



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Silver Spring, MD 20910

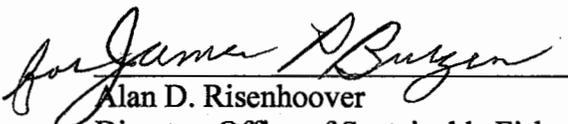
## **NMFS ANNOUNCES THE RELEASE OF THE MEETING SUMMARY AND TRANSCRIPTS FROM THE MARCH 2007 HIGHLY MIGRATORY SPECIES ADVISORY PANEL MEETING**

The National Marine Fisheries Service (NMFS) has summarized the major discussion and comments received at the March 2007 meeting of the Highly Migratory Species (HMS) Advisory Panel (AP). In addition, transcripts of the entire meeting are available. This meeting was focused on current resource management challenges facing Atlantic tunas, swordfish, shark, and billfish fisheries. The meeting acted as a venue to allow the AP to discuss management alternatives and provide feedback on the direction of future rulemaking. The meeting was structured to allow small breakout groups, which then reported their discussion to HMS staff and the entire AP. Topics discussed included new regulations implementing Amendments to the Consolidated HMS Fishery Management Plan (FMP), management for the second and third trimester seasons of the shark fishery, the use of greenstick gear in HMS fisheries, circle hooks in billfish tournaments, outreach activities, Endangered Species Act status review of the white marlin, HMS fisheries enforcement, bluefin tuna specifications, management measures that may help revitalize the U.S. Atlantic swordfish fishery, and the reauthorization of the Magnuson-Stevens Act.

Copies of the AP comment summary and transcripts of the meeting are available on the internet at <http://nmfs.noaa.gov/sfa/hms>. Please contact Heather Halter (301) 713-2347 x128 for further information or to request hard copies of the comment summary or transcripts of the meeting.

MAY - 3 2007

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Date

  
Alan D. Risenhoover  
Director, Office of Sustainable Fisheries



**Summary of the March 2007 Meeting of the  
Highly Migratory Species Advisory Panel**

May 2007  
Highly Migratory Species Management Division  
National Marine Fisheries Service  
Silver Spring, MD

This document is a summary of what was heard by the Agency at the March 2007 AP meeting in Silver Spring, MD. This document is not meant to indicate any consensus by the AP or decisions by the Agency or to be a verbatim transcript. Copies of this document and transcripts of the meeting are available upon request or on the Agency webpage (<http://www.nmfs.noaa.gov/sfa/hms>).

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## 2.0 AGENDA

### Highly Migratory Species Advisory Panel Meeting March 13-15, 2007 Silver Spring, MD Agenda

#### Tuesday, March 13, 2006

- 1:00 pm Welcome and introductions  
Welcome new AP members & HMS staff  
Standard Operating Procedures and HMS Process
- 1:15 pm Magnuson-Stevens Act Reauthorization
- 2:00 pm Update on Recent Actions  
Rulemaking  
Workshops  
Litigation
- 3:15 pm Break
- 3:30 pm Shark 2<sup>nd</sup> and 3<sup>rd</sup> Season Rule Presentation
- 4:00 pm Greenstick Gear Presentation
- 4:30 pm Group Discussion on Recent Rulemakings or Other Actions with Public Comment
- 5:00 pm Adjourn
- 7:00 pm Shark 2<sup>nd</sup> and 3<sup>rd</sup> Season Rule Presentation (standby)
- 7:30 pm Public Comment
- 8:30 pm Adjourn

#### Wednesday, March 14, 2006

- 8:00 am Amendment 2 to the Consolidated FMP – Shark Management  
Presentation on issues and management options
- 9:00 am Shark Management Breakout Session and Group Discussion
- 12:00 am Q&A with Bill Hogarth
- 12:30 pm Lunch
- 1:30 pm Amendment 1 to the Consolidated FMP – Essential Fish Habitat  
Scoping Presentation
- 2:00 pm Group Discussion and Public Comment
- 3:15 pm Break
- 3:30 pm White Marlin Status Review
- 4:30 pm Circle Hooks In Billfish Tournaments
- 5:00 pm Public Comment
- 5:15 pm Adjourn

#### Thursday, March 15, 2006

- 8:30 am Bluefin Tuna Specifications
- 9:00 am Group Discussion and Public Comment
- 10:15 am Break

10:30 am Enforcement Update  
 11:30 am Outreach Activities  
 12:00 pm Lunch  
 1:00 pm Swordfish Specifications and Revitalization – Next Steps  
 1:30 pm Swordfish Specifications and Revitalization Breakout Session  
 2:15 pm Swordfish Specifications and Revitalization Group Discussion  
 3:00 pm Break  
 3:15 pm HMS Management – Looking Forward  
 4:00 pm Open Forum/Public Comment  
 5:00 pm Adjourn

**3.0 ADVISORY PANEL PARTICIPANTS MARCH 2007**

3.1 *Academic*

|                                     |                                     |
|-------------------------------------|-------------------------------------|
| Dr. Andre Boustany                  | Duke University                     |
| Dr. Phil Goodyear                   | Retired Professor                   |
| Dr. Robert Hueter                   | Mote Marine Laboratory              |
| David Nieland – Proxy for John Gold | Louisiana Sea Grant College Program |

3.2 *Commercial*

|  |  |
|--|--|
| Jack Devnew – Proxy for Glenn Delaney  | Marine Division Maury, Donnelly & Parr, Inc. |
| Shawn Dick – Proxy for Terri Beideman  | Aquatic Release Conservation (ARC)           |
| William Etheridge                      | NC Fisheries Association                     |
| William Gerencer                       | Marine Trade Center                          |
| Dewey Hemilright                       | F/V Tar Baby                                 |
| Russell Hudson                         | Directed Shark Fisheries, Inc.               |
| Gail Johnson                           | Pocahontas, Inc.                             |
| Putnam Maclean – Proxy for Peter Weiss |  |
| Pete Manuel                            | Winter Bluefin Association                   |
| Vince Montella                         |  |
| Don Nehls                              | Lindgren-Pitman, Inc.                        |
| Richard Ruais                          | East Coast Tuna Association                  |

3.3 *Commissions*

|                   |   |
|-------------------|---|
| Chris Vonderweidt | Atlantic States Marine Fisheries Commission |
|-------------------|---|

3.4 *Regional Fishery Management Councils*

|                       |   |
|-----------------------|---|
| Pat Augustine         | Mid-Atlantic Fishery Management Council   |
| Rita Merritt          | South Atlantic Fishery Management Council |
| Eugenio Pineiro-Soler | Caribbean Fishery Management Council      |

### 3.5 *Environmental*

Sonja Fordham  
Ken Hinman  
Shana Miller  
Open Seat

The Ocean Conservancy  
National Coalition for Marine Conservation  
Tag-A-Giant Foundation

### 3.6 *ICCAT Chair*

Dr. John Graves

Virginia Institute of Marine Science

### 3.7 *Recreational*

Ronald Coddington  
Thomas DePersia  
James Donofrio  
Russell Nelson  
Jason Schratwieser  
Skip Smith – Proxy for Ellen Peel  
Richard B. Stone  
William Utley  
Rick Weber  
Rom Whitaker

Southeast Swordfish Club  
Stellwagen Bank Charger Boat Association  
Recreational Fishing Alliance  
Nelson Resources Consulting, Inc.  
International Game Fish Association  
The Billfish Foundation  
National Marine Manufacturers Association  
Coastal Conservation Association  
South Jersey Marina  
Hatteras Harbor Charter Boats

### 3.8 *State Representatives*

Carolyn Belcher  
Dr. Michael Buhl  
Josh Loefer  
Beverly Sauls

Georgia Coastal Resources Division  
NC Division of Marine Fisheries  
SC Department of Natural Resources  
Florida Fish and Wildlife Conservation Comm.

