

**Summary of the September 2009 Meeting of the
Highly Migratory Species Advisory Panel**

March 2010
Highly Migratory Species Management Division
National Marine Fisheries Service
Silver Spring, MD

This document is a summary of what was heard by the Agency at the September 2009 AP meeting in Silver Spring, MD. The comments may not contain complete sentences as the intent is to retain the commenter's' original remarks and intention, to the extent practicable. This document is **not** meant to indicate any consensus by the AP or decisions by the Agency or to be a verbatim transcript. Unless specifically indicated, comments were **not** made by NMFS staff and do not represent the Agency's position on any issues. Copies of this document as well as all presentations made during the meeting are available upon request or on the Agency webpage (<http://www.nmfs.noaa.gov/sfa/hms>). Transcripts of the meeting will also be available on the same webpage.

Table of Contents

1.0 AGENDA..... 8

2.0 ADVISORY PANEL (AP) PARTICIPANTS SEPTEMBER 2009..... 10

3.0 OVERVIEW OF HMS ACTIONS 12

4.0 ENFORCEMENT UPDATE 13

5.0 SHARK AMENDMENT 3 AP DISCUSSION AND PUBLIC HEARING 14

6.0 CARIBBEAN AMENDMENT 4 PRE-DRAFT..... 21

7.0 HMS ADVANCE NOTICE OF PROPOSED RULE (ANPR) – SHORT-TERM
ACTIONS 24

8.0 HMS ANPR – MEDIUM-TERM BFT CENTRIC ACTIONS 26

9.0 HMS ANPR – MEDIUM-TERM OTHER ACTIONS 29

10.0 HMS ANPR – LONG-TERM ACTIONS AND CATCH SHARES..... 35

11.0 ATLANTIC SHARK ISSUES..... 37

12.0 CITES UPDATE – BLUEFIN TUNA/SHARK..... 40

Table of Acronyms Fishery Management Abbreviations, Acronyms, and Initials

AA	Assistant Administrator for Fisheries
ABC	Acceptable biological catch
ACCSP	Atlantic Coastal Cooperative Statistics Program
ACL	Annual catch limit
ACS	Angler consumer surplus
ACT	Annual catch target
AM	Accountability measure
ANPR	Advanced Notice of Proposed Rulemaking
AOCTRP	Atlantic Offshore Cetacean Take Reduction Plan
AOCTRT	Atlantic Offshore Cetacean Take Reduction Team
AP	Advisory Panel
APA	Administrative Procedure Act
ASMFC	Atlantic States Marine Fisheries Commission
ATCA	Atlantic Tunas Convention Act
B	Biomass
BAYS	Bigeye, albacore, yellowfin, skipjack tunas
BiOp	Biological Opinion
B _{MSY}	Biomass expected to yield maximum sustainable yield
B _{OY}	Biomass expected to yield optimum yield
CAR	Caribbean
CFMC	Caribbean Fishery Management Council
CFL	Curved fork length
CFR	Code of Federal Regulations
CHB	Charter/Headboat
CIE	Center for Independent Experts
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CPUE	Catch per unit effort
CSFOP	Commercial shark fishery observer program
CZMA	Coastal Zone Management Act
DEIS	Draft Environmental Impact Statement
DPS	Distinct population segment

dw	Dressed weight
EA	Environmental Assessment
EEZ	Exclusive economic zone
EFH	Essential fish habitat
EFP	Exempted fishing permit
EIS	Environmental Impact Statement
EO	Executive Order
ESA	Endangered Species Act
F	Instantaneous fishing mortality
FAD	Fish aggregating device
FAO	Food and Agriculture Organization
FEC	Florida East Coast
FEIS	Final Environmental Impact Statement
FL	Fork Length
FMP	Fishery Management Plan
F_{MSY}	Instantaneous fishing mortality rate expected to yield maximum sustainable yield
FMU	Fishery management unit
F_{OY}	Fishing mortality rate expected to yield optimum yield
FR	Federal Register
FRFA	Final regulatory flexibility analysis
GOM	Gulf of Mexico
GSAFF	Gulf and South Atlantic Fishery Foundation
GMFMC or GOMFMC	Gulf of Mexico Fishery Management Council
GSMFC	Gulf States Marine Fisheries Commission
HAPC	Habitat area of particular concern
HMS	Highly migratory species: Atlantic sharks, tunas, swordfish, and billfish
HMS FMP	Consolidated Highly Migratory Species Fishery Management Plan
ICCAT	International Commission for the Conservation of Atlantic Tunas
IPOA	International Plan of Action
IRFA	Initial regulatory flexibility analysis
ITP	International trade permit

ITQ	Individual transferable quota
ITS	Incidental take statement
IUU	Illegal, unreported, unregulated
LAP	Limited access permit
LCS	Large coastal sharks
LOA	Letter of acknowledgment
LPS	Large Pelagic Survey
LWTRP	Large Whale Take Reduction Plan
LWTRT	Large Whale Take Reduction Team
MAB	Mid Atlantic Bight
MAFMC	Mid-Atlantic Fishery Management Council
Magnuson-Stevens Act	Magnuson-Stevens Fishery Conservation and Management Act
MFMT	Maximum fishing mortality threshold
MMPA	Marine Mammal Protection Act
MPA	Marine protected area
MRFSS	Marine Recreational Fishing Statistics Survey
MSST	Minimum stock size threshold
MSY	Maximum sustainable yield
mt	Metric tons
NCA	North Central Atlantic
NEC	Northeast Coastal
NED	Northeast Distant Waters
NEFMC	New England Fishery Management Council
NEFSC	Northeast Fisheries Science Center
NEPA	National Environmental Policy Act
NERO	Northeast Regional Office
NGO	Non-governmental organization
nmi	Nautical mile
NOA	Notice of Availability
NMFS	National Marine Fisheries Service
NOAA	National Oceanographic and Atmospheric Administration
NOI	Notice of Intent

NPOA	National Plan of Action
NS	National Standards
NWGB	National Working Group on Bycatch
OSF	Office of Sustainable Fisheries
OY	Optimum yield
PLL	Pelagic longline
POP	Pelagic observer program
OPR	Office of Protected Resources
PRA	Paperwork Reduction Act
Reg Flex Act	Regulatory Flexibility Act
RFMO	Regional Fishery Management Organization
RIR	Regulatory Impact Review
RPAs	Reasonable and Prudent Alternatives
RPMs	Reasonable and Prudent Measures
SAB	South Atlantic Bight
SAFE Report	Stock Assessment and Fishery Evaluation report
SAFMC	South Atlantic Fishery Management Council
SAR	Sargasso
SBRM	Standardized bycatch reporting methodology
SCRS	Standing Committee for Research and Statistics
SCS	Small coastal sharks
SDC	Status determination criteria
SEFSC	Southeast Fisheries Science Center
SEIS	Supplemental environmental impact statement
SERO	Southeast Regional Office
SEW	Stock evaluation workshop
SFA	Sustainable Fisheries Act
SFL	Straight fork length
SK Program	Saltonstall-Kennedy Program
SRP	Scientific research permit
SSB	Spawning stock biomass
TAC	Total allowable catch
TAL	Total allowable landings

TCs	Terms and Conditions
TL	Total length
TUN	Tuna North
TUS	Tuna South
USCG	United States Coast Guard
USFWS	United States Fish and Wildlife Service
VMS	Vessel monitoring system
VTR	Vessel trip report
WTP	Willingness to pay
ww	Whole weight

1.0 AGENDA

**Highly Migratory Species Advisory Panel Meeting
September 9-11, 2009
Crown Plaza Hotel, Silver Spring, MD
Draft Agenda**

Wednesday, September 9, 2009

- 1:00 pm Welcome and Introductions
 Welcome Everyone
 Purpose and Goals of Meeting
 Ground Rules
- 1:30 pm Overview of Recent Actions
- 2:30 pm Shark Amendment 3 Presentation
- 3:15 pm Break
- 3:30 pm Shark Amendment 3 AP Discussion and Public Hearing
- 4:45 pm Public Comment
- 5:00 pm Adjourn

Thursday, September 10, 2009

- 8:30 am Caribbean Amendment 4 Predraft
 - Presentation
 - AP Discussion and Comments
- 10:00 am Break
- 10:15 am HMS Advance Notice of Proposed Rulemaking (ANPR)
 - Presentation
 - Summary of Comments Received to Date
 - AP Questions
- 10:45 am HMS ANPR – Short-Term Actions
 - Presentation
 - AP Discussion and Comments

12:00 noon Lunch

1:30 pm HMS ANPR – Medium-term Actions
- Presentation
- AP Questions
- Roundtable Discussion
- Report Out

3:30 pm Break

3:45 pm HMS ANPR – Long-term Actions
- Presentation
- AP Discussion and Comments

5:30 pm Adjourn

Friday, September 11, 2009

8:30 am Shark 2010 Specifications/Fishery Issues
- Presentation
- AP Discussion and Comments

