

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

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ATLANTIC HIGHLY MIGRATORY SPECIES
ADVISORY PANEL

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MEETING

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WEDNESDAY
SEPTEMBER 6, 2017

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The Advisory Panel met in the Sheraton Silver Spring, Cypress Room, 8777 Georgia Avenue, Silver Spring, Maryland, at 8:45 a.m., Bennett Brooks, Facilitator, presiding.

PRESENT

BENNETT BROOKS, Facilitator
 JASON ADRIANCE, State Rep
 PATRICK AUGUSTINE, Recreational
 ANNA BECKWITH, Council Rep
 TERRI BEIDEMAN, Commercial
 RICK BELLAVANCE, Recreational
 ROBERT BOGAN, Recreational
 ANDRE BOUSTANY, Academic
 BENJAMIN CARR, Environmental
 J. MARCUS DRYMON, State Rep
 SONJA FORDHAM, Environmental
 WALTER GOLET, Academic*
 JOHN GRAVES, ICCAT Advisory Committee
 LISA GREGG, State Rep
 RANDY GREGORY, State Rep
 LUKE HARRIS, Commercial
 DEWEY HEMILRIGHT, Council Rep
 RUSSELL HUDSON, Commercial

ROBERT HUETER, Academic
STEPHEN IWICKI, Recreational
CHARLIE KLUCK, Proxy for Martin Fisher,
Commercial
ANDREW MARSHALL, Commercial
SHANA MILLER, Environmental*
ROBERT NAVARRO, Recreational
JEFF ODEN, Commercial
MICHAEL PIERDINOCK, Recreational
GEORGE PURMONT, Commercial
KIRBY ROOTES-MURDY, Council Rep
RICHARD RUAIS, Commercial
MARK SAMPSON, Recreational
MARTIN SCANLON, Commercial
DAVID SCHALIT, Proxy for Christopher Weiner,
Commercial
MICHAEL SISSEWINE, Council Rep
RICK WEBER, Recreational
KATIE WESTFALL, Environmental
ANGEL WILLEY, State Rep
ROMULUS WHITAKER, Recreational

ALSO PRESENT

NICOLAS ALVARADO, Highly Migratory Species
Management Division

RANDY BLANKINSHIP, Highly Migratory Species
Management Division

LT. WYNN CARNEY, Supervisory Enforcement
Officer, Northeast Division, Office of Law
Enforcement

JENNIFER CUDNEY, Highly Migratory Species
Management Division

TOBEY CURTIS, Highly Migratory Species Management
Division

GREG DIDOMENICO, Garden State Seafood
Association

CLIFFORD HUTT, Highly Migratory Species
Management Division

RAYMOND KANE, Cape Cod Commercial Fishermen's
Alliance

JACK KEMMERER, U.S. Coast Guard*

BRAD McHALE, Highly Migratory Species Management
Division

KATIE MOORE, U.S. Coast Guard

DELISSE ORTIZ, Highly Migratory Species
Management Division

LOREN REMSBERG, ESQ., Office of General Counsel,
NOAA*

MARGO SCHULZE-HAUGEN, Division Chief, Highly
Migratory Species Management Division

CARRIE SOLTANOFF, Highly Migratory Species
Management Division

*On the phone

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

8:56 a.m.

1
2
3 FACILITATOR BROOKS: All right, good
4 morning and welcome to the HMS Advisory Panel
5 meeting.

6 We thank you all as always for making
7 the time to be here. We really do know how busy
8 you all are and we know it's not trivial to cut a
9 couple of days out of your week and be here.

10 Obviously there's also a major storm
11 brewing down in the Caribbean right now and so
12 there are a number of folks who are not going to
13 be here because they are having to deal with that
14 and we're just hoping that this storm plays out a
15 little better than it's looking like right now.

16 We have the new assistant
17 administrator with us, Chris Oliver. In a minute
18 we'll hear from him and have our usual
19 opportunity to hear what's on the mind of NOAA
20 Fisheries Assistant Administrator and ask him
21 questions.

22 But before we do that we thought it
23 would make sense just to go around the room with
24 your name and organization so Chris knows who's
25 around the table and everyone else does too.

26 And Fly, I think we'll start off with
27 you. And just remind yourselves to hit the speak
28 button and when you're done turn it off. Fly.

29 MEMBER NAVARRO: Fly Navarro with Fly
30 Zone Fishing, recreational.

31 MEMBER HARRIS: Luke Harris,
32 commercial.

33 MEMBER HEMILRIGHT: Dewey Hemilright,
34 Mid Atlantic Fishery Management Council.

35 MR. KLUCK: Charlie Kluck, commercial.

36 MR. SCHALIT: David Schalit, American
37 Bluefin Tuna Association.

38 MEMBER AUGUSTINE: Patrick Augustine,
39 New York, recreational.

40 MEMBER WILLEY: Angel Willey, Maryland
41 Department of Natural Resources.

42 MEMBER GREGG: Lisa Gregg, Florida
43 Fish and Wildlife Conservation Commission.

44 MEMBER HUDSON: Rusty Hudson, Directed
45 Sustained Fisheries, commercial.

46 MEMBER HUETER: Bob Hueter, MOTE
47 Marine Laboratory, academic.

48 MEMBER BEIDEMAN: Terri Beideman, U.S.

1 Seafood Industry Association, commercial.

2 MEMBER IWICKI: Steve Iwicki,
3 recreational, Cape May, New Jersey.

4 MEMBER GRAVES: John Graves, Virginia
5 Institute of Marine Science here to represent the
6 U.S. ICCAT Advisory Committee.

7 MEMBER SISSENWINE: Mike Sissenwine
8 representing the New England Fishery Management
9 Council.

10 MEMBER WHITAKER: Rom Whitaker,
11 Hatteras Harbor Charter Boats, recreational.

12 MEMBER GREGORY: Randy Gregory, North
13 Carolina Division of Marine Fisheries.

14 MEMBER SCANLON: Marty Scanlon, owner,
15 operator of fishing vessel Provider II. I also
16 sit on the board of directors for Blue Waters
17 Fishermen's Association.

18 MEMBER WESTFALL: Katie Westfall,
19 Environmental Defense Fund, environmental.

20 MEMBER DRYMON: Marcus Drymon,
21 representative for the State of Alabama.

22 MEMBER ADRIANCE: Jason Adriance,
23 Louisiana Wildlife and Fisheries.

24 MEMBER ROOTES-MURDY: Kirby Rootes-
25 Murdy, Atlantic States Marine Fisheries
26 Commission.

27 MEMBER BECKWITH: Anna Beckwith, South
28 Atlantic Council, recreational and charter.

29 MEMBER BOGAN: Robert Bogan, captain
30 of the Gambler, also representing RFA, PVA, NECO.
31 I was supposed to be here last spring but I broke
32 my foot so hello everybody.

33 FACILITATOR BROOKS: And just to note
34 Robert is a new member of the advisory panel so
35 welcome.

36 MEMBER BOGAN: Yes, thank you.

37 MEMBER BELLAVANCE: My name's Rick
38 Bellavance. I run a charter fishing business in
39 Point Judith, Rhode Island, and I sit on the New
40 England Fishery Management Council.

41 MEMBER PURMONT: George Purmont,
42 commercial.

43 MEMBER PIERDINOCK: Mike Pierdinock,
44 charter boat captain out of Massachusetts,
45 Stellwagen Bank Charter Boat Association and the
46 RFA.

47 MEMBER RUAIS: Rich Ruais, American
48 Bluefin Tuna Association, commercial.

1 MEMBER MARSHALL: Andrew Marshall,
2 fishing vessel Typhoon, commercial.
3 MEMBER FORDHAM: Sonja Fordham, Shark
4 Advocates International, environmental rep.
5 MEMBER ODEN: Jeff Oden, North
6 Carolina, commercial.
7 FACILITATOR BROOKS: Great. And then
8 thanks. On the teleconference I think we have a
9 couple of folks. Maybe if you could introduce
10 yourself quickly and we can start with the AP
11 member Walt.
12 MEMBER GOLET: Hi, this is Walt Golet
13 from the University of Maine, School of Marine
14 Sciences.
15 FACILITATOR BROOKS: Other folks on
16 the phone.
17 MS. REMSBERG: Loren Remsberg, NOAA
18 Office of General Counsel.
19 MS. STEPHEN: Diane Stephen, HMS
20 division staff.
21 FACILITATOR BROOKS: Great. And then
22 if we can just introduce ourselves around the
23 room quickly and we'll start.
24 MR. MILLER: Ian Miller, HMS Silver
25 Spring.
26 MR. SILVA: George Silva, HMS Silver
27 Spring.
28 MS. Baertlein: Heather Baertlein,
29 HMS.
30 MS. Cudney: Jennifer Cudney, HMS St.
31 Petersburg.
32 FACILITATOR BROOKS: Let's go to the
33 way back of the room.
34 MR. KANE: Raymond Kane, Cape Cod
35 Commercial Fishermen's Alliance.
36 MR. PEARSON: Rick Pearson, HMS St.
37 Petersburg.
38 MR. MCHALE: Brad McHale, HMS
39 Gloucester.
40 MR. BLANKENSHIP: Randy Blankenship,
41 HMS St. Petersburg, Florida.
42 MR. CURTIS: Tobey Curtis, HMS
43 Gloucester.
44 MS. WILSON: Jackie Wilson, HMS Silver
45 Spring.
46 FACILITATOR BROOKS: And Ben if you
47 move really quickly you can introduce yourself.
48 MEMBER CARR: Ben Carr, environmental.

1 OPERATOR: And excuse me, we also have
2 Ms. Shana Miller also on the phone.

3 MR. OLIVER: Do you want me to make a
4 few comments?

5 FACILITATOR BROOKS: It would be great
6 if you would make a few comments. And then
7 typically we then open it up for AP members to
8 share some thoughts or questions they might have.

9 MR. OLIVER: Great, thank you. Well,
10 good morning everybody and welcome to Silver
11 Spring. I'm happy to be able to join you today.
12 I won't take a whole lot of your time this
13 morning.

14 I do want you to know that you are
15 part of my training program. I've been in this
16 position now for about two months and I came from
17 27 years of experience in the North Pacific
18 region and thought that I knew a little bit about
19 fisheries management.

20 But I can tell you that the breadth
21 and depth of all the issues that we have in front
22 of us around the country has been quite the
23 learning curve for me. And so I appreciate the
24 opportunity this morning to meet with some of you
25 and introduce myself.

26 I think that one of the things that
27 interested me in coming to D.C. and coming to
28 this position was the opportunity to experience
29 and learn about other fisheries and other
30 regions, and to hopefully have some influence on
31 our national policy at a national level on our
32 fisheries management programs.

33 I think that highly migratory species
34 is something that's never been really on my radar
35 screen, we don't have a lot of those up in the
36 North Pacific, but it's certainly one of the most
37 interesting species, interesting from a
38 commercial perspective, from a sport fishing
39 perspective and all the international aspects.

40 I look forward to learning more about
41 the process.

42 I've already learned this morning how
43 big our HMS staff is. It's quite a big group
44 with a lot of attention and understandably so.

45 I've caught HMS species. I grew up
46 down in the Gulf of Mexico and fished for tuna
47 and billfish down there, but I don't know frankly
48 a lot about the various management programs.

1 This process is new to me. When I
2 walked in the room my first thought was wow, this
3 looks kind of like a Council meeting. And so I
4 appreciate the opportunity again.

5 I just wanted to address a couple of
6 issues.

7 I know there's one issue I would just
8 speak to briefly right up front. One of the
9 issues that's on your agenda that you're going to
10 address this week and it's become a bit
11 controversial is the pelagic longline closed area
12 experimental fishing permit that we approved.

13 And I know it's very controversial
14 because my phone and my email have been going
15 kind of off the hook. I've gotten a lot of
16 interesting correspondence on it over the past
17 few weeks.

18 I do still believe it's an appropriate
19 action and it's going to give us important
20 information on species distribution and abundance
21 and a lot of other information that will be
22 useful for future stock assessments and other
23 management considerations.

24 I know one of the things I've learned
25 and heard is there's a large amount of swordfish,
26 U.S. swordfish that's going unharvested. And one
27 of the priorities of this administration is to be
28 able to maximize our commercial ground fish
29 harvest, increase them where we can, increase
30 aquiculture production where we can.

31 And at the same time maintaining our
32 recreational fishing opportunities. And at the
33 same time maintaining long-term sustainability.

34 And I think that the information that
35 we hope to gain from this will give us that kind
36 of information.

37 I think it doesn't mean that these
38 areas are going to be flung wide open, but I
39 think that the approval of that EFP was in the
40 spirit of that basic philosophy.

41 I hope to be able to spend some time
42 here today. I've got some other meetings I have
43 to go to downtown and on the Hill, but I hope to
44 be able today or tomorrow to spend a little bit
45 more time in the room just listening to your
46 discussions.

47 I do want to thank you all for the
48 time that you put into this. I know that many of

1 you have fishing opportunities that you're
2 missing, or other business or family obligations
3 that you're taking away from to spend time in
4 this process.

5 But like many of the other management
6 processes and fisheries that we manage we
7 certainly can't do it without stakeholder input.
8 And so it's very much appreciated, all the time
9 and energy that all of you spend on this.

10 Just a last couple of comments. On a
11 personal note for those of you who live in the
12 coastal areas and I know many of you do with the
13 storm approaching I wish you all the best.

14 I just spent most of my last week down
15 in Rockport, Texas where I grew up and where my
16 mother still lives, and spent most of last week
17 down there cleaning up my home down there and
18 helping some of the neighbors with theirs.

19 Once we got all the debris and trees
20 off my house we realized that our house was
21 relatively unscathed which we were very lucky.
22 Many of our neighbors were not so lucky. So I
23 wish all of you the best in that.

24 I again thank you for giving me some
25 time on your agenda, a chance to introduce myself
26 and to meet you all.

27 Again I hope to be in and out of your
28 meeting over the next couple of days. I
29 understand there may be an informal get-together
30 this evening that I hope to get back and
31 participate in and have a chance to talk to some
32 of you more informally on the side and learn more
33 about your issues.

34 So I appreciate your time and I'd be
35 happy to take a few questions as long as you
36 promise to make them easy.

37 FACILITATOR BROOKS: Excellent, good.
38 Well, thank you very much and let's see who at
39 the table would like to have a question. Rusty I
40 see you and then over to Anna.

41 MEMBER HUDSON: Chris, welcome aboard.
42 I've been involved in this AP for the best part
43 of two decades and involved with shark for four
44 decades.

45 Based on that about a month ago you
46 were at an MSA hearing and Senator Cory Booker
47 had a question with regard to shark finning in
48 the United States.

1 We've been getting a lot of bad press
2 when we have a lot of people with permits that
3 play by the rules.

4 And so he had put a number of 500 plus
5 investigations and you said yes, you would check
6 into that assertion.

7 That does not match up with the OLE
8 webpage. And so whether you want to talk sidebar
9 about it or talk to the folks we know that that's
10 not an issue, shark finning. Anybody that's
11 doing it is poaching and they need to be
12 prosecuted.

13 There's this effort by Oceana to kind
14 of cause us to throw away all our shark fins
15 which we think is totally counterproductive.

16 And so we're trying to make Congress
17 understand a reasonable, prudent measure that
18 would allow us the continued right to exist as
19 permitted directed limited access permit owners.
20 Thank you.

21 MEMBER BECKWITH: Hey, Chris, we were

22 --

23 FACILITATOR BROOKS: Hang on one
24 second. I think he was just going to jump in
25 with a quick response.

26 MR. OLIVER: I don't have a response
27 for you on the exact numbers. That's something I
28 can try to get back to you with or talk to you
29 more informally on the side and maybe better
30 understand your question.

31 I personally believe that if you kill
32 a shark to throw away the fins kind of doesn't
33 make sense. That's my personal view.

34 But in terms of the enforcement and
35 violation issue I'll talk to you further on the
36 side.

37 MEMBER BECKWITH: We were looking
38 forward to hosting you next week but that may not
39 be possible.

40 One of the discussions that we've been
41 having at the Council level is the different
42 definitions of optimum yield, and how optimum
43 yield might be achieved differently for
44 commercial than recreational fisheries.

