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HIGHLY MIGRATORY SPECIES ADVISORY PANEL

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Thursday,

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The panel convened at the Crowne  
Plaza Hotel, 8777 Georgia Avenue, Silver  
Spring, Maryland.

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C-O-N-T-E-N-T-S

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

TAPE 20

PARTICIPANT: (In progress) Look at the Council's scientific advisory process to specifically address species that were designated as an unknown status. Highly-migratory species are treated differently when they have unknown stock status in the Council process, and so that might potentially have an impact.

If you looked at treating the unknown species differently, that might potentially have an impact on the quota.

Need to address how each state affects the federal quotas. There are state catches, primarily in Louisiana, and there was some discussion on NMFS taking a more proactive stance and talking about the efforts of the shark fishery in public venues. And we need better data to support reevaluation of quotas. Is that it? Consider the timeline for making wholesale changes to management

1       scheme, given upcoming assessments.

2                   And that was kind of, you know, do  
3 we do anything now, or should we wait for some  
4 more assessments to get a better idea of what  
5 the better approach might be?

6                   MODERATOR: Good. Just from work  
7 group members, was there any points that need  
8 to be amplified, or did that capture it pretty  
9 well?

10                   All right. Let's push on to the  
11 next, go through all three summaries, and then  
12 I think open it up for questions from the  
13 larger group. So next will be permit  
14 structure.

15                   MS. GREGG: Okay. There were  
16 some--in the slides they provided us some  
17 guidelines and things to look at when we were  
18 discussing permit structure, and the first  
19 item to discuss was permit stacking, and for  
20 the most part, the group was in support of it.  
21 We identified the reasons why we were in  
22 support of it. It was obviously economical to

1 put multiple permits on one vessel. But there  
2 was a discussion of both, you know, whether  
3 you should allow permits that you already own  
4 to be stacked, or, you know, buying additional  
5 new permits to be stacked, and there was some  
6 concern about allowing people to buy some  
7 other available permits to stack rather than  
8 just using ones that were--that they already  
9 owned.

10 And the benefits of safety. We  
11 did recognize that the quota would go faster,  
12 and they decided that only, only to allow two  
13 permits to be stacked per vessel, no more, and  
14 one of the other issues to address was latent  
15 permits, how do we address or handle latent  
16 permits.

17 And one of the ideas was similar  
18 to what they've done in the councils, buy two  
19 permits to be able to stack, you know, one  
20 permit, and it was not very clear what was  
21 exactly considered to be a latent permit, what  
22 years needed to be considered, you know, how

1 long, how far back do you go. And the idea also  
2 that NMFS should by all latent permits.

3 And we did agree on, that if you  
4 did allow permit stacking, do not allow  
5 stacking of incidental permits. And there  
6 were two other questions that we didn't  
7 actually get to discussing. I think these  
8 were whether or not this would, permit  
9 stacking would disadvantage some fishermen,  
10 and what about the upgrading restrictions. We  
11 didn't discuss the upgrading restrictions.

12 But we did talk about, use it or  
13 lose it, and those were similar issues under  
14 handling latent permits. Under permit  
15 stacking. They did say that you could support  
16 the concept of using or losing it, depending  
17 on what years were being used to qualify as  
18 latent, again, that there wasn't any clear  
19 consensus on that, and there were ideas to  
20 create a permit pool and exempt the Tripack  
21 (phonetic) from use it or lose it because they  
22 might not necessarily have landings to be able

1 to justify keeping those permits. But it's  
2 not that they weren't using them. Just using  
3 them for an alternate idea. That's it.

4 MODERATOR: Good. Any clarifying  
5 points from work group members that should be  
6 folded in here? Or does that capture it?

7 Good. Thank you, Lisa. at this  
8 point we'll do the final summary which is  
9 around catch shares, and I think was it Scott  
10 and Robert who were going to come up?

11 PARTICIPANT: Okay. The support  
12 of catch shares. It seems like it's a longer-  
13 term solution. You can consider permit  
14 stacking in short term. It was agreed there  
15 would be allocation issues. Fishermen need a  
16 template for the allocation, so they could see  
17 where they stand. The state and recreation  
18 allocation schemes need to be considered.  
19 Consider transfer requirement and limits on  
20 number of shares and vessels.

21 Ultimately catch shares could be  
22 good for stocks. Consider allowing retention

1 of all dead sharks if observers were on board.  
2 Sent for catch shares. Allocation would  
3 ultimately disfranchise fishermen. There's a  
4 sharecropper concern. And there could be a  
5 race for the fish.

6 Other considerations. NMFS should  
7 take catch share money to buy out unused  
8 permits. This would reduce the effort in the  
9 fishery. NMFS should allow permit stacking.  
10 Only options discussed were state sectors and  
11 IFQs. Referendum among stakeholders or  
12 willingness to move forward.

13 That's it.

14 MR. HUDSON: Rusty Hudson, Directed  
15 shark -- the tradable commodity role is to  
16 keeping it within the fishery as opposed to  
17 outside the fishery

18 MODERATOR: That's a good point.  
19 That was definitely a topic of discussion.

20 Anyone else from the from the  
21 Work Group want to fold in?

22 So at this point, that's the

1 synthesis of the main points the group talked  
2 about. I think there were two cross-cutting  
3 themes that came up in each of those  
4 discussions. I think in each of those areas,  
5 there were comments around the need to  
6 increase the quota overall, that unless you  
7 have more quota, you're still just nibbling  
8 around the edges. With any of these, you  
9 haven't solved the problem.

10 So that was I think something that  
11 slices through all three discussions.  
12 Similarly, the need for better data both on  
13 stocks and fishery to inform these  
14 discussions, that everyone wanted better data  
15 to think through more concretely what option  
16 makes more sense, like what would work for the  
17 fishery, what might the priorities be. So I  
18 think that those ideas slice through all the  
19 discussions.

20 So at this point, I open it up for  
21 any general comments or questions from the  
22 full group around the table, folks who weren't

1 here from, for the work group, and have some  
2 thoughts to throw in or questions.

3 MS. SCHULZE-HAUGEN: I just  
4 wondered if someone could elaborate on  
5 sharecropper concern, what was meant by that.

6 PARTICIPANT: The people who will  
7 be in a relationship similar to old  
8 sharecropper relationships. People have to  
9 lease their shares, and in a lot of instances  
10 they're getting a lot less money than those  
11 fish are worth. They're leasing, so they're  
12 having to pay, and they're not getting the  
13 amount of money that the person who has the  
14 share would have, if they didn't have that  
15 situation, so--

16 PARTICIPANT: There's just one  
17 other thing, I don't know where it would fit  
18 in, maybe on the catch shares. But how about  
19 communities' viability, because it would seem  
20 like sometimes I've heard and read stuff that  
21 where you have catch shares, you know, instead  
22 of it getting spread out amongst a few,

1        amongst a lot, only a few will have it, and,  
2        you know, a lot of us have small communities  
3        that we live in, and they would feel the  
4        economic impacts of that.

5                    MODERATOR: Thanks. Anybody else  
6        before we shift to bluefin tuna?

7                    Okay. Well, thanks to all the  
8        work group members, and Lisa and Scott for  
9        presenting, and Scott, over to you.

10                   SCOTT: So the bluefin tuna group  
11        began with a couple of presentations from  
12        staff but we had a number of clarifying  
13        questions that Guillermo helped to fold in  
14        answers to. So it took a little while to kind  
15        of get into the organizing questions. Rich  
16        Ruais and Andre have agreed to co-present the  
17        results of our deliberations and I've been  
18        asked to stress that this summary really  
19        tallies up and reports individual ideas.  
20        These are not consensus recommendations, and  
21        you'll notice as we go through them, some of  
22        them are, if not mutually exclusive, at least

1 divergent.