9:45 am MRIP Update

10:15 am Break

10:30 am CITES Update – Bluefin Tuna/Shark

12:00 noon Lunch

1:30 am Enforcement Update

2:00 pm Public Comment

2:15 pm Summary/Next Steps

2:30 pm Adjourn

2.0 ADVISORY PANEL (AP) PARTICIPANTS SEPTEMBER 2009

Last Name	First Name	Affiliation
Augustine	Pat	Mid-Atlantic Fishery Management Council
Belcher	Carolyn	Georgia Department of Natural Resources
Boustany	Andre, Dr.	Nicholas School of Environment & Earth Sciences
Chabongsai	Peter	Proxy for Ellen Peel, The Billfish Foundation
Coddington	Ronald	Southeast Swordfish Club
Delaney	Glenn	Independent Consultant
DePersia	Thomas	President, Stellwagen Bank Charter Boat Assoc.
Fischer	Myron	Different Drummer Charters
Fitzpatrick	Robert	Proxy for Bill Gerencer, Commercial Sector
Fordham	Sonja	Environmental Representative
Gold	John, Dr.	Texas A&M University
Graves	John, Dr.	Virginia Institute of Marine Science
Gray	Clark	North Carolina Division of Marine Fisheries
Gregg	Lisa	Florida Fish and Wildlife Commission
Griffin	Elizabeth	Oceana
Hanke	Marcos	Caribbean Fishery Management Council
Hemilright	Dewey	F/V Tar Baby
Hinman	Ken	National Coalition for Marine Conservation
Hoffmayer	Eric	Proxy for Jim Franks, Gulf Coast Research Lab
Hudson	Russell	Directed Shark Fisheries, Inc.
Hueter	Robert, Dr.	Center for Shark Research
James	Steven	Boston Big Game Fishing Club
Lingo	Mark	Texas Parks and Wildlife Department
Loefer	Josh	South Carolina Department of Natural Resources
McKeon	Sean	North Carolina Fisheries Association
Merrit	Rita	South Atlantic Fishery Management Council
Miller	Shana	Tag-A-Giant Foundation
Montella	Vince	Commercial Sector
Palmer	Tim	(F/V Blue Baron) and Swordfish Buoy Gear Association
Pratt	Ralph	Commercial Sector
Pyle	Vince	F/V Carol Ann
Ruais	Richard	East Coast Tuna Association and Blue Water Fishermen's Association
Sampson	Mark	Ocean City Charterboat Captains Association
Sapp	Ed	Gulf of Mexico Fishery Management Council
Skomal	Greg	Massachusetts Department of Fish and Game
Stone	Richard	National Marine Manufacturers Association
Vonderweidt	Chris	Atlantic States Marine Fisheries Commission
Webber	Rick	South Jersey Marina
Weiner	Christopher	Commercial BFT Harpoon Fisherman
Whitaker	Rom	Hatteras Harbor Charter Boats

Public/Staff Attending September 2009 HMS AP Meeting

Last Name	First Name	Affiliation
Barelli	Patrick	USCG
Blankinship	Randy	NMFS
Brewster-Geisz	Karyl	NMFS
Bryd	Gregg	NOAA Fisheries Special Agent
Cockrell	Craig	NMFS
Cooper	Peter	NMFS
Cooper	Anne	Senate Commerce Committee
Fairclough	Greg	NMFS
Farley	Scott	NOAA GCF
Freeman	Othel	NMFS
Getto	Steven	Commercial BFT Fisherman
Gleason	Mark	Senate Commerce Committee
Hunt	Stephanie	NOAA OLA
Kiraly	Sari	NMFS
Knapp	Robert	Commercial Shark Fisherman F/V Tubarao
Lent	Rebecca	NMFS
McHale	Brad	NMFS
McLaughlin	Sarah	NMFS
Murray-Brown	Mark	NMFS
Nathanson	Stacey	NOAA GCF
Parker	Brian	NMFS
Pearson	Rick	NMFS
Rilling	Chris	NMFS
Risenhoover	Alan	NMFS
Salz	Ron	NMFS
Schulze-Haugen	Margo	NMFS
Southward Hogan	LeAnn	NMFS
Silva	George	NMFS
Stannard	Jeron	NMFS
Stephan	Dianne	NMFS
Stiles	Margot	Oceana
Stiller	David	SCS Fisherman
Stiller	Kim	SCS Fisherman
Walline	Megan	NMFS
Weiner	Steve	Commercial Tuna Fisherman

3.0 OVERVIEW OF HMS ACTIONS

Margo Schulze-Haugen, Chief, HMS Management Division, presented a summary of HMS actions taken since the February 2009 AP meeting. This presentation included updates of shark actions, swordfish actions, bluefin tuna (BFT) specifications, and an update on the pelagic longline (PLL) closed area research. Comments from the AP included:

BFT Comments

- I would like to see more time devoted to commenting on the Convention on International Trade in Endangered Species (CITES) issues for BFT. There are a lot of fishermen from New England coming down to the AP meeting and I do not think there is enough time for everyone's comments to be heard.
- The 2010 BFT specifications will lower the BFT quota to 1800 metric tons (mt) for the fishing year. Has NMFS planned for the possible listing of BFT under CITES in March 2010?
- NMFS should think about what kind of domestic policy to implement if an Appendix I listing occurs for BFT. This issue will come up at the next ICCAT advisory committee meeting.
- I would like to know where the petition from the Center for Biological Diversity stands. This petition was put forth a year ago under the Marine Mammal Protection Act. Does anyone in NMFS here know where it stands?

Closed area research comments

- Is there sufficient data from the closed area research to make comparisons in catches between the Florida East Coast closure and Charleston Bump closure?
- Did NMFS set any bycatch triggers to shut down the closed area research if it became a problem?

Billfish comments

- The new genus description of the white marlin has been widely accepted and the senior author is Bruce Collette who is also the lead at the NMFS lab.
- Some roundscale spearfish have been misidentified as white marlin off of Brazil. This could have implications on the white marlin assessment.
- There has been some circle hook research ongoing at several billfish tournaments with natural baits. For J-hooks baited with ballyhoo involved with white marlin or sailfish encounters, 40 percent of the hookups were deep in the throat. The deep hookups were not as prevalent in blue marlin. There were 60 pop-up satellite tags placed on marlin caught with circle hooks and J-hooks. Twenty-nine of the tags reported back information, which showed two mortalities with J-hooks and none with circle hooks. I believe this data supports anglers' comments that blue marlin are not as likely to inhale trolled baits.
- North Carolina has some information to support this deep hooking theory.
- Many fishermen in the Caribbean are changing their methods of fishing to ensure marlins are not experiencing deep hook-ups.

4.0 ENFORCEMENT UPDATE

Gregg Byrd, Special Agent, NOAA Fisheries Office of Law Enforcement provided an overview of enforcement actions involving HMS. Comments from the AP included:

- There was no detail on the amount of fins bought in this presentation. I heard that the individual involved bought 300 lb. of shark fins from one gentleman. The Caribbean sharpnose shark fins that were in his possession were harvested from Florida where they are not prohibited.
- I have heard that there is still some ongoing legal action in this case. Can you tell me if this is an appeal or another case brought against him?
- This presentation should not have included a photo of the gentleman facing charges from the shark fin case because other involved individuals were not pictured in the presentation.
- I would have liked to see the names of people that are selling BFT off of their recreational vessels.
- The penalty for the FV *Therapy* was very impressive. Where was this case tried?

5.0 SHARK AMENDMENT 3 AP DISCUSSION AND PUBLIC HEARING

LeAnn Southward Hogan of the HMS Management Division gave a presentation of the proposed options for managing small coastal sharks (SCS), shortfin mako sharks, and smooth dogfish. This presentation was the same presentation given at the public hearings for Draft Amendment 3 with the addition of a summary of the comments received to date. Comments from the AP include:

Blacknose shark bycatch comments

- Could NMFS define what a drift gillnet is and how the fishery operates? I think it is important to define the fishery before you gather comments.
- I support alternative A1 for the SCS quotas because there are several questions with the blacknose shark data, and the other three species in the SCS complex are not overfished or experiencing overfishing.
- The average dressed weight for blacknose sharks of 1.5 lb is not accurate. I have pictures of blacknose sharks larger than that moving through turtle excluder devices (TED).
- Most of the blacknose sharks that are in the Atlantic would be able to get through the TED on a trawl. I know that the average size for blacknose shark is incorrect.
- In the shrimp trawls, I know the size of blacknose sharks being caught before TEDs were implemented and what their sizes were after TEDs were implemented.
- The bycatch numbers for blacknose sharks in the shrimp fishery are inaccurate to say the least. Louisiana is presently, and has historically, been a large contributor to the shrimp fishery, and we have no data to support such large amounts of blacknose shark bycatch. Louisiana is not comfortable weighing in on the alternatives given the identification of the two stocks of blacknose sharks.
- Is NMFS coordinating with the GOM shrimp fishery to verify how they are addressing their bycatch issues?
- I am familiar with the shrimp fishery and I do not know where these bycatch numbers are coming from. I could not find a shrimp fishermen that has seen a blacknose shark in his nets. I watched the Georgia Bulldog video and 70 to 80 percent of the bycatch was going through the TEDs.
- Most of the data that went into the assessment was fishery independent data. I do appreciate the work that has been completed to have the SEFSC review the data and model that which went into the blacknose shark assessment. It is a fact that the bycatch of blacknose sharks is extremely lower than what was used in the assessment.
- At the previous AP meeting, we gave you comments that there were many errors in the blacknose shark landings table, but it has not been changed based on the comments that we provided you. There are large errors no matter what NMFS' confidence level is concerning blacknose sharks. I am very uncomfortable using the data for the Southeast Fisheries Science Center, and I think before any action is taken NMFS must take into consideration updated shrimp trawl data.
- NMFS states that it is working with the scientists to reevaluate the bycatch data for blacknose sharks. I was the only industry representative at the stock

assessment meetings for SCS, and I think it was necessary that we show the effectiveness of the TED.

- What is NMFS doing with the Regional Fishery Management Councils to work on shrimp trawl bycatch of blacknose sharks? Overfishing must be ended for blacknose sharks and it is worrisome that we are relying on the councils to do this.

Blacknose shark stock assessment comments

- I would really like to know when there will be an update on the blacknose shark stock status.
- Will the next blacknose shark stock assessment be an update or a full assessment?
- I am glad to see that NMFS will perform a stock assessment next year for blacknose sharks. NMFS needs to look at priorities because the hammerhead shark stocks are in worse shape than blacknose sharks.
- NMFS should wait before moving forward with accepting this assessment as a new benchmark and making Amendment 3 final in 2010. What would happen if Amendment 3 was final and the stock assessment changed the determination for blacknose sharks?
- Will the next shark stock assessments occur in 2010?

