

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

+ + + + +

ATLANTIC HIGHLY MIGRATORY SPECIES
ADVISORY PANEL

+ + + + +

FRIDAY
MARCH 9, 2018

+ + + + +

The Panel convened in the Magnolia Room of the Sheraton Silver Spring Hotel, 8777 Georgia Avenue, Silver Spring, Maryland, at 8:30 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
- MARCUS DRYMON, State Representative;
Mississippi-Alabama Sea Grant
- SONJA FORDHAM, Environmental; Shark Advocates
International

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

ROBERT FREVERT, Recreational; Proxy for Robert
"Fly" Navarro

WALTER GOLET, Academic; University of Maine
School of Marine Sciences; Gulf of Maine
Research Institute

RANDY GREGORY, State Representative; North
Carolina Division of Marine Fisheries

MARTHA GUYAS, State Representative; Florida Fish
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

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

ALSO PRESENT

NIC ALVARADO, HMS, St. Petersburg Office
 HEATHER BAERTLEIN, HMS Headquarters
 CHARLES BANGLEY, Smithsonian Environmental
 Research Center
 JULIA BEATY, Mid-Atlantic Fishery Management
 Council
 RANDY BLANKINSHIP, Branch Chief, Southeast
 Branch, HMS Management Division
 KARYL BREWSTER-GEISZ, Branch Chief, HMS
 Management Division
 WYNN CARNEY, Office of Law Enforcement, Mid-
 Atlantic Region
 LAURA CIMO, Office of International Affairs and
 Seafood Inspection
 CRAIG COCKRELL, HMS Headquarters
 PETER COOPER, HMS Headquarters
 JENNIFER CUDNEY, HMS, St. Petersburg 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
 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
 JOEL RICE, Joel Rice Consulting
 ALAN RISENHOOVER, Office of Sustainable Fisheries

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
 1323 RHODE ISLAND AVE., N.W.
 WASHINGTON, D.C. 20005-3701

GLYNNIS ROBERTS, Office of International Affairs
and Seafood Inspection

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

ALSO PRESENT

MATT SEELEY, Mid-Atlantic Fishery Management
Council

GEORGE SILVA, HMS Headquarters

CARRIE SOLTANOFF, HMS Headquarters

MEGAN WALLINE, Office of General Counsel

TOM WARREN, HMS, Gloucester Office

JOHN WALTER, Southeast Fisheries Science Center

JACKIE WILSON, HMS Headquarters

CHELSEY YOUNG, Office of Protected Resources

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

C-O-N-T-E-N-T-S

Update on Mid-Atlantic Fishery Management
Chub Mackerel Amendment 7

Caribbean Management Update 14

Modifications to the Shark Fishery Closure
Criteria Rulemaking 38

Enforcement Updates 75

International Updates: SPAW, CITES, WECAFC
MMPA Implementation, SIMP Implementation 122

Public Comment 134

Day 3 Wrap-up 174

Adjourn 199

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

2 (8:32 a.m.)

3 MR. BROOKS: All right. If folks can
4 come to the table we will start up here. Thank
5 you very much. Okay. Again, if I can get
6 everyone to get their seat, we'll get going. We
7 do have a lot of topics to cover yet.

8 All right. So welcome back to Day 3.
9 We will be going until 12 o'clock today, and we
10 do have yet another full agenda. Just want to
11 acknowledge a somewhat raggedy ending of a
12 meeting yesterday. That was a first.

13 Learned a couple of things there.
14 One, they actually can turn a room really fast,
15 and there were people in this room at 6:15 eating
16 dinner, because I came down to check, and it was
17 fast.

18 I also learned that if you hang around
19 while they turn a room, it's potentially lethal,
20 because they were slinging tables around, but
21 anyway, truly, our apologies for what was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 somewhat awkward ending there.

2 We thought we had a couple of minutes
3 of wiggle room and apparently we did not. So I
4 just want to note that and I think, Randy, you
5 have an announcement you want to make.

6 MR. BLANKINSHIP: Yes. So just a
7 real quick announcement, the -- if you remember
8 from Day 1 that there was a mention of the shark
9 seasons and the landings that we were tracking,
10 and you may have seen through HMS news on the
11 email coming out yesterday, some of you, if you
12 happened to see that, that the Western Gulf of
13 Mexico blacktip aggregated large coastal shark
14 and hammerhead seasons are closing effective
15 March 13th.

16 So I just wanted to mention that, and
17 of course, look for your emails and the HMS
18 website for more information about that.

19 MR. BROOKS: Thanks. And just a
20 reminder to folks, we do have a break coming up
21 at 10:30, so if folks haven't gotten out of their

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 rooms yet, that would be the moment to go and
2 pull your things together, so hopefully no one
3 will drift before that.

4 So we have, upfront here, Matt Seeley
5 and Julia Beaty with the Mid-Atlantic Fishery
6 Management Council to give us an update on the
7 Mid-Atlantic Fishery Management Chub Mackerel
8 Amendment. Take it away.

9 MR. SEELEY: Thank you very much,
10 Bennett. So just a very brief presentation. Can
11 everyone still hear me all right? Okay. So the
12 Council's developing an amendment which may add
13 Atlantic chub mackerel to the Atlantic mackerel,
14 squid, and butterfish fishery management plan.

15 So there's been some targeted
16 commercial harvests of chub mackerel in the Mid-
17 Atlantic and Southern New England in recent
18 years, and the landings are variable, and reached
19 a peak of 5.25 million pounds in 2013.

20 There appears to be no significant
21 commercial landings in the South Atlantic or Gulf

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 of Mexico, though.

2 And some stakeholders have raised
3 concerns about the potential for negative impacts
4 of commercial chub mackerel harvests on HMS
5 species, such as tunas and marlins. And almost
6 all of the commercial chub mackerel harvests in
7 the Mid-Atlantic takes place during June to
8 October, off the coast of Maryland, New Jersey
9 and Delaware.

10 And the fishery overlaps in time and
11 space with many HMS tournaments. So we have
12 limited data to analyze the potential impacts of
13 chub mackerel harvest on these HMS predators.

14 Quantitative data on the contribution
15 of chub mackerel to the diet of any of these
16 predators are limited due to the difficulties in
17 distinguishing partially digested chub mackerel
18 from similar species, such as Atlantic, frigate
19 and bullet mackerel.

20 And to start addressing this data gap,
21 the Council plans to fund a study using genetic

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 barcoding techniques to identify chub mackerel in
2 the diets of key HMS predators.

3 So there's some amount of recreational
4 use of chub mackerel, however, we don't think the
5 MRIP data are very accurate for this species, and
6 this may be partly due to the difficulties in
7 distinguishing Atlantic mackerel from chub
8 mackerel.

9 And we're working on species a I.D.
10 guide to help address this. We brought a couple
11 copies of the current draft and if you're
12 interested in providing feedback on this draft,
13 we have a couple copies.

14 And in terms of next steps on the
15 amendment, the Council's still developing
16 management alternatives. We anticipate that the
17 SSC will develop ADCs this summer and the Council
18 will hold public hearings this fall. The Council
19 may take final action in December of this year.

20 And if you end up wanting to learn
21 more, feel free to reach out to myself, Julia or

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Dewey Hemilright, the Mid-Atlantic
2 representative. We brought a few copies of the
3 amendment scoping document as well, which
4 provides some summary background information.

5 And we also have an email list that we
6 use to send updates on this amendment. If you
7 want to be on this list, you can access it on the
8 website here or come up and talk to Julia or
9 myself. Thank you.

10 MR. BROOKS: Thank you very much.
11 Any questions on this? Yes, Marcos.

12 MR. HANKE: I would request all
13 information can send to us because we have pretty
14 good bullet mackerel and different other similar
15 species interacting with juveniles of tunas, and
16 blackfin tuna, yellowfin and so on, on the north
17 coast, and I would like to engage on that effort
18 to educate people. Thank you.

19 MR. BROOKS: Thanks, Marcos. Any
20 other -- yes, please, David.

21 MR. SCHALIT: Does your data suggest

1 that chub mackerel, the predators, the larger
2 tunas from chub mackerel are yellowfin and
3 bigeye? Is there any evidence -- do you have any
4 data regarding bluefin, I'm wondering?

5 MS. BEATY: I can answer that. We
6 don't have any data so far for bluefin, and then
7 the yellowfin tuna and bigeye comes from public
8 comments, mostly, and we actually don't have much
9 in the way of scientific data on the importance
10 of chub mackerel to the diet of any predators.

11 We're mostly hearing about it through
12 public comments. And the reason that we don't
13 have a lot of quantitative data to back that up
14 is, we think, because of this issue of a partially
15 digested chub mackerel looks a lot like an
16 Atlantic mackerel, so a lot of the data that we've
17 found so far kind of lists it as scombrids or
18 mackerels, so we have the public comments of
19 people who are going out and fishing for these
20 species.

21 That's mostly where we're hearing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 about it, but we have limited data; quantitative
2 data for anything, really.

3 MR. SCHALIT: Have you considered the
4 possibility of using genetic barcoding, which is
5 a very inexpensive methodology?

6 MS. BEATY: Yes. We actually did put
7 out an RFP to do exactly that. We had a webinar
8 meeting with some diet experts to talk about
9 this, and that was a recommendation that came out
10 of that call back in November, so we put out an
11 RFP, and we did get some proposals, and we're in
12 the process of reviewing them right now, so we do
13 plan to actually fund a study to do exactly that.

14 MR. BROOKS: Thanks. Tim.

15 MR. PICKETT: You can add swordfish
16 to that list too, at least informally. It's an
17 interesting thing that you're talking about this
18 because we used to have a lot of the chub mackerel
19 in South Florida. In the last five or six years,
20 they've all but disappeared.

21 During the winter -- it was a

1 wintertime thing and our fish used to come up
2 full of them, and now it would be very, very rare
3 to see one come up inside of a fish, so just in
4 consideration.

5 MR. BROOKS: Great. I think that's
6 it. So thank you both very much. Appreciate
7 it. All right. Next we want to turn to a bit
8 on Caribbean management issues. Delisse, you
9 going to come up? So we'll hear from Delisse
10 Ortiz with HMS.

11 MS. ORTIZ: Good morning. So this
12 presentation will seem very similar and that is
13 because it's the same presentation that we gave
14 in the last AP, but due to all the weather and
15 the hurricanes, there were a lot of you that
16 weren't able to be here, so we decided to give
17 the presentation again today so that we could
18 actually potentially have a discussion and give
19 folks opportunity to comment, and raise
20 questions, and sort of lead us into the next
21 steps.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 So I'll just do a little bit of
2 background and I'll summarize all the comments
3 that we received so far from the advisory panel
4 last year, including the spring and the fall
5 meetings, the outreach that we've done with the
6 Caribbean Fishery Management Council, the state
7 agencies, including Puerto Rico, and the USVI, as
8 well as speaking to commercial fisherman and
9 gathering feedback from the AP.

10 And then at the end, what we really
11 want to get to is, sort of, next steps, because
12 we've received different ways to move forward as
13 we were trying to really get from you guys today,
14 some sort of -- a way to move forward.

15 So in terms of the summary of the
16 requests that we've gotten from management
17 changes, there's two different things. So one
18 relates to Atlantic sharks, one relates to
19 Atlantic swordfish.

20 In terms of the sharks, one of the
21 things that was requested by folks in the Islands

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 was to increase the shark retention limit under
2 the Commercial Caribbean Small Boat permit.
3 That, there is a limit right now. It is set at
4 0, and so it would be to allow the retention of
5 sharks.

6 Puerto Rico and the USVI, and also,
7 salvage and inseason shark retention limit
8 adjustment criteria, so potentially the limit can
9 be either raised or it can be decreased.

10 In addition to that, also create a
11 Caribbean-specific shark quota that is tied to
12 that permit. Right now, just to remind you, any
13 shark landings that occur in the Caribbean are
14 counted against the Gulf of Mexico commercial
15 shark quota.

16 And lastly, create a Caribbean-
17 specific authorized shark species list that would
18 include the most commonly caught shark species in
19 the region, which are species that are not
20 necessarily common in the Atlantic or the Gulf of
21 Mexico, but potentially, it wouldn't include

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 species that are threatened or in danger.

2 And then for swordfish, right now, the
3 Caribbean Commercial Small Boat permit has a
4 retention limit of two swordfish per trip. So
5 one of the requests was to increase that
6 swordfish limit allowed under the Caribbean Small
7 Boat permit to as much as six swordfish per trip.

8 So in terms of the comments that we've
9 received from this AP, last year, and the two
10 meetings, was to -- there was a consensus to
11 prioritize the U.S. Caribbean HMS management.
12 I'm not going to read fully, but the idea was to
13 do research, to take a holistic approach,
14 precautionary approach, that we needed more
15 information on species identification. There
16 was some support for establishing a separate
17 quota and not including the Caribbean shark
18 landings under the Gulf of Mexico quota, to
19 revise the prohibited shark species list, but
20 only using some science, and determine which ones
21 can withstand fishing pressure before allowing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 any landings of those species in the region.

2 And I apologize, there's some here
3 that are repetitive. There's also some support
4 for research in the genetics of sharks, such as
5 the Caribbean sharpnose, Caribbean reef,
6 blacknose sharks.

7 Provide information on the process of
8 removing the species and also, I believe, Sonja,
9 you asked about provide information on the SPAW
10 protocol to see how it overlaps with NMFS.
11 You'll be hearing about that later on today.

12 In terms of -- there was -- I know
13 there was a lot of interest on what research has
14 been done in the Caribbean, so this was an update,
15 and I have a few, sort of, revisions to it.

16 Just to remind you, the Southeast
17 Fisheries Science Center is actually conducting
18 some research that has started in August. It got
19 delayed, obviously, for -- due to Hurricane Irma
20 and the destruction of Hurricane Maria, but from
21 speaking with Marcos, that project is well under

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 way and continuing and they're trying to get an
2 estimate of annual commercial fisheries landings
3 in the U.S. Caribbean, and we've spoken to them
4 and they're including trying to at least
5 incorporate getting HMS information in there.

6 Also spoken with Raimundo Espinoza.
7 He's a gentleman from Puerto Rico who has his
8 organization, Conservacion Conciencia. He's
9 working with Bob Hueter and Mote on working with
10 recreational and commercial captains using gear,
11 and methods to at least initially start tagging
12 and documenting the species and the sex of
13 sharks, so it's all catch and release, but it's
14 just initial effort just to try and start getting
15 information for Puerto Rico.

16 Also, I know Marcus Drymon and Marcos
17 Hanke are trying to get -- work together to sample
18 sharks in Puerto Rican state waters to help
19 improve shark species identification.

20 And then recently, there were two
21 awards given by NFWF. One was to the Nature

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Conservancy and the other one is the Ocean
2 Conservancy.

3 The individual that I spoke to before,
4 Raimundo Espinoza, is involved in both of these
5 projects. He's actually coordinating with the
6 Nature Conservancy there trying to improve and
7 expand the Puerto Rico Commercial Fishery
8 Electronic Recording Program.

9 They've been a program salvage way
10 before and sort of had gotten abandoned, and they
11 received the funds to pick that project back up
12 and try to develop a system, a functional
13 electronic recording system, for a few vessels
14 that will help improve catch accountability and
15 monitor, and all-catch limits.

16 So this is pioneering, really good
17 work. The other work that he's involved with,
18 and he's actually leading under the fiscal
19 sponsorship of the Ocean Foundation, is that same
20 system that's in Puerto Rico, he's trying to
21 expand it to the U.S. Virgin Islands so that both

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 systems, in Puerto Rico and the U.S. Virgin
2 Islands, will be -- will have -- you know, will
3 be designed in a compatible way.

4 And they -- I communicated with him
5 and he is well aware of our HMS needs and is going
6 to incorporate that into the design of this
7 reporting system.

8 Other scientific papers that have come
9 out have -- are starting to look at, you know,
10 the movement of sharks in the area, length of
11 relationships, so there's -- again, this is just
12 to give you a sense that there is research that
13 is coming out of the Caribbean that could give
14 us, the agency, a good insight into some of the
15 spatial movements and species identification of
16 some of the most common shark species in the area.

17 In terms of the average that we get to
18 the agencies in the last two years, we spoke to
19 the Puerto Rico Department of Natural Resources,
20 and at the time, I'm not sure of the status of
21 that right now, they were modifying the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 territorial regulations to make them compatible
2 with their fishery management plans.

3 And they, when we spoke to them at the
4 time, expressed really strong concerns about
5 promoting a commercial shark fishery, due to a
6 lack of enforcements, species identification
7 problems, and vulnerability to overfishing for
8 commonly caught species.

9 But when we spoke to Caribbean Fishing
10 Management Council in the U.S. Virgin Islands,
11 Department of Planning and Natural Resources,
12 they expressed some -- especially a lot of
13 support for an incidental federal shark fishery
14 in the U.S. Caribbean region.

15 They didn't see any threat to it
16 becoming a direct fishery, there was no interest,
17 there was no market, it was just a way to be able
18 to, you know, keep whatever sharks were caught
19 incidentally while targeting other species.

20 And so this is where I hope the coffee
21 has kicked in for you guys and you have a little

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 bit more energy. In terms of, like, what are the
2 next steps. So we've gotten support for an
3 incidental shark fishery in the U.S. Caribbean
4 from commercial fisherman, in Puerto Rico, U.S.
5 Virgin Islands, the Caribbean Fishery Management
6 Council, state agencies in the U.S. VI, however,
7 you know, Puerto Rico has a bit of a hesitations
8 in terms of moving that.

9 There's also recent events of what's
10 occurred in the island and how they're trying to
11 get back up. There's also the comments that you
12 offered and one of the things that we're trying
13 to figure out is, where do we go from here.

14 And at this point, I would like to
15 open it up to discussion.

16 MR. BROOKS: And, Delisse, just a
17 quick question.

18 MS. ORTIZ: Sure.

19 MR. BROOKS: The research efforts
20 that are focused on Puerto Rico, is it, given the
21 recovery efforts, are those able to go forward

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 right now, or is, sort of, everything on hold, or
2 any sense of that?

3 MS. ORTIZ: Marcos will be able to
4 offer more information and maybe Bob Hueter, but
5 as I understand it, at least with the Southeast
6 Fishery Science Center, the contractor that they
7 hired, Todd Gedamke, is moving forward.

8 MR. BROOKS: Thanks. Let's go to
9 Marcos and then up to Rusty.

10 MR. HANKE: Yes. Some of the efforts
11 are already back on track, not at the same speed
12 as they originally was, but yes, there's follow-
13 up on all efforts.

14 Actually, I'm very happy because, for
15 the first time, I see a slide about the Caribbean
16 that we are making a step forward. And once I
17 start on this committee, on this AP, we are
18 dragging our feet and not getting any place, and
19 just discussing basic stuff.

20 Right now, we are starting to create
21 science for the Government of Puerto Rico, the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 HMS office, and the fishermen to lead this to the
2 right direction.

3 And I'm not expecting any specific
4 outcome of this, except the outcome that the
5 science direct us to. And I want to state that
6 very clear. My intention is not necessarily to
7 create any industry behind the shark and a
8 fishery around the shark, you just want the shark
9 to be well-managed on the Caribbean, okay?

10 And I wish it was in Spanish because
11 it can be much more eloquent in the way I can
12 transmit my idea, but please bear with me.

13 I wrote some lines and the way I see
14 this approach should take place. I recommend
15 that before any change on limits, or quotas, for
16 the Caribbean's mobile permit in the U.S.
17 Caribbean, steps are taken to improve data needs.

18 Recommend three steps, the following
19 steps are, approval of a comprehensive study,
20 scientific study, for sharks in our area. That's
21 very important, basic, to start this discussion

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 in a -- with a baseline serious format.

2 Second step, create a fishing permit,
3 including fishers, to add more U.S. Caribbean
4 datasets, and start engagement with fishers. Can
5 be done together with step one.

6 Step number three, after step one,
7 that's, I want to make a remark on that, after
8 step one and two are completed, the results, and
9 the results suggest so, then we should consider
10 a limited comparative quota for a small group of
11 artisanal fishers to engage on some kind of
12 fishing under a very controlled parameters.

13 I recognize how important sharks are
14 for our environment, but at the same time I
15 recognize, there is many loopholes and many
16 things that we are not addressing now that could
17 compromise the shark population in Puerto Rico.
18 That's my intention. I want that to be fixed.

19 I sent this to the HMS people, those
20 recommendations, and my last statement is, yes,
21 I'm not afraid of the data outcome and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 utilization of data collected in the U.S.
2 Caribbean. Using local, local, local data is the
3 right thing to do.

4 Remember that species list -- species
5 frequency, size, range, seasonality, habit
6 utilization, ecological interaction, fishing
7 gear, and socioeconomic can be very peculiar for
8 our area.

9 Good data is the only way to avoid bad
10 management. Prolonging the status quo is
11 unacceptable and perpetuates ignorance about our
12 shark fishery in Puerto Rico. Thank you.

13 MR. BROOKS: Thanks. So keep
14 pushing, but do it with a lot of good data and
15 all of it driven locally. Derived locally.
16 Sorry. Rusty.