2 So that's the important disclaimer  
3 that work group members wanted me to make.

4 So Rich, do you want to start out  
5 and Andre fold in.

6 MR. RUAIS: Yes, as long as Andre  
7 agrees to take all the hard ones and leaves me  
8 with just the easy ones.

9 SCOTT: Go ahead.

10 MR. RUAIS: And Scott, I don't  
11 remember volunteering. I remember you telling  
12 me that I was--

13 PARTICIPANT: That's a form of  
14 volunteering.

15 MR. RUAIS: But that's okay.

16 What comments and feedbacks do you  
17 have on the 2010 recreational bluefin tuna bag  
18 limit and fishery?

19 This took up quite a bit of time  
20 during the meeting, and surprisingly, both  
21 recreational and commercial fishermen  
22 participated in the process.

1                   The fish size that we were  
2                   expecting -- the slot limit that we had agreed  
3                   to was put in place, allowing, I believe, the  
4                   angling category participants. One fish in  
5                   the 27 to, 47 to 59, to 59 inch, and the  
6                   charter boats may be 59 to 70--no fish at all.

7                   (Off-mic comment.)

8                   MR. RUAIS: Thank you. Thank you.  
9                   I'm going to need help on the angling  
10                  category. I don't focus on it very much. All  
11                  I know is that I've heard many times that  
12                  commercial fishermen got blamed for devising  
13                  and putting in place the slot limit, and it  
14                  didn't work out quite as we planned. The  
15                  availability of the upper slot limit fish  
16                  decreased over the season faster than we  
17                  thought it would, and there was a greater  
18                  availability of 73 inch fish, which benefitted  
19                  both the charter boat fleet, which is, by  
20                  definition, a commercial group, and also the  
21                  regular general category permit that can keep  
22                  anything over 73 inches.

1                   So it worked out well.

2                   Andre, I'll leave you with  
3 potential improvements.

4                   MR. BOUSTANY: So potential  
5 improvements. There was some discussion that  
6 there was not enough lead time or enough  
7 communication between federal agencies and  
8 state agencies, that potentially needed to  
9 implement a lot of these changes, and there  
10 was promises to improve that, going forward,  
11 and also seek angler input on revision--oh, on  
12 the careful catch brochure. So this is a  
13 brochure, a draft brochure that the NMFS  
14 personnel had put together, looking at better  
15 ways to increase not only catch and release,  
16 but to increase survivorship post-release, and  
17 the draft was passed around.

18                   I think everyone in the room got  
19 it, and if anyone has comments on that, let  
20 the Agency people know.

21                   Definitive recreational landings  
22 information should be provided. So we saw a

1 little bit of preliminary information and this  
2 was part of, as we were discussing various  
3 ways to improve the management structure, one  
4 thing across the room was we need to see what  
5 happens with the management structure as it  
6 was this year, and so we really wanted to see  
7 those final numbers and see how well we're  
8 meeting our goals, before we decided if we  
9 wanted to stick with that or move to something  
10 else.

11 And I think just another point in  
12 regards to that was that everyone agreed that  
13 with the way the fishery is changing on a year  
14 by year basis, and a lot of times even a month  
15 by month basis, that there needs to be some  
16 dynamic structure involved with that.

17 And also in terms of that, I'm not  
18 sure if it's later on, was what time we were  
19 going to have the AP meeting next year cause  
20 there was going to be--is that later on?

21 PARTICIPANT: Yes.

22 MR. BOUSTANY: Okay; sorry. I

1 haven't seen these. So I'll leave that.

2 Generalized misunderstanding about  
3 driver and motivation for the slot limit. And  
4 so that just goes back to the communication  
5 issue. The reason that was put into place is  
6 the--even though we've been under or at our  
7 overall U.S. quota, certain sub quotas have  
8 been over, particularly the long line, and in  
9 this case the reason for the slot limit was  
10 the sport fishery.

11 So even though we haven't been  
12 butting up against our quota, certain sub  
13 quotas have been over, and then there was--  
14 that was the reason for putting in the slot  
15 limit the way it was.

16 Request a share of preliminary  
17 data soon. That goes back to us wanting to  
18 know, as soon as possible, how well we're  
19 meeting our goals in this regard.

20 And I think John brought it up,  
21 that we could use the NC catches as an early  
22 barometer, because the North Carolina season

1 is so much earlier than the rest of the year,  
2 and they're fishing on the same fish. So if  
3 you get a good cohort moving through, it's  
4 going to show up generally in the North  
5 Carolina catches quite a bit earlier, and that  
6 should give us an early indicator of what the  
7 season is going to progress like.

8 Do you want to take the next  
9 section.

10 MR. RUAIS: I think that also  
11 extended to the Virginia capes fishery as  
12 well. John Graves made the point,  
13 emphatically, that we could benefit from  
14 knowing how that, how those catch rates were  
15 going, as well, and that NMFS ought to act on  
16 it, obviously, and look to see whether there  
17 should be some adjustments for the balance of  
18 the year.

19 There used to be an industry group  
20 put on by RFA that brought in charter boat  
21 captains and private anglers from North  
22 Carolina to at least Massachusetts, and Rick

1 might a participated in it several times.  
2 Jimmy Donofreo used to put it on. And they  
3 would collectively put their advice on how the  
4 season, how they thought the bag limits and  
5 the season should run, and I think they would  
6 forward it off to Margo's office, and it would  
7 be considered as one piece of advice in the  
8 whole process, and run by the AP.

9 What ideas do you have to change  
10 the preparation of quota specifications for  
11 2011, onward?

12 I think the group recognized that  
13 where--I call it a collision course where, you  
14 know, where we're between angling category  
15 overages, and long-line bycatch, we're running  
16 against, you know, quota problems with the  
17 great reduction, in my personal view, with the  
18 great reduction in catches in the  
19 Mediterranean East and Atlantic, from the  
20 50,000, 60,000 metric ton level, down to the  
21 19,500 or 600 ton level.

22 We're going to see a lot more

1 immigration of Eastern fish into the Western  
2 Atlantic, and I'm not sure the stock  
3 assessment or quotas are going to catch up  
4 with it fast enough, putting us, putting NMFS,  
5 and the industries, in a bind as to what to do  
6 with this greater availability and  
7 catchability of bluefin tuna against quotas  
8 that are designed to rebuild a resource that  
9 was trailing off.

10 But now that one of the main  
11 problems is under control, it's going to  
12 create a domestic problem here.

13 So one of the things we looked at  
14 was on the five purse sein boats, which  
15 generally, under the full standard U.S. quota  
16 of 26/60, get 54--or 52 or 54 tons a piece.

17 MS. SCHULZE-HAUGEN: I'm not sure  
18 that's the exact number but it's close.

19 MR. RUAIS: It's close. Now,  
20 today, I know under the reduced quota, it's 42  
21 or 44 ton, forty--so anyways, the point is two  
22 of the vessels have not been used, and are

1 actually gone out of the fishery. One is in  
2 Ecuador and one is in the Gulf of Maine,  
3 that's been converted to a herring purse sein,  
4 and neither one has any intention of coming  
5 back into the fishery.

6 So those are--that's 80 metric  
7 tons of future quota that we think is  
8 available, 80 plus metric tons of future quota  
9 that we think is available for potentially,  
10 the reserve, or initially--or carrying  
11 overages as the case may be.

12 And then there was also some  
13 feeling in the room that the balance of the  
14 three quotas, that there ought to be a hard  
15 look taken at them as potential sources of a  
16 quota under potentially different  
17 arrangements, as necessary.

18 A suggestion was made, that not  
19 everybody under U.S. ICCAT delegation was on  
20 board with the reductions and the percentage  
21 of rollover for underages. First, there was  
22 a point where it was a 100 percent. You could

1 roll back everything to a 100 percent. And  
2 then we agreed to 50 percent, recognizing that  
3 a 100 percent was somewhat excessive. But  
4 there were a lot of us, a number of us, that  
5 were adamant, that 50 percent in a highly-  
6 migratory species where availability can vary  
7 from year to year, based on water temperature  
8 and a whole bunch of environmental factors,  
9 including non-environmental factors like  
10 markets, that you might not catch your quota.  
11 So 50 percent was appropriate amount.