Blacknose shark recreational fishery comments

- If there are prohibitions on recreationally caught blacknose sharks in the final rule for Amendment 3, will that affect the Atlantic States Marine Fisheries Commission's (ASMFC) shark plan?
- Under the shark plan, anything prohibited by NMFS in federal waters will be prohibited to land in state waters.
- This will cause problems in Florida because the blacknose sharks are a large part of the recreational fishery. In Florida waters, we already prohibited gillnets to help the shark populations.
- Georgia will need a justification to prohibit blacknose sharks in the recreational fishery. We have a recreational fishery in Georgia for small sharks, and blacknose sharks are included in that fishery. These sharks are greater than 54 inches in state waters. Neonates rarely show up on the beach. Blacknose sharks have been misidentified as lemon sharks by some fishermen.
- The recreational fishery for sharks has many problems. I think we need to have an outreach program to teach species identification to recreational anglers.
- I am opposed to making blacknose sharks prohibited in the recreational fishery. What is NMFS' rational for that decision?
- If the blacknose shark was prohibited in the recreational fishery but not in the commercial fishery, would it be placed on the prohibited species list? If blacknose sharks were placed on the prohibited list, I would like to know what the ramifications would be to the ASFMC's shark plan.
- I do not support prohibiting blacknose sharks only in the recreational fishery. I did not have a problem with sandbar sharks being prohibited recreationally as the rebuilding time frame was so long. I do have a problem with commercial fishermen in the research fishery being able to land sandbar sharks. Now

General comments on blacknose sharks

- I support alternative B1 because I think it is wrong to regionalize gear restrictions when people have made a living on SCS other than blacknose sharks.
- For all of the other species, I support alternatives A1, B1, and C5 shown in the presentation.
- The blacknose shark should not be managed as one stock because there are two of them. One stock occurs off of Florida and the other in the Gulf of Mexico (GOM).
- Could you explain where the 1.5 lb recommendation came from for blacknose sharks? After looking through the North Carolina, data this does not seem accurate to me. I know when I used to longline for sharks that our blacknose sharks were always around 15 lb.
- Is the average weight of blacknose sharks dressed or whole weight? I watched a presentation that stated the average weight in the recreational fishery was 4.97 lb. These weights do not match NMFS's weight from any source.
- Given the economic times we are in, having NMFS use numbers that no one believes, and that may destroy the fishery, is very disheartening.
- The chart for blacknose shark catches looks different than what it was before. Is this the same chart included at the presentation at the American Elasmobranch Society meeting?
- North Carolina has taken steps to not use the 4.5 feet minimum size in their management of blacknose sharks. Most of the blacknose sharks do not grow that large and are caught in state waters in many states.
- North Carolina is in favor of allowing fishing to occur on the other three SCS if the proposed blacknose shark quota goes final.
- The 400 mt off the small coastal quota and a January opening will leave us with no season for sharks in North Carolina.
- I never used to be a shark fishermen but I am becoming more of one every day. The SCS quota is 454 mt, and I bet that 300 mt of that quota would consist of Atlantic sharpnose sharks if they were all landed. Off of North Carolina there are a ton of Atlantic sharpnose sharks. They eat every kind of inshore fish that we fish for from weakfish to spot. Atlantic sharpnose sharks have shown up on the sea bass and trigger fish grounds and we have never encountered them there before.
- I have been advocating the closure of the gillnet fishery for years. It is my understanding that both Florida and Georgia are in support of closing gillnets in their waters.
- If NMFS is going to use historical allocation to manage blacknose sharks, will that require economic analysis?

Large Coastal Shark (LCS) comments

- If recreational fishermen want to land sandbar sharks then they should have to follow all of the restrictions that commercial fishermen have in the research fishery. Hopefully, we will get more data by 2012 for the sandbar shark assessment and get a LCS fishery back.
- A stock assessment needs to be completed for hammerhead sharks. There is also a problem with tiger sharks.
- The alternatives that are presented will result in North Carolina not having a shark season again because of the preferred quota. Last year, North Carolina did not have a season because the quota was gone before the mid-Atlantic shark closure was open.
- Amendment 3 will be a hardship for North Carolina fishermen. If this becomes final, we need the LCS season to open in July. North Carolina constituents made this comment before when Amendment 2 was final.

Commercial fishery shortfin mako shark comments

- I applaud the agency for not putting in domestic regulations for shortfin mako sharks and trying to push lower catches at an international level.
- Do we know what the post-release survival is for shortfin mako sharks?
- I support a separate commercial quota for shortfin mako sharks and the need for the International Commission for the Conservation of Atlantic Tunas (ICCAT) to take steps towards management. I will bring this up at the next ICCAT Advisory Committee meeting.
- The United States needs to urge Canada to reduce its shortfin mako shark quota.
- Another country should take charge of shortfin mako shark conservation since the United States only accounts for 10 percent of the mortality. This is not the year for the United States to take a lead on shark issues at ICCAT given the issues with swordfish (SWO) and bluefin tuna (BFT).
- I would promote live release of shortfin mako sharks at sea. I do not support a commercial minimum size for shortfin mako sharks because of safety issues.
- This presentation says that the United States' catch of shortfin mako sharks was 10 percent of the landings world wide, but I heard last year that the United States only accounted for 4 to 5 percent of the landings. The United States commercial fishery will not determine the fate of the shortfin mako shark.
- Canada and Spain need to make significant cuts in their shortfin mako shark landings to make a difference.
- I have a problem with only promoting live release of shortfin mako sharks and taking no action in this fishery. The commercial live release rate is only 68 percent.
- NMFS needs to establish a commercial minimum size for shortfin mako sharks. I am in favor of encouraging management at an international level. There should be no action for the recreational fishery for shortfin mako sharks.

Recreational fishery shortfin mako shark comments

- The proposed size limit for recreational shortfin mako sharks would cut down on the harvest by 98 percent. Does NMFS plan to impose this upon the commercial sector?
- There needs to be more effort from NMFS to protect shortfin mako sharks.
- Tournaments that I run usually land mako sharks around 70 inches or larger. The United States has the most restrictive regulations for shortfin mako sharks. There are still big fish out there because a couple of days ago I landed a 624 pound male.
- I am in favor of the preferred alternative for shortfin mako sharks.

Smooth dogfish comments

- We should have an 8 to 14 percent fin to carcass ratio for smooth dogfish. NMFS needs to consider the actions taken by the ASMFC in allowing for a ratio higher than 5 percent for smooth dogfish. If NMFS does not raise the fin to carcass ratio then it will change the fishery.
- The ASMFC has a cleaning at sea rule for smooth dogfish for the months of March, April, and June. If NMFS manages smooth dogfish in federal waters and we cannot clean them at sea, there will be problems at the dock. If smooth dogfish are held to the 5 percent fin to carcass ratio, I will not know what to write in my logbook. I do not know whether I should drop my dressed smooth dogfish at sea or hope enforcement does not look at my logs.
- North Carolina will provide more data to the ASMFC shark board about the 5 percent issue.
- Is the line for gillnets between North and South Carolina based on the smooth dogfish fishery?
- Will smooth dogfish have a stock assessment in the future?
- I like the preferred alternative for smooth dogfish but I do not want NMFS to follow the ASMFC by taking steps backwards loosening regulations.
- There needs to be a stock assessment for smooth dogfish.
- Smooth dogfish is a good candidate for maintaining a sustainable shark fishery. NMFS needs to put measures in place before it is too late.
- Can you explain to me why the Amendment 3 Draft Environmental Impact Statement has language about smooth dogfish being in a fishery management plan? What is the definition of an oceanic shark?
- If the only purpose of the smooth dogfish permit is to verify who participates in the smooth dogfish fishery, than NFMS needs to rethink this. A permit is already being used by the states for smooth dogfish. Federal management of smooth dogfish makes me worried about the future of spiny dogfish management.
- North Carolina has very good data on smooth dogfish that should be included in any management decision.
- To simplify enforcement on the water, NMFS should require fins attached for all sharks except smooth dogfish.
- Data collection for smooth dogfish is necessary for the management of this fishery. NMFS should go ahead and set a quota for smooth dogfish to stop what is already an over utilized resource.

- The proposed smooth dogfish quota is too low for the entire fishery. North Carolina landed half of the proposed quota last year.
- If the 5 percent ratio is adopted for smooth dogfish, there will be a large amount of waste. Fishermen will discard the fins at sea until they have a 5 percent ratio.
- I am in favor of the preferred alternative for smooth dogfish.
- The Mid-Atlantic Fishery Management Council (MAFMC) and ASMFC should set up a joint plan for smooth dogfish. Finning was discussed with enforcement officials and scientists and it was agreed that you can tell the difference between a smooth and spiny dogfish fin.
- Dogfish spoil quickly and will create a problem with garbage at the dock. The MAFMC will submit formal comments on Amendment 3.

Public Comment on Shark Amendment 3 AP Discussion and Public Hearing

SCS comments

- The 2005/2006 stock assessment indicated blacknose sharks were overfished. Now NMFS is saying that the mortality must be reduced by 78 percent. What I see in this presentation is the proposed quota for SCS will reduce mortality by 90 percent, which is not right.
- There are only 2-3 shark gillnet fishermen from South Carolina to Texas. How can blacknose sharks be overfished with this amount of effort?
- The 2002 stock assessment gave finetooth sharks an overfished determination and now they are not overfished. NMFS should wait to see what the outcome is of the assessment in 2010.
- Drift gillnetters caught 86.7 percent sharks and 98.1 percent of that consisted of SCS, which they were targeting. Primarily, these were finetooth Atlantic sharpnose sharks and bonnethead sharks. Gillnets can be very selective in what they catch.
- It seems like I have heard a consensus in the room that the data for the stock assessment is wrong. I use longline and gillnet gear to fish for sharks and I have never caught a blacknose shark that was 1.5 lb and for that matter even 4.8 lb. The recreational fishermen usually catch the smaller ones. I do not understand how there could be so many year classes of blacknose sharks and the stock be in trouble. I think that an average weight estimate, representing all year classes, would be around 10 lb.
- There is very little gillnet activity in the South Atlantic and because of right whales, gillnets are prohibited November through April. In April, the blacknose sharks head to state waters inside of 3 miles. The fins attached rule has also cut down on the gillnet effort. It is too much work to fish a gillnet, partially cut all of your shark fins, and finish cutting off the fins following the return to the dock.
- I am the only gillnet boat in the GOM and I do not have a problem catching blacknose sharks. With an 81 percent reduction in the GOM shrimp fleet, I do not see the problem. I hear a lot of people in this room that do not even know if blacknose sharks are a bycatch in the shrimp fishery.