### 3.9 *Other Participants*

Stephania Bolden  
Tim Palmer

NMFS Protected Resources

#### **4.0 MAGNUSON-STEVENSON ACT (MSA/MSRA) REAUTHORIZATION**

**Jennifer Ise and Laura Cimo presented information on the domestic and international, respectively, portions of the MSRA that would likely affect highly migratory species management. More information on the MSRA can be found at [www.nmfs.noaa.gov/msa2007](http://www.nmfs.noaa.gov/msa2007). Comments from the AP included the following.**

##### **4.1 *Domestic***

- NMFS is looking for comment on: 1) development of annual catch limits by 2010; and 2) environmental review procedures/NEPA streamlining.
- Are the changes for joint enforcement between the state and federal government more specific than before?
- What does the MSA mean when it says within two years of notification management measures are to be prepared and implemented in order to end overfishing immediately. How is two years immediate?
- If a Fisheries Conservation and Management Fund must be established, where does the money come from?

##### **4.2 *International***

- How can we identify vessels that are participating in Illegal, Unreported and Unregulated (IUU) fishing? What type of information would be needed?
- 'Previous calendar year' is crux of problem between this provision and International convention for the Conservation of Atlantic Tunas (ICCAT). ICCAT is a year behind in terms of data reporting and that makes this provision basically a non-starter. NMFS might be able monitor things through imports.
- Are sharks Living Marine Resources (LMRs) under the Act? There are no international agreements on catch limits of sharks. How are sharks incorporated in the international provisions of MSA reauthorization?
- Regarding the provisions on Regional Fishery Management Organizations (RFMOs) – if there are none for an international species, what then? Improve effectiveness of RFMOs by making a global fishing list maintained by RFMOs.
- Who would have jurisdiction over a centralized vessel monitoring system (VMS) network?
- For example, in the Eastern Bluefin Agreement, the Secretariat has a centralized VMS.

#### **5.0 UPDATE ON RECENT HMS ACTIONS**

**Margo Schulze-Haugen presented information on the current work of the Highly Migratory Species (HMS) management division. Comments from the AP included the following.**

- HMS has conducted good outreach and should be complimented on this.
- NMFS should extend the comment period for the swordfish exempted fishing permit (EFP) by 30 days.

- Will NMFS set up provisions for how rulemaking will provide for the 15 percent transfer provisions in the bluefin tuna (BFT) and swordfish (SWO) ICCAT recommendations?
- We do not need to spend time developing a domestic process for transferring 15 percent because we hope it will be phased out.
- Is the agency planning to conduct workshops to teach fishermen how to use circle hooks?
- On a tournament level, it is not really necessary to teach people how to use circle hooks.

## 6.0 SHARK 2<sup>nd</sup> AND 3<sup>rd</sup> SEASON RULE

**LeAnn Southward Hogan presented information on the proposed rule to adjust the 2007 2nd & 3rd season quotas for the shark fishery based on landings in 2006; establish shark fishing seasons for 2007 2nd & 3rd trimester season; and consider ecological, economic, and social impacts on all shark fishermen and regions consistent with Magnuson-Stevens Act and Consolidated HMS Fishery Management Plan (2006 HMS FMP). Comments from the AP included the following.**

- Combining the seasons is reasonable and makes sense, biologically.
- Opening in September is good for the pregnant females and aids the stock.
- We have concern over the large coastal shark (LCS) overharvest in 2006 and the late reporting responsible for it.
- How is NMFS rectifying reporting problems? What steps has NMFS taken to make sure dealers are reporting?
- Do dealers double-report?
- Is NMFS looking at the past to see if this happened in past years?
- NMFS needs to follow through with dealers, particularly those that are not reporting. There can't be that many dealers landing major amounts of shark.
- There are probably more sharks landed than what is being counted.
- There are problems with trucks going to multiple venues. NMFS can solve this problem by changing dealer reporting forms to require dealers note where fish came from.
- NMFS should call dealers and use a calculator to monitor shark landings.
- Could NMFS match up VMS with dealer reports?.
- Long term: e-reporting. Can NMFS implement real-time reporting like for BFT?
- The Shark Dealer Identification Workshops might help improve the numbers.
- Last October, a dealer in the Gulf of Mexico noted a large percent of catch not included in the reports NMFS sends out. That dealer used to get phone calls if NMFS did not have their reports. Recently, there has been an increase in permit numbers that has increased the number of complications and the confusion regarding dealer reporting. People that did not report were economically devastated.
- I am concerned over the transfer of last year's small coastal sharks (SCS) harvest to this year. What will this do to finetooth sharks? This is a stock with overfishing.
- I am concerned about on taking quota from the South Atlantic region and giving it to the Gulf of Mexico region.
- The Gulf of Mexico regional allocation is too small. The Large Whale Take Reduction Plan reduced the fleet landing SCS in the south Atlantic region.

- Is it true that anyone with an HMS permit must report to NMFS regardless of whether sharks are caught in state/federal waters?
- Can NMFS look at alternatives that would allow us to fish where we want? Right now, we cannot go north of Virginia and we are cut off in North Carolina. That means we basically fish in a box.
- The majority of sharks being reported by dealers are mature. NMFS needs to look at the science and observer data to show fishermen are catching mostly adults. This does not come through in the assessments.
- It is ironic that NMFS chooses August as a slow period because there are no sharks around.

## **7.0 GREENSTICK GEAR**

**Randy Blankinship presented information on the use of greenstick gear in HMS fisheries and asked for feedback on 1) what should be changed with greenstick use in HMS fisheries? and 2) what should HMS keep in mind about greenstick gear when considering a change in authorization of this gear? Comments from the AP included the following.**

- I read a Seagrant study years ago that confirms the cleanness and efficiency of the gear. This is a clean gear and has little interaction with marlin; it is surprising that this subject is being discussed again.
- Two or more hooks is considered longline gear? This (greenstick) is definitely not longline gear; this is active trolling gear. The use of greenstick gear should be expedited and the longline definition should be changed.
- How can greenstick gear be used right now, legally?
- Limit greenstick to 10 hooks and gangions. The stopping point with this gear was the species, not its configuration – BFT was the concern and that's why NMFS didn't move forward with 10 hooks.
- The amount of hooks needs to change because this is a troll fishery.
- I did not realize I was longlining while fishing this gear.
- BFT and bigeye, albacore, yellowfin, skipjack tunas (BAYS) should be allowed with this gear.
- South Atlantic Fishery Management Council (SAFMC) has asked HMS to look at longlining tunas versus other species. I suggest allowing greenstick for general category in whatever configuration they've used in the past.
- I don't see the cleanness of the gear. I catch marlin when trolling even when bait is at the surface.
- NMFS should create a separate category for greenstick gear and give the gear its own definition. Change 2 hook rule from longline to a greenstick category.
- I'd like to see more consistency with the way the AP works and makes decisions. This gear has been talked to death at all AP meetings.
- There are problems with enforcement of this gear. How would enforcement count the number of hooks being used?