12 But anyways, the decision was made  
13 to go with a 10 percent, and that's going to  
14 have tremendous restriction--it's going to add  
15 tremendous pressure for further restrictions  
16 on keeping the quotas to their specified  
17 level, when the specifications come out,  
18 because Margo and staff are not going to have  
19 a lot of underages to play with, given--and  
20 maybe none. In the case where we're over  
21 quota, there is no 10 percent to roll over, so  
22 you're pretty much in trouble.

1                   What more can we do to further  
2                   reduce PLL and bluefin tuna interactions?  
3                   This was Andre's, this was actually Andre's  
4                   comment, so I'm going to let him explain that  
5                   on the exam on the spacial.

6                   MR. BOUSTANY:   So there was quite  
7                   a bit of discussion on ways to reduce long-  
8                   line boat, I guess overages, in bluefin tuna,  
9                   and a lot of the longline representatives  
10                  indicated that they are not trying to catch  
11                  bluefin tuna, and trying to get away from them  
12                  because of a lot of gear problems, and then  
13                  also the overage problems based on various sub  
14                  quotas, and everything, and catch percentages,  
15                  they're not allowed to keep a lot of the fish.

16                  So they, a lot of times, try to  
17                  get away from the bluefin, but it's not always  
18                  easy, and their positions are not always  
19                  predictable.

20                  One thing that we discussed was  
21                  looking at the longline bluefin catch data at  
22                  a finer spatial and temporal scale, to see if

1 they are spatially or temporally aggregated.  
2 So if you make a set and you catch several, or  
3 a number of bluefin tuna, is the next set in  
4 that same area, or also a close area, is that  
5 also likely to catch a lot of bluefin tuna?  
6 If so, that might give a reason to instigate  
7 a, move on, rule. So if you make a set and  
8 you catch a number of bluefin tuna, you have  
9 to move a certain distance for a certain  
10 period of time, just to get away from that  
11 aggregation of bluefin tuna, the thought there  
12 being that bluefin tuna are of course  
13 schooling animals, they're not like turtles,  
14 so they may be spatially, temporally  
15 aggregated, and that may be one way to get the  
16 bluefin catches down on longline vessels.

17           Employ multiple options and  
18 establish a midyear checkpoint. So this was  
19 that there was--there were a lot of  
20 suggestions on ways to reduce longline bycatch  
21 of bluefin tuna, to try to get them at or  
22 under their sub quota level, and none of these

1 were a silver bullet. So one of the  
2 suggestions among the whole group was to  
3 instigate a lot of different things, see  
4 what's working, see what's not working, and  
5 then move on from there, especially, as I was  
6 saying before, a lot of these things are  
7 changing year by year and month by month, and  
8 so it may be another case where you have  
9 dynamic management measures in place.

10 Adopt mandatory weak hooks  
11 regulations for the Gulf of Mexico. I think  
12 it's been fairly widespread, that people are  
13 looking at the preliminary results from the  
14 weak hooks experiment, positively. There's  
15 still a lot more work to be done. But from  
16 the industry at least, it seemed as though  
17 they were very receptive to the weak hook,  
18 both in terms of not decreasing the catch rate  
19 in the Gulf of Mexico of yellowfin tuna, but  
20 potentially decreasing bluefin tuna  
21 significantly.

22 And so that this, I think, was

1 actually put forward by industry, that they  
2 would be willing to go to full weak hooks in  
3 the Gulf of Mexico to reduce bluefin tuna  
4 bycatch. There was also some comments brought  
5 up, that maybe this program, or at least  
6 preliminary study programs could be expanded  
7 outside the Gulf of Mexico. But there was  
8 some concern that the size, distribution  
9 difference between the target catch and the  
10 bluefin tuna bycatch is not a large in other  
11 areas, that the size of the animals is not as  
12 large in other areas as it is between  
13 yellowfin and bluefin tuna in the Gulf of  
14 Mexico.

15 And so putting a weak hooks system  
16 in place in some of these other areas may  
17 significantly decrease the target catch rates  
18 while not significantly decreasing the bluefin  
19 tuna catch rates, just because there's not as  
20 much difference in the size in these other  
21 areas.

22 Contact weak hook manufacturers to

1 alert them of pending actions. This is just  
2 to get them some lead time, so that if we do  
3 start to instigate some of these rules, and  
4 there's a big demand for these weak hooks,  
5 that they can ramp up manufacturing of them in  
6 enough time to get them out to the people on  
7 the boats, and to be used.

8 Establish bluefin tuna bycatch  
9 caps by area. And there is--a little bit of  
10 this is in place, I guess, but there's  
11 essentially broken down into three areas as it  
12 is--the north, the south. The south is mostly  
13 Gulf of Mexico and then the NED. NED has a  
14 little bit of different regulatory structure  
15 from the other areas, just in terms of having  
16 kind of a sub quota, as it were--I don't know  
17 how you would describe it--and then the north  
18 and the south areas have different regulations  
19 according to the amount of target catch you  
20 need on board to keep a certain number of  
21 bluefin tuna.

22 So maybe by splitting up bycatch

1 caps by area, that would give the managers  
2 more flexibility in designing specific bycatch  
3 reduction strategies for each of these areas,  
4 independently.

5 MR. RUAIS: On that last point,  
6 just to explain it further, several years  
7 back, our negotiators at ICCAT, for a long  
8 time industry had argued that there was U.S.  
9 pelagic longline performance, clearly over the  
10 years, east of the 45 degree line, and the  
11 committee felt strongly, I think, that we  
12 ought to get credit for that, and for a number  
13 of reasons. One, to get a little bit more  
14 quota, but, two, to establish and further our  
15 claim that we had a legitimacy in demanding  
16 conservation performance in the Eastern  
17 Atlantic, because we participated in that  
18 fishery.

19 And when we came back home, that  
20 area, the actual language was 25 metric tons  
21 to be caught in the vicinity of the 45 degree  
22 line, and it got extended to include the

1 entire NED, and without the incidental catch  
2 provisions applying, but which still count as  
3 bycatch.

4 If there's an observer on board,  
5 for example, it certainly gets reported at  
6 that point in time.

7 So anyways, we moved on to advice  
8 for in-season management of the 2001  
9 recreational fishery, and some of our southern  
10 colleagues reminded us that January 1 was  
11 right around the corner, and that if we were  
12 to be looking at changing bag limits and doing  
13 something about the slot limit, that we ought  
14 to be--and our northern colleagues were also  
15 very in tune with the issue--that we ought to  
16 take a look at the southern fishery to make  
17 sure that it's not--we don't run into the  
18 problem of all of that size category, of  
19 angling category fish being caught up prior to  
20 everybody having some reasonable shot at that  
21 fishery.

22 The next--is there another one?

1 Thank you.

2 MODERATOR: Okay. It was  
3 mentioned, I think, in passing, but there was-  
4 -related to the point that Rich just brought  
5 up, this last point four is sort of extra  
6 credit. It wasn't really on the agenda for  
7 the work team, but people were very mindful of  
8 needing to be proactive and anticipate what  
9 needs to happen next.

10 And to that end, there was a very  
11 strong recommendation that these conversations  
12 begin soon, that the advisory panel meeting be  
13 convened earlier in the calendar than it was  
14 this spring, and obviously there are reasons  
15 why it was scheduled for the dates we took in  
16 May.

17 And that there might need to be  
18 some interim conversations, either before or  
19 just after the advisory panel meeting, to just  
20 keep this issue moving well.

21 The observation was also made,  
22 that in general, this conversation, not just

1 at the work team yesterday, but in May, and  
2 going forward, the Agency's actions--that was--  
3 -it was an exercise in adaptive management but  
4 it was pretty effective, all in all, even  
5 though the very first bullet was it didn't  
6 work out as planned, all in all, it was a  
7 pretty effective approach, and there was  
8 recognition and appreciation for that.

9 Any other comments from members of  
10 the work team, points we did not highlight?

11 Gail.

12 PARTICIPANT: It's not points you  
13 didn't highlight. Are you ready for comments  
14 for--just on the bullets?

15 MODERATOR: Yes. Exactly. I  
16 wanted to first, just ask members of the work  
17 team if there are points from the conversation  
18 that we didn't cover, and, you know, give a  
19 chance for that, and then additional comments  
20 are welcome.

