

**HIGHLY MIGRATORY SPECIES ADVISORY PANEL MEETING**  
**CROWNE PLAZA HOTEL, SILVER SPRING MARYLAND**  
**\*\*\* MAY 11-13, 2010 \*\*\***

## **Key Outcomes Memorandum**

### **I. OVERVIEW**

The National Marine Fisheries Service (NMFS) held a meeting of the Atlantic Highly Migratory Species (HMS) Advisory Panel during May 11-13, 2010, at the Crowne Plaza Hotel in Silver Spring, Maryland. (See **Attachment 1** for a copy of the agenda.) The meeting was preceded by a brief orientation session for new panel members.

The primary purposes of the meeting were to (1) discuss management measures in Final Amendment 3 to the 2006 Consolidated HMS Fishery Management Plan (FMP) for small coastal, shortfin mako, and smoothhound sharks (Shark Amendment 3), and (2) conduct working group sessions regarding the management of the Atlantic bluefin tuna and shark fisheries. Other meeting objectives included discussions related to swordfish buoy gear fishery management, billfish, and vessel monitoring system issues. The meeting also included several opportunities for Advisory Panel members to discuss concerns related to the BP Deepwater Horizon oil spill in the Gulf of Mexico and to present other issues to NMFS.

This meeting summary is presented in five main sections: Overview, Participants, Meeting Materials, Key Outcomes, and Next Steps. The summary was jointly prepared by CONCUR, Inc., an environmental dispute resolution firm specializing in marine and water resource issues hired by NMFS to facilitate the meeting and compilation of this report, and NMFS staff. This summary is intended to capture key themes and meeting highlights; it is not intended to serve as a transcript. Transcripts of the meeting will be prepared separately.

### **II. PARTICIPANTS**

The meeting was attended by 35 members of the Advisory Panel (referred to subsequently as the AP or Panel), representing the full range of commercial, recreational, conservation, and scientific interests. Participants (either primary members or proxies) included the following individuals: Rick Bellavance, Pat Augustine (Mid Atlantic Fishery Management Council), Andre Boustany, Ronald Coddington, David Cupka (South Atlantic Fishery Management Council), Glenn Delaney, Thomas DePersia, Elliott Stark (proxy for Ellen Peel), Sonja Fordham, William Gerencer, John Graves (ICCAT Advisory Committee Chair), Clark Gray (proxy for Randy Gregory), Lisa Gregg (State of Florida), Elizabeth Griffin-Wilson, Dewey Hemilright, Ken Hinman, Russell Hudson, Robert Hueter, Steven James, David Kerstetter, Josh Loefer (State of South Carolina), Sean McKeon, Shana Miller, Vincent Montella, Tim Palmer, Charlie Pereira (proxy for Rom Whitaker), Ralph Pratt, Dave Preble (New England Fishery Management Council), Richard Ruais, Mark Sampson, Ed Sapp (Gulf of Mexico Fishery Management Council), James Sulikowski (proxy for Dr. James Franks), Rick Weber, Chris Weiner, and James

Williams. A complete list of 2010 HMS Advisory Panel members and associated affiliations can be found in Appendix 4.

HMS Management Division Chief Margo Schulze-Haugen chaired the meeting and Scott McCreary and Bennett Brooks from CONCUR served as the neutral facilitators. As well, deliberations were supported by numerous NMFS staff, and 21 members of the public attended all or part of the meeting. Eric Schwaab, NOAA Assistant Administrator for Fisheries, participated during part of the Panel's last meeting day.

### **III. MEETING MATERIALS**

Meeting materials were provided to support the group's deliberations. Some materials were provided in advance of the meeting. Some documents and nearly all presentation materials were distributed as handouts. All materials are available on the web at:  
[http://www.nmfs.noaa.gov/sfa/hms/Advisory%20Panels/Advisory\\_Panel.htm](http://www.nmfs.noaa.gov/sfa/hms/Advisory%20Panels/Advisory_Panel.htm).

### **IV. KEY OUTCOMES**

#### **A. Welcome and Introductions**

The meeting began with a welcome by Margo Schulze-Haugen, who thanked Panel members for their participation and commitment to the AP process. This was followed by a brief overview of the meeting purpose, self-introductions, and a review of the meeting agenda.

#### **B. Discussion Topics**

The Advisory Panel deliberations covered a number of topics over the three-day meeting. Below is a summary of the presentations made and a synthesis of Panel member comments.

##### **1. Overview of NMFS Actions**

Margo Schulze-Haugen provided an overview of the many NMFS activities undertaken since the September 2009 AP meeting. Her presentation centered on updates on the following topics: the BP Deepwater Horizon oil spill emergency fishery closure; Shark Amendment 3; Amendment 4 to the HMS Consolidated FMP (Caribbean Amendment 4); 2010 Shark Season Rule; 2009 Swordfish Specifications; 2010 Bluefin Tuna specifications; HMS Advanced Notice of Proposed Rulemaking; recreational swordfish and billfish issues; pelagic longline closed area research; and international issues. Her comments were followed by a brief overview of the current status of the BP oil spill by Randy Blankinship of the HMS Management Division and Guillermo Diaz of the Office of Science and Technology.

Advisory Panel member comments focused on a few primary topics:

- Strong interest was expressed in learning more about the oil spill, its impact on fisheries, and the current oil spill response plans. In particular, AP members expressed strong concern about the use of chemical dispersants deep in the water column and its potential impact on spawning habitat and the critical spawning season for bluefin tuna

larvae. There was also interest raised in having the agency consider opening currently closed fishing areas to offset the economic impact of expanding oil-impacted closures, and several members wanted to better understand the rationale behind oil spill-related closures. There was also a question about the procedures to follow for decontaminating vessels impacted by the spill. Panel members had mixed views on the Administration's response to the spill, with some attendees saying public statements about the percent of the Gulf closed to fishing were downplaying spill impacts but others suggesting the comments accurately avoided characterizing all seafood from the Gulf of Mexico as potentially contaminated, or all areas closed to fishing, which is not the case.