## 8.0 AMENDMENT 2 TO THE 2006 HMS FMP – SHARK MANAGEMENT

### 8.1 *Effort Controls and Fisheries Re-Characterization*

**Michael Clark presented information on the pre-draft for Amendment 2 to the 2006 HMS FMP. Specifically, this information concentrated on effort controls (quotas and species complexes, retention limits, and gear restrictions) and fisheries re-characterization (regions and seasons). Comments from the AP included the following.**

- Is 60 metric tons (mt) wet weight (ww) exempted fishing permit (EFP) being met each year?
- When will the situation with Atlantic blacktip be resolved? We need more Atlantic blacktip data. For example, are Gulf of Mexico blacktip rebuilt? Is there a skewed sex ratio with sandbar that led NMFS to suggest a male only fishery for this species?
- Data on sandbar and dusky is meager. Are there other databases from shark scientists that can be used to bulk up the data?
- What is the ratio of mature sandbar sharks versus juveniles? The fishermen are catching mostly matures, so where are the juveniles in the data coming from?
- It looks like the observer program reports 80 percent adult. If there are that many adults, how can it take as long as NMFS says to rebuild the stock?
- General comment regarding removing specific data that might skew results of the assessment.
- Industry does not believe in the assessment.
- There are sound scientific bases for this assessment. I want to offer a clarification for those not in the shark industry as to why blacktip is looking better than sandbar. Animals segregate to some extent by size and sex, so they can be targeted that way. In terms of separation by areas, there is an exchange rate between areas and blacktip is not as strong in migration between the Atlantic and Gulf of Mexico.
- Were the blacktip and sandbar models the same? Was the dusky assessment peer reviewed? I don't feel that the Center for Independent Experts (CIE) is independent. For example, the chair of the peer review is in the same office as other people who have participated in the past.
- With the sandbar assessment, was the selectivity curve the same throughout the regions?
- Does Mexico work with the United States on assessments? Dusky and sandbar overwinter in Mexico and the juveniles stay residential.
- General comment regarding disagreement with the methodology of the Sminkey and Musick study and suggestion that the maturity needs to go by region.
- The situation is not as dire as the assessment reads. NMFS has a choice to keep the shark industry here.

## 8.2 *Time/Area Closures and Monitoring and Compliance*

**Jackie Wilson presented information on the pre-draft for Amendment 2 to the 2006 HMS FMP. Specifically, this information concentrated on time/area closures and monitoring and compliance (vessel monitoring systems (VMS) and dealer reporting requirements). Comments from the AP included the following.**

- I was under the impression that porbeagles were cold water sharks and the slides show them in warmer waters. Are the Gulf of Mexico data likely misidentified sharks?
- Porbeagles are likely in the Gulf of Mexico. Salmon sharks (a close relative of the porbeagle) are cold water sharks but we do see them in warmer waters for pupping.
- NMFS noted significant reductions in discards with circle hooks. Has NMFS qualified them as straight or offset? All studies I've read that have been conducted with circle hooks have indicated that flat circle hooks can further reduce discard rates.
- Looks like NMFS is putting a lot of effort into monitoring vessels. However, there is a disconnect when the vessel sells to a licensed dealer. If NMFS chooses to have them hail in and hail out, they should also have to report the dealer they sold to.
- Currently, VMS clicks on in one hour. NMFS has an alternative for 15 or 30 minutes and also an alternative for a visual indicator. Would either of those alternatives increase cost to industry?
- Regarding the map NMFS displayed on dusky discards, why are there discards in closed areas?
- Are some of the discards related to the migration off the coast of FL? In January, we see a certain amount of sandbars at that time and they move up the coast by March/April.
- Regarding the individual dusky sharks/observer program map NMFS displayed: There are no sharks displayed as going up to NY. Does the observer program cover that area/why not?
- How does the shark know the difference between an incidental and directed fisherman?
- In regard to monitoring compliance, the no action alternative is better because it seems as if NMFS can't handle switching to 24 hrs.
- For porbeagles, the quota is 92 mt but only .5 mt was taken. That is landed? Are there any numbers for dead discards?
- What is the coastal logbook?
- I am concerned about the west coast of FL, but from a different perspective. We haven't seen dusky sharks in that area since 1989. I question the validity of the data and wonder if there is a species identification problem. Was the data skewed towards 1991 than through 2003?
- The South Atlantic Council is moving forward with 8 Marine Protected Areas and has asked HMS to check off on them also, has it not?
- Where does buyout play in all of this? Buyout options need to be included in the draft or the discussion will be lost. I was at public hearings in Gloucester and Ft. Pierce where this was discussed. HMS should summarize the options that have been talked about and how they address the issues.
- If there had been a data workshop for dusky, maybe some of the data would have been worked out but NMFS used a catch free model, so it doesn't matter what is caught.

- Based on market demands, at what point does a shark fin have no value? Will that skew the juvenile versus mature breakdown?
- Today, the market is based upon species. Certain species have a top grade and they also break the fins down by size. NMFS does not have fin dealer data. Nurse sharks have absolutely no value.

### 8.3 *Group Break-Out Reports to the AP*

**The AP was divided into three groups to discuss alternatives presented in the Amendment 2 draft as well as identify any alternatives or issues missing from the draft Amendment 2. Comments from the AP included the following.**

#### 8.3.1 GROUP 1

- Can the dusky assessment be reviewed externally?
- Why was Virginia Institute of Marine Science (VIMS) data included in the dusky assessment?
- Why was the comment from Hester and Maunder ignored in the pre-draft and is the South East Fisheries Science Center (SEFSC) going to respond to comments?
- NMFS needs an adequate analysis of economic impacts in regard to implementation while also looking at cumulative impacts for tile fishery and grouper fishery in addition to other impacts in Gulf of Mexico and North Atlantic.
- What would 160 mt dw total allowable catch (TAC) mean for the fishery? It would not exist because blacktips alone would not be enough to sustain the fishery.
- Concern was expressed regarding reporting issues and state and federal coordination due to the 2006 season and delinquent dealer reporting. Does NMFS know the extent of problems in the past and could NMFS look into the past to see when/how the problem began? Electronic reporting is a possible solution because the disconnect is between logbooks and dealer reports.
- In regard to internal data monitoring and reporting, NMFS should have one SEFSC staff member keep track of shark data and be responsible for calling dealers for timely reports.
- NMFS should ask that latitude and longitude be added to the logbooks.
- Who pays for the VMS increase?
- Visual VMS indicators may be a problem if one is not in the same place as the VMS. What about an audio indicator instead?
- In regard to time/area closures, concern was expressed about dusky shark landings off west coast of Florida and parity with North Carolina.
- Once questions are addressed regarding assessment, then the group may be able to consider the status quo alternatives.

### 8.3.2 GROUP 2

- The group first listed what was missing in the Pre-Draft.
- The Pre-Draft is missing the alternative of buyback program.
- There is lack of framework for monitoring finetooth sharks and their stock.
- Deepwater sharks as well as oceanic whitetip, silky, and three hammerhead sharks need to be considered for the prohibited species list and are not addressed. There are LCS species falling through the cracks.
- Three species are not included as prohibited – hammerhead, whitetip, silky.
- In terms of a big picture view, what is the monetary value of this fishery? We need to keep that in perspective with how much NMFS spends in terms of management. The group gets an estimate of ex-vessel value as \$7.1 million.
- Concern expressed as to whether the TAC for sandbar sharks is enough for a directed fishery.
- Alternatives should be more specific than what is in the Pre-Draft.
- For sandbars an option of no action is unacceptable at this time. Make this a zero directed quota and allow for an incidental fishery, coupled with buyback.
- For blacktip, no action is appropriate but the group still has concerns re: Atlantic. The group suggests no fishing at all in south Atlantic until blacktip status is known.
- For porbeagles, the group has concerns about the quality of data in terms of closed areas. The quotas should be set based on improvements of the database and tracking discards.
- Prohibit kill tournaments in the recreational sector; allow only release tournaments for the recreational sector.
- In regard to commercial time/area closures, there should be none for the pelagic longline (PLL) fleet in regard to porbeagles, and no additional closures for BLL or PLL because the fish are so migratory.
- Need better tracking of data by NMFS, electronic logbooks, and VMS. HMS in Silver Spring should be the central place that receives data so HMS can take action as/if needed. HMS can then better estimate where landings are during the season and should give weekly report.