21 Andre.

22 MR. BOUSTANY: Yes. Just one

1        thing that I had briefly mentioned but didn't  
2        go into, it wasn't--didn't end up being up  
3        there, was we had talked about the timing of  
4        the next AP meeting and when that was going to  
5        be in relation to the start of the bluefin  
6        tuna season, and when the regulations--in  
7        order to increase the communication between  
8        the Agency and various state agencies and  
9        fishermen, and everyone else, that we wanted  
10       to provide the maximum amount of lead time  
11       before putting in the next round of measures.

12                    And there was some talk, that if  
13       the AP meeting was not going to be early  
14       enough in the year next year, perhaps  
15       something like a phone call, a conference call  
16       to discuss these with various industry, and  
17       other interested parties, just in order to get  
18       these regulations in place as early as  
19       possible.

20                    And that goes back to we didn't  
21       really know how well the management structure  
22       we had this year was working. It looked like

1       it was working well in terms of meeting our  
2       goals, but the data are very preliminary and  
3       we were going to get better data, I think it  
4       was promised some time in January.

5                   And so after those data are  
6       collected from the LPS and other groups, we  
7       could look and see how well we had met our  
8       goals, and that would give us a better idea,  
9       moving forward, of what we need to do.

10                   MODERATOR: Great. Thanks.

11                   Okay. So the cards I saw up,  
12       Gail, Ellen, Pat, Andre, you have just covered  
13       it, Rom and Tom. Gail.

14                   GAIL: Thank you. It was Ken  
15       Hinman who had the comment about the spatial  
16       and temporal movement to avoid bycatch, and  
17       speaking for my area, cause I really don't  
18       know enough about other areas, for marine  
19       mammals--and I have to tell you there's whales  
20       up there that are really enjoying swordfish  
21       bellies. Anyway, you have to move for those  
22       You can avoid those spatially.

1                   Turtles are often temperature,  
2                   mostly temperature-related. You can avoid  
3                   those. Bluefin. You do not know when they're  
4                   going to arrive, and unfortunately, they seem  
5                   to like the same water, the same little eddies  
6                   as swordfish do.

7                   You can go to another eddy but  
8                   last year, for example, it seemed to have been  
9                   a big enough group of bluefin, that they just  
10                  saturated the place. I don't know this. This  
11                  is what was reported from the boats.

12                  So I don't think that on the Grand  
13                  Banks, the spatial and temporal hot spot is  
14                  going to work, cause hot spots are moving.

15                  If somebody else has some good  
16                  ideas, I'm willing to pass them along.

17                  MODERATOR: Thanks, Gail.

18                  Ellen.

19                  MS. PEEL: Relating to bycatch  
20                  reduction in the longline fishery, we included  
21                  the bycatch cap in the Gulf of Mexico, the  
22                  southern part. That fishery is already a

1 bycatch fishery, an incidental catch fishery.

2 I guess--I don't think we  
3 discussed how that would interact, or what we  
4 would do. Would this be a more restrictive  
5 limit on that incidental catch since that's an  
6 incidental fishery? Or not? But I think we  
7 need to look at, you know, how this impacts  
8 the current regulations on the incidental  
9 landings of bluefin in the Gulf, which we  
10 certainly want to be reduced, or I should say,  
11 my interests want them reduced.

12 MODERATOR: Right. I would say  
13 that this point was not really elaborated in  
14 great detail. Rich, you wanted to jump in  
15 real quick.

16 MR. RUAIS: Yes. I thought it was  
17 addressed to the extent that we suggested that  
18 the weak hooks be expanded to mandatory--or  
19 that there be consideration of extending the  
20 weak hooks to mandatory participation, which  
21 would further reduce the bycatch of,  
22 certainly, of the bluefin, and maybe some

1 other large species of interest, of interest  
2 to Ellen.

3 But I thought that was part and  
4 parcel of the weak hooks statute.

5 MS. PEEL: You're right. That  
6 should take care of, hopefully, a large  
7 portion of the bluefin. It's just those  
8 marlin we got to work on.

9 MODERATOR: Okay; thanks. So the  
10 queue has grown a little bit. I have Pat,  
11 Andre, Rom, Tom, Dewey, Margo.

12 Pat.

13 MR. AUGUSTINE: Thank you. Back  
14 to a comment that Vince made yesterday when we  
15 discussed about the weak hook. In my earlier  
16 career, I worked for General Electric and we  
17 did a lot of experimental stuff, and I recall  
18 an elliptical testing device that we used,  
19 because of the variability of action of a  
20 product that we were developing, and I  
21 suggested it to our gentleman here who gave  
22 the presentation on the results of the weak

1 line, whether or not we could suggest that the  
2 manufacturers redesign their testing equipment  
3 so the--and again, Vince, I don't know how  
4 many yards, or distance that a tuna goes  
5 before it changes direction, but I think a  
6 suggestion to the manufacturer would be to  
7 redesign their testing equipment, instead of  
8 just a down-pull, which is what they typically  
9 test, to an elliptical testing device whereby  
10 it'd pull in different directions at different  
11 times around that.

12 And I think it's an important  
13 thing to consider because of the variability  
14 of how these animals react when they're  
15 hooked.

16 So that's just an aside, not to  
17 let you know that I worked in an experimental  
18 place earlier.

19 MODERATOR: Go ahead, Vince.

20 MR. MONTELLA: One thing everybody  
21 has to keep in mind is that the experiment was  
22 based on the fact that today they fished with

1 the strong hook and the next day without it.  
2 So the comparison was made that there was so  
3 much bycatch--you know, the difference between  
4 this hook and this hook from day to day.

5 So what I was trying to say was  
6 that, you know, the main line played more of--  
7 had more effect on the results--a line without  
8 a--you know, a pelagic longline is not  
9 designed to have 173 pounds of pressure on it.

10 Their experiment is right on,  
11 dead on, given the fact that they did it on  
12 Tuesday and Wednesday with the same main line.

13 If I went out there with a new  
14 vessel with new main line, their experimental  
15 hook would be ineffective. But given that  
16 they use an existing vessel, existing main  
17 line, the results are spot on.

18 MODERATOR: Got it. Dan. I think  
19 Dan or your colleague, one of you two.  
20 Charlie, Dan, go ahead. Can you use the mic,  
21 Dan.

22 DAN: Yes, the gear--the

1 experimental and treatment hook was actually  
2 altered on the main line, every set, so every  
3 other hook had an experimental, and every  
4 other hook had a control. And that's the  
5 reason why we try to included as many vessels  
6 as possible, because you're absolutely right.  
7 The condition of the main line, such as knots  
8 on the line, everything, could have an effect,  
9 and the whole goal to this experiment is to  
10 anticipate what we expect to see within the  
11 fishery.

12 And so we included as many vessels  
13 as possible. We put bids out for as many  
14 vessels as we could. So far, we've been able  
15 to get five vessels to participate in the  
16 experiment, and we used the gear they were  
17 normally using, so as far as how many knots  
18 they would normally have on the main line,  
19 that's what they had.

20 And we tried to go as broad a  
21 spectrum of the industry as far the different  
22 cultural user groups as possible, to try to

1 get a good representation of the fishery.

2 MODERATOR: Thank you.

3 DAN: So yes, those factors are  
4 important as far as condition of the main  
5 line, how many knots, how close the hooks are  
6 together, does one snap come into contact with  
7 another snap. But we tried to get a good  
8 representation of the Gulf fishery.

9 MODERATOR: Okay. Thanks, Dan.  
10 Andre, were you finished, or did you have  
11 more? Okay.

12 Rom.

13 MR. WHITAKER: Yes, and I'm  
14 speaking in reference to number four up there.  
15 Just keep in mind, and that is in reference to  
16 the 2011 season, that traditionally, the  
17 fishery off North Carolina has been 48 inch  
18 fish and over. So please keep that in mind  
19 when you're talking about slot limits or  
20 whatever we're going to do for that.