- Interest was expressed in having NMFS provide more detailed and transparent rationale to explain its decision-making relative to comments received at AP meetings. For example, AP members requested that, in the future, NMFS staff provide written explanations to the Panel on the logic as to whether and why proposals raised at the AP meeting are brought forward or not by NMFS.
- Interest was expressed in more aggressively and proactively tackling shark issues in the coming years. Specific suggestions included providing assessments on a timelier basis to foster industry awareness regarding likely species of concern.
- Other issues noted:
  - Concern regarding the proposed extension of the General Category season in the BFT Regulatory Amendment, specifically the end date. Suggestion that NMFS modify the end date to April 30 (vs. May 31) in the final rule to avoid adverse impacts on harpoon fishing that begins June 1.
  - Interest in improving webinar participation in the upcoming SEDAR meeting.
  - Interest in learning the status of 2007-09 loggerhead interactions.

## **2. Overview of Final Amendment 3**

LeAnn Hogan, Fishery Management Specialist, provided an overview of the Shark Amendment 3. The presentation emphasized the need for timely action and, clear management objectives, a timeframe for action, and a summary of the measures in the Final Environmental Impact Statement. Amendment 3 focuses on blacknose sharks, other small coastal sharks, shortfin mako sharks, and smooth dogfish (smoothhound sharks).

Panel member comments centered on the following two issues:

- Suggestions that NMFS revisit the decision to close both blacknose and non-blacknose small coastal shark fisheries when either quota reaches 80 percent. Several fishermen suggested the combined quota would punish Atlantic fishermen since most blacknose are caught in the Gulf of Mexico, and they recommended that NMFS assign separate quotas for the Gulf and Atlantic.

- Suggestions that NMFS reconsider its decision to ban the cleaning and removal of smoothhound shark fins at sea, noting that these limitations diminish the meat value and raise labor costs to fishermen. Reconsidering the decision would be expected to be of particular benefit to North Carolina smoothhound fishermen.
- Suggestions that NMFS defer publishing the final rule for Amendment 3 – or at least revisit a new rule-making – after the SEDAR-21 assessment, which will include improved bycatch estimates for blacknose sharks.
- General comments that several aspects of Amendment 3 are posing an undue economic burden on fishermen, with a request that NMFS be more sensitive to the economic needs of and impacts to fishermen.
- Other issues noted:
  - Current differences between the federal and State of Florida recreational size limits for blacknose sharks are confusing.
  - Recommendation to broaden the area designated as smoothhound habitat to more accurately portray the wider range of smoothhound habitat.

### **3. Russell Dunn, National Recreational Fisheries Policy Coordinator**

Russell Dunn, NFMS newly-appointed National Policy Advisor on Recreational Fisheries, presented information to the Advisory Panel on his new position devoted to improving dialogue with the recreational fishing community. In particular, he summarized recent efforts that included a survey of recreational fishermen, as well as an in-person summit. The initiatives identified several dozen challenges and hundreds of potential solutions.

There were no Panel comments or questions.

### **4. Bluefin and Shark Working Groups**

The bulk of the meeting was spent with the Panel split into two working groups: one focused on bluefin tuna-related issues, the other on shark management issues. Below is a brief synopsis of each working group's focus. More detailed summaries are provided as attachments.

#### ***Bluefin Tuna Working Group***

Twenty-two members of the Advisory Panel participated in the Bluefin Tuna working group. These participants included the following: Rick Bellavance, Pat Augustine, Andre Boustany, Ronald Coddington, David Cupka, Glenn Delaney, Thomas DePersia, Elliott Stark, William Gerencer, John Graves, Ken Hinman, Steven James, Shana Miller, Vincent Montella, Tim Palmer, Charlie Pereira, Ralph Pratt, Dave Preble, Richard Ruais, Rick Weber, Chris Weiner and James Williams.

Working group discussion on Day One kicked off with additional presentations by the Agency and with numerous clarifying questions from AP members. On Day Two, working group

discussion was structured by fishing method, with specific issues and potential solutions discussed for both year 2010 and year 2011. The discussion was facilitated by Scott McCreary. Given the press of time for dealing with the year 2010 quota, several members of the working group continued their deliberations through the lunch hour.

At the end of the Day Two bluefin discussion, six members of the Working Group – representing commercial, recreational, environmental, and scientific perspectives – convened, developed, and presented to the full Panel a consolidated breakout session summary. The summary, included as **Attachment 2**, focused on the following fishing categories: Angling, Longline, Purse Seine, General, and Harpoon.

### ***Shark Working Group***

Thirteen members of the Advisory Panel participated in the Shark Working Group: Lisa Gregg, David Kerstetter, Russell Hudson, Ed Sapp, Mark Sampson, Elizabeth Griffin-Wilson, Clark Gray, Sonja Fordham, Robert Hueter, Josh Loefer, Sean McKeon, James Sulikowski and Dewey Hemilright. The group was chaired by Karyl Brewster-Geisz, Fishery Management Specialist, and facilitated by Bennett Brooks. Additionally, the session – held in the afternoon of Day One and much of Day Two – was attended by several members of the public and NMFS staff.

