14 have been put out of business that maybe  
15 that's what they would like to do. They  
16 should get first dibs. But I would do it in  
17 an incremental fashion if at all and I really  
18 don't know that we need it now since it's  
19 taken so long and ICCAT is diminishing  
20 rollover capability. And in any event may  
21 likely bring it to zero so there we are with  
22 all these permits and nowhere to go. So

1 that's my initial comments. Thanks.

2 MR. MCCREARY: Thanks, Terri.

3 Rich, we'll come back to you in a bit. Let me  
4 go to a couple of other folks. Andre.

5 (Laughter)

6 DR. BOUSTANY: I'll confess that I  
7 haven't read the document as closely as I  
8 should have but I'll be able to provide more  
9 extensive comments later in written form I  
10 believe.

11 I'm generally in favor of some  
12 sort of handgear permit. I'm not sure exactly  
13 what type of -- or how that worked, how I'd  
14 like to see that most effectively worked out.  
15 I'll have to think about that a little more.

16 I just wanted to make a few  
17 comments on things that I thought were  
18 important to mention at this stage. The first  
19 thing would be that I would prefer to see  
20 whatever handgear permit if it is approved to  
21 be kept separate from the bluefin tuna general  
22 category. It would just make it very

1 difficult in terms of quantifying effort in  
2 both those fisheries and so I would really  
3 like to see those kept separate in any final  
4 rule if anything goes forward there.

5 I would also like to see all the  
6 handgear kept under the same reporting and/or  
7 tagging requirements. I believe some of the  
8 proposed alternatives had separate reporting  
9 and tagging requirements for people that were  
10 already in those fisheries versus ones that  
11 would be allocated under the new permitting  
12 scheme. Likewise for the same reasons it  
13 would make it very hard to quantify effort and  
14 also to get good ideas of what landings  
15 actually were throughout the fleet, if those  
16 were kept separate and they had separate  
17 reporting and tagging requirements.

18 In theory I like the idea of  
19 tagging all swordfish. That would be a boon  
20 for science just in terms of the amount of  
21 data coming in with lengths of all those,  
22 measuring all those swordfish and getting

1 ideas of maturity schedules and things like  
2 that. But I don't know, and other people can  
3 probably comment more on this about whether or  
4 not that would be feasible, especially for  
5 longline fleet that are unloading hundreds of  
6 swordfish at a given time. To try to tag all  
7 those things at once and measure all those  
8 might be problematic.

9           And just my last comment. For any  
10 of these scenarios I would be wary of any of  
11 these scenarios increasing effort, especially  
12 in South Florida. And that one area, that  
13 closed area was originally put in place to  
14 protect juvenile swordfish, and increasing  
15 swordfish catch in that area too much could  
16 have the potential effect of going back to the  
17 original problem where we now damage the stock  
18 that we were trying to protect. And right now  
19 we're in a situation where we think  
20 everything's healthy and rosy, but we just  
21 want to be careful that we're not going back  
22 to where we were just in terms of having an

1 unhealthy swordfish stock.

2 MR. MCCREARY: Thanks. We'll go  
3 Rich, Jeff and Shana.

4 MR. RUAIS: Thank you, Scott. And  
5 as one of the original proponents of this, we  
6 do feel very strongly that it at least go  
7 forward with scoping hearings.

8 And I think the first thing I'd  
9 like to do is ask for my first fact check to  
10 Rick and ask if the graph of -- I can't see a  
11 number on it actually, but it's the one Trends  
12 in Swordfish Handgear LAP Distribution that  
13 shows the New Hampshire having the more  
14 handgear permits than Massachusetts and Maine.  
15 That comes as quite a surprise to us. So I  
16 just ask for it to be a check there.

17 There may be a bit of a slight  
18 twist to our position if that indeed holds  
19 out. We were of the opinion that there were  
20 significantly less remaining original handgear  
21 permits that have value than those that exist  
22 right there.

1                   But in any case, to a couple of  
2 points. One, to Bill who's left I gather, I'm  
3 not sure of his math. I'd have to sit down  
4 and do that, but I think it's premature to be  
5 worried about quota overages and I think it's  
6 premature to be dismissing the potential for  
7 other countries to still be interested in  
8 getting access to the U.S. quota.

9                   We put a lot of swordfish quota  
10 out internationally to countries with the  
11 invitation for them to develop their fishery.  
12 Some of them may be successful and if they are  
13 the demand may come at any given time, even if  
14 we're fully utilizing our quota.

15                  And having -- representing the  
16 bluefin category and having lost 95 metric  
17 tons to Mexico I'd ask Ralph it stings like  
18 hell to lose quota and I wouldn't want to see  
19 it happen to the swordfish fishery either.

20                  And in terms of Terri's suggestion  
21 that, you know, there are longliners that  
22 would say, you know, we want to get back into

1 the fishery because we've been squeezed out of  
2 the fishery or whatever, I'd suggest that the  
3 initial reason why we put this forward was  
4 because we had heard from old-time New England  
5 swordfish harpooners who suggested that they  
6 were originally put out of business long  
7 before longlining was even thought of. Before  
8 engines were even in boats we had people  
9 harpooning swordfish. If we need to go back  
10 that far. But we won't go any further back  
11 than that.

12 But, so some of those harpooners  
13 and their children are still alive and  
14 recently we've seen swordfish once again in  
15 some of the coastal areas inside the Gulf of  
16 Maine and there is -- it's not just, you know,  
17 a question of filling your quota and who fills  
18 your quota, but it's also a matter of how  
19 you're going to catch that quota.

20 We hear that all the time and the  
21 Agency does have as an objective looking at  
22 methods of catching the quota that are more

1 resource-friendly. And even though longlining  
2 has certainly made great strides and I'm not  
3 criticizing it, I'm just suggesting that  
4 harpooning and rod-and-reeling can be at least  
5 as equally clean if not better in some cases.

6 And in terms of -- I also consider  
7 the price of fuel sometimes and wonder whether  
8 the distant water fishery is still going to be  
9 a very profitable thing forever, and whether  
10 or not harpooning and rod-and-reeling closer  
11 to shore might provide much shorter trips,  
12 much cheaper product and day boat product that  
13 the market might appreciate as well. So for  
14 those reasons we want to see this new permit,  
15 at least give the public an option to comment  
16 on it and see whether or not they indeed want  
17 it.

18 And in terms of the specific  
19 alternatives, we would support under  
20 alternative 1, alternative 1.2.2 and that's  
21 creating a new, separate open access swordfish  
22 permit. We've stated all along that we don't

1 want this to be confused with the existing  
2 general category permit and/or the harpoon  
3 category permit for swordfish for reporting or  
4 for any other purposes. We want to maintain  
5 it entirely separate. The concern that Ralph  
6 stated earlier can be built into that  
7 specifically to the permit in terms of who --  
8 that, you know, in terms of not having the  
9 charter head boats have harpoons on -- I mean  
10 stands onboard that go out to make them  
11 eligible for harpooning. But beyond that we  
12 do not want this to be one and the same  
13 permit.

14 The disadvantages that the Agency  
15 points out in terms of somebody having to buy  
16 another permit, we consider that the privilege  
17 of getting the permit for \$27 that's open  
18 access. That isn't something that dissuades  
19 us from doing that.

20 And I think we want to get around  
21 that possibility that you somehow might future  
22 jeopardize the quality of the data in the

1 general category and the harpoon category with  
2 now blending a swordfish permit or access to  
3 swordfish into that same category. So we  
4 wouldn't want to go for that.

5 In terms of -- I'm trying to think  
6 of which ones were the most important  
7 alternatives here. In terms of the tagging of  
8 the fish, first of all in terms of the  
9 dealers, we would support that the fish should  
10 be sold to licensed dealers. We think that if  
11 the current tuna dealers in New England don't  
12 have, for example I'm speaking for the  
13 Northeast region obviously, if they don't have  
14 a swordfish dealer permit then they have the  
15 option of getting a swordfish dealer permit or  
16 they have the option of finding a swordfish  
17 dealer and there are several in New England  
18 where they can sell their fish too. So,  
19 that's not a problem. We do believe the fish  
20 should be sold and should only be sold to  
21 authorized fish dealers.

22 In terms of the question of

1 tagging, I don't know, I guess that's  
2 something that I don't have a strong feel for.  
3 I haven't given much thought to whether that  
4 would jeopardize the fact that we have to tag  
5 every bluefin tuna in the boat before we  
6 remove it from the boat. Whether you could  
7 have swordfish alongside of that that were  
8 untagged. I don't see that as being a real  
9 problem but I'd want to give it some more  
10 thought.

11 So, we certainly favor this going  
12 forward. We think there's plenty of room for  
13 it right now. It's way premature to be  
14 thinking about the U.S. share being fully  
15 utilized at this point in time and about  
16 preventing the resumption if you will for some  
17 of the most historical users of the gear at  
18 this time without the cost of having to buy a  
19 \$100,000 longline permit or whatever the cost  
20 of the existing handgear permits are. I don't  
21 know what they are in the Florida area. Now,  
22 for those people trying to get them for the

1 buoy gear fishery I have no idea what they  
2 cost right now.

3           We're also sensitive that this  
4 might not be -- my last comment -- we're  
5 sensitive to the fact that a new permit that  
6 allows swordfish to be sold might not be  
7 desirable across, you know, everywhere from  
8 the Gulf of Mexico all the way up through the  
9 Northeast. If there's a particular state or  
10 region that sees this as problematic to the  
11 existing fisheries and don't want it available  
12 then maybe this could be restricted by regions  
13 that are desirable of establishing a new way  
14 to be able to sell swordfish. So, I would  
15 take that issue to public hearings as well.

16           The final, final, final comment  
17 that I wanted to make was the bag limit issue  
18 was one that was presented to us as a way of  
19 maintaining the value to the currently limited  
20 access handgear permits because those don't  
21 have a bag limit. So therefore you should  
22 have a bag limit. And I think that's an

1 alternative that should be considered the bag  
2 limit. But the bag limit that -- given that  
3 swordfish is still currently under-utilized,  
4 our share is currently under-utilized and that  
5 the international quota is incredibly  
6 conservative considering where the resource is  
7 at. The bag limit that this document  
8 envisions is preposterously small.

9 I wouldn't think of -- I like the  
10 idea of a sliding scale, I think modeling it  
11 after what you have in the general category is  
12 exactly the right idea, but I would suggest an  
13 upper limit that would be more amenable to a  
14 significant commercial fishing. For example,  
15 a resumption of harpooning on parts of  
16 Georgia's bank or southern New England that  
17 are available in which case you'd want to be  
18 looking at bag limits that could extend up to  
19 50 fish or 60 fish for a good harpooner to go  
20 out for a 2- or 3-day trip. And then if you  
21 needed to you slide it down. You always have  
22 that ability to slide it down. I never

1 understand why you want to put in place at  
2 first something that could be limiting and  
3 restrictive that you'd have to relax upon when  
4 you can relax later on when it's required and  
5 not prior to. Or something that could be  
6 restrictive first and you would bump into soon  
7 is what I guess I'm trying to say. So I would  
8 have that bag limit as high as one can  
9 imagine.

10 I prefer, I actually would prefer  
11 not to have a bag limit. I just don't see it,  
12 but if that's how you retain the value  
13 distinction between the existing permit and  
14 going to a new permit then have the bag limit  
15 but put it someplace where it allows for a  
16 viable commercial fishery such as 50 fish.  
17 Thank you.

18 MR. MCCREARY: So I have Jeff,  
19 Shana and Vince. Yes, do you want to respond?  
20 Go ahead, please.

21 MR. ODEN: Gee, and yesterday I  
22 felt guilty for catching too many bluefin.

1 MR. MCCREARY: Hang on.

2 MR. ODEN: Oh, sorry.

3 MR. PEARSON: I just wanted to --  
4 Rich. Just a second. Rich, I just wanted to  
5 respond. We came up with that range primarily  
6 because six fish is the maximum number that  
7 charter head boats can currently retain. And  
8 also, the incidental swordfish retention limit  
9 right now is 30 fish. So if we're talking,  
10 you know, 50-60 that's even more than some  
11 long-liners are allowed. But I just wanted  
12 you to know what the rationale was for  
13 establishing that range. Still a pre-draft.

14 MR. MCCREARY: You have the floor.

15 MR. ODEN: Anyway, I'm just kind  
16 of blown away by the previous comments. But  
17 anyhow, a friend of mine within the last month  
18 just bought a \$30,000 tripack to chase  
19 swordfish in my area. And I can't imagine  
20 what would be going through his mind if he'd  
21 been here the last couple of days hearing what  
22 I've heard.

1                   You know, all I can say is, you  
2 know, when we're talking an open access  
3 fishery it just blows me away to see what  
4 hoops we've had to jump through. And you  
5 know, any way you go about this I don't see  
6 how you cannot, you know, take a reasonable  
7 fee and compensate displaced fishermen, be  
8 they in Florida, be they off North Carolina in  
9 two years or whatever, you know. I mean,  
10 we've had to sacrifice for these permits, we  
11 sacrificed to help rebuild the fishery  
12 considerably.

13                   And you know, in no way should it,  
14 you know, be given to an open access fishery  
15 without at least an income requirement. I  
16 mean, I don't know how the bluefins are  
17 managed, but you know, I see doctors fishing  
18 for bluefin who, you know, on mega-yachts. It  
19 just blows me away.

20                   I mean, anyhow, again, if you're  
21 getting in this fishery you should definitely  
22 be reporting same as we all do. I mean, it

1 should not be at random, it should be  
2 everybody. And again, you know, there should  
3 be a fee on any new entrants and it should go  
4 to help displaced fishermen. So compensate  
5 them. Thank you.

6 MR. MCCREARY: Thanks, Jeff.  
7 Shana and then Vince.

8 MS. MILLER: I have a question and  
9 then a couple of comments.

10 My understanding is that the  
11 limited access handgear permits went into  
12 force in '99? So, when those were originally  
13 distributed was it based on catch history and  
14 was there a fee? I know now that the value of  
15 the permits, you know, there's a value that  
16 goes along with it, but when they were  
17 originally given out did the fishermen have to  
18 pay?

19 MS. SCHULZE-HAUGEN: There was not  
20 a monetary fee other than the standard  
21 administrative fee of a hundred bucks.

22 But for the swordfish handgear

1 permits it's interesting people bringing up  
2 the old-time harpooners. That was what we  
3 were trying to capture and looked through  
4 historic records, permit records, landings  
5 records and were looking to try and find  
6 something consistent that we could actually  
7 use as a criteria for having participated in  
8 the historic harpoon fishery.

9           Unfortunately the records were  
10 spotty enough that we didn't find anything  
11 consistent and so what we ended up using as a  
12 qualification criteria was a minimum earned  
13 income requirement within a set period of  
14 time. And so there were a lot of people that  
15 were able to qualify for that permit that were  
16 not the true old-timers but did make the  
17 deadline and a minimum earned income  
18 requirement. So that was the approach we  
19 ended up having to take to have some sort of  
20 qualification for the limited access permit.  
21 But there wasn't like a buy-in fee.

22           MS. MILLER: Okay, thanks. And

1 you know, talking this through, you know, we  
2 have an open access handgear fishery for  
3 bluefin tuna, a species that is overfished.  
4 I don't think anyone has a problem with that  
5 fishery. And so to me when you have swordfish  
6 which is fully rebuilt and you can have these  
7 clean handgear fisheries, you know, why  
8 wouldn't we do open access for that?

9 And looking at the authorized  
10 gears, acknowledging the potential gear  
11 conflicts with buoy gear within that limited  
12 southeast Florida region. You know, as buoy  
13 gear is being trialed in other regions in the  
14 Gulf and potentially further north up the East  
15 Coast it seems like I would recommend that you  
16 do include that or analyze it as an authorized  
17 gear as part of this process and maybe limit  
18 it regionally. So, maybe if the Florida East  
19 Coast buoy gear is maxed out there then don't  
20 authorize it for that area, but at least leave  
21 the option open for other regions rather than  
22 having to go back and amend the rule later on.

1 You know, if buoy gear can prove to be a  
2 viable gear in these other areas it seems  
3 that, you know, we might want to leave the  
4 door open to that. Thanks.

5 MR. MCCREARY: Vince.

6 MR. MONTELLA: Being from South  
7 Florida we're pretty sensitive to this whole  
8 issue. Without a doubt the permit would have  
9 to be structured regionally, there's no doubt  
10 about it. That chart proves it right there  
11 where you see the flow of handgear permits,  
12 buoy permits that have gone to Florida.

13 Just to mention on that chart, you  
14 see on the bottom there the ones that aren't  
15 in Florida? Those permits are worthless.  
16 Where the ones on top because of horsepower  
17 restrictions, nobody wants to buy them.  
18 Anybody that had a chance to buy a permit --  
19 and Rich, twenty to thirty thousand dollars is  
20 the cost for those gray permits right there.  
21 The rest of them, nobody wants them. So maybe  
22 we should think about, you know, on that

1 subject, making those permits viable to be  
2 used somewhere else or, you know, raise the  
3 horsepower on them.

4 Last week I sent Margo an email  
5 asking that we could look at some logbook data  
6 for current buoy fishermen and guys in the  
7 Straits of Florida in regard to setting a  
8 limit. The numbers I'm hearing in this room  
9 prove why we need some fishermen sitting at  
10 these tables because swordfish limit, what you  
11 can catch, not people in this room, 50. If  
12 anybody in here can catch 50 with a -- we're  
13 talking about a rod and reel here. Anybody  
14 who can catch 50 fish with a rod and reel, you  
15 know, I'm going with you, you know. I mean.

16 (Laughter)

17 MR. MONTELLA: Tim and I are  
18 probably considered at least average fishermen  
19 in South Florida. Last year with buoy gear  
20 and daytime bottom fishing combined I averaged  
21 one fish per trip.

22 When I read Amendment 8, the pre-

1 draft, one of the things that I pulled out of  
2 it was trying to protect current LAP holders.  
3 And so where do you set the limit? If I'm  
4 catching one a day in South Florida do you  
5 give them half a fish? Zero to six is not  
6 practical.

7 Now, I'm not against a general  
8 category rod and reel fishery in the Northeast  
9 or in the Gulf or somewhere where, you know,  
10 it might work, or increasing more buoy  
11 permits. I mean, if you increase the amount  
12 of buoys maybe guys would go 100 miles  
13 offshore to catch swordfish. South Florida is  
14 saturated. Like I said, we're pretty  
15 sensitive about that area.

16 One of the other things here.  
17 Rick, by your math we have about three hundred  
18 something swordfish permits combined and 122  
19 that are being utilized. What happened to the  
20 use it or lose it we talked about 5 years ago?  
21 We have 180 permits that aren't being used,  
22 right? We're going to open up another

1 category to the public to go rod and reel  
2 fishing and 3,764 Atlantic tuna permits right  
3 now, general category, that we might convert  
4 to a swordfish open access? So we're going to  
5 let 3,764 potential commercial swordfishermen  
6 while we still have 180 permits that aren't  
7 being used that are already out there. It  
8 doesn't make much sense.

9 I think we should expand on the  
10 current fishery that's there, given what Bill  
11 said that we're possibly, you know, I'm not a  
12 numbers guy, I leave that up to most of the  
13 people in this room. But I would hate to be  
14 here next year, 2 years, 3 years talking  
15 about, you know, how are we going to reduce  
16 it.

17 A bunch of other things here. Did  
18 we ever -- to Margo, did we ever get an  
19 average on -- was that in here?

20 MS. SCHULZE-HAUGEN: No, this is  
21 in response to your request.

22 MR. MONTELLA: Is that a daily?

1 MR. PEARSON: This is per trip and  
2 so Vince, you and Tim, your numbers are right  
3 on. What we're showing here for rod and reel  
4 is that over half, the majority of trips are  
5 catching one swordfish on rod and reel.

6 Buoy gear, similarly, one fish is  
7 the predominant number landed but it also  
8 extends out to about 13-14 fish.

9 MR. MONTELLA: Okay, but you're  
10 not taking into consideration trips where  
11 there was no fish reported. And that would  
12 significantly decrease that number.

13 MS. SCHULZE-HAUGEN: So, I think  
14 zero is on there and apparently the average is  
15 three.

16 MR. MONTELLA: I mean, I  
17 personally probably made six or eight trips  
18 last year where I didn't catch a fish and I  
19 didn't send the logbook sheet in for it. And  
20 I know that if guys don't catch fish we don't  
21 send anything in. We're not required to. I  
22 mean, we send in a no catch report. So, you

1 can take my number of fish and if I divide it  
2 into how many actual, you know, the efforts I  
3 made I'm way below one.

4 MR. BLANKINSHIP: So, point of  
5 clarification here. With this information the  
6 frequency that's shown here is correct but the  
7 average number of swordfish landed per trip is  
8 three. So even though this distribution looks  
9 like -- the average is three.

10 MR. MONTELLA: The average is  
11 three for buoy boat and daytime fishing  
12 combined?

13 MR. BLANKINSHIP: That was for  
14 buoy gear trips as reported in the SAFE  
15 report.

16 MR. MONTELLA: Okay, so then at  
17 that point where do we come in here to protect  
18 current limited access permit holders?  
19 Certainly it's not 50. You know, so  
20 apparently that's where we have to separate  
21 this regionally. You know, we have to look at  
22 the Northeast. I have no problem guys go out

1       there tuna fishing, want to spend the night  
2       and catch three or four fish and sell them.  
3       You know, hey listen, we're all trying -- the  
4       ICCAT quota, we're all trying to get there,  
5       you know. And I'd be an idiot to sit here and  
6       say, you know, this is off the table.

7                 But in regard to South Florida and  
8       I think, I don't even think you can manage it,  
9       you know, southeast. I think we're talking,  
10      you know, Marathon to Key West. You probably  
11      already have the line drawn with the longline  
12      closure. That's probably about the area you  
13      want to say listen, this is an area that's  
14      different. You've got zero to six in the  
15      Northeast or six in the Northeast, six in the  
16      Gulf and you know, one or two in South  
17      Florida.

18                I think one of the problems you'll  
19      have there and I live there so I know what's  
20      going on is that you have a current four fish  
21      retention for recreational. Those fish are  
22      all being sold so what's going to happen in

1 southeast, you've got a guy now that's going  
2 to say well, do I buy this \$25 permit and get  
3 to sell two or one, or do I buy -- I keep  
4 catching the four but I sell them through my  
5 buddy here anyway. You know, so that's.

6           And as far as how do you gauge  
7 what the production or what's going to be with  
8 these permits, issue -- if you're going to  
9 issue a permit issue the permit with a no-take  
10 to begin with. I mean, put a permit out  
11 there. It doesn't mean you have to put a  
12 retention limit on it. You know, let's see  
13 how many people apply for it. Let's see if  
14 there's 300 in the Northeast, 300 in the Gulf  
15 and 3,000 in Florida, you know. But you make  
16 it no-take and then you sit back and you say  
17 okay, this is what we're looking at. And you  
18 know, we'll give one to Florida, we'll give  
19 eight to the guy who's fishing in the Hudson  
20 Canyon. But I've got a lot more. I'll send  
21 it in. Thanks.

22           MR. MCCREARY: Thank you. So,

1 Margo just reminded us that in fact we have  
2 another item that we haven't touched on yet on  
3 the agenda, the Swordfish 2012 Quotas, Minimum  
4 Sizes, and Other Measures. And we do want to  
5 get to that. So there are three people that  
6 are still in the queue, Gerry, Tim and Ellen.  
7 And again, I'm going to make my -- thank you,  
8 you pass. Very gracious of you. Keep it  
9 brief and we'll go on to the next item.  
10 Gerry.

11 MR. LEAPE: Thanks, I will keep it  
12 brief. I think in terms of the new permit and  
13 potentially for more selective gear I find  
14 that intriguing. However, I am sensitive to  
15 the concerns that were raised around the table  
16 about potentially coming up to reaching our  
17 quota that we've improved significantly over  
18 the last couple of years and I think that's  
19 potentially a legitimate concern that we need  
20 to keep in mind.

21 Because the temptation when  
22 something is rebuilt like this is to all of a

1 sudden go in and get back to where we were and  
2 none of us want to do that. So we do need the  
3 numbers on the impacts of these various  
4 alternatives if we go forth with them on what  
5 the additions would be to the fishery, the  
6 fish take.

7 And finally, just the last point  
8 on tagging. I'd like to see that go forward.  
9 I think that, you know, we had an interesting  
10 idea brought up to us last year about bar  
11 codes and I think this is something that we  
12 should try and, you know, we'd like to see  
13 pursued because it certainly would help us  
14 with keeping track of these fish. Thanks.

15 MR. MCCREARY: Thank you. Tim.

16 MR. PALMER: Yes. Pretty much  
17 Vinny, I'm not going to repeat what Vinny said  
18 because he pretty much had to say everything  
19 I was going to say.

20 Other than to remind some of the  
21 people in this room that don't realize it that  
22 South Florida is a special area. I know I

1 said this last time, but we have the most  
2 boats with the shortest run in the smallest  
3 area where you can expect, you know, an  
4 incidence of catching a swordfish. So we have  
5 to treat it as a special area and that's why  
6 I think the alternative 3.3 would be the best  
7 way to manage a general category permit.

8 You can't paint a pretty picture  
9 with a broad brush. You know, you have to  
10 treat the Gulf of Mexico differently than you  
11 would, you know, Southeast, canyons.

12 But also maybe look into the  
13 possibility of making some kind of a provision  
14 where people can use buoy gear where their run  
15 is going to be a lot farther. Like in the  
16 Northeast canyons you're not going to go out  
17 with three fishing poles and expect to have a  
18 profitable trip and have a 100-150 mile run.  
19 Having buoy gear on the boat would give you a  
20 reasonable expectation of success, especially  
21 once you learn how to fish it. I have a lot  
22 here, I'm going to keep it kind of brief.

1                   Another thing that's worth  
2                   mentioning is that in the state of Florida we  
3                   have a restricted species endorsement on our  
4                   saltwater products license. It only takes  
5                   \$5,000 to get on that, you know, to get a  
6                   restricted species license which allows you to  
7                   sell a lot of fish that are valuable. It  
8                   would create kind of a problem for our in-  
9                   shore fisheries if all of a sudden you had an  
10                  influx of these fishermen that had this  
11                  endorsement and they could fish for other fish  
12                  like kobe, so on and so forth. I'll be a  
13                  little bit more elaborate in my written  
14                  comments.

15                  But anyway, Vinny pretty much  
16                  covered everything else that I was going to  
17                  say so in the interest of time, you know, I'll  
18                  end it there. Thank you.

19                  MR. MCCREARY: Tim, thanks, and of  
20                  course comments are welcome in writing.

21                  MS. SCHULZE-HAUGEN: Yes. I  
22                  understand that folks may want to try and

1 continue the discussion when we wrap up here.  
2 We're happy to do that. We'll fully formally  
3 adjourn but we're happy to keep talking.

4 MR. MCCREARY: But first we do  
5 have another real agenda item, is that  
6 correct?

7 MS. SCHULZE-HAUGEN: It is.

8 MR. MCCREARY: Swordfish 2012  
9 Quotas, Minimum Sizes, and Other Measures.

10 MR. DURKEE: All right, I'll talk  
11 really, really, really fast to try and get  
12 through this. It's a real short presentation  
13 with some very specific action items at the  
14 end so it's probably a good one to try and  
15 cram in here at the end.

16 I'm Steve Durkee. I work for HQ  
17 with HMS. And again, this is the Swordfish  
18 2012 Quotas, Minimum Sizes, and Other  
19 Measures.

20 This is in reference to a  
21 potential rulemaking that the motivator was  
22 the ICCAT Recommendation 11-02 for North

1 Atlantic swordfish. In this recommendation  
2 there were some quota measures, some other  
3 measures including the swordfish minimum sizes  
4 which we'll go through and we'll also kind of  
5 discuss some other swordfish minimum size  
6 issues outside of what was in ICCAT  
7 Recommendation 11-02.

8 So, in this recommendation the  
9 North Atlantic TAC of 13,700 metric tons whole  
10 weight was maintained as well as the U.S.  
11 baseline allocation was maintained as well.  
12 Changes include the removal of the quota  
13 transfer from the U.S. to Canada but a new  
14 quota transfer from the U.S. to Morocco to  
15 support some joint scientific efforts,  
16 including the effort to eliminate the use of  
17 drift nets.

18 Another change that was discussed  
19 as well is the reduction of the U.S.'s under-  
20 harvest carryover limit from 50 percent to 25  
21 percent. And all these measures are effective  
22 through 2013.

1                   Now, Dr. Graves went through some  
2 of the other measures in that recommendation  
3 so I won't hit those, but I do want to hit on  
4 this last point. And this is the new  
5 alternative minimum size of 25 inches CK.

6                   As some background, if you'll  
7 remember, right now currently the lower jaw  
8 fork length measurement is used for swordfish  
9 that have the head naturally attached. And  
10 the CK measurement applies to swordfish where  
11 the head is not naturally attached. The  
12 existing U.S. 29-inch CK measurement is a  
13 domestically calculated measurement.

14                   We actually calculated it to make  
15 sure that we have near 100 percent compliance  
16 with the ICCAT minimum size of 47 inches lower  
17 jaw fork length. And so now the ICCAT has  
18 included in their recommendation a new CK of  
19 25 inches. And this could be used to better  
20 accommodate dressed fish in the commercial  
21 fisheries since the head and tail are usually  
22 removed.

1 All right, so this graph up here,  
2 what this is is you're looking at Pelagic  
3 Observer Program data from 1992 through 2009.  
4 Each one of these black dots represents an  
5 individual swordfish plotted along an axis of  
6 lower jaw fork length along the horizontal x  
7 axis and cleithrum-caudal keel measurements  
8 along the y axis. And this is all in inches.

9 What you'll see is the solid  
10 vertical line is the current lower jaw fork  
11 length minimum size of 47 inches. The solid  
12 horizontal line is the current CK measurement  
13 of 29 inches. And then the dashed blue line  
14 right below it is the new ICCAT 25-inch CK  
15 minimum size from Recommendation 11-02.

16 So, let's walk through the  
17 quadrants a little bit here. If you look  
18 initially at this upper lefthand quadrant up  
19 here, the fish that are in here are -- the  
20 data points in here represent fish that can  
21 only be retained if the head is removed. In  
22 other words, they meet the CK measurement,

1 they're above that horizontal line, but they  
2 do not meet the lower jaw fork length  
3 measurement to the left of that vertical line.

4 If you look at the upper right-  
5 hand quadrant right up here, this is fish that  
6 can be retained with or without the head.  
7 They're above that CK minimum size, that  
8 horizontal line and they're to the right of  
9 that vertical line, the lower jaw fork length  
10 line.

11 In the bottom lefthand quadrant,  
12 down here in the corner near the origin.  
13 These are fish that cannot be retained under  
14 any circumstances. They're undersized  
15 swordfish. They don't meet CK or the lower  
16 jaw fork length measurement.

17 But what I want to focus in on  
18 though is the bottom right-hand quadrant, this  
19 quadrant right here. And if you look at all  
20 those data points in there these are data  
21 points that represent fish that can only be  
22 retained if the head stays attached to the

1 carcass. These are fish that meet the lower  
2 jaw fork length measurement but not the CK  
3 measurement. And as you can imagine, this  
4 introduces some complexities in commercial  
5 fisheries since they want to remove the head  
6 but they can't in order to prove that it's  
7 actually a legal-sized swordfish.

8           So now let's drop this box down to  
9 the new 25-inch CK minimum size. And you can  
10 see the number of data points is drastically  
11 reduced. The frequency of this occurring is -  
12 - it's much more rare.

13           So, this slide is the meat of the  
14 presentation. This is what I want to focus  
15 our discussion in on. This is some potential  
16 measures we could consider in a potential  
17 upcoming rulemaking concerning minimum sizes.

18           The first question is do we want  
19 to implement this new ICCAT 25-inch CK minimum  
20 size. The second question is do we want to  
21 allow the lower jaw fork length minimum size  
22 to be applied to swordfish that don't have the

1 bill.

2                   Currently right now you use the  
3 lower jaw fork length minimum size for  
4 swordfish where the head is naturally  
5 attached. The problem is that this introduces  
6 some uncertainty because if you remove the  
7 bill of the swordfish is the head still  
8 naturally attached? We can make it explicit  
9 in the regulations if we need to that actually  
10 if the bill is removed the head is still  
11 naturally attached. And as you can see from  
12 all the diagrams up here you don't need the  
13 bill to get a lower jaw fork length  
14 measurement.

15                   We could also look into  
16 reintroducing the 33-pound minimum weight  
17 standard. If you'll recall, NMFS implemented  
18 this weight standard back in 1996 and in 2009  
19 after consulting with some commercial and  
20 recreational swordfish reps we removed that  
21 minimum size because of some enforcement  
22 difficulties. It's very difficult to obtain

1 an accurate weight at sea so we removed that  
2 minimum size.

3           Since then some constituents have  
4 requested that we reintroduce this 33-pound  
5 minimum weight to provide a measurement for  
6 dressed swordfish. However, a question I want  
7 to pose to you guys is does this 25-inch CK  
8 obviate the need for a minimum weight standard  
9 for this dressed swordfish.

10           And finally, the last point is  
11 discussing enforcing the minimum size through  
12 the point of offloading until the point that  
13 the carcass is altered from the measurable  
14 round form. And what I mean here is currently  
15 the swordfish minimum size is intended to be  
16 enforced up to the point of offloading. This  
17 presents some enforcement difficulties because  
18 if enforcement comes upon the carcass that is  
19 further down the supply chain they have no way  
20 of enforcing that minimum size. So, should we  
21 actually enforce that minimum size further  
22 along the supply chain past the dealer as long

1 as that carcass is in that measurable round  
2 form?

3 Oh, I'm sorry, I skipped over the  
4 point number 3 on here. The alternative to  
5 the bill point is actually removing the lower  
6 jaw fork length minimum size. Does the CK  
7 size alone address the needs of both  
8 commercial and recreational fishermen? Do we  
9 need to have multiple minimum sizes in the  
10 fishery? Does the lower jaw fork length still  
11 provide some benefits to fishermen and do we  
12 want to maintain that on the books?

13 You guys all have this contact  
14 information in here. Myself, LeAnn and  
15 Delisse are working on this potential  
16 rulemaking. I'm happy to take any kind of  
17 comments or questions you have offline. But  
18 for the rest of the discussion though let's  
19 focus in on some of these issues here on this  
20 slide.

21 MR. MCCREARY: Excellent. Great.  
22 So you've teed up this well. Let's see if

1 there's some energy for comments right now.  
2 Cards that are still up are from last time I  
3 assume? They are, they're brand new. All  
4 right.

5 (Laughter)

6 MR. MCCREARY: Your name has not  
7 changed, Vince. Surprising. Vince.

8 MR. MONTELLA: Steve, you brought  
9 up an interesting point now because  
10 recreationals aren't allowed to clean or dress  
11 their fish at sea. So, why is it necessary to  
12 have two lengths? Why are we using lower jaw?  
13 If we're going to establish the ICCAT  
14 recommendation of 25 inches at the CK why let  
15 these guys -- because a swordfish is an  
16 extremely difficult fish with a head on, bill  
17 on to process. You know, maybe it will  
18 encourage more guys to ice their fish down and  
19 especially you know, in light of a new  
20 commercial permit that we might have.

21 And as far as should we adopt the  
22 25-inch I think your graph -- we're not

1 getting anything extra here. This isn't a  
2 bonus. This is just making the system work.  
3 It's just saying that, you know, a -- because  
4 currently we throw away 49-inch fish because  
5 they don't make it. You know, or we've got to  
6 bring them in with their heads on and you  
7 know, and then I sell them to the dealer. He  
8 measures it, the CK length and he says here,  
9 come pick it up. You know, and I picked up  
10 three of them just not too long ago. I don't  
11 want to cut fish up for my family and friends  
12 anymore, I want to sell them.

13 It makes a huge difference in the  
14 South Florida fishery. We have a lot of fish  
15 that are right around that size. You know,  
16 that's our, that's a lot of what we catch.  
17 So, you know, that's about all I really have  
18 to say on that. But I think that one  
19 measurement should be sufficient.

20 MR. MCCREARY: Thanks. Tim,  
21 anything to add?

22 MR. PALMER: First off I just

1 wanted to thank you, Steve, for working on  
2 this because I know I talk to you a lot about  
3 it and I've talked to you a lot since.

4 We in Florida are especially  
5 impacted by this because so many of our fish  
6 are what I called "limbo fish." You know, a  
7 fish that's -- this isn't reducing any kind of  
8 a size limit, it's just making like Vinny said  
9 the 49-inch lower jaw fork length work with  
10 the dressed fish -- 47, I'm sorry. My  
11 neighbors aren't going to be happy about this  
12 because if this goes through I'll be able to  
13 process the fish instead of just cutting them  
14 up and giving them to my neighbors.

15 But I just once again wanted to  
16 thank you for it and yesterday wouldn't be too  
17 soon for this. When do you think something  
18 like this could go through? Because I mean,  
19 just personally I have to say it probably cost  
20 my boat, my guys probably \$15,000. That's  
21 just how many fish last year we caught that we  
22 could have kept legally but not sold. So I

1 told the guys if the fish is under 52-53  
2 inches, if he's hooked in the lower jaw and  
3 frisky shape, let him go. So I mean, these  
4 are numbers that could be going towards a  
5 quota that we're so scratching and clawing  
6 for. Thank you.

7 MR. DURKEE: Yes, I think we're  
8 sensitive to that and hopefully we can get  
9 this published out soon, potentially even this  
10 summer. But all the normal caveats apply.

11 MR. MCCREARY: Good. Scott?

12 MR. VAETH: Yes, I was looking at  
13 this. Before you would open up a general  
14 category permit you might want to let -- if  
15 the 25 inches does go into place I mean that  
16 will add a lot of fish to the quota.

17 I like Vince's talk earlier about  
18 maybe lifting the horsepower on the permits.  
19 There's 180 permits that are being unused  
20 right now. They might possibly they could be  
21 sold and they would probably go back to  
22 fishing.

1                   Another thing that really needs to  
2                   be looked into is to make sure that all the  
3                   recreational fish, especially caught in the  
4                   Keys, are actually reported. I mean at any  
5                   given day down there in the Keys on a calm  
6                   day, I mean you can look in the newspapers.  
7                   There's just pictures of swordfish day after  
8                   day after day. And I would really like to see  
9                   if those are all being reported because that's  
10                  a real big number of fish. Thank you.

11                  MR. MCCREARY: Let's see. Terri.

12                  MS. BEIDEMAN: I will echo what  
13                  they said and I think that your chart shows  
14                  that there's an awful lot of fish that have  
15                  now, because of Margo and her group working  
16                  really hard at ICCAT to get this changed, that  
17                  there will be a lot more fish that will be on  
18                  the dock and in the market rather than having  
19                  to be, you know, thrown away. So that  
20                  addresses several of our concerns, in  
21                  particular trying to fill up this extra  
22                  swordfish quota.

1                   As far as the minimum weight, I  
2 still have people that say listen, if it's  
3 obviously over 33 pounds we're going to take  
4 the risk. If we bring it in and it doesn't  
5 comply I'm risking a NOVA, you know. Go  
6 through the process but if you have a fish  
7 that for whatever reason has been bitten by a  
8 shark but it's obviously more than 33 inches  
9 but we don't happen to have one of those, you  
10 know, the tail fork might be missing, it still  
11 should be allowed because that's an ICCAT  
12 recommendation. We shouldn't be having to  
13 discard things that can be, you know,  
14 utilized.

15                   So I would suggest that you know  
16 if people want to take the risk and something  
17 is 32 and a half pounds and they get nabbed  
18 for it then they take a risk. But we should  
19 have that 33 pound minimum should still be in  
20 there. Thank you.

21                   MR. MCCREARY: Thank you. Rick  
22 Weber.

1 MR. WEBER: I'm just picturing  
2 trying to teach a bunch of recreational  
3 anglers to measure cleithrum keel. So to that  
4 extent I'd keep lower jaw fork for the recs.

5 MR. MCCREARY: Thank you. Any  
6 other comments? Gerry, your card was up but  
7 you put it down. You pass? Okay. Other  
8 comments? Any wrap-up comments at all?

9 MR. DURKEE: No, I don't think so.  
10 Thank you.

11 MR. MCCREARY: Thank you very  
12 much. So Margo said at the top of the day  
13 that there was -- she had noted there was some  
14 interest in continuing a bit of the bluefin  
15 discussion. I know it's late in the data. We  
16 can see if there are any comments on that, and  
17 if so we can entertain it briefly. Just  
18 remember it is late in the day. Gerry?

19 All right. Okay, so let's -- fair  
20 enough. Let's go to public comment. And then  
21 after that we'll see if there's still appetite  
22 to talk about bluefin. All right. Walter.

1 DR. GOLET: Sorry, I just wanted  
2 to hop in. Did you happen to run the numbers  
3 on this curve? Terri was mentioning for the  
4 entire fleet that these fish would not  
5 currently be legal to be retained and so  
6 they're thrown back. Any idea what this would  
7 do to the difference between the underage and  
8 what the anticipated quota would be should  
9 these fish have been retained? Can we run any  
10 estimates to see what that would add to the  
11 quota? Because there's a lot of fish here and  
12 I don't know if this represents all of the  
13 fish from, say, just 2011 or 2010 but I'd be  
14 curious to see what the estimates would be  
15 there.

16 MR. DURKEE: Yes. Potentially we  
17 could find that data. However, these are not  
18 all discarded fish. I mean, these fish could  
19 still be landed if the head was attached to  
20 the fish. However, as has been pointed out,  
21 some fishermen don't want to deal with it and  
22 some dealers don't want to deal with it so

1 they dump them back. So there is some  
2 proportion of these that are discarded but I  
3 don't have that data with me. However, it's  
4 possible that if some of this observer data  
5 has the disposition of the fish if it was  
6 landed or discarded, perhaps we could get a  
7 calculation.

8 MR. MCCREARY: A very good  
9 question. This is more than a fact-check  
10 though, isn't it? I think it's a fact  
11 analysis. Okay. Let's in fact honor the  
12 public comment period and as we did yesterday  
13 if there are people that want to address the  
14 panel why don't you come up front and use this  
15 microphone and introduce yourself, tell us  
16 your affiliation and the comment you want to  
17 make. Would anyone like to make a public  
18 comment?

19 Okay, on to bluefin. Rich, that  
20 was you over there, right, with your card up  
21 I'm thinking? Go ahead.

22 MR. RUAIS: Well, thank you very

1 much. I don't think we spent enough time at  
2 this. Some of us probably out of frustration  
3 with the document itself just couldn't bring  
4 ourselves to start discussing some of these  
5 specific options yet but we're getting used to  
6 it now.

7 I guess the first point I would  
8 want to make on the discussion document itself  
9 is I'd like to take this, particularly the  
10 objectives that are provided, potential  
11 objectives that are provided under 2.0, under  
12 3.0 actually. The number one objective, I'd  
13 like to take that back to the ICCAT. I'd like  
14 to take it to the ICCAT Advisory Committee for  
15 the first time and find out what the ICCAT  
16 Advisory Committee actually thinks about that  
17 because I think the AP is ahead of, in my view  
18 anyway and other ICCAT members that are here  
19 can speak to it.

20 I think we're ahead of where the  
21 ICCAT Advisory Committee is in terms of  
22 interpreting the agreement in Paris, the

1 restatement -- okay. You couldn't hear me?  
2 Wow. So, well, I think that some people have  
3 -- I think that the Agency in my view and in  
4 other people's, in ABTA's view has  
5 misinterpreted some of the intent and language  
6 of the restatement of the Western Atlantic  
7 Rebuilding Program. And any changes to that  
8 that were made in Paris under ICCAT, I believe  
9 it's 10-03. And that means specifically the  
10 language talked about discards, that TACs were  
11 to be inclusive of discards which they have  
12 been for a long time, since we gave up the 67  
13 metric ton specific allocation. You know what  
14 I'm talking about, Margo.

15 So, and I don't think that other  
16 parties at ICCAT, and I'm not sure that all of  
17 the U.S. delegation understood how that would  
18 be interpreted by NMFS that we would come home  
19 and take that agreement and all of a sudden  
20 begin a major investigative campaign or  
21 project that could take several years, maybe  
22 a decade to complete, looking into the general

1 category, harpoon category, angling category  
2 and any other categories that we might have.  
3 And trying to turn every stone and launch  
4 observers and logbooks and whatever it takes  
5 to get to the bottom of every single pound of  
6 discards that take place. In the angling  
7 category that involves trying to figure out  
8 which released fish actually are dead. You  
9 know, looking at questionnaires of do you  
10 think the fish survived that you released.  
11 It's just an incredibly complex undertaking  
12 for all of the categories. And I don't think  
13 anybody, well, we'll see but I don't believe  
14 that the majority of the committee realized  
15 that that was the intention of that  
16 undertaking. So that's the first thing I  
17 would like to suggest in terms of this  
18 discussion document is I'd like to review it  
19 with the ICCAT Advisory Committee and see if  
20 that was the intent.

21 The second major comment on behalf  
22 of ABTA, and I guess I don't really have good

1 points to do this from, is that all of the  
2 alternatives prior to page -- up to page 22  
3 that actually pick arbitrary numbers for the  
4 general harpoon purse seine category of 10  
5 percent, 10 percent, 10 percent and then 20  
6 percent for the longline category as the --  
7 the assumption is those are the level of  
8 discards, 10 percent of each of those category  
9 numbers are going to be considered discards,  
10 taken off the top and establishing what  
11 amounts to about a 98 metric ton discard  
12 reserve from my quick calculations if that was  
13 correct.

14 And actually go to the public and  
15 ask what do you think about this. Isn't this  
16 a great idea? For the United States to get  
17 out front before we even know what those  
18 discards are, just assume that it's 10 percent  
19 and we'll come up with proxies or we'll look  
20 to find proxies for it but recognizing that we  
21 have no information. Because I don't believe  
22 there is any serious information, particularly

1 on the harpoon category and the angling  
2 category.

3 I know in the harpoon category  
4 there's never been an observer on a trip,  
5 there's never been a logbook requirement, I  
6 don't believe, even though you have the  
7 authority to do that. The same is true in the  
8 general category. And my fellow members can  
9 help me if I step over the line but I don't  
10 believe there's -- in the angling category I  
11 believe all you have is the Large Pelagic  
12 Survey either the telephone form, telephone  
13 interview that you go through or the dark  
14 side. And you'd be scouring that for  
15 information to try to find out whether there  
16 were some discards by anglers and whether --  
17 what portion of those fish might have died and  
18 what portion did not.

19 So, I'm opposed in this document  
20 to taking out any measure to the public that  
21 arbitrarily takes -- proposes a number, a  
22 percentage of the category be -- be taken off

1 the top of that category prior to the start --  
2 prior to establishing the allocation for that  
3 season. Well, that's where I wanted to start.  
4 I'm going to let some others talk. There's  
5 some other things I wanted to do but you  
6 caught me pretty quick here on getting into  
7 the subject here. Hopefully there are others  
8 who want to talk as well.

9 MS. SCHULZE-HAUGEN: So, just a  
10 couple of points. Just to reiterate, there  
11 are no actual proposals here. You know, these  
12 are ideas. We put in some example numbers to  
13 get people thinking what things could be.  
14 Examples sometimes really help people get  
15 their head around what we're talking about, we  
16 could be talking about. So it's drawing out  
17 the comment actually as intended. So in one  
18 respect it's working.

19 And to take that out of what would  
20 be shared with the public might short circuit  
21 some of that discussion which could be quite  
22 valuable. It may not be particularly pleasant

1 but it could be a valuable discussion. I  
2 don't know, Brad, if you had anything else.

3 MR. MCHALE: Well, yes. You know,  
4 Rich just a couple of other things there. And  
5 to echo Margo's comments is that 10 percent,  
6 20 percent as we stated and Tom stated  
7 yesterday, those are numbers purely arbitrary.  
8 You know, they're there to serve as the  
9 example. They're not based on any data that  
10 we have.

11 But also in hearing you discuss  
12 that, where we as the Agency have the current  
13 authority to select vessels and we have not.  
14 And so therefore there's a data gap there to  
15 see what information is there regardless of  
16 how little or big those numbers may be, but  
17 there's no information there. But then I also  
18 hear concerns over timing and actually rolling  
19 forward with some sort of reporting  
20 requirements. And I'm hearing those two  
21 conflict so I want to make sure I'm hearing  
22 that comment correctly as well.

1                   MR. RUAIS: Well, then I'll  
2                   correct that if I didn't state it wrong -- if  
3                   I stated it wrong. What I think you should do  
4                   is make an effort, implement the authority you  
5                   have.

6                   If -- first of all, I would go  
7                   back to my first point and I would like to  
8                   clarify with the ICCAT Advisory Committee that  
9                   that was the intention of 10.03, that the U.S.  
10                  delegation actually had in mind that we would  
11                  come back to the United States, National  
12                  Marine Fisheries Service would undertake a  
13                  close examination, develop data estimating  
14                  discards for every other category, for all --  
15                  for the remainder four categories and begin a  
16                  process to account for those discards. That's  
17                  the first process.

18                  The second step in the process I  
19                  believe should be to implement the authority  
20                  you have to begin to collect as you did with  
21                  longlines a long time ago, a very long time  
22                  ago, put logbooks in place, put observers in

1 place sometimes 100 percent coverage, very  
2 onerous coverage that they had to live with.  
3 And then beyond that you went through  
4 extrapolation methodology procedures that the  
5 industry found objectionable at some point and  
6 requested peer reviews. They underwent peer  
7 reviews. And we know some of it got  
8 sustained. There were some changes made.