21 Thank you.

22 MODERATOR: Thank you very much.

1 Tom.

2 MR. DEPERZIA: I have several  
3 comments. The first is just a clarification.  
4 Somewhere in that list it mentions bag limits,  
5 charter boats. It helped charter boats in  
6 terms of booking trips, not necessarily  
7 catching more fish, because it was easier for  
8 us to book a trip rather than saying we could  
9 catch one fish. Having a two fish limit  
10 allowed us to book more trips.

11 I also want to comment that the  
12 slot limit really hurt the charter business in  
13 the fact that the few fish we did catch, and  
14 having to fight them for several hours, and  
15 then having to release them, customers were  
16 very disappointed, and commented that they  
17 might not be back next year if we have a slot  
18 limit.

19 Now it's my feeling that we're not  
20 going to have the problem next year. I don't  
21 think the catch is going to be that high this  
22 year, and so I don't think we're going to go

1 over quota. That's just my personal feeling.

2 And so I would, you know, any way  
3 possible, I think we should eliminate the slot  
4 limit, if possible, next year. I just wanted  
5 to get that out early because I think it's  
6 very important to the charter industry.

7 And I also would like to see next  
8 year--I know it kind a died last year--but in  
9 the coming year, I'd also like to reexamine  
10 the possibility of charter boats being able to  
11 catch both angling category fish and general  
12 category fish in the same trip.

13 I think we're going to see a lot  
14 more 73 plus fish next year, and I don't see  
15 any reason why we shouldn't be able to  
16 participate in the catch of those bigger fish,  
17 and so I'd like to be able to see us catch  
18 both giants and angling category fish on the  
19 same day.

20 MODERATOR: Thanks, Tom.

21 Dewey.

22 MR. HEMILRIGHT: Dewey Hemilright.

1 Talking about the spatial and temporal  
2 movement spots for bluefin tuna. Off North  
3 Carolina, a boat will leave off North Carolina  
4 to go out to go sword fishing or something.

5 This past winter, you know, they'd  
6 call and see whether a charter boat caught the  
7 bluefins. You get above them, 30, 40 miles,  
8 get out of the way where they don't think  
9 there's no bluefins. They'd sit. They've have  
10 interactions with bluefins. Most of them, if  
11 there wasn't nothing else, you know, it  
12 depends on the level of interaction, then  
13 they'd probably just go back home, because off  
14 North Carolina this year, you know, a lot of  
15 guys would go out, maybe make one sit, and  
16 then turn around and go back to the dock  
17 because the damn bluefins were so thick all  
18 over.

19 I mean, it'd be 60, 70 miles of  
20 bluefin tunas, and God, you know, you can't  
21 make it on catching bluefin tunas.

22 So I was just saying, you know,

1       it's the guys will go out and make a sit in  
2       their small boats, make a sit, see some  
3       bluefin tunas and then go back to the dock,  
4       because they just--you go there to sit, and  
5       all of a sudden, you know, you wouldn't think  
6       there would be no bluefins or nothing around,  
7       and you're 30-40 miles away from everybody,  
8       and it'll just be bluefins. So a lot of  
9       bluefin tunas out there.

10                MODERATOR: Thanks, Dewey.

11                Margo.

12                MS. SCHULZE-HAUGEN: I was going  
13       to respond to Ellen's question about the--I  
14       don't know who proposed the regional bycatch  
15       cap, I don't remember who it was that said it,  
16       but, in general, when you have a bycatch cap,  
17       it is the total of bycatch for that group. So  
18       a regional bycatch for the Gulf of Mexico, the  
19       regional bycatch cap would be adding up all of  
20       those incidental bluefin that were being  
21       caught.

22                So right now, what we have is a

1 little bit like a recreational bag limit, but  
2 for a commercial longline fleet. Each boat,  
3 you know, according to poundage, gets to keep  
4 a certain number of bluefin. We don't have a  
5 situation where we add up all those individual  
6 catches, and then have a limit, and that's  
7 what a regional bycatch cap is, in general  
8 terms, however, whoever proposed this might  
9 have their own thoughts about it.

10 So that would be a way of  
11 separating out, if one region were having more  
12 retained bluefin than another region, so if  
13 you caught a whole bunch of fish in the Gulf  
14 of Mexico, the folks fishing in other regions  
15 could continue. If they hadn't met their  
16 regional bycatch cap, they wouldn't be  
17 punished, because a lot of bycatch is  
18 happening somewhere else.

19 So that's the sort of general  
20 idea--

21 (End of tape 20)

22 TAPE 21

1 MS. SCHULZE-HAGEN: (in progress)

2 temporary use of that quota, or was that  
3 discussed as a permanent?

4 MR. STONE: And maybe I'll say  
5 something smarter, something that won't get me  
6 in trouble anyway. It was actually discussed  
7 in both contexts, either in or out of the  
8 meeting. In the meeting, it was discussed  
9 that -- frankly, I'm surprised that the Agency  
10 hasn't approached the White Dove and the Ruth  
11 & Pat owners, and said, What are your  
12 intentions? They're displaying no attempt at  
13 fishing effort, have no capacity to  
14 demonstrate purse seine fishing effort, as far  
15 as I know right now, beyond transferring their  
16 quota to another purse seine vessel.

17 On the other hand, the remaining  
18 three vessels are in the water, do have nets,  
19 one of them has made a set as recently as last  
20 year, or the year before. I'm not sure. It  
21 was within one of the last two years, made a  
22 set, continues to spend considerable resources

1 on airplanes to locate sufficient assemblages  
2 to warrant sending a purse seiner out to  
3 capture it, and then, in some informal  
4 discussions among some of us, on the balance  
5 of the three votes, there was some discussion,  
6 in the meantime, of potential arrangements for  
7 some of the quota from two of the other boats.

8           You'll recall, some years back,  
9 the Agency was approached -- I personally  
10 don't work for the seiners anymore -- but the  
11 group approached NMFS, and in the interest of  
12 attempting to be able to transfer their quota  
13 outside of their category. You'll recall  
14 that, I'm sure, or your predecessors will  
15 certainly. I don't think it was that long  
16 ago. I think it was with you, that we -- if  
17 not, Chris Rogers would certainly remember it,  
18 and Bill Hogarth would remember it, that we  
19 wanted -- right now, the purse seine quota is  
20 transferrable only amongst themselves, among  
21 the five vessels.

22           If they had the option to transfer

1 the quota outside of the category, they could  
2 transfer it, you know, presumably the two--all  
3 three of the quotas, assuming that you do  
4 something to finalize the disposition of two  
5 of the historical quotas, fishermen, that have  
6 gone, are out of the fishery. One's a tugboat  
7 operator, one's retired in Florida, and there  
8 are no vessels to collect those -- to utilize  
9 those quotas.

10 So, right now, I think you're just  
11 putting their fish in reserve, and using it  
12 maybe as you see fit.

13 MS. SCHULZE-HAUGEN: Just to jump  
14 in on that, no, actually, we're -- the  
15 allocations are set in the FMP, and so we're  
16 talking about a permanent reallocation of, you  
17 know, some of the vessels. That would be an  
18 FMP amendment.

19 MR. STONE: Okay. Well, the  
20 thought there was that two of the vessels, you  
21 should begin considering. I think that was  
22 the thought, and if there are panel members

1 that disagree with me, at least that's how I  
2 was looking at it, was two of the vessels that  
3 are completely inactive, and what I consider  
4 to be out of the fishery, there ought to be  
5 consideration of consolidating, if NMFS is  
6 making the assumption that those two go,  
7 remain in the purse seine category, and the  
8 remaining three vessels get a proportion, the  
9 fishery would certainly like to know that  
10 because there's an opinion that suggests  
11 that's not what is currently needed at this  
12 point in time.

13 But in terms of the temporary  
14 notion, yes, the word sunset has actually been  
15 used. If you could make an arrangement,  
16 temporary as it may be, you could, on two of  
17 the other three operators -- one is clearly  
18 showing effort, and intention to catch the  
19 fish, when they're available. Obviously, if  
20 they're not available, it doesn't make sense  
21 to put a boat out there. It hardly makes  
22 sense to fly the airplane at whatever cost

1 that is per hour, which is fairly steep these  
2 days.

