

UNITED STATES OF AMERICA

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DEPARTMENT OF COMMERCE

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NATIONAL OCEANIC AND ATMOSPHERIC

ADMINISTRATION

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NATIONAL MARINE FISHERIES SERVICE

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HIGHLY MIGRATORY SPECIES ADVISORY PANEL

MEETING

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FRIDAY,

SEPTEMBER 11, 2009

+ + + + +

CROWNE PLAZA

SILVER SPRING, MARYLAND

+ + + + +

This transcript was produced from audio tapes  
provided by DOC/NOAA/NMFS.

PRESENT:

Rich Ruais, Bluewater Fishermen's Association,  
American Bluefin Tuna Association

Tim Palmer, Buoy Gear Swordfisherman

Richard Stone, National Marine Manufacturers  
Association

Ron Coddington, Swordfish Club

Clark Gray, North Carolina Division Marine  
Fisheries

Pat Augustine, Mid-Atlantic Fishery Management  
Council

Rick Weber, South Jersey Marina

John Graves, Virginia Institute of Marine  
Science

Rusty Hudson, Directed Shark Fisheries,  
Directed Sustainable Fisheries

Dewey Hemilright, Commercial

Rita Merritt, South Atlantic Fishery  
Management

Sean McKeon, North Carolina Fisheries  
Association

Rom Whitaker, Hatteras Charter Boats

Steven James  
Sonja Fordham

Elizabeth Griffin, Oceana

Robert Hueter, Mote Marine Lab

PRESENT: (CONT.)

Eric Hoffmayer, University of Southern  
Mississippi (proxy for Jim Franks)

Marcos Hanke, Caribbean Council

Tom DePersia, Stellwagen Bank Charter Boat  
Association

Mark Sampson, Ocean City Charter Boat Captains  
Association

Chris Vonderweidt, Atlantic States Marine  
Fisheries Commission

James Donofrio, Recreational Fishing Alliance

Jason Froeba, Louisiana State Wildlife  
Foundation

Lisa Gregg, Florida Fish and Wildlife  
Conservation Commission

Vince Pyle, Fishing Vessel Carol Ann

Shana Miller, Tag-A-Giant Foundation

Ralph Pratt

Chris Weiner

Margo Schulze-Haugen, NMFS

LeAnn Hogan, NMFS

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TABLE OF CONTENTS

Shark 2010 Specifications/  
Fishery Issues  
Discussion and Comments . . . . .5

MRIP Update . . . . .105

Break

CITES Update - Bluefin Tuna/Shark . . . . .135

Lunch

Public Comment. . . . .150

Summary/Next Steps. . . . .264

Adjourn

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

2 MS. SCHULZE-HAUGEN: And so what  
3 would be helpful is if you have information to  
4 share or questions that you would like to see  
5 answered. Those are things that we'll be  
6 continuing to look at over the next couple of  
7 weeks to months, and then we're looking again  
8 to what kind of action do we need for 2010.

9 So and then in just one second  
10 we'll move from that. We should have an  
11 update on the Marine Recreational Information  
12 Program, and then at 10:30, we're going to try  
13 and have a hard start at 10:30, because a lot  
14 of folks, we think, may be coming in for that  
15 on a CITES update.

16 Then with having been able to get  
17 the Enforcement presentation done earlier in  
18 the week, I think that's kind of the last big  
19 item on the agenda before the wrap-up. I  
20 believe we should have a lot of time, as much  
21 time as we need there.

22 So with that, I saw Sean had a

1 comment now. Okay. I see Pat.

2 MR. McKEON: Yes, Molly. I had a  
3 question. You know, based on the weather  
4 conditions along the coast, it just seems that  
5 if we can move any of this stuff up, other  
6 than I don't think you can move the public  
7 comment period at two o'clock. But is it  
8 possible to move up your summary from 2:15?

9 Your wrap-up will probably pretty  
10 well cover what we've accomplished in the last  
11 two and a half days. Any time that we can  
12 move the schedule up, we've got folks on the  
13 road. I'm speaking for myself.

14 I have 300 miles to drive, and we  
15 had a 16 mile back-up on one section of 95 as  
16 of now. I don't know what it's going to be  
17 like later, and the weather conditions are  
18 only deteriorating even more. So if it's  
19 possible. If not, I'll just leave when I have  
20 to.

21 MS. SCHULZE-HAUGEN: Okay. Well,  
22 if there's a 16 mile back-up, you might be

1 better served to stay here. But no, no. I  
2 mean point taken. I know the weather's bad  
3 and people need to get on the road. So I'm a  
4 fan of moving as quickly as we can.

5 MR. McKEON: Thank you.

6 MS. SCHULZE-HAUGEN: Rich?

7 MR. DELANEY: Excuse me for  
8 talking with my mouth full, but the flip side  
9 of that is we have a whole bunch of people  
10 that are trying to get here from Boston, and  
11 I just tuned into the weather. There's a two  
12 and a half hour delay in Philadelphia. BWI  
13 has a two-hour delay.

14 So we're going to miss -- they're  
15 just plain going to miss our ten o'clock  
16 discussion on CITES. I don't think they're  
17 going to make it here. But they will probably  
18 be able to get here in time for the public  
19 comment this afternoon.

20 So I'd hope that we would stay on  
21 schedule. If they're here, I can signal you  
22 if you're ready to go earlier. But you know,

1 we asked them at a considerable personal  
2 expense. They're not getting reimbursed by  
3 anybody. It would be nice if they did have  
4 the opportunity to just participate in that  
5 comment period.

6 MS. SCHULZE-HAUGEN: Well, we'll  
7 see what we can do. Okay. With that, why  
8 don't we jump in? Karyl's going to give us  
9 the presentation on shark '09 season and  
10 implications for 2010.

11 MS. BREWSTER-GEISZ: Good morning  
12 everyone. Hope you all have your coffee. I'm  
13 going to be talking about some of the current  
14 shark issues. The presentation I'm going to  
15 give is slightly changed from the presentation  
16 you have in front of you.

17 After Wednesday's discussion on  
18 Amendment 3, I wanted to go back and explain  
19 some of the issues people have with the chart  
20 and changes that we've made since scoping.  
21 Then I'm going to go into just a very brief  
22 update on where the regulations are, the

1 landings update that we send out, things that  
2 we saw happening in 2009 as a result of  
3 Amendment 2, what we expect for 2010, and  
4 going on into the future actions.

5           So this chart should look slightly  
6 different but very familiar to everybody.  
7 This is the chart we handed out at scoping  
8 last year, with the commercial average weight  
9 of 4.97, the recreational weight at 1.5. The  
10 numbers, going across the bottom, should all  
11 look the same. Those numbers come straight  
12 from the stock assessment. So we have not  
13 have changed that.

14           But at scoping, we had a lot of  
15 questions about the 4.97 and the 1.5, and as  
16 Rusty pointed out, the Science Center also had  
17 questions about where we came up with the  
18 4.97. They explained the 1.5 came from MRFSS.  
19 So where did HMS Management come up with the  
20 1.97?

21           If you look back at the SEDAR data  
22 workshop documents, Document 15, Table 4, you

1 can see that Column 2 has the average weights.  
2 Now this table goes on all the way through  
3 2005.

4 I didn't have space on the slide  
5 to put the entire table, but I just wanted to  
6 show you where that came from. It's just a  
7 straight average of those average weights in  
8 Column 2. That's where the 4.97 came from.

9 The 1.5, we received comments  
10 during scoping. We received comments during  
11 the pre-draft that that 1.5 is incorrect. It  
12 should be much higher than that. If you look  
13 again at that same document, Table 9, it shows  
14 you the MRFSS, Head Boat and Texas Parks and  
15 Wildlife surveys.

16 Once again, the 1.5 is just a  
17 straight average focusing on MRFSS. MRFSS is  
18 75 percent of what we have for the  
19 recreational fisheries, so that's what we used  
20 to come up with the 1.5. So you can see all  
21 those numbers. Once again, all this goes down  
22 to 2005. But all those numbers, average

1 weights, 2.13, 0.62, 2.62, 1.26.

2           They're all pretty low. When you  
3 average it out, it comes out to 1.5, and these  
4 are dressed weights. These aren't whole  
5 weights. It's a little bit larger when you  
6 convert it to whole weight.

7           So after scoping, after the pre-  
8 draft, we worked with the Science Center, and  
9 this is the slide we showed you the other day.  
10 This is what we have in the EIS. We went and  
11 we did average weights for all the different  
12 gear types, instead of using the straight  
13 average weight from that Column 4 for the  
14 commercial.

15           The recreational, we don't have  
16 any better data than MRFSS. It's not the best  
17 data apparently. Nobody here seems to agree  
18 with the 1.5, but that's the data we have.  
19 The important thing to note about the  
20 recreational weight is it's not used at all.

21           The stock assessment gets  
22 recreational numbers. They do all the

1 analyses in numbers. We manage the fishery in  
2 numbers. The only reason we used the average  
3 weight was just so we could go, and I wish I  
4 had a pointer, go across and figure out the  
5 percentage for each fishery by weight, because  
6 we do manage commercial fisheries in weight.

7           So as many problems as people have  
8 with the 1.5, except for just seeing those  
9 percentages, it doesn't really affect the  
10 outcome. The numbers and the stock assessment  
11 are what matter.

12           If you do assume the 1.5 is  
13 incorrect and it's much higher, then that  
14 three percent down at the bottom would  
15 increase, and that would decrease across the  
16 board the commercial percentages.

17           So what did we do to come up with  
18 those average weights? We used straight  
19 averages for each gear type, using bottom long  
20 line observer program data, the long lines and  
21 the bottom long line discards, gill netted  
22 server program data for the gill net, SEAMAP

1 surveys for the shrimp bycatch, and MRFSS for  
2 the recreational.

3 I just wanted to go through that,  
4 because I know there were a lot of questions  
5 on Wednesday regarding those average weights.  
6 We are looking at this.

7 This is still something in  
8 progress. Science Center has suggested we  
9 might want to use weighted averages based on  
10 sample size for each year, so we might go  
11 back.

12 These average weights might change  
13 in the final based on that. We might be able  
14 to add, going up through 2008 data for the  
15 final as well. So we are looking at this.  
16 We're not ignoring. We have made changes  
17 based on what we heard in scoping and pre-  
18 draft.

19 So now I'm going to go into the  
20 actual presentation you have in front of you.  
21 In Amendment 2, we've made a lot of changes.  
22 This is a very brief summary of some of those

1 changes. This does not talk about all of the  
2 commercial measures in place for the shark  
3 fishery.

4 Major change in Amendment 2 was  
5 the essential prohibition of sandbar sharks.  
6 You can only keep sandbar sharks if you happen  
7 to be in the shark research fishery, and you  
8 have an observer on board.

9 The other large coastal sharks,  
10 non-sandbar large coastal sharks, there's now  
11 a 33 fish per trip limit for directed permit  
12 holders, and three fish per trip for  
13 incidental permit holders.

14 Another very major change for the  
15 commercial fishery was requiring all fins be  
16 naturally attached, and then that the fishing  
17 year, instead of having different seasons,  
18 it's one fishing year, one season, opening  
19 some time in January when we get that final  
20 rule establishing the quotas out, going all  
21 the way through the end of the year.

22 The intent for Amendment 2 was to

1 have the large coastal fishery be a very small  
2 bycatch fishery year-round.

3           Recreational measures weren't as  
4 many changes as there were for the commercial  
5 fishery, but there were some. The fishing  
6 year for the recreational is also open year-  
7 round. Size and retention limit did not  
8 change in Amendment 2. It's still one per  
9 vessel per trip with a minimum size of four  
10 and a half feet fork length. There's the  
11 exception for bonnethead and sharp nose. It  
12 says no minimum size and it's one per person  
13 per vessel per trip.

14           The authorized species did change.  
15 We went to try to set up authorized species  
16 that were easily identifiable for recreational  
17 anglers. So we went with non-ridgeback large  
18 coastal sharks plus the tiger. The tiger has  
19 a ridge, but we figured most people can  
20 identify a tiger shark. Then there's a small  
21 coastals and the pelagic sharks. What this  
22 means is the recreational fishermen also

1 cannot take sandbars and they cannot take  
2 silky sharks.

3           We also created a recreational  
4 species identification placard that goes  
5 through the major characteristics for the  
6 species that the recreational anglers can  
7 take. So that's where we ended up in January  
8 when we open the fishery.

9           Everybody should be familiar with  
10 this. We send these out on our listservs, put  
11 them on the web page. This is the landings  
12 update for the commercial shark fishery. As  
13 you can see, we did not accomplish our goal of  
14 having the large coastal fishery be open year-  
15 round.

16           The Gulf of Mexico non-sandbar  
17 large coastal shark fishery closed just under  
18 80 percent. We had calculated that they would  
19 exceed 80 percent, and we closed them June  
20 6th. They haven't quite made 80 percent yet.

21           The Atlantic, we closed them on  
22 July 1 and calculated that they would have

1 just exceeded 80 percent. They exceeded the  
2 entire quota, went over a little bit. We also  
3 closed the research non-sandbar large coastal  
4 on July 1, and just about met where it is with  
5 the quota.

6           The sandbar research quota, keep  
7 in mind this is a fishery that has 100 percent  
8 observer coverage. However, because some  
9 states, not very many, but there are still  
10 some states that allow sandbar landings right  
11 now. We don't have complete control over the  
12 sandbars yet. They are still coming in  
13 through some state landings.

14           But the major point here is just  
15 that we did not keep the large coastal fishery  
16 open all year, as we were expecting to. The  
17 small coastal and the pelagic sharks, we  
18 haven't quite met the quota yet. I anticipate  
19 that they'll be open the rest of the year.

20           So what happened? Why weren't we  
21 able to keep the large coastal fishery open all  
22 year as we expected to do, as we had all the

1 analyses in Amendment 2 showed that we should  
2 be able to? We've been thinking about this a  
3 lot, getting ideas from different people.

4 Here are some of the ideas we've  
5 come up with, and we are starting to look at  
6 this. This is really hard to look at. The  
7 fishery under Amendment 2 has only been open  
8 since July 24th last year. So we only have  
9 really complete 2008 data for about six  
10 months, and then we have very extremely  
11 preliminary data for 2009.

12 So we're looking at this. We've  
13 noticed, have heard, have observed that  
14 fisherman are landing different species now  
15 than they were before. This is the only data  
16 we have ready to show, and as I said, it is  
17 very preliminary. This is for the Gulf of  
18 Mexico. These are dealer reports, and it's  
19 done by semi-annual season.

20 So January through June up here in  
21 the blacktip in the upper left-hand corner is  
22 red, and July through December is the green.

1 As you can see in 2008 and 2009, you only have  
2 two seasons, because we only opened in July in  
3 2008 and then we have only been open the first  
4 six months in 2009.

5 But looking at the dealer reports,  
6 blacktip landings appear to be a little bit  
7 down from 2006-2007, but essentially the same.  
8 If you look over at the blue shark, which is  
9 the upper right-hand corner, both shark  
10 landings, those have been increasing over  
11 time.

12 Look down at hammerhead, I'd say  
13 in 2008 they're about the same as where they  
14 were before, but in 2009, they really  
15 increased. Then lemon sharks, it's kind of  
16 fluctuated over time but it does look like  
17 2008-2009, and maybe 2007 it's been a little  
18 bit higher than in previous years.

19 This is also Gulf of Mexico.  
20 These are from log book reports from people  
21 who have shark-directed permits. As I said,  
22 all of this is very preliminary. We haven't

1 actually done any analyses. We're just  
2 plotting it right now to see what we have.

3           As you can see the black tips for  
4 2007, 2008, 2009, have decreased  
5 substantially. The bull sharks, not too much  
6 of a difference there, a little bit lower in  
7 2009 than they have been in the past. That  
8 may be because we don't have all the log book  
9 data entered yet.

10           Same with hammerheads down at the  
11 lower left, and lemon sharks, I'd say that's  
12 on par with previous years. So that's what we  
13 have, looking at the Gulf of Mexico. South  
14 Atlantic, this is also dealer reports. I'd  
15 say they all pretty much look on par with  
16 previous years.

17           But then if you look back at what  
18 we're getting from log books, from the shark-  
19 directed permit holders in the South Atlantic,  
20 black tip has increased; bull sharks has  
21 increased. Hammerheads, 2009 definitely is an  
22 increase, and lemon sharks 2009 is an

1 increase.

2           So we're getting a lot of mixed  
3 signals there, where the dealers reports say  
4 on par longlines; the log books say big  
5 increases in different species. So we're  
6 still not sure what's happening but we're  
7 looking at it. We've also had that fisherman  
8 are landing and weighing the sharks with both  
9 the fins and the belly flaps attached.

10           This is important when we monitor  
11 the fishery by weight from the dealer reports.  
12 Before Amendment 2, they used to land a  
13 dressed carcass and that's what they would  
14 weigh.

15           If they're weighing it with the  
16 belly flaps, particularly if they're weighing  
17 larger sharks such as the bull and the  
18 hammerheads, which are much larger than a  
19 black tip, that's going to mean fewer fish but  
20 a lot more weight being landed.

21           We have questions about high  
22 grading, whether or not fisherman are high

1 grading, which means they might catch some  
2 fish and then catch a larger fish decide that  
3 it has more fin value and discard the previous  
4 fish. So that is explicitly prohibited in the  
5 regulations, but it's something that we have  
6 been getting reports on phone calls that  
7 fisherman have been doing that.

8           The 33 fish per trip, it's not a  
9 day limit. It is a per trip limit.

10 Louisiana, when they implemented this last  
11 year, noticed that they were getting a lot of  
12 fisherman going out on multiple trips per day.  
13 So they very quickly put in a rule and stopped  
14 that, so it was a per trip per day limit.

15           We're looking to see if there's  
16 some way we can tease from the data we have,  
17 if fisherman are taking those multiple trips  
18 in and out of federal waters, because that  
19 would cause the quota to be taken faster as  
20 well.

21           So once we've finished looking  
22 through all the data, we're trying to think

1 well, if the multiple trips per day comes out,  
2 how do we make the quota last all year?  
3 Possibility is a trip day limit, similar to  
4 what you have in blue fin tuna.

5           Possible maybe we want to look at  
6 a flexible trip limit, where we start off the  
7 year with, I'm just going to use an example  
8 for a number out there, 20 fish per day.  
9 Depending upon how fast the quota's being  
10 taken, how much time is left in the season, we  
11 could increase or decrease that accordingly,  
12 to make sure that everybody throughout the  
13 fishery has a chance to catch something.

14           Target catch requirement, very  
15 similar to what we talked about yesterday, the  
16 blue fin tuna incidental trip limits, where  
17 you need to land a certain amount of other  
18 fish in order to land your 33 fish of non-  
19 sandbar large coastal sharks.

20           At ASMFC and other venues, we've  
21 heard we might want to actually delay the  
22 season opening date. This would have several

1 benefits right now.

2 Fisherman in North Carolina have  
3 that mid-Atlantic shark closed area from  
4 January through July 31. If we delay the  
5 season opening until July 1, July 15th, July  
6 31, they would have that opportunity to fish  
7 as well, on the same full quota as everybody  
8 else.

9 There's also the ASMFC has a  
10 closed area that runs through July 15th, so  
11 delaying the season opening date until July  
12 15th might have benefits. Their closed area  
13 is to benefit nursery areas for sharks. So  
14 it might be that we could mirror that  
15 regulation.

16 So we are looking for comments  
17 from all of you, both on reasons that the  
18 quota might have been taken so quickly, and  
19 then if that reason is the reason why, what  
20 can we do to solve that problem.

21 Our intent is to have the fishery  
22 open as long as possible, as a bycatch

1 fishery, to reduce and minimize any dead  
2 discards.

3 I'm now going to move into what  
4 kind of quotas we are expecting for 2010, to  
5 give you an idea. Right now, the regulations,  
6 any overharvests are taken off. Any  
7 underharvests for a healthy stock or a complex  
8 with all healthy stocks, we would add the  
9 underharvest up, up to the 50 percent cap.

10 Right now, we don't have any  
11 complexes or individual species that are  
12 healthy. So we don't include any  
13 underharvest. If under Amendment 3 we go  
14 forward with any of those black nose separate  
15 quotas, that would mean the small coastal  
16 complex that remains would be healthy and  
17 could have the underharvest.

18 But at the moment, we don't have  
19 any of those stocks. Then just a reminder, we  
20 do close the fishery when we project that it  
21 meets 80 percent. That's to try to stop  
22 overharvest. So we solve for the Gulf of

1 Mexico.

2           They haven't quite reached 80  
3 percent even though we thought they would, and  
4 for the Atlantic, they exceeded the quota even  
5 though we closed before they reached 80  
6 percent. So based on the landings update that  
7 we have, this is where we would expect the  
8 quotas to be.

9           So pretty much base quotas along  
10 the line, except in the Atlantic, where  
11 because of that overharvest it would be  
12 reduced slightly. Same thing for the small  
13 coastal sharks, blue sharks and the pelagics.

14           For porbeagle sharks, when we went  
15 forward with the final rule last year, that  
16 happened at mid-December, we had an additional  
17 .2 metric tons of porbeagle landed after the  
18 closure. So we would need to account for that  
19 .2 metric tons that happened in December of  
20 last year for porbeagle. So that is reduced  
21 slightly.

22           These are just what's expected as

1 we get more landings update. These numbers  
2 can change. I just wanted to let people know  
3 where they look right now.

4 We're also gearing up to get ready  
5 for applications for the 2010 research  
6 fishery. We expect to publish this some time  
7 in October or November, with 30 days for  
8 people to get in their applications. We'll  
9 issue about ten permits and there are  
10 requirements for vessels that they need to  
11 meet, in order to qualify for this research  
12 fishery.

13 They need to complete the  
14 application before the deadline. They need to  
15 have a valid safety decal. They need to have  
16 a landings history of sharks, no HMS-related  
17 NOVA or permit sanction, and they must have  
18 complied with the observer program within the  
19 last two years.

20 In 2009, we did have different  
21 trip limits than we did in 2008. So 45  
22 sandbar sharks per trip, 33 non-sandbars and

1 then they take as many small coastals and  
2 pelagics as they wanted, just like they could  
3 any other time.

4           They took -- we had six vessels  
5 that took 82 observed trips, caught almost  
6 7,000 sharks, mostly sandbar, and they also  
7 caught seven protected species. We are  
8 hoping, they've been collecting a lot of data  
9 on sandbar sharks, so we're hoping that that  
10 data can be used in the stock assessment next  
11 year.

12           So future actions, things to look  
13 out for. The 2010 shark season rule, that  
14 will establish the quotas. It will also  
15 establish the season opening date. If you  
16 want to get in comments now about whether or  
17 not we should delay the opening, that would be  
18 great.

19           There's the research fishery  
20 application coming up. I'm calling it right  
21 now the shark trip limit rule. I don't know  
22 what else to call it at the moment. This is

1 the rule for how we can extend the large  
2 coastal fisheries throughout the year.

3 Implementation of Amendment 3  
4 we've talked about, and then we've also  
5 mentioned already that there's going to be  
6 three stock assessments next year. We don't  
7 have the dates for those.

8 So that's all I have, and if you  
9 have comments or questions, I welcome them.  
10 Thank you.

11 MR. ANNINOS: Yes, yes. Okay.  
12 I've got Rusty, Dewey, Sonja and Mark, oh  
13 sorry Bob, Bob Hueter. Okay, got it. Thank  
14 you. Bob, we'll get you all. Okay, thanks.  
15 Rusty, you're up.

16 MR. HUDSON: Rusty Hudson,  
17 Directed Shark. Thank you for the  
18 presentation, Karyl. I have several things  
19 that I'm concerned about. I notice that you  
20 only apply the 80 percent rule to everybody  
21 but the research fleet, and particularly when  
22 you have sandbars being landed in state waters

1 with 91 percent already caught.

2           It strikes me that you may exceed  
3 that take before the year's over, particularly  
4 as this southerly migration starts occurring  
5 down the East Coast.

6           I basically told you you wouldn't  
7 be able to get the year out of 33 sharks.  
8 Part of the reason was because y'all lacked  
9 conservation in mind when it came to the  
10 pupping season closure. I will again  
11 emphasize April, May and June.

12           Furthermore, with that closed area  
13 off North Carolina, the easiest, simplest way  
14 would be to have two openings for the non-  
15 sandbar, one at the beginning of the year,  
16 hopefully January 1st, if you get your Federal  
17 Register notice done by December 2nd, and the  
18 other July 31st or August 1st.

19           Because that way, you're not  
20 precluding the guys in North Carolina for 15  
21 or 31 days, making them paddle up to Virginia  
22 or down to South Carolina. So that's what I

1 would suggest.

2           Furthermore, the directed sharks  
3 still exist. These people go out and direct  
4 on 33 sharks, non-sandbar, large coastals per  
5 day. We don't have the multiplicity problems  
6 of trips as Louisiana did, because they have  
7 all those black tips stacked up right there  
8 outside the Mississippi River in July.

9           But we feel that the 33 would  
10 last, and they should not be contingent upon  
11 other species. Because of the fact that you  
12 can catch 33 animals that are roughly weighing  
13 50, 690 pounds dressed, you're talking about  
14 a couple thousand dollar gross per day, which  
15 is not a bad payday.

16           But if you're going to make them  
17 go out and chase a grouper and a snapper  
18 that's getting ready to get precluded, or a  
19 dolphin fish or something like that, it's  
20 insane. So -- or even small coastals, because  
21 a lot of times those small coastals may not be  
22 integrated with those large coastals for self-

1 preservation purposes.

2           So again, you change the season by  
3 dividing it in half. That way, once the  
4 waters start warming up in the north, and once  
5 some of those other situations make themselves  
6 known, you know, with the fishing there from  
7 the mid-Atlantic bight area, that second half  
8 of the year at least can give them a payday.  
9 That first half of the year is not going to  
10 really do it, because of the fact that the  
11 water's too cold for large coastals.

12           And I am really glad that you  
13 segregated the Gulf of Mexico from the South  
14 Atlantic, as I advised, because of the fact  
15 that Louisiana was going to bang everything  
16 and they'd already had excessive amounts of  
17 landings.

18           It would strike me that you're  
19 going to have even more deductions coming on  
20 that 33 sharks, particularly on the Atlantic  
21 coast, because of the situation with those  
22 state waters still landing and stuff, and the

1 Atlantic States Marine Fisheries Commission's  
2 FMP doesn't kick in until the beginning of the  
3 year anyway.

4           So those are some suggestions that  
5 I would make. You need this data, and I know  
6 the sandbar date has been pretty good as far  
7 as catch per unit of effort with some of these  
8 people. Right now, we can walk on the dang  
9 things off of Florida. We've only got about  
10 60 years of observation in that area, but  
11 who's counting?

12           They're eating the red snappers  
13 off the hooks just like they did in the 60's  
14 and 70's. So that doesn't strike me as a  
15 stock of animals that's wiped out.

16           Furthermore, they over-winter down  
17 in Mexico, and again, I'm going to say it for  
18 about the 16th year in a row, you need to get  
19 a cooperation going with these neighboring  
20 countries over these straddling stocks,  
21 because it's ridiculous.

22           When your dusky sharks for

1 instance, which is prohibited here, one out of  
2 six of your tag recoveries come from Mexico.  
3 Sandbar sharks have been known to over-winter  
4 down in the Campeche, and then as they come up  
5 in February, they make the split and go up the  
6 Eastern Gulf or up the East Coast.

7           So they're not a situation that  
8 you're not aware of, and then as soon as  
9 September-October comes around, they head back  
10 south to go over-winter.

11           So as far as the 2010 shark season  
12 rule, I'm hoping that you'll use a little bit  
13 of good thought, or I guess it would be logic  
14 and common sense would be the best way,  
15 because unless you really want to destroy the  
16 directed shark fishery and just totally put  
17 them boys out, you've already been well on the  
18 way, but you should at least allow them a  
19 right to exist under these circumstances.

20           The implementation of Amendment 3,  
21 April 2000. You should make that 2011. By  
22 then you'll have the results of the science

1 next year, after the benchmark's completed.

2 That's logic and common sense. Unless, of

3 course, you want to hurt the people again.

4 This is just not talking about

5 just our fisheries, but then there's a lot of

6 characterizations of the data that's

7 incorrect. Karyl, if indeed they're landing

8 the belly flaps, fins attached and weighing

9 the whole animal like that, you're 1.39

10 actually starts to come into reality, as

11 opposed to the fact that you've been morphing

12 it all this time because it was always the

13 2.0.

14 So I know some of the dealers on

15 the East Coast cut those belly flaps off,

16 remove the fins and then they already have the

17 fins and they're back to the normal market,

18 bullet shape that's been in existence since

19 the early 80's. It's still occurring in some

20 of the fish houses, but not all of them. How

21 are you going to document that? How are you

22 going to track it down through all these

1 dealers and stuff?

2           Once you've got black nose -- I  
3 mean you've got black tip, you've got bull  
4 sharks and you've got lemon sharks.  
5 Traditionally, it was always a sandbar black  
6 tip fishery.

7           Black tip if you know,  
8 particularly on the East Coast, if you have a  
9 westerly flow, they're going to be inside  
10 three miles, just the way it is. That's the  
11 nature of the beast. Once you get an easterly  
12 flow, it will be outside three miles. So you  
13 can actually something.

14           The bull sharks, they've been  
15 stacked up there like cordwood for decades.  
16 The only reality is is that everybody wanted  
17 sandbar from black tips, not bull sharks and  
18 lemons. That was just a very incidental to  
19 our target species. But we've been able to  
20 show that when we target bull, they're right  
21 there with the lemons.

22           And again, I've already seen like

1 sunny grouper stuff going around and they're  
2 worried about his baby and stuff like that.  
3 Well, the only problem is is that you have not  
4 done an assessment on lemon, except in a  
5 complex. That animal likes to eat its young.

6           So I think that you need to start  
7 looking at ways to get some more science done  
8 next year on some of these species besides the  
9 same things. The dusky, I'm proud that you're  
10 finally going to go public with an assessment,  
11 as opposed to an in-house thing with unknown  
12 reviewers.

13           But the sandbar, of course, we  
14 need to make sure that that music gets that  
15 date at the table next year. I'm taking him  
16 at his word that it's going to be available.

17           Ultimately, maybe by 2012 or 2013  
18 we might get some sandbars back for some of  
19 these people. But time will tell, because as  
20 long as you wound up pumping up the age of  
21 maturity from 13 to 15 to 19 to 26 and all  
22 this other stuff, and now I see this three

1 triennial pregnancy thing on George Burgess'  
2 website as opposed to biennial that was  
3 occurring with these females, it's starting to  
4 make me scratch my head, because I know you  
5 already did that with the dusky, and you seem  
6 to be going that way with the sandbar.

7           So there's a few things that you  
8 all could do with us in mind, or you can leave  
9 no witnesses. That's the reality of my  
10 comment I gave you back in 2007, and that's  
11 exactly what we see unfolding. We can tell  
12 you what we know, but it's almost like you  
13 just don't want to hear it anymore.

14           So I wish it was different, but  
15 it's what we feel from what you all have  
16 mismanaged us all this time. Data collection  
17 is extremely important, species-specific  
18 stuff, science. You've got 39 species you've  
19 been managing since 1993. Come on, let's get  
20 some individual species-specific stuff done,  
21 particularly on the prominent ones.

22           If indeed what Florida said about

1 Caribbean sharp nose doesn't exist in the  
2 United States, and I haven't seen any proof of  
3 them existing here, short of them maybe being  
4 a subset of the Atlantic sharp nose, they  
5 should be taken off the prohibited species  
6 list altogether.

7           Because of the fact it's the most  
8 common shark down in the Caribbean, we do  
9 have, with Amendment 4, some situations that  
10 may crop up down that way. And back to that  
11 situation, I would like to make sure that  
12 their stock assessments, their quotas on their  
13 sharks is somehow segregated from ours and not  
14 penalizing us some more, as you all develop a  
15 fishery that you can monitor down that way.

16           Ultimately, I feel that if you  
17 want to work with the guys, you'll find a way  
18 to work with them. That will start science  
19 level next year. Make sure that you have some  
20 of these people at these data workshops and  
21 assessment workshops.

22           Make sure that these scientists

1 don't go and keep on grabbing the worse case  
2 scenario every time to keep this crisis going,  
3 because you have some other modeling that  
4 shows a lot prettier picture, and I think  
5 that's important, that when you get down to  
6 trying to develop credibility on straddling  
7 stock management with Mexico and others, that  
8 you have that credibility going in with the  
9 science.

10           That's why I wish ICCAT would just  
11 take it all over, because I hate the A to Z  
12 in-house stuff that NMFS does. You collect  
13 the data, you model their data, you make the  
14 management rules, and in the process it's  
15 almost like we're lost in the wash.

16           So that's pretty much the short of  
17 my feelings at this moment. I'll have a more  
18 extensive comment submitted to you by the end  
19 of the comment period.

20           MR. ANNINOS: Rusty, thank you.  
21 Dewey, Sonja and Mark Sampson.

22           MR. HEMILRIGHT: Dewey Hemilright,

1 North Carolina. I've got probably about four  
2 or five questions here.

3           One of them, I was wondering what  
4 happened, the reason why the Federal Register  
5 didn't get filed late in 2009 or 2008 for  
6 2009, about the season not opening January 1  
7 like it always has, and people went out  
8 fishing and they found out that the season  
9 wasn't open, because I guess the Register  
10 hadn't been filed, and I mean how hard is it  
11 to file a Federal Register, give somebody 30  
12 days' notice that the season's opening. That  
13 would be one question.

14           The next question is there was no  
15 shark fishery this year in North Carolina  
16 because of you alls creative way of starting  
17 the season January 1. The fish were caught  
18 up. You know, could it be just that the fact  
19 of the matter is there's more sharks out  
20 there. That wouldn't be possible would it?

21           On your scenarios here of what  
22 happened, you know, maybe you could put number

1 five with a question mark. There's more  
2 sharks. I don't think, you know, you all  
3 don't want to never talk about that, you know.

4 Look at the horn dogs. You all  
5 said National Marine Fishery Service said it  
6 was going to take 20 years to rebuild. They  
7 miraculously rebuilt in like a couple of years  
8 or something.

9 As far as your weights there on  
10 cleaning of sharks, if you clean this shark  
11 like a bull shark or a hammerhead, like a mako  
12 shark and you leave his fins on, you're going  
13 to get 20 percent more weight right there.

14 So I was talking with a few  
15 fisherman in Florida where they had a season,  
16 not from North Carolina but down that way,  
17 where they had a season -- we didn't. That  
18 the weight, you know, you take that carcass,  
19 how you manage on a carcass weight and you'd  
20 have -- you know, the ratio is supposed to be  
21 about 50 percent, the correct one, even though  
22 you all have got a different methodology of

1 you figuring, that if you clean the shark you  
2 get 50 percent left to sell.

3 Well, doing it this way like a  
4 mako, you've got 80 percent more to sell. So  
5 therefore, you've already -- the quota, you  
6 stop it at 80 percent when it's caught. In  
7 reality you're catching 60 percent of the  
8 shark because if you're cleaning it like a  
9 mako, you get 20 more percent.

10 I'm sure you all, you know, maybe  
11 in you alls thought process that's too much  
12 for you all to comprehend on how the stuff's  
13 going to happen when you all are figuring this  
14 stuff up. The second thing is, how about this  
15 research fishery and where does it take place  
16 at?

17 Just because you give a little  
18 bullet point here of how many sandbars and  
19 where, and you're hoping that this vital  
20 information, you know. How about the trips?  
21 Does this take place only in Florida?

22 Tell me about North Carolina,

1 North Virginia, up that way? Who's doing the  
2 research up that way in the research fishery,  
3 I call it the guinea pig fishery? So I guess  
4 that's about four questions.

5 The next one is who are the states  
6 that are reporting sand bar sharks, that you  
7 say it's confidentiality or something like  
8 that? You can at least tell us the states.

9 And I got one last thing, because  
10 I kind of get mixed up, because it just hacks  
11 me off because I think you all are a bunch of  
12 darn idiots on managing sharks, but I can't  
13 help that. Because what you all have done to  
14 people in the fisheries is just taking it away  
15 from us.

16 You've manufactured a science, and  
17 now you're wondering what to do with, you  
18 know, make it incidental and everybody's  
19 running from the damn sharks out there. In  
20 North Carolina, we go out and just say we've  
21 got this closed area that's happening, from  
22 January to July.

1           You go out there mahi-mahi  
2 fishing, pelagic longline. You're catching  
3 spinner sharks in this closed area. I guess  
4 there's some rule that says five percent of  
5 your catch has got to be this much or I don't  
6 understand what it is. Can I go out there  
7 pelagic longline in this closed area, mahi-  
8 mahi fishing, and keep 33 spinners?

9           What's got to be the weight  
10 factor, because I don't think that -- you  
11 know, say you have 6,000 pounds of sandbars,  
12 I mean 6,000 pounds of mahi? Can I keep 33  
13 spinners when I've got a 60 pound carcass?  
14 Well, you do the math. I don't have a  
15 calculator. Maybe a couple of thousand  
16 pounds.

17           Is that possible, and if not why?  
18 Because we're having -- if you're mahi  
19 fishing, you know, most of your spinners will  
20 be alive. You're having to chuck them over.  
21 We'd like to save something in this closed  
22 area.

1                   But there are just getting to be a  
2 lot more sandbars, and I don't think your  
3 research fishery with these numbers here, you  
4 know, you've got to tell us a little more, you  
5 know. Like you used to give out reports, the  
6 observer data and stuff would give out thick  
7 reports that you can read, acknowledge,  
8 instead of this little stuff here.

9                   You know, I'm hearing trips on  
10 these sandbars that a participant would be  
11 setting 400 hooks and he'd have 350 sandbars.  
12 But if he's only allowed to keep 45, what does  
13 he do with the other 350 and are they dead or  
14 alive?

15                   You know, give us some more  
16 information here instead of just little bit of  
17 chum bits, you know. We take our time to come  
18 here to listen to this stuff. Half of it, we  
19 don't even believe, I don't believe. But I'm  
20 still participating, giving you comments. So  
21 I think I'll stop there.

22                   Oh, you think this year North

1 Carolina will have a season? Are you working  
2 on that or what's up with that? Thank you.  
3 So about six questions.

4 MR. ANNINOS: Thank you, Jimmy.  
5 Sonja, Mark Sampson.

6 MR. HEMILRIGHT: Hold, hold, hold.  
7 Ain't you going to answer the questions?

8 MR. ANNINOS: Okay. Are you going  
9 to go down the line?

10 PARTICIPANT: Well, we can talk  
11 about some of them. Your last question, about  
12 2010 to North Carolina --

13 MR. HEMILRIGHT: No, no, no. I  
14 mean let's talk about this stuff, to get it  
15 out -- It might help somebody else come up  
16 with a question, you know.

17 PARTICIPANT: Did you hear me say  
18 I'm answering your last question first? I do  
19 need respect for the agency and every other  
20 member in this room.

21 MR. HEMILRIGHT: The agency ain't  
22 gave the shark fisherman much respect.

1                   PARTICIPANT: We need respect in  
2 the room. This entire presentation was geared  
3 toward what we're going to do, we need to do  
4 in 2010. We're well aware of the situation in  
5 North Carolina, and the North Atlantic.

6                   It's not just North Carolina, that  
7 those fisherman did not get a chance at the  
8 fishery, and that's part of what we're asking  
9 for comments on. So yes, we are looking to do  
10 that in 2010.

11                   Some of the other questions,  
12 looking at the research fishery where it's  
13 occurring, we can, I think, provide some of  
14 that information. I don't believe it's just  
15 Florida. I don't know if we had any  
16 applicants from North Carolina. We would  
17 welcome that.

18                   What states are landing sandbars?  
19 I think we can provide that. We can look into  
20 that. I think we have that information. It's  
21 not in the presentation. All of the observer  
22 reports can be made available. If you want

1 copies sent to you, we're happy to do that.

2           The delay in the 2009 fishery was  
3 because we changed the rules in Amendment 2,  
4 so that there was a 30-day delay from when we  
5 took action.

6           That's an APA requirement, so that  
7 fishery did not automatically open January  
8 1st. That had caused problems in the past  
9 with overharvest, and then having to reduce  
10 the quotas accordingly.

11           So that was a change and it was  
12 the first year it happened. Rules don't  
13 always publish exactly when we want. We try  
14 real hard, but as you know, we're not the only  
15 ones that are involved in that. There's  
16 multiple layers of review. I wish we could do  
17 things quicker sometimes, but sometimes we  
18 can't, and that's what happened.

19           On the pelagic longline, bottom  
20 longline indicator species, this was something  
21 that was implemented, I believe, in the  
22 consolidated FMP in 2006, and was designed so

1 that for HMS fisherman with HMS permits and  
2 HMS species on board, for in the bottom  
3 longline closed area you could go pelagic  
4 longlining.

5           It was an enforcement tool, to be  
6 able to distinguish what kinds of fishing was  
7 happening in those areas. It was to  
8 accommodate and try and allow for fishing.  
9 The alternative was all longlines would be  
10 eliminated in all the closed areas all the  
11 time.

12           This was an attempt on our part to  
13 say it's a bottom longline closed area, so you  
14 can go pelagic longlining, and it was trying  
15 to identify species that would be commonly  
16 caught on a gear that could be fished.

17           We had lots of conversations about  
18 it. There's been a recent discussion about  
19 other species, Council-managed species and the  
20 interplay between HMS permit holders and  
21 others.

22           I can tell you our intent, the

1 specific case. I'd be happy to talk through  
2 what the linkages and issues are with the  
3 Council-managed species. We can talk about it  
4 next week with the South Atlantic Council, and  
5 go from there.

6           If we need to make changes or  
7 maybe we could talk to the Council about some  
8 connections there, I'm happy to do that. But  
9 the intent was to let people fish the gear  
10 that was open, even though it's very adaptable  
11 and was closed for a different way of fishing  
12 it. So I think that covers what I wrote down  
13 for your questions.

14           MR. ANNINOS: All right, Dewey?  
15 Okay.

16           MR. HEMILRIGHT: Thank you.

17           MR. ANNINOS: Sonja, Mark Sampson  
18 and Bob Hueter.

19           MS. FORDHAM: Sonja Fordham,  
20 conservationist-at-large. Thank you for your  
21 presentation. I have one question and one  
22 comment.

1                   In the second to last slide, you  
2 said that in the research fishery, you have  
3 seven protected species. You mean seven  
4 individual animals that are of species that  
5 are protected, or do you mean animals from  
6 seven types of species?

7                   MS. BREWSTER-GEISZ: It is seven  
8 individual species, seven individual animals.  
9 Two sea turtles and five small-toothed  
10 sawfish.

11                   MS. FORDHAM: Five sawfish. Okay,  
12 thank you. I just wanted to make a comment.  
13 I think you know when I do my comments, I  
14 generally add in something about the future  
15 actions and what I see as the priorities for  
16 the shark management.

17                   So I just want to take the  
18 opportunity to voice a serious concern about  
19 the spikes and the landings of other species,  
20 particularly the hammerheads.

21                   We've been asking for a long time  
22 for hammerheads to be added to the prohibited

1 species list. We think that there's ample  
2 evidence to take that action, including the  
3 paper that we discussed the other day that's  
4 in the works, with Enrique and others.

5           If you add that to some other  
6 papers about the hammerheads, they're complex.  
7 I think it's like 72 to near 90 percent  
8 declines over the last two to three decades,  
9 and I think Enrique's paper was also  
10 concluding that over-fishing may likely still  
11 be occurring.

12           So we have a particular concern  
13 about those, and the recent the IUCN Oceanic  
14 red list report in that, like the great  
15 hammerhead and the scalp hammerhead were the  
16 only sharks that were deemed globally  
17 endangered. So they've really been  
18 highlighted, as you know, as particularly  
19 vulnerable species.

20           I think later on this morning,  
21 we'll actually be talking about the U.S. and  
22 its current position. It's undecided on

1 whether to propose hammerheads for listing  
2 under CITES Appendix 2.

3 So I just wanted, based on the  
4 presentation, to say that that was  
5 particularly concerning. Thanks.

6 MS. SCHULZE-HAUGEN: Thanks,  
7 Sonja.

8 MR. ANNINOS: Thank you, Sonja.  
9 Mark?

10 MR. SAMPSON: Yes, Mark Sampson,  
11 Ocean City, Maryland. The recreational  
12 species identification placard, very good.  
13 We're happy to see it last year when it came  
14 out. Nice piece of identification. Thanks to  
15 the recreational gods. We're happy to give it  
16 out last year in mid-June to all of our  
17 tournament participants.

18 The only thing that we -- the  
19 caveat that we told the guys when we gave this  
20 out was that, you know, these are the  
21 recreational sharks that you're allowed to  
22 keep, as far as fisheries is concerned, and

1 then we told them about the tigers and some of  
2 the other sharks that would not be legal for  
3 our tournament but whatever.

4 Sent the guys out fishing that  
5 day, and that, as the day wore on, this would  
6 be the first day of the tournament, we started  
7 getting rumors that NMFS had closed the large  
8 coastal sharks to recreational retention.

9 That kind of threw me for a loop.  
10 So I called your office and spoke to somebody,  
11 and just said "Hey, we're in the middle of a  
12 tournament here. I just got this information  
13 the large coastals have been closed. What's  
14 up, because I've got to know. I've got to  
15 know what to tell our people."

16 Oh no, no. I was told they're  
17 open. We haven't done anything. No problem.  
18 You've got a tournament, they can be brought  
19 in. It's not a problem for us that time of  
20 year, because we really just -- our  
21 participants are just bringing the pelagics,  
22 primarily the makos and blues and threshers.

1     Anyway, just on the case somebody might catch  
2     a hammerhead or spinner or something.

3                 So the next day on the radio, I  
4     announced to all the guys as they were heading  
5     out that no problem, you can bring in a  
6     hammerhead or a spinner something if you catch  
7     one, but whatever.

8                 Then I started to dig a little bit  
9     deeper and I checked the state regulations and  
10    just found and realized shame on me for not  
11    knowing this before, but ASMFC had closed the  
12    nursery grounds, Delaware, Maryland, Virginia,  
13    I think New Jersey also, to large coastal  
14    sharks.

15                So yes, they could have been  
16    retained in federal waters, but I guess unless  
17    the guys want to eat them out there or  
18    something, they can't bring them into state  
19    waters. They could be grounded.

20                So needless to say, as the  
21    tournament director, I was scrambling, then,  
22    to get the word out to all of our people that

1 don't catch and retain any of the hammerheads  
2 or spinners or whatever. It didn't end up  
3 being an issue because nobody, you know, the  
4 fish just weren't there at that time.

5           But some maybe better  
6 communication is wanted, to keep everybody  
7 abreast of the proper regs. It could have  
8 been a real mess, and I don't know if anywhere  
9 in any other states, anglers didn't get the  
10 word. It was really kind of a mess even in  
11 Maryland.

12           Our own state representatives were  
13 kind of apologizing to us, because they were  
14 under the assumption that that just applied to  
15 the commercial fishery, not to the  
16 recreational fishery. So just heads-up on  
17 that, and the identification placard. I don't  
18 know if you need it. Maybe it's on there. I  
19 don't have one in front of me now of course.

20           Maybe there's a caveat on there  
21 that says check with your state regs to make  
22 sure that they comply or something. That

1 closure was from May 15th until July 15th, and  
2 our tournament just happened right smack dab  
3 in the middle of it all. That, and I guess  
4 this is just one more opportunity to bring up  
5 the topic of the common thresher. I see that  
6 the 2010 stock assessment, of course it does  
7 not include them.

8           While they just always seem to be  
9 not discussed much in HMS here, it is an  
10 important species, a magnificent animal, and  
11 I don't want to drop the opportunity again to  
12 remind you that what we're seeing in the mid-  
13 Atlantic in the early part of late May and  
14 June, there's an awful lot of gravid females  
15 being taken.

16           I know within the recreational  
17 sector, I'm assuming the commercial guys too.  
18 I don't know much about their catch. Anyway,  
19 those animals are being taken, and I would  
20 just to see some kind of attention paid to  
21 them, because I hope years down the road, I'm  
22 not saying I told you so. I'm just alarmed at

1 these fish being -- the gravid females being  
2 taken. Thank you.

3 MS. SCHULZE-HAUGEN: Thanks Mark.  
4 Thank you for the kind of reminder on the  
5 threshers. I think we'll kind of add that to  
6 our to-do list, to follow up on with some of  
7 the scientists to do research in that area.

8 The Atlantic States Interstate  
9 Shark Plan is going to be coming on line in  
10 January 2010. So whether Maryland moved ahead  
11 of that I don't know. The interplay, I think,  
12 with federal regs and state regs is something  
13 that came up earlier, and it's unfortunate  
14 that Chris Underwhite's not here to talk about  
15 that.

16 I guess I expect states to let  
17 their people know of state regs. We can tie  
18 with that, but that will be kind of hard for  
19 us to keep up on, I think, 19 or 21 different  
20 states. We can talk about it, but it might be  
21 something that we need to talk to your state  
22 folks too.

1 MS. BREWSTER-GEISZ: I just have  
2 one comment on that. If I'm not mistaken,  
3 because you were saying that in this situation  
4 the federal waters were open, the state waters  
5 were closed.

6 If I'm not mistaken, the federal  
7 regs, as long as you're harvesting according  
8 to federal regulations, as long as you don't  
9 stop anywhere in state waters and you land  
10 them, I mean I don't think a state can  
11 prohibit somebody from landing something that  
12 was legally harvested in federal waters.

13 MS. SCHULZE-HAUGEN: No, actually  
14 there are a couple of instances of that. I  
15 think the state of Georgia has a landings  
16 prohibition on billfish. So I think there is  
17 some potential there. There was some very  
18 specific discussion at the shark board about  
19 allowing legal federal fish to transit for  
20 some things.

21 I would have to go back and check  
22 the plan on what issue that was mentioned on,

1 but it's something we should keep talking  
2 about.

3 MS. BREWSTER-GEISZ: Okay. I just  
4 remember years ago, probably 10 or 15 years  
5 ago, that Florida had to take landing-specific  
6 language out of our rules, because it would  
7 prevent people from landing things that were  
8 legally harvested in federal waters.

9 So I can go back and pull some of  
10 that, the recommendations that we got from  
11 Southeast Regional General Council and given  
12 to us, and that we did actually have to modify  
13 our regulations to eliminate the landings  
14 language.

15 MR. ANNINOS: Okay. We have at  
16 least a half dozen people on this list, and we  
17 only have 15 minutes left on this agenda item.  
18 We have to move quickly. I've got Bob, Eric,  
19 Sean, Lisa, Clark and Glenn. Bob, you're up.

20 DR. HUETER: Yes. Bob Hueter,  
21 Mote Marine Lab. Good morning, guys. First,  
22 I want to go on record stating that I do not

1 believe that you guys are a bunch of damn  
2 idiots, that I have a lot of respect for what  
3 NMFS has accomplished over the first 16 years  
4 since the first shark FMP was put in, and that  
5 I am very proud to have played a part in that  
6 process. So I just wanted to make that  
7 statement.

8           First, the black nose data, thank  
9 you Karyl for the further explanation. I  
10 don't want to belabor this, and you are right.  
11 The 1.5 pounds or the four point whatever the  
12 other, 4.9 pounds, is not used in the stock  
13 assessment.

14           But it is an extremely strong  
15 assessment that these are not black nose  
16 sharks that are being counted. Those numbers  
17 are used in the stock assessment. Let me make  
18 a very silly extreme analogy.

19           It would be as if you had for  
20 those same fish, so-called fish, lung weights,  
21 weights of lungs that were being accounted for  
22 as those animals were being documented, and

1 you were to say to us, well, don't worry about  
2 this because lungs are not used in doing a  
3 stock assessment.

4           But there's a strong indication  
5 there that those are not sharks that people  
6 are even counting. So we've got a number, a  
7 couple of numbers in that database that make  
8 the whole database very suspect, and I think  
9 it's very unwise decision to proceed perhaps  
10 with rulemaking based on that data. So I'll  
11 just leave that point there.

12           Secondly, the fact that you still  
13 have a derby effect taking place, and you've  
14 got, despite all your best efforts, you only  
15 have a season that's lasting halfway through  
16 the year, I would like to go on record as  
17 advocating that we now move towards adopting  
18 some kind of catch share system for the shark  
19 fishery in this country.

20           I would like to add to Rusty's  
21 point about the problems with Mexico and Cuba  
22 in the Gulf of Mexico, that there is leakage

1 in the stocks down there, and there's sharing  
2 of fisheries on those stocks.

3 I intend to be part of a process  
4 in the next couple of years to push for a  
5 catch share system that will be trilateral,  
6 that will pull together the U.S., Mexico and  
7 Cuba in an agreement system that will  
8 hopefully satisfy the needs of all three  
9 countries.

10 Now third, the increases, the data  
11 increases that you showed in landings of some  
12 of these species, I think, are of concern,  
13 particularly bulls, hammerheads and lemons.  
14 I think some of this may be a result of better  
15 identification.

16 I would caution that we don't  
17 punish the fisherman and the dealers for  
18 reversing the problem we had in the past of  
19 lumping everything in in one species complex,  
20 and now they're breaking it out much more  
21 reliably.

22 So it's not right for us to get

1 all concerned and say wait a minute, where are  
2 all these hammerheads coming from? They may  
3 have been there all along. So I think some of  
4 that is due to that, and hopefully the stock  
5 assessment will go into that next year.

6           Some of this actually, I think,  
7 might be due to changes in abundance. I think  
8 bull sharks have become perhaps more abundant  
9 in some of these fishing zones. I'm not sure  
10 it's all that a bad thing to see more bull  
11 sharks caught in the fishery.

12           But I do have concerns when I look  
13 at hammerhead numbers, and I don't see any  
14 reason why hammerheads, at least  
15 theoretically, should not have been identified  
16 properly in the past, but I know that some of  
17 that was done. Everybody wanted to call  
18 everything sandbars, number none, and maybe  
19 black nose secondly.

20           But I agree with Sonja Fordham,  
21 that hammerheads are of great concern. So to  
22 that point, my point number four, is I would

1 like to see you add hammerheads or the Science  
2 Centers add hammerheads to the stock  
3 assessment that's done next spring. That's  
4 it.

5 MS. SCHULZE-HAUGEN: Thanks Bob.

6 MR. ANNINOS: Eric?

7 MR. HOFFMEIER: Eric Hoffmeier,  
8 University of Southern Mississippi. I just  
9 want to make a few brief points. A lot of  
10 what I wanted to say has been already said.  
11 But not to belabor the black nose and I'll  
12 provide more comments.

13 As a scientist involved in the  
14 small coastal CDAR process, I was very  
15 surprised at the results. Back in 2002, fine  
16 tooth were considered over-fished. 2007,  
17 they're not. Black nose weren't, now they  
18 are. It's pretty surprising that we're seeing  
19 these drastic changes over such a short period  
20 of time.

21 Now when you look at the data, the  
22 shrimping data, there's very little data went

1 into that model, from what my understanding  
2 it. If you look at the sea map data, there's  
3 15,000 trawl in 30 years. There's only 85  
4 have black nose. I don't know what that tells  
5 you.

6           If you look at the CDAR documents  
7 for the sea map data, as well as the shrimp  
8 trawl in the Atlantic, there wasn't enough  
9 data to say anything about trends in black  
10 nose. When you looked at the indices data,  
11 which is one of the working groups I was part  
12 of, most of the indices showed an increase in  
13 trend in abundance of black nose.

14           So like Bob has mentioned and then  
15 everybody talked about on Wednesday, I think  
16 this all needs to be looked at, but at this  
17 point I'm not sure what can be done. I mean  
18 I think there needs to be some type of avenue  
19 to go back and re-look at the assessment,  
20 because at this point regulations need to be  
21 put in place, and the data is definitely in  
22 question to say the least.

1                   With the other data presented on  
2 the large coastals, like Sonja and Bob  
3 mentioned, it is concern about some of these  
4 other species that may be being more targeted  
5 now because of the prohibition of sandbar  
6 species.

7                   With the hammerheads in  
8 particular, we definitely need a stock  
9 assessment, an individual assessment of many  
10 of these species, and we really need more  
11 research money put into getting these vital  
12 rates down.

13                   A lot of work, it needs to be done  
14 on reproductive information, age and growth.  
15 Some of the work is very old, some of it's  
16 very regional, and more money needs to be put  
17 into cooperatively with the fisherman.

18                   Scientists need to work with the  
19 fisherman. We need to characterize the  
20 fishery, as well as collect some of this vital  
21 data so that when these assessments do occur,  
22 that we could have the most accurate up to

1 date information for these assessments. Thank  
2 you.

3 MR. ANNINOS: Thanks Eric. Sean?

4 MR. McKEON: Sean McKeon, North  
5 Carolina Fisheries Association. I was going  
6 to -- when you brought up the topic, I saw the  
7 topic of the 2009 shark season update. I was  
8 going to ask what season from my perspective,  
9 and folks up our way.

10 I just have a few comments. I  
11 don't really have any questions. I do want to  
12 be on record as saying I certainly hope you  
13 take into consideration Rusty's comments and  
14 Dewey's comments, particularly with respect to  
15 the openings of that season. I think that's  
16 a quick fix to the problem of the folks to the  
17 south catching up to quota before it gets to  
18 the north.

19 I think if that could be done,  
20 that would be helpful to everybody, I think.  
21 But I wanted to just take a second to talk  
22 about the frustration. I think you've heard

1 it here today from our industry. It's easy to  
2 -- I think we do need to be respectful.

3           But it's easy for folks to forget,  
4 I think, that my people don't get paid when  
5 they don't allow fish to be caught. We don't  
6 -- every single time we turn around, there's  
7 another slice taken away, pardon the pun, from  
8 our ability to earn a living.

9           It's easy sometimes for folks to  
10 think that the frustration is disrespectful.  
11 I'm not sure that this is a great analogy, but  
12 it's the only one I could come up with  
13 quickly. Tomorrow is the tea parties here in  
14 Washington, D.C., and I'm wondering if maybe  
15 we need sushi parties in our industry or  
16 something to that effect, to call attention to  
17 what's going on in our industry.

18           Because for most of you, if you're  
19 late publishing something, or if data's  
20 incorrect or if you have to go back and  
21 recall, your paychecks don't change. If we  
22 make a mistake, not only do our paychecks

1 change, we could die.

2 I think that we need to keep that  
3 into perspective. I think part of the  
4 problem, some of the answers I heard to  
5 Dewey's questions, part of the problem that it  
6 brings to mind to me, a major problem I see is  
7 that a lot of the folks who are the true  
8 experts in the field are not given the  
9 official position or the official input.  
10 They're advisory in many capacities.

11 I think that the folks that have  
12 done this for years and years and years need  
13 to be more involved in the development, not so  
14 much the in-house model that seems to be  
15 followed at National Marine Fisheries Service  
16 with respect to HMS issues and particularly  
17 sharks, but that these folks are involved at  
18 that level.

19 I haven't been around here that  
20 long, but I've been around long enough to see  
21 some things that I think are glaring  
22 differences between the places that North

1 Carolina Fisheries Association goes. I'm  
2 involved in two councils; I'm involved in the  
3 ASMFC; I'm involved in HMS. I'm involved in  
4 state fisheries issues, et cetera, et cetera.  
5 Our organization is very active in all of  
6 those areas.