17 MR. HUDSON: Thanks, Bennett. I like
18 this. It's taken a lot of years to get to this
19 point. I do have a couple questions, though.
20 Delisse, for instance, we do have a little
21 population of Caribbean reef in South Florida.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I'd be real interested to see how the genetics
2 workout between the comparisons.

3 So somebody needs to do some sampling
4 there. I'm not sure what types this might have,
5 but -- because, you know, in opening this up, I'm
6 not sure what this is going to do with the
7 recreational, I'm not sure exactly with the,
8 possibly, up to 100 limited boats, and then,
9 who's the dealers.

10 And then if there's a fin thing, and
11 et cetera. The fin thing is pretty important
12 because I believe the scalloped hammerhead,
13 distinct population segment there, is under the
14 CITES thing over concern, and of course, I don't
15 know if you are going to be trying to throw grates
16 in there because I'm not real sure about the gear
17 types that are going to be allowed.

18 You know, is it shortlines, longlines,
19 nets, all that type of stuff. I'm sure I can get
20 with Marcos and as this evolves, get a better
21 idea.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 But the idea of doing the exempted
2 fishing permit that Marcus over here is going to
3 be part of, all that's great stuff, and I'm just
4 really wanting to make sure that the fishermen
5 have that ability to conduct their business like
6 they used to do, but at the same time, that we're
7 able to get some comparative things.

8 We know the sandbar's not there, but
9 we just finished a sandbar assessment that, you
10 know, was looking for, why don't you all have
11 stuff down there? Because they're not there.
12 They're over -- if they go down there, it's in
13 Campeche and stuff like that.

14 That's kind of pretty much it on that,
15 but I'm looking forward -- oh, on the sevengill.
16 The sevengill, of course, like the sixgill and
17 those type of things, that prohibited list that
18 was put together in 1999, we supported the '97,
19 the first five sharks, the additional 14, only
20 one has been really truly assessed, that's the
21 dusky shark.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And so when I'm looking at the
2 Caribbean reef, which I always felt like that
3 population -- let me give you a perspective, a
4 full-grown one, the fins, are going to be the
5 value of a blacktip. They're not going to be
6 like the value of a sandbar or hammerheads full-
7 grown, but it's still, I would like to find a
8 mechanism, with this prohibited list, to review
9 the science and somehow develop science.

10 So I don't know how you're going to go
11 about setting quotas, you know, on those two
12 species that have been on the prohibited list all
13 this time, or on this hammerhead, scalloped
14 hammerhead issue, but I would like to see what
15 you could do for us up here with regards to that
16 14 sharks, in particular, or 13, because we've
17 already got dusky underway.

18 It's the other 13 that, except for
19 Cuba night, I think Enric did some stuff that
20 was, sort of, back of the envelope, well, let's
21 just say not a full-blown assessment, but he

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 found that it was a very healthy stock, as opposed
2 to people saying, endangered, extinction, et
3 cetera.

4 You know, I just have a real tough
5 time with that kind of talk. Thank you.

6 MR. BROOKS: Randy.

7 MR. BLANKINSHIP: Just real quick
8 follow-up. You were mentioning which gears.
9 Within the context of the Caribbean Small Boat
10 Permit, it's handgears and buoy gear are the
11 gears that are authorized with that.

12 MR. BROOKS: Thanks. George and then
13 up to Bob.

14 MR. PURMONT: I think Marcos pretty
15 much covered what I had questions about. I was
16 just curious as to the number of boats and the
17 distribution of boats have through the Puerto
18 Rican and U.S. Virgin Islands fishing areas, and
19 if there is a connectivity for reporting data
20 from these vessels.

21 In other words, is it a -- how does

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 it work, the reporting?

2 MS. ORTIZ: So right now, for folks
3 who have the Caribbean Commercial Small Boat
4 Permit, they report to the territorial reporting
5 farms, and then that information gets fed to the
6 Southeast Fishery Center, and then we incorporate
7 that into our landings.

8 MR. PURMONT: Thank you.

9 MS. ORTIZ: In terms of the Caribbean
10 Commercial Small Boat Permit?

11 MR. PURMONT: Yes.

12 MS. ORTIZ: So as of last night, there
13 were 37 permits, 27 from folks that are in
14 Florida, 1 in Georgia, 1 in Louisiana, 1 in Puerto
15 Rico, 3 in South Carolina, 1 in Texas, and 3 in
16 the Virgin Islands.

17 MR. BLANKINSHIP: And to be clear, the
18 permit is only valid in the U.S. Caribbean. And
19 so we think that some people in the U.S. mainland
20 may be acquiring them because they can, but
21 they're not valid anywhere by the U.S. Caribbean,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 so keep that in perspective.

2 MR. BROOKS: Bob, then over to David.

3 MR. HUETER: Thank you. I wouldn't
4 say the state of shark science in Puerto Rico is
5 at square one, but I would say it's at square
6 two. So unfortunately, we would probably have a
7 lot more to talk about at this meeting if not for
8 those two hurricanes, and that was a very
9 debilitating event and the people of Puerto Rico
10 are absolutely amazing that they've put things
11 back together to the point where Marcos is here
12 and they're actually out doing science again,
13 when they went through, sort of, a survival, you
14 know, event.

15 One of the things that we've done, we
16 had to do first, was figure out what sharks live
17 in Puerto Rican waters, and so we've compiled a
18 species list that comprises more than 60 species
19 of sharks and 20 species of rays in Puerto Rican
20 waters.

21 Not all of them have interactions with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the fishery of course, but it's a very sharky
2 place and species I.D. is a major challenge down
3 there. So we have to focus on that and
4 characterize the fishery.

5 The work that Todd Gedamke is doing is
6 excellent. We are coordinating with him. His
7 work is not focused on HMS, so the work that we're
8 -- that I'm doing Raimundo and with Marcos,
9 hopefully, will focus on HMS and including
10 sharks, but also, the other species.

11 So we are really on the beginning
12 stages of collecting good fisheries data and
13 opening fisheries, at this point, seems ill-
14 advised, except from the standpoint of, maybe,
15 cooperative research, allowing some fishing to
16 happen, as long as we can utilize that activity
17 to collect better data on the composition of the
18 fishery and the composition of the fauna there in
19 Puerto Rico and the Virgin Islands. Thanks.

20 MR. BROOKS: Thanks, Bob. David.

21 MR. SCHALIT: I heard some time ago

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that the Caribbean Fishery Management Council was
2 considering going to an island-based FMP and I'm
3 just wondering what the status is on that.

4 MR. BROOKS: Marcos, you want to
5 respond to that?

6 MR. HANKE: We are very advanced on
7 that. That's the way the thing's going to be
8 managed on the Caribbean. We are establishing
9 now all ABCs, ACLs, and creating all -- on the
10 process of creating all those new parameters for
11 each island. That's what we are doing now, on
12 the council level.

13 And because I have the microphone
14 open, I'm going to just answer some questions.
15 George asked how many boats. One thing, that's
16 exactly the problem. One thing is that the
17 Caribbean's mobile permit infrastructure and the
18 amount of permits that we have, another thing is
19 the incidental catch by fishers that don't have
20 the permit, that don't report, not because they
21 don't want it, it's just that, that's the way it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 is.

2 You know, the amount of fishermen that
3 interact, you have to assume that it's way more,
4 because there is incidental interaction left and
5 right with different shark species. This is part
6 of the things that we need to address.

7 I want to comment that the steps that
8 are taken, simple as my experience in the water
9 tagging the sharks that I interact, we already
10 have a recapture of one shark that we couldn't
11 read the number of the tag because it pulled the
12 hook on the side before we was able to read, but
13 we know, pretty much, that it was a tag.

14 It was a very new tag, exactly where
15 we put the tag, and just that event for me to
16 educate the fishermen and say, you know what,
17 what literature says, that most, probably, the
18 quantity of them is not so much, it's just sharks
19 that interact with you more because they go for
20 the boat to feed, or whatever, those are
21 possibilities.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 This gives me tools to educate people
2 and this is what I'm talking about, that we are
3 taking the right steps pursuing science. It's
4 just give local knowledge and elements to do the
5 things on the right way.

6 And I want to highlight this, I am not
7 a shark fisherman. I'm a charter operator that
8 incidentally interact with sharks. I don't have
9 any interests on this fishery. And please, be
10 very mindful about that. Thank you.

11 MR. BROOKS: Thanks, Marcos. Sonja
12 and then up to Rusty.

13 MS. FORDHAM: Thank you. I just
14 wanted to offer my general support of Bob's
15 comments for caution and a focus on science
16 first. I also wanted to just compliment the
17 presentation. I think it was really useful and
18 needed recap of what we talked about before, but
19 also a nice compilation of the science that's
20 going on in the region.

21 And I know some of those people and I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 didn't know about that work, so I appreciate
2 that, and I also appreciate the presentation
3 that's coming about SPAW, so thanks for putting
4 that on the agenda.

5 MR. BROOKS: Rusty.

6 MR. HUDSON: Now that I thought about
7 it a little bit, this Caribbean sharpnose, I'd
8 love to put to bed the controversy between it and
9 the Atlantic sharpnose, because one day soon
10 we'll probably be doing a reassessment of
11 Atlantic sharpnose. Same with the blacknose, the
12 genetics should answer some of that, but we're
13 going to need some necropsy comparisons.

14 And of course, it's going to be
15 interesting on the genetics of the Caribbean reef
16 in, like, the Bahama, U.S., Florida stock, if
17 they're the same stock. All this work's going
18 to be great for our next stock assessments coming
19 up on blacknose and sharpnose. Thank you.

20 MR. BROOKS: Thanks. Delisse, I
21 think you're getting some pretty clear feedback

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 here. Kind of, stay the course, push the
2 science, slow and steady. Were there other --
3 any other feedback you needed from the AP this
4 morning? Okay. Great. Thanks, everyone, for
5 the good conversation.

6 At this point, we are ahead of
7 schedule, so let's take that and unpack last
8 night, if we could. Next up, I think we want to
9 go to the modifications to the shark fishery
10 closure criteria rulemaking, and, Lauren, are you
11 up for that?

12 MS. LATCHFORD: Hi, everyone. I'm
13 Lauren Latchford. And today I will be presenting
14 on the --

15 MR. BROOKS: Can you -- we need to get
16 you a little closer to the mic.

17 MS. LATCHFORD: Oh, sure. Sorry.
18 Kind of short. Sure. I'm Lauren Latchford and
19 today I'll be presenting on the proposed rule to
20 revise the Atlantic shark fishery closure
21 regulations.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 So this proposed rule examines the
2 landings threshold that prompts a shark fishery
3 closure action and the notice period before a
4 shark fishery closure becomes effective.

5 The proposed rule, published on
6 Friday, February 23rd, and is open for public
7 comment until Monday, March 26th. So to provide
8 a bit of reporting history, NMFS began managing
9 the Atlantic sharks in 1993.

10 We established the requirement for
11 federally permitted dealers to report commercial
12 harvests every two weeks. And because these
13 reports were paper-based, data was often a month
14 or more out of date.

15 Fisheries closed when 100 percent of
16 the quota was reached and any shark fishery
17 closure was effective no less than five days from
18 notice of filing with the Federal Register.

19 In 2008, Amendment 2 to the 2006
20 consolidated HMS FMP had the same requirement for
21 federally permitted dealers to report commercial

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 harvests every two weeks. However, the fisheries
2 closed when it reached or was projected to reach
3 80 percent of the quota.

4 Shark fishery closures were effective
5 no less than five days from notice of filing with
6 the Federal Register. And in 2013, all Atlantic
7 HMS federal dealers were required to report
8 commercial harvests on a weekly basis through e-
9 dealer.

10 Fisheries still closed when a shark
11 fishery reached or was projected to reach 80
12 percent of the quota, and shark fishery closures
13 were effective no less than five days from notice
14 of filing with the Federal Register.

15 Over the past couple of years we've
16 received numerous comments requesting that we
17 modify the current 80 percent threshold and five-
18 day notice. This proposed rule provides
19 alternatives to update and revise those
20 regulations, with a goal of improving the ability
21 to fully harvest available quotas while still

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 avoiding overharvests in the fisheries.

2 So the proposed rule examined six
3 alternatives from the closure threshold and three
4 alternatives for the closure notice. This slide
5 shows the six alternatives for the closure
6 threshold and we'll be starting with the top and
7 going clockwise.

8 So the first alternative is a no-
9 action alternative, to maintain the 80 percent
10 quota. And the second alternative would change
11 the closure threshold to 90 percent of the quota.

12 The third alternative would change the
13 closure threshold to 70 percent of the quota.
14 The fourth alternative would increase the closure
15 threshold to 90 percent in the Atlantic, but
16 maintain 80 percent in the Gulf of Mexico.

17 Atlantic states require shark dealers
18 to hold a federal shark dealer permit, however,
19 shark dealers in the Gulf of Mexico are not
20 required to hold a federal permit if they do not
21 buy from federally permitted vessels.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 These dealers are only require to hold
2 a state dealer permit, and by not having federal
3 permits, state dealers don't have to report to
4 NMFS electronically every week and can instead,
5 report electronically on a monthly basis.

6 Additionally, Atlantic states close
7 state waters to commercial fishing when federal
8 waters close, but in the Gulf of Mexico, some
9 states allow limited shark landings in state
10 waters after the federal closures.

11 The fifth alternative would establish
12 objective criteria to evaluate whether a shark
13 species and/or management group could close when
14 landings reach or project to reach 80 percent, or
15 remain open until 90 percent of the quota is
16 reached.

17 Objective criteria could include
18 things like stock status or patterns of over and
19 under harvests in the fishery over previous five
20 years.

21 So the sixth alternative, and our

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 preferred alternative, would allow the shark
2 fishery species and/or management group to remain
3 open after they've reached or projected to reach
4 80 percent of the quota, as long as species and/or
5 management group's landings are not projected to
6 reach 100 percent before the end of the
7 commercial fishing season.

8 For the closure notice, we have three
9 alternatives that we're considering. The first
10 alternative is a no-action alternative, and this
11 would maintain the five-day period between notice
12 of filing with the Federal Register and the
13 closure going into effect.

14 The second alternative is our
15 preferred alternative, and this would change the
16 minimum notice time between filing and closure to
17 three days. And the third alternative would
18 allow immediate closure of the shark fishery upon
19 filing with the Federal Register.

20 For the preferred alternatives, we've
21 chosen the 80 percent threshold with the ability

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 to stay open because it provides more flexibility
2 to reach full harvest of our quota without going
3 over, and we've chosen the three-day notice
4 alternative for more timely action and it does
5 not interrupt the majority of fishing trips.

6 We didn't choose the other threshold
7 alternatives because they would either cause
8 under or overharvests, or could complicate
9 closure procedures, and we didn't choose the
10 other notice alternatives because they don't
11 provide a fishing cease to the fishery and could
12 also interrupt fishing activities.

13 Ultimately, we want to know if the
14 preferred alternatives improve management of the
15 fishery and improve the ability to fully harvest
16 available quotas.

17 So currently, we're requesting public
18 comments until March 26th, and comments can be
19 provided via the Web, fax, or mail, and you can
20 identify the comments with NOAA-NMFS-2017-0070.
21 And now I'll take any questions that you have.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Thanks.

2 MR. BROOKS: Great. So questions,
3 and I'm assuming you'd also like comments on the
4 alternatives?

5 MS. LATCHFORD: Yes.

6 MR. BROOKS: Okay. So let's see,
7 I've got Jason, Pat, Rusty, and Bob.

8 MR. ADRIANCE: Thanks. Just about
9 the three-day notice, I'll use this week's
10 closure as an example. Because we don't
11 automatically close, when you close, we have to
12 file paperwork, and while the secretary of our
13 department does have that authority to do that,
14 to move that paperwork, in most times, and given
15 that this is over a weekend, if it were the three-
16 day, there would be some inconsistency there, so
17 I think the five days actually works pretty well
18 and sometimes can be short too, depending on when
19 that falls.

20 As far as your preferred alternative,
21 at least in Louisiana, that's pretty much no

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 action because the seasons, it's never going to
2 go the whole season, but I'll stop there.

3 MR. BROOKS: And just to clarify,
4 Jason, the thinking on the five days, given the,
5 sort of, time steps, you need that buffer to be
6 able to actually put it in place?

7 MR. ADRIANCE: Yes, well, that helps
8 us. I mean, you can certainly choose three days.
9 It would just likely lead to some inconsistency
10 for a period of time, whether that's a couple
11 days or a week.

12 MR. BROOKS: Thanks. Pat.

13 MR. AUGUSTINE: Yes, thank you. Good
14 presentation, Lauren. Thank you. My question
15 was similar to that. What is the percentage of
16 dealers that are reporting within a five-day
17 period? Is it 100 percent or something far
18 greater than that?

19 MS. BREWSTER-GEISZ: So I'm going to
20 look to Jackie to see if she has the percentage,
21 but just so you know, dealers are required to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 report on a weekly basis, so the week is Sunday
2 through Saturday, and then they need to report by
3 midnight on the following Tuesday, what they
4 purchased from that Sunday to Saturday.

5 So it's not that they -- some dealers
6 do report, you know, every day, they login and
7 they figure it all out, but some just do it one
8 day to make sure they meet the Tuesday, and I
9 think Jackie is furiously thinking about the
10 percentage.

11 We do have a pretty high compliance
12 rate and I'll let her come back with the
13 percentage later. Oh, she's coming up now.

14 MS. WILSON: So I guess, Pat, when you
15 talk about the five days, are you talking about
16 when they get a notice? Is that the five days
17 you're referencing? I don't know that the number
18 that would report within that five days, but on
19 a weekly basis, about 11 percent of the
20 population, overall.

21 Now, these aren't just shark dealers,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 but 11 percent come in late, that's somewhere
2 between, say, 40 to 60 dealers out of about the
3 500 active dealers that we're monitoring over
4 time.

5 MR. AUGUSTINE: Follow-up, okay, but
6 the question is, follow-up question, has that
7 resulted in overages, that late reporting, and if
8 it has, has it been significant? Now, if it
9 hasn't, no concern.

10 MS. BREWSTER-GEISZ: So the past few
11 years, I don't think we've had any overages.
12 And, like, for example, in the -- on the Atlantic
13 side for large coastals, they've remained open
14 the entire year without overages.

15 MR. AUGUSTINE: Well, that was my
16 concern. If five days is working, why go to
17 three, with a risk of, as Jason said, if it's
18 going to create a problem, that won't be a
19 problem, is one thing, but if five days is
20 working, and we really aren't going to accomplish
21 anything other than having quicker reporting, net

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 result, same thing, why change?

2 MR. BROOKS: Thanks, Pat. I've got
3 Rusty, Bob, Katie, Dewey, Sonja.

4 MR. HUDSON: Thank you, Bennett.
5 Personally, I like the five day. I'll get that
6 out there right now, but Louisiana, you know,
7 their first of the year, we're not catching
8 blacktip much, you know, because the state waters
9 in Florida closed, since '92, Louisiana and
10 Alabama provide us, and a little bit maybe
11 Mississippi, our blacktips.

12 We count on them being able to catch
13 their blacktips in the spring because we're doing
14 other -- you know, in the winter and the spring,
15 January through, say, March, like we're at now,
16 and then once our guys are shifting from the other
17 fisheries, like the golden tile and other stuff
18 they're doing, then they go and do their sandbar
19 for the research fishery, the mixed large
20 coastals, but I would like to see that blacktip
21 quota caught in Louisiana.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 And right now, you've got 81 metric
2 ton left of blacktip, it's not overfishing,
3 overfishing is not occurring, and if, between the
4 state guys and the federal guys, they catch
5 pretty good, between now and the 13th, then just
6 maybe there may be 50 metric ton left, but that's
7 the point.

8 You know, this market is, you know,
9 important for our domestic meat market. And it
10 has, you know, that same values it's always had
11 with the blacktip. It's not like a sandbar or,
12 you know, full-grown hammerheads, as grade A's,
13 but grade B's, and it's a good value.

14 So with this 80 percent thing, you're
15 just not going to be able to reach that blacktip
16 because, for us, when you're projecting us,
17 you're projecting us to December 31st, normally,
18 for the rest of the East, Gulf of Mexico, and up
19 the Atlantic side, and we're doing pretty good
20 trying to catch our quota, but again, we're
21 leaving fish on the table.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 So every time we do that, we're, you
2 know, kind of disenfranchising the unspoken thing
3 to the consumer, and so that's really kind of
4 where we're at. Thank you.

5 MR. BROOKS: So, Rusty, sorry, I just
6 want to take that comment and try to drive it
7 into the alternative, so therefore, is there an
8 alternative you prefer on the threshold
9 alternatives?

10 MR. HUDSON: I think the five day
11 works fine, because sometimes you got weather
12 issues.

13 MR. BROOKS: Sorry, not the
14 notification, but the alternative, so --

15 MR. HUDSON: And I was hoping we'd see
16 85 or 90 percent, you know, be used.

17 MR. BROOKS: Okay.

18 MR. HUDSON: The 80 percent's getting
19 old and I believe that we have the electronic
20 reporting. I can't help the fact that you got
21 people that aren't complying. I think it's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 mostly in the Gulf of Mexico, historically,
2 recently, but maybe there's some guys up and down
3 the East Coast. They need to comply.

4 And there's teeth in the law. You
5 know, we've been having to do this, both the
6 council and, you know, this HMS level, and so
7 we'd like to catch our allocations, because we're
8 ultraconservative on our allocations also. So
9 thank you.

