

U.S. DEPARTMENT OF COMMERCE  
NATIONAL OCEANIC AND ATMOSPHERIC ASSOCIATION  
NATIONAL MARINE FISHERIES SERVICE

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HIGHLY MIGRATORY SPECIES ADVISORY PANEL

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MEETING

+ + + + +

WEDNESDAY  
SEPTEMBER 19, 2012

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The Advisory Panel met in Ballrooms C and D at the DoubleTree by Hilton Hotel, 8120 Wisconsin Avenue, Bethesda, Maryland, at 1:00 p.m., Scott McCreary, Facilitator, presiding.

PANEL MEMBERS PRESENT:

PAMELA BAKER  
TERRI BEIDEMAN  
RICK BELLAVANCE  
ANDRE BOUSTANY  
THOMAS DePERSIA  
WILLIAM GERENCER  
RUSSELL HUDSON  
ROBERT HUETER  
JOHN JOLLEY  
DAVID KERSTETTER  
GERALD LEAPE  
SEAN McKEON  
SHANA MILLER  
KENNEDY NEILL  
TIM PALMER  
ELLEN PEEL  
RALPH PRATT  
RICHARD RUAIS  
MARK SAMPSON  
JASON SCHRATWIESER  
MARK STEVENS (proxy for Sonja Fordham)  
SCOTT TAYLOR (proxy for Vincent Montella)  
STEVEN THOMAS  
MARK TWINAM  
SCOTT VAETH  
RICK WEBER  
ROM WHITAKER  
ALLAN WILLIS

ICCAT REPRESENTATIVE:

JOHN GRAVES

STATE REPRESENTATIVES:

JASON ADRIANCE, Louisiana Department of  
Wildlife and Fisheries  
MARTHA BADEMAN, Florida Fish and Wildlife and  
Conservation Commission  
RANDY GREGORY, North Carolina Division of  
Marine Fisheries  
WALLACE JENKINS, South Carolina Department of  
Natural Resources  
CARRIE KENNEDY, Maryland Department of Natural  
Resources  
MARK LINGO, Texas Parks and Wildlife  
Department

COUNCIL REPRESENTATIVES:

LARRY ABELE, GMFMC  
DANIELLE CHESKY, ASMFC  
DAVID CUPKA, SAFMC  
CARLOS FARCHETTE, CFMC

FACILITATOR:

SCOTT McCREARY

NOAA STAFF:

MARGO SCHULZE-HAUGEN, NMFS/OSF/HMSD  
RANDY BLANKINSHIP, NMFS/OSF/HMSD  
MICHAEL CLARK, NMFS/OSF/HMSD  
CRAIG COCKRELL, NMFS/OSF/HMSD  
PETE COOPER, NMFS/OSF/HMSD  
JENNIFER CUDNEY, NMFS/OSF/HMSD  
JOE DESFOSSE, NMFS/OSF/HMSD  
GUILLERMO DIAZ, NMFS/SEFSC  
GUY DuBECK, NMFS/OSF/HMSD  
MEGGAN ENGELKE-ROS, GCES  
OTHEL FREEMAN, NMFS/OSF/HMSD  
NEVA HOWARD, NMFS/OSF/HMSD  
BRAD McHALE, NMFS/OSF/HMSD  
SARAH McLAUGHLIN, NMFS/OSF/HMSD  
DELISSE ORTIZ, NMFS/OSF/HMSD  
RICK PEARSON, NMFS/OSF/HMSD  
JEFF RADONSKI, Acting Deputy Special Agent in  
Charge, Southeast Division, NOAA OLE  
JOHN REGHI, Special Agent, NOAA OLE  
GEORGE SILVA, NMFS/OSF/HMSD

FRANK SPRTEL, GCES  
DIANNE STEPHEN, NMFS/OSF/HMSD  
JACKIE WILSON, NMFS/OSF/HMSD  
JENNI WALLACE, NMFS/OSF/HMSD  
THOMAS WARREN, NMFS/OSF/HMSD

ALSO PRESENT:

LCDR GREGG CASAD, U.S. Coast Guard liaison to  
NOAA  
JONATHAN WENDLAND, U.S. Coast Guard  
GLEN HOPKINS  
JEFF ODEN

T-A-B-L-E O-F C-O-N-T-E-N-T-S

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

2 (1:10 p.m.)

3 MS. SCHULZE-HAUGEN: If folks  
4 could take their seats, we will get started.  
5 All right. Well, welcome. I want to  
6 officially welcome you all to the Advisory  
7 Panel meeting for Atlantic Highly Migratory  
8 Species. This is our fall meeting. And so I  
9 want to introduce Scott McCreary, who's our  
10 facilitator, and who will be setting out the  
11 ground rules and running through the meeting  
12 with a firm hand.

13 And so I want to first go around  
14 and introduce folks. There are a couple of  
15 new panel members. This is, they're actually  
16 not new, but this is their first meeting. And  
17 so I wanted to highlight them.

18 There's Allan Willis, who was  
19 appointed this year but was not able to attend  
20 the spring meeting. And Steve Thomas, right  
21 next to Allan, conveniently, who's -- this is  
22 also his first meeting, but he had been  
23 appointed previously.

24 So welcome. We are happy to have  
25 you. So my name is Margo Schulze-Haugen. I'm  
26 the division chief of the Highly Migratory  
27 Species Management Division, which is the  
28 group that sends you all the paperwork. I've  
29 heard people compare it to tomes, which I  
30 don't think it's quite that bad, but -- and so  
31 I will hand it over to Scott to run the  
32 introductions and then we'll get into the  
33 meeting itself.

34 CHAIR MCCREARY: Great. Thanks  
35 very much, Margo. So welcome, everyone. I  
36 see many familiar faces, but you're not all  
37 familiar. So one ground rule I will emphasize  
38 is when you want to speak, please put up your  
39 table tent and we'll do our best to recognize  
40 you.

41 So this meeting has a half day,  
42 full day, half day rhythm to it. We're  
43 talking about, obviously, sharks, bluefin and  
44 swordfish and many other topics. And the  
45 agenda's been carefully crafted to take  
46 account of both the time needs and people's  
47 schedules. And I think Margo may have a  
48 comment or two about that when we review the

1 agenda.

2 But let's go around the room first  
3 and just see who's here. I'm Scott McCreary,  
4 principal of CONCUR and I'm the facilitator  
5 for your group. John, to you.

6 MEMBER GRAVES: John Graves,  
7 Virginia Institute of Marine Science here  
8 representing the US ICCAT Advisory Committee.

9 MEMBER NEILL: Ken Neill,  
10 recreational fisherman, Virginia.

11 MEMBER KERSTETTER: Dave  
12 Kerstetter, Nova Southeastern University  
13 Oceanographic Center.

14 MEMBER TAYLOR: Scott Taylor, Day  
15 Boat Seafood, proxy for Vinnie Montella.

16 MEMBER PALMER: Tim Palmer, buoy  
17 gear fisherman, south Florida.

18 MEMBER LINGO: Mark Lingo, Texas  
19 Parks and Wildlife.

20 MEMBER HUETER: Bob Hueter, Mote  
21 Marine Laboratory, Sarasota, Florida.

22 MEMBER VAETH: Scott Vaeth,  
23 commercial shark fisherman, Florida Keys.

24 MEMBER BAKER: Pam Baker,  
25 Environmental Defense Fund, Austin, Texas.

26 MEMBER RUAIS: Rich Ruais,  
27 American Bluefin Tuna Association.

28 MEMBER PRATT: Ralph Pratt,  
29 commercial bluefin.

30 MEMBER JENKINS: I'm Wallace  
31 Jenkins from South Carolina Department of  
32 Natural Resources.

33 MEMBER ADRIANCE: Jason Adriance,  
34 Louisiana Wildlife and Fisheries.

35 MEMBER GREGORY: Randy Gregory,  
36 North Carolina Division of Marine Fisheries.

37 MEMBER WEBER: Rick Weber, South  
38 Jersey Marina and Tournaments.

39 MEMBER LEAPE: Gerry Leape, Pew  
40 Environment Group.

41 MEMBER BEIDEMAN: Terri Beideman,  
42 Blue Water Fisherman's Association.

43 MEMBER BELLAVANCE: I'm Rick  
44 Bellavance, charter boat operator from Rhode  
45 Island.

46 MEMBER DEPERSIA: Tom DePersia,  
47 charter boat operator from Massachusetts.

48 MEMBER WILLIS: Allan Willis, rec

1 fisherman, Florida.  
2 MEMBER THOMAS: Steve Thomas,  
3 Cajun Canyons Tournament, Venice, Louisiana.  
4 MEMBER PEEL: Ellen Peel,  
5 recreational, The Billfish Foundation.  
6 MEMBER MCKEON: Sean McKeon, North  
7 Carolina Fisheries Association, commercial.  
8 MEMBER HUDSON: Rusty Hudson,  
9 Directed Sustainable Fisheries, commercial.  
10 MEMBER CUPKA: David Cupka, South  
11 Atlantic Fishery Management Council.  
12 MEMBER WHITAKER: Rom Whitaker,  
13 Hatteras, North Carolina, charter boat  
14 fisherman.  
15 MEMBER SCHRATWIESER: Jason  
16 Schratwieser, International Game Fish  
17 Association.  
18 MEMBER JOLLEY: John Jolley, West  
19 Palm Beach Fishing Club.  
20 MEMBER MILLER: Shana Miller,  
21 consultant for the Pew Environment Group.  
22 MEMBER BOUSTANY: Andre Boustany,  
23 Duke University.  
24 MEMBER TWINAM: I'm Mark Twinam,  
25 commercial longliner on the west coast of  
26 Florida.  
27 MEMBER CHESKY: Danielle Chesky,  
28 Atlantic States Marine Fisheries Commission.  
29 MEMBER KENNEDY: Carrie Kennedy,  
30 Maryland DNR.  
31 MEMBER SAMPSON: Mark Sampson,  
32 Ocean City Charterboat Association, Ocean City  
33 Shark Tournament.  
34 MEMBER FARCHETTE: Carlos  
35 Farchette, Caribbean Fishery Management  
36 Council, Chairman.  
37 MEMBER ABELE: Larry Abele, Gulf  
38 Council.  
39 MEMBER BEDEMAN: Martha Bedeman,  
40 Florida Fish and Wildlife Conservation  
41 Commission.  
42 MEMBER GERENCER: Bill Gerencer,  
43 the world.  
44 CHAIR MCCREARY: Impressive. We  
45 should go around behind us. Let's do  
46 introductions and then we'll go all the way  
47 around the room.  
48 (Off-microphone introductions.)

1 MS. SCHULZE-HAUGEN: Okay, and I  
2 want to make sure to note as well Othel  
3 Freeman and Neva Howard who are manning the  
4 registration desk. So they are with HMS in  
5 Silver Spring as well. So thanks to them out  
6 there.

7 So I think the next order of  
8 business was the review and adoption of the  
9 agenda. And so one of the things I wanted to  
10 share with you is that one of the things that  
11 we'll be talking about this afternoon was our  
12 Shark Amendment 5. And we have been working  
13 very hard and diligently, but do not actually  
14 have the proposed rule and draft amendment  
15 released yet.

16 And so there's a variety of  
17 factors there. And we'll be able instead to  
18 share with you the most recent Gulf of Mexico  
19 blacktip shark stock assessments. We'll also  
20 be reviewing the comments on the pre-draft as  
21 well. We anticipate that this will come out  
22 later this fall. We're working as quickly as  
23 we can.

24 And so one of the questions that  
25 I'll ask you to be thinking about is, since we  
26 don't want to delay until the spring meeting  
27 to consult with the panel, how would we be  
28 best able to consult with the panel in between  
29 meetings? It's unfortunate this happened.  
30 But I think occasionally we're going to miss  
31 the spring/fall cycle. And so what would be  
32 the best way to do that?

33 Is it a teleconference, a webinar?  
34 Should we try and have very specific,  
35 focused, maybe one day even meetings, if we  
36 have the resources to do that? And so when we  
37 get to that point I'd very interested in your  
38 thoughts so that we can move forward with that  
39 action. It's very important to us.  
40 Obviously, we're working hard, but the stars  
41 just didn't align. So please be thinking  
42 about that.

43 And so we don't anticipate that  
44 we'll need the full two hours that's blocked  
45 for that discussion. And so I would ask if  
46 there's maybe other topics that folks would  
47 like to discuss that we may be able to do that  
48 this afternoon.

1                   Alternatively, we had thought that  
2 we might move the electronic dealer reporting  
3 discussion from late Friday morning to this  
4 afternoon. In which case we may be able to  
5 conclude a little bit early. So please be  
6 thinking about that as well as we talk about  
7 the agenda.

8                   CHAIR MCCREARY: So just a little  
9 more about the agenda and then I'll touch on a  
10 few ground rules. Obviously, we have a very  
11 pithy update of recent activities and actions  
12 that Margo will lead. And you're familiar  
13 with that agenda item. We have an update on  
14 weak hook research. Dan Foster and Dave  
15 Kerstetter, I think, are both here and  
16 available to speak to that.

17                   And we have a number of law  
18 enforcement updates. As Margo just said, the  
19 Amendment 5 pre-draft is a topic on the  
20 agenda, but hasn't quite progressed to the  
21 level of perhaps meriting a long discussion.  
22 So if we have time we will maybe take up the  
23 eDealer item if we have that opportunity.

24                   So tomorrow morning we're going to  
25 shift to a year-to-date in review, look at  
26 bluefin tuna specifications and then get into  
27 the pre-draft of Amendment 7 on bluefin tuna  
28 management. We know there's a lot of interest  
29 in that subject. A lot of people, in fact,  
30 are coming to the meeting to speak to that and  
31 we want to respect that agenda item and make  
32 sure that it gets the time it needs tomorrow.

33                   So that's a key item.

34                   We also have some remarks from Sam  
35 Rauch expected tomorrow afternoon. And then  
36 Amendment 4 on the Caribbean HMS management is  
37 coming up tomorrow afternoon. Also an item on  
38 the Convention of International Trade and  
39 Endangered Species and final HMS research  
40 plan. Then in the afternoon we'll turn to  
41 draft Amendment 8 on swordfish. And then the  
42 Bahamas Maritime Boundary.

43                   So a lot of very important items  
44 on the agenda for tomorrow. Friday morning we  
45 have a series of recreational HMS issues and  
46 updates. And if we do not get to the eDealer  
47 item, we'll take that up, then do the recap  
48 and of course there's public comment factored

1 in on each day. So that's the overview of the  
2 agenda.

3 And just a few quick notes on  
4 ground rules. I just mentioned the point  
5 about table tents. We will run a queue. We  
6 will endeavor to take comments in the order  
7 that you put your card up. But if there is a  
8 burning need to have a little back and forth  
9 we'll try and accommodate that. And you've  
10 seen us facilitate past meetings. That's how  
11 we try to do it.

12 We do have a court reporter.  
13 There will be a meeting summary. Transcript,  
14 in fact. And for that reason it is very  
15 important that you use your microphone and the  
16 first time you speak, and ideally every time  
17 you speak, identify yourself so our court  
18 reporter can capture that. We do ask that you  
19 put your phones on silent or vibrate.

20 And we do have the innovation of  
21 the fact checkers. So if there are points  
22 that arise in the conversation where we want a  
23 clarification, we have the ability to work on  
24 that. Restrooms are down the hall. And,  
25 Margo, you have some insight on food options  
26 more than I do.

27 MS. SCHULZE-HAUGEN: Yes. We have  
28 a new approach that we're taking for this  
29 meeting and potentially future meetings.  
30 Where, instead of having complimentary bagels  
31 and things in the morning with coffee and  
32 cookies and sodas in the afternoon, what we  
33 are able to provide is down the hall there is  
34 a concierge service where for \$10 today and  
35 Friday and then \$20 tomorrow there's an  
36 unlimited drinks, snacks.

37 And so they'll be able to take  
38 your money and then they'll know who's paid  
39 for that service. There's also Starbucks  
40 downstairs and Bethesda is a wonderful area  
41 for all different kinds of food. So it is  
42 different and reflects some of the new federal  
43 travel and conference requirements.

44 So please let me know what you  
45 think. I would ask as well for feedback on  
46 the hotel as well. It's our first time in  
47 Bethesda. And so see what you think.

48 CHAIR MCCREARY: All right, so

1 Margo's up first. But Rich, I see your card  
2 already. What do you have for us?

3 MEMBER RUAIS: I always try to get  
4 the first word because I know I'm not going to  
5 get the last. But when Margo mentioned the,  
6 making the adjustment for the sharks, we had a  
7 similar feeling. As we look at the agenda  
8 right now it looks like on Amendment Number 7  
9 for bluefin, there's really only about 45  
10 minutes that's left for the Advisory Panel to  
11 discuss it.

12 And quite frankly, we thought that  
13 was the major issue on the agenda. It all  
14 seems to be staff presentation, presentations  
15 question and answers and then finally HMS  
16 Advisory Panel discussion. And all of that is  
17 taking place from 8:45 -- well, 8:45 til the  
18 break at 10:15 is all staff presentations.  
19 And we've been through them before.

20 They're always high quality. But  
21 nonetheless, they take away from the panel  
22 discussion. I think a lot of us are prepared  
23 to talk about the document in detail now and  
24 would like to do that. So I didn't want to  
25 really hear suggestions of putting something  
26 else in place of taking two hours to talk  
27 about a document that we don't have yet.

28 I suggest that you try to move  
29 some of the staff presentations on bluefin. I  
30 don't know who it is that you're expecting to  
31 come tomorrow that is important enough to wait  
32 for. Everybody's important enough, I guess.

33 But these are -- most of these  
34 things at least under the fishery update are  
35 pretty standard material that's either all  
36 over your website or that's published all the  
37 time. So what I'm getting at, is I really  
38 think there's a lot of people here that are  
39 prepared to talk in detail and a lot more than  
40 45 minutes would provide.

41 CHAIR MCCREARY: So, Rich, point  
42 well taken. I believe the intent is that the  
43 second half of the morning is really to be  
44 allocated to conversation. And if the staff  
45 presentations are more concise, then we can  
46 start that earlier. Margo, do you want to add  
47 anything to that?

48 MS. SCHULZE-HAUGEN: Yes, I mean

1 we could also start closer to 8:30 if folks  
2 are here and we can be ready to go earlier.  
3 I've heard that there are folks that are  
4 coming for that discussion so wanted to be  
5 true to the agenda. I think there may also be  
6 some flexibility in the afternoon as well  
7 whereas some of the presentations -- sorry,  
8 tomorrow afternoon where we may be able to add  
9 some time if necessary. And we can continue  
10 until noon on Friday if we want to revisit  
11 issues. But I do think we need to stick with  
12 the presentations tomorrow.

13 CHAIR MCCREARY: You know, Rich,  
14 your main point is don't shortchange the  
15 discussion time. And I think the agency has  
16 that message loud and clear and intends to  
17 give it the time it needs. So thank you.

18 MEMBER RUAIS: Okay. I appreciate  
19 that and I'm not planning on getting out at  
20 noon time on Friday. In fact, your notice  
21 said plan an evening departure. So that's  
22 what we've got. So we're ready to stay until  
23 that time.

24 CHAIR MCCREARY: All right. Thank  
25 you very much. All right, with that let's  
26 proceed to the overview of recent activities  
27 and upcoming actions.

28 MS. SCHULZE-HAUGEN: Okay. So as  
29 many of you will recall, this is a quick  
30 overview of what we've been doing since we  
31 last met. And I'm not going to try and touch  
32 on issues that have their own time later in  
33 the agenda.

34 So those would be the Caribbean  
35 Amendment 4, Shark Amendment 5, all of the  
36 bluefin 2012 review in Amendment 7, Swordfish  
37 Amendment 8, as well as -- we'll talk briefly  
38 about the research plan. That may be an area  
39 where we can make up some time, as well as  
40 Friday morning's recreational issues.

41 And so since we met in March we  
42 have published five proposed rules and four  
43 final rules. A number of these rules came and  
44 went in between meetings, specifications, the  
45 ICCAT trade rule, for example. We got your  
46 input on the Shark Amendment 5 pre-draft. As  
47 you recall, we discussed that in March and  
48 then got your comments following the meeting.

1                   We continue to look at a number of  
2 the issues that we've been talking about since  
3 2009, obviously complex issues. The workshops  
4 that we conduct for pelagic longline handling  
5 and release and gillnet vessel owners as well  
6 as shark carcass identification. There were  
7 20 of them in the last six months.

8                   We conducted scoping on Bluefin  
9 Tuna Amendment 7 as well as had the public  
10 conference call on yellowfin tuna data issues.

11                  And so far this year we've issued 42 exempted  
12 fishing permits, scientific research permits  
13 and letters of acknowledgment as well as five  
14 shark research permits and registered over 200  
15 tournaments.

16                  So we have been busy. I will say  
17 that. On bluefin, mostly what I'll mention  
18 here are the in-season actions, as the other  
19 issues will be covered later. We have kept  
20 the general category daily retention limit at  
21 3 for the year and have had a number of  
22 closures including angling category Trophy  
23 South as well as longline category South and  
24 North at the end of May and June respectively.

25                  For swordfish quotas, this  
26 rulemaking established the adjusted quotas for  
27 North and South Atlantic swordfish and we're  
28 coming into compliance with the 2011 swordfish  
29 recommendation that reduced the carry-forward  
30 limits for a number of countries, including  
31 the United States, as well as implemented the  
32 transfer quota to Morocco.

33                  This rule also implemented the  
34 alternative commercial minimum size of 25  
35 inches cleithrum to keel and clarified when  
36 the swordfish bill can be removed. If it's a  
37 lower jaw fork length the bill can removed as  
38 long as it's removed forward of the anterior  
39 tip and the head is naturally attached. This  
40 was to address some of what we were seeing  
41 where people were leaving the lower jaw on but  
42 not much else, which made it difficult to  
43 determine the measurement.

44                  We also clarified some of the  
45 transfers abilities for us for accounting  
46 purposes between categories and established a  
47 50 metric ton reserve for research. And this  
48 is, again, mostly for accounting purposes for

1 us.

2 The ICCAT 2011 trade-related  
3 measure lifted sanctions that had been in  
4 place on importing bigeye tuna from Bolivia  
5 and Georgia for a number of years. We had  
6 never imported from those countries and  
7 honestly don't really expect to, but needed to  
8 go through the process of complying with the  
9 recommendation.

10 We also updated the HMS  
11 regulations with the new harmonized tariff  
12 schedule that changes every five years. So we  
13 needed to update the regs.

14 ICCAT also adopted a silky shark  
15 measure last year to require all silky sharks  
16 to be released whether dead or alive and  
17 prohibit the retaining on board, or  
18 transshipping and landing any parts. We also  
19 proposed additional language to prohibit  
20 storing, selling and purchasing. And that  
21 proposed rule published in June. We are  
22 working busily on the final rule for that.

23 So here's the table on shark  
24 quotas. This had been established before the  
25 spring meeting. And you can see the quotas,  
26 the estimated landings and then the percent of  
27 quota. Most of them are, you know, not that  
28 high. The notable things here are the Gulf of  
29 Mexico non-sandbar large coastal quota was  
30 met. And we closed that effective July 6th.  
31 So far we're at 96 percent -- 94 percent,  
32 sorry of the quota landed.

33 And the porbeagle shark fishery  
34 was closed May 31st. And you'll see a large  
35 overharvest here. It is a small quota, but it  
36 was still 259 percent of the available quota  
37 was landed. So we are working on the 2013  
38 shark specs.

39 In that rulemaking, what we'll do  
40 is adjust for over- and underharvests from  
41 2012. So we'll adjust the porbeagle  
42 overharvest as well as establish the season  
43 opening dates. So we're anticipating that  
44 that will be effective January 1.

45 The other notable thing on shark  
46 quotas and retention limits is, if you recall  
47 in Amendment 2 in 2008, prior to that there  
48 had been very large overharvests and to the

1 extent that the fishery might have been closed  
2 for a year or more. And so instead of closing  
3 that for that period of time we spread the  
4 payback for the overharvest over five years.  
5 And so that five-year period is expiring at  
6 the end of this year.

7 So come January, the base quotas  
8 established in Amendment 2 will go into  
9 effect. You can see the base quotas here.  
10 And the retention limit will also increase  
11 from 33 to 36 per trip. So these were all of  
12 the things that were established in 2008 but  
13 were delayed because of the payback.

14 On Shark Amendment 6, this is the  
15 future of the shark fisheries and we're  
16 considering catch shares. We shared with you  
17 the comments received during scoping. And in  
18 that intervening time we've been continuing to  
19 look at those comments, analyze the permit and  
20 landings data and consider the appropriate  
21 next steps, especially looking at some of the  
22 models and other fisheries including a  
23 potential need for a referendum and how to  
24 move forward on that action.

25 For vessel monitoring systems, as  
26 you may recall last December we published a  
27 final rule that required new units that had a  
28 two-way communication capability as well as  
29 declarations of target species, landings. And  
30 as of February 29th, due to issues with  
31 vendors being able to supply those units, we  
32 notified the public that the new requirement  
33 for new units was on hold, as well as the  
34 declarations.

35 And so in the meantime, vessels  
36 can still use both the older units or the new  
37 units. And so we are hearing from our  
38 enforcement folks that those contract issues  
39 or vendor issues are being resolved. We're  
40 tentatively expecting that the new -- the  
41 requirements may come on line again January 1.

42 We're going to have a very busy January 1  
43 this year.

44 And I would also like to note that  
45 reimbursement funds are available on a first-  
46 come/first-serve basis for eligible vessels.  
47 Vessels are eligible for one reimbursement at  
48 this point. So just be aware if you are

1 reimbursed for an older unit, you may not be  
2 eligible for a new unit.

3 On our electronic HMS dealer  
4 reporting, that rule published August 8th and  
5 is effective January 1. One of the things  
6 that will be effective January 1. And so this  
7 is a requirement, for all dealers that were  
8 purchased for commercial purposes, Atlantic  
9 HMS will have to report electronically on a  
10 weekly basis.

11 And so the first receiver  
12 requirement was slightly changed from proposed  
13 and is now consistent across all the HMS where  
14 an individual who takes possession for  
15 commercial purposes of any HMS must report.  
16 But this does not include taking possession  
17 solely for transport.

18 And so this rule also implemented  
19 the requirement that you're only authorized to  
20 purchase if you are in compliance and have  
21 submitted all of your reports. And I should  
22 note that this applies to all HMS other than  
23 bluefin tuna. That dealer reporting system is  
24 remaining status quo through the landings  
25 cards.

26 And so -- hey, they flash. I  
27 didn't know that. So the requirements come  
28 online January. What we are doing now is  
29 going through the regions conducting a number  
30 of training workshops.

31 And so we've I think conducted 11  
32 in the Caribbean and South Atlantic. We are  
33 working on scheduling ones up and down the  
34 coast and as needed so that folks are really  
35 aware and we've got the outreach and  
36 understanding well before January.

37 Looking now at recreational  
38 swordfish landings, you can see we're about  
39 the same so far this year as we have been the  
40 last several, well below the peak of 2007.  
41 Continues to be an area where we are  
42 interested in input on increasing outreach and  
43 compliance.

44 For billfish, so far this year 43  
45 blues, 8 whites, 4 roundscale spearfish.  
46 These are comparable numbers to calendar year  
47 landings for blue marlin, although we are low  
48 on white marlin compared to previous years.

1 And sailfish, we look to be on track to  
2 previous years.

3 And we are working on another  
4 quarterly update, what we put over the  
5 listserv on our landings. Tournaments, as I  
6 mentioned, 231 so far this year. On track to  
7 have similar numbers.

8 And we have an update on some of  
9 the registration reporting options we're  
10 looking at, as well as a satisfaction survey  
11 that we have sent around to folks. So we'll  
12 talk some more about that on Friday.