7 HMS sticks out to me. Every time  
8 I come here I hear the industry's  
9 frustrations, and they're always the same  
10 frustrations. They show -- in many instances  
11 I've been here and witnessed information  
12 provided that shows that things are not right,  
13 that statistics are wrong, that the research  
14 is wrong.

15 Some of the anecdotal information  
16 from the folks that are out there completely  
17 contradicts, and yet year after year, I came  
18 here before I was a member. I came here a  
19 couple of years before I was a members of this  
20 advisory group, and I heard the same concerns  
21 then.

22 I think that it doesn't seem to be

1 going anywhere. It seems to get worse, is my  
2 point, that the frustrations that you heard  
3 from the guys that spoke and those two folks  
4 are experts, in my view and many other  
5 people's view. Do we have a bias and a slant?  
6 Yes, we do have a bias and a slant. But we  
7 wear it on our sleeves. We don't disguise it,  
8 as some do.

9 I think that that's really the  
10 comments that I have, are really based in  
11 frustration. I would hope that a small item  
12 like changing the season openings would not be  
13 too difficult, that we could look and say wow,  
14 you know, this happened on dogfish, just as an  
15 example.

16 The ASMFC was very quick to  
17 understand that the southern group was being  
18 penalized simply for where they were located  
19 geographically. Dogfish were seasonal  
20 openings, and the northerners were catching  
21 all of the dogfish, particularly  
22 Massachusetts.

1           ASMFC reacted to what was  
2 happening and said okay, we're going to change  
3 this now, and the folks that go over are going  
4 to have to pay back out of their section, and  
5 they went to little bit more of a sectional  
6 thing and opened it that way.

7           I just -- it's so frustrating to  
8 have to bring these things up, and I mean it's  
9 so obvious that that's something that could be  
10 done, and at least help these guys keep going  
11 a little bit longer.

12           But again, as Rusty said, if the  
13 intention is, and it seems to be, the  
14 perception is it seems to be that in our view,  
15 the shark, what's left of the shark industry  
16 is being quickly destroyed by agenda-driven  
17 policy, not science-driven or not driven by  
18 policies that are in fact there to help, in  
19 fact there to see that there's a sustainable  
20 fishery.

21           I think they're agenda-driven, and  
22 it seems this is even moreso now, more

1 prevalent now, particularly with mentions of,  
2 you know, catch shares here and all this other  
3 stuff. It's troubling and I just wanted to  
4 bring that up as a member, that it's very  
5 troubling to me.

6 I don't see this level of  
7 frustration. I don't see this level of  
8 frustration anywhere else that we deal with in  
9 our association. I simply don't. We go  
10 there, we fight our fight, we lose sometimes.  
11 Sometimes we gain a little bit.

12 But here, it seems that we're  
13 trying to play pool with wet noodle. It just  
14 doesn't happen. We can't. There's nothing we  
15 do, nothing we say, nothing we show, nothing  
16 we put in front of you. People who know these  
17 fisheries better than anybody in this room are  
18 virtually ignored, other than their advisory  
19 capacities and that's a shame, because as you  
20 know, these guys are going out of business.

21 Finally I just want to say, you  
22 know, if that's the intention, I don't say

1 from you all, but I certainly believe there  
2 are people that do want the shark industry  
3 completely out, just let us know, you know.  
4 Put a stake through the heart of it. Don't  
5 put us out piecemeal, because that hurts a lot  
6 more, and that's really all I have to say.

7 PARTICIPANT: Sir, just to respond  
8 a little bit. I mean I can speak for myself.  
9 There's no agenda to put the shark fishery out  
10 of business. We have to deal and react to the  
11 science. I mean we're required to by law, and  
12 we're doing the best we can with that.

13 We want all your input. We want  
14 to have sustainable fisheries. That includes  
15 the fisherman and the fish. We need both, and  
16 you know, in terms of reacting to what  
17 happened this year and trying to address some  
18 of the issues with the North Atlantic not  
19 getting access, we didn't have to have that  
20 conversation here but we did, because we want  
21 your input, and we want to hear from you on  
22 what will work for you.

1                   We do have to start with the  
2 science we have, and questions and things.  
3 Sometimes there are things that we can look at  
4 and go back on and sometimes there are limits  
5 on that. Sometimes it takes another  
6 assessment. So we can't do magic. We can't  
7 ignore it all. We do have to follow the  
8 science that we have.

9                   So I understand the frustration, I  
10 hear it. Believe me, I hear it in spades, and  
11 you know, we're doing the best we can. I hope  
12 people do stay engaged. I mean it's not a lot  
13 of fun up here sometimes. I'm sure you know  
14 that. But we do care and we do try.

15                  MR. McKEON: I don't want to  
16 belabor the point, I thank you. But to say,  
17 for me to hear well, we didn't have to have  
18 this conversation but we did, I appreciate  
19 that. I would say, yes, you did have to have  
20 the conversation, because it's crucial to a  
21 whole bunch of people that the conversation  
22 took place.

1           I think with respect to the  
2 science, I think every one of us knows that  
3 the science in many of the fisheries, and  
4 particularly here in HMS, is not what it  
5 should be. I think rather than, you know, we  
6 can talk about this off air some other time  
7 and I would love to do that with you.  
8 Saltonstall-Kennedy money should not be going  
9 to pay for light bulbs and things like that.  
10 It should be going to the purpose of  
11 protecting the industry.

12           I think there's a lot of funds  
13 available that could be redirected towards  
14 getting the proper data, getting the  
15 cooperative research and the things that are  
16 incumbent upon the agency by law. I think  
17 that we're lacking and unfortunately we have  
18 several judges that says garbage science is  
19 fine.

20           That's not something I would be  
21 proud of to wave around, saying whatever I  
22 had, garbage or not is fine. But the law as

1 written needs to be changed, and I would  
2 welcome the opportunity to work with the  
3 agency, any time, any place, to bring to the  
4 attention of our elected officials that what  
5 they've written is not workable.

6           It needs to be tweaked and it  
7 needs to be put into proper perspective that  
8 we have got to have, if you're going to  
9 demand, and you're going to put these mandates  
10 on the agency and the managers, the councils  
11 and HMS, then you have got to give us the  
12 tools to do that.

13           Right now, I believe you don't  
14 have those tools in many respects. But I  
15 think you do in certain areas and it could be  
16 redirected, and I have some specific examples  
17 of that that I'd be happy to talk to you  
18 about. Thank you. I appreciate your  
19 comments.

20           MR. ANNINOS: Sean, thank you.  
21 Lisa, Clark, Rick, Glenn and Rich.

22           MS. GREGG: Lisa Gregg, Fish and

1 Wildlife Commission. Margo, I just want to  
2 point out a couple of years ago we submitted  
3 from the state of Florida comments on  
4 Amendment 2, and we did provide a number, I  
5 think two or there management recommendations  
6 with regards to seasons and regions, so that  
7 the distribution quota would be much more  
8 equitable for all states, so that it would  
9 actually reach -- that North Carolina would  
10 have a fishery.

11           So I would just ask if you would  
12 go back and look at our, I think it was the  
13 final EIS comments. It may have been draft,  
14 and I'll go back and when I get back to the  
15 office and resubmit them, because we did have  
16 a number of recommendations in that document.

17           So that was one item, and the  
18 other is also with regards to the HMS office,  
19 their need to comply with Magnuson Act, the  
20 national standard one, and implement  
21 regulations with their mandates that are  
22 provided in there. I would ask that you would

1 go back and take a look at what those mandates  
2 exactly say, because within the year time  
3 frame, all of the established time frames they  
4 have the Magnuson Act, it just says that the  
5 plan must be prepared. It doesn't say that it  
6 has to be implemented.

7           So I would say that in situations  
8 like this, especially when the data's very  
9 questionable with regard to black nose  
10 especially, that in this situation that you  
11 take the Magnuson Act literally and what it  
12 says, that the plan can be prepared. You have  
13 something in place to addressed over-fishing  
14 and over-fish condition.

15           But it doesn't necessarily have to  
16 mean that it needs to be implemented. Until  
17 we get another stock assessment, a little bit  
18 more data out there, I don't think that it  
19 needs to be implemented, or at least that  
20 section of Amendment 3 needs to be  
21 implemented. So I just wanted to point that  
22 out.

1 MR. ANNINOS: Thanks, Lisa.

2 Clark?

3 MR. GRAY: Clark Gray, North  
4 Carolina Marine Fisheries. Pretty much I just  
5 have two comments here. With the large  
6 coastal sharks considered a bycatch fishery  
7 and also in the preferred alternative for the  
8 small costal shark quota, that pretty much  
9 will turn that into a bycatch fishery.

10 So kind of reinforcing what the  
11 others have said here about a later start  
12 date, to allow us here in North Carolina to  
13 have a chance to fish for these sharks. Kind  
14 of the other thing is, it seems like if the  
15 preferred alternative is chosen to the small  
16 coastals, have you looked at the type of  
17 pressure that's putting on the pelagics and  
18 the large coastals, because if you're taking  
19 away a lot of the quota for the smaller  
20 coastals, what kind of pressures is that gong  
21 to put on the other sharks, because these guys  
22 obviously have to go out there and fish. They

1 need to make money. So they're going to have  
2 to find some way. So you may see increased,  
3 you know, landings of other types of large  
4 coastals or pelagics. So take that into  
5 measure when you're looking at the quota for  
6 smaller coastals, especially when you have  
7 three or four species that are not considered  
8 over-fished.

9                   So there could be some possible  
10 preferred alternatives to allow these guys to  
11 fish for Those sharks, those small coastals  
12 that are not over-fished, so that you're not  
13 increasing the pressures on the other large  
14 coastals and pelagics. Thank you.

15                   MR. ANNINOS: Clark, thank you.  
16 Glenn and then Rich.

17                   MR. DELANEY: Thank you, sir. A  
18 comment and a question about, the question  
19 will be about black nose. But I just wanted  
20 to say, Margo, I was just thinking how much I  
21 envied you for the job you have. I'm  
22 surprised to hear that sometimes it's not fun.

1 I thought you were really having a good time.

2 But in any case, to the issue of  
3 frustration, you know. We all experience  
4 that. Here, I work in a lot of other  
5 fisheries, as other people do, and you know,  
6 there's frustrations always on all sides. You  
7 know, even Bob expressed a rather critical and  
8 intense amount of frustration with the black  
9 nose shark science yesterday, and as we saw  
10 very recently, you know, even otherwise  
11 apparently thoughtful members of Congress  
12 speak out of line.

13 So I just wanted to say I don't  
14 think there's any need to throw Dewey under  
15 the bus. Even Bob can get pretty close to  
16 that line as well.

17 (Off the record comments.)

18 MR. DELANEY: So I think we might,  
19 as the President suggested, we all need to  
20 move on and keep focused to Sean's points, you  
21 know. Like you, I tend to continue to get  
22 paid and pursue my dreams in life, of sending

1 my kids and college and paying my mortgage and  
2 enjoying a vacation once or twice a year, and  
3 regardless of what the regulatory result is of  
4 my efforts on behalf of the fishing industry.

5 But the people I work for have a  
6 very tangible and real effect when I'm  
7 unsuccessful or the agency has to take efforts  
8 that are, in their view, draconian or at least  
9 painful, on their ability to prosecute their  
10 fishery and earn a living and pursue those  
11 dreams.

12 So I think everyone should show  
13 respect for the fisherman, who unlike anyone  
14 else in this room, has a paycheck on the line.  
15 So let's not throw Dewey and others under the  
16 bus for unfortunate words that sometimes come  
17 out as a result of frustration.

18 So I'll ask you to please consider  
19 that, as you always do, I know. I don't need  
20 to lecture you on that. Maybe I'm lecturing  
21 others.

22 My question on the black nose

1 shark was you recall, obviously, the Magnuson-  
2 Stephens Reauthorization Act, amended  
3 304(e)(4) the rebuilding provisions. That was  
4 in January of '06. This is a timing question  
5 that I'm trying to understand, which will  
6 ultimately get to the timing of CDAR and your  
7 final rule.

8           The changes basically said that  
9 effective 30 months after the date of  
10 enactment, which brings us into July of '10,  
11 no '08, I apologize, 2008, you had to prepare  
12 and implement rebuilding plans that end over-  
13 fishing immediately within two years of, I  
14 guess, the determination of being over-fished  
15 and over-fishing occurring for stock.

16           I'm not exactly sure I have the  
17 timing of when black nose, when CDAR 13  
18 declared it to be over-fished, if it was after  
19 that provision took effect. But nevertheless  
20 is it your interpretation that your plan to  
21 end over-fishing immediately and rebuild,  
22 establish a rebuilding plan for black nose has

1 to be prepared and implemented by July of  
2 2010, which would be two years after that  
3 effective date? Is this a stock that's  
4 subject to that, or is the timing two years  
5 after the date of the stock status  
6 determination in CDAR 13?

7 In other words, do you feel like  
8 you have to have your final rule in place  
9 before July of 2010, according to that rough  
10 outline of the statute?

11 MS. SCHULZE-HAUGEN: We have been  
12 proceeding under the assumption that we need  
13 to have it in place. I'm not going to try and  
14 do a technical, legal interpretation of the  
15 statute. We have lots of attorneys that help  
16 us with that.

17 MR. DELANEY: But that's the way  
18 you're operating, with that understanding?

19 MS. SCHULZE-HAUGEN: We're  
20 operating under that, yes.

21 MR. DELANEY: Okay. Well then if  
22 there is any question, because again, I hate

1 to see us go through a situation and the  
2 agency go through a situation where we go to  
3 final rule and implement a lot of regulations  
4 that affect people's lives, and I'm not quite  
5 sure what the effect of the black nose  
6 regulations will be on other fisheries.

7 But to the extent there are and if  
8 found to be not supported by the science  
9 because of a subsequent stock assessment  
10 that's going to occur very close to the same  
11 time you implement that final rule, you know,  
12 it's not a highly desirable situation  
13 obviously for the agency or the affected  
14 fisheries.

15 So I was wondering if that is  
16 something worth looking at, and also have you  
17 consulted with the CDAR people and the  
18 Southeast Fishery Science Center?

19 I assume you have some, but are  
20 they aware of this timing issue, that the  
21 scheduling decisions they have to make on what  
22 stock assessments and the sequence, you know,

1 that's always a process they go through, a  
2 decision-making when to do that, that this is  
3 considered in the context of the timing of  
4 July of 2010, which is, I guess, what you see  
5 as your deadline to publish a final rule.

6           If there's any way they could do  
7 their stock assessment earlier into their  
8 schedule and maybe get that finished before  
9 you go to final, that may provide some change  
10 in the result. I don't know. It's just  
11 something to think about, and maybe you can  
12 talk to them about that and also the lawyers  
13 and see where that lines up.

14           Because there's a very real  
15 chance, you know, some of the concerns Eric  
16 brought to light are certainly ones that  
17 exist, among others, that are being fleshed  
18 out right now by the scientists and it's  
19 probably going to be a change in the way we  
20 see black nose as a result of the next stock  
21 assessment. But until we see it.

22           MS. SCHULZE-HAUGEN: I can tell

1 you the Science Center, lawyers and everyone,  
2 we're well aware of the timing issues, and  
3 we're working through them as best we can.

4 MR. DELANEY: Do you have any  
5 sense that they're going to try to get the  
6 stock assessment performed before July of  
7 2008?

8 MS. SCHULZE-HAUGEN: Well, it's a  
9 benchmark assessment, which are the full three  
10 workshops --

11 MR. DELANEY: Three panels and  
12 everything.

13 MS. SCHULZE-HAUGEN: It's a many  
14 month process.

15 MR. DELANEY: Many month.

16 MS. SCHULZE-HAUGEN: So I don't  
17 think we're going to be able to get that done  
18 by July. Because right now, if we do start  
19 the assessment April-May, as I mentioned the  
20 other day, the peer review won't happen until  
21 January-February of 2011.

22 MR. DELANEY: Okay.

1 MR. ANNINOS: Thank you, Glenn.

2 Rich?

3 MR. RUAIS: Yes. Thanks, Paul.

4 When I raised my hand, I was going to just  
5 speak to Sean's -- add to Sean's eloquent  
6 explanation, and then Glenn, of course, spoke  
7 to it as well. So there's not a lot left to  
8 say.

9 But I do want to point out that  
10 those of you who were around, Hogarth, Bill  
11 Hogarth for a while, he used to make it very  
12 clear to everybody that as assistant  
13 administrator, there is no more difficult  
14 fishery before the National Marine Fisheries  
15 Service to manage than highly migratory  
16 species management, from shark to blue fin  
17 tuna.

18 The issues are as complex, there's  
19 poor science, whether it's shark, lack of  
20 capability to quantify, angling category,  
21 catches, political issues, scarcity of quota  
22 in the 90's, the most difficult fishery it is.

1           So you know, there's plenty of  
2   justification for people getting exceptionally  
3   frustrated, and I point out that in this room,  
4   we have a mix of stakeholders, between NGOs,  
5   academics and fisherman, and there's different  
6   levels of tolerance, of being able to deal  
7   with the imperfections of this whole process,  
8   whether it's the bureaucratic inadequacies or  
9   the scientific inadequacies.

10           Glenn correctly makes the point  
11   that he and I, for example, both continue to  
12   draw the paycheck most of the time. But in  
13   other cases, you know, a fisherman has a  
14   fishing strategy planned out for 12 months in  
15   advance, and he's counting on a two month or  
16   three month shark fishery that starts on  
17   January 1.

18           All of the sudden someone says  
19   well, I couldn't get the rule through the  
20   Federal Register fast enough, so you can't go  
21   fishing. He has to go home and say now what  
22   do I do? You know, and the alternatives are

1 very limited. No matter where you are, the  
2 alternatives are very limited so it's tough.

3 I deal with enough scientists who  
4 get equally frustrated with grant processes,  
5 them seeking out money or being told by the  
6 university that there's a problem and they  
7 can't get a paycheck for a week or two. Quite  
8 frankly, the language I hear back is a lot  
9 more colorful than Dewey's language in some  
10 cases.

11 So it's not just one way. I only  
12 -- I would have just not bothered after  
13 Glenn's support of what Sean was saying to  
14 take the floor, but I did want to take it to  
15 point out that we are going to be getting into  
16 a CITES discussion a little bit later, and on  
17 the blue fin side, you know, I can tell you  
18 and on the longlines side, you know, tempers -  
19 - not tempers.

20 That's the wrong word, but  
21 emotions on the issue, feelings on the issue  
22 are exceptionally strong, and the level of

1 frustration, you know, after complying with  
2 science and we'll get into it when we get into  
3 it.

4           So I just beg the entire panel and  
5 NMFS to be sensitive to the fact that these  
6 are pocketbook issues for most people in this  
7 room, and you can't fill the pocketbook  
8 anyplace else if you don't have this fishery,  
9 whichever one it is, at your disposal.

10           So our level of frustration is a  
11 little different than stakeholders that might  
12 have a diversity of, you know, streams of  
13 revenue coming in. Thank you.

14           MR. ANNINOS: Thanks, Rich. I'm  
15 going to allow Bob Hueter and Rusty Hudson to  
16 take just a couple of minutes here as a second  
17 round, and then we're going to pull it to a  
18 close.

19           DR. HUETER: Thanks, Paul. Just  
20 Bob Hueter, Moten Marine Lab. Actually,  
21 Rich's comments was a perfect segue into  
22 something I was going to say, and I was going

1 to respond to comments by Sean that somehow  
2 fisherman are accountable in their system, in  
3 terms of whether they get paid or not, whether  
4 they collect a salary, in terms of their  
5 fishing productivity, but academics are not,  
6 that we're in some kind of an endowed  
7 situation where we sit in our big easy chairs  
8 and pontificate, and we can draw a salary no  
9 matter whether we're productive or whether  
10 we're right or wrong.

11 I just want to point out that the  
12 three scientists at this table are certainly  
13 not in that situation. All three of us are on  
14 what's called soft money, and we have to worry  
15 every week, every month, every year about our  
16 productivity, and whether or not the science  
17 we're doing is credible and true.

18 If we are not credible and true,  
19 then our jobs are at stake as well. So I  
20 think Rich just made some of those points, and  
21 I just felt like I had to state that.

22 To that point, to the point of

1     granting, I do want to make the panel aware  
2     that I know many of you know that I  
3     coordinate what's called the National Shark  
4     Research Consortium, which is a group of four  
5     non-federal marine laboratories conducting  
6     some of the leading shark research in the  
7     world, in this country.

8                     We've contributed very heavily to  
9     the stock assessment process over the last 16  
10    years, and this year, the National Marine  
11    Fisheries Service has decided to discontinue  
12    its support of the consortium.

13                    It's done. We have no more  
14    support. We got a very disappointing letter  
15    from Dr. Balsiger that basically said, and I'm  
16    sharing this with you, because I think you  
17    should know, that "Thanks guys for everything  
18    you've done for us in the past, but we really  
19    think that NMFS scientists have all these  
20    bases covered now. We're going to do this  
21    work ourselves."

22                    So proceeding from this point

1 forward, that's a signal that now, all of the  
2 data that you're going to be looking at is  
3 only collected by NMFS scientists. I, quite  
4 frankly, am not sure how I'm going to be able  
5 to come to this meeting next year, because I  
6 have come with support through that means.

7 I don't know how a lot of these  
8 people are going to be able to participate in  
9 the stock assessment process without covering  
10 support, you know, if you're in a soft money  
11 situation. So I think it's important to let  
12 everybody know about that and give that  
13 message to NMFS, that this is not trivial, the  
14 sunsetting of this kind of work for shark  
15 research.

16 If you see even worse figures next  
17 year in front of you for some of these stock  
18 assessments, I think you'll know why.

19 MR. HUDSON: Rusty Hudson,  
20 Directed Shark. Briefly to Glenn's point  
21 about freshening the timing on the benchmark.  
22 If you have a start date of April for the data

1 workshop, three months after that you'll have  
2 an assessment workshop, which within a month  
3 of that you'll have a final report that will  
4 give you a very vivid idea of what your  
5 results are.

6           But your reviewers that come from  
7 Great Britain or Australia, that are going to  
8 have to bless it or not. So I would say that  
9 you would actually have an answer next summer.  
10 To the next point with regard to black nose  
11 and the slides up earlier and the average  
12 sizes and stuff, I would highly recommend some  
13 field studies for those average sizes, to be  
14 able to substantiate or disprove what you have  
15 in your Table 9, because MRFSS has been proven  
16 in court to be highly unreliable and is being  
17 replaced by the MRIP system. So keep that in  
18 mind.

19           Finally, to Bob Hueter's call with  
20 regards to hammerhead sharks, the three  
21 species in particular, scalloped, smooth and  
22 great, as a fin together I don't have a

1 problem having been able to identify that for  
2 the last couple of decades, but some people  
3 do. That's always been generalized in your  
4 log books as hammerhead.

5 Now with that cryptic species, you  
6 still have a name that's popped up that I used  
7 to see a couple of samples of in the past.  
8 It's highly mig, it's worldwide populations  
9 and the actual kill rate is twofold.

10 One, it's usually a dead bycatch  
11 because they blow their heart out with lack of  
12 gas as they're on the hook fighting for their  
13 life. Second-off, most of the mortality is  
14 not in this nation.

15 You should be proud of our  
16 fisherman for utilizing what otherwise is  
17 going to be a regulatory discard if everybody  
18 gets their way, to prohibit that animal.  
19 That's keeping it short.

20 MR. ANNINOS: Thank you, Rusty.  
21 We're going to allow Mr. Knapp, who's been  
22 here for three days, wanted to weigh in just

1 for one or two minutes on this particular  
2 agenda item, to get his comments on the  
3 record. This is not a public comment period,  
4 but we're allowing this anyway. And so Mr.  
5 Knapp, when you turn your mic on, just  
6 identify yourself and who you represent.

7 MR. KNAPP: Robert Knapp, shark  
8 fisherman.

9 MR. ANNINOS: You'll have to kind  
10 of get closer to the mic so people can hear  
11 you.

12 MR. KNAPP: Robert Knapp, shark  
13 fisherman. As far as the hammerheads that  
14 Rusty just covered there, they are a bycatch.  
15 They're incidental. We do not target them,  
16 and if you want to make a plan as far as  
17 protecting them, maybe we can make somewhat of  
18 an incidental trip limit on them, maybe three,  
19 four, something like that.

20 Otherwise, it's going to be a dead  
21 discard. But I don't know of any shark  
22 fisherman that targets hammerheads, okay.

1 That's for one.

2 As far as the general category  
3 permit, do we even have to discuss that on  
4 sharks? I don't think so. I think no general  
5 category shark permit.

6 As far as your species landing  
7 charts, there's a lot of fluctuations on  
8 different species from one year to the next.  
9 We have a lot of fluctuations on the season  
10 openings. That's why we have fluctuations on  
11 the species.

12 If you open in summer, you're  
13 going to have different species than when you  
14 open in the winter, okay. You're going to  
15 catch more in the winter in a certain area  
16 than you're going to catch in the summer. So  
17 that's obvious, and I'm not a scientist, okay?

18 I needed to bring that up, though.  
19 I don't know why anybody was like wondering  
20 why. It's obvious, because the seasons are  
21 opening in the summer time, in the winter  
22 time, back to the summer, okay. I know I'm

1 going to have a little flack from my North  
2 Carolina friends, but I don't know what to do  
3 about the summer opening for North Carolina,  
4 because in the summertime, traditionally I've  
5 gotten very low prices on shark meat.

6           So if we're going to open  
7 something so we can give to North Carolina,  
8 we've got to try and do a little marketing  
9 here as what would be the best months that we  
10 could get maybe the best price, as far as on  
11 the meat.

12           July and August traditionally have  
13 been the lowest prices on the meat. So I  
14 don't even know how to approach that issue.  
15 Maybe we can discuss that amongst ourselves.  
16 January through March, traditionally we've  
17 gotten a lot better prices.

18           As far as the black nose, like I  
19 mentioned the other day, if you have that much  
20 of a discrepancy in the weights, where you're  
21 at a pound and a half to 14 pounds, like I  
22 said, there's many year classes represented

1 with them weights.

2           There's another issue that I  
3 didn't hear in regards to the black nose, but  
4 I heard a lot about turtles. The biggest  
5 enemy of a turtle is a black nose shark. So  
6 if we want to create what we created with  
7 dogfish with black nose sharks, then we're not  
8 going to have any loggerheads left, okay.

9           Thank you for letting me speak,  
10 and have a good day.

11           MR. ANNINOS: Thank you, Mr.  
12 Knapp.

13           MS. SCHULZE-HAUGEN: Okay. We are  
14 a bit behind. One of the things I'm thinking  
15 we could do kind of time check on. I know I'm  
16 seeing what I think are people who are here  
17 for the CITES discussion at 10:30. I'm not  
18 sure about who all else may be coming, and so  
19 one option would be I think we're ready for a  
20 break. So I'd like to do that regardless.

21           The question is whether we return  
22 and have the amendment presentation and then

1 move to CITES, or potentially have the MRIP  
2 presentation after lunch. I think Ron Salz  
3 here and he seems pretty flexible.

4 So we could start at 10:30, and  
5 then I do know that people are here  
6 specifically for that, but that also people  
7 are on their way. So --

8 MR. SALZ: Just, I think, MRIP  
9 won't take that long. I think it would be  
10 good to go ahead and get that out of the way.  
11 Maybe we cut our break short and do that.

12 MR. ANNINOS: MRIP is a half hour  
13 presentation. What's that?

14 (Off the record comments.)

15 MR. ANNINOS: So go ahead -- so we  
16 still probably need a break, right? Take  
17 breaks on your own? Okay.

18 MS. SCHULZE-HAUGEN: I need a  
19 break, so I'm going to go.

20 PARTICIPANT: You don't need to  
21 listen to MRIP, though. We do.

22 (Laughter.)

1                   MR. ANNINOS: That's a good point,  
2 that's a good point. Okay, so what time is it  
3 now, 10:15? How about -- is the plan then we  
4 take a break now until -- no, no.

5                   We don't take a break now. We go  
6 right to MRIP for the next 30 minutes. That's  
7 10:45. Then we'll go right into CITES.  
8 You're taking breaks on your own.

9                   Okay. But that's okay, because  
10 you have -- you can take a break now. You  
11 don't need to be right here for long, right?  
12 Okay.

13                   (Whereupon, a brief recess was  
14 taken.)

15                   MR. ANNINOS: Folks, we're ready  
16 to get started with the MRIP program, the MRIP  
17 presentation. Sorry about the delay. We had  
18 -- our lamp blew on our projector, so we had  
19 to do a quick rescue operation.

20                   MR. AUGUSTINE: Let's get  
21 underway.

22                   MR. ANNINOS: All right, Pat.

1 Okay. We're doing the best we can.

2 MR. SALZ: Okay, for the sake of  
3 time, we're not going to wait for the coffee  
4 break to end. So Margo asked me to come here  
5 this morning and update you on some of the  
6 efforts underway, some of the progress we've  
7 made in trying to improve the recreational HMS  
8 databases, the databases that feed into  
9 management, monitoring, assessments and all  
10 that.

11 So that's what I'm going to be  
12 covering. The projects I'm going to be  
13 talking about are specific to HMS, but they  
14 really fall under a bigger national program  
15 called MRIP, the Marine Recreational  
16 Information Program, which some of you have  
17 heard me talk about before at these meetings.

18 MRIP is a collaborative effort,  
19 attempting to be as transparent and inclusive  
20 as possible, to get all stakeholders involved.  
21 So that includes states, commissions, fishing  
22 industry, and it basically grew out of an NRC

1 review of recreational fishing methods in  
2 2006, which was followed up by the  
3 reauthorized Magnuson Act, which specifically  
4 has language in there for improving how we go  
5 about collecting recreational data.

6           So here is just the overall  
7 structure of MRIP, and you can see that when  
8 this was set up, you know, HMS was considered  
9 so important to have its own work group. So  
10 it's the work groups where the projects get  
11 proposed and the work gets done.

12           So the work groups report to the  
13 operations team, which reports to the  
14 executive steering committee. But I just want  
15 to point out that HMS is being given a lot of  
16 attention, in terms of the improvements that  
17 we're trying to achieve.

18           So the work group charge, and I  
19 was put in charge of the work group as the  
20 chair, but our charge from the OT was to  
21 evaluate the current programs that we have  
22 focused on HMS, and to also think about

1 expanding HMS data collections in areas where  
2 we are currently we have gaps, where we  
3 currently do not have coverage but we know  
4 that there is activity in the recreational  
5 fishery.

6           So today I'm going to talk about  
7 five projects which were initiated in 2008,  
8 and extended, some of them extended into '09.  
9 All of these are kind of now coming to the  
10 closing stages, where we should have reports  
11 out in the next, I'd say, four to six weeks.

12           So look for the reports, you know.  
13 We'll post them online. I'll show you the  
14 MRIP site. But I can show you some  
15 preliminary analyses. We do have some  
16 results, and since I only have a limited  
17 amount of time, I'm going to go fairly  
18 quickly, and I apologize for that. But feel  
19 free to ask me any questions at the break or  
20 contact me after the meeting, if you want more  
21 specifics about any of these projects.

22           So the first project dealt with

1 how we sample HMS tournaments, and this falls  
2 under the charge of improving or evaluating  
3 existing programs.

4           So we looked at the large pelagic  
5 survey in particular, and how tournaments are  
6 being treated in large pelagic survey, and if  
7 they are being given the proper representation  
8 in the survey.

9           The second project, and I should  
10 say the next four projects deal more with the  
11 idea of expanding data collection. So the  
12 second project we want to characterize the HMS  
13 rec fisheries in the South Atlantic and Gulf  
14 of Mexico, because large pelagic survey, as  
15 most of you know, only extends from Maine  
16 through Virginia, originally set up primarily  
17 for blue fin tuna.

18           So we're now starting to look at,  
19 you know, what programs we have in place south  
20 of Virginia and are they adequate.

21           Along those lines, we did a  
22 project in Puerto Rico. We worked with Puerto

1 Rico DNER, and the focus there, a lot of the  
2 focus there was on the marlin landings. Then  
3 the last two projects were in Florida. So we  
4 worked with Florida Fish and Wildlife  
5 Commission, both looking at the private  
6 angler, basically the angling category permit  
7 holders.

8           Then we had a project looking at  
9 the for-hire fleet, where we actually did some  
10 dockside interviews, along with some telephone  
11 questionnaire.

12           Okay, so start with the tournament  
13 sampling. We set out to first, looking at the  
14 LPS data, to compare sampling rates, and I  
15 should back up a little bit. The LPS consists  
16 of two complimentary surveys that are used  
17 together to produce the estimates. That's  
18 where we get our blue fin tuna recreational  
19 estimates.

20           So we do dockside interviews to  
21 get our catch rates. So that's where our  
22 catch per effort comes from, and we do a phone

1 survey, which is our primary way to get  
2 effort, number of vessel trips.

3           So we want to compare these two  
4 surveys, to see what proportion of the trips  
5 that we're seeing, dockside versus phone, are  
6 telling us that they're fishing in  
7 tournaments, they're associated with  
8 tournaments.

9           Okay. The next part of this  
10 project was to attempt a census of all the HMS  
11 tournaments from Maine to Virginia, and by  
12 census, I mean this is collecting data from  
13 the tournament operators. This is already  
14 currently in place for all billfish  
15 tournaments through the recreational billfish  
16 survey, but our goal was to expand on that and  
17 to cover all the other tournaments, the shark  
18 tournaments, the tuna tournaments that don't  
19 target billfish.

20           Once we collected this  
21 information, we could then compare what we're  
22 getting from the tournament operators with the

1 LPS data, and for LPS, we do what's called  
2 post-ratification, creating a tournament  
3 domain so we can split out the LPS estimates  
4 to come up with a tournament-specific estimate  
5 for a given species.

6           So we wanted to compare those.

7 Also as part of this pilot we did some  
8 dockside interviews. We attended, I think it  
9 was five tournaments, and from this we were  
10 able to talk to the captains. So here we're  
11 interviewing the captains after they get back  
12 from a tournament trip.

13           We were interested in of the fish  
14 that they caught, what proportion of those  
15 actually, you know, got reported to the  
16 tournament, okay, because when the tournament  
17 operator or tournament director is filling out  
18 the form, they only have the information  
19 that's provided to them from the captains. So  
20 we wanted to know are there gaps in that  
21 particular data collection approach.

22           Finally, we conducted -- I

1 shouldn't say we -- John Foster, who works  
2 with me, conducted the sensitivity analysis of  
3 LPS estimates. So if we are over-sampling,  
4 for example, tournaments dockside in the LPS,  
5 what effect would this have on the estimates?

6           So the sensitivity analysis  
7 essentially downweighted tournament trips in  
8 the data at different levels, and I'll talk  
9 about that a little more, and then you could  
10 see what effect downweighting those  
11 tournaments would have on the overall  
12 estimates.

13           Okay. So just quickly, and again  
14 this is really, you know, just the highlights,  
15 because there's a lot more to this study.  
16 Well, we did find from the LPS data that  
17 tournaments are likely being over-sampled  
18 dockside versus what were getting reported on  
19 the phone survey, okay.

20           This was not necessarily that  
21 surprising, because some preliminary analysis  
22 showed this, and that's what kind of prompted

1 this whole study. That's why we wanted to  
2 look into it further.

3           When we compared the LPS  
4 tournament estimates with what the tournament  
5 operator's catches were, we found that in most  
6 cases, the LPS estimates were higher. So we  
7 had two possible explanations for this.

8           One has to do with the first  
9 bullet, that if we're oversampling tournaments  
10 dockside, that's where our catch rates are  
11 coming from. Those species are going to be  
12 perhaps estimated higher than what the  
13 operators are telling us.

14           The second has to do with what we  
15 found from the -- when we did our dockside  
16 tournament interviews, and we found that a  
17 fair number of the fish, and it varies a lot  
18 by species, but a fair number of the fish  
19 caught in tournaments are not actually  
20 reported.

21           You know, either they're not the  
22 target species or they're not eligible for a

1 prize, or they're released fish and that  
2 particular tournament does not collect  
3 information on releases.

4           So for whatever reason, we did  
5 find that tournament operator reports are not  
6 necessarily complete in that sense.

7           So from the sensitivity analysis  
8 then, the good news was that at whatever level  
9 we decided to downweight tournament trips, and  
10 we did it from like five percent all the way  
11 up to 50 percent, it didn't have much effect  
12 on our LPS estimates for blue fin, any of the  
13 tunas, dolphin and probably a few other  
14 species.

15           So those species are fairly robust  
16 to oversampling of tournaments in the LPS. So  
17 that was encouraging for us, because you know,  
18 it at least tells us that we're not  
19 necessarily biasing the estimates for those  
20 species, because we are oversampling  
21 tournaments.

22           But when we looked at shark

1 landings and releases and when we looked at  
2 billfish releases, we did see that these  
3 species were more sensitive to downweighting.  
4 So in other words, when you try to downweight  
5 the tournament data to maybe more accurately  
6 reflect the proportion of tournament trips  
7 that's really occurring, we found the LPS  
8 estimates may be positively biased, due to the  
9 disproportionate sampling on the docks.

10           So that's something, you know, we  
11 certainly need to look into. I don't want to  
12 jump ahead to any conclusions, because next  
13 Wednesday, the project team and there's a few  
14 folks -- Rick is here, Greg Skomal is on that  
15 team as well as Steve James, we're going to  
16 meet and discuss, you know, where do we go  
17 from here, based on these results.

18           So I don't want to sort of get  
19 ahead of myself, but we know that, at least  
20 based on what we found, we want to start  
21 looking at different approaches to sampling  
22 tournaments, whether it's within the survey,

1 you know, by modifying the survey, or by some  
2 other means.

3           Okay. So jumping then to the  
4 characterization study that we did for the  
5 Gulf and South Atlantic, this was conducted  
6 from North Carolina through Texas, excluding  
7 Florida because I'll be talking about the  
8 Florida projects in a little bit. We did  
9 special projects in Florida.

10           Also in Texas, we included charter  
11 boat permit holders. So the focus was really  
12 on the angling category, because there's not  
13 a lot of -- with the exception of North  
14 Carolina, there's not a lot of general  
15 category permit holders in this region. But  
16 we did want to survey them, just to find out  
17 a little bit about them as well.

18           So in these states and in these  
19 categories, we had over 7,000 permitholders.  
20 They were all contacted in September of last  
21 year and we ended up interviewing about 70  
22 percent. So not a bad response rate.

1           A lot of the questions, we were  
2 asking them to recall their fishing activity  
3 over a 12 month period, starting you know,  
4 because we interviewed them in September, so  
5 from September through August of the next  
6 year. Actually, that's wrong. The 12 month  
7 period is September of 2007 through August of  
8 2008. Obviously, yes, okay.

9           So what did we find, just some of  
10 the highlights. A fairly large percent said  
11 they used a private dock or a personal  
12 residence as their primary access for HMS  
13 fishing. That's significant for sampling.  
14 You know, if you're trying to do dockside  
15 sampling, good luck, you know, actually  
16 interviewing those trips that are returning to  
17 private docks.

18           Billfish, differences between, you  
19 know, access sites. Billfish were more likely  
20 to be targeted by those permit holders  
21 returning to a private dock, compared to a  
22 public ramp. The opposite was true for

1 sharks. So sharks were not one -- you know,  
2 compared to billfish or tuna, sharks were not  
3 targeted very heavily in this region.

4 But where they were targeted, it  
5 was by captains who said they used public  
6 ramps more frequently. About ten percent of  
7 the trips reported were associated with a  
8 tournament. So that's a fairly large  
9 proportion.

10 We also found some interesting  
11 differences between the Gulf and the South  
12 Atlantic in terms of fishing times and  
13 particularly return times, which is important  
14 again for dockside sampling.

15 But 37 percent of trips in the  
16 Gulf were overnight trips, okay. So if you're  
17 trying to do dockside sampling and you're  
18 traditionally out there, you have your  
19 interviews out there from three in the  
20 afternoon until seven, eight at night, you may  
21 be missing a lot of these overnight trips,  
22 because they return at different times.

1                   Not so much an issue in the South  
2 Atlantic. So really the big difference is  
3 there in the characterization of those two  
4 fisheries. So just general discussion, where  
5 do we go from here.

6                   Well, I should say we also  
7 compared -- we looked at MRFSS results from  
8 catch estimates, comparing them to what we  
9 were getting from this attempted census over  
10 the phone, and we did find some evidence that,  
11 and it makes sense, you know, based on the  
12 overnight fishing trips, the private access  
13 fishing trips and the tournaments, which MRFSS  
14 does not sample at tournaments, it makes sense  
15 that you expect MRFSS catch rates to be biased  
16 low for some of the HMS in this region.

17                   So it's really a question of  
18 management, you know, if management requires  
19 more accurate and precise information on these  
20 particular species, and really, you know, I  
21 should say yellow fin was the most targeted  
22 and caught overall, but there are also large

1 numbers of billfish that were caught and  
2 released. We didn't see so many landings, but  
3 catch and release, and a lot of shark catch  
4 and release as well.

5           So the recommendation would be if  
6 there is a need for more accurate and precise  
7 information on these species, we need to  
8 either look at ways to improve the MRFSS, to  
9 redesign the MRFSS to more adequately cover  
10 these what I call rare event species, because  
11 they're rare events compared to other more  
12 commonly targeted salt water fish, or design  
13 a completely new data collection.

14           So you could go with something  
15 similar to the LPS. You could go with a catch  
16 card program. There's a number of ways to get  
17 at it, but that's, I think, the next step as  
18 far as this project goes.

19           Okay. So switching gears to  
20 Puerto Rico. We did a similar type of  
21 characterization in Puerto Rico, where we did  
22 a phone survey of angling category as Phase 1.

1           So Phase 2, which will hopefully  
2 be implemented in next year's, to take the  
3 information that we got from this cell phone  
4 survey and try to improve the landings of  
5 marlin, improve the accuracy of the data and  
6 possibly other species.

7           So just quickly, we conducted 405  
8 interviews. We were not as successful in  
9 terms of response rates in Puerto Rico.  
10 Puerto Rico DNER was doing the calls, but they  
11 ran into some budget issues, some personnel  
12 issues, political issues. It was an election  
13 year, which apparently threw things off.

14           So 40 percent is not necessarily  
15 as good, obviously, as you'd like to see, in  
16 terms of responses. Of those 405 that we  
17 actually interviewed, two-thirds said they had  
18 fished for HMS in the previous year. So we're  
19 asking them about their 2008 fishing season.

20           Quickly, and this is something  
21 that was new to me, because I don't know  
22 anglers who identify with these categories,

1 but 49 percent identified themselves as  
2 recreational fishermen versus 21 percent as  
3 sport fishermen, and 28 percent said they were  
4 both.

5           So I'm still trying to figure out  
6 what the significance of this is and if  
7 someone from that region could maybe explain  
8 it more. But as it was defined, I think it  
9 had to do with participation in tournaments,  
10 where a sport fisherman tended to participate  
11 more in tournaments and fish more  
12 competitively. Is that pretty much --

13           PARTICIPANT: You have, because of  
14 the mix of Spanish and English, and different  
15 cultural and educational levels, the concept  
16 of a sport fishing terminology is mostly used  
17 for the high end fishing community that fish  
18 in tournaments, and they do the catch and  
19 release one.

20           The recreational fishermen pretty  
21 much are people that fish for whatever, and  
22 once they go fishing it's not as technical on

1 their fishing approach.

2 MR. SALZ: Okay, thanks. So what  
3 else did we find? On average, they took about  
4 seven trips per year for HMS. Most of them  
5 were kept at private marinas, and really only  
6 ten percent said they kept their or they  
7 returned to a private dock. So this is very  
8 different than what we found in the South  
9 Atlantic or Gulf, and also what we found in  
10 the Northeast.

11 In a lot of ways, this makes it  
12 easier to sample, because you can actually get  
13 to those sites. About 15 percent said they  
14 fish in other jurisdictional waters. The main  
15 ones that were cited were U.S. Virgin Islands  
16 and Dominican Republic.

17 The peak fishing seasons and when  
18 we started asking questions about catch, and  
19 you know, you have to put a caveat on this,  
20 because we are asking it's a 12 month recall,  
21 so a long recall period. Generally, when we  
22 do catch in our surveys, we like a much

1 shorter recall and ideally you want to do them  
2 dockside, right?

3 But for billfish, maybe it's a  
4 more memorable event and you can remember how  
5 many billfish you landed in the last 12  
6 months. But, oh sorry.

7 But we did find that the data  
8 suggested more billfish landed than what was  
9 being reported, significantly more than what  
10 was being reported through the NMFS reporting  
11 mandatory system.

12 Here's some of that data. So  
13 again, this is just for the 405 that we  
14 actually interviewed, and this does not  
15 include the charter head boat category. But  
16 you can see, you know, the number harvested  
17 and released for billfish.

18 So where do we go from here with  
19 Puerto Rico? What I'd like to do is explore  
20 the feasibility of a catch card program for  
21 billfish landings. We have a catch card  
22 program in Maryland and North Carolina

1 currently. There's a feeling that we get  
2 better compliance on those programs than we do  
3 with the call-in system, even though we know  
4 it's not 100 percent. It's still  
5 significantly better.

6           So as far as feasibility, we still  
7 have to work out a few details. Can we  
8 establish reporting stations? Are the marinas  
9 going to be willing to work with us and hand  
10 out catch cards and landings tags?

11           Is the enforcement going to be  
12 there, you know, because without that, it's  
13 really, I don't think it's worth implementing  
14 a program if there's no sort of element of  
15 enforcement?

16           Where we have buy-in from the  
17 sport fishing association on such program, you  
18 know, they tend to -- these are the big time  
19 marlin fisherman, and they have a lot of  
20 leverage. So if they don't support the  
21 program, it will be very difficult.

22           What is going to be the role of

1 the Puerto Rico DNER? I know right now,  
2 they're under a hiring freeze, so I don't  
3 think they can implement any really new  
4 programs. But will they be willing to work  
5 with us if we have contractors down there or,  
6 you know, would we have their support in  
7 getting the word out in an outreach and so on?

8           As far as the other, some of the  
9 other data, I mean the catch card program will  
10 work well for landings, but we also found that  
11 in terms of releases, currently the MRFSS  
12 estimates are not very precise. They kind of  
13 bounce all over the place on marlin releases.

14           So if there is a feeling that we  
15 need better data in that respect, there's a  
16 couple of ways you might be able to go about  
17 doing that. You can make improvements to the  
18 MRFSS, which MRIP is attempting to do, or you  
19 can develop some sort of specialized survey,  
20 taking advantage of your list frame, your list  
21 of anglers who are permitted.

22           So those are some other options

1 that I think need to be explored. No matter  
2 what we do, I think we need more -- and this  
3 was brought up yesterday -- we need more  
4 education and outreach. We need more of it in  
5 Spanish, which is what I heard a lot about,  
6 and you know, it just seems like if you're  
7 going to implement something, you really need  
8 to make sure people know about it. Otherwise,  
9 it's not going to do you any good.

10           Okay. So quickly, okay. Margo's  
11 giving me the -- so quickly go through  
12 Florida. With the private anglers, the  
13 angling category primarily, we conducted a  
14 survey. Every two weeks, we selected a random  
15 sample of about ten percent of the angling  
16 category permit holders.

17           We collected data, basically, a  
18 lot of the categorization information. But we  
19 were also trying to produce some estimates of  
20 catch and effort. So I just want to show you  
21 some of the nice graphs that David McGowan put  
22 together. He's the project lead on the

1 Florida projects.

2           So this shows you the distribution  
3 of trips by species classification, whether  
4 they targeted or caught that species, and  
5 shows you by wave and overall, you can see the  
6 total sample sizes down below.

7           Again, I apologize for going  
8 quickly, but again, I talked about the private  
9 access. It was even bigger of an issue, a  
10 larger issue in Florida than in some other  
11 states.

12           We found that, it looks like from  
13 this graph, about 50 percent of the trips were  
14 returning to private access. This is the  
15 angling category, HMS angling category trips.

16           Return times, not too surprising.  
17 The only fishery where there's a real night  
18 component is the sword fishery, and that makes  
19 it particularly challenging for sampling.  
20 Tournaments, you know, roughly a little less  
21 than ten percent in Florida, trips associated  
22 with tournaments.

1           Here's some preliminary trip  
2 estimates. So overall, you know, a lot of  
3 trips for HMS, over 19,000 just in Florida,  
4 and you can see this seasonal distribution.  
5 But I also want to point out those bars.  
6 Those are error bars, which are really fairly  
7 small, even by wave. But certainly overall  
8 it's a four percent PSE, percent standard  
9 error.

10           So this approach really worked  
11 well for getting a precise estimate of HMS  
12 trips in the state. Then we got some  
13 comparisons between the PATS, which was the  
14 pilot project I'm talking about, the MRFSS  
15 and, at least for swordfish, the ALRS.

16           You know, you can see again, the  
17 PSEs are much smaller in most cases for the  
18 PATS, which are not surprising, because this  
19 was a specialized survey, as opposed to a  
20 general, the MRFSS is a general survey, which  
21 does not do as well in terms of the precision  
22 of these rare event HMS. I'm not going to get

1 into a lot of detail on that.

2 Then just real quickly, because we  
3 don't have any data from the for-hire pilot,  
4 but we are currently analyzing that data, and  
5 that should be coming out in the next few  
6 weeks. So that's about all the time that I  
7 have. There's the website.

8 We do post, we will be posting the  
9 final project reports for all these projects  
10 on this website. So look for those in  
11 probably the next month to six weeks, and  
12 again, if you have any specific questions,  
13 feel free to email me or give me a call.  
14 Okay, questions.

15 MS. SCHULZE-HAUGEN: Here's our  
16 situation. We have people that have come.  
17 We're a bit behind. We have people that are  
18 starting to leave for planes and getting home,  
19 and there has apparently been an incident  
20 downtown that is affecting getting to  
21 National. So people, we've been hearing,  
22 should be not taking cabs, but taking the

1 Metro.

2           So and that there may be increased  
3 security because of 9/11. So we're about to  
4 start losing a lot of folks, and what I would  
5 like to suggest is we move straight to the  
6 CITES discussion, and I think Ron can stick  
7 around if there are people that will have  
8 questions or comments, want to talk to Ron.  
9 Maybe we can do that, so that we can get to  
10 CITES.

11           PARTICIPANT: All I want to say is  
12 we see how bad, how quickly we get off on  
13 black nose sharks and bad estimates and how  
14 bad MRFSS can be. I would really like to see  
15 something come out of you, Ron, as we develop  
16 MRIP, where you can ground truth your data,  
17 that isn't just modeled.

18           But if we can see, as MRIP comes  
19 out, if there was a way that we can see what  
20 the estimates are on an ongoing basis. I'll  
21 get it -- you and I will talk more on it  
22 later, but we get badly off, you know, and we

1 don't understand the impacts of bad data until  
2 they're best available science, and then it's  
3 too late to argue them with you.

4           PARTICIPANT: Rick, I'll go very  
5 quickly too. I just want to emphasize the  
6 importance of good data, and the fact that  
7 when we start getting better data, that it  
8 needs to be incorporated into the assessments.  
9 Because like the biological, not only of the  
10 catch effort but the biological data, many of  
11 the recreational catches are significant in  
12 terms of total catch.

13           So just I can't emphasize how  
14 important better data are.

15           MS. SCHULZE-HAUGEN: Thank you for  
16 being very brief. I appreciate that. All  
17 right. At this point, I'd like to introduce  
18 David Cottingham. He's going to be giving a  
19 presentation on CITES, and we have a number of  
20 new folks here.

21           I would like to point out the Fish  
22 and Wildlife Service folks. If they could

1 stand up and -- I'm sorry? Tim and Pam. If  
2 you could stand up and -- Tim and Pam. Fish  
3 and Wildlife Service technically has the lead  
4 on CITES for the U.S. government, although  
5 NOAA contributes heavily for the marine  
6 species.

7 David Cottingham goes to the  
8 Conference of the Parties meetings, and  
9 hopefully you can find your presentation.  
10 While he's finding that, one quick note. On  
11 your receipts and travel vouchers, if you  
12 could try and have those in by the 18th, that  
13 would be fantastic.

14 And as we talked about yesterday,  
15 there should be the evaluation form for the  
16 meetings in your packet. It would be really  
17 helpful to get some feedback on how this  
18 meeting went, structure-wise, content-wise.

19 We really do look at them and  
20 value your input, particularly as we look  
21 forward to the next meetings and how we'll set  
22 those up and run them.

1                   So please take the time if not  
2 today, on the plane home. Send them in, fax  
3 them in. We really look for your feedback.

4                   MR. COTTINGHAM: Thank you, Margo  
5 and I appreciate all you folks giving us an  
6 opportunity here to talk a little bit about  
7 CITES. It's not something that most of you  
8 have dealt with. I'm going to be very brief  
9 and try to go over just a few of the hot  
10 issues here, a little bit of background on  
11 CITES, and then try to dispel some of the  
12 myths.

13                   You have a copy of a version that  
14 we printed out. I think you made copies,  
15 didn't you, yes, in your notebooks. This is  
16 a slightly revised version, and I will point  
17 that out to you when we get to that.

18                   The Convention on International  
19 Trade and Endangered Species of Flora and  
20 Fauna, I will -- has been in place since the  
21 early 1970's. There are approximately 175  
22 countries. There have been some changes and

1 you sort of see.

2 But this map shows you who the  
3 members are. It's really most countries. It  
4 deals with everything from elephant and tigers  
5 to orchids and turtles and all sorts of  
6 critters. There are some marine species that  
7 are involved, and we'll get into that in a few  
8 minutes.

9 The Fish and Wildlife Service in  
10 the Department of the Interior is the lead,  
11 which is one of the reasons we asked Pam and  
12 Tim to come over today. It regulates  
13 international trade in animals and plants that  
14 the commercial demand is threatening their  
15 survival in the wild.

16 You list -- countries propose to  
17 list species, or other -- you can do larger  
18 taxa, based on the biological status, the role  
19 in international trade and its management.

20 There are three appendices. I'm  
21 only going to talk about two here today,  
22 Appendix 1 and Appendix 2. Appendix 1,

1 species that are threatened with extinction  
2 under criteria. There's some very specific  
3 criteria which we can get for you, and that  
4 international trade, international commercial  
5 trade in these species is prohibited.

6 Under Appendix 2, it's species  
7 that are vulnerable to exploitation, but  
8 they're not at risk of extinction. There is  
9 some international trade, but to have the  
10 international trade, the country must -- the  
11 exporting country must make two findings.

12 One, that the harvest was  
13 sustainable, and two, that the species were  
14 harvested legally. We'll come back to that.  
15 There's some key events that are coming up in  
16 the fall of 2008. The Fish and Wildlife  
17 Service requested information on what do you  
18 want us to propose at the next Conference of  
19 Parties. The Conference of Parties is when  
20 all the countries get together.

21 So we got hundreds of comments and  
22 recommendations from the public to add a bunch

1 of species to the appendices. We are  
2 currently soliciting comments, and it's just  
3 serendipitous, that today happens to be the  
4 last day of the public comment period, and I  
5 don't want it to completely overwhelm Margo's  
6 meeting.

7           But too late, okay. So we are  
8 soliciting comments on what we should propose  
9 at the meeting. We are not soliciting  
10 comments on what positions we should take at  
11 a meeting, because right now, we don't even  
12 know what proposals are going to be submitted.  
13 So we're doing that.

14           We have also begun what we call  
15 range state consultations, and that is where  
16 you go out to countries and you say we are  
17 thinking about proposing something. What  
18 would -- do you have any information that  
19 would assist us in developing those proposals?

20           So that's where we are now. We  
21 haven't made up our minds on any of these  
22 things. Other countries have come to us

1 seeking range state consultations. Do we have  
2 any information that we can provide them about  
3 their proposals as well? So there has been  
4 some exchange of letters going on.

5           So within a couple of weeks,  
6 within a week or so, we're going to submit our  
7 recommendations into the process, after we get  
8 all the public comments and have a chance to  
9 analyze them. By October 14th, all the  
10 countries that are members have to submit  
11 their proposals to the CITES Secretariat.

12           The CITES Secretariat will then  
13 translate them and post them, and we will  
14 begin the review process. For purposes of  
15 this group, we thought we should put the ICCAT  
16 annual meeting on here, which will be in early  
17 November.

18           There's also another meeting that  
19 we forgot to put on here. There's an FAO  
20 panel that reviews those marine species that  
21 people have proposed. Then next March, we  
22 will go to Doha, Qatar, for the Conference of

1 the Parties.

2           This is where the change was. I  
3 think the copy that you guys had, it said  
4 recommendations for U.S.-sponsored proposals,  
5 and these are recommendations that we received  
6 from the public. So when you see your  
7 handout, that "public" in there what was  
8 changed.

9           We got suggestions for several  
10 species of sharks, several families, several  
11 groups of sharks, all of which were proposed  
12 to be -- they hoped that we would propose this  
13 on Appendix 2.

14           So with regard to sharks,  
15 obviously you guys have been having shark  
16 discussions this morning. You know that we  
17 regulate sharks, and we are currently  
18 undecided as to what to do about sharks.

19           But we are soliciting information  
20 through range state consultations to various  
21 countries about the hammerheads and the  
22 requiem sharks. So we're still looking.

1 We're considering that.

2           Spiny dogfish and porbeagle,  
3 Germany, on behalf of the European Union,  
4 submitted at the last Conference of Parties.

5 We get into the whole difference between the  
6 Eastern Atlantic and the Western Atlantic.  
7 Germany had proposed this last year but it did  
8 not pass.

9           Blue fin tuna, we're expecting --  
10 we certainly heard that Monaco plans to  
11 propose an Appendix 1 listing for blue fin  
12 tuna, which would -- domestic trade for blue  
13 fin, harvested within a nation's territorial  
14 sea, would be allowed. But commercial trade  
15 from blue fin harvested on the high seas would  
16 be prohibited.

17           So if a fisherman caught a blue  
18 fin tuna, if this were listed, if you caught  
19 a blue fin within the U.S. EEZ, you could sell  
20 it within the United States. You could not  
21 export it, is where that goes.

22           Now there are several things that

1 we have heard about CITES that are sort of  
2 myths and they're sort of urban legends, and  
3 I wanted to try to clear them up.

4           First is that marine species  
5 listed in CITES, Appendix 1, cannot be sold  
6 domestically within the United States. That's  
7 not the case. As I just said, if they're  
8 harvested within the U.S. EEZ, they can be  
9 sold there.

10           Those rules, there's some  
11 complications to that for the European Union,  
12 but I'm not going to go into those, so that --  
13 at this stage. We can if people really want  
14 to.

15           Marine fish listed in Appendix 1  
16 cannot be harvested recreationally. If you're  
17 not selling them, then you can catch them  
18 recreationally. There will be no -- because  
19 of the listing on Appendix 1, that will not  
20 affect domestic recreational catches.

21           The Monaco proposal would ban all  
22 trade of all tunas. We've been hearing this

1 because of look-alikes. When a country  
2 submits a proposal to CITES, they have to  
3 identify what the look-alikes, it's referred  
4 to as look-alikes, it's spelled out in Annex  
5 3, I believe.

6           So but countries have to submit  
7 those things that they think look like it in  
8 trade. Trade in blue fin tuna, the other  
9 misconception is trade within the European  
10 Union would not be affected by a listing on  
11 Appendix 1.

