

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

+ + + + +

THURSDAY

SEPTEMBER 20, 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 8:30 a.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  
CHRISTOPHER WEINER  
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  
SAMUEL D. RAUCH, III, NMFS/OAA, Deputy  
Assistant Administrator for Regulatory  
Programs, performing the functions and  
duties of the Assistant Administrator for  
Fisheries  
KARYL BREWSTER-GEISZ, NMFS/OSF/HMSD  
RANDY BLANKINSHIP, NMFS/OSF/HMSD  
MICHAEL CLARK, NMFS/OSF/HMSD  
CRAIG COCKRELL, NMFS/OSF/HMSD  
PETER COOPER, NMFS/OSF/HMSD  
JENNIFER CUDNEY, NMFS/OSF/HMSD  
KATIE DAVIS, NMFS/OSF/HMSD  
JOE DESFOSSE, NMFS/OSF/HMSD  
GUILLERMO DIAZ, NMFS/SEFSC  
GUY DuBECK, 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  
RONALD SALZ, NMFS/OST/FSD  
GEORGE SILVA, NMFS/OSF/HMSD  
ANGELA SOMMA, NMFS/OPR/ESD  
DIANNE STEPHEN, NMFS/OSF/HMSD  
JENNI WALLACE, NMFS/OSF/HMSD  
TOM WARREN, NMFS/OSF/HMSD  
JACKIE WILSON, NMFS/OSF/HMSD

ALSO PRESENT:

KEVIN BAUMERT, U.S. Department of State,  
Office of the Legal Advisor  
GLENN DELANEY, Blue Water Fishermen's  
Association  
GLEN HOPKINS  
LEONARD INGRANDE  
BRIAN MELCHOIR, U.S. Department of State,  
Office of Ocean and Polar Affairs  
BOBBY NGUYEN  
THIEN NGUYEN  
JEFF ODEN  
BRIAN VAN PAY, U.S. Department of State,  
Office of Ocean and Polar Affairs  
TOM WHEATLEY, Pew Environment Group

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

2 8:33 a.m.

3 CHAIR McCREARY: All right. So,  
4 let's focus-in on today's agenda. Obviously,  
5 the big-ticket item is several discussions on  
6 bluefin tuna. We are mindful that we want to  
7 have plenty of time for discussion. We think  
8 that the morning is set up to accommodate  
9 that.

10 I just want to flag that we have a  
11 couple of other presentations that have hard  
12 start times today. Sam Rauch is coming at  
13 1:30. We also have an update on the Bahamas  
14 Maritime Boundary. So, we are going to keep  
15 to the time splits, but we will be mindful of  
16 the need for discussion.

17 Margo, I think you have an  
18 announcement you want to make right now?

19 MS. SCHULZE-HAUGEN: Yes. So, we  
20 got some good news yesterday, kind of late-  
21 breaking, but we will take. We have final  
22 clearance for Amendment 4 for final rule. And  
23 so, that is on its way to The Federal Register  
24 and should publish next week. But, given that  
25 you are all here, we thought we would share  
26 with you the contents of the final rule. And  
27 so, we have changed the presentation from an  
28 update to a full presentation. That will be  
29 loaded just as soon as the person in the  
30 office that loads things on the website is in.  
31 So, we should have that, certainly I would  
32 expect by the break. So, keep an eye out for  
33 that. We will have a slightly different  
34 discussion this afternoon.

35 CHAIR McCREARY: Okay. With that,  
36 let's turn to the year to date in review on  
37 2012 bluefin tuna specifications. And then,  
38 we will continue with the rest of this item.

39 MS. McLAUGHLIN: All right. I am  
40 Sarah McLaughlin from the HMS Gloucester  
41 Office. This is a very brief presentation  
42 just to give you a sense of the conditions  
43 that applied for the bluefin fishery in 2012.

44 All right. Okay. So, we have the  
45 bluefin tuna regulatory amendment final rule  
46 published in November 2011. This was the  
47 proposed rule that we published in November  
48 2009 for the commercial handgear fishery.

1           The final rule did three things.  
2 For the General Category, it increased the  
3 maximum allowable daily retention limit from  
4 three to five fish, bluefin greater than 73  
5 inches, with adjustments to be made via in-  
6 season action.

7           It also the fishery that opens  
8 January 1 to run until the January subquota is  
9 reached or March 31st, whichever happens  
10 first.

11           For the Harpoon Category, it  
12 increased the daily incidental retention limit  
13 of large mediums between 73 and 81 inches  
14 from two fish to four fish, while targeting  
15 giants. That was effective this year, when  
16 the Harpoon Category opened on June 1.

17           This rulemaking is the subject of  
18 an ongoing legal challenge from the Center for  
19 Biological Diversity.

20           For the Angling Category, after  
21 considering the regulatory determination  
22 criteria regarding in-season adjustments,  
23 including the available Angling Category 2012  
24 subquota, fishery performance in recent years,  
25 and the availability of bluefin on the fishing  
26 grounds, we adjusted the Angling Category  
27 daily retention limit such that, for  
28 charter/headboats, the limit would be two fish  
29 per day, one school bluefin between 27 and 47  
30 inches, and then one large school, small  
31 medium, between 47 and 73 inches.

32           There is no slot limit this year  
33 like we had in effect in 2010 and 2011, when  
34 small medium fish between 59 and 73 inches  
35 were prohibited. So, it was a full range this  
36 year.

37           We also closed the trophy south  
38 fishery, effective April 7th, because the  
39 small subquota for the south, south of Great  
40 Egg Inlet, New Jersey, had been reached.

41           Similarly for the General  
42 Category, after considering the regulatory  
43 determination criteria regarding the retention  
44 limit, we set limits of two fish for the  
45 January period, three for June through August,  
46 and recently set it at three for the remainder  
47 of the year.

48           Regarding the January subquota,

1 the reg amendment allows the fishery to run  
2 from January 1 until the subquota is reached  
3 or March 31st, whichever happens first. In  
4 this case, 17 metric tons had been landed by  
5 January 17th. So, we projected a closure and  
6 prepared the notice for closing January 22nd.

7 Actual landings were 37.7 metric  
8 tons. The subquota was 23 tons. The winter  
9 fishery was much more active in January this  
10 season than December, where landings were  
11 about 1.5 metric tons.

12 For June through August, subquota  
13 was about 218 metric tons with landings of  
14 about 152 metric tons. For September through  
15 December, it is three fish. So far, we have a  
16 subquota for September of 115 metric tons. As  
17 of September 11, landing were about 7 metric  
18 tons.

19 So far this year, General Category  
20 landings are about 197 metric tons, which is a  
21 bit ahead of last year. The same period was  
22 183 metric tons.

23 For the other categories, for the  
24 Harpoon Category, this was the first year with  
25 an increased limit on large mediums, up from  
26 two to four, along with unlimited giants.  
27 Their available quota was 36 tons. Actually,  
28 to date landings, this is through September  
29 10, landings were 17.2 metric tons, mostly  
30 giants, about 5 metric tons of large mediums.

31 For the Longline Category, this is  
32 the first year we had to close the longline  
33 fishery to landing bluefin. For the South, by  
34 late May, we projected that the available  
35 subquota would be reached shortly and prepared  
36 a closure notice for May 29th. The quota was  
37 about 45 tons; landings, about 51. Similarly,  
38 for the North, in mid-June, we projected that  
39 the quota of 29.9 metric tons would be reached  
40 and prepared a closure notice to close June  
41 30th. Actual landings were pretty close, 30.4  
42 metric tons.

43 The purse seine fishery was active  
44 this year, active in July with its first  
45 landings since 2009. The available quota is  
46 172 metric tons, roughly, with a little less  
47 than 2 metric tons landed to date.  
48 Allocations were made to all five permit-

1 holders.

2 This is a landings report that  
3 shows landings by category with further  
4 breakout for a General Category gear and  
5 longline area. It shows you landings from  
6 January 1 through September 10 for 2012 and,  
7 also, on the right, for 2011, for comparison.

8 For the bluefin tuna quota  
9 specifications, we had a proposed rule in  
10 March, a final rule in late July. You will  
11 see the detailed table on the next page, as I  
12 am talking.

13 As proposed, we accounted for half  
14 of the dead discards estimate from the  
15 Longline Category upfront. We carried forward  
16 the 94.9 metric tons that were allowed by  
17 ICCAT to carry forward from 2011, and we  
18 allocated the full 2012 baseline quotas to all  
19 directed categories. In other words, we  
20 didn't modify the directed category subquotas  
21 we had established in the 2011 specifications.

22 We had proposed to distribute the  
23 allowable underharvest, the 95 tons,  
24 basically, half to longline and half to the  
25 reserve. But we also noted that in the final  
26 rule we would make adjustments based on actual  
27 2011 landings and the revised dead discard  
28 estimate.

29 That revised estimate came in in  
30 June, 145.2 metric tons, and we used that as a  
31 proxy for 2012 dead discards. It is the best,  
32 most complete information we have available  
33 for dead discards.

34 During preparation of the rule, as  
35 I mentioned we had to close the southern and  
36 northern longline fishery for the remainder of  
37 the year by prohibiting retention and landing  
38 of bluefin while targeting other species,  
39 because the landings had met the codified  
40 subquotas for those areas. You will see the  
41 details on the next slide.

42 In the final rule, we adjusted the  
43 Longline Category quota to 78.4 metric tons,  
44 the total of the amounts actually taken this  
45 year in the North and South. Given that there  
46 would be no more longline landings in 2012, we  
47 thought it would be more transparent to  
48 account for the landings in the final rule

1 than doing year-end accounting.

2 We held the remainder of the  
3 available underharvest we can carry forward,  
4 put that in the reserve, for an adjusted  
5 reserve of about 42 tons. So, most of the  
6 detail I am talking about is on the last three  
7 rows here, the Longline Category and the  
8 reserve.

9 We indicated that this  
10 transitional approach was appropriate, again,  
11 for 2012, as we continue to work on some  
12 changes in Amendment 7.

13 So, looking forward, we will have  
14 a Draft Amendment 7 on overall bluefin  
15 management. At ICCAT, we will have the  
16 official results of the stock assessment and a  
17 new ICCAT recommendation for western bluefin  
18 because the current one is specific to 2011  
19 and 2012. If and how the TAC changes will be  
20 decided at the Annual Meeting this November.

21 Regarding the status of bluefin  
22 under the Endangered Species Act, in the June  
23 2000 notice announcing that listing was not  
24 warranted at that time, we stated that NMFS  
25 intends to revisit the listing decision no  
26 later than 2013, once the natural resources  
27 damage assessment team analyses are complete,  
28 to determine the Deepwater Horizon oil spill  
29 altered the condition of the species.

30 The 2013 review will also have  
31 information from the latest stock assessment  
32 and ICCAT recommendations.

33 We value your input on priorities  
34 and potential solutions as we move into next  
35 year's quota specifications and potentially  
36 other actions, as we also work on Amendment 7.

37 Are there any questions?

38 CHAIR McCREARY: Go ahead.

39 MEMBER RUAIS: Rich Ruais.

40 I think this is for Margo. This  
41 was the earliest year that we had a total  
42 accounting of the pelagic longline catch, so  
43 that you could make the final allocations for  
44 the fishing year. That included both the  
45 estimate of dead discharge -- I assume Miami  
46 or whoever is responsible for that work, the  
47 methodology, out from the logbook reports --  
48 and you got the estimate --

1 MS. SCHULZE-HAUGEN: Rich, can you  
2 get closer to the microphone? Sorry, it is  
3 hard to hear you.

4 MEMBER RUAIS: Oh, okay. Sorry.

5 What I was saying is that this is  
6 the earliest that we have ever seen the totals  
7 coming from the Longline Category in terms of  
8 what the total catch is, the quota plus the  
9 discards. So, it is clear that whoever is  
10 responsible for taking the logbook data on  
11 discards from the captains and applying the  
12 methodology to come up with the total estimate  
13 that you add to the landings information, you  
14 announce that you were able to get that in  
15 time to make the adjustments before you put  
16 the final quota rule out. So, I think there  
17 are kudos. I think the agency ought to be  
18 congratulated that you moved it up in time.

19 My question is, is that a  
20 permanent thing that we can expect? I mean,  
21 we used to have to wait, obviously, until  
22 after the proposed rule was out, plus after  
23 even sometimes the final rule was out. We  
24 used the proxy all year long, in other words,  
25 of the prior year, 2010 for 2011. But now it  
26 seems as though you are able to give us in  
27 2012 the final number for 2011. Am I correct  
28 in interpreting that?

29 MS. SCHULZE-HAUGEN: Yes. So,  
30 there is the 2011 estimate of dead discards  
31 that was used in the final 2012  
32 specifications. I think the timing of that  
33 wasn't that different. We were a little  
34 delayed in the final rule. So, I think that  
35 may be where the difference is coming.

36 Thanks for the kudos, but I am not  
37 sure it really worthy --

38 CHAIR McCREARY: But kudos are  
39 always welcome. Thank you, Rich.

40 Jason, apologies for the double-  
41 acknowledgment there.

42 You had more to go? How many?

43 MEMBER RUAIS: Two more.

44 CHAIR McCREARY: Two more? All  
45 right, Rich, go ahead.

46 MEMBER RUAIS: All right. One  
47 was, just for everybody else's edification and  
48 my own, the way that this process usually

1 works is we are in the season right now. The  
2 New England season is getting close to being  
3 wrapped up. Our fishery has moved offshore to  
4 Georges Bank, which is a very expensive  
5 proposition for New England, for the boats to  
6 do it in terms of fuel to get out there,  
7 because of a smaller number of boats. So, the  
8 costs for the trip have increased greatly over  
9 the coastal fishery.

10 So, the bag limit of three fish,  
11 you put an announcement out, is going to be  
12 set now at three from September 1 through  
13 December 31st. We might, looking at the  
14 available quota for the final couple of months  
15 of 2012, noting that there is still 49 tons,  
16 approximately, in the reserve and 171 tons in  
17 the Purse Seine Category, we might ask that on  
18 Monday you might have a request in your hands  
19 asking for an increase to four fish, for  
20 example, to make those trips to Georges that  
21 are going to happen over the next six weeks a  
22 little bit more profitable than they otherwise  
23 would be.

24 And that is the way we have been  
25 working the process, and we don't see any  
26 difference this year in doing so. I would  
27 remind the agency and everyone else that,  
28 because of the 10-percent gap at ICCAT, we  
29 have been losing quota because we haven't been  
30 that timely in the response or we were overly  
31 cautious would probably be the proper term to  
32 use, that the agency has been overly cautious  
33 in keeping the bag limit low, although I  
34 acknowledge that you didn't have Amendment No.  
35 4 implemented to give you the authority to  
36 raise it to five fish.

37 Now you do. The final rule was  
38 passed. So, you have the authority to go to  
39 five fish. So, you can go to four fish, if  
40 that is the request from industry, if you deem  
41 not a threat to us remaining in compliance  
42 with the ICCAT quota.

43 So, don't be surprised if we ask  
44 for -- and it is not asking for special  
45 consideration for the General Category; it is  
46 asking for ordinary, real-time management of  
47 the fishery, which we can expect, and have  
48 come to expect, from the agency to the extent

1 that the regulations allow you to do that.

2 The last point I wanted to make --  
3 and I am sorry, Scott, for taking up this much  
4 time -- but the bluefin tuna status review  
5 under the Endangered Species Act, I would  
6 suggest that if you wanted to save time, if  
7 that is a very quick agenda item, that is  
8 fine, but, as Eric Schwaab made very clear to  
9 us when they rejected the petition, that has  
10 absolutely no binding procedural mechanisms on  
11 the agency. It is not required by ESA. It is  
12 an internal NOAA/NMFS procedure that was  
13 established.

14 The assessment is completed for  
15 2012. For those who haven't heard, the  
16 indices in the West are once again all gone  
17 up. So, I don't think there is a need to  
18 spend a lot of time on ESA when we have a lot  
19 of other issues to talk about.

20 Thank you.

21 CHAIR MCCREARY: Thank you, Rich.  
22 Jason?

23 MEMBER ADRIANCE: Thanks, Scott.

24 It would have been too much  
25 to hope to get in front of Rich.

26 (Laughter.)

27 My comment goes more towards  
28 publication. As some of you may know, there  
29 have been a few incidental take cases of  
30 bluefin in the Gulf recreationally. That  
31 closure wasn't very well-publicized, at least  
32 in the Gulf. I didn't find out until May, and  
33 the closure was in April. So, you may want to  
34 seek a better mechanism to get that closure  
35 word out there when it happens.

36 MS. McLAUGHLIN: Any suggestions?

37 MEMBER ADRIANCE: Not at the  
38 moment. Just some better outreach, maybe some  
39 phone calls to the state agencies, so they are  
40 aware of it. Maybe they can issue press  
41 releases.

42 CHAIR MCCREARY: Okay. Thank you.  
43 I have Shana and, then, Ralph.

44 MEMBER MILLER: Just a quick  
45 comment. On the longline landings for the  
46 Southern Category, obviously, we were about  
47 six tons, I guess, over the quota. It just  
48 underscores the importance of getting those

1 EMTU units into operation and to use those,  
2 hopefully, for reporting in more real-time the  
3 longline interactions with bluefin.

4 Thanks.

5 CHAIR McCREARY: Thanks, Shana.

6 Ralph and, then, Terri.

7 MEMBER PRATT: Sort of along the  
8 lines of what Rich had just said, if we had 40  
9 tons in the reserve, approximately 170 tons or  
10 so of purse seine fish and 20 tons in the  
11 Harpoon Category that remain uncaught, the  
12 other factor that we don't know is what the  
13 PLL discards are to date relative to last  
14 year. There may be not as many.

15 So, yes, we would like to go to  
16 four or five a day, if the season continues  
17 the way it is. I think if we had a PLL to  
18 date that we could use against last year, it  
19 might even build the available fish up a  
20 little bit more for us, to help make that  
21 decision.

22 Thank you.

23 CHAIR McCREARY: Thank you, Ralph.

24 MR. McHALE: And that is a pretty  
25 solid point there, Ralph, but I also want to  
26 acknowledge that, as Sarah mentioned in her  
27 presentation, this has been the first year  
28 where the closure on the Longline Category to  
29 retain bluefin tuna has occurred. Because  
30 that doesn't have a precedent, we would also  
31 want to be cognizant that, although those  
32 interactions may be less, that currently is  
33 unknown. So, that is just something that we  
34 are dealing with new this year that we haven't  
35 had to encounter in prior years.

36 CHAIR McCREARY: Thank you.

37 I have Terri and Bill.

38 MEMBER BEIDEMAN: I just heard  
39 twice that this is the first time that the  
40 Longline Category has been shut down  
41 prematurely before the end of the year. I  
42 know that I have been around here quite a few  
43 more moons than most of you, but there were  
44 many years in the eighties when, in  
45 particular, because of the way the management  
46 was structured, there was an overharvest in  
47 the southern area, primarily in the Gulf of  
48 Mexico. And it was closed by mid-March to all

1 pelagic longline vessels north of Hatteras,  
2 never got to land any.

3 Like many of you have heard, the  
4 very, very first time I wrote to anybody to do  
5 fishery management was writing a letter to  
6 Dick Roe saying, "My husband is going crazy.  
7 You are telling him he has to throw away dead  
8 bluefin. What's this all about?"

9 And there were many closures in  
10 the eighties that were well early, earlier  
11 than those, just for the record.

12 MR. McHALE: Then, to clarify the  
13 record, these are the first closures we have  
14 had under the current quota management scheme,  
15 which was different from what it was in the  
16 eighties.

17 CHAIR McCREARY: Okay. Thanks,  
18 Brad.

19 Bill?

20 MEMBER GERENCER: Regarding the  
21 closures, the first closures that we have had  
22 under the current management scheme, my  
23 question is, were the landings higher than in  
24 the past or is the quota lower than in the  
25 past? What caused the closure? Did they  
26 caught the fish more quickly or did we just  
27 drop the quota, so that it went under what was  
28 normally harvested?

29 MR. McHALE: I think it is a  
30 little bit of combination of the two, where we  
31 have been accounting for dead discards with  
32 this methodology that Sarah had spoken to,  
33 where we are accounting for half the dead  
34 discards upfront and how we are dealing with  
35 the rollover. It has depressed the Longline  
36 Category quotas from their baseline levels.  
37 That is how it played out this past year.

38 But I also think some of it had to  
39 do with the number of interactions. Just the  
40 bluefin tuna that were being encountered in  
41 conjunction with, say, swordfish was also a  
42 strong contributor.

43 MEMBER GERENCER: I guess what I  
44 am trying to ask is, were the landings  
45 compared to the previous five years, say in  
46 the South or the North, where we hit those  
47 quotas, were they higher for bluefin or were  
48 they pretty much the same?

1 MR. McHALE: So, kind of just  
2 comparing the report that Sarah had in the  
3 presentation, now those numbers are kind of  
4 through September 11th. When you compare the  
5 longline North and South numbers, about midway  
6 through that chart, you can see that we were  
7 in 2012 ahead of where we are at in 2011. So,  
8 if you look underneath the longline North  
9 there, as of September 11th, and acknowledging  
10 the closure had taken place much earlier, the  
11 30.4 metric tons had been landed. But, as you  
12 continue to go across on that row, you can see  
13 that, as of September 11th last year, there  
14 were 21.8 metric tons that had been landed,  
15 and that closure did not take place last year.  
16 So, that gives some frame of reference into  
17 the level of interactions just there in the  
18 North, and then the same plays out in the  
19 South.

20 MEMBER GERENCER: Can I ask one  
21 more question?

22 CHAIR McCREARY: Please.

23 MEMBER GERENCER: Do you have any  
24 idea how effort compares year-to-year?

25 MR. McHALE: Not necessarily real-  
26 time, you know, because we would get that  
27 level of effort from the logbook data, which  
28 kind of comes in much later in the season.  
29 But, anecdotally, when we kind of look at the  
30 numbers, we see, at least my office directly,  
31 we see the bluefin tuna landed, how many  
32 vessels are landing or how many vessels are  
33 landing multiple fish. It gives a slight  
34 indicator of the activity, but it is  
35 relatively consistent.

36 MEMBER GERENCER: I guess the real  
37 question I should have asked was, are we  
38 encountering more fish because there is more  
39 fishing or because there is more fish to  
40 encounter?

41 MR. McHALE: I don't know that I  
42 have got the information to definitively  
43 answer that.

44 CHAIR McCREARY: Thanks, Bill.  
45 Rich?

46 MEMBER RUAIS: Yes, well, I do  
47 have some of that information, and others do,  
48 too. It was stated at the beginning of the

1 meeting that the Gulf of Mexico this year was,  
2 according to one of the top dealers, plugged  
3 with bluefin tuna. We also have notation of  
4 that from the scientists, that there were more  
5 bluefin tuna in the Gulf of Mexico. So, even  
6 if it was static, the catch would have  
7 increased from that. It is also interesting  
8 to note that the northern area closed at an  
9 earlier time.

10 And what is the real concerning  
11 issue here is, once you close that fishery to  
12 landings, the fishery continues. And so, the  
13 question is, what are we going to say by  
14 December 31st, when all the Grand Bank boats  
15 have finished up their trips and finally those  
16 reports come in? What are we going to see for  
17 discards? Because all the bluefin that have  
18 been counted since June 30th by any longline  
19 boat operating south or north have been  
20 discarded.

21 By the way, while I have the  
22 microphone -- (laughter) --

23 CHAIR McCREARY: Well, hang on.

24 MEMBER RUAIS: -- just a quick  
25 response to --

26 CHAIR McCREARY: Well, wait. Just  
27 hang on.

28 MS. SCHULZE-HAUGEN: One thing to  
29 note is that the NED is open. Longline north  
30 is a separate category. So, up to the 25  
31 metric tons of the NED quota, those will be  
32 landings.

33 CHAIR McCREARY: Thank you.

34 Rich, continue.

35 MEMBER RUAIS: To Terri's point  
36 about there have been plenty of times when the  
37 longline quota has been shut down, that is  
38 absolutely correct. I would also point that  
39 all of the other categories had the same  
40 thing. The Harpoon Category was routinely  
41 shut down with a 34-ton quota or 44-ton quota.

42 When we were at full quota or 1387, the  
43 Harpoon Category quota was often closed. It  
44 is the reason why in the eighties and early  
45 nineties most harpoon guys that were in that  
46 category had two boats, so they could join the  
47 General Category once the Harpoon Category was  
48 closed.

1           The General Category has been  
2 closed. I forget the year, but it closed in  
3 one year on August 7th, and we had a very  
4 tough time with that. The following year, we  
5 went to days off. The General Category was  
6 restricted to fishing. We had to take three  
7 days off. And there was a lot of argument  
8 about which three days off, but we could not  
9 fish because we had to stretch out the quota.  
10 We had regulatory restrictions that tied the  
11 boats to the dock, so they couldn't fish for  
12 bluefin tuna in the General and Harpoon, and  
13 we had monthly quotas.

14           CHAIR McCREARY: Okay. Thank you.  
15           Any others? Oh, yes, over here,  
16 go ahead.

17           MS. SCHULZE-HAUGEN: You guys have  
18 got to use the microphones. Mark, can you say  
19 it again?

20           MEMBER TWINAM: The Harpoon  
21 Category and the General Category are directed  
22 fisheries. So, it only makes sense, when they  
23 are over their quota, to close a directed  
24 fishery.

25           The pelagic longline is a bycatch  
26 fishery, and you are shutting down the whole  
27 swordfish fishery when you are shutting it  
28 down. So, the real problem there, of course,  
29 has been that we have been artificially  
30 constrained for 30 years on our bluefins. We  
31 should be able to land them all.

32           Thanks.

33           CHAIR McCREARY: Thank you.  
34 Gerry?

35           MEMBER LEAPE: Thanks.

36           And going back on this slide, I  
37 read with some interest and concern this re-  
38 emergency of the purse seine catch and was  
39 wondering if you had any indications of --  
40 presumably, this is one vessel? Was this just  
41 a brief occurrence or is this sort of a sign  
42 of renewed interest? And if you have had any  
43 further communication with any of the other  
44 purse seine folks who hold these licenses of  
45 whether we should be looking for them to come  
46 back in the coming year.

47           MR. McHALE: Okay. Well, just to  
48 speak to some of the history, we have been in

1 communication with all the various purse-  
2 seiners over the years. They are required to  
3 submit applications for their permits, request  
4 their allocations. So, there has been that  
5 dialog over the years.

6 As has been discussed around this  
7 table over the last number of years, it is  
8 some of the environmental constraints that are  
9 needed for that fishery to be viable. We  
10 discussed mixed schools and the like. So,  
11 this year, one vessel found it viable to  
12 outfit and did make a successful set and has  
13 expressed, as well as the other vessel owners  
14 or permit-holders have expressed interest.

15 But determining how active they  
16 are going to be, say, the remainder of this  
17 year or in outyears I think is really  
18 dependent upon the conditions of the fishery.

19 Are schools available? The appropriate size  
20 classes? Are they located within range where  
21 it makes economic sense for those vessels to  
22 be pursuing, as well as the cost incurred with  
23 trying to locate those schools?

24 CHAIR McCREARY: Good. Thank you.

25 Rich, do you have another point?

26 MEMBER RUAIS: Just a brief  
27 intervention to note that I missed to say that  
28 the Purse Seine Category was also, throughout  
29 the nineties, all the boats eventually met up  
30 with closures because they caught their quota.

31 In recent years, when you have seen the fact  
32 that they have not been landing, part of this  
33 is due not because of the fish giants are not  
34 there; the trouble has been that the giants  
35 have been mixed with smaller fish. What would  
36 have resulted, if they had tried to catch  
37 their quota and they could have caught their  
38 quota, would have been massive discards. They  
39 chose to tie-up rather than discard bluefin.  
40 Otherwise, they would have caught their quota.

41 They could have quota just as the General  
42 Category has been.

43 CHAIR McCREARY: Okay. Thank you.

44 All right. If there are no more  
45 questions about this initial presentation, we  
46 should take advantage of where we are and move  
47 along.

48 Are there other issues we want to

1 talk about here or should we go right into the  
2 predraft?

3 Let's roll into the predraft.

4 MR. WARREN: Good morning.

5 My name is Tom Warren. I work  
6 with HMS out of the Gloucester office.

7 CHAIR McCREARY: Let's have our  
8 attention upfront, please.

9 MR. WARREN: Can you hear me okay?

10 My name is Tom Warren with HMS in  
11 Gloucester.

12 The previous discussion is a good  
13 segue into discussion of Amendment 7 and the  
14 future management of bluefin tuna. My  
15 presentation will give you a brief overview of  
16 the Amendment 7 PreDraft. A predraft document  
17 is a precursor to a Draft Environmental Impact  
18 Statement that accompanies a proposed rule.  
19 So, these measures are not proposals as such,  
20 but ideas for the development of a proposed  
21 rule and Draft EIS.

22 Again, I will give you a brief  
23 overview of the predraft, including the  
24 purpose and need for the amendment, the  
25 objectives, what we heard during scoping, as  
26 well as some highlights of the predraft.

27 To refresh your memory, why we are  
28 considering amending the FMP, again, the  
29 discussion on specifications and some of the  
30 quota issues we just had is a good  
31 introduction. The bluefin tuna fishery is a  
32 changing fishery. The overall trends have  
33 been an increase in landings and interactions,  
34 lower quotas. Dead discards, in addition to  
35 landings, must be accounted for in accordance  
36 with ICCAT recommendations, and the amount of  
37 underharvest that can be carried forward from  
38 one year to the next is limited and is,  
39 therefore, constraining.

40 You will recall this slide from  
41 past AP meetings that shows the general  
42 relevant trends in both landings and base  
43 quota and adjusted quota. The blue bars  
44 indicate the recent landings trends. You will  
45 see from 2006 through 2009, for example, an  
46 increasing trend in landings, with the last  
47 couple of years a slight decrease.

48 In contrast, the beige bars, which

1 represent the base quota, it has been  
2 decreasing and, also, the adjusted quota in  
3 red has also been decreasing. So, the bottom  
4 line is that landings have represented a  
5 greater proportion of the overall quota.

6 The Amendment 7 objectives, the  
7 broad objectives are based on the Fishery  
8 Management Plan and include rebuilding the  
9 stock, ending overfishing, meeting  
10 conservation and management and other  
11 objectives of the FMP, as well as our  
12 international obligations.

13 Some of the specific objectives of  
14 the amendment which are more detailed in the  
15 document itself, but broad-brush here, are  
16 optimized fishing opportunity and account for  
17 dead discards, enhanced reporting, reduced  
18 bluefin tuna, dead discards, and other  
19 measures, as necessary and appropriate.

20 When we are discussing discards,  
21 it is important to note the various aspects of  
22 dead discards. At the top here, because  
23 bluefin tuna is a quota managed species, of  
24 course, accounting and the process and the  
25 logistics and the mathematics of accounting  
26 for dead discards are important. And  
27 specifically, landings plus dead discards  
28 should be less than or equal to the quota.

29 Well, in order to make this math  
30 work and successfully meet the challenge,  
31 reducing dead discards is a key strategy. So,  
32 therefore, it is highlighted in the lower  
33 righthand corner of this triangle.

34 However, simply reducing dead  
35 discards without any knowledge of the  
36 magnitude and the details of that reduction  
37 will not resolve the accounting challenge.  
38 Therefore, it is important to both report and  
39 monitor these dead discards. So, I think it  
40 is helpful to keep these various aspects in  
41 mind as we move forward.

42 Well, what did we hear during  
43 scoping? Scoping occurred from the end of  
44 April through mid-July. So, I will run down  
45 some of the highlights of the common themes  
46 and suggestions.

47 Promote transition from pelagic  
48 longline gear to more selective gear. Use oil

1 spill funds to do so.  
2 Close the Gulf of Mexico to the  
3 use of pelagic longline year around.  
4 Support a catch cap for the  
5 Atlantic with landings and discards limited to  
6 8.1 percent, which is the current allocation  
7 for the Longline Category.  
8 Increase the level of observer  
9 coverage in the Longline Category. Consider  
10 the use of industry-funded observers.  
11 Improve reporting, specifically  
12 VMS, Vesseling Monitoring System, transmission  
13 of information to achieve more real-time  
14 reporting of landings and discards.  
15 Mandatory retention of legal-sized  
16 fish.  
17 Elimination of pelagic longline  
18 target catch requirements.  
19 Support closures in the Atlantic  
20 for pelagic longline gear.  
21 Don't reduce minimum sizes.  
22 Don't revise allocation  
23 percentages.  
24 Don't limit the catch of Angling  
25 Category.  
26 Don't use weak hooks in the  
27 Atlantic until tested.  
28 Maintain a year-round pelagic  
29 longline fishery.  
30 And adjust allocations to reflect  
31 recent levels of catch; for example, 68 metric  
32 tons set-aside level.  
33 So, some of these are  
34 contradictory. Some support for revising  
35 allocations. Some support for status quo  
36 allocations.  
37 CHAIR McCREARY: So, just a real  
38 quick point. These are "and/or". This is not  
39 a suite, right? And they are not all choices?  
40 Some of them could be combined.  
41 MR. WARREN: Correct. Right.  
42 These are the comments we have heard --  
43 CHAIR McCREARY: Right.  
44 MR. WARREN: -- based on the  
45 scoping document, which, as you recall, had a  
46 wide range of measures.  
47 And speaking of wide range of  
48 measures, the scoping document and the

1 predraft, per your suggestion, retained a wide  
2 range of measures. The predraft did include  
3 some new measures that were not in the scoping  
4 document based on your comments.

5 In the scoping document, we  
6 characterized some of the measures as first-  
7 tier measures and some as second-tier  
8 measures. First-tier measures are those  
9 measures which, based on your comments and  
10 some preliminary evaluation, we determined  
11 that these may be more favorable for inclusion  
12 in the proposed rule.

13 In contrast, the second-tier  
14 measures, based on some comments and  
15 preliminary evaluations, may not be as  
16 favorable for inclusion in the proposed rule  
17 based on how they meet the objectives. But,  
18 again, we are still considering all these  
19 measures for the proposed rule.

20 We decided to characterize some  
21 measures as first-tier and some measures as  
22 second-tier, essentially, to solicit input and  
23 feedback from you in order to further our  
24 development and evaluation of measures. The  
25 idea being, if some are treated more  
26 favorably, you know, show our current  
27 thinking, that we will solicit better input.  
28 So, we are really trying to continue the  
29 communication process and get more input from  
30 you all.

31 I will go down the list of first-  
32 tier measures and note a few that are new.  
33 The pelagic longline incidental catch cap was  
34 in the scoping document. We have suboptions  
35 for the catch caps, specifically regional  
36 versus individual catch cap and, then, a  
37 hybrid catch cap could be established,  
38 regional and individual establishment of a  
39 control date.

40 But, then, also, there are other  
41 management measures that we characterized as  
42 suboptions of the catch cap because these  
43 management measures would work well, arguably,  
44 in conjunction with a catch cap.

45 And some of the things we heard  
46 were amending gear authorizations for the  
47 longline fishery and targeting swordfish to  
48 provide some measure of flexibility in the

1 context of catch caps. Also, to provide  
2 flexibility for the longline fishery in the  
3 context of catch caps would be allowance to  
4 fish under General Category rules if a catch  
5 cap were retained.

6 Elimination of the target catch  
7 requirement, mandatory retention of legal-  
8 sized bluefin and reduction of bluefin minimum  
9 size. Again, all these measures in  
10 association with a catch cap.

11 With respect to closed areas,  
12 these were noted in the scoping document. Two  
13 new aspects in the predraft are the closed  
14 area adjustment authority. We wanted to  
15 clarify that this measure would clarify that  
16 NMFS has the authority to make adjustments or  
17 removal of closed areas without amending the  
18 FMP, essentially, through a framework  
19 adjustment process. This addresses the  
20 concern that, once a closed area is  
21 implemented, it never goes away. So, this, as  
22 a measure, would clarify that aspect and,  
23 hopefully, facilitate future consideration of  
24 necessary changes.

25 In a similar vein, closed area  
26 data collection, this measure would clarify  
27 that collection of data from within a closed  
28 area is important and necessary to the future  
29 evaluation of closed areas.

30 These other closed areas below, we  
31 have information in the predraft on these  
32 various geographic areas that would enable  
33 future consideration of some of these areas  
34 for closures or modification to the current  
35 closures.

36 Going on in the list of first-tier  
37 measures, deduct bluefin tuna dead discards  
38 from each category during the annual quota  
39 specification. This measure was in the  
40 scoping document. However, now it has been  
41 slightly revised. In the scoping document it  
42 was characterized as definitive. In the  
43 predraft, we are characterizing this as making  
44 it clear that NMFS would have the option to  
45 deduct dead discards if information was  
46 available.

47 This measure, and the change from  
48 the scoping document, basically acknowledges

1 the fact that there is inadequate information  
2 on discards from some categories to allow  
3 deduction. So, this wouldn't be definitive,  
4 but it would be a future option during the  
5 specifications process.

6 Revision of bluefin allocations.  
7 Three of the four suboptions were in the  
8 scoping document. A fourth has been added,  
9 specifically, allocation of 68 metric tons to  
10 the pelagic longline quota. This suboption is  
11 based on the historical ICCAT recommendation  
12 that set aside 68 metric tons to account for  
13 dead discards.

14 Enhancing reporting of bluefin was  
15 a comment we heard frequently. In order to  
16 support a pelagic longline catch cap, a  
17 pelagic longline Vessel Monitoring System  
18 reporting of landings and discards could be  
19 evaluated. In an analogous manner, an  
20 automated landings reporting system for  
21 commercial categories to enable the reporting  
22 of both dead discards in addition to landings.

23 And for the recreational sector,  
24 expanding large pelagic survey. The current  
25 survey is limited in its geographic scope from  
26 Maine to Virginia and limited in duration from  
27 June to October. This measure would consider  
28 expanding the scope in some manner.

29 Going through the list of first-  
30 tier measures:

31 Use bluefin revenue to fund  
32 observers or research.

33 Modify the Angling Category  
34 subquota distribution.

35 Establishing season adjustment of  
36 Harpoon Category.

37 Large medium bluefin retention  
38 limit.

39 Modify the rules regarding  
40 permanent category changes. They are  
41 currently restricted to changing categories  
42 within, I believe, 10 days.

43 Codify North Atlantic albacore  
44 quota rules and develop associated  
45 specification and adjustment rules.

46 And modify General Category  
47 subperiod quota allocations.

48 In contrast, the second-tier

1 measures, which, again, we heard a lot of  
2 comments on these, and we are still soliciting  
3 comment:

4 Angling Category, maximum bluefin  
5 catch limit.

6 Tolerance rules for Purse Seine  
7 Category.

8 Stowage of unauthorized gear.

9 Authorization of bait nets.

10 Real-time monitoring and closure  
11 of hotspots.

12 NMFS facilitation of an industry-  
13 based bluefin avoidance system.

14 And decrease in minimum size for  
15 Purse Seine Category.

16 Some of the justification and  
17 reasons for categorizing these as second-tier  
18 measures are in the predraft document.

19 With respect to what would be  
20 useful to share at this time during this  
21 presentation on the predraft, we thought,  
22 instead of going through the details of the  
23 pros and cons and some of the potential  
24 impacts of each measure, both the ecological  
25 and the socioeconomic impacts, we thought it  
26 would be more useful to, instead, show you  
27 some snapshots of the data that provided the  
28 context for many of the measures. So, we will  
29 just go through some of the highlights of the  
30 data.

31 We have background data on some of  
32 the landings by category that augments the  
33 information in the SAFE Report that will be  
34 further expanded in the EIS.

35 We have various pelagic longline  
36 logbook data from 2006 to 2011 that  
37 characterizes the fishing effort, the number  
38 of interactions by area, some of the  
39 seasonality of the interactions, shows the  
40 range of vessels interacting with bluefin, et  
41 cetera.

42 And secondly, we used some of this  
43 information in the evaluation of the  
44 management measures. Specifically, the  
45 predraft includes information on recreational  
46 data; on released bluefin recreational trophy  
47 landings by area; various types of pelagic  
48 longline data, as I mentioned; examples of

1 various catch cap measures, and the location  
2 of the pelagic longline fishing locations.

3 So, with respect to specific  
4 trends information, this graph shows the  
5 number of bluefin tuna interactions with  
6 pelagic longline gear, again, based on logbook  
7 data. You can see a trend from 2002 to 2011.

8 Also, this notes various other events that  
9 have occurred that may be relevant to the  
10 consideration of this data.

11 This graph essentially compares  
12 different geographic areas in the relative  
13 number of interactions of bluefin tuna with  
14 pelagic longline gear. Specifically, you can  
15 see the average percentage of the total  
16 bluefin interactions from 2007 through 2011.  
17 This is an average.

18 So, for example, in the Mid-  
19 Atlantic Bight area, MAB, this area was  
20 responsible for or 53 percent of the  
21 interactions occurred in this area. In  
22 contrast, the Northeast Coastal, 18 percent of  
23 the interactions, on average, were there. And  
24 in the Gulf of Mexico, 14 percent of the total  
25 number of interactions.

26 These are the geographic areas  
27 noted in the previous slide, to give you an  
28 idea, refresh your memory where they are.

29 This depicts the cumulative number  
30 of interactions, again, based on logbook data  
31 for the six-year period 2006 through 2011.  
32 This depicted by 1-degree-square grids. So,  
33 the highest number of interactions are seen in  
34 red, followed by the orange and the yellow,  
35 and the dark blue, there are no interactions.

36 This is a closeup of a particular  
37 areas. So, you can see in more detail. Also,  
38 you will note three of these areas have been  
39 highlighted. These particular areas, we  
40 looked at the specific number of interactions  
41 on a monthly and yearly basis to get an  
42 indication of just how many interactions there  
43 were in these cells with the highest number of  
44 interactions.

45 So, we did this for various  
46 geographic areas; also, for the Gulf of  
47 Mexico. We did it for the whole, essentially,  
48 or a large portion of the Gulf of Mexico.

