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

2 PARTICIPANT: We're going to go
3 ahead and get started. We've got three short
4 presentations we're going to run through. I
5 would ask that people limit their questions to
6 very technical questions after each
7 presentation, and then we'll have the
8 presenters available for questions wandering
9 around during the group session.

10 So in order to get through the
11 presentations, we have a presentation on the
12 assessment of a proposed rule that is actually
13 publishing tomorrow. So we have a pre-release
14 copy, and then also an NOI, Notice of Intent,
15 where we're going to head on amendment.

16 So we'd like to move quickly
17 through it so we have as much time for you to
18 discuss the issues as possible. I would like,
19 also, to reiterate that one of the reasons we
20 ask you to state your name at the beginning,
21 and we all know who you are, it's not for our

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1 benefit. It's for the people that are going
2 to be transcribing the notes. They don't know
3 who you are. And if we don't have the names
4 associated, it comes back as unknown.

5 And so the transcripts then become
6 unknown, unknown, unknown, and the value of
7 them is really reduced if don't have the
8 attribution to the speaker. And so I know it
9 sounds silly, you feel silly doing it, but
10 please, try and remember to state your name.
11 It'll help us in the long run. So I
12 appreciate your help with that.

13 And with that, I would like to
14 introduce Julie Meer(ph), who is with the
15 Southeast Science Center, who will be giving
16 us a presentation on the large coastal shark
17 stock assessments. He is not actually in
18 Enrique Cortez(ph). So thank you for coming,
19 and I'll turn over to Julie.

20 JULIE MEER: Good morning. Today
21 I'm going to give you a little brief

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1 presentation on the most recent large coastal
2 shark assessment that was just completed in
3 2006.

4 Just a little background. Prior
5 to this current assessment, whenever the
6 sharks, the large coastal sharks have been
7 assessed in the past, they've been assessed
8 under a process that's sort of a -- it's
9 called a shark evaluation workshop, where a
10 group of people would get together.

11 Ten or 20 people would get
12 together for three to five days, talk about
13 some data, and then the analysts would take
14 that information, go back, learn the
15 assessment and go, "Here you go."

16 And there has been some problems
17 in the past. People have been concerned about
18 not being able to see what went on the whole
19 process and stuff. And that's not just in
20 this assessment, but in a variety of
21 (inaudible) assessments as well.

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1 So what the Southeast has done is
2 gone under this thing called a SEDAR process,
3 which stands for Southeast Data Assessment and
4 Review. It's a more open process that
5 revolves around three workshops; a data
6 workshop, an assessment workshop, and finally
7 an independent review workshop.

8 And it seems to be working much
9 better for the (inaudible) so HMS contacted
10 the center, and requested that the LCS
11 assessment this year be run following that
12 same procedure, which is what we did.

13 It started with the data workshop
14 that was held in October of '05. We brought
15 just about everybody that we could find that
16 might have any sort of data relevant to
17 assessment in a room. We spent a week talking
18 about things, and coming up with what we
19 believed to be the best available data for
20 relevant abundances, life history parameters,
21 as well as the catch histories to be used in

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1 the assessment.

2 That information goes to the
3 assessment scientists, who work on it in
4 preliminary assessments and produce
5 preliminary documents, prior to the assessment
6 workshop, which was held in February. And at
7 that workshop, we have a variety of different
8 analysts from different institutions using
9 different models.

10 Using the preliminary analysis, we
11 all get together. They talk about problems,
12 pros and cons of the different models, and
13 that panel comes up with a consensus of which
14 model they think best represents the animals
15 we have, given the data we have available to
16 work with.

17 They produce their assessments,
18 and that gets forwarded on, finally, to the
19 review panel, which is made up of a group of
20 independent scientists that were not involved
21 in either the data or the assessment steps.

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1 And they come in, and they were (inaudible)
2 for the Center for Independent Experts, and
3 two additional staff assistant people with
4 histories in shark stock assessments
5 specifically, we brought in to serve on the
6 review panel. And they reviewed the
7 assessments that were done.

8 They look at three points. They
9 look at whether the best available data was
10 used, for the best -- best methods used for
11 the available data, and three, do they have
12 any confidence in the results that came out of
13 those assessments?

14 So that's a brief background. And
15 what I'm going to show you today are the
16 results of the large coastal shark complex as
17 a whole, as well as the species specific
18 assessments, the Sandbar and Blacktip. Now,
19 for large coastal sharks, we actually ended up
20 doing three -- three assessments.

21 Prior to this year, the LCS group,

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1 whenever it was assessed, had 22 species that
2 were all part of the original LCS grouping.
3 So we ran an assessment on that grouping of
4 all the species to maintain continuity and try
5 and look at what happened in the past.

6 We also ran an assessment on the
7 LCS (inaudible) prohibited species, which is
8 the way things are run now, which consisted of
9 11 species. And then also at the request of
10 HMA, we ran the assessment for LCS, minus
11 prohibited Sandbar or Blacktip.

12 As you know Sandbar and Blacktips
13 make up the largest portion, and we wanted to
14 be able to see what was going on with the rest
15 of the groupings if we took out those two big
16 species.

17 So this is just (inaudible)
18 results phase part of the -- excuse me. The
19 LCS 22 species grouping, but they're all very
20 similar to this. And what you see is that for
21 a variety of -- oh, I'm sorry. The baseline

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1 scenario is for the other two groupings for
2 (inaudible) this figure. And what this shows
3 you is -- most of you are familiar with this.

4 It shows you the overfished and overfishing
5 status.

6 And what I just want to point out
7 quickly, is that for almost all of the
8 baseline assessments, as well as any of the
9 sensitivities, almost everything for the large
10 coastal group 22 species came up not
11 overfished, no overfishing.

12 Now, these two points way up here
13 at the top, those two (inaudible) at the top,
14 those represent where we thought the status of
15 the stock was in the 2002 assessment.

16 So obviously it's been a quite --
17 quite a good shift of not overfished from
18 overfished and overfishing, to not overfished,
19 no overfishing, which is what occurred there.

20 You'll also see two of the other groupings.
21 This is the baseline of 22 species, and then

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1 the LCS small prohibited basis here
2 (inaudible) Blacktip and Sandbar is there. So
3 overall, this complex was fairly healthy.

4 The reviewers thought that given
5 the complex nature that we do for this stuff,
6 that the scientists used the best available
7 data that we had at the time. But the methods
8 that were employed for this complex assessment
9 were valid and appropriate, but that they have
10 no confidence that this actually means
11 anything that represents what the stock is
12 actually doing.

13 That's because they pointed out
14 there's a real issue with lumping of
15 (inaudible) species with a variety of life
16 history characteristics together in one big
17 pot, and saying this is how they're all going
18 to behave.

19 So even though they thought we
20 used the best data and the best methods, they
21 don't really necessarily believe that the

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1 stock is not over-fished and over fishing, and
2 that they are suggesting that we get away from
3 this big grouping complex assessment because
4 it clouds the picture, and we're not
5 necessarily sure what's actually going on.

6 All of our management benchmarks.

7 So the large coastal shark assessment
8 (inaudible) was done using a (inaudible)
9 production model (inaudible) Panama City
10 (inaudible) The two species specific
11 assessments, and actually there were three
12 because we did Blacktip Atlantic, and Blacktip
13 Gulf because these new genetics that suggest
14 that those two stocks, which (inaudible)
15 separate. So they run separately (inaudible)
16 done before.

17 The species specific assessments
18 were done by Ms. Brooks at the Miami lab, and
19 she used an 80 model builder, which is a
20 state-based instruction population model. It
21 requires a little bit more data for input, but

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1 also (inaudible) on the output as well.

2 So this is the combined results
3 for the Sandbar shark assessment, and quickly
4 you can see that almost all of the baseline
5 models, as well as all of the sensitivity
6 trends fall under overfished/overfishing.

7 From this point right here,
8 representative of the 2002 assessment, of
9 where we thought the stock was at that time,
10 which was not overfished, but overfishing may
11 be occurring. Is that it? And there are some
12 points with the stock that are actually much
13 higher than that, but this capped at 20 for
14 flying.

15 So there was quite a bit of
16 discussion on this particular assessment
17 during the workshops, all three of them
18 (inaudible) discussion hearings to talk about
19 that specific question as we go along.

20 What the reviewers said was that
21 they thought the best available data was used,

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1 but that the assessment methods were
2 appropriate, and that they actually have
3 confidence in results of this assessment that
4 truly represents what is (inaudible) Sandbar
5 sharks as we see it today. So that was
6 Sandbar.

7 This is Blacktip Gulf. So the
8 Blacktip Gulf -- excuse me. We did -- we
9 don't have nearly as much data. We didn't use
10 many models. We didn't use many sensitivity
11 analyses for the Blacktip Gulf, or Atlantic,
12 because the community didn't think it was
13 necessary for the review panel. So what you
14 can see is again, it shows not overfished, no
15 overfishing, for the Black and Gulf stock, and
16 that the -- but the panel found that the best
17 available data was used and the models were
18 appropriate, and that they're not confident.

19 They're confident on the status,
20 meaning they believe that the stock is not
21 overfished, no overfishing, but they don't

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1 necessarily believe the absolute numbers that
2 were coming out of the assessment. They seem
3 extremely high. And part of that, we believe,
4 is due to that fact that we have fairly short
5 data series. When you start breaking things
6 down into smaller units of this assessment,
7 you start cutting out a lot of the data.

8 So while they believe there's not
9 overfishing and overfish, they didn't believe
10 there was enough data to encourage management
11 to change the course at all. But they don't
12 think they need to be -- there's a problem
13 that (inaudible) rebuilt at all, either.

14 And finally, for Blacktip
15 Atlantic, we ran four different models for all
16 three of these, and ultimately (inaudible) And
17 as you can see in this case, the models run
18 from -- there's three overfish overfishing,
19 not overfished, no overfishing, and everywhere
20 in between.

21 And one of the other issues that

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1 came up was that it wasn't strictly within the
2 surplus production models versus the age
3 structure models. They didn't break out like
4 that. So we have one 234 production model,
5 and one (inaudible) model that said
6 overfished/ overfishing, and one of each that
7 said no overfishing, not overfished.

8 So the analysts at the assessment
9 workshop decided that they couldn't actually
10 come up with a status for Blacktip Atlantic.
11 They just didn't have enough data. As most of
12 you are probably aware, most of the Blacktip
13 fish, a large portion of that, comes from the
14 Gulf. So we don't have nearly as much
15 information on the Atlantic for Blacktips.

16 So the assessment scientists said
17 on their own, "We don't know what's going on.

18 We can't tell you at this time. We need more
19 data." And the review panel said that's
20 great; the best available data, best available
21 science given the data, assessments given the

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1 data. However, we concur with the assessment
2 scientists' statement that we don't know what
3 the status of Blacktip Atlantic is.

4 So that's it in a really brief
5 nutshell. I think that's all I have. I have
6 a variety of additional slides of information
7 if you want to see them. All of the
8 documents, everything that was done, every
9 working paper, every report, everything is
10 available on the CDAR website for download.

11 All the workshops are publicly
12 available. Anyone can attend, starting with
13 small coastal, starting in February. Anyone
14 who is interested is welcome to attend those
15 as well. The small coastals will be running
16 the same process with three workshops in
17 February, May and August.

18 So I'm available to answer any
19 questions. I'm sure there are some.

20 PARTICIPANT: We've heard these
21 (inaudible) for clarification and more

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1 technically oriented, as opposed to getting
2 into a broad discussion about the assessments.

3 Louis?

4 LOUIS DANIEL: Hey, Julie.

5 PARTICIPANT: Louis, your name,
6 please?

7 LOUIS DANIEL: Louis Daniel.

8 PARTICIPANT: Thank you.

9 LOUIS DANIEL: I have a couple.
10 First a clarifying question. What -- is SSF
11 spawning spot females?

12 JULIE MEER: Spawning spots,
13 spawning spots fecundity.

14 LOUIS DANIEL: Fecundity?

15 JULIE MEER: Because sharks have
16 pups instead of eggs. They're using a
17 slightly different formulation.

18 LOUIS DANIEL: All right. Two
19 questions on the Sandbar. In the recent GAG
20 assessment that was run through the CDAR, the
21 reviewers questioned the use of the AD model

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1 builder approach because it had not been
2 tested and peer reviewed, and placed in the
3 toolbox.

4 Was the Sandbar assessment that
5 we're using now, and we're going to be using
6 today; was that based on the AD model builder?

7 JULIE MEER: Yes.

8 LOUIS DANIEL: Okay.

9 JULIE MEER: Sandbar and Blacktip.
10 Both Blacktip were AD model builders.

11 LOUIS DANIEL: Okay.

12 JULIE MEER: The AD model builder
13 is actually currently under development to get
14 put in the toolbox. It's not there yet.

15 LOUIS DANIEL: And then the one
16 thing I haven't followed too closely, or
17 understood too well is the change in the
18 maturity ogives. I know that from my looking
19 at it, it appears that that was the primary
20 thing that changed; the status of Sandbars
21 into -- from very low productivity and a

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1 problem.

2 So what was used? What data were
3 used? What's being used now? And has that
4 new stuff been reviewed? I don't know.

5 JULIE MEER: Okay. First off, I
6 want to just point out here that the -- we did
7 run a sensitivity analysis using the old
8 (inaudible) And because this was raised by
9 several people during the assessment, and the
10 review panel asked for it. And that, as soon
11 as I can find it, is right here. That's the
12 current new data with the 2002 maturity
13 ogives. It's below (inaudible)

14 So it was addressed in the
15 assessment, but let me just explain where
16 those things came from; the 2002 maturity
17 ogives. The 2002 data that was used in the --
18 as a maturity ogive. We didn't have maturity
19 ogives. All we had was information on size
20 ranges or maturity states, from paper
21 (inaudible)

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1 What they said was in our study,
2 animals between this size and this size, we
3 consider juveniles. Animals between this size
4 and this size, we considered adults. So in
5 2002, the analysts took those size ranges, and
6 generated the maturity ogive as best they
7 could with that rough data.

8 What happened this time is we
9 became aware of a direct reproductive study on
10 Sandbar sharks: A three-year study that had
11 over 212 animals in it, almost 300 animals,
12 where she actually developed an age-specific
13 maturity ogive for her specimens.

14 So it was decided that since that
15 was actual data based on actual animals, as
16 opposed to (inaudible) with the animals, a
17 kind of smoothing out occurred between them,
18 but that was a better representation of what
19 actually happened. What I want to point out
20 is that those two studies came out at roughly
21 the same time, and were done almost the same

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1 overlap of years.

2 Rebecca Mersen(ph), is a
3 (inaudible) that did the Sandbar. And that
4 particular section of her researchation has
5 not yet been published, but it was actually
6 reviewed for her committee. And the
7 information on maturity for the Sandbars that
8 we used previously was never actually -- it
9 was in an (inaudible) paper. And I actually
10 went back in (inaudible) dissertation with
11 this method. I actually went back, got the
12 dissertation, and there's no description of
13 how he even analyzed; how he came up with his
14 maturity criteria.

15 Anyway, I know I didn't list it.
16 So given all those things together, and
17 actually the timing, you know that, but -- so
18 the main difference was a directive
19 reproductive study with actual age-specific
20 maturity ogive information, versus the 2002,
21 where we had size ranges and the analysis kind

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1 of smoothed the (inaudible) That was the main
2 difference in why we switched.

3 LOUIS DANIEL: Thank you.

4 MARK SAMPSON: Yes, Mark Sampson.

5 What triggers a shark to be placed on the
6 prohibited species list? And given that
7 Sandbars are, now by your data, classified as
8 overfished and overfishing is occurring, how
9 close might we be to that point?

10 PARTICIPANT: Yes, Julie is right.

11 There is a list of criteria that we look at
12 in determining whether something is added or
13 removed, and we can get that to you. I don't
14 recall the list off the top of my mind. But
15 we can -- we would look at that, and we have
16 applied that in the past. So we would
17 probably look at it again.

18 MARK SAMPSON: Okay, but just off
19 the top of your head, is -- is the situation
20 with the Sandbar shark, at this point by your
21 data, are we looking in that direction

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1 possibly? I mean is that within the realm of
2 possibility here?

3 PARTICIPANT: Well, I think
4 everyting's within the realm of possibility.
5 But just because something is overfished with
6 overfishing does not necessarily mean it would
7 meet the criteria for being a prohibited
8 species.

9 BOB HUETER: Julie, could you --
10 I'm sorry, Bob Hueter, marine laboratory.
11 Could you elaborate on why the database for
12 Blacktips in the Gulf was complete and
13 sufficient for conclusion, versus why it was
14 not in the Atlantic? What was it about the
15 Atlantic? It wasn't the modeling, it was the
16 catch records, correct? Why would we have
17 poor records in the Atlantic versus the Gulf?

18 JULIE MEER: We have -- present in
19 the Atlantic and the Gulf. I think one of the
20 overriding problems in the Atlantic: Four
21 models gave four different results, and they

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1 were all over the place, which clearly
2 indicated we didn't have enough information.

3 Some of the issues that, in terms
4 of not a lot of contract in the data, is a big
5 issue in the Atlantic. It's not nearly a
6 contrast by means of shift from high to CPUE
7 to lox CPUE, or high numbers to low numbers.
8 We have a little bit more of a trend within
9 the data for the Gulf than we do for the
10 Atlantic because we have more records, more
11 information.

12 We're certainly lacking in our
13 information for Blacktip in the Gulf. For
14 both Blacktip stocks, we really need a lot
15 more long-term data, but they felt confident
16 that at least status wise, not overfished, no
17 overfishing, but the absolute numbers they
18 weren't confident in. Does that answer your
19 question?

20 BOB HUETER: Yes. Can I just add
21 because I was part of the stock assessment

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1 process? I'm not sure you said this. Excuse
2 me if I'm repeating. But it -- there's
3 significant genetic and tagging evidence to
4 separate the Blacktip stocks between Atlantic
5 and Gulf.

6 This wasn't just done
7 capriciously. There's scientific evidence now
8 that's very clear that these are separate
9 stocks. There may be some exchange, but
10 separating Atlantic versus Gulf in Blacktip is
11 scientifically valid. Thanks.

12 JULIE MEER: And let me just point
13 out that we did run for continuity and
14 combined Blacktip stock for all the data,
15 because that's what had been done in the past
16 where we came up with the same not overfished,
17 not overfishing status for the -- the combined
18 stock as well.

19 RUSTY HUDSON: Rusty (inaudible).
20 Good morning, Julie. Back in February when
21 we were doing the assessment in Miami, the

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1 discussion was about the VIMS data, and the
2 lack of the aging being supplied by the VIMS
3 people. And of course, that felt like it was
4 a promise back in the data workshop in
5 November, in Panama City last year, but that
6 never occurred.

7 And we feel, from the industry
8 point of view, that the Sandbar assessment is
9 being driven by the VIMS data. In fact, even
10 the review committee came up with sort of that
11 same feeling.

12 I don't believe we ever ran a
13 sensitivity with the VIMS data totally
14 removed, and at the same time, we have
15 questions about the selectivity curve that was
16 applied to the commercial catch.

17 Now, based on the results, it
18 looks like Sandbars are about to fall off the
19 planet. But basically, our abundance in the
20 seas in recent years doesn't seem to indicate
21 that we have that type of decline. In fact,

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1 we keep overrunning the quota very rapidly.

2 And so Sandbars accounts for over
3 50 percent of our catch. I just wanted to
4 make that observation, that last night Jack
5 Music(ph) told me that his data is
6 proprietary, that NIMPS(ph) will not get it
7 until he publishes it.

8 And so with that in mind, we feel
9 like the best available science has not been
10 applied to this situation. Likewise, you
11 mentioned the Atlantic Blacktail. And as I
12 pointed out, your database is totally lacking
13 in gill net landings; millions of pounds that
14 occurred in the east coast of Florida, as well
15 as some long line guys that had quite a bit of
16 catch there.

17 The record keeping was pretty bad
18 back in the `80s, particularly on the part of
19 the NIMPS, because they really didn't start
20 catching -- keeping the data until the early
21 `90s. So just to keep her short, we don't

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1 feel like the best science was achieved.

2 We have a couple of scientists
3 currently looking at the Sandbar model. We
4 will be making that available, that work
5 available, to Enrique(ph) in the near future,
6 for his further perusal. We would like to see
7 NIMPS do a couple of things to try to maybe
8 reexamine the Sandbar assessment. Because
9 otherwise, you're going to bankrupt the entire
10 shark fishery that has a dependence on
11 Sandbar. That's about all I can say about the
12 situation.

13 PARTICIPANT: Thank you, Rusty.
14 Just time for a couple more quick questions
15 before going to the next presentation. Joe
16 McBride, then Dewey.

17 JOE MCBRIDE: Yes, Joe McBride,
18 Montauk (inaudible) Cabins Association. I
19 think for the last ten years, I'm just
20 hypothetically going to pick a number, be as I
21 come on the discussion in Sandbar sharks, and

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1 say I've been told, up until this year if my
2 memory is correct, that the Sandbar sharks
3 have recovered.

4 And I always interjected with a
5 might very well have been covering
6 statistically in geographic area A, B or C,
7 but not in the Northern Zone from New Jersey
8 northbound. For a long, long time in the
9 history of our fishing, the Sandbar shark, I'd
10 rather call them a brown shark, was the
11 mainstay of our summery fishery.

12 It presented a close-to-short
13 fishery. A lot of charter and party boats
14 particularly can go out and do it. A lot of
15 customers enjoy it. Some eat the meat. It's
16 more edible, perhaps, than a blue shark in the
17 opinion of some. And it caused us a demise of
18 that shark, and at present time, sand sharks
19 or brown sharks in our geographic area, are as
20 rare as great whites.

21 If you look -- if you're a shark

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1 fisherman, and many of the boats in Montauk
2 are, you're lucky to get one a season, by
3 chance. So in our opinion, and I'm certainly
4 not a scientist, nor do I intend to be, but I
5 don't want to contradict Rusty, who has a real
6 problem with the economics of his fishery.
7 But we're talking about a public resource here
8 with thousands upon thousands of people in New
9 York state utilizing the public resource.

10 And as an important segment of our
11 economy, the charter and party boats to the
12 east end of Long Island, are being -- not
13 getting these sharks, which would -- causes a
14 great economic loss, and it could be figured
15 out in dollars and cents, and has been in the
16 past.

17 So some pros and cons of this: No
18 one wants to hurt another fishery, certainly
19 not the Montauk (inaudible) and Cabins
20 Association, but we also want to protect what
21 we need to protect.

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1 Now, most of our fisheries,
2 whether they're in-shore or off-shore, it has
3 declined, and we're struggling to keep the
4 businesses going. And any help we can get in
5 maintaining a balance between the utilization
6 commercially, and the utilization
7 recreationally, we'd very much appreciate on
8 behalf of the agency. Thank you.

9 DEWEY HEMILRIGHT: Dewey
10 Hemilright. I had a couple questions, and a
11 couple of them are on the Dusky stock
12 assessment.

13 JULIE MEER: I can't speak to
14 Dusky, other to say that I was not involved in
15 it. Number one, it was done -- I can do it.
16 It was -- the Dusky assessment (inaudible) I
17 just want to point out that we didn't have the
18 CDAR process for sharks when the Dusky
19 assessment began, which is why it was not done
20 that way.

21 So it's not that we were trying to

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1 hide anything (inaudible) one the other. It
2 does (inaudible) in that process right now.
3 Other details of Dusky I can't speak to,
4 because I only read the same document that you
5 did.

6 DEWEY HEMILRIGHT: All right, well
7 --

8 JULIE MEER: I don't know if
9 there's somebody who can speak to Dusky. But
10 unfortunately, I'm not that person.

11 DEWEY HEMILRIGHT: Is there
12 anybody else that can speak to the Dusky?

13 JULIE MEER: I think unfortunately
14 the scientist is in Madrid that would be able
15 to do that. We can get a list of questions
16 and -- and --

17 DEWEY HEMILRIGHT: I'm on that.
18 What is a catch-free model?

19 JULIE MEER: Well, again, that was
20 using -- we used it actually partially for
21 Sandbar, but it wasn't -- didn't become the

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1 final model. Basically what it does is it
2 uses information on historic changes over time
3 (inaudible) indices from relative abundance.
4 It doesn't rely on actual landings or catch
5 data.

6 There's a lot of -- it sort of
7 recasts the information in a different light.

8 I know that was one of the three models used
9 in the Dusky, and it was used (inaudible) the
10 preliminary catch (inaudible) of the Sandbar,
11 but it was not used as one of the final
12 baseline models. And that was mainly because
13 if you have the catch information, you should
14 probably use it; it's a general trend, a
15 general thinking. And so if you have catch
16 information, it was (inaudible) model.

17 DEWEY HEMILRIGHT: I just want to
18 go on record on a few things, and I'll get
19 over this. On page 60 of your Dusky stock
20 assessment, you have a table 2.2. And in this
21 table, you have MURF survey, the Head Boat(ph)

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1 survey, and the Texas Park and Wildlife
2 survey.

3 And in this survey, just my
4 limited knowledge of how to multiply and add;
5 is -- when you look at all these averages, it
6 shows the average Dusky weight of under 20
7 pounds. Is this table correct? That's on
8 page 60. It's to assume that all the weights
9 are under 20 pounds.

10 Two more pages to go on record is
11 page 64. I find it real hard to believe that
12 40 percent of the Dusky catch caught in the
13 Mid-Atlantic is used by gill nets. I just
14 have a real hard time believing that there's
15 not some misidentification or something to
16 that effect.

17 I have one other page I want to go
18 on. Page 105 is the average size of the
19 weight out from the dealer of Dusky sharks.
20 When you catch these 100-150-200-pound sharks,
21 you have to cut them in two or three different

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1 pieces to be put on your boat.

2 Once they come to be weighed out,
3 they're weighed out in chunks. So when you
4 look across this table, and you see that the
5 average weight out for the pelagic long line
6 fisherman, targeted swordfish and all his
7 shark, Dusky (inaudible) all 50 -- 40 to 50
8 (inaudible) take into account that that could
9 be chunks of animals, meaning like one shark
10 could be three different sizes.

11 Another thing that is just kind of
12 misleading about this Dusky assessment is that
13 it was a closed-door. The data workshop that
14 you all used; there was no data workshop to
15 look over the information for the Dusky
16 assessment. And it's just kind of like,
17 "Well, let's throw me the information, and
18 we'll come out with an assessment," instead of
19 doing it like you have done with the other
20 years.

21 Even though it may not have been

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1 perfect, it should've been -- had when the
2 data was looked over to see if it was credible
3 before you all decided to do a Dusky stock
4 assessment. Thank you. 3124

5 JULIE MEER: Like I said already -
6 - two points; Dusky was done before we had
7 decided to (inaudible) our process. If it's
8 redone in the future, it'll most likely be
9 done in the CDAR process. We have a feeling
10 that almost all shark species will probably be
11 done in this more formalized process to avoid
12 that.

13 Number two, just a point I want to
14 make about the ducky assessment: It was not -
15 - it was something that (inaudible) were
16 interested in, and started to work on on their
17 own. It wasn't -- correct me if I'm wrong,
18 but I don't think when it started, it was not
19 a mandated HMS request to do a Dusky
20 assessment.

21 That was something that, as

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1 scientists, they were interested in this
2 particular species, and started to look at.
3 It was not of a design to be something in a
4 back room we didn't tell people about. It was
5 something that was done by the interest of
6 these two scientists who happened to work
7 NIMPS, and then as they became more involved
8 and learned more information about it, HMS
9 became interested in it. It was never started
10 off as a, "We're not going to tell anybody."
11 That was not how this started, just for
12 clarification. It wasn't trying to be
13 secretive.

14 PARTICIPANT: And just, Julie, we
15 can ask Enrique when he's back on these
16 questions. We'll get back to you.

17 RUSTY HUDSON: Recently, we've
18 been examining the observe -- oh, Rusty
19 Hudson, Director Chart. Recently, we've been
20 observing -- looking at the observer data for
21 the Sandbar shark, going all the way back to

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1 1994, in some cases we have the data.

2 It appears to have been a protocol
3 change after the foundation in the (inaudible)
4 that are lost in the observer program, in --
5 after he moved to NIMPS in `98. In `99, UF
6 took over.

7 Before `99, you can look at this
8 stuff and you'll see maturities. You'll see
9 repros. You'll see vertebrates. You'll see
10 stuff about the uteri, all kinds of stuff.
11 And you'll see a lot larger percentage of
12 mature there being indicated than -- than the
13 latest assessment seems to indicate for
14 Sandbar.

15 Once you get to `99 through 2005,
16 there is still some mature females with pups
17 that are being identified, but no uteri and no
18 vertebrae, no repros. A lot of stuff is just
19 not being examined.

20 Furthermore, since NIMPS took over
21 the observer program, we're not even seeing

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1 that. So we would highly recommend that NIMPS
2 start gathering that information like it was
3 being gathered in '94 through '98. I think it
4 would be useful. You'll see a whole lot more
5 mature Sandbars than as indicated by the data.

6 JULIE MEER: Hang on. Just real
7 quick on that, since there was a request to
8 reexamine the life history of Sandbars, it is
9 being taken now, Rusty. Observers are taking
10 vertebrae and reproductive tracks for Sandbar
11 sharks.

12 RUSTY HUDSON: But not (inaudible)

13 JULIE MEER: No, they -- no, not
14 since -- yes, we've just recently started
15 taking that information.

16 LOUIS DANIEL: Yes, I just want to
17 summarize. Louis Daniel. In 2002, when we
18 developed the first amendment, and this is not
19 directed really at Julie. I mean I know that
20 the scientists are doing the best that they
21 can with the limited information that they

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1 have.

2 But in 2002, the large crystal
3 complex was not overfished and not overfish --
4 I mean was overfished and overfishing.
5 Sandbars were borderline, and Blacktips were
6 rebuilt.

7 So we went forward, and we took --
8 made management measures that had significant
9 impacts on communities and fisheries. Now,
10 we've got a new group of assessments that have
11 totally flip-flopped. Animals with -- that
12 are late-maturing, long-lived; we've gone from
13 borderline to collapsed on Sandbars, according
14 to the assessments.

15 And the basis for the previous
16 amendment: The primary basis for the previous
17 amendment being the large coastal complex now
18 appears to be in good shape. But by combining
19 all the life history strategies, it's probably
20 not indicative of the population.

21 And so what we have is we have a

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1 series of assessments now that have completely
2 reversed in many instances, many of which that
3 have not been -- these models appear not
4 reviewed, many that are using models that rely
5 on identifications that are extremely
6 difficult to deal with in the Dusky fishery.

7 So when we talk about these
8 (inaudible) clearly you can understand the
9 frustration of how these changes are occurring
10 and what's right. Because we've got to make
11 some serious decisions about managing this
12 fishery that are going to have serious
13 implications. And we have -- I have no
14 confidence in where we are in terms of the
15 stock status.

16 JULIE MEER: Well, this is
17 actually an excellent segway into the next
18 presentation on where we go from here for
19 sharks. So we've got --

20 KARYL BREWSTER-GEISZ: I don't
21 think I could've done better. Thank you,

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1 Louis. For those of you who don't know me, or
2 don't remember my name, I am Karyl Brewster-
3 Geisz. I worked, was heavily involved, in the
4 last shark amendment. And with the new shark
5 assessments, we are on our way to another
6 shark amendment.

7 You'll notice we just finished the
8 consolidated HMSFMP, and already we're on
9 amendment two. Amendment one, for those of
10 you who are asking, is going to be EFH. So we
11 are in the process of working on two
12 amendments for the FMP right now at this time.

13 As Julie just went over, we have a
14 number of new stock assessments. We have
15 stock assessments for large coastal sharks,
16 that Julie went over. We have the Dusky shark
17 stock assessments that Dewey started asking
18 about, and we also had a Canadian stock
19 assessment on Porbeagle sharks that we asked
20 the science center to review.

21 So coming back into this, the

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1 large coastal complex, the purveyors felt that
2 even though the science was all there, the
3 models were correct, the data was there,
4 because of the mixing of all the different
5 species that an assessment of the complex as a
6 whole was not appropriate.

7 An assessment was not appropriate
8 of the complex, and many of you know the whole
9 management structure since 1993 has been based
10 on the complex. So we are now declaring the
11 large coastal complex to be unknown status.

12 This is going to change a lot in
13 how we manage sharks. We're not sure what
14 we're going to do, so we're coming here to use
15 the AP first, before we go up to scoping, to
16 try to get a feel from you on where we might
17 be able to go.

18 The Sandbar status, as Julie,
19 Louis, all of you have mentioned, in 2002 was
20 not overfished. Overfishing was occurring.
21 We are now in a status of overfished with

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1 overfishing. I don't think Julie brought this
2 up, but the -- the large coastal stock
3 assessment purveyors asked for this. We asked
4 for this: We asked for a rebuilding
5 trajectory on what kind of quota that would
6 take.

7 They estimate that using the
8 guidelines in the FMP and in Madison Stevens,
9 rebuilding will take until the year 2070. And
10 we'll have a total allowable catch; and that's
11 commercial, recreational, (inaudible) total
12 mortality from fishing, and 220 metric tons
13 whole weight.

14 PARTICIPANT: (Inaudible).

15 KARYL BREWSTER-GEISZ: That's all
16 of it; Atlantic, Gulf of Mexico, Caribbean.
17 That, as you've heard, Dewey, Rusty, Louis;
18 they're not happy with the results. They're
19 not happy with the assessment. But this is
20 where -- this is where we are right now with
21 the assessment and the science we have.

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1 The large coastal assessments
2 separated Blacktips into two stocks; Gulf of
3 Mexico and Atlantic. We continue to have the
4 Blacktip stock in the Gulf of Mexico be
5 healthy. So that's really good news. We are
6 happy to hear that. At least there was one
7 thing that was good out of the assessment.

8 The Atlantic Blacktip, as Julie
9 said, they were not able to come up on one
10 model to use. The models were ranged from
11 everywhere, so we have an unknown status for
12 the Atlantic Blacktip.

13 For purveyors suggested for the
14 Gulf of Mexico Blacktips that catch rates not
15 increased. They weren't able to come up with
16 one model and one specific place to point us
17 to set quotas. They said it's definitely not
18 in the overfished-overfishing box of that
19 phase plot, but they weren't able to tell us a
20 specific point. They just said don't increase
21 the catches in the Gulf of Mexico for

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1 Blacktips.

2 For the Atlantic, because it's
3 unknown, huge range, they said whatever else
4 you do, don't increase it. Don't change it.
5 Let's try to keep that where it is. So we
6 have a quandary there between the Sandbar
7 being (inaudible) Blacktip Atlantic; they're
8 telling us not to change the catches.

