

U.S. DEPARTMENT OF COMMERCE
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NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION
+ + + + +
HIGHLY MIGRATORY SPECIES ADVISORY PANEL
+ + + + +

Wednesday,
May 12, 2010

MEMBERS PRESENT:

GLENN DELANEY, Marine Division - Maury,
Donnelly & Parr, Inc.
RICK BELLAVANCE, Rhode Island Charter and
Party Boat Association
ANDRE BOUSTANY, Nicholas School of
Environmental and Earth Sciences
RONALD CODDINGTON, Southeast Swordfish Club
THOMAS DePERSIA, Stellwagen Bank Charter Boat
Association
SONJA FORDHAM, Shark Advocates International

WILLIAM GERENCER, Marine Trade Center
CLARK GRAY (Proxy for Randy Gregory), North
Carolina
LISA GREGG, Florida Fish and Wildlife
Commission
KEN HINMAN, National Coalition for Marine
Conservation

CHARLIE PEREIRA (Proxy for Ron Whitaker),
Hatteras Harbor Center Boats
CHRISTOPHER WEINER, Bluefin Tuna Fishermen
DAVE PREBLE, New England Fishery Management
Council
DR. DAVID KERSTETTER, NOVA Southeastern
University Oceanographic Center

DAVID CUPKA, South Atlantic Fishery Management
Council

MEMBERS PRESENT(Cont'd):

DEWEY HEMILRIGHT, F/V Tar Baby
ED SAPP, Gulf of Mexico Fishery Management
Council
ELIZABETH GRIFFIN WILSON, Oceana
ELLIOTT STARK (Proxy for Ellen Peel), The
Billfish Foundation
JAMES SULIKOWSKI (Proxy for Jim Franks), Gulf
Coast Research Lab
JAMES WILLIAMS, Williams, Leininger and
Crosby, PA
JOHN GRAVES, Virginia Institute of Marine
Science, William & Mary
JOSH LOEFER, South Carolina Department of
Natural Resources
MARK SAMPSON, Ocean City Charterboat Captains'
Association
PAT AUGUSTINE, Mid-Atlantic Fishery Management
Council
RALPH PRATT, Pelagic Longliner
RICHARD RUAIS, Blue Water Fisherman's
Association
RICK WEBER, Delaware Natural Estuarine
Research Reserve
ROBERT HUETER, Mote Marine Laboratory
RUSSELL HUDSON, Directed Shark Fisheries, Inc.
SHANA MILLER, Tag-A-Giant Foundation

STEVEN JAMES, Boston Big Game Fishing Club
THOMAS DePERSIA, Stellwagen Bank Charter Boat
Association
TIM PALMER, Swordfish Buoy Gear Association
VINCENT MONTELLA, South Florida Commercial

NOAA STAFF PRESENT:

MARGO SCHULZE-HAUGEN, Chief, Highly Migratory
Species Management Division
TIM BAUMER, Fishery Management Branch
RANDY BLANKENSHIP, Highly Migratory Species
Management Division
KARYL BREWSTER-GEISZ, Supervisory Fishery
Manager

RICHARD PEARSON, NMFS

ALSO PRESENT:

BENNETT BROOKS

CAMERON JAGGARD

DAVID SHALEET

JIM WILLIAMS

P R O C E E D I N G S

Tape 8

Bluefin Working Group

MR. DUNN: (In progress) specific concrete, productive ideas for going forward. Some of that may require clarification of data or methods, and we expect that. But what we really are interested in are your proactive ideas going forward. So with that, Margo, I think you have a few points you want to cover.

MS. SCHULZE-HAUGEN: Yes, just a couple of things, and mostly I think we got through a lot of the ground yesterday, and we've got a lot of issues put on the table and things ready to discuss today.

Just to recap a bit, and then kind of go through, you know, the transition from where we were a year ago when we started the rulemaking, the comment period closed at the end of March, is very different from the situation that we're in now.

A year ago, we were in quota

1 unlimited, where we thought we had a lot of
2 quota. We had concerns about losing quota,
3 looking at ways to maximize our landings.
4 Now, we're looking at a quota limited
5 situation moving forward.

6 So those are very different worlds
7 for management to be in constraining
8 categories to quotas, making sure the United
9 States overall does not exceed its quota.

10 So some of the recent changes
11 again, the reduction to the U.S. allocation,
12 the carry- forward change, the size
13 distribution changes over the last couple of
14 years, expectations of increased commercial
15 landings, highly successful angling category
16 and then long-line landings and then discards
17 being kind of the key drivers for why we're in
18 the situation we're in.

19 One of the points I do want to
20 make though, and I'm very interested in your
21 ideas, for changes we can make, either to the
22 regulations or to the data collection, the

1 methodologies, things like that. But I want
2 to be very clear that for 2010, we have all of
3 the tools in the management tool box that we
4 are going to have.

5 This fishery is going to really
6 start in a couple of weeks, so changes to the
7 large pelagic survey, I really want your
8 ideas, but no, it's not going to happen this
9 year. So we need your advice, your thoughts
10 on what we do now with what we have, and what
11 we've --

12 You know, I think the suggestion
13 to go by category is a good one. The
14 management tools are different in the
15 different categories. So we're going to try
16 and touch on those as we go through, because
17 that's what we can do now.

18 So I just wanted to really be very
19 clear that we want your ideas, but know that
20 we're limited. We're not going to be able to
21 change the rules or revise the large pelagic
22 survey in a couple of weeks.

1 So we need to focus now, and then
2 also take those comments, look at them, look
3 at what we can do for 2011. Some things may
4 be longer than that, but start working on
5 those now, while we're doing what we can do in
6 2010.

7 I see a couple of tent cards. So
8 yes. So Scott Dunn, if you want to --

9 MR. DUNN: So the intent here is
10 to put a couple of ideas on the table and then
11 begin eliciting your ideas about what steps
12 can be taken by Fishery and look at the two
13 year splits, to 2010 and 2011. So that's kind
14 of the way we want to go.

15 There may be a couple of
16 clarifying questions right now. Yes sir, go
17 ahead. Yes, Tom.

18 MR. DePERSIA: Yes. I've got an
19 idea on the angling category or charter
20 boat/head boat category. I think first of
21 all, we need to separate the two, separate
22 charter boat permit people from the

1 recreational private boat. My suggestion is
2 that they have different retention limits.

3 I'll start with the charter boats.
4 I think anybody that has a charter boat/head
5 boat category permit be allowed to catch one
6 fish per day. No, one fish per day per boat,
7 27 inches to 73 inches.

8 Possibly make a minimum number of
9 people on board; for instance, only allow that
10 they can keep one fish per day, if they have
11 a minimum of three people on the boat, just to
12 distinguish between the legitimate charters
13 and people that have charter licenses that are
14 out there fishing on their own.

15 I know there are some -- this may
16 create a problem with some of the guide boats,
17 where it's just a guide and maybe another
18 person. But you know, just throwing a
19 suggestion out here. The person has to have
20 a captain's license. Of course, you need a
21 captain's license to get your charter head
22 boat permit anyhow.

1 This is the difference. In
2 recreational private boat fishery, I think the
3 limit should be, and this is once again just
4 a suggestion, one fish per week as opposed to
5 one fish per day. The difference is that with
6 a charter boat, you have six people. Probably
7 their only opportunity all year to go fishing
8 on board, and they should have the opportunity
9 to catch a fish and bring it home.

10 As opposed to the guy who's got a
11 boat and keeps it at a marina, and goes out
12 maybe Saturdays and Sundays and then maybe one
13 or two days a week. That person doesn't need
14 a fish every day. How much tuna can you eat?
15 Even allowing them to catch one fish per week,
16 I don't even know if that's a good number.
17 Maybe it's got to be, maybe it's one fish per
18 month. I don't know. Once again, it's just
19 a suggestion.

20 In order to keep track of
21 everybody, I think an idea might be to furnish
22 tags. You may think it's difficult, but they

1 do it in every state for deer hunting and
2 what-not, tags that can only be used one time,
3 and it would have to be affixed to the fish
4 immediately upon retaining it.

5 If you want to release it, release
6 it. If you're not going to -- if you're going
7 to keep the fish, then you need to put a tag
8 on it. Also, that everybody that gets the
9 tags be furnished a post card that could be
10 sent in within 24 hours of landing, you know,
11 landing the fish.

12 At the end of the year, have all
13 unused tags returned to whatever, to the
14 agency or to a private company that you have
15 doing all this. We do it in Massachusetts for
16 people that are issued striped bass permits,
17 and you know, the factor that gets everybody
18 to report is that if you do not send in a
19 report of what you caught on striped bass,
20 you're not issued a permit the next year, and
21 they're pretty strict at that.

22 So you either send in your report

1 and unused tags so you can get an actual count
2 of the fish, or you don't get a permit next
3 year. I'd like to see -- you know, that's a
4 proposal just put on a table, just as a
5 suggestion. Maybe it will get other people to
6 comment on it.

7 MS. SCHULZE-HAUGEN: So Tom, that
8 would be something that you'd be looking at
9 for 2011 or beyond?

10 MR. DePERSIA: Yes, if that's how
11 long it's going to take you to implement
12 something like that, yes. I mean it could be
13 -- you know, we could do it this year. I
14 don't know if you could --

15 MS. SCHULZE-HAUGEN: No. That's
16 what I'm saying.

17 MR. DePERSIA: You couldn't do it.
18 Okay.

19 MS. SCHULZE-HAUGEN: Sorry. A
20 good suggestion, happy to get comments on it.
21 I think tail tags have been kind of a
22 recurrent theme. I think there's been some

1 exploration of that in the past. I think
2 there have been some challenges that we
3 weren't able to overcome at those points, but
4 happy to revisit that. But this would be next
5 year at the earliest.

6 PARTICIPANT: Tom, I just want to
7 say thanks very much. Very constructive. I
8 appreciate that you've thought through it and
9 had a very concrete suggestion. So that's
10 exactly the kind of thing we're looking for.
11 Much appreciated. So numbers of people have
12 their cards up. I have Rich, Dave, Rick and
13 Ralph.

14 MR. RUAIS: Yes, several things.
15 Number one, to Tom's point about the angling
16 bag limit, that is something that's doable for
17 2010. I mean you could go to one a week. I
18 don't see where, I don't see where the rule
19 would prevent you from doing that, the
20 regulations would prevent you from doing that,
21 unless you see something there.

22 You know, I think you have the

1 regulatory authority to adjust the bag limit.
2 Maybe not a tagging issue that Tom's talking
3 about, but in terms of the bag limit. If
4 that's the preference of the charter boat
5 angling category to stretch their fishery out,
6 then that's a very reasonable proposal that
7 could come in place in 2010.

8 I assume in a little while we're
9 going to go category by category. So I'm
10 going to make just a couple of general
11 comments right now. Okay, thank you.

12 Again, I'm faced with, you know,
13 sort of, I almost want to say mentality that
14 we faced when we started off the ICAT Advisory
15 Committee meeting, where you know, it was
16 almost like the introduction was, who are we
17 going to give our quota away to.

18 The difference here at the AP is
19 how restrictive are we going to be this year.
20 I think that's the wrong attitude. It was the
21 wrong attitude of how we're going to give our
22 -- who are we going to give our swordfish

1 fishery away and when are we going to give it
2 away to them, as opposed to how are we going
3 to help the industry catch the quota.

4 Here, in bluefin, I also think the
5 attitude ought to be that you need to start
6 the season off with the mentality that you
7 need to make sure that the rules are as
8 flexible as possible, to be able to catch the
9 quota first, because there are no guarantees.

10 I know yesterday I said I think the recovery's
11 going to happen pretty quickly and we're going
12 to be awash in fish eventually.

13 But it may not happen. I mean it
14 may be, you know, for all we know, a very slow
15 season. So you need to enter the season with
16 the maximum flexibility. We worked for two
17 years, not one year, on the rule to increase
18 the general category bag limit to a five fish
19 trip limit, to encourage people to fish
20 offshore and catch a greater part of the
21 quota.

22 So we need to see that rule come

1 forward as fast as possible. That's in the
2 making. It was a 90-day delay because of the
3 CITES issue, but it's something, I would hope,
4 HMS would focus on and try and get done before
5 the June 1 start of the season.

6 And also, we did the same thing in
7 the -- for the pelagic long line fleet, where
8 we increased the maximum incidental catch to
9 five fish per trip and lowered the targeted
10 catch to 12,000, I think it was 12,000 pounds.
11 That needs to come forward as well.

12 We've got to stop throwing fish to
13 the bottom. I mean you just don't know how it
14 breaks the heart of fishermen to have to throw
15 fish, you know, especially -- well, throw fish
16 down to the bottom once they've caught them.
17 It's a sin.

18 Just a couple of other general
19 points before we go category by category.
20 Just to clarify on Chris Weiner's comment
21 yesterday, in our view, there's two purse
22 seine quotas that are available for -- NMFS

1 needs to take some action on them, on some
2 point in time.

3 The boats are gone. They're not
4 coming back. They don't appear to be -- there
5 doesn't appear to be any interest in
6 purchasing new vessels to get back into the
7 fishery. So I know it's only a combined 88
8 tons right now, but when the quota comes back,
9 it will be 116 metric tons.

10 That's a pretty significant amount
11 of quota that can be placed in the reserve and
12 give you a little bit more flexibility and
13 freedom to feel like you have some room to
14 maneuver for both the pelagic long line and
15 the angling category at the same time.

16 The other point is, we don't talk
17 about this very much in this committee, and
18 that's fine. But we need to keep our eye on
19 the Mediterranean fishery. If they truly are
20 going to come down to 13,500 metric tons this
21 year, then that's going to be a very
22 significant event for the Western Atlantic.

1 Moving down to 19,700 metric tons
2 produced, I think, very significant impacts,
3 positive impacts for our fishery, coming down
4 from whether it was a 60,000 or 50,000, 40,000
5 or 32,000. It doesn't matter what you want to
6 call it. But coming down to 19-7 had a very
7 significant impact upon both -- particularly
8 our angling category fishery. But they're
9 growing up, and so it's going to have an
10 impact upon our larger fisheries as well.

11 Discussion of a general category
12 in the swordfish fishery right now, in my, in
13 our eyes, (inaudible) eyes, is a little bit
14 -- okay.

15 MS. SCHULZE-HAUGEN: If I could
16 just clarify, you're right. Angling category
17 retention limits are in the tool box right
18 now. I guess what I was referring to
19 previously was the change in a tail tag type
20 program. That would be longer term. So I'd
21 just clarify.

22 MR. DUNN: Great, thanks very

1 much. So here's who I have in the queue.

2 Tell me if I've missed someone. I have Dave,
3 Rick, Glen, Charlie and Pat. Dave?

4 DAVE: Thank you.

5 MR. DUNN: I said Glen.

6 (Off mic comment.)

7 MR. DUNN: I'm sorry. I didn't
8 see John's card because it's behind another
9 gentleman. I'm sorry. Yes, Dave. Go ahead.

10 DAVE: Okay, thank you. I've
11 listened with great interest to the discussion
12 between proactive and reactive, and the
13 proactive approach is what we do beyond 2010,
14 and then Margo mentioned the reactive, what
15 was in -- she didn't say "reactive," but
16 basically that's what it is when you're
17 talking about what we do this year.

18 I don't think that -- and I think
19 this discussion has borne this out. I don't
20 think that we can completely separate the two
21 because some of the reactive -- the tools we
22 have in the tool box now need to be improved

1 as we move forward, and my experience with
2 that represents the New England Fishery
3 Management Council.

4 My experience is that reactive
5 management has been a complete disaster, and
6 we need to constantly be looking not just what
7 we're doing in a particular year, but how that
8 feeds into our longer-term planning. I noted
9 particularly with some of what Tom said, I saw
10 that. That was clearly illustrated.

11 With the council, what my role now
12 here is to gather information for the June
13 meeting, at which time I'm going to take
14 everything that came from -- that's coming
15 from this group and also from the ICAT meeting
16 last month, and lay it before the council for
17 us to decide what our policy is going to be in
18 terms of where we want to go with this.

19 But some general comments. New
20 England Fishery Management Council has not
21 directly concerned itself with HMS issues for
22 a long time, and we are changing that because

1 we are now very much concerned with both
2 bluefin tuna and swordfish, partially because
3 we are trying to be proactive and restructure
4 our fisheries in general.

5 Bluefin tuna at one time was over
6 \$30 million in commercial landings alone in
7 New England. The recreational landings or
8 recreational, I'm sorry, value, not landing,
9 but value was probably higher than that. So
10 we're talking about a substantial New England
11 fishery.

12 As we restructure our general
13 fleets, the small boat mixed fishery is where
14 everybody seems to want to go. We hear that
15 constantly in all of our public input, is that
16 please don't forget the small boat commercial
17 fleet. Well, the small boat commercial fleet
18 is going to depend upon a mixed fishery that's
19 going to include bluefin tuna.

20 So it's now become an essential
21 part of what we do in the council. We don't
22 directly manage it, but we are now from this

1 point on going to take a direct interest in
2 HMS species, which is why I've been coming to
3 these meetings on a regular basis now.

4 We see some barriers to success.
5 One is the, and I brought this up at the ICAT
6 meeting and it was not well-received, but we
7 have extensive reports of widespread
8 misreporting, black market sales, high-grading
9 and unfortunately especially in the
10 recreational fishery, high-grading, where if
11 somebody has a 32 inch fish and then they
12 catch a 48 inch fish, guess which one goes
13 over the side dead.

14 This has been reported to us to be
15 a widespread problem. I don't have empirical
16 data on it, so it is in fact, I guess, not
17 acceptable. But to me, it goes a little bit
18 beyond being merely anecdotal, because it's
19 just too widespread, and in the years I was in
20 the fishery, I saw an awful lot of that
21 activity.

22 So we need to be aware of how we

1 -- what kind of incentives we put in for
2 people in our management suggestions. Since
3 Tom has brought it up, I had two things on my
4 list here that go along with what he said,
5 although we have a little bit different
6 emphasis.

7 I think that we need to,
8 particularly in light of the high-grading, we
9 need to have metal tail tags. I think that's
10 something that I understand is not this year.
11 I understand it's a long-term sort of thing.
12 It has to be done through an amendment.

13 But I think that we need to go
14 with metal tail tags. I think it should be
15 illegal to possess a fish without having
16 installed a metal tail tag on it, issued to
17 the permit holders and perhaps, I think, with
18 catch cards. I think Tom's idea on the catch
19 cards is an excellent idea.

20 His other approach, I have it
21 written down here, I was going to bring this
22 up too, separating the charter boat/head boat

1 fleet from the private recreational. We're
2 seeing, we're doing that in our fisheries in
3 New England, not just HMS but in our ground
4 fisheries as well.

5 We're beginning to move in that
6 direction because there's now a recognition
7 that really, the only difference between a
8 dragger and a charter boat is that the charter
9 boat sells his fish before he catches them,
10 and the dragger catches the fish and then
11 sells them. They're both commercial, and
12 their intent is commercial, and they approach
13 the fishery from a commercial point of view.

14 So it stands to reason that we
15 separate those two groups. Their whole raison
16 d'etre is different. I think that we need to
17 be looking at the idea of the tail tags issued
18 to the charter head boat fleet as being
19 transferable, and make some adaptations in the
20 daily trip limit so that these people are able
21 to take whatever tags they are issued at the
22 beginning of the year, and use them in the way

1 that suits their business to the best effect.

2 Some people may want to do only
3 one fish a day, and others may run their
4 business in such a way that they may want to
5 take fewer trips but get a better customer
6 base. That's a business decision. I don't
7 think we need to be involved with that.

8 But that's some general ideas. I
9 will go back to the council and put all of
10 this together, and we will put out a letter or
11 some sort of a position paper on this. Thank
12 you.

13 MR. DUNN: Thank you, Dave. So I
14 have Rick, Glen, Charlie, Pat and John. Rick?
15 Right here.

16 MR. BELLAVANCE: Thank you. I'd
17 just like to also show support for Captain
18 DePersia and Captain Preble's statements in
19 regards to separating the charter head boat
20 category from the private recreational angler.

21 I learned at the recreational salt
22 water fishing summit a couple of weeks ago

1 that 40 percent of the recreational fishermen
2 don't own their own boats, and they would most
3 likely access the bluefin tuna fishery from a
4 for-hire boat. It's getting more and more
5 difficult to operate our businesses in a
6 profitable way while we're fishing under the
7 same regulations as the private recreational
8 angler.

9 I think serious consideration
10 needs to be given to allow us access to an
11 amount of fish per day that will help us to
12 book our trips and satisfy the needs of those
13 fishermen that don't have their own boats.

14 As far as 2010, I think that
15 status quo would be a place to start with.
16 One fish between 27 or 47 inches and one 47 to
17 73. I know it potentially has the ability to
18 have us go over, but I think we should wait
19 and see. We don't have any past precedents to
20 see if that would actually happen. So I feel
21 like we should keep it status quo for 2010.

22 In 2011, if we can, you know,

1 institute a tagging, a fish tag, metal tag
2 program sort of like Dave mentioned, I think
3 that would be a great idea, and also allowing
4 the for-hire industry to fish their number of
5 tags in a way that they see fit their business
6 in the best way. That's all I have. Thanks.

7 MR. DUNN: Thanks very much. So
8 we're starting to see some convergence around
9 some of these ideas. As Margo said in her
10 introduction, it's not necessarily the goal of
11 this meeting to produce consensus
12 recommendations. But if they emerge, that's
13 great and we'll take note of that. Glen.

14 MR. DELANEY: I was actually going
15 to pass on to John Graves, but he wants to
16 stay in queue. Actually, my comment was
17 really in response to Margo's opening
18 statement.

19 I was just trying to respond to
20 that earlier on, and I was going to ask for
21 you to point out at the beginning of each
22 category discussion what in-season adjustments

1 you can make for 2010, and then Brad just
2 handed out exactly what I was asking you to
3 do.

4 So you guys are way ahead of me as
5 usual. Thank you. This is exactly what I was
6 looking for, so we have this to recommend up
7 front. Thank you.

8 MR. DUNN: Good. Thank you, Glen.

9 MS. SCHULZE-HAUGEN: I'm sorry.
10 We should have mentioned that. What we were
11 handing out was kind of the list of the
12 management tools that are in the tool box
13 right now. So that's part of the discussion
14 from our perspective on what we can do now.

15 If there are suggestions for doing
16 things differently, what might need to be
17 changed in the regulations would be where we'd
18 go and look at that. So that's what we're
19 trying to do.

20 MR. DUNN: Thanks Glen, and thanks
21 Margo. Charlie.

22 MR. PEREIRA: Okay. I just got a

1 copy of Brad's document, so I haven't had a
2 chance to review that. But I had a number of
3 other comments related to your categories
4 there.

5 With respect to the angling
6 category quota, as opposed to permit, I think
7 that to prevent surprises, and they might not
8 be able to be pulled together in certainly
9 2010 or possibly even 2011, but my preference
10 from an engineering background, and liking to
11 see true, hard data, I prefer a card system,
12 as I've been exposed to in my only two bluefin
13 fishing areas, and that is North Carolina and
14 Maryland.

15 When we bring a fish to the dock,
16 we're not even allowed to take it off the
17 boat, move it out of the cooler until we get
18 a tag on the fish and a card completely filled
19 out. I have not been privy to the process by
20 which the cards are used after I fill them
21 out, but I've been recommending for a while
22 now that NMFS get its act together with

1 regards to modernization of a web-based
2 permitting and web-based data collection.

3 For example, what I have to go
4 through to get all my permits for tuna and
5 dolphin Wahoo and everything else between the
6 website and SERO is just painful, and I can
7 imagine that it's probably painful on the data
8 collection side for you guys with respect to
9 collecting and processing bluefin catch data
10 because of the antiquated hard copy, paper,
11 1970's vintage process that you guys appears
12 to use in data collection.

13 If the marinas, if each of the
14 marinas and areas where people fish, if they
15 come in and they have to go to a marina or a
16 bait store or whatever that's adjacent to the
17 ramps that they use, which they're typically
18 almost always are, and they fill out their
19 catch card, then, as opposed to LPS
20 purportedly calling people and collecting
21 data, I think it would be more appropriate to
22 actually have a catch card that has to be

1 filled out for every fish that's caught, and
2 then the facility that retrieves the catch
3 card enter it into a web- based data
4 collection system.

5 Then that web-based data
6 collection system, for example, on the card
7 that I fill out, I put an email address, my
8 permit number, my name and when the user,
9 perceivably a marina or tackle store enters
10 that data at the end of their day into their
11 system, and you guys are currently paying LPS,
12 I presume, to do a lot of stuff, you could
13 nominally pay some of the marinas or whoever's
14 doing the catch cards like in North Carolina
15 or Maryland right now. I don't know how.

16 If you deal with Ocracoke Marina
17 or Oregon Inlet Marina, I don't know if they
18 voluntarily mail the cards out to you or
19 whatever. But there should be a web-based
20 process where you guys can, in almost real
21 time, collect the catch data for bluefin tuna.
22 So that's my comment on your data collection

1 and, quote unquote, no surprises. I think
2 that would leave you with a lot less
3 surprises.

4 It would also be possible, when
5 you guys retrieve that data into your network
6 for the night, at the end of the day, you have
7 an automated function that sends out an email
8 to each of those permit holders, requesting
9 confirmation that yes indeed Mr. Pereira, on
10 this day we have a catch card system that says
11 you caught a 72 inch bluefin tuna. Could you
12 please respond back yes or no, and if it is
13 no, we need comments regarding why you dispute
14 this catch.

15 I think that would be a very easy
16 way, and I think you would find a lot more
17 responsiveness from the people out in the
18 field. Pretty much everybody nowadays, even
19 the people, a lot of people that are older
20 fishermen that I fish with that are -- pardon
21 me for insulting some of the people around
22 here, but in their 60's and 70's, and still

1 fishing, they have no problem going on line
2 and looking at the satellite shots, doing
3 their fishing reports online on Tilefish.com,
4 and certainly these people could retrieve an
5 email and respond in the affirmative that yes,
6 indeed I did catch a fish. I think that would
7 prevent some of these massive overages
8 problems that you're seeing on some of your
9 data collection now, as well as giving people
10 like me -- I used to be an investigator with
11 the NTSB, and I have very little trust for
12 certain airplane manufacturers as a result of
13 my experiences with them.

14 My experience with LPS back in the
15 90's and early 2000's leaves me with very
16 little trust in some of the people that
17 purportedly collect the data for that system.

18 MR. DUNN: All right, thanks very
19 much. Interesting suggestion about web-based
20 information-gathering and closing the loop.
21 Margo, do you want to briefly respond?

22 MS. SCHULZE-HAUGEN: I wanted to

1 ask a follow-up on -- we have for the tuna
2 permits, the non-long line now is web-based,
3 and it sounded like you were talking about
4 Southeast regional office would be for the
5 tuna long line and sword and shark limited
6 access.

7 So I wanted to clarify what
8 problem you were encountering with the tuna
9 website?

10 CHARLIE: I'm speaking
11 specifically with regard to angling category
12 fishing. Only angling category permits and
13 the angling category quota. I'm not speaking
14 with regard to any other permit category or
15 quota category. Just the angling category,
16 which is the one that we have the large
17 overfishing occurring and the quote-unquote
18 "surprise" with respect to the ridges.

19 MS. SCHULZE-HAUGEN: So again, so
20 you've had problems with the website for the
21 angling category?

22 CHARLIE: In North Carolina and

1 Maryland, we don't use a web-based form.
2 There's a card that we fill out and that's it.
3 Permitting, I don't have a problem at all with
4 the HMS for my charter/head boat category,
5 which I have, and anybody else who wants to
6 get their permit.

7 However, if I want to fish for
8 dolphin Oahu (ph), which can be caught on the
9 exact same basis, I don't go fishing for
10 dolphin Oahu one day and go fishing for
11 dolphin tuna on one day and go fishing for
12 blue fin on another day, although I can do
13 that, depending on the circumstances and the
14 water masses.

15 But right now, form e to have a
16 dolphin Oahu permit, I have go through the
17 whole SERO paper work process, which is go
18 down and get two inch permits of myself
19 without sunglasses on, and try to find a place
20 anywhere near the Outer Banks of North
21 Carolina to do that.

22 So the whole permit process is

1 just ridiculous, and I've made numerous
2 comments to SERO and headquarters over the
3 last couple of years. Can't I go online and
4 click all the boxes that I want to fish, and
5 get my one unified permit? No. We have to go
6 through this whole paper work process and you
7 guys have to have different outfits and
8 different locations, and it's incredibly
9 wasteful of my tax dollars and my time.

10 MS. SCHULZE-HAUGEN: Okay. That
11 does clarify. I can help pass those comments
12 along to Southeast region. That is,
13 unfortunately, a separate system. I wonder if
14 it would be worth asking Ron to come up and
15 talk about catch cards in other states.

16 It has been something we've
17 explored. There's some geographic issues
18 where the two states that have the catch card
19 programs now, their geography is very
20 different, and it enables kind of central
21 points for the tags and the reports to come
22 in.

1 A number of other states
2 geographically are very different, and so much
3 more challenging. People, with you, the docks
4 in heir backyards. There's not this same kind
5 of central points where you can issue tags or
6 get those. So it's more of a challenge, and
7 I think there's also been some conversations
8 with different states, because both the state
9 of Maryland and the state of North Carolina
10 are integral partners in that.

11 But not all of the other states
12 have been able to do that, and have had some
13 concerns with that. So I haven't been in a
14 lot of those conversations. So Ron?

15 MR. DUNN: Ron, thanks.

16 (Off mic comment.)

17 MR. CODDINGTON: Want me to just
18 address that point?

19 MR. DUNN: Please.

20 MR. CODDINGTON: Yes. So I think
21 Margo hit on the key points there. We have in
22 the past tried to approach some other states

1 to just get their general interest in
2 participating in a catch card program like
3 Maryland or North Carolina.

4 We made a pretty big push in
5 Virginia. We went down there and made a whole
6 presentation on the catch card program, and
7 you know, they thought it over, but ultimately
8 felt like it was not something they wanted to
9 get involved with.

10 Other states, as Margo said, there
11 some logistical, I guess, hurdles that need to
12 be overcome, particularly when you start
13 thinking about all the different access points
14 where people could be landing bluefin tuna.
15 Maryland is a pretty geographically limited
16 area, and they have a number of -- a handful
17 of big marinas where most of the bluefin come
18 in.

19 They also don't have quite as much
20 private access as some other states I can
21 think of like New York, Massachusetts. So
22 just -- that's not to say that we've ruled out

1 the possibility in other states of doing a
2 catch card program, but if we implemented it
3 elsewhere, we would have to somehow account
4 for fish that are coming into locations where
5 it's going to be very difficult to set up a
6 reporting station.

7 So I don't know if there's any
8 follow-up questions out there, but I think
9 there are some good ideas out there. Landing
10 tags. One thing we do in Maryland, because
11 Maryland also you could have boats coming in
12 late at night when a reporting station is
13 closed. Maryland established a self-serve
14 kiosk for getting your catch card. There's no
15 landings tags at the kiosk, but you can still
16 fill out a catch card.

17 We haven't had much success there.
18 At least there's only been like that one or
19 two cards per year using the kiosk. But
20 that's an idea at least to try to give people
21 other options if they cannot get to a
22 reporting station while it's still open. So

1 I see some cards up.

2 MR. DUNN: The folks that just
3 raised your cards, I assume you want to
4 respond to this instant point right here,
5 right? Are you willing to entertain a couple?
6 Tom, go ahead.

7 MR. DePERSIA: Yes. I don't think
8 you need a location. If you had a prepaid
9 postcard that you send in, you know, there's
10 mailboxes everywhere. So you don't have to go
11 to an actual location.

12 I mean I've hunted in states where
13 you didn't have to go to a tagging station to
14 report your catch. You just had a postcard.
15 You filled it out, you know, caught a bluefin
16 tuna, so long, you know, just the basic
17 general information. Then put it in the mail.
18 It was already prepaid, so there's no
19 expenses. You don't have to look for a stamp.

20 And in terms of a requirement,
21 even if you didn't have tagging, if everybody
22 was issued these postcards, and it doesn't

1 even have to be affixed to the fish, that they
2 have to be filled out before you get to the --
3 before you land, now you have a way of
4 checking.

5 But if you have the thing filled
6 out and you have today's date on it and the
7 game warden goes over and checks the boat out,
8 he needs to have a filled out card, and then
9 he puts it in the mail that day and now you've
10 got your report.

11 I did want to make one other
12 comment. In the system that we had last year,
13 the reporting over the Internet is too
14 complicated. I mentioned that last year and
15 something has to be done to clean it up. You
16 don't really need information like did I use
17 a J hook or a circle hook? You don't need
18 that information.

19 Did I fish for other species? Was
20 I trolling? You're making it too complicated.
21 You need a very simple system to report
22 bluefin tuna. All you really care about is I

1 caught a fish on this date and what the size
2 was.

3 I don't think you need any other
4 information, and that's it. Make it simple
5 and people will report. Make it difficult and
6 you're going to have people not reporting.
7 The same way with this, with the card system.
8 Put it in the mail and that's all you have to
9 do.

10 Perhaps you want to have some
11 locations. I mean there's a possibility of
12 instead of putting it in the mail, you could
13 have boxes around where their -- perhaps a
14 tackle store somewhere that will accumulate
15 them and send them all in. But I think the
16 best thing is just to use the regular U.S.
17 postage.

18 MR. DUNN: Okay, thanks. Other
19 folks that just put their cards up. Are you
20 making a similar point? Ralph, go ahead.

21 Yes. I have you next.

22 MR. PRATT: Ron, you mentioned you

1 had gone down to the Virginia area and tried
2 to make some inroads into the states, to see
3 if you couldn't get a card system going there.

4 It just seems to me that since
5 three-quarters of the numbers of fish are
6 caught in Connecticut to Maine, that you might
7 have more success in those areas on a
8 percentage-wise, of getting proper reporting
9 by addressing, for instance, Massachusetts,
10 where I believe many of the small mediums are
11 being landed, which are probably represent 50
12 percent of the numbers of tunas, smaller tunas
13 that are being caught. That's all.

14 MR. DUNN: Thanks. Did you want
15 to jump in on those point too? Go ahead.

16 MR. WEBER: Rick Weber. I floated
17 this idea a couple of years ago as it related
18 to white marlin. I hear talk of tail tags.
19 I hear talk of reporting.

20 What I floated before was an idea
21 that there are blank tags put out there that
22 are only valid once you get a number back from

1 a call- in system. It adds an enforcement
2 mechanism to the call-in system that we're all
3 supposed to be using right now.

4 One of your problems with mail-in
5 cards is going to be that one of our goals is
6 to find more real-time data, and once it goes
7 in the mail, you know, it could be a while
8 before it gets there.

9 If when you called in you got a
10 number, you know, thank you for registering
11 your tuna. This tuna is a 5-3-4. You put
12 that on your tag. Now that tag is valid. If
13 you move a tuna with a blank tag, it's not
14 valid. It needs a valid number on it. But it
15 would get you your real time.

16 It's something you could do easier
17 from the federal level because the tuna are
18 supposed to be called in, and it's an
19 enforcement mechanism for a system that we
20 know is being abused or non-compliance.

21 I have another comment for Ron for
22 data. Tell me if you want me to do it at the

1 same time or not?

2 MR. DUNN: Why don't we go on with
3 the rest of the conversation? So a number of
4 people have put their cards up to respond to
5 this particular point.

6 So let's take those and then we'll
7 go back to the queue, and I had Pat, John,
8 Ralph, Shana and Rick and Steve in the queue.
9 And Rich, you're jumping in on this point.
10 All right. So Rick, you wanted to jump in on
11 this point?

12 MR. BELLAVANCE: I just think
13 while we're talking about accountability and
14 tagging and things like that, we should also
15 keep in mind advances in technology and maybe
16 a simpler web-based reporting system might be
17 appropriate.

18 In Rhode Island, we've been
19 working with the ASCCP to create a
20 recreational electronic log book, where folks
21 can log onto a web site in a very simple form,
22 just putdown their catch and things like that.