10 MR. BROOKS: Yes, Karyl.

11 MS. BREWSTER-GEISZ: So I am hoping
12 that we'll have an update from enforcement that
13 will touch base on some of the compliance for e-
14 dealer. In terms of Louisiana and closing the
15 blacktip, we're actually closing blacktip as a
16 result of requests from fishermen and state in
17 that area.

18 So it's not that we're closing just
19 because we want to close, it's closing as a result
20 of requests that, once we close large coastals
21 and hammerhead, please close blacktip at the same

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 time.

2 MR. BROOKS: Jason, you want to jump
3 in on this?

4 MR. ADRIANCE: Yes, to that point, I
5 think the biggest issue is once we shift into
6 this blacktip and aggregated, that causes a lot
7 of issues, given the mixed fishery. I think if
8 you can get some assessments of some of those
9 aggregated and readjust the structure again to
10 where maybe bulls are pulled out and it's a
11 bull/blacktip, I think you'll get better
12 utilization of those species that can be
13 utilized.

14 It's been an issue since the switch
15 and something needs to be done with it, but I
16 didn't see anywhere on SEDAR or anytime soon,
17 you're going to get to assessing bulls or any of
18 those other species.

19 I understand there are others that
20 need to be assessed, but it's something to
21 consider and I know fishermen had asked for that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 aggregated and they've since come back and
2 mentioned that that was a horrible move, but that
3 was -- hopefully that helps to that point.

4 MR. BROOKS: Thanks. Bob.

5 MR. HUETER: So there are two types
6 errors associated with this process, premature
7 closure of a fishery hurts the fishermen,
8 overages hurt the fish, but overages also hurt
9 the fishermen as well because it can drive the
10 stock down that's available in the future and it
11 also can, potentially, take away from future
12 quotas when you have an overage.

13 So you really want to avoid the type-
14 2 error, the overage, because it hurts both the
15 fishery and the fish. So looking at the
16 preferred alternative which sounds good, what --
17 the devil's in the details, how do you project?
18 How is it -- what is the projection process so
19 that when you pass 80 percent, does somebody sit
20 down with a computer model and just linearly
21 project where the landings are going to be at the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 end of the year or is there an accommodation for
2 knowledge about how the fishery might shift in
3 the ensuing months?

4 I mean, I think this projecting thing
5 is a little bit mysterious, how that's actually
6 going to take place.

7 MS. LATCHFORD: So, yes, we do look
8 at the landings every week and we shift the
9 projections based on the landings. And then we
10 do that every week through the entire year, and
11 so if we find that we're closer to the end of the
12 fishing year and they're still quota left where
13 we don't believe it would exceed 100 percent,
14 then we would let the fishing season continue
15 through the end of December 31st.

16 MR. HUETER: Okay. Just a follow-up
17 then, so you're saying that once you reach the 80
18 percent criterion, then it's done on a weekly
19 basis, look at it every week and see where things
20 stand.

21 MS. BREWSTER-GEISZ: We actually

1 start long before 80 percent is reached.

2 MR. HUETER: Okay.

3 MS. BREWSTER-GEISZ: And we, as
4 Lauren said, do it through the year, so when
5 things start reaching 40 percent, that's when we
6 start really working on the projections, and we
7 project using the rates each week.

8 So if -- we have different
9 projections, the average rate for the whole year.
10 If things were to continue at the lowest rate
11 from earlier on, if things are really going wild,
12 what is the high rate, what does it look like if
13 we only use the highest rates?

14 So we have a range, we're looking at
15 weather patterns, is there a hurricane coming?
16 Well, then maybe we don't need to worry about
17 closing right now because hurricanes are going to
18 slow things down.

19 So we're looking at a bunch of things,
20 not just the rate of the fishery, but what's
21 happening, what fisheries are opening that we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 know about, that people might be switching to, so
2 it is -- it's something we've learned a lot about
3 over the past few years and I think we're getting
4 a little better with our projections.

5 MR. BROOKS: So, Karyl, it sounds like
6 it's a mix of some science and projections, and
7 a little bit of art, and just sort of knowing
8 what's else is going on out there, is that right?

9 MS. BREWSTER-GEISZ: Correct.

10 MR. HUETER: Okay. So let me just
11 say with that very nice answer, an explanation,
12 that I would support your preferred alternative,
13 if that's the process you're using to come to
14 grips with when things are -- need to be closed
15 and then you can do it five days later.

16 MR. BROOKS: Thanks, Bob. I have
17 Katie, Dewey, Sonja, then over to Bob, and then
18 down to Randy.

19 MS. WESTFALL: Thank you very much
20 Lauren and Karyl. To me, I don't think this is
21 the right conversation to be having. I think we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 don't have new information on the stock status
2 for some of these species, specifically for
3 scalloped hammerheads, which are experiencing
4 overfishing and are on the overfished list.

5 And I think before we have this
6 conversation, we need to take a comprehensive
7 look at how we're doing with catch versus the
8 TAC, and I think that needs to take into account
9 by catch that's occurring in other fisheries, and
10 I think it needs to take into account
11 recreational catch.

12 And I'm afraid that I think we're not
13 really, for scalloped hammerheads, taking into
14 account some of the pretty substantial mortality
15 that can occur from catch-and-release fishing.
16 I think we've seen a significant catch from
17 Atlantic and Gulf of Mexico recreational fishing.
18 I think it's moving in the range of -- I think it
19 was over the past ten years, recreational catches
20 for shark and release fishing, excluding
21 Louisiana after 2013, and excluding Texas, it's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 ranged from 20,000 to, in some cases, up to 90,000
2 hammerheads caught.

3 And we know that scalloped
4 hammerheads, and hammerheads in general, have
5 high at-vessel and post-release mortality. So I
6 think before, you know, we look at these
7 threshold changes, we need to kind of take a step
8 back, look at, you know, how are we doing in terms
9 of catch across all sectors, where are we in terms
10 of rebuilding, and then I think it would be
11 perfect to have this conversation.

12 MR. BROOKS: So, Katie, that's sort
13 of a hold state. No action for now.

14 MS. BREWSTER-GEISZ: Thanks. So in
15 regard to that, that is a very good point. I'm
16 not sure how many of you have noticed, but we
17 have included a table of all the TACs and the
18 sector ACLs for sharks in the SAFE report.

19 We are planning, in the fall, to talk
20 about an amendment I don't think we're discussed
21 yet, Amendment 14, if I remember correctly, and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that is going to be looking at shark TACs, and
2 ACLs, and ABC control rules, and all of that.

3 So we are in the process of doing
4 that. Overall, in terms of the TACs, we're
5 pretty good. We do have a couple problems here
6 and there, which is why we're looking at it at
7 Amendment 14, so it is on the table.

8 MR. BROOKS: Thanks, Karyl. Thanks,
9 Katie. Dewey.

10 MR. HEMILRIGHT: Yes, this
11 conversation leads me to want to have a study
12 done the same as was put out yesterday by the --
13 that Brad cited for the bluefin tuna, because
14 there's a lot of questions here that I have as --
15 -- you talk about 11 percent of the landings go
16 from late dealer reporting, but how many pounds
17 do them late dealers -- what's their poundage
18 that they're lately reporting?

19 I mean, you got two separate things
20 here. It's almost needs a graph of where the
21 landings are coming from and what's the date,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 like, a more comprehensive look into this that
2 won't elicit so many questions that is spelled
3 out on the table so you can see, because there is
4 no, hardly zero, shark landings north of large
5 coastals, north of North Carolina.

6 We're very limited. Very limited on
7 the East Coast, to Florida in certain things. I
8 would separate out the Gulf and I would separate
9 out Louisiana in the Gulf for the different state
10 landings, patterns, things over the years that
11 maybe they're finally addressing a little bit at
12 a time, but there's still a ton of questions for
13 that.

14 And so, you know, you need to separate
15 out and do a more comprehensive study and present
16 it here to the HMS advisory panel. And another
17 thing, for late dealer reportings, you know, in
18 Amendment 7, A7, you took people's livelihood as
19 part of you all's criteria for sending in late
20 logbooks.

21 So why don't you put some teeth in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 late dealer landings and take their permits for
2 a year, after 14 days, or they're not fulfilling.
3 I mean, this continues to go on. Second of all,
4 Katie mentioned a 90,000 fish number for
5 hammerheads or what was that number, Katie?

6 And where does that come from? Is
7 that the same number in the LPS that we use to
8 report our mako landings to ICCAT?

9 So I guess it's easy to throw out that
10 number when you can cite a study where it come
11 from, but how about the validity of that? If
12 we're going to use the same number of 90,000 for
13 LPS and MRIP, are we going to use that same number
14 that we report to ICCAT?

15 So basically, I'm for keeping the
16 season open until 100 percent, a five-day notice,
17 separate out the regions from Virginia, North
18 Carolina, north, give a presentation of sharks
19 caught there, large coastal seasons, dealer
20 reporting, go from the East Coast of North
21 Carolina all the way down to the Keys, separate

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 out the Gulf, and separate out Louisiana, but
2 make sure you don't mess with the confidentiality
3 that you have there sometimes that seems to
4 always rise up.

5 Also, you also mentioned that in the
6 -- there's some states that still have state
7 landings even after closures. What state would
8 that be?

9 MS. BREWSTER-GEISZ: So I want to
10 correct a couple things that you were saying,
11 Dewey. We have done the research. If you
12 remember from September, we had a graph where we
13 showed where we closed and how much the landings
14 were after the closure.

15 So unfortunately, we do not have that
16 graph handy right at the moment, but it is in the
17 EA that we did for that, so we have looked at all
18 of that. The 11 percent that Jackie noted, that
19 was 11 percent of dealers that report late across
20 all of the HMS, that is not that we receive 11
21 percent of the shark reports late.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 A lot of those late dealers are
2 actually dealers that haven't -- didn't purchase
3 any fish the previous week. We do have a lot of
4 enforcement working on that. If there are
5 dealers that have a number of late or missing
6 reports, we actually put a hold on their permit,
7 so they are not allowed to get their permit until
8 they have finished reporting all that.

9 And we have enforcement, so hopefully
10 we will hear more about what enforcement has been
11 doing the last month in terms of all those dealer
12 compliance. And I know you had a lot of other
13 questions. I think we've already talked about
14 the LPS and MRIP, and issues there earlier, and
15 I don't remember what your last question was.

16 MR. HEMILRIGHT: It was, what other
17 states you said are still open after the closure.

18 MS. BREWSTER-GEISZ: So the state
19 that immediately comes to mind is Alabama. They
20 do allow a limited number of sharks to be landed.
21 I think it's mainly with gillnet, once the main

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 fishery is closed.

2 MR. HEMILRIGHT: And where could we
3 find that number at, even though you say a limited
4 number, what's the poundage on that? I'm sure
5 you all have that.

6 MS. BREWSTER-GEISZ: I do not have
7 that on the top of my head. I think when we have
8 those in the landings update, you know, we do the
9 landings update every month, so if, once we
10 close, you can see those changes that come
11 through a log. That would be from those landings
12 after the closure.

13 MR. HEMILRIGHT: And is that spelled
14 out by listing Alabama and their landings?

15 MS. BREWSTER-GEISZ: We try very hard
16 not to blame specific states for regulations that
17 are not consistent with ours.

18 MS. WILSON: Dewey, can I just speak
19 to that real quick? There's also a
20 confidentiality there, so we can't break things
21 out by an individual state, by individual dealer,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 so we wouldn't be able to release those numbers.

2 MR. BROOKS: Thanks, Jackie. Rusty,
3 you had a point on this?

4 MR. HUDSON: The dealer permits for
5 shark, it's been open access the whole time,
6 whereas, you know, our fishermen are limited. I
7 don't think we need that many dealers. I believe
8 you have, probably, a lot of zero reports from
9 some of those dealers.

10 And I'm not sure what kind of dealer
11 situation you're going to setup in the Caribbean,
12 but that might need to be rethought. It could
13 potentially be some kind of action in the near
14 future to try to limit the dealers.

15 MR. BROOKS: Thanks. Let's go to
16 Sonja.

17 MS. FORDHAM: Thank you. Thanks for
18 the presentation. I will try my best to submit
19 written comments, but at this point, I can't
20 really see supporting increasing the threshold.
21 It makes me uncomfortable in terms of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 associated risk and all of the reasons I think
2 that there should be caution.

3 And I think Bob mentioned, you know,
4 to avoid situations that hurt both the fish and
5 the fishermen, and I would just add, sort of,
6 bringing in Katie's comments, that there's also
7 risk to the -- of I catch to the target for the
8 quota of the fishermen, but also, what this --
9 the sharks, in particular, that are taken
10 incidentally, so I share Katie's concern in
11 particular about hammerhead sharks and looking
12 forward to hearing more about that next time.

13 But there are also a number of
14 prohibited shark species, of course, that are
15 still overfished, some severely so, so I think
16 there's added risk there, which makes me lean
17 toward the status quo threshold or perhaps that
18 for the Atlantic and more action.

19 I'm a bit cloudy on the last
20 discussions, but I think we had some problems in
21 the Gulf and I'm wondering -- my question is that,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 you think this three-day notice change will help
2 avoid overages in the Gulf or am I -- no. That's
3 -- is there anything in this rulemaking that you
4 think will help things in the Gulf?

5 MS. LATCHFORD: So it wasn't specific
6 to the overage in the Gulf. I think the three-
7 day preferred alternative was just to provide
8 increased efficiency in closing the fishery.

9 MR. BROOKS: And, Sonja, did you want
10 to weigh-in at all on that -- on the notification,
11 maintain status quo or any shift?

12 MS. FORDHAM: Yes, well, I'm leaning
13 towards the preferred alternative, but it's a bit
14 -- it just seems a bit misleading because the
15 opener sort of says we're going to try to do
16 things that will, you know, increase efficiency,
17 but also avoid overages, and I don't see anything
18 here that would improve or guard against
19 overages.

20 I get your point that, in the
21 Atlantic, there haven't been overages for a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 while, but in the Gulf, or --

2 MS. BREWSTER-GEISZ: Right. So it
3 could help prevent overages if fishing rates are
4 really high, because the fishing rates are high
5 and we were struggling to get a notice out. The
6 sooner we can get the notice out, the less likely
7 we are to go over.

8 That's why -- and three days makes it
9 equivalent to fluke and tuna. So, Jackie, Dewey,
10 in response to some of your questions, is Dewey
11 still there?

12 MR. BROOKS: He stepped out for a
13 minute.

14 MS. BREWSTER-GEISZ: So she did some
15 back of the envelope calculations, it looks like
16 about 2 percent of shark dealers report late, and
17 of those late reports, on average, they were ten
18 days late, but we don't yet have the poundage
19 associated with that.

20 MR. BROOKS: Dewey, did you catch
21 that? Thanks. Back to the queue, I've got Bob,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Randy, Marcus, Luke, Jason, Marcos. Oh, I'm
2 sorry, that's Rick, not Marcus. Bob.

3 MR. BOGAN: Just a quick question,
4 going from a three-day closure to a five-day
5 closure, would that result in -- do we know if
6 that would result in more dead discards?

7 MS. LATCHFORD: So the preferred
8 alternative would be moving from a five to a
9 three, not the reverse. Okay. No worries.
10 Would it result in more dead discards? I don't
11 believe so.

12 MR. BROOKS: Okay. Bob, was that it?
13 Okay. Randy.

14 MR. GREGORY: Just real quick, not to
15 beat this thing to death about the three or five-
16 day, but maybe check -- this was a question that
17 happened in our agency as well when we saw this,
18 and just trying to figure out how that works with,
19 you know, complying with you all's regulations.

20 MR. BROOKS: Thanks. Marcus. No?
21 You good. Okay. Luke.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. HARRIS: To my knowledge, Alabama
2 allows a 10-percent overage for gillnet boats
3 once the federal fisheries close. Also, I think
4 there's about 30 boats fishing gillnets in
5 Alabama, so I think that number of sharks would
6 be negligible.

7 MR. BROOKS: Thanks, Luke. Jason,
8 you wanted to get back in?

9 MR. ADRIANCE: Yes, thanks. I feel
10 like I have to say this every year. We start our
11 closure process when we get the notice from
12 Karyl's group. So if there is a difference in
13 state waters and federal waters, it's a day or
14 two here or there.

15 Most of landings are coming through
16 federal dealers. There's very few that go to a
17 state dealer, so I don't think there's an issue
18 there. And our water is actually closed from
19 April through June as a protective pupping
20 closure, so, you know, I'm not sure what this
21 issue is with picking on us every year. We're

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 pretty compliant.

2 But also, I'd like to know, when was
3 the last overage, at least in the Western Gulf of
4 Mexico, and what was the percentage? I think it
5 was only a couple percent last time it happened.
6 We've actually had some underages.

7 MR. DUBECK: Sorry. We mentioned
8 this a couple APs ago, it was a couple years ago,
9 it was the western hammerhead. That went over
10 about 40 percent, but because the quota is a
11 combined between the East and West, the East, the
12 Florida side, was under, so it covered any
13 overages, so there wasn't a reduced quota the
14 following year because of the way it's setup.

15 It's split for management purposes.
16 It's not the stock blocks.

17 MR. BROOKS: Thanks. Jason, anything
18 else? You good? Rick.

19 MR. WEBER: Just wanted to comment on
20 the thresholds. I think what we've seen in
21 bluefin is pretty good. As far as if you're

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 asking me would I rather have an automated system
2 or a person who can be judicious, I would prefer
3 a person who is judicious, who can be held
4 accountable over a simply automated system, so I
5 like the preferred alternative.

6 MR. BROOKS: I think I see one more
7 card. Glen.

8 MR. HOPKINS: Just a quick question,
9 what does happen under the current way things are
10 setup if we go over or if we go under? Is there
11 a carryover the next year if you go under or is
12 there a reduction the following year if you go
13 over?

14 MS. BREWSTER-GEISZ: So if you go
15 over, the quota is always reduced the following
16 year. If you go under, it depends upon the stock
17 status. So if the stock is healthy, you'll get
18 the carryover the following year.

19 So an example of that would be smooth
20 dogfish. It's a healthy stock. If you go under,
21 we can carryover. If the stock is overfished,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 overfishing is occurring, or if the status is
2 unknown, then if you go under, it doesn't matter.
3 The quota will revert to the base the following
4 year.

5 MR. HOPKINS: Okay. If the stock's
6 in trouble, then you're probably not fishing on
7 it anyway, right? I'm trying to -- I guess the
8 way you're putting it, though, you're really, for
9 the fishermen's sake, you ought to try to get
10 just as close to that level as possible, since
11 there's only repercussions if they go over, but
12 there's none if they go under.

13 So that's what I just wanted to
14 clarify. Thanks.

15 MR. BROOKS: Thanks. Kirby.

16 MR. ROOTES-MURDY: Just a quick
17 follow-up question to that, there's a limit to
18 how much can be rolled over year-to-year, right,
19 in terms of a percentage of the actual quota?

20 MS. BREWSTER-GEISZ: Correct. Right
21 now it's 50 percent.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. BROOKS: Rusty.

2 MR. HUDSON: Karyl, I believe on the
3 rollover, if we have an underage, it has to be,
4 like, the western blacktip it's -- or the Gulf of
5 Mexico blacktip, not overfished, overfishing not
6 occurring, and we can't have a complex, and I
7 really hate the linkage, it really hurts us, you
8 know?

9 MR. BROOKS: Dewey?

10 MR. HEMILRIGHT: Yes, just want to go
11 on record as -- to Jason in Louisiana, they done
12 a much better job over the years of finally
13 catching up with what their landings are, so
14 maybe that's the reason for looking in the past,
15 but you all have done a much better job of getting
16 in the reality of the landings and what your state
17 does, so hopefully nobody will pick on you
18 anymore.

19 MR. BROOKS: We'll add that to the
20 ground rules. Anyone else want to jump in? I
21 think we've got a pretty good bunch of feedback.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 What I was hearing on the threshold notice, I
2 think a number of people weighing-in on staying
3 at five days. It helps with the flexibility.
4 Don't fix it if it's not broken kind of feedback.
5 At least one person, maybe two, opting for the
6 preferred alternative as a more cautionary
7 approach.

8 On the threshold, a fair bit of
9 support for the preferred alternative. It's more
10 realistic. It gets you closer to the quota, and
11 particularly, with a caveat, if the projections
12 are credible, if that can be handled in a way.

13 At the same time, definitely a few
14 people weighing-in around support for the no-
15 action alternative, primarily coming from a
16 precautionary approach, wanting to better
17 understand, you know, what's at play with all the
18 different stock, and bycatch issues, and then a
19 couple of different voices that, sort of, 85, 90,
20 or up to 100.

21 So I think you've gotten a pretty good

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 suite of comments there. Anything else anyone
2 wants to weigh-in with? If not, let's say thank
3 you and let's push to enforcement updates. Wynn,
4 are you going to come up first or -- okay. And
5 then, do we have Katie on the phone or just a
6 handout? No. Okay. Nobody else. Okay.