LCS comments

- If NMFS performs a stock assessment on sandbar sharks, research needs to be conducted off Virginia. There is a stock north of Virginia that never gets sampled because there is no fishery for them there. I have fished from Florida to Maine and have seen a lot of sandbars up north.
- I have a directed permit and, if someone wants a piece of the shark fishery, they can buy mine. There is no directed fishery with only 33 sharks a trip.
- I know a dealer that would not renew his permit because they were afraid of receiving a finning violation. The other dealer I know does not have the room to process the sharks with fins on. This has required three times the amount of work and manpower at the dock.

6.0 CARIBBEAN AMENDMENT 4 PRE-DRAFT

Greg Fairclough of the HMS Management Division gave a presentation on the potential management options being considered in the Caribbean region. This presentation included reasons why NMFS is pursuing a Caribbean-focused amendment, an overview of the issues outlined in a predraft document, and outreach activities being conducted by NMFS in the Caribbean region. Comments from the AP included:

Caribbean handgear permit comments

- Is this the first time that HMS has looked at a geographically-specific commercial handgear permit?
- Will this permit be specific to one region, or throughout the United States?
- I am opposed to extending the general category handgear permit to other fisheries. The BFT General Category fishery is an economically stable fishery that has a lot invested in the fishery. I would not like the Caribbean general handgear permit.
- The Caribbean Commercial Handgear Permit seems like an open ended fishery. NMFS should consider a vessel length cap to stop the fishery from expanding. The artisanal fisheries need to be protected in the Caribbean region.
- NMFS should limit the number of Caribbean Commercial Handgear Permits to prevent mainland fishermen from entering the fishery.
- Artisanal fisheries present difficulties to managers and NMFS needs to be careful when incorporating them into the management of fisheries. Artisanal fisheries could disrupt the good management of the handgear BFT fishery.
- The Caribbean Fishery Management Council (CFMC) is trying to address the different nature of the Caribbean fisheries and not the mainland handgear BFT fishery.
- If you have a federal HMS permit, a condition of the permit should be that you comply with the territorial government rules as well as the United States federal rules.

Caribbean gear and reporting comments

- I support alternative 2.a.2 but ask that NMFS consider allowing the use of yo-yo gear. I do not support the use of PLL in the Federal waters of the Caribbean region.
- Pelagic longline (PLL) gear is not used in the current HMS fishery in Puerto Rico (PR).
- NMFS should encourage the development of trip tickets with the territorial governments. Puerto Rico already has a trip ticket program, and the United States Virgin Islands (USVI) is developing one.
- I have not yet looked at Amendment 4 closely. NMFS needs to be careful when developing fisheries and have a plan in place when resources become constrained. You could model it after the BFT fishery because it has the best real time data collection.

- The yo-yo gear used in the Caribbean region is not the same as buoy gear used on the United States mainland. Fishermen target yellowfin tuna and stay close to the gear, chumming around it to attract tuna. Our fishermen only catch 1 or 2 fish and return to deliver a high quality product.
- The Billfish Foundation does not support the use of buoy gear in the United States Caribbean region.
- The Caribbean fishermen use small boats and sell their fish on their own. There are no federal dealers in the Caribbean and reporting will be an issue there. The territorial governments will have to work with NMFS to collect data. I have bought fish from the Caribbean region and no forms are being filled out.
- Fishing co-ops might help with data collection and some Caribbean region communities have asked for them. Having central storage facilities might create a bottleneck for fish sales and help with data collection.
- NMFS should define the Caribbean yo-yo gear to reduce confusion with the buoy gear used off of the Florida coast.
- Harvesting marine resources is a privilege and fishermen who participate in those fisheries should be required to report data.
- The Billfish Foundation supports vessel logbooks if a new Caribbean commercial handgear permit is created. The Billfish Foundation also supports alternatives 2 and 3 for recreational outreach and the instillation of HMS reporting stations.

Caribbean Fish Aggregating Device (FAD) Comments

- The Caribbean FADs are anchored and not free floating. These devices were installed by territorial governments.
- There are thousands of FADs in the Caribbean and NMFS should take them all into account. Some artisanal fishermen create FADs and deploy them in waters as deep as 3,000 meters to catch HMS. There could be a number of negative impacts from FADs such as the changing of HMS migration patterns, encouraging the catch of juvenile HMS, and causing conflicts between artisanal and recreational fisheries.
- How does NMFS plan to enforce regulations on FADs?
- Are the FADs installed by the territorial governments? If so, many more will be put in place by the public to target HMS.
- The CFMC does not support any additional FAD installations throughout the Caribbean region. I have not seen any data to support juvenile catches around FADs.
- Fishermen in the Caribbean region do not target juvenile HMS.
- Regulating fishing activities around FADs is easy because they concentrate the fishing effort.
- The current USVI FAD map is no longer accurate due to storms and hurricanes displacing/destroying some FADs.

General Caribbean comments

- I am glad to see this amendment moving forward and NMFS getting the information it needs from the Caribbean region.

- Participation in HMS tournaments is down. A San Juan-based tournament is down to 7 boats from the 80 boats that participated last year.
- Alternative 2.d.1 will encourage catch and release in recreational fisheries.
- Regulations currently in place in Puerto Rico prohibit recreational sales of fish.
- There needs to be a regional management effort in the Caribbean region because it is very different from the mainland United States.
- The restriction on boat size will help protect the artisanal fisheries. NMFS needs to work with other Caribbean countries outside of the jurisdiction of the United States.
- You say there is a tendency toward HMS as shelf resources are used up. In Puerto Rico, the push is toward deepwater species like snapper. Fishermen are not shifting to HMS due to high gas prices.
- NMFS should not reserve quota for the PLL fishery when it could be used in the bycatch friendly fisheries of the Caribbean region.
- The artisanal fisheries of the United States need to be regulated. At ICCAT, we cannot ask other countries to regulate their artisanal fisheries if we do not do it domestically.
- Artisanal fisheries cannot remove a significant portion of biomass. They use small boats, one to two people aboard, make no multiday trips, and use no high end fishing gear.
- We do not want to develop large scale fisheries because we do not want to displace our artisanal fisheries.
- Traditional fisheries should have the priority with access to resources.
- NMFS should link any federal regulations to the territorial governments' regulations. Most fishing for HMS occurs in territorial waters of the Caribbean region.
- NMFS should try to work with other Caribbean countries because HMS fisheries occur throughout the Caribbean region. Cuba lands a lot of HMS and has no management on their fisheries.
- NMFS should use the United States' Caribbean territories to work with the other Caribbean countries to implement regulations.
- Is NMFS working with the territorial governments?
- English and scientific names should be added to the Caribbean HMS identification guides.
- NMFS has done a great job with outreach for the Caribbean region.
- The identification guides should have color pictures on them.
- I like the outreach materials I have seen, especially the dichotomous key on the identification guide.

7.0 HMS ADVANCE NOTICE OF PROPOSED RULE (ANPR) – SHORT-TERM ACTIONS

Sarah McLaughlin of the HMS Management Division gave a presentation on potential short-term management options for Atlantic BFT. This presentation included the background on the need for action for management measures in the BFT fishery, a summary of the comments received on ANPR short-term items, and a list of potential actions the agency is considering. Comments from the AP included:

General and Harpoon category fishery comments

- This year, the harpoon fishery was great and landings occurred up and down the east coast.
- My son had the best year of his life harpooning for BFT and rod and reel fishermen could not keep a line in the water.
- The chumming fleet had problems with dogfish throughout the year and could not land many BFT. The dogfish are a nightmare and significantly reduce landings of BFT.
- The Canadian fishermen had the most fish they have seen in 20 years off Georges Bank. Their boats were coming back with 9 to 10 giant BFT every trip. With a 3 BFT per day trip limit, the United States General category boats cannot make a profitable trip out there. If the General category boats had access to those grounds, dogfish would not be an issue.
- I have fished off of Cape Hatteras for 22 years and I usually start fishing around March 15th. I saw the most BFT this year by far and there were only a few charter boats or headboats fishing for them. Not many fishermen will go out with a 1 BFT per day limit. The commercial fishery was closed then and the fish were available to catch.
- What was the size of the BFT being seen off Cape Hatteras?
- The BFT were mainly in the 63 to 65 inch range with an occasional 75 inch fish mixed in. You could not put a line in the water without getting a fish.
- I am glad that there are many comments about the amount of BFT that were seen off of the east coast this year. There were many 50 to 55 inch fish off of Cape Cod and some NMFS staff saw the number of fish from the air in Cape Cod Bay. The numbers of BFT from Cape Hatteras to Canada this year are very impressive.
- NMFS should change to a January 1st start date instead of a June 1st start. If there is left over quota at the end of the year, 5 percent should go to a January through May fishery. The fish are there but the fishermen do not have an opportunity to fish for them.
- The United States needs to stay within the quota but more fish need to be available to the General category fishermen.

Comments on BFT quota and rebuilding issues

- The United States went to ICCAT and pledged to end overfishing for BFT by 2010. With a reduced 1800 mt quota we were told that there was a 50 percent

- I would support some action to relieve restrictions on the Harpoon and General categories by the fall.
- Last year, in the fall, there was a blitz of BFT with a lot of giants mixed in. I suggest that NMFS lower the minimum size to 65 inches. A slot size may also work and allow for continued rebuilding. A reduction in size limit would be extremely important for the New England region. I think that fishermen would support a transfer of 35 mt of giant BFT to have access to 7 mt or smaller size BFT.
- Even though people are seeing a lot of BFT up and down the coast, these fish are all in the same school just migrating northward. NMFS should not extrapolate that into different schools of BFT. The stock has continued to decline despite all of the restrictions; it should be a signal not to loosen any of the regulations. Decreasing the size limit would increase mortality on the stock.
- Under the low recruitment scenario, the 1800 mt quota would end overfishing by 2010. However, if a high recruitment scenario occurs, that allocation would not end overfishing until 2019. A quota transfer of small fish for larger fish would not be effective because the large medium/giant subquota is not being filled anyway.
- Will NMFS be changing the allocations of BFT in the different fisheries? Will NMFS be proposing these actions in the presentation or just taking comments on them? What is considered a short-term action?
- Generally the AP has raised several issues on why the BFT quota has not been filled. I think that it is premature to change regulations in the short term without understanding the impact of the resulting changes in the fishery. Quota transfers from large to small fish may be resource-neutral with regard to biomass removed from the stock but not with regard to spawning potential.
- I attended 3 out of the 5 ANPR meetings and I see my comments are reflected in this presentation.