12           The European Union has  
13 implementing regulations, its own implementing  
14 regulations with regard to wildlife, and they  
15 generally adopt a stricter standard than the  
16 United States or other countries -- than CITES  
17 implies.

18           You can trade -- you could trade a  
19 domestically caught blue fin tuna within  
20 various states of the United States, but in  
21 the European Union, you could not trade it at  
22 all. So that's another one of these

1 misconceptions that people have heard.

2           CITES Appendix 2 is a ban on  
3 trade. It's not a ban on trade. It's an  
4 encouragement to do sustainable harvest to  
5 assure that when you export a product, it has  
6 been sustainably harvested. I'm not going to  
7 tell you there wouldn't be some permit  
8 requirements or some tracking problems. There  
9 would be some issues that would have to work  
10 out if these things happen.

11           But other countries have figured  
12 out how to do this. Other sectors of the  
13 economy have figured out how to do this. Some  
14 that come to mind are things like mahogany  
15 from South America. It has not been easy to  
16 implement it, but we have -- it's listed on  
17 CITES. Some species of mahogany are listed.

18           CITES Appendix 2 is a list of  
19 species that are prohibited in international  
20 trade. As I just said, they're allowed in  
21 international trade, so long as you can make  
22 that non-detriment finding and that the

1 species, the individual product has been  
2 legally harvested. So that's where that goes.

3 I tried to do this very quickly.  
4 CITES is like any international agreement,  
5 fairly complicated and implementing this will  
6 present special challenges to fisherman, to  
7 dealers, if any of these marine species are  
8 listed. They will present some special  
9 challenges and we'll figure out how to work  
10 through them. So with that, I'm happy to take  
11 questions.

12 MR. ANNINOS: Hang on one second,  
13 Dave.

14 MR. COTTINGHAM: Oh, I'm sorry.  
15 You run this.

16 (Laughter.)

17 MR. COTTINGHAM: I'm sorry.

18 MR. ANNINOS: First, I want to  
19 just do a quick time check. We have about an  
20 hour and a half slated for this piece of the  
21 agenda, as we all know, and we are likely,  
22 just depending upon how this goes, we may just

1 be like eliminating lunch from our agenda,  
2 okay. I hope that's okay with everybody. You  
3 can catch lunch as the meeting ends or on the  
4 way to the next part of your day.

5           So we're not going to stop the  
6 meeting for an hour to go take a lunch break  
7 and then come back and resume our meeting. I  
8 just wanted to let you know that, okay. So  
9 hopefully you've been grazing all morning on  
10 all the breakfast stuff.

11           The second point is what we'll do  
12 first is we'll hear from the Advisory Panel,  
13 from HMS Advisory Panel members first. We  
14 know we have people in the audience that are  
15 here to make comments on this issue. So we  
16 want to make sure we've given the AP a chance  
17 to weigh in on this, and ask the questions and  
18 make the comments and raise the issues that  
19 they would like.

20           Then in just a moment, I'm going  
21 to have Ken up. I'm assuming you have a  
22 process question. Was that correct or -- no?

1 Okay. All right. Then I'd like to get some  
2 sense of the volume of people that would like  
3 to weigh in on this.

4 Not AP; non-AP members, folks that  
5 are in the room that maybe have traveled here  
6 or have come here for the sole purpose of  
7 making a comment. I just wanted to get a  
8 sense by a show of hands high, so I can just  
9 kind of do a quick tally. One, two, three,  
10 four, five, six.

11 Okay, very good. That helps me a  
12 lot. Thank you. Okay, with that, let me see  
13 some hands from the AP members that would like  
14 to weigh in on this, so I can just kind of get  
15 a tally started okay.

16 PARTICIPANT: I just want to  
17 comment that I'm glad that you're preventing  
18 people from eating, so they will be especially  
19 grumpy during this session.

20 (Laughter.)

21 MR. ANNINOS: Well as you know, we  
22 were trying to get out of here by 2:00 or 2:30

1 today, and putting lunch in there could hamper  
2 that event. So let me just get a few -- keep  
3 your hands up please.

4 MS. SCHULZE-HAUGEN: While Paul is  
5 getting the list and I think it will take him  
6 a few minutes to write all that down, I think  
7 Rebecca, Dr. Rebecca Lent, who's the Director  
8 of the Office of International Affairs, has a  
9 quick announcement that's relevant to the  
10 discussion.

11 DR. LENT: Thanks Margo, I'll make  
12 it quick. Last week, as you know, we had an  
13 inter-sessional working group on the future of  
14 ICCAT, and there was a sidebar discussion on  
15 blue fin tuna in CITES, and the general sense  
16 was that ICCAT needs to pay attention, to  
17 engage, et cetera.

18 Since then, we've gotten  
19 information that an item related to CITES has  
20 been added to the fall agenda, the meeting in  
21 November in Brazil with the full commission,  
22 and also pending or because of a commission

1 officer's recommendation, the SRS is going to  
2 have -- is going to provide scientific advice  
3 on the condition of blue fin tuna with respect  
4 to the listing criteria under CITES.

5           There will be some initial  
6 discussion of this at the species working  
7 group meeting for blue fin at the end of  
8 September, and then the third week of October,  
9 there will be a meeting likely in the United  
10 States, at which contracting party scientists  
11 will again bring data and take a look at the  
12 most recent information and data on blue fin,  
13 and assess the criteria's applicability.

14 Thanks.

15           MR. ANNINOS: Thanks, Rebecca.  
16 Okay. I do have a pretty good tally of folks  
17 here. I'm going to start with you Rich, Shana  
18 and then Glenn.

19           MR. RUAIS: Thank you very much  
20 and thank you, David, for the quick  
21 presentation and the early little conversation  
22 we had earlier. Just want to point out to

1 anybody that we have a coalition of fishing  
2 groups that are organizing to oppose the  
3 United States supporting any CITES listing,  
4 because we don't believe the species is in  
5 danger of extinction in any fashion  
6 whatsoever.

7                   But first, I want to just -- I  
8 want to ask you a few questions on your  
9 presentation. In the range state  
10 consultations that you've had to date,  
11 including with potentially Monaco, have you  
12 had any inquiries about what the U.S. position  
13 is? Has there been any initial response from  
14 FWS?

15                   MR. COTTINGHAM: Yes, we have had  
16 inquiries, and we have been providing  
17 information. We've provided a comment letter  
18 to Monaco, but we said we're in the public  
19 comment period. We have not made up our mind  
20 what our position is going to be with regard  
21 to co-sponsoring it, a Monaco proposal, or  
22 with regard to what we will say come next

1 March at the meeting.

2           So we have provided technical  
3 comments to them. We thought there were some  
4 things, there were some inaccuracies or  
5 misstatements, and we provided those technical  
6 comments.

7           MR. RUAIS: Are those available  
8 for the public?

9           MR. COTTINGHAM: Yes.

10           MR. RUAIS: Okay. Well then I'm  
11 making a request to get them when you have a  
12 chance. On the FAO, you mentioned the FAO  
13 panel plays some sort of a review process.  
14 Could you describe that for us a little bit?  
15 That's scientists from FAO and how important  
16 that is in the CITES decision-making process?

17           MR. COTTINGHAM: The role of FAO,  
18 of course, in organizing and working with  
19 regional fishery management organizations is  
20 well-known, and as CITES began to explore the  
21 opportunities to look at -- or countries came  
22 to CITES and said they thought it was useful

1 to list some marine species on CITES that  
2 RFMOs did not cover or that they did not feel  
3 comfortable to RFMOs were adequately managing.

4 So CITES and FAO entered into a  
5 memorandum of understanding, as U.N.

6 organizations do, I want to say in the late  
7 90's. But don't hold me to that date.

8 So they have been working together  
9 to come up to have an FAO convenes a panel of  
10 marine species experts. They have done it  
11 before the last two or three Conference of  
12 Parties, and they will review the proposals  
13 that they get, and they will opine as to  
14 whether they think the proposal meets the  
15 criteria. So yes, FAO does convene that  
16 panel.

17 MR. RUAIS: Okay, thank you, and I  
18 assume those are world blue fin tuna experts  
19 that would be --

20 MR. COTTINGHAM: Well, I don't  
21 know how many people will be on any particular  
22 panel. They will have a -- I wouldn't guess,

1 and so I don't know who they're going -- I  
2 don't know who's going to be on the panel this  
3 time.

4 But let's just say there are --  
5 they will have a complete -- there may be a  
6 range of species. They may need some shark  
7 people, they may need some coral people. So  
8 they may have a range of expertise that would  
9 be represented on the FAO panel.

10 MR. RUAIS: Okay. Moving on, I  
11 guess I had a bit of misinformation. I  
12 understood that within the community, when a  
13 CITES-1 listing was proposed, that because the  
14 European Community doesn't have an endangered  
15 species act, that they use the CITES listing  
16 to prohibit the domestic trade in that  
17 endangered species.

18 But you mentioned that CITES-1  
19 listing wouldn't affect domestic trade in the  
20 European Community.

21 MR. COTTINGHAM: No, I don't think  
22 I said that. Did I say that? I misstated

1 that.

2 (Simultaneous speakers.)

3 MR. COTTINGHAM: It would  
4 definitely affect trade in the European Union.  
5 They could not trade in Appendix 1 species.  
6 There's something, they refer to it as  
7 Appendix A, B, C and D. Countries could not  
8 trade on Appendix 1 species commercially.

9 If France caught something in  
10 France -- if a French fisherman caught a blue  
11 fin tuna and brought it into France, if it was  
12 listed on Appendix 1, my understanding is that  
13 he could not sell it in France. That's my  
14 understanding.

15 I see Sue Lieberman shaking her  
16 head, who knows more about the European Union  
17 than I do.

18 MR. RUAIS: This is actually a  
19 very critical question for us. Just so you  
20 know, prior to the development of the farm  
21 fishing, which has been one of our major  
22 problems, there was substantial -- there's a

1 substantial domestic market throughout the  
2 Community that could clearly exceed -- the  
3 demand for which could clearly exceed the  
4 scientific advice for rebuildable quotas right  
5 now.

6           So the point being that if CITES  
7 does not restrict domestic trade in the  
8 European Community, it's effectively useless  
9 from the perspective of trying to rebuild the  
10 resource.

11           MR. COTTINGHAM: Again, for an  
12 Appendix 1 listing, I think it does. For an  
13 Appendix 2 listing, I don't think it does. It  
14 depends on what the European Union, and I'm  
15 going to look at Sue to see if I get this  
16 right.

17           The European Union takes CITES  
18 species listed and puts them on either  
19 Appendix A, B, C or D, and usually Appendix 1  
20 goes on their Appendix A, or I believe it's  
21 called Annex. So for Annex 1 species, they  
22 are not allowed to trade them. Commercial

1 trade is prohibited.

2 For Annex B, which is equivalent  
3 to Appendix 2, they can trade those, and the  
4 trade is not restricted, generally not  
5 restricted. So if it was -- an Appendix 2  
6 species were caught in Italy, it could be sold  
7 in France. I'm looking to some Europeans like  
8 Sonja or people who have spent a good bit of  
9 time in Europe recently.

10 I think that's right, isn't it  
11 Sonja? Sonja is confirming that. So there's  
12 a big difference between Appendix 1 and 2, and  
13 how the European Union deals with it. Rebecca  
14 wants to --

15 DR. LENT: Can you just make sure  
16 when you say "trade," you mean commercial  
17 sale?

18 MR. COTTINGHAM: Commercial sale.

19 DR. LENT: So use the word  
20 "commercial sale" rather than trade, because  
21 it's making us think about a cross-border  
22 thing.

1                   MR. COTTINGHAM: Okay. You can't  
2 sell it -- an Appendix 1 listing, a French  
3 fisherman could not sell it in France. Nor  
4 could he obviously sell it in Italy or Spain.

5                   MR. RUAIS: Okay, very good. I  
6 think I have that understood now.

7                   MR. COTTINGHAM: I'm sorry if I  
8 misspoke earlier on that. Oh, I didn't.  
9 Okay.

10                  MR. RUAIS: I guess my paranoia  
11 probably forced me to misinterpret that. The  
12 other question I had was the look-alike  
13 clause. In our brief conversation in the  
14 hallway, you mentioned that that generally is  
15 handled, I assume that it was handled by the  
16 Secretariat as a matter of an enforcement  
17 tool, compliance tool about whether or not  
18 you're actually capturing, you're succeeding  
19 in prohibiting the trade in the species that  
20 you're trying to protect.

21                  But you mentioned that the issue  
22 of look-alike clause begins -- the

1 consideration of which begins by the proposing  
2 country. So in other words Monaco, for  
3 example, would have to point out that there's  
4 a potential look-alike issue here, with big  
5 eye, yellow fin tuna, et cetera, et cetera.  
6 If they don't, then the Secretariat stays away  
7 from it.

8 MR. COTTINGHAM: That's correct,  
9 and to date, the draft that Monaco submitted  
10 several weeks ago for the range state  
11 consultation did not have a provision in it  
12 for look-alike.

13 MR. RUAIS: Is there an option for  
14 other countries to alter that at the CITES  
15 meeting?

16 MR. COTTINGHAM: It cannot get  
17 more restrictive at the CITES meeting than the  
18 original proposal.

19 MR. RUAIS: Than the original  
20 submission.

21 MR. COTTINGHAM: It could get less  
22 restrictive, but it can't get more

1 restrictive. I'm looking to my Fish and  
2 Wildlife Service buddies too, to make sure  
3 that -- they get way down in the weeds on  
4 these things, so I think that I'm just looking  
5 for confirmation on this.

6 MR. RUAIS: Okay. Then just a  
7 word of caution. I'd be prepared for an  
8 explosion of big eye landings coming from the  
9 Mediterranean to the Japanese market, and  
10 yellow fin tuna as well. But I don't want to  
11 dominate. I would just urge people to take a  
12 careful look at our six pages of comments that  
13 we've submitted so far.

14 Any of the members in the room  
15 here, like Glenn Delaney, Rebecca Lent, who  
16 have participated in ICCAT since the early  
17 1990's, the Community has been a nightmare.  
18 We're here because of the Community.

19 We're here because they've totally  
20 fallen down in terms of listening to the  
21 scientific advice, in terms of misreporting  
22 data, in terms of violating every agreement

1 that they sign their name to, in terms of  
2 lying about whether or not they're complying  
3 with minimum sizes.

4           The alternative situation in the  
5 Western Atlantic is that we've been abiding by  
6 the science since 1981, and it's true that the  
7 runaway, continued runaway fisheries in the  
8 Eastern Atlantic, the mixing information has  
9 clearly indicated that we can't recover the  
10 western stock without proper management of the  
11 eastern stock as well.

12           So the bottom line from our  
13 perspective is that a CITES-1 listing,  
14 although it may impact in the east, it's going  
15 to punish fisherman who have been conserving  
16 this resource for quite some time.

17           I also want to make it clear that  
18 we hope people look very carefully at the  
19 question of collapse of a fishery, which is  
20 what the ICCAT's Standing Committee on  
21 Research and Statistics, the scientific group,  
22 which is what they're warning about in the

1 eastern Atlantic.

2           The collapse of a fishery should  
3 not be confused with the issue of extinction  
4 of a species. There are plenty of examples  
5 with tuna, which is a highly fecund, widely-  
6 distributed, great depths, range obviously  
7 from Argentina to the Arctic Circle, and we  
8 just don't believe and we heard yesterday, in  
9 fact, that a lot of the eastern Atlantic, if  
10 you're mostly concerned about the eastern  
11 Atlantic, some of the eastern Atlantic stock  
12 remains in the western Atlantic during the  
13 spawning period, which means we're protecting  
14 eastern Atlantic fish while they're here.

15           So we just don't believe, and in  
16 fact we went so far -- I participated in the  
17 1992 CITES, as Sue Lieberman will clearly  
18 recall, and we produced probability analysis  
19 from very talented blue fin tuna scientists,  
20 that suggested the possibility that fisherman  
21 could possibly track down, chase the last  
22 several hundred or several thousand pairs of

1 this highly migratory species, is next to  
2 zero, if not zero.

3 So I'll stop there, because  
4 there's a lot of other people who want to  
5 talk. Thank you.

6 MR. COTTINGHAM: Thank you for  
7 submitting the comments.

8 MR. ANNINOS: Thanks, Rich.  
9 Shana, Glenn and then Chris.

10 (Off mic discussion.)

11 MR. ANNINOS: Glenn, you're up.

12 MR. DELANEY: I won't be that  
13 quick, sorry. Good to see you, by the way.  
14 Been a long time. Just a couple of points.  
15 On the Monaco draft proposal, just as a  
16 caution, the similarity in appearance issue is  
17 still out there.

18 In at least one species, you know,  
19 the big eye in particular is one that's pretty  
20 similar. So I guess we just need to keep an  
21 eye on that.

22 They haven't submitted their final

1 proposal yet and they still do have the  
2 discretion to add that before they go final,  
3 and I'm glad you clarified that amendment  
4 process in CITES itself.

5           So hopefully, you know, that cuts  
6 both ways. Rich mentioned why it would be  
7 potentially a problem, because suddenly there  
8 would be a proliferation of big eye tuna on  
9 the market.

10           On the other hand, it would also  
11 expand the implications for U.S. fisheries  
12 that are more focused on big-eyed tuna than  
13 they are on blue fin tuna, the pelagic  
14 longline fishery, for example. So that's an  
15 issue of great interest to the industries that  
16 I work with.

17           Just as a point, you know, even  
18 Appendix 1 or 2, you know, I worked for a  
19 number of years in a business that was based  
20 on an Appendix 2 species, and it was, I would  
21 say, a quasi-perishable product, an exotic  
22 leather, alligators in particular in

1 Louisiana.

2           That was an extremely difficult  
3 paper work burden and process to get --  
4 probably the biggest choke point are the Fish  
5 and Wildlife Service inspections. I don't  
6 know who would perform inspections on the blue  
7 fin. Would that be NMFS or Fish and Wildlife?

8           I guess all the port inspectors  
9 are Fish and Wildlife people, or are they --

10           MR. COTTINGHAM: Yes. The  
11 question is about port inspectors. I don't  
12 know if people could hear, if there was an  
13 Appendix 2 listing, where you could have  
14 exports, or then you would have to get into  
15 looking at being able to document that those  
16 fish were harvested sustainably and harvested  
17 legally. So they were within the management  
18 plan.

19           But the Fish and Wildlife Service  
20 has most of the port agents. The NMFS people  
21 cooperate with them.

22           MR. DELANEY: Right, and this is

1 not intended to be disparaging to the Fish and  
2 Wildlife Service, but you know, they have  
3 limited manpower, and to be able to cover a  
4 very highly perishable product such as blue  
5 fin tuna that needs to get on the squeegee  
6 fish market floor in 24 hours or whatever, you  
7 know, having gone through with alligators, I  
8 can't even imagine the burden on the Fish and  
9 Wildlife Service port inspection agents to try  
10 to keep on top of shipping fresh blue fin tuna  
11 out of multiple ports.

12 Now Fish and Wildlife Service has  
13 designated ports. So would Boston be --  
14 Boston and New York, I think, are the only two  
15 designated ports in the Northeast; is that  
16 correct? Newark evidently is too.

17 MR. COTTINGHAM: Newark and  
18 Boston, not out of New York. So Newark is New  
19 York.

20 MR. DELANEY: There are not very  
21 many.

22 MR. COTTINGHAM: Right.

1                   MR. DELANEY: They're not located  
2 in -- so again, everybody would have to ship  
3 through those ports. Inspections would likely  
4 happen at those points. So anyway, don't feel  
5 like Appendix 2 is a desirable fallback from  
6 an industry standpoint, because I don't even  
7 know how it would work with something like  
8 blue fin tuna.

9                   I guess this might be a question -  
10 - well, I guess it's to you, David. Will the  
11 U.S. perform any sort of a scientific analysis  
12 to explore whether or not blue fin tuna  
13 actually meet the Appendix 1 criteria?

14                   You know, clearly we've read in  
15 the press that somebody in the EU Environment  
16 section has done that, and come to the  
17 conclusion that oh yes, it absolutely meets  
18 the Appendix 1 criteria, which you know, makes  
19 us wonder how they came to that conclusion.

20                   Will the U.S. perform its own  
21 analysis with our extensive scientific  
22 expertise on blue fin tuna?

1           MR. COTTINGHAM:  Yes, and we have  
2 had some of our -- I mean some of our  
3 scientists have been looking at the proposals  
4 already, and that's gone back to Monaco.  In  
5 our comments, when we thought they didn't  
6 characterize something correctly one way or  
7 the other.

8           MR. DELANEY:  Okay.  Is that  
9 scientific analysis pertaining to the Appendix  
10 1 criteria, something that would be available  
11 to any of us?  Is that a formal document?

12          MR. COTTINGHAM:  It's not a formal  
13 document.

14          MR. DELANEY:  I mean because it  
15 certainly would enhance our ability to join in  
16 working with others to clarify that, and  
17 perhaps also in our ICCAT efforts, it would be  
18 interesting to know that.

19                 So please consider whether or not  
20 we can -- something like that could be made  
21 available to us.

22                 I also sort of wonder down the

1 line if under Appendix 1, a listing was  
2 adopted and whether or not the U.S. supported  
3 it I guess might have some political  
4 implications. But then, how does that  
5 translate to how the U.S. deals with that  
6 domestically in the context of ESA.

7           As you just explained, Europeans  
8 just adopt, incorporate by reference  
9 essentially, CITES listings into their  
10 domestic criteria or determination of  
11 endangered species. We are the USA with a  
12 whole different set of criteria and law behind  
13 that.

14           But I guess one of the things  
15 we've talked about as an industry is well, if  
16 there's an Appendix 1 listing and we're being  
17 assured that that's not going to affect  
18 domestic sales, but then there's going to also  
19 be a great deal of focus and emphasis by folks  
20 in different communities to say well, if CITES  
21 listed it as Appendix 1, threatened with  
22 extinction, that's a pretty powerful political

1 statement that ought to support an ESA listing  
2 of some sort.

3 Is there any thoughts on how those  
4 analyses would cross-reference, in terms of  
5 Appendix 1 criteria and ESA criteria?

6 MR. COTTINGHAM: Right, and I  
7 won't tell you we won't get petitioned. I  
8 mean that --

9 MR. DELANEY: You can almost  
10 guarantee that.

11 MR. COTTINGHAM: But we use, just  
12 because something is put on Appendix 1 does  
13 not mean it's listed in the Endangered Species  
14 Act. And anybody can petition us at any time  
15 to come forward, and we will do a thorough  
16 review, to see what the status of that is. So  
17 I understand your -

18 MR. DELANEY: It's a rhetorical  
19 question maybe, in the sense that just to  
20 bring everybody aware of that, that while  
21 there are different criteria. But there also  
22 will be a tremendous political situation that

1 will come to bear.

2           Maybe this is my last question.

3 To Rebecca's point, and it's great news. I  
4 think a couple of the organizations I work  
5 with, Rich and others on, I think we sent a  
6 letter strongly urging the U.S. to urge ICCAT  
7 to put back on the agenda blue fin tuna and  
8 try to fix what we didn't do such a great job  
9 on last year, we ICCAT.

10           You know, I guess just maybe it's  
11 another rhetorical question, but the comment.  
12 If ICCAT were to conform its rebuilding plan  
13 for eastern blue fin tuna with the SCRS  
14 advice, meaning in terms of quotas, tax,  
15 levels immediately, and perhaps take further  
16 steps that had been recommended, I believe,  
17 concerning protecting spawning areas in the  
18 Mediterranean, maybe extending the time frame  
19 and maybe getting away from the blue poles  
20 like bad weather days and garbage like that  
21 that was put in there, you know, I guess the  
22 hope is that if ICCAT does its job, and

1 conforms everything it can to the scientific  
2 advice, that that would provide a pretty  
3 strong argument to dissuade countries from  
4 pursuing the CITES listing, and to allow ICCAT  
5 to continue to assume its lead responsibility  
6 for managing both the science or the fishery  
7 and trade essentially. It's in the trade  
8 business.

9 MR. COTTINGHAM: You're right.  
10 That was fairly rhetorical, but I'll respond  
11 to that by saying that all of us hope that  
12 ICCAT will come to do its job. The Monaco  
13 proposal that we saw, the draft that we have  
14 seen, has a resolution attached to it.

15 MR. DELANEY: Yes, that's what I  
16 wanted to get at.

17 MR. COTTINGHAM: And wherein if  
18 the countries, and they actually that's the  
19 depository countries of the convention, to  
20 make a ruling that when the ICCAT management  
21 plan is in place, when ICCAT improves its  
22 management plan and it is in place and is

1 shown to be effective, that it would ask the  
2 depository governments for review, to see if  
3 moving from Appendix 1 to Appendix 2 is  
4 appropriate.

5 MR. DELANEY: Fine. Well that  
6 certainly signals that they're really trying  
7 to put the pressure on ICCAT to their job.

8 MR. COTTINGHAM: That's exactly  
9 what they're trying to do.

10 MR. DELANEY: And for those of us  
11 involved with that, we should really make that  
12 first and foremost an objective in November,  
13 is to get ICCAT to do its job and that  
14 probably is ultimately the best thing we can  
15 do in terms of dealing with the CITES proposal  
16 in the first place.

17 So, I hope everybody in that  
18 community with gather together and as Rich  
19 suggested, he's putting a coalition together.  
20 That should be one of the major arms of any  
21 strategy, would be to get ICCAT in November to  
22 put the thing back on the agenda.

1           I understand from Rebecca it  
2 sounds like they've got a CITES agenda on  
3 there. I guess that would hopefully put the  
4 recommendation from last year back on the  
5 table for amendment or a new recommendation on  
6 the table to conform that to the science, and  
7 that should be one of our first and foremost  
8 objectives this year. Thank you.

9           MR. COTTINGHAM: Thank you.

10          MR. ANNINOS: Thanks, Glenn. Next  
11 we have Chris, Ralph and then Ken.

12          MR. WEINER: Hi. Chris Weiner.  
13 I'm a commercial tuna fisherman harpooner out  
14 of Maine. You know, my comments aren't going  
15 to really be questions.

16                Ever since I heard about this,  
17 I've been pretty worried about this. First of  
18 all, the thing that really gets me, and I  
19 don't understand how people can live with  
20 themselves, calling a fish that's not even  
21 close to going extinct, to get what they want.

22                You know, some people throw around

1 well, you know, we want to get the EU to do  
2 this, we want to get the EC, you know. Fine.  
3 But what you're doing is you're basically, and  
4 I don't want to characterize it wrong  
5 necessarily, but it's lying.

6           These things aren't going extinct.  
7 I haven't read a single credible scientist in  
8 the world that would say these things are  
9 going extinct. There's people that have some  
10 concerns, but there isn't a single person that  
11 would say these are going extinct.

12           As I said, I'm a tuna fisherman, a  
13 commercial third generation harpooner. We go  
14 out in a small boat and throw harpoons at  
15 these things, okay. We're having our best  
16 season ever right now, okay, ever, all right.  
17 We go out in a little boat and catch these  
18 things.

19           There's so many of these fish out  
20 there, just in the Gulf of Maine, that when I  
21 hear the idea extinct, it just makes me shake  
22 my head. There were days this year when

1 different pilots, and we have one here; I'm  
2 sure he can tell you, have seen 100,000 fish  
3 just in Cape Cod Bay.

4           Those same days, we're 100 miles  
5 away seeing thousands of fish, hundreds of  
6 fish, and that's 100 miles away. If you zoom  
7 out on a map, we're like a little dot in the  
8 Gulf of Maine. Yet here I am hearing people  
9 saying these things are going extinct.

10           I don't get it, you know. That's  
11 the first thing I think is wrong with this.  
12 As a young fisherman who thought he was going  
13 to have a long time in this fishery, what you  
14 guys are talking about is ending our fishery.  
15 You can say that we can sell them here, but  
16 that's not true.

17           We don't have a market for that.  
18 We have a fish buyer here who can tell you  
19 that too. We don't have a market. We had a  
20 lot of fish in June, and at that point the  
21 market got saturated. That was just the  
22 harpoon fleet.

1           You know, once we get the -- you  
2 know, we've had a lot more tuna around, but if  
3 the hook fishery just has one big day when 100  
4 fish come in, we're done. We can't sell those  
5 fish anymore. When you -- and that's just  
6 talking about numbers.

7           When we sell them here, they're a  
8 fraction of the price. You can't make money  
9 selling them here even on a good day. You can  
10 make more off one fish going to Japan than ten  
11 fish staying here, okay, and I'm not  
12 exaggerating.

13           You know, what you're talking  
14 about is well, you can sell them here. First  
15 of all, I don't buy that, because the second  
16 you label these things extinct, we're done.  
17 We're done. I'm done. I've got to go find a  
18 new livelihood, okay.

19           I think people in here, I don't  
20 know if they've fooled themselves into  
21 thinking that that's not what's going to  
22 happen or they know that's not going to happen

1 and they just don't care. But it's a load of  
2 crap, that we're going to be able to keep  
3 fishing.

4                   Because (a), you're not going to  
5 have a market, (b), you're not going to be  
6 able to make the money on the fish that do  
7 stay here, and (c), you're labeling these  
8 things extinct. The last time our government  
9 -- I think what people need to realize what  
10 Appendix 1 species are. Rhinos, tigers.

11                   How many people do you know when  
12 they go out on recreation will kill tigers?  
13 I mean I hear that we can have recreational  
14 fish. Well, the next step's going to be these  
15 thousands of rec fish that are small juvenile  
16 fish, I can already see it happening. These  
17 extinct juvenile fish, we're all done, you  
18 know.

19                   I'm not trying to direct this at  
20 you, but you know, it's just the second I  
21 heard about the CITES, I mean they tried this  
22 in '92, before there was even a big fishery.

1 They're trying it now on dogfish. So just the  
2 idea that they're listed in CITES doesn't mean  
3 anything to me.

4 I think some people throw that on  
5 the wall. They're being listed for CITES;  
6 they must be going extinct. Anyone that could  
7 even think about listing dogfish as CITES,  
8 that tells you all you need to know about  
9 these listings, these proposals.

10 You know, like I said, I'm sure  
11 you hear, no matter what, I'm sure people that  
12 hunted rhinos came and said there's plenty of  
13 rhinos. So I mean I'm sure you can just shrug  
14 off what I'm saying. But there are plenty of  
15 tuna on the ocean. The people like myself who  
16 live on these things would be more worried  
17 about anyone in the east than anyone in this  
18 room. I know people in this room don't like  
19 what these are doing.

20 But if we thought that a CITES  
21 listing was needed, we wouldn't first of all  
22 be able to catch them. Because if you saw how

1 we caught them, you'd know that if we're  
2 having our best year ever, there's plenty of  
3 them around.

4           You know, it just blows my mind.  
5 Here we have Canada catching them, we have us  
6 catching them. Canada's catching them in two  
7 different areas, the PEI fish, and then you  
8 have the hell hole fish, which is Nova Scotia.  
9 Two different complete fisheries, and they're  
10 both having as many fish as they've seen.

11           The hell hole fishery right now is  
12 seeing as many fish as they've ever seen, 350,  
13 500 pound dressed fish, which are not -- you  
14 know, I'm sure some people would try to say  
15 well, the size has gone down and all this.  
16 There's plenty of big fish too, you know.

17           So when I hear that, you know,  
18 you're going to list these things as going  
19 extinct, it blows my mind. We've gone  
20 through, you know, I'm young. But just in my  
21 lifetime I've seen our fishery, one after the  
22 other things get done to us, whatever you

1 know.

2                   First thing, it's rules here, it's  
3 quotas. Now it's CITES. I mean one thing  
4 after the other. People obviously don't like  
5 us catching blue fin, but you know, I would  
6 just urge you to not let these people that  
7 don't like us catching blue fin convince you  
8 to label a thing as going extinct.

9                   It's wrong and you will not find -  
10 - I dare you try to find a credible team of  
11 scientists in the world that would say these  
12 things are going extinct. I mean that's just  
13 my opinion, you know, and I'll stop there.

14                   But it just blows my mind and you  
15 know, you need to know what this is. This is  
16 ending our fishery. This is the end. If this  
17 happens, we're done.

18                   MR. COTTINGHAM: Good, thank you.

19                   MR. ANNINOS: Thanks, Chris.

20 Ralph, Ken and then Rusty.

21                   MR. PRATT: Thank you, David.

22 Chris alluded to a pilot in the room. That's

1 me. I've made the offer to take people out  
2 flying to show them the fish.

3 That offer goes to you, you know.  
4 There's plenty of fish in Cape Cod Bay to be  
5 seen. I've taken one scientist up already and  
6 I know he wrote Margo a letter about it.

7 On a lighter note, next year when  
8 you do the Federal Register, I'd like to see  
9 my name added in there as an endangered  
10 species. I'm a commercial blue fin tuna  
11 fisherman. I have a comment. I think I'd  
12 just rather read it.

13 A CITES listing for the American  
14 blue fin tuna is no substitute for a long-term  
15 sustainable rebuilding plan. It reminds me of  
16 the Iraq war. The battle was so successful  
17 but left without an exit strategy we are still  
18 there today. What after CITES?

19 Do you turn blue fin management  
20 back to the ICCAT regime that failed it in the  
21 first place? The 2008 ICCAT independent  
22 performance review report that was performed

1 on itself clearly asked for the CPC's help.

2 Recommendations in the 2008 ICCAT  
3 performance review report outlined formula to  
4 move ICCAT forward. CITES was not one of  
5 them, and delays the real work necessary to  
6 build the improvements at ICCAT required to  
7 manage and enforce ICCAT mandates.

8 CITES takes power away from ICCAT  
9 at a time when empowerment is requested. The  
10 ICCAT performance review report fixes the  
11 blame for not meeting objectives on the lack  
12 of compliance by many of its CPCs, because of  
13 the lack of forthcoming reporting and failure  
14 of CPCs to control their catches.

15 "The report recommends the  
16 development of a strict penalty regime, with  
17 member suspension or significant financial  
18 penalties for breaches. It recommends an  
19 immediate closure of the east and the  
20 Mediterranean fishing areas, only reopening  
21 after CPCs demonstrate they can control and  
22 report their catch.

1           The report also recommends  
2 immediate closure of all blue fin spawning  
3 areas and evaluation of the consequences of  
4 mixing of eastern and western stocks. CITES  
5 is not a fishery management otol, nor does it  
6 take the place of proper fishery management.

7           In lieu of CITES, working to  
8 implement some of the performance review  
9 report recommendations now for blue fin will  
10 also benefit other species under ICCAT  
11 management. The report mentions that the  
12 objectives for only 4 of the 14 species that  
13 ICCAT manages.

14           I think Fish and Wildlife and NMFS  
15 should do two things. First, I think Fish and  
16 Wildlife and NMFS should encourage the United  
17 States and other ICCAT-compliant members to  
18 empower ICCAT with independent, imposed  
19 sanctions that leverage seafood markets  
20 against non-compliant CPCs and non-ICCAT  
21 members.

22           I think NMFS should persuade its

1 international arm to insist ICCAT permit  
2 international trade of blue fins the reward  
3 for compliance to ICCAT rules and vice-versa.

4 Fish and Wildlife and National  
5 Marine Fisheries' efforts would be rewarded  
6 tenfold by stopping what might be a vicious  
7 cycle of CITES listing through other HMS  
8 species managed at ICCAT, fix ICCAT once and  
9 avoid revisiting the situation over and over  
10 for other fishes." Thank you.

11 MR. COTTINGHAM: Thank you. Can I  
12 get a copy of that?

13 MR. PRATT: Yes.

14 MR. COTTINGHAM: Okay, thank you.

15 MR. ANNINOS: Ralph, thank you.  
16 Ken, Rusty and Sonja.

17 MR. HINMAN: Okay. Ken Hinman,  
18 president of the National Coalition for Marine  
19 Conservation. I think the discussion of this,  
20 juxtaposing CITES and ICCAT, is the right way  
21 to look at this. I mean that's really why  
22 we're having this discussion, is ICCAT's 35

1 year failure to not just conserve blue fin but  
2 things have gotten worse throughout that  
3 period and they are continuing to get worse.  
4 So that's really why we're talking about it.

5 Our position on this issue is  
6 based on 35 years' experience with blue fin  
7 and participation in ICCAT. The first  
8 president of our organization was the first  
9 U.S. recreational commissioner to ICCAT.

10 Since then, subsequent presidents,  
11 including myself, have participated in the  
12 ICCAT Advisory Committee, attended ICCAT  
13 meetings, including four out of the last five,  
14 where this issue has really come to a head.

15 I think our position, and I know  
16 our position is really that if blue fin tuna  
17 meets the criteria for listing under Appendix  
18 1 of CITES, it should be listed. I guess we  
19 don't know the answer to that question until  
20 all these analyses are done.

21 But in our view, it's not a  
22 question of biological extinction. I think

1 it's a question of I personally don't think a  
2 fish like the blue fin tuna can go  
3 biologically extinct. I think there would  
4 always be these fish out there.

5 I think what we've seen though,  
6 we're talking about commercial extinction;  
7 that's something of concern to the tuna  
8 fisherman. What we've seen with other marine  
9 species is that they can collapse to the point  
10 where they get so small and so low, their  
11 spawning stocks, is that that collapse is  
12 irreversible, and they do not come back. They  
13 do not once again support the fisheries that  
14 they once did.

15 I think that is a very real threat  
16 with Atlantic blue fin tuna, and that's why  
17 the prospect to us of dealing with ICCAT for  
18 another 20 or more years in trying, and I  
19 think that's probably what we would be looking  
20 at, in trying to rebuild both the eastern and  
21 western stocks and the fisheries, is not very  
22 good, and it's not something I would want to

1 do or look forward to.

2 I think we really need to take the  
3 bull by the horns with this thing, and get  
4 this over with, and bring these fish back with  
5 a trade ban. But it leads me to a question,  
6 and this has kind been touched on by some  
7 others, as far as ICCAT actions that might  
8 affect the CITES decision next March.

9 Obviously, a lot of people are  
10 hoping that this will put the fear of God into  
11 ICCAT, and they really will take this issue  
12 seriously this November. But the question is,  
13 we've been through this before back in 1993,  
14 with a petition for listing.

15 That was withdrawn, with a  
16 promise, and actually a reduction in quota by  
17 ICCAT, which was then subsequently rescinded  
18 a couple of years later and quotas went back  
19 up. The idea of CITES not acting on this,  
20 based on a promise from ICCAT, is  
21 unacceptable.

22 I think the terms that were used

1 before, and I think it's the language in the  
2 resolution from Monaco, which is that ICCAT  
3 would have to have some kind of science-based  
4 conservation program in place and actually  
5 demonstrate that it is effective, and that  
6 there is compliance with it, is the bottom  
7 line for lifting any kind of a trade ban.

8           Just a promise of good intentions  
9 from ICCAT this fall cannot be enough. We've  
10 seen that before. We've seen in the last few  
11 years of attentions to lower quotas and the  
12 catches have just gone up. So that's  
13 something to keep in mind. Thank you.

14           MR. COTTINGHAM: Thank you.

15           MR. ANNINOS: Thank you, Ken.

16 We've got Robert, I'm sorry, Sonja, Robert and  
17 then Tom. He took off. He left. I didn't  
18 realize that when I called his name.

19           MS. FORDHAM: Thank you. Sonja  
20 Fordham. Thank you for the presentation. I  
21 just want to, I guess, make a few brief  
22 comments. I have had the opportunity to weigh

1 in on these matters in the past, so I'm just  
2 going to say a few things today.

3 I think in terms of the Federal  
4 Register notice, that there are good arguments  
5 to propose or list most, if not all of the  
6 species that you're still considering, as well  
7 as some that you've decided against, like the  
8 guitar fish and the gulper sharks.

9 As some of you know, I've been  
10 involved in CITES shark work since 1994, when  
11 they passed the first resolution on sharks.

12 I do believe strongly that CITES is an  
13 important tool for shark conservation,  
14 primarily due to the general biological  
15 vulnerability of the animals, the lack of  
16 international and inadequacy of domestic  
17 safeguards and catch limits for these species.

18 Obviously, because so many of  
19 these species are threatened actually by  
20 international trade, for not just their fins  
21 but in some cases their meat and other parts.

22 I do also work on fisheries

1 management on a variety of levels. I don't  
2 think that CITES is a substitute for fisheries  
3 management. I think, as the U.S. has stated  
4 at COPs in the past, that it's important that  
5 CITES and Fisheries Management work hand in  
6 hand.

7           In the case of Appendix 2  
8 listings, to avoid the need for Appendix 1  
9 listings, to result and facilitate sustainable  
10 trade in marine species. Just a few species-  
11 specific comments for spiny dogfish and poor  
12 beagle.

13           As you mentioned, the EU has  
14 proposed these species and it looks like they  
15 will again, and we'd certainly hope that the  
16 U.S. would consider co-sponsoring these  
17 proposals. Since the last Conference of the  
18 Parties in the Hague, as you will recall,  
19 there were a lot of discussions about these  
20 proposals and species.

21           One of the most important things  
22 for the U.S. was to urge the European Union to

1 do a better job of managing spiny dogfish and  
2 poor beagle, their fisheries.

3 I do think having been there and  
4 worked on this, that the EU has not done as  
5 much as it should, but it has taken  
6 significant steps in reducing their quota  
7 levels for these species and also improving  
8 the management through size limits and what-  
9 not, as the U.S. has requested.

10 So as I say, with shark  
11 management, shark conservation, it's all  
12 relative. But it does look like the EU and  
13 the U.S. are actually leaders in the world in  
14 managing the species, and together, I think it  
15 would make a very good solid partnership for  
16 getting those species listed.

17 I'll just remind the group that a  
18 host of experts have determined that the spiny  
19 dogfish and the poor beagle meet the criteria  
20 for listing under CITES Appendix 2. That  
21 includes the CITES Secretariat, the IUCN shark  
22 specialist group traffic and most members of

1 the CITES Animals Committee.

2           For spiny dogfish, I'll just point  
3 out that I have always thought that this was  
4 the best case for listing a species under  
5 Appendix 2, primarily because of the -- really  
6 fisheries are generally driven by the  
7 international trade, which goes mostly to  
8 Europe.

9           We have very strong evidence of  
10 population demand due to that trade, which  
11 tends to encourage targeting of pregnant  
12 females and does real damage to population  
13 structures. So we've seen serial depletion of  
14 this species around the world, and we have  
15 fisheries in places like Argentina that are  
16 now exporting to the EU without any management  
17 measures or assessments in place.

18           So relative to the other species,  
19 certainly all the species on the list we have  
20 very solid information on population declines  
21 for spiny dogfish, and they do also stand out  
22 as particularly slow growing, biologically

1 vulnerable species.

2           For poor beagle, a similar case,  
3 very vulnerable. We have, relative to other  
4 species, good decline information. I just  
5 want to point out that since for this species  
6 in particular, at the last Conference of the  
7 Parties, the countries that were in the led  
8 opposing the poor beagle listing make a very  
9 strong argument that this is the job of the  
10 RFMOs, and management of poor beagle is the  
11 job of the RFMOs.

12           I would, of course, agree with  
13 that and have been trying to get RFMOs to do  
14 something for poor beagles for a long time.  
15 But I just want to make it clear that that is  
16 not happening. The next relevant RFMO meeting  
17 after the COP was the NAFO meeting, where we  
18 had some troubling information about the  
19 Northwest Atlantic stock.

20           Canada led the charge, to say No,  
21 this is a job for ICCAT. Well, we went to  
22 ICCAT. Canada carved themselves out of a

1 recommendation to do something for poor beagle  
2 sharks. But that recommendation from ICCAT  
3 does not include any concrete measures to make  
4 sure that fishing mortality is reduced.

5           Then last year at ICCAT, the  
6 parties passed a resolution to called for  
7 Atlantic-wide poor beagle management meeting  
8 immediately following the next poor beagle  
9 assessment, which happened in June, and as far  
10 as I can tell, there have been no plans to  
11 have this meeting to look at possible measures  
12 for poor beagle sharks.

13           So it's not happening. It's not a  
14 priority, and given the international trade  
15 and the depletion, particularly in the North  
16 Atlantic of these species, I think that CITES  
17 is a really important tool.

18           Quickly on the rest of the  
19 species, I just want to highlight a few  
20 hammerheads out of that list. Clearly  
21 important in the fin trade, clear evidence of  
22 decline around the world and I'll repeat what

1 I said earlier today, that the great  
2 hammerhead and the scalped hammerhead are the  
3 only species of sharks that are considered  
4 globally endangered under the latest IUCN  
5 oceanic red list assessment.

6           Very vulnerable species. Out of  
7 the requiem sharks, again good strong  
8 arguments. I would highlight the oceanic  
9 white tip. It's a species that we have some  
10 pretty troubling indices of abundance, and  
11 also, because of the rounded fins and white  
12 tips, it's relatively easily identifiable in  
13 trade.

14           In addition, sandbar and as far as  
15 I can tell, no species-specific management  
16 measures for them anywhere in the world. In  
17 addition, sandbar sharks and dusky sharks have  
18 had serious declines, are important in  
19 international trade. Clearly, with some of  
20 the carcharhinus you'll have look-alike issues  
21 that will need to be addressed when we  
22 recognize that.

1           The last species I want to mention  
2 is the freshwater sawfish. As some of you  
3 might know, the U.S. was a real leader and  
4 successful in listing all of the other species  
5 of sawfish under Appendix 1. This is a  
6 landmark event in international shark  
7 conservation. We appreciate the effort.

8           The freshwater sawfish did slip  
9 through the cracks and get listed only on  
10 Appendix 2. We think that threatens the  
11 effectiveness of the listing for the other  
12 sawfish. We think the U.S. has the expertise  
13 and probably the responsibility to finish the  
14 job. So we'd encourage you to go forward with  
15 that proposal.

16           The last general plea I would have  
17 is in terms of the FAO panel. I recognize  
18 that the U.S. is hampered in how much it can  
19 affect this panel. But I would just urge you  
20 to do whatever you can do to make sure that  
21 this next panel, the participation in its is  
22 broadened not just for fisheries biologists

1 and fisheries experts, but we need some  
2 experts on the CITES treaty and the CITES  
3 criteria to be involved in that group, so that  
4 we have less pain after their conclusions.

5 Thank you very much.

6 MR. COTTINGHAM: Thank you.

7 MR. ANNINOS: Thanks, Sonja. We  
8 have Robert, Tom and Andre, and then Rom, Sean  
9 and Dewey.

10 MR. FITZPATRICK: I'm Robert  
11 Fitzpatrick. I'm a blue fin tuna dealer.  
12 Just a couple of comments. First, I wanted to  
13 ask Ken when NGOs got to alter the acronym for  
14 CITES. I don't even know how you pronounce  
15 it. C-I-T-C, commercially endangered  
16 species, that he seems to want to insert for  
17 what's a political purpose.

18 I mean I've done business in  
19 Europe, in North Africa and in Spain. I've  
20 sold farm fish. What's gone on at ICCAT for  
21 a long time is out of control. However, I  
22 think the blame, to a certain extent, lies in

1 the lap of the U.S. government.

2           We have never been given adequate  
3 ammo to get something done over there. Now  
4 we're going to bastardize the CITES process,  
5 which can and has been a very good process, in  
6 order to fix a political problem that we have  
7 failed to use enough horsepower on in the past  
8 decade.

9           I did want -- I wanted Ken to tell  
10 me how you pronounce that. But secondly, I  
11 wanted to ask about the process. There isn't  
12 like a triage officer who gets proposed  
13 listings and says that one doesn't, that's a  
14 laugh, and doesn't stuff just get thrown in  
15 the circular file when it's not even close?

16           Or do you have to do due diligence  
17 and spend the taxpayers' dollars on every  
18 proposal that slides your way?

19           MR. COTTINGHAM: I'd say we look  
20 carefully at all of the recommendations that  
21 we get, and in our Federal Register notice  
22 that was in July, I forget the precise date,

1 we said there were some things that we were  
2 undecided about. There were some things that  
3 we were not likely to pursue, and there were  
4 some things that we were likely to pursue.

5           So that was a triage at that  
6 stage. We have no control over what other  
7 countries submit, and we will go through all  
8 of the proposals that we get and all the  
9 resolutions that other countries submit, and  
10 we will look at those as well and we'll do the  
11 same sort of thing.

12           MR. FITZPATRICK: But aren't there  
13 proposals, and I believe that this is one,  
14 where it simply at face value doesn't get  
15 over the bar? It simply does not apply,  
16 doesn't pass the straight face test, it's a  
17 laugh.

18           I mean we've got millions of these  
19 tunas in the North Atlantic, literally  
20 millions, and the idea that, you know, that  
21 this should be given this credible -- and I  
22 know that there's niceties in between

1 governments, and you can't want to say hey,  
2 you yahoos, you know, what are you talking  
3 about?

4 But I mean do you give it  
5 credibility by looking at it and bringing --  
6 I mean doesn't somebody sit there and say  
7 well, there's millions of them. I guess it  
8 doesn't apply. Sorry Monaco.

9 MR. COTTINGHAM: I think somebody  
10 also looks at it and says how much has it  
11 declined from when it was -- prior to when it  
12 was in decline.

13 MR. FITZPATRICK: But isn't the  
14 word endangered sort of part of that  
15 definition, and in decline, if it was four  
16 million fish and now it's two million fish,  
17 who gives a damn?

18 MR. COTTINGHAM: Yes, right.

19 MR. FITZPATRICK: It's not in  
20 danger.

21 MR. COTTINGHAM: It's looking at  
22 both the what the current status is, the

1 previous status is and where the trends are  
2 going.

3 MR. FITZPATRICK: The trend toward  
4 extinction. That isn't going to happen. That  
5 we all know isn't going to happen, and I mean  
6 we're just trying to fix this political  
7 problem.

8 We're politicizing the process,  
9 and frankly, you know, it's like being forced  
10 to sit in the car with the Europeans and we're  
11 driving down the highway playing chicken with  
12 the environmental community.

13 My children's education is in that  
14 car, and I don't like it. I don't appreciate  
15 it. I think it's bad. It's just sad that  
16 after all, you know, that the U.S. government  
17 could somehow, with a wink and a nod,  
18 temporarily make it look like they're going to  
19 possibly support this listing, when really we  
20 just needed the horsepower in the last five  
21 years to kick some ass over there.

22 It just doesn't happen. One more

1 comment. This idea that if there were a  
2 listing, don't worry, we can sell them in the  
3 States. Well first of all, the  
4 infrastructure, and that's what I do, and I do  
5 sell quite a bit in the States.

6           The infrastructure to go to a  
7 frozen marketplace simply is not there. It  
8 would be difficult at best. When things get  
9 busy, there's a lot of fish in a very short  
10 period of time, and we don't have the  
11 capability to blast it to the right  
12 temperatures, distribute it in that format.

13           It's just more fantasy as to this  
14 proposed listing, that don't worry, we can do  
15 this. Additionally, if there was a listing,  
16 I can't imagine that there wouldn't be some  
17 litigation that would be brought relatively  
18 quickly once it was listed, that would put us  
19 out of business entirely.

20           I mean if we had elephants in  
21 Indiana, I don't think we'd be selling tusks  
22 on Nantucket for scrimshaw, you know. Anyway,

1 that's all I've got to say.

2 MR. COTTINGHAM: Thank you.

3 MR. ANNINOS: Thanks, Robert.

4 Tom, Andre and then Rom.

5 MR. DePERSIA: Tom DePersia,  
6 Stellwagen Bank Charter Boat Association. I  
7 just want to make a couple of comments on the  
8 fact that you're looking at an endangered  
9 species, an extinction. We oppose the CITES  
10 listing. Our charter boat members in New  
11 England are seeing thousands if not millions  
12 of blue fin tuna almost every day.

13 Our members are catching blue fins  
14 70 to 90 percent of the trips. These fish are  
15 school tuna, small mediums, large mediums and  
16 sometimes giants in size. All of New England  
17 has had the best catch of these fish over the  
18 last five years, in terms of total blue fins.

19 These fish are not approaching  
20 extinction. That's my comment.

21 MR. COTTINGHAM: Thank you.

22 MR. ANNINOS: Tom, thank you.

1 Andre, Rom and then Sean.

2 DR. BOUSTANY: I had a question  
3 first and this is something that I was  
4 wondering about that I haven't heard anyone  
5 talk about, is if a fisheries species is  
6 listed under Appendix 1, does that also outlaw  
7 quota transfer to other nations, or would that  
8 fall under the definition of international  
9 trade?

10 So if the U.S. was allocated how  
11 ever many tons of quota, could we give quota  
12 to another country, or does that become  
13 international trade? Does that even come up?

14 MR. COTTINGHAM: That gets more  
15 into the HMS and ICCAT realm, and -- Rebecca?

16 DR. LENT: That's really a good  
17 question. There are provisions in the blue  
18 fin and the swordfish measure that allow  
19 countries to transfer, I think it's up to 15  
20 percent of the quota. But I don't know if  
21 that would be considered international trade.  
22 No? Fish and Wildlife?

1 (Off the record comments.)

2 DR. LENT: So I might just add  
3 that the country that does the most importing  
4 is Japan, and it would be impossible for Japan  
5 to fish that quota itself and take it home,  
6 because it's out on the high seas.

7 (Off the record comments.)

8 MR. COTTINGHAM: If I understood  
9 it, it was not -- that's more or less a paper  
10 trade initially, and I think that was Tim's  
11 answer. You could have a paper trade, but you  
12 could not catch it and then trade it to them.  
13 You couldn't send blocks of fish to them. I  
14 think that's the distinction that I think Tim  
15 was drawing.

16 (Off the record comments.)

17 MR. VAN NORMAN: -- not U.S.  
18 fisherman taking the fish and then trading it  
19 to somebody else. The actual fish moving  
20 internationally would be the international  
21 trade. The ability to do that.

22 Okay. Sorry about that. Yes. If

1 I understood the question correctly, we're  
2 talking about the quota itself, not the animal  
3 or the fish. So if 15 percent of the quota  
4 was transferred from one country to another,  
5 then that would not stimulate a CITES issue.

6 So I mean if the U.S. decided that  
7 they were going to harvest 85 percent of what  
8 they were authorized and give that 15 percent  
9 to Japan, then that -- you know, Japan could  
10 then harvest them, and if they used them  
11 domestically, then --

12 (Off the record comments.)

13 MS. SCHULZE-HAUGEN: Put the mic  
14 on, Rich.

15 MR. RUAIS: If we received  
16 compensation for that 15 percent, we sold that  
17 quota for just somebody else to catch it,  
18 that's not international trade?

19 MR. VAN NORMAN: Well, it's trade  
20 in the specimen. So I don't know if you have  
21 -- okay.

22 MS. SCHULZE-HAUGEN: Well, I think

1 the answer is that we need to think about it  
2 a little bit more, and check into it. I mean  
3 we could conceivably do something and make a  
4 recommendation, right? I mean it would be on  
5 the table.

6 PARTICIPANT: If we get the answer  
7 to that, could you put it in an email to us or  
8 a report back? I think it's a very lively  
9 debate, but very important issue, as to  
10 whether money exchanges hands or whether it's  
11 a paper trade. I can understand a paper  
12 trade, where fish are not being moved.

13 MS. SCHULZE-HAUGEN: Can I maybe  
14 suggest that the ICCAT Advisory Committee talk  
15 about that next week? That would be --

16 (Off the record comments.)

17 MS. SCHULZE-HAUGEN: But I mean  
18 this -- I don't think we're going to have the  
19 answer today. I don't know if we're going to  
20 have it in a week. But that would be the  
21 place we could talk about it some more.

22 MR. ANNINOS: Andre, I didn't know

1 if you had concluded your remarks.

2 DR. BOUSTANY: I wanted to say  
3 that I also agree with, I think almost  
4 everyone in this room, that the proper way to  
5 manage one of these fish would be through  
6 proper management through ICCAT. But I've  
7 been in this game for a lot fewer years than  
8 almost everyone else, but I have zero faith  
9 that that's going to happen in the near  
10 future.

11 So it seems like we're stuck with  
12 the choice of a CITES listing, which would  
13 have a lot of bad consequences, or the status  
14 quo, which will have a lot of worse  
15 consequences or a lot of bad consequences at  
16 least. So that was my only comment.

17 MR. COTTINGHAM: Thank you.

18 MR. ANNINOS: Thank you, Andre.  
19 Rom, Sean, Dewey and Steve.

20 MR. WHITAKER: I'm Rom Whitaker,  
21 Hatteras Charter Boat. But first of all, I do  
22 agree with Robert on his comments about ICCAT,

1 and I know we have some very smart hard-  
2 working people, some of them in this room,  
3 that have worked diligently on making things  
4 happen.

5           For whatever reason, I don't know  
6 if the fishing management doesn't come high  
7 enough priority in our government or for  
8 whatever reason, it doesn't seem to be very  
9 successful. But that being said, I've been a  
10 fisherman at Hatteras Charter Boat offshore  
11 for 22 years, and I saw more blue fin tunas  
12 this year than I've seen since I've been  
13 fishing.

14           So it's very confusing and  
15 frustrating to the fisherman, the several  
16 fisherman in this room, when what we're seeing  
17 is in direct opposition to what the  
18 regulations are doing to us. So here, we are  
19 again being, if this CITES listing goes  
20 through, we are being punished again for our  
21 conservation efforts.

22           So it gets, it's sometimes, you

1 know, you just get mad. I have complete  
2 respect for the agency and I know they're  
3 doing a great job or trying to.

4 But it's just -- I can certainly  
5 understand how you can lose your temper  
6 sometimes when you're seeing one thing  
7 happening out there on the ocean, and the  
8 regulations are telling you it's the opposite.

9 My other comment was, you know,  
10 maybe this is an international problem. Why  
11 do we, U.S. fisherman, get, seem like we  
12 always are the ones that get punished? So  
13 also, spiny dogfish, you know.

14 If you look at other fisheries,  
15 great trout, weakfish, croakers, spot,  
16 groundfish, some of the scientists are  
17 throwing up their hands. What has happened to  
18 them?

19 Well, and I'm speaking from my  
20 area, which I think is a big nursery area for  
21 those type fish. But if you drop a hook or  
22 you try to drop a bait in the winter time from

1 November to March, you just -- the spiny  
2 dogfish just swarm your hooks. You can't even  
3 catch anything.

4                   So there again, it's the opposite  
5 of what I'm seeing. So I would have, on the  
6 flip side of that, if you were saying that  
7 yellow fin tunas maybe were being listed, I  
8 might could agree, because I'm not seeing many  
9 of them. But anyway, that's all I have to  
10 say. Thank you.

11                   MR. COTTINGHAM: Thank you.

12                   MR. ANNINOS: Thanks, Rom. Sean,  
13 Dewey and Steve.

14                   MR. McKEON: Thank you. Thanks  
15 for the presentation. First, I wanted to say  
16 -- Sean McKeon, North Carolina Fisheries  
17 Association. The first thing I wanted to say  
18 is we are signatories to the Blue Fin Water  
19 Fisherman Association's letter. So there are  
20 more comments in there, detailed comments are  
21 in there.

22                   I do want to just echo what Robert

1 said and what Ron just said. I think that  
2 spiny dogfish, you know, this request by some  
3 of the crisis industries, that they are listed  
4 is, to quote Robert, is a laugher.