9 The Dusky shark stock assessments
10 we got back from the science center last
11 summer. We looked at it. For those of you
12 who have looked at it, they used a lot of
13 different models. All of them are pretty bad;
14 62 to 80 percent of virgin biomass.

15 We wrote a memo to the science
16 center asking them to give us a little bit
17 more information for management purposes. I
18 believe they handed out the results from that.

19 They told us that they couldn't decide on one
20 particular model to use. Pretty much all of
21 them were consistent, and that the rebuilding

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1 time frame for this would be anywhere from 100
2 to 400 years.

3 So Dusky is not a good thing.
4 It's already prohibited, and yet we're still
5 in an overfishing status.

6 Porbeagle sharks, that was done by
7 the Canadian stock assessments. We asked the
8 science center to review that for U.S.
9 management purposes, and they gave us some
10 guidance on how to use it. They did. They
11 found that it was appropriate for us to use.
12 It used all the best scientific techniques,
13 and that it would -- Porbeagle sharks were
14 estimated to rebuild in about 100 years.

15 So we are -- it's not very good
16 news that we've received this past year for
17 any of the shark stocks. I think Blacktips
18 Gulf of Mexico is the only one that is really
19 good.

20 So what -- what -- we're here
21 today. What are the first steps of how do we

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1 amend the management plan for sharks? We need
2 to come up with a management plan that will
3 rebuild Sandbar, Dusky, and Porbeagle sharks,
4 hopefully with a sustainable fishery in
5 there.

6 We need to, or would like to
7 continue having a sustainable fishery

8 (End of tape 1. Beginning of tape
9 2.)

10 KARYL BREWSTER-GEISZ: Commercial
11 shark management measures were quite a few of
12 them. We have an annual quota that is split
13 regionally between the north Atlantic region,
14 which is Virginia north; the south Atlantic
15 region, which is North Carolina through the
16 Florida Keys, and the Gulf of Mexico region,
17 which is Florida Keys through Texas. And the
18 south Atlantic includes the Caribbean.

19 It's seasonal; we have three
20 trimesters each year, four-month seasons. And
21 any over or under harvest in, for example, the

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1 first season, is taken off or vested for the
2 following year in the first season.

3 We are (inaudible) limits of 4,000
4 pounds for directed permit holders. Different
5 ones were incidental permit holders. We had
6 landing requirements typically not at the new
7 FMP (inaudible) We have, starting November 1,
8 a second dorsal and the anal fins need to
9 remain on a carcass. You can't load a carcass
10 at sea.

11 We have authorized (inaudible) It
12 is a limited access system with directed and
13 incidental permit holders. Directed permit
14 holders are limited in how much they can
15 increase per vessel size right now. Mandatory
16 reporting, mandatory observer coverage; these
17 are required to report with the new FMP.
18 They're also required to go by identification
19 workshops, which we're hoping will really
20 improve the data to go into the stock
21 assessments.

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1 Prohibited species, there are 19
2 of them, and then starting in 2005, we had the
3 Mid-Atlantic shark closure, which is a January
4 through July (inaudible) closure off of North
5 Carolina. So for those of you who have had a
6 chance to observe the news from the stock
7 assessments, questions we're asking you and
8 we'll also be asking everybody on scoping is
9 what should change and how.

10 For those of you in this AP, we're
11 planning the next AP meeting to release a
12 predraft to you, and that meeting will pretty
13 much focus on sharks, or at least at this
14 point we're hoping it will focus on sharks.

15 There aren't nearly as many
16 recreational management measures, but there
17 are some. There's a retention limit of one
18 shark per vessel. There's also a minimum size
19 of four-and-a-half feet. Both of those are
20 exempted for two small coastal species. Once
21 again, it's a small coastal stock assessment,

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1 will happen next February. The data workshop
2 they will have next February.

3 They are authorized (inaudible) It
4 is for landings requirement. You can't cut
5 the shark up. You can't remove the fins. You
6 can just gut and bleed it. And there's also
7 out display quota for aquariums; it's 60
8 metric tons whole weight, and a lot of
9 scientists who often ask to collect Sandbar
10 sharks and other large coastal species.

11 So once again the question is what
12 should change and how? We are hoping, at this
13 point, to have scoping in December. We're
14 thinking that's after ICAT. That's after
15 season's closed in all regions. That's after
16 the proposed rule that Mike will be presenting
17 right after me, is finalized.

18 We know it's a tough time. It's
19 after Thanksgiving, but it's before Christmas.

20 It's right in the middle of holiday season
21 with people going around. So we want to get

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1 your feedback on that.

2 As I said, we're hoping for a
3 predraft to present to the AP next winter,
4 proposed rule in the spring, finally AIS(ph)
5 next fall, with the effective date in January.

6 So this is where we're thinking,
7 right now, where we might want to hold scoping
8 meetings: Gloucester, Cape May, Mannio(ph),
9 Madeira Beach, Fort Pierce. I can never
10 pronounce the next one correctly.

11 PARTICIPANT: (inaudible)

12 KARYL BREWSTER-GEISZ: Thank you.
13 (inaudible) and Corpus Christi. Are those
14 appropriate places for us to hold scoping
15 meetings? Or are there others that should be
16 added to the list? Are there areas where we
17 definitely don't need to go for whatever
18 reason?

19 And that's it for what we intend,
20 hope to accomplish. So I can take questions
21 on that, but we do have one more presentation

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1 before we go into breakout groups.

2 PARTICIPANT: (inaudible)

3 KARYL BREWSTER-GEISZ: It's in the
4 presentation. I'll also put it up again
5 before you go out in the breakout groups.

6 PARTICIPANT: All right, let's
7 move ahead and -- with the next presentation
8 then. And again, Karyl, Mike and Julie are
9 here, and can answer questions during the
10 breakout sessions, so.

11 PARTICIPANT: Rusty?

12 RUSTY HUDSON: The question, Karyl
13 -- Rusty Hudson. The question: The 220
14 metric tons whole weight that you're
15 indicating for the Sandbar as being the
16 allowable quota starting in 2008; does that
17 affect your 70-year time line for rebuilding?
18 And if so or if not, why -- you do kind of
19 realize that the 200-metric ton is a very
20 small amount. And why allow any at all if
21 it's so bad?

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1 KARYL BREWSTER-GEISZ: The 220
2 metric ton whole weight was what was predicted
3 to be the total allowable catch to allow
4 rebuilding by the year 2070. But the question
5 about the quota is -- that's one of the
6 questions we're asking you. Should we make
7 them prohibited? Even if we do that, what --
8 what would that mean? You're still going to
9 have the dead discards. Will that cover that?
10 So -- and that is a question that is up for
11 the group, and up for scoping. We're hoping
12 to hear back from them.

13 RUSTY HUDSON: I guess the follow-
14 up to that would be there was a buyback effort
15 that we finished, and Dr. Hogart now has that
16 in his possession as of a week before last.
17 And I believe that this amendment, too, should
18 also consider that kind of remedy. Because if
19 you want, you just go ahead and basically
20 either starve us out, or give us an
21 opportunity to be bought out. Because you're

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1 not giving us a third choice of being able to
2 fish, really.

3 JULIE MEER: I was just going to
4 say a question about the rebuilding time. The
5 rebuilding times were based on no changes in
6 management -- changes in management starting
7 in 2008. So it was 2008 forward with new
8 management changes. So that's 70 years
9 rebuilding time.

10 RUSTY HUDSON: But is that --
11 Julie, is that ten years plus generation time?
12 Is that where the 70 came from?

13 JULIE MEER: What it is is we
14 calculate what the rebuilding -- how long it
15 would take to rebuild to that not overfished
16 status. And then if -- if that number is
17 greater than ten years, then you add a
18 generation time on top of it. So it was --
19 build time is 30 some years, and then it
20 generates time on top of that; pushes
21 everything.

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1 JOE McBRIDE: Yes, Joe McBride,
2 Montauk (inaudible) Cabins. The best
3 available science, be referred to either pro
4 or con in many, many issues. And I have a
5 cliche we use in the northeast: Two monkeys
6 in a canoe go out to do the research for the
7 recreational industry. The real name of the
8 two monkeys in the canoe is a MURF survey.
9 And some of the ludicrous results that they've
10 come up with over the years from weak fish
11 landings and (inaudible) These things are
12 common knowledge.

13 We add one more to them. If
14 they're telling me in a survey, on a
15 (inaudible) that the Dusky shark's average
16 weight is 20 pounds, I think Rusty or somebody
17 already put out misidentification. I mean
18 anybody in the fishing industry; commercial,
19 recreational, what have you, would pick that
20 up in a second.

21 So again, add one more score sheet

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1 to the monkeys for their accuracy. And it's
2 disastrous because it has a great affect on
3 our fishery, because it's the only tool
4 utilized -- one of the few tools utilized by
5 the agency. And the accuracy is pathetic, to
6 the point where they're begging New York State
7 to drop out of the MURF survey, get the money
8 from New York State; the money, and do their
9 own survey, as other states have done with
10 much more acceptable results in the
11 recreational area than the utilization of the
12 MURF survey.

13 I think North Carolina, I think,
14 is the actual state for the moment. And sit,
15 because if I may, Karyl, you might know how
16 many commercial shark boats are there,
17 licensed, in actual numbers; 200-300;400? I
18 don't know.

19 JULIE MEER: It's not specific to
20 sharks. We have the HMS angling category
21 permit, which is in 20,000 plus.

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1 JOE McBRIDE: No, I'm not talking
2 -- I'm talking commercial.

3 JULIE MEER: Commercial?

4 JOE McBRIDE: Commercial, sorry.

5 KARYL BREWSTER-GEISZ: There are
6 about 150 directed permits.

7 JOE McBRIDE: Okay. And you don't
8 want to see 150 people lose their livelihood
9 because of "some sort of management
10 situation," if that be the case. But that's
11 not my (inaudible) to be concerned with. My
12 concern with this is thousands and thousands
13 of people, who have an HMS permit
14 recreationally, in greater numbers, would have
15 much greater economic affect on the coast.
16 I'll be specific on the coast of New York,
17 Long Island for the most part. And these
18 management plans are killing us.

19 Each year, we accepted the one
20 fish. We accepted the 47 inches. We
21 accepted, whether we agreed with the

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1 adjustments and quotas on shark landings for
2 commercial when it's supposed to be
3 recreational landings, and so forth and so on.

4 We would like to be much more
5 conservation-oriented if we saw that the
6 results were reasonable; 100-400 years for
7 Dusgies? We don't see Dusgies anymore. The
8 same -- what I said before about Sandbar
9 sharks before, the same thing applies to
10 Dusgies, and it has an economic affect, which
11 no one seems to be considering, or certainly
12 not discussing at these public forums.

13 Now, public forums; I respectfully
14 request, particularly on shark issues, that
15 you have one on Long Island somewhere, and if
16 you need help, I'll ask the congressmen to see
17 if he can -- our east end congressmen, to see
18 if he can help you get a place out by us
19 somewhere if you need it.

20 KARYL BREWSTER-GEISZ: Well,
21 thanks. And that's what we're asking for the

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1 breakout group after all of this.

2 JOE McBRIDE: Sharks of all issues
3 to exclude New York. I mean that's one of the
4 mainstays of our fishing industry. Now, when
5 I use -- by the way, when I say recreational,
6 I'm talking about the sport fishing industry;
7 those people on Long Island who make full or
8 part livings based on the recreation fishing
9 regulations. You have -- but they're actually
10 as commercial as any other commercial group
11 because they're making their living on the
12 water, and certainly not looking to do any
13 other group harm, but need to protect their
14 own way of making a living.

15 JULIE MEER: Okay, thanks, Joe.
16 We are, I guess, running out of time here. We
17 do have another presentation. I know there's
18 a couple other folks that wanted to make a
19 comment. I guess I would really like to ask
20 that you limit it to kind of like a clarifying
21 question.

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1 The breakout sessions will be the
2 time where we can have and record some of the
3 comments and discussions. So if we can try
4 and move on quickly, we're cutting into the
5 breakout time now.

6 PARTICIPANT: Real quick, because
7 I got a call with the Atlanta HMS office,
8 talking about the (inaudible) I'm glad to see
9 they added Corpus Christi to the thing. But I
10 would suggest December for most recreational
11 fisherman. They recreationally hunt, and
12 that's hunting season. And most of the people
13 that I know are going to be in the woods. You
14 won't get a very big turnout, so if you can
15 modify those to be maybe for like the middle
16 part of January to some time in February,
17 you'll probably get a bigger turnout.

18 PARTICIPANT: All right, yes.
19 I'll try to be real brief here just to
20 clarify. Some of the guys, and Julie and Joe
21 here have brought up the question about these

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1 small Dusky sharks. And real quick,
2 typically, at least as far as a recreational
3 shark fisherman, (inaudible) sharking
4 typically, people think about going out to
5 fetch the monster sharks, okay?

6 In our area of the Mid-Atlantic,
7 you're talking about running 20 to 30 miles
8 out (inaudible) the Makos and big Hammerheads
9 and Tigers and big Dusgies and Sandbars and
10 all that. That has changed so much over the
11 years. We do not see those big animals other
12 than perhaps the Makos and Threshers, and some
13 of the others. The Dusgies, the Sandbars, the
14 big guys; no, we almost never see them.

15 However, in-shore, and we're
16 talking again in our area, anywhere from the
17 beach out ten miles, we have a real catch and
18 release fishery. We call it Lake Tackle
19 Sharking, where we do see a lot of Dusky
20 sharks, some Sandbars, that are small animals.
21 They're all juveniles, many of them in the

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1 20-pound or less range.

2 These fish, of course, are
3 prohibited fish, but I would suspect that
4 perhaps a lot of these -- if what you all are
5 saying is the -- this 20-pound minimum or
6 average size; it's probably juvenile fish
7 that your avid shaker fisherman going out
8 after the monsters is not going to encounter.

9 And so even probably the commercial guys are
10 not going to be encountering them.

11 But there is -- we do see a good
12 many of these juvenile fish, Dusky sharks in
13 particular. So they are out there, and I
14 suspect perhaps in the recreational fishery, a
15 lot of them are being caught incidentally
16 because they're in an area where a lot of
17 bottom fishing occurs. And so of course while
18 you're looking for your sea bass or trout, or
19 groupers or whatever, you're probably
20 encountering these fish. So just to throw
21 that out there; that there a lot of these fish

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1 out there.

2 JULIE MEER: Great, thank you.

3 PARTICIPANT: Thank you, Mark.

4 MICHAEL CLARK: Good morning. My
5 name is -- for those of you that I haven't had
6 the privilege of meeting, my name is Michael
7 Clark. I work for HMS in Silver Spring. I
8 wanted to provide a brief overview on a
9 proposed rule that would address commercial
10 Atlantic shark measures for the first
11 trimester of 2007, which will not take place
12 until between January and April of next year.

13 This rule (inaudible) today. It's
14 available at the back of the -- at the back of
15 the room, and I also have a limited number of
16 environment assessments that were conducted in
17 conjunction with the proposed rule. The
18 comment period is open officially, and we'll
19 be taking your comments of course, and that
20 will close on November 1st of 2006.

21 So as Karyl mentioned in her

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1 presentation, the current regulations for
2 large coastal and small coastal sharks are
3 managed on a regional level, and then they're
4 also managed within each region by individual
5 trimesters; three trimesters per year.

6 The regional and trimester quotas
7 are split based on historical landings; large
8 and small coastal sharks. For flagged sharks
9 that are managed at the trimester level,
10 however, there are not regions for the flagged
11 sharks.

12 These quotas for large and small
13 coastal and flagged sharks were originally
14 implemented in amendment one to HMS FMP in
15 2003, and then modified somewhat, based on
16 more updated landings in 2004. That rule-
17 making in 2004 also established a mechanism
18 for us to set the quotas and season lengths
19 with a proposed and final rule, prior to the
20 initiation of the next -- the next trimester
21 season.

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1 For large and small coastal
2 sharks, the quotas for a given trimester
3 reflect any overharvests or underharvests that
4 occurred in the previous year in a
5 corresponding trimester season. Therefore,
6 over and underharvests that occurred in the
7 first trimester of 2006 will be reflected in
8 the proposed quotas that would take place in
9 the first trimester of 2007.

10 So this table basically just shows
11 an overview of the various species groups;
12 large and small coastals, and Pelagic sharks,
13 and the landings that occurred during the
14 first trimester of 2006. You see the closure
15 dates, the quotas, the landings, and then in
16 the far right column, the percentage of the
17 quota that was taken by the respective regions
18 for the species groups.

19 Two things of note: With this,
20 with this particular trimester season is
21 extensive overharvest that occurred in the

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1 south Atlantic, and underharvest that occurred
2 in the Gulf of Mexico, specifically for the
3 large coastal shark fishery.

4 So the events of this proposed
5 rule, of course, are to adjust and propose the
6 2007 first trimester Atlantic shark seasons
7 for the various reasons, to set the fishing
8 seasons that would correspond to the amount of
9 available quota that might be -- that might be
10 allowed to be caught in the first trimester
11 season. And also because of the over and
12 underharvest (inaudible) economic and social
13 impacts that some of these overharvests might
14 have on the communities that are dependent
15 upon these fisheries, consistent with
16 (inaudible)

17 So just briefly, I'll provide a
18 little more detail on each alternative as far
19 as what it would mean as far as season and
20 quota, in sequence slides however, just to
21 give an overview of the status quo of the

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1 maintaining of existing regulations as far as
2 taking any over or underharvest from the 2006
3 first trimester, and applying that to 2007,
4 and maintaining the existing Mid-Atlantic
5 shark closed area.

6 Alternative 2: Back in the 2004
7 rule-making that updated the quotas, the
8 regional quotas, based on additional years of
9 landings information. We also looked at a
10 mechanism that might be able to transfer a
11 proportion of regions underharvested for a
12 region that may be have experienced an
13 overharvest, up to 10 percent, provided that
14 those two regions have the corresponding over
15 and underharvests.

16 The third alternative, which is
17 our preferred alternative at this point:
18 (inaudible) from November 1st is to close the
19 south Atlantic during the first trimester,
20 however open the entire south Atlantic,
21 pending available quota in the second

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1 trimester. And again, this would occur to be
2 a proposed and final rule-making in July,
3 including the Mid-Atlantic shark closed area.

4 The fourth alternative would be to
5 open the mid Atlantic shark closed area from
6 January 1st through July 31st in 2007, again
7 depending on large coastal shark quota. This
8 is essentially the entire effective date of
9 the -- of the Mid-Atlantic shark closed area.

10 And the fifth alternative would be
11 to transfer the Gulf of Mexico's underharvest,
12 to be experienced in the first trimester, to
13 the south Atlantic, and it would amount to
14 approximately 220 tons that the south Atlantic
15 would be able to (inaudible) in the first
16 trimester of 2007; however maintaining the
17 bottom long-line shark closed area.

18 And again, just to be -- just to
19 be clear, the alternatives that we looked at
20 were essentially to address the over and
21 underharvests that occurred in the large

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1 coastal shark fishery. We didn't look at --
2 at alternative measures for the small coastal
3 sharks or Pelagic sharks; just local fisheries
4 -- I mean we'll have ample quota carry in the
5 case of small coastals, and ample quota carry
6 go over to 2007. Pelagic sharks slightly
7 (inaudible) But I'll have more on that later.

8 Alternatives that were considered
9 but not analyzed were the long lines of
10 Blacktip sharks, with gill net hear in the
11 southeast US restricted area, between
12 Savannah, Georgia, and West Palm Beach.

13 And of course, this would be --
14 this would be contingent upon a transfer of
15 quota from the Gulf of Mexico to the south
16 Atlantic, modifying the current regional quota
17 allocations, based on more recent landings
18 data than were available at the time of the
19 November 2004 rule, and also possibly
20 modifying the mechanism for distributing
21 overharvests between subsequent years;

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1 something along the lines of overharvest could
2 be split across two years. Underharvests
3 would be applied directly in for the next
4 corresponding fishing season.

5 So status quo: Since (inaudible)
6 this alternative, with this alternative, there
7 would be no commercial shark fishing in the
8 south Atlantic during the first trimester
9 because of extensive overharvests. Gulf of
10 Mexico and north Atlantic would be open the
11 entire first trimester because the
12 underharvests that they have; that would be
13 carried over into 2007.

14 We'd maintain the existing shark
15 closed area. Ecological impacts would likely
16 be neutral. Economical and social impacts
17 obviously very negative in the south Atlantic.

18 They would be closed. Most positive in the
19 Gulf of Mexico and north Atlantic if they
20 would have larger quota, experience longer
21 seasons than have traditionally in the past.

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1 The reason we didn't pick this
2 one? Adverse economic impacts. The second
3 alternative looks at, again, the transfer
4 mechanism for between regions that have
5 corresponding over and underharvests.

6 A transfer of ten percent of the
7 Gulf of Mexico's regional quota, which would
8 amount to approximately 22 tons, to the south
9 Atlantic. However, in order to implement this
10 alternative, this would be contingent upon
11 waiting until all the landings are in for 2006
12 because of that fact that we need to make sure
13 that for the annual -- for the entire three
14 fishing seasons, that the Gulf and south
15 Atlantic still have consistent over and
16 underharvests.

17 However, the 22 metric tons would
18 not be enough to allow fishing in the south
19 Atlantic in the first trimester of 2007. It
20 would not (inaudible) the overharvest that
21 occurred. Similar ecological impact to the

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1 status quo; economic (inaudible) Very negative
2 in the south Atlantic, more positive in the
3 Gulf of Mexico and north Atlantic because
4 they're open the entire time. Why was it
5 selected? Adverse economic impact.

6 The third alternative: This would
7 be to close the south Atlantic in the first
8 trimester, account for the overharvest that
9 occurred in 2006. However, in July, pending
10 available port for the second trimester, open
11 up the entire south Atlantic, including the
12 Mid-Atlantic shark closed area in 2007 only.

13 Again, this would be -- the south
14 Atlantic would be closed until July; proposed
15 a final rule-making, available quota, assuming
16 available quota exists. Then fishing would be
17 open in the entire south Atlantic.

18 The north Atlantic and Gulf of
19 Mexico would have the exact same (inaudible)
20 fishing seasons as described in the status
21 quo. The ecological impacts would be slightly

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1 negative in the south Atlantic, more neutral
2 in the Gulf of Mexico and north Atlantic, and
3 obviously the economic impacts compared to the
4 status quo would be more positive for all the
5 regions.

6 Why this is our preferred at this
7 point? Because it accounts for the
8 overharvest that occurred, yet mitigates the
9 economic impacts by allowing more fishing
10 opportunities for all participants, south
11 Atlantic-wide, come the start of the first --
12 the second trimester in 2007.

13 A fourth alternative would be to
14 open up the bottom long-line closed
15 (inaudible) for the entire affected dates in
16 2007. So basically January through July,
17 depending on large coastal shark quota. At
18 this time, quota would not be available for
19 the first trimester by selecting this
20 alternative by itself. Again, this is -- in
21 the second trimester, it would be to be

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1 determined, depending on what happens in 2006
2 upon the landings.

3 The (inaudible) seasons would be
4 the same as for the Gulf of Mexico and north
5 Atlantic over the entire trimester.
6 Ecological impacts? Obviously neutral for the
7 Gulf and south Atlantic, negative for the --
8 I'm sorry. Neutral for the Gulf of Mexico and
9 north Atlantic, negative for the south
10 Atlantic, and economic impacts similar to the
11 third alternative would be more positive for
12 all regions compared to this last (inaudible)

13 If four were made available; if
14 this alternative was combined with alternative
15 five, as described in the next slide, there
16 might be more negative ecological impacts
17 expected. And obviously, the economic impact
18 would be similar to the preferred alternative.

19 Alternative five would take the
20 Gulf of Mexico's underharvest, approximately
21 120 metric tons, transfer that to the south

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1 Atlantic for the first trimester of 2007.
2 Proposed fishing seasons would be something
3 along the lines of what, a three-week season
4 for the south Atlantic, closing January 21st.

5 The Gulf of Mexico would have a
6 slightly shorter season compared to the status
7 quo, because they're losing a portion of their
8 underharvest. So that would be April 15th.
9 And the north Atlantic would close on April
10 30th, and they would have the full -- the full
11 season, with approximately 80 metric tons.

12 Ecological impacts might be more
13 negative for the south Atlantic compared to
14 the status quo, neutral for the Gulf of Mexico
15 and south Atlantic. Economic impacts;
16 slightly more negative for the Gulf because
17 they have a two-week, short fishing season,
18 and neutral for the north Atlantic, positive
19 for the south Atlantic.

20 The reason why this alternative
21 wasn't selected is because for the fact that

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1 there might be more negative ecological impact
2 in the south Atlantic because of the fact that
3 the 2006 overharvest isn't being addressed
4 with this alternative.

5 So for large coastal sharks, the
6 proposed quotas and seasons for the first
7 trimester of 2007: Again, you can see that
8 the total annual quota for large coastal
9 sharks; 1,017 metric tons allocated percentage
10 wise to the different regions. And then on a
11 trimester level, we come up with our quotas,
12 and then the overharvests are accounted for.

13 This results in an opening date of
14 January 1st through April 30th for the Gulf.
15 Closed season for the south Atlantic for the
16 first trimester, and the north Atlantic opens
17 January 1st to April 30th.

18 Small coastal sharks, again, 454
19 metric tons at the annual quota split across
20 three regions. And then within those regions
21 split between trimesters, you see that a

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1 slightly different mechanism for small coastal
2 sharks.

3 We generally don't set a proposed
4 closure date for small coastals. It seems as
5 if the quota is going to be met or exceeded.
6 We can close the fishery with about 14 days
7 advance notice for small coastals.

8 Four post quotas are on the right,
9 obviously pretty significant underharvests
10 that will be carried over to the 2007 first
11 trimester, and season closing date will be to
12 be determined, opening on January 1st, 2007.

13 For black sharks, again slightly
14 different that a large and small coastals,
15 they have an annual quota that gets divided
16 amongst trimester. There are no regions, and
17 under and overharvest are carried forward for
18 flags.

19 So essentially we start each year
20 with a clean slate, split 33 percent per
21 trimester. So again, opening January 1st,

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1 2007; 91 tons for blues, 30 tons for
2 Porbeagles, and approximately 162 metric tons
3 for other Pelagic species.

4 So I'd be happy to answer any
5 questions now, in the breakout sessions, in
6 the sidebar later. We do have three public
7 meetings. We'll be having Cocoa Beach Mannio
8 and Madeira Beach in October. Details on
9 those are in the proposed rule. Let us know
10 your comments by November 1st. And thank you
11 very much for your time.

12 PARTICIPANT: A couple questions.

13 CAROL MUSSER: Hi, Carol Musser(ph)
14 with Greenpeace. I have a question about the
15 assumption regarding ecological impacts that
16 you refer to in the assessments. And I don't
17 correctly that when you maintain the status
18 quo, you always assume the ecological impact
19 is neutral.

20 And the reason I ask that is
21 because if you have a species like the Sandbar

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1 shark that is known to be overfished, and for
2 which overfishing is continuing to occur, it
3 seems that's not really ecologically neutral
4 to allow that to continue.

5 MICHAEL CLARK: No, I mean I guess
6 the assumption there was that the fact of the
7 south Atlantic would be closed. That would
8 result in a potential slightly positive
9 ecological impact, correct? I mean because
10 the fact that there aren't lines in the water;
11 there's not going to be fishing. The bite
12 catcher is not going to be the protected
13 resources in action, etcetera.

14 That was balanced basically with
15 the fact that on a regional level, the
16 ecological impacts would be slightly
17 different. They're going to be again slightly
18 positive for the south Atlantic, and then
19 neutral for the Gulf of Mexico and north
20 Atlantic, because fishing would take place
21 there on a status quo basis as it generally

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1 has.

2 JULIE MEER: Remember, too, that
3 the management structure is fully analyzed in
4 the FMP as well. And so the status quo has
5 been fully analyzed in that context, which
6 should be addressed in the overfishing and
7 overfished status as well.

8 BOB HUETER: Yes, Bob Hueter, Boat
9 Marine Life. Mike, I'm confused about one
10 thing. In the preferred alternative, you're
11 saying you're going to close the south
12 Atlantic area until July. You're going to
13 open the whole thing, including the previously
14 closed areas, July 1st, correct? So it's more
15 than a trimester that you're closing that
16 area. It's half a year.

17 In the status quo slides, two
18 slides previous to that, you rejected that
19 because there were adverse economic impacts on
20 the south Atlantic. Is that because of the
21 previously closed area being maintained or

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1 what? I don't think -- it's very confusing.
2 We're getting rid of the closed area up North
3 Carolina basically with this. We're going to
4 a half year for the south Atlantic (inaudible)
5 fishing.

6 MICHAEL CLARK: The seasons
7 traditionally don't open in May for large
8 coastal sharks. And so yes, it is in essence
9 a six-month closure of the large coastal shark
10 fishery south Atlantic-wide.

11 BOB HUETER: Right, so it's more
12 than a trimester. A trimester is four months,
13 okay.

14 MICHAEL CLARK: Yes, it's six
15 months.

16 BOB HUETER: Okay.

17 BOB ZALES: Bob Zales. I'll be
18 just a second. I just want to be clear. When
19 you're talking bottom long-line closed area;
20 that's in the Atlantic. That's not in the
21 Gulf of Mexico.

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1 MICHAEL CLARK: That's correct.
2 It's the Mid Atlantic.

3 COLEY DOLAN: Coley Dolan. Two
4 questions. First, a clarification on
5 alternatives considered but not analyzed. The
6 on landing Blacktip sharks with gill net in
7 the shark (inaudible) Was that -- what was
8 that alternative? Was that just Blacktips, or
9 was that --

10 MICHAEL CLARK: Yes, just
11 Blacktips. And that was considered but not
12 finalized.

13 COLEY DOLAN: Okay. Well, the
14 other question I have is the -- the closed
15 areas don't deal with -- in North Carolina are
16 there for pupping reasons, right? I mean it's
17 for Sandbar and Dusky, and it deals with the
18 pupping and trying to recover these -- well,
19 certainly not with Sandbar with the latest
20 assessment.

21 So two things: One, in light of the

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1 assessments we just heard presentations on,
2 I'm confused why we would open up this closed
3 area for the month of July. I know you said
4 it's just a month, but it's not having to do
5 with fishing, but with protecting these
6 pupping grounds. And if that's the case, I'm
7 just trying -- shouldn't that be done through
8 an amendment process where you're doing an
9 EIS? I mean this is an EAM. I just wondered
10 about -- did you consider that?

11 MICHAEL CLARK: More permanent
12 modifications to the primary closure would
13 take an amendment. For one month in one year,
14 we figured that we could -- this wouldn't
15 require an environmental assessment. And I
16 guess we're reopening it in light of the fact
17 that the entire fishery is going to be closed
18 for six months. And that's obviously going to
19 result in adverse economic impacts.

20 Turtle interactions indicate that
21 we have one turtle that was that was caught in

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1 that area in the month of July in 12 years.
2 So we're not anticipating -- we feel as if
3 we're waiting the realm of our current buyout
4 for the Bottom Long-Line Fishery.

5 And Lenny(ph) stated that we've
6 only seen it happen one year of fisheries
7 information, law book information, since the
8 inception of the time area closure. And it
9 indicates that there could be a likely
10 increase in Sandbar landings of approximately
11 18 percent. And again, this is one month, one
12 time. It's just a preferred alternative. It
13 balances the ecological with the economic.

14 PARTICIPANT: I think we'll go over
15 here to this table. We have Glenn, Sean,
16 Rusty and Dewey.

17 PARTICIPANT: I think you answered
18 this. But just to be clear, this proposed
19 rule would only apply to fishing year 2007?
20 Or would it apply after that as well?

21 MICHAEL CLARK: Only 2007, correct.

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1 SEAN McKEON: Sean McKeon, North
2 Carolina Fisheries Association. That was also
3 I was going to ask. But you said something
4 that was interesting. The only reason that
5 it's being opened; the North Carolina closure,
6 properly called the North Carolina closure as
7 opposed to Mid-Atlantic closure, is because
8 it's going to be closed anyway, which is very
9 interesting to me.

10 And I just want to make a comment.
11 It seems from what I'm hearing that unless
12 the weaknesses in the science are addressed
13 and corrected, there does not seem to be much
14 hope for the commercial shark industry in
15 south Atlantic.

16 RUSTY HUDSON: Rusty Hudson,
17 Directed Chart. Yesterday, the large coastal
18 shark season enclosed in the south Atlantic.
19 So in real economic terms, it's a nine-month
20 closure until they get to actually catch the
21 large coastal. Nessler(ph) is in charge of

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1 the catch rates. This isn't the first time
2 that we've overrun the quota. And we're just
3 kind of wondering what should these people do
4 in order to pay their bills over the next nine
5 months?

6 I think that NIMPS should give some
7 thought to that. The interest in commenting
8 on a quota that's a no-quota is going to be
9 next to none, because they're just going to
10 say the same thing, "You're putting us out of
11 business."

12 DEWEY HEMILRIGHT: The season just
13 closed I think yesterday. I've lived
14 (inaudible) on this. Imagine that. Instead
15 of being a seven month closure off the coast
16 of North Carolina, it's almost like a ten or
17 12-month closure.

18 I'm not allowed to go fishing above
19 Virginia line, so that is, to me, considered a
20 closed area where I've traditionally fished.
21 And it gets where the fish are being landed at

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1 it should be counted. So when I went fishing
2 this past year, I couldn't go above 36 33. So
3 from Virginia north, that's a closed area.
4 Once that quota is met, other fisherman, you
5 can't go in that area to go fishing.

6 So basically off North Carolina,
7 we've had a July -- a January to July 31st
8 closure. The southern three-quarters of the
9 state when it opens back up on July 6th, you
10 can fish from this area here to about the
11 Virginia line, or above Virginia for a couple
12 weeks. And after August, you got an area --
13 you got a shoe box to fish in.

14 So any time that you go in the shoe
15 box, that's the only place you have to fish
16 for the sharks unless you go traveling down
17 south. In that time, if you have observers on
18 your boat; carry observers. It's almost like
19 you're getting -- the data that will be there
20 will be skewed because you're not allowed to
21 go fishing where you normally would.

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1 So instead of just saying there's a
2 seven-month closure, you have closures. We
3 can't go from Virginia north. So in my
4 opinion as a fisherman, that's a closure.
5 What National Man(ph) Fishery did, and don't
6 ask me why they did it, but it'd be similar to
7 the (inaudible) quota in this section of North
8 Carolina.