8.0 HMS ANPR – MEDIUM-TERM BFT CENTRIC ACTIONS

Brad McHale of the HMS Management Division gave a presentation on potential management options being considered by the agency for the Atlantic BFT fishery. This presentation focused on longer term items than the previous discussion and included potential considerations such as, modifying the minimum size for BFT harvested in the commercial fishery, regulatory changes to Atlantic HMS Charter/Headboat permits, and regulatory changes to landing forms. Comments from the AP include:

BFT minimum size comments

- The analysis for lowering the BFT minimum size was performed in 2003 and 2004. The SEFSC also published a paper on possible changes to accepted minimum size and probable changes and effects on the western Atlantic BFT stock.
- The quota has been set at 1800 mt and United States fishermen have not been able to fill the quota. Changing the commercial minimum size is resource-neutral as long as landings are within the quota. Not having this minimum size reduction penalizes United States fishermen.
- I support the 65 inch BFT commercial minimum size proposal. This will allow United States fishermen to catch more BFT quota and gives the United States a better bargaining chip at the ICCAT table. The fishermen have a lack of confidence in the NMFS representatives at ICCAT.
- Changing the minimum size might not matter because when the rule would go into effect, the large cohort of available BFT might be 73 inches. NMFS should give these BFT an opportunity to spawn.
- I cannot believe that something has not been done already to help catch the United States share of BFT quota. I feel like NMFS is still asking the AP for ideas. I do not see why allowing both commercial and recreational retention of BFT is so difficult.

Charter/Headboat issues and comments

- The Atlantic Charter/Headboat permit will be the Cadillac of permits but the electronic reporting system needs to be modified. Since the system is combined with the reporting system for billfish, there is a lot of duplication and it takes me about 3 minutes per boat. I have 3 boats and it takes me about 30 minutes all together. I would like to see a logbook or catch card similar to what we have for reporting groundfish. Written reports are easier to work with than a computer. It is also easier to complete catch reports on the boat.
- I do not support the use of harpoon gear on charter boats because of safety issues.
- It would be easier if charter boats could fillet BFT at sea similar to other species they fish for. Boats could loin the tuna out and keep the rest of the tuna for measurement purposes. Most charter and headboats do not have room to keep fish even with the heads removed. Fish spoiling at sea can be a problem.

Illegal sale BFT comments

- School size BFT are being sold off headboats in the Northeast at an alarming rate. I do not see many of the charter boats selling to the black market but I think it is happening in other regions too.
- In Cape Cod Bay, there were over 200 General category boats fishing for BFT. They were catching BFT mostly in the 60 to 70 inch range. There is a large black market for these undersized fish and they are not being sold to dealers. These landings are not being incorporated into the BFT landings data.
- The ANPR should be looking at the big picture items of BFT management. The major problem is that the spawning stock has declined. NMFS should not pass any additional regulations for BFT until the stock recovers.
- It is hard to sell BFT locally and NMFS Enforcement has an impossible task of finding the illegal landings. If the commercial minimum size was lowered then many Angling category permits would convert to General category permits. NMFS would get better data because BFT would be reported, mortality would decrease because NMFS could control the season, and there would be far less illegal sales.

BFT requirement comments

- The age of BFT when 100 percent reproduction occurs is between 3 and 4 years of age. In a recruitment study that occurred on the Mediterranean spawning grounds, all samples found that 100 percent recruitment occurs by age 5 years. In the Atlantic, BFT can be between ages 7 and 8 years and only achieve 50 percent reproduction rates. The 7 to 8 year old BFT are close to our minimum size and, if the minimum size is lowered, the fish will not have an opportunity to spawn. The BFT that travel to the Mediterranean do not come back to the western Atlantic. NMFS needs to preserve the BFT that we have left in the western Atlantic.
- Reports indicate that BFT in the Mediterranean spawn at 100 percent success at age 3 years. The idea of BFT not spawning until age 5 to 7 in the Mediterranean is very uncertain.

Tuna landing form comments

- There are usually never any issues with NMFS Enforcement, just the United States Coast Guard (USCG), when it comes to tuna tails. The NMFS Enforcement agents will measure a tuna with the tail off and, if the carcass meets the minimum size, there is no problem.
- Fishermen should be allowed to trim the tail of a large tuna and, if a small tuna at the minimum size is retained, trim the lobes off leaving the fork of the tail. This will be a compromise because it will be more work at the dock but PLL fishermen can pack more in their holds. Yellowfin and bigeye tuna need to have their tails trimmed to allow for maximum catch. Some PLL trips have been cut short to keep tails on the tuna.
- In the regulations, is the tail required to be attached or does the carcass have to meet the minimum size? Why does Enforcement insist on having the tail attached if the tuna is way over the minimum size?

- The commercial fishermen would like to just trim tuna tails and not remove the fork.

9.0 HMS ANPR – MEDIUM-TERM OTHER ACTIONS

Brad McHale and Randy Blankinship gave a presentation on potential management options being considered by the agency for the HMS fishery as a whole. This presentation included potential considerations such as, changing the PLL BFT incidental limits, the creation of an HMS General Handgear permit, and a SWO limited access permit (LAP) squid trawl exemption. Comments from the AP include:

PLL BFT incidental limits comments

- The rebuilt SWO stock has been a huge success for fishermen and the agency.
- Incidental BFT limits for PLL fishermen should be changed to allow the retention of more BFT. If PLL fishermen had an opportunity to catch more BFT, there would be an increase in SWO landings.
- At the last ICCAT meeting, a bycatch report stated the U.S. PLL fleet was meeting the bycatch objectives. Increasing the BFT incidental limits will not change the bycatch rates.
- Will the United States be supporting the CITES listing? What does CITES have to do with SWO and how will CITES affect our landings of SWO? The BFT are in a rebuilding phase and they will be rebuilt without CITES.
- A bycatch report stated that the United States PLL fleet was meeting the objectives of acceptable bycatch concerns. I do not see any reasons not to support an increase in the incidental BFT limits for PLL fishermen.
- I support increasing the PLL incidental retention limits of BFT from 3 to 5 BFT per trip. NMFS knows the number of active permit holders and knows every piece of economic data from the fishery.
- The PLL fishermen want to match what is being caught.
- How does NMFS plan to increase catch of SWO when PLL fishermen have to discard fish they would normally keep? This might increase the probability a fishermen will make a trip in adverse weather benefiting fishermen economically.
- How can the United States ever increase the swordfish landings if we do not want to increase effort in the PLL fishery.
- NMFS needs to let the PLL fishery rebuild itself and allow fishermen to retain more BFT. NMFS' analysis suggests that more restrictions should be put on the PLL fishery. We are not filling our quota and BFT are being discarded by the fleet. The push needs to be on preserving our BFT quota and focusing on countries that might try to take it.
- The PLL fleet has made great sacrifices to be eco-friendly. Our fleet has a 90 percent live sea turtle release rate. If bycatch is going to steer the direction NMFS takes with this rulemaking, then we should just give the quota away.
- I support allowing the retention of BFT that would normally be discarded. I would not support more PLL trips targeting BFT. If the PLL fleet targets BFT, the amount of smaller BFT discards may increase.

- The increase in the General Category retention limit would allow those boats to fish in the Northeast Distant (NED). Increasing the BFT PLL limits would not increase targeting of BFT, it would only increase retention of discards.
- It is unacceptable that discards are getting in the way of catching the BFT quota and SWO quota. NMFS and members of the AP need to take a look at what the United States catches compared to other countries.

GOM PLL comments

- NMFS should also consider a cap on the number of BFT caught in the GOM. When the cap is reached, NMFS should close the PLL fishery and not reopen the fishery until BFT leave the spawning grounds.
- Closing the GOM to PLL gear is not a favorable option. The weak hook study will allow PLL fishermen to successfully release BFT alive. These hooks have been shown to release fish greater than 250 lb.
- I want to emphasize the importance of not increasing mortality of BFT in the GOM because it is the only spawning ground of western BFT. Pelagic longline industry leaders have expressed concern over observer sampling in the fishery. Increasing the PLL BFT incidental catch limit would increase PLL effort in the GOM.
- The Billfish Foundation would not support an increase in PLL effort in the GOM for BFT. Billfish bycatch will increase if PLL effort increases in the GOM.
- The PLL industry is not proposing an increase in BFT retention in the GOM. The industry is asking NMFS for Grand Banks and mid-Atlantic incidental take limit increases. The industry also hopes that the weak hook research in the GOM will release spawning BFT.

Foreign PLL fleet and bycatch comments

- The Canadian longline fishery has had sea turtle bycatch problems in their PLL fishery. I do not support any United States quota being transferred to Canada. The western Atlantic should be harvested here in the United States. Even though the United States fishermen need to utilize the SWO quota, NMFS needs to consider the Endangered Species Act and Marine Mammal Protection Act in process. NMFS was asked to push the change in status for the loggerhead turtle to that of an endangered species.
- Canada is experiencing a large amount of sea turtle bycatch in the PLL fishery. I know that Canada is using around 30 percent J-hooks and are interacting with more loggerheads than the United States PLL fishery.
- I am alarmed that a loggerhead turtle report suggests adding them to the endangered species list. This seems to be a controlling factor in some HMS fisheries and many of us are seeing more loggerheads than ever. Thank goodness they do not bite my hooks, but I need to watch out when going to or from the Gulf Stream or I run the chance of hitting them. I feel that the fishermen need better science to prove the turtles are rebounding.
- By 2018, the western Atlantic BFT should be rebuilt if the TAC is followed each year. Mature BFT should be helping us reach the 2018 date if they are allowed to spawn. Does NMFS have anything available stating where the status of the stock

is compared to what it should be at to achieve rebuilding by 2018? It appears the science for fishery management is failing for BFT if this is not the case. The BFT should be seeing recovery if we are following the rebuilding plan.