1 It's also accessible from one of
2 these fancy new phones I just got a couple of
3 days ago. So that makes it easier for people
4 just sitting on their boat to report in real
5 time, and keep in mind the technologies as
6 they advance.

7 MR. DUNN: Thanks very much. So
8 lots of interest in both simple and web-based
9 technology. However, we can find a sweet spot
10 there. Do you have any more comments you want
11 to make and responses?

12 MR. CODDINGTON: Yes, just briefly
13 responsive to the points that were made. I
14 think just in general, there's a lot of good
15 ideas out there, and so what I was referring
16 to was the hurdles would be if we were to
17 implement a system identical to North Carolina
18 or Maryland.

19 That's not to say we're not also
20 thinking about these other options, and Rick,
21 I appreciate the thought you put into that
22 particular one. As far as the suggestion to

1 look into New England, I think that's an
2 excellent idea. At this point, when we went
3 down to Virginia, that was, I believe, 2006,
4 when the fishery was still more southern-
5 based.

6 The fishery has shifted and if we
7 were going to look to a state for a catch card
8 program, certainly Massachusetts would be one
9 to look at. But again, I think Massachusetts,
10 because of the geographic layout and the
11 logistics, may represent a difficult place to
12 implement a catch card program identical to
13 what we have in Maryland.

14 And I think the other, there was a
15 point about -- oh Tom's point, that you don't
16 need a reporting station. I think again, if
17 we were to change how we do catch card
18 programs, I think one of the advantages of the
19 current program is that for most fish that
20 come in, you need a tag, unless it comes in
21 after reporting stations are closed.

22 You need that tag affixed to the

1 fish, and from what I've been told, that's
2 what makes -- that's the advantage of this
3 program over, say, a call-in system, because
4 it makes it more enforceable at the dock. So
5 if we abandon the tag and just go to a card
6 which gets mailed in, I think you lose that
7 advantage. But you may gain in other areas.

8 So there's a lot of trade-offs,
9 and I think there's a lot of different ways to
10 do it, and that's where I think we'd be
11 looking to all of you to help us, you know,
12 design something that would work and would be
13 specific to the particular area that we're
14 talking about. So I think that's all I have.

15 MR. DUNN: Thanks. Thanks very
16 much. Rich, you wanted to jump in on this
17 point? You go ahead.

18 MR. RUAIS: For deer permits in
19 the state of New York, we have a call-in
20 system in addition to a card that you could
21 send in. You identify yourself with your
22 telephone number, I'm sorry, with your license

1 number, what county you got it in and how many
2 points on it, and that's it. They'll do a
3 follow-up. But that's initial. Then you can
4 fill out a card, because you have to put a tag
5 on the animal.

6 Well, there's a dual system. You
7 could have real time by a phone call or do it
8 by cell phone, follow up with a card system as
9 a backup. If you needed information, you
10 could -- you would have the basic information
11 to contact the person who harvested the
12 animal.

13 MR. DUNN: Anyone else want to
14 address this point before we go back to the
15 queue? Glen?

16 MR. DELANEY: As a point of
17 information for folks like Rick and others,
18 who have talked about the web-based thing, it
19 sounds like you're working on a project
20 similar to one that I'm aware of; I'm not
21 involved with. But there's a group or
22 company, I guess, called First Light Anglers

1 up in Rowley, Mass, and they're working on a
2 project with the New England Aquarium and some
3 private anglers who are funding an effort.

4 They've engaged, I forget the name
5 of it, some app development company. I don't
6 know if that's the right terminology, but
7 anyway, the point being they're very close to
8 developing an app that can be put on your
9 smart phones for reporting recreational
10 bluefin tuna catch, if you can believe it, and
11 you know, I put Scott -- Tape 9

12 MR. DELANEY: (In progress) free
13 to contact. If you have any interest in this
14 type of an approach, where you know, you're
15 out on the water. You can literally take a
16 picture, send a picture of the fish and the
17 details, you know. It's going to be connected
18 in, I think, with Google Satellite.

19 So it will just automatically tell
20 you where you caught the fish, you know, and
21 basically just all you need to is press a
22 couple of buttons and it's going to download

1 or send the information to some server. I
2 think that's going to be at the Aquarium.

3 But again, I don't know all the
4 details. But if this sounds interesting to
5 anybody, you might get in touch with Scott
6 Krause at the New England Aquarium. He's the,
7 I think, the Vice President for Research or
8 something. If you need his phone number, I'll
9 be glad to give it to you.

10 I just want to put that on the
11 screen, that there's something interesting
12 going on there.

13 MR. DUNN: Great. Thanks, Glenn.
14 Charlie?

15 MR. PEREIRA: A couple of things
16 that are related to this. First off, I hear
17 an opinion that if it's a card-based system,
18 that it must be state-operated. I don't
19 understand why, if everything else that you do
20 for HMS, is done by NMFS, why the data
21 collection, if it's to be card-based or
22 web-based or whatever, has to be state

1 operated. I just don't -- it does not compute
2 in my engineering mind.

3 I don't see why we can't develop
4 an NMFS web-based catch reporting system for
5 bluefin tuna, at least on the angling category
6 side for now. You know, I don't understand
7 why you guys feel hindered by the necessity to
8 get state buy-in for operating such a program.

9 I don't know of any marinas down
10 there that would care whether or not the state
11 came to them and said here, here's your cards
12 and your tags for your people to fill out, or
13 whether NMFS came to them and said "Hey,
14 here's your cards and here's your tags."

15 They don't care. All they want is
16 a rule for their people to operate by, such
17 that when somebody walks up to them or calls
18 them on the radio and says, "Hey, I'm coming
19 in with a bluefin. Can you meet me at Slip
20 No. 20 with a tag and a card," which is what
21 we do at Pirate's Cove Marina, and everybody
22 else down there does that.

1 At Oregon Inlet, when the
2 recreational people come in, they all know,
3 and there's also a state person standing there
4 to make sure that they do it at Oregon Inlet
5 ramps, where we have a couple of hundred guys
6 fishing every weekend on their trailer boats,
7 they know that they better go to the Oregon
8 Inlet Fishing Center desk back there with
9 Millie and get their card filled out and get
10 their tag affixed to their fish before they
11 even pull their boat out of their ramp. So
12 anyway, that's number one.

13 Number two, the reality of fishing
14 these days, whether you're on the recreational
15 side or whether you're on the charter side,
16 the preponderance of the people operating in
17 these fisheries are now going home and doing
18 fishing reports.

19 I do so, and so do most of the
20 other charter captains in the Outer Banks,
21 because our business relies on people seeing
22 us catching fish. They check our websites

1 almost every night when the weather is good.

2 If it's blowing 30 knots for four days in a
3 row, nobody's checking our fishing sites.

4 But if we've got good weather
5 coming up, everybody's checking on my website
6 and everybody else's websites, to see what
7 they're catching, what they caught, whether
8 they want to fish with us or if they just want
9 to go offshore and fish by themselves, based
10 on the reports that we put on our website.

11 On the angling or on the
12 recreational side, you can go to Tidal Fish,
13 the Mid-Atlantic Fishing Board, tidalfish.com,
14 or you can go to sportfishermen.com and check
15 their board. Or you can go to Bass Barn and
16 some of the others that operate up in the
17 Northeast, as well as the charter captains up
18 there.

19 All of these people are spending
20 lots of time taking photos and going on their
21 own websites and the websites that are
22 sponsored by their people like Bass Barn and

1 Tidal Fish, and posting up their reports. It
2 seems funny that we are so far advanced on the
3 individual side in that regard, and yet NMFS
4 doesn't take advantage of those technology
5 capabilities and willingness of people to go
6 post.

7 Almost every single person that
8 fishes out of Oregon Inlet on a small boat,
9 now recreational and the angling category,
10 goes on within 48 hours on tidalfish.com, and
11 posts their reports with their pictures.
12 That's such a rich data set, and yet there's
13 nothing on the NMFS side to try to capture any
14 of that.

15 MR. DUNN: Thanks very much.

16 Quick response.

17 MR. CODDINGTON: Yes. Just to
18 your point Charlie, there is no requirement
19 that a catch card program would have to be
20 state-run or even have state cooperation. In
21 fact, we've had a catch card option in the
22 large pelagic interstate survey contract,

1 which is a contract we have with a private
2 firm.

3 It's been an option. We haven't
4 exercised it, but it has been available as an
5 option to use contractors to do a catch card
6 program in any of the other states. We feel
7 like there are advantages to having the state
8 involved, and we also feel like while marinas
9 may not differentiate between state and
10 federal-run programs, we feel like they, in
11 many cases, would be more receptive to a state
12 agency biologist working with them, collecting
13 the cards, giving them the tags, versus a
14 private contractor, someone who does not have
15 an affiliation with either NMFS or the state
16 DNR.

17 So we do feel like there are
18 advantages, but we do not -- we're not ruling
19 out the possibility of doing it as exclusively
20 a NMFS program with hired contractors, private
21 contractors, would have to be the way it's --

22 MR. DUNN: Good. Thanks very

1 much. Steve.

2 MR. JAMES: I just would like to
3 say that just by the depth of this
4 conversation, it's pretty much proof positive
5 of the need for either a subcommittee or a
6 separate meeting to study. I don't mean study
7 from the standpoint of a two-year study, but
8 an opportunity for the vested parties here to
9 get together to discuss in depth an approach
10 for 2011, 2012 and thereafter.

11 You're hearing an awful lot of
12 ideas here, and I think that you could spend
13 quite a bit of time studying and batting these
14 around probably the better part of the
15 afternoon. So I would simply like to suggest
16 to you that it might make sense to appoint
17 some people specifically to another committee,
18 to specifically address the problem here for
19 data collection.

20 One of the things I'd like to say
21 with respect to how to collect data in a more
22 timely fashion, you know, back to the deer tag

1 concept. These carcass tags are issued in
2 states like New York and a variety of other
3 places, where you cut out the date and the
4 month of landing, and to further, if you
5 wanted to get more real time data, an 800
6 number where you call to get a validation code
7 to put on that fish would also allow you to
8 get, you know, immediate response.

9 As far as collection of these
10 cards, I think it would be a mistake to try to
11 have kiosk locations, especially when you
12 start talking about some of the more remote
13 locations. You've got fish that may come into
14 Nantucket in the middle of the night. You've
15 got fish that might get landed in Marblehead.
16 You've got fish that may come into Chatham,
17 Massachusetts, all over these places.

18 You're going to have to have kiosk
19 systems and so forth set up in each and every
20 of those locations. I think that would be a
21 mistake. I think using the U.S. mail system
22 would be a far better approach.

1 As far as, let's see, I think
2 having the tag on the fish prior to landing
3 also would ease any form of enforcement, much
4 like a deer tag or carcass tag. Once the
5 animal is landed, put in the boat, immediately
6 the date and the month, along with the angler
7 who caught it and so forth, is put onto that
8 tag. It's just a done deal. The tag can't be
9 reused and it has to be on that fish before
10 it's removed. So I think that will pretty
11 much suffice right there. Thank you.

12 MR. DUNN: Great, thanks. Dave
13 and Rich want to weigh in this data
14 collecting/tagging issue, and then we'll move
15 on. Dave and then Rich.

16 MR. PREBLE: Just really quick.
17 We are in the process right now in New England
18 of instituting a very extensive dockside
19 monitoring program for the ground fishery and
20 for catch shares. I don't know how this could
21 possibly be made to interface, but you
22 mentioned coming to New England to institute

1 some sort of a card program in New England.

2 I was wondering if you could
3 perhaps come to one of the New England council
4 meetings to present the situation and perhaps
5 get some ideas from people who are actually
6 working in all the different states on what a
7 useable approach would be. Is that something
8 we could set up? Okay. I'll talk with you
9 later about it. Okay, thank you.

10 MR. DUNN: Thanks very much.

11 Rich.

12 MR. RUAIS: Okay, thank you. I
13 have an angling category permit right now, and
14 in the 70's and 80's, I also had a
15 Massachusetts divers/lobster license which
16 allowed me to put out ten pots. But when I
17 got the -- when I would get the Massachusetts
18 lobster license, there would be a form in
19 there that conditioned the permit that said if
20 you do not submit every three months this form
21 with what you've caught, you will be denied a
22 permit the following year.

1 So you have the ability, the
2 states and the federal government, have the
3 ability to condition permits. You can require
4 that if people don't report, they will not get
5 a permit in the future. So I'd suggest you
6 seriously consider conditioning the permit.
7 In what space, what time definition you use in
8 terms of requiring reporting is, you know, up
9 to you. I would suggest as timely as
10 possible.

11 To follow up on Tom and Dave's
12 suggestion, you know, requiring the condition
13 and then the cards, mailing them out with the
14 permit. When I get my angling category
15 permit, it comes physically in the mail. What
16 would be the problem with putting in a card or
17 several or a half dozen cards that are
18 self-franked, addressed or whatever, or make
19 me buy the stamps.

20 I get stamps, and just require and
21 tell me that when I catch a fish, if I don't
22 drop the card in the post office box and I get

1 caught landing a fish and not dropping the
2 card off, I'm not going to get a permit the
3 next year. You just simply condition the
4 permit. It's done all the time, conditioning
5 the permit.

6 MR. DUNN: Good. Thanks very
7 much. Okay. Margo.

8 MS. SCHULZE-HAUGEN: Just to maybe
9 wrap up some of the thoughts on reporting,
10 Steve, I think you've got a great suggestion.
11 We had talked about maybe having some
12 dedicated time at our next meeting in the fall
13 on MRIP, the Marine Recreational Information
14 Program, HMS Working Group studies already,
15 and this might be a time that we could spend
16 some real in depth focus on options.

17 I think there are a lot of models
18 out there, different ways of doing things that
19 I think some of it, the devil in the details,
20 how you do it, at what point, postcards, web.
21 I mean there's a lot of things I think we can
22 look at.

1 But I think the suggestion is
2 good, to have a dedicated meeting or meeting
3 time on some of these issues. I think you're
4 right, that we could probably spend a lot, all
5 day on it. We don't have that, so I'd like to
6 take you up on that.

7 MR. DUNN: Good. Thanks very
8 much. John. Finally, back to the queue.

9 MR. GRAVES: All right. I'll take
10 us in a little bit different direction, since
11 we've wrapped up on this area. In replying to
12 Rich's comment, and just looking at last
13 year's regulations, keeping the status quo for
14 this year is simply unacceptable.

15 Last year, we way, we overshot our
16 category. We don't have the buffer that we
17 had with the 50 percent carry-forward in 2010.
18 We have a ten percent. So if we screw up and
19 charter captains take note here, if we screw
20 up this year, it's taken out of your hide next
21 year.

22 So you know, we really want to

1 make sure that we hit our target. More
2 importantly, on an international level, if the
3 U.S. screws up, we've been hammering on the EC
4 and other countries, other parties at ICCAT
5 that fish in the east, for having control over
6 their fisheries.

7 This will come back to haunt us
8 dramatically if we screw up here. So we have
9 to get it right and we have to get it right
10 this year. There's no question about that.

11 If we look at our angling category
12 for 2010, what is it, it's about 200 metric
13 tons, if I'm not mistaken is our base quota,
14 and in that, I think it's 91 metric tons for
15 small medium fish.

16 If I'm not mistaken, we're
17 probably close to half of that quota already
18 with the Hatteras fishery. I think Ron's got
19 the data through March, and Charlie, you can
20 correct me if I'm wrong here, but I think
21 April was the strongest month for bluefin in
22 Hatteras.

1 But I'd like to, you know, that
2 information I think is important because we
3 don't have that full quota available. As
4 Margo said, you know, the season's going to
5 start. Well, the season's been going on, and
6 I think we've -- so if I could just get a
7 quick idea of where we might stand, and
8 Charlie, if you could get some information for
9 the month of April.

10 MS. SCHULZE-HAUGEN: Yes. Just
11 looking at the proposed specs, and again, this
12 is proposed. They're not the final numbers
13 and the proposed rule presumed full
14 carry-forward availability, which ended up not
15 being the case. It was about 100 tons less.

16 But the proposed total quota for
17 angling categories, 225.4. School subquota,
18 97.7. Large school small/medium, 122.5, and
19 then trophy was 5.2. So just numbers from the
20 proposed rule.

21 MR. CODDINGTON: Okay, and John,
22 just to give you some numbers from North

1 Carolina and I can break it out into more
2 detailed size classes. But through April, and
3 this is with preliminary April data, the total
4 January through April is 486 fish. That's all
5 size classes. For comparisons, in 2009, the
6 total annual total for North Carolina catch
7 cards was 135.

8 If you want, I can tell you the
9 small/medium, total small/medium is 168 plus
10 158 plus 56, whatever that is. Clearly, the
11 large majority and 56. The large majority of
12 those, what did I say, 46 are small/medium for
13 380, okay. So that's where we stand right now
14 for North Carolina. I can give you the
15 breakdowns of the other categories later on.

16 MR. DUNN: It makes the point.

17 MR. CODDINGTON: I don't need it
18 to the decimal point. But the point I'm
19 trying to make here is that we've already used
20 up quite a bit of our quota, and we haven't
21 even started the fishery up north. So looking
22 at, I don't think we're going to run afoul of

1 our ten percent, unless we have a bunch of
2 small fish show up, which either if we've had
3 success last year spawning in the Gulf, we may
4 have those 27 inch fish showing up in Virginia
5 and Maryland, and we're going to have to be
6 aware to control that fishery.

7 Alternately, we may be getting the
8 pulse of fish during the year from the east,
9 as appears to happen. So we've got to be able
10 to control those. For the angling category,
11 I think you're going -- my recommendation
12 would be you're going to have to really clamp
13 down and have seasons.

14 I think that having a single,
15 allowing one small/medium or even one school
16 of fish per boat per trip, you're going to go
17 over. Well, it's unfortunate for the people
18 whose lives depend upon this, but if we don't
19 do it, we're going to go over and they will be
20 shafted next year.

21 So I hate to recommend it, but I
22 would suggest that you have limited seasons,

1 and you do it so that you allow opportunities
2 for recreational anglers and charter captains,
3 fairly, both in the south and in the north.

4 MR. DUNN: Thanks very much. Not
5 surprisingly, there's some response to this.
6 I'm going to keep going with the queue, and I
7 will fold in others as we have time. Ralph,
8 you had your card up a little while ago.

9 MR. PRATT: Thank you. I just
10 wanted to say I'm supportive of Tom and
11 David's proposal there of separating the user
12 groups within the angling category, and I
13 wanted to make it, I guess, clear or a
14 question in that we're not really talking
15 about establishing a separate category; what
16 we're talking about is differential bag limits
17 within the angling category for head boats,
18 charter boats and private anglers.

19 Tom's proposal also had one per
20 week, but evidently that's going to be way too
21 many for the private anglers. I would just
22 change that to four per season. That's all.

1 Thank you, and remain one per day for charter
2 boats.

3 But one of the benefits to
4 reducing the catch to the private angler is
5 the fact that keeping -- currently, if it's at
6 one a day, it sort of encourages the illegal
7 sale of small fish up in my area. We see it.
8 It's sort of rampant, and by controlling it
9 somewhat and reducing it, I think that will
10 be, you know, diminished greatly. Thank you.

11 MR. DUNN: Thank you very much.
12 Shana.

13 MS. MILLER: I have a few
14 different points. Just one last thing on what
15 I thought Tom's proposal about the catch cards
16 was, you know, something really to look into.
17 I hate to get back on that topic, but even if
18 you didn't do tail tags, which in New York, as
19 you've said, there are very few large marinas;
20 it wouldn't really be useful there.

21 But as Rich was saying, and if you
22 move to some sort of seasonal limit for the

1 angling category, you get however many cards
2 in the mail with your permit. If you land a
3 fish, you mail it back right away. If you
4 don't land a fish, don't go fishing, whatever,
5 you send them back at the end of the year.

6 I mean it seems like that's
7 something that could be run right out of NMFS
8 versus the state, and non-reporting isn't an
9 option at that point if you want a permit for
10 the following year, especially as we move
11 into, as John has talked about, as we move
12 into this quota-limited situation, where we're
13 really in danger of going over in the angling
14 category, which will hurt not just the angling
15 category the following year, but also the
16 commercial categories, because you know, the
17 worst possible thing we can do is go to ICCAT
18 and say that we exceeded our quota, after
19 we've been, you know, we've been trying so
20 hard to bring the east into compliance. The
21 last thing we want to do is go over there with
22 our tails between our legs, saying that we

1 exceeded our quota by however much.

2 So you know, the angling landings
3 really need to -- the timeliness of monitoring
4 needs to improve. LPS is great for its
5 purpose, but it just doesn't accomplish the
6 real time monitoring. So I just wanted to
7 support what folks have been saying about
8 that.

9 Then as far as differential
10 treatment for the charter boat/head boat
11 category, I understand the reasons behind
12 that. I think they already have differential
13 treatment as far as they can decide when they
14 go out fishing, whether they're going to be
15 fishing commercially or recreationally.

16 I think allowing them to fish in
17 both categories to retain fish below and above
18 73 inches, I think, it sets a dangerous
19 precedent. We've already heard stories about
20 charter boat captains that have, you know,
21 again this is anecdotal but it's come up at
22 these meetings, that charter boat captains

1 will retain one of the smaller fish and
2 they'll have a for-hire charter retain the
3 smaller fish, and then encounter a larger
4 commercial-size fish later in the day and, you
5 know, agree with their for-hire charter that
6 they'll have a free day or whatever, to be
7 able to keep that bigger fish and sell it
8 commercially.

9 Which, you know, if you let the
10 charter boat/head boat category retain both
11 the angling and the commercial fish, you're
12 basically legitimizing that act. You know, it
13 gives -- why wouldn't a long liner be able to
14 say, "Okay, well I want to retain fish below
15 73 inches for personal consumption with my
16 family," or whatever.

17 You're just blurring that line
18 between recreational and commercial, even
19 further than it already is in the bluefin
20 fisheries. So I just think that's dangerous.

21 I think we've all seen that LPS
22 graphic showing that big age class moving

1 through the fisheries. It's been seen in
2 North Carolina. We've seen it in our tagging.
3 You know, I think we all agree that there's
4 this relatively large age class moving through
5 the fishery.

6 I thought that the way it was
7 illustrated, you have that question mark of
8 what the 2010 fishery will look like, and it
9 straddles that 73 inch cutoff. So not only
10 are you going to have the issue of commercial
11 fishermen thinking that a fish is legal and
12 it's just under; you're going to have
13 recreational fishermen thinking that the fish
14 is legal for them, when it's over 73 inches.

15 Whether they gaffe it or whatever,
16 if -- you know, I think there's concern.

17 Obviously right now, there's only one trophy
18 fish per year for the angling category. I
19 think there's a real concern that there will
20 end up being higher mortality of those bigger
21 fish, which will be, you know, of course
22 illegal under the current regulations of one

1 trophy fish per year.

2 I think it's an enforcement
3 nightmare. I unfortunately don't have any
4 solutions for it. But I think at a minimum,
5 the enforcement folks up in New York and north
6 need to be made aware of that situation. You
7 know, again, I don't think there's any way to
8 prevent it from being a problem, but at least
9 it can be considered. That's all I'll say for
10 now.

11 MR. DUNN: Thank you very much.
12 Rick, right here.

13 MR. BELLAVANCE: Just one quick
14 point I wanted to make in regards to
15 separating the charter boat for hire industry
16 from the private recreational angler. If that
17 is something that is considered, I also think
18 limited access for charter boat permits would
19 be probably something that will be necessary,
20 because there will be a potential large
21 portion for a private angler to get his
22 captain's license and get his permit to get

1 different regulations. So I think limited
2 access will be something you want to explore
3 as well.

4 MR. DUNN: Good, thank you.
5 Steve.

6 MR. JAMES: Be fairly brief here.
7 Right now, we're sitting at two bluefins per
8 day, right, and the recreational, one between
9 27 and 47 and one over 47, as of last year,
10 2009. Sorry.

11 That has to go, I think. That was
12 my only point on that one. Sorry about the
13 misinformation. I think we've got to move to
14 just one fish per day. The other point I want
15 to make out here is simply that the
16 recreational fishermen, along with the charter
17 head boat fleet, both parties are going to
18 have to give here.

19 Margo, back to emails we've
20 exchanged and some comments you've heard here
21 at the meeting, and that is we saw the amount
22 of effort in relation to recreational boats

1 versus the charter head boat, but we didn't
2 see the landings. In order to add any
3 validity to this conversation, we can throw
4 all these restrictive proposals out.

5 But without understanding who's
6 catching those fish, it's pretty pointless
7 because, you know, we can put all kinds of
8 restrictions on the rec guys and it may not
9 have any impact or minimal impact on that 338
10 percent that we retained last year.

11 So in order for this to work, I
12 really believe everyone's going to have to
13 give on this gain, and I'm not sure -- I don't
14 have a solution for that, but I just want to
15 throw that out, food for thought. As you're
16 a charter head boat, you've got to think about
17 how it is you're going to restrict the number
18 of fish that are coming in.

19 Because I believe when we get the
20 numbers of who retained what, and it's
21 strictly a personal opinion, that we're going
22 to see that the charter head boat was probably

1 pretty much on par with the recreational guys.
2 That means that we probably took half of that
3 338.

4 That's not going to cut it for
5 next year, or for this year. So we're still
6 going to be over quota. So I just want to
7 throw that out to folks to chew on.

8 The other point I wanted to make
9 out, make to you is simply that the number of
10 trophy fish that are likely to be retained in
11 2010, because of the fact that we're seeing
12 this single pot of fish, this year class move
13 through the fishery, and it's going to
14 straddle that 73 inch mark, we're going to see
15 a lot more of these 73 inch fish landed in the
16 recreational fishery.

17 It's something that probably needs
18 to be addressed. There's going to be more of
19 these recs taking their trophy, and it's just
20 going to go against the quota. So no solution
21 there, but just the problem. Thank you.

22 MR. DUNN: Thank you, Steve.

1 Dave, you had your card up. Do you still --
2 no, that's old. Okay. Charlie.

3 MR. PEREIRA: Okay. Speaking to
4 the same point about the angling category, I
5 came up through the ranks very much in the
6 angling side, and became very enthused with
7 it, much like a lot of the people today. Then
8 came into the gray area for a while, where I
9 was in my mind sort of running charters, but
10 I didn't have a captain's license. But it's
11 every charter captain's nightmare, as I can
12 attest to now, being a captain for almost 15
13 years.

14 You have the guys that are out
15 there on Tidal Fish and everything, that are
16 looking for quote-unquote "hose," and what
17 these are people. They're looking for people
18 to basically sponsor their fish and pay for
19 their share of the fuel and bait and
20 everything else.

21 It's a de facto charter operation
22 that's going on. The NMFS bluefin tuna

1 retention limits for the angling category,
2 quota for angling category permits, has
3 effectively allowed an entire new industry to
4 come up on bluefin tuna largely, that is sort
5 of a charter operation, but doesn't have any
6 of the charter captain's license or the
7 insurance, and yet it's one of the things that
8 hurts us very much on the charter captain's
9 side.

10 So what happens is they go out
11 there and they collect their three or four
12 people that they need to pay for their
13 expenses, and they go out and they catch their
14 fish. As you know, catching one a day of a
15 65, 68 inch bluefin is more than any group of
16 angling guys can feed their families with.

17 So what ends up happening, and
18 I've been large witness to this, is they end
19 up selling the fish to their co-workers, to
20 restaurants, and as you know, sushi is served
21 all over the place now. So is tuna tataki and
22 seared tuna and everything else, and there's

1 just, as some people have mentioned, there's
2 a huge sort of black market going on for this
3 right now. It's unbelievably easy to partake
4 in it.

5 So in my opinion, I think if we
6 limited the angling category quota to a more
7 reasonable consumption level, that we think
8 somebody who truly on the angling side can
9 actually consume amongst their family in any
10 given month, that that would be appropriate to
11 establish the angling category set.

12 But what you have right now is a
13 bunch of guys taking a bunch of days off when
14 they get three or four days of really good
15 weather, and he's just an angling category guy
16 with an outboard boat and a bunch of buddies.
17 He goes on vacation for a week or so, and he
18 ends up running four trips and catches four 68
19 inch bluefin tunas and is collecting \$600 a
20 day in fuel payments basically from the
21 people, that just say, "Hey yeah, what's your
22 cell phone number? I want to come down and

1 fish with you."

2 Then those people that take their,
3 the loin or their share of the fish, end up
4 selling half of it to their local restaurants.
5 You have the worst of both worlds. You have
6 this guy competing with the true charter
7 captains, and you have these guys competing
8 with the true commercial fishermen that are
9 trying to sell their fish to the restaurants.

10 So that's the reality of what
11 you've got going on. What contributes to that
12 is a high daily catch or even monthly
13 retention limit for the angling category
14 quota, specifically for the angling permit
15 vessels.

16 So in light of that, I think just
17 off of what I think I could eat, and I eat a
18 lot of tuna; my mercury level I haven't been
19 tested, but I think two bluefin per month in
20 the large range, typically 47 to 73 is where
21 you set it. Two of those a month would
22 probably be adequate for me, and most of the

1 people that I know that are reasonable, that
2 aren't really trying to cheat the system.

3 I can't imagine me needing more
4 than two 180 pound bluefin tunas per month to
5 feed myself and my family. Even that would
6 overwhelm my wife and she'd get pissed. Four
7 bluefins per month in the 27 to 47 inch range,
8 I think, would be adequate as well.

9 Even if I was a typical true
10 recreational angler, and was just taking my
11 buddies out with me on weekends and weather on
12 a good month allowed me to actually get in
13 three weekends, I think those numbers would
14 suffice, even splitting the fish up amongst a
15 couple of guys legitimately.

16 Then stick with the one trophy per
17 year, which very few of these guys actually
18 take anyway, over 73 inches. Then on the
19 charter head boat side, I didn't discuss this
20 with Rom so this is proxy. I don't really
21 want to speak for Rom, but on my side of my
22 clients, you know, we have a different fishery

1 and different distances to run for the
2 different species down in North Carolina.

3 But I think for me down in North
4 Carolina, one bluefin per day on the charter
5 side, between 27 and 73 would be fine with me,
6 because if we caught that fish and then catch
7 and release the others, and then went off a
8 couple of hours later and did yellowfin and
9 dolphin Oahu and tilefish and grouper,
10 whatever else, you know, we have a fairly
11 closely fishery for these different species.

12 But that would suffice for us,
13 along with the one trophy per year. However,
14 I do support the mixed general category, an
15 angling category of fishing, such that if I
16 did catch a 77 inch fish, I would like to keep
17 that fish for myself under the general
18 category.

19 It's increasingly difficult these
20 days to even break even on the charter side,
21 much less make a profit. The reason that we
22 are allowed to fish both sides of the quota

1 for charter head boat is legitimate. Unlike
2 the general category people that are long
3 liners and true commercial fishermen that are
4 just general category, we're required to have
5 our captain's license.

6 I pay \$7,700 a year insurance just
7 for my one boat. So the reason we're allowed
8 to fish both sides is because we have all of
9 the safety equipment required on the general
10 category side, and we have the captain's
11 license and the insurance the drug testing
12 required to take people out.

13 So just like an airline captain is
14 required to have all kinds of different
15 certifications and requirements to carry
16 people on board, and be drug tested and have
17 his private life intruded upon by the
18 government, to make sure that he's safe to
19 take people out, that's why we're allowed to
20 do the charter head boat side.

21 Yet we have a life raft and the
22 immersion suits and everything required of us

1 in the different waters to fish on the general
2 category side. So I still support allowing
3 charter headboats to have mixed days, in terms
4 of our quota retention. Thank you.

5 MR. DUNN: Thank you. Chris and
6 Andre have not weighed in yet this morning,
7 and I want to give them a chance. Then we
8 have a couple of other people who want to
9 speak. I don't know if you had something you
10 wanted to present here. Okay, Chris.

11 MR. WEINER: First, I'd just say
12 better reporting. I think everyone would
13 agree we need that. I think some would argue
14 that numbers might be low, but you know,
15 whatever the answer is, we need, people seem
16 to really want better reporting. So just I
17 don't know how you do it. Some good ideas
18 about I think the tag idea, with the
19 confirmation. I think it's been mentioned
20 like four different times I think now, just by
21 different people.

22 You know, something like that

1 might work. I don't know how you deal with
2 it, but I think setting up a meeting to
3 discuss stuff like that, dedicated, would be
4 good. But in terms of this year, in terms of
5 how you do it, I don't know how you do it.

6 But it scares the hell out of me
7 to think that next year we might be sitting
8 back here and cutting commercial quotas,
9 because we had such a big overage. So I think
10 right at this meeting, I'm not going to tell
11 the recreational and the charter guys how to
12 do it.

13 But I think before we leave this
14 meeting, there should be some real
15 recommendations on how to do it. Because one
16 of the things I've heard, talking to people,
17 is they want to have some input in this
18 process. They don't want NMFS to just do
19 something, and I think if we leave today, this
20 is the last chance for people to have input.

21 So I don't know how you do it, but
22 we've got to be careful because we want to

1 start a brawl in this fishery. It's next year
2 we start cutting commercial quotas, because of
3 angling overages. So I think we need to all
4 be smart right now and not we, but the
5 recreational and charter guys, and I think
6 we've had some good conversations.

7 But I think realistic ideas need
8 to be put out there, or else we're going to be
9 leaving here and you're not going to have a
10 way to put any input into this. So I don't
11 know how you do it, and I'm not going to tell
12 them how to do it. But I think we've got to
13 keep that discussion going.

14 MR. DUNN: Solid advice.

15 MR. WEINER: Because we don't
16 really need to talk about how to deal with
17 long line. Well, long line needs to be
18 touched on. But general harpoon, I mean I
19 think angling and probably long line are the
20 two things that really need to be talked about
21 here.

22 So if we need to spend the next

1 hour or two on that, you know, harpoon
2 generally, we don't really -- you know, as
3 much as I -- and as Rich said, as much as we
4 want to see that the regulatory amendment go
5 through, I think you all know how we feel on
6 that. So I don't know how much discussion we
7 need to have on that. I think those are the
8 two big things.

9 MR. DUNN: Thank you. Thanks,
10 Chris. Andre.

11 MR. BOUSTANY: Yes. I'd just like
12 to -- the first point I'd like to make is just
13 I'd like NMFS and others to take full
14 consideration of the fact of how much
15 agreement there is among this group, but you
16 don't hear very often about a lot of the
17 things, a lot of steps we need to take going
18 forward, 2011 and beyond with reporting and
19 other issues.

20 You don't hear that very often
21 coming from this group, so it should tell you
22 something. In terms of this year, just

1 clarification looking at the in season
2 management measures, under current
3 regulations, are we stuck with the daily
4 retention limit. I know some people have
5 talked about moving to, you know, Ralph was
6 saying four per year, Tom was saying, you
7 know, maybe one a month or something like
8 that.

9 Given the current regulations, are
10 we essentially only looking at a daily
11 retention limit. Is that the only tool we
12 have for angling?

13 MS. SCHULZE-HAUGEN: Well, the
14 trophy is one per year. So I think there's
15 definitely precedent for having something
16 outside a daily limit. So I think there are
17 some options. I think we need to look at
18 that. I guess I'm looking at Mark and Sarah
19 for weighing in on that as well.

20 MR. SAMPSON: Yes, it has raised
21 -- I've been thinking about these operational
22 issues, how you do it under the LPS, because

1 we -- I'm having a hard time figuring this
2 out. The last time we did anything like this
3 it was one per day and it was in 2006. One
4 per day and we had very short seasons.

5 We've got to think about it from a
6 sort of enforcement point of view. If you
7 don't have the monitoring tool, how do you
8 follow up? But I get the point. You're
9 trying to converge and collapse the season.

10 MR. DUNN: Andre, do you have --

11 MR. BOUSTANY: And just a
12 follow-up to that. I think for the -- again,
13 talking about this year and where we
14 potentially might be with the points that
15 Chris is bringing up about the potential of
16 the angling category this year could be taking
17 away from the commercial category next year,
18 and something that we would probably want to
19 avoid.