7 LIEUTENANT CARNEY: Hello. Wynn
8 Carney, NOAA Office of Law Enforcement and this
9 is Loren Remsberg. She's with General Counsel.
10 And I want to start off today by acknowledging
11 two people. So Coast Guard will not be here
12 today, I don't think, and Lieutenant Commander
13 Trish Bennett wanted me to say hi to Marty and to
14 Dewey, so she says hi.

15 She couldn't come today because she's
16 at the South Atlantic Fisheries Council Meeting
17 and Katie Moore is at the -- I believe she's in
18 California somewhere.

19 So they will not be giving a report.
20 I will not be giving the report for them, but it
21 is available for you. And then our report is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 also available online, so if you go -- I believe
2 it is, right?

3 Okay. It's on the agenda, so if you
4 go to it, we don't have a PowerPoint, but we do
5 have a PDF that's available, and if you go to it,
6 it's got different parts to it. To begin with,
7 it's got a table of contents, but it also has our
8 priorities in regards to sustainable fisheries
9 and what we're doing with, you know, how HMS
10 relates to our priorities.

11 And if you go to our priority manual,
12 you can find that on the law enforcement website.
13 I've got a picture of it on the PDF. That's the
14 first page of the priorities document. It just
15 came out. It's brand new. And a lot of the
16 parts of that document came from you, the
17 stakeholders, and the states, and the users.

18 So in the priorities regards to
19 sustainable fisheries, I highlighted a few of
20 them. One of them is vessel and dealer reporting
21 compliance, to include highly migratory species

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 caught by recreational fishermen.

2 The second is permitting compliance
3 and the third is monitoring enforcement of
4 illegal sale of fish. So that is a lot of what
5 we're looking at in regards to HMS.

6 In addition to that, with our
7 sustainable fisheries priorities, we do have
8 observers, observer safety, is one of our highest
9 priorities as well. And we do have a few other
10 priorities in there, but this, for the most part,
11 is in regard to HMS.

12 So a lot of what we do in our day-to-
13 day activities as officers and as agents, is we
14 focus on these priorities. The reason why is
15 because, as you know, there's a lot of
16 regulations in fisheries, from the GARFO
17 regulations to the Southeast regulations, to the
18 highly migratory species regulations, and that
19 doesn't even come to begin with our IUU
20 regulations and so forth.

21 So what we're trying to do is focus

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 our efforts into one spot, or at least a few
2 spots, so we're not like a shotgun approach, you
3 know, at a turkey shoot.

4 We can kind of focus on certain things
5 to make sure that we hit our priorities. We have
6 a breakdown of the closed HMS offenses and that's
7 from compliance assistance, written warnings,
8 summary settlements, and cases we've sent to
9 General Counsel.

10 I'm not going to talk about those
11 cases. That's why Loren's here, but this is just
12 between the Southeast Division and the Northeast
13 Division.

14 So my area, specifically, is in the
15 Mid-Atlantic. And I'm the supervisor of the
16 uniform division between New York and Virginia.
17 Right now, we don't have any uniformed officers
18 in North Carolina, so we collaborate with the
19 Southeast Division, with North Carolina Marine
20 Patrol, and with the Coast Guard, and work down
21 in North Carolina occasionally.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 So you can see there's an overview of
2 the summary settlements. You know, it doesn't
3 give specific names of persons or entities, it
4 just gives the states and what was given as far
5 as the summary settlement. Some of these summary
6 settlements, you'll see, will say CA on the side
7 of it, that means compliance assistance, and the
8 reason why that's there is because a lot of times
9 we'll come up on a violation and there may be
10 multiple violations, and instead of giving a
11 summary settlement, which is a ticket, for every
12 violation, we'll give compliance assistance.

13 So an example is if, you know, the
14 Delaware, the first thing from the top of
15 Delaware, the purchase of Atlantic HMS without a
16 valid dealer permit. That was a summary
17 settlement of \$750, and then the sale of Atlantic
18 HMS to a non-permitted dealer, and the sale of
19 Atlantic HMS without a valid commercial HMS
20 permit, so all those were together.

21 On Page 7, this is where we're going

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 to talk about our focused operations this year,
2 and this goes back to priorities. And what you
3 were just talking about with the shark dealer
4 reportings, we have -- we got -- we were referred
5 24 non-compliant dealers to the Southeast
6 Division and to the Northeast Divisions. These
7 weren't all of the non-compliant dealers, but
8 these were the most egregious non-compliant
9 dealers.

10 And we are currently still in the
11 process of working on this, but one thing that we
12 are doing is, we're going in, in-person, to every
13 one of these dealers, we're going to have trouble
14 in New York, because one of my officers in New
15 York just moved to Louisiana, so I'm going to
16 have to try to figure out how to make it to
17 Montauk occasionally, but we're going to meet
18 these dealers face-to-face and say, it's
19 important to report on time, it's important not
20 to be late, it's important not to report
21 negative, and then a few days later report

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 positive.

2 So we've been dealing with that, and
3 that's from Maine all the way down, I think, to
4 Texas. I'm not too familiar on the ones in the
5 Southeast Division. And some of the enforcement
6 actions that we had with this focused operation,
7 some ranged from compliance assistance, and
8 that's basically a warning, hey, you know, this
9 is how you do it, this is what you need to do to
10 get right, this is what you need to do to get
11 better, and all the way up to \$1,000 summary
12 settlement.

13 And, you know, we don't live in a
14 vacuum, but we do look at each individual
15 situation and we consider the situation from a
16 perspective of discretion.

17 So that's what we're doing right now
18 with HMS dealer reporting. I can say, in the
19 Mid-Atlantic, we were almost completed with ours,
20 except for a couple in New York, so that's good.

21 Another focused operation that we did

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 this past -- and this is just since September
2 1st. This is just since the last AP meeting.
3 Another focused operation, in December, when we
4 went down to Morehead City, I had an officer go
5 down to Morehead City, and work the bluefin tuna
6 coming in at Morehead City.

7 Twenty-five vessels were checked and
8 for the most part, it was 100 percent compliance
9 rate with reporting with the tuna. Now, having
10 said that, we did find two violations that we
11 gave compliance assistance to, and that was
12 charter vessels that did not have their Captain's
13 license on their person.

14 We gave compliance assistance because
15 they actually did have a Captain's license, they
16 just didn't have it on their person. It's kind
17 of like driving without a license, you left it at
18 home, so we gave them compliance assistance on
19 that.

20 There was one safety violation on one
21 of these vessels, and we referred to the United

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 States Coast Guard. Now, this was before there
2 was a commercial endorsement on the charter party
3 permit. So that came out after -- you know, this
4 year, 2018.

5 So now we get into this year with the
6 bluefin tuna, working down in North Carolina, out
7 of Oregon Inlet, and that's our next bluefin tuna
8 operation down there. And you can see, we have
9 a pretty good summary of what happened down
10 there. It's still going on, even though the
11 commercial season is closed for the General
12 category and the commercial endorsed
13 charter/party vessels.

14 They still can catch them
15 recreationally. But we had 34 vessels were
16 contacted, there were 7 in violation, there was
17 1 dealer in violation, total violations were 8;
18 written warnings issued were 2; compliance
19 assistance provided was 3; and summary
20 settlements issued were 3.

21 And if you look down below that, it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 gives a summary of the violations specific to
2 what the violations were. Failure to report a
3 bluefin tuna by vessels. There were three of
4 those and those three were closed with compliance
5 assistance.

6 There was a dealer reporting violation
7 and a dealer purchasing, that same dealer also
8 purchased from a non-commercial endorsed charter
9 vessel. So basically, that charter vessel did
10 not have its commercial endorsement, which meant
11 it was not a commercial vessel, so it cannot sell
12 its tuna at all.

13 In that situation, the summary
14 settlement was issued for the reporting and
15 compliance assistance was issued for the
16 purchasing. Improper bluefin tuna size landing
17 for permit category. This was a General category
18 vessel that landed undersized bluefin tuna. I
19 think it was 71-1/2 inches.

20 It was not going to be sold. That
21 situation, the guy never had an HMS permit, ever,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 and he thought that the proper permit for him was
2 the General category permit. So, you know, we
3 gave that guy a written warning.

4 HMS improper landing, yellowfin tuna
5 that were filleted on the boat. That was a
6 General category permitted vessel. That vessel
7 got a written warning. And then the last, one
8 vessel had no HMS permit and that subject
9 received a summary settlement, and the other was
10 no commercial sale endorsement, that was -- that
11 subject also is or has received a summary
12 settlement for that as well.

13 As far as outreach, that's another
14 part of our priorities, is outreach. Outreach
15 this year, we've conducted a couple events with
16 outreach with GARFO, with HMS staff, that was
17 North -- excuse me, that was in New York and in
18 New Jersey.

19 All those events were positive. I
20 believe a lot of the questions -- I attended the
21 one in New Jersey, I think most of the questions

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that we had, and again, this was a focused HMS
2 outreach event --- most of the questions we had
3 was on the new shark endorsement and several
4 hooks for the sharks.

5 We really couldn't even talk about
6 reporting bluefin tuna because the only thing
7 they were asking were about sharks. People who
8 had purchased their HMS permit this year, and
9 they took the shark, little course, and watched
10 a video, they absolutely had nothing but good
11 things to say about it.

12 People who heard about it, but had
13 questions about it that hadn't gotten their HMS
14 permit yet, a lot to them were disgruntled and
15 they were just saying that NOAA's trying to put
16 more regulation on them and such, and it was good
17 because other people that had taken the video
18 were standing next to them and said, no, no,
19 you're wrong. It is a good video. You need to
20 watch it.

21 So that was some good points that we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 got from those outreach events. Moving forward,
2 we are going to do some focused operations coming
3 up in the next season, or in this season, and
4 some of those are going to be with yellowfin tuna,
5 bluefin tuna, you know, looking around New Jersey
6 for my AOR, specifically, in New York, making
7 sure people are reporting their bluefin tuna and
8 so forth.

9 So if you have any questions, I'm
10 always available. I try to come to these
11 meetings as much as possible and my email is
12 wynn.carney@noaa.gov. My southern accent gets
13 to me. It's not William, it's W-Y-N-N. So if
14 you have any questions, feel free to email me and
15 I'll turn it over to Loren.

16 MS. REMSBERG: Hello. My name is
17 Loren Remsberg and I'm an attorney in the
18 enforcement section of the Office of General
19 Counsel. So for the past couple of years I've
20 been handling most of the HMS cases that are
21 referred from or by the Office of Law Enforcement

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 for civil penalty action.

2 And this means, issuance of a notice
3 of violation and assessment of civil penalty or
4 what we call a NOVA for short.

5 So this is civil administrative
6 action. It's not criminal. Civil penalties,
7 sometimes permit sanctions. And I'll provide a
8 little information on some of the more recent
9 NOVAs that my office has issued in HMS cases.

10 I didn't prepare any written materials
11 because this information is all publicly
12 available on the website for my office, which you
13 can access by just Googling NOAA OGC enforcement
14 section, and along the side you'll see a tab for
15 enforcement charging information, I think it is.

16 So we post every six months,
17 information about all of the NOVAs that we've
18 issued during that timeframe. So looking at June
19 or July through December of 2017, which is the
20 most recent block of information that's posted,
21 we issued eight NOVAs in HMS cases, five of those

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 were for failure by vessels to report bluefin
2 within 24 hours, and the amounts of those
3 penalties ranged from \$2,000 to \$4,000.

4 We issued a NOVA for \$3,500 for a few
5 different violations. There was failure to
6 release white marlin in the manner specified,
7 failure to report a sailfish, and failure to
8 report a bluefin.

9 We issued a \$30,000 NOVA to a dealer
10 for receiving HMS without the appropriate permit
11 and we issued a \$5,000 NOVA for fishing with
12 pelagic longline gear in a closed area.

13 As I said, if you want to find
14 information about cases older than that, it's
15 available on the Web site, and any NOVAs that are
16 issued between January and June of this year will
17 be posted sometime, probably, in July. So with
18 that, I'm happy to take any questions about my
19 office or if you have questions for Wynn, we can
20 open it up.

21 MR. BROOKS: Great. Thank you, both.

1 George, you've been wanting to jump in, so we'll
2 start with you.

3 MR. PURMONT: Okay. Just a curious
4 question, Wynn, directed to you, do you have
5 enough personnel, in your own opinion, to cover
6 the ground that you are asked to cover, and do
7 you move with the fishery? In other words, where
8 fish might be intercepted in one area, do you
9 have a density that moves as the fish move up and
10 down the coast or with a tournament? What's your
11 modus operandi?

12 LIEUTENANT CARNEY: So to answer your
13 first question, no. I can take ten more people,
14 but we do work closely with the Coast Guard and
15 we work closely with our state partners, and they
16 help us out a lot with our joint enforcement
17 agreement.

18 So I would say that we have it
19 covered, but, you know, you can't check every
20 inlet, you can't check everywhere, you can't be
21 everywhere at all times.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 As far as the fish, moving with the
2 fish, we do, we try to move as much as possible.
3 Like, right now, or the past couple weeks, we
4 went down to North Carolina. You know, when
5 those fish move, then I keep in close
6 communication with the other supervisors up and
7 down the coast, and we try to focus our efforts
8 on those areas as well as, you know, where the
9 fishing's going on.

10 And it's actually pretty good you
11 brought that information up, or that question up,
12 because I've been working with Guy to try to
13 figure out, okay, where are these sharks being
14 landed at what time of year and what are the
15 ports? So we can try to figure out, you know,
16 where we need to be at these times.

17 You know, do we need to be off the
18 eastern shore of Virginia when there's dogfish
19 being landed? And everybody might say, well, why
20 are we being there for dogfish? But the reason
21 why is because there's a lot of threshers that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 are caught during that time of year, and, you
2 know, so we're there to make sure that people
3 have their HMS permit and that compliance is
4 going on with that.

5 MR. BROOKS: Thank you. Let's go to
6 Bob, then Tim, then Sonja, then David.

7 MR. BOGAN: Hi. I had a couple
8 questions and they're very -- two very different
9 questions, but one is, I was about to apply for
10 my HMS for a party/headboat, and I'm looking at
11 the endorsement for the commercial, but I'm not
12 clear on what kind of safety gear I need to have
13 onboard, and if I only need to have it when I'm
14 commercial fishing, like, just with my crew, or
15 do I have to have that gear on the boat all the
16 time, like survival suits?

17 I just, I'm not sure, so I didn't even
18 finish up on my HMS permit. And the other
19 question, I don't know if -- this is kind of very
20 different, like I said, but I just wanted to, you
21 know, see what you thought about what we talked

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 about earlier. I know you were here for the
2 discussion on the fillet, possible, of tunas, and
3 just identification, and weighing-in on that, and
4 maybe that's something we can talk about by
5 email, or something, even. Thank you.

6 LIEUTENANT CARNEY: Okay. Yes. So
7 the safety gear, that was one of the questions I
8 talked about with Lieutenant Commander Bennett
9 before I came here, and I would not talk on their
10 part, but I do have a good link that I can send
11 you that she sent me the other day on as far as
12 the safety gear that's required.

13 And I believe, and there was an email
14 that came out recently, and I can't remember
15 verbatim what the email said, but I believe it
16 said, can I can forward you the verbiage as well,
17 that when you're on a commercial trip, it's when
18 you need to have the safety gear, and if you're
19 not on a commercial trip, that you don't need to
20 have the safety gear.

21 So that's the best I can tell you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 there. So let me write that down to email you.
2 As far as the fillet, so I kind of figured that
3 question would, potentially, come up today, so I
4 wrote down some notes.

5 And I try not to live in a vacuum and
6 I did talk with some of the state partners as
7 well with this, so to begin, the four states I
8 spoke to personally, they are not in favor of the
9 filleting at sea, and we can talk about this
10 offline as well, and I can give you all of my
11 reasonings.

12 One of the issues we have is that
13 there are currently several states, well, more
14 than several, that require that all the fish have
15 to be landed with fins and heads intact. Some
16 states require that only bluefin tuna have to be
17 landed with heads and fins intact, and that goes
18 back to your request. I think you exempted the
19 bluefin tuna and the bigeyes in your request to
20 Margo.

21 But that could potentially cause an

1 issue in states that require that all fins have
2 to be -- all fish have to be landed with heads
3 and fins intact. So that's a potential issue.
4 And what Mr. -- what Rusty discussed yesterday,
5 I believe Florida has a provision that allows
6 mahi-mahi coming from the Bahamas to be filleted,
7 but pretty much, South and North Carolina, all
8 the fish have to be landed heads and fins intact
9 for the rest, so thank you. You fine?

10 MR. BROOKS: Martha.

11 LIEUTENANT CARNEY: Okay. All right.
12 So Martha, hopefully -- yes, go ahead.

13 MS. GUYAS: So in terms of what can
14 come back from the Bahamas, the South Atlantic
15 Council took action, I don't know, maybe it was
16 two years ago now, to allow -- they've allowed
17 certain snapper grouper species to come back as
18 fillets for quite some time, and they expanded
19 that to include dolphin and wahoo, and some of
20 the pelagic species that are coming out of the
21 Bahamas.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And so they set parameters on how that
2 would occur, where, like -- and, Rusty, you
3 touched on this yesterday, it was a very
4 convoluted, complicated process, but they ended
5 up in a situation where two fillets equals one
6 fish, the skin has to be on the fillets so that
7 it can be identified, so it's not just Florida,
8 it's the whole south Atlantic.

9 I don't know if the other states have
10 that -- those regulations in place for their
11 state waters, but it's mostly, I would assume,
12 occurring back and forth between the Bahamas and
13 Florida.

14 LIEUTENANT CARNEY: Thank you. So
15 another part with that, with the filleting at
16 seas, is that, we won't be able to, as
17 enforcement, identify the fish if it's just
18 filleted. Now, I know there's some differences
19 in color of the meat of the fish and stuff, you
20 know, some are darker and some are lighter, but
21 as far as the curved fork length that we have to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 have, we won't be able to do that with a rack.

2 And in addition, not saying that this
3 would happen, but I was trying to brainstorm
4 things in my mind, like, okay, what's a loophole
5 in this situation? And potentially, I could
6 catch a blackfin if I'm farther south, not in New
7 Jersey, but -- or an albacore, and I can fillet
8 that fish up and put those meats to the side.

9 And then I can potentially catch an
10 undersized bluefin or an overlimit bluefin, or an
11 overlimit yellowfin, or an undersized bluefin,
12 and fillet those as well, keep the albacore rack,
13 toss the albacore meat, and then keep that meat.
14 That was just something that popped in our minds
15 that we've discussed through the enforcement
16 realm.

17 And I'm not saying that would happen,
18 and I'm not saying that you would do that, I'm
19 saying, that's a potential that could happen. So
20 having said that, we -- and there were a couple
21 other things I had written down, but from the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 enforcement perspective, we are not in favor of
2 the fillet at sea.

3 MR. BROOKS: Let me get a few more
4 folks into the queue here. Quick follow-up, Bob.

5 MR. BOGAN: I don't see what the
6 identification problem would be, because, one,
7 that you have the rack, you're going to have all
8 the -- every fin, and you're going to have four
9 loins with one rack, so I don't see what the --
10 you're not going to catch another fish, throw
11 those fillets overboard, and then keep a
12 different set of fillets with a rack. You know
13 what I'm saying?

14 So there's got to be the same number
15 of fillets with the rack corresponding. I mean,
16 I just don't see what the identification problem
17 is, but I would just ask that you just consider
18 it some more, because it's really a burden for
19 us. I mean, four or five hours at the dock
20 filleting fish, and the guys -- my crew doesn't
21 even have a chance to go home and take a shower.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 We got to go back out again, so it's just been
2 tough.

3 MR. BROOKS: Thanks. I've got a bit
4 of a queue going here now. I've got Tim, Sonja,
5 David, then Mike, Marty, and Katie, so, Tim.

6 MR. PICKETT: Couple of things that
7 I'll mention here. I've got two main points.
8 I've been working with the NFWF project, with the
9 buoy gear and the green stick gear in the Gulf,
10 and deep drop, and all that stuff.

11 One thing that I was told, it was
12 going back and forth, and I didn't exactly get
13 involved in it, but I've been asked to get
14 involved with it, with a couple of our local
15 longline boats as well, the issue of having to
16 remove the pelagic longline gear off the boat to
17 participate in buoy fishing.

18 We had a good enough stretch of
19 fishing here, right now, where even boats that
20 weren't in that NFWF project were wanting to go
21 buoy fishing instead of going longline fishing.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 They were all told that they either
2 needed to remove their mainline or remove their
3 spool from the boat to be able to go buoy fishing.
4 This is -- and we were told that this was mostly
5 because it was an enforcement issue.

6 I'm here as a manufacturer of the
7 equipment to tell you that there are other ways
8 that are much easier -- in theory, it sounds nice
9 to be able to just pull the spool off the boat
10 and put it somewhere in the back of your truck or
11 at your house, or wherever, in practice, it's a
12 lot more difficult to take the spool on and off
13 the boat on a whim if you wanted to go buoy
14 fishing.

15 So I was told it was an enforcement
16 issue and I want to say, as a manufacturer, and
17 as a manufacturer of the bulk amount of the
18 equipment that's around, there are ways of
19 dismantling the gear, or altering the gear, to
20 render the equipment useless, or useless for
21 longline fishing for a period of time.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 So I just wanted to say that and I
2 would be willing to work with Office of Law
3 Enforcement to come up with easier ways of
4 identifying longline equipment that's on a boat
5 that would be rendered useless and telling,
6 maybe, some ways of doing that, and I'd be willing
7 to work with you on that.

