

U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

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NATIONAL MARINE FISHERIES SERVICE (NMFS)

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HIGHLY MIGRATORY SPECIES ADVISORY PANEL

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MEETING

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THURSDAY
SEPTEMBER 10, 2015

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The Advisory Panel met in the Magnolia
Room, Sheraton Silver Spring, 8777 Georgia
Avenue, Silver Spring, Maryland, at 9:00 a.m.,
Suzanne Lea, Facilitator, presiding.

MEMBERS PRESENT

JASON ADRIANCE
PATRICK AUGUSTINE
ANNA BECKWITH
TERRI BEIDEMAN
CAROLYN BELCHER
RICK BELLAVANCE
ANDRE BOUSTANY
WILLIAM GERENCER
WALTER GOLET
JOHN GRAVES
LISA GREGG
RANDY GREGORY
MARCOS HANKE
ASHTON HARP
RUSSELL HUDSON
STEPHEN IWICKI
WALLACE JENKINS
MICHAEL KELLY
DAVID KERSTETTER
JAMES LAWSON
MARK LINGO
HEATHER MARSHALL
SHANA MILLER
VALERIE MILLER
JEFF ODEN
TIM PICKETT
GEORGE PURMONT
RICH RUAIS
MARK SAMPSON
MARTIN SCANLON
MICHAEL SISSENWINE
DAVID STILLER
SCOTT TAYLOR
MARK TWINAM
CHRISTOPHER WEINER
ROMULUS WHITAKER
ANGEL WILEY

STAFF PRESENT

**EILEEN SOBECK, Assistant Administrator for
Fisheries**

MARGO SHULZE-HAUGEN, Chief, NMFS HMS Division

RANDY BLANKINSHIP, NMFS HMS Southeast

KARYL BREWSTER-GEISZ, HMS

PETE COOPER, NMFS HMS

GUY DUBECK, NFMS HMS

SARAH MCLAUGHLIN, HMS Northeast

LAURA KEELING, ERT/NOAA Restoration Center

**JIM LANDON, Director, NOAA Office of Law
Enforcement**

MEL LANDRY, NOAA Restoration Center

BRAD MCHALE, Branch Chief, HMS Northeast

KATIE MOORE, Coast Guard

**JOHN REGHI, NOAA Fisheries Office of Law
Enforcement**

JAMES REINHARDT, ERT/NOAA Restoration Center

LT COLBY SCHLAHT, Coast Guard

TOM WARREN, NMFS HMS Northeast

SUZANNE LEA, Facilitator

RICK PEARSON, NMFS HMS Southeast

JENNIFER CUDNEY, NMFS HMS Southeast

KATIE DAVIS, NMFS HMS Southeast

LeANN HOGAN, NMFS HMS

DELISSE ORTIZ, NMFS HMS

STEVE DURKEE, NMFS HMS

JACKIE WILSON, NMFS HMS

CRAIG COCKRELL, NMFS HMS

GEORGE SILVA, NMFS HMS

JOSEPH DESFOSSE, NMFS HMS

JACKIE JOHNSON-CRAGG, NMFS HMS

ANDREW RUBIN, NMFS HMS

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

2 (8:48 a.m.)

3 MS. SCHULZE-HAUGEN: So we thought we
4 would start this morning, we meant to show this
5 yesterday and just ran short a bit on time. So
6 this is some video, I believe from Marty and a
7 video Jeff Oden that they've offered to share
8 with all of us so that we can, kind of, see what
9 kind of video is coming back in.

10 So I think it's two different clips.
11 They're pretty short. But I wanted to say
12 special thank you to Jeff and Marty for being
13 willing to share. So do you want to narrate Tom?

14 MR. WARREN: Not a lot of narration
15 but this appears to be the starboard side of
16 Marty's boat, Provider II. And if Marty wants to
17 provide any additional commentary.

18 MEMBER SCANLON: Do you want to do the
19 yelling? Don't let the cameras fool you.

20 MS. SCHULZE-HAUGEN: But so one of the
21 comments that came up or questions that came up
22 yesterday in the small group was, you know, rough
23 seas, safety of the crew, the large animals, kind
24 of things. So what I'd highlight here is that
25 part of what the camera also shows is the
26 conditions on the boat.

27 And so, if there's really rough seas,
28 we'll see that. And so, I think that will go
29 into our analysis. You know, if it breaks off on
30 the other side of the boat, well okay. You know,
31 and again, this is more auditing information
32 that's coming in. We still have logbooks, we
33 still have observers.

34 So this is just, it's an extra tool
35 that we have. And it's not, you know, we are
36 able to kind of use it as we see it. But again,
37 we'll see all of those conditions.

38 MR. WARREN: And so this is the
39 concurrent view from the second camera that's
40 running at the same time, recording the view on
41 the aft deck there.

42 MS. SCHULZE-HAUGEN: I don't know if
43 people have seen enough. Okay. So I guess we're
44 done. I guess Jeff's video is actually on the
45 hard drive so I guess we could show that. But I
46 just basically wanted to take a few minutes and
47 show you what we're getting back in.

48 And then, maybe just before Jen starts

1 on the EFH, I wanted to thank Bill. Where'd he
2 go? There he is. Bill? Thank you for the
3 bagels. And so I also wanted to take a minute,
4 Bill has said that this is his last meeting.

5 So wanted to thank him for his long
6 service and, I think, great participation on the
7 panel. I think he's been a very constructive
8 member in addition to continuously feeding us
9 with good salmon and bagels. So thank you Bill.
10 We appreciate your service and wish you well.

11 MEMBER GERENCER: Well I had a long
12 speech to give but I want to continue to set a
13 good example and keep things short and to the
14 point. So you're welcome and thank you for
15 letting me serve.

16 MS. LEA: Thanks very much Bill. All
17 right so we have a much shorter day. We're going
18 to start with the Essential Fish Habitat five
19 year review. Jen's going to do that. Then we'll
20 have some international updates, a break, and
21 then electronic bluefin tuna catch document,
22 public comment, and then the meeting wrap up.

23 I know Michael, you had something that
24 we had tabled for today. So we were thinking
25 maybe somewhere towards the end of the
26 international updates, before the break, if that
27 makes sense to raise that then. Okay. Awesome.
28 So just to let you know, we didn't forget about
29 you.

30 All right, so with that, I'll turn it
31 over to Jen. Here you go.

32 MS. CUDNEY: All right, good morning
33 everybody. This presentation is intended to
34 provide you with a brief overview of the
35 activities that our division has undertaken
36 recently for Amendment 10 which is our Essential
37 Fish Habitat Amendment and one of our newest
38 amendments.

39 All right, so as you know, the
40 Magnuson-Stevens Act requires the identification
41 and description of essential fish habitat or EFH
42 as you'll see throughout the presentation, for
43 our federally managed species. The regulations
44 also require a periodic review and revision of
45 EFH in our fishery management plan.

46 So the timeline that you see on this
47 slide was actually presented to the AP last
48 spring and reflects the activities that we had

1 taken for EFH under the current fishery
2 management plan. Since the last meeting, we've
3 been able to add two items to this timeline.
4 They're at the bottom of the slide.

5 September, or excuse me, summer of
6 2015 we finalized our EFH five year review. At
7 the same time that we published our Notice of
8 Availability for that five year review, we also
9 published a Notice of Intent for Amendment 10.
10 And since then we have, as a team, started
11 working on the actual draft Amendment 10.

12 Real quickly, to bounce you through
13 what we did with the five year review, since it's
14 been a while since we've talked about this.
15 Between March 2014 and February 2015, the HMS
16 Management Division conducted an extensive
17 literature review, looking for new information
18 about species life history and EFH.

19 We also published a request for
20 information in the Federal Register. With the
21 new information we found in our literature review
22 and that which we received from the public, we
23 evaluated changes to the 10 EFH components. And
24 again, those 10 EFH components include things
25 like the boundaries, text descriptions, life
26 history descriptions, HAPCs, fishing effects,
27 non-fishing effects, conservation and
28 enhancement, prey species, that sort of thing.

29 Once we had a compilation of our
30 findings, we shared that with some in-house
31 scientists and had them provide a review to make
32 sure that we weren't missing anything that they
33 were aware of. Following that, we moved forward
34 with the publication of our draft five year
35 review and requested comments, again in the
36 Federal Register. And we also requested comments
37 from the HMS Advisory Panel last spring.

38 Once we received comments, we
39 evaluated them and incorporated what we could
40 into the five year review and then finalized it
41 over the summer. So in a nutshell, we've got
42 this table which describes some of our major
43 species management units and whether or not we
44 found, with the new information that we
45 evaluated, if life history descriptions or the
46 EFH boundaries themselves warranted updating.

47 And so, I guess the take away message
48 is that, overall most of our species did warrant

1 updates. For the BAYS tunas, we found primarily
2 that yellowfin tuna was the key species that
3 needed some updating. And we found at least 18
4 of our HMS sharks that needed life history or EFH
5 boundary updates based on this new information.

6 We also talked about delineation of
7 HMS EFH methodologies in the final five year
8 review. We had requested comment from both the
9 Advisory Panel and from the public on whether or
10 not the methodology we employed last time is
11 still the most appropriate for the information
12 and type of data that we have.

13 We did not receive comments on the
14 methodology for delineating EFH. After reviewing
15 about a dozen different types of approaches that
16 some of the councils and some folks have
17 undertaken in the literature, we feel that the
18 Kernal Density Estimation and 95 percent Volume
19 Contour approach is still the best approach to
20 take.

21 And so, at the bottom of the slide,
22 got sort of some diagrams here that depict what
23 you do with this information and when you're
24 completing this type of an analysis. So you've
25 got your point data under Box A. You run your
26 analyses, and usually it's run in GIS or a tool
27 that's compatible with GIS, to develop areas that
28 are hot spots.

29 So the dark blue under Box B are the
30 areas where you have the greatest concentration
31 of points. And then you draw boundary lines
32 around it. And that is what reflects your EFH,
33 at least under this methodology.

34 So we, in addition to finding new
35 information, we also do expect to receive updated
36 data, fishery independent data, from our partners
37 that run fishery independent surveys such as, you
38 know, our shark bottom long line crews in the
39 Gulf of Mexico, the Apex Predator Survey. Those
40 are long standing data sets and we expect to
41 continue to get information.

42 So we'll take all of those new points,
43 add them in with the old data that we have, and
44 see whether or not we need to take a look at
45 those boundaries for all of our species.

46 So last spring, a topic of concern
47 that was brought to our attention by the Advisory
48 Panel was the review of seismic survey

1 activities. We've got the next few slides that
2 kind of cover our look and analysis of what's
3 going on.

4 So the Bureau of Ocean Energy
5 Management released a programmatic EIS on oil and
6 gas exploration in the Atlantic. And we've got
7 the website up here if any of you guys would like
8 to look at it yourselves. It's a very big
9 document, there's a lot of meat and potatoes to
10 it. But it also provides a lot of information on
11 seismic surveys.

12 In our review of this document, we did
13 find that BOEM had included HMS in the affected
14 environment. And they had concluded that there
15 were minor to moderate direct adverse effects on
16 fish as a result of seismic surveys. So that
17 means that minor effects were detectable effects,
18 maybe temporary displacement or interruption of
19 behavior as a result of seismic surveys and these
20 exploration activities.

21 Moderate effects range more towards
22 something that's detectable and extensive but not
23 severe. And it may include some anatomical or
24 physiological damage, some population level
25 mortality or extended displacement of
26 populations.

27 Now BOEM expects that the effects of
28 seismic surveys on fish, in general, are going to
29 vary based on the location of the surveys, the
30 number of sites that are being tested within a
31 survey and how close they are to each other, and
32 the length of time spent surveying a single area.

33 So at the request of our Advisory
34 Panel, in addition to looking at the programmatic
35 EIS, we also completed our own literature review
36 on seismic survey effects on EFH and on Atlantic
37 HMS. And there are two places in our final five
38 year review where you can find this, one in
39 Chapter 3 and one in Chapter 13. So if you're
40 interested, the Chapter 13 is going to have a
41 more extensive review of it because that's our
42 non-fishing impacts chapter.

43 What we found was that the literature
44 on seismic survey impacts on fish is primarily
45 focused on those fish with swim bladders,
46 clupeids, and on marine mammals. We did find
47 some literature that looked at tuna responses to
48 underwater sounds such as boat noise.

1 But our conclusion was that, we didn't
2 really find scientific papers that analyze the
3 effects of seismic surveys directly on Atlantic
4 HMS or Atlantic HMS EFH. And so, for our
5 purposes and for the purposes of developing
6 management based on EFH, we would need to have
7 some more empirical evidence of those effects
8 that would warrant future management actions.

9 A lot of our AP members were concerned
10 about potential gear conflicts with seismic
11 survey vessels. That was something that we heard
12 from phone calls, we heard that at the meeting.
13 So we did want to let you all know that there is
14 a Fishermen's Contingency Fund. We can provide
15 the website since I realize it's not on this
16 slide.

17 But you can go to this website and
18 basically, if you feel that your business has
19 been detrimentally affected by seismic survey
20 activity, you can basically file a petition for
21 compensation.

22 So the process from here, now that
23 we've covered where we've been and some of the
24 new information that we found, we are working on
25 updating the life history text. We are going to
26 be requesting data, that new data from our
27 partners. And we're also going to be going to
28 some of the folks that manage the long term
29 surveys and request updated information from
30 them.