- I am aware of a paper saying where BFT would be if the United States had been taking the full quota. It stated that not only are the models flawed, but the new model being developed by NOAA and British Columbia contains more realistic representations of mixing and seasonal migrations. These new models will give us a better idea of population abundance and better projections of different management scenarios.
- I support the comments heard regarding the Canadian fleet and I feel that NMFS should share those at the next ICCAT meeting. The loggerhead issue is not because of lack of numbers but is a nesting problem. I know that some papers highlight that the hurricanes have ruined nesting beaches.

LAP exemption for squid trawl vessel comments

- How many active squid trawl permits are there? How many have actually landed squid? It would be difficult to understand what the impact would be if there was an exemption for 400 boats, even if only 25 are active.
- What is the reasoning behind the triple pack of permits? If NMFS wants squid trawl vessels to land SWO, the number of squid trawl vessels catching SWO needs to be determined.
- The upgrading restrictions for LAPs should stay the same. The only exemption should be a final date to obtain permits or have a 'use it' or 'lose it' provision.
- What are the impacts of allowing squid trawl vessels to land SWO? I know there has been a sense of urgency to land the SWO quota. Not allowing active landings by squid trawl is something that should be addressed by NMFS.
- There is a need to reward high rise trawl nets. I do not think incidental SWO catches alone will bring squid trawl vessels back into the fishery. If squid trawl vessels have interactions with SWO, should make sure they are landed and the SWO are being counted against our quota.
- NMFS prohibited the use of both pair trawls and mid-water trawls for pelagic fish due to bycatch.
- There is 300 mt of SWO quota for an incidental fishery, and if the squid trawl fishery can add landings to the quota, I am supportive of it. Any process that can ease the restrictions of landing SWO by squid trawls is positive.
- Has NMFS identified any bycatch of sharks in the squid trawl fishery? I would also like to know where and during what seasons the squid trawl fishery operates. Given the current status of sharks, NMFS should not authorize incidental utilization of them. This would put the last few shark fishermen out of business. It would take a lot of training to get squid fishermen up to speed with shark identification to allow retention of sharks.
- Some bycatch analysis needs to be completed before the squid trawlers enter the HMS fishery.
- There should be a true SWO limited access permit for the squid trawl fishery. It could have a sunset clause of up to 3 years, and be open to all 400 boats that are permitted for squid.

HMS general handgear permit comments

- The fishery in Florida is very different because it is flooded with recreational anglers. Florida is similar to the Caribbean region fishery for HMS. One out of every 10 dollars spent on recreational fishing needs are sold in Florida. Even though most of the fishing is not commercial there is a large part of the economy invested in fishing.
- Around 50 percent of the Florida SWO fishermen are in favor of the General Commercial Handgear permit. Although 85 percent of the fishermen were against the commercialization of the fleet, 50 percent said they would buy the permit if it becomes available.
- The Florida recreational community understands the value of the LAPs. Keeping a high value on LAPs is important to us for keeping commercial fishermen numbers down.
- The buoy gear fishery is huge down in Florida and growth in this fishery was attributed to the SWO Handgear permit. The landings will show that most of the commercial handgear SWO landings happen in Florida. Many fishermen in Florida are seeing gear conflicts between rod and reel and buoy gear. In ocean current, these gears act completely different from each other. This has caused a decrease in the recreational effort at night and anglers would be opposed to an increase in participants to the buoy gear fishery.
- I know that there are issues with circle hooks being used with buoy gear. Is NMFS conducting research on buoy gear right now? Research on buoy gear should not solely be done from PLL vessels.
- The Florida recreational SWO fishery is a classic example of an illegal, unregulated, and unreported fishery right now. Recreational permits are being used to sell SWO. These fish are not being reported, and NMFS is not regulating them. This fishery is happening right in our backyards.
- I do not understand why 60 boats that were thrown out of the fishery with time-area closures are being substituted for a non-limited access fishery. The traditional General category fishermen will be extremely upset if these permits go through.
- General category permits for SWO should be just for SWO and not mixed in with tuna General category. With all the reporting requirements for BFT, NMFS should not throw SWO into the mix.
- Tunas should stay open access because every American should have an opportunity to catch giant BFT.
- The HMS commercial General handgear permit should be promoted for SWO from the mid-Atlantic northward. The handgear fishermen can target adult SWO with very little bycatch of juveniles.
- I do not think NMFS should reopen the closed areas based on research there. The preliminary data shows that bycatch of juvenile SWO is still evident.
- One of my concerns about the new General category permit is that it would create a deregulation of a very regulated fishery we have in south Florida. Enforcement would be extremely difficult because the sale of SWO would still happen illegally and illegal gear configurations would occur.
- South Florida waters are already too congested with SWO fishermen.

- Buoy gear being used with circle hooks have a 50 to 60 percent reduction in the number of SWO caught. The buoy gear fishermen need to fish with J-hooks. Deep hookings of SWO do not occur frequently on buoy gear even with J-hooks.
- If a fisherman gets a new HMS General Commercial Handgear, permit they would not be able to hold an HMS Angling category permit also. Billfish would not be able to be retained the general handgear permit holders? Could the HMS commercial general handgear permit holders also fish recreationally in HMS tournaments?
- Enforcement has been difficult in Florida with the mixture of recreational and commercial together. Does NMFS have any thoughts on this? Florida is also concerned with the potential of this permit expanding into the buoy gear fishery, and increasing marine debris.
- As for mixing commercial and recreational gear, I see some safety concerns. Recreational vessels are not required to have all the safety gear that commercial vessels have.
- Commercial shark fishing must be kept as a limited access fishery because of their stock status. The HMS General Commercial Handgear permit should not include sharks as a retainable species.
- The HMS general commercial handgear permit should have a good live release rate of sharks. I would like to make sure there is no conflict with the current shark commercial fishery until science allows for expansion.
- I was an early proponent of the HMS general handgear permits but it was never my intention to legalize a recreational sale. If this fishery becomes a reality, permit holders need to be held to the same requirements as commercial fishermen today.
- NMFS needs an Enforcement sting in south Florida to cure illegal sale of SWO. They do not need to focus on a whole lot of restaurants; they just need information on the right ones.
- The illegal sale of BFT needs attention from enforcement. Examples need to be made of people by imposing stiff fines.
- NMFS needs to be looking for long term effort on HMS to begin the transition into bycatch friendly fisheries. The PLL fleet must continue to catch quota but will need to eventually switch into bycatch friendly gears eventually.
- The best place to try new gear for SWO is south Florida which is why a sunset provision for any permit is needed. I am against any horsepower upgrades for handgear permits.

Time/Area closure comments

- Closed areas should not be opened and NMFS has the research to prove that. The amount of juvenile fish in those areas has not changed.
- I do not know where all of this information from the closed areas is coming from. There has never been an analysis completed on the number and size of fish coming from the closed area research.
- My reaction to opening the closed area would be waiting to see if the closed area research results supported opening them.

Public Comment on HMS ANPR – Medium-term Other actions

- My group submitted written comments on both sections of the ANPR. Bluefin tuna are in serious trouble and there is a reason why these decisions are so difficult. There would not be much discussion about the allocation of quota if BFT were not in trouble. The proposal to list BFT under CITES is serious because BFT are not recovering under ICCAT's rebuilding plan.
- The agency and the fishing industry needs to get creative to come up with clean fishing practices and find a way to increase landings. I would not support an increase in mortality of BFT. The issues of this fishery are beyond the capacity of this group to figure out in one day.
- My organization would not want to see a change in minimum size limits, time/area closures should not be reopened, and incidental retention limits in the PLL fishery should not be changed. We do encourage the use of observers to keep an eye on the fishery and on new fisheries. One example would be the pilot program on the greenstick fishery and placement of observers to learn more about how the fishery operates.
- I am strongly opposed to reduction in BFT commercial minimum size because the current minimum size was set to be 1 year below reproductive maturity. A better option would be to increase the commercial minimum size to 95 inches matching the intent of the regulations. The United States needs to shut the GOM HMS fishery down.
- I want a sustainable fishery for everyone in the United States to use. I am concerned about the HMS Commercial General Handgear permit you presented for consideration. Florida has a unique fishery different from anywhere else in the United States. This permit would be detrimental to buoy gear fishermen in that area. The buoy gear fishermen have a very small area to fish which is the only place the fish are. An increase in the number of boats would destroy the fishing grounds.
- I would not be opposed if there was a geographical limitation to keep the new commercial fishermen out of the Florida area. NMFS should utilize a use-it-or-lose-it-requirement for all SWO permits and any lost permits could be re-distributed via a lottery. New participants could enter the fishery if this was the course that was taken.
- Our buoy gear is stolen and we catch vessels red-handed stealing our fish off the gear with no help from NMFS Enforcement.
- Buoys are not cheap and my crew searches extensively for them. I do not see a problem for marine debris.
- Circle hooks do not work on our buoy gear and I have only had 2 interactions with a sailfish and marlin both released alive. No marine mammal or turtle interactions have occurred on my buoy gear and our live release rate of sharks is 99.9 percent.
- I am opposed to opening closed areas to PLL because they are closed for a reason.