8 My second point, I feel as though I
9 need to point this out every time that I come to
10 a meeting and we talk about law enforcement, is,
11 the recreational sale of swordfish in South
12 Florida is absolutely rampant, and needs to be
13 addressed in some way.

14 That goes also with the ebb and flow
15 of how good the fishing has been recently, and in
16 my opinion, it's very, very out of control, and
17 needs to be addressed. And I have suggested it
18 several other times, an easier way of -- because
19 the inherent problem with South Florida is, a lot
20 of people keep their boats behind their house.

21 It's not a boat ramp thing, it's not

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 a marina thing, it's very spread out and I
2 understand, enforcement-wise, it's very
3 difficult, but I think the way of looking into it
4 is increased reporting, which has been lacking as
5 well, of recreational fish, and also, find out a
6 way, and I've pitched this before, of mutilating
7 recreational fish in some way, that then prevents
8 them from being sold through -- and that kind of
9 circumvents the dealer aspect of it, being sold
10 through a dealer.

11 A dealer can't know if a fish came off
12 a recreational boat if it's getting dropped off
13 by somebody that has the appropriate permits. So
14 that would be a way of circumventing that ability
15 to sell an illegal fish, and the next thing is,
16 a lot of them are going straight backdoor
17 restaurant style.

18 So, you know, checking up, checking
19 receipts and things like that on a restaurants,
20 in the long run, it would help, you know, the
21 price and things like that for local fish that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 are caught and people pay taxes on, and things
2 like that, you know, they get 1099 from the fish
3 house and have to pay taxes on it, and are all
4 above board, and have correct safety equipment,
5 and things like that.

6 I just feel as though I need to
7 mention it every time when I see the list of
8 infractions and don't see an illegal sale of
9 swordfish in South Florida or a failure to report
10 in South Florida. Just feel as though I need to
11 mention it.

12 MR. BROOKS: Thanks, Tim. David.

13 MR. SCHALIT: Thanks for the
14 presentation. I think it's conclusive at this
15 juncture that, given the response, or the
16 percentage of compliance, with regard to bluefin
17 tuna fishermen reporting their catch directly to
18 the agency, that we have to make a full court
19 press between now and when the season in the
20 northeast begins on the 1st of June in order to
21 make sure that everybody is aware that this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 requirement is -- must be met.

2 We have previously done some outreach
3 on this, as we discussed it with the HMS
4 management division in Gloucester, in fact, I
5 believe you furnished me with a video which my
6 organization, American Bluefin Tuna Association,
7 put up on our Facebook page and sent to our
8 members.

9 So what I'm positing here right now is
10 that if there's anything that we can do, you know,
11 to advance this situation, between now and the
12 beginning of June would be the critical time.
13 Thank you.

14 MR. BROOKS: Thanks. And, Wynn and
15 Loren, what I'm going to do is just sort of push
16 through the comments and then if there's anything
17 you want to respond to, just open it up at the
18 end, just so we can get everyone in the mix.

19 LIEUTENANT CARNEY: That works.

20 MR. BROOKS: Okay. Ben, I think you
21 wanted to jump in.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. CARR: I know Katie's not here,
2 but having been one of the many people who flipped
3 through the Coast Guard slide deck, could Martha,
4 Jason, Wynn, or Loren comment at all, even
5 broadly, on Mexico intercepts? It seems like
6 they're way up for this time of the year and
7 detection was actually mentioned as being way up.

8 LIEUTENANT CARNEY: I'm going to
9 leave that for Loren.

10 MS. REMSBERG: Well, I would defer to
11 the Coast Guard. I'm not sure that this year is
12 any different than previous years.

13 MR. BROOKS: They actually have a note
14 that it's way up over last year.

15 MS. REMSBERG: I would then defer to
16 the Coast Guard on those statistics.

17 MR. BROOKS: Thanks. And we don't
18 have them here today, so, Mike.

19 MR. PIERDINOCK: Yes, that kind of got
20 into my question, I had hoped the answer was there
21 was more enforcement of the illegal Mexican fleet

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 and what they continue to do. We speak about
2 this year after year after year and I just throw-
3 out there once again that it indicates 28 sharks,
4 it has that level of detail. I'd like to know
5 if these are endangered and, you know, then what
6 happens.

7 I mean, understanding -- well, they
8 ultimately come back after a few months and do
9 the same thing, and is that continuing to occur?
10 And one question is, does this get reported to
11 ICCAT? I'm, not sure. I don't know if anyone
12 would have the answer to that question, which I'd
13 like to know, but last time it was indicated that
14 the Coast Guard didn't have the ability to
15 identify what type of shark or species was on the
16 vessel.

17 I just think it would be important if
18 it was something endangered, whether it was a
19 shark or any other species, that'd be very
20 important, because they're butchering my
21 resource, and everybody else's resource, and it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 just continues, and it continues to go up.

2 One last question, Loren, many times,
3 as you have the fine schedule for different
4 infractions, but there's no -- nothing to do --
5 or do your regulations have the appropriate
6 mechanisms that, if you have something --
7 somebody that habitually does it over and over
8 again, that they would lose their license as a
9 result of that?

10 Is it set up that way or you just only
11 have the mechanisms to fine them?

12 MS. REMSBERG: Yes, our penalty
13 policy, which is also available on our website,
14 has ranges of penalties for different types of
15 violations under different statutes, and permit
16 sanction is available, usually for more egregious
17 violations or for repeat violations.

18 So it depends on the facts, it depends
19 on the case, but that is a type of penalty that
20 we pursue if it's appropriate.

21 MR. BROOKS: Sonja, I think I skipped

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 over you. Apologies.

2 MS. FORDHAM: Thank you. I also feel
3 compelled to reiterate a concern I've made
4 before. And if you'll indulge me, it's about
5 sawfish, but it's related to sharks and shark
6 fisheries. Last fall, apparently what I said was
7 misinterpreted by Office of Law Enforcement. We
8 had a different representative then, but I need
9 to raise it again because it's a big concern for
10 my community.

11 I talked about concern over the
12 illegal mishandling of smalltooth sawfish in
13 Florida, particularly a well-publicized incident
14 from April last year in Sanibel, where, this got
15 a lot of media attention, somebody caught and
16 fought for 11 hours, a sawfish, and then tagged
17 it with a NMFS Apex Predator tag, and told the
18 media that he was working with a Narragansett
19 crew.

20 He was not, in fact, authorized to tag
21 sawfish, only a few people are, and this was of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 concern to a lot of us. So I raised it last fall
2 and the representative from the Office of Law
3 Enforcement told me to just wait a few days and
4 that I would be very happy.

5 So I waited a few days and it turns
6 out that what he was referring to is just NOAA
7 plans to publicize their actions against the
8 shark dragging incidents, which was a bit more of
9 a humane angle.

10 So there was some sort of
11 misunderstanding there and I'm not sure where it
12 comes from, but so I have a general plea and then
13 a specific request, so as most of you know,
14 sawfish are ESA listed, a critically-endangered
15 species, all harm is prohibited, the guidance of
16 accidental catch is immediate release, and NOAA's
17 sawfish science and recovery efforts are really
18 a model for the whole world.

19 But for several members, like me, on
20 the recovery team for sawfish, it's smalltooth
21 sawfish, these incidents of mishandling and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 illegal handling of sawfish that go unaddressed
2 by NOAA, that's a significant concern for us.

3 And we certainly feel that violations
4 for sawfish should be treated at least as
5 rigorously as those for coastal sharks. So for
6 good reason, there are a lot more
7 conservationists than scientists working on
8 sawfish conservation and we generally would like
9 to see NOAA elevate the priority of sawfish
10 violations, more investigations and more
11 prosecutions, and at the very least, I think it
12 would be helpful if NOAA could, at the time that
13 these incidents happen, emulate the State of
14 Florida in terms of just putting out a public
15 statement that says, we're investigating this.

16 Even if no action is taken down the
17 road, it really helps the people that are
18 tracking these and trying to draw attention, and
19 Florida does it almost every time for sawfish and
20 it's really useful. Thank you, Florida.

21 And then last, could just request,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 maybe, some sort of response back to me about
2 this incident from April in Sanibel, whether law
3 enforcement is investigating it and if they are
4 not, or were not, why not? And then, finally,
5 if there are any plans to sort of boost
6 enforcement efforts in this area. Thanks very
7 much.

8 MR. BROOKS: So I'll let you answer
9 that second question, maybe, at the break, but if
10 you want to pick up any notes on these. Briefly
11 if you could.

12 MS. REMSBERG: I'd be happy to talk
13 to you about the efforts related to sawfish in
14 the southeast. We can talk at the break. I'm
15 aware of that case. I'm not going to get into
16 our analysis of the particulars, but I'm happy to
17 talk to you, and it is a priority.

18 LIEUTENANT CARNEY: And I will say
19 too, last year, we worked with our Delaware
20 partners, and with Florida Fish and Wildlife
21 Commission, and we did get two sawfish rostrums

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 in Delaware that were being sold. So that person
2 was cited \$1,000 for that, by the State of
3 Delaware, not by NOAA.

4 MR. BROOKS: I need to get you all to
5 break in a couple of minutes here, particularly
6 since folks will need to checkout. I've got
7 several people in the queue. If anyone doesn't
8 have a burning question and can waive, that would
9 be great, if not, I would ask people to be really
10 focused in their comments. Marty, Kate, Rick,
11 Rusty, Dewey, Scott.

12 MR. SCANLON: My first comment is to
13 Wynn's comment about being understaffed. I'm
14 sure he's understaffed. When I got boarded up
15 in Fairhaven a couple of years ago, your offices
16 informed me that they had two officers
17 responsible from Gloucester to New York, so I
18 feel for you there, Wynn, with, you know, the
19 amount of responsibility and the lack of staff.

20 As far as the identification issue on
21 tuna fish, I think that's being a little bit

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 misrepresented. I mean, from my experience,
2 being boarded offshore by the U.S. Coast Guard,
3 they have a very difficult time identifying. You
4 know, we take it for granted because we see fish
5 all the time and we handle fish all the time,
6 what's what, but you're dealing with people that
7 are not trained in fishery.

8 You know, they got a lot of other
9 responsibilities besides fishery management, and
10 they have a very difficult time. We take a lot
11 of time while they're on the boat, educating
12 them, which is, you know, our pleasure to help
13 them serve us, and, you know, helping them
14 identify the fish.

15 And even those officers that boarded
16 us at the dock in Fairhaven, we went over the
17 fish with those particular officers to help them
18 identify the fish firsthand, so the fillets are
19 only going to add to that problem with them guys.

20 The other issue is, until we get the
21 issue of illegal sale of fish in the marketplace,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 which, you know, still is a major, major problem
2 up and down the coast, to fillet those fish to
3 make it easier for them to market those fish, I
4 have a real problem with that.

5 You know, I feel for these guys that,
6 you know, they have a long day and everything
7 else, but I mean, that's basically the price of
8 doing business.

9 MR. BROOKS: Thanks, Marty. Katie.

10 MS. WESTFALL: Thank you to you both.
11 I was heartened to hear that, in your experience,
12 the shark video has been well-received. And I'm
13 curious, from your perspective, if you think your
14 team has the proper resources and training to do
15 proper species I.D. for sharks?

16 LIEUTENANT CARNEY: So, yes, we
17 attend the shark I.D. class that is put on that
18 a lot of the dealers have to go to, and one reason
19 why we go is so we can interact with the
20 stakeholders, we can interact with the dealers,
21 we can interact with the fishermen that are

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 there, and so that we get that training as well.

2 Yes, because you go there, you go one
3 time, like, for myself, I'm not on the docks every
4 day, I'm behind a computer, approving reports,
5 approving time sheets, and such, so I have to
6 pull out my placard every once in a while and
7 look at it, so it's probably good that we go back
8 to that class occasionally, which we try to do,
9 but to answer your question, yes, we have what we
10 need.

11 MR. BROOKS: Thanks. Rick.

12 MR. BELLAVANCE: Thank you. A quick
13 comment and a question for Wynn. My first
14 comment is in response to Tim and his thought
15 about some sort of a mutilation for a swordfish
16 for differentiating between a recreational and a
17 commercial fish, and I can say that, in Rhode
18 Island, with commercial striped bass, they
19 recognize that they had a similar problem, and
20 they now require that any recreationally caught
21 striped bass that's within the size of a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 commercial fish, has to have the right pectoral
2 fin cutoff, and so you couldn't then take that
3 fish to a dealer and sell it, so that could
4 address some of it.

5 It doesn't get at the backdoor through
6 the restaurant stuff. That's more of a boots on
7 the ground enforcement, but that might be one
8 option to look at.

9 And then my question to Wynn has to do
10 with the filleting of tuna fish on the
11 charter/headboat sector. So after yesterday's
12 discussion, we continued the conversation with
13 some of HMS staff, and we really got to a place
14 where the rubber hits the road, and that would be
15 the Mexican restaurant around the corner, and we
16 came up with an idea that I wanted to run by you
17 and see if, under the current regulations as they
18 stand now, would be acceptable.

19 We thought that if you were able to
20 partially fillet a tuna fish into four quadrants,
21 but maybe leave the tail connected, the tail meat

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 connected, at the tail, so that those four pieces
2 were still connected, and then throw that whole
3 tuna fish in a big, under our current
4 regulations, would that be an acceptable practice
5 or is that not allowed at this point?

6 LIEUTENANT CARNEY: I'd have to get
7 back with you after I reviewed the regulations.
8 Yes, because I can't remember off the top of my
9 head, so I have to get back with you.

10 MR. BELLAVANCE: Yes, I would
11 appreciate that, before I get my crew trying to
12 work on a way to actually do that. I don't know
13 if it's easy or not. It's just an idea that we
14 came up with, but if you could follow-up with me
15 and then I could have them give it a shot.
16 Thanks.

17 MR. BROOKS: Thanks, Rick. Rusty.

18 MR. HUDSON: I guess I'm going to have
19 to repeat myself again for all these years, I
20 would really wish they'd I.D. these sharks. The
21 dead ones, in particular, are usually, I believe,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 brought back as evidence or something to that
2 effect, like the red snappers, et cetera, but we
3 have a lot of live ones, and I get the feeling
4 that Coast Guard enforcement's actually having to
5 pull the gear, and when I'm looking at the length
6 of this gear, up to 5,200 yards this year, up to
7 8,000 yards last year, and then on some of these
8 animals, it's nice to see the live, dead, but
9 then I see unknown disposition.

10 And I would like, somehow, NMFS, HMS,
11 to talk with the Coast Guard about trying to
12 improve this I.D. They can bring Eric Sander
13 over there. They could film the live sharks
14 they're releasing and be able to, somehow, do
15 some I.D., because that'll help us, just like
16 those red snappers that these guys are catching.

17 Every one of these ten trips, the six
18 this year, for just the month of January, and the
19 four for that period August through December, you
20 have red snapper and shark --

21 MR. BROOKS: I'm just going to ask you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 to be --

2 MR. HUDSON: Okay. And that's all
3 I'm just saying, is that we don't get this I.D.

4 MR. BROOKS: Thank you. Appreciate
5 it.

6 LIEUTENANT CARNEY: I'll relay the
7 information back to the Coast Guard, and to go
8 back to what Katie was saying, I was talking about
9 Office of Law Enforcement and not the Coast
10 Guard, as far as what we need, so I will get back
11 with the Coast Guard and let them know what you
12 said.

13 MR. BROOKS: Okay. Last two
14 comments, Dewey, Scott, then to break.

15 MR. HEMILRIGHT: Thank you. I was
16 looking here at the Table 1 and the last Table 6,
17 and I was looking at failure to maintain Atlantic
18 HMS in specific form, and in Table 1, you see
19 different HMS stuff, and the price, I guess, is
20 \$750 for one of those cases.

21 And then I look at a summary of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 violation, Table 6, for HMS improper landing
2 form, the same for yellowfin tuna, and one, a
3 written warning. And I was curious, as in the
4 other ones in Table 1, is there some -- why they
5 weren't given a written warning versus the one,
6 I guess it's in the North Carolina operation, of
7 improper form, why they were given a written
8 warning.

9 Just curious why the difference. Was
10 there some other circumstances than the other
11 ones? Because it --

12 MR. BROOKS: Dewey, I'm going to just
13 jump in and let Wynn answer that, but, Wynn, I'm
14 going ask you to be somewhat short in the response
15 and maybe you and Dewey can connect during the
16 break in more detail.

17 LIEUTENANT CARNEY: Okay. Thanks.
18 So to begin with, the North Carolina, the Table
19 6, was not included in the other because we didn't
20 include that in that one. But to answer your
21 question, it depends. Some of these were given

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 compliance assistance or a written warning
2 before, and then we contact them again, and I'm
3 not saying that's it for every one of them,
4 because some of them are not in my area of
5 responsibility, but I can say for some in my area
6 of responsibility, they were given compliance
7 assistance or written warnings first.

8 Sometimes we come across people that
9 we haven't given compliance assistance, but we
10 may have multiple violations, and we choose that
11 as the violation to give a summary settlement
12 for.

13 MR. BROOKS: Thanks, Wynn. Scott,
14 last word here.

15 MR. TAYLOR: So I just -- you know, I
16 know it's not your regional area, I also want --
17 every time that we have enforcement here, I want
18 to remind them that there is a real problem down
19 there in the South Florida area, just so that we
20 can get it out publicly.

21 But my comment is something that's a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 little more directed. Last year I had five boats
2 up in Virginia Beach and virtually every time the
3 boats landed, I had two officers there witnessing
4 and watching the unloads.

5 With the limited resource that we have
6 and all the bigger problems that are out there,
7 somehow that -- I don't want to say that we feel
8 somewhat persecuted, but I can tell you that
9 that's the way the Captains on the vessels felt.
10 I'm not sure if it was you that I actually spoke
11 to, but I did speak to somebody fairly senior
12 because after 10 or 11 inspections over a 60-day
13 period, there was a citation that finally got
14 issued.

15 While the boat was at the dock,
16 apparently the crew had landed a shark bit
17 swordfish, they filleted the fish out on the
18 dock, they gave some of it away to the fish house,
19 and they cooked some for dinner because they were
20 living there on the boat, and there was a frozen
21 swordfish steak in the back of the freezer, one

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 frozen swordfish steak, and there was \$1,000 NOVA
2 that was issued for the swordfish steak, that I
3 understand that you don't get the luxury of
4 deciding which laws that you're going to enforce.

5 It's a law that it's not supposed to
6 be there on the boat, but it wasn't at sea. The
7 boat was at the dock, and that there were other
8 minor violations, that mostly pertained around -
9 - they seemed to be very focused on when the boat
10 landed at the dock, the logbook -- I'll wrap it
11 up. Logbook performance.

12 My point is that, particularly with
13 some of the other serious issues that are out
14 there, that maybe that, you know, once you come
15 to do your routine inspection, that was a long of
16 manpower and resource that was being generated
17 there to watch the unloads, that really didn't
18 bear very much fruit.

19 And so nicely suggesting to you that,
20 you know, maybe that there was, you know, a
21 different way of utilizing that resource, unless

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 there was something there that was going on that
2 I was not aware of, respectfully.

3 MR. BROOKS: Thanks, Scott. I want
4 to get us to break. Thank you, both, for being
5 here and we'll reconvene at quarter of.

6 (Whereupon, the above-entitled matter
7 went off the record at 10:37 a.m. and resumed at
8 10:51 a.m.)

9 MR. BROOKS: All right. If we can
10 get folks back to the table, we need to get going
11 here. All right. Again, if I can get folks to
12 come to the table and if I can invite Laura Cimo
13 and Glynnis Roberts to the front here.

14 All right. Scott, Bob, Jackie, Rick,
15 folks could take a seat, that would be good. So
16 we have a series of international updates to walk
17 through before we roll into public comment and
18 then wrap-up, so I want to introduce Laura Cimo
19 and Glynnis Roberts with the Office of
20 International Affairs and Seafood Inspection, and
21 maybe someone else is here too. And Chelsey's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 back. Yes and Chelsey's back.

2 So with that, I think I want to hand
3 it off to you all and I think our table will fill-
4 up quickly as people come back from break, but we
5 should jump in.

6 MS. ROBERTS: Hi, everyone. Let me
7 make sure there's not a lot of feedback. My name
8 is Glynnis Roberts. I am from NOAA Fishery's
9 Office of International Affairs and Seafood
10 Inspection, and it looks like I have the honor of
11 kicking off this session.

12 I'm actually going to be speaking
13 about two new regulations that we have
14 implemented, starting with one that is called --
15 so this first one that we want to talk about is
16 the Seafood Import Monitoring Program, and this
17 is something that we also lovingly refer to as
18 the SIMP program, the S-I-M-P, for short, and I
19 know that we have a very limited amount of time,
20 so I'm going to be very brief.

21 We do have the slides here in case

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 anyone needs a little bit more information and
2 also contact information will be provided, so
3 bear with me as I sort of flip quickly through
4 these.

5 This first slide is just a timeline of
6 how we got to where we are now, what the
7 motivating factors were as to creating the
8 Seafood Import Monitoring Program.