20 It would be nice if NMFS could get
21 an estimate of given current catch rates where
22 we are now, based on the landings off of North

1 Carolina, based on last year's catch rates in
2 the angling category. In addition, adding the
3 growth factor in that, just projected. At
4 what date would we fill the angling category
5 as it is now and just be prepared, and that
6 kind of goes back to the no surprises thing.

7 You know, let people know that we
8 might be going to a full closure of that
9 fishery at some point, or maybe give a date
10 for that or an approximate date for that.

11 MR. DUNN: Okay, thanks Andre.
12 Let's go over here. Rick Weber.

13 MR. WEBER: I think we've got
14 tough times ahead of us no matter what we do.
15 So yes, in a 2010 range, I'm in support of
16 doing something reasonably strong. You know,
17 I understand what you're saying, Mark, from an
18 enforcement standpoint. It might short
19 seasons. It might be a short season and then
20 enough time to regroup and calculate what we
21 caught and then another short season or
22 something along those lines.

1 We're going to need better data.
2 I mentioned something to Mark -- not Mark, Ron
3 yesterday. These graphs that you provided
4 were all -- they were all great for LPS, but
5 they stopped in Virginia, and we know there's
6 Carolina fish and we don't know what else goes
7 the whole way around.

8 We need to find a way that what
9 data is coming from the states is
10 incorporatable into all of those great
11 graphics you made. I'd like to see those
12 graphics come back year after year, but they
13 can't stop in Virginia, because there's all
14 sorts of discussions being made here about
15 using your graphs, and your graphs don't have
16 all the data in them.

17 Then Margo you said yesterday
18 sometimes a room sounds like it is full of
19 consensus when it is not. This is one of
20 those times, in that if the charter boats are
21 commercial boats, then I'm a shoreside
22 facility. But there's, you know, the marinas

1 and tournaments are employers and providers of
2 jobs as much as everyone else.

3 When we look at the LPS graph of
4 who's making the offshore trips, who's
5 dropping their dollars with the marinas and
6 the other shoreside facilities, it's the
7 private boats. There's a disproportionate
8 amount of commercial charter people in the
9 room and very few people talking about the
10 private rec boats. I'm kind of outnumbered
11 here, so it's easy to sound like there's
12 consensus.

13 But I can't just have all those
14 private boat trips go away, because the
15 marinas and fuel docks and bait stores and
16 tackle people rely on those trips. I just
17 needed to get that out on the floor, that if
18 we need a third category in here that is the
19 charter, then we need a third category.

20 But then we have to re-look at
21 who's representing the private boats and get
22 more input in this room on who's representing

1 the private boats as well, and does that
2 complete my notes. No, it does not, because
3 I want to go back and speak in support of the
4 charters after having said that.

5 We last year, as Andre says, the
6 room rarely goes unanimous. We were all in
7 favor of trying to get enforcement to stop the
8 sale of private fish to the restaurants. We
9 were talking about swordfish last year, but
10 now we're hearing it again in tuna.

11 There has got to be a way that we
12 can get enforcement commercially -- Tape 10

13 MR. DUNN: Margo.

14 MS. SCHULZE-HAUGEN: To that, you
15 know, I think enforcement is not here this
16 time. As you probably are all well aware,
17 there are a number of enforcement issues right
18 now nationwide. So it is nice to hear that we
19 need more enforcement, and the concerns for
20 the lack thereof. That is fairly strongly the
21 opposite of what is the mainstream news right
22 now.

1 So point taken. We'll convey the
2 message to them. But just so you know,
3 there's a lot going on in enforcement right
4 now.

5 MR. DUNN: Good. So Pat, Tom and
6 Charlie all want to weigh in, and then we
7 should take a break. Then we'll come back and
8 resume our conversation. Is that --

9 MR. AUGUSTINE: Rich was supposed
10 to be after me. You passed him.

11 MR. DUNN: That card says Tom that
12 you just held up.

13 So if Tom, if you're actually
14 Rich, then you're good. Okay. All right.

15 MR. AUGUSTINE: Rich thinks you're
16 mad at him. I think you're mad at him too.

17 MR. DUNN: I'm not, I am not.

18 MR. AUGUSTINE: That's okay. I'll
19 skip around a little bit. As far as trying to
20 limit the take for recreational anglers, I'll
21 just address New York to start with.

22 Our tuna fish appear 40 to 60 to

1 70 miles offshore. So if you go for one fish
2 per vessel per week, literally the charter
3 boat industry is dead already. So there you
4 are.

5 As far as the anglers are
6 concerned, private boats, same thing. Just as
7 was mentioned what happened to the marinas.
8 All the subsidiary type groups, bait, tackle,
9 fuel and all that, they all die.

10 I think we should fully utilize
11 the purse seine category, as Richard mentioned
12 earlier, putting that in a reserve, drawing
13 upon that for whatever category is on the
14 verge of being overfished.

15 As far as the north-south quota
16 was concerned, there was arguments years ago
17 about why we would qualify North Carolina as
18 -- basically North Carolina has having a
19 quota. What we feared most of all is that
20 they were going to catch everything, and
21 basically that's what we're doing.

22 I think John had indicated we've

1 got to be bold on this one. If they're at a
2 point where they're at that quota or over it,
3 so be it. Close that north or south area of
4 fishing.

5 As far as opening the season, Rich
6 had said earlier in the conversation, I think
7 we've got to open up the -- when you open up
8 the north, again, allow the largest retention
9 that you can of larger fish. Get off the
10 schoolies to start with.

11 Allow the opportunity to fish
12 early on in the season when they're there, as
13 opposed to waiting until September, October,
14 November, when your likelihood of getting a
15 day fishing in a week or two weeks, you're
16 lucky if a few vessels get offshore.

17 So allow the opportunity early on
18 in the year. If you start catching that
19 quota, then you can always shut it down. HMS
20 has regulatory authority. They can open and
21 close the season basically at will.

22 As far as the long, pelagic long

1 line and looking at the chart, their discard
2 rate is horrendous. I think what we have to
3 look at is moving the three fish to five fish.
4 I have been pushing for what you catch is what
5 you keep.

6 If your first haul is your bag,
7 instead of dropping them to the bottom, let's
8 use them. Close that fishery down when you
9 have to. If they're going to be fishing for
10 other fish, so be it.

11 We have, in the Mid-Atlantic, we
12 have macrosquid and butterfish. If the
13 butterfish quota, by catch, reaches 80
14 percent, the other two fisheries are closed
15 down. End of story, and that's the way we
16 have to do this.

17 I think we're being very generous.
18 Whether we're afraid to make hard decisions or
19 not, that may be the issue. When we get to a
20 point in time where we need data collection,
21 Rich is right. Either report or pay the
22 penalty, you don't get the permit the next

1 year. It's that simple.

2 All the guys that have to do their
3 reports on a weekly basis, the folks that have
4 tuna permits have to either report on a weekly
5 basis, either in the website, reporting they
6 did not fish, they did not catch anything. If
7 there is a period of time that goes by they do
8 not report, they get a notice within 30 days
9 your permit's going to be rescinded.

10 We've got to be bold on this to
11 get the data collection. Ron, I know you've
12 got your hands full with all the stuff you're
13 doing. You're doing a fabulous job. But
14 without the data, we can make any
15 recommendation you want in terms of changing
16 how many times you go out, how many fish you
17 have on your vessel and so on.

18 But without adequate data, it
19 doesn't matter. We're setting artificial
20 limits and artificial catches. Remember, each
21 and every time we do this, we're impacting
22 some sector or some category, which has a

1 direct economic impact.

2 So I think there are a lot of
3 goods ideas that have come out on the table.
4 Most of them are doable. We find out every
5 year that we prepare a list of items that
6 could be done. In the sheet that we had
7 passed out to us, potential in-season bluefin
8 tuna management, I wish we had that the first
9 day.

10 So the group is doing an awful
11 lot, and I think if we focused on these, as to
12 what we possibly could do for 2010 and
13 forward, we are going to be scrunched with a
14 quota next year. There's no question about
15 it. The idea of categories of transferring
16 quota in-season, adjusting quotas as you need,
17 closure, closure, closure.

18 These are the actions that we have
19 to be putting on the table for HMS to
20 recommend. For you new folks for the first
21 time, I don't mean to pontificate, be bold.
22 Be bold. Think outside the box. Some of us

1 have been thinking outside the box for three
2 or four or five years, and some our
3 recommendations have reached fruition. Some
4 are in process. That's all I have to say on
5 that. Thank you.

6 MR. DUNN: Thanks very much.

7 Rich.

8 MR. RUAIS: Yes. I'll be quick,
9 and I don't think you're mad at me. But I
10 wanted to emphasize, I hope everybody listened
11 very carefully to John Graves in the
12 international implications, he seems to be
13 gone right now, from not properly managing the
14 angling category.

15 Anybody that was on the U.S.
16 delegation the last year, the last couple of
17 years, saw both the European Community and
18 Libya, I think all put up by Canada, putting
19 a lot of pressure on the United States on our
20 angling category catches. They're going to
21 use it as a wedge in the future to deprive us
22 of some of our other objectives. So it's very

1 important that we do that.

2 I just wanted to quickly mention
3 Charlie Pereira's description of the fishery
4 up in North Carolina. It's spot on, identical
5 to what we see in New England. Just
6 absolutely I see no difference, no difference
7 between the two.

8 Shana mentioned briefly about the
9 landings information on the angling category
10 and put it somewhat in a little bit of a
11 positive context. But from what I see, I mean
12 if we've gone from 135 fish in all of 2009 to
13 486 fish in the first four months of 2010,
14 Ralph and I had lunch with Dr. Doug
15 Butterworth a couple of weeks ago, and I
16 pointed out this dilemma that we have, that
17 we've got a management dilemma with the
18 angling category right now, and that we were
19 concerned about what would the impact be on
20 the stock assessment.

21 He basically told us that it was a
22 double- edged sword. You can look at it two

1 ways. One is there's some good recruitment
2 somewhere. There's some good, strong year
3 classes supporting that fishery, protecting
4 and nursing them. Okay, that's a separate
5 issue.

6 But don't lose sight. I mean it's
7 not all doom and gloom. The fact that the
8 fishery is supporting those kind of landings;
9 the fact that the general category is coming
10 back; the fact that the harpoon category has
11 doubled its catch in the last couple of years
12 are some pretty good signs about the fishery
13 and the reductions that are taking place,
14 primarily in the east, and the reductions that
15 we've done.

16 We've gone from 2,700 metric tons
17 to 1,800 metric tons. Pretty substantial drop
18 in our own TAC. Thanks.

19 MR. DUNN: Thank you very much.
20 Steve, I think you have the last word. Then
21 we'll take a break and we'll come back.

22 MR. JAMES: This is just very,

1 very brief. Just wanted to speak to the black
2 market industry for just a moment, and this is
3 a minimal effort suggestion to you, National
4 Marine Fisheries, and that is that you use
5 your National Marine Fisheries News to
6 basically post the fine structure for
7 restaurants that serve black market fish.

8 You also use it to define the fine
9 structure for anglers that sell those fish,
10 and that you do it basically on a monthly
11 process, so that people continue to see this
12 fine structure. I think it could intimidate
13 a few people that are involved in that. Thank
14 you.

15 MR. DUNN: Thanks. Tom, so you
16 and Rich actually were sharing your card, and
17 I was supposed to know that, right? Go ahead.

18 MR. DePERSIA: Okay. I just
19 wanted to comment on a couple of things. One
20 thing I want to bring to everyone's attention
21 is that above Cape Cod, we don't have
22 yellowfin. We don't have marlin, we don't

1 swordfish, mahi- mahi. In terms of big game
2 fishing, all we have is bluefin.

3 So it's not like, you know, if
4 you're in New Jersey or Virginia or North
5 Carolina. If you can't catch a bluefin, you
6 can catch a yellowfin. You can go -- you have
7 other options in terms of big game fish. But
8 we don't have any other big game fish north of
9 Cape Cod other than bluefin. That's the only
10 one we really have there that I'm aware of.

11 I also wanted to comment on
12 Charlie's comment about the bandits. You have
13 them everywhere. But once again, in order to
14 get a charter boat/head boat permit, you need
15 to have a captain's license.

16 So once again, that strengthens
17 the need to separate the categories and also
18 have different retention limits, because the
19 bandit isn't going to have a charter boat/head
20 boat category permit. If he's only allowed a
21 couple of fish a month or whatever we come up
22 with, that perhaps will slow down that catch,

1 especially if it's a good reporting system.

2 On Shana's comment about the high
3 grading, that is going to happen. It's going
4 to happen this year, and that's one of the
5 reasons why I put the proposal in last year,
6 that charter boat/head boat category boats be
7 allowed to keep both, because it's going to
8 happen.

9 A guy who's got an angling
10 category fish in the boat and all of the
11 sudden gets a purse seine in or a large
12 small/medium, there's going to be a lot of
13 people that are going to be high grading.
14 Might as well get -- I mean you're going to
15 still -- you still kill the fish. So you
16 might as well report it. At least we get it
17 on the books, that we did catch it.

18 So I think it's necessary that we
19 be allowed to bring in both. You're going to
20 have that problem this year, because you have
21 so many fish, I think, that are going to be
22 caught above 73 inches.

1 One other comment, a lot of talk
2 about high tech reporting. There's still a
3 lot of people that don't use computers or
4 don't like to use computers. Some people
5 don't have a computer at all. So that can't
6 be the only method.

7 It might be a supplement to
8 something else, but let's not put on --
9 there's a lot of people who don't have
10 computers that don't want to use them. I just
11 learned how to text. Other people have
12 probably been doing it for ten years, okay.

13 But I just want to make that
14 comment. Don't get too high tech in your
15 reporting system. We still need the paper
16 trail also. Don't laugh. I'm going to get
17 you.

18 MR. DUNN: Thanks very much, Tom.
19 All right. So we've had a lot of very good
20 conversation about many of our topics,
21 especially in the angling category. I suggest
22 we take a break and come back in about ten

1 minutes. There's refreshments outside and the
2 restroom's right down the hall. So reconvene
3 in about ten.

4 (Whereupon, a recess was taken.)

5 MR. DUNN: -- attention to the
6 long line category. So if you're in the hall,
7 and you're a member of the group, please join
8 us here at one of the round tables.

9 So if you're a member of the
10 advisory panel, hopefully you're sitting at a
11 round table and we're going to do a little
12 agenda check. We're going to turn our
13 attention next to the long line category. We
14 will work through all of these categories.

15 We know that there are some very
16 pressing issues to deal with in 2010, and a
17 number of good ideas that are perhaps starting
18 to take shape but perhaps not fully jelled
19 yet. Margo, I think you have a suggestion
20 about a way to push some of those ideas
21 forward.

22 MS. SCHULZE-HAUGEN: Well, what I

1 was thinking, we do need to get through the
2 other categories, to do them justice as well.
3 But it feels like some more time on angling
4 would be useful.

5 And so I think we're checking with
6 the Shark group to see how they're doing, how
7 much time they may need, and my suggestion was
8 to potentially, for those of you that are
9 interested, to talk about angling, have a
10 working lunch where we can go across the
11 street to the deli and get some food and come
12 back, and keep going through.

13 We have some more information from
14 Ron on LPS numbers from 2009, that I think
15 will be illuminating in some of the questions
16 that have come up. But I don't think we can
17 do that now. I think if we spend more time
18 now on angling, we run the risk of not getting
19 to the other issues.

20 So I think we do need to move on,
21 but would propose, my willingness at least, to
22 have a working lunch and keep going through,

1 and I see Pat.

2 MR. AUGUSTINE: Thank you. Just a
3 point that may be of value to separating, or
4 identifying, the party boat/charter boat
5 people in New York. If you are to carry
6 passengers, you are issued a decal, a very
7 large decal that goes on your vessel, that
8 identifies you as a legal, registered captain
9 and that you have the proper permits to carry
10 passengers.

11 I think as an identifier, that
12 might be able to focus in on those vessels
13 that are fishing with the fleet, if you will,
14 of charter captains, so that if enforcement
15 were to get involved, they would see the decal
16 or no decal that approaches those ships. I
17 think that's a deterrent in itself that might
18 want to be considered by HMS. Thank you.

19 MS. SCHULZE-HAUGEN: I just got
20 word from the Shark group. Apparently, they
21 could use some more time too. They're
22 thinking of still taking lunch at noon, but

1 then maybe reconvening not at 1:30 but maybe
2 closer to 2:00 or 2:15. So that we may not
3 need the full hour and a half on report outs.
4 It would cut into that.

5 I think folks are still -- I don't
6 think we want to run too much into our time on
7 swordfish. I think there are some issues that
8 we want to have some time with as well.

9 MR. DUNN: Okay. So here's the
10 flow. We're going to go next into long line,
11 then purse seine in general. We'll break for
12 lunch. Those who want to continue talking
13 about angling will go to the deli, get a
14 sandwich and come back.

15 We'll then continue our
16 deliberation and turn our attention to wrap up
17 after lunch, and reconvene for the report-outs
18 at about 2:15, okay. So that's how we'll use
19 our time between now and switching to
20 swordfish as well. All right. So let's shift
21 our attention to long line. What ideas did
22 people have for the 2010 and the next period,

1 and Ken, you haven't spoken yet. Go ahead.

2 MR. HINMAN: Thank you. I'll kick
3 this off. First, a general comment to put it
4 in context, and the discussion for this
5 particular HMS advisory panel meeting has been
6 framed by the switching in management goals
7 from constraining the fishery to maximizing
8 our use of our quota, back to constraining the
9 fishery and who knows whether we'll be
10 flipping back in a couple of years to trying
11 to maximize our quota. Nobody knows what's
12 going to happen in the next few years.

13 But I'd like to step back and look
14 at the big picture, and what I see is the big
15 underlying problem, which is the lack of any
16 rebuilding in the Western spawning stock.

17 We saw the graphs yesterday
18 afternoon at the beginning of the meeting in
19 the overview, and it was noted at that time
20 that our 2008 population level was 11 percent
21 below the 1998 level, which was ten years. We
22 are now ten years into the 20-year rebuilding

1 plan, and there has been no rebuilding and
2 despite consistent projections of rebuilding
3 during that period.

4 But it's even worse than that.

5 The 2008 population level of the Western
6 spawning stock is 50 percent below the level
7 we had in 1980. That was the level that
8 prompted the first Western Atlantic quotas by
9 ICAT implemented in 1981.

10 So we've had quotas in place since
11 1981 that have been fairly consistent around
12 the 2,000 ton level for 30 years, and yet we
13 have zero rebuilding in the Western spawning
14 stock.

15 Without getting into how mixed the
16 fisheries are, the fish are and how mixed up
17 the management is out in the Atlantic, I'm
18 looking at the Gulf of Mexico and the western
19 stocks only known breeding ground, and what we
20 can do there to better protect the remaining
21 spawners and enhanced future spawning success
22 and maybe get some traction and rebuilding.

1 I want to acknowledge. Yesterday
2 we heard reports on the effort that was
3 initiated by the industry, that recognized the
4 problem in the Gulf and actually makes an
5 attempt to remedy that problem through changes
6 in gear, specifically the so-called we cook
7 research and I do believe what we've seen so
8 far is promising.

9 It joins a number of options that
10 have been put forward for minimizing bycatch
11 of bluefin in the Gulf of Mexico. We put them
12 forward in the past and most recently during
13 the ANPR on bluefin last year. These include
14 a time and area closure in the Gulf of Mexico
15 during spawning season, bycatch caps as an
16 incentive to avoid bycatch, and transitions to
17 more selective gear.

18 So I wanted to propose that we
19 combine these options into what I think could
20 be a workable program in the Gulf of Mexico,
21 and that would be requiring the use of weak
22 hooks by the long line fleet in the Gulf

1 during the peak spawning season, March through
2 June of each year, that there be 100 percent
3 observers on those vessels during this period
4 for enforcement purposes, as well as to
5 monitor the bycatch.

6 I think we need as a backstop a
7 bycatch cap in that fishery, and that number
8 obviously will be determined later. It could
9 be 50 fish; it could be determined in some
10 other way. But I think it's important to have
11 that backstop, to make sure that the fishery
12 does have a minimum bycatch of a bluefin tuna
13 there.

14 I think this is necessary. I
15 understand that maybe fishermen do want to
16 avoid some problems in the Gulf with bluefin
17 by using the weak hooks voluntarily. But I
18 think there's also a strong economic incentive
19 to land bluefin now and then, because they are
20 sometimes more valuable than the rest of what
21 they might catch on a trip.

22 So I think you did need the

1 observers there and you do need that kind of
2 enforcement. I think the bycatch cap, where
3 the fishery would close afterwards would also
4 serve as an incentive for fishermen to use the
5 hooks and to use the gear we've heard during
6 this research, that sometimes the
7 effectiveness of the hooks is related to the
8 way the gear is set or retrieved, pulled or
9 whatever, and There can be some incentives
10 there to use the best practices.

11 So that's something I wanted to
12 put on the table. I think it would allow
13 people to continue to fish in the Gulf, but it
14 could minimize the bycatch of breeding
15 bluefin, which I think should be something
16 that we make a priority.

17 MR. DUNN: Thanks, Ken. I have
18 Rich, Andre and Glenn Delaney. Rich.

19 MR. RUAIS: Well, it's hard to
20 remain calm with Ken's comments. First of
21 all, it may be convenient to think you can
22 ignore mixing and the failure of the plan,

1 since 1981, to rebuild the Western Atlantic
2 bluefin. But the science tells you quite
3 differently. You cannot ignore mixing. You
4 cannot rebuild the west without the east
5 making a contribution.

6 If you're going to overfish the
7 east, you're not going to rebuild the west.
8 End of story. That debate is settled by a
9 mixing meeting at ICAT, and by the latest SCRS
10 stock assessment documents. You can read them
11 over and over Ken, and I point to you that
12 maybe you ought to do that, and then you'll
13 get the picture, that you just can't simply
14 ignore mixing.

15 We've wasted, since 1981 we've
16 wasted whatever it is, 30 years, 25 years
17 we've wasted, spinning our wheels, restricting
18 American fishermen, and trying to rebuild the
19 west while the east has slotted the
20 immigration of fish to the west to reduce
21 mortality on western fish.

22 What historically has been a

1 fishery that's been primarily dependent upon
2 eastern migration. So you can continue to do
3 that if you want. It's not true that long
4 line fishermen in the Gulf of Mexico want to
5 land bluefin tuna.

6 MR. DUNN: So Rich, I understand
7 that perhaps some of the comments that Ken
8 made were irritating, but turning to you,
9 turning to constructive ideas, what do you
10 want to put on the table?

11 MR. RUAIS: Well, we're well ahead
12 of you on that one. We've been doing weak
13 hook research, which is very, very successful,
14 and we want to expand it. The Gulf of Mexico
15 frankly, despite Ken in other people's
16 opinion, the problem has been solved. We've
17 reduced the interaction with bluefin by 75
18 percent.

19 Ken asked for much better than
20 that. So we're moving along. We want to
21 expand that research into the Atlantic, to try
22 to get the discards down as well in the

1 Atlantic. That's what we've been asking for,
2 and are proposing that we do that. It's going
3 to be a little bit more complicated, because
4 the fish size is a little big bigger in the
5 Atlantic than in the Gulf of Mexico.

6 But we have to move on. To try to
7 think that you can continue to do more in the
8 west without addressing the east and having
9 the east come along, is simply a failed
10 strategy. I don't know how much more evidence
11 you need. Do you need a brick in the head?
12 It's so clear that it's not going to happen.

13 MR. DUNN: Okay. That's really
14 over the line. So I'm going to ask you one
15 more time. Do you have a going forward idea
16 for 2010 and 2011 that you want us to consider
17 and discuss?

18 MR. RUAIS: Well yes I do, and
19 I've already mentioned it, and that is that we
20 have two purse seine quotas available for the
21 immediate management problem we have, in terms
22 of quota.

1 There are two purse seines that
2 have left the fishery. The boats are gone.
3 The owners do not indicate any interest in
4 coming back into the fishery, at least to me.
5 Maybe they have to NOAA or NMFS, but they have
6 not indicated it to me.

7 So my suggestion is that we take
8 those two purse seine quotas, transfer them to
9 the reserve, and use them to help out the
10 categories that need quota.

11 MR. DUNN: Which would include
12 long line?

13 MR. RUAIS: Which would include
14 long line and the anglers.

15 MR. DUNN: Okay, thanks. I really
16 would like to avoid a personal debate. I mean
17 obviously that's not the focus. Ken, can you
18 make a very brief rejoinder and avoid a
19 personal rejoinder please?

20 MR. HINMAN: Yes. I don't really
21 want to take up everybody's time arguing this
22 thing. Obviously, I don't agree with Rich's

1 characterization of what I said or that I need
2 a brick in the head or any of that stuff.

3 Yes, I think we saw the failure of
4 our western quota system long before
5 overfishing starting in the east. In fact, a
6 lot of that decline that I talked about since
7 1980 occurred before overfishing began in the
8 east. So you know, you can contribute some of
9 the recent, and I do attribute some of the
10 recent ability of us to rebuild a fishery,
11 what's been going on over there. But that's
12 not the whole thing.

13 If Rich has solved this problem,
14 if he looks at my proposal, it was just
15 strictly to make what he thinks is the answer
16 to our problem in the Gulf a requirement, not
17 a voluntary measure.

18 MR. DUNN: Understood. Thank you.
19 Andre and then Glen.

20 MR. BOUSTANY: Yes. I'm just
21 going to stick to long line. I think one
22 thing that, and I don't have anything for

1 immediate measures for this year about
2 ostensibly addressing long lines overages or
3 underages or whatever it is, but just in the
4 long term thing, another management tool or
5 consideration that we need to bring up and
6 think about and potentially consider is going
7 to 100 percent observer coverage throughout
8 the long line fleet, because that really gives
9 you much more flexibility in the type of
10 management and regulations that you can put in
11 effect.

12 There's been a lot of talk from
13 people about not wanting dead discards, trying
14 to reduce the dead discards either by allowing
15 a retention and setting up essentially what
16 Pat was saying, which sounds essentially like
17 a bycatch quota. Things like that are
18 potentially useful. They used them for turtle
19 bycatch in the Pacific long line fleet, and
20 they've been pretty good and have given the
21 fishermen a lot more flexibility as to where
22 and when they can fish.

1 But it's not something that you
2 can do without 100 percent observer coverage,
3 and that's something that we probably want to
4 consider.

5 MR. DUNN: Glen.

6 MR. DELANEY: I thank you very
7 much. A couple of points. First, before I
8 forget it, within our pelagic long line
9 fishery, where everybody's knowledge, if they
10 don't know that, I work for the Blue Water
11 Fishermens Association and have for almost 20
12 years now.

13 One of the ongoing concerns that
14 we've had is the extrapolation methodology
15 with regard to dead discards. We addressed
16 this issue some years ago with the Southeast
17 Fisheries Science Center, and I do recall
18 there was a time, Guillermo, when
19 extrapolations were made from one statistical
20 area to and implied to another. This is
21 before your time.

22 But I do believe that methodology

1 was adjusted consequently. But I would just
2 say, because this concern continues,
3 particularly when the numbers start getting
4 big again and people are incredulous or maybe
5 they're in denial, and they just say how could
6 that be, you know? Maybe it would be
7 worthwhile if you could sit down or whoever
8 the appropriate person is you want to appoint
9 to have to deal with us, if you could have
10 someone sit down with myself and maybe Rich
11 and, I don't know, we might ask you to add one
12 or two more to that.

13 But at least Rich and I, to walk
14 us through the extrapolation methodology one
15 more time, so that we can be fresh on that and
16 explain it back to the constituency, and also
17 to give us a chance to ask questions if we do
18 see anything that may not fit our perception
19 of reality too.

20 So if you wouldn't mind, we can
21 talk about that offline afterwards. But thank
22 you for that, if there's no objection up

1 front. But I do want to get to the Gulf of
2 Mexico issue that Ken raised, and you know,
3 this has been an ongoing campaign by some of
4 the organizations and, you know, I'll harken
5 back to my days as a student of Dr. Jack
6 Music, and I was a population dynamics major,
7 if you will, in graduate school under his
8 leadership.

9 I remember one thing that really
10 stuck with me that I learned during those
11 days, and that is that there's a fallacy, I'll
12 call it; maybe that's too strong a word, but
13 a widely-held misperception that somehow
14 killing a fish during spawning season is
15 different than killing a fish the day before
16 it spawns or the day after it spawned, from a
17 population dynamic standpoint.

18 From assessing population and long
19 term data sets, there's no -- it doesn't
20 matter if you kill the bluefin tuna in the
21 straits of Florida or maybe coming, wherever
22 they enter into the Gulf of Mexico, the day

1 before the enter the Gulf of Mexico, or two
2 months later when they're in the Gulf of St.
3 Lawrence.

4 Those are the same fish that
5 you're killing and removing reproductive
6 animals out of the population. Now if your
7 fishing activity, whatever that is, your gear
8 and method of capture of that fish somehow
9 interrupts the behavior of spawning, that's a
10 different matter entirely.

11 Certainly there can be cases of
12 fishing gear methods that would interfere with
13 the behavior of spawning. But in terms of
14 strict math, and I would add to that pelagic
15 long line. There is no scientific evidence
16 whatsoever that pelagic long line fishing
17 interferes with the behavior of bluefin tuna
18 spawning in the Gulf of Mexico.

19 So if you bring it back down to
20 reality, which is math, I'm sorry. Killing,
21 and I'm sorry to my good friends in the
22 bluefin tuna commercial and recreational

1 fisheries, who target reproductively mature
2 fish in the summer, you're killing the same
3 fish, and it has absolutely no difference from
4 a population dynamic standpoint.

5 From a stock assessment
6 standpoint, whether those fish are killed in
7 the Gulf of Mexico during spawning season, off
8 the coast of Chatham in August or July, or in
9 the Gulf of St. Lawrence in September, those
10 are the same fish, the same math, the same
11 dead fish.

12 So it's a fallacy. So it's
13 tiresome, to say the least, that we continue
14 to have this debate about the impact of
15 killing mature fish in the Gulf of Mexico on
16 the overall population of bluefin tuna, as if
17 that were something different than killing the
18 same fish somewhere else in the ocean.

19 That's, together with the fact
20 that we're working -- I don't know any other
21 fishery that's reducing their catch of bluefin
22 tuna by 75 percent through the use of gear

1 modifications, but we're going to be talking
2 about reducing the take of bluefin in the
3 Gulf, I think now below, with that 75 percent
4 reduction, to something less than 100 fish.
5 I think our average was 300 and something over
6 time. I mean --

7 MR. DUNN: Glen, do you have --

8 MR. DELANEY: --in the Gulf of St.
9 Lawrence in a day.

10 MR. DUNN: Glen, do you have
11 specific ideas, proposals, suggestions for
12 long line 2010, 2011.

13 MR. DELANEY: Yes. One is to not
14 do what Ken has proposed. So I think that's
15 relevant. Ken has put a proposal on the
16 table, gave a speech as to why it's the right
17 thing to do, and I'm giving you scientific
18 evidence as to why it's not the appropriate
19 set of proposals to make.

20 Having said that, I do think we
21 should try to move forward with the
22 implementation of the weak hook technology as

1 quickly as we can. I asked the question
2 yesterday, I don't know when the science is at
3 a point when the agency -- you know, it has to
4 be peer-reviewed and published and go through
5 that whole process, the scientific process.
6 I don't know when the agency feels it can take
7 action on science. Can it do so before that
8 peer review process, or does it have to wait
9 until after that?

10 But it would be nice to have
11 something like that in place for the fishing
12 year 2011, and that's not very far from now.
13 So I would certainly recommend that, keeping
14 in mind that as I asked the question to
15 Guillermo yesterday.

16 Let's try to distinguish between
17 the yellowfin tuna, the tuna fisheries in the
18 Gulf, which are the ones that, as we
19 understand it, are truly interacting with
20 bluefin tuna, and the pelagic long line
21 fisheries targeting swordfish in the Gulf of
22 Mexico, which do use different hooks, and

1 which, to my knowledge, do not interact with
2 bluefin tuna to the degree where if it all, as
3 the yellowfin tuna fisheries.

4 So if we can distinguish those,
5 separate those out in terms of any regulatory
6 requirement. Thank you.

7 MR. DELANEY: Thanks Glenn.
8 Charlie.

9 MR. PEREIRA: With regard to
10 pelagic long line, I would second Ken's
11 suggestion. It's just that once the
12 technology is fully developed and proven, as
13 Glenn suggests, that I would recommend
14 implementing it on a mandatory level.

15 I would recommend doing the same
16 thing in the Hatteras-Oregon Inlet area during
17 the times that there is heavy interaction
18 between the Oregon Inlet long liners and
19 bluefin tuna, as there has been going on for
20 the last couple of months.

21 I know it's a difficult situation,
22 because there's a lot of interaction this time

1 of year between yellowfin and bigeye and
2 bluefin in the area where the Continental
3 Shelf takes the northern bend at what we call
4 the point and the point up to about the 800.
5 There's an awful lot of interaction there
6 right now and we've, as Andre can testify,
7 have seen a lot of long line gear that's
8 sitting very low in the water, and the reports
9 that we're getting back is that those are
10 quote, 65 to 72's.

11 We think that, in my opinion,
12 there should be some observer coverage of that
13 as well, to try to fully define the
14 interaction level between this body of fish,
15 which is the question mark 2010 set that we've
16 been tracking, that are coming up through the
17 ranks there.

18 I think that the long line guys
19 probably don't want to have that interaction
20 themselves, and if the weak hook effort can be
21 adopted in that area, as well as the observer
22 coverage to fully define, I think that would

1 be something that if we could look at it for
2 2011 to have in place.

3 There is relatively small area in
4 which the fish are grouped the last couple of
5 years, so we could use the knowledge of the
6 charter fleet to fully define those areas.
7 You could also, in addition to the weak hook
8 principle, you could try to voluntarily ask
9 the guys to stay out of a particular area,
10 because it is a very small band, and there's
11 daily knowledge of that band of fish, and you
12 could try to incorporate some form of, a
13 combination of voluntary and mandatory efforts
14 to minimize the interaction. Thank you.

15 MR. DUNN: Good. Thanks, Charlie.
16 I have Elliott and then Rich and Shana.

17 MR. STARK: Hi. Elliott Stark.
18 I'm a proxy for Ellen Peel, and we would
19 suggest to the agency that any increases in
20 bluefin tuna harvest not come as a result of
21 relaxed regulation about bycatch in the Gulf
22 of Mexico.

1 The long line fishery in the Gulf
2 is the setting of the highest marlin bycatch
3 as well, and the market price of bluefin
4 shouldn't be looked at within a vacuum, in the
5 sense that these marlin fisheries provide a
6 great number of jobs in an economic stimulus
7 throughout the region.

8 You'll see as a result of this oil
9 spill potentially many of the tournaments and
10 many of the fishing activities in the tourism
11 stimulus throughout the region that will be
12 affected are of the sport fishing. You'll see
13 extrapolating of these numbers.

14 Certainly, I don't know what
15 percentage of the angling community in the
16 Gulf that's affected, you know, what part of
17 that would be of the overall aggregate impact
18 to the Gulf, but it's certainly an industry
19 that should be considered within regards to
20 fisheries management.

21 MR. DUNN: Thanks very much.

22 Rich.

1 MR. RUAIS: You know, first a
2 personal apology to Ken for losing my cool and
3 to you and the group.

4 MR. DUNN: Thank you.

5 MR. RUAIS: Totally uncalled for.
6 But I do get emotional about the issue. Been
7 involved with it for a long period of time and
8 don't like spinning wheels. But the point I
9 wanted to make first to support Glen. We were
10 promised a complete review of the
11 extrapolation methodology, and whether it
12 takes place in Eric Schwaab, Dr. Schwaab's
13 office or someplace else, that's fine.

14 But the other point I wanted to
15 make was if you go look at the mixing report,
16 which we fought for for a long period of a
17 time, and it was a specific ICAT meeting, and
18 Dr. Graves will recall it, brought in the best
19 scientists in the world to look at the mixing
20 question, they developed a six box model.