9 We want the same opportunity for  
10 the remainder of the categories. If this  
11 process is really required then we want to  
12 follow the same detailed lengthy process that  
13 was followed for the pelagic longline category  
14 with all the remainder of the categories if  
15 that's the Agency's intent.

16 And we want to make sure that the  
17 ICCAT Advisory Committee is certain that this  
18 is not a unilateral action on the part of the  
19 United States, that indeed this was the  
20 understanding around the plenary table or  
21 whichever committee, panel 2, if it was passed  
22 in panel 2 first, before it went to plenary.

1 Were all of the nations in agreement that they  
2 were going to look at not just longline  
3 discards, but any of their artisanal fisheries  
4 that they might have or their recreational  
5 fisheries with the European Community is now  
6 reporting on, look to those categories to see  
7 if they have dead releases that have to be  
8 attributed for in addition to fish that are  
9 landed.

10 So, we don't want to be doing this  
11 alone. We want to move forward in unison with  
12 the international community is my point there.

13 One other point that I just  
14 recalled. There as an option in there that  
15 ultimately had you -- or the end of the  
16 process that was outlined in the alternative,  
17 I can't even pick it out right now because it  
18 would take awhile to search through the  
19 document to find it, but you had, basically  
20 you were transferring -- you were basically  
21 flip-flopping and giving the purse seine  
22 category, reducing the purse seine category to

1 the point it was about 4 percent. They had  
2 about a 4 percent share of the total quota in  
3 the longline category, received 24 percent if  
4 I'm not mistaken. I believe that was about  
5 the number. I can find it.

6 MR. MCHALE: No, that's all right.  
7 But understand, you know, that those are the  
8 numbers used in the example if you were  
9 looking at recent catch and how that may  
10 impact allocation in that example. Yes.

11 MR. RUAIS: So my point is that we  
12 would object. I just want to make it clear  
13 that I'm not just objecting on behalf of the  
14 general harpoon -- and I have no right to  
15 really make an objection on behalf of the  
16 angling category except that we do represent  
17 some charter head boats in New England, and  
18 certainly even some fly-fishing anglers now  
19 are members of ABTA.

20 But we would object to  
21 transferring the bulk of the purse seine  
22 category quota into the longline category to

1 cover the discards at this point in time.  
2 Because we have some thoughts about if  
3 ultimately there is going to be reallocation  
4 we think that has to be fully discussed among  
5 all of the categories.

6           And by the way, I do want to --  
7 the way I wanted to start this off if I would  
8 have been cool, calm and collected was that  
9 every time, Margo, we've either been at public  
10 hearings or at advisory panel meetings and  
11 you've asked the question, and you've been  
12 very good at asking the question across the  
13 board. You know, do people see reasons for  
14 major reconsideration or consideration of  
15 major aspects of the Bluefin Tuna Management  
16 Plan? The response that I always give and  
17 that I generally don't hear people objecting  
18 to and I hear many people supporting is that  
19 fundamentally we all support the bluefin plan  
20 that we have right now.

21           And we're not looking for major  
22 revisions to this plan such as reopening the

1 historical allocations. They're there for  
2 reasons that you state partially in the  
3 options document when you state that they were  
4 on the basis of performance from 1983 to 1991.  
5 If you want to take it a little bit further  
6 back, what were the '83 to '91 allocations  
7 based on and that was the history of the  
8 fishery since its development in the 1940s and  
9 1950s and particularly in the 1960s you can  
10 see traces of the '81 quotas, the dominant  
11 share of the seine is at 18.6 was the heavy  
12 involvement in the sixties. The handgear  
13 fishery was a major fishery having peak level  
14 catches in 1964 of about 3,600 metric tons.  
15 There are reasons why dating back to the  
16 sixties that those allocations -- and we don't  
17 want to see that flip-flopped anytime soon.  
18 At least American Bluefin Tuna Association  
19 does not want to see that.

20                   And we generally believe that  
21 that's a feeling that is not opposed with the  
22 exception clearly of some, maybe the longline

1 category for example that wants a lot more  
2 quota.

3           And we want to solve the discard  
4 problem as much as anyone else, but we want  
5 the discard problem solved before -- by not  
6 just throwing more quota at it. To us that's  
7 a band-aid approach and if you take that  
8 approach we see no end in sight, especially if  
9 you're trying to revitalize the objective.  
10 Revitalization and a band-aid to growing  
11 levels of discards can simply drain you of all  
12 of your available landing quota eventually,  
13 that's what it could theoretically get you.  
14 I grant that that's an absurdity or it's an  
15 extreme measure, but Margo wants to jump in.

16           MS. SCHULZE-HAUGEN: Yes, I do  
17 want to jump in because I think there is an  
18 extensive portion of the document that is  
19 going into quite a lot of depth on a number of  
20 measures that are fairly large changes to do  
21 exactly that and actually address a discard  
22 problem. And so to suggest that we're merely

1       throwing quota at the problem I think is a  
2       really misleading characterization of the  
3       white paper.

4               So, and I think just to, you know,  
5       walk back through some of the history, when  
6       those allocations were established in the '99  
7       FMP there was a separate allocation for dead  
8       discards based on logbook tallies. And in  
9       2006 is when the ICCAT recommendation  
10      discontinued that and started the language  
11      about dead discards are inclusive of TAC. And  
12      I think John can probably walk us through the  
13      history of that change better than I can.

14              And so it was at that point that  
15      our allocation was actually changed, or needed  
16      to be examined. It occurred at a point in  
17      time when the U.S. commercial fisheries  
18      landings bottomed out and we had ample quota  
19      available to cover discards, recreational  
20      landings and everything else. We have an  
21      entire category that's almost 18 percent  
22      allocation that hasn't fished in 5 years. And

1 this is why we have gotten to 2012 without  
2 having to really grip this issue.

3 But my concern, and it's a strong  
4 one, is that we are on borrowed time. And  
5 with the cohort growing, purse seiners  
6 interested, fish getting big enough that they  
7 can start targeting them, that our discards  
8 now because they're not in the allocation --  
9 we fully allocate to landings. Any discard is  
10 over and above that when all categories are  
11 performing. And that will become in my view  
12 and concern a large problem at ICCAT. And so  
13 that's why we're starting this process now, to  
14 try and get our hands around it.

15 And I think we are trying to have  
16 a very wide net on the issues, how to approach  
17 it, what kinds of changes, how they're  
18 interrelated and addressing every category.  
19 There's something in there for every category  
20 and it's something that, you know, we've tried  
21 really hard to lay it all out there and you  
22 know, bring these issues to the light.

1                   Now, I know a lot of people don't  
2                   want to talk about allocation because they  
3                   like their allocation. But you know, we can -  
4                   - it may be time to revisit that. There's a  
5                   variety of ways to address the problem I think  
6                   that could really, really get at the issue or,  
7                   you know, take an incremental step. And this  
8                   is where the AP's input is so valuable on the  
9                   best ways forward to have viable fisheries.

10                   And we want people fishing,  
11                   absolutely. We don't want people throwing  
12                   valuable fish over the side. That doesn't do  
13                   anybody any good. And so that's what we're  
14                   trying to get is get at the problems that have  
15                   really accumulated over a number of years and  
16                   deal with them.

17                   MR. MCCREARY: Thank you. So, we  
18                   are over time. I suggest that we take the few  
19                   people in the queue and then if there's a  
20                   strong appetite to continue the conversation  
21                   let's adjourn and others and continue  
22                   informally. Is that reasonable? So, John,

1 you wanted to weigh in. Rick, you wanted to  
2 weigh in. Mark and Terri. Let's hear what  
3 they have to say. Let's adjourn the meeting  
4 and then if a small group wants to keep  
5 talking we can take a short break and come  
6 back. John.

7 DR. GRAVES: Thanks. I'll be  
8 brief because I have a strong appetite but I  
9 don't think it's for this.

10 (Laughter)

11 DR. GRAVES: And I have  
12 appreciated Rich's comments and insights for  
13 many years on the ICCAT Advisory Committee,  
14 but I think you're doing a disservice here and  
15 misrepresenting the process. That we have to  
16 come back, and this is what the ICCAT Advisory  
17 Committee intended.

18 You know, we had our process and  
19 we weighed in through the issues and options  
20 documents and then through the position-  
21 setting meeting, but once we got to the  
22 meeting in Paris, you know, we had a U.S.

1 position and that position was negotiated by  
2 our commissioners, Ellen being one of those.  
3 And what we end up with, you know, we worked  
4 for as a team but we get it and then the ICCAT  
5 document by ICCAT comes back and through  
6 delegation of the Secretary of Commerce it  
7 ends up in Margo's lap to implement.

8           And so to say that we need to come  
9 back and pass it through the advisory  
10 committee isn't the way the process works. I  
11 mean, we had certain ideas but you know,  
12 they've said that they want to take and be  
13 inclusive of discards, dead discards in all of  
14 these -- in all of the different sectors which  
15 is great. And Canada is going further and  
16 looking at post-release mortality but they're  
17 not taking it off of their quota, they're  
18 reporting it. They're trying to give their  
19 best estimate on fishing mortality.

20           We could do that but, you know, I  
21 think the marching order here is to find out  
22 what is dead discards in all of the different

1 sectors. And it may not be an issue in many  
2 of the sectors. And whether we need to hold  
3 out sections, when we are looking at the  
4 sectors and allocating the quota on an annual  
5 basis may be, until we know for some of these  
6 sectors that might be over the top.

7 But again, this is just an option  
8 in a not even scoping. Scoping a scoping  
9 document I guess is what we're looking at. So  
10 I guess I see it a little differently than  
11 you.

12 And I'm not that afraid but I do  
13 agree completely with your comment that the  
14 United States has in the past led with our  
15 chin and we want to avoid doing that. But  
16 finding out a problem and then being required  
17 to report that problem or something, I mean  
18 the document says dead discards, inclusive of  
19 dead discards.

20 And the way that we've handled  
21 that at ICCAT is United States has followed  
22 the letter of the recommendation and then

1 through the Compliance Committee we've tried  
2 to ensure that the other nations are also in  
3 compliance. Enough said.

4 MR. MCCREARY: Very briefly and  
5 let's hear what others have to say. Rich, go  
6 ahead.

7 MR. RUAIS: I'm happy to hear what  
8 other people say but I'm also always happy to  
9 hear what the chairman of the ICCAT Advisory  
10 Committee says, particularly if he's in  
11 disagreement with me.

12 And I just wanted to point out  
13 that there have been times, this is not the  
14 first time that an ICCAT Advisory Committee  
15 member has raised the issue of the intent of  
16 the U.S. ICCAT delegation in agreeing to a  
17 measure at ICCAT as not being properly  
18 interpreted at home by the National Marine  
19 Fisheries Service.

20 I don't know if he's still here,  
21 if Glen were still here. There were several  
22 times we raised this question in Bill

1 Hogarth's office with him that they were not  
2 being properly interpreted and in fact we got  
3 that message delivered loud and clear.

4           The other thing, John, and I  
5 totally respect your opinion and certainly  
6 have appreciated your leadership, it's been  
7 incredible, over the last whatever number of  
8 years. But the actual language in the -- I  
9 went back when I saw it referenced in the  
10 document many times, 10.03. I wasn't in Paris  
11 so I don't know what the discussion was, the  
12 first and only meeting that I've missed. But  
13 the language was no different in that section.  
14 It simply says inclusive of discards which we  
15 had been operating under for a long time.  
16 That inclusive of discards for the prior since  
17 the 67 ton thing was discarded was pelagic  
18 longline discards. So what I want to know is  
19 was everybody in the committee room in Paris  
20 discussing the fact that we were going to go  
21 back home and talk about general category,  
22 harpoon category, et cetera, et cetera? Thank

1       you.

2                   DR. GRAVES: To the point and  
3       Ellen I think can support me on this because  
4       she was there was -- and you did miss the  
5       meeting. But in our negotiations Canada felt  
6       that our recreational fishery for bluefin  
7       which is on juveniles was a soft spot and they  
8       wanted to increase, you know, the TAC in the  
9       west and so they went after that. And we  
10      actually had extensive discussions in the U.S.  
11      delegation room about, you know, one, the idea  
12      of putting dead discards in, but also with the  
13      threat of using estimated post-release  
14      mortality. We spent a lot of time discussing  
15      that.

16                   MR. MCCREARY: Thank you. Rick  
17      Weber.

18                   MR. WEBER: Not going too far off  
19      topic. I would propose that there are really  
20      three different terms here that are all being  
21      sort of hodge-podged together and that is U.S.  
22      regulatory discards, things that other nations

1 keep that at some point in our history we said  
2 we're not going to. Longline discards. And  
3 ICCAT has come to us and said if you're going  
4 to throw away something that we think you  
5 should have kept we want you to report it.  
6 There would be ICCAT regulatory discards  
7 because certainly there are ICCAT members who  
8 are sending back dead tuna because they don't  
9 meet the ICCAT minimums.

10 What I heard Rich say at one point  
11 is we're going to count the dead discards from  
12 the industry and we're going to use post-  
13 release mortality for the angling. I would  
14 hold out that every industry also has post-  
15 release mortality, meaning you're going to  
16 have to go back and get that estimate as well.  
17 When you fight a general category tuna even if  
18 it is not dead and you release it because it  
19 doesn't make size you may have both dead  
20 discard and post-release mortality. The  
21 longlines, we're going to need post-release  
22 mortality. They would then pick up a new

1 source of mortality. PRM is not simply a  
2 proxy for dead discards, it is in addition to  
3 dead discards.

4 And I guess in answer to Rich's  
5 question, you know, I said yesterday I think  
6 we're into the realm of SCRS and so I don't  
7 know whether there needs to be a task 4, 5, 6  
8 data, you know, where nations are requested to  
9 submit these new estimates.

10 But again, I'm with everyone else.  
11 I don't think we should be doing it on our own  
12 or if we want to declare it, declare what we  
13 think it is and not put it into our national  
14 report, you know, as we're not going to take  
15 it off our quota until everybody does. If you  
16 think that meets the requirements of reporting  
17 but not leading with our chin maybe there's a  
18 halfway point there. But that's what I'd put  
19 out to you.

20 MS. SCHULZE-HAUGEN: Just to  
21 clarify, what we've been talking about in the  
22 document has been dead discards. We're not at

1 this point envisioning, you know, reporting  
2 post-release mortality and taking that off the  
3 quota. But our understanding of the ICCAT  
4 obligation is landings and dead discards, and  
5 so that's what we've been doing with the  
6 information that we have and that's what we  
7 were discussing in the white paper. So I  
8 think you're right, it is easy to kind of  
9 hodge-podge some terms. So it was a good  
10 clarification.

11 MR. MCCREARY: Mark and then  
12 Terri. Mark.

13 MR. TWINAM: No comment.

14 MR. MCCREARY: Terri.

15 MS. BEIDEMAN: The issue of dead  
16 discards is one that we've always had to  
17 report. And I know that it's uncomfortable  
18 for the other sectors to even talk about it  
19 but we all know it's true. And for years we  
20 didn't have comparable reporting, we didn't  
21 have comparable monitoring so our numbers were  
22 zero. But it wasn't real and it wasn't

1 science, it was just politics.

2 And the reality is if you take a  
3 look at what our fishery was when this was  
4 split up and only certain boats were allowed  
5 to keep them and target them, and other boats  
6 were told they had to not keep them. And to  
7 base what we're allowed to keep now and have  
8 to stay under a certain level based on catches  
9 in 1983 through '91.

10 The whole -- the way that our  
11 fishery looked then is not what our fishery  
12 looks like now as has been pointed out. You  
13 know, we had several sectors that were, you  
14 know, very large and we, you know, that caught  
15 a lot of fish and they're not around anymore.  
16 And we have another whole sector that was  
17 pretty small that's gotten very large. So, I  
18 think we have to rationalize it.

19 I know that it's not comfortable,  
20 believe me I know it's not comfortable sitting  
21 here talking about discards, but there are  
22 regulatory discards and yes, just like Rick

1 said there are ICCAT discards too. And all  
2 the other nations should be looking at it  
3 because in order to have good science you need  
4 all the information.

5 I do have concerns about what will  
6 look like new mortality, not necessarily in  
7 our case because Good knows we've been  
8 reporting them for a long time, but in other  
9 categories. So I think you have to be careful  
10 about how that is presented. But I know in  
11 the past that they have gone back, you know,  
12 and they've done like a retro revision to our  
13 discard numbers and they've done it as a  
14 matter of course since 1986.

15 You know, I guess if you reran the  
16 models based on new information that we get  
17 every single year we go to ICCAT, a country  
18 reports something and they come back in two  
19 years and report something different, whether  
20 it's landings or discards. But I think you  
21 have to start somewhere and the fact that we  
22 haven't been doing it isn't a good enough

1 reason not to do it. So, I understand, I feel  
2 your pain, you know, I know that it's  
3 uncomfortable but we really do have to look at  
4 it.

5 We have to try to find a way so  
6 that we all can coexist. And it's not that  
7 I'm looking, you know, that the longline is  
8 looking for more discards, believe me. We  
9 just don't want to waste it either. We've  
10 been talking about it a long time. Let's find  
11 a reasonable way to deal with it and you know,  
12 at the same time get the proper data that we  
13 need for science. I think it's possible. I  
14 hope it is. So I'm happy to go ahead and take  
15 a look at all the options.

16 But once we have numbers, you  
17 know, whether it's the longline or it's the  
18 harpoon or whatever it is, you have to stick  
19 with them. And I fully understand that. But  
20 it should be a number that allows a reasonable  
21 fishery to coexist, particularly in our case  
22 where we were artificially constrained from

1 landings for no reason. So, thank you.

2 MR. MCCREARY: Thank you, Terri.  
3 Before we take another question or comment I  
4 want to flag that somehow the survey of the  
5 web contact has disappeared and we need it  
6 back. And we need it not to be stuck. Okay,  
7 good. There's progress. Ralph.

8 MR. PRATT: Brad, on page 49 if  
9 you could just help me understand this a  
10 little bit. We've talked a little bit about  
11 sort of a smorgasbord of things inside the  
12 white paper that might help solve a discard  
13 problem. And I want to talk a little bit  
14 about the closed area because I'm trying to  
15 understand that.

16 But on page 49 there's two dots.  
17 One says 213 interactions, the other side says  
18 521 interactions. And I'm guessing the  
19 interaction is of course a combination of dead  
20 discards and live discards over four years.  
21 But when you report these to ICCAT and use  
22 extrapolations, if you just use the same

1 formula for an interaction 521 would be what  
2 number? Because just trying to figure out  
3 what it really means.

4 What is the real number of  
5 interactions? If it was all dead discards  
6 what would 521 interactions equal when it gets  
7 reported to ICCAT? Because I've heard it  
8 could be 6 times that number once it's  
9 extrapolated.

10 MS. SCHULZE-HAUGEN: So, I'll take  
11 a crack at this but may ask Guillermo to help  
12 me out if I get something wrong.

13 What this is showing is total  
14 interactions. This isn't -- so some of these  
15 fish are landed, some of them were discarded,  
16 that's not what this is representing. And it  
17 is over 4 or 5 years.

18 In terms of calculating the  
19 extrapolated estimates, my understanding is  
20 that the observer data is used for the rate  
21 information, so the catch rate, and then the  
22 logbook information is used for effort. And

1 I think that's an oversimplification but I got  
2 a high sign. So I think that gets it fairly  
3 close.

4 So it is possible on a trip that  
5 has a high interaction rate if there's a lot  
6 of effort as well in that area, in that time  
7 it could contribute to an expansion in the  
8 dead discard estimate. Does that make sense?

9 MR. PRATT: A little, I guess. I  
10 would just -- I think I would have rather have  
11 seen it. It would be easier for me to  
12 understand what the dead discard number was  
13 instead of having it quantified as  
14 interactions.

15 MR. MCHALE: Just I guess to that  
16 point there, Ralph, and we can talk a little  
17 bit more offline. But when you're looking at  
18 the histograms that are also on those charts,  
19 where they're looking at number of  
20 interactions per set you could start to look  
21 at the number of fish that are allowed to be  
22 retained.

1                   So, with 30,000 pounds of target  
2 catch you're sealing out at a retention limit  
3 of three bluefin tuna. And so anything above  
4 and beyond three is a discard. Whether it's  
5 a dead discard, a live discard, you know, we  
6 can get into that data probably not at this  
7 meeting but continue that discussion. But,  
8 there are some ways you can start to infer.  
9 And we can talk offline and look at the charts  
10 in more detail.

11                   MR. MCCREARY: So, at this point I  
12 want to ask Margo and Brad if there's a later  
13 conversation you want to have? My sense is  
14 that most of the things that people have on  
15 their minds have been said today. How do you  
16 see going forward?

17                   MS. SCHULZE-HAUGEN: Well, so I  
18 think time-wise in the formal meeting we're  
19 kind of running up against it. We've got a  
20 lot of ground to cover tomorrow morning and I  
21 know people end up needing to leave to catch  
22 flights.

1                   So, what I am happy to do is stick  
2 around tonight now and talk some more with  
3 those that have the appetite for that. My  
4 pumpkin bell will go off at 7:15 so I've got  
5 an hour and a half. I'm all ears.

6                   MR. MCHALE: As am I. You know,  
7 I'll be around here and then later on find me  
8 at McGinty's.

9                   MR. MCCREARY: All right. So,  
10 let's adjourn the meeting for today. We'll  
11 reconvene at 8:30 tomorrow. And we have quite  
12 a raft of recreational HMS issues to talk  
13 about. Those that have an appetite to keep  
14 talking with the HMS staff are welcome to  
15 remain and otherwise we'll adjourn for today.  
16 Thank you.

17                   (Whereupon, the foregoing matter  
18 went off the record at 5:47 p.m.)

19  
20  
21  
22

<b>A</b>				
<b>AA</b> 177:12	218:7 222:11	16:3,4 17:4 20:5	<b>Additionally</b>	100:14 267:15
<b>AAs</b> 177:17	231:3 232:4,16	20:13 22:2 24:8	206:12 207:19	269:18,20 271:19
<b>abbreviated</b> 12:9	233:21 252:12	27:4 28:22 29:19	<b>additions</b> 327:5	272:18 273:18
<b>ABELE</b> 2:17 96:15	257:3,11,15,18	31:19 33:19 34:19	<b>address</b> 9:1 23:9	279:10 280:2
217:8,17	258:21 259:3,11	104:15 195:9,14	26:11 58:13 60:2	299:12 315:21
<b>ability</b> 93:1 94:5	259:20 260:8	200:2,19 255:4	72:18 130:10	<b>Administrator</b>
101:7 200:15	263:11,13,15,22	260:17 263:10	140:2 141:9,22	2:23 4:5
204:11 226:10	264:3 265:8,20	264:15 283:4	155:12 158:19	<b>admits</b> 87:17
257:17 266:10	267:4,19 268:14	330:13 356:18	211:15 212:17	<b>admittedly</b> 219:5
267:6 277:8	269:4,8,15 270:8	<b>actions</b> 163:3	222:6 228:7	<b>adopt</b> 239:8 339:21
278:21 279:4,20	292:18 293:13	262:21	251:12 338:7	<b>ADRIANCE</b> 2:12
281:17 288:16	294:7 295:15	<b>active</b> 142:13	347:13 361:21	119:11 163:8
311:22	296:5 298:6,20	143:22 144:4	364:5	<b>advance</b> 252:17
<b>able</b> 28:11 52:2	304:8 306:21	258:8,14 295:4	<b>addressed</b> 46:11	253:2
53:5 54:10 59:19	307:18 308:2	<b>actively</b> 32:20	74:16 139:20	<b>Advanced</b> 254:3
61:17 64:1,15	310:20 314:2,14	<b>activities</b> 281:3	144:20 220:21	<b>advantage</b> 158:5
66:2 67:8 69:22	315:11 316:20	<b>activity</b> 230:11	227:12 230:10	<b>advantages</b> 185:15
70:9 123:2 146:12	317:2,8 321:4	233:5 235:2	279:6 291:16	261:22
149:6,21 204:16	323:18	<b>actual</b> 32:3 107:18	292:2	<b>adverse</b> 279:5
208:18 209:19	<b>accessed</b> 293:18	124:13 126:11	<b>addresses</b> 222:13	<b>advice</b> 256:2
218:13 231:19	<b>accommodate</b>	182:19 207:12	276:3 343:20	<b>advise</b> 289:19
234:8 235:10	112:9 332:20	323:2 353:11	<b>addressing</b> 77:1	<b>Advisor</b> 4:11
238:17 241:13	<b>accompanied</b> 201:7	369:8	152:7 213:18	<b>advisory</b> 1:6,13
243:1,4 266:11	<b>accomplish</b> 78:21	<b>add</b> 120:7 121:2	235:14 237:16	80:2 82:11,12
277:8 290:20	<b>accomplishing</b>	149:21 183:21	289:22 363:18	159:6 177:1,7
300:8 310:14	135:10	214:14 215:15	<b>adequate</b> 149:12	192:18 254:18
316:15 341:12	<b>account</b> 16:8 22:9	263:19 264:10	149:20	256:8 257:22
<b>absolutely</b> 45:19	174:22 355:16	268:11,13 283:9	<b>adjourn</b> 4:22 330:3	271:1 280:14
160:7 182:22	<b>accountability</b>	285:3 288:6,7	364:21 365:3	348:14,16,21
364:11	156:17	296:1 340:21	381:10,15	350:19 355:8
<b>absurdity</b> 361:14	<b>accounted</b> 76:12	342:16 346:10	<b>adjourned</b> 164:4	356:17 359:10
<b>ABTA</b> 350:22	263:3	<b>added</b> 121:17	<b>adjust</b> 277:9	365:13,16 366:9
358:19	<b>accounting</b> 22:7,15	266:6 293:2	278:21 279:3,4,20	368:9,14
<b>ABTA's</b> 349:4	<b>accounts</b> 85:18	<b>adding</b> 121:13	280:10 281:17	<b>advocating</b> 293:8
<b>abundance</b> 132:15	<b>accumulated</b>	205:8 290:22,22	<b>adjusted</b> 112:8	<b>affect</b> 49:16 134:22
134:10	364:15	<b>addition</b> 58:18	171:10 256:20	147:14
<b>academia</b> 74:7	<b>accuracy</b> 256:5	144:7 147:6	286:8,10,12	<b>affiliation</b> 347:16
<b>academic</b> 84:18	<b>accurate</b> 83:16	156:12 184:8	287:17	<b>afoul</b> 233:3
91:20	229:13 337:1	254:16 290:1	<b>adjusting</b> 23:2	<b>afraid</b> 158:7
<b>academics</b> 185:21	<b>achieve</b> 275:19	357:8 372:2	<b>adjustment</b> 276:21	367:12
<b>accepted</b> 8:9 9:20	<b>acknowledging</b>	<b>additional</b> 6:2	277:17 279:11,16	<b>afresh</b> 78:22
48:10	317:10	11:20 78:14,15	280:3 283:20	<b>afternoon</b> 253:8
<b>access</b> 4:16 7:6	<b>ACLs</b> 148:11	104:4 112:22	<b>adjustments</b> 10:22	<b>agencies</b> 181:5
60:17 66:17,17	<b>Act</b> 262:11	193:4 256:3	<b>administer</b> 183:15	<b>Agency</b> 35:22
68:13,13 196:10	<b>acting</b> 2:23 4:4	260:21 272:14,15	<b>administration</b> 1:2	82:16 96:5 102:8
196:12 204:5,5	73:17 75:2	272:18 273:11,13	81:3 254:9	167:1,7 168:11
	<b>action</b> 7:4,15 14:16	283:5,21	<b>administrative</b>	170:7 173:4,9

176:10,13 178:9 179:22 186:6 187:18 189:12,19 191:10 270:3 279:12 283:3 305:21 307:14 349:3 354:12 <b>Agency's</b> 200:15 207:22 356:15 <b>agenda</b> 5:6 75:17 88:22 102:22 112:8,11 132:6 136:14 177:5 194:6 326:3 330:5 <b>agent</b> 226:3 246:4 <b>aggregate</b> 126:15 <b>aggregated</b> 107:1 108:9 217:2 <b>ago</b> 73:1 94:21 98:19 132:17 165:17 172:8 200:19 236:13 252:7 320:20 340:10 355:21,22 <b>agree</b> 51:22 114:7 150:9 176:16 185:10,20 367:13 <b>agreeing</b> 368:16 <b>agreement</b> 143:15 288:4 348:22 349:19 357:1 <b>agreements</b> 205:17 206:22 <b>ahead</b> 36:4 90:17 108:14 153:16 179:20 180:19 189:12 200:21 201:1 222:3 231:5 255:2 284:8 312:20 347:21 348:17,20 368:6 376:14 <b>aim</b> 148:10 149:14 <b>air</b> 276:13 <b>al</b> 62:19 63:5 <b>Alaska</b> 92:2 165:10 166:3 189:17,22	<b>albacore</b> 233:1,2,6 233:9 246:21 247:12 250:15 <b>alive</b> 32:22 36:17 87:5 190:18 305:13 <b>alleviate</b> 261:5 <b>allocate</b> 14:18 59:7 148:9 363:9 <b>allocated</b> 292:15 295:6 301:11 <b>allocating</b> 60:10 367:4 <b>allocation</b> 142:19 142:22 143:2,5,6 143:8,15 154:4 156:19 159:9 261:2 292:6 331:11 349:13 353:2 358:10 362:7,15,22 363:8 364:2,3 <b>allocations</b> 14:19 153:21 291:22 360:1,6,16 362:6 <b>allow</b> 11:5 17:14 22:18 59:7,9 156:1 202:10 204:14,18 206:5 207:6 208:3,6,9 228:16 229:18 232:18 264:1 267:17 335:21 <b>allowable</b> 43:11 209:3 <b>allowed</b> 32:4 37:7 38:6 125:10 126:7 205:12 281:9 283:12 284:13 313:11 339:10 344:11 374:4,7 379:21 <b>allowing</b> 156:4 202:7,14,19 230:1 236:11 <b>allows</b> 68:14 84:5 149:4 228:11	310:6 312:15 329:6 376:20 <b>all's</b> 186:13 <b>alongside</b> 309:7 <b>altered</b> 337:13 <b>alternative</b> 16:4 19:16 24:2 27:10 43:14 202:13,18 204:13 206:4,7,18 207:5 208:21,22 209:1,11 210:1,2 210:3,15 235:9 263:9,10,13,14,17 263:19,21 264:1 264:16 265:7 266:2 268:11 269:3,11 270:10 270:14,18 271:3,4 271:8,11 272:1,11 273:3,8,19,22 274:3,19 275:7,8 276:2,5,17 277:14 278:5,14 279:1,13 280:19 294:1 296:17 306:20,20 311:1 328:6 332:5 338:4 357:16 <b>alternatives</b> 7:9 11:3 13:14 14:14 14:15 15:18 16:17 16:17 20:4 21:11 22:5 23:2,9 24:7 26:2,10 28:5,22 30:15,16 31:17 32:8 34:18 42:19 43:14 104:2,14 195:11 202:5 203:14,15 207:4,9 218:18 219:10 231:9 255:5,11,14 255:20 256:4,6,8 256:10 263:7 264:14 271:3 276:1,16 280:13 281:22 283:22 285:1,3 301:8 306:19 308:7	327:4 351:2 <b>amazed</b> 115:22 <b>amenable</b> 311:13 <b>amend</b> 317:22 <b>amendment</b> 4:2,6,7 4:12,14,15 6:20 7:1 8:16 12:17,21 15:14 17:13 22:12 22:15 23:15 27:15 31:1 32:17,19 34:9 49:4 71:17 77:11 111:14 121:11 136:14 137:2 146:1 148:1 148:2 194:20 196:19 197:3,4 199:10 214:4 224:15 228:11,16 251:21 253:11 319:22 <b>amendments</b> 75:21 <b>America</b> 64:1 <b>American</b> 79:22 360:18 <b>amount</b> 35:8 37:7 44:9 148:17 157:21 174:8,16 219:17 259:22 287:18 301:20 320:11 <b>amounts</b> 218:13 351:11 <b>ample</b> 362:18 <b>analogous</b> 207:17 <b>analysis</b> 51:4 62:14 62:20 63:4 256:5 285:14 347:11 <b>analyst</b> 67:1 99:6 <b>analysts</b> 99:5 <b>analytical</b> 266:12 268:17 <b>analyze</b> 282:2 317:16 <b>analyzed</b> 100:1 209:16 256:12 261:8,11,17 263:7 276:10	<b>anchored</b> 228:4 <b>anchors</b> 56:2 <b>Andre</b> 1:19 296:19 300:4 <b>and/or</b> 104:7 149:10 301:6 307:2 <b>ANGELA</b> 3:19 <b>anglers</b> 114:2 345:3 352:16 358:18 <b>angler's</b> 113:10 <b>angling</b> 79:2 198:1 198:3 211:3 234:4 234:12,16 235:2 260:9,11 281:6 285:8 350:1,6 352:1,10 358:16 371:13 <b>animal</b> 117:11,13 <b>animals</b> 45:11 52:6 58:17 63:1 122:20 122:21 123:4,18 218:20 <b>annual</b> 15:12 18:5 22:10,14 31:2,4,5 34:8 367:4 <b>annually</b> 177:12 <b>anonymously</b> 63:8 63:16 <b>ANPR</b> 282:4 <b>answer</b> 79:15 127:6 132:20 144:21 294:15 372:4 <b>answered</b> 155:21 156:11 <b>anticipate</b> 201:8 208:16 217:22 232:5 282:1 <b>anticipated</b> 256:11 346:8 <b>antiquated</b> 94:17 <b>anybody</b> 53:11 84:5 88:12 157:13 228:8 232:14 287:16 318:18 319:12,13 350:13
--	---	--	--	--

364:13	89:4 95:4,14 98:3	313:19 317:20	189:2,10,13	260:3 261:2,13
<b>anymore</b> 113:22	122:10 161:21	320:15 324:12,13	272:13 273:9	263:20 264:10
136:2 144:6 171:2	188:4 189:9	327:22 328:3,5	290:11	266:7,19 267:10
190:8 227:16	238:22 289:11	377:14 379:6	<b>assessments</b> 7:17	268:14,20 277:22
297:5 299:1	306:13	<b>areas</b> 37:1 78:14,16	13:16 43:9 81:1	283:10 286:2
340:12 374:15	<b>appreciated</b> 365:12	78:19 103:21,21	91:2,9 92:18 99:9	321:2 331:1,9
<b>anytime</b> 235:12	369:6	106:12 107:4,19	101:8 102:1	349:6
360:17	<b>approach</b> 18:15	108:2 113:16	134:13 156:16	<b>ATMOSPHERIC</b>
<b>anyway</b> 79:16	51:18 69:15,18	134:7,16 181:15	162:13 165:18	1:2
113:9 130:17	104:6 193:11	182:17 208:14	182:15 186:10,15	<b>attached</b> 33:21
132:2 134:5,15	248:16 316:18	218:21 239:19	189:7 190:2 204:1	39:2 332:9,11
313:15 325:5	361:7,8 363:16	295:14 298:7,14	271:16 273:12	334:22 336:5,8,11
329:15 348:18	<b>approaches</b> 9:22	305:15 318:2	290:15	346:19
<b>AP</b> 79:8 188:4	<b>appropriate</b> 118:18	<b>argue</b> 45:17 148:3	<b>assignment</b> 42:12	<b>attainment</b> 277:4
282:5,5 348:17	200:11 209:20	<b>argues</b> 59:4	<b>assist</b> 211:8	279:17
<b>apart</b> 61:11	<b>appropriation</b>	<b>arguing</b> 128:15	<b>assistant</b> 4:5 74:3	<b>attempt</b> 192:21
<b>Apex</b> 106:4 107:14	171:9	169:7 172:11	<b>associated</b> 9:7 11:8	<b>attended</b> 216:16
108:10,22 110:13	<b>approved</b> 284:9	<b>argument</b> 129:1	11:10 107:21	<b>attention</b> 79:4 80:5
132:9	300:20	<b>arguments</b> 172:4	109:20 255:13,20	102:18 174:19
<b>apologies</b> 52:18	<b>approximately</b>	<b>articulated</b> 139:9	256:6 264:13	178:13
<b>apparently</b> 97:7	43:6 218:4 246:9	<b>artificially</b> 376:22	265:4 266:2 267:9	<b>attitude</b> 92:6
115:5 116:13	260:12 263:4	<b>artisanal</b> 224:16	267:15 270:7	<b>attributed</b> 357:8
195:1 251:2	<b>April</b> 8:1 62:1 70:5	357:3	271:19 273:18	<b>at-sea</b> 175:9
322:14 323:20	106:6 111:17	<b>aside</b> 266:8 292:7	<b>association</b> 16:18	<b>at-vessel</b> 7:11 10:2
<b>appeal</b> 270:4	112:3	<b>asked</b> 74:8,12	360:18	10:9 30:14 31:10
<b>appear</b> 120:20	<b>APs</b> 32:12	144:18 359:11	<b>assume</b> 224:21	33:2 35:12 103:17
<b>appendix</b> 69:10	<b>AP's</b> 364:8	<b>asking</b> 50:19	339:3 351:18	104:8
105:9	<b>Aquarium</b> 175:5	146:17 189:20	<b>assuming</b> 160:1	<b>August</b> 104:22
<b>appendixes</b> 62:5	<b>arbitrarily</b> 352:21	193:3 228:15	167:22 286:17	120:11 124:7,11
<b>appetite</b> 345:21	<b>arbitrariness</b> 72:10	232:17 292:1	<b>assumption</b> 223:17	<b>austerity</b> 169:3
364:20 365:8	<b>arbitrary</b> 351:3	319:5 359:12	351:7	<b>authority</b> 276:21
381:3,13	354:7	<b>asks</b> 189:13	<b>Atlantic</b> 4:2 8:14	277:18 278:3
<b>applaud</b> 297:2	<b>archaic</b> 163:2	<b>ASMFC</b> 2:19	8:22 9:17 10:17	279:16 283:21
<b>application</b> 270:2	<b>area</b> 69:1 106:10	<b>aspect</b> 6:20	13:16,20 14:2,12	352:7 354:13
<b>applications</b> 270:4	107:6,7 109:13,15	<b>aspects</b> 46:7 61:9	14:21 15:2 16:7	355:4,19
<b>applied</b> 335:22	110:17,22 111:5	77:9 359:15	18:7 19:6,8,9,20	<b>authorize</b> 265:9
<b>applies</b> 223:20	119:3 125:10	<b>assessed</b> 99:11	23:7,21 24:13	269:5 317:20
232:12 332:10	126:6,16,16 127:8	<b>assessment</b> 8:9	25:6,6,10,19	<b>authorized</b> 201:22
<b>apply</b> 20:17 197:8	129:18 130:8,9	9:19 12:19 13:6	43:15 44:15,20	203:5,8 205:7
203:11 218:5	131:19 136:5	13:17 15:8 48:9	45:2 49:16 50:8	206:19 208:20
222:9 296:12	147:16 152:22	53:15 63:7 67:14	50:15 53:12 58:5	228:8 241:9 255:8
325:13 342:10	160:9,10 197:6,8	67:16 82:19 83:6	65:20,21 89:8	261:12,19 263:9
<b>applying</b> 48:20	197:10 216:10	83:15,16 91:6	104:17 105:3	308:21 317:9,16
162:8 231:12	217:11,16 220:18	123:15 165:19	108:2 111:8 141:2	<b>autonomy</b> 153:21
<b>appreciate</b> 50:19	240:21 242:13	170:9,12 185:3	153:20 177:18	<b>avail</b> 289:16
51:3,7 71:14	259:14 302:12,13	186:22 187:12	202:15 253:9,19	<b>availability</b> 200:5
75:16 78:2 88:16	302:15 309:21	188:6,11,16,18	253:22 254:7	<b>available</b> 5:13

16:10 24:15,18 79:20 98:16 119:9 254:22 257:4 310:11 311:17 361:12 362:19 <b>Avenue</b> 1:14 <b>average</b> 18:5 22:14 24:10 27:13 31:2 31:4,5 34:8 122:21 319:18 321:19 322:14 323:7,9,10 <b>averaged</b> 319:20 <b>avoid</b> 47:9 50:22 59:12 136:7 149:7 149:8 367:15 <b>aware</b> 157:10 168:13 176:10 212:3 <b>awareness</b> 200:6 <b>awe</b> 188:16 <b>awful</b> 174:6 299:4 343:14 <b>awhile</b> 94:11 101:10 187:16 200:19 357:18 <b>axis</b> 333:5,7,8 <b>A-G-E-N-D-A</b> 4:1 <b>a.m</b> 1:14 5:2 32:5,7 39:18,20,22 40:4 40:5 103:3,4	172:21 179:13,21 180:3,11,17,20 184:14 185:1 194:8 197:12 214:3 215:11 223:21 237:8 242:16 248:12 251:3,6 300:3 302:16,21 304:22 305:9,10 317:22 325:16 327:1 336:18 342:21 346:6 347:1 348:13 355:7,11 360:6,15 362:5 365:6,16 366:5,9 369:9,21 371:8,16 375:11,18 377:6 <b>background</b> 138:1 165:6 195:7 256:14 258:5 259:19 332:6 <b>backstopping</b> 124:18 <b>backup</b> 170:16 <b>backwards</b> 150:8 227:18 <b>bad</b> 80:16 81:12 152:2 182:7 <b>baffled</b> 196:20 <b>bag</b> 81:20 215:20 248:7 310:17,21 310:22 311:1,2,7 311:18 312:8,11 312:14 <b>bait</b> 134:2 <b>BAKER</b> 1:18 57:21 147:3 158:15 <b>balance</b> 52:13 298:1 <b>balloon</b> 134:16 <b>Ballroom</b> 1:13 <b>ban</b> 50:21 52:1 <b>bandit</b> 205:6,13 206:20 258:2 261:9,20 265:9 269:6	<b>band-aid</b> 361:7,10 <b>bank</b> 311:16 <b>bar</b> 174:13 259:5 260:8 327:10 <b>bare</b> 134:2 <b>bargaining</b> 168:8 <b>Barney</b> 69:17 <b>barred</b> 234:14 <b>barrier</b> 196:11 265:2 <b>barriers</b> 204:1 218:12 265:17 269:12 <b>bars</b> 258:7 <b>barter</b> 223:19 <b>base</b> 374:7 <b>based</b> 11:12 16:8 18:5,6 24:9 33:18 72:8 145:10 198:19 203:7 218:19 231:20 247:16 276:22 277:19 278:21 315:13 354:9 360:7 362:8 374:8 375:16 <b>baseline</b> 256:19 286:6,9,13,18 287:3,21 298:12 331:11 <b>basic</b> 213:8 271:15 272:12 273:8 <b>basically</b> 68:8 81:19 98:22 125:3 145:17 169:16 189:18 203:12 205:9 216:8 234:3 272:21 276:9 291:22 357:19,20 <b>basis</b> 132:15 277:9 278:4 279:3,21 280:3 295:19 298:15 360:4 367:5 <b>bass</b> 155:3 <b>BAYS</b> 198:10,17 201:22 202:8,15	202:20 204:8,15 204:18,21,22 205:7 208:6 209:2 209:7,13 227:8 234:10 235:11 245:9 246:6 264:8 <b>bean-counting</b> 54:19 <b>bear</b> 90:2 <b>beginning</b> 42:14 99:15 117:14 144:10 201:10 <b>behalf</b> 350:21 358:13,15 <b>behavior</b> 238:16 <b>BEIDEMAN</b> 1:18 52:21 54:1,12 93:6 132:7 133:14 230:21 296:20 297:1 343:12 373:15 <b>Belcher</b> 66:12 <b>believe</b> 56:20 64:1 64:22 67:10 121:12 146:6 182:10 208:3 210:16 227:16 234:1 241:21 245:3 259:12 300:10 301:7 308:19 349:8 350:13 351:21 352:6,10,11 355:19 358:4 360:20 374:20 376:8 <b>believes</b> 83:3 <b>believing</b> 83:8 <b>bell</b> 381:4 <b>BELLAVANCE</b> 1:19 90:21 <b>belly</b> 67:6 <b>beneficial</b> 90:9 <b>benefit</b> 39:12 89:20 93:18 100:6 134:20 186:20 273:11	<b>benefits</b> 139:9 268:3,19 278:13 338:11 <b>bertram</b> 227:7 <b>best</b> 59:10 93:17,21 96:11 98:15 146:21 157:19,22 159:1 328:6 364:9 366:19 <b>better</b> 8:18 44:2 50:4,12 54:20 71:14 91:4 101:4 119:5 146:19 148:13,17,21 149:14 157:7 184:10 186:5 193:15 208:10 306:5 332:19 362:13 <b>beyond</b> 48:7 71:17 174:14 188:12 307:11 356:3 380:4 <b>big</b> 14:9 42:12,18 45:6 46:14 55:6 64:14,16 67:7 96:8 109:21 160:19 187:2 189:21 205:4 210:7 214:8 215:2 216:8 219:19 287:11 288:11 292:22 343:10 354:16 363:6 <b>bigeye</b> 85:22 86:11 <b>bigger</b> 226:20 <b>biggest</b> 70:13 173:2 196:14 221:6 <b>bill</b> 82:8,10 98:11 100:10 188:1,2 284:20 292:20 297:2 304:2 321:10 336:1,7,10 336:13 338:5 339:16 368:22 <b>billfish</b> 191:2,8,12 191:22 192:4,7
<b>B</b>				
<b>b</b> 288:7 <b>back</b> 6:14 9:16 10:12 38:18 42:14 46:17 63:14 64:9 67:2 70:11,12 73:14 74:7 87:16 90:22 95:10 99:15 99:18 103:4,11,13 108:15 110:8 113:21 116:17 123:1 128:12 131:4 134:1 135:7 145:18 149:21 151:8 164:1,7				

234:15,22 235:3	72:3 105:16	220:9,19 221:10	<b>bottom</b> 30:19 31:3	67:15 86:15,18
<b>billfishing</b> 234:17	108:17 122:19	221:16 222:8,16	31:11,20 32:10,13	89:15 113:21
<b>bills</b> 234:9,10	<b>blacktip</b> 67:13 68:2	223:1,22,22 224:2	33:18 34:4,6 35:2	129:12 146:12
<b>Bill's</b> 299:2	128:18	224:3 225:13,16	39:2,6 62:10	152:6 156:13
<b>bind</b> 65:3	<b>blacktips</b> 146:9	226:15,21 234:5	68:19 86:22 88:3	291:8 299:21
<b>biological</b> 61:8	160:17 239:21	235:21 236:2,2	88:3 104:17,20	340:6 344:4 348:3
162:5	<b>BLANKINSHIP</b>	241:4 246:1 264:2	105:16 106:5	363:22
<b>biologically</b> 150:22	2:25 323:4,13	264:7 267:18	108:6,16 110:9	<b>bringing</b> 150:17
<b>biologists</b> 290:11	<b>bleed</b> 234:4	268:3,8 272:6	111:6 119:19	151:3 214:3 237:2
<b>biology</b> 49:1	<b>blending</b> 308:2	283:12 284:12,17	133:4 199:12	316:1
<b>bit</b> 12:2 90:22	<b>BLL</b> 34:21	284:17 294:16,21	214:21 318:14	<b>brings</b> 210:11
112:8 165:6	<b>blown</b> 313:16	306:12 309:5,6	319:20 334:11,18	232:8
166:18 183:16,17	<b>blows</b> 215:22 314:3	323:11 328:19	350:5	<b>broad</b> 97:22 328:9
187:15 193:19	314:19	341:20	<b>bottomed</b> 362:18	<b>broader</b> 101:5
201:4 220:12	<b>blue</b> 95:6 127:11	<b>boats</b> 57:12 64:20	<b>bought</b> 244:18	<b>broadly</b> 284:2
231:4 237:8	154:20,21 258:10	152:22 198:19	313:18	<b>broken</b> 177:7
256:14,20 258:5	333:13	211:3,6 214:17	<b>bounce</b> 115:11	<b>brought</b> 86:20
258:21 259:18	<b>bluefin</b> 5:11 6:3	216:5 220:15	<b>bound</b> 239:11,13	91:14 92:2 124:16
260:10 275:3	76:10 78:11 79:22	221:1 224:16	<b>BOUSTANY</b> 1:19	158:20 159:8
277:10 282:9	86:1,3,7,19 88:22	227:15 234:6,7	300:6	163:11 174:19
286:7 300:3	94:19 96:18 97:5	242:1,18 244:4	<b>box</b> 91:13 335:8	212:4 327:10
303:17 329:13	97:7 106:19	249:2,15 250:7	<b>boxes</b> 136:3	339:8
333:17 345:14	118:21 131:17	254:15 260:14	<b>boy</b> 130:16	<b>Brownsville</b> 57:9
360:5 377:10,10	134:4 135:21	264:5 281:6	<b>Brad</b> 3:12 354:2	<b>brush</b> 328:9
377:13 379:17	173:3,3,8 174:4	284:12 285:12	377:8 380:12	<b>bucket</b> 289:1
<b>bite-offs</b> 40:11	174:17 175:12,20	290:18 305:8	<b>brand</b> 339:3	<b>bucks</b> 315:21
70:10	176:7 185:13	307:9 313:7 328:2	<b>breadth</b> 75:17	<b>buddy</b> 325:5
<b>bits</b> 167:3	191:21 192:6	358:17 374:4,5	<b>break</b> 6:13 10:6	<b>budget</b> 80:18,20,21
<b>bitten</b> 344:7	277:1 284:13,19	<b>Bob</b> 42:9,10 47:18	49:22 53:17 90:17	99:3 101:9,13,20
<b>bitty</b> 166:4	288:18 296:13	49:18,22 50:11	102:19,20 103:9	102:1,8 167:18
<b>black</b> 105:20	300:21 304:16	51:22 56:13,20	103:12 251:3	169:2,3,4 170:3
108:19 110:11	309:5 312:22	122:14 128:9	365:5	178:16,18 179:1
333:4	314:18 317:3	150:9 159:15	<b>breakdown</b> 49:18	180:6,20 182:9
<b>blacknose</b> 4:3 7:18	345:14,22 347:19	161:7 181:8,10	50:6	183:12 186:6
8:8,12,14,22 9:3	359:15,19 360:18	217:6 218:15	<b>breaks</b> 53:15	<b>budgeting</b> 171:4,9
9:17,19 10:16	370:6 380:3	239:16	<b>breeding</b> 70:4	173:13 180:16
13:11,12 14:4,16	<b>bluefins</b> 314:16	<b>body</b> 94:3 236:17	241:5	<b>budgets</b> 81:3 93:12
14:22 15:2,9,14	<b>blur</b> 284:14	<b>bolster</b> 172:4	<b>BREWSTER-G...</b>	156:9
15:18 16:5,7,12	<b>board</b> 65:8 359:13	<b>bones</b> 252:18	123:7 136:20	<b>budget's</b> 182:8
16:21 17:1,6	<b>boat</b> 36:8 68:20	<b>bonus</b> 340:2	<b>brief</b> 137:15 170:4	<b>budget-limited</b>
18:12,16,21 19:2	70:2 118:2 127:2	<b>book</b> 127:20 128:2	243:21 255:12	92:22
19:4,8,8 20:1,6,9	128:2 134:1	<b>bookend</b> 16:11	326:9,12 328:22	<b>build</b> 240:5 290:19
20:16,21 21:7,11	160:21 197:21	22:20 208:22	365:8	<b>builds</b> 239:16
25:1 31:9 43:13	199:7 201:15	<b>books</b> 69:6 338:12	<b>briefly</b> 345:17	<b>built</b> 307:6
44:5,8,9,11 48:4	202:7,14,19	<b>boon</b> 301:19	368:4	<b>bulk</b> 358:21
49:19 56:15,19	204:14 206:11	<b>borrowed</b> 363:4	<b>brine</b> 244:21	<b>bull</b> 99:9
58:3 65:11,16	210:10 216:16	<b>Boston</b> 96:8	<b>bring</b> 28:20 57:7	<b>bullet</b> 10:8 69:18