9 What I really would like to highlight
10 on this slide is the very last point, which is
11 January 2018, which is when the Seafood Import
12 Monitoring Program came into effect, mandatory
13 compliance, for all seafood entering the U.S.
14 that is covered under this program.

15 And this is also a great point to stop
16 and mention that the Seafood Import Monitoring
17 Program is a program that is focused on industry-
18 to-industry interaction. So this is the type of
19 program where we're not speaking government-to-
20 government, we're really talking about the
21 industry.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And I'll go into a little bit further
2 here about who that means is the responsible
3 party, but I do want to make that distinction,
4 because it will come up later when we speak about
5 the MMPA import rule.

6 So this slide really speaks to, sort
7 of, the key factors that make up the Seafood
8 Import Monitoring Program. I'd like to say that
9 there's two pieces to the program. One is the
10 data entry that is required upon entry into the
11 United States.

12 So that's when the U.S. importer of
13 record, or the broker, enters information so that
14 that product will be able to enter into U.S.
15 commerce. And under this program, we are asking
16 for specific data elements.

17 The second part to that is, it's also
18 a record-keeping rule, so under this, we're
19 asking for, not only information upon entry, but
20 also, retaining information for chain of custody.
21 How did that product come from harvest to entry?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 So there's two parts to this, and this
2 will become a little bit clearer as we move
3 forward. One of the other things that I do want
4 to mention is that, all of this information is
5 entered under our current ITDS, the International
6 Trade Database System, or ACES, the Automated
7 Commercial Entry System, which is what we use
8 across the U.S. for any products that enter the
9 U.S.

10 So this is not a new system, it's just
11 new data elements that we're requesting. They
12 are also 100 percent confidential. So none of
13 this information will be shared unless it's some
14 sort of aggregated data information, statistics,
15 but nothing that would actually release any
16 confidential commercial information.

17 The other thing that I do want to
18 mention, because it does make a difference for
19 some folks, is that, at the end, this number five,
20 the rule does also apply for any product that is
21 harvested within the U.S., that is then exported

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 for processing, or something like that, and then
2 re-imported. That would also fall under this
3 rule.

4 So this is really the slide, it's a
5 lot of information, this is sort of the meat of
6 the matter. This slide -- we're blocking some
7 of it. This is not supposed to be there, but
8 apologies. So you'll see here, the data elements
9 that we're requesting, the information about
10 harvesting or producing entity, because this rule
11 does apply to both wild capture as well as
12 aquaculture.

13 Also, the information about the
14 product itself, what species, where it was
15 caught, what day it was caught, how it was --
16 what form it was in, if it was headed or gutted,
17 and then what sort of process it went through, or
18 journey it went through, to get to the U.S.

19 So if there was transshipment, if
20 there was cold storage, all of this information
21 is included in the data elements that we are

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 looking for upon entry.

2 Okay. So I do apologize that there's
3 a bit of a slash across the 13 priority species,
4 but I do want to emphasize that this program
5 currently applies to 13 priority species or
6 species groups.

7 And they are abalone, Atlantic cod,
8 Atlantic blue crab, dolphinfish or mahi-mahi,
9 grouper species, red king crab, Pacific cod, red
10 snapper, sea cucumber species, shark species,
11 shrimp species, swordfish, and then albacore,
12 bigeye, skipjack, bluefin, and yellowfin tuna
13 species.

14 I do want to mention that there are
15 two stars next to abalone and shrimp, and that is
16 because, while those are covered under this rule,
17 they are currently under what we call a stay, or
18 a temporary ban, or temporary hold. We are still
19 working through some of the information that we
20 have for our own domestic reporting on those
21 abalone and shrimp species, and until we have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 those up to speed, if you will, we are going to
2 hold on requesting any additional information
3 from our foreign trading partners.

4 So there's 13 priority species or
5 species groups covered, but 11 that are in effect
6 at this moment, as of January 1, 2018.

7 One of the things that I do want to
8 highlight is this last box, the importer of
9 record. And the reason that I want to highlight
10 this is because, under the SIMP Program, this is
11 who we call the responsible party.

12 As I mentioned before, it is a program
13 that focuses on industry-to-industry operations.
14 And under this program, the U.S. holds the
15 importer of record, who is a U.S. entity, has a
16 U.S. address, holds the international fisheries
17 trade permit, which is required under most of our
18 National Marine Fishery Service programs for
19 importing products, seafood products, and so this
20 is what we are requesting of them.

21 We are asking them to make sure that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 they have the information that not only validates
2 when this information comes in through ITDS, but
3 that they also have the chain of custody records
4 on hold, or on hand, for up to two years, so that
5 they can demonstrate in case of any questions, or
6 auditing that we might do, they would be able to
7 prove or show documentation that, yes, this is
8 the fish that was caught at this time in this
9 place, this is the path that it took, this is
10 what came into the U.S. on the date that we said
11 it was entered, and so that would be the kind of
12 secondary part to this program that I mentioned.

13 So that's, sort of, the quick and
14 dirty version of the program. And I am happy to
15 elaborate offline if folks would like. I do want
16 to mention that our current status right now with
17 the program is that it did go into mandatory
18 compliance in 2018, January 1st.

19 We are currently in the process of
20 developing what we call the Commerce Trusted
21 Trader Program. And this is an option where we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 are hoping it would be able to support the
2 objectives of the program while also allowing a
3 little bit of reduction in the burden of
4 reporting and record-keeping requirements for
5 those U.S. importers who are considered a trusted
6 trader, or they maintain robust internal
7 traceability and auditing measures that we can
8 validate.

9 This is currently under the comment
10 period in the Federal Register. So if you would
11 like to add comments, you have about ten more
12 days. It's open until March 19th. We do welcome
13 your comments and thoughts on how to possibly
14 strengthen this potential program.

15 I would also like to mention that we
16 have done a couple of webinars for outreach to
17 industry on the Commerce Trusted Trader Program
18 in order to hear their feedback and try to do as
19 much outreach as we can.

20 The next time when we are going to be
21 doing a presentation will be coming up shortly at

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 the Boston Seafood Expo, so if anyone is going to
2 be present there, please feel free to stop by for
3 that session, and listen to the presentation in
4 its entirety, and submit comments.

5 This last slide is just a summary of,
6 sort of, key points that you should know. The
7 Seafood Import Monitoring Program is
8 fundamentally designed to target two different
9 things. It's to target IUU fishing, illegal,
10 unregulated, and unreported fishing, it's also
11 targeted at misrepresented or fraudulent seafood.

12 So when we did this -- when we created
13 this program and did all the outreach to get
14 feedback and see how we would design this, these
15 13 species, or species groups, rose to the
16 surface.

17 This information has become required,
18 as of January 1st, as I mentioned, we knew that
19 it would be a somewhat -- possibly a challenge
20 for some entities, and so we are currently in,
21 since January 1st, a phase that we call informed

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 compliance.

2 This is a phase where we are asking
3 for this information, it is required, but if you
4 cannot submit it, you have the option of entering
5 your product without the SIMP data, but we will
6 contact you, and ask that you update that
7 information within ten days of that entry,
8 because it is required.

9 That, sort of, grace period, if you
10 will, will be ending on April 7th, and at that
11 point, you won't have the option to import any
12 products without the SIMP data that is required.
13 And we want to make sure that that is clear.
14 We've tried to do a lot of outreach to make sure
15 that folks are prepared for that, but that is
16 upcoming on April 7th.

17 I would also like to mention that we
18 have a fantastic web portal, iuufishing.noaa.gov,
19 that has a multitude of documents, supplemental
20 information, fact sheets, both in English and in
21 other languages, to outline what the expectations

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 and requirements are of this program, and
2 answering questions if those are something that
3 you might want to share with your partners or
4 look at yourself.

5 Again, the Trusted Trader Program is
6 currently in the comment period, so until March
7 19th, please feel free to comment on that, either
8 at regulations.gov, or through myself, or the
9 contact that we have at the bottom here, Celeste
10 Leroux. She is our team lead and her email is
11 right there, celesteleroux@noaa.gov, and we will
12 be happy to answer any questions you might have.

13 Before I sign-off on the SIMP
14 information, I would also like to say that we
15 have established a Seafood Import Monitoring
16 Program call line as well as an email, direct
17 email, option for our industry partners to reach
18 out to and we have been manning that from 8:00
19 a.m. until 8:00 p.m. Eastern Time, and have
20 gotten great questions and a lot of interest.

21 So if that is something that you would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 like to share with anyone, please let me know and
2 I'd be happy to share that with you as well.

3 MR. BROOKS: Thanks. For sake of
4 time, I think we're going to need to push through
5 all of the presentations and then we'll see if we
6 have any time left. I do want to find out, are
7 there any members of the public who will be
8 wanting to make public comment? Anybody on the
9 phone? Okay. So let's -- I'm going to assume
10 we're going to be able to take this discussion to
11 quarter of then. Okay. But let's push on.

12 MS. ROBERTS: All right. So it's
13 Glynnis Roberts again. I do apologize if some
14 of this seems super-fast and brief, but I am
15 trying to be cognizant of the time that we have.
16 The next rule that is somewhat new that I would
17 like to talk about is the Marine Mammal
18 Protection Act Import Rule, what we call the MMPA
19 Import Rule, or for short, the MMPA.

20 And as -- in difference to the Seafood
21 Import Monitoring Program rule that I just

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 mentioned, which is industry-to-industry, the
2 Marine Mammal Protection Act Import Rule is
3 structured to be government-to-government, so
4 that is sort of the first point that I would like
5 to raise in how they are different.

6 The MMPA rule is also focused
7 specifically on marine mammal bycatch. So that's
8 a little different as well. On this slide, one
9 of the things that I want to highlight first is
10 that, because the focal area is marine mammal
11 bycatch, one of our primary goals, or I should
12 say, our very primary goal, is to reduce marine
13 mammal bycatch that is associated with
14 international commercial fishing or aquaculture
15 operations.

16 And on top of that, one of the
17 primary, sort of, checkmarks under this rule is
18 that we do not allow any imports into the U.S.
19 that would be under an intentional killing or
20 serious harm to marine mammals type of action,
21 and I'll go into that a little bit as we move

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 forward.

2 You can see here at the top, sort of,
3 the motivating factor for this rule, is that we
4 do have the Marine Mammal Protection Act
5 currently in place in U.S. law. There is a
6 provision under that that prohibits the U.S. from
7 importing fish imports, or seafood imports, from
8 nations that have an unsustainable marine mammal
9 bycatch level.

10 So that is what motivated this
11 particular import rule that we're going to talk
12 about today. This quick little schematic is just
13 to give an overarching view of how the process
14 will proceed. We are currently in a five-year
15 exemption period before the rule is technically
16 in effect, in order to make sure that we are
17 reaching out to our partners, that everyone is
18 aware of what the requirements are, so we're
19 currently in that five-year period.

20 But this schematic does show what the
21 program will look like on a rolling four-year

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 basis. And rather than going into this in
2 detail, what I do want to highlight is that
3 consultation and interaction with our foreign
4 partners, and whoever else might be involved,
5 will be ongoing, it's a priority, and it's not
6 something that will happen every four years, it
7 will happen daily.

8 So this is a quick, sort of, brief
9 timeline sketch of where we are and where we're
10 going. This rule was effective January 1, 2017,
11 but as I said, we're in a five-year exemption
12 period. One of the things that we have been
13 working on that is, sort of, our first major step
14 is what we call the List of Foreign Fisheries.

15 That is something we have developed in
16 consultation with our foreign partners and will
17 be published soon. We are actually in the
18 process of clearance right now, so any day now,
19 and we will be providing notice once that is
20 published.

21 Once that is published, I think the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 next thing that I would like to mention here is,
2 that process that I mentioned, the five-year
3 exemption period, will really end in 2021.

4 And at that point, we will ask nations
5 to apply for what we are calling a comparability
6 finding to allow or disallow imports into the
7 U.S., and I'll go into that in a little bit more
8 detail.

9 Again, just to reiterate,
10 consultations are happening early and often,
11 developing the List of Foreign Fisheries, what
12 happens between now and 2021, what happens after
13 2021, these are all things that we are very
14 actively engaged with our partners on.

15 So when I mentioned the List of
16 Foreign Fisheries, that is, essentially, a list
17 of all of the fisheries, broken down by species,
18 and gear type, and location, that we know that
19 the U.S. imports seafood products from, from a
20 given nation; harvesting nation.

21 And again, I want to stress, at the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 bottom of this slide, it says, "Exempt in export
2 fisheries", which I'll speak about in just a
3 second, "must prohibit intentional killing and
4 serious injury of marine mammals."

5 That is our hard stop element to this
6 marine mammal import provision rule. That is
7 the, sort of the, check yes, check no, if it's
8 no, then we won't be allowed to import your
9 products.

10 But if that is not an issue, we have
11 divided your fisheries, their fisheries, into two
12 categories, one that is export, which is
13 considered to be fisheries that have more than a
14 remote likelihood of marine mammal bycatch, and
15 then exempt fisheries, which have a remote
16 likelihood, or no known marine mammal bycatch.

17 And I will -- this is just a quick,
18 I'm not going to go into this, this is just a
19 quick, chart of, sort of, the considerations that
20 are used for, possibly, giving a comparability
21 finding in 2021.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I do want to highlight the very last
2 item here that says, or alternative measures,
3 comparable and effectiveness, this is a key item
4 because, in this rule, we are looking to reduce
5 marine mammal bycatch. We are looking for
6 however that might be done, whether it's through
7 gear type, modifications, or seasonal closures,
8 or whatever it may be, and we are looking for it
9 to ideally be moving the needle to reduce the
10 bycatch, given the baseline in whatever country,
11 and to be somehow comparable to what we are doing
12 in the U.S.

13 We're not asking for them to do what
14 we do in the U.S., but if they're doing something
15 that is effective in a similar manner that what
16 we are doing is effective, then that's what we
17 would deem comparable.

18 The things that I want to highlight on
19 this slide, again, are what would trigger an
20 import prohibition. This would be if you fail
21 to receive a comparability finding or if it's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 revoked. If information comes after it's been
2 awarded and we find that, maybe, it should be
3 revoked.

4 For intermediary nations, we do
5 realize that some nations are primary processing
6 nations, and we are working with them to make
7 sure that they wouldn't be re-importing something
8 to the U.S. that was already marked as not having
9 received a comparability finding on the
10 harvesting end, so that's just a little pin to
11 let you guys know.

12 This is the last slide, I believe.
13 This is just to let you know, sort of, where we
14 are in the next steps. We have worked with --
15 we are currently working with 140 nations. We
16 worked with more than that to create the list,
17 but really, 140 nations are the ones that are
18 currently listed as either export or exempt
19 fisheries.

20 We have the top exporting nations,
21 which are Canada, Chile, China, Japan, Mexico,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Taiwan, Thailand, South Korea, and Vietnam.

2 We have continued our outreach, both
3 within the U.S. and to our foreign partners. We
4 are, as I said, in 2018, looking, any day now, to
5 publish the List of Foreign Fisheries, which is
6 sort of our starting basis point for the next
7 steps, which will be to really look and
8 prioritize, and identify challenges or issues
9 that we might be able to provide some insight, or
10 help with, or data development, whatever it may
11 be within those foreign partners.

12 In 2019, we will be requesting the
13 first progress report, which really is another,
14 sort of, status update, from the foreign
15 partners, and finally, we do have a lot of
16 information posted at our Web site, at
17 nmfs.noaa.gov/ia, including fact sheets and
18 compliance guide, and I believe that that is in
19 English and Spanish.

20 Again, if you would like to talk
21 offline or contact me directly, or my team

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 leader, Nina Young, I would be happy to do so.

2 MS. CIMO: Hi, everybody. So we're
3 going to switch gears now. This is Laura Cimo,
4 also from the NOAA Fishery's Office of
5 International Affairs and Seafood Inspection.
6 And today, I'll be giving you a brief overview
7 and some quick updates on two organizations.

8 The first is the Western Central
9 Atlantic Fishery Commission, or what we call
10 WECAFC, and the second is the Convention on
11 International Trade and Endangered Species of All
12 Fauna and Flora, or CITES.

13 So first, for those of you who aren't
14 familiar with WECAFC, this is the regional
15 fisheries body that's responsible for the
16 conservation management and development of living
17 marine resources in the Western Central Atlantic
18 waters of the wider Caribbean.

19 And in case it's helpful to you, I
20 basically put up a map of the region and then in
21 blue, you can see, basically, what is the area of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 competence of WECAFC.

2 Since we don't have a lot of time, I'm
3 not going to give a lot of detail on WECAFC, but
4 what I figured I would do is just kind of go some
5 of the working groups that have been established
6 under WECAFC, and then give you a little bit of
7 detail on some of the working groups that I think
8 would be of greatest interest to this particular
9 group.

10 One thing I will note is, so you'll
11 see on the slide, the list of all the working
12 groups that have been created under WECAFC.
13 These are the groups that have been established
14 or basically considered to be continued at the
15 16th session of WECAFC, which was in 2016.

16 And an important note to make is that
17 the working groups are done in partnership with
18 other regional organizations, such as, for
19 example, the Caribbean Regional Fisheries
20 mechanisms, the Caribbean Fishery Management
21 Council, OSPESCA, which is the Central American

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Fisheries and Aquaculture Organization, and other
2 partners.

3 And an important point to make is that
4 each of the working groups do have a terms of
5 reference. And the other thing to note is that
6 they do meet on a regular basis, but the timing
7 of the meetings are dictated by the membership of
8 WECAFC.

9 So as I mentioned, I would kind of go
10 through some of, just, the working groups that I
11 think would be of greatest interest to all of
12 you. The first one I'll discuss is the
13 recreational working group, which is focused
14 primarily on billfish.

15 This working group was established in
16 2012 and the aim of this group was to advance
17 implementation of the FAO technical guidelines
18 for responsible recreational fishing in the wider
19 Caribbean region.

20 They're undertaking a number of
21 activities, the development of an assessment

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 methodology for socioeconomic evaluation of
2 recreational fisheries in the Caribbean.

3 They're preparing a recreational data
4 collection scheme that's going to be tested in
5 the region, and then they're primarily working,
6 also, on a draft billfish management and
7 conservation plan, as well as a conservation and
8 management measure that's non-binding.

9 And one thing I'm going to highlight
10 is that NMFS has been heavily involved in this
11 working group and we're lucky to have Randy here,
12 who's been involved with that group, so I would
13 encourage you, if you have any questions or want
14 to talk about the recreational working group, to
15 talk to Randy.

16 And then another thing to note is that
17 the billfish plan and measure that's in
18 development is going to be in alignment with
19 ICCAT measures and the hope is to have those
20 documents presented to WECAFC for adoption at the
21 next biannual meeting, which is tentatively

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 scheduled for January of 2019.

2 Next, I'll talk about the fish
3 aggregating device working group. This -- or FAD
4 working group, which was created in 2012, and the
5 goal of this group was basically contribute to
6 the sustainable development management of those
7 large pelagic fisheries that are associated with
8 more FADs.

9 They're also hoping to promote and
10 facilitate monitoring programs of more FADs, and
11 try to collect data on FAD fishing that then can
12 be incorporated into management plans, and the
13 whole hope is that they can also be a facilitation
14 of the exchange of experiences and reported
15 activities in the region.

16 I will note that this working group
17 has not met for the last couple years, but the
18 hope is to have a meeting this fall.

19 Next, I'll talk about the shark
20 conservation and management working group. This
21 working group was established in 2014 and the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 purpose was primarily to develop a regional plan
2 of action for the conservation management of
3 sharks.

4 The group met in October of 2017 and
5 did make progress on development of a regional
6 plan of action for sharks, and there's also a
7 discussion of an assessment that was done on some
8 of the fisheries, and the management,
9 conservation trade, and perception of sharks and
10 rays in the Caribbean.

11 And the hope is to have another
12 meeting of this working group in the fall and the
13 idea is that we can hopefully finalize the
14 regional plan of action for sharks, and again,
15 have it be presented to WECAFC at the next
16 biannual meeting.

17 Finally, I'll just talk about the
18 regional working group on IUU fishing. This
19 organization was created to try to improve the
20 coordination and cooperation between national
21 organizations and institutions that are working

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 on monitoring, control, and surveillance of
2 fisheries in the region, with the hope to help
3 prevent, deter, and eliminate IUU fishing in the
4 Caribbean.

5 They did meet twice in 2017 and
6 focused on increasing awareness and understanding
7 of the problem of IUU fishing in the region, and
8 trying to create some coordination and cohesion
9 primarily with fishing vessels.

10 So for example, they're trying to work
11 on a harmonized marking and identification scheme
12 for fishing vessels. They're also working
13 towards a regional fishing vessel register and
14 trying to work to strengthen the national
15 regional capacity to promote the monitoring,
16 control, and surveillance of fisheries in the
17 region.

18 So as I mentioned, just for purposes
19 of this presentation, I just kind of went through
20 the working groups, but of course, there is a lot
21 more information WECAFC and there's a number of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 reports and publications that are available, so
2 I just provided here, the website, so certainly
3 would encourage you to go to the website if you're
4 looking for more details on WECAFC.

5 Now, I'll just kind of jump right into
6 CITES. So hopefully most of you, I think, have
7 at least somewhat of familiarity with CITES. For
8 those of you that don't, I figured I'd give you,
9 kind of, a very brief overview.

