

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
 NATIONAL MARINE FISHERIES SERVICE
 OFFICE OF SUSTAINABLE FISHERIES

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ATLANTIC HIGHLY MIGRATORY SPECIES
 ADVISORY PANEL

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WEDNESDAY
 MARCH 7, 2018

The Panel convened in the Magnolia Room of the Sheraton Silver Spring Hotel, 8777 Georgia Avenue, Silver Spring, Maryland, at 9:30 a.m., Bennett Brooks, Facilitator, presiding.

PRESENT

BENNETT BROOKS, Facilitator
 JASON ADRIANCE, State Representative; Louisiana
 Department of Wildlife and Fisheries
 PATRICK AUGUSTINE, Recreational
 RICK BELLAVANCE, Recreational; New England
 Fisheries Management Council
 ROBERT BOGAN, Recreational
 BENJAMIN CARR, Environmental Representative
 ANDREW COX, Recreational; Marlin Magazine
 MARCUS DRYMON, State Representative;
 Mississippi-Alabama Sea Grant
 SONJA FORDHAM, Environmental; Shark Advocates
 International
 ROBERT FREVERT, Recreational; Proxy for Robert
 "Fly" Navarro
 WALTER GOLET, Academic; University of Maine
 School of Marine Sciences; Gulf of Maine
 Research Institute
 JOHN GRAVES, ICCAT Advisory Committee; Virginia
 Institute of Marine Science
 RANDY GREGORY, State Representative; North
 Carolina Division of Marine Fisheries
 MARTHA GUYAS, State Representative; Florida Fish

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and Wildlife Conservation Commission
 MARCOS HANKE, Council Representative; Caribbean
 Fishery Management Council
 LUKE HARRIS, Commercial; Pure Harvest Seafood
 DEWEY HEMILRIGHT, Council Representative; Mid-
 Atlantic Fishery Management Council
 GLEN HOPKINS, Commercial; Proxy for Jeff Oden
 RUSSELL HUDSON, Commercial; Directed Sustainable
 Fisheries, Inc.
 ROBERT HUETER, Academic; Center for Shark
 Research, Mote Marine Laboratory
 RAYMOND KANE, Commercial; Cape Cod Commercial
 Fishermen's Alliance
 DAVID KERSTETTER, Academic; Nova Southeastern
 University Oceanographic Center
 CHARLIE KLUCK, Commercial; Proxy for Martin
 Fisher
 GREG MAYER, Commercial; F/V Fishin' Frenzy
 SHANA MILLER, Environmental; The Ocean
 Foundation
 TIM PICKETT, Commercial; Lindgren-Pitman, Inc.
 MICHAEL PIERDINOCK, Recreational; CPF Charters
 "Perseverance"; Recreational Fishing
 Alliance
 GEORGE PURMONT, Commercial
 KIRBY ROOTES-MURDY, Commission Representative;
 Atlantic States Marine Fisheries
 Commission
 MARK SAMPSON, Recreational; Ocean City
 Charterboat Captains Association *
 MARTIN SCANLON, Commercial; F/V Provider II
 DAVID SCHALIT, Commercial; American Bluefin Tuna
 Association
 JASON SCHRATWIESER, Recreational; International
 Game Fish Association
 SCOTT TAYLOR, Commercial; Dayboat Seafood
 PERRY TRIAL, State Representative; Texas Parks
 and Wildlife Department
 RICK WEBER, Recreational; South Jersey Marina
 KATIE WESTFALL, Environmental Representative;
 Environmental Defense Fund
 ANGEL WILLEY, State Representative; Maryland
 Department of Natural Resources
ALSO PRESENT

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NIC ALVARADO, HMS, St. Petersburg Office
 HEATHER BAERTLEIN, HMS Headquarters
 CHARLES BANGLEY, Smithsonian Environmental
 Research Center
 RANDY BLANKINSHIP, Branch Chief, Southeast
 Branch, HMS Management Division
 WYNN CARNEY, Office of Law Enforcement, Mid-
 Atlantic Region
 PETER COOPER, HMS Headquarters
 JENNIFER CUDNEY, HMS, St. Petersburg Office
 TOBEY CURTIS, HMS, Gloucester Office
 CHANTE DAVIS, HMS Headquarters
 GLENN DELANEY, Glenn Roger Delaney Consulting
 JOE DESFOSSE, Office of Sustainable Fisheries
 GUILLERMO DIAZ, Southeast Fisheries Science
 Center
 GUY DUBECK, HMS Headquarters
 STEVE DURKEE, HMS Headquarters
 MICHELLE EDWARDS, Smithsonian Environmental
 Research Center
 URIAH FOREST-BULLEY, HMS, Gloucester Office
 CLIFFORD HUTT, HMS Headquarters
 LAUREN LATCHFORD, HMS Headquarters
 YONG-WOO LEE, Office of Science and Technology
 BRAD MCHALE, HMS, Gloucester Office
 SARAH MCLAUGHLIN, HMS, Gloucester Office
 IAN MILLER, HMS Headquarters
 DELISSE ORTIZ, HMS Headquarters
 RICK PEARSON, HMS, St. Petersburg Office
 CHARLEY PEREIRA, Public participant
 MARIAH PFLEGER, Oceana
 LARRY REDD, HMS Headquarters
 GRAY REDDING, Public participant
 LOREN REMSBERG, Office of General Counsel
 ALAN RISENHOOVER, Office of Sustainable
 Fisheries
 GEORGE SILVA, HMS Headquarters
 CARRIE SOLTANOFF, HMS Headquarters
 DIANNE STEPHAN, HMS, Gloucester Office
 MEGAN WALLINE, Office of General Counsel

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ALSO PRESENT (Cont'd.)

TOM WARREN, HMS, Gloucester Office
JOHN WALTER, Southeast Fisheries Science Center
JACKIE WILSON, HMS Headquarters

*Present via telephone

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

2 9:32 a.m.

3 MR. BROOKS: All right, good morning
4 and welcome to the HMS Advisory Panel meeting.
5 My name is Bennett Brooks with the Consensus
6 Building Institute and it is good to see all of
7 you.

8 I'm going to hold off in my usual
9 walking through and let the person sitting to my
10 left who is not Margo introduce himself. You all
11 know Randy but he's going to be front and center
12 today. Randy.

13 MR. BLANKINSHIP: Thank you very
14 much, Bennett. So my name is Randy Blankinship.
15 I'm currently the acting division chief for
16 Atlantic Highly Migratory Species Management
17 Division.

18 My normal role is the southeast branch
19 chief for HMS. And Margo Schulze-Haugen who is
20 our normal division chief is on detail for about
21 the next four to six months. Actually she's
22 already been there for a month or so, so a little

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1 bit less than that with the National Ocean
2 Service, the National Centers for Coastal Ocean
3 Science.

4 And so that's an opportunity for her
5 to build her skills as she's serving in an acting
6 role there.

7 This role that I am taking on right
8 now is an interesting one given my past almost
9 now 20 years of attending HMS Advisory Panel
10 meetings. And I started out on this panel as the
11 State of Texas representative, the seat that
12 Perry Trial now has, and served in that role for
13 several years before coming over to NOAA.

14 So it is an interesting perspective
15 for me to shift from sitting on that side over
16 the years to now sitting where I am in this acting
17 position.

18 That history for me has given me a
19 good perspective. And some of that means that I
20 understand where some of you all come from in
21 trying to understand the complexities of federal
22 management and management within the HMS

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1 Management Division system. And I can appreciate
2 the job that it is to try to understand what
3 happens and all of that.

4 I also have in my background a diverse
5 experience growing up in a coastal town in Texas
6 that is -- used to be a commercial fishing based
7 economy within that city.

8 It happens to be the same hometown
9 that Chris Oliver is from, Rockport, Texas which
10 was creamed by Hurricane Harvey earlier this
11 year.

12 But that perspective gives me one that
13 I can appreciate because a lot of my friends
14 growing up and family friends were commercial
15 fishermen. I'm also an avid recreational
16 fisherman and have a boat and go fishing quite
17 frequently. I can appreciate that side of
18 things.

19 I will also say that I have some past
20 ties to environmental non-governmental
21 organizations in the form of my dad who was a
22 research scientist with the Audubon Society as an

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1 ornithologist as a career before going to the
2 U.S. Fish and Wildlife Service.

3 So this background is something that
4 I cherish that helps me to be able to put things
5 in context over time and that I plan to use during
6 my stint of acting here.

7 So with that I just wanted to say
8 welcome to this meeting. We're excited that
9 you're here. We're looking forward to hearing
10 from you and the advice that you provide to us.
11 Because we consider that advice to be very
12 valuable as we go through the process of
13 developing federal fishery management measures
14 and actions.

15 And so I encourage you to share your
16 advice with us and engage fully in this
17 discussion that we go through the next three
18 days.

19 MR. BROOKS: Thanks, Randy. And
20 obviously everyone around the table knows you
21 well and I think has great confidence in your
22 ability up front here so it's good to have you on

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1 my left. Thank you for being here.

2 As always we've got a packed agenda
3 today and tomorrow and on Friday. We've got a
4 lot of interesting topics to cover. I think
5 there's going to be a lot of important
6 conversations here, a lot of perspectives for
7 Randy and the HMS staff to be hearing from all of
8 you.

9 As always just ask everyone to be
10 engaged and focused and working well with each
11 other. I think it's always worth repeating how
12 much we appreciate the time you all make to be
13 here. It's not trivial to take what's close to
14 a week out of your working days and put them
15 around the table here so we thank everyone for
16 making the time.

17 I want to walk through the agenda in
18 a moment, but before I do let's go around the
19 table first and see who's here and then we'll go
20 around the room as well.

21 And to panel members for those of you
22 who are new to the panel if you would please

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1 introduce yourself, organization, say a couple of
2 words.

3 And if anyone is sitting in as an
4 alternate we'd like to hear that too. So why
5 don't we start over here, Rusty.

6 MR. HUDSON: Thank you, Bennett.
7 Rusty Hudson, director of Sustainable Fisheries,
8 representing a lot of the shark interests.

9 MR. PIERDINOCK: Mike Pierdinock,
10 charterboat captain in Massachusetts, RFA.

11 MS. FORDHAM: Sonja Fordham, Shark
12 Advocates International.

13 MS. WILLEY: Angel Willey, Maryland
14 Department of Natural Resources.

15 MR. KERSTETTER: David Kerstetter,
16 Nova Southeastern University.

17 MR. TAYLOR: Scott Taylor, Dayboat
18 Seafood, commercial.

19 MR. KLUCK: Charlie Kluck, past
20 charterboat commercial fisherman, Miami,
21 Florida.

22 MR. SCHRATWIESER: Jason

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1 Schratwieser, International Game Fish
2 Association.

3 MR. FREVERT: Robert Frevert,
4 recreational proxy for Fly Navarro.

5 MR. HUETER: Bob Hueter, Mote Marine
6 Laboratory.

7 DR. GRAVES: John Graves, Virginia
8 Institute of Marine Science, representing the
9 U.S. ICCAT Advisory Committee.

10 MR. HANKE: Marcos Hanke, Puerto
11 Rico, vice chair of CFMC.

12 MR. KANE: Raymond Kane, commercial,
13 Cape Cod Commercial Fishermen's Association.

14 MR. TRIAL: Perry Trial, Texas state
15 representative.

16 MR. ADRIANCE: Jason Adriance,
17 Louisiana Wildlife and Fisheries.

18 MR. DRYMON: Marcus Drymon,
19 Mississippi State University and Mississippi-
20 Alabama Sea Grant.

21 MR. AUGUSTINE: Pat Augustine,
22 recreational, New York.

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1 MR. PURMONT: George Purmont,
2 commercial.

3 MR. GOLET: Walt Golet, University of
4 Maine, Gulf of Maine Research Institute.

5 MR. ROOTES-MURDY: Kirby Rootes-
6 Murdy, Atlantic States Marine Fisheries
7 Commission.

8 MR. MAYER: Greg Mayer, Fishin'
9 Frenzy, NCWU, commercial.

10 MR. HOPKINS: Glen Hopkins, proxy for
11 Jeff Oden, commercial longliner from North
12 Carolina.

13 MR. HEMILRIGHT: Dewey Hemilright,
14 commercial fisherman, Mid-Atlantic Fishery
15 Management Council.

16 MR. PICKETT: Tim Pickett. I'm with
17 Lindgren-Pittman, commercial.

18 MR. CARR: Ben Carr, environmental
19 representative.

20 MR. COX: Andrew Cox, South Florida,
21 recreational.

22 MR. SCHALIT: David Schalit, American

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1 Bluefin Tuna Association.

2 MR. SCANLON: Martin Scanlon,
3 owner/operator Fishing Vessel Provider II,
4 commercial.

5 MS. WESTFALL: Katie Westfall,
6 Environmental Defense Fund.

7 MR. BELLAVANCE: Rick Bellavance,
8 charterboat operator from Point Judith, Rhode
9 Island, representing the New England Fishery
10 Management Council.

11 MR. BOGAN: Robert Bogan, RFA and a
12 New Jersey United Boatman.

13 MR. HARRIS: Luke Harris, Pure
14 Harvest Seafood, commercial.

15 MS. MILLER: Shana Miller, the Ocean
16 Foundation.

17 MS. GUYAS: Martha Guyas, Florida
18 Fish and Wildlife Conservation Commission.

19 MR. BROOKS: Great. And let's go
20 around the room as well. Or actually Rick, do
21 you want to quickly introduce yourself.

22 MR. WEBER: Rick Weber, South Jersey

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1 Marina and tournaments.

2 MR. BROOKS: Thanks. Brad.

3 MR. MCHALE: Brad McHale, HMS
4 Management Division located up in Gloucester,
5 Massachusetts.

6 MR. DURKEE: Steve Durkee, HMS
7 headquarters.

8 MR. MILLER: Ian Miller, HMS
9 headquarters.

10 MR. ALVARADO: Nicolás Alvarado, HMS
11 St. Petersburg, Florida.

12 MS. WILSON: Jackie Wilson, HMS
13 headquarters.

14 MS. ORTIZ: Delisse Ortiz, HMS
15 headquarters.

16 MR. REDDING: Gray Redding, with the
17 public.

18 MR. RISENHOOVER: Alan Risenhoover,
19 Office of Sustainable Fisheries.

20 MR. PEREIRA: Charley Pereira,
21 public, North Carolina.

22 MR. LEE: Yong-Woo Lee, Science and

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1 Technology, NOAA Fisheries.

2 MS. PFLEGER: Mariah Pflieger, Oceana.

3 MR. BANGLEY: Charles Bangley,
4 Smithsonian Environmental Research Center.

5 MS. EDWARDS: Michelle Edwards,
6 Smithsonian Environmental Research Center.

7 MS. REMSBERG: Loren Remsberg, NOAA
8 Office of General Counsel.

9 LIEUTENANT CARNEY: Wynn Carney,
10 Office of Law Enforcement, Mid-Atlantic Region.

11 MS. WALLINE: Megan Walline, NOAA
12 Office of General Counsel.

13 MR. PEARSON: Rick Pearson, HMS St.
14 Petersburg.

15 MR. REDD: Larry Redd, HMS
16 headquarters.

17 MS. DAVIS: Chante Davis, HMS
18 headquarters.

19 MS. LATCHFORD: Lauren Latchford, HMS
20 headquarters.

21 MR. HUTT: Cliff Hutt, HMS
22 headquarters.

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1 MR. DESFOSSE: Joe Desfosse, HMS.

2 MR. FOREST-BULLEY: Uriah Forest-

3 Bulley, HMS Gloucester.

4 MR. WARREN: Tom Warren, HMS

5 Gloucester.

6 MS. SOLTANOFF: Carrie Soltanoff, HMS

7 headquarters.

8 MR. DUBECK: Guy DuBeck, HMS

9 headquarters.

10 MS. BAERTLEIN: Heather Baertlein,

11 HMS headquarters.

12 MR. SILVA: George Silva, HMS

13 headquarters.

14 MS. MCLAUGHLIN: Sarah McLaughlin,

15 HMS Gloucester.

16 MR. DIAZ: Guillermo Diaz, Southeast

17 Fisheries Science Center, Miami Lab.

18 MR. WALTER: John Walter, Southeast

19 Fisheries Science Center, Miami Lab.

20 MS. CUDNEY: Jennifer Cudney, HMS St.

21 Petersburg.

22 MR. COOPER: Peter Cooper, HMS

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1 headquarters.

2 MR. CURTIS: Tobey Curtis, HMS
3 Gloucester.

4 MR. BROOKS: Okay, did we miss
5 anybody? And do we have anyone on the phone?

6 MS. STEPHAN: Dianne Stephan, HMS
7 Gloucester.

8 MR. BROOKS: Anyone else on the phone?
9 Okay, if not let's do a quick review of the agenda
10 here.

11 MR. TAYLOR: Just a quick question.
12 If somebody wanted to dial in can you tell me
13 what the dial in code is or where they can access
14 it?

15 MR. BLANKINSHIP: Go to the website
16 where the agenda is and they can search that just
17 with a Google search for NOAA NMFS advisory
18 panel. HMS advisory panel.

19 And right at the top of there is the
20 dial in information, webinar information at the
21 top of the agenda.

22 MR. BROOKS: Okay. So just to give a

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1 scan of what the next two and a half days, what
2 we'll be focusing on.

3 We'll start as we always do with an
4 overview of recent HMS activities and
5 rulemakings. Randy will lead us through that.

6 The remainder of the morning we'll
7 focus on hearing from John on the 2007 ICCAT
8 annual meeting.

9 And then we'll have an update on the
10 shortfin mako shark emergency interim rule. That
11 will be followed by a public hearing from 12:15
12 to 12:30 so we'll want to track and see how many
13 people want to weigh in on that and we will
14 certainly provide enough time to do that.

15 Lunch will be from 12:30 to 2 for
16 anybody who has to plan calls or other
17 activities.

18 In the afternoon we'll have a number
19 of issues. We were expecting to hear from Chris
20 Oliver who is the assistant administrator for
21 fisheries who we heard from at the last meeting.

22 Unfortunately he has a last minute

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1 conflict and now has to be over at the Department
2 of Commerce. There is a chance he'll be able to
3 join for the social hour later this evening so
4 we're hoping that'll happen, but we won't hear
5 from him this afternoon which means we'll have a
6 little bit more time to take on some issues or if
7 there are some other topics we need to put on the
8 table.

9 We'll come back to shortfin mako
10 sharks but this time focusing on amendment 11
11 scoping review. And then we'll get an update on
12 the pelagic longline closed area exempted fishing
13 permit and have a chance to find out the status
14 of that effort.

15 And then we'll pivot to a more general
16 discussion on closed area data collection. So
17 we'll sort of split that conversation into a
18 couple of pieces.

19 We'll take public comment before we
20 adjourn from 5:45 to 6. And then again as I
21 mentioned there will be a no host informal social
22 as there always is. It will be downstairs in the

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1 lobby.

2 And we always encourage folks to come
3 to that. It's a good chance to talk to each
4 other and meet a bit more informally.

5 Tomorrow we will start at 8:30 in the
6 morning. We'll start off with bluefin tuna
7 management and with a review of the 2017 fishery
8 trends and a discussion of 2018 management
9 issues.

10 And then we'll talk about
11 implementation of ICCAT recommendations for
12 bluefin tuna and northern albacore.

13 We'll have an update on shark stock
14 assessments, and then we'll have a couple of
15 updates from the Office of Protected Resources.

16 After lunch we'll come back in the
17 afternoon and have two broad issues. We'll come
18 back to bluefin tuna and specifically talking
19 about the pelagic longline bluefin tuna weak hook
20 and area-based management regulatory amendment.

21 And then we have about five different
22 recreational issues that we'll be chewing on.

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1 And that will take us up to about 5:15 which will
2 be public comment and we'll get you out of here
3 at 5:30.

4 Finally, day 3 will be a half day from
5 8:30 to 12 and we have a number of topics we'll
6 cover there.

7 So we'll have an update on mid-
8 Atlantic fishery management chub mackerel
9 amendment. We'll hear about the Caribbean
10 management update, modifications to shark fishery
11 closure criteria rulemaking, and then we'll have
12 some enforcement updates, some international
13 updates.

14 Again another opportunity for public
15 comment. And then as we always do we'll hear
16 from Randy who will synthesize kind of key
17 feedback and key topics covered over the last two
18 and a half days.

19 So that's what we have on the agenda.

20 I want to note one thing. For those
21 of you that have been trying to access some of
22 the presentation materials and have been getting

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1 the link that says there's something fishy going
2 on here it's been fixed. It's still happening.
3 All right, we'll keep hacking away at it. Just
4 keep checking back because it seems to be working
5 and then not. Try to refresh your browser. We
6 think it's working.

7 Let me just pause and see are there
8 any other issues that we want to have considered
9 for discussion on the agenda. It's always busy
10 but I'd like to hear if there's anything we want
11 to talk about. Yes.

12 MR. FREVERT: Hi, I'm Robert Frevert.
13 I'm a recreational proxy.

14 I've purchased HMS permits for many
15 years. I think the permit shop's doing a great
16 job. Makes it nice and easy for us to do that.

17 I was excited to see the Swordfish
18 General Commercial permit was going to come
19 around, but then very disappointed when I saw
20 that we're not allowed to retain any fish in the
21 Florida swordfish management area. And I was
22 hoping we could discuss that.

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1 MR. BROOKS: Randy, any thoughts on
2 that?

3 MR. BLANKINSHIP: Yes, thanks for
4 that. And as Bennett mentioned I think we have
5 a little bit of flexibility with that spot right
6 after lunch today with Chris not being able to be
7 here.

8 And so I think maybe we can try to fit
9 in that discussion into that time slot.

10 It's one that of course many of you
11 are aware that we've discussed over the years
12 here since Amendment 8 and we can certainly
13 accommodate discussion of that retention limit
14 there off of south Florida.

15 MR. BROOKS: Any other issues that
16 folks don't see on the agenda that you're hoping
17 we can cover? George.

18 MR. PURMONT: Morning, Bennett.
19 Under Amendment 7 there is a piece about the
20 reallocation of the seiner quota. And the
21 greater reality is the five seiners that were
22 once viable in the bluefin fishery have all gone.

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1 One of them is in Ecuador, one of them is in
2 Maine, the other three were sold without the
3 ability to fish bluefin.

4 I'd like to see if it's possible that
5 we close the chapter of sane allocation and if
6 that presents itself, the opportunity, then I
7 would appreciate it.

8 MR. BROOKS: Thanks, George. I think
9 Randy wants to weigh in on that.

10 MR. BLANKINSHIP: Yes, thank you,
11 George and I appreciate that. I think a good
12 place for covering discussion of that will be as
13 part of the follow-on to the Amendment 7 three-
14 year review that will be tomorrow afternoon in
15 that 1:30 time slot. So we'll handle it then.

16 MR. BROOKS: Thanks, George. Anybody
17 else have anything? Okay.

18 So before I hand it off to Randy let
19 me just review the ground rules that should be
20 familiar to most of you but we do have a couple
21 of new faces around the table so just to emphasize
22 a couple of things.

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1 One, this is an advisory panel. You
2 are convened to give individual advice. This is
3 not a consensus-seeking body, but of course your
4 opinions and perspectives are really helpful to
5 Randy and the entire HMS team as they go about
6 trying to put these policies in place.

7 You're here because you all have a lot
8 to contribute and we really do need to hear from
9 you. You're all here because you bring different
10 perspectives. And so please don't be shy. Weigh
11 in.

12 At the same time, we can all look
13 around the table. We know how many of us there
14 are here. There's a large group, a lot of
15 issues, and so as always we ask people to be very
16 mindful of the number of people who want to weigh
17 in and try to be clear in your comments but be
18 focused in your comments as well so everyone has
19 the chance to weigh in.

20 The conversation does occur around the
21 table among advisory panel members only, but for
22 members of the public who are here and want to

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1 comment we have public comment periods at the end
2 of each day as I mentioned and we also will have
3 a public hearing today right before lunch.

4 Again we encourage you to be candid,
5 but we want you to be constructive in your
6 conversation and your comments and listen hard to
7 what others are saying, really try to understand
8 what their issues are and see if there are
9 strategies and approaches for moving forward that
10 do as good as possible at integrating across the
11 different perspectives.

12 And drawing on all the information
13 that the HMS staff brings forward here.

14 I will as I usually do try to
15 synthesize what I'm hearing as we go along and
16 then of course the agency will be responsible for
17 really taking the gist of what you're saying and
18 running forward with different policies for
19 moving forward.

20 Last thing is just in terms of getting
21 into the conversation if you want to get into the
22 conversation if you just take your card and turn

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1 it on its side I will know that you want to get
2 in.

3 I will generally take cards in the
4 order in which they come up. But I will also
5 deviate to allow for conversation back and forth
6 and also if there are folks who really haven't
7 been in the conversation much I will at times
8 have them jump the queue so we can make sure we're
9 hearing from a diversity of voices.

10 Last thing is just if your cell phones
11 are not off or are not on silent this is a good
12 time to take them out, look at them and make sure
13 that they are off just like I'm doing up here.

14 And I think you all know where the
15 restrooms are, out the doors and off to the right.

16 That's all I want to say. I guess one
17 last thing is again a reminder and a plea. Side
18 conversations at the table are really
19 distracting. I know you all think you're
20 whispering incredibly quietly and only the person
21 next to you can hear you. That is rarely the
22 case.

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1 Often I can hear you all the way down
2 here. It creates a lot of background noise and
3 particularly for people sitting near you it's
4 really hard for them to hear. So I just ask you
5 to step away from the table if you want to have
6 a conversation.

7 So with that any questions? Randy,
8 it is all yours.

9 MR. BLANKINSHIP: Thank you. And so
10 at this time I want to give the normal overview
11 of Highly Migratory Species Management Division
12 activities and really kind of an update since we
13 last met in the fall.

14 So this will be a brief presentation.
15 It doesn't represent everything we've been doing
16 but is a summary.

17 And also that it's not going to
18 concentrate on the agenda items that you have
19 before you that are going to be deferred for that
20 later discussion.

21 And so as this slide shows it reflects
22 that deferment of those subjects.

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1 But with no further ado I'll jump into
2 it.

3 Since the September AP meeting we've
4 had four final rules, one dealing with the 2018
5 shark specifications. And also the final rule
6 for HMS Charter/Headboat commercial sales
7 endorsement, the IBQ quarterly accountability
8 final rule, and just last week the emergency
9 interim final rule on shortfin mako shark.

10 There have been several inseason
11 actions dealing with multiple species that we
12 have had and some season closures and quota
13 transfers that have occurred for bluefin tuna.

14 Under operations so far within this
15 year we have one EFP that's been issued. We have
16 six shark research fishery permits. Also 70 HMS
17 tournaments that have been registered in 2018 and
18 seven shark identification and protected species
19 workshops that have taken place.

20 And we're getting closer to 6,000 HMS
21 news subscribers. And I'll make a little plug
22 for that. If you're not signed up for HMS news

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1 please go to the HMS Management Division website
2 and sign up for that. That is one of the best
3 ways to stay abreast of the actions and
4 activities that are happening within Atlantic HMS
5 management.

6 Specific to the specification rule for
7 sharks that published in November of 2017 and all
8 shark management groups opened as of January 1,
9 2018 all quotas were implemented as the annual
10 base quotas except for these following quotas,
11 western Gulf of Mexico blacktip, eastern Gulf of
12 Mexico blacktip, Gulf of Mexico smoothhound and
13 Atlantic smoothhound.

14 And retention limits for directed
15 permit holders were implemented with that.

16 One thing that you hear us talk about
17 from time to time is related to the Paperwork
18 Reduction Act. This HMS advisory panel meeting
19 is oftentimes an opportunity for us to kind of
20 check some boxes related to the Paperwork
21 Reduction Act process.

22 Under the Paperwork Reduction Act the

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1 Office of Management and Budget has an approval
2 process for data collection from the public and
3 they track the amount of burden associated with
4 that and efficiencies of those data collections.

5 And so public comment on each one of
6 these approvals is an important part of that
7 process.

8 One of the things that I wanted to
9 highlight that we could use some input on is
10 related to the billfish certificate of
11 eligibility.

12 This certificate of eligibility is a
13 very simple method of tracking billfish product
14 through commerce where it can be legally sold and
15 that is very limited situations. In the Atlantic
16 it cannot be sold for the United States.

17 And so it's important for there to be
18 a mechanism to be able to track any product that
19 can legally enter commerce.

20 And so this billfish certificate of
21 eligibility has been in place for several years
22 and has actually worked quite effectively. We

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1 have examples where it does work.

2 It's a very simple thing. The only
3 requirement is that there's a piece of paper that
4 each entity in that commerce trail where it
5 changes hands, where it's been sold signs where
6 that transaction took place and the entity that
7 did it all the way back to the original harvesting
8 vessel and the purchaser.

9 And so it is intended to be if there's
10 product there to ask for that billfish
11 certificate of eligibility and then it can be
12 produced to trace it. And it works.

13 It is not turned in to the federal
14 government. It is just intended to be a paper
15 copy following the product.

16 So, what we could use is just a
17 comment to indicate if that works, if paper forms
18 are adequate and thoughts about electronic
19 aspects considering that this does not get
20 submitted to the U.S. government.

21 If you have comments on this you can
22 tell me in a sidebar or you can tell Nic Alvarado

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1 who is also with HMS staff in a sidebar.

2 MR. BROOKS: Let me just have Nic
3 raise his hand again.

4 MR. BLANKINSHIP: Yes, Nic, where is
5 he. Over there.

6 Two other Paperwork Reduction Act
7 renewals that are also out for public comment
8 include HMS permit family of forms and the HMS
9 dealer reporting family of forms.

10 This slide is intended to give you
11 those numbers and the contacts for making public
12 comment on these as well.

13 So related to Atlantic tournament
14 registration and reporting as we have discussed
15 in previous advisory panel meetings there have
16 been some significant improvements to this
17 through online registration and online reporting
18 processes. And that has been received very well.

19 Currently only billfish and swordfish
20 tournaments are selected for reporting. So step
21 back. All HMS tournaments are required to
22 register and thus far only billfish and swordfish

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1 tournaments are selected for reporting.

2 And when they report they report
3 efforts, landings, releases. And we do have the
4 authorization under our regulations to select
5 more than just billfish and swordfish
6 tournaments.

7 Now that we have the new online
8 reporting capability we are going to be taking a
9 look at that and wanted to let you know that the
10 tournament operators have really liked the way
11 this new system works.

12 We've had really good reception of it.
13 And just wanted to put on the radar screen as we
14 continue further on into this year we'll be
15 further considering the role of selecting all HMS
16 tournaments for reporting.

17 So we have several different national
18 policy initiatives that are underway. This slide
19 is intended to just list a few of those. And
20 we'll have some follow-up in the next couple of
21 slides.

22 These we have presented to you in

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1 years past and at AP meetings in the past and
2 providing a little bit more information on
3 ecosystem-based fishery management that -- the
4 ecosystem-based fishery management policy and
5 roadmap was released in 2016.

6 And within the HMS Management Division
7 we've been working on drafting the roadmap
8 implementation plan that was discussed back in
9 May of 2017.

10 That work is continuing and we
11 anticipate being able to release that
12 implementation plan this summer and then share it
13 with you and discuss it further in the fall.

14 A follow-on to that will be
15 continuation of the work on the national bycatch
16 strategy that will be later on.

17 Related to standardized bycatch
18 reporting methodology in the HMS Management
19 Division we've completed the review of the SBRM
20 final rule and what was covered to meet the
21 requirements or that would meet the requirements
22 in the 2006 consolidated HMS FMP.

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1 We determined that there's some
2 additional work that is going to be needed for
3 covering spearfishing, buoy gear and greenstick,
4 but rulemaking is not going to be necessary for
5 this.

6 And we anticipate wrapping in the
7 description of SBRM, the standardized bycatch
8 reporting methodology into an upcoming amendment
9 that will be coming later.

10 And then following that we will
11 continue to update the SBRM in the annual SAFE
12 report as we have been doing.

13 We will keep you informed of the
14 progress on this as we go along.

15 This slide provides links to the
16 different HMS landings updates. Many of you are
17 aware of these.

18 The websites have changed as most of
19 you are aware. It has become a little bit of an
20 adjustment to transition to those new websites
21 and where that information is located so this is
22 intended to provide those links so that you can

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1 find them more easily.

2 Related to exempted fishing permit in
3 this particular one, the Cape Cod Commercial
4 Fishermen's Association in 2017 we received the
5 application and issued a permit in October of
6 2017 to authorize five vessels to fish for and
7 retain legal size bluefin tuna in the General
8 category when unauthorized gears are onboard.

9 And these are vessels fishing in the
10 northeast groundfish fishery.

11 This is an evaluation of electronic
12 monitoring and the cameras that are associated
13 with those vessels.

14 But no fishing has started on this yet
15 while the vessel monitoring plans are being
16 reviewed.

17 Additionally we have a General
18 category cost earnings study that is taking
19 place. The purpose is to estimate economic
20 activity for HMS for those fishing under the
21 Atlantic tuna General category.

22 There are 682 of those permit holders

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1 in the General category and the HMS
2 Charter/Headboat permit holders with commercial
3 endorsements that fish in that category that have
4 two or more commercial bluefin tuna landings in
5 2016 and '17.

6 And those are the ones that are
7 selected for reporting under this.

8 Timeline for this is that
9 notifications were sent out in November of 2017.
10 Survey is underway.

11 The vast majority of this is taking
12 place through electronic logbooks although paper
13 options are available if they're needed.

14 And we anticipate this to be finalized
15 summary to be conducted in early 2019 and the
16 final report later in 2019.

17 So, related to permits as I mentioned
18 earlier the final rule for Charter/Headboat and
19 then the previous rulemaking related to shark
20 endorsement in Angling and Charter/Headboat
21 permits that the new endorsements have been
22 implemented as of 2018 in the recreational shark

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1 fishery.

2 That endorsement allows legal fishing
3 for and retention of sharks with the endorsement.
4 You can see the summary of how that
5 implementation has gone thus far this far into
6 2018 and the number of permits that have been
7 issued and the number of endorsements that have
8 occurred.

9 For the Charter/Headboat permit
10 commercial sales endorsement that has also
11 started and thus far in 2018 just over 1,300
12 Charter/Headboat permits have been issued and
13 about almost 36 percent of those have the
14 commercial endorsement.

15 Switching gears to the Endangered
16 Species Act and biological opinions this is a
17 reminder slide as much as anything that due to
18 listing of 20 coral species as threatened as well
19 as the listing of scalloped hammerhead within the
20 western and central Atlantic distinct populations
21 segment and other 2004 BiOP issues associated
22 with the pelagic longline fishery we requested a

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1 re-initiation of consultation on all HMS
2 fisheries in 2014 and the consultation continues.
3 So anticipate new BiOPs for these at some point.

4 Also, to put on your radar screen,
5 this is not a recent development although it is
6 I think not necessarily something that all of our
7 constituents have been aware of as it has been
8 developing.

9 And that is related to what is a
10 species called Bryde's whale which this
11 particular portion of the population occurs in
12 the Gulf of Mexico as a resident population in
13 the Gulf of Mexico.

14 A lot of people pronounce this Bride's
15 whale. Apparently the proper pronunciation is
16 BROO-dus whale. So now you're educated on that
17 portion of it.

18 The proposed rule to list under the
19 Endangered Species Act came out in 2016 based on
20 a biological review of the species.