9 I'm no flounder expert or nothing,
10 but there's quotas for states. And when you
11 go leave down to North Carolina to go fishing,
12 I'm going to go to Massachusetts and catch my
13 flounders, and come back and land them. So
14 when (inaudible) Fisheries was setting this up
15 about the closed areas in your regions, you
16 should be allowed to go fishing anywhere you
17 want, and then have it at the area where
18 you're going to land to be closed.

19 So therefore, all the data now that
20 you're getting is going to be skewed because
21 you can't go fishing but in this one little

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1 area, or else you don't go fishing. So it's
2 more than a seven-month closure for North
3 Carolina fisherman. It's more like a nine or
4 ten-month closure. Thank you.

5 PARTICIPANT: First a question, I
6 guess. Are we going to -- in the breakout
7 sessions, we're going to talk about these.
8 This is what we're going to talk about and
9 provide you with our comments and
10 recommendations. And one of the things,
11 though, that I think is critical, and it kind
12 of goes with what Rusty was saying is in the
13 regional offices and in the states through
14 ASMFC, they have a very good mechanism for
15 tracking the quotas so that these kinds of
16 things don't happen.

17 And the continued under and
18 overharvest, particularly overharvest in this
19 circumstance, is really just inexcusable to
20 use historical participation to manage a
21 quota, and to open it and close it based on

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1 some historical participation when you've got
2 such a dramatically changing fishery.

3 So I think the agency has got to
4 come up with a mechanism to avoid this kind of
5 a problem in the past. Otherwise, we'd be
6 talking about a -- if it hadn't have been for
7 going over by 140 percent of the quota, these
8 alternatives would be totally different. And
9 the economic impacts to the fishermen would be
10 totally different.

11 And so I just think in this whole
12 process, and in the next plan or however you
13 do it, you've got to address real time quota
14 monitoring like every other management agency
15 in the country does, including your regional
16 offices.

17 RICH RUAIS: Rich Ruais. Did I
18 hear you correct, Mike, in responding to Bob
19 Hueter, that a trimester in the fishery is a
20 six-month period?

21 MICHAEL CLARK: It's four months.

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1 But traditionally, they open in January, July
2 and September; the three trimesters.

3 RICH RUAIS: Oh, okay. Just four
4 months.

5 MICHAEL CLARK: For large coastals.
6 For small coastals, they (inaudible)

7 RICH RUAIS: Thank you.

8 RONALD SMITH: Ronald Smith. Just
9 an administrative recommendation. I would say
10 in GULF OF MEXICO, we should put GULF OF
11 MEXICO a small x. Because from Mid-Atlantic
12 to northeast, GULF OF MEXICO means Gulf of
13 Maine.

14 MICHAEL CLARK: Sorry, should've
15 made that more clear.

16 PARTICIPANT: (inaudible) Are you
17 treating economic impacts (inaudible) Or do
18 you have some data that deals with the amount
19 of economic impact?

20 MICHAEL CLARK: Since you looked at
21 past landings data, quota had to have not been

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1 in overharvest. It's a historical price for
2 flashing fins. This is the cost (inaudible)

3 PARTICIPANT: So it's more
4 (inaudible) a normal assessment where you
5 might have a (inaudible) pluses and minuses
6 (inaudible)

7 MICHAEL CLARK: We have the pluses
8 and minuses from the EEA, but we also have the
9 numbers from landings.

10 PARTICIPANT: Rick, go ahead.

11 RICK WEBER: Mike, just a real
12 quick observation on your -- Rick Weber.
13 You've got a typo on your Power Point, and
14 it's in a critical number. The SA landings
15 '06 first trimester says 236, rather than 326.

16 MICHAEL CLARK: Okay, thanks.

17 PARTICIPANT: Okay, thanks
18 everyone. I think at this point, I would like
19 to go to the breakout groups. We don't have
20 a lot of time. We're running a little behind
21 schedule, so I'd ask that maybe you break on

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1 your own if you can. And then I'd like to try
2 and come back at 10:00 for the report outs.

3 We do have additional tables in the
4 back. We heard yesterday that it was hard to
5 hear at the tables, I think because everyone
6 was talking so much, which was good, but also
7 because the tables are kind of close together.

8 So if you are interested, if your
9 group would like to move, we do have
10 additional tables. We will need to ask people
11 to come back to these tables for report out
12 because of the mics. We want to get it on
13 record, and we can't stretch the microphones
14 that far.

15 So if you would like, the tables in
16 the back are available, and you're free to use
17 them if that would be helpful.

18 KARYL BREWSTER-GEISZ: And also
19 before you break out, the priority question we
20 have is about the scoping meetings. That is
21 the priority question, and we are happy to

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1 accept your comments on what to do for the
2 amendment, and on the proposed rule. But the
3 priority question is the scoping. Thank you.

4 (Whereupon, the above-entitled
5 matter went off the record.)

6 Provided Audio File 3A Begins.

7 PARTICIPANT: We're going to need
8 you to be next to a mic so we can get the,
9 recorded.

10 PARTICIPANT: Is that one working?

11 MS. MOFFETT: Okay. All right.
12 I'm Carol Moffett. I'm with Greenpeace. And
13 I'm presenting for our table. We started with
14 discussing the locations for the Scoping
15 Meeting. We were generally pretty happy with
16 that list. We thought that there were a
17 couple of additions and revisions that should
18 be made.

19 Given the comments during the
20 earlier presentation, we thought that we
21 should add a Scoping Meeting in Long Island.

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1 We also thought, given the, the location of a
2 lot of the conservation and environmental
3 groups that work on these issues, a Scoping
4 Meeting in Washington, D.C. would also make
5 sense.

6 And then with respect to the Corpus
7 Christi Scoping Meeting, we suggested that
8 that just be revised to Corpus Christi area.
9 To reflect, that it might make more sense to
10 hold it in Port Aransas or some other area,
11 some other you know, town in that area.

12 There were concerns expressed about
13 and you heard them in, in the preliminary
14 about holding the meetings in, in December
15 which is hunting season for, in a lot of the
16 country. And that may be moving that into the
17 mid-January range would be a better way to
18 start. While it, while it does push the start
19 date back a little bit, you know, the trade
20 off for that is you likely get better
21 participation.

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1 One qualification to that is that
2 it was felt that from Medeira Beach, mid-
3 December was okay.

4 When turning to the management
5 measures that, that are needed. There was
6 general agreement in the group that more
7 specific species -- more species specific
8 management is needed for the Large Coastal
9 Sharks. What we saw in the assessment earlier
10 was that it was not possible, that there was
11 general agreement that there wasn't, it wasn't
12 possible to adequately assess management and
13 status for the Large Coastal Sharks when you
14 are looking at them as a whole complex. And
15 that -- we need to start looking there. There
16 are a lot of species in that complex that need
17 more specific attention.

18 There was concern about the -- one
19 of the proposals for the 2007 quota, included
20 the possibility of shifting a portion of the
21 quota for Gulf of Mexico Black Tip to the

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1 South Atlantic. Given that data, given that
2 there seems to be growing consensus that those
3 are two separate populations, there was, there
4 was the feeling that it may not make sense and
5 it needs some serious looking at, to shift a
6 quota from what is one population to a
7 genetically separate population.

8 One issue, one concern expressed
9 that was the considered whether the current
10 recreational management measures are adequate.

11 We need to look at the enforcement for the
12 Dusky Sharks. The Dusky Shark is a prohibited
13 species but they're still 23,000, you know,
14 they're still substantial landings every year.

15 And we believe that NMFS needs to take a
16 serious look at what is breaking down in that
17 system. So the species doesn't end up getting
18 proposed as endangered.

19 We questioned opening the mid, mid-
20 Atlantic closed area in July. While, while
21 it's true that you have, while it's true that

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1 you're balancing that by a broader closure in
2 other parts of, in other, in the whole sea, in
3 the whole region, that area is closed for a
4 specific biological reason. And and we really
5 question whether it makes sense to open that
6 closed area.

7 Then, a couple of final points.
8 One concerns specifically the Porbeagle. And
9 the view that, you know, a rebuilding time for
10 the Porbeagle of 100 years isn't really
11 benefitting the species or the fishermen. And
12 given the level of landings that are you know,
13 given the very low level of landings that
14 there are for Porbeagles right now, the you
15 know, the current situation isn't really
16 benefitting anybody. And while the economic
17 value of the fishery is pretty low at this
18 point, the value, the biological value of
19 those sharks is really high. And so, NMFS
20 needs to really look at putting the Porbeagle
21 on the Prohibited Species List.

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1 Finally, one big gap that, that we
2 feel needs to be looked at, is the complete
3 lack of management measures for Deep Water
4 Sharks. There are, there's growing interest
5 in Deep Water Fisheries, these sharks tend to
6 be very slow growing and live in a very low
7 productivity environment which makes them
8 extremely vulnerable. Particularly things
9 like the Deep Sea Gulper Shark which is
10 already considered Critically Endangered. And
11 so, NMFS needs to be looking at management for
12 these sharks before we, we're faced with more
13 serious concerns.

14 Thanks.

15 MR. ZALES: Just a couple of
16 things. Number 1. Bob Zales II. The -- when
17 Jackie called me and was asking questions
18 about where to have meetings in the Gulf, she
19 explained to me that you know, obviously your
20 resources are limited. So I would have
21 serious concerns about having a special

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1 meeting in D.C., just to satisfy NGO. Because
2 I know that from my experience of dealing in
3 the Gulf, at every Gulf Council meeting that
4 I've been to in the past several years, it's
5 generally 8 to 10 NGO Organizations
6 represented. So, in my mind, they can travel
7 just like I do. Nobody pays me to go. They,
8 they generally get paid. So, I would, I would
9 question that.

10 The recreational stuff, I would
11 suggest that the recreational management
12 measures currently are adequate. They don't
13 need to be changed one way or the other.

14 And if I could get into the SEDAR
15 thing now, just my experience, I've been
16 actively involved with SEDAR and the Gulf
17 since they started the very first one. And
18 Dewey's concern about that, I can tell you
19 that in the data part of the SEDAR process in
20 a lot of our minds, that's probably the most
21 critical meeting that's there.

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1 And from the recreational
2 viewpoint, we have to deal with all this
3 MURPH'S (phonetic) Data which everybody in the
4 world knows where I stand on that. But
5 there's very few of us that understand the
6 MURPH System. And the way that the system
7 works in the Gulf, and I don't know if they
8 did this with the shark thing or not, in the
9 Gulf, the council sends a couple of
10 recreational representatives to that data
11 meeting. They send a couple of commercial and
12 they send some NGO's there. The recreational
13 representatives that go, there's very few like
14 I said, very few people that understand the
15 MURPH System, so that stuff kind of just goes
16 over their heads, and when it does, it gets
17 into the assessment situation. So some of us
18 at the assessment, we start questioning,
19 there's a gap. So that's one of the problems
20 with that process. For Dewey and anybody else
21 that attends these, those are critical things

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1 and you need to go and be clear to discuss
2 that data. Because that will change the 20
3 pound thing with Dusky, that's where that
4 shows up.

5 PARTICIPANT: Any one else from
6 that table?

7 (No response.)

8 PARTICIPANT: The shark guy. Okay.

9 As far as meeting locations, I've pointed out
10 that we did not have a -- there was not a
11 meeting location listed on the Delmarva
12 Peninsula. That would be the eastern shore of
13 Maryland, Delaware and Virginia. Ocean City,
14 Maryland would be a good central location and
15 place to have the meeting.

16 We also are concerned that we need
17 to reduce mortality over all. As far as
18 opening the closed area we had questions over
19 the impact of this. Obviously it was closed
20 for some reason, and just to open it, to say
21 that we need to allow more effort to get this

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1 reduced in another area of, we want to make
2 sure that these impacts are not going to be
3 adversely so.

4 And is there you know, value of
5 opening the closed areas too? Is it worth it?

6 And are we opening a can of worms there if we
7 did reopen it now? Well what about next year?

8 Is somebody going to come out of the woodwork
9 and say well just open that too? Anyway. We
10 have concerns about that.

11 Also, something to consider though,
12 if it was open, would, would some big data
13 come out of that area, if some fishing was
14 allowed in there? Maybe that would be a
15 reason to open it. If that allows you to pull
16 a little bit of data from that area to see
17 exactly what is happening there.

18 And then we all sort of unanimously
19 agreed that the Buyback Program for the
20 directed shark fisheries, should seriously be
21 considered, there. Maybe this is the final

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1 answer for these fishermen. And certainly
2 something that should be considered.

3 MR. STONE: Yes. Dick Stone. I
4 just wanted to elaborate a little bit on what
5 Mark said about the closed area. I think the
6 information that we heard was, that there
7 didn't appear to be that much impact and my
8 problem with, with, with the closed area has
9 been that we question, I know, the data and
10 the value of that particular closed area for
11 some time, versus not looking at other closed
12 areas. And so, my feeling was that we could
13 get some good information, we might be able to
14 get some good information. Because there are
15 a number of people that have been questioning
16 that particular closed area for some time.
17 So, there may be, you know, there could be
18 some value in looking at that area again, for
19 making some decisions in the future.

20 MR. WEBER: Margo, I just had, I
21 just had a -- Rick Weber, sorry. The, I

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1 notice that this is Shark Amendment II. Now
2 that we have spent three years consolidating
3 down into one plan, will we amending it
4 consistently by species? And doing scoping
5 every year on species? And isn't that just
6 like a bunch of different plans all over
7 again?

8 MS. SCHULZE-HAUGEN: Well, the
9 reason we are focusing on Amendment II on
10 sharks is because of the new assessment. And
11 the requirement that revised the FMP for
12 rebuilding plans and things like that.

13 Whether our amendment will be
14 species focused in the future, I don't know.
15 There is a possibility that as, you know,
16 assessments are done, but, you know the
17 fisheries do overlay a fair bit. One fishery
18 catches multiple species, why wouldn't NMFS
19 data. Okay.

20 MR. RUAIS: Rich Ruais. And I'm
21 sorry, I was out of the room and I don't know

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1 if Dick or Rick covered this but we did type a
2 piece of advice basically given the length of
3 the Rebuilding Plan, saying that it required
4 anywhere from 70 to 400 years. But there is
5 government responsibility here for a situation
6 that kept that bad as well. And we wanted to
7 support Rusty's and Sean's request that, you
8 know, a buyout be given serious consideration
9 here. And there's no rational reason for
10 fisherman to participate in conservation plan
11 like that because there never can be any
12 benefit. We're all going to be dead by the
13 time that this is rebuilt. So, I mean, you
14 got to do something for the, to prevent the
15 societal impact that's going to take place
16 with a plan that that Draconian.

17 PARTICIPANT: As a retired
18 educator, this is my first opportunity in 20
19 years to speak to a captive audience. When
20 you had young teachers, they couldn't do
21 anything about it. You can't either. Go to

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1 the mens room, ladies room. Shouldn't take me
2 more than an hour and a half to do this.

3 (Laughter.)

4 It indicates the committee, the
5 subcommittee to discuss some of the issues.
6 The time for the Scoping Meeting should be as
7 many other people pointed out, somewhere
8 between January and February, after the
9 holidays to exclude the general hunting
10 seasons of November and December depending on
11 the geographic area. Except that I go goose
12 hunting and pheasant hunting in January and
13 February, but I'll make an exception for the
14 Scoping Meeting because it is much more fun to
15 go scoping.

16 (Laughter.)

17 Locations. Adjustments here,
18 again, respectfully, I request that there be a
19 mid-island meeting that's convenient to all
20 the participants, particularly on shark
21 issues, somewhere in the Ronkonkoma Hauppauge

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1 area. What ever is most convenient to you,
2 the advantage of Islip, is right by the
3 airport and the hotel. You've done it in the
4 past. It's easier for you than for the
5 people. The island is about a 2 mile wide
6 from end to end. And you can, you know, and
7 it's an hour either way to get to you the
8 thing, is livable. You know, you start doing
9 2 1'2 hours one way or the other, you're going
10 to reduce participation.

11 Same thing applies and some of the
12 people more specifically. You utilize Ocean
13 City, Maryland. The Delmarva Peninsula for
14 the Jersey, Maryland type meeting. Because
15 it's accessible without ferrying. You can
16 come down the turnpike and get to it without
17 becoming too much of a headache.

18 Now some of the other areas here
19 that men are talking, I believe, an Absecome,
20 am I pronouncing those correctly?

21 PARTICIPANT: Absecon.

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1 PARTICIPANT: Absecon. Okay. That
2 sounds closer to what I have here. I had a
3 speech defect when I was an educator. I still
4 have --

5 (Laughter) And I don't where
6 this got in here, Houma, Louisiana, where does
7 that come from? Houma. Okay. I was out of
8 the room at the moment.

9 Another Florida port, for
10 recreational fisheries, that should be
11 utilized, if it's convenient. No specific
12 recommendation.

13 Communication. Many of the
14 regulations many of the Scoping Meetings and
15 many other things pertaining to the marine
16 fisheries and the public needed some sort of
17 adjustment. Lobbyist, professional people,
18 environmentalist's whose profession is
19 environmentalism, stay in touch with the
20 things like the Federal Register. The average
21 fishermen and fishing family, they don't even

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1 know what the Federal Register is, unless they
2 are in the business that's related to it. And
3 it's, you know, it covers you legally, meaning
4 the agencies, to put it in the Federal
5 Register, but in fairness to the public, a
6 better communication system should be devised
7 to get it out. So people know what the
8 regulations are and the requirements are.

9 Getting word out about meetings
10 again, you could contact local DEC's or
11 whatever they call them in different states,
12 the Department of Environmental Conservation.

13 And they would get out to the fishing agency,
14 you probably have a list of, not individuals
15 that would be too burdensome, but you should
16 have a list of like state, like New York Sport
17 Fishing Federation. New York CCA. New York
18 RFA, etcetera, etcetera. And get to their
19 leadership and they then can get to their
20 members and spread the word about the need to
21 attend the meeting in their own geographic

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1 area. I assume that applies to most states
2 also.

3 Contact the State Agencies, I just
4 discussed that briefly. And utilizing
5 existing lists. I assume you have a list of,
6 that's computer terminology, I still use an
7 abacus to count to 20, so I'm not very
8 computer oriented but my wife is. She's very
9 good, but she's not here, unfortunately. And
10 I had to, you know, (inaudible) -- trying get
11 me a plane pass here. But we can utilize
12 those lists that I know many of you are linked
13 to each other and again, it's the same thing.

14 It gets the word out on whatever the
15 regulations are.

16 Now some management issues, as we
17 discussed. Specific ID problems. I guess
18 Shark ID, I was out for that, the Shark ID. I
19 made this suggestion before, 30 years ago and
20 continuing up to the present time. There's a
21 very handy book coming from Jack Casey and the

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1 Narragansett Shark Lab, which I am very
2 familiar, and the Tagging Program, that was
3 given years ago to the public, we all have
4 them. They have a list of shark approximate
5 lengths and sizes. That the average person
6 can look at, take a rough measurement of the
7 forefin on a particular species and then
8 determine whether he should land it that
9 tournament or not. And you know, we've been
10 doing this for years and we still utilize it.
11 Inexpensive. If you get a copy for example,
12 for the Montauk Boatman and Captains
13 Association we'll reproduce our own. I know
14 you're limited on money. I don't know what
15 Nancy and those girls have up in Narragansett
16 without Jack Casey running around, you know,
17 begging and stealing from everybody under the
18 sun. And Jack and I, are close friends, we go
19 back many years. But that was the way Jack
20 did it. And it's a little tough to do in
21 today's times. I don't know your budgets.

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1 But that book is great. It's a little
2 handbook. A little paper handbook. Shows you
3 different stuff. How to recognize species A,
4 B, C, a little history and so forth. So
5 that's something that might be, might be
6 beneficial to you without costing a lot of
7 money.

8 Education. Life History. I guess
9 of the various sharks where they breed, where
10 they -- which geographic area they are
11 predominate in. I assume that's what that's
12 about. Okay.

13 Again, the agencies, you know
14 again, I assume with limited resources, I
15 listened to those of you who are much more
16 knowledgeable about the biology than I am.
17 You need money. You need help. You might be
18 able, if you go to your public, to get the
19 representatives from various states that, you
20 know, that are concerned about shark, shark
21 rebuilding, to get their congressional

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1 delegations to back you up for more money so
2 you can do a better job. You can't do this
3 work with one hand tied behind your back. As
4 said, many of the people who have more
5 knowledge, and I was telling Carol earlier,
6 you know, it's hard to do and produce results
7 with limited budget, limited staff etcetera.

8 Okay. Management and Measures.

9 Okay. I'm not quite sure what's meant --

10 PARTICIPANT: That goes with the --

11 PARTICIPANT: Oh, I'm sorry. That
12 goes with the -- oh, before -- okay, I'm
13 sorry. I'm just using additional stuff here.

14 Okay.

15 So that means before, you know, get
16 a better handle on shark assessment before you
17 jump on the people to fine them. And get
18 after them.

19 Compliance of HMS Permits. It's a
20 pet peeve of mine. I use the cliché, whether
21 it's in HMS permits, state licenses, in New

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1 York State we have a Charter and Party Boat
2 License, \$250.00. We have the Food Fish
3 License, \$250.00. And that's fine, you know,
4 if necessary. And no one wants to pay any tax
5 for the license whatever. Same thing with the
6 HMS Committee.

7 And the compliance level in New
8 York state is better but not total. And the
9 compliance level with HMS is a joke. And the
10 reason it's a joke is, mom and pop is allowed
11 on the weekend, once or twice a year with
12 their 25 foot Grady, why with the kids and
13 they go shark fishing, 10-15 miles off the
14 coast. They don't even know that a permit's
15 necessary. Because of lack of information.
16 The more serious problem is when, as in the
17 state, when you have professionals chartering
18 party boats, I'm just going to pick on my own
19 industry for the moment, that don't have the
20 various permits that you require and what have
21 you.

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1 Do not make a law that you are not
2 going to enforce. That goes for any law
3 enforcement agency. It's just a waste of time
4 and it creates disrespect for the agencies and
5 disrespect for the laws and then all of a
6 sudden you enforce it and you scream bloody
7 murder. My suggestion would be a selective
8 enforcement. From a law enforcement
9 perspective, you go out and fine, that takes
10 it now, to lay the blame on my own industry.
11 They should know better. Charter and Party
12 Boat Operators were licensed by both the
13 federal government, and in many cases, by
14 their state, should know the rules and
15 regulations. Go out and grab one. And warn
16 him. I don't say punish him, shoot him, put
17 him in front of the firing squad. But warn
18 him, and I guarantee you, the word will be out
19 in a day, that there will be a mass of
20 mailings for you to get whatever they don't
21 have in the federal level, as well as the

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1 state level.

2 PARTICIPANT: A run on the bank.

3 PARTICIPANT: Excuse me. A run on
4 the bank. And that's true.

5 And many other simplistic answers
6 that we could do, without costing anybody a
7 million dollars. That's just common sense
8 dictates, experience dictates from those on
9 the water, that that some of these things are
10 easily soluble and can be, solvable rather,
11 and can be done in a very short period of
12 time.

13 So, if anybody else at the table
14 has any comments to add to this, feel free to
15 do so. And that was only 15 minutes that
16 wasn't bad. I could do a lot, you know,
17 longer.

18 MS. BEIDEMAN: Okay. I just
19 grabbed that last one there, the Court of
20 Monitoring -- yes that's me, Terri Beideman.
21 A Court of Monitoring should be, you know,

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1 monitored before things go to the point where
2 you cancel out a whole year or 9 months or 6
3 months or whatever. Sometimes it's tough to
4 do the bean counting but that, that's what
5 you're supposed to do. And the fisherman are
6 just doing what they're supposed to do.

7 And if you're looking at potential
8 reductions to deal with rebuilding time
9 frames, given the very low level of fishing
10 effort that we really actually have, and
11 you're talking about drastic reduction, then
12 in my opinion, I didn't discuss it with
13 everybody but I would certainly support the
14 concept of looking at buying out a fleet
15 that's going to potentially be out of
16 business. So.

17 But you need to watch the, the
18 quotas so you can stop them before they get
19 too far.

20 Thanks.

21 MR. MCBRIDE: We discussed

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1 additional measures and I -- Joe McBride, I'm
2 sorry. And we -- sometimes I don't even know
3 my own name. But we discussed the commercial
4 -- we would respectfully request that there be
5 no additional restriction put on the
6 recreational management measures for, for lack
7 of a better term. All right. We added that.

8 And there was another some other --
9 oh, buyback. I hundred percent -- if you're
10 going to cut an agency and I've said this for
11 many years, you're going to cut a user group
12 out, a buyback should be the methodology. You
13 are not right to slowly starve an industry
14 that needs support. And you know, over the
15 years, and the number of fish we've included
16 the Longline Shark Fisheries, we've discussed
17 buyback. The only thing is that buyback
18 should be truly a buyback. The boat, if it's
19 -- if you're giving enough money and a fair
20 amount of money for the buyback, the boat
21 should be out of business and it shouldn't

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1 become a competitor to, you know, jump into
2 some other fishery. That's the only thing
3 we've asked over the years. If you require a
4 buyback, and it's granted to you, as it is in
5 many cases, New England, that boat should be
6 out of the fishing business. That's just an
7 addendum to what Terri was saying and some of
8 the other guys.

9 Thank you.

10 MR. GOLDMAN: Terri Goldman. I'd
11 just like to add a few points we had. We were
12 talking about location in the mid-winter. We
13 had -- there was a Scoping Meeting on the 18th
14 of September in Manahawkin. Unfortunately our
15 State Administrator of Marine Fisheries didn't
16 even know about that meeting. So you guys
17 need to do a better job of getting the
18 information out.

19 Terri and I were talking we like
20 Cape May. It's a great place but we felt
21 Manahawkin might be a better location. It's a

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1 little more centrally located in the state.
2 It's right off the Garden State Parkway.
3 Commercially, the number of shark fisherman
4 have dwindled. Recreationally we have
5 fisherman from Sandy Hook to Cape May.

6 So anything on the Parkway would be
7 easier. Also in that time of year, a lot of
8 your recreational fisherman do not live at the
9 shore. A lot of them live in the
10 Philadelphia, Greater Philadelphia area.
11 Western part of New Jersey. So if you had
12 something, Absecon, came to mind, or
13 Manahawkin, the Atlantic City Expressway runs
14 from west to east so you can jump on the
15 Expressway, get to Absecon. Or jump on the
16 Parkway from the Expressway to get to
17 Manahawkin. Or other routes. It would be
18 much easier for them to get to, if you -- then
19 Cape May. Because, you find that's where a
20 majority of these fishermen are going to be in
21 the middle of the winter.

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1 PARTICIPANT: Just a quick question
2 for you.

3 MR. GOLDMAN: Okay.

4 PARTICIPANT: How, how do you
5 suggest we get the word out better? Are you
6 going with the one you already have up there?

7 MR. GOLDMAN: Yes. Or like I said,
8 New Jersey Division of Fish and Wildlife, they
9 have their on lists. And if you sent this
10 notice to the, to the New Jersey List Serve
11 you know, to the administrator, it would be on
12 the list serve, you know, no question. On
13 their list serve. You can send out to the
14 Atlantic Council, ASNOC, they'd probably put
15 it on their website.

16 We have things we talked about for
17 outreach and education, which is one of my
18 other points, is you have recreationally
19 speaking, the Fishermen Magazines. It's a
20 weekly newspaper put out 50 times a year.
21 They would put this, this kind of meetings in

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1 a, in a second. Maybe some of the other
2 magazines.

3 We are digressing slightly. We
4 also you know, in agreement that the
5 commercial industry in New Jersey is pretty
6 pretty well up on shark management and, you
7 know, these issues and much better educated
8 than the recreational people. So, increasing
9 the outreach using, you know, utilizing the
10 recreational publications, there's a number of
11 boat shows in our of New Jersey, Delmarva
12 throughout the year, you know. New York.
13 Philadelphia. And they give seminars at these
14 boat shows on different subjects. Perhaps you
15 know, the National Fishery Service might want
16 to give a seminar, you know at one of these
17 things. That could help.

18 We definitely need to educate, you
19 know the general public. As we said, you
20 know, the average fisherman will go out and a
21 lot of people encounter a shark not, you know,

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1 going after it, just incidentally what their
2 fishing for. If they are lucky enough to land
3 it, they're not going to know what they
4 landed.

5 So, that's what -- the other point
6 I think we brought up which I'd just like to
7 add in here. To take people, you know, Coast
8 Guard Licensed Captains, when you take your
9 Coast Guard License, at least when I took
10 mine, there wasn't one word on fisheries
11 management, on that test. Perhaps somehow
12 National Marine Fisheries Service could
13 integrate with the Coast Guard and have, you
14 know, have some questions at least when these
15 people are coming in to the industry, to let
16 them know that there are management licenses
17 and issues that they need to know. And that
18 could be part of the test and you'd have
19 better educated captains coming in to the
20 industry. And that's it.

21 PARTICIPANT: I think a big whole

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1 is this lack of education. Recreational
2 fishery has a big impact on the these coastal
3 sharks because a lot of the estuaries and
4 along the Atlantic, mid-Atlantic coast is
5 pupping area. And these, these people don't -
6 - they catch a shark. They don't want to eat
7 it. But they -- you know, to them, there's
8 not much difference between a dog fish and a
9 small Dusky or Sandbar shark. They just kill
10 it. Throw it back. You know, they don't
11 realize the importance of where it is in the
12 ecosystem or anything. And I think a serious
13 education effort would go a long way. I don't
14 know how you do it. It would cost money. But
15 go a long way to help protect the species.

16 MR. DOLAN: Cobey (phonetic) Dolan.
17 I'm going to speak for our table. In the law
18 of diminishing returns, I think what we said
19 is something, the things we said, you've heard
20 most of it. So I'll just kind of run through
21 it.

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1 On the Scoping Meetings we agree
2 with this other table. They were talking
3 about instead of Corpus Christi, that Port
4 Aransas is a better place, to have that
5 meeting. So to throw that in there. And
6 Montauk, New York is a place too.

7 And then, we also agreed that the
8 meetings need to be when, you know when
9 probably with notice, this will be pretty
10 controversial. And it's really important that
11 that be a really good public turn out and gets
12 notice. So moving the meetings out of the
13 holiday season in to January and February is
14 really important.

15 Now we were looking at the time
16 line, we know that that may cause of problems
17 in terms of getting the rules completed by
18 January 1, 2008. But there's, I think the,
19 you know, the overriding precedent is to make
20 sure that this is done, you know, in a very
21 public way. That's going to be really

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1 important.

2 And there's ways that the Agency
3 can deal with applying the rules farther on.
4 Also for example, the Sandbar Shark, there is
5 over fishing now occurring and the mandatory
6 requirements will end over fishing within a
7 year or so, you know, if the Agency deems
8 necessary they can (inaudible) for the first
9 portion of 2008, and by that point they are
10 going to know where the Amendment II is going.

11 On the Amendment II Measures, we
12 just had a few that we talked about here.
13 Because we were quickly running out of time.
14 And again, looking at the Sandbar Shark
15 problem there, the options that need to go in
16 it, you know, sort of like in the Scoping
17 Process, should include a wide range like
18 trying to deal with that and the other more
19 sensitive species other than Black Tips. You
20 know, not saying that this needs to be done
21 but it needs to be looked at.

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1 On the Closure. One possibility of
2 closure of the Atlantic entirely, or you know
3 closure just for Black Tip. And I know that
4 causes serious problems. But when we look at
5 the Rebuilding Plan for the Sandbars, you know
6 70 years, and 220 metric tons, what's the best
7 way to get to that. And I think Scoping
8 Process needs to look at and the public
9 comment is you know, if 220 metric tons a
10 year, is just not really, you know, feasible
11 for folks, you know, then what is? And how to
12 get there. And remember that in later years
13 in the Rebuilding Plan, hopefully, the
14 Sandbars can be more plentiful and you're
15 going to get more, even if it's, if you are
16 going to bycatch with it and you can have
17 greater mortality later on. So, how do you
18 deal with that up front.

19 And maybe still have to do with the
20 Sandbars, you're looking at putting them on
21 the Prohibited Species List.

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1 Deep Water. Another point that we
2 that we raised was the Deep Water Sharks.
3 Currently they were taken off the Management
4 Unit List and they should be put back on the
5 and dealt with as predator species. So that's
6 as far as we got.

7 We didn't actually talk about the
8 2007 rules. So I just wanted to tell that the
9 table talked about that and I got some
10 thoughts on it but I figure we'll do that
11 after we see if anyone else has anything to
12 say about this.

13 MR. HINMAN: Yes. I didn't have
14 anything more to say about -- Ken Hinman. I
15 didn't have any more to say about what we did
16 talk to about.

17 But I will kick off the discussion
18 of the 2007 Proposed Rule. And I just want to
19 add my support to what I heard from another
20 table or a couple of other tables. The
21 concern about opening the mid- Atlantic closed

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1 area, even for a month. I think there is a --
2 the environmental Assessment does mention that
3 there is a possibility of a negative
4 ecological impact. Particularly increased
5 fishing mortality to juvenile Sandbars and to
6 Dusky sharks.

7 And the only reason this is being
8 considered, it seems, is because they're
9 feeling there will be a negative economic
10 impact from closing the fishery during the
11 first trimester because of the over-harvest in
12 '06. But I don't think that's really really
13 accurate. I think the economic impact of that
14 closure is more likely neutral because I'm
15 assuming that those over harvested sharks in
16 '06 were sold and went to market and that
17 there was a lot of economic benefit accruing
18 to the fishery in '06. Maybe 230 percent of
19 the economic benefit that would have, if they
20 had stayed within the quota.

21 So I think just trying to balance

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1 that economic impact with negative ecological
2 impact is the wrong way to go. Especially
3 after the assessments we heard for Sandbar and
4 Dusky's.

5 I think that leads into my own
6 support for the discussion about, now is the
7 time to consider buying out the Shark Fishery.

8 I think it does deserve serious
9 consideration. I think now is the time,
10 sooner rather than later.

11 When we started shark management in
12 1987, at the federal level, there was a lot
13 of, you know, a lot the advice that just
14 Commercial Shark Fishery, at any size is just
15 not sustainable and then we spent almost 20
16 years proving that. And so rather than the
17 prospect, we may be already be at a point
18 where we're spending more studying, assessing,
19 managing, monitoring, regulating, the Shark
20 Fishery than the country's actually getting
21 economic benefit from it. And that's kind of

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1 absurd.