1 That is why it is outlined in total. So, the  
2 predraft has specific information on the  
3 number of interactions by month and year. And  
4 then, we highlighted, also, some small areas  
5 within the Gulf of Mexico for the same data  
6 analysis.

7 This graph shows the interactions  
8 on the Atlantic, but also overlays three depth  
9 contours, just to take a look at the  
10 relationship between the interactions and a  
11 natural feature. The depth contours are the  
12 100-, 200-, and 2,000-meter contour. It is  
13 possible that this type of information might  
14 be useful when developing a closed-area  
15 option.

16 This information gives an idea of  
17 the seasonality of the interactions for a  
18 particular area, the Mid-Atlantic Bight  
19 specifically. This is the percentage of  
20 annual bluefin interactions by month in the  
21 Mid-Atlantic Bight from 2006 through 2011. I  
22 have shaded the cells with at least 10 percent  
23 of the annual interacts. So, you can see a  
24 pattern does emerge where there is a pattern  
25 in the seasonality. For example, the month of  
26 March, April, November, and December stand out  
27 as some months with consistently-high numbers  
28 of interactions. This is relative to all the  
29 interactions in that particular area.

30 This graph gives an indication of  
31 the distribution of interactions among the  
32 individual fishing vessels. So, on the  
33 Y-axis, you will see it goes from zero to 100  
34 percent, meaning 100 percent of the total  
35 bluefin interactions. On the X-axis, the  
36 horizontal axis is the number of vessels  
37 interacting with bluefin.

38 So, we have noted the 70 percent  
39 of total interactions with the dashed line.  
40 So, if you go to look at where the dashed line  
41 intersects with all the colored data and draw  
42 a line down, it approximates nine vessels.

43 So, essentially, one of the take-  
44 home messages from this data is, for example,  
45 between 9 and 15 vessels were responsible for  
46 70 percent of the interactions. In other  
47 words, the distribution of interactions isn't  
48 even, for example, across the pelagic longline

1 fleet. It is concentrated among a few  
2 vessels.

3 This table and the next table were  
4 constructed to look at the pelagic longline  
5 target catch requirement. You will recall  
6 that the target catch requirement requires  
7 certain levels of retained target species in  
8 order to retain one, two, and three bluefin  
9 tuna. We wanted to essentially evaluate this  
10 target catch requirement and look at the  
11 pattern of both target catch as well as  
12 bluefin tuna retained and bluefin tuna  
13 discarded.

14 This first of two tables focuses  
15 on bluefin tuna kept. And so, you can see on  
16 the lefthand column, the tiers of allowed  
17 bluefin tuna, zero, one, two, three. We took  
18 the data and we separated it according to the  
19 amount of target species kept and binned that  
20 according to how many bluefin tuna associated  
21 could be kept.

22 As an example, if the target catch  
23 was at least 2,000 pounds but less than 6,000  
24 pounds, essentially, that required to retain  
25 one bluefin. There were 459 trips on which  
26 zero bluefin were kept, 88 trips on which one  
27 was kept, 10 trips on which two were kept, and  
28 one trip on which four bluefin were kept and,  
29 similarly, a trip on which 10 were kept.

30 So, this data on the kept amount  
31 of bluefin shows, again, how the numbers of  
32 bluefin kept relate to the target catch  
33 requirement and does indicate that there may  
34 be some compliance issues with some of these  
35 trips. We are working with the Office of Law  
36 Enforcement on evaluating these.

37 Similarly, and more to the point  
38 of evaluating the target catch requirement,  
39 and whether or not it causes discarding and  
40 whether or not removal of the target catch  
41 requirement would result in decreased in  
42 discards, this shows the number of trips on  
43 which bluefin were discarded in relation to  
44 the amount of target catch.

45 Down below, on the lefthand side,  
46 two bluefin allowed to be retained. So,  
47 again, based on the amount of target catch  
48 retained and the amount of bluefin retained.

1 As an example, if on trips where two bluefin  
2 were allowed to be retained and one, in fact,  
3 was retained, there were 46 trips on which  
4 there were no bluefin discarded and eight  
5 trips that, even though two bluefin were  
6 retained and the vessel had only retained one,  
7 there were eight trips on which there was  
8 discard. So, in other words, we can deduce  
9 that the reason for discarding is not the  
10 target catch requirement, but some other  
11 reason. So, without getting too much into the  
12 weeds, we compiled a lot of this data in order  
13 to look at and deduce the reason for  
14 discarding.

15 We had information on recreational  
16 bluefin landings from our large pelagic  
17 survey. This table shows the number of  
18 bluefin that were landed, the number of them  
19 released alive, and number of them released  
20 dead. You can see that, in proportion to the  
21 number of bluefin landed, there was a large  
22 amount also released alive.

23 So, where does this leave us with  
24 respect to the developing amendment, et  
25 cetera? During scoping, we had a lot of  
26 comments, upwards of 190,000. We got a lot of  
27 varied suggestions plus some common themes  
28 repeated thousands of times.

29 No substantial changes in the  
30 objectives or the management measures, the  
31 range of management measures were suggested.  
32 So, essentially, it appears that the scoping  
33 document captured the range of measures that  
34 folks are interested in, as well as the  
35 appropriate objectives.

36 The data in the predraft is just a  
37 first step and just represents a portion of  
38 the data that will developed in the Draft  
39 Environmental Impact Statement.

40 To reiterate Margo's goal, she  
41 stated yesterday the no-surprises goal. The  
42 more communication and input we have, the  
43 better. The proposed rule will both meet  
44 folks' objectives and will not surprise folks.

45 There is not one magic measure,  
46 not one cure-all that will meet these  
47 objectives, due to the complicated nature of  
48 the fishery and the number of factors

1 involved. So, we really need to consider how  
2 we can use these measures to achieve our goals  
3 and how the measures complement each other.

4 So, please let us know in this  
5 predraft where it misses the mark, where it is  
6 dead-on.

7 We have some examples, briefly, of  
8 how we might use some of these measures in  
9 conjunction with each other. For example,  
10 catch caps in conjunction with closed areas,  
11 catch caps capping the amount of dead discards  
12 and closures reducing. Enhanced reporting of  
13 catch by all categories would definitely  
14 augment our ability to account for both  
15 landings and discards and meet our quota  
16 challenges.

17 And mandatory retention of legal-  
18 sized bluefin might augment the use of  
19 associated revenue to fund observers and to  
20 continue some important research.

21 So, we are requesting your  
22 comments by October 20th, approximately a  
23 month from now. Please email, fax, or mail me  
24 with your comments.

25 The next stages in the development  
26 of the amendment are the development of the  
27 Draft Environmental Impact Statement and a  
28 proposed rule. Our target is early 2013. Our  
29 target date for the final EIS and final rule  
30 would be late 2013, with the hope for  
31 implementation January 2014.

32 Thank you.

33 Any questions of clarification at  
34 this time before we get into the meat of the  
35 discussion?

36 CHAIR McCREARY: Right.  
37 Clarifying questions? I guess I would turn to  
38 you, Margo, just very quickly and ask you, is  
39 there any guidance you would provide to the  
40 panel in terms of what kinds of comments in  
41 the conversation would be most helpful to you?

42 MS. SCHULZE-HAUGEN: Sure. And it  
43 is a lot of what Tom had said. I mean, the  
44 next step for us is to go back after this  
45 meeting and the input you are about to give us  
46 all and prepare a proposed rule and Draft  
47 Amendment and Environmental Impact Statement.

48 So, at that point when we go into

1 that process, our ability to have kind of an  
2 open conversation that we are having now is  
3 much more limited on that. So that we are  
4 able to make sure that everybody out in the  
5 public has the same information. And so, if  
6 we are having individual conversations, then  
7 individuals may have more or less information  
8 than others. Then, that is not appropriate.

9 So, this is really the time where  
10 we need to hear from you. Do we have the full  
11 range? We feel that, based on the comments  
12 from scoping, that we really do have most, if  
13 not all, the full range of issues on the table  
14 and suggestions for ways to proceed.

15 I think there is a lot of very  
16 strong feelings about which combinations or  
17 which measures should be pursued. It is all  
18 valid. It is all good. We want to hear that.

19 I think other things would be, are  
20 there particular aspects of an issue that  
21 maybe we have questions on that you have an  
22 answer or you want to make sure that we  
23 consider? And then, we are going to go into  
24 the next phase.

25 So, this is a really important  
26 point for us because, once we get to the  
27 proposed rule stage, we have set the scope, we  
28 have got the alternatives, and we are much  
29 more limited in what we can finalize from that  
30 point. This is the point where everything is  
31 still on the table. So, I welcome your input.

32 CHAIR McCREARY: Thank you very  
33 much.

34 So, obviously, many people want to  
35 jump in. I am sure this conversation will be  
36 a rolling conversation.

37 So far, I have Jason, Scott,  
38 Shana, Rich, and Sean. We will go forward  
39 from there.

40 Jason?

41 MEMBER ADRIANCE: Thanks, Scott.

42 Some of these may be clarifying  
43 questions, along with some comments.

44 Of those 9 to 15 vessels that have  
45 the majority of the interactions, how many of  
46 those are from the Gulf? What areas do those  
47 vessels come from?

48 MR. WARREN: I don't believe we

1 have looked at that. We do have that  
2 associated information. I believe that is not  
3 something we looked at.

4 MEMBER ADRIANCE: You know, that  
5 may be an important point because, looking at  
6 your percentage of interactions, the Mid-  
7 Atlantic Bight is 53 percent. Then, you get  
8 to 18 percent, and the Gulf of Mexico is 14  
9 percent. You are talking about shutting down  
10 the whole Gulf for 14 percent of the  
11 interactions. I think if the majority of  
12 those vessels are not from the Gulf, that is  
13 an important distinction.

14 Another question is, what is the  
15 observer coverage like in the Gulf on pelagic  
16 longline vessels? Is this discard data  
17 accurate? Where are these numbers coming  
18 from?

19 MS. SCHULZE-HAUGEN: There is a  
20 higher level of observer coverage in the Gulf  
21 of Mexico at this point, due to some increased  
22 coverage for better characterization of  
23 interactions in the Gulf. We have that  
24 number, although I don't know it off the top  
25 of my head. Maybe we could have a fact-  
26 checker check that.

27 And then, overall, opinion  
28 requires 8 percent. We have been in excess of  
29 that. I can get that number for you as well.

30 Just to clarify, we are not  
31 proposing anything at this point. So, this  
32 was a suggestion that was coming in during the  
33 public comment.

34 MEMBER ADRIANCE: Yes, I  
35 understand that. I am just asking --

36 CHAIR McCREARY: But you flagged  
37 some good questions to look into.

38 Scott Taylor?

39 MR. McHALE: Well, actually, I  
40 just want to follow up with Jason also.

41 CHAIR McCREARY: Yes, go ahead.

42 MR. McHALE: Also, I want the  
43 folks to keep in mind, based upon yesterday's  
44 presentation regarding some of the weak hook,  
45 some of the numbers that we are sharing here  
46 only run through 2011. So, we haven't rolled  
47 in any of the 2012 information in any of these  
48 analyses yet. So, that is just one other

1 variable to keep in mind.

2 MEMBER ADRIANCE: And then, the  
3 last comment for now. When considering that  
4 closing the Gulf is one of your options -- I  
5 have said this before -- when that bluefin is  
6 on the other side of the Florida Straits, it  
7 seems to be considered differently. The  
8 spawning potential of that fish, whether it is  
9 killed in the Gulf or as it comes to the Gulf  
10 or leaves the Gulf, is the same. It is zero  
11 when it is dead.

12 CHAIR McCREARY: Thank you.  
13 Scott?

14 MEMBER TAYLOR: I just have a  
15 clarifying question and then a comment. Did I  
16 understand that you said that nine vessels  
17 represented almost 70 percent of the available  
18 discards? Or did I misunderstand what you  
19 said? Can you go back to that one slide that  
20 we were talking about?

21 MR. WARREN: Yes, let me get the  
22 slide up.

23 There was a range. But, correct,  
24 in one particular year --

25 MEMBER TAYLOR: It was, in one  
26 particular year, nine vessels represented 70  
27 percent of the reported discards.

28 MR. WARREN: Right. By numbers,  
29 yes.

30 MEMBER TAYLOR: You know, there is  
31 something that I think that may not be lost on  
32 everyone. Certainly, you can't take the PLL  
33 fleet in its entirety and sort of characterize  
34 it as one entity.

35 But the reality of the situation  
36 is that we are not a directed fishery. We do  
37 not want to target the bluefins. I think that  
38 that is the case in most of the areas.

39 A-hundred-and-forty-five-metric-  
40 ton setaside for dead discards, a retention  
41 for the entire fleet of 81 tons, is that  
42 correct? Eighty-one metric tons is what we  
43 actually retained before the closure? Am I  
44 reading that correctly?

45 MR. WARREN: Yes, that is correct.

46 MEMBER TAYLOR: Okay. So, we  
47 retained 81 metric tons. We have 145-metric-  
48 ton setaside. We have got a fishery that is

1 probably one of the healthiest and highly  
2 monitored swordfish fisheries anyplace in the  
3 world. And we are talking about a potential  
4 hard cap that can undermine this entire  
5 fishery over essentially a handful of boats  
6 that are fishing either in geographic areas or  
7 in a way that is creating this level of  
8 interactions.

9 Part of this responsibility is  
10 absolutely industry, but part of this  
11 responsibility is also the policies that have  
12 been put in place by National Marine  
13 Fisheries. I can speak to that specifically  
14 in the area that we are in.

15 But, at the end of the day, what I  
16 advocate for -- and it is probably not a very  
17 popular position from the commercial sector  
18 for me -- is individual accountability and  
19 absolute transparency, meaning that if this  
20 dead discard issue is going to be utilized and  
21 we can really identify where the problems are,  
22 that I think that it is absolutely mandatory  
23 that that information can be verified onboard  
24 the vessels.

25 I would ask that you consider  
26 that. It is amazing just how accountable  
27 people all of a sudden become when they are  
28 held accountable for their actions.

29 (Laughter.)

30 This is, obviously, a high-  
31 contentious issue with all of us. But it  
32 seems to me that this stereotype of this waste  
33 and this abuse is being put on a broader  
34 industry in general from the abuses of a few.

35 CHAIR McCREARY: Thank you.

36 MR. McHALE: So, Scott, some of  
37 the measures that we had in the scoping  
38 document as well as the predraft, to get at  
39 some of those issues you just raised, one is  
40 looking at some sort of a catch cap, whether  
41 it be a regional base or an individual base.  
42 And then, another item that we are looking at  
43 is more capitalizing on the VMS units for more  
44 real-time reporting.

45 Do those measures in their scope  
46 capture some of the issues you are trying to  
47 get at there?

48 MEMBER TAYLOR: Well, I am not

1 going to take up a huge amount of time with  
2 this panel, but that is exactly what we are  
3 advocating for. Being as we can't expect the  
4 government to do everything for us, we have  
5 funded exactly that, with your cooperation,  
6 for a real-time accurate reporting.

7 Our fleet, in particular, has  
8 promised and is moving to 100-percent observed  
9 coverage over the next five years. I think  
10 that is absolutely integral as part of this  
11 solution for the dead discards because,  
12 otherwise, you are not going to know whether  
13 these boats are cutting the fish loose or not.

14 We have to be able to address the concerns of  
15 the NGOs and the other individuals that are  
16 there.

17 And I am advocating for just that,  
18 which is an individual catch cap by vessel  
19 with a mechanism that will allow for an  
20 overcatch of incidentals, some sort of a pool,  
21 some way that we can address it. But I think  
22 that the problem will resolve itself with  
23 proper utilization of this 145-metric-ton set-  
24 aside and possibly some reasonable  
25 redistribution of the available quota. I  
26 think that it is there, if we are given the  
27 flexibility.

28 Dave did a research project off of  
29 south Florida in some of the closed areas that  
30 are there. Within 15 or 20 miles of where we  
31 are not allowed to move across a line, there  
32 was zero bluefin interaction. All the bluefin  
33 interaction was to the east. You have it in  
34 one of your slides.

35 However, there is some question in  
36 my mind that anytime you have moving masses of  
37 water, you know, this is why these static  
38 lines don't really work from a practical  
39 standpoint. These fish are open, ocean,  
40 pelagic, traveling fish.

41 As one of the other commercial  
42 fisherman so eloquently said yesterday about  
43 sharks, it is that we know where to catch them  
44 and where not to catch them. When we are not  
45 held accountable, when there is no  
46 consequence, and we are not given the  
47 opportunity to have that flexibility, this is  
48 the outcome that you are going to get. And

1 the information becomes skewed, what you are  
2 looking at.

3 So, a lot of times, history and  
4 circumstance affect a lot of what this outcome  
5 is, without getting too carried away.

6 CHAIR McCREARY: Good. Thank you.  
7 Thanks very much.

8 Shana?

9 MEMBER MILLER: I will save my  
10 comments for later since I thought we were  
11 doing clarifying questions, but I do have a  
12 clarifying question.

13 That is, Tom, for the October 20th  
14 comment deadline, is that a normal public  
15 comment deadline or is that just a select  
16 group that is supposed to be weigh-in by that  
17 date?

18 MS. SCHULZE-HAUGEN: On predrafts,  
19 which is something that we have developed to  
20 get an additional round of input from the  
21 panel, it is something that we directly  
22 distribute to you, as panel members. It is  
23 also posted online. So, it is publicly  
24 available. But what we are asking is that we  
25 have your feedback and input by the 20th.

26 So, this isn't really a step that  
27 NEPA requires or Magnuson. It is just  
28 something that we have developed because it is  
29 helpful.

30 CHAIR McCREARY: Very good.  
31 Rich?

32 MEMBER RUAIS: Thank you, Scott.

33 I do have a lot to say, but I will  
34 try to break it up in between other speakers.

35 I wish Shana had taken the opportunity to  
36 make her comments first, but I have no problem  
37 going ahead.

38 (Laughter.)

39 The first point I wanted to make  
40 was with the statement of objectives, and this  
41 is a point that we have raised with the agency  
42 numerous times, where it talks about the first  
43 objective: rebuild the stock, end  
44 overfishing, and meet other objectives in  
45 conservation and management goals.

46 Whenever you look at the stock  
47 assessment and the advice from the scientists,  
48 they always include the phrase that there are

1 two probabilities and that they are equally  
2 probable, and that the scientists have no way  
3 of making a judgment as to whether one is  
4 better than the other.

5 Under the low-recruitment  
6 scenario, the stock is not being overfished  
7 and overfishing is not occurring, and the  
8 biomass is beyond BMSY. We in the fishery in  
9 ABTA, we are really frustrated with NMFS not  
10 acknowledging that very important advice that  
11 you are getting from the scientists. And we  
12 especially regret that all over your web page  
13 and anywhere on your website there is no  
14 mention of that low-recruitment probability  
15 that the stock is already rebuilt and has  
16 never been overfished.

17 So, anyway, I hope you can make  
18 some change to that. It is only fair and only  
19 requires a couple more sentences to the reader  
20 to know that there is uncertainty here as to  
21 just --

22 CHAIR McCREARY: Rich, I have got  
23 to tell you the scientists down here are  
24 shaking their heads and they are looking very  
25 puzzled about this statement you are making  
26 right now.

27 MEMBER RUAIS: I will be happy to  
28 hear their denial of that statement in the  
29 SCRS, if that is what they want to do.

30 MS. SCHULZE-HAUGEN: When we  
31 describe the status of the stock in our  
32 documents and on websites and things, we do  
33 know both scenarios. So, I am not sure where  
34 you are not seeing it.

35 MEMBER RUAIS: Well, I guess I  
36 will point them out to you in a letter because  
37 we have them. They are all over the place.  
38 But, all right, anyway, if you want to check  
39 that one, that is fine; it is kind.

40 What we see from the data -- by  
41 the way, I wanted to start off by saying kudos  
42 again. I think it is a very good document.  
43 There is a tremendous amount of analysis in  
44 it. It is tremendously informative. I think  
45 it is a good basis from which NMFS can move  
46 and we can help you with some advice on where  
47 to go.

48 Clearly, we have seen an increase

1 in the interactions from about 700 in 2002 to  
2 a peak of about 2,000 in 2010, with an average  
3 of about 1,670. That bycatch and discards  
4 which make up the interactions ends up  
5 averaging about 331 metric tons for the  
6 Pelagic Longline Category, which is obviously  
7 substantially over their 81 metric tons. That  
8 is the root of the problem. How do you find  
9 that?

10 Our view is -- and I am going to  
11 be careful to make a distinction when I am  
12 speaking for ABTA and then when I am stating a  
13 personal view -- from ABTA's point of view, we  
14 believe the General and Harpoon Category, we  
15 have an interest in this problem and we have a  
16 stake in the future of how you solve it. But,  
17 at the same time, we can't really be a major  
18 part of it.

19 That is primarily because of the  
20 statement that you make, the honest statement  
21 that you make on page 97 of the plan where you  
22 say, "Due to current data collection programs,  
23 it is not possible to develop a robust  
24 estimate of the appropriate amount of dead  
25 discards to deduct from the General, Harpoon,  
26 Purse Seine, or Trap Categories at this time."

27 So, our interest is in looking at  
28 the solution that you ultimately come up and  
29 make sure that that doesn't injure personally  
30 our continued participation and growth in this  
31 fishery as the quota comes back to normal. It  
32 is clear to us that the two categories that  
33 this needs to be resolved are between the  
34 Pelagic Longline Category and the Purse Seine  
35 Category, the only category that really almost  
36 -- they actually don't have enough, the Purse  
37 Seine Category does not have enough quota,  
38 according to the BWFA comments, to solve their  
39 problem just by getting quota from the Purse  
40 Seine Category. Now that doesn't account for  
41 any other mitigating measures that you might  
42 put in the meantime, for example, to deal with  
43 the Mid-Atlantic Bight being responsible for  
44 53 percent of the interactions to date. So,  
45 there may be room to solve that. But,  
46 basically, you have got to go to the Purse  
47 Seine Category and the Pelagic Longline.

48 From our view, what we tried to

1 look at first was, well, what would be the  
2 best tool to use that would instill motivation  
3 -- this is a personal view -- that would  
4 instill a personal motivation and incentive on  
5 behalf of pelagic longline operators to reduce  
6 their interaction with bluefin? Obviously, it  
7 comes down to the individual vessel cap.  
8 Whether you do it on a regional basis or  
9 across the board is really a pelagic longline  
10 industry choice as long as it is effectively  
11 handled.

12 What precedes all of this is what  
13 we are going to be kind of insistent upon,  
14 Margo and Brad, is that, you know, before  
15 anything goes, the first step that has to  
16 happen is we have to have assurance that you  
17 have real-time monitoring and accurate  
18 reporting of the pelagic longline fleet in  
19 terms of their catch of discards because,  
20 otherwise, we are never going to be able to  
21 solve this problem.

22 Right now, we call it the black  
23 hole. We don't know how much quota it is  
24 going to take from other users to fill, how  
25 precautionary the agency is going to be, not  
26 knowing what is going on in that fishery.  
27 That has to be solved before you come back to  
28 the other stakeholders and say, "Here's what  
29 it is going to take. We need your cooperation  
30 to help with this problem."

31 And we are going to say, okay, are  
32 you sure that you can tell us on any given  
33 Friday exactly where we stand and that those  
34 individual caps that have been provided to the  
35 industry, based on their historical  
36 performance, plus the intervening new measures  
37 that you make to reduce interactions, plus  
38 whatever arrangement is made between the Purse  
39 Seine Category and the Longline Category to  
40 provide quota to increase the base of the  
41 Pelagic Longline Category -- all of these  
42 things come into play.

43 But none of it will work if you  
44 don't have the capability to monitor and  
45 track. Whether that requires -- and this is  
46 the difficult part, I know; it is almost an  
47 impossible asking of you to say 100-percent  
48 observer coverage or camera mounting. I mean,

1 both of them have faults. We know you are not  
2 going to come up with 100-percent coverage.  
3 But anything short of that defeats or works  
4 against the potential solutions that you have  
5 available to you.

6 You might have to be broader than  
7 you would have to be the less confidence you  
8 have that you really have a good tracking on  
9 where they are at at any given time.

10 CHAIR McCREARY: Okay, Rich, let's  
11 pause for a second.

12 Do you want to respond or not?  
13 Yes, go ahead.

14 MR. McHALE: Okay. So, thank you,  
15 Rich. I think I have heard all that in the  
16 past, and it is very consistent coming from  
17 ABTA.

18 So, I have a question back to you.

19 In the scope of the predraft, when we discuss  
20 enhanced reporting, not only for the Longline  
21 Category, but based upon page 97 that you note  
22 that we don't necessarily have the same  
23 datastream for the other categories, so we are  
24 looking at reporting options there to level  
25 the playing field across all U.S. tuna fish.

26 We look at reallocation of quota.

27 We look at potential trading of quota among  
28 its various user groups or across all user  
29 groups. Within the document, whether it be  
30 the scoping or the predraft, have we captured  
31 the range of issues to analyze that will get  
32 to ABTA's end goal? Regardless of how it  
33 plays out, do we have the range there?

34 MEMBER RUAIS: I believe the  
35 answer is yes to that. I think you are there,  
36 but, again, the prerequisite is the  
37 development of the infrastructure that it  
38 takes, the EMTUs being functioning, and you  
39 have a regulation on the books that says we  
40 need a communication from the Grand Banks from  
41 a vessel every 24 hours that this is where you  
42 are at in terms of bluefin discards, in terms  
43 of bluefin retention, and where that stands,  
44 where you can check where that stands on your  
45 individual cap, which I think fosters the  
46 highest amount of individual accountability.  
47 If the industry prefers a regional cap, I  
48 mean, that is going to be ultimately in their

1 hands, but I think the individual cap really,  
2 really fosters the most accountability.

3           Anyway, I have got a lot more, but  
4 I will fill it in as we go along because you  
5 don't want to just hear me talk.

6           CHAIR McCREARY: Thank you, Rich.  
7           Let's go to Sean.

8           MEMBER McKEON: Thank you, Scott.  
9           Appreciate it.

10           Sean McKeon, North Carolina  
11 Fisheries Association. I have a few comments  
12 now, and then, certainly, we will be  
13 submitting some written comments.

14           It certainly appears, when I look  
15 at your map here, that page 11 -- I think it  
16 is page 11 -- that I live in a red state, it  
17 looks like here. That is not lost on us.  
18 Believe me, it is not lost on the folks that I  
19 represent.

20           A couple of quick comments. I  
21 think what I have seen of the document and the  
22 presentations do cover a very good range, a  
23 very wide range of issues that need to be  
24 included. I wanted to say, with respect to a  
25 couple of them, I do think it is very  
26 important, considering the comments, Rich's  
27 comments and some of the things that Scott  
28 said, that we look at, seriously would support  
29 revising allocation percentages. I think that  
30 is something that has got to be looked at.

31           I think we have got to have those  
32 quotas increased, the pelagic longline sector,  
33 I believe. Based on what we are hearing, it  
34 seems to be the folks that are catching a lot  
35 of these fish and where problems are arising.

36           I think that it has to be sufficient to cover  
37 the incidental and the dead discards, and it  
38 doesn't seem to be.

39           I have spoken to a lot of the guys  
40 that I represent and they are perfectly  
41 willing to help in any way, shape, or form  
42 that they can to get at some of these  
43 problems. I think you have the potential  
44 there to reduce some of these dead discards,  
45 but you also, then, look at retention of  
46 legal-sized fish. I think that is also  
47 something that we would like to see explored  
48 further.

1 I think all the categories have  
2 got to be accountable for dead discards. I  
3 think we certainly understand that there are  
4 problems in them, but I think all of the  
5 categories need to have an increased focus on  
6 that problem, not just the pelagic longlines.  
7 I think the other categories as well need to.  
8 I think in the document you do mention that,  
9 and we would certainly support that.

10 With respect to the red state  
11 issue on your map there, we believe that any  
12 closures or contemplated closures should  
13 certainly be surgical, should be very focused,  
14 not on grand, big swathes of 65 square miles  
15 or 130 square miles, but on the areas, as  
16 Scott properly noted, where the guys know  
17 where these fish are. And with the right  
18 information provided to them, I think there  
19 are ways that we can get information to our  
20 guys as to exactly where some of these  
21 problems are. I think you can get around the  
22 proprietary issue, if the information comes  
23 very generally, maybe month and a location of  
24 where some of the problems are.

25 I think that they can help avoid  
26 these areas, but I don't believe there should  
27 ever be a closure due to bluefin tuna and the  
28 pelagic longline. I think that the other  
29 fisheries, the swordfish and the tuna  
30 fisheries are just too important to the  
31 country and to the industry to allow that to  
32 happen.

33 So, I wanted to just make those  
34 points. I do have some more a little bit  
35 later. I didn't want to take up too much  
36 time.

37 And I did have one clarifying  
38 question. I am sure I know the answer to it.

39 But utilizing bluefin tuna revenue to pay for  
40 observers, could somebody explain that to me?

41 I am sure I know the answer, but I am just  
42 wondering what that means.

43 MR. WARREN: In other fisheries,  
44 there are systems whereby revenue from the  
45 products such as scallops, a portion is  
46 targeted directly toward augmented observer  
47 coverage. So, that is the concept, right.

48 CHAIR McCREARY: Good. Sean,

1 thank you.

2 Pam Baker?

3 MEMBER BAKER: Thank you.

4 I just have a comment and a  
5 clarifying question. My comment is -- and  
6 other people have made this comment as well --  
7 that, for the situation that you have laid out  
8 for the pelagic longline fleet it does look  
9 like the individual catch cap is a really good  
10 alternative. The monitoring, of course, will  
11 need to be really good to do that right. That  
12 will likely increase the cost, which is a  
13 concern to everybody, but I think it may be  
14 less costly than really big, regionwide  
15 closures.

16 So, I can't really speak to  
17 whether you have the full range because I am  
18 learning about these issues, but I do think  
19 you have a good option for that.

20 And my clarifying question, or  
21 maybe just a question to help me understand,  
22 the dead discard focus is really on the  
23 pelagic longline fleet. Can you just quickly,  
24 do we have similar types of monitoring across  
25 the different fleets? Are there other issues  
26 on the discards that are also important?

27 MR. McHALE: Regarding the data  
28 collection across the fleet, right now, the  
29 longline fleet is required to carry the  
30 observers or is selected to carry observers  
31 and have the logbooks. So, that is where a  
32 lot of that information regarding dead  
33 discards is derived from.

34 In our handgear fisheries,  
35 although we have the authority, to date we  
36 have not selected them to carry observers or  
37 to complete an HMS-specific logbook. They may  
38 be completing one in other fisheries they are  
39 involved in. In the Northeast, there is the  
40 vessel trip reporting requirement. I know the  
41 Southeast fisheries have very similar  
42 requirements. But that may not get at the  
43 same level of information that we would get  
44 from an HMS-specific logbook.

45 In our recreational fisheries,  
46 whether they be through self-reported -- we  
47 have an automated landing reporting system  
48 that recreational fishermen can report not

1 only their tuna, but their billfish,  
2 swordfish, et cetera, as well as some of the  
3 surveys that are conducted. There are  
4 questions that are asked of: did you release  
5 fish? Were they alive or dead?

6 However, that information isn't  
7 robust enough to, then, in turn, you know, get  
8 an estimate across the entire fleet. So, that  
9 is one of the items that we are actually  
10 looking at in this amendment as well, is how  
11 do you get that parity across all the various  
12 user groups.

13 CHAIR McCREARY: Good. So, we  
14 have had a good start at what will probably be  
15 a more extended conversation.

16 I have in the queue Terri, Mark,  
17 Scott Taylor again, and Ron.

18 What we are going to do is take a  
19 short break, come back, and resume the queue.

20 Terri, you will be up first when  
21 we return.

22 So, time for a short bio break.

23 (Whereupon, the foregoing matter  
24 went off the record at 10:06 a.m. and went  
25 back on the record at 10:37 a.m.)

26 CHAIR McCREARY: Okay. Welcome  
27 back.

28 We have about another hour and a  
29 half for conversation. So, if we could have  
30 the folks in the back of the room take their  
31 seats, we would like to go forward with more  
32 discussion.

33 And Terri is next in the queue,  
34 but I don't see Terri. So, as a bridge, Margo  
35 has a fact to share.

36 MS. SCHULZE-HAUGEN: So, our fact-  
37 checkers got us some facts. Pelagic longline  
38 observer coverage in the Gulf of Mexico during  
39 this spawning season, which has been, I think,  
40 March through June, has been between 50 and  
41 100 percent since 2007. That is when the  
42 elevated coverage was implemented.

43 And so, the annual coverage for  
44 the entire fishery for 2011 was 11 percent.  
45 We are looking to see if we can get the annual  
46 percentage overall for the Gulf specifically.

47 Hopefully, we will hear back from the Science  
48 Center on that, but I wanted to share the

1 facts.

2 CHAIR MCCREARY: Good. When Terri  
3 comes back, she can jump into the queue.

4 I have Mark, then Ron, and then  
5 back to Scott Taylor.

6 Mark?

7 MEMBER TWINAM: I just wanted to  
8 talk about the individual boat caps. It may  
9 be a good idea, but I just think it needs to  
10 be approached with caution. I don't know if  
11 you did it before you had 100-percent observer  
12 coverage. Of course, when a boat is  
13 approaching its number, they are just going to  
14 cut the fish off. I would like to see dead  
15 discards eliminated any way we can.

16 I have some experience with catch  
17 shares in the Gulf of Mexico for the grouper  
18 and snapper fisheries. I was one of the first  
19 advocates of it because I love the idea of a  
20 fisherman having his share of fish and he can  
21 manage throughout the year the best way to  
22 catch it. But, however you set the program  
23 up, it takes a lot of consideration. It  
24 couldn't be done in six months or a year, I  
25 don't think, because the problem is it can  
26 turn real quick into how do I manage my fish  
27 over a 12-month period and how do I maximize  
28 my lease price. And how do I maximize my  
29 lease price I don't think is all that great  
30 for the fisheries sometimes.

31 We have a shallow-water fishery  
32 and a deep-water fishery for grouper. Like I  
33 said, I am against dead discards of any kind.

34 In our shallow-water fishery, there is plenty  
35 of -- well, I can't say "plenty" -- there is a  
36 lot of red grouper quota and there is not  
37 enough black grouper quota or red snapper  
38 quota, particularly for the fishermen in the  
39 eastern Gulf. The way the quota got divided  
40 up to begin with, they got shut out of a fair  
41 share of the red snapper quota. So, the red  
42 snapper and black grouper are being discarded.

43 That is species-specific.

44 The deep-water quota, it is an  
45 aggregate. Basically, it comes to high-  
46 grading. If the person who is looking to  
47 lease shares wants to get the highest lease  
48 price, then if you are looking to lease-

1 shares, you have got to bid the highest price.  
2 So, to me, it puts the more conscientious  
3 fisherman out of business because the less  
4 conscientious fisherman could bid the highest  
5 because he knows he can high-grade. He is  
6 going to throw away the brown grouper, the  
7 kitty mitchells, and the small yellowedge, and  
8 just land large yellowedge.

9 So, when you get into catch  
10 shares, when it comes to leasing and  
11 everything, I don't know if you have enough  
12 foresight to work out all the problems ahead  
13 of time, but I am just trying to alert you to  
14 the fact that there is a lot of problems.

15 For instance, in the shark  
16 fisheries, if it went like the individual  
17 species, then it would be the same thing.  
18 When you are filled up with your bull sharks,  
19 then you have got to throw away the lemon  
20 sharks. And if you do an aggregate species,  
21 then you are going to be keeping your sandbar  
22 sharks and discarding your blacktip sharks  
23 because the fins aren't valuable.

24 So, I would just urge you to pay a  
25 lot of attention to how it is initially set  
26 up. That is all I have to say.

27 CHAIR McCREARY: Thank you, Mark.  
28 Terri, we are going to go back to  
29 you, if you are ready.

30 MEMBER BEIDEMAN: As you can  
31 imagine, I have a whole bunch of comments, but  
32 I am going to try to just right at the moment  
33 stick with some of the more broad comments and  
34 save some of the more detailed ones if we get  
35 into those sections, which I hope we do.

36 In looking over your first tier on  
37 the catch caps for pelagic longline, we think  
38 that the measure could work, but it would be  
39 dependent on allocating sufficient quota share  
40 to include recent catches, not just landings.

41 Otherwise, they are insufficient quota to  
42 sustain year-round pelagic longline fishing  
43 for swordfish, BAYS tunas, and other species.

44 Our problem and concern with the  
45 regional way is exactly what you illustrated,  
46 that less than 20 vessels in some cases are  
47 capable of interacting with greater than 80  
48 percent. That was what was in the document,

1 not the 70 percent. That was a new table for  
2 me to see.

3 But this method of capping  
4 interactions on a regional basis doesn't  
5 protect the bulk of the vessels who are  
6 successfully avoiding bluefin tuna. As a  
7 point, the truth, the Northeast distant, you  
8 know, in that document some tables included  
9 it, some tables didn't, but that is a separate  
10 ICCAT recommendation that was designed to be  
11 harvested in the area close to the boundary.  
12 I don't believe we should be adding that into  
13 our coastal catches because it wasn't  
14 allocated for that purpose.

15 We proved we had catches in the  
16 Eastern when that whole matter of not allowing  
17 effort to be moved from one area to the next  
18 -- our fishermen, because we have to report,  
19 as you know, substantially, had landings,  
20 logsheets that proved that we had fishing and  
21 catches of bluefin in the east Atlantic. The  
22 United States, essentially, gave that away.  
23 So, that was our opportunity to try to resolve  
24 that error, was to allow some catches in the  
25 vicinity of the boundary. That should remain  
26 for that purpose. So, every table where you  
27 include the NED in some kind of a mixed quota  
28 split, or whatever, is I don't think ICCAT  
29 legal.

30 Our concern with the regional  
31 catch caps is they are based on interaction  
32 rates, and we need the ability for the annual  
33 specifications to adjust these without having  
34 to do a full-blown FMP amendment. This is  
35 kind of where we are at. We have been stuck  
36 in these numbers because it is required, the  
37 monumental effort, to have to go to a full  
38 amendment.

39 Again, none of these systems for  
40 that would work efficiently without sufficient  
41 quota. I firmly believe that, if there are  
42 individuals who are in non-compliance, they  
43 should be identified and NOVAed or sanctioned,  
44 or whatever. There will be true accidental  
45 interactions of more than -- but keep in mind  
46 all of your tables when you discuss  
47 interactions. A halfway decent percentage of  
48 those fish are alive and they are released

1 alive and lively. So, it isn't all dead  
2 discards when you see those numbers up there.

3 It is also every encounter.

4 As you recognize -- and I am going  
5 off of the predraft -- you recognize on figure  
6 19, on page 60, many vessels fish in more than  
7 one region. The ability to adjust regional  
8 percentages without an FMP amendment is  
9 required to ensure that changes in fishery  
10 composition do not affect the effectiveness of  
11 this measure.

12 It is unknown what proportion of  
13 vessels will be able to relocate and fish in  
14 other regions. There is some discussion about  
15 that. We don't know if vessels will switch to  
16 other gears rather than moving. Indications  
17 are that buoy gear is not effective in all  
18 areas, though it may be in some, and that  
19 greenstick fishing for BAYS tunas provides an  
20 inferior product that the fish dealers are not  
21 necessarily interested in even receiving;  
22 difficulty selling. So, it is not a one-for-  
23 one in any stretch there.

24 We believe that individual catch  
25 caps, however complicated it might be, really  
26 are the best way to ensure individual  
27 accountability. I am told from the most  
28 recent meeting I have attended from the  
29 observer program that we have 85, not 116, 85  
30 active vessels fishing that he has to plan  
31 observer coverage around. So, we aren't  
32 exactly a huge universe. I think that we  
33 could be pretty nimble and flexible in things  
34 that we decide to do because there is not that  
35 many.

36 So, we think if you are going to  
37 do individual catch caps, would they be  
38 assigned in perpetuity like other ITQs have  
39 been done? So, there should be a mechanism to  
40 allow trading. Some vessels may have a need  
41 to acquire quota from others, you know,  
42 fishing variability.

43 I also think there should be a  
44 mechanism for trading within the commercial  
45 categories all together. If you are going to  
46 set it up for trading for one category, it is  
47 not necessarily adding a lot of layer to allow  
48 that other categories could be involved. So,

1 that if the Purse Seine were interested or if  
2 the General Category were interested, that  
3 that would be a possibility as well. There is  
4 not reason why not. It should be fair.

5 As far as the options for  
6 allocation, allocating quota equally could  
7 work provided there is sufficient quota. This  
8 all hinges on an increase in share that is  
9 based on catches. You know we have been  
10 catching them and you have been reporting them  
11 to ICCAT, not news. You are changing the  
12 rules in the middle of the game, and I think  
13 that means changing the rules means changing  
14 splits.

15 Otherwise, there will be no  
16 pelagic longline fishing. We will lose all of  
17 that economic engine, which is significant  
18 along the coastline, three to five times the  
19 value in just ex-vessel alone compared to the  
20 bluefin tuna fish or including our  
21 contribution to the bluefin fishery.

22 So, we think caps based on  
23 historical catch would reward vessels who  
24 clearly have had greater interactions with  
25 bluefin and potentially is counterintuitive to  
26 the goals. We had suggested that we might  
27 come up with a way to allocate catch caps  
28 where it is inversely-adjusted by historical  
29 catch, where if you have been more successful  
30 in avoiding, then you might get a higher  
31 level, and you can, therefore, trade that off  
32 to other folks. And the folks that have lower  
33 levels, if they can't find enough quota and  
34 they can't avoid them, then maybe their year  
35 would be over.

36 You know, maybe it is a  
37 combination of that. I know that was used for  
38 rockfish, that half of the quota was -- you  
39 know, but we are talking very small numbers of  
40 fish, a very small quota. But they did half  
41 of it equal and the other half based on  
42 historic.