<b>bulls</b> 130:17 131:16 146:10 161:17	<b>by-side</b> 106:16 <b>B/BMSY</b> 256:16	<b>cards</b> 73:14 90:14 103:6 112:16 339:2	<b>carry-forward</b> 290:2	215:5,6 216:6 220:17 221:16 233:2 238:19 243:12 255:9 270:2,9 272:17 283:15 298:9 302:15 305:19 315:13 319:11,12 319:14 320:13 322:18,20,22 324:2 340:16 358:9 378:21 380:2,21
<b>bump</b> 104:18 107:5 312:6	<b>C</b>	<b>care</b> 146:1	<b>cart</b> 80:3	277:5,6 280:17 288:17
<b>bumping</b> 137:16	<b>calculate</b> 11:15 14:21	<b>career</b> 166:2 174:4	<b>case</b> 45:3 49:9 61:5 69:21 128:20,22 153:19 157:19 158:21 162:6 177:18 183:6 189:3 231:18 245:4 251:2 304:1 311:17 375:7 376:21	319:14 320:13 322:18,20,22 324:2 340:16 358:9 378:21 380:2,21
<b>bunch</b> 62:4,17 64:12 248:17 321:17 345:2	<b>calculated</b> 35:5 97:9 332:13,14	<b>careful</b> 136:11 287:12 289:8 291:7 302:21 375:9	<b>cash</b> 129:11 162:19	<b>catches</b> 60:8 69:13 114:15 119:1 142:3 150:2 196:1 204:12 224:6 247:15 297:15 360:14 374:8
<b>buoy</b> 205:8,13 208:5,8 216:8 240:17,18 241:6 257:14 261:16 310:1 317:11,12 317:19 318:1,12 319:6,19 320:10 322:6 323:11,14 328:14,19	<b>calculating</b> 133:8 378:18	<b>carefully</b> 134:19 135:8	<b>catch</b> 4:8 11:12 15:7 28:18 36:14 37:21,22 43:12 45:18,21 46:2 47:6,14 53:12 59:11 61:7 63:13 65:14 66:5,18,19 68:3,9 69:7 72:16 85:13,16 86:4 87:2 90:6,10 94:5 96:4 99:13 113:8 113:13,21 114:1 116:1 117:17 118:9 127:7,16 128:15 133:18 134:11 136:15 138:15,16 139:8 139:10,12,22 140:5,6,11,12,21 141:1,18 142:4,7 142:7,10,16 143:4 143:13,17 144:3 144:22 145:15,21 146:6,17 147:17 148:4 151:15 152:2,21 153:18 154:21 155:5,18 156:5,13,21 157:4 157:19 158:5,6,11 158:12 159:20 160:17 161:1,5 196:5,16 200:8	319:14 320:13 322:18,20,22 324:2 340:16 358:9 378:21 380:2,21
<b>buoys</b> 216:11 320:12	<b>calculation</b> 347:7	<b>Caribbean</b> 4:12,14 60:5 61:5 77:10 194:13 195:16,19 196:17 197:2,4 198:20 200:7,12 200:17 201:13,15 204:14 205:10 206:2 207:3 208:18 210:20,22 212:22 213:5,17 213:19 214:5 215:8 219:20 225:6 231:5 243:6 247:9 278:1	<b>cases</b> 114:5 156:18 189:4 297:8 306:5	<b>catching</b> 37:5 118:11 160:20 220:1 240:20 260:18 291:3 305:22 312:22 320:4 322:5 325:4 328:4
<b>burden</b> 269:18,20 271:17 272:18,22 273:1,13 275:5,16 279:10 280:2	<b>call</b> 69:17 70:6 86:4 89:11 161:4,4 163:5 194:12 204:10 246:12	<b>Caribbean-specific</b> 201:12	<b>catch</b> 4:8 11:12 15:7 28:18 36:14 37:21,22 43:12 45:18,21 46:2 47:6,14 53:12 59:11 61:7 63:13 65:14 66:5,18,19 68:3,9 69:7 72:16 85:13,16 86:4 87:2 90:6,10 94:5 96:4 99:13 113:8 113:13,21 114:1 116:1 117:17 118:9 127:7,16 128:15 133:18 134:11 136:15 138:15,16 139:8 139:10,12,22 140:5,6,11,12,21 141:1,18 142:4,7 142:7,10,16 143:4 143:13,17 144:3 144:22 145:15,21 146:6,17 147:17 148:4 151:15 152:2,21 153:18 154:21 155:5,18 156:5,13,21 157:4 157:19 158:5,6,11 158:12 159:20 160:17 161:1,5 196:5,16 200:8	<b>categories</b> 10:1 76:14 79:3,6 293:2 350:2,12 355:15 356:10,14 357:6 359:5 363:10 375:9
<b>burdens</b> 273:18	<b>called</b> 74:3 187:1 341:6	<b>Carolina</b> 2:13,13 109:4 110:18 116:8 152:17 154:5 160:8,15 161:14 163:16 294:13 314:8	<b>category</b> 78:15 79:1,2,2 197:19 210:21 211:2 234:3,12,16 235:2 260:9,11,13 261:14 262:11 263:20 264:11 266:7,19 267:11 268:12,14,21 272:6 281:6 283:11,11 284:11 285:8 292:1 295:8 296:10,10,12 300:22 304:16 307:2,3 308:1,1,3	
<b>Burgess</b> 62:8	<b>calling</b> 85:13 201:15	<b>Carol</b> 62:7		
<b>buried</b> 185:14	<b>calls</b> 99:19 188:18	<b>Caroline</b> 2:13,13 109:4 110:18 116:8 152:17 154:5 160:8,15 161:14 163:16 294:13 314:8		
<b>business</b> 70:17 297:19 299:14 305:6	<b>calm</b> 343:5 359:8	<b>Carolyn</b> 66:12		
<b>businesses</b> 59:1 196:5	<b>campaign</b> 349:20	<b>Carrie</b> 2:14 150:5 153:13 154:15,16 158:15 159:17		
<b>buy</b> 43:12 96:10 198:14 217:14 246:1 307:15 309:18 318:17,18 325:2,3	<b>Canada</b> 331:13 366:15 370:5	<b>carried</b> 131:11 163:12		
<b>buyer</b> 236:16	<b>Canadian</b> 295:4	<b>carry</b> 222:20 244:4 244:5,9,9 266:2 273:20 286:11 287:6		
<b>buy-in</b> 316:21	<b>Canyon</b> 325:20	<b>carrying</b> 183:11		
<b>buy-off</b> 171:1	<b>Canyon</b> 325:20	<b>carryover</b> 286:16 331:20		
<b>bycatch</b> 8:20 11:4,9 11:17 37:3 50:22 63:3 65:4 77:2,5 85:12,15 117:4 252:14 257:13 262:7 264:21 277:5,6 280:17 288:17	<b>canyons</b> 328:11,16 152:11			
	<b>cap</b> 11:4,9,17 152:11			
	<b>capabilities</b> 172:18 203:22			
	<b>capability</b> 169:6 175:8 208:1 299:20			
	<b>capacity</b> 195:22			
	<b>Cape</b> 107:6 111:5			
	<b>capitalized</b> 285:21 288:1			
	<b>caps</b> 156:2			
	<b>capture</b> 238:19 316:3			
	<b>carcass</b> 335:1 337:13,18 338:1			
	<b>card</b> 71:1,2 77:22 147:5 162:3 345:6 347:20			

311:11 320:8 321:1,3 328:7 342:14 350:1,1,1 350:7 351:4,6,8 352:1,2,3,8,10,22 353:1 355:14 356:13 357:22,22 358:3,16,22,22 361:1 362:21 363:18,19 369:21 369:22 371:17 <b>caught</b> 29:5 41:8 41:20 45:12 53:2 70:10,12 87:5 88:5,6 96:10 105:19 115:13,14 116:11,13,19 131:8 133:21 231:19 237:18 239:19 240:3 245:10 275:4 341:21 343:3 353:6 374:14 <b>cause</b> 274:4 275:13 <b>caution</b> 51:16 134:15 <b>caveats</b> 342:10 <b>center</b> 82:19 88:1 91:4,22 92:7,10 99:2 101:17 102:14 105:18 108:16 110:9 165:3,10,12 174:22 185:5 205:20 218:3 247:22 <b>centers</b> 184:1 193:3 <b>Central</b> 63:22 <b>certain</b> 55:15 83:8 113:11,15,16,16 143:7 156:8 157:21 160:13 165:3 228:9 257:16 294:6 295:14 356:17 366:11 374:4,8 <b>certainly</b> 43:15	46:22 55:22 94:22 128:17 134:14 155:9 192:1 220:17,20 221:5 225:2 233:10 240:7 295:17 306:2 309:11 323:19 327:13 358:18 369:5 371:7 <b>certainty</b> 278:15 279:8,22 <b>certificate</b> 206:15 <b>certification</b> 233:15 <b>cetera</b> 8:20 239:22 293:15 369:22,22 <b>CFMC</b> 2:18 <b>chain</b> 337:19,22 <b>chair</b> 177:10 188:4 <b>Chairing</b> 178:16 <b>chairman</b> 368:9 <b>challenge</b> 245:20 <b>challenges</b> 32:2 238:13 <b>challenging</b> 76:11 <b>chance</b> 25:14 318:18 <b>change</b> 38:14 44:5 91:22 146:15 172:13 205:5 264:17 271:19 276:21 277:18 278:4,20 279:17 297:6 331:18 362:13 <b>changed</b> 62:16 198:6 339:7 343:16 362:15 <b>changes</b> 168:3,6 189:12 190:12 193:6 290:3 331:12 349:7 356:8 361:20 363:17 <b>changing</b> 122:3 <b>characteristics</b>	62:13 <b>characterization</b> 362:2 <b>characterize</b> 285:18 <b>charge</b> 74:18 100:20 159:19 <b>Charleston</b> 104:18 107:5 <b>chart</b> 125:8,13 126:19 206:3 318:10,13 343:13 <b>charter</b> 127:2,20 197:20 211:2 220:9,15,19 221:15 222:8 223:1 224:1,2 225:16 234:5,6,7 260:13 264:1,5,7 267:18 268:3,8 272:6 283:12 284:12,17 307:9 313:7 358:17 <b>charts</b> 55:1 69:8 379:18 380:9 <b>chase</b> 313:18 <b>chasing</b> 294:17 <b>Chatham</b> 294:17 <b>cheaper</b> 306:12 <b>check</b> 251:10 303:9 303:16 <b>chief</b> 1:15 4:10 164:15,19,20 165:18 <b>children</b> 305:13 <b>chin</b> 178:21 367:15 372:17 <b>choice</b> 193:9 <b>choose</b> 15:21,22 49:3 <b>CHRIS</b> 2:19 <b>chum</b> 216:10 <b>chunk</b> 42:18 <b>circle</b> 55:6 90:22 94:8,13 118:4 179:2 180:4 251:18 289:3	297:13 <b>circuit</b> 353:20 <b>circumstances</b> 278:22 334:14 <b>citizenship</b> 78:5 <b>City</b> 157:15,16 <b>CK</b> 332:5,10,12,18 333:12,14,22 334:7,15 335:2,9 335:19 337:7 338:6 339:14 340:8 <b>clarification</b> 213:10 215:13 223:15 228:15 323:5 373:10 <b>clarified</b> 220:11 <b>clarify</b> 55:8 214:10 214:15 216:19 223:4 229:12 355:8 372:21 <b>clawing</b> 342:5 <b>clean</b> 306:5 317:7 339:10 <b>clear</b> 78:12 100:19 177:15 212:11 213:14 222:5,18 258:13 358:12 369:3 <b>clearance</b> 98:17 193:21 <b>clearly</b> 94:12 128:21 164:19 171:1 173:1 182:12 185:18 360:22 <b>cleithrum</b> 345:3 <b>cleithrum-caudal</b> 333:7 <b>close</b> 9:12 11:8,18 19:3,6,9,19,20 25:4,6,22 44:14 236:3 355:13 379:3 <b>closed</b> 19:3 25:3 78:16,18 106:10 110:17 120:14,17	125:10 126:6,16 134:7,16 154:8 160:9 232:2 295:10 297:14 298:14,15 302:13 377:14 <b>closely</b> 300:7 <b>closer</b> 107:10 255:22 287:20 306:10 <b>closes</b> 18:17,18 19:5 <b>closing</b> 25:9 124:10 168:18 <b>closure</b> 24:16 25:8 58:3 70:7 103:21 104:2,12,17,19,20 105:4 108:3 120:11 124:7,9,18 125:4 324:12 <b>closures</b> 7:13 10:4 10:13 43:4 51:6 103:18,19 104:3,4 104:16 111:12 112:6 120:9,21 147:5,7,12 298:20 <b>coast</b> 62:10 68:6 69:21 106:1,12 108:8 110:15 116:12 127:14 165:9 186:18 219:1 230:14 233:15 243:5 294:14 317:15,19 <b>coastal</b> 14:5 15:15 16:16,22 17:6,8 17:18 18:13,17 19:4,14,18 20:8 20:10,18 21:15 23:3,5,6 24:1,14 25:2,9,21 26:1,9 26:11,13,14,21 27:5,8 28:3,8,12 28:16 42:4,5 50:2 50:3 65:13 121:16 137:4,9 206:6 209:5 219:18
---	---	---	--	---

239:17 305:15	196:1 232:15	<b>commented</b> 98:21	253:12 255:9	<b>compensate</b> 314:7
<b>coastals</b> 65:17 69:3	236:18,21 250:21	143:20	263:4,14,16 264:3	315:4
120:12 141:17,19	251:3 252:7 260:3	<b>commenting</b>	265:3,18,20 269:4	<b>compete</b> 81:14
141:20 209:9	288:3 290:8 298:2	112:18	270:9 273:5,14	173:12
219:22	300:3 304:13	<b>comments</b> 5:17,21	281:8 283:5	<b>competing</b> 81:14
<b>coast-wide</b> 276:5	323:17 340:9	6:22 7:14 36:1	294:15 299:10,13	168:10 171:19
276:12,15,18	347:14 349:18	37:12 47:22 52:14	311:14 312:16	<b>competitive</b> 183:3
283:18	351:19 355:11	71:9 72:7 73:3,4,8	321:5 332:20	183:14,20
<b>cod</b> 92:16 176:8	365:5,16 366:8	73:15 89:4 95:15	335:4 336:19	<b>complaining</b> 95:2
<b>Code</b> 197:12	371:3 375:18	111:17,22 112:2	338:8 339:20	<b>complement</b>
<b>codes</b> 327:11	<b>comes</b> 83:19 102:2	112:13,21 114:8	362:17	104:11 214:19
<b>codify</b> 276:7,17	133:17 173:8	127:4 135:17	<b>commercially</b>	<b>complementary</b>
277:15 278:8	176:10 199:3	137:6 138:2,11,12	252:13 258:2	35:21,22
279:1	201:16 247:19	138:15,18 140:17	268:5 271:9,12	<b>complete</b> 36:19
<b>coexist</b> 376:6,21	303:15 337:18	143:4,7 144:8	274:20 275:9	255:16 349:22
<b>cohort</b> 363:5	366:5	145:9 211:9,10	<b>commercial/recre...</b>	<b>completely</b> 54:11
<b>collaborative</b> 91:10	<b>comfortable</b>	212:8 221:6	53:3	59:19 126:6
91:11 92:14 189:7	374:19,20	224:22 233:6	<b>Commission</b> 105:3	267:16 298:15
<b>collaboratively</b>	<b>coming</b> 6:9 50:15	239:2 252:5	<b>commissioners</b>	367:13
83:10 181:16	70:2 78:2 96:2	282:13 284:2,5	366:2	<b>complex</b> 21:15
184:7	131:18 136:4	300:1,9,17 313:16	<b>commissions</b>	48:16,20 49:3
<b>colleagues</b> 184:7	145:22 151:8	315:9 329:14,20	137:22	52:11 58:4 59:9
<b>collect</b> 355:20	165:9 166:6 173:5	338:17 339:1	<b>commitment</b> 91:8	66:14 72:13
<b>collected</b> 6:21	175:12 181:19	345:6,8,8,16	<b>committed</b> 81:22	117:14 137:5,9
205:16 206:22	184:14 186:1	354:5 365:12	91:11,17 92:4	149:5 350:11
359:8	192:20 196:21	<b>Commerce</b> 1:1	93:2 213:15	<b>complexities</b> 335:4
<b>collection</b> 91:6	201:6 234:3 237:8	366:6	<b>committee</b> 177:1,7	<b>complexity</b> 148:2
207:21,22	301:21 326:16	<b>commercial</b> 4:16	177:11 192:18	<b>compliance</b> 103:20
<b>collectively</b> 53:5	<b>commence</b> 200:20	7:11 10:2,20 11:7	348:14,16,21	200:7 332:15
<b>column</b> 248:1	<b>comment</b> 4:14,19	12:15 14:3,7	350:14,19 355:8	368:1,3
<b>combination</b>	47:2 62:2,6 68:17	16:13,16 20:14	356:17,21 365:13	<b>complicates</b> 51:2
201:19 225:14	122:10 123:21	21:16,21 22:2,11	365:17 366:10	<b>comply</b> 344:5
377:19	132:4,20 138:8,20	22:14,18 26:3,8	368:1,10,14	<b>component</b> 63:2
<b>combined</b> 199:16	139:5 147:4	27:5 28:5 30:14	369:19	293:12
207:10 209:9	149:18 158:16	35:12 45:4,20,22	<b>commodity</b> 66:21	<b>compromise</b> 95:6
319:20 320:18	175:20 195:12	47:1,13 53:15	<b>common</b> 99:13	<b>concede</b> 230:21
323:12	212:7,15 217:20	72:20 93:15	147:21	<b>conceivably</b> 193:14
<b>come</b> 6:14 10:12	230:19 239:16	103:20 116:22	<b>community</b> 11:21	<b>concentrated</b>
17:20 24:22 25:13	243:22 246:19	155:3 161:9,13	80:7 83:3 184:5	147:20
37:22 38:18 46:16	250:20,22 251:1	199:7,14 201:16	357:5,12	<b>concept</b> 215:6
63:20 65:9 73:14	284:9 292:12	204:5 214:17	<b>comparable</b> 373:20	253:13 254:5
75:2,6,9 79:18	302:3,9 306:15	219:14 220:3	373:21	260:16
84:5 88:9 93:8	310:4,16 345:20	222:6 223:22	<b>compare</b> 133:13	<b>concepts</b> 262:16
115:20 118:12	347:12,16,18	224:3 232:10	295:2	<b>concern</b> 49:12
137:6 146:18	350:21 353:17	235:17,19,21	<b>compared</b> 106:11	51:19 55:13 76:12
152:10 165:2,22	354:22 367:13	236:2,5,10,10	<b>comparison</b> 110:19	134:6 144:6
189:16 190:16	373:13 377:3	237:19 244:14	132:11	160:11 210:7

225:7 232:18 307:5 326:19 363:3,12 <b>concerned</b> 153:5 157:14 158:9 210:9 240:1 <b>concerning</b> 335:17 <b>concerns</b> 139:16 151:10,12 158:20 210:4 252:16 257:13 326:15 343:20 354:18 375:5 <b>concise</b> 52:14 71:3 90:18 212:11 <b>conclude</b> 87:12,13 <b>concludes</b> 35:10 <b>concrete</b> 282:9 <b>conduct</b> 175:8 <b>conducted</b> 63:19 67:21 106:5 <b>conducting</b> 132:13 <b>confess</b> 300:6 <b>confidence</b> 80:15 <b>confident</b> 150:1 <b>confirmed</b> 74:5 <b>conflict</b> 354:21 <b>conflicts</b> 257:14 317:11 <b>confused</b> 307:1 <b>confusing</b> 40:21 44:10 275:3,14 <b>confusion</b> 29:12 274:5 <b>Congress</b> 81:3 82:6 102:11 179:11 180:11,14 184:3 <b>congressional</b> 171:2 184:17 <b>congressional</b> 171:3 <b>connected</b> 65:12 258:10 <b>consequences</b> 134:18 217:10 231:22 <b>consequently</b> 232:5	<b>conservation</b> 8:19 74:22 <b>conservative</b> 207:16 237:11 311:6 <b>consider</b> 14:3,6 17:3 21:20 26:15 26:19,22 41:5 54:14 60:9 61:6 122:12 141:5,7 142:6 143:16 144:11 163:3 191:14,16 206:13 226:14 240:2 260:15 283:22 306:6 307:16 335:16 <b>considerably</b> 314:12 <b>consideration</b> 4:7 49:9 87:11 136:15 219:10 224:13,18 295:17 322:10 359:14 <b>considered</b> 121:11 121:13 134:20 135:8 192:8 255:15 256:10 282:1 293:19 294:2 311:1 319:18 351:9 <b>considering</b> 16:2 48:22 49:10 105:13 152:8 219:17 311:6 <b>consistent</b> 130:6 316:6,11 <b>Consolidated</b> 253:12 <b>constituencies</b> 251:15 <b>constituents</b> 138:22 139:11 140:20 142:10 337:3 <b>constrained</b> 376:22 <b>constraint</b> 178:2 <b>constraints</b> 99:17	257:12,16 <b>constructive</b> 84:11 92:6,8 <b>consultation</b> 262:6 <b>consulting</b> 336:19 <b>consumption</b> 216:21 217:1,4 231:22 <b>contact</b> 251:10 282:22 338:13 377:5 <b>contacted</b> 29:22 <b>contained</b> 7:10 <b>contention</b> 190:1 <b>continue</b> 11:14 17:3 29:18 51:15 57:13,17 76:1,6 80:21 81:6 82:5 84:22 85:1 93:4 102:8 168:1 169:10,16 170:2,5 179:18 203:19 204:6 330:1 364:20,21 380:7 <b>continued</b> 4:6 72:17 257:20 262:9 <b>continues</b> 73:22 77:7 80:19 89:18 <b>continuing</b> 98:2 106:14 172:14 179:6 187:20 345:14 <b>continuity</b> 63:6 67:20 <b>contradict</b> 287:14 <b>contribute</b> 249:4 249:13 265:12 379:7 <b>contributed</b> 191:11 <b>contributes</b> 58:11 59:18 <b>contribution</b> 58:16 59:17 158:18 <b>control</b> 67:7 100:22 197:7 244:15 269:21	<b>controls</b> 44:9 264:22 <b>controversial</b> 173:4 <b>conversation</b> 52:16 364:20 380:13 <b>convert</b> 321:3 <b>cool</b> 359:8 <b>cooler</b> 208:15 <b>Cooper</b> 3:5 6:16 40:1 48:8 49:5 53:13 54:4 62:8 103:15 121:12 122:5 123:14 124:17 125:14,17 125:21 126:4,9,13 133:4 <b>cooperative</b> 84:17 91:10 176:16 178:5 179:19 181:14 185:21 186:1,4 187:11 205:16 206:22 <b>cooperatively</b> 154:20 <b>coordinate</b> 8:18 <b>coordinated</b> 239:6 <b>copies</b> 7:7 254:22 <b>copy</b> 7:5 62:7 181:22 <b>corner</b> 106:22 334:12 <b>corners</b> 239:21 <b>corporation</b> 66:21 <b>corporations</b> 67:7 <b>correct</b> 160:7 229:14 249:17 286:13 323:6 330:6 351:13 355:2 <b>correction</b> 150:13 <b>correctly</b> 125:9,12 354:22 <b>corresponding</b> 26:8 <b>corresponds</b> 29:6 <b>cost</b> 159:17 162:20 196:9 217:18,20	309:18,19 310:2 318:20 341:19 <b>costly</b> 58:20 <b>costs</b> 149:10 156:3 266:18 267:8,15 268:19 269:18,20 273:18 299:12 <b>cost-effective</b> 175:11 <b>council</b> 2:16 92:13 99:5 178:6,8 213:1 <b>councils</b> 65:3 104:11 137:22 155:10,16 177:20 178:1 183:3 <b>council-based</b> 187:19 <b>council-managed</b> 139:3 <b>count</b> 28:15 57:4 71:5 231:19 371:11 <b>counted</b> 27:7 28:19 41:15 57:11 88:4 <b>counting</b> 28:10 <b>countries</b> 54:20 80:10 94:4,6 197:6 221:2 260:19 261:3 295:3 304:7,10 <b>country</b> 89:15 101:17 172:2 288:21 295:14 375:17 <b>County</b> 65:18 <b>couple</b> 5:4,7 11:2 13:1 16:19 52:22 61:21 71:4 98:18 103:5 108:2 115:12 142:18 145:4 155:19 174:10 181:16,18 220:10 239:2 241:3 284:21 288:4 298:11 300:4 304:1
---	--	--	--	--

313:21 315:9 326:18 353:10 354:4 <b>course</b> 113:19 130:1 132:1 175:13 206:15 287:2 329:20 375:14 377:19 <b>cover</b> 10:7 73:13 359:1 362:19 380:20 <b>coverage</b> 118:22 356:1,2 <b>covered</b> 329:16 <b>CPUE</b> 55:9,17 105:19,21 106:7 106:11 107:15 108:18,22 110:10 110:12 133:9 134:4 <b>CPUEs</b> 108:20 110:14,18 <b>crab</b> 154:20,21 <b>crack</b> 245:5 378:11 <b>cracks</b> 183:2 191:1 191:4 <b>crafted</b> 296:17 <b>cram</b> 330:15 <b>cranny</b> 80:8 <b>crazy</b> 65:13 <b>create</b> 26:6 27:11 58:1 154:21 196:19 202:14,18 203:13 204:1,13 228:16 263:12,21 267:3 281:18 283:4 296:2 329:8 <b>created</b> 89:3 106:18 202:5 203:14 207:8 <b>creates</b> 84:13 <b>creating</b> 20:6,8 31:13 202:7 222:12 237:21 306:21 <b>creative</b> 232:1 <b>crew</b> 294:20	<b>criteria</b> 92:9 270:1 276:22 277:3,6,12 277:19 279:11,12 279:18 280:3 316:7,12 <b>critical</b> 75:11 155:22 156:10 158:19 159:10 <b>criticizing</b> 306:3 <b>Croix</b> 197:9,20,22 198:4,12 215:18 221:11 238:11 239:4 242:13 243:10 <b>Crowne</b> 1:14 <b>CRP</b> 179:6 <b>crucial</b> 172:5,10,22 173:1,8 186:2 <b>crunch</b> 156:8 <b>CSBP</b> 201:16 <b>Cuba</b> 219:1 <b>Cuban</b> 219:3 <b>CUDNEY</b> 3:6 <b>culturally</b> 222:14 <b>culture</b> 130:2 244:20 <b>CUPKA</b> 2:18 <b>curious</b> 121:7 147:10 231:10 292:13 293:8,19 346:14 <b>current</b> 13:3,21 15:1,6 16:5 17:5 19:1 20:13 21:4 22:2 27:4,7 28:8 29:1,9,19 76:2 104:3 122:17 123:3 143:17 160:2 195:16 203:4,5,6,7,8,9 204:6 206:19 257:18 258:20 259:10 261:13 263:11 264:15 265:19 269:12,15 271:17 273:1 308:11 319:6	320:2 321:10 323:18 324:20 333:10,12 354:12 <b>currently</b> 10:20 12:14 16:19 18:11 20:12 21:13 24:12 26:12 33:4 34:5 45:12 75:20 138:7 144:1 154:19 197:14 205:7,12 208:19 210:2 219:13 224:6 231:8 233:19 237:3 241:16,19 256:11,22 259:15 260:10 261:17 272:7 282:1 284:12 293:20 310:19 311:3,4 313:7 332:7 336:2 337:14 340:4 346:5 <b>cursor</b> 245:14 <b>curtail</b> 117:17 <b>curtailing</b> 118:8 <b>Curtis</b> 62:8 <b>curve</b> 346:3 <b>cut</b> 37:19 90:15 178:18 180:12 340:11 <b>cuts</b> 99:3 102:8 178:16,22 179:2 180:20 243:11 <b>cutting</b> 116:17 341:13 <b>cycle</b> 193:19 <b>cycles</b> 80:20	<b>dark</b> 197:10 260:8 352:13 <b>dashed</b> 333:13 <b>data</b> 8:11 11:13,13 12:1 30:22 33:6 54:6,7 55:5,17 62:15,21 90:3 91:6 94:12 96:22 99:17,22 105:10 105:17 106:15,17 107:1,9,11,13,15 108:5,7,22 109:8 109:11,16,19 110:1,3,20,21 111:4,8 119:7 161:15,18,19 185:1 196:17 200:9 203:20,21 207:21 238:20 240:3 260:4 298:16 301:21 307:22 319:5 333:3,20 334:20 334:20 335:10 345:15 346:17 347:3,4 354:9,14 355:13 372:8 376:12 378:20 380:6 <b>date</b> 253:21 269:21 282:18 <b>dates</b> 139:21 212:2 <b>dating</b> 360:15 <b>daunting</b> 101:17 <b>DAVID</b> 1:23 2:18 <b>day</b> 6:7 21:7 32:1,7 56:22 86:17 120:4 189:6,10 215:6 224:8,9,11 225:20 226:6,12,13 244:8 249:20 306:12 320:4 343:5,6,7,8 343:8 345:12,18 <b>days</b> 38:20,21 62:3 68:17 133:1 184:21 313:21 <b>daytime</b> 40:15	319:20 323:11 <b>dead</b> 11:12 17:1 20:1 24:21 25:12 27:20 31:16 33:3 34:12,17 36:16,20 41:11 42:6 45:6 45:22 46:16,17 58:9 72:18 76:12 88:5,7 117:5 162:18 247:16 254:15 350:8 357:7 362:7,11 366:13,22 367:18 367:19 370:12 371:8,11,18,19 372:2,3,22 373:4 373:15 377:19 378:5 379:8,12 380:5 <b>deadline</b> 73:5 316:17 <b>deadlines</b> 270:2 <b>deal</b> 30:17 65:1 74:11 75:14 76:10 76:22 89:1 94:19 99:11 153:21 160:5 166:9,15 169:2 171:10 173:3 181:6 230:15 273:10 288:18 290:14 291:10 346:21,22 364:16 376:11 <b>dealer</b> 196:15 198:9,10 203:4,9 204:10 205:15 222:19 223:1,3,3 236:21 237:1 241:20 308:14,15 308:17 337:22 340:7 <b>dealers</b> 196:2,3 208:10 217:2 223:7 270:13,17 270:21 271:14,18 271:21 272:4 273:2,7,14 275:6
--	--	--	--	--

308:9,10,11,21 346:22 <b>dealing</b> 64:13 77:5 89:2 99:1 169:16 169:17 177:17 180:14 190:17 245:3 247:21 285:17 <b>deals</b> 167:1 230:13 <b>dealt</b> 165:14 <b>debate</b> 54:14 <b>debates</b> 172:6 <b>decade</b> 183:7 232:3 349:22 <b>decades</b> 181:17 <b>December</b> 98:10 <b>decide</b> 74:11 225:18 <b>decimated</b> 298:13 <b>decision</b> 72:10 252:22 256:13 <b>decisions</b> 156:21 <b>decision-making</b> 50:10 <b>declaration</b> 8:3 <b>declare</b> 32:9 372:12,12 <b>decline</b> 80:19 172:14 <b>declined</b> 169:20 259:21 <b>declining</b> 169:4 258:13 <b>decouple</b> 162:13 <b>decrease</b> 31:1 34:14 322:12 <b>decreased</b> 34:9 <b>decreasing</b> 34:17 47:12 <b>dedicated</b> 76:4 143:8 <b>deduct</b> 23:11,18 24:4 <b>deep</b> 214:9 219:2 224:7 <b>deeper</b> 125:2 <b>deeply</b> 244:4	<b>deepwater</b> 60:15 <b>defer</b> 43:2 <b>defined</b> 197:12 <b>defining</b> 226:21 <b>definitely</b> 37:19 49:20 56:15,16 57:17 110:20 120:20 131:21 145:6 154:5 314:21 <b>degrading</b> 151:6 <b>degree</b> 54:9 106:20 108:10 109:20 111:4 113:19 117:7 126:14 165:3 <b>degrees</b> 124:15 189:3 <b>Delaware</b> 69:10 105:5 106:4 108:21 <b>delayed</b> 100:10,11 <b>delays</b> 100:21 <b>delegation</b> 349:17 355:10 366:6 368:16 370:11 <b>delineated</b> 240:4 <b>delineation</b> 238:15 <b>Delisse</b> 338:15 <b>delivered</b> 369:3 <b>demand</b> 81:7 216:5 246:8,15 304:13 <b>demonstrated</b> 76:5 <b>department</b> 1:1 178:17 <b>depend</b> 293:13 <b>dependence</b> 299:10 <b>dependent</b> 105:10 293:14 <b>depending</b> 28:1 114:6 156:2 177:3 246:7,14 295:14 <b>depends</b> 116:4 <b>DePERSIA</b> 1:20 <b>deployed</b> 35:1 37:15 <b>depressed</b> 210:17	<b>depth</b> 361:19 <b>deputies</b> 74:3 <b>deputy</b> 74:18 100:20 <b>derbies</b> 58:1,2 <b>derby</b> 148:21 <b>derivative</b> 46:13 <b>describe</b> 255:11 256:12 <b>described</b> 189:17 192:22 <b>describing</b> 256:8 <b>design</b> 84:10 140:10,13,15,18 141:13 154:22 155:10,16 158:19 159:1,2,6,12 163:9,17 <b>designated</b> 164:19 <b>designed</b> 35:19 118:21 195:17 240:18 296:4 <b>desirable</b> 310:7,13 <b>desires</b> 252:12 <b>despite</b> 80:18 <b>detail</b> 14:6 380:10 <b>detailed</b> 73:4 356:12 <b>details</b> 140:15 166:13 255:18 264:14 <b>determinations</b> 50:4 <b>determine</b> 14:1 24:17 75:12 145:1 199:18 <b>determined</b> 203:18 <b>determining</b> 248:9 <b>devastating</b> 89:16 <b>develop</b> 78:18 187:10,12 304:11 355:13 <b>developed</b> 170:7 177:9 254:14 255:12 264:4 282:14 <b>development</b>	201:12 297:4 360:8 <b>devices</b> 118:4 <b>diagram</b> 14:8 <b>diagrams</b> 336:12 <b>dialogue</b> 76:7 190:17 <b>DIANNE</b> 3:20 <b>Diaz</b> 3:7 79:10 <b>dibs</b> 299:16 <b>Dick</b> 95:2 <b>died</b> 352:17 <b>differ</b> 56:20 <b>difference</b> 128:5 182:16 189:20 340:13 346:7 <b>differences</b> 60:4 189:21 <b>different</b> 6:11 11:16 24:15 40:19 49:15 51:5 54:6,6 54:7 56:16 89:1 100:19 105:12,18 106:3,7 119:7,8 130:4 133:13 141:7,11,12 161:3 162:1 165:7 166:6 170:8 180:19 181:15 196:5 197:6 214:2,6 217:20 219:21 267:2 288:12 324:14 366:14,22 369:13 370:20 375:19 <b>differentiate</b> 107:22 266:11 267:6 268:16 <b>differently</b> 91:12 328:10 367:10 <b>difficult</b> 40:17 88:11 89:3 102:7 102:10,12 256:22 257:10 268:15 280:20 281:1,10 301:1 336:22 339:16	<b>difficulties</b> 336:22 337:17 <b>difficulty</b> 100:12 <b>dilemma</b> 78:8 <b>diminishes</b> 32:21 <b>diminishing</b> 299:19 <b>diminishment</b> 228:3 <b>dire</b> 291:2 <b>direct</b> 60:7,22 171:2 <b>directed</b> 15:12 20:14,19 26:13 35:3 68:4 86:5,6,8 142:13 160:2 187:3 233:5 235:3 254:2 257:5 292:5 <b>direction</b> 48:5 83:14 118:14 172:13 <b>directive</b> 73:1 <b>directly</b> 196:6 <b>director</b> 4:10 61:19 73:17 74:1 92:1,4 92:10 <b>disadvantage</b> 139:13 265:19 <b>disadvantaged</b> 154:11 <b>disadvantages</b> 185:16 307:14 <b>disagreement</b> 368:11 <b>disallowing</b> 230:2 <b>disappeared</b> 377:5 <b>disappointed</b> 72:21 <b>discard</b> 7:12 10:3 10:10 11:12 30:15 35:12 50:22 72:18 78:13 79:5 80:10 146:3 153:6 265:13 267:22 278:10 344:13 351:11 361:3,5,21 363:9 371:20 375:13 377:12 379:8,12 380:4,5
--	--	--	---	--

380:5	255:7 337:11	<b>Doctor</b> 188:3	<b>dominant</b> 360:10	<b>drift</b> 216:11 331:17
<b>discarded</b> 31:16	348:4 369:20	<b>doctors</b> 314:17	<b>Dominican</b> 213:20	<b>drifting</b> 216:12
33:3 88:5,7	370:14 373:7	<b>document</b> 5:22	214:6 228:17	<b>drive</b> 66:15
346:18 347:2,6	<b>discussion</b> 5:3	62:9,19 65:6 68:8	<b>door</b> 231:17 236:3	<b>driven</b> 62:20 178:7
369:17 378:15	10:11 86:19 91:1	68:17 122:16	274:16 318:4	208:13
<b>discards</b> 16:9 17:1	96:17 97:14,17	171:12 193:21	<b>dots</b> 105:18 106:20	<b>drives</b> 163:1
20:1 22:8,9,16	112:5,5 138:4	201:5 213:3,15	107:19,22 126:5	<b>driving</b> 80:4
24:21 25:12 27:20	143:1 163:21	220:5 255:17	258:10 333:4	210:11
34:13,17 42:7	173:15 180:18	261:7,18 263:8	377:16	<b>drop</b> 44:6 168:21
45:7 46:1,16,17	187:5 252:17	264:15 298:3	<b>doubt</b> 234:5,13	250:2 287:11
53:16 58:9 76:12	253:3 330:1	300:7 311:7 348:3	318:8,9	288:22 290:2
78:21 80:1,5	335:15 338:18	348:8 350:18	<b>doubted</b> 241:12	335:8
85:12,15 88:19	345:15 348:8	352:19 357:19	<b>dozen</b> 52:9 99:12	<b>dropped</b> 286:16
117:5 148:11	350:18 353:21	360:3 361:18	<b>DPNR</b> 246:13	<b>drop-offs</b> 239:3
247:16 254:16	354:1 369:11	366:5 367:9,18	<b>Dr</b> 4:10 42:11 74:6	<b>due</b> 112:2 207:12
265:13 267:22	380:7	369:10 372:22	79:8,9,9,10 87:3	212:8 246:10
272:17 278:10	<b>discussions</b> 76:17	<b>documentation</b>	87:17 128:10	<b>Duly</b> 240:7
349:10,11 350:6	78:10 98:1,2	167:10,19	161:8 164:10,13	<b>dump</b> 36:15 129:13
351:8,9,18 352:16	112:21 115:17	<b>documents</b> 94:16	165:1 175:21	347:1
355:14,16 357:3	171:13 172:9	168:1,2 170:17,19	176:2,7,22 179:8	<b>dumped</b> 162:19
359:1 361:11	213:18 254:17	171:5 172:5	181:9,9 185:7	<b>duration</b> 74:14
362:8,11,19 363:7	370:10	365:20	189:15 191:19	<b>Durkee</b> 330:10,16
366:13,13,22	<b>dismantled</b> 227:14	<b>dog</b> 117:1	192:2,9,11 193:18	342:7 345:9
367:18,19 369:14	<b>dismissing</b> 304:6	<b>doing</b> 40:13 44:20	194:10 218:16	346:16
369:16,18 370:12	<b>displaced</b> 249:14	56:4 57:12 80:11	246:20 247:8,13	<b>duskies</b> 10:16 12:2
370:22 371:2,6,11	250:7 314:7 315:4	84:6 85:4 87:11	248:2 250:13	51:15 71:10 109:6
372:2,3,22 373:4	<b>disposition</b> 347:5	91:12 93:14 94:11	287:14 291:13	116:7,8 124:13
373:16 374:21,22	<b>disservice</b> 365:14	100:7 124:20	292:13 293:7	125:1
375:1,20 376:8	<b>dissuades</b> 307:18	131:12 141:1	294:3 296:7 300:6	<b>dusky</b> 4:2 7:18 8:14
377:20,20 378:5	<b>distance</b> 194:16	160:22 171:6,7	332:1 346:1 365:7	9:1,12 10:19 11:4
<b>disconnect</b> 65:16	<b>distant</b> 306:8	176:15 179:3	365:11 370:2	11:6,12,22 31:9
<b>discontinued</b>	<b>distinction</b> 312:13	184:22 200:14	<b>draft</b> 12:9 77:10	42:16 43:4 50:13
362:10	<b>distinguish</b> 281:1	209:16 215:19	167:13 201:3,6	53:1,9,16 58:4
<b>discovered</b> 94:8	<b>distributed</b> 315:13	228:20 266:13	254:21 320:1	63:14,19,21 69:12
<b>discuss</b> 6:3 78:10	<b>distribution</b> 197:14	267:5 291:1,6	<b>drafts</b> 167:13	71:18 106:2,7,8
166:21 195:8	303:12 323:8	298:21 299:12	<b>drain</b> 361:11	106:14,17 107:11
221:9 280:12	<b>divide</b> 323:1	307:19 357:10	<b>drastically</b> 335:10	108:7 109:18
331:5 354:11	<b>divided</b> 143:9	365:14 367:15	<b>draw</b> 129:13 136:2	115:21 116:2,11
<b>discussed</b> 32:12	<b>dividing</b> 65:19	372:11 373:5	172:18	122:15,21 123:8
58:10 119:16	<b>division</b> 1:15	375:22	<b>drawing</b> 353:16	125:22 130:17
143:12 148:2	165:18 253:7	<b>dollars</b> 81:16	<b>drawn</b> 324:11	131:8,17,22
186:14 197:3	<b>DNR</b> 154:17,19	318:19	<b>dream</b> 288:20	133:11 134:10,21
199:12 222:4	<b>doable</b> 45:19	<b>domestic</b> 8:19 64:5	<b>dress</b> 122:18	160:12
231:3 266:9 269:8	<b>DOC</b> 167:18 168:9	219:14	339:10	<b>dwindling</b> 81:19
331:18 359:4	171:22	<b>domestically</b> 93:22	<b>dressed</b> 70:13	<b>D.C</b> 166:1
<b>discussing</b> 53:7	<b>dock</b> 127:12 135:6	198:19 220:4	332:20 337:6,9	
141:14 195:14	343:18	332:13	341:10	

<b>EA</b> 197:17,18 201:6,7,8 225:10 282:16	<b>edition</b> 182:2	<b>elements</b> 140:10,13 140:15,18	336:21 337:17,18	<b>err</b> 51:16
<b>ear</b> 171:22,22 297:18	<b>education</b> 117:22 162:14 163:4	<b>eligibility</b> 142:9	<b>enforcing</b> 32:3 337:11,20	<b>error</b> 130:19
<b>earlier</b> 34:7 108:18 161:1 188:9 206:3 224:15 307:6 342:17	<b>EEZ</b> 197:9 243:16	<b>eligible</b> 307:11	<b>engaged</b> 292:18	<b>eRulemaking</b> 211:13
<b>early</b> 62:22 98:17 111:20,21 131:5 145:11	<b>effect</b> 87:13 89:16 90:10 156:7 214:5 302:16	<b>eliminate</b> 64:11,15 72:9 85:13 123:5 127:7,16 128:1 288:10 331:16	<b>ENGELKE-ROS</b> 3:8	<b>ESA</b> 187:1 262:6
<b>earmark</b> 184:17	<b>effective</b> 104:6 120:22 156:19 282:18 331:21	<b>eliminated</b> 142:15	<b>engines</b> 305:8	<b>escaped</b> 52:22
<b>earmarks</b> 184:19	<b>effectively</b> 300:14	<b>eliminating</b> 127:15	<b>England</b> 78:4 82:12 91:3 166:5 175:3,4,4 176:15 176:18 186:1 189:16 190:5,11 190:17 277:21 280:7 305:4 308:11,17 311:16 358:17	<b>especially</b> 33:1 46:16 58:3 127:5 128:22 176:17 184:3 235:3 244:21 302:4,11 328:20 339:19 341:4 343:3 361:8
<b>earned</b> 316:12,17	<b>effects</b> 140:21 141:3 163:3 189:2	<b>Ellen</b> 2:3 190:20 217:6,7 223:12,13 248:19 326:6 366:2 370:3	<b>enter</b> 218:7	<b>essence</b> 272:4
<b>ears</b> 381:5	<b>efficiency</b> 46:10 58:21	<b>email</b> 112:1 251:11 290:6 319:4	<b>entire</b> 42:22 346:4 362:21	<b>essential</b> 262:15
<b>easier</b> 38:1 40:15 41:2 84:1 85:5 167:15 202:22 262:20 379:11	<b>efficient</b> 6:6 65:19 149:15 254:9	<b>emanate</b> 174:20	<b>entirely</b> 155:1 307:5	<b>essentially</b> 94:20 132:15 177:21 227:4 266:22 271:18 281:10
<b>east</b> 62:10 68:6 69:21 106:12 108:8 116:12 124:14 127:14 186:18 317:14,18	<b>efficiently</b> 149:10	<b>embedded</b> 179:12	<b>entirely</b> 155:1 307:5	<b>establish</b> 16:12 18:3 24:8,9 29:5 175:1 185:11 220:13 263:13,15 264:16 265:7 269:3 276:20 277:15,21 278:3,7 279:11,14,16 281:13 283:9 339:13
<b>eastern</b> 104:21 120:10	<b>effort</b> 55:7,11 64:16 69:7 140:6 147:17,20,21 161:1 200:9 210:7 231:4 238:19 239:3 250:9 257:10,17 265:13 267:22 272:17 278:9 301:1,13 302:11 331:16 355:4 378:22 379:6	<b>emphasize</b> 66:6 128:14 254:21 257:9 258:22 260:2 261:15 266:1 269:17 273:20 282:19	<b>entirely</b> 155:1 307:5	<b>established</b> 183:13 269:21,22 270:1,6 277:7 283:18 362:6
<b>easy</b> 181:3 299:3 373:8	<b>effort-based</b> 134:9	<b>emphasis</b> 178:11	<b>entirely</b> 155:1 307:5	<b>establishing</b> 18:4 270:8 278:11 310:13 313:13 351:10 353:2
<b>eat</b> 87:7 150:20	<b>eight</b> 37:4 218:11 322:17 325:19	<b>emphasize</b> 66:6 128:14 254:21 257:9 258:22 260:2 261:15 266:1 269:17 273:20 282:19	<b>entirely</b> 155:1 307:5	<b>estimate</b> 129:10 248:13,17 366:19 371:16 379:8
<b>echo</b> 59:15 93:7 127:3 135:17 343:12 354:5	<b>eighties</b> 62:22 240:21 242:7	<b>enable</b> 279:2	<b>entirely</b> 155:1 307:5	<b>estimated</b> 285:11 370:13
<b>ecological</b> 264:18 264:19 265:11 266:8 274:2 279:5	<b>EIS</b> 111:19,20	<b>enacted</b> 112:22	<b>entirely</b> 155:1 307:5	<b>estimates</b> 247:15 346:10,14 372:9 378:19
<b>economic</b> 55:17 58:16 265:1,16 268:3 274:4 278:12	<b>either</b> 11:11 129:17 193:11 296:9 304:19 352:12 359:9 376:9	<b>enclosing</b> 147:15	<b>entirely</b> 155:1 307:5	<b>estimating</b> 355:13
<b>economically</b> 55:19 222:10	<b>elaborate</b> 93:9 329:13	<b>encourage</b> 76:1 225:4 339:18	<b>entirely</b> 155:1 307:5	<b>et</b> 8:20 62:19 63:5
<b>ecosystem</b> 186:9,14	<b>election</b> 74:10	<b>ended</b> 64:21 111:15 316:11,19	<b>entirely</b> 155:1 307:5	
<b>ecosystem-based</b> 87:9	<b>element</b> 141:13	<b>endorse</b> 214:11	<b>entirely</b> 155:1 307:5	
<b>edge</b> 294:17		<b>endorsement</b> 329:3 329:11	<b>entirely</b> 155:1 307:5	
<b>edible</b> 113:13		<b>ends</b> 366:7	<b>entirely</b> 155:1 307:5	
		<b>energy</b> 289:6 339:1	<b>entirely</b> 155:1 307:5	
		<b>enforce</b> 36:8,12 280:20 281:11 337:21	<b>entirely</b> 155:1 307:5	
		<b>enforceable</b> 36:7 275:21	<b>entirely</b> 155:1 307:5	
		<b>enforced</b> 337:16	<b>entirely</b> 155:1 307:5	
		<b>enforcement</b> 156:18 225:22 273:15 284:15	<b>entirely</b> 155:1 307:5	