### 8.3.3 GROUP 3

- The group focused on things that were missing or things that needed clarification.
- The draft needs a buyback/buyout option. If current assessments are correct, the LCS resource may only support a limited fishery.
- Buyback programs reduce capacity to allow for limited fishery; OR
- Buyouts close the fishery, which is an option in the plan

- The group sees a range of opinions on this at the table but general support for some type of economic program.
- NMFS needs to consider funding possibilities and types of objectives to fleet size, etc. For example, what would the fishery look like? Would the fishery be experimental only, etc.?
- In regard to effort controls, the draft needs an option to consider circle hooks for non offset in both the commercial and the recreational fishery. In the bottom longline (BLL) fishery, NMFS should review observer data to determine set length, soak time, discard mortality, and link this research into decisions made for requiring hook types.
- In regard to recharacterization, add an option/alternative for 1 region and 3 seasons.
- In regard to recreational quotas, add an option/alternative for shark identification workshops for charter/headboat operators.

#### 8.4 *Post Break-Out General Comments*

**The following are general comments received on Amendment 2 after the groups reported their analyses considered during the break-out session. Comments from the AP included the following.**

- If one starts out with the premise that the science was adequate, one of the better ways is an economic disaster declaration with a buyback or buyout. If NMFS goes down to 1.2 million lb quota with 4,000 trip limit, then the shark fishery only has a 10 week season with 30 boats a year.
- How does NMFS know what was landed in state waters? Does NMFS take unclassified landings, look at what was landed in observer program, and assume what was landed in state waters?
- The science should be cleaned up or the shark fishery should be bought out, period.
- The amendment is not separate from a buyout. The fishery needs a commitment that the buyout is how it is going to work.
- A buyout would mean selling everything, not just permits, and this would affect other fisheries as well. So, NMFS should examine cumulative impacts on all the Council fisheries.
- The amendment needs to look at the value of the LCS fishery and the cost of management under the current system. A buyback needs to be put in that perspective.
- Just requiring “circle hooks” doesn’t mean anything. The rule should state the specific circle hook required and should also state why that particular hook is required.
- In the Northeast Distant Waters (NED), we used offset and a vast majority of shark catch was on the side of the mouth.

## **9.0 Q&A WITH DR. WILLIAM HOGARTH**

**Dr. William Hogarth, Assistant Administrator for Fisheries, attended the meeting briefly to answer questions and concerns from AP members. Comments from the AP included the following.**

- The Gulf & South Atlantic Fisheries Foundation, Inc. did a business analysis for the buyback program occurred in 2004. I am hoping NMFS will find money for the buyback.
- Concern was expressed as to how the buyback would be done and also that the industry needs private or public funds if a buyback were to take place.
- Concern was expressed about the quality of science used for assessments and the inclusion/exclusion of data by pertinent researchers.
- There are some boats that want to see a commitment of linkage with a buyout and the amendment since the issues are linked.
- What will NMFS do in order to allow us to keep the U.S. swordfish quota?
- The recreational sector is committed to working with NMFS on some of the issues that have been blown out of proportion regarding the illegal sale of fish and illegal sale of fish between commercial and recreational sectors. The recreational sector applauds the closed areas and realizes how important they are to rebuilding. The recreational sector wants to find a compromise with the commercial sector, and acknowledges how important the commercial quota is.
- What is NMFS considering on vessel upgrades? A vessel needs 115-150 ft length in order to get a split hold. The 35 percent number is not large enough to get a split trip or freezer capacity.
- We want an extended comment period on the EFP issue for another 30 days because we need more discussion.

## **10.0 AMENDMENT 1 TO THE 2006 HMS FMP – ESSENTIAL FISH HABITAT (EFH)**

**Chris Rilling presented information on the Amendment 1 to the Consolidated HMS FMP, which concerns EFH. This presentation was for scoping purposes. Explanations of EFH methodology was the major focus of the presentation as well as the Amendment 1 timeline and legal and historical requirements. Comments from the AP included the following.**

- It was just shown to us that NMFS uses fish encounters to define habitat. Encounter data, however, is not weighted by the amount of fishing effort and these areas without fishing effort may also be important. Pelagic EFH exists in space and time and NMFS might want to look at seasonal variations as well.
- For blacktip, NMFS shows EFH in northwest Gulf. That whole area is not just EFH but a fish ecosystem unique to North America that is highly productive for finfish and crustaceans. Is there another direction we should be heading that is away from EFH and maybe toward something like the ecosystem approach?
- Concern was expressed about the broad interpretation/definition of EFH and, in turn, what EFH might eventually encompass.

- EFH can be meaningful for spawning grounds. There is new info available that could indicate spawning in the western Gulf of Mexico that could be a Habitat Area of Particular Concern (HAPC) for BFT.
- NMFS should include predator-prey relationships in the FMP. Loss of prey species can have an adverse affect on EFH. It can degrade feeding habitat. This would be effective if NMFS issues guidance to the Councils on how they should manage, for example, squid and herring for BFT. For BFT and SWO, identifying key prey species is important, but the management of prey species falls to the Councils. The Councils need guidance from NMFS.
- The 10 mile buffer zones for coastal and pelagics are pretty wide areas, particularly if one considers coastal species on the shelf. Coastal species live on the shelf, and then if you have to fish 10 miles off the coast to catch tuna fish, you might as well be in a different ocean.
- Are you considering EFH in terms of Mid- and South Atlantic Councils and Atlantic states? Are HAPCs being defined according to the New England Council? Will you incorporate this into the document?
- As far as New England is concerned, they developed a HAPC package. We are taking a top down approach; this is an area we should consider because this is where these animals reside. Instead we should try to marry bottom up and top down information instead of deciding on whether 10 mile buffers are appropriate. I worry about what Oceana put forth up North.
- Are warm water eddies EFH? We fish warm water eddies because they are legitimate ecosystems. If one has to fish 10 miles away from this, it won't work.
- EFH needs to be defined to a certain area. Does that include bottom habitat? Is EFH a specific area that has latitude/longitude coordinates? If so, eddies wouldn't be EFH.
- I was wondering about those data sources. How does something get labeled EFH?
- Make it clear in the FMP that the greatest benefit to establishing EFH is requiring major projects to consult with NMFS. I am glad to hear that NMFS is not focusing on fishing data that affect fishermen.
- South Atlantic Fisheries Management Council (SAFMC) has asked you to complement their closures and have banned BLL gear. One SAFMC closure is off North Carolina, and it shows where people have been fishing with BLL. Doesn't there have to be some type of data to be able to ban gear in those different areas? There should be a biological reason to ban gear. These areas that you have labeled as EFH are the whole range for fishing and I'm concerned they'll be banned in the same way – without a biological reason.
- When you read the SAFMC minutes, it might imply that there are some people who were on a fishing expedition. But in the meetings that I have attended, it has been more inquiry, looking for information, exploring alternatives, and we have different opinions. Complementary measures were asked because of impact of BLL in those marine protected areas (MPAs).
- You said there wasn't any problem with access, even if the area was deemed EFH. If you find a certain area is a spawning area, then how will this affect rulemaking?
- I have experience with EFH and it is not pretty. It affects Federally permitted projects. The supposed consultation involves the local field office saying "no." My experience is that the person implementing will not care about "notes." They will consult the map.