13 On litigation, we have two pending  
14 cases right now. One from the Humane Society  
15 of the United States, which alleges a  
16 violation of the Administrative Procedure Act  
17 because we didn't list porbeagle as a  
18 prohibited species.

19 And the Center for Biological  
20 Diversity sued alleging violations of  
21 Magnuson, NEPA and the Administrative  
22 Procedure Act by increasing fishing  
23 opportunities in the general and harpoon  
24 categories. Both of those briefings are  
25 complete and we are awaiting the court's  
26 decision and have no idea when they'll rule.

27 On the operations front, we are  
28 expecting to reinitiate consultation on the  
29 2004 pelagic longline biological opinion. If  
30 you recall, that opinion had multiple  
31 requirements including requirements to use  
32 circle hooks, specific bait combinations and  
33 other potential gear modifications to remove  
34 the jeopardy finding for leatherback sea  
35 turtles.

36 It required the training workshops  
37 that I mentioned on handling and release, as  
38 well as maximizing gear removal, established  
39 an incidental take statement as well as post-  
40 release mortality rate goals and continuous  
41 monitoring of fishery performance. Oceana has  
42 raised in public comment that you may recall  
43 some concerns about the fishery performance  
44 particularly related to the post-release  
45 mortality goals.

46 And so we are looking for the buy-  
47 off requirements, at whether there are  
48 triggers for re-initiation that can be either

1 new information on the species, the fishery  
2 and fishery performance with the opinion  
3 itself. And so at this point we're expecting  
4 that to start in the near term.

5 We continue to coordinate closely  
6 with councils and commissions, particularly  
7 the Atlantic States Commission with the  
8 Interstate Shark Plan. We're expecting that  
9 the North Carolina greenstick study report  
10 should be available early next year. And our  
11 Louisiana greenstick study is underway. Randy  
12 can give us an update on that.

13 And I also wanted to let you know  
14 that the operational reporting requirements to  
15 ICCAT continue to expand. We're sending  
16 bluefin monthly landings. We now have two  
17 lists for bigeye and yellowfin that we're  
18 sending once a year.

19 But then also any permit changes  
20 are sent on a monthly basis. We can't have  
21 any permits that the validity date is more  
22 than 30 days old at ICCAT. So these take time  
23 and coordination, and it's just the  
24 proliferation of lists.

25 And I also wanted to alert you all  
26 that ICCAT's electronic bluefin tuna catch  
27 documentation system is in development. The  
28 expectation is that it will be in a pilot  
29 phase in 2013 where countries can continue to  
30 use paper-based systems, but also use the  
31 electronic system. But the electronic system  
32 would be required in 2014.

33 And so we'll likely need to do  
34 rulemaking to bring ourselves into compliance  
35 with that. The United States is one of the  
36 countries that has been involved in the  
37 development, and we anticipate being involved  
38 in the testing of the system so we know what's  
39 coming.

40 We've also received a number of  
41 petitions to list species under the Endangered  
42 Species Act. There were two petitions to list  
43 white marlin. The process here is that  
44 there's initially what's called a 90-day  
45 finding. And that's whether the petition  
46 presents substantial information that listing  
47 may be warranted.

48 It's not a decision on whether

1 listing is warranted, but that it may. If  
2 there's a positive 90-day finding, then a  
3 complete status review is done and that's done  
4 within the year. If there's a negative 90-day  
5 finding, it's the decision that the petition  
6 did not present substantial information and  
7 that's the end of the process.

8 We anticipate the white marlin 90-  
9 day finding in the near term. We thought it  
10 might be out by this meeting, but it's not.  
11 For scalloped hammerhead sharks there was a  
12 positive 90-day finding last November. And so  
13 we're coming up on the year mark for the full  
14 status review and decision on whether listing  
15 is warranted.

16 And then recently a petition was  
17 submitted for pacific white sharks. And the  
18 90-day finding is pending. That may or may  
19 not end up being a kind of a global view. I  
20 think there's some different ways of  
21 approaching that if there's clear distinctions  
22 between populations. So we don't know yet  
23 what direction that will go. But we'll keep  
24 you posted as we know.

25 Again, the workshops, the two  
26 types, these are a significant effort for us  
27 as well as a budget implication. But it does  
28 ensure compliance or be part of the compliance  
29 with the opinion on protected species. And  
30 then the Atlantic shark workshops as well help  
31 us with identification. These are now mostly  
32 in a renewal of the 3-year certification  
33 period.

34 So looking ahead, we are into the  
35 ICCAT season. There's a lot with the division  
36 staff supporting both the fall advisory  
37 committee meeting as well as the annual  
38 meeting in November. This year likely  
39 measures include bluefin tuna, marlins,  
40 potentially sharks, as well as trade tracking  
41 may be a strong focus.

42 We anticipate proposed rules and  
43 public hearings on Shark Amendment 5,  
44 Swordfish Amendment 8, 2013 shark and  
45 swordfish specs. This is the first year it's  
46 not a swordfish year at ICCAT for some time.  
47 So we can actually get specifications done  
48 earlier. And then we anticipate the Shark

1 Conservation Act and smoothhound rulemaking  
2 soon as well.

3 Final rules would be Caribbean  
4 Amendment 4, as well as silky sharks and then  
5 the re-initiation. And so just touching back  
6 on some of the suggestions from previous panel  
7 meetings.

8 Going back to the 2009 ANPR, if  
9 you recall, that was a very comprehensive ANPR  
10 with a lot of meaty issues that we're still  
11 working through, including increasing  
12 opportunities to harvest bluefin while still  
13 rebuilding, continuing efforts to revitalize  
14 swordfish fishery while minimizing bycatch,  
15 addressing permit issues and looking at catch  
16 shares and bycatch management.

17 We're also continuing to improve  
18 dealer monitoring through the eDealer final  
19 rule. Catch shares for the shark fishery,  
20 looking at bluefin tuna discards. And these  
21 are all, as you see, things that we'll be  
22 talking about this meeting.

23 And some things that are ongoing  
24 as well are things like looking -- continuing  
25 to look at permitting process and issues  
26 conducting research in the closed area in the  
27 mid-Atlantic. And looking at placards and  
28 electronic monitoring. So there continue to  
29 be a lot of issues that are still relevant  
30 that we're still considering.

31 And so, wanted to just mention as  
32 well some of the goals that we have in terms  
33 of communication, the "no surprises" goal  
34 where we're hoping that the public and the  
35 panel are fully aware of what the issues are,  
36 what direction the agency is headed, that you  
37 all are informed and engaged.

38 That our job is to ensure  
39 compliance with the various domestic and  
40 international requirements, inform you all of  
41 what we're seeing some of the issues are,  
42 listen and engage in the discussions and then  
43 have decision-making be informed by your  
44 input.

45 So this slide I think has been the  
46 same for a while that we're covering a lot of  
47 ground at the meeting. We cover a lot of  
48 ground at all of the meetings. And we that we

1 tend to have a lot of things going on that can  
2 influence our ability to get things done. So  
3 more of an awareness for you all. And that we  
4 really look forward to your input and the  
5 discussions. So with that, if anyone has any  
6 questions.

7 MEMBER RUAIS: Always look this  
8 way. Yes, on swordfish Amendment 8 the  
9 handgear question. Could you give us an idea  
10 of when you're talking, when you're thinking  
11 about public hearings on that and when you're  
12 thinking that, you know that will be fully  
13 through the rule, or the earliest that could  
14 be through the rulemaking process and which  
15 season it implies? It's becoming more of an  
16 important issue in New England each year and  
17 that's why I'm interested.

18 MS. SCHULZE-HAUGEN: And that's  
19 good news. So we are at the point where we  
20 are preparing and developing the proposed  
21 rule. What we'll be talking tomorrow about is  
22 an update on some of that as well as some of  
23 the questions that we have, some of the  
24 options as well that we are looking for  
25 additional feedback on, any ideas that you all  
26 may have in how we proceed.

27 And so I think we're looking at a  
28 proposed rule this winter with hearings in  
29 maybe late winter. And potentially a final  
30 rule by next summer.

31 CHAIR MCCREARY: So I have, after  
32 Rich, I have Gerry, Rusty and Carrie. Gerry.

33 MEMBER LEAPE: Thanks and thanks,  
34 Margo. I had a couple of questions, one and a  
35 comment. Question, you talk about once again  
36 the porbeagle, okay. Last year we had the  
37 same problem and yet you say okay we'll just  
38 take it off the next year's harvest. Well it  
39 continues to be a problem.

40 Are you guys thinking about other  
41 measures we can take other than just reducing  
42 the harvest because, you know, you take it off  
43 next year's it's going to be a lower quota?  
44 And if we don't do anything else then we're  
45 going to be faced when we come to this meeting  
46 next year probably with a similar problem.  
47 And so I'd be interested in your comments on  
48 that.

1                   And then the second issue, are the  
2 Shark Conservation Act regs. Can you talk a  
3 little bit more, it seems ages ago when we  
4 commented on those. And I was wondering if  
5 you could give us any sort of idea when you  
6 might expect them to finally come out.  
7 Thanks.

8                   MS. SCHULZE-HAUGEN: Sure. So on  
9 porbeagles, you're right that the quota is  
10 small and when we have to adjust for  
11 overharvest it gets even smaller. That is  
12 certainly a challenging situation for us. And  
13 so we are looking at a variety of options.

14                   One thing I think that will  
15 certainly help in the future on porbeagles and  
16 everything else is the electronic dealer  
17 monitoring system. Part of the challenge with  
18 the current system is that paper based reports  
19 are due ten days after a reporting period that  
20 then have to be, you know, examined, scanned,  
21 loaded.

22                   And so the ability for us to know  
23 close to real time is very difficult where we  
24 are with landings. And so that has then  
25 greater potential to exceed in the case of a  
26 small quota. The eDealer system will move to  
27 weekly reporting and we will have it right  
28 away.

29                   We will know who hasn't reported  
30 and what the landings are on a weekly basis.  
31 So we'll have much better ability across all  
32 HMS, but also for porbeagle and other small  
33 quotas. So I think that will be really a  
34 giant step forward for us.

35                   And so on Shark Conservation Act,  
36 we are still awaiting the biological opinion  
37 because we were bringing smoothhounds into  
38 federal management and we have to have the  
39 biological opinion to authorize that. The  
40 other component of that is that rule has been  
41 deemed significant by OMB.

42                   And so once we get the biological  
43 opinion, which may be fairly soon, we would  
44 still then have to go through development of  
45 the rulemaking based on the opinion and then  
46 go through the OMB process. So I think we are  
47 still some time away from having that in  
48 place. And I share your frustration. But it

1 is not all within my control.

2 CHAIR MCCREARY: Okay. Very good  
3 question. And obviously the eDealer is a  
4 partial answer maybe. But the agency's  
5 working hard on it. Rusty, and then Carrie.

6 MEMBER HUDSON: Rusty Hudson.  
7 Margo, with Amendment 5 we had recently pulled  
8 in the Gulf of Mexico blacktip shark into that  
9 action. And since Dr. Hester, I had him  
10 involved in that and he's passed away earlier  
11 this year, I tried to monitor that as best I  
12 could. And I see that we have the projections  
13 and stuff.

14 But what we don't have is a  
15 breakout by sector and potential annual catch  
16 limit. And I guess my question is do we  
17 anticipate a stand alone ACL for the  
18 commercial Gulf blacktip when that action  
19 comes down?

20 And then the analysis for both  
21 sectors and the recent expansion Louisiana out  
22 to ten plus mile, you know, they are sort of  
23 the heart of blacktip country in the northern  
24 Gulf. So I'm just waiting to see that. And I  
25 understand I won't be able to see it during  
26 this meeting this week.

27 MS. SCHULZE-HAUGEN: So I'll take  
28 the last one first. The Louisiana state  
29 action, what I know is that we continue to  
30 enforce the rules as we interpret them. And I  
31 may solicit some support from others in the  
32 room that may be able to speak to that better,  
33 until there's a judgment, but I don't recall  
34 exactly whose doing that.

35 So I think at this point, from our  
36 perspective, we are enforcing federal rules as  
37 of three miles. I don't know if Jason has any  
38 input or potentially Greg in the back from  
39 Coast Guard. No.

40 So maybe we can circle back  
41 offline and I can get some more information.  
42 On Gulf of Mexico blacktip ACL, yes, I think  
43 we would be doing that through the amendment  
44 process based on the assessment. So I think  
45 you would expect to see it when that's out.

46 CHAIR MCCREARY: Thank you,  
47 Carrie.

48 MEMBER KENNEDY: I just have a

1 quick comment. We have heard from our  
2 stakeholders on the coast in Ocean City  
3 regarding the HMS workshops. And we've heard  
4 a request for more workshops closer to them to  
5 the extent that that's possible if there could  
6 be more workshops near Ocean City they would  
7 appreciate that. Thanks.

8 MS. SCHULZE-HAUGEN: Can I ask you  
9 specifically which kind of workshop because we  
10 now have protected species and handling and  
11 release shark carcass identification and  
12 eDealer?

13 MEMBER KENNEDY: I think the  
14 eDealer and the shark carcass identification  
15 for sure.

16 CHAIR MCCREARY: All right.  
17 Thanks very much. Obviously many of the  
18 topics that Margo alluded to in her summary  
19 will be coming up again in more detail as we  
20 go through the agenda.

21 But let me ask are there any other  
22 questions right now in response to her  
23 briefing that she just went through? I don't  
24 see any.

25 In that case I think we're up next  
26 turning to an update on weak hook research.  
27 Dan Foster and Dave Kerstetter. A tag team I  
28 suppose. Dave, you're frowning. Why is that?

29 MEMBER KERSTETTER: -- submitted a  
30 presentation without having to talk about it.

31 CHAIR MCCREARY: Well  
32 presentations can be verbal, right?

33 MR. FOSTER: Good afternoon. I'm  
34 going to give an update on weak hook  
35 experiments that we've conducted in the Gulf  
36 of Mexico for bluefin tuna bite catch  
37 mitigation in the pelagic longline fisheries.

38 I'm sure most of you know, but  
39 Harvesting Systems Unit that I work for has  
40 been conducting research in the Gulf of Mexico  
41 to reduce bluefin tuna bite catch in pelagic  
42 longline fisheries since 2007.

43 The result of this research was  
44 implementation of weak hooks as a requirement  
45 in 2011 in May. And based on a lot of the  
46 comments that we actually got from the AP, we  
47 continued research in 2012 to answer some  
48 questions and comments that were brought up.

1                   The objective of the 2012 research  
2 was several fold. First was to improve the  
3 precision of the point estimate of bluefin  
4 tuna reduction on pelagic longlines with the  
5 weak hooks. We also in 2012 used hook timers  
6 and time depth recorders to better understand  
7 the process by which fish escape from the weak  
8 hooks.

9                   Working with the Miami lab we also  
10 deployed satellite tags in bluefin tuna and  
11 yellowfin this year during the research. As  
12 we did in 2008 through 2010, the experimental  
13 design was to deploy the weak hooks and the  
14 standard 16/0 hooks in alternating fashion on  
15 the longline gear.

16                   We set up between three and five  
17 hooks between floats. The standard hook was  
18 the Mustad 39960. And we used the Mustad weak  
19 hook which was 39988. Different this year  
20 then we've done in the past, we deployed 300  
21 hook timers that were placed between the  
22 mainline and gangion and on both hook types.  
23 So we had 150 on each hook type.

24                   On the hooks, on the weak hooks  
25 that we had the hook timers we also placed the  
26 TDRs. So we placed 150 TDRs on each set. The  
27 hook timers are Lindgrin Pitman HT 600 which  
28 have a 600 meter depth rating. And basically  
29 they're just a stop watch. They have a  
30 magnetic plug in it.

31                   When a fish strikes it pulls the  
32 plug and starts a stop watch. Looking at the  
33 time the fish is boarded and the elapsed time,  
34 we can get a pretty accurate determination for  
35 exactly when the fish bit the hook. The  
36 temperature depth recorders are Lotek Wireless  
37 1400 which weigh about 1.5 grams in the water.

38                   These are placed on a swivel above  
39 the hook which is about nine meters above the  
40 hook. And they can record temperature, depth  
41 and time about every one to two minutes  
42 depending on the duration of the trip. And  
43 they have a depth rating of 1,000 meters.

44                   2012, we worked with two vessels.  
45 We conducted 111 sets. We set about 51,000  
46 hooks. And to date from 2008 to 2012, we've  
47 worked with eight different vessels, which is  
48 about 20 percent of the boats that are fishing

1 in the Gulf. We've made 418 sets with roughly  
2 246,000 hooks set.

3 Looking at the updated point  
4 estimates for the different species for 2008  
5 to 2012, we have 134 bluefin tuna. Our  
6 updated point estimate for reduction is 46  
7 percent which is highly significant. The only  
8 other significant, of the target catch the  
9 only other significant effect we saw was with  
10 wahoo. We had a 22 percent reduction which  
11 was significant also.

12 The yellowfin that were caught, we  
13 saw 3.1 percent reduction. Yellowfin kept was  
14 a 6 percent reduction. Swordfish kept we saw  
15 27 percent, 27 and a half percent reduction.  
16 But none of those were significant.

17 Looking at bycatch species the one  
18 that stands out which is the white  
19 marlin/roundscale spearfish, we caught 172.  
20 And we actually saw a 45.7 percent increase,  
21 which was significant. Blue marlin we had 1.3  
22 percent reduction, sailfish 22.9. The large  
23 coastal sharks was 16.9 percent and the  
24 pelagic sharks 5.9 percent. But none of those  
25 were significant.

26 One of the interesting things was  
27 in 2012 was the number of bluefin we caught.  
28 I don't know if you remember or not, but  
29 between 2008 and 2010 we only had a total of  
30 33 bluefin during our experiment. Now we have  
31 134. So we caught 101 bluefin with two  
32 vessels during this year's experiment. So our  
33 catch rate of bluefins went way up in 2012.

34 Looking, this slide shows the CPUE  
35 between, for all the years we've done the  
36 experimentation you see we saw really big  
37 increase in the catch rate of bluefin tuna. I  
38 haven't had a chance to analyze the landings  
39 for the whole fishery yet. But anecdotally  
40 talking to the other captains almost all the  
41 other captains saw a real big jump in the  
42 number of bluefin that we caught in the Gulf  
43 of Mexico this year.

44 Also we saw them very early. Our  
45 experimentation started in February. And the  
46 only reason why we started that soon is  
47 because we were getting so many reports from  
48 the commercial boats that they were seeing

1 bluefin in January and February of this year.  
2 We started it early.

3 One interesting thing about the  
4 increase in catch, if you look at the number  
5 of incidents of straightened hooks where fish  
6 got off, we also saw a pretty dramatic  
7 increase in the number of straightened hooks.  
8 Normally, 2008 to 2010, we see around three  
9 straightened hooks per 1,000 hooks set.

10 This year we saw eight hooks per  
11 1,000 hooks, eight hooks that were  
12 straightened and the fish would escape. So we  
13 also saw an increase in the number of  
14 straightened hook occurrences. And, you know,  
15 part of what we want to do is find out when a  
16 hook is straight and a fish gets away, you  
17 know, what does that event look like?

18 Fortunately we were able to get 81  
19 straightened hooks that had the TDRs attached  
20 to them. Seventy-two of those we had the hook  
21 timer times to go with that to accurately  
22 determine exactly when that bite occurred.  
23 But before we could really interpret what a  
24 depth profile with a TDR with a straightened  
25 hook looks like, we had to first look at known  
26 interactions.

27 What we mean by that is in a  
28 situation where we had hooks that were set  
29 where no fish were caught, what does that look  
30 like? In a situation where you have a fish  
31 that was caught that stayed alive during the  
32 duration of the fight, we analyzed those. And  
33 we also characterized mortality events so we  
34 could better understand what we were looking  
35 at when we saw a straightened hook with an  
36 escape.

37 To kind of give you a TDR  
38 interpretation 101, this particular depth  
39 profile is a TDR that was set that had no  
40 interaction. So a fish did not bite the hook.  
41 Starting from left to right the TDR with hook  
42 was deployed around 6:30 in the morning. The  
43 TDR sank to about 70 meters of depth, stayed  
44 within 60 to 80 meters for several hours.

45 You can see, in this area you can  
46 see the gear starts moving up and down. That  
47 may be due to several reasons. That may be  
48 because of water currents or indirect

1 interactions where there's a fish on a hook  
2 nearby can cause the gear to move up and down.

3 At around 3:30 or so you can see  
4 the gear takes a pretty dramatic drop down to  
5 about 120 meters. This was a hook that had no  
6 fish that bit the hook. And so it was most  
7 likely a fish that was on a hook nearby that  
8 actually took the main line down to this  
9 depth.

10 Right before the hook is retrieved  
11 to the surface within about an hour, an hour  
12 and a half, you can see that the gear tends to  
13 go up and down in the water column. This is  
14 most likely due to vessel interaction of  
15 hauling. So we commonly see this. So this  
16 helps us understand and interpret when we see  
17 straightened hooks.

18 Here's an example of a live  
19 bluefin capture. The bluefin bit the hook at  
20 12:19, which was confirmed by the hook timer.  
21 The bluefin immediately went up near the  
22 surface, shortly after went down to a depth of  
23 about 200 meters. And then would go up and  
24 down during the duration of the fight.

25 You can see the bluefin spent  
26 quite a bit of time near the surface during  
27 the entire duration of the fight. The boat  
28 was, the fish was brought alongside of the  
29 boat about 620 minutes after the fish became  
30 hooked. And about 22:44 there was a satellite  
31 tag put in this fish and the fish was  
32 released.

33 But you can see that it's very  
34 easy to see when a fish is active on the line.

35 And these fish do spend a lot of time near  
36 the surface. This is an example of a  
37 yellowfin tuna that bit the gear at 12:26.  
38 And you can see basically the same behavior as  
39 we saw with the bluefin. They do spend a lot  
40 of time going up and down and do spend a lot  
41 of time near the surface.

42 I chose this example because this  
43 is one that actually died on the line. We  
44 knew that because when the fish was brought to  
45 the boat he was dead. And we can see where  
46 the activity kind of stops at around 20:42.  
47 And you can see the gear sinks down to a depth  
48 of about 200 meters. So we can kind of get an

1 idea what a mortality event looks like. It  
2 will help us interpret straightened hooks.

3 Here's an example of a bluefin  
4 mortality. We didn't actually have a hook  
5 timer on this one that worked because when a  
6 fish takes the gear down below 600 meters the  
7 hook timer gets crushed. So we had to  
8 anticipate and interpret when this fish most  
9 likely bit the hook. It most likely happened  
10 around 1:23.

11 And only about an hour, shortly  
12 after an hour later the fish apparently died  
13 and the gear sank down to about 700 meters  
14 where it stayed for a while and then continued  
15 to sink down below 1,400 meters. It's real  
16 common, we had several instances of bluefin  
17 dying on the line when we had time depth  
18 recorders on the gear.

19 And it's very common when a  
20 bluefin tuna dies that they'll sink the gear  
21 below a 1,000 meters. This is one of the  
22 reasons why the fisherman tend to avoid these  
23 areas when they're in areas of high bluefin  
24 concentrations because when the gear sinks  
25 down 1,000 meters, many times they wind up  
26 losing gear.

27 And the gear is certainly not  
28 fishing for yellowfin while it's down at 1,000  
29 meters. And one bluefin can sink many miles  
30 of gear. We had situations where a bluefin  
31 would sink the gear, if it was in the middle  
32 of our spread where we had the hook timers and  
33 time depth recorders sometimes we would have  
34 up to 20, 25 hook timers that were crushed by  
35 one single bluefin.

36 So analyzing known events, we come  
37 up with a criteria by which we were going to  
38 evaluate straightened hooks when we don't know  
39 exactly what that fish was or exactly what  
40 happened. This criteria was that of course  
41 when possible use the hook timer to confirm  
42 the bite time.

43 Also when the interaction  
44 apparently ceases during the fight, compare  
45 the depth profile an hour prior to the start  
46 of the event and an hour after the event  
47 ceases to try to compare whether the gear sank  
48 or not. Also when the interaction continued

1 throughout the set, we used the actual haul  
2 time as the end of interaction time.

3 And when needed we could also look  
4 at the time depth recorders that were on the  
5 hooks adjacent to help us interpret what we  
6 saw with the event. So to give you an example  
7 of what a straightened hook event profile  
8 looks like, here's a depth profile similar to  
9 what we've seen earlier. At 14:07 the fish  
10 bit the hook.

11 And apparently fairly soon after  
12 the activity stopped on the hook. And so as  
13 we mentioned from our criteria, we looked at  
14 an hour prior to the event, an hour after the  
15 event. And you could see although the gear  
16 changed depth slightly, the activity of the  
17 gear almost goes exactly back to what it was  
18 originally.

19 And so we anticipate or we  
20 determined that the release time was where the  
21 pointer is. And then this fish was only on  
22 the gear about two minutes. Also after we see  
23 a release event, we see that the gear slowly  
24 goes back to reaching equilibrium and makes  
25 kind of a tell tale checkmark or in this case  
26 an inverted checkmark which kind of also gives  
27 us an indication that release has taken place.

28 Here's four other examples of what  
29 we term quick releases. The one at the top  
30 left was a release in two minutes. The one  
31 beside that was a release in three minutes.  
32 The bottom left was a release in six minutes.

33 And the bottom right was an example of a  
34 release that took place in eight minutes.

35 This is an example of an extended  
36 release where it took a few hours for the fish  
37 to get off. The fish bit the gear at 15:03.  
38 You could see that there was obvious up and  
39 down movement of the gear for a few hours.  
40 And then some time around 17:30 or so, the  
41 movement apparently stopped.

42 Zooming in and looking at the hour  
43 prior to the event starting and the event  
44 ceasing, you can see the gear is almost, has  
45 the same behavior prior to and after. And you  
46 also can see that the tell tale checkmark that  
47 I was talking about at the end here. So we  
48 determined that was an escape at that point.

1 Here's an example of an extended  
2 release. We don't know what the species was  
3 of course. But the fish bit the hook at  
4 12:42. The fish was on the gear for 617  
5 minutes. And then it appeared that the fish  
6 was on the gear almost to the point that the  
7 vessel, to haul back.

8 And we can't tell exactly when the  
9 fish got off toward the end. So we actually  
10 use a haul back time as a proxy for the escape  
11 time since we can't tell exactly what time the  
12 fish got off.

13 So like I said earlier, we had 81  
14 straightened hooks with TDRs. We had 71 of  
15 the TDRs we had actual bite times. 70 of the  
16 TDR profiles we felt like were conclusive.  
17 One of them was, had a possible mortality.  
18 I'll discuss that in a second. But three of  
19 the TDR profiles were inconclusive.

20 Mostly because those are three of  
21 the TDR profiles that we didn't have a hook  
22 timer profile time to go with it. And so it  
23 was really difficult because of the gear  
24 interaction to tell exactly when the fish bit.

25 So most of them we could tell pretty well  
26 what the interaction activity was.

27 Looking at the one straightened  
28 hook that we considered a possible mortality,  
29 we see that the gear sometime after around  
30 noon, a fish got on the gear. And it wasn't  
31 long after the gear began to sink, it sank  
32 down to about 700 meters and then went down to  
33 about 1,200 meters.

34 Zooming in on the period which the  
35 activity started, you can see that really  
36 there wasn't much movement of the gear prior  
37 to the time the hook began to sink, which does  
38 draw into some question as to whether that  
39 fish was on that particular hook or a hook  
40 nearby. But looking at the catch of the hooks  
41 around that hook, we didn't see any large fish  
42 caught.

43 So we have to make the assumption  
44 that the fish was on this hook. And the gear  
45 did sink similar to what we would see with a  
46 bluefin. But we do know from our data that  
47 there are other species of fish that can sink  
48 the gear down to a great depth. One example

1 we did have one large blue marlin that was  
2 capable of sinking the gear like this also.