21 There was a comment period associated
22 on that. And a final rule is anticipated at some

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1 point.

2 And I've put the link to the website
3 where more information can be gathered on this.
4 And the map here shows the area that is referred
5 to as the biologically important area or the
6 habitat for Bryde's whale, the resident group in
7 the Gulf of Mexico.

8 This is a population that is extremely
9 low. The estimated population while the
10 estimates vary they are generally in the 30 to 70
11 individual range.

12 So a quick summary on Deepwater
13 Horizon oil spill restoration efforts. This is
14 a subject that we've talked with on the AP over
15 the last few years to keep you informed.

16 This project continues. And this
17 year for this program there are 10 vessels
18 participating in the voluntary pelagic longline
19 repose.

20 If you remember as part of this
21 vessels that volunteer to participate in the
22 program are compensated for participating and not

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1 fishing with pelagic longline during a portion of
2 the year.

3 That portion of the year is January
4 through June. And the purpose of this is that
5 the reduction in -- any potential reduction in
6 dead discards that might occur with those vessels
7 not fishing end up being credited toward the
8 injury from the oil spill.

9 And the project was funded by BP as
10 part of the settlement with NOAA. So this is an
11 oil spill restoration project that is actually
12 spearheaded by our restoration center within NOAA
13 and it's organized and run by them in conjunction
14 and partnership with the National Fish and
15 Wildlife Foundation.

16 You might remember that last year we
17 had the pilot program portion of this. There
18 were seven vessels that participated. There's
19 10 this year.

20 Three of those vessels are based out
21 of Florida and seven of them are based out of
22 Louisiana.

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1 In addition to that the efforts to
2 restore the injury from the Deepwater Horizon oil
3 spill continue. And as you see the bottom part
4 of this slide refers to the Open Ocean Trustee
5 Implementation Group and the ongoing efforts
6 through input from the public for project ideas
7 as well as ideas that are developed internally to
8 screen those projects and develop an additional
9 restoration plan that is being drafted and would
10 be released later on this year for public
11 comment.

12 The website link is there for more
13 information.

14 So as many of you are aware regionally
15 there is a lot of work with electronic logbook
16 reporting particularly in the Charter/Headboat
17 fleet. Some of this has been going on for quite
18 some time.

19 A voluntary pilot has been conducted
20 and is being conducted in 2018. And in the
21 southeast the Southeast For-Hire Integrated
22 Electronic Reporting or SEFHIER process is

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1 happening.

2 HMS Management Division staff are
3 fully engaged in that process. You may be
4 hearing more about that and reporting
5 electronically for Charter/Hheadboats in the
6 future.

7 So as I mentioned earlier our website
8 has changed. This slide gives the HMS Management
9 Division link at the top.

10 And I know that there as I said a lot
11 of adjustments going on to try to find
12 information. We within the government also are
13 going through some of those changes in trying to
14 find where the information is located in the new
15 system.

16 I ask that you bear with us as we all
17 together become more familiar with the new
18 website system.

19 So looking ahead for things that are
20 on the horizon upcoming dates for this spring are
21 the scoping meetings for Amendment 11 dealing
22 with shortfin mako shark and also the bluefin

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1 tuna area-based and weak hook measures. Those
2 scoping meetings.

3 A lot of them are in conjunction with
4 one another.

5 And then also the ecosystem-based
6 fishery management roadmap implementation plan
7 being released later in 2018. The draft
8 individual bluefin tuna quota program three
9 review, a document that will be coming out in the
10 fall and that we will talk about in the fall AP
11 meeting.

12 And then also upcoming final actions.
13 One is a technical amendment coming this spring
14 which is really a housekeeping thing to kind of
15 clean up our existing regs.

16 It doesn't make any effective change
17 in the way those regulations apply, it just
18 cleans them up and makes them more effective in
19 the way they read administratively.

20 Upcoming proposed rules, actions,
21 notices. We have been monitoring the shark
22 fishery very closely as we usually do and always

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1 do, but anticipate that there may be some actions
2 coming up, in-season action with western Gulf of
3 Mexico blacktip, aggregate large coastal sharks,
4 and hammerheads. So you can stay tuned for that.

5 Also, the adjusted 2018 swordfish,
6 northern albacore and bluefin tuna quotas, those
7 proposed -- the actions to implement those will
8 be coming up soon.

9 And then amendment 12 is on the
10 horizon dealing with several different things
11 including some efforts to try to streamline stock
12 status determination between domestic and
13 international processes for determination.

14 Some work with FMP objectives,
15 standardized bycatch reporting methodology, and
16 allocation criteria.

17 So, the goals for this meeting and for
18 all of us is to primarily communicate more
19 effectively and make sure that you all are
20 engaged and in turn the public in general is more
21 engaged and informed in our HMS management issues
22 and activities, to make sure that we on the agency

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1 side are also informed and engaged in what's
2 going on in your world and in the public in
3 general.

4 This is a very important part and role
5 of the HMS Advisory Panel.

6 We ask that you listen, engage in the
7 discussions, share what you hear with your
8 constituents. Please be that conduit to your
9 constituencies.

10 And we will definitely on our side
11 take what we hear here and take it back as we
12 continue to work on our actions and implement
13 them as most effectively that we can.

14 And so we're looking forward to
15 further discussion. And with that I think we can
16 take.

17 MR. BROOKS: Let's see if we have a
18 question or two here for Randy. Please, Rick.

19 MR. BELLAVANCE: Thanks, Randy. I
20 appreciate the presentation. My questions are
21 related to the electronic reporting work that you
22 listed in slide 20.

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1 I'm curious as to the electronic HMS
2 pilot program that HMS did in 2018, what program
3 they were using or if you have any information on
4 that.

5 And if that program is going to be
6 allowed for the vessels that are currently
7 required to submit their VTRs electronically
8 through mid-Atlantic species and also vessels
9 that are affected in the northeast as well.

10 MR. BLANKINSHIP: Okay. So there's
11 ongoing work that's going on with this. I'm
12 going to rely upon staff to provide some
13 information along these lines.

14 And if we can't absolutely do that
15 right now we might be able to come back and give
16 you a little bit more update maybe right after a
17 break or something along those lines to kind of
18 keep you informed.

19 I know that there are some efforts to
20 explore efficiencies of reporting between the VTR
21 and the existing HMS reporting mechanisms.

22 That work is ongoing. That's my

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1 response at this point pending getting some other
2 information from staff on the specifics of the
3 electronic reporting.

4 MR. BROOKS: Rick, follow-up.

5 MR. BELLAVANCE: If I could. I'd be
6 encouraged to hear that response from staff.

7 And also, I've been coming to these
8 meetings for five years at least asking for this
9 consolidated reporting system that allows
10 captains to report to one spot to do all their
11 different species. And this doesn't look like
12 this is what's happening here on these slides and
13 I'm a little discouraged by that.

14 I had no information on an HMS logbook
15 pilot program at all. I find that a little bit
16 concerning.

17 Right now in my opinion some of the
18 rationale to move towards this electronic
19 reporting is to streamline our reporting process.
20 We've got different agencies, state, federal, HMS
21 that we have to report to and I've said this for
22 five years and still it doesn't seem like that's

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1 all starting to come together.

2 I guess I'm a little frustrated at
3 this point for so many years coming here and
4 asking for it to not fully understand what's
5 going on in the HMS world.

6 We have folks that are going to be
7 reporting in about five days electronically up
8 and down the East Coast and their HMS reporting
9 is not going to be part of that.

10 And I don't understand the disconnect
11 between the HMS fisheries and the rest of the
12 council actions and the other fisheries on the
13 East Coast.

14 So I definitely look forward to
15 hearing more information from staff on that and
16 see if we can't work that out.

17 MR. BLANKINSHIP: Sure, and just a
18 little bit more to that end is as you're well
19 aware HMS management spans a wide geographic area
20 and regions, and different regions are working on
21 their issues oftentimes independently, sometimes
22 related, and in recognition and conjunction with

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1 each other.

2 I'm talking about the southeast for
3 instance versus the northeast.

4 And because HMS spans those areas
5 there's multiple regional efforts that we've got
6 to remain cognizant of and try to obtain -- to
7 achieve those efficiencies amidst the diverse
8 approaches that are taking place.

9 So we will be continuing to do that to
10 try to -- as we continue to learn more and see
11 how are those are playing out and determine the
12 HMS role within that.

13 MR. BROOKS: Shana.

14 MS. MILLER: Thanks, Randy. Could
15 you elaborate a bit on what you mean by
16 streamlining the domestic and international stock
17 status determinations?

18 MR. BLANKINSHIP: So that work will
19 be taking place and we'll keep you informed as it
20 goes along.

21 Currently there are some differences
22 in the domestic determination for stock status

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1 versus the ICCAT determinations for stock status
2 that don't necessarily -- they aren't intended to
3 be at odds but they are in some regards.

4 And so this would be an effort to try
5 to determine how to go about cleaning that up so
6 that we're all on the same page as regards to
7 stock status determinations.

8 MR. BROOKS: Pat. Mike.

9 MR. PIERDINOCK: Thank you. Just to
10 add with what Rick said, let's not also forget
11 the southeast and the fact we have to report mahi
12 and wahoo.

13 So if we can get that one-stop
14 shopping we'd want to also include the
15 notification to that office.

16 One other thing to note, you had
17 indicated that for the tournaments there's
18 presently the billfish and the swordfish it's
19 mandatory reporting and so on and you're likely
20 going to select other HMS species.

21 I would recommend that happen sooner
22 rather than later. Getting back to somewhat what

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1 Shana just said to try to address our situation
2 with bigeye and yellowfin that there could be
3 impending measures at ICCAT this year that could
4 have significant impacts on us.

5 So the more data we can get concerning
6 bigeye and yellowfin the better. So I would
7 encourage that the tournaments for those two
8 species happen sooner rather than later.

9 And not sure, what is your timing when
10 you say that that will happen in the future.
11 Thanks.

12 MR. BLANKINSHIP: Thanks. So you'll
13 hear actually a little bit more about some of the
14 monitoring and reporting things on the shark side
15 of things in one of the presentations coming up.

16 There's a process to evaluate what
17 types of monitoring would be appropriate through
18 that process.

19 And as far as just kind of also
20 considerations are ability to be able to make
21 sure that people are aware of it and aren't caught
22 by surprise when we actually work towards

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1 implementing that.

2 So that's part of the process of
3 actually bringing it up here is to make sure that
4 folks are starting to be aware that we are
5 planning to do that at some point.

6 MR. BROOKS: Good. I want to take
7 one more comment and then hand it over to John.
8 Pat.

9 MR. AUGUSTINE: Thank you. A quick
10 follow-up to Rick's question.

11 It has been five years since we said
12 we were going to consolidate and the real answer,
13 I don't think we got the real answer.

14 Is there any possible update for
15 commitment, update or commitment as to when we
16 can expect status of that.

17 So every year we say next year, next
18 year. We're now at five years. So can we get
19 an anticipation as to maybe a report in the fall
20 as to where we are in that process?

21 MR. BLANKINSHIP: So part of -- as I
22 alluded to the process that takes place involves

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1 keeping abreast of what some of the council's
2 actions have been on electronic reporting.

3 And some of those processes have
4 morphed considerably over the course of the last
5 couple of years but they are becoming much more
6 organized.

7 And so I think as I said there's an
8 effort to try to monitor and stay abreast of
9 what's happening there and be engaged in that
10 process and see how the HMS management plays into
11 that as well.

12 So as far as a commitment goes some of
13 that might be difficult to do given that there's
14 other entities at play as we try to make it as
15 effective as possible.

16 MR. MCHALE: So maybe a more tangible
17 kind of update at least on one of our reporting
18 requirements is that I've been collaborating with
19 the GARFO staff regarding eVTRs with the recent
20 March requirement as well as the southeast
21 regional office staff.

22 And they're both actively folding in

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1 all of our HMS data elements so that if an
2 individual submits an eVTR it would meet not only
3 the council mandated species but our own
4 reporting requirements which is essentially what
5 I think what you're kind of getting at.

6 It's a significant step forward.
7 It's taken us a long time to get there. But as
8 Randy mentioned we're not necessarily at the
9 wheel so we're collaborating with those
10 developers but they have the March timeline
11 clearly in their radar to fold in the HMS dynamic.

12 We've provided them data so they can
13 see the impact of the overlapping permitting
14 universes. And so I suspect that improvement
15 will be imminent.

16 I don't have a definitive timeline if
17 they're going to meet when the electronic goes
18 for reporting but they're going to be right there
19 neck and neck.

20 MR. AUGUSTINE: Just a quick follow-
21 on. Was that part of the update?

22 MR. BROOKS: Just hang on one second.

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1 MR. BLANKINSHIP: I just wanted to
2 follow that on to say that amidst all that I can
3 commit to say that we can provide some additional
4 information and update as best we can in the fall
5 and definitely make this on the agenda for the
6 fall.

7 MR. AUGUSTINE: We keep getting the
8 same answer from all the fisheries on when, when,
9 when. So that's good. Thank you.

10 MR. BROOKS: Great. I want to at this
11 point thank everyone for their comments. Clearly
12 some interest in streamlined reporting and we'll
13 look to see if we can get something on the agenda
14 for the fall. So thanks to all of you who raised
15 that.

16 At this point I want to hand the mike
17 over to John Graves to give us an overview on the
18 outcomes from the 2017 ICCAT annual meeting.
19 John, do you want to come up here? Either way.

20 DR. GRAVES: Good morning, everybody.
21 My name's John Graves and I'm here to kind of
22 give a rundown on what happened at the ICCAT

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1 meeting in November.

2 I apologize to several of the people
3 that heard this presentation at the ICCAT
4 advisory committee on Monday as well as the
5 several individuals in this room who also
6 suffered through the ICCAT meeting last November.
7 So I don't want to bring up old pains but I'm
8 going to go at it.

9 So just real quickly we went over with
10 a delegation of 33 people and we had our lead
11 commissioner John Henderschedt and Ray Bogan as
12 our recreational commissioner. And that's not
13 Genio Piñeiro there, that's Carolyn Doherty but
14 Genio's our commercial.

15 It looks like a big crew and there's
16 a lot to do at these meetings. It's 10 days of
17 intense work. That's the crew.

18 So we had 44 of the 52 parties were
19 there so we had pretty good representation.
20 United States has leadership roles at ICCAT so
21 Derek Campbell is chair of the compliance
22 committee which is a very important committee

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1 there.

2 Deirdre Warner-Kramer has been
3 chairing the convention amendment working group
4 as ICCAT is trying to update its convention.

5 And then Oriana Villar is chair of the
6 online reporting working group. So we have a lot
7 of positions there at ICCAT.

8 And I'd also point out that Dr. David
9 Die is the chair of the standing committee on
10 research and statistics which is the fisheries
11 science branch of ICCAT. David is down at the
12 University of Miami.

13 To start off we were time challenged.
14 We lost a day with just a scheduling error which
15 was very sad because they had moved the meeting
16 back one day originally so that it was going to
17 end on the Wednesday before Thanksgiving which
18 meant that all of us weren't going to be able to
19 get home for Thanksgiving.

20 And then when we got there they
21 informed us that no, there seems to be a schedule
22 -- we have to end the meeting a day early. So

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1 not only did that screw up everybody's travel
2 plans, but it also lost an important day of the
3 meeting.

4 In addition, we were going through a
5 selection process in the interviews for a new
6 executive director for ICCAT and that consumed
7 almost all of the first day.

8 In addition there were some issues
9 with their wireless system and for some reason
10 Norway kept not being heard which if you know
11 Norway that's not good. We actually had to stop
12 two of the panel sessions to try and get things
13 repaired.

14 But out of it all we had nine
15 recommendations that were adopted. In terms of
16 looking at the U.S. position I think we did
17 extremely well.

18 So just to go back where we were in
19 the fall we had had -- the SCRS had done an
20 assessment of bluefin tuna both the western and
21 the eastern stocks. And so it was important that
22 we had to roll over to those measures, continue

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1 the management measures. And the assessments
2 allowed for increases in the cap. So that was
3 something we were going for.

4 We're developing harvest control
5 rules for the ICCAT species and the first test
6 species for this is the northern stock of
7 albacore. And so we wanted to get an interim
8 harvest control rule in place if possible.

9 Swordfish, there was also an
10 assessment for swordfish both north and south
11 last year. And it was very critical to the
12 United States when we have an assessment we have
13 to go over and redo the measure that the United
14 States has not been catching all of its quota.

15 And nature abhors a vacuum and there
16 are many countries who have quota envy. So we
17 wanted to protect our quota and also -- and doing
18 that was going to be difficult. And so that was
19 a big concern of ours was to retain the United
20 States allocation share if possible.

21 Shortfin mako was also assessed last
22 year and for the north Atlantic stock the

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1 assessment turned to be quite different than the
2 previous one and showed that not only was the
3 stock overfished but overfishing was occurring.
4 So clearly we were in the red zone of the Kobe
5 plot and wanted to take measures to if possible
6 stop overfishing and start rebuilding of the
7 stock.

8 Tropical tunas. Very serious
9 situation there at ICCAT because they exceeded
10 the total allowable catch both for bigeye tuna
11 and for yellowfin tuna.

12 Now there are countries at least for
13 the major harvesters country specific quota in
14 place for bigeye tuna, but there are not for
15 yellowfin tuna.

16 So that was exceeded which means now
17 we're going to have to find some measures to
18 probably go to country specific quotas. And I'll
19 talk about that a little more later but it
20 certainly -- the United States is disadvantaged
21 with our reporting and the catches that we've had
22 that have been dwindling for yellowfin over the

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1 last 15 years.

2 Then convention amendment working
3 group. We wanted to kind of get this done, get
4 it adopted.

5 Improving monitoring control and
6 surveillance measures and compliance are always
7 -- this sort of was what we were hoping to
8 achieve. It's a lot, but we got pretty far.

9 So in terms of the tropical tunas
10 there were three proposals that were put on the
11 table. The only one that went through was one
12 that was put forth by Senegal and Cote d'Ivoire.
13 And this essentially prohibits discarding of
14 small tunas from the tropical purse seine
15 fishery.

16 And in western Africa it's clearly a
17 food security issue. So vessels are not allowed
18 to dump them. They bring them in.

19 For the United States our concern was
20 this not become applied to all gears but
21 specifically to the tropical purse seine fishery.
22 So that was adopted.

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1 Then there were two measures that were
2 put forward, one by the EU and another by a group
3 of countries headed by South Africa that
4 addressed the tropical tunas, specifically bigeye
5 tuna and yellowfin tuna.

6 Now most of you are aware that the
7 overfishing that is occurring for yellowfin tuna
8 and for bigeye tuna is a result of a change in
9 the selectivity of the fishery. In other words
10 there's more purse seining going on, the purse
11 seining is on FADs. They're catching more
12 juvenile yellowfin and bigeye in there and so
13 that change in selectivity drops the maximum
14 sustainable yield and in the process it's created
15 overfishing.

16 The European Union which has a lot of
17 these tropical seiners had a measure that was
18 just essentially going to reduce the TAC for
19 bigeye tuna and also reduce the TAC for yellowfin
20 tuna.

21 But reducing the TAC for yellowfin
22 tuna where there aren't country specific quotas

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1 is a meaningless measure. So it did nothing to
2 address FAD fishing or overfishing for bigeye and
3 yellowfin.

4 The proposal from South Africa did and
5 it actually had quite a bit of support but the EU
6 poo-poo'ed it. But also there were measures in
7 there that would have frozen capacity. And there
8 are a lot of developing nations where if you put
9 anything in there that freezes capacity they're
10 going to object.

11 So we will have an assessment for
12 bigeye tuna this year and the tropical tunas is
13 a major focus of ICCAT for the current year.

14 If we go then to Panel 2 which were
15 the temperate tunas we adopted the interim
16 harvest control rule for northern albacore, and
17 that will go through a peer review but it's the
18 first application of a harvest control rule
19 management strategy evaluation for an ICCAT
20 species.

21 We had the first ever measure for
22 Mediterranean albacore and there was an

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1 assessment of Mediterranean albacore last year.
2 The SCRS was actually quite busy last year with
3 our assessments.

4 And the stock seems to be okay
5 although it's sort of a data poor stock. But
6 they did limit, they put in some limits so that
7 the fishing wouldn't increase.

8 This fishery is one where they're
9 fishing not only with -- it's a longline fishery
10 in many cases that is catching Mediterranean
11 swordfish as well as albacore.

12 There are already measures in place
13 for the swordfish and so what this did was it
14 essentially said okay, if we're having a closed
15 season for the swordfish we'll have a closed
16 season for the albacore so we'll just not have
17 the gear out there.

18 And they put in a limitation on
19 vessels with a little room for 10 percent
20 increase I think for countries.

21 Then we get to bluefin tuna. We had
22 an assessment in the west and in the west, the

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1 science. We went essentially from going from a
2 biomass-based management.

3 The SCRS had these two very differing
4 recruitment scenarios which gave you very
5 differing management advice.

6 So they essentially decided to go with
7 an F0.1 approach which said that we could
8 increase our TAC in the west from 2,000 up to
9 2,500. We settled at 2,350 for the next three-
10 year period.

11 So we will have that increase and you
12 guys will be dealing with that as it applies to
13 the U.S. quota.

14 In the eastern Atlantic the hope was
15 that with the ability to raise the TAC that we
16 would be able to accommodate a lot of the
17 frustrations that some countries have had in the
18 east of not getting what they feel is their
19 rightful share.

20 That first session where the panel
21 chair went around and sort of asked countries
22 what they'd like to have, all you had to do was

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1 keep tab of it and they want five times what's
2 available for the quota.

3 And each country was looking at when
4 it had had its greatest catch or the largest share
5 of the fishery and that's where they wanted to
6 be.

7 So it was very clear that this was
8 going to be a very difficult process. And what
9 the chair tried to do was then meet with countries
10 one on one and try to get a little more practical
11 with them.

12 The EU dropped on the second or third
13 day of the meeting a 42-page document, a new
14 measure which was to replace the existing one.

15 And it didn't follow the same format
16 as the existing one. It was difficult to see
17 what had been changed.

18 We went through three or four night
19 sessions trying to follow it and in the end they
20 dropped it. So they ended up rolling over the
21 existing measure, the 14-04 for the next three
22 years with increasing the TAC from 28,200 this

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1 year on up to 36,000 which will be the largest
2 TAC that we've had for bluefin tuna.

3 And this is over in Madrid. Right now
4 they're finishing up the third day of a meeting
5 to approve fishery plans in the east, but also to
6 try and work out the quota arrangement. Because
7 the quota arrangement that was put out there just
8 really wasn't agreed to.

9 And there was a little bit of
10 contingency quota left over and they're
11 allocating that. But a lot of countries were
12 very, very disappointed with their quotas.

13 And just as an example Norway which
14 had a very thriving bluefin fishery in the 1960s
15 and actually accounted for up to 40 percent of
16 the catches of bluefin tuna in the east at that
17 time has an allocation of 0.23 percent of the
18 entire quota now.

19 They wanted to go back to 40. Well,
20 obviously that's not going to happen. What they
21 ended up getting was increasing from 0.23 to 0.46
22 percent. So they obviously weren't happy. So a

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1 lot of dissatisfaction.

2 And so hopefully that will work out
3 and we'll hear from that meeting shortly.

4 Panel 4 which is swordfish, billfish,
5 sharks, other species. Major thing here. North
6 Atlantic swordfish. We've been getting three-
7 year agreements with that. We actually got a
8 four-year agreement this time.

9 And the TAC had to be reduced based on
10 the science that indicated that the stock was
11 maybe not as productive as we thought so had to
12 drop the TAC by 500 metric tons in the north.

13 And we were afraid that that might be
14 taken out of the U.S. quota. But it turns out
15 if you add up all the quota that countries can
16 have it's greater than the TAC. But the TAC has
17 not come close to being exceeded in several years
18 so they just agreed to, okay, we'll drop the TAC.

19 And if it does at one time get
20 exceeded then it will just be a pro rata reduction
21 following that.

22 They used a similar approach in the

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1 South Atlantic and dropped the TAC by 1,000
2 metric tons and did the same thing.

3 Moving along to shortfin mako there
4 were four different proposals that were tabled,
5 one by the United States, one by the European
6 Union, one by Morocco, and one by Japan.

7 And so they all focused on live
8 release, but the difference were how do you
9 assume that something is alive or how do you
10 verify that, that's something dead if you're
11 going to keep it.

12 And in the end the United States was
13 going for to have either an observer on board or
14 an electronic monitoring system, but it turns out
15 that Morocco with smaller vessels they don't have
16 observers or room for observers and they don't
17 have electronic monitoring systems. So they are
18 able to keep them.

19 So essentially we are allowed to
20 retain them in the United States if we have an
21 observer and an electronic monitoring system
22 because we have larger vessels.

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1 In addition there was essentially a
2 carve-out for the tournament fishery here which
3 allows retention of live or dead individuals for
4 males that are over 100 centimeters in fork
5 length or females over 210. And so that was an
6 important point for the recreational sector in
7 the United States and we were able to achieve
8 that.

9 So we're hoping that this will stop
10 overfishing for the stock. We'll wait and see.
11 Because even if you're releasing all of these
12 animals you have post-release mortality and
13 there's also a substantial hooking mortality or
14 animals that are dead at the time of haulback.

15 United States once again put out "fins
16 naturally attached." We had 27 cosponsors but
17 the distant water fleets have a strong pushback
18 on that. We didn't push it for a vote, we just
19 brought it up again and they agreed to disagree.

20 Sea turtle conservation. We put
21 forward a measure that would require the use of
22 circle hooks on shallow set longlines. And that

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1 almost went.

2 We've been pushing circle hooks for so
3 long and it finally went, but then there was some
4 pushback from Uruguay and thank you Uruguay for
5 this.

6 There's a little confusion there about
7 the impact of circle hooks on hooking rates for
8 sharks. So essentially if you look as you switch
9 from J hooks to circle hooks your catch rates can
10 actually go up but that's because oftentimes with
11 a J hook, a J hook can hook deeply, sharks bite
12 the gangion, bite the leader off.

13 So if you include your bite-offs with
14 your sharks on the J hooks it's not an increase
15 with the circle hooks. But that's what they
16 thought.

17 And so we're not there yet. Hopefully
18 we can get there.

19 Compliance committee. Five of those
20 that have been received. Identifications have
21 been lifted. Two of them continued so that was
22 fine. Just the normal business of the compliance

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1 committee.

2 But we will start off the meeting this
3 year have a special two-day session on compliance
4 before the meeting starts in November.

5 Permanent working group. They had a
6 lot of things that have been ready to go in an
7 intersessional during the year and so it was
8 coming to here and to have them adopted.

9 But not all countries go to the
10 intersessional meetings and so all of a sudden we
11 were back at square one with many of these
12 proposals. They did not get adopted.

13 The IUU list was adopted, but they
14 kicked the can down the road on a lot of these
15 issues to go back to another intersessional
16 meeting and hopefully have better participation
17 and then come back and get them adopted in
18 November.

19 The budget for ICCAT is probably not
20 too important to this group.

21 The convention amendment working
22 group is almost there. The two issues that are

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1 still kind of hanging things up is what to do
2 with Taiwan or in ICCAT lingo Chinese Taipei
3 because since the People's Republic of China is
4 at the table they can't officially recognize
5 Taiwan but Taiwan is a major fishing power.

6 So it's how do you accommodate them.
7 So there's -- it all involves the depository.
8 And that will hopefully be worked out as well as
9 -- that's really the major issue.

10 There was one also on what to do with
11 objections, but that's pretty much smoothed over.

12 A new executive secretary was
13 appointed. The one that we've had for 14 years
14 has to retire. And so the new one will start
15 soon.

16 We had elections. Every two years you
17 have elections at ICCAT. So they pretty much
18 stayed the same.

19 In terms of the calendar this year not
20 as many assessments. There will be an assessment
21 of blue marlin that's coming up and then that
22 will be followed by the bigeye tuna assessment.

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1 And that will be major because bigeye tuna --
2 we're overfished and overfishing occurring so
3 hopefully -- and we've exceeded the TAC so do the
4 math.

5 Other than that, just that's the
6 schedule. The meeting will be in Croatia in
7 November.

8 MR. BROOKS: Perfect, John, thanks.
9 Before you leave from up there we want to get you
10 to a break but let's take a couple of questions.
11 Scott.

12 MR. TAYLOR: Just a quick question
13 about the bigeye that you just mentioned.
14 Obviously we have concern that even though it's
15 not a directed targeted species it's still a
16 substantial part of our fleet's catch.

17 Is your concern that as it impacts the
18 U.S. fleet that we could see an HMS rule as a
19 result of this that would limit our ability to
20 harvest at the levels that we're currently
21 harvesting?

22 DR. GRAVES: So, the United States is

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1 a minor harvester. And so we have a limit. I
2 forget exactly what the limit is.

3 So the EU's solution to this
4 overfishing is not to change the selectivity
5 which has caused the problem but just to reduce
6 -- to essentially reduce the amount that the
7 minor harvesters can take.

8 And so that would impact us, yes. And
9 so what we're trying to do and what a lot of the
10 countries that have suffered, the longlining
11 countries and there are a lot of them that have
12 suffered as they shift the selectivity in this
13 fishery, they wanted to do something to address
14 the juvenile mortality, not just keep reducing
15 the TAC.

16 And so that's what we're pushing for.
17 And several of the people around this table are
18 very aware of the problem and that's not the way
19 we want to go.

20 And when the EU tried to put this
21 proposal in just saying oh yes, we'll just drop
22 the TACs proportionally, that didn't fly. And

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1 so we're going to have to look at another way to
2 do it.

3 MR. TAYLOR: So if the root of the
4 problem is the purse seine fishery around the
5 FADs in the Gulf of Guinea which we've discussed
6 in the past, rather than dealing with the problem
7 their solution is to limit the minor countries'
8 harvest?

9 DR. GRAVES: That is the approach the
10 EU would like to take because they are a major
11 purse seine fishery. That is not the way --
12 we're not going to agree to that I don't think,
13 or a lot of other countries.

14 MR. TAYLOR: One more follow-up. So
15 I was recently, and I want to talk to you sidebar
16 about this, was asked by the government of St.
17 Vincent and the Grenadines to work with them on
18 getting accountability from the Taiwanese fleet.

19 They've got 27 flag vessels down there
20 that are currently fishing off of Trinidad in the
21 eastern Atlantic. Transshipping fish at sea.
22 No accountability, zero landings because the fish

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1 are not coming in to Trinidad any longer.

2 Is there any discussion at all about
3 dealing with what the real issues are on these
4 landings rather than to -- I just see this as
5 another potential burden for our U.S. longline
6 fleet that we can't absorb.

7 That fishery in the summertime that
8 takes place off of the northeast, that bigeye
9 fishery manages to eke a few people through that
10 otherwise wouldn't be able to get.

11 It's not a little deal. I want to
12 talk to you about the other issue, but I just
13 wanted to follow up that we cannot sustain
14 another reduction in a revenue stream from this
15 fleet. That would be devastating to the few
16 boats that are left.

17 MR. BROOKS: Thanks, Scott. I want
18 to get a few more folks in before the break.
19 David.

20 MR. SCHALIT: John, just a question.
21 I suspect it might be a silly question, but the
22 commission's decision to have two days of

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1 compliance meetings before plenary begins, does
2 that then mean that plenary will be eight days
3 long?

4 DR. GRAVES: Yes, it will be an eight-
5 day meeting. It's two extra days.

6 MR. BROOKS: Rusty and then Mike.

7 MR. HUDSON: Thanks, Bennett. John,
8 on slide 13 the fins attached, approximately 30
9 parties cosponsored or supported and not adopted.
10 Could you explain out of the 54 parties what's
11 going on in order to get the vote to have them
12 follow suit like we did? Thank you.

13 DR. GRAVES: Well, I think the
14 rationale by not taking it to vote, a lot of
15 countries are on board like the EU has already
16 gone and they have a fins naturally attached
17 policy. A lot of countries have done that.

18 And I'll just be speaking from my
19 perception here and it may differ and certainly
20 Glen in the back might have a different opinion.

21 But we're not bringing it up -- we
22 could bring it up for a vote, but what would be

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1 the point. Because Japan and China, those
2 countries could object and so they wouldn't have
3 to necessarily follow it then. So it wouldn't
4 have any effect other than maybe polarizing a
5 situation.

6 But if you just keep bringing it up
7 and they see that more and more people are on
8 there eventually they're going to be in a bind
9 one way or another and we can maybe use that
10 opportunity to get them in the fold.

11 But forcing a vote I think would just
12 polarize the situation and not accomplish
13 anything. Because they can take the objection.
14 And Sonja probably has other insights on that as
15 well.

16 Because Sonja has worked very hard
17 with countries to get them on board as
18 cosponsors.

19 MR. BROOKS: Okay. I want to get us
20 to a break. Sonja, I'm going to let you weigh
21 in on that one briefly and then Mike for the last
22 word.

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1 MS. FORDHAM: Thank you. Sonja
2 Fordham, Shark Advocates.

3 I would just add that I'm not sure if
4 the distant water fleets is an accurate
5 characterization anymore. It's really down to
6 Japan.

7 So actually at NAFO, Korea voted yes
8 with the U.S. proposal and we won that. At NAFO.
9 Korea. So the U.S. did call a vote at NAFO and
10 won with only one no vote.

11 So I do think there's been significant
12 progress. There's an argument to be made that
13 if and when the ICCAT treaty is amended to be
14 more clear about responsibilities for sharks that
15 that might be easier.

16 But I would defer. I do think that
17 if the U.S. pushed a vote and won, and Japan took
18 a reservation or objection it still would help
19 with a lot of other countries that probably
20 haven't even gotten around to a shark finning ban
21 yet, meeting those obligations for NGOs around
22 the world to hold all of those other countries

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1 accountable to this important standard. Thanks.

2 MR. BROOKS: Thanks, Sonja. Mike,
3 last word here.

4 MR. PIERDINOCK: Thank you. This
5 goes back to I reflect the sentiment of Scott.

6 Bigeye and yellowfin and the status at
7 ICCAT is of concern. We in the United States
8 consistently take conservation measures that
9 aren't reflective of the international community.

10 So there is a concern there that if
11 stringent measures are taken at ICCAT how that
12 would impact us and to have any cutbacks or
13 significant reductions in the East Coast would be
14 devastating to the recreational charterboat
15 tournaments as well as the commercial fleet.

16 Just to throw that out there. And I
17 agree with what Scott's saying there. But as it
18 applies to yellowfin and bigeye.

19 But the last thing is a question I had
20 and wasn't able to ask at the ICCAT meetings.
21 University of Maine, Walt Golet who's here today
22 has a proposal before ICCAT for yellowfin, bigeye

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1 and skipjack to do a tagging study.

2 As I mentioned earlier we're lacking
3 in data. As of yesterday the indication was it
4 may get passed.

5 My question is if it doesn't I think
6 that it's prudent then that NOAA and HMS fund
7 that study due to the lack of data that we have
8 associated with that.

9 I think one of the things that
10 hopefully this could show is that we do have a
11 two stock situation, one in the Gulf and one that
12 goes over to Africa, and whether that's the case
13 in the East Coast, we need that information.

14 So my question to you Randy, is that
15 a possibility and how quickly could we act upon
16 that if ICCAT does not fund the study.

17 And last, he's doing a study right now
18 to get the word out to everyone around the table
19 and beyond these walls that the lists from
20 yellowfin, bigeye and skipjack, send them up to
21 Walt. He's doing this study. This is data
22 lacking and we need to make this happen. Thank

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1 you.