43 Authorized gear types, of course,  
44 NMFS is very aware that the buoy gear is less  
45 efficient than us and may not be possible in  
46 all areas, and that the number of buoys that  
47 might be necessary to allow an economically-  
48 viable trip is likely to be greater than the

1 currently-allowed thirty-five.

2 I did a real quick-and-dirty. If  
3 some of the people who do buoy gear, who I  
4 assume are probably the best in the world, if  
5 we have catches similar to theirs, then we are  
6 going to need about 2,000 buoy gear boats to  
7 make up just what we are catching, not what  
8 our quota is. So, that is something to be  
9 considered. It is not a one-for-one.

10 We think fishing under the General  
11 Category once pelagic longline gear is closed,  
12 if and when, could be helpful for some smaller  
13 vessels in certain areas, and all landings  
14 under General Category rules should be  
15 accounted under the General Category as  
16 subject to all the other rules that you have  
17 for General Category.

18 The target catch requirements, as  
19 your document illustrates, there is  
20 significant compliance with this measure.  
21 However, there are some instances of blatant  
22 non-compliance. We wonder if that has been  
23 pursued moving toward NOVAs on some of those.

24 I know you can't tell me, but I would hope so  
25 because they are the ones who give us all a  
26 bad name.

27 MR. McHALE: Yes, I can speak to  
28 some of that there, Terri.

29 The information that was contained  
30 in those tables was solely taken from the  
31 logbooks. And so, yes, there are some signals  
32 there that there are some potential  
33 violations, but I would be hesitant to say  
34 that they are definitive violations without  
35 substantiating those observations against  
36 dealer weighouts, what we have as far as  
37 Atlantic bluefin tuna reported through that  
38 separate system, and kind of marrying up all  
39 those different datasets.

40 And so, where we see some of those  
41 signals, we will be doing due diligence to do  
42 that sort of verification and working with our  
43 enforcement partners to pursue where  
44 appropriate. But we are hesitant to do that  
45 right out of the logbooks without verifying,  
46 you know, was something listed as a bluefin  
47 versus a bigeye, you know, that sort of  
48 scrutiny of the data and the quality.

1 MEMBER BEIDEMAN: Okay. Well, I  
2 would assume that you would carefully  
3 investigate and not jump the gun. To the  
4 extent that those fish may be misidentified,  
5 of course, having it in this table adds a  
6 layer of confusion for folks.

7 Mandatory retention of legal-sized  
8 bluefin, obviously, would result in earlier  
9 closures for all the categories. Provided you  
10 have got suggestions to include it for all  
11 fishing categories, there is no way that I can  
12 see that it wouldn't encourage quotas to be  
13 filled sooner.

14 Discussion of an industry-funded  
15 observer program from the proceeds part or  
16 all, I am not sure exactly. I think maybe in  
17 part, but this certainly is a good way to help  
18 cover observer coverage not just in the  
19 pelagic longline, but in the other categories.

20 You know, we need to find ways to pay for  
21 observer coverage. There is a way.

22 NMFS should not require mandatory  
23 retention of bluefin that can be released  
24 alive. That is not clear in this document.

25 So, the reduction in the minimum  
26 size, we have no idea how much quicker those  
27 quotas would be filled based on that also.

28 And closed areas, although we may  
29 recognize that some closed areas may be  
30 necessary, they have to be surgical in size  
31 and area and able to be modified easily to  
32 accommodate fluctuations in migratory  
33 patterns. This is where we have been with all  
34 these other boxes that have been closed, you  
35 know, essentially forever. We don't know what  
36 is going on in there. We could be able to be  
37 fishing in there and not fishing in other  
38 places where we are catching more.

39 We are happy to see that you have  
40 put a structure or a framework or a discussion  
41 of trying to allow for adjustment without  
42 having to go through an amendment or an act of  
43 Congress to allow opening of areas, and then,  
44 also, collecting the data to substantiate  
45 that. I was happy to see those two provisions  
46 inside this scoping document.

47 On the issue of the closed boxes,  
48 as you know, all of the closed boxes were

1 based on J-hook data, and our interaction  
2 rates with tunas and J-hooks are different.  
3 They are certainly different than they were in  
4 the nineties. So, these were all based on  
5 fishing in the nineties. We are getting quite  
6 a ways away from there.

7 The document does not present the  
8 number of interactions, and I found this a  
9 little troubling in terms of showing those  
10 tables with the highlighted percentages over  
11 10 percent because, if you take, say, the  
12 Charleston Bump one, it has a 32-percent  
13 reduction or 32 percent of the interactions --  
14 again, interactions, which is also live fish  
15 released -- 32 percent in the month of May.  
16 Okay? But 32 percent of 2 percent is .64  
17 percent, which is not a big amount. And so,  
18 it is easy to get, even though it is factually  
19 true, it is a little more difficult to see  
20 what the real impact would be of these things.

21 It sounds like it would be doing a lot; it  
22 might not. So, it could be misinterpreted to  
23 look like it is a large reduction when it  
24 really isn't.

25 But we are happy to see that it  
26 looks like there is some obvious idea to maybe  
27 help allow boats to fish in areas where they  
28 have been displaced and catching swordfish  
29 when they would prefer to catch that rather  
30 than catching other things that none of us  
31 want to catch.

32 And particularly with regard to  
33 that, any kind of increases that look likely  
34 in May in the South Atlantic Bight are  
35 probably influenced significantly by the  
36 increased effort since that box is closed  
37 until April 30. So, just to factor that in.

38 MR. McHALE: Terri, can I  
39 interrupt?

40 CHAIR McCREARY: Yes.

41 MR. McHALE: Regarding the table  
42 with the shaded cells there, the numbers  
43 contained within the table -- and it is table  
44 34 of the predraft. So, it is the percentage  
45 of annual bluefin tuna interactions by month  
46 for the Mid-Atlantic Bight. So, you are  
47 saying, because it is contained there versus,  
48 say, coastwide? Is that your percentage on

1 the percentage comment?

2 MEMBER BEIDEMAN: No. Actually,  
3 it would work for any of them. I just  
4 happened to pick out using the example of the  
5 table on page 80, 81. Table 7 provides a  
6 perfect illustration of how these tables  
7 confuse what the true impact of proposed  
8 measures will do.

9 The May average of 32 percent is  
10 likely true. Thirty-two percent of the  
11 interactions in that area occurred in May that  
12 year, or the average in May. But only 2  
13 percent of the bluefin tuna interactions are  
14 in the South Atlantic Bight. So, it is 32  
15 percent of 2 percent, which is pretty small.

16 MR. McHALE: Right.

17 CHAIR McCREARY: Thank you.

18 MEMBER BEIDEMAN: So, anyway, I  
19 know I have a lot, but almost all this  
20 document applies to the pelagic longline  
21 fleet, with very little exception. So, if you  
22 want me to stop and pick this up later, I will  
23 do that. I am not trying to monopolize the  
24 time, but I do have to get these points out  
25 there for people to realize our perspective.

26 CHAIR McCREARY: Certainly. And,  
27 Margo, you were very clear that you do also  
28 welcome additional commentary in writing.

29 MS. SCHULZE-HAUGEN: Absolutely.

30 CHAIR McCREARY: So, Terri, if you  
31 are willing to take a pause, why don't we go  
32 around the table and come back? Is that  
33 agreeable?

34 MEMBER BEIDEMAN: No problem  
35 whatsoever.

36 CHAIR McCREARY: All right. So, I  
37 have the following folks in the queue. I have  
38 Scott Taylor, Ron, Randy, Chris, Shana, Rich,  
39 and Ellen.

40 Scott Taylor?

41 MEMBER TAYLOR: I always don't get  
42 the pleasure of joining you for all these  
43 meetings, but I was fortunate enough that I  
44 was here a year ago this time, when the dead  
45 discard issue was being addressed.

46 This is the core of the issue. We  
47 are in the situation that we are in as a PLL  
48 fleet because of the potential closure or a

1 hard cap of our fishery regarding dead  
2 discards. Dead discards, fish that we are  
3 cutting off and sinking to the bottom of the  
4 ocean. We are closed not because of what we  
5 caught for the first time in the new modern  
6 cycle, whatever you want to call it. We are  
7 closed because of the calculation for dead  
8 discards.

9 If there is anything that I want  
10 to try to address up here, it is that  
11 particular issue because I absolutely believe  
12 that there is sufficient quota because this is  
13 not our directed fishery. The other industry  
14 constituents that are trying to make everybody  
15 believe that somehow that their business is  
16 going to suffer as a lack of ability to catch  
17 the bluefins are blowing smoke at the wrong  
18 direction. It is an incidental bycatch for us  
19 that we would prefer not target. That is the  
20 core of what the issue is.

21 It is a crime against nature to  
22 take one of these magnificent fish and cut  
23 them off and let them sink to the bottom of  
24 the ocean and to use an extrapolated formula  
25 to jeopardize one of the healthiest and most  
26 viable fisheries anyplace in the world. And  
27 so, the only issue, if there is anything that  
28 I can contribute in here, it is to the  
29 solution of that problem.

30 Note, the people that would  
31 purport to be on the other side of the aisle  
32 that have good reason to believe that  
33 everything that comes out of the PLL fleet  
34 cannot be relied upon are entitled, and we  
35 should provide for them the accountability,  
36 the interactions that are dead, are retained,  
37 and that are limited to that. Certainly, a  
38 live fish, if we don't want to retain it, can  
39 be cut off and is not going to be counted in  
40 this number. Anything we retain that is not  
41 alive is no different than the other fisheries  
42 that are being released.

43 So, I just wanted to comment again  
44 about the individual accountability. This is  
45 not a foreign concept to hold the participants  
46 individually accountable for what it is they  
47 are doing and ask NOAA for the flexibility to  
48 be able to accomplish that. But, at the end

1 of the day, they must be accountable; they  
2 must demonstrate that the information that the  
3 information that is being provided is  
4 accurate, real, and true, and that we have the  
5 flexibility within that formula to deal with  
6 the truly accidental set by having a set-aside  
7 where there is access for a fisherman that had  
8 that level of interaction to move in.

9 As Mark referred to about the IFQ  
10 program, I also in a lot of ways am an  
11 advocate of the ability for fishermen to  
12 control what and when they are going to catch.

13 The fundamental problem has been in all the  
14 discussion with these weighted or selections  
15 of winners and losers within any kind of an  
16 IFQ program.

17 But we are talking about an IFQ  
18 program for an incidental retention. We are  
19 not talking about an IFQ program for a  
20 directed fishery. So, you know, a fair and  
21 equitable split, I think that intelligent  
22 people can come up with a way to be able to  
23 manage that.

24 What is most important, and what I  
25 would encourage regarding that, is that we  
26 don't allow a situation to happen that  
27 happened down there in the Gulf, where you  
28 have non-industry participants having the  
29 ability to own that quota. If the quota is  
30 going to be transferred or used between one  
31 vessel to another, it must stay with an active  
32 participant. We don't want to have investment  
33 bankers buying bluefin quota that we are going  
34 to be able to use.

35 Let me get through this very  
36 quickly. I promise I am not going to take a  
37 lot of time.

38 It is most important under that  
39 kind of a scenario, given that environment,  
40 that government has this place for you to set  
41 the rules, but industry will sort it out for  
42 themselves, given the right environment. If  
43 there are "X" number of pounds that are  
44 available, you are individually accountable,  
45 let us sort it out for ourselves about how  
46 that transfer is ultimately going to work.

47 And then, finally, it is also  
48 important -- I wanted to comment about the

1 comment that Terri made about the buoy gear  
2 fishery just sort of incidentally. It only  
3 applies to the overall mix of what it is that  
4 we are ultimately trying to accomplish, which  
5 is in preserving our ability to continue to  
6 catch swordfish.

7 None of these other fisheries that  
8 are directed fisheries could potentially be  
9 impacted the way that the PLL fishery is being  
10 impacted because they are directed fisheries  
11 specifically for that target species.

12 The handgear swordfish fishery  
13 really doesn't have anything to do with this  
14 issue in terms of the bluefins because we  
15 don't interact with any bluefins out there.  
16 But it is one of the most efficient fisheries.

17 It is not an inefficient fishery. It is one  
18 of the most inefficient fisheries that has  
19 ever been designed with hook per effort. It  
20 is something that we continue to want to be  
21 able to promote as part of what is going on.  
22 It attacks only the targeted species.

23 And there is one other think that  
24 we all shouldn't lose track of when we are  
25 looking at this big picture in here. It has a  
26 very, very low carbon footprint. Some of  
27 these bigger operations that are the biggest  
28 offenders to this bluefin problem also have  
29 the largest carbon footprint.

30 And so, sometimes industry has to  
31 change and adapt in order to be able to deal  
32 with the circumstances and the condition. It  
33 is not anybody's responsibility other than the  
34 individual in business to take care of that.  
35 I think that that is, in fact, what we are  
36 looking at.

37 CHAIR McCREARY: Good. Thank you.

38 All right, let's move on. I have  
39 Ron (sic) Whitaker, Randy, Chris, Shana, Rick  
40 Weber, Rich, and Ellen.

41 Ron (sic) Whitaker?

42 MEMBER WHITAKER: It is Rom, by  
43 the way.

44 CHAIR McCREARY: Oh, Rom, I'm  
45 sorry.

46 Make sure your microphone is on,  
47 Rom.

48 MEMBER WHITAKER: Oh, okay. Can

1 you hear me better? All right.

2 First, I had a question about  
3 predraft table 49. It is on page 15 in this  
4 handout. It is dealing with recreational  
5 bluefin releases.

6 I don't know if you are looking at  
7 it, but it is 2006 they had the number of dead  
8 discards at 171, and then 109, 86, and then  
9 for year 2009, zero; 2010, 43, and 2011, zero  
10 again.

11 I do think the number is much  
12 closer to zero than I do 171, but I am not  
13 sure it is zero. So, just maybe a comment on  
14 that?

15 CHAIR McCREARY: Okay. Are you  
16 looking for staff to respond?

17 MEMBER WHITAKER: Yes, I would  
18 just like to know -- there are kind of some  
19 big swings there.

20 MS. SCHULZE-HAUGEN: We are lucky  
21 that we have Ron Salz with us. So, maybe come  
22 on up and take the microphone.

23 MR. SALZ: Yes, just briefing,  
24 Rom, the dead discard estimate, that is based  
25 on just what the recreational angler or  
26 captain indicates as the disposition. So, for  
27 the fish that are released, it could be either  
28 released alive or released dead. And so, we  
29 are going just totally based off what they are  
30 telling us.

31 As far as the numbers themselves,  
32 that particular estimate, because it is a very  
33 rare event that we get someone who says  
34 released dead, that particular estimate has a  
35 very large confidence interval. So, we are  
36 not that confident in that estimate. It is  
37 fairly imprecise, in fact. So, that is why  
38 you will see it fluctuate from zero to 100,  
39 200. But we are not vesting a lot of -- I  
40 guess we are not saying that that estimate is  
41 precise, if that helps.

42 MEMBER WHITAKER: Yes. Yes, that  
43 helps, and I have a few comments. But in  
44 regards to that, I think all of us have to be  
45 responsible for our dead discards, whether it  
46 is general angling, longline. I think I can  
47 only speak for the general and the angling,  
48 but I feel confident that in those two

1 categories the discard rate is very, very low.

2 Several people have brought up  
3 some excellent ideas about the longline fleet.

4 I know some of my friends are longliners. It  
5 is like they pointed out, they know where the  
6 fish are. I think they know how to avoid  
7 them. It is very complex. It is going to be  
8 a very complex answer to the problem. I  
9 really feel like there are some good  
10 suggestions, but individual catch caps -- you  
11 know, I mean, if the guy catches his cap, is  
12 he no longer allowed to longline at all or can  
13 he no longer catch bluefins? What is to keep  
14 him from going and sitting right back in the  
15 middle of them? But there are a lot of bases  
16 to cover there, and I feel like maybe they can  
17 figure out a way to get us through this.

18 But, that being said, the black  
19 hole that Rich spoke about is very concerning.

20 I know for you all, from a management  
21 standpoint, we need to know on a timely basis  
22 what that number is. I mean, it is critical.

23 Right now, we are looking at basically 464  
24 metric tons, just some quick math, left in the  
25 quota, but we don't know exactly what the dead  
26 discards are. But we are here at the end of  
27 September, and a couple of cold fronts, that  
28 quota, we could lose it. I feel like we are  
29 going to lose. We are not going to take  
30 advantage of our quota again.

31 I know the objective of Amendment  
32 7 is to optimize fishing opportunities and to  
33 utilize quota. As your charts eloquently  
34 show, you have to manage fish where they are,  
35 not where they were. So, to that, our  
36 comments in Manteo were, you know, we caught  
37 17 metric tons of fish in basically 20 days. I  
38 feel like a 12-month season certainly gives  
39 everybody equal opportunities to catch them,  
40 and it is going to utilize our fishery much  
41 better.

42 I will be submitting more written  
43 comments about that, and I am sure that my  
44 constituents will also. But that Amendment 7  
45 is a big document. Personally, I have not had  
46 the time to -- fished a lot lately -- I  
47 haven't had time to completely review it.

48 CHAIR McCREARY: Okay. Do you

1 have more comments right now or --

2 MEMBER WHITAKER: I am going to  
3 submit some more later.

4 CHAIR McCREARY: All right. Thank  
5 you very much, Rom.

6 MEMBER WHITAKER: Thank you.

7 CHAIR McCREARY: Randy Gregory?

8 MEMBER GREGORY: Yes, Randy  
9 Gregory, North Carolina Division of Marine  
10 Fisheries.

11 I agree a lot with what Rom just  
12 said. First of all, on page 25 of the  
13 presentation you have the box, the nice, red  
14 box that we keep talking about, off North  
15 Carolina. That is not even where the  
16 interactions are taking place. Please work  
17 with our fishermen to draw the best box we  
18 can. We have talked about this before. These  
19 guys can tell you a small, dynamic box, if  
20 that is what is needed, then our guys can give  
21 you the information on that.

22 Also, there were a lot of folks  
23 that spoke down in North Carolina about a more  
24 year-round General Category season. We can  
25 use that year-round General Category fishery  
26 to help monitor where these hotspots are for  
27 pelagic longline.

28 And then, we have talked about  
29 boxes where you can't pelagic longline. We  
30 have talked about individual catch caps. And  
31 then, there are problem areas. I don't know  
32 if I am going to say this very eloquently.  
33 But there are problems where we are having  
34 interactions and then a catch cap.

35 How about catch caps in boxes  
36 where there are problems? So, there are a lot  
37 of areas where we are not having problems with  
38 bluefin interactions with pelagic longline.  
39 So, what about having a box where you do?  
40 That way, if somebody does hit their cap, they  
41 will have somewhere to fish. And those boxes  
42 also need to be dynamic. There are certain  
43 times of the year off North Carolina this is  
44 not an issue.

45 So, if I have a guy hit his catch  
46 cap and he can't pelagic longline fish  
47 anymore, that means he can't pelagic longline  
48 fish for the rest of the year. So, he is out

1 of his dolphin longline fishery. He is out of  
2 everything.

3 So, I think that maybe there is  
4 another option. I don't know. Do you guys  
5 get what I am saying?

6 CHAIR McCREARY: Yes. Yes, they  
7 do. They are nodding.

8 MEMBER GREGORY: Okay.

9 CHAIR McCREARY: Margo, do you  
10 want to weigh-in just a bit?

11 MS. SCHULZE-HAUGEN: One thing I  
12 want to make sure folks remember is that, the  
13 way that we can display data for  
14 confidentiality purposes, you are never going  
15 to be able to see the exact points, but we  
16 have that information.

17 And so, it is a big box. We know  
18 that is not uniformly distributed there, but  
19 this is how we are able to display the data.  
20 So, we are happy to work with fishermen, but  
21 please understand that we know the places,  
22 based on the logbooks and the observer data.  
23 We just can't display that to that level of  
24 detail. So, I understand it may look not as  
25 surgical as we would like. And so, I hear  
26 that, absolutely. We are looking at different  
27 ways of displaying data, but right now this is  
28 what we have got. It doesn't mean the data is  
29 not more refined, though.

30 MEMBER GREGORY: I understand. It  
31 is just when the bull's eye is on your butt,  
32 it feels like it is really big.

33 (Laughter.)

34 MS. SCHULZE-HAUGEN: I know. We  
35 are really limited in what we can display.  
36 So, I mean, there are just not a lot of  
37 options there.

38 MEMBER GREGORY: All right. I  
39 understand. Point well-taken. When there are  
40 a slides with it, you know, it is a bitter  
41 pill to swallow, I guess.

42 Thank you. We will be submitting  
43 comments. I had one more point, but I have  
44 lost it.

45 CHAIR McCREARY: Thank you, Randy.

46 MS. SCHULZE-HAUGEN: I have one  
47 question.

48 CHAIR McCREARY: Go ahead.

1 MS. SCHULZE-HAUGEN: So, on your  
2 concept of having catch caps in boxes where  
3 there are problems, I see a lot of merit to  
4 that. One question I would have is that some  
5 of the information coming in on individual  
6 sets in some of these boxes is really quite  
7 high. And so, how would we ensure with that  
8 approach that we still wouldn't use up a lot  
9 of the available quota?

10 There are certain places that may  
11 have enough potential for interaction that it  
12 could be challenging to have some fishing in  
13 some times a year without that potential.  
14 Does that make sense?

15 MEMBER GREGORY: Yes, I  
16 understand. I am just saying it may be a  
17 whole suite of combinations and not just that  
18 one. I am not saying, yes, go fish  
19 everywhere. Maybe there are some places that  
20 we probably don't need to be at certain times,  
21 but don't also make it where, if there is not  
22 a risk of interactions, that those guys have a  
23 legitimate chance to go out and fish, and if  
24 they have an accidental where they do load up,  
25 that there is somewhere for them to go.

26 CHAIR McCREARY: Thank you very  
27 much.

28 Let's go over to Chris.

29 MEMBER GREGORY: I'm sorry, I  
30 remember my last point.

31 (Laughter.)

32 CHAIR McCREARY: Oh, okay.

33 MEMBER GREGORY: And that was the  
34 ability -- and we say this again -- the  
35 ability for those boats, when we have these  
36 closed areas, for them to transfer into other  
37 categories. So, the pelagic longline boats to  
38 go into the General Category, especially in a  
39 place like North Carolina where there are  
40 relatively-small boats that do many different  
41 fisheries.

42 Thank you. Sorry.

43 CHAIR McCREARY: Thank you, Randy.  
44 Chris?

45 MEMBER WEINER: This is a huge  
46 document, and we have spoken about it a lot.  
47 So, I am going to keep it pretty simple here  
48 and try to avoid getting into too many

1 details. Just a couple of issues.

2 First, the whole idea of reducing  
3 allocations in the harpoon, I will speak for  
4 the Harpoon Category here, but I know the  
5 General Category guys feel the same way. We  
6 have had a tough stretch in our category  
7 especially. Most of us, I would say almost  
8 every single one of us would point to one  
9 thing, and we have said it a million times.  
10 It is the lack of herring in our waters. And  
11 we have spent the last eight years or so, nine  
12 years, fighting, spending probably more time  
13 on that than spending on anything, including  
14 bluefin stuff. It has consumed our lives,  
15 fighting on this herring issue.

16 We are finally getting to a point  
17 where we are feeling confident with what is  
18 back out there, and then we are seeing a  
19 document talking about reducing our allocation  
20 based on recent catches. I mean, I can  
21 remember -- I was a lot younger then,  
22 obviously -- but there was a stretch for about  
23 10 years there where we would have loved to  
24 have gone over our quota and racked it all up  
25 and had higher allocations. Because I  
26 remember we had, like someone said, we had two  
27 boats. We had to stop one year at June 20th,  
28 I think.

29 I mean, just catching more and  
30 having a higher number, and then saying,  
31 "Well, look what we have been catching. Let's  
32 take that from someone else and give it to  
33 them," I mean, things change. It is cyclical.

34 We have been, like I said, in a  
35 rough stretch. We feel like we are getting  
36 back to where we should be. And again, it  
37 scares a lot of us to see the idea of reducing  
38 our catch, I mean our allowance.

39 So, putting all the other issues  
40 aside, I think there are a lot of good  
41 solutions here, and people have brought up  
42 good ideas, but we are at what, 3.9 percent,  
43 and it is a small amount, 33 tons. I have no  
44 doubt that we are getting back to the point  
45 where we could easily catch that, to the point  
46 where guys left the quota this year because we  
47 were scared.

48 That is the real fact. You know,

1 people say a lot of things out there. But you  
2 want to know what people really think? When  
3 you see guys starting moving into the General  
4 Category because they are worried we are going  
5 to catch the harpoon too quickly, guys that  
6 are historical big players in that category  
7 switching out, that is a good sign of what we  
8 actually thing.

9 And so, don't look at our recent  
10 catches and say, "Well, let's just take that  
11 and give it to someone else," because we can  
12 easily catch that, the way things are headed.

13 Second of all, discards, you know,  
14 hey, I am all for fairness. If you guys want  
15 to treat our boat, a visual, handheld-harpoon  
16 boat, the same as everyone else, that is fine,  
17 but you are going to waste a lot of money in  
18 observers putting them on our boat, and they  
19 are going to be extremely bored most of the  
20 time.

21 But if government wants to spend  
22 money on it, obviously, if you are going to do  
23 discarding, which I still think it is funny  
24 that we are talking about that, but if you  
25 really want to deal with that in the harpoon  
26 generally, you obviously have to have real  
27 numbers. The assumed 10-percent rate or any  
28 assumed rate, I guarantee you -- I can speak  
29 for our boat -- that 10 percent is too high,  
30 way too high.

31 And so, if you are ever going to  
32 go down that road, you have to find ways to  
33 get real data. Obviously, I already said that  
34 I think that is a waste of the government's  
35 money. So, it is kind of going in circles  
36 there.

37 But the point is that, if you are  
38 going to go down that road, you have got to  
39 have good data and you can't just assume rates  
40 because on a lot of boats it is 1 percent.  
41 And that is not a joke there.

42 Lastly, just a specific Harpoon  
43 Category issue, I am glad you guys put the in-  
44 season adjustment for the large mediums. As  
45 you know, myself and a lot of others were very  
46 opposed, not opposed to what you -- when we  
47 asked for a larger large medium allowance, it  
48 was a different world. We had so much quota

1 lying around because of the rollover that we  
2 didn't know what to do with it.

3 And so, by the time this went  
4 through last year, we were kind of worried.  
5 We were opposed to that rule. And so, I am  
6 glad that you guys put a range in there.

7 But my question would be, does it  
8 have to be zero? I am kind of scared by the  
9 idea of having a zero-to-four range. I know  
10 that might just be something that you do just  
11 generally. But I would rather see it be two  
12 to four because we were at two. It kind of  
13 scares me to even have that option, given the  
14 way sometimes our fisheries is handled by  
15 others outside of the fishery.

16 CHAIR McCREARY: So, you are  
17 asking for clarification on what is meant by  
18 that option, right?

19 MEMBER WEINER: Clarification and  
20 a comment. Because I would like to see it be  
21 two to four because I don't see any situation  
22 where we would really want to be reducing it  
23 to zero ever. I mean, that would de facto  
24 raise our limit to 80, 81 inches.

25 So, I would just like to see --  
26 again, I think that is important. Part of the  
27 reason people switched out of the Harpoon  
28 Category this year, a couple of people -- and  
29 it is only a couple of people, but they are  
30 big players -- was because we were worried  
31 about that four, because in recent years a lot  
32 of us could have gone out and gotten those  
33 four every day.

34 And so, I think that is important.

35 I don't want to say we should go down to two  
36 because I know there are mixed reviews there.

37 But the two-to-four range I think is  
38 important because I am just scared of the idea  
39 of having that go to zero.

40 So, thank you.

41 CHAIR McCREARY: Good. Thanks,  
42 Chris.

43 Do you want to respond at all?

44 No? Okay.

45 Let's move on. Shana, now you  
46 really do have comments, right?

47 MEMBER MILLER: I do, and more  
48 than one, I am afraid to say.

1           Just to kind of back up more  
2 generally, looking at the western population,  
3 we have a new assessment. There is not very  
4 much change from the 2010 assessment. So, we  
5 are still at a historically-low level in the  
6 western population.

7           Looking at targeting protection on  
8 the western population to result in western  
9 rebuilding versus just western fishery  
10 increases, we have seen some new data. There  
11 was a new otolith study that found that only  
12 28 percent of the fish caught in the Mid-  
13 Atlantic Bight area are western fish. So, as  
14 far as looking at the percentage, about how to  
15 protect western bluefin, looking at your slide  
16 19, that 53 percent of the bluefin encounters  
17 are in the Mid-Atlantic Bight, well, if you  
18 consider that only 28 percent of those,  
19 roughly, are western fish, then the importance  
20 of the Gulf of Mexico really comes out.  
21 Because, yes, it is 14 percent versus 53  
22 percent or 18 percent for the NEC. Those 14  
23 percent are all western fish.

24           And so, that is where the  
25 importance of the Gulf of Mexico really comes  
26 out. It is something that ICCAT recognized  
27 back in the early eighties when they banned  
28 directed fishing there. It is something that  
29 continues to be highlighted. Electronic  
30 tagging is suggested, that longline-caught  
31 fish in the Gulf of Mexico have a higher  
32 relative mortality both upon haul-back and  
33 post-release.

34           So, again, the Gulf of Mexico,  
35 limiting longline interactions there is really  
36 important, which is why we continue to call  
37 for a closure, a year-around closure to the  
38 longline fishery there, to not just target  
39 protection on the spawning bluefin, again, the  
40 only known spawning ground for western  
41 bluefin, but also protection for other  
42 species, billfish, sharks, sea turtles, and  
43 others.

44           With the idea of alternative  
45 gears, yes, I don't think anyone in this room  
46 would say that a greenstick can replace a  
47 longline vessel as far as productivity on a  
48 one-to-one basis, but through Amendment 8 we

1 have -- well, greenstick permits are  
2 available, but through Amendment 8 we have the  
3 option to allow additional permits for buoy  
4 gear vessels and, in that way, actually create  
5 jobs.

6 We have heard from longliners in  
7 the Gulf of Mexico that are interested in  
8 alternative gears and potentially  
9 transitioning. For those who are not  
10 interested in alternative gears, we have had  
11 others that have been very interested in a  
12 buyout. And there is a proposal being  
13 considered for the oil spill NRDA funding that  
14 could pay for that buyout. So, that is one  
15 alternative.

16 But through the alternative gears,  
17 you can keep the fish coming across the docks,  
18 which is, of course, important for the shore-  
19 side businesses, the dealers, the ice, bait,  
20 you name it, fuel.

21 So, really, just emphasizing the  
22 importance of the closure idea year-around in  
23 the Gulf of Mexico. We have had issues with  
24 longline dead discards for years, it seems  
25 like. As long as I have been coming to these  
26 meetings, that has been a recurrent trend in  
27 our conversations. So, now is an opportunity  
28 to address that in the Gulf of Mexico, and  
29 then in the Atlantic to look at the bycatch  
30 caps there.

31 I think it is up to the industry  
32 to decide whether it is bycatch caps on a  
33 fleetwide basis, regional basis, individual.  
34 I think that is up to the industry how they  
35 would want to do that. But, in general, to  
36 operate a bycatch-cap-type of program, you  
37 need high observer coverage, as close to 100  
38 percent as possible, whether that would be  
39 human observers or electronic observers. I  
40 think both are worth exploring. But you need  
41 to make sure that there is compliance with  
42 that cap, and that there isn't underreporting.

43 In order to do that, we would  
44 suggest 100-percent retention of all bluefin  
45 caught, whether live or dead, because the idea  
46 is to reduce not just dead discards, but post-  
47 release mortality of fish that are released.

48 Along those lines, 100-percent

1 retention down to the ICCAT minimum size of 47  
2 inches. So, not to tinker with the minimum  
3 size in other categories, but for the longline  
4 category to allow them to retain the fish down  
5 to 47 inches.

6 Of course, if you do that, the  
7 target catch requirements are no longer  
8 needed. So, there is no longer a compliance  
9 concern there with the target catch  
10 requirements.

11 Looking at the quota for the  
12 Longline Category, I don't think there is  
13 sufficient support to change the 8.1-percent  
14 baseline allocation at this point. There is  
15 not the justification to do that. But I think  
16 there is a call for flexibility and quota  
17 trading among categories, particularly with  
18 the Purse Seine Category. It seems like that  
19 would be a viable alternative to direct some  
20 additional quota either among the longline  
21 vessels themselves, if an individual cap were  
22 implemented, but also among categories, if the  
23 Longline Category needs additional quota  
24 beyond their 8.1-percent baseline.

25 Again, looking at quota  
26 limitations in the Longline Category, by  
27 closing the Gulf of Mexico, you are basically  
28 redirecting 100 metric tons of quota to the  
29 Atlantic longline fishery. So, that should  
30 account for a lot of the quota limitation  
31 right there.

32 So, thank you.

33 CHAIR McCREARY: Thank you, Shana.

34 I am going to the folks that have  
35 not spoken yet. I have Ellen, Rick Weber, and  
36 Gerry. And then, we will go back to Rich,  
37 Terri, and Mark.

38 Ellen?

39 MEMBER PEEL: I have a question.  
40 I believe I recall correctly in the scoping  
41 document that, if it is elected or decided to  
42 go with an individual cap quota or bycatch  
43 cap, that it will be a catch share. Will you  
44 be setting up an actual ITQ system for that?  
45 But if it went regionwide, that it would not  
46 be? Is that accurate?

47 MR. McHALE: Yes, Ellen, that is  
48 exactly accurate. How it is portrayed in the

1 scoping document is that, if the preferred  
2 alternative was to move forward with an  
3 individual, somehow there needs to be an  
4 allocation scheme that leads to those. In a  
5 regional base, we would have to look at that  
6 as well, depending on which one, if either,  
7 were moved forward on it.

8 CHAIR McCREARY: Thanks, Ellen.  
9 Rick?

10 MEMBER WEBER: I didn't mean to,  
11 but I am picking right up where Ellen just  
12 left off there, because I was thinking about  
13 the regional quota as well.

14 The industry all tells us they  
15 don't want to catch the bluefin. But, on page  
16 56 of the document that you have, one of the  
17 negative effects of a regional quota could be  
18 derby fishing, as if they are all going to  
19 rush in and take advantage of the regional  
20 quota. I don't know. We don't have to go all  
21 back and forth. It is just an inconsistency  
22 in my mind.

23 Going back to yesterday, and in  
24 trying to look ahead, as Margo likes us to,  
25 the Coast Guard was talking about these  
26 inspections. There were questions being asked  
27 around the table if everyone who sold fish was  
28 then a commercial boat and subject to these  
29 inspections.

30 Currently, the CHB, they are all  
31 able to sell fish. Whether they all do or not  
32 is a different question. What I would  
33 propose, then, to not take anything away from  
34 those who can and wish to, is to remove the  
35 sale privilege from the CHB, but to allow them  
36 to stack a GC on top of it. That way, those  
37 who are in the charter industry who have no  
38 interest in selling don't have to go through  
39 it, and those that do can pick up a GC  
40 separately and get into that themselves.

41 I don't own a charter/headboat. I  
42 have probably just thrown out something that  
43 could cause lots of comments. I don't know  
44 that it needs to be -- I am just trying to  
45 think ahead for you guys, because I would  
46 expect that there is a bunch -- if they start  
47 doing all those inspections, there is going to  
48 be a bunch of people who say, "But I don't

1 sell." So, you may as well give yourself the  
2 opportunity to address that in the future.

3 CHAIR McCREARY: Thank you.

4 MS. SCHULZE-HAUGEN: Yes, the one  
5 problem with that is that that deadline is  
6 less than a month away. So, we don't have the  
7 ability to change rules that fast.

8 CHAIR McCREARY: But a good  
9 thought about being proactive, Rick.

10 Gerry?

11 MEMBER LEAPE: Thanks.

12 First of all, I want to thank NMFS  
13 for the document. I think there is a nice  
14 suite of options here to try to address the  
15 problem that has been plaguing us, which is to  
16 try to end or at least significantly reduce  
17 the dead discards by the pelagic longline  
18 fleet.

19 I want to support some comments  
20 from Shana about closure in the Gulf of  
21 Mexico. We think that is a good idea and,  
22 also, for reasons of protecting the 14 percent  
23 that are western fish and, also, the  
24 importance of its being a spawning area.

25 We also believe that the bycatch  
26 caps in the Atlantic are important. If you go  
27 towards the individual caps, we have some  
28 concerns. Some have been mentioned, the need  
29 for very close monitoring. We do have some  
30 concerns about trading, because in the  
31 experience we have had with individual quotas,  
32 if you will, you run the risk of, instead of  
33 addressing the problem -- and as we heard this  
34 morning, it may be a small number of boats  
35 that are responsible for a large percentage of  
36 the problem. From our perspective, you don't  
37 want to institutionalize their ability to  
38 continue business as usual. We want to try to  
39 address the problem.

40 If there are accidents, then maybe  
41 we can figure out a way to accommodate that.  
42 But if it is something else, we would like a  
43 more aggressive approach at addressing the  
44 problem, if it honestly is a few boats having  
45 the majority part of the problem.

46 We also need to continue to get  
47 smarter about post-release mortality. We  
48 talked about interactions and the number of

1 interactions, but we really don't have a clear  
2 idea. We need a clearer idea of how many of  
3 those end up being dead fish. One way is  
4 forced retention of all and not allowing any  
5 release.

6 But another point that is later in  
7 the document that we have some concerns is  
8 another first-tier measure, which suggests the  
9 allowance for a trophy fishery in the Gulf.  
10 In our opinion, that is counter to the  
11 objectives of this amendment. It is also, in  
12 our opinion, counter to the ICCAT prohibition  
13 on a directed fishery in the Gulf. And so, we  
14 would have really strong reservations about  
15 that going forward.

16 Thank you.

17 CHAIR McCREARY: Thank you.

18 Brad, go ahead.

19 MR. McHALE: Yes, thank you,  
20 Gerry.

21 Just regarding that last point  
22 there, there currently, and has been  
23 historically, an allowed incidental retention  
24 of giant bluefin tuna in the Gulf of Mexico  
25 when fishing for other species. So, that is  
26 nothing new that is being put forward in this  
27 document. That exists currently.

28 The difference of the current  
29 situation versus what is being presented in  
30 this document is how that incidental trophy  
31 fishery is managed geographically, and where  
32 some of the north/south lines are drawn. And  
33 does that give fishermen up and down the  
34 Atlantic Coast as well as those fishing in the  
35 Gulf of Mexico fair and equitable  
36 opportunities to keep those incidentally-  
37 caught fish?

38 So, by the look, and we don't  
39 necessarily have to get into the details, we  
40 could do this offline, but it is kind of where  
41 lines are drawn in the ocean, is really what  
42 this measure is getting at. But, right now,  
43 if quota is available in that trophy south  
44 fishery, fish could be landed in the Gulf of  
45 Mexico when caught, fishing for, say,  
46 yellowfin or swordfish.

47 MEMBER LEAPE: Yes, why don't we  
48 talk further about this offline? Thanks.

1 CHAIR McCREARY: Yes, let's do  
2 that.

3 All right. So, the folks that are  
4 still wanting to speak have spoken already. I  
5 just want to flag that we do want to adjourn  
6 at noon. We have got about 20 minutes or so.

7 If there are other folks that want to weigh-  
8 in and have not, put your cards up. But I am  
9 going to go back to Rich, Terri, and Mark.

10 Rich?

11 MEMBER RUAIS: Okay. I have  
12 several quick points to make, and I am going  
13 to jump around a little bit. But I will start  
14 with Shana's comments. I thought they were  
15 very good, particularly the comment about the  
16 Mid-Atlantic Bight being maybe less important  
17 than the Gulf of Mexico because of the  
18 concentration of eastern fish. That is the  
19 hope we all have when the mixing-models  
20 finally come about, that we can really do a  
21 lot more of that targeting all the way around,  
22 including, for example, at the ICCAT level  
23 stopping some of the charades that go on where  
24 Mexico gets 75 to 90 metric tons simply to  
25 trade, and trade to Canada for the PEI  
26 fishery, which might have a particular impact  
27 upon the western land bluefin. So, I support  
28 you on that.

29 I didn't necessarily support you  
30 putting the wet blanket on the increase in the  
31 indices on the Western Atlantic and Eastern  
32 Atlantic this year because, for some of us,  
33 they were substantial. But, nonetheless, that  
34 was good.

35 With regard to Terri's comments,  
36 there were a lot of things that she said that  
37 we did agree to, that I think we could agree  
38 to. One of the things I would ask for, if it  
39 is possible, if there is a way to get a fast  
40 check on -- she made a very significant  
41 comment that she heard we were dealing with a  
42 universe of 85 vessels, not 116. That is a  
43 pretty significant 30-percent gap. I mean, if  
44 we thought we were dealing with that lower  
45 number, then that really ought to be taken  
46 into account.

47 Her second comment, or one of her  
48 other comments, about PLL being able to fish

1 in the General Category, we would be  
2 interested in considering that. There is not  
3 a problem. It is an open-access category.

4 Another point that Shana made was  
5 that she didn't really want to see an increase  
6 in the 8.1-percent base. We are viewing it as  
7 the same way as well. We know we need to  
8 address the discard problem, making them  
9 landings, but we see it on an annual basis  
10 where you are leasing or buying the fish for a  
11 year. That fixes your problem for that year,  
12 and then at the end of that year your share  
13 for that year, obviously, de facto was higher  
14 than the 8.1 percent. But, at January 1,  
15 reverts, but the historical shares, in other  
16 words, have not changed. But, again, you have  
17 that flexibility in that following year to do  
18 that.