3 We also anecdotally talking with  
4 the captains we, large manta rays can sink the  
5 gear to this depth also. But this was a case  
6 where it was most likely that if the fish was  
7 on this hook the gear sank to over 1,200  
8 meters and it was probably during the hauling  
9 process of bringing this fish up from great  
10 depth where the fish pulled off the hook and  
11 straightened the hook.

12 One way to tell whether this is a  
13 common occurrence or not is to look at the  
14 proportion of live versus dead on the two hook  
15 types. If we are pulling a lot of dead fish  
16 off the hook, bluefin, we would anticipate  
17 that if dead bluefin were being pulled off the  
18 hook we would see a difference in the  
19 proportion of live versus dead with the two  
20 hook types.

21 Looking at the weak hook, we can  
22 see that the proportion is almost identical to  
23 the proportion of standard hooks. So  
24 therefore, we do see that the weak hook is  
25 capable of pulling fish up from great depths  
26 because almost all the dead bluefin we saw  
27 with TDRs did show that the gear sinks to deep  
28 depths. So we don't anticipate that this is a  
29 common occurrence.

30 Looking at a quartile plot of the  
31 escape times, the y axis' fraction of data,  
32 the x axis is minutes. We should see that  
33 more than half of the time the event takes  
34 place in less than five minutes. So more than  
35 half the time the fish, after biting the hook,  
36 the fish is able to escape within five  
37 minutes.

38 We see that about 74 percent of  
39 the time the fish is able to get off within an  
40 hour. And the remainder, the remaining 26  
41 percent takes more than an hour. But this is  
42 for all species of fish. We don't know if  
43 this is bluefin tuna or other species of fish.

44 It's for everything.

45 So one way to try to glean out  
46 what a bluefin is more likely doing, we can  
47 take a look at the trips that had a high  
48 bluefin tuna catch and compare those to trips

1 that had a lower bluefin tuna catch. These  
2 are the ten trips we had this year with the  
3 total count of weak hooks and strong hooks.  
4 We can see that trips 6 and 7 which were out  
5 at the same time, had a really high catch rate  
6 of bluefin tuna this year.

7 Trips 6 and 7 caught more than  
8 half the bluefin that were caught during this  
9 period. So if we were to take only these two  
10 trips and separate them out and compare those  
11 to the trips that didn't have the high bluefin  
12 tuna catches, we can see a pretty dramatic  
13 difference between the two.

14 For the trips that had the high,  
15 the greater than 25 bluefin on the trip, we  
16 see that more than 60 percent of the escape  
17 events take place within five minutes and 82  
18 percent take place within 15 minutes. And  
19 between 15 minutes and 60 minutes we didn't  
20 see any difference. So it seemed like the  
21 fish is either able to get off within 15  
22 minutes or it takes more than 60 minutes. And  
23 like I said, this is for all species.

24 We were able to tag 34 yellowfin  
25 with satellite tag this year. We also tagged  
26 30 bluefin. One of those bluefin we tagged  
27 made it as a feature article on the NOAA  
28 website.

29 This fish was tagged on April 24th  
30 in the Gulf of Mexico. And the tag popped up  
31 off Long Beach in the Northeast Fishery  
32 Science Center scientists were able to go out  
33 and locate this tag which made it onto the  
34 NOAA website.

35 So summary of the results this  
36 year, the updated estimate for reduction of  
37 bluefin tuna is 46 percent. We saw no  
38 significant reduction in yellowfin or  
39 swordfish catch. We did see a significant  
40 increase in white marlin/roundscale spearfish.

41 And we did find that the majority of escape  
42 events take place within five minutes after  
43 becoming hooked.

44 I would like to really thank the  
45 Observer program. With the additional stuff  
46 we were asking observers to do this year was  
47 pretty phenomenal with all the time depth  
48 recorders they had to keep up with, the hook

1 timers, satellite tagging fish. They really  
2 went above and beyond this year.

3 And I'd really like to also give a  
4 shout out to the industry, the longline  
5 captains and the owners really worked hard  
6 this year to make this work, to make  
7 everything work this year. And that's what I  
8 have. Thank you.

9 CHAIR MCCREARY: Thank you, Dan.  
10 We have a couple of questions and then, Dave,  
11 I'll ask you if you want to weigh in at all.  
12 So let's start with Ralph Pratt and then John  
13 Jolley.

14 MEMBER PRATT: Thanks, Dan. There  
15 was a lot of information there. On one of the  
16 slides you had said that in 2012 there was  
17 approximately 100 more bluefin landed. Were  
18 they all around the same size? And what was  
19 that size?

20 And the second, before you answer  
21 that, just one comment relative to the surfing  
22 of bluefin, surfacing of bluefin. Generally,  
23 having rod and reeled a few, that happens when  
24 they've exhausted the extent of their range on  
25 the rod and reel and you've physically stopped  
26 them they will climb to the surface from the  
27 depths. Thank you.

28 MR. FOSTER: Appreciate that  
29 observation. That does give me some useful  
30 information. And I'm terribly sorry, your  
31 first question was about the number of bluefin  
32 we caught?

33 MEMBER PRATT: It was about the  
34 size of the number of bluefin you caught.

35 MR. FOSTER: Yes, that's something  
36 I haven't had a chance to analyze this year.  
37 We do have a lot more data to work with this  
38 year. One of the things we've tried to do in  
39 the past is see whether it's the larger  
40 bluefin that were escaping or not. And I  
41 really haven't had a chance to sit down. We  
42 only got this data from the POP program.

43 They got it entered and cleaned up  
44 in August. So really haven't had a chance to  
45 dig into this data a lot. But that's one of  
46 the things we're going to be looking at is see  
47 what the difference between the weak hook and  
48 the standard hook on the size of the bluefin.

1 But we did see a lot of large  
2 bluefin in the Gulf this year. And so we were  
3 kind of expecting being the 2003 year class  
4 coming into the Gulf we may see some smaller  
5 fish. And we did see a slight drop in the  
6 point estimate.

7 And there were some suggestions  
8 that might be the reason why we saw that. But  
9 I do know that the catches we're reporting we  
10 saw a large number of big bluefin in the Gulf  
11 this year. But that's one of the things we  
12 haven't looked at yet.

13 CHAIR MCCREARY: Thanks. John  
14 Jolley and then Scott Taylor.

15 MEMBER JOLLEY: Yes, thanks.  
16 That's really some super stuff. I'm really  
17 encouraged with some of the work you're doing.

18 I'm puzzled as to exactly how you identify  
19 the species when, and maybe I didn't hear  
20 something right, but let's just say you hook a  
21 big fish, the fish breaks off. How did you  
22 identify it? Did somebody see it on the  
23 surface at some point or?

24 MR. FOSTER: No, that's the thing.  
25 When we have a straight hook event we can't  
26 say what that species was. So the  
27 characterizations I've made are for all  
28 species combined. So when a fish of any kind  
29 gets on a hook and gets off, that's, we have  
30 the straightened hooks and the profiles to do  
31 the analysis. But there's no way to identify  
32 what that species of fish was.

33 CHAIR MCCREARY: Thank you. All  
34 right. I have Scott Taylor. And then Dave  
35 Kerstetter, you want to weigh in. And then  
36 we'll go to you, Rich Ruais. Scott.

37 MEMBER TAYLOR: Yes, I guess my  
38 question was along the same lines as well,  
39 which is that I thought we just characterized  
40 a substantial reduction in bluefin tunas as a  
41 result of the weak hook. But without knowing  
42 exactly what it is that you had hooked, how is  
43 it that you're making that analogy?

44 And also I would like to add from  
45 my experience, typically a larger swordfish  
46 will tend to come to the surface and a bluefin  
47 almost always will sound. So, you know, you  
48 have some very distinct, different data that's

1 there.

2 And was that taken into  
3 consideration in the determination that you're  
4 making that you really are affecting the  
5 bluefin catch ratio and, you know, by virtue  
6 of the fact that you don't know what it is  
7 that is straightening the hook?

8 MR. FOSTER: Well there's two  
9 parts to the experiment. The one is the  
10 alternating hook scenario where we're setting  
11 the exact same number of hooks, of both hook  
12 types, and you actually count how many fish  
13 you caught.

14 The 46 percent reduction was  
15 observed fish. So we caught 46 percent less  
16 fish on the weak hook than we did the strong  
17 hook. And we set the same number of each hook  
18 type. That's where we get the 46 percent.

19 And the surfacing was for known  
20 bluefin. That was when we actually brought a  
21 bluefin up to the boat and we took the TDR off  
22 that line and download it and that's what I  
23 showed. So we know for a fact that those fish  
24 that were surfacing a lot were bluefin.

25 And we did see this, I was hoping  
26 that we would actually be able to distinguish  
27 species by their activity on the line. We  
28 were unsuccessful in doing that. It seemed  
29 like even the sharks, the billfish, the tunas,  
30 they all behaved very similarly. I was  
31 surprised to find that.

32 CHAIR MCCREARY: Dave.

33 MEMBER KERSTETTER: Thanks. I'll  
34 speak quickly about the weak hook that I  
35 didn't know I was going to be speaking on.  
36 Those of you that were at the pelagic longline  
37 take reduction team meeting, I did a short  
38 presentation there. Basically it was looking  
39 at the use of these weak hooks were reducing  
40 marine mammal bycatch, not necessarily bluefin  
41 tuna.

42 And study after study didn't see a  
43 difference in target catch rate that was  
44 significant, although we did see decrease in  
45 the catch rates for those target species.

46 So that was the question that we  
47 raised in all of the weak hook studies is  
48 whether that decrease in target catch rate is

1 worth allowing this fishery to keep fishing in  
2 its normal patterns and locations.

3 So I'd be happy to share with  
4 anybody that wants to see the summary that I  
5 have on the use of weak hooks for marine  
6 mammal studies and what our catch rates are  
7 from there. But honestly I don't think it's  
8 all that appropriate for this venue.

9 I will say that we've been working  
10 on these TDR records in my lab for four years  
11 now. And we're, we've noticed a couple  
12 significant differences in the individual TDR  
13 records, specifically the hooking location  
14 will effect the TDR record; if it's gut  
15 hooked, they tend to die faster. It's not  
16 really surprising. If they're gut hooked they  
17 have a very different behavior pattern than if  
18 they're mouth hooked.

19 So the hook location is one thing.  
20 You do see differences in behavioral fish  
21 size. So as we were talking a little bit over  
22 here you do see some differences between  
23 undersized swordfish and large swordfish for  
24 example.

25 And the final thing, that we're  
26 using cluster analysis to actually  
27 differentiate the depths around 500 of these  
28 TDR records across the species. I'd be happy  
29 to talk to you offline about what we're doing  
30 there.

31 MR. FOSTER: Yes, we've still got  
32 quite a bit of analysis that needs to be done  
33 with this. I mean we've got probably between  
34 10 and 12 thousand TDR profiles. So still a  
35 lot to be done on that. So appreciate the  
36 input on that.

37 CHAIR MCCREARY: Scott, you have a  
38 follow-up?

39 MEMBER TAYLOR: I'm sorry. I  
40 guess what I'm trying to understand is that,  
41 if I can sort of paraphrase, Dave, is that you  
42 saw a substantial impact as it related to  
43 marine mammals. But did you necessarily, that  
44 where the weak hooks were being used there was  
45 a lower catch of marine mammals?

46 But that you can't draw a direct  
47 correlation to what species that you're  
48 getting a catch reduction. Is there a

1 tangible reduction that you can draw from the  
2 information that you had in bluefin tuna  
3 catch?

4 MEMBER KERSTETTER: Okay. There's  
5 several things that need to be kind of 00 it's  
6 just going to, anyway. I'll try my best.

7 Right. The problem with doing  
8 weak hook studies for marine mammal bycatch is  
9 that your interaction rates are so low that to  
10 have a significant number of interactions to,  
11 to have a high enough number of interactions  
12 to be able to do statistical analysis is  
13 really never going to happen.

14 It's way too expensive, way too  
15 many hooks. You could be basically doing this  
16 for the entire mid Atlantic fleet in the case  
17 of pilot whales and still not get enough data.

18 What we instead do is look at that reduction  
19 in target catch and again, whether that's  
20 significant or not.

21 And in the studies that we've done  
22 we have not seen that. Although we do see a  
23 reduction in the case of the North Carolina  
24 work, yellowfin tuna bycatch. So it's not  
25 statistically significant. But I know from  
26 multiple conversations and your daily basis  
27 with the boats that we were participating in,  
28 any reduction in catch is significant to them.

29 CHAIR MCCREARY: Thank you. And,  
30 Dave, I apologize. I understand now that you  
31 have a different presentation.

32 MEMBER KERSTETTER: Oh, yes.

33 CHAIR MCCREARY: My apologies. I  
34 conflated the two. Rich.

35 MEMBER RUAIS: Could I defer to  
36 Shana?

37 CHAIR MCCREARY: You may, Shana.

38 MEMBER MILLER: Thank you, Rich.  
39 This may be a first. Probably a last. First  
40 of all, Dan and all the other NOAA folks, the  
41 time depth recorder or temperature depth  
42 recorder and hook timer research is something  
43 that we've been asking for since this whole  
44 weak hook issue came about.

45 So it's really good to see that  
46 you guys were able to do that this year. And  
47 the results are definitely encouraging. But,  
48 you know, depending whether you looked at all

1 the stats or the stats with more bluefin  
2 interactions we're still talking about 20 to  
3 30 percent of those hooks that took longer  
4 than an hour to straighten. So again, you  
5 know, there are concerns about the  
6 survivorship of those fish.

7 And then, you know, even more  
8 concerning is looking at the landings data for  
9 this year for the Longline South category  
10 which includes the Gulf of Mexico. You know,  
11 209 fish, much higher than in the last seven  
12 years of catch in the January through June  
13 period, both in terms of tonnage and the  
14 number of fish.

15 And your average size is not  
16 measurably different, which of course with the  
17 weak hook we would expect to see that average  
18 size go down and even more so when you  
19 consider the 2003 year class. So there's, you  
20 know, still real concern about the efficacy of  
21 the weak hook to reduce bluefin mortality.

22 And then just a question, the  
23 white marlin increase of catch on the weak  
24 hook is still a bit puzzling to me. Did you  
25 get any new insights this year that might  
26 explain that?

27 MR. FOSTER: As far as the white  
28 marlin, no. I don't have any new insight to  
29 why that phenomenon occurs. I did look at the  
30 35 trips that we've made so far in this,  
31 during this experimentation 2008 to 2012, and  
32 of the 35 trips we've made, we've got 10  
33 times that the standard hook caught more white  
34 marlin than the weak hook.

35 But we have 20 times that the weak  
36 hook caught more white marlin than the  
37 standard hook. So, you know, I was trying to  
38 look and see if there was any standout trips,  
39 any disaster trips or whatever that caught,  
40 you know, the weak hook just caught lots of  
41 blue, white marlin. And I really didn't see  
42 that.

43 So I can't say that's not a real  
44 occurrence based on what I've seen or I have  
45 no explanation for it whatsoever. It's  
46 unfortunate, but without any additional  
47 information to give us an indication that's  
48 not a real number then we have to go with

1 that.

2 CHAIR MCCREARY: All right. And,  
3 Margo, you may have a couple of other  
4 comments.

5 MS. SCHULZE-HAUGEN: Well I just  
6 wanted to note that the Longline South  
7 includes much more than just the Gulf of  
8 Mexico. And so that shouldn't be viewed as  
9 only Gulf data. So just be aware of that.

10 And I had a question, it's kind of  
11 following that point. There was a tag put on  
12 a fish with a fairly long release time. And I  
13 wondered if you maybe could talk about what  
14 happened to that fish, if there was any  
15 difference in that tag than the results of  
16 others?

17 MR. FOSTER: Unfortunately, since  
18 we were working cooperatively with the Miami  
19 lab I don't have any of the tag information.  
20 We were just the taggers. So I don't have any  
21 information on what the survival rate was.

22 But one thing looking at the  
23 bluefin we did have with the TDRs and the  
24 HTRs, we did see a lot of bluefin that stayed  
25 on the gear for quite a, were able to stay  
26 alive for quite a bit of time, which was kind  
27 of surprising to us. We also did see the  
28 mortalities that we observed. Some of the  
29 mortalities, a lot of them occurred like at  
30 around two hours.

31 So it's, we're still looking at  
32 that data. But it was very common to have  
33 bluefin that were on the line over 10 hours  
34 that were alive. And I'm looking for, and we  
35 did have some bluefin that were on the line  
36 over 10 hours that we've got satellite tags  
37 on. So I'm looking forward to that  
38 information also, but I don't have it yet.

39 CHAIR MCCREARY: All right, Rich  
40 Ruais. Then Allan and then Ellen.

41 MEMBER RUAIS: Yes, a couple of  
42 points and one of them is similar to Shana's.  
43 I had been talking in the wintertime during  
44 January, February and March to Margo and also  
45 Brad --

46 CHAIR MCCREARY: Rich, can you  
47 speak more into the mic please?

48 MEMBER RUAIS: Yes, Sure.

1 CHAIR MCCREARY: Thank you.

2 MEMBER RUAIS: I had been speaking  
3 over the wintertime, after January when the  
4 fishery started up because we were watching  
5 the Japanese market where we can see these  
6 fish clearly. They are labeled Florida fish.  
7 And that's fairly unique. And the average  
8 size was worrying us.

9 I mean in January, February and  
10 March it was over 500 pounds was about the  
11 average size. And then by the time the  
12 fishery got closed down in May, May 29th, I  
13 believe was the date it was actually closed  
14 down, the average size had dropped  
15 considerably down to I forget where. Margo  
16 can correct me if it's, but I think it was  
17 under 400 pounds.

18 So I attributed it, you know, one  
19 of the potential sources was that there was  
20 very little compliance with the weak hook in  
21 January and February and March. And that's  
22 why I was going to ask you the question, when  
23 exactly was most of your research done? Were  
24 you before that time? And I have another  
25 question.

26 MR. FOSTER: We started in  
27 February. But as far as compliance, I think  
28 there's been quite a bit of law enforcement  
29 that is done on the weak hook. And there  
30 actually has been I think one case that was  
31 made. But as far as what we've seen the  
32 compliance has been very good.

33 And you know, we do see that the  
34 weak hook is capable. I can't really explain  
35 why that is. It's not a knife edge type  
36 thing. The weak hook is capable of catching  
37 bluefin over 500 pounds.

38 But a lot of it depends on where  
39 that hook is in relation to another buoy, what  
40 direction that fish goes; if the fish is going  
41 perpendicular to the main line or if it's  
42 going down the main line.

43 So we do see it's fairly common  
44 for fish over 500 pounds can be caught with a  
45 weak hook. And so and I meant to get back to  
46 Shana's question earlier. I apologize for not  
47 doing that, Shana. But as far as the comment  
48 you had about the percentage, 26 percent that

1 still goes over an hour. That's of all  
2 species, that's not necessarily just bluefin.  
3 But we need to keep that in mind.

4 But bluefin are, the weak hook is  
5 capable of catching bluefin over 500 pounds.  
6 And this year there was just, anecdotally  
7 there was just a lot more bluefin in the Gulf.

8 I mean recreationally, I was talking to  
9 charter captains, fishing, billfish  
10 tournaments that were catching multiple  
11 bluefin on a trip.

12 All the longline vessels I was  
13 talking to said they haven't seen those number  
14 of bluefin that they've seen in years. There  
15 was just a lot, from what I can tell there  
16 were a lot of bluefin in the Gulf this year.

17 MEMBER RUAIS: Yes, well thanks  
18 for that. That's very supportive. And I  
19 think I had heard the same thing from  
20 Guillermo earlier in the year that there were  
21 a lot more fish in the Gulf of Mexico. And I  
22 think the assessment that was just concluded  
23 suggests that as well.

24 But you said that 46 percent of  
25 the straightened hooks were, showed that the  
26 fish from the time it's escaped within five  
27 minutes, about 46 percent I think is the  
28 number you used. Is that right?

29 MR. FOSTER: Well like I said  
30 there's two different things. There's 46  
31 percent less bluefin caught on the weak hook  
32 than were caught on the standard hook. That's  
33 not taking the straightened hooks into  
34 account. That's just counting number of  
35 bluefin.

36 We set the same number of each  
37 hook type. And there was 46 percent less  
38 bluefin caught on the weak hook than we caught  
39 on the standard hook. So that's not  
40 evaluating straight hooks. There were 52  
41 percent of all the species that were capable  
42 of straightening out the hook, 52 percent of  
43 those were capable of getting off within five  
44 minutes.

45 And so I don't want to confuse the  
46 fact. I think there's been some confusion  
47 here. It's two different aspects of the  
48 study. One is exactly how many fish you

1 counted that were caught on the standard hook  
2 versus the weak hook, which is 46 percent less  
3 bluefin.

4 When a fish bites a hook and  
5 straightens a hook, over 50 percent of those  
6 are capable of doing that within five minutes.

7 Does that make sense?

8 MEMBER RUAIS: Yes, it does. So I  
9 guess the take home message is that it's too  
10 early in the research stage for managers to  
11 use this information to decide, you know,  
12 what's happening with longline gear and how  
13 much mortality longline gear is causing to  
14 bluefin with weak hooks in place. Would you  
15 agree with that or do you think there is a  
16 take home message for managers?

17 MR. FOSTER: Well I think the take  
18 home message is that we see the reduction  
19 rate, so we know that's real. And we see that  
20 the majority of fish get off fairly quickly.  
21 How many of those fish that went over an hour  
22 were bluefin? That we don't know. But we do  
23 know that the majority of fish that are  
24 capable of getting off the weak hook are doing  
25 so quickly.

26 CHAIR MCCREARY: Thank you.  
27 Allan.

28 MEMBER WILLIS: I had two  
29 questions. The first would be do you have a  
30 mechanism possibly for the reduction in wahoo  
31 catch just out of curiosity? And then the  
32 second one would be when you plotted, across  
33 species when you plotted the cumulative  
34 frequency distribution of the weight of fish  
35 caught on weak hooks versus standard hooks,  
36 did you see a real difference in individual  
37 fish size caught on weak hooks versus standard  
38 hooks?

39 MR. FOSTER: That's part of the  
40 analysis is the size distribution. In the  
41 past looking at 2008, 2010 data, we didn't see  
42 any difference in either bluefin or yellowfin.

43 But the bluefin numbers were really low. And  
44 so the sample size was so small we couldn't  
45 see any significant difference.

46 But we did have, but we haven't  
47 been able to distinguish a difference in the  
48 size of yellowfin either. But we do have a

1 lot more data this year with the 101  
2 additional bluefin. So that's one of the  
3 analysis that we're planning on doing.

4 CHAIR MCCREARY: Ellen Peel.

5 MEMBER PEEL: Did you have the  
6 numbers of how many fish comprised the 45.7  
7 percent increase of white marlin caught on the  
8 weak hook, how many fish that was? And how  
9 did you also note whether they were dead or  
10 alive?

11 MR. FOSTER: We had 172 fish  
12 total. So I mean I could do the math. But of  
13 172 fish we had 45.7 percent more on the weak  
14 hook out of 172 fish. Yes, we had 45.7  
15 percent more fish on the weak hook. The total  
16 number caught between both hook types was 172.

17 I can provide you with the actual numbers of  
18 fish by hook type if you would like later.

19 MEMBER PEEL: But what about the,  
20 you know, did you note whether they were dead  
21 or were they released alive?

22 MR. FOSTER: That's something we  
23 haven't had a chance to analyze. We do have  
24 that data whether the fish was alive or dead  
25 at landing. But we haven't had a chance to  
26 analyze that.

27 MEMBER PEEL: And of course that's  
28 a significant increase and with a pending ESA  
29 petition might cause some interesting, you  
30 know, decisions that have to be made in the  
31 future.

32 MR. FOSTER: Yes, I agree.

33 CHAIR MCCREARY: Thank you. Tim  
34 Palmer.

35 MEMBER PALMER: Yes, Tim Palmer.  
36 I just wanted to point out to you, Rich, for  
37 one thing the reason you might be seeing some  
38 500 pound fish coming from Florida is because  
39 they are indeed coming from the Florida east  
40 coast. You know, we don't have a weak hook  
41 restriction over on that side. So that would  
42 mean, that would, you know, possibly explain  
43 why you might be seeing a few more big fish  
44 there.

45 CHAIR MCCREARY: Yes, go ahead,  
46 Rich.

47 CHAIR MCCREARY: Use your  
48 microphone.

1                   MEMBER RUAIS: I checked on that  
2 with Dave Magginis at Jensen Seafood probably  
3 some time in March when I was really alarmed  
4 by the size, the large size and I wanted to,  
5 you know, have a heads up on what was  
6 happening. And he explained to me, and I told  
7 him about, you know, we know that Florida,  
8 they just simply mark Florida whether it comes  
9 from the east coast or the Gulf of Mexico it's  
10 marked, stamped Florida on the boat.

11                   And he said in his mind, I told  
12 him the number, that Steven Lee had the  
13 majority of those fish and he had the second  
14 highest. So I don't think there were a lot  
15 that were Atlantic. And if there were that's  
16 an interesting point because I think that  
17 suggests that indeed there may be another  
18 spawning ground to the east of Florida.

19                   MEMBER PALMER: Okay. Yes, I  
20 understand that. I know that, you know, quite  
21 a few bluefin come in and go out of Fort  
22 Pierce. So I mean it's not like it's a rare  
23 catch for us up there.

24                   But another thing I wanted to  
25 point out with gear differences and why you  
26 might have more straightened hooks with some  
27 fisherman than others. Some fisherman are not  
28 quite as vigilant about taking knots out of  
29 their longline gear. And if a bluefin tuna  
30 goes this way or that way the stretch is going  
31 to alleviate that, you know, the possibility  
32 of straightening the hook.

33                   But if a bluefin tuna goes with it  
34 one way or another, then you have a much  
35 greater chance of straightening the hook,  
36 especially if you reach a knot. You know, I  
37 mean some guys that have what we call dirty  
38 gear with a lot of knots, will straighten any  
39 hook. You know, so that's one thing that  
40 maybe some people in here don't seem to know  
41 that, you know, that it can vary from  
42 fisherman to fisherman.

43                   And also pertaining to the white  
44 marlin, just as a fisherman's perspective,  
45 white marlin like sailfish tend to aggregate  
46 in certain areas. That could explain why you  
47 might have a few more catch. It could be  
48 coincidental. But, you know, we're not going

1 to come across as many sailfish out where  
2 we're going to be fishing for bluefin tuna and  
3 swordfish.

4 I think that, you know, you would  
5 possibly see that statistic anomaly with  
6 sailfish too if you were fishing areas where  
7 there were more sailfish. But because white  
8 marlin act a lot like them, that might be the  
9 reason why. It could be coincidental. Maybe  
10 a year or two more will tell. Thank you.

11 CHAIR MCCREARY: Good. Thank you  
12 very much. Terri.

13 MEMBER BEIDEMAN: Terri Beideman.  
14 Just so I understand, the percentage in  
15 reduction, that 46 percent, was based on the  
16 fish that actually came to the side of the  
17 boat and what type of hook they were on at the  
18 time they were retrieved. And that was a  
19 straight on 46 percent of the ones that  
20 actually came to the boat.

21 So in addition to that, there's an  
22 unknown number of fish because we don't know  
23 what kind was released from the hooks. We  
24 don't know what species they were, but there's  
25 presumably some number of them were large  
26 bluefin. So it's a minimum of 46 is I guess  
27 what I want to just kind of clarify. At this  
28 point that's what it appears to be between  
29 what you see and what you really don't know  
30 yet, correct?

31 MR. FOSTER: Yes, that's correct.  
32 The 46 percent is what we actually saw come  
33 up alongside the boat. It's 46 percent less  
34 on the weak hook. And then we have a certain  
35 number of straightened hooks that we, which we  
36 don't know what species that were, some may be  
37 shark, some may be large blue marlin something  
38 like that.

39 And we wanted to get an idea how  
40 quickly the fish are getting off because of  
41 course when a fish gets off you really don't  
42 know what the fate of that species is until  
43 you get an idea of how long that fish was on  
44 the hook and that sort of thing.