21 One of the things it showed was in
22 1981, the United States and Canada both

1 prohibited purse seining for cannery purposes.

2 They took the purse seines out of the school

3 fish fishery. Canada banned them entirely.

4 We still allowed the purse seines for several

5 years to go out to the yellowfin tuna, after

6 they were finished their bluefin tuna season.

7 The direct result, if you look at

8 the six box model and the data report that

9 came out of the mixing report, was about six

10 years later, there was a dramatic jump in the

11 landings of Central Atlantic seven year-old,

12 six year-old, five year-old fish by the

13 Japanese long line fleet, as they crossed the

14 Atlantic heading for the Mediterranean.

15 That was the result of a

16 tremendous reduction of the purse seine catch

17 of juvenile fish, but because of mixing, and

18 the arbitrariness of the 45 degree line, we

19 weren't getting the benefit of that. It was

20 being captured by frankly the Japanese, the

21 Taiwanese and others. They went from about 30

22 metric tons to in some cases 2,400 metric tons

1 a year.

2 So we were losing the benefits of
3 the extra prohibitions in the west, and that's
4 the point of the story. You can keep trying
5 to restrict the west all you want --

6 Tape 11

7 MR. RUAIS: (In progress) degree
8 line. We weren't getting the benefit of that.
9 It was being captured by frankly the Japanese,
10 the Taiwanese and others. They went from
11 about 30 metric tons to in some cases 2,400
12 metric tons a year.

13 So we were losing the benefits of
14 the extra prohibitions in the west, and that's
15 the point of the story. You can keep trying
16 to restrict the west all you want, but it just
17 is not going to get the job done with the
18 east.

19 When the east was operating at
20 10,000 to 20,000 metric tons a year, we had so
21 many eastern fish over here that the smaller
22 western stock was protected. Thank you.

1 MR. DUNN: Thanks very much.

2 Shana.

3 MS. MILLER: Just a few comments.

4 On the weak hook study and the weak hooks in
5 general, I think there is promise there.

6 But I think we also need to be
7 realistic, that while the, you know, the 75
8 percent reduction was statistically
9 significant, we're still only looking at 15
10 fish caught on regular hooks, compared to five
11 hooks on -- or five fish, five bluefins on the
12 experimental hook.

13 So it's still -- while
14 statistically significant for the study, it's
15 still a relatively small sample size.

16 We also heard that one of the
17 straightened hooks did retain a bluefin. So
18 while we were initially hopeful that a bluefin
19 would break the hook, straighten the hook, get
20 off as soon as it bit the bait, hooked up,
21 whatever the lingo is, I think we can't be
22 entirely confident about that anymore.

1 Laboratory studies, recent
2 studies, flume studies that Barbara Block's
3 team has done showed that, you know, the
4 bluefin are at their cardiac limit in those
5 warmer temperatures that we see in the Gulf of
6 Mexico, and you know, there's no way we can
7 estimate what and predict what's going to
8 happen to the bluefin that do stray from the
9 hook and get off the hook.

10 So while I think we need to
11 continue the weak hook research and look into
12 making it mandatory and seeing that there's a
13 lot of promise there, I don't think we can say
14 across the board that we've, you know, solved
15 the problem, because I don't think we have
16 enough information yet.

17 So along those lines, looking at
18 the mortality in the Gulf of Mexico and Glen,
19 I agree with you 100 percent, that the Gulf of
20 St. Lawrence continues to be somewhere where
21 we really need to work, not in this room but
22 at ICAT, to get a better handle on that

1 fishery.

2 But you know, the Gulf of Mexico
3 mortality is not insignificant assuming, based
4 on the observer coverage from 2009, I would
5 guess that it will be about, I don't know
6 you've finalized those estimates, but about 90
7 to 100 metric tons taken in the Gulf of Mexico
8 in 2009.

9 Canada, you know, is at about 575
10 metric tons. Even if you figure that half
11 that is taken in the Gulf of St. Lawrence. So
12 if you get like 300 metric tons, 100 in the
13 Gulf of Mexico versus 300 in the Gulf of St.
14 Lawrence, it's still a significant mortality
15 of those western fish.

16 The Gulf of Mexico is important
17 because we do know that they're western
18 spawners. I agree that it's not like a fish
19 the day they're spawning is more important
20 than a fish in June when it's feeding, but at
21 least in the Gulf of Mexico we know that
22 they're western spawners.

1 You know, I think the idea of a
2 bycatch cap has real merit, because it allows
3 the fishery to continue and puts the onus on
4 the fishermen themselves, who know the
5 fishery, know the distribution of bluefin. It
6 puts the onus on them to regulate the way
7 they're fishing, be it through weak hooks or
8 avoiding certain areas where bluefin are known
9 to be whatever it is. It puts the onus on
10 them to avoid the bluefin and if they're
11 unable to, then it would close the fishery.

12 So I guess I'll stop there for
13 now. But I think a bycatch cap really needs
14 to be explored going forward, for the Gulf of
15 Mexico in particular.

16 DD So with the long line, we've
17 heard a number of ideas. So we've heard a
18 number of ideas. One is perhaps more
19 comprehensive implementation of the weak hook
20 requirement, expanding observer coverage,
21 bycatch limits, perhaps localized attention to
22 aggregations of fish and paying attention to

1 those.

2 There was also the suggestion that
3 Rich made in the prior session about
4 reallocating the overage from the purse seine
5 to the long line fleet as a way of dealing
6 with an allocation issue. Are there other
7 ideas that people want to put on the table
8 with respect to long line for 2010 and 2011,
9 before we move onto the next categories?

10 I know we can debate about the
11 mixing ad nauseam, but that's not the point of
12 this meeting. I appreciate that people have
13 strongly-held views about that. So other
14 ideas that haven't been put on the table yet?
15 Glen?

16 MR. DELANEY: It's just a
17 refinement of one suggestion that was made.
18 I just wanted to add a little more detail to
19 it. I think Andre had talked about expanding
20 observer coverage and, you know, I'm sure
21 there's people in the pelagic long line
22 fishery who would not appreciate me saying

1 this, but I've preached this to them for a
2 long time.

3 That observers are their best
4 friends, because extrapolation and people's
5 imagination are often far worse than reality,
6 and as we've seen with the 100 percent
7 observer coverage in the Gulf of Mexico.

8 I guess I'd just ask the agency to
9 take a look at where the highest catch per
10 unit effort interactions with bluefin are
11 occurring in the pelagic long line fishery,
12 and do a little more targeted observer
13 coverage.

14 I mean we're not realistically
15 going to have 100 percent observer coverage of
16 the entire pelagic long line fishery, I would
17 think, given budgetary and realistic
18 restrictions on that.

19 But let's just have a focused,
20 targeted approach to that, and then that also
21 lessens the concerns that people have with the
22 extrapolation methodology, because we'll have

1 a census instead of extrapolating.

2 MR. DUNN: So the refinement there
3 is targeted observer coverage, assuming that
4 we may not get to 100 percent. So my request
5 is what other new ideas that haven't been
6 already articulated do people want to put on
7 the table now. Charlie?

8 MR. PEREIRA: Just one more on the
9 long line one, and it's going to be a
10 sensitive subject. I took some offense this
11 year in December at the Silver Spring meeting,
12 when I saw the amount of reserve that was
13 being transferred over to long line category,
14 to enable their 2010 fishery, as a result of
15 the over- excessive discards from 2009.

16 I'm wondering if there shouldn't
17 be some consideration given, going forward, to
18 future years, to eliminate or greatly restrict
19 any use of the reserve to accommodate bycatch,
20 dead discards and as a means of incentivizing
21 the use of additional, more aggressive
22 techniques such as the smaller diameter wire

1 circle hooks.

2 More careful targeting of your
3 fishing areas. I think if you continue to
4 rest assured that you're going to get fish out
5 of the reserve category the following year,
6 even if you have excessive bycatch from the
7 previous year, that that's going to contribute
8 to laziness on the part of their efforts to
9 eliminate their bycatch. Thank you.

10 MR. DUNN: So the concept is
11 eliminate the access to the reserve category,
12 to incentives more careful fishing methods?

13 MR. PEREIRA: Or greatly restrict
14 it. If your bluefin catch is going to go
15 precipitously down, even what's available to
16 you normally as a result of being penalized
17 for excessive bycatch in the previous year,
18 you're going to have much greater incentive
19 and desire to minimize your bycatch.

20 MR. DUNN: Got it. Ralph?

21 MR. PRATT: Just a comment
22 regarding what Charlie said, was you know, I

1 don't see why we just don't eliminate the
2 reserve category. Let's take all the fish
3 that are no being caught and divide it up
4 amongst every category that is fishing, make
5 everybody responsible for their own overage,
6 anglers, general and harpoon. Then there
7 would be no debate. Thank you.

8 MR. DUNN: So that's actually
9 cross-cutting recommendation that applies to
10 all of these categories, right? Rich.

11 MR. RUAIS: Yes. The answer to
12 Charlie's, I think, to Charlie's point is a
13 small point that I made yesterday, and that is
14 to expand the weak hook research into the
15 Atlantic, and try to reduce discards by that
16 method.

17 Then I'd just point out, this is
18 probably not the right place to do it; it's
19 more the ICAT Advisory Committee, but we're
20 also trying to revitalize the fleet, to allow
21 them to catch more of the swordfish quota, so
22 that we don't --

1 Because we have the most
2 ecosystem-friendly long line fleet, pelagic
3 long line fleet in the world, if we lose that
4 quota, it's going to get caught by other
5 countries that don't practice the same safe
6 handling and release practices, circle hooks,
7 etcetera, etcetera, and the ecosystem value of
8 what we've generated over the last several
9 years is lost.

10 The committee clearly recognizes
11 that, and NOAA clearly recognizes that. So
12 you have to keep that in mind.

13 MR. DUNN: Okay, thank you.
14 Shana, did you have another idea pertaining to
15 long line? New and different that no one's
16 said yet?

17 MS. MILLER: So new and different.

18 MR. DUNN: Okay.

19 (Laughter.)

20 MR. DUNN: I can hardly wait.

21 MS. MILLER: Just regarding the
22 retention limits. I know there have been

1 requests to increase it to five fish per day
2 or, you know, higher than the three fish for
3 long lines, but not per day, per trip,
4 incidental catch requirement.

5 I think that, you know, just
6 another plug for a bycatch cap, specific in
7 the Gulf of Mexico, whether it would be
8 expanded to the Atlantic, you know. That's
9 for debate. But if nobody in this room likes
10 dead discards, I mean they're wasteful,
11 they're bad for the fisherman, bad for the
12 fish, and in the event of a bycatch cap, you
13 could increase or eliminate altogether the
14 retention limit.

15 But those fish would all be
16 counted against that bycatch cap. You know,
17 so it's just something to consider in the mix
18 as far as eliminating the daily retention
19 limit or the trip retention limit, if there is
20 a hard cap, and of course to enforce that,
21 you'd need the observer coverage 100 percent.

22 MR. DUNN: Yes, Pat?

1 MR. AUGUSTINE: A final on that
2 would be to more offshore fishing grounds.
3 Increase the area where the pelagic long lines
4 could -- I haven't heard anybody mention that
5 yet.

6 MR. DUNN: Oh, increase. Okay.

7 MR. AUGUSTINE: They're in a
8 limited area right now, and apparently that's
9 where the clusters are of these fish. But a
10 lot of them to go outside that further, what
11 is it, farther out from the Charleston Bump?

12 You'd have to take a hard look at
13 it. This group recommended that in the past,
14 and it didn't gain any traction. So I think
15 we might want to consider that also.

16 MS. SCHULZE-HAUGEN: Pat, can you
17 explain that a little bit? The closure areas,
18 Florida east coast, Charleston Bump are from
19 the shore out, as opposed to closed off shore.
20 So I think I'm not clear.

21 MR. DUNN: Explain that.

22 MR. AUGUSTINE: Rich can explain

1 it easier than I can.

2 MR. RUAIS: Is Dr. Kerstetter
3 here?

4 MR. DUNN: I don't think he is.

5 MR. RUAIS: He isn't here today.

6 Well, his research shows some promising
7 results, that there are some modifications to
8 the boundaries that could be used, that with
9 the circle hook and the safe handling
10 practices, the PLL fleet could catch more of
11 its swordfish quota with less interaction with
12 bluefin, marine mammals, white marlin,
13 etcetera, etcetera.

14 So you know, the faster we act
15 upon that, you meet the dual goals of reducing
16 bluefin discards and increasing the swordfish
17 catch, and keeping the long line fleet, as
18 we've been promising, kind of out of sight,
19 out of mind.

20 MR. DUNN: Thank you.

21 MS. SCHULZE-HAUGEN: So to
22 clarify, you're talking about the existing

1 closed areas, reducing their size, opening the
2 offshore areas.

3 MR. RUAIS: On the eastern side.

4 MS. SCHULZE-HAUGEN: On the
5 eastern side.

6 (Off mic comment.)

7 MR. DUNN: Ken.

8 MR. HINMAN: Yes, that's been
9 brought up many times and it's a legitimate
10 item for discussion under the swordfish
11 issues. I think -- I don't think there's any
12 bluefin catch in those areas. But I think
13 that the thing that really is of concern there
14 is that opening areas, the research has also
15 shown that the bycatch of other species,
16 billfish in particular as well as sharks, is
17 just as high as it was before those closures
18 were put in place.

19 That would be a problem that would
20 have to be dealt with, because it's not an
21 easy solution.

22 MR. DUNN: Very good. I propose

1 that we shift gears and look at purse seine.
2 I'd like to spend a few minutes on this before
3 we take lunch, and if we can touch on the
4 general, that would be great too. But let's
5 consider the purse seine category. Rich, you
6 actually did put one idea on the table
7 already, which involves a reallocation.

8 But are there other suggestions on
9 the purse seine category? Chris, please go
10 ahead.

11 MR. WEINER: I just want to make a
12 clarification about that. If we're going to
13 be reallocating purse seine, it's got to go
14 equally. You know, I'm all for using that,
15 but in the harpoon category, we want more
16 quota too. So I just want to put that out
17 there.

18 It shouldn't just be used to deal
19 with overages in other fish, in other parts.
20 It's got to be used equally.

21 MR. DUNN: Okay. Other
22 suggestions about the purse seine category in

1 2010 and 2011 in particular? Yes, Andre.

2 MR. BOUSTANY: I just wanted to
3 know what the legal implications were of doing
4 that? I mean is that something that's easy to
5 do?

6 MR. DUNN: Of doing? A
7 reallocation, you mean?

8 MR. BOUSTANY: Yes, and so
9 whatever issues there are potentially with
10 that, just so we know going forward.

11 MS. SCHULZE-HAUGEN: Well, there
12 are a couple of -- what came up as
13 reallocation could be different than an
14 in-season transfer of quota that is not likely
15 to be used to a category that is a likely to
16 use it. We have a number of in-season
17 transfer criteria currently in the
18 regulations, that again in- season, on the
19 ground, real condition review, very different
20 from allocation, which is a permanent --

21 MR. DUNN: I probably used the
22 wrong term, and I apologize.

1 MS. SCHULZE-HAUGEN: And they're
2 potentially both on the table at this point?
3 I would look to the panel for suggestions, but
4 they are very different. An allocation change
5 would be an FMP amendment, probably EIS. So
6 two to three year process.

7 MR. DUNN: Yes. I chose the wrong
8 term. Rich?

9 MR. RUAIS: Yes. What I mentioned
10 before was there are two boats that are out of
11 the fishery. The other three boats are all
12 active and have indicated the capability, when
13 the airplanes find the fish again, when the
14 fish return, to be able to fish.

15 So it's not a reasonable thing to
16 be thinking about then, in my view. You'd
17 just have a big fight on your hand. The other
18 two boats could be temporary. I mean the long
19 term solution is we have to grow our way. We
20 have to rebuild the stock and grow our way out
21 of this problem, both for the pelagic long
22 line fleet and for the purse seine fleet and

1 for the angling category.

2 If you look at the last page of
3 the ICAT stock assessment document, I think if
4 I'm not mistaken, MSY is about 3,600 metric
5 tons, somewhere around that. So we're at
6 1,800 metric tons. That means a doubling of
7 the quota when we get there.

8 Whether it's by 2019 or not, the
9 faster the east comes along, the faster we're
10 recover in the west. So the long term
11 solution to the dilemma, the management
12 dilemma is growing our way with the quota out
13 of this problem. This is going to take some
14 time.

15 MR. DUNN: Thank you. Specific
16 ideas for 2010 and 2011 about purse seining
17 per se? Any ideas? Chris?

18 MR. WEINER: You could either just
19 put the quota in the reserve or reach out to
20 the boat, the captain. There's only three
21 people that you'd have to call on and find out
22 what their intentions are.

1 I personally don't think you'll
2 see more than one seiner go. The one seiner
3 that went last year made a couple of sets and
4 it was clear there was some rust.

5 I don't see other, two other boats
6 coming in and doing too much right away. But
7 either way, this isn't a permanent thing. I
8 don't think anyone's suggesting. I think
9 it's, you know, you can either call and ask,
10 see what they think their outlook is, and just
11 make it possible for reserve or I don't know
12 how you do it. But you know, temporarily make
13 it possible for reserve and go from there.

14 MR. DUNN: Okay. Any other ideas
15 about purse seining? Rich? No. Okay.
16 General category. Any other suggestions? We
17 may actually get through our agenda this
18 morning on time. How about that?

19 MS. SCHULZE-HAUGEN: Maybe if I
20 could just jump in?

21 MR. DUNN: Please.

22 MS. SCHULZE-HAUGEN: You know, we

1 have the final specs that are not out yet.
2 They should be coming out soon. The reg
3 amendment, just a reminder, is we're in final
4 rule making. I'm not sure when that would
5 come out, that would have a potential impact
6 as opposed, would have been to increase the
7 general category maximum retention limit from
8 three to five.

9 Then Sarah, your point was we're
10 currently at the default of one. So we have
11 in the last several years increased that to
12 the current maximum of three, and it's been at
13 three almost the entire year. So just
14 background.

15 MR. DUNN: Okay. Thanks, Margo.
16 Any other suggestions about the general
17 category? Rich? Ralph. That's fine, Ralph.

18 MR. PRATT: Just a quick comment
19 on the five per day. I think it's a
20 worthwhile change to the FMP. I think it buys
21 you more flexibility, and you still have the
22 opportunity of when you want to implement it

1 or not.

2 So we've been down this road for a
3 couple of years. I just think it would be a
4 shame to just forget about it, and again you'd
5 be better off just to put it, to make it a
6 rule and use it at will. Thank you.

7 MR. DUNN: Okay. Thanks, Ralph.
8 Christopher and then Rich.

9 MR. WEINER: I'll just make a
10 quick point about that. I think it's pretty
11 frustrating we've spent two years on this, and
12 this goes for the harpoon category too,
13 although we did catch our base quota last year
14 and got some reserve.

15 But you know, we're basically
16 going to, you know, the first kick was when
17 people that wanted CITES, while they were
18 trying to ruin our fishery, also delayed this
19 amendment. That was bad enough. But now
20 we're going to say "we're not doing this
21 anymore because parts of the fishery went
22 over," even though this was intended to help

1 the general quota.

2 I don't see how an overage in the
3 angling should make it so that we don't help
4 the general, but you know, I think you're
5 going to have a lot of frustrated general
6 quota fishermen that are being told they can't
7 have better or easier, you know, more relaxed
8 catch limits to catch their allocation,
9 because someone else caught it. That's just
10 frustrating.

11 MR. DUNN: Yes, Margo.

12 MS. SCHULZE-HAUGEN: Just to be
13 clear, there's no final agency decision on
14 this. We are in final rule making. What I
15 meant to say is I don't know when the final
16 rule will come out, not that the decision has
17 been made on what it will be.

18 MR. DUNN: Rich, did you have
19 another idea?

20 MR. RUAIS: Well, I don't know if
21 it's another idea, but it's probably beating
22 a dead horse. But we had also asked for a

1 drop in the minimum size to about 65 inches.

2 So I'd reiterate that request.

3 Then the new issue that seemed to
4 come up at this meeting was the question of if
5 we're going to extend the North Carolina
6 season beyond January 31st to catch their
7 quota, then the whole issue arises both for
8 the harpoon and the general category, about
9 opening up both of those seasons on either May
10 1 or May 15.

11 MR. DUNN: Thanks. Shana.

12 MS. MILLER: Looking at increasing
13 the general category retention limit, I
14 certainly appreciate the fact that just
15 because you -- if you were to implement that
16 zero to five fish retention limit, it doesn't
17 mean you need to set it at five.

18 But you know, we keep hearing and
19 we keep seeing and I think we all agree about
20 this relatively abundant age class moving
21 through the fishery, that will at least
22 partially be available to the general category

1 that's here.

2 Looking at your presentation, you
3 have -- in New England, you have over 2,000
4 general category permitted boats, as well as
5 an additional 1,000 charter boat/head boat
6 fishing boats, fishermen who can fish as part
7 of the general category.

8 So if you get this huge -- not
9 huge, relatively abundant age class out there
10 and 3,000 boats fishing it at potentially up
11 to five fish per day, you know, that's a lot
12 of tonnage that could be landed and, you know,
13 you really need to look carefully at
14 increasing the retention limit.

15 And I think something that hasn't
16 been talked about here. You know, I know that
17 part of the impetus for increasing the
18 retention limit was to -- the daily retention
19 limit was to give more opportunity for boats
20 who want to fish further offshore.

21 I think there was, through the
22 AMPR, a proposal to allow for boats fishing

1 multi-day trips to allow the retention limit
2 to apply to each day of those trips.

3 I think, you know, that's a much
4 more reasonable proposal, and if you were to
5 somehow, with EMS or other methods, show that
6 those fish, those boats really were offshore
7 for multiple days, that it would make sense to
8 allow them, for each day of their trip, to
9 retain a retention limit. Does that make
10 sense?

11 MR. DUNN: Yes. Thanks, Shana.
12 Tom?

13 MR. DePERSIA: Just quickly, I
14 just want to reiterate the request to put the
15 proposal to allow charter head boats to retain
16 both general category fish and angling fish in
17 the same trip.

18 MR. DUNN: Okay, thank you. Yes.
19 You made that proposal in an earlier
20 conversation, but it applies here too. Are
21 there any comments or suggestions about the
22 harpoon fishery? Chris?

1 MR. WEINER: Well, like I said, we
2 caught our base quota last year so this isn't
3 an issue. But the principle of it applies to
4 both, that it seems like we're going down a
5 road where I know the agency hasn't made a
6 decision. But it seems like to us that it's,
7 you know, here we are going in another season
8 and nothing was done.

9 We're starting to manage the
10 general and the harpoon, you know, not
11 necessarily manage them, but the overages in
12 other parts of the fishery are starting to
13 impact that, and that's scary to us. I just
14 hope that that trend doesn't continue.

15 You know, hearing about reserves
16 getting allocated somewhere. I mean, you
17 know, I would just keep in mind that, you
18 know, the general and the harpoon category,
19 and even the purse seine fishery are long
20 important tradition, you know, long
21 traditionally.

22 These are important fisheries and

1 it is the issue and, you know, I think that we
2 just need to be fair in how we do that. But
3 I don't think there's anything you can do in
4 the harpoon, other than what I've told Margo,
5 which is that -- or asked Margo that if we do
6 catch our base, that we have a little bit of
7 quota made available. You know, it doesn't
8 take much from the harpoon.

9 MR. DUNN: Thank you. So oh,
10 several cards. Let's take the last few
11 comments. Presumably these apply to the
12 general category or the harpoon category,
13 because that's the last topics we've talked
14 about, and then the idea is that we'll take
15 lunch, and those who are interested in the
16 angling category will get a sandwich and bring
17 it back here and we'll continue that
18 conversation.

19 So I'll go around the room with
20 the cards up. Charlie.

21 CHARLIE: For the general category
22 side, I don't have a problem with the five

1 fish per day, with the exception that I think
2 if there are going to be some participants,
3 that that might pose a difficulty with proper
4 handling of the fish, and I think the last
5 thing we want is some of the smaller boats not
6 being equipped to properly handle the fish,
7 and ending up getting \$5 a pound for a fish
8 that if it had been caught by a boat that was
9 properly equipped to handle it, a larger boat,
10 that they would get \$15 or \$20 a pound for
11 that fish.

12 So as far as bringing economic
13 benefit to the country, I don't know what NMFS
14 could do to look into what type of boats are
15 appropriate, or if there's even any mechanism
16 to select what types of boats are allowed to
17 retain five fish per day.

18 Certainly, a 25-foot outboard boat
19 with one guy on it probably isn't a good
20 candidate for retaining five 90 inch fish, as
21 opposed to a 60-foot dedicated general
22 category tuna boat that has a whole capacity

1 and icemaker and everything that could handle
2 that. That's one technical comment.

3 Then for the general category
4 quota, for 2010 and 2011, we've provided
5 comments already with regard to the NPRM, and
6 I would just like to second our position, that
7 the fishery, as Rich has said, should be a 12
8 month fishery until we get our ability to take
9 most of our quota and the proposal, the NMFS
10 preferred alternative, was to open up the
11 January subquota to fishing effort all the way
12 through May, I believe it was.

13 That's okay with us. Our
14 preferred alternative would be to have 12
15 month fishery with equal monthly subquota
16 periods that roll over, and that's the end of
17 my comment on that.

18 MR. DUNN: Thank you very much.

19 Andre?

20 MR. BOUSTANY: Yes. I would just
21 like to, given the large year class, the one
22 good year class that we're talking about,

1 coming up and recruiting into the commercial
2 fishery, I would just like to encourage NMFS
3 to err on the side of caution.

4 From what we've heard, a lot of
5 people here today about how potentially
6 damaging that could be to us, to go over our
7 quota and the international setting. That is
8 something we definitely do not want to do. In
9 regards to in-season changes to any
10 management, I would say start off on the low
11 end.

12 Start off with one fish per day
13 retention, see how we're doing. You can
14 always take more fish out of the water at a
15 later date. You can't put more fish back into
16 the water if you overshoot at a later date.

17 That potentially has some economic
18 impacts. If you flood the market early,
19 everyone's going to get a crappy price. It's
20 going to be a short season, and you can
21 potentially be just damaging the economics of
22 the fishery as well.

1 So I would just like to encourage
2 NMFS to err on the side of caution with this
3 upcoming year. Given the presentations that
4 you've showed us, it seems as though even if
5 we stick with the retention limits and size
6 limits that we had last year, we would likely
7 be well over our quota for this upcoming year.

8 Based on North Carolina catches
9 and where we are right now, and the size of
10 those fish moving up into the commercial
11 season, we could potentially be well over
12 unless the rules and regulations are made more
13 restrictive as opposed to less restrictive.
14 Thanks.

15 MR. DUNN: Ralph.

16 MR. PRATT: I guess the comment
17 regarding Andre's comment about starting off
18 on the safe side of one a day. One of the
19 problems the harpoon category has is an
20 extremely low quota for a number of
21 participants. We compete against the general
22 category, who also harpoon the same fish.

1 I'm afraid that if you start off
2 at one a day and let the general category
3 membership know that right now, that they
4 would transfer their permits into the harpoon
5 category, and we would be faced with a very
6 early closure of a category that's got a lot
7 of long-time historical participants.

8 The second comment I have is
9 relative to the three a day in the general
10 category that are allowed to catch three fish
11 that would be 73 to 81 inches. The harpoon
12 category is only allowed two of those same
13 fish, and the rest of their fish would have to
14 be over 81 inches.

15 I'd like to see that both of those
16 categories be made equal in a sense of
17 fairness, and that the harpoon category be
18 allowed to retain three fish between 73 and 81
19 inches. Thank you.

20 MR. DUNN: Thanks very much. Ken.

21 MR. HINMAN: Yes. I wanted to
22 speak in favor of Chris' remarks. I think, I

1 mean just what Ralph added regarding the
2 harpoon category. It's a category that we've
3 always supported. I like harpoons. I think
4 they're a good, clean fishery. I like them
5 for tunas, bluefin tuna. I like them for
6 swordfish. I think it's a historical gear and
7 a craft that we need to keep alive and take
8 into the future.

9 I think it's important for whales,
10 not so much. But I think in these two cases,
11 it's something that we should look at, not
12 just trying to maintain their base quota but
13 also growing those fisheries. I think that
14 overlaps a little bit into this afternoon's
15 discussion about the future of the swordfish
16 fishery.

17 I think there's a lot of people
18 that are active in the bluefin fishery,
19 harpoon fishery that probably would like to
20 get involved in the commercial swordfish
21 fishery as well, and they are not presently
22 allowed to do that.

1 MR. DUNN: Good, thanks.

2 MR. HINMAN: To the degree they
3 would like.

4 MR. DUNN: Thanks very much.
5 Well, I think it's just about lunch time.
6 Rich, would you like the very last, very
7 concise comment?

8 MR. RUAIS: Yes, just two, very
9 quickly, to Charlie Pereira's comment. We
10 also would support 12 months a year fishing,
11 as long as quota is obviously available. But
12 there would be very serious opposition, as
13 we've made, as we've indicated to the agency
14 before in repeated comments, to taking, to
15 doing anything radical to the proportional
16 split of the quota right now the way it is.

17 It's based on historical
18 performance, traditional fishing and there's
19 absolutely no reason to change that right now
20 into 12 monthly equal installments. If this
21 quota is available to transfer from reserve to
22 keep a North Carolina fishery going for a

1 while, that's fine.

2 But there would be very serious
3 opposition to 12 monthly equal quota
4 allocations.

5 MR. DUNN: Thanks very much. So
6 the suggestion is that we talk through all of
7 these categories in some detail. There's
8 clearly a lot of details, though, to be
9 fleshed out for the angling category and some
10 tough decisions to be made.

11 The agency really views this as an
12 opportunity to get your best ideas, and Margo
13 has suggested that to do that, that we have a
14 continued conversation with those who are
15 interested in that category.

16 The deli is, I think, right across
17 the street isn't it? So the suggestion would
18 be to invite those of you who want to take
19 part in a follow-up conversation on the
20 angling category, to come back in perhaps half
21 an hour with your sandwich, and the rest of us
22 should reconvene at about 1:15, 1:30? 1:15,

1 and then we'll work on summarizing our
2 presentation for the full plenary. So thank
3 you very much. We're adjourned for lunch.

4 (Whereupon, a luncheon recess was
5 taken.)

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

2 Tape 12

3 Angling Category Discussion

4 PARTICIPANT: (In progress) is the
5 shift to the north. So if you're focusing on
6 the colors of the bars, and this is school,
7 but maybe we can go back to either large
8 school or, you know, we can let's look at
9 small/medium first.

10 So I guess it appears as orange or
11 rust- color to you, is Massachusetts, and you
12 know, clearly 2009 charter and private, you
13 see a lot of that rust color and you also see
14 it, if I guess we go to another size class.
15 You see that in 2008.

16 But 2008 also, there's a large
17 blue bar which is New Jersey for large school,
18 but still the, you know, the difference
19 between the early years in this graph, the
20 early years being '05, '06 versus the last
21 couple of years, you know, you see a lot more
22 Massachusetts.

1 So that's one thing that
2 definitely stands out to me, and then just the
3 fact that, you know, as we've seen with the
4 lane frequency graphs, you can sort of see it
5 here. If you, you know, follow the shift in
6 size class, and this is large school.

7 I guess if you go back to the
8 small/medium, you know, clearly 2009, it
9 really shot up. So that's that year class
10 that we're looking at.

11 (Off mic comment.)

12 MS. MILLER: So are we seeing then
13 what the annual estimate showed, this change
14 of school in '05, large school, '07, '08, and
15 then small/medium in '09, that part of the
16 trajectory?

17 PARTICIPANT: Yes. I believe
18 that's what we're seeing there. So you know,
19 as you would expect, it matches the length
20 frequency data. They're both coming from the
21 large pelagic survey. So you know, it's not
22 much surprise there, but it does show it, in

1 terms of landings.

2 MR. DUNN: Okay. A couple of
3 other questions. Charlie.

4 (Off mic comment.)

5 MR. DUNN: Okay. Tom.

6 (Off mic comment.)

7 MR. DUNN: Okay, thanks. Steve
8 and then Ralph.

9 (Off mic comment.)

10 MR. CODDINGTON: Right, that's an
11 excellent question, and we don't that type of
12 information for individual vessel, because the
13 survey is random, both you know, on the
14 telephone side but also the dock side. Sites
15 are selected randomly.

16 So we don't, we just don't track
17 vessels as far as what their take would be
18 over the season. I think if I was going to
19 take a stab at answering that question, I
20 would look to the catch card programs, North
21 Carolina and Maryland, which are an attempted
22 census.

1 So there, you've got information
2 on, you know, you could look at a particular
3 vessel or you can look at the fleet and see
4 the average number of fish landed for vessels
5 that actually landed at least one and reported
6 at least one. You don't know about the guys
7 who didn't report or didn't land.

8 But that would be a start. You
9 would want to look to your census programs.
10 I would start with the catch cards and maybe
11 also look at the call-in or online reporting.

12 (Off mic comment.)

13 MR. CODDINGTON: I'd say when you
14 stop that, can you provide that data to us?
15 My answer was yes, when you said by the end of
16 this meeting. I think my answer changed. So
17 yes and no.

18 MR. DUNN: But soon.

19 MR. CODDINGTON: But soon, yes.

20 MR. DUNN: Soon it can be
21 provided.

22 MR. CODDINGTON: It's certainly

1 something we would work on.

2 MR. DUNN: It's a good line of
3 questioning, and I think Steve, one of the
4 things you're illuminating here is so if we
5 were to propose this particular restriction,
6 what would be the distribution of impact, and
7 how many individuals would be impacted. Maybe
8 not a lot, maybe many, we're not sure. That's
9 a good question. Ralph.

10 MR. PRATT: Regarding Steve's
11 question about impact, I'm not sure if you
12 were talking about the financial impact on the
13 community or the fishermen themselves or --

14 PARTICIPANT: The fishermen
15 themselves.

16 MR. PRATT: Oh, okay. Just a
17 comment then. I guess I'm still confused as
18 to how much quota is exhausted in 2010
19 already. Charlie picked up on five, you know,
20 500 fish is five percent of 10,000, and I
21 thought earlier when John Graves was speaking,
22 for some reason I got the feeling that we were

1 nearly 50 percent exhausted already. Did I
2 misunderstand that?

3 (Off mic comment.)

4 PARTICIPANT: Yes. I guess so the
5 number of fish that, and again the April
6 number is preliminary, but the number that I
7 came up with for North Carolina is 486. So I
8 haven't done the quick, back of the envelope
9 calculation.

10 Maybe someone could work that and
11 estimate a weight. You know, you'd have to
12 estimate the weight of that and then see how
13 that compares to the quota weight for that
14 size class. So you know, it's five percent of
15 the -- I assume that 10,000, I think you're
16 talking about the total number of fish across
17 --

18 (Off mic comment.)

19 PARTICIPANT: Right, across all
20 size classes, right?

21 (Off mic comment.)

22 MS. SCHULZE-HAUGEN: Right, and

1 that's part of the point though, is the same
2 number of fish at different weights is a very
3 different impact to a quota. So --

4 (Off mic comment.)

5 MS. SCHULZE-HAUGEN: Those fish
6 have grown to -- just have a number right now
7 to compare doesn't give you the full picture
8 for a quota, a weight-based quota.

9 (Off mic comment.)

10 MR. DUNN: Okay. Thanks, Ralph.
11 Glenn you had a question and you took a phone
12 call and you didn't miss your turn.

13 MR. DELANEY: Thank you.

14 MR. DUNN: Imagine that.

15 MR. DELANEY: Multi-tasking big
16 time. I just note that, you know, it's 1:09
17 and we have six minutes. Are we going to talk
18 about ideas for addressing the angling
19 category, or are we just -- I'm kind of just
20 wondering.

21 MR. DUNN: Well, the intention is
22 that the data is grist for those ideas. But

1 yes, by all means, let's do so.

2 MR. DELANEY: I have a very random
3 and probably unpopular thought, and I do need
4 the NMFS people to hear what I'm going to say.