31 We'll complete our analyses and update
32 the text descriptions based on the new
33 boundaries. That's hopefully going to be
34 happening through the fall and winter of 2015
35 into 2016. In the spring and summer of 2016, we
36 expect to have the draft Amendment 10 available
37 for public comments. So could be something that
38 you'll see at the AP meeting. And then, next
39 fall we anticipate having a final amendment
40 available.

41 This is the HMS EFH review team and
42 Amendment 10 team. So if you have any questions,
43 you're more than welcome to give us a call. If
44 you have concerns about any of the issues or if
45 you feel like we missed something in our review,
46 it's not too late to incorporate things. We've
47 got a lot of legwork to go with the draft
48 amendment and we'll take any new information as

1 we get to it. So thank you very much.

2 MS. LEA: All right, looks like we
3 have David and then Rick and then Rusty. Dave?

4 MEMBER KERSTETTER: Good morning. If
5 you go back to Page 8 I believe it was. Sorry,
6 keep going. No, no, the other direction. There
7 we go. I had a colleague, a sensory physiologist
8 who recently had, maybe a year ago, had a
9 proposal specifically to look at the effects of
10 this acoustic exploration on fishes not get
11 funded.

12 Is the agency willing to make this a
13 priority? I mean, there's kind of a loop here
14 that if the agency recognizes that it, that sort
15 of research is a priority, the research will get
16 done and vice versa. Is the agency itself
17 looking at that research?

18 MS. SCHULZE-HAUGEN: I don't know
19 specifically the answer to your last question.
20 But it's a good segue, we had prepared a list of
21 recently funded research projects, I think it's
22 on the back table and we'll post it as well, for
23 the different funding mechanisms. But I would
24 also highlight that, you know, actually SK, the
25 proposal just came out.

26 They're looking at more national
27 priorities. So I don't know specifically on
28 acoustics but --

29 MEMBER KERSTETTER: But there's nobody
30 in the agency doing that work?

31 MS. SCHULZE-HAUGEN: I don't know.
32 Sorry. I can check.

33 MS. LEA: We have Rick and then Rusty
34 and then Mike.

35 MEMBER BELLAVANCE: Thanks. Just a
36 comment, right now off of Block Island, Rhode
37 Island they're building this offshore wind farm.
38 I think, and I'm not 100 percent sure, but I
39 think a condition of their permit was to
40 understand the seismic impacts of banging these
41 giant cement piles into the ground and all the
42 construction that's going on regarding that
43 project.

44 And so, I just offer a comment that it
45 might be a good exercise to get with those folks
46 and see what sort of research they were required
47 to do as a condition of their permit. They might
48 have some of the information. I know, as an

1 industry rep, we mentioned bluefin tuna and HMS
2 species along with some of the other inshore
3 species that we fish for so they were aware of
4 them. But I'm not exactly sure what they did for
5 research but it might be something to look into.

6 MS. LEA: All right, Rusty?

7 MEMBER HUDSON: Rusty Hudson, thank
8 you. Three things, back in the 80's, early 80's,
9 both in the pelagic long line for swordfish as
10 well a lot of the bottom fishing, people noticed
11 that when the seismic testing came through back
12 then, before the 30 year moratorium on the east
13 coast, that the CPUE would fall flat right after
14 that.

15 More recently, in the east Gulf right
16 after the seismic testing came through, they'd
17 run the boats off. You know, there's a buffer
18 that goes around the seismic testing vessels.
19 And the same deal, CPUE would fall flat.

20 And the second thing, Dr. Chris Koenig
21 wrote me there about a year or so ago when we
22 were dealing with the MPA stuff, and he talked
23 not only about the swim bladder impacts
24 especially on larval fish, but the bone structure
25 around the ear bones and stuff associated with
26 damage and potential mortality.

27 And the last thing, one of the people,
28 I won't mention the person's name, but had to be
29 an observer on the seismic testing vessel. And
30 they would have to monitor mostly ESA listed
31 animals. But they couldn't really talk about the
32 fish that they would witness that would be dead.

33 And that was one of the things that
34 we're worried about, getting around certain
35 areas. That you're depending on structured fish.
36 And they tried to argue it, BOEM did at one
37 point, that fish would just simply swim away.
38 It's not so simple. And so, those are the three
39 things I just want to kind of throw out there.
40 Thank you.

41 MS. LEA: All right. We have Mike and
42 then Rom and then Lisa.

43 MEMBER SISSEWINE: Yes, thank you.
44 I just thought I'd mention, you may already be
45 aware of this, but in Europe there's a European
46 environmental directive that requires all
47 countries to define what's called good
48 environmental status for, I think, 13 different

1 indicator areas.

2 And one of them is anthropogenic
3 energy which basically means noise or sound
4 pollution. And the process -- I haven't been
5 involved in it for about three years. But the
6 process was developing rather rapidly to actually
7 defining standards which would define good
8 environmental status.

9 Obviously, if you exceed them it's not
10 good environmental status. So the Europeans,
11 because of this directive, at least were on a
12 course to do a lot more than just talk about
13 something as being moderate to low impact or
14 whatever. But to try to quantify things and
15 develop standards that could be used.

16 I certainly visit that literature and
17 a lot of it's just stuff that's sponsored by the
18 EU on their websites and so on. I'm sure some of
19 the literature you've already reviewed is already
20 reviewed there as well. But again, they've taken
21 it from just scientific literature to forcing it
22 into a process that could be more useful for
23 decision making and so on.

24 My other comment is, we heard about
25 climate change as being an important issue, that
26 NOAA puts a priority on. But we're still going
27 about defining essential fish habitat for pelagic
28 environments based on lat and long which is
29 basically a Eulerian model of how you describe
30 places.

31 When scientists who deal with climate
32 change would talk about this in what I would
33 refer to as a Lagrangian frame which basically
34 means you're talking about temperature isopleths
35 and water bodies that move. And clearly, since
36 we know climate is changing, it's affecting the
37 location of different water bodies which all the
38 fishermen is a key to where the fish are.

39 I think just as a direction to go in
40 the future, for those species that have pelagic
41 habitat, the agency ought to be thinking about
42 how to reframe the essential fish habitat
43 definitions in what I would call a Lagrangian or
44 a pelagic environment that moves around in terms
45 of lat and long. But basically has some
46 integrity in terms of temperature isopleths and
47 water masses.

48 That's not a short term thing. But it

1 would be a direction to at least acknowledge in
2 the process that would be very consistent with
3 the agency's overall priority to take account of
4 climate change. Thank you.

5 MS. LEA: Thanks Mike. Rom and then
6 Lisa.

7 MEMBER WHITAKER: Yes, Rom Whitaker,
8 Hatteras Charter Boat. I know the people in my
9 industry are very concerned because it looks like
10 they're getting ready to gear up and do some
11 pretty significant seismic surveys off of North
12 Carolina. I know in their permits, that they are
13 stating that there's going to be pretty
14 significant mortality of mammal dolphin and pilot
15 whales and maybe even some bigger whales.

16 So obviously, that's a pretty powerful
17 noise making thing if they expect that. It
18 certainly would seem to me that it would be
19 affecting our tunas and HMS species as well. So,
20 of course, people in my industry would like to
21 have all the information we could possibly get to
22 kind of give us, at least be able to make an
23 educated guess of what's going to happen.

24 But I know on Page 8 it says, I guess
25 you're talking about the Amendment 10 proposal
26 and Chapter 3 and Chapter 13, it maybe it covers
27 it a little bit better. Is that, am I looking at
28 the right document? Is that right?

29 MS. CUDNEY: So this is the five year
30 review, not the draft amendment yet. We're not
31 quite that far along. But yes, Chapter 13 in
32 particular has a pretty thorough review of what
33 we found. And that's largely based on our
34 literature search and on the BOEM programmatic
35 EIS.

36 The programmatic EIS that BOEM put out
37 is very detailed. It's a several hundred page
38 document but there's a lot of information in
39 there. So I would encourage you guys to take a
40 look at that as well. Just because, as part of
41 what they had to do, they also had to go in and
42 look for literature.

43 You know, as we move forward with
44 this, we'll definitely be keeping an eye on this
45 issue for this EFH five year review and future
46 ones.

47 MS. LEA: Thank you. Lisa?

48 MEMBER GREGG: Question, are coral

1 reefs are EFH or HMS species? Are there coral
2 reefs at all included?

3 MS. SCHULZE-HAUGEN: I think some of
4 the EFH areas may overlap some corals. But I
5 don't think we've identified coral as EFH.

6 MEMBER GREGG: Okay. Because I do
7 have, there is paper that came out within the
8 last year that does talk about how noise affects
9 healthy, you know, for coral reefs. We, in
10 Florida, we had to review -- and just so that you
11 guys understand, when the South Atlantic Planning
12 Area opened up, there were 10 applications into
13 BOEM to do G&G activities.

14 We have been going through those one
15 by one. We've also kind of hit the same brick
16 wall that you guys have, that there isn't a whole
17 lot of data out there that, you know, whether or
18 not it's HMS species, just fish in general.
19 There's not a whole lot of data out there with
20 potential impacts to mammals, to, you know,
21 cetaceans, everything.

22 So the one thing that Florida did ask
23 was, that before these permits were issued, that
24 they came up with permit conditions that would
25 address the data gaps. So I think that's
26 something that every state can work on and
27 comment towards. And say that, you know, while
28 your individual states may not be able to, you
29 know, oppose or prevent these G&G permits from
30 being issued, you can at least recommend
31 conditions that these type of data gaps be
32 addressed.

33 I would think you guys have the
34 ability to comment on those also. So I think
35 that's something you guys can do, that, you know,
36 conditions be added to the permit where the data
37 gaps are addressed. But that's the extent of
38 what we've able to do. Just so you know, we've
39 hit the same brick wall. There's nothing out
40 there.

41 MS. SCHULZE-HAUGEN: That's a good
42 suggestion, thank you.

43 MS. LEA: Thank you Lisa. I don't see
44 any more cards so why don't we go ahead and move
45 on to the international updates. Oh, Jeff?

46 MEMBER ODEN: Thanks. My
47 understanding, the public comment for the BOEM
48 seismic testing ended on the 28th, that's in

1 before they start issuing permits. Does anyone
2 know that?

3 MS. SCHULZE-HAUGEN: So the BOEM
4 comment period closed on the 28th?

5 MEMBER ODEN: I believe it closed on
6 the 28th of August. I assuming we'll be facing
7 boats towing around, towing their arrays around
8 in our area. I'm just curious to know if anyone
9 knows.

10 MS. SCHULZE-HAUGEN: I don't know yet.

11 MEMBER ODEN: No?

12 MS. SCHULZE-HAUGEN: I haven't heard
13 of any permits that have been issued.

14 MEMBER ODEN: Oh okay. Thanks.

15 MS. LEA: Lisa has another question or
16 comment.

17 MEMBER GREGG: I was just going to
18 respond to Jeff. I think the comment period that
19 closed on August 28th was the issuance of the
20 incidental take for those activities, for G&G
21 activities. And that was NMFS comment period. I
22 think the one that closed August 28th, the
23 comment period, was not for BOEM.

24 I think it was for NMFS and it was for
25 the issuance of the incidental, or the biological
26 opinion incidental take authorization for the G&G
27 activities, if I'm not mistaken. So that may
28 just be like one of the last processes before the
29 permits are issued.

30 MEMBER ODEN: I mean, as a member of
31 the TRT team as well, you know, I find it pretty
32 interesting that once again, after all this,
33 after we, you know, enter into this, I mean, we
34 see various pods of everything from pilot whales
35 to minkes to you name it in our area. And it's
36 pretty incredible that they're going through with
37 this.

38 You know, and ultimately there's going
39 to be one group that's going taking the heat. As
40 we essentially are doing the long line fleet,
41 especially it's dealing with A7 on Bluefin. We
42 also be asked to do the same thing on pilot
43 whales.

44 We have a TRT meeting coming up in
45 December. And I would just like to make note
46 that, you know, the pelagic long line fleet can't
47 save the world but we're pretty much being asked
48 to do that. And it's pretty incredible that we,

1 and we alone are the only ones that are, you
2 know, the feel good, you know, we're asked to do
3 it all, carry the whole entire load. Anyway,
4 just had to comment.

5 MS. SCHULZE-HAUGEN: So Jeff, we can
6 forward the request to discuss this at the TRT
7 meeting. Carol sits on that as well so we can
8 make sure it comes up.

9 MS. LEA: Thank you Jeff. All right,
10 so we're going to move on to the international
11 updates, get that presentation loaded. And I
12 wasn't seeing the presentation on the website.
13 So yes, they'll post that after the meeting in
14 case you want a copy of it.

15 MS. SCHULZE-HAUGEN: So welcome John.
16 This is John Henderschedt, the new Office
17 Director for International Affairs and Seafood
18 Inspection. I think you've been with us for a
19 couple of months now, five months. Okay. So I'm
20 glad he's able to join us and thank you for
21 coming.

22 MR. HENDERSCHEDT: Thank you and thank
23 you all for the opportunity to describe a couple
24 of projects that the agency has been engaged on
25 over the past few months. I'm going to describe
26 three of them to you. It's a lot of information,
27 I'm going to go through it fairly quickly just to
28 ensure that there's time for questions and some
29 discussion.