45 And specifically for the South
46 Atlantic Council we've been discussing that
47 around dolphin, mahi mahi, that optimum yield for
48 recreational is achieved by actually having high

1 levels of abundance in the water and easing the
2 ability for recreational fishermen to catch fish.

3 So I say that only because as you sort
4 of move forward with this mandate to achieve
5 optimum yield it hasn't been something that has
6 been sort of in the mindset of national marine
7 fisheries that optimum yield can also be defined
8 separately and differently for recreational
9 fisheries than they are for commercial fisheries,
10 that abundance is an issue that is of most
11 importance for recreational fishermen, not just
12 the actual harvest numbers.

13 MR. OLIVER: Thank you, Anna. You
14 promised not to give me any difficult questions
15 so I won't consider that a question I'll just say
16 that I agree with you.

17 FACILITATOR BROOKS: Thanks. Terri,
18 then over to Marty.

19 MEMBER BEIDEMAN: Hi. I want to offer
20 congratulations on your appointment and good
21 luck. There's lots.

22 And I did want to say with regard to
23 the concerns that our fisheries are perfect
24 platforms to collect real data and that we need
25 to keep doing it.

26 We close areas. Some of these areas
27 have been closed for almost two decades.

28 All of the people sitting around this
29 table should know that though swordfish were
30 enhanced by having these closed areas for
31 juvenile swordfish at the time the real
32 rebuilding was due to international regulations
33 being enforced and enhanced.

34 And a segue off of that is concerns
35 about how the agency is going to deal with the
36 MMPA regulations, Marine Mammal Protection Act,
37 comparability for imports.

38 And I know currently that there's a
39 comment period for a list of foreign fisheries.

40 But our fishermen are very aware from
41 dealing with other countries at ICCAT and all of
42 these fisheries are managed there that a lot of
43 times countries will tell you what you want to
44 hear but they don't necessarily do it.

45 And our concern is to be sure that
46 it's comparable, really comparable because our
47 goal is zero mortality rate goal.

48 And that we have some teeth in finding

1 out and making sure that they're following the
2 rules if they're going to be afforded the ability
3 to bring their product into our country and
4 compete with us. We need a level playing field.

5 So we've been talking about that at
6 this table for a decade or more in different
7 fisheries, but particularly now since it seems to
8 be going ahead I believe that we'll be talking
9 more about this in the days to come.

10 But I look forward to talking to you
11 at the MAFAC meeting. Perhaps I'll see you at
12 the ICCAT meeting. But I'm currently chair of
13 MAFAC so I'll be talking with you about this and
14 other things. So thank you very much for coming
15 to our meeting today.

16 MEMBER SCANLON: Yes, Rusty brings up
17 an important point and it's not just really
18 limited to shark finning and stuff like that.

19 One of the things that I think that
20 the agency can do to help us is to do a better
21 job of promoting the work that we do here as far
22 as fishing sustainably within the United States.

23 And that pertains to all domestic
24 fisheries. A lot of times we face a lot of
25 outside pressure from groups that want to sort of
26 propagate problems and issues, and they don't
27 really fully explain what's going on.

28 I think we as an agency here need to
29 do a better job of defending what we're doing
30 here and promoting what we're doing here as far
31 as fishing sustainably, especially domestically.

32 In other portions of the country like
33 in food, for example, if there's bad food being
34 distributed the U.S. government will come up and
35 make it clear of what's being brought in and what
36 to watch for.

37 But we don't seem to do that to defend
38 our fisheries. When there's false news and
39 people are being misled into believing certain
40 things we don't ever seem to step up and defend
41 what we're doing here.

42 So we'd like to see us go more in that
43 approach. I think that would help all of our
44 domestic fisheries, just not in the HMS fishery.

45 MR. OLIVER: Just a comment on that.
46 And I agree with you.

47 During my many years with the council
48 and my participation on the council coordination

1 committee, the eight regional fishery management
2 councils, that was an issue that we repeatedly
3 discussed with the agency was how do we tell our
4 story better. It seems like only the bad press
5 gets out there.

6 And so I very much agree with you.
7 I've had a number of discussions recently about
8 how to do that. Some of it was in the context of
9 the various certification programs.

10 And I think to your point if we are --
11 you look around the country at the work we've
12 done on rebuilding fish stocks.

13 When we have a directed fishery on a
14 stock it's by definition a sustainable fishery.
15 And so that by definition -- we need to get that
16 story out better.

17 At one extreme we could talk about a
18 government labeling program I suppose where we
19 basically have a government stamp of endorsement
20 on the various fisheries similar to the
21 certification programs.

22 But I think the key point I guess I
23 wanted to make is I agree with you. When these
24 fisheries that we have are by definition
25 sustainable or we wouldn't be fishing on them, so
26 I agree with you.

27 MEMBER BELLAVANCE: Thank you. Thank
28 you, Chris, for coming to spend a little time
29 with us. I appreciate your efforts there.

30 I spent a bunch of time over the last
31 decade or so trying to think about ways to
32 improve recreational catch estimates and the data
33 collection process in the recreational fisheries,
34 particularly in the for-hire sector.

35 And I'm encouraged by the work that's
36 being done using modern technologies like
37 electronic reporting software, things like that
38 to help us tell our story a little bit better.

39 One thing I did want to just mention
40 to you quickly while I had the chance was I think
41 it's really important that as we work through
42 this new technologies that we try to do our best
43 to develop standards that are similar across all
44 regions.

45 I'll use my business as an example.
46 I report to the southeast regional office for
47 dolphin/wahoo. I report to GARFO for my
48 groundfish, and I report to the State of Rhode

1 Island for tautog. And I report to HMS for my
2 HMS fisheries that I fish in. And they're all
3 different.

4 So I think it's important that we
5 really work hard and think a lot about how we can
6 streamline that process so that I can have one
7 tool that I use that helps me report to all those
8 different agencies or offices or bodies with one
9 stop and not have to open up this tablet and do
10 this on this program, open up this laptop, do it
11 that way, fill out this piece of paper for that
12 group, and so on and so forth.

13 So I appreciate the time. I just
14 wanted to put that on your radar as we move
15 forward. Thank you.

16 MR. OLIVER: Quick response. Over the
17 past two months a huge amount of my time has been
18 focused on the very issue that you raise.

19 A lot of the discussions I've had
20 about whether it's the marine recreational
21 information program or new smartphone
22 technologies in terms of data collection for
23 recreational fisheries.

24 A lot of that discussion was in the
25 context of red snapper management, but it's not
26 limited to red snapper. And I agree with you.

27 Part of the problem with that is the
28 consistency and calibration to the other data
29 collection methods.

30 But I can assure you that it's a
31 priority for us. It's been made clear to me from
32 the Department of Commerce leadership that they
33 fully expect us to expedite the resolution of
34 that issue and to get to a point where we can
35 effectively utilize modern technology better than
36 we're doing it now.

37 MEMBER RUAIS: Hi, Chris. It's the
38 first time we meet. I just wanted to echo the
39 sentiments around the table. Welcome aboard.
40 And I did notice that one of your first comments
41 was that HMS has a very large staff. I wanted to
42 make it clear that most of us feel that it's
43 absolutely essential. The work load is
44 tremendous between the international and the
45 domestic. And the staff is excellent.

46 And it goes beyond -- I saw Alan in
47 the room earlier. I don't see him anymore.
48 You've got some talent there.

1 And also on the outside I know there
2 must be somewhat that you're familiar with.
3 Rollie Schmittert once held the post you have now
4 and he was a longer serving AA. And he was our
5 ICCAT Commissioner at the same time and he did an
6 excellent job.

7 So if you ever have to reach out he's
8 a source of expertise.

9 And Bill Hogarth passed Rollie's
10 length of service and is also an expert in that
11 field as well.

12 The final point I wanted to make which
13 you did mention the commercial and recreational
14 fisheries here.

15 And I just wanted to add that the
16 bluefin is a little bit unique coming from the
17 northeast where the home of the bluefin fishery
18 really did originate in the United States.

19 We also have -- I had to get that plug
20 in. We also have a combination of commercial and
21 recreational in what we call the traditional
22 fishery. And that includes within the General
23 category where we allow sale and recreation in
24 the same category.

25 So we have it all up in New England
26 and it's all very important to us. And there are
27 literally thousands of families and coastal
28 economies that are dependent upon that
29 traditional fishery. So welcome aboard.

30 FACILITATOR BROOKS: I'm not seeing
31 any other cards. Oh wait, Dewey has jumped in.
32 Dewey.

33 MEMBER HEMILRIGHT: Thank you. You
34 briefly spoke about swordfish and our country not
35 landing our quota.

36 I've been involved in this advisory
37 panel in one way or another for the last 20 years
38 or 25 years going back to the nineties with
39 sharks.

40 In the last 10 years HMS division has
41 come to us, this advisory panel on numerous
42 occasions and meetings and asked what can they do
43 to revitalize the fishery. Asking us the
44 fishers. People around the table.

45 It's crystal clear to me that in the
46 last four or five years we've gone from 60
47 percent landing our quota, 46 percent, 41
48 percent, 35 percent. The ship's going down.

1 And at the last meeting I asked one of
2 my questions will this division, HMS, come to the
3 advisory panel and to the fishers and tell us
4 what they're going to do to revitalize the
5 fishery.

6 They're the captain of the ship.
7 You're the captain of the ship now. So under
8 your watch is our swordfish quota, which country
9 is it going to be given to.

10 Because it's crystal clear that we're
11 not going to land our quota. We're not landing
12 it.

13 And it kind of leaves me a little
14 bewildered of what this agency HMS in the last
15 seven or eight years has done and what they're
16 going to do to help the U.S. fishermen in our
17 country land our quota.

18 Because is it better for the U.S. to
19 land it, or is it to give to some other country
20 that doesn't have vessel monitoring systems, that
21 doesn't have cameras onboard for one reason or
22 another, that doesn't have 100 percent observer
23 coverage for five months of the year, that
24 doesn't have circle hooks, that doesn't have all
25 these other pilot whale take reduction teams type
26 of stuff.

27 So in short form you've got an unreal
28 task ahead of you because this ain't the Council.
29 And there's a lot more things involved in here
30 and a lot more history.

31 Sometimes you can play on history, but
32 things that happened 20 years ago is not what's
33 happening now.

34 And so it'll be interesting to see how
35 under your leadership we're going to land our
36 swordfish quota and how that's going to change.

37 So I look forward to hearing that in
38 future.

39 But it's a mess. It didn't happen
40 overnight. Thank you.

41 FACILITATOR BROOKS: Thanks, Dewey.

42 MR. OLIVER: I'll just briefly
43 respond.

44 I said earlier one of the interesting
45 things about highly migratory species is the
46 international aspects, and that also makes it one
47 of the difficult things about it.

48 I certainly don't want to see a

1 situation where our unharvested fish ends up
2 going to some other country.

3 And that's why I need to better
4 understand the reasons why in order to answer
5 your question what we're going to do about it, I
6 need to understand the various reasons. And I
7 know there are various reasons why that fish is
8 going unharvested.

9 I can assure you once I better
10 understand that it will be my goal to help
11 reverse that trend the best that I can.

12 FACILITATOR BROOKS: Well, thank you
13 very much, Chris, for being here this morning.
14 We know you've got a busy schedule and need to
15 head out but I think you got a really good scan
16 of the kinds of issues that we will continue talk
17 about. So thanks so much for being here.

18 Okay, thanks everybody. Just to sort
19 of jump back into setting up the meeting here.
20 Let me just do a quick agenda scan. As always
21 we've got a lot on the agenda.

22 Just to note we will stay in plenary
23 today and tomorrow so we will not be having
24 breakout sessions. We'll be around the table
25 together till 3 or 3:30 tomorrow.

26 Today we will start with Margo's
27 overview of recent HMS activities and
28 rulemakings. The remainder of the morning we'll
29 review a couple of the upcoming rulemakings and
30 we'll get some updates from enforcement folks.

31 After lunch we'll come back. In the
32 afternoon session we have a mix of issues. We'll
33 have an update on Caribbean management issues.
34 We'll have an update on the pelagic longline
35 closed area exempted fishing permit.

36 We have a series of recreational
37 issues to talk about, and then we'll get the year
38 to date review on Atlantic bluefin tuna
39 management.

40 We will have public comment from 5:30
41 to 5:45 and then this evening as Chris mentioned
42 we will have our sort of usual no host informal
43 social. That will be downstairs at the lobby and
44 as always it's great to have everybody there.
45 It's a good chance to talk informally.

46 Tomorrow in the morning we will start
47 at 8:30 so just note we'll start a little bit
48 earlier tomorrow morning and that's to

1 accommodate folks' travel schedules towards the
2 end of the day.

3 We have a couple of topics. We'll
4 talk about electronic HMS dealer process overview
5 and updates, and then we'll talk about an
6 upcoming rulemaking around the commercial shark
7 closure threshold and advanced notice.

8 But the bulk of the discussion will
9 really focus on this last topic we were just
10 talking about which is the swordfish fishery and
11 trying to come at that again in a way where I
12 think just to sort of follow up on Dewey's
13 remarks I think it's going to -- getting your way
14 to a more productive place there is going to
15 require everyone pulling in.

16 It's going to be both information from
17 the agency, information from folks around the
18 table, and really hope to make some progress on
19 that conversation tomorrow.

20 After lunch we'll come back and have
21 a couple of topics as well. We'll talk about the
22 bluefin tuna General category January fishery,
23 and then we'll talk about final Amendment 10 on
24 essential fish habitat.

25 And we will again have public comment
26 from 3 to 3:15. We may do a little agenda
27 tweaking here and there based on where we are on
28 timing in the meeting but that's the basic plan.

29 Just quickly around the table are
30 there any issues that we should be trying to
31 squeeze in that aren't on the agenda already?
32 Marty.

33 MEMBER SCANLON: I would like to know
34 the update from the pelagic take reduction team
35 and what the status of that is, and when that
36 will be implemented.

37 FACILITATOR BROOKS: Okay. Margo will
38 try to work that into your intro today, this
39 morning? Okay, great.

40 Let me just then quickly hit some
41 ground rules and then we'll get into it.

42 Again, this should be familiar to most
43 of you but, Bob, for your benefit ground rules
44 that we work on.

45 First of all, just to emphasize this
46 is an advisory panel input, but it's seeking your
47 individual advice. This is not a consensus
48 seeking body.

1 I think we all know that, but it's
2 always worth repeating.

3 The conversation is around the table
4 among advisory panel members. While there are
5 opportunities for public comment again the
6 conversation is around this table.

7 We will fold in AP members who are on
8 the teleconference so please be sure to let us
9 know. Chime in, chirp in however you can so we
10 know. We're monitoring it? We'll check in with
11 you periodically as well.

12 Our goal here as always is to have
13 focused dialogues to get a range of views on any
14 issue that's under discussion, for the HMS staff
15 to get a sense of what are ways forward that make
16 sense, that can garner support.

17 And so to that end we just need to
18 hear from all of you. We need you to stay
19 focused on issues. We need to be succinct in our
20 comments so it creates the opportunity for other
21 folks to weigh in as well.

22 Just be respectful in how you use the
23 time. If there are differing perspectives as
24 always we ask you to be respectful. Ask
25 questions of each other. Try to understand why
26 there are differences because it will help Margo
27 and her staff figure out ways forward.

28 Just in terms of meeting logistics as
29 we've already been doing when you want to get
30 into the queue just please put your name placard
31 up on its end and I'll see who wants to get into
32 the queue.

33 I will generally follow the order of
34 the placards going up, but I will deviate from
35 that because, one, I want to make sure that
36 everyone around the table gets a chance to weigh
37 in.

38 I know some of you are really eager to
39 contribute and appreciate that. At the same time
40 we really want to make sure we're hearing from
41 everyone around the table.

42 It's very important for Margo and her
43 staff to understand what people are thinking.
44 And this is why we bring the AP together.

45 As always if I'm missing you just let
46 me know. Sometimes in the corners of the room or
47 Jeff's sitting in my blind spot over there, but
48 I've already told him to throw things at me if I

1 miss him. Just let me know.

2 If your cell phones aren't off or on
3 silent please do so. If you need to take calls
4 we just ask that you step outside the room.

5 And I will repeat what I say at every
6 meeting. Please do not have side conversations.
7 I know you all think you have the quietest
8 whispers in the world but the reality is the
9 voices really travel and it makes it really hard
10 for anyone around the table to hear the
11 conversation.