2 And the prospect of doing that for
3 another 70 to 100 or 400 years during these
4 recovery plans and discussing this and
5 adjusting the things you know, and the
6 fishermen having to deal with that, I think is
7 equally absurd. So I put my vote in for
8 getting that discussion started so we can
9 resolve this thing, one way or the other.

10 MR. DOLAN: Toby Dolan. Again, I
11 agree with what Ken said about the 2007 Rule
12 and the closed area. It's a big concern.

13 One, a quick point I want to make
14 in terms of Amendment II Process that we
15 didn't get to talk about. Well first of all,
16 one thing that we talked about, that didn't
17 get up on our board here, was measuring
18 compliance of recreational measures. He was
19 talking about in Texas. And that a lot of
20 folks don't necessarily know what the, you
21 know, what the measures say and what they are

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1 supposed to do. And compliance is an issue.
2 So measuring what that compliance should be a
3 component of Amendment II.

4 For myself, four quick points.
5 Porbeagle is mentioned over here. It's
6 proposed for listing under CITES and now you
7 see on Red List, Canadian Assessment, 85
8 percent decline immature female. So options
9 should include ending directed fishing and
10 putting on the Prohibit List.

11 Finetooth, options should include
12 taking steps to end over fishing. Species of
13 concern, looked at, look at adding to the
14 Prohibited List, Hammerheads, Oceanic White
15 Tips and Silky.

16 And then just a general note on
17 bycatch reduction. I think Dusty Shark is
18 sort of the poster child for, we're not doing
19 enough to figure out how to reduce the bycatch
20 so that the really depleted species are truly
21 being protected while allowing fishing on the

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1 more abundant species. So Amendment II should
2 really look at trying to tease that out
3 better.

4 DR. DANIEL: Louis Daniel. We
5 suggest adding a one meeting in North Carolina
6 in Morehead City. A lot of these issues are
7 of particular importance to North Carolina.
8 And it would be better to cover the coast a
9 little better than just in Manteo.

10 As far as the Management Measures
11 that we feel need to be re-examined, we think
12 it's critical that you have a quota monitoring
13 program in place, to more accurately and
14 timely address issues.

15 We think that you should require
16 all available data to be submitted to the
17 first process that you should have the
18 reproductive data that made such a dramatic
19 difference in the Sandbar Assessment. It
20 needs to be discussed in the open about the
21 validity of that information. And feel that

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1 the CIE reviews are important for all these
2 assessments. The Dusky Shark Assessment has
3 not been formally peer reviewed and before we
4 take actions, citing the Dusky Assessment it
5 should be peer reviewed.

6 Another thing we think that you --
7 that we really need to see is the empirical
8 information for these sharks. We get these
9 assessments back, there's a lot of concern
10 over using the models and the data that's
11 being used to implement them. It would be
12 nice to be able to see some average size
13 information, some catch per trip information,
14 some general landings trends, and effort type
15 of information so that you could sort of make
16 a judgement call before you look at the F over
17 FMSY, B over BMSY.

18 One thing that we discussed were
19 some species specific size limits. And
20 primarily just thinking about the small
21 coastals in size that apply to some Black Nose

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1 particularly. 54 inches is an extraordinarily
2 large one and that's where it takes out the
3 opportunity for recreational fishermen near
4 shore to take advantage of some of the small
5 coastal sharks.

6 Recognizing that these assessments
7 will likely result in significantly lower
8 quotas, we really don't see where closed
9 areas are going to have that significant of an
10 impact. Simply assign a quota and monitor it
11 carefully and close it when it's done. And
12 that way you, you get away from the potential
13 conflicts that you have with small closed
14 areas in certain areas and not in certain
15 areas.

16 And I think that you need to work
17 very closely with the ASMFC. And make sure
18 that, that many of the issues and concerns
19 about the closed area off North Carolina
20 center around juvenile sharks. But the
21 (inaudible) for Sandbars are in Chesapeake

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1 Bay, Delaware Bay. So, I mean, the idea that,
2 well we can't open this closed are, why not?
3 If you've got a quota. So I think to suggest
4 that I don't think is necessarily fair.

5 On the Proposed Rule. We strongly
6 suggest Alternative 5. Because what we're
7 looking at here, in our view, is really a
8 phase-out of this fishery. Or at least a
9 phase down to a much lower level than it is
10 now. And I think when we are looking at 70 to
11 400 year rebuilding periods, I don't think one
12 year of another transfer of 100 tons into the
13 South Atlantic gives the folks that are going
14 to be phased-out of the fishery, is going to
15 make that big of a conservation difference.

16 And I think, I fully support
17 removing the closed area and I think it's
18 important that everybody consider the
19 ramifications of that closed area. Was it
20 opening state waters in North Carolina that
21 had been closed for 10 years. So I think we,

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1 I think there was some potential ramifications
2 that were unexpected. And I think if we can
3 work with the (inaudible), deal with the small
4 shark issue but be fair to all jurisdictions.

5 Then I think that we're going to have a much
6 better cross product in the end. Because I
7 think everybody recognizes that there's going
8 to be some significant cuts coming. Based
9 primarily on the Sandbar Shark Assessment.

10 But I'm sure my table will have
11 additional things to add to that. But that
12 was our general comments.

13 MR. McKEON: Sean McKeon, North
14 Carolina Fisheries Association. Not that I'm
15 a fan of his but Carl Marx once said that,
16 "The communists would sell the capitalist west
17 the road by which they would hang themselves."

18 And with reference to some of the
19 comments I heard about the area closed off
20 North Carolina, in the case of North
21 Carolina's closure, I think that NMFS sold the

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1 State of North Carolina and the North Carlina
2 fishermen a rebuilding partnership by which we
3 are now being hung. North Carolina stepped up
4 to the plate. They worked with the Agency to
5 provide data. They were one of the few states
6 that did that. They observed the coverage --
7 and what was the reward? A closure. Based
8 mostly on the data we provided to the Agency.

9 In other words, you know, we played ball with
10 us and you know what we do with the bat.

11 The fact that the opening is being
12 contemplated reminds you, of suggests that the
13 Agency has accepted our position that that was
14 a -- that the current closure was
15 disproportionately affecting North Carolina
16 and possibly violating the National Standard
17 4.

18 And that being said, I just wanted
19 to explain to some of, some of the folks who
20 have wondered why this is being contemplated.

21 That, that was the reason for the closure,

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1 was the data we provided.

2 Regardless of the outcome of the
3 opening or the closure of the North Carolina
4 area, I think this fishery is doomed, absent
5 independent investigations or reviews of both
6 the Dusky Assessment and Sandbar Model
7 Building. And to just concur with the thing
8 that Louis said in that area, I think
9 personally, in --

10 (Provide audio file 3A ends.)

11 (Provided audio file 4A begins.)

12 PARTICIPANT: -- the answer. Thank
13 you.

14 MR. HEMILRIGHT: Dewey Hemilright.

15 I looked at what we're faced with here is
16 pretty much basically a phase- out of a
17 fishery. And shark fishing in general. If
18 you believe these assessments. When I look at
19 the Dusky Assessment, that it's going to take
20 400 years to rebuild, one thing when you go
21 looking at the data that there's no data

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1 workshop for this data. It was just if you
2 believe everything that they put on paper,
3 then you got to believe that this is going to
4 take 400 years rebuild these Dusky Sharks.

5 The Sandbar Shark, I believe when
6 you look at what North Carolina has done in
7 closing it's state waters and different
8 things, that help rebuilding as Sean said,
9 what's the best for a conservation partner,
10 this is what you get is a closure.

11 You look at states that have wide
12 open fisheries with, during the pupping
13 seasons and different times, we just got a
14 real mess here with this stuff. I mean, North
15 Carolina, to me is trying to be, has been
16 singled out with these closures. No matter
17 what one wants to say, it's just, it's just
18 real hard. When I started fishing, I used to
19 travel up and down the coast to, up and down
20 the coast, Maryland, New Jersey, Montauk
21 fishing in my summers. And as I get more and

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1 more regulations, it ain't because of the
2 amount of shortage of sharks, it's because of
3 more regulations, I don't even want these
4 basically when I get to go fishing. Don't go
5 into any of these other ports.

6 I think that just because we are
7 being, we are being sold a bill of goods about
8 this reproduction, the scales that's it's
9 going to take, that the years, that there just
10 has to be delved more into the science of
11 answering all of the questions of the fishers.

12 And the reason why people won't give out all
13 their data, complete sources and different
14 things, to see what these scales are. Because
15 when National Marine Fishery tells me that
16 there is only 100,000 mature Sandbars, female
17 Sandbars and that I'm catching 2,000 mature
18 Sandbars a year, I just got real problems with
19 the data because I know we're catching more --
20 there's more mature sharks out there than that.

21 I would also go with, if there is

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1 not going to be more shark fishing, I would go
2 with at least giving us the season for January
3 of 2007 and seeing if the Gulf will give us
4 enough quota to go fishing for a couple of
5 three weeks.

6 Thank you.

7 MR. HUDSON: From a historical
8 point of view, Rusty Hudson. From an
9 historical point of view, NMFS encouraged our
10 industry into existence. Anybody familiar
11 with that story? It goes back to the late
12 70's, early 80's. We answered the call. NMFS
13 failed to gather the data, throughout the 80's
14 and early 90's. It took four years to put a
15 management plan on, it was implemented in 93.

16 At that point, those last three years of un-
17 managed we were probably every bit of 20 to 40
18 million dollars a year, gross revenues, that's
19 how it monitored correctly.

20 Now, we are at a stage where 93,
21 they give us a 6 million pound quota, 97 you

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1 cut it to 3 million pound quota. 2004 you cut
2 it to a 2 million pound quota. By next year,
3 the year after fundamentally, no quota. You
4 put us out of business.

5 We have tried to explain to you
6 that, what we're seeing, what we've seen, the
7 Management Plan we felt was a good thing
8 because it limited the fleet. Now, with an
9 idea of a voluntary buyout, you are going to
10 have to really consider how to be able to fit
11 whatever fleet there may be left, to whatever
12 quota there may be left.

13 But I just don't see a directed
14 industry being here. I see a little science
15 fleet that Dr. Castro (phonetic) said, he
16 wanted to see in 92. Twelve boats from Maine
17 to Texas, all 40 footers. For scientific use.

18 I believe that's what you are going to wind
19 up having, by year after next. You know what
20 to do now.

21 Since Gunz (phonetic) Data is

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1 proprietary, certain other maturity data is
2 being sat upon by the Observer Program. We
3 feel that the assessment could have been a
4 little different. But it's obvious that
5 that's not going to happen until 2010, if
6 then, when you have the next assessment.

7 So fundamentally, if Dr. Hogarth
8 (phonetic) or NMFS or Secretary of Commerce or
9 somebody wants to do something, you have the
10 opportunity to step up to the plate now.
11 Otherwise, you know, you can just watch us
12 starve on out of the room. Because that's
13 what's happening.

14 Thank you.

15 MR. DELANEY: Glenn Delaney. I
16 just wanted to add some further support of
17 thoughts on what Lou Daniel suggested in terms
18 of the North Carolina closure. I don't
19 pretend to be an expert on the whole shark
20 issue but I am aware of the -- how that came
21 to be. And the reason for it.

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1 And you know, it definitely could
2 and should be replaced by real time
3 monitoring. We have real time monitoring of
4 quotas in many other fisheries. And I'm not
5 quite sure why we haven't chosen to use that
6 capability in this fishery. To have that
7 substantial quota overage is really
8 unacceptable in our day and age of technology
9 and how we manage other fisheries and monitor
10 them on a real time basis. And we just don't
11 have that problem particularly in HMS should
12 be familiar with that, in other species.

13 But you know, the origins of that
14 closure and the fact that it only applies off
15 North Carolina really raises, in my opinion,
16 some significant management violation legal
17 issues. Certainly and not the least of which
18 would be National Standard 4, in
19 discriminating among residents of different
20 states. And also in the rebuilding provisions
21 under Section 304E where we're supposed to

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1 allocate over-fishing restrictions fairly and
2 equitably among different factors of the
3 fishery.

4 And I just don't see that
5 happening. How you can possibly justify that
6 closure in the context of those two provisions
7 of the law. Particularly since the only
8 reason that closure didn't apply elsewhere is
9 because other states chose not to provide that
10 information that would support that decision.

11 And North Carolina did. And that's not the
12 way you manage fisheries.

13 We should, we should have a quota
14 monitor it effectively, on a real time basis
15 and then have, not have artificial time/area
16 closures which are the least sophisticated and
17 you know, just sort of brain, brainless
18 management approach, in my opinion, in just
19 drawing boxes in the ocean. That's what we do
20 over and over again. And when we have
21 alternatives available to us.

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1 So I just suggest the Agency take
2 Louis's suggestion there very seriously. He's
3 an expert in this. They do an excellent job
4 of managing their fisheries in the state. And
5 should be taken as seriously as possible.

6 Thank you.

7 PARTICIPANT: Basically what we've
8 got -- is already distinct.

9 PARTICIPANT: Move over here.

10 PARTICIPANT: Sure. When I talked
11 about the meeting, one suggestion we got was
12 replace Gloucester with Portsmouth, New
13 Hampshire which would stop the (inaudible)
14 from everywhere. And I'm not sure if maybe
15 one vote left out of Gloucester so that would
16 be right in the middle. Long Island agreed
17 with that. New Jersey deferred to those
18 people. North Carolina seems okay. South
19 Carolina we talked about possibly Charleston,
20 about the fleets moved out of there. Georgia
21 basically we don't have any landings. We use

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1 to have a meeting up in, traditionally up in
2 Atlantic Beach, North Georgia. But at this
3 time of the year, I think probably further
4 south. And so, probably Cape Canaveral might
5 be a little better. Oh, okay.

6 But the measures we talked about,
7 let's see if I could remember these. I think
8 the main thing, we had at this table, we were
9 particularly struck by the assessment that if
10 this assessment is accurate, it doesn't bode
11 well for the fleet. And we were wondering how
12 much more effort is really worth that that
13 like Ken said, is one attitude, is you know,
14 maybe we ought to realize where we are and
15 start proceeding down where we have to go.

16 If this assessment is true, then
17 maybe we are at a level, I mean certainly we
18 have to start thinking about from the stop
19 perspective what you have to do. To slow the
20 fishery down and maybe that's what we ought to
21 be looking at. And that's what we talked

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1 about buyout and working with the fishery to
2 pursue a buyout. And we looked at the 2000,
3 obviously to go into a buyout and if the
4 assessment is correct, I think that you are
5 looking at fairly immediate action or, or
6 coming along. So you need to work with the
7 fishery in this.

8 And we talked about going with the
9 preferred alternative mainly as a sort of a
10 stalling measure, to allow the industry to
11 sort of get ready and to go out instead of
12 just grinding them into the dirt or just give
13 them no options. I mean, work out, actively
14 pursue a buyout that's good with the industry
15 to help them in the situation. But if the
16 assessment's true that's what we have to do.

17 The other point was, is that this
18 is a commercial, again we are struck by that
19 Sandbar is obviously a high dollar value in
20 the fishery and where the fishery is now. We
21 talked about a lot of the stands to go to but,

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1 I think, we're at a point now where we talked
2 about quotas and talked about measurements and
3 everything, and it sort of seems like it's a
4 to a point now where we're in a different
5 arena.

6 Again, talked about stalling until
7 we can figure to work with the fishery how to
8 get out of this. Also remember that we've got
9 a recreational component involved in this,
10 that we need to look at. And we really need
11 to focus on ID's, a better survey and catch
12 and release in that fishery.

13 And also to add to that, Louis
14 mentioned you had to have a MCS (phonetic)
15 Plan, I think that represents a real
16 opportunity to work with the states to come up
17 with a good regulation statewide. It's, it's
18 starting online now and I don't think we ought
19 to miss that opportunity.

20 And gill nets. I do think you have
21 to pull this in to it. Gill nets certainly

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1 don't forget them. We'll be glad to see them
2 bought out, out of the fishery. I just got to
3 throw that in, for my last hurrah.

4 But they still, we still have --of
5 course that fishery is still similar to or
6 just about might be in worse shape, I'm not
7 sure. But they have also had the problems
8 with the White Whale conflict. And also still
9 have significant bycatch and game fish such as
10 sailfish. So it will be something they'll be
11 considering. DR. HEUTER: Bob
12 Heuter. I came here today with the idea of
13 just talking about possibly minimum sizes in
14 the commercial fishery. We have a minimum
15 size in the recreational but not in the
16 commercial.

17 I was thinking about us talking
18 about retaining all the fins from sharks that
19 would prove what species ID's.

20 And there were other things but
21 it's crystal clear that that would be

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1 rearranging the deck chairs on the Titanic at
2 this point. And I think it's, it's pretty
3 clear where we're going. The Dusky's in very
4 bad shape. We may be looking at an endangered
5 species status to that in the near future.

6 The science, over 13 years of, of
7 federal FMP oversight, science has vastly
8 improved. It is much better now, Shark
9 Assessments are much better and there are peer
10 reviewed and through the SEDAR Process.

11 So, the bottom line is, the writing
12 is on the wall. And it's -- I'm truly and
13 honestly sad for my colleagues in the
14 commercial industry. But it really does look
15 like the phasing out of the Large Coastal
16 Shark Fishery, in the Atlantic, is called for.

17 We can redirect it toward Gulf Black Tip
18 fishing, I don't know whether that's
19 economically viable. That's something for the
20 industry to sort out.

21 And the last think I'd like to say

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1 is, is Henry's point, I want to underscore it
2 again. That I think the recreational fishery
3 still, there are things to be done in that
4 fishery to help with the situation. And very
5 ominously I'm seeing a rise lately in Kill
6 Tournaments for sharks. They seem to be
7 coming back into the, into favor. And that's
8 just going in the wrong direction. Even
9 though the amount of kill is minuscule, it's
10 just sending absolutely the wrong message at
11 the public about the value of these animals,
12 which runs counter to all, everything we've
13 done this morning. So I think the
14 recreational fishery can help out in that way
15 as well.

16 Thank you.

17 MS. JOHNSON: Gail Johnson. I just
18 wanted to say it's Portsmouth, New Hampshire.
19 And it's equidistant between Portland, Maine
20 and Gloucester. So that you might get more
21 participation that way.

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1 I would support very much figuring
2 out the best way to buyback the permits of the
3 commercial shark fishermen. Perhaps because
4 of the seemingly awful shape that some of the
5 species are in, and the little that's possible
6 to have happen in this first year, perhaps we
7 could kind of stall, while the shark fishermen
8 get their act together and figure out the best
9 way to exit the fishery.

10 The mandate is to manage the
11 fishery which means the fishermen, and as I
12 said earlier in a different venue, we're not
13 seeing enough balance between the resource and
14 those who use it.

15 And anything you can do with that
16 would be much appreciated. Thank you.

17 MR. DEVNEW: Jack Devnew. I
18 certainly echo Gail's comments there. And
19 many others. But I think that -- I have a
20 little criticism here of the Agency for
21 expending the time and energy and resources

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1 that you have expended in developing these
2 alternatives when you have the fishery that's,
3 the, all of this is kind of directed towards
4 in terms of regulation, when you have the the
5 commercial fishery themselves that are
6 requesting -- that have an exit strategy and
7 you know, and have come to you and come to the
8 Hill and said, "We're done. We want out."
9 And yet you go ahead and instead of working
10 with them to get an exit strategy you expend
11 the time and energy and resources in
12 developing this program. When it's better
13 spent getting behind what they're doing.
14 Working with them. And getting some kind of a
15 stop gap situation to, to bridge the gap so
16 you don't drive them out completely.

17 I think it's irresponsible. You
18 know, when you drive the fishery to this
19 position to whatever circumstance. You know,
20 whether it's, it's data collection, I -- you
21 know, a new way of looking at the science,

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1 whatever the reason when you get to this
2 point, there is a responsibility that the
3 agency has, I think, to get behind the
4 industry that is looking for an exit strategy.

5 The -- you got a permit that's
6 worthless, okay I don't know Rusty, can you
7 sell a boat? Can anybody sell a boat right
8 now and your permit?

9 PARTICIPANT: It is tough now.
10 You're not seeing new commercial boats. And
11 you know, the values are always predicated on
12 your gross business in a year. And it's
13 obvious if you can't do your business, what's
14 it worth?

15 MR. DEVNEW: All right. So you
16 know, you have a situation where it's, it's a,
17 it's worthless. And, and they can't make
18 enough money to put money back into the boat.

19 So they are going, you know, what's going to
20 happen very shortly is they are going to be
21 going out in death traps here. Because they

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1 have no way out. They have no way out. And
2 and so I'll leave it at that.

3 PARTICIPANT: Okay. Well, thank
4 you everyone. I think you've given us a lot
5 to think about. And I appreciate all of the
6 comments coming in. I know we gave you a lot
7 of information in a short amount of time, so I
8 appreciate your working your way through it.

9 At this point we are a bit behind
10 schedule. What I'd like to suggest is that we
11 go ahead and have the presentation on
12 time/area closures now. I think we would have
13 some time for questions and answers. Oh we're
14 going to lose -- if you need to take a break,
15 I know, I guess I had hoped people would take
16 a break during the break out. If you haven't
17 --

18 PARTICIPANT: We can't schedule a
19 break right now. We're going to go right to
20 time/area closures. Feel free to slip out.
21 We're going to go through this once. So.

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1 PARTICIPANT: And then I think
2 we'll have some time for technical Q and A at
3 the end and then break for lunch. And we'll
4 come back to the break out session after
5 lunch. We've got an hour and a half there.
6 Hopefully that will be enough time and they'll
7 get back on track. So with Jackie --

8 PARTICIPANT: So let's see. Yes.
9 Can everybody hear me? I know I'm sorry.
10 It's been a long morning. And this is kind of
11 a lot to go through here.

12 But basically, the purpose of this
13 presentation is to give you an overview of
14 what is in the final EIF, for the HMS FMP
15 with regards to the time/area closure. And
16 the main thing is we wanted to clear up kind
17 of any misunderstandings that there might have
18 occurred on what is in the Final HMS FMP and
19 then also to kind of go through some of the
20 differences between the Draft and the Final
21 HMS FMP.

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1 And we also wanted to highlight how
2 we took comments seriously that we received on
3 the Draft HMS FMP. And the additional
4 analyses that we did on the Final FMP in
5 response to those comments.

6 So the main thing is that, given
7 the amount of material that I'm going to
8 cover, I'm going to ask to hold kind of
9 technical questions towards the end. And then
10 we'll get to the kind of more discussion
11 points in the break out recess we've been
12 doing so far.

13 So the main issue, with time/area
14 closures is, it's been a way to reduce
15 bycatch. And in particular we've been
16 focusing on in our analyses of Blue and White
17 Marlin, Spearfish, Sailfish, we've been seeing
18 a slide with the Large Coastal Sharks as well
19 as the Leatherback, Loggerhead and other sea
20 turtles.

21 Now we have -- before we analyze 12

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1 alternatives in the Final HMS FMP, and those
2 are shown in Chapter 2 and Chapter 4, as well
3 as we look at 8 additional alternatives that
4 were set, new closures and modifications to
5 closures. And those analyses are in Chapter
6 2, in Appendix A.

7 What I am going to go through are
8 some of the differences that you see in the
9 Draft and the Final. But the main thing that
10 I want to point out is that the preferred
11 alternative of the change and the Final FMP.
12 That is no additional time/area closures or
13 modifications were chosen to be implemented in
14 the Final HMS FMP. Other than the
15 complimentary management measures in the
16 Madison/Swanson and Steamboat Lumps Marine
17 Reserve. That was an Alternative B4. And then
18 the criteria for establishing new closures and
19 modifications for closures with results
20 Alternative B5.

21 Okay. Now NMFS used a variety of

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1 data bases in these analyses. They used the
2 Pelagic Observer Program Data, the Pelagic
3 Longline Logbook Data and the Commercial Shark
4 Fishery Observer Program Data from 2001 to
5 2003.

6 Now we chose to look at 2001 to
7 2003 because we thought this was the most
8 complete and current data set available since
9 the implementation of the current time/area
10 closures. In addition, we thought it would be
11 most representative of the current cross data
12 of the species that we were looking at.

13 Now there was additional 2004 data
14 that became available between the Draft and
15 the Final HMS FMP. Which is 2004 Pelagic
16 Longline Logbook Data, as you recall half way
17 between in 2004, circle hook implementation
18 went in for the Pelagic Longline Fishery. So
19 we looked at the first half of 2004 that was
20 just bait hook data. And analyzed whether or
21 not the inclusion of this additional six

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1 months would change any of the results of the
2 alternative. And this analysis was an
3 independent study (inaudible) on FMP.

4 The main point is that, the
5 inclusion of this data, didn't really change
6 any of the results or the alternative. It was
7 something we wanted to look at. And NMFS is
8 currently looking at, at that time, we only
9 had about six months worth of data on circle
10 hooks and catch rates associated with circle
11 hooks in the PLL Fishery.

12 And so NMFS is continuing to look
13 at this, a preliminary analysis on circle hook
14 data is available on Appendix A. The 2005 Log
15 Book Data which would be the first full year
16 of circle hook data that we have available is
17 currently being looked at. It's juts become
18 available for the Agency.

19 Now, bycatch of HMS, non-target HMS
20 and protected species were analyzed using
21 geographic information, GIF System. And the

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1 time/area closures that we considered were
2 chosen based on areas that have the highest
3 concentration of absolute numbers and are
4 absent with PLL gear.

5 We also considered areas with high
6 CPUE's. And I'm going to show you that in the
7 next couple of slides.

8 So this map here is showing the
9 interactions with White Marlin and PLL gear.
10 In the upper left hand corner, there's a
11 series of grey dots that you can see. Those
12 are actual set baits with PLL gear. The black
13 dots are where they are actually interacting
14 with White Marlin and PLL gear.

15 The lower right hand corner is
16 showing you the spatial extent of the catch
17 per unit effort or CPUE. And what you can see
18 is that many of the areas that had high
19 interactions, high numbers of interactions
20 into the Gulf of Mexico, you can see where it
21 also had high CPUE's. I'm not very good with

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1 this map here. Those areas overlap in these
2 certain places. However there are some areas
3 in the high seas that -- but basically there
4 is some areas over here where we don't have,
5 we have some high CPUE's.

6 However we chose to, the time/area
7 closures based on the highest number of
8 absolute interactions. Which we thought, if
9 we just focused on CPUE's down here, we would
10 be closing areas that don't have a lot of
11 corresponding effort. That is, you don't see
12 a lot of this (inaudible) in that upper
13 corner. And so that you wouldn't gain the
14 greatest conservation benefit by closing one
15 of those areas. So we chose to close areas
16 that have the highest number of absolute
17 interactions to get to maximize our bycatch
18 reduction.

19 Now by looking at areas with high
20 numbers of discard and their interactions with
21 non-target HMS and protected species. We came

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1 up with areas that we are going to analyze for
2 closure. We did this also with the Pelagic
3 Observer Program Data. Okay. And we found
4 very similar results in terms of areas that
5 had high numbers of interactions for all the
6 species that we considered.

7 Now this slide has a lot going on.

8 The main point right now, I just want you to
9 look at the top two panels. And what this is
10 showing you are, the five areas that we chose
11 to analyze in Chapters 2 and 4.

12 The panel over here on the left, is
13 showing you the six additional closures that
14 we looked at, in Chapter 2, in Appendix A.

15 And basically, the point is, we end
16 up looking at closures that cover the entire
17 Eastern Seaboard and the Gulf of Mexico.
18 Okay. So we covered a lot of ground. However
19 the (inaudible) is just what I showed you over
20 here on the left. We got the number of
21 interactions with PLL gear. This is CPUE's

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1 over here. And the closure that we chose
2 overlaps with areas that have high
3 interactions as well as high CPUE's. And
4 we're picking this up in the Gulf of Mexico as
5 long as up here on the Eastern Seaboard.

6 Okay. Now this is important
7 because NMFS is seeing predators in that.
8 When we did our Redistribution of Effort
9 Analysis which I am going to go through in
10 just a minute, the increases in bycatch that
11 we saw in these analyses is due to where we
12 chose to put the time/area closures. But as
13 we were criticized for choosing areas that had
14 low CPUE's, we then redistributed that effort
15 into areas of high CPUE's and this caused the
16 increases in bycatch we saw on our analyses.

17 But what I want to point out here
18 is, that this isn't the case. We looked at
19 areas that had high levels of interactions or
20 absolute numbers of interactions as well as
21 areas that high CPUE's. And the increases in

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1 the bycatch without our redistribution of
2 effort is not an artifact of the placement of
3 the closures but really indicative of the
4 natural distribution of these highly migratory
5 species. So that's the main point from that
6 slide.

7 Now, all these closures were
8 analyzed with and without the Redistribution
9 of Effort. Without Redistribution of Effort
10 it seems that all the effort in a given
11 closure is basically going to disappear once
12 the closure is implemented. Okay. This is
13 something that is going to give you the
14 maximum, in terms of bycatch reduction.

15 On the other hand when you are
16 seeing that you have some sort of
17 Redistribution of Effort, that is, that effort
18 and a closure is going to be displaced into
19 some portion of the open areas, it's not going
20 to completely disappear. All right.

21 NMFS received criticism on how we

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1 did the Redistribution of Effort. And so
2 based on the comments we received in the Draft
3 HMS FMP, as well as the OMB peer reviews, we
4 did some additional Redistribution of Effort
5 Scenarios where each one of the scenarios had
6 different assumptions as to where that effort
7 is going to be displaced in to open areas.
8 And I am going to go through that in just a
9 minute.

10 Now these next couple of slides are
11 mainly just to give you a basic overview of
12 the 12 alternatives that were further analyzed
13 in the Final HMS FMP. And this is probably a
14 review from the last Agency Meeting, when we
15 talked about time/area closures.

16 But the first alternative, of
17 Appendix B1 was the status quo. This analyzed
18 all the current time/area closures. The inset
19 here is showing the spatial extent of that
20 Northeast district which is the fishing area
21 that's cut off over there on your left. All

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1 of the closures are for pelagic longline gear
2 except for the mid- Atlantic closure which is
3 the bottom longline gear.

4 We looked at data -- the
5 implementation of these closures which is data
6 from 1997 to 1999 and compared the catch rates
7 with data after the closures were implemented.

8 That's data from 2001 to 2003. What we found
9 is that the overall discard for many of the
10 species have declined by more than 30 percent.

11 And discard, for some of the species, such as
12 Blue and White Marlin have declined by more
13 than 50 percent as a result of the closures.
14 So they're meeting these conservation
15 expectations that we have.

16 We also looked at a number of new
17 time/area closures, new alternatives, BCA
18 through BCE. These are shown here on this
19 map. This gives you the spatial
20 representation of where these closures are.
21 (Inaudible) -- is here is where the area that

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1 we requested for closure, and we proposed our
2 petition for rule-making that we received from
3 Blue Ocean Institute. Now, we also
4 considered a number of closures which is BCD
5 through BCK. These were preliminary. These
6 were considered but not further analyzed
7 because the bycatch reduction for the
8 alternative BCA through BCE was greater.
9 However the explanation of those analyses was
10 given in Chapter 2, Appendix A. When we
11 look at all of these closures, considered some
12 level of Redistribution of Effort what we
13 found is that no single closure or
14 combinations of closures would have reduced
15 bycatch of all the species we considered.

16 Okay. We also considered a number
17 of modifications to current closures. And
18 these are shown in this map here. The hatched
19 areas are the areas we considered for
20 reopening and this again, is the Charleston
21 Bump as well as the Northeastern United States

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1 closure. These closures were considered for
2 modification primarily to allow additional
3 Swordfish Charters. However when we did the
4 analysis and we looked at what the potential
5 increase in Swordfish Charters we could get
6 for the two, for those two particular
7 modifications combined it was only about 30.8
8 metric tons, dressed weight. So it wasn't
9 going to solve the under-harvest of swordfish
10 issues.

11 In addition we also found that
12 modifications could potentially increase the
13 bycatch of several protected species. And it
14 would overall, pretty much have a limited
15 economic benefit. So we chose not to go
16 forward with those.

17 The next two alternatives were the
18 preferred alternatives. Alternative B4, was
19 to implement the complementary measures from
20 the Gulf of Mexico Fishery Management Council.

21 This is the for the Marine/Swanson and

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1 Steamboat Lump. These are the small colored
2 boxes with the set of -- outlined there. Just
3 for point of reference.

4 Okay. These areas were chosen for
5 closure mainly to close a loop hole, HMS
6 vessels were allowed to fish in these areas
7 which were closed to protect spawning
8 aggregations of the (inaudible.)

9 Now minimal economic impact is
10 expected from these because there's very few
11 HMS vessels, primitive vessels that were
12 fishing there in the first place. And
13 trolling is going to be allowed from May
14 through October.

15 Now, point of B5 is to establish
16 criteria for implementing new closures in the
17 future. As well as making any modifications
18 to the current time/area closures. This will
19 provide a more definitive and transparent
20 process to the establishment, for modification
21 of time/area closures. And the criteria would

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1 be considered -- well some of the criteria
2 that would be considered would be the bycatch
3 rate of protected species, non-target species
4 as well as applicable research and social and
5 economic impact. And the other criteria are
6 listed in the Final HMS FMP.

7 Okay. We also considered a closure
8 for bottom longline gear to protect small,
9 Smalltooth Sawfish. This would be a 49 square
10 knots mile area of the Southwest, southwest of
11 Key West. The area is rather small. It's
12 shown right here, this little box. Okay.

13 Now this alternative was not chosen
14 because the interaction that have occurred
15 with, with bottom longline gear in particular
16 are very few and they rarely result in
17 mortality. In addition the Smalltooth Sawfish
18 Recovery Team has put out a plan that is
19 currently in review. And when they finalize
20 the plan, we want to work with their
21 scientists to figure out where exactly the

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1 critical habitat is designated and where or if
2 a closure for this species would be
3 appropriate.

4 Alternative B7 would prohibit the
5 use of pelagic longline gear in HMS Fisheries
6 everywhere. And this was considered because
7 it would have had or provided the greatest
8 ecological benefits. However many of the
9 species such as Swordfish, Marlin and Bluefin
10 Tuna have international rebuilding plans and
11 we were afraid that a quota, as a result of
12 this particular closure could be redistributed
13 to other country's that don't practice the
14 bycatch measures and conduct research as does
15 the U.S.

16 In addition, it could have a
17 significant negative economic impact estimated
18 to be in excess of 26.5 million dollars
19 annually.

20 Okay. Now I just want to go
21 through briefly some of the differences

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1 between the Draft and the Final HMS FMP. And
2 one of the things that we focused in on was
3 the Redistribution of Effort Model and
4 Analyses.