239:22 293:15 369:22,22 <b>ethical</b> 151:3 <b>ethics</b> 150:17 162:1 162:2 163:5 <b>European</b> 357:5 <b>evenly</b> 23:19 <b>event</b> 17:17 66:22 74:14 127:10 299:20 <b>eventually</b> 157:15 190:5 361:12 <b>everybody</b> 6:17 70:18 95:5 136:22 255:1 315:2 369:19 372:15 <b>everything's</b> 302:20 <b>exact</b> 241:10 <b>exactly</b> 39:16 69:14 84:14 97:20 109:14 300:12 311:12 361:21 <b>examination</b> 355:13 <b>examine</b> 200:9 <b>examined</b> 362:16 <b>example</b> 18:22 64:8 175:2 186:10 214:2,22 281:20 308:12 311:14 353:12 354:9 358:8,10 361:1 <b>examples</b> 64:10 69:11 83:8 353:14 <b>exceeded</b> 11:17 <b>exceeds</b> 218:9 <b>excellent</b> 85:8 152:13 163:22 212:10 338:21 <b>exception</b> 360:22 <b>excessive</b> 35:8 277:12 <b>exclude</b> 28:9 <b>exclusion</b> 289:21 <b>exclusively</b> 258:19 <b>excuse</b> 21:10 30:1	40:17 41:2,21 111:7 <b>exempt</b> 231:13 275:4 <b>exemption</b> 233:13 <b>exercise</b> 63:13 67:20 <b>exist</b> 58:2,20 151:21 303:21 <b>existence</b> 262:9 <b>existing</b> 34:20 104:15 147:12 207:18 242:19 257:11 263:20 264:10 265:17 266:6 268:13 283:10 291:21 307:1 309:20 310:11 312:13 332:12 <b>exists</b> 277:1 <b>expand</b> 29:10 57:7 105:2,6 160:12 200:4 257:10,17 321:9 <b>expansion</b> 151:18 379:7 <b>expect</b> 82:4 93:4 95:3 169:15 222:21 290:14 328:3,17 <b>expectation</b> 179:4 328:20 <b>expected</b> 94:21 252:9 <b>expecting</b> 284:22 <b>expenses</b> 249:20 <b>expensive</b> 149:9 <b>experience</b> 88:20 148:5 156:12 184:4 290:9 <b>experiencing</b> 139:19 <b>experiment</b> 70:19 <b>experimental</b> 69:16 <b>expertise</b> 175:15 184:4	<b>explain</b> 5:5 132:22 133:2 160:22 170:6 177:12,16 <b>explanation</b> 39:15 <b>explicit</b> 336:8 <b>explicitly</b> 230:2,3 <b>explore</b> 7:8 91:13 <b>explored</b> 9:22 11:19 <b>exposed</b> 84:10 <b>expressed</b> 139:16 144:6 <b>extend</b> 311:18 <b>extended</b> 32:21 63:6 <b>extends</b> 322:8 <b>extensive</b> 245:15 300:9 361:18 370:10 <b>extent</b> 52:13 121:9 232:11 345:4 <b>external</b> 178:4 179:5 <b>extra</b> 238:1 340:1 343:21 <b>extrapolated</b> 378:9 378:19 <b>extrapolation</b> 356:4 <b>extrapolations</b> 377:22 <b>extreme</b> 361:15 <b>extremely</b> 280:20 339:16 <b>ex-trawler</b> 226:18 <b>eye</b> 130:17 131:16 161:18 290:4 <b>eyes</b> 87:16	2:20 <b>facing</b> 75:19 286:1 <b>fact</b> 65:20 80:18 87:7,21 95:18 115:22 152:7 188:14 287:19 298:12 303:9 309:4 310:5 326:1 347:10,11 369:2 369:20 375:21 <b>factor</b> 299:11 <b>fact-check</b> 246:21 347:9 <b>fact-checkers</b> 245:17 <b>fact-checking</b> 124:2 <b>FAD</b> 214:3,11 228:1,2,4,5,11,14 228:19 229:1,3,5 229:18 230:1,10 <b>FADs</b> 214:8 224:20 225:1 227:10,11 227:13 228:3,7,17 228:21 229:10,21 <b>FAD's</b> 214:4 <b>fair</b> 71:6 137:11 143:10 183:19 219:17 293:16 345:19 <b>Fairclough</b> 3:9 194:14,15,19 195:3 215:15 216:18 217:12,22 219:12 221:8 223:5 225:8,17,20 226:2,6,16 227:1 227:6,11 228:6,20 229:8,15 230:12 233:8 235:1 236:8 237:10 239:9 240:7 241:8,18 242:21 243:14 245:12,16,21 246:3 247:10,14 249:8,18 250:10 <b>fairly</b> 79:19 99:13	169:12 248:16 260:1,17 361:20 379:2 <b>fairness</b> 95:13 96:3 <b>fall</b> 29:4 51:21 74:7 135:1 282:16 <b>fallen</b> 191:1 <b>falling</b> 183:1 <b>familiar</b> 165:15 176:14 178:16 238:12 <b>family</b> 170:13 340:11 <b>fantasies</b> 88:2 <b>far</b> 13:14 28:21 29:17 46:7 48:10 51:4 63:3,16 66:5 81:10 83:11 93:16 94:8,15 100:11 115:10 116:16 117:15,16 118:8 120:9,19 129:11 133:8 137:19 218:9 228:2 235:18 288:10,19 289:1 290:8,10 294:8 295:15 296:8 305:10 325:6 339:21 344:1 370:18 <b>farther</b> 328:15 <b>fascinating</b> 238:20 <b>fashion</b> 299:17 <b>fast</b> 79:18 330:11 <b>fathoms</b> 104:22 124:8,15 125:2 <b>fault</b> 100:10,15 <b>favor</b> 300:11 309:11 <b>fax</b> 112:2 211:15,16 <b>faxing</b> 211:12 <b>feasible</b> 302:4 <b>federal</b> 64:18 105:6 120:6 163:11 168:15 181:5 197:13 199:20 200:3 211:12,21
--	--	--	--	---

---

**F**


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**F** 11:2,3  
**face** 179:1 238:13  
**faced** 232:2  
**faces** 6:18  
**facilitating** 288:15  
289:6  
**FACILITATOR**

218:22 226:3 239:10 <b>fee</b> 296:14 314:7 315:3,14,20,21 316:21 <b>feed</b> 192:18 <b>feedback</b> 155:3 <b>feel</b> 41:18 62:18,18 91:7 111:22 128:7 130:16 161:17 282:7 303:6 309:2 376:1 <b>feeling</b> 156:10 285:2 360:21 <b>feet</b> 205:22 207:2 211:2,3,3,7 215:2 217:15 220:16 221:5 226:22 227:5 235:8 249:2 249:16 <b>fellow</b> 352:8 <b>felt</b> 142:10 312:22 370:5 <b>female</b> 29:7 70:13 <b>females</b> 70:8 <b>fence</b> 157:4 <b>fewer</b> 269:10 297:9 <b>field</b> 166:3 <b>Fife</b> 69:17 <b>fifth</b> 200:11 224:20 227:9 247:2 <b>fight</b> 117:2 216:12 371:17 <b>fighting</b> 68:11 171:20 <b>figure</b> 33:7 42:3 59:10 71:12 125:5 133:15 159:1 291:10 350:7 378:2 <b>figures</b> 33:7 <b>file</b> 5:12 211:20 212:6 <b>filed</b> 194:21,22 195:4 <b>fill</b> 33:14 35:7 41:11 74:9 272:2	343:21 <b>filled</b> 41:16 <b>filling</b> 32:14 272:9 305:17 <b>fills</b> 305:17 <b>fin</b> 64:11 <b>final</b> 15:11 111:20 111:21 167:13 171:8,9 175:18 193:13 201:8 282:16,17 289:20 301:3 310:16,16 310:16 <b>finalize</b> 192:21 193:9 <b>finalized</b> 171:17 177:4 183:10 <b>finally</b> 57:6 59:14 110:7 200:15 256:7 262:14 264:9 269:2 271:10 273:3 275:8 276:3 279:13 283:21 327:7 337:10 <b>finances</b> 158:1 <b>find</b> 6:7 76:2 83:21 122:16 130:20 151:22 174:13,14 221:9 223:2 247:3 252:10 253:1,4 294:18 298:1 316:5,10 326:13 346:17 348:15 351:20 352:15 357:19 358:5 366:21 376:5,10 381:7 <b>finding</b> 149:15 308:16 367:16 <b>findings</b> 201:2 <b>fine</b> 163:5 <b>fingertips</b> 54:8 <b>finish</b> 6:14 <b>finite</b> 293:17 <b>finning</b> 64:17 <b>first</b> 10:7 36:5 48:1	56:13 60:6 67:12 75:8 84:3 86:8 88:18 95:1 105:15 124:6 128:12 147:13 156:15 160:8 162:4 175:16,21 181:19 200:2 212:22 213:3,6 217:18 218:5 236:13,16 237:5,7,15 239:2 254:21 255:3 263:8,18 283:3 284:21 286:5 291:18 299:16 300:18 303:8,9 308:8 312:2,6 330:4 335:18 340:22 348:7,15 350:16 355:6,7,17 356:22 368:14 369:12 <b>fish</b> 25:14 33:12 36:15,16,20 37:9 37:21 38:19,20 55:20 56:22 61:22 85:17 86:5 96:7 97:8,12 105:1 117:5 122:1 124:19 126:8 128:3 129:6,12 130:3,4 148:18 150:19,20 165:19 190:2 192:4 196:4 198:14,14 202:10 204:18,21 205:10 208:11,15 215:5 215:20 216:12,13 216:13,20,21 217:3,4 219:17 221:21 223:10,10 225:21 226:10 235:16 240:22 241:1,14,16,21 242:2,11,15,20 243:6,9,10 244:11 244:18,20,22	249:20,22 250:4 262:4,15 264:2 266:20 267:1,12 267:18 275:4,12 275:14,17 276:9 276:18 277:16 280:6,7 283:13 288:16 294:6,17 294:19 297:11 298:1,7 308:8,9 308:18,19,21 311:19,19 312:16 313:6,9 319:14,21 320:5 322:6,8,11 322:18,20 323:1 324:2,20,21 327:6 327:14 328:21 329:7,11,11 332:20 333:19,20 334:5,13,21 335:1 339:11,16,18 340:4,11,14 341:5 341:6,7,10,13,21 342:1,16 343:3,10 343:14,17 344:6 346:4,9,11,13,18 346:18,20 347:5 350:8,10 352:17 357:8 363:6 364:12 374:15 378:15 379:21 <b>fished</b> 56:1 131:7 242:7 258:11 362:22 <b>fisheries</b> 1:4 2:24 4:5,11 11:7,8 16:14 61:20 72:17 73:18 74:22 77:16 81:8,14 83:22 86:6,7,22 89:14 89:19 105:3 117:4 118:7 123:20 139:2,3,4 140:7 147:13 153:6 156:8 157:12 163:1 164:16 167:16 169:5	170:8,9 172:1,11 178:17 195:20 196:13 200:17 204:6 208:2 218:7 219:15 234:15 246:11 264:22 289:22 293:13,16 293:17 295:2 299:10 301:2,10 310:11 317:7 329:9 332:21 335:5 355:12 357:3,5 362:17 364:9 368:19 <b>fisherman</b> 157:20 201:14 235:8,20 236:5 237:19,22 <b>fishermen</b> 41:18 44:11 53:3 56:18 60:11 61:8 84:19 93:16 95:19 113:1 116:10 117:22 118:9 139:14 141:3,5 142:12,14 143:10,22 144:4,5 145:16 148:9 151:7 154:20 158:2 161:3 163:15 196:3 204:11 208:17 210:8 212:21 213:15 216:16 219:3 221:16 222:1 232:1 237:21 239:20 265:5 266:12,16 266:16 267:7 272:2 273:14 275:6 278:13 279:8 314:7 315:4 315:17 319:6,9,18 329:10 338:8,11 346:21 <b>fishery</b> 4:8 11:18 11:18 12:16 18:2 18:16,18 19:3,4,5 21:2 22:18,19
--	--	---	--	--

23:15,17 24:3,5	294:12 295:4	218:11 242:6,14	<b>flow</b> 203:20 318:11	<b>foregoing</b> 103:2
25:3,5,9,13 26:7	297:21 304:11,19	278:17 291:16	<b>flown</b> 217:2	164:5 251:5
31:3,21 33:9	305:1,2 306:8	<b>fix</b> 83:10 161:19	<b>fly</b> 243:17	381:17
38:11 42:22 45:4	310:1 312:16	288:17,22 299:3	<b>fly-fishing</b> 358:18	<b>foreseeable</b> 167:8
46:4,21 47:7,9,11	314:3,11,14,21	<b>fixed</b> 67:9	<b>FMP</b> 8:18 105:2	<b>forever</b> 177:11
58:22 60:4,22	316:8 317:2,5	<b>fixes</b> 289:2	124:19 209:19	306:9
62:10,16 64:5,7	320:8 321:10	<b>fixing</b> 289:6	253:12 362:7	<b>forgive</b> 291:14
69:16 70:16 74:1	327:5 338:10	<b>flag</b> 377:4	<b>focus</b> 82:16 130:8	292:1
74:13,18 82:3	340:14 360:8,13	<b>flashed</b> 144:8	149:15 263:6	<b>fork</b> 21:5 29:9
86:4,8 87:22 88:3	360:13 370:6	<b>flat</b> 169:3	288:7,13,15 289:5	332:8,17 333:6,10
88:4 89:22 90:6,9	374:3,11,11	<b>flaws</b> 84:8	334:17 335:14	334:2,9,16 335:2
100:21 104:10	376:21	<b>fleet</b> 59:2,6 72:20	338:19	335:21 336:3,13
105:10,17 108:16	<b>fishes</b> 186:16	134:18 258:17	<b>focused</b> 253:8	338:6,10 341:9
110:8 112:20	214:21 217:16	292:17,18 295:4,7	<b>focuses</b> 96:18 119:6	344:10 345:4
113:7,9,14 114:1	<b>fishing</b> 9:14 11:16	301:15 302:5	159:7 253:10	<b>form</b> 50:7 300:9
114:2 115:8	15:13 30:17,21	346:4	258:19 260:7	337:14 338:2
116:22 117:15,21	32:20 34:7 35:3	<b>fleets</b> 135:2	<b>focusing</b> 80:11	352:12
119:18 127:17	38:5 39:11 41:20	<b>flexibility</b> 38:22	182:14	<b>formal</b> 380:18
128:14,16 129:22	42:17,21 60:7,13	102:19 158:2	<b>folks</b> 5:10 91:12	<b>formally</b> 330:2
131:4 136:16	61:14 76:13 91:14	188:6 277:20	112:16 113:5	<b>formula</b> 378:1
139:18 142:5	114:3 123:11	278:6 279:19	148:4 155:14	<b>forte</b> 290:15
143:6,11,19	130:2,11 134:7	<b>flights</b> 380:22	156:9 167:2	<b>forth</b> 49:2,17 51:6
148:18 149:3,22	135:2 144:5	<b>flip</b> 114:17	196:11 197:4	266:14 327:4
152:18,19 153:3,7	155:15 190:18	<b>flip-flopped</b> 360:17	204:9 208:14	329:12
153:9 154:8,13	196:15 198:20,22	<b>flip-flopping</b>	211:7 215:17	<b>fortunate</b> 174:5
155:4 156:9 158:8	200:9 201:20	357:21	218:10 221:17	<b>fortunately</b> 71:7
160:7 175:14	202:8,14,19	<b>flood</b> 232:5,6	231:5 233:10	167:2
184:15 191:6	204:17 210:7	<b>flooding</b> 210:10	234:12 241:10	<b>forty</b> 63:1
195:19 199:11	214:17 215:1,3	<b>floor</b> 313:14	251:13 253:3	<b>forward</b> 17:3 43:3
200:4,13 202:3	216:10 220:2	<b>Florida</b> 2:12 30:8	300:4 329:22	50:11 64:14 65:1
203:20,21 204:8	221:20 222:7	45:11 64:16 69:22	<b>follow</b> 170:13	76:2,14 77:11
205:19 206:11	226:11 228:8,11	105:22 108:13	192:16 285:4	89:6 91:14 92:15
210:5,10 211:6	229:20 230:11	109:4,12 116:6,8	356:12	111:18 122:8
214:20 216:4	237:21 238:3	121:8 181:11	<b>followed</b> 140:12	142:1 144:11,15
219:5 221:12	242:1,22 265:13	242:16 249:1,15	356:13 367:21	144:22 145:2
222:11 228:14,19	268:4 281:7,11	250:8 259:7,12,16	<b>following</b> 26:10	152:6 163:13
232:3 240:17,18	286:3,5 289:7	293:14 294:13	46:4 105:8 107:2	167:14 170:14
246:14 248:22	296:5 297:11,14	297:17 302:12	289:12	172:15,21 173:14
249:14 253:16	311:14 314:17	309:21 314:8	<b>follow-up</b> 177:14	188:10 189:5,6,9
257:2 259:15	319:20 321:2	317:12,18 318:7	<b>food</b> 232:13,13	190:15 226:17
261:7 262:11	323:11 324:1	318:12,15 319:7	236:19	233:19,20 252:7,9
265:3,6,18 266:12	325:19 328:17	319:19 320:4,13	<b>foot</b> 69:21 211:2,4	252:19 253:1,4
267:6 268:17	342:22 364:10	324:7,17 325:15	211:5 294:21	262:20 266:3
269:13 280:19	366:19	325:18 327:22	<b>force</b> 252:22	283:7 301:4 303:7
285:4,19,21	<b>fit</b> 8:10 35:19	329:2 340:14	315:12	305:3 309:12
286:22 288:1,6,9	172:16 195:18	341:4	<b>FORDHAM</b> 1:21	327:8 354:19
290:10 291:1	<b>five</b> 41:9 75:20 87:4	<b>Florida's</b> 46:4	47:20 48:12 49:8	357:11 364:9

380:16	<b>fully</b> 85:4 256:15	<b>G</b>	<b>general</b> 75:5 79:1	162:18 167:17
<b>forwards</b> 150:8	256:16 261:1	<b>gain</b> 43:6	92:12,20 132:19	169:1 178:7
<b>for-hire</b> 30:7 121:8	263:2 298:17	<b>gangsters</b> 64:12,13	138:13,15,18	185:14 251:9
264:5,8 267:20	304:14 309:14	<b>gap</b> 354:14	143:15 179:22	287:20 301:22
268:5	317:6 330:2 359:4	<b>gather</b> 304:2	197:19 210:20	304:8 307:17
<b>fought</b> 95:9	363:9 376:19	<b>gathered</b> 282:7	211:2 234:3	308:15 314:21
<b>found</b> 89:10 96:17	<b>full-time</b> 145:15	<b>gathering</b> 235:5	260:13 261:13	340:1 348:5 353:6
123:6 155:6 191:3	<b>Fulton</b> 217:3	<b>gauge</b> 325:6	263:20 266:7,19	363:6
257:9 262:7 356:5	<b>fund</b> 97:6 179:15	<b>gear</b> 30:18,18,21	267:11 268:12	<b>gillnet</b> 33:8
<b>Foundation</b> 191:9	184:3 187:20	31:11,12,19 32:4	272:6 283:10	<b>gillnets</b> 33:4 57:16
<b>four</b> 8:7 31:9	<b>fundamental</b>	32:11,13,14,16,20	284:11 296:9	<b>give</b> 5:20 48:2,5
104:19 105:13	166:22	33:4,12,13,16,17	300:21 307:2	65:15 69:18 71:17
115:14 202:5	<b>fundamentally</b>	33:19,20,21 34:1	308:1 311:11	73:7 101:4,18
203:14 242:14	359:19	35:9 36:8,9,10,13	320:7 321:3 328:7	119:16 137:18
263:18 277:11	<b>funded</b> 169:10	36:15,20,21 38:19	342:13 349:22	138:13,17 144:4
278:17 324:2,20	170:3 184:16	39:2,7,8,9,17 40:2	351:4 352:8	154:10 164:2
325:4 355:15	186:19	40:12,14 46:1,6	358:14 369:21	195:7 210:19
377:20	<b>funding</b> 102:2	46:12 47:4,10,16	371:17	252:2 298:6
<b>fourth</b> 29:14 200:9	167:9 168:14	51:5 60:13 69:1	<b>generally</b> 31:11	306:15 309:9
<b>frame</b> 131:21 195:9	170:14 172:6,11	78:16 104:20	33:13 119:20	320:5 325:18,18
200:18 282:3,20	175:12 177:22	118:3 125:7 126:3	147:15 162:9	328:19 359:16
297:4	178:4 179:11	132:14,16 133:22	211:7 226:12	366:18
<b>framework</b> 209:18	184:10 185:6,14	135:20 136:1	300:11 359:17	<b>given</b> 44:11 52:5
222:13 257:12	187:11 191:7,12	203:6 204:7,10	360:20	57:12 78:3 82:19
<b>framing</b> 252:2	192:8 193:22	205:6,6,8,9,13,14	<b>generation</b> 171:16	100:12 152:17
<b>frankly</b> 71:12	<b>funds</b> 101:10,15	206:20 208:5,5,5	<b>generic</b> 91:17	153:7 154:12
72:21 92:6 95:17	169:7,19,22	208:8 216:8,15	<b>gentleman</b> 284:15	179:14 195:13
100:11	171:20 174:16,20	255:8 257:13,14	<b>Georgia</b> 1:14	255:1 292:20
<b>free</b> 63:13 111:22	183:20 185:18	258:1,2,2 261:9	294:18	294:19 295:8
<b>frequency</b> 323:6	<b>funneled</b> 205:18	261:10,12,16,20	<b>Georgia's</b> 311:16	297:5 302:6
335:11	<b>further</b> 72:6 151:5	265:10,10 269:6	<b>GERALD</b> 1:24	304:13 309:3
<b>fresh</b> 92:2 215:5	201:4 237:9	284:9,10,11 298:4	<b>Gerencer</b> 1:21 82:9	311:2 314:14
<b>Friday</b> 5:14	243:12 252:9	309:17 310:1	82:10 188:2,2	315:17 321:10
<b>friend</b> 313:17	256:11 282:2	317:10,11,13,17	284:20,20 285:16	343:5
<b>friends</b> 129:16	293:1 305:10	317:19 318:1,2	290:5	<b>gives</b> 138:5 158:1
340:11	317:14 337:19,21	319:19 322:6	<b>Gerencer's</b> 297:2	168:8
<b>frisky</b> 342:3	360:5 366:15	323:14 326:13	<b>Gerry</b> 52:20 70:22	<b>giving</b> 94:6 135:9
<b>front</b> 78:11 80:7,17	<b>future</b> 20:21 74:12	328:14,19	71:2 73:6 150:5	138:1 341:14
185:5 250:21	77:16 84:1 157:6	<b>gears</b> 133:7 135:14	155:17 192:10	357:21
347:14 351:17	166:22 167:8	136:13 201:22	326:6,10 345:6,18	<b>glad</b> 77:8 97:21
<b>frustration</b> 348:2	191:15 209:21,21	203:8 205:4,12	<b>getting</b> 5:15 13:11	191:13 213:11
<b>FUBAR</b> 68:21	237:9 266:13	206:17,19 240:19	18:10 22:4 30:20	<b>gladius</b> 253:9
<b>fuel</b> 306:7	273:11 307:21	261:19 262:1,21	33:9 34:15 49:11	<b>Glen</b> 368:21
<b>full</b> 39:15 121:20	<b>FY13</b> 186:6	263:9 267:1 271:9	50:12 80:6 89:13	<b>global</b> 51:19
121:21 122:11	<b>FY14</b> 172:9 193:20	274:21 317:10	100:13 101:19	<b>glorified</b> 67:17
149:8,12 232:19	<b>FY15</b> 194:1	<b>Gee</b> 312:21	115:2 116:14,17	70:19
260:19		<b>gene</b> 117:11	129:9,11 136:4,21	<b>glut</b> 221:21

<b>GMFMC</b> 2:17	321:1 323:22	151:1 152:10	380:16	227:22 228:4
<b>GMR</b> 175:6	326:9 327:1,4,8	154:5 167:8 169:8	<b>gold</b> 99:19	<b>government-reg...</b>
<b>GMRI</b> 176:17	328:16 331:4	170:18 172:19,21	<b>Golet</b> 1:22 79:9	229:5
<b>go</b> 10:12,15 16:1,3	341:18 342:3,15	179:15 180:17	291:13,13 292:13	<b>GPS</b> 174:12
17:4 21:7 32:15	342:21 344:5	181:1,3 182:8,17	293:7 294:3 296:7	<b>gracious</b> 326:8
36:4,18 38:5,16	345:20 347:21	185:2,6 188:9	346:1	<b>graduate</b> 178:19
38:17 39:9,10	351:14 352:13	189:5 190:19	<b>good</b> 6:17,17 35:15	<b>grain</b> 86:13,15
40:7 41:9 42:13	355:6 368:5	191:21 193:5	40:8 42:8,12 50:6	<b>grand</b> 90:8
43:13,19 45:5	369:20 371:16	194:5,12,19 195:7	55:21 57:19 59:3	<b>grant</b> 179:5,9,17
46:1,16 52:6	375:17 376:14	195:8 199:9	62:6 66:16 67:5	191:17 361:14
56:13,15 57:10	381:4	211:19,20 212:7	69:1 76:19 78:7	<b>granted</b> 156:22
61:13 65:13,21	<b>goal</b> 42:17 53:7	213:7 214:5,7,18	80:16,17 81:12	<b>grants</b> 179:19
67:6 70:1,9,15	78:21 188:20	215:10,20 222:19	82:7,9 83:15 85:8	183:14 191:15
85:7 86:14 90:17	<b>goals</b> 83:1	222:20,22 227:18	85:9 118:10 129:8	<b>graph</b> 258:19
92:15 96:9 98:16	<b>goes</b> 58:15 66:3	231:16,19 232:20	135:11 136:3	303:10 333:1
102:19 103:13	97:5 101:13 105:1	233:3 234:10	141:15 143:1	339:22
112:15 113:21	117:15 128:11	235:10 236:7	144:9 148:7	<b>Graves</b> 2:9 79:9
115:10 121:5	135:4 154:4	238:2 239:6	156:15 157:8	96:19 176:21,22
123:1 128:12	163:13 169:19	243:20 245:7,19	159:5 163:21	183:1 240:15
136:8 138:12	238:21 301:4	248:9,14,15,17	168:16 169:12	243:20 246:19,20
144:2 145:11,17	315:16 341:12	251:9 255:11,18	174:9 175:10	247:8,13 248:2
145:18 146:5	<b>going</b> 5:4 7:3,3	256:1,7 264:12	176:20 182:8	250:13 287:14
149:17 150:7,8	10:5,7,15 14:9	278:20 279:9	184:19 213:16	332:1 365:7,11
153:16 163:9	15:13 23:16 36:10	281:21 285:21	214:13 217:5	370:2
164:1 166:17	36:19 37:19,21	286:19 287:15,21	221:4 223:11	<b>gray</b> 114:14 318:20
170:14 171:8	38:6 39:16 40:9	288:6 290:21	236:12 238:18	<b>great</b> 6:8 29:13
172:6,14 173:12	42:13 43:2 45:6	291:8 292:16,19	240:13 244:19	48:16,21 75:14
175:21 184:22	51:15 53:5,6	293:12,14 294:7,8	245:1 288:5	76:10 83:13 96:14
185:6,18 188:12	54:10,17 55:19,20	294:16,18 296:8	289:12 290:2,4	123:1 129:7 130:1
190:2,13 193:7	56:10 57:3,4 58:6	296:10,20,21	301:14 311:19	130:2,3 144:18
196:8 203:3 214:9	64:17 65:9 66:6	299:5,8,9 302:16	330:14 342:11	164:11 168:14
214:20 215:5	66:13,15,19 67:12	302:21 305:19	347:8 350:22	189:8 193:17
216:6,9,12 222:3	68:1,11 69:4 71:7	306:8 309:11	359:12 364:13	237:4 273:10
231:5 235:21	73:12 77:2,10	312:14 313:20	373:9 375:3,7,22	284:1 306:2
240:14 243:12	78:10,12 79:7,11	319:15 320:22	377:7	338:21 351:16
244:22 245:17	79:15,19 81:18	321:4,15 324:20	<b>goodness</b> 93:20	366:15
249:3,15 250:8	82:16 83:5,19,20	324:22 325:1,7,8	<b>gosh</b> 221:4	<b>greater</b> 13:4 14:6
262:20 283:7	83:22 84:1 86:2,8	326:7 327:17,19	<b>gotten</b> 101:7 165:5	21:5 27:22 29:3
284:8 291:6,12	86:12 92:9 95:5	328:15,16,22	363:1 374:17	252:12
294:19 295:9,15	98:16 99:3 117:6	329:16 339:13	<b>government</b> 168:15	<b>greatly</b> 178:14
295:18 297:11	117:10 119:3,13	341:11 342:4	207:1 213:22	<b>green</b> 261:9 269:6
299:22 300:4	122:10 128:7	344:3 351:9 353:4	228:18 229:10	<b>Greenpeace</b> 192:13
303:2,6 305:9,10	129:16 132:4,5	357:2 359:3	235:15 236:15	<b>greens-tick</b> 205:6
307:10 308:4	134:21 135:7,13	361:19 366:15	239:7 251:14	<b>green-stick</b> 208:5
311:19 312:20	136:16 137:15,18	369:20 370:18	<b>governments</b>	261:21 265:10
314:5 315:3	138:12 147:18	371:2,3,11,12,15	205:17	<b>Greg</b> 3:9 194:12,14
317:22 320:12	148:14 150:7	371:21 372:14	<b>government-pro...</b>	218:16 223:12

230:17 234:20  
 238:7,8 240:17  
 245:7  
**Gregg** 2:12 121:5,6  
 121:19  
**GREGORY** 2:13  
 2:15 135:16  
**grievance** 270:4  
**grip** 363:2  
**ground** 215:1  
 216:10 380:20  
**groundfish** 78:7  
 82:11 149:3  
 186:16 187:3  
 188:4 190:18  
**group** 61:4,6 72:11  
 98:5 100:6 159:5  
 159:6,6,7 165:13  
 290:13 343:15  
 365:4  
**grouper** 38:9,19  
 39:10 88:3  
**groupers** 214:21  
**groups** 86:17 166:9  
 177:8  
**growing** 361:10  
 363:5  
**Guadalupe** 228:1,8  
**guarantee** 198:12  
**guaranteeing** 40:9  
**Guard** 230:14  
 233:15  
**guess** 42:2 46:20  
 55:5 57:6 61:18  
 91:7 113:4 115:15  
 115:18 116:14  
 125:19 132:8  
 151:6 152:15  
 239:1,15,22 309:1  
 312:7 348:7  
 350:22 367:9,10  
 372:4 375:15  
 379:9,15  
**guessing** 294:16  
 377:18  
**guidance** 48:6  
 151:2 169:1

**Guide** 103:20  
**guidelines** 100:7  
**Guillermo** 3:7  
 378:11  
**guilty** 312:22  
**Gulf** 8:8,12 9:2,18  
 10:17 13:16,21  
 14:1,2,13,21 15:3  
 15:9 16:7 18:7  
 19:2,7,9,18 23:7  
 23:22 24:13 25:1  
 25:8,18 43:15,21  
 43:22 44:15,20  
 45:1 48:4 49:16  
 50:8,16 56:16  
 58:5 65:3,7,19,22  
 66:11 67:13 68:2  
 92:16 96:22  
 104:21 105:1  
 108:8 110:1,5,10  
 111:8 120:10,12  
 121:1 124:18  
 125:1 141:9,10  
 145:16 148:4,18  
 157:12 158:21  
 175:6 176:8  
 186:17 277:22  
 280:6 293:15  
 305:15 310:8  
 317:14 320:9  
 324:16 325:14  
 328:10  
**Gulf-specific** 141:1  
**gun** 69:19  
**guy** 38:16 164:14  
 191:19 242:5  
 297:17 321:12  
 325:1,19  
**guys** 46:14 47:1,13  
 60:9 65:11 69:7  
 83:13 116:9,10  
 117:9 119:21  
 135:22 136:5,8  
 137:6 146:16  
 160:17 161:13,16  
 164:9 212:21  
 213:2,4,7,9 219:8

222:10,21,21  
 223:3 234:16  
 236:19 238:13  
 242:3 286:4  
 299:13 319:6  
 320:12 322:20  
 323:22 337:7  
 338:13 339:15,18  
 341:20 342:1

---

**H**


---

**habitat** 74:22  
 160:10 170:11  
 238:15 239:18  
 262:15  
**HACCP** 232:11  
 244:12,13  
**half** 52:9 226:12,12  
 286:5,9 287:4,4  
 320:5 322:4  
 344:17 381:5  
**halfway** 372:18  
**halves** 287:10  
**hammerhead** 4:3  
 7:18 8:3,13,22 9:8  
 9:10 10:18 13:13  
 15:19 21:12,14,17  
 22:5,7 23:4,8,12  
 23:14,19 24:20  
 25:4,12,17 26:4,7  
 26:16,17,20 27:6  
 27:11,13,14,17,18  
 28:1,7,13 29:4,6,7  
 29:11,15,20 30:3  
 41:6 44:19 45:16  
 48:20 50:20 51:10  
 56:20 61:13 62:20  
 108:15 114:12  
 121:15 127:5,11  
 127:21 128:13,22  
 129:4 131:17  
 137:4,8 150:13,15  
 162:6  
**hammerheads**  
 22:11 24:21 28:9  
 28:14,18 30:10  
 31:10 40:20 41:1

41:4,10,19 45:12  
 45:19 46:3 48:14  
 48:16 49:3,21  
 50:14 51:18 52:5  
 58:4 61:4 72:13  
 109:1,6 113:2  
 114:10,15,20  
 116:19 120:20  
 124:13  
**Hampshire** 78:6  
 303:13  
**hand** 44:18 45:15  
 216:13 235:13  
 251:9 262:1 334:5  
**handgear** 218:8  
 254:6 257:7,15  
 258:20 259:3,6,11  
 259:14,15,20  
 260:5,16 261:7,16  
 263:22 265:8  
 267:4 283:6  
 300:12,20 301:6  
 303:12,14,20  
 309:20 310:20  
 315:11,22 317:2,7  
 318:11 360:12  
**handgears** 208:4,7  
 262:7,22 263:3  
 267:12  
**handle** 50:12 80:13  
 194:2 241:13  
 288:5  
**handled** 232:13  
 254:10 367:20  
**handles** 254:11  
**handline** 205:5,13  
 206:20 216:9  
 221:11 246:6,14  
 247:21 258:1  
 261:8,20 265:9  
 269:6  
**handliners** 247:10  
**handlines** 204:9  
**handling** 118:1  
**hands** 363:14  
**hang** 286:21 313:1  
**hanging** 162:18

**HANKE** 2:18 60:2  
 212:20 216:3  
 222:4 235:14  
 237:16 244:6,17  
**HAPC** 160:11  
**happen** 19:1 26:18  
 69:15 145:20  
 163:19 178:13  
 304:19 324:22  
 344:9 346:2  
**happened** 93:19  
 320:19  
**happening** 43:2  
 44:2 105:12 176:4  
 177:15 189:18  
 222:15  
**happens** 81:6 84:12  
 151:17,18 299:6  
**happy** 51:12 75:6  
 215:13 231:18  
 237:2 330:2,3  
 338:16 341:11  
 368:7,8 376:14  
 381:1  
**hard** 7:7 10:6 59:2  
 59:5 97:1 118:10  
 147:5 180:14  
 258:21 301:13  
 343:16 363:21  
**harming** 151:5  
**harp** 284:16  
**harpoon** 79:1  
 198:7,7 205:5,13  
 258:1 261:8,20  
 264:11 265:10  
 268:14,20,21  
 269:6 283:11  
 284:10,11,13  
 293:16 294:16  
 295:4,8 296:10,12  
 307:2 308:1 316:8  
 350:1 351:4 352:1  
 352:3 358:14  
 369:22 376:18  
**harpooner** 311:19  
**harpooners** 268:17  
 305:5,12 316:2

<b>harpooning</b> 305:9 306:4,10 307:11 311:15	<b>heads</b> 155:4 340:6	102:14 170:20	283:14	195:22 226:10
<b>harpoons</b> 307:9	<b>headway</b> 91:4	178:14 213:11	<b>histograms</b> 379:18	239:10,12 367:2
<b>harvest</b> 24:18	<b>healthy</b> 128:18	228:14 253:4	<b>historic</b> 316:4,8	371:14
28:11 208:6,7	302:20	265:14 268:1	<b>historical</b> 142:3	<b>holders</b> 204:18
258:3 260:22	<b>hear</b> 45:9 61:17	314:11 315:4	143:17 144:5	265:21 320:2
261:11 263:2	71:10 87:15 88:11	327:13 352:9	309:17 360:1	323:18
283:6 287:9	88:13 159:22	353:14 377:9,12	<b>historically</b> 60:17	<b>holds</b> 303:18
331:20	164:9 185:9 213:4	378:11	222:14	<b>Hole</b> 290:12
<b>harvested</b> 246:6	213:9,9 215:12	<b>helped</b> 12:22 167:2	<b>history</b> 143:5,13	<b>home</b> 123:1 174:14
256:18 287:2	217:19 275:16	<b>helpful</b> 52:14 55:10	154:5 184:6 270:3	242:2 349:18
<b>harvesting</b> 199:5	305:20 349:1	84:11 190:13	315:13 360:7	368:18 369:21
247:18 287:20	354:18 359:17,18	251:15 252:17	362:5,13 371:1	<b>homes</b> 64:20
<b>harvests</b> 256:18	365:2 368:5,7,9	253:2 284:5	<b>hit</b> 79:13 82:15	<b>honestly</b> 70:14
<b>hate</b> 321:13	<b>heard</b> 46:22 53:20	290:20	234:22 264:12	128:6 155:21
<b>Hatteras</b> 107:6	61:21 73:21 97:14	<b>helping</b> 288:15	332:3,3	226:2
111:5 127:2	138:15,21 139:7	<b>helps</b> 172:5	<b>hitting</b> 255:18	<b>honor</b> 347:11
129:22 130:1	139:11,17 140:17	<b>heritage</b> 165:2	<b>HMS</b> 4:2,8,9,13,16	<b>honorary</b> 78:5
220:9	141:7 146:19	<b>hey</b> 116:18 297:18	4:18 8:19 11:7	<b>hook</b> 30:19 34:4,12
<b>haul</b> 32:15 36:15	151:11 152:4	324:3	55:4 63:11 75:22	34:16 60:14 78:16
40:15	182:6 224:15	<b>Hi</b> 137:13 164:13	104:15 106:16	105:20 106:9
<b>hauling</b> 36:9 39:22	228:2 229:3,4	253:5	121:7 137:15	108:18 109:1
<b>haul-back</b> 32:22	280:13 281:12	<b>hierarchy</b> 173:9	139:2,4 164:3	110:10,14 114:4
<b>Hayes</b> 62:19 63:5	305:4 313:22	<b>high</b> 31:10 33:2	165:4 167:1 173:1	119:15 131:13
<b>head</b> 68:5 74:2,13	371:10 378:7	69:14 84:3,16	178:7,12 183:1,14	132:21 133:1,18
82:15 87:17	<b>hearing</b> 43:3 76:14	104:8 106:11	187:21 190:6,22	133:20 134:3
131:16 162:12	76:16 77:11 89:6	107:8 109:11	191:3,15 194:15	146:3 298:16
197:21 211:3	137:19 138:14	196:9 243:16	195:16 200:3,5,8	<b>hooked</b> 68:20
220:19 221:15	182:5 212:21	265:2 277:4,5	200:10,13,17	342:2
224:1,2 225:16	220:22 229:9,13	312:8 379:2,5	201:19 204:12,17	<b>hooking</b> 98:11
234:5,6,7 260:13	313:21 319:8	<b>higher</b> 29:8 107:4	207:18 208:2	118:4
264:2,5,7 267:18	354:11,20,21	107:15 108:11	210:7 213:2	<b>hooks</b> 31:2 34:6,8
268:3,8 272:6	<b>hearings</b> 5:15	110:4,16 210:14	214:18,20 220:13	34:10,11,14,20,22
283:12 284:12,17	211:18 282:16	274:22 275:5	220:19 225:14	35:6 36:22 37:2,5
289:12 307:9	303:7 310:15	<b>highest</b> 22:10	228:20 231:2	37:7,14,16,18,20
313:7 332:9,11,21	359:10	105:21 108:20	234:7 253:7,12	38:4,6,7,8,9,10
333:21 334:6,22	<b>heart</b> 150:21	110:11 275:11,12	254:13,18 257:21	47:2 55:14,15,22
335:5 336:4,7,10	171:18	275:15	260:11 270:16	70:1,10,12 94:9
339:16 346:19	<b>heartlands</b> 175:13	<b>highlight</b> 42:15	272:2 281:6	94:13 118:4
353:15 358:17	<b>heavy</b> 216:9 360:11	96:2 209:12	330:17 381:12,14	119:21,21 133:9
<b>headed</b> 167:8	<b>held</b> 201:18 204:17	<b>highlighting</b> 95:18	<b>hodge-podge</b> 373:9	133:16 134:1
<b>heading</b> 198:20	225:13	<b>highlights</b> 264:13	<b>hodge-podged</b>	258:11 289:3
199:1	<b>hell</b> 304:18	<b>highly</b> 1:6,15 75:11	370:21	297:13,13
<b>headquarters</b>	<b>Hello</b> 85:10 181:9	75:19 85:16 159:3	<b>Hogan</b> 3:11 137:13	<b>hoops</b> 314:4
74:21 137:14	192:11	177:18 186:12	137:14	<b>hop</b> 346:2
177:20 211:16	<b>help</b> 31:14 53:6	262:2	<b>Hogarth's</b> 369:1	<b>hope</b> 48:19 49:2
	59:16,20 61:14	<b>high-grading</b> 146:5	<b>hoisted</b> 64:9	76:15 81:5 127:9
	71:18 101:21	<b>hire</b> 30:8 234:9	<b>hold</b> 60:20 157:11	151:11 174:7

183:8,13 184:8 376:14 <b>hopeful</b> 100:16,17 100:18 101:3 <b>hopefully</b> 78:6 94:7 138:3 145:4 166:20 181:21 192:8 253:3 342:8 353:7 <b>hopes</b> 172:12 <b>hoping</b> 102:20 180:2 275:19 <b>horizontal</b> 333:6,12 334:1,8 <b>horse</b> 80:3 <b>horsepower</b> 224:13 224:19 226:8 318:16 319:3 342:18 <b>hot</b> 120:21 134:8 142:20 <b>Hotel</b> 1:14 <b>hour</b> 381:5 <b>hours</b> 30:4 32:1 34:12,16 36:11 38:18 105:20 106:9 108:19 109:1 110:10,14 132:21 133:1,10 <b>HQ</b> 330:16 <b>Hudson</b> 1:22 61:17 61:19 98:8,8 122:15 123:12,16 159:16,16 325:19 <b>Hueter</b> 1:23 42:11 128:10 150:10 161:8 181:9,10 218:16 <b>huge</b> 54:18 178:20 192:5 243:3 297:7 340:13 <b>hugely</b> 297:21 <b>hull</b> 242:6 <b>hundred</b> 37:5 63:3 127:13 197:22 242:14 315:21 320:17	<b>hundreds</b> 302:5 <b>hunt</b> 40:12 <b>hurricanes</b> 298:13 <b>hurt</b> 203:22 <b>hurtful</b> 78:20 <b>hurting</b> 70:18 <b>hurts</b> 38:21 <hr/> <b>I</b> <hr/> <b>ICCAT</b> 2:8 73:1 80:1,4 93:19 95:9 97:10 177:1,6 198:17 233:3 260:19 264:21 286:15 299:19 324:4 330:22 331:6 332:16,17 333:14 335:19 339:13 343:16 344:11 348:13,14 348:15,18,21 349:8,16 350:19 355:8 356:17 362:9 363:12 365:13,16 366:4,5 367:21 368:9,14 368:16,17 371:3,6 371:7,9 373:3 375:1,17 377:21 378:7 <b>ICCAT's</b> 297:5 <b>ice</b> 244:5,5,9,9,21 294:21 339:18 <b>ID</b> 11:21 <b>idea</b> 19:12 20:20 29:12 60:9 89:21 90:5 122:8 138:5 138:13,18 161:22 162:22 210:19 222:13 301:18 310:1 311:10,12 327:10 346:6 351:16 370:11 <b>ideas</b> 91:14 92:2 141:15,17 148:7 301:14 302:1 353:12 366:11	<b>identical</b> 205:9 <b>identification</b> 118:1 206:14 <b>identified</b> 185:18 193:6 <b>identify</b> 43:1 168:6 211:10,10 238:17 285:6 <b>idiot</b> 324:5 <b>IEA</b> 186:17,18 <b>IFQ</b> 148:18,20 <b>IFQs</b> 59:5,6 148:5 <b>ignorance</b> 132:9 <b>ignorant</b> 230:22 <b>III</b> 2:23 4:4 <b>illegal</b> 236:7 237:21 273:16 <b>Illex</b> 254:14 <b>illustration</b> 24:11 <b>imagine</b> 89:5 142:19 148:8 166:2 173:18 312:9 313:19 335:3 <b>immediately</b> 82:21 135:18 <b>impact</b> 53:4 54:18 55:11,17,18 71:16 93:11 128:7 147:18 151:1 203:21 245:6 266:17 295:13 358:10 <b>impacted</b> 160:8 341:5 <b>impacts</b> 75:13 94:2 94:13 203:18 204:3 207:9 208:2 210:12 255:13,19 256:1,5 262:14 264:18,19 265:1 265:11,16 266:1,8 267:21 269:7,9,14 270:7 273:20 274:2,4 279:6 327:3 <b>implement</b> 31:19	104:20 140:5 141:6 185:11 200:10 275:15 276:5 281:10 335:19 355:4,19 366:7 <b>implementation</b> 17:13 23:15 27:15 30:22 54:15 201:9 <b>implementations</b> 152:3 <b>implemented</b> 8:1 12:17 72:22 276:11 281:15 336:17 <b>implementing</b> 104:4 183:11 267:16 <b>implications</b> 76:13 <b>important</b> 54:13 58:6 61:6 75:18 77:3 81:7 82:3 83:16 93:11 95:16 95:17 117:18 118:17 142:22 150:22 151:9 155:7 158:12 163:6,10 166:10 166:17 167:19 170:21 171:14,15 172:1,3 176:13 185:22 191:5,6 236:19 262:17 269:16 285:17 300:18 308:6 <b>imposing</b> 117:16 <b>improve</b> 91:9,19 92:12,14 102:9 173:16 200:8,15 207:22 <b>improved</b> 102:3 207:19,20 273:15 326:17 <b>improvement</b> 101:22 170:10,12 186:22 <b>improves</b> 192:8	<b>incentive</b> 20:21 27:22 <b>inches</b> 21:5 29:3 57:1 97:11 332:5 332:16,19 333:8 333:11,13 339:14 342:2,15 344:8 <b>incidence</b> 328:4 <b>incidental</b> 15:13 20:16,18,19 60:8 60:10 61:1 142:15 153:9 254:2,13 257:6 286:22 292:7,8 313:8 <b>inclinations</b> 113:10 <b>include</b> 141:16,19 142:11 158:16 159:11 163:14 186:15 191:16 208:8 243:1 247:15 256:4 269:21 272:16 317:16 331:12 <b>included</b> 21:14 30:10,11 31:18 33:6,18 108:11 111:12 142:16 158:22 223:18 254:5 261:9,17 271:1,2 298:10 332:18 <b>includes</b> 201:14 <b>including</b> 141:17 160:3 193:5 208:4 213:19 257:21 331:3,16 <b>inclusive</b> 349:11 362:11 366:13 367:18 369:14,16 <b>income</b> 265:5 314:15 316:13,17 <b>inconsistency</b> 182:5,12 <b>inconsistent</b> 281:4 <b>incorporate</b> 5:21 121:20 142:1 <b>increase</b> 31:5,12
---	---	---	---	--