Working Group discussions kicked off with a detailed presentation on the Atlantic shark fishery by Karyl Brewster-Geisz, with her remarks emphasizing past, present, and future management issues. Based on the presentation and the Working Group’s subsequent conversation, participants aggregated their perspectives around four broad themes:

- ***Fishery Goals.*** Working Group members identified two distinct lists of goals: one focused on general goals; the other, a more shark-specific list. The lists covered a diverse range of topics, from the importance of considering economic impacts and maintaining the precautionary approach, to expanding species-specific management and improving science.
- ***Overall Fishery Direction.*** The discussion on fishery direction centered on identifying possible strategies for managing the shark fishery in the coming years. The ideas included exploring the viability of permit stacking, moving towards species- and region-specific management, and borrowing management concepts from other fisheries, such as the grouper fishery. The Working Group outlined several near-term steps for NMFS to consider, while recommending that more significant management changes be deferred until they can be informed by more species-specific assessments.
- ***Data needs/information-sharing.*** The Working Group spent significant time flagging specific ideas to improve information sharing, with an eye towards deepening confidence in underlying data and resulting management decisions. Specific ideas considered included improving trust in and transparency of science/stock assessments; finding additional funding to support science-based activities; improving international and domestic cooperation; and conducting more stock assessments. The group also

outlined a listing of top assessment priorities, with blacktip (Gulf and Atlantic) and lemon sharks topping the list.

- **Outreach.** The outreach discussion focused on identifying concrete ideas related to shortfin mako and smoothhound sharks, as well as more general outreach concepts. Ideas developed by the Working Group included encouraging participation in tagging programs, providing listings of research needs to partners, and improving the information-sharing within the Advisory Panel process.

The specific ideas developed for each of these themes –and other issues raised – are discussed in greater detail in **Attachment 3**. They represent a summary of the Working Group’s comments around each of these four topics; the ideas do not represent consensus views.

## 5. Swordfish Issues

Randy Blankinship and Rick Pearson presented information on the swordfish fishery, emphasizing the swordfish revitalization effort (recent history, accomplishments and challenges), an Advanced Notice of Proposed Rulemaking related to the general commercial handgear permit, the buoy gear/user group conflict, and a look forward. Randy Blankinship also read a letter submitted by buoy gear fishermen.

The presentation generated extensive discussion among Advisory Panel members. Below is a synopsis of the primary themes and issues discussed.

- *Importance of protecting existing U.S. quota.* Some Advisory Panel members strongly urged NMFS to take an aggressive stance to protect the U.S. swordfish quota in upcoming international negotiations. Commenters offered somewhat different assessments on the progress made to-date in expanding U.S. harvests, with some seeing recent increases in swordfish landings as an indication that the fleet has the potential in the coming years to harvest the full quota. At the same time, Advisory Panel members acknowledged a number of challenges and issues related to protecting the quota. These included the following topics:
  - Concerns that a push to increase swordfish catch – if not managed with care – could push the United States over its quota share.
  - Mixed views on the potential to increase capacity in the Atlantic, with some panelists seeing room and need for careful growth if the United States is to harvest its swordfish quota and others fearing the potential for over-capitalization and recommending instead managed growth among existing vessels.
  - Recommendations that the United States emphasize the ecosystem-supportive nature of its fishery when making the case for retaining its current swordfish quota. Several panelists argued that any loss of quota in the United States will be picked up by less environmentally responsible fleets from other nations.

Other comments on this topic focused on the following: (1) relax restrictive and counter-productive vessel upgrade restrictions; (2) seek proactive environmental

community support for retaining U.S. quota; and (3) focus on increasing base quota harvest each year.

- *General Commercial Handgear Permit.* In general, Panel members did not voice strong support for a general commercial handgear permit as a strategy to increase swordfish catch. If, however, NMFS decides to expand the fishery, several panelists said the agency should do so with the existing fleet, not include South Florida, and apply general commercial handgear permit to incidental quota only and not to the directed quota. Several participants suggested there are better ways to increase swordfish catch by the existing fleet rather than introducing a new permit or opening up the closed areas.
- *Gear group conflicts.* There was general agreement among Advisory Panel members that recent apparent buoy gear/user group conflicts in South Florida are being worked out among the user groups and do not need and would not benefit from intervention and/or rule-changes by NMFS to resolve underlying conflicts. AP members noted that reports of conflict had arisen from one or two brief incidents involving a small number of individuals and were not indicative of a systemic conflict among user groups that would merit major intervention. Representatives of multiple user groups from South Florida confirmed that the apparent conflict was in fact resolved.
- *South Florida.* Advisory Panel members emphasized the unique aspects of the South Florida fishery – with its constrained fishable waters, narrow shelf, and significant spatial congestion – and they strongly recommended that NMFS not implement a new General Category permit in the area. Several panel members said any increase in gear in South Florida was seen as highly problematic.
- *Proposed Sea Turtle Uplisting.* Panel members voiced mixed reaction to the proposed listing of the Northwest Atlantic Distinct Population Segment (DPS) for loggerheads as endangered (and the consideration of five sub-species). One panelist suggested the uplisting would have severe impacts on the pelagic longline fleet and trigger the requirement of re-consultations for many fisheries now interacting with the species. A second panel member supported the uplisting, suggesting it was necessary to protect loggerheads given the decrease in nesting populations. A third panelist requested an extension on the comment period.
- Other comments based on the presentation included the following:
  - Ensure that international agreements require imports to abide by the same fishing rules as U.S. boats. If not, the U.S.-based fleet is placed at a disadvantage.
  - Allow squid boats to have permits to keep swordfish bycatch, as this will help the United States make good use of and attain its quota.
  - Rethink existing fishing closures (DeSoto Canyon in the southern Gulf of Mexico) to compensate for newly enacted oil spill-related closures.
  - Consider mandatory tail tags as way to improve enforcement and data management and tracking in the recreational swordfish fishery.