2 MR. BROOKS: I think Randy's going to
3 just take that question. He doesn't have an
4 answer for you right now but we'll capture it.

5 All right. John, thanks very much.
6 At this point I want to get us to a break. We're
7 running a few minutes behind. Let's reconvene
8 at 5 after 11 and we'll jump into the shortfin
9 mako shark emergency interim rule. Thanks.

10 (Whereupon, the above-entitled matter
11 went off the record at 10:55 a.m. and resumed at
12 11:07 a.m.)

13 MR. BROOKS: All right. So as folks
14 take their seats I want to keep us pushing forward
15 here.

16 We already heard a little bit about
17 the shortfin mako from John and now I want to
18 hand it off to Tobey Curtis and Karyl Brewster-
19 Geisz to give us a more detailed overview on the
20 shortfin mako shark emergency interim final rule.

21 We'll have a presentation from them on
22 what has moved forward. And then we will as I

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1 mentioned at 12:15 have an opportunity for public
2 comment on the emergency interim final rule.

3 And I do want to just get a sense of
4 numbers of the public here that might be
5 interested in commenting during the public
6 hearing. To members of the public that are here
7 how many people are interested in commenting
8 during the hearing on the interim final rule?
9 Anybody? Okay.

10 All right then Tobey I think I'm going
11 to hand it off to you.

12 MR. CURTIS: Thank you, Bennett.
13 Good morning, everyone.

14 Again this presentation is on our
15 shortfin mako emergency interim final rule. As
16 you know there's other mako agenda items but this
17 presentation is specifically on the emergency
18 rule following the ICCAT recommendation.

19 So a little brief outline for the
20 talk. We're going to talk about a bit of
21 management background, the stock status for mako
22 focusing on the recent 2017 ICCAT stock

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1 assessment and the recommendation 17-08 that John
2 just discussed.

3 We'll talk about the emergency interim
4 final measures and some of the impacts associated
5 with that rule, the next steps, and then our
6 public hearing.

7 So first on the management history and
8 stock status. Shortfin mako sharks were
9 originally in our 1993 shark fishery management
10 plan which implemented quotas for pelagic sharks.
11 So shortfin mako sharks have been part of the
12 pelagic shark management group.

13 In 1999 we removed porbeagle and blue
14 sharks from this pelagic shark quota group and
15 reduced the pelagic shark quota accordingly based
16 on their contributions to that quota.

17 In 2008 was an ICCAT stock assessment
18 for the North Atlantic mako and determined that
19 the stock was not overfished but overfishing was
20 occurring.

21 In 2010 in amendment 3 and since that
22 time we've been encouraging the live release of

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1 shortfin mako sharks due to some concerns about
2 the stock status at the time.

3 2012 was another stock assessment for
4 mako. And this determined that it was not
5 overfished with no overfishing occurring so the
6 stock status was looking okay at that point.

7 But NMFS has continued to encourage
8 live release of shortfin mako sharks and in 2011
9 we implemented a smartphone app, Pete Cooper had
10 developed this, to encourage live release of mako
11 sharks and allow vessels to sort of voluntarily
12 report where they released those sharks and
13 provide some data to us on distribution and
14 fishing and some of the biology of the fish. So
15 sort of a citizen science effort to help us learn
16 about the makos and encourage live release.

17 Here's a sort of broad brush picture
18 of catches across the North Atlantic. U.S.
19 shortfin mako catches represent on average about
20 11 percent of the total North Atlantic catch.

21 So here we have catches from 2010 to
22 2016 from the top five landing countries. So in

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1 blue we have Spain, the sort of brownish tan color
2 is Portugal, orange is Morocco, purple is the
3 U.S. portion, and then Japan is in the green and
4 kind of down at a lower level.

5 So you can see a fairly steady U.S.
6 contribution around 11 percent.

7 The U.S. commercial and recreational
8 harvests are evenly split based on the available
9 data. This is based on ICCAT statistics and the
10 contribution of commercial and recreational
11 catches.

12 So again this is 2010 to 2016. You
13 can see a fairly even, near 50/50 split between
14 the two fishery sectors.

15 So ICCAT's SCRS conducted this new
16 assessment in December 2017 and it included
17 significant data updates from the previous
18 assessment in 2012. We had a new model
19 structure, longer catch series going back to
20 1950. There were some sex-specific biological
21 parameters included in some of the models.

22 We had updated link compositions and

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1 consideration of some new satellite tagging data.
2 So the point is this was considered an improved
3 assessment so better data going in and more
4 confidence in the output.

5 So in summary this recent assessment
6 based on the biomass, the status in 2015 which is
7 kind of the terminal year in the assessment the
8 stock is overfished with a B over BMSY ratio
9 between 0.57 and 0.85 depending on the model.

10 And one model that used spawning stock
11 fecundity as its reference point showed that the
12 stock was also below spawning stock fecundity at
13 MSY.

14 And overfishing is occurring with
15 fishing mortality rate in 2015 relative to FMSY
16 1.93 to 4.38. So with FMSY being equal to one.
17 So any value above one indicates overfishing
18 occurring.

19 You can see the Kobe plot from the
20 assessment, every dot is a particular model with
21 the sort of light blue blobs sort of being the
22 central points of those models.

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1 You can see that I think it was about
2 95 percent of the model runs are in the red zone
3 which is where overfishing is occurring and the
4 stock is overfished.

5 So essentially just showing there's
6 high confidence in the result from the modeling
7 that the stock is overfished with overfishing
8 occurring.

9 Recent catches from all nations for
10 North Atlantic mako have been 3,647.50 metric
11 tons per year. And the assessment indicated that
12 catches should be reduced below 1,000 metric tons
13 which is a 72 to 79 percent reductions in catches
14 to prevent further population declines.

15 A total allowable catch of zero metric
16 tons would be necessary to rebuild the stock by
17 2040.

18 So based on the results of the
19 assessment ICCAT convened and came out with
20 recommendation 17-08 in November. The general
21 idea was to maximize live releases of mako sharks
22 in the fishery.

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1 Retention would be allowed under only
2 limited circumstances, namely if dead at haulback
3 with a requirement for observer or electronic
4 monitoring on the vessel, or with minimum size
5 limits of 180 centimeters fork length for male,
6 210 centimeters fork length for female.

7 And in November 2018 of this year
8 we're going to review the first six months of
9 2018 catches presumably under these new
10 requirements and evaluate if they're having the
11 intended effect of reducing catch.

12 And in 2019 the SCRS will have an
13 evaluation of the measure effectiveness and take
14 another crack at the assessment and establish a
15 rebuilding plan if needed.

16 So the U.S. is obligated to implement
17 ICCAT recommendations as necessary and
18 appropriate under the Atlantic Tunas Convention
19 Act.

20 And that leads us to our emergency
21 interim final rule which became effective on
22 March 2.

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1 So the final measures in the emergency
2 rule are live releases of shortfin mako sharks in
3 the commercial pelagic longline fishery.
4 There's retention only if the shark is dead at
5 haulback and the vessel has functioning EM. So
6 EM is already a requirement in this fishery so
7 expect that most of the vessels -- this should
8 work for most of the vessels in the fishery
9 already.

10 There will be prohibition on the
11 retention of shortfin mako sharks caught in
12 commercial gears other than pelagic longline.

13 This is a very small contribution of
14 the total commercial catch, but there are
15 occasional catches in bottom longline, gillnet,
16 handgear and some of the other commercial gears.
17 The focus is mainly on pelagic longline fishery.

18 And we estimated based on recent
19 landings that this would result in 75 percent
20 reduction in U.S. commercial landings.

21 On the recreational side we've
22 increased the recreational minimum size limit

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1 from 54 inches to 83 inches fork length. And
2 based on again the sort of length frequency in
3 the recreational fishery this is expected to
4 result in about an 83 to 84 percent reduction in
5 U.S. recreational landings.

6 So commercial fishery impacts. This
7 is based on some analysis that's in the
8 environmental assessment which is available on
9 the website.

10 2016 commercial ex-vessel shortfin
11 mako revenues were about \$348,000. So this
12 represents about 14 percent of all commercial
13 shark revenue and only about 1 percent of all HMS
14 commercial revenue.

15 The 75 percent reduction in landings
16 is expected to result in revenue losses of about
17 \$261,000 total per year for the commercial
18 fishery.

19 As far as recreation impacts the total
20 economic output for recreational shark fisheries,
21 and this is all species and all areas combined is
22 estimated about \$5.4 million per year based on a

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1 2011 estimate.

2 About 5 percent of charter and 7
3 percent of headboat vessels target pelagic sharks
4 which includes shortfin makos. And there's 70
5 to 80 tournaments per year with pelagic shark
6 categories, makos being an important part of
7 that.

8 So we acknowledge this is also going
9 to have impacts on the recreational sector.
10 Recreational catch and release will continue, but
11 with the increase of size limit there will
12 certainly be fewer opportunities to land a mako
13 of legal size.

14 So next steps. So the emergency
15 interim final rule again was effective March 2.
16 It's effective for 180 days which is August 29 of
17 this year with a possible extension of 186
18 additional days, so until March 3 of 2019.

19 We're right now accepting public
20 comments until May 7. ICCAT will evaluate these
21 measures in November 2018, take a look at the
22 impact of the implementation of these measures

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1 this year.

2 And the emergency interim final rule
3 measures are expected to be replaced or updated
4 by amendment 11 through our normal rulemaking
5 process and that will be discussed later on
6 today.

7 So, a quick summary. Shortfin mako
8 is overfished and experiencing overfishing based
9 on the recent ICCAT assessment and ICCAT has
10 recommended management measures.

11 And NMFS has implemented an emergency
12 interim final rule to implement that
13 recommendation which focuses on live release in
14 commercial fisheries, retention on pelagic
15 longline vessels if the fish is dead at haulback,
16 an 83 inch fork length minimum size limit in the
17 recreational fishery which collectively should
18 reduce U.S. landings of shortfin mako by about 79
19 percent.

20 ICCAT will evaluate the measures in
21 November and the emergency interim final rule is
22 expected to be replaced by amendment 11.

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1 So again we're requesting public
2 comment specifically on the interim final rule
3 and the comment period closes on May 7.

4 Comments can be submitted to
5 regulations.gov. We have details up on the
6 screen. And you can contact myself or Karyl or
7 Guy if you have any additional questions or
8 comments you'd like to submit.

9 So that's all we have for the
10 presentation. We're prepared to move to public
11 hearing.

12 MR. BROOKS: Okay, but before we get
13 to public hearing we want to have discussion with
14 the AP. And again just a reminder we'll come
15 back after lunch and talk about amendment 11 and
16 a sort of longer-term rulemaking process.

17 So this morning what we want to do is
18 first hear from you on what questions you might
19 have on the emergency rule, how it's being
20 implemented, why it looks the way it does. Any
21 questions you have about the emergency rule.

22 Any feedback you have for the agency

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1 obviously the team up here would like to hear
2 that.

3 And I think, Tobey, Karyl, correct me
4 if I'm wrong, I think you're also looking for
5 comments if there are any about whether or not it
6 makes sense to extend the emergency rule beyond
7 the six months. Is that right?

8 Okay, so with that let's take some
9 questions. We'll go over to Katie and then up
10 to this part of the table. Katie.

11 MS. WESTFALL: Thank you very much,
12 Tobey, that was really helpful and informative.

13 Just a question on the allowance for
14 dead mako sharks to be landed if the vessel has
15 EM. Does that mean now that EM video footage
16 will be now reviewed for shortfin makos in
17 addition to Atlantic bluefin tuna?

18 MR. CURTIS: Yes. The functionality
19 is there, the EM is there available to help
20 confirm if the measure is being followed.

21 MR. BROOKS: Anything else, Katie?
22 Okay. Sonja. Let me grab the questions first

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1 if that's okay. Just some again clarifying
2 questions on the rule. Anyone else have
3 questions or just comments?

4 MR. PIERDINOCK: The initial ICCAT
5 decision included two sizes for recreational as
6 well as -- for males as well as females and all
7 that I see here is one being recommended for
8 females only. Could you explain why that is the
9 case? Thanks.

10 MR. CURTIS: Thanks, Mike. Yes,
11 there's two main reasons and they're described in
12 the EA and in the rule itself.

13 The first was that we've got feedback
14 it would be very challenging to differentiate sex
15 of a very large mako shark on the line. So that
16 was the -- if you have a large shark it's hard to
17 handle to identify whether it's a male or female,
18 if you can see the claspers while it's fighting
19 against the line next to the boat can be
20 difficult.

21 The second was analysis that we did in
22 the EA wasn't available at the time of ICCAT but

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1 based on our analysis the landings reduction from
2 the two sex approach would only equate to about
3 a 50 percent, or a 49 percent reduction in
4 landings which wouldn't achieve the target that
5 the recommendation was shooting for in the 72 to
6 79 percent range.

7 So to be consistent with the
8 objectives of the action and to be more easier to
9 implement and enforce on the water and address
10 the safety issues of trying to identify the sex
11 of a large mako shark we went with the single
12 minimum size limit.

13 I don't know if Karyl wants to add
14 anything but that's how we outlined it.

15 MR. BROOKS: Clarifying questions.
16 Rusty.

17 MR. HUDSON: Yes. On clarifying
18 questions I don't know if there is a continuity
19 run from the 2012 status where it was not
20 overfishing and overfished, but that's an
21 important thing leading to this interim rule at
22 least for our component.

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1 Second off, with the MRIP changes
2 coming up this July how does that affect the
3 longer term with regards to the same stock
4 assessment that just led to this interim rule?
5 Thank you.

6 MR. CURTIS: I'm sorry, Rusty, I
7 didn't grasp the second question on the
8 assessment.

9 MR. HUDSON: MRIP, the Marine
10 Recreational Information Program, MRIP, those
11 changes are coming this July. On council levels
12 we're having to do mass updates on all of our
13 stock assessments.

14 This is one of those type of things
15 with at least our component of that recreational
16 data having to be updated because that's quite a
17 turnaround. And an interim rule as an emergency
18 goes is a challenging type situation,
19 particularly if the science isn't right.

20 MR. CURTIS: I agree. I'd have to
21 defer to Southeast Fisheries Science Center. I
22 imagine that when it comes time to update the

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1 assessment or evaluate the measures they'll be
2 grabbing whatever the best available data that we
3 have at the time and that may include the updated
4 MRIP information. But I'm not involved with the
5 assessment process.

6 MR. BROOKS: Other clarifying
7 questions about the rule. Bob and then over to
8 Marty.

9 MR. HUETER: Yes, thanks. Thank you,
10 Tobey.

11 The 83 inches fork length minimum size
12 I believe is the absolute minimum for size of
13 maturity of the females.

14 Did you consider setting that
15 criterion higher so that you're more in the 50
16 percent range for size of maturity? That's my
17 first question.

18 The other question is with the
19 recreational fishery did you guys consider any
20 kind of gear restrictions or recommendations on
21 the recreational fishery to maximize post-release
22 survivorship. So even though the animals may be

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1 alive at the boat that they're not beat up so
2 much that they die after release.

3 MR. CURTIS: Sure. Thanks, Bob. The
4 minimum size limit was based on information
5 available during the ICCAT meeting. And it was
6 my understanding that the 210 was based on the
7 available literature on size of maturity of
8 females at the time.

9 I know it is on the low end of what's
10 been studied, but that's what was evaluated and
11 decided at ICCAT.

12 Sorry, and the second question any
13 other post release -- yes, any kind of gear
14 changes, those are types of things that we will
15 be considering in the long-term Amendment 11.
16 But they weren't part of the ICCAT
17 recommendation.

18 MR. BROOKS: Marty, clarifying
19 question.

20 MS. BREWSTER-GEISZ: Sorry, Bennett.
21 I just wanted to clarify that for this emergency
22 rule we really were trying to stick to what the

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1 ICCAT recommendation was. And the ICCAT
2 recommendation did not have the gear to improve
3 post-release survival. But that is something we
4 could consider in amendment 11 in the long-term
5 measures.

6 MR. BROOKS: Thanks, Karyl. Marty,
7 clarifying question.

8 MR. SCANLON: Yes. You talk about
9 using the EM for this measure here. Under the
10 current measure with the review with the bluefins
11 we're talking about a 10 percent overall viewing
12 of the tapes.

13 Are we going to use the same 10
14 percent and use it to verify compliance within
15 the logbooks, or are we going to have to review
16 the entire footage of every vessel which is quite
17 a significant increase in the cost of reviewing
18 that footage.

19 So that's my question. Are we going
20 to allow to report what's being -- first of all
21 you should be just bringing the dead ones in. So
22 are we going to spot check that under the existing

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1 EMS review or are we going to expand the EMS
2 review to include all the footage which would be
3 --

4 MR. BROOKS: Thanks, Marty. Good
5 question. Karyl.

6 MS. BREWSTER-GEISZ: So yes, right
7 now we will be doing the 10 percent reviewing of
8 the same.

9 What we do in the future I think will
10 depend upon how this goes right now.

11 MR. BROOKS: Thanks. I know there's
12 a bunch of other cards here to jump in.
13 Clarifying questions? Yes, please.

14 MR. ROOTES-MURDY: Thank you. So my
15 understanding on this timeline is that the
16 interim rule would be in place until August 29.
17 So are you guys anticipating having a different
18 set of measures that might carry us through the
19 end of the year after that August 29 date?

20 MR. CURTIS: That would depend on the
21 public comments and feedback we get at this
22 stage. It's possible, but that's the point of

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1 the public hearing and collecting comments right
2 now.

3 MR. BROOKS: Any other clarifying
4 questions or everyone else just want to weigh in
5 with some opinions here? Rick.

6 MR. BELLAVANCE: Thank you. In
7 regards to the recreational fishery impacts you
8 notice that you listed the charter and the
9 headboat vessels that are targeting pelagic
10 species are around 5 to 7 percent of the HMS
11 permitted vessels I guess.

12 Do you have any indication on what
13 that relates to in regards to recreational catch
14 overall? If that's a similar amount or if it's
15 higher or lower?

16 MR. CURTIS: So you're asking to
17 compare basically charter landings versus just by
18 recreational landings. I don't have that
19 information at my fingertips and I'm trying to
20 recall if it was in the EA. I believe we have
21 in the environmental assessment we do have some
22 more breakdown of charter versus -- and

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1 tournament versus non-tournament landings. So I
2 can follow up with you and get you that info.

3 MR. BROOKS: Any other clarifying
4 questions? Yes. Dewey, clarifying or just
5 comments?

6 MR. HEMILRIGHT: I've got plenty of
7 comments later, but the clarifying question is
8 how much does an 83 inch mako weigh?

9 MR. CURTIS: It's approximately 230
10 pounds based on Northeast Fisheries Science
11 Center length-weight relationship.

12 MR. ROOTES-MURDY: One thing to the
13 timetable. It says that ICCAT will evaluate the
14 measures in November 2018. What data would be
15 used to evaluate the measures for say the
16 recreational fishery given the lag in the timing
17 that that information is available?

18 MR. CURTIS: So I imagine every nation
19 will be just submitting their catch statistics
20 for the first six months of the year.

21 So ours, we're missing the first two
22 months of the year basically, the measures

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1 haven't been implemented, but this is also before
2 most of the landings start occurring. It's sort
3 of before the fishing season here in the U.S.

4 So there's a little bit of a lag but
5 the nations will just be submitting their catch
6 statistics in time for the November meeting.

7 MR. BROOKS: Dewey, were you wanting
8 to jump in on that point?

9 MR. HEMILRIGHT: I just have a
10 clarifying question as to given that the LPS
11 survey is a June through October and it doesn't
12 start until July in Connecticut and Rhode Island
13 are you going to be able to get the data assembled
14 enough to see what's happening in August?

15 And this is just from the large
16 pelagic survey. Given the ramifications of the
17 timeline and when different states start and end.
18 Thank you.

19 MR. CURTIS: I'm not sure exactly how
20 the process works for compiling, when exactly
21 data are compiled and submitted to ICCAT. But
22 we'll be grabbing whatever is available at the

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1 time that data needs to go to ICCAT. I don't
2 know if I can say much beyond that.

3 MS. BREWSTER-GEISZ: Under the ICCAT
4 recommendation we are required to provide the
5 first six months of data. So I am sure that
6 Guillermo and the rest of the Southeast Science
7 Center will be working on figuring out how to do
8 that.

9 MR. BROOKS: All right. So at this
10 point let's shift now from clarifying questions
11 to any comments folks have.

12 Obviously any comments you have on the
13 emergency rule itself, any thoughts you have on
14 what happens after August 29, and any other
15 thoughts you have as well.

16 I've got in the queue right now Sonja,
17 Scott, Glen, Dewey, Rusty, Pat, Marty I think
18 card is up there and Rick just put your card up.
19 And Mike. Okay. So we've got plenty of time for
20 the conversation so we will all get in there.
21 Sonja, you're up first.

22 MS. FORDHAM: Thank you. Sonja

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1 Fordham, Shark Advocates International.

2 Thank you for the presentation. I
3 have a bit of comments on the presentation and
4 then comments on the rule, or the regs in general.

5 And I'll just mention that I was
6 fortunate enough to be an observer at the mako
7 assessment meetings through ICCAT at SCRS and I
8 appreciate the presentation. It as usual is
9 clear, but I am concerned that the review of the
10 recent status of the stock and the scientific
11 advice particularly for the North Atlantic
12 population has omitted several
13 uncharacteristically clear and compelling
14 statements and recommendations made by the SCRS.

15 You mentioned that catches need to be
16 below 1,000 tons to stop decline. But the SCRS
17 report talks about stopping overfishing and
18 starting rebuilding the catch should be reduced
19 to 500 tons or less. And that will achieve the
20 goal of stopping overfishing in 2018 with 75
21 percent probability but only has a 35 percent
22 probability of rebuilding the stock by 2040.

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1 And then perhaps more important only
2 a zero ton annual catch will rebuild the stock by
3 2040 with a 54 percent probability. So still not
4 even a very high probability.

5 I think that's pretty serious
6 business.

7 The SCRS goes on to say that to stop
8 overfishing immediately and achieve rebuilding by
9 2040 with over 50 percent probability the most
10 effective immediate measure is a complete
11 prohibition on retention.

12 And then they go on to add
13 recommendations for additional measures to get at
14 what Bob was talking about, incidental mortality.

15 And I'll note that many of us have
16 been doing a lot of talking about makos already
17 this week in this room through the ICCAT advisory
18 committee meetings.

19 One dominant theme that I've heard
20 from fishermen is that this news is quite a shock
21 and kind of out the blue.

22 And I've tried to counter that with

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1 reminders that the SCRS has signaled trouble for
2 this species, for makos several times since 2004
3 and many years back ranked makos among the
4 highest of the shark species, the relevant shark
5 species in terms of inherent vulnerability to
6 overfishing through their ecological risk
7 assessments.

8 So makos ranked very high but that was
9 not included in the background today. Not a huge
10 deal, but I do think it helps inform the
11 discussion.

12 So I think that although the latest
13 status report is quite stunning and I get that it
14 really shouldn't be a huge surprise given the
15 history of warnings and the reproductive
16 constraints of this animal.

17 So the point here is just that I think
18 it's really important to be clear, crystal clear
19 with all constituents about the severity of the
20 situation at least in terms of how the scientists
21 see it.

22 In my mind that means a more complete

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1 picture of the ICCAT scientists' findings and
2 advice.

3 So moving on to the rules I'm just
4 going to preface those comments. Those who have
5 been paying attention will know that I'm actually
6 not opposed to all shark fishing and I instead
7 focus on supporting policies that stop
8 overfishing and rebuild depleted populations for
9 long-term sustainability.

10 But given this SCRS report it's really
11 hard to see the situation as anything other than
12 a true emergency.

13 I really do appreciate the work that
14 the U.S. put in at ICCAT to push for a meaningful
15 agreement to try to stem declines in this
16 population, to have follow-up actions and to feed
17 into a regional rebuilding plan. I understand
18 that was a huge challenge and I appreciate that.

19 I also congratulate the agency for the
20 speed at which new regulations -- new obligations
21 are being addressed and new regulations are being
22 promulgated.

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1 I think that's important not only for
2 beginning to address the situation we have with
3 mako overfishing but also to help NGOs around the
4 world to really push on the other countries that
5 you mentioned to step up and start living up to
6 their obligations, particularly in the EU and
7 Canada as well.

8 So it does appear that the emergency
9 regs and hopefully amendment 11 would at least
10 lead to substantial reductions in fishing
11 mortality.

12 Again, I appreciate that, but the fact
13 remains that the scientists have made these
14 pretty stark statements.

15 And thanks to improved data and models
16 I've never seen the scientists be so clear and
17 certain. So they've been exceptionally clear in
18 their recommendations.

19 So I have to continue as I and a wide
20 variety of conservation NGOs did at ICCAT to
21 support a full prohibition on retention with
22 additional actions to minimize incidental

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1 mortality as advised by the relevant scientists
2 to be implemented as a matter of priority.

3 And spoiler alert, same would go for
4 Amendment 11. I will submit written comments to
5 that effect by the deadline.

6 I will just add that I understand that
7 makos are among the most economically valuable of
8 sharks to all kinds of interest groups, but I
9 have to note that similar prohibitions have been
10 implemented by NOAA HMS for 20 some other species
11 based on much less information.

12 And finally, I'll just take this
13 opportunity to reiterate some things that I said
14 earlier this week, to urge the U.S. government to
15 take every opportunity to keep up the pressure on
16 the other ICCAT parties, particularly the top
17 North Atlantic mako fishing countries, the EU,
18 Morocco, Japan and even Canada to also take
19 actions that are at least as stringent as those
20 agreed in November. Thank you.

21 MR. TAYLOR: Actually, I had a
22 clarifying question before, but I'll start with

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1 a comment which I would agree, too, how
2 heartening it was to see how quickly that NMFS
3 was able to implement and get this rule in place.

4 It just goes to show you when you need
5 to move and when you want to move how quickly you
6 can do it.

7 I would obviously like to see that in
8 some other areas but it would be helpful to some
9 of the other proactive pelagic species.

10 But I wanted to kind of follow up. My
11 clarifying question was along the lines of Marty
12 with the EM. Because it appears to me this is
13 the first time that some of the concerns that
14 were being raised during Amendment 7 have sort of
15 come to fruition about the EM being used for other
16 purposes other than the bluefin that apparently
17 it was designed for.

18 And my understanding of that
19 monitoring system was that -- I guess my question
20 is so how does this monitoring system flow into
21 accountability from the standpoint of an
22 enforcement action.

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1 Because now we're not just talking
2 about bluefins. Now we're talking about makos.
3 And we're setting a precedent here that was not
4 discussed with either this advisory panel public
5 comment or any other process along the way.

6 And it's a level of accountability
7 that is unprecedented among any of the other user
8 groups. So a little bit of insight maybe into
9 how it was that you kind of have accommodated
10 that into this emergency action.

11 MS. BREWSTER-GEISZ: Thanks, Scott.
12 So I think John Graves and others who were at
13 ICCAT, I was not there, maybe Randy could, could
14 talk about more of the U.S. position in trying to
15 get the ICCAT recommendation passed.

16 We understand that in Amendment 7 we
17 were very clear EM would be used for bluefin tuna.

18 However, my understanding is moving
19 forward had we kept EM would only be used for
20 bluefin tuna the commercial fleet therefore would
21 not be allowed to land any shortfin mako.

22 So we worked in this exception for

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1 observer or EM on board in order for the
2 commercial fleet to be allowed to land dead
3 shortfin makos.

4 This is an emergency rule. We will
5 be taking comment on a longer term action where
6 maybe there are other ways to move forward,
7 requiring observers, allowing dead shortfin makos
8 only if there is an observer on board.

9 But we felt this was a good way to
10 move forward to maximize the commercial fleet's
11 ability to land dead shortfin mako.

12 MR. BROOKS: Thanks, Karyl, that's
13 helpful. Randy, do you want to weigh in on that?

14 MR. BLANKINSHIP: Just a little bit
15 to add on about the ICCAT aspects and that is
16 that as most of you are aware the negotiations at
17 ICCAT happen quickly within a short period of
18 time.

19 One of the things that is built into
20 that process is representation from the ICCAT
21 Advisory Committee and the delegation that can be
22 assisting during those fast negotiations.

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1 And the timing of that doesn't always
2 necessarily facilitate full consulting with the
3 HMS advisory panel although there is some overlap
4 between the IAC and the AP.

5 MR. BROOKS: Thanks. Clearly a point
6 that I think as we turn to the All conversation
7 will be good to revisit. Please.

8 MR. TAYLOR: So it's not that I'm
9 opposed to this. What I'm opposed to is the
10 precedent that we're setting here.

11 That there were assurances that were
12 made to my constituency that I went to bat for
13 the rule. And it's not that I'm surprised by
14 this next step.

15 I'm concerned about the precedents and
16 the ability to make a determination that might be
17 actionable I guess is really where I'm coming
18 from.

19 How are you going to determine based
20 upon that EM whether or not it was an animal and
21 the precedent that we're setting for the next
22 species that's coming down the line.

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1 MR. BROOKS: Thank you, Scott. And
2 clearly we should revisit this this afternoon
3 when we come back to amendment 11. Glen.

4 MR. HOPKINS: I'm trying to just get
5 my head around what our target goal is. I'm
6 assuming from the presentation it's that we want
7 to try to achieve somewhere between 70 and 80
8 percent reduction in landings or kills.

9 What is the baseline for that? Is
10 that from last year's landings or average of the
11 last five years? What kind of baseline are we
12 starting with there?

13 MR. CURTIS: The analysis in the
14 environmental assessment focused on the most
15 recent five years. So the reductions are sort
16 of an average from the last several years.

17 MR. HOPKINS: Okay. What comes to my
18 mind is I don't have a whole lot of faith in the
19 recreational landings and they're quite
20 substantial.

21 If we could -- I like to be goal-
22 oriented and have a target, what can we do to

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1 achieve this.

2 But let's just say that we had
3 mandatory reporting for recreational landings
4 which now they will be substantially reduced
5 where we could actually have some real data to go
6 by.

7 And if this by the time you get it
8 online and you find out next year that my God we
9 were reporting 10 times what we were actually
10 killing where is that going to take us in the
11 process. Are we still going to be where we are,
12 or now we're good, we can resume operations like
13 we were.

14 You understand what I'm saying? I
15 also have a few questions about the -- even though
16 our commercial landings are documented there's
17 also different calculations on how much dressed
18 weight -- whole weight versus dressed weight that
19 we've been reporting. So just some thoughts on
20 that.

21 Have you all discussed having
22 mandatory reporting for recreational landings?

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1 MR. BROOKS: So let's get an answer
2 to that but also flag that. Clearly this issue
3 of reporting is one that we should revisit in the
4 afternoon as part of the All conversation. But
5 Tobey or Karyl, do you want to weigh in?

6 MR. CURTIS: Yes, that was my only
7 reply is that the reporting would be something
8 worth discussion for Amendment 11.

9 MR. BROOKS: Just to follow up on the
10 question, was that considered at all as part of
11 the emergency rule?

12 MR. CURTIS: No.

13 MR. BROOKS: Okay, thanks. Dewey,
14 you're up next.

15 MR. HEMILRIGHT: Bear with me,
16 please. Three weeks ago I started looking at
17 ICCAT numbers because it affects us when we land
18 here in North Carolina as we're a player in the
19 directed or mako fishery.

20 I started asking questions about why
21 our SAFE report numbers on page 128 of eDealer
22 landings are different and in some years,

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1 particularly 2015, significantly different, 255
2 metric tons from our eDealer reports.

3 In that time I learned that our
4 landings to ICCAT from the U.S. commercial
5 fishermen, mainly pelagic longlines come from
6 logbooks.

7 And what I don't understand is the
8 difference, some years larger, some years about
9 the same.

10 But more troubling as I just found out
11 last night about 7:30 there's an SCRS paper 1999-
12 46 and what this paper was was a look at the
13 pelagic longline industry and observer work for
14 a ratio of a dressed weight shark to a whole
15 weight.

16 And in this paper there was 112 sharks
17 done that says large coastal. And there was one
18 pelagic shark done that has no identification.

19 And I've since learned that that paper
20 is the basis that the United States went to ICCAT
21 with for a 1.96 ratio.

22 And subsequent research -- and it took

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1 me awhile, it's taken me three weeks to get that
2 answer.

3 And in subsequent research I found
4 only one study that showed mako shark 34 animals,
5 I don't have the exact study it was but I found
6 it, and it showed pictures of a mako shark dressed
7 the same way we land here commercially in the
8 United States.

9 And that ratio was 1.46. So since
10 2000, this is my assertion and I believe it's
11 right, I'm hoping it's going to play out for
12 wishing sooner rather than later -- since 2000
13 our numbers to ICCAT from the pelagic longline
14 industry commercially has been based on a dressed
15 weight to whole weight of 1.96 based on a 1999
16 046 SCR study that showed there was no mako
17 species in there. It said one pelagic species
18 and the other 110 had 1.96 which were large
19 coastal sharks which that is what I believe to be
20 right.

21 So the numbers that we're given here,
22 and I don't know what the other countries are

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1 reporting their dressed weight, but it is a
2 magnitude of a great amount since 2000 what we've
3 been reporting and what in actual reality the
4 dressed weight to carcass weight is.

5 So while we're going through this
6 exercise of ICCAT told us to do this based on
7 this I just don't -- I don't feel like the sense
8 of urgency -- I've been bringing this up for three
9 weeks -- is getting any play.

10 And the play is they're asking and
11 based on the percentage that North Carolina
12 catches they're asking for my fellow fishermen to
13 walk away from -- where do you replace thirty or
14 forty thousand dollars at for that year? There's
15 not many of us left.

16 And so there's two questions I ask all
17 around this table to be aware of. That 1.96 and
18 the actual conversion, the best available science
19 we have that I can find, somebody else might be
20 able to find a better Google search, is 1.46.

21 And why are our e-landings different
22 from dealer landings that the fisherman puts on

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1 the dock. The dealer hands him the weigh out
2 slip. That weigh out slip of individual weights
3 of fish are sent in with our logbooks.

4 Why are we so far apart? And my
5 numbers that I looked at based on from ICCAT went
6 on the website and got the landings of the U.S.,
7 both rod and reel which I have a hard time
8 believing that in some years the recreational
9 industry caught four or five hundred thousand
10 pounds of mako sharks.

11 And I base that on extrapolation and
12 knowing surveys of where in North Carolina rare
13 event species just as the makos is qualified as
14 and the same as the cobia where you take six fish
15 and extrapolate 33,000 discards, you take seven
16 fish in south Florida that gives you 100,000
17 pounds, and in 2015 or '16, I can't remember what
18 year, it says Virginia caught 850,000 pounds of
19 cobia, 30 tractor trailer loads.

20 So while I understand that ICCAT tells
21 us what we've got to press on with it's past time
22 to address these issues of what's forcing the

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1 commercial fishermen in these numbers that we
2 give to ICCAT.

3 And it demands to be addressed now
4 sooner rather than six months down the road.

5 MR. BROOKS: Thanks, Dewey.

6 MR. HEMILRIGHT: I don't know what the
7 agency's response is. They've been working with
8 me to get this but it's taken an incredible amount
9 of time.

10 Our SAFE report when you look in there
11 at recreational stuff and you've got all these
12 tables and charts and stuff what they don't tell
13 you is the caveat that they didn't put in there
14 to produce these numbers.