5 MR. DUNN: This was a thought,
6 trending into a proposal idea?

7 MR. DELANEY: Well, no. Just an
8 idea. I don't propose things for other
9 categories. But we have a cluster of fish
10 that are about to move into the commercial
11 size category, and there's been a lot of
12 concern about how anglers in particular, who
13 are not the most experienced necessarily in
14 identifying to the inch the size of fish
15 alongside their boat, and bringing them in and
16 perhaps having to discard them.

17 I think the charter boat captains
18 are probably a lot more experienced with that.
19 But one way to sort of solve the double
20 problem is how do we get those fish out of the
21 -- not accessible to the angling category this
22 summer, would be to just reduce the maximum

1 size limit on the angling category.

2 Let me tell you, you know. A 65
3 inch fish on a spinning reel in Stellwagen
4 Bank in the summer is all the fight I need.
5 You know, 72 inches is probably he's going to
6 win and I'm going to go with him. You know,
7 my point is, you know, you're really pushing
8 the limits of angling.

9 I mean we literally go out there
10 with spinning rods throwing a eight dollar
11 sluggo, they're the easiest fish to catch.
12 This is as much an explosion of accessibility
13 to the fish as it is an effort. The word's
14 out. You literally see 16, 17 foot Boston
15 whalers now on Stellwagen Bank throwing
16 sluggos and catching tuna. It's that easy.

17 So can we just take them out of
18 that group of fish completely by saying okay,
19 we're going to cap you at 65 inch. I'm just
20 picking a number. That way, there's sort of
21 a size slot there.

22 Maybe you retain access for the

1 charter boat captains to that. I don't want
2 to get into your face on that, because you do
3 have the experience and you are a commercial
4 operation from my perspective, trying to earn
5 a living from fishing.

6 You know, maybe that's a way to
7 get at this problem. And then all that effort
8 that is just exploding out there. The word's
9 out. Anybody that can catch a tuna get out
10 there. They become unaccessible to that
11 angling category because they're too big.

12 MR. DUNN: Okay. So let's hear
13 from Margo, and I know Tom wants to weigh in
14 too.

15 MR. DELANEY: And that may be
16 completely stupid. I don't know.

17 (Off mic comment.)

18 MS. SCHULZE-HAUGEN: I think the
19 options we would have this year, again with
20 the tool box tools that we have, would be more
21 on the size class base, where we currently
22 have and traditionally manage school

1 separately, and have traditionally managed
2 large school and small/medium together.

3 That's not a requirement. There
4 would be options on a size class, to split
5 those two apart and potentially have schools
6 separate from -- large schools separate from
7 small/medium. The proposal I think you were
8 starting to talk about was maybe limiting to
9 large school, and having small/mediums not
10 accessible? Is that what you were getting at.

11 (Off mic comment.)

12 MS. SCHULZE-HAUGEN: Well, that's
13 what I thought you were getting at. Is that
14 not what you were getting at.

15 MR. DUNN: Same idea, yes. So not
16 parsing the size class, but using the size
17 classes.

18 MS. SCHULZE-HAUGEN: Yes. We
19 definitely could use the size classes that are
20 on the books. If you're trying to pick a
21 different limit, in terms of the inch, that
22 would be a change. We couldn't do that

1 quickly. But in terms of using the existing
2 size classes, that would be something we would
3 be able to do.

4 (Off mic comment.)

5 MR. DUNN: Okay, thanks. Tom.

6 (Off mic comment.)

7 MR. DUNN: All right.

8 (Off mic comment.)

9 MR. DUNN: That's good. Thanks,
10 Tom. Tom, a follow-up question to you. When
11 you say "something like this, a slot limit,
12 something like this is more acceptable." More
13 acceptable than what? What are you comparing
14 it with?

15 (Off mic comment.)

16 MR. DUNN: Good, okay.

17 (Off mic comment.)

18 MR. DUNN: Yes, absolutely. Who
19 else would like to weigh in on this? Rick.

20 (Off mic comment.)

21 MR. WEBER: I have to, I
22 completely agree with Captain DePersia, that

1 within the for- hire industry anyway, the
2 perception of being able to take a fish is
3 very important to the customers and I also
4 think that the seasonal closures are fairly
5 devastating to our business.

6 So if there's a way to manage the
7 fish for next year, to keep the longest season
8 possible, he's absolutely right. Our season
9 doesn't get going until September-October.
10 During the lunch break I was looking at my
11 calendar, and there's a whole bunch of folks
12 that are coming out to fish on my boat in
13 September, and I'd hate to have to call them
14 and say that the season's closed up, and it
15 would also be bad for my personal business.

16 I think a slot limit seems like a
17 logical approach. One thing I can say from
18 some of my experience with the ASMFC and the
19 advisory panels there is a lot of times the
20 commission will bring different proposals to
21 the table or different conservation benefits
22 from different proposals for us to kind of

1 consider.

2 So right now, we're not really
3 sure what a slot limit would gain
4 conservation-wise or a seasonal closure, and
5 that would be helpful to know. If we're
6 shooting ideas out there that are more
7 aggressive than we need to be or less
8 aggressive, we're not sure.

9 We're just coming up with ideas
10 that we could live with, but will they
11 actually meet the conservation standard that
12 we're looking for or are they more dramatic
13 than we need. So that's something that's kind
14 of --

15 MR. DUNN: Margo.

16 MS. SCHULZE-HAUGEN: Well I think,
17 from what I understand, a conservation
18 equivalency is a little bit different than
19 what we're talking about here.

20 I mean my experience with
21 conservation equivalencies are different rules
22 to achieve the same conservation level, as

1 opposed to making sure the quotas are not
2 exceeded, and that the conservation of the
3 overall quota for the U.S. western bluefin
4 tuna rebuilding plan, that is a separate
5 issue. This is more the allocation within
6 what we get.

7 So I get your point, that there
8 are maybe more information that would be
9 helpful to have if we did what the prediction
10 would be under this slot limit or that slot
11 limit or this season or that season. I think
12 we don't have that. We can look into that and
13 try and do it.

14 But again, a lot of that is
15 prediction, and isn't always precisely what
16 happens.

17 MR. DUNN: Any other reactions to
18 this proposal or this concept of the slot
19 limit? Did you have more? Go ahead.

20 PARTICIPANT: Just a quick thing.
21 I wasn't so much talking about the
22 conservation equivalency more the

1 conservation, benefit of whatever tools you're
2 using, and understanding what kind of a
3 conservation benefit you will get from
4 whatever management plan or tool you use for
5 the upcoming season, and they are predictions
6 based on the available data.

7 But I'd just hate to pick
8 something that's real super-aggressive, and
9 only to find out that that was more than we
10 needed and a bunch of folks don't get to go
11 fishing, because we overdid it.

12 MR. DUNN: Yes, good point.
13 Steve, did you have more?

14 MR. JAMES: Yes, just briefly.
15 From a recreational perspective, I personally
16 think I could live with, if the proposal was
17 out there to limit, and this is strictly for
18 the recreational, purely recreational guy, not
19 the charter head boat.

20 But if there was the slot limit of
21 59 to 70 or under 73, if I was limited to two
22 fish per year at that class, and I was also

1 allowed to take one over 73, that's getting me
2 three of those fish per year. I think I could
3 live with that. I could still go out and
4 target those fish from a catch and release
5 perspective. I could still target the smaller
6 fish.

7 I wouldn't be in favor of putting
8 the same restriction on the charter head boat
9 as much as I would the recreational, looking
10 at the fact that it's about three to one in
11 terms of the number of fish that are caught,
12 and that's all I just wanted to say. I think
13 it's livable.

14 MR. DUNN: Thanks. Glen.

15 MR. DELANEY: Yes. I not
16 surprisingly was misunderstood. I don't think
17 that's what I was saying. If you're talking
18 about a slot limit allowing the anglers to
19 take 59 to 73 only, that's the opposite of
20 what I was saying.

21 What I was saying is take the
22 angling category out of this year class that's

1 moving its way through, that's right bumping
2 up against the commercial size, which is going
3 to cause all sorts of discard issues and
4 confusion out there, and frankly they're --
5 it's that effort that is exploding and will be
6 even greater this year.

7 You know, it's exponential growth
8 of effort out there, because there's no limits
9 to it. Take them out of fishing, targeting on
10 that size limit. Now going all the way to 59
11 inches is probably more than I was thinking
12 of, because that goes well beyond where that
13 year class is right now, and that may be
14 taking them out of the fishery altogether. I
15 don't know what else is out there.

16 There was another bump of fish
17 coming up. What size are those? I can't
18 possibly read that.

19 (Off mic comment.)

20 MR. DELANEY: Oh, I'm sorry.

21 MS. SCHULZE-HAUGEN: They would be
22 probably crossing into large school this year,

1 or at least just eyeballing it. But I thought
2 -- sorry. I'm sorry, Steven. I thought your
3 comment was two under 73 per year.

4 MR. JAMES: Yes. What I was
5 saying that from a recreational perspective --
6 (Off mic comment.)

7 MR. JAMES: Yes. Really capping
8 the recreational angler, two fish between 59
9 and under 73, and then you've got your one
10 trophy, and you can still target that year
11 class of fish, but we've put some restrictions
12 on them. You know, you can still go back after
13 the smaller fish under 59 inches.

14 MS. SCHULZE-HAUGEN: And can I --
15 so just to clarify. You're saying two fish
16 per year between 59 and 73?

17 (Off mic comment.)

18 MS. SCHULZE-HAUGEN: And what
19 about below 59? Below 59. Would it -- one
20 per --

21 (Off mic comment.)

22 MR. DUNN: Charlie.

1 MR. PEREIRA: I think from a
2 conceptual standpoint, I'm hearing some very
3 similar things, and I just wanted to point out
4 my support of that, and that is I think a goal
5 should be to try to recognize and prevent the
6 areas where we have abuse of the system and
7 the resource.

8 That in my opinion is excessive
9 fishing via angling permitted boats, behaving
10 operationally like charter head boats, and
11 getting way more trips than they should via
12 the subsequent sale of the fish, either to
13 friends, co-workers, restaurants, whatever.

14 That is enabled by the current
15 daily retention limits for the angling
16 category quota. So whether we do some of
17 these measures, you know, I had suggested two
18 of the bigger fish per month and four of the
19 smaller fish per month, if you want to do it
20 two -- like Steve recommended over here, two
21 between 59 and 73, and the one trophy,
22 whatever.

1 I think they all go to the same
2 issue, and that is trying to prevent the
3 angling category people from having an
4 excessive daily retention, an excessive
5 retention limit that sort of turns them into
6 a charter head boat per se, and sort of
7 enables the black market fisheries to be going
8 on, as far as sales are concerned.

9 I have equal concerns with Glenn
10 about this big group of fish that is headed
11 for our commercial fishery, being wiped out
12 this year up in Massachusetts or substantially
13 wiped out again this year up there, right
14 before they become commercially available
15 fish.

16 I would very much like to have an
17 opportunity to target those fish commercially
18 next year, on the commercial side of my
19 charter head boat permit, and if I saw another
20 7,725 of those fish go to the angling category
21 abuse side of it this year, that would
22 financially could possibly really hurt us for

1 upcoming years. So that's my opinion.

2 MR. DUNN: Okay. Margo, have you
3 heard a pretty good cross-section of the room
4 here? Would you like to hear more comments
5 and feedback?

6 (Off mic comment.)

7 MR. DUNN: John, go ahead.

8 MR. GRAVES: My question to Margo
9 is in cutting your up or down, the landings
10 effort, so that they're taking one fish a
11 week, two fish a month, two fish a year, how
12 the hell do you enforce that?

13 I mean to me, it's a great way of
14 reducing effort. But if it's unenforceable,
15 it's meaningless. So the reason I had
16 proposed a season, which I understand hurts
17 charters because there's only going to be a
18 season where you could land fish; the rest has
19 got to be catch and release.

20 But that at least is enforceable.
21 You can't have fish on the boat. So I just --
22 while I see that the opportunity to land a

1 couple of fish a month or some fish a year is
2 great, enforcement-wise I don't think we can
3 do it, unless we have -- I'd like to hear your
4 thoughts.

5 MS. SCHULZE-HAUGEN: No, I think
6 it's a good point, that the trophy per year
7 comes through the commercial landing system.
8 So that's how we're able to track that.
9 Certainly day or trip limits for seasons are
10 going to be much easier to monitor and enforce
11 than something where you would have to know
12 the behavior of a certain time period that you
13 didn't see.

14 You know, most enforcement is
15 either on the water or at the dock, and you're
16 not going to know what the guy did yesterday
17 or last week. So that is a significant
18 concern. It would be something we need to
19 think about. So in that regard, some of the
20 things, the seasons or some sort of limit on
21 a daily basis or trip basis would be more
22 enforceable.

1 But I mean a lot of the
2 suggestions, I think, are really good, really
3 concrete kinds of things that will give us the
4 stuff to work with when we get back home and
5 can think about some of this, run some of the
6 numbers and see where it leads us.

7 But no. I have found this to be a
8 very productive discussion.

9 MR. DUNN: Good. There was a
10 request to maybe do another round of analysis,
11 and maybe do some forecasting on what the
12 benefit would be and also the impact. Is it
13 reasonable to expect that there would be
14 another loop of conversation, or is that not
15 something that people should realistically
16 expect?

17 MS. SCHULZE-HAUGEN: Well, that's
18 an interesting point. As an advisory panel,
19 our practice has been a couple of times a
20 year. I think the next one we're looking at
21 is in September, and I need to dig out the
22 week that looks open right now.

1 What we need to do is going to
2 happen long before September. So I think by
3 the next panel meeting, this will be done. So
4 some of the options for the group to have a
5 conversation with us on where we are when we
6 get somewhere, would be some of those
7 conference calls the agency's been doing more
8 of recently.

9 We had one for catch shares with
10 the advisory panel. I don't know what folks
11 thought about that. I didn't get a lot of
12 feedback from people. There have been a
13 number of other conference calls recently with
14 different groups, the oil spill call I think
15 last week. It was an open call.

16 So that would be some of the
17 options that we would have in the near-term,
18 to have another round, let you know where we
19 are, what things are looking like. I'm happy
20 to set those up. They're, on our end, far,
21 far easier to do than getting 35 people in a
22 room. That's expensive, takes time, and a

1 conference call we can set up a couple of days
2 in advance.

3 So for those is the operator kind
4 of gets the queue, tracks who's on the call
5 and kind of controls the discussion, so you
6 don't have people talking over each other. So
7 we can entertain that, if that would be of
8 benefit and of interest.

9 MR. DUNN: Is there interest in
10 the room? Nod if there is. Okay, thanks.
11 Yes, you had a comment. I'm sorry I didn't
12 call on you.

13 PARTICIPANT: Yes, I did. I'm
14 sorry I missed that dialogue about options of
15 two fish a month, two fish a day, two fish
16 whatever. That's like when we want to set
17 quotas in the Mid-Atlantic, we think we want
18 100 pounds a day versus 25 pounds bycatch and
19 all the rest of that.

20 It's like pulling numbers out of
21 the air. They're all great ideas, but unless
22 they've been put on a piece of paper and

1 worked out some way to show that if you have
2 X amount of fish or X amount of quota, and
3 work it backwards, they're all great ideas and
4 things we should do.

5 I keep hearing a mixture of an
6 enforcement problem, as opposed to legally
7 caught fish. If you have black market fish
8 being sold, that's an enforcement problem and
9 more attention has to be brought to the issue.
10 But by training to restrain any sector,
11 including recreational or anglers from
12 participating in the fishery because you have
13 a lot of illegal activity going on, I think is
14 the wrong idea, the wrong way to solve your
15 problem.

16 When we start discussing trying to
17 limit the number of fish that can be caught in
18 a regional area such as the south right now,
19 we're talking about going from 135 fish to 400
20 and some-odd fish. That's a flag.

21 So it's control of a sector, as
22 opposed to trying to penalize the whole or set

1 the stage for limited harvest by angling
2 vessel or a charter boat vessel, before you
3 address that problem and solve that problem.

4 I think we've kind of got the cart
5 before the horse. So is that a problem? Cut
6 the bleeding short by putting a tourniquet on
7 an area that we now have a problem with.

8 Then develop, through an analysis
9 of three or four options, you might -- Ron or
10 someone might put together, as to what would
11 be the most viable way that you could sell to
12 the public, that here's how we're going to
13 control that so we do not go over our quota by
14 the end of the year and find ourselves faced
15 with a disaster at ICAT in the fall. So my
16 options, my thoughts.

17 MS. SCHULZE-HAUGEN: Well so to
18 that end, I saw a lot of heads nodding for a
19 follow-up conference call. So we can work on
20 putting that together. Pat, to your point
21 about three to four options, having some of
22 the analysis done for those, for three to four

1 options.

2 What would be very helpful is to
3 know what the group's feeling is on what those
4 three to four options should be. Things I've
5 heard coming through strongly as enforceable
6 and potentially effective are seasons that
7 have some significant negative impacts people
8 have talked about.

9 So are there a couple of season
10 options we want to look at, versus more of the
11 slot limit. So it would be helpful. I mean
12 we can go back and we can think amongst
13 ourselves. But if there's particular things
14 that would be of use for us to do some
15 additional analysis on, it would be good to
16 know now actually.

17 MR. DUNN: Glen.

18 MR. DELANEY: A quick comment on
19 that. You know, the -- again, not to pick on
20 anglers; I'm one of them, but you know, the
21 impact of seasons on anglers is far less
22 important than on the charter boat.

1 Maybe somebody already said that.
2 I totally agree with the charter boat industry
3 needs to get stretched out as long as they
4 can, just like commercial fishermen, you know.
5 I mean it's the same thing.

6 But the anglers, you know, it gets
7 a little different out there about the middle
8 of September than it is in June or July or
9 August. So they're not giving up a huge
10 amount if there was some season limits to the
11 angling category. That could be done in
12 combination with a slot limit.

13 MR. DUNN: So maybe a little fine
14 tuning about who the season would apply to.
15 Yes, go ahead.

16 PARTICIPANT: I'm going to
17 continue to defend my rec anglers. I don't
18 hear any goals of as we talk about reducing.
19 You know, you showed those graphs, how many
20 were -- how many fish and tons were caught by
21 pure rec anglers and how many were caught by
22 charter, you called it private and charter.

1 I think we have a hard time giving
2 you options because we haven't yet figured out
3 what the goals are. If the goal is to hold
4 charter somewhere near steady and have private
5 absorb this cut, I'm balking.

6 And so I guess I can't really talk
7 about what the goals are and Ron can't do the
8 analysis of how we're going to meet those
9 goals until we get some idea of what the goals
10 are, what percentage reduction do we really
11 need and how's it being split between the
12 privates and the charters.

13 MR. DUNN: So is one of the
14 principles you're sort of hinting at is you
15 need to spread the pain a little bit? Is that
16 your point?

17 PARTICIPANT: Absolutely. I'll
18 throw it back to Glenn in just a second, but
19 we saw the graph, that roughly on the numbers
20 of trips basis, the LPS numbers of trips, it's
21 pretty much five to one private to charter.
22 Every one of those trips is using consumables,

1 you know.

2 That's again jobs in bait and
3 tackle shops and marinas. If we're going to
4 drop out a big percentage of those private
5 trips, that has economic waves that go through
6 our community as well. Anyway, back to Glen.

7 MR. DELANEY: Well sure. I mean
8 the more fish you catch and the more fish you
9 fish for, the more money is spent. But I
10 think the point was that the overages are
11 occurring because of a massive influx of
12 effort into the angling category and their
13 effectiveness, and that the overages are by
14 far and away occurring in the angling
15 category.

16 I'm not here to attack the angling
17 category, but that's where the problem is
18 occurring, as I understood the data that you
19 presented. We're not having massive overages
20 in the charter boat category; correct me if
21 I'm wrong. But it's more on the private side
22 of the equation that we had the explosion.

1 That needs to be brought back into
2 conformity with the categories allocation.

3 MR. DUNN: Yes.

4 MS. SCHULZE-HAUGEN: Let me just
5 jump in.

6 MR. DUNN: Go ahead.

7 MS. SCHULZE-HAUGEN: Charter head
8 boat is a permit category. This was some of
9 the other things that were kind of being
10 bandied about, about creating potentially a
11 charter head boat quota category. But so to
12 talk about the charter being the source of the
13 overages versus the private being the source,
14 it's the angling category and they're both in
15 that.

16 The point, I think, of the graphs
17 that we were seeing is effort is higher in the
18 private; the landings were higher in the
19 private. But they're all part of angling. So
20 in terms of some of what I have heard over the
21 years, in terms of the goals, I think access
22 for recreational fishermen is very important.

1 Access potentially to the big fish as well,
2 and so that's, you know, I think where the
3 trophy comes in.

4 Charter head boats are running a
5 business, and so some of the stability in
6 terms of retention limits and seasons. So I
7 think the goals are a little bit different
8 from kind of the user perspective. I think
9 from our perspective, it's quota, maintaining,
10 you know, staying under quota.

11 So I think there's things that we
12 can go back and look at. There may be a mix
13 of combinations that would get us there, that
14 we would predict would get us there, kind of
15 with those kinds of goals in mind.

16 MR. DUNN: So Margo, time check
17 question for you. We need to do a wrap-up for
18 this whole session, and I'm going to propose
19 that, and I haven't discussed this with Margo,
20 so we'll see if this flies. I'm going to
21 propose that we try to get one person from the
22 commercial point of view, one from the

1 recreational and one from the conservation
2 point of view to be a team to report back.

3 So that team needs to form and
4 have a few minutes to digest what we've talked
5 about. I don't know if there are more ideas
6 that people want to put on the table now about
7 this issue, and if so we should hear them.
8 But then I think we probably ought to shift
9 gears quite soon.

10 MS. SCHULZE-HAUGEN: I know. I
11 think so too. I guess the one point would be
12 the way the AP is comprised, which is
13 commercial, recreational, environmental and
14 academic. So I would maybe suggest a team of
15 four.

16 MR. DUNN: Fair enough, yes, yes,
17 and sorry, I didn't call on you yet. Go ahead
18 Ron.

19 MR. CODDINGTON: Very quickly.
20 Don't underestimate the economic impact effect
21 here. Only a recreational angler or a charter
22 head boat operating in a charter capacity, not

1 commercial, will spend more money than the
2 fish is worth. A commercial fishermen will
3 not purposely fish and spend more money than
4 the value of that fish.

5 So while you're looking at the
6 first line economic impact, don't forget the
7 fact that those recreational anglers are
8 spending a lot more money at the marina, fuel,
9 bait, tackle than any of the commercial
10 fishermen per pound of fish.

11 MR. DUNN: Point well taken.
12 Christopher? Tape 13

13 MR. WEINER: Let's not go there.
14 I mean if you saw our fuel bill on days we
15 didn't even see a fish --

16 MR. DUNN: Yes, I'm sure.

17 MR. WEINER: You'd throw up.

18 MR. DUNN: All right.

19 MR. WEINER: Let's not even go
20 there.

21 MR. DUNN: Okay. Let's -- I'd
22 like to propose that we shift gears and think

1 about who would like to be among the people to
2 report back to the full group. I could name
3 names, but I'd rather have volunteers. Chris?
4 Okay. Charlie.

5 Well, you know. Kind of a mix.
6 Are you interested in being part of this
7 report back team, as you scuttle out of the
8 room? From the conservation side? Shana,
9 you've been nominated by your esteemed
10 colleague there, when you weren't looking.

11 Where is Rich? Okay. All right.
12 So could we have that group gather, and we'll
13 try and distill from the conversation some of
14 the key points. So let's, if you could come
15 up here.

16 MS. SCHULZE-HAUGEN: Yes. Can you
17 run through the list again?

18 MR. DUNN: So we had Chris,
19 Charlie, Shana and I guess Rich, and an
20 academic, and that would be Andre. All right.

21 PARTICIPANT: HMS tournaments.
22 There was a comment earlier about a calling in

1 of fish and calling of fish from a 32 inches
2 to a 59.

3 I know one thing that's been very
4 effective in the white marlin open in
5 preventing people from cheating, is every time
6 you boat a fish, you have to call it in with
7 your boat number and the size of the fish and
8 the species of the fish.

9 If you did that in all of the HMS
10 tournaments that involve bluefin tuna, that
11 would prevent a lot of cheating, because if
12 somebody was required to call in their 54 inch
13 fish that 13 people just saw him pull over the
14 side of his boat, along with this boat number
15 and whatever, and then later on when he gets
16 a 71 and it's a one fish per day on your NMFS
17 regulations, that's going to prevent him from
18 slipping the 54 back in the water and grabbing
19 the 71.

20 So I would recommend that since
21 you guys have purview, or whatever you call
22 it, excuse me, domain over HMS tournaments,

1 that I would try to stipulate, if I were you
2 guys, through whatever powers you have, that
3 all boats for bluefin tuna be required to call
4 in at the time of catch the fish, along with
5 the size of the fish, the boat number and even
6 possibly -- I don't know if you have some way
7 of providing tags for the tournament.

8 They could even provide a tag
9 number that has to be inserted on the tail at
10 that time.

11 MR. DUNN: I think there's a
12 rejoinder to your suggestion. Rick.

13 MR. WEBER: Rick Weber, South
14 Jersey Marina and Tournaments. Committee
15 boats is largely what Charlie's mentioning,
16 and the committee boats is actually something
17 that we have been moving away from, as far as
18 from a mandatory standpoint, because people --

19 You know, you've got a 100 mile
20 range. So your boats are up to 200 miles
21 apart. I can't tell you how many times you
22 get people who say I tried to call a committee

1 boat and couldn't reach one.

2 To take it down to the point that
3 it's on the tournament, that everything must
4 be relayed on a radio at the time of catch, I
5 can't cover that much ocean with reception,
6 you know.

7 It doesn't work. There is just
8 too many people who are off fishing at various
9 places. Do we still leave it on there that
10 fish should be called in? We do. It is our
11 preference that they are called in, because it
12 tells us what's coming into the scale, so we
13 know what we're expecting.

14 But as far as on a mandated basis,
15 it's not going to work. There's too many
16 black holes in radio reception out there.

17 MR. DUNN: Okay. So Charlie, did
18 you have one more, and then we need to break.

19 MR. PEREIRA: Yes, I do have one
20 more. I just wanted to follow up with him on
21 that. I've been fishing the white marlin open
22 for 17 years now, and I still think treating

1 it like they do, whereas they say, they imply
2 that you must do it.

3 Even if nobody hears you and
4 nobody calls you back, I've never known
5 anybody to put it out on the air, and just
6 because they didn't get a callback from the
7 committee boat have the cojones to actually do
8 the cheat later on, because that would
9 essentially eliminate you from all further
10 tournament contention for the rest of your
11 life if you did get caught. So that's my
12 finish up on that.

13 The other one is something that
14 I've seen a lot in my career, and paying close
15 attention to the websites and talking to a
16 bunch of my buddies. Even when they're
17 releasing fish, and a lot of them up in
18 Massachusetts last year, they're bringing
19 these boats in, these fish in for pictures
20 with all their buddies, and setting these 70
21 inch bluefins up on three or four guys' laps
22 and taking a big, beautiful picture.

1 I'm sure Andre and others in the
2 scientific community that are familiar with
3 tuna biology would be able to give you some
4 kind of indication as to how bad that is for
5 the release mortality of the bluefin tuna.

6 So I don't know what NMFS has in
7 its pocket, but at least even if you can't
8 mandate anything, come out with some form of
9 informational brochure for the people that are
10 participating in the angling category, that if
11 they have a fish, that either must be released
12 or they intend to release, to try to release
13 it at boatside.

14 If you recall from back in the
15 1990's at Hatteras, when we were pioneering
16 our winter time fishery down there in '95,
17 '96, '97, Bob Eakes and a lot of other people
18 put a lot of effort into release sticks with
19 wires on the end, to grab the circle hooks and
20 cut the leader and never pull the fish out of
21 the water, you know, trying to protect our
22 resource.

1 I don't want on my side or on my
2 boat any fish killed or harmed. So as much as
3 some of my clients would like to bring every
4 fish in that we catch and release for the big
5 beautiful picture spread, I don't let them do
6 it. If they want to do that, I let them hang
7 their head over the side of the boat and snap
8 a picture of them with the fish in the water
9 and their head.

10 I think NMFS should recognize that
11 that is an issue with the health of our
12 fishery, and try to have some kind of guidance
13 out there.

14 MS. SCHULZE-HAUGEN: To that end,
15 it is in the regulations that any fish that is
16 going to be released needs to be released in
17 the manner that will maximize its survival,
18 without being brought out of the water. I
19 think what you're talking about is more
20 outreach. We can't be everywhere on
21 everybody's boat.

22 This is actually an area where you

1 all as industry leaders can help spread that
2 word, create that kind of pressure. What
3 you're doing, you know, hang your head over
4 the side of the boat, take the picture, may be
5 more effective than what's printed in the
6 federal regulations.

7 So it is a recognized problem. I
8 don't mean to dismiss what outreach we may do.
9 I'll be happy to work with you all on what you
10 can do and advice for us on what more we can
11 do. I'm happy to do it.

12 MR. DUNN: Okay. We really need
13 to break. So the team that's developing the
14 report back, would you please join us up here?
15 And what was our intended reconvening time?

16 Yes. Should give us enough time.
17 Yes. All right. So the rest of you are
18 released temporarily. Who is the team?
19 Shana, Andre, Rich, Christopher and Charlie.

20 (Whereupon, a recess was taken.)

21 Working Group Report Outs

22 MR. DUNN: Okay. So we are now

1 going to begin the reporting back part of the
2 program, and just so you all know how we went
3 about this, Bennett and I felt it was
4 important that the report out be that, and
5 not another second conversation.

6 So what we've done is structured
7 the summary to draw from the various points of
8 view represented in the room, and in the
9 bluefin group, we actually had a
10 cross-interest group of six players from this
11 room, who jointly drafted the summary that you
12 see and who agree that it is in fact a
13 complete and accurate summary. So we're not
14 inviting a lot of second-guessing of it.

15 For the shark group, the entire
16 group actually wrote the presentation.

17 PARTICIPANT: Not quite, no.

18 MR. DUNN: That's not true?

19 PARTICIPANT: No. The entire
20 group definitely brainstormed the
21 presentation. A subset of the NMFS team and
22 CONCUR over lunch, had a working lunch and

1 synthesized it. We then spent time with the
2 group reviewing it, and tweaking it to make
3 sure that it accurately reflected the group's
4 discussions.

5 MR. DUNN: Thank you for that
6 clarification. All right. So Shana and
7 Charlie are going to co-present the bluefin
8 summary, and the way this is structured, there
9 was a request in here yesterday to bring more
10 structure to the conversation.

11 So what we did today is to really
12 think about the different categories of
13 fishing, to structure our conversation in that
14 way, and then as we created the summary, what
15 we did was to state an issue and then under
16 that issue potential solutions.

17 None of these are being
18 represented as consensus agreements, but this
19 does convey the range of ideas that people
20 came up with in the way of solutions. Yes.

21 PARTICIPANT: Just in advance, it
22 would be helpful to know. We're going to

1 receive a copy of this, so we don't have to
2 try to write everything down?

3 MR. DUNN: Yes, and I assume by
4 the end of the meeting, this is all going to
5 get elaborated a little bit more. But yes.
6 So Charlie and Shana, how are you wanting to
7 proceed? You just figured that out. All
8 right.

9 Bluefin Tuna Working Group Report Out

10 MR. PEREIRA: Okay, with the
11 angling category, one of the issues we
12 discussed was the substantial over-harvest of
13 the base and adjusted quota. I believe it was
14 300 and something percent. Potential
15 solutions are distinct seasons, retention
16 limits, slot limit or limits to prevent
17 retention of excessive small/medium BFT.

18 Another issue was charter head
19 boats and private boats using the same quota
20 while having different goals and
21 participation. Potential solutions were
22 different retention limits for private boats

1 and charter head boats, and dedicated angling
2 category quota for the charter head boat
3 permit category, and that wouldn't be --

4 Rich made a distinction there that
5 we wouldn't be taking the angling category
6 quota from the reserve; it would actually be
7 a slice out of the existing angling category
8 just for charter head boats.

9 Another issue is under-reporting,
10 both on the call in web system or untimely
11 reporting of recreational landings. Potential
12 solutions: make reporting a condition of
13 permit issuance, which is similar to some on
14 the commercial side. You either have to do a
15 positive or negative monthly report, or you
16 lose your license and/or get a fine.

17 Catch card web-based reporting
18 system. Tail tag program with a verification
19 number or a hybrid. Another issue is the
20 illegal sale and high grading of angling
21 category fish, both of which are an abuse. A
22 potential solution, enforcement and outreach.

1 Another issue, illegal chartering.

2 Sort of de facto chartering like we talked

3 about without a charter head boat permit.

4 Potential solution, enforcement and outreach.

5 Release mortality, same solution, outreach and

6 education.

7 MS. MILLER: All right. For the

8 long line category, just I would think it's

9 important to point out that we spent most of

10 the time today in the angling category

11 discussion. So I think that was where the

12 real concern was, that things needed to

13 change.

14 But in the long line category, one

15 of the issues was excessive bycatch of

16 bluefin, and potential solutions were to

17 extend the weak hook research into the

18 Atlantic, to encourage voluntary weak hook use

19 or to mandate it in the Gulf of Mexico; to

20 implement a bycatch cap in the Gulf of Mexico

21 and to enforce that you could modify the

22 retention limit, the trip retention limit up

1 or down as appropriate, and to implement the
2 needed observer coverage to enforce that.

3 Next, modify the boundaries of
4 existing closed areas, where bluefin bycatch
5 is at a minimum. So to reduce the size of the
6 closed areas if bluefin bycatch is an issue.
7 To increase observer coverage, particularly in
8 high CPUE areas like the Gulf of Mexico and
9 North Carolina that were highlighted in the
10 NMFS presentation.

11 Then once the weak hook research,
12 you know, if and when it is proven effective,
13 when I guess is what it says, to shift
14 observer coverage to areas where there --
15 wait. Is that right?

16 Okay, right. Okay. Yes. The
17 idea instead of having, say, 100 percent
18 observer coverage in the Gulf of Mexico, if
19 the weak hook is shown to have solved the
20 problem, then to move the observer coverage
21 elsewhere, where bycatch isn't as well known.

22 MR. PEREIRA: Right, and this one

1 is not just a research story. It's a
2 research, regulation and implementation story.
3 So it's not just if the research works, then
4 you move the observers.

5 MS. MILLER: Then the other issue
6 we discussed was how a lot of the reserve is
7 transferred into the long line category, to
8 cover the overages of landings and discards.
9 So the solution there would be to eliminate
10 that transfer.

11 For the purse seine category, we
12 identified two different primary issues. One
13 is that there's considerable under-utilization
14 of the purse seine allocation, and then the
15 second issue was that two vessels have, so we
16 think, entirely left the fishery.

17 So the short term solution to both
18 those issues was the same, and that was to do
19 an in- season transfer of some of the purse
20 seine quota to the reserve category, and so it
21 could be used for other categories that needed
22 additional quota.

1 Then the long term solution for
2 the fact that two of the vessels have totally
3 left the fishery was to consider an FMP change
4 to the 18 percent of whatever it is, the
5 allocation of the purse seine category to
6 change that.

7 Relevant to both of those issues,
8 that NMFS should contact the vessel owners,
9 you know, in the not-too-distant future and
10 see what their intentions are for their permit
11 use. I would say the short-term and the
12 long-term, what their short- and long-term
13 intentions are.

14 Then moving on to the general
15 category, the first issue is the continued
16 under-utilization of quota. Potential
17 solutions are to have the fishery open all
18 year round, to increase the daily retention
19 limit up to five fish, and to allow charter
20 head boats to fish commercially and
21 recreationally on the same day.

22 The next issue was with this

1 relatively abundant cohort moving into the
2 commercial sizes, that this summer and beyond,
3 there's a potential for the quota being met
4 early in the season. So the solution there or
5 potential solution was to continue monitoring
6 the catch rates and adjusting the retention
7 limit, you know, if needed.