10 But first I want to make an important
11 point, and that is that the U.S. Fishing and
12 Wildlife Service is the agency within the U.S.
13 Government that has responsibility for
14 implementation of CITES under the Endangered
15 Species Act.

16 NOAA Fisheries, based on our
17 expertise, we provide technical assistance and
18 guidance on marine species. CITES is a multi-
19 national treaty that entered into force in 1975,
20 basically, to prevent the overexploitation of
21 species due to international trade.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 And so the goal of that treaty is,
2 basically, have member countries work together to
3 regulate the international trade of certain
4 animal and plant species, to ensure that the
5 trade is legal, and will be non-detrimental to
6 wild populations.

7 Species are included in the CITES
8 appendices based on consideration of their
9 biological status, their management, and whether
10 international trade is driving the decline of
11 these species.

12 Okay. Most species listed in CITES
13 are either in Appendix I or II, and species are
14 included in Appendix I or II based on a 2/3
15 majority vote of the parties.

16 Those species listed in Appendix I are
17 those that are considered to be threatened with
18 extinction under the CITES criteria.
19 International trade is only allowed in
20 exceptional circumstances for Appendix I listed
21 species. International commercial trade is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 prohibited.

2 For species listed in Appendix II,
3 those are species that are vulnerable to
4 overexploitation. They're not at the risk to
5 extinction, however, they may become so if their
6 international trade is not regulated.

7 International trade and harvest is
8 permitted, but monitored, and the export of any
9 Appendix II listed species requires a
10 determination of two things by the exporting
11 country. First, there must be a determination
12 that the specimen proposed for export has been
13 legally acquired, so in compliance with domestic
14 law, and that the harvest -- I'm sorry, the export
15 will not be detrimental to the survival of the
16 species in the wild.

17 So I think for those of you who aren't
18 familiar with what happened at the last meeting
19 of the conference of the parties to CITES,
20 several shark and ray species were included in
21 Appendix II. The Mobula species, or the devil

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 rays, were included in Appendix II, and the
2 listing of these species became effective October
3 -- I'm sorry, on April 4th of last year, and silky
4 and thresher sharks were also included Appendix
5 II at this meeting.

6 The listing of these species became
7 effective October 4th of 2017. So finally, the
8 most recent update to share is that the next
9 meeting of the conference of the parties to CITES
10 has been announced. So the next meeting will
11 take place May 23rd to June 3, 2019 in Sri Lanka.

12 And to prepare for this meeting, Fish
13 and Wildlife Service published a Federal Register
14 notice back in January that invites the public to
15 provide recommendations on any species that they
16 would like to be considered as U.S. candidates to
17 amend species -- the CITES Appendices at I and
18 II, and the deadline for those comments is March
19 26th, so just a few weeks away.

20 So if you're interested in providing
21 any comments, if you'd like to know more about

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the next meeting of the conference of parties to
2 CITES, I strongly encourage you to go to the web
3 site I provided here, and again, encourage your
4 comments.

5 I think, as you know, they're very
6 important for the U.S. Government's consideration
7 in preparing for the COP, and thank you.

8 MR. BROOKS: Thank you. I know I've
9 got at least a couple people who want to ask a
10 question or two, but I think I want to just invite
11 Chelsey Young to give us a quick update on SPAW,
12 and then we'll see what time we have left and
13 jump into questions.

14 And just to reconfirm, we still have
15 no public commenters, is that correct? Yes, I
16 was just checking on public comment. Okay. Go
17 ahead, Chelsey.

18 MS. YOUNG: Hi. I think I saw most
19 of you yesterday. My name is Chelsey Young and
20 I work for NOAA Fishery's Office of Protected
21 Resources, so I am the one person up here that's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 not from NMFS' International Affairs, but
2 recently, the responsibility for the SPAW
3 protocol under the Cartagena Convention was moved
4 into the Office of Protected Resources because
5 the main implementing legislation for this
6 particular protocol includes the Endangered
7 Species Act and the Marine Mammal Protection Act.

8 So what is SPAW? SPAW, the acronym,
9 stands for Specially Protected Areas and
10 Wildlife. So it's actually implemented by two
11 different line offices of our agency, Protected
12 Resources is within fisheries, and we deal with
13 the protected species part of SPAW and the
14 protected areas is part of the National Ocean
15 Services responsibility under the National Marine
16 Sanctuary Office.

17 So SPAW is the bio-diversity protocol
18 under the Cartagena Convention, which is the
19 convention for the protection and development of
20 the marine environment in the wider Caribbean
21 region.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 This is the only legally binding
2 regional environmental treaty for the wider
3 Caribbean region and the United States is a
4 party, so we are responsible for fulfilling our
5 obligations under this protocol.

6 There are two other protocols under
7 the Cartagena Convention, one, the land-based
8 sources of pollution protocol, and the other,
9 that's led by the EPA and the other one, is the
10 oil spills protocol, which is led by the U.S.
11 Coast Guard.

12 So the relevant areas for us under the
13 SPAW protocol, within U.S. jurisdiction, includes
14 Puerto Rico, the U.S. Virgin Islands, and the
15 peninsular Florida, which includes the Atlantic
16 Coast, Florida Keys, and Gulf of Mexico.

17 So there are two main objectives to
18 the SPAW protocol, the first being to protect,
19 preserve, and sustainably manage fragile areas
20 and threaten our endangered species of flora and
21 fauna.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 And the other is to regulate and/or
2 prohibit activities that are having adverse
3 effects on those protected areas and those
4 wildlife.

5 So the SPAW protocol, similar to CITES
6 and other conventions, have a variety of annexes,
7 so we call them annexes in SPAW. Annex I
8 includes only endangered and threatened plant
9 species, so that's predominantly the Fish and
10 Wildlife Service.

11 Annex II includes endangered and
12 threatened species of animals. And Annex III
13 includes both plants and animals, but they have
14 different levels of protection, which I have
15 shown up here.

16 So Annex I and Annex II are basically
17 the same. These are the most prohibitive
18 annexes. They require total protection. So any
19 kind of take is completely prohibited under these
20 annexes, with very limited exceptions, and those
21 include things like scientific research, outreach

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 and education, restoration activities, and things
2 like that.

3 Whereas, Annex III is a lot more
4 flexible. It ensures protection, recovery,
5 while also authorizing regulated use.

6 So the last set of meetings that we
7 had under the SPAW protocol was actually hosted
8 by the United States in Miami in November of 2016,
9 and this was the seventh Scientific and Technical
10 Advisory Committee meeting, which is called the
11 STAC.

12 So the STAC is responsible for
13 reviewing proposals for new species listings and
14 making recommendations to the conference of
15 parties.

16 So back in 2016, the United States
17 Government actually proposed Nassau grouper for
18 Annex III, as we had just listed as threatened
19 under the U.S. Endangered Species Act, and the
20 Caribbean Netherlands proposed a number of shark
21 and ray species to be listed in both Annexes II

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 and III.

2 Originally, they had proposed to list
3 the oceanic whitetip shark and whale shark for
4 Annex II, which, as you recall, is that most
5 prohibitive annex, and they also proposed three
6 species of manta, or Mobula now, and three
7 species of hammerheads for Annex III.

8 One thing I want to note is that we
9 did have negotiations with the Caribbean
10 Netherlands at this meeting to have them revise
11 their proposal to move the oceanic whitetip shark
12 and whale shark from Annex II to Annex III.

13 So as a result, at the ninth
14 conference of parties meeting that was held in
15 French Guiana in March of 2017, the final species
16 decisions included listing a smalltooth sawfish
17 in Annex II, which we could support because that
18 is an endangered species, where all take is
19 prohibited, and then we had, in Annex III, the
20 Nassau grouper, oceanic whitetip, whale shark,
21 and three species of Mobula, and the three

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 species of hammerhead shark.

2 So I won't get into the Annex II
3 listings, but what Annex III really means is that
4 parties shall adopt appropriate measures to
5 ensure that the protection and recovery of the
6 species and may regulate the sustainable use of
7 such species.

8 So again, this is a lot more flexible.
9 It really provides a mechanism for these
10 countries to come together and harmonize their
11 regional management of these species that don't
12 necessarily pay any attention to international
13 boundaries.

14 So under the convention, it says,
15 "Parties shall, in cooperation with other
16 parties, formulate, adopt, and implement
17 management plans for such species.", and that can
18 include a number of different things, such as
19 prohibiting non-selective means of capture,
20 implementing regionalized closed hunting and
21 fishing seasons, and regulating take.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 So in general, this just, as I said,
2 it provides a vehicle for us to be able to
3 collaborate with other Caribbean nations for
4 species that we share in the wider Caribbean
5 region.

6 And for example, one thing that we are
7 doing right away, not really relevant to this
8 group, but for the Nassau grouper, we are holding
9 a collaborative regional meeting in Miami in just
10 about two weeks, in collaboration with WECAFC, as
11 well as the Caribbean Fishery Management Council,
12 and the Caribbean Environment Program's
13 Secretariat for the SPAW protocol to, hopefully,
14 ensure that we can collaborate on management and
15 conservation of spawning aggregations and Nassau
16 grouper.

17 So those are just the types of things
18 that we can do under this protocol. That's it.

19 MR. BROOKS: Okay. Thank you very
20 much. So a lot of information thrown at you just
21 then, but thank you to all three of you for that.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 We do have time for a couple of questions or
2 comments, so I have Bob, and Pat, and then up to
3 Sonja.

4 MR. HUETER: Thank you, Bennett. I
5 wish we had devoted more time to this subject
6 because there's an awful lot here. Couple of
7 quick questions. Is Cuba a member of WECAFC?
8 Does Cuba participate in WECAFC?

9 MS. CIMO: Yes, they do.

10 MR. HUETER: Okay. That's good.
11 Secondly, on the Marine Mammal Protection Act
12 measure, I'm not clear, so will nations that
13 still engage in whaling be banned from exporting
14 seafood in the U.S., such as Japan and Canada?

15 MS. ROBERTS: That's a very good
16 question, and actually, no, because that would
17 violate the provision of the intentional killing
18 and serious harm. It's the kind of thing that
19 we would have to look more in-depth with in terms
20 of other provisions, but that is sort of our hard
21 stop. So right now, it would be, probably, a no.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. HUETER: I mean, if you look
2 verbatim at Slide 12, "Exempt and export
3 fisheries must prohibit intentional killing and
4 serious injury of marine mammals." Well,
5 certainly, a whaling operation is intentional
6 killing.

7 MS. ROBERTS: That's true, and that's
8 one of the things that we would, you know, also
9 in our considerations, when we finally do do the
10 comparability findings, we do also look at not
11 only the information that we're receiving from
12 the fishing nations in terms of their regulations
13 and procedures, but also, how they are operating
14 under certain RFMOs, or certain other legal
15 mechanisms, so that's one of the reasons why I'm
16 saying we'd have to look a little bit more in-
17 depth in that.

18 Because if it's authorized under
19 another legal mechanism, we would need to take
20 that into consideration.

21 MR. HUETER: Okay. Seems a little

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 thorny there, but really, my key question is with
2 respect to the SIMP program, which I'm really,
3 really happy to see this implemented. I really
4 do hope it works. The limitation of that program
5 is that we need a third U, it should be IUUU, and
6 the third U is unsustainable, but it draws the
7 line at -- it stops before unsustainable.

8 So for the sharks portion of the SIMP
9 program, we have other legislation that's already
10 in, the Shark Conservation Act of 2010, which put
11 into place a way to certify nations, whether
12 they're IUU fishing or not, for sharks.

13 We also have, about to be introduced
14 into Congress, a new act called the Sustainable
15 Shark Fisheries and Trade Act, which is designed
16 to stop imports coming from countries that are
17 unsustainably, as well as IUU fishing for sharks,
18 including the countries that don't have anti-
19 finning provision.

20 So we have these multiple mechanisms
21 that are out there, how are you all coordinating

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 with these other, what will be laws in place, the
2 SIMP program with these others, is that being
3 done through the Office of International Affairs?
4 Is there discussion about this? Are you aware
5 of this bill that's about to be introduced that
6 may complicate this whole thing?

7 I know it's a big question, but very
8 important one.

9 MS. CIMO: So thank you, Bob. So yes,
10 so two points. First of all, as you might be
11 aware, so as Glynnis and I are both from the
12 Office of International Affairs and Seafood
13 Inspection, so this same office has
14 responsibility, both for the SIMP program, as
15 well as what you referred to under the Shark
16 Conservation Act, which is actually under the
17 High Seas Driftnet Fishing Moratorium Protection
18 Act, so we basically implement both of those
19 programs.

20 So there will be strong coordination
21 and collaboration, since our office, basically,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 is implementing both. And as you are aware, the
2 Congress just passed an amendment to the Shark
3 Conservation Act that will now require us to look
4 at three years' worth of data when we look to
5 identify countries under the High Seas Driftnet
6 Fishing Moratorium Protection Act, so that is
7 going to be in its initial implementation phase.

8 So we will be looking at that as well.
9 The second, we are just now made aware, I think
10 this week, of the legislation that you referred
11 to. So I certainly can't speak to it, other than
12 to say, we are now aware of that legislation, but
13 so thank you for bringing it to our attention.

14 MR. BROOKS: Thanks. Pat.

15 MR. AUGUSTINE: You said the word,
16 magic word. Thank you, gals. Wonderful
17 presentation. Very complete and complex. I
18 have some dumb questions, because I'm a dumb guy,
19 and old, I'm wondering, have any animals,
20 creatures, fish been taken off the CITES listing
21 that you're aware of? I'm not aware of any, and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 first question, and then a following question, is
2 there any mechanism to automatically view species
3 that have been listed by the group?

4 MS. CIMO: So thank you for your
5 questions and they're not dumb. They're very
6 good. So I will say, my focus is primarily on
7 marine species in CITES, so I can assure you, the
8 first question, I actually don't know the answer
9 to, because candidly, there's so many species
10 that are listed in CITES, and candidly, a small
11 portion of them are the marine species.

12 I'm not aware of any marine species
13 that have been taken off the list, but there may
14 be others.

15 In response to the second question,
16 yes, in fact, there is a formal process within
17 CITES. It is called the -- there's, basically,
18 a couple of things. There's the -- it's,
19 significant review is one, if there's significant
20 trade in species, but there's also the periodic
21 review process, and that basically does allow

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 countries, basically, to submit species for
2 consideration.

3 There can be a review of its status
4 and then there, basically, can be consideration
5 whether a change in the listing of a species under
6 CITES is warranted. So yes, there is a formal
7 process for that in CITES and that is undertaken,
8 at the request, obviously, of CITES parties.

9 MR. AUGUSTINE: Thank you. Well, the
10 follow-on question would be, then, in order to
11 kickoff a review or assessment, is it possible
12 for us, I think it's possible for us, for someone
13 to file a form requesting a marine animal? I'm
14 thinking about double-crested cormorants and also
15 harbor seals and regular seals.

16 Mike brought it up yesterday. We've
17 got, I don't know, 5,000 seals on Long Island.
18 We have a very poor population of herring, we got
19 a lot of bunker, we absolutely have practically
20 no winter flounder, and when the seal's getting
21 so comfortable that they rest on your chairs

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 along the beach where they're left, and on the
2 backs of vessels who wonder, when are we going to
3 control them?

4 And unfortunately, with fisheries
5 management, as we're all aware, we're doing
6 single species management, and we're only
7 concerned about the status of the stock when the,
8 as long as stock biomass reaches a certain level,
9 and then we protect it, and we penalize the
10 fishermen.

11 But then what do we do about the
12 creatures that have been rebuilt for 20, or 25,
13 or 30 years? Cormorants, I think went on in, I
14 think, 1974, and we look at the populations, the
15 question is, how do we go about getting that
16 appraised, other than, can an individual do it
17 or does it have to be a group, or can we just
18 call in and say, hey, people, can you assess
19 double-crested cormorants and see if we can get
20 them off the list?

21 MR. BROOKS: So how does a review get

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 triggered?

2 MS. YOUNG: Are you referring to
3 under CITES or under the Endangered Species Act?

4 MR. AUGUSTINE: Wherever it's listed.
5 I think it's on a protected species list. I'm
6 guessing CITES, but it's been listed, and the
7 seals have been listed, and we know they're a
8 lovely little creature, and we don't want to kill
9 them, we want to send them off to Alaska or
10 wherever the hell they belong.

11 MS. YOUNG: Okay. So one thing, I
12 think I mentioned this yesterday with regard to
13 our five-year status reviews under the Endangered
14 Species Act, so for a species that's -- I'm not
15 sure about this one, though. I don't know what
16 the criteria is for the Marine Mammal Protection
17 Act, that's not my area, but under the Endangered
18 Species Act, if it is listed, we have to undergo
19 five-year reviews every five years from the time
20 it's listed.

21 We, obviously, have a lot of species,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 so we, inevitably, get into backlogs every once
2 in a while. So that is one mechanism.

3 If we find after, you know, new
4 information that's come available, we do a
5 complete review, and we can make a recommendation
6 at that point that the species can be de-listed.

7 On the other hand, if the species is
8 listed, any person can petition the government
9 to de-list it. And so you can -- but you have
10 to provide, just like a petition to get a species
11 on the list, you have to provide all the
12 scientific information and background
13 information to support and justify why they
14 should be de-listed.

15 MR. AUGUSTINE: Final point on that,
16 I've been involved with Fish and Wildlife in
17 Albany, our regional area, and talked to them,
18 and they said basically what you said, so if I
19 want to go ahead and have it reviewed, I've got
20 to supply all the scientific information, all the
21 background, and all the surveys, and so I do that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 as a person.

2 And yet, we're supposed to have the
3 ability, Fish and Wildlife, and through all of
4 our councils and commissions, to be able to do
5 those surveys as a part of the process, if you
6 will.

7 So it's almost like a dead loop. The
8 animals are there and they do what they do. And
9 I would only cite one example, Bennett, but I
10 won't waste time on it, they had the cormorants
11 go crazy up in Lake Ontario, and finally, a group
12 of fishermen finally says, you know what, we're
13 going to go target practice, and they killed
14 about 300 of them, and then a couple guys got
15 arrested.

16 By the time the survey information
17 came up, they realized they had to get rid of a
18 bunch of them, they did, and once they did do
19 the formal paperwork, which took three or four
20 more years, all the species of fish that have
21 been on steep decline, all came back, and it was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 not really complicated.

2 But I'm concerned, in this case,
3 where an animal like that is up and down the
4 coast, and the Fish and Wildlife haven't taken
5 their own action on it. I know there are a lot
6 of animals out there that you have listed, but
7 it's just too difficult as an individual to try
8 to do this by yourself, so we have to do something
9 or else I have to go out and --

10 MR. BROOKS: Noted. Sonja, you're
11 going to get the last word here and then we'll
12 go to the summary presentation.

13 MS. FORDHAM: Thank you. I also wish
14 we had more time, like Bob said, and I've waited
15 so long for the SPAW, thank you, SPAW
16 presentation, but I'll just -- I'll be brief. I
17 appreciate the presentations and the fact that
18 we finally got SPAW on the agenda. It's all very
19 helpful.

20 I do have other opportunities to
21 explore with NOAA staff, the opportunities -- or

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the potential for all these various treaties to
2 help sharks, and particularly, sawfish. I just
3 want to mention a few things about the sawfishes,
4 because they are the most endangered,
5 elasmobranchs, they are listed, as you know, on
6 CITES' SPAW, also, CMS, and there, I believe
7 there's at least, at some level, an initiative
8 under WECAFC for sawfish.

9 So that's kind of exciting that it's
10 all coming together, and I'll mention that, in
11 November, the IUC shark specialist group looked
12 at our global strategy for sawfish and updated
13 our priorities. The Caribbean came out as a
14 priority region.

15 We looked further into priority
16 countries based on presence of sawfish, or where
17 they haven't yet gone extinct, frankly, and the
18 various countries memberships in a lot of these
19 treaties.

20 And when we did that, we came out with
21 Cuba, Bahamas, Columbia, which are all both SPAW

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 and WECAFC members, as you know, but also Costa
2 Rica, so maybe we could get them to join SPAW
3 down the road, but generally, we feel that the
4 U.S., given what I mentioned before, a leader in
5 sawfish science and protection is well-placed to
6 lead a regional initiative to prevent further
7 extinction of sawfish in the Caribbean, so that's
8 what I'll be encouraging you to get involved with
9 later.

10 And also, encourage continued
11 coordination between the Office of Protected
12 Resources and the fisheries agencies within NMFS.
13 Thank you.

14 MR. BROOKS: Thank you, Sonja, and
15 yes, this was a lot to be absorbing, and I think,
16 certainly, recommend staff think about whether
17 there's a piece to come back here and in what
18 form for deeper discussion.

19 Thanks to all three of you for that.
20 Really appreciate it. At this point, I think we
21 want to just turn to wrap-up, Randy? I'm going

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 to hand it off to you. Are you going to do the

2 --

3 MR. BLANKINSHIP: Yes.

4 MR. BROOKS: -- Margo thing and tell
5 us what we did for the last three days?

6 MR. BLANKINSHIP: Well, we're going
7 to breeze through it.

8 MR. BROOKS: Okay.

9 MR. BLANKINSHIP: So let's make a
10 shift here. While Pete's bringing that up, I
11 will say that you all may have -- may noticed
12 that it was one presentation we didn't get to
13 yesterday and we really don't have enough time
14 to get to it today, but I will mention, just to
15 kind of put that in context, the presentation
16 was about circle hook use for bluefin -- I mean,
17 sorry, blue marlin fishing and that requirement
18 that's in place.