5 I mean the Western Atlantic, as  
6 they said, they're just everywhere, and we're  
7 trying to figure out how to deal with that  
8 problem. I have a couple of -- three  
9 questions -- and I'm just going to -- I'll ask  
10 them and then just wait for your answer.  
11 That's probably the best way to do it, if  
12 that's okay with you, Ken. I appreciate it.

13 But we are totally against the  
14 listing, and we believe there are other  
15 mechanisms, as other people have said. First,  
16 on one of your slides, the public  
17 recommendation for U.S. sponsored proposals,  
18 you have listed there under the requiem  
19 sharks, there's three listed.

20 My question is are those the only  
21 three, and are there any additional look-alike  
22 species that are being considered?

1                   MR. COTTINGHAM:  What are they,  
2 dusky, sandbar, oceanic white tip?

3                   MR. McKEON:  Oceanic white tip.

4                   MR. COTTINGHAM:  Yes.  Those are  
5 the three, I thought.  I just wanted to make  
6 sure this thing's gone to sleep.  I think the  
7 proposal was for the entire family of requiem  
8 or genus of requiem sharks.

9                   But those are the ones that we  
10 have said are most likely to -- we're pursuing  
11 more information on those from the other  
12 countries in our range state consultation at  
13 this stage.

14                   MR. McKEON:  Thank you, and what  
15 about look-alike?

16                   MR. COTTINGHAM:  We're trying to  
17 figure out how to do that, quite frankly.  If  
18 we move forward with a proposal, we're going  
19 to look and see -- we would see which ones we  
20 have the best information for, because as you  
21 go through these FAO panels and other things,  
22 we would probably want to present the proposal

1 on which we had the best biological  
2 information and trade information.

3 And so I'm not prepared at this  
4 point to say which ones are going to be look-  
5 alike and which ones would be other. It's  
6 going to depend on some of the information  
7 that we get back from the various countries  
8 that we send out range state consultations to.

9 MR. McKEON: Two other questions.  
10 The first one, could you comment on the  
11 possibility of a split listing, and what would  
12 be the ramifications of such a listing?

13 For example, East lists, Appendix  
14 1, Eastern Atlantic listed at Appendix 1. In  
15 the west, Appendix 2 or no listing. Is there  
16 that possibility? If there is, what would be  
17 the ramifications of that?

18 MR. COTTINGHAM: I've certainly  
19 heard people bring it up. We've discussed it  
20 and we continue to sort of talk about it in  
21 terms of what our positions are. That is not  
22 what Monaco has proposed.

1           For it to do something like that,  
2 I believe the United States would have to make  
3 such a proposal, and if we have -- I don't  
4 think we have gotten official comments  
5 suggesting that we do that, because the  
6 comment period is still open, and I certainly  
7 have not seen all of the comments.

8           There are certain provisions in  
9 CITES that Appendix 2 listing for a fishery  
10 that is traded, that is managed by another  
11 organization that pre-existed CITES. The  
12 Appendix 2 listing would more or less defer to  
13 that, in this case, ICCAT.

14           So a straight Appendix 2 listing  
15 would probably not have much effect at this  
16 stage. There are all sorts of other things  
17 that could go along with that, like Appendix  
18 2 with a zero quota and all this sort of  
19 stuff.

20           I mean there are all sorts of  
21 combinations and permutations that I don't  
22 have any idea what's going to happen.

1           I think if we had a split listing,  
2 you would undoubtedly encounter problems with  
3 some of the mixing of the stocks. We've heard  
4 several people say here that some of the  
5 things that -- we catch easterns, they catch  
6 westerns, you know, on the spawning grounds  
7 and elsewhere.

8           You talked about look-alikes, in  
9 terms of big eye a few minutes ago. The  
10 difference -- I think it would be really hard  
11 to distinguish those. So is it a possibility?  
12 Perhaps.

13           Would it create even more  
14 complications in terms of managing and  
15 assuring that, you know, just because one was  
16 caught here doesn't necessarily mean it's part  
17 of the western stock, is what I think we're  
18 hearing these days?

19           So it's not off the table, but I'm  
20 not sure it's actively on the table either.

21           MR. McKEON: And a final question  
22 is --

1                   MR. ANNINOS: State your name,  
2 just so we have that on the record.

3                   MR. VAN NORMAN: It's Tim Van  
4 Norman, U.S. Fish and Wildlife Service. If,  
5 under the treaty, if it is protected, if we  
6 went to Appendix 2, there's still a document  
7 requirement, a CITES document requirement for  
8 the export of Appendix 2 species.

9                   So that document would only be to  
10 certify that the animal or the fish was taken  
11 in accordance with, in this case, ICCAT. But  
12 there would be an additional documentation  
13 requirement for the Appendix 2.

14                   (Off mic comment.)

15                   MR. VAN NORMAN: Well, there would  
16 be an inspection. Yes. I mean it would fall  
17 into, it would still be treated as a CITES-  
18 listed species, and the documentation needs to  
19 be identified or inspected. This shipment  
20 potentially to be inspected, either on the  
21 import as well as the export.

22                   MR. McKEON: The last question I

1 have, anyway, is with respect to the formal  
2 objection provisions of CITES, what happens if  
3 a country objects? How does that affect the  
4 fisheries with respect to trade and all that,  
5 if a country objects to the listing?

6 MR. COTTINGHAM: I don't know  
7 fully. Let me find out and check on that.  
8 I'm not sure how that applies. Tim probably  
9 knows.

10 MR. VAN NORMAN: Again, Tim Van  
11 Norman. There is a provision in CITES where  
12 parties could object or reservation, excuse  
13 me, a reservation to a listing.

14 The U.S. has not to date taken any  
15 reservations to listings. So I'm not 100  
16 percent sure exactly all of the ins and outs  
17 of it. But there is that possibility that the  
18 parties could take a reservation.

19 Parties that take reservations can  
20 trade with each other.

21 DR. LENT: And non-parties.

22 MR. VAN NORMAN: And non-parties

1 can trade. I believe it's traded as if it was  
2 Appendix 2. Yes. So if it was listed as  
3 Appendix 1, it would be traded as Appendix 2  
4 among those parties that take reservations.  
5 But you could not trade with a party that does  
6 not have a reservation.

7 So if Japan took a reservation,  
8 they could not trade with the United States if  
9 we did not take a reservation.

10 MR. McKEON: Thank you.

11 PARTICIPANT: Sean, I don't want  
12 to take your time, but maybe just to that  
13 point, but I understand that Japan has taken  
14 objection reservation seven times at CITES,  
15 and we would fully expect that they would take  
16 an objection to a bluefin, since it's of such  
17 cultural importance to them.

18 Of course, we see that as an  
19 inducement for Libya or Algeria, Tunisia,  
20 Turkey and others to take an objection, so  
21 they could continue to trade.

22 So if Turkey or Algeria, once they

1 saw Japan lodge an objection, and they follow  
2 suit with an objection, then the trade between  
3 those objecting countries is allowed. Under  
4 a CITES 2 maybe, but it's allowed.

5 PARTICIPANT: That would be  
6 correct, my understanding of the situation,  
7 yes.

8 MR. McKEON: I just wanted to  
9 finish up by saying that is hugely troubling,  
10 because the reality is that the punishee will  
11 be us, once again, and that's hugely  
12 troubling. So just keep that in mind please.  
13 I appreciate all your answers. They were  
14 thorough. Thank you.

15 MR. COTTINGHAM: Thank you.

16 MR. ANNINOS: Sean, thank you.  
17 Dewey and then Steve.

18 MR. HEMILRIGHT: Dewey Hemilright,  
19 commercial. Looking in these, the things for  
20 CITES, you know, you look at the definition of  
21 CITES and it should be for endangered species.

22 It's so many times here in the

1 U.S., we'll try to develop policies to shut  
2 our fisherman down. These are my thoughts and  
3 opinion, and then we'll go across the pond,  
4 Belgium and different places, you know, the  
5 EU, to try to get that country to do that  
6 same thing.

7 I'm against listing any of the  
8 sharks or the bluefin tuna under these  
9 appendices, especially I have a real problem  
10 with spiny dogfish. Most of our market in the  
11 spiny dogfish is probably sent overseas. I  
12 don't know the percentile of that.

13 We have successfully rebuilt or  
14 they come back miraculously in a few years  
15 versus the 20 years that the best available  
16 science and scientists have forecasted.

17 They're eating a lot of different types of  
18 fish, small fish and trout and different  
19 things.

20 It's real heartening when I look  
21 on websites and stuff. I see different  
22 organizations, alliances, wanting to shut

1 commercial fishermen in the United States,  
2 American fishermen, out of the marketplaces  
3 that they have rebuilt these fish, and we're  
4 watching it.

5           So it's like we take, we build  
6 these fish in America. We have NGO groups  
7 going over across the pond, to massage the  
8 ideas and thoughts of the European Union, to  
9 shut down our fisheries or any implementation  
10 of transporting these fish across to our  
11 marketplaces.

12           It would be much better for the  
13 European Union to go manage their fish and try  
14 to list something. I guess they've been sold  
15 a bill of goods to list something under CITES  
16 that is endangered.

17           Well, that just simply is not the  
18 case. Just because they've got bad management  
19 over there is not some reason to be told by  
20 American NGOs to, you know, list something on  
21 CITES.

22           Basically, if this gets listed on

1 CITES, it's my understanding that the U.S. is  
2 not going to have nowhere to ship its dogfish.

3

4 MR. COTTINGHAM: Dewey, can I  
5 correct one thing on that, okay, and --

6 (Simultaneous speakers.)

7 MR. COTTINGHAM: This one works.  
8 Does this one work? Yes.

9 MR. ANNINOS: No, mine's on.

10 (Pause.)

11 MR. HEMILRIGHT: All right. I  
12 guess we're back. Damn, I lost my train of  
13 thought. But go ahead, you said you had  
14 something to say before I finished, a  
15 correction?

16 MR. COTTINGHAM: Yes. Let me just  
17 -- I just want to correct a misperception  
18 here. On an Appendix 2 listing, you would  
19 still -- if the dogfish that you caught were  
20 harvested within the quotas of either the  
21 ASMFC or the federal plan, and it was within  
22 that quota, we would make the argument that

1 that fish was being harvested sustainably,  
2 because of the management plans and therefore  
3 it's eligible for export.

4 I'm not going to tell you it would  
5 be -- you wouldn't have to get some permits to  
6 do it and we've had several conversations  
7 about that. But I don't want you to think  
8 that it would, in an Appendix 2 listing, it  
9 would be prohibited.

10 MR. HEMILRIGHT: Thank you for  
11 refreshing my recollection there. I guess it  
12 goes basically to the point where you have to  
13 do a lot more paperwork. In the U.S., you  
14 take a hard stand of not listing the spiny  
15 dogfish, the bluefin tuna and all this other  
16 stuff.

17 You know, it's almost kind of when  
18 you look at ICCAT, their failure for managing  
19 these species, certain ones, the bluefin tuna,  
20 something and it's almost kind of like the  
21 whale wars. You know, you get to watch that  
22 stuff on TV.

1           I was watching here you got to  
2 Japan, who was kind of like they're doing  
3 their thing. Then you've got the guys ramming  
4 their boats, who's kind of like CITES and they  
5 can't figure out how to fix them. I mean  
6 they're kind of like ICCAT. They can't figure  
7 out how to fix something, you know.

8           It's not too easy to say if you  
9 want to figure out how to stop that whaling  
10 vessel how to really do it. But it's almost  
11 like they don't want to. They just keep on  
12 pretending. So when you look at these ICCAT  
13 things, have we had the ammo, like somebody  
14 said earlier, to go there.

15           You know, we might not be sitting  
16 here. But it seems like a lot of  
17 frivolousness to sit there and list this stuff  
18 under CITES, when it's definitely not the  
19 reason and the United States, you take a hard  
20 stand like, you know, come to the table with  
21 some credible stuff, not just because you want  
22 something over in some other country.

1           So spiny dogfish is a disaster out  
2 there of what it's eating and taking up, and  
3 we don't need to list something under some  
4 appendices, under some endangered species,  
5 because somebody else wants it. We should  
6 take a hard stand in the U.S.

7           I know we don't do that a lot of  
8 times, but that's my comments. Thank you.

9           MR. COTTINGHAM: Thank you.

10          MR. ANNINOS: Thanks, Dewey.

11 Steven, then Elizabeth. I believe that might  
12 conclude the comments for the AP, before we  
13 move onto others.

14          MR. JAMES: Steven James, Boston  
15 Big Game Fishing Club. I'd like to point out  
16 that I believe it's quite inexcusable to use  
17 a CITES listing in lieu of a properly thought-  
18 out fishery management plan, and that to a  
19 large degree, I believe that's exactly what  
20 Monaco is doing.

21          But I'd like to talk specifically  
22 about a couple of proposals that we have here,

1 specifically the sharks. The one that  
2 perplexes me is that somebody would make a  
3 proposal that there be a CITES listing for  
4 mako shark, the short fin, when the stock at  
5 this point in time has not reached the status  
6 of over-fished.

7           It kind of strikes me as a  
8 roadside bomb goes off in Kabul, and the  
9 proposal is to send in a thermonuclear air  
10 strike. It doesn't make sense.

11           It is a proposal, I think, that  
12 reflects extremist ideology, and to some  
13 degree probably individuals that wake up in  
14 the morning, look themselves in the mirror and  
15 think "I'm going to bite the bullet today.  
16 I'm going to save the world."

17           I have to question the sanity  
18 behind any such proposal, including the  
19 dogfish that's out there under the same slide.  
20 I think any of those species that are listed  
21 probably need to be assessed with the same  
22 level of skepticism that we're looking at with

1 the mako. All of those are seriously in  
2 question in my mind.

3           The last point I would like to  
4 make, back to the bluefin tuna here, I  
5 certainly hope that Monaco's intent is to  
6 posture using the CITES listing, to encourage  
7 ICCAT to take more extreme measures, because  
8 I can't think of anything more inappropriate  
9 than listing a species and then trying to  
10 describe it in the general population as  
11 endangered or going extinct.

12           As it's been pointed out multiple  
13 times here today, that will extinguish the  
14 local market, and animal extremists and  
15 various other environmental organizations love  
16 those terms. They love to sell the general  
17 population on the concept that erodes the  
18 market, the domestic market.

19           So I certainly want to encourage  
20 you to be very careful about your approach to  
21 bluefin tuna and the sharks that were proposed  
22 here. I ask only take a look at the best

1 available science that we have, because I  
2 don't believe these proposals reflects best  
3 available science, but rather reflect  
4 extremist ideology. I thank you.

5 MR. COTTINGHAM: Thank you.

6 MR. ANNINOS: Thanks, Steve.

7 Elizabeth, does your mic work?

8 MS. GRIFFIN: Oh yes. Elizabeth  
9 Griffin, Oceana. Oceana, like pretty much  
10 everyone else in this room, has been  
11 frustrated with the RFMO process, and with  
12 ICCAT in particular, and we have really  
13 serious questions about what we'll be able to  
14 get at ICCAT as far as protections for bluefin  
15 tuna and for sharks.

16 So we do think that these CITES  
17 proposals are a good idea, and we do support  
18 Appendix 2 listing for several shark species  
19 including hammerheads, oceanic white tips and  
20 poor beagles, as well as man-o-rays and devil  
21 rays, and we do support the Appendix 1 listing  
22 of bluefin tuna.

1                   We're providing very detailed  
2 comment letters, so I'll let you read about  
3 all that later. I also want to point out that  
4 the U.S. has been leader in sharks and tuna  
5 management, and that we really do hope that  
6 the U.S. is willing to put forward some  
7 proposals and to co-sponsor proposals. I mean  
8 that's something that we really, really hope  
9 you guys take seriously.

10                   Another thing I want to point out  
11 is that in Amendment 3, the U.S. has as its  
12 preferred alternative for short fin mako  
13 management take action at the international  
14 level. There are now two opportunities coming  
15 up this fall, ICCAT and CITES, for the U.S. to  
16 take action at the international level.

17                   I think if that's going to be a  
18 preferred alternative and a management plan,  
19 then the U.S. really needs to be a leader on  
20 that and take action at one or both of these  
21 upcoming venues.

22                   I had one other question on the

1 Appendix 2 listings. When we were talking a  
2 little while ago that you guys were saying  
3 that if a previous measurement authority was  
4 in place like ICCAT, that all the non-  
5 detriment finding would have to say is that  
6 you're in compliance with ICCAT.

7 But for a species like sharks that  
8 don't actually have active management, how  
9 does that play out? Then as the second  
10 question I'll throw in there now, have the  
11 dates for the FAO review been scheduled?  
12 Thank you.

13 MR. COTTINGHAM: I'll give you the  
14 easy one first. If the FAO panel has been  
15 settled, I'm not aware of it. They were  
16 talking, they thought by the time they got  
17 proposals in and got them translated, it would  
18 probably be some time between Thanksgiving and  
19 Christmas. If they didn't make that, it would  
20 probably be right at the first of the year.  
21 They need time to do that.

22 Various attorneys have talked

1 about exactly the question you've asked, that  
2 if an international organization, I believe  
3 the term is, "has competence," but it has not  
4 acted on it, what would the role of that be?  
5 I don't have a clear answer on that. I think  
6 there are a lot of people have different  
7 opinions about it, and I don't think the  
8 government has resolved that within ourselves.

9 MR. ANNINOS: Thanks, Elizabeth.

10 That concludes, I believe, all the AP  
11 comments, unless I missed somebody. I don't  
12 think so. We're losing you fast here.

13 So we have about a half a dozen  
14 people that expressed an interest to weigh in  
15 on this or to provide comments. I've set up  
16 a mic right here next to Vince, that's on a  
17 seat that's open. We can go right down the  
18 line. I know that -- who has the list?

19 PARTICIPANT: I do, and Mr.  
20 Weiner, Steve Weiner.

21 MR. WEINER: Thank you. Hello?  
22 You want to speak for me, Vince?

1 MR. COTTINGHAM: No.

2 MR. WEINER: Okay, I'm ready.

3 How's that? My name is Steve Weiner, and I  
4 have been -- I wrote a written comment that I  
5 submitted last night, but I welcome the  
6 opportunity to be able to say something today.

7 And again, I'm 45 years in this  
8 fishery, not quite 45 years coming to these  
9 meetings but close. I've been coming since I  
10 was in college, and you know, it's tough. I  
11 got out of bed this morning at 4:00. I come  
12 to this meeting and I'm wondering why I'm  
13 coming.

14 I guess the reason I'm coming is  
15 because I've been coming all these other  
16 years, and we're still fishing. So I figure  
17 I must have added something good to this  
18 process to keep us fishing. What I find now,  
19 though, is probably the most -- I'm resentful,  
20 I'm angry. It sounds like there isn't a  
21 person in this room who believes we have  
22 bluefin tuna on the verge of extinction.

1           I'm convinced that we will not  
2 find a credible scientist that will say that.  
3 I've talked to many environmental groups  
4 behind the scenes. I've heard two of them  
5 today say it, that essentially what I hear  
6 them saying is ICCAT's been a failure.

7           Some of them have been attending  
8 ICCAT meetings for years. I was on the ICCAT  
9 Advisory Committee. I know the frustration.  
10 But it's not okay to say because we're  
11 frustrated with the only international  
12 management tool that we've got, and in my  
13 opinion the only one that has any hope of  
14 working, that because we're frustrated with  
15 it, they were going to change the definition  
16 of extinction, I guess.

17           We're going to call it  
18 commercially extinct. I've heard that a  
19 number of times. It wasn't just today that I  
20 heard it; I've heard it a number of times.  
21 Anyone that knows anything about bluefin tuna,  
22 and I know there's a lot of people in this

1 room that think they do, I'm one of them.

2 I've been doing it for 45 years  
3 and I feel like sometimes I've spent my whole  
4 life either fishing, thinking about it,  
5 reading about it or coming to these meetings.  
6 You're never going to get make them extinct.  
7 Ain't ever going to happen.

8 So the question you have is in  
9 your attempt and your frustration to get at  
10 the root problem, which is the eastern  
11 Atlantic and the Mediterranean, are you going  
12 to take out all the guys and all the people  
13 who sacrificed over the years, who've reduced  
14 their quotas. I mean somebody in this room  
15 six feet stand up. I can't bring you in. I  
16 can't bring a fish in that's six feet. 6 foot  
17 1 I can, but not six feet.

18 This year, because of the harpoon  
19 category that I'm in, I can only bring in two  
20 fish between 73 and 81 inches. So therefore,  
21 I had -- my 21 year-old son and Chris not  
22 throwing the pole, not throwing the harpoon at

1 fish that were 79 and 80 inches. We're the  
2 only guys in the whole wide world that think  
3 that way, that fish that way.

4           It isn't fair to say that you're  
5 going to, out of frustration -- I don't know  
6 if there's a person in this room that thinks  
7 we have a fishery on the verge of extinction.  
8 I really don't think we do. If there's a  
9 scientist that says it, he's not credible in  
10 my book.

11           The reality is you've got to go to  
12 ICCAT, you've got to make it work, you've got  
13 to use all the tools you have to make it work,  
14 and we have tools.

15           Another comment. Maybe I'm  
16 suspicious, maybe I'm just worried, but you  
17 list of myths that you wanted to dispel, looks  
18 to me like an agency that's predisposed to  
19 move forward with a CITES-1 listing. Because  
20 you went -- I'll tell you a myth. A myth is  
21 there will be no domestic fishery recreational  
22 or commercial, that will survive if there's a

1 CITES-1 listing. That's a myth.

2           Recreational guys that think  
3 they're going to go fishing after this, forget  
4 it. It's an endangered species the minute it  
5 gets listed as a CITES-1 listing.

6           You know, I heard you say, and I  
7 don't want to point at you, that well, there's  
8 been this big decline. That isn't the  
9 criteria that we're working off of. Decline  
10 is not it. Commercial liability is not the  
11 criteria. It's extinction.

12           You know, is it ironic that this  
13 year we had our best year in ten years  
14 fishing? Is it ironic that the whole coast of  
15 New England is covered with tuna fish to this  
16 day? It's just not fair. If you want to fix  
17 this problem, you've got to fix it right.  
18 It's got to go to ICCAT.

19           It isn't acceptable. You know  
20 when this administration ran, it ran on many  
21 different issues. It was a ticket, one of  
22 which was we will make decisions, science-

1 based decisions. I hope, what I've heard  
2 people in our camp say is unfortunately, this  
3 isn't going to be a science-based process.  
4 It's going to be a political process.

5           It isn't just within our country  
6 that it's political; it's in the international  
7 community that it's political. One last  
8 thing. No one wants the eastern Atlantic and  
9 Mediterranean fishery to come under control  
10 more than U.S. fisherman do. No one does, and  
11 me included.

12           Because what we get out of that is  
13 through the mixing rate, we get more fish to  
14 go catch. What we get out of that is less  
15 fish on the market, less really ridiculous  
16 amounts of European farm fish on the market,  
17 which Mr. Fitzpatrick, who I sell my fish to,  
18 says we should get a better price.

19           So what I would hope that our  
20 government would do, and I'm not sure which  
21 arm I'm talking to, but I guess all of you, is  
22 you would oppose a CITES-1 listing. You would

1 oppose a CITES-2 listing. That you would put  
2 your head together and you would find a way to  
3 make ICCAT work. You would support U.S.  
4 fisherman who sacrificed. You would look out  
5 for them, look out for us for a change, and go  
6 after the culprits.

7           And I guess the risk that I look  
8 at is if we don't get anything accomplished at  
9 ICCAT, what's the risk? I, in my heart, do  
10 not believe extinction is the risk.

11 Commercial viability in the eastern Atlantic  
12 and Mediterranean maybe. But who cares? They  
13 put themselves in that position on their own.  
14 Thank you.

15           MR. COTTINGHAM: Thank you. Is it  
16 Getto, Steven Getto?

17           MR. GETTO: I submitted my  
18 comments in writing, but I'll just paraphrase  
19 for you. My name's Steve Getto. I'm a  
20 commercial bluefin tuna fisherman from Cape  
21 Code Bay. I too can attest to the volumes of  
22 fish that are out there. Day after day,

1 seeing schools of 65 and 70 inch bluefin tuna  
2 swimming under my boat.

3           The fish are there. There's no  
4 doubt about that. I see them from the  
5 airplane with Ralph. I see them from my boat.  
6 They're great, magnificent fish. I as a  
7 commercial fisherman do not support CITES, and  
8 I don't think as Americans we should support  
9 CITES.

10           CITES is not fisheries management.  
11 CITES is a knee jerk reaction to poor  
12 fisheries management. I do think as Americans  
13 we should consider the following:

14           You know, we must demand that  
15 ICCAT follow the recommendations of the 2008  
16 review, and get things under control. Get the  
17 catch rates under control, get the size limits  
18 under control and stop the illegal fishing  
19 that's going on in the Mediterranean.

20           Two, I think we should issue U.S.  
21 trade sanctions against countries that don't  
22 follow ICCAT regulations. Quite simply, just

1 don't buy from them, make it hard.

2           Number three, I think we should  
3 propose a systematic loss of quota for  
4 countries that don't follow ICCAT. A couple  
5 of strikes. One year, you don't follow it,  
6 you lose half your quota. The second year,  
7 you lose the rest of it, plain and simple.

8           We in the U.S. have a great  
9 industry. We have a great domestic bluefin  
10 fishery. The fisherman follow the rules. The  
11 managers know what we're catching at all  
12 times. I mean we can attest to that. We know  
13 what's being caught. We know when it's caught  
14 and within hours, we know where the fishery  
15 stands.

16           There's no reason why U.S.  
17 fisherman who have made great sacrifices, who  
18 fish in the most restrictive way in the world,  
19 should pay the price for this CITES listing.  
20 It's wrong and it's un-America. Thank you.

21           MR. COTTINGHAM: Thank you. Serda  
22 Ozbenian.

1                   MR. OZBENIAN: Hi. I'm Serda  
2 Ozbenian. I'm with the Animal Welfare  
3 Institute, but I'm here today speaking on  
4 behalf of the Species Survival Network, which  
5 includes over 80 non-profit organizations,  
6 including the Animal Welfare Institute and  
7 Humane Society International.

8                   SSN is very concerned about the  
9 lack of progress that has been made by the  
10 CITES Animals Committee on the decisions  
11 adopted regarding species-specific reviews and  
12 recommendations for sharks. The member  
13 countries of CITES adopted a resolution in  
14 2002. It's Resolution Conference 12.6, on the  
15 conservation and management of sharks, and the  
16 decision in 2007, Decision 14.107, which  
17 instructs the CITES Animal Committee to  
18 examine shark species of concern and consider  
19 them for possible listing in the CITES  
20 appendices.

21                   The Animals Committee was also  
22 instructed to examine the linkages between

1 international trade in shark fins and meat,  
2 and illegal, under-reported and unregulated  
3 fishing. We commend the United States for  
4 preparing a report for the Animals Committee  
5 meeting last April, on activities concerning  
6 shark species of concern.

7           Unfortunately, the subsequent  
8 discussion of this document did not result in  
9 a consensus of future actions. This is  
10 alarming, considering that shark populations  
11 are declining rapidly, and that urgent action  
12 is required to reverse this trend.

13           Furthermore, SSN is concerned that  
14 the parties' response to shark issues contain  
15 in the notification to the member countries by  
16 the CITES Secretariat in 2008, requesting  
17 updates on shark population status and  
18 management efforts was incomplete.

19           Therefore, SSN urges the United  
20 States to (1) undertake a proactive and  
21 aggressive plan to gain support for Appendix  
22 2 listing proposals for shark species; (2)

1 seek adoption of a decision directing the  
2 Animals Committee to examine the current list  
3 of shark species of concern for possible  
4 listing, and to secure responses from all  
5 parties to the Shark Management Information  
6 requests; and (3) explore the use of Appendix  
7 3 listings as a tool for obtaining  
8 international trade data on other shark  
9 species of concern.

10 SSN also recommends that the  
11 United States support any proposal to amend  
12 resolution Conference 12.6, to recognize the  
13 language agreed by the U.N. General Assembly  
14 in December 2007, urging that all sharks  
15 should be landed with fins naturally attached,  
16 and to encourage the parties to ban the  
17 practice of shark finning. Thank you.

18 MR. COTTINGHAM: Thank you. Sue  
19 Lieberman.

20 MS. LIEBERMAN: Thank you, and  
21 thank you for the opportunity to say a few  
22 words. I recognize I'm here on behalf of the

1 Pew Environment Group. Although some of you  
2 may know that I've been working on CITES for  
3 22 frightening years, including 11 years  
4 running the Scientific Authority of the U.S.  
5 Fish and Wildlife Service. Obviously, I'm  
6 speaking on behalf of Pew and not them.

7 I won't go into a lot of details.  
8 Pew will be submitting written comments to the  
9 Fish and Wildlife Service by close of business  
10 today, if I make it back to my office. We do  
11 believe that those species that have been  
12 discussed and that the U.S. is still  
13 considering, the sharks and the bluefin tuna,  
14 do qualify under the CITES listing criteria.

15 We do want to stress -- I agree  
16 that we're not talking about extinction, and  
17 that the U.S. Endangered Species Act and the  
18 concept of endangered under U.S. law is  
19 completely different than CITES. I  
20 appreciate, David, that you're bringing up,  
21 dispelling some of those myths.

22 CITES listing criteria are

1 completely different. Look at the species  
2 across its range, and there is a long list of  
3 examples of species that in one part of its  
4 range may not qualify, but across its range it  
5 does. Therefore, the CITES parties have  
6 decided to list the species in the respective  
7 appendix. It's important to keep that  
8 difference in mind.

9           In terms of the FAO panel, which  
10 looks now to be scheduled probably the first  
11 week of December, but things being scheduled  
12 in Italy can often move, I think there have  
13 been two panels, two CITES meetings of the  
14 Conference of the Parties with FAO panels.

15           I would strongly urge the United  
16 States to submit recommended experts, both on  
17 CITES and on the species in question. They  
18 cannot legally convene the panels until after  
19 October 14th, when there are species to  
20 review. That's based on an MOU signed between  
21 the CITES and FAO Secretariats.

22           CITES parties don't have to listen

1 to the FAO panel, but CITES is required to  
2 solicit the views of FAO, as well as solicit  
3 the views of other relevant RFMOs, and I  
4 assure you if there's a bluefin proposal, they  
5 will solicit the views of ICCAT.

6           In terms of the European Union,  
7 having lived in Europe for eight years until  
8 three weeks ago and I'm delighted to be back  
9 home, that is correct in terms of Appendix 1,  
10 that they do have what's called stricter  
11 domestic measures. Any country can have  
12 stricter measures than CITES. They just can't  
13 have weaker measures.

14           It's true in the European Union,  
15 under their current regulations of bluefin in  
16 Appendix 1, they could not engage in domestic  
17 trade. That's not true in the United States,  
18 and I really want to stress that. In the EU,  
19 in addition, one thing I think it's important,  
20 and I do understand people's serious concerns  
21 about the impacts of this, that if some of  
22 those shark species, particularly dogfish,

1 were to be listed in CITES Appendix 2, the EU  
2 looks more closely at CITES Appendix 2 imports  
3 into its borders, into its territory than many  
4 other countries do.

5           In fact, I can assure you that  
6 there are many countries, not the United  
7 States at all, such as Argentina, exporting  
8 without the kind of management we have in the  
9 United States. I would predict the EU would  
10 not accept their fish, and actually, though I  
11 cannot prove this and I wouldn't be silly  
12 enough to think I could, we would actually see  
13 a potential increase in market share from the  
14 United States because of the EU scrutiny on  
15 CITES Appendix 2 exports.

16           In addition, I really would like  
17 to reinforce what was said about the  
18 resolution submitted, potentially to be  
19 submitted by Monaco. It's unprecedented from  
20 CITES that a country would say if we submit  
21 this for Appendix 1, we're also going to come  
22 up with a procedure to let you know that if it

1 is effectively managed, and if the species  
2 qualifies, that there should be an automatic  
3 process in CITES, that the depository  
4 government, in this case Switzerland, would be  
5 asked to submit and automatically submit a  
6 proposal to move the species to Appendix 2.

7 I encourage the United States to  
8 work with Monaco on any refinement of that  
9 resolution.

10 I would like to add, though I  
11 don't have that available yet, that the Pew  
12 Environment Group has commissioned an economic  
13 analysis of the economic impacts of a bluefin  
14 Appendix 1 listing in the United States. It's  
15 a straight economic analysis. It's not an  
16 advocacy piece.

17 We hope to have that available by  
18 the end of this month and we certainly will  
19 share it when it is available. I would like  
20 to stress as well, CITES does not take  
21 management away from RFMOs. In fact, CITES  
22 can assist RFMOs with enforcement, with

1 compliance and putting teeth into the decision  
2 of RFMOs.

3           Finally, on the issue of  
4 reservations, just to reinforce, if a country  
5 takes a reservation on a CITES species, it is  
6 a non-party for that species. For an Appendix  
7 1 species, that means they can trade  
8 commercially only with other non-parties or  
9 reserving parties.

10           So it's true. If Japan entered a  
11 reservation and Algeria entered a reservation,  
12 we'd have a major problem. The United States,  
13 to its great credit, has long-standing, a long  
14 record of saying that reservations to Appendix  
15 1 species undermines the effectiveness of  
16 CITES.

17           I remember well, unfortunately I  
18 remember well, in 1989 when the African  
19 elephant went to Appendix 1, and China and  
20 Japan and Zimbabwe and South Africa were all  
21 wound up to enter a reservation. The U.S.  
22 used its full diplomatic weight to stop that,

1 and say it's in Appendix 1. You have to  
2 accept the will of the parties and the will of  
3 the world.

4 So that if the bluefin does go to  
5 Appendix 1, I would encourage the United  
6 States as well to make sure that no countries  
7 enter a reservation and undermine this  
8 decision. Thank you very much.

9 MR. COTTINGHAM: Thank you, Sue.  
10 Matt Rand is next.

11 MR. RAND: Thank you. I'll be  
12 brief. Matt Rand. I'm the Director of the  
13 Global Shark Conservation for the Pew  
14 Environment Group. I just wanted to start out  
15 by thanking you for the opportunity to speak.  
16 We will be, as Sue mentioned, submitting  
17 written comments.

18 I wanted to also start out by  
19 wholeheartedly agreeing with Sonja Fordham's  
20 comments on the individual shark species that  
21 she discussed. I won't go into those details  
22 as she did an excellent job, I think, of

1 covering those. I wanted to thank the United  
2 States as a global leader for shark  
3 conservation. They've been carrying the  
4 torch, and we encourage them to continue to do  
5 so.

6           There are 18 prohibited species in  
7 the United States on the eastern coast. It's  
8 quite clear that we're a leader in shark  
9 conservation, and I again encourage us to do  
10 so. I wanted to just provide some brief  
11 global context to the discussion, and then  
12 I'll end there.

13           Up to 73 million sharks are being  
14 removed from the world's oceans on an annual  
15 basis to support the shark fin trade. That's  
16 a million sharks a week. These fish are much  
17 different than many other species of fish,  
18 including bluefin tuna.

19           The fecundity of most of these  
20 species are not anywhere near many of the bony  
21 fish, so it's quite different than a lot of  
22 other commercially caught fish species out

1 there. There are no catch limits at all in  
2 any of the RFMOs globally. So it's an open  
3 fishery out there completely.

4 Thirty-eight percent are either  
5 threatened or near-threatened with extinction,  
6 according to the International Union for the  
7 Conservation of Nature. Another 35 percent of  
8 the species are unknown. So again, I just  
9 want to encourage the United States to move  
10 forward with the proposals, and encourage them  
11 to continue to be a global leader for shark  
12 conservation. Thank you.

13 MR. COTTINGHAM: Thank you, and  
14 Eric Hesse is next.

15 MR. HESS: Thank you. Eric Hess.  
16 I'm a commercial fisherman from the Cape, Cape  
17 Cod. Also a member of the Cape Code  
18 Commercial Hook Fisherman's Association.

19 I did submit some written comments  
20 to paraphrase. I've done this 25 years. It's  
21 taken me about that long to figure out how to  
22 make part of my living doing it. I also fish

1 with hook gear for cod and haddock in the off  
2 season, and I'm proud to be part of a fishery  
3 that I've always thought of as being  
4 sustainable.

5           One of the reasons, I guess, that  
6 the U.S. has very high compliance rates with  
7 its bluefin fishery is we've basically lived  
8 in an armed camp out there. Those of you who  
9 don't own a commercial fishing boat probably  
10 don't see this side of it, but when the Coast  
11 Guard comes alongside your boat, which they do  
12 with some frequency, at least two or three  
13 times a year, there's usually five or six guys  
14 in a little orange boat, all of them packing  
15 nine millimeters, and the guys who stay in the  
16 boat usually have machine guns.

17           So between that and the state or  
18 federal fishery agents that meet you at the  
19 dock with some regularity, and also seem to  
20 enjoy being armed to the teeth, there's a  
21 pretty good incentive, aside from having your  
22 own concept of fishing sustainably and staying

1 within the rules, to stay within the rules in  
2 this country.

3           Having lived with that for 25  
4 years, I'm glad to say that I have planned my  
5 business on the basis that that enforcement  
6 regime gives me some measure of comfort that  
7 what the Fishery Service tells me from one  
8 year to the next I can rely on.

9           I can plan a business and invest  
10 in a boat and raise a family on the basis that  
11 I know this fishery is being managed well, and  
12 from one year to the next I'll be able to  
13 continue to do it. So the carrot for me has  
14 been being able to fish, and the stick has  
15 always been, you know, if you step out of line  
16 we're right there with our Glocks.

17           Now it seems like what this  
18 government is proposing is saying well, we're  
19 going to be there with the Glock anyway. You  
20 didn't step out of line, but we're going to  
21 pull the rug out from you anyway, because we  
22 think it's good for the countries on the other

1 side of the ocean.

2 Now I don't know anybody,  
3 including the NGOs, that's more frustrated  
4 with what's happened at ICCAT than someone  
5 like Rich, who's been there the whole time,  
6 has fought against the lying, whatever that's  
7 happened over there. I followed it too.

8 It's disgusting. But and yet  
9 that's the management framework that we've  
10 built to manage this fishery. If our  
11 government can get behind CITES and say we  
12 don't think you should have a reservation for  
13 this species, then what's been stopping them  
14 for the last ten years in saying we want to  
15 put some teeth into ICCAT. We want to deal  
16 with Japan. We're going to restrict trade  
17 from these countries that step outside the  
18 ICCAT rules. It doesn't hold water with me.

19 The other thing is I mentioned  
20 compliance in our U.S. fishery. It's been  
21 very high. We haven't stepped outside our  
22 quotas, and yet I don't know how many of you

1 have ever gone into an aquarium in this  
2 country, but most of them now feature these  
3 things they call wallet cards. The first  
4 species on every wallet card is bluefin tuna.

5           Now the people that go into  
6 aquariums in this country and eat bluefin tuna  
7 in this country, are eating bluefin tuna from  
8 U.S. fisherman. I mean we don't have to  
9 import a lot of bluefin tuna to satisfy this  
10 country's sushi needs or whatever.

11           So whoever gave those aquariums  
12 the advice that bluefin tuna is a species that  
13 U.S. consumers should avoid, obviously doesn't  
14 care that this country has had a very strict  
15 management on its bluefin fishery, and we've  
16 stayed within our quotas all this time.

17           That gives me very little  
18 assurance that regardless of what economic  
19 analysis might say, that we will be able to  
20 continue to have a fishery that's viable,  
21 given any kind of CITES listing, one or two.  
22 Whether the Endangered Species Act kicks in or

1 not, I think the problem is the  
2 unpredictability of what will happen in the  
3 public arena.

4           Given the fact that this wallet  
5 card thing started several years ago, I'm not  
6 assured that, and in fact I haven't heard from  
7 any of the groups represented here today, that  
8 they plan to step up and support you as  
9 fisherman, and let the U.S. and public  
10 consumer know in the United States that in  
11 fact while it is an endangered species, our  
12 fisherman really do a good job.

13           That hasn't happened and until it  
14 does, I don't see how this country can support  
15 a CITES listing for bluefin tuna. It would be  
16 irresponsible. I think it would essentially  
17 abdicate management responsibility for the  
18 fish. You'd be handing it over to someone  
19 else, and I just wanted -- with dogfish, I  
20 feel like I can walk on them. I fish with  
21 hooks. It's probably the most affected  
22 fishery since dogfish can smell a hook bait,

1 it seems like, for miles.

2 We basically can't fish nine  
3 months out of the year because of the dogfish.  
4 Again, our country has good resources and  
5 strong management. I don't see how our  
6 government can take a position responsibly, to  
7 say that these species are in danger of  
8 becoming extinct. Thank you.

9 MR. COTTINGHAM: Thank you, and  
10 Katie Renshaw is next.

11 MS. RENSHAW: Hi. My name is  
12 Katie Renshaw. I'm an attorney at Earth  
13 Justice based here in D.C. We will also be  
14 submitting written comments by the close of  
15 business today, so I'll speak briefly.

16 I don't have much to say, because  
17 Sue Lieberman reiterated a lot of the points  
18 that I was going to make. But I do want to  
19 again say for emphasis that we see, and we are  
20 an environment group that likes to sue, so I  
21 can speak with some measure of authority here.

22 We see CITES and ESA as completely

1 distinct issues. As discussed, the criteria  
2 are different. We think it's unquestionable  
3 that bluefin meet the criteria for CITES.

4           The species is obviously affected  
5 by trade, and one of the biological criteria  
6 for listing is a marked decline in the  
7 population size in the wild, either currently  
8 occurring or occurred in the past with the  
9 possibility of repetition.

10           I think there's no question that  
11 blue fin tuna across the entire species has  
12 suffered a marked decline. So we don't see  
13 there being much question there. ESA is  
14 completely distinct, and we do not see one as  
15 a precursor to the other. They're different  
16 discussions that we're not having.

17           So I think there is some fear  
18 that's overblown. Obviously, I don't speak  
19 for the entire environmental community, but I  
20 do think we're getting ahead of ourselves a  
21 little with that fear.

22           Second, I'm actually very

1 intrigued by the last commenter discussing  
2 whether environmental, if hypothetically the  
3 CITES listing happened and the international  
4 trade was shut down, whether environmentalists  
5 would support domestic fishers and help  
6 protect our market.

7 I think that's an interesting  
8 dialogue that should happen between the  
9 environmental community and the commercial  
10 fisherman, and it's one that we would be more  
11 than willing to start. We think that as of  
12 right now, the United States is a net importer  
13 of blue fin tuna, which is where a lot of  
14 those wallet cards are coming from, which most  
15 of the demonization is of the east, which  
16 everyone can agree is unsustainable.

17 If U.S. customers were solely  
18 buying U.S.-caught blue fin tuna, there may be  
19 grounds for a discussion on changing that and  
20 working as advocates. That kind of advocacy  
21 has worked before in, for example, with wild  
22 Alaskan salmon. Environmentalists are

1 strongly in favor of promoting wild Alaskan  
2 salmon as a way to save that species.

3 So I don't think that's completely  
4 out of the question, and I would like to see  
5 that happen. So thank you.

6 MR. COTTINGHAM: Thank you.  
7 That's all of the people that we had sign up  
8 from the public, as well as the Advisory  
9 Panel. So I think we're --

10 MR. ANNINOS: Did we miss anybody?  
11 I just kind of walked down the wall. I think  
12 we did okay. Oh, Elizabeth? Sure.

13 MS. GRIFFIN: I was going to ask  
14 this privately, but it sounds like there might  
15 be a lot of other people in the room in the  
16 same boat. Are the comments actually due at  
17 close of business, or is it a midnight?

18 MR. COTTINGHAM: It sounds like  
19 midnight, from the Fish and Wildlife Service  
20 folks. Since a lot of people will be  
21 submitting them electronically, I'm not going  
22 to be there to receive them, but our Fish and

1 Wildlife Service colleagues will.

2 Margo, thank you and the panel for  
3 inviting us here. I'm sure that we got a lot  
4 of good comments here today, and I appreciate  
5 everybody taking the time to do it. So thank  
6 you.

7 MS. SCHULZE-HAUGEN: Well thanks  
8 for coming. I think a lot of folks on the  
9 panel are very interested to hear from you.  
10 So at this point, we've got a wrap-up, a kind  
11 of summary of the discussion over the last  
12 couple of days.

13 I think we have a to-do list that  
14 we have generated from the discussion, and  
15 some things to be on the lookout for, of  
16 coming actions, dates, things like that. So  
17 as has been the case before, I haven't seen  
18 this yet. So you and I will be looking at it  
19 together for the first time.

20 So if you have comments, if it's  
21 not accurate, please let us know. We'll also  
22 be posting things on the web. If folks could

1 move out of the room if you're going to have  
2 conversations. If you could at least move to  
3 the anteroom, that would be great, so the rest  
4 of us can continue. Unless, of course, y'all  
5 just want to go home. I mean there's like  
6 five people here. I'm happy to go through it.

7 (Pause.)

8 MS. SCHULZE-HAUGEN: Maybe one  
9 thing that I think, for those of you that are  
10 still here, is whether this continues to be  
11 useful. Judging by the number of people here,  
12 it might be part of my answer. I'll do that  
13 anyway, so we'll just do this quickly.

14 Again, only a summary. We're not  
15 trying to capture every point. That's what  
16 the recordings are for, transcripts are made.  
17 Let us know if we missed something and we'll  
18 do the standard summary, as we always do.

19 Things that we've been capturing  
20 on the to-do list that you should see, we're  
21 going to distribute the presentations posted  
22 on the website. Usually it's the easiest we

1 can make sure you know that they're there,  
2 look into the shrimp observer protocols for  
3 shark ID. This was a comment coming from a  
4 couple of the states.

5 Look into the North Carolina data  
6 for smooth dogfish. We have received some of  
7 it through the shark board at the Atlantic  
8 States Commission, but continue to work with  
9 them and look into their data in more detail.

10 Follow up with the Commission on  
11 the interplay between the federal and state  
12 regs, particularly as the federal regs change.  
13 How do the states adapt? What does it mean?  
14 What's their process?

15 The limited access privilege  
16 program, the policy document. If folks want  
17 that, we can get that to you. Then hopefully  
18 we'll get some comments on how the meetings  
19 themselves are structured. So continue to  
20 look forward to a continuing dialogue on that.

21 Then we've gotten updates on the  
22 blue fin tuna length weight report, research

1 on the circle and J hooks for billfish from  
2 Dr. John Graves, recent enforcement actions  
3 and MRIP.

4           Going through some of the comments  
5 on Amendment 3, lots of questions on the  
6 science, average weights. We'll continue to  
7 look into that, work with the Science Center,  
8 and to the extent that we can, move forward  
9 with that.

10           The comment we should wait for the  
11 next assessment. There are some limitations  
12 for us there, statutorily required deadlines.  
13 Then the gill net fishery is closed most of  
14 the year due to white whales. When fisherman  
15 can fish, black nose have moved to state  
16 waters.

17           Sharp nose sharks are abundant,  
18 affecting fishing for other species, and the  
19 need to take action on the shrimp bycatch.  
20 Maybe we don't need to. There was opposing  
21 comments there, and that the small coastal  
22 quota could be taken before North Carolina

1 fisherman could catch them, if we open in  
2 January.

3           Then we should look at again,  
4 statutory requirements, timing, things like  
5 that. Lots of concern about interaction  
6 between the Commission and the federal  
7 regulations for recreational black nose, that  
8 we should not prohibit the recreational take  
9 of black nose sharks. We need more outreach  
10 on species ID.

11           Support and disagreement about  
12 waiting for international action for short fin  
13 mako; that we should and should not take the  
14 lead on smooth dogfish management; that smooth  
15 dogfish management need to address the fin to  
16 carcass ratio, something we've been hearing  
17 from the shark board as well, and that the  
18 five percent fin to carcass ratio doesn't work  
19 for them.

20           We need an assessment and that the  
21 quota is too low. So these will all be things  
22 we'll be taking a look at for the final.

1 Turning to Amendment 4, confirmation --  
2 fishery is very different from other HMS  
3 fisheries, small boats, dependent on tourism.

4 Looking at target species of  
5 yellow fin, that yoyo gear is important, and  
6 we need to make sure that the Bowie gear  
7 definition reflects yoyo gear, that there's a  
8 distinction there. We need to protect  
9 artisanal fishery, implement restrictions such  
10 as boat ties.

11 Lots of concern about FADS and  
12 related enforcement issues, as well as, I  
13 think, the international component of that  
14 needing to address it. Concern about creating  
15 new fisheries without the full future  
16 implication, what that would mean down the  
17 road.

18 Concern about and ideas for data  
19 collection and needing to work with local  
20 government; engage the nearby countries. For  
21 harpoon in general, this would be part of the  
22 ANPR discussion. Substantial landings this

1 year by harpoon, line real can't catch blue  
2 fin due to dogfish.

3           The blue fin are abundant, may or  
4 may not be the same fish. The fish off North  
5 Carolina early in the year when the commercial  
6 fisheries closed. Saw more small medium fish  
7 than ever. Premature to change the  
8 regulations without knowing why the quota is  
9 not caught, and what the impacts of those  
10 changes could be. Then discussion on ICCAT  
11 model for setting quotas.

12           Moving on to the minimum size,  
13 reducing the size limit and taking quota  
14 associated with giants may or may not be  
15 conservation neutral. Tails off could result  
16 in more fish in a single trip. If a fish is  
17 near the minimum size, maybe allow the  
18 fisherman to trim the load.

19           So, look back at the black market  
20 and the Mass Bay fishery, and it should not be  
21 difficult to try to have boat fisherman to  
22 report recreationally and commercially on a

1 trip. Reporting catch online takes too long.  
2 Can look into that. Don't change regulations  
3 until blue fin has recovered and the spawning  
4 age of blue fin in the Mediterranean may be  
5 later than previously thought.

6           So, lots of questions on how many  
7 active permits, the impact on giving them all  
8 the swordfish permits, the location of the  
9 fishery. I think we need to look into that  
10 some more, see what the impacts of different  
11 ways forward would be.

12           Consider control date for those  
13 permits, potentially a sunset or use it or  
14 lose it provision. The swordfish incidental  
15 quota is sufficient to include the control,  
16 but that they shouldn't be authorized for  
17 sharks, given the status of the stocks.

18           Need pelagic longline incidental  
19 catch limits. Other countries are taking more  
20 totals than the U.S., and we don't want  
21 incidental catch of blue fin to go off. The  
22 Cooke study hopefully will be successful in

1 reducing that bycatch. Changing the catch  
2 limits, return discards into landings without  
3 increasing incentives for targeting, and that  
4 increasing landings may cause fisherman to  
5 fish for blue fin. Some opposing sides there.

6           Something's wrong with the science  
7 if we're showing we're not rebuilding or not  
8 catching the quota. We're not rebuilding,  
9 we're not catching. I think I know what you  
10 mean. Need to transition to bycatch-friendly  
11 gears.

12           Lots of comments on the general  
13 category permit, increase the number of  
14 fisherman in South Florida, devastate the buoy  
15 gear fishery. Florida's unique, somewhat I  
16 guess the Caribbean in that way. Already too  
17 many vessels, and that the swordfish general  
18 category permit could increase swordfish  
19 landings in the mid-Atlantic north.

20           If we do move forward, need to  
21 ensure there's no conflict with current shark  
22 fishery until stock status improves. If

1 implemented, permit holders need to go through  
2 the same hoops as commercial fisherman, and  
3 that if we do go forward, we shouldn't mix it  
4 with the tunas. People seem pretty happy the  
5 way the blue fin category is operating.

6           Some more general comments on the  
7 ANPR. Don't open the closed areas, finish the  
8 research first, that we might -- if we do  
9 consider opening, we might need to revisit all  
10 of our EISs.

11           That the Florida rec fishery is an  
12 IUU fisheries. Other IUU fisheries in the  
13 U.S., particularly for high dollar fisheries.  
14 It's not possible to increase swordfish catch  
15 without increasing efforts. Being that buoy  
16 gear is a clean fishery and catches decrease  
17 with circle hooks, because of the weak jaw.

18           On catch shares, stakeholders need  
19 to buy into the idea first. Need to do all  
20 the details before implementation. Individual  
21 bycatch caps could provide a direct cost of  
22 bycatch to fishermen. Could lead to

1    inaccurate reporting.  Could be used for blue  
2    fin tuna in the Gulf of Mexico.

3                    Concern about the make-up of the  
4    catch shares task force.  I think we'll get  
5    those comments back to that group.

6                    On shark issues, some of the  
7    discussion this morning, consider two seasons.  
8    Suggestions for January and then a later  
9    summer opening that would coincide with when  
10   the closed area off North Carolina opens.

11                   We should keep pupping season  
12   closed.  Shift our landings to different  
13   species, may be a concern.  We need to look at  
14   species-specific assessments, emphasis on  
15   hammerheads.

16                   Keeping the belly flaps on would  
17   affect the total weight of quota taken.  
18   Whether we should potentially look at catch  
19   shares for sharks, to move away for derby  
20   fisheries, if that would be an appropriate  
21   place.

22                   We need international cooperation

1 and outreach, the linkage again for the  
2 Atlantic states, state closure and the federal  
3 fishery link. Support for the delayed opening  
4 until Amendment 3 is final, and then there is  
5 some information request on the research  
6 fishery, and that we should increase  
7 cooperative research.

8 CITES, this is fresh off the  
9 press. Questions on trade in blue fin in the  
10 EU, questions on look-alikes, split listings,  
11 when changes can be made, lots of process.  
12 Questions on whether NOAA and Fish and  
13 Wildlife Service seriously consider all  
14 proposals for listing.

15 Interactions between CITES  
16 criteria and ESA. Process. Again, what  
17 happens if a country objects. What if they  
18 don't have domestic management? What happens  
19 under Appendix 1 on quota transfers. Support  
20 and opposition to listing blue fin on Appendix  
21 1.

22 Collapse of fishery should not be

1 confused with extinction. Blue fin are not  
2 going extinct, and can we have a copy of the  
3 analysis. So these will be things that we  
4 take back as well. Oh boy, there's more.

5           If ICCAT takes appropriate action,  
6 CITES listing may not be needed. Appendix 1  
7 would end the U.S. fishery for blue fin.  
8 There's no viable domestic market, no  
9 infrastructure for frozen product. CITES  
10 should not be used as a fishery management  
11 tool. No substitute for rebuilding plan.

12           Support and opposition for sharks,  
13 all sharks, as well as various species. The  
14 proposal to list short fin is inappropriate  
15 and extreme. CITES could be an important tool  
16 for shark conservation. Appendix 2 can help  
17 sustainable harvest and trade, but the paper  
18 work can be banned, particularly for  
19 perishable products.

20           Concern about general public being  
21 able to distinguish between extinct and  
22 endangered, and that that might be lost on

1 them.

2           Then so looking ahead, things that  
3 we're working on. 2010 blue fin and shark  
4 specifications. ANPR short term action.  
5 Amendment 4 likely we might be talking before  
6 the proposed rule out at another AP meeting,  
7 but that's in the works.

8           Then follow-up in some fashion on  
9 shark issues, whether that will be in the  
10 specs or a separate action. At this point, I  
11 think we're still looking at what we need to  
12 do.

13           For final rules, looking at  
14 Amendment 3 final rule, and then the 2010  
15 swordfish specs we're hoping to turn around  
16 very quickly before ICCAT. Some notices that  
17 were in the shark research fishery notice and  
18 request for applications should be coming out  
19 shortly, as well as our standard EFP notice,  
20 what we intend to issue, what we have issued,  
21 things along those lines.

22           Then the HMS AP nominations notice

1 will be coming out. So you might want to look  
2 at your tenure, to see if you're up or not.  
3 Then for CITES, the country proposal is due,  
4 I think, maybe October 14th, and at that point  
5 we'll know what we're talking about in terms  
6 of what's been submitted.

7           Obviously, ICCAT season is upon  
8 us, and then just please remember to get your  
9 receipts in. The sooner the better for us and  
10 for you. It means you get your money faster,  
11 and that comments due September 25th on  
12 Amendment 3. Then asking for comments on the  
13 Amendment 4 predraft by October 1st.

14           I think that's it. Thank you.  
15 We'd like to thank the HMS AP members for  
16 sticking around. You guys deserve some credit  
17 for still being in the room, as well as the  
18 staff. I think we have a lot of hard work,  
19 and I hope you recognize that they work pretty  
20 hard. So thank you everyone.

21           (Applause.)

22           MS. SCHULZE-HAUGEN: We will

1 hopefully, if you can take the time for the  
2 evaluation sheets, that would be fantastic,  
3 and I see Sonja's card up. Last one?

4 MS. FORDHAM: Yes, just briefly.  
5 I know you said it's not an inclusive list,  
6 but I did notice that the smooth dogfish stuff  
7 seemed to be quite lopsided, and that there  
8 was comments that the quota was too high. But  
9 both Elizabeth and I said the proposed quota  
10 was -- sorry, you said the quota was too high.

11 People said it was too low, and  
12 Elizabeth and I both said it was too high.  
13 There was something about the thin finning was  
14 a problem and there was a lot of support for  
15 fins attached. So I just thought that  
16 particular part wasn't balanced. Thank you.

17 MS. SCHULZE-HAUGEN: I think we  
18 can add that in. All right. Thank you  
19 everyone. We'll be in touch. Have a safe  
20 trip home.

21 (Whereupon, the meeting was  
22 concluded.)