- Do not alter the current pelagic longline closed areas without sound scientific evidence.
- Expand the number of target species that can be landed with buoy gear.

## 6. Billfish Issues

Randy Blankinship, Fishery Management Specialist, presented information on several billfish related issues for the AP's consideration and discussion. Specifically, his remarks focused on three particular topics: a summary and implications of ICCAT's recent sailfish deliberations; issues related to roundscale spearfish and white marlin designations and management needs; and pelagic longline billfish bycatch. Below is a summary of the primary Panel comments related to the three main topics discussed.

- *ICCAT deliberations.* Panel members expressed several different views regarding the 2009 proposal to mandate a live-release program for all recreational caught sailfish. Key comments focused on the following topics: (1) concern that live-release programs will be tough to enforce internationally and will likely be implemented by the U.S. fleet only, thus imposing an unfair burden on U.S. fishermen; (2) a suggestion that the 2009 proposal be modified to allow recreational fishermen to keep sailfish above a certain size limit (thereby at least preserving the potential for recreational fishermen to bring home a large sailfish); (3) general opinions related to mandatory release of recreationally caught sailfish were mixed but there was some general support for releasing all recreationally-caught sailfish consistent with the commercial sector requirements; and (4) a suggestion that the United States consider a "zero landings" (live or dead) counter-offer and/or the use of light wire/circle hooks. Several AP members did not anticipate significant pushback from the fishing community to the ICCAT 2009 sailfish live-release proposal.
- *Management measures for roundscale spearfish.* Several Panel members voiced support for continuing to manage spearfish and white marlin as a single complex, noting their very similar appearance. Several speakers suggested misidentification is almost unavoidable except by specialized ichthyologists. At the same time, one panelist suggested NMFS undertake more outreach to help fishermen recognize the different morphological characteristics between the two species.
- *Pelagic longline bycatch.* Panel members offered no comments on the pelagic longline bycatch in the Gulf of Mexico.

Additionally, panelists asked the Agency to distribute weak hook study results to other countries to reduce take of Atlantic blue marlin. There was also a request to distribute Dr. Phillip Goodyear's billfish bycatch assessment.

## 7. Vessel Monitoring System Issues and Options

Brian Parker provided a brief update on Vessel Monitoring Systems (VMS) issues and options. His presentation called out, in particular, the following issues: overview of VMS purposes and operations; HMS VMS requirements; concerns with present HMS VMS upgrade requirements; and potential options to address concerns. Below is a summary of Panel member feedback.

- A comment from one AP member that any new upgrade of VMS units be coupled with actively staffed 24/7 monitoring to enhance safety. Additionally, this Panelist suggested that U.S. Coast Guard staff need to monitor VMS units for safety-at-sea purposes.
- Recommendation that NMFS not overlook emerging technologies (i.e., SPOT transmitters) that may be able to provide the same functionality as VMS units but at a significantly lower cost.
- A recommendation that a separate dedicated meeting (conducted either in person, by webinar, or a conference call) between industry, NMFS enforcement, and the Coast Guard be convened to discuss technical and practical issues related to VMS needs and implementation.
- Other comments related to: (1) the impact of requirements for round-the-clock VMS usage on battery life; (2) the extent to which the new VMS equipment is MEA 1803 or 2000 compliant; and (3) the potential for NMFS to combine VMS with video cameras as an alternative to observer coverage.

More broadly, AP members made a few process-related recommendations. These included the following: (1) a request that Office of Law Enforcement staff attend future meetings to enable more detailed discussions; and (2) a request that NMFS ensure that a list of AP issues to be discussed are provided well in advance of the meeting so panelists have sufficient opportunity to garner input from their respective constituencies.

## **8. Marine Recreational Information Program**

Ron Salz, Fishery Biologist for the Office of Science and Technology, presented information on the marine recreational information program, summarizing the recent work of the HMS Work Group to (1) evaluate current HMS recreational data collection programs; and (2) expand HMS data collection programs to meet management/assessment needs.

In brief comments following the presentation, AP members suggested that recreational tournaments should be required to report all fish kept and released; in short, they saw no reason for tournaments not to conduct a 100% participation survey. There was also interest in ensuring the current analysis is not impacted by sampling biases.

### **C. Remarks and Discussion with Assistant Administrator Eric Schwaab**

NOAA Fisheries Assistant Administrator Eric Schwaab met with panel members for nearly an hour on the morning of May 13. His comments focused on oil spill response activities, the status

of discussions on catch shares, and several other topics. Comments and questions from Advisory Panel members centered on the following topics:

- Panel members posed numerous questions regarding the BP Deepwater Horizon oil spill in the Gulf of Mexico, seeking information on dispersants being used, the potential movement of oil into the Loop Current, the potential impact on bluefin tuna larvae, and the future role of the AP and the Gulf Council in any clean-up related assessments and activities.
- Interest in updates related to the recent change in leadership at the Office of Law Enforcement (OLE) and the corresponding direction and focus of OLE.
- Pressing NMFS to take a strong stand in upcoming negotiations to protect the U.S. swordfish quota.
- Recommendation that NMFS develop a new way of funding Atlantic HMS research.
- Request that NMFS reconsider the SCS quota set in the Shark Amendment 3 and Amendment 17B as both will have the effect of reducing effort. This same speaker also voiced strong opposition to catch shares.

#### **D. Public Comment**

Several members of the public offered comments over the three-day meeting. These comments are summarized below.