19 The reason for that I think is  
20 really mutually beneficial. I mean, none of  
21 us can predict exactly how the fishery is  
22 going to go each year. You might find times  
23 when you don't want to buy a whole bunch of  
24 fish. If you already bought it permanently,  
25 it is sad for you, and in our case we might  
26 find years when we want to see some quota come  
27 our way. So, it is back in the historical  
28 categories.

29 I will still mention that -- and I  
30 will do this in writing one last time for the  
31 staff -- that the history doesn't start in  
32 1983 for bluefin tuna. It starts in 1960-62  
33 in terms of looking at catch shares,  
34 performance, and quotas actually started in  
35 1974. So, even though the FMP may have used  
36 1983 to 1991 as the base, the base is a  
37 reflection of the 20-plus years of performance  
38 in a relatively-unregulated state.

39 You used the state of 1983 to 1991  
40 that was regulated. We had quotas then. So,  
41 you simply mirrored them pretty much. That  
42 wasn't doing an injustice to the longline  
43 fleet. The fact was that for 23 years they  
44 caught 17 or 18 percent -- or I'm sorry -- 17  
45 or 18 metric tons a year of bluefin tuna.  
46 They were a directed swordfish fishery because  
47 the value was much higher. They didn't want  
48 to even sacrifice hold space to hold the

1 bluefin tuna because swordfish were 3-4 bucks  
2 a pound and bluefin wasn't worthy anything.

3 So, the development of the fishery  
4 was where the purse seine is, the rod and reel  
5 is, and the Harpoon Categories, and it is  
6 reflected in the quotas throughout the  
7 history. There is no reason to change it  
8 right now because, all of a sudden, they have  
9 got a higher interaction rate. Well, we know  
10 we need to recognize that, but it is not a  
11 reason to change the historical allocations at  
12 this point in time.

13 I wanted to make a quick point  
14 about Scott's point. The reason why we are so  
15 concerned about the Longline Category overages  
16 right now is in the Blue Water document it  
17 mentions they really need 291 metric tons, a  
18 minimum of 291 metric tons in their permanent  
19 allocation slot. That would effectively take  
20 them from the second-lowest category in the  
21 pie chart to the second-highest category in  
22 the pie chart, all because they have had this  
23 discard bycatch. I will call it a bycatch  
24 problem first, and then, ultimately, the  
25 quotas make them discard it.

26 But we don't think that is reason  
27 to hurt other users, because, all of a sudden,  
28 that fishery has particularly increased, to  
29 all of a sudden take 30 years or 40 years of  
30 history from other fisheries and say, "You now  
31 have to pay a price because of this."

32 So, that's good. I will stop  
33 there.

34 CHAIR McCREARY: Margo?

35 MS. SCHULZE-HAUGEN: So, I am  
36 happy to check on the numbers of active  
37 vessels. One thing to bear in mind, though,  
38 is that the universe of permitted vessels is  
39 always -- the potential universe that could be  
40 fishing and who actually ends up fishing is  
41 not something that we predict or control.

42 So, point taken. A much smaller  
43 universe of people actually fishing the active  
44 vessels, but we do need to keep in mind that  
45 that number can change up or down really at  
46 anytime.

47 MEMBER RUAIS: If I could just  
48 reply to that, I appreciate that, and I think

1 that is very important.

2 The last point I did want to slip  
3 in was that, if we really are serious about  
4 opening this issue up for sale or transfers,  
5 whatever you want to call them, from one  
6 category to the other, I would suggest that  
7 the agreement we reached about a small shark  
8 committee getting together sometime between  
9 APs, if you really want to keep on the time  
10 schedule you are, because there is a multitude  
11 of issues and decisions that have to be made,  
12 obviously, you guys know when you establish  
13 this kind of a program of sharing and sales  
14 and in terms of monitoring and getting it all  
15 done right.

16 Obviously, the Purse Seine  
17 Category would need representation, the  
18 Longline Category, and us on behalf of the  
19 General and Harpoon Category. We need to be  
20 represented to work out some of those finer  
21 details.

22 So, we hope you are serious. I'm  
23 sorry. I hope you are serious about it. I  
24 don't know yet if ABTA is serious about it.  
25 We will find that out when we have a meeting.

26 But, anyway, I will leave it right  
27 there. Thank you.

28 CHAIR McCREARY: Thank you, Rich.

29 All right. I have Terri, Mark --  
30 Jason, you put your card back up again? And,  
31 Rom, do you have another comment? No, you  
32 don't? All right. So, Terri, Mark, Jason,  
33 and then we will go to break.

34 MEMBER BEIDEMAN: Okay, let's see.

35 Just a point, I guess, in light of a few  
36 recent comments that are seemingly  
37 characterizing the opinions of this panel as  
38 having no support for changing the  
39 allocations.

40 I would take great exception to  
41 that. I don't believe that there are many  
42 around the table who support the concept of  
43 adjusting these percentage shares based on  
44 current data. Sticking with what worked 30  
45 years ago is not a manner of punishment. We  
46 all have to move forward in our lives. This  
47 is not all of a sudden that you are aware of  
48 what we are catching. It is not all of a

1 sudden. It has been in the data. It has been  
2 reported to ICCAT. It has been included in  
3 stock assessments. So, it should have been  
4 included in the quota split when this was made  
5 into the statute. It was not, but it should  
6 have been.

7 But it is not new. It has been  
8 well-known, well-documented, and I would say I  
9 know there are several people around the table  
10 who are in support of changing, not taking the  
11 whole quota, not having the directed fishery;  
12 just having a sporting chance at trying to  
13 survive as what we believe is a very good,  
14 healthy, beneficial fishery for the United  
15 States.

16 So, I just wanted to kind of  
17 refute that. I, for one, am at least one at  
18 the table who would like to see consideration  
19 of reallocation. I am not trying to hurt  
20 anybody. We just have to try to figure out  
21 how to fit all the toes in the shoe. This is  
22 a U.S. quota designed to cover U.S. fishermen  
23 in the Atlantic and the Gulf of Mexico, and  
24 that is what it is for.

25 So, on the note of the Gulf of  
26 Mexico, I have to say I put in a call to Sandy  
27 Nguyen, who is under water from the recent  
28 Isaac thing. I am sure she would love to be  
29 here while there is all this long conversation  
30 about trying to close down the Gulf of Mexico.

31 They already have the weak hook  
32 implementation. We are looking at the results  
33 of it. It looks like at least a minimum of 46  
34 percent at least at this point.

35 But there are very few  
36 interactions after July. The data shows that  
37 very clearly. So, the reason to impose that  
38 regulation year-around I don't believe is  
39 justified. But we do not oppose surgically,  
40 strategically-placed closures during spawning  
41 areas, in recognition of the time that those  
42 fish are just perhaps a little more  
43 vulnerable.

44 And the point was raised by Jason,  
45 I think, that if a giant is dead, and there  
46 might be a little more vulnerability in the  
47 Gulf of Mexico, but it is my understanding  
48 that most of the giants being caught along the

1 coast are also of western origin, and they  
2 won't spawn again, either. So, a dead giant  
3 is dead and it won't spawn again.

4 We would like to see, if you are  
5 going to make a closed area, again, to be able  
6 to do it within a frameworking process, so we  
7 do not have to wait until we have a full-blown  
8 amendment process to try to tailor things to  
9 current circumstances on the water. Because  
10 we know everything is dynamic, and these fish  
11 are migratory. When we put boxes in, they  
12 might work; they might not. They might cause  
13 more problem. So, I think that if we can do  
14 without a plan amendment that would be good.

15 As far as closing the Gulf year-  
16 around, I would say, unless they get a buyout,  
17 that it is extremely unfair to just summarily  
18 remove them from the fisheries. They are very  
19 important, yellowfin tuna fisheries, in  
20 communities down there that depend on year-  
21 around fishing.

22 There is no reason to just  
23 summarily dismiss, and nobody else is getting  
24 put on the block for total closure. I don't  
25 think they should have to, either,  
26 particularly with regard to if the premise is  
27 to protect spawning bluefin. After July,  
28 there aren't many spawning bluefin in the  
29 Gulf.

30 If you are going to reduce the  
31 bluefin minimum size in one category, you  
32 should reduce them for all, particularly  
33 commercial, because in the marketplace it is  
34 going to create a huge problem for the  
35 dealers, for enforcement. So, to have one  
36 category have it and another one not have it,  
37 I don't think it is reasonable.

38 I really think that if you are  
39 going to discard dead discards, you are going  
40 to deduct them from one category, you have to  
41 find a way to do it from all the categories.  
42 That is really only fair.

43 Now the fact that pelagic longline  
44 has the vast majority of the data on the table  
45 makes it kind of easy for us to be the target.

46 But there has been discussion in all the  
47 documents for the past 15 years that they  
48 don't have sufficient information to estimate,

1 but it is time to get that information because  
2 setting a proxy at zero that everyone at this  
3 table knows is not true, is also -- you know,  
4 that should only last for one year. No more  
5 than one year should that be acceptable.

6 All you need to make estimates is  
7 the data from the previous year that is  
8 statistically-significant to be utilized and  
9 effort data from the current year or previous  
10 year. And there you have an estimate. I  
11 mean, they have been doing it for us for 20  
12 years, but they don't use 20 years' worth of  
13 data to get our estimate. They use last  
14 year's data. That is all they need.

15 CHAIR McCREARY: Do you have a few  
16 more points, Terri, because we are trying to  
17 catch up --

18 MEMBER BEIDEMAN: I do. I do.  
19 I'm moving.

20 CHAIR McCREARY: You're moving,  
21 all right.

22 MEMBER BEIDEMAN: So, what level  
23 of reporting and monitoring have you  
24 determined is sufficient to monitor the other  
25 categories? You say what there is isn't  
26 sufficient to monitor us. What level for the  
27 other categories is?

28 Let's see, redistribution of  
29 quota. Oh, I wanted to ask you a question  
30 about that 68 metric tons. You know, I am a  
31 little bit familiar with that genesis. I  
32 don't understand the basis for the  
33 resurrection of this number, which was from  
34 1998. I know where it came from. But it was  
35 derived from logbooks back then, what we  
36 reported to ICCAT.

37 And since then, all those numbers  
38 have been revised. So, what are the  
39 equivalency numbers to those right now? Is  
40 there really any scientific basis for this?

41 I think enhanced reporting should  
42 be implemented for everybody. I don't know  
43 about automated landings reporting. We have  
44 some difficulty with compliance. As you  
45 indicate, regardless of how a program will be  
46 implemented, verification of data collected  
47 would be key to success. So, how would you do  
48 that?

1 I think you should expand the  
2 large pelagic survey to cover Maryland and  
3 North Carolina, very important states, lots of  
4 catches of bluefin.

5 And using bluefin revenue to fund  
6 observers and research should not be confined  
7 just to the Pelagic Longline Category.

8 A year-around kind of being able  
9 to track where the fish are by subdividing the  
10 quota more equally and covering catches  
11 throughout the year could be helpful for  
12 avoidance. It could be useful for an index.  
13 Lots of things you could do with that.

14 So, anyway, it isn't important  
15 where the fish used to be. It is only  
16 important where they are now. So, it could be  
17 adjusted through the specifications. Nothing  
18 is set in stone.

19 This is an important fishery.  
20 Pelagic longline fishing has provided a lot of  
21 data to slice and dice, but we catch more than  
22 100 food fish for every bluefin we encounter,  
23 and not all the ones we encounter are dead.  
24 That is something you need to know when you  
25 look at this. A fairly decent percentage are  
26 still alive.

27 So, anyway, that is enough, I  
28 guess, for now.

29 CHAIR McCREARY: Thank you very  
30 much, Terri.

31 MR. McHALE: Yes, Terri, just to  
32 the point regarding where or why that 68-  
33 metric-ton number has shown up, the thought  
34 process there is, when we formally established  
35 the allocation percentages, and at that time  
36 those percentages were to account for  
37 landings, there was an ICCAT recommendation on  
38 the books that allowed for a Western Atlantic  
39 dead discard allowance, of which the United  
40 States portion was 68 metric tons.

41 I know I am talking to an  
42 authority as far as the history here, but the  
43 intent behind that is, if we were to go back  
44 and start to address landings versus catch,  
45 what was available at that given time as far  
46 as quota when those percentages were  
47 established? A missing piece of that is that  
48 68-metric-ton amount.

1                   MEMBER BEIDEMAN:        But those  
2 numbers have also been revised since then.  
3 So, what they were using at the time was  
4 straight off of the logbooks. Since then,  
5 they have come up with the new raising and  
6 pooling that has been essentially blessed by  
7 ICCAT in terms of an estimation. So, whatever  
8 those numbers are perhaps might be the ones  
9 that you ought to be looking at. And I don't  
10 know what they are because I forget the years.  
11 But I can find it out.

12                   CHAIR McCREARY:    Okay. Thanks.  
13 Margo?

14                   MS. SCHULZE-HAUGEN:   Yes. No, we  
15 have those numbers. I think the idea was to  
16 go back to the same point in time and see what  
17 was used.

18                                So, I have two things. On the  
19 number of active vessels, I have the number of  
20 vessels that report at least one set in the  
21 logbook over the last several years, has  
22 ranged from 116 in 2011, a low of 101 in 2006,  
23 and in 2008 it was 121. So, it bounces around  
24 a bit. I don't know where 85 comes from, but  
25 this is what has been reported.

26                                So, I think the point being the  
27 permitted universe is one that we also need to  
28 keep in mind because the number of active  
29 vessels varies.

30                                Go ahead. I have one further  
31 point.

32                   CHAIR McCREARY:    Terri?

33                   MEMBER BEIDEMAN:    Just on that  
34 issue, at the Take Reduction Team we had Ken  
35 Keene, who is the head of the Pelagic Observer  
36 Program. We were discussing very carefully  
37 the observer program and how it has been  
38 working out. He specifically cited that there  
39 were 85 active, because he has to do the  
40 juggling of trying to cover everybody and make  
41 sure that there is sufficient coverage on each  
42 of the boats.

43                                And he said there's a couple that  
44 are too small or unable to accommodate, but  
45 that there are 85 active vessels in the  
46 Pelagic Observer Program currently. That is  
47 what he said last month.

48                   MS. SCHULZE-HAUGEN:   Yes, and 116

1 reported at least one set.

2 So, the other point that I wanted  
3 to make is, regardless of whether authority to  
4 do time/area closures is framework or FMP  
5 amendment, the individual analysis, if it is  
6 significant under the context of NEPA, may  
7 require an EIS, which is the longer rulemaking  
8 process, regardless of whether we have  
9 framework authority or not. So, just bear  
10 that in mind as well. They are not always  
11 easily changed.

12 CHAIR McCREARY: Okay. We have  
13 three more people that want to speak. I would  
14 ask you to be concise because we do want to go  
15 to lunch and then be back for Sam Rauch at  
16 1:30. So, I have Mark, Jason, and John.

17 Mark?

18 MEMBER TWINAM: On the catch  
19 shares, the time when they decide to --  
20 whatever time period they used, I don't know  
21 how they decided it, but in the Gulf of Mexico  
22 grouper and the red snapper fishery they  
23 didn't go back to the beginning of time or  
24 anything. In the red grouper fishery they  
25 picked four later years in the late nineties.

26 I don't know what picked them. There are  
27 winners or losers, depending on what you were  
28 doing. There's a lot of losers that were  
29 shark fishing during those years, and they  
30 didn't get their share of the quota. So, it  
31 is not set in stone how far back you go.

32 Could you go to page 39?

33 CHAIR McCREARY: Get close to your  
34 microphone, please.

35 MEMBER TWINAM: The light green  
36 slash there -- it is about the same size as  
37 the harpoon -- that is the longline. Can you  
38 see that in there?

39 In 2002, 1800 metric tons of fish  
40 are caught. I don't know how many metric tons  
41 that is of longline fish, 100; including  
42 discards, 200 or something. It is a pretty  
43 small piece.

44 A lot of this document, there are  
45 30 pages of how to regulate that little piece  
46 right there. All those other fish in there  
47 won't be spawning next year or they are caught  
48 and eaten, too.

1                   So, I just want to show how much  
2 is focused on that little slice of fish there  
3 in the document.

4                   CHAIR McCREARY: Thank you.

5                   MR. McHALE: Also, I want to make  
6 note that this table here specifically shows  
7 landings, where a lot of the other tables  
8 within the document get at whether it be  
9 interactions. And so, your point is well-  
10 taken, but just I wanted that specifically to  
11 be highlighted.

12                  MEMBER TWINAM: What would you  
13 estimate -- including the dead discards, that  
14 doubles that, doesn't it?

15                  MR. McHALE: I would have to go  
16 back and look and see what the estimate was  
17 for 2002, but we could do that --

18                  MEMBER TWINAM: I don't  
19 particularly care --

20                  CHAIR McCREARY: Let's take this  
21 up offline.

22                  MEMBER TWINAM: I don't  
23 particularly care about any particular year,  
24 but it generally I think would double it or  
25 less. That is what I think.

26                  CHAIR McCREARY: All right.

27                  MEMBER TWINAM: On that, could you  
28 go to page 40, also? Go down to table 9.  
29 Table 9 on page 40.

30                  CHAIR McCREARY: Mark, can you  
31 just make your point without referring to the  
32 table? We are trying to roll to break.

33                  MEMBER TWINAM: Yes. The longline  
34 dead discards in italics, I don't know why  
35 that is so irritating to me, but it is like  
36 you are trying to bring it out and rub it in.  
37 Really, that should be National Marine  
38 Fisheries dead discards because we would be  
39 glad to sell every one of those fish.

40                  And on page 42, let's scroll  
41 there. The Gulf of Mexico fish is the top  
42 little "T" on there. You can't even see it  
43 from here. You can see it on your computer  
44 probably.

45                  But the Gulf of Mexico is the top.  
46 The green up there is the South Atlantic.  
47 The Gulf of Mexico is even top of that. That  
48 is the fish we are talking about. If we are

1 going to shut down the Gulf of Mexico, we are  
2 going to shut down those fish. And again, you  
3 could double those. But all those other fish  
4 there won't be spawning next year, either.

5 I think you can see the majority  
6 of the fish are from the Northeast. So, as  
7 far as trophy fish in the Gulf of Mexico, for  
8 Louisiana to go out there and catch a few  
9 bluefin, I don't see why that would be such a  
10 bad idea.

11 And I'm ready for lunch.

12 (Laughter.)

13 CHAIR McCREARY: Thanks, Mark.

14 All right. Actually, it looks  
15 like we have both the Jasons who want to speak  
16 briefly, and then John. Please be concise.

17 Jason?

18 MEMBER SCHRATWIESER: I will be  
19 really brief. I just want to touch on  
20 something that Shana brought up.

21 Even though we know there is some  
22 seasonality when bluefin are in the Gulf of  
23 Mexico, and there may be a way to play with  
24 that for seasonal closures, I want to point  
25 out that blue and white marlin, which get  
26 relatively little attention here at this HMS  
27 Panel, are a very high bycatch species in the  
28 Gulf of Mexico throughout the year. I think  
29 that a year-long closure for pelagic longline  
30 gear would have really tangible benefits to  
31 these two species that are in bad shape and  
32 are very important recreationally.

33 CHAIR McCREARY: Thank you.

34 Jason?

35 MEMBER ADRIANCE: Yes, just a  
36 quick comment. Since otolith microchemistry  
37 was brought up, I would just give my opinion  
38 that those data should be taken with a shaker  
39 of salt. Otolith microchemistry is not the  
40 best, and I would hope to distinguish eastern  
41 and western along the Mid-Atlantic Bight, that  
42 other methods be utilized as well.

43 CHAIR McCREARY: Thank you.

44 John?

45 MEMBER JOLLEY: Yes, I would like  
46 in the future to see us spend a little more  
47 time on sailfish, blue marlin, and white  
48 marlin, following Jason's recommendation.

1                   Two questions.     Is there any  
2 information on the average length of the line  
3 being fished in the Gulf of Mexico and the  
4 number of vessels that actually are longlining  
5 in the Gulf of Mexico?

6                   And I would also be interested in  
7 the percent breakdown of those vessels that  
8 are targeting tuna versus swordfish.

9                   MS. SCHULZE-HAUGEN: I mean, we  
10 have that information. I don't think we have  
11 prepared in an easy way to display at this  
12 point. But we can look into that.

13                  CHAIR McCREARY: All right. So,  
14 Margo, we have had a pretty robust discussion.

15 Do you have any final advice to members of  
16 the panel about any other feedback that you  
17 want in writing beyond what you have already  
18 suggested or shared today? Or are you happy  
19 with where the conversation stands?

20                  MS. SCHULZE-HAUGEN: No, I think  
21 this was a really good dialog. So, I would  
22 remind folks that we are going to be moving to  
23 proposed rulemaking. And so, we would ask for  
24 comments by the 20th of October, so a month.

25                  And what would be helpful is I  
26 think we talked a lot about different options  
27 and pros and cons of them. There is a lot of  
28 potential to put combinations together,  
29 suites, different terms people have used.

30                  And so, if you have specific  
31 suggestions, and a few of them I think were  
32 brought out in this discussion. But,  
33 particularly in the written comments, if there  
34 are combinations of measures that you think  
35 would work well together, I think that would  
36 be very helpful, because I don't think we are  
37 seeing this as a one-size-fits-all kind of  
38 approach. So, that would be maybe something  
39 for folks to think about and submit in  
40 writing.

41                  But, no, I really appreciate the  
42 open discussion. That was very good.

43                  CHAIR McCREARY: And apparently,  
44 Sean and Ellen have 10 seconds each they want  
45 to share.

46                  MEMBER McKEON: Thank you. I  
47 appreciate it.

48                  Sorry. It is really going to be

1 brief. I know there are a lot of folks who  
2 want to speak in public comment on this  
3 subject. So, we are going to be take those  
4 comments into consideration as well, I'm sure,  
5 right?  
6 CHAIR McCREARY: We will, yes.  
7 Absolutely.  
8 MEMBER McKEON: Perfect. Thank  
9 you.  
10 CHAIR McCREARY: Ellen?  
11 MEMBER PEEL: I just want to  
12 reiterate the importance in whatever measures  
13 we go with, or you go with, that we do  
14 maximize the landings in order to meet the  
15 ICCAT quota. We do not want to see the U.S.  
16 give away fish. And so, in the Gulf, if by  
17 removing the target catch of yellowfin, if  
18 that allows the longline to land the bluefin  
19 faster, if alternative gear is the  
20 alternative, then you should be able to reduce  
21 some of the billfish bycatch. But let's keep  
22 our eye on what we decide or what is decided  
23 here impacts the whole United States and all  
24 of our fisheries.  
25 CHAIR McCREARY: Very good. Thank  
26 you.  
27 So, Margo, we are slated to be  
28 back at 1:30. We are running a little late.  
29 So, please be quick about lunch.  
30 We will hear from Sam when we  
31 reconvene.  
32 (Whereupon, the foregoing matter  
33 went off the record for lunch at 12:12 p.m.  
34 and went back on the record at 1:33 p.m.)  
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A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

1:33 p.m.

CHAIR McCREARY: Good afternoon,  
everyone.

Those of you in the back, if you  
could focus your attention up this way? Thank  
you.

So, this afternoon Sam Rauch is  
here, and he has some prepared remarks. He is  
prepared, also, to take questions from you.  
He has a bit of time. And so, let's give him  
the floor, and then we will see if you have  
any questions or follow-ups for him.

Sam?

MR. RAUCH: Thank you very much.  
It is my pleasure to be here yet again to  
address this group. Thank you for taking the  
time from your busy schedules to attend this  
meeting. Your advice is extremely important  
to us as we together consider the best way  
forward for highly migratory species  
management.

Before I talk specifically about  
HMS species and agendas, I wanted to give you  
a flavor of what I have been doing this week.  
We just issued yesterday the Fisheries of the  
United States Report. This is a report we put  
out every year which talks about national  
trends in fisheries and about individual  
species.

The news nationally is very good  
for species this year. We had a 17-year high  
in the number of fish landed, 10.1 billion  
pounds of seafood, and an all-time high in the  
value of that fish landing commercially, which  
is 5.3 billion. Those numbers are up  
significantly, and they are driven by many  
stocks around the country.

Not every commercial stock, as we  
are all well aware, are in such good shape.  
But it is a testament to the working  
relationship that we have with fishermen  
across the country in trying to set  
sustainable harvest standards and live by  
them. We could not have done that without the  
fishermen and the Councils and advisory groups  
like this to help us guide our way to what is  
achievable and what is not.

1           The recreational numbers are up  
2 slightly. They are not up as significantly as  
3 the commercial numbers. We had 10 million  
4 saltwater angler trips last year -- I'm sorry  
5 -- 10 million saltwater anglers, 69 million  
6 trips, landed 345 million fish. Sixty percent  
7 of those were released alive.

8           In terms of consumption, the  
9 United States per capita food consumption was  
10 down a little bit in terms of the amount of  
11 fish an average person eats, but still, given  
12 the various dynamics of imports and exports  
13 and population growth, we took over the second  
14 slot as the world's second leading consumer of  
15 fish, second only to China.

16           Ninety-one percent of the fish we  
17 eat comes from imports. Half of that is  
18 aquaculture. A significant portion of that is  
19 fish that we catch and we re-export. So, it  
20 is a very complicated question as to where our  
21 fish we catch goes and things like that.

22           So, I have been talking to  
23 reporters for the last several days about  
24 those numbers. I thought I would share them  
25 with you.

26           At a time when our fish production  
27 and the value of the fishing to the economy is  
28 at an all-time high, we are very much aware  
29 that there are parts of the industry, parts of  
30 the country, that are doing poorly, and the  
31 prospect for them is not good. And so, the  
32 fishermen made the sacrifice to get to this  
33 point. In many areas, there are still more  
34 sacrifices that need to be made, and I am  
35 trying to be respectful of that.

36           At the same time, we continue to  
37 talk with the Hill and the various committees  
38 -- even though they are going out of session  
39 today, the staff are still there -- about  
40 overall appropriations. This is something  
41 that always comes up in these meetings. And  
42 so, I thought I would touch on that, at least  
43 initially.

44           In the last two years, we have  
45 lost 11 percent of our budget. We were almost  
46 a billion-dollar agency two years ago. Our  
47 overall budget is in the \$800 million range,  
48 11 percent less.

1           It is an open question for any  
2 federal agency as to where our budget will be  
3 next year. Even without the sequestration  
4 debate as to whether that might or might not  
5 happen, the trend has been a declining budget  
6 for the Fishery Service. That may well  
7 continue. I think the people in this room are  
8 just as good about predicting where that might  
9 go as I am.

10           But let me say that we continue to  
11 talk with them. We continue to stress that it  
12 is important to focus on our core mission and  
13 to make sure that we continue to do that. It  
14 is helpful when we can demonstrate to the  
15 appropriators the kinds of numbers that I just  
16 opened with in terms of the value of fishing  
17 to the economy, as to the kinds of support we  
18 might hope to achieve.

19           Now on to this meeting. The  
20 breadth of this agenda for this meeting  
21 showcases many of the important issues facing  
22 highly migratory species. We are working  
23 simultaneously, as I am sure you are aware, on  
24 five amendments. It is an ambitious workload,  
25 as well as other rules to support, and there  
26 is a lot to be done.

27           I encourage you to use this  
28 meeting to help us define a way forward on  
29 many of those issues. I want you to know that  
30 we are dedicated to working with you on  
31 working through a lot of these issues. We  
32 very much value the input that we get from  
33 this group. We support this group for a  
34 reason. This group provides us invaluable  
35 input that we would not otherwise get for  
36 these kinds of fisheries.

37           One of the critical roles for this  
38 group is to help us find the measures that  
39 meet the requirements of the law in the way  
40 that has the least impact on the fishing  
41 industry. We are required to end overfishing  
42 and to rebuild overfished stocks. We all  
43 strive for a healthy fishery, a sustainable  
44 fishery, where the fishermen can have constant  
45 income year after year and where recreational  
46 fishermen can have access and opportunity that  
47 they can count on.

48           It has not been easy. It is not

1 easy to achieve those goals. Nationally, I  
2 think we have turned the corner into  
3 sustainable management. Those numbers I said  
4 at the beginning demonstrate that.

5 In detail here, I think there are  
6 some species where the management has paid  
7 off. Sandbar sharks is one. But others,  
8 there are still hard choices. Dusky sharks is  
9 one in which we have got more to do.

10 So, I think it is a mixed message.  
11 My hope is that the sacrifices we made, the  
12 time we put in here, will pay off, and the  
13 input that we get will help make sure that we  
14 have as much economic and recreational  
15 opportunity as we can while we meet those  
16 legal mandates.

17 I know today you are discussing or  
18 have discussed bluefin tuna management. These  
19 issues are very challenging. There is a lot  
20 of concern about dead discards and how we  
21 treat and account for those.

22 We have international obligations  
23 we need to meet in terms of accounting for  
24 those, and that has required us to take a more  
25 active approach to that. But we need to make  
26 sure we do it fairly and equitably. I know  
27 that you all share my concerns that we meet  
28 our international obligations in a fair and  
29 equitable manner domestically. And I look  
30 forward to hearing your suggestions, as you  
31 have already given them and as you continue to  
32 give them, on how we might do that.

33 As we continue the discussion on  
34 swordfish revitalization, bycatch is important  
35 there as well. It is something we need to  
36 deal with. We continue to face that together.

37 We have faced, and continue to face ever  
38 since I have been involved in this issue, how  
39 we can increase swordfish landing to reflect  
40 the health of the swordfish stock at the same  
41 time as deal with our bycatch issues in that.

42 That is a difficult issue. It has always  
43 been a difficult issue. It continues to be a  
44 difficult issue. I look forward to continuing  
45 to work with you on those issues.

46 Lastly, I know that you are  
47 looking at other additional management  
48 measures. We always need to be mindful that

1 there may be better ways to do things. Just  
2 because we did it in the past, it may not be  
3 the best way. There may be some way to  
4 achieve our objectives better. I know you  
5 have been discussing some of those, and I  
6 encourage you to treat those with an open  
7 mind, but also to give us constructive  
8 feedback about those things.

9 So, thank you again for taking the  
10 time. I always look forward to coming here  
11 periodically and discussing issues with you,  
12 whatever my title is.

13 I am not sure if I shared with you  
14 what my title was here. I will take a minute  
15 and give you my full title. I am the Deputy  
16 Assistant Administrator for Regulatory  
17 Programs, performing the functions and duties  
18 of the Assistant Administrator for Fisheries  
19 at NOAA. If you spell out NOAA, it is a  
20 little bit longer.

21 (Laughter.)

22 So, I am that right now. I am the  
23 senior career executive at the Fisheries  
24 Service, and at the moment I am serving in the  
25 political role as the head of the Fisheries.  
26 That will likely last through the election,  
27 and who knows what will happen after the  
28 election?

29 With that, I am happy to take any  
30 questions for as long as the moderator will  
31 allow.

32 CHAIR McCREARY: Thank you, Sam,  
33 and that is why I didn't say your full title,  
34 because I would not have gotten that right.

35 Does anyone have a question? Bob?

36 MEMBER HUETER: Thanks, Sam.  
37 Thanks for coming here today.

38 I just wanted to ask you a  
39 question about the budget, the NMFS budget.  
40 It is hard to understand a 10-percent or 11-  
41 percent, or whatever it is, shrinkage in the  
42 budget, especially when you look at other  
43 agencies like National Science Foundation,  
44 whose budget is doing quite well, even in  
45 these tough economic times. And I wondered  
46 what we can do to try to get the word to  
47 Congress that this is going in the wrong  
48 direction.

1                   As part of that question, I want  
2 to ask you, though, if you go back five or six  
3 years, earmarks, congressional earmarks, were  
4 still in vogue. Shark research benefitted  
5 from about \$1.5 million earmark every year  
6 that went to four different institutions.  
7 That went away when earmarks became a dirty  
8 word.

9                   So, I am just wondering, how much  
10 of that \$100 million or so that is now no  
11 longer in the NMFS budget, how much of that  
12 you do think was earmarks that is now no  
13 longer being passed through you, as opposed to  
14 cutting into your base budget?

15                   MR. RAUCH: I don't have an answer  
16 for that question. I know that some of it is.  
17 I know that some earmarks, some of the things  
18 that were traditionally earmarks we have  
19 included in the base budget, and we try to  
20 continue to use those, but not everything. I  
21 cannot tell you how much the things that were  
22 earmarked at one time have been cut, but some  
23 of them have.

24                   As to the broader question,  
25 overall, the NOAA budget is likely shrinking.  
26 The Congress in the last two years has  
27 appropriated less than the President has asked  
28 for. So, the President is asking for more  
29 funds than Congress has given us. I don't  
30 know what is going to happen this year.

31                   That reverses the trend for almost  
32 a decade. At least as long as I have figures,  
33 Congress provided more than the President  
34 asked for. And so, when the President started  
35 asking for what Congress was giving, Congress  
36 started giving less.

37                   I can't advise you on how you  
38 might express your views to Congress or not.  
39 There are larger budget issues at play in the  
40 U.S. economy. I do believe the budget of the  
41 National Marine Fisheries Service tips that  
42 scale one way or the other, but it is  
43 something that we are dealing with.

44                   We try to explain, no matter what  
45 the budget is, we have important functions  
46 that we need to carry on. We would not get  
47 the input from the economy that we have gotten  
48 from fishing without a strong science program,

1 without a strong regulatory program. It does  
2 pay off, but budget decisions Congress has to  
3 make, and I can't advise you more on that.

4 CHAIR McCREARY: Thanks, Bob.  
5 Rich?

6 MEMBER RUAIS: Thank you, Scott,  
7 and thank you, Sam, as well for coming here  
8 today.

9 I was first going to ask if you  
10 have developed an acronym for your new title,  
11 so that we can remember it quite easily. No?  
12 Okay.

13 (Laughter.)

14 An issue we hope to raise at the  
15 ICCAT Advisory Committee, and that I hope  
16 comes across your desk at some point in time  
17 this year, is something that happened a few  
18 years back at ICCAT with Mexico succeeding in  
19 getting U.S. quotas, bluefin tuna quota. It  
20 started off at -- I will make it a short  
21 story. They now have 95 metric tons of U.S.  
22 quota each year. Immediately, it is a  
23 transition. They basically give that quota to  
24 Canada.

25 And today, this Committee has been  
26 talking about how much better the mixing data  
27 is getting, that we are able to target-in on  
28 pockets of where some of the fish that are  
29 being caught in certain locations happen to be  
30 heavily more eastern-origin versus western-  
31 origin. And it is very clear, when Mexico has  
32 95 tons of quota that they give to Canada,  
33 that Canada is going to be catching mostly  
34 western-origin fish. That was our quota. So,  
35 we are actually put 94 tons to work directly  
36 on the Prince Edward Island fishery that  
37 contains Western Atlantic spawners.

38 So, we are hoping that our  
39 Commissioners will look at that area  
40 seriously, but I think they are also going to  
41 need some help from the State Department and  
42 the upper levels of Commerce to find out what  
43 kind of leverage we have to say to Mexico,  
44 "You aren't even using this quota. We are not  
45 sure why you asked for it, but you got in the  
46 box where you wanted to be on the piece of  
47 paper. And we want the quota back at this  
48 point in time."

1                   So, that is our hope, is to get  
2 something in front of you that you can help us  
3 with to develop that leverage and position.

4                   Thanks.

5                   MR. RAUCH: Well, I don't have an  
6 answer for whether we have any of that  
7 leverage or not. It is certainly something  
8 that we discuss with the State Department on  
9 an ongoing basis about what we can and cannot  
10 achieve through ICCAT. So, we will look at  
11 that issue.

12                  CHAIR McCREARY: Thank you, Rich.  
13 Let's go to Gerry.

14                  MEMBER LEAPE: Thanks. And  
15 thanks, Sam, for coming and for your report.

16                  My colleagues at Pew also  
17 appreciated a lot of the news that came out  
18 yesterday on fisheries of the United States.  
19 It has been nice to see those going in the  
20 right direction in terms of dealing with  
21 overfish and overfishing. And we are  
22 encouraged that it will continue to go the  
23 right way.

24                  In the last couple of days, we  
25 have also heard rumblings from the Hill on an  
26 issue we haven't discussed here, but does  
27 impact people here, which is the issue of  
28 illegal fishing. The International Fisheries  
29 Stewardship and Enforcement Act, which your  
30 office has been quite active on, and we  
31 appreciate that leadership, and it is  
32 something that we are very supportive on. We  
33 have heard rumblings that, actually, there is  
34 a chance it may move. I was wondering if you  
35 had heard anything with your talks up on the  
36 Hill similar to that.

37                  MR. RAUCH: Well, I think Congress  
38 is going out of session today. So, if they  
39 don't do it today, and I don't expect any  
40 action today, I don't think it would move  
41 until the post-election session.

42                  Many bills move in the post-  
43 election session. And so, it is somewhat  
44 depends on what the election will bear. I  
45 think they are trying to position it so that,  
46 if the opportunity arises, it could move, but  
47 I cannot predict what they may or may not take  
48 up.

1 I mean, I do hope that they take  
2 action. As you know, the issue of  
3 international illegal fishing is an issue for  
4 many. It is an environmental issue. It is a  
5 competition issue. I mean, our fishermen  
6 sacrifice a great deal to be where they are,  
7 and they shouldn't have to compete on the same  
8 grocery store shelf with an illegally-caught  
9 product.

10 And so, this bill I don't think  
11 solves all the problems, but it is a step in  
12 the right direction. And so, it is an issue  
13 that we are following very closely.

14 CHAIR McCREARY: Thank you.  
15 Let's go to Terri.

16 MEMBER BEIDEMAN: I also would  
17 like to thank you for taking the time to come  
18 to the panel and directly make us realize that  
19 at high levels people are talking about these  
20 species.

21 In particular, I would like to say  
22 that I was very pleased to hear your remarks  
23 concerning being fair and equitable in these  
24 decisions. I hope that the agency throughout  
25 this process remembers and considers the  
26 benefit and the value of year-around fisheries  
27 and the effects on communities that some of  
28 these decisions may impact.

29 So, thanks again for coming.

30 CHAIR McCREARY: Thank you, Terri.  
31 Rusty?

32 MEMBER HUDSON: Rusty Hudson.

33 Thanks for coming, Sam.

34 I am not going to discuss the  
35 National Standard 2 Guidelines or National  
36 Standard 1 Guidelines today, but it is in the  
37 back of my mind.

38 What I am concerned about is the  
39 science. I have been noticing a lot of  
40 problems with the Southeast Science Center,  
41 which also handles our sharks. We have a lot  
42 of sharks that have never been assessed,  
43 virtually all but one of the prohibited  
44 species. And we have a multiplicity of other  
45 sharks that are commonly caught that haven't  
46 been assessed.

47 There seems to be a tendency  
48 sometimes to take even trends analysis. We

1 see it with certain groupers and things that  
2 are 10, 20, 30 years old. Those types of  
3 things need to be dealt with, but where Bonnie  
4 was going to hire six analysts, now it is  
5 scaled back to five, where MARMAP got cut back  
6 about 40 percent of their budget. It is  
7 starting to reflect on different ways our  
8 science can and cannot operate, both in the  
9 field and in the lab.

10 If it keeps going the way it is  
11 going, I envision that the sharks that aren't  
12 assessed right now are going to probably  
13 continue to stay that for many years to come.

14 I believe that is not a good thing.

15 We are not under ICCAT except for  
16 a few of the pelagic animals. And so, with  
17 the coastal sharks, except for the straddling  
18 stock issue with Mexico, the Bahamas, Canada,  
19 et cetera, we need to do some stuff about  
20 this. And I am not just going to say HMS. To  
21 me, HMS is like a quasi-council, except that  
22 we don't vote and we don't have an SSC;  
23 whereas, all eight Councils have an SSC.

24 So, we have transparency. We have  
25 openness with regard to being able to have the  
26 public there and input and deal with the  
27 different concerns with the industry with the  
28 way the science data, analysis, every bit has  
29 come about.

30 I know we are not really rich  
31 people in the shark business and some of the  
32 grouper/snapper business and stuff, but we are  
33 at the point now where we are trying to  
34 prepare to bring in outside scientists to be  
35 able to do some of the work. And yet, I see a  
36 tendency on the part of the Science Center to  
37 want to avoid that type of choice.

38 And so, what do you envision over  
39 the next few years, just on the HMS and just  
40 with shark?

41 MR. RAUCH: Well, unfortunately, I  
42 do not envision an increase in our scientific  
43 capacity in the next few years. I already  
44 mentioned our budget has been cut by 11  
45 percent. That is done. That has happened.

46 I don't know what the future  
47 holds, but I am not planning internally in a  
48 lot of growth areas in terms of more funds,

1 more resources to do more science. We know  
2 that more needs to be done. Ideally, we would  
3 do a lot more, not just in sharks, but  
4 everywhere. But I don't think we have more  
5 funds.

6 So, then, the question is what you  
7 do with your existing funds. We have Science  
8 Centers around the country who are taking  
9 annual stock assessments and putting them into  
10 multi-year. They are spacing them out. It is  
11 not necessarily a good place to be in order to  
12 be responsive, but I don't see a lot of  
13 relief, unfortunately, in the future.

14 So, I know that we have provided  
15 some funds to the Southeast in the last few  
16 years for stock assessments. Even in the  
17 declining budget, we have made investments in  
18 science to try to increase the stock  
19 assessments. Apparently, it has not been in  
20 sharks. I don't know what the schedule is  
21 like, I don't know that level of detail about  
22 what the schedule is like for sharks.

23 But I will tell you, overall,  
24 nationally, I don't see a lot of room to do a  
25 lot more stock assessments other than the ones  
26 that we are doing or have planned to do,  
27 because that take funds, and I don't know  
28 where those would come from.

29 CHAIR McCREARY: Thank you, Rusty.  
30 Ellen?

31 MEMBER PEEL: Thank you, Sam, for  
32 coming.

33 I just wanted to reiterate what  
34 Rusty said on no SSC for HMS. That is a  
35 terrible void that we hope you can see your  
36 way in helping to get established.