34:14 45:6 58:9 69:4 77:4 80:22 81:15 101:14 102:2 156:6 186:11 187:2 200:3,5 207:12 210:6 232:18 261:1 265:12 267:8,21 269:18 278:9 284:22 285:15 320:11 370:8 <b>increased</b> 12:5 32:18 101:10 182:10 195:15 208:17 210:13 252:12,13 260:1 267:15 273:17 279:10 280:1 289:14 296:4 <b>increases</b> 80:22 81:11,18 101:9 102:13 <b>increasing</b> 30:9 77:5 81:22 302:11 302:14 320:10 <b>incredible</b> 131:9 369:7 <b>incredibly</b> 311:5 350:11 <b>incremental</b> 232:18 299:17 364:7 <b>independent</b> 26:5 99:18 105:10 181:12 184:15 <b>independently</b> 24:14 <b>indicate</b> 53:21 285:14 <b>indicated</b> 7:19 67:21 92:16,17 95:16 98:14 282:10 <b>indicates</b> 259:13 <b>indirect</b> 19:7 <b>individual</b> 47:5 221:10 295:11	333:5 <b>individuals</b> 59:10 105:19 196:6 198:13 208:10 234:2 <b>industries</b> 135:7 <b>industry</b> 43:10 45:9 46:8 58:20 72:2 78:20 82:20 83:5,8,18 84:13 85:4 91:5,9,15,20 96:12 158:18 188:15 189:6,11 189:19 192:5 242:19 356:5 371:12,14 <b>inefficient</b> 47:12 <b>infer</b> 380:8 <b>inflating</b> 182:19 <b>influx</b> 329:10 <b>info</b> 251:10 <b>informally</b> 364:22 <b>information</b> 5:11 53:8 55:9 59:16 98:16 118:17,19 119:2,9 134:5 137:21 196:21 205:18 206:9 245:9,10 247:19 259:19 271:15 272:12,14,16,16 273:8,11 282:8 283:2 289:17 323:5 338:14 351:21,22 352:15 354:15,17 373:6 375:4,16 378:21 378:22 <b>infrastructure</b> 135:5 <b>initial</b> 142:21 143:14 204:22 207:7 209:6,14,17 233:6 237:11 300:1 305:3 <b>initially</b> 163:18 206:8 333:18	<b>initiative</b> 172:15 180:3,19 <b>initiatives</b> 96:1 170:15 193:22 <b>injury</b> 262:13 <b>innovative</b> 76:21 88:19 <b>input</b> 167:21 168:1 171:15 193:4 282:12 283:1,1 364:8 <b>ins</b> 294:12 <b>inside</b> 41:1 250:3 305:15 377:11 <b>insights</b> 365:12 <b>insofar</b> 165:4 <b>instance</b> 55:3 92:13 92:15 114:10 268:12 280:5 <b>Institute</b> 175:7 <b>institutes</b> 187:11 <b>institutions</b> 84:18 91:20 <b>intact</b> 25:20 <b>integrated</b> 186:9 186:14 <b>intelligently</b> 123:22 <b>intend</b> 79:22 <b>intended</b> 25:11 35:19 58:12 212:5 337:15 353:17 365:17 <b>intends</b> 79:22 <b>intent</b> 19:22 140:9 179:8,19 200:20 201:1 223:8 242:21 294:4 349:5 350:20 356:15 368:15 <b>intention</b> 169:21 213:14 237:22 293:5 350:15 355:9 <b>intentionally</b> 114:3 <b>interact</b> 28:6 136:22 <b>interacted</b> 133:11	<b>interacting</b> 70:3 135:20 <b>interaction</b> 60:12 106:15,17 107:8 107:11 108:12 147:11 262:8 377:19 378:1 379:5 <b>interactions</b> 55:2,6 55:21 56:1,3 104:9 105:12 106:20 107:16,18 107:20 108:4,9,13 109:3,10,12 110:5 110:15 111:10 125:7,9 126:2 129:19 130:7,11 130:21 131:1,22 133:22 147:9,16 298:8 377:17,18 378:5,6,14 379:14 379:20 <b>interacts</b> 28:2 <b>interest</b> 164:11 174:3,8,11 175:10 195:15 329:17 345:14 <b>interested</b> 55:16 159:11 171:3 174:15 183:4 185:19 199:7 251:1 255:22 257:1 281:19 304:7 363:6 <b>interesting</b> 67:14 141:21 316:1 327:9 339:9 <b>interests</b> 161:4 176:13 <b>interim</b> 74:12 92:1 <b>intermediate</b> 190:9 <b>internal</b> 29:22 <b>international</b> 80:7 135:2 204:2 311:5 357:12 <b>internationally</b> 304:10	<b>interpreted</b> 349:18 368:18 369:2 <b>interpreting</b> 213:19 348:22 <b>interrelated</b> 363:18 <b>interrupt</b> 136:21 <b>interview</b> 352:13 <b>intriguing</b> 72:4 326:14 <b>introduce</b> 347:15 <b>introduces</b> 335:4 336:5 <b>Introduction</b> 255:3 <b>invest</b> 84:22 <b>investigating</b> 204:22 <b>investigative</b> 349:20 <b>investing</b> 102:5 <b>investment</b> 81:7,22 <b>invitation</b> 304:11 <b>invoked</b> 162:1 <b>involved</b> 116:17 133:17 165:4 202:3 207:13 213:1 244:3 <b>involvement</b> 91:5 360:12 <b>involves</b> 350:7 <b>involving</b> 84:19 <b>in-house</b> 63:7,16 <b>in-season</b> 17:15 277:9,17 278:3 279:3,16 283:20 <b>in-shore</b> 153:9 <b>irritate</b> 161:9 <b>island</b> 91:2 166:4 211:1 259:17 <b>islands</b> 208:13 213:20 214:2,12 216:20 221:18,21 222:15 227:17 229:9 235:3 236:9 238:10,18 250:11 <b>issuance</b> 253:17 266:21 267:14 268:6 269:1
---	--	--	--	--

<b>issue</b> 66:6 72:19 77:6 80:1 101:5 102:7 158:5 160:19 196:14 217:19 230:1 263:8 269:2 270:9 276:3 298:17 310:15,17 318:8 325:8,9,9 363:2 364:6 367:1 368:15 373:15	112:15 119:10 121:4 124:16 161:7 163:7 <b>jaw</b> 332:7,17 333:6 333:10 334:2,9,16 335:2,21 336:3,13 338:6,10 339:12 341:9 342:2 345:4 <b>jaws</b> 129:3,5 <b>Jeff</b> 2:2 130:15 132:3 135:19 150:5 152:14 153:12 154:14 160:6 161:13 296:19 303:3 312:18 315:6 <b>Jeff's</b> 135:17 <b>JEN</b> 3:6 <b>JENKINS</b> 2:13 <b>Jenni</b> 3:21 195:1 <b>jeopardize</b> 262:9 307:22 309:4 <b>Jersey</b> 105:5 116:10 259:17 <b>jiving</b> 114:21 <b>job</b> 74:17 167:15 169:8 177:10 180:22 184:10 213:13 214:13 <b>Joey</b> 69:22 <b>John</b> 2:9 3:16 96:18 176:20 183:1 197:10,20 198:4 199:16 239:4 240:15 243:19 246:19 249:21 362:12 364:22 365:6 369:4 <b>John's</b> 97:4 <b>joined</b> 236:17 <b>joining</b> 103:1 190:21 <b>joins</b> 52:10 <b>joint</b> 331:15 <b>Jones</b> 68:8 <b>journeyman</b> 99:7	<b>July</b> 105:7 120:16 201:9 <b>jump</b> 30:14 83:19 314:4 361:15,17 <b>jumps</b> 129:18 189:11 <b>June</b> 104:22 120:10 124:7,10 <b>justifiable</b> 44:16 <b>justified</b> 43:16 44:21 45:2 135:1 <b>justifies</b> 43:17 <b>justify</b> 43:9 <b>juvenile</b> 302:14 <b>juveniles</b> 219:7 277:5 370:7 <b>J-hooks</b> 297:12	79:9 87:3,17 131:12 <b>key</b> 92:9 159:7 163:13 168:6 169:4 171:13 188:22 203:13,16 242:6 324:10 <b>Keys</b> 37:1 109:12 110:2 120:22 343:4,5 <b>kick</b> 251:20 <b>kid</b> 156:20 <b>kill</b> 129:12 162:17 <b>killed</b> 41:13 87:6 127:14 <b>kind</b> 10:1 12:9 16:11 19:1 25:19 40:21 45:5 48:5 55:17,18 57:2,7 68:21 79:14 81:4 93:18 105:11 106:9 107:19 109:13 115:19,22 138:13 142:20 158:19 182:18 183:21 219:2 239:16 252:11 272:5 276:15 285:16 289:18 294:5 313:15 328:13,22 329:8 331:4 338:16 341:7 373:8 380:19 <b>kindly</b> 286:4 <b>kinds</b> 92:19 183:19 297:13 363:17 <b>kingfish</b> 38:9 <b>kingfishing</b> 38:17 39:10 <b>Klosterman</b> 69:22 <b>knocked</b> 103:16 <b>know</b> 5:10 11:5 12:10 16:8 20:5 31:19 32:11 34:13 37:1,8,18,21 38:2 38:2,13,14 39:3	39:15 40:13,16 41:10,17,21 43:18 44:1 47:10 48:7 48:14,22 49:11,19 52:15 53:7,11,11 54:7,14,16 55:4,8 55:11,11,12,14,14 56:2 58:22 61:10 61:11,12 62:18 65:11 67:3 68:22 70:1,5 71:19,22 75:15 79:13,14,21 80:12,13 82:6,22 83:2,13,17 84:14 86:11,12 87:8,15 87:16 89:10 90:3 91:21 93:12,13,18 95:1 96:11 99:16 101:19 103:10 113:5,15,18 114:8 115:9,14,15,16,21 116:17 117:3,19 118:4 120:17 122:3,8,10 123:1 123:21 125:11 128:1,4 130:18,21 130:22 131:2,2,3 131:6,6,9,10,11 131:13,15,20 132:1,21 133:1,10 133:15,17,19,21 134:9,11,12 135:5 136:6,10 137:16 139:2 144:1 145:13,19,22 146:5,9,13,15,16 150:10,18,20 151:14,20 152:7 152:18 153:3,5,6 153:8,19,20,22 154:1,2,3,7,9 155:11,13 156:10 156:20 157:6 159:19 162:20 164:11,17 173:9 173:10 176:4,12 178:10,22 179:3
<b>issued</b> 260:10 268:7 269:11 274:1	150:5 152:14 153:12 154:14 160:6 161:13 296:19 303:3 312:18 315:6 <b>Jeff's</b> 135:17 <b>JEN</b> 3:6 <b>JENKINS</b> 2:13 <b>Jenni</b> 3:21 195:1 <b>jeopardize</b> 262:9 307:22 309:4 <b>Jersey</b> 105:5 116:10 259:17 <b>jiving</b> 114:21 <b>job</b> 74:17 167:15 169:8 177:10 180:22 184:10 213:13 214:13 <b>Joey</b> 69:22 <b>John</b> 2:9 3:16 96:18 176:20 183:1 197:10,20 198:4 199:16 239:4 240:15 243:19 246:19 249:21 362:12 364:22 365:6 369:4 <b>John's</b> 97:4 <b>joined</b> 236:17 <b>joining</b> 103:1 190:21 <b>joins</b> 52:10 <b>joint</b> 331:15 <b>Jones</b> 68:8 <b>journeyman</b> 99:7	<b>July</b> 105:7 120:16 201:9 <b>jump</b> 30:14 83:19 314:4 361:15,17 <b>jumps</b> 129:18 189:11 <b>June</b> 104:22 120:10 124:7,10 <b>justifiable</b> 44:16 <b>justified</b> 43:16 44:21 45:2 135:1 <b>justifies</b> 43:17 <b>justify</b> 43:9 <b>juvenile</b> 302:14 <b>juveniles</b> 219:7 277:5 370:7 <b>J-hooks</b> 297:12	79:9 87:3,17 131:12 <b>key</b> 92:9 159:7 163:13 168:6 169:4 171:13 188:22 203:13,16 242:6 324:10 <b>Keys</b> 37:1 109:12 110:2 120:22 343:4,5 <b>kick</b> 251:20 <b>kid</b> 156:20 <b>kill</b> 129:12 162:17 <b>killed</b> 41:13 87:6 127:14 <b>kind</b> 10:1 12:9 16:11 19:1 25:19 40:21 45:5 48:5 55:17,18 57:2,7 68:21 79:14 81:4 93:18 105:11 106:9 107:19 109:13 115:19,22 138:13 142:20 158:19 182:18 183:21 219:2 239:16 252:11 272:5 276:15 285:16 289:18 294:5 313:15 328:13,22 329:8 331:4 338:16 341:7 373:8 380:19 <b>kindly</b> 286:4 <b>kinds</b> 92:19 183:19 297:13 363:17 <b>kingfish</b> 38:9 <b>kingfishing</b> 38:17 39:10 <b>Klosterman</b> 69:22 <b>knocked</b> 103:16 <b>know</b> 5:10 11:5 12:10 16:8 20:5 31:19 32:11 34:13 37:1,8,18,21 38:2 38:2,13,14 39:3	39:15 40:13,16 41:10,17,21 43:18 44:1 47:10 48:7 48:14,22 49:11,19 52:15 53:7,11,11 54:7,14,16 55:4,8 55:11,11,12,14,14 56:2 58:22 61:10 61:11,12 62:18 65:11 67:3 68:22 70:1,5 71:19,22 75:15 79:13,14,21 80:12,13 82:6,22 83:2,13,17 84:14 86:11,12 87:8,15 87:16 89:10 90:3 91:21 93:12,13,18 95:1 96:11 99:16 101:19 103:10 113:5,15,18 114:8 115:9,14,15,16,21 116:17 117:3,19 118:4 120:17 122:3,8,10 123:1 123:21 125:11 128:1,4 130:18,21 130:22 131:2,2,3 131:6,6,9,10,11 131:13,15,20 132:1,21 133:1,10 133:15,17,19,21 134:9,11,12 135:5 136:6,10 137:16 139:2 144:1 145:13,19,22 146:5,9,13,15,16 150:10,18,20 151:14,20 152:7 152:18 153:3,5,6 153:8,19,20,22 154:1,2,3,7,9 155:11,13 156:10 156:20 157:6 159:19 162:20 164:11,17 173:9 173:10 176:4,12 178:10,22 179:3
<b>issues</b> 6:3 23:10 46:11 47:3,4,15 57:15 60:3 65:21 75:19 76:3,5,11 76:20 84:13 89:3 97:22 102:6 144:19 153:6 155:12 159:8 165:5,16 166:9 171:11 173:2 190:7 223:14 225:7 230:14 255:6,10 262:20 289:22 298:16 331:6 338:19 363:16,22 365:19 381:12	150:5 152:14 153:12 154:14 160:6 161:13 296:19 303:3 312:18 315:6 <b>Jeff's</b> 135:17 <b>JEN</b> 3:6 <b>JENKINS</b> 2:13 <b>Jenni</b> 3:21 195:1 <b>jeopardize</b> 262:9 307:22 309:4 <b>Jersey</b> 105:5 116:10 259:17 <b>jiving</b> 114:21 <b>job</b> 74:17 167:15 169:8 177:10 180:22 184:10 213:13 214:13 <b>Joey</b> 69:22 <b>John</b> 2:9 3:16 96:18 176:20 183:1 197:10,20 198:4 199:16 239:4 240:15 243:19 246:19 249:21 362:12 364:22 365:6 369:4 <b>John's</b> 97:4 <b>joined</b> 236:17 <b>joining</b> 103:1 190:21 <b>joins</b> 52:10 <b>joint</b> 331:15 <b>Jones</b> 68:8 <b>journeyman</b> 99:7	<b>July</b> 105:7 120:16 201:9 <b>jump</b> 30:14 83:19 314:4 361:15,17 <b>jumps</b> 129:18 189:11 <b>June</b> 104:22 120:10 124:7,10 <b>justifiable</b> 44:16 <b>justified</b> 43:16 44:21 45:2 135:1 <b>justifies</b> 43:17 <b>justify</b> 43:9 <b>juvenile</b> 302:14 <b>juveniles</b> 219:7 277:5 370:7 <b>J-hooks</b> 297:12	79:9 87:3,17 131:12 <b>key</b> 92:9 159:7 163:13 168:6 169:4 171:13 188:22 203:13,16 242:6 324:10 <b>Keys</b> 37:1 109:12 110:2 120:22 343:4,5 <b>kick</b> 251:20 <b>kid</b> 156:20 <b>kill</b> 129:12 162:17 <b>killed</b> 41:13 87:6 127:14 <b>kind</b> 10:1 12:9 16:11 19:1 25:19 40:21 45:5 48:5 55:17,18 57:2,7 68:21 79:14 81:4 93:18 105:11 106:9 107:19 109:13 115:19,22 138:13 142:20 158:19 182:18 183:21 219:2 239:16 252:11 272:5 276:15 285:16 289:18 294:5 313:15 328:13,22 329:8 331:4 338:16 341:7 373:8 380:19 <b>kindly</b> 286:4 <b>kinds</b> 92:19 183:19 297:13 363:17 <b>kingfish</b> 38:9 <b>kingfishing</b> 38:17 39:10 <b>Klosterman</b> 69:22 <b>knocked</b> 103:16 <b>know</b> 5:10 11:5 12:10 16:8 20:5 31:19 32:11 34:13 37:1,8,18,21 38:2 38:2,13,14 39:3	39:15 40:13,16 41:10,17,21 43:18 44:1 47:10 48:7 48:14,22 49:11,19 52:15 53:7,11,11 54:7,14,16 55:4,8 55:11,11,12,14,14 56:2 58:22 61:10 61:11,12 62:18 65:11 67:3 68:22 70:1,5 71:19,22 75:15 79:13,14,21 80:12,13 82:6,22 83:2,13,17 84:14 86:11,12 87:8,15 87:16 89:10 90:3 91:21 93:12,13,18 95:1 96:11 99:16 101:19 103:10 113:5,15,18 114:8 115:9,14,15,16,21 116:17 117:3,19 118:4 120:17 122:3,8,10 123:1 123:21 125:11 128:1,4 130:18,21 130:22 131:2,2,3 131:6,6,9,10,11 131:13,15,20 132:1,21 133:1,10 133:15,17,19,21 134:9,11,12 135:5 136:6,10 137:16 139:2 144:1 145:13,19,22 146:5,9,13,15,16 150:10,18,20 151:14,20 152:7 152:18 153:3,5,6 153:8,19,20,22 154:1,2,3,7,9 155:11,13 156:10 156:20 157:6 159:19 162:20 164:11,17 173:9 173:10 176:4,12 178:10,22 179:3
<b>issued</b> 260:10 268:7 269:11 274:1	150:5 152:14 153:12 154:14 160:6 161:13 296:19 303:3 312:18 315:6 <b>Jeff's</b> 135:17 <b>JEN</b> 3:6 <b>JENKINS</b> 2:13 <b>Jenni</b> 3:21 195:1 <b>jeopardize</b> 262:9 307:22 309:4 <b>Jersey</b> 105:5 116:10 259:17 <b>jiving</b> 114:21 <b>job</b> 74:17 167:15 169:8 177:10 180:22 184:10 213:13 214:13 <b>Joey</b> 69:22 <b>John</b> 2:9 3:16 96:18 176:20 183:1 197:10,20 198:4 199:16 239:4 240:15 243:19 246:19 249:21 362:12 364:22 365:6 369:4 <b>John's</b> 97:4 <b>joined</b> 236:17 <b>joining</b> 103:1 190:21 <b>joins</b> 52:10 <b>joint</b> 331:15 <b>Jones</b> 68:8 <b>journeyman</b> 99:7	<b>July</b> 105:7 120:16 201:9 <b>jump</b> 30:14 83:19 314:4 361:15,17 <b>jumps</b> 129:18 189:11 <b>June</b> 104:22 120:10 124:7,10 <b>justifiable</b> 44:16 <b>justified</b> 43:16 44:21 45:2 135:1 <b>justifies</b> 43:17 <b>justify</b> 43:9 <b>juvenile</b> 302:14 <b>juveniles</b> 219:7 277:5 370:7 <b>J-hooks</b> 297:12	79:9 87:3,17 131:12 <b>key</b> 92:9 159:7 163:13 168:6 169:4 171:13 188:22 203:13,16 242:6 324:10 <b>Keys</b> 37:1 109:12 110:2 120:22 343:4,5 <b>kick</b> 251:20 <b>kid</b> 156:20 <b>kill</b> 129:12 162:17 <b>killed</b> 41:13 87:6 127:14 <b>kind</b> 10:1 12:9 16:11 19:1 25:19 40:21 45:5 48:5 55:17,18 57:2,7 68:21 79:14 81:4 93:18 105:11 106:9 107:19 109:13 115:19,22 138:13 142:20 158:19 182:18 183:21 219:2 239:16 252:11 272:5 276:15 285:16 289:18 294:5 313:15 328:13,22 329:8 331:4 338:16 341:7 373:8 380:19 <b>kindly</b> 286:4 <b>kinds</b> 92:19 183:19 297:13 363:17 <b>kingfish</b> 38:9 <b>kingfishing</b> 38:17 39:10 <b>Klosterman</b> 69:22 <b>knocked</b> 103:16 <b>know</b> 5:10 11:5 12:10 16:8 20:5 31:19 32:11 34:13 37:1,8,18,21 38:2 38:2,13,14 39:3	39:15 40:13,16 41:10,17,21 43:18 44:1 47:10 48:7 48:14,22 49:11,19 52:15 53:7,11,11 54:7,14,16 55:4,8 55:11,11,12,14,14 56:2 58:22 61:10 61:11,12 62:18 65:11 67:3 68:22 70:1,5 71:19,22 75:15 79:13,14,21 80:12,13 82:6,22 83:2,13,17 84:14 86:11,12 87:8,15 87:16 89:10 90:3 91:21 93:12,13,18 95:1 96:11 99:16 101:19 103:10 113:5,15,18 114:8 115:9,14,15,16,21 116:17 117:3,19 118:4 120:17 122:3,8,10 123:1 123:21 125:11 128:1,4 130:18,21 130:22 131:2,2,3 131:6,6,9,10,11 131:13,15,20 132:1,21 133:1,10 133:15,17,19,21 134:9,11,12 135:5 136:6,10 137:16 139:2 144:1 145:13,19,22 146:5,9,13,15,16 150:10,18,20 151:14,20 152:7 152:18 153:3,5,6 153:8,19,20,22 154:1,2,3,7,9 155:11,13 156:10 156:20 157:6 159:19 162:20 164:11,17 173:9 173:10 176:4,12 178:10,22 179:3
<b>issues</b> 6:3 23:10 46:11 47:3,4,15 57:15 60:3 65:21 75:19 76:3,5,11 76:20 84:13 89:3 97:22 102:6 144:19 153:6 155:12 159:8 165:5,16 166:9 171:11 173:2 190:7 223:14 225:7 230:14 255:6,10 262:20 289:22 298:16 331:6 338:19 363:16,22 365:19 381:12	150:5 152:14 153:12 154:14 160:6 161:13 296:19 303:3 312:18 315:6 <b>Jeff's</b> 135:17 <b>JEN</b> 3:6 <b>JENKINS</b> 2:13 <b>Jenni</b> 3:21 195:1 <b>jeopardize</b> 262:9 307:22 309:4 <b>Jersey</b> 105:5 116:10 259:17 <b>jiving</b> 114:21 <b>job</b> 74:17 167:15 169:8 177:10 180:22 184:10 213:13 214:13 <b>Joey</b> 69:22 <b>John</b> 2:9 3:16 96:18 176:20 183:1 197:10,20 198:4 199:16 239:4 240:15 243:19 246:19 249:21 362:12 364:22 365:6 369:4 <b>John's</b> 97:4 <b>joined</b> 236:17 <b>joining</b> 103:1 190:21 <b>joins</b> 52:10 <b>joint</b> 331:15 <b>Jones</b> 68:8 <b>journeyman</b> 99:7	<b>July</b> 105:7 120:16 201:9 <b>jump</b> 30:14 83:19 314:4 361:15,17 <b>jumps</b> 129:18 189:11 <b>June</b> 104:22 120:10 124:7,10 <b>justifiable</b> 44:16 <b>justified</b> 43:16 44:21 45:2 135:1 <b>justifies</b> 43:17 <b>justify</b> 43:9 <b>juvenile</b> 302:14 <b>juveniles</b> 219:7 277:5 370:7 <b>J-hooks</b> 297:12	79:9 87:3,17 131:12 <b>key</b> 92:9 159:7 163:13 168:6 169:4 171:13 188:22 203:13,16 242:6 324:10 <b>Keys</b> 37:1 109:12 110:2 120:22 343:4,5 <b>kick</b> 251:20 <b>kid</b> 156:20 <b>kill</b> 129:12 162:17 <b>killed</b> 41:13 87:6 127:14 <b>kind</b> 10:1 12:9 16:11 19:1 25:19 40:21 45:5 48:5 55:17,18 57:2,7 68:21 79:14 81:4 93:18 105:11 106:9 107:19 109:13 115:19,22 138:13 142:20 158:19 182:18 183:21 219:2 239:16 252:11 272:5 276:15 285:16 289:18 294:5 313:15 328:13,22 329:8 331:4 338:16 341:7 373:8 380:19 <b>kindly</b> 286:4 <b>kinds</b> 92:19 183:19 297:13 363:17 <b>kingfish</b> 38:9 <b>kingfishing</b> 38:17 39:10 <b>Klosterman</b> 69:22 <b>knocked</b> 103:16 <b>know</b> 5:10 11:5 12:10 16:8 20:5 31:19 32:11 34:13 37:1,8,18,21 38:2 38:2,13,14 39:3	39:15 40:13,16 41:10,17,21 43:18 44:1 47:10 48:7 48:14,22 49:11,19 52:15 53:7,11,11 54:7,14,16 55:4,8 55:11,11,12,14,14 56:2 58:22 61:10 61:11,12 62:18 65:11 67:3 68:22 70:1,5 71:19,22 75:15 79:13,14,21 80:12,13 82:6,22 83:2,13,17 84:14 86:11,12 87:8,15 87:16 89:10 90:3 91:21 93:12,13,18 95:1 96:11 99:16 101:19 103:10 113:5,15,18 114:8 115:9,14,15,16,21 116:17 117:3,19 118:4 120:17 122:3,8,10 123:1 123:21 125:11 128:1,4 130:18,21 130:22 131:2,2,3 131:6,6,9,10,11 131:13,15,20 132:1,

181:2 182:1 183:6	325:15,18 327:9	258:8 271:5,6,9	120:12 121:16	137:14 145:10
188:12,14,19	327:12,22 328:3,9	271:12 274:1,20	127:10 128:3	151:8 159:8
189:6 193:14	328:11 329:5,17	275:9 322:7 323:7	137:4,8 141:17,19	163:22 338:14
195:15 197:2,5	339:17,19 340:3,5	346:19 347:6	142:2 186:11	<b>LEAPE</b> 1:24 71:6
199:19,21 200:14	340:7,9,15,17	357:9 378:15	199:10 210:9	155:18 192:11
201:6 204:8	341:2,6 343:19	<b>landing</b> 30:4,5	217:2 218:20	326:11
208:12 215:19,21	344:5,10,13,15	43:20 127:4 219:4	239:17 240:22	<b>learn</b> 166:8 328:21
215:22 217:4,13	345:15 346:12	258:14 260:5	241:5,20 243:4,13	<b>learned</b> 78:18
219:16,20 220:12	349:13 350:9	261:3 361:12	298:19 352:11	<b>leave</b> 33:13 41:9
220:13,17 221:1	351:17 352:3	<b>landings</b> 11:11,14	361:20 363:12	52:7 72:1 73:11
222:9 224:9 225:6	353:11 354:2,3,8	16:9 17:12,20	374:14,17	122:22 145:3
226:9,17,20	356:7 358:7	18:6,7,15 22:8,9	<b>largely</b> 298:14	317:20 318:3
229:15 231:20	359:13 362:4	22:11,14,16,17	<b>larger</b> 237:14	321:12 380:21
232:2,8,11,12,12	363:20,22 364:1,3	23:14 24:10 27:7	252:11 271:20	<b>leaves</b> 287:5
232:21 233:2	364:7 365:18,22	50:15 58:16 60:11	<b>largest</b> 169:14,18	<b>leaving</b> 32:14,20
234:15 235:9,13	366:3,11,20 367:5	62:21 65:13 77:4	<b>Larry</b> 2:17 74:6	235:8
236:1,20 238:1	368:20 369:11,18	115:7 127:8	90:14 96:14 217:6	<b>led</b> 367:14
239:10 240:8,11	370:8,11 372:5,7	143:17 148:10	217:7	<b>leeway</b> 67:18
240:12 241:4,21	372:8,14 373:1,17	196:17 198:16,19	<b>late</b> 49:12 111:20	<b>left</b> 107:4 109:8
242:17,17 244:13	373:19 374:13,14	199:3,7,8,13,14	160:16 201:9	117:11,12 126:20
244:16 247:1	374:14,19,20	199:16,19 207:12	282:15 345:15,18	287:7 304:2 334:3
248:8,12 249:21	375:10,11,15	207:20 223:9	<b>latent</b> 142:14 160:3	<b>lefthand</b> 333:18
252:21 266:15,22	376:2,2,7,11,17	224:6 232:6 233:9	<b>latest</b> 64:10	334:11
274:10,14 275:16	380:5,21 381:6	246:11 247:3,4,12	<b>laughs</b> 88:12	<b>legal</b> 217:13 281:2
275:17 277:11	<b>knowing</b> 49:12	247:15,16,22	<b>Laughter</b> 87:19	346:5
278:17,18 285:8	182:11 232:19	249:5 252:13	90:19 164:22	<b>legally</b> 341:22
286:19 288:18,19	<b>knowledge</b> 96:21	259:22 260:3	194:18 245:18	<b>legal-sized</b> 335:7
288:21 290:3,10	<b>known</b> 174:1	261:1 263:5	296:22 300:5	<b>legitimate</b> 326:19
290:12,17 291:8	<b>knows</b> 173:7 375:7	265:13 267:22	319:16 339:5	<b>lemons</b> 99:10
292:3 293:13,16	<b>kobe</b> 329:12	277:3 285:1,15	365:10	146:11 239:21
294:6,12,19 295:3		286:3 289:14	<b>launch</b> 350:3	<b>length</b> 21:5 29:9
296:20 297:8,16	<b>L</b>	292:5,8,9 301:14	<b>lay</b> 363:21	31:4 119:15 129:9
298:3,4 299:18	<b>lab</b> 162:15 181:12	316:4 362:18,20	<b>LCS</b> 21:19 22:3	129:10 206:1
302:2 304:21,22	184:11	363:9 373:4	23:19 26:5 40:21	332:8,17 333:6,11
305:16 307:8	<b>Laboratory</b> 181:11	375:20 377:1	206:6 209:4	334:2,9,16 335:2
309:1,21 310:7	<b>labs</b> 168:19 184:9	<b>language</b> 349:5,10	<b>lead</b> 45:6 46:5	335:21 336:3,13
313:10,12 314:1,2	184:18	362:10 369:8,13	93:16 94:14	338:6,10 340:8
314:5,6,9,13,14	<b>lack</b> 96:17 203:20	<b>lap</b> 303:12 320:2	136:17 140:6	341:9
314:16,17,18	203:21 204:10	366:7	165:13 210:5,17	<b>lengths</b> 301:21
315:2,14,15 317:1	240:1	<b>large</b> 21:15 23:3,5	245:11	339:12
317:1,7,12 318:1	<b>laid</b> 48:18 225:10	23:6 24:1,13 25:2	<b>leadership</b> 64:22	<b>lengthy</b> 223:16
318:3,22 319:2,15	<b>land</b> 46:17 60:22	25:9,21 26:1,9,11	91:22 92:7 193:8	356:12
319:15 320:9	114:5 127:19,20	26:12,14,21 27:5	369:6	<b>lesser</b> 246:10
321:11,15 322:20	128:3 247:11	27:8 28:2,8,12,16	<b>leading</b> 94:9	<b>less-than-trophy</b>
323:2,19,21 324:3	<b>landed</b> 27:13,14,17	42:4,5 44:7 50:3	372:17	150:11
324:5,6,9,10,16	27:18 30:3 121:14	69:3 70:14 110:17	<b>LeANN</b> 3:11	<b>letter</b> 95:2 367:22
324:19 325:5,12	199:20,21 240:11	116:3 118:20	136:18,21 137:12	<b>letting</b> 152:7

<b>let's</b> 71:15 114:22 115:3 118:2 121:5 128:5 156:20 161:2 212:18 223:1 240:14 246:17 251:20 284:6 291:12 298:1 325:12,13 333:16 335:8 338:18,22 343:11 345:19,20 347:11 364:21 365:2,3 368:5 376:10 381:10	41:5,7 44:7 46:13 46:20 69:3 70:1 97:11 119:14 120:3,3,4 142:13 145:19 151:15 179:14 204:4,20 205:1,2,3 206:8 207:8 209:4,6,14 209:14,15,17 219:10,14 220:3 222:12 227:7 231:15,15 241:7 241:11 276:6,8,14 276:18,22 277:9 277:16,18 278:2,4 278:8,11,16,21 279:2,3,5,9,15,17 279:20 280:1,6,7 280:17 283:17,17 283:19,19 285:10 295:11,12 310:17 310:21,22 311:2,2 311:7,13 312:8,11 312:14 313:8 317:17 319:8,10 320:3 325:12 331:20 341:8 380:2	<b>limiting</b> 34:11 104:8 204:11 312:2 <b>limits</b> 7:11 10:2,9 10:15 11:1 13:15 14:7 20:14 21:3 21:22 26:11 27:1 27:6,21 29:2 30:13 35:8,11 44:5 52:4 58:19 103:17 119:15 120:3 139:21 201:22 203:6 206:12 207:17 209:20 210:14 218:18 224:5 237:11 240:20 248:8 253:18 255:10 276:4 280:11 283:16 290:19 311:18 <b>line</b> 7:22 9:12 38:17 65:18 71:11 111:15 119:14 129:14 154:10 171:19 172:18 185:12,16 186:10 187:1 216:9,11 258:10 324:11 333:10,12,13 334:1,3,8,9,10 352:9 <b>lines</b> 9:7 21:8 119:19 120:2 171:2,9 179:12 185:15 186:8 280:21 284:14 <b>Lingo</b> 2:14 42:10 52:19 56:8,9,9 <b>link</b> 19:10 26:7 <b>linkage</b> 16:20 17:10,21 18:10 19:7,22 20:4 21:20 24:12 <b>linked</b> 24:19 25:5 <b>linking</b> 14:3 16:18 20:7,10 58:3 72:3	<b>links</b> 18:14 19:1 25:20 50:5 <b>lions</b> 192:14 <b>Lisa</b> 2:12 121:5 <b>list</b> 42:13,14 178:12 <b>listen</b> 43:10 46:8 62:1 66:9 93:8 324:3,13 344:2 <b>listening</b> 155:2 173:11 <b>listing</b> 151:12 <b>listserv</b> 212:1 <b>little</b> 12:2 60:10 90:22 107:10 112:8 125:8 138:1 143:18 147:10 165:6 166:4,18 178:10 183:16,17 187:15 193:19 196:20 201:4 213:8,20 219:8 220:12 225:22 237:8 239:22 256:14,19 258:4 258:21 259:18 260:10 275:3 277:10 282:9 297:17 300:15 329:13 333:17 354:16 360:5 367:10 377:10,10 377:13 379:9,16 <b>live</b> 131:1 324:19 356:2 377:20 380:5 <b>livelihoods</b> 64:20 231:20 <b>living</b> 56:4 68:12 168:2 <b>load</b> 232:9 <b>local</b> 32:7 174:22 175:14 210:6 216:21,22 217:4 221:22 228:14 231:22 239:19 <b>locally</b> 210:17 <b>located</b> 106:21	259:4,12,16 <b>locations</b> 212:2 <b>logbook</b> 55:4 106:16 107:5 108:5 109:7,10,18 110:1,19 131:10 203:8 319:5 322:19 352:5 362:8 378:22 <b>logbooks</b> 270:16 272:2,10 283:15 350:4 355:22 <b>logbook's</b> 107:3 <b>long</b> 42:13 80:13 89:17 100:11 119:22 120:2 132:13 154:9 166:19 184:6 185:9 210:15 219:8 236:13 249:6 299:19 305:6 337:22 340:10 349:12 355:21,21 369:15 375:8 376:10 <b>longer</b> 12:20 31:12 36:10 183:4 184:20 193:14 <b>longline</b> 30:19 31:3 31:11,20 32:10,13 33:12,19 34:4,6 35:2 39:2,6 46:1 62:10 68:19 78:20 85:12 86:3,21 87:4 88:3,4 89:8 104:17,19,20 105:16 106:5 108:7,16 110:9 111:6,7 125:7,11 126:3,7 129:22 131:8 133:5 135:20 198:18 242:9 246:11 249:2,15 250:7 253:19 254:1,7 271:10 274:21 275:4 292:17
--	---	---	--	--

295:6 302:5	333:17 334:4,19	131:15,18 134:11	342:16 343:14,17	14:17 16:4 17:5
309:19 324:11	336:15 343:6	287:17 323:8	346:11 361:1,19	20:13 22:2 27:4
351:6 356:13	351:19 357:2,6	374:12	364:1 370:14	29:1,19 34:19
357:2 358:3,22	374:3 375:6 376:3	<b>lose</b> 55:15 94:5	374:15 379:5	44:1 102:9 169:5
360:22 369:18	376:15 379:20	135:5,6,6 304:18	380:20	180:1 263:11
371:2 376:7,17	380:9	320:20	<b>lots</b> 166:8 235:6	265:2 271:17
<b>longliners</b> 57:10	<b>looked</b> 13:18 48:2	<b>losing</b> 81:16 172:17	<b>loud</b> 369:3	273:1 307:4
86:9,18,20 88:10	48:15 94:18	227:19 291:4	<b>Louisiana</b> 2:12	338:12
241:16 288:10	106:12 107:13	<b>loss</b> 265:4	66:4 106:1 119:17	<b>maintained</b> 331:10
289:7 298:7	109:5 140:10	<b>lost</b> 70:10 80:19	120:8 163:16	331:11
304:21	175:15 204:19,20	177:21 304:16	<b>love</b> 137:9 189:15	<b>maintaining</b>
<b>longlines</b> 57:13,16	205:1 209:17	<b>lot</b> 13:13 35:17	<b>low</b> 47:1 149:6	104:15 310:19
85:18 87:13 96:18	246:5 262:17	37:2,3 40:19 42:3	180:9 196:15	<b>major</b> 80:12 169:8
355:21 371:21	284:21 294:1	45:11 47:12 48:13	262:7,14	255:19 264:13
<b>longline's</b> 291:21	297:7 316:3 343:2	48:22 50:18 55:9	<b>lower</b> 262:3 332:7	349:20 350:21
<b>longlining</b> 86:22	374:11	56:2 57:15,22	332:16 333:6,10	359:14,15,21
87:1,2 89:10	<b>looking</b> 16:2 42:19	61:15 68:15,18	334:2,9,15 335:1	360:13
288:21 289:1,2	42:20 49:15 53:10	69:11 71:7 76:11	335:21 336:3,13	<b>majority</b> 61:10
305:7 306:1	53:21 54:1 57:17	76:19 79:11 81:14	338:5,10 339:12	130:21 143:3
<b>long-lasting</b> 245:6	65:5 69:9 79:1	81:17,18,21 82:2	341:9 342:2 345:4	211:5 216:19,22
<b>long-liners</b> 313:11	80:8,9 82:18	83:22 84:21 85:5	<b>lowered</b> 277:13	234:16 260:3
<b>look</b> 7:13 15:1,12	88:18,19 91:13	85:11 88:1 93:2	<b>LPS</b> 29:22 114:11	322:4 350:14
17:11 18:3 21:21	94:10 99:19 104:9	95:19 99:9 101:12	114:22	<b>making</b> 47:11
22:14 30:21 31:7	108:1 109:9,19	109:2 115:6	<b>Lubchenco</b> 74:2	71:15 77:9 78:7
43:3 49:22 50:11	110:1 111:17,19	127:18 129:19	173:7 175:21	112:13 146:13
50:21 51:7,20	116:1,20 117:9	130:7 134:6 137:3	<b>lunch</b> 137:17	169:9 174:12
53:18 58:14 61:2	119:9 122:16	138:11,15 141:15	145:11 159:14	184:9 188:5 189:8
72:6,17 76:14,21	125:5 133:22	143:1,21 144:1,9	164:1,4	240:12 291:7
77:11 78:15 79:4	149:9 152:2 154:6	144:18,20 145:14	<b>Lynn</b> 246:3	319:1 328:13
82:3 87:8 89:1,5	161:15 167:14	146:1,2,4 148:14		340:2 341:8
96:21 105:11	168:18,20 181:5	148:16,21 155:20	<b>M</b>	<b>mako</b> 113:19
109:17 110:15	188:11 199:9	157:14 158:8	<b>Magnuson</b> 159:18	127:22 150:11
114:7,11,17,18	206:7 207:7,11	165:5 166:3,9,14	<b>mahi</b> 216:15	<b>makos</b> 219:22
115:3 116:5,5	209:1,13 211:1	167:15,21 168:13	<b>mail</b> 112:2 211:14	<b>males</b> 70:8
118:2,3,17 124:3	218:2,8 232:15	174:5,6,19 178:6	211:14 251:12	<b>Mammal</b> 262:10
124:4 134:8	233:5 245:14	181:14 186:3	<b>mailing</b> 211:11	<b>mammals</b> 165:12
135:10 136:3	250:15 263:1	187:9 189:1	<b>main</b> 42:6 158:4,5	262:13
145:21 146:20	284:17 287:2,10	190:11 191:20,21	236:22	<b>manage</b> 58:15,22
156:3 159:12	305:21 311:18	230:13,22 237:17	<b>Maine</b> 65:15 78:5	59:5 200:16 208:1
173:14 178:3	316:5 317:9	238:10,16 239:3	82:10 141:9 175:7	324:8 328:7
189:5,9 209:7	325:17 333:2	252:4 258:5 270:7	188:3 217:14	<b>managed</b> 96:11
210:22 220:4	342:12 349:22	282:7 289:5 297:9	291:14 293:15	161:9 213:22
230:18 242:22	350:9 358:9	297:10 298:5	303:14 305:16	218:2 244:18
255:2,17,22	359:21 366:16	299:4 304:9	<b>mainland</b> 195:18	314:17
285:22 286:17	367:3,9 375:2	316:14 325:20	199:1 242:1,11,20	<b>management</b> 4:12
287:16 319:5	376:7,8 379:17,19	328:15,21 329:7	<b>mainline</b> 31:4	4:14 7:9,19,22
323:21 328:12	<b>looks</b> 106:6 107:12	340:14,16 341:2,3	<b>maintain</b> 13:2	8:19 9:21 12:20

43:16 47:5 51:3	179:7 183:4	<b>massive</b> 64:17	181:8 188:1	193:12,18 221:1
72:12 75:22 76:3	<b>Margo</b> 1:15 2:24	287:18	190:20 192:10	224:10 241:3,4
76:21 83:22 87:9	5:7 98:11 136:16	<b>match</b> 254:1	193:17 194:4,11	242:5 285:6 307:9
94:17 104:10	194:21 211:14	<b>material</b> 122:22	195:1 212:10	314:9,16,20,22
149:16 150:21	282:9 286:13	<b>math</b> 289:11,12	217:5 218:15	319:15 320:11
156:4,17 163:2	288:3 319:4	304:3 320:17	220:6 222:2	322:16,22 325:10
167:18 169:2	321:18 326:1	<b>mathematicians</b>	223:11 230:16	325:11 337:14
177:9,21 194:13	343:15 345:12	290:12,13	234:18 238:6	341:18 342:3,15
195:8 200:1,4,10	349:14 359:9	<b>matter</b> 17:20 36:20	240:13 243:18	343:4,6 346:18
201:12 203:21	361:15 380:12	46:9 53:2 54:22	246:17 247:6	366:11 367:17
213:2 237:4 253:7	<b>Margo's</b> 354:5	74:9 81:5 103:2	248:4,19 250:18	<b>meaning</b> 371:15
260:21 262:18	366:7	131:16 164:5	251:19 284:1	<b>meaningful</b> 275:21
266:13 268:18	<b>marine</b> 1:4 73:18	171:7 251:5 297:1	291:12 296:18	<b>meaningless</b> 71:12
281:14 295:19,20	105:3 165:11	305:18 375:14	300:2 303:2	72:1
359:15	181:10 262:10,13	381:17	312:18 313:1,14	<b>means</b> 5:13 73:20
<b>managers</b> 267:6	355:12 368:18	<b>matters</b> 187:19	315:6 318:5	123:19 262:12
<b>managing</b> 30:17,20	<b>Mark</b> 2:5,5,14	<b>mature</b> 67:5	325:22 327:15	349:9 378:3
46:6 47:4,16	37:12,13 42:9	<b>maturity</b> 29:8	329:19 330:4,8	<b>meant</b> 170:1
48:19 62:12	46:10 52:19 55:14	302:1	338:21 339:6	<b>measurable</b> 337:13
158:10 244:20	56:8,9 57:20 85:9	<b>maxed</b> 317:19	340:20 342:11	338:1
<b>mandate</b> 67:10	85:10 96:19	<b>maximizing</b> 158:6	343:11 344:21	<b>measure</b> 188:14
<b>mandated</b> 69:3	103:10 112:14	158:9	345:5,11 347:8	201:13 302:7
159:21	127:3 157:1,3	<b>maximum</b> 27:16,19	364:17 368:4	345:3 352:20
<b>mandatory</b> 118:6	365:2 373:11,12	313:6	370:16 373:11,14	361:15 368:17
202:4	<b>marked</b> 107:4	<b>ma'am</b> 225:17	377:2 380:11	<b>measurement</b>
<b>manuscript</b> 173:5	<b>market</b> 64:11	<b>McCREARY</b> 2:21	381:9	129:10 332:8,10
<b>map</b> 103:19 107:12	89:18 95:20 99:14	5:3 6:8 35:15	<b>McGinty's</b> 381:8	332:12,13 333:12
107:17 108:17	207:14 216:1,5	37:11 42:8 47:18	<b>McHALE</b> 3:12	333:22 334:3,16
109:5 111:3 243:4	217:3 221:22	52:8 56:7 57:19	354:3 358:6	335:2,3 336:14
<b>maps</b> 106:3,18,19	225:21 240:12	59:22 61:16 70:22	379:15 381:6	337:5 340:19
110:7 111:11	241:13 245:4	73:6 77:19 82:7	<b>McKeon</b> 2:2	<b>measurements</b>
129:18 147:13	306:13 343:18	85:8 90:13,20	<b>McLAUGHLIN</b>	333:7
<b>Marathon</b> 324:10	<b>marketing</b> 226:13	93:5 96:14 98:7	3:13	<b>measures</b> 4:18 7:20
<b>marbete</b> 235:20	<b>markets</b> 195:22	102:16 103:5	<b>mean</b> 36:17 37:2,4	7:22 12:21 17:22
<b>March</b> 1:11 5:12	210:10	112:7 119:10	37:8,19 39:18,20	18:1 30:18 32:11
5:14,19 70:5	<b>marks</b> 299:4	121:4 122:13	40:6,7,10 44:7	33:16,17 34:20
138:8	<b>marlin</b> 127:11	124:2 126:22	48:17 51:11 53:4	35:21 45:1 48:21
<b>marching</b> 366:21	191:16 223:19	128:9 130:14	55:20 56:2 57:1	50:20 58:9 112:22
<b>Marcos</b> 2:18 52:20	225:9	132:3 135:12	57:11 90:6 97:3	239:8 260:21
60:1 71:1 72:13	<b>marmot</b> 99:20	136:12,19 137:11	116:21 117:1	262:19 281:14
212:19 215:16	102:6	145:6 147:1 150:4	122:5 124:11,20	326:4 330:9,19
220:11 222:2	<b>Maryland</b> 1:14	152:13 153:12,16	124:22 125:3	331:2,3,21 332:2
223:13 224:7,14	2:14 105:5 154:17	154:14 155:17	126:6 127:5	335:16 340:8
230:17 235:13	154:19 155:1	157:1 158:14	132:22 145:17	361:20
238:8 244:4	<b>Massachusetts</b>	159:13 161:6	146:8 151:20	<b>measuring</b> 301:22
<b>Marcos's</b> 72:14	2:15 78:5 175:6	163:7,20 164:8	154:11 159:5	<b>meat</b> 129:3 142:21
<b>MARFIN</b> 178:6	259:17 303:14	173:17 176:20	185:22 192:3	245:1 252:18