30 So I'm going to talk about the IUU and
31 Seafood Fraud Task Force action plan, basically
32 implementing the 15 recommendations that the
33 presidential task force identified in its work.
34 Secondly, I'm going to talk about recent rule
35 making associated with the Marine Mammal
36 Protection Act and market restrictions that are
37 associated with international trade under the
38 authority of the act.

39 And then finally, talk briefly about
40 a recent certification that the agency made of
41 Mexico for bycatch of sea turtles in one of its
42 gillnet fisheries. So without further ado, I'll
43 just start by talking about the action plan for
44 implementing the 15 recommendations that the
45 presidential task force developed late last year.

46 This action plan was rolled out at the
47 Boston Seafood Show in March. And among these 15
48 recommendations, there are really sort of four

1 clusters. One has to do with international
2 governance. One has to do with enforcement
3 efforts and authorities. Third, looking at
4 partnerships, how governmental and non-
5 governmental agencies and organizations can work
6 better to address certain IUU and seafood fraud -
7 - hello?

8 And finally traceability which is
9 likely the highest profile outcome of this work
10 and one that's getting plenty of attention. I'll
11 just describe where we are in that process and
12 really solicit some feedback from this group
13 relative to species to which that program might
14 apply.

15 So looking at some of the
16 international issues, one of them has to do with
17 coordinating efforts at the RFMO level. And some
18 of the deliverables associated with that include
19 convening an interagency group to evaluate
20 existing RFMO measures. And from that, to
21 develop a set of best practices relative to
22 RFMO's efforts to combat IUU fishing.

23 This is challenging process because,
24 as you know, there are a lot of, sort of,
25 regional attributes to RFMOs and their processes
26 and their approaches to different challenges. So
27 developing a single set of best practices that
28 are applicable to all RFMOs is challenging.

29 Also advancing certain proposals to
30 RFMOs to adopt new or update existing measures.
31 And finally then, expanding work to include
32 multilateral catch documentation schemes, some of
33 which are already in process.

34 Another international focus is
35 capacity building. And I should mention that, by
36 and large, each one of these recommendations and
37 the deliverables associated with it are being
38 supported by an interagency working group. And
39 NOAA Fisheries has a, sort of, interested party
40 involvement in over 10 of the 15 workings groups
41 and has leadership of five or six of them.

42 So capacity building, what can be
43 done? Particularly in developing regions in
44 terms of increasing maritime domain awareness,
45 increasing or augmenting enforcement authority as
46 well as prosecutorial authorities. Again, led by
47 NOAA Fisheries and by USAID, there's a lot of
48 working going into identifying current efforts,

1 developing best practices. And ultimately
2 developing a strategic plan for capacity building
3 around combating IUU fishing and seafood fraud.

4 Obviously engagement of stakeholders
5 at an international level is very important. And
6 so, in addition to the governmental process, the
7 interagency meetings, the partnerships that have
8 been established through the formation of these
9 working groups, we're also in the process of
10 developing a web portal that is intended as a,
11 sort of a one stop shop for interested public to
12 follow what sort of work is being done in efforts
13 to combat IUU fishing and seafood fraud and who's
14 doing it.

15 And where we are in terms of the mile
16 posts laid out in the action plan. I should note
17 that, it's not surprising that this action plan
18 is laid out with a set of deliverables to be
19 accomplished in the current administration. So
20 all of the work that I'm describing is being
21 conducted on a timeline that would see completion
22 by the end of 2016.

23 Finally, there are a number of
24 opportunities that we have to engage
25 stakeholders, in both informing them of what the
26 ocean committee, National Ocean Council Committee
27 is up to, as well as what projects are being
28 rolled out.

29 As I said, the Boston Seafood Show was
30 one of those. Capitol Hill Oceans Week was
31 another opportunity to engage in another set of
32 stakeholders. And finally, we will be in Seattle
33 for Fish Expo as well and likely have a few
34 seminars on our work on IUU and seafood fraud.

35 So now comes traceability and I'm
36 going to try to give you a quick overview of the
37 program. And spend a little bit of extra time
38 talking about species at risk of IUU fishing and
39 seafood fraud. In looking at the implementation
40 of a traceability program over a very short
41 timeline, there was a lot of concern that taking
42 on too much too quickly could really lead to the
43 failure of the program simply by its scale.

44 And so, the action plan lays out an
45 intent to establish a risk based traceability
46 program. In other words, focusing traceability
47 efforts from the point of harvest to the point of
48 entry into U.S. commerce on a group of species

1 that are considered to be at a particularly high
2 risk of IUU fishing or seafood fraud.

3 So I'll be coming back to that in a
4 little bit more detail. But just to give you a
5 picture of the broader landscape, there are four
6 working groups, actually five, that are all
7 engaged in various aspects of, you know,
8 developing traceability components. That work
9 will ultimately be reflected in a proposed rule
10 scheduled for publication in December that will
11 describe data requirements for the import of
12 products of the species at risk of IUU fishing
13 and seafood fraud.

14 We have a similar requirement for
15 domestic fisheries. But, to a large extent,
16 those data are already collected and available.
17 And the agency is currently undertaking a gap
18 analysis to ensure that that is the case and
19 identify ways to collect and access those data if
20 we should find that we don't have catch and
21 delivery information for any of them.

22 So this process started with the
23 development of principles for identifying species
24 at risk of IUU fishing and seafood fraud. We had
25 public comment on that. Based on those comments,
26 we developed a draft set of principles.

27 Those principles include enforcement
28 capability, the presence of absence of a catch
29 documentation scheme, the complexity of the chain
30 of custody or the processing of the product,
31 frequency of species substitution, incidents of
32 mislabeling.

33 And the distinction between the two
34 is, species substitution is just that. It's
35 trying to sell one species and another.
36 Mislabeling is in reference to other misleading
37 claims on labeling. So short weighting, over
38 glazing, not indicating that product has been
39 treated with carbon monoxide. All the things
40 that are required to be on labeling and to be
41 accurate.

42 Six is a history of violations in the
43 history. And finally, human health risks
44 associated with species substitution or
45 mislabeling. So that sort of just, that seventh
46 principle sort of amplifies the outcomes
47 associated with some of those other principles.

48 As well, we collected on, what are the

1 necessary data and the operational standards for
2 a traceability program of this scope? We have
3 reviewed those comments and are, at this time,
4 essentially informing the drafting of this
5 proposed rule that I described by those comments.
6 And around this draft list of species that I will
7 share with you momentarily.

8 We are looking at publication of a
9 final rule in about a year, looking at August of
10 2016 for publication of a final rule. Lastly,
11 I'll just note that the action plan identifies
12 the need to establish a trusted trader program, a
13 way of making this process more efficient,
14 reducing the necessary paperwork. Especially
15 with those nations and trading partners that,
16 where risk is considered to be low.

17 So the draft list of at risk species.
18 And before I list them off, in addition to the
19 application of these principles to a larger set
20 of candidate species, it's really important to
21 think about the fact that we can't average risk.
22 And so we have a number of species here where in
23 some parts of the range in which these species
24 are harvested, there are very sound management
25 principles, very good enforcement of regulations.

26 But that really doesn't mitigate risk
27 that exists elsewhere. And so, this is really
28 looking at the, sort of the worst case scenario
29 within any particular species. Because we had to
30 identify where risk exists. And we're not able
31 to, sort of, balance that for where risk is
32 mitigated.

33 So that said, I'll walk quickly
34 through this list. It consists of abalone,
35 Atlantic cod, blue crab. And in this case, it's
36 referencing the species that is Chesapeake blue
37 crab. Dolphin fish, grouper, king crab, Pacific
38 cod, red snapper, sea cucumber, sharks as an
39 aggregate, shrimp as an aggregate, swordfish, and
40 tunas as an aggregate.

41 If any of you have had the opportunity
42 of reviewing the comment notice on this, the
43 agency has asked specifically for feedback on
44 whether there are specific shark species that
45 should be focused on as opposed to sharks as an
46 aggregated group. Same with shrimp and the same
47 with tuna.

48 In the case of tunas for instance,

1 there are some fisheries or some species where
2 one could, I think, reasonably argue that there
3 are catch documentation schemes in place that
4 mitigate the kind of risk we're trying to
5 identify in this process.

6 But that is not the case universally.
7 And so, rather than relying on the data available
8 to the working group, it decided to simply ask
9 for additional comments and additional
10 information on how to best to break down that
11 aggregation of species.

12 The comment period on these at risk
13 species is currently open. In fact, it was
14 extended until, well it closes tomorrow. So it's
15 technically currently open. When we looked at
16 how long we could extend those comments, it was
17 the timing of this meeting that really drove the
18 choice of the 11th of September. So comments
19 from you as individuals or from the Advisory
20 Panel are certainly welcome.

21 Finally, the action plan anticipates
22 inclusion of all species in a traceability
23 program. The final deliverable within this
24 action plan, 2015, 2016 work product is a report
25 that examines the progress to date of
26 implementing a traceability program and questions
27 regarding the expansion of that program, hurdles
28 associated with doing so, a time frame for
29 advancing objectives to expand, how the list of
30 at risk species might be updated, identifying
31 additional authorities to improve implementation,
32 and recommendations for traceability information
33 to the consumer.

34 So this is a project that has a
35 considerable trajectory to it even if the current
36 work plan is articulated only through 2016. So
37 I'll look to you and see whether you'd like to
38 take questions on a topic by topic basis or
39 whether I should just keep going and then we can
40 circle back to all three.

41 MS. SCHULZE-HAUGEN: Folks have
42 burning questions now? I don't know. Why don't
43 we, they're fairly different right?

44 MR. HENDERSCHIEDT: Pardon me?

45 MS. SCHULZE-HAUGEN: The topics are --

46 MR. HENDERSCHIEDT: The next two are
47 kind of similar, at least in concept of design,
48 but they're quite different from IUU.

1 MS. SCHULZE-HAUGEN: Yes. Why don't
2 we take IUU and then the next two together?

3 MR. HENDERSCHEDT: Sure.

4 MS. LEA: So I saw Rusty and then
5 Mike.

6 MEMBER HUDSON: Thank you. Rusty
7 Hudson. Good to see you again John. I think
8 it's been about two and a half years plus since
9 division meeting with South Atlantic Council.
10 With that said, shark, the international trade
11 permit.

12 I told Chris Rogers a few years ago it
13 needed to have some really, some records there.
14 Now since CITES with the hammerhead, oceanic
15 white tip, and whatever other sharks for record
16 collections, I've been working with the FWS as
17 well as the NOAA rep on trying to be able to deal
18 with the import/export of the shark fins which is
19 removed from the shark.

20 But we have to have to have
21 traceability all the way to the shark, to the
22 trip, to the boat. And that's difficult because
23 that requirement's not built into our structure.
24 It's a voluntary kind of mechanism for the shark
25 fin dealer in order to export.

26 It's become very problematic and we're
27 going to be looking at tens of thousands of
28 dollars worth of product already accumulated in
29 the past year. Some before and after whatever
30 final rules, that has created an enigma. So not
31 sure where it's going to go but you're definitely
32 going to need to have some of those specific
33 sharks up on your radar more than the other ones
34 because of the CITES listing.

35 MR. HENDERSCHEDT: Thank you for those
36 comments. I'll just note additionally that this
37 traceability effort does not preclude or replace
38 any other existing catch certification or
39 traceability requirements.

40 As an example, you know, we already
41 have toothfish requirements. We have certain
42 tuna and swordfish requirements. Those will
43 remain in place. Catfish is another farm species
44 where there is, you know, proposed rulemaking at
45 OMB that anticipates a much broader, more
46 ambitious traceability program than what we're
47 looking at.

48 So we have, sort of, a very focused

1 approach through this action plan. But that's
2 not to say that there aren't other needs that we
3 will need to address outside of the scope of this
4 particular work.

5 MEMBER HUDSON: With that said, we
6 have been, with FWS, trying to develop this new
7 protocol. That's really what it amounts to. So
8 I don't know what NMFS, HMS can do as other
9 management rule making and stuff. But it is not
10 a complete project yet. We've been working on it
11 since November.

12 So the first shipment test will be
13 coming up and it'll set the standard for all the
14 shark fin buyers import/export situation. So
15 thank you very much.

16 MR. HENDERSCHIEDT: Thank you.

17 MS. LEA: All right. So I see Mike,
18 then Tim, Michael, Marty, and then Terri.

19 MEMBER SISSEWINE: Thank you John.
20 I certainly commend any effort the agency can
21 make to advance the idea of having better
22 sourcing of seafood or certificate of origin type
23 approach for seafood. I think the benefits could
24 be widespread.

25 I note that, more than a decade ago,
26 I actually chaired a committee of FAO, an
27 advisory committee on research and we identified
28 a, sort of, universal sourcing certificate
29 process for seafood as a high priority. We were
30 doing it from a research perspective because it
31 was clearly so important to getting good data.

32 But also, noted the importance for
33 public health as well as just management. So I
34 mean, that sort of brings me to the degree to
35 which this effort not only deals with getting all
36 the agencies in the U.S. together, but actually
37 has the right international footing.

38 To be successful, in my view, you've
39 got to engage with the people who are global. I
40 mean, in terms of fisheries, what's going to give
41 you the power to have some influence is one,
42 being a big market. And clearly the U.S. has
43 that going for it.