15 And so for three weeks, two weeks I
16 slept that SAFE report pretty good and I could
17 have made a simple phone call and they could have
18 told me you've got to know all these caveats.

19 There's problems with the U.S. number.
20 They're not believable. We're a minor player.
21 But because of the numbers we've reported to
22 ICCAT and this stock assessment it's going to put

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1 some of us in crucial out of business mode of
2 what we do.

3 MR. BROOKS: Dewey, let me jump in
4 because I think Randy wants to address some of
5 your questions. Thanks for putting them on the
6 table.

7 MR. BLANKINSHIP: Yes, thanks, Dewey
8 for mentioning those. And certainly we have been
9 aware of your questions that you put before the
10 agency and those have been certainly the subject
11 of some discussions through the IAC meeting over
12 the last couple of days and we've talked about
13 that as well.

14 We'll continue to talk about them and
15 take a look at those issues that you've raised.

16 MR. BROOKS: Rusty.

17 MR. HUDSON: Thank you. On your last
18 slide the hyperlink is the old hyperlink. It
19 takes you to the national NMFS page. It would
20 be nice to put the Atlantic HMS hyperlink on there
21 because that might make it easier to get to the
22 further documents et cetera.

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1 My question is sort of twofold. I
2 brought up the stuff about MRIP. It's simple
3 because of the fact that you have a 50/50 split
4 between the recreational estimate and the landed
5 commercial.

6 And it wound up making it so that
7 that's a significant recreational shift. And
8 when this MRIP stuff comes down the pike I would
9 envision that that's got to be dealt with.

10 That would change future assessment
11 too.

12 With that said looking at this other
13 graph here with the mako catches commercial.
14 Well, actually technically that's combined I
15 guess commercial and recreational. Spain leads
16 the way. And then Portugal was second but it
17 started dropping off. Morocco has become a big
18 player for some reason and then the USA and Japan,
19 a very minor component.

20 My question is on the commercial are
21 you going to be expecting those countries or is
22 ICCAT expecting those countries to do a 75

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1 percent reduction of these catches in the very
2 near future, or is this something that we'll hear
3 about a year or two from now and they haven't
4 come into compliance. That type of stuff.

5 I know the fins are naturally attached
6 in the Spanish fleet sharks. That's a good
7 thing. It keeps all the finning at a minimum or
8 eliminated.

9 Otherwise it just really creates a
10 whole 'nother situation. Just like I brought up
11 the continuity exercise. When we do stock
12 assessments we usually try to do a continuity
13 exercise of the last stock assessment.

14 Without getting into it, maybe
15 Guillermo can answer me towards lunch or
16 something, but I'm just kind of wondering what
17 happened to that stock assessment. Did it just
18 like hit the round file and never got considered
19 at the ICCAT level. I don't know. But thank
20 you.

21 MR. CURTIS: Sure. First, as far as
22 the other nations all the nations are obligated

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1 to implement the recommendation through ICCAT.
2 So how that plays out we'll have to wait and see.

3 And I'm not sure I know the answer
4 regarding the assessment and the continuity
5 analysis but my understanding was that there were
6 very large changes in the data going into the
7 assessment. I'm not sure it was amenable to sort
8 of the more standard continuity type approach.

9 But I'd have to defer to people
10 involved with the assessment on that.

11 MS. BREWSTER-GEISZ: So Enric will be
12 here tomorrow to help present the sandbar
13 assessment. So we could ask him since he was
14 definitely involved in the ICCAT shortfin mako
15 assessment.

16 MR. HUDSON: Okay, that would be good.
17 Like I say this is -- I know how we are. We're
18 very obligated by the 2006 to prevent
19 overfishing. So we have a strict timeline.

20 ICCAT countries I really don't know.
21 I don't know what component of their catch shown
22 here is recreational. I would assume that as big

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1 as Spain is in the Atlantic it's going to be
2 predominated with commercial.

3 And so if they're willing to do 75
4 percent and do it in a rapid way or else do we
5 prevent any of their makos from taking over the
6 market over here by them trying to send them here.

7 It's not unheard of. It happens with
8 our swordfish all the time anymore. So thank
9 you.

10 MR. BROOKS: Thanks. Marty.

11 MR. SCANLON: One of the things I want
12 to talk about here is getting back to what Scott
13 kind of said before. We talk about the pelagic
14 longline industry not being able to take anymore
15 hits as far as income to the fleet.

16 And you show here a \$261,000 reduction
17 in income to the fleet.

18 Since we're using the EM systems that
19 pertain to bluefin IBQ one of the things that I
20 think that might be able to be included in this
21 emergency measure is to disburse additional IBQ
22 to active vessels on a set effort basis to help

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1 offset that cost.

2 I think that's one way that the agency
3 can -- we have a bunch of regulations and the
4 last thing we always do is look at what the actual
5 effect is on the directed fishery.

6 We deal with what we want to reduce
7 but we don't do anything to help -- like those
8 guys that are targeting mako sharks in the
9 wintertime down there, they're doing so to avoid
10 bluefin tuna. Now you're taking that fishery
11 away from them and you're forcing them now to go
12 back out and target or wind up interacting with
13 more bluefin tuna fish but you're not giving them
14 the means to do so.

15 So I would like to see additional
16 bluefin tuna IBQ disbursed to the active vessels
17 in the fleet to offset the cost of this.

18 MS. BREWSTER-GEISZ: So Marty, I
19 would like to talk with you more offline. I
20 think that's something that we can discuss with
21 Amendment 11, how to do that. And I think Brad
22 should probably be part of that discussion too.

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1 MR. BROOKS: Thanks very much. Rick
2 Weber.

3 MR. WEBER: Rick Weber. I sit in an
4 unusual seat having spent a lot of time at HMS.
5 I should stick my comments to the emergency rule.
6 I'm not sure I will, but I should and that's where
7 I'll start.

8 MR. BROOKS: I'll help you.

9 MR. WEBER: Thank you. Tobey, you
10 were asked point blank if you had a goal of a
11 mortality reduction.

12 My understanding is we were attempting
13 to implement the ICCAT recommendation. And yet
14 your words say you had a goal beyond implementing
15 the ICCAT recommendation which I'm not sure was
16 your mandate.

17 You had an ICCAT recommendation to
18 implement. My advice to you then, my further
19 comment to you now is take the recommendation,
20 bring it home and implement it verbatim because
21 that's what we were handed by the international
22 management body.

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1 Don't go further. We don't need to
2 put our white hat on. We have a place to fight
3 this fight. It is ICCAT. For whatever reason
4 that's where we've decided to have the fight and
5 it is ICCAT. It is within the SCRS which is a
6 very open process.

7 If things need to come forward there
8 is a place for all of these things. But for the
9 most part for better or worse this body has become
10 an allocation body for the ICCAT TAC.

11 I understand we still have some
12 obligation domestically, but we all come to this
13 -- this is where I wander off topic -- we come to
14 HMS because it is all of your signatures that are
15 over the rules that are impacting us.

16 And we say we need to get involved.
17 I need to meet this Randy. I need to meet this
18 Karyl because they're the one writing the rules.

19 And it's not long before we hear well,
20 it got handed to us by ICCAT. So I chase it up
21 the line one more time to ICCAT, and now we're
22 chasing it one more time to SCRS. This is what

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1 SCRS says.

2 I'm going to continue my segue-way to
3 Dewey. You are exactly right, Dewey, that we are
4 not -- this body and the members of it have two
5 jobs.

6 One is to deal with the allocations
7 that come to us through ICCAT for the ICCAT
8 managed species which is the majority of them.
9 There are some SEDAR species but a lot of them
10 are ICCAT and SCRS monitored species.

11 And when those come down we have to
12 fight out how that's going to play out
13 domestically.

14 But the bigger part and the part that
15 we do not do, and I have not done it, but you
16 bring it to light is there is a national report
17 going in. There is a compliance table going in
18 that is the statement of the United States about
19 our fisheries. What did we catch.

20 And those start informing SCRS. And
21 if we are not watching what goes in it will always
22 hit us as a shock when something comes out the

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1 other side.

2 And once a stock is badly assessed
3 that is not the time to be arguing the data. The
4 time to be arguing the data, once the rules come
5 out, that is not the time to be arguing the data.
6 It makes you seem small in an international forum
7 to say I don't like the output so now I'd like to
8 go back and argue the data.

9 The time for us all to be monitoring
10 our data is now. John just referenced bigeye is
11 going to be assessed.

12 When bigeye is assessed we're not
13 going to open up a bigeye rule, we're going to
14 open up the tropical tunas rule.

15 And when we open up the tropical tunas
16 rule we don't know what's coming out for both
17 bigeye and yellowfin.

18 If the recreational catch stats aren't
19 right, or the commercial catch stats aren't right
20 rules may be promulgated, recommendations may be
21 promulgated based on well, the data says here.

22 And Randy's right that at those

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1 meetings it happens fast. Your commissioner
2 might say I need an emergency meeting. Can we
3 agree to this. And that was it. Can we agree
4 to this.

5 Because what comes home is what's
6 going to be the rule.

7 Bringing it all the way back around.
8 If we didn't get it right at ICCAT it is not for
9 us to necessarily fix domestically because no one
10 else is.

11 Everyone else is going to say this is
12 what ICCAT told us to do and that is what we are
13 going to do and we will fix it in late 2018 or in
14 2019.

15 And there's a methodology and system
16 in place.

17 MR. BROOKS: Thank you very much,
18 Rick. So two takeaways here from your comments.

19 One, to the emergency rule stick to
20 the mandate. And then looking forward as part
21 of All or just I think a broader mandate this
22 body needs to pay close attention to the data

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1 that's being developed because eventually that's
2 going to drive the rules that come back your way.

3 I have a few people in the queue. I
4 want to make sure I get to Mike, Kirby and Shana
5 who haven't had a chance to weigh in on this, and
6 then I have Dewey and Scott and I'm going to see
7 where we're at in terms of time and our public
8 hearing whether I can get back to both of you.
9 So, Mike.

10 MR. PIERDINOCK: Thank you. I hope I
11 can summarize all my comments but I'm right on
12 Rick with what Rick says.

13 Stick to the mandate. Me and Rick
14 were in Morocco and we came to certain
15 assumptions of why we were comfortable with the
16 proposed measures consistent with what ICCAT came
17 up with.

18 It was either that or a complete
19 shutdown. So I would hope we could stick to the
20 mandate but one of my bases behind looking at
21 that from a recreational standpoint is that we
22 presently have a 54-inch threshold for makos and

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1 it's not really that difficult to catch a 54-inch
2 mako. You don't exactly need the most
3 experienced individuals to do that.

4 But once you're getting up to 70 plus
5 inches you need an experienced crew, good
6 equipment and some luck too.

7 So I think you're going to have a
8 conservation equivalent just with increasing the
9 size to that lower threshold for males.

10 Now I know that if you look at the
11 proximate 200 pound mako that's a little bit more
12 than a 70-inch fish but I'll use that as a basis
13 for the tournaments up our neck of the woods that
14 have shark tournaments.

15 There's very few years with that 200-
16 pound threshold. That's a 70-some-inch fish.
17 No makos are coming to the dock and we're lucky
18 if we get one or two.

19 It's indicative of the fact that there
20 are a few there. So with having that higher
21 threshold my opinion is you're going to well
22 exceed that 75 to 80 percent threshold.

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1 I think you're going to achieve that
2 with the lower threshold.

3 Dewey, you're right on. We've talked
4 about this the last few days and that needs to be
5 squared away with that 1.96 and get consistency
6 between those numbers here as well as what's done
7 by the international community.

8 Rusty, they don't account for
9 recreational measures elsewhere. The other
10 nations.

11 And just to make a point here the
12 problem is with the other nations, not us. We
13 once again sit here and are disappointed that we
14 take conservation measures from the commercial
15 end as well as the recreational end that has an
16 impact on us and yet the international community
17 is not. And then we have to suffer and pay the
18 sins of others.

19 I just point this out once again. It
20 gets back to bigeye and yellowfin and we hope
21 we're not going down that same road that it's
22 going to be too late that we take conservation

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1 measures and it ultimately impacts us.

2 Last thing. I spoke to a number of
3 different notable captains that fish out in the
4 canyons and they've come up with some numbers
5 that once again are reflective of the fact that
6 this threshold is going to do more than I think
7 is estimated.

8 A few different captains that
9 primarily fish the canyons, they had numbers,
10 this one individual had 35 years, 1,000 makos and
11 only 30 of them were over 83 inches.

12 That number there, that ratio seems to
13 be consistent with the others that I speak with.

14 So needless to say this sounds very
15 similar to an issue we had with spiny dogfish a
16 few years ago and that the rebuilding for that
17 was 30, 40, 50 years.

18 There's a lot of uncertainty here with
19 this stock assessment. My assumption is that the
20 basis behind not having a complete shutdown was
21 a result of that uncertainty.

22 And the spiny dogfish rebuilding

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1 estimate, very similar to the mako estimate. I
2 would hope that if such measures are implemented
3 we're not going to have an upside down mess with
4 makos and what their detrimental impact is going
5 to be to the fishery.

6 Last thing. I will use statistics
7 from anglers and recreational fishermen and
8 charterboat captains I spoke to within Oregon
9 Inlet. For every 10 tuna they hook up to 7 of
10 them are bite-offs by sharks. So it's only going
11 to get worse.

12 We need to take this into
13 consideration and do at a minimum what we have to
14 do what's done at ICCAT, no more, no less.

15 MR. BROOKS: Thanks, Mike. I want to
16 get Kirby and Shana in. Kirby.

17 MR. ROOTES-MURDY: Yes, thank you.
18 So obviously the HMS permit holders are held to
19 these emergency rule measures.

20 Regarding management in state waters
21 and consulting with our staff it appears that for
22 the commission to compel the states to adopt

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1 these measures it will likely take an addendum to
2 our fishery management plan.

3 The states on their own can take the
4 initiative to adopt these measures, but in order
5 to be compelled through the commission's FMP and
6 complementary management to those federal
7 emergency rule measures that will require an
8 adjustment to our FMP.

9 Just as a follow-up that's part of why
10 I was asking about the timing. Depending on
11 whether those interim rule measures are changed
12 after August that may also impact when the
13 addendum kind of gets rolling and what the
14 measures would be proposed in that addendum.

15 So just for consideration. Thank
16 you.

17 MR. BROOKS: Thanks. Shana.

18 MS. MILLER: I just want to support
19 what Sonja said. The SCRS advice was
20 uncharacteristically clear that it should be a
21 complete prohibition on retention with additional
22 management measures on top of it and safeguards

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1 on top of it rather than derogations. And that's
2 what the final measure that was adopted had.

3 And part of that was because the U.S.
4 did push for these derogations for its U.S.
5 recreational and commercial fishery.

6 And so even though these measures may
7 seem really draconian and onerous and a big
8 change at this point I think if the U.S. hadn't
9 pushed for these derogations it would have been
10 a complete prohibition as the SCRS advised.

11 And I'm sure when they came up with
12 that advice they took into account the
13 uncertainty in the stock assessment. Thanks.

14 MR. BROOKS: Thanks, Shana. I know
15 I've got two more people in the queue. I just
16 want to hit pause for a minute though and check
17 who in the audience would like to be making public
18 comments on the emergency interim final rule.

19 I've got Glen. Anybody else. So
20 Glen, unless you need to run out the door if you
21 can hang on I want to invite Scott and Dewey to
22 make some final comments and then we'll open it

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1 up for public hearing. Thanks.

2 MR. TAYLOR: One of the most
3 unsuccessful approaches that the commercial
4 sector has ever had from my time here is arguing
5 the science.

6 The problem is that I don't know
7 whether disingenuous is the right word, but I
8 certainly would like to challenge again the fact
9 that the commercial industry has got 100 percent
10 accountability.

11 There is not a mako that is retained
12 that comes to the dock that is not counted for.
13 Both the dealer reports and there on the boat.

14 There has to be more effort made if
15 we're going to argue successfully with ICCAT or
16 with anybody that one of the biggest user groups
17 that's out there that's accessing these resources
18 which is the recreational sector gets compliance
19 from their constituency about what it is that
20 they're actually doing, and what the scope and
21 breadth of the stock really looks like that's
22 within our waters.

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1 Because I don't think anybody can
2 debate the fact that we're not getting any kind
3 of close to reasonable numbers from the
4 recreational sector.

5 And this should be a stark wake-up
6 call for the recreational sector whether we're
7 talking about swordfish quota being lost, whether
8 we're talking about tuna quota being lost,
9 because it's coming down the line.

10 And if you're not getting your
11 constituency to report and those members around
12 this table that have a real obligation to force
13 those kinds of issues to get those issues done
14 and taken care of.

15 Because it may affect our ability to
16 be able to get the best possible science. We use
17 best possible science. It's an argument that the
18 commercial fisheries have always argued with when
19 we're dealing with these pelagics because a lot
20 of times observation doesn't always jive with
21 what it is that we're seeing.

22 And whether or not it's with dusky

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1 sharks or with the makos or with bluefin tunas
2 this is a recurring theme that we have heard.

3 So it just is really, really important
4 I think that we get the best possible data that
5 we can so that the agency and this panel can make
6 the best decisions they can.

7 MR. BROOKS: Dewey.

8 MR. HEMILRIGHT: My comments earlier
9 were in no way -- ICCAT's done what it's done.
10 We have to follow that. It's no way in shaping
11 what our ICCAT delegation went over there and
12 argued for.

13 But it is questioning the validity of
14 18, 19 years of a number that had no validation
15 in it whatsoever.

16 It's citing one pelagic shark with no
17 species. And as I watch different things in my
18 fisheries that I'm involved in and my fellow
19 fishermen taken away and the level of
20 accountability that we have.

21 I consider myself 100 percent almost.
22 And I look at the accountability of the science

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1 and why our dealers reporting is different from
2 this. Why we have this is different from this.

3 I guess I put too much faith in the
4 people that work at National Marine Fisheries
5 Service to do the work that we present to ICCAT
6 and look at the lack of accountability of
7 something like that.

8 The difference between that 1.96 and
9 1.46 in some years is very large, metric tons.
10 That would be North Carolina fishing and not
11 fishing.

12 And it goes back also, and I've also
13 watched through the surveys of not believable
14 stuff give quota allocation, a phantom allocation
15 to recreational industry that they never landed.

16 So I see how this is playing out. I'm
17 probably going to be done with business in
18 probably the next four or five years, it's almost
19 futile.

20 It shouldn't take a fisherman three
21 weeks to be asking a question and then at 7:30
22 last night get sent a paper.

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1 MR. BROOKS: Dewey, I'm going to jump
2 in just to keep us moving here.

3 MR. HEMILRIGHT: Absolutely.

4 MR. BROOKS: I think Karyl wants to
5 comment on just some of the data questions.

6 MS. BREWSTER-GEISZ: I just wanted to
7 thank you, Dewey, for raising these questions.
8 I hear your frustration. I definitely hear a lot
9 of frustration and I am very thankful that you
10 and the rest of all of you who do keep an eye on
11 the data are coming forward with these questions.

12 It's important that we have them now
13 and we are working to get you the answers and to
14 get the answers ourselves so we can better
15 understand what is happening and what we are
16 providing to ICCAT.

17 I think as a result of your questions
18 we will be changing how we're looking at things
19 in the future. So please keep with us.

20 I do really want to thank you for your
21 patience over the past few weeks and for these
22 questions because they have been very helpful and

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1 enlightening.

2 MR. BROOKS: And it occurs to me this
3 might be a topic that merits coming back to at
4 the fall meeting and just talking about some of
5 these data questions.

6 What is the agency doing and what does
7 that look like going forward. David, I want to
8 give you the last and quick word here.

9 MR. SCHALIT: During the ICCAT
10 advisory committee meeting just ended yesterday
11 we engaged in a discussion in connection with
12 recreational fisheries internationally.

13 The question was raised what can we do
14 in terms of engagement.

15 And part of what came out of that
16 discussion was this very interesting observation.
17 The United States takes very seriously this
18 concept of representing in its data all forms of
19 mortality including recreational mortality.

20 But it seems that we're not
21 necessarily alone in this, but I would -- based
22 on the information that we talked about, we

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1 discussed at that meeting I would characterize
2 other -- the reporting of recreational landings
3 by other CPCs within ICCAT to be negligible.

4 So we're doing what we believe to be
5 the right thing and I don't know that the European
6 Union is doing the same thing. In fact, I have
7 very serious doubts on that.

8 Just to finish up this comment really
9 quickly we have information that suggests that
10 the distant water longline fleet belonging to
11 Spain is approximately 10 times the size of our
12 domestic longline fleet.

13 Of course that should be the main
14 focus of conservation, these people working on
15 the high seas.

16 I think the U.S. needs to think about,
17 needs to consider what are they going to do in
18 connection with recreational landings when we
19 seem to be the only ones who are struggling with
20 it at the moment at ICCAT. Thanks.

21 MR. BROOKS: Thanks, David, very
22 much. Thank you all for the thoughts. There's

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1 a lot of important stuff put on the table.

2 Just a couple of observations from
3 here. I think in terms of comments we heard
4 focused on the emergency rule itself range from
5 first of all acknowledgment and/or support for
6 the agency moving so quickly.

7 Several comments around maybe we all
8 shouldn't have been so surprised. There was
9 plenty of data and warning signs coming our way.

10 An acknowledgment around the sort of
11 new use of electronic monitoring here. And while
12 an understanding of how that went forward, a need
13 to kind of mark that this is pretty precedential
14 and we should note this and think about this.

15 A couple of comments around other
16 countries' implementation of this, whether that's
17 maintaining pressure on other nations to make
18 sure they're actually implementing this as fully
19 and completely as the U.S. is, as well as making
20 sure that if there are countries that aren't
21 doing so that their product isn't coming in and
22 undercutting the market here.

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1 And then at least one comment around
2 the need or a sense that the conservation effect
3 may be larger than we think because in fact fish
4 of the size that we're talking about are pretty
5 rare and tougher to catch.

6 We also heard a number of comments
7 that I think are sort of more going towards All
8 and what comes next which is of course not
9 surprising and appropriate.

10 I'll just name them and we'll come
11 back this afternoon and have a longer
12 conversation.

13 We heard at least one comment around
14 maintaining that full prohibition going forward.
15 We heard comments around again electronic
16 monitoring and how do we think about that going
17 forward.

18 Moving to mandatory reporting for
19 recreational fishers. Perhaps disbursing IBQ to
20 offset economic impacts.

21 And then obviously the end here a very
22 pointed conversation around data and the gaps,

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1 the needs. Because whatever you get out of ICCAT
2 is only going to be as good as what we put in.
3 And so we ignore these questions at our peril.

4 I overlooked one issue as well which
5 I want to make sure I don't miss which is don't
6 go further than recommendation. That really gets
7 to implementation of the emergency rule.

8 If you're handed a mandate, stick with
9 the mandate, don't go beyond it.

10 So that's my summary from here. Again
11 we'll come back and have a much more detailed
12 conversation on All going forward but at this
13 point I want to pivot to the public hearing.

14 Glenn. Oh yes, phone, thank you. Is
15 there any panel members on the phone who want to
16 weigh in on this and do we have any public members
17 on the phone who want to weigh in?

18 Okay. So hearing none, Glenn if you
19 would grab a seat and a mike. Start by
20 introducing yourself.

21 MR. DELANEY: Thank you, Bennett.
22 Glenn Delaney. And I really should say it just

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1 occurred to me I don't want to present myself as
2 speaking on behalf of Blue Water today because I
3 don't want to get ahead of my client as a good
4 consultant should do.

5 I'll really just say I'm here as a
6 consultant to the industry and member of the IAC
7 and someone who's participated in this process
8 for a very long time.

9 So I just wanted to cover some points.
10 I didn't come here prepared to make any comments,
11 I just wrote down some thoughts in the back of
12 the room here.

13 I can assure you, Karyl, that Dewey's
14 level of frustration is -- having been on the
15 phone and emails with him over the past month or
16 so his frustrations with the data issues
17 certainly exceeds what he may have conveyed here
18 today.

19 But rightly so. We've got to get to
20 the bottom of that problem.

21 But what led myself and eventually
22 Dewey to start to look at the data on mako really

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1 for myself was triggered by looking when the SCRS
2 mako assessment first came out last year I was
3 looking at the chart of country reported landings
4 by country and was surprised to find that the
5 United States pelagic longline fleet was the
6 third largest source of mako landings in 2016
7 which is in the longline world somewhat
8 remarkable given the size of our fleet and the
9 size of our vessels as compared to the major
10 industrial longline fishing nations, Japan,
11 Taiwan, People's Republic of China, Korea,
12 massive fleets operating in the Atlantic with
13 longline gear and vessels that transcend anything
14 we would imagine in our fleet.

15 So how could our tiny contribution to
16 fishing effort translate into the third largest
17 source of landings of mako. How is that
18 possible.

19 Japan in 2016 reported 75 metric tons
20 of shortfin mako. Taiwan, seven tons. China,
21 four tons. And South Korea, one measured ton.

22 Now, I don't know how familiar

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1 everybody in this room is with their fleets
2 operating in the Atlantic and our fleet operating
3 in the Atlantic but that should cause everybody
4 to wonder what's going on there. Something is
5 fundamentally wrong.

6 Either our 296 metric tons that we
7 reported that year is greatly inflated by virtue
8 of extrapolations or the wrong conversion
9 factors, or these countries are just simply
10 ignoring their responsibilities to report
11 landings.

12 Now there are perhaps as I've talked
13 with Guillermo about some differences in fishing
14 practices that may lead to different CPUEs of
15 makos in shallow and deep-set longline fisheries.
16 But this degree of difference is just not
17 plausible.

18 So I just put that on the table.
19 There are a lot of data issues to be looked at
20 not just within our own data report.

21 So kind of just on Rusty's point about
22 other nations' failure to comply with the new

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1 ICCAT measure there's a question about other
2 nations complying with their responsibilities,
3 obligations to ICCAT to report task one and two
4 data correctly.

5 I was at ICCAT again this year. I
6 just want to emphasize that in my opinion this
7 was by far the best possible result for U.S.
8 fishing interests that you could possibly have
9 hoped for.

10 I think the U.S. worked very hard and
11 successfully to avoid an all-out prohibition and
12 more probably an ICCAT TAC that would have been
13 divided up into country-specific quotas which
14 very possibly could have been implemented by the
15 United States as a hard TAC which would have
16 resulted in shortfin mako becoming a choke
17 species for at least the pelagic longline fishery
18 and the recreational fisheries, and shutting down
19 those U.S. fisheries prematurely probably pretty
20 early in the year. That's the way it works.

21 So just want to express appreciation
22 for the U.S. delegation's work to prevent that

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1 from happening.

2 Would also like to reiterate that in
3 my opinion this rule is for the purpose of
4 implementing U.S. obligations to ICCAT and should
5 strictly adhere to the terms of what we agreed to
6 at ICCAT.

7 That said I think we can anticipate
8 that there's a lot more work to be done that will
9 be done at ICCAT to further develop a make set of
10 measures and probably a rebuilding plan.

11 I think there will be revisions to the
12 science in part data, in part methodology,
13 analytics. And we don't know what the result of
14 that will be.

15 But it's very possible that ICCAT will
16 develop a TAC and country quota scheme that will
17 have to be implemented -- as part of a rebuilding
18 plan that will have to be implemented by the
19 United States.

20 But we don't know. We don't know what
21 new science, what new measures will be adopted by
22 ICCAT at this time.

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1 So I'm very concerned about the
2 Amendment 11 being a premature unilateral action
3 that will ultimately be superseded by whatever
4 ICCAT obligations we incur at the 2018 and '19
5 meetings.

6 So I'm not sure if there aren't things
7 that would be helpful to have in Amendment 11,
8 but very concerned that Amendment 11 become a
9 rebuilding plan, a unilateral U.S. rebuilding
10 plan before ICCAT has even taken any measures.

11 So just want to make that point
12 strongly that we don't want to make this a
13 unilateral action. Let's let ICCAT do its job.
14 Let's adhere to those obligations. And so the
15 timing of this process should reflect the ICCAT
16 timing process timing, not some unilateral
17 premature action. Hope that makes sense. I
18 think that's all I've got.

19 MR. BROOKS: Thanks very much,
20 appreciate it. Karyl.

21 MS. BREWSTER-GEISZ: I just wanted to
22 touch base a little bit on the timing concerns.

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1 We definitely appreciate that, Glenn.

2 Regarding the timing concerns this
3 emergency rule will expire even if we extend it
4 March 3. So we do need to have some sort of
5 long-term measures in place before then.

6 What that will be, you're right, I
7 can't predict what will happen at the November
8 meeting in ICCAT, or the one in 2019.

9 So we are definitely aware of the
10 timing. We're watching things. As you'll see
11 in the presentation this afternoon we're still in
12 the scoping phase. We're still looking at
13 things. We're trying to have a range of options
14 that could encompass what ICCAT plans for.

15 And we are definitely not planning on
16 doing anything unilaterally.

17 MR. DELANEY: Well, I appreciate
18 that. And just as a very quick comment to that
19 I think scoping comments, scoping process on
20 Amendment 11 I think is likely to generate a very
21 huge volume of sensational inputs to the agency
22 that are uninformed and generated by the shark

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1 activist community.

2 And there's going to be a lot of
3 political pressure on the agency. It's very easy
4 to say that right now, but you're going to get
5 bombarded.

6 I'm sure this will show up on Shark
7 Week and God knows what else. So it's easy to
8 say we're not going to do anything unilateral,
9 but everybody should write that down that Karyl
10 said we're not going to do anything unilateral.

11 MR. BROOKS: All right, thanks,
12 Glenn.

13 MR. DELANEY: Thank you.

14 MR. BROOKS: All right. We want to
15 get you to lunch. We will start at 2 o'clock
16 sharp when we get back. Again we won't be
17 hearing from Chris Oliver but I think we will
18 take up the bluefin tuna Florida allocation
19 issue. I'm sorry, swordfish. Okay, great.
20 Thanks, everybody.

21 (Whereupon, the above-entitled matter
22 went off the record at 12:35 p.m. and resumed at

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1 2:02 p.m.)

2 MR. BROOKS: All right. So just as
3 you're taking your seats just a reminder to you
4 that we had hoped to be hearing from Chris Oliver
5 at this point but he had to be going to the
6 Department of Commerce for a last minute meeting
7 down there so unfortunately he's not going to be
8 here this afternoon.

9 There is a chance that he will be able
10 to join the social hour after the meeting so we'll
11 see if that's possible. I know it's his
12 intention to try to do that if he can.

13 Pat has of course done baking so if
14 you haven't seen Pat's cookies in the back room
15 and you've never had them before you should go
16 see them and then you should have one or six of
17 them because he always bakes too much, but thank
18 you, Pat.

19 So then before we get back into the
20 agenda there was one issue that was raised. Bob
21 brought up an issue at the outset of the meeting.

22 He brought up an interest in talking

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1 about the swordfish general commercial permit
2 retention limit in south Florida. So we have a
3 little bit of time here where Chris Oliver would
4 have been speaking.

5 So I'm going to hand it off to Randy
6 just to introduce the topic and then we'll have,
7 obviously Bob we'll go to you after that and then
8 open it up to the panel.

9 MR. BLANKINSHIP: Yes, so just -- for
10 a little bit of context this will be just I think
11 a general discussion to facilitate sharing some
12 thoughts.

13 But a little bit of background on
14 this. If you recall many of you and some of you
15 won't remember or know about this because you
16 weren't around, but a few years ago we had
17 amendment 8 that we went through that created the
18 Swordfish General Commercial permit which is at
19 the time a new open access commercial permit for
20 swordfish that authorized rod and reel and some
21 other gears but not including buoy gear for
22 harvesting of swordfish under a low retention

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1 limit.

2 And the retention limit was
3 established regionally. And so in that proposed
4 rule we had proposed in the area off of south
5 Florida that includes the Florida Straits a
6 retention limit of one fish per trip.

7 And through the comment period we
8 received and with consultation with the AP we
9 received a lot of input on that, some of it in
10 favor of that and some of it opposed to it.

11 But then also keeping through that
12 what was highlighted in the comment period and in
13 our analysis was some of the unique aspects to
14 the Florida Straits related to swordfish where
15 the straits create in some form or fashion kind
16 of a migratory bottleneck within that area that
17 tends to somewhat concentrate fish and makes them
18 available there in some ways where they aren't
19 necessarily quite as available in other areas.

20 And that area also happens to be in
21 close proximity to a densely populated area.

22 And so some of the comments that we

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1 received about that reflected some of these
2 aspects.

3 And we had varying folks weigh in on
4 that from several different entities including
5 the commercial fishermen and from the State of
6 Florida.

7 Some of my recollection of those
8 comments were not interested in seeing additional
9 commercial fishing effort within that small area
10 of the Straits of Florida, and I'm just
11 paraphrasing from my recollection about what some
12 of those comments were.

13 And so in the final rule we
14 implemented a retention limit -- well, actually
15 a retention limit that can span a range and that
16 can be adjusted on an inseason basis. And the
17 range is zero to six fish, but we have implemented
18 a zero retention for swordfish within that
19 Florida Straits area and that's from Cocoa Beach
20 on the east coast of Florida down and through the
21 Florida Keys.

22 And so that's where we've been. Even

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1 though we've had in-season adjustments on
2 retention limits in other areas that retention
3 limit off of south Florida has remained zero fish
4 through that time period.

5 So there's a little bit of context and
6 background related to this as we just kind of tee
7 up this discussion to accommodate the request.

8 MR. BROOKS: Great. Thanks, Randy,
9 that's very helpful. Bob, I invite you to weigh
10 in here and then open it up to the AP.

11 MR. FREVERT: Okay. Thank you very
12 much. My name's Bob Frevert. I'm a recreational
13 fisherman from Jupiter, Florida.

14 One of the things on my bucket list
15 was to catch a swordfish. I actually tried to
16 travel to Venezuela to get one and finally do
17 recovery. About 10 years ago I was able to get
18 one at night right off of Florida.

19 So now I fish during the day. I
20 really enjoy the swordfishery. It's been really,
21 really a lot of fun.

22 I was getting my HMS permit a couple

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1 of years ago and I saw the Swordfish General
2 Commercial permit and I thought well, that'd be
3 great. Not that I want to sell every fish I
4 catch but I like them about 100 pounds.

5 And if you get a 400 pounder, bring it
6 home, chop it up and try and give it all away to
7 your friends it's a lot of work.

8 So I thought well, if I could sell
9 that one big fish the market would love it and
10 I'd be happy.

11 But at this point there's no landings
12 allowed in the Florida swordfish management area.
13 But it might be adjusted in the future just as
14 you recommended.

15 So I got my HMS permit again this
16 week, this year, and I saw that in December of
17 '17 a temporary rule came in where the NMFS
18 adjusted the Swordfish General Commercial permit
19 retentions for the northwest Atlantic, the Gulf
20 of Mexico and the U.S. Caribbean from the default
21 limits of two or three up to six. But Florida
22 stayed at zero.

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1 So I'm a proxy. This is my
2 opportunity to let you all know what I think.
3 And I don't understand why everybody else can
4 catch two or three times as many as they used to
5 yet Florida was stuck at zero.

6 Even though we allow buoys and even
7 though you can get -- there's guys commercial
8 fishing for them rod and reel. So that's my two
9 cents. Thank you.