45 CHAIR MCCREARY: Just a time  
46 check. We want to in fact hear the actual  
47 presentation that David intended to give. So  
48 let's be concise. We have a couple more folks

1 that want to make a comment or pose a  
2 question. Andre.

3 MEMBER BOUSTANY: Yes, just a  
4 quick comment and then a quick question as  
5 well. Comment, I know you're just starting to  
6 look at these data, but possible explanatory  
7 variables that you might want to look at for  
8 why some of these tunas are dying right away  
9 and some are able to stay alive for a long  
10 time, things like temperature, thermocline  
11 depth and oxygen level are going to be really  
12 important.

13 In some of the physiological  
14 experiments done in my old lab it was found  
15 that high temperatures and low oxygen levels  
16 could stress a tuna's heart quite a bit and  
17 could cause, you know, in cases of stress  
18 which they're seeing on longlines, increased  
19 mortality.

20 And then my question is I think  
21 following up on what Tim was talking about.  
22 Did you see any of the regular hooks that came  
23 up straightened? I don't know, I missed that  
24 in that presentation if you did say that.

25 MR. FOSTER: Yes, we did see a  
26 higher number of straightened standard hooks  
27 this year also. Any time we see more, a  
28 higher bluefin tuna catch we also see a higher  
29 occurrence of standard straightened hooks.

30 One of the things we suspect that  
31 the reason was some of the bluefin may be  
32 dying quickly and it's just anecdotal  
33 information by talking to observers and  
34 captains, something we need to collect better  
35 data on in the future. But as Tim talked  
36 about, sometimes the tuna will swim down the  
37 line.

38 And what we find is that  
39 especially the bluefin, when they swim down  
40 the line they'll create a big tangle. And if  
41 the tuna creates a big tangle quickly, it  
42 greatly restricts their ability to move on the  
43 gear. And just like the bluefin we showed  
44 earlier that died fairly quickly, there wasn't  
45 near as much up and down movement.

46 And so it may be as a result this  
47 bluefin created a big tangle quickly and  
48 because it restricted its movement it died

1 fairly soon. Most of the time, most of the  
2 bluefin, I think we had seven that we observed  
3 the mortality of a bluefin with a TDR, it was  
4 fairly quick. And it seems like the tuna  
5 maybe die within an hour or two or can stay  
6 ten hours. There's still a lot to be learned  
7 from that I think.

8 CHAIR MCCREARY: Rom Whitaker.

9 MEMBER WHITAKER: Yes, my comment  
10 is just in reference to the white marlin. And  
11 from a fishing perspective you're going to  
12 catch more white marlins on a thinner hook. I  
13 mean we certainly learned that with using thin  
14 wire hooks, circle hooks for billfish.

15 So I guess it's kind of a double  
16 edged sword. But I think that would account  
17 for a lot of your increase in the white marlin  
18 hook ups. Thank you.

19 CHAIR MCCREARY: Good. Thanks  
20 very much. John, I assume your card's up from  
21 your comment before, right? So with that, no,  
22 it's not. Sorry, go ahead.

23 MEMBER JOLLEY: Are we looking at  
24 two or three years of data here?

25 MR. FOSTER: Yes, the time, the  
26 TDR hook timer data, that's just from this  
27 year. The total counts are from 2008, '09,  
28 '10 and '12.

29 MEMBER JOLLEY: Okay. Are you  
30 planning to do it again or funding  
31 restrictions got you now?

32 MR. FOSTER: Right now we don't  
33 have any plans to do it in 2013. We may  
34 continue the research. It depends on whether  
35 it needs it or not.

36 MEMBER JOLLEY: Well I'd like to  
37 go on record as supporting some future work.  
38 I think the behavioral stuff that you're going  
39 to get out of this is going to be more  
40 significant than you think, too. When you see  
41 these plots of these bigger fish taken, taking  
42 these things, the line down to the bottom or  
43 down near, this is exactly what the Japanese  
44 have been seeing for decades when they get  
45 several bluefin tuna on.

46 You know, they'll take that whole  
47 damn line all the way to the bottom. And it  
48 becomes a real problem for them when they

1 retrieve that line. So I would just encourage  
2 you to do whatever you can. I think we're  
3 going to learn a lot from this if we can get  
4 some more money to do it. Thanks.

5 CHAIR MCCREARY: Good. Thanks  
6 very much. So, Dave, back to you now for your  
7 actual presentation.

8 MEMBER PEEL: While Dave is going  
9 up there, I just wanted to add --

10 CHAIR MCCREARY: Go ahead, Ellen.

11 MEMBER PEEL: -- to what Tim said,  
12 we had some really good charter captains in  
13 Miami reporting very large bluefins in May  
14 this year while they were sailfishing close to  
15 shore.

16 MS. SCHULZE-HAUGEN: I'm sorry,  
17 Ellen. Did you say where that was? In the  
18 Gulf or east coast?

19 MEMBER PEEL: Miami.

20 MEMBER KERSTETTER: Okay, while  
21 we're getting this set up, the problem of  
22 having too many flash drives in one's brief  
23 case. I think we've finally got it set up  
24 right now.

25 For, I know Margo mentioned it  
26 during her overview today about a BREP-funded  
27 program or project that's being run with Randy  
28 Blankinship and the Louisiana Department of  
29 Fish and Wildlife specifically testing  
30 greenstick gear in the Gulf of Mexico. I'm  
31 involved with a similar sort of program  
32 evaluating both greenstick and swordfish buoy  
33 gear in the Gulf of Mexico that, you know, we  
34 have some preliminary results now.

35 So I thought this might be an  
36 opportunity to go ahead and talk about it.  
37 And Margo was gracious enough to let me do so.  
38 She did request that it was going to be about  
39 five minutes. So I will do my best to keep  
40 this brief as well.

41 I specifically left off most of  
42 the introduction because in this group we  
43 really know what is going on in the Gulf of  
44 Mexico and some of the issues that we're  
45 confronted with in terms of management of  
46 things like bluefin tuna and the fisheries  
47 themselves as product prices changes, fuel  
48 costs increase, there are a lot of economic

1 pressures in addition to the biological ones  
2 that these fisheries are facing.

3 And so I was invited to conduct a  
4 project using commercial fishing vessels in  
5 the Gulf of Mexico to test these two  
6 alternative gear types and to look at catch  
7 rates and the economics of those fishing  
8 vessels and their catches and to see whether  
9 they might provide a viable alternative method  
10 of fishing for the Gulf of Mexico. So right  
11 now we're using commercial fishing vessels  
12 that are active in the Gulf of Mexico.

13 One was a, still is, technically,  
14 a longline vessel, but the other was a  
15 snapper-grouper vessel both out of Madeira  
16 Beach. And we're working with a longline  
17 vessel out of Dulac, Louisiana. We're trying  
18 to do everything that we can to make this gear  
19 successful short of actually getting down and  
20 putting fish on the hooks for them.

21 We're providing them the gear.  
22 We're providing the expendables like plastic  
23 squids and floats. And we're also doing a lot  
24 of actual hands on training. Tim Palmer's  
25 been a nice reference for part of this  
26 program. We've been working with Fred Fox out  
27 of Wanchese, North Carolina.

28 He has actually come down on-site  
29 to help with the installation of greenstick  
30 gear, to teach the captains how to not only  
31 fish the gear but adjust the leader lengths  
32 and so on and really get a hands on  
33 perspective on how to use these things. We're  
34 not, we specifically set it up so that we  
35 weren't just saying here's a box of stuff.  
36 Now go catch fish and we'll watch how you do.

37 All of the sets, all of the effort  
38 that we've been doing with this program has  
39 been observed by graduate students in my  
40 fisheries program. All but one has been  
41 trained by the pelagic observer program. And  
42 we're all using custom data sheets that are  
43 modified from those used by the POP.

44 So we're really trying, as best we  
45 can, to standardize the data collection with  
46 this program with that currently existing  
47 within the POP. Although it's still my  
48 understanding that POP does not place

1 observers on greenstick or buoy gear per se,  
2 not formally; although some POP people have  
3 done it in the past.

4 That includes animal logs,  
5 gear/set logs as well as detailed economic  
6 data because the question again is not whether  
7 we can simply catch fish because we know that  
8 they'll catch something. But it's a larger  
9 question about whether these gears can  
10 actually be economically viable.

11 And again, we've mounted the  
12 greenstick gear on two vessels out of Madeira  
13 Beach. I've got a little diagram up there  
14 showing the location of both the bandit reel  
15 and the greenstick gear or the greenstick  
16 itself. We've had to make a few modifications  
17 just because vessels aren't always laid out in  
18 the optimal setting.

19 For the lower boat you can see the  
20 hydraulic spool is mounted pretty far forward  
21 on the boat. And that will probably be moved  
22 back towards the stern for the next trip.  
23 We're currently getting a set of, well the  
24 greenstick pole and the whole system mounted  
25 on that vessel down in Dulac that we're hoping  
26 will actually start fishing in four days when  
27 it leaves the dock.

28 So we've got three greenstick  
29 trips now in the books as well as two buoy  
30 gear trips. Again, we've got the greenstick  
31 boat hopefully leaving, sorry that was a typo.

32 We've got a buoy gear boat that's leaving  
33 shortly and then another greenstick boat  
34 leaving shortly after that. So we should have  
35 even more sets coming in shortly.

36 In terms of the catch  
37 compositions, you know, as you might imagine,  
38 anybody that fishes the northern Gulf of  
39 Mexico on the surface knows that you're going  
40 to run into a lot of blackfin and yellowfin.  
41 And so you can see up in these pie charts for  
42 the three greenstick trips those two species  
43 comprised the majority of the catches. In the  
44 pie charts the black is blackfin and the white  
45 is yellowfin.

46 And we get a mixture of other  
47 surface associated fishes like skipjack and  
48 dolphin as well as little tunny, wahoo and we

1 had actually a couple bigeye on one of our  
2 greenstick trips which was kind of surprising  
3 for the northeast Gulf.

4 For the buoy gear, not  
5 surprisingly, the catch was almost exclusively  
6 swordfish although we did have shortfin mako,  
7 a silky and one barracuda.

8 The buoy gear and the greenstick  
9 gear is again, in that northern part of the  
10 Gulf of Mexico. I've got maps showing the  
11 locations of all those sets with me in case  
12 anybody wants any specific information on  
13 where those were. A lot of the early trips  
14 were trolling between rigs because frankly we  
15 knew we could catch tuna there.

16 The subsequent trips started  
17 moving a little further offshore where not  
18 surprisingly, the size of the fish also  
19 increased. The buoy gear all happened in the  
20 northern part of the DeSoto Canyon closure in  
21 the Gulf. For the economic data, you know,  
22 our expenses are not that different from what  
23 you would see on the east coast.

24 And frankly they're not all that  
25 different from what these vessels were doing  
26 otherwise. The problem that we're facing so  
27 far in this program is that the tunas if they  
28 even graded it out, graded very low. Rich  
29 Ruais was helpful enough to put us in touch  
30 with some people up in New England that we  
31 talked with. We're also talking further with  
32 the buyers down in Louisiana and seeing what  
33 we can do about that.

34 Certainly larger fish will likely  
35 grade higher. And we think that there's  
36 probably also a seasonal component that fishes  
37 that are landed later in the season when the  
38 water's not so hot will also grade out a  
39 little bit.

40 We've been collecting a lot of  
41 anecdotal word of mouth sort of thing from  
42 people who have either tried greenstick  
43 themselves in the past in the northern Gulf of  
44 Mexico or who've talked with people who have  
45 tried it themselves. A lot of interesting  
46 things such as, specifically, yellowfin that  
47 are caught in the river outflow tend to be  
48 very pale and have very low fat content and

1 grade out poorly.

2 So we're trying to put these all  
3 in some kind of coherent context in looking at  
4 the types of fish and the grades and sizes  
5 around all these different locations in the  
6 Gulf to see if we can't make any more  
7 connections there. I've got to admit, all  
8 trips so far have been revenue-negative, i.e.  
9 they've all lost money so far.

10 However, we have been finding some  
11 really encouraging signs. I'll skip around a  
12 little bit. We're going to address some of  
13 the grading issues starting with these two  
14 trips in terms of looking at gut contents  
15 between buoy gear and longline and greenstick  
16 caught fishes.

17 Look at pH and temperature  
18 monitoring of the fish as soon as they come on  
19 board. Specifically the issue of core  
20 temperature is one that we think could be  
21 strongly affecting that grade. And with the  
22 longline vessel, granted it's a big steel hull  
23 and we know that the economics are going to be  
24 difficult to make viable, we're going to  
25 monitor those economic expenses as well for  
26 the longline portion.

27 So we'll have comparative data  
28 there. We haven't had any bluefin tuna  
29 interactions, although we fully admit that  
30 it's kind of in a period of low abundance for  
31 bluefin in the Gulf right now. Almost all of  
32 our bycatch was released alive. And the  
33 bycatch that wasn't, you know, we had one  
34 barracuda that was bitten in half by a shark.  
35 Sometimes you can't really do very much about  
36 that.

37 One of the things that's probably  
38 been most encouraging for us so far in this  
39 project has been that we've seen the catch  
40 rates go up on each successive trip for both  
41 gear types. And it went up very rapidly on  
42 this last trip for buoy gear.

43 For whatever reason starting  
44 actually the last set of the first trip, but  
45 the gear just clicked with Jamie; that he  
46 suddenly understood. It was like a moment of  
47 clarity. Apparently it was really fun for the  
48 observer to watch and describe it. But that's

1 why Jamie, in particular, is so excited about  
2 the buoy gear. It's hard to keep him to the  
3 dock.

4 The project was originally  
5 supposed to end actually not to far from now.

6 But we've scheduled a new completion date for  
7 June 2013 so that we'll have data from the  
8 bulk of the spawning period for bluefin in the  
9 Gulf of Mexico, as well as over different  
10 seasons to make these comparisons a lot more  
11 strong, as well as to get even more economic  
12 data to again assess that economic viability  
13 as well as the catches.

14 So for right now that's all we  
15 have. There certainly will be more to present  
16 at the next AP meeting. And I would be happy  
17 to take any questions. But before I do I will  
18 make a disclaimer: there is a lot of talk  
19 about, and some of it actually kind of  
20 vitriolic, which was surprising, about the  
21 data in this project being used to force  
22 something, or in any other sense being used as  
23 a hammer. And for what my portion is, this is  
24 a research-only on the viability of the gear  
25 both economic and catch wise.

26 And what these data are going to  
27 be used for, I think that it shows some  
28 promise in terms of bluefin tuna bycatch, but  
29 please limit your questions to me at this  
30 point on the research. And we'll focus on the  
31 applications of this later. Thank you.

32 CHAIR MCCREARY: Okay, Margo. You  
33 have a desire to move on to the enforcement  
34 items soon. We have time for a few questions  
35 though, I assume.

36 MS. SCHULZE-HAUGEN: Yes, we do  
37 and I also maybe while we're doing the  
38 transition, Randy Blankinship has gone out on  
39 a couple of trips with the Louisiana state  
40 folks on the kind of the complimentary  
41 projects, the BREP project. And so he could  
42 speak to that a little bit as well. So maybe  
43 a couple of questions.

44 CHAIR MCCREARY: Okay, Sean.

45 MEMBER MCKEON: Yes, thanks, Dave,  
46 that was a good presentation. Good to see you  
47 again. Sean McKeon, North Carolina Fisheries  
48 Association. With respect to the economic

1 data you did: I'm assuming you, pretty  
2 standard stuff you have in that category, fuel  
3 things like that?

4 MEMBER KERSTETTER: Yes,  
5 absolutely. Everything from bait, including  
6 the plastic squids for the greenstick gear,  
7 groceries, fuel. We're doing as best we can  
8 to get at least some kind of rough estimate of  
9 crew versus captain versus vessel, sharing of  
10 whatever revenue is made. So we're trying to  
11 be as comprehensive as we can on that economic  
12 data collection, absolutely.

13 CHAIR MCCREARY: So I have Jason,  
14 Terri and Gerry. And then I think we'll try  
15 to shift gears. Jason?

16 MEMBER ADRIANCE: Thanks for the  
17 update. It sounded like you did some of these  
18 greenstick gear trips in areas where you don't  
19 traditionally longline like around oil rigs  
20 and things like that. Are you guys planning  
21 to go out and try the gear in areas where they  
22 are traditionally longlining to really be able  
23 to compare catches in similar areas where  
24 they're doing that?

25 MEMBER KERSTETTER: Yes,  
26 absolutely that apples to apples comparison  
27 really is appropriate. And that's why we're  
28 excited to be working actually with the  
29 Queensland to get a sense of what the gear  
30 does in the traditional longline grounds which  
31 are much further south and away from the rigs.  
32 Absolutely.

33 CHAIR MCCREARY: Thank you.  
34 Terri.

35 MEMBER BEIDEMAN: Not to be a  
36 machine gun, but I have a couple of questions  
37 that are just about the operational parts of  
38 this, David. These vessels I understand not  
39 all of them are tuna boats, but what about the  
40 captains?

41 Have they been tuna fisherman or  
42 swordfish fisherman that are involved with the  
43 respective gears, presuming you're pursuing  
44 tuna with greenstick and you're pursuing  
45 swordfish with buoy gear? Are they  
46 experienced? Would they know how to actually  
47 properly handle fish aboard a boat? I don't  
48 know, I hope so.

1                   MEMBER     KERSTETTER:           That's  
2 actually a good question and I should have  
3 covered that in my introduction. One of the  
4 training aspects that we did is we recognized  
5 that some of these guys are grouper guys. So  
6 they're not as experienced with the, you know,  
7 the care of the individual tunas.

8                   And so part of that training was  
9 indeed how to clean and dress a swordfish and  
10 tuna properly. One of the vessels though is a  
11 commercial longline boat. And so we noticed,  
12 I guess it's because I've been on good boats  
13 like Greg O'Neill's where the fish are babied,  
14 I did make a couple comments about how they  
15 could better take care of their fish. But  
16 certainly in terms of how they were already  
17 bringing tuna to market, they did have a basic  
18 understanding, yes.

19                  MEMBER BEIDEMAN: Okay. I was  
20 just, you know, it is a bit of a learning  
21 curve, you know, for folks in terms of how to  
22 properly deal with it. My second question has  
23 to do with the gear. What type of hooks are  
24 they using on either of those gears? I don't  
25 know, I don't mean to be, you know,  
26 uninformed, but what types of hooks are they  
27 allowed to use or are they using?

28                  MEMBER KERSTETTER: Right now for  
29 the first trips on greenstick gear we were  
30 using 9/0 J's. We actually are trying to try  
31 11 or 12/0 J's as a way to potentially  
32 increase the size of the individual tunas.

33                  I'm not sure if that will work,  
34 but it's certainly worth a try. It's actually  
35 difficult to find 12/0 J hooks in bulk on the  
36 east coast right now. They tend to be pretty  
37 expensive. For the swordfish buoy gear we've  
38 been using 9/0 J's as well, both of which are  
39 standard hooks for both fisheries both in  
40 Wanchese and South Florida respectively.

41                  MEMBER BEIDEMAN: Thank you for  
42 that. And I had heard anecdotally that there  
43 had been some huge difficulty trying to  
44 actually have fish dealers that were willing  
45 to accept this green fish gear because  
46 everyone I've ever talked to says, you know,  
47 the tunas often are burnt and they don't want  
48 them. So that's, you know, just my input and

1 what I've heard.

2 MEMBER KERSTETTER: Well we  
3 certainly have heard that anecdotally. On our  
4 fish trip we went into one buyer who gave a  
5 price that almost seemed insulting, but that's  
6 fine. That's part of the nature of this game.  
7 We recognize going in that there is that  
8 perception in the Gulf of Mexico, particularly  
9 in the northern Gulf, that fish caught with  
10 this gear type tend to be low quality, low fat  
11 and if they grade out they grade out poorly.

12 And so that's why we're trying all  
13 of these other things to increase that product  
14 quality, whether it's better handling, further  
15 offshore to get larger fish. We're examining  
16 a multiple of different venues for potentially  
17 increasing the value. We know, yes. We knew  
18 that was a problem going in.

19 CHAIR MCCREARY: Terri, thanks  
20 very much. Gerry and then Rusty and then we  
21 will shift to enforcement.

22 MEMBER LEAPE: Sure. Dave, thanks  
23 for the update and look forward to sort of the  
24 more, a further, more complete update in the  
25 spring. But an easy question for you. Your  
26 presentation actually is one that we don't  
27 have access to on the website and was  
28 wondering if Margo or, you know, if they can  
29 circulate it to all the AP members as we  
30 expect and look forward to hearing back from  
31 you in the spring?

32 MEMBER KERSTETTER: That's a very  
33 easy one to answer. And I will provide it to  
34 Margo, indeed. Thank you.

35 CHAIR MCCREARY: All right. And  
36 we actually would like our enforcement team  
37 that's getting ready to present to come up and  
38 prepare. And Rusty, you have the last word on  
39 the subject.

40 MEMBER HUDSON: Gerry asked the  
41 same question I asked, if it was going to be  
42 posted to the website, for David's  
43 presentation.

44 CHAIR MCCREARY: All right. Very  
45 gracious of you to acknowledge that. Thank  
46 you. All right. Dave, thanks very much.  
47 Nice work. Thank you.

48 MR. BLANKINSHIP: Okay. So to

1 follow up on Dave's excellent presentation  
2 I'll give you just a very brief description of  
3 what we have going on in Louisiana as well  
4 with greenstick. The greenstick project that  
5 NOAA is involved in and partnering with  
6 Louisiana Department of Wildlife and Fisheries  
7 on is funded by the Bycatch Reduction  
8 Engineering Program. That's a NOAA funding  
9 program.

10 That work is being done out of the  
11 Grand Isle, Louisiana lab. In fact, the  
12 Department of Wildlife and Fisheries even went  
13 through and purchased a vessel to be used for  
14 this project. And I've had the opportunity,  
15 along with Dan Foster, to go over and join  
16 them on a couple of their early data  
17 collection trips and watch them go through the  
18 protocols and I think they're doing a very  
19 good job.

20 One of the things that was very  
21 encouraging early on before they actually  
22 started data collection and they mounted the  
23 gear, mounted the greenstick gear, took it out  
24 after tuning it in the channel, took it out  
25 offshore on their first dry run basically to  
26 see if they could catch anything. And in five  
27 and half hours of fishing they caught several  
28 yellowfin tuna and blackfin tuna and skipjack  
29 tunas, which meant that they were fishing the  
30 gear, at least that day, effectively.

31 But in the data collection trips  
32 thus far the catch rates, the actual data  
33 collection trips the catch rates have been  
34 pretty low. Some of that may be related to  
35 the way that the fish were behaving that day.

36 There are some seasonality effects. Also  
37 with fishing in late summer, these were July  
38 and August trips.

39 And so we're looking forward to  
40 continued data collection through and some  
41 into the winter and springtime and next summer  
42 as well to see how this goes. If you are  
43 interested in any other information, I have  
44 some video and photos on my iPhone. You can  
45 come chase me down and we'll share those.  
46 Thanks.

47 CHAIR MCCREARY: Excellent. All  
48 right. So we will now shift gears and take a

1 few minutes to hear a law enforcement update.

2 And I actually don't know the sequence of  
3 speakers. So if one of you does, you could  
4 make a little mini-introduction.

5 All right. Office of Law  
6 Enforcement, then General Counsel, then the  
7 Coast Guard. That's our sequence. So OLE is  
8 up first.

9 SPECIAL AGENT REGHI: Okay, good  
10 afternoon, everyone. My name is John Reghi,  
11 I'm a Special Agent assigned to NOAA  
12 Enforcement Headquarters and I'll be providing  
13 our portion of our enforcement update today.  
14 I'll be giving the presentation for the  
15 Northeast Enforcement Division.

16 I'll be talking a little bit about  
17 our HMS ITP compliance initiative being run  
18 out of OLE Headquarters. And in the Southeast  
19 Division, acting Deputy Special Agent in  
20 charge Jeff Radonski, will give a Southeast  
21 update for you. Then Office of General  
22 Counsel and then our colleagues with the  
23 United States Coast Guard.

24 Okay, starting in the Northeast  
25 division we had special agents respond to a  
26 number of complaints. And that was received  
27 from HMS staff focusing on reporting by  
28 federally permitted shark dealers and  
29 instances involving prohibiting shark species.

30 We also had special agents assist  
31 HMS staff in facilitating the registration of  
32 a number of HMS tournaments. Conducting a lot  
33 of education and outreach to bring them into  
34 compliance.

35 And the outreach and education  
36 didn't stop there. It also extended to  
37 working with industry and the trade to clarify  
38 authorized gear types. And they did assist  
39 regarding harpoons in the charter head boats  
40 category.

41 And we also had special agents  
42 respond to a report concerning a landing of a  
43 smooth hammerhead shark that was during a  
44 closed season, by a trawl vessel that did not  
45 have a HMS permit.

46 What we did was we took a very  
47 intense look at it and OLE was able to confirm  
48 that the vessel accidentally misreported or

1 miss-coded other catches of smooth hammerhead  
2 shark.

3 And we also had enforcement  
4 officers initiate an investigation regarding a  
5 seafood dealer who received a swordfish  
6 without a valid HMS international trade  
7 permit.

8 And we also had special agents  
9 focusing on a joint operation targeting  
10 imports and exports of seafood across the U.S.  
11 Canada boarder. They took a look at a number  
12 of HMS imports and exports that were found to  
13 be not compliant with NOAA import and export  
14 regulations.

15 And we also investigated a  
16 federally permitted charter boat operator for  
17 filleting Atlantic bluefin tuna at sea. The  
18 vessel operator was issued a summary  
19 settlement, that was cued by our joint  
20 enforcement agreement partners.

21 And a second similar matter we had  
22 OLE and JEA state partners investigate a  
23 general category fisherman for fileting  
24 Atlantic blue fin tuna, again at sea. And the  
25 respondent was also issued a summary  
26 settlement citation in this matter.

27 Enforcement Headquarters, what  
28 we've been doing since the outset of calendar  
29 year 2012, we've been focusing on how the  
30 migratory species international trade permit  
31 that's required. We've been focusing on  
32 increase and compliance with swordfish  
33 dealers, particularly, in the trade.

34 And I've been working on that  
35 project as part of my regular duties right  
36 now. So far successfully, we've been able to  
37 bring 54 seafood dealers into compliance and  
38 that translated into 397 metric tons of  
39 swordfish imported into the United States that  
40 was either not permitted or improperly  
41 documented.

42 So we were able to assist industry  
43 with that. And I'll transfer to Jeff  
44 Radonski.

45 SPECIAL AGENT RADONSKI: Okay,  
46 thank you John. Yes, I'm Jeff Radonski, I'm  
47 acting Deputy Special Agent in charge for the  
48 Southeast Division. I've been stuck doing

1 that job since last October, hoping it comes  
2 to an end soon. It's just too much budgetary  
3 and paperwork to go with it and takes me away  
4 from the investigations.

5 I'll start off and talk about  
6 Louisiana. As you know they have passed a law  
7 in the State of Louisiana, expand their  
8 jurisdiction out to nine miles. At the  
9 federal end we aren't recognizing that, it  
10 will take an act of congress or it will have  
11 to go through the court system to allow for  
12 that.

13 So right now that is not in force.

14 We enforce federal fisheries regulations up  
15 there three mile boundary. It's not like  
16 Texas or Florida who's already recognized they  
17 have nine miles. Texas, throughout their  
18 coastline and then only on the Florida West  
19 Coast. On the East Coast we still have the  
20 three mile boundary there.

21 Before HMS you know, obviously HMS  
22 is a priority for OLE as a whole. And in the  
23 Southeast we're looking at shark regulations,  
24 we're looking at swordfish, we're looking at  
25 tunas. So we're heavily involved.