12 So, if you are desperate to have a
13 conversation with your neighbor please step
14 outside so that we can stay focused on the
15 conversation here.

16 With that I think that's all so over
17 to you, Margo, for your overview.

18 MS. SCHULZE-HAUGEN: All right. So,
19 I'm going to try and make sure that I'm close to
20 the mike but if anyone is having trouble hearing
21 me please let me know. Just wave your hand or
22 chat Pete on the webinar if you can't hear me.

23 Before I get started I wanted just to
24 take a couple of minutes and acknowledge some of
25 the folks that are not with us because of the
26 various hurricanes. Perry Trial who is our State
27 of Texas representative is clearly not able to be
28 with us since he's dealing with the aftermath of
29 Hurricane Harvey.

30 And then we also have a number of our
31 south Florida representatives to the panel that
32 are bracing for Hurricane Irma.

33 So we have quite a number of folks who
34 aren't here. I wanted to especially acknowledge
35 Charlie Kluck who is here as a proxy for Martin
36 Fisher who may be needing to leave early to head
37 back home.

38 And I would say that is true for all
39 of you depending on where the track is going and
40 we'll be looking to Fly for regular updates.

41 If you need to leave, safety comes
42 first absolutely. We can accommodate changes to
43 travel and please just do what you need to do.

44 And specifically thinking of Marcos
45 Hanke in Puerto Rico today as Irma is going
46 overhead. So there's a lot going on. I think we
47 just want to know that we're thinking of you all
48 and support you if you need to leave.

1 And so just before I get started too
2 I wanted to do a quick shout out to Brad McHale
3 and Pete Cooper over the summer who took turns
4 filling in for me while I did a temporary tour
5 down the hall helping Alan with the office.

6 It was great to be able to take a
7 little time and know that the division was in
8 very capable hands. So thank you Brad and Pete
9 for that.

10 And so at this point I'll run through
11 what we've been doing for the last couple of
12 months.

13 I would note that this meeting is a
14 bit shorter in time from our usual spring to fall
15 because the May meeting was later than normal.

16 So a number of things that we'll be
17 talking about are things that are about to come
18 out, upcoming things, and part of that is just
19 the amount of time since May.

20 And so again, trying to give a brief
21 overview of things that are not otherwise covered
22 on the agenda. And so things that we will be
23 talking about later I will not touch on here, but
24 there's plenty of other things that are
25 happening. And just finding time to fit it all
26 in is tough.

27 And so since May we have published the
28 proposed rule on the shark 2018 specifications.
29 And we are very close, and I'm hoping that we'll
30 hear this week about our final rule on adjusting
31 quotas carry forward from last year for bluefin
32 tuna, northern albacore, and swordfish.

33 It has also been a very busy summer
34 for us with in-season actions. Very active
35 management of particularly our bluefin tuna
36 fisheries in the northeast with quota transfers,
37 and retention limits, and closures.

38 As well as in our shark fishery with
39 the quota closure of the western Gulf of Mexico
40 blacktip, large coastal and hammerhead fisheries,
41 and the retention limit for large coastals and
42 hammerheads, as well as an adjustment to the
43 swordfish general commercial retention limit. So
44 that has been a busy summer for us.

45 On the EFP front we'll talk about the
46 pelagic longline closed area research EFP. But
47 that's not the only one.

48 We also had a comment period on white

1 shark research. I'll give you an update on that
2 in just a minute.

3 And have otherwise issued 33 EFPs,
4 scientific research permits, and letters of
5 acknowledgment as well as 5 shark research
6 fishery permits.

7 We're registering tournaments. We're
8 at 263 to date for the year and have held 27
9 workshops, protected species and shark ID
10 workshops. Although I would note that we have
11 rescheduled the one for Panama City later this
12 week.

13 We've got about 5,600 people on our
14 email distribution list. And I would not
15 hopefully you have not noticed but we changed our
16 email delivery system.

17 And so if you have noticed maybe it
18 wasn't quite as seamless as it was supposed to
19 be. So.

20 Specifically to the shark 2018
21 specifications, the proposed rule came out August
22 22. We're proposing to open all the shark
23 management groups on January 1, on or about, as
24 close as we can get.

25 All proposed quotas are the annual
26 based quotas with the exception of a few that are
27 adjusted for underharvest. That includes the
28 western Gulf of Mexico and eastern Gulf of Mexico
29 blacktip as well as the Gulf and Atlantic
30 smoothhounds quotas.

31 The proposed retention limits are also
32 a little bit different than what we have proposed
33 before with the eastern Gulf at 50, western Gulf
34 at 45, and the Atlantic at 25. So these would be
35 the opening retention limits that we've proposed
36 with the ability to adjust in season throughout
37 the year as needed. Comments are due September
38 21.

39 And then on the quota adjustment, this
40 is what we call a temporary final rule because
41 it's only in effect for less than a year. It
42 would adjust northern albacore baseline quota for
43 under harvest carrying forward what we can under
44 ICCAT rules. So that would be an adjusted quota
45 of 658 metric tons.

46 North and south swordfish also
47 carrying forward the maximum available. And we
48 would have about 3,300 metric tons dressed

1 weight, 75 south swordfish.

2 And then for bluefin tuna the Reserve
3 category would be augmented by the carry forward
4 and so as soon as it publishes it will be 156
5 metric tons.

6 So like I said that is hopefully going
7 to be announced this week. And so then we'll
8 have those additional quotas available to us.

9 And then if you recall in the spring
10 we had an afternoon of discussion on national
11 policy and implementation plan requirements.

12 And so I have a few updates for you.
13 Not everything is updated. Our allocation
14 criteria, plan amendment, and the national
15 standard guidelines.

16 There's a lot of internal discussions
17 happening, but we don't have documents or drafts
18 ready for you all. But we will keep you apprised
19 as we do and we will take your input to be as
20 specific as possible from the spring. Certainly
21 understand that there's a lot there.

22 On ecosystem based fisheries
23 management as you recall we will be drafting an
24 HMS implementation plan in compliance with the
25 national policy and roadmap.

26 This one has slipped a little bit in
27 terms of timing and so we are now anticipating
28 the draft plan would be available for the spring
29 meeting with the final by the end of 2018. So
30 you'll be hearing more about that.

31 And so the SBRM, that's standardized
32 bycatch reporting methodology, there was a final
33 rule that requires all FMPs to come into
34 compliance by 2020.

35 And what we've done so far is done a
36 review of what the final rule requirements are,
37 comparing that to what is in our HMS consolidated
38 FMP, and have determined that we're in compliance
39 with the exceptions of descriptions for
40 standardized bycatch reporting methodology for
41 spearfishing, buoy gear, and green stick gear.
42 And these are all gear types that have been
43 authorized since the 2006 plan.

44 And so we will be working on in the
45 meantime folding some of the new information into
46 our SAFE report so you'll be seeing some of that.

47 And then working that into a plan
48 amendment over the next couple of years.

1 At this point we don't anticipate
2 needing to do rulemaking to make these changes.
3 This would be in a plan amendment.

4 And we will of course be checking in
5 with you as we go.

6 And finally, the National Bycatch
7 Reduction Strategy. This is another thing where
8 the HMS fisheries are getting their own
9 implementation plan.

10 We are currently waiting for
11 finalization of the national plan and then we'll
12 be moving out on the HMS plan.

13 So we anticipate sharing that with you
14 in the winter or spring as well.

15 So lots of thinking, lots of planning.
16 Not much in terms of document sharing yet. But
17 stay tuned.

18 And so then if you recall in the last
19 meeting I had a series of graphs on landings
20 updates for you all and have tried a slightly
21 different approach here since we send these out
22 and they're publicly available through listserv
23 notices and things.

24 So I thought I would just provide the
25 links so that you could find them.

26 If you prefer to have them actually as
27 part of this presentation I'm happy to go back to
28 it. I just thought I'd mix it up a little bit.

29 So then looking at some of the
30 exempted fishing permit updates as I mentioned
31 we'll talk about the closed area research EFP
32 later.

33 But we also received the Cape Cod
34 Commercial Fishermen's request June 19. This was
35 a request to retain bluefin tuna on vessels with
36 unauthorized gear on board and using electronic
37 monitoring video data for compliance and
38 monitoring.

39 We, as with all the EFPs that don't
40 fit into our normal annual EFP notice put it out
41 for separate notice with comment. And we had a
42 comment period through mid-July.

43 And so comments received included
44 opposition to issuance of the EFP stating that it
45 didn't need to be an exemption from the current
46 regulations as well as concerns that if all
47 vessels that had unauthorized gear onboard could
48 fish for bluefin tuna there would be a sizeable

1 increase in the amount of effort on bluefin.

2 Groundfish fishermen who were the ones
3 seeking this in part I think were supportive and
4 look at this as a way of diversifying their
5 trips, making use of available resources even
6 though they have, again, this unauthorized gear
7 onboard.

8 And they viewed it also as an
9 incentive for expanding electronic monitoring as
10 a way that this could be monitored.

11 So we are currently analyzing these
12 comments and coordinating with the greater
13 Atlantic region who is also working on a permit
14 for this group.

15 And so I don't have a decision for
16 you. We're still thinking about it. But wanted
17 to make sure that you had the latest updates.

18 And then specific to white sharks we
19 also had a standalone public comment period on
20 the issuance of white shark research where we
21 previously had issued permits for tagging.

22 But as you recall we modified our
23 rules for archival tag last year, or the year
24 before, and removed the requirement to submit
25 reports and be permitted when simply deploying
26 archival tags.

27 That rule had been implemented in the
28 nineties when archival tags were new and people
29 didn't know what kind of mortality would be
30 associated with them.

31 And since that time mortality is very
32 low. And so we took those regulations off the
33 books.

34 But we've been continuing to receive
35 comments and requests for us to actually direct
36 or control some of the research activities for
37 white sharks specifically.

38 And so we put that out for comment.
39 We talked about this in spring where we had a lot
40 of comments coming in in support as well as some
41 opposed due to concerns about mortality.

42 And so after considering these
43 comments we are issuing what are called letters
44 of acknowledgment. They are not permits. They
45 don't authorize the activity. They simply
46 acknowledge that what has been submitted to us is
47 research. And that is specific to shark research
48 on research vessels.

1 If there are private vessels that are
2 otherwise permitted and may need an exemption to
3 possess a prohibited species like white sharks to
4 implant a tag then they would need an EFP for
5 that.

6 But the research vessels themselves
7 don't actually need that letter from us. They
8 are doing research and it is outside the purview
9 of Magnuson.

10 And so wanted to just share with you
11 all that that's the status that we have now. And
12 we will continue to provide those letters of
13 acknowledgment if asked. But we do not have the
14 authority to actually control those activities.

15 And a quick update on the General
16 Category Cost Earnings Study. This is something
17 we talked about at the spring meeting as well
18 where we are starting a one year cost earnings
19 logbook study of the Atlantic tuna General
20 category that will run for the calendar year of
21 2018.

22 And the purpose is to estimate the
23 economic activity of HMS fishing under this
24 quota.

25 And so we will be selecting General
26 category and Charter/Headboat permit holders with
27 recent history of commercial bluefin landings.

28 They'll be selected for reporting.
29 And we added the Charter/Headboat folks based on
30 the AP input in the spring.

31 And we expect to send out notification
32 letters in October. Participation is required if
33 selected and that will be an electronic logbook.

34 So we'll be looking for reports, trip
35 basis, for trips that are landing or targeting
36 HMS including cost earnings data.

37 There will be a no fishing report if
38 no trips were taken for HMS in that month.

39 And then a final survey of the
40 annualized costs, vessel costs, insurance and
41 things that would follow in 2019 after the
42 conclusion of the year.

43 And we anticipate having that final
44 report in the summer or fall of 2019.

45 On the international front ICCAT is
46 shaping up to be a heck of a year this year.

47 We have new assessments and
48 negotiations for measures for bluefin tuna east

1 and west, swordfish north and south, shortfin
2 mako north and south as well. And so that kind
3 of covers the gamut of the major species.

4 We are also keeping an eye on landings
5 for yellowfin, bigeye and sailfish as those
6 measures have triggers for review and potentially
7 renegotiation if the total allowable catches were
8 exceeded.

9 And there is some thinking that some
10 of those at least may have been exceeded.

11 And so in addition this is a year
12 where the convention amendments may be adopted
13 which would be a revision of ICCAT's charter and
14 a number of measures.

15 And as if that wasn't enough it is
16 also a new year to select a new executive
17 secretary as well as elect all of the panel
18 chairs.

19 So it'll be a doozy. We will be there
20 in support of the Office of International Affairs
21 and have the government leads for many of these
22 panels. So it's a heavy workload for us as well
23 as the international office and so I would
24 encourage you all if you are not on the Advisory
25 Committee for ICCAT to stay tuned and we will be
26 in touch.

27 On international trade not a lot of
28 updates here, just a note that the Seafood Import
29 Monitoring Program is expected to come online
30 January 2018.

31 And that will expand the reporting
32 requirements to the BAYS tunas and require
33 electronic reports of imports.

34 The International Trade Data System
35 has been online as well as the Electronic Bluefin
36 Catch Document Program for a little more than a
37 year as well. And so things are going fairly
38 well I think on that front, but I would encourage
39 you all to pay attention to the SIMP program is
40 what they're calling it.

41 On ESA updates, our biological
42 opinions, we've been under re-initiation of
43 consultation for a while.

44 The update here is that the southeast
45 had a large influx of consultations that they are
46 working through and have reached out and so I
47 think we may be seeing more movement on that in
48 the near term.

1 And on the oceanic whitetip petition
2 to list under ESA, that final rule is in
3 progress. The comment period to list that
4 species globally closed in March. And so they're
5 working on that final rule.

6 And silky and thresher sharks
7 effectiveness of Appendix II listing under the
8 Convention on International Trade in Endangered
9 Species is in effect October 4. So that's a
10 little more than a month away.

11 If folks have questions we can connect
12 with you Fish and Wildlife Service that has the
13 lead on implementation.

14 On the Deepwater Horizon oil spill
15 front the Oceanic Fish Restoration Project which
16 is the new name concluded its first year of the
17 pelagic longline and alternative gear program
18 that ran from March through June of this year.

19 And so I think we have some results
20 that we could share offline if you're interested.
21 But then also wanted to let you know that the
22 application period for 2018 should be coming out
23 later this fall.

24 And we've got a link there if you want
25 more of the details.

26 And then on the long-term restoration
27 front the Open Ocean Trustee Implementation Group
28 had a public request for ideas for long-term
29 restoration on the 2017 to 2020 planning years.

30 That comment period closed in the
31 spring and project ideas are being screened and
32 vetted now for things to take up in the near
33 term, things that might be a little further out.

34 So there continues to be quite a lot
35 of work on this front. And there's quite a lot
36 that goes into this on the agency side.

37 And we are participating in that to
38 make sure the HMS fisheries and interests are
39 represented.

40 And then on a few other fronts I
41 mentioned before there's an electronic pilot for
42 an electronic logbook that the Southeast
43 Fisheries Science Center had developed.

44 That pilot is now complete and they
45 are looking to have the electronic logbook
46 available on a voluntary basis for the fleet
47 starting in 2018.

48 I think there's an idea that there

1 would be an initial period where it's voluntary,
2 get broader participation, and then likely move
3 to maybe a mandatory program at some point. I
4 don't have a time frame for that.

5 We wanted to make sure if folks are
6 interested in moving away from paper logbooks
7 that this option would be available to you in the
8 new year. And I can connect you with folks from
9 the center that can make that happen.

10 And also in the southeast there's the
11 Southeast For-Hire Integrated Electronic
12 Reporting Initiative.

13 This is a Gulf and South Atlantic
14 Council initiative for their charter fleets.
15 Because there's so much overlap between the HMS
16 and the council fisheries we are participating in
17 the internal planning groups and in a support
18 role as those initiatives progress.

19 And there may be follow-up in the HMS
20 fisheries regs after they're further along.

21 And then we've also gotten requests to
22 look at regulation changes for landing tuna
23 chunks where right now the requirement to land
24 tunas in specified form so that minimum size
25 measurements can be made where there's shark
26 damage and the chunk is clearly larger than the
27 minimum size, that requirement to land in the
28 proper form does not allow those fish to be
29 landed.