5 And we received a lot of comments
6 for the Draft and from the OMB peer reviews
7 that we decided to do a Mobility Analysis on
8 the Pelagic Longline Fleet. And that looked
9 at where sets were placed by the Pelagic
10 Longline Fleet from 2001 and 2004.

11 Now we divided the Atlantic and the
12 Gulf of Mexico in six areas that was based on
13 statistical reporting areas. And these areas
14 were often used in the Remand (phonetic)
15 Document for the BMS (phonetic) Bureau in
16 2001. Those areas are shown here, we also
17 additional separated the Area 2 up here at 2A
18 and 2B. 2B corresponds with the home ports
19 along Florida. And 2A is for the home ports
20 along the Western Coast of Florida.

21 We then went and looked at the

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1 number of vessels that were fishing in each of
2 those areas. And their associated home ports.

3 You can see that in this here, this map here,
4 is showing the number of vessels by their home
5 port here on the side. It gives us some idea
6 of how far vessels are fishing, away from
7 their home port. Okay.

8 We then looked at the amount of
9 effort that moved out of the given area in
10 terms of (inaudible.) For instance, we looked
11 at the amount of effort that left the Gulf of
12 Mexico and went up the Eastern Seaboard. To
13 get some idea on the amount of effort that
14 might move out of like the Gulf of Mexico, if
15 the time/area closure was put into place.
16 Okay. And use that movement basically as a
17 proxy in our Redistribution of Effort
18 Scenarios that I am going to go through now.

19 Just to give you a little more
20 (inaudible) -- when you look at the number of
21 boats that out of the Gulf of Mexico and up

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1 the Eastern Seaboard and what we found is that
2 the majority of that effort moved into this
3 area. (Inaudible.) And we saw less movement
4 up and down the Eastern Seaboard.

5 So when we did the Redistribution
6 of Effort Scenarios, we set up assuming that
7 if we had a closure in the Gulf of Mexico,
8 instead of seeing all that effort
9 redistributed into all the open areas, for a
10 given on what particular closure we are
11 looking at, we would assume the Redistribution
12 of Effort would only occur in the Gulf of
13 Mexico. Or it would incur in the Gulf of
14 Mexico and only into this Area 6.

15 Now we also looked at the actual
16 physical characteristics of boats that fish in
17 the Gulf of Mexico versus boats that moved out
18 of the Gulf of Mexico and into the Atlantic.
19 And what we found was that there was no
20 statistically significant difference between a
21 vessel (inaudible) -- for boats that stayed in

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1 the Gulf of Mexico versus boats that moved out
2 into up along the Eastern Seaboard. So those
3 boats in the Gulf of Mexico, potentially have
4 the physical capability of moving, if they had
5 to.

6 We also looked at the, where the
7 PLL vessels sits both within and outside the
8 U.S. EEZ. Most of the closures that we have
9 been looking at, have focused only within the
10 U.S. EEZ. What this is showing here, with the
11 black dots is where PLL sets for baits. And
12 you see that some catch are very far away from
13 the U.S. coastline and far away from their
14 home port.

15 Whereas movement between the Gulf
16 of Mexico and the mid-Atlantic is only on the
17 order of about 1600 miles. So the pelagic
18 longline vessels have the capability of moving
19 long distance. All right.

20 We took all of these things into
21 consideration when we redid our Redistribution

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1 of Effort Scenarios. That is, we
2 redistributed effort into very specific areas
3 but we also considered that they could
4 potentially move very far into all open areas
5 if they had to.

6 So these are the three closures
7 that we looked at for additional
8 Redistribution of Effort Scenarios. We chose
9 B2A and B2C in the Gulf of Mexico. With B2B
10 is the smallest closure along the Eastern
11 Seaboard. And B2A was chosen because it's a
12 small closure in the Gulf of Mexico. So we
13 assumed that the boats, the fishermen in this
14 area, if they were faced with a new closure,
15 if B2A, they may choose to only fish within
16 the Gulf of Mexico, in which case we did a
17 Redistribution of Effort Scenario where we
18 only displaced effort into the Gulf of Mexico.

19 Or the fishermen may stay within the Gulf of
20 Mexico or move to that Area 6 that I showed
21 you earlier, where most of the effort from the

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1 Gulf of Mexico has been shifting in the past.

2 Okay. So, the additional Redistribution of
3 Effort Scenario there was, redistributing
4 effort into the Gulf of Mexico and Area 6.

5 And then we also, we also
6 considered Redistribution of Effort into all
7 the open areas based on the analysis that we
8 did in the Draft FMP.

9 Now for B2B, it's a small closure
10 along the Eastern Seaboard, that we
11 considered. We did a Redistribution of Effort
12 Scenario where we only considered movement or
13 displaced effort along the Eastern Seaboard as
14 well as Redistribution of Effort into all the
15 open areas.

16 And finally, we looked at B2C. Now
17 unlike B2A, B2C is much larger, in the
18 (inaudible) sense of this closure. And
19 therefore we assume that fishermen are going
20 to have to leave the Gulf of Mexico and fish
21 in other areas in order to stay in the

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1 business.

2 And so we did a Redistribution of
3 effort Scenario that only looked at the Gulf
4 of Mexico and Area 6, as well as into all open
5 areas.

6 Okay. All of these analyses are in
7 Chapter 4, Appendix A of the HMS FMP.

8 And I just want to note that we did
9 look at the different scenarios for BCD and
10 BCE. Because these were much larger closures
11 that were considered for year round. And so
12 we assumed that if the, if fishermen were
13 faced with this new type of closures, they are
14 going to have to fish into all open areas, in
15 order to stay in business.

16 Okay. And I just want to give you
17 a basic overview of the science of
18 Redistribution of Effort Analyses. And the
19 Redistribution of Effort Model used in the HMS
20 FMP, assumed that fishermen are going to fish
21 in areas that they have fished in the past.

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1 So that is, they are going to fish where
2 they've been fishing since the current
3 time/area closures have been implemented.

4 All right. The model then
5 predicted what the changes in bycatch would be
6 associated with that movement. The nice thing
7 about this model is that it also gives us
8 quantitative estimates of changes in bycatch.

9 A lot of other Redistribution of Effort
10 Analyses not only don't acknowledge displaced
11 effort but they don't provide quantitative
12 estimates of changes in bycatch.

13 And I do have the additional
14 scenarios that we did. We were able to look
15 at a range and potential impact that time/area
16 closures make cause in terms of the bycatch.
17 So based on all of these things, we considered
18 the Redistribution of Effort Model used in the
19 HMS FMP to really be the best available to
20 science, describing the PLL fleet at this
21 time.

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1 Now NMFS is aware at there are
2 other models out there that have looked at
3 Redistribution of Effort. Okay. And these
4 models are are mainly econometric models.
5 That is they look at the movement and behavior
6 of fishermen so that they can go out and
7 maximize their economic return. However, the
8 main job with these types of models is
9 currently, they do not provide quantitative
10 estimates with the bycatch and that is really
11 key for us when we are trying to evaluate the
12 effectiveness of the time/area closure and
13 it's conservation benefits.

14 So I am going to go quickly through
15 two of them. One is the Northeast (Inaudible)
16 Model. Okay. This model is currently not in
17 the framework for the PLL history. That is,
18 it is basically is that much smaller closures
19 for commercial species and these species
20 obviously don't move around as much as highly
21 migratory species. In addition, for us to use

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1 this type of framework, we would need to put
2 certain models, in terms of the PLL fleet in
3 terms of the current economic, the fishing
4 effort and the fishing grounds that are
5 collective of the Pelagic Longline Fishery.

6 We would also have to come up with
7 that complimentary model that would decide the
8 quantitative changes in bycatch.

9 And so given, given these certain
10 restraints, that's not something that NMFS
11 wouldn't consider in the future, but we didn't
12 think it was the most applicable model for the
13 type of analyses that we're dealing with the
14 HMS FMP.

15 In addition, Random Utility Models
16 have been used to look at Redistribution of
17 Effort and they have been used in the PLL
18 Fleet in the past. However, they have focused
19 on much older Logbook Data, specifically 1996
20 Logbook Data. The challenge with these types
21 of models is that they are very particular to

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1 the time period that they have actually used.

2 That is the model may work with 1996 data but
3 it may not necessarily work with 2001 and 2003
4 data. So they are very particular and the
5 data is not trivial.

6 The past work that has been done
7 with the PLL Fleet with Random Utility Models
8 is basically looked at risk diversions and
9 whether or not risk diversions changes over
10 geographic locations. It also looked at the
11 amount of money that fishermen would
12 necessarily lose as the result of the
13 time/area closure. But again, it doesn't give
14 the quantitative estimates in terms of the
15 bycatch. And that's really key to what we are
16 doing.

17 So these types of models NMFS is
18 interested in looking at the utility of these
19 types of models, for Redistribution of Effort
20 in the future. But given these certain
21 restraints, NMFS feels that the model that was

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1 used in the Final HMS FMP is the best
2 available science and most applicable to the
3 PLL Fleet at this time.

4 Saying that, NMFS is working
5 towards improving ways to model and predict
6 fishermen behavior when they are faced with a
7 new closure. And in particular, interested in
8 getting more information and feedback on the
9 type of variables that we need to consider in
10 order to do this. Some of these things are,
11 what factors contribute to fishermen
12 continuing to fish in surrounding areas versus
13 factors that makes fishermen fish far away
14 from their home port. Or what factors
15 contribute to fishermen selling or
16 transferring their permit or essentially
17 leaving the fishery or potentially switching
18 over to (inaudible).

19 We've been taking a retrospective
20 look at some, to basically get a better
21 understanding as to how the current time/area

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1 closures have effected permit holders. To do
2 that we looked at the status of incidental and
3 directed source of permits, from 1990 to 2006.

4 We found that 600 records in the database for
5 this given time period. And we went through
6 and report -- and we went through each record
7 by hand --

8 (Provided audio file 4A ends.)

9 (TAPE 5 BEGINS)

10 PARTICIPANT: We'll excuse you for
11 lunch. And maybe what we'll do is combine you
12 all and kind of reconvene and we'll combine an
13 hour lunch break with a one hour or 45 minute
14 breakout. Say back here by, you know, back in
15 the room by one, ready for the report out by
16 two o'clock.

17 Is that - we'll be meeting from 12
18 to one, or do (inaudible) from 12 to one.
19 From one to two you're in -- you're in the
20 breakout. At two o'clock, we start the report
21 out. Is that reasonable --

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1 PARTICIPANT: Yes, I think that
2 would --

3 PARTICIPANT: That's probably cut
4 into our swordfish time, but we'll
5 (inaudible). If you don't need your full hour
6 at the breakout, then we'll come back, right?

7 So what you need to know Bob, so Bob first,
8 Rich, (inaudible), Vincent. Sorry, if I don't
9 know everybody's name. (Inaudible.)

10 Okay. Here are the quick
11 (inaudible). I think Bob Zales, Rich Ruais,
12 Bob Ditton, (inaudible), Vincent, Glenn, Bob
13 (inaudible).

14 MR. ZALES: Bob Zales. I've got a
15 couple of questions. Number one, on your --
16 on your deal up there where you've got the
17 permit transfers, you've got 82 transfers
18 between vessels with the same vessel I.D.

19 I don't understand that. I mean,
20 if -- if I've got, and I've played with a lot
21 of permits, if I've got a vessel that's got a

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1 document number on it, how do I transfer a
2 permit back-and-forth on that same vessel? I
3 don't understand how that develops.

4 MS. CHAMPMAN (phonetic): Hi,
5 Rebecca Champman. What we we're noticing is
6 the Southeast Permit Office, they've assigned
7 numbers for the permits now. And you'll have
8 permits for different numbers. And they're
9 switching them with vessels to have the same
10 I.D. numbers.

11 So I don't know if it's that they
12 have another boat in their fleet and they're
13 taking that permit with that number and
14 they're switching that to another in their
15 fleet, or if their boats are changing names.

16 It's very confusing. There's no
17 explanation as what it is. But you have the
18 same vessel number and a different permit
19 number.

20 MR ZALES: Because that -- that
21 doesn't, I mean, when you've got a documented

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1 vessel, you -- you never change -- that
2 document number never changes. That document
3 number, U.S. document number, stays with that
4 vessel til it sinks, or burns up, or just
5 filters away. It doesn't change.

6 So you can't change that. And so
7 when you have a permit and if it's got number
8 one on it, and it's assigned to vessel
9 document number six sixes, you're not going to
10 take vessel, or permit one, and transfer it
11 again to vessel number six sixes. It -- that
12 doesn't happen.

13 So undoubtedly then that tells me
14 that there's a problem with the Southeast
15 Center Permitting Office, which doesn't really
16 surprise me too much with my dealings with
17 that permit office.

18 The next question is, I guess,
19 where you have -- where you have the vessel
20 movement (inaudible) Gulf of Mexico. You've
21 got a thing in here that shows a 4,000 mile

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1 movement of a vessel. How many vessels move
2 4,000 miles from the Gulf to off the coast of
3 Brazil out of the Gulf of Mexico?

4 PARTICIPANT: I don't know the
5 actual number. But we were just looking at
6 the spatial extent in terms where vessels
7 could move.

8 MR. ZALES: Because the reason why
9 I asked that question, I know of, and he's
10 not, he's private boat fishing, and his boat
11 is tied up -- the name of the boat was the
12 Purewater (phonetic). (Inaudible) is on the
13 boat. And -- and he did that, which -- out of
14 Panama City, but -- so I don't know that you
15 would have a large number because it was a
16 pretty good size vessel, the Purewater is.

17 I -- I don't of many vessels
18 fishing swordfish and -- and fishing in those
19 areas that are the size that can make that
20 kind of movement. Maybe there's more there
21 that I'm aware of.

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1 I think that you should identify
2 how many because that -- that, just a layman
3 looking at that number, you say, "Well, gees
4 there's a lot of those boats moving 4,000
5 miles." And I don't think there's a lot of
6 them capable of doing that.

7 PARTICIPANT: Just a quick comment
8 and one question. I know there was a lot of
9 disappointment in Blue Water during the
10 proposed rule process and in the final rule,
11 that you didn't adopt any revisions to the
12 closed areas.

13 I know Terry and Ellison have done
14 an awful lot of analysis and Glenn Delaney had
15 participated in it as well. As they thought
16 that there were scenarios where there could
17 have been some significant benefits to the
18 fleet.

19 But I guess now that's kind of like
20 water over the dam, so we don't need rehash
21 it. And we ought to be looking at

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1 revitalization. But when is this circle hook
2 data for 2005 going to be available because
3 that obviously has to be involved in the new
4 analysis?

5 PARTICIPANT: Okay. It's available
6 now. The agency is looking at it. It's
7 something that just became available. All the
8 analyses that we did was J-hook, only J-hook.

9 PARTICIPANT: Right. Right.

10 PARTICIPANT: We just looked at J-
11 hook data. And so --

12 PARTICIPANT: Can we get the circle
13 hook data?

14 PARTICIPANT: The Southeast Center
15 is the one that you would need to contact.
16 They're the -- kind of the keepers of that
17 data. But it is now finalized and available
18 for our use and we're starting to look at it.

19 PARTICIPANT: Thank you.

20 PARTICIPANT: You can submit a
21 (inaudible) request to contact the Southeast

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1 Center. You're always free to do that.

2 PARTICIPANT: With regards to the
3 redistribution model that you said you
4 selected and you declared that, that's
5 scientific information available. What was
6 the basis for making that choice? Was it --
7 was it simply that the others didn't work or
8 is it based on some sort of peer review or the
9 criteria that's available?

10 Because you made that -- you made
11 that statement twice. And I thought, and
12 there was no explanation for it. That's why
13 I'm following-up.

14 PARTICIPANT: I think the
15 explanation was that the analyses that we have
16 consider redistribution of effort and the
17 other models do not. Additionally, the --

18 PARTICIPANT: So it's relevant.
19 The others were not relevant.

20 PARTICIPANT: Well, they're
21 relevant, but they're limited in terms of the

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1 degree of the analyses. We feel that it is a
2 reasonable expectation that fisherman will
3 continue to fish. And so modeling is somehow
4 examining that is an important part of what
5 we're trying to do.

6 PARTICIPANT: Okay. Okay.

7 PARTICIPANT: Additionally, the
8 bycatch estimate changes are not things that
9 are included in those other models. So this -
10 - this approach also attempts to estimate what
11 the changes in bycatch could be.

12 PARTICIPANT: So it meets your
13 particular needs in this case.

14 PARTICIPANT: They're important
15 questions for --

16 PARTICIPANT: A short follow-up
17 question. I heard the words, "OMB Peer
18 Review." What is that? Are they in a peer
19 review business?

20 PARTICIPANT: Yes, apparently.
21 There's an -- well, there's an OMB Peer Review

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1 Bulletin, which establishes different criteria
2 for peer reviews based on the level of
3 scientific information. There's two levels,
4 and it's highly influential, and then
5 influential, and there's different standards
6 for each.

7 This is a relatively new thing.
8 And the parts of the FMP, we determined, met
9 the lower thresholds, and so they -- they went
10 through that -- that process. So we can
11 provide that information on the process and
12 steps.

13 I think it was the time-area
14 closures, EFH, and something else, that we
15 thought met the -- one of the standards. And
16 so we -- we went through that process.

17 MR. SMITH: Ron Smith. Have you
18 considered using VMS (phonetic), or requiring
19 VMS, to help you gather information for your
20 modeling system?

21 PARTICIPANT: VMS is currently

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1 required and it's -- it's a piece of the --
2 the puzzle in terms of figuring out what
3 vessels are doing and where they're going.

4 PARTICIPANT: But that is really --
5 that data, just so you know, is almost
6 (inaudible) data for the fishermen. They have
7 a pretty tight relationship between
8 enforcement and the fisherman. And -- and
9 that was in order to get the fishermen, you
10 know, working with this is one of their
11 considerations.

12 And so, you know, that information
13 is tightly guarded with -- between the
14 fishermen, so it's like a boat data and
15 enforcement. So that's something that we're
16 beginning to be able to work with, but it's
17 something that's under pretty tight control
18 for the benefit of the fishermen. So just so
19 that people are aware of that.

20 MR. PILE (phonetic): Vince Pile.
21 First of all, I find this -- I find this

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1 subject and the following subject to be so
2 contradictory. I just don't quite understand
3 how we formatted this meeting. But with that
4 said, I have so many -- so many questions
5 about your -- your analysis.

6 Do you know how many longline
7 boats, fish? Do you know how many longline
8 boats fish in the Gulf of Mexico and the East
9 Coast of the United States?

10 PARTICIPANT: I don't know the
11 number off the top of my head. Part of the
12 thing -- part of the reasons why we didn't
13 implement new time-area closures is we're at
14 the time to establish how the pelagic longline
15 fishery is doing in the Gulf of Mexico, given
16 the hurricanes in 2005.

17 So that's also -- we're trying to
18 kind of get a grasp when we're able to look at
19 the 2005 data in more detail to see who is
20 actively fishing in those areas.

21 PARTICIPANT: I believe using the

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1 J-hook analysis of this FMP was -- was an
2 absolute wrong way to go. It's very obvious
3 that we're a different fishery now.

4 Your concerns about bycatch has
5 been met and -- with the circle hooks and the
6 studies that have been done, circle hooks
7 versus J-hooks in post-mortality, it
8 (inaudible) that there is a considerable
9 reduction in bycatch with circle hooks and --
10 than there was in J-hooks.

11 So all of this analysis in my
12 opinion is extremely not reflective toward the
13 reality of the fishery today as we have the
14 workshops, which everybody has already been
15 through on careful handling and release
16 practices, which we have found to be very
17 effective also in reducing bycatch.

18 So with that said though, to -- to
19 answer the permit thing that -- the permits
20 from my understanding, all -- when we became a
21 closed fishery, that each boat had been

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1 assigned a permit.

2 Since then, many boats have been
3 sold because many people have gone out of
4 business. And they have, like in my case, I
5 had moved a number of permits from the
6 individual vessels that I had to sell to my
7 company, A Fishman's Best (phonetic).

8 Although, the way I understand NMFS
9 tracks it so that they can keep track of the -
10 - the size and horsepower of the vessel. It
11 will always be tied to the original vessel
12 even though the owner, which in this case, in
13 the half of dozen, and I'm speaking of could -
14 - was me, but it was just different companies.
15 So that might answer Bob's thing.

16 The idea of -- of the movement of
17 the fleet when you -- when you guys do these
18 analysis in a very sterile area, you know,
19 like you predict that the Gulf of Mexico will
20 move to category six, as you call it, which
21 category six predominately is the Windward

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1 Passage, which the Windward Passage in the --
2 since 18 months ago, has been off limits to
3 the United States fishermen, even though we
4 have historically fished there for the last 30
5 years.

6 We now protect Cuba's EEZ zone and
7 so all of the movement that you have seen
8 historically in the Gulf going to the Yucatan
9 Peninsula and going through Windward Passage
10 in your Area Six is now an illegal activity.
11 So I doubt that they would be moving there.

12 There -- there seems to be a
13 tremendous disconnect between reality and --
14 and these analyses. And I'm sorry, I'm not an
15 educated intelligent person, but there's a
16 serious disconnect. Thank you.

17 MR. DELANEY: Thank you. Glenn
18 Delaney. The answer regarding the permits
19 that Bob Zales raised, and, you know, that
20 it's kind of confusing, or something like
21 that, I think was Vince's answer to that is a

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1 little disturbing.

2 Because then I wonder how that may
3 implicate the database that you're using, in
4 terms of catch and effort, you know. Okay.
5 You might want to look into that. Okay.

6 And if you have permits that are
7 being scored twice, you may be doubling your
8 effort estimates. You know, one can only
9 imagine what that might mean. So --

10 PARTICIPANT: Glenn, just to
11 clarify --

12 MR. DELANEY: It just raises a red
13 flag.

14 PARTICIPANT: There's two different
15 databases.

16 MR. DELANEY: Right.

17 PARTICIPANT: And so, I think, what
18 this is a permit number is -- is changing.
19 Although, the permit -- the boat is not. And
20 so just to clarify, this is not the Landings
21 database that we're talking about.

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1 MR. DELANEY: Right. Well, we
2 might want to go back and just take a look at
3 that. That's -- that's a little
4 discomforting. The -- clearly you've used
5 some very sophisticated modeling for the
6 redistribution of effort.

7 And, you know, a lot of it is
8 difficult for us to get our arms around unless
9 we, I guess, sit down with the modelers and
10 try to understand all the many assumptions
11 that were used.

12 You know, for example, you said
13 that one of the assumptions was that it's a
14 reasonable expectation that fishermen will
15 continue to fish in the face of a time-area
16 enclosure, which kind of flies in the face of
17 the fact that, you know, we've had a free fall
18 in the number of active fishermen in the fleet
19 since the time-area closures went into place.

20 I mean, Vince used to manage, what
21 26, 28 vessels. You got one. Anyway, I

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1 guess, the question there is with all that
2 sophisticating modeling -- sophisticated
3 modeling and assumptions about fishermen's
4 behavior based on your database, did you ever
5 ask a fisherman what they would do if faced
6 with things?

7 I mean, there's only 50 or 60
8 active swordfish fishermen and that's the
9 answer to the question if you didn't have it
10 on top of your head. Could you just ask them
11 what -- what would you do if faced with this?

12 And I think you'd probably get a
13 little more realistic answer to the question
14 rather than trying to assume that they're
15 going -- Gulf of Mexico boats are all going to
16 go fish out in the central Atlantic or in the
17 Yucatan Pass.

18 So maybe that's one thing that we
19 can do to ground truth your assumptions in
20 your very sophisticated models is to then
21 present those results to actual fishermen and

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1 say, "Is this what you would have done?"

2 And, you know, maybe that doesn't
3 meet the scientific test and NMFS doesn't
4 believe that fishermen will tell the truth.
5 But I suspect you'll get a pretty good
6 reasonable evaluation of your assumptions.

7 Also, on your list of alternatives,
8 I think, you know, and it's a failure of my
9 own that we haven't gotten this point across
10 to the agency because it's staring us right in
11 the face. On that last set of bullets, I
12 think, a lot of people in the fishery
13 considered that a technological solution, such
14 as circle hooks were a valid alternative to
15 time-area enclosures, which is a very gross
16 and, you know, not a very sophisticated way to
17 manage fisheries.

18 I mean, you know, we can always not
19 catch fish by prohibited -- prohibiting
20 fishing. I mean, that's -- it's brainless.
21 You know, it's the no fishing option. You

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1 know, we've got hundreds and hundreds of
2 thousands of square miles of closed waters
3 because we didn't have a technological
4 alternative.

5 And we developed a technological
6 alternative. Circle hooks weren't in addition
7 to time-area enclosures and shouldn't be
8 considered that way. They should be
9 considered an alternative to a less
10 sophisticated management strategy.

11 And, you know, obviously I failed
12 to get that point across in the last six years
13 of banging my head against your walls. And
14 maybe I never will. But maybe this group will
15 think about it that way.

16 But that is not even on your list
17 as an alternative to time-area enclosures.
18 And, you know, I just remind everybody,
19 reducing bycatch, also involves reducing
20 bycatch mortality. And that's, you know, a
21 great point of circle hooks.

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1 And, you know, maybe -- maybe the
2 data won't show that it's been a -- a big
3 change. But as Rich points out the 2005 data
4 and the reconstitution of the fishery around
5 circle hooks, you know, it's a very small
6 number of active boats, you know, may show
7 that this is a valid alternative to -- to the
8 time-area enclosure strategy.

9 But again, I -- just to drive the
10 point home, get in touch with the fishermen.
11 There's not that many out there. And ask them
12 where they're going to fish. If you did this,
13 or if we did that.

14 PARTICIPANT: Glenn, just to
15 respond to a couple of your points. The
16 assumption that we thought was reasonable is
17 that fishermen would keep fishing is based on
18 the fact that not all of them, but many of
19 them, in some fraction, did continue fishing
20 after the first round of time-area closures.

21 And so we felt that that was

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1 evidence that some fishing effort would be
2 would be redistributed. As far as reaching
3 out to fishermen, I'm always interested to
4 hear how we can do that better. We had
5 multiple -- we had 24 public hearings on that.

6 And so these analyses were put
7 before the public. And we asked these
8 questions. So, you know, we're putting it
9 again to you all as well. What -- what are
10 the -- the ways to predict where fishermen
11 will go?

12 The information we used is where
13 they had been fishing most recently. So we're
14 using the data that we have. The same
15 argument holds for the J-hook data. The data
16 that we had at the time we're moving forward
17 with the amendment.

18 We're continuing to look at the
19 issues. We're starting to look at the 2005
20 data. Now we have a full, approximately 18
21 months of data on circle hooks and the impacts

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1 of what that will be on bycatch.

2 And we're trying to look at what
3 are the other ways we can manage the fishery,
4 including circle hooks. Obviously, that's a
5 major part of what the fishery is right now.
6 That's one of the reasons we're not moving
7 forward with changes.

8 So we're continuing to look at the
9 issue. And I think we're looking to the AP to
10 give us some further guidance on how to move
11 forward on the issue.

12 PARTICIPANT: Bob here. This is a
13 bit of shift in conversation. But early this
14 year, a right whale calf was killed by a
15 commercial shark gillnet gear. The fishery
16 was closed for a couple months then reopened.

17 My question is, why were time-area
18 closures of some sort for this fishery not
19 considered by NMFS in light of this mortality?

20 And given the continuous protests by the
21 state of Georgia and other folks, including

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1 myself, over -- over this fishery.

2 PARTICIPANT: Well, that happened
3 last February. At which point, we were in
4 comment period on a document that had already
5 been released to the public. So including
6 final measures, you know, we have to put it
7 before the public before we can move final.

8 Additionally, that is handled
9 under, I believe, the MMPA. And so there are
10 actions being undertaken under that statute to
11 address the right whale.

12 PARTICIPANT: The reduction in
13 bycatch over this time period, was it effort
14 adjusted?

15 PARTICIPANT: Can you just --

16 PARTICIPANT: Well, you know, what
17 you're looking for here is, is a spatial
18 differential in your bycatch by reallocating
19 the hooks elsewhere.

20 But over the time course that
21 you're looking, the number of hooks that are

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1 actually fished in the waters that are being
2 reported, I imagine decrease significantly.

3 And so if you have 30% fewer hooks
4 fishing in the water regardless of where
5 they're fishing, you'd expect to see a 30%
6 reduction in bycatch. And so to really see if
7 your closed areas are working for any
8 particular species, you have to -- you have to
9 adjust for the effort.

10 And, you know, I know the number of
11 active fishermen are down, but I don't know
12 what the actual number the decrease has been
13 in the hooks that are out there.

14 PARTICIPANT: So when we did the
15 redistribution of effort, the effort that was
16 taken in a given closure, was based on effort
17 for 2001 to 2003. And that -- so there may
18 have been a reduction in effort in 2005, but
19 all we had was the terms of number of hooks
20 that was taken in that -- in a given area of
21 the closure and redistributed to --

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1 PARTICIPANT: No, (Inaudible)
2 actual data.

3 PARTICIPANT: Yes, the actual data
4 had not been scaled to reflect reduction in
5 effort in present day. Everything that was
6 done was based on the number of hooks that was
7 present from 2001 to 2003.

8 PARTICIPANT: There's a lot of ways
9 you can reduce bycatch, but if instituting the
10 closed area has driven a whole lot of boats
11 out of the fleet so that they're not
12 participating, you can claim, look what these
13 closed areas have done, they've really reduce
14 bycatch. But what they really reduce is the
15 fleet.

16 And -- and I think that that's
17 something that needs to be evaluated before we
18 pat ourselves on the back too hard here. Or
19 look at other time-area enclosures that may
20 drive the last few boats out of the fleet.

21 PARTICIPANT: I guess I'm a little

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1 bit confused about the sophisticated modeling
2 that this requires when the actual data are
3 available. And -- and in North Carolina, for
4 example, I've done this analysis before
5 looking at individual fishermen that -- and
6 what do they do?

7 And if there's a closure of one
8 species for a couple months, their trip ticket
9 information tells me what they did on a day-
10 to-day basis. So I don't understand why you
11 would impose error terms and possibilities
12 with a model when you can actually get the
13 information from the states, work with the
14 states, identify the fishermen.

15 And we can -- I can tell you
16 exactly what every one of those North Carolina
17 boats is doing on a day-to-day basis without a
18 model.

19 PARTICIPANT: First of all, the
20 model isn't complicated. It's an Excel
21 spreadsheet that we have in the HMS FMP. And

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1 it goes through exactly on what is done. It's
2 not a complicated model. It's pretty
3 straightforward. The data is all there. It's
4 all available.

5 And we can sit down with you and go
6 through exactly how we calculated
7 redistribution of effort. And actually what
8 we did is we took the actual data based on the
9 observed or recorded sets, the number of
10 hooks, what was caught. Based on that we were
11 able to make a predictive change or -- in
12 bycatch due to a particular closure.

13 So it's a predictive estimate on
14 that. But we're taking real data on what
15 we're doing from the reported fishing effort
16 and what was caught and what was discarded,
17 etc.

18 PARTICIPANT: You're
19 misunderstanding what I'm saying. What I'm --
20 a lot of these time-area closures and a lot of
21 these things, the guys go into different

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1 fisheries. So, I mean, I've got pelagic
2 longline guys in North Carolina that when we
3 close a certain area, the longlining, for
4 example, they may go gill netting for king
5 mackerel. They may go crabbing. They may go
6 clamming. They may do all sorts of different
7 things. They don't necessarily go the
8 longlining somewhere else; many of them don't.

9 And so what we've seen in -- in
10 some of our fisheries, in all of our fisheries
11 in North Carolina, is that when a certain
12 regulation comes in, like the March/April
13 spawning season closure for gag grouper.

14 There's snapper grouper permit
15 holders. Most of those guys stopped snapper
16 grouper fishing, and go sea mullet gill
17 netting off the beach. So you've gone from
18 two-hook low bycatch gear to a high bycatch
19 gill net fishery.

20 So that's what I'm saying is that
21 if you can identify the individual

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1 participants, the state trip ticket at least
2 in the South Atlantic. The state trip tickets
3 can tell you, did they continue the pelagic
4 longline fishing? If you're modeling and
5 assuming that they're all still pelagic
6 longline fishing, then that's a bad
7 assumption, I think.

8 And that most of them are actually
9 not pelagic longline or a lot of them aren't.

10 So they're taking effort completely out of
11 that fishery and moving into a totally
12 different species or different area.

13 PARTICIPANT: We've -- we've looked
14 at the effort that we had and moved it based
15 on the closures. I think what I'd like to do
16 is start looking at what is happening in the
17 other fisheries. And, you know, if they're
18 not federally managed, or federally reported
19 fisheries, then we will need to come and talk
20 to the states to get the data for state
21 managed fisheries that we wouldn't necessarily

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1 have that data.

2 MR. DEVNEW: Jack Devnew. On page
3 four of your handout, you have a chart. And
4 it looks like it's got the new areas there.
5 And then you've got a chart of all the boats
6 in the area. Can you push that -- punch that
7 up, please? Put that up.

8 Can you explain to me again what --
9 what the -- what this is? Is this saying that
10 if you closed Area One, you're going to
11 potentially displace two Florida East Coast
12 boats, 22 Florida West Coast boats, 39
13 Louisiana boats, one Massachusetts, and three
14 Texas boats?

15 PARTICIPANT: What this is showing
16 is just where -- when you breakout those
17 areas, we looked at data from 2001 and 2004,
18 and saw what boats were fishing in those areas
19 and their associated home ports.

20 The time-area closures that we
21 looked at, I mean, these are huge areas. We

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1 didn't look at closures on this large spatial
2 scale. We looked at stuff that was a smaller
3 spatial scale.

4 So this was just letting us know
5 where, based on these areas, where different
6 boats, and their associated home ports, where
7 they're fishing with respect to these areas.

8 So for example, Area One to Florida
9 East Coast home ported boats reported fishing
10 in Area One.

11 PARTICIPANT: What is home port?

12 PARTICIPANT: Home port is where
13 you're registered, where the permit, the
14 landing.

15 PARTICIPANT: (Inaudible) but they
16 don't live in Miami, they live in Tampa
17 (inaudible).

18 PARTICIPANT: Well, this is based -
19 - some of the information that we have is
20 where vessels are home ported. Not
21 necessarily associated with where they're

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1 fishing. This is what it's showing, is where
2 the difference between home ports and --

3 PARTICIPANT: That's a little bit
4 misleading because you're showing 22 East
5 Coast Florida boats, and I know for a fact
6 there wasn't more than eight left that fish.