26 You know, I can't give real  
27 specifics on it but I do know we're looking at  
28 one case that involves over 2,000 illegal  
29 shark fins. They were concealed on the  
30 vessel. And only a few carcasses were found  
31 on the boat. We are perusing that  
32 investigation still so I can't go into a lot  
33 of details to it, but that's a significant  
34 case that's occurring down in the Gulf area.

35 Reporting, whether it's in the  
36 shark dealers or others. We have had to do a  
37 lot more investigations this year dealing with  
38 reporting. And some of them, whether it is a  
39 IFQ fishery for snapper grouper or grouper or  
40 also we're looking at, excuse me, but we're  
41 looking at reporting problems in swordfish,  
42 we're looking in shark.

43 We're also looking at a few cases  
44 that are going to go criminal where we have  
45 seen that it's actually false reporting to the  
46 agency. And we're looking at more and more of  
47 those type things of false information come to  
48 the agency. So that goes into the fraud.

1                   Swordfish, live bait. Still a big  
2 issue in the Gulf of Mexico. We have several  
3 case still under way on that. Fraudulent  
4 permits. We're looking at fraudulent permits  
5 now as well.

6                   We do have one case were it's a  
7 recreational angler catching a billfish and  
8 then back dating a permit to make it look like  
9 he was legal. But that doesn't really work  
10 considering we know the date and time you buy  
11 a permit.

12                   We're also looking at imports,  
13 exports. Sharks, we're finding with  
14 California having a new law, there's going to  
15 be some changes in dynamics and how sharks  
16 probably move throughout the United States.  
17 So we're starting to look at that.

18                   Other things though that we're  
19 doing a lot more of is, we're heavily active  
20 in seafood fraud. Whether it's species  
21 substitutions or it is just falsely  
22 identifying the species or falsely reporting  
23 it. But we're seeing a lot of seafood fraud  
24 applications.

25                   Salmon, we're coming across that  
26 more. One case that I thought was kind of  
27 interesting, we look at the box it says it's a  
28 product of China, when we open the box it said  
29 that it came from Alaska, and then when we got  
30 the paperwork it was from Russia. To this  
31 date we still don't where that Salmon came  
32 from.

33                   But that's some of the stuff that  
34 we're seeing in the seafood fraud. We're  
35 suspecting it probably did come out of the  
36 Russian region, but the Russians were very  
37 cooperative in working with us and helping us  
38 determine that the paperwork that the  
39 paperwork given to us was fraudulent  
40 paperwork.

41                   We're also heavily engaged in TEDs  
42 in the Northern Gulf and that has put a lot of  
43 limitations on us in dealing with the, weak  
44 hook, issues. Because TEDs was probably our  
45 highest priority for the Southeast region.

46                   But also we're involved in BP  
47 fraud cases with fisherman throughout the Gulf  
48 that submitted false claims got paid for it.

1 The Bureaus Coming to us, Secret Service and  
2 other agencies that are part of that task  
3 force, asking for our assistance because of  
4 expertise.

5 Trying to think, so that's kind of  
6 a quick wrap up of the Southeast.

7 CHAIR MCCREARY: Thank you. Shall  
8 we continue then?

9 MS. ENGELKE-ROS: Certainly once  
10 we're done you can ask questions of anyone at  
11 NOAA. If you have some questions for Jeff or  
12 John. I'm Meggan Engelke-Ros from the Office  
13 of General Counsel and Enforcement section and  
14 I have Frank Spital with me, who's another  
15 Enforcement Attorney in our office.

16 Silver Spring is currently  
17 handling all HMS cases that are referred from  
18 the Office of Law Enforcement at NOAA, as well  
19 as our Joint Enforcement Agreement Partners  
20 and the U.S. Coast Guard.

21 We thought what might be most  
22 usefully, instead of talking through specific  
23 cases, that were here to talk about trends  
24 that we've observed in the cases that have  
25 been refereed to our office over the last  
26 couple if years. And probably those trends  
27 have, we think have remained pretty constant  
28 over the last several years anyway.

29 In swordfish we still see a really  
30 large percentage of undersized swordfish  
31 cases. Sharks, it's primarily landing in  
32 other then permitted form and that includes  
33 finning, which still constitutes a fairly  
34 large number.

35 It's worth noting that a fair  
36 number of the finning cases that we receive  
37 are finning that occurs, not in HMS fisheries  
38 necessarily, but in for example the shrimp  
39 trawl fishery, where sometimes there are small  
40 or large numbers of shark fins found onboard.

41 Possession of prohibited species  
42 also continues to be a problem in the shark  
43 fisheries.

44 In bluefin what we're seeing is  
45 undersized bluefin and sell of recreational  
46 caught bluefin. In yellowfin we are, as Jeff  
47 said, still seeing live bait case as well as  
48 undersized fish cases.

1                   And as both of these guys pointed  
2 out, a lot of the case that we have involve  
3 permit violations. Either not the right  
4 permit, not a valid permit, not any permit or  
5 permit related violations like non-reporting,  
6 misreporting, delayed reporting.

7                   And a lot of times, especially  
8 with vessel permit violations, those are in  
9 combination with other kinds of violations.  
10 Like no permit plus prohibited species on  
11 board or no permit plus shark fins.

12                   And with dealer permits, it's  
13 usually in combination with non-reporting.  
14 Which is not surprising if you don't have a  
15 dealer permit you're probably not reporting.  
16 We're kind of more surprise when we find  
17 dealer cases where they are reporting, but  
18 they don't have a permit.

19                   So we have been focusing a lot of  
20 attention on permit issues, as John said,  
21 we're working closely together to deal  
22 particularly in the ITP context. But we are  
23 dealing with a lot of permitting, dealer  
24 permitting and non-reporting issues as well.  
25 So I think those are kind of the trends that  
26 we've seen.

27                   CHAIR MCCREARY: Great. So let's  
28 see if there are questions for any of our  
29 speakers? Rusty?

30                   MEMBER HUDSON: Two questions, one  
31 for the Northeast. On the prohibited species,  
32 what is the specie comp of those species that  
33 are being reported up in that region?

34                   SPECIAL AGENT REGHI: General  
35 Counsel's going to be checking to see if they  
36 have a specific on that, but we just addressed  
37 it in very general terms. One moment please.

38                   Yes, the information we have from  
39 the Northeast just says, prohibited shark  
40 species in general, but I can check to that  
41 and report back to you on the next meeting or  
42 sooner.

43                   MEMBER HUDSON: Would that be a  
44 Caribbean Reef or a Caribbean Sharpnose? Both  
45 are prohibited but both are not indigenous to  
46 that region?

47                   SPECIAL AGENT REGHI: That I don't  
48 know.

1 MEMBER HUDSON: Second question.  
2 Jeff, you mentioned a boat got picked up with  
3 a couple thousands shark fins on board, did it  
4 have a directed shark permit or you at liberty  
5 to say at this moment?

6 SPECIAL AGENT RADONSKI: If I  
7 recall it did not have a permit.

8 CHAIR MCCREARY: Okay, thank you.  
9 Gerry?

10 MEMBER LEAPE: Yes, first of all  
11 same question from last time. We only have  
12 one of the presentations, if we could get the  
13 others that would be great. And second, what  
14 I didn't see in your presentations was an  
15 update, and maybe we'll hear about it later,  
16 on how the office is doing?

17 You know, you guys have been down,  
18 hopefully bottomed out and was wondering if  
19 you could give us an update on your capacity  
20 and whether that's on the way back?

21 CHAIR MCCREARY: So by how it's  
22 doing you mean staffing levels, budget,  
23 capabilities?

24 MEMBER LEAPE: Yes.

25 CHAIR MCCREARY: Priorities?

26 MEMBER LEAPE: Yes, pretty much.  
27 And now we're facing the fiscal cliff, but  
28 let's assume that we'll try it, that will work  
29 out.

30 CHAIR MCCREARY: Okay, thanks.

31 MEMBER LEAPE: How are things  
32 going up until then?

33 CHAIR MCCREARY: Yes.

34 MS. ENGELKE-ROS: Well actually,  
35 at least I'll let John and Jeff speak for the  
36 Office of Law Enforcement, but with respect to  
37 our office, we have good news to report. At  
38 the end of July got a new Section Chief in our  
39 office and they have been given permission to  
40 hire new Northeast Enforcement Attorney's who  
41 will be located in the Northeast Region.

42 Which means that the attorneys  
43 working out of Silver Spring, will no longer  
44 be covering the Northeast as well. I mean I  
45 think for the time being we will still be  
46 handling all the HMS cases, but we won't be  
47 doing all the other Northeast enforcement,  
48 attorney duties. Including regulatory review

1 and attendance at counsel meetings and things  
2 like that.

3 So I think that's pretty good news  
4 and it looks like we're moving towards a more  
5 stable period. We have a new deputy coming  
6 online in mid-October, so we should actually  
7 be on track staffing wise.

8 CHAIR MCCREARY: Good, very  
9 encouraging. Shana?

10 MEMBER HUDSON: I'm sorry, I had a  
11 second part to that question.

12 CHAIR MCCREARY: Sorry, go ahead.

13 MEMBER HUDSON: Which is, we were  
14 down at one point, it seemed like single  
15 digits in sort of enforcement officers, and  
16 was just wondering if that situation has  
17 changed at all?

18 SPECIAL AGENT RADONSKI: Well in  
19 the Southeast we were able to hire two new  
20 Enforcement Officers. However we haven't had  
21 any net increase. We've actually lost some to  
22 other agencies, agent wise and I don't know  
23 when we'll be able to hire.

24 There's a lot of, we can say hire,  
25 but we have to worry about being able to  
26 getting them into the Federal Law Enforcement  
27 Training Center, we have to get backgrounds on  
28 them, we have to get a whole list of things  
29 before we can even put them on the street.

30 CHAIR MCCREARY: Good?

31 SPECIAL AGENT REGHI: And also to,  
32 if you check our website, there is a link to  
33 the staffing plan that has been published by  
34 the organization. And that will give you a  
35 rough idea as the general direction that we're  
36 going in and that may be subject to change to  
37 a certain level.

38 But primarily that's the direction  
39 that we're heading in. As Jeff Radonski  
40 mentioned, that we are down in our special  
41 agent and enforcement officer positions. A  
42 lot of it's contingent upon the budget.

43 We do have a new director, Bruce  
44 Buckson. And at Headquarters we have a vacant  
45 deputy director's position right now, that's  
46 being filled by Tracy Dunn, who is the Deputy  
47 Special Agent in charged in the Southeast.  
48 Tracy is at Headquarters now working closely

1 with Bruce to assist in moving the agency  
2 forward.

3 And during the interim, we're  
4 working very closely with panels, such as  
5 yourself, the fisher management counsels and  
6 with regional administrator's office to make  
7 sure that the priorities of the agency are  
8 addressed. And also trying to come up with an  
9 appropriate mix that's very important to all  
10 of us of the appropriate balance of civil  
11 cases, administrative cases that are being  
12 done as well as criminal cases.

13 CHAIR MCCREARY: Good thank you.  
14 Shana?

15 MEMBER MILLER: Dan Foster  
16 mentioned that there was quite an enforcement  
17 effort on the weak hooks and I was wondering,  
18 I guess this would be a question for you Jeff,  
19 if you could speak to that a little bit more,  
20 whether that's been a dockside effort or at  
21 sea? How that's worked?

22 SPECIAL AGENT RADONSKI: I think  
23 the State of Louisiana, through our JEA  
24 program did most of that work. It really  
25 didn't come from the Office of Enforcement.  
26 It came from JEA partners.

27 We're in the are where the weak  
28 hooks are really going to be involved. We're  
29 heavily involved in the shrimp fishery because  
30 of TEDS. And that's two different areas that  
31 we're actually operating and we had to make a  
32 choice of where to put our resources.

33 CHAIR MCCREARY: Okay, thank you.  
34 And just back to one of Gerry's points, the  
35 request was to see if we could put all the  
36 presentations up? Is that reasonably? Can  
37 that be done?

38 MS. ENGELKE-ROS: I think so.

39 CHAIR MCCREARY: Okay, all right.  
40 Any other follow up questions on enforcement?  
41 If not I think it is time for a break. High  
42 time for a break. Let's take about, Rusty,  
43 sorry?

44 MEMBER HUDSON: The Coast Guard  
45 presentation is that going to be made?

46 CHAIR MCCREARY: You were lurking  
47 back there. I thought you were all done. I  
48 really apologize I thought you were all up

1 there. My mistake, I can't see behind me.

2 MS. SCHULZE-HAUGEN: Maybe while  
3 we're getting the presentation up, we do have  
4 a handout on the commercial vessel safety  
5 decal information. So if you're interested in  
6 that maybe raise your hand and we'll give you  
7 a copy. I'm not sure if we have enough copies  
8 for everyone, but we can get more made if we  
9 need them.

10 CHAIR MCCREARY: Sorry, go ahead  
11 please.

12 COMMANDER CASAD: Thank you very  
13 much I appreciate the opportunity to be here  
14 today. Once again my name is Greg Casad, I'm  
15 the Coast Guard's liaison to NOAA Fisheries,  
16 and with me today is Jonathan Wendland, who's  
17 from our Commercial Vessel Compliance  
18 Divisions at the Coast Guard Headquarters.

19 Specifically Jonathan works on  
20 commercial fishing vessel safety. And he's  
21 going to have a little bit of a presentation  
22 on some of the pieces that are coming into  
23 play from a safety side of the house, that  
24 we've been going around the country and  
25 providing this information to the fisheries  
26 management council. We also want AP to have  
27 that information as well.

28 So Jonathan will be available and  
29 provide us quick comments at the end and be  
30 able to take questions about that. So  
31 specific changes that are coming down the  
32 line.

33 I'm here today representing for  
34 our Atlantic Command, which focuses out of  
35 Portsmouth. And Lieutenant Buendia, who was  
36 here last time and gave the presentation, is  
37 still the point of contact for the advisory  
38 panel for the HMS issues. But I'm here today  
39 in her stead.

40 Now I'm going to try and go  
41 through some of these slides pretty quickly  
42 because I know guys have seen these in the  
43 past. What I will tell you is the Coast Guard  
44 continues to place a tremendous amount effort  
45 towards fisheries enforcement and maintaining  
46 the integrity of our EEZ.

47 We continue to put assets toward  
48 that, that hasn't changed. These numbers that

1 you're seeing here are numbers for fisheries  
2 that writ large.

3 So this isn't broken down, this  
4 isn't specific to HMS issues but deals  
5 everything from Maine all the way through down  
6 to Texas and the Atlantic sea board. So if  
7 you have, those are consistent with previous  
8 years and efforts that we've pushed forward.

9 From here this is actually those  
10 boardings, those at sea boardings that we've  
11 done. In FY '11 and '12 and you'll see that  
12 were up just a little bit, a little bit of an  
13 uptick there.

14 And that's primarily due to some  
15 increase effort that's happening out of our  
16 offices that handle from Georgia down through  
17 and through a little bit of a Panhandle of  
18 Florida. And they we've been a step up in the  
19 number of boardings that are being done in  
20 that region.

21 I don't know that, that's a result  
22 of anything specific or anything that we're  
23 focusing on, but more just a matter of folks  
24 actually taken an interest and then putting  
25 that effort towards that. And then direction  
26 from those local commands to focus on these  
27 issues.

28 Finally we're below the numbers  
29 for this year. That's something I think that  
30 the AP has been asking for in the past, is  
31 kind of how are we apportioning our efforts at  
32 sea or how are we looking across different  
33 sectors of people who influence the fishery?

34 So I want to provide these numbers  
35 here that talk about what we're doing from  
36 commercial. There's the charter vessels and  
37 then also from a recreational fleet and those  
38 recreational vessels that we're boarding.

39 Now what I will say here is that  
40 just like all systems, we have a system of  
41 record and it's garbage, in garbage out. And  
42 so for our folks who are doing recreational  
43 boardings, checking people making sure they  
44 have their flares, their life jackets on  
45 board. A lot of times their also checking to  
46 make sure that they have their fishing  
47 license.

48 Now my numbers only show up when

1 they go into our system and actually check the  
2 right box to say they checked the fisheries  
3 regulations. So these numbers are, if  
4 anything, on the low side on the recreational  
5 side of the house. Probably the same way from  
6 a head boat perspective.

7 Those vessels, those inspections  
8 are begin logged or being turned within the  
9 Coast Guard in our own lingo in a different  
10 frame of reference, then doing it for the  
11 purposes of doing a fisheries inspection or  
12 checking for compliance for fisheries rights.

13 But while we're there we are most certainly  
14 taken those actions as well.

15 So this is a, since March we don't  
16 have a lot of cases to pass along and I'll be  
17 very brief. There were basically three  
18 incidents. One with a rec vessel, the guy  
19 didn't have his permits. We took care of that  
20 quite quickly with the Office of Law  
21 Enforcement.

22 The two other cases we had were  
23 live bait cases down in the Gulf of Mexico.  
24 That continues to be something that we're  
25 partnering with the Office of Law Enforcement  
26 and working to get out there and make sure  
27 that when we catch them.

28 We have indication of vessels are  
29 engaging and targeting, going to known live  
30 bait areas and then proceeding out to fish.  
31 That we're going out and we're boarding those  
32 vessels. That continues to be a fairly high  
33 priority for those folks down in the Gulf of  
34 Mexico.

35 My personal favorite, dealing with  
36 the Mexican launches that come down off the  
37 Southern Texas. Continues to be an issue that  
38 we see. It doesn't seem as you would expect.

39 Some of that is cyclical, and I have a slide  
40 that's next that talks about the times of year  
41 that we see that.

42 Once again these numbers are  
43 consistent with what we've seen in the past.  
44 And we're stilling putting the same amount of  
45 effort into looking. So I think that's the  
46 big piece of the puzzle.

47 We haven't reduced the amount, so  
48 we're fairly confident what we're seeing is

1 what's actually happening. So those inputs  
2 remain constant and these are the outputs of  
3 those efforts.

4 One of the AP meetings, I believe  
5 it might have been a year ago, one of the  
6 requests was for us to provide some  
7 information about what type of gear we were  
8 finding, where there was interaction with HMS  
9 species.

10 And so these are just kind of the  
11 run down on the vessels that we interdicted or  
12 the gear that we found where there was, had  
13 some type of species of HMS on board.

14 We're obviously we're finding  
15 launches with other species on them as well,  
16 but these are the cases and the length of the  
17 gear. And these are estimations of the  
18 length, we didn't take it out in the parking  
19 lot and measure it, so please don't hold me to  
20 2.5 nautical miles in length of line. We  
21 didn't roll that out, but that was the best  
22 estimates from our folks that were on scene  
23 and what was reported up to us.

24 And then here are the species that  
25 were determined, were found on board. And  
26 some of these, like I said, some of these were  
27 returned live, returned to the sea when they  
28 were live and the other ones were such that we  
29 weren't able to do that. They were dead  
30 already.

31 So this is what I was talking  
32 about, kind of me being a little bit cyclical  
33 on the sense of what time of year we actually  
34 see an increase in the number of launch  
35 occurrences. And some of that is driven by  
36 lent, some of those other events that happen  
37 that where seafood consumption increases. And  
38 we know that those happen.

39 We have that from years of  
40 experience of dealing with this and talking  
41 with the folks that we've interdicted, that  
42 were fishing illegally in our waters. So we  
43 continue to see that.

44 The spike this year, there's been  
45 actually been a noticeable increase in the  
46 amount of partnership between Customs and  
47 Border Protection and the Coast Guard, and  
48 also Texas Parks and Wildlife. In

1 coordinating our efforts and making sure that  
2 when one agency sees something they know what  
3 they're looking for and they pass that along  
4 to either, from a CBP perspective.

5 When they see something we've  
6 helped them understand what it is we're  
7 looking for and they're actually passing that  
8 information along to us. Even if it's not  
9 something that necessarily meets what they're  
10 looking for. Obviously their interests are  
11 slightly different than ours, from where we  
12 focus on natural resources.

13 And so they're passing information  
14 along that provides us an opportunity to go  
15 out there and try to interdict those vessels  
16 that are illegally fishing in our waters. So  
17 that's part of the reason why you see the jump  
18 there in the first quarter of FY'12.

19 And I'll take the last bullet  
20 point first. I know the AP has heard this  
21 before, the Coast Guard is in the process of  
22 re-validating our strategic plan, which is  
23 called Ocean Guardian.

24 As the HMS staff can contest to,  
25 we have run into some difficulties in  
26 navigating the Paperwork Reduction Act. Which  
27 is apply named, but obviously not for the  
28 purposes of the agencies.

29 But we're in the process of  
30 finalizing our Paperwork Reduction Act  
31 requirements to be able to submit a survey out  
32 to stake holders. And by that I mean in the  
33 broadest terms of users of the resource.

34 From academia to commercial head  
35 boat rec vessels and the NGO community, to  
36 seek information, solicit information about it  
37 and comments on the Coast Guards efforts and  
38 what we're doing, what we're doing well, what  
39 we're not doing well and where we might be  
40 able to refocus our efforts to be better five,  
41 ten years down the line. So that we're a  
42 better agency to serve the needs and help meet  
43 those goals for management of these species.

44 Now just to give you one side of  
45 the house, is that survey side. The other  
46 piece is actually looking at empirical data.  
47 And that's us looking at our reports, looking  
48 at the information that we're able to gather

1 from working with the Office of Law  
2 Enforcement, working with their JEA partners  
3 and the information that we're able to gather  
4 there.

5 So we're looking at that empirical  
6 data that we have, to then compare that  
7 against what we get back from survey results.

8 And that hope, and I'll say hope because I  
9 think I probably said this last time when I  
10 was here a year ago, is that we'll have this  
11 out, I think back when I said I thought we'd  
12 have it out in 2012.

13 That obviously has slipped and  
14 we're hopeful that we'll be able to complete  
15 it in 2013. When that becomes available and  
16 as we engage in this outreach to talk about  
17 what it is and where we think we're going, the  
18 AP will most certainly hear about it from us  
19 through the HMS staff and we look forward to  
20 hearing your comments and we really do mean  
21 that.

22 For those of you who were around  
23 last time when we did this in 2003, I know a  
24 lot of folks came and gave us a lot of really  
25 good input to help us scope what we were going  
26 to try to do over the last ten years, and  
27 we're hopeful that folks we'll be bale to  
28 provide that same level of feed back again.

29 Now I'm going to turn it over to  
30 Jonathan Wendland here, and after his  
31 presentation I will most certainly take any  
32 questions about the at sea enforcement side of  
33 the house.

34 CHAIR MCCREARY: Great.

35 MR. WENDLAND: Thanks Commander.  
36 Good afternoon everybody, as Commander said my  
37 name is Jonathan Wendland, I'm from the  
38 Commercial Vessel Compliance at Coast Guard  
39 Headquarters. It's a pleasure to be here with  
40 you and I'd like extend a thanks to NOAA for  
41 the invite.

42 Out of curiosity in the room, just  
43 with a show of hands, how many commercial  
44 fisherman do we have around the table? About  
45 15 or so. Out of you, how many are familiar  
46 or have heard of the Coast Guard Auth Act of  
47 2010? Four, okay.

48 Well just to give you an idea. My

1 Office, Commercial Vessel Compliance, is  
2 concerned with saving lives. So we, yes go  
3 back to the, yes, yes keep going.

4 So the Auth Act of 2010,  
5 essentially what that did is it changed a  
6 number of parameters for commercial fishing  
7 vessels. The biggest thing it did, I think  
8 for the folks in this room, is that it changed  
9 the examination for a commercial fishing  
10 vessel.

11 So previous to this Auth Act it  
12 was a voluntary examine. So another words,  
13 all the vessels were uninspected and therefore  
14 the examine was voluntary. This Auth Act  
15 changed it to mandatory. So come October 16th  
16 of 2012 all commercial fishing vessels will  
17 have to be examined by the Coast Guard.

18 So that's number one take away  
19 from this presentation. There's no discretion  
20 there, it was stated by congress, so therefore  
21 it's not going to go through a regulatory  
22 process for that.

23 Now most of the other things in  
24 the Auth Act have to go through a regulatory  
25 process. So, as I have up on the screen, the  
26 Auth Act created parity for all vessels being  
27 state and documented vessels.

28 In others, your vessels have to  
29 have the same type of equipment on board  
30 whether it be state or federal. Previously  
31 the Auth Act didn't have that. Survival  
32 craft, the records, training for operators,  
33 all these things that you see up on the  
34 screen, those things will come down the road  
35 with a proposed rule.

36 So, next screen, the Coast Guard  
37 intends to publish an interim rule and that  
38 will be sometime we believe in the spring of  
39 2013. And that will address such things as  
40 built dates and, next screen, here you go, if  
41 the vessel has to have a load line, it's over  
42 79 feet, if it's greater then 50 feet it would  
43 have to be classed.

44 So for all commercial fishing  
45 vessels that's going to be the case, which  
46 will be proposed in the interim rule. So,  
47 next slide. So that effects most people,  
48 probably not in this room, if you're building

1 a commercial fishing vessel. Because most of  
2 you probably aren't going to be doing that.

3 But the number one take away is  
4 coming October 16th, you will have to have an  
5 examine. And out of the number of people in  
6 the room, how many folks have had an examine?

7 Okay, so everybody pretty much. You're  
8 familiar with it.

9 Okay, next slide, yes next slide.

10 Okay, so there's a few people that's listed  
11 here that you can get in touch with if you do  
12 have questions. A lot of this information is  
13 on our FishSafe.info website. So that's a  
14 good one to right down. It's also on  
15 Homeport.

16 So essentially you're just going  
17 to have to get in touch with your commercial  
18 fishing vessel coordinator, your district  
19 coordinator and schedule that examine prior to  
20 October 16th. And be happy to take questions,  
21 I know there's going to be a bunch?

22 CHAIR MCCREARY: So there are  
23 going to be a bunch, but we're going to go to  
24 a break now.

25 MR. WENDLAND: Sure.

26 CHAIR MCCREARY: And I'm going to  
27 ask you to stay until after the break.  
28 Because we've run a little long and we want to  
29 respect people's need to take a break.

30 But I do want to ask you to keep  
31 your cards up and we'll take the questions  
32 after we return from a break. Thank you very  
33 much.

34 (Whereupon, the above-entitled  
35 matter went off the record at 3:48 p.m. and  
36 resumed at 4:14 p.m.)

37 CHAIR MCCREARY: All right, for  
38 those of you who have questions for the Coast  
39 Guard, we are now going to entertain those  
40 questions. Scott Taylor, you're first.

41 MEMBER TAYLOR: Mine is much more  
42 of a, it's a combination of a question and a  
43 comment. Because of, coincidentally yesterday  
44 we had two of your safety officers that came  
45 down to our facility and asked me if I would  
46 volunteer one of my boats, to allow them to  
47 train on.

48 Because one of the safety officers

1 was preparing to you know, try to start this  
2 inspection process. And they kind of had a  
3 little bit of the same look on their face that  
4 you do, to a certain extent, when we had the  
5 conversation of how many active boats that I  
6 have that are fishing for me down there in the  
7 South Florida area.

8 And the estimated number is  
9 probably, between the dealers that I know,  
10 somewhere around 3,500 boats that are going to  
11 fit into this size category. And their  
12 admitting themselves that there's just no  
13 physical way possible that they're going to be  
14 able to get this done.

15 And when I asked them, which is  
16 the same question I'm going to ask you, what's  
17 going to happen when we get to this date in  
18 here and you don't have the man power to  
19 possible do the kinds of inspections for the  
20 numbers of boats down here?

21 And that doesn't even include the  
22 boats that may have a commercial designation  
23 and may not be actively involved right now  
24 with active permits?

25 I mean we currently service about  
26 600, I guess. But there's probably easily,  
27 they're figuring, because it also includes  
28 charter boats, correct?

29 MR. WENDLAND: Correct.

30 MEMBER TAYLOR: You know, charter  
31 boats, head boats, anybody that has a  
32 commercial sticker designation, about 3,500  
33 individuals. So how are we going to deal with  
34 us from, because my guys are going to want to  
35 know from me?