44 But also, you have to be engaged in
45 all the regional fishery management
46 organizations. U.S. is not. A whole large
47 number of them are not U.S. and that's because
48 the U.S. doesn't, essentially, have significant

1 distant water fleets. We basically fish near the
2 U.S. A little bit of an exception in the Pacific
3 with tuna.

4 But compared to other countries like
5 Japan and the E.U., are involved in virtually
6 every international fishery organization and also
7 have big markets and have distant water fleets.
8 We, you know, we only really qualify as being
9 powerful in one of those areas, having a big
10 market.

11 So I'd suggest that if this effort is
12 going to be important, is going to be successful,
13 the internal focus of getting all the agencies to
14 work together is great. But it's really going to
15 require an alliance with the E.U. and Japan. And
16 I assume that people are working on that but I
17 would see that to be a very high priority.

18 I have a question on the species at
19 risk. I'm having trouble understanding what it
20 means. I'll just, blue crabs, for example.
21 Let's say blue crabs are well managed in the
22 Chesapeake Bay and we're not worried about over
23 fishing blue crabs in the Chesapeake Bay. I
24 don't have a clue whether that's true or not, I
25 suspect it may not be but that's not relevant to
26 my point.

27 So there's a problem, I assume, that
28 there's some products on the market that are
29 being sold as, you know, Maryland blue crabs that
30 are not blue crabs. They're some southeast Asian
31 species or they may even be the same species but
32 they're not from the Chesapeake Bay.

33 So those are elements of consumer
34 fraud or fraud that are defrauding a consumer and
35 probably do damage to a consumer. I'm having
36 trouble understanding how that puts blue crabs in
37 the Chesapeake Bay at risk.

38 MR. HENDERSCHIEDT: So thanks for your
39 question Mike. And that's a really important
40 distinction. If you do have the opportunity to
41 look at the Federal Register notice, it addresses
42 specifically the fact that, in this context, at
43 risk is at risk of IUU fishing or at risk of
44 seafood fraud.

45 It is not intended in any way to be a
46 connotation of a, sort of, biologically
47 vulnerable, fished unsustainably. This is not
48 intended to claim or infer some sort of

1 conservation status. This is simply species that
2 are at risk of IUU fishing or seafood fraud.

3 Among these species, each one of them
4 brings, sort of a combination or a different risk
5 profile. In some cases, for instance, the risk
6 of IUU fishing is low but the risk for fraud is
7 very high. With others, it's the opposite. And
8 in some cases, in a few, it's very high risk sort
9 of across the board of those principles.

10 But again, it's at risk of IUU fishing
11 and seafood fraud. And that's a nomenclature
12 that was developed either through the
13 recommendations themselves or the action plan.
14 So that just sort of is what it is.

15 MEMBER SISSEWINE: It's poor
16 nomenclature, but okay. Thank you for the
17 clarification.

18 MS. LEA: So we have Tim, Michael,
19 Marty, Terri. Pat, I saw your card up. Did it
20 just fall down or did you change your mind?
21 Okay. And then Pat. So Tim?

22 MEMBER PICKETT: Okay. This is an
23 interesting topic here. I'm just curious as to
24 how this kind of comes down in practice. You
25 know, the labeling schemes and things like that.
26 How far do you go in terms of a country that
27 you're importing from in terms of traceability?

28 You know, if you say, okay, it's
29 swordfish from Ecuador. It could come from a lot
30 of different places in Ecuador. Do you factor
31 in, another thing I have written down, you know,
32 is it certification deal? Is there going to be
33 audits? You know, just kind of clarification on
34 the operation of it.

35 Anything to do with food safety? You
36 know, icing procedures, how things are taken care
37 of, you know, HACCP, crossing facilities, stuff
38 of that nature. Just kind of, you know, just the
39 general process of how it actually is going down.

40 You know, rather than just in theory
41 saying, okay well we need better, you know, to
42 combat piracy fishing and things like that and
43 bad seafood labeling. Just kind of how it would
44 act on the street level, I guess is what I'm
45 asking.

46 MR HENDERSCHIEDT: Great question. And
47 the proposed rulemaking that I described is
48 planned for publication in December is going to

1 describe those things. So to address a few of
2 your questions, again, we have, FDA has import
3 requirements, you know, food safety requirements
4 for all imports. Those remain in place.
5 Labeling requirements, those remain in place.

6 The seafood inspection program
7 certifies HACCP plants in U.S. plants and abroad.
8 That work continues. This really is about
9 ensuring that imports and domestic harvests are
10 as claimed. So from a traceability perspective,
11 we will need to track imported product from the
12 border to its harvest.

13 Again, the scope of the traceability
14 program is point of harvest to point of entry
15 into U.S. commerce. For domestically harvested
16 species, that is by and large from the fishing
17 grounds to the dock where the fish is delivered.
18 With catcher processors, it's a little bit more
19 complicated. But essentially from point of
20 harvest to its landing.

21 Obviously, with imports it can take a
22 much more circuitous route until it enters into
23 U.S. commerce. And it is our intent to track
24 that through transshipment document. However,
25 those details are still in the developing stages
26 and the proposed rule will describe those
27 details.

28 MEMBER PICKETT: Yes I mean, I was
29 just, you know, thinking about along the same
30 lines as whose rules are we following? The local
31 rules? It's just something to consider, you
32 know. Just curious about it.

33 MS. LEA: Thank you Tim. So then we
34 have Michael, Marty, Terri, and Pat. And we're
35 going to cut it after Pat so that we can hear the
36 other presentations. So Michael?

37 MEMBER KELLY: Thank you. Initially
38 the working group looked at billfish as a species
39 of concern. And I wanted to know what principles
40 were applied so that the final draft of species,
41 billfish were taken off. Was that because of the
42 Billfish Conversation Act or another reason?

43 Mr HENDERSCHIEDT: So I'm not sure
44 exactly what you're referring to other than the
45 fact that billfish, I think, was one of the --
46 one of the first questions is, what species do we
47 sort of screen against these principles?

48 The working group developed a process

1 that essentially captured all of the high volume,
2 high value and a few other species of particular
3 interest in this sort of universe of potential
4 species. And billfish was a part of that.

5 I don't have or recall the details on
6 billfish other than the fact that, in
7 combination, the working group's perception of
8 risk for those species relative to others simply
9 didn't rise to that level.

10 MEMBER KELLY: But you don't know the
11 specific principles that were applied in the
12 screening process that billfish were left out?

13 MEMBER HENDERSCHIEDT: The principles
14 that were applied were those that I listed
15 previously. Enforcement capability, catch
16 documentation, complexity of chain of custody,
17 species substitution, mislabeling, enforcement
18 history, and human health risks.

19 MS. LEA: All right, Marty?

20 MEMBER SCANLON: Yes what I'd like to
21 see to go along with this is, I don't see where
22 or maybe I missed it, I'd like to see
23 traceability within the domestic fleet also. You
24 know, where it's traced our domestic product
25 right back to the boat. I mean, I think we have
26 the capability of that.

27 And my concern with that is, is that
28 anything that may happen to slip through the
29 cracks coming in internationally, you know, would
30 automatically then be assumed to be domestic
31 which may not be the case. So by having the
32 domestic fleet also completely traceable right
33 back to the boat, it would be another layer of
34 protection for the fleet.

35 You know, like I said, you get
36 something smuggled into the country, now it's
37 assumed to be domestic. So I think that the
38 domestic fleet would like the protection. We've
39 been calling for that all along, you know.

40 Right now there's a program that is
41 pretty much in its infancy called Catch Track
42 which is designed to do just that. That traces
43 the fish right to the specific vessel that caught
44 the fish. So I don't know if that's been, you
45 know, I put that in my comment on this. But I
46 don't see where that has appeared in here.

47 MR HENDERSCHIEDT: So to be clear, that
48 is really a part of the program. I think the

1 question is, from what point in the supply chain
2 are we tracing back? And because the scope of
3 the traceability, of this traceability program is
4 from point of harvest, which would get you to the
5 vessel specific level, to entry into U.S.
6 commerce.

7 What we're pretty much talking about
8 is harvest and delivery information. Right?
9 Where is the fish harvested? When was it
10 harvested? What vessel? And essentially, where
11 was it landed? So we, international trade
12 regulations require that we establish an
13 equivalent burden on our domestic seafood
14 industry that we are on our international trading
15 partners. So the domestic harvests are very much
16 a part of this program.

17 MEMBER SCANLON: Thank you.

18 MS. LEA: Thanks. Terri and the Pat.

19 MEMBER BEIDEMAN: Yes. I guess to
20 follow right up on that. Knowing that domestic
21 harvests are also going to be tracked, I'm just
22 going to encourage you to recognize that there
23 are costs for these programs and processes. And
24 that we have a pretty high burden already of
25 reporting.

26 And to the extent that you can, to
27 utilize what we already use because we really
28 can't afford too much more burden in that
29 respect. However, it would be interesting to
30 see, because I don't really think domestically
31 except for, perhaps, some recreational sale that
32 hasn't been able to be caught in any other
33 mechanism, that we really have a problem with our
34 domestic fleet in this area.

35 But I do welcome it. And I just want
36 to mention that, you know, what Mike said about
37 us being kind of, you know, myopic. It just puts
38 us a little at a disadvantage. And that they
39 have a lot of ways to get around it. I used to,
40 you know, have a friend who's a big global fish
41 dealer.

42 And I would highly encourage talking
43 with folks like that that have knowledge of all
44 the ins and outs and some of the behind the
45 doors. I was telling someone, they have like, a
46 mother ship type of activity where you have a
47 nice white labeled boat that's allowed, it's on
48 the ICCAT white list.

1 You know, and it can land and it runs
2 into Trinidad fairly frequently with quite a lot
3 of fish that have been caught on other boats and,
4 you know, transferred at sea. So to the extent
5 that that can stop and that we could have some
6 kind of level playing field, we do have a good
7 market here for many of those species.

8 If our fishermen can get fairer prices
9 because the rules are fair, I'm all for it.
10 Thanks.

11 MS. LEA: Thanks. And finally, Pat.

12 MEMBER AUGUSTINE: Thank you very
13 much. Is there an anticipation that this is
14 going to, your approach is going to reduce any
15 significant amount the mismatching of names with
16 actual fish, identification of various species
17 that are being sold for one thing as opposed to
18 another?

19 Is this a motherhood thing? Or is
20 this another one of our paper chases where we've
21 got a group of people developing another action
22 plan that's going to move forward and end up on a
23 table top somewhere? I ask that question every
24 time that we're talking about putting together
25 groups of people who are investing tons and tons
26 of time and money that may very well may be well
27 utilized somewhere else.

28 I don't mean to be brash and I don't
29 mean to be disrespectful. But it always comes up
30 as an issue and a concern, particularly when you
31 have talented people such as yourself leading
32 groups like this. So is there an anticipation
33 that we're looking at a five percent, 10 percent,
34 20 percent better identification?

35 And once that's done, are we going to
36 improve or increase the enforcement or
37 enforceability? So it goes back to that country
38 of that vessel and results in they either being
39 put out of business, losing permits, or that
40 product from that country is no longer utilized.

41 I mean, a lot of questions but that's
42 what comes to the forefront. And again, this is
43 another very strong effort at a very high level
44 that could result in being very, very important
45 or it could be another one of those pink
46 elephants. Can you try to address some of those
47 without being mad at me?

48 MR HENDERSCHDT: Well firstly, I'm

1 certainly not mad at you Pat. And you asked a
2 lot of good questions. I think that the action
3 plan was designed to be successful. I think that
4 the scope and the scale of the work that's
5 anticipated in the plan, as ambitious as it is,
6 is also achievable.

7 By nature of the fact that we're
8 dealing with illegal fishing activity and
9 fraudulent activity, it's very difficult to
10 develop a predictive quantitative metric for, you
11 know, we're going to reduce this by X percent or
12 that percent.

13 If I had a lot more time to give this
14 presentation, I would have been able to focus a
15 lot more on all of the coordination that is
16 associated with many of these recommendations.
17 And that's not just at the U.S. federal, state,
18 local levels but a lot of international
19 coordination.

20 And many of the objectives that you
21 identified, there are existing authorities now to
22 do many of those things. And it's more a
23 question of bringing capacity and know-how and
24 will to do those things. So in my opinion, this
25 is a worthy effort. It didn't come along with
26 any additional funding, you know. There's no
27 additional budget associated with any of this
28 work.

29 With respect to the traceability
30 program specifically, but more broadly the
31 interrelationship of these 15 recommendations, I
32 think is, you know, a precedent setting approach
33 to addressing IUU fishing and seafood fraud.
34 Thank you Pat.

35 MEMBER AUGUSTINE: Thank you for that
36 response, it was greatly appreciated. Very
37 thorough by the way. Thank you.

38 MS. LEA: So you can go ahead with the
39 other presentations.

40 MR HENDERSCHIEDT: Okay. Sure. So in
41 the interest of time, I'm going to go through
42 this fairly quickly. But I want to make sure
43 that you, conceptually, are familiar with the
44 nature of this rulemaking. So the Marine Mammal
45 Protection Act has been around for a while.

46 There's one provision that, for the
47 last 30 years, has not been enforced. And that
48 is a requirement that the U.S. restrict imports

1 of seafood products from fisheries that have
2 interactions with sea lions that are not
3 mitigated to a level that is comparable in effect
4 to how those are dealt with in the U.S.