37 CHAIR McCREARY: Any other  
38 questions for Sam, people who haven't spoken?  
39 Rich, is that a second question?

40 MEMBER RUAIS: Could be.  
41 (Laughter.)

42 CHAIR McCREARY: I know it could  
43 be.

44 Anyone who has not posed a  
45 question to Sam or someone who wants to make a  
46 brief comment?

47 Scott Taylor?

48 MEMBER TAYLOR: Just to pick up

1 for where Rusty was, because I am not sure --  
2 I think I understood his question, but maybe I  
3 can pose it a little different way. No  
4 surprise, sometimes the commercial sector, the  
5 actual fishermen see things from stock  
6 assessment perspective differently than the  
7 scientists see that information.

8 With the limited funding and the  
9 budgets, particularly at the Regional Boards,  
10 industry has in some cases taken some  
11 initiative to bring forth some independent  
12 studies on its own. How does that weigh in  
13 the consideration process? If there is  
14 limited funds within National Marine  
15 Fisheries, is this an option for industry when  
16 it sees things fundamentally differently?

17 MR. RAUCH: I think this is an  
18 ongoing trend where the federal government has  
19 less capacity to provide these services.  
20 Industry across the country is going to need  
21 to pick up more of it. And you are seeing a  
22 lot of industries that are doing that.

23 I always argue that it is  
24 appropriate. It is not going to be relevant,  
25 the question of whether they are disagreeing  
26 as far as the gap that needs to be filled. In  
27 filling that gap, it is important, if the  
28 industry is going to invest its own funds in  
29 that, that the answer is in a form that can be  
30 usable. I have seen a number of industries  
31 engage in scientific surveys, and they have  
32 ultimately decided, at least in the short-  
33 term, it wasn't usable. So, it was a waste of  
34 time. It created political problems and  
35 mistrust.

36 If the survey design can be  
37 changed a little bit, it would have worked  
38 with the system. But we do have situations  
39 where we have private surveys. If we consult  
40 with industry ahead of time in the design of  
41 that system, we can ensure that those surveys  
42 or those studies can work into the process.  
43 But if industry does not consult with us, it  
44 is an open question.

45 We will look at whatever we get.  
46 We may not be able to use it. Fisheries  
47 sciences, as I have been told over the years,  
48 is much more about long-term trends than about

1 point estimates. So, one-year data will  
2 rarely tip the scale in any direction. Often,  
3 you need a long-term investment in a time  
4 period. But if it designed right, then it can  
5 work into the system and can be relevant.

6 MEMBER TAYLOR: May I follow that  
7 up with one more question?

8 So, there are accredited bodies  
9 out there that both do contract work for  
10 National Marine Fisheries and that the private  
11 sector has access to, and it is not important  
12 to go at this point. So, are you suggesting  
13 that if industry sees a gap, which I think is  
14 more appropriate, in the ability for either  
15 the Regional Boards or the HMS -- and my  
16 question I think is more directed in this  
17 particular case towards some of the regional  
18 stuff as much as HMS -- that in the past, it  
19 has been my understanding that there has been  
20 a lot of resistance, even with that  
21 solicitation, to accept independent -- and I  
22 am using the word "independent" -- accredited  
23 work. Is that something that at the higher  
24 levels of National Marine Fisheries, that sort  
25 of it gets led from the top? You have got,  
26 basically, policy being made, and then you  
27 have got the Regional Boards.

28 So, I think what industry is  
29 looking for -- and I will sum it up -- is a  
30 mechanism. If we disagree or if we think  
31 there are voids, we want to be able to do  
32 something proactively, but I think everybody  
33 is kind of grappling for what that mechanism  
34 is.

35 MR. RAUCH: So, I can't defend the  
36 impression about where we have been in the  
37 past. From the top, we are committed to  
38 working with the agency. I think we  
39 understand that, given our current budget and  
40 the budget trends, it is unreasonable to  
41 expect the federal government can do all of  
42 this on our own. We have to partner with  
43 industry, with states, with other groups in  
44 order to achieve the overall objective for the  
45 country.

46 I do know that there have been, as  
47 I indicated, issues where surveys were  
48 independently designed and there was a request

1 for us to consider a point estimate, which we  
2 wouldn't do even for our own survey, or it  
3 wasn't designed in the way that as a group we  
4 concluded it would give us the right kind of  
5 answers.

6 But that is a process issue.  
7 Those issues can be solved and should be  
8 solved. And so, if we jointly agree going in  
9 on this model or this process is going to  
10 inform this data, we should take it.

11 I know that, from the senior  
12 leadership, we very much support collaborative  
13 efforts like that. As I said, it should be  
14 geared not so much because you disagree with  
15 an independent -- with whatever the data is of  
16 the day, but because there is a gap and it  
17 needs to be filled, and a recognition that in  
18 our current budget climate we can't really  
19 expect to fill it all from the federal  
20 coffers.

21 CHAIR McCREARY: Dave Kerstetter?

22 MEMBER KERSTETTER: Thank you very  
23 much, and thank you for coming.

24 Dave Kerstetter from NOVA  
25 Southeastern University's Oceanographic  
26 Center.

27 I recognize that NMFS is a strange  
28 beast at the federal level because there is  
29 both a research and a regulatory mission, and  
30 the discrepancy between those two can provide  
31 some interesting challenges. At the same  
32 point, as an academic researcher working on  
33 HMS, there are a number of issues that are  
34 concerning. I don't want to prejudge what is  
35 going to be presented later on the HMS  
36 research plan, but there are certain, shall I  
37 say, inequities that are apparent for HMS  
38 research.

39 For example, several of the  
40 competitive research programs that most  
41 fisheries researchers are available to in the  
42 Southeast, like MARFIN and CRP, have very few  
43 HMS opportunities. That is one of the things  
44 that makes us, as HMS, a little bit different  
45 from the Councils, is that we don't have that  
46 dedicated funding.

47 So, I don't want to beat too much  
48 on that proverbial dead horse that I think has

1 already been addressed. But one of the issues  
2 that concerns me is regarding in a time of  
3 budgetary constraints some of the research  
4 that is going on within the agency. I have  
5 always been curious about what projects get  
6 funded for research within the Science Centers  
7 and whether those are directly in line with  
8 the priorities of the agency or in this case  
9 the Advisory Panel.

10 I don't know if HMS will address  
11 that. For the research plan, it was a concern  
12 that I raised last year when the draft was  
13 addressed. I am not necessarily looking for  
14 any commitment from you on that aspect right  
15 now.

16 One of the things that I have been  
17 thinking about ever since Scott made his  
18 comment about partnerships with the agency is  
19 that competitive research programs like the  
20 CRP require partnership with a NOAA scientist.

21 Can you commit to a NOAA scientist to partner  
22 with agency and independent scientists to  
23 provide the oversight and guidance to make  
24 sure that any effort, whether it is a survey  
25 or other biological research, can be, shall we  
26 say, up to the standards of the agency for use  
27 in stock assessments and other science?

28 Thank you.

29 MR. RAUCH: So, I think the first  
30 question you raise is a legitimate question.

31 (Laughter.)

32 I am not suggesting the second one  
33 wasn't, but it is timely in that we,  
34 ourselves, are questioning whether or not all  
35 the science that we are doing aligned with our  
36 overarching mission. We could not fairly  
37 answer that nationally. Maybe it is; I cannot  
38 tell you it is.

39 So, the Science Centers have  
40 engaged in a multi-year process of strategic  
41 review, which is kicking off this year looking  
42 at their fisheries-related science, to answer  
43 just that question. They are going to go  
44 center-by-center, program-by-program, and look  
45 at the science that they are doing and try to  
46 determine whether or not it is aligned to the  
47 agency's mission. So, I think that is what I  
48 meant by your question is a good one, not

1 suggesting that the other one was bad.

2 I do think, though, to get to the  
3 cooperative research, where we are partnering,  
4 it should be part of our standards to make  
5 sure that, if we are working on something  
6 collaboratively with industry, that it can be  
7 useful for us. Otherwise, somebody else  
8 should be doing it.

9 So, I don't know exactly what that  
10 means, but that is part of our goal. That is  
11 part of what the strategic review is designed  
12 to get at, is we shouldn't be doing research  
13 that we can't, then, use. We should not be  
14 doing research that is not central to our core  
15 mission, and maybe we are doing some of that.

16 So, the Science Centers have taken  
17 that challenge and are going to be looking at  
18 that. The first tranche of that is looking at  
19 their fisheries-related science, and that is  
20 going to be in the coming year.

21 MEMBER KERSTETTER: If I can ask a  
22 quick follow-up?

23 CHAIR McCREARY: Yes.

24 MEMBER KERSTETTER: Maybe some of  
25 it was lost in the laughter about the  
26 appropriate question. But what I was  
27 specifically referring to was, if industry and  
28 academia or industry alone were to come up  
29 with a good scientific question, and we  
30 approached the Science Center, would the  
31 Science Center dedicate the personnel time to  
32 review that and to partner, if appropriate?

33 MR. RAUCH: I mean, if it is part  
34 of our standard solicitation, we do review  
35 those issues and there is a board that looks  
36 at that. But, beyond that, it depends on what  
37 the issue is.

38 Margo, you look like you have an  
39 answer.

40 MS. SCHULZE-HAUGEN: So, I know  
41 that there are examples where we have  
42 partnered. And so, I think my expectation is  
43 certainly that that would continue.

44 If there is a resource issue where  
45 everyone is fully up or the project itself  
46 would take more time than is really available,  
47 I don't know what the answer would be in that  
48 case. But I think we have ample examples of

1 agency scientists partnering with industry on  
2 a variety of things. So, I don't think that  
3 is a concern, unless you have a specific  
4 example. Maybe we can --

5 MEMBER KERSTETTER: I will talk  
6 offline. Thanks.

7 MS. SCHULZE-HAUGEN: Okay.

8 CHAIR McCREARY: All right.  
9 Thanks, Dave.

10 Bill?

11 MEMBER GERENCER: Hi, Sam. Thanks  
12 for coming.

13 I have seen firsthand the service  
14 partnering to fill the gap scientifically, and  
15 I am very impressed by it. I want to applaud  
16 that, those efforts, and that they are  
17 ongoing.

18 I just want to say that when we  
19 think, going forward, what the result is or  
20 the desired outcome of best-available science,  
21 it should at least contain two things. One  
22 is, as Margo puts it, no surprises, and, two,  
23 immediate support, once the scientific advice  
24 is delivered.

25 I mean, if you think of a  
26 successful result, then what happens is when  
27 the scientific advice is delivered, then all  
28 the stakeholders, instead of pushing back or  
29 whatever, immediately say, okay, now we have  
30 the information to go on; let's do something  
31 about it. In my mind, those are the two most  
32 important things of the desired outcomes that  
33 demonstrates when you actually have the best-  
34 available science working for you.

35 Thank you.

36 MR. RAUCH: I think that is an  
37 ideal that we strive towards. In many  
38 fisheries, and, hopefully, less so now, it is  
39 an ideal that we have not yet achieved to  
40 where the science, no matter how good it is,  
41 is immediately accepted. But it is something  
42 that I think we strive for, and I do think it  
43 helps. The more transparent the science is,  
44 the more peer-reviewed, I think it helps  
45 achieve those goals.

46 CHAIR McCREARY: Terri, do you  
47 have another question?

48 MEMBER BEIDEMAN: I am not so sure

1 it is a question, but just an issue that I  
2 have been running into, particularly with  
3 regard to the pelagic longline fishery that is  
4 shrinking in numbers.

5 We are beginning to be presented  
6 with data that is full of not-reportables  
7 because of confidentiality. To some extent,  
8 certainly, I agree we shouldn't need vessel ID  
9 information, but sometimes there are some  
10 things that industry could do on their own if  
11 they had the information. But the way that it  
12 has to be presented to us -- and I realize  
13 that there are reasons -- but it is making  
14 data that is basically not very usable for us.

15 Certainly, you all know exactly  
16 where sets were made or things were interacted  
17 with. We have to have it presented in a  
18 large, one-degree block that doesn't  
19 necessarily help.

20 So, I am just expressing some  
21 concern, not just to you, but to everyone,  
22 that because we are few and our data is  
23 sometimes by quarter or month, or whatever,  
24 that we very often to get to a point where  
25 that rule of three kicks in. I don't really  
26 care if it was the Eagle Eye II or if it was  
27 the Seahawk. It doesn't matter to me. I just  
28 need that information more specified.

29 I see an awful lot of "NR's" in  
30 the reports, and I am troubled by the fact  
31 that that may continue to be the case and the  
32 data is less usable, at least for us. So,  
33 that is a comment.

34 Thanks.

35 MR. RAUCH: Well, I have two  
36 responses, probably neither one of them  
37 particularly satisfactory. We are required by  
38 statute to maintain certain confidentiality  
39 requirements.

40 But the other, more practical  
41 response, we have seen this issue with a  
42 number of other industries where they can't  
43 necessarily use the data that goes through us.

44 What sometimes happens, not always, is the  
45 industry on its own will get together and  
46 share the data amongst themselves without  
47 going through the government. There is no  
48 prohibition on that.

1                   You see some industries in which  
2 the captains will call each other and tell  
3 each other, and they can on their own avoid  
4 bycatch areas or things like that in a way  
5 that the government maybe cannot.

6                   And so, there are some models like  
7 that out there. I am sure we would be happy  
8 to share with you what we know of those. But  
9 a lot of those are voluntary collaborations  
10 among the industry participants, and where  
11 there are less participants, it is sometimes  
12 easier to do that.

13                  CHAIR McCREARY: Thank you, Terri.  
14 Shana?

15                  MEMBER MILLER: Thank you.

16 I am Shana Miller.

17                  Like everyone else, we really  
18 appreciate you having the time to come here  
19 today.

20                  I am hoping that you could speak  
21 generally to where we are in the NRDA process  
22 in the Amendment 7 for the oil spill, of  
23 course. For the Amendment 7, there is a  
24 section that talks about that an impact  
25 assessment report will be released. Of  
26 course, that would address any impacts to  
27 bluefin. And I am just wondering whether  
28 there you know the timeline for that report.

29                  MR. RAUCH: I do not off the top  
30 of my head. I am trying to recollect whether  
31 I actually know it somewhere, if somebody were  
32 to ask me to go back and research it.

33                  There are internal timelines, but  
34 that is an active court case that is going on.

35                  Even if I had a target in my head, it might  
36 not be the real target.

37                  I can't talk much about it because  
38 it is an active court case, but I do not know  
39 what the date for the release of that report  
40 would be. Maybe there is a date. I don't  
41 know right now.

42                  CHAIR McCREARY: Any other  
43 questions or pithy observations for Sam? Do  
44 you have any more pithy observations? You're  
45 out of pith? Okay.

46                  (Laughter.)

47                  All right. Well, Sam, thank you  
48 very much for joining us and taking time out

1 of your schedule.

2 MR. RAUCH: Thank you.

3 CHAIR McCREARY: As you note,  
4 there is a full agenda and people are serious  
5 about working through it.

6 Thank you.

7 We are doing the CITES  
8 presentation next.

9 Angie, thank you very much for  
10 joining us.

11 MS. SCHULZE-HAUGEN: While we are  
12 waiting for technology to cooperate, our fact-  
13 checkers have given me a new set of facts. Of  
14 the percentage of reported fishing effort  
15 observed during 2011 by hooks and sets in the  
16 Gulf of Mexico -- there was a question on the  
17 percentage of observer coverage in the Gulf --  
18 for quarter one, which would be January  
19 through March, by number of sets, it is .9  
20 percent; quarter two, which would be April  
21 through June, 77.3; quarter three would be 7  
22 percent; quarter 4, 7.7 percent, for overall  
23 coverage of 17.6 percent. So, clearly, much  
24 higher coverage in quarter two than the rest,  
25 bumping that up.

26 And this is available publicly in  
27 the Annual Report "Estimated Bycatch of Marine  
28 Mammals and Sea Turtles in the U.S. Atlantic  
29 Pelagic Longline Fleet". I have a website if  
30 folks want to try to access that report.

31 So, I don't know about you all,  
32 but I find the fact-checkers very handy.

33 So, apparently, the technology has  
34 been quite uncooperative. Hopefully, folks  
35 can access this from the website because we  
36 are not going to be able to get this onscreen,  
37 I think, until we reboot the whole computer.  
38 So, sorry about that.

39 MS. SOMMA: Thank you for inviting  
40 me to come to speak with you. My name is  
41 Angela Somma. I am Chief of the Endangered  
42 Species Division for NMFS. I work closely  
43 with the U.S. Fish and Wildlife Service on  
44 U.S. implementation of CITES.

45 As many of you may know, the Fish  
46 and Wildlife Service has statutory authority  
47 for implementing CITES. So, they make all the  
48 final decisions, but we do work closely with

1       them on marine species.

2               When Margo invited me to give a  
3 presentation, I thought at that time I would  
4 have a little more definitive information to  
5 provide than I actually do. As many of you  
6 know, we are in the midst of preparing for the  
7 next Conference of the Parties of CITES. That  
8 is when they make decisions about adding  
9 species to their appendices or amending  
10 species appendix listings that are already on  
11 CITES.

12               We are required to submit, all  
13 countries are required to submit those  
14 proposals for species and any resolutions  
15 helping to interpret the convention by October  
16 4th of this year. That gives all the CITES  
17 parties 150 days to evaluate the proposals and  
18 engage in reign-state consultations.

19               We had hoped to make some  
20 announcements much sooner than now about the  
21 proposals that the United States would be  
22 taking forward, but those proposals are still  
23 under discussion. I will say that we have  
24 narrowed it down quite considerably from the  
25 number of species that we were asked to look  
26 at. When we put out a notice in The Federal  
27 Register, we had received a multitude of  
28 marine species that we were asked to look at  
29 for proposing.

30               The species that we are seriously  
31 considering and may very well put a proposal  
32 forward are species that we proposed at the  
33 last Conference of the Parties. That includes  
34 an Appendix 2 proposal for oceanic whitetipped  
35 shark. We already know that Costa Rica,  
36 Honduras, and Brazil intend to put forward a  
37 proposal to list three species of hammerhead  
38 sharks in Appendix 2, and the United States is  
39 considering signing onto that proposal as a  
40 cosponsor.

41               In terms of marine species, those  
42 are the ones that we are considering either  
43 for U.S. proposal or to sign on as a  
44 cosponsor. We have heard from Germany that  
45 they definitely intend to propose porbeagle  
46 shark for Appendix 2 again as well, and  
47 Australia is planning to put a proposal to  
48 uplist the one species of sawfish that are not

1 currently in Appendix 1 that were in Appendix  
2 2 up to Appendix 1.

3 An Appendix 2 listing is not a  
4 prohibition on trade. It allows trade at a  
5 sustainable level. It requires that there be  
6 CITES permits that accompany any international  
7 trade in that species. Domestic harvest and  
8 then sale for domestic market does not require  
9 any sort of a CITES permit. It is only if a  
10 species is either taken on the high seas and  
11 then brought into a country's port to be  
12 landed or if that species is then imported or  
13 exported, when it requires CITES permits or  
14 documents.

15 The Fish and Wildlife Service is  
16 the U.S. agency that issues those CITES  
17 documents. So, if these species were added to  
18 the CITES appendices, then permits would be  
19 issued by the U.S. Fish and Wildlife Service  
20 either for export or for import, depending on  
21 the trade that was involved.

22 One of the most recent  
23 developments that we have been trying to get  
24 the word out about is CITES allows countries  
25 to unilaterally put species that are in their  
26 territory, including their EEZs, on CITES  
27 Appendix 3. And so, that does not require  
28 import or export permits unless you are the  
29 country that puts that species on the  
30 Appendix, but it does require all the other  
31 CITES parties to assist those countries in  
32 helping to track the trade. So, there is what  
33 is called a Certificate of Origin that every  
34 country's CITES authorities must issue when  
35 there is international trade in that species.

36 Germany has added porbeagle shark  
37 to Appendix 3 of CITES, and Costa Rica has  
38 added scalloped hammerhead to Appendix 3 of  
39 CITES. Those listings take effect on  
40 September 25th. And so, if there is any  
41 export of those species from the United  
42 States, a Certificate of Origin from the Fish  
43 and Wildlife Service will need to be obtained  
44 and accompany any of those exports.

45 Likewise, for imports of those  
46 species or any parts of those species, when  
47 they come into port, Fish and Wildlife Service  
48 will be checking to see whether they have

1 appropriate CITES documentation. If they are  
2 coming from the country that put them on the  
3 list, they will need a CITES export permit.  
4 If it is coming from anywhere else, it will  
5 need a CITES Certificate of Origin.

6 So, those requirements will be  
7 going into effect next week. They are  
8 completely separate and apart from any  
9 Appendix 2 listings that may occur as a result  
10 of the CITES Conference of the Parties next  
11 year, which will be held in early March.

12 As I said, I was hoping to have a  
13 little more definitive answer on exactly which  
14 of the shark proposals the United States may  
15 be submitting, either as a cosponsor or on its  
16 own, but that is where we are. We, obviously,  
17 expect to be making a decision in the very  
18 near future. There are still some discussions  
19 ongoing at the Department of the Interior over  
20 what the U.S. will be submitting on October  
21 4th.

22 And so, thank you, and I am  
23 willing to take any questions anyone may have.

24 CHAIR McCREARY: Thank you very  
25 much.

26 Are there questions for Angie?  
27 Gerry?

28 MEMBER LEAPE: Thank you, Angie.  
29 On behalf of Pew, I want to thank you for all  
30 the hard work you are doing and wish you the  
31 best of luck over these next few weeks in  
32 trying to work through the rest of the  
33 process.

34 One species I didn't hear about,  
35 and was wondering if you had hear anything, is  
36 anyone proposing to do, that you have heard,  
37 any country proposing to put forth a listing  
38 proposal on the manta?

39 MS. SOMMA: Yes, we have heard,  
40 although we haven't seen the formal proposal  
41 yet, that either Brazil or Ecuador may be  
42 putting a freshwater ray proposal forward.

43 CHAIR McCREARY: Thank you.

44 Bob?

45 MEMBER HUETER: Yes, thanks,  
46 Scott.

47 I am just looking at the  
48 presentation, which, unfortunately, we

1 couldn't see on the screen. I just wanted to  
2 explore a little bit of these shark species  
3 that are being proposed for listing. You have  
4 a bullet under several of them or a couple of  
5 them at least that says international fin  
6 trade is driving their decline.

7 I urge a lot of caution in making  
8 that statement unless you have really solid  
9 data to back that up. It is probably true in  
10 the case of some of these, but we cannot  
11 forget that the fins have fully exploited  
12 sharks. Sharks that are landed, especially in  
13 developing nations and totally utilized for  
14 meat, and so on, also make it into the fin  
15 trade.

16 I would agree in the case of, say,  
17 the oceanic whitetip, there is probably a  
18 finning problem with that particular species.

19 But when you talk about hammerheads, you can  
20 go to some of these Central American countries  
21 where quite a few hammerheads are being  
22 landed, and the fins are being utilized but  
23 the meat is also being used. So, it is not  
24 fin trade driving it. The problem we have  
25 worldwide is overfishing in general, just  
26 overharvest.

27 So, we are seeing an awful lot of  
28 this argument being used to push a lot of  
29 different agendas, that it is the evil fin  
30 trade that is causing all of the problems, and  
31 it is part of the problem. But I would be  
32 careful, if I were the U.S. Government, in  
33 hanging my hat on that particular bullet and  
34 trying to make that an absolute, if you  
35 understand what I am saying. Make sure it is  
36 in balance with concerns about overfishing in  
37 general and just overharvest with the fin  
38 trade being part of the issue.

39 MS. SOMMA: Okay. Thank you for  
40 that comment.

41 CHAIR McCREARY: Any other  
42 questions or observations? Mark?

43 MEMBER STEVENS: Yes, I wanted to  
44 make a few comments. I don't know if you  
45 wanted to finish with the questions first or  
46 go ahead. Okay.

47 Thanks for your presentation,  
48 Angie. We haven't met. I'm Mark Stevens,

1 here with Shark Advocates International. I am  
2 proxy for Sonja Fordham. We are also speaking  
3 on behalf of Humane Society International.

4 First, we would like to say we are  
5 grateful to the U.S. Government for ongoing  
6 leadership and long-term commitment to shark  
7 and ray listings on the various appendices  
8 under CITES. We support the proposals you  
9 have mentioned as well as the potential  
10 proposal for manta and devil rays.

11 The rising demand in Asia for the  
12 gill rakers of this rays has led to  
13 unsustainable fisheries. These rays are just  
14 as biologically vulnerable as many of the  
15 sharks that are also proposed.

16 We are working in a coalition at  
17 this CoP. Other members of the coalition are  
18 Human Society International, Project AWARE,  
19 WCS, and the Shark Trust.

20 We are pleased by the U.S. support  
21 of proposals to list porbeagle and hammerhead  
22 on Appendix 2 as well as freshwater sawfish on  
23 Appendix 1, and we are here to help you all  
24 out however we can.

25 On oceanic whitetip, we think it  
26 is a great candidate for a CITES listing. We  
27 are pleased that you all are focusing on that  
28 for this CoP. We hope that it is a priority  
29 for the U.S. at the CoP.

30 The threats and special attributes  
31 of this species are well-documented in the  
32 proposal that the U.S. submitted for CoP 15,  
33 and we are confident that the updated proposal  
34 will be equally strong this time around.

35 We note the October 4th deadline,  
36 which is fast approaching, as I am sure you  
37 are painfully aware as well. We would just  
38 encourage you to finalize and submit the  
39 proposal, so that we can maximum opportunities  
40 to find cosponsors and lobby in the lead-up to  
41 the CoP.

42 And then, finally, we wanted to  
43 make a special nod to sawfish. It has been 15  
44 years since the U.S. first proposed that all  
45 sawfish species be listed on Appendix 1. We  
46 have a strong change at the upcoming CoP to  
47 get the last species uplisted, and we look  
48 forward to helping you all achieve that.

1                   Thanks.  
2                   CHAIR McCREARY: Mark, thanks very  
3 much.  
4                   Any other questions or  
5 observations?  
6                   (No response.)  
7                   Angie, do you have anything else?  
8                   MS. SOMMA: I don't.  
9                   CHAIR McCREARY: Good. All right.  
10 Thank you very much.  
11                   MS. SOMMA: Thank you for the  
12 opportunity. And again, I apologize, when  
13 this was scheduled, I thought I would have  
14 definitive answers as to what the U.S.  
15 proposals are, but we will certainly let Margo  
16 know as soon as the U.S. makes its formal  
17 decisions.  
18                   MS. SCHULZE-HAUGEN: For folks  
19 that may have questions on the Appendix 3  
20 permitting and certificates, would that go to  
21 Fish and Wildlife Service or --  
22                   MS. SOMMA: The most direct way  
23 would be to contact Tim Van Norman. He is  
24 head of the Fish and Wildlife Service  
25 Permitting Branch. But they could also  
26 contact either me or Laura Simon. We will  
27 certainly facilitate getting an answer from  
28 Fish and Wildlife Service.  
29                   Thank you very much.  
30                   CHAIR McCREARY: All right. Thank  
31 you very much, Angie.  
32                   So, should we take a little break  
33 to get the computer working? Or what would be  
34 effective here? We are going to swamp in  
35 another computer? Okay. All right.  
36                   So, let us try to do the computer  
37 swamp. If it doesn't work, we will break. If  
38 it does work, we will press on.  
39                   MS. SCHULZE-HAUGEN: Why don't we  
40 take this as the sign that the technology gods  
41 are not with us at the moment?  
42                   CHAIR McCREARY: A short break.  
43                   MS. SCHULZE-HAUGEN: And we will  
44 take a short break.  
45                   We have also gotten requests for  
46 some folks that can't stay until the public  
47 comment session at the end of the day, to  
48 maybe have an opportunity to speak earlier.

1 So, seeing how time goes, we may try to do  
2 that as well.

3 Okay. So, maybe quarter of we  
4 will reconvene.

5 CHAIR McCREARY: Okay. Thanks.  
6 (Whereupon, the above-entitled  
7 matter went off the record at 2:38 p.m. and  
8 resumed at 2:57 p.m.)

9 CHAIR McCREARY: All right. We  
10 are ready to resume our afternoon agenda,  
11 looking at Amendment 4. If you could please  
12 take your seats, we will give the floor to  
13 Randy.

14 MR. BLANKINSHIP: Thank you.  
15 My name is Randy Blankinship. It  
16 is my pleasure to present to you Caribbean  
17 Amendment 4, the final rule for this  
18 amendment.

19 This is something that the agency  
20 has been working on for quite some time,  
21 actually going back to at least 2007, where we  
22 began some of this work. There were a lot of  
23 steps in the process, including some delays in  
24 it related to improving data collection  
25 programs in the territories and that kind of  
26 thing. But this has been something ongoing  
27 for quite some time. And so, it is nice to be  
28 at this stage.

29 So, the need for this amendment  
30 arises from the increasing interest in HMS  
31 within the Caribbean region. Within the  
32 Caribbean region, there are some unique  
33 characteristics to the fisheries down there.  
34 They are generally small in scale, small  
35 markets with few dealers, and then sales of  
36 fish directly to individuals or restaurants  
37 rather than to dealers. Also, the low profit  
38 margins can affect the ability for some  
39 fishermen to enter the limited-access  
40 fisheries for swordfish and shark.

41 As a result, the low number of  
42 permits, the low number of dealer permits has  
43 resulted in limited amount of catch-and-  
44 landings data for HMS within the area. So,  
45 basically, that amounts to kind of a poor fit  
46 for the management scheme that has developed  
47 over the years for the mainland, as opposed to  
48 the way that things in reality operate within

1 the Caribbean in some aspects.

2 So, for the purpose of this  
3 amendment, the U.S. Caribbean is the U.S. EEZ  
4 around Puerto Rico and the U.S. Virgin  
5 Islands, as defined at the Code of Federal  
6 Regulations 622.2.

7 The objectives of this amendment  
8 include increasing the participation in HMS  
9 fishery management programs, expanding  
10 regional permitting, increasing permit and  
11 regulation awareness in compliance with  
12 regulations; also, improving the fisheries  
13 data from the region, experimenting and  
14 looking at regionally-specific management  
15 measures, as appropriate, and providing  
16 outreach and education to fishery participants  
17 within the region, with the overall goal of  
18 improving the monitoring and management  
19 capabilities for HMS fisheries within the  
20 region.

21 So, we had a proposed rule that  
22 published on March 16th, 2012. That was right  
23 about the time of the last AP meeting. We had  
24 a 90-day comment period, and then we received  
25 several comments. So, I am going to go  
26 through a very high-level summary of those  
27 comments and give a little perspective for  
28 some responses to those.

29 We heard support for the action  
30 that included the development of a new permit,  
31 commercial permit for the region; support for  
32 the gears that were proposed, which were  
33 handgears in general, and also for reporting  
34 mechanisms to the territorial governments.

35 We heard specifically from the  
36 territorial government representatives that  
37 issuance of a new commercial Caribbean small  
38 boat permit, the federal permit, should be  
39 contingent on the possession of territorial  
40 commercial fishing license and then, also,  
41 that territorial requirements in their  
42 fisheries, those regulations must be met in  
43 order to sell fish within the Caribbean  
44 region.

45 I should point out that the  
46 possession of the federal permit does not  
47 preclude the requirement for fishermen within  
48 those territories to comply with territorial

1 regulations. However, making the possession  
2 and issuance of a federal permit contingent on  
3 state or territorial regulations can be  
4 difficult because those state or territorial  
5 regulations could change.

6 Also, we heard a desire for higher  
7 retention limits than what was initially  
8 suggested in the proposed rule for tunas and  
9 for sharks. Within the proposed rule, we  
10 looked at a range of retention limits for  
11 tunas between zero and 24 fish and made a  
12 suggestion of an initial retention limit of 10  
13 fish per trip.

14 For sharks, we looked at a range  
15 of zero to three non-sandbar, large coastal  
16 sharks and zero to 16 small coastal sharks and  
17 pelagic sharks combined, with an initial  
18 retention limit of zero or no retention  
19 because of the poor health of sharks.

20 So, related to that, the initial  
21 10-fish retention limit for BAYS tunas was  
22 based upon scoping that we conducted over a  
23 long period of time that indicated that a  
24 landing of 10 BAYS tunas amounted to a very  
25 successful trip of similarly-permitted vessels  
26 within the region.

27 Also, for sharks, that the  
28 retention limit of zero reflects the poor  
29 status of many of the sharks within the area.

30 We also heard a comment that  
31 suggested that the new Caribbean commercial  
32 small boat permit should allow the  
33 recreational retention of billfish. However,  
34 this is not consistent with current  
35 regulations that prohibit the retention of  
36 billfish on commercial vessels. It is also  
37 not consistent with the goals of the ICCAT  
38 rebuilding plan for Atlantic billfish.

39 We heard that the maximum number  
40 of buoy gear that were needed with a permit  
41 within the region was six, with one hook per  
42 buoy. Related to this comment, the proposed  
43 rule suggested that a limit be established of  
44 35 buoys per vessel, which is consistent with  
45 the existing buoy gear regulations for the  
46 swordfish handgear permit. From an  
47 enforcement standpoint, it is advantageous to  
48 maintain some degree in some cases, where it

1 is possible, some continuity among the  
2 regulations. And certainly, it is feasible  
3 for fishermen to use less than what is  
4 allowed, if that is what is feasible for their  
5 vessel.

6 We also heard that the agency  
7 should not exempt anyone from complying with  
8 existing regulations due to an awkward fit.  
9 It is not the intent of this amendment or the  
10 agency to exempt anyone from fishery  
11 regulations. Rather, this amendment tries to  
12 tailor fishery management regulations to  
13 better fit the economic and operational  
14 realities of the small boat fishery within the  
15 region.

16 We also heard that improved  
17 education efforts should be made for permitted  
18 dealers within the region in order to improve  
19 data. This is a comment I think that we  
20 probably all can agree on. There are numerous  
21 efforts underway, existing efforts and  
22 continued efforts, to utilize educational  
23 materials within the region to educate  
24 fishermen and dealers as well.

25 We heard that the vessel size  
26 restriction of 45 feet in length overall to be  
27 eligible for a commercial Caribbean small boat  
28 permit was not a good distinguishing  
29 characteristic for those small boats, and that  
30 30 feet in length would be better. The 45-  
31 feet-in-length restriction was developed  
32 through scoping in work with the territorial  
33 governments and others within the area that  
34 were concerned about the potential for new  
35 vessels to come from the mainland or other  
36 places into the U.S. Caribbean, and would  
37 amount to new fishing effort within the area.

38 The 45-foot length was chosen  
39 because it represents the size of vessels that  
40 currently exist for somewhat similar type  
41 permits of charter/headboat and General  
42 Category vessels that are in the area  
43 currently. And so, we looked at trying to use  
44 that as an example to follow.

45 We also heard that there were no  
46 differences in the length of fishing trips  
47 between the U.S. mainland and the U.S.  
48 Caribbean because high fuel prices have

1 shortened fishing trips from the U.S.  
2 mainland. I think in regard to this comment,  
3 it is worth pointing out that fuel prices  
4 within the U.S. Caribbean are generally higher  
5 than they are in the mainland. And thus, the  
6 pressures associated with those higher prices  
7 tend to limit trips.

8 A similar type of comment was  
9 related to limited profit margins. The  
10 comment came in that they were not  
11 substantially different between the U.S.  
12 Caribbean and the mainland. Some of that may  
13 be related to fuel prices that affect  
14 operating costs. But, once again, similarly,  
15 operating costs within the Caribbean are,  
16 generally speaking, higher than they are in  
17 the mainland.

18 We also heard that HMS permits  
19 should be valid for more than one year. The  
20 strategy of annual permits is intended to  
21 strike a balance between the burden on the  
22 public for renewing permits, but, then, also  
23 trying to maintain an accurate database and  
24 current information associated with those  
25 permits: the permit-holder name, addresses,  
26 phone numbers, and those kinds of things. And  
27 so, a longer period of time for permit  
28 validity may not strike the same balance.

29 We also heard that HMS stock  
30 status should be evaluated by region. This is  
31 something that may be difficult to do for  
32 highly migratory species stocks where the  
33 range transcends regions. And so, it may not  
34 be the most appropriate route to go, although  
35 with some species of sharks that might be a  
36 consideration over time.

37 We also heard a couple of comments  
38 related to health and product quality. And  
39 related to these, some of these fall under the  
40 authority and purview of the U.S. Food and  
41 Drug Administration and their regulations that  
42 require dealers to purchase and sell fish  
43 according to the standards set by the FDA.

44 So, related to the final action in  
45 this final rule, this final rule develops  
46 several measures. First of all, it creates a  
47 new vessel permit called the Caribbean  
48 Commercial Small Boat Permit, which is valid

1 only in the U.S. Caribbean. It may not be  
2 held with other highly migratory species  
3 permits and it has a vessel size restriction  
4 on it of less than or equal to 45 feet in  
5 length overall.

6 It allows the sale of catch to  
7 non-dealers. So, specifically to individuals  
8 or others, although the sale can happen to  
9 dealers as well.

10 And the reporting of the landings  
11 under this permit would be done through the  
12 Territorial Data Collection Program that was  
13 developed in cooperation with NMFS and is  
14 continuing to be administered under  
15 cooperation with NMFS.

16 Also, there would be mandatory  
17 shark identification workshop training if the  
18 shark retention limit was set above zero.

19 This permit will be administered  
20 by the Southeast Regional Office in the permit  
21 shop down there.

22 Specifically, for individual  
23 species authorized under this permit, there  
24 are specific gears and retention limits. The  
25 authorized gears for BAYS tunas include rod  
26 and reel, handline, buoy gear, greenstick,  
27 bandit gear, and harpoon, with an initial  
28 retention limit of 10 BAYS tunas per trip.

29 Now something to point out here,  
30 once again, is that we analyzed in the  
31 preferred alternative a range of retention  
32 limits between zero and 24 for BAYS. And so,  
33 what this means is that, with this final  
34 action, we have the capability through  
35 framework action in the future to be able to  
36 set the retention limit at a different level  
37 within that range without having it be an  
38 amendment to the Fishery Management Plan. So,  
39 what that potentially can mean is that there  
40 is the ability to change the retention limit  
41 within a shorter period of time than sometimes  
42 it might take for a full-out amendment.

43 For swordfish, the authorized  
44 gears are rod and reel, handline, buoy gear,  
45 bandit gear, and harpoon. The retention limit  
46 initially is set at two swordfish per trip.  
47 The range that was analyzed, once again, for  
48 this was zero to six fish.

1 For sharks, the authorized gears  
2 are rod and reel, handline, and bandit gear,  
3 with an initial retention limit of zero or no  
4 retention at this time.

5 So, this final action was signed  
6 today. It is not published in The Federal  
7 Register yet, but will be heading down there.  
8 It should appear in The Federal Register  
9 early next week.

10 Other things related to timeframe  
11 here and implementation are that: the new  
12 permit is expected to be available for  
13 application at the Southeast Regional Office  
14 in late 2012. I would say that would be  
15 sometime probably in late November to early  
16 December. Those permits will be issued and  
17 will be valid and effective on January 2nd,  
18 2013.

19 The reason why it is January 2nd  
20 is the timing associated with this action  
21 compared to the eDealer final rule. The  
22 eDealer final rule becomes effective on  
23 January 1st, and there is language associated  
24 with that that is, then, built upon by this  
25 second action in Amendment 4. So, we needed  
26 one to happen before the other one in The  
27 Federal Register.

28 That concludes my presentation. I  
29 would love to have any questions.

30 CHAIR MCCREARY: Thank you, Randy.  
31 Ellen?

32 MEMBER PEEL: I commented about  
33 the concern, certainly about essentially  
34 exempting the island territories from the two  
35 U.S. safety-handling regulations. I know in  
36 very remote islands in the Pacific adjusting  
37 your regulations like this to local culture is  
38 probably essential and provides flexibility.  
39 In the U.S. Virgin Islands and Puerto Rico,  
40 there are thousands upon thousands of tourists  
41 that are there, and I would guess that most  
42 people going there expect the same level of  
43 seafood handling and inspection as they get in  
44 the continental U.S.

45 And so, to exempt the Caribbean  
46 commercial guys or anyone that can sell fish  
47 from selling to a permitted dealer does not  
48 sound to be logical or well-thought-out.

1 There are plenty of folks here on the  
2 continental that would like for you to make  
3 some adjustments here that might be more  
4 advantageous to them. But I don't see the  
5 logic to put this in place.

6 Can you explain why this is  
7 needed? I mean, if anything, you should be  
8 having more education to try to bring those  
9 U.S. territories that are not remote up to the  
10 same standards that the rest of the Atlantic  
11 U.S. fishermen are having to comply with.

12 MR. BLANKINSHIP: Sure. So, first  
13 of all, the requirements that you are  
14 referring to about seafood safety in that  
15 regard with dealers falls under the purview of  
16 the USDA. There are requirements associated  
17 with that.

18 And then, the other part of my  
19 response to that is that the markets with the  
20 small boat fishery within the Caribbean, with  
21 many different species aside from HMS, have  
22 developed over time and have been existing and  
23 are current existing. The markets occur  
24 locally, not all of them with tourists, and in  
25 areas where no dealers exist and in areas  
26 where no hotels or restaurants exist as well.

27 And so, I think what we have got  
28 here is an effort to try to work to tailor the  
29 requirements of this new permit to better meet  
30 the needs economically and just the realities  
31 of what is needed operationally for those  
32 fisheries and those markets within these small  
33 areas on the islands.

34 MEMBER PEEL: And there also is a  
35 NOAA seafood-handling or inspection law,  
36 correct? I mean, there is FDA, but, then, you  
37 also have -- these guys would know better than  
38 I -- but there is a NOAA requirement for  
39 either inspection or handling. I put it in my  
40 comments. And so, both of those laws, I would  
41 think, should apply.