- Advocating for a year-round closure in the Gulf of Mexico to surface longlining, citing the high rate of dead bluefin tuna discards, marlin mortality, and incidental turtle takes, along with the yet-to-be-determined impact of the oil spill. The speaker urged NMFS to take all actions necessary to protect bluefin tuna stock. As well, this speaker called for greater promotion of greenstick and buoy gear.
- Informing NMFS staff and the Panel about the perceived dramatic drop in size and catch of yellowfin and bigeye tuna in the canyon areas off New York over the past 30 years, i.e., decreased availability and size of fish as well as greater trip distances needed to locate fish. The speaker traced the drop to increased commercial harvests in the Gulf of Guinea, and he called on NMFS negotiators to press for actions at ICCAT (such as an effective time/area closure) that will help revitalize the stock. The speaker described an ongoing effort in New York and New Jersey to informally collect data and an initiative to improve the U.S. fisheries for yellowfin and bigeye tuna that will help revitalize the stock.
- Seeking information on which offices or individuals to contact regarding oil spill-related environmental issues, such as contamination of marinelife and wildlife.
- Asking the potential for NMFS to open up currently closed areas due to the impact of oil spill-related closures

#### **V. NEXT STEPS**

Margo Schulze--Haugen concluded the meeting with a summary of upcoming actions and next steps. Key points are summarized below.

1. ***Upcoming Actions.*** Margo Schulze-Haugen reminded Panel members of the proposed actions moving forward in the coming months including the 2010 Swordfish Specifications, as well as follow-up on shark issues and HMS ANPR issues.
2. ***Final Actions.*** Margo Schulze-Haugen reminded Panel members of several final actions moving forward in the coming months. These include: publication of the Amendment 3 final rule on June 1, 2010 (75 FR 30484); publishing the 2010 bluefin tuna specifications; and finalizing the bluefin tuna regulatory amendment.
3. ***HMS Follow-on Tasks.*** Margo Schulze-Haugen summarized several immediate follow-on tasks based on the Panel's deliberations. These include the following:
  - Convene a follow up conference call with AP on BFT Angling Category 2010 options
  - Simplify web-reporting for BFT
  - Investigate permit stacking for shark fishery
  - Schedule dedicated time for discussion of recreational fishing issues – perhaps at the next AP Meeting
  - Distribute information on decontamination ports in the Gulf of Mexico and monitor effects of oil and dispersants on HMS
  - Focus on comments and Agency response from final rules at AP meetings (especially AP comments) to increase understanding of rationale and increase responsiveness
  - Add NC bluefin tuna landings data to LPS figures and distribute.
4. ***Other reminders.*** Margo Schulze-Haugen offered several reminders, upcoming events and next steps, including the following:
  - NMFS plans to schedule the next advisory meeting for fall 2010; no date is set but NMFS is anticipating convening the panel in the September-October timeframe.
  - Travel receipts for AP members are due to the Agency no later than May 28, 2010.
  - The Shark Data Workshop is to be held June 21-25 2010, in Charleston, South Carolina.
  - An Advisory Panel meeting summary is to be drafted and distributed to all Panel members for review and comment.

## ATTACHMENT 1

### HIGHLY MIGRATORY SPECIES ADVISORY PANEL MEETING

May 11-13, 2010

DRAFT AGENDA

*Crowne Plaza Hotel*

8777 Georgia Avenue, Silver Spring, MD

(301) 589-0800

#### Tuesday, May 11, 2010

- 10:30 am *HMS Advisory Panel 101 for new members (optional)*
- 1:00 pm Welcome, Introductions, & Agenda adoption
- 1:30 pm Overview of recent activities and upcoming actions/issues, including
- Sea turtle status proposed rule
  - Advanced Notice of Proposed Rulemaking Update
  - International Update
  - Communications
- 2:30 pm Overview of Final Amendment 3
- 3:00 pm Break
- 3:15 pm Introduction to new NMFS Assistant Administrator, Eric C. Schwaab
- 4:15 pm Working Group Introduction: Bluefin tuna & Sharks
- 4:30 pm BLUEFIN WORKING GROUP convenes (CONCURRENT)
- Government Detailed Presentation
    - Recent fishery trends – catches, bycatch, relevant research
    - 2010 Bluefin tuna fishery
    - 2011 and Beyond
    - Linkages between Bluefin tuna & Swordfish revitalization
  - Discussion
- 4:30 pm SHARK WORKING GROUP convenes (CONCURRENT)
- Government Detailed Presentation
    - Recent regulations – Amendment 3, ASMFC Shark FMP
    - Stock assessments - SEDAR process and other assessments
    - Future of fishery - catch shares, landings and closures, domestic implications of ICCAT recommendations
    - Outreach and other issues - smoothhounds, shortfin mako
  - Discussion

6 pm Adjourn

### **Wednesday, May 12, 2010**

8:30 am Welcome & Agenda Review

8:45 am BLUEFIN WORKING GROUP reconvenes (CONCURRENT)

8:45 am SHARK WORKING GROUP reconvenes (CONCURRENT)

11:30 am Working Groups begin wrap-up and development of report out

12:00 pm Lunch

1:30 pm Working Group Report Outs and AP group discussion

- Bluefin Tuna Working Group
- Shark Working Group

3:00 pm Break

3:15 pm Swordfish Issues

- Swordfish revitalization – accomplishments and challenges
- Buoy gear/user group conflict
- General Commercial Handgear permit

5:15 pm Public comment

5:30 pm Adjourn

### **THURSDAY, May 13, 2010**

8:30 am Billfish Issues

- Roundscale spearfish
- Domestic implication of potential ICCAT recommendations on Sailfish
- Pelagic longline bycatch in the Gulf of Mexico