5 So for instance, we have very clear
6 rules under the MMPA that intentional take and
7 intentional injury of marine mammals is illegal
8 in almost all situations. There are some nations
9 that do not have that same law. And so, under
10 the MMPA we are required to restrict imports from
11 fisheries that do not, for instance, have those
12 provisions in place.

13 The agency was, there was litigation
14 against the agency about 10 years ago to address
15 this. So it's been a very long period of time of
16 first doing an advance notice of proposed
17 rulemaking. A long time developing a regulatory
18 construct to address this.

19 But in August, this proposed rule was
20 published. And it's intended, again, to help
21 foreign fisheries support a healthy and diverse
22 marine ecosystem and to level the playing field
23 for the U.S. fishing fleet.

24 So this proposed rule requires that
25 nations demonstrate that they have a regulatory
26 program for reducing marine mammal incidents of
27 mortality and serious injury. And this phrase is
28 really important, comparable in effectiveness to
29 the U.S. program.

30 So we're not requiring that they have
31 identical regulations. But instead, will need to
32 make some judgments about the extent to which
33 measures taken by other nations are comparable in
34 effectiveness to those that we have in the U.S.

35 The proposed rule provides a five year
36 grace period that will allow nations to do the
37 sort of population assessments, regulatory
38 development necessary to bring some of those
39 fisheries in line. And NOAA and the Department
40 of State intend to assist where we can and where
41 it's desired in monitoring and assessing marine
42 mammal stocks and bycatch.

43 So the comment deadline for this
44 proposed rule is November 9th. We will review
45 those comments, revise the proposed rule, and
46 we'll be publishing the final rule likely in the
47 second half of 2016.

48 So right now, a lot of work is

1 outreach. Making sure that our foreign partners
2 are aware of this proposed rule. Making sure
3 that they are starting to gather information that
4 will assist us in assessing these fisheries over
5 the next five years.

6 Although, if they treat this like I
7 used to treat my assignments in college, they
8 will all hand in their work at four years and six
9 months. So that is MMPA. If I could, I'll just
10 do the Mexico certification because, again, it
11 all hinges on this comparable in effectiveness.

12 Under the High Seas Driftnet Fishing
13 Moratorium Protection Act, there are a number of
14 activities for which the agency identifies
15 foreign fishing nations, IUU fishing, bycatch of
16 protected living marine resources, and illegal
17 shark fishing.

18 This started in 2011 and in 2013,
19 Mexico was identified for sea turtle bycatch in
20 the drift gillnet fishery in the Gulf of Ulloa.
21 Basically southern Baja on the Pacific side.
22 What this identification meant is that Mexico had
23 two years to, again, establish regulations that
24 are comparable in effectiveness to measures that
25 we have in the U.S. to reduce loggerhead sea
26 turtle bycatch.

27 On the basis of some progress that
28 Mexico made late in 2014 and early this year,
29 when the agency sent its report to Congress on IU
30 fishing and bycatch of PLMRs, we did not certify
31 Mexico either positively, which means that things
32 were addressed appropriately, or negatively,
33 which means that the issues that were not
34 mitigated but instead, indicated a decision later
35 this year.

36 Mexico published regulations in mid-
37 April. And after engaging in some clarifying
38 questions with Mexico and doing an extensive
39 technical analysis of those regulations relative
40 to and compared to the California driftnet
41 fishery and the Hawaii longline fishery, the
42 agency found that the Mexican regulations are not
43 comparable in effectiveness. And as a result,
44 issued a negative certification for Mexico.

45 What that means is that we can
46 anticipate port entry denial for Mexican fishing
47 vessels associated with that particular fishery,
48 the one that was certified. And the agency is

1 also required to, the Secretary of Commerce is
2 required to recommend to the President import
3 restrictions, again associated with product from
4 the certified fishery.

5 Frankly, we don't import much fish
6 from that fishery. So going forward, we are
7 developing those recommendations relative to
8 sanctions. But are also, and most importantly,
9 we'll be working with Mexico to address the
10 issues that we've identified as leading to that
11 negative certification.

12 As soon as they have regulations in
13 place that are comparable in effectiveness, we
14 can issue a positive certification which really
15 is the only acceptable outcome of this process.
16 I mean, because that is really sort of the
17 conservation achievement that this legislation
18 was intended to initiate in any case.

19 I kind of got carried away and didn't
20 go through my slides but I think I still told you
21 the same. So yes, next steps, and as I said, we
22 will be working with Mexico to achieve a positive
23 certification as soon as we can. So I'm happy to
24 address questions on either of those.

25 MS. LEA: Okay. Terri did you have a
26 question for this area too? I saw Scott and then
27 I wasn't sure if your card was still up.

28 MEMBER BIEDEMAN: No it was up again.

29 MS. LEA: Oh okay. Scott and then
30 Terri.

31 MEMBER TAYLOR: So my name is Scott
32 Taylor. I am a producer, processor, distributor
33 primarily for swordfish and tunas, just for frame
34 of reference. While I absolutely applaud
35 everything that you all are doing, what I wish we
36 were seeing was a little broader scope than just
37 specifically in terms of the mammal interactions.

38 Because I think the example you just
39 gave for Mexico is very, very appropriate in
40 terms of the fact that, as we start to look
41 closer at some of these exporting countries to
42 the U.S., we're going to find out that in most
43 cases, their regulatory oversight is not
44 comparable to the U.S.

45 I personally have been to quite a few
46 countries through, you know, Central America and
47 South America that are exporting countries to the
48 U.S. primarily for sword and tuna. And

1 enforcement and oversight is, for all practical
2 purposes, nonexistent.

3 So, you know, on one hand what you're
4 doing is important. On the other hand, it is
5 very dangerous to us because -- I also want to
6 quantify that we are exclusively a domestic
7 marketing company. We do not import any product.
8 So everything that we handle is domestic.

9 Some of the conversation that you
10 heard this afternoon that was unrelated to what
11 you did, but was kind of, it kind of ties into
12 this, is what I'm going to refer to as chain of
13 custody. How the product moves once it reaches
14 the U.S. marketplace and moves through the
15 distribution chain.

16 In the U.S. here we are seeing,
17 unquestionably, a movement from the consumer for
18 accountability of that product. Currently, the
19 importers, import distributors that are bringing
20 80 percent of our product into the United States,
21 can't provide that.

22 I routinely get a phone call from my
23 customers that want to know what boat the fish
24 came off of, what the name of the crew was, how
25 that product was produced. I can provide that
26 for them. This process is more than likely, if
27 it's successful, going to provide some level of
28 that for those distributor importers, only
29 putting us at a further disadvantage
30 domestically.

31 The core issue is that, whether or not
32 that you're ultimately going to be able to
33 establish the true production mechanism. There's
34 only so much you can do with the documentation.
35 And that any of us that have traveled to these
36 places that, you know, are somewhat remote that
37 are production, paperwork is somewhat of a simple
38 thing to be able to put into order for purposes
39 of export.

40 So what I would be hoping for, and I
41 don't know whether it's practical at this point,
42 is a much broader approach in terms of at least,
43 specifically to the pelagics for the same level
44 of accountability that you're requiring, you
45 know, of the mammals. Nothing seems to move
46 quickly in our government in this process.

47 And it seems to be this would be a
48 huge opportunity. You know, pointing out to you

1 as well Margo about what we've been talking
2 about, not to incorporate some of this stuff, to
3 at least get it into the pipeline that are going
4 to give these exporting countries access to our
5 market without having to, essentially, be
6 required for the same comparable regulatory
7 oversight that we're required as a domestic
8 producer and marketer.

9 MS. LEA: Thanks Scott. Terri and
10 then Andre and then Shana.

11 MEMBER BIEDEMAN: Hi and I'm Terri
12 Biedeman and I'm here on behalf of pelagic
13 longline fishermen and fish dealers and Blue
14 Water Fishermen's Association. And we sent
15 comments over the years many times about, in
16 particular, the Marine Mammal Protection Act
17 issue.

18 This body here has, year after year,
19 you know, heard that it was moving along and they
20 were coming up with standards in response to the
21 petition. The law has been on the book since
22 1974 but it's never been implemented.

23 So, you know, of course, our
24 fishermen, you know, want a level playing field.
25 So I was very curious when the proposed rule came
26 out, because I kept waiting for these standards
27 that I've heard were supposed to be coming. I
28 mean, that was exactly the term that was used,
29 year after year we get reports and it's
30 standards, we're going to have standards for
31 what's coming in.

32 I don't see any standards. I do see
33 some language that indicates that, you know, that
34 they might have to be, you know, effective. I
35 would say zero mortality rate goal is going to be
36 really hard to find other countries that are
37 going to be able to meet something comparable and
38 as effective as, that's what we're held to.

39 You know, we're held to not just the
40 marine mammals. As Scott mentioned, we have
41 other protected resource issues. We have, you
42 know, things that we do for sea turtles and other
43 things that other fisheries around the world, and
44 in particular in the Atlantic, don't have to do.
45 They fish on the same stocks that we do.

46 I welcome the beginnings. But I
47 caution that it not be a one and done. And that
48 it is very easy to get paperwork to say almost

1 anything. So if it's only paper base and there's
2 no real backup to check it and really verify it,
3 and I'm not sure how you can do that easily.

4 Because we don't want to pretend that
5 we're leveling the playing field or sound like
6 we're leveling the playing field when we're
7 really not. So I welcome the beginnings. Not to
8 be negative, because I really do appreciate
9 seeing it come out.

10 You know, I know there was, you know,
11 litigation that poked it along. But we're being
12 held to a zero mortality rate goal for marine
13 mammals here in the United States. I'm going to
14 say that you're not going to find that anywhere.

15 So I don't understand, you know, why
16 they can't be held to the same standards. You
17 know, I know the trade folks don't like it and
18 they hang it up. But, you know, we work hard and
19 we do everything we can to protect the resources
20 out there that we aren't trying to target.

21 We think that other countries should
22 be doing the same. And United States does have,
23 as Mike pointed out, our biggest bat is our
24 market. So if we have an opportunity to try to,
25 you know, promote some of that, I think we should
26 do it, you know, and do it hard, not softball.
27 Thanks.

28 MS. LEA: Thanks Terri. Andre and
29 then Shana.

30 MEMBER BOUSTANY: Yes. Scott and
31 Terri made most of the points that I was to going
32 to make but I'll say it anyway just to reiterate.
33 We want to make sure that these compliance issues
34 aren't just on the books and they're actually
35 being implemented.

36 I wouldn't give credit to any country
37 that said they were in compliance and did not
38 have rigorous observer programs on these
39 fisheries that might be interacting with marine
40 mammals. And some form of enforcement
41 capability.

42 I know a lot of these countries,
43 especially in Europe, they have pretty strong
44 regulations but very little to no enforcement
45 capabilities. They don't have a Coast Guard out
46 there checking boats, checking gear. They don't
47 have, you know, dockside sampling and things like
48 that to make sure that people are in compliance.

1 So making sure that those systems are
2 in place, to make sure that the things are
3 actually getting done on the water and not just
4 on the law books would be great. Thanks.

5 MS. LEA: Thank you. Shana and then
6 Scott has one more comment.

7 MEMBER MILLER: Yes just a quick
8 question. Mexico is the first country to receive
9 a negative certification, right? So I guess
10 along the lines of what Terri said, you know,
11 these two pieces of legislation have been on the
12 books for a while so it's really, you know, I
13 commend your office for moving forward on these,
14 implementing this legislation.

15 You know, Italy, for example, was
16 identified at least two or three times in a row
17 for the same problems with their driftnet fishery
18 but never received a negative certification. So
19 it's really encouraging to see a negative,
20 discouraging on one hand, of course, but
21 encouraging to see a negative certification come
22 through. So thanks.

23 MS. LEA: All right and Scott?

24 MEMBER TAYLOR: So sometimes my
25 comments sound more like a comment than a
26 question. So I'm going to be a little more
27 specific because I don't think that what I
28 intended was to ask you a question. And I don't
29 think that, I know I didn't get answer.

30 So the question is, are we too far
31 into the process to extend simply what is coming
32 in terms of the mammal interaction act, to
33 incorporate other comparable regulatory
34 requirements of foreign fishing fleets in an
35 attempt to level the playing field with what
36 we're required to comply with? Can we
37 incorporate that into what you are doing?

38 MR HENDERSCHIEDT: I apologize, I
39 wasn't trying to avoid the question. But I just
40 wasn't sure whether it was a question or a
41 comment. So, you know, it's a tough question
42 because it's not as if there is just one process.

43 There are numerous processes that are
44 driven by very specific authorities. You know,
45 as Margo said, I've worked in federal government
46 for five months. But I did called a desk bound
47 bureaucrat in public comment in the first week.
48 So without, sort of leaning on regulatory and

1 legislative issues, there are some, sort of, very
2 specific boundaries to what the agency can do to
3 address specific issues.

4 So, you know, with respect to these
5 comparable in effectiveness, we're largely
6 looking at, you know, marine mammals under MMPA.
7 And we're looking at this list of protected
8 living marine resources under the Moratorium
9 Protection Act.

10 I do think that from this, sort of
11 basic, is fish being harvested legally, the focus
12 of a traceability program on the point of harvest
13 to entry into U.S. commerce is an attempt to do
14 that. It does not clearly address all aspects of
15 that.

16 But by definition, you know, IUU
17 fishing, illegal, unreported, unregulated is an
18 attempt to shine a spotlight on those activities
19 at this point on the specific range of species.
20 I don't think that that process is necessarily
21 ever over. I mean, these things evolve.