10.0 HMS ANPR – LONG-TERM ACTIONS AND CATCH SHARES

Alan Risenhoover, Director Office of Sustainable Fisheries, and Randy Blankinship of the HMS Management Division gave a presentation on long-term actions being considered by the agency. This presentation included the introduction of Limited Access Privilege Programs (LAPPs), Individual Bycatch Caps (IBCs), and catch shares in HMS fisheries. Comments from the AP included:

LAPPs and catch share comments

- If NMFS is looking at catch shares, is there a possibility of small assemblages of fish? Catch shares for the BFT purse seine fishery would be detrimental to BFT because the fishery can take a large number of fish from a small area.
- Does NMFS consider catch shares a LAPP or a LAPP a catch share? I am still confused and in SAFMC meetings most people are confused about these programs. I would like to know if purse seine permit holders have bought into the proposal for potential catch shares in the BFT purse seine fishery. The SAFMC is using stakeholder buy-in as a first step to catch shares. Would HMS continue to call this program catch shares or rename it?
- The idea of LAPPs or catch shares are coming on strong and HMS fishermen will have to deal with it at sometime. What will NMFS do with fisheries that have a little bit of quota with a lot of stakeholders? I do not know how I would catch a quarter of a fish if that is all I am allocated. Participants would be required to stop fishing when their share is met. If I have to stop fishing, it means no more paycheck for me. The HMS Charter/Headboat fishery needs to be a part of the process and should be addressed individually.
- Every time I hear a presentation on LAPPs, individual transferable quotas, and catch shares get better and better. Only when I looked closer at the details, could I see why they would be opposed by stakeholders in a fishery. The fundamental issue that needs to be addressed is how the quota is allocated.
- This program has the potential to reward laziness and has a disincentive for the hard working fishermen. The shareholders who fishermen can buy shares from may not have a boat just an old permit. It would be hard for new fishermen to enter fisheries run by catch shares.
- I have heard that some fisheries have been destroyed by foreign vessels owning all of the shares. The MAFMC clam LAPP/ITQ program finished off the clamming industry. I remember every port used to have a clam processing plant and today there is one family that handles all clams in the United States. Is NMFS contemplating LAPPs or catch shares program for recreational fishermen along with commercial?
- The AP needs more information on these programs before we go down this path. The clam market is a monopoly and foreign product is dominating the market. How do you re-qualify for the fisheries? I noticed that there are no positive comments included in the presentations. The MAFMC is looking at 6 to 8 potential programs to implement in our fisheries.

- I do not agree with the make-up of the catch shares task force. My group is against this proposal and we are fearful this will be forced on HMS fishermen.
- When the Gulf of Mexico Fishery Management Council (GOMFMC) first learned about the position of the new administration, we were all fearful that we were going to be mandated to do catch shares. I am relieved to hear that we need to consider them, but they are not being mandated them right away. The GOMFMC has considered catch shares and have them in place for snapper and grouper. I see problems in how the GOMFMC has implemented catch shares.
- I know of a case where a Council has reallocated a lesser amount to an ITQ permit holders. I do not dispute the ability of catch share programs to achieve the goals without giving resource away. NMFS should auction permits off every few years to allow new fishermen who want to participate in the fishery.

IBC comments

- I think IBCs could be a good idea because it applies a direct cost to bycatch levels. When you apply that cost, it creates an added incentive to avoid bycatch.
- There is one concern; IBCs could create an incentive not be truthful about the amount of bycatch. North Pacific fisheries do this for sea turtles and it has been effective.

11.0 ATLANTIC SHARK ISSUES

Karyl Brewster-Geisz of the HMS Management Division gave a presentation on the current issues affecting the Atlantic shark fishery. This presentation included explanations of the average weights for Amendment 3, a summary of regulations, current landings update, a discussion of what happened in the 2009 fishery, and a discussion of the expected 2010 quotas and shark research fishery. Comments provided during this discussion that were specific to Amendment 3 are found in the Amendment 3 section. Comments from the AP included:

Additional blacknose shark comments

- NMFS should wait until after the 2010 stock assessment before implementing Amendment 3. NMFS could finalize but not implement Amendment 3 until after the stock assessment.
- The implementation of Amendment 3 would turn the SCS fishery into a bycatch fishery.
- Pounds are not used in the stock assessment, but there are a lot of mis-identified sharks that are in the stock assessment. NMFS should not proceed with Amendment 3 because of the concern with the bad data in the stock assessment.
- Blacknose sharks are rarely caught in the shrimp trawl industry.
- When did NMFS state that blacknose sharks are overfished? Do we have to implement blacknose shark regulations soon? There is a concern about the effects of the blacknose shark restrictions on fishermen. Did NMFS consider the timeline for Amendment 3 when scheduling the stock assessment? The stock assessments take too long.

Shark season comments

- NMFS should have closed the shark season from April to June to protect pupping. There are ASMFC nursery ground closures in DE, VA, MD, and NJ.
- There is still a directed shark fishery. The 33 shark limit per day would not work and the fishery needs to change to seasons (Jan. 1 and July 31). Changing of the season openings would be a quick fix, but NMFS needs to work on a permanent solution.
- Louisiana fishermen take the most sharks in the fishery because they take multiple trips per day. Target catch requirements do not make sense in the shark fishery. There are too many sandbar sharks in the Gulf of Mexico region and Florida. Sandbar sharks eat red snapper and have caused the decline in that population. NMFS needs to cooperate with Mexico and other countries to protect dusky and sandbar sharks overwintering grounds.
- Why did the shark season open late this year?
- There was no LCS fishery in NC this season because of the closures. Delaying the opening of the LCS fishery would benefit North Atlantic fishermen. The closure hurt the NC fishing industry economically.
- Presently, the LCS fishery is a bycatch fishery.

- NMFS received recommendations during the comment period for Amendment 2 to extend the opening for the LSC fishery to accommodate NC fishermen.
- NMFS needs to open the fishery on January 1. The fishermen rely on the money from the shark landings to survive. Fishermen are accountable for their own fishing efforts.

General shark fishery comments

- Some dealers are dressing sharks before weighing them, but some dealers are not. It would be tough to get accurate weights from dealers with belly flaps and fins on. The weight with the fins on adds 20 percent to the overall weight and the dealers report more weights.
- There would be an increased fishing effort into the pelagic fishery with the delay of the season opening. NMFS should allow fishermen to catch healthy stocks.
- The fishermen should be heard and respected at conferences and data workshops. Please use more fishermen in the data workshops at SEDAR.
- There is a belief among fishermen that people would like to see an end to shark fishing. NMFS' science should not be the place where this idea is spread.
- What are the locations of the shark research fishery? Who is landing the sandbar sharks? Can fishermen catch sharks in the closed area with PLL? NMFS should report more data from the research fishery.
- Why does NMFS close the commercial quota when they reach 80 percent and not the shark research fishery? The shark research fishery should be closed at 80 percent like the commercial quotas.
- There seems to be a need to have research on the life history of other species.
- How many protected species were caught in the research fishery? What kind of species?
- When is there going to be a common thresher assessment? There needs to be protection for gravid female thresher sharks and the research on this species should improve.
- The catch share system should be used in the shark fishery. There should be a tri-lateral catch share system with the United States, Mexico, and Cuba.
- NMFS cut funding for the Shark Research Consortium this year. Now all of the data and science will be controlled by NMFS.
- Fishermen really enjoyed the recreational shark ID placards that NMFS created. NMFS needs to improve their communication with recreational fishermen about the fishing regulations.
- NMFS should put the hammerhead sharks on the prohibition list.
- NMFS needs to do a stock assessment on hammerhead sharks.
- There is a great concern for hammerhead sharks since the catch rates have increased. The hammerhead sharks are brought on board dead and they should be retained.
- NMFS should take Caribbean sharpnose sharks off the prohibited list.
- There are identification problems with hammerhead sharks.

- There needs to be more science for lemon sharks. Fishermen have switched their target species to bull and lemon sharks from blacktip sharks. Bull sharks seem to be more abundant now.

Public Comment on Atlantic Shark Issues

- Hammerhead sharks are caught as bycatch and not targeted by fishermen. NMFS should implement an incidental catch limit for hammerhead sharks at 3-4 sharks per trip.
- There is variable catch data based on season openings. Usually, shark meat prices decrease in the summer (July and August), while the best price for shark meat is from January to March.
- The data shows many year classes for blacknose sharks. Blacknose sharks eat young sea turtles. Protection of blacknose sharks would cause a decline in the sea turtle population.

12.0 CITES UPDATE – BLUEFIN TUNA/SHARK

David Cottingham, Office of Protected Resources, gave a presentation on implications of a possible CITES listing for BFT and shark species. This presentation included a background on CITES, a timeline of key events leading up to the possible CITES listings, and public recommendations for United States sponsored proposals. Comments from the AP include:

BFT CITES comments

- I would like to point out to the AP that there is a coalition of fishing groups that are organizing to oppose the United States supporting any CITES listings. These species are in no danger of extinction in any fashion whatsoever.
- In the range state consultations that have happened to date, including with, potentially Monaco, have there been any inquiries about what the United States' position is? Has there been any initial response from Fish and Wildlife Service (FWS)?
- The Food and Agriculture Organization of the United Nations (FAO) panel was mentioned. Does this panel play a role in a review process? Could this be described for the AP a little bit? How important are scientists from the FAO in the CITES decision-making process?
- I assume there are the world's best BFT experts on the FAO panel.
- Since the European Community does not have an ESA, the BFT CITES listing would be used to prohibit the domestic trade of BFT.
- The development of farmed BFT fishing has been one of the United States' major problems. If CITES does not restrict domestic trade in the European Community, it is effectively useless to the fishery as a tool to rebuild the resource.
- Monaco, for example, would have to point out that there is a potential look-alike issue with all of the tunas. If this is not identified, then the Secretary would not have to support the listing. I would be prepared for an explosion of bigeye and yellowfin tuna landings coming from the Mediterranean to the Japanese market. I urge people to take a careful look at the six pages of comments that have been submitted so far by the PLL industry.
- In the Western Atlantic, fishermen have been abiding by the science since 1981, and the runaway BFT fishery continued in the Eastern Atlantic. The information on mixing has clearly indicated that the BFT stock cannot recover without proper management of the eastern stock. A CITES Appendix I listing, although it may have an impact in the east, will punish fishermen who have been conserving the BFT resource for quite some time.
- The collapse of a fishery should not be confused with the issue on extinction of a species.
- Monaco has not submitted their final proposal yet?
- A sudden proliferation of bigeye tuna on the market would have negative impacts on the United States PLL fleet.
- Listing species on Appendix II can result in an extremely large amount of paperwork and the biggest choke point would be the Fish and Wildlife Service's inspections.