42 MS. SCHULZE-HAUGEN: Those laws  
43 apply regardless of this rule. I think that  
44 is the point that we are making, is that these  
45 are permitting, reporting, retention changes  
46 tailoring the management to the region. And  
47 all of the fish-handling, icing, properly  
48 handling the fish for public consumption, all

1 stamped, and they are not affected by this.

2 MEMBER PEEL: How are you going to  
3 monitor it if your dealers aren't permitted?

4 MS. SCHULZE-HAUGEN: The reporting  
5 is coming through the territories. That is  
6 expressly addressed in the rulemaking and in a  
7 number of efforts that we are following.

8 The requirement to handle seafood  
9 safely for public consumption does not start  
10 with a permitted dealer. That is not the  
11 nexus, as I understand at least, that would be  
12 missing here.

13 MEMBER PEEL: But isn't that your  
14 point for monitoring and checking compliance?

15 MS. SCHULZE-HAUGEN: Not in this  
16 case. No, we will be going through the  
17 territories.

18 Do you want to talk some more  
19 about that?

20 MEMBER PEEL: But who in the  
21 territories will be your point of contact?

22 MR. BLANKINSHIP: Yes. Sorry.  
23 So, the reporting through territories is the  
24 reporting of landings and fishing activity,  
25 including effort. And so, the programs are  
26 established in the U.S. Virgin Islands and  
27 Puerto Rico, where they have basically catch  
28 forms that the fishermen are required to fill  
29 out on their trips and turn them in to the  
30 territorial government.

31 There was, over the course of the  
32 last couple of years, a major effort to work  
33 towards improving those data-collection  
34 processes and the forms and information on  
35 them, and the way that those forms are turned  
36 in and then processed, and the data, then,  
37 utilized by the territories, and also shared  
38 with the National Marine Fisheries Service to  
39 improve overall data collection from that  
40 area. It doesn't have to do with seafood  
41 health, though. It has to do with landings  
42 and catch information.

43 CHAIR McCREARY: All right. Thank  
44 you.

45 Other questions for Randy?  
46 (No response.)

47 It does not look like it. Pretty  
48 straightforward. Good job. It has been a

1 long road.

2 All right. So, turning next to  
3 HMS research plan, is that the idea?

4 MS. SCHULZE-HAUGEN: Yes. So, Sam  
5 stole a little bit of my thunder on this one.

6 We had been working and preparing  
7 the final plan, incorporating comments that we  
8 received from you all as well as internal  
9 review, with the intention of sharing that  
10 with the panel at this meeting. In the  
11 intervening time period, though, the national  
12 strategic planning efforts through each center  
13 were initiated. And so, we decided really it  
14 didn't make sense for the Centers to do  
15 strategic planning independently of what we  
16 were doing, since there was so much overlap,  
17 particularly with the Southeast Center.

18 And so, we are working to  
19 integrate those two, to see how they  
20 interplay. And so, we are working together  
21 now to do that more jointly as opposed to  
22 having a standalone plan. That is delaying it  
23 a bit, but I wanted to make sure that folks  
24 knew we had received your comments and we are  
25 responding to them, but wanted to make sure  
26 that we were kind of being strategic with the  
27 rest of the country as well.

28 So, that is where we are. I know  
29 that there are a number of concerns that folks  
30 may have. I think folks have been waiting for  
31 this. And so, I didn't want to get the cart  
32 before the horse, though. So, that is where  
33 we are, and I can already tell I am going to  
34 have a conversation with Dave on this one.  
35 So, that is why you don't see it on the  
36 website, and we are continuing to work on it.

37 CHAIR McCREARY: Dave?

38 MEMBER KERSTETTER: I appreciate  
39 that warning, shall we say? I look forward to  
40 that conversation. I know that Guillermo and  
41 the rest of your staff certainly have been  
42 working on this diligently, and I appreciate  
43 the update.

44 When will we see a draft?

45 MS. SCHULZE-HAUGEN: Well, you  
46 have seen a draft.

47 MEMBER KERSTETTER: Well, when we  
48 see a final draft? And I guess in a larger

1 question, you have alluded to a number of  
2 internal reviews. Will this draft plan be  
3 sent for any kind of external review?

4 MS. SCHULZE-HAUGEN: It has  
5 already gone through one round of external  
6 review, being you all. You are not actually a  
7 NMFS employee.

8 So, I get your point. I know that  
9 the strategic plans for the Centers, I have  
10 seen in that planning that there is a point  
11 for external review. And so, I think that  
12 certainly would include you all. We will make  
13 sure that everyone here gets that and can  
14 weigh-in.

15 I am not exactly sure of the  
16 mechanics of getting the two to align at this  
17 point. We were so close when this other  
18 process started. But it is, obviously, a  
19 priority.

20 I have seen the Southeast Draft  
21 Plan. So, that is well along. I will  
22 certainly work on making sure that folks can  
23 see that as soon as possible.

24 We could still conceivably keep  
25 them separate, but it just didn't seem to make  
26 sense. So, that is where we ended up fairly  
27 recently.

28 So, that is all I have got.

29 CHAIR McCREARY: I can tell Dave  
30 will be happy to have further conversation.

31 Bob?

32 MEMBER HUETER: Yes, I would like  
33 to be part of that conversation.

34 Unless I missed it, because I was  
35 expecting a full presentation, so I kind of  
36 drifted off there -- I guess you are not  
37 presenting a plan today. Can I ask you what  
38 is in the magic box, what might be there? For  
39 example, is there going to be a budget with  
40 this plan?

41 MS. SCHULZE-HAUGEN: There is not  
42 at this point. There is not in the strategic  
43 plans as well. I think you have to have some  
44 recognition of the budget realities we have.  
45 I think Sam was fairly clear. The money is  
46 not increasing.

47 And so, how we manage the internal  
48 use of funds, I think it is great for the

1 panel to share with Sam, when he is here, the  
2 importance of identifying funds. I think we  
3 have been successful within Cooperative  
4 Research, the Bycatch Reduction Engineering  
5 Program. So, there is funding going to HMS  
6 research outside the agency. It is not  
7 necessarily a dedicated line. But, as the  
8 scientific needs, the management needs are  
9 pressing, then we do have the ability to get  
10 funding.

11 So, I think that is where we are  
12 at. Trying to create a dedicated funding line  
13 is something that involves processes that are  
14 quite complicated and take time. So, I am  
15 willing to work on that.

16 Honestly, I am not the best person  
17 for this since I am on the management side.  
18 We do have Dr. Diaz with us from the Southeast  
19 Fisheries Science Center that maybe can add to  
20 the conversation at this point.

21 But I was trying to facilitate the  
22 panel's desire to weigh-in on research with  
23 the science side of the house and developing  
24 the research plan. And so, I am still trying  
25 to do that, but they have got a strategic  
26 planning process now that we are working to  
27 merge.

28 CHAIR McCREARY: Bob?

29 MEMBER HUETER: A follow-up? Yes,  
30 when I ask Sam, "What can we do?", I  
31 understand that your hands are tied as far as  
32 telling us, "Oh, go to the Hill and say all  
33 these wonderful things."

34 But, in fact, this is something  
35 that the independent labs, universities, and  
36 other researchers can help with. I talked  
37 earlier about the fact that we can't get  
38 earmarks anymore, but that doesn't mean we  
39 can't advice legislators of the need for, say,  
40 a new competitive grants program for HMS.  
41 That is just within the NMFS budget and not  
42 designed to go to any one entity, and talk  
43 about the importance of raising the research  
44 budget of NMFS, so that these concerns can be  
45 taken care of.

46 So, I would try to put some  
47 numbers to this plan, and then engage folks  
48 like us to help get support for getting the

1 budget to do that. Obviously, it is self-  
2 serving to us, but our interest is in getting  
3 good science done. I have been personally a  
4 little beat up at this meeting by fishermen  
5 who come at me with new data, and I want to  
6 help.

7 And Scott was talking earlier  
8 about new approaches to doing research that  
9 the industry feels like should be done. Let  
10 me just take this opportunity to tell Scott  
11 that we are eager at anytime to accept  
12 industry funding to do those studies, as long  
13 as we don't have some kind of non-disclosure  
14 arrangement with that, as long as we can  
15 publish the results. It doesn't make any  
16 difference whether that dollar comes from the  
17 U.S. Government or it comes from industry.

18 Maybe we need to take a little bit  
19 more creative approaches to designing these  
20 funding programs, whether or not they are done  
21 by NMFS scientists or not. You guys can help  
22 with that.

23 I remain very concerned that, if  
24 we have a wishlist of research projects with a  
25 very tight budget, that most of it won't get  
26 done because you just don't have the  
27 commitment there for the funding. We really  
28 need to get somehow a dedicated instrument or  
29 number of instruments to fund that work and  
30 assign numbers to it and get going on it.

31 MS. SCHULZE-HAUGEN: So, you are  
32 asking for budget numbers. What I hear is  
33 just what it would take for future work and  
34 add it all up, and try to go get that number.

35 Is that what you are talking about?

36 MEMBER HUETER: Yes, I mean, from  
37 the management side, when you run your shop,  
38 you look at your next year's budget and what  
39 it is going to take to do this plan and this  
40 office, and that sort of thing. When you come  
41 up with a research plan, you come up with  
42 numbers, what it is going to take to do this  
43 item, that item, and whether this looks  
44 feasible, or should we put our "X" number of  
45 dollars into this or that.

46 So, if you just have a wishlist  
47 of, boy, wouldn't it be great if we knew this,  
48 with no thought as to what it is going to cost

1 to find that out, I am not sure what you have  
2 got. I am not sure where you go with that.

3 And then, you end up, it just  
4 becomes a very opportunistic list of things  
5 that maybe you will get to someday and maybe  
6 you won't, depending upon the crisis that is  
7 of that day.

8 So, yes, you can assign budget  
9 numbers just like you assign to management,  
10 running your management side.

11 MS. SCHULZE-HAUGEN: It is just  
12 funny, my budget is mostly staff and travel  
13 for this meeting and rulemaking. There is not  
14 a lot of planning, honestly. It is, "Here's  
15 the number. Make it work." So, I wish I  
16 could do more planning, honestly.

17 (Laughter.)

18 So, I hear you on this. What I  
19 can say, though, is I feel that I am at a  
20 disadvantage in trying to be the go-between  
21 between the science side of the house and  
22 panel. And so, I think I am going to be  
23 working in the meantime with Dr. Diaz at  
24 getting some of the science side folks here to  
25 have a greater one-on-one, because I feel we  
26 are not necessarily responding in the way that  
27 you would like. I can talk regs all night,  
28 but this is, really, there is a lot that is  
29 behind what is happening with the Science  
30 Centers that I am not able to speak to. So,  
31 maybe we can put that on the list for next  
32 time.

33 CHAIR McCREARY: I just want to  
34 say it sounds like a point that Bob is making,  
35 you are making the argument that going through  
36 the exercise of attaching budget numbers can  
37 actually help generate and leverage funding.  
38 If you don't attach budget numbers, then it is  
39 not as meaningful, right?

40 Dave, did you have another point?

41 MEMBER KERSTETTER: I did. Thank  
42 you.

43 Somehow there always seems to be  
44 some fantastic research coming out of the  
45 Pacific that just doesn't seem to be happening  
46 on the Atlantic. That is something that I see  
47 every year at the Tuna Conference --

48 MS. SCHULZE-HAUGEN: But your work

1 is fantastic, Dave.

2 MEMBER KERSTETTER: Say it again?

3 MS. SCHULZE-HAUGEN: Your work is  
4 fantastic.

5 MEMBER KERSTETTER: Buttering is  
6 appreciated.

7 (Laughter.)

8 However, it still doesn't seem to  
9 address some points. I don't want to belabor  
10 that, but I will say that there is this strong  
11 dichotomy that we see, and John sees as well  
12 because he also accompanies me to the Annual  
13 Tuna Conference, between what goes on on HMS  
14 research on both the California Pacific side  
15 and in Hawaii and that which happens on the  
16 Atlantic side.

17 And so, I know this is probably  
18 above your pay grade, but at some point that  
19 dichotomy should be addressed. I sincerely  
20 hope that it is in the final HMS research  
21 plan.

22 Now, to part of Bob's point about  
23 trying to identify numbers for all this  
24 Christmas list that we have talked about at  
25 previous discussions of the HMS research plan,  
26 I do, indeed, think that that is a pretty good  
27 exercise. I think that between the SCRS and  
28 independent scientists and those at the  
29 Southeast Center, we pretty much know what  
30 needs to be done and some pretty general  
31 priorities about how that work needs to happen  
32 in sequence. So, I think that there is  
33 definitely utility from there.

34 One of the points that I had  
35 raised to you last year, though, is a little  
36 bit more of a low-hanging fruit in the sense  
37 that things like the CRP is limited to only a  
38 certain number of shark species and not to HMS  
39 species in general. MARFIN is not eligible  
40 for any HMS species. These are structural  
41 issues that don't necessarily require any  
42 additional funding, but require a  
43 restructuring of the RFPs themselves.

44 Even things like BREP, which are  
45 open United-States-wide, not just on the  
46 Atlantic, a number of HMS projects under BREP  
47 that were funded were funded for Pacific  
48 projects, not Atlantic. Still some; it is not

1 an Atlantic-only program. That was my point.

2 And so, there are some structural  
3 things that could be done to reallocate the  
4 opportunities towards HMS through existing  
5 programs. And I would just like to see some  
6 of those things also happen within the new  
7 program.

8 MS. SCHULZE-HAUGEN: And point  
9 taken. I don't mean to joke.

10 So, I think we were successful  
11 this year with the BREP project. Two HMS  
12 projects were funded. That is, I thought,  
13 pretty good, given the competition that we  
14 had.

15 Things like MARFIN go way, way  
16 back on decisions made. And so, well before  
17 my time. So, that is certainly something that  
18 I can raise. I don't know the full story of  
19 why the decisions were made that were, but we  
20 can revisit that. It is certainly a good  
21 point that that is funding that wouldn't need  
22 to be new. I would expect there might be some  
23 pushback from the folks that have the bigger  
24 piece of the pie than they might otherwise.  
25 But that may be something that we can revisit.

26 MEMBER KERSTETTER: The CRP as  
27 well.

28 MS. SCHULZE-HAUGEN: The CRP I  
29 really thought had a fair amount of shark  
30 research in it. So, your point is that not  
31 others --

32 MEMBER KERSTETTER: There is more  
33 to HMS than sharks. Apologies are noted.

34 MS. SCHULZE-HAUGEN: Well, then,  
35 there is quite a lot of bluefin tuna work  
36 going on as well. So, I don't think there is  
37 a complete gap. There is no research going.

38 But I will convey your points  
39 back. It may be worth panel members seeking  
40 out some of the science-side folks. I am  
41 thinking specifically of Dr. Merrick. Like I  
42 said, I will convey all this back, as I have  
43 each time.

44 John, do you want to jump in?

45 MEMBER GRAVES: Well, we have had  
46 this discussion before. But, I mean, it is a  
47 structural issue. If you look at specific  
48 highly migratory species, you have a Council

1 that is promoting them. If you look at the  
2 things that go into the MARFIN, you have  
3 Council issues that are promoting those.

4 When they pulled Atlantic HMS out  
5 of the Councils we lost that connectivity.  
6 So, I mean, I would guess that you are the  
7 point person for HMS. And so, when they are  
8 coming up with the MARFIN or they are coming  
9 up with the RFP and the priorities for the  
10 CRP, do they come to you?

11 MS. SCHULZE-HAUGEN: I think you  
12 greatly overestimate my role in the agency on  
13 science.

14 (Laughter.)

15 No, they don't.

16 MEMBER GRAVES: But that is my  
17 point. I would identify you as the point  
18 person because you are head of the HMS  
19 Management Division, and the management  
20 priorities, what research needs to be done to  
21 support management issues, that seems to me to  
22 be something that you would be asked about.  
23 And that is the whole point. It breaks down  
24 because nobody is asking that question. And  
25 therefore, we don't get incorporated in. The  
26 research needs in support of HMS, Atlantic HMS  
27 management don't get put in.

28 MS. SCHULZE-HAUGEN: They  
29 certainly don't get put into the MARFIN. But  
30 let's not forget Dr. Craig Brown, who is the  
31 HMS lead on the science side, my counterpart.  
32 And so, I don't know what role he is playing.  
33 I am assuming he is, and I will certainly  
34 pose that question.

35 And so, when things come out, they  
36 are not asking me. I know they are not. So,  
37 maybe they are asking him.

38 What I would say is let's try to  
39 get a better discussion next time, led by  
40 someone other than me. I mean, honestly, this  
41 is what I have got.

42 CHAIR McCREARY: Dave?

43 MEMBER KERSTETTER: Just a quick  
44 follow-up.

45 CHAIR McCREARY: And then, over to  
46 Scott.

47 MEMBER KERSTETTER: Considering  
48 that we are having a question about HMS

1 research and HMS research plans, and the role  
2 of science and management, and all the  
3 questions that come up around this table about  
4 questions with science, why isn't Craig here  
5 or somebody intimately -- apologies to  
6 Guillermo -- but somebody intimately in charge  
7 of the HMS research at the Southeast Center?  
8 He used to attend these meetings. Why isn't  
9 he here?

10 MS. SCHULZE-HAUGEN: I don't know  
11 that he did, but I think it is an excellent  
12 question. It is one that I will certainly  
13 pursue. I know that Bonnie Ponwith, the  
14 Center Director for Southeast Fisheries  
15 Science Center, has attended some of the ICCAT  
16 Advisory Committee meetings in response to  
17 that Committee, which many of you are also on.

18 Request for a greater science  
19 presence, I think it is a logical request, and  
20 one that I will make.

21 CHAIR MCCREARY: Good. Thank you.  
22 Scott?

23 MEMBER TAYLOR: To respond to, and  
24 maybe to be a little more poignant about the  
25 fact that there are these budgetary  
26 constraints that in a lot of ways are limiting  
27 and are frustrating a lot of the member on the  
28 panel itself who would like to see research  
29 done to various things, the ability for the  
30 private sector, that I was speaking about  
31 earlier, to fund some of these things, in the  
32 absence of HMS itself, and to work with  
33 somebody like Dave or Bob, or whatever the  
34 case may be, when I ask the question, I think  
35 of Sam; I kind of got a lot more of a  
36 political answer than a direct answer that I  
37 would have liked.

38 I think that it would be helpful  
39 in terms of a follow-up, at least from my  
40 standpoint, in the way that Rusty has pointed  
41 out that there are various other species and  
42 things that we believe need to have work done  
43 on them, if it is not going to happen because  
44 of budgetary constraints, I can tell you that  
45 my constituency and the people that are out  
46 there would be willing to put money up to fund  
47 this stuff if we knew going in that it was  
48 going to be looked at in a credible way and

1 that it wasn't just going to be discounted.

2 So, I don't think that there is a  
3 tangible answer that was given for the  
4 mechanics and how we could go about that. If  
5 there was a definitive answer for what  
6 procedure that we could use to have the  
7 private sector fund research in conjunction  
8 with accredited scientific universities in  
9 conjunction with the Science Centers, however  
10 it is that we knew and understood what that  
11 procedure is, I think that you would find that  
12 a lot of these things that you can't fund that  
13 we might be able to find privately the money  
14 to go ahead and get it taken care of, because  
15 they are such an area of concern for us.

16 MS. SCHULZE-HAUGEN: Okay. So,  
17 maybe my follow-up to you is, are you thinking  
18 specifically of stock assessments? Are you  
19 thinking specifically of surveys, things that  
20 get fed into stock assessments? Because there  
21 is ample literature, peer-reviewed literature,  
22 on HMS that comes into the agency and is  
23 actively considered.

24 Another example we had recently of  
25 a stock assessment that was published in a  
26 peer review journal that was then reviewed by  
27 the agency, by the science side, for its  
28 appropriateness for use as a basis for  
29 management decisions. It is the first time I  
30 think we have done that, but that is how we  
31 were able to use a stock assessment someone  
32 else had done, but still knew that it met the  
33 domestic scientific requirements and it was  
34 appropriate. That is the scalloped hammerhead  
35 assessment. So, that is being used right now  
36 as a basis for management.

37 So, if it is studies, life history  
38 studies, things like that, I think there is  
39 not a question on its use. I think where Sam  
40 was coming in is where things were feeding  
41 into stock assessments and needing to be done  
42 in specific ways that met the protocols. But  
43 I think we can connect folks with scientists  
44 on these kinds of questions and figure out the  
45 protocols. I don't think we have a mechanism,  
46 but I think we can work through that.

47 MEMBER TAYLOR: And I think that  
48 is really where my question is. I don't think

1 that you are going to find the private sector  
2 wanting to fund a historical study of  
3 something without there being essentially bang  
4 for the buck. If the private sector has a  
5 question about an HMS stock assessment, for  
6 example, where the money is just not going to  
7 be available for the agency to fund that, and  
8 the private sector is willing to fund that in  
9 an accredited way, good, bad, or indifferent,  
10 then it would be helpful to understand in a  
11 quantitative way what that mechanism could  
12 look like.

13 If it does exist, I am not aware  
14 of it. And it certainly is not the perception  
15 in general from the private sector that is out  
16 there, that we have that as an option.

17 MS. SCHULZE-HAUGEN: We can talk  
18 more offline maybe.

19 CHAIR McCREARY: Good discussion.  
20 Ellen, do you have another point  
21 or are you set?

22 MEMBER PEEL: I haven't made a  
23 comment on this issue.

24 CHAIR McCREARY: Go ahead.

25 MEMBER PEEL: The fact that this  
26 body is not constituted as a Fishery  
27 Management Council does put us at a  
28 disadvantage, does it not, that we don't have  
29 an SSC to perhaps take more input and to give  
30 peer review? Would that not improve the  
31 process, I mean, from getting more independent  
32 scientists to actually be providing input to  
33 what the research plan would need and review?

34 MS. SCHULZE-HAUGEN: So, SSCes are  
35 Council bodies that kind of make binding  
36 recommendations to the Council on a variety of  
37 things as well as vetting the science.

38 The challenge that we have is that  
39 the management authority is vested with the  
40 Secretary of Commerce. And so, a separate  
41 group that is not federal employees with the  
42 chain of command to the Secretary of Commerce  
43 making binding decisions for us is, I believe,  
44 the issue with why we don't have an SSC.

45 Apart from the fact that most  
46 SSCes are reviewing stock assessments, most of  
47 our assessments other than sharks are ICCAT-  
48 based and go through that process. And then,

1 we get a binding quota. Whether another group  
2 agrees with that or not, it is binding on the  
3 United States already.

4 So, if you are looking for a group  
5 to provide peer review of whatever, there are  
6 mechanisms that we have through the Center of  
7 Independent Experts to obtain peer review. It  
8 is not a cheap or quick process, but that  
9 would be something that is available.

10 MEMBER PEEL: Would that be  
11 helpful in reviewing this plan before it  
12 becomes finalizing, giving input? I hear a  
13 lot of frustrations from the scientists around  
14 the table. I think there needs to be another  
15 mechanism for input, what is included in the  
16 plan, the final plan.

17 MS. SCHULZE-HAUGEN: I don't know.  
18 I would welcome your input.

19 Whether another group of  
20 scientists -- and I think we have a number of  
21 scientists at this table right now -- if folks  
22 want to see the plan again before it is final,  
23 then that is fine.

24 This was also not, in my mind at  
25 least, a one-shot document. It would be a  
26 living document that would be updated as  
27 information changed and things like that. So,  
28 even if what is final this year isn't  
29 satisfactory or meets the need, there would be  
30 opportunities in the future.

31 So, I am not sure CIE peer review  
32 of the draft plan would get us what we are  
33 looking for.

34 CHAIR McCREARY: Yes, and it seems  
35 like what we are starting to do here in this  
36 conversation is going down the road and having  
37 a structural redesign of how does the agency  
38 mobilize scientific information to make these  
39 kinds of policy decisions, which is a fine and  
40 interesting question, but probably not one for  
41 this table, and probably not one for Margo, as  
42 she has said in so many words.

43 So, I mean, clearly, there is an  
44 expression of interest in creating a new,  
45 valid, meritorious mechanism and thinking  
46 about how that can be designed and having a  
47 further conversation, but I don't know that we  
48 could go much farther down this road today.

1 Rusty, I will take a last comment  
2 from you, and then we should probably move on.

3 MEMBER HUDSON: Rusty Hudson.

4 I guess my biggest complaint about  
5 this type of situation is the anonymous nature  
6 of the reviewers. We have very personal  
7 contact with the reviewers on our SSC. I  
8 think that is helpful because it allows the  
9 industry and the academia to be able to work  
10 together.

11 We ran into the same problem  
12 earlier with the catch-free dusky model back  
13 in 2006, and it is the same nature. You  
14 couldn't reveal who did the review.

15 So, I know it is internal to NMFS,  
16 but more transparency there might be helpful.

17 CHAIR McCREARY: Point well-taken.

18 Thank you, Rusty.

19 All right. Clearly, this is not a  
20 closed subject, but one that probably needs to  
21 come back and maybe be discussed at another  
22 level as well.

23 So, where should we go next,  
24 Margo, in terms of our flow here? Amendment  
25 8?

26 MS. SCHULZE-HAUGEN: We can keep  
27 going. There are public comment folks that  
28 are waiting.

29 CHAIR McCREARY: Yes.

30 MS. SCHULZE-HAUGEN: So, we have a  
31 couple of members of the public that would  
32 like to speak on bluefin tuna issues, but  
33 cannot stay until the public comment  
34 timeframe. And so, would folks be willing to  
35 entertain that at this point?

36 CHAIR McCREARY: Glenn, do you  
37 have a quick intervention on this subject?

38 MS. SCHULZE-HAUGEN: Well, hang  
39 on. We are asking the panel.

40 CHAIR McCREARY: Let's hear from  
41 the panel first, and then we will recognize  
42 you.

43 MS. SCHULZE-HAUGEN: Whether we  
44 allow for some public comment now on previous-  
45 day issues because folks need to leave.

46 CHAIR McCREARY: Sean?

47 MEMBER KERSTETTER: So moved.

48 MEMBER McKEON: Yes, I think I

1 don't see any reason why not.

2 CHAIR McCREARY: Okay. So,  
3 support. All right.

4 MEMBER McKEON: We might as well  
5 just let some people speak.

6 CHAIR McCREARY: Thank you.

7 MEMBER McKEON: That is what they  
8 are here for.

9 MS. SCHULZE-HAUGEN: Okay. Could  
10 the couple of folks that have to leave come up  
11 to the table to a microphone, state your name,  
12 if you have got an affiliation/association,  
13 that would be great.

14 And then, we will still try to  
15 have the standard public comment at the end of  
16 the day for others. So, this will be for the  
17 folks who need to leave.

18 MR. DELANEY: Thank you, and I  
19 will be brief. I was just teasing you.

20 Ever since I got off these panels,  
21 I say a lot less; that's for sure.

22 I am Glenn Delaney. I am here on  
23 behalf of Blue Water Fishermen's Association.

24 I just wanted to raise a point  
25 that we need to give a little more thought to  
26 on the amendment, the bluefin amendment. That  
27 relates to the notion of individual  
28 accountability, which is something that has  
29 been very appealing to me, and I have  
30 discussed with the industry for the past year  
31 or year and a half, trying to inspire them to  
32 think about it. Because, in my view, any plan  
33 or regulatory regime regarding individual  
34 accountability in the form of some form of  
35 individual allocations of access to the  
36 bluefin quota in the pelagic longline fishery  
37 should be something that is designed by the  
38 industry itself.

39 I know that is something that  
40 resonates with the agency and the agency  
41 leadership, that the benefits of that type of  
42 system may be many and a win/win for the  
43 agency and conservation and perhaps the  
44 industry. But it is something that should  
45 come from the bottom-up or the ground-up  
46 rather than from the top-down in the agency.

47 And so, I wonder, there are going  
48 to be many details, and I don't want to

1 suggest that I am advocating that the agency  
2 go down this road. But if it something that  
3 is going to end up in this plan, I don't see  
4 how it is possible for the plan amendment  
5 itself to specify, to resolve and specify all  
6 the many details, very difficult decisions and  
7 choices that need to be made in constructing  
8 any kind of individual allocation system.

9 You can certainly look at the  
10 experiences of other fisheries. I know this  
11 is just for bycatch, but it is just as complex  
12 as it would be if it were a directed fishery,  
13 and the same type of difficult choices need to  
14 be made.

15 And I think that we need to think  
16 about how would that process work. Is that  
17 something really that, through this rulemaking  
18 process, you would, as an agency, make choices  
19 as to what is the initial universe of eligible  
20 permit-holders? What is latent? Or what is  
21 not too latent? But some are too latent or  
22 what is the initial universe of qualified  
23 allocation recipients? What would be the  
24 baseline years? What would be the allocation  
25 criteria? How would it be distributed? Would  
26 it be done in some regional sense or, you  
27 know, recognizing need, based on past  
28 performance of the industry? How do you avoid  
29 rewarding actors that we would consider bad  
30 actors in the industry?

31 If you went through a sort of  
32 catch history type allocation regime and  
33 penalized the guys that did a good job, but  
34 still recognized that different regions and  
35 different fisheries, subfisheries of the  
36 pelagic longline fishery interact at different  
37 rates with the bluefin. And if there was  
38 trading, you know, what would be the leasing  
39 criteria or the limits on it? There is a  
40 whole bunch of decisions that need to be made  
41 that aren't necessarily pertinent or relevant  
42 to the agency's mission.

43 I mean, your mission is to provide  
44 for that system to be developed, but not  
45 necessarily make those choices yourself. And  
46 consistent with that philosophy and practice  
47 that has been followed in other fisheries, I  
48 think we need to be just thinking about

1 providing within this amendment maybe some  
2 general objectives and guidelines as to what  
3 the agency would like to achieve, should one  
4 of these systems be developed. But, then,  
5 provide for a process for the industry to be  
6 tasked with developing the very tough details  
7 that need to be hammered out and make those  
8 choices.

9 And then, maybe this would be  
10 included as one of the frameworkable items in  
11 the amendment, so that it could be neatly  
12 incorporated into the plan or this amendment  
13 through a framework adjustment or process in a  
14 timely way.

15 But I don't envision that this  
16 amendment process, and certainly I don't think  
17 this body would want to take on the  
18 responsibility for making those type of  
19 difficult choices for the fishery. I mean,  
20 that should be the fishery's prerogative on  
21 many of these decisions.

22 So, I don't know how much we have  
23 thought about that. I was kind of chatting  
24 with Brad a little bit about it earlier. I do  
25 think it is something that needs some thought,  
26 and that is a big "if". Again, please don't  
27 think that I am up here advocating for it, but  
28 it does sound like that is a very real  
29 possibility.

30 As I said, there are a lot of  
31 attractive attributes to that, you know,  
32 individual accountability to me personally,  
33 but I am not here to speak on behalf of the  
34 industry in that regard. I just want to say  
35 that, if you are going to do this, think about  
36 how it is going to work in this amendment and  
37 how we make sure that the industry has the  
38 prerogative to make those choices and  
39 decisions in designing the program.

40 CHAIR McCREARY: Thank you.

41 So, let's keep on the public  
42 comment track, if that is what we are doing,  
43 Margo, and ask if there are other members of  
44 the public who would like to address us on  
45 this subject. You are pointing at somebody.

46 Yes, sir? Introduce yourself,  
47 please. Is your microphone on? Let's try the  
48 other one.

1 MR. HOPKINS: How about now?  
2 CHAIR McCREARY: That's better,  
3 yes. Thank you.  
4 MR. HOPKINS: Yes, there we go.  
5 My name is Glen Hopkins. I am a  
6 pelagic longline fisherman in North Carolina.  
7 And I hate to say I am probably  
8 one of the demons on that one list there that  
9 has had interactions. We are not all bad  
10 folks. We are really just trying to make a  
11 living. It just so happens my bedroom is 43  
12 miles from this box. And so, we fish in our  
13 backyard primarily. Over the years, we have  
14 interactions. That is just the nature of --  
15 that is where the fish are and that is where I  
16 live and that is where I work.  
17 We do our best. We are concerned  
18 about the issue. We want to do what we can to  
19 remedy this situation.  
20 With that said, I don't want to  
21 beat a dead horse because I know everybody  
22 wants to get the heck out of here, too. But  
23 the individual catch caps, that sounds neat  
24 and easy to do and everything else, but if you  
25 just do the math, it boils down to we need  
26 more quota. I mean, if you do the math or if  
27 you just did it with permitted vessels, that  
28 equates to an individual cap of less than 700  
29 pounds for a year.  
30 I fish 12 months out of the year.  
31 That 700 pounds equates to two fish, maybe  
32 three fish. How am I supposed to work in a  
33 year's time and try not to catch two or three  
34 fish, individual fish? I mean, like I said,  
35 on the surface, it sounds good, but I don't  
36 think a lot of people realize the ramification  
37 of just how little bit that is.  
38 If you did it just on the active  
39 vessels, it would be maybe three fish a year,  
40 possibly four. I think it is just unrealistic  
41 to think that anybody can go out and spend  
42 time in the ocean and not catch that many  
43 fish. I mean, we are not talking about  
44 hundreds of fish or dozens of fish. We are  
45 talking about, you know, what you would count  
46 on your hand.  
47 Anyway, I just don't know if  
48 everybody realized that. We need more quota.

1 I did have a question. This  
2 closed area adjustment authority, can you all  
3 give me any idea of what you all envision that  
4 as, how that would work? I mean, I love the  
5 way it sounds. I was just kind of wondering,  
6 do you have a grasp on what that is going to  
7 be like if it goes through like that?

8 MS. SCHULZE-HAUGEN: What that is  
9 talking about is whether an FMP amendment  
10 would be required or if that could be done  
11 through what we called standard notice and  
12 comment rulemaking without an FMP amendment.  
13 The difference there is the amount of time  
14 that an amendment takes versus the standard  
15 rulemaking.

16 MR. HOPKINS: I understand that.  
17 Any idea -- I mean, I know what the rulemaking  
18 takes. What kind of timeframe do you think  
19 you would be able to, if you got this done,  
20 how fast could you react and what would you be  
21 reacting to, hotspot areas, I mean closure-  
22 type things?

23 MS. SCHULZE-HAUGEN: It would  
24 really depend on the data that we have, the  
25 timeliness of it, and how we could use it. It  
26 is difficult.

27 The other factor to think about,  
28 and this is a point I mentioned before, is  
29 that even if we have the ability to change  
30 areas without an FMP amendment, if there are  
31 large enough changes that the effect would be  
32 significant on the environment -- and that is  
33 the people and the fish as well -- it can  
34 still require a longer timeframe for the  
35 rulemaking. So, I think it really depends on  
36 what we are talking about, whether we could do  
37 it quickly or not.

38 MR. HOPKINS: All right. Thank  
39 you.

40 CHAIR McCREARY: Glen, thanks very  
41 much.

42 Other members of the public?

43 MR. HOPKINS: I'm sorry, I'm not  
44 done. I will try to get through the rest of  
45 it quicker.

46 CHAIR McCREARY: I'm sorry.

47 MR. HOPKINS: I like that idea of  
48 the pinpoint precision, surgical precision

1 that everybody has been talking about. If you  
2 could actually accomplish that, I think that  
3 would be the best thing we could do. With  
4 technology today, I believe it is possible to  
5 have real-time data and real-time reaction.

6 And I would also submit that you  
7 are looking at 2014 for implementation. We  
8 have the winter coming up, and fish are  
9 getting ready to migrate our way. I know I,  
10 for one, would be willing to assist whoever's  
11 lap this would be falling into in NMFS to try  
12 to see how this thing would work out, I mean,  
13 just informally or off the record. But, hey,  
14 is it even possible it could work?

15 Is there a contact here that I  
16 could call and say, "Hey, look, this 30 miles  
17 right now is a hotspot. You know, you need to  
18 keep the guys out. We will do what we can to  
19 keep the guys out of there."? And just see if  
20 it is even -- you know, maybe it wouldn't even  
21 work, but maybe it would work great.

22 Just a couple of little, quick  
23 points. The full-time observer thing or a  
24 camera or all that, that sounds kind of cool.

25 But, currently, we have VMSs on the boat. I  
26 can look on a computer right now and see where  
27 my boat is.

28 I mean, there is a privacy thing.

29 It is one reason some of these guys or us  
30 guys fish, is we are kind of private people,  
31 or whatever. And to have something full-time  
32 on your boat -- or I don't know how many of  
33 you guys like your privacy at work, but if you  
34 have got somebody sitting beside you -- here,  
35 we are living on a 46-foot boat for four or  
36 five days, and you have got another guy or a  
37 girl that you have got to put up with all the  
38 time. I mean, I don't think most people in  
39 the room would want that kind of an  
40 infringement on their space.

41 Just like everybody has said, we  
42 can't let this pelagic longline fishery  
43 collapse. I mean, it is very important. I  
44 look across the street; there is a sushi bar  
45 here. I think every town has got sushi bars  
46 now, restaurants, college campuses, grocery  
47 stores. I mean, the food that is supplied by  
48 this industry is vital. It truly is vital.

1 I mean, if you think about it when  
2 you are going home and you look at the  
3 restaurants, how many people sell sword, how  
4 many people sell tuna, I think you will see it  
5 is everyday place. It wasn't that way 10 or  
6 12 years ago.

7 Like I said, the main thing I see  
8 that we need is quota. I know the people that  
9 do go to ICCAT fight hard for us, but I also  
10 feel like there is some effort that has been  
11 given into just trying to put them on CITES or  
12 this, that, or the other. I think if we kind  
13 of lay off that effort a little bit more,  
14 maybe we could get more established as far as  
15 quota.

16 Thank you very much.

17 CHAIR McCREARY: Glen, thank you.

18 Other members of the public want  
19 to address the panel?

20 MS. SCHULZE-HAUGEN: So, this  
21 would be folks -- I wanted to try to limit  
22 this, because we do have other folks coming  
23 in, to just those folks that need to leave,  
24 folks that cannot stay until the regularly-  
25 scheduled public comment.

26 Is there anyone else?

27 (No response.)

28 Okay. So, thanks for folks  
29 understanding.

30 CHAIR McCREARY: Thank you very  
31 much.

32 MS. SCHULZE-HAUGEN: Let's move  
33 ahead.

34 CHAIR McCREARY: So, Amendment 8.

35 MEMBER RUAIS: A couple of us had  
36 a couple of responses to the comments that  
37 were made, if we could just have a short  
38 discussion. I know Pamela had one, and I had  
39 one.

40 MS. SCHULZE-HAUGEN: This was  
41 public comment. This wasn't really the panel  
42 discussion.

43 MEMBER RUAIS: Okay, your meeting.

44 CHAIR McCREARY: Rich, we will try  
45 to accommodate your comments when we loop back  
46 to the other public comments.

47 All right. Amendment 8. Welcome.

48 MR. PEARSON: Thank you, Scott.

1 My name is Rick Pearson. The  
2 topic of this afternoon's presentation is  
3 commercial swordfish management measures.  
4 Specifically, I will be discussing Amendment 8  
5 to the Consolidated HMS FMP.

6 You will recall that we  
7 distributed a predraft of Amendment 8 to the  
8 Advisory Panel this past March. So, I am  
9 going to be providing a status update as to  
10 where we are and some of the issues that we  
11 have encountered as we develop Amendment 8.

12 Just to provide a quick outline,  
13 first of all, I will discuss some of the  
14 background. I am sure most of you are  
15 familiar with a lot of the information I will  
16 be presenting in the background, but it is  
17 necessary to set the stage for Amendment 8.

18 I will discuss some of the  
19 comments that we received on the predraft and  
20 some recent information that we have received  
21 that could impact Amendment 8.

22 I will describe some of the  
23 current alternatives that are under  
24 discussion. There are basically three issues  
25 that we will be talking about. That is vessel  
26 permitting, swordfish retention limits,  
27 commercial catch reporting, including a  
28 potential swordfish tagging program.

29 Then, I will pose a series of  
30 questions to the Advisory Panel that,  
31 hopefully, we can get some feedback on to take  
32 back and work on the document.

33 And then, finally, I will describe  
34 the timeline for the amendment.

35 Quickly, some of the background:  
36 North Atlantic swordfish are not overfished,  
37 and overfishing is not occurring.

38 Lately, NMFS has been receiving  
39 reports of more and larger swordfish available  
40 on historical fishing grounds.

41 Swordfish limited-access permits  
42 continue to be difficult and expensive to  
43 obtain.

44 We have had persistent  
45 underharvests of the U.S. swordfish quota. We  
46 have been harvesting approximately 70 percent  
47 of the baseline quota from 2007 to 2011.

48 Expansion of the pelagic longline

1 fishery is restricted because of the bycatch  
2 of protected species and non-target species,  
3 some of which we discussed earlier today.

4 Finally, the agency has received  
5 many requests, including from the HMS Advisory  
6 Panel, to provide more opportunities to use  
7 rod and reel, handline, harpoon, bandit gear,  
8 and other gear to commercially harvest  
9 swordfish.

10 So, the need for action. As I  
11 indicated, the United States has not harvested  
12 its full ICCAT swordfish quota in recent  
13 years. Other ICCAT contracting parties have  
14 requested additional North Atlantic swordfish  
15 quota to be transferred from the U.S.  
16 allocation. Therefore, we believe that  
17 management measures to provide additional  
18 opportunities to harvest swordfish could  
19 increase landings and help us to more fully  
20 utilize the North Atlantic swordfish  
21 allocation.

22 And some of those landings could  
23 come from the swordfish handgear permit.  
24 Specifically, I am referring to rod and reel,  
25 handline, harpoon, and bandit gear.

26 Handgears are tended. They are  
27 highly selective with regard to target  
28 species, and they may have lower post-release  
29 mortality on undersized fish and protected  
30 resources.

31 In 2004, the Endangered Species  
32 Act biological opinion found that the handgear  
33 fishery has low bycatch interaction rates.  
34 Under the Marine Mammal Protection Act, the  
35 handgear fishery is categorized as a Category  
36 3 fishery. And finally, handgear has low  
37 impacts on essential fish habitats.