22 The MMPA issue's been rolling along
23 here for a long time. But we don't really have
24 the prerogative generally, to say, we sort of
25 can't create the authority. We need to have the
26 authority to ensure that we can address specific
27 issues.

28 MEMBER TAYLOR: Just a quick follow up
29 to that, I think that what, the point that I'm
30 trying to make is that I believe that the
31 authority is contained within that Act. Because,
32 as it specifically relates to pelagic gear,
33 there's a lot of things that we have within our
34 regulations to address mammal interactions.

35 So whether or not it be circle hooks
36 or gear length or, you know, observed coverage.
37 You know, as Shana pointed out, there's a lot of
38 things that are in there. I'm not attempting to
39 paint this with a broad stroke. I'm much more
40 focused, obviously on the swords and tunas, the
41 BAYS that are coming into the country in here
42 that are being harvested by longline.

43 And as it applies to mammal
44 interaction, there may be an opportunity to
45 address what, quite frankly, this panel's primary
46 focus is which, you know, are the pelagics, you
47 know, highly migratory species. So my question
48 is, is the contained within that, is there still

1 the wiggle room for lack of a better description,
2 to try to incorporate comparable behavior as it
3 pertains to the mammals which would still get us
4 where we needed to get?

5 MEMBER HENDERSCHIEDT: I think it's
6 very important to keep in mind that the standard
7 is comparable in effectiveness and not comparable
8 in behavior. We cannot, in these evaluations,
9 assume that other nations have to do what we do.
10 We have to look at it in terms of those nations
11 achieving what we believe what we achieve.

12 I mean, in terms of that
13 effectiveness. It's just very important
14 consideration.

15 MS. LEA: All right. Thank you Scott.
16 Well we're actually a little ahead of schedule
17 which is good. So why don't we go ahead and take
18 the break now? And then Michael, we could get to
19 your point after the break and then go to our
20 eBCD. So we'll see you in about 10, 15 minutes.

21 (Whereupon, the above-entitled matter
22 went off the record at 10:21 a.m. and resumed at
23 10:40 a.m.)

24 MS. LEA: All right so if we could get
25 back to work here. We've got the eBCD rulemaking
26 update. Michael wanted to bring up a quick point
27 that we want to get on the record. So if you'll
28 go ahead and describe that Michael.

29 MEMBER KELLY: Thank you for the
30 opportunity. I'd like to raise issue of the
31 possibility of putting forth policy regulation
32 that would prohibit the retention of any HMS
33 species with any kind, that's been tagged with
34 any kind of electronic tag, whether it be
35 satellite, spot, PSAT, whatever.

36 As you may know, satellite tagging,
37 electronic tagging studies are not only very
38 logistically challenging to organize, requiring
39 dedicated scientists, researcher. But they're
40 very expensive with satellite tags being on the
41 scale of several thousand dollars each requiring,
42 you know, a significant source of funding.

43 They're also a vital part of obtaining
44 fishery independent data, data that couldn't be
45 obtained otherwise through traditional means. So
46 with that, I'd like to thank you again for the
47 opportunity to raise that issue and welcome any
48 comments from AP members.

1 MS. SCHULZE-HAUGEN: Just a quick
2 thought. We have been working on preparing a
3 rule regarding archival tags. Where we have
4 regulations on the books now requiring permitting
5 and reporting for any implantation or satellite
6 tag which, the regulations are quite old at this
7 point.

8 And so, I think the technology has
9 moved on. I think when those regulations were
10 first developed, all of the tags were implanted.
11 And so, you had to possess the fish, bring them
12 on board to do the surgical implantation.
13 Whereas now, there's a lot of the pop off tags
14 that are, don't require that.

15 And so, that's something that's in
16 developing that we're looking at adjustments
17 there. And so, this specific idea of prohibiting
18 retention, these would all be externally obvious
19 tags. Because one of the issues with the
20 implanted tags was you don't necessarily know
21 they're there. So are you suggesting it's more,
22 things that would be externally obvious to the
23 fishermen?

24 MEMBER KELLY: Yes, clearly visible
25 and external tag which many of them are.

26 MS. LEA: Thank you Michael for
27 raising that and we'll enter it on the record,
28 take it under advisement and, you know, have it
29 on the agenda perhaps in a future meeting. All
30 right, so Carrie is going to be talking about the
31 eBCD update. So I'll turn it over to you.

32 MS. SOLTANOFF: Thank you. Good
33 morning, I'm Carrie Soltanoff and I work with the
34 HMS division here in Silver Spring. So today I'm
35 presenting on development of the proposed rule to
36 implement the ICCAT electronic bluefin tuna catch
37 documentation system.

38 So first, a very brief background. We
39 currently use a paper based bluefin tuna catch
40 documentation scheme that was adopted by ICCAT in
41 2007 and implemented in the United States in
42 2008. In 2010, ICCAT adopted a recommendation to
43 develop this electronic eBCD system.

44 In 2013, the implementation date for
45 that system was set to March 1st of 2015.
46 However, due to some issues with the development
47 of the system, in 2014 ICCAT decided the system
48 would not be fully developed by that 2015

1 deadline.

2 So where are we now? We're working on
3 a proposed rule to implement the eBCD system in
4 the United States. We plan to publish that
5 proposed rule later that month. And so, then we
6 would have a comment period and a public hearing
7 webinar.

8 So there's currently not a date set
9 for implementation of the eBCD internationally by
10 ICCAT but we expect that that date could be set
11 during this year's ICCAT annual meeting in
12 November. So we would aim to have a final rule
13 making that would implement the eBCD system by
14 such a deadline set by ICCAT. And we anticipate
15 that that could be as early as March 1st of 2016.

16 So the electronic system builds on the
17 paper based BCD that's currently in place, as I
18 said. And so, as in the current BCD program, the
19 system would be used by HMS international trade
20 permit holders. The electronic documents would
21 be required for all imports, exports, or re-
22 exports of bluefin tuna.

23 The documents would be validated by
24 the exporting or re-exporting country with an
25 exception for tagged fish. So the eBCD system is
26 currently very far along in its development and
27 it's available now for testing and for use by
28 countries on a voluntary basis.

29 So in the next slides, I'm going to go
30 through a preview of the current form of the eBCD
31 system. So this preview is using a test account
32 that was set up by the ICCAT contractor to look
33 at how the system works. So this is the welcome
34 page of the eBCD system.

35 So this first step would be for a
36 user, an ITP holder to set up their account. And
37 so, they would enter in all of their information,
38 their role, so importer, exporter, their country,
39 or sorry, their company. After they entered in
40 all that information, NMFS would receive their
41 registration information, we would validate it
42 and then send that user their password.

43 And so once the user has the password
44 and can log in to their account, they can start
45 creating new electronic documents. So this slide
46 is showing, on the left, a screenshot of the
47 fields in the eBCD system. And on the right,
48 it's showing our current United States bluefin

1 tuna catch document.

2 And so, this is just to show quickly
3 that the same information is being required in
4 both formats. So the information that's on our
5 current paper system is just being incorporated
6 into the electronic system. So just briefly, the
7 date, the flag country, the vessel and its
8 number, the weight of the catch, the number of
9 fish, the average weight, area caught, and the
10 gear are all fields that are found on both forms.

11 After the catch information is
12 entered, there's the option to enter in tag
13 information. So the tag number, weight, the
14 product type, fresh or frozen, the presentation,
15 dress weight, round weight. And then the trade
16 company.

17 And so, you can see in this case, ABC
18 Fish Company is showing up at the bottom because
19 that's the company that this user profile is
20 already associated with. So that will
21 automatically come up in the system.

22 This is to show that once tag
23 information is entered into the system, that that
24 document is exempt from needing to be validated
25 because of the exemption for tagged fish. So
26 there will be this information box that pops up
27 with that, telling the user that they don't need
28 to validate it.

29 However, they would still be able to
30 click the button that says to send it for
31 validation. And if they did that, they would
32 then have to wait until the government authority
33 validates the document before they can move on.

34 So once the catch information is
35 entered in, they can then continue on in the same
36 document and start the trade section. Or they
37 could save the document, come back and do the
38 trade section later.

39 And so, the trade information, like
40 the catch information, is the same information
41 that's currently collected on the paper based
42 documents. The exporter field would be already
43 filled in because that's the user profile that's
44 associated, who's creating this document.

45 The importer section, there's the
46 option to either fill it in or not fill it in.
47 And so, if the exporter filled in the importer
48 information, then as soon as this document is

1 saved, the importer would be able to open it up
2 on their end and see that that product is coming
3 to them.

4 If it's not filled in, then the
5 importer wouldn't be determined until the product
6 reaches that country. So in this case, it's
7 Japan. And so, finally there's the option to
8 print out either the catch section or both the
9 catch and trade sections for the user's records.

10 And so, this is what it looks like
11 with all the information filled in. This is what
12 the user would be able to print out at the end.
13 And so, that was obviously an extremely brief
14 preview of what the system looks like. But we do
15 have a much more detailed step by step series of
16 screenshots walking through the system that's
17 available.

18 There's a link in the agenda to that
19 handout. And we also have it available in hard
20 copy if anyone is interested. And so, here's my
21 contact information for any questions on the
22 proposed rule. For any technical questions on
23 the system or for information on voluntary use of
24 the eBCD system, the best contact would Kim
25 Dawson Guynn. And so with that, I'll open it up
26 for questions or comments.

27 MS. LEA: Shana?

28 MEMBER MILLER: Hi Carrie, thanks for
29 this. It was good to see, you know, both the
30 domestic rule is going to come to out soon, as
31 obviously I think we were first expecting that
32 last November. But it was understandably delayed
33 given that the implementation was delayed by
34 ICCAT.

35 But it was also good to see the actual
36 screenshots of the system which looks pretty
37 straight forward and even easier than, with the
38 autofills, even easier than the paper document.
39 So good to see this moving forward. And, you
40 know, as far as the final rule, you said get it
41 done in advance of the ICCAT deadline, of course.

42 But we'd like to see it done as
43 quickly as possible because there is the option
44 to, you know, for parties to start using tomorrow
45 if they want. So thanks Carrie.

46 MS. SCHULZE-HAUGEN: So Shana, just a
47 quick response. There are still some technical
48 issues that are outstanding as well as some

1 policy issues that are still outstanding. And
2 so, part of the rationale of waiting to have a
3 final rule until after the November meeting is,
4 if there are additional changes in the system, we
5 want to be able to adapt in the final.

6 And so, that's part of the thinking
7 with having a proposed rule so we get the public
8 comment moving into that meeting and
9 negotiations. But then not actually be locked in
10 if there are additional changes.

11 MEMBER MILLER: Yes. If I may, to
12 respond to that, absolutely completely understand
13 that. What I meant was after the November
14 meeting, once the final recommendation is
15 hopefully adopted, to not wait until the actual
16 implementation deadline whether it be March 1st,
17 May 1st, what have you.

18 MS. LEA: Other questions or comments?
19 I don't think I've ever heard this group this
20 quiet.

21 MS. SCHULZE-HAUGEN: Just one point,
22 I know that there's not a lot of necessarily
23 dealers, importers, exporters at the table here.
24 But as you go back home and interact and share
25 news of this, it is coming. And so, it will be a
26 requirement at some point. We are working hard
27 to make sure that the system is as user-friendly
28 as possible.

29 It is a big of a challenge with,
30 basically, a Spanish company doing the design.
31 So some of the translations aren't always the
32 most intuitive. So we're working on that and
33 hopefully we'll be successful in having the
34 system be intuitive for our users.

35 As Carrie said, it is available now
36 for voluntary use. And so, having some U.S.
37 folks using the system will help us then make
38 sure that it works the way we need it to. So
39 we're interested in that if there are folks that
40 are interested in trying it out now.

41 MS. LEA: Scott, is your card just up
42 from before or -- oh okay. Thanks. Anyone else?
43 Do we actually have anyone here for public
44 comment today? We do have someone? Should we --
45 please join us. And just, if you could state
46 your name and, you know, if there's an
47 organization or anything. And then, you know, go
48 ahead and make your comments. Thank you.

1 MR. LEAPE: Sure, thank you Margo,
2 members of the committee. My name is Gerry Leape
3 and I'm a senior officer with the Pew Charitable
4 Trusts. Appreciate the opportunity to have some
5 brief comments on the eBCD system.

6 We're highly encouraged by the state
7 of the technology that Carrie gave the brief
8 overview in her presentation and would urge the
9 members of the committee to take the time to look
10 at the broader presentation.

11 As a group that has been there since
12 the beginning, we are quite encouraged that the
13 eBCD system is finally operational and that U.S.
14 fishermen will have the opportunity to benefit
15 from the ease and the improved speed with which
16 this system operates.

17 While there is no doubt that the eBCD
18 provides several benefits for fishermen and for
19 bluefin, it is the activity that this system will
20 help prevent that will ultimately its biggest
21 accomplishment. Historically, illegal fishing
22 was one of the primary drivers threatening the
23 Atlantic bluefin with collapse, particularly in
24 the eastern Atlantic and the Mediterranean.

25 The paper based system was an
26 important first step towards combating this
27 illegal fishing. But as we've learned, paper
28 records open the door for misreporting, fraud,
29 and lead to major lags in review and responses to
30 any concerning reports.