10:15 am Break

10:30 am Vessel Monitoring System Issues and Options

12:00 pm Lunch

1:30 pm Marine Recreational Information Program - Overview of recent reports

2:00 pm Public Comment  
2:15 pm HMS Advisory Panel Wrap-Up  
3:00 pm Adjourn

## ATTACHMENT 2

### Summary Bluefin Tuna Working Group Discussions

#### Overview

Twenty-two members of the Advisory Panel participated in the Bluefin Tuna working group. These participants included the following: Rick Bellavance, Pat Augustine, Andre Boustany, Ronald Coddington, David Cupka, Glenn Delaney, Thomas DePersia, Elliott Stark, William Gerencer, John Graves, Ken Hinman, Steven James, Shana Miller, Vincent Montella, Tim Palmer, Charlie Pereira, Ralph Pratt, Dave Preble, Richard Ruais, Rick Weber, Chris Weiner and James Williams.

Working group discussion on Day One kicked off with additional presentations by the Agency and with numerous clarifying questions from AP members. On Day Two, working group discussion was structured by permit category, with specific issues and potential solutions discussed for the 2010 and 2011 fishing years. The discussion was facilitated by Scott McCreary. Given the press of time for dealing with the year 2010 quota, several members of the workgroup continued their deliberations through the lunch hour.

At the end of the Day Two bluefin discussion, six members of the Working Group – representing commercial, recreational, environmental, and scientific perspectives – convened, developed and presented to the full Panel a consolidated breakout session summary. The summary, prepared by R. Ruais, R. Weber, T. DePersia S. Miller, C. Pereira, C. Weiner, and A. Boustany and provided below, focused on the following fishing categories: Angling, Longline, Purse Seine, General and Harpoon.

#### Discussion Summary

##### ANGLING CATEGORY

Issue: There is currently substantial overharvest of base and adjusted sub-quota although the quota overall is under-harvested

Potential solutions:

- Establish seasons
- Establish retention limits
- Establish slot limit to prevent retention of small medium BFT

Issue: Charter/Headboats (CHBs) and private boats using same quota while having different goals and participation

Potential solutions:

- Establish different retention limits for private boats and CHBs
- Establish dedicated Angling category quota for CHB permit category

Issue: There is currently underreporting/untimely reporting (call-in/web system) of recreational landings

Potential solutions:

- Make reporting (including negative reporting) a condition of permit issuance
- Create a catch card/web-based reporting system
- Establish a tail tag program (with verification number)
- Use a hybrid of the above strategies

Issue: Some reports of alleged illegal sale and highgrading of Angling category fish

Potential solution: Increase enforcement and outreach

Issue: Some reports of alleged illegal chartering (without CHB permit and operator permit)

Potential solution: Increase enforcement and outreach

Issue: Release mortality

Potential solution: Outreach and education

#### LONGLINE CATEGORY

Issue: Currently high bycatch rates of BFT

Potential Solutions:

- Extend weak hook research into Atlantic
- Encourage voluntary weak hook use in Gulf of Mexico
- Mandate weak hook use in Gulf of Mexico
- Implement a bycatch cap in Gulf of Mexico; modify retention limit and observer coverage as appropriate
- Modify boundaries of existing closed areas where BFT bycatch is at a minimum
- Increase observer coverage and focus coverage in high CPUE areas
- At such time that weak hook research is proven effective, shift observer coverage to areas with more uncertain bycatch rates

Issue: Current practice of transferring a large amount of Reserve to cover Longline category landings overharvest and discards

Potential Solution: Eliminate such transfer

#### PURSE SEINE CATEGORY

Issue: There are recent un- or under-utilized Purse Seine vessel allocations

Potential Solution: Make an in-season transfer of Purse Seine quota to the Reserve

Issue: Two vessels have totally left the fishery

Potential Short-term Solution: Make an in-season transfer of Purse Seine quota to the Reserve or to all categories

Potential Long-term Solution: Consider an FMP allocation change

(Additional action recommended: NMFS should contact the vessel owners to determine intentions for the short and long-term)

## GENERAL CATEGORY

Issue: There is underutilized quota

Potential Solutions:

- Establish a year-round fishery
- Increase daily retention limit (up to 5 fish)
- Allow CHBs to fish commercially and recreationally on the same day

Issue: At higher daily retention limits, there is potential for quota being met early in season

Potential Solution: Monitor catch rates and adjust retention limit, if needed

Issue: Concerns about bycatch of undersized fish

Potential Solution: Increase enforcement and outreach

## HARPOON CATEGORY

Issue: The Harpoon category base quota recently has been fully utilized

Potential Solution: Maintain some quota in Reserve and consider transfer if needed

Issue: There is currently an inconsistent limit for large medium BFT between the General and Harpoon categories

Potential Solution: Increase Harpoon category retention limit of large mediums from 2 to 3

## ATTACHMENT 3

### Summary Shark Working Group Discussions

#### Overview

Thirteen members of the Advisory Panel participated in the Shark Working Group: Lisa Gregg, David Kerstetter, Russell Hudson, Ed Sapp, Mark Sampson, Elizabeth Griffin-Wilson, Clark Gray, Sonja Fordham, Robert Hueter, Josh Loefer, Sean McKeon, James Sulikowski and Dewey Hemilright. The group was headed up by Karyl Brewster-Geisz and facilitated by Bennett Brooks. As well, the session – held in the afternoon of Day One and much of Day Two – was attended by several members of the public and NMFS staff.