19 And that's, as I said yesterday, was
20 a presentation that was given, actually, last
21 fall and we received a lot of comment at that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 time. We still have those comments. Those
2 aren't going away and if there is any interest
3 in discussing that further, please see us in a
4 sidebar or maybe later in the coming days, and
5 we'll be willing to talk about that for sure.

6 All right. So this is a summary, a
7 wrap-up presentation, of some of the things that
8 we've heard. I know there's 32 slides in this
9 presentation, so I'm going to be hitting them at
10 a very high level and probably not saying
11 everything on each slide.

12 And as we usually do, as we're going
13 through this, and as you have a chance to review
14 it once it's posted on the agenda website, you
15 can take a look at it, if you have any, you know,
16 any additional thoughts, maybe something wasn't
17 captured the way that you, you know, thought that
18 it should be captured, please let us know,
19 follow-up with me, or Pete, or some of our staff,
20 and we can see about making sure that it's
21 incorporated appropriately.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 So I haven't seen this presentation,
2 and I'll be seeing it for the first time like
3 you all.

4 So we had some comments, you know, an
5 overview of recent activities and rulemaking,
6 expressed concerns on timing and for requests for
7 more information on progress of incorporating HMS
8 into other electronic reporting programs and
9 consolidating reporting.

10 That was discussed quite a bit. We
11 made the commitment to discuss this further at
12 the fall AP, so you can anticipate that.
13 Questions on streamlining of domestic,
14 international stock status determinations. And
15 we'll follow-up with that.

16 As I said, that's an initiative that
17 we are going to be embarking on, so you can
18 anticipate that.

19 Also, highlighted the selection of
20 additional HMS for tournament reporting and data
21 collection, and of course, a lot of that's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 related to some of the upcoming work that's going
2 to be done at ICCAT with tropical tunas, and
3 those concerns were expressed multiple times
4 through the last few days on recreational data.

5 We had presentation on outcomes from
6 ICCAT. Once again, the discussion and concerns
7 over bigeye tuna, in particular, also related to
8 yellowfin tuna, and measures that could be done
9 to deal with the impacts from some of the other
10 fisheries, particularly FAD fisheries in the Gulf
11 of Guinea.

12 The impacts on harvesters and to us
13 in the United States, in particular. There's,
14 just kind of moving on through, questions on
15 boating at ICCAT for fins attached. Discussion
16 of that point. And then also, discussion about
17 funding related to tagging studies for tropical
18 tunas and that work that Walt Golet is doing.

19 Related to shortfin mako shark
20 assessment and ICCAT recommendations there,
21 there's recommendations, you know, clearly laid

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 out that strong action's needed, and that the
2 U.S. should consider prohibiting shortfin mako
3 sharks based upon the summary of the assessments
4 and what was pointed out from the SCRS.

5 Questions about next steps from ICCAT
6 in 2018 and '19, what would be happening there,
7 especially as related to the data that would be
8 reported in the first six months of 2018. A lot
9 of discussion about conversion factors, and that
10 was a follow-on to a discussion that already
11 happened at the IAC meeting earlier this week.

12 Concerns raised about data accuracy
13 for U.S. numbers, recreational numbers, as well
14 as commercial, and questions about whether the
15 changes in MRIP will change U.S. recreational
16 numbers. Concern that other countries are not
17 reporting all the shortfin mako mortalities.

18 Related to the shortfin mako
19 emergency interim rule, that point was made that
20 the United States should implement the ICCAT
21 recommendation only and nothing more. Questions

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 about electronic monitoring footage, in viewing,
2 and the use of electronic monitoring for
3 something other than bluefin tuna.

4 Questions on next steps, where the
5 regulations go, and if they could change if the
6 emergency rule was extended in August. Concern
7 that one large minimum size will result in large
8 impacts to the recreational fishery, and the link
9 on the new site, so there's that for reference.

10 For Amendment 11, the continuing
11 management measures on shortfin mako shark, need
12 to consider larger sizes for females based on
13 the size at 50 percent maturity, opposition for
14 support -- and support for different male versus
15 female minimum size limits, suggestion of slot
16 limits.

17 The large size limit for females will
18 have a larger impact on the recreational fishery
19 than the agency has estimated. Also, there's
20 opposition and support for U.S. taking unilateral
21 action to rebuild the stock. Support for various

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 options listed there as well as support for
2 mandatory recreational reporting and then
3 concern about enforcement with larger
4 recreational size limit.

5 Continued Amendment 11 scoping,
6 consider gear changes to reduce post-release
7 mortality, such as line strength, need to do a
8 study on circle hooks before requiring them for
9 mako sharks. Concern regarding timing of this
10 amendment, given potential changes from ICCAT,
11 suggestion to not do anything until ICCAT
12 finalizes action and advertises a tagging
13 program, could be one way to achieve reporting.

14 And again, the link on new site is
15 provided for reference. There was discussion of
16 retention under the swordfish commercial permit
17 and the request for allowing or having more than
18 zero fish per trip in the Florida swordfish
19 management area, particularly in light of higher
20 retention limits in other regions.

21 We've received a lot of, you know,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 input on both sides of that. And you can see,
2 kind of, the summary of the pros and cons there.

3 Pelagic longline closed area
4 research, of course, we had a good and lively
5 discussion on that. There's a concern expressed
6 about the economic viability of pelagic longline
7 fleet and that it's been diminished with IBQs,
8 and it would have -- that have a negative impact.

9 Also, concerns about misinformation.
10 They are disappointed that the research cannot
11 be conducted, support for the EFP due to advances
12 in reporting, electronic monitoring, and linking
13 catches in oceanographic conditions and being
14 able to synthesize that information.

15 Also, point made to re-analyze pre-
16 2001 data to reopen the Florida closed area, then
17 also, South Atlantic Council and the State of
18 Florida continue to -- so State of Florida
19 continue to oppose the EFP, South Atlantic
20 Council has weighed-in on both sides of this
21 issue, and depending on the member that you talk

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 to, could be on either side of that issue, I
2 would also say.

3 And then, concerns about bycatch of
4 oceanic whitetip and dusky sharks, and billfish.
5 Pelagic longline closed area research continued,
6 that good data is still needed, is a point that
7 was made, a point that we should approve new EFP
8 applications at the quarterly evaluation by NMFS,
9 and have the ability to shut it down if bycatch
10 is excessive.

11 The point was made to disapprove the
12 EFP because it threatens positive gains to
13 swordfish and sailfish. And as I actually just
14 added to the previously slide, should establish
15 bycatch caps for billfish. It was captured
16 there.

17 Data collection and research and
18 support of spatial fisheries management. Our
19 breakout sessions and some of the input that we
20 heard there, lots of suggestions for future
21 closed areas, such as sunset provisions,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 triggered timing, research timing triggers,
2 support for researching the effectiveness of
3 closed areas.

4 There was concern that options in the
5 agency due to cost aren't feasible and budget
6 constraints that could affect that. Closed
7 areas should have clear, defined goals, and
8 answer the question about, you know, actually
9 identify which questions we're trying to answer
10 with that research.

11 Have robust sample sizes and a good
12 research plan. Suggestions for research
13 requirements including 100 percent observer
14 coverage, EM bycatch caps, and publicly available
15 data, and that support of agency leadership is
16 important. Varied support for most data
17 collection options.

18 Bluefin tuna trends 2017, trends in
19 the 2018 management issues, market issues,
20 providing price per pound information at the
21 various retention limits, interest in what

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 happened when percent exported dropped after
2 2012, to improve quality, provide outreach on
3 best handling practices, require ice on vessels,
4 considering positive messaging to consumers
5 through FishWatch to promote a well-managed
6 fishery.

7 Continuing some of these thoughts,
8 reporting and accountability, spread the love of
9 reporting. And then the agency and fishing
10 organizations should increase outreach efforts
11 related to the requirements. Streamline
12 reporting requirements wherever possible.
13 Request for information on vessel reporting
14 compliance by state and require for reporting
15 tags, for a figure on that.

16 Showing comparison with Longline
17 category rates, compile released dead and
18 released alive information. Print reporting
19 requirements on the right of the permit -- or
20 right on the permit, rather, suggestions for more
21 intuitive reporting form and instructions in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 layout.

2 Do not enforce dealer reporting
3 requirements more -- do and do not enforce those
4 more strictly. And continuing with annual
5 inseason management, urge NMFS to manage inseason
6 to avoid closures, consider best practices
7 regarding catch and release after closures, and
8 potentially limit, promote tag and release for
9 data gathering purposes.

10 Keep recreational limits the same for
11 2018 and if catches are high, reduce for 2019.
12 Consider high recreational limits for headboats,
13 such as 12 per day. Consider ways to increase
14 trophy quotas and keep seasons open longer.
15 There's concern expressed that commercial
16 handgear fisheries achieve about 100 percent of
17 quota, while the Longline category is less than
18 50 percent, and Purse Seine category is 0.

19 Provide more quota, 100-plus metric
20 tons to the General category of January fishery,
21 was a thought that was expressed. And then, for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 implementation of ICCAT recommendations for
2 quotas for bluefin tuna and northern albacore,
3 it's important to recognize that as the
4 Eastern/Mediterranean quota increases over the
5 next few years, the West will have less subsidy
6 from mixing, also, volume on international
7 markets will be higher, affecting prices.

8 Important to recognize that F at 0.1
9 approach is projected to result in stock
10 decreases over the interim period, and that we
11 may need to accept a TAC decline in the next
12 recommendation.

13 Also, announcement regarding marine
14 stewardship certification for albacore is coming
15 soon, actually has been made now, and it includes
16 yellowfin, in addition to albacore.

17 Should increase albacore value and
18 encouraging commercial fishing activity. Also,
19 confirmation that stock mixing will be
20 incorporated into management strategy evaluation
21 models going forward.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Related to shark-bitten tuna
2 carcasses, allowing retention of shark-damaged
3 yellowfin tuna would be good for charters and
4 for pelagic longline fleet, could count against
5 the recreational three-per-person limit and
6 reduce waste of the resource, regardless of shark
7 damage, consideration of it should allow full
8 removal of tail, as long as the remainder is
9 greater than 27 inches.

10 Develop other size conversion
11 formulas that would allow yellowfin tuna tail
12 removal and then some concerns about health
13 issues related to shark carcass -- carcasses
14 damaged by shark bites.

15 Related to sandbar stock assessment,
16 questions specific to assessments regarding
17 recreational data, Mexican data, conversion
18 factors, whether the shark fishery was considered
19 in the use of the Francis 2011 approach,
20 suggestion to have COASTSPAN be conducted in the
21 area off North Carolina. Question on assessment

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 -- on whether the assessment shows that
2 management is working.

3 Concern that the assessment not
4 showing a large population of sandbar sharks that
5 the fishermen are seeing, and also, suggestion
6 to have full benchmark assessment for sandbar and
7 duskies at the same time.

8 Pelagic longline take reduction team
9 updates. Concerns about large population of
10 grey seals in New England and their impacts on
11 fisheries, was raised. Also, questions on
12 pelagic longline interactions, if they
13 increased, and concern about transfer of worms
14 with parasites to fish and sharks.

15 And then also, questions on how to
16 measure mainline length, aspirational goal was
17 meant to minimize set length, was a point that
18 was made related to this, and logbook and
19 observer data show a clear break at the length
20 for whale interactions.

21 Also, there was discussion about

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Deepwater Horizon impact on Bryde's whales.
2 Oceanic whitetip shark listing. There's
3 expression and observation there's a lot of
4 oceanic whitetip sharks in the Caribbean area.
5 Concern that this kind of data was not
6 considered. Questions about how is a species
7 de-listed, why weren't DPS's, or distinct
8 population segments, established, why isn't the
9 oceanic whitetip prohibited, and then have other
10 countries issued non-detrimental findings for
11 site under CITES?

12 And need to update fishermen in
13 Puerto Rico regarding the listing of oceanic
14 whitetip and scalloped hammerheads.

15 Individual bluefin tuna quota, the
16 three-year review, we heard, related to purse
17 seine fishery, time to close the chapter on the
18 fishery as a whole, and should not allow leasing
19 of IBQ longline vessels and profit while purse
20 seine vessels aren't active. Purse seine
21 leasing to longline vessels is helpful to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 longline -- I'm sorry, purse seine leasing to
2 longline vessels is helpful to longline vessels.

3 Related to the pelagic longline fleet
4 status, need to reevaluate the objectives of the
5 IBQ program, enable fishery to more fully utilize
6 its quota in order to help remain economically
7 viable. And that costs are increasing in that
8 fishery.

9 IBQ quota, need to get the IBQ in the
10 hands of active vessels. Related to Cape
11 Hatteras GRA, need to evaluate the access
12 criteria, and related to electronic monitoring,
13 need to allow multiple trips on one drive.

14 Related to the big picture, success -
15 - program has been successful in many respects.
16 For example, no longer overharvesting of quota,
17 dead discards reduced, do we need the IBQ program
18 anymore, was a question that was asked, and the
19 fleet is in a different place than before the
20 implementation of the IBQ program due to
21 attrition of vessels.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 So related to pelagic longline, weak
2 hook, and area-based management, point was made,
3 IBQ is enough to control to negate the need for
4 fleet-wide measures.

5 The issues/options paper is
6 premature, was another point that was made, we
7 need to wait until after the three-year review,
8 particularly related to the Gulf of Mexico GRAs.
9 Comments were in favor of eliminating GRA weak
10 hook requirement.

11 Seasonal provision of weak hooks
12 could be applied. Also, white marlin
13 interactions post-weak hook may be due to
14 increase in stock size. That was a point. Also,
15 data collection needed for the northeast closure
16 before deregulation, and NMFS should consider
17 extending the northeast closure to the east, and
18 then political will is necessary for any time
19 area management modifications.

20 Related to large pelagic survey
21 redesign. There's concern expressed about delay

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 in the beginning. The LPS redesign -- or that
2 may have occurred since the NRS review, and that
3 this was largely due to NRS finding the issues
4 with LPS were of much less concern than the
5 issues they identified with the MRIP general
6 surveys, which have been the S&T's primary focus
7 for the last decade.

8 Concerns were expressed about the
9 precision of LPS and MRIP for rare event species.
10 Should be addressed in the redesign. Redesign
11 needs to incorporate electronic for higher
12 reporting of VTR logbooks to minimize reporting
13 burden. Selection of pilot states needs to
14 carefully consider diversity across the area, not
15 just one state, to avoid skewing data.

16 Recreational economic studies, that
17 biggest component of tournament money is from
18 calcuttas, which need to be broken out from
19 registration fees, fuel impacts are great, that
20 almost all prize money comes from all optional
21 fees, and base registration is almost all for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 covering -- it's almost all for covering event
2 costs.

3 Goal is to have it completed, the
4 study completed, in fall of '18 or early 2019.
5 There's a question about low estimate for charter
6 fees on tournaments, that was due to small
7 percentage of participants hiring out charter
8 vessels throughout the study.

9 Louisiana Creel, the Advisory Panel
10 was encouraged by higher precision of the
11 Louisiana Creel estimates. It was highlighted -
12 - this was the result of the state of adequately
13 funding the survey through increased license
14 fees.

15 There was encouragement to see LA
16 Creel focusing on improving catch estimates for
17 HMS and other offshore species, like blackfin and
18 red snapper, benchmarking calibration will be
19 finished soon to allow for LA Creel data to be
20 in stock assessments and management.

21 Request for allowing filleting tunas

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 at sea on headboats. There was support and
2 opposition for this idea. There was -- the
3 original request was for yellowfin tuna, could
4 be considered for all tunas, would use tags
5 associated with loins to track that against the
6 rack on the boat.

7 Concerns that fish I.D. would be
8 difficult for various species, that various
9 versions of not filleting tuna, if there's
10 questions about I.D., want more input from
11 Enforcement, as was discussed today with the
12 enforcement section.

13 There was discussion about how this
14 relates to the experience that the parties
15 onboard these boats have and how this is affected
16 with the delays at the dock, and then also,
17 descriptions and review of how New Jersey handles
18 their provisions for party boats and undercover
19 officers for enforcement.

20 Discussion this morning on the chub
21 mackerel amendment, points here, yellowfin and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 bigeye tuna interacting with bullet mackerel in
2 the north coast of Puerto Rico, was a point, no
3 evidence for bluefin tuna predation, and
4 recommendation to add swordfish to the list of
5 HMS predators to be considered in this amendment.

6 Caribbean management, point made that
7 better data is needed and sound science
8 characterize regional fauna in the Caribbean
9 before taking management measures. Support
10 comprehensive scientific study of sharks in the
11 Caribbean region and support cooperative
12 research with fishermen to meet the data needs.

13 Also, consideration of limited
14 cooperative quota for artisanal fishing in the
15 Caribbean using science-based management, and
16 interest in the genetic variability of some
17 sharks, including Caribbean sharpnose related to
18 Atlantic sharpnose, and also Caribbean reef
19 sharks.

20 Species identification for sharks is
21 a bigger challenge in the region, need to compile

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 science on several different species, and also,
2 how that relates to not only removal from a
3 prohibited list in the Caribbean, but also in
4 the waters off of the mainland.

5 Various questions about the fishery
6 in the Caribbean related to vessels and gear
7 types. And related to the shark fishery closure
8 criteria, there was a lot of expression of a
9 preference to stay within the five-day notice.
10 There was some support for threshold, the
11 preferred alternative, given projection methods.

12 Some support for the no action
13 threshold for precautionary purposes, and some
14 support for moving up to 90 percent as the higher
15 threshold for full utilization of the quota.
16 Various questions regarding reporting compliance
17 and timing, along with questions of various state
18 regulations, and various suggestions, such as
19 taking bull sharks out of the aggregated LCS,
20 limiting number of dealers waiting to take action
21 after a comprehensive look of catch, and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 rebuilding for some species.

2 So we'll add comments to this related
3 to the discussions and presentations that
4 followed this. We had to cut it off at some
5 point. Didn't capture the last couple. Want to
6 mention some noteworthy dates, that the comment
7 period for the proposed rule on the shark fishery
8 closure criteria ends March 26th.

9 The scoping for pelagic longline
10 bluefin tuna weak hook and area-based management
11 comment period ends May 1st. Scoping for
12 shortfin mako shark Amendment 11 comment period
13 ends May 7th, and the comment period for mako
14 shark emergency rule ends May 7th.

15 Reminders for AP members, please
16 complete the Google travel voucher form by March
17 16th. This is in your best interest. The link
18 is right there on this slide. Email the original
19 receipts to Peter Cooper and then please return
20 your tent tables and name badges to the desk
21 outside, I think, would be the appropriate place

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 to do it.

2 And please complete the AP
3 satisfaction survey in your packet. And we are
4 very happy that you were here to attend and we're
5 going to have discussion in just a second. And
6 really appreciate your attendance. We'll
7 probably say that again before we're done.

8 MR. BROOKS: What discussion are we
9 having?

10 MR. BLANKINSHIP: I don't know, but
11 he has waving his --

12 MR. BROOKS: Oh, got you. Thanks.

13 MR. COOPER: Anybody who was here for
14 the IAC, send me an email with your hotel
15 receipt, and then you're also going to send that
16 to VIMS, along with all your other receipts, go
17 to VIMS. So we'll be handling hotel for the days
18 of the AP and per diem for the days of the AP.

19 And I just sent you all an email with
20 those instructions too, so you're all set.

21 MR. BROOKS: Good. All right.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Randy's got a couple quick things to say here
2 before we let you go, but I just wanted to add
3 my thanks for everyone for staying focused. I
4 know it was a pretty jam-packed agenda. I also
5 wanted to just note, I thought the small breakout
6 groups at the end of day one were really
7 productive, so I want to think about different
8 ways of having those conversations, and if you
9 all have feedback on either something that worked
10 or didn't, always want to hear that. Randy.

11 MR. BLANKINSHIP: All right. And I
12 will be very quick, but I wanted to say a huge
13 thank you to the HMS staff and their work at
14 putting on presentations and facilitating
15 discussion, and especially Pete Cooper and his
16 folks that bore the brunt of the prep. Thank
17 you very much.

18 Also wanted to say a quick thank you
19 to the invited speakers, most of whom are not
20 here anymore, but thanks to them. Thank you to
21 Pat Augustine for the cookies. And thanks to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 all AP members for your time spent over the last
2 few days. I know your time is valuable and thank
3 you for making the trip.

4 MR. BELLAVANCE: Thanks. I just wanted
5 to give a quick shout-out to Mike Sissenwine for
6 all of his time that he spent here on the advisory
7 panel, as he's starting to wind down a little
8 bit. I don't see it coming close to what he
9 brings to the table, but it was just -- it's an
10 honor to be here. On behalf of the council I
11 just want to say thanks for all the work that he
12 put in here over the years.

13 (Whereupon, the above-entitled matter
14 was concluded at 12:16 p.m.)

15
16
17
18
19
20
21