3 So it's both temporary and  
4 permanent. Permanent on two, which requires  
5 your plan amendment, and potentially temporary  
6 on three, or whatever other proposals come up.

7 MODERATOR: Thank you. A good  
8 question, good explanation. I have Ralph and  
9 Pat.

10 MR. PRATT: Rich and I have had a  
11 little discussion on this, and I think we  
12 disagree, to some extent, of what defines an  
13 active purse seine vessel. Obviously, two of  
14 them are inactive because the boats don't  
15 exist. However, because we have a single  
16 owner that owns a permit for three seiners,  
17 and elects to send one out once in a while,  
18 does that mean the other two are active purse  
19 seine vessels?

20 And I think that's where I  
21 disagree with Rich. I see an opportunity for  
22 an FMP to make a permanent reallocation from

1 four boats. I believe the one vessel that has  
2 exhibited some activity in the fishery  
3 continues to do so, even this year.

4 Even though they've been  
5 unsuccessful, as Rich mentioned, they've put  
6 the boat in the water, they've put the nets on  
7 the boat, it's gone to sea, it's tried to  
8 catch fish, it spent a fair amount a money in  
9 aerial survey work. I would call that as an  
10 active vessel. But I don't think the other two  
11 are active. They're active in other  
12 fisheries, but not bluefin tuna purse seining.  
13 Thank you.

14 MODERATOR: Thank you. Margo, you  
15 had follow-up right now? Or no? Go to Pat?

16 Pat.

17 MR. AUGUSTINE: Well, that debate,  
18 it applies to all fisheries, that people are  
19 not using their permits. So in order, I  
20 think, to make the determination that the two  
21 vessels are completely out of the fishery,  
22 never to be seen again, the question would be,

1 were they permits issued to a vessel? If they  
2 were issued to a vessel and the vessel no  
3 longer exists, it would seem to me that the  
4 permits would be terminated in some form.

5 Now, if they're issued to a person, it would  
6 seem to me they have the -- they don't have --  
7 "use it or lose it." That's the way we're set  
8 up. They were issued permits. So it would  
9 seem to me that those that are tentative in  
10 fishing, your description, that one out of  
11 three are fishing, I think it's the  
12 prerogative of the person the permit's issued  
13 to.

14 And here again, it's a matter of  
15 if we're going to take a movement on this,  
16 we've got to go back and start developing a  
17 new FMP. But I think there are steps that  
18 have to be taken before that.

19 Initial contact of those two  
20 vessels that basically appear to be out of the  
21 fishery completely. If they're out, and the  
22 FMP says that it's issued to a vessel, then it

1 would seem to me the vessel permits are  
2 eliminated. So that would seem to be a first  
3 step.

4 If, in fact, the permits were  
5 issued to individuals, it would seem to me we  
6 have to make a determination whether they have  
7 any interest, in writing, to ever use them  
8 again. If not, then it would seem to me  
9 they'd come back to a common pool, and we'd  
10 still have to develop an FMP.

11 But there are two or three steps,  
12 I believe, that you folks should look at  
13 first, before we even talk about eliminating  
14 and saying they're not in the fishery. I  
15 think that's the way the law's written and  
16 that's the way the FMP is written.

17 So I don't think I need to be  
18 corrected on it, but if I have to be, please  
19 correct me. But that's the way all our other  
20 plans work.

21 MS. SCHULZE-HAUGEN: I believe the  
22 regulations talk about a purse seine vessel as

1       opposed to a specific vessel, and there have  
2       been some changes in vessels. So it's not  
3       quite potentially as clear-cut as you might  
4       have -- in that scenario.

5                   MR. STONE: Also this is somewhat  
6       dated information. I haven't looked at it in  
7       years. But when the issue came up, seriously,  
8       seven or eight years ago, the allocations are  
9       issued to the corporations. As long as the  
10      corporation is in existence, it gets an  
11      allocation. No, I'm sorry. The permit. I'm  
12      sorry. I completely misspoke.

13                   The permits are issued to the  
14      corporation. The allocations are issued to  
15      the vessel. If there's no vessel, there's no  
16      vessel to be allocated fish to. If there's a  
17      corporation, the permit still exists.

18                   MODERATOR: Okay. Good  
19      discussion. We need to kind of move on to the  
20      next agenda item. Margo, you have a question  
21      or two?

22                   MS. SCHULZE-HAUGEN: I have more

1 questions. I'm sorry.

2 MODERATOR: That's fine.

3 MS. SCHULZE-HAUGEN: I wanted to  
4 ask a couple of questions on the specifics  
5 that you talked about for pelagic longline  
6 interactions, particularly the idea of "move  
7 on," the "move on" rule. What sort of  
8 mechanisms were you envisioning for that, and  
9 then also what sorts of data sources?

10 And in thinking about the  
11 practical application of that, in terms of the  
12 information that we have in realtime,  
13 currently, under our current data collection,  
14 observer data comes in fairly quickly but on  
15 a quarterly rate. Log books come in  
16 throughout the year. We don't get them.  
17 Final quality control, until much after the  
18 season.

19 So what were you thinking in terms  
20 of what information we would be using, and  
21 then is this an in-season action? I mean,  
22 what's the mechanism you were thinking -- and

1       then I guess I'll just throw out my other  
2       question at the same time.

3                   In terms of bycatch caps, the  
4       discussion about you reach a bycatch cap,  
5       you're done. What does that exactly mean?

6                   Were you thinking those boats go  
7       home, and so when the yellowfin and swordfish  
8       fisheries are limited by quota, those boats  
9       stop catching them? Or does it mean that all  
10      the bluefin that are caught after that point  
11      become discards?

12                   And so just trying to get a sense  
13      of what you were all thinking in terms of how  
14      this would work.

15                   MODERATOR: So Andre I think can  
16      comment on the first question. Margo --  
17      perhaps you can comment on the second  
18      question. Andre.

19                   MR. BOUSTANY: Yes, Margo. As far  
20      as the "move on" rule, I think it was more  
21      like a brainstorming. We were just looking  
22      for any possible way to decrease bluefin tuna

1 interactions on longlines. So we didn't  
2 really have a good plan as to how that would  
3 be implemented. I think Ken brought up the  
4 fact, that in order for that to work, he would  
5 need observer coverage on the boats, and that  
6 was one of those, you know, things where that  
7 would happen on the water.

8 The observer would say, you know,  
9 you've caught X number of bluefin on a set,  
10 you have to move X number of miles away.

11 But, you know, and like I said, I  
12 was just brainstorming. But hearing from some  
13 of the industry representatives, especially  
14 what Dewey had to say, it sounds like they've  
15 implemented their own "move on" rule to a  
16 certain extent. If you start getting into the  
17 bluefins too thick, you want to get away from  
18 them anyway.

19 So I don't know how that could  
20 possibly work with, you know, just using  
21 logbook and observer records. I think there  
22 would need to be either an observer on the

1 boat, or just a, you know, based on the honor  
2 system out there, if you didn't have an  
3 observer on the boat. But it sounds like they  
4 may be doing that anyway. So I don't know.

5 MODERATOR: Thanks, Andre. Margo,  
6 do you want to "weigh in" on the second  
7 question.

8 MS. SCHULZE-HAGEN: I'm trying to  
9 think fast here, from the general to the  
10 specific. But it's a fair question. If you  
11 actually act on some of our ideas, you have to  
12 not just kind of spin them off over a beer but  
13 think more concretely.

14 Yes. So regional bycatch caps, in  
15 general, it's based on the idea that you have  
16 some complete amount of bycatch that you're  
17 trying to allocate fairly, just the same way  
18 that you allocate target catch. So  
19 presumably, when we reach out ICCAT quota, we  
20 stop fishing and everyone goes home, and we'd  
21 like, before that happens, to have the fish  
22 kind of divided up fairly, between the people

1 that are fishing.