30 We have a provision for swordfish for
31 this very reason and the request was to consider
32 doing this for tunas as well.

33 So finally, kind of taking a step
34 back, looking at what we talked about in the
35 spring.

36 If you recall we had received a fair
37 number of requests for changes to the regulations
38 over the previous months.

39 About 45 individual requests for
40 changes had come in. And we wanted to get your
41 input on where the agency should prioritize its
42 time and energies.

43 And so we had what we called the dot
44 prioritization exercise. We gave you all dots,
45 different colored dots by kind of the AP sector
46 with a priority dot, a dot within a dot, and had
47 put all 45 of those requests up on poster boards
48 around the wall and asked the panel members to

1 put their dots where they think that we should
2 put our time.

3 And so this was not intended to be a
4 vote. It was simply a signal of where the AP was
5 advising the agency to pursue different actions.

6 And so please don't try and read this.
7 We have these. These are all online, the results
8 of the exercise. We also I think brought the
9 poster boards if you want to see it in real time.

10 But you can see that there were
11 definitely signals of where the AP thought some
12 things were higher priority than others.

13 And so we as our responsibility to you
14 all take your input quite seriously and have
15 you'll see in this agenda for this meeting
16 there's a number of things that correspond fairly
17 directly to where AP prioritization indicated we
18 should spend our time.

19 So I wanted just to refresh your
20 memory there before we get into the agenda.

21 So then looking ahead, shark specs,
22 comment period towards the end of this month. We
23 look for your input there.

24 As I mentioned ICCAT the annual
25 meeting and then the ICCAT advisory committee
26 meeting in the fall. Look for a final rule on
27 shark specs hopefully by December 1.

28 And then we have a number of upcoming
29 proposed actions that we'll talk about in more
30 depth in a minute. Again, looking back at your
31 input to us from the spring.

32 And so this is the same slide that
33 I've had for many meetings now and it continues
34 to be true which is my personal goal that you
35 know exactly what we're doing and why.

36 And you let us know what you think.
37 We don't like to be surprised. I like to know
38 what the impacts of what the agency is doing or
39 not doing are and I also look to you all for your
40 input.

41 There are some loud voices here.
42 There's sometimes some strident discussions. We
43 need to hear from all of you.

44 And I would really hope that we're
45 providing the venue where you can feel
46 comfortable to share your thoughts and reflect
47 both for us and for you all to know what everyone
48 thinks around the table.

1 And so we look to you to be informed,
2 engaged, for us to be aware and informed. We ask
3 that you listen, contribute, and then also share
4 back home with what the discussions are, what the
5 views were.

6 And our commitment to you is that
7 we'll make sure that we're following the
8 international and domestic requirements, that we
9 raise issues that are relevant to you whether
10 it's directly from the division or other parts of
11 the agency, or even other agencies, that we will
12 engage with you.

13 And then that the decisions that are
14 made will reflect your input. So we take all
15 this very seriously.

16 And then we've got a packed day and a
17 half in a little bit. So I think we'll have some
18 good discussions. Hope to hear from you. And
19 that's all I've got.

20 FACILITATOR BROOKS: Great. Thanks,
21 Margo. We have time for some questions or
22 comments on anything Margo presented. Stephen.

23 MEMBER IWICKI: Margo, I was just
24 wondering at some point today maybe the mobile
25 catch reporting app, kind of get an update of
26 what kind of response you're getting, if it's
27 helping, if it's more than the traditional
28 reporting, that kind of thing.

29 But I think that was a really great
30 capability you guys introduced earlier in the
31 year. I'm just curious to see how it's working
32 out.

33 FACILITATOR BROOKS: Thanks.

34 MEMBER WESTFALL: Thank you, Margo.
35 Just curious what the next step is in the process
36 for the oceanic whitetip listing.

37 MS. SCHULZE-HAUGEN: I think the
38 agency will release the final rule with the
39 determination and then whatever's in that there
40 may be subsequent actions that flow from it. But
41 the next step is the final rule.

42 FACILITATOR BROOKS: Rick.

43 MEMBER BELLAVANCE: Thanks, Margo. A
44 quick question on the cost earnings survey for
45 the General category. Who's the contact person
46 to offer comments on to that?

47 I don't want to muddy up the waters
48 here or take up too much time, but just who would

1 I speak to on that, general comments?

2 MS. SCHULZE-HAUGEN: That would be
3 George Silva over here or Cliff Hutt who's behind
4 you.

5 MEMBER BELLAVANCE: And one more
6 comment if I can. Quick comment.

7 I just also wanted to add that NMFS
8 also published a proposed rule mandating
9 electronic reporting for the for-hire sector for
10 mid-Atlantic permitted vessels. So that also
11 adds to the kind of need to get going.

12 MS. SCHULZE-HAUGEN: Yes. Thank you.

13 FACILITATOR BROOKS: Let's go Bob,
14 Ron, George, and then back to Katie.

15 MEMBER HUETER: Thank you. Bob
16 Hueter, MOTE Marine Lab.

17 Margo, you mentioned the seafood
18 import monitoring program. Can I ask you if you
19 can make this short and sweet what is the status
20 currently of NOAA's authority to stop imports of
21 shark products, especially the fins from IUU
22 countries that practice unsustainable shark
23 fishing pursuant to the Shark Conservation Act of
24 2010 which was supposed to begin the process of
25 allowing us to restrict those imports?

26 MS. SCHULZE-HAUGEN: You know, I want
27 to connect you with the right folks before I
28 answer that. A legal question like that is not
29 something I want to try and answer right now.

30 I think obviously we have those
31 provisions in place. I think the seafood import
32 monitoring rule is coming from a couple of
33 different places in terms of the impetus for it.

34 How these actually connect legally I
35 would want to get you in touch with the right
36 folks first.

37 MEMBER HUETER: And the reason I bring
38 it up is it really lies at the crux of the issue
39 of the shark fin ban. And you hear all kinds of
40 things. We do have the authority. We don't.
41 New legislation is needed. Legislation is not.

42 We have to answer that question first
43 before we can address the question of whether or
44 not bands are appropriate.

45 So I raise it and I hope that we can
46 maybe look at it in depth at a future meeting.

47 MS. SCHULZE-HAUGEN: Okay.

48 MEMBER WHITAKER: Yes, Rom Whitaker,

1 Hatteras Charter Boat.

2 I just -- you covered the mutilated
3 tuna by the sharks, yellowfins in our area
4 mostly, occasionally bigeyes and bluefins.

5 But I apologize for missing the May
6 meeting, and you all may have come to some
7 conclusion, but this is an issue.

8 And I think these fish are maybe being
9 landed illegally now. And I hate to see them
10 just being thrown away.

11 So hopefully if it's not -- I want to
12 be sure we discuss that and come to some kind of
13 resolution. Thank you.

14 MEMBER PURMONT: Good morning, Margo.
15 In regards to the Deepwater Horizon Gulf of
16 Mexico status is there any update as to larval
17 studies inasmuch as we consider that as a prime
18 spawning area? Looking forward is there any
19 feedback?

20 MS. SCHULZE-HAUGEN: Specific to the
21 Gulf of Mexico?

22 MEMBER PURMONT: Yes.

23 MS. SCHULZE-HAUGEN: Well, there were
24 papers that were published on some of the impacts
25 of Deepwater Horizon on larvae that came out a
26 couple of years ago.

27 I think they showed larvae were
28 impacted, heart muscle. There may be others that
29 know more of those details here. But certainly
30 there were studies that have come out showing
31 negative impacts from exposure to oil for larvae.

32 I don't know of any recently, but I
33 know there were some.

34 FACILITATOR BROOKS: Mike.

35 MEMBER SISSEWINE: Yes, thank you.
36 I'd like to get a little bit of clarification on
37 the request from the Cape Cod Commercial
38 Fishermen's Association for being allowed to
39 retain bluefin when they have unauthorized gear
40 onboard.

41 I assume these fishermen that are
42 requesting the authorization to retain have a
43 permit for the bluefin. The issue is only the
44 unauthorized gear. Is that correct?

45 MS. SCHULZE-HAUGEN: I'm not sure.
46 Okay, so Brad is saying yes, that they do have a
47 permit. But I think these are lobster and
48 groundfish fishermen that can't have unauthorized

1 gear onboard.

2 MEMBER SISSENWINE: Right. So, if
3 they have a permit for the fish then clearly it
4 isn't a conservation issue per se. They would be
5 allowed to catch it if they didn't have the gear
6 onboard.

7 So presumably the issue is about
8 whether having the gear onboard creates some sort
9 of an enforcement problem. That is, you can't
10 really understand whether they caught it with
11 this unauthorized gear or they caught it with the
12 proper gear.

13 Obviously it's not an enforcement
14 issue if somebody has a lobster pot onboard. I
15 don't know about the groundfish trawl.

16 But in any case I think one ought to
17 consider this in the context of a struggling New
18 England groundfish fishery and to the extent that
19 they are authorized to catch these fish and it's
20 not a conservation issue I would clearly be
21 viewing to what degree this represents an
22 enforcement issue.

23 Clearly if it's an enforcement problem
24 then one has to deal with that. But if it's not
25 then it seems to me that it would be a reasonable
26 way forward. Thank you.

27 MEMBER PIERDINOCK: Mike Pierdinock.
28 Two things.

29 In response to the Cape Cod Commercial
30 Fishermen's Association proposal if this is being
31 conducted as an enforcement issue one question I
32 had is that as they did do the videos of the
33 fishing events does somebody actually review
34 those videos. And therefore what's done and
35 what's the process to address any non-compliance?

36 Or otherwise we'll just have another
37 Carlos Rafael issue up in our waters with all
38 these bells and whistles in place and there's no
39 enforcement. That's the first thing.

40 The second thing is in response to
41 EVTRs I am for EVTRs and is the road that we're
42 going down.

43 I'm one of the 30 boats in
44 Massachusetts participating in a pilot project
45 and as a result of what I heard this past several
46 months of certain issues associated with the EVTR
47 I would just ask that we take baby steps and not
48 make this mandatory for everybody to use because

1 there are issues associated with it that need to
2 be addressed.

3 In addition, presently we prepare on
4 the federally permitted vessel paper VTRs. And
5 if you do not submit those paper VTRs in a timely
6 fashion nothing happens.

7 The only thing that happens is that
8 you won't get your permit for the next year.

9 This gets down to timeliness. If you
10 have an EVTR or a paper VTR they have to be
11 submitted within 24 hours. And if not something
12 has to occur or otherwise we'll be in the same
13 situation whether we have electronic reporting or
14 paper reporting that you have it and there's
15 nothing done to address the timeliness of that
16 submittal. Thank you.

17 FACILITATOR BROOKS: Dewey and then
18 over to Pat.

19 MEMBER HEMILRIGHT: Thank you. I was
20 wondering about the Cape Cod Commercial
21 Fishermen's Association exempted fish permit
22 application that had to do with the use of
23 electronic monitoring.

24 And if it was with cameras how would
25 they be activated if they were not using
26 hydraulic wheels. Would it be like something
27 attached to their hand crank wheel where it would
28 automatically kick in when they cranked the
29 handle? Or just how would that work for that
30 electronic monitoring part if it's not used with
31 hydraulics?

32 MS. SCHULZE-HAUGEN: My understanding
33 is that the northeast requirements are that video
34 is recorded as soon as they pull away from the
35 dock. It's 24/7 while they're out.

36 MEMBER AUGUSTINE: Thank you. Pat
37 Augustine, recreational.

38 Just a quick question. I didn't read
39 all the detail and I should have, I should have
40 been able to answer this question, but has anyone
41 considered the negative impact on the overall
42 stock by adding 30 additional vessels to the
43 fleet during the period. If this were to be in
44 effect through 2017 unless it goes into 2018 and
45 then it's considered as a part of the total base.

46 MS. SCHULZE-HAUGEN: I'm sorry, what
47 issue are you talking about? I missed the
48 beginning.

1 MEMBER AUGUSTINE: I'm talking about
2 the Cape Cod request. Will there be a negative
3 impact by adding 30 vessels that now can land
4 fish to this year. Will it go over the quota?
5 Do we have an experimental quota? Where does the
6 quota come from?

7 MS. SCHULZE-HAUGEN: Those are all
8 questions that we're working on answering. I
9 think there's quota available.

10 As again we have not issued the final
11 decision so these are things we're considering.

12 MEMBER AUGUSTINE: Just a quick
13 follow-up. According to our comment this morning
14 the comment was made that it looks as though that
15 we're basically approved.

16 FACILITATOR BROOKS: What's approved?

17 MEMBER AUGUSTINE: By our introduction
18 of our new man at the top. He said with the
19 introduction of this, his words were basically
20 that it was approved. There was an inference
21 there. I wrote it down. And maybe I was wrong,
22 but did anybody else catch that? I guess others
23 caught it.

24 MS. SCHULZE-HAUGEN: Oh, I think he
25 was referring to the pelagic longline closed area
26 research EFP. Not the Cape Cod Commercial
27 Fishermen.

28 MEMBER AUGUSTINE: I stand corrected
29 because that scared me.

30 FACILITATOR BROOKS: Okay, I don't
31 think I see any other cards up so thanks, Margo.
32 It sounds like there's a couple of issues that
33 maybe we'll get back to during the meeting or to
34 Bob specifically.

35 MS. SCHULZE-HAUGEN: And I forgot to
36 hit the pelagic longline.

37 OPERATOR: Excuse me, did you want to
38 go over the phone?

39 MS. SCHULZE-HAUGEN: Give me just one
40 second, please.

41 To the request for an update on the
42 pelagic longline take reduction process they are
43 still working on the proposed rule.

44 So I don't have a timeline for you,
45 but they are still working on it. Full intent to
46 get that out as soon as they can.

47 And I think we'll be sure to cover
48 that once it's out at the subsequent AP meeting.

1 FACILITATOR BROOKS: Okay,
2 teleconference. Operator.

3 OPERATOR: Yes, sir. You have two --
4 three panel members. If they want to say
5 anything, if you do your lines are open.

6 FACILITATOR BROOKS: Walt or Shana?

7 MEMBER MILLER: No, thank you.

8 MEMBER GOLET: All set, thanks.

9 FACILITATOR BROOKS: Okay.

10 OPERATOR: Very good. Thank you, sir.

11 FACILITATOR BROOKS: Thank you. In
12 that case let's get you to a break a couple of
13 minutes early and we will reconvene at 10:30
14 sharp. Thanks.

15 (Whereupon, the above-entitled matter
16 went off the record at 10:10 a.m. and resumed at
17 10:32 a.m.)

18 FACILITATOR BROOKS: All right. So we
19 want to shift to a couple of upcoming
20 rulemakings. We'll hear from Tobey Curtis first
21 on the HMS Charter/Headboat permit proposed rule,
22 and then we'll take some questions after that,
23 and then we'll hear from Carrie Soltanoff on the
24 individual bluefin tuna quota accountability
25 proposed rule.

26 So, Tobey, you're up first.

27 MR. CURTIS: Thank you. I'm Tobey
28 Curtis and I'm happy to be talking to you about
29 something other than dusky sharks this meeting.

30 This is a brief, real quick overview
31 of the Charter/Headboat permit and the sale of
32 HMS issue that's popped up a few previous
33 meetings, so this is an update on that action.

34 If you recall this action is sort of
35 being driven by changes in Coast Guard policies.
36 So they updated their policies in 2016 on
37 dockside examinations and vessel safety
38 requirements for commercial fishing vessels.

39 These new requirements would extend to
40 any fishing vessel that sells or intends to sell
41 fish, including HMS Charter/Headboat vessels.

42 These vessels currently have the
43 option to sell their catch. However, only about
44 7 percent of the vessels, of those permit holders
45 have sold fish in recent years. So the vast
46 majority of the fleet doesn't sell any of their
47 catch.

48 But based on the updated Coast Guard

1 requirements these vessels would be required to
2 meet the same safety regulations for other
3 commercial fishing vessels including life rafts,
4 EPIRBs, survival suits, and other safety
5 requirements. Whether they actually sell the
6 fish or not because the Charter/Headboat counts
7 as an intent to sell.

8 These safety requirements would be
9 overly burdensome and impractical for some
10 vessels, especially smaller vessels.