335:13	189:15 191:19	100:10	326:3 330:9,18	10:4 30:18 34:3
<b>mechanism</b> 159:19	192:2,9,11 193:18	<b>micro</b> 58:21	331:3,5 332:5,16	104:2 139:20,21
160:5	194:10	<b>microphone</b> 347:15	333:11,15 334:7	202:1
<b>meet</b> 177:12 252:11	<b>message</b> 96:9	<b>micro-manage</b>	335:9,17,19,21	<b>modules</b> 6:12
252:19 333:22	182:11 191:20	59:2	336:3,16,21 337:2	<b>Molly's</b> 176:15
334:2,15 335:1	369:3	<b>micro-managem...</b>	337:5,8,11,15,20	<b>mom</b> 67:6
371:9	<b>met</b> 1:13 6:19	148:3	337:21 338:6,9	<b>moment</b> 75:3 99:6
<b>meeting</b> 1:8 5:20	173:22,22	<b>micro-managing</b>	344:1,19	285:5
6:4 66:13 75:18	<b>meter</b> 219:8	70:16	<b>minimums</b> 371:9	<b>Mona</b> 243:10
76:2 78:2 96:16	<b>method</b> 248:8	<b>mid</b> 104:16 240:21	<b>minute</b> 5:5 41:3	<b>monetary</b> 315:20
97:20 137:1	<b>methodology</b> 356:4	<b>middle</b> 98:20 100:3	<b>minutes</b> 35:16 71:4	<b>money</b> 78:17 79:19
172:10 177:3	<b>methods</b> 305:22	172:9	71:5 73:9,19	93:2 97:3,5 146:9
183:9 204:1 282:5	<b>metric</b> 9:16 13:3,7	<b>Mid-Atlantic</b>	102:21 145:4,7	146:13 169:14
365:3,21,22	22:21 199:14,15	106:10 109:22	172:7 212:13	179:21 183:17,17
369:12 370:5	246:22 260:6	110:17 113:18	244:1 251:4	187:1,9 191:21
380:7,18 381:10	286:20 287:1,5,7	133:22 277:22	<b>mirroring</b> 104:22	<b>money's</b> 187:8
<b>meetings</b> 177:8	287:9 295:8,9	<b>mid-year</b> 111:19	<b>misidentification</b>	<b>monitor</b> 200:16
190:14 233:11	304:16 331:9	<b>migratory</b> 1:6,15	12:3	208:1 279:12
254:19 256:9	349:13 351:11	70:2 75:19 85:16	<b>misidentified</b> 44:12	280:2
280:14 282:6	360:14	177:18 186:13	<b>misinterpretation</b>	<b>monitored</b> 227:22
359:10	<b>Mexican</b> 57:10	<b>Mike</b> 164:18 174:2	162:9	280:9
<b>meets</b> 372:16	<b>Mexicans</b> 67:12	174:8	<b>misinterpreted</b>	<b>monitoring</b> 32:3
<b>mega-yachts</b>	<b>Mexico</b> 8:8,12 9:3	<b>mile</b> 34:1 39:7	349:5	81:1 148:16,17,19
314:18	9:19 10:17 13:16	328:18	<b>misleading</b> 362:2	149:2,4,8,11,17
<b>MEGGAN</b> 3:8	13:21 14:1,2,13	<b>miles</b> 215:1 320:12	<b>misrepresenting</b>	149:20 159:2
<b>member</b> 368:15	14:21 15:3,9 16:8	<b>MILLER</b> 1:25	365:15	182:15 184:12,22
<b>members</b> 1:17 5:18	18:8 19:2,7,9,18	315:8 316:22	<b>missed</b> 218:17	185:2 271:16
95:7,11 212:14,16	23:7,22 24:13	<b>million</b> 80:20	219:9 369:12	272:12 273:9
257:21 270:22	25:2,8,18 48:4	<b>mind</b> 19:15 44:19	<b>missing</b> 86:10	373:21
348:18 352:8	56:16 63:21 64:4	47:6 62:6 76:20	151:9 344:10	<b>Montella</b> 1:25
358:19 371:7	65:4,8,22 66:11	87:18 90:2 166:1	<b>mistaken</b> 358:4	240:16,16 241:15
<b>mention</b> 15:18	67:13 68:2 70:3	166:7 202:9	<b>mix</b> 290:4	242:4 243:8 318:6
181:20 182:3	92:16 96:22	236:16 260:15	<b>mixed</b> 81:20	319:17 321:22
231:9 300:18	104:21 105:1	294:6 313:20	215:20	322:9,16 323:10
318:13	108:8 110:2,6	326:20 355:10	<b>model</b> 8:10 63:14	323:16 339:8
<b>mentioned</b> 10:5	120:10,13 121:2	<b>mindful</b> 112:12	<b>modeling</b> 311:10	<b>month</b> 5:19 178:19
34:7 91:10 99:4	124:19 125:1	<b>minds</b> 380:15	<b>models</b> 375:16	313:17
120:12 256:9	141:10 145:16	<b>mine</b> 313:17	<b>modification</b>	<b>months</b> 55:7 96:2
292:21	157:12 176:8	<b>minimize</b> 16:22	205:11	131:7 158:11
<b>mentioning</b> 329:2	186:17 221:3	20:1 24:20 25:11	<b>modifications</b> 51:5	160:9
346:3	277:22 280:7	113:1 130:11	<b>modified</b> 13:6	<b>moratorium</b> 236:9
<b>mercy</b> 66:3	304:17 310:8	266:17 268:19	270:12 271:5,7	<b>Morgan</b> 62:8
<b>merely</b> 361:22	328:10	<b>minimizing</b> 29:12	274:1 276:7,19	<b>morning</b> 6:17
<b>Merrick</b> 3:14 4:10	<b>Miami</b> 174:21	252:14	<b>modify</b> 21:6 104:16	42:12 82:9 112:8
164:2,10,13 165:1	241:22	<b>minimum</b> 4:17	104:18 209:20	115:17 161:10
176:2,7 179:8	<b>mic</b> 37:12	29:7,9 240:1	283:4	182:6 380:20
181:9 185:7	<b>Michaels</b> 98:12	294:20 316:12,17	<b>modifying</b> 7:12	<b>Morocco</b> 331:14

<b>mortalities</b> 11:6	148:20,21	144:21 145:1	<b>net</b> 89:11,20 363:16	<b>NGUYEN</b> 2:1
<b>mortality</b> 7:11 9:14	<b>Murawski</b> 164:17	148:16 149:7,8	<b>nets</b> 331:17	<b>nice</b> 98:8 137:6
10:3,9 11:16		152:6,21 156:14	<b>network</b> 196:8	178:10 288:20
15:13 30:15 31:10	<b>N</b>	156:14,15,16,17	<b>never</b> 41:16 79:2	<b>night</b> 32:5 40:13,14
31:14 33:2 35:12	<b>nabbed</b> 344:17	156:20 159:3	145:20 235:10	324:1
42:17,21 51:1	<b>naive</b> 191:19	162:2,9 168:6,9	298:10 311:22	<b>nighttime</b> 280:15
58:11,15 59:17	<b>name</b> 181:10	170:16,17 172:20	352:4,5	280:19 281:2,7,11
79:5 89:13 103:17	194:14 242:6	180:22 187:4	<b>Nevertheless</b>	<b>nineties</b> 131:5
104:5,8 123:11	253:5 339:6	190:13,16 192:6,7	101:16	242:8
124:1 130:12	<b>names</b> 137:7	192:7 193:7	<b>new</b> 6:18 7:16,22	<b>NMFS</b> 30:3,7 64:22
262:4 265:14	<b>national</b> 1:2,4	195:14 201:5	69:15 78:4,6	67:1,2 72:22
268:1 278:10	73:18 98:12,15	203:3 214:15	82:12 88:18 91:2	80:18,21 91:8
366:16,19 370:14	100:2,4,8 166:15	216:2 220:20	91:13 92:2,10,18	140:3 152:4 179:3
371:13,15,20,22	198:17 247:20	234:8 243:9,12	105:5 116:9	181:13 182:7
372:1 373:2 375:6	252:11 355:11	244:22 248:15	117:16,16 157:15	184:7,9 193:7
<b>MOTE</b> 181:10	368:18 372:13	250:4 255:4	157:16 164:14,15	228:13 266:10
185:7	<b>nations</b> 357:1	260:17 268:7	166:5,9,9 175:3,4	277:8 279:2
<b>mother</b> 194:8	368:2 370:22	271:22 274:8	175:4 176:15,18	281:16 336:17
<b>motivator</b> 330:21	372:8 375:2	277:7 280:9,22	183:13 186:1	349:18
<b>MOU</b> 181:13	<b>nationwide</b> 184:18	288:7 289:15	189:16 190:5,11	<b>NOAA</b> 1:15 2:22
191:10	<b>naturally</b> 332:9,11	298:22 299:2,18	190:17 201:14	74:2 91:8 140:12
<b>mount</b> 129:8	336:4,8,11	305:9 319:9	259:16 260:15	167:17 168:20
<b>move</b> 141:22	<b>nature</b> 62:16 72:22	326:19 327:2	262:18 263:12,15	171:19,22 172:20
144:11,15,22	207:14	336:9,12 337:8	263:21 264:16	173:12 228:13,22
145:2 180:19	<b>nautical</b> 34:1 39:7	338:9 366:8 367:2	267:9,16,19 268:7	229:3,6
233:20 234:13	<b>near</b> 110:16 239:18	371:21 375:3	269:3 270:8,11,15	<b>NOAA-NMFS-2...</b>
237:14 252:8	332:15 334:12	376:13 377:5,6	271:5,6 272:14,19	211:11
357:11	<b>nearest</b> 174:13	<b>needed</b> 79:11 140:1	274:1 276:4,7,19	<b>non</b> 17:5 19:3 26:4
<b>moving</b> 12:13	<b>necessarily</b> 118:13	140:4 221:20	277:17,21 280:7	26:8 207:11
16:15 17:3 20:11	139:22 150:14	233:16 281:15	280:16 281:8,14	<b>non-blacknose</b>
34:3 59:5 103:18	266:15 375:6	311:21 362:15	283:9 291:14,19	14:4 16:16,21
106:2 107:10	<b>necessary</b> 7:20	<b>needing</b> 380:21	292:14 293:2	17:8,18 18:13,17
108:14 111:18	93:13 188:17	<b>needs</b> 86:2 134:19	296:2 298:4,4	19:10,13,18 20:7
118:13 122:8	279:7 281:18	135:8 141:9	301:11 303:13	20:9 65:12,17
134:18 155:5	293:4 297:5	152:19 153:10	305:4 306:14,21	72:4
167:13 179:20	339:11	163:18 168:7,10	308:11,17 310:5	<b>non-federal</b> 141:6
233:19	<b>need</b> 7:4,15 11:10	178:7 183:12	310:13 311:16	<b>non-profit</b> 191:9
<b>MRFSS</b> 30:1 62:21	14:1 21:16,18	184:1 195:18	312:14 315:3	<b>non-sandbar</b> 21:15
114:18 115:3,4	33:3 42:2 47:6	338:7 343:1 372:7	326:12 331:13	21:18,19 22:3
247:5	57:13,16 59:8	<b>negative</b> 176:1	332:4,18 333:14	23:2,4,6,12,22
<b>MRIP</b> 30:1 247:5	65:16 71:10,12,14	203:19 204:4	335:9,19 339:3,19	24:13 25:2,8,21
<b>multiple</b> 120:5	71:16 76:20 77:3	264:19 269:14	358:17 371:22	25:22 26:14 27:5
167:5 224:8	78:4,13 79:7 81:9	<b>negotiated</b> 366:1	372:9 375:6,16	27:8 28:2,8,11
252:19 338:9	89:1 101:18 118:6	<b>negotiations</b> 370:5	<b>newcomer</b> 96:16	66:2 137:4,8
<b>multiply</b> 15:6	120:1,2 123:21	<b>neighbors</b> 57:14	<b>news</b> 80:16,17,17	206:5 209:4,8,22
285:11	131:2 141:4,7	341:11,14	81:12,13 182:7,8	<b>non-scalloped</b>
<b>multi-species</b>	143:16 144:11,20	<b>NEILL</b> 2:1	<b>newspapers</b> 343:6	137:8

<b>non-tournament</b> 30:4 121:17	104:16 105:19 106:8 108:9 109:9 116:4 119:15 122:20 123:13,17 133:9,11,12 137:20 146:3 174:10 182:19 196:15 207:13 219:3 223:17,21 224:5 225:9,12 231:16 233:18 242:5 254:1 258:8 258:14 259:6,21 260:9 270:9 271:20 276:11,13 285:11 290:17 291:6 303:11 313:6 322:7,12 323:1,7 335:10 338:4 343:10 348:12 352:21 358:5 361:19 364:15 369:7 376:20 378:2,4,8 379:12,19,21	<b>nursery</b> 218:21 238:15 239:19 <b>nutshell</b> 166:11	<b>occurred</b> 12:17 126:15 362:16 <b>occurrence</b> 19:17 <b>occurring</b> 12:20 42:21 67:22 79:6 278:22 335:11 <b>ocean</b> 44:13 172:15 260:4 <b>oceanic</b> 1:2 219:7 <b>October</b> 98:14 100:17 <b>Oden</b> 2:2 130:15,16 152:15 153:14,17 312:21 313:2,15 <b>offer</b> 250:19 278:5 284:4 <b>offers</b> 277:20 <b>office</b> 57:9 167:18 169:1 194:16 253:6 254:8,10 369:1 <b>offices</b> 74:20,21 <b>offline</b> 247:7 248:3 338:17 379:17 380:9 <b>offload</b> 32:15 33:14 <b>offloading</b> 270:19 273:5 337:12,16 <b>offshore</b> 320:13 <b>oh</b> 54:4 125:17,19 126:12 130:16 229:6 265:22 313:2 338:3 <b>okay</b> 42:11 48:12 49:8 54:4,12 59:9 71:2 114:16 117:8 122:13 124:20 125:21 126:4,12 126:18,20 128:10 133:14 137:11 142:18 147:6 154:13 161:8 176:5,5 180:22 194:22 195:3 201:5 212:9 217:7 220:6 225:8,16,19 226:1 229:17	230:4,16 235:5 242:4 243:18 244:5 246:17 250:13 251:22 259:7 286:14 293:7 316:22 322:9 323:16 325:17 345:7,19 347:11,19 349:1 377:6 <b>old</b> 132:16 <b>old-time</b> 305:4 316:2 <b>old-timers</b> 316:16 <b>onboard</b> 35:2 37:17 38:5 206:16 307:10 <b>once</b> 11:8 60:13,20 67:6 80:6 151:20 173:22 183:2 209:12 210:1 216:12 235:19 239:11 302:7 305:14 328:21 341:15 365:21 376:16 378:8 <b>onerous</b> 356:2 <b>ones</b> 17:7 50:1,9 164:18 167:17 168:20 266:9 301:10 308:6 318:14,16 <b>ongoing</b> 253:15 254:17 <b>online</b> 7:6 <b>open</b> 19:22 25:14 35:14 51:21 63:12 66:16 68:13 76:20 77:14 92:20 112:4 126:17 138:8 184:10 193:11,16 193:16 231:17 232:4,16 233:21 249:19 260:7 263:13,22 264:2 265:8 267:4,19 268:14 269:8
<b>nook</b> 80:8	104:16 105:19	<b>object</b> 358:12,20		
<b>normal</b> 342:10	106:8 108:9 109:9	<b>objecting</b> 358:13 359:17		
<b>north</b> 2:13 108:1	116:4 119:15	<b>objection</b> 358:15		
152:17 154:5	122:20 123:13,17	<b>objectionable</b> 356:5		
160:8,15 161:14	133:9,11,12	<b>objective</b> 305:21 348:12 361:9		
163:15 192:12	137:20 146:3	<b>objectives</b> 8:17,18 195:8 200:2 252:20 348:10,11		
219:1 253:9 261:2	174:10 182:19	<b>obligation</b> 373:4		
314:8 317:14	196:15 207:13	<b>observed</b> 34:8 88:1 88:2		
330:22 331:9	219:3 223:17,21	<b>observer</b> 11:13 30:22 33:5 62:15 106:16 108:7 109:8,16 110:3,19 111:3,8 169:17 231:8 233:17 333:3 347:4 352:4 378:20		
<b>Northeast</b> 91:21	224:5 225:9,12	<b>observers</b> 131:11 231:10,12 233:13 350:4 355:22		
93:3 113:18 165:3	231:16 233:18	<b>observing</b> 172:15		
165:4,9,12,20	242:5 254:1 258:8	<b>obsessed</b> 187:19		
169:16 175:13	258:14 259:6,21	<b>obtain</b> 257:2 283:2 336:22		
186:18 308:13	260:9 270:9	<b>obtaining</b> 267:9 281:20		
310:9 320:8	271:20 276:11,13	<b>obviate</b> 337:8		
323:22 324:15,15	285:11 290:17	<b>obviously</b> 50:17 51:2 52:11 58:11 72:6 73:2 112:9 112:20 114:21 115:1 138:14 142:2 195:11 245:14 308:13 344:3,8		
325:14 328:16	291:6 303:11	<b>occur</b> 25:11 121:22 186:12 280:18		
<b>northeastern</b> 108:3	313:6 322:7,12			
<b>northern</b> 121:1	323:1,7 335:10			
<b>NOS</b> 168:20	338:4 343:10			
<b>note</b> 6:1,9 13:21 45:10	348:12 352:21			
<b>noted</b> 231:7 240:8 345:13	358:5 361:19			
<b>notes</b> 215:9	364:15 369:7			
<b>notice</b> 137:2 140:8 199:2 200:20,22 211:22,22 212:1 254:3	376:20 378:2,4,8 379:12,19,21			
<b>noting</b> 231:11	<b>numbers</b> 53:14 55:1 65:5,7 107:18,21 109:19 114:7,9 115:15,18 116:2,15,21 118:10,10,16 120:1 122:19			
<b>not-for-profit</b> 181:12	123:4,18 131:14 163:1 197:16,17 199:6 233:22 257:5 258:11 280:8 285:2 319:8 321:12 322:2 327:3 342:4 346:2 351:3,9 353:12 354:7,16 358:8 373:21 375:13 376:16			
<b>NOVA</b> 344:5	<b>numerous</b> 223:15			
<b>no-take</b> 325:9,16	<b>nurse</b> 37:3,5,6 239:21			
<b>no-vessel-ID</b> 270:6	<b>nurseries</b> 238:16			
<b>nudge</b> 237:8				
<b>number</b> 11:5 23:20 27:13,17,19 31:2 32:1 34:5,8,11,20 34:22 35:1,5,5,6 36:22 37:7,14,16 37:17 44:7 55:16 58:8 62:11 66:10 75:21 78:3 82:12 92:12,17 95:22				

274:16 293:10 294:4,4 306:21 307:17 314:2,14 317:2,8,21 318:4 320:22 321:4 342:13 <b>opened</b> 292:14 <b>opening</b> 139:20 232:19 242:18 299:7 <b>opens</b> 25:15 <b>operate</b> 24:14 148:5 264:7 <b>operating</b> 25:20 59:1 136:5 369:15 <b>operation</b> 158:1 <b>operational</b> 151:10 151:12 <b>operations</b> 214:11 <b>opinion</b> 82:17 89:8 151:7 184:19 231:14 285:22 303:19 369:5 <b>opinions</b> 75:10 <b>opportunities</b> 191:18 192:17 257:22 260:22 261:6 <b>opportunity</b> 92:5 124:3 127:18 128:2,4 155:13 177:2,22 224:22 225:3 249:1 255:2 263:1 274:13 289:17 356:9 <b>opposed</b> 42:22 139:12 352:19 360:21 <b>opposite</b> 32:6 <b>optimistic</b> 51:11,12 51:14 <b>option</b> 11:19 13:8 15:5,11,22 17:14 20:17 29:10,14 46:2 56:5 72:15 87:12 146:21 270:21 272:9	306:15 308:15,16 317:21 357:14 367:7 <b>options</b> 12:7 15:22 30:11 35:18 36:2 48:13,18 49:6 50:18 51:21 52:11 93:10 203:15 298:5 348:5 360:3 365:19 376:15 <b>order</b> 66:3 94:1 104:5 254:15 279:10 335:6 366:21 375:3 <b>organized</b> 5:4 6:11 <b>origin</b> 167:4 334:12 <b>original</b> 175:8 302:17 303:5,20 <b>originally</b> 163:11 230:5 236:13 302:13 305:6 315:12,17 <b>ought</b> 156:2 175:15 248:11 <b>outboards</b> 224:17 <b>outcome</b> 59:3 82:18 83:18 147:21 188:10 <b>outline</b> 254:20 <b>outlined</b> 145:10 357:16 <b>outreach</b> 11:20 12:5 200:12 <b>outs</b> 294:12 <b>outside</b> 91:13 100:21 154:6 255:1 331:6 <b>outsider</b> 96:20 <b>out-competed</b> 95:20 <b>overages</b> 304:5 <b>overall</b> 8:17 13:22 14:10,17 17:5 18:5 19:10,15 20:7 21:1 28:15 43:16 59:21 102:8 113:14 206:1	207:20 <b>overcapitalization</b> 210:6,16 <b>overfished</b> 8:6,11 9:2 67:21 128:21 130:12 189:22 225:5 317:3 <b>overfished/overfi...</b> 8:2 <b>overfishing</b> 7:20 8:12,13,15,21 9:2 12:19,22 44:3 47:9 58:12 67:22 225:5 <b>overlap</b> 119:3,5 <b>overlaps</b> 126:16 <b>overlays</b> 107:14 <b>overly</b> 38:15 51:14 <b>overnight</b> 215:4 <b>oversaw</b> 74:20 <b>oversell</b> 84:7 <b>overshoot</b> 287:12 289:9 <b>oversimplification</b> 379:1 <b>overview</b> 7:2 8:5 62:9 111:11 164:3 195:9 212:12 <b>over-harvest</b> 291:11 <b>over-winter</b> 64:3 <b>owners</b> 158:8 <b>ownership</b> 151:15 156:2 <b>o'clock</b> 212:18	<b>paint</b> 328:8 <b>PALMER</b> 2:2 327:16 340:22 <b>Pam</b> 52:19 57:20 59:22 147:2 157:2 158:14 <b>PAMELA</b> 1:18 <b>panel</b> 1:6,13,17 5:18 74:16 80:2 82:11,12 212:14 212:17 254:18 256:2,9 257:22 271:1 280:14 291:14 347:14 356:21,22 359:10 <b>panels</b> 158:22 <b>panga</b> 221:22 226:15,22 227:2,3 227:4 242:10 <b>pangas</b> 221:4 226:8 <b>paper</b> 5:18 48:15 135:11 140:9,10 362:3 373:7 377:12 <b>parade</b> 94:9 <b>parameters</b> 152:8 <b>Paris</b> 348:22 349:8 365:22 369:10,19 <b>Parks</b> 56:10 <b>part</b> 5:6 23:4 28:14 68:9 73:9 75:15 84:12 88:21 103:12 113:6,22 142:2 153:8,11 157:10 159:17 166:10 175:21 180:17 185:22 190:4 221:12 236:6,20 238:1 250:8 253:14 297:8 317:17 356:18 <b>partially</b> 360:2 <b>participants</b> 159:20 200:13 <b>participate</b> 153:1 222:5 265:6	<b>participated</b> 316:7 <b>participating</b> 206:10 234:14 257:2 <b>participation</b> 200:3 200:6 257:10,18 <b>particular</b> 11:17 53:8 66:22 95:6 160:11 174:3 258:9 259:13 262:21 263:7 276:1,10,10 310:9 343:21 <b>particularly</b> 55:2 65:3 90:8 94:19 166:14 168:16 179:18 190:11,17 231:2 239:4 257:14 294:13 348:9 351:22 353:22 360:9 368:10 376:21 <b>parties</b> 264:21 349:16 <b>partition</b> 292:10 <b>partitioned</b> 291:22 292:19 <b>partly</b> 167:6,6 <b>partner</b> 189:19 <b>partners</b> 102:11 167:22 170:2 193:10,13 <b>partnerships</b> 184:2 187:10 <b>parts</b> 170:8 227:14 311:15 <b>pass</b> 251:16 326:8 345:7 366:9 <b>Passage</b> 243:10 <b>passed</b> 356:21 <b>patterns</b> 147:11,14 <b>pay</b> 81:19 234:9,10 315:18 <b>payback</b> 43:7 <b>peak</b> 62:22 360:13 <b>Pearson</b> 3:15 253:5 253:6 285:5
<b>P</b>				
		<b>pace</b> 101:22 <b>Pacific</b> 89:10 149:2 192:13 <b>page</b> 37:14 39:1,13 54:21 65:6 114:17 125:6,13,16 351:2 351:2 377:8,16 <b>pages</b> 62:3 69:11 <b>paid</b> 80:5 <b>pain</b> 376:2		

293:20 295:16	292:15 294:20	212:7 269:22	316:15,20 318:8	<b>permit-holders</b>
296:16 313:3	296:3,5 297:10,22	293:17 316:13	318:18 323:18	26:13 163:11
322:1	298:8 301:9 302:2	347:12	325:2,9,9,10	264:2 267:18
<b>PEEL</b> 2:3 190:21	305:8 309:22	<b>periods</b> 32:21	326:12 328:7	268:4 269:15
192:1,3 223:14	316:1,14 319:11	<b>periphery</b> 134:7	339:20 342:14	272:19 273:6
225:15,19 226:1,4	321:13 325:13	<b>permanent</b> 92:3	<b>permits</b> 20:15,19	<b>persistent</b> 256:17
226:14,19 227:3,9	326:5 327:21	<b>permit</b> 39:6 120:6	35:3 64:19 66:10	<b>person</b> 198:6
227:20 228:10,22	328:14 344:2,16	157:11,14 198:5,8	66:17 68:4,14	217:14 236:22
229:4,11,17,21	347:13 349:2	200:5 201:9,14,16	142:14,16 157:16	251:17
230:4,8 248:20	353:13,14 359:13	201:20 202:7,11	157:17 160:2,4	<b>personal</b> 100:14
249:11 250:6,12	359:17,18 364:1	202:14,19 203:4	196:10,15 197:15	<b>personally</b> 238:11
<b>peer</b> 83:1 188:12	364:10,11,19	204:14,16,17	197:19,21 198:1	299:7 322:17
356:6,6	368:8 380:14,21	205:8 206:1,11	198:10,11 203:7	341:19
<b>pelagic</b> 33:12 78:20	<b>people's</b> 162:1	207:16 214:20	207:18 218:4	<b>persons</b> 257:1
85:12 87:1 104:18	227:15 349:4	217:11,14 218:1,3	222:19 224:4	266:18 267:10
106:16 111:7	<b>percent</b> 13:4,7 15:8	218:5,8,11 220:12	231:2,3,6,16	268:19 276:6,19
118:20 125:7,11	18:15 19:19 23:21	220:19 222:9	232:5 233:18	277:16 281:19
126:2,7 129:22	23:22 37:5 43:21	223:2,21 224:1,2	234:2 236:10,10	<b>perspective</b> 119:17
131:8 135:20	53:22 63:20 83:6	225:13,14 228:7	253:21 254:1,2,12	130:22
186:16 198:18	85:18,19,20,21	233:21,22 235:22	257:3,5,6,7,15	<b>per-trip</b> 27:8
209:5,9 271:10	86:1 99:20 130:5	236:6 239:10,12	259:3,7,11,16,20	204:22 205:3
274:21 275:3	134:1 149:3	244:14 249:4,12	260:5,8,9,11,13	209:13,14
291:20 292:17	168:21 178:18	250:4 253:13,16	260:14 269:11	<b>Pete</b> 3:5 5:5 6:10
333:2 352:11	181:2 214:16	253:19 254:6,7,9	270:12 271:7	6:15 35:16 36:2
356:13 369:17	256:19,20 259:10	254:14 257:11,19	274:2 276:7 281:5	42:12 103:14
<b>pelagics</b> 96:16	263:4 286:6,7,8	258:21 260:16	283:11 285:8	119:12
<b>people</b> 52:9 56:3	286:10,16 287:3,5	261:14 263:12,14	291:19 292:14	<b>Petersburg</b> 253:6
61:11 68:11 74:5	291:5 331:20,21	263:16,21 264:1	293:10 295:13	<b>Pete's</b> 35:17
75:5 92:17 103:6	332:15 351:5,5,5	264:11,17 265:8	296:9,15 297:9	<b>Pew</b> 72:5,12 73:3
113:20 127:18	351:6,8,18 354:5	265:20 266:7,19	299:22 303:14,21	<b>phone</b> 251:11
128:4 131:2,18	354:6 356:1 358:1	266:21,22 267:5,9	309:20 310:20	<b>pick</b> 117:10 119:1
145:14 146:4	358:2,3 362:21	267:11,13,16	314:10 315:11,15	232:14 340:9
150:18,19 151:22	<b>percentage</b> 17:12	268:6,7,9,12,15	316:1 318:11,12	351:3 357:17
154:2 157:14	23:13 43:20 53:1	268:21 269:1,4,8	318:15,20 319:1	371:22
158:20,22 162:16	53:12,17,20 54:2	269:19 270:8,15	320:11,18,21	<b>picked</b> 340:9
162:18 164:17	134:21 151:17	272:15 276:4,15	321:2,6 325:8	<b>picking</b> 234:2
165:19 187:16	352:22	276:20 277:17	342:18,19	<b>picture</b> 137:19
189:19 213:18	<b>perfect</b> 54:15	278:12 280:16	<b>permitted</b> 198:21	186:6 328:8
215:5,12 222:5	148:19	281:8,20 283:4,6	270:12,17,20	<b>pictures</b> 343:7
231:18 234:8	<b>perfectly</b> 129:7	283:9 291:22	271:14 272:4	<b>picturing</b> 345:1
235:6 237:2,6	<b>performance</b> 102:4	296:1,2 298:4	273:7	<b>pie</b> 188:20
241:19 244:22	360:4	300:12,20 306:14	<b>permitting</b> 200:6	<b>pieces</b> 227:14 235:6
248:18 249:21	<b>performed</b> 285:13	306:22 307:2,3,7	217:19 230:13	<b>Pilot</b> 30:7 121:8
250:12,22 251:8	<b>performing</b> 363:11	307:13,16,17	255:8 263:9 283:8	<b>pinchos</b> 240:9,10
274:13,17 281:7	<b>period</b> 114:11,18	308:2,14,15	301:11	240:10
284:4 285:7	114:19 138:8	309:19 310:5	<b>permit-holder</b>	<b>place</b> 68:14 80:21
288:14 289:16	151:16 178:19	312:13,14 316:4	292:8	84:3,16 116:16

130:3 134:19	<b>point</b> 46:3 54:9	<b>policy</b> 76:3 140:12	184:20 187:9	<b>pounds</b> 65:14,16
144:15 148:22	71:7 72:14 73:7	<b>political</b> 74:3	217:9 275:21	151:17 241:4
156:15,17 159:3	85:3,9 87:22	<b>politics</b> 374:1	278:9 293:22	242:8 344:3,17
186:12 222:7	88:18 90:15	<b>pollack</b> 192:14	347:4 376:13	380:1
238:11 297:14	100:16 102:17	<b>pool</b> 117:12 291:18	379:4	<b>power</b> 94:6
298:19,20 302:13	109:22 110:2	291:19,21 292:22	<b>possibly</b> 11:3 37:18	<b>practical</b> 39:4
312:1 342:15	113:8 118:5	<b>poor</b> 58:13	117:18 118:2	320:6
350:6 355:22	120:13 128:11	<b>pop</b> 107:8 109:7	155:5,9 218:11	<b>practically</b> 60:19
356:1	129:15,16 146:22	110:3 131:14	220:17 274:13,17	<b>practice</b> 25:7 32:13
<b>placed</b> 233:17	152:13 157:9	<b>popping</b> 12:2	321:11 342:20	32:16,18
<b>places</b> 147:17	159:17 160:19	<b>pops</b> 67:6	<b>post</b> 251:12 371:12	<b>practices</b> 93:17
174:5 244:10	175:18 183:22	<b>popular</b> 295:13	371:14	118:1
<b>plan</b> 4:9 71:19	191:2 193:8 216:3	<b>populations</b> 49:20	<b>post-release</b> 262:3	<b>PRATT</b> 2:4 284:7
164:3 166:22	227:16 232:7,8	184:13	366:16 370:13	377:8 379:9
167:5 170:5,10,12	236:18 237:9	<b>POP's</b> 107:3	371:20,21 373:2	<b>pre</b> 12:8 201:2
171:14 182:1,1	238:8 244:17	<b>port</b> 215:2	<b>potential</b> 9:21 11:2	221:8 254:20
183:9,10,10	248:5 250:19	<b>Portal</b> 211:13	13:13 14:15 16:15	319:22
192:19,21 193:13	252:22 258:22	<b>portion</b> 97:5 143:8	17:22 21:3,10	<b>precautionary</b>
194:13 359:16,19	281:16 285:13	143:9,16 169:14	22:4 23:1 24:7	51:17
359:22	289:20 290:1,4	169:18 259:5,9	27:10,20 28:4,21	<b>precise</b> 285:14
<b>plans</b> 166:16 170:8	293:5 309:15	352:17,18 361:18	30:14 31:17 33:17	<b>precision</b> 43:8
230:5	323:4,17 327:7	<b>Portland</b> 82:10	34:18 57:22 58:1	<b>predators</b> 106:4
<b>plate</b> 194:8	332:4 337:10,12	188:3 190:14	72:18 104:1,13	108:22 110:13
<b>platforms</b> 83:11	337:12,16 338:4,5	<b>portraying</b> 64:12	139:9 140:11,16	132:10
<b>play</b> 37:22 162:3	339:9 348:7 355:7	<b>pose</b> 337:7	142:10,21 207:6	<b>predecessors</b>
<b>playing</b> 47:10	356:5 357:12,13	<b>posed</b> 112:10	210:13 241:1	164:16 174:2
<b>Plaza</b> 1:14	358:1,11 359:1	<b>poses</b> 196:10	242:10 252:8	<b>predict</b> 290:21
<b>plea</b> 137:11	362:14,16 368:12	<b>position</b> 213:6	255:5 264:19	<b>predicting</b> 289:14
<b>pleasant</b> 353:22	370:2 371:1,10	303:18 365:20	265:4 274:5 276:4	<b>predominant</b> 322:7
<b>please</b> 111:22	372:18 373:1	366:1,1	279:5 281:8 282:3	<b>preestablished</b>
112:12 118:20	379:16 380:11	<b>positions</b> 74:5	282:14,17,19	276:22 277:2,19
133:2 136:2,3,10	<b>pointed</b> 94:14	<b>positive</b> 87:13	285:7,15 302:16	<b>prefer</b> 215:11
164:9 185:4 211:9	108:3,12 346:20	89:11,20,22 94:13	304:6 317:10	288:12 291:11
235:13 250:20	374:12	166:7 175:22	321:5 330:21	300:19 312:10,10
251:10,16 282:21	<b>pointing</b> 111:1	176:2 186:20	335:15,16 338:15	<b>preference</b> 251:11
312:20	<b>points</b> 10:8 71:15	187:14 208:3	348:10	<b>preferred</b> 209:12
<b>pleased</b> 74:14	73:12 84:6 105:20	278:12	<b>potentially</b> 47:11	210:2 241:12
<b>pleasure</b> 236:2	108:19 110:11	<b>possess</b> 206:15	134:22 139:14	<b>preliminary</b> 47:22
<b>plenary</b> 356:20,22	126:11,11 128:11	208:20 266:18	140:5 144:4 193:9	73:3 78:9
<b>plenty</b> 19:20 83:11	157:8 174:10	267:10 268:20	202:3 234:11	<b>premature</b> 304:4,6
309:12	232:15 248:10	<b>possessed</b> 35:2	273:10,15 317:14	309:13
<b>PLL</b> 78:15 107:11	269:16 299:2	37:16 38:4	326:13,16,19	<b>preparation</b> 75:15
107:13 109:7,10	304:2 307:15	<b>possession</b> 290:19	342:9 346:16	<b>prepared</b> 245:21
109:18 110:19,19	333:20 334:20,21	<b>possibility</b> 90:2	<b>pound</b> 145:18	<b>preposterously</b>
253:17	335:10 351:1	215:3 307:21	242:14 246:6,7,9	311:8
<b>plotted</b> 333:5	353:10	328:13	246:13 344:19	<b>presence</b> 135:6
<b>plus</b> 107:20 211:5	<b>poles</b> 328:17	<b>possible</b> 7:9 9:13	350:5	<b>present</b> 1:17 7:3

282:8	6:22 7:5 9:22	127:9 129:13	356:11,12 357:16	104:7 115:6 123:9
<b>presentation</b> 6:10	30:6 31:18 33:6	132:11 164:17	363:13 365:15,18	142:4
6:15 10:11 12:7	33:18 49:6 62:2,4	168:13 179:14	366:10	<b>prohibition</b> 21:1,8
35:14 103:7,13	105:9,14 111:13	182:10 187:4	<b>processes</b> 162:13	22:22 204:7 223:6
112:4,10 119:12	111:16 122:7	193:15 255:16	<b>produce</b> 82:19	281:11
130:18 135:18	251:21 252:3	258:6 285:19	<b>produced</b> 235:17	<b>project</b> 349:21
152:6 166:19	253:11,14 254:22	302:3 319:18	242:8	<b>projects</b> 169:9
167:3 181:20	255:2 261:12	322:17 324:10,12	<b>product</b> 90:11	172:16 180:8
195:6 214:14	282:6,10,13	330:14 341:19,20	96:10 97:2 101:11	182:20 185:19
215:11 251:20	313:13	342:21 348:2	306:12,12	<b>promise</b> 90:18
253:10 330:12	<b>pre-scoping</b> 200:22	362:12 380:6	<b>production</b> 100:9	<b>promote</b> 46:2
335:14	<b>pre-specified</b>	<b>problem</b> 46:14	325:7	<b>promoting</b> 50:20
<b>presented</b> 8:4	279:18	58:7 59:20 63:18	<b>products</b> 329:4	168:22
137:21 161:16	<b>price</b> 245:9 246:13	71:13 78:13 95:8	<b>profitable</b> 294:18	<b>proper</b> 174:16
188:15 189:10	306:7	128:8 232:21	295:1 296:3 306:9	376:12
282:11 310:18	<b>prices</b> 210:11,18	261:5 288:22	328:18	<b>properly</b> 115:2
375:10	218:6	289:3 302:17	<b>profits</b> 37:20	287:22 368:17
<b>presenting</b> 282:6	<b>primarily</b> 113:8	308:19 309:9	139:15	369:2
<b>presents</b> 337:17	117:19 153:1	317:4 323:22	<b>program</b> 6:9 30:1	<b>proponent</b> 176:19
<b>president</b> 95:18	191:5 253:8 255:6	329:8 336:5 361:4	33:6 73:10 106:17	<b>proponents</b> 303:5
191:8	257:12 290:13	361:5,22 362:1	111:4 139:13	<b>proportion</b> 347:2
<b>President's</b> 101:13	313:5	363:12 364:5	140:11,16,21	<b>proportionally</b>
101:20	<b>primary</b> 204:7	367:16,17 377:13	141:2,9,18 142:7	180:13
<b>presiding</b> 1:15	266:8	<b>problematic</b> 178:8	142:11,13,17,21	<b>proposal</b> 163:10
<b>presumably</b> 187:13	<b>principle</b> 45:20	302:8 310:10	144:3 145:1	179:16 252:8
<b>pretty</b> 42:18 44:8	91:17	<b>problems</b> 8:10 36:9	148:19 159:20	298:2
51:4,18 53:10	<b>prior</b> 32:17 102:1	78:8 139:18 140:2	178:5,20 179:6,7	<b>proposals</b> 75:13
69:14 97:9 113:7	121:22 165:9	146:2,3,3,4 214:8	179:7 183:13,14	353:11
113:20 131:19	270:19 273:4	288:17 324:18	185:2 200:4,6	<b>propose</b> 180:20
133:17 152:16	312:5 351:2 353:1	364:14	257:19 263:12	262:18 370:19
163:2 185:13	353:2 369:16	<b>procedures</b> 270:4	333:3 349:7	<b>proposed</b> 4:13,14
190:19 215:7	<b>priorities</b> 81:21	356:4	<b>programming</b>	21:9,10 111:18
233:5 287:11,22	82:2 100:12	<b>proceed</b> 144:14,19	74:19 174:20	194:13,20 195:10
290:6 318:7	164:10 178:11	283:3	<b>programs</b> 4:10	207:15 212:5
320:14 327:16,18	<b>priority</b> 76:3 77:2	<b>process</b> 52:12	94:18 139:10	218:19 233:20
328:8 329:15	101:2 169:4 180:9	61:12 71:17 84:4	158:22 169:18	241:11 254:4
353:6 374:17	<b>private</b> 184:5,11	84:12 91:6 92:14	175:1,1 179:5,9	282:14 301:8
<b>prevalent</b> 242:15	185:4 214:8	100:14 138:7	179:17 180:8	<b>proposes</b> 352:21
<b>prevent</b> 291:4	<b>privilege</b> 307:16	144:14 154:18	183:4,5 184:16	<b>proposing</b> 297:12
<b>preventing</b> 309:16	<b>prize</b> 129:12	155:1 162:21	<b>progress</b> 77:9 78:7	<b>prospect</b> 101:19
<b>previous</b> 13:17	<b>prized</b> 129:3	167:11 170:16	252:9 377:7	<b>prospects</b> 79:13,16
24:2 96:21 111:3	<b>prizes</b> 162:19	173:16 196:18	<b>prohibit</b> 16:13	<b>protect</b> 192:6
112:5 250:16	<b>PRM</b> 372:1	209:18 213:1	29:14 72:16	265:14 268:1
256:9 280:13	<b>probability</b> 13:4,7	236:7 253:15	280:15	302:14,18 320:2
313:16	<b>probably</b> 64:6 69:1	317:17 339:17	<b>prohibited</b> 10:20	323:17
<b>previously</b> 266:9	98:17 99:13	341:13 344:6	11:15,22 12:14	<b>protected</b> 74:22
<b>pre-draft</b> 4:2,6,15	114:21 119:21	355:16,17,18	31:15 33:3 72:20	165:13,20 166:15

170:10 262:4,10 277:6 <b>protecting</b> 124:10 <b>protection</b> 45:14 262:11 <b>protective</b> 89:19 <b>protects</b> 45:12 <b>proud</b> 96:9 <b>prove</b> 318:1 319:9 335:6 <b>proves</b> 318:10 <b>provide</b> 75:10 118:19 122:22 195:12 200:11 224:22 225:3 248:22 257:22 258:4 260:21 262:22 267:5 268:3,18 271:15 272:11,13 273:8 273:10 274:22 275:11 277:8 278:11,15 279:18 283:5 288:3 300:8 306:11 337:5 338:11 <b>provided</b> 217:15 264:14 348:10,11 <b>provides</b> 279:4,19 <b>providing</b> 155:2,13 191:12 <b>provision</b> 281:13 328:13 <b>proxies</b> 351:19,20 <b>proximity</b> 250:2 <b>proxy</b> 2:2 372:2 <b>public</b> 4:14,19 5:13 162:14,21 163:4 211:18 212:15,16 230:19 243:22 246:18 250:19,22 251:1 269:19 282:16 306:15 310:15 321:1 345:20 347:12,17 351:14 352:20 353:20 359:9	<b>publication</b> 5:11 <b>publicly</b> 251:13 <b>public-private</b> 184:2 <b>publish</b> 5:14 195:4 195:10 211:21 212:6 <b>published</b> 200:19 240:5 254:4 342:9 <b>Puerto</b> 60:20 61:9 116:9 197:9,15,18 197:21 198:1,5,11 214:1 221:2 227:13 229:12 235:4,15,15 241:17,19 244:7 244:20 246:9 250:2 <b>pulled</b> 6:22 105:11 177:19 260:4 320:1 <b>pulling</b> 21:18 276:12 292:16 <b>pulpit</b> 284:16 <b>pumpkin</b> 381:4 <b>punishing</b> 42:22 <b>pupping</b> 70:6 <b>purchase</b> 223:8 292:15 <b>purchased</b> 217:1 <b>purely</b> 354:7 <b>purpose</b> 119:1 124:9 147:8 274:11 <b>purposes</b> 17:10,21 266:13 268:18 307:4 <b>purse</b> 351:4 357:21 357:22 358:21 363:5 <b>pursued</b> 327:13 <b>push</b> 172:20 180:17 <b>pushing</b> 81:2 178:9 <b>put</b> 35:17 36:2 38:16 55:22 57:22 61:11 65:2 69:19 71:1 83:6 103:8	103:11 107:20 112:16 133:20 140:8,9 144:15 148:7 152:11 177:20 179:21 182:4 184:13 185:4 216:10 227:17 228:5 229:18 252:18 282:15 297:18 298:18,20 299:14 302:13 304:9 305:3,6 312:1,15 325:10,11 345:7 353:12 355:22,22 372:13,18 <b>putting</b> 42:4 80:3 140:21 183:16 191:14 228:13,18 228:22 229:3,10 230:10 247:18 370:12 <b>P-R-O-C-E-E-D...</b> 5:1 <b>p.m</b> 32:5,7 39:17 39:19,19,21 40:3 164:6,7 251:6,7 381:18	59:15 79:4,12,14 80:13 91:7 121:7 124:6 128:13 132:8 141:8,21 142:6 150:21 151:3,4 156:10 173:11,19 178:15 192:16 217:8,17 228:12 239:1 245:8 248:20 289:13 292:2,20 299:4 305:17 308:22 315:8 335:18,20 337:6 347:9 359:11,12 368:22 372:5 377:3 <b>questionably</b> 150:12 <b>questionnaires</b> 350:9 <b>questions</b> 36:1 47:21 48:1 75:5 77:14,21 90:16 103:9 112:10 138:4 140:20 144:9,18,21 145:5 145:7,9 146:18 155:20,22,22 166:20 173:15,18 212:14,19 220:10 282:21 283:2 284:4,21 289:15 291:15,17 294:11 338:17 <b>queue</b> 52:18 103:8 103:12 112:14 326:6 364:19 <b>quick</b> 7:2 8:5 9:5 14:8 18:11 56:6 56:12 79:12 118:15 128:11 147:4 217:8 224:8 246:21 248:5 254:20 351:12 353:6 <b>quicker</b> 101:11	277:10 <b>quickly</b> 5:16 144:8 174:1 246:18 248:16 278:21 279:4,6,20 <b>quite</b> 73:12 86:12 94:11 100:9 119:6 133:19 174:3 175:7,19 185:9 219:6,19 226:2 231:4 233:1 238:20 243:21 286:6 303:15 353:21 361:19 381:11 <b>quo</b> 18:2 44:1 202:6 203:2,17 231:7 272:5 <b>quota</b> 10:22 15:15 16:1,2,5,12,17,21 16:22 17:1,6,8,9 17:18,21,22 18:1 18:3,4,10,13,14 18:16 19:11,16,19 19:21 20:4,8 22:3 22:4,6,10,17,21 23:3,5,8,12,19,20 24:4,5,7,8,9,12,18 24:20 25:2,18,18 25:19,19,21 26:1 26:17 41:11,15,19 44:15,19 46:18 50:5 60:10,21 61:1 66:15 94:20 97:6 119:14 122:17 123:3,8,10 141:6 143:22 144:3 149:22 247:2 256:19,21 260:19,20 261:2,3 263:2 264:20 265:15 268:2 271:15 272:12 273:9 277:4 286:6 286:8,9,10,12,13 286:18,22 287:3 287:16,17 288:14
--	---	--	--	--