2 And so bycatch, if you allocate  
3 bycatch by using a cap, it would presumably  
4 work in the same way. And then you have a  
5 number of decisions to make as to how that  
6 happens. And since bycatch for bluefin tuna  
7 under ICCAT is really catch, I mean it counts  
8 towards our quota, to me, this example seems  
9 like a good one for this way of managing  
10 bycatch.

11 You would have to decide, if you  
12 had an overall bycatch cap, it sort of fits  
13 within the sub-quotas. Presumably, you could  
14 say when the pelagic longline sub-quota  
15 finishes catching its allocated amount, then  
16 you're done fishing. Of course, because it's  
17 incidental, it gets more complicated than  
18 that, because they're also catching swordfish,  
19 and yellowfin, and other things.

20 But that's how it works, in  
21 general terms.

22 You could also, if you made

1 regional bycatch caps, you could say, okay,  
2 well, the Gulf of Mexico guys, they already  
3 caught all the bycatch they're allowed, and if  
4 we allow them to continue fishing, that means  
5 other pelagic longliners are going to have to  
6 stop fishing sooner. So when they finish  
7 catching their allotted amount of bycatch in  
8 the Gulf of Mexico, they're done. They stop  
9 fishing.

10 But, again, you could also decide  
11 to make those discards, and not stop people  
12 from fishing, because they're also catching  
13 yellowfin and swordfish.

14 If I lay Oceana's perspective on  
15 this, I mean, I don't think -- we're, in  
16 general, in favor of hard bycatch caps. They  
17 use them in the Pacific in a lot of different  
18 fisheries, and they work pretty well. I don't  
19 know, in this case, if you'd want to -- there  
20 is, you know, deciding whether you want  
21 discards or whether you want people to stop  
22 fishing, and there's deciding whether it makes

1 sense to have it regional or not regional.

2 But I do think the general concept  
3 is worth pursuing, and I don't know --  
4 hopefully, that explains things a little bit.  
5 Just to make an analogy, because it gets sort  
6 of complicated. Having a discard limit in the  
7 Gulf of Mexico, right now, is like saying that  
8 everybody gets one piece of cake, and having  
9 a bycatch cap is like saying, look, the cake  
10 has ten pieces and when those pieces are gone,  
11 we're out of cake.

12 So it sort of reconciles that  
13 individual limit with our collective goal,  
14 rather than just kind of saying, hey,  
15 everybody gets a piece of cake, and then  
16 somebody shows up and there's no more cake,  
17 and they're like "What's the deal with that?"

18 So I guess that's pretty much all  
19 I have to say on that. Obviously, you'd have  
20 to work out the details of how people decided  
21 they wanted to handle that.

22 MODERATOR: Thank you, Shana.

1 Margo. Sorry. Shana is next. Sorry.

2 MS. MILLER: I just wanted to  
3 follow up on the bycatch cap issue. I think my  
4 understanding of how that would work in the  
5 Gulf of Mexico, certainly, if you were to say  
6 that no more bluefin could be retained, that  
7 would totally defeat the purpose, because  
8 chances are, you'd still be having high --  
9 well, not high -- but you'd still have post-  
10 release mortality of those discards. So I  
11 think that would kind of be counterproductive,  
12 because you would not only hurt the fishermen,  
13 but you wouldn't be getting the positive  
14 impact on the fish.

15 So, you know, what would happen is  
16 that you would have a fleetwide number, and so  
17 that provides a disincentive to the fleet,  
18 because you don't want to be like "that guy"  
19 that put you at the cap, and -- yes, you  
20 wouldn't want to be the one to eat the last  
21 piece of cake.

22 But when that cap were reached, if

1       it were reached, whatever it would be set at,  
2       that the whole fleet would have to go in, and  
3       that could be done, you know, via an emergency  
4       action like you've done with the oil spill,  
5       that, you know, as of 6:00 p.m., you know, the  
6       longline fishery in the Gulf of Mexico is  
7       closed until -- you know, whether it be closed  
8       for three weeks or whether it be closed until  
9       the end of May, or mid June, whatever, to  
10      coincide with the bluefin spawning period.

11                 And I think that making weak hooks  
12      mandatory would, you know, as we've heard from  
13      a lot of people in industry, and the  
14      researchers, would hopefully keep you from  
15      reaching that bycatch cap, and then, you  
16      know, the two, in tandem, would prevent a  
17      closure, but if, for whatever reason, there  
18      were a lot of morality, then a closure would  
19      come into place.

20                 But, you know, I think still, with  
21      the weak hooks, that it's important to expand  
22      the research to include, you know, the hook

1       timers, to see how long the fish are on the  
2       line, and if those hook timers -- you know, if  
3       the technology isn't that sophisticated at  
4       this point, I'm sure somebody -- you know, you  
5       guys are probably smart enough to develop such  
6       a thing.

7                        So that's just my understanding of  
8       bycatch caps.

9                        MODERATOR:   Good.  Thank you.  
10       Gail.

11                      MS. JOHNSON:  Thanks.  I've  
12       forgotten a few things.  I believe that the  
13       discards are developed, that number is  
14       developed by the raising and pooling method of  
15       extrapolation?

16                      MS. SCHULZE-HAUGEN:  It depends on  
17       observer coverage levels, whether that  
18       happens, by strata and time period, so if you  
19       have, I think -- and I may call on Guillermo  
20       to answer this more fully -- but I think it  
21       depends on the observer coverage level that  
22       you have for each stratum, space and time, and

1       there may be some pooling across to get a  
2       sufficient level.

3                   MS. JOHNSON:   Okay.   Well, that's  
4       a little bit different than I thought.   So  
5       every year,   you have to decide how many of  
6       those -- I mean the report says "dead  
7       discards."   So that does not include the  
8       universe of observed, or at some, maybe some  
9       reported live releases; is that right?

10                   DR. DIAZ:   That is correct.   The  
11       live releases are not taken into consideration  
12       for estimation of discards, and because of  
13       that, we also don't take into consideration  
14       the potential post-release morality.

15                   MS. JOHNSON:   All right.   Thank  
16       you for clearing that up for me.

17                   MODERATOR:   Good.   Thanks, Gail.  
18       Let's see.   Ellen.

19                   MS. PEEL:   It was acknowledged,  
20       when we first started on this report, that  
21       there were divergent views, and certainly  
22       divergent strategies on some of these.

1       There's one particular strategy that, for  
2       those other bycatch species that are often  
3       caught in the Gulf, I was thinking of, but I  
4       really would like to have it added back in for  
5       reducing bluefin bycatch too, at least in the  
6       Gulf of Mexico, since it is the spawning  
7       ground.

8                 If we coupled and put a time area  
9       closure to longline gear in for the times and  
10      seasons when the bluefin are migrating through  
11      and spawning -- and when we're talking about  
12      reducing marlin bycatch, I would like to add  
13      they're a little bit later in the reason,  
14      there's some overlap -- but have a time area  
15      closure in that important spawning ground for  
16      bluefin, using weak hooks outside the region  
17      would be mandatory.

18                But then you're probably going to  
19      get a meaningful reduction in the bycatch of  
20      bluefin, and while weak hooks aren't going to  
21      help small marlin that much, certainly the  
22      time and area closure, when those fish are

1 migrating through the Gulf -- and that's an  
2 important area for them too -- would be an  
3 important tool, and I think would help the --  
4 help all the species, as well as turtles too.

5 So I'd like that added to our list  
6 up there, please.

7 MODERATOR: I can imagine that  
8 there are, indeed, divergent views on this.  
9 Rich, you were in the queue anyway. I was  
10 going to call on you next. So go ahead.

11 MR. RUAIS: I believe you. And  
12 I've seen some of Dr. Block's data on "hot  
13 spots" of bluefin tuna spawning, and I think  
14 you can see, it extends, at times, to the  
15 southernmost, westernmost portion of our EEZ,  
16 close to Mexican water, and in fact the "hot  
17 spot" is in Mexican waters, all the way to the  
18 point where she documented a giant bluefin  
19 tuna swimming around within 30 miles of the  
20 oil spill situation.