<b>A</b>				
<b>abdicate</b> 258:17	257:22	<b>administrator</b>	165:9 254:18	<b>ALRS</b> 130:15
<b>abiding</b> 160:5	<b>acted</b> 232:4	91:13	<b>aggressive</b> 243:21	<b>alter</b> 158:14 197:13
<b>ability</b> 70:8 85:9	<b>acting</b> 187:19	<b>adopt</b> 143:15 168:8	<b>ago</b> 61:4,5 80:2	<b>alternative</b> 50:9
167:15 205:21	<b>action</b> 5:8 49:5	<b>adopted</b> 168:2	158:10 216:9	82:7,15 160:4
<b>able</b> 5:16 7:18	53:2 230:13,16,20	242:11,13	231:2 247:8 258:5	230:12,18
13:13 17:21 18:2	243:11 266:19	<b>adopting</b> 63:17	<b>agree</b> 11:17 65:20	<b>alternatives</b> 83:10
30:7 36:19 50:6	267:12 275:5	<b>adoption</b> 244:1	193:12 208:3,22	92:22 93:2
90:17 92:6 97:4,8	276:4,10	<b>advance</b> 92:15	211:8 245:15	<b>altogether</b> 39:6
98:14 99:1 112:10	<b>actions</b> 9:4 28:12	<b>advantage</b> 127:20	261:16	<b>amend</b> 244:11
127:16 164:15	52:15 187:7 243:9	<b>advice</b> 149:2 155:4	<b>agreed</b> 244:13	<b>amended</b> 86:2
165:3 177:2,6	263:16 266:2	159:21 170:14	<b>agreeing</b> 251:19	<b>amendment</b> 8:18
178:22 229:13	<b>active</b> 72:5 231:8	171:2 257:12	<b>agreement</b> 64:7	9:3 13:21 14:4,22
233:6 255:12,14	270:7	<b>advised</b> 32:14	145:4 159:22	15:8 18:1,7 21:12
257:19 275:21	<b>actively</b> 216:20	<b>advisory</b> 1:11	<b>ahead</b> 59:10 104:10	25:13 29:3 34:20
<b>abreast</b> 57:7	<b>activities</b> 243:5	71:10 72:20 75:18	104:15 116:12,19	39:9 49:3 80:4
<b>absolutely</b> 166:17	<b>activity</b> 108:4	146:12,13 185:12	223:13 260:20	81:20 103:22
<b>abundance</b> 65:7	118:2	207:14 234:9	276:2	163:3 173:5
67:13 195:10	<b>actual</b> 13:20 99:9	262:8	<b>ain't</b> 47:7,21 235:7	230:11 266:5
<b>abundant</b> 65:8	205:19	<b>advocacy</b> 249:16	<b>air</b> 78:6 227:9	268:1 274:4 276:5
266:17 269:3	<b>adapt</b> 265:13	261:20	<b>airplane</b> 240:5	276:14 277:12,13
<b>academics</b> 92:5	<b>adaptable</b> 51:10	<b>advocates</b> 261:20	<b>alarmed</b> 58:22	<b>America</b> 1:1
95:5	<b>add</b> 13:14 25:8	<b>advocating</b> 63:17	<b>alarming</b> 243:10	144:15 222:6
<b>accept</b> 248:10	52:14 53:5 59:5	<b>Affairs</b> 148:8	<b>Alaskan</b> 261:22	<b>American</b> 2:2
251:2	63:20 66:1,2 91:5	<b>affect</b> 12:9 88:4	262:1	181:13 222:2,20
<b>acceptable</b> 237:19	137:22 163:2	142:20 153:19	<b>Algeria</b> 219:19,22	<b>Americans</b> 240:8
<b>access</b> 76:19	205:2 249:10	154:4 168:17	250:11	240:12
118:12,19 120:12	278:18	187:8 196:19	<b>alikes</b> 214:5	<b>ammo</b> 198:3
129:9,14 265:15	<b>added</b> 52:22	218:3 273:17	<b>alive</b> 45:20 46:14	225:13
<b>accommodate</b> 50:8	148:20 181:9	<b>Africa</b> 197:19	<b>Alliance</b> 3:10	<b>amount</b> 23:17 84:8
<b>accomplish</b> 16:13	233:17	250:20	<b>alliances</b> 221:22	108:17
<b>accomplished</b> 6:10	<b>addition</b> 195:14,17	<b>African</b> 250:18	<b>alligators</b> 163:22	<b>amounts</b> 32:16
62:3 239:8	247:19 248:16	<b>afternoon</b> 7:19	165:7	238:16
<b>account</b> 26:18	<b>additional</b> 26:16	119:20	<b>allocated</b> 204:10	<b>ample</b> 53:1
<b>accountable</b> 95:2	212:21 217:12	<b>age</b> 37:20 68:14	<b>allow</b> 17:10 34:18	<b>analogy</b> 62:18
<b>accounted</b> 62:21	<b>Additionally</b>	270:4	50:8 70:5 82:12	70:11
<b>accuracy</b> 122:5	202:15	<b>agency</b> 47:19,21	83:10 94:15 99:21	<b>analyses</b> 12:1 18:1
<b>accurate</b> 68:22	<b>address</b> 76:17	78:16 79:3,10	171:4 204:18	20:1 108:15 169:4
120:19 121:6	267:15 268:14	85:7 88:2,13	269:17	185:20
263:21	<b>addressed</b> 81:13	210:2 236:18	<b>allowed</b> 46:12	<b>analysis</b> 113:2,6,21
<b>accurately</b> 116:5	195:21	<b>agenda</b> 5:19 61:17	54:21 141:14	115:7 161:18
<b>achieve</b> 107:17	<b>adequate</b> 109:20	76:9 100:2 145:21	144:20 155:22	166:11,21 167:9
<b>acknowledge</b> 46:7	198:2	146:1 148:20	220:3,4	249:13,15 257:19
<b>acronym</b> 197:13	<b>adequately</b> 121:9	170:7 172:22	<b>allowing</b> 60:19	275:3
<b>act</b> 80:19 81:4,11	152:3	173:2	100:4	<b>analyze</b> 139:9
86:2 107:3 153:15	<b>Adjourn</b> 4:22	<b>agenda-driven</b>	<b>alls</b> 41:16 43:11	<b>analyzing</b> 131:4
169:14 245:17	<b>administration</b> 1:6	74:16,21	<b>alluded</b> 180:22	<b>Andre</b> 197:8 203:4
	237:20	<b>agents</b> 164:20	<b>alongside</b> 254:11	204:1 207:22

208:18	252:14	155:13,19,19,20	273:20 275:5	<b>assessment</b> 9:12
<b>anecdotal</b> 72:15	<b>ANPR</b> 268:22	156:3,5,12 157:2	<b>approximately</b>	11:21 12:10 28:10
<b>angler</b> 110:6	272:7 276:4	163:18,20 164:13	135:21	37:4,10 39:21
<b>anglers</b> 15:17 16:6	<b>answer</b> 47:7 98:9	166:5,13,18 167:9	<b>April</b> 30:11 34:21	58:6 62:13,15,17
57:9 122:22	185:19 205:11	168:1,16,21 169:5	97:22 243:5	63:3 65:5 66:3
127:21 128:12	207:1,6,19 212:10	169:12 172:3,3	<b>April-May</b> 90:19	67:19 68:9,9 77:6
<b>angling</b> 91:20	232:5 264:12	177:10 185:17	<b>aquarium</b> 257:1	81:17 88:9 89:7
110:6 117:12	<b>answered</b> 5:5	190:7,8 191:20	<b>aquariums</b> 257:6	89:21 90:6,9,19
121:22 128:13,15	<b>answering</b> 47:18	192:5 196:5,10	257:11	96:9 97:9 98:2
129:15,15	<b>answers</b> 71:4	204:6 214:13,14	<b>Arctic</b> 161:7	194:9 195:5
<b>angry</b> 233:20	220:13	214:15 215:9,12	<b>area</b> 24:3,10,12	266:11 267:20
<b>animal</b> 35:9 37:5	<b>anteroom</b> 264:3	215:14,17 217:6,8	30:12 32:7 33:10	<b>assessments</b> 29:6
58:10 99:18 206:2	<b>anticipate</b> 17:18	217:13 219:2,3,3	44:21 45:3,7,22	39:12 68:21 69:1
217:10 228:14	<b>anybody</b> 8:3 75:17	223:18 224:8	50:3,13 59:7	88:22 97:18 106:9
242:2,6,17	101:19 150:1	229:18,21 231:1	101:15 210:20,20	133:8 192:17
<b>animals</b> 31:12	169:14 256:2	243:21 244:6	273:10	273:14
33:15 52:4,5,8	262:10	246:7 247:9,16	<b>areas</b> 24:13 50:7,10	<b>assist</b> 138:19
58:19 62:22	<b>anymore</b> 38:13	248:1,2,15,21	72:6 79:15 108:1	249:22
136:13 189:15	176:5	249:6,14 250:6,14	170:17 179:7	<b>assistant</b> 91:12
192:1 242:10,21	<b>anyplace</b> 94:8	250:19 251:1,5	182:20 183:3	<b>associated</b> 111:7
243:4 244:2	<b>anyway</b> 33:3 56:1	274:19,20 275:6	272:7	119:7 129:21
<b>Ann</b> 3:14	58:18 100:4 166:4	275:16	<b>arena</b> 258:3	269:14
<b>Annex</b> 143:4	202:22 211:9	<b>Applause</b> 277:21	<b>Argentina</b> 161:7	<b>association</b> 2:2,2,5
155:21,21 156:2	218:1 255:19,21	<b>applicability</b>	192:15 248:7	2:19 3:5,7 69:5
<b>Anninos</b> 3:22 29:11	264:13	149:13	<b>argue</b> 133:3	72:1 75:9 126:17
40:20 47:4,8	<b>AP</b> 146:16 147:4,13	<b>applicants</b> 48:16	<b>argument</b> 171:3	203:6 211:17
51:14,17 54:8	226:12 232:10	<b>application</b> 27:14	193:9 223:22	253:18
61:15 66:6 69:3	276:6,22 277:15	28:20	<b>arguments</b> 189:4	<b>Association's</b>
79:20 82:1 83:15	<b>APA</b> 49:6	<b>applications</b> 27:5,8	195:8	211:19
91:1 94:14 99:20	<b>apologize</b> 86:11	276:18	<b>arm</b> 184:1 238:21	<b>assume</b> 12:12
100:9 103:11	108:18 129:7	<b>applied</b> 57:14	<b>armed</b> 254:8,20	88:19 152:18
104:12,15 105:1	<b>apologizing</b> 57:13	<b>applies</b> 218:8	<b>arms</b> 172:20	157:15 171:5
105:15,22 145:12	<b>apparently</b> 11:17	<b>apply</b> 29:20 199:15	<b>artisanal</b> 268:9	<b>assuming</b> 58:17
145:18 147:21	84:11 122:13	200:8	<b>aside</b> 254:21	146:21
149:15 162:8,11	131:19	<b>appreciate</b> 77:18	<b>asked</b> 8:1 106:4	<b>assumption</b> 57:14
173:10 180:19	<b>appear</b> 19:6	79:18 133:16	136:11 182:1	87:12
184:15 188:15	<b>appearance</b> 162:16	135:5 196:7	232:1 249:5	<b>assurance</b> 257:18
197:7 203:3,22	<b>appendices</b> 136:20	201:14 212:12	<b>asking</b> 48:8 52:21	<b>assure</b> 144:5 247:4
207:22 208:18	138:1 221:9 226:4	220:13 245:20	118:2 122:19	248:5
211:12 217:1	242:20	263:4	124:18,20 277:12	<b>assured</b> 168:17
220:16 223:9	<b>appendix</b> 54:2	<b>approach</b> 102:14	<b>ASMFC</b> 23:20 24:9	258:6
226:10 229:6	136:22,22,22	112:21 124:1	56:11 72:3 73:16	<b>assuring</b> 216:15
232:9 262:10	137:6 140:13	130:10 228:20	74:1 223:21	<b>Atlantic</b> 2:17 3:8
<b>announced</b> 56:4	141:11 142:5,15	<b>approaches</b> 116:21	<b>ass</b> 201:21	16:21 20:14,19
<b>announcement</b>	142:19 143:11	<b>approaching</b>	<b>Assembly</b> 244:13	26:4,10 32:14,20
148:9	144:2,18 154:5,7	203:19	<b>assess</b> 149:13	33:1 39:4 48:5
<b>annual</b> 139:16	154:8,12 155:12	<b>appropriate</b> 172:4	<b>assessed</b> 227:21	51:4 58:13 59:8

67:8 76:18 109:13 117:5 119:12 120:2 124:9 141:6 141:6 160:5,8 161:1,9,11,11,12 161:14 186:16 193:19 194:16 199:19 212:5 214:14 235:11 238:8 239:11 265:7 274:2	<b>automatic</b> 249:2 <b>automatically</b> 49:7 249:5 <b>available</b> 37:16 48:22 78:13 133:2 151:7 167:10,21 221:15 229:1,3 249:11,17,19 <b>avenue</b> 67:18 <b>average</b> 9:8 10:1,7 10:7,17,22 11:3 11:11,13 12:2,18 13:5,12 98:11,13 124:3 266:6 <b>averages</b> 12:19 13:9 <b>avoid</b> 184:9 190:8 257:13 <b>aware</b> 34:8 48:4 88:20 90:2 96:1 169:20 231:15 <b>awful</b> 58:14	135:10 <b>back-up</b> 6:15,22 <b>bad</b> 7:2 31:15 65:10 117:22 132:12,13,14 133:1 170:20 201:15 208:13,15 222:18 <b>badly</b> 132:22 <b>bait</b> 210:22 258:22 <b>balanced</b> 278:16 <b>Balsiger</b> 96:15 <b>ban</b> 142:21 144:2,3 187:5 188:7 244:16 <b>bang</b> 32:15 <b>Bank</b> 3:5 203:6 <b>banned</b> 275:18 <b>bar</b> 44:6 199:15 <b>bars</b> 130:5,6 <b>base</b> 26:9 <b>based</b> 6:3 13:9,13 13:17 26:6 54:3 63:10 73:10 116:17,20 120:11 136:18 163:19 185:6 187:20 238:1 246:20 259:13 <b>bases</b> 96:20 <b>basically</b> 30:6 86:8 96:15 106:22 110:6 128:17 174:3 222:22 224:12 254:7 259:2 <b>basis</b> 132:20 252:15 255:5,10 <b>bastardize</b> 198:4 <b>battle</b> 181:16 <b>Bay</b> 175:3 181:4 239:21 269:20 <b>beagle</b> 190:12 191:2,19 193:2,8 193:10 194:1,7,8 194:12 <b>beagles</b> 193:14	229:20 <b>bear</b> 170:1 <b>beast</b> 36:11 <b>becoming</b> 259:8 <b>bed</b> 233:11 <b>beg</b> 94:4 <b>began</b> 151:20 <b>beginning</b> 30:15 33:2 <b>begins</b> 157:22 158:1 <b>begun</b> 138:14 <b>behalf</b> 85:4 141:3 242:4 244:22 245:6 <b>belabor</b> 62:10 66:11 77:16 <b>Belgium</b> 221:4 <b>believe</b> 5:20 46:19 46:19 48:14 49:21 62:1 76:1 77:10 79:13 143:5 150:4 155:20 161:8,15 170:16 189:12 199:13 212:14 215:2 219:1 226:11,16,19 229:2 232:2,10 239:10 245:11 <b>believes</b> 233:21 <b>belly</b> 21:9,16 35:8 35:15 273:16 <b>benchmark</b> 90:9 97:21 <b>benchmark's</b> 35:1 <b>benefit</b> 24:13 183:10 <b>benefits</b> 24:1,12 <b>best</b> 11:16 34:14 63:14 76:12 77:11 90:3 102:9,10 106:1 133:2 172:14 174:15 179:2 192:4 202:8 203:17 212:11 213:20 214:1 221:15 228:22	229:2 237:13 <b>better</b> 7:1 11:16 57:5 64:14 75:17 102:17 126:2,5 127:15 133:7,14 191:1 222:12 238:18 277:9 <b>bias</b> 73:5,6 <b>biased</b> 116:8 120:15 <b>biasing</b> 115:19 <b>biennial</b> 38:2 <b>big</b> 5:18 21:4 95:7 120:2 126:18 156:12 158:4 159:8 162:19 163:8 176:3 177:22 179:16 210:20 216:9 226:15 237:8 <b>bigger</b> 106:14 129:9 <b>biggest</b> 103:4 164:4 <b>bight</b> 32:7 <b>big-eyed</b> 163:12 <b>bill</b> 91:10 222:15 <b>billfish</b> 60:16 111:14,15,19 116:2 118:18,19 119:2 121:1 125:3 125:5,8,17,21 266:1 <b>biological</b> 133:9,10 136:18 185:22 189:14 214:1 260:5 <b>biologically</b> 186:3 192:22 <b>biologists</b> 196:22 <b>bit</b> 11:5 17:2 19:6 19:18 20:6 34:12 46:16 56:8 74:5 74:11 75:11 76:8 81:17 93:16 103:14 110:15 117:8,17 131:17 135:6,10 151:14
	<b>B</b>			
<b>Atlantic-wide</b> 194:7 <b>ATMOSPHERIC</b> 1:5 <b>attached</b> 14:16 21:9 35:8 171:14 244:15 278:15 <b>attempt</b> 50:12 111:10 235:9 <b>attempted</b> 120:9 <b>attempting</b> 106:19 127:18 <b>attended</b> 112:8 185:12 <b>attending</b> 234:7 <b>attention</b> 58:20 70:16 79:4 107:16 148:16 <b>attentions</b> 188:11 <b>attest</b> 239:21 241:12 <b>attorney</b> 259:12 <b>attorneys</b> 87:15 231:22 <b>audience</b> 146:14 <b>audio</b> 1:21 <b>August</b> 30:18 102:12 118:5,7 <b>Augustine</b> 2:9 105:20 <b>Australia</b> 98:7 <b>authority</b> 231:3 245:4 259:21 <b>authorized</b> 15:14 15:15 206:8 270:16	<b>b</b> 154:7 155:19 156:2 177:5 <b>baby</b> 37:2 <b>back</b> 8:18 9:21 13:11 20:17 34:9 35:17 37:18 38:10 39:10 60:21 61:9 66:15 67:19 70:20 74:4 77:4 80:12 80:14,14 81:1 93:8 101:22 110:15 112:11 137:14 146:7 167:4 170:7 172:22 173:4 181:20 186:12 187:4,13,18 207:8 214:7 221:14 223:12 228:4 245:10 247:8 269:19 273:5 275:4 <b>background</b>			

153:11 156:8 202:5 207:2 <b>bite</b> 227:15 <b>bits</b> 46:17 <b>black</b> 20:3,20 21:19 25:14 31:7 36:2,3 36:5,7,17 62:8,15 65:19 66:11,17 67:4,9,13 81:9 83:19 84:8 85:22 86:17,22 88:5 89:20 98:10 102:18 103:3,5,7 132:13 266:15 267:7,9 269:19 <b>blacktip</b> 18:21 19:6 <b>blame</b> 182:11 197:22 <b>blast</b> 202:11 <b>bless</b> 98:8 <b>blew</b> 105:18 <b>blocks</b> 205:13 <b>blow</b> 99:11 <b>blows</b> 179:4,19 180:14 <b>blue</b> 19:8 23:4,16 26:13 91:16 93:17 109:17 110:18 115:12 141:9,11 141:12,15,17,19 143:8,19 148:15 149:3,7,12 152:18 154:10 161:19 163:13 164:6 165:4,10 166:8,12 166:22 170:7,13 170:19 180:5,7 181:10,14,19 183:2,9 184:2 185:1,6,16 186:2 186:16 197:11 203:12,13,18 204:17 209:11 211:18 260:11 261:13,18 265:22 269:1,3 270:3,4 270:21 271:5	272:5 273:1 274:9 274:20 275:1,7 276:3 <b>bluefin</b> 2:2 4:13 219:16 221:8 224:15,19 228:4 228:21 229:14,22 233:22 234:21 239:20 240:1 241:9 245:13 247:4,15 249:13 251:4 252:18 254:7 257:4,6,7,9 257:12,15 258:15 260:3 <b>blues</b> 55:22 <b>Bluewater</b> 2:2 <b>board</b> 12:16 14:8 50:2 60:18 265:7 267:17 <b>boat</b> 3:5,6 10:14 117:11 125:15 174:14,17 203:6 203:10 208:21 209:10 240:2,5 254:9,11,14,16 255:10 262:16 268:10 269:21 <b>boats</b> 2:20 225:4 268:3 <b>Bob</b> 29:13,13,14 51:18 61:18,19,20 66:5 67:14 68:2 84:7,15 94:15,20 98:19 <b>bomb</b> 227:8 <b>bonnethead</b> 15:11 <b>bony</b> 252:20 <b>book</b> 19:20 20:8 236:10 <b>books</b> 20:18 21:4 99:4 <b>borders</b> 248:3 <b>Boston</b> 7:10 165:13 165:14,18 226:14 <b>bothered</b> 93:12 <b>bottom</b> 9:10 12:14	12:19,21 49:19 50:2,13 160:12 188:6 <b>bounce</b> 127:13 <b>BOUSTANY</b> 204:2 208:2 <b>Bowie</b> 268:6 <b>boy</b> 275:4 <b>boys</b> 34:17 <b>Brazil</b> 148:21 <b>breaches</b> 182:18 <b>break</b> 4:11 103:20 104:11,16,19 105:4,5,10 106:4 108:19 146:6 <b>breakfast</b> 146:10 <b>breaking</b> 64:20 <b>breaks</b> 104:17 105:8 <b>BREWSTER-G...</b> 8:11 52:7 60:1 61:3 <b>brief</b> 8:21 13:22 66:9 105:13 133:16 135:8 157:13 188:21 251:12 252:10 <b>briefly</b> 97:20 259:15 278:4 <b>bring</b> 56:5,18 58:4 74:8 75:4 79:3 101:18 149:11 169:20 187:4 214:19 235:15,16 235:19 <b>bringing</b> 55:21 200:5 245:20 <b>brings</b> 71:6 86:10 <b>Britain</b> 98:7 <b>broadened</b> 196:22 <b>brought</b> 55:18 69:6 89:16 128:3 154:11 202:17 <b>buddies</b> 159:2 <b>budget</b> 122:11 <b>build</b> 182:6 222:5 <b>built</b> 256:10	<b>bulbs</b> 78:9 <b>bull</b> 20:5,20 21:17 36:3,14,17,20 42:11 65:8,10 187:3 <b>bullet</b> 35:18 43:18 114:9 227:15 <b>bulls</b> 64:13 <b>bunch</b> 7:9 44:11 62:1 77:21 137:22 <b>buoy</b> 2:4 271:14 272:15 <b>burden</b> 164:3 165:8 <b>bureaucratic</b> 92:8 <b>Burgess</b> 38:1 <b>bus</b> 84:15 85:16 <b>business</b> 75:20 76:10 163:19 171:8 197:18 202:19 245:9 255:5,9 259:15 262:17 <b>busy</b> 202:9 <b>buy</b> 176:15 241:1 272:19 <b>buyer</b> 175:18 <b>buying</b> 261:18 <b>buy-in</b> 126:16 <b>BWI</b> 7:12 <b>bycatch</b> 13:1 15:2 24:22 82:6,9 99:10 100:14 266:19 271:1 272:21,22 <b>bycatch-friendly</b> 271:10	138:14 234:17 257:3 <b>called</b> 55:10 95:14 96:3 106:15 112:1 155:21 188:18 194:6 247:10 <b>calling</b> 28:20 173:20 <b>calls</b> 22:6 122:10 <b>call-in</b> 126:3 <b>camp</b> 238:2 254:8 <b>Campeche</b> 34:4 <b>Canada</b> 179:5 193:20,22 <b>Canada's</b> 179:6 <b>cap</b> 25:9 <b>capability</b> 91:20 202:11 <b>capacities</b> 71:10 75:19 <b>Cape</b> 175:3 181:4 239:20 253:16,16 253:17 <b>caps</b> 272:21 <b>captains</b> 3:6 112:10 112:11,19 119:5 <b>capture</b> 264:15 <b>capturing</b> 157:18 264:19 <b>car</b> 201:10,14 <b>carcass</b> 21:13 42:18,19 45:13 267:16,18 <b>carcharhinus</b> 195:20 <b>card</b> 121:16 125:20 125:21 127:9 257:4 258:5 278:3 <b>cards</b> 126:10 257:3 261:14 <b>care</b> 77:14 177:1 257:14 <b>careful</b> 159:12 228:20 <b>carefully</b> 160:18 198:20 <b>cares</b> 239:12
<b>C</b>				
c 5:1 154:7 155:19 177:7 <b>cabs</b> 131:22 <b>calculated</b> 16:18,22 <b>calculator</b> 45:15 <b>call</b> 28:22 44:3 65:17 70:16 98:19 121:10 131:13				

<b>Caribbean</b> 3:4 39:1 39:8 271:16	273:18	<b>certain</b> 23:17 79:15 101:15 197:22 215:8 224:19	174:4	163:4 168:9,20 171:4 172:15 173:2 177:21 178:2,5,7,20 180:3 181:13,18 182:4,8 183:4,7 184:7,20 185:18 187:8,19 189:10 189:12 190:2,5 191:20,21 192:1 194:16 197:2,2,14 198:4 203:9 206:5 208:12 209:19 215:9,11 217:7,17 218:2,11 219:14 220:4,20,21 222:15,21 223:1 225:4,18 226:17 227:3 228:6 229:16 230:15 240:7,9,10,11 241:19 242:10,13 242:17,19 243:16 245:2,14,19,22 246:5,13,17,21,22 247:1,12 248:1,2 248:15,20 249:3 249:20,21 250:5 250:16 256:11 257:21 258:15 259:22 260:3 261:3 274:8,15 275:6,9,15 277:3
<b>Carol</b> 3:14	<b>catches</b> 91:21 114:5 133:11 142:20 182:14 188:12 272:16	<b>certainly</b> 69:12 76:1 89:16 95:12 116:11 130:7 141:10 167:15 172:6 190:15 192:19 210:4 214:18 215:6 228:5,19 249:18	<b>charge</b> 107:18,19 107:20 109:2 193:20 <b>chart</b> 8:19 9:5,7 <b>charter</b> 2:20 3:5,6 117:10 125:15 203:6,10 208:21 209:10 <b>charts</b> 101:7 <b>chase</b> 31:17 161:21 <b>check</b> 57:21 60:21 103:15 145:19 207:2 218:7 <b>checked</b> 56:9 <b>chicken</b> 201:11 <b>children's</b> 201:13 <b>China</b> 250:19 <b>choice</b> 208:12 <b>choke</b> 164:4 <b>chosen</b> 82:15 <b>Chris</b> 3:8,18 59:14 162:9 173:11,12 180:19,22 235:21 <b>Christmas</b> 231:19 <b>chuck</b> 45:20 <b>chum</b> 46:17 <b>circle</b> 161:7 266:1 272:17 <b>circular</b> 198:15 <b>circumstances</b> 34:19 <b>cited</b> 124:15 <b>CITES</b> 4:13 5:15 7:16 54:2 93:16 103:17 104:1 105:7 132:6,10 133:19 134:4 135:7,11 139:11 139:12 142:1,5 143:2,16 144:2,17 144:18 145:4 148:15,19 149:4 150:3 151:16,20 151:22 152:1,4 153:15 155:6,17 158:14,17 161:17	163:4 168:9,20 171:4 172:15 173:2 177:21 178:2,5,7,20 180:3 181:13,18 182:4,8 183:4,7 184:7,20 185:18 187:8,19 189:10 189:12 190:2,5 191:20,21 192:1 194:16 197:2,2,14 198:4 203:9 206:5 208:12 209:19 215:9,11 217:7,17 218:2,11 219:14 220:4,20,21 222:15,21 223:1 225:4,18 226:17 227:3 228:6 229:16 230:15 240:7,9,10,11 241:19 242:10,13 242:17,19 243:16 245:2,14,19,22 246:5,13,17,21,22 247:1,12 248:1,2 248:15,20 249:3 249:20,21 250:5 250:16 256:11 257:21 258:15 259:22 260:3 261:3 274:8,15 275:6,9,15 277:3
<b>Carolina</b> 2:8,18 24:2 30:13,20,22 41:1,15 42:16 43:22 44:20 47:1 47:12 48:5,6,16 69:5 72:1 80:9 82:4,12 102:2,3,7 117:6,14 125:22 211:16 265:5 266:22 269:5 273:10 <b>carrot</b> 255:13 <b>carrying</b> 252:3 <b>carved</b> 193:22 <b>case</b> 40:1 51:1 56:1 84:2 142:7 190:7 192:4 193:2 215:13 217:11 222:18 249:4 263:17 <b>cases</b> 92:13 93:10 114:6 130:17 189:21 <b>catch</b> 22:1,2 23:13 23:14 31:12 33:7 45:5 56:1,6 57:1 58:18 63:18 64:5 75:2 101:15,16 110:21,22 114:10 120:8,15 121:3,3 121:15 123:18 124:18,22 125:20 125:21 126:10 127:9 128:20 133:10,12 142:17 146:3 174:17 178:22 182:22 189:17 203:17 205:12 206:17 211:3 216:5,5 238:14 240:17 253:1 267:1 269:1 270:1,19,21 271:1 272:14,18 273:4	<b>catching</b> 43:7 45:2 69:17 73:20 179:5 179:6,6 180:5,7 203:13 241:11 271:8,9 <b>categories</b> 117:19 122:22 <b>categorization</b> 128:18 <b>category</b> 91:20 101:2,5 110:6 117:12,15 121:22 125:15 128:13,16 129:15,15 235:19 271:13,18 272:5 <b>caught</b> 28:5,7 30:1 41:17 43:6 50:16 65:11 70:5 112:14 114:19 120:22 121:1 129:4 141:17,18 143:19 154:9,10 156:6 179:1 216:16 223:19 241:13,13 252:22 261:18 269:9 <b>cause</b> 22:19 271:4 <b>caused</b> 49:8 <b>caution</b> 64:16 159:7 162:16 <b>caveat</b> 54:19 57:20 124:19 <b>CDAR</b> 66:14 67:6 86:6,17 87:6 88:17 <b>cell</b> 122:3 <b>census</b> 111:10,12 120:9 <b>Center</b> 9:16 11:8 13:8 88:18 90:1 266:7 <b>Centers</b> 66:2	<b>change</b> 13:12 14:4 14:14 15:8,14 27:2 32:2 49:11 70:21 71:1 74:2 89:9,19 140:2 234:15 239:5 265:12 269:7 270:2 <b>changed</b> 8:15 9:13 49:3 79:1 140:8 <b>changes</b> 8:20 13:16 13:21 14:1 15:4 51:6 65:7 66:19 86:8 135:22 269:10 274:11 <b>changing</b> 73:12 261:19 271:1 <b>characteristics</b> 16:5 <b>characterization</b> 117:4 120:3 121:21 <b>characterizations</b> 35:6 <b>characterize</b> 68:19 109:12 167:6	<b>clean</b> 42:10 43:1	

272:16	<b>cod</b> 175:3 181:4 253:17 254:1	238:9 248:21	205:1,7,16 206:12	244:2
<b>cleaning</b> 42:10 43:8	<b>Coddington</b> 2:6	<b>comes</b> 11:3 23:1 34:9 110:22	207:16 208:22	<b>common</b> 34:14 35:2 39:8 58:5
<b>clear</b> 91:12 142:3 160:17 193:15 194:21 232:5 252:8	<b>Code</b> 239:21 253:17	132:18 254:11	211:20,20 215:4,7	<b>commonly</b> 50:15 121:12
<b>clearly</b> 155:2,3 160:9 161:17 166:14 182:1 194:20 195:19	<b>coffee</b> 8:12 106:3	<b>comfort</b> 255:6	226:8,12 232:11	<b>communication</b> 57:6
<b>close</b> 25:20 84:15 88:10 94:18 173:21 198:15 233:9 245:9 259:14 262:17	<b>coincide</b> 273:9	<b>comfortable</b> 152:3	232:15 239:18	<b>communities</b> 168:20
<b>closed</b> 16:17,19,21 17:3 24:3,10,12 26:5 30:12 44:21 45:3,7,21 50:3,10 50:13 51:11 55:7 55:13 56:11 60:5 266:13 269:6 272:7 273:10,12	<b>cold</b> 32:11	<b>coming</b> 5:14 17:12 28:20 32:19 59:9 65:2 94:13 103:18 108:9 114:11 131:5 137:15 159:8 230:14 233:8,9,13,14,15 235:5 261:14 263:8,16 265:3 276:18 277:1	245:8 251:17,20 253:19 259:14 262:16 263:4,20 265:18 266:4,21 271:12 272:6 273:5 277:11,12 278:8	<b>community</b> 123:17 153:12,14,20 155:2,8 159:17,18 172:18 201:12 238:7 260:19 261:9
<b>closely</b> 248:2	<b>collapse</b> 160:19 161:2 186:9,11 274:22	<b>commend</b> 243:3	<b>COMMERCE</b> 1:3	<b>compare</b> 110:14 111:3,21 112:6
<b>closer</b> 100:10	<b>colleagues</b> 263:1	<b>comment</b> 4:18 6:1 6:7 7:19 8:5 38:10 40:18,19 51:22 52:12 60:2 83:18 100:3 138:4 147:7,17 150:17 150:19 170:11 181:11 202:1 203:20 208:16 210:9 214:10 215:6 217:14 230:2 233:4 236:15 265:3 266:10	<b>commercial</b> 2:15 9:8 11:14 12:6,16 14:2,15 15:4 16:12 57:15 58:17 136:14 137:4 141:14 155:22 156:16,18,20 173:13 174:13 181:10 186:6 220:19 222:1 236:22 237:10 239:11,20 240:7 253:16,18 254:9 261:9 269:5 272:2	<b>compared</b> 114:3 118:21 119:2 120:7 121:11
<b>closing</b> 108:10	<b>collect</b> 40:12 68:20 95:4 115:2	<b>commenter</b> 261:1	<b>commercially</b> 154:8 197:15 234:18 250:8 252:22 269:22	<b>comparing</b> 120:8
<b>closure</b> 26:18 30:10 58:1 182:19 183:2 274:2	<b>collecting</b> 28:8 107:5 111:12	<b>comments</b> 4:6 10:9 10:10 24:16 28:16 29:9 46:20 48:9 52:13 66:12 69:10 69:13,14 73:10 79:19 80:3,13 82:5 84:17 94:21 95:1 100:2 104:14 132:8 137:21 138:2,8,10 139:8 146:15,18 151:3,6 159:12 162:7 167:5 173:14 188:22 190:11 197:12 203:7	<b>comparison</b> 130:13	<b>comparisons</b> 130:13
<b>club</b> 2:6 226:15	<b>collection</b> 38:16 109:11 112:21 121:13 268:19		<b>compensation</b> 206:16	<b>competence</b> 232:3
<b>coalition</b> 150:1 172:19 184:18	<b>collections</b> 108:1		<b>competitively</b> 123:12	<b>complete</b> 17:11 18:9 27:13 115:6 153:5 179:9 210:1
<b>coast</b> 6:4 30:5 32:21 34:6 35:15 36:8 237:14 252:7 254:10	<b>college</b> 85:1 233:10		<b>commission</b> 3:9,13 80:1 110:5 148:21 148:22 265:8,10 267:6	<b>completed</b> 35:1
<b>coastal</b> 14:9,10 15:1,18 16:14,17 17:3,15 23:19 25:15 26:13 29:2 55:8 56:13 66:14 82:6 266:21	<b>colorful</b> 93:9		<b>commissioned</b> 249:12	<b>completely</b> 72:16 76:3 121:13 138:5 245:19 246:1 253:3 259:22 260:14 262:3
<b>coastals</b> 15:21 28:1 31:4,20,21,22 32:11 55:13 68:2 82:16,18,20 83:4 83:6,11,14	<b>Column</b> 10:1,8 11:13		<b>commissioner</b> 185:9	<b>complex</b> 25:7,16 37:5 53:6 64:19 91:18
	<b>combinations</b> 215:21		<b>commissions</b> 106:21	<b>complexes</b> 25:11
	<b>come</b> 9:11,19 10:20 12:17 18:5 34:2,4 35:10 38:19 46:17 47:15 70:12 72:8 85:16 97:5,6 98:6 106:4 112:4 131:16 132:15 136:12 137:14 138:22 144:14 146:7 147:6 150:22 152:9 166:16 169:15 170:1 171:12 176:4 185:14 186:12 204:13 209:6 221:14 225:20 233:11		<b>Commission's</b> 33:1	<b>compliance</b> 126:2 157:17 182:12 184:3 188:6 231:6 250:1 254:6 256:20
			<b>committee</b> 107:14 160:20 185:12 192:1 207:14 234:9 242:10,17 242:21 243:4	<b>complicated</b> 145:5

<b>complications</b> 142:11 216:14	<b>conducting</b> 96:5	204:21 212:22	<b>convene</b> 152:15 246:18	158:21 162:6
<b>complied</b> 27:18	<b>Conference</b> 134:8	<b>considering</b> 141:1	<b>convenes</b> 152:9	164:10 165:17,22
<b>complimentary</b> 110:16	137:18,19 139:22	189:6 243:10	<b>convention</b> 135:18	167:1,12 169:6,11
<b>comply</b> 57:22	141:4 152:11	245:13	171:19	171:9,17 172:8
80:19	190:17 193:6	<b>consists</b> 110:15	<b>conversation</b> 76:20	173:9 180:18
<b>complying</b> 94:1	242:14 244:12	<b>consolidated</b> 49:22	77:18,20,21	184:11,14 188:14
160:2	246:14	<b>consortium</b> 96:4,12	149:21 157:13	197:6 198:19
<b>component</b> 129:18	<b>confidentiality</b>	<b>consultation</b>	<b>conversations</b>	200:9,18,21 203:2
268:13	44:7	158:11 213:12	50:17 224:6 264:2	203:21 204:14
<b>comprehend</b> 43:12	<b>confirmation</b> 159:5	<b>consultations</b>	<b>convert</b> 11:6	205:8 208:17
<b>conceivably</b> 207:3	268:1	138:15 139:1	<b>convince</b> 180:7	211:11 213:1,4,16
<b>concept</b> 123:15	<b>confirming</b> 156:11	140:20 150:10	<b>convinced</b> 234:1	214:18 218:6
228:17 245:18	<b>conflict</b> 271:21	214:8	<b>Cooke</b> 270:22	220:15 223:4,7,16
254:22	<b>conform</b> 170:12	<b>consulted</b> 88:17	<b>cooperate</b> 164:21	226:9 229:5
<b>concern</b> 52:18	173:6	<b>consumer</b> 258:10	<b>cooperation</b> 33:19	231:13 233:1
53:12 64:12 65:21	<b>conforms</b> 171:1	<b>consumers</b> 257:13	273:22	239:15 241:21
68:3 186:7 242:18	<b>confused</b> 161:3	<b>CONT</b> 3:1	<b>cooperative</b> 78:15	244:18 251:9
243:6 244:3,9	275:1	<b>contact</b> 108:20	274:7	253:13 259:9
267:5 268:11,14	<b>confusing</b> 209:14	<b>contacted</b> 117:20	<b>cooperatively</b>	262:6,18
268:18 273:3,13	<b>Congress</b> 84:11	<b>contain</b> 243:14	68:17	<b>Council</b> 2:10 3:4
275:20	<b>connections</b> 51:8	<b>CONTENTS</b> 4:2	<b>coordinate</b> 96:3	51:4,7 61:11
<b>concerned</b> 29:19	<b>consensus</b> 243:9	<b>content-wise</b>	<b>COP</b> 193:17	<b>councils</b> 72:2 79:10
54:22 65:1 161:10	<b>consequences</b>	134:18	<b>copies</b> 49:1 135:14	<b>Council-managed</b>
242:8 243:13	183:3 208:13,15	<b>context</b> 89:3 168:6	<b>COPs</b> 190:4	50:19 51:3
<b>concerning</b> 54:5	208:15	252:11	<b>copy</b> 135:13 140:3	<b>counted</b> 62:16
170:17 243:5	<b>conservation</b> 3:13	<b>contingent</b> 31:10	184:12 275:2	<b>counting</b> 33:11
<b>concerns</b> 65:12	30:9 184:19 188:4	<b>continue</b> 84:21	<b>coral</b> 153:7	63:6 92:15
72:20 89:15	189:13 191:11	92:11 171:5	<b>cordwood</b> 36:15	<b>countries</b> 33:20
174:10 247:20	196:7 209:21	214:20 219:21	<b>corner</b> 18:21 19:9	64:9 135:22 136:3
<b>conclude</b> 226:12	242:15 251:13	252:4 253:11	<b>correct</b> 42:21	136:16 137:20
<b>concluded</b> 208:1	252:3,9 253:7,12	255:13 257:20	146:22 158:8	138:16,22 139:10
278:22	269:15 275:16	264:4 265:8,19	165:16 220:6	140:21 143:6,16
<b>concludes</b> 232:10	<b>conservationist-a...</b>	266:6	223:5,17 247:9	144:11 151:21
<b>concluding</b> 53:10	51:20	<b>continued</b> 160:7	<b>correction</b> 223:15	154:7 158:14
<b>conclusion</b> 166:17	<b>conserve</b> 185:1	<b>continues</b> 264:10	<b>correctly</b> 92:10	171:3,18,19 193:7
166:19	<b>conserving</b> 160:15	<b>continuing</b> 5:6	167:6 206:1	199:7,9 204:19
<b>conclusions</b> 116:12	<b>consider</b> 85:18	185:3 265:20	<b>cost</b> 272:21	213:12 214:7
197:4	167:19 190:16	<b>contracting</b> 149:10	<b>costal</b> 17:17,21	220:3 240:21
<b>concrete</b> 194:3	240:13 242:18	<b>contractors</b> 127:5	82:8	241:4 242:13
<b>condition</b> 81:14	270:12 272:9	<b>contradicts</b> 72:17	<b>Cottingham</b> 133:18	243:15 248:4,6
149:3	273:7 274:13	<b>contributed</b> 96:8	134:7 135:4	251:6 255:22
<b>conditions</b> 6:4,17	<b>considerable</b> 8:1	<b>contributes</b> 134:5	145:14,17 150:15	256:17 268:20
<b>conducted</b> 112:22	<b>consideration</b>	<b>control</b> 17:11	151:9,17 152:20	270:19
113:2 117:5 122:7	69:13 158:1	182:14,21 197:21	153:21 154:3	<b>country</b> 63:19 96:7
128:13	<b>considered</b> 66:16	199:6 238:9	155:11 156:18	137:10,11 143:1
	82:6 83:7 89:3	240:16,17,18	157:1,7 158:8,16	158:2 204:12
	107:8 195:3	270:12,15		205:3 206:4 218:3

218:5 221:5	200:5	<b>D</b>	<b>David</b> 128:21	246:6
225:22 238:5	<b>credible</b> 95:17,18	<b>D</b> 5:1 154:7 155:19	133:18 134:7	<b>decision</b> 63:9 187:8
247:11 248:20	174:7 180:10	<b>dab</b> 58:2	149:20 166:10	242:16,16 244:1
250:4 255:2 257:2	199:21 225:21	<b>damage</b> 192:12	180:21 245:20	250:1 251:8
257:6,7,14 258:14	234:2 236:9	<b>damn</b> 44:19 62:1	<b>day</b> 11:9 22:9,12,14	<b>decisions</b> 88:21
259:4 274:17	<b>credit</b> 250:13	200:17 223:12	23:1,3,8 31:5,14	237:22 238:1
277:3	277:16	<b>dang</b> 33:8	53:3 55:5,5,6 56:3	242:10
<b>country's</b> 257:10	<b>crisis</b> 40:2 212:3	<b>danger</b> 150:5	90:20 102:19	<b>decision-making</b>
<b>couple</b> 5:6 31:14	<b>criteria</b> 137:2,3	200:20 259:7	103:10 138:4	89:2 151:16
42:7 45:15 60:14	149:4 152:15	<b>dare</b> 180:10	146:4 176:3,9	<b>declared</b> 86:18
63:7 64:4 72:19	166:13,18 167:10	<b>darn</b> 44:12	203:12 237:16	<b>decline</b> 193:4
80:2 94:16 99:2,7	168:10,12 169:5,5	<b>data</b> 9:21 11:16,17	239:22,22	194:22 200:12,15
127:16 139:5	169:21 185:17	11:18 12:20,22	<b>days</b> 6:11 27:7	237:8,9 260:6,12
162:14 170:4	191:19 197:3	13:14 18:9,11,15	30:21 41:12 99:22	<b>declined</b> 200:11
187:18 197:12	237:9,11 245:14	20:9 22:16,22	170:20 174:22	<b>declines</b> 53:8
203:7 212:8	245:22 260:1,3,5	28:8,10 33:5 35:6	175:4 216:18	192:20 195:18
226:22 241:4	274:16	38:16 39:20 40:13	263:12	<b>declining</b> 243:11
263:12 265:4	<b>criteria's</b> 149:13	40:13 46:6 62:8	<b>dead</b> 25:1 46:13	<b>decrease</b> 12:15
<b>course</b> 35:3 37:13	<b>critical</b> 84:7 154:19	63:10 64:10 66:21	99:10 100:20	23:11 272:16
57:19 58:6 91:6	<b>critters</b> 136:6	66:22,22 67:2,7,9	<b>deadline</b> 27:14	<b>decreased</b> 20:4
151:18 193:12	<b>croakers</b> 210:15	67:10,21 68:1,21	89:5	<b>deductions</b> 32:19
219:18 264:4	<b>crop</b> 39:10	78:14 81:18 97:2	<b>deadlines</b> 266:12	<b>deemed</b> 53:16
<b>court</b> 98:16	<b>cross-border</b>	97:22 107:5 108:1	<b>deal</b> 75:8 76:10	<b>deeper</b> 56:9
<b>cover</b> 6:10 111:17	156:21	109:11 110:14	92:6 93:3 109:10	<b>defer</b> 215:12
121:9 152:2 165:3	<b>cross-reference</b>	111:12 112:1,21	168:19 212:7	<b>defined</b> 123:8
<b>coverage</b> 17:8	169:4	113:8,16 116:5	256:15	<b>definitely</b> 20:21
108:3	<b>CROWNE</b> 1:18	121:13 122:5	<b>dealer</b> 18:18 19:5	67:21 68:8 154:4
<b>covered</b> 96:20	<b>crucial</b> 77:20	125:7,12 127:9,15	20:14 21:11	225:18
100:14 237:15	<b>cryptic</b> 99:5	128:17 131:3,4	197:11	<b>definition</b> 200:15
<b>covering</b> 97:9	<b>Cuba</b> 63:21 64:7	132:16 133:1,6,7	<b>dealers</b> 21:3 35:14	204:8 220:20
106:12 252:1	<b>culprits</b> 239:6	133:10,14 149:11	36:1 64:17 145:7	234:15 268:7
<b>covers</b> 51:12	<b>cultural</b> 123:15	149:12 159:22	<b>dealing</b> 172:15	<b>degree</b> 226:19
<b>co-sponsor</b> 230:7	219:17	244:8 265:5,9	186:17	227:13
<b>co-sponsoring</b>	<b>current</b> 8:13 53:22	268:18	<b>deals</b> 136:4 156:13	<b>Delaney</b> 7:7 83:17
150:21 190:16	107:21 200:22	<b>database</b> 63:7,8	168:5	84:18 87:17,21
<b>CPCs</b> 182:12,14,21	244:2 247:15	<b>databases</b> 106:8,8	<b>dealt</b> 108:22 135:8	90:4,11,15,22
183:20	271:21	<b>data's</b> 70:19 81:8	<b>debate</b> 207:9	159:15 162:12
<b>CPC's</b> 182:1	<b>currently</b> 108:2,3	<b>date</b> 23:22 24:11	<b>decade</b> 198:8	164:22 165:20
<b>cracks</b> 196:9	111:14 126:1	28:15 33:6 37:15	<b>decades</b> 36:15 53:8	166:1 167:8,14
<b>crap</b> 177:2	127:11 131:4	69:1 82:12 86:9	99:2	169:9,18 171:15
<b>create</b> 103:6	138:2 140:17	87:3,5 97:22	<b>decal</b> 27:15	172:5,10
216:13	260:7	150:10 152:7	<b>December</b> 18:22	<b>Delaware</b> 56:12
<b>created</b> 16:3 103:6	<b>customers</b> 261:17	158:9 198:22	26:19 30:17	<b>delay</b> 7:12,13 23:21
<b>creating</b> 112:2	<b>cut</b> 35:15 104:11	218:14 270:12	244:14 246:11	24:4 28:17 49:2,4
268:14	<b>cuts</b> 163:5	<b>dates</b> 29:7 231:11	<b>decide</b> 22:2	105:17
<b>creative</b> 41:16	<b>cycle</b> 184:7	263:16	<b>decided</b> 96:11	<b>delayed</b> 274:3
<b>credibility</b> 40:6,8	<b>C-I-T-C</b> 197:15	<b>Dave</b> 145:13	115:9 189:7 206:6	<b>delaying</b> 24:11

<b>delays</b> 182:5	<b>develop</b> 39:14 40:6 127:19 132:15 221:1	<b>diplomatic</b> 250:22	<b>disproportionate</b> 116:9	226:1 227:19
<b>delighted</b> 247:8	<b>developing</b> 138:19	<b>direct</b> 31:3 177:19 209:17 272:21	<b>disprove</b> 98:14	247:22 258:19,22
<b>demand</b> 79:9 136:14 155:3 192:10 240:14	<b>development</b> 71:13 154:20 182:16	<b>directed</b> 2:14,14 14:11 20:19 29:17 31:2 34:16 97:20	<b>disrespectful</b> 70:10	259:3 265:6
<b>demonization</b> 261:15	<b>devil</b> 229:20	<b>directing</b> 244:1	<b>dissuade</b> 171:3	267:14,15 269:2 278:6
<b>demonstrate</b> 182:21 188:5	<b>Dewey</b> 2:15 29:12 40:21,22 51:14 84:14 85:15 197:9 208:19 211:13 220:17,18 223:4 226:10	<b>director</b> 56:21 112:17 148:7 251:12	<b>distinct</b> 260:1,14	<b>dogs</b> 42:4
<b>Department</b> 1:3 136:10	<b>Dewey's</b> 69:14 71:5 93:9	<b>disagreement</b> 267:11	<b>distinction</b> 205:14 268:8	<b>Doha</b> 139:22
<b>depend</b> 214:6	<b>dialogue</b> 261:8 265:20	<b>disappointing</b> 96:14	<b>distinguish</b> 50:6 216:11 275:21	<b>doing</b> 22:7 43:3 44:1 63:2 76:12 77:11 95:17 106:1 122:10 127:17 138:13 174:3 178:19 209:18 210:3 225:2 226:20 235:2 253:22
<b>dependent</b> 268:3	<b>die</b> 71:1	<b>disaster</b> 226:1	<b>distribute</b> 202:12 264:21	<b>dollar</b> 31:14 272:13
<b>depending</b> 23:9 145:22	<b>difference</b> 20:6 120:2 141:5 156:12 216:10 246:8	<b>discard</b> 22:3 99:17 100:21	<b>distributed</b> 161:6	<b>dollars</b> 198:17
<b>depends</b> 155:14	<b>differences</b> 71:22 118:18 119:11	<b>discards</b> 12:21 25:2 271:2	<b>distribution</b> 80:7 129:2 130:4	<b>dolphin</b> 31:19 115:13
<b>DePersia</b> 3:5 203:5 203:5	<b>different</b> 9:6 11:11 14:17 18:3,14 21:5 27:20 38:14 42:22 51:11 59:19 92:5 94:11 101:8 101:13 113:8 116:21 119:22 123:14 124:8 168:12,20 169:21 175:1 179:7,9 221:4,17,18,21 232:6 237:21 245:19 246:1 252:17,21 260:2 260:15 268:2 270:10 273:12	<b>discart</b> 22:3 99:17 100:21	<b>diversity</b> 94:12	<b>domain</b> 112:3
<b>depletion</b> 192:13 194:15	<b>die</b> 71:1	<b>discards</b> 12:21 25:2 271:2	<b>dividing</b> 32:3	<b>domestic</b> 141:12 142:20 153:16,19 155:1,7 168:10,18 189:16 228:18 236:21 241:9 247:11,16 261:5 274:18 275:8
<b>depository</b> 171:19 172:2 249:3	<b>difference</b> 20:6 120:2 141:5 156:12 216:10 246:8	<b>discontinue</b> 96:11	<b>Division</b> 2:8	<b>domestically</b> 142:6 143:19 168:6 206:11
<b>depths</b> 161:6	<b>differences</b> 71:22 118:18 119:11	<b>discrepancy</b> 102:20	<b>DNER</b> 110:1 122:10 127:1	<b>dominate</b> 159:11
<b>derby</b> 63:13 273:19	<b>different</b> 9:6 11:11 14:17 18:3,14 21:5 27:20 38:14 42:22 51:11 59:19 92:5 94:11 101:8 101:13 113:8 116:21 119:22 123:14 124:8 168:12,20 169:21 175:1 179:7,9 221:4,17,18,21 232:6 237:21 245:19 246:1 252:17,21 260:2 260:15 268:2 270:10 273:12	<b>discretion</b> 163:2	<b>dock</b> 118:11,21 124:7 254:19	<b>Dominican</b> 124:16
<b>describe</b> 151:14 228:10	<b>designated</b> 165:13 165:15	<b>discuss</b> 101:3 102:15 116:16	<b>docks</b> 116:9 118:17	<b>Donofrio</b> 3:10
<b>deserve</b> 277:16	<b>designed</b> 49:22	<b>discussed</b> 53:3 58:9 214:19 245:12 251:21 260:1	<b>dockside</b> 110:10,20 111:5 112:8 113:4 113:18 114:10,15 118:14 119:14,17 125:2	<b>dot</b> 175:7
<b>design</b> 121:12	<b>desirable</b> 88:12 166:5	<b>discussing</b> 261:1	<b>docks</b> 116:9 118:17	<b>doubt</b> 240:4
<b>designated</b> 165:13 165:15	<b>despite</b> 63:14	<b>discussion</b> 4:6 7:16 8:17 50:18 60:18 93:16 103:17 120:4 132:6 148:10,14 149:6 162:10 184:19,22 243:8 252:11 261:19 263:11,14 268:22 269:10 273:7	<b>dockside</b> 110:10,20 111:5 112:8 113:4 113:18 114:10,15 118:14 119:14,17 125:2	<b>downtown</b> 131:20
<b>designed</b> 49:22	<b>destroy</b> 34:15	<b>discussing</b> 261:1	<b>docks</b> 116:9 118:17	<b>downweight</b> 115:9 116:4
<b>desirable</b> 88:12 166:5	<b>destroyed</b> 74:16	<b>discussion</b> 4:6 7:16 8:17 50:18 60:18 93:16 103:17 120:4 132:6 148:10,14 149:6 162:10 184:19,22 243:8 252:11 261:19 263:11,14 268:22 269:10 273:7	<b>docks</b> 116:9 118:17	<b>downweighted</b> 113:7
<b>despite</b> 63:14	<b>detail</b> 131:1 265:9	<b>discussions</b> 140:16 190:19 260:16	<b>docks</b> 116:9 118:17	<b>downweighting</b> 113:10 116:3
<b>destroy</b> 34:15	<b>detailed</b> 211:20 230:1	<b>disguise</b> 73:7	<b>docks</b> 116:9 118:17	<b>dozen</b> 61:16 232:13
<b>destroyed</b> 74:16	<b>details</b> 126:7 245:7 251:21 272:20	<b>disgusting</b> 256:8	<b>docks</b> 116:9 118:17	<b>Dr</b> 61:20 94:19 96:15 148:7,11 156:15,19 204:2
<b>detail</b> 131:1 265:9	<b>deteriorating</b> 6:18	<b>disparaging</b> 165:1	<b>docks</b> 116:9 118:17	
<b>detailed</b> 211:20 230:1	<b>determination</b> 86:14 87:6 168:10	<b>dispel</b> 135:11 236:17	<b>docks</b> 116:9 118:17	
<b>details</b> 126:7 245:7 251:21 272:20	<b>detriment</b> 231:5	<b>dispelling</b> 245:21	<b>docks</b> 116:9 118:17	
<b>deteriorating</b> 6:18	<b>devastate</b> 271:14	<b>disposal</b> 94:9	<b>docks</b> 116:9 118:17	
<b>determination</b> 86:14 87:6 168:10			<b>docks</b> 116:9 118:17	
<b>determined</b> 191:18			<b>docks</b> 116:9 118:17	
<b>detriment</b> 231:5			<b>docks</b> 116:9 118:17	
<b>devastate</b> 271:14			<b>docks</b> 116:9 118:17	

204:16 205:2 208:2 218:21 266:2 <b>draconian</b> 85:8 <b>draft</b> 11:8 13:18 80:13 158:9 162:15 171:13 <b>drastic</b> 66:19 <b>draw</b> 92:12 95:8 <b>drawing</b> 205:15 <b>dreams</b> 84:22 85:11 <b>dressed</b> 11:4 21:13 31:13 179:13 <b>drive</b> 6:14 <b>driven</b> 74:17 192:6 <b>driving</b> 201:11 <b>drop</b> 58:11 210:21 210:22 <b>due</b> 65:4,7 116:8 189:14 192:10 198:16 262:16 266:14 269:2 277:3,11 <b>dusky</b> 33:22 37:9 38:5 195:17 213:2 <b>D.C</b> 70:14 259:13	214:13 261:15 <b>easterly</b> 36:11 <b>eastern</b> 34:6 141:6 160:8,11 161:1,9 161:10,11,14 170:13 183:4 186:20 214:14 235:10 238:8 239:11 252:7 <b>easterns</b> 216:5 <b>easy</b> 70:1,3,9 95:7 144:15 225:8 231:14 <b>eat</b> 37:5 56:17 257:6 <b>eating</b> 33:12 147:18 221:17 226:2 257:7 <b>EC</b> 174:2 <b>echo</b> 211:22 <b>economic</b> 249:12 249:13,15 257:18 <b>economy</b> 144:13 <b>education</b> 128:4 201:13 <b>educational</b> 123:15 <b>EEZ</b> 141:19 142:8 <b>effect</b> 63:13 70:16 85:6 86:19 88:5 113:5,10 115:11 215:15 <b>effective</b> 86:9 87:3 172:1 188:5 <b>effectively</b> 155:8 249:1 <b>effectiveness</b> 196:11 250:15 <b>effort</b> 33:7 106:18 110:22 111:2 128:20 133:10 196:7 <b>efforts</b> 63:14 85:4,7 106:6 167:17 184:5 209:21 243:18 272:15 <b>EFP</b> 276:19 <b>eight</b> 119:20 247:7	<b>EIS</b> 11:10 80:13 <b>EISs</b> 272:10 <b>either</b> 114:21 121:8 155:18 216:20 217:20 223:20 235:4 253:4 260:7 <b>elected</b> 79:4 <b>election</b> 122:12 <b>electronically</b> 262:21 <b>element</b> 126:14 <b>elephant</b> 136:4 250:19 <b>elephants</b> 202:20 <b>eligible</b> 114:22 224:3 <b>eliminate</b> 61:13 <b>eliminated</b> 50:10 <b>eliminating</b> 146:1 <b>Elizabeth</b> 2:23 226:11 229:7,8 232:9 262:12 278:9,12 <b>eloquent</b> 91:5 <b>email</b> 131:13 207:7 <b>emotions</b> 93:21 <b>emphasis</b> 168:19 259:19 273:14 <b>emphasize</b> 30:11 133:5,13 <b>empower</b> 183:18 <b>empowerment</b> 182:9 <b>enactment</b> 86:10 <b>encounter</b> 216:2 <b>encourage</b> 183:16 192:11 196:14 228:6,19 244:16 249:7 251:5 252:4 252:9 253:9,10 <b>encouragement</b> 144:4 <b>encouraging</b> 115:17 <b>endangered</b> 53:17 135:19 153:14,17 168:11 169:13	181:9 195:4 197:15 200:14 203:8 220:21 222:16 226:4 228:11 237:4 245:17,18 257:22 258:11 275:22 <b>ended</b> 16:7 117:21 <b>endowed</b> 95:6 <b>ends</b> 146:3 <b>enemy</b> 103:5 <b>enforce</b> 182:7 <b>enforcement</b> 5:17 50:5 126:11,15 157:16 249:22 255:5 266:2 268:12 <b>engage</b> 148:17 247:16 268:20 <b>engaged</b> 77:12 <b>England</b> 203:11,16 237:15 <b>English</b> 123:14 <b>enhance</b> 167:15 <b>enjoy</b> 254:20 <b>enjoying</b> 85:2 <b>Enrique</b> 53:4 <b>Enrique's</b> 53:9 <b>ensure</b> 271:21 <b>enter</b> 250:21 251:7 <b>entered</b> 20:9 152:4 250:10,11 <b>entire</b> 10:5 17:2 48:2 94:4 213:7 260:11,19 <b>entirely</b> 202:19 <b>envied</b> 83:21 <b>environment</b> 166:15 245:1 249:12 251:14 259:20 <b>environmental</b> 201:12 228:15 234:3 260:19 261:2,9 <b>environmentalists</b> 261:4,22	<b>equally</b> 93:4 <b>equitable</b> 80:8 <b>equivalent</b> 156:2 <b>Eric</b> 3:2 61:18 66:6 66:7 69:3 89:15 253:14,15 <b>erodes</b> 228:17 <b>error</b> 130:6,9 <b>ESA</b> 168:6 169:1,5 259:22 260:13 274:16 <b>especially</b> 81:8,10 83:6 147:18 221:9 <b>essential</b> 14:5 <b>essentially</b> 19:7 113:7 168:9 171:7 234:5 258:16 <b>establish</b> 28:14,15 86:22 126:8 <b>established</b> 81:3 <b>establishing</b> 14:20 <b>estimate</b> 112:4 130:11 <b>estimated</b> 114:12 <b>estimates</b> 110:17 110:19 112:3 113:3,5,12 114:4 114:6 115:12,19 116:8 120:8 127:12 128:19 130:2 132:13,20 <b>et</b> 72:4,4 148:17 158:5,5 <b>EU</b> 166:15 174:1 190:13 191:4,12 192:16 221:5 247:18 248:1,9,14 274:10 <b>Europe</b> 156:9 192:8 197:19 247:7 <b>European</b> 141:3 142:11 143:9,12 143:21 153:14,20 154:4,16 155:8,14 155:17 156:13 190:22 222:8,13
<b>E</b>				
<b>E</b> 5:1,1 <b>earlier</b> 5:17 7:22 59:13 89:7 98:11 149:22 157:8 195:1 225:14 <b>early</b> 35:19 58:13 135:21 139:16 149:21 159:16 269:5 <b>earn</b> 70:8 85:10 <b>Earth</b> 259:12 <b>easier</b> 124:12 <b>easiest</b> 30:13 264:22 <b>easily</b> 15:16 195:12 <b>east</b> 30:5 34:6 35:15 36:8 160:14 178:17 182:19				