7 PARTICIPANT: This is over 2001 and
8 2004.

9 PARTICIPANT: Okay. That's right.
10 We're talking about non-reality. But either
11 way, the ports are simply by documentation.
12 It has nothing to do with where a person lives
13 or where he unloads his fish.

14 PARTICIPANT: Well, apart from the
15 other landings information that we have, which
16 is the next step in this. What other
17 information would we have to determine besides
18 what's provided to us on where folks are?
19 That would be a useful question to get an
20 answer.

21 PARTICIPANT: Go by where they land

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1 their fish, that's home.

2 PARTICIPANT: Yes. (Inaudible).

3 That was great. I'm glad to provide that
4 segue to you because it helps with some
5 clarification. I guess my next question would
6 be, if this is shown over a period of times,
7 you also have some, presumably there's
8 duplication here too.

9 So that the two Florida East Coast
10 boats that show up in Area 1 may also be part
11 of the ten Florida East Coast boats that show
12 up in Area 2A, or part of the group that show
13 up in 2B, or 3, or wherever. Is that
14 accurate?

15 PARTICIPANT: Yes, it could be. We
16 were just looking at what boat was fishing in
17 a given area and the associated home ports
18 that we have off of that permit. So it could
19 be duplication in that case, which means
20 they're moving and fishing in multiple areas.

21 PARTICIPANT: Okay. So -- and this

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1 is -- so then the conclusion is that at some
2 point during the year, this is not
3 accumulative, but three year accumulative
4 thing, this is a snapshot of 2001 and 2004?

5 So this is over a period of three
6 to four years, this is the level of effort
7 that we've seen.

8 PARTICIPANT: This is an effort in
9 terms of number of hooks, in terms of that.

10 PARTICIPANT: No.

11 PARTICIPANT: And this is one of
12 the things that we can use to try and figure
13 out based on a given management, you know, so
14 that we're evaluating a time-area closure,
15 where people may go. It's based on the
16 information that we have. This is the
17 evidence of where they have gone.

18 PARTICIPANT: Okay. I understand
19 that. I guess -- I guess, where -- where I'm
20 stumbling along here is that over a period of
21 three years, you've got, you know, boats that,

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1 I don't know how many Florida East Coast boats
2 there are. The most they show up in any given
3 place is in Florida East Coast.

4 But my point being is that this,
5 Jesus, we're almost, you know, going to
6 talking about how many angels are dancing on a
7 head of a pin here. This is no effort at all.

8 Look at them. There's so few boats.

9 PARTICIPANT: This is not effort --

10 PARTICIPANT: We're just -- we're -
11 - we're -- it is effort. It's boats.

12 PARTICIPANT: Right. But --

13 PARTICIPANT: Okay. And there's
14 nowhere near as many as there used to be.
15 And, I mean, you take a look at those, and
16 look at those. You only got 40 boats out
17 there going all over (inaudible) 50.

18 PARTICIPANT: Well, that -- that is
19 certainly a factor. The analyses and
20 (inaudible) were based on the number of hooks
21 reported. And so this is a component. This

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1 is one way of using the information that's
2 reported to us to use as a predictor based on
3 what we've already seen.

4 So I understand the difference
5 between the number of boats. Just to
6 distinguish, so everyone is clear, that with
7 the analyses that we have is based on the
8 number of hooks reported. Not this is a tool,
9 but it is not what the analyses --

10 PARTICIPANT: Okay. And my point
11 is you've gone far enough. Start going the
12 other way. There's nothing left.

13 MR. BEIDEMAN: Terri Beideman. I'm
14 glad that's up there because it's very, very,
15 very telling. Okay. Those are not discreet.
16 You can't add up all those numbers and say
17 that's the number of boats. That's three
18 years, there's not a single area with more
19 than what, 30 something boats?

20 I mean, that's, you know, it's such
21 a minimal amount of effort. Anyway, going

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1 back. I am pleased and I will say that I
2 appreciate NMFS's effort to try to better
3 estimate what boats will do.

4 I do think we are now down to
5 numbers where you could probably speak to them
6 individually and ask them exactly what they're
7 going to do. Models might not be necessary.

8 However, it's infinitely better
9 than guessing because your models in '99
10 didn't necessarily think that we were going to
11 have the amount of attrition out of this
12 fishery that we've had.

13 So your models were flawed. Nobody
14 knows, and maybe if you'd ask the guys, you
15 know, "What are you going to do? Are you
16 going try fishing somewhere else? Are you
17 going to go somewhere else?" They would have
18 told you, "No, I can't. I got a little boat.

19 I'll be out of business." I think some of
20 them did.

21 Anyway, that now withstanding,

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1 troublesome to hear discussion, I appreciate
2 the modeling and all, for the purposes of more
3 time-area closures, we don't have much of the
4 EEZ that's actually completely open all the
5 time.

6 Now, we have hardly any fleet left.

7 I mean, we'd be standing in line behind the
8 shark guys looking for a buyout if you have
9 more closures. I mean, there isn't anything
10 left to do that.

11 I mean, I know this was
12 substantive. It's not science, but -- back to
13 the science. I'm going to say one more time,
14 bycatch comparisons, of where we are now,
15 circle hooks, reduced effort, mitigation
16 tools.

17 We have to be compared to 1997 to
18 1999 J-hooks where we were there. Not where
19 we are now, or where we were yesterday, and
20 what some proposed action will do compared to
21 yesterday, where we're basically painted in a

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1 corner and we have no fleet left.

2 You have to look at CPUEs and
3 amounts and levels based on where we were.
4 And now you analyze them in the safer ports
5 and you say, "Oh well, we got a 50%
6 reduction." Okay.

7 Well, if we got a 50% reduction,
8 and we trimmed some of these areas and we do
9 some creative stuff to try to rebuild our
10 fleet A, no revitalization without increased
11 bycatch. Illogical, not going to happen, got
12 to accept it. Got to have -- you're going to
13 have it.

14 You're going to have more effort.
15 You're going to have more hooks in the water.

16 You're going to have more fish caught.
17 You're going to have more bycatch. If it
18 isn't acceptable, we're wasting our time.
19 You're wasting your time talking about it.
20 It's lip service.

21 You're going to get wrapped around,

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1 we can't increase bycatch, then we're all
2 wasting our time on this. Write us a buyout
3 now.

4 If you want to look at where we
5 were and where the new proposed things might
6 lead us, instead of a 50% reduction, it's a
7 48% reduction. And you got fishermen that can
8 fish and try to make a living. And maybe, you
9 know, hold onto our quota and not give it to
10 Taiwan who doesn't care about modeling. It's
11 got to be okay. It's got to be good enough.

12 And if you're not going to adopt
13 that philosophy, okay, this isn't management.

14 This with the swordfish fleet and the pelagic
15 longline fleet is a dismal failure of
16 management. No offense to anyone personally.

17 But this is not management. This
18 is destruction of a pretty viable fleet. You
19 should be able to revive it, maybe. But it's
20 going to take work. And it's going to take
21 acceptance to the fact that we're doing pretty

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1 good. It's got to be good enough some time.

2 MR. ZALES: Bob Zales. A quick
3 question on when you did the permitting thing
4 checking. Did you check to see how many of
5 these vessels were multi-permitted for
6 different species of fish? A pelagic longline
7 vessel in the Gulf, how many of them had re-
8 fish permits in the Gulf? How many of them
9 had coastal pelagic permits on the Gulf, shark
10 permits?

11 Because the statement was made
12 earlier by somebody that said that they didn't
13 move when they got called to fishery water.
14 They simply went to another fishery and fished
15 someplace else.

16 Because it's kind of, like what
17 Louis was saying. My knowledge of commercial
18 vessels in the Gulf of Mexico has always been
19 that these people, they multi-species fish.
20 They didn't become species-specific until the
21 fishery service came in here and said, "You

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1 got to have a permit for this one, permit for
2 that one." They fished.

3 And they targeted certain species,
4 but they kept whatever they caught. And
5 that's pretty much where they are today, so
6 that you have this situation. So you need to
7 know that information on here.

8 The home port situation, and
9 obviously this is like I said before, there's
10 no communication within the fishery service
11 and the different venues of information that
12 you have out here.

13 In the Gulf of Mexico, we went
14 through this home port issue years ago either
15 with red snapper, or grouper, or one of the
16 fisheries, I can't remember. But there are
17 documented vessels in Panama City, Florida,
18 that are documented in some town in Delaware.

19 That vessel has never been to
20 Delaware ever before in his life. It's simply
21 a tax thing. It lives and dies in Panama

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1 City, Florida. And -- and so you have the
2 same situation where these guys in Louisiana -
3 - right now you've got a bunch of boats that
4 are documented in Panama City, Florida.

5 They snapper fish in Louisiana.
6 That's where they stay. But they live in
7 Panama City. The boat lives in Louisiana.
8 The guy lives in Panama City. So that's what
9 you need to know.

10 And where you're looking at this
11 limited number of vessels like somebody else
12 said, I mean, there's telephones still today,
13 get on the phone and call. You've got that
14 information on the permit. Ask the person,
15 "Where are you fishing?"

16 PARTICIPANT: We have that
17 information. And that's something, the next
18 step, that we're going to be looking at. All
19 of the permits that are currently held are in
20 the database. You can look at them at the
21 landings.

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1 So this is a first cut, which is
2 sharing what we found and looking for some
3 input. So that's loud and clear.

4 MR. NEHLS: Don Nehls. Just a
5 reality check. Florida's Atlantic coast is
6 about the length of Florida's East Coast. And
7 there's 243 boats from there in the Spanish
8 fleet.

9 PARTICIPANT: Say that again.

10 PARTICIPANT: Spain's Atlantic
11 coast is about the size of Florida's East
12 Coast. And there's 243 freezer boats there.
13 We don't have one in the U.S. fleet.

14 MR. PILE (phonetic): Vince Pile.
15 I just would like to either -- either some
16 clarification on the -- on the rest of the day
17 or maybe a reconsideration of -- of the
18 agenda. Because the way I understand this,
19 we're supposed to go into breakout groups now,
20 or after lunch, to discuss time-area closures
21 from data that is non-related to what's real

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1 today.

2 And then at 2:30 we're stopping
3 that. We're going to hear a presentation on
4 how to rebuild the longline fleet. And then
5 we're going to go into breakout sessions on
6 how to revitalize the longline fleet, so that
7 we can start catching some of our quotas,
8 since most of all of our objectives have been
9 met by the closures that were painfully taken
10 five years ago. I just -- I find it so
11 contradictory that I don't know what face to
12 wear.

13 PARTICIPANT: Okay. Well,
14 actually, that -- that may be a good point for
15 us to talk about and think about. You know,
16 just to restate, this is not about we're going
17 to implement new time-area closures. We are
18 fresh off the heels of a document that looked
19 in-depth at new closures, at modifications,
20 using the data that we had. Remember
21 amendments take a long time.

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1 And so the data that we have is
2 what we use. Don't forget, we had a petition
3 for a rule making to close a very large
4 portion of the Gulf of Mexico to protect
5 spawning bluefin tuna. We denied that.

6 And so we have come to this point
7 where we have just decided officially Monday
8 to make no new closures. Also, to not modify
9 them. Clearly this is an issue that will
10 continue.

11 And so we're looking to you on how
12 to move forward. If you recall the last AP
13 meeting, there was a lot of discussion about
14 our analyses and what they were and what
15 weren't.

16 And so we've done that. We heard
17 you. We've taken some additional steps.
18 We're looking for advice on where to go now.
19 What additional steps should we take? What
20 additional data? We're hearing some of that.
21 That's great.

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1 And this is the kind of dialogue
2 that we need. These are some of the questions
3 that we face. And so we're looking for some
4 input from you, the fishermen, the industry
5 leaders. How do we make these predictions?
6 Because that's what it is.

7 When we get a request from someone,
8 a petition from a constituency to do
9 something, we have to look at it. And so we
10 need some information from you. That's the
11 point of this.

12 As far as the length, this sword
13 revitalization, absolutely. They are tightly
14 linked. And I fully expect the dialogue to go
15 in that direction. If folks would be
16 interested, I think, we could all use a break.

17 I'd like to suggest we still break now.

18 We could come back, have the
19 swordfish presentation, and then have a joint
20 breakout, that -- that would be fine. I know
21 that they are two sides of the same coin. So

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1 --

2 MR. RUAIS: Rich Ruais. It
3 probably doesn't make sense to take a whole
4 hour for us to sit in the group and start
5 dealing with these questions here when the
6 next topic is revitalization.

7 Let's -- let's go into the
8 revitalization mode and we can contribute some
9 thoughts on this one as well. That's what we
10 need the most time to do.

11 PARTICIPANT: Carol, did you have -
12 -

13 PARTICIPANT: I just wanted to
14 build on what Margo was saying in that, we're
15 talking about time-area closures, but it
16 doesn't necessarily mean new time-area
17 closures. It's also how do we improve our
18 modeling, what questions we need to ask, what
19 criteria we need to modify the existing time-
20 area closures and potentially open them.

21 So they are -- they are linked --

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1 PARTICIPANT: Right.

2 PARTICIPANT: -- as you said. It
3 just seems to me listening to the discussion
4 this morning the questions that were coming up
5 is, I just had the impression that the
6 commercial fishermen, the pelagic longline
7 fishermen in the room felt that this whole
8 presentation was towards closing new areas.

9

10 And that's not --

11 (TAPE 5 ENDS, TAPE 6
12 BEGINS.)

13 PARTICIPANT: -- except that if you
14 look at the first page of the handout, the
15 first three boxes are all about time-area
16 closures. And the issues are bycatch
17 continues to be a problem in HMS fisheries.
18 And time-area closures are a management tool
19 to address bycatch.

20 PARTICIPANT: Well, that continues
21 to be true.

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1 PARTICIPANT: That's right. But
2 we're now supposedly here to talk about
3 revitalization. We can talk about bycatch and
4 mandatory circle hooks and safe handling and
5 release practices and all of that, but in
6 context of revitalization, not -- not -- let's
7 go and start examining the closed areas of the
8 tools.

9 PARTICIPANT: Well, it's not just --
10 but how do reopen areas without increasing the
11 bycatch? How do we set-up the criteria? I
12 think you're --

13 PARTICIPANT: (Off mic.)

14 PARTICIPANT: But that's -- that's -
15 - I just wanted to clarify. So thank you.

16 PARTICIPANT: I mean, the reason it
17 remains a concern is because it remains a
18 concern for some of our constituents. You
19 know, we're not hearing too much from them
20 right now but bluefin tuna, the petition for
21 rule making.

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1 We've heard from the Gulf Counsel
2 request to close the Gulf for billfish
3 bycatch. So, you know, it remains an issue.
4 How we address it are other options
5 (inaudible). How do -- what other tools are
6 in that toolbox, is what we're looking to
7 hear?

8 PARTICIPANT: (Off mic.)

9 PARTICIPANT: Yes, it's a question.
10 You have a request from the Gulf Counsel to
11 close what fishery for billfish.

12 PARTICIPANT: It was a comment that
13 came in on the draft that we should consider
14 closing the Gulf of Mexico. I don't remember
15 specifically the areas. But instead of what
16 the petition request was from April through
17 June, but it was from, I believe, July through
18 August, or something like that, so. So it
19 remains a concern.

20 PARTICIPANT: (Off mic.)

21 PARTICIPANT: I believe so, yes.

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1 Let's take lunch.

2 PARTICIPANT: You have one hour from
3 this moment --

4 PARTICIPANT: Yes, and we'll come
5 back to the swordfish -- (TAPE 6
6 ENDS, TAPE 7 BEINGS.)

7 PARTICIPANT: What can be done in
8 the course of our meeting within a year say,
9 and provided specific numbers so that we can
10 pinpoint these things and to do the analysis.

11 If necessary, implement a better regulation.

12 And second, what is the long-term
13 strategy that could be implemented to
14 revitalize our swordfish fishery. And I say,
15 swordfish fishery, not necessarily one fleet
16 or sector over the other, but that's another
17 issue that needs to be discussed.

18 Which sectors to be participating
19 in what is really a success story for the
20 agencies right now in that we have a rebuilt
21 swordfish stock. So I'll leave it at that.

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1 PARTICIPANT: I was going to say,
2 if maybe you first have technical questions
3 again, let's -- let's try and keep it
4 technical clarifying this -- on the point
5 (inaudible), so you can all get to your
6 breakout.

7 PARTICIPANT: Okay. The first
8 thing is as we breakout, let's keep our eyes
9 on the pie, which is the key to the U.S. quota
10 in the United States and all of the thundery
11 benefits that that means for bycatch as NMFS
12 is always talking about.

13 And for ultimate swordfish
14 sustainability. The technical thing that I
15 have is that on the -- the little panel there
16 on import prices and demand. The request to
17 implement import tariffs or to prohibit
18 imports, I didn't hear so much that, although
19 there might have been a few.

20 I think what most people in my area
21 at least are interested in is making sure

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1 that, just like to shrimp, that the swordfish
2 that are imported, I held to a similar
3 standard of bycatch reduction and of
4 sustainability. So when we breakout, I
5 appreciate it if you kept those things in
6 mind.

7 PARTICIPANT: Yes, I have just a
8 couple of small points, but I do think they're
9 important. One is in the handout where you
10 talk about important factors to consider. And
11 I think I mentioned this at least one of the
12 public hearings. You left out reasonable
13 opportunities to catch the U.S. quota.

14 And I know it's behind the scenes,
15 you're all thinking about that, but that --
16 that phrase, that legal requirement, is both
17 in ACTA and Magnuson and has been there for a
18 long time. It drives a lot of the actions on
19 bluefin tuna.

20 And we would hope that it would
21 drive some of the actions on swordfish as

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1 well, especially in light of the fact that in
2 2004 we caught 29% of our quota. Clearly,
3 there -- there is an overkill on the
4 regulation side that's preventing us a
5 reasonable opportunity to catch our quota.

6 The other point I wanted to make in
7 your summary table about the first one where
8 you talk about the ports reopening, the ports
9 keeping it closed. I attended four of the six
10 hearings, and I read the summaries for the
11 other two.

12 And I would say at five of the six
13 hearings, clearly the bulk of the comment was
14 in favor of reopening or modifying an
15 important closed area so we could have a
16 better reasonable opportunity to catch the
17 quota.

18 I was also at the Ft. Lauderdale
19 hearing and anybody who was there or in South
20 Florida heard that we shouldn't reopen too
21 many -- too many areas that we need to protect

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1 the important recreational fishery that's in
2 that area.

3 As Gail says, "Let's keep the eye
4 on the prize," I hope we can focus in on those
5 two competing needs. There is a need that's
6 recognized by the swordfish industry to
7 protect that important, very valuable,
8 recreational fishery in Florida. And at the
9 same time, there's -- there's an equally
10 important need for us to change the swordfish
11 plan so that the U.S. industry can catch more
12 of our quota. Thank you.

13 MR. HINMAN: Yes, could you put
14 that -- Ken Hinman, could you put that slide
15 that shows the ICAT (phonetic) quotas and the
16 U.S. landings up again?

17 I just think for purposes of
18 keeping this all in perspective, and I do
19 agree with Gail's prize of keeping an eye on
20 it, revitalizing our fishery while maintaining
21 the bycatch standards. And, I think, trying

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1 to get other countries to adhere to the kind
2 of standards that we hold our own fishermen to
3 and if we can do that for imports.

4 So I just -- I have a little
5 problem with the column of percent quota taken
6 because I think we have two issues here. One
7 is maintaining our baseline quota, which is
8 the quota in the left column. And then
9 there's the -- accumulation of carryover.

10 And I think those are two separate
11 issues. And that percent quota taken column
12 is the percent of the adjusted quota that
13 we're catching. And which makes it look, I
14 mean, it's dire enough, but this makes it look
15 twice as bad.

16 Really those numbers are more after
17 2001 are more 70%, 60%, 50, you know, down to
18 about 50 in 2004, if it's just looking at the
19 baseline quota that we're given. So we are
20 way under our quota, but we are not that far
21 under our baseline quotas.

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1 So I just want to make sure that we
2 have it -- I'm sorry.

3 PARTICIPANT: (Off mic).

4 PARTICIPANT: I'm not saying, I
5 said it was dire, but I want to make sure that
6 people don't realize that, or think that, we
7 have to take some measures we might not need
8 to take in order to revitalize things. I
9 think we need to keep it in a proper
10 perspective of how much needs to be done.

11 And we're not -- we're not going to
12 do something to our fleet with our regulations
13 that's going to enable us to go out in a few
14 years and catch 7,000 tons of swordfish in one
15 year. It ain't going to happen. What we're
16 trying to do is get a fleet that catch 3,900.
17 That's it.

18 MR. SMITH: Ron Smith. For my
19 advocation, maybe the others, would you say
20 that the commercial fishery was more severely
21 impacted than the recreational by past

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1 management measures?

2 PARTICIPANT: As most people in
3 this room know, a majority of the measures in
4 recent years have been directed at the
5 commercial fishery. That is not, you know,
6 it's not 100%. We do have regulations that
7 have gone in the recreational side as well.

8 If I could just ask, try and keep
9 the comments, so that -- really the questions
10 at this point, to kind of clarifying nature,
11 so that we can get to the breakout groups.
12 It's just another opportunity for folks to
13 talk about things.

14 MR. WEISS: Margo, if you don't --
15 if you don't -- I'm sorry, Peter Weiss. If
16 you don't (inaudible) to ask this, but it's
17 kind of clarifying to my mind, it's not
18 technical. You're asking me to -- you're
19 asking a lot of us to make some comments or
20 decisions or recommendations.

21 It's something a lot of us don't

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1 know a hell a lot about. Personally me, I
2 mean, I never fished for swordfish. I kind of
3 -- and I'd like to understand, maybe in a
4 (inaudible) comments from a -- from the
5 swordfish industry or representative, whoever,
6 that may be here, as to what they think they
7 need to somehow begin to catch this quota.

8 Because there was a lot of things
9 said that were brought up. I mean, I can't
10 even remember half of them. And I'd like to
11 think about it in kind of an intelligent way
12 and look -- and trying to take a look at it
13 from their standpoint.

14 I think we've achieved conservation
15 all right. But I think we're trying to get
16 them back into business and it may not be the
17 time, but I'd like to understand from somebody
18 from the industry what they need in a very
19 short comment to bring the industry back. Is
20 that out of line, I mean --

21 PARTICIPANT: I think, you know, we

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1 have the option, I guess, you know, the folks
2 that are in line to -- to speak, that would
3 come at some of their time probably. And so
4 if the folks that here are amenable, we can
5 turn the floor over. I would really try and
6 request it be very short. Are folks amenable
7 to that? Are you interested in hearing that?

8 Okay. I'm seeing --

9 PARTICIPANT: (Off mic.)

10 PARTICIPANT: Very briefly, please.

11 MR. RUAIS: Rich Ruais. First of
12 all, as Terry has already said, there isn't
13 going to be any serious revitalization of the
14 swordfish industry unless there is revision to
15 closed areas, (inaudible) closed areas.

16 And unless there's acceptance of
17 some higher level of bycatch that we've had in
18 recent years going back to pre-massive closed
19 areas, which were implemented in 1999.

20 So the first thing that the fishing
21 industry needs here is to get more fishing

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1 ground. And we need to do that in balance
2 with all of the other competing stakeholders
3 in this fishery. And we recognize they're
4 very important.

5 And Blue Water has a number of very
6 influential board members that want to take
7 that into consideration and work with the
8 recreational fishery to make sure it's
9 accompanied.

10 Some of the other things that we
11 need are, you know, we want to keep our quotas
12 because we think we have a common interest
13 with the recreational fishery to make sure
14 that the U.S. keeps its quota.

15 We recognize that U.S. pelagic
16 longline industry is the most progressive
17 longline fishery in the world. We've already
18 heard it time and time again, mandatory circle
19 hooks, the safe handling and release
20 practices.

21 You know, we have these bycatch

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1 rules where we can fish. If the quota goes
2 elsewhere, these other industries are not
3 going to be catching in the same ecosystem
4 friendly way that we are.

5 In terms of the other major
6 measures, I'll be brief. It's exactly what
7 Rick already ran through, things like upgrade
8 criteria on horsepower and overall length,
9 adjustments to the incidental trip limits,
10 both in the Atlantic and in the Gulf of
11 Mexico.

12 Looking at some of the closed areas
13 in the Gulf of Mexico as well for reopening or
14 partial reopening. Looking at experimental
15 fisheries with circle hooks to go in and see
16 how much progress we've made on the issue of
17 reduction of bycatch of protected species and
18 the modeling.

19 So it's those types of real
20 measures that can help us begin to achieve a
21 higher portion of our quota. And we want to

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1 do it in balance with the other measures.

2 PARTICIPANT: Thanks.

3 MR. DEVNEW: Jack Devnew. Well, my
4 first comment before we kind of went into this
5 newer ground from Peter's suggestion was that
6 I also had a point on important factors to
7 consider on that slide. And -- and I wrote
8 down another, you know, you have three bullet
9 points there under Magnuson-Stevens Act
10 considerations, you know.

11 And I had put the same fourth one
12 down that -- that Rich had, which was the
13 reasonable opportunity to catch your quota,
14 that that is, you know, in the (inaudible).

15 And the other that I put in was
16 the, I guess, -- pardon?

17 PARTICIPANT: (Off mic.)

18 MR. DEVNEW: Optimum yield, yes, is
19 the requirement of Magnuson to manage your
20 fishery to optimum yield. So once the BMSY
21 (phonetic) is up there, then you need to get

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1 the optimum yield, which considerably -- okay,
2 enough said there on that. We had a
3 question at our table, just while the
4 presentation was going on regarding kind of a
5 question like similar to Peter's. It's, you
6 know, what are the -- but the inverse of it?
7 What are the reasons that it's not being
8 caught?

9 And -- and what it is, is if you
10 take a look at your slide, you know, your
11 sixth slide, which is a current commercial
12 swordfish management measures, there isn't a
13 very elaborate extensive menu of them. And
14 it's the -- it's the -- the whole thing.

15 So we need to drill down as to what
16 parts of it we can get at, I think, to help
17 revitalize. But, you know, for some people
18 that aren't familiar, or as familiar as they
19 might be with that, it's, you know, the death
20 by a thousand cuts argument.

21 And I guess my last comment was on

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1 your discussion on permits, I think it's --
2 there's not a lot of information out there on
3 that. And I'm not so sure if it's not
4 somewhat premature or something because, I
5 think, there's probably considerable overlap.

6 So to have a discussion on it, we probably
7 don't have enough information to have too much
8 discussion there perhaps. Thanks.

9 MR. DEGRAAF: Adam Degraaf. I was
10 with the Gulf of Mexico Fishery Counsel.
11 Point of clarification, when we're -- our
12 discussion here is about the swordfish
13 industry and -- and sword fishery, but when
14 you talk about the Gulf of Mexico and some of
15 the restrictions that we have in the Gulf, we
16 don't have a very large swordfish industry or
17 directed fishery in the Gulf.

18 Our -- our regulations and things
19 that we have applying to pelagic longlines are
20 not necessarily targeting the swordfish
21 operations. They are applied to all pelagic

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1 longlines. And in the Gulf that means
2 primarily tuna.

3 So when you talk about changing
4 some of the restrictions in the Gulf, those
5 are not as they apply to swordfish. They're
6 all applied to pelagic longline.

7 So it's confusing on whether you're
8 talking about it in your presentation as
9 opposed to what our intentions truly are.

10 PARTICIPANT: I just to respond. I
11 think, you know, we kind of talk about the
12 fisheries as a whole pelagic longline fishery.

13 It is mixed in terms of target. And we are
14 talking about, you know, the focus has been on
15 swordfish for this particular aspect because
16 of the quota situation.

17 But in terms of some of the other
18 aspects of the competition it would be kind of
19 talking about the whole -- the whole thing.

20 MS. BEIDEMAN: Terri Beideman. I
21 don't know who could answer this. Do we have

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1 a significant number of squid mackerel boats
2 that do not have permits? Are they -- are
3 they fishing? I don't know. It didn't even
4 occur to me they don't have a limit on that
5 fishery, do they?

6 PARTICIPANT: In terms of --
7 there's a limit. They came through the
8 Limited Access System. I don't know the exact
9 number that are used in that year, but they
10 are there.

11 Some of them qualified at the
12 directive level, but that year is limited to
13 five per trip regardless.

14 MS. BEIDEMAN: Right, but what I'm
15 saying is, we open the open the permit, so
16 that would kind of hint that there's greater
17 mackerel boats out there that don't have
18 permits. Is that true?

19 PARTICIPANT: I think we got that
20 comment, yes.

21 MS. BEIDEMAN: Any idea how many?

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1 PARTICIPANT: (Off mic.)

2 MS. BEIDEMAN: Okay. And you don't
3 know how many have them? Somewhere there's a
4 number.

5 PARTICIPANT: Yes, somewhere there
6 is a number. Again, the permits as they're
7 issued, are not in gear-specific. And so
8 hence we need the (inaudible) pelagic longline
9 gear. We don't -- there's not a squid,
10 mackerel, butterfish, swordfish permit.

11 So how we can track that back, I
12 don't think it's a lot, but if there are some
13 --

14 MS. BEIDEMAN: No, I'm just saying,
15 you know, at this particular point, certainly
16 we don't need boats having to throw away any
17 boats, squid, mackerel boats, or any other
18 boats, having to throw away (inaudible) with
19 this extra quota that we have.

20 Anyway that was just my question --
21 how many?

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1 MS. PEEL: All right. We were
2 talking about -- Ellen Peel. We were talking
3 about incidental category with squid boats and
4 others, directed longline, the newly
5 authorized buoy gear also has to be looked at
6 in this too, correct?

7 At present you have no data on what
8 they are catching yet really to speak of. And
9 that's another area we need to consider to
10 look at.

11 In terms of Rich's comment on eco-
12 friendly -- eco-friendly area, you don't by
13 chance have a map with you that shows the EEZs
14 (phonetic)? I know someone had recommended
15 Windward Passage, but since we can't go into
16 Cuba's waters and we don't -- we can't
17 negotiate with them, we certainly not likely
18 we're going to open that up.

19 But how much water is just to the
20 east -- Bahamas are easy, comes into ours at a
21 great point. We've got Cuba down below. What

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1 size area is potentially open for westward
2 movement for many of the boats in the east if
3 they were to decide to come to the east and
4 Atlantic?

5 What you are suggestion that we
6 might be more effort outside the Bahamas on
7 the other side?

8 PARTICIPANT: (Off mic.)

9 MS. PEEL: Yes, okay. That's what
10 I -- okay, that's what I -- are you looking at
11 the other side. Okay.

12 PARTICIPANT: (Off mic.)

13 MS. PEEL: Right. Okay. You're
14 talking about foreign fleets might come in
15 whether it's Mexico getting a quota of others
16 coming on the outside of the Bahamas and up
17 our East Coast off of that area. In terms of
18 -- and most of your comments, Rich, were
19 directed toward inside our zone.

20 Certainly greater effort can also
21 be made outside of the U.S. zone too, correct?

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1 PARTICIPANT: (Off mic.)

2 MS. PEEL: Well, you just told me
3 you went 3,000 miles in a 58-foot boat.

4 PARTICIPANT: Right, but you can't
5 get licensed doing that.

6 MS. PEEL: Oh, well then you need a
7 bigger boat, by golly.

8 PARTICIPANT: (Off mic.)

9 MS. PEEL: You're close to it.
10 Okay. But the -- we're not looking just
11 within U.S. water. We're looking within the
12 range of the vessels too, correct?

13 PARTICIPANT: Correct.

14 PARTICIPANT: Yes, the upgrade --

15 PARTICIPANT: Okay. Let's move to
16 the --

17 PARTICIPANT: There's one more.

18 PARTICIPANT: Sorry.

19 MR. NELSON: I haven't talked yet
20 this week. I've been really nice and quiet.
21 Russell Nelson. Margo, do we have a

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1 distribution of -- a graphic or something that
2 shows the distribution of PLL effort by year
3 that would go along with these landings data?

4 PARTICIPANT: We have it, I think,
5 it is a couple of years combined. But early -
6 -

7 PARTICIPANT: (Off mic.)

8 MR. NELSON: But we -- we don't
9 have anything that we could look at to
10 contrast the distribution of effort say from
11 2003 versus now?

12 PARTICIPANT: I believe that is in
13 the FMP, but we don't have it on the slides.
14 So possibly we could open up and -- from the
15 disc, we can look for it. We could look maybe
16 in one of the other laptops and see, on the
17 CD.

18 PARTICIPANT: I'll look on the CD.

19 PARTICIPANT: Okay. Does that
20 cover it? Okay. Let's -- let's move to the
21 breakout groups. It's -- I've got like 2:35

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1 PARTICIPANT: (Off mic.)

2 PARTICIPANT: Okay. So let's
3 (inaudible) to have report outs at 3:15.

4 Excuse me, sorry to interrupt.
5 Just to clarify, this isn't a doubleheader,
6 sort of speak, where we're asking the group to
7 talk not only about swordfish, which we just
8 heard about, but also time-area enclosures.
9 So just to avoid any confusion, we're looking
10 for both.

11 (TAPE 7 ENDS. TAPE 8
12 BEGINS.

13 PARTICIPANT: There's a whole sweep
14 of factors here that are reducing the, or
15 keeping the swordfish catch down in the U.S.
16 fishery. There's cost of fuel, the price paid
17 for swordfish, closures, use of circle hooks,
18 capacity issues, and maybe some other things.

19 So that we think their solution to
20 this is probably just as complex. And
21 question is, how many of these factors can we

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1 really address both in the short-term and the
2 long-term?

3 We also talked a bit about, I
4 think, some actual questions about the status
5 of the stocks because we recognize that
6 there's some things that just don't seem to
7 make sense.

8 The one positive thing we did note,
9 and this is again, looking at the U.S.
10 landings over recent years. When you looked
11 at just the percent of the quota and
12 especially the percent of the adjusted quota,
13 it looks like the fishery is kind of in a free
14 fall. It's just been steadily declining in
15 terms of catch.

16 But actually over the last five
17 years, it has been, you know, with the
18 exemption of the last year, fairly stable
19 around 70-80% of our -- our quota pre-nineteen
20 2003 when -- when the quota was increased
21 quite a bit.

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1 But the important thing is that
2 things don't seem to be in a free fall. They
3 seem to be sort of at a stable level, but --
4 but too far below where they should be.

5 So -- but we did have questions
6 about the status of the stock. And this sort
7 of came up, you know, if we have fully
8 recovered stock, why are we really having so
9 much damn trouble finding swordfish to catch.