36 They know that they're not going  
37 to be bale to, everybody's not going to be  
38 able to get it done. What is going to happen?  
39 What is the --

40 MR. WENDLAND: Sure, well bottom  
41 line is we're going to do the best we can with  
42 the resources that we have. And so we're  
43 going to be using auxiliary members, we're  
44 going to be using the designated examiners  
45 that exists and we're going to be using third  
46 party examiners as well.

47 So there's also a very new program  
48 that just came out that I think is going to

1 assist the Coast Guard greatly. And it's out  
2 of D13. So you can actually go online to this  
3 FishSafe.info web page and request and  
4 examine.

5 You can also go to D13's website.

6 And from that website you can now say, okay,  
7 I have a 30 foot vessel or whatever size  
8 vessel you have and you can go right through  
9 the matrix and then you can printout exactly  
10 what you need as far as all the safety gear.

11 And from there you can just call  
12 the Coast Guard and say, I've done it, you  
13 know I've looked at it, I've got everything.  
14 You know my EPIRBs there's, I got my life  
15 raft, whatever you need that's tailored to  
16 your boat, you can say I'm ready. And then  
17 the Coast Guard, you can setup an appointment  
18 with the Coast Guard and the Coast Guard will  
19 show up and check it off.

20 MEMBER TAYLOR: We're certainly  
21 going to do our part to get the word out. I  
22 mean it came as news to me that it was going  
23 to be mandatory when they came down and talked  
24 to me yesterday. That was actually when I  
25 found out about it.

26 The bigger boats that we have we  
27 all do the voluntary inspection. We maintain  
28 the safety inspections on the bigger boats,  
29 that's not going to be where the issue is.

30 In particular in our South  
31 Florida market where there's a lot of small  
32 kingfish boats and smaller net boats and that  
33 type of thing. That's where we're going to  
34 run into the sheer numbers of where it's going  
35 to be problematic. It's a lot of people for  
36 apparently the staff and resource right now.

37 MR. WENDLAND: Well there's no  
38 question about that. And if we see, if the  
39 Coast Guard see's that a certain area is  
40 requesting a certain number of exams, then  
41 search ops are possible where the Coast Guard  
42 can direct the right people to the right  
43 place.

44 MEMBER TAYLOR: Is the auxiliary  
45 sticker that we can obtain ourselves  
46 voluntarily, going to be sufficient or is it  
47 still now have to be a full safety inspection  
48 from the Safety Officer at Coast Guard?

1 MR. WENDLAND: We'll first of all,  
2 I think I understand what you're saying.  
3 There's a difference between inspection and  
4 examination. So all these vessels are  
5 uninspected vessels, so therefore we're  
6 talking about an examination.

7 So the examination decal that  
8 you've always gotten, that's what you're still  
9 going to get.

10 MEMBER TAYLOR: Right. In other  
11 words what I'm referring to is that  
12 voluntarily, when this wasn't mandatory, we  
13 had an inspection decal that was placed on the  
14 boat by the Coast Guard.

15 MR. WENDLAND: Correct.

16 MEMBER TAYLOR: In our area it was  
17 done by auxiliary people, I believe.

18 MR. WENDLAND: It can be.

19 MEMBER TAYLOR: In our particular  
20 area --

21 CHAIR MCCREARY: Scott, I'm  
22 wondering if we're getting a little into the  
23 detail that might benefit from a side bar with  
24 you?

25 MEMBER TAYLOR: Okay, that's fine.

26 CHAIR MCCREARY: I mean, I think  
27 the initial question is good, but we're going  
28 kind of deep into the weeds here. Let's  
29 continue with Rusty, Sean and Terri.

30 MEMBER HUDSON: Rusty Hudson,  
31 Commander, with your presentation is it  
32 possible you can put that back up there on the  
33 foreign fishing vessel activity where you had  
34 the April through September? You had ten  
35 different situations there.

36 COMMANDER CASAD: The answer to  
37 your question is yes.

38 MEMBER HUDSON: Okay.

39 COMMANDER CASAD: We might be able  
40 to put it back up there if I can type the  
41 password correctly.

42 MEMBER HUDSON: I was comparing the  
43 presentation from this past spring where the  
44 presenter had November and December in there.  
45 And in this case you have April through  
46 September.

47 Now the stuff that occurred that  
48 was presented in the spring was all gillnet

1       except for one longline. The stuff that you  
2       have on today's presentation is all longline  
3       and no gillnet, but we also have that space  
4       between the middle of December and the middle  
5       of April.

6                So we don't know if the Mexicans  
7       were coming into our waters at that time? I  
8       guess that's part of my question. The other  
9       part of my question is that, since '05 we've  
10      been dealing with this District 8 problem down  
11      there.

12               I know Homeland Security had to get  
13      involved and there was certain questions we  
14      couldn't ask you know, at the assessment  
15      level, where we're trying to see what kind of  
16      sharks they were.

17               And I still see a lot of  
18      unidentified sharks or not specifically  
19      identified like hammerhead generically, mako  
20      generically, stuff like that. And sometimes  
21      like a spinner might be called a blacktip when  
22      it's really just a spinner.

23               So I was wondering if you all had  
24      ever engaged Eric Sander, who teaches all the  
25      dealers something that was required since  
26      January '07, to be able to identify all of  
27      their sharks 100 percent? And so with the  
28      Coast Guard we had asked you know, like  
29      photographs something like that could be sent  
30      to Eric, you wouldn't have to bring him on  
31      scene but you know he's very good at what he  
32      does.

33               And so I guess in the two part  
34      question, the gear type that was used in the  
35      last report was predominantly gillnet, and is  
36      there a difference with seasonality with their  
37      stuff and with the identification issue? And  
38      the last is, do you have a cooperation with  
39      the Mexican Coast Guard or any of that type of  
40      stuff, I may have heard not heard it because  
41      I'm a little hard of hearing?

42               CHAIR MCCREARY: Okay, so Rusty, as  
43      is often the case has a multi part question  
44      and if you kept track of that you're doing  
45      well. But he can restate it I'm sure as  
46      needed. Go ahead.

47               COMMANDER CASAD: I'm sure he'll  
48      correct me if I miss a part.

1 CHAIR MCCREARY: That's right.

2 COMMANDER CASAD: So I'll take the  
3 piece about the gear first. I don't know  
4 whether or not, I haven't looked at the  
5 information to see whether or not from a trend  
6 perspective whether or not we're seeing that  
7 seasonality associated with it.

8 Where I've looked at it, it's just  
9 in the raw numbers. Most certainly we can  
10 take a peak at that and see whether or not  
11 there's anything that's there. But I don't  
12 know the answer to that one.

13 As for this information, going  
14 back, this information covers from the last  
15 HMS AP meeting and since then we haven't had  
16 an incident where we collected gillnets that  
17 had HMS species in them. So that's why you're  
18 not seeing them show up here. It's not a lack  
19 of reporting it's just a matter of fact that  
20 we didn't actually find them.

21 Now what I should say, and I didn't  
22 mention is, and this is just what the Coast  
23 Guard did, okay. So Texas Parks and Wildlife  
24 is also out there on the water and they're  
25 finding gear and they're pulling things.

26 I'm not reporting on what they did,  
27 okay. So if you're hearing reports about  
28 gillnets being found with HMS species of  
29 sharks on board, that maybe an issue that  
30 something's being handled by the state and  
31 it's not us, okay.

32 On the piece about species  
33 identification. This is an issue that has  
34 been something for the Coast Guard for years,  
35 continues to come up as a concern from all  
36 sectors about how the ability of our folks to  
37 identify species.

38 It is part of our training program  
39 that we have. We have, our folks are our  
40 training center that's out of New Orleans.  
41 And part of their training is on species  
42 identification, including sharks.

43 To the extent whether or not we've  
44 been engaged in with and it's a individual for  
45 the development of that, I don't know. Some  
46 of these reports of unidentified sharks, I  
47 don't know why they don't show up with the  
48 species and we're doing it sometimes.

1 I can't answer that question about  
2 why it doesn't happen all the time. What I  
3 can tell you, is that they should be reporting  
4 it every time and sometimes things just don't  
5 go the way that they should.

6 CHAIR MCCREARY: Good, thank you.  
7 Sean, Terri and then Mark. Sean?

8 MEMBER MCKEON: Thank you, Sean  
9 McKeon. I just have kind of a comment on, I  
10 think when you asked how many heard of the  
11 Auth Act I think people didn't catch what you  
12 meant by that. Because they certainly  
13 understand when you mentioned the decal, that  
14 they all have it.

15 And what I wanted to say was well  
16 technically that was a voluntary program, you  
17 were not allowed to leave the dock if an  
18 observer came to your boat and you didn't have  
19 one. It was a refusal of an observer. So the  
20 guys really, pretty much all have them.

21 Is anybody contemplating expanding  
22 that requirement to other types of vessels or  
23 fisheries were they're technically are not  
24 commercial but they are allowed to sell fish  
25 and have none of those requirements?

26 MR. WENDLAND: Understood, actually  
27 if you have a commercial permit and you're  
28 selling fish, then you're engaged in  
29 commercial fishing and therefore you are a  
30 commercial fishing vessel. So yes.

31 And to go back to your first  
32 comment, and I neglected to mentioned that  
33 yes, vessels that are under no observer  
34 carriage are and were required to have this  
35 examination. But vessels that did not, it was  
36 a voluntary program. So I neglected to state  
37 that. Yes.

38 CHAIR MCCREARY: Good, thank you.  
39 Terri?

40 MEMBER BEIDEMAN: Sean kind of  
41 touched on, I guess where I was, two things.  
42 The pelagic longline fleet has had to have  
43 compliance with having the safety decal for a  
44 long time.

45 And the question is, the definition  
46 of commercial under the Coast Guard fishing  
47 vessel safety regulations, is it retained the  
48 same as you described that if you sell a fish

1 you're considered commercial?

2 MR. WENDLAND: Yes, the definition  
3 of a fishing vessel is essential if you're  
4 engaged in fishing. So by that definition, if  
5 you're commercial selling fish, if you have a  
6 commercial permit and you sell fish, I mean I  
7 think is, you know that you're engaged in,  
8 you're a fishing vessel. You're a commercial  
9 fishing vessel.

10 MEMBER BEIDEMAN: Thank you. That  
11 was my understanding for years. And I know  
12 that some of the fisherman I work with have  
13 had difficulty getting appointments with the  
14 inspection folks and I'm curious, is there any  
15 plan by the Coast Guard to be more beefed up  
16 to handle this now very large, potentially  
17 large, increase of folks who are going to need  
18 inspection, so that timing, because we're not  
19 allowed to take an observer if it's not  
20 actually you know, if it's expired.

21 MR. WENDLAND: Right.

22 MEMBER BEIDEMAN: And so I just  
23 wondered if, I know folks have had problems  
24 already and the rule isn't even, like  
25 implemented yet. Thanks.

26 MR. WENDLAND: Well we've been  
27 canvassing the country since 2010, trying to  
28 get the word out as best we can that, that  
29 you're going to need an examine in two years.  
30 So that comes up October 16 of 2012 here.

31 So the reference that I mentioned  
32 to the D13 web page, I think that's going to  
33 facilitate and help everyone out immensely.  
34 Because now you can just go on there and go  
35 through the examine process yourself and once  
36 that's complete you can just call the Coast  
37 Guard and schedule the examine.

38 So they have notification that  
39 you've done it, you get a printout from it,  
40 and then they can show up and just make sure  
41 that everything is according to code.

42 MEMBER BEIDEMAN: Thank you.

43 CHAIR MCCREARY: Mark Lingo?

44 MEMBER LINGO: Yes, not really a  
45 question, I don't wanted to respond to Rusty's  
46 stuff and what the Commander was saying for  
47 Texas Parks and Wildlife anyway. You know it  
48 is a fact that we haven't seen very many

1 gillnets float into Texas waters since that  
2 time at the last meeting.

3 I think that's in a larger part due  
4 to Homeland Security and all those different  
5 guys, whether it's ICE, Border Protection,  
6 Coast Guard, who's ever really ramped up  
7 patrols in that area as of late, and so it's  
8 really cut down on the activity that we're  
9 seeing.

10 As fair as species identification  
11 goes, my guys have actually worked with the  
12 South Padre Island folks with species  
13 identification type stuff. So at least the  
14 guys there on South Padre Island are fairly  
15 well up to speed on identifying sharks, so,  
16 thank you.

17 CHAIR MCCREARY: Thank you very  
18 much. Mark?

19 MEMBER TWINAM: Real quick  
20 question. The inspection, is this just going  
21 to be required for commercial vessels in EEZ  
22 or will this include all waters, state waters?

23 MR. WENDLAND: Well, again,  
24 examination. And it applies to all U.S. Flag  
25 commercial fishing vessels outside of three  
26 nautical miles. I neglected to mention that  
27 as well. So if you're inside three nautical  
28 miles the program's still voluntary.

29 If you operate outside of three  
30 nautical miles it's mandatory. That's a big  
31 one.

32 CHAIR MCCREARY: All right,  
33 gentleman thank you very much. I appreciate  
34 your sticking around to handle the questions.  
35

36 So at this point we'll shift gears  
37 and we'll turn to Amendment 5, pre-draft. And  
38 Margo's going to introduce this item and then  
39 Pete's going to come out and then we'll go  
40 forward.

41 MS. SCHULZE-HAUGEN: Right, so this  
42 is what we had hoped would be released as a  
43 proposed rule. At this point unfortunately  
44 that's not the case. We expect that later  
45 this fall. And Pete will be going through the  
46 blacktip, Gulf of Mexico assessment.

47 That was finalized at the end of  
48 August. So that's fairly fresh off the

1 presses and we'll walk through that, cover the  
2 pre-draft comments from you all and then talk  
3 a bit about how to consult with the panel  
4 before the spring meeting. Because we  
5 certainly don't want to wait all the way to  
6 the spring to have that consultation.

7 So and just while I've got the mic,  
8 I want to also point out Mark Stevens, has  
9 joined us as a proxy for Sonja Fordham, who  
10 could not be here. And I'll sort of let you  
11 know that we are working on getting all the  
12 presentations from today posted, so you should  
13 have them tomorrow morning.

14 CHAIR MCCREARY: Excellent, Pete  
15 welcome.

16 MR. COOPER: Thanks, Scott. And  
17 good to see all the familiar faces and new  
18 folks here. And thanks for the intro, Margo.

19 So she set it up very well.

20 So here's our Amendment 5 time  
21 line. And I'm going to start it with the  
22 status of termination for scalloped hammerhead  
23 sharks, of overfishing, overfishing back in  
24 April of 2011.

25 We had advisory panel consultation  
26 back in September 2011, and then had the  
27 status determination for sandbar, dusky,  
28 blacknosed sharks that came out of SEDAR 21.

29 And then had the scoping for that.  
30 We had another AP meeting and talked about  
31 the pre-draft for Amendment 5. And so since  
32 that time we've been working on the proposed  
33 rule and draft amendment.

34 I don't have it for you today. So  
35 I'm going to talk about just a quick overview  
36 of the blacktip assessment, and then the  
37 proposed rule we're hoping to have in late  
38 fall, and then moving forward to the final  
39 rule, and hitting that two-year time line of  
40 April 2013 to get some measures effective.

41 So here's a slide that we've seen  
42 a few times. It's showing all of the recent  
43 stock assessments. We have some new ones for  
44 scalloped hammerhead, blacknose in the  
45 Atlantic and Gulf of Mexico.

46 So we have the new statuses of  
47 overfished and overfishing occurring for  
48 scalloped hammerhead, Atlantic blacknose,

1 unknown status for the Gulf of Mexico  
2 blacknose, and then an improvement in status  
3 for the overfishing of sandbar shark.

4 And then since the last AP  
5 meeting, the blacktip Gulf of Mexico SEDAR 29  
6 stock assessment was concluded. And the  
7 results there are that overfishing is not  
8 occurring and stock is not overfished.

9 And so just looking back on Gulf  
10 of Mexico blacktip sharks, the previous  
11 assessment was done in 2005, 2006. We  
12 separated those blacktip sharks into two  
13 regional stocks.

14 It came back not overfished,  
15 overfishing not occurring for Gulf of Mexico  
16 and unknown for the Atlantic. And the result  
17 was to keep fishing mortality at the same  
18 levels, and not increasing in either region.

19 And those results were incorporated into  
20 Amendment 2 back in 2008.

21 So the SEDAR 29 process is just  
22 the time line of when things happen. There's  
23 data webinars January through March, a stock  
24 assessment workshop in March of this year,  
25 more post-assessment webinars through April  
26 and May, and then the stock assessment  
27 workshop reports in May.

28 And then the Center of Independent  
29 Experts' review of the stock assessment  
30 happened in July. And then we also have a  
31 post-review update and projections document.

32 It's not peer-reviewed. It was  
33 done following the conclusion of the  
34 assessment. And I'll get into that a little  
35 bit more in these upcoming slides.

36 And so, within that process, back  
37 in May we published a notice of intent to  
38 include Gulf of Mexico blacktip sharks in  
39 Amendment 5, basically for administrative  
40 purposes, to address this new science.

41 We already have a vehicle here  
42 with going forward with amendment to the FMP.

43 So we wanted to address the new science as  
44 efficiently as possible.

45 And for the assessment itself, it  
46 was updated from the previous assessment back  
47 in '05, '06. So that model, which was a  
48 State Space Age Structure Production Model,

1 was updated with data through 2010.

2 It included a review and update of  
3 some of the life history parameters of  
4 blacktip sharks. And also some new data  
5 sources were plugged into the model as well.

6 And here's the old phase plot of  
7 the base run. And you can see our circled  
8 run there, which on the axis you have our  
9 abundance, you have spawning stock fecundity.

10 And that's above one, which is  
11 good for not being overfished. And our  
12 fishing mortality on the Y axis, which is way  
13 below one, which is good for overfishing not  
14 occurring.

15 So that was the result of the  
16 assessment projections and calculations for  
17 an acceptable biological catch. We're not  
18 including it in the formal stock assessment  
19 because they weren't included in the terms of  
20 reference for stock that comes back not  
21 overfished, with overfishing not occurring.

22 So NMFS completed those  
23 projections afterwards and that's document  
24 that I touched on in the other slide.

25 They also addressed some of the  
26 CIE reviewers comments. One reviewer in  
27 particular thought that the overfishing  
28 status was uncertain, and that some  
29 reasonable variation and recruitment wasn't  
30 incorporated in the model.

31 So in that update, with  
32 projections, document, the stock assessment  
33 scientists addressed that comment, and showed  
34 the recruitment was fully considered and the  
35 model was reasonable for what they have.

36 And they also ran some projections  
37 that were based on SEDAR 21 stock assessment  
38 for dusky sharks, but used that and fit it  
39 with the state space model that was used  
40 here.

41 And the projections indicate that  
42 higher levels of removal may be allowable  
43 without resulting in overfish stock.  
44 However, that methodology for shark stocks  
45 that aren't overfished is currently in  
46 development. It's highly uncertain and it  
47 was not peer-reviewed.

48 So that's just a real brief

1 overview of the Gulf of Mexico blacktip  
2 assessment.

3 And then here's just touching on  
4 what we talked about last time, as far as the  
5 pre-draft and those potential management  
6 measures and approaches that we discussed,  
7 TACs, quotas, and retention limits,  
8 commercial at-vessel mortality, and discard  
9 reduction, and then modifying some of the  
10 time/area closures.

11 So for TACs, quotas, and retention  
12 limits, some of the ideas included individual  
13 TACs and quotas for scalloped hammerhead  
14 sharks, and modifying the non-sandbar large  
15 coastal shark quota complex, creating some  
16 regional quotas for blacknose sharks.

17 Right now we have one overall  
18 quota that spans the Gulf of Mexico and  
19 Atlantic. Now that we have two stock  
20 assessments, one for the Atlantic and one for  
21 the Gulf, that was the idea of creating the  
22 regional quotas.

23 And then the quota linkages to  
24 prevent overfishing from occurring on some of  
25 those individual species, like scalloped  
26 hammerheads, or blacknose sharks, that are  
27 caught in association with other targeted  
28 shark quotas, basically the non-sandbar large  
29 coastals and the other non-blacknose small  
30 coastal sharks, and then modifying the  
31 recreational size of bag limits for sharks.

32 And so some of the comments we  
33 got, and this is not all of them, but were to  
34 move to more species-specific management,  
35 manage hammerhead sharks as a complex, mainly  
36 due to difficulties in identification between  
37 scallops, smooths, and great hammerheads.

38 Doing some un-linking of some of  
39 the quotas, right now we have blacknose  
40 sharks and non-blacknose sharks quotas  
41 linked.

42 There were also questions about  
43 some of the recreational fishing numbers that  
44 we have, and discussions on maybe catch and  
45 release recreational shark fishery, and just  
46 increasing recreational angler education  
47 outreach overall on our current regulations.  
48

1                   So moving on to commercial at-  
2 vessel mortality and discard reduction, this  
3 was a lot of bottom longline gear measures,  
4 looking at soak time restrictions to reduce  
5 at-vessel mortality.

6                   Gear tending requirements, we  
7 discussed the practice of setting gear,  
8 hauling part of it, especially when you're  
9 limited to a 33 non-sandbar large coastal  
10 shark trip limit, landing that trip limit and  
11 going back and retrieving the rest of the  
12 gear, how we could address that, and then  
13 also hook requirements to limit fishing  
14 effort.

15                   And some of our comments included  
16 that putting in these measures would reduce a  
17 lot of flexibility in fishing techniques.

18                   There was also safety at sea  
19 issues. For some of the soak time measures  
20 we talked about allowing fishing in the  
21 daytime or just at night.

22                   And hauling at night seemed to be  
23 safety at sea problematic. Or keeping gear  
24 attached to the vessel could also be a safety  
25 at sea issue.

26                   Then also enforcement issues, also  
27 being in proximity of the gear, making the  
28 call of are you within one mile of your gear,  
29 that sort of stuff, and how these sorts of  
30 ideas would be enforced.

31                   And then finally, modifying some  
32 of the time/area closures, we talked about  
33 modifying the Mid-Atlantic bottom longline  
34 time/area closure, same with the Charleston  
35 Bump pelagic longline time/area closure.

36                   Implementing the bottom longline  
37 closure in the eastern Gulf of Mexico  
38 shoreward of 35 fathoms between June and  
39 August, backstopping some of the council  
40 closures and expanding the ASMFC time/area  
41 closure into Federal waters, basically  
42 getting at reducing mortality of scalloped  
43 hammerhead sharks and dusky sharks.

44                   And some of our comments that we  
45 got were that Gulf of Mexico closure would be  
46 ineffective. Dusky aren't within that kind  
47 of closure area. And just to look at where,  
48 when, and whom some of the dusky shark

1 interactions are occurring, as well as where  
2 the fishing effort's occurring.

3 And then the idea of bycatch caps,  
4 and looking at where duskies are being  
5 caught, and maybe setting a limit on that,  
6 and opening and closing fisheries, or areas,  
7 associated with a bycatch cap.

8 So there's just a quick wrap on  
9 what we had for the pre-draft. We're looking  
10 at the proposal and public hearings to come  
11 later this year, early 2013.

12 And so this is something that  
13 Margo has mentioned already, since we missed  
14 this meeting for AP consultation on the  
15 proposed rule we may have to consult with the  
16 AP before the spring meeting to meet our time  
17 line.

18 And so what is the best way to do  
19 that. Could we do that through a conference  
20 call, webinar, maybe a small, specific  
21 shark/A5, in-person AP meeting.

22 Those are just some of the ideas  
23 that popped to mind. And so we're more than  
24 welcoming other ideas on how to do that, as  
25 well. And so that's all I have. Just open  
26 it up, Scott, to questions, comments.

27 CHAIR MCCREARY: Thanks, Pete.  
28 And so just to underscore the point that Pete  
29 just made, the agency is very interested in  
30 your specific ideas about how to solve this  
31 problem of wanting to move forward and not  
32 wait until the next AP meeting.

33 And Pete's just summarized some  
34 format options. But to the extent any of you  
35 have ideas or reactions now, to these ways of  
36 engaging the AP, we'd love to hear them.  
37 Gerry?

38 MEMBER LEAPE: Thanks. And thanks  
39 for the presentation. In terms of an answer  
40 to your question, and then I have a comment,  
41 I think maybe try and get a meeting of those  
42 who are here to do it, to come, and offer  
43 some way for those who can't come, who are  
44 interested in engaging on that, whenever  
45 you're ready to do it in November or  
46 December.

47 But I think re-convening this  
48 group once that rule comes out for

1 consultation I think is important. And I  
2 would encourage you to do that.

3 CHAIR MCCREARY: But Gerry, just  
4 to be clear, you're speaking in favor of a  
5 face-to-face conversation.

6 MEMBER LEAPE: A face-to-face for  
7 those who can come in. And an ability for  
8 call ins for those who can't make it.  
9 Because it's not going to be a meeting that's  
10 on everyone's schedule already.

11 CHAIR MCCREARY: Okay, thank you.

12 MEMBER LEAPE: My comment is, my  
13 organization submitted comments way back when  
14 on this, Amendment 5. And I had a very  
15 specific question.

16 We suggested that NMFS consider  
17 prohibiting retention of hammerheads,  
18 scalloped hammerheads. I'm just wondering if  
19 that was still under consideration?

20 MR. COOPER: Yes, although the  
21 comments that we have in pre-draft are still  
22 under consideration.

23 CHAIR MCCREARY: Mark Twinam?

24 MEMBER TWINAM: Thank you. With  
25 six months, whatever it is, to the next  
26 meeting, and it might be another month or  
27 two, if we could get a webinar together, a  
28 month or whatever, there's no reason to rush  
29 the regulations. Let's wait until the next  
30 meeting.

31 CHAIR MCCREARY: That certainly is  
32 an option. Change the pace.

33 MEMBER TWINAM: Because they're  
34 not going to go anywhere in the next six  
35 months. They haven't went anywhere in 400  
36 million years. It'll be a couple more in six  
37 months.

38 And then on the hammerheads, I  
39 don't know if we're going to discuss that or  
40 anything. But I'm still hoping that, as long  
41 as you have an observer onboard, you would  
42 never have to throw a hammerhead back dead.  
43 That's all I have on that. Thanks.

44 CHAIR MCCREARY: Thanks, Mark.  
45 Mark Stevens and then Rusty. And welcome, by  
46 the way.

47 MEMBER STEVENS: Great. All  
48 right, thanks. I apologize to everyone for

1 being late. And I apologize for not having  
2 any shark accouterments that Sonia would  
3 normally have. I'll try and rectify that  
4 tomorrow.

5 So we submitted comments in April.

6 So I'll just hit some of the highlights that  
7 Sonia asked me to hit. And hopefully I'll do  
8 that quickly. First of all, in general we  
9 strongly support further reductions in  
10 allowable catch, additional gear limitations,  
11 and expanded time/area closures to comply  
12 with obligations to prevent overfishing and  
13 rebuild depleted populations of Atlantic  
14 blacknose, scalloped hammerhead, dusky, and  
15 sandbar sharks.

16 Specifically to hammerheads, we've  
17 long promoted the scalloped hammerhead as a  
18 U.S. Atlantic shark conservation priority,  
19 based on its IUCN classification as globally  
20 endangered, findings of overfishing, and 83  
21 percent depletion in the northwest Atlantic.

22 I've lost my spot, sorry, guys.  
23 NMFS should pursue specific conservation  
24 measures for great and smooth hammerheads, as  
25 well as scalloped hammerheads, based on the  
26 similarity of appearance and evidence of  
27 similar population declines.

28 We continue to support adding  
29 scalloped hammerheads, as well as great and  
30 smooth hammerheads, to the NMFS HMS list of  
31 prohibited shark species for commercial and  
32 recreational fisheries.