- Will the United States perform its own analysis with our extensive scientific expertise on BFT?
- I feel that a pretty strong argument to dissuade countries from pursuing the CITES listing would have occurred if the ICCAT recommendations were followed. First and foremost, an objective for our United States representatives in November is to get ICCAT to do its job which is the best thing we can do to deal with the BFT CITES proposal.
- I've been pretty worried about the potential BFT CITES listing. I do not understand how people can live with themselves listing this species that is not even close to going extinct, just to get what they want. I have not read a single credible scientist in the world that would say Atlantic BFT is going extinct. There are people that have some concerns about them, but there is not a single person that would say this species is going extinct. There are many of these fish out there. The Gulf of Maine was loaded with BFT. There were days this year when different pilots saw 100,000 BFT just in Cape Cod Bay. On those same days, we were a 100 miles offshore out fishing and seeing thousands of BFT.
- As a young fisherman who thought he was going to have a long time in this fishery, now I think CITES will end our BFT fishery.
- The harpoon fleet saturated the BFT market in June with so many fish. Fishermen can make more off one BFT sold to Japan, than ten fish being sold on the United States market. I have lived on the BFT fishery all my life and I feel more worried about the BFT fishery in the east than most people in this room do.
- If a CITES listing was needed for BFT, fishermen would not be able to catch them. There are 2 completely different BFT fisheries in Canada that have had as many fish as they have ever seen before. I dare NMFS try to find a credible team of scientists in the world that would say this species is approaching extinction.
- A CITES listing for the Atlantic BFT is no substitute for a long-term sustainable rebuilding plan. CITES takes power away from ICCAT at a time when empowerment is need at ICCAT.
- I think the Fish and Wildlife Service and NMFS should do 2 things. First, I think the Fish and Wildlife Service and NMFS should encourage the United States and other ICCAT-compliant members to empower ICCAT. Independent, imposed sanctions that leverage seafood markets against non-compliant ICCAT parties and against ICCAT non-Contracting Parties would be a place to start.
- I think NMFS should persuade the international body and insist ICCAT's international trade permit be used for BFT. The Fish and Wildlife Service's and NMFS' efforts would be rewarded tenfold by stopping what might be a vicious cycle of CITES listing of other HMS species managed at ICCAT. NMFS needs to fix ICCAT once and avoid revisiting the situation over and over for other fishes.
- This discussion is about ICCAT's 35-year failure of not conserving BFT but things have gotten worse throughout the years and are continuing to get worse.
- My position is if BFT really meet the criteria for listing under Appendix I of CITES, it should be listed.

- I personally don't think a fish like the BFT can go biologically extinct. Bringing the BFT fishery back with a trade ban could work in the long run.
- Someone must have commented that there are millions of BFT in the Atlantic and they do not qualify for a CITES listing.
- The infrastructure to go to a frozen marketplace for BFT is simply not there in the United States. Usually the United States markets get a lot of BFT in a short amount of time that have to move quickly.
- Charter boats in New England are seeing thousands, if not millions, of BFT almost every day. Some boats this year were catching BFT 70 to 90 percent of their trips. These fish are all sizes from school BFT, to large medium BFT, and sometimes even giants.
- If a fishery's species is listed under Appendix I, would that also outlaw quota transfer to other nations? If there is an answer to that, could NMFS put it in an email to the AP for a report back? I think almost everyone in this room agrees that the proper way to manage BFT would be proper management through ICCAT.
- It is very confusing and frustrating to the fishermen when what we are seeing is in direct opposition to what the regulations are doing to us. If this CITES listing goes through, the fishermen are again being punished for our conservation efforts. I can certainly understand how fishermen can lose their temper sometimes when they are seeing one thing happening out on the ocean, but the regulations are telling them it is the opposite of what is going on in the ocean.
- Has the possibility of a split listing been looked at, and what would be the ramifications of such a listing? What happens if a country formally objects to a CITES listing of any kind?
- I understand that Japan has had objections seven times at CITES meetings, and we would fully expect that they would take an objection to a BFT listing because of the cultural importance to them. If possibly Turkey or Algeria supported an objection with Japan, then the trade between those objecting countries would be allowed.
- In the United States, it seems NMFS tries to develop policies to shut our fisherman down. I'm against listing any of the sharks or the BFT under any of the CITES appendices.
- It would be much better for the European Union to go manage their fish and try to list a species. I guess they have been sold a bill of goods to list something under CITES that is endangered.
- I have been extremely frustrated with the RFMO process and with ICCAT in particular, and I doubt that ICCAT will be able to protect BFT and sharks.
- I also support the Appendix I listing of BFT.

Shark CITES comments

- I've been involved in CITES shark work since 1994, when the first resolution on sharks was passed. I do believe strongly that CITES is an important tool for shark conservation, primarily due to the general biological vulnerability of the animals. So many of these species are threatened actually by international trade, for not just their fins, but in some cases their meat and other parts. The European Union has proposed some shark species to be listed on CITES, and I would certainly hope that the United States would consider co-sponsoring.

- A host of experts have determined that the spiny dogfish and the porbeagle shark meet the criteria for listing under CITES Appendix II.
- There is very strong evidence of population demand due to that trade for spiny dogfish, which tends to encourage targeting of pregnant females, which does real damage to population structures.
- The porbeagle recommendation from ICCAT does not include any concrete measures to make sure that fishing mortality is reduced. Last year at ICCAT, the parties passed a resolution to call for an Atlantic-wide porbeagle management meeting immediately following the next porbeagle stock assessment. However, there have been no plans to have this meeting to look at possible measures for porbeagle sharks.
- Hammerheads are clearly very important in the fin trade and need protection from CITES. The great hammerhead and the scalloped hammerhead are the only species of sharks that are considered globally endangered under the latest International Union for the Conservation of Nature oceanic red list assessment.
- I want to support a CITES Appendix I listing for the freshwater sawfish. At the last CITES meeting, the freshwater sawfish only got an Appendix II listing but should be considered for an Appendix I listing.
- The spiny dogfish just swarm your hooks during the winter time months off of Cape Hatteras. The spiny dogfish listing is again the opposite of what I know is going on out on the ocean.
- Fishermen are trying to figure out how to deal with the problem of spiny dogfish being all over the Western Atlantic.
- I have a real problem with listing the spiny dogfish under the CITES program. They are eating a lot of things and pretty much everything in their paths. We should take a hard stand in the United States and not give into the CITES push for spiny dogfish.
- I have to question the sanity behind any such proposal as including the spiny dogfish under a CITES Appendix.
- I am perplexed that a proposal would be suggested for a CITES listing on shortfin mako sharks, when the stock at this point in time has not reached an over-fished status.
- I do think that these CITES proposals are a good idea and I do support Appendix II listing for several shark species including hammerhead, oceanic whitetip, and porbeagle sharks, as well as man-o-rays and devil rays.

Public Comment on CITES Update – Bluefin Tuna/Shark

- It sounds like there is not a person in this room who believes that BFT is on the verge of extinction. I'm convinced that the AP will not find a credible scientist that will agree with that idea.
- I've heard two of the environmental groups today say that essentially ICCAT has been a failure. It is not okay though to agree, just because the United States is frustrated, that with the only international management tool would be to list BFT (with the implication that they are going extinct). The United States must get at the root problem which is in the eastern Atlantic and the Mediterranean.

- NMFS should not take out all the guys who sacrificed over the years and who have experienced significantly reduced BFT quotas. The reality is the United States has to go to ICCAT, and make it work and use all the tools needed to make it work.
- Since I am in the Harpoon category, I can only bring in two fish between 73 and 81 inches. This forced my 21 year-old son not to throw the harpoon at fish that were 79 and 80 inches.
- A CITES Appendix I listing will put an end to the recreational BFT fishery along with the commercial fishery.
- I can attest to the volumes of fish that were in Cape Cod Bay day after day. I was seeing schools of 65 and 70 inch BFT swimming under my boat.
- As a commercial fisherman I do not support CITES and I do not think as Americans we should support CITES. ICCAT should get the catch rates under control, get the size limits under control, and stop the illegal fishing that is going on in the Mediterranean.
- I think the United States should push a proposal for a systematic loss of quota for countries that do not follow ICCAT recommendations. The United States has a great domestic BFT fishery with fishermen that follow all the rules.
- I would strongly urge the United States to submit recommended experts, both on CITES and on the species in question for the FAO panel.
- It is true that in the European Union, under their current regulations of BFT in an Appendix I listing, any country could not engage in domestic trade. This is not true in the United States and I would really like to stress that fact.
- My group has commissioned an economic analysis of the impacts of a BFT Appendix I listing in the United States.
- A CITES listing does not take management away from Regional Fishery Management Organizations (RFMO). Actually, CITES can assist RFMOs with enforcement, compliance, and putting teeth into the decision of RFMOs.
- I am very concerned about the lack of progress that has been made by the CITES Animals Committee on the decisions adopted regarding species-specific reviews and recommendations for sharks. The Animals Committee was also instructed to examine the linkages between international trade in shark fins and meat and IUU fishing.
- I am concerned that the parties' response to shark issues in the notification went by the CITES Secretariat to the member countries requesting updates on shark population status and management efforts was incomplete.
- The United States should undertake a proactive and aggressive plan to gain support for a CITES Appendix II listing proposals for shark species. The United States should also support any proposal to amend resolution Conference 12.6 recognizing the language agreed by the U.N. General Assembly urging that all sharks should be landed with fins naturally attached.
- I wanted to also start out by wholeheartedly agreeing with the most of the comments on the individual shark species that were discussed for a CITES listing.
- There are 18 prohibited species in the United States in the Atlantic and it is clear that the United States is a leader in shark conservation. I encourage United States leaders to do this again supporting CITES listings for shark species in need.