10 And we don't think it's just the -- that
11 they're all hiding in the closed areas.

12 It was noted that Canada, just to
13 the north of our northeastern fishery doesn't
14 seem to be having a problem filling its
15 swordfish quota or its bluefin tuna quota when
16 we're having a devil of a time finding them.

17 So we wonder, are there some other
18 issues, some other causes here going on? And,
19 you know, could it be environmental? Could it
20 be forage fish availability, or something?
21 That's just another complicating factor and

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1 that's part of the long-term thing of looking
2 at the issue.

3 Other long-term things we -- we
4 talked about, referring to the short-term, was
5 doing some analyses of alternatives to closed
6 areas. We recognize this is a long-term thing
7 because there are a lot of species benefitting
8 by the current closed areas, not just
9 swordfish.

10 And that a lot of analyses have to
11 be done to really find out what the tradeoffs
12 are in revising those closed areas and
13 replacing it with whatever it is.

14 Circle hooks are in the fishery
15 now. We haven't got enough data to show that
16 -- how much can we revised those closed areas
17 and still maintain our bycatch minimization
18 goals.

19 But we think that we probably
20 should be putting together some kind of
21 focused experiment. And for those of you that

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1 think that might be odd coming from me who
2 opposed the last round of experiments in the
3 closed areas, I do think we could get together
4 as stakeholders and come up with an
5 experimental program in the closed areas that
6 would be satisfactory to -- to all concerned.
7 That's a long-term thing.

8 The short-term things we really --
9 our list of short-term recommendations was
10 really focusing on removing restrictions in
11 the fisheries. And a lot of these are, you
12 know, go back to the days when we were dealing
13 with a very over-fished fishery, and we were
14 trying to put reigns on everything. And so
15 they seem to be obsolete now.

16 These are in terms of limited
17 access, including in the hand gear fishery.
18 Restrictions on catch in both the recreational
19 fishery and the incidental fisheries seem --
20 seem obsolete, and the upgrading restrictions.

21 We would all agree that those

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1 things are things that should be considered as
2 short-term measures. But I think that also
3 recognizes though even though they might be
4 considered short-term in terms of management
5 action, the upgrading in particular, may --
6 some of these things still may take a few
7 years before we're actually going to see
8 results from a dock.

9 And because it was so freeform, I
10 want to end it there and let the rest of my
11 tablemates here chime in on anything that --
12 that I left off that list. Is there anything?
13 Anybody want --

14 MR. RUAIS: Yes, Ken. You -- Rich
15 Ruais. You certainly got a lot off that one
16 little piece of paper there. I'm not going to
17 use a magnifying glass or something. Very
18 good job.

19 But I'm a little disappointed that
20 you struggle with the, why the U.S. fleet,
21 unlike the Canadian fleet, is having such

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1 difficulty catching -- catching its quota
2 right now. I think some of the overhead
3 earlier on, particularly the one that just
4 simply showed the number of vessels that have
5 reported making a trip in the different areas
6 showed.

7 The maximum I saw was in the east
8 and Gulf of Mexico and the fleet is down now
9 from what was once about 400 boats to 62 boats
10 with the figure I quickly tried to cover and
11 then you glanced at.

12 I don't think -- I don't think I
13 saw a box that had more than 40 boats making a
14 trip. I don't -- I don't think in a high seas
15 fishery like the swordfish fishery, coastal
16 forage issues really come into play.

17 I mean, I know we have issues in
18 the Gulf of Maine right now and probably
19 pretty close to the beach and elsewhere along
20 the mid-Atlantic coast, but the swordfish
21 fishery is not dependent, I don't think, to a

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1 great extent, certainly not in the Gulf of
2 Maine.

3 It's just never -- never really
4 taken place there in any significant way. And
5 in the mid-Atlantic area, it's not an issue.
6 It's a high seas fishery. If we have the
7 trips and we had the boats, we'd be catching
8 the fish.

9 PARTICIPANT: Was that a rebuttal
10 to my presentation or was that your table's
11 presentation? I'm confused because I don't
12 think we should be -- (inaudible) have a
13 rebuttal to your rebuttal.

14 PARTICIPANT: That was a compliment
15 on that one page memo that you --

16 PARTICIPANT: Okay.

17 PARTICIPANT: Just to clarify, we,
18 you know, we had -- on the agenda, some time
19 after all the report outs, for some larger
20 group discussions. So maybe we could keep
21 some notes on points we want to talk about as

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1 a group, but give the tables time to go
2 through their --

3 PARTICIPANT: (Inaudible). What
4 Rich said is correct and what Ken also said is
5 correct. We don't know the reasons for what
6 is happening in here, but I come from the
7 Carribean and I can tell you that at this
8 certain time the (inaudible) that side of the
9 world (inaudible) and they're doing basically
10 anything they want to.

11 PRC (phonetic) is knocking at the
12 door (inaudible). So my (inaudible) would be
13 to start (inaudible) together. We have to
14 start (inaudible) together (inaudible).
15 Otherwise, we're going to think that you're
16 strong. We have to -- we have together and
17 act together. And this is a good time for us
18 to take care of business. Thank you.

19 PARTICIPANT: Okay. We had a very
20 interesting lively discussion as one might
21 imagine. Also, I just came to one interesting

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1 point is that I don't think Canada has closed
2 any of the most productive swordfish grounds
3 during bycatch season. That may be one thing
4 that's (inaudible). We closed basically our
5 most productive grounds.

6 PARTICIPANT: (Off mic.)

7 PARTICIPANT: Don't worry -- don't
8 worry --

9 PARTICIPANT: Okay. Let's try and
10 keep to the table discussion, please. We'll
11 have the opportunity at the end.

12 PARTICIPANT: Sorry about that. We
13 started with a couple of basic premises. One
14 is that any real revitalization swordfish
15 fisheries must include increased access to
16 closed areas.

17 We sort of broke things into two
18 categories. One is increased access and
19 category two is everything else. And so if
20 you start with that as a premise then you
21 think about what other things could be done to

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1 supplement that as the basic response to
2 revitalization and being cautious, and
3 precautionary about what to add to that access
4 because that is -- that's a biggie.

5 Another premise would be that
6 increased access is justified by the use of
7 circle hooks and other careful handling and
8 release technologies, and that sort of thing,
9 as an alternative bycatch reduction strategy.

10 And that may be a fundamental difference in
11 the way the agency has looked at this in the
12 past.

13 I'm and others are very concerned
14 that we're defacto interpreting or applying
15 the Magnuson Act requirements to reduce
16 bycatch that is practicable in a way that
17 every time you do achieve some reduction in
18 bycatch, that becomes the baseline from which
19 you measure your next productive practicable
20 reduction.

21 And if that's the interpretation of

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1 the Magnuson Act, no fishery in America is
2 ever going to exceed in meeting that test
3 because we'll just have to keep rationing up
4 the bar and never get to success.

5 So, I think, the way we're hoping
6 the agency will look at this is that time-area
7 enclosure management for bycatch purposes acts
8 in any other technological tools or fishery
9 management tools that they all go through may
10 be the best thing you can do at that time.

11 But as technological solutions
12 develop, they should -- that are more -- that
13 are able to reduce bycatch -- achieve their
14 bycatch production objectives. It also
15 achieves all those other objectives in the
16 Magnuson Act to minimize the adverse economic
17 (inaudible) impact, etc. to basically maintain
18 viable fishery.

19 If those technological solutions
20 were -- and those should replace time-area
21 enclosures as a very -- or the base -- case

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1 type of management strategies and involve the
2 management strategy into one that allows the
3 fishery to remain viable but still achieve the
4 bycatch reduction objective.

5 So that's mainly a major premise
6 for the agency to think about is if this an
7 alternative to, not in addition to, time-area
8 enclosures.

9 Increased access should respect
10 inshore and other key recreational areas. And
11 there are two issues here. One is a there's
12 been a burgeoning recreational swordfish
13 fishery off the southeast coast of Florida and
14 that should be respected.

15 I think we were also -- have
16 suggested that if there is an increase access
17 to the current time-area enclosures that that
18 should be considered in the more offshore
19 areas that is not generally acceptable by the
20 traditional recreational inshore fleet.

21 And as a matter of sort of

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1 geographic convenience we always thought
2 (inaudible) or the access of the Gulf Stream
3 along the East Coast in that instance. So
4 there was a barrier that the Gulf Stream is
5 generally not an area that recreational
6 fishermen like to cross, for obvious reasons
7 if you've ever been out there.

8 And -- so you don't see a lot of
9 sport fishing boats go to the west side of the
10 stream, but there is a lot of productive
11 (inaudible). There's a lot of productive area
12 out there where we think we could probably
13 (inaudible) fishery and not have that for the
14 fishery year conflict as might otherwise
15 develop.

16 And that should be something that
17 is worked out cooperatively between the two
18 fisheries (inaudible). As another -- one of
19 the other strategies for revitalization
20 outside the increased access category was to
21 relax the incidental catch limits for other

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1 fisheries.

2 We should not be throwing U.S.
3 quota overboard I think. And I think the
4 suggestion, if I have this right, is that for
5 any incidental take of swordfish, the limit
6 ought to be 30 fish per vessel per day, or per
7 trip, I'm sorry. Is that how you guys
8 interpret it?

9 We talked a lot about vessel
10 upgrading. It was the consensus that it
11 should be relaxed. They're some concern about
12 eliminating it altogether. And so
13 (inaudible).

14 And the -- in the case where you
15 have, for example, a northeast (inaudible)
16 permit onboard the same longline vessel
17 (inaudible) the northeast needs to be multi-
18 species permit restrictions on upgrading would
19 have to prevail. I mean, it's (inaudible) for
20 longline.

21 But in the case that that doesn't

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1 exist, then the upgrading should be allowed on
2 a strictly pelagic longline vessel, or at
3 least a pelagic longline vessel that doesn't
4 have a permit that is otherwise restricted on
5 upgrading.

6 We had a good conversation on this
7 and felt that horsepower is not a relevant
8 restriction to have on (inaudible) and that
9 should be eliminated altogether. But we
10 should look at vessel length and (inaudible)
11 and some other physical measurement
12 (inaudible).

13 Good discussion on imports. There
14 was very strong support for the notion of
15 carbon monoxide, I believe that is, the
16 treatment, the CO. And that it should be
17 looked at on the import side. It should not
18 be allowed to import to IUU (phonetic) caught
19 swordfish. And there should not be allowed
20 imports of swordfish unless they have --
21 countries have achieved a comparable bycatch

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1 standard to the U.S.

2 There was also some suggestion that
3 perhaps even for otherwise legal swordfish
4 imports that perhaps a tariff would be
5 appropriate to recognize the different cost of
6 doing business in the United States versus
7 other countries.

8 I would just note that on the two
9 middle ones, no IUU import and comparable
10 bycatch measures, there is legislation that is
11 now past both the House and the Senate. One
12 set of provisions is included in the Senate
13 Magnuson bill. The House has a freestanding
14 bill that just passed last week. It's very,
15 very similar and different in a couple of
16 measures.

17 But hopefully, the House and the
18 Senate can reconcile and then come back after
19 the election. And this legislation addresses
20 both of these issues and would give the United
21 States new unprecedented authority to prohibit

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1 the importation of swordfish and other species
2 that are caught -- that are basically IUU and
3 were not caught under comparable bycatch
4 measures.

5 And I can -- there's a lot of
6 details through it than that obviously. And
7 I'd be glad to explain. I even have a copy of
8 the House bill with me, but maybe there's a
9 suggestion from just me, not my group, is that
10 the agency ought to purport that legislation,
11 despite what the State Department might say.

12 Proposed swordfish consumption.
13 What does that mean? There's so many things
14 the agency potentially can do to help us get
15 the word out. There's been a lot of, we feel
16 unjustified, unfair press on everything from
17 mercury to swordfish conservation.

18 I mean, I don't think -- there are
19 probably still a list published out there, I
20 won't name any names. They like to tell you
21 what sword -- what fish species are good to

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1 eat and what kind to eat for conservation
2 purposes.

3 And some of them still have
4 swordfish on there. And as we heard from Dr.
5 Graves, we're at 100% of (inaudible). And we
6 need the help getting the truth told, so that
7 the consumer feels comfortable eating
8 swordfish.

9 I still have friends who are not in
10 fisheries talk to me in casual conversation
11 and say, "Oh my God, I won't let my family eat
12 swordfish." (Inaudible) it's crazy.

13 Permits, I'm going to help -- ask
14 Dewey to help me with this one because he
15 explained it in North Carolina in terms
16 (inaudible).

17 (Laughter.)

18 PARTICIPANT: What this -- what
19 this is some people you would have -- you're
20 only allowed to have one swordfish permit on
21 your boat. And there's other ones out there

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1 that have incidental swordfish permits that
2 are just on the shelf.

3 And I was thinking that it would
4 better to convert them to hand gear fishing
5 two hooks then it would be to convert them to
6 somebody with an Atlantic tuna permit,
7 longline permit, to go longlining because
8 there you can (inaudible) as many hooks as you
9 want.

10 PARTICIPANT: (Off mic.)

11 PARTICIPANT: I don't know what
12 buoy gear is. I mean, hand gear, whatever
13 hand gear is. And my rationale behind that
14 would be that, I guess, what hand gear, Mike
15 was saying, that you fish two hooks, two hooks
16 would be better than three, or four, or five,
17 or six hundred hooks.

18 And that was my rationale, first
19 thing that is convert your incidental
20 swordfish permit that allow you to go
21 longlining, keep two swordfish, throw the rest

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1 of them back, convert that to a hand gear
2 permit, and somebody goes to hook and gear
3 fishing.

4 I don't know about the buoys. I'm
5 not very familiar with all that, about the
6 buoy stuff. But that was my rationale for --
7 for incidental hand gear.

8 PARTICIPANT: Let's try and stick
9 with the table reports. We'll have -- we'll
10 have time at the end.

11 PARTICIPANT: (Off mic.)

12 PARTICIPANT: If you -- if you --
13 if we can hold.

14 PARTICIPANT: (Off mic.)

15 PARTICIPANT: Oh, I thought you
16 were talking about another table. Yes, please
17 go ahead.

18 PARTICIPANT: NMFS needs to help us
19 with the Windward Pass. I spent an inordinate
20 amount of time talking to some guy, I can't
21 remember his name, who at least identified

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1 himself as being the head of the Haitian
2 fishery agency.

3 And every so often you'd hear a
4 bullet whizzing by when I was on the phone
5 with him. It's a very unsettled situation
6 down there for those of you who read the
7 papers. And I just couldn't -- I just
8 couldn't get there. And, you know, we've got
9 -- I'm a little bit saddened.

10 Cuba and Haiti share the Windward
11 Pass. We had a traditional fishery there for
12 many, many, many years and is incurred, and
13 frankly (inaudible) State Department had no
14 problem with that fishery until one day we got
15 the MS (phonetic) and now we can't fish there
16 anymore.

17 We also had some very interesting
18 interactions with the Cuban authorities from,
19 I think, on the other side of the island,
20 maybe on the part of the (inaudible). But in
21 any case, we could use some help from the

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1 agency to pick-up the phone and talk to
2 whoever with the Haitian government and
3 wherever that black hole is and is part of the
4 treasury that governs Cuban policy and
5 affairs, a scary place.

6 I wasn't even allowed to schedule a
7 meeting with them. They don't need to --
8 people like us. But maybe they would meet
9 with the agency. I don't know. (Inaudible)
10 agency communication. But there is a really
11 dark and scary place in the U.S. government
12 that sort of governs Cuban policies.

13 And it's not quite clear what the
14 policy would be with respect to U.S. fishermen
15 fishing in Cuban waters. So it's something to
16 look into. It's such an important area to our
17 vessels that got completely shut out of the
18 East Coast of Florida that it would mean a lot
19 to help revitalize (inaudible).

20 I mean, it's not going to be the
21 (inaudible) boats or the North Carolina boats

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1 or even the Gulf -- well, I guess the Gulf
2 boats too. But it would mean a lot to that
3 particular region if anything to be there.

4 That's as far as we got.

5 PARTICIPANT: Also, with the
6 permit, again, I think the overall driving
7 force here was to make, to revitalize the
8 existing fleet before taking a look at any
9 type of expansion of the Limited Access
10 permit.

11 Before granting new permits, let's
12 see where the revitalization takes us and
13 making the existing permit holders be more
14 profitable, catch the quota, etc., and see how
15 far that comes along before expanding that.

16 Except for -- the one exception
17 that I was -- we thought that perhaps it made
18 a lot of sense to, although there was some
19 defense on this point, combine all the --
20 combine the three permits that you have here,
21 combine to the longline swordfish permits that

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1 create a single HMS pelagic longline permit
2 and directed sharks.

3 Beyond that you're talking about
4 imports. Certainly marketing is a huge aspect
5 of this. We did not get very far along in
6 that discussion however, before our time was
7 up.

8 But I think one thing that we -- we
9 could do here is certainly to improve the
10 promotion of domestic swordfish to increase --
11 the parcel of that is, I think we ought to
12 give ourselves a pat on the back -- back, a
13 round of applause for a recovered fishery
14 here.

15 And it's something we all ought to
16 feel great about, and --

17 (Applause.)

18 And I think it's (inaudible) love
19 on this thing here. We got a rebuilt stock.
20 And I think the fishery service should trumpet
21 this throughout the land. It's a big deal.

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1 It's a big deal. It's -- there's not a lot of
2 success stories out there, and this is one.

3 And -- and trumpet this around, and
4 that will help create demand and, you know,
5 more of a market.

6 So and I guess that's pretty much
7 where we stop. And if anyone else wants to
8 add anything along that line?

9 MS. BEIDEMAN: Okay. Terri
10 Beideman. We kind of raced through
11 everything, but we did start with the model.
12 So we think we ought to increase the use of
13 the VMS data in those models.

14 We're getting that information,
15 cost boats money. There's no reason why you
16 can't move it in your modeling to figure out
17 that's where boats are actually going. There
18 were some concerns over the amount of
19 transmission and every little penny who is a
20 penny lost.

21 So if people are fishing very far

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1 from them, maybe you don't need to have them
2 as frequently, but you still can tell where
3 they're fishing.

4 And that -- there ought to be a
5 mechanism to rule out (inaudible) and loss to
6 you in closed areas. Enforcement people say
7 that they can tell a signature whether you're
8 fishing, or you're steaming, or whatever
9 you're doing, however, it shouldn't be a
10 continuous practice.

11 If it were a certain vessel or a
12 certain area where there's an awful lot of
13 this activity going on, that there should be
14 some investigation about, you know, whether
15 people are just playing around.

16 But there should be a legitimate --
17 we don't want boats fishing here floating
18 around out there and not being (inaudible).
19 So there should be a way.

20 You should analyze circle hook data
21 and compare it to, you know, our target of

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1 reductions and modify closed areas accordingly
2 and as soon as possible.

3 Incidental trip limits. They
4 should be a finite number and not necessarily
5 a percentage. It's difficult to enforce a
6 percentage, you know, on a boat, weight-wise,
7 whatever.

8 So what we talked about was the
9 fleet mackerel boats. If they traditionally
10 were testing, you know, five or allowed five,
11 then we'll quadruple it, 20.

12 With the incidentals, if, you know,
13 we're going to quadruple it, it will maybe go
14 up to ten. So there should be something I
15 can, you know, that's a limit. It shouldn't
16 be an unlimited number, but we certainly get
17 rid of discarding -- ridiculous, wasteful.

18 Upgrade restrictions. You should
19 allow upgrading for as long as there's quota
20 available. And people should realize, as well
21 as the trip limits, that it's -- at some

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1 point, we come up against our quota then they
2 may have reduced the amount of allowables.
3 They may have a reduced amount of upgrading.

4 And all of this could be
5 submitting, like you have your 10% has to be
6 kind of reviewed. NMFS is going to have to
7 kind of take a look at it. We thought up the
8 30% on the length, 50% on the horsepower, I
9 don't really know, but it should be just kind
10 of looked at to see what would be a good
11 number. We don't tow anything, so horsepower
12 really isn't an issue, but it could be in some
13 places a fact.

14 The (inaudible) that don't already
15 have a permit, should be allowed to get a
16 permit. So if they can keep (inaudible).
17 Right now, it's being lost to the data and,
18 you know, it's ridiculous to have people throw
19 it away.

20 The marketing and trade. There was
21 discussion about a tariff on imports that goes

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1 to a dedicated son for (inaudible) amounts
2 they choose. And (inaudible) with that, or in
3 addition to it, require comparable
4 conservation measures, very similar to what's
5 in the proposed legislation that would, you
6 know, prevent dumping essentially for people
7 not complying, IUU.

8 And if we're going to change the
9 minimum size one way or the other, ICAT, you
10 have to go through ICAT to do that. We don't
11 do that here. That's unilateral (inaudible).

12 And besides two or three times we
13 kind of -- we talked about in the beginning,
14 you know, we went back to look at. And
15 besides, no sale on this recreational stock.
16 Maybe one per person top per vessel, but
17 absolutely no sale.

18 So that, you know, also would be
19 raised and lowered, if necessary, if the quota
20 were filled. So I believe that's it.
21 Anything else?

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1 PARTICIPANT: I feel (inaudible)
2 that it's a bit of a -- being in a baptism
3 under fire, I think, is the way the saying
4 goes. I've only been doing this job right now
5 for about five weeks and been traveling for
6 three weeks. And I'm trying to learn the
7 details of a ten-year war that costs -- costs
8 an industry probably several thousand jobs.
9 So hurt a lot of people as well.

10 Nelson (phonetic) obviously has
11 masked it all (inaudible) talk to anybody to
12 figure out exactly where -- where he is going,
13 what he needs to accomplish for his
14 (inaudible). I'm not -- I'm not in that
15 situation right now.

16 But anyway when we first starting
17 talking, there's really only one consensus
18 that we have here, we are from different walks
19 here around this table here. And so you'll
20 hear a second report in just a couple of
21 minutes.

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1 But the consensus is that actually
2 fishery service is to do everything in its
3 power --

4 (BREAK IN TAPE)

5 -- test rate (inaudible) common
6 objectives that keeping the quota here in the
7 United States is a good thing both in the
8 commercial and recreational system.

9 So this -- that's the only thing
10 that you really have in common. The rest is
11 part of my earlier statement, which Glenn has
12 already tells it quite well and Terri and
13 Jack.

14 But basically, we believe that for
15 the long-term, we need revitalization. And
16 that requires a modification of closed areas
17 and that has to appreciate that there will be
18 some increases in bycatch.

19 We know that that's a long-term
20 objective, but at the same time, we're looking
21 for experimental fisheries to start that

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1 process sooner rather than later. This is an
2 industry that doesn't have long-term in order
3 to do what is going to be asked of it, which
4 is a pretty significant increase in quota.

5 So that's -- that's one of our
6 major points. The second one is that we're
7 tired of fighting with recreational
8 communities and environmental groups. And we
9 certainly appreciate the importance of the
10 recreational fishery, particularly along the
11 coast of -- East Coast of Florida.

12 And would like to work with
13 recreational fishermen to consider an
14 exclusive recreational fishing ground
15 recognizing the value of that recreational
16 fishery.

17 The third point is, as Terri and
18 Glenn have already kind of -- we need to
19 modify the upgrade restrictions, but we're
20 quick to point out that that alone is not
21 going to do it without -- without additional

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1 areas to fix the upgrade restrictions are not
2 going work.

3 And like everybody else said on the
4 incidental catch limits, I'm not sure where
5 the -- number 30 came from, but there was some
6 analysis done looking at a logbook data that
7 shows an increase to 18 to 24 for both the
8 Gulf of Mexico and the Atlantic would be
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15 But --

16 PARTICIPANT: (Off mic.)

17 PARTICIPANT: No, it really isn't.
18 And comically I was the one going, "We don't
19 need an exclusive recreational zone." We had
20 a different view of the zones and the gear
21 types and how to revitalize the swordfish

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1 fishery as a whole.

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7 Seeing what it takes to ultimately
8 get back to being able to have what is truly
9 the cleanest fishery, cleaner than even the
10 recreational, and that's the harpoon.

11 You know, I mean, that is -- that
12 is true with hunting as opposed to trapping.
13 You seek quarry and take it. And -- and so
14 that and -- and rod and reel and other hand
15 gears is -- is where we were really falling
16 apart.

17 The -- we totally agreed with
18 upping the incidental limits. On a long-term
19 thing was not to modify the closed areas until
20 we understand more about the -- if we have
21 done what is necessary to get those

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1 conservation benefits in other areas, then we
2 can talk about the closed zones, but we really
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1 private boat is -- is sufficient.

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11 here. Strong support for the east side of the
12 stream fishery. Strong support for
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14 Anything we can do to avoid the
15 dumping situations and keeping market prices
16 where people can make a living with it that's
17 -- that's an important thing. And probably
18 that means eliminating the upgrading
19 restriction. That's what we had.

20 PARTICIPANT: Yes, just -- I just
21 want to take it just a little bit further.

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1 And actually I agree with a number of things
2 that Ken said and some of the things that
3 Terri said. And I -- I think that we are in a
4 situation where the best available data show
5 that the stock has recovered.

6 So I feel like we are over-managing
7 right now. We -- we are being overly
8 restrictive right now. And I think we -- we
9 do need to look at how we can -- how we can
10 increase our catch.

11 By the same token, I want to make
12 sure that we do get data on -- on -- as we
13 pursue this, and that's why Ken was suggesting
14 that, you know, an experimental fishery where
15 you've got observer coverage and you've got
16 the information coming in on bycatch and what
17 is happening. And I think that's -- that is
18 important.

19 And also I'd like to promote for
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1 and Maryland. Let's do census data collection
2 on -- on the recreational fishery.

3 It's a small enough fishery that we
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7 And I think for -- for our
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11 I mean, I'm just interested in
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13 that will help us a lot.

14 One more -- one more quick thing
15 because I forgot this. And it's to the point
16 that was made earlier. In managing this
17 fishery, we can adjust our management measures
18 as we go along, as we see what's happening.

19 And I think Gary pointed this out.

20 We don't, you know, if we change something,
21 you know, or if we modified something, or we

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1 get additional data, you know, we don't have
2 to wait forever to change.

3 We put the measures in some time
4 ago, which were very restrictive. But if --
5 as we get better data, and show that we can
6 move it another direction. Let's do it. In
7 other words, we can adjust annually if we have
8 to.

9 I mean, we learned enough about
10 management now that we can modify regulations
11 on a more -- an annual basis versus multi-year
12 basis.

13 (TAPE 8 ENDS, TAPE 9
14 BEGINS.)

15 -- and Jack. But basically, we
16 believe that for the long-term, we need
17 revitalization. And that requires a
18 modification of closed areas and that has to
19 appreciate that there will be some increases
20 in bycatch.

21 We know that that's a long-term

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1 objective, but at the same time, we're looking
2 for experimental fishery to start that process
3 sooner rather than later. This is an industry
4 that doesn't have long-term in order to do
5 what is going to be asked of it, which is a
6 pretty significant increase in quota.

7 So that's -- that's one of our
8 major points. The second one is that we're
9 tired of fighting with recreational
10 communities and environmental groups. And we
11 certainly appreciate the importance of the
12 recreational fishery, particularly along the
13 coast of -- East Coast of Florida.

14 And would like to work with
15 recreational fishermen to consider an
16 exclusive recreational fishing ground
17 recognizing the value of that recreational
18 fishery.

19 The third point is, as Terri and
20 Glenn have already kind of -- we need to
21 modify the upgrade restrictions, but we're

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1 quick to point out that that alone is not
2 going to do it without -- without additional
3 areas to fix the upgrade restrictions are not
4 going work.

5 And like everybody else said on the
6 incidental catch limits, I'm not sure where
7 the -- number 30 came from, but there was some
8 analysis done looking at a logbook data that
9 shows an increase to 18 to 24 for both the
10 Gulf of Mexico and the Atlantic would be
11 helpful in allowing them to catch more fish.

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13 has mentioned is a crew issue. Our industry
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10 to.

11 I mean, we learned enough about
12 management now that we can modify regulations
13 on a more -- an annual basis versus multi-year
14 basis.

15 PARTICIPANT: (Inaudible) I don't
16 want to sound like (inaudible) downer or
17 anything similar. I'm a little bit concerned
18 about the overemphasis about the success
19 story.

20 I have been (inaudible) with ICAT
21 swordfish assessment (inaudible) for the last

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1 15 years. Back in 1991, (inaudible) we had
2 meeting. The enthusiasm that we're expressing
3 today it was expressed then.

4 The MSAY is one was achieved.
5 Unfortunately, it was short lasting. People
6 were crying two years later. We really need
7 to be careful and examine without going into a
8 lot of excitement and yet to try to stress the
9 importance that we don't really understand
10 yet, which is the basis of the success story.

11 For the recruitment driven, or for
12 the mortality reduction driven, we need to
13 continue stressing research in those areas.
14 However, it is great news. I mean, if it's
15 indeed that we have achieved that MSY, it's
16 great.

17 Remember that, however, that the
18 stock recovery, with (inaudible) maximum is
19 very far from achieved. We are instilling one
20 fifth of the historical numbers of 1965.

21 So with that said, although we have

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1 a level of population that we can manage, if
2 you're very far away from (inaudible), then we
3 consider that that would be something that it
4 would be of an interest.

5 That's all I have to say.

6 PARTICIPANT: Was that the report
7 out?

8 PARTICIPANT: I'm assuming it was
9 not the report out.

10 PARTICIPANT: At my table everybody
11 is a longliner, and so it was a love factor.

12 (Laughter.)

13 There was absolutely 100%
14 consensus.

15 (Laughter.)

16 And it is -- it's -- I'll
17 (inaudible) and everybody in the table either
18 has been affected the most by these closures
19 and have both in a purely negative and
20 extremely offensive way to have reached this
21 100%, or we have enjoyed an extremely good

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1 run-up in recreational fishery that has gotten
2 some -- some -- become some viable economic
3 success down in South Florida.

4 So by nature, our table should be
5 the most intensive. But I think we did pretty
6 good.

7 We wanted to start with what we
8 consider the no-brainers. So to see if we
9 could get a consensus, and we did, and I'll
10 stop when consensus stops. But we're -- we
11 said that there should be no limit or a limit
12 to 20. And I think that's almost what
13 everybody has said, there should be no
14 discarding.

15 The yellowfin tuna vessels in the
16 Gulf Mexico. At first, the consensus is, you
17 know, something much greater than two because
18 they hold Limited Access permits. When the
19 Limited -- Limited Access was introduced, the
20 Gulf, I mean, -- no, when Limited Access was
21 instituted, the Gulf of Mexico, many of these

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1 fishermen had been targeting yellowfin and
2 didn't meet the high criteria bar for directed
3 swordfish.

4 So ever since that Limited Access,
5 they can only be yellowfin tuna fish. They
6 couldn't even come over and do sword fishing.

7 And they have been discarding swordfishing
8 ever since the Limited Access.

9 So in my opinion, they are
10 commercial longline fishermen that had a
11 majority of tuna fish, but have been doing
12 such terrible discarding because they were
13 limited to two. That should come off.

14 Whether it goes to no limit, and
15 this is kind of what the consensus ended up
16 that there should be no limit with the sunset
17 to see if that rocks the boat maybe, and we
18 could then, we feel, that and put a limit on
19 it.

20 But if the emphasis here is truly
21 to rebuild swordfish quota level, then maybe

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1 it's not a bad idea if some of the Gulf guys
2 wanted to come over, or go down to the
3 Carribean, or come in through the Atlantic,
4 and do a swordfish trip or two. They
5 certainly are vessels of the size to do so.
6 They're some of our larger vessels in the
7 entire fleet.

8 So that was a consensus suggestion.

9 Well, there's the data about (inaudible) if
10 everybody (inaudible) the swordfish.

11 Lastly, upgrade was a consensus
12 that it should be eliminated only for pelagic
13 longline vessels. That other fisheries
14 (inaudible) that are interacting with
15 swordfish or retaining swordfish should not be
16 included in the upgrading criteria. It should
17 only be though commercial longlining.

18 There was discussions about making
19 the permitting easier. There was enough
20 consensus on this, but there was a discussion
21 that -- at another table, that maybe it should

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1 be a longline permit and not a swordfish and
2 tuna permit.

3 We -- we discussed this Windward
4 care. And I don't know what should be done.
5 I do want to emphasize though what we have
6 lost. Windward Passage and historical
7 landings, this is between Cuba and Haiti, from
8 the whole Bahama channel, you know, out a
9 little west to the Carribean.

10 If you look at your data going back
11 to the last 25 years, you're looking from
12 November to February, the majority of the
13 United States fleet fish there. You have the
14 Grand Banks boats that fish there. You have
15 the coastal Florida boats that make their way
16 down there, if you can always duck in, like
17 Guantanamo (inaudible) got real bad or
18 somebody got seriously hurt.

19 This, of course, is easy at our
20 table. There's no conflict of recreational or
21 opening up a closed area. It's really

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1 important, we lost it last year. But for some
2 reason we started identifying Cuban
3 (inaudible). That is what was explained to us
4 from the State Department that Cuba had made
5 an official request that the United States
6 protect their VMS.

7 And therefore, the United States
8 Coast Guard threw all our boats out. And they
9 now patrol to make sure we don't go there.
10 And of course they don't even have to because,
11 you know, (inaudible) on our back that -- on
12 VMS, so you know where we are.

13 It's -- if we could get it back we
14 would see an immediate short-term (inaudible)
15 in -- in this winter's catch compared to last
16 winter when we -- it was our first year we --
17 couldn't go there.

18 Research is something that was
19 discussed and -- which is always good. And we
20 can talk about it at all the tables.
21 Specifically, wanting to know -- to have more

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1 research with -- with bycatch of circle hooks
2 versus J-hook and be -- to hook-up
3 (inaudible).

4 Are we catching less bycatch on
5 circle hooks? We know that they live longer,
6 but are we catching less bycatch then we would
7 on the J-hooks? And if so, how much? Did I
8 explain that right (inaudible) of what you
9 were speaking?

10 PARTICIPANT: (Inaudible).

11 PARTICIPANT: So that is -- is a
12 lot of the table would like to see an
13 immediate research done in the very short-term
14 to give us more accurate data, even though
15 there's been studies done on circle versus J,
16 it's more to find out.

17 In the future, it was also brought
18 up and agreed that any changes in -- in closed
19 areas, or if we even opposed any of these --
20 that we culture in a social activity that gets
21 really played into play. And they're really

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1 talking about the Gulf Vietnamese fishing
2 community. And you need to understand that
3 social-cultural influence.