38 So, as I indicated, handgears may  
39 provide an opportunity to more fully harvest  
40 U.S. North Atlantic swordfish quota. In 2011,  
41 handgears accounted for approximately 5  
42 percent of all commercial swordfish landings.

43 Just to provide a little update on  
44 where we are right now, this issue was first  
45 raised in the Advanced Notice of Proposed  
46 Rulemaking that was published in 2009. Since  
47 then, there have been several Advisory Panel  
48 meetings where this topic has been discussed.

1 A predraft of Amendment 8 was presented to  
2 the Advisory Panel this past March.

3 Right now, we are currently  
4 considering Advisory Panel and public comments  
5 that we received on the predraft, and I will  
6 describe some of those. We are considering  
7 some new information that has come forward.

8 We are drafting the Environmental  
9 Assessment and the Proposed Rule, and we are  
10 examining the operational aspects of  
11 administering Amendment 8 in an uncertain  
12 budget climate.

13 Specifically, what I am referring  
14 to there are accommodating regional  
15 differences in the swordfish fishery,  
16 administering a new permit -- how would that  
17 permit be administered and who would be  
18 eligible to receive it? -- and implementation  
19 of a swordfish tagging and reporting program.  
20 How would tags be distributed and who would  
21 obtain them?

22 Quickly, some of the main comments  
23 that we received on the predraft that was  
24 distributed in March:

25 NMFS should provide an estimate of  
26 the additional landings, additional swordfish  
27 landings, and the anticipated number of new  
28 entrants that might come into the fishery as a  
29 result of this permit.

30 NMFS should identify the quota  
31 category, the swordfish quota category, from  
32 which landings from the new permit would be  
33 deducted.

34 We received support for an open-  
35 access permit. Conversely, we received  
36 comments that NMFS should consider commercial  
37 fishing history as a criteria for the new  
38 permit, essentially, support for a limited-  
39 access permit based upon previous commercial  
40 fishing activity.

41 We received comment, pretty strong  
42 comment, to keep the permit separate from the  
43 Atlantic Tunas General Category permit.

44 There was general support for a  
45 tagging program.

46 We were requested to consider the  
47 very significant regional differences in the  
48 swordfish fishery.

1                   We received a comment that NMFS  
2 should authority buoy gear for the new permit,  
3 but not in Florida.

4                   Finally, we received a very wide  
5 range of opinions on what an appropriate  
6 retention limit for a new commercial swordfish  
7 permit should be. For example, NMFS should  
8 select a high limit of six or more fish to  
9 catch the quota and support offshore trips  
10 that need a higher limit to be profitable.

11                   Conversely, we received comments  
12 indicating that NMFS should select a low limit  
13 to minimize the potential impacts on the  
14 current swordfish limited-access permit-  
15 holders. That would be in terms of the values  
16 of the existing limited-access permits as well  
17 as ex-vessel prices. And we received comments  
18 that NMFS should select a very low limit of  
19 two fish or less for Florida's East Coast to  
20 reduce gear conflicts.

21                   Now I would like to briefly  
22 discuss some recent information that we have  
23 obtained. There has been an increasing trend  
24 in swordfish landings through July of 2012,  
25 through July 30th of 2012. It is possible  
26 that we could achieve more than 80 percent of  
27 our baseline quota in 2012. A lot of that  
28 will depend upon the weather and the fishing  
29 activity that occurs during the fall period in  
30 the NED in the offshore areas.

31                   Also, there have been some recent  
32 regulatory changes that could impact our quota  
33 utilization. ICCAT recommended that we only  
34 allow a 25-percent rollover of the  
35 underharvest into the next year's adjusted  
36 quota. Previously, that had been 50 percent.

37                   So, the end result of that is that there is  
38 going to be a lower adjusted quota from here  
39 on out. We used to be able to carry over 50  
40 percent of the baseline quota. Now we can  
41 only carry over 25 percent of the baseline  
42 quota.

43                   Also, NMFS recently implemented a  
44 new minimum size requirement on the basis of  
45 an ICCAT recommendation, where we lowered the  
46 cleithrum-to-caudal keel measurement from 29  
47 inches to 25 inches. This action is  
48 anticipated to increase swordfish landing.

1 However, it is not expected to increase the  
2 U.S.-reported catch to ICCAT because dead  
3 discards area already included in the reported  
4 catch to ICCAT. So, essentially, by lowering  
5 the CK measurement, we are converting fish  
6 that previously had to be discarded into  
7 landings.

8 I just want to focus for a few  
9 minutes on this chart here, which shows  
10 swordfish landings from 2009 to 2012. You can  
11 see right now, as of the end of July, that we  
12 are running approximately 40 percent higher in  
13 reported landings than we have in the previous  
14 three years. Like I said, depending upon the  
15 weather and the fishing conditions and the  
16 number of boats in the NED, we could be  
17 landing upwards of 80 percent of our baseline  
18 quota. Historically, we have been landing  
19 about 70 percent.

20 So, with that said, I would just  
21 like to quickly run through some of the  
22 alternatives that we are considering for  
23 Amendment 8.

24 For vessel permitting,  
25 essentially, there are basically three main  
26 alternatives. The first one is a no-action  
27 alternative where we would maintain the  
28 current swordfish limited-access program. The  
29 second alternative would establish an open-  
30 access commercial swordfish permit. And the  
31 third alternative would establish a new  
32 limited-access commercial swordfish permit.

33 Under that second alternative,  
34 there are also four additional  
35 subalternatives. These would all be open-  
36 access permits.

37 The first subalternative would add  
38 swordfish to the existing Atlantic Tunas  
39 General Category permit. The second  
40 subalternative would add swordfish to the  
41 existing Atlantic Tunas Harpoon Category  
42 permit. The third would allow  
43 charter/headboat permit-holders to fish under  
44 open-access commercial swordfish regulations  
45 when they are not on a for-hire trip, similar  
46 to how charter/headboat permits, vessel  
47 permit-holders can fish for BAYS tuna when  
48 they are not on a for-hire trip.

1                   And finally, the fourth  
2 subalternative would create a new, separate  
3 open-access commercial permit.

4                   So, those are the alternatives  
5 that we are considering for vessel permitting.

6                   The next issue is swordfish  
7 retention limits. These are all somewhat  
8 similar in terms of the range. The first  
9 alternative would establish a range of zero to  
10 six swordfish for a new or modified permit.  
11 However, it would codify one limit within that  
12 range. So, we would have a range that is  
13 analyzed in the environmental assessment, and  
14 similar to the Caribbean permit that was  
15 discussed earlier, we could modify that limit  
16 through framework procedures rather than a  
17 full-blown amendment.

18                   But we would codify one limit  
19 within that range. So, say, for example, it  
20 could be three fish coastwide. The first one  
21 does not have in-season adjustment authority.

22                   We would just codify one limit within that  
23 range.

24                   The second alternative would  
25 establish a zero-to-six fish retention limit  
26 for the new permit. It would codify one limit  
27 within that range. NMFS would have authority  
28 to use in-season adjustment authority to  
29 change the limit.

30                   Finally, the third alternative  
31 would establish swordfish management regions  
32 with a zero-to-six-fish limit for each region.

33                   It would codify one limit for each region  
34 with in-season adjustment authority to change  
35 the limit within that region.

36                   And then, there are several  
37 subalternatives under the third alternative  
38 which would establish management regions.  
39 That is what I will discuss next.

40                   We have several options to  
41 designate regions to account for some of the  
42 unique environmental and biological factors  
43 that affect swordfish stocks.

44                   So, now I am going to have a  
45 series of slides to describe some of the  
46 management regions that we are considering for  
47 retention limits. The first one of the  
48 options would adopt ICCAT Statistical Areas:

1 the Northeast Distant, Northeast Coastal, Mid-  
2 Atlantic Bight, South Atlantic Bight, Florida  
3 East Coast, Gulf of Mexico, Caribbean, and  
4 Sargasso Sea. And so, within each one of  
5 those regions we could, under the third  
6 alternative, we could establish a separate  
7 swordfish retention limit for the new permit.

8 The remaining alternatives are  
9 similar to this. However, we are going to be  
10 removing, we would remove the NEC, the Mid-  
11 Atlantic Bight, the South Atlantic Bight, and  
12 the Sargasso Sea, and create, essentially, one  
13 large management unit called the Northwest  
14 Atlantic. So, we would have the Northwest  
15 Atlantic, the Gulf of Mexico, and the  
16 Caribbean. In addition, there would be a  
17 separate Florida special swordfish management  
18 area in addition to those three very large  
19 regions.

20 So, the next few slides, I am  
21 going to be describing some of the  
22 alternatives that we are considering for a  
23 special Florida special swordfish management  
24 area.

25 The first Florida separate  
26 subregion would encompass the East Florida  
27 Coast pelagic longline closed area. So, what  
28 we are considering here would be, in addition  
29 to those three very large regions that I  
30 described, that we would have this smaller  
31 Florida region for which we could implement a  
32 separate swordfish retention limit. This  
33 particular closure encompasses over 30,000  
34 square nautical miles.

35 Another option for a special  
36 Florida management area would be extend from  
37 the Georgia border to Key West, Florida, out  
38 to the EEZ. This subregion is greater than  
39 37,000 square nautical miles.

40 And then, finally, a smaller,  
41 little bit more targeted specific region, in  
42 addition to the three larger management  
43 regions that I described. This would consist  
44 of the federal waters adjacent to Monroe  
45 County, Miami-Dade County, Broward County,  
46 Palm Beach County, Martin County, and St.  
47 Lucie County. This would be approximately  
48 8,000 square nautical miles.

1                   So, again, we are considering some  
2 of the unique biological and environmental  
3 factors and considering some different  
4 management measures for each of these  
5 management areas.

6                   Then, finally, the third issue is  
7 commercial catch reporting. The first  
8 alternative is the status quo. This is  
9 essentially what is required of current tunas  
10 General Category permit-holders. That is for  
11 HMS logbook reporting, if selected, and all  
12 sales be only to permitted swordfish dealers.

13                   The second alternative is that  
14 swordfish could be tagged by some or all  
15 commercial swordfish permit-holders and all  
16 swordfish be reported in logbooks, if  
17 selected, and all sales only to permitted  
18 swordfish dealers.

19                   Once again, I have some  
20 subalternatives under this second alternative.

21                   The first subalternative is that we would tag  
22 only swordfish landed by vessels issued this  
23 newer modified permit. We estimate that that  
24 would require approximately 6,500 tags to be  
25 issued and obtained.

26                   The second subalternative would  
27 tag all swordfish except for those captured by  
28 pelagic longline vessels. We estimate we  
29 would require to issue 11,500 tags.

30                   The third subalternative, all  
31 swordfish would be tagged. That would require  
32 approximately 55,000 tags to be issued.

33                   And finally, the fourth  
34 subalternative would be to tag all swordfish,  
35 PLL, buoy gear, handline, rod and reel, et  
36 cetera, from designated management regions.  
37 We estimate that would require the issuance of  
38 approximately 20,000 tags.

39                   So, the next few slides, I am  
40 going to discuss the tagging program, for  
41 which we received some support at that last  
42 Advisory Panel meeting. So, we have been  
43 discussing this issue quite a bit internally.

44                   And so, I would like to present to you all  
45 some of the issues that we have been talking  
46 about.

47                   Some of the options, first of all,  
48 would be to provide tags to permitted

1 swordfish dealers where the swordfish need to  
2 be tagged before offloading. This would be  
3 similar to the current Atlantic bluefin tuna  
4 tagging requirement where tags are distributed  
5 to dealers.

6 One of the advantages to that is  
7 that there would be fewer shipments of tags  
8 required. We estimate that there would be  
9 between 47 to 191 shipments of tags to  
10 swordfish dealers.

11 The second alternative there would  
12 be to provide tags to swordfish vessel permit-  
13 holders, whereby the swordfish need to be  
14 tagged once they are brought onboard. We  
15 estimate that would require shipments to over  
16 1800 to approximately 4500 fishermen.

17 So, the question of who would  
18 receive the tags, this would affect when the  
19 swordfish are tagged. It certainly affects  
20 the program administration and the compliance  
21 burden on behalf of the agency as well as  
22 industry. It could affect enforceability, and  
23 it also could impact the fisherman/dealer  
24 relationship if the tags are provided to  
25 dealers. This would ensure that fishermen are  
26 landing and selling those swordfish to  
27 permitted swordfish dealers.

28 Some of the other issues that we  
29 have been discussing: where would the  
30 physical location of the tag be? Would it be  
31 on a flap of skin, on the caudal keel, on the  
32 upper portion of the log? Which type of  
33 information would be required on the tag.  
34 There is a wide range of alternatives there  
35 from preprinted -- and we have a display of  
36 some of the different tags that we have been  
37 looking at outside here, and I would encourage  
38 everybody to take a look at that.

39 But some of the options, this  
40 would be similar to the current bluefin tuna  
41 tag where it locks and it could have various  
42 preprinted information on it, including permit  
43 number or simply a number where we know the  
44 sequence of tags that were assigned to a  
45 specific dealer or fisherman. And therefore,  
46 that swordfish could be traced back to that  
47 particular dealer or fisherman.

48 Then, one of the other

1 alternatives that we are looking at is for  
2 fishermen or dealers to obtain essentially  
3 blank tags. These are made of Tyvek. They  
4 are available on order from Staples and Office  
5 Depot, and a fisherman would be required to  
6 perhaps print the vessel ID, the permit  
7 number, the vessel name, and the date of  
8 capture on this tag. And then, that tag would  
9 need to stay on that fish. So, this is more  
10 of a lower-cost, lower-administrative burden  
11 that we are considering as well, too.

12 Then, there's any number of  
13 different types of information that can be put  
14 on the tags, including barcodes and these  
15 things that you can take a picture with your  
16 phone and find out all kinds of information  
17 about the fish.

18 So, there are many different  
19 levels of sophistication of a tagging program  
20 that we have been investigating.

21 The reporting requirements, is the  
22 tag number going to be required to be reported  
23 in a logbook or in the dealer reports or on  
24 eDealer.

25 The length of time that the tag  
26 would need to be on a fish. This is the chain  
27 of custody, from the moment that is brought  
28 onboard to the moment of first processing or  
29 all the way to the end-user. Again, this  
30 affects enforceability.

31 How do we deal with swordfish that  
32 are in transportation on land if we just  
33 implement this on a regional basis? Would it  
34 need to be just swordfish landed in that  
35 particular region or any swordfish physically  
36 present in that region?

37 Tag transferability, would these  
38 tags be transferred, able to transfer? And  
39 then, would we have to maintain a record of  
40 that?

41 Lost tags, how do we account for  
42 lost tags?

43 The fees and cost -- and this is a  
44 very important aspect of it -- not just the  
45 cost to the agencies, but the cost to the  
46 fishermen or dealers.

47 Finally, who would be ordering  
48 these tags? Who would be administering the

1 program? So, these are some of the things  
2 that we are considering, and each one of them,  
3 depending upon the level of sophistication,  
4 has different costs and compliance burdens  
5 associated with them.

6 Again, just a review of some of  
7 the options that we have for a tagging  
8 program: preprinted, self-populated tags.  
9 Again, please take a look at the ones that are  
10 outside.

11 So, these are some of the  
12 questions, because we did receive a fair  
13 amount of support or consideration for a  
14 tagging program at the last Advisory Panel  
15 meeting. When we reconvened back in the  
16 office, our first question was, well, what is  
17 the purpose of a tagging program? And most of  
18 us thought that it was primarily for  
19 enforcement, to be able to differentiate  
20 between swordfish that are bound for commerce,  
21 i.e., commercial swordfish, versus  
22 recreational swordfish, and to be able to  
23 provide a trail that could be traced back to  
24 see where that fish came from and that it is  
25 being landed by a properly-permitted  
26 commercial swordfish fisherman.

27 Another aspect of a tagging  
28 program is that there is any number of  
29 information that could be reported on a tag  
30 for data collection and stock assessment and  
31 quota monitoring purposes.

32 Tagging of some or all swordfish  
33 by permit or by region?

34 Distribution of the tags to  
35 dealers of fishermen?

36 The tag type, preprinted or self-  
37 applied information?

38 Reporting requirements. Again,  
39 should the tag number be recorded in dealer  
40 reports or logbooks?

41 And the length of time that the  
42 tag needs to be on a fish, chain of custody?

43 As you can see, as we got more  
44 into it, there are more questions that were  
45 raised. It can be a fairly resource-intensive  
46 program.

47 So, one of the things that we want  
48 to ask of the Advisory Panel, do you believe

1 that the potential benefits of a tagging  
2 program outweigh the potential costs of  
3 administering this tag program? And so, we  
4 would like some input on that.

5 Some additional questions for the  
6 Advisory Panel:

7 What would be considered an  
8 appropriate retention limit for a new either  
9 open-access or limited-access swordfish  
10 commercial handgear permit? Again, we are  
11 talking about a range of zero to six fish, but  
12 we have also received comments indicating that  
13 it should be 50 fish. So, we would like your  
14 input on that.

15 What do you think about the  
16 establishment of regions and regional  
17 management measures? If we were to implement  
18 regional management measures, what should the  
19 regions be and what should the management  
20 measures be within those regions?

21 Just a quick timeframe: we first  
22 started talking about a commercial swordfish  
23 handgear permit in 2009. Since then, we have  
24 had four subsequent Advisory Panel meetings  
25 where this topic has been discussed.

26 We prepared a predraft of  
27 Amendment 8 for the last Advisory Panel  
28 meeting. Right now, we are in the process of  
29 drafting an environmental assessment and the  
30 proposed rule. We anticipate public hearings  
31 this winter or spring of 2013. Publication of  
32 a final rule in the spring of 2013. If we go  
33 forward with this, we would hope to implement  
34 a new permit by next summer.

35 If you have any questions, please  
36 give me a call. I have received a lot of them  
37 already. But I always welcome your input. We  
38 take all of your comments into consideration.

39 And with that, do you want to open  
40 it to questions?

41 CHAIR McCREARY: Absolutely. So,  
42 we have time for maybe a half-doze questions  
43 or so for Rick and do want to entertain those.

44 Obviously, it was a very thorough  
45 presentation, many options on the table.  
46 Let's go around and see what our questions  
47 are.

48 Ralph?

1 MEMBER PRATT: Thanks, Rick.  
2 CHAIR McCREARY: Does your  
3 microphone work, Ralph? They are working on  
4 it. Go ahead, Ralph.  
5 MEMBER PRATT: Is the purpose of  
6 the tagging primarily for enforcement reasons,  
7 Rick?  
8 MR. PEARSON: I would say at this  
9 point the answer is yes. Most of what we have  
10 heard is that there is a great deal of concern  
11 between differentiating between swordfish that  
12 are legitimately bound for commerce versus  
13 those that have been captured under a  
14 recreational permit.  
15 MEMBER PRATT: I understand then.  
16 Is that concern primarily based in one state?  
17 I will just finish up then. Because if it  
18 is --  
19 MR. PEARSON: Yes.  
20 MEMBER PRATT: -- tag them in that  
21 state and forget the rest of us.  
22 MR. BLANKINSHIP: We lost what you  
23 said.  
24 MEMBER PRATT: I'm sorry. I would  
25 say tag them in that state and forget the rest  
26 of us because most of us are commercial  
27 fishermen that will be selling to HMS dealers,  
28 and we are begging for this permit.  
29 Thank you.  
30 CHAIR McCREARY: Thank you very  
31 much.  
32 Tim?  
33 MEMBER PALMER: Yes, thank you.  
34 Tim Palmer.  
35 Thanks, Rick, for that  
36 presentation. I can tell you have been  
37 agonizing over this for a while. That was  
38 really thorough.  
39 But I was going to pretty much  
40 say, for one thing, what Ralph just said. I  
41 think that the tagging thing, you could  
42 probably do away with the tagging thing except  
43 for Florida. You know, Florida, we have a lot  
44 of problems down there with non-compliance. I  
45 think that this thing, if it were tailored by  
46 regions like this, you could probably do away  
47 with the tagging. Florida, it would be a  
48 problem for us in Florida, and probably would

1 be unfair to put that burden on Massachusetts  
2 and the Gulf states and everything because of  
3 our problems there.

4 But, you know, pretty much I will  
5 keep this quick because I know we are kind of  
6 running late. I really like that Florida-  
7 targeted region on page 16. It shows like  
8 from St. Lucie County down to about Key West.

9 Yes, that one right there. And I really like  
10 that zero retention limit for that area  
11 because that is so many problems.

12 (Laughter.)

13 But, anyhow, I mean, I am going to  
14 be talking to you a lot between now and next  
15 time, Rick. I know that there are plenty of  
16 other people that want to talk here.

17 But, anyway, thanks.

18 CHAIR McCREARY: Tim, thanks very  
19 much.

20 Did you want to respond? No?  
21 Okay.

22 Scott Taylor? And being brief is  
23 helpful because our next round of speakers is  
24 here.

25 MEMBER TAYLOR: Enforcement in  
26 that Florida region, which is all that I can  
27 speak to, impractical the way things are right  
28 now. The way that this fishery operates down  
29 there, which is primarily small boats are  
30 docked behind their houses, and the  
31 accessibility to do any kind of a tagging  
32 system to those boats with all the problematic  
33 issues that will come along with the  
34 enforcement, not to mention the new added  
35 layer that we were talking about yesterday  
36 with the Coast Guard regulations on these  
37 boats. What you are going to see is just more  
38 of the same that we have, and you are going to  
39 be taking the problem and making it threefold  
40 there.

41 There have been two additional  
42 officers that have been added down to our  
43 region. Me and Tim -- I have got a lot less  
44 hair -- I can tell you that we have both been  
45 frustrated by it. It is not going to change  
46 down there because of the dynamic of what the  
47 fishery is.

48 So, the fish that are being

1 illegally caught there right now and making it  
2 to market in one way or another, the majority  
3 of them probably are being reported. So,  
4 whether or not there is a tag on them really  
5 is not what the issue is. They are being  
6 moved through the dealers, through other  
7 licensed dealers. That is the bigger issue  
8 that we are dealing with, rather than a  
9 tagging system.

10 So, I, like Tim, would strongly  
11 encourage, while I think this permit is a  
12 great idea and needs to be added, that the  
13 retention limit in the straits and in that  
14 Florida region, while it might benefit my  
15 business model, should be zero.

16 CHAIR McCREARY: Thank you.

17 Yes?

18 MR. PEARSON: Scott, some  
19 clarification on that. Do you feel that  
20 vessel owners will choose not to get that  
21 permit because of the additional Coast Guard  
22 regulations and they will continue the  
23 activities that we are trying to address?

24 MEMBER TAYLOR: Yes, in so many  
25 words, because of what is going to be required  
26 to actually legitimize what they are doing,  
27 and the fact that they are basically doing it  
28 to augment themselves recreationally to sell  
29 the fish. There is plenty of vehicle for them  
30 right now just to move the fish into the  
31 market through a friend, or whatever the case  
32 may be.

33 And you are going to have, whether  
34 or not it is a tagging program that you are  
35 sending to other boats or whether you send it  
36 to me as a dealer to distribute it to them,  
37 you are just going to legitimize the activity  
38 and not get any additional benefit from a  
39 quota standpoint because of the proximity of  
40 our fishery in Florida.

41 Where you are going out in Texas a  
42 long distance, the nature of the boat, and the  
43 way that the fishing is going to be done, to  
44 take care of the buoy gear will be a  
45 completely different dynamic, and I encourage  
46 that. I think that that is a good solution.  
47 But it just isn't going to work down there in  
48 our area because of our firsthand experience

1 with the way that that fishery operates.

2 MR. PEARSON: I appreciate the  
3 insight and the comments.

4 One of the main objectives of this  
5 rulemaking would be to increase swordfish  
6 handgear landings. One of the conundrums that  
7 we have is that the majority of the landings  
8 would probably come from that region as well,  
9 too.

10 CHAIR McCREARY: Okay. Let's keep  
11 rolling. I have many people in the queue:  
12 Allan, Dave Kerstetter, John, Carrie, Terri,  
13 and Ellen.

14 Allan?

15 MEMBER WILLIS: Thanks.

16 Allan Willis.

17 I agree that there is a problem  
18 with unauthorized catch by the rec guys in  
19 south Florida. It is actually something that  
20 a number of rec guys who don't participate in  
21 that type of activity complain about.

22 I think that this is a really good  
23 idea in terms of increasing the quota catch,  
24 increasing fishing opportunity, getting more  
25 people involved in the fishery. I kind of  
26 disagree that just setting south Florida at  
27 zero is a good idea because that is a place  
28 where there is a lot of opportunity.

29 That said, I think that something,  
30 this tagging program or some other mechanism  
31 to discourage people who are not properly  
32 permitted, properly licensed, and getting  
33 their boats properly inspected from  
34 participating in the fishery illegally really  
35 needs to be done, particularly in south  
36 Florida. Everybody knows it is a problem  
37 there. And I agree with the other speakers  
38 who said putting that burden on the rest of  
39 the country may not make a whole lot of sense.

40 That said, this slide asks, do the  
41 potential benefits outweigh the potential cost  
42 of the tag program? I haven't seen anything  
43 outlining potential cost to the tag program in  
44 any way, in this presentation at least. So  
45 that is kind of a hard distinction to make.  
46 If you don't know what the costs are, how can  
47 you make that judgment?

48 MS. SCHULZE-HAUGEN: Yes, that is

1 a good point. The cost of the tags themselves  
2 isn't really the issue.

3 MEMBER WILLIS: Right.

4 MS. SCHULZE-HAUGEN: It is the  
5 administration.

6 MEMBER WILLIS: It is database  
7 management. Understood. That is the big  
8 cost.

9 MS. SCHULZE-HAUGEN: Right. And  
10 so, our estimates are that, depending on the  
11 focus of the program, whether it would be  
12 limited administration and tracking to  
13 dealers, could take half to a full staff  
14 person; whereas, distributing out to all the  
15 fishermen and keeping them in supply, and all  
16 that, could take several of my staff. And so,  
17 this is the balance that we are trying to sort  
18 through. Is it worth that amount of resource  
19 that would, then, be taken away from being  
20 able to do other things that we need to do?

21 CHAIR McCREARY: Good. Thanks,  
22 Margo.

23 MEMBER WILLIS: I generally  
24 support increasing utilization of the fishery,  
25 increasing use of the quota, but I agree with  
26 Scott and Tim that you really need to crack  
27 down on the guys who are illegally  
28 participating in the fishery.

29 CHAIR McCREARY: Thank you.

30 MEMBER TAYLOR: Who is going to  
31 enforce it?

32 CHAIR McCREARY: Let's keep going.  
33 Dave Kerstetter?

34 MEMBER KERSTETTER: Thank you.

35 And, Rick, I do appreciate your  
36 work on this.

37 As several other speakers around  
38 the table, I certainly encourage the use of  
39 more of our quota. I think it benefits us in  
40 several different ways.

41 My question is one from the  
42 biological side, one that I raised during the  
43 spring meeting, which is my concern that, if  
44 you are going to be increasing effort,  
45 especially commercial effort, and you are  
46 trying to assess the ecological impacts of  
47 these, as far as I know, there is no observer  
48 program data on catch and catch composition

1 for certainly the deep-caught fishery, and I  
2 have been hearing some strange things about  
3 how individual sizes keep decreasing in that  
4 fishery, which is of concern to me.

5 But especially in the putative  
6 juvenile nursery area, it seems to me a little  
7 counterintuitive to be encouraging development  
8 of any kind of open access, recognizing that  
9 that is just one option, commercial fishery in  
10 that specific region, when you have cut it out  
11 for certainly the pelagic longline fishery.

12 So, do you have any additional  
13 data on catch composition and bycatch data?  
14 And if not, what are you going to use for  
15 those estimates?

16 MR. PEARSON: Not a lot. I was  
17 made privy to a report on post-release  
18 mortality of swordfish in the handgear fishery  
19 that was recently made available. Just this  
20 past week I saw that. Other than that, catch  
21 composition, it would be mostly your work,  
22 Dave.

23 MS. SCHULZE-HAUGEN: So, just to  
24 follow up, would you be recommending, then, a  
25 zero retention limit in that area? Because,  
26 remember, this is not just for that area.  
27 This would be for Maine to Texas as well. So,  
28 if your concerns are specific to south  
29 Florida, is that what you are recommending?

30 MEMBER KERSTETTER: Yes,  
31 certainly, until we have better data.

32 CHAIR McCREARY: Good. Let's  
33 continue.

34 John?

35 MEMBER JOLLEY: I think I would  
36 echo a lot of what has been said. But the  
37 fishing club would probably have a lot of  
38 reservations about a tagging program and its  
39 cost-effectiveness. Other than that, I agree  
40 pretty much with the attempt to get more  
41 quota. I think that is critical.

42 CHAIR McCREARY: John, thank you.  
43 Carrie?

44 MEMBER KENNEDY: Carrie Kennedy,  
45 Maryland DNR.

46 Well, first, I would like to  
47 answer a question about potential alternatives  
48 and which one I think we would support. I

1 certainly support the management regions, and  
2 specifically, you know, I can't speak about  
3 Florida, but I certainly would like to see a  
4 Mid-Atlantic Bight management region.

5 And then, options to manage to  
6 each region, one limit for each region with  
7 in-season authority to adjust that limit  
8 within each region, I think that that would be  
9 appropriate.

10 And then, in regards to tags, I  
11 understand that the problem may be in south  
12 Florida, but my experience with administering  
13 tags in one state is that it kind of doesn't  
14 matter if you just have tags in the place  
15 where there's the problem because they can  
16 always find a market for an untagged fish  
17 somewhere out of state.

18 So, I don't know what I recommend  
19 doing because it does seem like a lot of  
20 effort, a lot of cost, a lot of resources.  
21 The only benefit that there may be that hasn't  
22 already been discussed is in marketing, that  
23 this is maybe a fishery that would, then, be  
24 very traceable and sustainable. And  
25 therefore, maybe it could increase cost to the  
26 fishermen in marketing. But I just think that  
27 cost to the resource managers is going to be a  
28 lot higher. I don't know how significant the  
29 problem is.

30 Thanks.

31 CHAIR McCREARY: Thank you,  
32 Carrie.

33 Terri?

34 MEMBER BEIDEMAN: I guess my first  
35 question is, Rick, can you slide that back to  
36 No. 10? Yes. There you are.

37 CHAIR McCREARY: So, Terri, I am  
38 going to ask you and the next four people in  
39 the queue to try to be as concise as possible  
40 because we have got folks from another agency  
41 here on limited time. Thank you.

42 MEMBER BEIDEMAN: Will do.

43 You showed, and when you described  
44 this you said that the catch is in 2012, and  
45 it is clearly showing a huge increase; you  
46 said 40-percent higher this year. Is there  
47 any explanation for that? Do you have any  
48 idea why that is? Because I don't believe it

1 is from the CK. That wasn't implemented yet.

2 MR. PEARSON: I don't have any  
3 specific information with regard to why this  
4 is happening. We have done some research.  
5 The average size of the fish is increasing.  
6 So, that could account for some of the  
7 increase in poundage. Otherwise, availability  
8 perhaps. I am not sure.

9 MEMBER BEIDEMAN: That was kind of  
10 maybe where I was going, too, because I know  
11 that at Grand Banks they have been catching  
12 very large fish. If it is following through  
13 to other areas, then that very well could be  
14 the case.

15 And that being said, if we are, in  
16 fact, at this point pushing up against our 80  
17 percent of our baseline quota, which, of  
18 course, we know is subject to eventually  
19 change, I am very concerned, as I raised  
20 before, about opening this door too far. I am  
21 not opposed to people being able to catch fish  
22 on occasion. I certainly support commercial  
23 fishermen and trying to fill our quota.

24 But I am very concerned about the  
25 fact that this regulation has taken a long  
26 time to work its way through. At the time  
27 when it was proposed, we were well below 80  
28 percent and not necessarily looking like we  
29 were going to make it. And we are now,  
30 obviously, potentially -- and this doesn't  
31 include the likely increase in catches based  
32 on the change in CK, which we don't know how  
33 much more will be landed by the current  
34 participants in the commercial fishery, both  
35 buoy gear and also longline.

36 So, I am concerned that we are  
37 swinging the door too far, and then we are  
38 going to find ourselves with closures, serious  
39 closures. So, I am thinking a limited-access  
40 permit opened incrementally, as the case may  
41 be, may be a safer way to go, rather than  
42 kicking the door wide open, maybe not popular.

43 I think that the ICCAT region  
44 should be used for statistical purposes, just  
45 to be consistent with all of the rest of the  
46 things that we do, have to do.

47 Also, I would like to know -- I  
48 think there should be significant data

1 required. We have longline and all the other  
2 commercial guys, you know, handgear guys not  
3 so much, but certainly we have a lot of data  
4 on swordfish. We should not be losing data  
5 because we are giving it out to another  
6 classification. For the entitlement to sell  
7 these fish, they should be required to submit  
8 the same kinds of data that the pelagic  
9 longline guys have to do. Why should we  
10 destroy our datasets to just handgear?

11 And this is kind of a question I  
12 thought about before I even got here. I was  
13 like, okay, Gulf of Mexico, they are going to  
14 allow swordfish handgear in the Gulf of  
15 Mexico, presumably, and possibly they might  
16 have an incidental catch of bluefin. I don't  
17 know. What are you going to do about that?  
18 Okay? That was a concern.

19 The East Coast of Florida, as  
20 somehow we have already pointed out, was  
21 closed to protect nursery areas. And now, we  
22 are essentially opening, using the same hooks  
23 that people have that we were closed under.  
24 We use circle hooks in the pelagic longline  
25 fishery for a reason.

26 And I don't know if a catch number  
27 of zero is actually fair. It probably would  
28 be perceived as not being fair. So, maybe  
29 there is some way to handle that that  
30 addresses people's concern. And again, I am  
31 not opposed to the concept. I am just  
32 concerned about swinging the door wide open.

33 And the last comment at this point  
34 is that the tags should go to the vessels. I  
35 know it is a lot more administration, but you  
36 just retained the definition of first  
37 receivers. Okay? If you give the tags to the  
38 dealers and they have the tags, and the fish  
39 get landed, and they are en route to the  
40 dealer, they don't have a tag yet. So, if the  
41 boats don't have the tags, then there is not  
42 going to be a tag until it gets to the dealer,  
43 wherever that might be. So, a little cross-  
44 purposes in the rule that you just finalized  
45 and how it will pertain to this potential. I  
46 think that this has, unfortunately, taken so  
47 long that it may not be necessary, this rule.

48 So, that is my comments.

1 CHAIR McCREARY: Terri, thank you.  
2 Ellen?

3 MEMBER PEEL: I want to reiterate  
4 once more the importance of the U.S. landing  
5 its quota of swordfish. If we don't do that  
6 and don't maximize the opportunities for  
7 landing, we know it is going to go to Mexico  
8 or any other nation, then to Canada, and be  
9 dumped back on our markets, and then further  
10 hurt all U.S. interests.

11 I think, to Greg's question, when  
12 you asked whether boat owners may not opt for  
13 this because of the permitting burden, I would  
14 say that probably it would be when many  
15 realize the permit would make you an actual  
16 commercial fisherman. We have heard a lot or  
17 some people exaggerating that there are going  
18 to be tens of thousands of anglers selling  
19 fish. Not so. Once they realize that once  
20 you get this permit you will be commercial and  
21 you will comply with that, and you will not  
22 fish under the angling permit, most of them  
23 are going to opt not to do it. Some certainly  
24 will.

25 I think one concern in south  
26 Florida by certain people is that it increases  
27 competition. That is true. But, for the good  
28 of the U.S., you should be able to stand up  
29 and deal with the competition.

30 I do not think south Florida  
31 should be set at zero. That is certainly  
32 unfair. Legal catches, we have said, you  
33 know, meeting after meeting after meeting,  
34 someone needs to be busted in the boat and the  
35 catch seas. But those are legal catches.  
36 Many of us know, and some could even name the  
37 boats, are being facilitated by permitted  
38 commercial vessels who meet in the pass, take  
39 the fish, and sell them. So, it is not just  
40 anglers who should be busted. They are being  
41 facilitated by plenty of the permitted  
42 vessels.

43 To Terri's point, I agree with  
44 you. Perhaps one way to allow this fishery to  
45 help us land the quota is to authorize it  
46 either as an experimental fishery, as a  
47 fishery with a sunset of "X" years, two years,  
48 so you can see if it is viable, if it provides

1 additional tonnage.

2 If the longline fishery continues  
3 to grow beyond, then this would be phased out.

4 But we all really need to work together, so  
5 that the U.S. in whole does not lose quota at  
6 ICCAT.

7 To Dave's point, being concerned  
8 about the nursery area and those fish there,  
9 well, if we are all going to be completely  
10 concerned, I do not advocate this, but  
11 certainly someone could advocate that, since  
12 science shows that, on average, the first  
13 spawning occurs at 125 pounds, the U.S. could  
14 opt to put more restrictive measures in that  
15 than ICCAT, and say you could land above that.  
16 We aren't advocating that. We want to see  
17 the fish landed.

18 So, I think we all have to grab  
19 our bootstraps and be willing to accept some  
20 competition, maybe put limitations on it, but  
21 let's try to land these fish and bust the bad  
22 guys in whatever gear they have.

23 Thank you.

24 CHAIR McCREARY: Thank you, Ellen.  
25 Bill? And then, Andre. And then,  
26 we will move on to the next speakers.

27 MEMBER GERENCER: Thanks.  
28 Bill Gerencer.

29 I just wanted to comment briefly  
30 on we are on track to probably harvest 80  
31 percent of our quota -- that is good news --  
32 of the baseline quota. The difference between  
33 80 percent and the full baseline is roughly --  
34 and you can fact-check this later, Margo --  
35 the production of about five longliners, which  
36 basically says that the most efficient way to  
37 take this fish is with the longliner. And  
38 those are five larger longliners. You might  
39 make it 12 if you mixed it up between some  
40 larger ones and smaller ones.

41 So, I think one of our primary  
42 focuses should be, going forward, is, how do  
43 we make longliners fish more sustainable? And  
44 I understand that there are efforts underway  
45 down that road. So, I won't elaborate too  
46 much on it.

47 But I think we really should focus  
48 on how to make the most efficient fishery,

1 instead of maybe looking for ways to eliminate  
2 it. If you tried to do this all with  
3 handgear, just to make up the difference  
4 between 80 percent and the baseline, you are  
5 going to have to have about a fivefold  
6 increase in what handgear is harvesting today.

7 An off-the-cuff calculation, that is about 92  
8 vessels added to the fleet. I don't know if  
9 there is that much demand to get into this.

10 So, I am less concerned than I  
11 have been in past meetings about us losing our  
12 quota because we are coming closer and closer  
13 to harvesting it, but I think, if we get over  
14 80 percent, it makes it a much more defensible  
15 quota for us.

16 So, we should really focus on  
17 becoming cleaner, and there are ways to do it  
18 now. We should focus on strengthening what we  
19 have.

20 Thank you.

21 CHAIR MCCREARY: Thank you, Bill.  
22 Andre?

23 MEMBER BOUSTANY: Yes, a couple of  
24 points, the first one being, have you  
25 considered using some sort of carcass  
26 modification in the sport fishery instead of  
27 going through this, what seems to be a much  
28 more involved tagging process for any  
29 potential commercial fishery that develops --  
30 I know in California and the West Coast, for  
31 salmon -- I don't know if they still do this  
32 yet -- you used to have to lop the top lobe of  
33 the dorsal, of the tail, off, so that that  
34 fish could no longer enter the commercial  
35 marketplace. It was immediately identified as  
36 a sport-caught fish.

37 That could easily be done in the  
38 sport fishery for swordfish as well, modifying  
39 the carcass in some way, that it could never  
40 end up in the commercial sector. That would  
41 also put the onus of responsibility on the  
42 sport fishery, the people that it sounds from  
43 around this table who are actually causing the  
44 problem and are causing the reason for the  
45 differentiation to need to take place, instead  
46 of putting a lot more responsibilities on both  
47 the agency and the potential people that might  
48 be in the commercial sector for this fish.

1 My second point is just to back up  
2 some of the things that Dave and Terri said  
3 about get ahead of the curve on recording  
4 data. Anytime you are developing a new  
5 fishery like this, it gives you the tremendous  
6 opportunity to collect a lot of new data and  
7 get in from the ground floor, instead of  
8 having to think about what you would have  
9 wanted to collect five-ten years down the  
10 line, if you would have had an ideal  
11 situation.

12 Now you have a lot of foresight,  
13 and you know what has been collected in other  
14 fisheries and you know what you need to  
15 collect in this in order to make those data  
16 really useful for scientific purposes.

17 CHAIR McCREARY: Thank you, Andre.  
18 So, Rick, do you feel like you  
19 have a good deal of information here?

20 MR. PEARSON: We will have plenty  
21 to discuss over the course of the next few  
22 months. Thank you.

23 CHAIR McCREARY: No doubt.  
24 All right. Apologies to our  
25 colleagues for our running late. We do have  
26 another presentation on the United  
27 States/Bahamas maritime boundary. I don't  
28 know; is it loaded up here? Okay.

29 MR. VAN PAY: Well, thanks so much  
30 for having us here today, allowing us to speak  
31 to you. We would like to catch you up-to-date  
32 on the U.S./Bahamas maritime boundary. In  
33 fact, some of you might not realize that that  
34 boundary is not based on a treaty yet. That  
35 has yet to be negotiated.

36 But what I would like to do is  
37 just take 10 minutes at the beginning, catch  
38 you up-to-speed on how we approach maritime  
39 zones, maritime boundaries, and go into a few  
40 more specifics on the status of negotiations.

41 Last week I spoke at the South  
42 Atlantic Fishery Management Council. In fact,  
43 I recognize a couple of familiar faces. So, a  
44 lot of what we are really trying to do is get  
45 some input from the folks who truly know  
46 fishing and resources, and so forth, to make  
47 sure that we draw the best boundary possible.