There is a cascade of effects that I don't think people who originally wrote the EFH intended. It does affect marina operations. I know you can't ignore Congress and we can't be rid of EFH, but it seems there are misnomers going around. The truly EFH is HAPC, everything else is its essential range. NMFS should make the EFH as small as possible, because despite best intentions, one has no idea how it will be implemented by an agency.

- Sargassum is EFH and I drive through it all the time. It is a little scary because that particular EFH is not the bottom.
- Sargassum was identified as EFH, but the result was limited harvest. That is one of the reasons why that was designated in the first place. We do need to be careful of impacts that we can control and those we cannot.
- The Northeast just got a proposal by several environmental groups to establish 15 MPAs, Stellwagon Bank, etc. We are constantly fighting Stellwagon Bank; it worries me that someone will take any excuse to close it out.

## **11.0 WHITE MARLIN STATUS REVIEW**

**Stephania Bolden from NMFS Protected Resources presented information on the current logistics and data for the white marlin Endangered Species Act (ESA) status review. Comments from the AP included the following.**

- White marlin misidentification is a non issue.
- Could you mention the comments that were sent to you?
- I saw that over utilization is occurring and the north Atlantic stock is declining. Now, the latest white marlin assessment is a bit on the upswing.
- There weren't any guidelines for discussing what a threshold would be in 2002, and NMFS was working completely in the dark on that previous status review. Also, white marlin was one of the first marine species to be considered. If there is another set of guidelines NMFS is currently working from on the new status review, NMFS should share them with the group.
- Initial press releases indicate that this 2007 status review is a result of litigation that took place. When NMFS announced listing was not warranted in 2002, NMFS also announced another status review would be conducted in 2007, correct? It is not all on the environmentalists for bringing the issue back up again, but it is also an old NMFS promise.
- The old 2002 data laid a lot of mortality on the domestic longline fleet. Knowing that the fleet in 2000 and what the fleet looks like now is far different, because NMFS is dealing with ESA, is NMFS going to weigh heavily that the reduction in U.S. waters will be a reduction in longline fishermen?

## **12.0 CIRCLE HOOKS IN BILLFISH TOURNAMENTS**

**Randy Blankinship presented information on the proposed suspension of the rule to require circle hooks in billfish tournaments. The status quo alternative would maintain existing non-offset circle hook requirements for anglers fishing from Highly Migratory Species (HMS) permitted vessels and participating in Atlantic billfish tournaments. The preferred alternative would suspend existing non-offset circle hook requirements for anglers fishing from HMS permitted vessels and participating in Atlantic billfish tournaments through December 31, 2007. An alternative that was considered, but not further analyzed, would remove Atlantic billfish tournament circle hook requirements and promote voluntary use of circle hooks by tournament anglers. Comments from the AP included the following.**

- The expansion NMFS used is incorrect. Decide if NMFS is going to use the values or the upper bounds of the confidence intervals. That would change circle hook mortalities from 168 to 28, and the annual survival from 318 to 462.
- This rule is not precautionary. There is a concern with blue marlin fishermen in NC. I thought we were being precautionary for white marlin, but I don't think we should give a break to NC fishermen. In order to accommodate NC fishermen, we may want to try a rule that discriminates on hook size. But, conversely, blue marlin that come up aggressively on a small J hooks could easily take the hook, swallow it, and result in mortality.
- You have been given an order to have a certain outcome and had to develop a rationale. At ICCAT, we say it has to pass the straight face test-this doesn't pass; one more year will not better educate fishermen; this has been in blue marlin magazine and has been ongoing for some time.
- One of the positives during this year's white marlin review was a decrease in post-release mortality with circle hooks. The original rule was to produce a decrease in release mortality to get through the review without a listing. Now you are introducing a threat.
- We had a meeting in Ft. Lauderdale with tournament directors, and we had good discussions that weighed advantages with disadvantages. They agreed that it was probably better not to go forward with EFP, and even the NC guys could live with the circle hook rule as it stood.
- Tournaments require that participants follow every law and every rule. There is no question about compliance.
- Directors of tournaments were onboard with original rule. I don't understand the need for this postponement.
- Everyone we talk to who target billfish are willing to go to circle hooks. We will support circle hooks if you can develop a standard that has conservation benefits.
- Even without the adjustment to the charts, the conservation benefits are there. A learning curve is just that. Postponing the start won't help this.
- You said that circle hooks are being developed for all billfish, but I thought this was for white marlin.
- As far as experience with circle hooks goes, a lot of our anglers travel to countries that have 100 percent circle hooks. Most captains are already ready with circle hooks. Blue

marlin is not the target species; most of these tournaments are encountering white marlin. As you move forward, try to protect white marlin.

- Double hooks will cause more mortality than what is happening now with J hooks. NMFS needs to have a single hook stipulation in the rule.
- [asked for slide of permitted vessels] Basically there are only 1,700 boats that are affected by this. If you have 6 anglers to a boat, you have ~ 10,000 anglers. You are catering to 10,000 anglers for this rule.
- The timing of this is pretty bad. The tournaments start in May and June. These guys have been practicing with circle hooks. And now NMFS has put this rule out, and it will be up in the air regarding what type of hook the tournaments will use right up until it is tournament time.
- NMFS has essentially pushed off the definition of circle hooks on the tournament directors. Circle hook regulations were originally in “all billfish tournaments” not just “white marlin tournaments.” At one point I thought we were talking about white marlin. I am pleased with the rule but displeased with implementation.
- If NMFS pushes this rule off any longer, guys will go back to fishing the way they have been and won’t practice using circle hooks. Put it on the responsibility of the tournaments, and the guys will practice.
- The status quo alternative will save more white marlin. We need to consider all factors for the white marlin review.
- I see a problem with enforcement looking for circle hooks. There is a real difficulty in describing circle hooks. Don’t leave it up to the Federal government to describe the circle hooks. Have tournament directors define circle hooks.
- We want to see the real benefit on circle hooks, not just the circle hook label. I will stand corrected-if they are all beneficial, then great.
- I think not postponing will add to conservation.
- You said there were additional comments from the industry that wanted to delay the rule. Can you be more specific on this? Is this delay due to NC consideration?
- This rule should stand as is. We can describe what a circle hook is. It is true that we cannot show that different circle hooks perform differently. There are some trends; we can work with these inferences. I don’t think this is impossible. We have the knowledge to do this.

### **13.0 ENFORCEMENT UPDATE**

**Meggan Engelke-Ros presented information on how the Office for Law Enforcement (OLE) effectively operates to enforce NMFS’ relevant statutes. OLE also asked for feedback on what the AP would like to hear from OLE at future meetings. Comments from the AP included the following.**

- Last year, I worked with enforcement and HMS to look at the potential of filleting tuna at sea. This fell through from lack of fish. We would like to follow up again.
- In New England we have half the violations that the Southeast did, but it looked like the fines were much greater. You said this discrepancy was related to a large shark-finning case. If you removed that case, do the fines look more equal? Or, does it cost more to have a violation in New England?