4 This is when it started getting
5 fun. And, of course, we got a little -- we
6 got a little bogged down, as I guess a few
7 tables got a little bogged down.

8 When we -- in 1999, when the first
9 proposed closure was done by NMFS, all of the
10 science and all the analysis picked an area --
11 that (inaudible) has a paper, unless I left it
12 over there, that showed the most amounts of
13 juvenile hot spots, the most amount of
14 juvenile discard, greater discard than
15 retention. And also the greatest interactions
16 with sailfish and marlin.

17 That geographical area in 1999,
18 went from Miami to Boca Raton. That was the
19 only proposed closure in 1999 to help rebuild
20 swordfish by eliminating commercial harvest in
21 the hot spot juvenile nursery ground, as NMFS

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1 labeled it, and to reduce the most
2 interactions with sailfish and marlin.

3 And of course, we got a little
4 crazy here after that. We -- we tried to get
5 a buyout for those -- those people. We worked
6 with many organizations. We worked closely
7 with NMFS. We worked closely with the
8 Billfish Foundation. We worked closely with
9 the Coastal Conservation Association. We
10 worked closely with a number of entities and
11 interests.

12 And we drew a much larger area in
13 this consideration of closure to buyout 68
14 vessels that would be affected. The buyout of
15 S-1911 in the Senate, and I forget the House
16 number.

17 But what had happened, along the
18 way, just in case some of you missed
19 (inaudible) don't know why this happened.
20 NMFS then went ahead and took these S-1911
21 closures, and kind of quadrupled, or even much

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1 greater, what they proposed to kind of match a
2 little bit more of what all the user groups
3 and what was before the Senate.

4 And I guess, based on what it was
5 going to go through -- hell, even I thought it
6 was going to go through. It was a lot of
7 effort, a lot of people involved. So I'm
8 bringing all that up to say that what happened
9 was the gigantic closures that put the 69
10 boats out of business. The Senate didn't --
11 didn't make it fair.

12 That's how we ended up with this
13 gigantic closure. Much greater than NMFS's
14 data showed nursery grounds and billfish had.

15 What I know for sure, is without access to
16 closed grounds. It's an all (inaudible).

17 It's just not, you know, I'm not
18 going to buy another vessel. I'm not going to
19 -- we're not going to expand the ability to
20 test the quota without greater access to the
21 ground. Remember, we lost the Windward

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1 Passage, which was going to slap a big part of
2 our portion already.

3 The questions here, and I think
4 that it's -- I think that research should be
5 done immediately on -- on these hooks, and --
6 and immediately in these closed areas.

7 I think that industry has -- has
8 presented to the recreational industry an
9 offer of we recognize that you don't want
10 (inaudible). And we recognize that there's a
11 whole bunch of uneducated recreational
12 fishermen that just love to go out and fish.
13 And they don't care about ICAT. They don't
14 care (inaudible). They don't want to know
15 about it.

16 They know that they don't look at
17 any commercial people now and if they had
18 their way, they would just like to keep it
19 that way. They're almost sorry we're 100%
20 rebuilt and that we're looking how to figure
21 out how to revitalize.

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1 But the leadership and the industry
2 have discussed their exclusivity in 99% of
3 where they fit. That the industries would say
4 we would keep a rod and reel purely
5 recreational fishing in 99% of where you fish
6 if we could have access to the (inaudible).

7 The real reason that we don't want
8 access is because of recreational. It's not a
9 bycatch issue. Now, it's a recreational and
10 it's a commercial.

11 And the suggestion, and I tried to
12 get a consensus, but the heavy hitters
13 wouldn't let me do it. We got close, we got
14 close.

15 PARTICIPANT: (Off mic.)

16 PARTICIPANT: But we -- we know
17 that that's really is the only, to me it's
18 going to be just a -- the smoothest way to
19 move forward with the (inaudible) or user
20 group is to give them some exclusivity, but
21 then give access in the offshore areas, in the

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1 northern areas, and in the areas where there's
2 very little recreational activities.

3 We didn't get past that too much.
4 We did talk about the Gulf of Mexico, a very
5 little bit about closed -- about reopening the
6 southern (inaudible) of the Dakota Canyon in
7 the wintertime and not in the summertime
8 whether there's recreational activity that
9 goes out that far, but in the wintertime it's
10 not.

11 Again, I don't think it was
12 consensus, but there was an understanding of
13 that. And I also want to say that we didn't
14 get to this. The important import
15 restrictions on these non-clean countries and
16 we, I for one, definitely support that.

17 So I'll let the others chime in.

18 PARTICIPANT: Just two points that
19 I want to go back to where since made on my
20 behalf, on our behalf, (inaudible) table, is
21 one thing that just said -- it's a hook --

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1 circle hook. The way to (inaudible) argument
2 that you're the (inaudible).

3 We have circle hooks now. We saw
4 the bycatch (inaudible). Circle hooks
5 admittedly increase survival of (inaudible)
6 fish, billfish, sharks, and other bycatch. We
7 know that. It's given. That's great.

8 What we don't know and we have not
9 had a study where a sufficient number of
10 billfish have been taken particularly. Is --
11 do circle hooks increase the hook-up rate?
12 Because the number of fish that are going to
13 be killed, in any kind of longline operation,
14 is a product, is the number of fish that are
15 hooked, times the probability that they'll die
16 when released.

17 So if circle hooks have similar
18 hook-up rates to J-hooks, then the increased
19 survival we get circle hooks is real. If
20 circle hooks, for instance, double the hook-up
21 rate, or increase by sub-proportions, the

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1 hook-up rate for a greater number of
2 (inaudible) that interact with the
3 (inaudible), then you have to balance that
4 against the increase in survival.

5 So we suggest that this kind of
6 work is got to be done. And I think it's
7 going to be argued. Anytime we discuss a
8 trade to change area closures for, you know,
9 other types of bycatch (inaudible), we're
10 going to have to the answer to that question.

11 And the other thing, this was
12 particularly, this social stuff, was
13 particularly addressed at the -- at the Gulf
14 of Mexico longline fishery and particularly
15 the Vietnamese fishery. Because those of us
16 who have some familiarity with it realize that
17 it is very unique culturally and socially.

18 It's a clan family-based fishery.
19 It's a fishery where people don't like to move
20 very far away from their families. They often
21 take a lot of their families with them on the

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1 boats. Their command of the English language
2 is not the absolute best.

3 And I think it would help to have a
4 -- some good social scientists look at those
5 kind of factors to incorporate into our
6 estimates of what would happen if we closed --
7 if we moved closed areas, created closed
8 areas, in terms of effort shifting?

9 Because frankly, I don't think, if
10 like a dozen Vietnamese boats turned up in
11 Long Chief (phonetic), and wanted to fish out
12 of Long Chief and land their fish, that they
13 would be able to do that.

14 Because I don't think that they
15 would be able to make the business connections
16 they need and the other kind of things. And I
17 don't think they would be able to handle being
18 that far away from their family and their
19 network structures in the Gulf.

20 And I could be wrong, but I'm just
21 suggesting that this kind of information, a

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1 lot of people talk about it. It should be
2 something we might try to look at when we try
3 to achieve a little finer definition in our
4 effort shifting model.

5 MS. PEEL: Ellen Peel. Well,
6 looking at each section of the two prong
7 approach we were tasked to deal with. First,
8 I don't think we spent enough time looking at
9 what you have up there as criteria that should
10 be considered in any and all.

11 I certainly think light stage area
12 is important. Where in one of the areas we're
13 looking at, South Florida, it was identified
14 as a juvenile nursery area, a juvenile
15 swordfish nursery area.

16 I think the species status, as well
17 as the bycatch BP status has to always be
18 taken into consideration. As Himey (phonetic)
19 said, "We have a success story but let's look
20 at the depth and strength of the success
21 story."

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1 All of us here are very pleased
2 with the conservation gains. None of us want
3 to go back. We realize that. Our fishery, or
4 industry, certainly is concerned that the
5 word, "reinvigorate," and nothing personal,
6 but that reinvigorate could mean a decline in
7 our industry.

8 And so that fear is there, whether
9 it will be realized is, you know, causing
10 great problems or not. That fear is there in
11 large part because in 1978 and `79, there was
12 a very strong recreational swordfish fishery
13 off of South Florida, which was wiped out
14 quite quickly in the early `80s.

15 And so while businesses, you know,
16 have been flourishing, their fear will be, we
17 are repeating the cycle. So ten years down
18 the road, we will be looking at what we can do
19 again.

20 So that's a very real fear that
21 will be expressed in the system because

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1 reinvigorate might mean wiping out is the fear
2 that's going to be held. Jack made some very
3 good points in talking about these are
4 business decisions that will be made. Will
5 folks give up their troller license, or
6 permits, in opting for going longline anymore?

7 When we talk about the upgrade of
8 wiping out the upgrade in the pelagic longline
9 fishery, there's some consideration that
10 should be given to that deed, you know, if the
11 boats are going out beyond. I know that they
12 need access inside.

13 But if you have upgrades, and you
14 get very large boats, and as Jack pointed out
15 then if you are putting other permitted
16 industries in a decision of longliners are
17 getting bigger, perhaps that's where we should
18 go.

19 And then our industry is going to,
20 "Here we go again." Is it, you know, are we
21 getting ready to wipe out the gains? We don't

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1 want to see those conservation gains wiped
2 out. We don't want to see the U.S. lose.

3 And I know this is probably one of
4 the most difficult balancing acts all of us
5 have had to try to deal with. So we want to
6 make sure that you understand there will be
7 great anxiety as we try to move forward with
8 the balancing. Thank you.

9 PARTICIPANT: Anyone else from that
10 table?

11 MR. BOYLE: Robert Boyle. In
12 Florida, is giant money being spent? And we
13 all know that with the recreational fishery.
14 And some of these other ideas that have been
15 presented here, I mean, I think are somewhat
16 really the routes to take.

17 As far as looking at this closed
18 zone and this closed area, some of these areas
19 that we're talking about, haven't really been
20 fished hard in a long time. We made a comment
21 about the area from Miami to Boca Raton.

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1 Well, that area is basically was where you
2 pulled your gear back, so obviously that's
3 where you have your data from.

4 As far as going north of that,
5 going up to Fort Pierce, or any of those other
6 areas, there's really nothing that says
7 there's not a lot a small fish there, and that
8 the bycatch or the juveniles wouldn't be a
9 problem.

10 It probably would be a problem.
11 There's not enough data to support that and
12 open that. The one thing that we can say, the
13 couple of reports that came out that are in
14 the register, if you look at it, they were
15 caught by buoy (inaudible) is that the size of
16 the fish are definitely not where they need to
17 be.

18 The size of the fish are much
19 smaller than they used to be and where they
20 need to be. We have a very delicate fishery
21 where we fish. It's giantantly (phonetic)

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1 delicate. There's two - there's a migrating
2 fish, there's a residential fish.

3 There's two populations of fish
4 here and when you infringe on that delicate
5 part of it, now you're dealing with a long-
6 term regrowth period. And it's wonderful what
7 you've done for the regrowth. At the same
8 time we need to maintain that. We need this
9 to continue to grow.

10 As far as opening and doing all
11 that, it's really got to be looked at, I
12 think, the other things, really need to be
13 looked at harder than affecting a thriving
14 industry that's only growing.

15 And even when you say opening it up from
16 Fort Pierce north, or whatever, or down south,
17 you also got to look at, you have to allow our
18 fishery to grow as well. It's growing. It's
19 successful.

20 And the other thing, it still can
21 grow north of where we are. So when we're

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1 limited the rest of the state to the growth of
2 recreational swordfishing based on where it
3 stands now. So you have to look at the long-
4 term growth of what we have.

5 Last think I want to say is that
6 based on where the quota stands, rollover
7 issue and how much we're under, this -- the
8 commercial industry is a shrinking industry
9 for swordfishing.

10 So that the claim that guys were
11 going to -- because of a couple changes made,
12 go out and start getting into the swordfish
13 commercial end of it is not reality because
14 it's too political.

15 And to make an investment into
16 something that political is really not a wise
17 choice. It's just too political. And
18 recreationally, we never really realize that
19 when we got into it.

20 So for somebody to start fishing
21 for swordfish today to gain quota is not

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1 really reality. Now, could some of these
2 existing guys buy bigger boats or more boats?

3 Yes, but to really make a huge difference in
4 the quota, there's not enough of them fishing
5 to make a quota.

6 So in a few years when these
7 changes have been made, and the conflict of
8 interest still is created now, and we still
9 haven't reached the quota, what's the
10 situation going to be in four years, or two
11 years, or when we haven't really grown to
12 where we need to grow?

13 And that's my question. I don't
14 understand that. I mean, if you're trying to
15 reach a quota, or you're trying on paper to
16 make something look like its -- it can buy us
17 a few more years, it needs to be done in
18 another area and not in a place that's
19 thriving on where it is now.

20 Thanks.

21 MR. NEHLS: Don Nehls. A couple of

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1 things on the upgrades stuff here. Let me
2 start at the top here. (Inaudible) vessels in
3 the Gulf of Mexico. All those boats basically
4 have incidental swordfish permits there.
5 There's a lot of problems that everybody knows
6 with -- with the marlin bycatch in that
7 (inaudible) fishery.

8 If these boats were allowed to go,
9 either increase the limits of swordfish so
10 that they could take, or take their incidental
11 permits and put them into these directed
12 permits that would help quite a bit.

13 Two ways, they're not doing the
14 high (inaudible), but they get out of the
15 typical yellowfin fishery that has high
16 bycatch and move them further in the -- down
17 in the Gulf, away from the marlins and the
18 recreational industry.

19 The vessel upgrade, all the permits
20 that the boats have now are their initial
21 permits, or they've been changed one time.

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1 You can't cap per vessel. If you're going to
2 cap the vessel, put it to where the largest
3 vessel in the fleet is. You know what I mean.

4 Don't leave it as an unlimited expense on the
5 vessel, but you need to make some room to go
6 up.

7 Another thing with these upgrades
8 and things like that with a permit, we put
9 that for longline permits only. The reason
10 why we did it as longline permits only is
11 there are a bunch of permits that have
12 directed longline permits out there that a
13 directed permit could be converted to a buoy
14 via permit.

15 So now you would have a (inaudible)
16 that has 400 horsepower, but their permit
17 might be right in length, but it's only 300
18 horsepower, so that permit can't go on there.

19 So you need to keep that vessel --
20 the upgrade criteria on the longline permits
21 only. If you don't do that with the thing,

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1 and you still allow buoy gear for commercial
2 harvest Florida East -- Florida East Coast and
3 a known juvenile hot spot there, you're going
4 back twentyfold on the thing.

5 So that would be the reason -- it's
6 about catching the (inaudible) before the
7 longline goes through. What else? This stuff
8 here, I mean, Windward Passage, yes, we use
9 the fish there, it was a big part of the
10 number.

11 If the U.S. loses it's hand with
12 that quota, the quota -- well, we know Mexico
13 wants it, which is the Yucatan Passage, which
14 is on the other side of Cuba, you're going to
15 have a lot of harvest come from the Mexican
16 boats fishing in the Yucatan, which would be
17 very easy for them to fish because it's right
18 offshore. I mean, if it's within five miles
19 of that.

20 On the time-area closures, if you
21 guys haven't been down to Florida in the last

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1 year or two years, the recreational fishing
2 industry is very, very important for that. We
3 just finished up, I have a commercial boat, so
4 I like -- but we have the Miami Swordfish
5 Tournament. You've got one in two weeks, I
6 think, the -- there's basically now a
7 swordfish tournament every month in Florida.

8 So I don't see how you can have the
9 tournament and the recreational stuff and
10 still have the buoy gear in there. I think
11 that's just going to create a large conflict
12 way down the road.

13 As far as open access to the
14 Florida East Coast, I think there should be a
15 block, or I would support a block, that is a
16 recreational deal. How big a block is it?
17 Who knows? But that would have to go and get
18 looked at. Okay, we had high discards, or we
19 have high recreational interactions with other
20 fishery groups.

21 The Gulf of Mexico makes no

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1 closures in the southern part of the DeSoto
2 Canyon. The reason why the southern part of
3 the DeSoto Canyon is so important to the
4 swordfish guy, the swordfish live in the tide
5 or the current. They do not live in hot black
6 water, which is where (inaudible) lives.

7 At certain points of the year, the
8 lude (phonetic) current that comes up into the
9 Gulf of Mexico just barely pushes in through
10 the bottom lines of the DeSoto Canyon block.
11 It doesn't allow the fishermen access to that
12 edge of current.

13 And when you're looking -- Florida
14 catching swordfish are an easy way to
15 (inaudible) because if you have an open seal
16 and you have a fence around it, all the fish
17 or the animals are going to be along the fence
18 because it gives them a place to hide and to
19 eat.

20 That's why it would be fairly
21 important for those guys in the Gulf to look

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1 at that DeSoto Canyon block just to move it up
2 a little bit. That's an easy one to look at
3 because you have, I think you guys use sea
4 whip (phonetic) data for your satellite
5 imagery.

6 And you can see what I'm talking
7 about that it does go up into that closed
8 block and then it comes back down.

9 PARTICIPANT: What month,
10 wintertime?

11 MR. NEHLS: The wintertime is --
12 is, yes. That's when you have the main
13 swordfish fishery there.

14 PARTICIPANT: Thank you. Anyone
15 else from that table?

16 (No response.)

17 PARTICIPANT: All right. It's just
18 about five o'clock. We were scheduled to
19 close at five. I think there was some
20 interest from folks to have the larger
21 discussion. We also need to -- I'd like to do

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1 a quick poll and see if members of the public
2 are interested in making a comment to the
3 group.

4 I see a couple folks. Could I get
5 a show of hands if you're interested?

6 PARTICIPANT: (Off mic.)

7 PARTICIPANT: You would? Okay.
8 How about we go another 15 minutes with the
9 panel 5:15 of public comments? And then just
10 a couple of notes before folks start slipping
11 out, remember the travel voucher form is in
12 your folder. If you don't have it, we have
13 extra copies. And the evaluation forms, you
14 can hand into any -- any HMS staff.

15 So have a -- another 15 minutes for
16 folks that want maybe to address some of the
17 other issues raised by the table.

18 MS. JOHNSON: Thanks. Gail
19 Johnson. This is relative to what Ken was
20 talking about what -- what went wrong? Some
21 of the things that were brought up in the PVDE

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1 (phonetic) meeting for listening, I think, are
2 very important.

3 Don't get scared about the length
4 of the paper. I'm not going to read it.
5 Okay. But just to summarize, the big thing
6 there was that there is not the economic
7 return to keep participants active and going
8 forward at the moment.

9 The reason for this is one of them
10 is reviewing unilateral conservation
11 management actions, such as no other country
12 in ICAT has any time-area closures. It talks
13 forever about international (inaudible),
14 doubtful it ever happened.

15 The closure for bluefin on the
16 bottom part of Georgia's bank in the month of
17 June severely affects the fishery. When the
18 boats are frustrated and trying to squeeze
19 (inaudible) around trap (inaudible), out
20 there, that's the time of year when the
21 current changes.

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1 It -- bluefin could be there one
2 year. They won't be there for another five
3 years. Swordfish might be there, maybe they
4 won't be there for another five years, but we
5 don't know. We can't find out.

6 A mandatory use of circle hook.
7 All of our industry grips likes mad about
8 circle hooks because the important thing is,
9 it hasn't been stressed quite enough, is that
10 the Grand Banks experimental fishery showed
11 that there is a loss of catch.

12 Russell was talking about catch of,
13 you know, what is the hook-up rate. There is
14 a loss according to the data of 35%. So that
15 contributes to a decline in the catch also.
16 So that's another thing.

17 No other country -- there are
18 countries that are (inaudible) with it, but I
19 don't of any other country that has adopted
20 circle hooks.

21 Of the imported swordfish, tuna,

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1 and mahi-mahi, you can't -- I personally don't
2 want to mess up -- I don't want to do trade
3 things on equivalent catches. That is a no-
4 win game in my opinion.

5 However, if they're importing
6 shrimp from countries that have IUU vessels,
7 if you're importing from countries that
8 haven't even thought about using circle hooks
9 or any of the technology that has been proven
10 on the Grand Banks, then we need to look at
11 that.

12 (TAPE 9 ENDS, TAPE 10
13 BEGINS.)

14 MS. JOHNSON: Thanks. Gail
15 Johnson. This is relative to what Ken was
16 talking about what -- what went wrong? Some
17 of the things that were brought up in the PVDB
18 (phonetic) meeting for listening, I think, are
19 very important.

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21 of the paper. I'm not going to read it.

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12 bottom part of Georgia's bank in the month of
13 June severely affects the fishery. When the
14 boats are frustrated and trying to squeeze
15 (inaudible) around trap (inaudible) out there,
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2 shrimp from countries that have IUU vessels,
3 if you're importing from countries that
4 haven't even thought about using circle hooks
5 or any of the technology that has been proven
6 on the Grand Banks, then we need to look at
7 that because, you know, the cliché is a level
8 playing field. Cliches are (inaudible) lots
9 of times.

10 The -- hold on just a second here.

11 One other thing, it's a smaller thing, but
12 it's indicative again of what the United
13 States has done pretty much unilaterally. No
14 other ICAT country demands 100% coverage for
15 DMS.

16 And you've heard today that it has
17 an effect on traditional fishing grounds. It
18 also has an effect because of sort of
19 bisontine (phonetic) regulations about if you
20 have a broken down BMS, I could go into
21 exhaustive detail, but I won't. Just say that

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1 it is a problem to some of the operations and
2 all of a sudden you can't do anything about
3 it.

4 And the last thing is that was
5 brought up there is there's a whole bunch of
6 negative publicity about the fishery. Part of
7 it is -- has to do with swordfish are going
8 economically extinct and there is all kinds of
9 other information out there that is
10 detrimental.

11 I think that the National Marine
12 Fishery Service does have the facts on all of
13 these things and it would be nice to have
14 those facts out there in the same kind of
15 forum as the almost right, or the absolute
16 wrong things that are being put out.

17 So I just felt obligated to report
18 on what this meeting was about and to update
19 you on this person's opinion with a
20 (inaudible) mind of some of the reasons why we
21 are where we are.

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1 MR. DEGRAAF: Adam Degraaf. I just
2 wanted to point out to the group something
3 that -- that might be of help. There's a lot
4 of tables that are asking if NMFS can approach
5 congress or somebody to reopen the Windward
6 Passage area particularly to go back into the
7 Cuban waters.

8 I think -- I think the story behind
9 it really is it doesn't have anything to do
10 with fishing at all. At the same time that
11 they close that and the Coast Guard started
12 protecting the Cuban EEG (phonetic) is because
13 Cuban reports a significant oil find.

14 And they're very protective of that
15 information or they're very paranoid of U.S.
16 boats going down into their waters now that
17 may be doing some seismic work or some other
18 kind of exploratory work.

19 So the prohibition of vessels into
20 the Cuban EEG I don't think has anything to do
21 with fishing at all. And I don't think that

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1 an attempt to reopen those waters is going to
2 meet with any success.

3 PARTICIPANT: Just a quick response
4 to Dr. Bremer's point, I guess. I don't know
5 the scientific merits of arguing for a biomass
6 equal to what was going on in the 1960s. But
7 I know that if the U.S. doesn't continue to
8 catch its quota and its influence, you're
9 going to have both the biological and a
10 political impediment to even considering any
11 further increases in the biomass.

12 I just don't think you're going to
13 find Taiwan, Japan, Spain, or anybody else
14 willing to go beyond the target that was
15 already agreed to in the international
16 agreement, and successfully achieved by a
17 pretty restrictive quota for a good number of
18 years.

19 PARTICIPANT: My -- my opinion more
20 than anything is caution. I'm not by any
21 means trying to say that this quota, we

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1 shouldn't look for it and fight to get it.
2 It's just a word caution based on history and
3 based on the present and based on what has
4 happened to the shark (inaudible) in terms of
5 over (inaudible) starting to find that we are
6 out.

7 And so that is my perspective.
8 It's just a basic notion of word of caution.

9 MR. HINMAN: Ken Hinman. I'd just
10 like to add something else to the point about
11 the recovered stock and is it really fully
12 recovered. There may not be any doubt in
13 terms of reaching the biomass target, but I do
14 know that there is -- there are other things
15 to consider.

16 And especially in supporting a
17 healthy fishery and that is the (inaudible)
18 structure of the population. And that is
19 something that definitely existed in the 1950s
20 and the 1960s that doesn't exist now even
21 though we have a fully recovered stock is that

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1 we had a lot of large swordfish, and mostly
2 have small swordfish still.

3 So I don't know how we get ICAT to
4 go along with that, but I think, it is part in
5 particle of revitalizing our own fishery too.

6 I think a stock that looks more like that
7 would certainly support a much healthier
8 robust commercial swordfish fishery. And
9 that's something we should all agree on.

10 MR. NEHLS: One quick thing. This
11 morning when I was -- my name is Don Nehls.
12 One quick thing, this morning when I was stuck
13 on the phone with our office in Spain, there
14 is a party going on there right now over the
15 stock assessment on the swordfish.

16 MS. PEEL: Margo -- Ellen Peel.
17 Earlier you had mentioned that this shark
18 issue some of the them that we were talking
19 about will be included in Amendment 2. Will
20 this -- will these issues be now -- Ken, Ken,
21 Ken, we're trying to talk to each other.

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1 Will this be included in the
2 criterias and the reinvigoration and the buoy
3 gear if -- if this (inaudible) that -- will
4 those things be in Amendment 2 that you're
5 starting now?

6 MS. SCHULZE-HAUGEN: Interesting
7 you should say that. One of the things that
8 we've talked about internally is wanting to
9 have smaller, more discreet actions than the
10 whole kitchen sink syndrome.

11 For the, you know, reasons that
12 we've talked about today. There, you know,
13 it's hard to get your heads around ten major
14 issues and 11 sub-issues. And so shark
15 Amendment 2 right now, Amendment 1 is, I think
16 we mentioned this, but our intension is that
17 that would be phase two of the FH (phonetic).

18 And so that will be moving through.

19 Amendment 2 on shark is going -- we've got,
20 you know, a fairly clear marching orders with
21 the new assessment information. We need time

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1 clocks, things that kick in with that kind of
2 information.

3 I think one of the things that we
4 as a division are going to be doing in the
5 next couple of days is kind of thinking
6 through all the things that we've heard,
7 thinking about what we can handle, what are
8 kind of logical groupings for actions.

9 Still trying to keep them fairly
10 discreet and -- and concise. We also, I found
11 it kind of a big outlier for us right now, we
12 need to implement ICAT recommendations. So
13 until that's backed, we're going to have to
14 keep a placeholder to see what that is.

15 But certainly on -- on swordfish,
16 the intent, our hope is to have something, you
17 know, a plan for the U.S. to take to ICAT
18 before the ICAT meeting. So that's coming
19 right up.

20 So certainly a lot of what we're
21 going to need to talk about in the next little

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1 bit is how are we going to move forward on all
2 of this.

3 MS. PEEL: So that could mean yes,
4 it could be in this Amendment 2 in addition to
5 sharks?

6 MS. SCHULZE-HAUGEN: My inclination
7 is to keep it separate right now. But, you
8 know, clearly we've got a lot to do and how we
9 bundled it together is going to be a question.

10 MR. ATRAN: Steven Atran with Gulf
11 Counsel Staff. Just before we break up, this
12 really doesn't have anything directly to do
13 with what's been discussed for the last two
14 days. But -- because there really wasn't any
15 place to put it in the discussion.

16 But I wanted to bring up the
17 subject of ecosystem management because that's
18 something that the regional counsels and to
19 varying degrees starting to move toward at
20 least talking about it. And we've just spent
21 two days talking on was purely about single

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1 species or single group management of sharks,
2 single group management of swordfish, and so
3 forth.

4 And I don't know if the HMS
5 division is thinking about an ecosystem
6 approach or if ICAT is. But I think that in
7 the very near future, it might be worth
8 starting that process to start looking toward
9 that.

10 All of these species we're talking
11 about are large top level predators. They're
12 certainly very important parts of the
13 ecosystem and we may have to start paying more
14 attention to that in the future.

15 PARTICIPANT: Okay. Thanks. I
16 think, you know, we kind of view all of our
17 time-area analyses where we look at the -- a
18 lot of different species (inaudible) of
19 species. It may be a baby step in that
20 direction, but I think, you're right, we need
21 to start looking at that more closely.

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1 All right. Well, let's -- I think
2 there was someone --

3 MR. COTTINGTON (phonetic): Ron
4 Cottingham. I'm a recreational sword
5 fisherman. A guest to the Billfish Foundation
6 here. And I've been a recreational sword
7 fisherman since the mid-70s.

8 One thing I want to thank the
9 commercial fishing industry. Not all of them
10 are still here for their new found recognition
11 of the viability of our recreational fishery.

12 And the respect they are showing
13 for that fishery. We're a growing fishery.
14 We're an economic engine in South Florida
15 that's growing up the coast and sliding around
16 all the way up into the Carolinas, I believe,
17 in some ways.

18 I want to correct one thing that
19 keeps showing up in National Marine Fisheries
20 Services Environmental Impact Statements with
21 respect to this socioeconomic description of

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1 our fishery.

2 Our fishery in the mid-70s was a
3 great fishery out here, presumably we had a
4 viable recreational fishery at a point where
5 the biomass was greater than MSY as it's
6 measured now.

7 We want you to recognize that. Our
8 recreational fishery may require more fish
9 than MSY to have the interaction that we need
10 to make the recreational fishery work. In
11 your Environmental Impact Statements, you
12 characterize our fishery as losing interest in
13 the fishery.

14 We didn't lose interest in the
15 fishery in the 70s. Our fisheries collapsed
16 in three years of extensive pelagic longline
17 effort. Totally different point I want to
18 make. I want to talk about fish size.

19 Our fish size out here, one of our
20 esteemed captains that's a member of our club
21 brought a very interesting point to the

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1 attention of NMFS at our hearing and to our
2 group.

3 Miami Swordfish Tournament, which
4 includes Miami Swordfish Tournament and the
5 Islamorada Swordfish Tournament set a minimum
6 weight of 60 inches. It took five years of
7 tournaments before the first fish was brought
8 to the dock. We have fish. We have small
9 fish, a lot of them.

10 Recognize that when you're making
11 your decisions. Our fisheries was able to
12 collapse in three years. Apparently, it's
13 growing very fast too. It's a small fishery.

14 We need to watch the size of these fish and
15 how we manage them.

16 Final point I want to make real
17 quick because not a lot of you guys here even
18 know what it is -- the buoy fishery. The buoy
19 fishery is being described in some ways in the
20 proposed rule, in the comment section of the
21 proposed rule, as a very clean fishery.

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1 But your own logbook numbers from
2 2004 show that one out of three fish caught in
3 the buoy fishery is an undersized fish. That
4 is a J-hook fishery. Just because the fish
5 was released alive does not mean it lived very
6 long.

7 Remember that as a J-hook fishery
8 by nature of the gear, free floating gear,
9 these fish are jet (phonetic) hooked. Every
10 single fish that we've seen in our limited
11 experience with the buoy fishery is that
12 they're jet-hooked, J-hooked fish. Remember
13 that when you're looking at this fishery and
14 the growth of the buoys. Please watch it very
15 closely because this fishery could hurt us as
16 it applied right now.

17 That's it. Thank you very much for
18 your time. I appreciate you letting the reps
19 come in and say what we think about our
20 fishery. Thank you very much.

21 PARTICIPANT: Thank you. Skip, did

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1 you want to say something too?

2 CAPTAIN SKIP SNUFF (phonetic):

3 Yes. Captain Skip Snuff. A couple of points.

4 We keep searching, I keep hearing, you guys
5 search for the magic hunting hole, whether
6 it's in our restricted areas or whether it's
7 in this Windward Passage.

8 To me, you know, there's a bigger
9 problem out there. A gentleman said earlier,
10 in 1999 when this all came about, their quotas
11 were being caught at that time. And there was
12 about to be buyout. And every one of them
13 wanted to be bought out and it didn't happen.

14 And now six years later, we're in
15 panic trying to find the fish again. There's
16 a bigger problem out there then sorting
17 through the juveniles off the state of Florida
18 whether it's up here.

19 I don't know how big the fish are
20 in Canada, but I know from a lot of the
21 numbers and the Windward Passage numbers, the

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1 fish that they catch in those areas are quite
2 larger and that's why they want in those areas
3 to find it. So what I'm
4 seeing is that these other countries,
5 especially the boats in the South Pacific
6 fishing over here, these other countries,
7 they're not fishing along their coast looking
8 for their magic hunting holes. It's just not
9 there.

10 You know, I think, the biggest
11 thing you guys need is the bigger boats to get
12 out there in the open oceans and compete for
13 the fish that these other countries are
14 fishing for. Because, you know, we all saw an
15 amazing race the girl ran off with a four-
16 pound swordfish off Spain. We know that their
17 ethics aren't that big.

18 Like, especially like ours. I
19 mean, our longliners, I'll give them credit,
20 they're the cleanest longliners out there.
21 But at the same time, by pounding our coast,

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1 and she said, you know, (inaudible) restricted
2 areas, there's a darn good reason, it wiped it
3 out.

4 But they need to move and find the
5 deeper water where government backing or
6 whatever it may be, they need to move offshore
7 and find it. You know, you're putting a Band-
8 Aid on it if you think you're going to come to
9 the coast, we're going to have the same
10 problem. Thank you.

11 PARTICIPANT: Thank you. At this
12 time, I'd like to take a moment and I would
13 ask you all to do the same, to thank the HMS
14 staff. I think we have --

15 (Applause.)

16 -- they've done a great job, the
17 presentation, taking notes. So thank you
18 everyone and thank you to the advisory panel.

19 I think we got a lot to chew on in the next
20 several months, a lot of big issues. And I
21 really thank your time and your interest.

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1 And Russ you want the last word.

2 PARTICIPANT: Yes, we all fun.
3 Listen Margo, I'd like to tell you because I
4 have occasionally been a critic of NMFS and --
5 of the HMS program in the past. And most
6 recently because I felt that in some years
7 past they failed to take advantage of the
8 expertise that was offered them in terms of
9 their advisory panel.

10 And I must say that as hard as it
11 is for me to get it out, I think you've done
12 an excellent job in -- maybe not doing
13 everything we thought you should, but in
14 listening and trying to pry from us all the
15 information that you poor pitiful folks stuck
16 inside the belt line need.

17 MS. SCHULZE-HAUGEN: Thank you for
18 that.

19 (Applause.)

20 (The above-entitled
21 matter concluded.)

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