Working Group discussions kicked off with a detailed presentation on the Atlantic shark fishery by Karyl Brewster-Geisz, with her remarks emphasizing past, present and future management issues. Based on the presentation and the Working Group's subsequent conversation, participants aggregated their discussions around four broad themes:

- Goals – both general and shark specific
- Fishery Direction – an outline of possible future directions for shark fishery management
- Information-sharing – a listing of needs and priorities related to information-sharing
- Outreach – a synopsis of outreach needs intended to improve shark fishery management

Several themes emerged that were broadly supported by diverse set of stakeholders. These themes centered around three broad topics: (1) interest in moving towards species- and region-specific management; (2) the need to significantly improve the best available science to better support fisheries management; and (3) the potential to identify near-term actions, such as permit stacking, to provide immediate economic relief to fishermen.

The specific ideas discussed by the Work Group are summarized in greater detail below.

#### Discussion Summary

##### 1. GOALS

The Team strove to outline goals related to future shark management. The discussion resulted in the team crafting two distinct lists: one focused on general goals; the second, on shark fishery-specific goals. Below is a listing of the considered goals.

- **General goals.** Work Group members stepped out a series of general goals for HMS management. These goals centered on the following themes: (1) improve best available science; (2) continue progress toward species-specific management; (3) maintain/expand NMFS's precautionary approach to fisheries management; (4) improve dealer reporting; (5)

give full consideration of economic impacts to fishermen when considering new management actions; (6) stop overfishing/rebuild populations; (7) expand regulatory flexibility; (8) minimize bycatch; (9) improve success managing straddling stocks and working internationally; (10) maximize U.S. harvest; and (11) improve public awareness of the Atlantic shark resource and regulations for the fishery.

- ***Shark fishery-specific goals.*** Based on feedback from Working Group members interested in more targeted goals, participants also tried to develop a more shark-specific set of aims. The conversation yielded the following suggestions: (1) consider economic impacts to ensure shark fishermen can continue to earn a living; (2) achieve success through trilateral (U.S., Mexico and Canada) and other international efforts; (3) foster more timely and accurate reporting from dealers; there should be no unclassified sharks reported; (4) foster a top-notch observer program; (5) participate in essential fish habitat (EFH) consultation to improve coordination; (6) support species-specific management; (7) foster more timely assessments and fund research (outside of NMFS); and, (8) close fishing during April-June for pupping season.

There was a concern from some Working Group members that a goals-related discussion was somewhat artificial since existing constraints (such as the Magnuson-Stevens Act and other regulatory requirements) limit the Working Group's ability to meaningfully influence program direction. Additionally, several participants felt the Working Group could benefit from a more shark-specific conversation goal in the future.

## 2. FISHERY DIRECTION

A second focus of the Working Group centered on fishery direction – a conversation intended to provide NMFS with a sense of possible Working Group interests regarding future fishery management approaches and directions. The discussion yielded the following themes outlined below. (As noted earlier, it is important to recall that these ideas do not represent consensus views, but rather capture the range of ideas discussed by participants).

- ***Interest in moving towards species- and region-specific management.*** A number of Working Group members representing a diverse range of viewpoints recommended that the Agency move towards more species- and region-specific management. Among the ideas mentioned included the following: (1) splitting the Gulf of Mexico into different regions (East/West or North/South) so that attainment of quota in one region does not result in the shutdown of shark fisheries elsewhere; (2) removing Gulf of Mexico blacktip sharks from the Large Coast Shark non-sandbar large coastal shark grouping and splitting a blacktip shark quota into two distinct Gulf of Mexico and Atlantic quotas; and, (3) consider managing sharks similarly to the current grouper fishery (i.e., as a multi-species complex with species-specific quotas within the larger complex). Importantly, several panelists noted that any shift towards species-specific management would need to be supported by more frequent and better species assessments and data.
- ***Investigate the feasibility of permit-stacking.*** Working Group members expressed strong interest in having the Agency investigate the viability of permit stacking

(multiple permits aggregated on one vessel to allow greater daily catch rates) as a strategy to improve near-term economics for fishermen. While Panelists voiced some concerns (most notably, the potential for permit-stacking to bring latent effort back into the fishery), there was overwhelming interest in assessing the viability of permit-stacking – from assessing the rule-making requirements to considering different potential implementation strategies and possible impacts. Panelists also recommended that NMFS consider providing more flexibility in applying catch limits (i.e., shifting from daily catch limits to weekly caps). Both permit-stacking and more flexible catch limits were seen as ways to enable fishermen to lower costs, improve catch quality, and diminish discards.

- **Mixed views on catch shares.** Several Working Group members voiced little support for catch shares as a future fishery direction, suggesting the approach will result in fleet contraction and make it difficult and costly for new boats to enter fisheries. Still, two Florida commercial fishermen attending as observers suggested that catch shares make good sense in their area, and they encouraged NMFS to consider it as a management option. Their interest in exploring catch shares was echoed by at least two non-industry members on the Panel. Two of the commercial fishery representatives on the Panel expressed frustration at the support for catch shares voiced by the two Florida fishermen, suggesting their interest in catch shares was not broadly representative of industry views.