48 I am joined by a couple of my

1 colleagues here at the State Department:  
2 Kevin Baumert, who is in our Legal Office and  
3 he is also head of our delegation, and then  
4 Brian Melchoir, who is our maritime zones and  
5 boundaries expert and does all the technical  
6 details when it comes to boundaries  
7 negotiations.

8 Okay. So, the purpose of our talk  
9 today is, in fact, not to talk, but, in fact,  
10 to listen, to get some more input for this  
11 negotiation.

12 The Bahamas approaches us about  
13 negotiating this boundary about six months  
14 ago. We are working to understand exactly  
15 where our equities lie. Of course, we  
16 understand that fishing is an important part  
17 of that.

18 So, as I mentioned, we will just  
19 walk through some of the basic background.  
20 And then, I think we have a few more questions  
21 at the end. If we don't have time to discuss  
22 all that, we can certainly talk offline after  
23 the meeting.

24 Okay. So, this is the current  
25 situation. The red line is something that is  
26 probably familiar to many of you, but is, in  
27 fact, not an agreed boundary. Rather, it is a  
28 boundary that was published in The Federal  
29 Register in 1976 and then has been  
30 incorporated into NOAA charts since then.

31 We are going with the assumption  
32 that, for the most part, the folks in this  
33 room and elsewhere probably prefer more the  
34 status quo. But, to the extent that there  
35 might be changes or important habitats or  
36 distributions, and so forth, that we need to  
37 incorporate, we would love to hear more of  
38 those details.

39 So, of course, anytime you talk  
40 about maritime zones or boundaries, you have  
41 to include an image like this. The thing I  
42 want to point out here is that not only are we  
43 dealing with the EEZ after 200 nautical miles,  
44 but we also want to negotiate that portion  
45 beyond 200 nautical miles; that is, the  
46 Continental Shelf or the Extended Continental  
47 Shelf where we have sovereign rights over the  
48 resources that are on the shelf and below it.

1       So, it is not just within the first 200  
2 miles. It is also beyond that.

3               One more note on the Extended  
4 Continental Shelf. In order to define, it is  
5 different than the EEZ in the territorial sea.

6       There are actually some complex formulas and  
7 constraint lines that go into how do you  
8 figure that out.

9               So, we go out, we collect  
10 bathymetric data, seismic data, to try to  
11 figure out the exact extent of our Continental  
12 Shelf beyond 200 nautical miles. In the case  
13 of the South Atlantic and most of the  
14 Atlantic, it is probably going to extend about  
15 350 nautical miles.

16              And this image here just shows  
17 some of the bathymetric data that has been  
18 collected by NOAA and the University of New  
19 Hampshire. In fact, we just had a cruise out  
20 there in July. So, a lot of this data can be  
21 useful for the biologists and for  
22 understanding the habitat, and so forth.

23              Okay. Let's turn back to the  
24 boundary, though. So, the blue line on this  
25 map represents that portion beyond the EEZ,  
26 but there is also -- let me see if I can point  
27 this out -- there is also this portion here,  
28 if you can see what I am circling here, that  
29 is beyond 200 nautical miles that we also have  
30 to negotiate.

31              Let me turn a little bit to how we  
32 approach maritime zones, how do you handle  
33 those maritime -- or how do we approach  
34 maritime boundaries when those maritime zones  
35 overlap? So, most everyone is aware of the  
36 fact that the U.S. has three land boundaries,  
37 right? Two with Canada, one with Mexico. But  
38 it comes as a surprise to most people to  
39 realize that we have 10 times that number for  
40 maritime boundaries, 30 maritime boundaries,  
41 16 separate countries.

42              Now half of all maritime  
43 boundaries across the globe have yet to be  
44 negotiated. In fact, this is the case with  
45 the United States as well. We have  
46 agreements, either partially or in whole, for  
47 13 of our 30 maritime boundaries. So, it is  
48 slightly less than half. Twelve of those are

1 based on a treaty, and one of those comes from  
2 a decision by a Chamber of the International  
3 Court of Justice. But we have 17 undelimited  
4 maritime boundaries, including the one with  
5 the Bahamas.

6 Now not having an agreed boundary  
7 doesn't necessarily lead to conflict or  
8 disagreements. In fact, as I understand it,  
9 you know, the Atlantic is one of those areas  
10 where we have had close cooperation with the  
11 Bahamas and there has been relatively few  
12 issues in regard to enforcement.

13 So, these are the boundary  
14 agreements that we have in place, including  
15 the one decision from the International Court  
16 of Justice. The last time we negotiated a  
17 boundary was in 2000, and that was with Mexico  
18 for the western gap of the Gulf of Mexico.

19 More recently, we have held  
20 technical discussions with Canada on the  
21 boundary, the maritime boundary, in the  
22 Beaufort Sea, and we are also pursuing  
23 negotiations with a couple of countries in the  
24 Pacific right now.

25 This is the list of our unresolved  
26 maritime boundaries. Of course, at the top of  
27 the list is our boundary with the Bahamas.  
28 Some of our quite lengthy; others are rather  
29 small. But the Bahamas stands out as one of  
30 the more lengthy boundaries we have to  
31 resolve.

32 Let's talk a little bit about how  
33 the boundaries are made. So, boundaries are  
34 decided bilaterally by agreements between the  
35 countries themselves. The international law,  
36 specifically the Convention on the Law of the  
37 Sea, says the agreements should be based on  
38 equitable solution.

39 There is some maneuverability in  
40 regard to what constitutes an equitable  
41 solution. There is a variety of factors that  
42 can play into this. Oftentimes, it is an  
43 equidistant line that is situated halfway  
44 between the baselines of both pieces of land.

45 Other considerations can come into play, such  
46 as size of the land mass, distribution of  
47 resources, and so forth.

48 From the U.S. perspective, our

1 maritime boundaries are done through an  
2 agreement that is a treaty. So, a treaty, of  
3 course, has to go through the Senate, has to  
4 have a two-thirds vote to get advice and  
5 consent from the Senate. So, this is a fairly  
6 high bar to reach. It is important that we  
7 understand where our equities lie before we  
8 get to the point where we are actually putting  
9 this forth before the Senate.

10 And also, our approach to maritime  
11 boundaries is to draw a single all-purpose  
12 maritime boundary through all zones. That is  
13 why we want to do the entire length of the EEZ  
14 as well as the Continental Shelf, and we don't  
15 want to do anything where we want to divide  
16 the rights of the water column separate from  
17 the Continental Shelf. This is rarely done.  
18 But what we want to do is one simple,  
19 straightforward line.

20 Okay. So, maritime boundaries can  
21 at times take a while to negotiate. Our  
22 boundary with Russia -- well, the Soviet Union  
23 at the time -- actually took 10 years to  
24 negotiate. Others can take less than a year,  
25 and they are usually fairly short, just three  
26 or four pages; list the coordinates, how the  
27 coordinates are connected, what datum is used  
28 to tie the coordinates to the land. And they  
29 typically include an illustrative map as well.

30 Now some treaties can get a little  
31 bit more complicated. You can look at how do  
32 you handle resources that straddle the  
33 boundaries. So, for instance, how do you  
34 handle hydrocarbons that stretch on either  
35 side of the maritime boundary line? In fact,  
36 we just finished up a negotiation last  
37 February with Mexico where we addressed  
38 transboundary resources on that boundary.  
39 Now, in that case, we had the boundary already  
40 negotiated, and then we followed up with a  
41 separate agreement on transboundary resources.

42 So, how do we handle a boundary  
43 when an agreement doesn't exist? Well, we  
44 publish a notice in The Federal Register that  
45 includes coordinates, both for those  
46 boundaries that we have already agreed as well  
47 as those boundaries that we have not agreed to  
48 yet.

1                   So, in those cases where there is  
2 an agreement, we actually unilaterally publish  
3 these coordinates. In fact, that is the case  
4 with the Bahamas boundary. So, this is what  
5 we did in 1976. It got published on the  
6 charts and has since been used as the  
7 boundary. But we recognize the fact that we  
8 need to negotiate those boundaries that are  
9 still unresolved.

10                   Let me give a really brief history  
11 on U.S./Bahamas boundaries. So, looking back  
12 through the history, we understand there were  
13 some initial issues back in 1975 on fishing  
14 for spiny lobster in Bahamian waters. Soon  
15 after that, of course, we declared our 200-  
16 nautical-mile fishery conservation zone,  
17 published in The Federal Register Notice.

18                   But there has been a lot more  
19 activity recently. So, the Bahamas has done a  
20 lot more to -- for instance, they have  
21 declared themselves an archipelagic state,  
22 have drawn their archipelagic baselines. They  
23 have negotiated a maritime boundary with Cuba,  
24 and they have also worked to define their  
25 Continental Shelf beyond 200 nautical miles,  
26 just as we have. And then, they approached  
27 us, as I mentioned earlier, about six months  
28 ago to negotiate this boundary.

29                   So, I want to turn towards  
30 beginning to understand some of our equities  
31 in this area. I want to look back at this  
32 map. You know, if we think about the  
33 different pieces of this boundary, there is  
34 really through the Straits of Florida, which  
35 is an equidistant baseline, and then there is  
36 that east/west line that extends to our EEZ.  
37 And then, finally, there is that third area  
38 that is beyond 200 nautical miles.

39                   And looking at that line, we tried  
40 to get an understanding of where the fish lie.

41                   And so, this was helpful in our discussions  
42 last week with the Council. We took some of  
43 these VMS plots that we got from NMFS and  
44 tried to get an understanding of where are the  
45 major fishing hot zones. And so, this was  
46 helpful to understand some of those groupings  
47 like that.

48                   Again, this is the kind of

1 information that we are looking for, right?  
2 We want to know all of our equities, where  
3 they lie, before we draw this boundary.

4 This is VMS data from 2011. If  
5 you look at 2012, it is kind of similar. But  
6 one of the things, our knowledge of fish among  
7 State Department guys, at least our office  
8 doesn't extend much beyond the dinner plate.  
9 So, we need to know if these groupings are  
10 truly where the fish are, if these are  
11 spatial-based regulations or things like that,  
12 that perhaps we just don't see within these  
13 plots.

14 Okay. So, here are some of the  
15 questions that at least we are coming into  
16 this with. To the extent that we can get a  
17 better understanding of this -- and I realize  
18 some of these are sort of the questions that  
19 everyone in this room would like to know,  
20 exactly where are the fish and where they  
21 live. These are ongoing questions that many  
22 of you deal with here.

23 But, to the extent that we can  
24 understand important habitats, distribution,  
25 maybe key spawning areas that we don't want to  
26 divide in half; we want to put on one side or  
27 the other, for better management reasons, and  
28 what is really important? If you had to sort  
29 of get an idea of, hey, that east/west line is  
30 a lot more important than, say, the Straits of  
31 Florida, or vice versa, we would love to hear  
32 more about that.

33 And if there is anything else that  
34 you think that we should know as we go into  
35 these negotiations, please help us out.

36 With that, that is the last that  
37 we have. We can open it up, certainly, to  
38 questions.

39 CHAIR McCREARY: So, this is an  
40 interesting opportunity for the panel to  
41 actually give advice that would inform a  
42 negotiation. I am not sure how often that  
43 happens. So, thank you for extending that  
44 invitation.

45 You posed a lot of questions. I  
46 assume you would welcome answers to any and  
47 all. And in writing as well?

48 MR. VAN PAY: Yes.

1 CHAIR McCREARY: Or only today?  
2 All right.

3 Scott?

4 MEMBER TAYLOR: That big blob that  
5 is there in the south corner is our fleet that  
6 is leaving there to Fort Pierce. That pretty  
7 much represents the only place that  
8 essentially 15 boats that fish for our company  
9 operate in and around.

10 And it is interesting that about  
11 six months ago one of our boats, one of the  
12 boats that fishes for me, was actually  
13 detained by the Bahamian Government on the  
14 Matanilla Shoals. And I was involved with the  
15 negotiation to get the boat released.

16 I kind of find it ironic for the  
17 purpose of this, and I really appreciate the  
18 opportunity and I didn't make it up to the  
19 Southeast Council, but I find it ironic that  
20 we honor and enforce essentially our lines,  
21 but they don't honor anything having to do  
22 with the treaty on their end. The crew was  
23 put in jail. The fish were detailed. I won't  
24 go into some of the other details that were  
25 involved in the negotiation because it is not  
26 appropriate in this particular setting.

27 And some of the most valuable  
28 fishing grounds that would allow us for the  
29 purposes of this discussion that we were  
30 having earlier today pertaining to the  
31 bluefins and everything that are trying this  
32 panel right now are affected by the way these  
33 lines are drawn on the map. They are not just  
34 lines to us.

35 In particular, the line that  
36 separates the Bahamas and the U.S. mainland  
37 through the Straits is really not an issue for  
38 us because the Straits -- and I think the  
39 majority of the PLL fleet would agree that  
40 area probably shouldn't be accessed. But  
41 north of essentially the Fort Pierce area,  
42 which is about the concentration where the  
43 lines are leading to, you know, it represents  
44 a lot of swordfish, in particular, opportunity  
45 for us without the bluefin interaction.

46 As you will notice, on the one  
47 chart that you put up that is kind of the  
48 bathymetric chart, there is out to the east

1 before the line runs, directly northeast as we  
2 follow -- you know, first we come, I think it  
3 is, you might want to say it is the 28-degree  
4 latitude line that approximately runs due  
5 east. There is the line. You will notice the  
6 concentration of dots, and there is some  
7 overlap from the EEZ, where some of the  
8 sets -- and what you are looking at is  
9 essentially sets from the longline boats from  
10 this data, how they have drifted over top of  
11 that line.

12 That protruding finger that  
13 essentially is right there is probably one of  
14 the most productive swordfish spots on the  
15 East Coast and is not accessible to us. I  
16 have been doing this for 30 years. I have  
17 never seen a Bahamian gunboat out there. The  
18 only thing that we see is U.S. enforcement,  
19 and the Bahamians have no pelagic longline  
20 fishery. They have no interest in what we are  
21 doing out there. As a matter of fact, it was  
22 so foreign to the enforcement officers at  
23 Fishery in the Bahamas that they thought that  
24 the swordfish had come out of 90 feet of water  
25 on the Matanilla Shoals, which is why they had  
26 detained the boat there or the reason that  
27 they gave for detaining the boat.

28 The boat didn't have anything else  
29 other than pelagic species on it. It was in  
30 distress and broke down and was towed back in.

31 We can talk about that later, and I would  
32 like to sort of bring that up.

33 So, the line that extends to EEZ  
34 south that limits us also tends not to be much  
35 in the way of bluefin interactions. We know  
36 that from the sport boats. As you get closer  
37 into essentially the light shaded areas,  
38 Matanilla Shoals, we lose all that area to the  
39 south of the line and we lose all that area  
40 essentially to the east of the line.

41 Now, as we go up and the line jogs  
42 out farther to the Northeast, we do have  
43 access to that and some of the high seas  
44 longline boats will fish out to that corner  
45 and out and beyond that particular line, so  
46 that they follow, essentially, the contour  
47 line for access in the winter months.

48 But I can't tell you how many

1 times I talk to my crews that are on good  
2 fish, and the piece of water that they are on  
3 drifts 10 miles over the line and they are  
4 done. The fishing is essentially shut off.  
5 It is not a question of anything else, other  
6 than I can tell you that, if one of those  
7 boats makes a set across the line, it is not  
8 very long before my telephone in the office is  
9 ringing from National Marine Fisheries saying  
10 that they are in violation and that we can  
11 probably either expect a visit from the Coast  
12 Guard or potentially a fine. So, clearly, we  
13 are enforcing the Bahamian area to the letter  
14 of the law.

15 MR. VAN PAY: Yes, first off, we  
16 are quite familiar with the case that you  
17 originally brought up, and we can talk more  
18 specifics about that in our interaction with  
19 the Bahamas on that case.

20 One of the questions that I have  
21 is last week, when I was talking to some of  
22 the fishermen at the Council, they were  
23 talking about how the transit through here,  
24 they actually go around the maritime boundary.

25 MEMBER TAYLOR: Do you want me to  
26 respond to that?

27 MR. VAN PAY: Please.

28 MEMBER TAYLOR: Okay. Because I  
29 have told them, you know, essentially, that we  
30 are funding these trips out there for a lot of  
31 the fishermen; that they can expect that, if  
32 they broke down -- first of all, maritime law,  
33 and there is a reciprocal arrangement that we  
34 have, that they are supposed to come to the  
35 aid and lend assistance if we have a boat that  
36 is in distress.

37 Boats are allowed to transit  
38 international waters as long as they are not  
39 engaged in fishing activities. All of our  
40 vessels carry VMS and the data plot points on  
41 that clearly can show when gear is being  
42 deployed and when a boat is moving. You have  
43 a very regular pattern of how the boat is  
44 moving when it is moving 9 or 10 knots, and  
45 when they are deploying gear, you get a  
46 concentration and it looks very pretty on a  
47 map and it is clearly delineated.

48 But now we are in a position to

1 where essentially the Bahamians are not  
2 honoring what it is that they are supposed to  
3 honor from their portion of the treaty. They  
4 didn't lend assistance. They detained. This  
5 is routine. I don't know specifically where  
6 your information comes from, but it is not  
7 just limited to the recreational sector; it is  
8 limited to the commercial sector, and there is  
9 a darker agenda that takes under the scenes  
10 there that, again, is not appropriate for this  
11 environment.

12 So, what we have instructed the  
13 boats to do, even though it is a straight line  
14 for fuel consideration and they are absolutely  
15 legally allowed to do that, that they will now  
16 move out to the west, fight the current, and  
17 come down and outside of the Matanilla Shoals  
18 area, so that they can avoid any potential  
19 problem with a breakdown or where they could  
20 find themselves in Bahamian waters. At least  
21 if they break down, they are going to drift  
22 north into the current, where they can lend  
23 assistance.

24 There was a boat within 45  
25 minutes, a bobby that was coming to lend  
26 assistance when they boarded that boat with  
27 armed men on there and detained that boat, I  
28 mean forcibly. It is a big issue for us,  
29 particularly where we fish.

30 CHAIR McCREARY: Good. Thank you.  
31 Obviously, you have made your case  
32 clearly and it sounds like you are familiar  
33 with this particular event.

34 Any other advice you want from  
35 Scott on this point? Or should we hear from  
36 some other voices?

37 MR. VAN PAY: Sure.

38 CHAIR McCREARY: Okay. Any others  
39 want to weigh-in on the list of considerations  
40 that were put on the table?

41 (No response.)

42 MEMBER TAYLOR: I could keep  
43 going.

44 (Laughter.)

45 CHAIR McCREARY: I bet you can.  
46 Let's make sure. So, no one else has a  
47 response to any of these questions?

48 How about one more concise, little

1 intervention? Go ahead.

2 MEMBER TAYLOR: Because the  
3 Bahamians do not have a pelagic longline  
4 fishery, no way can they construe that the  
5 fishing effort that we are putting in out  
6 there is going to interfere with anything  
7 having to do with their sovereign of a pelagic  
8 species that is moving by there.

9 Anything that you can do that will  
10 allow us some additional flexibility on where  
11 it is that we can fish and target the species  
12 that we want to target would be infinitely  
13 helpful to us.

14 CHAIR McCREARY: And, Scott, I am  
15 assuming you are willing to have an additional  
16 sidebar conversation.

17 MEMBER TAYLOR: I would love the  
18 opportunity.

19 CHAIR McCREARY: Clearly, you have  
20 a major stake in this question.

21 MEMBER TAYLOR: Well, not only  
22 that, I think there are some important things  
23 that went on with this detention --

24 CHAIR McCREARY: Yes.

25 MEMBER TAYLOR: -- because I was  
26 the one that negotiated their release that you  
27 show know about.

28 CHAIR McCREARY: Rich, are you  
29 raising your card? You are tired? The day is  
30 almost over.

31 MEMBER RUAIS: Right.

32 CHAIR McCREARY: Go ahead.

33 MEMBER RUAIS: But not too tired  
34 for this, though.

35 I guess the question I wanted to  
36 ask is, after you take a draft boundary  
37 agreement or after you have a boundary  
38 agreement or a draft boundary agreement, and  
39 there is an agreement over it between the two  
40 parties, whether it be the Bahamas and the  
41 United States or Canada and the United States,  
42 and you go to the World Court and you lose the  
43 case in the World Court, as was the case on  
44 the northeast part of Georges Bank in New  
45 England in 1979, is there any other recourse?

46 Because I can tell you that, of  
47 all your questions, every one of them was  
48 incredibly important to the entire fishing

1 industry in New England. We lost the most  
2 valuable swordfish harpoon grounds. We lost  
3 groundfish fishing grounds. We lost scallop  
4 fishing grounds. And now we are losing tuna  
5 fishing grounds, and we can't go over them.  
6 The Canadian Coast Guard is pushing us back 10  
7 miles or 1 mile. If we drift overnight into  
8 their waters, they push the boats back. They  
9 wake them up with lights and push them back  
10 over the line.

11 Because it is a very great fishing  
12 ground that we always declared before the  
13 State Department entered into this negotiation  
14 and basically came to the New England Council  
15 and said, "Do you want us to resolve this for  
16 you? We will take it to the World Court,"  
17 because there were battles going on back and  
18 forth.

19 And the Council said, "No, we  
20 don't want to jeopardize it. We are fighting,  
21 but we are getting to it."

22 I was a staff person for the  
23 Council, so I witnessed these things month  
24 after month. The State Department contracted  
25 with an international lawyer to represent the  
26 United States in the case. He came to the  
27 Council assuring them this is a slam-dunk;  
28 there is no way we can lose this case. And he  
29 would get up there and show point-blank that  
30 we were not going to lose it.

31 The bottom line: we lost it. To  
32 this day, it hurts a tremendous sector of the  
33 New England fishing and Northeast fishing  
34 industry to not have the northeast part of  
35 Georges Bank.

36 MR. BAUMERT: Thanks for the  
37 question. I think I can respond to that.

38 There is basically zero  
39 probability that this boundary will end up  
40 before the International Court of Justice.  
41 The basic approach is that, in order for the  
42 World Court, as it is often known, the ICJ, to  
43 take up a case, the two countries have to have  
44 some kind of agreement, either a preexisting  
45 agreement or a new agreement where they both  
46 consent to the jurisdiction of the Court. And  
47 the United States will not do that in this  
48 case, but it is more of a general policy now

1 where we do not put ourselves before the  
2 International Court of Justice sort of  
3 voluntarily.

4 So, that I think you can be  
5 assuaged in the sense that this situation will  
6 not end up there. Our position, as Brian  
7 outlined, is basically that we should retain  
8 the status quo. But we want to understand  
9 from important constituents, is there  
10 flexibility that we have? Is it maybe useful?  
11 Could we benefit by tweaking a line here or  
12 there? Like Brian said, we just don't have  
13 insights on those sorts of questions.

14 But if we maintain our position  
15 and the Bahamas maintains its position, and we  
16 just don't reach agreement, then we just don't  
17 reach agreement. It will just be one of those  
18 negotiations that either takes 10 or 20 years  
19 or just doesn't get resolved.

20 CHAIR McCREARY: So, one possible  
21 scenario is continued impasse --

22 MR. BAUMERT: Yes.

23 CHAIR McCREARY: -- and unstable  
24 status quo, sort of stable status quo.  
25 Another is there an effective negotiation and  
26 you settle it?

27 MR. BAUMERT: Yes.

28 CHAIR McCREARY: But in no case,  
29 as you say, will it go to the World Court?

30 MR. BAUMERT: Yes.

31 CHAIR McCREARY: Okay. That is  
32 helpful.

33 Other folks who want to comment on  
34 this?

35 (No response.)

36 It sounds like you have a big  
37 sidebar discussion to have, Scott.

38 Yes, Terri?

39 MEMBER BEIDEMAN: With regard to  
40 the Canadian line, I guess I remember being  
41 involved in talking to folks years ago about  
42 what was considered the gray area that was  
43 just south of Coordinate D of the World Court  
44 decision. And the problem was that our  
45 American maps, the Coast Guard or whoever  
46 makes them, showed that that area was  
47 international, but the Canadian charts showed  
48 that it was Canadian. And it was acknowledged

1 -- I spoke to individuals. This was the mid-  
2 eighties. You know, it predates Blue Water.  
3 I talked to folks at the State Department  
4 about that, and, officially, it was a wedge  
5 and it was referred to as a gray area.

6 I think if we can get the charts  
7 to match, maybe you would have less problem.  
8 So, anyway, I don't know if that has occurred  
9 or not because I don't have Canadian charts.

10 MR. VAN PAY: Well, Brian or Kevin  
11 can correct me on this, and I have heard this  
12 referred differently, there is an area closer  
13 to land that hasn't been agreed. I have heard  
14 some people call that the gray area.

15 But I think what you are referring  
16 to, though, is an area that is beyond the  
17 endpoints. There, in fact, is an area that is  
18 within 200 nautical miles of Canada, but is  
19 beyond 200 nautical miles of the U.S.

20 MR. BAUMERT: The only thing I  
21 would add to that, I think it follows that it  
22 is actually not international waters from the  
23 Canadian point of view because it is within  
24 200 miles of their coast.

25 MEMBER BEIDEMAN: Is there any way  
26 to have any input with Geodetic or NOAA or  
27 whoever makes those Coast Guard charts to  
28 identify that Canada thinks that it is theirs?

29 Like I said, this is like 30 years  
30 almost, and I am very surprised that it  
31 remains a gray area. So, I just wonder if  
32 there is any way that we can like warn our --  
33 we warned the folks in Barnegat Light, "Stay  
34 away from there. Make sure your gear doesn't  
35 float over that line because Canada thinks it  
36 is theirs, even though our chart shows that it  
37 is not."

38 So, anyway, that is my two cents.

39 MR. BAUMERT: Thank you for that,  
40 and we can raise that with NOAA's Office of  
41 Coast Survey that does the charting. We can  
42 look into that. Thanks.

43 CHAIR McCREARY: All right. Good  
44 suggestion. Thanks, Terri.

45 Thank you, gentlemen.

46 All right, we have one more agenda  
47 item for today, which is to go back to the  
48 broad subject of public comment. We want to

1 ask, are there members of the public -- I see  
2 many members of the HMS team back there, but  
3 there may be members of the public who are  
4 here to address the panel. If you are from  
5 the public and you want to address the panel,  
6 would you stand up, please, so we can see you?

7 All right. And you should  
8 approach the table and come to a microphone.  
9 So, just two speakers, I think, three maybe.  
10 Three.

11 All right, sir, go ahead.  
12 Introduce yourself and your affiliation.

13 MR. INGRANDE: Yes, my name is  
14 Leonard Ingrande, and I represent the purse  
15 seine fishing industry.

16 I want to go back a little bit  
17 here. I want to thank you people for letting  
18 me talk. But, after all day here, I think  
19 tonight I am going to break the rules and have  
20 more than one martini.

21 (Laughter.)

22 But, anyway, the facts are that we  
23 started working a long time ago for  
24 conservation back in the seventies, along with  
25 Bill Gordon and Bob Ayers. And our goal was  
26 conservation.

27 I have been in the fishing  
28 business for 69 years. I started fishing  
29 bluefin tuna here on the East Coast in 1962.  
30 A lot of familiar faces I see.

31 Based on the years of experience,  
32 I have many strong feelings and concern about  
33 the U.S. historical fishing.

34 You will have to excuse me because  
35 I have a little bit of a medical problem, but  
36 I won't go into that.

37 Under the Magnuson Act, we were  
38 supposed to have a reasonable opportunity to  
39 harvest our international quota. Well, the  
40 purse seine sector never did have an equal  
41 opportunity. We couldn't start fishing until  
42 August 15th. It later changed to July 15th.

43 Our sizes are more restricted than  
44 those of other countries. If the U.S. would  
45 come to realize that if we were to lower our  
46 size limit, we would serve conservation in a  
47 big way. How? It is our opinion to have a  
48 change in a few rules would lead to less

1 killing numbers of fish and everyone would  
2 have their quota caught.

3 People in the agency have said  
4 that all the user groups have caught  
5 undersized illegal fish. I agree with that.  
6 This includes the longliners, seiners,  
7 harpoon, general, and the anglers. If NMFS  
8 would lower the size limit, it is my opinion  
9 these things would be solved, these issues.

10 The seiners are in the position  
11 the fishery, through domestic and  
12 international law, received a reasonable quota  
13 based on our production. In recent years, we  
14 have remained fully vested in the fishery and  
15 have not caught our quotas for many reasons.

16 We have stayed tied up to the dock  
17 rather than throw away a lot of fish as  
18 discards, which we refuse to do. We have  
19 chosen to refrain from tuna fishing until  
20 school giants of fish meeting the minimum  
21 size.

22 Like I said, I have a medical  
23 problem. You have to excuse me.

24 Now some want to take away our  
25 quota, our legitimately-earned quota, without  
26 fair compensation, and then give us a quota to  
27 longliners for higher shares, so they can have  
28 more discard. Well, that's fine.

29 The agency has made adjustments  
30 for other fisheries to allow individual  
31 fishing quotas, IFQs, that can be leased for  
32 those needing more quota. You have done it in  
33 ground fishing on the West Coast and all over.

34 This is not exactly what it says  
35 here, but you can get a copy of this, if you  
36 want.

37 We believe that if quotas are to  
38 be used to solve the longline discard problem,  
39 then it should be under the new policy of  
40 IFQs. Since I am an agent for three of the  
41 vessels -- I do not own a seiner anymore; I am  
42 just the agent -- I want to NMFS to know we  
43 would consider leasing or selling to all the  
44 other people in need of quota, but we will  
45 defend our rights to protect ourselves from  
46 the government simply taking any amount of our  
47 quota to share without compensation.

48 We understand the heavy workload

1 of the agency, and there is no easy solution.

2 But we feel, by working with some fishermen  
3 who do not chant the ocean is full of fish or  
4 you can walk on them, we come with a better  
5 fishery heading towards a primary goal of  
6 conservation, which I have not heard too much  
7 of today, with less effort and cost to  
8 everyone connected to a fishery.

9 Basically, that is the end of my  
10 thing, but I would like to quote Thomas  
11 Jefferson, the third President, and I quote:  
12 "Though the will of the majority" -- these are  
13 the user groups -- "in all cases should  
14 prevail, that will, to be rightful, must be  
15 reasonable. The minority" -- the seiners,  
16 which there are only five of us -- "possess  
17 their equal rights, and equal rights must be  
18 protected by law, and to violate would be  
19 oppression."

20 I have a lot of strong feelings  
21 how the fisheries should work together. When  
22 ICCAT was first formed, I made an agreement,  
23 although we were one of the biggest  
24 contributors at the time, that I would never  
25 pick sides with anybody against another  
26 fishermen, that I would work for the good of  
27 all fishermen. That is what I do. I would be  
28 a fool to say he is a bad doctor; I am a good  
29 doctor.

30 The laws, there are a lot of  
31 mistakes in what I have seen up there in the  
32 graphs. I have been around here a long time,  
33 unfortunately -- well, fortunately.

34 (Laughter.)

35 Going back to 1962 and 1963, that  
36 is just a few things about hammer back in the  
37 old days when the Canadians were here fishing,  
38 how the laws were being broken, how quotas  
39 were being exceeded. And basically, the  
40 agency was basing all these on -- without the  
41 production of the purse seiners, we would have  
42 nothing here to talk about, nothing to talk  
43 about because we wouldn't have a quota.

44 It is hard for us to catch a  
45 quota. I say equal opportunity. Even the  
46 State of Massachusetts banned us from fishing  
47 in the Bay. I can't fish Georges. The  
48 bottoms are too shallow. We would lose our

1 nets. There are quick currents over the  
2 surface. We can't fish there. So, it is  
3 limited to where we could fish.

4 Now we have a size. Well, I can  
5 catch my quota. If the agency wants me to go  
6 out and throw away a couple of thousand fish,  
7 I could do that easy. I mean, because you can  
8 see the big ones. You can see the small ones.

9 Just take the big ones and let the rest of  
10 them go.

11 That is why I stopped fishing. I  
12 believe in conservation. That is my main  
13 goal. If some of you people think otherwise,  
14 that is your privilege. That is your way to  
15 think. Like I say, I have no animosity  
16 against anyone. I just want to be fair to  
17 everybody. I am willing to help, if I can.

18 I think that is it in my  
19 discussion.

20 CHAIR McCREARY: Thank you very  
21 much. And you said you have copies of your  
22 remarks you can leave with the agency?

23 MR. INGRANDE: I left them with  
24 Brad.

25 CHAIR McCREARY: Okay.

26 MR. INGRANDE: I cut it short  
27 because a lot of people took up a lot of time,  
28 and I didn't want to be taking up a lot of  
29 your time.

30 (Laughter.)

31 CHAIR McCREARY: All right. Thank  
32 you, sir.

33 MR. INGRANDE: I have a little  
34 problem because of health issues. I think I  
35 am the oldest guy in here. I started in 1943  
36 fishing during World War II, volunteered for  
37 the Korean War. I have been a boat captain  
38 and an owner since 1949. I worked hard at  
39 what I did.

40 I think we earned our quota, and  
41 it should not be taken from us for the benefit  
42 of others. I will help you, if I can, but I  
43 am not going to steal from one to accommodate  
44 another or help somebody do that.

45 CHAIR McCREARY: Thank you very  
46 much.

47 MR. INGRANDE: Thank you.

48 CHAIR McCREARY: All right. Let's

1 move on. Who else would like to address the  
2 panel?

3 Yes, sir? Please introduce  
4 yourself.

5 MR. WHEATLEY: My name is Tom  
6 Wheatley. I am with the Pew Environment  
7 Group. I live and work down in Tampa,  
8 Florida.

9 I was here in March, and I asked  
10 the agency -- one of the things that I was  
11 really concerned with, due to the scope of the  
12 problem and the diversity of the fishery, was  
13 to move forward with a scoping document that  
14 contained a really broad suite of options.  
15 And the agency did that, and for that, I just  
16 was here to say thank you.

17 We submitted a rather long comment  
18 letter on our positions on a lot of the  
19 options in the scoping document. So, I am not  
20 going to reiterate those now.

21 I want to give a little bit more  
22 input, though, on the process, as someone who  
23 is not on the AP and looking at it a little  
24 bit from the outside. I think this predraft  
25 document was a really helpful document. I  
26 know it falls a little bit outside the scope  
27 of the MSA and NEPA, but it was really good to  
28 be able to have that document available and  
29 then to be able to see the discussion amongst  
30 the panel members today.

31 I really like the fact that the  
32 options were put into two tiers as well. That  
33 makes it much more helpful for folks on the  
34 outside to be able to see where the agency is  
35 thinking or what they are thinking and what  
36 they are potentially going to be moving  
37 forward with.

38 And I believe that within those  
39 tier-one options that there is actually a  
40 really great opportunity to move forward with  
41 an amendment and proposed rule that can  
42 actually deal with the problem. I think that  
43 the solutions are in the document. The  
44 details need to be hashed out. From listening  
45 to the conversation today and yesterday  
46 amongst the panel members here, I believe that  
47 the solutions can be hammered out and I think  
48 that the solutions actually can be not only

1 helpful for the fish and solve a problem with  
2 pelagic longline discards, but I think can be  
3 helpful for the industry as well.

4 So, I think that there is within  
5 the document, the predraft that is laid out,  
6 some win/win solutions here that the agency  
7 should be moving forward with. I believe  
8 that, just from the discussion that we heard  
9 today and yesterday, that we are getting  
10 there, or this group is getting there, and the  
11 agency can get there.

12 So, as opposed to going into the  
13 different policy decisions or opinions that we  
14 have -- you already have that in our scoping  
15 document -- I just wanted to just give a  
16 little bit of kudos to the agency for the way  
17 that they are handling the amendment, and  
18 then, also, to the AP for the discussion,  
19 because I found it extremely valuable. I  
20 thought there were some really good ideas put  
21 on the table.

22 And thank you very much for your  
23 time.

24 CHAIR McCREARY: Thank you. Thank  
25 you for the very constructive remarks. Much  
26 appreciated.

27 All right, we have another speaker  
28 or two. Please introduce yourselves.

29 MR. BOBBY NGUYEN: Yes, sir. My  
30 name is Bobby Nguyen, and this is Mr. Thien, a  
31 permit-holder, an active permit-holder from  
32 Louisiana.

33 MR. THIEN NGUYEN: (Speaking  
34 Vietnamese.)

35 MR. BOBBY NGUYEN: Mr. Thien said  
36 that he is a Louisiana Gulf of Mexico  
37 longliner. He is here today to represent 20  
38 vessels, active vessels, out of the 30 in  
39 Louisiana.

40 MR. THIEN NGUYEN: (Speaking  
41 Vietnamese.)

42 MR. BOBBY NGUYEN: He has been  
43 working in the longline industry for over 25  
44 years. From the day that he started in  
45 America with the longlining, the Vietnamese  
46 vessel came into a lot of, he says,  
47 complications, the language barriers, the new  
48 regulations and laws, which they cam across,

1 and they, I guess you can say, agreed upon  
2 complying to the laws. Until today, they  
3 still are longlining.

4 MR. THIEN NGUYEN: (Speaking  
5 Vietnamese.)

6 MR. BOBBY NGUYEN: Someone said  
7 that the Gulf of Mexico was going to be closed  
8 due to the bluefin tuna. He researched and  
9 there was a new transition gear, which is the  
10 greenstick. He is willing to help the  
11 Vietnamese community to transition into the  
12 new gear. That is why he is working with  
13 David Kerstetter here. He has the greenstick  
14 gear mounted and ready to work to see if this  
15 gear will work in the Gulf of Mexico.

16 MR. THIEN NGUYEN: (Speaking  
17 Vietnamese.)

18 MR. BOBBY NGUYEN: If the  
19 greenstick is proven to be effective, the  
20 whole fishing community will be happy that  
21 they can transition to a new gear. By him  
22 being the first volunteer for this program, he  
23 is asking for you guys' support in either way  
24 of the result of this greenstick.

25 Thank you.

26 CHAIR McCREARY: Thank you very  
27 much.

28 Do we have any other members of  
29 the public?

30 (No response.)

31 If not, I believe we have finished  
32 our agenda for the day.

33 Oh, Jeff, hello. Hiding back in  
34 the corner. Jeff Oden, go ahead.

35 MR. ODEN: Yes, I have a hard time  
36 keeping my mouth shut. Sorry. I know you are  
37 all ready to get out of here; I am, too, but I  
38 will be brief, as brief as possible.

39 I would talk on the ITQ issue,  
40 but, as Glenn said, I think we are all going  
41 to have to have a discussion within industry  
42 on that. But where I see that going with the  
43 minimum individual cap is essentially I see  
44 fishermen discarding every one of them. That  
45 is where I see it going at the moment, for the  
46 simple fact that they wouldn't want to take  
47 the chance of bumping up against and being  
48 opted out of the other fisheries.

1                   But, anyhow, with the General  
2 Category swordfishery, I really get a severe  
3 case of indigestion when I hear that being  
4 brought up. It is like reinventing the wheel.

5                   We could refine what we are doing  
6 pelagically. As Terri said, we are probably  
7 at 80 percent now, and who knows where that is  
8 going? I am hearing the size increase is  
9 going to be bumping the cap here before long,  
10 I am thinking.

11                   Anyhow, the General Category  
12 swordfishery, if you are going that route, it  
13 should be people who are vested in the  
14 fishery. I see our country, you know, half of  
15 the General Category, and maybe this is just  
16 perception, but the General Category bluefin  
17 fisheries, part-timers, you know, just opt-in  
18 and go back to their second job.

19                   That seems wrong, especially in  
20 light of what is facing our industry and the  
21 potential that an industry that is right at  
22 three to perhaps as high seven times the value  
23 of the General Category bluefin fishery is  
24 going to be jeopardized possibly by bluefin  
25 bycatch when it, ideally, feeds this country.

26                   You know, the inverse of that is  
27 the General Category fishery would ideally  
28 feed everyone to Japan, if they had their way,  
29 it seems to me. And I know I am probably  
30 ruffling some feathers by saying that, but  
31 that seems pretty bizarre.

32                   Anyhow, again, the General  
33 Category swordfishery, I think that there  
34 should definitely be an income qualifier for  
35 that, the same as, for instance, in the king  
36 mackerel where the mackerel fisheries of the  
37 South Atlantic where the fishermen, you know,  
38 they had to have a vested interest rather than  
39 turning it over to perhaps anybody or doctor  
40 or lawyer there with a nice sport boat wanting  
41 to go commercial, sponsor his sport, so to  
42 speak.

43                   Anyhow, from an efficiency  
44 standpoint, again, there is absolutely no way  
45 you are going to recoup the efficiency that  
46 the pelagic longline fishery allows. Again, I  
47 don't mean to brag or anything. Last trip,  
48 9,000 pounds; I burnt 258 gallons. You know,

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how many greenstick boats, buoy-droppers -- I mean, it is just unfeasible.

Anyhow, I thank you for your time.

CHAIR McCREARY: Jeff, thanks very much.

All right, Margo, I think we are at the end of the day. Do you have any closing comments you want to make?

MS. SCHULZE-HAUGEN: I would just say that I think you have given us a lot to think about on a variety of different issues.

So, I think we are going to be very busy the next several months thinking it all through. So, I appreciate that and look forward to seeing you all tomorrow.

CHAIR McCREARY: So, we will reconvene tomorrow morning at 8:30, and our main item is a whole set of recreational HMS issues and updates.

Thank you.

We are adjourned for tonight.

(Whereupon, the above-entitled matter went off the record at 5:47 p.m.)

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This is to certify that the foregoing transcript

In the matter of: Highly Migratory Species  
Advisory Panel Meeting

Before: DOC/NOAA/NMFS

Date: 09-20-12

Place: Bethesda, MD

was duly recorded and accurately transcribed under  
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