8 And then along those lines,
9 concerns about bycatch of under-sized fish,
10 since that cohort is going to be straddling
11 the 73 inch size limit. So potential solution
12 there is enforcement and outreach.

13 Then for the harpoon category, one
14 issue is that in 2009, the category fully
15 utilized their base quota, and so a potential
16 solution is to really what NMFS did last year,
17 maintain some quota in the reserve and
18 consider a transfer to the harpoon category if
19 needed.

20 Then the other issue was
21 inconsistent limit for a large medium, the 73
22 inch to 81 inch fish for the general and

1 harpoon categories, and the potential solution
2 was to increase the harpoon retention limit of
3 large mediums from two to three, and then
4 maintain that unlimited for 81 inches and
5 above. Is that it? That's it.

6 MR. DUNN: Good, great, excellent
7 summary. We want to invite a handful of
8 questions from people who were not in the
9 bluefin group in particular, and I will call
10 on you Rich. Don't worry. I still like you,
11 because you got me coffee.

12 But we don't want to have a
13 lengthy conversation now, because we want to
14 transfer to the shark group and then move on
15 to the swordfish. Rich.

16 MR. RUAIS: Yes. I'm sorry if I
17 didn't raise this during the group discussion,
18 but I certainly didn't mean to suggest -- if
19 we find that we can transfer two of the purse
20 seine quotas into the reserve, or as Ralph
21 Pratt has suggested, across all categories, I
22 certainly want to see the pelagic long line

1 category get a share of that, or have access
2 to the reserve. Somehow I left that out of
3 the conversation. My apologies.

4 MR. DUNN: But you did raise it in
5 the --

6 MR. RUAIS: Ralph and I both
7 raised it.

8 MR. DUNN: Absolutely, good.
9 Thank you. Any questions about this summary
10 from people who were in the shark working
11 group and did not see this conversation or
12 take part in it?

13 (No response.)

14 MR. DUNN: Well, it must have been
15 crystal clear. Good job. Bennett.

16 MR. BROOKS: Okay. So now turning
17 to the shark working group -- oh yes. Hold
18 on. Talk amongst yourselves.

19 (Pause.)

20 Shark Working Group Report Out

21 MR. BROOKS: Okay. Looks like
22 we're ready to go here. So the shark working

1 group, like the bluefin tuna group -- hello,
2 hello, hello. Starting here.

3 So the shark working group, like
4 the bluefin tuna group, had a -- yesterday
5 afternoon was mostly presentation, a little
6 bit of discussion and then this morning we
7 really got into a discussion that broke down
8 into four broad categories. What are the sort
9 of goals of the shark fishery?

10 Broadly, where do they want to go
11 fishery direction, where should the fishery be
12 going as far as quotas, permits, etcetera; a
13 discussion around data and information needs,
14 research needs; and then finally a discussion
15 around outreach efforts and outreach needs.

16 So I will hand it off to Carol to
17 summarize that, and then we've asked some
18 members of the work group to fold in a little
19 bit of color commentary. Maybe at the end of
20 each section, just for some brief comment.

21 MS. BREWSTER-GEISZ: Hello
22 everyone. I'm sorry I missed the bluefin

1 discussion. So can you all hear me? All
2 right. So the first thing we discussed is
3 what are the goals of the fishery, and as we
4 were going through these, it was pointed out
5 that these seemed very general. So we have
6 some general goals that could fit into a lot
7 of the different fisheries, and then we moved
8 into more specific goals for the shark
9 fishery.

10 So general goals were improving
11 the best available science; continue
12 progressing towards species-specific
13 management; maintain and expand the use of the
14 precautionary approach; improve reporting;
15 give full consideration of economic impacts;
16 stop overfishing; rebuild populations; expand
17 regulatory flexibility; minimize bycatch.

18 Improve our success
19 internationally, including those straddling
20 stocks; maximize U.S. harvest; and improve
21 public awareness of the resource and
22 regulations. So those are the more general

1 goals.

2 Our targeted goals are consider
3 economic impacts to ensure fishermen can make
4 a living and continue to exist; achieve
5 success through trilateral and other
6 international efforts, and by trilateral we're
7 really focusing on the U.S., Mexico and Cuba;
8 no unclassified sharks in the reporting; more
9 timely reporting from dealers; foster a
10 top-notch observer program; participate in
11 essential fish habitat discussions and
12 continue to improve our essential fish
13 habitat.

14 This is in relationship, in
15 relation to when we get requests to put in oil
16 platforms or other things that might affect
17 essential fish habitat. Support
18 species-specific management; foster more
19 timely assessment of pretty much all the
20 species and fund research; and also close the
21 fishery during pupping seasons, and those
22 specific times were April, May, June.

1 We then looked at where we want
2 the fishery to go under those goals. Where do
3 we want the fishery in the next five to ten
4 years? There was some support for keeping
5 what we currently have in place, until we can
6 move towards more species-specific assessment
7 and species- specific management measures;
8 also have more research on the different
9 species.

10 There was some limited interest in
11 shifting to catch shares at the table, and at
12 our table we had advisory panel members. But
13 we also had some observers along the side of
14 the room, and those observers had more
15 interest in moving to catch shares.

16 There were some short-term
17 measures identified, permit stacking, which
18 actually I think we reached consensus around
19 the table that the group wanted us to
20 investigate. Permit stacking is right now we
21 have one vessel, one permit, and a 33 shark
22 trip limit for that vessel.

1 This would be allowing more
2 permits to be placed on the vessel, so if the
3 vessel had three permits they could land three
4 trip limits or 99 sharks.

5 Potential for dividing the Gulf of
6 Mexico into different regions, either
7 east-west or north-south, and that is because
8 right now there's a lot of Louisiana state
9 fishermen who catch -- at least this year
10 caught the majority of the Gulf of Mexico
11 quota for large coastals.

12 Consideration of removing Gulf
13 black tip from the large coastal complex and
14 making it a species-specific quota, and then
15 having not only a daily limit but possibly a
16 weekly limit. So you could go out and catch
17 33 fish per day, but maybe whatever 33 times
18 7 fish for the week.

19 Then consider managing sharks more
20 similar to how they manage grouper or some
21 other multi-species fisheries.

22 We then moved on to what are our

1 data needs and what type of information needs
2 to be shared. There's a lot of these.
3 Continue to improve transparency of stock
4 assessments and input from fishermen; improve
5 trust in the observer program and the
6 competency of observers; collect resources to
7 support research; foster a variety of research
8 efforts such as cooperative research or
9 independent research.

10 Use more science, such as field
11 research or even non-NMFS research, not just
12 stock assessments when we do management.
13 Improve collaboration with international
14 partners, and that -- well, I'll get into that
15 more in the outreach.

16 Increase NMFS' emphasis on good
17 field research and data collection. Increase
18 funding for long-term research projects. We
19 heard right now that there is an emphasis on
20 just researching, just funding projects that
21 last a year, and that that's really limiting
22 when it comes to our species.

1 Continuing with the data needs,
2 ensuring that states and others are more aware
3 of what research needs we have, and this is
4 particularly regarding smooth hounds. So we
5 can start collecting that data now. Improving
6 the data collected from Louisiana state
7 waters; ensuring data used in assessments are
8 available. This is in regard to making sure
9 that some of the raw data used in the
10 assessments.

11 Identify opportunities to
12 piggyback on oil spill research with shark
13 research. Some specifics for the upcoming
14 assessments starting in June, making sure that
15 all the analysts are at the data workshop.
16 Making sure that fishermen are at both the
17 data and the assessment workshop, to provide
18 input; and along that lines, not having an
19 assessment webinar but rather an assessment
20 workshop so fishermen can participate more
21 fully, and also just don't assume that new
22 assessments mean different results.

1 We went quickly through a list of
2 other species we should be assessing. Black
3 tip for both the Gulf and Atlantic; lemon
4 sharks, scalloped and great hammerhead; silky,
5 bull, tiger, oceanic white tip, smooth hounds,
6 big nose and common thresher.

7 We spent a little bit of time at
8 the very last few minutes, so we haven't had
9 time to share this slide with anybody.

10 Discussion on how to engage fishermen to
11 promote the live release of shortfin makos;
12 how to engage fishermen as we start
13 implementing the smooth hound measures in
14 2012, and also just general research or
15 general outreach needs.

16 So for shortfin mako, both the
17 recreational and commercial fishermen around
18 the table indicated there is limited
19 opportunity to release it, that recreational
20 fishermen have already been cut down quite a
21 bit. When somebody spends years potentially
22 getting that shortfin mako that they want to

1 keep, it's really hard to have them release it
2 if they want to bring it in for meat, and that
3 the commercial fishermen, it's very similar.

4 There's a lot of value in those
5 shortfin makos, and when there aren't any
6 import restrictions on them, that makes it
7 difficult. Educating anglers and encouraging
8 participation in tagging programs, that if
9 they are going to release the fish by putting
10 a tag on it, it kind of makes it their own,
11 and they get more interested in that fish.

12 For smooth hounds, again
13 identifying research and outreach needs, and
14 letting people know what those needs are;
15 providing information to the general public on
16 more of their range, their life sizes,
17 mortality rates, the distribution between
18 state and federal catches and the overlap
19 between the Florida smooth hound and the
20 smooth dogfish.

21 They want more research on the fin
22 ratio, and this is something we heard over and

1 over again under Amendment 3 of the current
2 five percent, is not appropriate for smooth
3 hounds. Some of the North Carolina fishermen
4 indicated that they were willing to help with
5 research and collecting this information.

6 In general, trying to find some
7 way to educate fishermen and others on the
8 models used for stock assessments, so they can
9 have more trust in them. Outreach to other
10 countries, and potentially having more shark
11 participation, shark fishermen participation
12 on the IAC and at the ICCAT meetings.

13 In this outreach to other
14 countries, we'd be providing U.S. proposals
15 early, engaging more in bilateral
16 conversations ahead of time on sharks.
17 Providing draft summaries to the advisory
18 panel. So this would be this group, and
19 continuing and expanding on the status of the
20 discussions.

21 You know, in the beginning of the
22 meeting, Margo goes through what happened at

1 the last meeting, and what has been done and
2 what's an ongoing issue. Then at the end of
3 the meeting, she then goes through the quick
4 real- time presentation of what we heard,
5 where people have an opportunity. A lot of
6 people tend to leave during that presentation
7 so they miss some of that.

8 Then also perhaps instead of just
9 finalizing our summaries, we usually do
10 sending out a draft summary to the advisory
11 panel ahead of time, giving them a chance to
12 review it and provide the comments before it's
13 final.

14 Then also a glossary of terms that
15 we use all the terms all the time, but maybe
16 in this room we understand it, but in general,
17 in the public, they don't necessarily
18 understand all the intricacies of the
19 different terms and how they're used.

20 There were a lot of other issues
21 raised and we didn't get to have an in-depth
22 conversation on. Porbeagle and deepwater

1 sharks being prohibited, one of them. Finning
2 issues. It came to our attention -- we
3 noticed that there weren't very many Gulf
4 commercial fishermen represented on the
5 advisory panel.

6 There were questions about the
7 research fishery, questions about impact of
8 Florida's new lemon shark regulations. We
9 didn't get to that. We wanted to have a
10 discussion on National Standard 2 and how that
11 interacts with SEDAR and with the process here
12 for assessing sharks; regional-specific
13 management; and regional blacknose quota. So
14 I think that sums up --

15 MR. BROOKS: And the intent of
16 putting this list up here, just to make sure
17 that folks didn't assume just because these
18 things weren't captured in the summary, and
19 they were not considered to be issues or not
20 of interest. We wanted to really be true to
21 the group, that there were other things that
22 we just obviously for time reasons couldn't

1 cover.

2 So we had asked a few people if
3 they wanted to weigh in on each of these
4 topics. So I know Lisa on goals; Rusty on
5 fishery direction; Bob on research; and I
6 think it was Mark on outreach.

7 So I don't know if there's any
8 issues that you need, would like to fold in or
9 amplify, more specifically amplify what Carol
10 just talked about. But if so, let me know.
11 Anything to fold in? Lisa? Anything to fold
12 in? Was that a no? Anything to fold in?

13 MR. DUNN: Okay. Bob, I don't see
14 you, but anything to fold in there?

15 MR. HUETER: Yes. Just on the
16 data and research, just so the whole group
17 knows, I think there's a sense that we have,
18 and NMFS had made great strides with the stock
19 assessment process, that we've come a long way
20 from the old days of the smoke-filled stock
21 assessment room at the Miami lab, that the
22 SEDAR process has really opened things up.

1 But yet there's still a general
2 distrust of the results, and the -- our
3 discussion focused on how to get past that by
4 improving the data that goes into the machine,
5 the modeling.

6 I mean it's one thing to make
7 everybody part of turning the machine, but if
8 the data that are going in are flawed or
9 incomplete, then it doesn't make a difference
10 what kind of result you get, it's going to be
11 wrong.

12 Then the other is to, as Carol
13 mentioned in one bullet, is to make the
14 machine even more transparent by providing
15 some explanations and some training to people
16 about how these models work. So why you get
17 the results that seem to be so far away from
18 what the fishermen themselves are reporting at
19 times.

20 In general, a sense to send a
21 message to NMFS to do not centralize research
22 just within NMFS, but make sure that you're

1 taking advantage of all the long term
2 monitoring programs and databases that are out
3 there, and continue to work collaboratively
4 with the industry and with independent
5 universities and labs, to get the data that's
6 needed for the best stock assessments.

7 MR. BROOKS: Mark, where are you?
8 Anything to fold in?

9 MR. SAMPSON: No, I don't have
10 anything.

11 MR. BROOKS: Okay, great. Rusty,
12 anything to fold in on fisheries?

13 (Laughter.)

14 MR. BROOKS: You know, I was about
15 to get really, really worried. So thank
16 goodness.

17 MR. HUDSON: Basically, I tried to
18 elevate the ideas about SEDAR 21, the
19 situations that we're going to be faced with
20 at the data workshop, and I understand not all
21 the analysts will be able to be there. It's
22 important that the analysts understand

1 fishing, and a lot of times they may not.

2 The same is generally true with
3 the reviewers that come in from Australia or
4 Canada. They may not actually understand our
5 fisheries as completely as they should.

6 So that's why I was a little
7 concerned with this webinar stuff, because
8 some of our fishermen aren't really engaged in
9 computers, and we only have two of us, you
10 know, myself and David Stiller from the group,
11 that did apply to be at this thing.

12 But I have talked to several
13 fishermen, trying to get them at the June 21st
14 to 25th data workshop, to try to be able to
15 work on the sandbar, dusky and blacknose
16 assessment.

17 I believe dusky's problematic
18 unless we can get a better result out of the
19 assessment, because that could lead to
20 Endangered Species Act situations for it. It
21 could then have impacts on anybody that
22 interacts with dusky.

1 We've seen a considerable
2 improvement in the dusky here. But again,
3 we're dealing with straddling stocks, and I've
4 mentioned this time and again, that we have to
5 be able to not only get the data from these
6 other places, but we also have to get those
7 people to cooperate with us.

8 That's why when the mako shark, in
9 asking us to do live releases, Dewey brought
10 up about a fellow that had a 100 and something
11 makos on a short trip and turned around and he
12 averaged about a buck and a half on the meat,
13 and that didn't count the fins.

14 So that was a pretty valuable, you
15 know, 10,000 whatever pounds it was, and we
16 just can't see throwing that away or even
17 releasing them live or if it's only in that
18 condition you want them released, when we
19 could make a living off of them when the
20 imports will just still come in, and it will
21 be off the same straddling stocks again.

22 So it's kind of problematic,

1 rewarding the people that aren't cooperating
2 with us. Mexico, I'm encouraged by what Bob
3 Hueter's doing with Doug Rader, EDF, and this
4 trilateral management between Cuba, the U.S.
5 and Mexico. I have seen things that came up
6 in the past from Mexico, hoping that we could
7 do something.

8 Because our sandbars and our
9 duskys, a lot of them over winter down there,
10 the adults, and like one out of six of the
11 tags for dusky came back from Mexico through
12 the years.

13 Now Jack Music's seeing an awesome
14 amount of duskys showing up in his VIMS stuff
15 or at least the VIMS stuff is no longer his
16 thing. But he had made a promise to give us
17 the raw data, and we want to make sure we have
18 it this time. It wasn't given to us in
19 February 2006.

20 So if we're going to be able to
21 keep our people fishing, and that's really my
22 ultimate goal, then we have to stabilize this

1 fishery. It's the same problem with Louisiana
2 landings of black tip. I know they're going
3 to be oily black tips here shortly, based on
4 what we're hearing.

5 But the fact was is that they
6 caught up that quota and deprived the eastern
7 Gulf virtually out of a fishery this year. So
8 we should break out that black tip, which is
9 fully rebuilt, and then be able to help our
10 guys have a future. So raise the quota of
11 black tip. Tape 14

12 MR. BROOKS: Okay, all right.
13 Thank you, Rusty. It's a good thing you
14 didn't have anything to add. Okay. I do want
15 to see whether there was anyone else from the
16 -- any other questions on what we presented
17 from the bluefin folks who might not have --
18 if there was anything that didn't completely
19 make sense or you needed some additional
20 explanation on?

21 (No response.)

22 MR. BROOKS: Okay. Thank you,

1 Carol.

2 MR. DUNN: So at this point we're
3 going to shift gears and talk about swordfish,
4 and I imagine, Margo, you have some things to
5 -- no?

6 (Off mic comment.)

7 MR. DUNN: So do I. Margo --
8 you're in the queue.

9 MS. SCHULZE-HAUGEN: Well, what
10 we've got now is a presentation while we're
11 all together here. Rick Pearson and Randy
12 Blankenship are going to be going through it.

13 The topics are pretty much listed
14 as they are in the agenda, is how we
15 structured the presentation. So I think that
16 was our plan.

17 (Pause.)

18 Swordfish Issues

19 MR. PEARSON: Good afternoon.
20 It's good to see everybody here today and
21 listen to the discussions that have already
22 been held. The topic of this presentation is

1 the Swordfish Fishery Update. I think that
2 you'll find this presentation very
3 interesting, and I hope that we have a
4 productive discussion afterwards.

5 This presentation is a team
6 effort. My name is Rick Pearson. I'll be
7 describing the recent management history, some
8 of the accomplishments that we've achieved in
9 recent years, and some of the challenges that
10 still lay ahead of us.

11 My colleague Randy Blankenship
12 will be discussing some of the items that were
13 contained in an advance notice for proposed
14 rulemaking that was published last June. In
15 particular, the concept of a general
16 commercial hand gear permit. Randy will also
17 be discussing buoy gear and user group
18 conflicts, as we've been receiving a lot of
19 comments on this topic in the last three or
20 four months.

21 Finally, we're going to be asking
22 the advisory panel to join in this

1 presentation, as we look forward and give us
2 your thoughts on the future management of this
3 species.

4 This first part I'd like to get
5 through relatively fast. I know that there
6 are a lot of people in this room that have
7 actually lived the history of swordfish
8 management.

9 But I would just like to get
10 through this relatively fast, so that we can
11 focus on the present and the future. All
12 references to the Give Swordfish a Break
13 campaign have been removed.

14 The first swordfish FMP was
15 developed in 1985. It was a joint council
16 effort. The South Atlantic Fishery Management
17 Council had the lead. In 1999, after the
18 Magnuson-Stevens Act granted management
19 authority for highly migratory species to the
20 Secretary of Commerce, the HMS FMP was first
21 developed.

22 That included limited access

1 permits and all of the items associated with
2 that, including vessel upgrading restrictions,
3 permit transfer regulations, things of that
4 nature. It also included mandatory vessel
5 monitoring systems for pelagic long line
6 vessels and dealer reporting.

7 Shortly thereafter was a very
8 important rulemaking that was conducted in
9 2000 and 2001. This regulatory amendment to
10 the '99 HMS FMP implemented a live bait
11 prohibition in the Gulf of Maine to reduce
12 billfish -- when I worked in Gloucester -- in
13 the Gulf of Mexico, to reduce billfish
14 bycatch.

15 In addition, three very large
16 closed areas were implemented in 2000 and
17 2001. A year- round closure of the DeSoto
18 Canyon was implemented in November of 2000.
19 Seasonal closure in the Charleston Bump from
20 February through April of each year was
21 implemented in March 2001, as was the
22 year-round closure of the East Florida coast.

1 All of these were for pelagic long line
2 vessels.

3 Here's a chart describing or
4 showing some of those or all of those closed
5 areas. Again, the DeSoto Canyon is
6 year-round. The East Florida coast closure is
7 a year-round closure, and the Charleston Bump
8 is a seasonal closure.

9 These were implemented to reduce
10 bycatch of billfish and undersized swordfish,
11 along with a general notion to reduce all
12 levels of bycatch.

13 From 2001 to 2004, sea turtle
14 bycatch issues dominated the management
15 making. In 2002, a portion of the NED was
16 closed to pelagic long line vessels. Dip nets
17 and line cutters became required equipment for
18 all long line vessels. From 2001 to 2003,
19 there was a joint NOAA-industry NED research
20 was conducted, to reduce sea turtle
21 interactions and mortalities.

22 I would be remiss here if I didn't

1 mention that former AP member Nelson Beideman
2 was instrumental in getting this joint
3 research conducted, and ultimately in
4 implementing circle hooks in the pelagic long
5 line fishery. Sometimes it's still hard to
6 believe that he's not here today.

7 In 2004, the pelagic long line
8 biological opinion concluded that the long
9 line fishery is not likely to jeopardize
10 loggerheads, but is still likely to jeopardize
11 leatherbacks. The current incidental take
12 statement for both species was established in
13 June 2004.

14 To avoid jeopardy, NMFS
15 implemented pelagic long line circle hooks and
16 bait requirements, required careful handling
17 and release tools, required sea turtle
18 placards and adherence to sea turtle careful
19 release protocols. NMFS reopened the
20 Northeast distant area with 18 knot circle
21 hooks and bait requirements. So that was a
22 major accomplishment that occurred in 2004.

1 In 2006, NMFS implemented the
2 consolidated HMS FMP. With regards to
3 swordfish, there were two primary measures.
4 First was the implementation of mandatory safe
5 handling and release workshops for pelagic
6 long line and bottom long line vessel owners
7 and operators.

8 These efforts are ongoing today,
9 and they result in the certification of the
10 entire pelagic long line fleet since 2006.
11 These workshops keep the fleet operating in
12 accordance with the 2004 biological opinion.
13 This was also one of the requirements, excuse
14 me, of the biological opinion.

15 In addition, the 2006 consolidated
16 HMS FMP continued to allow some fishermen to
17 utilize buoy gear by authorizing the gear in
18 the commercial swordfish directed fishery, for
19 swordfish directed and swordfish hand gear
20 permits only. In addition, it specified the
21 conditions under which this gear could be
22 deployed, by limiting the number of flotation

1 devices, establishing permit requirements and
2 gear-marking requirements.

3 Most of the actions since the 2006
4 consolidated HMS FMP have been related to
5 swordfish revitalization. In early June 2006,
6 NMFS was requested to implement a rule that
7 would be available by the November 2006 ICAT
8 meeting, to demonstrate the U.S. commitment to
9 revitalizing its swordfish fleet.

10 It was a relatively short time
11 line in which we had to prepare this. So the
12 decision was made to go with an environmental
13 assessment, which would have somewhat limited
14 biological and economic impacts. However, it
15 did include three very important things.

16 The swordfish revitalization final
17 rule amended vessel upgrading restrictions for
18 pelagic long lines vessels, by removing all
19 horsepower restrictions, and increasing the
20 upgrading allowance for length overall, gross
21 registered ton and net tonnage from ten
22 percent to 35 percent.

1 And again, this was for pelagic
2 long line vessels only, that possessed the
3 requisite triple pack for permits on a
4 particular date. So we had to determine which
5 vessels had those permits on this particular
6 date, and then we amended those upgrading
7 regulations for those vessels.

8 Also, the one-time vessel upgrade
9 restriction was removed for all limited access
10 permits, meaning that vessels could now be
11 upgraded incrementally, instead of taking the
12 upgrade all at once and then you're done.

13 Finally, the rule increased
14 incidental and recreational retention limits.
15 It increased the incidental retention limit
16 from two fish to 30 fish, and for squid
17 vessels from five fish to 15 fish.

18 Recreational retention limits were
19 increased from one per vessel to one per
20 person up to four per vessel per trip, and we
21 divided it out into charter boats and head
22 boats, one per paying passenger up to six per

1 -- wait -- one per paying passenger up to six
2 per vessel per trip for charter vessels, and
3 one per paying passenger up to 15 per vessel
4 per trip for head boat vessels.

5 In 2008, we recognized that some
6 of the administrative differences between the
7 swordfish and shark permits and the tuna long
8 line permits had reduced the available number
9 of tuna long line permits. So we passed a
10 rule to allow Atlantic tuna long lines permits
11 that had been expired for more than one year
12 to be renewed by the most recent permit
13 holder.

14 We call this the sunset rule. It
15 removed the expiration date for tuna long line
16 permits so that the number of Atlantic tuna
17 long line permits would be more equal to the
18 available number of swordfish and shark
19 permits, because you need all three of those
20 to fish with pelagic long line gear, and to
21 retain swordfish with pelagic long line gear.

22 Finally, in December 2009, at the

1 recommendation of the advisory panel, the
2 Atlantic tuna's long line permit was moved to
3 the Southeast permits office. I just want to
4 emphasize that all of this particular series
5 of rules, one kind of built upon the other, as
6 we discovered some of these differences and
7 nuances between the administration of
8 swordfish and shark permits and the Atlantic
9 tuna's long line permits.

10 So now we have them all
11 administered in one location by one office.
12 It's streamlined the permit issuance process
13 considerably.

14 Most recently in 2009, the Pelagic
15 Longline Marine Mammal Take Reduction Plan was
16 implemented, primarily to protect pilot whales
17 and risso dolphins. It established the Cape
18 Hatteras special research area to reduce
19 marine mammal bycatch. Primarily if you're
20 going to be fishing in that area, you need to
21 notify NMFS and carry an observer if
22 requested.

1 It also established an upper limit
2 on mainline links of 20 nautical miles,
3 required that marine mammal safe handling
4 release placards be displayed in both the
5 wheelhouse and on the working deck.

6 It modified the safe handling and
7 release workshop curriculum to include marine
8 mammals in addition to sea turtles, and it
9 increased observer coverage within the long
10 line fleet to 12 to 15 percent within funding
11 constraints.

12 A few of the other items that have
13 occurred in more recent years are some
14 non-regulatory items primarily related to
15 swordfish marketing. Our partners in the
16 Communications Division spearheaded increased
17 efforts in swordfish marketing. We featured
18 swordfish at several prominent seafood trade
19 shows and food marketing events, including the
20 Boston Seafood Show, Brussels and the Great
21 American Seafood Cookoff in New Orleans.

22 NMFS developed a one-page

1 swordfish fact sheet. We met with industry
2 representatives to discuss swordfish
3 marketing, and we created the Fish Watch and
4 Fish Watch Fact Sheet.

5 Quite honestly these efforts have
6 had somewhat mixed success, I would say. NMFS
7 is not necessarily a marketing agency, but the
8 amount of information on swordfish available
9 to consumers has increased, such as the
10 nutritional profile, the stock status, things
11 of those nature. So there is more information
12 available to consumers out there right now.

13 In addition to the NMFS's efforts,
14 industry has developed a brochure and
15 conducted some outreach efforts as well.
16 Currently, there is a marine stewardship
17 council review of Southeast swordfish
18 fisheries, to get MSC certification that's
19 being funded by Day Boat Seafood out of
20 Florida, and like I said, that's going on
21 right now.

22 I also would like to mention that

1 a couple of years ago, myself and some other
2 people in NMFS worked as closely as we could
3 with the Florida Agricultural Marketing Board,
4 to develop a proposal for the
5 Saltonstall-Kennedy grant program to market
6 swordfish.

7 Personally, I thought it was an
8 outstanding proposal, but that's a competitive
9 grant process and unfortunately that effort
10 was not funded. I was very disappointed that
11 it wasn't, but that's just another thing that
12 has occurred with regards to swordfish
13 marketing in more recent years.

14 So that's the history. So what
15 has been accomplished? Well, the primary
16 accomplishment has been the rebuilding of the
17 swordfish stock. In approximately 13 years,
18 the stock biomass has nearly doubled. I think
19 that when we're talking about management,
20 we're in a much better position, it's a much
21 better position to be discussing a rebuilt
22 stock than an overfished stock.

1 So I think that this, above all,
2 is one of the biggest accomplishments over the
3 last few years.

4 Another one of the accomplishments
5 related to the swordfish revitalization
6 rulemaking has been increased landing is by
7 vessels issued a swordfish incidental permit.
8 I have circled the years 2003 and 2008 on this
9 slide, primarily because the number of records
10 is comparable there.

11 But anyway, what you'll see if you
12 look under total number of swordfish kept in
13 pounds, landings by incidental swordfish
14 permit holders have increased from 13,510
15 pounds up to 39,683 pounds.

16 That's about a tripling of
17 landings under by swordfish incidental permit
18 holders. Also, the number of swordfish kept,
19 the range has gone from zero to four, all the
20 way up to zero to 30. The average number of
21 swordfish kept per vessel by vessels issued a
22 swordfish incidental permit which kept

1 swordfish increased from one to three, and in
2 2009, that has gone up to four.

3 One of the other numbers that are
4 circled here are 2009, landings by incidental
5 swordfish holders is the highest on record,
6 increased from 13,000 pounds up to 44,000
7 pounds. So you certainly see some increased
8 improving trends here with regards to
9 incidental swordfish landings.

10 Another one of the accomplishments
11 with the swordfish revitalization rule has been
12 the increase in potential vessel sizes.
13 Currently, over 60 swordfish permits can be
14 issued to vessels that are greater than 90
15 feet. They range from 90 feet all the way up
16 to 197 feet.

17 This does not mean that there are,
18 those particular vessels are in the fleet, but
19 they could potentially be transferred or
20 vessels upgraded to those links. So that's
21 over 60 of them. One thing that I would like
22 to point out is length is not the only

1 criteria that must be considered when
2 upgrading a vessel.

3 Other factors include gross
4 registered ton and net tonnage, and one of the
5 things -- so that all of those components need
6 to match when you transfer a permit from one
7 vessel to another, and sometimes tonnage can
8 be a limiting factor.

9 I was looking through some of this
10 data and one of the interesting things that I
11 found is there were two vessels that were 107
12 feet. However, their net tonnage was
13 significantly different. I have it here
14 somewhere. Let me see if I can find that.

15 Yes, for example, two vessels
16 which can both be upgraded to 107 feet have
17 widely variable net tonnage upgrade limits,
18 163 net tons versus 59 net tons. So that's
19 always -- I've worked with vessel upgrading
20 issues for quite a while, and that's always
21 something that's kind of puzzled me is, you
22 know, the great variety of differences in how

1 net tonnage is measured.

2 So that's possibly something that
3 we could look at is perhaps removing or
4 modifying the tonnage regulations, to make
5 these permits even more fluid, to be
6 transferred easier. But again, one of the
7 points that I do want to mention is that there
8 is now -- there are 60 vessels that can be
9 upgraded to over 90 feet.

10 Finally, one of the major
11 accomplishments is moving the Atlantic tuna's
12 long line permit to the Southeast permits
13 office. This provides for increased
14 efficiency in permit transfers, renewals and
15 changes in permit information. It establishes
16 consistency in administration and business
17 procedures, and will have improved record
18 retrieval and tracking of permit history
19 during time.

20 So this is something that benefits
21 both the government and the permit holders.
22 So that's the history. What are some of the

1 challenges that we face? Obviously, most
2 everybody in this room would agree that one of
3 our biggest challenges is attainment of the
4 quota.

5 This chart contains a lot of
6 different information. The baseline quota
7 throughout the years, the amount of quota
8 that's been carried over, the adjusted quota,
9 which you add the baseline to the carryover,
10 except for that change in 2007; the adjusted
11 quota, the landings, and the total available
12 amount of under-harvest.

13 The one thing that I want to focus
14 on right here is you can see that it looks
15 like the low point in terms of landing was the
16 year 2006 and 2007. If you look at the 2009
17 landings, that was the highest that we have
18 since 2000. So again, one of the noticeable
19 facts here is some improving trends.

20 We are seeing -- it's possible
21 that we have bottomed out with regards to
22 landings, numbers of vessels and we're seeing

1 some rebound here in more recent years.

2 However, in 2009, we still only caught 42
3 percent of the adjusted quota and 63 percent
4 of the baseline quota.

5 Another one of the challenges is
6 the declining number of active swordfish long
7 line vessels. These are vessels that reported
8 at least one swordfish during the year. You
9 can see there was a precipitous drop from
10 about 1994 to 2005. Again, it appears that
11 the number of active vessels bottomed out in
12 about 2005 and 2006, and since then we've
13 seen a modest uptick in the number of active
14 vessels, as well as the number of hooks
15 fished.

16 Margo mentioned this yesterday,
17 but one of the challenges that we constantly
18 confront is sea turtle bycatch issues. Most
19 recently, a couple of months ago, Fish and
20 Wildlife Service and NMFS determined that
21 there are nine distinct population segments of
22 loggerheads, and proposed to list two as

1 threatened and seven as endangered.

2 One of those distinct population
3 segments that was proposed to be listed as
4 endangered is the Northwest Atlantic DPS,
5 which is the stock primarily from which this
6 fleet would interact with.

7 Some of the statements in that
8 proposed rule indicated that it is unlikely
9 that fishery bycatch mortality can be
10 significantly reduced across the range of the
11 Northwest Atlantic population segment.

12 Again, as Margo mentioned
13 yesterday, this is not just domestic
14 fisheries, but it includes all of the
15 international fleet that operates in the
16 Northwest Atlantic too. Although regulatory
17 mechanisms are in place that should address
18 direct and incidental take of Northwest
19 Atlantic loggerheads, these are insufficient
20 or not being implemented effectively.

21 Right now, it's a proposed rule.
22 The comment period closes in June. The

1 implications of this at the current point in
2 time are unknown. But it's possible that we
3 may need to reinitiate consultation on this
4 particular fishery. But that's not definite
5 at this point in time. But that's a
6 possibility.

7 I just want to run through some of
8 the data with regards to sea turtle
9 interactions and compare those with the
10 incidental take statements that have been
11 established. As you'll recall, the 2004 BIoP
12 established a three year incidental take
13 statement.

14 The first three-year period was
15 2004 to 2006, and the second three-year period
16 was from 2007 to 2009. This is for
17 leatherbacks. You'll notice that the
18 three-year ITS was exceeded for the first
19 three-year period.

20 However, we were able to establish
21 that that was a one-time occurrence, because
22 over 47 percent of those interactions occurred

1 prior to the implementation of circle hooks,
2 which was midway through 2004.

3 So there was a dramatic decline in
4 the number of interactions once the -- with
5 leatherbacks, once the circle hooks were
6 implemented. You can see that in the second
7 three-year period, where we have remained
8 below the ITS for that period.

9 We've also been below the
10 incidental take statement for loggerhead sea
11 turtles. However, the margin, the difference,
12 the margin between the ITS and the estimated
13 number of interactions is much narrower for
14 loggerheads. You can see that right in this
15 slide.

16 So this is something that we're
17 always concerned about, bumping up or
18 exceeding that ITS, in which case we might
19 need to implement additional management
20 measures or reinitiate consultation. So this
21 margin, we're under the ITS, but this margin
22 does concern us.

1 As we've discussed at length this
2 morning, another one of the challenges facing
3 the long line fishery is bluefin tuna landings
4 and the current quota allocation. In 2009,
5 the long line fishery was 30 percent over the
6 bluefin tuna quota allocation, and that's not
7 including dead discards, which also need to be
8 accounted for.

9 So this is another one of the
10 challenges that we need to take into
11 consideration when we're discussing management
12 measures for swordfish or the pelagic long
13 line fishery.