27:1 28:21 29:1,5 29:11,15,17,19 30:2 44:4,11 45:16 46:4 52:1 53:16,20 56:11,18 61:8,14 62:21 63:2 72:17 93:16 112:19 113:1,6 114:1,15 115:8 116:1,7,10,19 117:9,15,21 118:9 127:4,7 128:14,16 135:4 142:11 151:7 161:10,20 191:6 199:5 235:7 247:12,17 292:9 324:21 336:20 338:8 343:3 345:2 357:4 362:19 370:6 381:12	30:15 35:13 123:3 123:9,19,22 169:22 273:16 331:19 <b>reductions</b> 95:10 <b>reef</b> 105:1 124:19 148:18 157:11 215:20 <b>reel</b> 199:3 205:5,13 206:20 246:22 247:14 250:14 258:1 261:8,20 265:9 269:5 319:13,14 320:8 321:1 322:3,5 <b>reexamination</b> 293:6 <b>refer</b> 30:6 197:11 197:11 <b>reference</b> 54:21 330:20 <b>referenced</b> 369:9 <b>referendum</b> 66:8 138:22 144:12,14 144:16 159:22 <b>referring</b> 12:11 <b>reflect</b> 23:16 81:6 <b>reflected</b> 295:20 <b>reflecting</b> 213:4 <b>reflects</b> 208:11 <b>regard</b> 53:9 167:20 221:15 319:7 324:7 <b>regarding</b> 32:12 279:8 <b>regardless</b> 354:15 <b>regards</b> 65:4 98:12 112:19 142:9 161:1 256:2 259:14,19 262:2 278:15 279:22 <b>REGHI</b> 3:16 <b>region</b> 17:12,17,19 77:10 140:22,22 160:18 196:18,21 197:2 198:22,22 200:7 204:8,12	206:2 207:3 208:12 210:8 211:17 234:7 243:6 308:13 310:10 317:12 <b>regional</b> 14:18,19 16:6 17:4,9,15,16 18:7,21 19:14 20:6,9 23:6,13 25:21,22 26:7 74:20 155:12 163:15 174:22 200:5,8 210:16 252:15 254:8 278:4 279:21 280:3,10 283:19 295:19 <b>regionally</b> 200:10 277:18 317:18 318:9 323:21 <b>regions</b> 17:16 18:14 23:20 140:19 141:8,12 175:2 203:11 277:15,21 278:2 279:14,15 310:12 317:13,21 <b>Register</b> 211:21 <b>registered</b> 249:3,7 249:9 <b>regs</b> 197:11 199:22 <b>regular</b> 102:22 <b>regulated</b> 225:2 227:22 <b>regulating</b> 229:20 <b>regulation</b> 113:10 280:21 <b>regulations</b> 12:4 58:18 104:12 117:17 120:8 184:13 195:17 197:8,13 253:18 253:20 264:3 267:20 281:5,17 336:9 <b>regulatory</b> 74:19 100:20 254:15	370:22 371:6 374:22 <b>rehash</b> 98:1 <b>reintroduce</b> 337:4 <b>reintroducing</b> 336:16 <b>reinvigorate</b> 248:21 <b>reinvigorating</b> 249:13 <b>reinvigoration</b> 250:8 <b>reiterate</b> 161:14 188:8 353:10 <b>related</b> 60:3 77:17 147:12 <b>relating</b> 234:22 <b>relation</b> 214:4 <b>relationship</b> 26:20 91:19 176:16 <b>relationships</b> 175:10 <b>relative</b> 79:17 <b>relatively</b> 190:22 192:2 258:16 259:8 <b>relax</b> 312:3,4 <b>relaxed</b> 253:18 <b>relaying</b> 136:10 <b>release</b> 45:18,21 46:2 61:7 72:16 113:9,11,14 114:2 127:17 128:15 223:19 371:13,15 371:18 <b>released</b> 41:13 87:5 114:5 182:2 201:3 350:8,10 <b>releases</b> 357:7 <b>relocated</b> 254:7 <b>rely</b> 236:21 <b>remain</b> 33:22 39:7 51:21 56:21 381:15 <b>remainder</b> 253:7 355:15 356:10,14 <b>remained</b> 258:15	<b>remaining</b> 303:20 <b>remark</b> 136:7 <b>remarks</b> 4:4,9 297:3 <b>remember</b> 46:19 66:12 119:6 126:10 133:21 192:12 213:21 214:22 231:1 332:7 345:18 <b>remind</b> 327:20 <b>reminded</b> 158:15 326:1 <b>reminding</b> 113:5 <b>remnant</b> 145:8 <b>remote</b> 262:12 <b>removal</b> 331:12 <b>remove</b> 253:20 265:17 269:12 309:6 335:5 336:6 <b>removed</b> 122:1 332:22 333:21 336:10,20 337:1 <b>removing</b> 338:5 <b>renewal</b> 253:19 <b>reopening</b> 359:22 <b>repairs</b> 227:15 <b>repeat</b> 327:17 <b>repetitive</b> 215:10 <b>report</b> 76:16 121:22 198:17 203:9 222:20,22 237:20,20 238:1,4 247:20 271:22 322:22 323:15 367:17 371:5 372:14 373:17 375:19 377:21 <b>reported</b> 131:10 196:17 199:15,17 250:16 270:16 322:11 323:14 343:4,9 378:7 <b>reporting</b> 27:1 29:18,20,22 30:2 30:9 32:2 121:13 121:17,22 122:4
--	---	---	--	--

202:2 204:2	<b>required</b> 139:2	<b>reserves</b> 292:10	<b>restrictive</b> 38:15	<b>retro</b> 375:12
205:15 206:21	223:19 274:6	<b>resident</b> 217:11	53:10 120:8 312:3	<b>return</b> 102:21
207:20 236:20,21	275:10 312:4	<b>residents</b> 157:16	312:6	194:6
255:9 270:10	322:21 356:11	<b>resource</b> 58:14	<b>result</b> 208:17	<b>returning</b> 32:15
271:17 272:8,18	367:16	84:21 141:14	275:19	<b>revenue</b> 218:10
272:20,21,22	<b>requirement</b> 33:5	149:14 168:7	<b>resulted</b> 196:16	<b>revenues</b> 178:21
273:1,13 275:1,12	121:14,18 122:6	175:16,17 311:6	<b>results</b> 190:1	208:17 210:13
283:15 301:6,8,17	139:3,4 201:18	<b>resources</b> 75:1 85:1	<b>resume</b> 102:22	<b>reverse</b> 25:1
307:3 314:22	221:20 274:14,18	148:13 210:17	<b>resumption</b> 309:16	<b>review</b> 5:20 63:17
354:19 357:6	275:5,20 314:15	262:5 295:15	311:15	83:1 98:17 188:13
366:18 372:16	316:13,18 352:5	<b>resource-friendly</b>	<b>retain</b> 113:12	193:2,10,12 270:3
373:1,20 375:8	<b>requirements</b> 27:2	306:1	218:13 312:12	350:18
<b>reports</b> 205:16	29:20,21 30:19	<b>respect</b> 353:18	313:7	<b>reviewed</b> 63:8
237:1 248:11	34:4 202:2 203:9	369:5	<b>retained</b> 116:7	<b>reviews</b> 356:6,7
271:21 375:18	203:10 204:2	<b>respectable</b> 291:6	333:21 334:6,13	<b>revised</b> 253:20
<b>report-out</b> 76:15	207:15 231:8	<b>respond</b> 216:5	334:22 346:5,9	<b>revision</b> 375:12
<b>represent</b> 105:19	232:10 270:5,5	296:4 312:19	379:22	<b>revisions</b> 359:22
106:20 107:19	301:7,9,17 354:20	313:5	<b>retaining</b> 118:12	<b>revisit</b> 364:4
108:20 258:7,11	372:16	<b>responded</b> 81:4	129:2	<b>revitalization</b>
333:20 334:21	<b>requiring</b> 202:4	<b>response</b> 89:6	<b>retention</b> 7:10 10:2	298:3 361:10
358:16	206:13	118:16 321:21	10:9,15,21,22	<b>revitalize</b> 253:15
<b>representative</b> 2:8	<b>reran</b> 375:15	359:16	12:1,15 13:15	361:9
126:14	<b>research</b> 4:9 12:16	<b>responses</b> 284:3	14:7 16:13 20:11	<b>re-forge</b> 92:5
<b>representatives</b>	22:18,19 24:3,5	<b>rest</b> 32:16 36:15,16	20:14,15,18 21:1	<b>re-gear</b> 70:11
2:10,16 251:14	38:11 78:14,16	54:3 173:12	21:3,21 22:19	<b>Rhode</b> 91:2 259:17
<b>representing</b>	79:7,11 80:17	318:21 338:18	24:3 26:11,12,21	<b>Rich</b> 77:22 93:9
110:11 177:1	81:1,9 82:1 84:17	<b>restatement</b> 349:1	26:22 27:1,6 28:5	94:14 173:18
304:15 378:16	93:10 95:7,16	349:6	28:7,22 29:2,15	238:7 240:14
<b>represents</b> 259:6	97:6 107:7 109:13	<b>restaurants</b> 196:7	30:13 35:11 41:1	243:19 244:1
333:4 346:12	109:15 110:22	215:7 244:10,19	44:5 45:5,17	296:19,19 300:3
<b>reproduce</b> 117:13	111:5 142:5 153:2	<b>restrict</b> 34:22	50:21 52:1 56:21	303:3 313:4,4
<b>reps</b> 336:20	164:3,10 166:16	37:14,17 284:10	57:5 72:16,20	318:19 347:19
<b>Republic</b> 213:20	166:22 167:5,9,16	<b>restricted</b> 103:21	103:17 104:7	354:4 368:5
214:6	168:14 169:5,7	257:17 310:12	113:17 116:19	371:10
<b>request</b> 6:2 321:21	171:14 172:22,22	329:3,6	119:14 128:13,19	<b>Richard</b> 2:4 3:14
<b>requested</b> 260:20	173:7 174:17	<b>restricting</b> 39:12	162:5 201:22	4:10 164:2,10
337:4 356:6 372:8	175:7,8,9,20	<b>restriction</b> 31:14	203:6 204:15,20	173:18 194:4
<b>requests</b> 167:6	177:9,13 178:5	34:5 202:16,21	205:2 207:6,16	<b>Rich's</b> 183:22
257:21 281:12	179:19 181:12,13	205:22 207:2	210:14 240:20	365:12 372:4
296:4	181:14,16 182:9	241:7 249:6	241:1,7 255:9	<b>Rick</b> 1:19 2:6 3:15
<b>require</b> 30:2 32:8	182:18,20 183:3	<b>restrictions</b> 31:20	276:4,6,18 277:16	90:13,20 116:9
33:20,20 39:1,5	184:1 185:13,21	32:1 39:14 55:13	278:1,16 279:20	150:5,6 155:20
221:19 235:16	186:2,4 187:11,21	117:16 118:3	279:22 283:16,17	157:8 161:20
270:11,14,18	190:22 191:2	201:17 202:11	294:11 295:12	223:12 230:17
271:4,8,11,13	192:7	203:10 210:5	313:8 324:21	234:18 236:8
272:1 273:4	<b>reserve</b> 286:20	225:1 244:15	325:12 380:2	240:15 243:20
274:20	287:1 351:12	297:10 318:17	<b>retrieve</b> 179:13	246:19 248:4

253:5 284:8	339:1,4 340:15	<b>round</b> 193:10,12	s 331:19	<b>Sandbar's</b> 160:18
303:10 320:17	342:20 345:19,22	213:6 293:11	<b>sacrifice</b> 53:6 75:14	<b>Sandy</b> 2:1 122:14
344:21 365:1	347:20 357:17	337:14 338:1	95:19,21 314:10	<b>SARAH</b> 3:13
370:16 374:22	358:6,14 359:20	<b>route</b> 184:20	<b>sacrificed</b> 314:11	<b>Sarasota</b> 181:11
<b>Rico</b> 60:20 61:10	373:8 381:9	288:13	<b>sacrifices</b> 93:22	<b>sashimi</b> 245:4
116:9 197:9,15,18	<b>right-hand</b> 334:18	<b>Rowe</b> 95:2	<b>safe</b> 118:1 323:14	<b>satellites</b> 171:21
197:21 198:1,5,11	<b>right-size</b> 297:20	<b>Ruais</b> 2:4 78:1	<b>safely</b> 233:17	172:2 174:11
214:1 221:3	<b>Rios</b> 246:4	173:20 176:5	<b>safety</b> 46:9,21	<b>saturated</b> 320:14
227:13 229:12	<b>risk</b> 64:19 162:8	238:7 240:14	47:13 236:19	<b>saturation</b> 232:8
235:4,15,16	262:14 344:4,16	244:2,12 245:2,13	<b>SAFMC</b> 2:18	<b>save</b> 86:7 94:1
241:17,20 244:7	344:18	245:19 246:1,16	<b>sailfish</b> 191:16	<b>saving</b> 124:21
244:20 246:9	<b>risking</b> 344:5	303:4 347:22	<b>sale</b> 206:16 223:19	<b>saw</b> 15:20 68:7
250:2	<b>road</b> 187:15 208:15	355:1 358:11	<b>sales</b> 202:8,9,15,19	87:21 98:9 102:5
<b>rid</b> 89:13 288:21	240:11	368:7	208:9,11 270:17	106:19 163:18
<b>rig</b> 241:10	<b>ROBERT</b> 1:23	<b>rule</b> 4:13,14 100:8	270:20 271:13	233:11 369:9
<b>right</b> 10:7 24:12	<b>Robinson</b> 74:6	100:20,22 101:2	272:3 273:6,16	<b>saying</b> 65:10 95:11
37:10 52:21 67:4	<b>robust</b> 119:4	111:18,21 194:13	<b>saltwater</b> 329:4	133:5,6 161:18
70:18 82:15 85:22	<b>rock</b> 80:9	194:20,21 195:3	<b>SALZ</b> 3:17	180:22 185:10
94:7 97:9,18	<b>rod</b> 199:3 205:5,12	195:10 201:8,11	<b>Sam</b> 2:2 6:9 10:6	226:21 231:11
103:16 107:3,12	206:19 246:22	212:5,8 233:20	10:12 35:17 52:10	236:4,14 242:9
107:17 109:7	247:14 250:14	241:11 264:4	52:16 73:7,8,11	284:17 294:3
110:4 112:7	258:1 261:8,19	282:14,17 301:4	73:15,16 77:19	297:18 340:3
117:20 119:8	265:9 269:5	317:22	78:2 82:9 98:9	<b>says</b> 38:4 43:20
121:3 122:2,6	319:13,14 320:8	<b>rulemaking</b> 100:6	102:18,22 103:7	55:3 195:2 340:8
124:4,17,17,17	321:1 322:3,5	200:20 209:20	112:9 172:11	367:18 368:10
130:20 131:15	<b>rod-and-reeling</b>	254:4 330:21	182:6 186:4 188:9	369:14 377:17,17
136:13 142:4	306:4,10	335:17 338:16	<b>sampling</b> 115:1	<b>scale</b> 248:12 311:10
145:9 149:19	<b>role</b> 74:19 180:15	<b>rulemakings</b>	<b>Sampson</b> 2:5	<b>scaling</b> 248:7
163:20 164:8	<b>roll</b> 287:19	100:13 209:21	112:14,17	<b>scalloped</b> 4:3 7:17
173:17 185:12	<b>rolled</b> 96:7	266:14	<b>Sampson's</b> 127:4	8:3,13,21 9:8,9
187:6 193:19	<b>rolling</b> 87:16	<b>rules</b> 40:7 75:21	<b>Samuel</b> 2:23 4:4	10:18 13:12 15:19
194:17 196:22	248:11 354:18	213:22 239:11,13	<b>Sam's</b> 6:14 71:4	21:11,14,17 22:5
219:2 225:12	<b>rollover</b> 297:6	<b>run</b> 17:17 39:9,10	<b>sand</b> 115:5 162:12	22:7,11 23:3,8,11
227:9 236:12	299:20	63:6 68:22 83:20	<b>sandbar</b> 4:2 7:18	23:14,18 24:20,21
237:17 244:7	<b>Rom</b> 2:7 126:22	161:12 188:17	8:15 9:4,15 12:13	25:4,12,17 26:4,6
250:1 251:20	127:1 145:8 217:6	215:4 233:3 328:2	13:10 26:5,9 43:5	26:16,17,20 27:22
258:18 259:8	220:6,8	328:14,18 346:2,9	66:1,2 69:12,16	28:6,9,13,14,17
261:15 272:5	<b>Rom's</b> 128:11	<b>running</b> 380:19	70:14 71:21 110:8	29:3,6,7,13,15
284:6 289:9	<b>Ron</b> 3:17 122:14	<b>runs</b> 83:7 189:11	111:9 125:6,22	31:9 40:20,22
302:18 303:22	<b>room</b> 1:14 7:8	<b>RUSSELL</b> 1:22	126:1,2 142:1	41:4,5,19 42:4
309:13 310:2	88:12 161:12	<b>Rusty</b> 52:20 61:16	160:10	44:18 45:16 48:14
311:12 313:9	250:21 309:12	61:19 67:3 90:17	<b>sandbars</b> 10:16	48:20 50:14 51:10
318:10,20 320:22	319:8,11 321:13	98:7,8 122:13,14	51:14 64:3 70:2	56:19 62:19
321:2 322:2	327:21 369:19	124:5 154:9	70:11,12 124:12	108:14 109:1,6
330:10 332:7	370:11	159:13,16 161:6	124:22 142:4,6	114:13 137:3
333:1,14 334:4,5	<b>rosy</b> 302:20		149:21 152:18	<b>scenario</b> 295:21
334:8,19 336:2	<b>roughly</b> 99:12		160:21	<b>scenarios</b> 42:2 64:2
		<b>S</b>		

154:3 302:10,11	164:15,21	200:4 202:6	198:9,18 199:10	272:20 283:16
<b>schedule</b> 51:10	<b>scientists</b> 48:3 79:8	217:17 239:15	202:22 208:14	<b>selection</b> 92:9
177:4	164:19 165:21	286:9,15,21 293:9	211:22 215:4	<b>selective</b> 262:2
<b>scheduled</b> 5:16	187:13 290:10	313:4 335:20	223:12 230:18	326:13
212:15	<b>scoping</b> 4:7 5:22	350:21 355:18	231:18 233:1	<b>sell</b> 162:20 167:15
<b>schedules</b> 302:1	6:20,21 7:16	<b>secondary</b> 175:16	237:7,10,12 238:7	196:2,4,4 202:10
<b>scheme</b> 90:8	79:18 111:15	<b>secretaries</b> 74:4	239:3 244:8	204:12,18 208:19
301:12	136:15 137:20,20	<b>Secretary</b> 366:6	258:12 259:1,7,9	221:21 223:9
<b>schools</b> 187:17	138:7,8 200:21	<b>section</b> 30:13 33:8	260:8 294:22	224:4 235:12,18
284:18	201:1,2 221:9	43:4 119:14	300:14,19 301:3,5	236:11 241:16,19
<b>Schulze-Haugen</b>	233:12 282:4	369:13	303:10 304:18	308:18 310:14
1:15 2:24 5:9	303:7 367:8,8,8	<b>sections</b> 5:4 35:11	306:14,16 309:8	324:2 325:3,4
53:19 54:5 118:15	<b>Scott</b> 2:6,21 6:16	367:3	312:11 314:3,5,17	329:7 340:7,12
136:18 193:1	10:4 35:13 36:5	<b>sector</b> 161:9,10	318:11,14 325:12	<b>selling</b> 85:14
229:2,19,22 230:6	42:11 46:10 70:20	185:5 199:5	325:13 327:8,12	208:15 220:16
230:9 251:8,22	103:15 112:4	247:18 374:16	333:9 335:10	221:16 223:9
289:10 292:4	119:11 122:14	<b>sectors</b> 272:8	336:11 338:22	235:16 246:5,7,8
293:3 295:22	124:5 145:12	366:14 367:1,2,4	343:8,11 345:16	<b>Senate</b> 74:4
315:19 321:20	147:1 303:4	367:6 373:18	345:21 346:10,14	<b>send</b> 112:1 212:1
322:13 329:21	342:11	374:13	350:13,19 354:15	240:3 286:4
330:7 353:9	<b>scouring</b> 352:14	<b>secure</b> 191:13	357:6 359:13	322:19,21,22
361:16 372:20	<b>scratches</b> 191:3	<b>SEDAR</b> 8:9 13:15	360:10,17,19	325:20
378:10 380:17	<b>scratching</b> 342:5	15:7 63:11	361:8 367:10	<b>sending</b> 211:9
<b>Schwaab</b> 73:22	<b>screams</b> 47:5	<b>see</b> 6:17 12:1 34:13	380:16	371:8
<b>science</b> 4:10 67:4,4	<b>screen</b> 176:11	34:14 36:7 40:16	<b>seeing</b> 12:19 64:9	<b>senior</b> 92:7
67:9 70:18,19	203:2	42:20 45:8 55:16	80:22 110:20	<b>sense</b> 37:19 48:2
71:14 82:1,14,17	<b>scroll</b> 129:17	58:17 62:13 65:2	130:17 131:1,3,13	50:4 89:22 94:15
82:19 84:8,9 85:1	<b>SCRS</b> 372:6	65:7 67:15 69:11	136:9,9 159:11	247:1 321:8 379:8
87:22 91:3,22	<b>SCS</b> 210:1	71:15,20 72:5	174:15 238:21	380:13
92:10 99:1 101:17	<b>se</b> 179:9 295:11	76:18 77:8,21	<b>seek</b> 185:11	<b>sensitive</b> 131:19
102:14 105:17	<b>sea</b> 129:11 192:14	80:4 96:1 98:9	<b>seeking</b> 256:2	310:3,5 318:7
108:16 110:9	337:1 339:11	101:14,21 102:3	282:12	320:15 326:14
140:4 156:16	<b>sealing</b> 380:2	105:22 106:9	<b>seen</b> 31:5 64:13	342:8
160:20 161:2	<b>search</b> 357:18	107:5,7,15 109:2	81:10 101:9 110:5	<b>sensitivity</b> 49:2
162:15 184:1	<b>seas</b> 243:16	109:14,14 110:14	129:5 156:7 213:3	51:1 52:5
186:5,20 187:6	<b>season</b> 70:6 139:20	115:20 123:17	224:17 258:6	<b>sent</b> 66:21 211:16
188:21 191:12	276:21 286:5	127:10 129:1	305:14 379:11	319:4
205:19 301:20	293:9 353:3	130:19 131:9,21	<b>sees</b> 310:10	<b>sentence</b> 234:21
374:1 375:3	<b>seasonal</b> 293:11	144:17 145:16	<b>segue</b> 98:22	<b>separate</b> 26:5,15
376:13	<b>seasonally</b> 243:7	147:5 149:20	<b>seine</b> 351:4 357:21	41:5,7 43:18 50:8
<b>science-based</b>	<b>seat</b> 74:9	157:5 160:1,21	357:22 358:21	66:22 185:12
191:9	<b>seated</b> 251:9	161:2 162:18	360:11	263:22 267:4,16
<b>scientific</b> 4:10 79:4	<b>seaward</b> 124:8	168:4 169:13	<b>seiners</b> 363:5	295:5,6 300:21
83:2 84:4,20	<b>second</b> 27:10 34:21	171:5,9 176:3	<b>select</b> 354:13	301:3,8,16,16
98:15 175:1,14	37:10 40:18 41:21	178:10 181:7	<b>selected</b> 29:21	306:21 307:5
331:15	96:15 154:18	184:14 186:2	203:15 270:16	323:20 362:7
<b>scientist</b> 67:1 88:14	175:18 182:22	189:16 197:18	272:3,8,10,15,19	<b>separated</b> 292:22

<b>separately</b> 44:21	<b>settle</b> 164:9	22:19 23:3,5,6,12	76:19 85:17,19	102:20 210:12
<b>separating</b> 58:5	<b>settled</b> 136:21	23:19 24:1,3,4,14	86:11,22 87:2,6,7	246:12 330:12
<b>separation</b> 137:3	<b>seven</b> 37:4 197:22	25:2,9,21 26:1,9	88:6,9 90:4 99:7	353:20 365:5
292:5 293:1	198:10 203:12,16	26:11,21 27:5,6	99:10 104:5 106:2	<b>shorter</b> 33:10
<b>September</b> 282:5	<b>seventy</b> 198:1	27:11 28:3,16	106:8 108:7,15	306:11
<b>sequence</b> 6:12	<b>shaded</b> 197:10	29:1,7 33:14 34:4	112:20 113:19,20	<b>shortest</b> 328:2
235:22	<b>shakes</b> 115:19	35:3 38:17,18,20	114:20 115:5,10	<b>shortly</b> 195:4,10
<b>series</b> 195:6	<b>shallow</b> 124:11	39:6 41:18 57:2	115:21 116:2,4,11	<b>shot</b> 146:13 183:19
<b>serious</b> 97:14	<b>shame</b> 116:11	60:7,14,14 62:10	120:4 121:15,16	<b>show</b> 55:18 67:13
262:13 286:1	160:4,20	63:19 64:11 65:13	122:15 123:8	118:11 129:8
287:15 351:22	<b>Shana</b> 1:25 303:3	71:18 88:4 89:13	127:5 133:11	134:6 140:17
<b>seriously</b> 95:8	312:19 315:7	99:6 105:16 106:7	134:10,22 142:2	170:17
288:8	<b>shape</b> 174:9 245:1	106:15,17 110:8	146:11 157:5	<b>showcases</b> 75:18
<b>serve</b> 354:8	342:3	111:9 113:1,6	162:18,19 169:17	<b>showed</b> 108:18
<b>served</b> 82:10	<b>share</b> 5:8 47:14	114:1,5 126:2	173:10 202:1,16	147:12 206:3
<b>Service</b> 1:4 73:18	66:18,20 67:2	128:16,18 129:4,8	202:20 206:6,18	<b>showing</b> 111:9
74:1,13,18 156:9	68:3 85:2 94:4	132:16 134:3	207:6,8 209:5,5,9	130:6 132:9
188:5 355:12	139:10 140:11,12	136:16 137:5,9	209:15 218:14,19	259:18 322:3
368:19	140:21 141:1,18	139:18 142:13	219:6,6,11,18	378:13
<b>Service's</b> 100:22	142:7,11,17 144:3	145:16 152:18	237:12 239:22	<b>shown</b> 33:8 323:6
<b>servicing</b> 223:7	145:1 152:21	153:2,7 181:13,14	<b>shark-fish</b> 40:17	<b>shows</b> 55:1,5 94:12
<b>set</b> 14:2 15:16,20	153:18 154:21	181:16 184:12	<b>shark-fishing</b>	125:8,9 132:11
16:6 17:21 21:16	155:5 158:8	185:4 196:12	32:10 40:7 114:3	186:11 198:15
21:19 22:6,10,16	159:20 309:14	199:13,14 204:6	124:21 239:13	303:13 343:13
26:16 27:16 34:7	311:4 358:2	206:8,12,14,16	<b>sharpnose</b> 219:21	<b>shrimp</b> 65:4,8
34:9 35:1,7 36:2,8	360:11	218:11 219:4,15	<b>shave</b> 13:9	<b>side</b> 32:6 45:16,21
36:11 37:2,6,8,15	<b>shared</b> 353:20	238:15,16 240:8	<b>sheet</b> 322:19	47:16 51:16 56:11
37:20 38:12 39:9	47:7 66:5 68:9	246:8 254:11	<b>shelf</b> 219:19	57:12 106:15
40:3,14 46:14	136:15 138:16,16	344:8	<b>shift</b> 33:10 112:11	160:21 161:21
52:11 59:6 60:18	139:8,12,22 140:5	<b>sharks</b> 4:3 7:19 8:3	135:14 136:13	168:12 186:21
83:1 114:6,9	140:6 145:15,21	8:22,22 9:1,3,4,11	140:6 147:17	208:15 240:10
149:22 206:13	146:6,17 148:4	9:17 10:18,19	230:19	294:15 352:14
207:8,17 209:15	151:15 152:2	11:22 12:13 13:10	<b>shifted</b> 103:7	364:12 377:17
209:16,18 224:6	155:18 156:6,13	13:12,20,22 14:10	<b>shifting</b> 147:21	<b>sight</b> 361:8
236:16 241:10	156:22 157:5,19	14:18 15:4,10,14	<b>ship</b> 81:17,17,19	<b>sign</b> 379:2
251:19 278:1,17	157:21,22 158:3,4	16:13 20:1,16	83:12 182:18	<b>significance</b> 259:13
279:14 292:7	158:5,6,10,13	21:13,14,17 22:5	194:8 242:11	<b>significant</b> 101:7
316:13 320:3	161:5	23:4 26:4,13,14	<b>shipping</b> 242:2,20	151:1 218:12
379:20	<b>shark</b> 4:2,8 11:4,6	26:16,18 27:8,13	<b>shock</b> 188:16	233:1 273:13
<b>sets</b> 30:16 33:9 54:6	11:9,12 12:16	27:14,17,18 28:1	<b>shoot</b> 69:20	311:14
54:6 87:4 88:1,2	14:5,16 16:12,16	28:12 29:6,11,16	<b>shoots</b> 69:20	<b>significantly</b> 93:3
<b>setting</b> 22:20 27:19	16:21,22 17:1,6,8	29:20 30:3 31:15	<b>shore</b> 219:3 239:18	191:11 269:17
32:13 37:4 39:18	17:18 18:13,14,16	32:22 33:11,13	294:8 306:11	273:17 303:20
39:21 135:19	18:17 19:2,4,14	37:3,6,6 40:10,11	329:9	322:12 326:17
148:12 206:8	19:19 20:8,10,18	41:6,8,12 44:8,12	<b>shoreward</b> 104:21	<b>silly</b> 64:21
209:7,17 237:12	21:4,7,15 22:17	50:13 53:1,2,9,16	124:8,15	<b>Silver</b> 1:14 137:15
319:7 365:21		57:15 60:19 64:7	<b>short</b> 51:21 79:17	<b>similar</b> 21:12,20

22:13 24:22 49:1 49:1 107:8 108:17 109:5,17 110:21 133:7 165:2 170:8 181:6 202:13 206:4 207:5 208:22 239:8 240:18 264:6,21 267:21 268:10 269:7 277:1 295:7 <b>similarities</b> 49:10 <b>similarly</b> 106:18 275:2 322:6 <b>simple</b> 290:7 <b>simplest</b> 276:15 <b>simplify</b> 61:12 <b>simply</b> 129:9 139:19 178:12 263:19 270:10 283:9 361:11 369:14 372:1 <b>single</b> 54:22 59:6 291:19 350:5 375:17 <b>singling</b> 154:2 161:16 <b>Sissenwine</b> 164:18 174:3 <b>sit</b> 304:3 324:5 325:16 <b>sites</b> 147:19 <b>sitting</b> 208:14 291:9 319:9 374:20 <b>situation</b> 18:12,20 24:22 25:13 83:9 189:17 219:2 231:17 287:21 302:19 <b>situations</b> 141:11 188:7 <b>six</b> 177:17 205:1 276:6,9,18 277:16 278:7,8 280:7 285:10 294:11 313:6 320:5 322:17 324:14,15	324:15 <b>sixties</b> 360:12,16 <b>size</b> 29:5,8,9 52:4 122:21 129:6 201:17 202:12,17 202:21 205:21 207:15 210:4 218:18 219:10,14 220:3 222:12,16 222:19 224:12 240:1 242:22 243:2 331:5 332:5 332:16 333:11,15 334:7 335:9,20,21 336:3,21 337:2,11 337:15,20,21 338:6,7 340:15 341:8 371:19 <b>sizes</b> 4:17 210:20 326:4 330:9,18 331:3 335:17 338:9 <b>SK</b> 178:6 179:6,10 179:16 183:4 <b>skipped</b> 338:3 <b>SKOMAL</b> 2:15 238:9 239:15 <b>sky</b> 188:20 <b>slack</b> 117:10 <b>slated</b> 35:17 <b>slide</b> 8:4 62:11 124:16 138:5 151:9 195:13 198:15 207:9 217:18 234:21 258:7 259:1 260:7 311:21,22 335:13 338:20 <b>slides</b> 16:20 18:9 105:8 138:10,11 138:17 140:16 142:19 195:6 <b>sliding</b> 311:10 <b>slight</b> 205:11 303:17 <b>slightly</b> 259:21 <b>slippery</b> 150:15	161:22 <b>slips</b> 245:5 <b>slope</b> 150:16 161:22 <b>slot</b> 74:6 <b>small</b> 14:4 15:15 16:16,22 17:6,8 17:18 18:13,17 19:4,13,18 20:8 20:10,18 50:2 57:4 65:12,17 68:10 129:6 133:19 141:20 143:9,21 148:17 152:22 153:8 195:18,21,22 199:6 201:15 202:7,14,18 204:14 206:6,10 209:4,9 210:10 215:4 218:13 219:18,22 221:22 223:22 225:13,21 240:22 242:3,5 243:2 244:4 259:8 297:15 298:16 311:8 365:4 374:17 <b>smaller</b> 32:19 <b>smallest</b> 328:2 <b>small-scale</b> 195:20 201:13 <b>SMASS</b> 92:14 <b>smooth</b> 29:13 48:17,21 114:13 <b>smorgasbord</b> 377:11 <b>snail</b> 251:12 <b>snapper</b> 157:13 158:7 <b>snappers</b> 60:15 214:21 <b>soak</b> 30:17,20 31:6 31:13,19 32:3,4 34:15 36:6 39:13 46:7 47:10 62:12 68:18 119:15,22	120:2 146:2 <b>soaked</b> 31:12 32:5 32:6 133:10 <b>social</b> 165:21 265:1 265:16 274:3 <b>socioeconomic</b> 204:3 208:2 210:12 <b>soft</b> 370:7 <b>sold</b> 41:14 95:10 196:6 239:20 240:8,9 270:11,12 270:15 308:10,20 308:20 310:6 324:22 341:22 342:21 <b>solely</b> 191:6 <b>solid</b> 156:16 248:10 289:17 333:9,11 <b>solution</b> 97:2 146:19 190:4 <b>solutions</b> 57:22 <b>solve</b> 58:7 59:19 100:1 361:3 377:12 <b>solved</b> 361:5 <b>somebody</b> 88:14 221:13 223:2 307:15 <b>someone's</b> 152:10 <b>someplace</b> 312:15 <b>somewhat</b> 102:15 169:20 284:14 <b>SOMMA</b> 3:19 <b>Sonja</b> 1:21 42:9 47:19 <b>Sonja's</b> 72:11 <b>soon</b> 79:19 201:7 287:22 312:6 341:17 342:9 360:17 <b>sophisticated</b> 228:1 <b>sorry</b> 48:1 61:18 71:11 125:17 201:4 224:10 225:10 244:6 245:2 313:2 338:3	341:10 346:1 <b>sort</b> 15:19 29:12 31:13 43:19 167:9 167:10 168:17 172:4,13 180:19 196:19 197:4 200:18 208:21 224:18,22 274:10 275:18 300:12 316:19 354:19 370:21 377:11 <b>sorting</b> 169:13 <b>sorts</b> 12:3 151:11 219:21 230:14 <b>sounds</b> 38:11 55:20 124:3 194:7 247:5 293:21 <b>source</b> 372:1 <b>sources</b> 80:12 <b>south</b> 2:13 57:14 65:21 109:4 110:18 111:8 116:8 153:20 242:1 277:22 302:12 318:6 319:19 320:4,13 324:7,16 327:22 340:14 <b>southeast</b> 87:22 99:1 101:6,6 102:14 105:17 108:15 110:8 160:15 169:15,17 194:15 205:19 218:3 254:8 317:12 324:9 325:1 328:11 <b>southeastern</b> 106:22 <b>southern</b> 311:16 <b>space</b> 118:22 <b>span</b> 43:7 <b>spare</b> 38:8 <b>spawning</b> 242:15 <b>speak</b> 52:10 56:10 66:8 71:3 88:16 92:3 103:11 177:2
--	--	---	---	---

221:12 348:19	278:8 279:2	221:10 238:11	119:17 127:8	376:18 381:1
<b>speakers</b> 243:19	306:18 330:13	239:4,4,5 242:13	141:5 153:9	<b>sticker</b> 233:15
<b>speaking</b> 112:19	348:5 349:13	243:10 253:6	155:14,15 163:14	<b>stickler</b> 221:17
114:10 190:22	<b>specifically</b> 44:6	<b>stable</b> 258:16	178:17 235:17	<b>stings</b> 304:17
194:20 213:7	170:18 171:10	<b>staff</b> 2:22 4:2,8,13	244:14 310:9	<b>stock</b> 7:17 8:5,8,15
244:7 308:12	215:18,21 222:14	4:16,18 381:14	329:2 355:2 360:2	8:21 9:4,19 12:18
<b>speaks</b> 52:17	223:6 225:9	<b>stage</b> 49:6 122:7	360:3	13:5,6,15,18,22
<b>spearfish</b> 191:17	253:10 307:7	192:19 252:3	<b>stated</b> 89:12 182:7	14:10 15:8 43:9
<b>special</b> 103:21	349:9	300:18	306:22 307:6	43:17 44:17,21
107:6 109:13,15	<b>specifications</b> 5:12	<b>stakeholder</b> 66:6	354:6,6 355:3	48:3,9 53:14
110:22 111:5	<b>specifics</b> 252:1	66:16 161:4 163:9	<b>states</b> 80:6 93:15	56:14,16 63:7
246:4 327:22	<b>specifying</b> 201:21	<b>stakeholders</b> 61:22	105:3 116:12	64:2 72:8 81:1
328:5	<b>spectrum</b> 149:1	66:8 68:1	155:13 191:5	91:1,5,9 92:19
<b>species</b> 1:6,15	<b>speculation</b> 289:18	<b>stakeholder-driv...</b>	256:17,18 259:2	95:12 101:8,22
11:21 31:8 33:1	<b>spend</b> 73:19 238:21	154:22 155:8	351:16 355:11	123:14 134:13
47:5 49:13 50:1	324:1	<b>stance</b> 96:6 297:6	356:19 367:14,21	135:3 151:6
51:2,19 54:2,7	<b>spent</b> 76:9 166:2	<b>stand</b> 236:15	<b>state-by-state</b>	156:16 162:13
59:8,12 60:15	169:6 174:6	<b>standalone</b> 68:2	153:20	165:19 170:9
61:9 66:1,14	226:13 231:4	<b>standard</b> 67:16	<b>stations</b> 106:7	182:14 185:3
75:20 85:16 94:1	238:10 348:1	98:12,15 99:19	109:2 133:13	186:22 187:12
94:4 99:12 104:6	370:14	100:2,5,8 315:20	<b>statistical</b> 199:4	188:11 203:22
105:13 113:3,11	<b>split</b> 17:7,11 287:4	336:17,18 337:8	247:17	256:15,16 271:16
113:16 114:4,13	374:4	<b>standing</b> 159:14	<b>statistics</b> 290:15	272:13 273:9,12
114:19 115:4,6	<b>splitting</b> 19:13	<b>stands</b> 307:10	<b>status</b> 8:7 9:2 18:2	290:14 298:17
117:22 119:2	25:17 43:15 44:19	<b>start</b> 5:6 22:3 39:18	43:22 44:1 48:3	302:17 303:1
120:19 128:17,20	56:14	39:20,21 40:3	202:6 203:2,17	<b>stocks</b> 7:21 8:7
128:21,21 129:20	<b>spoke</b> 235:6	53:13 65:5 112:13	231:7 272:5	13:17,19 43:18
130:4 141:16	<b>spot</b> 95:3,5 121:1	113:5 116:16	<b>statuses</b> 8:6,6	49:19 50:7 59:18
147:10 149:5	182:4 370:7	118:13 119:13	<b>stay</b> 184:9 374:8	59:20 99:9 130:12
162:7 165:13,20	<b>spots</b> 43:1 120:21	130:10 150:17	<b>staying</b> 150:2	189:22 190:5
166:15 170:11	134:8	160:16 167:11	<b>stays</b> 334:22	<b>stone</b> 350:3
177:7,19 178:12	<b>spotty</b> 316:10	168:8 172:21	<b>stealing</b> 287:16	<b>stop</b> 10:10 35:13
185:4 186:13	<b>spread</b> 46:21 47:8	212:18 238:18	<b>stellar</b> 192:14	180:20
187:21,22 190:6	123:19 187:8	248:11,15 277:10	<b>step</b> 52:2 58:6	<b>store</b> 96:10
191:4 192:5	<b>spring</b> 1:14 137:15	284:6 291:3 348:4	64:14 65:1 74:8	<b>story</b> 67:3 182:12
199:18,18 203:5	177:8 282:17	353:1,3 359:7	74:13 188:13	242:17
208:19 215:3	<b>square</b> 108:10	363:7 375:21	190:15 215:11	<b>straddling</b> 64:2
219:4 220:13	111:4 126:14,16	379:20 380:8	237:5,15 246:18	<b>straight</b> 198:16
225:5 239:18	<b>squares</b> 106:21,22	<b>started</b> 69:15	352:9 355:18	219:13
262:3,10 267:2	109:21	116:20 165:8	364:7	<b>straightforward</b>
277:6 317:3 329:3	<b>squeezed</b> 305:1	224:16 234:20	<b>STEPHAN</b> 3:20	260:18
329:6	<b>squeezing</b> 134:16	252:1 362:10	<b>steps</b> 138:3 145:2	<b>store</b> 96:10
<b>specific</b> 11:5,6	<b>squid</b> 254:13,14	<b>starting</b> 42:14,16	170:4	<b>story</b> 67:3 182:12
199:19 201:21	<b>St</b> 197:9,9,10,19,20	78:22 118:3 175:5	<b>Steve</b> 164:17	242:17
208:4,7 211:1	197:20,22,22	363:13	330:16 339:8	<b>strategies</b> 200:11
214:18 215:17	198:3,3,4,11,12	<b>state</b> 2:10 45:13,13	341:1	<b>strategy</b> 213:16
216:14 276:8	199:15,16 215:17	64:18 66:4 105:4	<b>stick</b> 261:10 269:7	<b>streamline</b> 253:16
				266:21 267:13

268:6,22	353:7	<b>summer</b> 165:22	180:5	259:3,6,10,14,15
<b>street</b> 226:13	<b>subjects</b> 77:17	282:15,18 342:10	<b>surprise</b> 303:15	259:20 260:5,15
239:20	<b>submission</b> 270:2	<b>sunset</b> 151:16	<b>surprises</b> 229:7	260:22 261:2,11
<b>stress</b> 61:4 96:4	<b>submit</b> 112:1 372:9	280:22 281:13,21	<b>surprising</b> 173:20	263:2,5,11,14,16
214:16	<b>submitting</b> 73:4	<b>super</b> 211:4	339:7	263:19,22 264:3
<b>stressed</b> 128:21	<b>substance</b> 101:2	<b>supply</b> 337:19,22	<b>survey</b> 11:13 12:1	264:10,17,20
<b>stressful</b> 188:7	<b>substantial</b> 78:14	<b>support</b> 71:9 72:6	105:17 106:5,13	265:3,8,12,15,18
<b>stretch</b> 157:21	207:12	72:13,15 75:22	107:14 108:10,16	265:20 266:6,12
166:1,8	<b>substantially</b> 260:1	79:10 81:10 82:1	108:19,22 110:9	266:16,20 267:4,7
<b>strict</b> 214:1	<b>subtract</b> 15:2	83:15 84:20	110:13 114:11,19	267:12,19,19
<b>strictly</b> 161:15	<b>subtracting</b> 148:11	155:19 170:20	118:21 121:8	268:2,11,13,16,22
<b>strides</b> 83:14 189:8	290:22	173:13 182:18,20	132:10,15 133:5	269:4 270:11,13
306:2	<b>sub-alternative</b>	188:19 299:8	352:12 377:4	270:15,17,19,20
<b>striking</b> 211:8	264:9 265:22	306:19 308:9	<b>surveyed</b> 30:7	271:4,6,8,12,14
<b>striped</b> 155:3	266:5 267:3,17	331:15 359:19	<b>surveys</b> 81:17	272:4 273:2,4,6,7
<b>strong</b> 152:1	268:10	370:3	99:18 119:4 199:4	273:22 274:5,8,12
167:10 172:20	<b>sub-alternatives</b>	<b>supported</b> 64:15	247:17	274:15,20 275:1,9
176:18 182:21	263:18 266:3	<b>supporting</b> 72:12	<b>survived</b> 350:10	276:14 278:16
309:2 363:3	273:21	193:21 359:18	<b>sushi</b> 174:13	280:10,18,21
364:20 365:8	<b>sub-quota</b> 277:4	<b>supportive</b> 139:8	<b>suspect</b> 182:17	281:5 283:6,9,13
<b>stronger</b> 96:6	<b>succeed</b> 82:5	143:4	<b>sustainable</b> 61:20	284:18 286:3
<b>strongly</b> 303:6	<b>success</b> 83:4 188:14	<b>supports</b> 85:4	64:7 74:21 96:5	296:13 297:15
<b>structure</b> 43:17	188:21 328:20	236:1	<b>sustainably</b> 200:16	298:16 301:19,22
44:17,22 49:19	<b>successful</b> 188:11	<b>supposed</b> 99:8	208:1 285:21	302:6,14,15 303:1
72:8 92:19 203:5	188:12 304:12	171:6 186:19	288:16 289:8	303:12 304:9,19
203:6 204:11	<b>sudden</b> 127:6 232:4	196:7 243:21	<b>sustained</b> 356:8	305:5,9,14 306:21
<b>structured</b> 292:3	233:4 327:1 329:9	<b>sure</b> 39:19,21 43:8	<b>switch</b> 132:5	307:3 308:2,3,14
295:1 318:9	349:19	45:8 66:20 73:12	235:11 248:18	308:15,16 309:7
<b>structures</b> 76:21	<b>sufficient</b> 340:19	75:8 77:21 78:19	<b>switching</b> 166:4	310:6,14 311:3
156:14,15	<b>suggest</b> 80:2 130:7	89:4 97:9,21	<b>sword</b> 135:1	313:8,19 315:22
<b>structuring</b> 296:8	170:1 171:17	118:12 122:18	<b>swordfish</b> 4:15,17	317:5 319:10
<b>struggling</b> 222:11	305:2 311:12	130:18 136:4	77:1,4 85:17,20	320:13,18 321:4
<b>stuck</b> 377:6	344:15 350:17	145:13 150:3	86:5,10 89:15	322:5 323:7 326:3
<b>study</b> 30:7 87:3	361:22 364:18	154:9 157:10	93:19 95:9 134:4	328:4 330:8,17
89:9 114:22 116:5	<b>suggested</b> 96:19	169:9 173:6,22	196:12 202:1	331:1,3,5 332:8
121:9,10 122:9	280:14 305:5	174:12 175:19	204:5 205:2,3,11	332:10 333:5
131:13	<b>suggesting</b> 306:3	176:9 184:9 187:7	208:7 209:3,14	334:15 335:7,22
<b>stuff</b> 57:8 63:9,15	<b>suggestion</b> 72:15	211:19 217:6	218:8,14 231:2	336:4,7,20 337:6
64:10 67:11 69:10	96:20 97:4 304:20	219:19 233:8	240:21 241:2,5,19	337:9,15 339:15
69:13 70:7 98:22	<b>suggestions</b> 77:12	237:5,9 238:1	242:15 243:13	343:7,22
99:5,20,22 103:18	193:16	251:17 289:7	245:10 248:22	<b>swordfishermen</b>
160:13,18 213:8	<b>suite</b> 35:20 121:15	291:8 300:12	249:14,22 250:5	321:5
290:7	<b>suites</b> 15:20 22:4	304:3 332:15	252:13 253:9,12	<b>swordfishing</b>
<b>sub</b> 263:18 271:2,3	<b>summarized</b> 201:2	343:2 349:16	253:16 254:2,6,11	280:16 281:2,3
271:7,10 275:22	<b>summary</b> 138:2	354:21 356:16	254:16 256:15	<b>swords</b> 202:9,15,20
<b>subject</b> 82:14	195:11 245:13	<b>surface</b> 87:1	257:3,6,15 258:3	204:15,19 206:18
255:22 319:1	255:12	<b>surgical</b> 72:22	258:9,15,17,20	209:8 234:11

235:11 246:5	<b>take</b> 6:13 10:5 15:1	85:11 136:8	146:11 215:18	348:21 350:17
<b>system</b> 30:4 47:14	15:6 23:21 44:9	145:11 154:17	363:7	370:20 373:9
60:18 84:10 148:8	46:15 51:7,17,20	159:22 166:12,18	<b>task</b> 372:7	378:18
148:19 340:2	52:3 67:7 68:14	168:9 197:1	<b>tax</b> 7:10 103:16	<b>Terri</b> 1:18 42:9
<b>systems</b> 159:2	75:6,9 77:20 86:9	220:22 330:10	<b>teach</b> 345:2	52:19,20 53:19
	87:10 90:4,15	341:2 342:17	<b>team</b> 154:22 366:4	56:7 71:1,15
	93:22 95:5 96:5	345:22 353:4,8	<b>teams</b> 155:10,16	90:14 93:5 132:4
	113:2 115:4 136:3	364:2 369:21	<b>technical</b> 132:8	223:12 230:17,20
	139:14,15 144:3	373:18 377:13	<b>technically</b> 199:6	296:19,19 300:2
	146:1 150:11,12	379:16 380:9	250:4	343:11 346:3
	150:14 156:3	381:2,12	<b>techniques</b> 47:8	365:2 373:12,14
	162:16 171:5,18	<b>talked</b> 7:16 57:8	<b>teed</b> 338:22	377:2
	172:20 174:7,21	74:17 97:3 148:6	<b>teleost</b> 33:12	<b>territorial</b> 199:20
	175:20 180:3	164:14 183:8	<b>telephone</b> 352:12	199:22 205:17
	188:13 193:13	197:2 230:7 248:7	352:12	207:1,21 221:20
	206:14 212:15	320:20 341:3	<b>tell</b> 64:14 73:19	239:5,7,14 250:1
	213:12 221:5	349:10 377:10	88:15 100:18	<b>territories</b> 197:7
	230:18 234:8	<b>talking</b> 6:19 49:18	171:20 180:21	<b>Terri's</b> 59:15
	235:10 247:6	57:1 90:3 100:5	219:1 240:9 247:3	304:20
	248:2 249:12	102:11 107:16	286:21 347:15	<b>Texas</b> 2:14 56:9
	250:17 251:3	117:3 125:15,21	<b>temperature</b>	65:15 106:1
	255:17,22 285:12	133:2 162:7 186:5	244:15	<b>thank</b> 35:15 37:10
	286:20 287:19	190:10 193:22	<b>temporal</b> 293:11	37:11 42:7 47:20
	297:19 310:15	218:6 230:11	<b>temporary</b> 74:9	52:7,21 57:19,21
	314:6 316:19	241:3 252:5	<b>temptation</b> 326:21	61:15,16 73:16
	323:1 327:6	261:18,19 297:18	<b>tend</b> 36:20,21	75:8 77:13,19,20
	338:16 344:3,16	313:9 314:2 317:1	<b>tended</b> 33:20 262:1	80:14 84:2 90:21
	344:18 348:9,13	319:13 321:14	<b>tendency</b> 179:2	93:5,7,20 98:6,10
	348:14 349:19,21	324:9 330:3	<b>tending</b> 30:18	102:16,17,22
	350:6 353:19	349:14 353:15,16	32:11 33:5,16,17	112:17 118:14
	357:18 360:5	365:5 372:21	36:13 46:12 47:11	119:10 121:4
	361:7 364:7,18	374:21 376:10	<b>term</b> 79:17 87:9	126:20 128:8
	365:5 366:12	381:14	88:9 210:13,15	130:13 132:3
	372:14 374:2	<b>talks</b> 94:3	<b>termination</b> 253:21	134:5 135:12,16
	376:14 377:3	<b>tall</b> 164:20	<b>terms</b> 43:16 44:2	137:9 145:5,7
	378:10	<b>tallies</b> 362:8	47:15 48:6 50:9	146:22 150:4
	<b>taken</b> 15:15 95:7	<b>tangents</b> 197:5	50:18 51:17 65:9	152:14 155:17
	115:8 183:2	<b>tapped</b> 165:22	71:21 72:3,19	157:1 158:13
	219:18 290:2	<b>tapping</b> 291:20	81:8 88:17 89:12	159:13 161:6
	299:19 351:10	<b>target</b> 6:4 20:21	96:3 122:17	163:7,21,22
	352:22	33:13 59:10 64:9	140:19 149:16,17	173:21,21 176:6
	<b>takes</b> 75:14 78:17	149:6,7 219:5	151:18 179:5	176:22 181:8,18
	101:9 133:9	262:2 374:5 380:1	289:13 297:6	188:1 189:13
	187:16 329:4	<b>targeted</b> 113:17	301:1,20 302:22	190:20,21 191:18
	350:4 352:21	186:7 200:12	304:20 306:6,18	192:9,10 194:5,8
	<b>talent</b> 174:22	<b>targeting</b> 27:22	307:7,8,15 308:5	194:10 212:20
	<b>talk</b> 10:6 77:18	33:11,11 64:5	308:7,8,22 326:12	213:13 218:15