### 3. DATA NEEDS AND INFORMATION-SHARING

Panel members focused extensively on information-sharing needs for the shark fishery, with panelists from all perspectives pressing for better and different strategies for improving the science underpinning management decisions. Recommendations for improving the science focused on the following three areas:

- **Expand species assessments.** Panel members emphasized the need to carry out more assessments, particularly given the interest in moving towards more species-specific management. Blacktip (Gulf and Atlantic), lemon and hammerheads (scalloped and great) were cited as the top priorities. Other species needing assessments include: silky, bull, tiger, oceanic whitetip, smoothhounds, bignose and common thresher sharks.
- **Increase use of non-NMFS-generated science.** Several Panel members emphasized the importance of broadening the data sources used to support and inform shark fishery management decisions. Among the recommendations for broadening data sources included the following: making greater use of cooperative research grants and independent research; use field research and other sources to broaden beyond just NMFS-generated stock assessments; improve collaboration with international partners; and, ensure states and others are more aware of NMFS research needs.
- **Improve transparency.** In numerous comments, Panel members called on NMFS to improve transparency, suggesting more can and needs to be done to increase the credibility of the science. Specific steps mentioned included the following: improve

transparency of stock assessments and input of fishermen; improve trust and competency in the observer program; ensure data used in stock assessments are made publicly available; invite all analysts to data workshops; solicit more input from fishermen at data and assessment workshops; avoid relying solely on webinars for input into stock assessments.

Additionally, the discussion generated a number of other suggestions for strengthening data and information-sharing, including:

- Finding increased funding (including earmarks) to support more data collection and analysis
- Increasing NMFS' emphasis on good field research/data collection
- Increasing funding for long term (i.e., greater than one year) research projects
- Improving the data collected from Louisiana state waters
- Identifying opportunities to combine oil spill research with shark research
- Removing blacktips from the non-sandbar LCS complex.

#### 4. OUTREACH NEEDS

The fourth broad topic covered by the Working Group focused on outreach needs, with panelists focusing their comments on three specific areas: outreach needs related to shortfin mako sharks; outreach needs related to smoothhounds; and general outreach needs and strategies. Below is a summary of the key discussion points.

- **Shortfin Mako Sharks.** Working Group members recommended that NMFS take steps to educate anglers and encourage participation in tagging programs as a way to “personalize” live-release. At the same time, most panelists who offered comments on this issue saw only limited opportunity for live-release in either the recreational or commercial fisheries due to species value or the lack of import restrictions.
- **Smoothhounds.** Outreach discussions related to smoothhound generated several specific recommendations. Specific suggestions included the following: (1) identify research and outreach needs; (2) provide information on the range, sizes, mortality rates, state and federal catches, and overlap between species; and, (3) conduct research into fin-to-carcass ratio issue. A panelist also suggested that North Carolina fishermen would be willing to help with research.
- **General Outreach.** More broadly, Working Group members offered several suggestions to improve general outreach efforts, with their ideas centering on the following: (1) conduct workshops stock assessment models to deepen fishermen’s understanding and – ideally – trust in the data; (2) improve outreach to other countries (both bilateral and multi-lateral efforts) and shark participation in ICCAT Advisory Committee/ICCAT; (3) distribute draft meeting summaries to the AP to ensure the write-ups are comprehensive; (4) provide glossary of terms for summaries and at meetings to improve the accessibility of materials; and (5) send out periodic status

updates to keep the Working Group apprised of progress on issues and ideas discussed at the Advisory Panel meetings.

#### 5. OTHER ISSUES RAISED BUT NOT DISCUSSED IN DETAIL

A handful of other issues were raised but not discussed in detail during the course of the Working Group sessions. These included the following:

- Requests to add porbeagle and deepwater sharks to the prohibited species list
- Finning
- Ongoing finning issues and concerns
- Gulf commercial fishermen representation on AP
- Request to provide more detail on the shark research fishery
- Request to discuss the new FL lemon shark regulations and implications for federal fishermen
- Request to discuss National Standard (NS) 2

#### Next Steps

Based on the discussion, NMFS is to identify follow-up tasks and send updates to Working Group members regarding relevant follow-on tasks. In particular, NMFS will be following up on the viability of permit-stacking as a near-term action.

## ATTACHMENT 4

### 2010 Advisory Panel Members

NAME	AFFILIATION
Dr. Andre Boustany	Nicholas School of Environment & Earth Sciences
Dr. Jim Franks	Gulf Coast Research Lab
Dr. David Kerstetter	NOVA Southeastern University
Dr. Robert Hueter	Center for Shark Research
Richard Ruais	East Coast Tuna Association and Blue Water Fishermen's Association
Vince Montella	Commercial Sector
Glenn Delaney	Independent Consultant
William Gerencer	Marine Trade Center
Dewey Hemilright	F/V Tar Baby
Russell Hudson	Directed Shark Fisheries, Inc.
Gail Johnson	F/V Pocahontas, Inc.
Ralph Pratt	Commercial Sector
Sean McKeon	North Carolina Fisheries Association
Tim Palmer	F/V Blue Baron and Swordfish Buoy Gear Association
Vince Pyle	F/V Carol Ann
Christopher Weiner	Commercial BFT Harpoon Fisherman
Ken Hinman	National Coalition for Marine Conservation
Elizabeth Griffin	Oceana
Shana Miller	Tag-A-Giant Foundation
Sonja Fordham	Environmental Representative
Steven James	Boston Big Game Fishing Club
Ronald Coddington	Southeast Swordfish Club
Jason Schratwieser	International Game Fish Association
Thomas DePersia	President, Stellwagen Bank Charter Boat Assoc.
Rick Bellavance	Recreational Sector
Rick Weber	South Jersey Marina
James O. Williams, Jr.	Williams, Leininger & Cosby P.A.
Myron Fisher	Different Drummer Charters
Mark Sampson	Ocean City Charterboat Captains Association
Richard B. Stone	National Marine Manufacturers Association
Rom Whitaker	Hatteras Harbor Charter Boats
Ellen Peel	The Billfish Foundation
Dr. John Graves	Virginia Institute of Marine Science