11 And so the purpose of this rule would
12 really be to address this issue and find a way to
13 create a separate regulatory provision for
14 commercial sale of HMS by these Charter/Headboat
15 vessels. So the intent here is to revise the
16 regulations such that Charter/Headboat vessels
17 that do not intend to sell any catch would not be
18 subject to the updated Coast Guard safety
19 requirements for commercial fishing vessels.

20 Charter/Headboat vessels that wish to
21 sell their catch would be subject to the Coast
22 Guard safety requirements for commercial fishing
23 vessels.

24 So, we've had some discussions and
25 we've basically narrowed it down to three basic
26 approaches that we could take on the regulatory
27 side to address this issue. The fourth being
28 just sort of status quo, no change.

29 The first option would be to prohibit
30 the sale of HMS on all Charter/Headboat vessels,
31 but allow these vessels to also obtain tuna or
32 swordfish general category permits if they wish
33 to sell those species.

34 The second option would be to split
35 the current Charter/Headboat permit into a sale
36 and no-sale categories. So basically where we
37 had one permit we'd now have one permit.

38 The no-sale permit would be prohibited
39 from selling any catch and they wouldn't be
40 subject to the Coast Guard requirements.

41 The third option would be to add a
42 commercial sale option as an endorsement to the
43 current Charter/Headboat permit similar to the
44 shark endorsement under amendment 5B.

45 So vessels that don't have the
46 endorsement would be prohibited from selling
47 catch. And again they would not be subject to
48 the Coast Guard requirements.

1 So, that's it, that's where we're at
2 right now. Stay tuned for the proposed rule
3 which we hope to have out pretty soon.

4 If you have questions you can contact
5 HMS and Brad is the one that's been following
6 this issue the most closely.

7 So I guess we've got a couple of
8 minutes for questions but that's it on
9 Charter/Headboat for now.

10 FACILITATOR BROOKS: Yes, so questions
11 or comments about this proposed rule. Dewey?

12 MEMBER HEMILRIGHT: Thank you for
13 that.

14 I was kind of wondering in your
15 options there when you look at all four of your
16 options a couple of them would work.

17 But I was kind of interested in
18 something that's a little more accountable,
19 something that you had to give a -- before you
20 landed your fish you had to give your logbook
21 number or something like that.

22 Like some more I guess the word
23 stringent regulations. Some of what the
24 commercials have to do when they go to land a
25 fish.

26 FACILITATOR BROOKS: Dewey, what would
27 be the -- what's the intent behind your thinking
28 there?

29 MEMBER HEMILRIGHT: My intent behind
30 the thinking is to clear up all the trivial areas
31 so we don't have so much -- it's straightforward.

32 You know, right now in this type of
33 thing, the stuff that's going on, there's so much
34 behind the scenes happening and so it's more a
35 way of straightforwardness of accountability
36 that's simple.

37 To get the gray areas out and make it
38 more yes or no.

39 MS. SCHULZE-HAUGEN: So, I hear you on
40 that. We heard you before as well.

41 A little bit of context. We're hoping
42 to have this rule in place final and effective
43 for the January fishing season. So the next
44 permit cycle.

45 And so we necessarily needed to have
46 a fairly tight, narrow focus of this rulemaking
47 in order to do it quickly.

48 And so I think we're going to have to

1 take some of these issues step-wise and start
2 with some separation, clarity, commercial versus
3 rec for this permit, stick with that for now.

4 If we try and add a lot to it in terms
5 of other reporting or other issues we are not
6 going to have this in effect for January. That's
7 just kind of the reality that we're working on.

8 So it's not that the issues aren't
9 valid or that we don't want to deal with them in
10 some way, it's just right now for the clarity of
11 when the Coast Guard requirements for commercial
12 fishing vessels apply we needed to do something
13 fairly quickly.

14 MEMBER HEMILRIGHT: Just a quick
15 follow-up.

16 Yes, I just think it was better -- I
17 know you all have a serious workload with a lot
18 of things, but I think it was better to do it
19 right all the way and get it done than to do
20 haphazardly a little bit at a time because a lot
21 of this will still be going on even though you
22 got one part of it.

23 So I was kind of looking for a quick
24 inclusive thing that is to clean it up versus a
25 little piecemeal thing because it takes time.

26 And you know we could be discussing
27 this four or five years from now. And it would
28 still be going on, the accountability, the
29 accounting, stuff like that.

30 For me this is just kind of what I see
31 up on the board alternatives is just a start, but
32 I was looking for something more inclusive like
33 one-stop shopping and it's done. You don't have
34 to deal with it.

35 And so it doesn't appear like that's
36 going to happen. Thank you.

37 MS. SCHULZE-HAUGEN: It wouldn't
38 happen quickly. To do something all-inclusive
39 probably wouldn't be in effect for several years.

40 So I think we wanted to get this
41 clarity sooner than later.

42 FACILITATOR BROOKS: Great. I've got
43 a few people in the queue. We'll start with
44 David, then over to Mike, then to Rick, then to
45 Katie, then to Rick Bellavance. So, David.

46 MR. SCHALIT: Is it part of the intent
47 of this to establish some measure of control over
48 these permits in the sense that let us say when

1 one takes out a permit they would be obligated to
2 enter a control number which would identify that
3 they have been inspected by the Coast Guard. In
4 the case in which they are taking out a permit
5 with the intent to sell. Is that part of this
6 project?

7 MS. SCHULZE-HAUGEN: So what we're
8 trying to do is given some of the Coast Guard
9 safety requirements for commercial vessels as
10 applied to the current universe of HMS permitted
11 vessels provide greater clarity of what is
12 considered a commercial vessel so that all of the
13 equipment, EPIRBs, life rafts, all of that
14 applies.

15 So it's clear to Coast Guard where it
16 applies and it's clear to our permit holders when
17 it applies.

18 Entering numbers and things are things
19 that I think are more -- they could be
20 enhancements, but right now we're just trying to
21 get that clarity on when those rules apply and
22 have that in place for 2018.

23 So we're necessarily a narrow scope in
24 order to get an action in place.

25 MEMBER PIERDINOCK: Thank you, Mike
26 Pierdinock.

27 The second option, the sale/no-sale
28 category, that takes into consideration the small
29 let's say center console 21 foot vessel fishing
30 down in the Keys that never sells anything and
31 provides them that option that they can go down
32 the road in no-sale.

33 In addition they don't have the
34 ability to have all the bells and whistles with
35 the commercial requirements.

36 Now if you take into consideration for
37 instance the members of the Stellwagen Bank
38 Charter Boat Association with the
39 Charter/Headboat category and so on, and that
40 they want to be able to sell the fish.

41 One thing I think needs to be
42 considered here is that the recreational trophy
43 quota is very small and that closes really
44 quickly every year.

45 So automatically everybody's going to
46 sign up then for the sale category because that
47 quota is so small.

48 I don't know if there's any

1 consideration to increase that quota that I
2 believe your statistics also show that the vast
3 majority of the vessels, there's only like 10
4 percent of the vessels that are really landing
5 the fish commercially.

6 And I suspect maybe the other 90
7 percent of the ones that if there was a greater
8 trophy recreational quota that didn't close so
9 early they'd go down that road and wouldn't sign
10 up for the sale.

11 So I'm for the sale/no-sale as well as
12 the members up north, but I want you to take that
13 into consideration because I think that ties in
14 this whole trophy issue and why it closes every
15 year so early.

16 Because it would be counterproductive
17 because everybody then will just sign up for the
18 sale category that has the ability to do it
19 because their boat's big enough to have the
20 commercial bells and whistles. Thanks.

21 FACILITATOR BROOKS: Thanks, Mike.
22 Rick Weber.

23 MEMBER WEBER: All the options seem to
24 accomplish your goals so I'm assuming there are
25 nuance differences between them.

26 Option one would require essentially
27 permit stacking, yes?

28 But between two and three they seem to
29 do the same thing.

30 So we can give you better advice can
31 you give us some feedback as to what you see as
32 being the differences between the different
33 options?

34 MS. SCHULZE-HAUGEN: You're right, I
35 think they all do meet our goal so that's good to
36 hear that you agree with that.

37 And yes, there is -- some of the
38 flavors of the differences are getting at things
39 like the ability to hold multiple permits.

40 Some of the things we considered were
41 moving from someone having to get one permit now
42 to do what they intend to do to having to get
43 three potentially.

44 And so none of them are trying to
45 actually effect change in terms of what happens
46 on the water because of the need to have a fairly
47 narrow scope in order to move more quickly.

48 And they're different ways of doing

1 similar things so that we have either two
2 separate categories trying to think about how
3 people are going to -- coming into the website
4 and what are they going to notice. What's going
5 to be intuitive to users when they're thinking
6 about what they're doing. What they want to do.

7 So I think that's -- there aren't
8 tremendous differences but some of it was, you're
9 right, permit stacking would be one way of
10 describing one of the alternatives versus our
11 most recent experience with the endorsement for
12 dusky sharks, you know, that kind of model. So
13 they're similar. Does that help?

14 FACILITATOR BROOKS: I don't know if
15 this is correct, Margo, but it also seems like
16 part of it is who's got the burden to take an
17 action.

18 In option two everyone is going to
19 have to say sale or no-sale. In option three
20 only that segment of operators that are wanting
21 to do sale would have to take a positive action.

22 MS. SCHULZE-HAUGEN: Right. That's
23 true.

24 FACILITATOR BROOKS: Okay. Katie.

25 MEMBER WESTFALL: Thank you Tobey and
26 Margo.

27 Along similar lines I'm curious in
28 terms of how this relates to enforcement and
29 which one of those three options would be most
30 easily and effectively enforceable.

31 MS. SCHULZE-HAUGEN: I think they're
32 all similar. They would provide greater clarity
33 which is what we're trying to do. It would just
34 be what we need to help Coast Guard and NOAA OLE
35 look for when they're doing boardings and things.

36 FACILITATOR BROOKS: Rick Bellavance
37 and over to Anna.

38 MEMBER BELLAVANCE: So I had a
39 question on the proposed rule. Do you envision
40 the proposed rule incorporating these options and
41 looking for comments on that, or do you think the
42 agency is going to select one and that's going to
43 be the proposed rule? That's my first question.

44 MS. SCHULZE-HAUGEN: So, in order to
45 have proposed reg text for people to look at we
46 need to prefer one of them. But we always have
47 to have some range of alternatives under the
48 requirements for federal rulemaking. So these

1 would likely be the ones that we would analyze as
2 alternatives to that, but we would pick one that
3 we prefer and would have proposed reg text that
4 would go along with it.

5 MEMBER BELLAVANCE: Follow-up. So
6 with that in mind I polled the folks in our
7 association over the last couple of days and the
8 general consensus was that preferred option from
9 our perspective was number two. And they were
10 opposed to number one. From Rhode Island Charter
11 Boat.

12 FACILITATOR BROOKS: Thanks. Anna.

13 MEMBER BECKWITH: Yes, my concern with
14 option three over option two would be that there
15 would be some educational component necessary for
16 people that maybe aren't following the details,
17 that they might click on the endorsement without
18 truly understanding what that requires.

19 So, I think option two for my personal
20 viewpoint would be the preferred. It would
21 certainly be the cleanest and most easily
22 understood and the most easy to enforce.

23 FACILITATOR BROOKS: Thank you.
24 Andrew.

25 MEMBER MARSHALL: I know each region
26 is different but I can just tell you in practice
27 in the northeast if you're out with a Charter
28 /Headboat permit and you're fishing with 130s for
29 example you're considered to be commercial
30 fishing. And the Coast Guard views you as
31 commercial fishing whether you are or not. So
32 it's just what I see out there. You are
33 considered to be commercial fishing with a
34 Charter/Headboat permit. And that's how they
35 enforce it. So you have to have the safety gear.

36 MR. MCHALE: So, if I could just chime
37 in here real quick.

38 That is kind of some of the impetus of
39 us embarking on this action is to clarify when
40 our for-hire sector fleet, regardless of where
41 they're at along the coastline, is operating that
42 it becomes very clear to the Coast Guard and
43 those boarding agents what safety gear is
44 required on these vessels and which isn't.

45 And so you're absolutely right,
46 especially in the northeast a lot of it has been
47 gear-centric.

48 Because the current permit has that

1 built in for-sale provision that a number of
2 these vessels are not capitalizing on. We've
3 shared some of the numbers. Ninety-three percent
4 do not sell HMS.

5 We're trying to make something
6 extremely clear that all of a sudden a boarding
7 party jumps onboard your vessel. Sir, I'd like
8 to see your permits. Here's your permit. It's a
9 Charter/Headboat permit. Does it or does it not
10 have an endorsement. Is it a Charter/Headboat
11 for-sale permit.

12 So it eliminates that level of
13 subjectivity that the Coast Guard is then
14 defaulting to.

15 We've seen the announcement that I
16 think Katie will touch on as well is well, do you
17 have a state permit or do you not. It becomes
18 very clear. Here's the piece of paper. Here's
19 what I'm authorized to do. And then they flip to
20 their book to figure out exactly what safety gear
21 am I now searching for.

22 And so that's really the main driver
23 of this particular action to acknowledge, Dewey,
24 yes there are other layers to this, no doubt
25 about it.

26 But the core of this action is to at
27 least divide that user groups into those that
28 want to continue to have the ability to take
29 paying passengers as well as still catch and
30 those don't. And the ripple effects of what that
31 now means as far as investment in safety gear.

32 FACILITATOR BROOKS: Let's take a few
33 more comments. We'll go over to Lisa, then Rom,
34 then George, then Dewey you'll get a last word on
35 this.

36 MEMBER GREGG: I just had a question.
37 I'm assuming that this isn't just an HMS issue,
38 that this is something that potentially the
39 councils are also addressing, or at least would
40 have to be facing.

41 Because I mean, some of the
42 Charter/Headboat sectors in some of the fisheries
43 for the Councils are also allowed to sell
44 commercially.

45 Have any of the councils addressed
46 this and how have they done this? Can we provide
47 some consistency?

48 MS. SCHULZE-HAUGEN: So, I think the

1 regulations vary by council and how the Coast
2 Guard applies them varies as well.

3 I'm not going to try and speak to the
4 details of that.

5 We have had some input from I think
6 the Mid-Atlantic Council as well as some interest
7 from the South Atlantic on this issue, but not
8 from a make it consistent, more of a make it
9 clear kind of approach.

10 So, those folks are here. They can
11 maybe speak to them.

12 MEMBER GREGG: Just real quick. I
13 would just like to know what the councils are
14 doing so maybe we don't reinvent the wheel.

15 FACILITATOR BROOKS: Any council folks
16 here that can weigh in? Anna?

17 MEMBER BECKWITH: Yes, the South
18 Atlantic Council has not permitted any sales for
19 our charter permits. So we have defined a
20 charter only as recreational and then commercial
21 is commercial.

22 There has been some interest in
23 reconsidering that for mahi, but that's the only
24 species that's really been brought forth and so
25 far there's not any impetus to change our current
26 boxes.

27 FACILITATOR BROOKS: Thanks. Tobey.

28 MR. CURTIS: Yes, just to add, my
29 understanding from New England and Mid-Atlantic
30 Councils is their permits do the same thing.
31 It's permit type. If you have Charter/Headboat
32 there's no sale allowed on any charter permit.

33 MS. SCHULZE-HAUGEN: So some of the
34 confusion here is that maybe while the charter
35 permits don't allow sale the vessels are able to
36 have multiple permits that do.

37 And so we have one permit that allows
38 both. And so what we're trying to do here is
39 create some of that separation and clarity.

40 FACILITATOR BROOKS: Rom.

41 MEMBER WHITAKER: Rom Whitaker,
42 Hatteras Charter Boat.

43 It's my understanding now, and Dewey
44 this might -- but if my intentions are to sell
45 something on a commercial permit, whether it be
46 Charter/Headboat or straight commercial then I
47 have to have a vessel inspection, dockside
48 inspection, safety decal on my boat. That's

1 pretty well cut and dry now I think.

2 Second thing. I think that probably
3 the guys I've talked to, option two would be
4 preferred or leave it alone.

5 The third thing was what Mike referred
6 to as increasing the trophy category would
7 certainly -- I think a lot of guys would opt out
8 of the selling or the sale part of the category.