21 So developing, you know, a bluefin  
22 tuna closed spawning, I mean technically, the

1 entire Gulf is already closed, and what we're  
2 trying to do to directed bluefin tuna fishing,  
3 and the hope is the weak hook matches or  
4 brings into closer alignment the allowable  
5 landings, and minimizes the discards, you  
6 know, at that level.

7 I mean, I don't know how much  
8 better you can do, and how much more of the  
9 Gulf you can close during that timeframe.

10 But I had a second point. Maybe I  
11 should let you respond to that one before I go  
12 on to my second point, which is a quick point.

13 MODERATOR: Ellen, can you, very  
14 briefly, respond.

15 MS. PEEL: Well, you know, we  
16 were talking about a suite of options, not any  
17 one being, you know, the salvo to take care of  
18 the whole problem. And certainly, some of  
19 Block's work, that I had heard just recently,  
20 you know, did show moving "hot spots," which  
21 I think you could advocate, you know, closing,  
22 depending on, you know, what sort of data

1       you're getting back.

2                   And I hope the weak hook takes  
3       care of bluefin tuna issues in the Gulf, and  
4       large blue marlin. Then I would say let's  
5       look for blue marlin and white marlin bycatch  
6       reduction.

7                   So if we didn't have to do the  
8       bluefin tuna, I still would like to keep, when  
9       we get to billfish, the marlin, time area  
10      closure on the table. But I hope it works.  
11      But certainly open to moving -- recognizing  
12      the spawning may not be over the whole Gulf.  
13      But at least the "hot spots," if we could  
14      narrow it, just keep it as a potential option  
15      in our suite of options that we're  
16      considering. I hope the hook does it.

17                   MODERATOR: Thank you. Rich, your  
18      second point.

19                   MR. RUAIS: Yes. I have no idea  
20      how long the "hot spot" lasts. But I thought  
21      Gail was going to raise this issue.

22                   In terms of when we talked about

1 the "move on" theory, that I think Andre did  
2 raise in the meeting, in my mind, and I didn't  
3 comment on it in the meeting, I was thinking  
4 a little bit similar to him. I was thinking  
5 similar to how I understood the "turtle rule"  
6 in the NED. That if you run into a fair  
7 number of turtles on a set, you are required  
8 to move -- is it half a mile, Gail? three-  
9 quarters of a mile before your next set? A  
10 mile? You're required to -- one mile. Margo  
11 corrects me and says it's one mile that the  
12 vessel is required to move.

13 And it's not the -- the observer  
14 does not say you have to move a mile, cause  
15 we've separated, smartly, in the United  
16 States, the responsibilities of the observer,  
17 but the observer would take note -- vessel  
18 caught so many turtles and did not -- and made  
19 his set in th same spot, and it has the same  
20 effect as the order.

21 But, technically, we don't allow -  
22 - I don't think we allow observers to dictate

1 vessel practice.

2 MODERATOR: Thanks, Rich.

3 John Graves.

4 MR. GRAVES: Well, I'm in favor of  
5 the bycatch caps, but in the process here of  
6 "shooting myself in the foot," I do want to  
7 make one note. That you're going to get into  
8 a point, if a stock rebuilds, where your caps  
9 will limit your fishery, and we noticed this  
10 in the late '90s. We had caps, minimum sizes  
11 on swordfish, and the Spanish had huge takes  
12 of small swordfish, and, you know, we accuse  
13 the Spanish pirates of just keeping all the  
14 small swordfish.

15 But, no, what happened was we had  
16 great recruitment, and there were a lot of  
17 small swordfish out there, and you couldn't  
18 get away from them. And we're looking, now,  
19 in bluefin, at a very successful year class,  
20 that is widespread in its distribution, and  
21 so, you know, while this may be a single  
22 episode for bluefin, it's still -- moving on

1 may not be a solution, because it just may be  
2 that widespread.

3 And in a recovering stock, you're  
4 going to get to a point where you're going to  
5 reach your cap earlier and earlier, and that's  
6 going to be an indication, but possibly an  
7 indication of rebuilding stock.

8 MODERATOR: Thank you, John.

9 Shana, did you have another point,  
10 or --

11 MS. MILLER: You know, the bycatch  
12 caps I don't think would be -- I don't know  
13 how it would be regulated, but it certainly  
14 wouldn't have to be the same every year, I  
15 don't think, and yes, clearly, with the  
16 rebuilding stock, just like your TAC will go  
17 up, so would bycatch cap, or if it weren't  
18 even necessary, then it could be eliminated.

19 MODERATOR: Okay. So you see it  
20 as a tool in a suite of tools. Use it, as  
21 needed, and it's not necessarily permanent.  
22 Okay. It's been a great discussion.

1 Rick, I see that you want to join  
2 us. We are about 30 minutes past where we  
3 thought we might be, which is fine, but we  
4 should wrap this up, presently, and then we're  
5 going to go into a research update and then  
6 take a break. So we're going to juggle the  
7 agenda just a bit.

8 Rick.

9 MR. BELLAVANCE: Just this bycatch  
10 cap discussion really would tie into  
11 yesterday's, as far as what's fair and right  
12 on allocation of bycatch caps, should they be  
13 individual? should they be fleetwide? I'm  
14 sitting here thinking about the realities of  
15 bycatch caps, and if someone hasn't hit  
16 theirs, you're going to end up with having to  
17 do in-season adjustments for transfers of  
18 bycatch, as well as you have to -- am I  
19 correct on that?

20 MS. SCHULZE-HAUGEN: Potentially.  
21 Depends on how it was done.

22 MODERATOR: Okay. Excellent

1 conversation, very good work in the work  
2 groups, and good follow-up conversation.

3 So I think those were both quite  
4 successful as ways of getting ideas from  
5 members of the advisory panel, and Margo, I  
6 hope you feel that you got good input.

7 MS. SCHULZE-HAUGEN: Yes.

8 MODERATOR: Let's move on, and we  
9 want to talk about the HMS research plan  
10 development. So we're going to take this item  
11 ahead of where it was on the agenda.

12 After the break, we'll come back  
13 to the update on protected species handling  
14 and release. So I believe Guillermo, you're  
15 going to be presenting on this.

16 DR. DIAZ: So before us, we tried  
17 to find a small, a short presentation. I just  
18 wanted to share with you a little update on  
19 the organization of the first Circle Hooks  
20 Symposium. This post card, you can -- I left  
21 some of them, I put some of them on the table  
22 outside. The 2011 Circle Hooks Symposium is

1 going to be held in Miami, May 4th through  
2 6th, at this point. You've seen the back of  
3 the card, there is a website where you can go  
4 and check all the information about the  
5 symposium.

6 The symposium is being organized  
7 by NOAA fisheries and it's being sponsored by  
8 NOAA fisheries, the Guy Harvey Foundation, the  
9 Nova Southeastern University. Of course we  
10 are open to more sponsors. So hypothetically  
11 speaking, if, for example, the Bluewater  
12 Fishermen Association, or Target Foundation,  
13 or Oceana, or the Bluefish Foundation, want to  
14 help with the organization, you're more than  
15 welcome. We have plenty of room, still.

16 This is a scientific meeting to  
17 discuss issues on circle hook. So everybody's  
18 welcome to participate and submit papers. At  
19 this point, we have two invited, or keynote  
20 speakers. One of them is our own Dr. John  
21 Graves.

22 We are going to talk about, or

1 discuss issues of circle hooks on both  
2 recreational and commercial fisheries. Also  
3 on fresh water and marine issues.

4 So I would like you to check the  
5 Web site, and any information that you want,  
6 just talk to me or send an e-mail to the links  
7 that are in there, on the Web site.

8 MODERATOR: Okay. We have just  
9 made an executive decision. We're going to  
10 take a break now, because Guillermo has no  
11 more symposia to invite you to co-sponsor,  
12 just yet. But he'll think of one over the  
13 break.

14 All right. Let's come back in  
15 about ten minutes, if we could, please.

16 (Whereupon, a recess was taken)

17 (End of tape 21.)

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