31 As ICCAT has recognized for a number
32 of years, an electronic system is critical to
33 close those loopholes and that the bad players
34 had learned to exploit. With increasing catch
35 limits for Atlantic bluefin, it's more important
36 than ever now to have a strong eBCD in place to
37 combat illegal fishing, identify cheaters, and
38 prevent the total catch from reaching illegal,
39 sustainable levels.

40 Full implementation of the eBCD across
41 the Atlantic is in the best interests of law
42 abiding U.S. fishermen, particularly recognizing
43 that fishermen here can catch potentially large
44 numbers of fish from the eastern fishery which is
45 most affected by this illegal activity.

46 We'd hoped that by now we would see a
47 draft rule for eBCD implementation and we
48 understand that it will be published within the

1 month. We hope that they will continue with that
2 schedule because we think it's crucial that it
3 come out ahead of the annual meeting.

4 Not only to ensure the U.S. is fully
5 to support and require its implementation in '16
6 if we can agree on that final schedule at ICCAT,
7 but also to demonstrate to the international
8 community that the U.S. is continuing to take a
9 leadership role to institute a new system to
10 combat illegal fishing for this highly prized
11 species.

12 As such, Pew encourages NMFS to
13 continue with its plans to release its rule and
14 to implement the eBCD domestically in early 2016.
15 Thanks for the opportunity to comment.

16 MS. LEA: Thank you very much. Are
17 there any other public comments? Yes?

18 MR. HOPKINS: This would be more of a
19 new business more than a comment. But I was
20 wondering, what I would like to do is be able to
21 legally land my BAYS tunas with the tails cut off
22 if they're of legal size. You know, if the
23 carcass is more than the 27 inches. Anyway, I
24 have a small boat and it does make it difficult
25 to pack the fish without damaging the fish.

26 It's kind of like me going on a big
27 trip. I've got our suitcase packed and then my
28 wife brings high heel shoes and a hair dryer to
29 try to get it in the suitcase. It is time
30 consuming at dock. I mean, some of the guys,
31 they use the tails for handling the fish. But on
32 my particular boat, we don't.

33 I don't see what it would hurt if the
34 fish, the carcass is legal size without the tail,
35 why we couldn't remove it.

36 MS. SCHULZE-HAUGEN: So Glen, you're
37 aware that trimming the tail is legal? So this
38 is in addition to that? To actually remove the
39 entire tail that you're asking?

40 MR. HOPKINS: Yes. Trimming the tails
41 and tails making two cuts. What I'd like to do
42 is make the one cut, easier on my butcher. Plus,
43 you know, you've got a tail like this and this,
44 you know, like I said, a small boat's kind of
45 like trying to stack them on. And then that
46 knuckle, if a crew's not careful will, you know,
47 if it lands against another body of a fish, it
48 can dent the fish and damage the fish.

1 Anyway, personally I don't see what
2 the drawback would be. Maybe you all have a real
3 reason -- at one time, I thought that was the way
4 it was worded. Was if the fish was legal size
5 without the tail, you could remove it.

6 MS. SCHULZE-HAUGEN: No I think so.
7 I think it's a minimum size issue that's a fork
8 length based size. And so, there can be
9 alternative measurements for different forms of
10 the fish. And so, that's the, we would need to
11 figure out what that equivalency was. But right
12 now, it's a fork length size so if you cut the
13 tail off, you don't have that complete
14 measurement. That's where we're at. Does that
15 make sense?

16 MR. HOPKINS: Yes I understand the
17 fork length measurement. But by common sense, if
18 the carcass is 50 inches long, then there's not a
19 fork but it's obviously long enough. You know,
20 I'm saying if it's a marginal fish that you need
21 the fork to make the measurement to be legal,
22 then you know, I totally understand that. That's
23 the way we'd do it.

24 But I was just wondering if it, you
25 know, not on the bluefin tuna. I know you need
26 the bluefin tuna tail. But the BAYS tunas, I was
27 just hoping for maybe a bone there that would
28 make it, for smaller boats like myself, that
29 might want to do that. Anyway, I'd appreciate it
30 if you could just consider --

31 MS. SCHULZE-HAUGEN: Well we can talk
32 more at the end here.

33 MEMBER ODEN: I've already brought
34 this up to Margo. And I mean, you know, for
35 instance I remember a trip in the middle of the
36 summer there where I had a 150 pound bigeye, tail
37 bit off. I'm supposed to throw that back, I
38 guess.

39 And I mean, that fish could have been
40 worth \$1,000 possibly. You know, because it
41 didn't have a tail it would have been potentially
42 a violation. And yet, I had to discard it. I
43 mean, it can't get any more absurd than that. I
44 mean, to Glen's point, you know, if it meets the
45 length, why should it matter? Thank you.

46 MS. LEA: All right. So we're going
47 to go ahead and move to the meeting wrap up. Are
48 you all ready to do that? You need a couple

1 minutes? All right. So we might need a couple
2 minutes here.

3 FEMALE: We need just a couple
4 minutes.

5 MS. LEA: Another public comment?
6 Okay. Sure. There's one more public comment,
7 yes. Keep the public comments coming.

8 MR. HUTH: I'm always hesitant to
9 talk. My name is Matt Huth. I own a couple
10 pelagic long line vessels fishing out of Wanchese
11 and was a prior shark fisherman. And what I
12 would like to see, which everybody in the
13 industry would like to see -- we were talking
14 about this this morning.

15 I just wish us, as an industry, had
16 more bearing on what we're seeing, actually
17 seeing in the ocean and conveying this to you.
18 That what we convey to you would have more weight
19 in the upcoming years managing stocks of fish and
20 regulatory issues.

21 I mean, I know Margo, you've heard a
22 lot about, you know, the shark explosion that
23 we've seen this year. And when talking about hot
24 spot areas, I mean, the hot spot areas is the
25 Atlantic Ocean. I have, you know, friends all up
26 and down the coast and everybody's seeing the
27 same problem.

28 I just don't see how we can't work
29 together and look into things rather than just
30 base it completely on science. Because I know
31 also, particularly in the shark fishery and the
32 shark population is affecting the way that I
33 operate my business and where I fish and effort I
34 put in.

35 A lot of times, the outcome of what I
36 catch, because particularly with the sharks, we
37 don't go into areas that we know that we're going
38 to have conflict with sharks. And a lot of times
39 there's mahi and tuna in those areas but you
40 can't fish there for the sharks.

41 And that area is growing. We're
42 fishing farther offshore. You know, we're just a
43 small, we're a small fleet anymore and you guys
44 pretty know everybody personally. Like I said
45 yesterday, you know, you guys know more where I
46 am than my mom does through VMS and cameras and
47 such.

48 But I'd just like to see, you know,

1 more dialogue and what we convey as an industry
2 to have more weight as we go forward.

3 MS. SCHULZE-HAUGEN: Okay. We do our
4 best. There's a lot of voices in the management
5 process. Unfortunately, the process can be
6 lengthy. We understand that. It can be
7 frustrating. Like I said, we do our best to
8 juggle the different demands.

9 MS. LEA: Rom has his card up.

10 MS. SCHULZE-HAUGEN: Rom?

11 MEMBER WHITAKER: Could I just follow
12 up on Matt's, what he said? And that's I fight
13 with the South Atlantic about this all the time.
14 But, you know, as fishermen, and a lot of us
15 spend 200 days or more out there and we spend
16 more time on the ocean than we do at home.

17 But we see a lot of things. And, you
18 know, we've been doing it a long time. And once
19 these management plans -- sometimes it all starts
20 with the science. And if the fishermen's not --
21 what I think Matt's referring to, if the
22 fisherman is not involved in the science process,
23 once you get the science, regardless if it's good
24 or bad, that's what you all have to live with as
25 managers.

26 So I think what he's trying to say is
27 that, we as fishermen, maybe should get, want to
28 be more involved with the science process. So
29 when they're coming up with these numbers that
30 say a stock is good or bad, that we want to be a
31 part of that. And we want our voice to hold some
32 weight even though it's always anecdotal.

33 We spend a lot of time out there and
34 we feel like our experience and what we're seeing
35 should hold some weight in the scientific
36 process. So when they tell us there's nothing
37 there and we're saying, oh wait a minute, you're
38 not finding it, it's there.

39 Or maybe vice versa. I mean, I've
40 seen times when they've given us generous limits
41 that I'm saying, whoa, you know, we need to look
42 at this species, they're not doing good.
43 Yellowfin tuna is a prime example. I just want
44 to expand on what we said. Thanks.

45 MS. SCHULZE-HAUGEN: So there is the
46 cooperative research program. It's run out of
47 northeast and southeast separately. But I think
48 that is, in part, designed to have fishermen part

1 of the data collection, the research that then is
2 fed into the different, you know, whether it's a
3 stock assessment or survey results or something.

4 And there have been HMS research
5 projects funded through the cooperative research
6 programs. So I think that's a viable option and
7 we have folks that participate in those groups.
8 I mean, I think we're open to that. So if you
9 have a particular area or particular interest,
10 happy to hear about it and see if we can make
11 something work.

12 All right, we're getting close. So
13 give us just a minute, we'll get the -- so as you
14 know, this is the live fire exercise of the last
15 day and a half. Kind of what HMS staff heard,
16 notes that they took under the big messages.
17 Again, it's not intended to be the transcript.
18 We have that separately.

19 So if you want the blow by blow of who
20 said what, give us a little bit longer. We'll
21 have those transcripts in a couple weeks. But
22 this is the big ticket takeaways, things that we
23 heard, you know, ideas, suggestions, comments.
24 And it's, I think, been helpful for some folks to
25 kind of take back home and, oh yes I remember
26 what the discussion was and what the panel said.

27 I need to give my typical caveat that
28 I have not seen this. So I'll be seeing it with
29 you for the first part. Particularly interested
30 to see what it says for the recreational
31 discussion last night since I wasn't part of
32 that. So hopefully folks took good notes on
33 that. Just a couple other things, maybe while
34 we're --

35 MS. HOGAN: Yes I have a couple things
36 too.

37 MS. HOGAN: Okay. Sorry.

38 MS. LEA: We're back.

39 MS. HOGAN: And it wasn't even that
40 exciting, what I was going to say. So you will
41 find in your folders, travel reimbursement
42 instructions as well as a form to fill out for
43 your reimbursements. There are also two
44 envelopes inside, one that you can use to submit
45 your receipts to us.

46 The other envelope you will use once
47 you get your travel voucher back, that you need
48 to physically sign the first page and then send

1 it back to us. So I just wanted to let you know
2 those are provided for you in your folders. And
3 we have a date that we would like you to submit
4 those receipts and stuff to us.

5 FEMALE: And the evaluation forms
6 should be in there.

7 MS. HOGAN: Oh yes, the evaluation
8 form as well. That's all I had.

9 MS. LEA: So I just also wanted to add
10 one thing. In lieu of a facilitated dinner last
11 night, we had a facilitated dialogue over there
12 on A7 which got lively at a few points. But
13 actually, that was kind of cool because, to me,
14 civility isn't just everyone be quiet and try to
15 be polite.

16 But civility is getting, like,
17 contrasting ideas out on the table and really
18 having a chance to explore them. So I'm hoping
19 maybe next time at the March meeting, you know,
20 if people are interested, maybe we can kind of
21 send out a link or something where people can
22 sign up if they're interested.

23 But that we might have a more informal
24 facilitated dinner where some of the bigger
25 topics and issues that people seem to raise a lot
26 come out as, you know, points that could be
27 explored in a bit more of an informal setting
28 that's not as time constrained.

29 Because, you know, it seemed like the
30 space of, having some space that wasn't, you
31 know, time constrained, on the record, you know,
32 more like the formal meeting, is maybe a good
33 thing. So I just want to throw that out there.
34 Still think it could be a really good thing,
35 would like to try it. And, you know, maybe we'll
36 have a chance next time.

37 And to that end, I ran across a book,
38 I'm sure some of you have seen it, American
39 Catch. And it's an interesting book that raises
40 a lot of the kinds of issues that I hear a lot in
41 here about the American fisheries. So that might
42 be something that people might want to take a
43 look at. Something that, you know, could be a
44 starting point for a discussion or, you know,
45 some additional perspectives.

46 Anyway, I just wanted to throw that
47 out there. You know, I think it would be a neat
48 thing for this group to do. So anyway.

1 MS. SCHULZE-HAUGEN: All right. So
2 this is the final presentation. We did try to
3 include everything that we heard from you guys
4 but please feel free to let us know if there's
5 anything that we missed. I'll make note of it
6 and add it before we upload it to the website.
7 Thanks.

8 MS. HOGAN: And just before Margo gets
9 started, if you need envelopes, if there's none
10 in your folder, I have some extra envelopes for
11 your travel vouchers.

12 MS. SCHULZE-HAUGEN: Is this a new
13 picture? This is an old picture. It's today.
14 Oh my God. Okay. Well they know me well enough
15 to know that I'm very camera shy. So they have
16 the back of my head which is perfect. All right.

17 Comments from the overview, tuna
18 landing sources from dealer reporting system.
19 Billfish landings, the percentage, over time
20 particularly, round scale spearfish. Billfish
21 are and will continue to be commercially
22 prohibited.

23 Interest in materials on the bluefin,
24 I think we covered that on the next day or later
25 discussion. And then, clarification on
26 tournament registration and reporting databases.
27 We had one volunteer, we'll take more if anyone
28 else has decided they want to try and beta test
29 our online registration system.