9 I brought this up at the last meeting
10 but I think maybe we need to look at that a
11 little closer. Thank you.

12 MEMBER PURMONT: Bennett, roughly how
13 many vessels constitutes 7 percent and what
14 percentage of the 7 actually participate in a
15 regulated Atlantic fishery. So you're talking
16 about 7 percent of the Charter/Headboats.

17 MR. MCHALE: I might have some of
18 those numbers in the 2017 fishery in review.
19 Roughly there's about 3,500 on an annual basis
20 permitted Charter/Headboats up and down the
21 coast.

22 And so we're looking at 7 percent of
23 that that are involved in utilizing that for-sale
24 provision of the current permit.

25 The vast majority are kind of New
26 England centric, Mid-Atlantic centric with the
27 Atlantic tunas versus the example I think Mike
28 shared of somebody fly fishing down out of the
29 Keys as an example for other HMS.

30 But we can tease out those numbers to
31 get the exact universe if I don't have them
32 already in my presentation.

33 MEMBER PURMONT: Okay, thank you. I
34 just wanted a ballpark and I appreciate that.

35 FACILITATOR BROOKS: Dewey, I want to
36 give you a last word and then over to Marty for a
37 really fast last word.

38 MEMBER HEMILRIGHT: Thank you. There
39 is a couple of parts to this, but one thing to
40 look at is HMS is issuing the permit that allows
41 this to happen, these fisheries.

42 And so just because -- the Coast Guard
43 doesn't go out there. I'd venture to say how
44 many vessels they stop to inspect or check out on
45 the water.

46 So what I was looking for and I think
47 different people have given comments on this is
48 this is one part of it.

1 But the second part is the reporting
2 requirements that are not being followed that
3 shows that probably less than 50 percent of the
4 maybe General category are reporting their fish
5 at landing or within 24 hours.

6 You know, it would be interesting to
7 hear from the Coast Guard and from the
8 enforcement on these options right here as far as
9 going to the effect, going further.

10 Because you do need, you should have
11 something that allows you to give your unique
12 identifier before you get your permit issued.

13 And also you should have to report
14 upon arrival the sale of your fish, your VTR
15 number.

16 And so we're just looking for ways to
17 tighten this up a lot more because once this is
18 done you're still going to have the shenanigans
19 that have continued on and we're seeing that with
20 the enforcement, probably with the enforcement
21 report here today about the illegal fishing and
22 unreported catches that are going on throughout
23 the east coast.

24 FACILITATOR BROOKS: Thanks, Dewey.
25 Marty, last word and we do need to get to
26 Carrie's presentation.

27 MEMBER SCANLON: One of the things I
28 don't see even being discussed here is we're
29 talking about a sale of fish. And I don't know
30 how we can discuss the sale of fish here without
31 implementing VMS units on these vessels.

32 I mean, you're talking about complying
33 with the Coast Guard. I mean, one of the things
34 that we do in the pelagic longline industry now
35 is not only do we have to declare our intent
36 before we leave the dock, but we also have to
37 within 12 hours give notice of where and when we
38 are coming in to the dock.

39 So, if you're talking about allowing
40 these guys to sell fish then I think that you
41 need to consider having them put -- if you're
42 going to sell the fish that's fine, but you need
43 to be under the same regulations that we are.

44 We have to declare our intent before
45 we leave the dock so there's no misunderstanding
46 once we're out on the water.

47 And on returning to the dock, once
48 you've caught whatever you've got to do the Coast

1 Guard should be informed of where and when and
2 how you intend to land those fish.

3 So I think that's an important element
4 that hasn't even been discussed here.

5 FACILITATOR BROOKS: I know there are
6 several cards. I'm going to actually not call on
7 them. We've got to go to Carrie's presentation.
8 If we have a little more time I will come back.

9 I just want to note that of the folks
10 who weighed in on the alternatives that were
11 discussed it seems like there is a preference for
12 alternative two, at least that's what was
13 articulated.

14 There's clearly interest in other
15 issues that are tied to this, whether that's
16 looking at the trophy quota and considering the
17 ramifications there, and then as we've heard from
18 several of the other speakers there is more to
19 this issue for folks around the table than just
20 safety regulations, issues of reporting,
21 identifiers, declarations before you go out. So
22 there's more here to be thinking about.

23 So thanks to those who had cards up
24 that we couldn't get to, but we'll come back if
25 we can after Carrie.

26 MS. SOLTANOFF: Thank you. Good
27 morning. So I'm going to be talking about
28 individual bluefin quota program accountability
29 measures.

30 A quick background on the IBQ program.
31 IBQ allocation is used to account for bluefin
32 tuna bycatch including landings and dead discards
33 when fishing for target species with pelagic
34 longline gear.

35 At the start of each year the IBQ
36 share recipients receive a portion of their
37 annual IBQ allocation from the Longline category
38 bluefin quota.

39 And the objectives of the IBQ program,
40 in addition to limiting bluefin landings and dead
41 discards in the longline fishery, are to minimize
42 constraints on fishing for target species and
43 optimize fishing opportunities and maintain
44 profitability.

45 Looking at the accountability measures
46 within the IBQ program, in 2015 we had annual
47 accountability where vessels were allowed to fish
48 throughout the year with an IBQ balance that was

1 below the minimum allocation or with quota debt.

2 And then the vessels were required to
3 account for any quota debt they had accrued by
4 the end of 2015. And if they hadn't accounted
5 for that quota debt it was subtracted from their
6 subsequent year's annual allocation.

7 Starting in 2016 we implemented trip-
8 level accountability where a fishing vessel has
9 to have the minimum IBQ to fish before departing
10 on each trip and it must account for quota debt
11 after each trip.

12 And in order to account for that quota
13 debt or meet the minimum allocation the vessels
14 can lease IBQ allocation from other program
15 participants.

16 Looking at what we've heard from the
17 advisory panel and from the fishery in the dot
18 exercise that we did at the spring AP, having
19 increased flexibility in IBQ accounting was a
20 request that received 11 dots as you can see
21 here.

22 And some of the reasoning behind
23 wanting that increased flexibility. Fishery
24 participants have expressed concerns about the
25 dynamics and costs associated with leasing IBQ
26 including that those dynamics can negatively
27 affect their ability to plan their business
28 including the timing and price at which they
29 choose to lease IBQ.

30 It can also affect their opportunity
31 to fish for target species and the profitability
32 of target species catch.

33 It can impact their operational cost
34 such as crew pay and it can increase the
35 uncertainty around the availability of IBQ to
36 fish and lease.

37 So looking at some potential
38 alternatives to address IBQ accountability.

39 So, the status quo is the trip-level
40 accountability where vessels must account for
41 quota debt and maintain the minimum balance after
42 every fishing trip before they depart on the next
43 trip.

44 And if the vessel has a low balance or
45 has quota debt they have to lease additional IBQ
46 or they have to delay their fishing trip until
47 they can account for that debt.

48 One alternative, quarterly

1 accountability. The vessels would need to
2 account for quota debt at the end of each
3 calendar year quarter, and they would be able to
4 fish with a balance below the minimum throughout
5 that same calendar year quarter.

6 Biannual accountability, similarly
7 they would account for quota debt at the end of
8 June and December and they'd be able to fish with
9 quota debt or low balance during the same six-
10 month period.

11 And annual accountability as we had in
12 2015 they would account for quota debt at the end
13 of the year and they would be able to fish
14 throughout the year in quota debt or under the
15 minimum balance.

16 Some potential impacts of these
17 alternatives, regarding timing flexibility to
18 allow vessels to shop around for IBQ to lease.

19 The longer the accounting period going
20 from trip-level to annual accountability the more
21 flexibility the vessel would have to determine
22 when, from whom, and at what price to lease
23 additional IBQ.

24 Looking at potential impacts on the
25 IBQ lease prices or market dynamics, the longer
26 the accounting time period the fewer times
27 throughout the year that they would have a
28 deadline to account for any quota debt, and the
29 more IBQ lease prices could potentially surge in
30 advance of those deadlines or IBQ could become
31 less available.

32 Looking at impacts on target species
33 catch and the ability to fish with longline gear,
34 the longer the accounting time period the less
35 constrained the vessel could be to lease IBQ and
36 depart on their next trip.

37 And impacts on bluefin catch reporting
38 or longline quota tracking. These alternatives
39 wouldn't have any effect on catch reporting or
40 quota tracking because all bluefin landings and
41 dead discards would continue to be reported in
42 the IBQ system and would be deducted from the
43 vessel's IBQ balance as they are now.

44 So looking at these same impacts
45 visually. When going from trip-level to annual
46 accountability the flexible timing to lease IBQ
47 would increase.

48 Potentially impacts on IBQ leasing

1 market dynamics could also increase.

2 The constraint on fishing for target
3 species would decrease from trip-level to annual.
4 And again, bluefin catch reporting and quota
5 tracking would be the same under any of these
6 alternatives.

7 So, please stay tuned for a proposed
8 rule. If you would like any further information
9 you can contact me or Tom Warren. And happy to
10 take any questions or comments.

11 FACILITATOR BROOKS: At this point,
12 Carrie, would you be interested in comments on
13 these different alternatives?

14 MS. SOLTANOFF: Yes.

15 FACILITATOR BROOKS: Great. So any
16 comments or questions? George.

17 MEMBER PURMONT: Yes, again, good
18 morning. Could you please enlighten me as to the
19 nature of the lease agreement? Who is leasing
20 and to whom? And what quantity of fish are
21 involved in this lease? Thank you.

22 MS. SOLTANOFF: So, that would be up
23 to the individuals who are making the lease to
24 determine how much quota they're leasing.

25 But it's from one person who receives
26 annual allocation and has some leftover annual
27 allocation of the IBQ. Then they would be giving
28 it to whoever is looking for IBQ allocation.

29 FACILITATOR BROOKS: George, were you
30 also seeking information on sort of the total
31 volume that's leased throughout the year?

32 I think we're going to see that in a
33 later presentation.

34 MEMBER PURMONT: Thank you.

35 FACILITATOR BROOKS: Okay. If there
36 are no other -- yes, there are. Okay.

37 MEMBER SISSEWINE: Thank you. So,
38 looking at the statement that the impact of
39 bluefin tuna catch reporting/longline quota
40 tracking under all of the alternatives basically
41 all the catch will be accounted for and overages
42 deducted I guess from the next year's allocation.
43 Is that a correct interpretation?

44 So I take that as saying that the
45 conservation effect of each of these alternatives
46 is the same. At the end of the day the
47 sustainability or risk to the stock isn't
48 affected by these alternatives. Is that the

1 correct interpretation?

2 MS. SOLTANOFF: Yes, that's right. We
3 wouldn't expect any environmental impacts.

4 MEMBER SISSEWINE: So why wouldn't
5 one move to alternatives that increase
6 flexibility?

7 FACILITATOR BROOKS: Duly noted.
8 Jeff.

9 MEMBER ODEN: I still have a serious
10 problem with the fact that we still can't have
11 carryover for the following year of quota.

12 To me that is a very important issue.
13 I've sat on the last three years I've not
14 utilized one pound of quota. Well, I'm sorry,
15 maybe two years ago I did, or three actually.

16 It's just hard to watch that go to
17 waste.

18 And again, I would give it to a friend
19 if he needed it. You know, it would just be very
20 beneficial to us I think to allow that
21 flexibility.

22 And what percentage I don't know, but
23 it needs to be in there.

24 FACILITATOR BROOKS: Thanks, Jeff.
25 Rich.

26 MEMBER RUAIS: In the first year the
27 implementation of the program after the initial
28 proportional IBQ allocations were distributed
29 among the Gulf of Mexico fleet and the Atlantic
30 fleet in the defined proportion we saw coming out
31 of the reserve early in the next year an amount
32 of quota, I forget whether it was 30 or 40 tons
33 that was taken out of reserve and added to the
34 IBQ and the second round of distributions was
35 made.

36 And when we asked the answer was,
37 well, something to the effect that we were trying
38 to prime the pump and get the system going.

39 And I think we've done that more than
40 once now. And so the question remains to the
41 rest of us how many more years is there plan, or
42 what is the criteria that would change the agency
43 stopping the second round of free allocations I
44 believe in the active year into the IBQ program
45 and taking it from reserve, obviously making it
46 not available to anybody else unless it's not
47 used and we wait for the 108 metric tons to come
48 around the next year.

1 I know that's kind of a complicated
2 question, but it has to do with the impact it's
3 having on the remainder of the fishery.

4 And if I could just add to Jeff's
5 point, I just can't see the logic of how you roll
6 over IBQ. I mean it's a fixed amount of quota.
7 Unless you raise the 10 percent rollover number
8 that we're allowed to keep of ICCAT underage to
9 20 percent of something and dedicate that extra
10 10 percent to say, okay, let's let Jeff do that
11 and let's let pelagic longliners do that, that's
12 one reasonable way of doing it.

13 Going back to 20 percent of the quota,
14 or 30 percent, or whatever the amount has to be.

15 But without doing that and you allow
16 -- if everybody is catching and the IBQ program
17 is a success and it's being used to catch tuna
18 but some guys on December 31 have quota left
19 over, you've got to report that to ICCAT within
20 the total U.S. catch. And we'll be over quota
21 and out of compliance unless you take it.

22 Again, unless you refrain from giving
23 reserve to other historical users of the resource
24 to make way for that rollover that Jeff and
25 others want to see from the IBQ program the rest
26 of us, the rest of the fishery suffers.

27 MS. SCHULZE-HAUGEN: So Rich, I think
28 just a couple of points.

29 You're right, we have done transfers
30 inseason to the Longline category each year. I
31 think 34 and most recently 45 metric tons are
32 transferred. Inseason transfer criteria, there
33 are 15 of them. We look at them each and every
34 time we do inseason transfers to each category.
35 It includes General, Harpoon, Longline, all of
36 that, Angling.

37 And so we apply those criteria each
38 time. I would encourage you to read the Federal
39 Register notices because we step through them
40 every single time. And they are all free to all
41 categories.

42 So it's something we look at. There's
43 a reason there's 15 criteria. There's a lot of
44 factors to look at that vary by situation.

45 MEMBER RUAIS: If I could just follow
46 up. But if a big part of the 108 metric tons
47 that we have to wait till the following August of
48 unused, untouched, non-transferred quota is

1 rolled over the rest of the fishery is denied
2 that quota until the following year when the 108
3 is brought back into the fishery.

4 MS. SCHULZE-HAUGEN: So in the
5 beginning of the year as you recall amendment 7
6 established transfers from unused Purse Seine
7 quota to the reserve. A formulaic approach.

8 We've done that every year. The quota
9 that is moved to the Reserve at that point which
10 is a sizeable amount of quota at this point is
11 available to all U.S. users. Not just Longline.

12 We have done an earlier transfer to
13 Longline than we have to some other categories,
14 but other categories have benefitted from that
15 quota as well in addition to the 108 that comes
16 later when all the numbers are in.

17 So, all 15 criteria are applied to the
18 reserve each time. It's not lost to the U.S.

19 MEMBER RUAIS: It's lost in the
20 current fishing year. We can't access it. Right
21 now we're still waiting, or in the past we have
22 waited until late in August before you have
23 identified how much you can put back into reserve
24 to see what can be re-allocated to other users.

25 And again it's a disadvantage. It's
26 an institutionalized underage as it stands right
27 now. Until it's proven to be a success. Until
28 the IBQ program is actually being utilized.

29 If it's being fully utilized then I
30 don't have a complaint. But the complaint is
31 when you're not using the quota and it's being
32 denied to people in a given year, next year the
33 fish might not be here and we might not need that
34 quota next year. We needed it this year for
35 example, or could have used it in the month of
36 August if the fishery would have had consensus.
37 Thank you.

38 FACILITATOR BROOKS: Terri.

39 MEMBER BEIDEMAN: Well, I look forward
40 to seeing which way you go on this because we
41 really have needed flexibility.

42 And it could, something like this,
43 prevent having to have an early in the year type
44 of transfer. I can't say that it would.

45 But this trip-level accountability is
46 an issue. It prevents people from being able to
47 go back out fishing when fishing is good for
48 them, not on bluefin because we don't target

1 bluefin.

2 But all the other food fish, all the
3 other 100, the pelagic longline guys catch 100
4 food fish for every bluefin they catch. Or they
5 did in the data I analyzed. So that's food for
6 Americans for the most part.