221:7 223:14	<b>thermoclines</b> 70:4	46:10 47:14,17	249:8 252:7 258:5	161:11 217:18
225:7 234:18	<b>they'd</b> 160:1	50:18 51:3,13,16	281:21 284:13	218:20 252:16
238:9 240:13	206:19 225:18	52:6 54:12 56:14	285:16 287:13	253:1 300:17
244:2 248:19	<b>thing</b> 15:17 38:3	57:21 58:6,8,14	288:7,20 289:2,21	305:7 309:3,10
251:18 282:22	39:8 42:6 54:13	59:4 61:5 67:11	291:2 292:11	<b>thoughts</b> 45:10
284:5,7,19 289:9	56:11 61:3 69:2	68:3,7,16 69:4	293:3,4 295:5,16	56:6 359:2
303:4 312:17	82:16 86:14 90:7	72:4 75:17 76:5	297:16 299:2,3,7	<b>thousand</b> 63:1
315:5 325:22	94:7 117:20	78:4,10 79:10	300:15 302:19	65:14 241:4
326:7 327:15	134:17 144:10	80:16 82:14,17	303:8 304:4,5	318:19
329:18 341:1,16	153:15 182:3	83:4,13,21 84:3	307:20 308:5,10	<b>threat</b> 370:13
342:6 343:10	215:16 216:18	84:11,21 85:2	309:12 310:22	<b>three</b> 6:11 10:1
344:20,21 345:5	222:17 232:22	86:1,13 88:8,17	311:9,10 317:4	30:16 31:8 38:20
345:10,11 347:22	286:15 296:2,7	88:20 89:7 90:15	318:22 321:9	38:20 41:8 90:16
364:17 369:22	300:19 303:8	91:16,18 92:1,15	322:13 324:8,8,9	104:18 114:16
370:16 377:1,2	306:9 329:1 343:1	94:15 95:15 96:1	324:18 326:12,18	126:5 138:17
381:16	350:16 369:4,17	97:19 98:4 100:2	327:9,11 328:6	170:7 184:18
<b>thanks</b> 6:16 42:8	<b>things</b> 42:15 44:20	101:1,6,21 102:17	339:22 340:18	198:12 215:21
42:11 47:18 52:8	52:22 53:10 54:16	116:6,18,21	341:17 342:7	216:7 219:3 224:5
56:6,7 59:21,22	68:18 69:13 76:8	117:14 120:14,16	343:13 345:9	224:17 242:14
71:6 73:5,6 78:1	85:5 88:20 90:8	124:15 125:3,12	347:10 348:1,17	243:19 255:6,19
82:7 88:16 95:13	91:12,18 92:19	127:8,13,15 147:5	348:20 349:2,3,15	276:13,14 280:6
103:15 119:11,12	102:4 112:1	147:7 148:3,7,8	350:10,12 351:15	294:19 320:17
121:6 124:5 128:9	117:18 118:5	149:4,13,18,19	355:3 359:4	322:15 323:8,9,11
130:14 132:2	126:9 132:11	150:15,20 151:1,4	361:17 362:1,4,12	324:2 326:5
135:11 136:12	137:5,7 151:21	151:9,21 152:5,9	363:15 364:5	328:17 340:10
147:1,3 153:12	152:12 155:7,19	155:21 159:10	365:9,14 366:21	370:20 380:3,4
154:14 155:18	166:7,13 174:18	162:2,11,15 163:2	370:3 371:4 372:5	<b>thresher</b> 113:20
156:22 157:4	176:8 181:18	163:5,9,13,19	372:11,13,16	127:22
159:12 163:8	183:12 184:14	165:15 166:21	373:8 374:18	<b>throw</b> 97:1,9,13
164:3 176:20	186:15 187:14	167:7 168:5 169:7	375:9,20 376:13	114:22 297:22
185:6 194:11	188:17 192:15	169:22 170:1	379:1,2,10 380:18	340:4 371:4
212:10 219:11	193:4 194:7	172:22 179:22	<b>thinking</b> 49:14	<b>throwing</b> 280:8
220:6 238:6	214:22 232:9	181:4,20 182:10	50:1 104:1 155:6	361:6 362:1
243:18 246:16	236:22 237:14	182:11,14 183:18	250:6 309:14	364:11
296:18 300:1,2	248:15 262:17	183:22 185:5	347:21 353:13	<b>thrown</b> 97:8 116:3
303:2 315:6	285:19 288:4,18	187:20 188:19	<b>thinks</b> 348:16	343:19 346:6
316:22 318:4	290:17 296:6	189:21 190:9,15	<b>third</b> 29:10 200:8	<b>thwart</b> 274:17
325:21 326:11	298:8,18 300:17	190:16 193:6,8,11	<b>thirds</b> 123:10	<b>tiger</b> 87:6,7 88:6,9
327:14 329:19	302:1,7 320:1,16	193:16 194:3,5	<b>thirty</b> 65:14 318:19	115:5,10
340:20 365:7	321:17 344:13	198:6 203:3	<b>Thomas</b> 1:20 3:22	<b>tight</b> 93:12
<b>theirs</b> 165:7	353:5,13 354:4	213:16 218:3	197:9,19,22 198:3	<b>tightening</b> 248:15
<b>theme</b> 85:9	370:22 377:11	219:12 220:11	198:11 199:16	<b>till</b> 69:19 115:19
<b>theoretically</b>	380:14	221:5 226:4	239:5	<b>Tim</b> 2:2 319:17
269:10 277:11	<b>think</b> 6:4 7:6 25:10	227:18 229:8	<b>thorough</b> 51:4	322:2 326:6
361:13	33:7 36:11,18	230:6 233:14	255:16	327:15 329:19
<b>theory</b> 90:12	40:1 42:2 43:14	238:18 240:2	<b>thought</b> 63:10 86:2	340:20
301:18	44:10 45:2,17	246:10 248:14	141:18 142:12,15	<b>time</b> 5:20 6:2,6,7

6:12,19 7:22 8:4	119:22 120:14	<b>topics</b> 203:13,16	<b>trend</b> 83:15 258:13	<b>truth</b> 297:3,20
9:7,11 30:17,21	127:20 130:20	<b>total</b> 28:19 34:12	<b>trends</b> 62:20	299:13
31:6,13,20,22	133:9 152:4	35:1 37:15 54:2	110:20 303:11	<b>try</b> 6:4,12 10:7
32:3,4,8 34:15	195:14 294:7	65:15 128:15	<b>trialed</b> 317:13	12:10 24:9,20
36:6 39:14 40:3	368:13,22 369:10	247:13 257:4	<b>tried</b> 91:18 180:4	25:11 35:6 55:8
41:10 52:16 57:10	378:8	260:5 287:9 358:2	222:12 363:20	57:13 65:13 72:9
57:12 62:12 67:12	<b>time-wise</b> 380:18	378:13	368:1	75:12 91:4 94:19
68:9,18 69:2,19	<b>time/area</b> 7:12 10:4	<b>totaled</b> 114:16	<b>trip</b> 21:4,6 26:15	96:2 97:21 130:10
70:5 71:11 75:9	10:13 43:3 51:6	<b>totally</b> 369:5	27:11,21 28:1,3,9	161:11 162:12
76:10 77:15 78:17	103:18,19 104:2,3	<b>touch</b> 7:4 60:19	28:10,13,16,17	167:15 172:13
79:14 81:16,17,19	104:4,17,19 105:4	105:15 213:7	29:3 32:10,14,19	179:13 180:5
83:12 88:16 93:7	111:12 112:6	222:18 225:10	33:14 35:7 38:21	184:10 203:1
100:9 102:5,18	120:9,21 147:4,7	251:13	41:5,7,7,9 58:19	236:5 243:1
111:15 118:13,22	<b>timing</b> 354:18	<b>touched</b> 239:17	119:15 120:2,3,3	246:17 252:17
119:2,15 131:21	<b>today</b> 6:5 7:3 76:18	326:2	139:21 209:6,8,8	298:1 302:6 316:5
132:13 136:6	180:18 255:7	<b>touching</b> 60:16	209:10,17,20	327:12 329:22
138:3 145:9 146:2	282:6,11 380:15	111:14 230:1	224:7,10,11 227:7	330:11,14 352:15
151:16 152:20	381:10,15	<b>tough</b> 95:4 167:17	234:11 242:9	363:14 376:5
153:22 154:10	<b>told</b> 180:12 183:1	171:21 180:2	253:18 264:5,9	<b>trying</b> 6:6 23:9,16
166:3 169:6 174:7	342:1 374:6	<b>tournament</b> 162:17	267:21 268:5	46:19 50:21 52:12
182:18 183:18	<b>Tom</b> 354:6	<b>traces</b> 360:10	278:11 279:2,9,14	52:13 57:17 63:15
185:9 190:9	<b>tomorrow</b> 172:10	<b>track</b> 79:18 327:14	279:17 280:11	64:11 79:18 85:6
193:20 194:1	380:20 381:11	<b>tradable</b> 66:20	283:14 285:9	93:21 96:13
195:9 200:18	<b>ton</b> 13:3 199:15	<b>trade</b> 223:20	295:11 311:20	118:18 123:5
213:1,3,12 214:19	349:13 351:11	<b>traditional</b> 43:19	319:21 322:1	127:16 133:15
216:17 225:4	369:17	89:2 208:11	323:7 328:18	160:22 168:17
226:10 231:1	<b>tonight</b> 381:2	<b>training</b> 99:7	352:4 379:4	176:11 180:4
236:13,18 238:10	<b>tonnage</b> 248:14	200:12 202:4	<b>tripack</b> 313:18	184:11 196:19
238:21 252:6	249:5	206:14	<b>tripping</b> 120:5	215:21 221:13
255:3 281:16,16	<b>tons</b> 9:16 13:7	<b>transfer</b> 17:15	<b>trips</b> 22:19 27:14	222:6 231:4
282:3,20 293:14	22:21 199:14	19:21 45:20 270:5	27:17 207:14	232:14 238:5,19
293:18 296:14	246:22 260:6	331:13,14	215:4 224:8	252:10,21 253:1
297:4 298:22	286:20 287:1,5,7	<b>transferability</b>	226:12 285:12	261:4 262:18
302:6 304:13	287:9 292:7,20,21	151:19 156:1,5	306:11 322:4,10	291:10 294:22
305:20 309:15,18	294:21 295:9,9	159:9	322:17 323:14	298:6 302:18
316:14 328:1	304:17 331:9	<b>transferring</b> 175:5	<b>trophy</b> 127:19,20	308:5 309:22
329:17 339:2	360:14	357:20 358:21	129:7,11 150:14	312:7 316:3 320:2
348:1,15 349:12	<b>tool</b> 139:22 156:19	<b>translate</b> 101:10	<b>trouble</b> 40:10	324:3,4 343:21
355:21,21 359:1,9	<b>tools</b> 59:6	122:20	287:15 288:11	345:2 350:3,7
362:17 363:4	<b>top</b> 68:5 77:2 103:8	<b>transparency</b> 84:4	<b>troubled</b> 174:5	361:9 363:15
364:4,18 368:14	259:5 318:16	<b>transparent</b> 63:12	<b>true</b> 64:19 88:15	364:14 366:18
369:15 370:14	345:12 351:10	<b>trans-shipped</b>	146:7 218:22	377:14 378:2
375:8 376:10,12	353:1 367:6	241:22	316:16 352:7	<b>tuition</b> 178:20
379:6	<b>topic</b> 52:16 88:22	<b>trap</b> 198:5,7	373:19	<b>tuna</b> 5:11 6:3 76:10
<b>times</b> 24:16 33:22	142:20 166:16	<b>trawl</b> 254:14	<b>truly</b> 135:13 136:4	79:22 85:17,21,22
39:3 46:7 47:10	173:8 254:17	<b>treat</b> 162:14 328:5	231:18	86:1,5 89:15
62:15 78:3 113:16	370:19	328:10	<b>trust</b> 245:22	94:20 106:19

118:21 173:3,4 174:17 176:7 185:13 202:15 204:8 216:14 220:2 221:11 243:13 244:9,22 247:12 266:11,15 267:7 268:16 277:1 284:13,19 295:7 296:9 300:21 308:11 309:5 317:3 321:2 324:1 359:15 360:18 371:8,17 380:3	<b>twice</b> 97:15 <b>Twinam</b> 2:5 37:13 37:13 40:5 85:10 85:10 87:20 157:3 157:3 373:13 <b>twist</b> 303:18 <b>two</b> 6:11 10:8 12:7 13:17,18 16:18 18:21 23:5 31:22 35:10 38:19 41:9 47:21 49:20 62:22 69:5 71:5 74:2 80:20 99:14 123:9 128:10 132:11,12 132:12 152:22 176:8 190:13 198:11 205:2 215:21 216:4,6,11 221:6 223:21 225:12 226:4 241:11,14 249:20 255:19 256:8 267:2 277:13 287:10 291:9 294:20 314:9 324:16 325:3 339:12 354:20 375:18 377:16	<b>uncertainty</b> 278:19 281:18 336:6 <b>unclear</b> 167:4 <b>uncomfortable</b> 373:17 376:3 <b>unconscionable</b> 99:21 <b>uncouple</b> 45:1 <b>underage</b> 286:1 287:6 346:7 <b>underages</b> 286:12 <b>undercapitalized</b> 285:18 288:9 <b>undergoing</b> 91:21 <b>undersized</b> 262:4 280:18 334:14 <b>understand</b> 44:22 52:12 59:16 76:9 82:2 84:5 88:21 97:1 102:12 123:2 147:8 235:18 243:8 298:9 312:1 329:22 358:7 376:1,19 377:9,15 379:12 <b>understanding</b> 12:4 63:10 133:6 169:20 227:12,21 228:13 286:11 315:10 356:20 373:3 378:19 <b>understood</b> 152:20 243:14 249:9 349:17 <b>undertake</b> 355:12 <b>undertaking</b> 350:11,16 <b>underwent</b> 356:6 <b>under-harvest</b> 297:7,22 <b>under-harvested</b> 287:18 <b>under-utilized</b> 311:3,4 <b>unduly</b> 78:19 <b>unfortunately</b> 79:15 316:9	<b>unhealthy</b> 303:1 <b>unidentified</b> 114:14 <b>unilateral</b> 356:18 <b>unilaterally</b> 64:4 <b>unimpressive</b> 129:4 <b>unintended</b> 134:17 217:9 231:21 <b>unintentionally</b> 114:4 <b>unique</b> 77:9 252:15 <b>unison</b> 357:11 <b>unit</b> 69:7 133:18 141:14 161:1 <b>United</b> 80:6 93:15 191:5 256:17,18 351:16 355:11 356:19 367:14,21 <b>universe</b> 160:3 234:1 237:13 266:15 285:7 <b>university</b> 175:6 178:17 184:5 291:13 <b>unknown</b> 8:7,11 9:1 13:20 14:12 43:22 48:5 <b>unlimited</b> 34:20 210:4 <b>unloading</b> 302:5 <b>unnecessarily</b> 39:11 <b>unrealistic</b> 68:19 <b>untagged</b> 309:8 <b>unused</b> 342:19 <b>unusual</b> 171:4 <b>upcoming</b> 211:21 335:17 <b>update</b> 4:8 67:17 100:7 136:16 286:3 <b>updated</b> 7:17 <b>updates</b> 5:7 <b>upgrade</b> 101:7 270:5 <b>upgrading</b> 203:10	253:17 <b>upper</b> 311:13 333:18 334:4 <b>upwards</b> 218:9 <b>urge</b> 49:9 175:11 <b>use</b> 37:12 58:13 65:19 76:1 132:14 132:17 143:13 144:13 148:13 149:14 187:5 204:9 208:4,6 211:12 216:7 223:3 258:1 289:3 289:19 316:7 320:20 328:14 331:16 336:2 347:14 371:12 377:21,22 <b>useful</b> 49:17 62:12 176:18 192:20 <b>users</b> 309:17 <b>usually</b> 69:20 120:13 125:1 224:2 332:21 <b>USVI</b> 198:13 246:13 <b>utilize</b> 239:18 261:1 <b>utilized</b> 220:14 309:15 320:19 344:14 <b>utilizing</b> 304:14 <b>U.S</b> 1:1 53:3,21 54:2 59:18 60:4 62:9 65:20 89:18 89:22 95:19 96:4 96:10 108:3 192:5 197:1 199:4 200:7 200:16 206:2 208:18 213:17,22 214:5 221:17 227:17 235:2 238:17 243:16 246:12 247:2,12 247:13,17 249:5 253:15 260:18 263:2 264:20
<b>tunas</b> 135:21 196:2 198:18 202:1,8,20 204:19 205:7 206:17 208:6 209:2 227:8 237:18 241:2,20 246:6 253:22 261:13 263:20 264:8,11 266:7,19 267:11 268:14,20 283:10	176:8 190:13 198:11 205:2 215:21 216:4,6,11 221:6 223:21 225:12 226:4 241:11,14 249:20 255:19 256:8 267:2 277:13 287:10 291:9 294:20 314:9 324:16 325:3 339:12 354:20 375:18 377:16			
<b>tuna's</b> 253:19 254:7	339:12 354:20 375:18 377:16			
<b>turn</b> 5:21 19:5 25:4 25:6 58:11 232:20 243:22 246:18 350:3	<b>two-third</b> 123:22 <b>two-thirds</b> 9:15 42:18 123:2,10,18 <b>two-way</b> 76:7			
<b>turning</b> 80:9 189:2	<b>type</b> 63:9 139:1 152:11,12 284:10 295:19 300:13			
<b>turns</b> 250:13				
<b>turtle</b> 90:6,7	<b>types</b> 32:8 204:7 262:21 270:6 284:9			
<b>turtles</b> 86:18,20 87:2,5,7,14 88:5,8 89:7,9,17,20 90:10 165:14 288:19				
<b>turtle-positive</b> 88:10				
<b>tweak</b> 67:18				
<b>tweaked</b> 152:9				
<b>twenty</b> 65:14 318:19				
<b>Twenty-four</b> 198:3				
	<b>U</b>			
	<b>ultimately</b> 357:15 359:3 <b>umbrella</b> 237:3,4,7 <b>unattached</b> 204:9 <b>unattended</b> 32:20 <b>uncertainties</b> 84:9 84:14			

265:15 268:2 304:8 309:14 331:10,13,14,19 332:12 349:17 355:9 362:17 365:22 368:16 370:10,21	168:10 293:15 301:10 <b>vertical</b> 333:10 334:3,9 <b>vessel</b> 21:4,7 29:2 32:9 33:21,22 37:17 38:5,7 39:2 56:22 122:1 195:19 201:14,17 201:19 202:12,16 202:21 203:4,7 205:21 207:1,15 207:16 210:4,20 217:15 223:8 224:12 231:13 242:22 243:2 249:7,9,12 253:17 255:8 263:8 <b>vessels</b> 30:8 34:21 35:3 39:5 83:12 175:9 195:21 198:21 199:1,8 202:2 205:15 206:10 207:13 210:9,21 211:4 223:7 233:14 234:8 243:4 247:20,21 249:3 249:19 258:8,14 258:17,18 264:7 271:5,6,21 272:7 272:14 274:1 283:12 354:13 <b>vetted</b> 89:5 <b>vetting</b> 176:3 <b>viable</b> 55:20 129:1 153:3,18 312:16 318:2 319:1 364:9 <b>vice</b> 44:16 <b>view</b> 90:4 348:17 349:3,4 363:11 <b>viewing</b> 5:13 <b>viewpoint</b> 98:3,4 <b>views</b> 75:10 85:2 97:19 <b>Vince</b> 230:17 238:7 240:14,15,16	312:19 315:7 318:5 322:2 339:7 339:7 <b>VINCENT</b> 1:25 <b>Vince's</b> 248:10 342:17 <b>Vinny</b> 327:17,17 329:15 341:8 <b>Virgin</b> 208:13 221:18 227:17 229:9 235:2 236:9 238:17 <b>Virginia</b> 105:5 160:13 <b>visceral</b> 152:1 <b>vision</b> 188:21 285:20 296:1 <b>visualize</b> 274:7 <b>VMS</b> 32:9 <b>volume</b> 114:8 <b>VONDERWEIDT</b> 2:19 <b>vote</b> 68:3 80:15 139:1 144:12 160:1	90:4 92:18 95:13 97:20,22 113:20 116:22 127:18 129:8 135:17,22 138:22 145:11 150:10,12,14,20 151:4 154:11,17 161:14 163:4 176:12 181:19 182:22 188:8,10 194:2 199:2 212:20 213:8,9,12 214:9,10,16 222:2 222:17 223:4 225:2,3,4 226:9 229:12 244:3,10 245:16 246:1,21 254:21 257:9 258:4,22 260:2 261:4,15 265:5 266:1,20 267:12 273:19 282:18 285:4,20 287:12 288:5 291:7 292:3 297:19,20,21 298:8 302:21 304:18,22 306:14 306:16 307:1,4,12 307:20 308:4 309:9 310:11 311:17 312:1,19 318:3 324:1,13 326:4 327:2 329:22 332:3 334:17 335:5,14 335:18,20 337:6 338:12 340:11,12 342:14 344:16 346:21,22 347:13 347:16 348:8 353:8 354:21 356:9,11,16 357:10,11 358:12 359:6 360:5,17,19 361:3,4,17 364:2 364:10,11 366:12 367:15 369:18	371:5 372:12 376:9 377:4,13 380:12,13 <b>wanted</b> 5:10,17 6:1 39:8 71:2,8 98:5 103:11 119:16 120:6 121:2 128:12 158:16 159:1 175:19 182:3 183:21 216:19 235:12 252:2 282:8 300:16 310:17 313:3,4,11 341:1 341:15 346:1 353:3,5 359:7 365:1,1 368:12 370:8 <b>wanting</b> 51:17 <b>wants</b> 5:7 45:7 58:17 87:15 176:3 176:4 180:1 237:19 318:17,21 361:1,15 365:4 <b>warrant</b> 293:6 <b>warranted</b> 45:18 <b>WARREN</b> 3:22 <b>wary</b> 302:10 <b>wasn't</b> 175:19 240:18 293:4 316:21 369:10 373:22,22 <b>waste</b> 36:19 148:14 376:9 <b>wasted</b> 58:17 <b>Watch</b> 96:7 <b>watching</b> 216:11 233:22 <b>water</b> 32:15 33:14 34:12 35:9 38:17 39:17 40:2,4 55:22 95:6 119:17 124:11 133:20 141:5 163:14 215:2 219:2 224:7 280:22 306:8 <b>waters</b> 45:13 64:18
<b>V</b>				
<b>Vaeth</b> 2:6 36:5,5 124:6,20 125:16 125:19 126:1,5,12 126:18 145:13 342:12 <b>valid</b> 206:2 207:2 <b>validity</b> 115:14 <b>valuable</b> 58:13 117:13 148:13 329:7 353:22 354:1 364:8,12 <b>value</b> 75:11 84:3,16 156:5 158:6,9 250:16 283:1 303:21 310:19 312:12 315:14,15 <b>variations</b> 258:6 <b>varies</b> 170:15 <b>variety</b> 106:3 164:16 278:22 364:5 <b>various</b> 42:19 47:8 75:13 81:17 93:10 95:20 129:18 154:3 178:3 184:1 214:11 255:11 275:22 327:3 <b>vast</b> 211:5 260:2 <b>vehicles</b> 178:1,4 <b>Venezuela</b> 221:3 <b>venue</b> 222:8 <b>venues</b> 92:12 <b>versa</b> 44:16 <b>version</b> 111:2 164:20 168:4 <b>versions</b> 12:9 <b>versus</b> 44:20 54:3 69:3 148:10				
<b>W</b>				
		<b>wagons</b> 179:2 180:4 <b>wait</b> 115:19 <b>waiting</b> 115:16 <b>walk</b> 18:11 163:22 179:9 333:16 362:5,12 <b>walk-in</b> 274:7 <b>WALLACE</b> 2:13 3:21 <b>Walt</b> 291:12,13 <b>Walter</b> 1:22 68:7 345:22 <b>want</b> 36:13,14 38:13 40:6,14 42:6 43:11 58:14 60:2 66:9,9 68:2,9 70:20 73:8 74:11 75:8 76:6,7 77:18 81:8 83:14 86:7		

66:4 105:4,6	234:19,20 235:5	<b>Western</b> 349:6	193:2,3,5,16,19	139:7,11,17
153:9 155:15	236:12 240:15	<b>we'll</b> 6:5,12,14 7:13	193:22 194:5,12	140:17 141:6
199:20,21 218:22	243:20 246:19	10:10 82:3,4	195:6,7 199:7,9	153:5,7 154:7,7
239:6,14 250:1,3	248:6 344:22	90:15,16 100:2	201:15,21 202:1	154:12 169:11
<b>waving</b> 77:22	345:1 370:17,18	103:11,13 111:18	206:7 207:11	173:22,22 179:11
<b>way</b> 14:22 17:11	<b>website</b> 96:8	112:13,15 115:19	209:1,13,15 211:1	181:15 184:15
18:19 27:16 34:15	181:21	138:3 141:22	211:8,20 212:6	190:10,14 191:11
38:12 39:4 40:8	<b>WEDNESDAY</b>	164:1,1,9 166:17	218:6 219:19	193:6 195:13
48:18 52:6,17	1:10	167:22 174:8	227:1 229:19,22	196:18,19 200:13
56:15 59:1 60:18	<b>week</b> 67:14 185:3	195:10 223:12	230:1,2,11 233:2	232:17 233:21
63:22 67:9 76:2	216:1 319:4	236:6 237:12	233:19 237:5	236:20 238:14,17
80:6 83:2 84:19	<b>weeks</b> 98:19	238:7 247:6 248:2	238:2 247:21	240:3,4 248:6
89:2 90:10 91:11	<b>weigh</b> 155:14 222:3	251:3,3,16,18	251:9 252:3,21	252:5 261:7 266:9
145:17 146:20	223:13 365:1,2	300:3 303:2	256:1 261:3,4,18	282:4,7 285:17
150:1 152:5	<b>weighed</b> 365:19	325:18,18 326:9	261:19 262:18	289:3 305:1,14
153:18 154:1	<b>weight</b> 122:17,18	330:2 331:4,4	263:1 266:13	306:22 314:4,10
163:12 174:14	123:17 260:6	345:21 350:13	286:1,19 287:10	326:17 340:5
179:10 181:22	331:10 336:16,18	351:19,19 381:10	287:15,20,21,22	359:9 363:20
182:19 183:11	337:1,5,8 344:1	381:15	288:6,22 291:2,5	367:20 368:1
185:10,17 196:7	<b>weird</b> 179:10	<b>we're</b> 10:5 21:17	292:20 297:12	372:21 373:5,16
199:17 209:15	<b>weirdly</b> 165:1	31:8 34:13 37:7	299:5 302:19,21	375:7 376:9
237:5,20 238:4	<b>welcome</b> 6:15 73:8	47:7,9 49:5 50:1	304:14 310:3,4	377:10 380:19
243:5,5 248:12	73:13 136:19	53:9 54:10,17	313:9 314:2 318:7	<b>whatsoever</b> 36:9
249:13 252:8	188:3 284:2	57:1 67:10 76:3	319:12 320:14,22	247:1
253:1,2,4 255:15	329:20 381:14	77:8 78:10,12,22	321:4,11 322:3,21	<b>what-ifs</b> 290:17
264:6 267:1	<b>welcomes</b> 36:1	83:20 85:4,5,22	324:3,4,9 325:17	<b>wheelhouse</b> 226:18
286:17 293:8	<b>Wells</b> 185:8	89:2 91:17,21	330:2,3 339:13,22	<b>whichever</b> 356:21
309:13 310:8,13	<b>well-managed</b>	92:20 93:13,21	342:5,7 344:3	<b>whiplash</b> 189:1
310:18 314:5,13	89:21	94:6 96:13 97:20	348:5,20 353:15	<b>Whitaker</b> 2:7
323:3 328:7	<b>went</b> 6:21 17:15	98:13 99:8 100:7	359:21 361:22	126:22 127:1,1
337:19 359:6,7	24:1 63:13 70:12	102:5 104:9	363:13 364:13	220:7,8,8
366:10 367:20	74:6 87:22 95:9	105:13 114:10	367:9 371:2,11,12	<b>white</b> 5:18 140:9,10
374:10 376:5,11	103:3,3 120:15	115:16 117:3	371:21 372:6,14	362:3 373:7
<b>ways</b> 25:20 35:6	135:18 140:13	118:18 119:8	372:22 374:7	377:12
40:19 50:22 51:5	157:13 164:6,6	122:7 125:15	380:18	<b>whitewash</b> 219:7
56:3 85:6 88:19	169:14 178:18	126:7 132:5 135:9	<b>we've</b> 26:16 51:13	<b>whittled</b> 113:7
89:1 98:22 140:1	184:17 193:20	135:10 136:3,8,9	57:11 61:21 62:2	<b>wide</b> 363:16
149:9,13,15	200:21 201:1	137:16,22 146:8	68:5,16 72:11	<b>Wildlife</b> 56:10
252:11,19 364:5,9	231:1 246:4 251:6	146:11 150:15	76:5 78:17 80:19	<b>WILLIAM</b> 1:21
380:8	251:6 288:9	154:11 155:6	81:10 91:3 92:16	<b>willing</b> 77:20 235:9
<b>weak</b> 78:16,16	315:11 332:1	162:7 164:4 167:7	93:2 94:8,11	236:15
<b>weakest</b> 66:14	356:3,22 369:9	168:16,18,19,22	95:22 97:3 99:9	<b>wind</b> 67:8
<b>wealth</b> 184:4	370:9 381:18	169:1,13 170:18	99:17 109:5	<b>wise</b> 159:15
<b>weather</b> 293:17	<b>weren't</b> 88:7	171:18 172:8,19	115:16 119:5	<b>wish</b> 131:12 145:18
<b>web</b> 251:10 377:5	211:19 233:10	178:19 179:14	120:15 126:10	268:21
<b>Weber</b> 2:6 150:5,6	<b>west</b> 105:22 242:6	180:3,17 181:1,11	137:19,20,21	<b>wishes</b> 88:2
150:7 230:17	324:10 370:9	182:5 191:13	138:6,14,14,19,20	<b>witness</b> 57:10

188:22	202:4 206:15	x 290:17 333:6	326:18 349:21	\$5,000 329:5
<b>wonder</b> 306:7	<b>workshops</b> 137:21	<b>Xiphias</b> 253:9	362:22 364:15	\$6 246:5
<b>wonderful</b> 192:15	140:14 141:15		365:13 369:8	\$7 246:7
<b>wondering</b> 179:4	143:1	<hr/> <b>Y</b> <hr/>	373:19 375:19	
220:14 240:17	<b>world</b> 54:3 64:7	<b>y</b> 333:8	377:20 378:17	<hr/> <b>0</b> <hr/>
241:6 295:12	93:16 96:12	<b>yachts</b> 211:4	<b>yellowfin</b> 85:21	<b>05</b> 160:9
<b>Woods</b> 290:12	135:19 152:7	<b>yards</b> 119:20	86:10 215:19,22	<b>06</b> 63:14
<b>word</b> 90:1 135:14	174:6	<b>year</b> 24:16 38:14	216:7 220:2	
161:11 218:1	<b>worms</b> 242:18	41:12 55:12 63:4	<b>yesterday</b> 57:8	<hr/> <b>1</b> <hr/>
<b>words</b> 67:16 75:4	<b>worried</b> 38:3 41:6	69:5 73:1 89:3	76:9 78:9 85:11	<b>1</b> 33:22 39:7 65:21
152:1 296:11	139:13 140:3	93:20 98:14 99:14	86:16 89:5 106:19	106:20,20 108:9,9
333:22	144:2 304:5	100:3 111:16	135:18 136:1	109:20,20 111:4,4
<b>work</b> 45:21 57:14	<b>worry</b> 51:13	120:15 127:13	312:21 341:16	126:14,14 199:15
74:20 77:3 92:18	<b>worse</b> 157:7 168:18	131:7 132:1	347:12 354:7	209:8 269:2
101:11 137:14	<b>worsen</b> 58:2	157:22 158:11	372:5	306:20
148:15 161:2	<b>worst</b> 90:7	160:10 170:15,15	<b>yield</b> 46:8	<b>1a</b> 15:21 16:4
162:22 165:11	<b>worth</b> 55:5 146:10	179:13 190:12,18	<b>yo</b> 216:7,8	<b>1b</b> 15:21 16:10
170:5 176:14	193:15 250:17	252:7 258:9,15	<b>York</b> 157:15,16	<b>1c</b> 15:5,21 16:10
184:12 186:3	329:1	278:18 281:20,22	<b>yo-yo</b> 204:10 205:9	43:14,19
194:15 222:22	<b>worthless</b> 125:3	282:15 286:4,9,18	208:5 216:9	<b>1d</b> 15:12 16:10
253:6 320:10	318:15	287:3,8,10 293:10		<b>1,000</b> 215:2
330:16 340:2	<b>wouldn't</b> 11:1	293:14 294:7	<hr/> <b>Z</b> <hr/>	<b>1,040</b> 115:7
341:9	41:13,14,14 85:15	319:19 321:14	<b>zero</b> 9:12 11:1	<b>1,104</b> 287:4
<b>worked</b> 165:21	97:12 130:9	322:18 327:10	16:12 22:21 45:17	<b>1,200</b> 134:12
185:8 191:11	143:22 149:21	341:21 375:17	115:6 116:18	<b>1,300</b> 115:11
192:14 300:13,14	216:21 217:12	<b>yearly</b> 218:10	198:4 204:21	<b>1,800</b> 115:11
366:3	228:7 235:11	<b>years</b> 8:2 13:9 43:6	205:1 206:5,8,13	<b>1.05</b> 256:16
<b>working</b> 5:15 31:8	243:17 274:9	43:12 55:5,7	207:8 209:1,2,15	<b>1.1</b> 263:10
45:8 61:18 75:20	278:18 304:18	62:22 67:11 71:19	237:12 241:1,2	<b>1.2</b> 263:13,17 265:7
76:4,19 83:9 91:3	308:4 311:9 317:8	77:6 82:13 88:21	250:16 276:6,9,18	265:22 266:2,4,10
91:8 92:11 101:11	341:16	93:3 94:21 95:4	277:15 278:7,8	267:21
104:10 115:18	<b>Wow</b> 349:2	98:20 99:8 114:14	294:11 299:21	<b>1.2.1</b> 266:5
146:14 154:19	<b>wrap</b> 70:20 87:18	115:6,12 116:6	320:5 322:14	<b>1.2.2</b> 263:21 267:3
155:10 159:6	330:1	131:5 132:17,17	324:14 373:22	306:20
166:2,3 170:2	<b>wrapping</b> 155:4	132:17 133:7	<b>zeroes</b> 109:2	<b>1.2.3</b> 264:1 267:17
177:8 181:15	<b>wraps</b> 30:12	143:13,14 154:8,8	<b>zoomed</b> 109:18	<b>1.2.4</b> 264:9 268:10
184:6 185:20	<b>wrap-up</b> 345:8	165:6,11,17	<b>zoomed-in</b> 111:2	<b>1.3</b> 263:15 269:3
197:5 211:6	<b>writing</b> 329:20	168:14 169:9,12		<b>1:30</b> 164:2
221:11 238:15	<b>written</b> 201:3	169:21 172:12	<hr/> <b>\$</b> <hr/>	<b>1:31</b> 164:7
338:15 341:1	300:9 329:13	175:4 177:6 185:1	<b>\$1.57</b> 246:9	<b>10</b> 6:9,13 10:6
343:15 353:18	<b>wrong</b> 126:19	189:1 232:17	<b>\$100</b> 80:19	102:21 105:21
<b>workload</b> 101:16	161:19 287:14	238:12,14 240:4	<b>\$100,000</b> 309:19	168:21 181:1
<b>works</b> 18:18	355:2,3 378:12	247:4 248:21	<b>\$15,000</b> 341:20	185:1 189:1
148:20 170:7	<b>wrote</b> 95:1 98:13	250:15 259:22	<b>\$25</b> 218:4 325:2	197:21 204:22
215:7 366:10	98:18	291:9 298:12	<b>\$27</b> 218:4 307:17	209:13 227:7
<b>workshop</b> 66:7		299:5,6 314:9	<b>\$30,000</b> 218:9	234:10 235:11
138:21 139:6	<hr/> <b>X</b> <hr/>	320:20 321:14,14	313:18	238:14 299:6
			<b>\$4</b> 246:5,13	351:4,5,5,8,18

354:5	<b>13-14</b> 322:8	234:11 235:11	256:15 282:4	<b>3</b>
<b>10,000</b> 106:8 109:1	<b>136</b> 4:8	248:21 270:9	333:3 336:18	<b>3</b> 15:14 17:13 20:22
110:14 132:21	<b>14</b> 1:11 168:21	294:21 311:20	<b>2010</b> 114:12 197:17	98:20 131:7 154:8
133:1 242:8	211:2	321:14 356:21,22	199:13 246:12	154:8 202:13
<b>10-year</b> 9:11	<b>143</b> 287:7	<b>2a</b> 16:3	254:6,18 346:13	206:4,5,18 207:4
<b>10-03</b> 349:9	<b>15</b> 73:9 175:3 251:3	<b>2,208</b> 287:4	<b>2011</b> 197:15 198:2	207:5,10 209:1,11
<b>10.03</b> 355:9 369:10	<b>15th</b> 5:12 105:7,7	<b>2,300</b> 287:11	198:6 254:13,18	209:22 210:1
<b>10:31</b> 103:3	<b>150</b> 38:6,7 70:1,12	<b>2,324</b> 116:11	256:18 259:9	212:18 218:18
<b>10:52</b> 103:4	87:6	<b>2,800</b> 9:9	263:3 282:5 286:3	248:21 262:11
<b>100</b> 68:5 83:6	<b>16</b> 20:16 57:11	<b>2,853</b> 9:11 21:13	346:13	294:21 321:14
105:20 108:18	63:20 206:6 210:1	<b>2,891</b> 109:22	<b>2012</b> 1:11 4:17	338:4
110:10 119:21	<b>16th</b> 5:15	<b>2.0</b> 133:18 348:11	98:18,20 102:3	<b>3a</b> 28:7
130:5 149:3 234:1	<b>164</b> 4:11	<b>2.1</b> 270:10 271:13	111:19,20 201:9	<b>3,000</b> 325:15
237:13 250:14	<b>178</b> 9:16 13:6 257:5	<b>2.10</b> 26:3	282:16 326:3	<b>3,600</b> 360:14
320:12 332:15	<b>18</b> 178:18 211:6	<b>2.11</b> 27:3	330:8,18 363:1	<b>3,764</b> 321:2,5
356:1	362:21	<b>2.12</b> 12:12	<b>2013</b> 8:1 101:13,20	<b>3-day</b> 311:20
<b>100-150</b> 328:18	<b>18.6</b> 360:11	<b>2.13</b> 13:10	111:20,21 201:10	<b>3.0</b> 348:12
<b>101</b> 107:20 108:4	<b>180</b> 87:4 189:2	<b>2.17</b> 34:2	282:18 287:13	<b>3.1</b> 276:5
<b>102</b> 258:16,18	320:21 321:6	<b>2.18</b> 35:4	331:22	<b>3.2</b> 276:17 279:1
<b>103</b> 4:6 125:6	342:19	<b>2.19</b> 104:14	<b>2066</b> 13:8 71:22	<b>3.3</b> 277:14 279:13
<b>103.6</b> 246:22	<b>19</b> 211:3	<b>2.2</b> 270:14 272:1	<b>2070</b> 13:5 71:22	328:6
247:11	<b>19,200</b> 13:22 14:10	<b>2.3</b> 65:7 270:18	<b>2099</b> 71:11	<b>3/15</b> 212:6
<b>104</b> 55:6	14:18 15:6	271:8 273:3 274:3	<b>21</b> 8:9 13:15 15:8	<b>3/16</b> 212:6
<b>106</b> 247:11	<b>194</b> 4:13	<b>2.3.1</b> 271:4 273:22	<b>213</b> 377:17	<b>3:07</b> 251:6
<b>11</b> 169:11	<b>1940s</b> 360:8	<b>2.3.2</b> 274:19	<b>22</b> 351:2	<b>3:24</b> 251:7
<b>11,900</b> 15:4	<b>1950s</b> 360:9	<b>2.3.3</b> 271:11 275:9	<b>220</b> 13:3	<b>30</b> 62:3 68:17 94:21
<b>11-02</b> 330:22 331:7	<b>1960s</b> 360:9	<b>2.33</b> 125:6	<b>221</b> 260:6	95:3 212:13
333:15	<b>1964</b> 360:14	<b>2.4</b> 14:15	<b>23</b> 197:21	256:20 313:9
<b>11.8</b> 199:14	<b>1983</b> 360:4 374:9	<b>2.5</b> 20:3	<b>23,000</b> 260:11	<b>30,000</b> 380:1
<b>11:25</b> 112:12	<b>1986</b> 375:14	<b>2.7</b> 20:12	285:8	<b>300</b> 286:20 292:6
<b>110</b> 115:11	<b>1991</b> 360:4	<b>2.9</b> 22:1	<b>24</b> 30:4 204:21	325:14,14
<b>12</b> 55:7 102:13	<b>1992</b> 333:3	<b>20</b> 55:12 63:20	209:2,7,22 241:2	<b>31</b> 65:6
158:11 168:15	<b>1993</b> 64:21 67:12	127:20 175:3	358:3	<b>31st</b> 5:19 138:9
169:12	<b>1994</b> 62:15	185:1 198:3 351:5	<b>25</b> 70:10 211:7	<b>312</b> 34:10
<b>12:04</b> 164:6	<b>1995</b> 105:18 258:13	354:6	212:13 286:16	<b>32</b> 344:17
<b>121</b> 62:3 69:11	<b>1996</b> 336:18	<b>2000</b> 10:21	331:20 332:5,19	<b>323</b> 257:4
<b>121-page</b> 65:6	<b>1998</b> 67:2	<b>2001</b> 259:1	339:14 342:15	<b>33</b> 26:14 27:8 28:11
<b>122</b> 258:16,18		<b>2003</b> 258:14	<b>25-inch</b> 333:14	28:15,19 36:14
320:18	<b>2</b>	<b>2006</b> 111:10 114:12	335:9,19 337:7	37:9 46:15 69:2
<b>13</b> 102:13 165:10	<b>2</b> 8:2 12:17,21	115:7 253:11	339:22	120:4 178:18
168:17 169:12	22:12,15 23:16	362:9	<b>250</b> 4:14 160:2	209:4 344:3,8,19
179:15 180:6	27:15 31:1 32:17	<b>2007</b> 253:17 260:1	<b>252</b> 4:16	<b>33-fish</b> 41:1
186:11 190:19	32:19 34:9 69:10	<b>2008</b> 12:18 200:14	<b>260</b> 211:5	<b>33-head</b> 146:14
211:4	98:12,15 100:2,5	253:19	<b>27</b> 68:4	<b>33-pound</b> 336:16
<b>13th</b> 62:2 111:17	100:8 104:16	<b>2009</b> 62:9 69:10	<b>28th</b> 8:1	337:4
112:3	124:16 204:13	105:18 106:6	<b>29</b> 333:13	<b>33-shark</b> 46:13,20
<b>13,700</b> 331:9	207:4,9 209:9,14	111:10 254:3,18	<b>29-inch</b> 332:12	<b>330</b> 4:18

**345** 4:19  
**35** 104:21 124:7,15  
 125:2 221:5 241:6  
 241:8  
**352** 34:10  
**36** 69:4  
**388** 116:8  


---

**4**  


---

**4** 4:12,14 13:9  
 17:14 19:16 43:6  
 43:12 46:2 77:11  
 154:8 165:17  
 194:20 197:19  
 202:18 208:21  
 210:3,15 218:18  
 235:9 250:15  
 281:21 358:1,2  
 372:7 378:17  
**4,000** 145:18  
 260:12 287:9  
 292:20,21  
**40** 99:20 105:21  
 238:12 286:7  
**400** 37:6  
**41** 62:11 70:12  
**416** 133:1  
**42** 39:13  
**42-foot** 221:10  
**429** 287:1  
**44** 39:1  
**440** 119:20  
**45** 35:16 205:22  
 207:2 217:15  
 220:16 226:22  
 227:5 235:8 249:2  
 249:16  
**45-foot** 226:15,17  
 242:4,10  
**45-footer** 242:6  
**45-50** 294:21  
**455** 116:8  
**46** 37:14  
**47** 97:11 332:16  
 333:11 341:10  
**48** 211:3  
**49** 377:8,16

**49-inch** 340:4  
 341:9  


---

**5**  


---

**5** 4:2,3,6 6:20 7:1  
 8:16 55:4,7 67:11  
 87:6 99:8 105:2  
 111:14 114:14  
 116:6 121:11  
 131:5 137:2 146:1  
 148:2 247:4 263:4  
 299:5 320:20  
 362:22 372:7  
 378:17  
**5-year** 281:13  
**5:47** 381:18  
**50** 23:21,21 37:5  
 119:21,21 196:2  
 234:7 259:10  
 286:10 311:19  
 312:16 319:11,12  
 319:14 323:19  
 331:20  
**50-year** 43:7  
**50-60** 313:10  
**50/50** 17:11  
**500** 109:21 134:12  
**51** 15:8 43:20  
**52** 211:2  
**52-53** 342:1  
**521** 377:18 378:1,6  
**54** 21:5 29:3 56:22  
**54-inch** 29:9 44:6  
**55** 54:21  
**56** 256:19  
**572** 287:5  
**58** 70:11 116:7  
**59** 125:13,16  


---

**6**  


---

**6** 4:7 116:6 136:15  
 148:1 197:20  
 209:2,8,22 215:1  
 241:2 372:7 378:8  
**6/14** 212:8  
**60** 85:20 311:19  
**600,000** 65:15  
**622.2** 197:12

**63.6** 286:6  
**67** 257:6 349:12  
 369:17  
**694** 198:2  


---

**7**  


---

**7** 32:5,5,7,7 39:17  
 39:18,18,19,20,21  
 39:22 40:3,4,5  
 197:22  
**7,102** 114:19  
**7,300** 9:17 13:20  
 14:11,20  
**7:15** 381:4  
**70** 13:4,7 149:5  
**70-pound** 70:13  
**700** 134:12  
**71** 62:11  
**73** 4:5  
**74** 287:3,5 291:5  
**75** 108:13 260:5  
**766** 110:3  
**78** 257:6  


---

**8**  


---

**8** 4:15 85:22 160:9  
 251:21 253:11  
 319:22  
**8:30** 1:14 381:11  
**8:38** 5:2  
**80** 18:15 19:19  
 85:21 295:8,9  
**81** 360:10  
**83** 360:6  
**84** 286:8  
**85** 124:14  
**87** 71:19  
**8777** 1:14  


---

**9**  


---

**9,792** 15:10  
**90** 85:18,19 214:16  
**90-day** 212:7  
**91** 360:6 374:9  
**92** 197:19  
**95** 131:6 134:1  
 304:16  
**97** 165:13

**98** 351:11  
**99** 315:12 362:6

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Advisory Panel

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