14 In summary, the North Atlantic
15 swordfish stock is rebuilt, but U.S. swordfish
16 landings are below the ICAT recommended quota.
17 NMFS must consider several important
18 priorities when managing HMS, including the
19 reduction of bycatch and bycatch mortality as
20 we've discussed, undersized fish, billfish,
21 sea turtles and marine mammals, and also we
22 must take into consideration rebuilding

1 overfished stocks in Atlantic HMS fisheries,
2 such as bluefin tuna and billfish.

3 That was sort of the background
4 that prompted NMFS to publish the advanced
5 notice of proposed rulemaking last year, and
6 Randy is going to discuss the contents of that
7 ANPR and some of the comments that we received
8 in response to that.

9 MR. BLANKENSHIP: Thanks, Rick.

10 So the ANPR that published in 2009 included
11 the concept of a general commercial hand gear
12 permit. This is included in this presentation
13 as a result of recent requests to discuss this
14 topic, and also to try and help clarify some
15 apparent confusion in the public about what is
16 or is not happening related to the HMS general
17 commercial hand gear permit.

18 As was discussed earlier in this
19 presentation that Rick presented, there are
20 several considerations that NMFS takes -- that
21 NMFS has, as we look at ways to provide
22 additional opportunities for commercial

1 fishermen in the swordfish fishery. The
2 biggest, I shouldn't say the biggest, one of
3 which, that is very significant, is the
4 sideboard of bycatch.

5 Rick did a good job of describing
6 some of those issues particularly related to
7 sea turtles and bluefin tuna. Those
8 constraints continue, and one of the ways that
9 was presented in the ANPR as being a potential
10 option is to look at providing opportunities
11 in a commercial swordfish fishery using hand
12 gear.

13 Hand gear, generally speaking, are
14 considered to be lower in bycatch than some of
15 the other gears used in the commercial
16 swordfish fishery.

17 So the concept of the HMS general
18 commercial hand gear permit is one that came
19 about as a result of comments that NMFS
20 received over more than a two-year period,
21 requesting a general category kind of a permit
22 for swordfish, and then also a couple of

1 advisory panel meetings that we had where we
2 discussed permitting issues in relation to the
3 swordfish fishery.

4 Some of the suggestions that we
5 got from that were related to a general permit
6 for swordfish. So taking that concept, we
7 looked at the current Atlantic tunas general
8 category permit, which currently allows for
9 the commercial harvest of tunas only using,
10 and this is important, using these gears: rod
11 and reel, hand line, harpoon, banded gear and
12 green stick.

13 The idea of an HMS general
14 commercial hand gear permit might expand the
15 allowable species under this permit to include
16 swordfish and possibly sharks. But there are
17 several considerations that go along with this
18 that were presented, and we tried to flush out
19 in the ANPR.

20 One is do you do this through open
21 access permits as the tunas general permit
22 currently is, or through limited access, like

1 the existing swordfish commercial permits
2 currently are. Also, what are the authorized
3 species? Do you do this just for swordfish or
4 do you also include sharks, and of course
5 there are concerns about many of the shark
6 species.

7 So you could authorize it for
8 sharks but keep retention of sharks at zero
9 for a period of time until they were built.
10 There's some flexibility built into this
11 concept. Also, there's some other
12 considerations like tournament participation.
13 Currently, the Atlantic tunas general permit
14 has an exemption to allow recreational fishing
15 in registered HMS tournaments. That could
16 continue or might not.

17 Also, there's considerations for
18 bycatch and bycatch mortality and reporting
19 requirements. These were several questions
20 that we ask in the ANPR and I'll open them up
21 again here, to kind of prompt thoughts as we
22 get into discussion of this.

1 What are the benefits of an open
2 versus limited access HMS general commercial
3 hand gear permit? If swordfish and/or shark
4 are allowed, what retention limits should
5 apply, if any? Should participation in HMS
6 tournaments and landing of billfish in
7 tournaments continue to be allowed?

8 How can impacts to the value of
9 swordfish and shark limited access permits be
10 minimized? What data collection methods might
11 be utilized? If fish are caught but not sold,
12 what reporting mechanisms might be
13 appropriate?

14 We received numerous comments on
15 the ANPR, several of which related to the HMS
16 general commercial hand gear permit. Of those
17 comments, there were some that both supported
18 and were in opposition to the HMS general
19 permit concept. These included support for
20 new opportunities to enter the swordfish
21 fishery.

22 Also, there was caution expressed

1 about avoiding increases in user group and
2 gear-type conflicts. Also concern about such
3 a permit would devalue existing limited access
4 permits, and concern about additional fishing
5 effort in the South Florida area and potential
6 effects on the North Atlantic swordfish stock.

7 Also, concern was expressed about
8 increases in swordfish landings in South
9 Florida, causing local prices to decrease. So
10 NMFS continues to consider the HMS general
11 commercial hand gear permit concept, but no
12 decisions have been made, and it is possible
13 that later this year, we may have additional
14 public meetings in order to gather additional
15 information.

16 During the ANPR, we also received
17 comments that were not specifically or
18 directly related to the HMS general commercial
19 hand gear permit, but were related to the
20 swordfish fishery. Some of these are
21 summarized here. There were suggestions for
22 NMFS to explore other ways to increase

1 commercial swordfish landings, including
2 opening pelagic long line closed areas.

3 Also, the idea that swordfish
4 incidental permit holders should be allowed to
5 use buoy gear. Also, vessel link and
6 horsepower upgrade restrictions on swordfish
7 hand gear permitted vessels should be removed.
8 Also, more buoy gear should be allowed to be
9 used by swordfish hand gear permitted vessels,
10 and limited access permit leasing should be
11 allowed to improve access in the fishery.

12 Also concern was expressed about
13 current and additional amount of buoy gear
14 used in South Florida, and concern about
15 non-reporting of swordfish landings. There
16 was also disagreement expressed with the
17 science, indicating that swordfish stocks are
18 rebuilt.

19 So related to some of these
20 comments, we had some research projects that
21 were already underway in 2009, but I wanted to
22 mention them that help with answering some of

1 these questions as we continue to consider
2 management options.

3 These were the East Florida coast
4 PLL closed area study that Margo gave a little
5 bit of an overview on yesterday, and the
6 characterization of catch by buoy gear in the
7 Southeast Florida buoy gear fishery.

8 Both of these, the primary
9 investigator is David Kerstetter, and with the
10 last one about the study related to buoy gear,
11 we may at a later time be able to get some
12 information from David about that.

13 But if you have questions about
14 that, please see David. Both of these studies
15 were supported by the National Marine
16 Fisheries Service. So related to buoy gear,
17 we have continued, the National Marine
18 Fisheries Service has continued to receive
19 comments related to this gear type and user
20 group conflicts, particularly in the South
21 Florida area.

22 The comments that we have received

1 include reports of stolen buoy gear, reports
2 of fishermen finding unmarked or derelict buoy
3 gear, reports of fish stolen from legally set
4 buoy gear, comments from constituents
5 concerned about potential negative impacts of
6 current fishing effort in the East Florida
7 coast area.

8 These include day deepdrop fishing
9 on large female fish, and night buoy gear and
10 rod and reel effort on juvenile fish. We've
11 also heard comments expressing concern
12 regarding the expansion of buoy gear in the
13 South Florida area.

14 So to help with some of these
15 concerns for this presentation, we provided or
16 put together some additional information on
17 buoy gear. This graph shows vessels that are
18 permitted to use buoy gear with -- that are
19 home ported in South Florida, and this is
20 from, on the Atlantic coast, from Cape
21 Canaveral area south to the Keys.

22 So the permits that are authorized

1 for buoy gear are the swordfish directed
2 permit and swordfish hand gear. The red line
3 at the top is the total of those two. You can
4 see over a three year period, from January
5 2007 to January of 2010, there was about
6 roughly a 20 permit increase.

7 Now the increase in the number of
8 permits in this area does not necessarily
9 reflect an increase in effort. This
10 summarizes a lot of the effort data from log
11 books in the buoy gear fishery. We've also
12 graphed this information to allow it to be a
13 little bit more digestible for you, and you
14 have in your handout these figures, so you can
15 refer back to them for exact numbers.

16 But the trend lines look like
17 this. The number of trips is the top line or
18 the square box if you've got the black and
19 white graph in front of you. It has a
20 downward trend over the last three years in
21 number of trips made. The number of vessels
22 has remained relatively flat over a three-year

1 period.

2 Also looking at gear performance,
3 this is total hooks on the top line. Total
4 hooks over a three-year period has decreased
5 generally. Also, the number of swordfish kept
6 has decreased generally over a three-year
7 period. Swordfish released alive has
8 decreased generally, and swordfish dead
9 discards have decreased generally. These are
10 the trends in the log book data.

11 So NMFS has received many comments
12 from various constituents in South Florida in
13 the swordfish fishery. The swordfish directed
14 permits have increased, but buoy gear effort
15 is flat or declining over the past three
16 years, and there are shifts in the
17 recreational rod and reel fishery that have
18 distributed effort from night to daytime.

19 NMFS is interested in hearing and
20 understanding more about the specific issues
21 regarding the swordfish fishing in South
22 Florida, and particularly related to gear and

1 user conflicts. We'd like to hear your
2 opinions about those.

3 So in summing up this
4 broad-ranging presentation, the swordfish
5 fishery stock -- I'm sorry, excuse me. The
6 swordfish stock in the North Atlantic is
7 rebuilt. There's quote under-harvest with
8 slightly improving trends in recent years, the
9 last couple of years.

10 There are significant bycatch
11 constraints and concerns related to sea
12 turtles and bluefin tuna in particular, as
13 well as billfish and marine mammals. Those
14 are significant sideboards. Also, we have
15 requests for additional opportunities in the
16 swordfish fishery.

17 That includes a broad range of
18 requests, including the HMS general commercial
19 hand gear permit, the request for buoy gear
20 authorization with a swordfish incidental
21 permit, the request for looking again at
22 pelagic long line closed areas. Also vessel

1 upgrading restrictions being eased, permit
2 leasing and others.

3 And we have the continuing and
4 ongoing comments related to user group and
5 gear conflicts in South Florida. With all of
6 these things being considered, we are very
7 interested in hearing your perspectives on the
8 future management of the swordfish fishery.
9 With that, we can open it up.

10 I would like to say also that we
11 have -- we were expecting some fishermen to
12 come up from South Florida that are
13 particularly users of buoy gear in that area.
14 They were unable to make the trip, and we got
15 an email from them with a letter, and at the
16 appropriate time, it may be now, to go ahead
17 and read that letter, so that their interests
18 are reflected here at the meeting.

19 So we'll go ahead and do that now
20 and then jump into the questions. All right.
21 Okay. I'll read this. All right. I needed
22 a drink.

1 Okay. This is from the
2 Swordfishermens Alliance. Deerfield Beach,
3 Florida is their headquarters. "First, we
4 would like to thank you for taking the time to
5 read our letter with regards to the general
6 category permit and the decisions that are
7 about to be made."

8 "We hope that after reading our
9 letter, that you will have a better
10 understanding of our concerns in the swordfish
11 fishery in our area. We are presenting this
12 to NMFS in the hopes and intentions of helping
13 to resolve the issues pertaining to the
14 general category permit."

15 "We have previously written
16 letters and also attended a NMFS meeting in
17 July 2009, to voice our deepest concerns
18 regarding the proposed changes to the general
19 category permit. There were a few
20 recreational fishermen that were at this
21 meeting, that did not have many points to
22 make, but were determined to take down and

1 destroy the buoy fishermen."

2 "At first glance, you would think
3 that there was quite a large group of
4 recreational fishermen involved. But it
5 appears that there are just as many
6 recreational fishermen against the general
7 category permit as there are commercial
8 fishermen."

9 "Therefore, we have come together
10 to agree that the general category permit
11 would not benefit our area, and to voice our
12 opposition to the issuance of a general
13 category permit, as witnessed by this letter
14 and the attached petition."

15 "We do, however, hope that we can
16 present possible solutions that will benefit
17 both NMFS and all of the fishermen. We are
18 all attempting to resolve issues and provide
19 information and suggestions to NMFS that will
20 help this industry through our organization."

21 "Since the research study
22 regarding buoy gear has been published, we

1 believe that everyone who is skeptical now
2 understands that buoy gear fishing is not
3 harmful to the swordfish stocks, or that there
4 is any incidental bycatch."

5 "We are asking that you take into
6 consideration all the hard work that we as
7 true commercial fishermen have done, in all
8 aspects of this swordfish fishery, to help
9 increase the quotas and provide good
10 informational statistics to NOAA."

11 "There are an excess amount of
12 fishermen, both recreational and commercial,
13 that currently deep drop with electric reels
14 during the day for swordfish. For NMFS to
15 allow 'new commercial' fishermen into this
16 area off South Florida could lead to numerous
17 other issues."

18 "There could be possible declines
19 in this fishery stocks, as well as an
20 over-abundance of boats attempting to maneuver
21 their boats in one small area, and the
22 fishermen in those boats trying to stay calm

1 and not become agitated with each other."

2 "We believe that issuing the
3 general category permit will not have much
4 effect on the real numbers generated in our
5 area. We would like to see another sector of
6 the American swordfish fishery experience
7 positive returns from your decision."

8 "Allowing additional permits in
9 this area would create a surge of product that
10 our small volume markets would be ill-equipped
11 to handle. Supply would exceed demand,
12 driving prices down and creating excessive
13 stress and financial hardship on the current
14 commercial fishermen."

15 "If NMFS implements the general
16 category permit, then the gear type should be
17 strictly manual rod and reel, absolutely no
18 electric reels, banded gear or buoy gear. The
19 retention limit should be minimal, and the
20 permit holders must be made to abide with all
21 commercial regulations, safety issues, health
22 issues, reporting, log books, workshop

1 programs, trip tickets and also any other
2 current standards required by NMFS, NOAA law
3 enforcement and the appropriate state law
4 enforcement agencies."

5 "This would include any and all
6 other licenses that would be required on a
7 state by state level with regards to catching
8 as well as selling fish. To get and retain a
9 restricted species endorsement on a Florida
10 salt water products license, an applicant has
11 to submit at least \$5,000 in trip tickets.
12 Most fish worth catching and marketing in the
13 state are on the restricted species list.

14 Tape 15

15 We are extremely concerned that
16 new permit holders will now want to obtain
17 additional permits in other fisheries, in
18 order to submit the required trip tickets.
19 The Florida Fish and Wildlife Commission
20 created this Catch-22 situation to protect
21 full-time commercial fishermen from a market
22 flooded with recreational caught fish.

1 It keeps the amount of commercial
2 fishermen down to a sustainable level, making
3 resource management and enforcement easier.
4 The giving away of swordfish permits would
5 create a loophole for many to become eligible
6 for a restricted species endorsement, creating
7 increased and unwanted commercial effort on
8 the end shore waters as well.

9 Another idea would be to possibly
10 set boundaries that would exclude our small
11 area in South Florida. This would prevent
12 additional boats into an already-congested
13 fishing area. It would seem that there should
14 be an increase in effort to enforce the
15 regulations already in place, before even
16 considering the release of new permits in this
17 area.

18 Following are some suggestions
19 that we feel would benefit all involved, and
20 also to possibly increase the U.S. quotas for
21 swordfish.

- 22 1. Put a limit on swordfish

1 imports, giving our fishermen a better price
2 and a reason to fish.

3 2. Allow incidental permit
4 holders to use buoy gear.

5 3. Allow the squid trolls to sell
6 their incidental catch.

7 4. Increase the horsepower and
8 length on current hand gear permits, which
9 would allow vessel upgrades. This would
10 enable fishermen to fish more days in rough
11 weather and also increase safety features.

12 There are currently unuseable hand
13 gear permits because of these horsepower and
14 length restrictions. If increased, this would
15 free up those permits and create additional
16 fishing effort.

17 5. Allow existing permit holders
18 that charter to report and sell their charter-
19 caught fish. We believe that even one or two
20 of these ideas implemented would be solid
21 enough to gain more time and add more fish to
22 our quota.

1 If we are to be a nation with
2 proud commercial fishermen, and an agency to
3 back us, then let us have our chance to
4 increases our quotas. We appreciate this time
5 that you have allowed us to speak for
6 something that is so truly important to us as
7 commercial fishermen, and recreational
8 fishermen as well.

9 I will also mention that the
10 petition that they referred to was received.
11 There are 47 signatures on this, and it
12 states, from the Swordfishermens Alliance.
13 We, the undersigned residents of the state of
14 Florida, with regards to the general category
15 permit in the swordfish fishery in our state,
16 do request with due importance of economic
17 impact, tourism and the swordfish fishery in
18 Florida that you will vote no to this permit
19 being implemented in the waters of our state.

20 (Off mic comment.)

21 MR. GERENCER: Thanks. Bill
22 Gerencer, Portland, Maine. Can we go to Slide

1 14 please? I have a couple of observations
2 about that and then some comments. Basically
3 that's the challenges of the attainment of our
4 quota, and it was characterized as a slight
5 improvement.

6 I think if you really look at the
7 numbers, it's a lot more than a slight
8 improvement. So once we get to Slide 14, I'll
9 point it out, but especially in the last three
10 years. A couple more.

11 All right 2007, 2008, 2009, if you
12 look at the numbers, 2007 is just slightly
13 under 40 percent of the baseline quota, and
14 I'm going to leave the carried over or the
15 adjusted quota out, because I have a comment,
16 a separate comment about that.

17 Then 2008, it goes up to just the
18 57.7, just shy of 60 percent of the quota, and
19 then 2009 it goes up to almost 64 percent of
20 the quota. But if you compare year to year,
21 2008 is actually a 45 percent increase from
22 2007 and 2009 is a 60 percent increase from

1 2007.

2 So this is a steady -- we almost
3 don't want this to go up too fast, because we
4 don't really want to overshoot. Then if you
5 look at the actual overage, it's the same
6 every year for seven, eight and nine, and
7 that's because we haven't cut into our -- the
8 rollover amount.

9 Now the reason why I focused on
10 the baseline quota is suppose we harvest our
11 adjusted quota this year? Then next year
12 we're actually going to have to scale back
13 production by almost 35 percent, to get back,
14 because we're not going -- I'm assuming the
15 2937 is not going to change a lot.

16 So if we harvest 4,400 metric tons
17 next year, the following year we're going to
18 have to cut back to about 3,000 metric tons.
19 So we're going to build the fleet up to take
20 that, and drop it back down.

21 So the question is what do you do
22 with that 1,468 and let's remember that there

1 are about 60 vessels that are eligible for
2 upgrades into a significantly-sized boat to
3 harvest some of this distant water quota, and
4 the turtle, the looming turtle problem aside.

5 In order to get somebody to invest
6 in that, I recommend that you don't let that
7 quota go anywhere else. Bank it, because if
8 it goes somewhere else, it's probably going to
9 come back into this country as swordfish, into
10 the market.

11 It's going to depress prices in
12 the market further than they are, and it's
13 going to decrease the chances that we'll have
14 private investment to upgrade those boats when
15 they look at what they can gain on the
16 swordfish.

17 So it's in our national interest
18 financially not to let that quota go anywhere
19 else, and it's almost a threat to us because
20 we build up to the point where we can harvest
21 that, then we have to turn around and scale
22 back.

1 So I'm not sure what you do with
2 it except maybe it goes away some day. But
3 either way, it's a problem. It's a problem if
4 you catch it. It's a problem if you give it
5 away. So it's critical for our swordfish
6 revitalization that that is handled properly.
7 Thank you.

8 PARTICIPANT: I want to speak
9 again, but I think it would be important that
10 the panel explain to everybody again your
11 situation and your mission to catch that 1,468
12 that Bill was talking about, about what's
13 going on at ICAT, that that's what this is all
14 about, the mission of this panel is to try and
15 catch that quota, so that we don't lose it.

16 MS. SCHULZE-HAUGEN: Yes. I mean
17 this is a quota that's been allocated to us
18 from ICAT, and we're allowed to carry forward
19 50 percent under the ICAT rules, and you know,
20 our obligations under domestic law is to
21 provide a reasonable opportunity to do that.
22 It's in our interest, yes, to protect our

1 quota, absolutely.

2 PARTICIPANT: And that's why we're
3 talking about increased fishing in the Florida
4 area, or a general category permit in general.

5 PARTICIPANT: I'm going to try to
6 make this as quick as I can. I promise not to
7 take any more time on this Swordfish Alliance
8 letter. First of all, I want to explain to
9 those who aren't aware of it very quickly that
10 the reason Florida is different is our
11 geographical characteristics.

12 We have the narrowest Continental
13 Shelf on the Eastern seaboard, and the Gulf
14 stream is closer from Miami to Jupiter than
15 anywhere else on the eastern seaboard. That's
16 why all of these marginal measures work so
17 well in Florida.

18 One thing we know about Florida is
19 as a Florida fisherman, I believe, and I
20 believe a lot of my colleagues down there
21 believe, that more important to us is local
22 abundance than biomass. The reason I say this

1 --

2 MR. DUNN: Rich, going to --

3 MR. CODDINGTON: When we lost our
4 fishery --

5 MR. DUNN: Hang on one second.
6 Glenn and Rich? Guys? It's kind of hard for
7 us to hear. Sorry.

8 MR. CODDINGTON: When we lost our
9 recreational fishery in the 1970's due to
10 significant increase in long line effort off
11 the coast of Florida, we still had a biomass
12 of 1.7. When we started to regain our
13 recreational fishery in the late 90's, we were
14 operating on a biomass of somewhere less than
15 .9, somewhere greater than .5.

16 But fish were there, telling us
17 local abundance is much more important. We
18 believe we were facing a local abundance issue
19 right now. We believe we are finding out
20 something that may be defined as our maximum
21 yield for the year or something like that.
22 That's evident by the effort that you see from

1 the buoy gear.

2 More buoy gear did not increase
3 our catch. But we did see a shift in buoy
4 effort in 2006- 2007 and shift in all effort
5 to the daytime fishery. So you'll see some
6 changes there.

7 Reasons we shifted to the daytime
8 fishery are obvious. Your wife doesn't get as
9 mad when you fish in the daytime as when you
10 come home at 3:00 in the morning. It's a lot
11 easier to go to work the next day. So there's
12 lots of reasons why we switched to the daytime
13 fishery.

14 Most of the Florida fisherman like
15 what we have. I think a status quo is very
16 important for us in Florida. Maybe that means
17 in the closed zone, but for us in Florida,
18 status quo is very important.

19 The Swordfish Club submitted
20 comments, unsolicited comments to National
21 Marine Fisheries showing a poll that was done,
22 a survey that was done on Swordfish Club

1 consideration of a general category permit.
2 We asked the question the wrong way, but when
3 we asked the question, we ended up with the
4 results of something like a 50-50. Half the
5 people wanted a GC; half the people didn't
6 want a GC.

7 When we went back and revisited
8 that, we asked the questions a little
9 different. We found out that actually a very
10 small percentage of the recreational sword
11 fishermen that we polled actually wanted a GC
12 permit. But if you allowed a general category
13 permit, something like half or more would buy
14 one.

15 So there's a difference there, and
16 really the results were bad because of the way
17 we asked the question. That kind of explains
18 our 50-50 vote on that. But let me get a
19 little bit to the quota issue, and this was
20 discussed in open session, and I talked to Dr.
21 Graves before I decided to bring it up here.

22 But one of the matrixes we've

1 heard thrown on the table, not the plan, but
2 just an idea, the only one we've heard thrown
3 out there was this 25-75 kind of break in
4 quota. Maybe a way to reallocate quota is if
5 you use zero to 25 percent, you get to keep 25
6 percent. If you use 25 percent to 75 percent,
7 you keep what you caught, and if you catch
8 over 75 percent, you get to keep your 100.

9 If that were the case, then moving
10 to just a few more fish, a light increase,
11 will get us to that 75 percent and we protect
12 our quota, if that came into play. It's the
13 best guess we have right now from what we know
14 about in open sessions at ICAT. So a minimal
15 increase can save our quota.

16 When we talked about the general
17 category permit, we do talk about permit
18 value. Where did permit value come from?
19 Permit value significantly increased due to
20 the South Florida market. Again, it's the
21 economics of the South Florida market. We
22 have the shortest run, meaning the shortest

1 burn of fuel, the least amount of time to get
2 there.

3 Weather is a consideration, but we
4 don't have to go as far in that weather. So
5 all of those factors made what we do work, but
6 it also would bring general category permits
7 to our area first. Anything you do that can
8 be done with open entry, or with a limited
9 access to that allows it to come to Florida,
10 we'll come to Florida first.

11 That's why permits increased in
12 value. The people in Florida bought them and
13 ran the value up. People that had their
14 permits before 2003-2004 didn't pay this kind
15 of money for permits that are being paid right
16 now.

17 We also know, as far as
18 availability of permits in the area that
19 nearly every month there's somebody else
20 getting out of the fishery and rotating the
21 permits. So if you want a permit to fish in
22 South Florida, you can buy a permit in South

1 Florida and fish in South Florida to fit your
2 boat.

3 That also goes to one thing I've
4 done since my first time here several years
5 ago, is fought against vessel upgrades for
6 hand gear permits. One of the reasons is is
7 any vessel upgrades would make another large
8 chunk of latent permits available for the
9 South Florida area. Again, it's something we
10 do not want.

11 We know that a lot of what's
12 talked about here today came from us in South
13 Florida asking it. First, I want to apologize
14 for that, and the reason I want to apologize
15 is I think this uproar came about over one bad
16 night out there. We had one bad night where
17 we had several negative interactions between
18 recreational and buoy permit operators.

19 That boiled over and next thing
20 you know, you saw newspaper articles and
21 magazine articles and letters coming up here,
22 and people saying well, to hell with the buoys

1 then. Let's have general category permits in
2 the area.

3 The competent stakeholders in this
4 fishery, and including my other two
5 stakeholders at this table, which I would say
6 are the cream of the crop of our commercial
7 fishermen in South Florida, agree that we can
8 fix this on ourselves as far as gear
9 conflicts.

10 Our gear conflicts are not as bad
11 as we hear horror stories from some of the
12 guys in the Northeast and in other areas. We
13 will work on our gear conflicts ourselves, and
14 we'll do it through cooperative efforts
15 between the stakeholders in the commercial
16 industry and the stakeholders in the
17 recreational fishery, in re-establishing the
18 respect that we have for one another in that
19 area.

20 We would rather do that on a local
21 basis than have National Marine Fisheries do
22 that for us. So as a recreational spokesman,

1 we are not asking for any decrease in buoys.
2 We're not asking for buoys to be thrown out.
3 We'd be stupid to with the kind of great
4 environmental compatibility that we see with
5 these things.

6 We want a status quo in our area.
7 Now what's our area? Well, it's probably what
8 we call the FEC closed zone. But we also know
9 that from Middle Keys to a little south of
10 Fort Pierce is probably the most intense
11 effort. So anything that's done, we think,
12 should minimize the increase in permits in
13 that area.

14 Again, we think we've reached
15 maximum yield. If you put twice as many buoys
16 out there, twice as many rod and reels out
17 there, we don't think you're going to get a
18 significant increase in catch.

19 We know that our rod and reelers
20 catch about 1,500 fish a year -- we see that
21 from the MRIPs report -- out of 1,500 fish a
22 year, and that's in the recreational fishery,

1 about 500 of those are caught. Maybe we're
2 capturing 50 to 75 percent of those in the
3 landings reports.

4 About 500 of those are released as
5 undersized fish, and about five of them are
6 released as legal sized fish. So we release
7 legal size fish down there, equal to the
8 number that we keep. So we're working our
9 fishery as a conservation fishery. We're
10 finding that we can work with the buoys can
11 work with us, and the deep droppers work
12 together. There's very little difference
13 between a recreational deep dropper and a
14 commercial deep dropper.

15 We don't want to lose our fishery
16 again to increased effort in the immediate
17 area, and we don't want to lose our 40 good
18 commercial fishermen, and we don't want to
19 lose our 4,000 good recreational fishermen,
20 because we spend a hell of a lot of money on
21 this fishery.

22 We keep tackle stores open, we

1 keep marinas open, we buy gas, we do it all.
2 It may be what saved many tackle shops in
3 2000, when we were seeing decreased catches of
4 mahi-mahi and things like that. So please let
5 us handle our gear conflicts ourselves. Let
6 us work on our fishery together, because not
7 many places you see where people will release
8 swordfish.

9 If something happened and you guys
10 find you have to do general category permits
11 in Florida again, general category permits, I
12 think, are a good idea. I also think an
13 increase in buoy gear effort is a good idea.
14 We just have to find a way to encourage that
15 in areas other than the FEC closed zone,
16 because it's not going to increase the number
17 of fish that we put on the table for ICAT.

18 It's just going to divide this
19 fish over a larger user group, and devalue
20 permits, devalue the market and devalue our
21 recreational experience if we can't interact
22 with the fish the way we act with them now.

1 So from that aspect, we're asking
2 you to please don't change our South Florida
3 fishery, and I'll bet you hear similar things
4 from the commercial guys at my table. Some of
5 the other things you're asking about though,
6 we are interested in some comments on.

7 If fish are caught and are not
8 sold on a general category, it's probably the
9 same problem we've got with recreational fish.
10 We like the idea of a tail tag. We've talked
11 it with FWC. We're not really sure how you'd
12 implement it, but it's the only way we can
13 gain enforcement on the fishery.

14 Right now, the only people that
15 have to report a swordfish are the people that
16 were stopped by FWC on the way in, because
17 somebody knows they caught a fish. So they
18 report. They have 24 hours to do it. They
19 might not have reported if they hadn't been
20 stopped.

21 Two reasons we don't report. One,
22 people just don't report because they don't

1 feel like doing it or don't ever get around to
2 it, and the other reason is those fish might
3 be entering the market illegally. So working
4 on the illegal sales of fish is very important
5 to us, but capturing those fish for quota
6 count is also important too, and I think tail
7 tags would help that a bunch.

8 If you had to have a tail tag
9 when you were pulled over on the water, things
10 are a little different than if you can correct
11 that problem later, just like the deer hunting
12 examples that were used here. I think that's
13 probably it, unless something else comes in.
14 I've got to address the pelagic long line
15 closed areas being reopened. Sorry, Rich. I
16 tried to be as --

17 (Off mic comment.)

18 PARTICIPANT: Well, I guess I'm
19 going to break that promise. Do not change
20 the pelagic long line closed area without
21 sound, scientific evidence to do so.

22 Don't do so because you're trying

1 to catch more fish, and have all those other
2 problems because of the great accomplishments
3 we've had, and if Rich forgets, I'll play the
4 DVD of him expressing his support of the
5 closed zone for rebuilding the fishery. I
6 think I have it in my briefcase to show you if
7 you need me to.

8 So we would be very concerned, and
9 of course we know if you ever talk about
10 reopening the long line closed zone, you'll
11 hear from all of us and you'll have public
12 hearings and everything else. But I hope I
13 didn't ramble in too many directions, but I
14 kind of got thrown a little bit by the
15 Swordfish Alliance's letter.

16 No more buoys. We've got no
17 problem with the ones that are there. No
18 general categories in our area. No increased
19 effort in our area. We've got a very valuable
20 fishery that's working for the deep droppers,
21 working for the buoy guys and working for the
22 recs. Let's go on what right now works.

1 MR. DUNN: Okay, thank you. We
2 have had a couple of fairly lengthy comments,
3 one by letter and one here, which have been
4 very helpful in fleshing out the issues and
5 some of the interests and positions.

6 So I would like to do is ask folks
7 who follow, to the extent that your issues
8 have been covered and you don't need to weigh
9 in, that's great.

10 To the extent that they have been
11 covered but you want to make sure you get on
12 the record and that we all hear where you're
13 at, a lot of dittos could do the job or just
14 some succinct comments would be really
15 appreciated, because there's a bunch of people
16 who want to weigh in here. So please, next.

17 MR. RUAIS: Okay, thank you. Ron
18 didn't keep his promise. That was a much more
19 lengthy comment than Randy's reading of the
20 letter, clearly. But a couple of issues and
21 I'll be much briefer. Glenn is going to cover
22 the turtle issue and a few more comments on

1 the GRT changes as well.

2 But I didn't really understand
3 Rick's earlier comment about removal of the
4 swordfish break campaign. I see the press
5 reports all the time, the Give Swordfish a
6 Break campaign is still hurting our market
7 tremendously, and so is the misunderstanding
8 about the mercury to selenium.

9 Earlier Charlie talked about how
10 much tuna he eats. Well, he probably doesn't
11 eat much more than me, and neither one of us
12 are glowing. You know, the selenium is a
13 fact, that as long as the fish has more
14 selenium than mercury, it's safe to eat. So
15 that's one comment.

16 We appreciate all the help in the
17 marketing front. We hope it continues, the
18 cooperative effort that we're working with
19 partnerships continue to work. To Bill
20 Gerencer, I don't quite agree that we need to
21 be as slow or more aggressive in terms of
22 trying to increase our landings.

1 2009, even though it's the highest
2 in quite a while, it's still only 42 percent
3 of the available quota. The fact that there's
4 100 to 110 vessel landing one or more ton I
5 think is deceptive. The serious number of
6 vessels is probably closer to 60 or 70 vessels
7 that are actually landing fish.

8 We have to continue to bring up
9 the issue of when is NMFS going to level the
10 marketing playing field. We've been asking
11 for it for years. We raised it at the ICAT
12 Advisory Committee every chance we get. We've
13 got two laws, Marine Mammal Protection Act and
14 the Magnuson Act that says we shouldn't be
15 taking imports from countries that are not
16 playing by the same rules that we're playing.

17 These are just brief summary
18 comments. I may ask for the mic again. Sixty
19 vessels, Rick noted, can be increased to up to
20 90 feet right now. The problem is that it may
21 not be the right vessels.

22 There are some vessels, some

1 individuals that are interested in moving to
2 a freezer/fresh water boat, but they don't
3 want to have to buy a permit. They want to
4 use their current permit. So that's the
5 reason for looking at the possibility of
6 dropping the GRT length restriction
7 completely.

8 In terms of the general category
9 permit, Blue Water doesn't currently have a
10 position on that. But for the time being,
11 certainly if there's going to be a general
12 category permit, it needs to be under the
13 incidental catch 300 metric ton quota, not
14 competing.

15 It wouldn't be equitable to make
16 that category use up some of the traditional
17 PLL, the group that rebuilt the fishery,
18 quota. So I'll stop right there for now.

19 MR. DUNN: Thanks very much. Very
20 quickly.

21 MR. GERENCER: Bill Gerencer
22 again. I just want to -- I'm not suggesting

1 that we not harvest the 1,468 that we carry
2 over every year. I was just pointing out that
3 if we caught 4046 next year, we'd be looking
4 at a cut immediately afterwards.

5 However, a reasoned increase in
6 effort is warranted, because if we lose that
7 1,468 next year to another country, what will
8 happen is a lot of it will come into this
9 country, depress the market, and not only
10 deter needed investment in upgrading vessels,
11 but it may actually reverse the gains we've
12 made in revitalizing our fishery, and that
13 means that ICAT will come back to us looking
14 for even more of our quota in the future.

15 So I want to see us catch it, and
16 I think that a reasoned, steady effort of
17 growth towards that is what's needed, and it
18 needs to be caught but it can't be given away
19 under any circumstances. Thank you.

20 MR. DUNN: Thanks for that
21 clarification. Okay, any cards up still at
22 your table or you guys good? You covered?

1 Okay. Briefly, please.

2 MR. BAUMER: Yes. Tim Baumer
3 (ph), Buoy gear fisherman from the east coast
4 of Florida. I had a couple of things I was
5 going to say, but I think Ron Coddington
6 covered them. I mean we're pretty much on the
7 same page. You know, everything that Ron said
8 applies to what I was going to say.

9 We've kind of learned to work
10 together out there, you know. We have been
11 communicating. We actually had our own little
12 round table breakout before this section of
13 the meeting, and we all came to the conclusion
14 that our area is a very special area, you
15 know. It's very, the fishable water where
16 everybody fishes for swordfish is very small.
17 It's quite congested.

18 It's near one of the most heavily
19 congested metropolitan areas, you know, in
20 Florida, and that we really don't want to see
21 more buoy fishermen than what we have now. I
22 wouldn't like to see any more gear than what

1 we're already allowed to fish. I'm pretty
2 satisfied with that.