7 And being able to go back out fishing
8 when fishing is good, or weather is good and
9 you're trying to connect with somebody to get
10 quota, this is exactly why this was raised. It's
11 an issue.

12 And early in the year it's an issue
13 more because people don't want to let their quota
14 go because they haven't even started fishing yet.

15 But someplace down south they might
16 need quota and they can't find it.

17 And that's the reason that we did it.
18 It wasn't to try to secure quota that was for
19 only one category or any of that.

20 And I think somewhere along the line
21 you have to take a look at the huge percentage of
22 highly migratory species that are caught, non-
23 bluefin that are caught by other harvesters and
24 who are constrained by having to account every
25 trip.

26 They can't go out fishing until they
27 find enough quota. It's not as easy as you might
28 think. NMFS has tried to help. But it's not a
29 snappy easy thing to do.

30 Plus the fact that you have to pay for
31 it. None of the other categories are having to
32 pay for their quota.

33 So anyway, I'd be interested. I don't
34 want it to be too long because I don't want to
35 see people go in debt too deep and then have a
36 problem. My opinion.

37 But let's remember this is not just a
38 single species fishery for a lot of the people
39 around that catch most of our HMS.

40 And the only thing I wanted to add to
41 the previous thing is we're talking about food.
42 The Coast Guard might be talking about safety,
43 but commercial sale is food. And every harvester
44 needs to be held to food safety standards to land
45 food in this country.

46 And if they have to get a different
47 permit so be it. But there's other regulations
48 that are not being adhered to and it can make

1 people sick. So commercial fishing needs to be
2 safe.

3 FACILITATOR BROOKS: Thanks, Terri.
4 So just to wrap this one up not unlike the
5 Charter/Headboat conversation there's a couple of
6 issues that came up that are sort of tangential
7 to the proposed rule itself.

8 We didn't hear a lot of comments on
9 the alternatives themselves, but at least one
10 comment in favor of if there are no conservation
11 consequences then why not increase the
12 flexibility.

13 So with that thank you, Carrie, and at
14 this point I think we will shift to the next
15 agenda item which is enforcement updates. And so
16 invite Katie Moore with the U.S. Coast Guard up
17 here and then OLE folks are here, right? We've
18 got Wynn Carney and John Reghi. Are you going
19 first, Katie?

20 MS. MOORE: Good morning. Thanks for
21 having me. I've met most of you before but
22 welcome to new member.

23 And my position is a fisheries manager
24 for the Coast Guard Atlantic Area Command. So
25 that's everything east of the Rockies.

26 And I typically give you the same type
27 of information every meeting so that way you can
28 see where we've been and where we're going.

29 Where we are compared to this time
30 last fiscal year, we're actually doing pretty
31 well and I'm very happy about that.

32 Looking across all of our fisheries in
33 this geographic area we're up more than 10
34 percent in our resource hours towards this
35 mission.

36 Coast Guard has 11 missions so
37 anywhere from search and rescue to homeland
38 security, ice breaking, marine pollution
39 response. So it is hard sometimes to maintain a
40 focus on fisheries to the level I would like.
41 And we have the upcoming storms and that is a
42 draw on our resources. But so far pre-storm we
43 are doing pretty well.

44 And the major increase was in major
45 cutters. So I think that benefits this fishery
46 for enforcement and oversight.

47 Now it did result in larger numbers of
48 boardings in HMS compared to the last two fiscal

1 years. So up through mid-August we had
2 approximately 300 boardings.

3 The increase of significance was in
4 the mid-Atlantic. You can see that we had a high
5 number of boardings of pleasure craft. We also
6 had a slight increase in our Gulf of Mexico.

7 So we break down our boardings by the
8 different commercial, Charter/Headboat, and
9 pleasure.

10 Now the violations we saw in the early
11 part of the year in the May zone were very
12 similar. Undersized yellowfin, and that was by
13 commercial vessels.

14 Then we started seeing some
15 recreational violations. Those tended to be more
16 so on lack of permit, retention of the species
17 without fins, and we also had undersized in the
18 rec category.

19 Some other violations continued to be
20 lack of having the appropriate permit, and then
21 also not having the turtle release and handling
22 gear. So these were violations that were in the
23 northeast, mid-Atlantic and in the southeast. We
24 did not detect any violations in the Gulf of
25 Mexico from our domestic fisheries.

26 Now as everyone's aware we do have the
27 Mexicans coming over trying to hit HMS and also
28 red snapper.

29 So far this was pretty good. We had
30 lower detections. And that was compared to prior
31 years. And as you saw we had higher resource
32 hours towards this mission set.

33 Our interdiction rate still remained
34 very high compared to prior years and I take that
35 as progress. Definitely not the solution yet but
36 progress.

37 So we only saw longlines. We did not
38 see gillnet in terms of the gear catching any
39 HMS.

40 I also include other species that were
41 caught, not HMS, when HMS species were caught.

42 So I'm not going to get any feedback
43 on misidentification because we only got it to
44 the level of shark, not blacktip or any other
45 type of shark.

46 So the first one, there was a
47 significant number of sharks. Ninety percent of
48 the catch during that haul were actually released

1 alive.

2 And as always we try to prioritize
3 human safety. Our advisement is identify the
4 species as best you can and we reiterated that
5 guidance again. So, HMS species, primarily
6 sharks.

7 Now, ongoing efforts domestically we
8 did update our shark handling and release
9 guidance.

10 We also included the information HMS
11 just recently gave out to the domestic fishermen
12 as well.

13 So we have ensured that our Coast
14 Guard members have access to the videos, know
15 about the shark ID guides, and we've reinforced
16 the value of the at-sea identification of species
17 where they can.

18 We also made sure they were aware of
19 the not more than 3 feet of line attached to the
20 sharks when they are released.

21 It came up a couple of meetings ago
22 that the pelagic observer program sometimes has
23 information on potential pollution incidents.

24 And so we have a process in place
25 where I receive that information and it's relayed
26 down to our district commercial fishing vessel
27 safety examiners to further look into it.

28 If there is an outreach, education, or
29 enforcement effort that's required. So that's
30 been flowing pretty well. It's a timely process
31 and we keep doing that.

32 Other efforts that are beyond just the
33 domestic fisheries. We continue to be active.
34 I'm working with the ICCAT delegation to look at
35 what can we do on the high seas for enforcement.

36 And one step towards that is working
37 with our partners that are ICCAT members over in
38 Africa to make sure that they have law
39 enforcement capacity and knowledge.

40 So we're actually right now deployed
41 over there working with the Senegalese and we're
42 helping train them on appropriate law enforcement
43 efforts to help address their fisheries as well
44 as general law enforcement.

45 So this year we've already worked with
46 Benin, Togo, Cape Verde, Cameroon, Senegal, and
47 other partners beyond just the U.S. It's the UK
48 and France who are trying to help build this

1 capacity.

2 We're also having a huge amount of
3 effort expended to address the issue that we have
4 on our Mexican border.

5 So, opportunities such as concurrent
6 patrols where the Mexican Navy is out patrolling
7 at the same time as the U.S. so they can use
8 their authorities on their citizens.

9 Other opportunities are considering
10 having one of their law enforcement officials on
11 a Coast Guard cutter so they can bring their
12 jurisdiction. And those are still in
13 development.

14 We do meet with the Mexican government
15 quite often and that is done at the high level.
16 So it's equivalent of Chris Oliver and we bring
17 our admirals.

18 So we just last week conducted a
19 tabletop exercise for the North American Maritime
20 Security Initiative and that was a way to address
21 general law enforcement as well as fishery-
22 specific incidents should they occur at sea.

23 So it's a way for the two nations to
24 coordinate efforts so that way we are practiced
25 should there be a case that evolves.

26 And then finally Coast Guard has been
27 active in administering the U.S. government's
28 port denial of Mexican fishing vessels.

29 Since the launches were being an issue
30 due to IUU the U.S. government took the posture
31 of no Mexican vessels can come in. No Mexican
32 fishing vessels, not just the launches.

33 So we are active in monitoring any
34 advance notice of arrivals, and should a vessel
35 come we make sure that their port services as
36 well as their entry into the port is effective.
37 So that is ongoing.

38 And as a reminder whenever we have a
39 case with a lancha we do develop a case package
40 and we transmit that to Mexico for them to
41 prosecute. So these are ongoing efforts that
42 U.S. Coast Guard is party to.

43 Now, there were a couple of questions
44 that came up during the conversation about the
45 commercial fishing vessel safety which is not my
46 program area but I'm your enforcement advisor
47 here.

48 So what we have done is we've linked

1 in our commercial fishing vessel safety program.
2 So hopefully everyone received a copy of the
3 marine safety information bulletin and it
4 includes information on our program lead in the
5 top right corner, Mr. Kemmerer.

6 And I wanted just to remind you of
7 some of the things that we do with NOAA fisheries
8 to try to address any issues that come up.

9 So, we work very closely with HMS on
10 any emerging regulations. So we do brainstorming
11 and we also have an enforcement working group
12 where we review proposals that are coming out to
13 make sure they're enforceable and enforcement
14 considerations are taken into account.

15 This issue with the commercial fishing
16 vessel safety, what is commercial, what is
17 recreational, that evolved with conversations and
18 it's probably been at least six months that we've
19 been working on it.

20 So it's been multiple conversations
21 with HMS and we've been looking at the issue
22 holistically. Changing permits. Changing the
23 way that you apply for the permit at sea. What
24 information does Coast Guard need.

25 What was our intent in terms of the
26 commercial fishing vessel safety. So there's a
27 lot of behind the scenes actions that have taken
28 place.

29 We've been partnering in terms of
30 developing outreach and education materials. And
31 that is ongoing.

32 So I do want to appreciate the emails,
33 the phone calls, and the feedback we've gotten
34 from anyone ranging from associations to the
35 councils.

36 We do have Coast Guard fisheries
37 officers on each one of the councils as
38 enforcement advisors and we have not heard of
39 other species running into comparable issues in
40 terms of what's running commercial and what's
41 recreational.

42 So wanted to say thank you to
43 everybody. We understand that there is a lot of
44 nuances in here. And Coast Guard just wanted to
45 be clear as to what's commercial and what's
46 recreational.

47 So if Mr. Kemmerer is on the line I
48 would say we could turn that over to him. I'm

1 not sure if he's had the opportunity to call in.

2 FACILITATOR BROOKS: Operator, do we
3 have Mr. Kemmerer on the line?

4 OPERATOR: Sir, if you are on the line
5 please press *0.

6 FACILITATOR BROOKS: Katie, do you
7 want to take a question or two now, or do you
8 want to have OLE present first?

9 MS. MOORE: Well, I just wanted -- I
10 have some extra copies of the marine safety
11 information bulletin with his contact information
12 on there.

13 I think that I feel comfortable that
14 we've heard the gist of most of people's concerns
15 about the commercial fishing safety requirements
16 and who does it apply and what are the burdens.

17 So I think I've heard that, but I'm
18 happy to receive any of that information but I
19 don't want to take away from NOAA OLE's time.

20 OPERATOR: Mr. Kemmerer's line is
21 open.

22 FACILITATOR BROOKS: Great.

23 MR. KEMMERER: This is Jack Kemmerer
24 with Coast Guard headquarters and fishing vessel
25 safety. And with me is Jonathan Wendland, one of
26 my staff who's been involved with working with
27 NOAA and NMFS on a number of issues.

28 So if there's any particular questions
29 I can do that. Otherwise I just had a kind of
30 brief summary from the last meeting when Mr.
31 Belvo came and spoke with you.

32 And Katie already referred to a marine
33 safety information bulletin that we issued after
34 that meeting to explain a little bit about how we
35 would address those charter vessels that have
36 permits and whether we would look at enforcing
37 fishing vessel safety requirements in Part 28 or
38 not.

39 So I would just remind folks that have
40 the headboat charter permit that if you're
41 operating with that and you're a documented
42 vessel you have to have a coast wise endorsement
43 on your document and the master has to be
44 licensed if you're taking passengers.

45 If it's a state registered vessel it's
46 got to be registered for commercial purposes.

47 And regardless of what type permit you
48 might have if you're selling your catch

1 technically you are a commercial fishing vessel
2 and have to comply with Part 28 requirements.

3 FACILITATOR BROOKS: We're going to
4 have a presentation from OLE. So, do you want to
5 wait for that, Jeff, or do you want to jump in?

6 MEMBER ODEN: I would like
7 clarification from the gentleman -- is he still
8 on the line? What's his name, I'm sorry?

9 FACILITATOR BROOKS: Kemmerer.

10 MEMBER ODEN: Kemmerer. Good morning,
11 sir. I would like clarification there that all
12 commercial vessels as per Coast Guard regulations
13 are required to have identifying either state
14 registration or coastal documentation numbers on
15 the side of said vessel if they are in commerce.
16 Is that correct? Ten inch numbers I believe, or
17 letters.

18 FACILITATOR BROOKS: Can someone
19 respond to that?

20 MR. KEMMERER: I'm not sure. The
21 documented vessels I believe only have to have
22 the hailing port on the back and maybe if there's
23 a permit number that's required by NOAA or NMFS
24 that may have to be posted somewhere.

25 State registered vessels have to have
26 their state registration number on the hull.

27 MEMBER ODEN: Okay. Well, I guess
28 somewhere down the line I was misled because I
29 thought all commercial vessels really had to have
30 in 10-inch letters or numerals their
31 documentation numbers or their state registration
32 numbers on the side.

33 MR. MCHALE: So yes, thank you, Jeff.
34 Those regulations actually aren't Coast Guard
35 regulations, they're fishery regulations. And
36 they do exist currently not only in the HMS
37 regulations but northeast, southeast.

38 Where those vessels that have
39 commercial permits, and I'll have to go back to
40 the actual reg text, but must have their vessel
41 identification numbers either on port and
42 starboard side, sometimes on the roof.

43 And the size of the lettering is based
44 upon the size of the vessel.

45 But I can get you those regulations.
46 They do exist. You're not misinformed. They're
47 in the fisheries regs versus Coast Guard.

48 MEMBER ODEN: Thanks.

1 FACILITATOR BROOKS: David.

2 MR. SCHALIT: Thank you, Katie, for
3 this presentation.

4 The enforcement -- I look forward to
5 the enforcement presentation. It seems like the
6 most entertaining aspect of the meeting.

7 But I want to focus specifically on a
8 couple of comments you made in connection with
9 ICCAT.

10 Essentially what you're suggesting is
11 that you are working in these countries in the
12 Gulf of Guinea with a view toward helping them to
13 build enforcement protocols and so on.

14 And then you made some reference to
15 some discussion that you are involved in in
16 connection with boarding and inspection on high
17 seas. I take that to mean outside of the EEZ of
18 any country.

19 And with ICCAT now. And I'm just
20 curious if you could elaborate a little bit upon
21 that and maybe let us know if there are some
22 impediments that you've encountered in that
23 project.

24 MS. MOORE: So, and it's been actually
25 even before I was party to ICCAT on the
26 delegation we've been trying to build a high seas
27 boarding inspection initiative which has not
28 passed ICCAT. In order to pass it has to go
29 through a large number of nations and we haven't
30 gotten there yet.

31 So as a step towards that we just
32 recently put out a joint concept paper to show
33 the partnering aspects which would be step one
34 towards a high seas boarding inspection
35 initiative.

36 And that is to show what are we doing
37 elsewhere to build law enforcement capacity, to
38 build inspection regimes, share best practices.

39 And that does not have to be on the
40 high seas. So one of the examples is our efforts
41 over in Africa where Coast Guard for several
42 years has been providing bodies to train up other
43 nations so that they can enforce their fisheries
44 regulations.

45 Currently what we're doing in Africa
46 is within their own waters. So it is not high
47 seas.

48 Some of those nations in Africa are

1 also party to ICCAT. So we can bring those
2 lessons learned and partnerships and trust and
3 showcase that within ICCAT.

4 So we're also working with Canada on
5 NAFO and that's a joint effort where we put a
6 Coast Guard body on a Canadian platform.

7 And that's been working very well for
8 over 10 years. So what we're doing in ICCAT is
9 to try to share that information that it is a
10 good thing for working towards having inspection,
11 knowing what's going on in the water. But it has
12 not gotten there yet.