238:16 247:6,14	<b>excessive</b> 32:16	<b>exporting</b> 137:11	35:11 39:7 41:18	229:14
<b>Europeans</b> 156:7	<b>exchange</b> 139:4	192:16 248:7	63:12 74:18,19	<b>farm</b> 154:20
168:7 201:10	<b>exchanges</b> 207:10	<b>exports</b> 164:14	94:5 133:6 161:9	197:20 238:16
<b>evaluate</b> 107:21	<b>excluding</b> 117:6	248:15	161:16 203:8	<b>fashion</b> 150:5
<b>evaluating</b> 109:2	<b>excuse</b> 7:7 218:12	<b>expressed</b> 84:7	248:5 249:21	276:8
<b>evaluation</b> 134:15	<b>executive</b> 107:14	232:14	258:4,6,11	<b>fast</b> 23:9 92:20
183:3 278:2	<b>exist</b> 31:3 34:19	<b>extend</b> 29:1	<b>factor</b> 45:10	232:12
<b>event</b> 121:10 125:4	39:1 89:17	<b>extended</b> 108:8,8	<b>FADS</b> 268:11	<b>faster</b> 22:19 277:10
130:22 148:2	<b>existence</b> 35:18	<b>extending</b> 170:18	<b>failed</b> 181:20 198:7	<b>Fauna</b> 135:20
196:6	<b>existing</b> 39:3 109:3	<b>extends</b> 109:15	<b>failure</b> 182:13	<b>favor</b> 262:1
<b>events</b> 121:11	<b>exit</b> 181:17	<b>extensive</b> 40:18	185:1 224:18	<b>fax</b> 135:2
137:15	<b>exotic</b> 163:21	166:21	234:6	<b>fear</b> 187:10 260:17
<b>everybody</b> 9:6 16:9	<b>expand</b> 111:16	<b>extent</b> 88:7 197:22	<b>fair</b> 114:17,18	260:21
23:12 24:7 29:20	163:11	266:8	236:4 237:16	<b>feasibility</b> 125:20
36:16 57:6 65:17	<b>expanding</b> 108:1	<b>extinct</b> 173:21	<b>fairly</b> 108:17	126:6
67:15 69:20 91:12	109:11	174:6,9,11,21	115:15 118:10	<b>feature</b> 257:2
97:12 99:17 146:2	<b>expect</b> 9:3 26:7	175:9 176:16	119:8 130:6 145:5	<b>February</b> 34:5
166:2 169:20	27:6 59:16 120:15	177:8,17 178:6	171:10	<b>fecund</b> 161:5
172:17 263:5	219:15	179:19 180:8,12	<b>faith</b> 208:8	<b>fecundity</b> 252:19
<b>everybody's</b> 44:18	<b>expected</b> 17:22	186:3 228:11	<b>fall</b> 106:14 137:16	<b>federal</b> 22:18 30:16
<b>evidence</b> 53:2	26:22	234:18 235:6	148:20 188:9	41:4,11 56:16
120:10 192:9	<b>expecting</b> 17:16	259:8 275:2,21	204:8 217:16	59:12 60:4,6,8,12
194:21	25:4 141:9	<b>extinction</b> 137:1,8	230:15	60:19 61:8 92:20
<b>evidently</b> 165:16	<b>expense</b> 8:2	150:5 161:3	<b>fallback</b> 166:5	181:8 189:3
<b>exactly</b> 38:11 49:13	<b>experience</b> 84:3	168:22 185:22	<b>fallen</b> 159:20	198:21 223:21
81:2 86:16 172:8	185:6	186:6 201:4 203:9	<b>falls</b> 109:1	254:18 265:11,12
218:16 226:19	<b>expertise</b> 153:8	203:20 233:22	<b>familiar</b> 9:6 16:9	267:6 274:2
232:1	166:22 196:12	234:16 236:7	<b>families</b> 140:10	<b>feed</b> 106:8
<b>exaggerating</b>	<b>experts</b> 71:8 73:4	237:11 239:10	<b>family</b> 213:7	<b>feedback</b> 134:17
176:12	152:10,18 191:18	245:16 253:5	255:10	135:3
<b>examine</b> 242:18,22	197:1,2 246:16	275:1	<b>fan</b> 7:4	<b>feel</b> 31:9 38:15
244:2	<b>explain</b> 8:18 123:7	<b>extinguish</b> 228:13	<b>fantastic</b> 134:13	39:16 87:7 108:18
<b>example</b> 23:7 73:15	<b>explained</b> 9:18	<b>extreme</b> 62:18	278:2	131:13 152:2
92:11 113:4 158:3	168:7	228:7 275:15	<b>fantasy</b> 202:13	166:4 235:3
163:14 214:13	<b>explanation</b> 62:9	<b>extremely</b> 18:10	<b>FAO</b> 139:19	258:20
261:21	91:6	38:17 62:14 164:2	151:12,12,15,17	<b>feeling</b> 126:1
<b>examples</b> 79:16	<b>explanations</b> 114:7	<b>extremist</b> 227:12	152:4,9,15 153:9	127:14
161:4 246:3	<b>explicitly</b> 22:4	229:4	196:17 213:21	<b>feelings</b> 40:17
<b>exceed</b> 16:19 30:2	<b>exploitation</b> 137:7	<b>extremists</b> 228:14	231:11,14 246:9	93:21
155:2,3	<b>explore</b> 125:19	<b>eye</b> 158:5 159:8	246:14,21 247:1,2	<b>feet</b> 15:10 235:15
<b>exceeded</b> 17:1,1	151:20 166:12	162:19,21 163:8	<b>far</b> 33:6 34:11 42:9	235:16,17
26:4	244:6	216:9	54:22 100:13,16	<b>felt</b> 95:21
<b>excellent</b> 251:22	<b>explored</b> 128:1	<hr/>	101:2,6 102:10,18	<b>females</b> 38:3 58:14
<b>exception</b> 15:11	<b>explosion</b> 159:8	<b>F</b>	121:18 126:6	59:1 192:12
117:13	<b>export</b> 141:21	<b>face</b> 199:14,16	127:8 159:13	<b>fewer</b> 21:19 208:7
<b>exceptionally</b> 92:2	144:5 217:8,21	<b>facilitate</b> 190:9	161:16 187:7	<b>field</b> 71:8 98:13
93:22	224:3	<b>fact</b> 31:11 32:10,14	194:9 195:14	<b>fight</b> 75:10,10

<b>fighting</b> 99:12	274:4 276:13,14	272:8,19	<b>fished</b> 50:16 122:18	<b>Fisherman's</b>
<b>figure</b> 12:4 123:5	<b>finally</b> 37:10 75:21	<b>fish</b> 3:13 14:11,12	<b>fisheries</b> 1:9 2:8,14	253:18
145:9 212:7	98:19 112:22	21:19 22:2,2,4,8	2:14,18 3:9 10:19	<b>fishermen</b> 15:22
213:17 225:5,6,9	250:3	23:8,18,18 24:6	12:6 29:2 33:1	123:2,3,20 222:1
233:16 253:21	<b>financial</b> 182:17	31:19 35:20 41:17	35:5 44:14 54:22	222:2 272:22
<b>figured</b> 15:19	<b>find</b> 39:17 83:2	51:9 57:4 59:1	64:2 69:5 71:15	<b>Fishermen's</b> 2:2
144:11,13	113:16 115:5	60:19 62:20,20	72:1,4 75:17	<b>fishers</b> 261:5
<b>figures</b> 97:16	117:16 118:9	70:5 76:15 79:22	76:14 78:3 82:4	<b>fishery</b> 2:9,17 4:5
<b>figuring</b> 43:1,13	120:10 124:3	82:13,22 83:11	84:5 88:6,14	12:1,5 14:3,7,15
<b>file</b> 41:11 198:15	125:7 134:9	110:4 112:13	91:14 96:11	15:1,2,5 16:8,12
<b>filed</b> 41:5,10	176:17 180:9,10	114:17,18 115:1	109:13 120:4	16:14,17 17:7,15
<b>fill</b> 94:7	218:7 233:18	121:12 123:11,17	160:7 163:11	17:21 18:7 21:11
<b>filling</b> 112:17	234:2 239:2	123:21 124:14	179:9 184:5	23:13 24:21 25:1
<b>fin</b> 22:3 23:4,16	<b>finding</b> 134:10	133:21 134:2	186:13,21 189:22	25:20 27:6,12
91:16 93:17 98:22	144:22 231:5	136:9 137:16	190:2,5 191:2	28:19 34:16 36:6
109:17 110:18	<b>findings</b> 137:11	142:15 159:1	192:6,15 196:22	39:15 41:15 42:5
115:12 120:21	<b>fine</b> 66:15 78:19,22	161:14 164:4,7,9	197:1 204:5	43:15 44:2,3 46:3
141:9,11,13,15,18	172:5 174:2	164:16,19 165:1,6	210:14 211:16	48:8,12 49:2,7
141:19 143:8,19	<b>finish</b> 196:13 220:9	165:8,12 173:20	218:4 222:9	52:2 57:15,16
148:15 149:3,7,12	272:7	174:19 175:2,5,6	240:10,12 268:3	63:19 65:11 68:20
152:18 154:11	<b>finished</b> 22:21 89:8	175:18,20 176:4,5	268:15 269:6	74:20 76:9 80:10
158:5 159:10	223:14	176:10,11 177:6	272:12,12,13	82:6,9 85:10
161:19 163:13	<b>finning</b> 244:17	177:14,15,16,17	273:20	88:18 91:14,22
164:7 165:5,10	278:13	179:7,8,10,12,13	<b>fisherman</b> 18:14	92:16 94:8 108:5
166:8,12,22 170:7	<b>fin</b> 14:15 21:9 35:8	179:16 181:2,4	21:7,22 22:7,12	129:17,18 151:19
170:13 180:5,7	35:16,17 42:12	183:14,15 184:4	22:17 24:2 42:15	160:19 161:2
181:10,14,19	184:2 189:20	186:2,4 187:4	47:22 48:7 50:1	163:14 171:6
183:2,9 185:1,6	195:11 203:13,18	189:8 197:20	64:17 68:17,19	175:13,14 176:3
185:16 186:2,16	243:1 244:15	200:16,16 202:9	76:15 85:13 92:5	177:22 179:11,21
194:21 197:11	278:15	203:14,17,19	92:13 95:2 99:16	180:16 183:5,6
203:12 204:18	<b>first</b> 19:3 32:9	204:22 205:5,13	100:8,13,22	215:9 226:18
209:11 211:7,18	47:18 49:12 55:6	205:18,19 206:3	123:10 126:19	233:8 236:7,21
227:4 230:12	61:21 62:3,4,8	207:12 208:5	141:17 145:6	238:9 241:10,14
252:15 260:11	108:22 110:13	210:21 217:4,10	154:10 157:3	253:3 254:2,7,18
261:13,18 265:22	114:8 142:4	221:18,18 222:3,6	160:15 161:20	255:7,11 256:10
267:12,15,18	145:18 146:12,13	222:10,13 224:1	173:13 174:12	256:20 257:15,20
268:5 269:2,3	150:7 172:12,16	235:16,20 236:1,3	175:12 181:11	258:22 266:13
270:3,4,21 271:5	173:7,17 175:11	237:15 238:13,15	186:8 205:18	268:2,9 269:20
272:5 273:2 274:9	176:14 178:21	238:16,17 239:22	209:10,15,16	270:9 271:15,22
274:20 275:1,7,14	180:2 181:21	240:3,6 241:18	210:11 211:19	272:11,16 274:3,6
276:3	183:15 185:7,8	245:5,9 248:10	221:2 238:10	274:22 275:7,10
<b>final</b> 13:13,15	189:11 197:12	252:16,17,21,22	239:4,20 240:7	276:17
14:19 26:15 80:13	202:3 204:3	253:22 255:14	241:10,17 253:16	<b>fishes</b> 184:10
86:7 87:8 88:3,11	208:21 211:15,17	258:18,20 259:2	257:8 258:9,12	<b>fishing</b> 3:10,14
89:5,9 98:3 131:9	212:15 214:10	262:19,22 266:15	261:10 266:14	14:16,18 15:5
162:22 163:2	231:14,20 246:10	269:4,4,6,16,16	267:1 269:18,21	32:6 41:8 45:2,8
216:21 267:22	257:3 263:19	271:5 274:12	271:4,14 272:2	45:19 50:6,8

51:11 55:4 65:9 85:4 86:13 92:14 92:21 95:5 106:21 107:1 111:6 118:2 118:13 119:12 120:12,13 122:19 123:16,17,22 124:1,17 126:17 150:1 154:21 177:3 182:20 194:4 209:6,13 226:15 233:16,18 235:4 237:3,14 240:18 243:3 254:9,22 266:18	<b>Florida's</b> 271:15 <b>flow</b> 36:9,12 <b>fluctuated</b> 19:16 <b>fluctuations</b> 101:7 101:9,10 <b>flying</b> 181:2 <b>FMP</b> 33:2 49:22 62:4 <b>focus</b> 110:1,2 117:11 168:19 <b>focused</b> 84:20 107:22 163:12 <b>focusing</b> 10:17 <b>folks</b> 5:14 6:12 59:22 69:9,16 70:3,9 71:7,11,17 72:16 73:3 74:3 105:15 116:14 132:4 133:20,22 135:5 147:4 149:16 168:19 262:20 263:8,22 265:16 <b>follow</b> 59:6 77:7 220:1 240:15,22 241:4,5,10 265:10 <b>followed</b> 71:15 107:2 256:7 <b>following</b> 194:8 240:13 <b>follow-up</b> 276:8 <b>fooled</b> 176:20 <b>foot</b> 235:16 <b>force</b> 273:4 <b>forced</b> 157:11 201:9 <b>Fordham</b> 2:22 51:19,19 52:11 65:20 188:19,20 278:4 <b>Fordham's</b> 251:19 <b>forecasted</b> 221:16 <b>foremost</b> 172:12 173:7 <b>forget</b> 70:3 198:22 237:3 <b>forgot</b> 139:19	<b>fork</b> 15:10 <b>form</b> 112:18 134:15 <b>formal</b> 167:11,12 218:1 <b>format</b> 202:12 <b>formula</b> 182:3 <b>forthcoming</b> 182:13 <b>forward</b> 25:14 26:15 97:1 134:21 169:15 182:4 187:1 196:14 213:18 230:6 236:19 253:10 265:20 266:8 270:11 271:20 272:3 <b>for-hire</b> 110:9 131:3 <b>Foster</b> 113:1 <b>fought</b> 256:6 <b>found</b> 41:8 56:10 88:8 114:5,15,16 116:7,20 119:10 124:8,9 127:10 129:12 <b>Foundation</b> 3:12 3:15 <b>four</b> 15:9 41:1 44:4 62:11 65:22 83:7 96:4 100:19 108:11 109:10 130:8 147:10 185:13 200:15 <b>fraction</b> 176:8 <b>frame</b> 81:3 127:20 170:18 <b>frames</b> 81:3 <b>framework</b> 256:9 <b>France</b> 154:9,10,11 154:13 156:7 157:3 <b>frankly</b> 93:8 97:4 201:9 213:17 <b>Franks</b> 3:2 <b>free</b> 108:19 131:13	<b>freeze</b> 127:2 <b>French</b> 154:10 157:2 <b>frequency</b> 254:12 <b>frequently</b> 119:6 <b>fresh</b> 165:10 274:8 <b>freshening</b> 97:21 <b>freshwater</b> 196:2,8 <b>FRIDAY</b> 1:14 <b>friends</b> 102:2 <b>frightening</b> 245:3 <b>frivolousness</b> 225:17 <b>Froebe</b> 3:11 <b>front</b> 8:16 13:20 57:19 75:16 97:17 <b>frozen</b> 202:7 275:9 <b>frustrated</b> 92:3 93:4 229:11 234:11,14 256:3 <b>frustrating</b> 74:7 209:15 <b>frustration</b> 69:22 70:10 73:11 75:7 75:8 77:9 84:3,8 85:17 94:1,10 234:9 235:9 236:5 <b>frustrations</b> 72:9 72:10 73:2 84:6 <b>full</b> 7:8 24:7 90:9 148:21 250:22 268:15 <b>fully</b> 218:7 219:15 <b>fun</b> 77:13 83:22 <b>funds</b> 78:12 <b>further</b> 62:9 114:2 170:15 <b>Furthermore</b> 30:12 31:2 33:16 243:13 <b>future</b> 9:4 28:12 52:14 148:13 208:10 243:9 268:15 <b>FWS</b> 150:14	<b>gain</b> 75:11 243:21 <b>game</b> 208:7 226:15 <b>gaps</b> 108:2 112:20 <b>garbage</b> 78:18,22 170:20 <b>gas</b> 99:12 <b>gather</b> 172:18 <b>gear</b> 2:4 11:12 12:19 50:16 51:9 254:1 268:5,6,7 271:15 272:16 <b>geared</b> 48:2 <b>gearing</b> 27:4 <b>gears</b> 121:19 271:11 <b>general</b> 61:11 101:2,4 117:14 120:4 130:20,20 148:15 189:14 196:16 228:10,16 244:13 268:21 271:12,17 272:6 275:20 <b>generalized</b> 99:3 <b>generally</b> 52:14 124:21 143:15 156:4 157:14 192:6 <b>generated</b> 263:14 <b>generation</b> 174:13 <b>genus</b> 213:8 <b>geographically</b> 73:19 <b>George</b> 38:1 <b>Georgia</b> 60:15 <b>Germany</b> 141:3,7 <b>getting</b> 8:2 18:3 20:18 21:2 22:6 22:11 31:18 46:1 55:7 68:11 76:19 78:14,14 92:2 93:15 111:22 113:18 120:9 127:7 130:11 131:18,20 133:7 148:5 170:19 191:16 260:20
				<b>G</b>
				<b>G</b> 5:1

<b>Getto</b> 239:16,16,17 239:19	70:20 74:3 75:9 77:4 80:12,14	69:5,8 70:17 73:1 74:2,3,10 75:20	34:13 54:12 61:21 84:1 103:10	<b>green</b> 18:22
<b>giants</b> 203:16 269:14	81:1 82:22 88:1,2 88:2 89:1,9 92:20	78:8,10 79:8,9 83:1 87:13 88:10	104:10 105:1,2 115:8 118:15	<b>Greg</b> 116:14
<b>gill</b> 12:21,22 266:13	92:21 104:10,15 104:19 105:5,7	89:19 90:5,17 91:4 93:15 94:15	122:15 128:9 133:6 147:11	<b>Gregg</b> 3:13 79:22 79:22
<b>give</b> 8:8,15 25:5 32:8 41:11 43:17	107:4 108:17 116:16 120:5	94:17,22,22 96:20 97:2,4,8 98:7	149:16 156:8 157:5 162:13	<b>grew</b> 106:22
46:5,6,15 54:15 79:11 97:12 98:4	121:14,15 123:22 125:18 127:16	99:17,21 100:20 101:13,14,16	176:9 180:18 186:22 188:8	<b>Griffin</b> 2:23 229:8 229:9 262:13
102:7 131:13 200:4 204:11	128:11 133:4 135:9 138:16	102:1,6 103:8 104:19 106:3,11	189:4 191:15 193:4 195:7 198:5	<b>gross</b> 31:14
206:8 231:13	139:22 142:12 146:6 163:2	106:12 108:6,17 114:11 116:15	204:16 229:17 233:17 254:21	<b>ground</b> 132:16
<b>given</b> 61:11 71:8 107:15 109:7	174:13,17 176:17 177:12 186:2	126:9,11,22 128:7 128:9 129:7	255:22 258:12 259:4 263:4	<b>grounded</b> 56:19
112:5 146:16 194:14 198:2	196:14 199:7 202:6 213:21	130:22 133:18 135:8 136:21	<b>goods</b> 222:15 <b>gotten</b> 102:5,17	<b>groundfish</b> 210:16
199:21 257:21 258:4 270:17	215:17 221:3 222:13 223:13	138:12 139:4,6 142:12 144:6	148:18 185:2 215:4 265:21	<b>grounds</b> 56:12 216:6 261:19
<b>gives</b> 200:17 255:6 257:17	225:14 232:17 236:11 237:3,18	146:5,20 149:1,2 149:17 150:20	<b>government</b> 134:4 177:8 198:1	<b>group</b> 72:20 73:17 96:4 107:9,18,19
<b>giving</b> 46:20 128:11 133:18	238:14 239:5 245:7 251:4,21	153:1,2 155:15 160:14 168:17,18	201:16 209:7 232:8 238:20	139:15 148:13 149:7 160:21
135:5 270:7	257:5 264:5,6 270:21 272:1,3	173:14,21 174:6,9 174:11 175:9,12	249:4 255:18 256:11 259:6	191:17,22 197:3 245:1 249:12
<b>glad</b> 32:12 147:17 163:3 255:4	<b>goal</b> 16:13 111:16 <b>God</b> 187:10	176:10,21,22 177:2,4,5,14	215:4 265:21 <b>government</b> 134:4 177:8 198:1	251:14 259:20 273:5
<b>glaring</b> 71:21	<b>gods</b> 54:15 <b>goes</b> 10:2,21 16:4	178:6 179:18,18 180:8,12 189:2	201:16 209:7 232:8 238:20	<b>grouper</b> 31:17 37:1
<b>Glenn</b> 61:19 79:21 83:16 91:1,6	72:1 121:18 134:7 141:21 145:2,22	198:4 201:2,4,5 201:18 206:7	249:4 255:18 256:11 259:6	<b>groups</b> 67:11 107:10,12 140:11
92:10 149:18 159:15 162:9,11	155:20 181:3 192:7 209:19	207:18,19 208:9 212:9 213:18	268:20 <b>governments</b> 172:2 200:1	150:2 222:6 234:3 258:7
173:10	224:12 227:8 <b>going</b> 5:12 6:16	214:4,6 215:22 222:7 223:2 224:4	268:20 <b>governments</b> 172:2 200:1	258:7
<b>Glenn's</b> 93:13 97:20	7:14,15,17 8:8,13 8:14,21 9:4,10	227:15,16 228:11 230:17 234:15,17	268:20 <b>governments</b> 172:2 200:1	<b>growing</b> 192:22
<b>global</b> 251:13 252:2,11 253:11	13:14,19 14:20 21:19 22:12 23:7	235:6,7,11 236:5 237:3 238:3,4	268:20 <b>governments</b> 172:2 200:1	<b>growth</b> 68:14
<b>globally</b> 53:16 195:4 253:2	25:3 29:5 31:16 32:9,15,19 33:17	240:19 248:21 255:19,20 256:16	268:20 <b>governments</b> 172:2 200:1	<b>grumpy</b> 147:19
<b>Glock</b> 255:19	33:19 35:21,22 36:9 37:1,10,16	259:18 262:13,21 264:1,21 266:4	268:20 <b>governments</b> 172:2 200:1	<b>guarantee</b> 169:10
<b>Glocks</b> 255:16	38:6 40:2,8 42:6 42:12 43:13 47:7	275:2 <b>gong</b> 82:20	268:20 <b>governments</b> 172:2 200:1	<b>Guard</b> 254:11
<b>go</b> 7:22 8:18,21 12:3,4 13:3,10,19	47:8 48:3 59:9	<b>good</b> 8:11 33:6	268:20 <b>governments</b> 172:2 200:1	<b>guess</b> 34:13 41:9 44:3 45:3 56:16
25:13 31:3,17 34:5,10 37:10			268:20 <b>governments</b> 172:2 200:1	58:3 59:16 86:14 89:4 152:22
40:1 44:20 45:1,6 47:9 50:3,14 51:5			268:20 <b>governments</b> 172:2 200:1	153:11 157:10 162:20 164:8
60:21 61:9,22 63:16 65:5 67:19			268:20 <b>governments</b> 172:2 200:1	166:9,10 168:3,14 170:10,21 173:3

<b>Gulf</b> 16:16 18:17 19:19 20:13 25:22 32:13 34:6 63:22 109:13 117:5 119:11,16 124:9 174:20 175:8 273:2	<b>hampered</b> 196:18 <b>hand</b> 91:4 126:9 163:10 190:5,6 <b>handed</b> 9:7 <b>handing</b> 258:18 <b>handled</b> 157:15,15 <b>handout</b> 140:7 <b>hands</b> 147:8,13 148:3 207:10 210:17 <b>Hang</b> 145:12 <b>Hanke</b> 3:4 <b>happen</b> 14:6 43:13 75:14 90:20 144:10 166:4 176:22,22 201:4,5 201:22 208:9 209:4 215:22 235:7 258:2 261:8 262:5 <b>happened</b> 17:20 26:16,19 41:4,22 49:12,18 58:2 73:14 76:17 194:9 210:17 256:4,7 258:13 261:3 <b>happening</b> 9:2 21:6 44:21 50:7 74:2 177:16 193:16 194:13 210:7 <b>happens</b> 138:3 180:17 218:2 274:17,18 <b>happy</b> 49:1 51:1,8 54:13,15 79:17 145:10 264:6 272:4 <b>hard</b> 5:13 18:6 41:10 49:14 59:18 209:1 216:10 224:14 225:19 226:6 241:1 277:18,20 <b>harpoon</b> 175:22 235:18,22 268:21 269:1 <b>harpooner</b> 173:13	174:13 <b>harpoons</b> 174:14 <b>harvest</b> 137:12 144:4 206:7,10 275:17 <b>harvested</b> 60:12 61:8 125:16 137:14 141:13,15 142:8,16 144:6 145:2 164:16,16 223:20 224:1 <b>harvesting</b> 60:7 <b>hate</b> 40:11 87:22 <b>Hatteras</b> 2:20 208:21 209:10 <b>head</b> 10:14 34:9 38:4 125:15 154:16 174:22 185:14 239:2 <b>heading</b> 56:4 <b>heads-up</b> 57:16 <b>healthy</b> 25:7,8,12 25:16 <b>hear</b> 38:13 47:17 72:8 76:21 77:10 77:10,17 83:22 93:8 100:10 103:3 146:12 164:12 174:21 177:13 178:11 179:17 234:5 263:9 <b>heard</b> 13:17 18:13 23:21 69:22 71:4 72:20 73:2 103:4 106:17 128:5 141:10 142:1 144:1 161:8 173:16 177:21 204:4 214:19 216:3 234:4,18,20 234:20 237:6 238:1 258:6 <b>hearing</b> 46:9 131:21 142:22 175:8 216:18 267:16 <b>heart</b> 76:4 99:11	239:9 <b>heartening</b> 221:20 <b>heavily</b> 96:8 119:3 134:5 <b>hell</b> 179:8,11 <b>Hello</b> 232:21 <b>help</b> 44:13 47:15 74:10,18 87:15 182:1 261:5 275:16 <b>helpful</b> 5:3 69:20 134:17 <b>helps</b> 147:11 <b>Hemilright</b> 2:15 40:22,22 47:6,13 47:21 51:16 220:18,18 223:11 224:10 <b>Hess</b> 253:15,15 <b>Hesse</b> 253:14 <b>hey</b> 55:11 200:1 <b>Hi</b> 173:12 242:1 259:11 <b>high</b> 21:21,22 123:17 141:15 147:8 205:6 209:6 254:6 256:21 272:13 278:8,10 278:12 <b>higher</b> 10:12 12:13 19:18 114:6,12 <b>highlight</b> 194:19 195:8 <b>highlighted</b> 53:18 <b>highlights</b> 113:14 118:10 <b>highly</b> 1:11 88:12 91:15 98:12,16 99:8 161:5 162:1 165:4 <b>highway</b> 201:11 <b>Hinman</b> 184:17,17 <b>hiring</b> 127:2 <b>history</b> 27:16 <b>HMS</b> 9:19 50:1,1,2 50:20 58:9 71:16 72:3,7 78:4 79:11	80:18 106:7,13 107:8,15,22 108:1 109:1,12 111:10 118:12 120:16 122:18 124:4 129:15 130:3,11 130:22 146:13 184:7 204:15 268:2 276:22 277:15 <b>HMS-related</b> 27:16 <b>Hoffmayer</b> 3:2 <b>Hoffmeier</b> 66:7,7 <b>Hogan</b> 3:20 <b>Hogarth</b> 91:10,11 <b>hold</b> 47:6,6,6 152:7 256:18 <b>holders</b> 14:12,13 20:19 50:20 110:7 117:11,15 118:20 128:16 <b>hole</b> 179:8,11 <b>home</b> 92:21 131:18 135:2 205:5 247:9 264:5 278:20 <b>hook</b> 99:12 176:3 210:21 253:18 254:1 258:22 <b>hooks</b> 33:13 46:11 211:2 258:21 266:1 272:17 <b>hoops</b> 272:2 <b>hope</b> 7:20 8:12 58:21 69:12 73:11 77:11 146:2 160:18 170:22 171:11 172:17 190:15 228:5 230:5,8 234:13 238:1,19 249:17 277:19 <b>hoped</b> 140:12 <b>hopefully</b> 30:16 64:8 65:4 122:1 134:9 146:9 163:5 173:3 265:17 270:22 278:1
<b>H</b>				
<b>hacks</b> 44:10 <b>haddock</b> 254:1 <b>Hague</b> 190:18 <b>half</b> 6:11 7:12 15:10 32:3,7,9 46:18 61:16 102:21 104:12 145:20 232:13 241:6 <b>halfway</b> 63:15 <b>hallway</b> 157:14 <b>hammerhead</b> 19:12 42:11 53:15 53:15 56:2,6 65:13 98:20 99:4 195:2,2 <b>hammerheads</b> 20:10,21 21:18 52:20,22 53:6 54:1 57:1 64:13 65:2,14,21 66:1,2 68:7 100:13,22 140:21 194:20 229:19 273:15 <b>hamper</b> 148:1				

<b>hoping</b> 28:8,9 34:12 43:19 187:10 276:15	197:20 204:15 207:14 208:6,22 215:13 217:11 224:18 225:6,12 228:7 229:12,14 230:15 231:4,6 234:8,8 236:12 237:18 239:3,9 240:15,22 241:4 247:5 256:4,15,18 269:10 275:5 276:16 277:7	<b>immediately</b> 86:13 86:21 170:15 194:8 <b>impact</b> 160:14 270:7 <b>impacts</b> 133:1 247:21 249:13 269:9 270:10 <b>imperfections</b> 92:7 <b>implement</b> 80:20 86:12 88:3,11 127:3 128:7 144:16 183:8 268:9 <b>implementation</b> 29:3 34:20 222:9 272:20 <b>implemented</b> 22:10 49:21 81:6,16,19 81:21 87:1 122:2 272:1 <b>implementing</b> 126:13 143:13,13 145:5 <b>implication</b> 268:16 <b>implications</b> 8:10 163:11 168:4 <b>implies</b> 143:17 <b>import</b> 217:21 257:9 <b>importance</b> 133:6 219:17 <b>important</b> 11:19 21:10 38:17 40:5 58:10 97:11 107:9 119:13 133:14 151:15 189:13 190:4,21 194:17 194:21 195:18 207:9 246:7 247:19 268:5 275:15 <b>importer</b> 261:12 <b>importing</b> 205:3 <b>imports</b> 248:2 <b>imposed</b> 183:18 <b>impossible</b> 205:4	<b>improve</b> 106:7 121:8 122:4,5 <b>improvements</b> 107:16 127:17 182:6 <b>improves</b> 171:21 271:22 <b>improving</b> 107:4 109:2 191:7 <b>inaccuracies</b> 151:4 <b>inaccurate</b> 273:1 <b>inadequacies</b> 92:8 92:9 <b>inadequacy</b> 189:16 <b>inappropriate</b> 228:8 275:14 <b>incentive</b> 254:21 <b>incentives</b> 271:3 <b>inch</b> 240:1 <b>inches</b> 235:20 236:1 <b>incident</b> 131:19 <b>incidental</b> 14:13 23:16 36:18 44:18 100:15,18 270:14 270:18,21 <b>include</b> 25:12 58:7 125:15 194:3 270:15 <b>included</b> 117:10 238:11 <b>includes</b> 76:14 106:21 191:21 242:5 <b>including</b> 53:2 150:11 185:11,13 227:18 229:19 242:6 245:3 252:18 256:3 <b>inclusive</b> 106:19 278:5 <b>incomplete</b> 243:18 <b>incorporate</b> 168:8 <b>incorporated</b> 133:8 <b>incorrect</b> 10:11 12:13 35:7 70:20 <b>increase</b> 12:15	20:22 21:1 23:11 67:12 248:13 271:13,18 272:14 274:6 <b>increased</b> 19:15 20:20,21 83:2 132:2 <b>increases</b> 21:5 64:10,11 <b>increasing</b> 19:10 83:13 271:3,4 272:15 <b>incumbent</b> 78:16 <b>independent</b> 181:21 183:18 <b>Indiana</b> 202:21 <b>indicated</b> 160:9 <b>indication</b> 63:4 <b>indicator</b> 49:20 <b>indices</b> 67:10,12 195:10 <b>individual</b> 25:11 38:20 52:4,8,8 68:9 145:1 251:20 272:20 <b>individuals</b> 227:13 <b>inducement</b> 219:19 <b>industries</b> 163:15 212:3 <b>industry</b> 70:1,15,17 74:15 76:2 78:11 85:4 106:22 166:6 168:15 241:9 <b>industry's</b> 72:8 <b>inexcusable</b> 226:16 <b>information</b> 5:3,11 43:20 46:16 48:14 48:20 55:12 68:14 69:1 72:11,15 106:16 111:21 112:18 115:3 120:19 121:7 122:3 128:18 137:17 138:18 139:2 140:19 148:19 149:12 150:17 160:8
<b>I</b>				
<b>ICCAT</b> 40:10 139:15 148:14,16 159:16 167:17 170:6,9,12,22 171:4,12,20,21 172:7,13,21 181:20,21 182:2,4 182:6,7,8,10 183:10,13,18 184:1,3,8,8,20 185:7,9,12,12 186:17 187:7,11 187:17,20 188:2,9 193:21,22 194:2,5	<b>ICCAT's</b> 160:20 184:22 234:6 <b>ICCAT-compliant</b> 183:17 <b>ID</b> 265:3 267:10 <b>idea</b> 25:5 98:4 109:11 174:21 178:2 187:19 199:20 202:1 215:22 229:17 272:19 <b>ideally</b> 125:1 <b>ideas</b> 18:3,4 222:8 268:18 <b>identifiable</b> 15:16 195:12 <b>identification</b> 16:4 54:12,14 57:17 64:15 <b>identified</b> 65:15 123:1 217:19 <b>identify</b> 15:20 50:15 99:1 100:6 122:22 143:3 <b>ideology</b> 227:12 229:4 <b>idiots</b> 44:12 62:2 <b>ignore</b> 77:7 <b>ignored</b> 75:18 <b>ignoring</b> 13:16 <b>illegal</b> 240:18 243:2 <b>imagine</b> 165:8 202:16 <b>immediate</b> 182:19 183:2			

192:20 193:4,18 213:11,20 214:2,2 214:6 244:5 274:5	167:18 261:7 <b>Interior</b> 136:10 <b>international</b> 135:18 136:13,19 137:4,4,9,10 144:19,21 145:4 148:8 184:1,2 189:16,20 192:7 194:14 195:19 196:6 204:8,13,21 205:20 206:18 210:10 230:13,16 232:2 234:11 238:6 242:7 243:1 244:8 253:6 261:3 267:12 268:13 273:22	<b>ironic</b> 237:12,14 <b>irresponsible</b> 258:16 <b>irreversible</b> 186:12 <b>Islands</b> 124:15 <b>issue</b> 27:9 57:3 60:22 84:2 88:20 93:21,21 102:14 103:2 120:1 129:9 129:10 146:15 157:21 158:4 161:3 162:16 163:15 185:5,14 187:11 206:5 207:9 240:20 250:3 276:20 <b>issued</b> 276:20 <b>issues</b> 4:5 8:14,19 51:2 71:16 72:4 76:18 90:2 91:18 91:21 94:6 122:11 122:12,12 135:10 144:9 146:18 195:20 237:21 243:14 260:1 268:12 273:6 276:9 <b>Italy</b> 156:6 157:4 246:12 <b>item</b> 5:19 61:17 73:11 80:17 100:2 148:19 <b>IUCN</b> 53:13 191:21 195:4 <b>IUU</b> 272:12,12	90:21 <b>Japan</b> 176:10 205:4,4 206:9,9 219:7,13 220:1 225:2 250:10,20 256:16 <b>Japanese</b> 159:9 <b>Jason</b> 3:11 <b>jaw</b> 272:17 <b>jerk</b> 240:11 <b>Jersey</b> 2:11 56:13 <b>Jim</b> 3:2 <b>Jimmy</b> 47:4 <b>job</b> 83:21 170:8,22 171:12 172:7,13 191:1 193:9,11,21 196:14 210:3 251:22 258:12 <b>jobs</b> 95:19 <b>John</b> 2:12 113:1 266:2 <b>join</b> 167:15 <b>judges</b> 78:18 <b>Judging</b> 264:11 <b>July</b> 16:22 17:4 18:8,22 19:2 24:4 24:5,5,5,10,11 30:18 31:8 44:22 58:1 86:10 87:1,9 89:4 90:6,18 102:12 198:22 <b>jump</b> 8:8 116:12 <b>jumping</b> 117:3 <b>June</b> 16:19 18:20 30:11 58:14 175:20 194:9 <b>jurisdictional</b> 124:14 <b>Justice</b> 259:13 <b>justification</b> 92:2 <b>juvenile</b> 177:15,17 <b>juxtaposing</b> 184:20	<b>Karyl's</b> 8:8 <b>Katie</b> 259:10,12 <b>keep</b> 14:6 17:6,15 17:21 40:1,2 45:8 45:12 46:12 54:22 57:6 59:19 61:1 71:2 74:10 84:20 98:17 148:2 162:20 165:10 177:2 188:13 220:12 225:11 233:18 246:7 273:11 <b>keeping</b> 99:19 273:16 <b>Ken</b> 146:21 173:11 180:20 184:16,17 188:15 197:13 198:9 212:12 <b>kept</b> 124:5,6 <b>key</b> 137:15 <b>kick</b> 33:2 201:21 <b>kicks</b> 257:22 <b>kids</b> 85:1 <b>kill</b> 99:9 177:12 <b>kind</b> 5:8,18 19:15 25:4 44:10 55:9 57:10,13 58:20 59:4,5,18 63:18 82:10,13,20 95:6 97:14 100:9 103:15 108:9 113:22 127:12 147:9,14 187:6 188:3,7 224:17,20 225:2,4,6 227:7 248:8 257:21 261:20 262:11 263:10 <b>kinds</b> 50:6 <b>Knapp</b> 99:21 100:5 100:7,7,12,12 103:12 <b>knee</b> 240:11 <b>know</b> 6:3,16 7:2,22 13:4 27:2 28:21 32:6 33:5 35:14
<b>infrastructure</b> 202:4,6 275:9 <b>initial</b> 149:5 150:13 <b>initially</b> 205:10 <b>initiated</b> 108:7 <b>input</b> 71:9 76:13,21 134:20 <b>inquiries</b> 150:12,16 <b>ins</b> 218:16 <b>insane</b> 31:20 <b>insert</b> 197:16 <b>inside</b> 36:9 <b>insist</b> 184:1 <b>inspected</b> 217:19 217:20 <b>inspection</b> 165:9 217:16 <b>inspections</b> 164:5,6 166:3 <b>inspectors</b> 164:8,11 <b>instance</b> 34:1 <b>instances</b> 60:14 72:10 <b>Institute</b> 2:12 242:3,6 <b>instructed</b> 242:22 <b>instructs</b> 242:17 <b>integrated</b> 31:22 <b>intend</b> 64:3 276:20 <b>intended</b> 165:1 <b>intense</b> 84:8 <b>intent</b> 14:22 24:21 50:22 51:9 228:5 <b>intention</b> 74:13 75:22 <b>intentions</b> 188:8 <b>interaction</b> 267:5 <b>Interactions</b> 274:15 <b>interest</b> 163:15 232:14 <b>interested</b> 112:13 263:9 <b>interesting</b> 119:10	<b>internationally</b> 205:20 <b>interplay</b> 50:20 59:11 265:11 <b>interpretation</b> 86:20 87:14 <b>Interstate</b> 59:8 <b>interviewed</b> 118:4 122:17 125:14 <b>interviewing</b> 112:11 117:21 118:16 <b>interviews</b> 110:10 110:20 112:8 114:16 119:19 122:8 <b>inter-sessional</b> 148:13 <b>intrigued</b> 261:1 <b>introduce</b> 133:17 <b>invest</b> 255:9 <b>inviting</b> 263:3 <b>involved</b> 49:15 66:13 71:13,17 72:2,2,3,3 106:20 136:7 172:11 189:10 197:3 <b>in-house</b> 37:11 40:12 71:14 <b>Iraq</b> 181:16	<b>issued</b> 276:20 <b>issues</b> 4:5 8:14,19 51:2 71:16 72:4 76:18 90:2 91:18 91:21 94:6 122:11 122:12,12 135:10 144:9 146:18 195:20 237:21 243:14 260:1 268:12 273:6 276:9 <b>Italy</b> 156:6 157:4 246:12 <b>item</b> 5:19 61:17 73:11 80:17 100:2 148:19 <b>IUCN</b> 53:13 191:21 195:4 <b>IUU</b> 272:12,12	<hr/> <b>J</b> <hr/> <b>J</b> 266:1 <b>James</b> 2:21 3:10 116:15 226:14,14 <b>January</b> 14:19 16:7 18:20 24:4 30:16 41:6,17 44:22 49:7 59:10 86:4 92:17 102:16 267:2 273:8 <b>January-February</b>	<hr/> <b>K</b> <hr/> <b>Kabul</b> 227:8 <b>Karyl</b> 29:18 35:7 62:9

36:7 38:4,12	177:18,20 178:8	<b>landed</b> 21:20 26:17	<b>lawyers</b> 89:12 90:1	85:15 105:20
41:18,22 42:2,3	178:10,18 179:1,4	29:22 125:5,8	<b>layers</b> 49:16	153:4
42:18,20 43:10,20	179:14,16,17,20	244:15	<b>lead</b> 128:22 134:3	<b>level</b> 39:19 71:18
44:18 45:11,19	180:1,5,13,15,15	<b>landing</b> 18:14 21:8	136:10 171:5	75:6,7 93:22
46:4,5,9,15,17	181:3,6 185:15,19	32:22 35:7 48:18	267:14 272:22	94:10 115:8
47:16 48:15 49:14	189:9 196:3	60:11 61:7 101:6	<b>leader</b> 196:3 230:4	227:22 230:14,16
52:13 53:18 54:20	197:14 199:20,22	<b>landings</b> 9:1 16:11	230:19 252:2,8	<b>levels</b> 92:6 113:8
55:14,15 57:3,8	200:2 201:5,9,16	17:10,13 19:6,10	253:11	123:15 170:15
57:18 58:16,18	202:22 204:20	26:6 27:1,16	<b>leaders</b> 191:13	190:1 191:7
59:11,17 65:16	206:9,20 207:19	32:17 52:19 60:15	<b>leading</b> 96:6	<b>leverage</b> 126:20
67:4 73:14 75:2	207:22 209:1,5	61:13 64:11 83:3	<b>leads</b> 187:5	183:19
75:16,20,22 76:3	210:1,2,9,13	110:2 116:1 121:2	<b>leakage</b> 63:22	<b>liability</b> 237:10
76:3,16 77:11,13	212:2 216:6,15	122:4 125:21	<b>LeAnn</b> 3:20	<b>Libya</b> 219:19
78:5 83:3 84:3,5,7	218:6 220:20	126:10 127:10	<b>leather</b> 163:22	<b>Lieberman</b> 154:15
84:10,21 85:19	221:4,12 222:20	159:8 268:22	<b>leave</b> 6:19 38:8	161:17 244:19,20
88:11,22 89:10,15	224:17,21 225:7	271:2,4,19 273:12	42:12 63:11	259:17
92:1,13,22 93:17	225:15,20 226:7	<b>landing-specific</b>	131:18	<b>lies</b> 197:22
93:18 94:1,12	232:18 233:10	61:5	<b>lecture</b> 85:20	<b>lieu</b> 183:7 226:17
96:2,2,17 97:7,10	234:9,22 236:5	<b>landmark</b> 196:6	<b>lecturing</b> 85:20	<b>life</b> 84:22 99:13
97:12,18 100:21	237:6,12,19	<b>language</b> 61:6,14	<b>led</b> 193:7,20	235:4
101:19,22 102:2	240:14 241:11,12	93:8,9 107:4	<b>left</b> 20:11 23:10	<b>lifetime</b> 179:21
102:14 103:15	241:13,14 245:2	188:1 244:13	43:2 61:17 74:15	<b>lifting</b> 188:7
104:5 107:8 108:3	248:22 255:11,15	<b>lap</b> 198:1	91:7 103:8 181:17	<b>light</b> 78:9 89:16
108:12 109:15,19	256:2,22 258:10	<b>large</b> 14:9,10 15:1	188:17	<b>lighter</b> 181:7
112:15,20 113:14	263:21 264:17	15:17 16:14,17	<b>left-hand</b> 18:21	<b>likes</b> 37:5 259:20
114:21 115:17	265:1 271:9 277:5	17:3,15,21 23:19	<b>legal</b> 55:2 60:19	<b>limit</b> 14:11 15:7
116:10,16,19	278:5	29:1 31:4,22	87:14	22:9,9,14 23:3,6
117:1 118:3,14,15	<b>knowing</b> 56:11	32:11 55:7,13	<b>legally</b> 60:12 61:8	28:21 100:18
118:19 119:1	269:8	56:13 68:2 82:5	137:14 145:2	269:13
120:11,18,20	<b>known</b> 32:6 34:3	82:18 83:3,13	164:17 246:18	<b>limitations</b> 266:11
122:21 124:19	<b>knows</b> 78:2 154:16	109:4,6,14 118:10	<b>legends</b> 142:2	<b>limited</b> 93:1,2
125:16 126:3,12	218:9 234:21	119:8 120:22	<b>lemon</b> 19:15 20:11	108:16 165:3
126:18 127:1,6		203:15 226:19	20:22 36:4 37:4	265:15
128:6,8 129:20	<b>L</b>	<b>larger</b> 11:5 21:17	<b>lemons</b> 36:18,21	<b>limits</b> 23:16 27:21
130:2,16 132:22	<b>Lab</b> 2:24 61:21	21:18 22:2 129:10	64:13	77:4 189:17 191:8
138:12 140:16	94:20	136:17	<b>length</b> 15:10	240:17 253:1
145:21 146:8,14	<b>label</b> 176:16 180:8	<b>lasting</b> 63:15	265:22	270:19 271:2
147:21 148:12	<b>labeling</b> 177:7	<b>late</b> 41:5 58:13	<b>Lent</b> 148:7,11	<b>line</b> 12:20,21 26:10
152:21 153:1,2	<b>laboratories</b> 96:5	70:19 133:3 138:7	156:15,19 159:15	47:9 59:9 84:12
154:20 162:18	<b>lack</b> 91:19 99:11	152:6	204:16 205:2	84:16 85:14
163:5,17,18 164:6	182:11,13 189:15	<b>latest</b> 195:4	218:21	160:12 168:1
164:12 165:2,7	242:9	<b>laugh</b> 198:14	<b>letter</b> 96:14 150:17	188:7 232:18
166:7,14,18	<b>lacked</b> 30:8	199:17 212:4	170:6 181:6	255:15,20 269:1
167:18 170:10,21	<b>lacking</b> 78:17	<b>Laughter</b> 104:22	211:19	<b>lines</b> 12:20 89:13
173:14,22 174:1,2	<b>lamp</b> 105:18	145:16 147:20	<b>letters</b> 139:4 230:2	109:21 276:21
175:10 176:1,2,13	<b>land</b> 21:12 23:17	<b>law</b> 76:11 78:16,22	<b>letting</b> 103:9	<b>link</b> 274:3
176:20,22 177:11	23:18 60:9	168:12 245:18	<b>let's</b> 38:19 47:14	<b>linkage</b> 274:1

<b>linkages</b> 51:2 242:22	212:14 214:11,12 214:15 215:9,12 215:14 216:1 218:5,13 221:7 223:18 224:8,14 226:17 227:3 228:6,9 229:18,21 236:19 237:1,5 238:22 239:1 241:19 242:19 243:22 244:4 245:14,22 249:14 257:21 258:15 260:6 261:3 274:14,20 275:6	<b>local</b> 228:14 268:19 <b>located</b> 73:18 166:1 <b>location</b> 270:8 <b>lodge</b> 220:1 <b>log</b> 19:20 20:8,18 21:4 99:4 <b>loggerheads</b> 103:8 <b>logic</b> 34:13 35:2 <b>long</b> 12:19,20,21 24:22 37:20 52:21 60:7,8 71:20,20 104:9 105:11 124:21 144:21 162:14 175:13 193:14 197:21 246:2 250:13 253:21 270:1 <b>longer</b> 74:11 <b>longline</b> 45:2,7 49:19,20 50:3,13 163:14 270:18 <b>longlines</b> 21:4 50:9 93:18 <b>longlining</b> 50:4,14 <b>long-standing</b> 250:13 <b>long-term</b> 181:14 <b>look</b> 5:6 9:5,11,21 10:12 18:5,6 19:8 19:12,16 20:15,17 23:5 27:3 28:12 42:4 48:19 65:12 66:21 67:2,6 73:13 77:3 80:12 81:1 108:12 109:18 114:2 116:11 121:8 131:10 134:19,20 135:3 143:7 149:11 151:21 155:15 159:12 160:18 184:21 187:1 191:12 194:11 198:19 199:10 201:18 210:14 213:19 214:4 220:20	221:20 224:18 225:12 227:14 228:22 239:4,5,7 246:1 265:2,5,9 265:20 266:7 267:3,22 269:19 270:2,9 273:13,18 277:1 <b>looked</b> 67:10,16 82:16 109:4 115:22 116:1 120:7 <b>looking</b> 5:7 13:6,15 18:12 19:5 20:13 21:7 22:15,21 24:16 37:7 48:9 48:12 83:5 88:16 97:2 110:5,8,13 116:21 140:22 156:7 159:1,4 164:15 167:3 186:19 200:5,21 203:8 220:19 227:22 263:18 268:4 276:2,11,13 <b>lookout</b> 263:15 <b>looks</b> 129:12 190:14 200:10 236:17 246:10 248:2 <b>look-alike</b> 157:12 157:22 158:4,12 195:20 212:21 213:15 <b>look-alikes</b> 143:1,3 143:4 216:8 274:10 <b>loop</b> 55:9 <b>lopsided</b> 278:7 <b>lose</b> 75:10 210:5 241:6,7 270:14 <b>losing</b> 132:4 232:12 <b>loss</b> 241:3 <b>lost</b> 40:15 223:12 275:22 <b>lot</b> 5:13,20 9:14 13:4,21 18:3 21:2	21:20 22:11 28:8 31:21 35:5 40:4 46:2 58:14 62:2 66:9 68:13 71:7 76:5 77:12 78:12 82:19 84:4 88:3 91:7 93:8 97:7 101:7,9 102:17 103:4 107:15 110:1 113:15 114:17 117:13,14 118:1 119:21 121:3 124:11 126:19 128:5,18 130:2 131:1 132:4 147:12 161:9 162:4 175:20 176:2 187:9 190:19 202:9 208:7,13,14,15 221:17 224:13 225:16 226:7 232:6 234:22 245:7 252:21 257:9 259:17 261:13 262:15,20 263:3,8 277:18 278:14 <b>lots</b> 50:17 87:15 266:5 267:5 268:11 270:6 271:12 274:11 <b>Louisiana</b> 3:11 22:10 31:6 32:15 164:1 <b>love</b> 78:7 228:15,16 <b>low</b> 11:2 102:5 120:16 186:10 267:21 278:11 <b>lower</b> 20:6,11 188:11 <b>lowest</b> 102:13 <b>LPS</b> 110:14,15 112:1,1,3 113:3,4 113:16 114:3,6 115:12,16 116:7 121:15
--------------------------------	---	--	---	--

<b>luck</b> 118:15	106:9 120:18,18	<b>marinas</b> 124:5	<b>McKeon</b> 2:18 6:2	238:9 239:12
<b>lumping</b> 64:19	136:19 151:19	126:8	7:5 69:4,4 77:15	240:19 270:4
<b>lunch</b> 4:16 104:2	160:10 164:17	<b>marine</b> 1:9 2:5,8,12	211:14,16 213:3	<b>medium</b> 269:6
146:1,3,6 148:1	171:20,22 181:19	2:24 3:8 5:11	213:14 214:9	<b>mediums</b> 203:15
<b>lung</b> 62:20	183:5,6,11 190:1	33:1 42:5 61:21	216:21 217:22	203:15
<b>lungs</b> 62:21 63:2	190:3,5 191:8,11	71:15 82:4 91:14	219:10 220:8	<b>meet</b> 27:11 116:16
<b>lying</b> 160:2 174:5	192:16 193:10	94:20 96:5,10	<b>mean</b> 7:2 21:19	166:13 191:19
256:6	194:7 195:15	106:15 134:5	25:15 36:3 41:10	254:18 260:3
	208:6 209:6	136:6 139:20	45:12 47:14 52:3	<b>meeting</b> 1:12 97:5
	222:18 224:2	142:4,15 145:7	52:5 60:10 67:17	108:20 134:18
<b>M</b>	226:18 230:5,13	152:1,10 184:5,18	74:8 76:8,11	138:6,9,11 139:16
<b>machine</b> 254:16	230:18 231:8	186:8 190:10	77:12 81:16	139:18 146:3,6,7
<b>mad</b> 210:1	234:12 240:10,12	<b>mark</b> 3:6 29:12	111:12 127:9	148:20 149:7,9
<b>magic</b> 77:6	242:15 243:18	40:21 42:1 47:5	156:16 167:2,14	151:1 158:15,17
<b>magnificent</b> 58:10	244:5 248:8	51:17 54:9,10	169:8,13 177:13	182:11 193:16,17
240:6	249:21 256:9	59:3	177:21 178:2,13	194:7,11 233:12
<b>Magnuson</b> 80:19	257:15 258:17	<b>marked</b> 260:6,12	180:3,12 184:21	243:5 276:6
81:4,11 86:1	259:5 267:14,15	<b>market</b> 35:17	197:18 199:18	278:21
107:3	274:18 275:10	155:1 159:9 163:9	200:4,6 201:5	<b>meetings</b> 106:17
<b>mahi</b> 45:7,8,12,18	<b>managers</b> 79:10	165:6 175:17,19	202:20 206:6	134:8,16,21
<b>mahi-mahi</b> 45:1	241:11	175:21 177:5	207:2,4,17 212:5	185:13 233:9
<b>mahogany</b> 144:14	<b>manages</b> 183:13	221:10 228:14,18	215:20 216:16	234:8 235:5
144:17	<b>managing</b> 38:19	228:18 238:15,16	217:16 225:5	246:13 265:18
<b>main</b> 124:14	44:12 152:3 171:6	248:13 261:6	230:7 235:14	<b>meets</b> 25:21 152:14
<b>Maine</b> 109:15	191:1,14 216:14	269:19 275:8	241:12 257:8	166:17 185:17
111:11 173:14	224:18	<b>marketing</b> 102:8	264:5 265:13	<b>member</b> 47:20
174:20 175:8	<b>mandates</b> 79:9	<b>marketplace</b> 202:7	268:16 271:10	72:18 75:4 182:17
<b>major</b> 14:4,14 16:5	80:21 81:1 182:7	<b>marketplaces</b>	<b>meaning</b> 170:14	242:12 243:15
17:14 71:6 154:21	<b>mandatory</b> 125:11	222:2,11	<b>means</b> 15:22 22:1	253:17
172:20 250:12	<b>manpower</b> 165:3	<b>markets</b> 183:19	97:6 117:2 161:13	<b>members</b> 72:19
<b>make-up</b> 273:3	<b>manufactured</b>	<b>marlin</b> 110:2 122:5	250:7 277:10	84:11 136:3
<b>making</b> 30:21	44:16	126:19 127:13	<b>measure</b> 83:5	139:10 146:13
147:7 151:11	<b>Manufacturers</b> 2:5	<b>Maryland</b> 1:19	204:18 255:6	147:4,13 159:14
156:21 209:3	<b>man-o-rays</b> 229:20	54:11 56:12 57:11	259:21	183:17,21 191:22
<b>mako</b> 42:11 43:4,9	<b>map</b> 67:2,7 136:2	59:10 125:22	<b>measurement</b>	203:10,13 277:15
227:4 228:1	175:7	<b>Mass</b> 269:20	231:3	<b>memorable</b> 125:4
230:12 267:13	<b>March</b> 102:16	<b>Massachusetts</b>	<b>measures</b> 14:2 15:3	<b>memorandum</b>
<b>makos</b> 55:22	139:21 151:1	73:22	192:17 194:3,11	152:5
<b>manage</b> 12:1,6	187:8 211:1	<b>massage</b> 222:7	195:16 228:7	<b>mention</b> 196:1
42:19 91:15 182:7	<b>Marcos</b> 3:4	<b>math</b> 45:14	247:11,12,13	<b>mentioned</b> 29:5
208:5 222:13	<b>Margo</b> 3:19 80:1	<b>Matt</b> 251:10,12	<b>meat</b> 102:5,11,13	60:22 67:14 68:3
256:10	83:20 106:4 135:4	<b>matter</b> 12:11 41:19	189:21 243:1	90:19 102:19
<b>managed</b> 184:8	148:11 181:6	93:1 95:9 128:1	<b>mechanisms</b>	151:12 153:18
215:10 249:1	263:2	157:16 178:11	212:15	157:14,21 163:6
255:11	<b>Margo's</b> 128:10	<b>matters</b> 189:1	<b>Mediterranean</b>	190:13 251:16
<b>management</b> 2:9	138:5	<b>maturity</b> 37:21	159:9 170:18	256:19
2:17 9:19 40:7,14	<b>Marina</b> 2:11	<b>McGowan</b> 128:21	182:20 235:11	<b>mentions</b> 75:1
52:16 80:5 91:16				