- In the 1980s, NMFS had a strategy that if you had a lot of reporting of violations in one area, you would redeploy agents to catch the problem in the bud. In New England, this was pretty effective. Do you still use that technique?
- Proposed hypothetical to NMFS enforcement: Suppose I come to the dock and I have all whole sharks and I have an agent watch me clean those sharks. When we weigh the sharks, the fin ratio is 7.5 percent. Am I going to get a ticket? What should I do with excess fins? What should I report in the logbooks? I am following the law, but still in violation.
- NMFS should consider having sharks landed only with fins on. In the past, enforcement said this would be most enforceable. Perhaps we should change the regulations.
- Are there violations stacking up on boats even if they are incorrectly given? I was wondering what happens to/who follows up on violations or warnings that are not accurate, such as when the United States Coast Guard writes up a slip in error?
- We have noticed an increased presence of enforcement showing up at the workshops. This is important so that you can see the gear.
- We are working with Florida to tip them off on illegal swordfish sales and also to assist in stings. We would like to sit down with you and see what we can do to help. Anything you can do to expedite that will help us address non-compliance.
- Can you give an example of the process and fines when you catch someone with illegal fish. How do you make sure it doesn't happen again?
- What is the penalty process for illegal fish? Warnings? Fines? What do you do to ensure it won't happen again by the same individual and the same boats? We are concerned about monitoring of undersized fish.
- NMFS should require that vessel buyers be told to obtain an HMS permit at the point of sale of their vessel. NMFS needs better outreach to get pertinent people permitted. I find it incredible that there are only 24,000 permits, when I know the amount of boats in Florida alone and the same goes for New Jersey. There are probably 24,000 boats each in both areas.
- NMFS should consider a one-time notice from NMFS to coastal states registrations for vessels over a certain size. This would expand your universe of the total number of anglers registered.
- Can a recreational fisherman be denied his HMS permit?

#### **14.0 OUTREACH ACTIVITIES**

**The HMS Management Division has contracted with an outreach specialist to assist HMS staff in development of an outreach plan for the division. The contractor, Abbey Compton, gave a short presentation to the AP summarizing the planning process and asking for feedback on the effectiveness of current HMS outreach efforts. Twenty-three AP members submitted written comments, which supplemented the short discussion held at the AP meeting. For a sample of the "Scorecard Handout" distributed to all AP members, see Appendix I. 14.1 – 14.6 summarize the AP comments, and 14.7 summarizes results from the "Scorecard Handout."**

##### *14.1 Electronic Media*

- Once you learn the website, it's okay. However, learning it takes some time.
- The website is a useful tool for understanding the regulations.
- I am on the website right now and it's fairly difficult to navigate the webpage to find the regulations because there is no hotlink to them.
- Some prefer email contact, some prefer direct mail.

#### 14.2 *Federal Publications*

- Many AP members use the Federal Register, although they are not sure the general public would use the Federal Register.

#### 14.3 *Print Media*

- I would like more information on the compliance guide. I'm not sure if it's missing things. It is very useful, but we want more.
- You should partner more with media that focuses on HMS. Get information to the media instead of the reporters in more of a timely manner. Go directly to the publications.
- You should hit up local fishing publications and papers. There are many fishermen that don't subscribe to the big magazines.
- Do you have a list of outdoor writers? It might be helpful to compile such a list and make sure they are getting your email. I get your email but find people are getting much information second-hand.
- There is a group in NY/NJ that consists of 100 writers and can get the info out.

#### 14.4 *Direct Mail*

- Some preferred direct mail, some preferred email.

#### 14.5 *Telephone*

- We are not aware of a hotline.
- We prefer to call HMS staff directly.

#### 14.6 *Face-to-Face*

- I want to applaud HMS on the workshops, which are an integral part. In 2005, Blue Water Fishermen's Association (BWFA) stepped up to the plate and conducted two workshops. We have also been having Gulf of Mexico fishermen attend. It's a great venue for the fishermen to get together.

#### 14.7 *Scorecard Handout Results*

- Effective Outreach Efforts
  - Distribution of information electronically (website, email) was widely supported. The HMS email alerts (HMS News) were appreciated and

described as very useful. The HMS website is broadly utilized, although there was high agreement among AP members that the organization should be improved.

- Public meetings, including scoping meetings, public hearings, and AP meetings, were described as very useful and well run.
- HMS staff were described as professional and very helpful. Sometimes HMS staff are difficult to reach via phone.
- Brochures were described as very useful.
- Moderately Effective Outreach Efforts
  - The HMS Compliance Guide received many positive comments, while several were unaware of its existence. Some commented that it should include information on all HMS regulations.
  - Coverage of HMS issues in some fishing publications is complete and accurate (i.e. Commercial Fisheries News). Several AP members thought that fishing related publications could be better utilized by HMS.
  - Federal Register Notices were recognized as serving a purpose, and were used by some AP members for specific date information, while other AP members did not use them at all.
- Less Effective Efforts
  - Newspaper articles were widely described as “spun” or incomplete, although one AP member considered them a useful barometer of public opinion.
  - Association newsletters were described as good but often incomplete and inconsistent from one newsletter to another.
- Specific Suggestions
  - Include a link to the HMS regulations on the website.
  - Improve the HMS website organization.
  - Intensify outreach to make fishermen aware of the HMS Angling Permit.
  - Continue to provide the option of hard-copy information since some individuals involved in the industry are not able to access electronic information.
  - Post FR notices to the website.
  - More brochures should be developed, including one describing HMS successes.

## **15.0 BLUEFIN TUNA (BFT) SPECIFICATIONS**

**Sarah McLaughlin presented information on an upcoming proposed rule regarding ICCAT-recommended quota specifications and effort controls regarding BFT for the 2007 fishing year. Comments from the AP included the following.**

- I believe the methodology for calculating BFT discards is suspect and pooling is not warranted/is not a valid method.
- Concern was expressed over accounting for dead discards (DD) versus longline (LL) when NMFS does not consider other sectors.
- Need to talk with ICCAT Advisory Committee (IAC) regarding objections to LL DD pooling methodology.

- There appears to have been a consensus of the delegation to use direct counts (i.e. billfish terminology).
- Where the underage gets applied is of key interest to the public. I'm curious about the relationship between the 100 percent FMP and 50 percent ICCAT cap on underharvest. I'm curious about the consequences of changing back to a calendar year with a 7 month intermittent season.
- I am looking for the specs to consider flexibility in LL landings and discards. Why not also consider allowing LL more access to BFT?
- We need to know the target catch limits.
- There will be the annual recreational angling meeting coming up later in March to discuss angling limits.
- Need to investigate 10 percent limits of TAC v. U.S. quota (i.e. for additional carryover). Need to get at logbooks v. pooling. Need to reconsider balance between target catch limit and incidental catch.
- There is a proposal in the works to investigate length/weight relationship and possible North Carolina openings as fish are there.
- When are General Category (GC) periods open and closed? Why not consider all open? What happens to the January 2007 quota?
- Only in the United States do we have trouble with a large bureaucratic scheme and mandate of Atlantic Tuna Conventions Act (ATCA) and other Acts that require use of quota to be limiting on our fishing opportunities.
- In the ICCAT meeting I recall a discussion of pooling versus logbook accounting for discards, however, I'd like to understand what is happening with discards as it is unlikely either method tells the full story.