10 MR. BROOKS: Great, thank you. Let's
11 see if any AP members have any comments. Tim, I
12 think I see your card up.

13 MR. PICKETT: Yes, a couple of issues.
14 Randy mentioned our conversations when this
15 permit first came out.

16 I don't believe the attitude of my
17 constituencies in south South Florida, Pompano
18 Beach, where we're at is kind of the epicenter of
19 that daytime swordfishery and I would say 90
20 percent of the fishing happens between Palm Beach
21 and Miami which is really what we're talking
22 about in terms of what that retention limit would

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1 be.

2 There's a lot of people that have
3 financial buy-in to that fishery, that own
4 permits, that paid a lot of money for permits.

5 And also I'm not sure what sort of
6 good it would do anyway. Recently we've had the
7 best fishing that we've had in a very, very long
8 time both buoy fishing and daytime fishing.

9 I think there needs to be before we
10 even look at this a couple of reasons why I feel
11 the same way that I felt before.

12 A couple of things we need to look at
13 is increasing enforcement of the recreational
14 fleet to begin with. We were talking at lunch.

15 With the great fishing that we've had
16 around right now you go into any restaurant in
17 south Florida and there's swordfish. If the
18 weather's good enough to get to the Bahamas
19 there's wahoo on the menu. It's something that
20 we need to assess.

21 And the other which we're going to get
22 into later in the afternoon, I think it would be

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1 difficult for the south Florida recreational
2 swordfishing community to ask to develop a new
3 commercial fishery in the area while shutting out
4 the commercial fishery that's being talked about
5 in the EFP.

6 To be opposed to that and then
7 embracing what I would call a new commercial
8 fishery down there and additional boats.

9 Do I think that the impact on the
10 number of boats is going to be that much more?
11 I don't think so. But I think the status quo is
12 what myself and my constituents would generally
13 support.

14 MR. BROOKS: Thanks, Tim. Martha.

15 MS. GUYAS: Yes, just to I guess
16 reiterate some of the things that Randy brought
17 up.

18 We were, and I'm speaking for the
19 State of Florida here, supportive of the zero
20 limit for that area because there is a lot of
21 activity that's happening there.

22 With creation of the General permit

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1 that also invited a whole new flood of people
2 that potentially could be targeting in this area.
3 As Randy mentioned there's a lot and it's easy to
4 get into.

5 So we had pretty strong concerns about
6 an influx of effort in that area where there's
7 already people fishing on top of each other.

8 MR. BROOKS: Thanks, Martha. Is that
9 Marty's card or David's?

10 MR. SCANLON: Well, as long as you
11 keep the pelagic longliners out of there I don't
12 see where anybody else should be allowed in there
13 that are unregulated.

14 Put the VMS machines on your boat, put
15 the observers on your boat, do the scientific
16 data that we do and then you can sell whatever
17 the hell you want.

18 Other than that I don't see where
19 anybody should get access when you're denying
20 access to an industry that's highly regulated and
21 is doing all the scientific work in the fishery.

22 MR. BROOKS: Okay. Scott.

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1 MR. TAYLOR: I'll be quick because I
2 don't want to take my time up for later.

3 The recreational sector that has been
4 executing this fishery there needs to work on
5 their accountability. This has been a subject
6 that this panel has discussed for a long time.

7 I don't want to mix the EFP with the
8 fishery that's going on on the straits because
9 this is part of the gross misconception that
10 seems to be getting perpetuated.

11 The two things have got nothing to do
12 with one another. This handgear and buoy fishery
13 is not going to take place anywhere near where
14 the EFP was. And so the two things don't have
15 very much to do with one another.

16 This is a question of proper
17 accountability and whether or not there's going
18 to be really any benefit for the additional
19 effort that might or might not be generated.

20 MR. BROOKS: Thanks. So clearly a
21 number of reasons why folks think this is
22 problematic. Randy, any thoughts from you on

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1 either where the agency will go next or if you
2 were Bob what you would be recommending?

3 MR. BLANKINSHIP: Just to say that I
4 appreciate the additional thoughts. And this is
5 exactly what we intended to do here was give an
6 opportunity for this to be heard especially since
7 not everybody here at the table has had the
8 benefit of the previous discussions and honor the
9 request to be able to discuss it a little bit.

10 As far as the agency goes we don't
11 have any active initiative to revisit Amendment
12 8 at this point in time. That doesn't mean we
13 can't at some point in the future.

14 And so the only thing I think you can
15 anticipate seeing is continued information
16 related to what if any inseason actions are done
17 in order to adjust regional retention limits. So
18 in the short term that's the kind of thing you
19 can continue to see under Amendment 8.

20 MR. BROOKS: Thanks. Bob, any last
21 words from you? Okay great. Thanks.

22 All right so at this point we want to

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1 shift back to shortfin mako sharks. And whereas
2 this morning we were talking about the emergency
3 rule now we're shifting to an Amendment 11
4 scoping review.

5 We obviously started to touch on this
6 already this morning so I think it's pretty fresh
7 in our minds, but I want to hand it off to Guy
8 and Karyl to tee this up for us.

9 MR. DUBECK: Afternoon. So this is
10 just continuing along with Tobey's discussion
11 earlier. So some of these slides are kind of
12 duplicate of what Tobey was talking about earlier
13 so I'm just going to skip over those.

14 But again so this is separate. This
15 is Amendment 11. This is the scoping phase of
16 Amendment 11 where we're going to be permanently
17 implementing management measures for mako sharks.

18 So here's just kind of a quick outline
19 of the presentation. So the purpose of this
20 rulemaking is to implement management measures
21 and address overfishing and help rebuild the
22 shortfin mako stock.

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1 The next slide here, background. The
2 same things Tobey already talked about, how mako
3 sharks are valued in the U.S. commercial and
4 recreational fishery, approximately 11 percent of
5 the total catch evenly split between the rec and
6 commercial. And then the same figure where Tobey
7 described the top harvesters by country.

8 Again Tobey hit on this earlier about
9 the ICCAT assessment so I won't go over these
10 numbers again.

11 Same thing in this slide was the ICCAT
12 recommendations that were discussed earlier.

13 So now into again this is a range of
14 potential options. So we've put in a variety of
15 options, a range of things. Again we appreciate
16 any input you guys would have.

17 So the first one is commercial. So
18 the first one is do nothing. Keep everything the
19 same.

20 The second option is require live
21 release of shortfin mako sharks in a commercial
22 pelagic longline fishery.

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1 Option three and four are from the
2 interim final rule where you allow retention of
3 shortfin mako sharks by shark limited access
4 permit holders.

5 If it's dead at haulback and they have
6 -- with pelagic longline gear and they have a
7 functioning electronic monitoring system.

8 And number four is prohibit landings
9 of offshore makos caught on non-pelagic longline
10 gear.

11 So more commercial options. Option
12 five was we considered removing shortfin mako
13 sharks from the pelagic shark quota. Use recent
14 landings to establish what a separate quota would
15 be. And then adjust the pelagic shark quota of
16 the remaining species accordingly.

17 Option six would be allow retention of
18 shortfin mako sharks greater than 83 inches by
19 persons with a shark limited access permit caught
20 on non-pelagic longline gear.

21 Seven was to we looked at allow
22 retention of shortfin mako sharks that are dead

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1 at haulback by persons with a shark limited
2 access permit caught on non-pelagic longline gear
3 only if an observer was onboard.

4 And then the last one is prohibit
5 commercial landings of all shortfin mako sharks.

6 So those were the eight commercial
7 options we considered. And now we'll move on to
8 recreational.

9 MR. BROOKS: Can I just ask one
10 obvious question. The fact that some of these
11 options are bright on the screen means nothing,
12 correct? That's just a formatting issue?

13 MR. DUBECK: That's just the
14 formatting just to kind of draw attention so it's
15 not all blurred together. Yes, sorry.

16 So moving on to recreational options.
17 The first one again is no action. Keep the
18 current regulations as they are. Second option
19 is to prohibit landing of shortfin mako sharks in
20 HMS recreational fishery. Make it a catch and
21 release only.

22 Option three we considered and looked

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1 at was increase the minimum size for potential
2 limit for shortfin makos to 71 inches for the
3 males and 83 inches for the females which would
4 mirror what was in the ICCAT recommendation.

5 Option four is what was in the interim
6 final rule where it just said one minimum size,
7 increase the minimum size to one limit which is
8 83 inches.

9 Continuing with the recreational
10 options another one is to increase minimum size
11 of offshore for makos to 83 inches and allow
12 retention in registered HMS tournaments only.

13 Another one, option six was to
14 establish a tagging or lottery program to land
15 shortfin mako sharks greater than 83 inches
16 recreationally.

17 Option seven is to require the use of
18 circle hooks for the recreational fishery in all
19 areas. You remember in amendment 5b we set the
20 boundary line, the current boundary line based on
21 dusky sharks near Chatham, Massachusetts.

22 Under this option we extended

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1 throughout the range of HMS so all the way up
2 through Maine.

3 Option eight is to establish the
4 minimum size limit of recreation retention of
5 shortfin mako sharks greater than 83 inches
6 considered in the EA we looked at a variety of
7 options going up to 93, 108, or higher.

8 And then the last one is to establish
9 a variable inseason minimum size limit for
10 shortfin mako sharks where we would look at the
11 landings as the landings come in and potentially
12 increase or decrease depending what the size
13 limit is -- can you hear me now?

14 So going back to option nine is to
15 establish a variable inseason minimum size where
16 we could change the minimum size inseason
17 depending on how many landings were coming in
18 recreationally where we could depending on the
19 landings increase or decrease depending on what
20 that limit is to cap landings at a certain level.

21 So that was all the recreational
22 stuff. Now we're going to move on to the

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1 monitoring options. Part of the ICCAT
2 recommendations was to collect more information
3 and data and gather more information that would
4 help with future assessments and data.

5 So some of the options we put in there
6 for monitoring would help with that purpose.

7 The first one is do not increase
8 monitoring or reporting of mako sharks. Option
9 two was to establish a mandatory reporting of
10 mako shark catches, landings and discards on the
11 VMS.

12 Option three is to implement a
13 mandatory reporting of shortfin mako sharks
14 landings and discards in registered HMS
15 tournaments similar to what is currently done now
16 with bluefin tuna and billfish. So it would just
17 be more -- the registered tournaments would just
18 be entering that information for sharks, for
19 makos.

20 Option four would be implement
21 mandatory reporting of all recreationally landed
22 and discarded shortfin mako sharks through these

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1 different sources between app, website, VTRs. So
2 things we looked at.

3 And the last part of Amendment 11 was
4 to look at the rebuilding plan. So we have three
5 options. One is not to establish a rebuilding
6 program.

7 Option two would be establish a
8 domestic rebuilding plan for shortfin makos
9 without ICCAT.

10 And option three would be establish a
11 foundation for developing an international
12 rebuilding program for mako sharks with ICCAT.

13 So the comment period is the same as
14 the interim rule. So the comment period ends on
15 May 7. We have a different FDMS number compared
16 to the other rulemaking. And myself and Guy,
17 you're more than welcome to call, and anyone here
18 at HMS too, to talk about.

19 Next steps. So the comment period
20 ends May 7. We're hoping to have by the end of
21 July a proposed rule out and have the final rule
22 implemented and effective by March 3 as the

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1 interim final rule expires.

2 And again ICCAT will evaluate measures
3 in November 2018.

4 So we are going to have a variety of
5 public hearings, scoping meetings, webinars.
6 Here's the kind of list of where we're going to
7 be. The first one's next week in Panama City.

8 Just make note that the Manahawkin
9 hearing, we are changing that date and location
10 based on comments from constituents. There was
11 conflict with other meetings. So we are
12 considering other time and location that week in
13 New Jersey.

14 And also we've asked the councils and
15 commissions to come and present during the
16 comment period.

17 So now any questions, or questions and
18 comments.

19 MR. BROOKS: So let's open it up to
20 questions first. And let me just throw one out
21 here. So from the agency's perspective you could
22 potentially move forward with Amendment 11 after

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1 this first emergency rule or an emergency rule
2 could be extended for another six months and you
3 could move forward with something after that, or
4 just not move forward with something. Is that
5 right?

6 MS. BREWSTER-GEISZ: So from an
7 agency perspective the emergency rule is in place
8 now. It will continue for another six months.
9 It is unlikely we would have anything from
10 Amendment 11 in place when the emergency rule
11 expires.

12 What we are hoping for is this
13 Amendment 11 long-term action to be in place in
14 March which is when any extension for the
15 emergency rule would expire.

16 If, however, taking into
17 consideration the timing ICCAT does something
18 drastically different, whatever we're looking at
19 now may change and we may need to do something
20 else in the interim to make up that timing.

21 MR. BROOKS: Great. So let's start
22 off with some clarifying questions and then jump

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1 into summary action. So clarifying question,
2 anybody? George and then Rusty.

3 MR. PURMONT: Yes, thank you.
4 Eighty-three is a unique number. How was it
5 arrived at as far as the length? Is it
6 significant in one way or the other?

7 MR. DUBECK: Yes, in conversion from
8 the centimeters. So going back. So 83 inches
9 is 210 centimeters which was in the ICCAT
10 recommendations. So it was just converting.

11 MS. BREWSTER-GEISZ: And just to
12 clarify as I believe it was Bob Hueter mentioned
13 this morning that is the lower limit of the female
14 size of maturity.

15 MR. PURMONT: Okay, so what you're
16 suggesting then is that you would catch and
17 retain large adult fish that are spawning as they
18 were capable of spawning rather than smaller fish
19 which are incapable or immature.

20 MS. BREWSTER-GEISZ: Correct. It
21 would be sexually mature sharks, yes.

22 MR. BROOKS: Rusty and then over to

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1 Katie.

2 MR. HUDSON: So with what the
3 clarification on that is is that it's 100 percent
4 maturity for the female shortfin mako at least on
5 the lower end of that maturity.

6 MR. DUBECK: It's a 50 percent
7 mortality at the lower end.

8 MS. BREWSTER-GEISZ: It's actually
9 less than 50 percent. It's where we start seeing
10 females that are mature.

11 MR. HUDSON: So is it like 50 percent
12 maturity or is it closer to the 100?

13 MS. BREWSTER-GEISZ: It's closer to
14 zero percent. So zero percent. It's a minimum
15 size. The lower end of where females start being
16 seen to be mature, but most females are still
17 immature.

18 MR. BROOKS: Point of clarity, Bob.
19 Hang on, I think Bob wants to weigh in on this.

20 MR. HUETER: So Dr. Graves right next
21 to me showed me the ICCAT's own species manual on
22 the shortfin mako and it states that the size of

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1 maturity for the females is 275 centimeters at 50
2 percent of the group. So 50 percent maturity.

3 So if your goal is to protect the
4 mature females it should be -- the minimum size
5 should be set at 275 which is 108 inches, 9 feet.
6 So it's a much bigger minimum size than the 83
7 inches. If your goal is to protect the -- not
8 protect. If the goal is to get the animals up
9 to where they can reproduce before you fish on
10 them which is a good goal for shark management to
11 protect those sort of teenagers.

12 You don't want to grow them out to
13 where they're almost ready to reproduce and then
14 take them out. You want to let the group get up
15 to reproductive size before you fish on them.

16 MR. BROOKS: Thanks, Bob. Back to
17 Rusty and then over to Katie.

18 MR. HUDSON: This evaluation in
19 November 2018, I had heard that mentioned
20 earlier. Exactly what are they going to be
21 evaluating with regards to us versus the players
22 with the other 89 percent of the mortality?

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1 MS. BREWSTER-GEISZ: So they're not
2 evaluating us per se. They're evaluating whether
3 this recommendation 17-08 is or has been
4 effective at reducing overfishing. I think
5 that's the goal. Preventing the overfishing and
6 seeing if the first six months of data under this
7 new recommendation is effective.

8 MR. HUDSON: Okay. So where we are
9 mandated by the reauthorized Magnuson Act from
10 2006 to prevent overfishing they're going to be
11 sort of reciprocal of that also I guess for the
12 other countries would be the goal.

13 MS. BREWSTER-GEISZ: Yes, to prevent
14 overfishing across everybody.

15 MR. BROOKS: Thanks. Katie and then
16 over to Kirby.

17 MS. WESTFALL: Thank you. Rusty's
18 question just led into my question. I'm curious
19 what the requirements are under Magnuson since
20 this is a species that's experiencing overfishing
21 and is overfished.

22 I know there's some overlay with ATCA.

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1 I mean is our shortfin mako subject to all of the
2 Magnuson provisions of ACLs, rebuilding plans,
3 all of that?

4 MR. BROOKS: Kirby.

5 MR. ROOTES-MURDY: Thank you. So a
6 follow-up to that then. I guess I'm confused on
7 the options for rebuilding. With option one not
8 being rebuilding is that even possible under
9 Magnuson.

10 And then the second question I had was
11 regarding the commercial options some of them
12 with the monitoring seems to go away if I'm seeing
13 them correctly where there's no landings allowed
14 but that you would have on the monitoring side
15 the requirement of mandatory reporting.

16 So I'm just trying to make sure I'm
17 understanding that some of these options interact
18 with each other and depending on which one's
19 chosen in that decision tree they may in fact be
20 null or void.

21 MR. DUBECK: Right, you're right. So
22 we threw a variety of options out there. Some

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1 of them do connect, some don't, but they do impact
2 each other. If we choose one, or option four and
3 option eight they do connect.

4 That's why some of them we wrote in
5 we're kind of open looking at the ICCAT
6 recommendation where we've had the 83-inch
7 minimum size.

8 Well, a non-pelagic longline
9 fisherman catches one potentially there could be
10 an option for them to retain that.

11 And then going to the rebuilding
12 question you had we threw in the range of options.
13 So we were trying to look at everything.

14 We would be bound to do something, a
15 rebuilding plan. But usually with our process
16 we throw in the bookends, so do nothing or
17 prohibit all shark fishing.

18 So in case we get comments in between
19 we don't have to potentially do re-scoping and
20 re-propose something, it's within that scope of
21 options and comments we receive.

22 MR. BROOKS: Thanks. Dewey.

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1 MR. HEMILRIGHT: When I look at the
2 background in ICCAT recommendation 17-08 it says
3 you're going to review the first six months of
4 2018 catches. That's possible with the
5 commercial industry but it's not possible with
6 the recreational industry. I'd like an answer
7 for that.

8 And also on the one aspect of the
9 options that you're showing here I believe
10 earlier you said that we will not do -- the U.S.
11 would not do any unilateral management but yet
12 it's in here for one of your options.

13 And so if we're not going to do that
14 why would there be an option in there for that.
15 So I guess I've got two questions.

16 MS. BREWSTER-GEISZ: It's still
17 something we have to look at. So just like we
18 look at no action even though we are required
19 under Magnuson to do something we still have to
20 look at it and see what the implications would be
21 and describe why we wouldn't do it.

22 So just because things are options

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1 does not necessarily mean they are things we are
2 doing.

3 Also keep in mind this is scoping so
4 there are going to be options here that we may
5 not move forward with and there may be options
6 that all of you come up with that we do move
7 forward with.

8 So these are as Guy explained
9 bookends. And I brought Guillermo over to
10 hopefully talk more about what we can report on
11 the first six months.

12 MR. DIAZ: Dewey, you are correct we
13 can report the first six months of the commercial
14 landings. What we can obtain from recreational
15 is limited.

16 But let's keep in mind that this
17 review that is going to be done in 2018 of the
18 first six months is just to see that we are seeing
19 some declines in the catches or not. It's not
20 expected that the commission will make any harsh
21 decisions based on this first six months of data.

22 The whole measure will be reviewed in

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1 2019 after the whole implementation of these new
2 measures. This is just again this first six
3 months is to see if it is not doing something
4 that might reflect reduction in catches.

5 But again it's not something that is
6 going to be used for the commission in 2018 to
7 take more -- add new measures.

8 MR. BROOKS: Thanks. It's a
9 snapshot. It's a quick glance of what you're
10 seeing. Okay. Mike.

11 MR. PIERDINOCK: The source of the
12 recreational landings has me concerned. You've
13 heard from a few people around the table it
14 doesn't look right. It doesn't pass the straight
15 face test with me. Doesn't pass the straight
16 face test with others. So I'm curious of the
17 source.

18 In addition it's interesting to note
19 that that looks like my statistical class that I
20 took in college of a common bell curve. It's so
21 nice and clean that it doesn't seem consistent
22 with what you would typically expect in data that

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1 we find in the real world.

2 I also question that from two ends.
3 Where does it come from. It doesn't look real.
4 And it's so beautiful of a bell curve that I'm
5 concerned. What is the source of that?

6 MS. BREWSTER-GEISZ: Are you talking
7 about the size bell curve?

8 MR. PIERDINOCK: The recreational
9 landings that indicates how many makos were
10 landed by the recreational individuals,
11 recreational sector.

12 MS. BREWSTER-GEISZ: I believe that
13 was the sizes that are being caught across the
14 fishery. And so those have been measured. I'm
15 looking to LPS folks that those have been
16 measured at dockside is what you're seeing.

17 And so when you're talking about LPS
18 that is one of the -- mako sharks is one of the
19 sharks that we actually have pretty good data
20 with for LPS. So we should keep that in mind.
21 Compared to some of the other shark species such
22 as dusky sharks where we've been around before,

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1 the data is not all that precise or probably not
2 all that accurate.

3 Whereas mako sharks it is much more
4 precise.

5 MR. PIERDINOCK: What states
6 participated in this? Is it Maine to North
7 Carolina? I'm just curious. Does it include
8 tournament data?

9 MS. BREWSTER-GEISZ: LPS is Virginia
10 north. And yes, I believe it does include
11 tournaments. I am getting the nod that yes it
12 does.

13 MR. BROOKS: Okay. So we've had a
14 bunch of clarifying questions which have been
15 helpful. The agency has put forward a number of
16 different options for consideration for again
17 commercial, for rec, for monitoring and for
18 rebuilding.

19 Would invite any comments from folks
20 around the table on what you see among options
21 and what seems to be resonating or not, or are
22 there other alternatives and options you'd like

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1 the agency to be considering as it goes forward
2 here. Sonja.

3 MS. FORDHAM: Sonja Fordham, Shark
4 Advocates.

5 Okay, so I said most of my piece this
6 morning and will just reiterate that the
7 scientific advice or the scientists said to stop
8 overfishing immediately and achieve rebuilding by
9 2040 with over 50 percent probability the most
10 effective measure is a complete prohibition on
11 retention. So I would continue to support that.

12 So therefore option eight on
13 commercial and option two on recreational. So
14 support that in line with the scientific advice
15 of hopes of realistically preventing collapse I
16 would say and on par with other safeguards that
17 have been put in for 20 some other shark species
18 with less information.

19 Again that's kind of a little more
20 than a coin's toss chance at rebuilding in a
21 little more than two decades if we go to zero
22 catch. So again I see it as a really serious

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1 emergency situation that requires priority and
2 sort of maximum attention.

3 In view of that and the monitoring
4 options it's not clear. I can study it more but
5 it's not clear to me from the presentation if I
6 can support all three, two, three and four
7 together to monitor as much as possible.

8 And then in terms of rebuilding plan
9 options also two and three I would like the U.S.
10 to -- obviously the U.S. is a leader in this
11 regard. I'd like to see the U.S. continue to
12 have their scientists participate in the ICCAT
13 science and the development of a rebuilding plan
14 because I think the U.S. has the best standards
15 and has been really active and important in this
16 process.

17 But I don't want the U.S. to wait for
18 ICCAT. I would like us to get going on that
19 rebuilding as soon as possible. So if that's
20 something that's possible I would support both.

21 And then finally I would just be
22 interested again going back to the scientific

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1 advice, more recommended measures to reduce or
2 minimize incidental mortality. If there's a way
3 to build at least an examination of that into
4 this process.

5 I know we have broader mechanisms in
6 other initiatives within the shark activities
7 that might help, but it would be nice to sort of
8 examine that and present that also to the public.
9 Thanks.

10 MR. BROOKS: Thanks, Sonja. I've got
11 Charlie, Bob and then over to Dewey.

12 MR. KLUCK: Yes. I'd just like to
13 comment because I've caught a few makos in my day
14 and I have to applaud somebody if they get a
15 three, four or five hundred pound mako up next to
16 the boat. You're asking that guy on the wire to
17 determine the sex of that fish.

18 Most of the time you're soaking wet
19 with whitewater and you're scared half to death
20 and I'm not sure that determining the sex of that
21 mako before you kill it is really viable. I
22 think most of the crew would probably kill it and

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1 then have to release it if it was under size or
2 something. So I'm not sure about that part of
3 it. Thank you.

4 MR. BROOKS: Thanks. Bob.

5 MR. HUETER: Bob Hueter, Mote Marine
6 Lab. Let me just start off by saying that I
7 don't think that we're asking the fishermen to
8 determine the sex. Is that correct? Just
9 length.

10 MS. BREWSTER-GEISZ: Right, but some
11 of the options split it.

12 MR. HUETER: Okay. So I don't often
13 play this card but I'm going to play it here.
14 I'm going to say that the shortfin mako is truly
15 an iconic species.

16 And if the United States is going to
17 walk the talk about us having one of the most
18 progressive shark fisheries management systems in
19 the world we must take this situation very
20 seriously, and commercial and recreational
21 fishermen must both participate in this.

22 Before I get into the options I do

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1 want to say that I think we should reexamine the
2 results of the assessment using accurate
3 conversion coefficients that Dewey talked about
4 this morning.

5 I want to know if those coefficients
6 are changed how does that change the assessment.
7 I want to see the results. And I think that
8 analysis could be run fairly quickly.

9 So moving to the options first for
10 commercial, and there's a lot here so I'm trying
11 to keep up with -- option three I would support
12 at this point. This is kind of a compromise, not
13 an absolute kind of a position, but --

14 MR. BROOKS: Sorry, Bob, that's on
15 commercial.

16 MR. HUETER: That's on commercial.
17 So pelagic longline gear only, only if verified
18 to be dead by EM or an observer.

19 On recreational I'd like to see two
20 options, a combination of two options, seven and
21 eight, with seven being the required use of
22 circle hooks plus as I think I mentioned this

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1 morning alluded to I'd like to see some
2 consideration of at least recommending if not
3 requiring lower limits on the breaking strength
4 of recreational line that's used to target makos
5 because that will reduce fight times and increase
6 the survivorship of the released fish.

7 I support option eight which is to
8 have a minimum size limit but change that to the
9 108 inches. If the goal is to get these animals
10 up to reproductive size before they're harvested
11 then we should go with what the data say which is
12 9 feet.

13 If that's not necessarily the goal
14 then we should consider a slot limit. So have
15 smaller fish which do have a higher natural
16 mortality and can sustain a certain amount of
17 fishing mortality, but then protect those
18 teenagers if you will, the sub-adults which is
19 really the most critical life stage in the
20 lifecycle of a shark.

21 On monitoring I would support
22 mandatory reporting of all makos landed in all

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1 fisheries. How you do that I have no idea, I
2 really don't.

3 But I think that they all should be
4 reported at this point for this particular iconic
5 species.

6 And then on the rebuilding I support
7 option two which is we go ahead. But I also
8 support option three because these animals are
9 highly migratory, there's no question that they
10 are cruising around the entire North Atlantic,
11 they're having interactions with a number of
12 foreign fleets.

13 So we must lead and we must lead by
14 doing it collaboratively with the other nations.

15 MR. BROOKS: Great. Thank you, Bob.
16 Dewey.

17 MR. HEMILRIGHT: Thank you. Rather
18 than start with Amendment 11 now why not wait for
19 ICCAT and see what they do in November.

20 And then National Marine Fisheries
21 Service can ask for another 180-day emergency
22 action. And if ICCAT adopts something we can

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1 adopt that in through Amendment 11. We're not
2 going to solve this problem ourselves.

3 I'd also like to know what the other
4 countries, the way they land their fish and what
5 their conversion is. Because if you take that
6 1.96 and that 1.46 or 45, I just lost a point or
7 two, that's a big difference.

8 So I'd like to see all that weighted
9 back in not that we're going to go back and look
10 back. I mean we should go back and look 20 years
11 how we've been reporting. I don't know what that
12 changes, but it would be interesting to see what
13 other countries do.

14 But I don't understand getting the
15 cart ahead of a recommendation that ICCAT says we
16 have to do and it sounds like you all are just
17 moving right along.

18 And I still don't understand looking
19 at the numbers of the recreational industry about
20 believability. So I'm for waiting for ICCAT,
21 letting them see what happens in November and you
22 all are allowed to through Magnuson reauthorize

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1 and do another 180 day closure.

2 And if ICCAT comes out with something
3 then we can adopt that in Amendment 11 and go on.

4 Not only is it important and I know
5 we've got our face, the United States on with
6 other countries, but there's a lot of questions
7 out here that I'm hoping that we're going to have
8 some better answers as we're moving forward on
9 the data that we've produced and given to ICCAT.

10 And so I'm not in favor of getting
11 ahead of the cart before the horse.

12 MR. BLANKINSHIP: Just real quick
13 about kind of the timing stuff and why Amendment
14 11 is necessary now is because we have a
15 recommendation that needs to be implemented. And
16 under domestic law we need to do that.

17 And we have an interim time period
18 with the emergency rule that we can do that but
19 then it must be followed on by another action in
20 order to continue it on out in time.

21 MR. BROOKS: I've got Mike, then
22 Scott, and then Pat.

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1 MR. PIERDINOCK: Thank you. I
2 contend the United States is at the forefront of
3 fishery management. The United States is at the
4 forefront of managing the mako fishery.

5 We have been taking conservation
6 measures for many years where the international
7 community has not. And now we're suffering from
8 the sins of what they've done.

9 Our longline fleet is not what it used
10 to be because of the conservation measures
11 they've taken as a result of mako and other
12 species that they may land. And our commercial
13 fleet isn't.

14 We have taken significant measures for
15 many years and we're here today asking to do more
16 when they need to do more. So I want that to be
17 taken into consideration and keep that in mind
18 when there are those around the table who think
19 we've not done enough where we've done a hell of
20 a lot.

21 Now, I find it interesting that you do
22 state that if ICCAT comes back with a change in

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1 November that it will be implemented. Yet we're
2 in a situation right now that we're not even
3 proposing with this emergency measure to do what
4 ICCAT has proposed to be in place and only have
5 the threshold of 83 inches for females and don't
6 have the other threshold for males.

7 And I look at how many months are
8 going to go by and what that could potentially do
9 to recreational landings.

10 Now, one of the main things here was
11 is that we did not want a shutdown because of the
12 significant impact that would have on the
13 commercial fleet as well as the recreational
14 anglers, the charterboat fleet and tournaments.
15 And all of those that rely on such to make a
16 living. So with that it was kept open.

17 The measures that are supposed to
18 occur within the next several months are supposed
19 to be better data collection by the international
20 fleet off the coast of Africa and in those areas.

21 Our measures too are to get more data
22 and more information in the science and where

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1 makos are being landed and found in order to help
2 the stock assessment. So I can only hope that
3 that occurs.

4 Now with that, with the options I want
5 there to be recreational as well as tournaments
6 both need to be open on the entire East Coast,
7 not just tournaments. For everybody.

8 I want the measures consistent with
9 ICCAT and I'm disappointed to see that isn't the
10 case.

11 And for those that fish for makos and
12 have for many years if you can land that 83-inch
13 mako God bless you because you've got the right
14 cap and you've got the right crew, you've got the
15 right equipment and you have a lot of luck.

16 I will get back to that a 70-inch one
17 has the same type of issues and you decrease the
18 potential of even bringing them in. So there's
19 a conservation measure with that.

20 Now, I can only speak for the
21 northeast. We don't have any female sharks up
22 there. I see nothing but males. Males makos,

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1 blue sharks, porbeagles, threshers. All the
2 years I've fished north of the Cape and the years
3 I've fished south of the Cape there's nothing but
4 males.

5 I spoke to fishery biologists about
6 that and there seems to be a phenomenon that's
7 specific to that area.

8 But with us now we don't even have an
9 option for the males. It's going to be 83
10 inches. And as I use the statistics earlier that
11 I noted this morning how few we run into and how
12 few are going to be there at the dock.

13 The conservation measure is going to
14 be there from 70 inches on up.

15 As far as circle hooks and J hooks we
16 had this discussion before when it comes to
17 duskies and from what I recall ultimately that
18 northern line was created because there wasn't
19 adequate science to show that there was a
20 difference with makos with the use of circle and
21 J hooks.

22 I am all for good science. We need

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1 to have the science and we need to have the
2 studies that show that there's a difference. So
3 that kind of study needs to be done.

4 Personally I'll say I don't see any
5 difference whether I use circles or J's. My gut
6 rate that I see is about 2 percent.

7 But if I sit there and let that circle
8 hook be ingested and sit there for a few minutes
9 it's going to happen. So it has to do with the
10 fact that you don't sit there and wait for minutes
11 for it to be ingested and then you get a gut hook.

12 I'm all for mandatory reporting by the
13 recreational sector. As I stated earlier I'd be
14 happy if that was for bluefin, bigeye and other
15 species because it's data lacking and I'll get
16 back to ICCAT.

17 We need this data or we're going to
18 have issues later.

19 Last one. Dewey, I want to call it
20 the Dewey option. This 1.96. I'm just as
21 interested that if that's done and redone at our
22 end and then see whether we have consistency with

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1 the international community where we end up.

2 Maybe this is all in vain and we don't
3 even need to discuss it because maybe the outcome
4 is different.

5 As far as a rebuilding program we've
6 been rebuilding for years. We've been
7 implementing these conservation measures here in
8 the United States. They haven't elsewhere.

9 We have a few different options to
10 deal with this. My recommendation would be to
11 wait to see what ICCAT's recommendations are,
12 utilizing the assumptions that the international
13 fleet steps up to the plate and does what they
14 are supposed to do and then addressing it
15 accordingly. Thank you.

16 MR. BROOKS: Thanks, Mike. I've got
17 a few people in the queue. I've got Scott, Pat,
18 Rick Weber, Marcus, Kirby and Sonja. And we have
19 about 15 minutes left for this so I would ask
20 folks who have to speak to keep their comments as
21 focused as possible so everyone can weigh in.
22 Scott, you're up.

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1 MR. TAYLOR: A cautionary tale. The
2 Hawaiian swordfish fishery that lasted less than
3 30 days this year over turtle interactions.

4 We implement these things but we don't
5 have any measure of success. And as you see
6 success there's going to be problems with this.

7 We always seem to cite Magnuson-
8 Stevens for the directive of taking action for
9 overfishing but Magnuson-Stevens also says that
10 the commercial fishermen are not supposed to be
11 disenfranchised by the rule.

12 And as Glenn so eloquently put it --
13 I'm sorry, whoever it was that was just speaking
14 so eloquently put it the U.S. has always been on
15 the forefront of this stuff.

16 That it is disingenuous to believe
17 that the incidental catch coming from the U.S.
18 swordfish longline fleet which represents the
19 majority of the commercial landings in the U.S.
20 as I understand it is essentially catching more
21 than anybody else in the Atlantic.

22 You can't keep disenfranchising.

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1 There's only one place economically this is going
2 to fall back on. It's going to be another choke
3 species that's going to shut down your longline
4 fishery if this is not administrated properly.

5 And just listening to this
6 conversation here puts shivers up my spine
7 because that's exactly what we're talking about
8 at the end of the day.

9 Because if this stock comes back and
10 there's more mako mortality where are we going to
11 be two years, three years down the line.