183:11 <b>Merritt</b> 2:17 <b>mess</b> 57:8,10 <b>message</b> 97:13 <b>met</b> 17:4,18 <b>methodology</b> 42:22 <b>methods</b> 107:1 <b>metric</b> 26:17,19 <b>Metro</b> 132:1 <b>Mexico</b> 16:16 18:18 19:19 20:13 26:1 32:13 33:17 34:2 40:7 63:21 63:22 64:6 109:14 273:2 <b>mic</b> 100:5,10 162:10 206:13 217:14 229:7 232:16 <b>mid</b> 58:12 <b>middle</b> 55:11 58:3 <b>midnight</b> 262:17 262:19 <b>Mid-Atlantic</b> 2:9 24:3 32:7 271:19 <b>mid-December</b> 26:16 <b>mid-June</b> 54:16 <b>mig</b> 99:8 <b>migration</b> 30:4 <b>migratory</b> 1:11 91:15 162:1 <b>mile</b> 6:15,22 <b>miles</b> 6:14 36:10,12 175:4,6 259:1 <b>Miller</b> 3:15 <b>millimeters</b> 254:15 <b>million</b> 200:16,16 252:13,16 <b>millions</b> 199:18,20 200:7 203:11 <b>mind</b> 17:7 30:9 38:8 71:6 98:18 144:14 150:19 179:4,19 180:14 188:13 220:12 228:2 246:8	<b>minds</b> 138:21 <b>mine's</b> 223:9 <b>minimize</b> 25:1 <b>minimum</b> 15:9,12 160:3 269:12,17 <b>minute</b> 65:1 237:4 <b>minutes</b> 61:17 94:16 100:1 105:6 136:8 148:6 216:9 <b>miraculously</b> 42:7 221:14 <b>mirror</b> 24:14 227:14 <b>misconception</b> 143:9 <b>misconceptions</b> 144:1 <b>misinformation</b> 153:11 <b>misinterpret</b> 157:11 <b>mismanaged</b> 38:16 <b>misperception</b> 223:17 <b>misreporting</b> 159:21 <b>missed</b> 232:11 264:17 <b>missing</b> 119:21 <b>Mississippi</b> 3:2 31:8 66:8 <b>misspoke</b> 157:8 <b>misstated</b> 153:22 <b>misstatements</b> 151:5 <b>mistake</b> 70:22 <b>mistaken</b> 60:2,6 <b>mix</b> 92:4 123:14 272:3 <b>mixed</b> 21:2 44:10 <b>mixing</b> 160:8 183:4 216:3 238:13 <b>model</b> 40:13 67:1 71:14 269:11 <b>modeled</b> 132:17 <b>modeling</b> 40:3 <b>modify</b> 61:12	<b>modifying</b> 117:1 <b>Molly</b> 6:2 <b>moment</b> 25:18 28:22 40:17 146:20 <b>Monaco</b> 141:10 142:21 150:11,18 150:21 158:2,9 162:15 167:4 171:12 188:2 200:8 214:22 226:20 248:19 249:8 <b>Monaco's</b> 228:5 <b>money</b> 68:11,16 78:8 83:1 93:5 95:14 97:10 176:8 177:6 207:10 277:10 <b>monitor</b> 21:10 39:15 <b>monitoring</b> 106:9 <b>month</b> 90:14,15 92:15,16 95:15 98:2 118:3,6 124:20 131:11 249:18 <b>months</b> 5:7 18:10 19:4 86:9 92:14 98:1 102:9 125:6 259:3 <b>moreso</b> 74:22 <b>morning</b> 8:11 53:20 61:21 106:5 140:16 146:9 227:14 233:11 273:7 <b>morphing</b> 35:11 <b>mortality</b> 99:13 194:4 <b>mortgage</b> 85:1 <b>Mote</b> 2:24 61:21 <b>Moten</b> 94:20 <b>MOU</b> 246:20 <b>mouth</b> 7:8 <b>move</b> 5:10 6:5,6,8 6:12 25:3 61:18	63:17 84:20 104:1 132:5 182:4 213:18 226:13 236:19 246:12 249:6 253:9 264:1 264:2 266:8 271:20 273:19 <b>moved</b> 59:10 207:12 266:15 <b>moving</b> 7:4 153:10 172:3 205:19 269:12 <b>MRFSS</b> 9:18 10:14 10:17,17 11:16 13:1 98:15 120:7 120:13,15 121:8,9 127:11,18 130:14 130:20 132:14 <b>MRIP</b> 4:9 98:17 104:1,8,12,21 105:6,16,16 106:15,18 107:7 108:14 127:18 132:16,18 266:3 <b>multiple</b> 22:12,17 23:1 49:16 165:11 228:12 <b>multiplicity</b> 31:5 <b>music</b> 37:14 <b>myth</b> 236:20,20 237:1 <b>myths</b> 135:12 142:2 236:17 245:21 <hr/> <b>N</b> <hr/> <b>N</b> 5:1 <b>NAFO</b> 193:17 <b>name</b> 99:6 160:1 181:9 188:18 217:1 233:3 259:11 <b>name's</b> 239:19 <b>Nantucket</b> 202:22 <b>nation</b> 99:14 <b>national</b> 1:5,9 2:5 42:5 71:15 80:20	91:14 96:3,10 106:14 131:21 184:4,18 <b>nations</b> 204:7 <b>nation's</b> 141:13 <b>naturally</b> 14:16 244:15 <b>nature</b> 36:11 253:7 <b>near</b> 53:7 208:9 252:20 269:17 <b>nearby</b> 268:20 <b>near-threatened</b> 253:5 <b>necessarily</b> 81:15 113:20 115:6,19 122:14 174:5 216:16 <b>necessary</b> 182:5 <b>need</b> 5:8,21 7:3 23:17 26:18 27:10 27:13,14,15 33:5 33:18 37:6,14 47:19 48:1,3 51:6 57:18 59:21 67:20 68:8,10,18,19 70:2,15 71:2,12 76:15 80:19 83:1 84:14,19 85:19 87:12 104:16,18 104:20 105:11 116:11 121:6,7 127:15 128:1,2,3 128:4,7 153:6,7 162:20 177:9 178:8 180:15 187:2 190:8 195:21 197:1 207:1 226:3 227:21 231:21 266:19,20 267:9 267:15,20 268:6,8 270:9,18 271:10 271:20 272:1,9,18 272:19 273:13,22 276:11 <b>needed</b> 101:18 178:21 201:20
--	--	---	--	---

275:6 <b>needing</b> 268:14,19 <b>needless</b> 56:20 <b>needs</b> 64:8 67:16 67:18 68:13,16 79:1,6,7 81:16,19 81:20 133:8 148:16 165:5 217:18 230:19 257:10 <b>neighboring</b> 33:19 <b>net</b> 12:22 261:12 266:13 <b>netted</b> 12:21 <b>Network</b> 242:4 <b>neutral</b> 269:15 <b>never</b> 42:3 198:2 235:6 <b>nevertheless</b> 86:19 <b>new</b> 56:13 121:13 122:21 127:3 133:20 165:14,18 165:18 173:5 176:18 203:10,16 237:15 268:15 <b>Newark</b> 165:16,17 165:18 <b>news</b> 115:8 170:3 <b>NGO</b> 222:6 <b>NGOs</b> 92:4 197:13 222:20 256:3 <b>nice</b> 8:3 54:14 128:21 <b>niceties</b> 199:22 <b>night</b> 119:20 129:17 233:5 <b>nightmare</b> 159:17 <b>nine</b> 254:15 259:2 <b>NMFS</b> 3:19,20 40:12 55:7 62:3 94:5 96:19 97:3 97:13 125:10 164:7,20 183:14 183:16,22 <b>NOAA</b> 134:5 274:12 <b>nod</b> 201:17	<b>nominations</b> 276:22 <b>non</b> 23:18 30:14 231:4 <b>non-AP</b> 147:4 <b>non-compliant</b> 183:20 <b>non-detriment</b> 144:22 <b>non-federal</b> 96:5 <b>non-ICCAT</b> 183:20 <b>non-parties</b> 218:21 218:22 250:8 <b>non-party</b> 250:6 <b>non-profit</b> 242:5 <b>non-ridgeback</b> 15:17 <b>non-sandbar</b> 14:10 16:16 17:3 31:4 <b>non-sandbars</b> 27:22 <b>noodle</b> 75:13 <b>normal</b> 35:17 <b>Norman</b> 205:17 206:19 217:3,4,15 218:10,11,22 <b>north</b> 2:8,18 24:2 30:13,20 32:4 41:1,15 42:16 43:22 44:1,20 46:22 47:12 48:5 48:5,6,16 69:4,18 71:22 76:18 80:9 82:3,12 102:1,3,7 117:6,13 125:22 194:15 197:19 199:19 211:16 265:5 266:22 269:4 271:19 273:10 <b>Northeast</b> 124:10 165:15 <b>northerners</b> 73:20 <b>Northwest</b> 193:19 <b>nose</b> 15:11 25:14 36:2 39:1,4 62:8	62:15 65:19 66:11 66:17 67:4,10,13 81:9 83:19 84:9 85:22 86:17,22 88:5 89:20 98:10 102:18 103:3,5,7 132:13 266:15,17 267:7,9 <b>note</b> 11:19 134:10 181:7 <b>notebooks</b> 135:15 <b>notice</b> 29:19 30:17 41:12 189:4 198:21 276:17,19 276:22 278:6 <b>noticed</b> 18:13 22:11 <b>notices</b> 276:16 <b>notification</b> 243:15 <b>Nova</b> 27:17 179:8 <b>November</b> 27:7 139:17 148:21 172:12,21 187:12 211:1 <b>NRC</b> 106:22 <b>number</b> 23:8 41:22 63:6 65:18,22 80:4,16 111:2 114:17,18 121:16 125:16 133:19 163:19 234:19,20 241:2 264:11 271:13 <b>numbers</b> 9:10,11 10:21,22 11:22 12:1,2,10 27:1 46:3 62:16 63:7 65:13 121:1 176:6 <b>nursery</b> 24:13 56:12 210:20	220:1,2 <b>objective</b> 172:12 <b>objectives</b> 173:8 182:11 183:12 <b>objects</b> 218:3,5 274:17 <b>observation</b> 33:10 <b>observed</b> 18:13 28:5 <b>observer</b> 12:20 14:8 17:8 27:18 46:6 48:21 265:2 <b>obtaining</b> 244:7 <b>obvious</b> 74:9 101:17,20 <b>obviously</b> 82:22 86:1 88:13 118:8 122:15 140:15 157:4 161:6 180:4 187:9 189:18 245:5 257:13 260:4,18 277:7 <b>occur</b> 68:21 88:10 <b>occurred</b> 260:8 <b>occurring</b> 30:4 35:19 38:3 48:13 53:11 86:15 116:7 260:8 <b>ocean</b> 3:6 54:11 178:15 210:7 256:1 <b>Oceana</b> 2:23 229:9 229:9 <b>oceanic</b> 1:5 53:13 195:5,8 213:2,3 229:19 <b>oceans</b> 252:14 <b>October</b> 27:7 139:9 149:8 246:19 277:4,13 <b>offer</b> 181:1,3 <b>office</b> 55:10 80:15 80:18 148:8 245:10 <b>officer</b> 198:12 <b>officer's</b> 149:1 <b>official</b> 71:9,9	215:4 <b>officials</b> 79:4 <b>offshore</b> 209:10 <b>oh</b> 29:12 46:22 55:16 125:6 145:14 157:8 166:17 229:8 262:12 275:4 <b>okay</b> 6:1,21 8:7 29:11,13,14 47:8 51:15 52:11 61:3 61:15 74:2 87:21 90:22 100:22 101:14,17,22 103:8,13 104:17 105:2,9,9,12 106:1,2 110:12 111:9 112:16 113:13,19 117:3 118:8 119:16 121:19 124:2 128:10,10 131:14 138:7 146:2,2,8 147:1,11,12,15 149:16 151:10 152:17 153:10 157:1,5,9 159:6 167:8 174:15,16 176:11,18 184:14 184:17 205:22 206:21 212:12 223:5 233:2 234:10 262:12 <b>old</b> 68:15 <b>once</b> 10:16,21 22:21 32:3,4 36:2 36:11 85:2 111:20 123:22 176:1 184:8 186:13,14 202:18 219:22 220:11 <b>ones</b> 38:21 49:15 89:16 124:15 210:12 213:9,19 214:4,5 224:19 <b>ongoing</b> 132:20 <b>online</b> 108:13
---	---	--	--	--

270:1	<b>opposition</b> 209:17 274:20 275:12	83:8,12 86:14,18 227:6	<b>paraphrase</b> 239:18 253:20	134:8 137:19,19 140:1 141:4
<b>open</b> 15:6 16:8,14 17:16,19,21 18:7 19:3 24:22 41:9 49:7 51:10 55:17 60:4 101:12,14 102:6 215:6 232:17 253:2 267:1 272:7	<b>option</b> 103:19 158:13	<b>over-fishing</b> 53:10 81:13 86:15,21	<b>pardon</b> 70:7	152:12 190:18 193:7 194:6 218:12,18,19 219:4 243:14 244:5,16 246:5,14 246:22 250:9 251:2
<b>opened</b> 19:2 74:6	<b>options</b> 127:22	<b>over-sampled</b> 113:17	<b>Parks</b> 10:14	<b>partnership</b> 191:15
<b>opening</b> 14:18 23:22 24:5,11 28:15,17 41:6,12 101:21 102:3 272:9 273:9 274:3	<b>orange</b> 254:14	<b>over-sampling</b> 113:3	<b>part</b> 30:8 48:8 50:12 58:13 62:5 64:3 67:11 71:3,5 111:9 112:7 146:4 200:14 216:16 246:3 253:22 254:2 264:12 268:21 278:16	<b>parts</b> 189:21
<b>openings</b> 30:14 69:15 73:12,20 101:10	<b>order</b> 23:18 27:11 198:6	<b>over-winter</b> 33:16 34:3,10	<b>participant</b> 46:10 47:10,17 48:1 76:7 104:20 123:13 132:11 133:4 147:16 207:6 219:11 220:5 232:19	<b>party</b> 149:10 219:5
<b>opens</b> 273:10	<b>organization</b> 72:5 185:8 215:11 232:2	<b>Ozbenian</b> 241:22 242:1,2	<b>participate</b> 8:4 97:8 123:10	<b>pass</b> 141:8 199:16
<b>operating</b> 87:18,20 272:5	<b>organizations</b> 151:19 152:6 170:4 221:22 228:15 242:5	<b>o'clock</b> 6:7 7:15	<b>participated</b> 159:16 161:16 185:11	<b>passed</b> 189:11 194:6
<b>operation</b> 105:19	<b>organizing</b> 150:2 151:18	<hr/> <b>P</b> <hr/>	<b>participating</b> 46:20	<b>Pat</b> 2:9 6:1 105:22
<b>operations</b> 107:13	<b>original</b> 158:18,19	<b>P</b> 5:1	<b>participation</b> 123:9 185:7 196:21	<b>PATS</b> 130:13,18
<b>operator</b> 112:17 115:5	<b>originally</b> 109:16	<b>packet</b> 134:16	<b>particular</b> 53:12 68:8 98:21 100:1 109:5 112:21 115:2 120:20 152:21 162:19 163:22 193:6 229:12 278:16	<b>Paul</b> 3:22 91:3 94:19 148:4
<b>operators</b> 111:13 111:22 114:13	<b>OT</b> 107:20	<b>paddle</b> 30:21	<b>particularly</b> 21:16 29:21 30:3 32:20 36:8 38:21 52:20 53:18 54:5 64:13 69:14 71:16 73:21 75:1 78:4 119:13 129:19 134:20 192:22 194:15 247:22 265:12 272:13 275:18	<b>Pause</b> 223:10 264:7
<b>operator's</b> 114:5	<b>otol</b> 183:5	<b>page</b> 16:11	<b>parties</b> 70:13,15	<b>pay</b> 74:4 78:9 148:16 241:19
<b>opine</b> 152:13	<b>ought</b> 169:1	<b>pages</b> 159:12		<b>paycheck</b> 85:14 92:12 93:7
<b>opinion</b> 180:13 221:3 234:13	<b>outcome</b> 12:10	<b>paid</b> 58:20 70:4 84:22 95:3		<b>paychecks</b> 70:21 70:22
<b>opinions</b> 232:7	<b>outlaw</b> 204:6	<b>pain</b> 197:4		<b>payday</b> 31:15 32:8
<b>opportunities</b> 151:21 230:14	<b>outline</b> 87:10	<b>painful</b> 85:9		<b>paying</b> 85:1
<b>opportunity</b> 8:4 24:6 52:18 58:4 58:11 79:2 135:6 188:22 233:6 244:21 251:15	<b>outlined</b> 182:3	<b>pairs</b> 161:22		<b>peak</b> 124:17
<b>oppose</b> 150:2 203:9 238:22 239:1	<b>outreach</b> 127:7 128:4 267:9 274:1	<b>Palmer</b> 2:4		<b>peer</b> 90:20
<b>opposed</b> 35:11 37:11 38:2 130:19	<b>outs</b> 218:16	<b>Pam</b> 134:1,2 136:11		<b>PEI</b> 179:7
<b>opposing</b> 193:8 266:20 271:5	<b>outside</b> 31:8 36:12 256:17,21	<b>panel</b> 1:11 94:4 96:1 139:20 146:12,13 151:13 152:9,16,22 153:2 153:9 196:17,19 196:21 231:14 246:9 247:1 262:9 263:2,9		<b>pelagic</b> 15:21 17:17 45:2,7 49:19 50:3 50:14 109:4,6,14 163:13 270:18
<b>opposite</b> 118:22 210:8 211:4	<b>overall</b> 107:6 113:11 120:22 129:5 130:2,7	<b>panels</b> 90:11 213:21 246:13,14 246:18		<b>pelagics</b> 26:13 28:2 55:21 82:17 83:4 83:14
	<b>overblown</b> 260:18	<b>paper</b> 53:3,9 164:3 205:9,11 207:11 207:11 275:17		<b>penalized</b> 73:18
	<b>overharvest</b> 25:22 26:11 49:9	<b>papers</b> 53:6		<b>penalizing</b> 39:14
	<b>overharvests</b> 25:6	<b>paperwork</b> 224:13		<b>penalties</b> 182:18
	<b>overnight</b> 119:16 119:21 120:12	<b>par</b> 20:12,15 21:4		<b>penalty</b> 182:16
	<b>oversampling</b> 114:9 115:16,20	<b>paranoia</b> 157:10		<b>pending</b> 148:22
	<b>overseas</b> 221:11			<b>people</b> 7:3,9 8:19 12:7 15:19 18:3 19:20 27:2,8 31:3 33:8 35:3 37:19
	<b>overwhelm</b> 138:5			
	<b>over-fish</b> 81:14			
	<b>over-fished</b> 66:16			

39:20 41:7 44:14 51:9 55:15 56:22 59:17 61:7,16 63:5 70:4 75:16 76:2 77:12,21 84:5 85:5 88:17 92:2 94:6 97:8 99:2 100:10 103:16 104:5,6 123:21 128:8 131:16,17,21 132:7 139:21 142:13 144:1 146:14 147:2,18 152:21 153:7,7 156:8 159:11 160:18 162:4 164:9,12,20 173:19,22 174:9 175:8 176:19 177:9,11 178:4,11 178:15,18 179:14 180:4,6 181:1 187:9 209:2 212:15 214:19 216:4 232:6,14 234:22 235:12 238:2 257:5 262:7 262:15,20 264:6 264:11 272:4 278:11 <b>people's</b> 73:5 88:4 247:20 <b>percent</b> 10:18 12:14 16:18,19,20 17:1,7 25:9,21 26:3,6 29:20 30:1 42:13,21 43:2,4,6 43:7,9 45:4 53:7 115:10,11 117:22 118:10 119:6,15 122:14 123:1,2,3 124:6,13 126:4 128:15 129:13,21 130:8,8 203:14 204:20 206:3,7,8 206:16 218:16	253:4,7 267:18 <b>percentage</b> 12:5 <b>percentages</b> 12:9 12:16 <b>percentile</b> 221:12 <b>perception</b> 74:14 <b>perfect</b> 94:21 <b>perform</b> 164:6 166:11,20 <b>performance</b> 181:22 182:3,10 183:8 <b>performed</b> 90:6 181:22 <b>period</b> 6:7 8:5 40:19 66:19 100:3 118:3,7 124:21 138:4 150:19 161:13 185:3 202:10 215:6 <b>perishable</b> 165:4 275:19 <b>permit</b> 14:11,13 20:19 27:17 50:20 101:3,5 110:6 117:11,15 118:20 128:16 144:7 184:1 271:13,18 <b>permitholders</b> 117:19 272:1 <b>permits</b> 19:21 27:9 50:1 224:5 270:7 270:8,13 <b>permitted</b> 127:21 <b>permutations</b> 215:21 <b>perplexes</b> 227:2 <b>person</b> 15:12 174:10 233:21 236:6 <b>personal</b> 8:1 118:11 <b>personally</b> 186:1 <b>personnel</b> 122:11 <b>perspective</b> 69:8 71:3 79:7 155:9 160:13	<b>persuade</b> 183:22 <b>pertaining</b> 167:9 <b>petition</b> 169:14 187:14 <b>petitioned</b> 169:7 <b>Pew</b> 245:1,6,8 249:11 251:13 <b>Phase</b> 121:22 122:1 <b>Philadelphia</b> 7:12 <b>phone</b> 22:6 110:22 111:5 113:19 120:10 121:22 122:3 <b>picture</b> 40:4 <b>piece</b> 54:14 145:20 249:16 <b>piecemeal</b> 76:5 <b>pig</b> 44:3 <b>pilot</b> 112:7 130:14 131:3 180:22 <b>pilots</b> 175:1 <b>placard</b> 16:4 54:12 57:17 <b>place</b> 14:2 43:15,21 63:13 67:21 77:22 79:3 81:13 87:8 87:13 109:19 111:14 127:13 135:20 171:21,22 172:16 181:21 183:6 188:4 192:17 207:21 231:4 273:21 <b>places</b> 71:22 192:15 221:4 <b>plain</b> 7:15 241:7 <b>plan</b> 59:9 60:22 81:5,12 86:20,22 100:16 105:3 164:18 170:12 171:21,22 181:15 223:21 226:18 230:18 243:21 255:9 258:8 275:11 <b>plane</b> 135:2 <b>planes</b> 131:18	<b>planned</b> 92:14 255:4 <b>plans</b> 86:12 141:10 194:10 224:2 <b>plants</b> 136:13 <b>play</b> 75:13 231:9 <b>played</b> 62:5 <b>playing</b> 201:11 <b>plays</b> 151:13 <b>PLAZA</b> 1:18 <b>plea</b> 196:16 <b>please</b> 85:18 135:1 148:3 167:19 220:12 263:21 277:8 <b>plenty</b> 92:1 161:4 178:12,14 179:2 179:16 181:4 <b>plotting</b> 20:2 <b>plus</b> 15:18 <b>pocketbook</b> 94:6,7 <b>point</b> 7:2 17:14 43:18 62:11 63:11 63:21 65:22,22 67:17,20 73:2 77:16 80:2 81:21 91:9 92:3,10 93:15 95:11,22,22 96:22 97:20 98:10 105:1,2 107:15 130:5 133:17,21 135:16 146:11 149:22 155:6 158:3 163:17 164:4 170:3 175:20 186:9 192:2 193:5 214:4 219:13 224:12 226:15 227:5 228:3 230:3,10 237:7 263:10 264:15 276:10 277:4 <b>pointed</b> 9:16 228:12 <b>pointer</b> 12:4 <b>points</b> 66:9 84:20	95:20 162:14 166:4 259:17 <b>pole</b> 235:22 <b>poles</b> 170:19 <b>policies</b> 74:18 221:1 <b>policy</b> 74:17 265:16 <b>political</b> 91:21 122:12 168:3,22 169:22 197:17 198:6 201:6 238:4 238:6,7 <b>politicizing</b> 201:8 <b>pond</b> 221:3 222:7 <b>pontificate</b> 95:8 <b>pool</b> 75:13 <b>poor</b> 91:19 190:11 191:2,19 193:2,8 193:10,14 194:1,7 194:8,12 229:20 240:11 <b>popped</b> 99:6 <b>population</b> 192:10 192:12,20 228:10 228:17 243:17 260:7 <b>populations</b> 99:8 243:10 <b>porbeagle</b> 26:14,17 26:20 141:2 <b>port</b> 164:8,11,20 165:9 <b>ports</b> 165:11,13,15 166:3 <b>position</b> 53:22 71:9 150:12,20 185:5 185:15,16 239:13 259:6 <b>positions</b> 138:10 214:21 <b>positively</b> 116:8 <b>possibility</b> 23:3 161:20 214:11,16 216:11 218:17 260:9 <b>possible</b> 6:8,19 23:5 24:22 41:20
---	--	--	--	---

45:17 83:9 106:20 114:7 194:11 242:19 244:3 272:14 <b>possibly</b> 122:6 161:21 201:19 <b>post</b> 108:13 131:8 139:13 <b>posted</b> 264:21 <b>posting</b> 131:8 263:22 <b>posture</b> 228:6 <b>post-ratification</b> 112:2 <b>potential</b> 60:17 158:4 248:13 <b>potentially</b> 104:1 150:11 163:7 217:20 248:18 270:13 273:18 <b>pound</b> 45:13 102:21 179:13 <b>pounds</b> 31:13 45:11,12,16 62:11 62:12 102:21 <b>power</b> 182:8 <b>powerful</b> 168:22 <b>practice</b> 244:17 <b>Pratt</b> 3:17 180:21 184:13 <b>pre</b> 11:7 13:17 <b>precise</b> 120:19 121:6 127:12 130:11 198:22 <b>precision</b> 130:21 <b>precluded</b> 31:18 <b>precluding</b> 30:20 <b>precursor</b> 260:15 <b>predict</b> 248:9 <b>predisposed</b> 236:18 <b>predraft</b> 277:13 <b>preferred</b> 82:7,15 83:10 230:12,18 <b>pregnancy</b> 38:1 <b>pregnant</b> 192:11 <b>preliminary</b> 18:11 18:17 19:22	108:15 113:21 130:1 <b>Premature</b> 269:7 <b>prepare</b> 86:11 <b>prepared</b> 81:5,12 87:1 159:7 214:3 <b>preparing</b> 243:4 <b>present</b> 2:1 3:1 145:6,8 213:22 <b>presentation</b> 5:17 8:9,14,15 13:20 29:18 48:2,21 51:21 54:4 103:22 104:2,13 105:17 133:19 134:9 149:21 150:9 188:20 211:15 <b>presentations</b> 264:21 <b>presented</b> 68:1 <b>preservation</b> 32:1 <b>president</b> 84:19 184:18 185:8 <b>presidents</b> 185:10 <b>press</b> 166:15 274:9 <b>pressure</b> 82:17 172:7 <b>pressures</b> 82:20 83:13 <b>pretending</b> 225:12 <b>prettier</b> 40:4 <b>pretty</b> 6:9 11:2 20:15 26:9 33:6 40:16 66:18 82:4 82:8 84:15 104:3 123:12,20 149:16 162:19 168:22 171:2 173:17 195:10 229:9 254:21 272:4 277:19 <b>prevalent</b> 75:1 <b>prevent</b> 61:7 <b>preventing</b> 147:17 <b>previous</b> 19:18 20:12,16 22:3 122:18 201:1	231:3 <b>previously</b> 270:5 <b>pre-draft</b> 10:11 <b>pre-existed</b> 215:11 <b>price</b> 102:10 176:8 238:18 241:19 <b>prices</b> 102:5,13,17 <b>primarily</b> 55:22 109:16 128:13 189:14 192:5 <b>primary</b> 111:1 118:12 <b>printed</b> 135:14 <b>prior</b> 154:20 200:11 <b>priorities</b> 52:15 <b>priority</b> 194:14 209:7 <b>private</b> 110:5 118:11,17,21 120:12 124:5,7 128:12 129:8,14 <b>privately</b> 262:14 <b>privilege</b> 265:15 <b>prize</b> 115:1 <b>proactive</b> 243:20 <b>probability</b> 161:18 <b>probably</b> 6:9 7:17 41:1 61:4 89:19 104:16 115:13 131:11 157:11 164:4 172:14 186:19 196:13 212:11 213:22 215:15 218:8 221:11 227:13,21 231:18,20 233:19 246:10 254:9 258:21 <b>problem</b> 24:20 37:3 55:17,19 56:5 64:18 69:16 71:4,5,6 93:6 99:1 163:7 198:6 201:7 210:10 212:8 221:9 235:10 237:17 250:12	258:1 278:14 <b>problems</b> 12:7 31:5 49:8 63:21 144:8 154:22 216:2 <b>procedure</b> 248:22 <b>proceed</b> 63:9 <b>proceeding</b> 87:12 96:22 <b>process</b> 40:14 43:11 62:6 64:3 66:14 89:1 90:14 92:7 96:9 97:9 139:7,14 146:22 151:13,16 163:4 164:3 198:4,5,11 201:8 229:11 233:18 238:3,4 249:3 265:14 274:11,16 <b>processes</b> 93:4 <b>produce</b> 110:17 128:19 <b>produced</b> 1:21 161:18 <b>product</b> 144:5 145:1 163:21 165:4 275:9 <b>productive</b> 95:9 <b>productivity</b> 95:5 95:16 <b>products</b> 275:19 <b>program</b> 5:12 12:20,22 27:18 105:16 106:14,16 121:16 125:20,22 126:14,17,21 127:9 188:4 265:16 <b>programs</b> 107:21 109:3,19 126:2 127:4 <b>progress</b> 13:8 106:6 242:9 <b>prohibit</b> 60:11 99:18 153:16 267:8 <b>prohibited</b> 22:4	34:1 39:5 52:22 137:5 141:16 144:19 156:1 224:9 252:6 <b>prohibiting</b> 157:19 <b>prohibition</b> 14:5 60:16 68:5 <b>project</b> 25:20 108:22 109:9,12 109:22 110:8 111:10 116:13 121:18 128:22 130:14 131:9 <b>projector</b> 105:18 <b>projects</b> 106:12 107:10 108:7,21 109:10 110:3 117:8,9 129:1 131:9 <b>proliferation</b> 163:8 <b>prominent</b> 38:21 <b>promise</b> 187:16,20 188:8 <b>promoting</b> 262:1 <b>prompted</b> 113:22 <b>pronounce</b> 197:14 198:10 <b>proof</b> 39:2 <b>proper</b> 57:7 78:14 79:7 109:7 160:10 183:6 208:4,6 <b>properly</b> 65:16 226:17 <b>proportion</b> 111:4 112:14 116:6 119:9 <b>proposal</b> 142:21 143:2 150:21 152:14 158:18 162:15 163:1 171:13 172:15 196:15 198:18 213:7,18,22 215:3 227:3,9,11,18 244:11 247:4 249:6 275:14 277:3
---	---	--	---	---

<b>proposals</b> 138:12 138:19 139:3,11 140:4 152:12 167:3 178:9 190:17,20 199:8 199:13 212:17 226:22 229:2,17 230:7,7 231:17 243:22 253:10 274:14	151:2,5 <b>providing</b> 150:16 230:1 <b>provision</b> 86:19 158:11 218:11 270:14 <b>provisions</b> 86:3 204:17 215:8 218:2 <b>proxy</b> 3:2 <b>PSE</b> 130:8 <b>PSEs</b> 130:17 <b>pubic</b> 37:10 <b>public</b> 4:18 6:6 7:18 100:3 118:22 119:5 137:22 138:4 139:8 140:6 140:7 150:18 151:8 212:16 258:3,9 262:8 275:20	<b>push</b> 64:4 <b>put</b> 10:5 16:10 22:13 34:16 41:22 62:4 67:21 68:11 68:16 75:16 76:4 76:5,9 79:7,9 82:21 107:19 124:19 128:21 139:15,19 169:12 170:7,21 172:7,22 173:3 187:10 202:18 206:13 207:7 230:6 239:1 239:13 256:15 <b>puts</b> 155:18 <b>putting</b> 82:17 148:1 172:19 250:1 <b>Pyle</b> 3:14	<b>questionable</b> 81:9 <b>questionnaire</b> 110:11 <b>questions</b> 5:4 9:15 9:17 13:4 21:21 29:9 41:2 44:4 47:3,7 48:11 51:13 69:11 71:5 77:2 108:19 118:1 124:18 131:12,14 132:8 145:11 146:17 150:8 173:15 212:9 214:9 229:13 266:5 270:6 274:9 274:10,12 <b>quick</b> 69:16 73:16 105:19 134:10 145:19 147:9 148:9,12 149:20 162:13 <b>quicker</b> 49:17 <b>quickly</b> 7:4 22:13 24:18 61:18 70:13 74:16 108:18 113:13 122:7,20 128:10,11 129:8 131:2 132:12 133:5 145:3 194:18 202:18 264:13 276:16 <b>quite</b> 16:20 17:18 26:2 88:4 93:7 97:3 160:16 202:5 213:17 226:16 233:8 240:22 252:8,21 278:7 <b>quo</b> 208:14 <b>quota</b> 17:2,5,6,18 22:19 23:2 24:7 24:18 26:4 43:5 69:17 80:7 82:8 82:19 83:5 91:21 187:16 191:6 204:7,11,11,20 205:5 206:2,3,17 215:18 223:22	241:3,6 266:22 267:21 269:8,13 270:15 271:8 273:17 274:19 278:8,9,10 <b>quotas</b> 14:20 25:4 25:15 26:8,9 28:14 39:12 49:10 155:4 170:14 180:3 187:18 188:11 223:20 235:14 256:22 257:16 269:11 <b>quota's</b> 23:9 <b>quote</b> 212:4
<b>proposed</b> 107:11 139:21 140:11 141:7 153:13 190:14 198:12 202:14 214:22 228:21 276:6 278:9	<b>publish</b> 27:6 49:13 89:5 <b>publishing</b> 70:19 <b>Puerto</b> 109:22,22 121:20,21 122:9 122:10 125:19 127:1 <b>pull</b> 61:9 64:6 94:17 255:21 <b>pumping</b> 37:20 <b>pun</b> 70:7 <b>punish</b> 64:17 160:15 <b>punished</b> 209:20 210:12 <b>punishee</b> 220:10 <b>pupping</b> 30:10 273:11 <b>purpose</b> 78:10 147:6 197:17 <b>purposes</b> 32:1 139:14 <b>pursue</b> 84:22 85:10 199:3,4 <b>pursuing</b> 171:4 213:10	<b>Q</b> <b>Qatar</b> 139:22 <b>qualifies</b> 249:2 <b>qualify</b> 27:11 245:14 246:4 <b>quantify</b> 91:20 <b>quasi-perishable</b> 163:21 <b>question</b> 6:3 41:13 41:14 42:1 47:11 47:16,18 51:21 67:22 83:18,18 85:22 86:4 87:22 103:21 120:17 146:22 154:19 157:12 160:19 164:11 166:9 169:19 170:2,11 185:19,22 186:1 187:5,12 204:2,17 206:1 212:20 216:21 217:22 227:17 228:2 230:22 231:10 232:1 235:8 246:17 260:10,13 262:4	<b>quote's</b> 23:9 <b>quote</b> 212:4	
<b>proposing</b> 138:17 158:1 255:18 <b>prosecute</b> 85:9 <b>prospect</b> 186:17 <b>protect</b> 157:20 261:6 268:8 <b>protected</b> 28:7 52:3 52:5 217:5 <b>protecting</b> 78:11 100:17 161:13 170:17 <b>protections</b> 229:14 <b>protocols</b> 265:2 <b>proud</b> 37:9 62:5 78:21 99:15 254:2 <b>prove</b> 248:11 <b>proven</b> 98:15 <b>provide</b> 48:13,19 66:12 80:4 89:9 139:2 149:2 171:2 232:15 252:10 272:21 <b>provided</b> 1:22 72:12 80:22 112:19 150:17	<b>publish</b> 27:6 49:13 89:5 <b>publishing</b> 70:19 <b>Puerto</b> 109:22,22 121:20,21 122:9 122:10 125:19 127:1 <b>pull</b> 61:9 64:6 94:17 255:21 <b>pumping</b> 37:20 <b>pun</b> 70:7 <b>punish</b> 64:17 160:15 <b>punished</b> 209:20 210:12 <b>punishee</b> 220:10 <b>pupping</b> 30:10 273:11 <b>purpose</b> 78:10 147:6 197:17 <b>purposes</b> 32:1 139:14 <b>pursue</b> 84:22 85:10 199:3,4 <b>pursuing</b> 171:4 213:10	<b>Q</b> <b>Qatar</b> 139:22 <b>qualifies</b> 249:2 <b>qualify</b> 27:11 245:14 246:4 <b>quantify</b> 91:20 <b>quasi-perishable</b> 163:21 <b>question</b> 6:3 41:13 41:14 42:1 47:11 47:16,18 51:21 67:22 83:18,18 85:22 86:4 87:22 103:21 120:17 146:22 154:19 157:12 160:19 164:11 166:9 169:19 170:2,11 185:19,22 186:1 187:5,12 204:2,17 206:1 212:20 216:21 217:22 227:17 228:2 230:22 231:10 232:1 235:8 246:17 260:10,13 262:4	<b>R</b> <b>R</b> 5:1 <b>radio</b> 56:3 <b>raise</b> 146:18 255:10 <b>raised</b> 91:4 <b>Ralph</b> 3:17 173:11 180:20 184:15 240:5 <b>ramifications</b> 214:12,17 <b>ramming</b> 225:3 <b>ramp</b> 118:22 <b>ramps</b> 119:6 <b>ran</b> 122:11 237:20 237:20 <b>Rand</b> 251:10,11,12 <b>random</b> 128:14 <b>range</b> 138:15 139:1 140:20 150:9 153:6,8 158:10 161:6 213:12 214:8 246:2,4,4 <b>rapidly</b> 243:11 <b>rare</b> 121:10,11 130:22 <b>rate</b> 99:9 117:22 238:13 <b>rates</b> 68:12 110:14 110:21 114:10 120:15 122:9 240:17 254:6	

<b>ratio</b> 42:20 267:16 267:18	204:16 216:10 225:10 229:12	277:19	79:16	143:13,14 209:18
<b>rays</b> 229:21	230:5,8,8,19	<b>recollection</b> 224:11	<b>reduce</b> 25:1 49:9	210:8 240:22
<b>reach</b> 80:9	236:8 238:15	<b>recommend</b> 98:12	<b>reduced</b> 26:12,20	247:15 267:7
<b>reached</b> 26:2,5 227:5	247:18 248:16 258:12	<b>recommendation</b> 121:5 149:1 173:4	194:4 235:13	269:8 270:2
<b>react</b> 76:10	<b>realm</b> 204:15	173:5 194:1,2	<b>reducing</b> 191:6	<b>regulatory</b> 85:3
<b>reacted</b> 74:1	<b>reason</b> 12:2 24:19	207:4 212:17	269:13 271:1	99:17
<b>reacting</b> 76:16	24:19 30:8 41:4	<b>recommendations</b> 61:10 80:5,16	<b>reduction</b> 187:16	<b>reimbursed</b> 8:2
<b>reaction</b> 240:11	65:14 115:4 209:5	137:22 139:7	<b>refer</b> 154:6	<b>reinforce</b> 248:17
<b>read</b> 46:7 166:14	209:8 222:19	140:4,5 182:2	<b>reference</b> 168:8	250:4
174:7 181:12	225:19 233:14	183:9 198:20	<b>referred</b> 143:3	<b>reinforcing</b> 82:10
230:2	241:16	240:15 242:12	<b>refinement</b> 249:8	<b>reiterated</b> 259:17
<b>reading</b> 235:5	<b>reasons</b> 24:17	<b>recommended</b> 170:16 246:16	<b>reflect</b> 116:6 229:3	<b>related</b> 148:19
<b>ready</b> 7:22 18:16	136:11 254:5	<b>recommends</b> 182:15,18 183:1	<b>reflects</b> 227:12	268:12
27:4 31:18 103:19	<b>Reauthorization</b> 86:2	244:10	229:2 268:7	<b>relative</b> 191:12
105:15 233:2	<b>reauthorized</b> 107:3	<b>record</b> 61:22 63:16	<b>refreshing</b> 224:11	192:18 193:3
<b>real</b> 49:14 57:8	<b>Rebecca</b> 148:7,7	69:12 84:17 100:3	<b>regard</b> 81:9 98:10	<b>relatively</b> 195:12
85:6 89:14 129:17	149:15 156:13	104:14 205:1,7,16	140:14 143:14	202:17
131:2 182:5	159:15 173:1	206:12 207:16	150:20,22	<b>release</b> 121:3,4
186:15 192:12	204:15	217:2 250:14	<b>regarding</b> 13:5	123:19
196:3 221:9,20	<b>Rebecca's</b> 170:3	<b>recordings</b> 264:16	242:11	<b>released</b> 115:1
269:1	<b>rebuild</b> 42:6 86:21	69:12 84:17 100:3	<b>regardless</b> 85:3	121:2 125:17
<b>reality</b> 35:10 36:16	155:9 186:20	104:14 205:1,7,16	103:20 257:18	<b>releases</b> 115:3
38:9 43:7 220:10	<b>rebuildable</b> 155:4	206:12 207:16	<b>regards</b> 80:6,18	116:1,2 127:11,13
236:11	<b>rebuilding</b> 86:3,12	217:2 250:14	98:20 103:3	<b>relevant</b> 148:9
<b>realize</b> 177:9	86:22 170:12	<b>recover</b> 160:9	<b>regime</b> 181:20	193:16 247:3
188:18	181:15 271:7,8	<b>recovered</b> 270:3	182:16 255:6	<b>reliably</b> 64:21
<b>realized</b> 56:10	275:11	<b>recoveries</b> 34:2	<b>region</b> 117:15	<b>rely</b> 255:8
<b>really</b> 12:9 18:6,9	<b>rebuilt</b> 42:7 221:13	<b>recreation</b> 177:12	119:3 120:16	<b>remains</b> 25:16
19:14 32:10,12	222:3	<b>recreational</b> 3:10	123:7	161:12
34:15 53:17 55:20	<b>rec</b> 109:13 177:15	5:11 9:9 10:19	<b>regional</b> 61:11	<b>remarks</b> 208:1
57:10 68:10 69:11	272:11	11:15,20,22 13:2	68:16 151:19	<b>remember</b> 61:4
73:9,10 76:6 84:1	<b>recall</b> 70:21 86:1	15:3,6,16,22 16:3	<b>regions</b> 80:6	125:4 250:17,18
96:18 106:14	118:2 124:20,21	16:6 54:11,15,21	<b>Register</b> 30:17 41:4	277:8
113:14 116:7	125:1 161:18	55:8 57:16 58:16	41:9,11 92:20	<b>remind</b> 58:12
117:11 120:2,17	190:18	106:7,15 107:1,5	181:8 189:4	191:17
120:20 124:5	<b>receipts</b> 134:11	108:4 110:18	198:21	<b>reminder</b> 25:19
126:13 127:3	277:9	111:15 123:2,20	<b>regs</b> 57:7,21 59:12	59:4
128:7 130:6,10	<b>receive</b> 262:22	133:11 142:20	59:12,17 60:7	<b>reminds</b> 181:15
132:14 134:16,19	<b>received</b> 10:9,10	177:13 185:9	265:12,12	<b>remove</b> 35:16
135:3 136:3	140:5 206:15	236:21 237:2	<b>regularity</b> 254:19	<b>removed</b> 252:14
142:13 172:6,11	265:6	267:7,8	<b>regulate</b> 140:17	<b>Renshaw</b> 259:10,11
173:15,18 184:21	<b>recess</b> 105:13	<b>recreationally</b> 142:16,18 269:22	<b>regulates</b> 136:12	259:12
185:4,14,16 187:2	<b>recognize</b> 195:22	<b>red</b> 18:22 33:12	<b>regulation</b> 24:15	<b>reopening</b> 182:20
187:11 192:5	196:17 244:12,22	53:14 195:5	<b>regulations</b> 8:22	<b>repeat</b> 194:22
194:17 201:19		<b>redesign</b> 121:9	22:5 25:5 56:9	<b>repetition</b> 260:9
		<b>redirected</b> 78:13	60:8 61:13 67:20	<b>replaced</b> 98:17
			80:21 88:3,6	<b>report</b> 53:14 98:3

107:12 181:22 182:3,10,15,22 183:1,9,11 207:8 243:4 265:22 269:22 <b>reported</b> 112:15 113:18 114:20 119:7 125:9,10 <b>reporting</b> 44:6 125:10 126:8 182:13 270:1 273:1 <b>reports</b> 18:18 19:5 19:20 20:14 21:3 21:11 22:6 46:5,7 48:22 107:13 108:10,12 115:5 131:9 <b>represent</b> 100:6 <b>representation</b> 109:7 <b>representatives</b> 57:12 <b>represented</b> 102:22 153:9 258:7 <b>reproductive</b> 68:14 <b>Republic</b> 124:16 <b>request</b> 151:11 212:2 274:5 276:18 <b>requested</b> 137:17 182:9 191:9 <b>requesting</b> 243:16 <b>requests</b> 244:6 <b>requiem</b> 140:22 195:7 212:18 213:7,8 <b>required</b> 76:11 182:6 243:12 247:1 266:12 <b>requirement</b> 23:14 49:6 217:7,13 <b>requirements</b> 27:10 144:8 267:4 <b>requires</b> 120:18 <b>requiring</b> 14:15 <b>rescinded</b> 187:17	<b>rescue</b> 105:19 <b>research</b> 14:7 17:3 17:6 27:5,11 28:19 29:21 43:15 44:2,2 46:3 48:12 52:2 59:7 68:11 72:13 78:15 96:4 96:6 97:15 160:21 265:22 272:8 274:5,7 276:17 <b>resentful</b> 233:19 <b>reservation</b> 218:12 218:13,18 219:6,7 219:9,14 250:5,11 250:11,21 251:7 256:12 <b>reservations</b> 218:15,19 219:4 250:4,14 <b>reserving</b> 250:9 <b>residence</b> 118:12 <b>resolution</b> 171:14 188:2 189:11 194:6 242:13,14 244:12 248:18 249:9 <b>resolutions</b> 199:9 <b>resolved</b> 232:8 <b>resource</b> 155:10 160:16 <b>resources</b> 259:4 <b>respect</b> 47:19,22 48:1 62:2 69:14 71:16 78:1 85:13 127:15 149:3 210:2 218:1,4 <b>respectful</b> 70:2 <b>respective</b> 246:6 <b>respects</b> 79:14 <b>respond</b> 76:7 95:1 171:10 <b>response</b> 117:22 122:9 150:13 243:14 <b>responses</b> 122:16 244:4 <b>responsibility</b>	171:5 196:13 258:17 <b>responsibly</b> 259:6 <b>rest</b> 17:19 194:18 241:7 264:3 <b>restrict</b> 155:7 256:16 <b>restricted</b> 156:4,5 <b>restrictions</b> 268:9 <b>restrictive</b> 158:17 158:22 159:1 241:18 <b>resubmit</b> 80:15 <b>result</b> 9:2 64:14 85:3,17 89:10,20 190:9 243:8 269:15 <b>results</b> 34:22 66:15 98:5 108:16 116:17 120:7 <b>resume</b> 146:7 <b>retain</b> 57:1 <b>retained</b> 56:16 <b>retention</b> 15:7 55:8 <b>return</b> 103:21 119:13,22 129:16 271:2 <b>returned</b> 124:7 <b>returning</b> 118:16 118:21 129:14 <b>revenue</b> 94:13 <b>reverse</b> 243:12 <b>reversing</b> 64:18 <b>review</b> 49:16 90:20 107:1 139:14 151:13 152:12 169:16 172:2 181:22 182:3,10 183:8 231:11 240:16 246:20 <b>reviewers</b> 37:12 98:6 <b>reviews</b> 139:20 242:11 <b>revised</b> 135:16 <b>revisit</b> 272:9 <b>revisiting</b> 184:9	<b>reward</b> 184:2 <b>rewarded</b> 184:5 <b>re-look</b> 67:19 <b>RFMO</b> 193:16 229:11 <b>RFMOs</b> 152:2,3 193:10,11,13 247:3 249:21,22 250:2 253:2 <b>rhetorical</b> 169:18 170:11 171:10 <b>rhinos</b> 177:10 178:12,13 <b>Rich</b> 2:2 7:6 79:21 83:16 91:2 94:14 95:20 149:17 162:8 163:6 170:5 172:18 206:14 256:5 <b>Richard</b> 2:5 <b>Rich's</b> 94:21 <b>Rick</b> 2:11 79:21 116:14 133:4 <b>Rico</b> 109:22 110:1 121:20,21 122:9 122:10 125:19 127:1 <b>ridge</b> 15:19 <b>ridiculous</b> 33:21 238:15 <b>right</b> 17:10 20:2 24:1 25:5,10 27:3 28:20 31:7 33:8 34:19 36:20 42:13 51:14 58:2 62:10 64:22 72:12 79:13 89:18 90:18 95:10 104:16 105:6,7,11 105:11,22 125:2 127:1 133:17 138:11 147:1 155:4,16 156:10 164:22 165:22 169:6 171:9 174:16,16 179:11 184:20 200:18 202:11 207:4	223:11 231:20 232:16,17 237:17 255:16 261:12 278:18 <b>right-hand</b> 19:9 <b>risk</b> 137:8 239:7,9 239:10 <b>Rita</b> 2:17 <b>River</b> 31:8 <b>road</b> 6:13 7:3 58:21 268:17 <b>roadside</b> 227:8 <b>Robert</b> 2:24 100:7 100:12 188:16,16 197:8,10 203:3 208:22 211:22 212:4 <b>robust</b> 115:15 <b>role</b> 126:22 136:18 151:17 232:4 <b>Rom</b> 2:20 197:8 203:4 204:1 208:19,20 211:12 <b>Ron</b> 2:6 104:2 132:6,8,15 212:1 <b>room</b> 47:20 48:2 75:17 85:14 92:3 94:7 147:5 159:14 178:18,18 180:22 208:4 209:2,16 229:10 233:21 235:1,14 236:6 262:15 264:1 277:17 <b>root</b> 235:10 <b>rough</b> 87:9 <b>roughly</b> 31:12 129:20 <b>round</b> 15:7 16:15 94:17 <b>rounded</b> 195:11 <b>row</b> 33:18 <b>Ruais</b> 2:2 91:3 149:19 151:7,10 152:17 153:10 154:18 157:5,10 158:13,19 159:6
--	---	---	---	---

206:15	<b>Salz</b> 104:2,8 106:2 124:2	<b>says</b> 15:12 45:4 57:21 78:18 81:4 81:12 92:18 198:13 200:10 236:9 238:18	<b>scientific</b> 92:9 149:2 155:4 159:21 160:21 166:11,21 167:9 171:1 245:4	<b>seasons</b> 14:17 19:2 80:6 101:20 124:17 273:7
<b>rug</b> 255:21	<b>sample</b> 13:10 109:1 120:14 124:12 128:15 129:6	<b>scaloped</b> 98:21	<b>scientist</b> 66:13 101:17 174:7 181:5 234:2 236:9	<b>season's</b> 41:12
<b>rule</b> 14:20 22:13 26:15 28:13,21 29:1,20 34:12 45:4 86:7 87:8 88:3,11 89:5 92:19 276:6,14	<b>samples</b> 99:7	<b>scalped</b> 195:2	<b>scientists</b> 39:22 59:7 68:18 89:18 93:3 95:12 96:19 97:3 149:10 151:15 161:19 167:3 180:11 210:16 221:16	<b>seat</b> 232:17
<b>rulemaking</b> 63:10	<b>sampling</b> 110:13 110:14 116:9,21 118:13,15 119:14 119:17 129:19	<b>scenario</b> 91:21	<b>scoping</b> 8:20 9:7,14 10:10 11:7 13:17	<b>second</b> 5:9 32:7 43:14 52:1 69:21 94:16 109:9,12 114:14 145:12 146:11 176:15 177:20 231:9 241:6 260:22
<b>rules</b> 40:14 49:3,12 61:6 142:10 180:2 184:3 241:10 255:1,1 256:18 276:13	<b>Sampson</b> 3:6 40:21 47:5 51:17 54:10 54:10	<b>scenarios</b> 41:21	<b>Scotia</b> 179:8	<b>secondly</b> 63:12 65:19 198:10
<b>ruling</b> 171:20	<b>sanction</b> 27:17	<b>scenes</b> 234:4	<b>scrambling</b> 56:21	<b>Second-off</b> 99:13
<b>rumors</b> 55:7	<b>sanctions</b> 183:19 240:21	<b>schedule</b> 6:12 7:21 89:8	<b>scratch</b> 38:4	<b>Secretariat</b> 139:11 139:12 157:16 158:6 191:21 243:16
<b>run</b> 134:22 145:15	<b>sand</b> 44:6	<b>scheduled</b> 231:11 246:10,11	<b>scrimshaw</b> 202:22	<b>section</b> 6:15 74:4 81:20 166:16
<b>runaway</b> 160:7,7	<b>sandbar</b> 14:5,6 17:6,10 23:19 27:22 28:6,9 30:15 33:6 34:3 36:5,17 37:13 38:6 68:5 195:14 195:17 213:2	<b>scheduling</b> 88:21	<b>SCRS</b> 170:13	<b>sectional</b> 74:5
<b>running</b> 44:19 245:4	<b>sandbars</b> 16:1 17:12 29:22 37:18 43:18 45:11 46:2 46:10,11 48:18 65:18	<b>school</b> 203:15	<b>scrutiny</b> 248:14	<b>sector</b> 58:17
<b>runs</b> 24:10	<b>sanity</b> 227:17	<b>schools</b> 240:1	<b>sea</b> 52:9 67:2,7 141:14	<b>sectors</b> 144:12
<b>Rusty</b> 2:14 9:16 29:12,15,16 40:20 74:12 94:15 97:19 99:20 100:14 180:20 184:16	<b>satisfy</b> 64:8 257:9	<b>Schulze-Haugen</b> 3:19 5:2 6:21 7:6 8:6 54:6 59:3 60:13 66:5 87:11 87:19 89:22 90:8 90:13,16 103:13 104:18 131:15 133:15 148:4 206:13,22 207:13 207:17 263:7 264:8 277:22 278:17	<b>SEAMAP</b> 12:22	<b>secure</b> 244:4
<b>Rusty's</b> 63:20 69:13	<b>saturated</b> 175:21	<b>science</b> 2:13 9:16 11:8 13:8 34:22 37:7 38:18 39:18 40:9 44:16 66:1 76:11 77:2,8 78:2 78:3,18 84:9 88:8 88:18 90:1 91:19 94:2 95:16 133:2 160:6 171:6 173:6 221:16 229:1,3 237:22 266:6,7 271:6	<b>Sean</b> 2:18 5:22 61:19 69:3,4 79:20 93:13 95:1 197:8 204:1 208:19 211:12,16 219:11 220:16	<b>security</b> 132:3
<b>S</b>	<b>save</b> 45:21 227:16 262:2	<b>science-based</b> 188:3 238:3	<b>Sean's</b> 84:20 91:5,5	<b>SEDAR</b> 9:21
<b>S</b> 5:1	<b>saw</b> 5:22 9:2 69:6 84:9 171:13 178:22 209:11 220:1 269:6	<b>science-driven</b> 74:17	<b>seas</b> 141:15 205:6	<b>see</b> 5:4 6:1 8:7 10:1 10:20 16:13 19:1 20:2,3 22:15 37:22 38:11 52:15 54:13 58:5,20 65:10,13 66:1 71:6,20 74:19 75:6,7 83:2 88:1 89:4,13,20,21 97:16 99:7 107:7 111:4 113:10 116:2 121:2 122:15 125:16 129:5 130:4,16 132:12,14,18,19 136:1 140:6 147:12 154:15 155:15 162:13 169:16 172:2
<b>sacrificed</b> 235:13 239:4	<b>sawfish</b> 52:10,11 196:2,5,8,12		<b>season</b> 8:9 14:18 18:19 23:10,22 24:5,11 28:13,15 30:10 32:2 34:11 41:6,8,17 42:15 42:17 47:1 63:15 69:7,8,15 73:12 101:9 122:19 174:16 254:2 273:11 277:7	
<b>sacrifices</b> 241:17	<b>saying</b> 58:22 60:3 69:12 78:21 93:13 171:11 175:9 178:14 211:6 220:9 231:2 234:6 250:14 255:18 256:14		<b>seasonal</b> 73:19 130:4	
<b>sad</b> 201:15				
<b>safe</b> 278:19				
<b>safeguards</b> 189:17				
<b>safety</b> 27:15				
<b>sake</b> 106:2				
<b>salary</b> 95:4,8				
<b>sale</b> 156:17,18,20				
<b>sales</b> 168:18				
<b>salmon</b> 261:22 262:2				
<b>salt</b> 121:12				
<b>Saltonstall-Kenn...</b> 78:8				