## 16.0 SWORDFISH (SWO) SPECIFICATIONS AND REVITALIZATION

**Rick Pearson presented information on revitalization of the swordfish industry, which includes the implementation of management measures that will enhance opportunities for U.S. fishermen to fully harvest the domestic North Atlantic swordfish quota in a sustainable, yet economically viable, manner, while continuing to minimize bycatch to the maximum extent practicable. Comments from the AP included the following.**

### 16.1 *Presentation General Comments*

- We appreciate the tremendous effort for ICCAT, however, it really isn't much good for revitalizing the fishery. I am expecting to see a decline in the landings in 2007 from what I hear from captains. Profitability goes down, captains are leaving, and pay is not adequate.
- The market has been seriously impacted by negative press, and we have asked for help in that area.
- Upgrading will not help at this point. No one will put more money in a boat with no place to fish. We would like to see a different kind of cap on upgrading to attract split hold, freezer vessels. That is a long term thing. But it won't solve the problem now; we need a significant bump in catch.

- NMFS has done a tremendous job. What is conversion weight of lbs per fish? For clarity, what is the average weight used?
- Question regarding the comparison of recreational alternatives and whether the numbers in the second and third alternatives are numbers of fish or weight.
- How was the 35 percent upgrade arrived at?
- An analysis of what the commercial industry will add to the harvest of the quota is missing. If NMFS is choosing 35 percent as the upgrade limit, there needs to be a projected number of increases in swordfish and bycatch. If it won't come close to harvesting the quota, then NMFS needs analysis on a different range. NMFS needs this to go back to ICCAT to be able to project the harvest in lbs of more swordfish.
- There is absolutely no difference, no logistical benefit, and no economic benefit between a 40 ft and 50 ft boat. What it takes to do split rig, freezer boat is a 115-150 ft. minimum size vessel. That is on the upgrade side of it.
- Regarding economic impacts, I have no problem with increasing the recreational retention limit. But, NMFS enforcement does not have a clue on what is going on in South Florida right now. So in your economic impact, you are showing positives, but you forgot to take into account that the swordfish dealers in South Florida will be harmed by an increase in the amount of product in the winter time.
- Is the recreational catch counted against the incidental catch quota?
- In the commercial quotas (incidental and direct), how are dead discards counted?
- One of the holes is the lack of us trying to put a number on the recreational fishery in a way that can be used to benefit the fishery. We think the number is much higher. I don't think there is much argument from the recreational sector that the number may be 250 tons of swordfish a year. But that can help us with the quota. We recommend that you use the number of 250 tons now and go back and correct it later.
- We know there is abysmal reporting in the past. Is there increase in reporting due to outreach? We can't figure out what the mortality is on the releases because we don't know what the catches are. We want you to put the number of releases in the database. Is it mandatory reporting on the releases and dead discards?
- There has been a significant increase in the use of buoy gear. The directed rod and reel guys have switched to buoy gear.
- Upgrading does not prevent expansion into buoy gear. Our guys know you need the 3 permits, and they are buying the 3 permits to fish directed. We think we have had a 500 percent increase in buoy gear from November, even though we have resolved the gear conflict issue. Some of our guys are buying the permit pending the upgrading. We've pushed the permit value up to 25K. One buoy gear fisherman will not make up missing quotas.
- What is the agency view on the buoy gear fishery? Will that be capped? Do you continue allowing directed permit holders to fish in the buoy gear category?
- I would be careful when working on capping buoy gear; as you have more closures, you will block those fishermen out. Are you allowing the buoy gear fishery in the East Florida Coast closed area because those who used to fish PLL are now looking at buoy gear? As more closures come down the pike due to BFT, buoy gear is a viable option because there is no bycatch.
- The East Florida closure is no longer a closed area; we should rename it so.

- In regard to vessel upgrading, no one will buy bigger boats to search for new areas.
- If there is no gear or vessel upgrading, what will it do to the fishery?
- NMFS should allow no limit for the long term.
- What about the short term?
- An upgraded boat has more fishing, less travel.
- What about the carbon footprint of these larger vessels?
- NMFS should address the under reporting of the recreational side.

## 16.2 *Group Break-Out Reports to the AP*

**The AP was divided into three groups to discuss alternatives presented in the swordfish revitalization proposed rule as well as identify any alternatives or issues missing from the proposed rule. Comments from the AP included the following.**

### 16.2.1 GROUP 1

- EFPs: The group asked if the configurations of the EFP are still valid? Some of the northern area in the East Florida Coast closed area might be a good target to look at re-opening, similar to the EFP in the NED with observer programs, the project managed by academics, and with a strong research component.
- Marketing: Adding 4,000 mt to U.S. landings may be a disaster if we can't sell the fish; need to conserve the quota to benefit consumer and the resource.
- Retention limits: We support a change in the incidental limits for swordfish to directed limits; some PLL fishermen were penalized for targeting tunas during time period when the limited access permit (LAP) system was established. These fishermen did not catch enough swordfish to qualify for a directed permit.

### 16.2.2 GROUP 2

- Primary focus was closed areas: Parts of the closed areas should be re-opened. Probably no quick fixes; we suggest revitalizing inactive permits to become directed permits.
- Promote direct U.S. swordfish consumption.
- Switch snapper/grouper and shark to PLL.
- Use or lose contingency in place or allow active permits to become temporarily retired.
- Allow HMS angler permits to sell catch on experimental basis if boats meet commercial standards.

### 16.2.3 GROUP 3

- We had a good mix of recreational and commercial perspectives at this table.
- We need to increase catch to fulfill the quota.
- There was a proposal on the table to try to attempt to avoid user conflicts. The experimental fishing permit would occur north of current closed area in the northern portion of the East Florida Coast (EFC) closed area up to Charleston Bump. There would be 13 vessels with 100 percent observer coverage paid for by NMFS. There would be mandatory circle hooks.
- The group discussed what would be the impact to white marlin. Why 13 vessels? What would be the bycatch triggers for bycatch caps? The group wanted to see it specified how much bycatch would be allowed before fishing would be stopped in the closed areas.
- There should be some review of 2004-2005 circle hook data before issuance of the EFP. The EFC closed area may have benefits to blue marlin. The EFC closed area may not have been responsible for swordfish rebuilding. Would the geographical area have any impact on recreational fishing?
- To revitalize the commercial fishery, we need to have a marketing strategy. There was some discussion of vessel upgrades to 125-150 ft. category to allow freezer boats.
- Allow charter/headboats to sell swordfish catch like they can for BAYS.
- Discussion about buoy gear in the EFC closed area. Is there anything we can allow swordfish to be targeted versus BAYS by PLL fleet? Can U.S. fleet lease foreign vessels so that they can catch U.S. quota? Maybe help catch the quota, bring it back to their countries, and have 100 percent observer coverage?
- There was some concern over increasing recreational sales.
- The group asked who would take responsibility of the loss of quota? Would the recreational sector or commercial sector want to take on this burden?
- There needs to be a stakeholder meeting with Dr. Hogarth to discuss ways to increase swordfish landings in ways that are amicable to all parties involved.
- Buoy Gear: If there is not going to be the EFP that will provide a critical bump to increase swordfish catch, then the only other alternative that we see is to develop a buoy gear fishery without an EFP in EFC closed area. If the EFP is not acceptable, and buoy gear is, then let's transfer inactive permits to handgear permits to allow buoy gear development.
- Regarding the EFP to do buoy gear research, we don't want buoy gear research when its fished like PLL because there is a lower catch rate and J hooks are used resulting in more gut caught fish.
- The PLL EFP was not a consensus. We have not seen an EA or EIS from the PLL EFP. We want to see what the science is. We want to see

information in open areas. The FR notice said that the lack of an impact was due to the existing closure.