12 So, while I absolutely understand the
13 need for regulation you need to proceed very
14 carefully and it has to be with real
15 accountability on the rest of the international
16 front. It always just can't be just the U.S.
17 that is the one that's bearing the brunt because
18 the majority of these other countries that are
19 participating, the numbers that you're looking
20 at, they're not believable. It's just not
21 believable.

22 So the bottom line here is that be

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1 careful what it is that we set into play. We
2 have to look at what is going to happen down the
3 line from an accountability standpoint if in fact
4 either some of the science is wrong because the
5 information being plugged in isn't accurate or
6 that the interactions will increase as the
7 population grows.

8 MR. BROOKS: Thanks, Scott. Pat.

9 MR. AUGUSTINE: Thank you, Bennett.
10 In regards to the whole package itself and
11 looking at all the options I think for the public
12 to review them I think you've hit on everything
13 that they need to look at in terms of options for
14 commercial, options for recreational.

15 And I think we can beat up on any one
16 of the options in itself. We can select any one
17 particular option that we like.

18 But I'd just like to remind everybody
19 this is a document if I understand it correctly
20 that's going to be out for the public to review
21 to take selections and make selections on.

22 Short of the point that Bob made

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1 relative to the assessment that was used to come
2 up with the status of the stock I think we need
3 that as an advisory panel to move forward.

4 Comments that Mike made relative to
5 what we catch. I'll speak for Long Island. I
6 was a captain and mate for 13 years. Our primary
7 offshore fish, tuna and sharks, primarily mako.

8 And in 13 years using J hooks we never
9 had a gut hook shark.

10 Identifying the male versus the female
11 if you are skilled in getting that creature,
12 animal up to the side of the boat it'll roll and
13 you'll know whether it's a male or a female.

14 And you will be experienced or you
15 won't be out there.

16 Relative to what's going to happen if
17 we go with 83 inches I see the outcome being
18 charterboat captains who are being paid thirteen,
19 fourteen, fifteen, sixteen hundred dollars a day
20 for a trip.

21 They're going to get out there with
22 their group, six people, 30, 40, 50 miles

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1 offshore. They're not going to know whether it's
2 79 inches, 80 inches, 83 inches or 84 inches.
3 And they're going to gaff that animal. And
4 they're going to bring it on the boat.

5 If they gaff it properly they'll be
6 able to release it, it'll swim away. If they
7 don't it's going to die.

8 So what have we accomplished by going
9 from where we are to the 83 inches.

10 My concern would be had a mortality
11 value been assigned to that which is going to
12 happen. We do catch both male and female in our
13 area. In recent years we found that between
14 Block Island, south of Block Island and Montauk
15 Point it's a pupping area.

16 We catch more duskies than we know
17 what the heck to do with other than we release
18 them. That's what we do.

19 Catching makos this long. Taking a
20 bait that long with a J hook and release them.
21 And you hold them in your hand and they have the
22 big jaws want to bite at you.

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1 So the fish are out there.
2 Experienced captains and mates know how to
3 release them. But to go from 54 inches to 83
4 inches to respond to an assessment that is
5 questionable at best in one fell swoop without
6 taking an interim step as Mike has suggested and
7 as is in the document as one of the options,
8 females to 70 or 71 inches, or males whichever
9 the case may be 71 or 70 at 83.

10 To go from that one fell swoop from 54
11 up you say it's not going to have an economic
12 impact. I have to tell you people are not going
13 to spend twelve or fifteen hundred bucks to go
14 offshore to catch and release sharks without even
15 putting a tag in them. And thank God we have a
16 tagging program. That might be essential.

17 A tagging program is called for in
18 here and Karyl reminded me that there is an
19 existing tagging program. I'm not sure how many
20 captains know that that tagging program exists.

21 I think the documentation needs to be
22 publicized a little more as to the value of it.

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1 Maybe a notice goes out that won't be in this
2 document, but a notice goes out with the highly
3 migratory species people who are applying for
4 permits that says you are expected to fill out a
5 tagging report or a report of some sort.

6 And the reason why we're doing it is
7 to assess the value of the stock, the size of the
8 stock out there.

9 And I know many captains in our area
10 that don't. They don't fill out a document.
11 They just don't because they know what's going to
12 happen to it.

13 The point I'm making here is on these
14 options I think every single option in here the
15 public needs to see.

16 Relative to the first option in every
17 single case you have to have it according to
18 Magnuson. You have to give the public an option
19 to stay status quo. How many people are going
20 to do it? Only a few. But reality says you have
21 to have it.

22 But I think it's a complete document.

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1 I can't think of anything else that has to be
2 added again for public consumption. Relative to
3 how we get there, that's another story.

4 MR. BROOKS: Thanks, Pat. All right,
5 I've got four more people in the queue. I've got
6 Rick Weber, Marcus, Kirby and Sonja. Rick.

7 MR. WEBER: I've got a couple of
8 points. Let me see if I can't string them
9 together in a logical order.

10 Mike's comment on your bell curve.
11 The assumption that we are making is that we are
12 going to draw a line and we're going to eliminate
13 all the landings to the left of the line and we
14 are going to maintain all of the landings to the
15 right side of the line.

16 I've preached here for a long time
17 that recreational fishermen are motivated by blue
18 skies, by optimism.

19 When you take away the very heart of
20 that bell curve you are not going to maintain the
21 right side wing.

22 The trip that ended in the large fish

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1 being caught was not run to go catch the large
2 fish. That trip was run to go catch the heart
3 of the bell curve.

4 And when you take the heart of the
5 bell curve away I think you are going to see a
6 great fall-off of the large fish as well.

7 So as you're trying to estimate what
8 the impacts are going to be I think you're not
9 only going to lose the bell curve, I think you're
10 going to lose a lot of the right wing of the bell
11 curve as well because the trip is not going to
12 occur.

13 Along those lines I have to at least
14 point out as Scott's saying that they're going to
15 take the brunt. This is South Jersey
16 Tournament's second largest event and it is in
17 question.

18 And that's a good bit of my income
19 too, Dewey.

20 I'm trying to figure out how -- it
21 doesn't serve, in recreational fishing again it
22 doesn't serve me well to come -- I am not the end

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1 user. I have to go home and sell optimism.

2 So it doesn't do me well to come here
3 and be pessimistic. But there is pain occurring.
4 There is real pain occurring for events and
5 marinas and tackle stores.

6 And yet I have to go home and say let's
7 go anyway, guys. Because if I don't I'm just
8 giving up the event.

9 To that line of optimism I'm not sure
10 when we got in the business of managing
11 fishermen's risk. To say that it is too risky
12 to do something that we are allowed to do and
13 therefore we're not going to allow it because
14 NMFS has decided it is too risky.

15 Is there a size of blue marlin you
16 think we should not catch because it is simply
17 too big? You wouldn't do this in other
18 fisheries. It doesn't make sense.

19 Again, I am going to continue to say
20 follow what was handed to us by ICCAT and saying
21 that it's too risky.

22 Well, I agree to this extent. If it

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1 is difficult find a way to penalize. But if we
2 are allowed to take 71 let us take 71 and leave
3 it to the fishermen to figure out whether it's a
4 mirror or a camera or a waiting for them to flip.
5 But you have the option of giving us 71 and I'm
6 not sure it's up to you to protect us from
7 ourselves.

8 And finally about those near misses.
9 We have been here all week and a lot of my work
10 happens downstairs at the bar. We can talk more
11 later.

12 The penalty schedule. And I would say
13 this about recs and commercials in general. The
14 penalty schedule which I understand is open for
15 review right now frequently doesn't allow for the
16 near miss.

17 And I'm thinking of it like a speeding
18 ticket. If I'm one mile an hour over the speed
19 limit I have broken the law. You cannot argue
20 that I haven't broken the law.

21 But the penalty for one to five is
22 greatly different than it is for 25 miles an hour

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1 over the speed limit.

2 And if someone is having difficulty
3 measuring the fish and they end up with an 82 in
4 the boat that was done in good faith. It was
5 wrong, but it was done in good faith.

6 This is not somebody who came in with
7 a fish that was two feet short.

8 But again I feel this for both the
9 commercials and the recs. I know of commercials
10 that have gotten very substantial penalty for
11 what was when described to me seemed like a pretty
12 minor infraction but the schedule says if you
13 bring in an undersized fish this is the penalty
14 without a whole lot of discussion of how
15 undersized it was.

16 Did you make a good faith effort. Did
17 you have a minor error or were you a scofflaw.
18 And I think the penalty should find a way to be
19 different between the people who have made a good
20 faith effort and the ones who are just blatant
21 scofflaws. Those are different classes of
22 undersized fish.

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1 MR. BROOKS: Thanks, Rick, very much.
2 Three more folks. Marcus.

3 MR. DRYMON: Thanks. I apologize
4 briefly for going backwards but I'm confused a
5 bit about what Bob and John were saying over here
6 about the median size at maturity. So do you
7 still have that pulled up? Okay, I'll go look.

8 It must be total length. I mean look
9 at Mollet et al. is the only reproductive biology
10 study on makos I'm familiar with and looking at
11 that it seems like it's probably total length
12 when the numbers we're talking about here are
13 fork length. So just a question of
14 clarification. That's all.

15 MR. BROOKS: Thanks. Kirby and then
16 Sonja.

17 MR. ROOTES-MURDY: Thanks. I had
18 just two more clarifying questions. I know we're
19 in comments now so forgive me.

20 The first is going back to the stock
21 assessment. If you could help me understand a
22 little bit better how the PSEs around the rec

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1 data is used or looked at.

2 I might have queried it wrong on the
3 website but they seem to be significantly higher
4 than what you'd expect for a lot of rec data.
5 And so I just wanted to better understand how
6 that's accounted for when putting it into a stock
7 assessment model.

8 Then the second is because I'm still
9 getting used to the HMS process the range of
10 options you guys have in these different
11 categories, they're not mutually exclusive for
12 their category if I'm understanding this
13 correctly.

14 Multiple options can be selected,
15 right, depending on the category and what's being
16 proposed.

17 So just wanted to get those two
18 clarified. Thanks.

19 MR. BROOKS: Correct. Sonja. Hang
20 on a second.

21 MS. BREWSTER-GEISZ: So the PSEs,
22 they're not really accounted for within the

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1 assessment. The multiple options, yes, you can
2 choose multiple options within all the different
3 categories.

4 MR. BROOKS: Thank you, Karyl.
5 Sonja.

6 MS. FORDHAM: Thank you. Sorry for
7 ringing in twice, I just wanted to take a moment
8 to try to clarify some points that were made about
9 ICCAT and the comments about the possibility of
10 just waiting for ICCAT to act.

11 ICCAT has taken action. This was a
12 big buildup to this action. And it was based on
13 a very sobering report.

14 And that was so serious that even
15 Japan as well as the EU and the U.S. put forward
16 proposals to limit the catch across the Atlantic
17 to 500 tons.

18 So ICCAT did take this seriously. And
19 I do certainly share the frustration around the
20 table that the U.S. does more. It's something I
21 think we all feel.

22 I work in a coalition that works

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1 across the North Atlantic and is continuing to
2 urge countries to live up to their commitments.

3 But I think it's important to
4 recognize that this measure that was taken by
5 ICCAT in 2017 last November is binding on
6 parties.

7 So the idea is that they came to this
8 agreement. Countries will go home and implement
9 those. And we will evaluate it again.

10 And the evaluation is important.
11 This is the strongest action ICCAT has taken on
12 makos since the first assessment in 2004 and it's
13 the best mechanism for coming back and checking
14 if everyone is doing what they said they would
15 do.

16 I know that the EU and Canada right
17 now, the member states in the EU plus Canada they
18 are considering their actions now. And I think
19 that the U.S. being first out of the gate taking
20 meaningful action at least in line with what was
21 agreed sets an example that's really needed at
22 this moment.

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1 And that example as I said this
2 morning or maybe it was yesterday really helps
3 the NGOs in the other countries to say, hey, look,
4 the U.S. is doing this, what are you doing.

5 Unfortunately like I said before we're
6 in a really urgent and dire situation in terms of
7 ongoing overfishing on an overfished population
8 of a really exceptionally vulnerable, inherently
9 vulnerable animal.

10 And I just can't see how delaying
11 action does anything but make matters worse.
12 Thank you.

13 MR. BROOKS: Thanks. Katie, do you
14 want to have the last word here?

15 MS. WESTFALL: Yes, I just wanted to
16 second Sonja's comments.

17 MR. BROOKS: Could you take a little
18 more time saying that though?

19 MS. WESTFALL: Sure.

20 MR. BROOKS: That was a joke. Go
21 ahead.

22 MS. WESTFALL: No, I think Sonja said

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1 it more eloquently than I will be able to repeat.

2 MR. BROOKS: Thanks, Katie. All
3 right, well we should be pushing on but Rusty has
4 something to say.

5 MR. HUDSON: The question I have has
6 to do with the national standard one changes that
7 gave us from two to three years to phase in the
8 overfishing elimination. Where do we stand on
9 that?

10 MS. BREWSTER-GEISZ: So in terms of
11 this action we're not really considering that
12 right now. What we're looking at is not really
13 a phase-in type of action although if you want to
14 provide us some options that would be phasing it
15 in I think I would be happy to hear what those
16 are.

17 MR. HUDSON: That said, providing
18 that as comment before May 7 with this interim
19 rule then.

20 MS. BREWSTER-GEISZ: Correct.
21 Comment periods for both the emergency interim
22 rule and this scoping are due May 7.

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1 MR. BROOKS: Great. Well, thanks
2 everybody. I guess a couple of observations from
3 Bob before I have some observations.

4 MR. HUETER: No, just a clarification
5 for the record because Marcus asked a question
6 that we verified in the ICCAT document which
7 admittedly is nine years old. It says median
8 size at maturity of females from the western
9 North Atlantic is reported as 275 centimeters
10 fork length. So that is fork length, that's not
11 total length. So that's nine feet. That's the
12 50 percent of maturity length for the females.

13 MS. BREWSTER-GEISZ: So just to
14 clarify we do have the description of the most
15 recent sizes of maturity research in the EA I
16 just don't have that right in front of me and
17 neither does Guy and Tobey did not when he was
18 here.

19 So we do have it in the EA if you want
20 to look it up and we will look it up and get it
21 to you soon.

22 MR. HUETER: Everything I've seen

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1 with the 210 figure is minimum size of maturity.

2 MR. SAMPSON: I guess my comment would
3 be effectively by raising the minimum size up to
4 that the recreational angler, I'm not going to
5 say you've shut down the fishery but as far as
6 the amount of makos that are going to be landed
7 it's going to be so dramatically reduced.

8 I think that your own figures show
9 that you will achieve that reduction in numbers
10 that you're trying to get to.

11 Earlier the discussion about the size
12 at maturity of the females. And of course that
13 being 83 inches at that minimum threshold I guess
14 or when they first showing up to be mature.

15 And I know that Bob was alluding to
16 should that size limit be increased to allow more
17 of those females to become sexually mature before
18 they're harvested.

19 So I guess kind of sort of I'm not
20 saying one way or the other, I'm just throwing
21 out there is the size limit set to reduce the
22 catch overall of makos both males and females, or

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1 is the size limit being set to allow X amount of
2 females to reach sexual maturity before they're
3 taken out.

4 I'm going to guess that the answer is
5 the number was set to reduce the catch, but oh by
6 the way the side effect of that is, and this is
7 why you all chose 83 inches is that you would
8 also allow more females to reach sexual maturity
9 and therefore help to repopulate.

10 So kind of a two-pronged effect but
11 again primarily to reduce the catch. And that
12 number will definitely reduce the catch as you
13 know.

14 The vast majority of recreationally
15 caught makos that hit the docks are less than 83
16 inches.

17 However, if the discussion or
18 consideration starts to drift in favor of
19 crafting the size limit to allow more females to
20 achieve sexual maturity you might want to
21 consider actually falling back to a size limit
22 for male sharks, male makos, which could be a

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1 smaller size limit but a slot limit on males.

2 So let's just say that we were going
3 to allow anglers to harvest smaller male makos
4 but then if they wanted a female it's got to be
5 that -- whatever it was that Bob was saying.

6 But anyway, allow the harvest of male
7 makos only and they could be smaller than the 83.
8 And that would allow the females to have the
9 opportunity to grow to sexual maturity.

10 Now of course the flip side of that is
11 that when anglers are lucky enough to land that
12 monster, the guys in the tournament that hook
13 that four or five hundred pounder which probably
14 is going to be a female it's not going to go over
15 well.

16 I'm not suggesting that that's what
17 should be done, I'm just saying that if you go in
18 the direction of trying to craft the size limit
19 around the sexual maturity size of the female you
20 might want to consider a slot limit on males just
21 to allow anglers an opportunity to land some fish
22 and still allow those females to grow.

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1 And also the smaller males, as long as
2 they're sexually mature it's not difficult to see
3 those claspers when you're holding those fish at
4 the boat. I mean it's really not and I hate to
5 say it but I think it's being blown way out of
6 proportion the dangers, the hazards, whatever you
7 want to call it of handling the fish at the side
8 of the boat long enough to see whether it's male
9 or female.

10 And remember the way the proposal
11 originally came out we had a split size for males
12 and females. You only had to spot the claspers
13 to know you could keep a small fish. If it was
14 a very large fish you didn't even have to see the
15 claspers. If it's 83 inches you knew you could
16 keep it either way. It's not like you had to be
17 messing around on the side of the boat with a big
18 fish.

19 Also, real quick I'll finish up. As
20 far as the reporting, as far as those monitoring
21 options, option three and four mandatory
22 reporting and then also mandatory reporting of

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1 makos in the same way that they do with the
2 billfish.

3 I think that's critical. I think
4 we've seen with all the catch numbers that have
5 been generated for all the other sharks in the
6 recreational industry case in point the dusky
7 sharks how horrible those numbers are.

8 And so we don't want to work with
9 those kind of numbers for makos. We need to get
10 some really good numbers and I think that
11 mandatory reporting would be a good step. Thank
12 you.

13 MR. BROOKS: Thanks, Mark. We do
14 need to push on, but I do want to check is there
15 anyone else, any other AP members on the
16 teleconference who want to weigh in.

17 Okay, if not let's see. I think we've
18 heard a lot during this conversation. I think
19 if there's one common thread across all of the
20 comments I've heard it's around getting better
21 data and whether that's going back and looking at
22 the kind of data questions that Dewey has raised,

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1 or whether it's about looking at the kinds of
2 monitoring options that you've put out there
3 there seems to be a lot of interest and support
4 for making sure you have as clear a picture as
5 possible.

6 As for some of the other options it's
7 not surprising I think we've heard a range of
8 views from a couple of folks weighing in fairly
9 strongly for a conservative approach both to
10 protect the species and to reemphasize the U.S.
11 role as a leader in encouraging better behavior
12 globally.

13 We also heard a number of people weigh
14 in very strongly around waiting for ICCAT. Don't
15 go beyond ICCAT as well.

16 And then a number of comments
17 particularly towards the end here around minimum
18 size and that range -- should the size be expanded
19 so that you're protecting a greater cohort of
20 mature females, or should you in fact go to a
21 split between female and male sizes with some
22 sort of slot limit given the potential for

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1 experienced fishermen out there to be able to
2 distinguish.

3 Lots of other comments too but I think
4 for the sake of time I'll leave it at that.

5 We want to get you all to a break at
6 this point. Again thank you all for the good
7 discussion on that. I assume this will come back
8 at the fall meeting.

9 So we are supposed to be back from
10 break at 3:30. Let's make it 3:35 and then we
11 will jump into the pelagic longline closed area
12 research EFP. Thanks.

13 (Whereupon, the above-entitled matter
14 went off the record at 3:26 p.m. and resumed at
15 3:40 p.m.)

16 MR. BROOKS: Okay. We need to get
17 going here. So we have two more topics we want
18 to cover this afternoon.

19 What we'll jump into next is first
20 I'll hand it off to Rick Pearson to give us an
21 update on the pelagic longline closed area
22 research EFP.

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1 He'll give us an update on where
2 that's at and then we'll open that up for some
3 conversation among the advisory panel.

4 And then after we do that we want to
5 sort of pivot into a discussion, step back from
6 the specific EFP and have a broader conversation
7 around closed area data collection. And we have
8 a couple of thoughts on how we want to do that
9 but I'll hold off walking through that until we
10 get there.

11 So for right now what I'd like to do
12 is invite Rick to give us an overview on where we
13 stand on the EFP.

14 And again for anyone who's standing in
15 the back and up if you could please grab your
16 seats. Thanks very much. All yours, Rick.

17 MR. PEARSON: Thank you, Bennett. As
18 Bennett indicated the remainder of the discussion
19 this afternoon will be concerning closed area
20 research.

21 I will be providing an update on the
22 pelagic longline closed area research EFP and

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1 then later on today we're going to have a more
2 general discussion about how to collect data from
3 closed areas.

4 The National Marine Fisheries Service
5 received an application for an exempted fishing
6 permit on November 6, 2016. The purpose of the
7 EFP was to evaluate pelagic longline catch and
8 bycatch rates within the east Florida coast
9 pelagic longline closed area and to compare those
10 rates to rates from an open area.

11 Also the purpose was to evaluate the
12 effectiveness of the existing area closure at
13 meeting current conservation and management
14 goals.

15 The east Florida coast PLL closed area
16 has been in place for 17 years now. We have
17 collected very little data since that time. So
18 one of the purposes was to see if the catch rates
19 and bycatch rates between the closed and open
20 areas are still significantly different given
21 potential environmental changes, changes in stock
22 status, changes in gear usage including circle

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1 hooks.

2 So the application that we received in
3 November of 2016 requested to authorize six
4 vessels to fish in the research project. All of
5 those vessels are associated with Dayboat Seafood
6 Limited Liability Corporation.

7 The project was requested for 12
8 months and pending annual review could be
9 authorized for an additional two 12-month
10 periods.

11 All fish legally caught and otherwise
12 authorized for retention and sale could be sold.

13 After we received the application we
14 determined that it warranted additional
15 consideration and the opportunity for public
16 comment.

17 The agency prepared a draft
18 environmental assessment that was released in
19 January of 2017 and had a two and a half month
20 comment period.

21 In addition we gave a presentation to
22 the South Atlantic Fishery Management Council

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1 about this time last year on the draft
2 environmental assessment and EFP application.

3 We conducted a public webinar and we
4 presented before the HMS advisory panel. Again
5 all of this about the same time last March.

6 We analyzed three alternatives, the no
7 action alternative, a smaller research area and
8 a larger research area that would incorporate the
9 100 fathom contour.

10 We received well over 500 comments on
11 the draft environmental assessment. The vast
12 majority of those comments were opposed to
13 issuance of the EFP.

14 Those comments expressed concerns
15 about bycatch, primarily undersized swordfish,
16 billfish, dusky sharks, white sharks and sea
17 turtles.

18 The comments that we did receive in
19 support of the EFP were in favor of collecting
20 current catch information from the area,
21 increasing swordfish landings, and obtaining
22 information on electronic logbooks to facilitate

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1 real-time reporting.

2 So we received the comments. We
3 considered them. We summarized them. And then
4 we responded to those comments.

5 We prepared a final environmental
6 assessment. And on August 11 of last year we
7 issued the EFP along with the final environmental
8 assessment.

9 Within the final environmental
10 assessment the preferred alternative was
11 significantly changed.

12 In this slide I'd just like to show
13 you the study area. It was divided into three
14 areas, closed area north, closed area south and
15 the open area.

16 The project area was specifically
17 selected to be north of the Florida Straits.
18 This project area is where the Gulf stream
19 branches out further eastward. The closest to
20 shore that the study area is is 32 nautical miles.
21 Sets were to be distributed equally between all
22 three areas and by quarter. So 240 sets in the

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1 closed area north, 240 sets in closed area south,
2 and 240 sets in the open area.

3 So sets are distributed spatially and
4 temporally equally.

5 The EFP authorized up to 720 sets per
6 year. This was a significant departure from what
7 was contained in the application which requested
8 1,080 sets.

9 So when I said that we read the
10 comments and responded to the comments we also
11 adjusted our preferred alternative to reduce the
12 authorized number of sets based upon the historic
13 level of fishing effort of the six vessels that
14 were participating in the project.

15 Similarly we reduced the number of
16 authorized hooks per set to 600. Again this
17 reflects historic levels of fishing effort.

18 In other words there would be no
19 increase in overall fishing effort under the EFP.
20 Forty percent of all of the sets would have
21 observer coverage.

22 In the final environmental assessment

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1 we established shark-specific terms and
2 conditions, several of these. Among them would
3 be a cap on the number of dusky sharks per vessel
4 that would be allowed to be hauled back dead. A
5 limit of six per vessel.

6 Once three were brought back dead the
7 soak time for the sets would be reduced. And if
8 six dusky sharks were captured dead at haulback that
9 vessel would no longer be authorized to
10 participate in the project for the duration of
11 the project period.

12 Also we were going to deploy hook
13 timers at a certain intervals for each set to
14 determine the length of time that these sharks
15 might have been on the hook and their condition
16 at haulback.

17 Also photographs and fin clips for all
18 shark species were required. They were going to
19 be sent to our Panama City lab.

20 And for all sharks that were dead
21 biological samples would be collected including
22 stomach contents and reproductive organs. We had

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1 YETI coolers lined up ready to be used to send
2 those biological samples to the Panama City lab.
3 So very, very explicit terms and conditions to
4 reduce shark mortality and also to improve the
5 identification of sharks, primarily dusky, silky
6 and night sharks which are oftentimes
7 misidentified.

8 So there was potentially a great deal
9 of information on sharks that could have been
10 obtained from this project because that
11 particular area has quite a few sharks in it.

12 So anyway, the EFP authorized six
13 vessels. There would be electronic logbook
14 submission for all trips and 100 percent NMFS
15 review of all electronic monitoring footage.

16 We had a reviewer lined up to review
17 all of the data from EFP trips.

18 In addition all other longline
19 requirements would apply, reporting
20 requirements, observer coverage, size limits,
21 seasons, IBQs, bluefin tuna, individual bluefin
22 quotas, reporting and workshop requirements, and

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1 careful release gear.

2 However, no research activity ever
3 occurred under the initial EFP that we issued in
4 August of last year.

5 On December 14 the agency received a
6 new application that changed the affiliation of
7 the principal investigator from NOVA Southeastern
8 University to Florida Fisheries Solutions, LLC.

9 No other aspect of the research
10 project was altered. This is the update part
11 here.

12 With receipt of the new application
13 and change in affiliation of the principal
14 investigator NOAA Fisheries considers the
15 original EFP issued August 11, 2017 to be
16 invalid.

17 Because of this change and the
18 continuing controversial nature of the EFP
19 request consideration of the new application will
20 require further evaluation including
21 consultation with the HMS advisory panel and
22 informing the South Atlantic Fishery Management

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1 Council.

2 And both of those activities have
3 occurred this week. We gave a presentation to
4 the South Atlantic Council on Monday and today we
5 are consulting with the advisory panel on this
6 EFP.

7 The agency remains committed to
8 ensuring that any future decisions regarding HMS
9 conservation and management measures and closed
10 areas are based upon current data.

11 As we have learned over the last two
12 years obtaining current fishery data from the
13 closed areas can be controversial, it's difficult
14 and it's expensive.

15 We intend to work collaboratively with
16 the advisory panel, the ICCAT advisory committee,
17 commercial and recreational fishing interests,
18 academics, environmental NGOs and others on the
19 appropriate next steps to improve long-term
20 management of highly migratory species.

21 And the next presentation this
22 afternoon will be focusing on the more general

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1 question of how -- if this area has been closed
2 for 17 years or any other areas and people suspect
3 that there might be environmental changes or just
4 changes that need to be considered for closed
5 areas how do we -- what would be the best method
6 to obtain that data.

7 MR. BROOKS: Thanks, Rick, very much.
8 So at this point what we wanted to do was give
9 both Scott and Dave an opportunity just to fold
10 in a little bit of their perspective since this
11 is a project that was obviously near and dear to
12 both of them and still is.

13 So we wanted to give them an
14 opportunity just to share their thoughts on this
15 and then open it up for AP comment and discussion.

16 Our intention, however, is then to
17 move fairly soon into the discussion that Rick
18 was just mentioning around how do we think more
19 broadly around closed area data collection.

20 So with that what I'd like to do is
21 just hand it off to I think Scott you were
22 interested in talking first, is that right?

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1 MR. TAYLOR: Five minutes to sum up a
2 lifetime. This industry is done. We sat here
3 at the beginning of Amendment 7 and talked about
4 the direction that we were going.

5 Four years ago, I went in, I took my
6 own time and money and met with Margo and had a
7 discussion with her about the changing dynamics
8 of the environmental changes, things that we were
9 seeing out there on the water and talked to her
10 about how it was that we could actually go out
11 and not only catch our swordfish quota but to go
12 out and to have this industry economically
13 viable.

14 In all of my tenure here the only
15 thing that has happened is the economic viability
16 of this fishery has been diminished.

17 Whether or not that it's under
18 Magnuson-Stevens by deliberate attempt or by just
19 circumstance doesn't really matter at this point.

20 At this point I think Marty would
21 probably attest Dayboat Seafood probably
22 represents the majority if not the vast majority

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1 of what's left of the North Atlantic fleet. A
2 handful of boats outside of me.

3 There was another company Blue Harvest
4 that was handling about 10 boats and they are no
5 longer actively in the business for a bunch of
6 different reasons. They also happen to be the
7 recipient of what's left from the El Grande purse
8 seine quota.

9 We can't fish where the fish are.
10 When I send a crew out that's 800 miles off of
11 Miami it's going to spend 20 days at sea and the
12 crew comes in and the crew is making five or six
13 hundred dollars for a check. How long do you
14 think that they're going to continue to do that
15 for.

16 Marty who I respect and please don't
17 take offense to this, Marty, hasn't made a real
18 paycheck since October.

19 I was issued 35,000 pounds of bluefin
20 quota for the group of permits that I have. The
21 first eight weeks of the season I've landed
22 37,000. My boats will be parked in two weeks.

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1 You've taken -- the action that has
2 developed has taken this fishery and made it into
3 a directed bluefin fishery.

4 My boats are interacting with vast
5 numbers of fish and not because of choice because
6 we're not getting any value for the fish but
7 because there's no other place for them to fish.
8 At least they're catching a handful of fish
9 there.

10 There's some people in this room right
11 here and I think that it's important for
12 everybody to know why the EFP didn't move forward
13 because the agency can't be so politically
14 correct.

15 Billfish Foundation, IGFA, Coastal
16 Conservation through Ellen Peel solicited Guy
17 Harvey to go to the president of Nova Southeast
18 and have the study killed, potentially Dave
19 Kerstetter fired on complete misinformation.
20 Misinformation.

21 Those of you around the table, Andrew,
22 IGFA, Billfish Foundation, Florida Sportsmen, you

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1 knew what was in that EFP and you either didn't
2 clearly spell it out to your constituency or just
3 chose to ignore it. You're just as guilty either
4 way.

5 Because it's not politically correct
6 or politically difficult.

7 I'm angry. I'm angry because I spent
8 four years of my life trying to do something good
9 and meaningful.

10 We're talking about mako sharks. How
11 about if you let us fish where we can catch the
12 swordfish quota and turn the makos loose.
13 There's only so many economic cuts that you can
14 take.

15 For 10 years nobody has listened to
16 us. We know where the fish are. This is our
17 job. We can go get the job done and we can get
18 it done responsibly.

19 If we would have been allowed to have
20 been able to show that we could have done it
21 responsibly because it wasn't us that designed
22 the science. It wasn't Dave that designed the

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1 science.

2 It was NOAA and the science center and
3 everybody else that had input that designed the
4 science.

5 I'm going to let him speak to that
6 part of it.

7 But now these individuals, these
8 selfish individuals --

9 MR. BROOKS: Scott, Scott.

10 MR. TAYLOR: Okay. I'm going to tone
11 it down.

12 MR. BROOKS: Thank you. It's
13 important for people to hear your perspective but
14 don't go after anyone around the table.

15 MR. TAYLOR: So the bottom line here
16 is that this turned into a witch hunt. And now
17 we've digressed to the place that we're afraid to
18 even get the science.

19 The science was going to be the
20 science, however it was going to come out it was
21 going to come out. Maybe we were wrong.

22 But now when we talk about agency and

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1 industry and private sector actually going out
2 and designing and getting the science that was
3 realistic and then making a determination that
4 would have been presented to this body and
5 deciding what was going to be actionable.

6 Nobody was talking about opening the
7 Straits of Florida. We were talking about
8 getting data that hasn't been able to be
9 available for 17 years to see if we can ultimately
10 at the end of the day make a better industry and
11 a better fishery so that we can deal with all of
12 these other issues that are coming up from the
13 standpoint of bycatch and everything that's out
14 there.

15 And I do take it personally and I'm
16 sorry that I take it personally. Because when
17 you work hard all of your life and there's a
18 deliberate attempt to misrepresent what's being
19 done and then it becomes a character attack and
20 a personal attack on people that used a
21 tremendous amount of political capital to get
22 this thing approved.

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1 Never in the history as I understand
2 for NOAA has there ever been an application for
3 an EFP had it be granted and then had the
4 requesting agency decline to execute on it. I
5 guess that's something to be proud of. I really
6 don't know at this particular point.

7 But what I do know is the people that
8 I love and I care about, they're done. There's
9 no recruitment left in this industry.

10 The names that have been in this
11 business for 20 and 30 years are no longer there.
12 The bluefin quota is in the hands of a company
13 that survived a purse seine group that refuses to
14 sell any of the quota out there out of spite
15 because they've lost the boats essentially to us.

16 The other 60 percent of it is in the
17 hands of people that are not actively fishing.
18 And the economics are no longer there.

19 This was a real opportunity that if
20 there was availability not to send these guys 800
21 miles offshore and I'm going to wrap this up.
22 Because Rick actually asked me a pretty valid

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1 question.

2 He said well, he said well why don't
3 you build equipment that you can go out there and
4 fish on the high seas like a lot of the other
5 international fleets do.

6 And my answer to him is well, the
7 Taiwanese, they can retain 150 bluefins on a
8 trip. So I'm going to go spend \$5 million and
9 mortgage my life to go build a boat out there
10 that I'm still not going to be able to fish
11 because I'm subject to U.S. law.

12 This fleet was an artisanal fleet that
13 was designed for coastal and inshore fisheries.
14 There isn't a conflict and all we wanted was a
15 fair opportunity to be able to show that it was
16 there.

17 The only change that was made to the
18 EFP -- I'm finishing up -- the only change that
19 was made to the EFP was the deletion of the name
20 Southeast University. That was the only change.

21 Same principal investigator. Same
22 science. Same design. Everything was

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1 identically the same and now we're back to square
2 one.

3 MR. BROOKS: Thanks, Scott. Dave.

4 MR. KERSTETTER: Thanks, Scott, for
5 putting it in a larger fleet-wide perspective.

6 It's been three years of my life as
7 well. And I guess the way that I would look at
8 it is the profound disappointment that I have in
9 a body that likes to pride itself on having data
10 and science-based management.

11 The complete disregard for even the
12 data collection to evaluate a current management
13 measure.

14 I get it was unpopular. Believe me,
15 I heard it more often than not how unpopular it
16 was.

17 But data collection isn't supposed to
18 be about popularity. It's about providing the
19 inputs for effective management.

20 Again, that was the disappointing
21 part. We did exactly what the agency and this
22 group and the ICCAT advisory committee has asked

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1 for years.