30 Lots of discussion on Deepwater
31 Horizon. And so, this obviously went long but I
32 think there was a lot of interest in it and so we
33 gave it additional time. And what I had talked
34 with the restoration folks about is having them
35 come back in the spring meeting, and potentially
36 more, on how things are progressing, next steps.
37 Because it is a fairly long process.

38 And so, a point of clarification, that
39 restoration doesn't assess the damage to the
40 fleet. It's assessing the damage to the
41 resource. And the restoration focus is on
42 fisheries, in this case, again, one of many
43 projects underway. And a bit of a unique project
44 given the offshore pelagic nature of the damage.

45 Concern about, a lot of discussion of
46 the optics that the pelagic longline fishery is
47 being held responsible. And it's another, kind
48 of negative action. The concept is to increase,

1 restore the biomass of injury based on exposure
2 and toxicity by allowing fish additional
3 opportunity to breed.

4 And that the injury and exposure to
5 the bycatch species is also of great importance.
6 And then of concern about the ability of the
7 alternative gears to have the same level of
8 production either due to transit time or catch
9 quality.

10 A suggestion for a marketplace impact
11 analysis as well as a suggestion to consider
12 already closed areas in the analysis. And
13 looking at buoy gear for tunas. That draft
14 Amendment 7 had looked at this, was not finalized
15 but maybe it was, it's time to revisit that. And
16 then concern about additional pressures on the
17 fleet following Amendment 7.

18 So I think there was a lot of good
19 discussion. And I think the restoration center
20 folks and all of us were very interested to hear.
21 So again, I think we'll circle back on this in
22 future meetings.

23 I guess this is the website where you
24 can find out how to submit an oil spill claim.
25 Okay. Underlying economics doesn't change with
26 alternative gears. Big boats, fuel efficient,
27 inefficient. Suggest addressing vessel
28 replacement. Lack of knowledge about the habitat
29 for HMS, suggest restoration money could be used
30 to fund research.

31 Bycatch reduction is important but the
32 20 million project needs independent peer review.
33 Support for bluefin tuna stock restoration by
34 making this voluntary project available. And
35 then the buoy gear bycatch report information,
36 where that can be found.

37 More websites. So this would be more
38 of the information on the early restoration plan.
39 There's both the project description as well as
40 the monitoring aspects. And so, a note here that
41 litigation process has restricted external
42 involvement in research but there is public
43 comment for the plan. And then plan includes
44 metrics for success. Okay.

45 Copy of the law enforcement
46 presentation will be posted. So give us a day
47 for that. Not a lot on this here. Leadership,
48 Amendment 5B. Here in this, lots of different

1 ways, lots of sharks out there, trying to avoid
2 them. A suggestion that circle hook requirement
3 could, in the recreational fishery, could help
4 reduce mortality in that fishery.

5 Similar comments to what we heard
6 before, that increasing the recreational minimum
7 size is not preferable. And also that the
8 pelagic longline hook limit would greatly impact
9 the high seas fleet and mahi fishermen. So I
10 think suggestions not to do that as well. That
11 the longer gangions on pelagic longline gear,
12 especially particularly to some other gear
13 reduced shark mortality already.

14 Use data that is reflective of the
15 current state of the fisheries. And then provide
16 more clarity on recreational estimate
17 methodologies. We can certainly do that in the
18 DEIS. It's hard to get into the weeds of every
19 methodology in the presentation but we will do
20 that.

21 And then the range and CV of
22 estimates. Again, I think we have more abilities
23 in the full documents to get into that level of
24 detail. For Amendment 6 and shark specs,
25 interest in a trip limit for blacknose sharks as
26 well as a bycatch allowance for non-blacknose
27 small coastals once the blacknose quote has been
28 reached to reduce dead discards.

29 The mackerel fishery primarily catches
30 Atlantic sharpnose and bonnethead and that
31 blacknose can be released alive. And support for
32 opening the Atlantic large coastal fishery on
33 January 1 and toggling the trip limit between
34 three and 45 sharks. That's the incidental
35 permit list retention limit.

36 Amendment 9, several questions on
37 SEDAR and how the results will be applied and
38 used to inform the quote calculations.
39 Reiterated opposition to the catch composition
40 for smooth dogfish at sea. Fin removal, again,
41 we're in final rulemaking at this point so we'll
42 have more on that, hopefully soon.

43 Public comments, gentleman from New
44 York, I believe is not here now, requesting
45 circle hooks in all shark fisheries, especially
46 tournaments to help reduce shark mortality and
47 success of the New York state law. Mr. Hopkins,
48 that pelagic longline fisherman have a lot of

1 requirements and make a lot of sacrifices.

2 Request for carryover of the IVQ in
3 support for sandbar assessment in 2018. Mr.
4 English I believe is not here. On the discard
5 issue for small coastals once the blacknose
6 season is caught. Again, requesting the trip
7 limit on blacknose sharks. And then managing
8 with flexibility similar to large coastal
9 fishery.

10 Hang on. Can you put on your mic?

11 MEMBER ODEN: I spoke, Steve was his
12 name I believe.

13 MS. SCHULZE-HAUGEN: Yes.

14 MEMBER ODEN: I spoke with him later.
15 And I tried to, you know, interject yesterday and
16 make a comment. Anyway, off to the side we came
17 to the conclusion that both our fisheries -- he's
18 from Florida, you know, we're from North
19 Carolina. The small coastal fishery, and North
20 Carolina originated in the fall.

21 In his case, his prime fishery is also
22 in the fall. And, you know, we were wondering if
23 possibly we couldn't have a season opening change
24 on that particular fishery which might help
25 mitigate the blacknose bycatch discards. I mean,
26 because, you know, and also help utilize the
27 small coastal.

28 I know you've changed, you know, in
29 our area, the blacknose issue is no longer going
30 to be a choke species. But it still might, you
31 know, as far as the small coastals go, that's
32 when the fishery is of its prime importance to
33 both Florida and North Carolina. So it might be
34 a consideration that possibly you could change
35 the start season for that.

36 MS. SCHULZE-HAUGEN: Okay. Thank you
37 for that. We'll take note of that. And the HMS
38 recreational implementation plan, need for
39 coordination among national and regional
40 implementation plans. Communication with and
41 engaging recreational fishermen is important.

42 NMFS staff getting out in the field is
43 important. Much of the best work happens in the
44 field. Trust is most important. Need engagement
45 to build trust for NMFS actions. That NMFS staff
46 should write articles or fishing publications to
47 educate and inform. And that communication and
48 engagement would help address enforcement issues.

1 NMFS and academics should develop
2 protocol for charter industry to engage in
3 scientific areas of management, especially in the
4 Caribbean. Make sure the most recent and
5 appropriate data are used in the assessments,
6 that helps to build trust as well.

7 We need to advertise OLE actions to
8 improve compliance. And we need to coordinate
9 with state agencies to tie into promotion of
10 public access ecosystem conservation and resource
11 enhancement. And also, fully utilize JEA
12 partners to aid in enforcement. Okay.

13 On bluefin tuna, new reporting
14 requirement for commercial categories. We need
15 additional outreach and work with industry. I
16 think we had an offer for some of that. As well
17 as we need to harvest the U.S. quota regardless
18 of who catches it, with flexibility at the end of
19 the year.

20 Specific to the pelagic longline
21 fishery, concern about decreased effort in
22 landings. It's a complex issue and the year is
23 not over. Vessels so far show unwillingness to,
24 I think it's supposed to be lease quota. We need
25 to look at the big picture. Revitalization of
26 the swordfish industry. And that the cumulative
27 impacts of regulations on the pelagic longline
28 fishery is very difficult.

29 Future maintenance of the camera and
30 cost concerns. And then ideas for providing more
31 flexibility and/or quota. And then potential
32 rulemaking for substantive changes to the system
33 would be required.

34 Specific to General category, request
35 for April and May season. That a 12 month
36 fishery is needed to catch the quota. Agency
37 needs to continue to incorporate environmental
38 changes in management.

39 And then the tournament expenditures
40 survey. Contractors need to be present and
41 engaged, person to person with NMFS staff to
42 expand and make goals of this survey more obvious
43 to the operators. And tell the anglers what's in
44 it for them. Placing a value on the fishery is
45 important as learned through the oil spill, so
46 that the impact in value can be quantified.

47 We should ask for tournament
48 participant permit numbers. And then we don't

1 want to overburden the operators with the survey
2 if asking them to advertise. Need to show
3 anglers how it will help them. Example,
4 protection of the sector, article in fishing
5 magazines. NMFS should be able to get this.
6 Okay.

7 Some operators asked participants for
8 state vessel registration numbers. People
9 shouldn't have a problem giving the HMS permit
10 numbers too. Specific to, looks like South
11 Carolina, you wouldn't have to go to every
12 tournament. That registration is the best time
13 to collect contact information and coordination
14 with state agencies would help.

15 Tournament specific merchandise should
16 be clarified in the survey. We should be careful
17 not to double count for marina sales and
18 participant purchases. Interest in information
19 about prizes for all release tournaments versus
20 hybrids versus landings tournaments. And we
21 should eliminate duplicative questions between
22 operators and participants.

23 And that season long rodeos will be
24 different. We need to be clear. Participant
25 surveys should be clear about a team versus an
26 individual. That was yesterday.

27 This morning, essential fish habitat,
28 continued concern about seismic testing survey
29 activities, strictly off the east coast. AP
30 members continue to provide excellent suggestions
31 for new sources of information. So we will
32 definitely track those down.

33 That we should consider a more dynamic
34 approach to defining EFH, especially given
35 environmental change and conditions. HMS, we
36 should participate in the public comment
37 processes. And we do share information with
38 applicants as we can.

39 And we should add the seismic survey
40 impacts to the TRT's next meeting agenda. So we
41 will make that request to them. We don't
42 actually run that meeting but we'll let them know
43 that that's a topic folks are interested in
44 discussing.

45 International affairs update, I think
46 positive response to the agency activities to
47 combat IUU. But we need to make sure it results
48 in real change and not just paperwork. Some

1 caution on impacts to U.S. fisheries interests as
2 we move ahead with certification.

3 And that we should use the full suite
4 of management measures that the U.S. has for
5 marine mammals as part of that review of the
6 effectiveness of other country's regs. And that
7 countries being evaluated should have observer
8 programs for high risk fisheries and enforcement
9 on the water.

10 On the eBCD, people happy to see it
11 happening. Looks straight forward. Another
12 request for volunteers to test it out. And that
13 we would have the proposed rule out before ICCAT
14 and then not necessarily wait for an ICCAT
15 deadline for the final rule. But move ahead
16 expeditiously.

17 Public comment that, happy to see eBCD
18 rulemaking moving. All right, so that's kind of
19 the recap of the discussion. Looking ahead, some
20 of the deadlines. If you have comments on the
21 draft tournament survey, please send them to
22 George who is over there. And please comment on
23 the Federal Register notice for the proposed new
24 information collection.

25 A quick side here, we are required to
26 have responses from at least three affected
27 individuals or entities in order to get PRA,
28 Paperwork Reduction Act, approval for data
29 collection. It used to be that we could say, we
30 put it out for public comment and we didn't get
31 any.

32 Or, you know, summarize general
33 comments. That is no longer sufficient. So if
34 we call you with a PRA question, please respond.
35 We hate to bother you but it's how it has to be.
36 Maybe it will change again and that would be
37 fine. But for now, we have to provide three
38 responses for everything.

39 So we may be calling you as panel
40 members. And if you can help us out, send us an
41 email, answer the phone, that would be helpful.
42 So the tournament PRA comment period ends October
43 5th. So we'll likely be calling some of you
44 before then.

45 We have the Office of Protected
46 Resources petitions, the shark petitions, the 90
47 day finding comment periods close mid-October.
48 The IUU task force fishing and seafood fraud

1 comment period closed tomorrow. So I think John
2 got some comments today. But if you have more,
3 we need those by tomorrow.

4 The proposed rule for the MMPA rule,
5 comment is right before ICCAT, November 9th. And
6 the town hall meeting on protection of the deep
7 sea canyons and sea mounts, that meeting is next
8 week. Would encourage you all that are
9 interested to go onto the website, get your
10 comments in. Make sure that the HMS interests
11 are part of the discussion.

12 So with that, we will reuse all your
13 name tags and table tents. So if you could leave
14 them for us, we will pick them up. We really do
15 appreciate and read all of the evaluation forms.
16 Don't be shy. If you didn't like something, or
17 you did, let us know.

18 And then please send in your travel
19 receipts and forms by next Tuesday so that we can
20 get those back to you in a timely way. We've got
21 envelopes, we handed those out or you've got them
22 already. And safe travels.

23 And before we go, I want to say a big
24 thank you to the HMS staff for helping us have a
25 productive meeting. I think it's a lot of energy
26 getting you all here and getting prepared. And I
27 think the value and the good discussions we had
28 are reflective of that. So thank you HMSers, I
29 appreciate all your efforts. So hope everyone
30 does too.

31 Well thank you everybody. I hope you
32 have safe travels home and we'll see you in the
33 spring, if not before.

34 (Whereupon, the above-entitled matter
35 went off the record at 11:32 a.m.)
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Highly Migratory Species
Advisory Panel Meeting

Before: NOAA/NMFS

Date: 09-10-15

Place: Silver Spring, MD

was duly recorded and accurately transcribed under
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