- Ways to bring the recreational community into better compliance include enforcement and licensing.
- We need to know what the recreational catch is in the EFC closed area and what buoy gear catch is in EFC closed area. There is a problem with upgrades of PLL vessels. There is money in FL trying to buy permits; one way to stop directed permit upgrades would be to allow directed swordfish permits to transfer to handgear and not allow directed swordfish permits to fish in EFC closed area.
- Geographical limits: Is there a way to allow the buoy fishery grow in EFC closed area and not have all the buoys in one area? Maybe have 2 buoys per block?

### 16.3 *Post Break-Out General Comments*

**The following are general comments received on the swordfish revitalization proposed rule after the groups reported their analyses considered during the break-out session.**

- I am concerned that the recreational sector wishes to stop directed permits from fishing buoy gear, but then wants General Category permits to fish in the EFC closed area.
- Recreational members do not want to be able to sell recreational caught fish.
- I don't think anyone in their right mind will set 35 buoys out there. Why is the Kerstetter EFP going outside of the protocol? That doesn't represent the fishery or anything that is currently going on.
- If NMFS has the desire to direct upgrades to only the PLL industry, we want folks to realize that South Florida fishermen are buying up 3 permits and fishing buoys. Is the spirit of this revitalization to increase PLL boats and not increase the buoy fishery?
- Just make the upgrades for the directed fishery. Is that probable? Watch the buoy gear fishery and see how it goes. Can always roll back on the things and say that there is too much effort in the area. Can go back to historic effort, like what was done with LAP.
- EFPs were to see if experimental gear would work in closed areas. The only way you are going to catch U.S. quota is to open up some of these areas.
- How do we stop international guys from displacing our U.S. fishermen, and how do we keep our U.S. quota? We are pointed towards the most efficient way to conserving our quota in the long-term. But we can't explore this in the short term through an experimental fishery with circle hooks. Resistance to EFPs is standing in the way.
- We must remember why these areas were closed – there was a lot of bycatch and small fish. I want to see what is caught with circle hooks first. Why not go buoy fishing if these areas are such honey holes. I have a feeling that you will get a lot of juveniles.

- There was no environmental impact statement (EIS). The point of the EFP was to show the performance for an EIS. You put bounds on the EFP so that you don't do any major damage. That will protect the resource.
- I would like some clarification on the ICCAT process. If we lose quota, what does that do with our bycatch?
- That is a sensitive point, depending on where the quota ends up. If Mexico charters with other countries that don't have the training and the equipment, then there will be a increase in bycatch that will go unreported and hurt those resources, and we will pay for conservation sooner than later.
- What is currently being caught by the recreational sector in the EFC closed area?
- We finally just got a fish over 65 inches; over 50 percent of the fish are being released.
- Do you have the same comparable release gear on board in the recreational fleet as in the PLL fishery?
- We are working towards that in the recreational tournaments. We will be working towards circle hooks as well.
- What sacrifices are recreational organizations willing to make so that we all don't have conflicts? You have to make sacrifices so that the United States can catch our stock or you'll be dealing with Brazil. You might get a little bit with their leaders, but you won't get very far with those captains.
- Relative to wherever the quota will go, I am indifferent to where the quota is caught. I have seen other international fleets, who were targeting tunas, but unloaded cart after cart of white marlin. That is our competition. Areas in the EFC closed area have tunas. The tunas are worth considerably more than swordfish. We need to catch the swordfish, and we need to keep our boats going.
- We have the ability to strengthen new bycatch technology. I think it is important for the commercial industry to realize how much concern the recreational sector has because they have seen how many fish have disappeared.
- Buoy gear can be a heavily tended gear. My one concern is the EFP with the PLL vessel that will be deploying buoy gear. In order for this study to be valid, it needs to be done according to how things are being fished now with 10-12 gangions.
- I have a size distribution question. We hear that swordfish are almost rebuilt. What are the discards of undersized fish compared to when the fishery was in good shape? Does anyone have any information on size structure information now?
- I release more than 50 percent of the fish I catch. Maybe 3 out of 5 fish I catch are undersize (under 55 inches); I will release them. The last two months I have had a hard time catching a fish over 65 inches. I once caught a fish that would have dressed in around 500 lb, but that is unusual. Most fish I catch are dressed under 100 lb. The average dressed weight is 55 lb with no interaction with sea turtles and marlins, but I do catch sharks. I set and pick up gear in the dark. A lot of marlins seem to come on the line that was soaking during the day.
- From out boat, we dress, on average, 120 lb, except for one trip with 205 lb average, but that could be from fishing in cold water.
- What about number of undersized fish back in the day compared to now?

- An EFP would give results on numbers of undersized fish.
- There seems to be an assumption that PLL cannot convert to buoy gear. But I convert all the time. I can fish 10-12 buoys.

## APPENDIX I

### **HMS Management Division Outreach Scorecard**

To make our communications more efficient and effective, the Highly Migratory Species (HMS) Management Division seeks your feedback on how you get accurate information on HMS issues.

#### ***HMS Outreach Resources***

**1. Electronic Media**

- HMS News
- NMFS Fish News
- HMS Website

**2. Federal Publications**

- Federal Register
- HMS Compliance Guide
- HMS Brochures and Fact Sheets

**3. Print Media**

- Mainstream Newspapers
- Fishing Publications
- Association Newsletters

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**4. Direct Mail**

- Mailings from the HMS Division
- Permit Renewal mailings
- Other

**5. Telephone**

- NMFS Offices
- Toll-free Information Lines

**6. Face-to-Face**

- Public Hearings, Scoping Meetings
- Workshops
- AP Meetings
- Assoc. meetings, tournaments, etc.
- Telephone calls
- Other Agency Personnel (e.g. Port Agents , Observers, Law Enforcement, State Fisheries Reps Questions)

1. When you have questions regarding HMS management, where do you generally go first to get answers? \_\_\_\_\_

\_\_\_\_\_

2. How effective are these resources at providing you and your constituents with HMS management information? Please rate on a scale of 1-10, with "10" being the most effective. Clarify or add additional comments as needed.

**(1) Electronic**

HMS News: Rating: \_\_\_\_\_

NMFS Fish News: Rating: \_\_\_\_\_

HMS Website: Rating: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**(2) Federal Publications**

Federal Register: Rating: \_\_\_\_\_  
HMS Compliance Guide: Rating: \_\_\_\_\_  
HMS Brochures and Fact Sheets: Rating: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**(3) Print Media**

Mainstream Newspapers: Rating: \_\_\_\_\_  
Fishing Publications: Rating: \_\_\_\_\_  
Association Newsletters: Rating: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**(4) Direct Mail**

Mailings from HMS Division: Rating: \_\_\_\_\_  
Permit Renewal Mailings: Rating: \_\_\_\_\_  
Other (please specify: \_\_\_\_\_) Rating: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**(5) Telephone**

NMFS Offices: Rating: \_\_\_\_\_  
Toll-free Information Lines: Rating: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**(6) Face-to-Face**

Public Hearings, Scoping Meetings: Rating: \_\_\_\_\_  
Workshops: Rating: \_\_\_\_\_  
AP Meetings: Rating: \_\_\_\_\_  
Association Meetings, Tournaments, etc.: Rating: \_\_\_\_\_  
Other Agency Personnel (e.g., Port Agents, Enforcement, State): Rating: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Are there other outreach resources that you recommend to increase effective and efficient communication with you and your constituents? \_\_\_\_\_

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4. Additional Comments: \_\_\_\_\_

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5. Constituent Group You Represent: \_\_\_\_\_