2 We partnered with the agency. We
3 partnered with industry to come up with a
4 science-based research plan to evaluate a
5 management measure. And the outcome we all know.

6 So profound disappointment on my part
7 as well. That's it, I'm done.

8 MR. BROOKS: Thanks, Scott. Thanks,
9 Dave. Obviously this is not an easy topic to
10 talk about and I don't want to pretend it is. I
11 know there are folks who want to weigh in.

12 I just want to ask everyone to be as
13 thoughtful and as careful as you can be with your
14 comments and speak to your knowledge of this.

15 What I will say is I think the value
16 of a panel like this is the ability to bring the
17 perspectives of constituencies to this table.
18 And it's important that we do and when we don't
19 we're losing the opportunity to raise important
20 issues and talk about them.

21 So let me just invite some people in.
22 Jason, then over to Katie, and then over to David.

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1 MR. SCHRATWIESER: Thanks. I
2 understand the frustration, Scott. I talked to
3 you about this. Dave, I've talked to you about
4 this quite a bit.

5 But I want to clarify that our
6 organization did not lobby anybody to have Nova
7 stop this research. So I want that on record.
8 We did not do that.

9 MR. BROOKS: Thanks. Scott, just let
10 it go. Katie.

11 MS. WESTFALL: We had originally I
12 think this was the last HMS AP meeting had
13 commended the agency's approval of this EFP and
14 we hope that we can commend the agency for
15 ultimately approving this.

16 This is a thoughtfully designed
17 research project and I think a lot of the details
18 and benefits get glossed over in this
19 conversation so I want to take a moment to
20 highlight those.

21 This is going to collect crucial data.
22 It's going to pilot new technologies. And it's

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1 going to ultimately help us make decisions about
2 how to better manage our domestic fisheries.

3 Specifically the project makes
4 significant leaps and bounds in looking at the
5 use of electronic monitoring and reporting. It
6 will test electronic monitoring and reporting for
7 all species including bycatch.

8 And it will pioneer an approach to
9 link the catch data to oceanographic data. And
10 this will allow researchers to figure out what
11 types of conditions different species will occur,
12 when they will occur. And this information is
13 crucial.

14 For us this is -- losing U.S.
15 swordfish quota to other countries is a
16 conservation issue. And it's important for us
17 to collect the data and the information to make
18 those decisions and to figure out how to best
19 manage our U.S. fisheries.

20 MR. BROOKS: Thanks very much, Katie.
21 David.

22 MR. SCHALIT: Just a question, a

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1 technical question. The area that you're looking
2 at is known as the east Florida coast area that
3 has a 12-month closure.

4 But what I'm missing on the chart that
5 they showed was is there any overlap between the
6 area you want to explore and the Charleston Bump
7 as well? Okay.

8 Just one more thing. My
9 understanding is that originally this closure was
10 put in place, this 12-month closure was intended
11 to address issues in connection with interaction
12 with shark, juvenile swords and marlin. Not
13 shark though. Which is it. That's my question.

14 MR. BLANKINSHIP: So this area was in
15 combination a part of several closed area
16 management approaches that tried to address
17 bycatch in general.

18 MR. BROOKS: Thank you. I've got
19 Marty and then over to Martha.

20 MR. SCANLON: Well, first of all I
21 just heard you say that you need the current data
22 in these areas. And that's not necessarily true.

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1 Magnuson-Stevens requires best
2 available data. Well the best available data is
3 what we have on the pelagic longline that was
4 excluded from these areas.

5 And we warned the agency back then of
6 the problems that we're facing today, that we
7 were going to have a black hole in the science
8 which is what we have now at the present day, we
9 were going to have greater interaction with
10 bluefin tuna fish because you're going to be
11 pushed out and forced to fish in areas that we
12 did not want to fish in. So that's the result
13 we got of that was A7.

14 So to me I don't even need any of these
15 EFPs. The agency ought to put on their big boy
16 pants, go back to the available data that was
17 back then, back present in those areas, apply the
18 regulatory changes that have been imposed upon
19 the pelagic longline industry from that time
20 period till now and see what those numbers come
21 out to.

22 And the FEIS report back then, they

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1 keep telling us that one of the reasons why it's
2 not going to be open like the Charleston Bump
3 area for example is because they fear an increase
4 in marlin.

5 Well, that report, we looked at that
6 report, Blue Water looked at that report and that
7 report stated that there was going to be a strong
8 likelihood of an increase in our interaction on
9 marlin by excluding us from those areas.

10 Contrary and contradictory to what
11 this agency is trying to tell us today. The
12 reasons why they're keeping it closed today.

13 So you're talking to us in circles on
14 this. You keep telling us how you want to
15 rebuild these industries, you want to catch our
16 swordfish quota.

17 We know where the swordfish are. You
18 will not politically allow us to get in that area.
19 And even when we try to devise a strategy to get
20 in there we're now afraid of the science to get
21 us in there.

22 Like Scott says, good, bad, or

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1 indifferent the science is going to tell us one
2 thing or the other.

3 Since you denied us the access to the
4 science then you ought to at least go right back
5 to what the science was 17 years ago and apply
6 what the hell we've done in the meantime to reduce
7 our take in all these areas and see if we should
8 be in there.

9 MR. BROOKS: Thanks, Marty. Martha,
10 then over to Bob.

11 MS. GUYAS: Yes, so the commission and
12 the State of Florida, they've had the same
13 position on this EFP and the various iterations
14 of it for the past however many years this has
15 been going on.

16 They discussed it at their meeting I
17 guess last month now and the position is still
18 the same. We don't need to go into the details
19 but it's pretty much the same.

20 So I do appreciate, I think some of
21 the concerns that we had in the EFP application
22 were attempted to be addressed in the EA that

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1 came out originally, but we continue to oppose
2 this EFP.

3 MR. BROOKS: Thanks, Martha. Bob.

4 MR. HUETER: Yes, Bob Hueter, Mote
5 Marine Lab.

6 So, I've been on this panel I think
7 since it started for 21 years and I have really
8 been proud of all the accomplishments that we've
9 made in this body and really cherish a lot of the
10 relationships that have been fostered.

11 But I have to say sort of taking a
12 broad approach that there are two problems that
13 really pull down our thinking and our discussion
14 in this panel.

15 The first is slippery slope and the
16 second is fear of the data. And I see it on both
17 sides.

18 The slippery slope is oh if you let
19 this happen then the next thing's going to happen
20 and the next thing's going to happen. That's a
21 negotiator's position. That's not a judge's
22 position or a thinker's position. Maybe a wise

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1 man's position but nevertheless it hampers our
2 thinking.

3 Fear of the data. I hear people
4 constantly saying we need more data, we need more
5 data because I think they say that when they think
6 the data that are going to be collected will
7 support their position.

8 If they don't think the data that are
9 going to be collected will support their position
10 then they are opposed to it. It's human nature.
11 We've got to get past this. We've got to do the
12 right thing.

13 So having said this, I see this -- I
14 think Katie said it perfectly. I see this as a
15 well-designed fisheries dependent research
16 project.

17 I would tell Scott maybe you need to
18 tone down your messaging a little bit because
19 you're presenting it strictly as let's do this so
20 I can fill the quota.

21 Let's talk about the importance of
22 this as a research project in cooperation with

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1 Scott's fleet.

2 I will say, I said this before when we
3 last took up this discussion that I want to see
4 as a scientist a very short leash on this project
5 when it's implemented.

6 And I'm not sure whether that -- I
7 like a lot of the changes like the increase in
8 observer coverage from the original proposed I
9 think it was maybe even 10 percent or something
10 possibly.

11 But I want to see quarterly validation
12 of what's going on by NMFS. And if they're
13 getting into huge bycatch then the project needs
14 to be at least temporarily shut down until we can
15 figure out what's going on.

16 So I'll make that point again. I
17 think that should be part of the permit.

18 And finally I'll just say if the only
19 change in this application was the affiliation of
20 the principal investigator, everything else is
21 the same, unless NMFS is having second thoughts
22 or new information has come to them that makes

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1 them change the decision the permit was given.
2 So the new application should be also approved
3 very quickly.

4 MR. BROOKS: Thanks, Bob. Bob.

5 MR. FREVERT: Let's see if it works
6 this time. I'm a member of the West Palm Beach
7 Fishing Club. This is our position.

8 On behalf of the over 1,400 members of
9 the West Palm Beach Fishing Club I would like to
10 voice our strong opposition to the proposal
11 exempted fishing permit currently being
12 considered by the National Marine Fisheries
13 Service to allow pelagic longline in the east
14 Florida coast closed area.

15 The fishing club has long supported
16 billfish conservation efforts and was among those
17 years ago who advocated for pelagic longline
18 closure off Florida's east coast to protect
19 juvenile swordfish, rebuild the swordfish stocks
20 and to protect sea turtles and other billfish
21 species that are often caught on that gear.

22 Allowing pelagic longline vessels

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1 back into the closed area under the guise of
2 research threatens the quantifiable gains that
3 have been made to protect these resources and
4 rebuild the swordfish fishery.

5 The fishing club sees no positive
6 outcome by approving this EFP. Four years ago
7 the fishing club submitted comments to the
8 National Marine Fisheries Service opposing a
9 similar proposal.

10 As we did then the West Palm Beach
11 Fishing Club urges NMFS to deny the EFP
12 application. The resurgence of swordfish stocks
13 in our region has been a conservation success
14 story.

15 The NMFS is to be lauded for their
16 foresight in protecting and rebuilding swordfish
17 stocks through prudent management. Please do not
18 let that jeopardize all that has been
19 accomplished. Thank you.

20 MR. BROOKS: Thanks. I want to take
21 a couple of more people. Ben, I think I saw your
22 card up there, is that right. No. Oh, I'm

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1 sorry, Tim.

2 MR. PICKETT: Just a couple of things.
3 I feel that when the first EFP came out I fielded
4 an awful lot of phone calls.

5 It was -- because I'm in kind of a
6 unique position being where we're located and my
7 supplying I would say three different
8 constituencies with equipment. I supply the
9 recreational fishing community with equipment, I
10 supply the handgear fishery with equipment and I
11 supply the longline fishery with equipment.

12 I don't want to say that gives me a
13 unique perspective on things but it gives me a
14 unique perspective on things and it gives me a
15 tough selection of which dog in the fight it is
16 and it made me look very objectively on what was
17 going on.

18 That being said every single person
19 that called me on the telephone at the end of our
20 conversation their tone of voice came down and
21 their blood pressure dropped.

22 There was a massive amount of

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1 misinformation that was spread and I just wanted
2 to from boots on the ground say how disheartening
3 that was and how there wasn't a lot of effort I'm
4 not going to say at the agency's level in
5 educating people and maybe having some meetings
6 or something like that that would more easily
7 educate the general public as to exactly what was
8 going on and the exact reasoning behind
9 everything would have been nice.

10 I was able to sit down with a couple
11 of people and kind of I don't want to say change
12 their mind but just educate them a little bit.

13 I kept on telling people don't
14 formulate an opinion until you read what's
15 actually written down.

16 From a perspective of the fleet I
17 wanted to echo Scott's sentiment that this is a
18 small coastal fleet and in my opinion that's the
19 only way a longline fleet will continue to exist
20 in the United States.

21 Mostly because of the length of trips.
22 Not a lot of people want to go offshore anymore

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1 and spend weeks at a time.

2 And we're also competing against
3 fleets that have foreign crew members. And we
4 don't really in the mainland United States have
5 a mechanism to employ foreign crew members.

6 That would be another way that we
7 could expand our fleet, but we don't really have
8 a mechanism of doing that in the mainland.

9 And then from an equipment supplier
10 standard I say this a lot to people that they
11 need to think very, very hard about the hooks
12 that they're taking out of the water or they don't
13 want to go into the water.

14 And I give a lot of tours of people
15 of our facility and I don't want to say change
16 minds but kind of open minds and tell people that
17 for every one of our hooks that comes out of the
18 water three go into the water somewhere else.

19 And as much of a difference that we
20 think we're making here in the grand scheme of
21 things we're micromanaging ourselves and we're
22 going to lose it, and we're going to lose our

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1 ability to control everybody else.

2 So I just kind of wanted to clarify a
3 couple of things and give a little bit of
4 experience of what kind of the pushback to this
5 was locally in south Florida. That's it.

6 MR. BROOKS: Thanks, Tim. Andrew.

7 MR. COX: Andrew Cox. I can say that
8 from a recreational person in south Florida there
9 is just the thoughts of longlines are something
10 that just bother people. Whether it's in Costa
11 Rica and fishing amongst the black flags and
12 seeing sailfish jump left and right, it just
13 bothers you when you're spending mass amounts of
14 money to chase sailfish.

15 And look at the data. That's where
16 we're going to have to see the most interaction
17 to anticipate increased interactions in that
18 fishery.

19 That's where over the last 10 years or
20 since the longline closure had been put in place
21 we've been seeing banner years. On a given
22 weekend we're releasing 1,200 fish in a great

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1 tournament.

2 How much money is brought into the
3 industry from the sport fishing and I believe
4 that the tone within the EIS and the EA overlooked
5 recreational fishing and the importance of that.

6 But on the other hand I understand
7 that the data needs to be there. But I believe
8 that the EA overlooked and could have done a far
9 better job creating stock caps for catch caps for
10 billfish and other species to create
11 intermittent, just as Bob said.

12 What is the agency going to do if
13 there's too many sailfish or blue marlin caught.
14 We never saw what was going to happen.

15 And I think that's where personally I
16 had big conflicts with what was inside the EA.
17 I did not know what would happen should the
18 sailfish or marlin get caught.

19 I think that's where a lot of other
20 people -- I'm still opposed to it but I still
21 think that the data is important for us as a
22 country from a catch standpoint.

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1 MR. BROOKS: Thanks. I want to wind
2 this down. Mike, you wanted to jump in.

3 MR. PIERDINOCK: Just a quick one. I
4 remember when this was before us I don't know
5 whether it was one or two years ago or so on.

6 The only comment I had at that time
7 and it was the same at this point. We had gone
8 through all those measures with dusky sharks and
9 I know I was concerned at the time looking at the
10 fact that they would be within that area and would
11 be landing them.

12 But my understanding and correct me if
13 I'm wrong is if they get a certain amount of
14 boats, catch a certain amount of duskies and then
15 they get shut down completely or how does that
16 work?

17 MR. PEARSON: After three dusky
18 sharks are brought dead alongside the vessel they
19 would have to shorten the soak time.

20 Beyond that if six duskies are brought
21 dead alongside the boat they would be prohibited
22 from participating in the project for the

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1 duration of the project period.

2 MR. BROOKS: Pat, you have another
3 chance to weigh in on this.

4 MR. AUGUSTINE: I do, Bennett. Thank
5 you.

6 You know this is really crazy. The
7 distance of this exercise is going to be 67
8 nautical miles from shore, or 32 nautical miles
9 from shore.

10 We lack the information. The
11 sideboards and controlling what these vessels
12 could keep were so severe if I had a vessel I'm
13 not sure I'd want to spend the money and effort
14 to go out there 67 miles and participate in it.

15 But it was for a reason, research, an
16 assessment on the stock.

17 It's been 17 years, we haven't done a
18 damn thing. We drew a line in the sand and we're
19 putting another fishery out of business. It
20 doesn't make sense. Absolutely doesn't make
21 sense.

22 Now the organizations who are dead set

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1 against it, multimillion dollar boats, some cheap
2 ones, you're traveling 67 miles, you want to
3 protect your fishery.

4 But what about the guys who were here
5 before you. What about the 90 percent plus
6 seafood that's imported into the United States
7 and our people can't catch them.

8 We have the hardware, the gear to do
9 it. All we're doing is putting people out of
10 business.

11 I come from the recreational community
12 but at ASMFC I represent it all, commercial,
13 recreational, shorebound, it didn't matter.

14 And the idea is if we're looking for
15 research that we do not have how can we sit here
16 in good conscience and not support this kind of
17 effort.

18 It's not rocket science. We put up
19 all these blocks to prevent this from happening.
20 And down to the bottom it confuses me when it
21 says no other aspect of this research project was
22 altered.

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1 I changed the title of the Bible but
2 didn't do anything else, didn't change any words,
3 didn't change the index, I didn't change
4 anything. I just changed the name.

5 So the question is with receipt of a
6 new application the original becomes invalid.
7 Final line. Because of this change and the
8 controversial nature of the EFP -- what was the
9 controversial nature? A couple of groups bitched
10 and moaned -- excuse me, complained and moaned
11 because they weren't happy with it.

12 And then we go on to say consideration
13 of the new one requires further evaluation. So
14 the question I have is what evaluation. What
15 specifically has to be evaluated in view of the
16 fact that the original was approved.

17 I don't get it. I don't get it. And
18 we sit here more power in this room than God would
19 want to have in one room and we can't agree to
20 move forward with something that is essential in
21 the survival of these fisheries.

22 We can put protective measures in,

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1 don't catch anymore, don't do this, don't fish
2 there, but once we've done that and you waited 17
3 years mind you now we can't perform the research
4 to get it done.

5 So I guess my question, and I'm not
6 emotional like you, Scott, I'm an old guy.

7 MR. BROOKS: Just a simple baker.

8 MR. AUGUSTINE: Thank you very much.
9 So the final point is when will we have that
10 evaluation and what will change. Don't need an
11 answer right now.

12 But around this table we need an
13 answer. Is this thing going to die on the vine.
14 Are we going to take a guy who has put this thing
15 together, how many years, four years to do it.

16 Have it fall on deaf ears because some
17 political group or some person got all excited
18 and they were able to convince somebody
19 subjectively that this wasn't warranted.

20 So hopefully we get a decision and we
21 can move this thing forward before we kill that
22 whole industry. Thank you.

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1 MR. BROOKS: Okay, thanks Pat. I
2 have now heard from everyone. I know there are
3 three people who want to get in. Thirty seconds
4 each. Real 30 seconds.

5 MR. TAYLOR: I just want to address
6 something for Andrew and Jason both.

7 It's important to understand that the
8 only data that we had in extrapolating the
9 information for the study was J hook data. So
10 best available science.

11 We don't know what those interactions
12 are going to look like or whether or not we can
13 make a conscious effort to mitigate that. That's
14 what this is all about.

15 The problem that I had also from the
16 standpoint of Jason rather than being accusatory
17 and I'm going to tone it down for just a second
18 is as an AP member I think there are people here
19 that have a responsibility to properly
20 communicate the true nature of what it was that
21 we were trying to do to their constituency.

22 And like Tim said you can't argue with

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1 me that there was just total misinformation from
2 all the groups down there in Florida whether it
3 was Florida Sportsmen, whether it was just lack
4 of standing back and putting your hands up and
5 saying let me see the way that it goes. And that
6 was what I have the issue with.

7 I'm a fighter and so -- I'll wind it
8 down.

9 MR. BROOKS: Thanks, Scott. Marty,
10 30.

11 MR. SCANLON: Well the misconception
12 that the swordfishery was rebuilt because of
13 these closed areas is a complete misconception.

14 It's like Scott just pointed out. The
15 implementation of the circle hook is what rebuilt
16 the swordfish stocks and which kept the swordfish
17 business in business.

18 It was a reduction unilaterally of 28
19 percent on all bycatch and our targeted species.
20 That's what rebuilt the swordfish stock. No
21 closed area.

22 We as a group here should not be

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1 promoting exclusion. This country in this day,
2 the political environment everything is inclusion
3 not exclusion.

4 And we should not be sitting here at
5 a table and promote and preach exclusion to any
6 group at this table. We should be including
7 everyone.

8 MR. BROOKS: Thanks, Marty. Martha.

9 MS. GUYAS: Yes, just a question. So
10 the application is a little bit different than
11 what was issued and discussed in the EA.

12 Since the EA was issued we now have
13 oceanic whitetip listed. How do you account for
14 that here if you move forward with this? I'm
15 trying to understand what may be different here
16 if this moves forward. Or is it going to be the
17 same as what's in the EA. What is this going to
18 look like?

19 MR. BLANKINSHIP: Thank you for that.
20 My answer to that is just like any other action
21 that the agency would do at this point we are
22 under consultation on all of our fisheries.

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1 We also have consideration of
2 operation under the existing BIOPs while that
3 consultation is underway. And that applies in
4 this case.

5 MR. BROOKS: Is there anyone else?
6 Oh, please.

7 MR. HOPKINS: Just a real quick
8 comment. I'd just like to remind everybody that
9 there is bycatch and mortality with any kind of
10 gear you put in the water, whether it be
11 recreational or longline or anything.

12 When he said 1,200 sailfish at a
13 single tournament I know there's -- it may not be
14 high but I know there's some degree of mortality.
15 So one weekend, 1,200 sailfish, I doubt pelagic
16 longline would catch anywhere near that. Just
17 throwing that out there.

18 MR. BROOKS: Thanks. I guess I'll
19 just throw in a couple of observations and then
20 we'll shift to our next conversation. Oh I'm
21 sorry.

22 MR. BLANKINSHIP: Yes, thank you. So

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1 I just had a couple of thoughts. This won't take
2 long, but in relation to I think Pat had mentioned
3 something about coming to a decision.

4 And one of the things I want to
5 reiterate is that the advisory panel as we talked
6 about earlier today is advisory in nature.
7 There's not a decision that will be made during
8 this discussion.

9 The purpose of the discussion though
10 is to carry through with the consultation with
11 this AP and also with the South Atlantic Council
12 which occurred earlier this week. And so the
13 discussion is what needed to take place.

14 And we appreciate all of the points of
15 view that were expressed. And we will take them
16 back as we continue to consider the application.

17 MR. BROOKS: Thanks. I think I'll
18 just leave it at that actually.

19 So at this point what we want to do
20 is obviously getting at good data from closed
21 areas is not going away as an issue. It's
22 crucial for putting forward informed management

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1 and it's something somehow we all have to
2 collectively tackle.

3 So we'd like to have a conversation
4 around that for the remainder of the afternoon.
5 And sort of step back from the EFP that we were
6 just talking about and take a wider view, a bigger
7 view at this.

8 And I recognize that that is going to
9 be more challenging for some than others and
10 admittedly for pretty good reasons but I think
11 that is our collective challenge is to figure out
12 how do we get at this issue in a way that furthers
13 the work you all are trying to do and the various
14 views that we're trying to straddle here.

15 So we want to do this in a couple of
16 ways. First we'll hear from HMS just to tee this
17 up a little bit as to what the challenge is and
18 where they want to try to get to.

19 We'll then open it up for a general
20 conversation panel-wide. But after that we're
21 then going to give you about a half hour to talk
22 in small groups amongst yourselves and brainstorm

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1 what are different strategies, what are different
2 ways to think about this.

3 And we'll do that in not big formal
4 breakouts but just ask you to get into groups of
5 three or four and spend some time just kicking
6 around ideas and try to generate as many good
7 thoughtful ideas to push at and explore and use
8 that then as a way to go forward.

9 So that's our game plan. And what I'd
10 like to do is hand it over to Steve Durkee to
11 introduce the subject.

12 MR. DURKEE: Good afternoon. I'm
13 Steve Durkee. I'm going to talk about some
14 options for data collection and research to
15 support spatial fisheries management.

16 As has been noted this is kind of a
17 complement to Rick's presentation. Where Rick
18 was talking about one specific EFP project this
19 is more of a 30,000 foot view on ways we can
20 actually get some more information to support
21 this management strategy.

22 So what is spatial fisheries

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1 management. So it's a range of management tools
2 we can use to control adverse ecological impacts.

3 Some examples are time area closures,
4 closed areas, controlled access areas, marine
5 monuments and gear restricted areas, really
6 anything you can see on a map that shows an area
7 where fishing is somehow restricted or
8 eliminated.

9 These areas can affect commercial and
10 recreational fishing as well as certain boating
11 activities depending on how it was designed.

12 And these areas are meant to protect
13 a variety of things such as benthic habitat,
14 perhaps a fishing gear that's interacting with
15 the ocean bottom, perhaps nursery grounds, or
16 protecting vulnerable life stages of target
17 species such as juveniles, or also protecting
18 bycatch and incidental catch.

19 So the next few slides just show some
20 maps. These are all from the compliance guides
21 we have. So don't worry too much about the
22 detail. I know it's hard to see.

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1 But you have it electronically in your
2 PowerPoints on your computers and they're also
3 always available in the HMS compliance guides.

4 Just to give you an idea what we're
5 looking at here are some closures that restrict
6 the use of some HMS gears in the Atlantic, Gulf
7 of Mexico and Caribbean.

8 A similar one for pelagic longline
9 closed areas and gear restricted areas. Same
10 thing for bottom longline. And then finally we
11 have gillnet as well.

12 So specifically with closed areas they
13 can be very effective at reducing fishing
14 mortality since you're slowing down or even
15 stopping certain fishing activities.

16 However, when you stop these fishing
17 activities you also -- it also results in a
18 proportional decrease in fishery-dependent data
19 collection.

20 So take a step back. Fishery-
21 dependent data versus fishery-independent data.
22 Fishery-independent data collection is data

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1 that's collected in more of a classic research
2 idea where NOAA might send a vessel out or an
3 academic institution might send a research vessel
4 out and some sort of project is being performed
5 on that vessel.

6 Fishery-dependent data though is data
7 that's collected during normal fishing
8 operations.

9 And so as you can imagine if a closed
10 area reduced normal fishing operations it would
11 also proportionally decrease that fishery-
12 dependent data that was being collected during
13 the normal fishing operations.

14 And in some cases this fishery-
15 dependent data is the most cost effective method
16 to collect information. The vessel that's out
17 there fishing is the research platform and an
18 additional vessel doesn't need to be contracted
19 or deployed.

20 It's also the most applicable to gear
21 specific research questions. If you want to know
22 how gillnet, what kind of impacts gillnet gear

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1 has when you're targeting a certain species it's
2 probably best to be on a gillnet vessel targeting
3 that species in question.

4 So why is data collection and research
5 in closed areas so important. Well, I think
6 we've already gone around the table and discussed
7 many of the reasons. Perhaps getting the best
8 up to date information to support fisheries
9 management, ensuring the original goals of
10 closures are still being met, Magnuson-Stevens
11 Act as was mentioned earlier requires us to use
12 the best available science.

13 And not to minimize the fact also that
14 these closed areas are geographically stationary
15 areas in the midst of changing ocean conditions
16 and these migratory species.

17 So the big question is are we
18 protecting the right species in the right areas.

19 So if sound scientifically rigorous
20 and up to date closed area research is so
21 important the question is how do we get it. And
22 that's what the back half of this presentation is

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1 going to focus on.

2 So I'm going to present to you guys
3 eight possible options to collect data and
4 perform research in these closed areas.

5 And these are some preliminary ideas
6 meant to spur discussion. If you formally
7 consider any of these, when you look at the
8 legality and the practicality of some of these,
9 these options at least will help us spur some
10 discussion on how to collect this information.

11 The first option is kind of a status
12 quo no action. Continue to authorize any closed
13 area research through the current HMS exempted
14 fishing permits program.

15 This is the process that Rick just
16 outlined and we just discussed with the last
17 presentation.

18 Typically a researcher comes to us
19 with a research plan. Since closed area research
20 is outside the scope of our typical EFPs we need
21 to do an effects analysis through a NEPA
22 document, put it out for public comments and then

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1 consider whether or not to actually issue that
2 EFP.

3 Under that option the agency has some
4 control over the research, it puts terms and
5 conditions into place, but the impetus of the
6 research is on external partners.

7 So option two is still using an EFP
8 program but perhaps trying to streamline the
9 process a little bit. If we could actually front
10 load some of the work perhaps it would be a little
11 easier to actually approve these EFPs. So the
12 effects analyses perhaps, looking at the effects
13 of a wide range of closed area research
14 activities across multiple closed areas ahead of
15 time and then putting it out for public comments,
16 perhaps then when the researcher comes to us for
17 an EFP we can more easily actually issue that EFP
18 if it was an appropriate application.

19 We have the same kind of concerns as
20 far as how much control the agency has over that
21 research and the management applicability, but it
22 doesn't require a huge investment of time or

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1 resources on the agency's part.

2 Option three is collect data on closed
3 area catch through an observed access program.
4 The way this would work is that if a vessel was
5 chosen to carry an observer, an observer was on
6 board they could then go fish in a closed area.

7 This option though wouldn't have much
8 agency control at all. The fisherman decides if,
9 when, where to fish so it wouldn't be underneath
10 a formal scientific research plan. For that
11 reason it would take probably quite a long time
12 to get a sufficient amount of data to actually
13 inform management and it would also require some
14 rulemaking, NEPA analyses and public comment to
15 put this option forward.

16 The fourth option is to institute a
17 closed area research program similar to the
18 current shark research fishery. So the shark
19 research fishery, fishermen apply to be part of
20 this program and if they are accepted they can go
21 out and target sandbar sharks and retain them
22 along with other sharks as well.

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1 In order to go out and participate in
2 this fishery they have to abide by certain
3 restrictions such as observer requirements and
4 also fish in a manner and location consistent
5 with an overarching scientific research plan
6 developed by the agency through the science
7 centers.

8 So if we use this model perhaps we
9 could have fishermen apply to a closed area
10 research program where fishermen would apply to
11 it. If they're accepted they go out and fish in
12 certain closed areas underneath an umbrella
13 research program that could perhaps since it's
14 designed from the beginning and the onset get us
15 the best management information -- the best
16 research information to support management
17 decisions with closed areas.

18 It does require some voluntary
19 application and participation by fishermen, and
20 it would require a fair amount of agency
21 investment in time and personnel.

22 Option five, conduct closed area

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1 research through a public-private partnership
2 partially funded by NOAA Fisheries similar to the
3 2003 NED research program. The NED research
4 program back in 2003 was a public-private
5 partnership that was meant to try and find some
6 gear technologies to reduce sea turtle bycatch in
7 the NED.

8 What happened is that the agency
9 contracted commercial vessels out, paid for all
10 their operating costs and allowed them to sell
11 their catch to further incentivize this kind of
12 research on the NED.

13 So if we chose this kind of option
14 with the current closed areas perhaps we could
15 incentivize fishing in closed areas under an EFP.
16 But since the catch rates are unknown the way to
17 incentivize this would be perhaps with
18 compensation fishing where the vessels could sell
19 their catch, or we could even perhaps pay a
20 portion of the vessel operating costs.

21 This would be under a formalized
22 research plan which does help with the management

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1 applicability, but it would be expensive for the
2 agency particularly if we paid for part of the
3 operating costs for the vessels doing the
4 research.

5 Option six, conduct closed area
6 research through a research program led by NOAA
7 Fisheries using NOAA or contract vessels.

8 This is the more classic research
9 program idea where a research vessel would go out
10 there and perform the research under a formal
11 research plan.

12 It could get us some pretty
13 scientifically rigorous data and results.
14 However, it might not be the most applicable to
15 normal fishing activities.

16 Again if we're trying to figure out
17 what a certain normal fishing activity like a
18 bottom longline, what the effects are, perhaps
19 it's better to be on a bottom longline vessel
20 than on a research vessel. This option would be
21 also one of the most expensive options.

22 Option seven is a performance-based

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1 closed area access program kind of similar to the
2 Cape Hatteras gear restricted area to limit
3 bluefin tuna interactions.

4 In order for fishermen to enter these
5 GRAs they need to abide by certain criteria. So
6 using that as a template perhaps we could allow
7 access into closed area using a different set of
8 criteria such as observer and reporting
9 requirement compliance.

10 This option could result in a fair
11 amount of data being collected but again it
12 wouldn't necessarily be under a formal research
13 plan which could limit its management
14 applicability.

15 And then option eight, elevate the
16 visibility of closed area research needs through
17 existing grant programs and the Atlantic HMS
18 management based needs and priorities document.

19 So we have a number of grant programs
20 that researchers can apply to, to get money from
21 NOAA to perform fisheries research. So perhaps
22 we could work with these existing grant programs

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1 to highlight the need for this closed area
2 research and then perhaps get more money out for
3 these type of projects.

4 We could also update our Atlantic HMS
5 management based research needs and priorities
6 document. I know it's a mouthful, but what it
7 is is a document that a researcher when they're
8 applying for money can point to and say look, the
9 agency has said this is a vital research need,
10 closed areas, and it can help with the funding
11 process.

12 All right. So as we discussed here's
13 three questions to start the discussions up a
14 little bit.

15 Do these eight options cover the full
16 range of possibilities to collect data in closed
17 areas? Do they capture a fair number of options
18 or are there other ones that I didn't consider
19 and brought up here?

20 Which of these options or other
21 options provide the most useful information for
22 sound HMS management? And are certain options

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1 more appropriate for some closed area research
2 but not for others. Perhaps we could pick and
3 choose different options for different types of
4 closed areas.

5 I'll come back to the slide for while
6 we're discussing but just here's the next steps.
7 We'll discuss here and depending how the
8 discussion goes consider publishing an issues and
9 options paper or a scoping document to get more
10 formal public input on collecting data for closed
11 area research.

12 And if you have any additional
13 questions or anything you can contact myself or
14 Tobey at the email addresses up on the slide.

15 But with that we could probably move
16 on to questions and then our discussion plan.

17 MR. BROOKS: So just before we do that
18 just two points to note. One is though this
19 began with sort of a no action alternative and
20 other options this is not being put forward as a
21 rulemaking set of options that the agency is
22 considering.

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1 This is a brainstorming conversation
2 right now. So please take it as such.

3 Also just to underscore what Steve
4 said. This is also a brainstorming list. This
5 is not intended to bound the options that you can
6 be putting on the table, other ideas.

7 This was the agency's thinking of some
8 possible ways to approach this. So I want to
9 make sure everyone is really clear on this. This
10 is not intended to limit it.

11 So again what I'd like to do is just
12 take clarifying questions right now, make sure
13 people understand what kind of conversation the
14 agency is wanting to have, what kind of
15 information they're looking for, just get a
16 couple of thoughts out on the table, and then
17 really again invite you to get into groups of
18 three or four, whatever threes or fours are
19 comfortable to you. If it's talking with people
20 who are coming from the same part of the world as
21 you, that's fine. If you want to use this as an
22 opportunity to talk with people who have a very

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1 different perspective that's always encouraged as
2 well.

3 But at the end of the day what we want
4 is some feedback on these questions. So talk
5 about that more in a minute but let's just again
6 take some questions just so everyone understands
7 what the agency is looking for. I'll just work
8 my way around the table. David, you had your
9 card up.

10 MR. SCHALIT: It seems that the
11 general theory is that the query informs the
12 result. So what I'm hearing here is basically a
13 binary approach. Yes, time area closure, no,
14 time area closure. Yes, GRA, no, GRA.

15 I have a serious problem with that
16 because there are alternatives to this yes or no
17 approach. For example, hot spot management.
18 Move on strategy. And help me here, Katie
19 Westfall, windowpane flounder, SMAST.

20 These things, in some cases they're
21 already working in some of our fisheries. So I
22 think that when we look at these questions what

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1 we want to do in terms of research we need to
2 consider that it's not just a black or white
3 situation, either we have the closure or we
4 don't. We have other alternatives as well.
5 Thanks.

6 MR. BROOKS: Thanks. And certainly
7 think about that as you go into your breakout
8 groups. You can go wide. Dewey, is that your
9 card up there? All right. In that case, George.

10 MR. PURMONT: Yes. In recognizing
11 that you've come up with these various options
12 does HMS have a preference?

13 MR. DURKEE: Absolutely not. That's
14 the point of this discussion. I definitely don't
15 want to lead you to believe that we're leaning
16 towards one or the other by any means. Really
17 just kind of the full range of options I could
18 think of, that the agency could think of. So no,
19 not at this point.