33 We believe this would represent a  
34 step towards comprehensive protection rather  
35 than a solution, and must be complemented by  
36 measures to reduce bycatch and discard  
37 mortality.

38 On sandbar sharks, we urge NMFS to  
39 further develop options for sandbar quota  
40 reduction and, if possible, provide all of us  
41 with a clearer picture of the uncertainty  
42 associated with recovery periods that span up  
43 to five decades.

44 In the meantime, we believe the  
45 scheduled 2013 increase in the sandbar shark  
46 quota, mentioned in the pre-draft, should not  
47 go forward.

48 On dusky sharks, we're deeply

1 concerned that despite the 2000 prohibition  
2 and existing closures, the population  
3 continues to suffer fishing mortality rates  
4 that are three times too high.

5 Long term overfishing, and dusky  
6 shark life history, maturity at close to age  
7 20, and lengthy reproductive cycles have  
8 resulted in rebuilding periods as long as  
9 hundreds of years.

10 We strongly support NMFS examining  
11 a host of additional measures, primarily time  
12 and area closures and gear restrictions.

13 On blacknose sharks, we strongly  
14 support work to establish separate yet linked  
15 TACs, commercial quotas, and additional  
16 recreational limits for the two newly defined  
17 stocks of blacknose sharks.

18 We support the development of  
19 measures for the Atlantic population to  
20 ensure the total landings and discards do not  
21 exceed 7,300 sharks, in line with the 70  
22 percent probability of rebuilding by 2043.

23 Last but not least, on mortality  
24 reduction, we agree with NMFS that both time  
25 and area closures to prevent fishing gear and  
26 actions, as well as measures to minimize  
27 mortality after sharks are caught,  
28 particularly limits on gear deployment, soak  
29 time, and tending, hold promise for enhancing  
30 recovery of particularly sensitive and  
31 depleted shark species, including hammerhead,  
32 dusky, sandbar, and blacknose sharks.

33 We support advancement of the  
34 potential option to require bottom longline  
35 gear on permitted shark vessels remains  
36 attached to the vessels at all times, as well  
37 as the alternative that would require these  
38 vessels remain within one nautical mile of  
39 their fishing gear.

40 We also support further analysis  
41 of alternatives to reduce total hook hours in  
42 the bottom longline shark fishery by limiting  
43 the numbers of hooks deployed per set and  
44 possessed onboard, in order to reduce high  
45 grading, dead discards, and overall fishing  
46 mortality of blacknose, dusky, sandbar, and  
47 scalloped hammerhead sharks. Thank you.

48 CHAIR MCCREARY: Thank you. And

1 I'm going to ask you to think about the  
2 format option. But since you've had the  
3 floor for awhile, we'll come back to you.  
4 So, thank you. Rusty, Bob, Rich Ruais, Pam  
5 Baker, and Randy. Rusty?

6 MEMBER HUDSON: Rusty Hudson.  
7 There's a lot to have to consider. And it  
8 would be nice to actually see what's in  
9 Amendment 5.

10 In my particular case, Gulf  
11 blacktip, I had a lot of questions there.  
12 And I have to wait until that information's  
13 made available. So I have to reserve some  
14 judgment there.

15 But I do know that you're going to  
16 potentially re-modify the non-sandbar large  
17 coastal shark complex in that region. And I  
18 hope to have a stand-alone blacktip quota and  
19 a way to be able to deal with that.

20 With the hammerhead, the Hayes  
21 document is driven by MRFSS. I don't know if  
22 there's ever been any calibration, re-  
23 calibration of the MRFSS into MRIP, with  
24 regards to his document.

25 There is a big problem with his  
26 early years and MRFSS driving that entire  
27 assumption about scalloped hammerheads.

28 You do have an issue where smooth  
29 hammerhead is a lookalike, but the great  
30 hammerhead is distinctly different. And so I  
31 could not see grouping them all together.

32 And I really, as far as blacknose  
33 regional, and disconnecting it from the other  
34 small coastals, you know I'm for that.

35 With regards to the Mid-Atlantic  
36 area, time/area closure, be nice to see what  
37 you envision as far as that January 1st  
38 through July 31st closure that's already in  
39 place out to 55 fathoms.

40 I'm sure the guys off North  
41 Carolina would like to have a little bit more  
42 freedom of movement. And of course they're  
43 already having to have the VMS in order to be  
44 up in that region.

45 The other thing I don't see, and  
46 it would be nice, is a spreadsheet with  
47 regards to any and all dusky interaction. So  
48 that we could see exactly where you're going

1 to get your bang for the buck.

2 I'm assuming this June through  
3 August closure in the eastern Gulf, is that  
4 for blacktip? Because I had a real hard time  
5 hearing you way over here, Peter. So is that  
6 for dusky? Is that somehow trying to modify  
7 that interaction?

8 MR. COOPER: Yes. Those were just  
9 things that we had a group of ideas in the  
10 pre-draft on, some different type of  
11 time/area closures that we wanted to get  
12 feedback on.

13 And I think the purpose was  
14 looking at dusky and scalloped hammerhead for  
15 that specific backstopping of the time/area  
16 closure.

17 MEMBER HUDSON: Now the scalloped  
18 hammerhead, isn't that an ICCAT situation and  
19 the demersal bottom longline guys can still  
20 land that?

21 MR. COOPER: Yes, they can land  
22 it.

23 MEMBER HUDSON: And, I guess, in  
24 my other scenario here with this gear tending  
25 requirement, if you set X amount of gear, and  
26 you're going to bump up to 36 sharks, I  
27 guess, on your non-sandbar large coastal this  
28 next season, if they have say 100 hooks that  
29 they soak, and they've got 60 fish, they're  
30 going to have to bring in the 36, go back  
31 out.

32 Or are they going to have to  
33 discard the remainder on there? That to me  
34 would be an awful waste.

35 And as far as hook requirements,  
36 do you all have specific hooks in mind that  
37 you want to use, stuff like that. Because I  
38 hear a lot of the fishermen wondering and  
39 potentially complaining.

40 And I guess the last thing is on  
41 this Atlantic States Marine Fisheries  
42 Commission time/area closure into Federal  
43 waters. Is that also oriented at dusky?

44 And like I told Bob Bill it's been  
45 over four years since our advisory panel ever  
46 met at the Atlantic States. And I think  
47 that's shocking.

48 And I believe that the technical

1 committee can't answer all questions. So  
2 there's a lot of questions that I have at the  
3 moment.

4 And as far as the Charleston Bump  
5 pelagic longline, as well as the Florida east  
6 coast, maybe east of the axis. Potentially  
7 there's, I think, food for thought, and  
8 debate, and discussion, to be able to help  
9 out fisherman.

10 Because it seems like we're  
11 unilaterally dealing with us. And if we look  
12 at the dusky tag recaptures that I had  
13 generated, almost 20 percent of those duskies  
14 that were recaptured, as far as tags return,  
15 came from Mexico.

16 So again, we have a shared  
17 straddling stock. And again, that is the  
18 same old problem. Unilaterally we're taking  
19 it out on the U.S. fisherman. Thank you.

20 CHAIR MCCREARY: Thank you, Rusty.  
21 Bob?

22 MEMBER HUETER: Thanks, Scott.  
23 Bob Hueter from Mote Marine Lab. On the  
24 consultation question, I agree that we need a  
25 face-to-face meeting.

26 So whether that's a special one  
27 day meeting that you guys call, or we wait  
28 until the spring AP meeting, I'll leave that  
29 up to you as far as the process.

30 I'm just going to talk about the  
31 blacktip situation. I, for one, am very  
32 happy to see the results of the assessment go  
33 forward on the blacktip. I think we made a  
34 lot of progress with that particular species.

35 And one thing that's kind of hidden in what  
36 you said, Peter, is that the Mexican catch  
37 data was not only data that was, as in the  
38 past, extrapolated from what we thought was  
39 being caught in Mexico.

40 But in fact we had a Mexican  
41 fisheries official there at the assessment,  
42 bringing data from Mexico on his computer so  
43 that we could do a joint assessment. And  
44 that represents a major move forward that we  
45 should emulate that in our other fisheries.

46 That's the good news. One piece  
47 of bad news was that, in doing the  
48 assessment, one weakness was understanding

1 post-release mortality in that particular  
2 species.

3 And it was amazing what we had to  
4 use, the data we had to use to try to  
5 estimate that. It was like two blacknose  
6 sharks in some other place. So we really  
7 need more research on that.

8 And then last, the point I was  
9 going to make, Rusty already stole my  
10 thunder, which is when you think back, I  
11 don't know how long ago, seven, eight, nine  
12 years ago, we talked about possibly putting  
13 blacktips in the small coastal category.

14 Because it has a life history  
15 that's quite different from most of the other  
16 large coastals, fast growing, fast maturing.  
17 I would never support that.

18 But I agree with Rusty. I think  
19 it's time for us to remove blacktips from the  
20 LCS grouping and give them their own quotas.

21 This is a species that can sustain more  
22 fishing.

23 And I've argued many times in this  
24 panel that we should redirect this fishery  
25 toward those species that are more capable of  
26 sustainability. I think, clearly, the  
27 blacktip is one of them. We ought to start  
28 thinking about creating its own quota  
29 category. Thanks.

30 CHAIR MCCREARY: Thanks, Bob.  
31 Rich Ruais?

32 MEMBER RUAIS: Yes, it's a little  
33 dated now, but I wanted to make sure that  
34 Gerry Leape's suggestion that there be a  
35 small, specific Amendment 5 focused AP in-  
36 person meeting be used to further progress on  
37 this.

38 And I guess the only thing I would  
39 be concerned about is if a good summary comes  
40 of that, and it was provided to the rest of  
41 us, if there are any significant changes or  
42 recommendations, that we have them well  
43 before the next AP meeting.

44 But I've long been an advocate of  
45 the agency using sub-groupings of the AP for  
46 issues that are that specific. Thank you.

47 CHAIR MCCREARY: Good, good. So  
48 small face-to-face meeting with reporting

1 back, thorough report back to the full AP.  
2 Thank you, Rich. Pam Baker?

3 MEMBER BAKER: Thank you. I agree  
4 with Rich and Bob on the setting up the  
5 comments for Amendment 5, a small group, with  
6 also an opportunity for those that can't  
7 attend that to participate in some way as  
8 well.

9 I don't know what's in Amendment 5  
10 right now. We've commented on the previous  
11 versions. We know something about the  
12 thinking on the four species that were  
13 initially in there, but don't really know  
14 much about what you're thinking on blacktips.

15 And so I have a question. Can you  
16 give us some idea of the sorts of things  
17 you're looking at for blacktips?

18 And then also, in looking at Slide  
19 Number 9, you indicate that the projections  
20 indicate that higher levels of removal may be  
21 allowable.

22 And then the next bullet is but  
23 there's not really a methodology to do that.

24 And if you could just talk about that a  
25 little bit. Is that something that will  
26 happen in time for this amendment? Is this  
27 something years out, or just where that  
28 stands?

29 CHAIR MCCREARY: Do you want to  
30 address that?

31 MR. COOPER: Sure. As far as  
32 blacktip, including it as a stock within this  
33 whole Amendment 5 process, I think we might  
34 treat it in a similar fashion as some of the  
35 other individual species that we have here.  
36 So those sorts of ideas that we talked about  
37 in the pre-draft may apply to blacktip as  
38 well.

39 As far as the projections, I  
40 believe the document that was produced by the  
41 stock assessment scientist, that post-review  
42 update and projections document, is what  
43 we're going to have to work with.

44 So we have that piece of  
45 information. I don't think it's going to be  
46 improved upon. The different levels of  
47 uncertainty are still going to remain as  
48 we're moving forward with this amendment.

1 CHAIR MCCREARY: Thank you. Randy  
2 Gregory?

3 MEMBER GREGORY: I think it's on  
4 Page 13 of your presentation, you say  
5 comments included a look at when, where, and  
6 by whom dusky shark interactions are  
7 occurring, as well as effort.

8 Have we come any closer to  
9 figuring out who's catching these dusky  
10 sharks and pelagic longline off North  
11 Carolina?

12 And there's also some work that's  
13 been done this summer with our pelagic  
14 longliners. I'm looking at some data right  
15 here that I don't see any dusky shark  
16 interactions.

17 And these guys are here at the  
18 meeting, so I would ask the shark folks to  
19 talk with them and see if we can't get closer  
20 to figuring out where those interactions are.

21 Those guys are still telling me  
22 that they just don't see that many dusky  
23 sharks on pelagic longline. Thank you.

24 MR. COOPER: Yes. And, like I  
25 say, we're looking at the data that we do  
26 currently have for those sorts of things.

27 CHAIR MCCREARY: Right, thank you.  
28 Terri Beideman?

29 MEMBER BEIDEMAN: I would like to  
30 just also jump on saying that I think that  
31 there's no rush, no reason, to be hasty in  
32 decisions.

33 Our U.S. shark guys have been  
34 diminished, to say the least, and that our  
35 effective impact on the shark stock is very  
36 small, to overstate it. And there's no need  
37 to rush as long as there's questions about  
38 the data.

39 I also think that a webinar from  
40 my experience, is a little more cost  
41 effective. And conference calls are tough,  
42 but webinars seem to work a little more  
43 structured.

44 So I would suggest that certainly  
45 you make sure that you have as many shark  
46 people involved in that. That's the bottom  
47 line.

48 But I don't see any reason to rush

1 when there's questions. Because once you put  
2 these guys totally out of business, they're  
3 not coming back.

4 And the United States is such a  
5 small part of the overall problem with regard  
6 to sharks in the oceans, that I think that we  
7 deserve to have a chance. So go slow.

8 CHAIR MCCREARY: Thank you, Terri.  
9 Mark, did you have another comment?

10 MEMBER TWINAM: Yes. I just  
11 wanted to bring up the thing that gets  
12 hammered again, and again, and again is about  
13 the reproduction of sharks, how slow it is  
14 and everything.

15 And it's become conventional  
16 wisdom and I understand that, but compared to  
17 what? A sandbar shark can have possibly 70  
18 babies over its lifetime. And a human can  
19 have, they average now way less than seven  
20 babies over a lifetime.

21 And you take a country like the  
22 United States, 1,500 miles top to bottom,  
23 3,000 miles wide, 2 2 million people die  
24 every year and we're not going extinct.

25 And then the shark research  
26 fishery last year the quota would equal out  
27 to about 4,000 fish. There's a million  
28 alligators just in Florida alone.

29 And you're regulating these sharks  
30 tightly now. And when it comes to the dusky  
31 sharks or the hammerhead sharks, that's just  
32 like populations in the United States.

33 I'm not trying to, I don't know  
34 how to say this in a polite way, I'm saying  
35 dusky sharks, compared to Asians in the  
36 United States, there's not that many.

37 But they're not going extinct  
38 either. There's just less of them. So  
39 before you rush to add more regulations onto  
40 the regulations, on top of the other  
41 regulations, we can wait until the next  
42 meeting. Thank you.

43 CHAIR MCCREARY: Okay, thank you.  
44 So in terms of feedback just on the narrow  
45 subject of the format, we've heard several  
46 different ideas.

47 One idea is, yes, a face-to-face  
48 meeting is a very good idea, maybe couple

1 that with a webinar. Others have said what's  
2 the rush. Let's take it up at the next HMS  
3 meeting.

4 Others have said a small in-person  
5 meeting coupled with reports back might be an  
6 efficient way to go. So I would say the  
7 panel's not speaking with one voice on this.

8 And you have some options to continue to  
9 weigh. But you have some feedback. Do you  
10 have the feedback you want on that subject?  
11 Or do you still want more?

12 MS. SCHULZE-HAUGEN: Well, I guess  
13 one of the things that we'll need to balance  
14 is not only the timing, but then also some of  
15 the resources that we have. I'm not sure we  
16 have the resources for three panel meetings  
17 in a year.

18 So the feedback that webinar is  
19 better than conference call is good. The  
20 idea of having shark focused folks there may  
21 be more workable, keep some of the cost down.

22 So these are all things that we'll balance  
23 as we move out. So I appreciate the  
24 feedback.

25 CHAIR MCCREARY: Thank you.  
26 Rusty, you had one more comment?

27 MEMBER HUDSON: To the effect  
28 about webinars, I've had to participate in a  
29 lot of SEDAR events. And we do an awful lot  
30 of webinars.

31 And sometimes you have a little  
32 bit of communication problems. And you have  
33 to wind up muting all the mics in order to  
34 keep feedback, and babies, and dogs barking,  
35 and the whole nine yards.

36 But whenever you're dealing with  
37 the actual stakeholders, and if this is a  
38 type of thing that is going to definitely be  
39 affecting them, with your dusky, with your  
40 blacktips, whatever, face-to-face, I agree  
41 with Bob, is probably a good thing.

42 A webinar allows the public, and  
43 the other folks that aren't necessarily  
44 wanting to go and have to listen to that. I  
45 remember a lot of times over -- I feel like a  
46 relic now, being here since the 90s -- but  
47 certain people, a shark come up they'd be out  
48 over there having coffee. Because it just

1 wasn't their thing.

2 And then vice versa, a lot of the  
3 shark guys might not be paying attention to  
4 the billfish, or something like that. So it  
5 worked both ways.

6 But again, when you're dealing  
7 with the stakeholders and affecting their  
8 future, I believe that they deserve the  
9 ability to have a face-to-face.

10 And the webinar can go in hand-  
11 and-hand with that. Other councils do it all  
12 the time. They televise the stuff. And the  
13 public appreciates that.

14 CHAIR MCCREARY: Yes, so a hybrid  
15 of face-to-face for shark focused people, and  
16 a webinar for others sounds better than just  
17 a pure webinar to you. Thanks, Rusty. All  
18 right, should we move on to -- Yes, go ahead.

19 MS. SCHULZE-HAUGEN: So in terms  
20 of that shark focused AP members, we don't  
21 necessarily limit the ability for AP members  
22 to come. And so would that be us saying  
23 you're a shark folk or you saying you're a  
24 shark folk?

25 Because there may be some gradient  
26 there, where we could afford ten folks but  
27 not 50. So that would be something that, I'm  
28 not sure quite how we might do that. I see  
29 some cards.

30 CHAIR MCCREARY: So if I may throw  
31 in, self-identification, of course, is one  
32 obvious model. But that may require a filter  
33 so you don't get 50 self-identified. Take  
34 your other point. Gerry?

35 MEMBER LEAPE: I think we can  
36 overthink this. You have a way of  
37 communicating with us all. Let's have that  
38 as a first step to see how many people would  
39 actually be interested from this panel in  
40 coming to a meeting like that.

41 Then you can get a feeling of how  
42 big that group and whether you can afford it.

43 If it's not a very big group, then maybe you  
44 want to move ahead with that. And if it is  
45 too big a group, then you go to Plan B, a  
46 webinar or some further option.

47 CHAIR MCCREARY: Sure. Rusty?

48 MEMBER HUDSON: Agreed, because a

1 lot of times it's not just directed guys,  
2 you've got incidental bycatch scenarios.

3 I've seen where you've tried to  
4 ratchet down on mako, which is a big deal for  
5 the pelagic guys. You have recreational guys  
6 that definitely have interest in the various  
7 species.

8 And if they have to deal with  
9 spatial and temporal closures and stuff, to  
10 protect duskies, there may be some feedback.

11 If they're going to participate by  
12 webinar, by choice, then they may need to be  
13 able to have a coordinator that watches the  
14 question box, and makes sure they can get a  
15 live mic to be able to talk.

16 Because I've seen, a lot of times,  
17 you'll type in a question on the question box  
18 in a webinar, and it takes a half hour maybe  
19 never even responded to. So this is the type  
20 of thing that whoever runs the webinar needs  
21 to be right on it with all the people and  
22 controlling all that.

23 CHAIR MCCREARY: Good advice.  
24 Bob?

25 MEMBER HUETER: I know we're not  
26 supposed to ever vote on anything in this  
27 panel. But is it against the rules just to  
28 ask for a show of hands of who would be  
29 interested in going to the --

30 CHAIR MCCREARY: No. And not only  
31 that, we just had that very same idea. And  
32 it's not a vote. It's an expression of  
33 interest. So if you might be interested in  
34 coming to an in-person meeting, put your card  
35 up.

36 Is that it? No, that's not it.  
37 We're gathering information. Oh, is that all  
38 that are interested?

39 MEMBER CUPKA: Well, I think you  
40 need to ask the audience too. There are some  
41 very involved participants.

42 CHAIR MCCREARY: Yes. I'll leave  
43 that to Margo.

44 MS. SCHULZE-HAUGEN: Well, the  
45 distinction is that we pay for panel members  
46 to come. And so while we would look at, if  
47 we were to have a shark focus meeting, the  
48 appropriate location, given the universe of

1 interest, what we need to be cognizant of is  
2 what we would be paying for. So we welcome  
3 the public, but we don't pay for them to  
4 come.

5 MEMBER CUPKA: Oh, well I think  
6 they understand that. But when their vested  
7 interest is whether they make it or not,  
8 they're going to be here, or some of them  
9 are.

10 CHAIR MCCREARY: Well, exactly.  
11 Many people come to this room who are not AP  
12 members. Margo, do you have enough  
13 information now, even more data than before?

14 All right. I propose that we shift gears  
15 and move on to eDealer.

16 Oh yes, thank you. Sorry about  
17 that. Members of the public who would like  
18 to address the panel, please let us know by  
19 holding up your hand or standing up. I don't  
20 see any. All right. eDealer it is.  
21 Welcome.

22 I'm sorry. So there are folks who  
23 want to speak. I'm sorry, I didn't see the  
24 hands come up. So to be crystal clear, can  
25 you stand up if you want to address the AP  
26 panel? Jeff, do you?

27 Okay. So you should come forward  
28 and use the mic. I apologize, Jeff, I didn't  
29 see your hand. All right, thank you.

30 MR. ODEN: Thanks, Jeff Oden here,  
31 commercial fisherman, North Carolina.  
32 Anyway, kind of I supplied Randy a little bit  
33 of data there, which we acquired this year  
34 through Dr. Kerstetter.

35 The reason I'm speaking now on  
36 sharks, that's part of the reason I came, is  
37 because seems like everything that's coming  
38 with Amendment 5 and Amendment 7 has got  
39 North Carolina as a big red bulls eye.

40 And it just runs inconsistent with  
41 what we see on the water. I ended up giving  
42 Randy a little document there which is very  
43 limited.

44 I asked Dr. Kerstetter and he,  
45 some how or another did not see my request  
46 and get my personal data from last year, as  
47 well as the boat that was involved this year  
48 in a hook timer study.

1                   But in our particular area, and  
2 that box that you all seem to think there's  
3 so many duskies in, again, there was none  
4 identified.

5                   There were seven unknown sharks  
6 that got off, or were cut loose prior. But  
7 again, my question is how many of those are  
8 mis-identified, which you all acknowledge.

9                   And so much of the data that's  
10 pointing at North Carolina in that box, to  
11 me, I think is bogus. And I think most of  
12 these guys will agree with that with me.

13                   And secondly, on top of that, if  
14 you want me to catch a dusky I know where to  
15 go to catch them. Those of us in the shark  
16 fishery, we can go catch them tomorrow. If  
17 you want indices, put us to work. We'll go  
18 help you.

19                   But don't hide from the truth.  
20 And the truth is, for instance, a friend of  
21 mine who just started shark fishing last  
22 year, or two years ago, went.

23                   And he set 150 hooks three times,  
24 five miles apart. And he had 450 hooks. He  
25 had 203 duskies, 78 sandbars, 30 assorted  
26 other sharks, and no bait on the rest of his  
27 gear.

28                   And we could do that time and  
29 again. But all we hear about are, well, the  
30 duskies are overfished. They're threatened,  
31 take them forever to recover.

32                   Well, I don't know what's  
33 happened. But I know in every shark research  
34 fishery that I talk to somebody who's been  
35 involved in, the catch per unit of effort is  
36 going through the roof compared to what I saw  
37 when I started in the 90s.

38                   And I know Glen will tell you the  
39 same. We're hearing sometimes 50 percent  
40 hookups in this. And sandbars, duskies, it  
41 doesn't matter a lot.

42                   But the only independent data I  
43 can offer is that which I've done with Dr.  
44 Kerstetter. And again, we see no duskies  
45 overall.

46                   And I fish in that box eight  
47 months out of the year. I don't fish year  
48 round. But that aside, there's one other

1 issue I'd like to address.

2 The greenstick issue, which was  
3 brought up prior, my last trip, pelagic  
4 longline, I caught 9,000 pounds, four sets  
5 longlining.

6 I towed that stick 40 miles back  
7 on one day, and 30 on three of the other  
8 runbacks, from our drift. And I caught three  
9 yellowfins. And I spent time right there  
10 where we normally catch them on the point.

11  
12 The truth is, I know there's an  
13 effort to maybe transition from pelagic  
14 longlining. But this country's in trouble if  
15 you're counting on greensticks to feed this  
16 country.

17 It couldn't feed my coyote with  
18 what the local guys do there when all the  
19 restaurants crank up. Maybe it would feed my  
20 coyote, but that's about it.

21 And try as you might, we've got  
22 the best there is at that game. Fred's one  
23 of them. But a few other guys, you won't  
24 beat them with a stick, literally.

25 And seriously, you're not going to  
26 feed many people in this country with it  
27 either. So anyway, that's it. Thanks.

28 CHAIR MCCREARY: Jeff, thanks very  
29 much. Others want to speak? Go ahead,  
30 introduce yourself please.

31 MR. HOPKINS: Glen Hopkins. I'm a  
32 commercial fisherman from North Carolina. I  
33 used to be a shark fisherman from North  
34 Carolina.

35 Like Dave's thing showed earlier,  
36 the negative revenue, that's what shark  
37 fishing is to me anymore. It's impossible to  
38 make it with any kind of expenses at all.

39 I really didn't come prepared. I  
40 thought it would be more of an Amendment 5  
41 presentation here, as far as what the issues  
42 really are. So I don't really have anything  
43 much, as far as specifics, to comment.

44 I'll just reiterate what Jeff  
45 says. Him and myself both probably spend 200  
46 to 300 days and nights in the ocean, for the  
47 last 20, 25 years.

48 And whatever the data is that's

1 showing the hammerhead's in trouble, dusky's  
2 in trouble, sandbar's in trouble, I can't  
3 think of anything that is in trouble.

4 But it's there. You've just got  
5 to know where to find it. And if anybody is  
6 willing to pay big bucks to go find them,  
7 I'll be glad to do an independent study with  
8 you.

9 And like you said, as far as the  
10 pelagic longline fishery, what importance it  
11 is to the country, if some of the strategy is  
12 to use choke species to eliminate pelagic  
13 longline fishery, I think it's a huge  
14 mistake. It'd be like taking the Midwest and  
15 giving them a drought every year, as far as  
16 providing food for the country. Thank you.

17 CHAIR MCCREARY: Thank you very  
18 much. Any other people want to address the  
19 AP? I think we've covered it. I was just  
20 reminded that we do have 25 copies of each  
21 presentation, or that is most of the  
22 presentations that were generated a little  
23 bit before the meeting, in addition to having  
24 them posted on the Web. So if people really  
25 want hard copies, those are available. All  
26 right, I'm sorry for the delay.

27 MS. ORTIZ: Hi, my name's Delisse  
28 Ortiz. And I'm with HMS at headquarters.  
29 And like it was mentioned, this is the  
30 eDealer reporting system talk.

31 And throughout the talk, I'll be  
32 giving you a little background on just the  
33 objectives and the time line of the rule, a  
34 little summary on the requirements that are  
35 in the final rule, a little overview on the  
36 eDealer system itself, and then finally, talk  
37 a little bit about implementation,  
38 specifically the outreach that we're doing  
39 and the time line that we have from now until  
40 when the system comes into place.

41 But in terms of the purpose of the  
42 rule, it's to modify the existing reporting  
43 requirements for all Federal Atlantic HMS  
44 dealers.