3 You know, as far as the general
4 category permit, I think we're all in
5 agreement that it just would add too much
6 pressure to an area that probably already is
7 close to a saturation level, and that I think
8 that if we were to explore a general category
9 permit, it would be best that if we looked
10 outside of that Florida east coast area, you
11 know, such as the northern canyons, I think
12 both buoy gear and a general category permit
13 could work for swordfish up there.

14 The same with the Gulf of Mexico,
15 and also possibly expanding the allowable
16 species that you can catch with buoy gear. If
17 it were fished in the right place in the right
18 way, it would be very, very effective for
19 tuna. You know, you just have to change the
20 way that we fish now for swordfish at night.

21 I think, you know, it can be
22 applied to other areas, and I think it's

1 something that maybe we should look at. But
2 it's very unusual that you can get a
3 recreational fisherman and commercial
4 fishermen to agree as much as we all agree
5 here. Actually kind of mark that down. It's
6 pretty unusual. Thank you.

7 Yes. We had our own little --
8 since we had our own little breakout section
9 earlier, and it's amazing how we all ended up
10 in perfect agreement. It's pretty amazing, if
11 you ask me. Thank you.

12 MR. DUNN: Okay, thank you.
13 Hopping to the next table. Yes, please.

14 MR. WILLIAMS: Jim Williams. I'm
15 also from South Florida, and I want to
16 elaborate. I'm not in the swordfishery as
17 often as Tim and Ron, but the people that I
18 work with that are in that fishery, I hear the
19 same comments.

20 MR. DUNN: Okay, thank you.
21 Anyone else at that table?

22 PARTICIPANT: Yes. Mine was more

1 of a question than comment. I just had a
2 question about Slide 18 and then the new way
3 of assessing the turtles with independent
4 stocks, as opposed to as a whole.

5 Does anyone know what's going to
6 happen to the three-year ITS in this case? I
7 mean does that 1905 suddenly become one-ninth
8 of what it was if all of the fishery is
9 essentially taking turtles from one stock?
10 Does anyone know like what's going on with
11 that?

12 MS. SCHULZE-HAUGEN: Well, most of
13 the -- this wasn't done under the nine DPSS
14 that are being proposed. So exactly if it's
15 finalized as proposed, the impacts I think, I
16 think that would come in under a reinitiation
17 should that happen. I think that isn't clear
18 if that's an immediate trigger, or if it would
19 happen if there's a change in the fishery that
20 would cause a reconsultation.

21 Almost all of the loggerheads, I
22 think, that our fisheries encounter are under

1 the -- would be considered under the Northwest
2 Atlantic DPS. So I don't think -- I think the
3 short answer is I'm not sure we really know,
4 but I don't know that we would see an
5 immediate change.

6 PARTICIPANT: It just seems like
7 at some point, whether it's an immediate
8 change or not, that that number's going to get
9 lowered and whether the fishery is catching
10 more turtles or not, they're going to be over
11 the reduced number, which is the most likely
12 scenario.

13 That's just something -- I don't
14 know if that's true or not, but just to me it
15 seems like that's a logical extension of what
16 we've seen, so it's just something to be aware
17 of and something we need to think about moving
18 forward, with how to revitalize the fisheries.

19 MR. DUNN: Thank you. Jumping
20 over to the next table. Glen, is that you?
21 Finally got there huh?

22 MR. DELANEY: Okay. Well, I guess

1 I'll address, use the segue. We obviously
2 share some concerns about the implications.
3 Certainly if that proposed rule were to become
4 final as is, it would cause the absolute need
5 for re-initiation of consultations for many
6 fisheries that interact with proposed
7 Northwest Atlantic DPS.

8 While the math may not be
9 one-ninth, it's going to be some fraction of
10 recurrent incidental take allowance that is
11 based on the entire species, as opposed to
12 this new proposal. I would point out that if
13 you read very carefully, you'll also see that
14 the Northwest Atlantic DPS is proposed for
15 further subdivision into five nesting
16 populations called recovery units, which is
17 new, to say the least.

18 Although no -- although at the IAC
19 meeting I raised this question with Barbara
20 Schroeder, who's the head of -- is she the
21 head of Protected Resources these days or I'm
22 not sure what her title is. Yes. She

1 indicated or denied that there was any
2 interest in managing at that sub-sub
3 population level.

4 But you know, the proposed rule
5 talks a lot about genetic distinctions between
6 the five subpopulations. So you can see the
7 writing on the wall. If it's not Barbara's
8 intention, I'm sure my good friend Elizabeth
9 here will make it her result. So anyway, that
10 proposed rule has profound implications for
11 not only the pelagic long line fishery but for
12 any fishery that interacts, including I would
13 add recreational fisheries.

14 Another sea turtle issue is,
15 regards the transfer back to swordfish. The
16 proposed -- not the proposed -- the very high
17 likelihood that again at ICAT this year, we
18 will face one of our most difficult challenges
19 in protecting the U.S. swordfish quota share
20 from reallocation to other nations, virtually
21 the reallocation of U.S. quota share of North
22 Atlantic swordfish quota to virtually any

1 other nation will have an adverse impact on
2 sea turtle mortality period.

3 There is no other nation that
4 achieves a comparable level of sea turtle
5 bycatch reduction and mortality reduction. So
6 in some of these nations are particularly bad.
7 That even includes our neighbors to the north,
8 Canada especially, who are interacting with
9 the very same turtles.

10 So Blue Water certainly intends to
11 raise this issue in a more formal way than I
12 did at the IAC meeting, and in terms of the
13 implications to the U.S. government accepting
14 any decision by ICAT to transfer U.S. quota
15 share, which all nations have the opportunity
16 to either accept or reject ICAT
17 recommendations that are adopted.

18 I think we for some period of
19 time, for some reason I always think it's 90
20 days after we return from the meeting. That
21 is actually a federal action that could
22 trigger Section 7 consultations and may even

1 require environmental assessment or an impact
2 statement under NEPA.

3 So there are definite statutory
4 implications of that, and we'll be addressing
5 that in a more formal, legal fashion. But I
6 would suggest to the agency that the way to
7 solve that problem is to adopt a very
8 aggressive negotiating posture going into ICAT
9 this year, as we have successfully done year
10 after year.

11 As you may have noted, we haven't
12 caught our U.S. quota share in well over a
13 decade now, I believe. So it's been quite a
14 struggle for myself and Rich and earlier with
15 Nelson, to work with the agency in our
16 delegation, to prevent that quota share from
17 being reallocated. Frankly, I don't know how
18 the hell we did it all these years.

19 But we're going to be really up
20 against the wall this year. So we need to
21 take a very aggressive stance. It's enormous
22 economic consequences and implications for the

1 United States, and it's an enormous
2 conservation implications for not just sea
3 turtles -- Tape 16

4 MR. DELANEY: (In progress) are
5 also archaic for the same reasons. They
6 relate to a time that no longer, and
7 circumstances that just simply do not exist,
8 and are actually adverse or contrary to our
9 goal of trying to catch our quota share and
10 reinvigorate or revitalize this fishery.

11 So either do away with them, or
12 again provide a window of opportunity where,
13 you know, everybody can at least for one
14 opportunity, do their thing, get their vessel
15 upgrades and sort of modernize this fleet
16 that's just being hampered by both the limited
17 access and the vessel upgrade restrictions.

18 The final thing I'll just put in a
19 plea for our folks down in the Gulf of Mexico
20 who, for those of you who are following the
21 extent of the oil spill, are progressively
22 being squeezed out of any access to the

1 resource in the Gulf right now, and you know,
2 we've got these gigantic boxes in the eastern
3 Gulf.

4 I guess we still call them the
5 DeSoto Canyon closures, the southern box of
6 which, if I recall when we went through all
7 that, had some pretty minimal or nominal data
8 basis for it.

9 It was a small swordfish bycatch
10 in some part of that area that crossed an
11 arbitrary threshold that had been established,
12 and therefore it become a hot spot for small
13 swordfish bycatch.

14 You know, we're at 105 percent of
15 BMSY. At this point, given their predicament
16 down there, we should at least consider an
17 emergency opening of at least that southern
18 box, so these guys have a little room to
19 operate in a fishery, instead of getting
20 squeezed out for no fault of their own, due to
21 the oil spill.

22 So that's -- I don't know what

1 your emergency action authority is with regard
2 to those closed areas, or if that goes all the
3 way to plan amendment, in which case forget
4 it. It will be too late. They'll be dead by
5 then. But if there's any way to address that,
6 it would be really appreciated. Sorry to take
7 so long.

8 MR. DUNN: Thanks, Glen. I've got
9 another comment over there.

10 MR. WEBER: Rick Weber. I've been
11 a proponent of GC swords for a lot of years,
12 and I thought I was when this session began an
13 hour ago. But looking at this landing report,
14 being up 60 percent in two years, it may be
15 that what we've done is starting to work.

16 As I think about upgrading vessels
17 and things like that, just because you do it
18 in '07 doesn't mean someone's doing it right
19 then. It takes time to find the capital and
20 to determine whether you're serious or whether
21 it's a flash in the pan.

22 As strong a proponent as I was of

1 GC swords, right now my mood is status quo,
2 just to see what happens next year, to see if
3 we gain another 20 percent in the next two
4 years. If you choose to do something -- you
5 know, I guess I echo Bill Gerencer's thoughts
6 of shoot for the baseline, not the adjusted
7 quota, because if you shoot for the adjusted
8 quota you're going to risk
9 over-capitalization.

10 We're at 60 percent of baseline.

11 So to me, I think that's the target we're
12 headed for there. I would hope that that
13 amount of change within two years would help
14 strengthen that ICAT fight, you know, that we
15 are up 60 percent in two years, that what
16 we've started is working, and there's, I would
17 think, strong probability that we reach our
18 quota, if that line continues. That's just an
19 observation.

20 MR. DUNN: Okay. Yes, Dave, you
21 wanted to react to what was just said? Okay.
22 I think Rich wanted to jump in quickly with a

1 reaction.

2 MR. RUAIS: Yes. I'd like to
3 react to Rick's comment, but first thank Glenn
4 for his excellent comments and for filling in
5 where my weak brain cells didn't catch
6 everything I wanted to say.

7 On the DeSoto Canyon area, the
8 request is also for the western portion,
9 eastern portion, I'm sorry, of the northern
10 area as well, prior to the oil spill having
11 its major impact on it. So that's kind of a
12 critical issue as well.

13 And to Rick's comment, we don't
14 have the luxury. You didn't have the benefit
15 of being at the ICAT Advisory Committee
16 meeting or the ICAT meeting itself, so you
17 know, you're not seeing the immediate pressure
18 to take U.S. swordfish quota away from the
19 United States.

20 There is a coalition that's formed
21 that is very, very strong and coming after our
22 quota immediately. It's led, unfortunately by

1 Canada, backed by Libya, backed by the
2 European Community, backed by Turkey. They're
3 all coming after our quota right away. We can
4 make the arguments; we can continue to try to
5 make the arguments we're revitalizing and
6 we're making, you know, incremental progress.

7 I agree with all of that, but it's
8 going to be harder and harder and harder, as
9 we've discussed at the IAC meeting repeatedly,
10 to retain that quota. So that's my comments
11 why I think we need to be a little bit more
12 aggressive in trying to continue to make some
13 progress.

14 The final point that I left out,
15 and I was being very brief in my comments, is
16 in terms of the revitalization, we've asked
17 for the weak hook, and this is repetitive.
18 But we've asked for the weak hook research to
19 be extended to the Atlantic, so we can try and
20 reduce bycatch there of bluefin and continue
21 with a very successful fishery for swordfish,
22 bigeye and yellowfin tuna. Thank you.

1 MR. DUNN: Thanks. We're going to
2 go back to Dave Kerstetter, then over to
3 Elizabeth over to Dave, and then over to Ken.

4 DR. KERSTETTER: Thanks. I'll try
5 to be brief. As an occasional swordfish
6 angler, I just want to echo the comments about
7 the South Florida swordfish recreational
8 fishery, and that it is very collegial out
9 there on the water.

10 You'll be out there on the radio
11 and you'll get close to another person's gear.
12 You'll jump on the radio, you'll move, no
13 problem. So I've seen that firsthand and it's
14 very appreciated.

15 From the non-angler academic side,
16 I also want to thank the various fleets down
17 there, because they've been wonderfully
18 cooperative with research, in some cases
19 without any compensation at all.

20 So I want to say that willingness
21 for them to work with me, and if there are
22 problems that people have with bycatch or any

1 other problems with the gear or the fishery
2 themselves, just be aware that they're very
3 willing to work with academia to help solve
4 those problems. There could be other
5 solutions by working with the fisheries we
6 have, rather than create a new one. Thank
7 you.

8 MR. DUNN: Thanks, Dave.

9 Elizabeth.

10 MS. GRIFFIN WILSON: Yes. I just
11 wanted to chime in on the sea turtle issue.
12 I do support the loggerhead uplisting.
13 Actually, Oceana was one of the groups that
14 petitioned the agency to move forward with
15 this process.

16 The main reason for doing this is
17 that the 90 percent of the Western North
18 Atlantic loggerheads nest in Florida, and
19 nesting in Florida has declined by about 40
20 percent in the past decade.

21 So there is a major concern. But
22 I don't want people to think that this is a

1 huge red flag and major concern for this
2 fishery in the immediate future. As Margo
3 pointed out, those 1905 turtles are all or
4 almost all already from the Western North
5 Atlantic population.

6 So it doesn't mean there's going
7 to be a change in reallocation of how the ITS
8 is divided up. Those recovery plan units that
9 Glenn mentioned have also been in the recovery
10 plan for years. They go back, I think, two
11 recovery plans now. So that is not a new
12 concept. There are subpopulations that are
13 used to look at different statuses on
14 different nesting beaches.

15 But it's not something that
16 anyone's intending to use to divide up and
17 allocate takes among fisheries from those
18 subpopulations. In order to do that, you'd
19 have to DNA test every turtle caught in a
20 fishery, to figure out what subpopulation it's
21 from.

22 So it's just something that's not

1 feasible at this point, and it's not the
2 intention of the petition to try and do that.
3 The petition really would be solidifying how
4 NMFS is currently doing management, because
5 they've been looking at loggerheads in these
6 categories already. This would just solidify
7 it and allow the ones that are in the most
8 trouble to be uplisted to endangered. Thanks.

9 Oh, and on the international part,
10 surprisingly I echo what Glenn said. We are
11 very concerned about seeing U.S. swordfish
12 quota transferred to countries that aren't
13 doing sea turtle bycatch mitigation. We'd
14 much rather see that quota stay here. Thank
15 you.

16 MR. DUNN: Thanks. Dave.

17 DAVE: Yes, thank you. This is a
18 very small issue, and I will be very brief,
19 and I want to say, I just want to get this on
20 the record. This is something that Margo has
21 been handling very well, but it fits in with
22 what Glenn said about updating and simplifying

1 archaic regulation.

2 As I say, I want to make sure this
3 is on the record. We have about two dozen
4 large ILEC squid boats that land swordfish and
5 have been doing this now for about 30 years or
6 so, and there's a complicated permit
7 structure, a series of permits that are
8 required to do this.

9 Some of the boats have gotten
10 tangled up with their permits and as a result
11 we've had ILEC squid boats that have been
12 discarding swordfish, which I find
13 reprehensible at this point. This is
14 something that needs to be straightened out.
15 These boats should not be in the position of
16 having to discard a fish that we need to catch
17 to maintain our quota.

18 So I want to make sure that that
19 happens. The ILEC squid boats, in the normal
20 course of their operation, will occasionally
21 pick up a swordfish, and there isn't any
22 reason. They have a 15 fish per day

1 allocation for that, or rather allowance for
2 that right now.

3 But many of the boats have -- are
4 no longer able to do it because of permit
5 confusion, and we need to straighten that out.
6 They're required now to have the swordfish
7 long line permit, the bluefin tuna permit, the
8 shark permit, all three permits. This seems
9 to be an onerous requirement at a time when we
10 are trying to increase our catch.

11 We talk about bycatch. Bycatch is
12 something that to me is horrible, having
13 witnessed it for years and to see swordfish
14 discarded to me is just something we have to
15 do something about. So that's a small issue,
16 but it's one that I want to make sure is on
17 the record. Thank you.

18 MR. DUNN: Thank you. Ken?

19 PARTICIPANT: Yes. I did want to
20 follow up on what Glenn said and Elizabeth
21 also, about our swordfish quota and protecting
22 a lot of other animals. I think we need to --

1 once we determine what our long term baseline
2 quota of swordfish should be, and I think that
3 needs to be determined on the basis of what is
4 catchable in a quote-unquote "ecosystem
5 friendly way," and what is fair, and I think
6 we have to fight for that.

7 But I think -- I've always thought
8 that our case for keeping that share has to be
9 built on where I think Glenn was going with
10 his rationale, not just on, you know, give us
11 more time, we can catch it kind of thing,
12 because the desire for more swordfish from
13 ICAT, from ICAT nations, exists independent of
14 our underage.

15 I mean they want more swordfish
16 whether we're catching it or not. So I don't
17 think it's automatically going to go away if
18 we do fill our quota. There's still going to
19 be a demand there. The number of countries in
20 ICAT as members is more than twice what it was
21 when the swordfish rebuilding program began in
22 1990-1991. It was 23 I think then; it's 48

1 now.

2 These countries are brought in
3 with the promise of fish. So just saying that
4 these are our fish and we can catch them, I
5 don't think, is really going to -- I mean that
6 might cover things for a little while, but in
7 the long term, we have to really build that
8 case on the fact that we are catching these
9 fish in an environmentally friendly way.

10 We're not killing sea birds, we're
11 not killing sea turtles and we're not killing
12 a whole bunch of other bycatch species. I the
13 closed areas have been mentioned. I think
14 that's part of what makes our fleet more
15 ecosystem-friendly is those closed areas. I
16 think we need to keep those things in place as
17 well.

18 MR. DUNN: We don't know if that
19 was agreement or not. It was weighing in, but
20 it's unclear.

21 (Laughter.)

22 MR. DUNN: Please.

1 PARTICIPANT: First, we made Margo
2 aware a while back about what was going on in
3 South Florida, and it might have got blown out
4 of proportion. Some of the recreational
5 magazines put articles out there condemning
6 the buoy fleet. What Ron said tonight, as the
7 recreational rep, was on the spot, and I agree
8 with everything he said.

9 In that we came up here geared for
10 a fight over this, and you know --

11 PARTICIPANT: No fight.

12 PARTICIPANT: Yes, no fight, okay.
13 He said everything we needed to say. The
14 petition, my name is on there. I agree with
15 that. If NMFS is bent on expanding the
16 fishery, especially in the South Florida area,
17 I'd just ask that they do it within the
18 current or the existing commercial fleet,
19 expanding buoys or incidental permit holders
20 to fish buoy gear, you know, rather than
21 create a new fishery in the South Florida
22 area.

1 MR. DUNN: Okay. Anybody else on
2 the panel who wants to weigh in on this, that
3 hasn't had a chance. Please.

4 MR. STARK: Elliott Stark. I'm a
5 proxy for Ellen Peel, and I would also like to
6 agree with part of Ron's comments, most of
7 them, but particularly that one that he
8 stated, that there are better ways to increase
9 swordfish catch within the United States,
10 other than opening closed long line zones.
11 Thanks.

12 MR. DUNN: Okay. Any other panel
13 members who want to weigh in. Oh Rich, did
14 you have your card up? Oh, okay. Just to
15 observers who are here, any members of the
16 public? Anyone care to fold in any comments
17 into this issue?

18 (No response.)

19 MR. DUNN: Okay.

20 MS. SCHULZE-HAUGEN: Well, this
21 was very helpful. I'm thrilled that the
22 conflict is not a conflict, and that you're

1 able to work it out and I'm glad at the AP
2 meeting was the place that happened. So
3 that's great news, and I think a lot of the
4 issues that have come up are not new. They're
5 things that have come up for a couple of years
6 now.

7 We continue to look at them, look
8 at ways to increase the swordfish landings
9 without increasing bycatch. There's some new
10 ideas that weren't at the front before that
11 we, I think, came up today that we can look
12 at.

13 To Dave's point about the squid
14 troll and continuing to look at that, we have
15 been. So we're going to continue doing that.
16 I'll recognize that issue. So I would like to
17 think that maybe by the next AP meeting we
18 have had the time to do some additional
19 research and maybe come back with a suggestion
20 and get some input on it.

21 So I mean I know that folks think
22 that a lot of times we don't do things right

1 away. A lot of these things have been done
2 incrementally as Rick said, and you know, we
3 were doing a rulemaking a year, addressing
4 some of the issues. To see 60 percent in two
5 years is great. There's still a ways to go.
6 So I think we're going to take a lot of the
7 ideas back and continue working on them.

8 There are a couple of new wrinkles
9 that came up on the tonnage and what some of
10 the boats may be trying to do now is a little
11 bit different than we had heard a couple of
12 years ago. So this is very helpful. Thank
13 you.

14 Public Comment

15 MR. DUNN: Great, thanks very
16 much. Well, Bennett asked a minute ago if
17 there were any public comments on the last
18 issue we discussed, swordfish, but we have a
19 general public comment item agendized for now,
20 for 5:15.

21 I want to ask if any members of
22 the public want to address the group based on

1 any issue that's on the agenda for today or
2 these three days. Apparently not. Yes, all
3 right. Yes. Please, we need you to approach
4 a microphone and explain who you are and who
5 you represent, please.

6 MR. JAGGARD: Hello. My name is
7 Cameron Jaggard. I'm with the Pew Environment
8 Group, working on the Gulf long line closure
9 campaign. I would like to begin by expressing
10 the Pew Environment Group's concern for the
11 health of Gulf coast communities and coastal
12 and offshore ecosystems in the wake of the BP
13 oil spill.

14 I've heard it echoed many times
15 today. I know a lot of other people are very
16 concerned. My colleagues and I are deeply
17 saddened by the loss of life, as well as the
18 damage the images of the event has caused, and
19 will unfortunately continue to cause to a
20 region which has already weathered one of the
21 worst natural disasters in U.S. history, which
22 was Hurricane Katrina.

1 Unfortunately, this spill comes at
2 a very critical time and place for Western
3 Atlantic bluefin tuna. The Gulf of Mexico is
4 the only known spawning ground for Atlantic
5 bluefin tuna in the western hemisphere, and
6 this disaster has occurred at the height of
7 the bluefin tuna's spawning season.

8 This could impact not only the
9 fishery in the Gulf of Mexico, but also the
10 fishing and fishery communities along the
11 entire Atlantic coast. While impacts of the
12 spill on bluefin tunas and larvae are unclear
13 at this point, scientific research has proven
14 that bluefin are already in a perilous
15 situation.

16 Overfishing has reduced the
17 population of Western Atlantic bluefin tuna to
18 18 percent of its 1970 level. Despite this
19 precipitous decline, recent efforts to protect
20 bluefin tuna, supported by the United States
21 by adopting a prohibition on international
22 trade at the Convention on International Trade

1 and Endangered Species of Wild Fauna and
2 Flora, failed. They failed.

3 After the failure of the
4 international community to adopt greater
5 protections for this valuable species at
6 CITES, it is now up to the National Marine
7 Fisheries Service to do everything it can to
8 protect spawning bluefin tuna in the Gulf of
9 Mexico.

10 These fish are in serious
11 jeopardy. Every fish that spawns in the Gulf
12 of Mexico is vital to the recovery of this
13 fish stock. To help with recovery of Atlantic
14 bluefin tuna, the Pew Environment Group and
15 our partners believe a year-round closure of
16 the Gulf of Mexico to surface long line
17 fishing is critical, to give this species and
18 this fishery a fighting chance.

19 Surface long lining occurs
20 year-round in the Gulf of Mexico, but is
21 highest during the spring months when bluefin
22 tuna are spawning. Observer data indicates

1 that hundreds of spawning bluefin tuna were
2 caught by surface long line gear during 2007
3 and 2008.

4 Approximately, excuse me, 55
5 percent of these bluefin caught were discarded
6 dead. Indiscriminate fishing gear by pelagic
7 long lines frequently capture a variety of
8 other non-target marine species. Hundreds of
9 game fish such as shellfish, blue marlin and
10 white marlin are killed by this gear.

11 Large numbers of sharks, skates
12 and rays are discarded. Threatened loggerhead
13 and endangered sea turtles are also
14 incidentally captured with the gear. The Gulf
15 pelagic long line fishery has the highest
16 interaction rate with leatherback sea turtles
17 of the entire U.S. Atlantic pelagic long line
18 fleet.

19 Target species are also wasted.
20 Gulf long line fishermen keep fewer than half
21 of the swordfish they catch, due to size
22 restrictions and more than half of the

1 swordfish they discard die.

2 A year-round closure of the Gulf
3 of Mexico to surface long lining will protect
4 the primary spawning ground for Western
5 Atlantic bluefin tuna, reduce incidental catch
6 of bluefin tuna, prevent harmful, often daily
7 interactions with other non-target species
8 such as white marlin and the leatherback sea
9 turtles, result in net economic benefits from
10 enhanced recreational fishing opportunities in
11 the Gulf, and create opportunities for the
12 development of actively tended, more selective
13 gear types.

14 Conversion of the existing Gulf of
15 Mexico pelagic long line fleet to green stick,
16 buoy gear and trolling lines is a promising
17 alternative to the status quo. Bycatch and
18 bycatch mortality is substantially lower for
19 these gears than for surface long lines.

20 Fishermen have adopted these gears
21 to catch bays and swordfish in parts of the
22 Gulf of Mexico, as well as along the Atlantic

1 coast, such areas as the Florida straits and
2 North Carolina.

3 All three gears require active
4 management which yields fresher, higher
5 quality seafood that could potentially be
6 marketed as premium, sustainable seafood,
7 thereby fetching fishermen a higher price per
8 pound at the market.

9 The BP oil spill should serve as a
10 reminder of how critical the health of the
11 Gulf of Mexico is to Western Atlantic stocks
12 of bluefin tuna, and just how fragile this
13 population is.

14 Dwindling bluefin tuna populations
15 are in need of greater protections to help
16 ensure this species' long-term viability in
17 the face of ongoing international
18 over-exploitation and unforeseen disasters
19 such as this. Thank you for your time.

20 MR. DUNN: Thanks very much. Are
21 there any other members of the public that
22 would like to address the group? Yes sir.

1 MR. SHALEET: Hi. My name is
2 David Shaleet (ph), and I'm a commercial
3 fishermen. I have nothing prepared, but I
4 wanted to sort of apprise the group of a
5 project that I'm involved in with a few other
6 people in New York. This project has to do
7 with the poor distant cousins of the bluefin,
8 the yellowfin and bigeye tuna.

9 This has to do with the really
10 tragically bad conditions for fishermen who
11 target these species in the Northeast,
12 particularly in the area that extends north
13 from Virginia to Cape Cod in the Canyons area.
14 I mean all the information I have at this
15 juncture that we're collecting at this point
16 is more or less anecdotal. All the data,
17 because there's no catch data available on
18 this fishery historically.

19 I can tell you from my own
20 personal experience that I started fishing in
21 the Canyons for bigeye and yellowfin with my
22 grandfather, when I was a child, and I

1 remember that the catch per effort at that
2 time was dramatically different than it is
3 today.

4 In those days, I can characterize
5 it by saying that there was absolutely no need
6 to fish overnight. We're talking about the
7 Canyons, from Long Island to the Canyons is a
8 transit of 80 to 110 nautical miles. That's
9 far. So we could fish the Canyons in one day
10 and we would come home with enough fish to
11 make it commercially viable.

12 But that I mean if you reasonably
13 knew how to fish, you could catch two to three
14 bigeye weighing 200 to 250 pounds, and several
15 yellowfin weighing between, I don't know, 60
16 to 150 pounds. That was when I was a kid, and
17 those conditions existed up until I would say
18 the mid- to late 70's.

19 And then we saw the conditions in
20 the Canyons change very slowly over time. So
21 what happened, what you saw was that there was
22 reduced catch during the day requiring

1 fishermen to stay out overnight, right. Later
2 in the season, it became a night fishery
3 actually. You would catch a couple of fish
4 during the day and when you did, you knew you
5 were going to do really well that night.

6 So this progressed over time, to
7 the point where we are today, let's say. I
8 would say at this juncture, I wouldn't
9 consider going to the Canyons to fish
10 commercially for bigeye or yellowfin unless I
11 knew I could go out for three or four days.
12 That's a tall order for a 42 foot boat,
13 transiting 80 to 110 or even up to 130
14 nautical miles.

15 It's very dangerous, and but that
16 is the only way you can make it viable. Even
17 then, you'll come back with three bigeye
18 weighing on average of 180 pounds and maybe a
19 few smaller yellowfin.

20 So I wasn't exactly sure what
21 could be done about this problem. And in
22 fact, I was under the mistaken impression for

1 my entire life, up until maybe last year, that
2 the fish that I was catching in the Canyons
3 actually came from the Gulf of Mexico.

4 I found, much to my surprise, that
5 something like 80 percent of the fish that I
6 was catching actually come from the Gulf of
7 Guinea. That is, Guinea off of West Africa,
8 not the other one that's 9,000 miles away. So
9 I did a little homework, and I read all the
10 literature I could get my hands on regarding
11 the Gulf of Guinea.

12 It's a fascinating fishery. It's
13 basically built around four canneries, none of
14 which, by the way, are owned by U.S.
15 interests. Those four canneries are buying
16 fish, yellowfin and bigeye and skipjack.
17 They're canning them and selling their product
18 to the European market.

19 The Gulf of Guinea canning
20 business actually represents a very, very
21 small percentage of the European market,
22 something like one percent. The European

1 canned tuna market is dominated by the East
2 African fishery, Mauritius, the Seychelles,
3 Maldives, which will soon be eclipsed by
4 Thailand, Philippines and Indonesia, but
5 that's another story.

6 So looking into the situation and
7 asking myself what are the possibilities?
8 What could be done here? Is anyone aware of
9 this problem? I mean we all know that --
10 everybody's aware of the sort of like
11 dastardly deeds that are going on in the Gulf
12 of Guinea, but what could be done to enrich,
13 to bring this fishery back that we have here
14 in this country?

15 We are looking at a very complex
16 issue in the Gulf of Guinea. So we're trying
17 to understand what's involved there. But NOAA
18 is really very, very much in the picture, from
19 what I understand, when it comes to these
20 issues that they face in the Gulf of Guinea.

21 But what I think NOAA was not
22 aware of was that we were suffering, we have

1 been suffering from this reduction in catch
2 that I'm talking about, and unfortunately it's
3 not something that's on record, that we're on
4 record that we -- we have no data collection
5 that can, which will demonstrate what I have
6 just told you.

7 So I mean I have, you know, just
8 in order to validate my own observations about
9 this catch, I undertook to get in contact with
10 a couple of dozen people who have been fishing
11 in the Canyons area that I know or know of,
12 who are in the Long Island area, and asked
13 them, you know, some specific questions. What
14 was the median weight of yellowfin in 1985,
15 that kind of thing.

16 I have someone else who's doing
17 the same work in New Jersey. Now this is an
18 informal data collection situation. You know,
19 it's only anecdotal data because it's
20 historical, and history is essentially
21 fiction, right. So but the bottom line is
22 that -- and the odd thing is that when I spoke

1 to these people, they asked me why are you
2 asking these questions? What's behind all
3 this?

4 I said I'm thinking that maybe we
5 can do something about this. Maybe we could
6 bring a few more bigeye or yellowfin back into
7 the Canyons. Maybe there's a way. Well, you
8 know, and they just -- they had no idea, just
9 as I didn't, that these fish, most of them
10 come from the Gulf of Guinea. Everybody
11 thought they were from the Gulf of Mexico.

12 So what I collected was really
13 interesting, but as I say, anecdotal. I'm
14 sorry that I don't have anything concrete to
15 hand out to you. But this is what I'm, this
16 is what we're looking at here.

17 We're looking at what could be,
18 asking ourselves the question, what can we do
19 as Americans, as American fishermen, to in
20 some way influence what might take place at
21 ICAT, that could reduce some of the pressure
22 on these species, that would free them up from

1 being caught before they have a chance to swim
2 north in their annual migration northward.

3 You know, I tried to -- for
4 example, there was an initiative at ICAT, I
5 think it was in 2005, in which they instituted
6 a three month time area closure to purse seine
7 fishing, and this was then subsequently cut
8 back.

9 Two years later, it was cut back
10 to a one month time area closure, and that is
11 what is in place now. The month of November
12 is a time area closure to purse seine fishing
13 in the Gulf of Guinea. However, SCRS pointed
14 out that cutting the three month closure back
15 to one month basically negated all the
16 positive effects of that closure.

17 MR. DUNN: I want to -- I
18 apologize for interrupting, but we need to
19 sort of bring this to a crescendo. It's a
20 fascinating story, but we need the punch line
21 very soon.

22 MR. SHALEET: Okay. The punch line

1 is very simple. There are a great many
2 options. I'm not aware of what they are.
3 I've not been involved with ICAT before.

4 We are -- I'm interested in
5 getting, in developing a base of interest on
6 this side from the fishermen's side, which
7 would support in some way or other, I have no
8 idea how, an initiative which could then take
9 place at ICAT, to somehow positively impact
10 the situation, to improve commercial fishing.

11 I want to make the people in this
12 room aware that we are -- that I have
13 undertaken this initiative. There's just a
14 couple of us working on this, and if there's
15 anyone who has any interest in this sort of
16 thing, anyone who's ever experienced this
17 problem that I'm talking about in connection
18 with yellowfin and bigeye, to express your
19 interest to me, or if there's anyone in here
20 who has some ideas about what could be done,
21 that would be terrific as well. There it is.

22 MR. DUNN: Fantastic, and will you

1 be around at the bar or --

2 MR. SHALEET: I'll be around
3 tomorrow.

4 MR. DUNN: -- at a place where
5 people can find you?

6 MR. SHALEET: Yes. I'll be around
7 tomorrow. I'm here.

8 MR. DUNN: Good. Thank you very
9 much.

10 MS. SCHULZE-HAUGEN: Maybe just to
11 let you know, and I think a lot of folks in
12 the room know, this has been a priority for
13 the United States at ICAT for several years,
14 getting the small, the peak load closure back
15 to the original size, increasing the
16 effectiveness, all of that.

17 So I'm happy to see your interest.
18 I think there are other folks that have been
19 expressing the concern about the fishing in
20 the Canyons and the lack of recruitment
21 affecting the U.S. So we are aware. We're
22 happy to talk to you and see how we can fold

1 you into all that. So thanks for coming.

2 MR. DUNN: Great. Ralph. Well
3 hopefully very quickly, and then we'll do a
4 preview of tomorrow.

5 MR. PRATT: Very quickly, Margo, I
6 think you just handled it. But that was one
7 of the concerns that a friend of mine, John
8 LoGioco has, who runs the Save the Bluefin
9 website.

10 He's involved in the bluefin, but
11 also gotten involved in the yellowfin, because
12 he's from the New York-New Jersey area and
13 he's spoken to a lot of the fishermen down
14 there, and they find the same thing.

15 Basically, it's not a resource
16 that can go out and commercially depend on any
17 longer.

18 MR. DUNN: Good. Thanks very
19 much. All right. So let's do a little
20 preview of tomorrow. We intend to convene at
21 8:30. We'll first hear from Eric Schwaab for
22 a few minutes.

1 MS. SCHULZE-HAUGEN: Not sure how
2 long.

3 MR. DUNN: Not sure how long.
4 When that introduction and get acquainted and
5 conversation is over, we'll shift to billfish
6 issues.

7 Then tomorrow in the second half
8 of the morning, the vessel monitoring system
9 issues will be taken up, and then after lunch,
10 the Marine Recreational Information Program.
11 The final public comment and wrap-up. The
12 planned adjournment time is 3:00 p.m.
13 tomorrow.

14 (Off mic comment.)

15 MR. DUNN: So with that, thank you
16 for a very good and productive day, and have
17 a good evening. See you tomorrow morning.

18 (Whereupon, the above-entitled
19 matter went off the record.)
20
21
22

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