20 MR. BROOKS: Okay. Bob.

21 MR. HUETER: Steve, could you explain
22 the difference between option one and two? You

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1 talk about streamlining. To me that means option
2 one is a crappy process, option two is an improved
3 crappy process.

4 So it looks like option two though
5 it's more than streamlined. It looks like
6 there's more agency control, organization. Can
7 you just without going into too much time explain
8 the difference between one and two.

9 MR. DURKEE: Yes, sure. So imagine
10 the typical EFP. Perhaps a researcher comes to
11 us and says we want to figure out the gut contents
12 of swordfish caught in the Atlantic.

13 And we say okay, well we've analyzed
14 the effects of catching and killing a certain
15 number of swordfish back in the XYZ amendment to
16 our FMP.

17 The effects have been analyzed.
18 We've already put it out for public comment.
19 This is valid research. We issue an EFP.

20 The reason the process gets slowed
21 down for closed area research is this is outside
22 the scope of EFPs we typically get. We haven't

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1 analyzed all these different options for closed
2 area research.

3 The EA that Rick mentioned, the NEPA
4 analysis was for one specific project in one
5 specific area using one specific set of gears.
6 That can't be applicable to any kind of closed
7 area research EFPs we get.

8 So option two if it is feasible would
9 be to go ahead and ahead of time to perform a
10 NEPA analysis, look at a variety of closed area
11 research across a variety of closed areas.

12 That way when a researcher comes to us
13 more similar to that gut content research project
14 we could then look at the EFP application on its
15 merits and perhaps issue in a similar fashion to
16 that. That's the streamlined portion.

17 It really wouldn't change the process
18 much more than at least doing the grunt work ahead
19 of time rather than after the fact.

20 MR. BROOKS: Thanks. Scott.

21 MR. TAYLOR: The agency have the money
22 for this? Because if it does I'd love for you

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1 to be able to pay me to go out and do it rather
2 than me have to pay the money for it.

3 You can design it however you want
4 because at the end of the day we're still the
5 ones with the longline boats. Unless you've got
6 a different solution on how it is that you're
7 going to get the data at the end of the day you've
8 still got to use the boats.

9 So the rest of this is just semantics
10 from our perspective. We came to you and worked
11 out the design for this in the best way that we
12 thought.

13 The issue from my perspective all this
14 time in is the political perspective, not the
15 practical perspective. Because there was more
16 than ample input.

17 I actually spoke to Lisa that I know
18 did a lot of the writing on this and she had some
19 extremely valid points that she raised.

20 But I think it's important for you to
21 know, Martha, that we weren't the one that
22 designed the science. So at the end of the day

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1 that was a NMFS design.

2 So no matter which way you go about
3 this stuff we're still talking about the same
4 thing. The longline fleet's got to do the
5 research work. And this is what this agency has
6 been begging for which is a cooperative effort
7 because I don't think you do have the money to
8 get it done.

9 And finally we're out of time. This
10 fleet is out of time. If we don't do something
11 relatively soon there isn't going to be anything
12 left to salvage.

13 MR. BLANKINSHIP: Scott, you raise
14 some good points and the points are part of this
15 discussion. So the cost, the pros and cons of
16 different approaches. Simplicity, complexity,
17 available resources outside of just money, all of
18 that is part of this discussion that we're
19 intending to gauge on here.

20 And it's not just restricted to east
21 Florida coast closed area and research there.
22 This is intended to be a broader discussion

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1 geographically and even across fisheries. And
2 it's part of the discussion. That's inherent in
3 the discussion.

4 MR. BROOKS: That's the feedback we
5 need to hear and maybe there are different
6 approaches depending on whether there's funding
7 that you want to put forward. Tim, then over to
8 Mike.

9 MR. PICKETT: I might have a novel
10 approach to this that's way out in right field,
11 but how about entertaining an expiration date on
12 closures. That forces the hand of gathering the
13 data rather than just passing the ball down the
14 field.

15 You can roll it along, you can roll it
16 along, we're going to do data, we need to have
17 industry buy-in, we need to have an EFP project.

18 If you have an expiration date to it
19 you have to have the data or else it opens back
20 up.

21 So I think it probably will never
22 happen, but it's a novel approach and while

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1 you're considering all these things it's
2 something to consider. Rather than saying okay,
3 well when we collect the data maybe we'll
4 consider something then you have a concrete date,
5 10 years, 5 years, whenever it is that you have
6 to have things done by or else it expires.

7 MR. BROOKS: And certainly invite you
8 to chew on that more in the break which I want to
9 get to here in five minutes. Mike.

10 MR. PIERDINOCK: My question is
11 option one presently the only mechanism right now
12 to do the data collection and research.

13 MR. DURKEE: Outside of the agency,
14 yes.

15 MR. PIERDINOCK: Then isn't option
16 six inside the agency.

17 MR. DURKEE: True, yes.

18 MR. PIERDINOCK: Thank you.

19 MR. BROOKS: Thanks. Let me take
20 Dave Kerstetter, then over to Shana and then I
21 think I saw Walt's card up.

22 MR. KERSTETTER: It's nice to back off

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1 a little and look at this from a more academic
2 perspective.

3 Just a quick response to David.
4 You're right. Hopefully in the future we and the
5 agency will better consider time area closures as
6 a management strategy. But we still have the
7 ones that exist now that we've got to deal with.

8 And going to that point and kind of
9 leading off a little bit from what Tim was saying
10 does the agency see a requirement that these time
11 area closures be evaluated. There was never a
12 requirement when these were implemented so does
13 the agency now see that as a need.

14 MR. DURKEE: Yes, it's a need. And
15 there are some requirements in certain cases to
16 perform research and collect data in these areas.

17 Some of our closed areas are not year-
18 round total elimination of all fishing effort
19 areas so I'd have to leave that up to our lawyers
20 to discuss whether or not the need is there.

21 But I think we've all around the table
22 discussed that we're all interested in the need

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1 of additional data collection and research in
2 these areas.

3 MR. BROOKS: Shana.

4 MS. MILLER: So we're kind of drifting
5 into comments instead of questions. I want to
6 play by the rules but should I wait?

7 MR. BROOKS: I'll let you hold your
8 comment. Of the cards that are up here let's see
9 are there any -- I'm going to encourage that right
10 now.

11 At this point of the remaining cards
12 questions about what we're doing and then I want
13 to get us into breakouts. Walt, question.

14 MR. GOLET: To echo Scott's point a
15 little bit based on funding where will the agency
16 get the money to do this?

17 Because this project right here does
18 not fall within the bounds of any existing
19 federal RFP that I'm aware of.

20 To do this type of project will take
21 considerable capital which I imagine Scott is
22 personally investing at some level and I applaud

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1 him for putting his money up to do this.

2 But just to give you an example, the
3 BREP program which is a bycatch reduction
4 program, you're talking \$200,000. Which sounds
5 like a lot. But you have to remember all the
6 little things that chip away at that money.
7 Graduate students, overheads, fringes and things
8 like that.

9 And so while this is an option it's an
10 option that the agency really needs to consider.
11 If you're going to do closed area research you
12 have to understand the scope of that research and
13 what the minimum scope of that research is going
14 to need to be to get to the answers that you would
15 like.

16 I see no viable options with existing
17 RFPs within NOAA right now to do this research.

18 Sorry, just one last thing. This
19 would be maybe to use 1 boat or 2 boats for maybe
20 60 sets.

21 MR. BROOKS: The question is will
22 there be money for it.

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1 MR. GOLET: Will there be money,
2 sorry. It was a question with some comments back
3 to a question.

4 MR. DURKEE: The point's taken.
5 However, all these options have varying amounts
6 of agency investment in time and money.

7 So I think as we all discuss this
8 perhaps then we should think about perhaps
9 putting a NOAA vessel out or contracting a vessel
10 for more formal research in a closed area, one of
11 the most expensive options, perhaps is not
12 feasible in this budget climate. You're right.
13 These are part of the discussions we need to have.

14 There are some options that are much,
15 much less expensive as well.

16 MR. GOLET: But you may want to
17 consider that funding that may come from other
18 sources --

19 MR. BROOKS: So let's hold that for
20 the breakout groups.

21 MR. GOLET: -- NGOs or private
22 organizations and the possibility of connecting

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1 those people to do the projects if they can get
2 them off the ground.

3 MR. BLANKINSHIP: Absolutely, Walt,
4 and that's actually exactly along the lines of
5 what I was going to say which is in the breakouts
6 consider the potential alternatives for where
7 funding can come from including from those kind
8 of partnerships.

9 MR. BROOKS: Okay. I want to get us
10 into breakouts. Marty, is it a question? A real
11 question.

12 MR. SCANLON: Well, option three
13 looks to me like that was what the preferred
14 alternative and one of the preferred alternatives
15 in A7 was is to utilize the existing observer
16 program to give access to the vessels in that
17 area to do the research.

18 Isn't that pretty much what that A7
19 what the preferred alternative was in A7?

20 MR. DURKEE: I'm not exactly sure but
21 you're making me look way too clever for this.
22 I do not have any preconceived ideas. These are

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1 just some ideas we threw up in a presentation.

2 So consider them on their own merits,
3 not necessarily connected with something we
4 proposed in A7.

5 MR. MCHALE: Marty, in essence, yes.
6 Essentially that is very similar to what we put
7 forward in amendment 7.

8 MR. BROOKS: Okay. So, thank you.
9 Let's get into the breakout conversation. If you
10 could put up the questions for discussion.

11 While you're doing that let me just
12 double check. This presentation is available
13 online. So if folks want to be clicking through
14 the options.

15 MR. DURKEE: Correct.

16 MR. BROOKS: All right. So just to
17 remind you I want you to spend about 25 minutes
18 in breakout groups or so.

19 And the questions we want you to talk
20 about are do these eight options cover the full
21 range of possibilities to collect data in closed
22 areas.

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1 I think we're already hearing that
2 there may be some other options you should be
3 thinking about.

4 Second is which of these options or
5 other options provide the most useful information
6 for sound HMS management.

7 The third question is are certain
8 options more appropriate for some closed area
9 research but not for others. So again the charge
10 to you all is not that you have to come up with
11 one answer for every area, you could come up with
12 some suggestions or ideas that are more nuanced
13 than that based on geography or gear type,
14 whatever you think.

15 As you have this conversation again
16 we'd like you to be reflecting back. As you sort
17 of point towards certain options why is it. Is
18 it about the simplicity and the ease of
19 implementation? Is it around the quality of the
20 data that it gets, the quality of the research,
21 questions of affordability? These are all
22 different considerations we'd like you to be

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1 thinking about.

2 So again our recommendation is that
3 you get in groups of three or four, no larger
4 than that because we want everyone to have an
5 opportunity to fold in.

6 When you get in the groups if one
7 person in each group to agree to be the recorder
8 because at the end of the breakout we want you to
9 reflect back just main ideas that came up.

10 We think this is a good way to get a
11 lot of ideas out on the table. And again it's
12 up to you whether you want to sort of organize
13 yourself via gear type or actually organize
14 across different interest groups, NGOs, fishing,
15 academics together. That's your call.

16 Any questions? We're going to do this
17 for 25 minutes. Then we will come back and we'll
18 hear from each of the groups just so we get a
19 feel for the kinds of ideas and any directions
20 that seem to be emerging.

21 Any questions before we break into
22 small discussions? Okay, that's it. Stay

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1 close. Stay in this room or the anterooms.

2 (Whereupon, the above-entitled matter
3 went off the record at 5:01 p.m. and resumed at
4 5:27 p.m.)

5 MR. BROOKS: All right. So we have
6 about 20 minutes before we have to go to public
7 comment and we would like to hear from the groups.

8 What I want to do is just sort of start
9 with whatever group wants to start. And I think
10 what I would ask you to do is maybe just give us
11 the top two or three ideas that came out from
12 your group because I'm not sure we'll have time
13 to hear from everyone.

14 And then we'll go back again around.
15 As ideas have been mentioned by others as it gets
16 to you I'll ask you to acknowledge where someone
17 might have covered a topic you had talked about
18 and also then fold in new ones.

19 So I think we saw about 10 groups
20 chatting or so. Is there a question before I
21 jump in? Okay. So we're going to start down at
22 that end of the table. Randy.

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1 MR. GREGORY: So we had a bunch of
2 state reps here talking. I'm not sure we looked
3 at any of your options. We discussed them a
4 little bit but we had a few ideas.

5 So if there's a closed area there
6 ought to be opening triggers as well. So if we
7 have a closure for dusky sharks, dusky sharks get
8 to a certain stock rebuild there ought to be
9 opening triggers and those ought to be built into
10 the plan or the rule that closes.

11 The same thing with evaluation dates.
12 If we have a rule that closes an area there ought
13 to be documented timeline dates of evaluation at
14 some certain point in time. Maybe there ought
15 to be a deadline to at least have someone go in
16 that area and make some kind of evaluation.

17 And for every closed area there ought
18 to be a sampling for data collection plan set up
19 for that area. And a timeline to examine -- in
20 addition to that a timeline to examine all the
21 old areas.

22 We thought that those four points were

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1 probably not brought forward in these options but
2 should be considered in every plan or whatever
3 you call those when you close an area.

4 MR. BROOKS: Thanks, Randy. So it
5 seems like the first three are really about
6 closed areas. Well let me ask this as a
7 question. Was your group thinking these were for
8 closed areas that are in existence today or for
9 any new ones?

10 MR. GREGORY: Yes. Both.

11 MR. BROOKS: All right. Good. I
12 wanted to clarify.

13 MR. GREGORY: That's the problem
14 there's been. Off of North Carolina we have lots
15 of closed areas and there's not a plan. Some
16 sampling goes on but there's not a plan and
17 there's definitely not dates or anything that
18 says okay, these have been in place, it's time to
19 go back and look at them.

20 MR. BROOKS: Thanks, Randy. Shana,
21 your card was up.

22 MS. MILLER: Okay. So we had Luke,

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1 Martha and Marty. So two longliners, an NGO and
2 a state agency so pretty good representation.

3 And we also had some overarching
4 comments about any closed area research. First
5 to really look at the original goal of the closed
6 area and to consider the impetus for the research
7 at this point and then what the goal would be of
8 reopening the closed area, like who the
9 beneficiaries are.

10 And just to keep in mind that these
11 closed areas were originally designed based on
12 extensive analyses.

13 And then also we saw a presentation
14 earlier this week by Eric Orbesen from the
15 Southeast Fisheries Science Center on some of the
16 bluefin tagging that they've done to look at post
17 release mortality from longlines.

18 And they showed really low post
19 release mortality which is great, but they also
20 had almost 50 percent of those fish dead at
21 haulback.

22 And so as he said the best way to

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1 reduce mortality is to avoid interaction. So to
2 keep that in mind but also recognizing that some
3 of these closed areas have been in place for
4 almost 20 years and so it's worth doing research
5 to see if the original reason for those closed
6 areas has changed.

7 We thought that any closed area
8 research should have some standards such as 100
9 percent observer coverage, whether it's human or
10 electronic. Bycatch caps on vulnerable species
11 that would pause or end the research.

12 And then making sure that any data
13 collected in the research would be publicly
14 available and easing confidentiality rules about
15 the data as allowed by the law.

16 And then also when designing the
17 research to really take into account the drift of
18 the gear and whether any boundaries to that
19 research are realistic given that drift.

20 And as far as the options we did not
21 all agree on which options were preferable which
22 is not surprising given the makeup of our group,

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1 but some of us liked options one and two through
2 the EFP whether it's streamlined or not to ensure
3 that there's a clear scientific approach and to
4 make sure that NMFS scientists are involved in
5 the development of the experimental design, not
6 just review.

7 And I think Dave's EFP did that, is a
8 good example of that.

9 And then to have it be user paid. And
10 we had some disagreement about whether the
11 research should be driven by the users or
12 solicited and really supported and pushed by the
13 agency.

14 Others in our group preferred options
15 three or four because they're the cheapest
16 options and it takes -- option three in
17 particular takes advantage of the existing
18 observer program.

19 And you could try to add some
20 scientific design. But I think we all agreed
21 that it would be hard to standardize the
22 scientific methodology with option three.

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1 But at the same time it does give NMFS
2 an idea of what's happening in those closed
3 areas.

4 And option four, similar pros and
5 cons, but we did think you could have a more
6 scientific approach with option four compared to
7 option three even though it's not as user driven
8 and the agency's really pushing it which some of
9 us didn't think was appropriate.

10 So the first four were our top choices
11 and eight is fine.

12 MR. BROOKS: Thank you. Katie.

13 MS. WESTFALL: We also didn't really
14 talk about the specific options and spoke a
15 little bit more generally about some of the needs
16 and what kinds of questions we should be asking.

17 While getting catch rate information
18 is incredibly important in these closed areas in
19 a way that's done in a well-designed research
20 project that has scientific rigor and has all the
21 appropriate conservation backstops is incredibly
22 important it's also important to test -- to

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1 really look at whether or not there are better
2 ways of doing business.

3 Are there approaches that we can
4 pioneer to maximize the catch of healthy target
5 species and minimize the catch of imperiled
6 bycatch species.

7 So using available science and
8 technology to use real-time data and
9 collaboration between scientists and fishermen on
10 the water is there a way to meet our conservation
11 goals while catching healthy target species.

12 So that was one thing we talked about
13 in terms of the questions that we should be asking
14 in some of this research.

15 I'll let David chime in on what I
16 might have missed.

17 MR. SCHALIT: We see the time area
18 closure approach is to borrow a term from Brad
19 McHale is a kind of baseball bat approach when
20 what you'd really rather have is a scalpel
21 approach to achieve the same thing.

22 And so I'm just making reference to

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1 what Katie mentioned about alternative approaches
2 to time area closure.

3 But it occurred to us when we were
4 talking about this that unless the funding is in
5 place to address every one of these time area
6 closures and GRAs this is basically just an
7 exercise.

8 And we realize that in the best of
9 circumstances funding is going to be limited so
10 what would be the best use of that resource.

11 And we considered one possibility
12 which is to choose a closure, let's just name, I
13 don't care, DeSoto Canyon, and use that as a pilot
14 project on which we build all these assumptions,
15 these ideas and approaches with a view toward
16 possibly duplicating these with other areas down
17 the road in the future.

18 But ultimately with a view toward
19 finding an economical approach because this can
20 be fantastically expensive.

21 And I think that's pretty much we
22 covered it. Thank you.

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1 MR. BROOKS: Thank you very much.
2 Let's head on down. Is that Ben's card or Tim's?
3 Is that Ben?

4 MR. CARR: So I'm going to -- our
5 group was comprised of Angel, Jason, Rick,
6 Marcos. So we were fairly diverse.

7 Two things we thought that were very
8 important were, one, having a list of specific
9 needs that was public so that it could be
10 reviewed.

11 We also had the idea of not an SSC,
12 sorry to say the three letters, but an SSC-like
13 body that was composed of all stakeholders who
14 could have input and that might be a subset of
15 this group or a separate group to look at what
16 different bodies, different stakeholder groups
17 think are the most important things to address.

18 MR. BROOKS: Ben, just to clarify,
19 when you said a list of specific needs that would
20 be specific research needs?

21 MR. CARR: Yes. We've been talking
22 about stock assessments since I started and

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1 probably for 21 years we've been talking about
2 stock assessments and putting them off and off.

3 So getting a public list, a wish list
4 basically that could be reviewed would be
5 excellent. And getting input from stakeholders
6 on what they feel are the most important barring
7 litigation of course could be helpful.

8 MR. BROOKS: Thank you. Kirby.

9 MR. ROOTES-MURDY: Yes, thank you. I
10 was the intrepid note-taker for our group and I'm
11 going to try to summarize some of the points that
12 were raised. I think we'll touch on other points
13 raised by the previous groups.

14 So regarding the range, do the eight
15 options cover the full range of possibilities I
16 think one that was offered up and you heard it
17 prior to breakout groups was Dewey's idea of an
18 expiration date.

19 And I think it differs slightly from
20 the time area closure but I might defer to Dewey
21 to provide some more clarity on that.

22 But in essence it's that the closed

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1 area research would need to be done for a certain
2 period of time and then after that that closed
3 area is no longer closed.

4 Regarding the second point of which
5 options provide the most useful information our
6 group kind of focused more on trying to get at
7 what is the useful information that needs to be
8 gathered from this.

9 And so Ben who preceded me I think
10 touched on a concern I had in our group what is
11 it that this closed area data collection is
12 really trying to inform either on the stock
13 assessment level or the species or the HMS
14 management. I think that needs to be first laid
15 out.

16 Because CPUE, marine mammal
17 interaction, bycatch information is helpful, but
18 if there's other more targeted pieces of
19 information specific to biology of these species
20 that you're trying to get I think that needs to
21 be made more clear and that can help inform which
22 of the options is helpful in collecting the data.

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1 And then to the last in terms of are
2 certain options more appropriate for some area
3 research but not for others what came up in our
4 group really was kind of coalescing around either
5 option seven, the idea I believe it was Tim who
6 put it forward in our group that there needs to
7 be a forcing of the issue of why an area remains
8 closed after a certain period of time.

9 Revisiting what is really the benefit
10 of maintaining that area closure if there's not
11 any data collection going on in it.

12 But if there was a certain option of
13 the eight that were offered up that probably was
14 the best it would be option five as Walt touched
15 on earlier.

16 Money is really important. As you are
17 aware of the expression cash rules everything
18 around me. And having some kind of public
19 partnership between federal government and NGOs
20 might be the best way to try to cover the cost
21 for people to go out and hang out in a closed
22 area to collect data when they might not interact

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1 with the species that are being specifically
2 looked at. So, thanks.

3 MR. BROOKS: Great. Thank you very
4 much. Let's see who's next. Scott.

5 MR. TAYLOR: So our group was Charlie,
6 Jason, Robert and Andrew Cox.

7 The first part of our discussion was
8 around how to deal with misinformation so that we
9 could better come up with any one of the
10 alternatives for the solution.

11 Because the fact of the matter is the
12 reality is that political will does drive a lot
13 of these things.

14 There was actually a fair amount I
15 think of understanding of each other's position.
16 It was a good discussion.

17 We talked further about the ability
18 and methodology and how the data was going to be
19 collected to address some of their concerns,
20 particularly as it pertained to the sailfish.

21 I guess there was more time kind of
22 spent in generalities rather than to the specific

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1 eight options because I guess to a certain extent
2 I was dominating the conversation. I know that's
3 a surprise.

4 That the real core issue is here that
5 everything David just described is exactly what
6 our EFP did which was that we designed this
7 cooperation. And I think that there was a
8 failure for constituencies to really understand
9 what was happening.

10 And that it doesn't matter whether you
11 pick DeSoto Canyon. You'd think if we pick the
12 Charleston Bump or the DeSoto Canyon there's
13 going to be any less pushback than what we have.

14 Every one of these areas is going to
15 be the same. So unless we figure out a
16 methodology to disseminate this information to
17 constituencies it doesn't mean that there's ever
18 going to be true consensus because that probably
19 will never happen with the diversity of this
20 panel.

21 At the very least at least if
22 constituencies get an accurate overview that

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1 maybe we can make some meaningful progress.

2 MR. BROOKS: Certainly reasonable
3 people can look at the same data and come to
4 different conclusions, but you at least want them
5 looking at the same data.

6 Let me just pause for one second. I
7 know it is 5:45 when we have public comment. I
8 want to see if we have anyone on the line for
9 public comment or in the room who needs to jump
10 in which case we'll get you in and then we'll
11 keep going around the table.

12 Is there anyone for public comment in
13 the room or on the telephone? Okay. If not then
14 George, down to you.

15 MR. PURMONT: Thank you very much.
16 Tough following Scott.

17 Much as Kirby's group came up with an
18 opinion, Ray Kane and Walt and I came up with
19 options five and seven.

20 We seemed to focus much of our
21 conversation on funding as being a lynchpin
22 issue. With seven there was the question of

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1 funding and we felt that the permittee would be
2 compensated out of the hatch and a charter fee
3 from the agency.

4 That's pretty much we felt the charge
5 we had was to choose between the eight options
6 and that's what we came up with. Thank you.

7 MR. BROOKS: Ben.

8 MR. CARR: So I just, that was one of
9 the points I didn't get to. We thought that
10 there should be a choice in economic
11 incentivization and that it might need to be
12 retention of the catch is an option.

13 It's always a gamble whether you go
14 out or not. And so there should be an option
15 either at the beginning of this entire process or
16 on a per RFP basis whether the fishermen are going
17 to be compensated by keeping the catch or if they
18 are being hired and they don't get to sell the
19 fish.

20 MR. SCANLON: Myself, I think that we
21 need to go in a direction that includes options
22 three, five, some combination of options three,

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1 five and seven.

2 Three because it includes the existing
3 observer program and the existing fleet to
4 minimize cost. You've got five that would
5 include elements of the NED that the research
6 project of the government has already been
7 successful in concluding.

8 And you've got number seven which
9 incorporates the performance metric criteria
10 under A7.

11 MR. BROOKS: Marcus.

12 MR. DRYMON: Yes, so I'm kind of
13 trying to distill down these concepts that have
14 been around the table. It seems like there's a
15 few unifying themes.

16 I keep thinking about what Tim said
17 about this idea of an expiration. And thinking
18 about that as a scientist it's almost as if having
19 a time area closure is a hypothesis that hasn't
20 been tested.

21 So to test that requires going out to
22 collect those data and to really kind of quote

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1 unquote "force" that you need to have some sort
2 of an expiration.

3 And then you ask yourself how do you
4 pay for something like that. And I think Walt's
5 point was really good that perhaps CRP, SK,
6 MARFIN, they don't offer the scale necessary but
7 I'd say even more importantly they don't
8 necessarily offer the expertise. CRP does for
9 sure.

10 So then you go to a situation like
11 these guys had with the EFP and that strikes me
12 as a really good way to test the efficiency of a
13 time area closure.

14 So I guess to me it keeps on coming
15 back to this idea of an expiration. So we've set
16 this expectation that a time area closure is
17 going to achieve objectives A, B and C, but until
18 that gets tested we don't really know if that's
19 valid.

20 MR. BROOKS: That's a helpful way to
21 think about it. Walt.

22 MR. GOLET: Just one thing to keep in

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1 mind too with these types of research projects,
2 what I hope doesn't get lost in potentially a
3 couple of these options is the breadth of
4 scientific scope that is undertaken.

5 What they're proposing is a lot of
6 sets and a pretty thorough project. And what I
7 don't think we want to get into is a situation
8 where we do scientific work but it's right at the
9 margin and then we open up ourselves to even more
10 discussion and more ambiguity about yes it did
11 work, no it didn't work.

12 So kind of keep that in mind about the
13 scientific plan if you will or the scientific
14 scope and where that's going to get you, 1 set
15 versus 240 sets and things like that.

16 I'm always a proponent of robustness
17 in science. As robust as you can get. There
18 will always be questions and disagreements but
19 regardless of which side you come down on from an
20 argument perspective my vote would be the most
21 robust scientific plan that you can have.

22 MR. BROOKS: Great, thank you. Tim.

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1 MR. PICKETT: Just to add. With the
2 expiration date kind of idea and everybody
3 talking about where the funding can come from.

4 Much like Scott and Dave's program the
5 funding is coming from Scott's operation. If you
6 make it not so easy to just say no, and if you
7 ask someone why do you say no. Because I don't
8 like it.

9 If you force them to prove why they
10 say no you'll see funding mechanisms coming from
11 all over the place.

12 And then the work will I don't want to
13 say take care of itself, but if you all of a
14 sudden have to back up saying no then you have to
15 have evidence as to why to say no.

16 Why do we keep this closed? Okay,
17 well we funded this project and we chartered four
18 longline boats to go out and this is what they
19 found. It's peer reviewed and it should stay
20 closed.

21 To me rather than a smear campaign and
22 the just ease of saying no because I want to say

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1 no and because I'm trained to say no it's a much
2 more productive situation.

3 MR. BROOKS: You articulate specific
4 criteria that would -- you'd have to meet to
5 justify the no.

6 MR. DURKEE: The discussion around
7 sunsetting closures is definitely helpful. I
8 don't want to dissuade you from adding this in.
9 That's really helpful in the future as we look at
10 perhaps putting a closed area into place putting
11 these kind of mechanisms in.

12 But it's not so useful for closed
13 areas that exist right now. We have no basis to
14 put a sunset provision let's say on the Florida
15 east coast or the Charleston Bump.

16 The question is how do we get the
17 information to perhaps put something like that in
18 the future or to understand if the closed area
19 are still meeting the original goals that were
20 put in place to begin with.

21 So while the discussion on future
22 closed areas is helpful and we appreciate it, I'm

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1 writing it down, it doesn't help us with the
2 existing closed areas as they exist right now.

3 MR. BROOKS: I've got Shana, then
4 David, then Scott.

5 MS. MILLER: Just following on Walt's
6 comment about the scientific rigor of any of
7 these studies. I think it's worth remembering
8 the Blue Water EFP from several years ago that
9 was just had no scientific approach whatsoever
10 and was just fishing in the closed areas.

11 And I think that's something with
12 whatever option we go forward with that needs to
13 be opposed, avoided. And obviously that EFP was
14 rejected.

15 MR. BROOKS: Thanks. David.

16 MR. SCHALIT: What's the
17 consideration here, the fear is -- it seems that
18 it's one coin with two sides.

19 We spoke earlier about the General
20 category swordfish Handgear permit and there's a
21 retention limit of zero to six fish. And ever
22 since that permit's been in place the retention

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1 limit has been zero for that Florida fishery.

2 And at the same time we also heard
3 about the opposition to this project that Dave
4 Kerstetter is involved in.

5 So those are two sides of the same
6 coin. In other words you have resistance, really
7 tremendous resistance. And the agency is feeling
8 it.

9 So it seems to me that this thing
10 pivots, this concept pivots on the idea that
11 there are possibilities that we haven't
12 considered yet.

13 Because let's face it the fear for
14 Floridians let's say will be that one day they'll
15 have -- this time area closure will be lifted and
16 one day they'll look out at an armada of
17 longliners like the Normandy invasion.

18 There have to be other possibilities,
19 other possible fantasies we can give these
20 people.

21 MR. BROOKS: That's the fall meeting.
22 Scott.

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1 MR. TAYLOR: So I think that we've
2 kind of gotten off track because this really kind
3 of segues into everything that we've been
4 discussing today which was it goes back to the
5 original meeting that I had with Margo.

6 Which was there is no mechanism to
7 open any of these areas up. And so I went to her
8 and I said what do you need to consider it.

9 There's no guarantee. And she said
10 I've got to have the science. I said well, can
11 you afford the science. And she said no, we
12 don't have the money in the budget to do it.

13 And I said what about if I make my
14 boats available and I fund the science. You all
15 design the science. I'll execute the work.

16 It's what the agency has been asking
17 for from day one. There was a process, a
18 rigorous process. I mean Dave could tell me but
19 it went on for a substantial period of time when
20 the science got vetted. Everybody had the
21 opportunity to input into the science and then at
22 the end of the day the agency decided what the

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1 science was going to look like.

2 This business about the handgear
3 fishery or the access permit and what we're doing
4 has absolutely unless you really understand and
5 know the area the two have absolutely nothing to
6 do with one another.

7 That handgear fishery and buoy fishery
8 is perpetrated between essentially the Keys and
9 the Pompano Beach area, maybe as far north as
10 Palm Beach.

11 In fact Randy can correct me if I'm
12 wrong from Jacksonville north the handgear
13 fishery is allowed to be and there is a retention
14 limit for that. So part of Florida you can
15 retain with that General category permit as long
16 as it's caught from Jacksonville north.

17 Our north line is approximately Cape
18 Canaveral. It's not all the way there, it's just
19 south of Cape Canaveral as Rusty pointed out
20 basically north of Palm Bay, north of Melbourne
21 area.

22 So we're drawing -- I don't want to

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1 have everybody get into sort of a conflict. The
2 issue is I agree that before you're going to close
3 any more areas you have to look at what the
4 criteria is and there needs to be some sort of an
5 exit strategy.

6 There is in every other fishery. You
7 see in scallop fisheries the bottom opened up.
8 There's a mechanism to do that. We don't have
9 that.

10 So we committed the time, money,
11 resource, had some NGO partner that participated
12 in the design of the EM to have 100 percent
13 accountability for what was going on the boat.

14 Tried to come up with the most cost
15 effective way to get as much science as Walt
16 suggests and the number of sets so that the data
17 wasn't going to be skewed that was in there.

18 And I didn't have anything really to
19 do other than a couple of comments about how it
20 was that they designed the program.

21 In fact, I don't look at this as a
22 financial beneficial exercise, not in the short

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1 run. It's going to cost several hundred thousand
2 dollars over the term of the study.

3 The only reason that I was willing to
4 make that investment was because of the absence
5 of us doing something nobody was doing anything
6 else.

7 MR. BROOKS: Scott.

8 MR. TAYLOR: I'm just saying to you
9 that this design was well thought out, it's a
10 good design and in an environment where you have
11 budgetary constraint there's enough checks and
12 balances in there that it is in my opinion the
13 only way that this stuff is ultimately really
14 going to get done.

15 MR. BROOKS: Fair enough. Thank you.
16 Is there anything that any group talked about
17 that hasn't gotten out on the table? I think
18 we've probably hit it all.

19 I want to thank you all for -- sorry.
20 Anybody on the phone who wants to make any public
21 comments?

22 I want to thank you all for having

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1 some pretty impressively focused conversations in
2 a short amount of time. Just to highlight the
3 pieces that I was hearing.

4 Obviously a lot of common
5 conversations around how do you -- before you
6 step into closures the need to frame it, to bound
7 it, whether that's around including some sort of
8 sunset provision, thinking up front about how
9 you're going to deal with data collection
10 requirements so that you're learning from an area
11 that's closed, what kind of standards you want to
12 put in place if you are closing, whether that's
13 around coverage or bycatch caps, et cetera, and
14 confirming that your goal as you're going
15 forward, the whole purpose of a closed area is
16 still relevant.

17 To the extent that you go into closed
18 areas think about it as a way to push a technology
19 fixes and new technologies. Lots of issues
20 around dollars not surprisingly.

21 Different ideas to deal with that or
22 whether you'd go with a pilot, learn from there

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1 and then see if that can be broadened.

2 Looking at the potential for NGO
3 partnerships, EFPs clearly a way to get at a cost
4 effective approach. Whether there are other
5 incentives.

6 The suggestion to look at criteria for
7 declining an EFP or some sort of going into --
8 some effort to go into a closed area rather than
9 just leaving it as a yes/no that's fuzzy and open
10 to less objectively grounded reasons for proving
11 or denying, having some clear criteria ahead of
12 time.

13 And then ways to deal with
14 misinformation going forward. So what kind of -
15 - how are you going to collect data, how are you
16 going to disseminate it, how do you ensure that
17 the science that's being done is rigorous and
18 robust and of sufficient scope to use that data
19 when you're done.

20 So just some themes I heard. Randy,
21 Steve, either one of you want to weigh in? Any
22 final thoughts from anybody on the AP? All

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1 right.

2 Then in that case I want to thank
3 everyone for a good long day. Remind you of two
4 things. There is a no host social downstairs on
5 the first floor starting right now.

6 And then we will reconvene tomorrow at
7 8:30 for another full day. So thank you all very
8 much.

9 (Whereupon, the above-entitled matter
10 went off the record at 6:00 p.m.)

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