45 And I want to specify that this  
46 only includes sharks, swordfish, and the BAYS  
47 tunas. It does not include the bluefin tuna  
48 dealers. They will continue to report in the

1 system that is currently in place for the  
2 bluefin tuna dealers.

3 And the purpose is to allow for  
4 more timely, efficient, and accurate dealer  
5 reporting, such that we can improve our quota  
6 monitoring.

7 We published a proposed rule in  
8 June. We received numerous comments. And  
9 based on these comments, and our management  
10 needs, we published a final rule last month  
11 with a delayed implementation of January 1st,  
12 2013.

13 And the reason we did that was to  
14 allow for dealers to adjust their business  
15 practices and purchase the necessary  
16 equipment so that they could come into  
17 compliance with the requirements effective  
18 next year.

19 And in the final rule, we are  
20 requiring different measures. The obvious  
21 one is that we are moving away from the paper  
22 based reports that are submitted on a bi-  
23 weekly basis, to having all dealers report on  
24 commercially harvested Atlantic HMS, again,  
25 other than bluefin tuna, electronically on a  
26 weekly basis.

27 And this is an action that we  
28 received a lot of support. There are already  
29 numerous dealers that are reporting  
30 electronically, and also reporting on a  
31 weekly basis.

32 So with the weekly reporting  
33 requirement, we try to minimize the burden,  
34 in that we're making it consistent with  
35 requirements that are already in place for  
36 dealers.

37 The second measure is that we  
38 clarify timely dealer report requirements.  
39 One of the problems that we face is that  
40 there are chronic late reporters.

41 And one of the things that we want  
42 to make sure of is that we get timely  
43 information. So with the final rule, dealers  
44 are only authorized to receive commercially  
45 harvested HMS if they submitted their reports  
46 to NMFS in time. This is an action that we  
47 also received a lot of support.

48 In addition, some of the dealers

1 during our outreach specifically told us that  
2 they wanted NMFS to take enforcement action  
3 against those chronic late reporters, such  
4 that all dealers don't have to be punished by  
5 the action of the small amount of dealers  
6 that just don't report on time.

7 And so that they also submit their  
8 reports and can't be selling or purchasing  
9 any product when their reports are  
10 delinquent.

11 The other measures that we  
12 changed, based on public comment, from the  
13 proposed rule, was the definition of a first  
14 receiver.

15 One of the things that we proposed  
16 was to change the definition such that all  
17 first receivers of HMS product, and that  
18 included individuals that took possession of  
19 HMS for transport, so that would have  
20 included individuals who transported HMS,  
21 would need not only an HMS dealer permit, but  
22 also report.

23 And during the public comment  
24 period, we received numerous comments  
25 opposing this, saying that it would disrupt  
26 their business practices, and also stressing  
27 that it would create inconsistencies with  
28 having different first receiver definitions  
29 for sharks versus swordfish and BAYS tunas.

30 So taking these comments into  
31 consideration, we looked at just defining  
32 first receiver as a unified definition where  
33 individuals only taking possession, for a  
34 commercial purpose, of any HMS product that  
35 is off-loaded from a vessel, and this would  
36 not include solely for transport, would need  
37 an HMS dealer permit.

38 And we did this in order to make  
39 it more in tune with industry practice and  
40 also simplify the regulation and try to avoid  
41 any excessive burden on individuals who do  
42 their business practices according to these  
43 definitions.

44 The second measure is reporting  
45 frequency. We had proposed flexible  
46 reporting requirements where we would change  
47 either from daily or weekly, depending on  
48 criteria for sharks.

1                   So the criteria was how much quota  
2 was available, the amount of the quota, and  
3 the length of the seasons. It would go from  
4 daily or weekly. And then with swordfish,  
5 BAYS tunas, it would either go from bi-weekly  
6 to weekly.

7                   And again, we received numerous  
8 feedback in terms of simplify the regulations  
9 and make it consistent.

10                  The northeast already reports on a  
11 weekly basis and, again, in an effort to  
12 simplify the regulations and make reporting  
13 frequency consistent among all species, we  
14 changed it to weekly reporting.

15                  And in addition, one of the big  
16 comments that we received was to please  
17 minimize the burden, please minimize any  
18 duplicative reporting that you can do.

19                  And one of the biggest efforts  
20 with this rule, and we put in a lot of  
21 energy, and especially Jackie Wilson  
22 coordinating the development of the system,  
23 creating a new electronic HMS dealer  
24 reporting system, that includes the program,  
25 which is what we refer to as the eDealer  
26 program, that allows to just report HMS.

27                  But it's also a system that you  
28 don't really see. It's behind the scenes.  
29 It tracks the timing and submission of the  
30 dealer reports.

31                  It lets the dealers know if their  
32 reports are late, it also lets us know, and  
33 the Office of Law Enforcement, including if  
34 their reports are late.

35                  And it also lets us know any  
36 discrepancies in the dealer reports so we can  
37 follow-up with the dealers if there's any  
38 information missing, or again, why their  
39 reports are late.

40                  But in addition, one of the  
41 comments that we received is that we're  
42 already reporting electronically. Why are  
43 you creating a different system?

44                  So a lot of the energy has been  
45 put into actually integrating our system also  
46 with existing electronic reporting programs,  
47 such that individuals who've already been  
48 reporting say, because of State reporting

1 requirements, will see those new HMS data  
2 elements.

3 And when I say HMS data elements,  
4 it refers to the new information that we're  
5 requesting. Because with the eDealer  
6 program, we'll be able to collect information  
7 on a trip basis, as opposed to the paper  
8 based reports that collected what was  
9 purchased on a bi-weekly basis. So that  
10 means that we'll have vessel specific  
11 information.

12 And those new data fields will be  
13 added to these existing electronic reporting  
14 programs that dealers are already using.  
15 That includes, again, the Standard Atlantic  
16 Fisheries Information System, or SAFIS, trip  
17 tickets, and there's also dealers that have  
18 proprietary software.

19 So those dealers will have the  
20 option of either integrating those new HMS  
21 data elements into their customized system,  
22 or they don't choose to do it. Then they can  
23 neither use the SAFIS, or the trip-ticket  
24 system, or the eDealer system.

25 And because we integrated those,  
26 there's different versions of the program.  
27 And it is up to the dealer to decide which  
28 they want to use.

29 If, for example, you're only  
30 reporting HMS, you could use the HMS  
31 electronic reporting program. If you're in  
32 the northeast, you have a northeast permit,  
33 then you prefer to use SAFIS eDealer, which  
34 you would be able to meet your state and  
35 Federal reporting requirements, or the SAFIS  
36 e-ticket, which applies to Georgia and South  
37 Carolina and complies with the Federal  
38 requirements.

39 There's also the trip ticket  
40 system. And depending on which state you  
41 are, you can comply with Federal requirements  
42 or the state and Federal reporting  
43 requirements.

44 So in that way we're trying to  
45 minimize, again, the burden of dealers having  
46 to report in multiple programs. You can go  
47 now to, I mentioned January 1st, and meet  
48 both of your state and Federal dealer

1 reporting requirements.

2 Now in terms of implementation,  
3 again, we delayed implementation so that we  
4 could do outreach and let the dealers know  
5 about the new reporting systems.

6 This is a big change and so we  
7 also wanted to train them in all the  
8 different versions of the program. So we've  
9 been going to the different regions and  
10 training them in the systems that are most  
11 valuable, or that the dealers are already  
12 using, and explain to them what's coming down  
13 the pipe.

14 So far we've conducted 11 training  
15 workshops in the Gulf of Mexico, Caribbean  
16 and Atlantic, and you can see the break down.  
17 We've done numerous in Florida and  
18 Louisiana, and in the Caribbean.

19 And we're also working right now  
20 in scheduling more training workshops, again  
21 in the Gulf, Mid-Atlantic, and Northeast  
22 regions.

23 Now during these workshops we  
24 received numerous questions and concerns,  
25 because there's a lot of changes in the way  
26 that things will operate in terms of dealer  
27 reporting.

28 And so I wanted to highlight some  
29 of those changes. I do want to stress though  
30 that these changes would only be dramatic for  
31 dealers that have not been reporting  
32 electronically.

33 And for the most part, a lot have  
34 been either using SAFIS or the trip ticket  
35 system. So they might not see a lot of  
36 changes.

37 And actually, I experienced that  
38 going to some of the training workshops where  
39 dealers were not faced too much with some of  
40 the changes.

41 But the first one's the reporting  
42 week. Right now it's bi-weekly. The  
43 reporting week will be from Sunday through  
44 the following Saturday.

45 And then the submission of the  
46 actual positive or negative Atlantic HMS  
47 dealer reports will be no later than  
48 midnight, local time, of the first Tuesday

1 following the end of the reporting week.

2 In terms of negative reports,  
3 dealers, if they know they're going on  
4 vacation, or they just don't fish, or their  
5 boat is being repaired, they can submit a  
6 negative report up to 90 days.

7 One thing is, like I stressed,  
8 failure to report on time could result in the  
9 dealer being revoked, or suspended, or  
10 modified, and then denial of any future  
11 permit applications. And this is our effort  
12 to make sure that we get timely information  
13 from the dealers.

14 In terms of access to the system,  
15 I'm obtaining user name and passwords.  
16 Again, some of the dealers are already using  
17 SAFIS and trip ticket, so they already have  
18 their information.

19 They don't need to do any other  
20 steps. They'll just see those changes in  
21 their programs, those additional data fields,  
22 come January 1st.

23 However, if you are a new dealer,  
24 or you are an HMS only dealer, then you would  
25 need to contact us in order for us to tell  
26 you maybe what program would suit you best  
27 and how to access the system.

28 But for the existing dealer to use  
29 the different programs, this is the contact  
30 information for the folks who they would be  
31 dealing and communicating with, depending on  
32 which program they used.

33 One concern that came up,  
34 especially in the Caribbean where I'm from,  
35 where we definitely get a lot of hurricanes  
36 and storms, as well as in Florida, is what  
37 happens if there's a power outage or just bad  
38 Internet connection.

39 Well, the first step will be you  
40 would contact us, in case there's a power  
41 outage or there's just a malfunction, there's  
42 no Internet, whichever the reasons.

43 And on a case by case basis the  
44 agency would exercise its enforcement  
45 discretion in determining whether or not to  
46 take enforcement action.

47 You would consider different  
48 circumstances, whether it was a valid outage,

1 or the loss was being able to be verified, or  
2 the dealer was able to submit the report as  
3 soon as the outage ended.

4 The other aspect is we're  
5 requesting price information when submitting  
6 the reports. And you have the option to say  
7 no price or put an actual price.

8 But one of the comments that we  
9 received during public hearings was, well,  
10 dealers don't have price information right  
11 there. Sometimes it's 21 days after, or a  
12 month.

13 So one of the things that we're  
14 allowing dealers to do is to either check no  
15 price or put zero as price, and then update  
16 it within 30 days to make sure that we have  
17 the price information.

18 Because we do recognize that  
19 sometimes it just takes time to get that  
20 information.

21 The other HMS data element that  
22 we're requiring is logbook ID numbers. And  
23 for those fishermen out there, when you do  
24 dealings with your dealers make sure that you  
25 have that information available to them.  
26 Because that is one of the things that  
27 they'll have to collect when they're filling  
28 out -- submitting their dealer reports.

29 And it varies depending on, I  
30 guess, what logbook the fishermen are using.

31 But this explains what exactly that logbook  
32 ID number is that we want entered, depending  
33 on if the vessel is using a pelagic longline  
34 logbook or a coastal fisheries logbook, or a  
35 vessel trip report.

36 So that's one of the things that  
37 we wanted to put out. Because now we're  
38 going to be doing things on a trip basis. So  
39 we'll be having vessel ID information and  
40 logbook ID information. That way we can tie  
41 the landings with the logbooks.

42 The other thing that we're  
43 simplifying is being able to submit state  
44 versus Federal landings data through the  
45 system.

46 Federal permitted dealers,  
47 including our HMS dealers, will have to  
48 submit all fish purchased to both the state

1 and Federal agencies.

2 So it simplifies in that you just  
3 submit everything. You don't have to keep  
4 track of, oh, is it HMS, is it not HMS, is it  
5 Federal species? You just submit everything.

6 In some cases, just keep in mind  
7 state and Federal data can be submitted  
8 electronically in the same program. But in  
9 other cases dealers must report via paper to  
10 the state, such as the case of South  
11 Carolina.

12 So dealers just have to keep in  
13 mind what the state reporting requirements  
14 allow, whether electronic or paper reporting.

15 Outreach, we've made a lot of  
16 calls during the publication of the final  
17 rule. We have additional workshops coming,  
18 in terms of educational material.

19 We have instructional videos that  
20 are going to be on the different versions of  
21 trip ticket, since they vary. Because we've  
22 been working together with the state. So  
23 it's not just our reporting requirements,  
24 it's also the state. So every version  
25 varies.

26 System user guides and manuals, a  
27 Web site, focusing on eDealer, and then a  
28 compliance guide should be coming out soon.  
29 And then we'll be updating the overall -- the  
30 HMS dealer compliance guide.

31 And I say coming soon because,  
32 again, this is a big effort. We're working  
33 with a lot of agencies and coordinating. And  
34 so this is still in flux. But I just wanted  
35 to let you know what's coming down the pipe  
36 and what will be available for the dealers.

37 This is the time line. Right now  
38 we're still working on training and  
39 workshops. We will be sending a letter to  
40 all HMS dealers with a compliance guide  
41 informing them of all the final requirements,  
42 and the information that I summarized here in  
43 terms of how to access the user name and  
44 password, and the different systems and what  
45 steps they should take.

46 Then before implementation, we  
47 will be making sure that all new dealers, or  
48 folks that are interested in using any of the

1 programs, have been issued user names and  
2 passwords.

3 And then January 1st, as I  
4 mentioned, that's when the rule will become  
5 effective. And we will only be accepting  
6 submissions electronically.

7 However, the last paper based  
8 report that covers the period from December  
9 15 to the end of the year is not due until  
10 January 10th. So that's the last paper based  
11 report that we will accept. Because it falls  
12 under what is currently in place.

13 And that's what I have. One of  
14 the things I did want to stress is that,  
15 because we have different versions, we're not  
16 doing a demo right now.

17 But there is a demo on a computer  
18 that we can demo any of the programs that  
19 you're interested in seeing, and give you a  
20 more in-depth look at what's to come next  
21 year. But if you have any questions I'll be  
22 happy to answer them. Thank you.

23 CHAIR MCCREARY: Thank you very  
24 much. There were two cards that were up at  
25 the beginning of this presentation, Pam's and  
26 Shawn's. I don't know if that's a remnant  
27 of, Pam, do you still have a question?

28 Oh, it's down. Okay, good. Then  
29 we'll go to the new business. I have Rich,  
30 Dave, and Rusty. Rich?

31 MEMBER RUAIS: Yes. I just wanted  
32 to make it clear, at the beginning of  
33 Delisse's presentation, it noted that bluefin  
34 tuna dealers are exempted from the electronic  
35 reporting.

36 And that's not because they're  
37 getting any kind of special treatment or not  
38 being regulated. It's because we have an  
39 established system in place where the dealers  
40 are required to fax, within 24 hours, any  
41 bluefin that they take possession of, and  
42 give the weights and the lengths, and even an  
43 estimate of the price that's given.

44 And then, in addition to that,  
45 there's either a one week or a two week, it's  
46 a two week, every two weeks the dealers have  
47 to provide a written summary of all of those  
48 faxes that they've sent along the time, so

1 that NMFS is able to compare that.

2 So the system is working, has been  
3 working for decades. And it's not broken.  
4 So I guess the feeling is why change it,  
5 correct?

6 MS. SCHULZE-HAUGEN: Well, we do  
7 have a system that is working. And it is  
8 meeting the management needs. And it had  
9 recently gone through a fair amount of effort  
10 to update, internally, some of the  
11 connections and software and things.

12 So when we were looking at the  
13 eDealer initiative, thought a bit of the,  
14 yes, it's not broken at this point. We are  
15 getting the management needs met. So we're  
16 leaving that alone for now.

17 CHAIR MCCREARY: Thank you. Dave  
18 Cupka?

19 MEMBER CUPKA: Thank you for that  
20 presentation. I wanted to ask you a question  
21 though. In terms of HMS dealer permits, are  
22 all of them issued at the same time or are  
23 they staggered issues?

24 MS. ORTIZ: I'm sorry, your  
25 question is are there --

26 MEMBER CUPKA: The HMS dealer  
27 permits, are all those permits issued at the  
28 same time or are they issued at different  
29 times throughout the year?

30 MS. ORTIZ: No, they're issued at  
31 different times of the year.

32 MS. SCHULZE-HAUGEN: I would also  
33 note that they're issued by different parts  
34 of the agency as well. The swordfish and  
35 shark are issued by the Southeast region,  
36 tuna are issued out of the Northeast.

37 MEMBER CUPKA: Thank you.

38 CHAIR MCCREARY: Good. Rusty and  
39 then Terri.

40 MEMBER HUDSON: Delisse, thank  
41 you. As you know, you had a meeting in Port  
42 Orange. And out of your 16 Florida people we  
43 had what, 13 I believe you said, of which  
44 four were dealers.

45 You have roughly 240 shark  
46 dealers. You have 724 dealers listed in the  
47 two 2011 SAFE report, on Page 242, that have  
48 either swordfish, shark, or tuna.

1                   And I believe that the outreach is  
2 going to really come to a big task come  
3 January 1st. Because some of these dealers  
4 probably don't have electronic dealing,  
5 electronic means to be able to be compliant.

6                   Because I know the State of Florida is not  
7 100 percent yet, based on what I've learned.

8                   And we had some concerns, because  
9 we're at a two week period with a ten day  
10 postage and whatever that's been in place for  
11 awhile for these dealers.

12                   And as you heard from those four  
13 dealers, Seafood Atlantic, King Seafood, Cape  
14 Canaveral Shrimp Company, and Whole Seafood,  
15 that a lot of times they'll work their week  
16 from Monday to Sunday. And then they'll wind  
17 up writing out the checks, and paying the  
18 people off on the Friday.

19                   And I believe that, for what I see  
20 here, you could actually loosen it up at the  
21 beginning of monitoring the various species,  
22 the shark, the tuna, and the swordfish. And  
23 give them the two weeks electronically, or  
24 just to the Friday. Move it from the Tuesday  
25 to the Friday.

26                   Because a lot of these family  
27 operated operations, like Seafood Atlantic,  
28 have a numerous amount of boats and volume  
29 coming through there, not only of HMS, but  
30 all the council style fish that we have to  
31 monitor too.

32                   They asked you to be able to bring  
33 that message back. And whenever you're early  
34 in a ACL or quota, whatever you want to call  
35 it, I believe that you could actually make  
36 that work.

37                   Now once you get to the daily end  
38 of stuff, and to me, when I'm looking at  
39 shark, I believe that you cut us off at 80  
40 percent, or when you project 80 percent.  
41 Well, this way, I'm hoping that we can be  
42 able to work 100 percent of the quota.

43                   The only fly in the ointment is  
44 state landings that somehow don't get into  
45 the Federal system. And I don't know how  
46 much teeth you'll have in this.

47                   I know that we're working a joint  
48 plan between the Gulf and South Atlantic,

1 Texas to the Virginia/North Carolina line,  
2 and actually even further, when we're dealing  
3 with mackerels, all the way up to almost New  
4 England.

5 And we're having to be able to  
6 make sure that the people are going to be  
7 compliant. And we even asked the same thing  
8 for them, to be able to go for the Friday  
9 instead of the Tuesday. Because these are  
10 business men. And it would be nice to be  
11 able to operate it like a business.

12 When I look at the Louisiana, that  
13 was the only other big attendance you had,  
14 besides whatever down in the territories  
15 there. And of those two workshops, I wonder  
16 how many dealer permits were actually  
17 represented then.

18 Because when I look over here I  
19 see 136 in Florida alone. And that's kind of  
20 scary what kind of compliance rates you'll  
21 have. I'm sure you'll be able to give us  
22 some kind of report during the spring  
23 meeting, and we'll see how well it's working.

24 But I'd say, you know, you should  
25 be able to try to modify the rule, go to the  
26 Friday, and then work with the dealers. So  
27 that once you get to that need to monitor on  
28 a daily or a weekly basis, it's towards the  
29 last of the quota and not at the front end,  
30 or the middle, or something like that.

31 It's just something that I think  
32 you should do. And I guess that's my main  
33 concern. So I just wanted to share that.

34 MS. ORTIZ: Thank you, Rusty. One  
35 of the things that I just wanted to mention  
36 was that, during the public hearing, we heard  
37 numerous suggestions about what sort of  
38 reporting frequency to have.

39 We heard anything from 21 days, to  
40 daily, to weekly. But one of the things that  
41 we're trying to balance is timely reporting.

42 Especially concerning sharks.

43 But we're also trying to simplify  
44 regulations, which was a comment that we  
45 received on almost every public hearing,  
46 simplify the regulations, make them  
47 consistent, minimize the burden.

48 So weekly reporting is what we

1 want final. But keep in mind that, you know,  
2 we may, in the future, change the reporting  
3 frequency, depending on our management needs.

4 Your second concern in terms of  
5 compliance, we are -- like I said, the system  
6 will be monitoring the submission and the  
7 timing of the reports.

8 And for the most part we tried our  
9 best to do outreach. I can tell you  
10 personally that for every training workshop  
11 we called everybody in the area.

12 But there's so much that we can  
13 do. We publish on the Web site, we make  
14 numerous calls, we present here. There will  
15 be a letter that will go to every dealer. So  
16 every dealer will definitely be informed of  
17 some of the changes.

18 But again, like I said, a lot of  
19 the dealers are having to meet their state  
20 reporting requirements. And for the most  
21 part, from what we've heard, is that they're  
22 already using either trip tickets or SAFIS.

23 But I understand your concern in  
24 our efforts to try and reach all the dealers  
25 so that they know what's coming, and try to  
26 work with them to the best of our ability.

27 MEMBER HUDSON: On that thought,  
28 we're at 24 days, roughly, if everybody was  
29 doing it by the rules, putting it in the  
30 mail, faxing it, whatever, got it to you at  
31 the end of the two weeks.

32 But we have problems like with  
33 when we're getting down on a golden tile  
34 quota, for instance, and stuff like that, it  
35 wound up over running. And it was because  
36 the volume of landings were so much.

37 And yet, we had the state working  
38 with us, making the phone calls on a daily  
39 basis, whether it's mackerel or whatever, to  
40 monitor it.

41 But what we had was some other  
42 dealers that failed to report. That was  
43 where the bad problem is. And some of those  
44 people were months, months. We've been  
45 wrestling with them with the golden tile,  
46 just on the council level, for seven months  
47 since that 48 day season ended.

48 And it was like a moving target.

1 It was just how much did we catch? And so  
2 finally they had to subtract the 27,000  
3 pounds and it got them to where they said  
4 this is the final number, I guess.

5 But that's the main thing. I just  
6 want to make it as smooth as the dickens,  
7 make sure that -- the people that aren't  
8 compliant -- make them realize that there's  
9 some serious teeth here.

10 MS. ORTIZ: That's one of the  
11 things we've been stressing, that there is  
12 teeth. That's why, in the presentation, it's  
13 clear that it is in our regulations that a  
14 permit may be revoked, or suspended, or  
15 denied, if a dealer has not only failed to  
16 report on time but also has been purchasing  
17 product while the reports have been  
18 delinquent.

19 And we're working very closely  
20 with enforcement to make sure that, you know,  
21 that they report on time, especially those  
22 dealers that have been chronic late  
23 reporters, that we know who they are.  
24 Thanks.

25 MS. SCHULZE-HAUGEN: And to the  
26 point about outreach and getting the word  
27 out, that would be an area that all of you  
28 can help us with, in letting your folks and  
29 your contacts know about the workshops and  
30 the resources available. So that would be  
31 much appreciated.

32 MS. WILSON: I just want to  
33 follow-up on the Friday deadline comment that  
34 you had mentioned the dealers had brought up  
35 during the Port Orange hearing, or the  
36 workshop.

37 And so when we went to doing  
38 workshops, and also during the proposed rule  
39 hearings that we had, we got lots of  
40 different suggestions on what the deadline  
41 should be, what our reporting frequency  
42 should be, as Delisse mentioned.

43 But to meet that consistency  
44 between the regions, and the fact that many  
45 of the dealers have multiple dealer permits,  
46 that is they're not just HMS dealers, they  
47 have Northeast permits as well, and they have  
48 Southeast dealer permits, we chose to go with

1 a model that is used in the Northeast.

2 And that is, as Delisse had shown,  
3 from Saturday through Sunday, and Tuesday  
4 being when they have to report all of those  
5 purchases by.

6 And so we do recognize that it may  
7 be a change of business practices. But  
8 again, this is to move in the direction that  
9 it's going to be consistent across all of the  
10 different dealer permits they have.

11 And hopefully it will make things  
12 easier in the long run. So that's why we  
13 have the deadline of Tuesday. And that's  
14 what's currently in the rule.

15 CHAIR MCCREARY: Thank you.  
16 Terri?

17 MS. BEIDEMAN: First I'd like to  
18 say that certainly my members appreciate that  
19 NMFS listened to how difficult it would be to  
20 deal with a change in the definition of first  
21 receiver, from problems about how do you  
22 handle that if you're landing in Canada, to  
23 this is just in a dock that accepts the fish  
24 and puts it on a truck. So we appreciate  
25 that you understand.

26 And there aren't that many of us.  
27 So it should be pretty easy to work with.  
28 But even so, some of my members have  
29 expressed concerns with the fact that it  
30 really isn't totally consistent.

31 And while I recognize that the  
32 bluefin tuna reporting system, with the fax  
33 system, has been in existence for a long  
34 time, it is also yet a separate way to have  
35 to do it.

36 And I recognize it's daily. But  
37 they have staff they're trying to get to  
38 report these things on a timely basis. It  
39 would be so much easier, like you understand,  
40 with streamlining the dealer into systems  
41 that are already established.

42 My members would hope that we  
43 would have all HMS, at one point, pulled into  
44 that, because that would be more streamlined.

45 And also, I have to say that we  
46 have had some issues with the fax machine not  
47 being up and operational. So to the extent  
48 that power outages and things like that could

1 affect that, I know some of my members have  
2 said that they've had trouble getting through  
3 on the line, and eventually get it through,  
4 but not necessarily their first try.

5 So we're in a technology situation  
6 and people have smart phones they can report  
7 things almost instantaneously. So I think  
8 we're moving in that direction, to be, you  
9 know, more real time. I think that we could  
10 possibly manage to pull bluefin into that mix  
11 too. Thanks.

12 CHAIR MCCREARY: Good. thank you  
13 very much, Terri. Margo, back to you.

14 MS. SCHULZE-HAUGEN: All right.  
15 Well, I think we're in good shape, heading in  
16 tomorrow. Recognizing that folks -- people  
17 anticipate a lot of time on bluefin, what I  
18 would say is that we could start as promptly  
19 as 8:30 if folks are here. And then we will  
20 certainly keep an eye, throughout the day, to  
21 make sure that we get the time we need.

22 Having finished eDealer a little  
23 early, I think that gives us more flexibility  
24 at the end of the agenda. So we certainly  
25 want all the comments that you can give us.  
26 John, did you have something?

27 MEMBER JOLLEY: I sure did. Don't  
28 turn this damn thermostat down to 60 degrees  
29 tomorrow. Half of us aren't going to be  
30 here.

31 CHAIR MCCREARY: I thought it was  
32 45. Yes, it's definitely gotten a lot, the  
33 climate had changed. All right, well, thank  
34 you all very much for your productive  
35 engagement today.

36 (Whereupon, the meeting in the  
37 above-entitled matter was concluded at 5:56  
38 p.m.)  
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Highly Migratory Species  
Advisory Panel Meeting

Before: DOC/NOAA/NMFS

Date: 09-19-12

Place: Bethesda, MD

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