177:16 181:8	116:3	<b>shame</b> 56:10 75:19	31:2,4 32:20	64:11 67:12
213:19,19 219:18	<b>sensitivity</b> 113:2,6	<b>Shana</b> 3:15 149:17	33:22 34:3 36:4,4	113:22
221:21 240:4,5	115:7	162:9	36:14,17 39:13	<b>showing</b> 271:7
248:12 254:10	<b>sent</b> 49:1 55:4	<b>shape</b> 35:18	41:19 42:2,10	<b>shown</b> 172:1
258:14 259:5,19	170:5 221:11	<b>share</b> 5:4 63:18	44:6,12,19 45:3	<b>shows</b> 10:13 40:4
259:22 260:12,14	<b>separate</b> 25:14	64:5 248:13	53:16 54:21 55:2	72:12 129:2,5
262:4 264:20	276:10	249:19	55:8 56:14 62:16	136:2
270:10 277:2	<b>September</b> 1:15	<b>shares</b> 75:2 272:18	63:5 65:8,11	<b>shrimp</b> 13:1 67:7
278:3	117:20 118:4,5,7	273:4,19	71:17 82:6,13,21	265:2 266:19
<b>seeing</b> 12:8 58:12	149:8 277:11	<b>sharing</b> 64:1 96:16	83:11 98:20 101:4	<b>shrimping</b> 66:22
66:18 103:16	<b>September-Octo...</b>	<b>shark</b> 2:14 4:4 8:9	103:7 119:1,1,2	<b>shrug</b> 178:13
111:5 175:5	34:9	8:14 14:2,7 15:20	132:13 140:10,11	<b>shut</b> 221:1,22 222:9
179:12 203:11	<b>sequence</b> 88:22	16:12,17 19:8,9	140:14,17,18,22	261:4
209:16 210:6	<b>Serda</b> 241:21 242:1	20:18 24:3 28:13	189:8,11 194:2,12	<b>side</b> 7:8 93:17,18
211:5,8 240:1	<b>serendipitous</b>	28:21 29:17 34:11	195:3,7,17,17	211:6 254:10
<b>seek</b> 244:1	138:3	34:16 39:8 41:15	212:19 213:8	256:1
<b>seeking</b> 93:5 139:1	<b>serial</b> 192:13	42:10,11,12 43:1	221:8 227:1	<b>sidebar</b> 148:14
<b>seen</b> 36:22 39:2	<b>serious</b> 52:18	43:8 47:22 52:16	228:21 229:15	<b>sides</b> 84:6 271:5
171:14 175:2	195:18 229:13	59:9 60:18 62:4	230:4 231:7	<b>sign</b> 160:1 262:7
179:10,12,21	247:20	63:18 69:7 74:15	242:12,15 244:14	<b>signal</b> 7:21 97:1
181:5 186:5,8	<b>seriously</b> 187:12	74:15 76:2,9 82:8	245:13 252:13,16	<b>signals</b> 21:3 172:6
188:10,10 192:13	228:1 230:9	84:9 86:1 91:16	266:17 267:9	<b>signatories</b> 211:18
209:12 215:7	274:13	91:19 92:16 96:3	270:17 273:19	<b>signed</b> 246:20
263:17	<b>served</b> 7:1	96:6 97:14,20	275:12,13	<b>significance</b> 123:6
<b>segregated</b> 32:13	<b>server</b> 12:22	100:7,12,21 101:5	<b>shark-directed</b>	<b>significant</b> 118:13
39:13	<b>Service</b> 1:9 42:5	102:5 103:5	19:21	133:11 182:17
<b>segue</b> 94:21	71:15 91:15 96:11	111:17 115:22	<b>sharp</b> 15:11 39:1,4	191:6
<b>selected</b> 128:14	133:22 134:3	121:3 140:15	266:17	<b>significantly</b> 125:9
<b>self</b> 31:22	136:9 137:17	153:6 189:10,13	<b>sheets</b> 278:2	126:5
<b>sell</b> 43:2,4 141:19	159:2 164:5,19	191:10,11,21	<b>Shift</b> 273:12	<b>silky</b> 16:2
154:13 157:2,3,4	165:2,9,12 217:4	196:6 227:4	<b>ship</b> 166:2 223:2	<b>silly</b> 62:18 248:11
175:15 176:4,7,14	245:5,9 255:7	229:18 242:18	<b>shipment</b> 217:19	<b>SILVER</b> 1:19
202:2,5 228:16	262:19 263:1	243:1,6,10,14,17	<b>shipping</b> 165:10	<b>similar</b> 23:3,15
238:17	274:13	243:22 244:3,5,8	<b>short</b> 39:3 40:16	121:15,20 162:20
<b>selling</b> 142:17	<b>session</b> 147:19	244:17 247:22	66:19 99:19	193:2
176:9 202:21	<b>set</b> 15:15 107:8	251:13,20 252:2,8	104:11 202:9	<b>similarity</b> 162:16
<b>semi-annual</b> 18:19	109:16 110:13	252:15 253:11	227:4 230:12	<b>simple</b> 241:7
<b>send</b> 9:1 16:10	134:21 168:12	265:3,7 267:17	267:12 275:14	<b>simplest</b> 30:13
135:2 205:13	232:15	271:21 273:6	276:4	<b>simply</b> 73:18 75:9
214:8 227:9	<b>setting</b> 46:11	275:16 276:3,9,17	<b>shorter</b> 125:1	199:14,15 202:7
<b>sending</b> 84:22	269:11	<b>sharks</b> 14:5,6,9,10	<b>shortly</b> 276:19	222:17 240:22
<b>sense</b> 34:14 35:2	<b>settled</b> 231:15	15:18,21 16:2	<b>show</b> 10:6 18:16	<b>Simultaneous</b>
90:5 115:6 120:11	<b>seven</b> 28:7 52:3,3,6	17:17 19:15 20:5	36:20 72:10 75:15	154:2 223:6
120:14 147:2,8	52:7,8 119:20	20:11,20,22 21:8	85:12 108:13,14	<b>single</b> 70:6 174:7
148:15 169:19	124:4 219:14	21:17 23:19 24:13	128:20 147:8	174:10 269:16
227:10	<b>shake</b> 174:21	26:13,13,14 27:16	181:2	<b>sir</b> 76:7 83:17
<b>sensitive</b> 94:5	<b>shaking</b> 154:15	27:22 28:6,9 30:7	<b>showed</b> 11:9 18:1	<b>sit</b> 95:7 200:6

201:10 225:17	186:10 203:15	125:6 134:1	<b>special</b> 117:9 145:6	226:4 227:20
<b>site</b> 108:14	221:18 266:21	145:14,17 157:7	145:8	228:9 229:18
<b>sites</b> 118:19 124:13	268:3 269:6	162:13 188:16	<b>specialist</b> 191:22	231:7 237:4 242:4
<b>sitting</b> 225:15	<b>smaller</b> 82:19 83:6	200:8 205:22	<b>specialized</b> 127:19	242:18 243:6,22
<b>situation</b> 32:21	130:17	278:10	130:19	244:3,9 245:11,17
34:7 39:11 48:4	<b>small-toothed</b> 52:9	<b>sort</b> 116:18 126:14	<b>species</b> 1:11 15:14	246:1,3,6,17,19
60:3 81:10 88:1,2	<b>smart</b> 209:1	127:19 136:1	15:15 16:4,6	247:22 249:1,6
88:12 95:7,13	<b>smell</b> 258:22	142:1,2 151:13	18:14 21:5 25:11	250:5,6,7,15
97:11 131:16	<b>smooth</b> 98:21	166:11 167:22	28:7 31:11 36:19	251:20 252:6,17
160:4 169:22	265:6 267:14,14	169:2 199:11	37:8 38:18 39:5	252:20,22 253:8
184:9 220:6	278:6	200:14 214:20	49:20 50:2,15,19	256:13 257:4,12
<b>situations</b> 32:5	<b>snapper</b> 31:17	215:18	50:19 51:3 52:3,4	257:22 258:11
39:9 81:7	<b>snappers</b> 33:12	<b>sorts</b> 136:5 215:16	52:6,8,19 53:1,19	259:7 260:4,11
<b>six</b> 18:9 19:4 28:4	<b>Society</b> 242:7	215:20	54:12 58:10 64:12	262:2 266:18
34:2 47:3 108:11	<b>soft</b> 95:14 97:10	<b>sounds</b> 173:2	64:19 68:4,6,10	267:10 268:4
131:11 147:10	<b>sold</b> 142:5,9 156:6	233:20 262:14,18	83:7 91:16 98:21	273:13 275:13
159:12 235:15,16	197:20 206:16	<b>south</b> 2:11,17 20:13	99:5 101:6,8,11	<b>species-specific</b>
235:17 254:13	222:14	20:19 30:22 32:13	101:13 112:5	38:17,20 195:15
<b>size</b> 13:10 15:7,9,12	<b>sole</b> 147:6	34:10 51:4 69:17	114:11,18,22	242:11 273:14
179:15 191:8	<b>solely</b> 261:17	109:13,19 117:5	115:14,15,20	<b>specific</b> 51:1 60:18
203:16 240:17	<b>solicit</b> 247:2,2,5	119:11 120:1	116:3 120:20	79:16 106:13
260:7 269:12,13	<b>soliciting</b> 138:2,8,9	124:8 144:15	121:7,10 122:6	131:12 137:2
269:17	140:19	250:20 271:14	129:3,4 134:6	190:11
<b>sizes</b> 98:12,13	<b>solid</b> 191:15 192:20	<b>Southeast</b> 61:11	135:19 136:6,17	<b>specifically</b> 104:6
129:6 160:3	<b>solve</b> 24:20 25:22	88:18	137:1,5,6,13	107:3 226:21
<b>skepticism</b> 227:22	<b>somebody</b> 41:11	<b>southerly</b> 30:4	138:1 139:20	227:1
<b>Skomal</b> 116:14	47:15 55:10 56:1	<b>southern</b> 3:2 66:8	140:10 142:4	<b>specifications</b> 4:4
<b>slant</b> 73:5,6	60:11 166:15	73:17	144:17,19 145:1,7	276:4
<b>slated</b> 145:20	200:6,9 205:19	<b>so-called</b> 62:20	149:6 150:4 152:1	<b>specifics</b> 108:21
<b>sleep</b> 213:6	206:17 225:13	<b>space</b> 10:4	152:10 153:6,15	<b>specimen</b> 206:20
<b>sleeves</b> 73:7	226:5 227:2	<b>spades</b> 77:10	153:17 154:5,8	<b>specs</b> 276:10,15
<b>slice</b> 70:7	232:11 235:14	<b>Spain</b> 157:4 197:19	155:18,21 156:6	<b>spelled</b> 143:4
<b>slide</b> 10:4 11:9 52:1	<b>Something's</b> 271:6	<b>Spanish</b> 123:14	157:19 161:4	<b>spend</b> 198:17
227:19	<b>somewhat</b> 100:17	128:5	162:1,18 163:20	<b>spent</b> 156:8 235:3
<b>slides</b> 98:11 198:18	271:15	<b>spawning</b> 161:13	168:11 169:13	<b>spikes</b> 52:19
212:16	<b>son</b> 235:21	170:17 183:2	177:10 181:10	<b>spinner</b> 45:3 56:2,6
<b>slightly</b> 8:15 9:5	<b>Sonja</b> 2:22 29:12	186:11 216:6	183:10,12 184:8	<b>spinners</b> 45:8,13,19
26:12,21 135:16	40:21 47:5 51:17	270:3	186:9 189:6,17,19	57:2
<b>slip</b> 196:8	51:19 54:7,8	<b>speak</b> 76:8 84:12	190:10,10,14,20	<b>spiny</b> 141:2 190:11
<b>slow</b> 192:22	65:20 68:2 156:8	91:5 103:9 232:22	191:7,14,16 192:4	191:1,18 192:2,21
<b>smack</b> 58:2	156:11,11 184:16	251:15 259:15,21	192:14,18,19	210:13 211:1
<b>small</b> 15:1,20 17:17	188:16,19 197:7	260:18	193:1,4,5 194:16	212:2 221:10,11
25:15 26:12 28:1	251:19	<b>speakers</b> 154:2	194:19 195:3,6,9	224:14 226:1
31:20,21 66:14	<b>Sonja's</b> 278:3	223:6	196:1,4 197:16	<b>split</b> 34:5 112:3
73:11 82:8,15	<b>soon</b> 34:8	<b>speaking</b> 6:13	203:9 204:5	214:11 216:1
83:11 130:7	<b>sooner</b> 277:9	210:19 242:3	212:22 217:8,18	274:10
174:14 177:15	<b>sorry</b> 29:13 105:17	245:6	220:21 224:19	<b>spoke</b> 55:10 73:3

<p>91:6  <b>sponsored</b> 140:4  212:17  <b>sport</b> 123:3,10,16  126:17  <b>spot</b> 210:15  <b>spring</b> 1:19 66:3  <b>squegee</b> 165:5  <b>SRS</b> 149:1  <b>SSN</b> 242:8 243:13  243:19 244:10  <b>stacked</b> 31:7 36:15  <b>staff</b> 277:18  <b>stage</b> 142:13 199:6  213:13 215:16  <b>stages</b> 108:10  <b>stake</b> 76:4 95:19  <b>stakeholders</b> 92:4  94:11 106:20  272:18  <b>stand</b> 134:1,2  192:21 224:14  225:20 226:6  235:15  <b>standard</b> 80:20  130:8 143:15  264:18 276:19  <b>Standing</b> 160:20  <b>standpoint</b> 166:6  <b>stands</b> 241:15  <b>start</b> 5:13 23:6 32:4  37:6 39:18 77:1  82:11 90:18 97:22  104:4 110:12  116:20 132:4  133:7 149:17  251:14,18 261:11  <b>started</b> 55:6 56:8  105:16 124:18  147:15 258:5  <b>starting</b> 18:5 38:3  41:16 109:18  118:3 131:18  <b>starts</b> 30:4 35:10  92:16  <b>state</b> 3:11 17:13  29:22 32:22 56:9</p>	<p>56:18 57:12,21  59:12,17,21 60:4  60:9,10,15 72:4  80:3 95:21 130:12  138:15 139:1  140:20 150:9  158:10 213:12  214:8 217:1  254:17 265:11  266:15 274:2  <b>stated</b> 190:3  <b>statement</b> 62:7  169:1  <b>states</b> 1:1 3:8 17:9  17:10 33:1 39:2  44:5,8 48:18 57:9  59:8,16,20 80:8  106:21 117:18  129:11 141:20  142:6 143:16,20  143:20 149:10  150:3 183:17  202:3,5 215:2  219:8 222:1  225:19 243:3,20  244:11 246:16  247:17 248:7,9,14  249:7,14 250:12  251:6 252:2,7  253:9 258:10  261:12 265:4,8,13  274:2  <b>stating</b> 61:22  <b>stations</b> 126:8  <b>statistics</b> 72:13  160:21  <b>status</b> 87:5 136:18  169:16 200:22  201:1 208:13  227:5 243:17  270:17 271:22  <b>statute</b> 87:10,15  <b>statutorily</b> 266:12  <b>statutory</b> 267:4  <b>stay</b> 7:1,20 77:12  177:7 254:15  255:1</p>	<p><b>stayed</b> 257:16  <b>staying</b> 176:11  254:22  <b>stays</b> 158:6  <b>steering</b> 107:14  <b>Stellwagen</b> 3:5  203:6  <b>step</b> 121:17 255:15  255:20 256:17  258:8  <b>Stephens</b> 86:2  <b>stepped</b> 256:21  <b>steps</b> 4:20 170:16  191:6  <b>step's</b> 177:14  <b>Steve</b> 116:15  208:19 211:13  220:17 229:6  232:20 233:3  239:19  <b>Steven</b> 2:21 226:11  226:14 239:16  <b>stick</b> 132:6 255:14  <b>sticking</b> 277:16  <b>sticks</b> 72:7  <b>stimulate</b> 206:5  <b>stock</b> 9:12 11:21  12:10 25:7 28:10  29:6 33:15 39:12  40:7 58:6 62:12  62:17 63:3 65:4  66:2 68:8 81:17  86:15 87:3,5 88:9  88:22 89:7,20  90:6 96:9 97:9,17  160:10,11 161:11  193:19 216:17  227:4 271:22  <b>stocks</b> 25:8,19  33:20 64:1,2  183:4 186:11,21  216:3 270:17  <b>Stone</b> 2:5  <b>stop</b> 25:21 43:6  46:21 60:9 146:5  162:3 180:13  225:9 240:18</p>	<p>250:22  <b>stopped</b> 22:13  <b>stopping</b> 184:6  256:13  <b>straddling</b> 33:20  40:6  <b>straight</b> 9:11 10:7  10:17 11:12 12:18  132:5 199:16  215:14 249:15  <b>strategy</b> 92:14  172:21 181:17  <b>streams</b> 94:12  <b>stress</b> 245:15  247:18 249:20  <b>strict</b> 182:16  257:14  <b>stricter</b> 143:15  247:10,12  <b>strike</b> 32:18 33:14  227:10  <b>strikes</b> 30:2 227:7  241:5  <b>strong</b> 62:14 63:4  93:22 171:3 192:9  193:9 195:7 259:5  <b>strongly</b> 170:6  189:12 246:15  262:1  <b>structure</b> 107:7  <b>structured</b> 265:19  <b>structures</b> 192:13  <b>structure-wise</b>  134:18  <b>stuck</b> 208:11  <b>studies</b> 98:13  <b>study</b> 113:15 114:1  117:4 270:22  <b>stuff</b> 6:5 32:22 36:1  37:1,2,22 38:18  38:20 40:12 43:14  46:6,8,18 47:14  75:3 98:12 146:10  198:14 215:19  221:21 224:16,22  225:17,21 278:6  <b>stuff's</b> 43:12</p>	<p><b>subject</b> 87:4  <b>submission</b> 158:20  <b>submit</b> 139:6,10  143:6 199:7,9  246:16 248:20  249:5,5 253:19  <b>submits</b> 143:2  <b>submitted</b> 40:18  80:2 138:12 141:4  158:9 159:13  162:22 233:5  239:17 248:18,19  277:6  <b>submitting</b> 162:7  245:8 251:16  259:14 262:21  <b>subsequent</b> 88:9  185:10 243:7  <b>subsequently</b>  187:17  <b>subset</b> 39:4  <b>substantial</b> 154:22  155:1 268:22  <b>substantially</b> 20:5  <b>substantiate</b> 98:14  <b>substitute</b> 181:14  190:2 275:11  <b>succeeding</b> 157:18  <b>successful</b> 122:8  181:16 196:4  209:9 270:22  <b>successfully</b> 221:13  <b>sudden</b> 92:18  <b>suddenly</b> 163:7  <b>sue</b> 154:15 155:15  161:17 244:18  251:9,16 259:17  259:20  <b>suffered</b> 260:12  <b>sufficient</b> 270:15  <b>suggest</b> 31:1 132:5  207:14  <b>suggested</b> 13:8  84:19 125:8  161:20 172:19  <b>suggesting</b> 215:5  <b>suggestions</b> 33:4</p>
--	---	--	--	---

140:9 273:8	130:18	216:19,20 225:20	132:8,21 135:6	<b>tell</b> 37:19 38:11
<b>suit</b> 220:2	<b>survey</b> 109:5,6,8,14	<b>tag</b> 34:2	136:21 162:5	43:22 44:8 46:4
<b>summary</b> 6:8 13:22	111:1,16 113:19	<b>tags</b> 126:10	204:5 207:14,21	50:22 55:15 89:22
263:11 264:14,18	116:22 117:1,16	<b>Tag-A-Giant</b> 3:15	214:20 226:21	93:17 144:7 169:7
<b>Summary/Next</b>	121:22 122:4	<b>Tails</b> 269:15	<b>talked</b> 23:15 29:4	175:2,18 194:10
4:20	127:19 128:14	<b>take</b> 16:1,1,7 28:1	67:15 129:8	195:15 198:9
<b>summer</b> 98:9	130:19,20	30:3 40:11 42:6	134:14 168:15	224:4 236:20
101:12,16,21,22	<b>surveys</b> 10:15 13:1	42:18 43:15,21	216:8 231:22	<b>telling</b> 111:6
102:3 273:9	110:16 111:4	46:17 52:17 53:2	234:3	114:13 210:8
<b>summertime</b> 102:4	124:22	61:5 69:13,21	<b>talking</b> 7:8 8:13	<b>tells</b> 67:4 115:18
<b>sunny</b> 37:1	<b>survival</b> 136:15	81:1,11 83:4 85:7	31:13 35:4 42:14	178:8 255:7
<b>sunset</b> 270:13	242:4	93:14,14 94:16	53:21 61:1 106:13	<b>temper</b> 210:5
<b>sunsetting</b> 97:14	<b>survive</b> 236:22	104:9,16 105:4,5	117:7 130:14	<b>temperatures</b>
<b>support</b> 93:13	<b>sushi</b> 70:15 257:10	105:10 122:2	175:14 176:6,13	202:12
96:12,14 97:6,10	<b>suspect</b> 63:8	135:1 138:10	185:4 186:6 200:2	<b>tempers</b> 93:18,19
126:20 127:6	<b>suspension</b> 182:17	145:10 146:6	206:2 231:1,16	<b>temporarily</b> 201:18
169:1 186:13	<b>suspicious</b> 236:16	148:5 149:11	238:21 245:16	<b>ten</b> 7:15 27:9 119:6
201:19 229:17,21	<b>sustainable</b> 2:14	159:11 170:15	276:5 277:5	124:6 128:15
239:3 240:7,8	74:19 76:14	181:1 183:6 187:2	<b>tally</b> 147:9,15	129:21 176:10
243:21 244:11	137:13 144:4	187:11 205:5	149:16	237:13 256:14
252:15 258:8,14	181:15 190:9	218:18,19 219:4,9	<b>tangible</b> 85:6	<b>tend</b> 84:21 126:18
261:5 267:11	254:4 275:17	219:12,15,20	<b>tapes</b> 1:21	<b>tended</b> 123:10
274:3,19 275:12	<b>sustainably</b> 144:6	222:5 224:14	<b>target</b> 23:14 36:19	<b>tends</b> 192:11
278:14	164:16 224:1	225:19 226:6	36:20 100:15	<b>tenfold</b> 184:6
<b>supported</b> 88:8	254:22	228:7,22 230:9,13	111:19 114:22	<b>tenure</b> 277:2
168:2	<b>swarm</b> 211:2	230:16,20 235:12	268:4	<b>term</b> 232:3 276:4
<b>supporting</b> 150:3	<b>swimming</b> 240:2	249:20 259:6	<b>targeted</b> 68:4	<b>terminology</b>
<b>supposed</b> 42:20	<b>switching</b> 121:19	266:19 267:8,13	118:20 119:3,4	123:16
<b>sure</b> 21:6 23:12	<b>Switzerland</b> 249:4	275:4 278:1	120:21 121:12	<b>terms</b> 76:16 95:3,4
37:14 39:11,19,22	<b>sword</b> 129:18	<b>taken</b> 7:2 22:19	129:4	107:16 119:12
43:10 57:22 65:9	<b>swordfish</b> 2:6	23:10 24:18 25:6	<b>targeting</b> 192:11	122:9,16 127:11
67:17 70:11 77:13	130:15 204:18	39:5 58:15,19	271:3	130:21 133:12
86:16 88:5 97:4	270:8,14 271:17	59:2 70:7 105:14	<b>targets</b> 100:22	159:20,21,22
103:18 128:8	271:18 272:14	181:5 191:5	<b>task</b> 273:4	160:1 169:4
146:16 156:15	276:15	217:10 218:14	<b>tax</b> 170:14	170:14 172:15
159:2 175:2	<b>Swordfisherman</b>	219:13 253:21	<b>taxa</b> 136:18	187:22 189:3
178:10,11,13	2:4	266:22 273:17	<b>taxpayers</b> 198:17	196:17 203:18
179:14 194:4	<b>system</b> 63:18 64:5	<b>takes</b> 77:5 155:17	<b>tea</b> 70:13	214:21 216:9,14
196:20 213:6	64:7 95:2 98:17	182:8 250:5 270:1	<b>team</b> 107:13	228:16 246:9
216:20 218:8,16	125:11 126:3	275:5	116:13,15 180:10	247:6,9 277:5
238:20 251:6	<b>systematic</b> 241:3	<b>talented</b> 161:19	<b>tease</b> 22:16	<b>territorial</b> 141:13
262:12 263:3		<b>talk</b> 14:1 42:3	<b>technical</b> 87:14	<b>territory</b> 248:3
265:1 268:6	<b>T</b>	47:10,14 51:1,3,7	123:22 151:2,5	<b>test</b> 199:16
<b>surprised</b> 66:15	<b>table</b> 4:2 9:22 10:2	59:14,20,21 69:21	<b>technically</b> 134:3	<b>Texas</b> 10:14 117:6
83:22	10:5,13 37:15	78:6 79:17 89:12	<b>teeth</b> 250:1 254:20	117:10
<b>surprising</b> 66:18	95:12 98:15 173:5	106:17 108:6	256:15	<b>thank</b> 7:5 29:10,13
113:21 129:16	173:6 207:5	112:10 113:8	<b>telephone</b> 110:10	29:17 40:20 47:2

47:4 51:16,20	<b>thing</b> 11:19 26:12	67:15,18 69:15,19	260:2,10,17,20	212:21 213:5
52:12 54:8 59:2,4	37:11 38:1 43:14	69:20,22 70:2,4	261:7,11 262:3,9	241:2 247:8
62:8 69:1 77:16	44:9 54:18 65:10	70:10 71:2,3,11	262:11 263:8,13	254:12
79:18,20 83:14,15	74:6 82:14 156:22	71:21 72:22 73:9	264:9 268:13	<b>thresher</b> 58:5
83:17 91:1 94:13	172:14,22 173:18	74:21 78:1,2,5,12	270:9 271:9 273:4	<b>threshers</b> 55:22
99:20 103:9,11	175:11 180:2,3,8	78:16 79:15 80:5	276:11 277:4,14	59:5
133:15 135:4	187:3 199:11	80:12 81:18 84:14	277:18 278:17	<b>threw</b> 55:9 122:13
147:12 149:19,20	210:6 211:17	84:18 85:12 89:11	<b>thinking</b> 18:2	<b>throw</b> 84:14 85:15
152:17 162:5,6	221:6 223:5 225:3	90:17 95:20 96:16	83:20 103:14	173:22 174:14
173:8,9 180:18,21	230:10 238:8	96:19 97:11,18	138:17 176:21	178:4 231:10
184:10,11,14,15	247:19 256:19	101:4,4 103:16,19	235:4	<b>throwing</b> 210:17
188:13,14,15,19	258:5 264:9	104:2,8,9 107:22	<b>thinks</b> 236:6	235:22,22
188:20 197:5,6	<b>things</b> 5:5 9:1	112:8 121:17	<b>third</b> 64:10 149:8	<b>thrown</b> 198:14
203:2,21,22	28:12 29:18 33:9	123:8 126:13	174:13	<b>ticket</b> 237:21
208:17,18 211:10	37:9 38:7 49:17	127:3 128:1,2	<b>Thirty-eight</b> 253:4	<b>tie</b> 59:17
211:11,14 213:14	60:20 61:7 71:21	132:6 135:14	<b>thorough</b> 169:15	<b>ties</b> 268:10
219:10 220:14,15	72:12 74:8 77:2,3	140:3 143:7 148:5	220:14	<b>tiger</b> 15:18,18,20
220:16 224:10	78:9,15 103:14	148:6 152:14	<b>thought</b> 26:3 34:13	<b>tigers</b> 55:1 136:4
226:8,9 229:4,5	122:13 138:22	153:21 155:12,13	43:11 84:1 139:15	177:10,12
231:12 232:21	141:22 143:7	156:10,21 157:6	151:3,22 167:5	<b>Tim</b> 2:4 134:1,2
239:14,15 241:20	144:10,14 151:4	159:4 165:14	175:12 178:20	136:12 205:14
241:21 244:17,18	159:4 168:14	170:4,5 175:11	192:3 213:5	217:3 218:8,10
244:20,21 251:8,9	174:6,8,15,18	176:19 177:9	223:13 226:17	<b>time</b> 5:20,21 6:11
251:11 252:1	175:9 176:16	178:4,7 181:11	231:16 254:3	7:18 14:19 19:11
253:12,13,15	177:8 178:16	183:14,15,22	270:5 278:15	19:16 23:10 27:6
259:8,9 262:5,6	179:18,22 180:12	184:19 185:15,22	<b>thoughtful</b> 84:11	28:3 35:12 37:19
263:2,5 277:14,15	183:15 185:2	186:1,3,5,15,19	<b>thoughts</b> 169:3	38:16 40:2 46:17
277:20 278:16,18	189:2 190:21	187:2,22 188:1	221:2 222:8	50:11 52:21 55:19
<b>thanking</b> 251:15	199:1,2,4 202:8	189:3 190:2,3	<b>thousand</b> 31:14	57:4 66:20 70:6
<b>thanks</b> 29:14 54:5	209:3 213:21	191:3,14 194:16	45:15 161:22	72:7 78:6 79:3
54:6,14 59:3 66:5	215:16 216:5	196:10,12 197:22	<b>thousands</b> 175:5	81:2,3 84:1 88:11
69:3 82:1 91:3	220:19 221:19	200:9 201:15	177:15 203:11	92:12 101:21,22
94:14,19 96:17	225:13 240:16	202:21 204:19	<b>threat</b> 186:15	103:15 105:2
124:2 148:11	246:11 257:3	205:10,14,14	<b>threatened</b> 137:1	106:3 108:17
149:14,15 162:8	263:15,16,22	206:22 207:1,8,18	168:21 189:19	126:18 131:6
173:10 180:19	264:19 267:4,21	208:3 210:20	253:5	135:1 145:19
197:7 203:3	275:3 276:2,21	212:1 213:6 215:4	<b>threatening</b> 136:14	153:3 156:9
211:12,14 226:10	<b>thing's</b> 213:6	216:1,10,17 224:7	<b>threatens</b> 196:10	160:16 162:14
229:6 232:9 263:7	<b>think</b> 5:14,18 6:6	227:11,15,20	<b>three</b> 12:14 14:12	169:14 170:18
<b>Thanksgiving</b>	7:16 22:22 37:6	228:8 229:16	29:6 36:10,12	175:13 177:8
231:18	40:4 42:2 44:11	230:17 232:5,7,12	37:22 53:8 64:8	182:9 193:14
<b>theoretically</b> 65:15	45:10 46:2,21,22	235:1 236:2,8	83:7 90:9,11	197:21 202:10
<b>thermonuclear</b>	48:13,19,20 51:12	237:2 240:8,12,20	92:16 95:12,13	210:22 219:12
227:9	52:13 53:1,7,9,20	241:2 246:12	98:1,20 99:22	227:5 231:16,18
<b>they'd</b> 32:16	56:13 59:5,11,19	247:19 248:12	100:18 119:19	231:21 256:5
<b>thick</b> 46:6	60:10,15,16 63:8	251:22 255:22	136:20 147:9	257:16 263:5,19
<b>thin</b> 278:13	64:12,14 65:3,6,7	256:12 258:1,16	152:11 212:8,19	278:1

<b>times</b> 31:21 119:12 119:13,22 129:16 219:14 220:22 226:8 228:13 234:19,20 241:12 254:13	159:19 212:13 <b>totals</b> 270:20 <b>touch</b> 278:19 <b>touched</b> 187:6 <b>tough</b> 93:2 233:10 <b>tourism</b> 268:3 <b>tournament</b> 54:17 55:3,6,12,18 56:21 58:2 110:12 111:13,22 112:2 112:12,16,16,17 113:7 114:4,4,16 115:2,5,9 116:5,6 119:8	207:12 214:2 218:4,20 219:1,5 219:8,21 220:2 240:21 243:1 244:8 247:17 250:7 252:15 256:16 260:5 261:4 274:9 275:17 <b>traded</b> 215:10 219:1,3 <b>trading</b> 205:18 <b>traditionally</b> 36:5 102:4,12,16 119:18	23:3,6,16 27:21 27:22 28:21 100:18 112:12 130:1 269:16 270:1 278:20 <b>trips</b> 22:12,17 23:1 28:5 31:6 43:20 46:9 111:2,4 113:7 115:9 116:6 118:16 119:7,15 119:16,21 120:12 120:13 124:4 129:3,13,15,21 130:3,12 203:14 <b>trivial</b> 97:13 <b>troubling</b> 75:3,5 193:18 195:10 220:9,12 <b>trout</b> 210:15 221:18 <b>true</b> 71:7 95:17,18 118:22 160:6 175:16 247:14,17 250:10 <b>truth</b> 132:16 <b>try</b> 5:12 15:15 25:21 49:13 50:8 77:14 87:13 90:5 102:8 116:4 122:4 134:12 135:9,11 142:3 165:9 170:8 179:14 180:10 210:22 221:1,5 222:13 269:21 <b>trying</b> 7:10 22:22 40:6 50:14 75:13 76:17 86:5 106:7 107:17 118:14 119:17 123:5 128:19 147:22 155:9 157:20 172:6,9 177:19 178:1 186:18,20 193:13 201:6 210:3 212:7 213:16 228:9 264:15	<b>tuna</b> 2:2 23:4,16 91:17 109:17 110:18 111:18 119:2 141:9,12,18 143:8,19 148:15 149:3 152:18 154:11 158:5 159:10 161:5,19 163:8,12,13 165:5 165:10 166:8,12 166:22 170:7,13 173:13 174:12 176:2 178:15 181:10,14 185:16 186:2,7,16 197:11 203:12,15 221:8 224:15,19 228:4 228:21 229:15,22 230:4 233:22 234:21 237:15 239:20 240:1 245:13 252:18 257:4,6,7,9,12 258:15 260:11 261:13,18 265:22 273:2 <b>tonas</b> 115:13 142:22 199:19 209:11 211:7 272:4 <b>Tuna/Shark</b> 4:13 <b>tuned</b> 7:11 <b>Tunisia</b> 219:19 <b>Turkey</b> 219:20,22 <b>turn</b> 70:6 82:9 100:5 181:19 276:15 <b>Turning</b> 268:1 <b>turtle</b> 103:5 <b>turtles</b> 52:9 103:4 136:5 <b>tusks</b> 202:21 <b>TV</b> 224:22 <b>tweaked</b> 79:6 <b>twice</b> 85:2 <b>two</b> 6:7,11 7:11 19:2 27:19 30:14
<b>timing</b> 86:4,6,17 87:4 88:20 89:3 90:2 97:21 267:4 <b>Tim's</b> 205:10 <b>tip</b> 20:20 21:19 36:3,6,7 195:9 213:2,3 <b>tips</b> 20:3 31:7 36:17 195:12 229:19 <b>today</b> 70:1 108:6 135:2 136:12,21 138:3 148:1 181:18 189:2 195:1 207:19 227:15 228:13 233:6 234:5,19 242:3 245:10 258:7 259:15 263:4 <b>told</b> 30:6 54:19 55:1,16 58:22 93:5 222:19 <b>tolerance</b> 92:6 <b>Tom</b> 3:5 188:17 197:8 203:4,5,22 <b>Tomorrow</b> 70:13 <b>tons</b> 26:17,19 204:11 <b>tool</b> 50:5 157:17,17 189:13 194:17 234:12 244:7 275:11,15 <b>tools</b> 79:12,14 236:13,14 <b>tooth</b> 66:16 <b>top</b> 165:10 <b>topic</b> 58:5 69:6,7 <b>torch</b> 252:4 <b>total</b> 129:6 133:12 203:18 273:17 <b>totally</b> 34:16	<b>tournaments</b> 109:1 109:5 111:7,8,11 111:15,17,18,18 112:9 113:4,11,17 114:9,19 115:16 115:21 116:22 120:13,14 123:9 123:11,18 129:20 129:22 <b>tournament-spec...</b> 112:4 <b>to-do</b> 59:6 263:13 264:20 <b>track</b> 35:22 161:21 <b>tracking</b> 144:8 <b>trade</b> 135:19 136:13,19 137:4,5 137:9,10 141:12 141:14 142:22 143:8,8,9,18,18 143:21 144:3,3,20 144:21 153:16,19 154:4,5,8 155:7 155:22 156:1,3,4 156:16,20 157:19 171:7,7 184:2 187:5 188:7 189:20 190:10 192:7,10 194:14 194:21 195:13,19 204:9,13,21 205:10,11,12,21 206:18,19 207:11	<b>traffic</b> 191:22 <b>train</b> 223:12 <b>transcript</b> 1:21 <b>transcripts</b> 264:16 <b>transfer</b> 204:7,19 <b>transferred</b> 206:4 <b>transfers</b> 274:19 <b>transit</b> 60:19 <b>transition</b> 271:10 <b>translate</b> 139:13 168:5 <b>translated</b> 231:17 <b>transparent</b> 106:19 <b>transporting</b> 222:10 <b>travel</b> 134:11 <b>traveled</b> 147:5 <b>trawl</b> 67:3,8 <b>treated</b> 109:6 217:17 <b>treaty</b> 197:2 217:5 <b>tremendous</b> 169:22 <b>trend</b> 67:13 201:3 243:12 <b>trends</b> 67:9 201:1 <b>triage</b> 198:12 199:5 <b>tried</b> 145:3 177:21 <b>triennial</b> 38:1 <b>trilateral</b> 64:5 <b>trim</b> 269:18 <b>trip</b> 14:11,12 15:9 15:13 22:8,9,14		

52:9 53:8 72:2 73:3 80:5 82:5 86:13 87:2,4 92:15 93:7 100:1 110:3,16 111:3 114:7 120:3 128:14 136:21 137:11,13 147:9 152:11 165:14 179:6,9 183:15 200:16 214:9 230:14 234:4 235:19 240:20 246:13,13 254:12 257:21 273:7 <b>twofold</b> 99:9 <b>two-hour</b> 7:13 <b>two-thirds</b> 122:17 <b>type</b> 12:19 67:18 82:16 121:20 210:21 <b>types</b> 11:12 52:6 83:3 221:17	157:6 205:8 206:1 <b>undertake</b> 243:20 <b>underway</b> 105:21 106:6 <b>Underwhite's</b> 59:14 <b>under-reported</b> 243:2 <b>undoubtedly</b> 216:2 <b>unfolding</b> 38:11 <b>unfortunate</b> 59:13 85:16 <b>unfortunately</b> 78:17 238:2 243:7 250:17 <b>Union</b> 141:3 142:11 143:10,12 143:21 154:4,16 155:14,17 156:13 190:22 222:8,13 247:6,14 253:6 <b>unique</b> 271:15 <b>unit</b> 33:7 <b>United</b> 1:1 39:2 141:20 142:6 143:16,20 149:9 150:3 183:16 215:2 219:8 222:1 225:19 243:3,19 244:11 246:15 247:17 248:6,9,14 249:7,14 250:12 251:5 252:1,7 253:9 258:10 261:12 <b>university</b> 3:2 66:8 93:6 <b>unknown</b> 37:11 253:8 <b>unprecedented</b> 248:19 <b>unpredictability</b> 258:2 <b>unquestionable</b> 260:2 <b>unregulated</b> 243:2 <b>unreliable</b> 98:16	<b>unsuccessful</b> 85:7 <b>unsustainable</b> 261:16 <b>unwise</b> 63:9 <b>un-America</b> 241:20 <b>upcoming</b> 230:21 <b>update</b> 4:9,13 5:11 5:15 8:22 9:1 16:12 26:6 27:1 69:7 106:5 <b>updates</b> 243:17 265:21 <b>upper</b> 18:21 19:9 <b>urban</b> 142:2 <b>urge</b> 159:11 170:6 180:6 190:22 196:19 246:15 <b>urgent</b> 243:11 <b>urges</b> 243:19 <b>urging</b> 170:6 244:14 <b>USA</b> 168:11 <b>use</b> 13:9 23:7 34:12 153:15 156:19 169:11 198:7 226:16 236:13 244:6 270:13 <b>useful</b> 151:22 264:11 <b>useless</b> 155:8 <b>usually</b> 99:10 155:19 254:13,16 264:22 <b>utilizing</b> 99:16 <b>U.N</b> 152:5 244:13 <b>U.S</b> 53:21 64:6 124:15 134:4 140:4 141:19 142:8 150:12 163:11 166:11,20 168:2,5 170:6 185:9 190:3,16,22 191:9,13 196:3,12 196:18 198:1 201:16 204:10 205:17 206:6 210:11 212:17	217:4 218:14 221:1 223:1 224:13 226:6 230:4,6,11,15,19 238:10 239:3 240:20 241:8,16 245:4,12,17,18 250:21 254:6 256:20 257:8,13 258:9 261:17,18 270:20 272:13 275:7	<b>violating</b> 159:22 <b>Virgin</b> 124:15 <b>Virginia</b> 2:12 30:21 44:1 56:12 109:16 109:20 111:11 <b>virtually</b> 75:18 <b>vital</b> 43:19 68:11 68:20 <b>vivid</b> 98:4 <b>voice</b> 52:18 <b>volume</b> 147:2 <b>volumes</b> 239:21 <b>Vonderweidt</b> 3:8 <b>vouchers</b> 134:11 <b>vulnerability</b> 189:15 <b>vulnerable</b> 53:19 137:7 193:1,3 195:6
<hr/> <b>U</b> <hr/>			<hr/> <b>V</b> <hr/>	<hr/> <b>W</b> <hr/>
<b>ultimately</b> 37:17 39:16 86:6 172:14 <b>unacceptable</b> 187:21 <b>undecided</b> 53:22 140:18 199:2 <b>underharvest</b> 25:9 25:13,17 <b>underharvests</b> 25:7 <b>undermine</b> 251:7 <b>undermines</b> 250:15 <b>understand</b> 45:6 73:17 77:9 86:5 133:1 169:17 173:1,19 207:11 210:5 219:13 247:20 <b>understanding</b> 67:1 87:18 152:5 154:12,14 220:6 223:1 <b>understood</b> 153:12			<b>vacation</b> 85:2 <b>valid</b> 27:15 <b>value</b> 22:3 134:20 199:14 <b>Van</b> 205:17 206:19 217:3,3,15 218:10 218:10,22 <b>varies</b> 114:17 <b>variety</b> 190:1 <b>various</b> 140:20 143:20 214:7 228:15 231:22 275:13 <b>venues</b> 23:20 230:21 <b>verge</b> 233:22 236:7 <b>version</b> 135:13,16 <b>versus</b> 111:5 113:18 123:2 221:15 <b>vessel</b> 3:14 15:9,13 111:2 225:10 <b>vessels</b> 27:10 28:4 271:17 <b>viability</b> 239:11 <b>viable</b> 257:20 275:8 <b>vice-versa</b> 184:3 <b>vicious</b> 184:6 <b>view</b> 73:4,5 74:14 85:8 185:21 <b>views</b> 247:2,3,5 <b>Vince</b> 3:14 232:16 232:22	<b>wait</b> 65:1 106:3 212:10 266:10 <b>waiting</b> 267:12 <b>wake</b> 227:13 <b>walk</b> 33:8 258:20 <b>walked</b> 262:11 <b>wall</b> 178:5 262:11 <b>wallet</b> 257:3,4 258:4 261:14 <b>want</b> 13:9 23:5,21 28:16 34:15 35:3 38:13 39:17 42:3 48:22 49:13 52:17 56:17 58:11 61:22 62:10 66:9 69:11 75:21 76:2,13,13 76:20,21 77:15 80:1 91:9 93:14 95:11 96:1 100:16 103:6 107:14 108:20 109:12 111:3 116:11,18 116:20 117:16 125:1 128:20 130:5 132:8,11 133:5 137:18

138:5 142:13	<b>watching</b> 222:4	<b>weeds</b> 159:3	212:5 216:17	209:16 212:6
145:18 146:16	225:1	<b>week</b> 5:18 51:4	<b>westerns</b> 216:6	213:10,16,18
147:16 149:22	<b>water</b> 121:12	93:7 95:15 139:6	<b>wet</b> 75:13	216:17 222:3
150:7,8 152:6	211:18 256:18	148:12 149:8	<b>we'll</b> 5:5,10 8:6	223:12 227:22
159:10 160:17	<b>waters</b> 22:18 29:22	207:15,20 246:11	27:8 29:14 53:21	230:1 232:12
162:4 173:21	32:4,22 56:16,19	252:16	59:5 94:2 105:7	233:16 234:10,14
174:1,2,4 186:22	60:4,4,9,12 61:8	<b>weeks</b> 5:7 108:11	108:13 134:21	234:17 236:1
188:21 193:5,15	124:14 266:16	128:14 131:6,11	136:7 137:14	237:9 241:11
194:19 196:1	<b>water's</b> 32:11	139:5 158:10	145:9 146:11,12	245:16 248:21
197:16 198:9	<b>wave</b> 78:21 129:5	247:8	199:10 221:1,3	252:8 255:16,18
200:1 203:7	130:7	<b>weigh</b> 21:14 99:22	229:13 263:21	255:20 256:16
211:22 213:22	<b>way</b> 10:2 14:21	146:17 147:3,14	264:13,17 265:18	260:16,20 262:9
219:11 223:17	22:16 30:13,19	188:22 232:14	266:6 267:22	264:14,20 271:7,7
224:7 225:9,11,21	32:3 34:14,18	<b>weighing</b> 21:8,15	273:4 277:5	271:8,9 276:3,11
228:19 230:3,10	36:10 38:6 39:10	21:16 31:12 35:8	278:19	276:15 277:5
232:22 237:7,16	39:15,17 41:16	<b>weight</b> 9:8,9 11:6	<b>we're</b> 5:7,12 7:14	<b>we've</b> 6:10,12 8:20
245:15 247:18	42:16 43:3 44:1,2	11:13,20 12:3,5,6	13:16 18:12 20:1	13:21 18:2,4,12
253:9 256:14,15	51:11 69:9 74:6	21:11,20 42:13,18	20:18 21:2,5,6	21:7 22:21 23:20
259:18 264:5	83:2 87:17 89:6	42:19 45:9 250:22	22:15,22 27:4	29:4,4 33:9 36:19
265:16 270:20	89:19 93:11 99:18	265:22 273:17	28:9 40:15 45:18	44:20 52:21 63:6
277:1	104:7,10 111:1	<b>weighted</b> 13:9	48:3,4,8 49:1,14	96:8 102:8,16
<b>wanted</b> 8:18 10:5	115:10 132:19	<b>weights</b> 10:1,7 11:1	54:13,15 55:11	106:6 131:21
13:3 27:2 28:2	146:4 159:3	11:4,5,11 12:18	58:12 66:18 74:2	142:22 146:16
36:16 52:12 54:3	162:13 167:6	13:5,12 42:9	75:12 76:11,12	148:18 150:17
57:6 62:6 65:17	184:20 198:18	62:20,21 102:20	77:11 78:17 87:19	159:13 160:5
66:10 69:21 75:3	208:4 212:11	103:1 266:6	90:2,3,17 94:17	166:14 168:15
81:21 83:19 84:13	236:3,3 239:2	<b>Weiner</b> 3:18	95:6,9,10,17	176:2 179:19
99:22 112:6,20	241:18 262:2	173:12,12 232:20	96:20 99:21 100:4	186:5,8 187:13
114:1 142:3 146:8	271:16 272:5	232:20,21 233:2,3	102:6 103:7,19	188:9,10,16
147:7 171:16	<b>ways</b> 37:7 121:8,16	<b>welcome</b> 29:9	105:15 106:1,3	192:13 199:18
197:12 198:9,11	124:11 127:16	48:17 79:2 233:5	107:17 109:18	214:19 216:3
208:2 211:15,17	163:6 270:11	<b>Welfare</b> 242:2,6	111:5,21 112:10	224:6 234:12
213:5 220:8	<b>weak</b> 272:17	<b>well-known</b> 151:20	114:9 115:18	254:7 256:9
236:17 251:14,18	<b>weaker</b> 247:13	<b>went</b> 11:10 15:15	116:15 122:18	257:15 263:10
252:1,10 258:19	<b>weakfish</b> 210:15	15:17 17:2 26:14	131:17 132:3	264:19 265:21
<b>wanting</b> 221:22	<b>wear</b> 73:7	41:7 66:22 74:5	138:13 139:6	267:16
<b>wants</b> 156:14 226:5	<b>weather</b> 6:3,17	134:18 161:16	140:22 141:1,9	<b>whale</b> 224:21
238:8	7:11 170:20	187:18 193:21	146:5 150:18	<b>whales</b> 266:14
<b>war</b> 181:16	<b>weather's</b> 7:2	217:6 236:20	159:18,19 161:13	<b>whaling</b> 225:9
<b>warming</b> 32:4	<b>web</b> 16:11 263:22	250:19	168:16 174:15	<b>whatsoever</b> 150:6
<b>warning</b> 160:22	<b>Weber</b> 2:11	<b>weren't</b> 15:3 17:20	175:4,7 176:4,16	<b>whichever</b> 94:9
<b>wars</b> 224:21	<b>website</b> 38:2 131:7	57:4 66:17	176:17 177:2,17	<b>Whitaker</b> 2:20
<b>wash</b> 40:15	131:10 264:22	<b>west</b> 214:15	179:1 180:17	208:20,20
<b>Washington</b> 70:14	<b>websites</b> 221:21	<b>westerly</b> 36:9	184:22 185:4	<b>white</b> 195:9,11
<b>wasn't</b> 41:9 67:8	<b>Wednesday</b> 13:5	<b>western</b> 141:6	186:6 198:4 201:6	213:2,3 229:19
234:19 278:16	67:15 116:13	160:5,10 161:12	201:8,10 206:1	266:14
<b>watch</b> 224:21	<b>Wednesday's</b> 8:17	183:4 186:21	207:18,19 208:11	<b>wholeheartedly</b>

251:19	107:19 126:7,9	41:20 144:7	231:20 235:18	<b>08</b> 86:11
<b>who've</b> 235:13	127:4,10 144:9	152:22 153:19	237:13,13 241:5,6	<b>09</b> 8:9 108:8
<b>wide</b> 236:2	145:9 163:16	178:21 202:16	254:13 255:8,12	
<b>widely</b> 161:5	164:3 166:7 170:4	224:5 248:11	259:3 266:14	<b>1</b>
<b>wild</b> 136:15 260:7	182:5 189:10,22	<b>wound</b> 37:20	269:1,5	<b>1</b> 16:22 17:4 24:5
261:21 262:1	190:5 223:8 229:7	250:21	<b>years</b> 19:18 20:12	41:6,17 92:17
<b>wildlife</b> 3:11,13	236:12,13 239:3	<b>wow</b> 73:13	20:16 27:19 33:10	121:22 136:22,22
10:15 80:1 110:4	249:8 265:8 266:7	<b>wrap-up</b> 5:19 6:9	42:6,7 58:21 61:4	141:11 142:5,15
133:22 134:3	267:18 268:19	263:10	61:4 62:3 64:4	142:19 143:11
136:9 137:16	275:18 277:18,19	<b>write</b> 148:6	67:3 71:12,12,12	154:5,8,12 155:12
143:14 159:2	<b>workable</b> 79:5	<b>writing</b> 239:18	72:19 80:2 86:13	155:19,21 156:12
164:5,7,9,19	<b>worked</b> 11:8	<b>written</b> 79:1,5	87:2,4 96:10	157:2 163:18
165:2,9,12 183:14	109:22 110:4	233:4 245:8	163:19 185:6	166:13,18 167:10
183:16 184:4	130:10 163:18	251:17 253:19	186:18 187:18	168:1,16,21 169:5
204:22 217:4	191:4 209:3	259:14	188:11 201:21	169:12 172:3
245:5,9 262:19	261:21	<b>wrong</b> 72:13,14	203:18 208:7	177:10 185:18
263:1 274:13	<b>working</b> 47:1 67:11	93:20 95:10 118:6	209:11 221:14,15	190:8 196:5 204:6
<b>willing</b> 126:9 127:4	90:3 148:13 149:6	174:4 175:11	233:7,8,16 234:8	214:14,14 219:3
230:6 261:11	151:18 152:8	180:9 241:20	235:2,13 237:13	229:21 235:17
<b>wink</b> 201:17	167:16 183:7	271:6	245:3,3 247:7	243:20 247:9,16
<b>winter</b> 101:14,15	209:2 234:14	<b>wrote</b> 51:12 181:6	253:20 255:4	248:21 249:14
101:21 210:22	237:9 245:2	233:4	256:14 258:5	250:7,15,19 251:1
<b>wiped</b> 33:15	261:20 276:3	<b>Y</b>	<b>year's</b> 30:3 122:2	251:5 274:19,21
<b>wish</b> 12:3 38:14	<b>works</b> 53:4 113:1	<b>yahoos</b> 200:2	<b>year-old</b> 235:21	275:6
40:10 49:16	223:7 276:7	<b>year</b> 9:8 13:10	<b>year-round</b> 15:2	<b>1st</b> 30:16,18 49:8
<b>withdrawn</b> 187:15	<b>workshop</b> 9:22	14:17,18,21 15:6	<b>yellow</b> 120:21	277:13
<b>witnessed</b> 72:11	98:1,2	15:6 16:14 17:16	158:5 159:10	<b>1.26</b> 11:1
<b>witnesses</b> 38:9	<b>workshops</b> 39:20	17:19,22 18:8	211:7 268:5	<b>1.39</b> 35:9
<b>wonder</b> 166:19	39:21 90:10	22:11 23:2,7	<b>yesterday</b> 23:15	<b>1.5</b> 9:9,15,18 10:9
167:22	<b>world</b> 96:7 152:18	26:15,20 28:11	84:9 128:3 134:14	10:11,16,20 11:3
<b>wondering</b> 41:3	174:8 180:11	29:2,6 30:7,15	161:8	11:18 12:8,12
44:17 70:14 88:15	191:13 192:14	32:8,9 33:3,18	<b>York</b> 165:14,18,19	62:11
101:19 204:4	194:22 195:16	35:1 37:8,15	<b>young</b> 37:5 175:12	<b>1.97</b> 9:20
233:12	227:16 236:2	39:19 41:15 46:22	179:20	<b>10</b> 61:4 86:10
<b>word</b> 37:16 56:22	241:18 251:3	49:12 54:13,16	<b>yoyo</b> 268:5,7	<b>10:15</b> 105:3
57:10 93:20 127:7	<b>worldwide</b> 99:8	55:20 63:16 65:5	<b>y'all</b> 30:8 264:4	<b>10:30</b> 5:12,13
156:19 159:7	<b>world's</b> 252:14	72:17,17 76:17	<b>Z</b>	103:17 104:4
200:14	<b>worried</b> 37:2	81:2 85:2 95:15	<b>Z</b> 40:11	<b>10:45</b> 105:7
<b>words</b> 85:16 87:7	173:17 178:16	96:10 97:5,17	<b>zero</b> 162:2,2 208:8	<b>100</b> 17:7 126:4
116:4 158:2	236:16	101:8 102:22	215:18	175:4,6 176:3
244:22	<b>worry</b> 63:1 95:14	117:21 118:6	<b>Zimbabwe</b> 250:20	218:15
<b>wore</b> 55:5	202:2,14	122:13,18 124:4	<b>zones</b> 65:9	<b>100,000</b> 175:2
<b>work</b> 39:17,18	<b>worse</b> 40:1 73:1	141:7 170:9 173:4	<b>zoom</b> 175:6	<b>105</b> 4:9
68:13,15,18 76:22	97:16 185:2,3	173:8 174:22	<b>0</b>	<b>11</b> 1:15 245:3
79:2 84:4 85:5	208:14	179:2 181:7 185:1	<b>0.62</b> 11:1	<b>12</b> 92:14 118:3,6
96:21 97:14 107:9	<b>worth</b> 88:16 126:13	194:5 209:12	<b>06</b> 86:4	124:20 125:5
107:10,11,12,18	<b>wouldn't</b> 30:6			<b>12.6</b> 242:14 244:12

<b>13</b> 37:21 86:17 87:6	243:22,22 248:1,2	<b>25</b> 253:20 255:3	43:2 115:11
<b>135</b> 4:13	248:15 249:6	<b>25th</b> 277:11	129:13
<b>14</b> 102:21 183:12	275:16	<b>26</b> 37:21	<b>500</b> 179:13
<b>14th</b> 139:9 246:19	<b>2nd</b> 30:17	<b>264</b> 4:20	<hr/>
277:4	<b>2.0</b> 35:13	<b>28</b> 123:3	<b>6</b>
<b>14.107</b> 242:16	<b>2.13</b> 11:1	<hr/>	<b>6</b> 235:16
<b>15</b> 9:22 30:20 37:21	<b>2.62</b> 11:1	<b>3</b>	<b>6th</b> 16:20
61:4,17 124:13	<b>2:00</b> 147:22	<b>3</b> 8:18 25:13 29:3	<b>6,000</b> 45:11,12
204:19 206:3,8,16	<b>2:15</b> 6:8	34:20 81:20 143:5	<b>60</b> 33:10 43:7 45:13
<b>15th</b> 24:5,10,12	<b>2:30</b> 147:22	230:11 244:6,7	<b>60's</b> 33:13
58:1,1	<b>20</b> 23:8 42:6,13	266:5 274:4	<b>65</b> 240:1
<b>15,000</b> 67:3	43:9 186:18	276:14 277:12	<b>690</b> 31:13
<b>150</b> 4:18	221:15	<b>30</b> 27:7 41:11 67:3	<hr/>
<b>16</b> 6:15,22 62:3	<b>2000</b> 34:21	86:9 105:6	<b>7</b>
96:9	<b>2002</b> 66:15 242:14	<b>30-day</b> 49:4	<b>7,000</b> 28:6 117:19
<b>16th</b> 33:18	<b>2005</b> 10:3,22	<b>300</b> 6:14	<b>70</b> 117:21 203:14
<b>175</b> 135:21	<b>2006</b> 49:22 107:2	<b>304(e)(4)</b> 86:3	240:1
<b>18</b> 252:6	<b>2006-2007</b> 19:7	<b>31</b> 24:4,6 30:21	<b>70's</b> 33:14
<b>18th</b> 134:12	<b>2007</b> 19:17 20:4	<b>31st</b> 30:18	<b>72</b> 53:7
<b>19</b> 37:21 59:19	38:10 66:16 118:7	<b>33</b> 14:11 22:8 23:18	<b>73</b> 235:20 252:13
<b>19,000</b> 130:3	242:16 244:14	27:22 30:7 31:4,9	<b>75</b> 10:18
<b>1970's</b> 135:21	<b>2008</b> 13:14 18:9	31:12 32:20 45:8	<b>79</b> 236:1
<b>1981</b> 160:6	19:1,3,13 20:4	45:12	<hr/>
<b>1989</b> 250:18	27:21 41:5 86:11	<b>35</b> 184:22 185:6	<b>8</b>
<b>1990's</b> 159:17	90:7 108:7 118:8	253:7	<b>80</b> 16:18,19,20 17:1
<b>1992</b> 161:17	122:19 137:16	<b>350</b> 46:11,13	25:21 26:2,5
<b>1993</b> 38:19 187:13	181:21 182:2	179:12	29:20 43:4,6
<b>1994</b> 189:10	240:15 243:16	<b>37</b> 119:15	236:1 242:5
<hr/>	<b>2008-2009</b> 19:17	<b>39</b> 38:18	<b>80's</b> 35:19
<b>2</b>	<b>2009</b> 1:15 9:2 18:11	<hr/>	<b>81</b> 235:20
<b>2</b> 9:3 10:1,8 13:21	19:1,4,14 20:4,7	<b>4</b>	<b>82</b> 28:5
14:4,22 15:8 18:1	20:21,22 27:20	<b>4</b> 9:22 11:13 39:9	<b>85</b> 67:3 206:7
18:7 21:12 26:17	41:5,6 49:2 69:7	183:12 268:1	<hr/>
26:19 49:3 54:2	<b>2010</b> 4:4 5:8 8:10	276:5 277:13	<b>9</b>
80:4 122:1 136:22	9:3 25:4 27:5	<b>4.9</b> 62:12	<b>9</b> 10:13 98:15
137:6 140:13	28:13 34:11 47:12	<b>4.97</b> 9:9,15,18 10:8	<b>9/11</b> 132:3
144:2,18 155:13	48:4,10 58:6	<b>4:00</b> 233:11	<b>90</b> 53:7 203:14
156:3,5,12 163:18	59:10 87:2,9 89:4	<b>40</b> 122:14	<b>90's</b> 91:22 152:7
163:20 164:13	276:3,14	<b>400</b> 46:11	<b>91</b> 30:1
166:5 172:3 190:7	<b>2011</b> 34:21 90:21	<b>405</b> 122:7,16	<b>92</b> 177:22
191:20 192:5	<b>2012</b> 37:17	125:13	<b>95</b> 6:15
196:10 214:15	<b>2013</b> 37:17	<b>45</b> 27:21 46:12	
215:9,12,14,18	<b>21</b> 59:19 123:2	233:7,8 235:2	
217:6,8,13 219:2	235:21	<b>49</b> 123:1	
219:3 220:4	<b>22</b> 209:11 245:3	<hr/>	
223:18 224:8	<b>24</b> 165:6	<b>5</b>	
229:18 231:1	<b>24th</b> 18:8	<b>5</b> 4:6	
		<b>50</b> 25:9 31:13 42:21	