13 I'm hopeful it will get there but no,
14 we do not have a high seas inspection requirement
15 for ICCAT. And we're still working towards that
16 goal.

17 FACILITATOR BROOKS: Thanks. I want
18 to let Wynn and John present their information
19 and then Mike we'll start off with you.

20 MR. REGHI: Good morning, everybody.
21 My name is John Reghi. Some of you may know me.
22 I've had the pleasure of presenting to you in the
23 past. I'm now the domestic enforcement
24 operations special agent for headquarters. We've
25 had some staffing realignment so not only do I
26 handle sustainable fisheries issues and HMS
27 issues but also protected resources issues as
28 well.

29 Today's enforcement overview, we were
30 asked by the HMS division to try to keep it at a
31 treetop level.

32 And that's actually a good thing
33 because we have so much good work that's been
34 done out in the field particularly with the
35 augmentation of our uniformed officer cadre that
36 today's goal is to show you where to find that
37 information.

38 We're doing a great job of revamping
39 our websites and keeping the information updated
40 at least weekly regarding enforcement actions.
41 So I'll be pointing you to those.

42 I also have with me today Lieutenant
43 Wynn Carney from the northeast enforcement
44 division. Lieutenant Carney is going to be
45 speaking specifically to certain enforcement
46 trends and what the enforcement officers are up
47 to in the northeast enforcement division.

48 Southeast could not send OLE reps

1 today and they apologize. They're in the process
2 of preparing for the hurricane and likewise our
3 HMS attorney Ms. Loren Remsberg also sends her
4 apologies and regrets. She also is preparing for
5 the impending hurricane situation in Florida.

6 Most of you know, you've probably
7 visited our home webpage. It's been -- it's in
8 the process of being enhanced and it has been
9 reworked.

10 And right now our second annual report
11 for fiscal year has been posted to the web. This
12 is for the cumulative results of fiscal year
13 2016.

14 In there you'll see case summaries,
15 trend analysis and basic needs projection
16 assessments for all of the enforcement divisions.

17 Our priorities are very important.
18 The Office of Law Enforcement, that provides a
19 framework which the Office of Law Enforcement
20 operates in and provides services to our customer
21 base and also to you as well.

22 At the top of the webpage we have a
23 dedicated tab for priorities and we have a hard
24 copy of the last document for 2012 through 2017
25 which is embedded in the webpage.

26 Recently this summer we posted for
27 public comment on our website, it's now closed
28 though, our new assessment for priorities for
29 fiscal year 2018 through 2022.

30 Again that was during the summer. And
31 if you do find reference to it on the internet
32 and you do find that there is nothing on the
33 webpage it's not a broken link it's just that
34 we're handling it a little bit differently this
35 year.

36 The document itself has been taken
37 down. Certain comments have been processed and
38 it's currently under review by NOAA leadership.
39 So please stay tuned. It'll be published in the
40 not too distant future.

41 Our newsroom tab is very, very
42 important and this is actually where we're having
43 weekly updates to enforcement actions.

44 You're going to have featured news
45 stories, summaries of some of the more complex
46 cases that the agents and the officers are
47 working as well as other noteworthy activities
48 that the organization is engaging in.

1 Also specific enforcement actions.
2 Weekly highlights are posted to the web and
3 that's on the right side of your screen.

4 Weekly I provide an enforcement
5 summary to the deputy assistant administrator for
6 regulatory programs and I go through each of the
7 division's reports and provide enforcement
8 summaries.

9 So there's a lot of very, very good
10 enforcement work done with HMS. And that's where
11 you're going to find your case numbers so you can
12 actually follow that as it progresses in almost
13 near real-time on a weekly basis.

14 OLE has also been very, very active in
15 Twitter. We're posting a lot regarding our
16 activities as well, videos and case summaries as
17 well as priorities and other updates.

18 General Counsel Enforcement section.
19 We've had a change of leadership. The section
20 chief now is Mr. John Han. And he is supported
21 by deputy chief Charles Green and Alexa Cole.

22 Again, GCES website is the place where
23 you're going to find the penalty schedules and
24 case summaries that have been adjudicated by that
25 office.

26 This is a screenshot from our
27 priorities document from FY '16, actually our
28 annual report.

29 And northeast enforcement division as
30 you can see the Magnuson Act continues to be a
31 primary area of focus.

32 And with that I'd like to turn it over
33 to Lieutenant Carney to give you an update on
34 what's been going on there.

35 LT. CARNEY: Thank you. As he said
36 I'm Lieutenant Carney from the northeast division
37 even though I don't sound like I'm from the
38 northeast division.

39 So, some of the highlights that we've
40 had this year in the northeast and the southeast,
41 I'm going to go over a few of them.

42 But at the beginning to highlight some
43 of the illegal sale of HMS that we found this
44 year.

45 One of them was an illegal sale of
46 shark at a shark tournament by the shark
47 tournament was selling the shark that was caught
48 in the tournament.

1 That was on Long Island and that was
2 -- we had officers there as well as DEC officers
3 from the State of New York.

4 And they turned around and looked and
5 saw that the tournament was actually selling the
6 sharks that were caught in the tournament.

7 They didn't know they couldn't do
8 that. At least that's what they said. And we
9 fixed that situation.

10 It was about 10 people participating
11 and the money was going back, they said the money
12 was going back to help the tournament. But you
13 can't do that. So that was one of the illegal
14 sales of HMS this year.

15 In addition, on the Delmarva
16 Peninsula, specifically Delaware, we found at
17 least five vessels that were selling HMS
18 illegally.

19 These five vessels were two General
20 category vessels, two Charter party vessels, and
21 one Angling vessel.

22 They all were selling to non-federal
23 dealers, whether it be a restaurant or whether it
24 be a fish dealer without a federal fisheries
25 permit.

26 So I believe we've issued summary
27 settlements for each one of those. We may still
28 have one pending right now.

29 We've attended several marlin
30 tournaments this year in the northeast and the
31 southeast division with our outreach efforts.

32 Some more of the other enforcement
33 activities. Those are my highlighted ones
34 because I know that's big -- it's been a big
35 issue as far as the illegal sale of HMS.

36 If you know that somebody is selling
37 HMS illegally please let us know. Our resources
38 are limited and I wish I could snap my fingers
39 and everybody would come turn themselves in but
40 it doesn't happen that way.

41 I have one officer in New York. I
42 have one officer in New Jersey. And I have no
43 officers in the Delmarva Peninsula. And I have
44 two officers in Virginia. That's just in the
45 northeast division.

46 We rely heavily on our state partners
47 and the Coast Guard to give us information and to
48 make cases that we can continue with through

1 prosecution.

2 So if you know somebody that's doing
3 this please let us know.

4 I believe that's all as far as what we
5 have on our list.

6 Oh, in the southeast recently off of
7 Miami there was a vessel that was caught with no
8 HMS permit in possession of a sailfish as well.

9 And then also in the southeast
10 possession of prohibited shark species at shark
11 tournaments. I think that happened once, maybe
12 twice in the southeast.

13 MR. REGHI: That concludes it.

14 FACILITATOR BROOKS: Great. So let's
15 see if there's any questions or comments. Mike,
16 we'll start off with you and then up to Jeff.

17 MEMBER PIERDINOCK: This gets into
18 earlier -- the past several years I've had to get
19 my charter boat inspected. And that's done
20 through the Coast Guard auxiliary.

21 And then for my commercial inspection
22 I go directly to the Coast Guard. And you have
23 two different inspections, two different
24 individuals, and so on.

25 I don't know if there's any
26 consideration to streamline the process because
27 we all have issues with not having enough time to
28 do anything to get one inspection.

29 Especially if we're going to have this
30 sale/no-sale HMS type of permit that if I call
31 them up the Coast Guard then would do the
32 inspection that would include charter/headboat as
33 well as commercial. Because right now I don't
34 know whether it's a Massachusetts issue or what,
35 but the charter/headboat inspection is done by
36 the auxiliary. Different people. Not the same
37 person. The commercial is done by the local
38 Coast Guard office.

39 So hopefully there could be some
40 consideration to streamline it and just have that
41 one inspection. So that's one thing.

42 Next question. Just I'm curious with
43 the aircraft. Does that include drones? And if
44 you do have drones can we identify them? Because
45 I don't like to be 50 or 100 miles offshore and
46 see some drone buzzing me and wondering really
47 who it is. I'm just curious.

48 MR. REGHI: I can answer that question

1 for you. We've been moving forward very
2 carefully and methodically and within the law
3 regarding deployment of UAV/UAS platforms. And
4 that's something that's going to happen in the
5 future.

6 We had to develop a policy regarding
7 the legality of their use within the four corners
8 of the Constitution.

9 And it's something that the agency is
10 embracing and will be moving forward with. But
11 slowly though.

12 FACILITATOR BROOKS: As in not using
13 them now but looking into it?

14 MR. REGHI: That's correct.

15 MEMBER ODEN: I'm just curious to
16 know, do you know per chance how much the NOVAs
17 were for the recreational sale? Because it comes
18 to a point that what is the cost of doing
19 business sometimes.

20 Those of us in the industry know what
21 it is. It's prohibitive.

22 For instance, a guy who bought an old
23 commercial vessel I had got fined \$130,000.
24 Thirty of that rescinded over a 300 pound trip
25 limit on 4,800 pounds of -- he was 300 pounds
26 over his trip limit on a 4,800 pound monkfish
27 trip.

28 We get it, okay, but you know, when
29 you slap the wrist of a recreational angler who
30 may go sell this through the backdoor of a
31 restaurant you're not making a point if you don't
32 fine these people prohibitively. And that's my
33 point.

34 I'm just curious to know what the
35 fines were.

36 LT. CARNEY: The fine for the illegal
37 sale of HMS for a single fish is \$750.

38 So these were different because it's
39 the amount of fish were sold in each different
40 one. One was a small amount of tuna. Others
41 were up to four tuna.

42 And in one situation specifically in
43 Virginia the Virginia marine police and the
44 Virginia health department were involved as well.

45 And the Virginia health department
46 seized the fish, I guess embargoed the fish, and
47 poured Clorox bleach on it and put it in a trash
48 bag and put it in a dump.

1 So, part of that was that that
2 specific one the person was given a \$1,500
3 summary settlement plus the fish were seized for
4 four fish.

5 FACILITATOR BROOKS: Thanks.

6 MEMBER BOGAN: I had a proposal. I
7 know this hasn't probably been brought up but as
8 a party head boat we're having a problem with the
9 filet regulation.

10 Like we'll carry like 20 or 30 people
11 on our boat and we have a six hour ride home
12 which we used to be filleting our fish on the way
13 back. We can't do that anymore.

14 So I was wondering if there could be
15 possibly some kind of an exempted permit for just
16 yellowfin and longfin tuna.

17 We could save the racks, tag them, put
18 a corresponding tag on the filet bag, one fish
19 per bag, like in a big bag, and ice them up.

20 It's just been such a hardship where
21 we used to go back to back trips. We can't do
22 that anymore. We just can't.

23 And we've lost a lot of customers
24 because they don't want to sit at the dock. If
25 you happen to have a good trip you could be there
26 for three or four hours.

27 So we need some kind of an exempted
28 permit or something like that. We already have
29 that in New York and New Jersey for fluke because
30 otherwise of course we'd be there for hours
31 cutting fish while people waited.

32 So I just was wondering if there's
33 something that we could do towards working
34 towards that. Thank you.

35 FACILITATOR BROOKS: So how to explore
36 that as an option is the question.

37 LT. CARNEY: I think this is the way
38 to explore it, through the HMS advisory panel.
39 There's nothing that we can do for that.

40 I will say someone else brought that
41 question up with mahi mahi earlier this year
42 which I know mahi mahi is not HMS.

43 The difference between northeast and
44 southeast are that a lot of southeast states
45 don't allow -- you have to land a fish whole,
46 intact. Fins and heads intact which is different
47 from the northeast.

48 So if you had an oceanwide or a

1 coastwide policy on that for mahi mahi each state
2 is different. So there's nothing I can help you
3 out with except in this arena here to try to if
4 you wanted to get that or go to HMS as far as the
5 permit exemption.

6 MEMBER BOGAN: I guess it's a good
7 time to bring it up. You know, it's one thing if
8 you have a 6 passenger vessel, but we have like
9 20 or 30 people. So it's something that this
10 panel I would like to just address this. It is a
11 problem.

12 And a party boat, actually the amount
13 of party boats is probably cut in half since that
14 law went into effect.

15 Well, it started with the three fish
16 limit. And it's not that people catch three fish
17 every time they come out. Unfortunately we
18 sometimes get five fish, but sometimes we're
19 blessed with a good catch.

20 And it's just a real burden for the
21 people to have to stand around while we're
22 cutting fish, my crew.

23 So if this advisory panel would take
24 this under consideration I think it is important.

25 MS. SCHULZE-HAUGEN: Thanks, Bob, for
26 bringing that up. I think we had recommended he
27 bring this up now because of some of the aspects
28 of needing to have good enforcement if we were to
29 consider anything like that moving forward.

30 So maybe we can table this for now and
31 talk about how something like that could work, if
32 it would be enforceable or not.

33 And then I think it's a good point
34 about the state regulations and how we need to
35 navigate some of that. So maybe we can talk
36 about it in the future.

37 FACILITATOR BROOKS: Sonja.

38 MEMBER FORDHAM: Thank you. Sonja
39 Fordham, Shark Advocates.

40 I'm afraid I'm going to compliment one
41 agency in order to raise a concern about yours.

42 So as you might have known since I'm
43 really happy to hear that Office of Law
44 Enforcement is on Twitter.

45 But we've seen in recent months
46 several, sort of a rash of incidents of
47 mistreating sharks in Florida.

48 And the compliment I have is actually

1 for the State of Florida because when these
2 incidents came up we saw real rapid reaction in
3 the press and real public effort to tell people
4 what was and wasn't legal, and what options there
5 were to change policies and so forth. And really
6 took it head on.

7 And yet we've seen also a lot of
8 actually illegal mishandling of smalltooth
9 sawfish which are listed on the Endangered
10 Species Act.

11 So it might seem as slightly off topic
12 but since you're working with protected resources
13 and a lot of these incidents involve shark
14 anglers I just wanted to put out a request for a
15 little bit more help in that regard.

16 We have the NOAA office in the
17 southeast does a great job with education and
18 lots of outreach in terms of how to legally
19 handle and release sawfish.

20 But in my opinion we could use a
21 little bit more help in law enforcement when we
22 have illegal events.

23 We actually had a very high profile
24 incident of illegally tagging a sawfish that
25 involved the vice president. So it got a lot of
26 attention but as far as I could see the only
27 people calling it out were NGOs.

28 And if we could have the backup from
29 the law enforcement agencies that would really
30 help get out the message that not only is some of
31 this inappropriate it's actually illegal and you
32 can get in trouble.

33 So I've been meaning to put that in
34 writing and I will, but since you're here I just
35 thought I'd take that opportunity to raise that
36 concern from me and a lot of other sawfish
37 conservation colleagues. Thank you.

38 MR. REGHI: Thank you. You raise some
39 very, very good and very, very important points.
40 Everything from humane handling during the
41 harvest process to respecting protected
42 resources.

43 This week you may see a writeup in our
44 webpage regarding the sawfish matter that was
45 handled.

46 Also, we may not have publicized it as
47 well as the state did, but there was also a very
48 quick dual federal/state response regarding the

1 inhumane treatment of the animals on the federal
2 side, particularly dragging of the shark that had
3 happened online.

4 OLE initiated an investigation on that
5 pretty quickly.

6 FACILITATOR BROOKS: Thanks. Oh,
7 please jump in.

8 MEMBER GREGG: Sonja, I just want to
9 say we did a lot of work on that so we do
10 appreciate you noticing.

11 FACILITATOR BROOKS: Thanks. We'll
12 take two more commenters and then let you get to
13 lunch. So Bob and then over to Dewey.

14 MEMBER HUETER: Okay, I wasn't going
15 to make this point, but to follow up on what
16 Sonja's talking about.

17 I'm involved as a consultant on the
18 famous shark dragging case. And it's opened my
19 eyes to the challenges that you guys face with
20 the incredible proliferation of violations that
21 these not very bright people posted themselves on
22 social media.

23 And how you guys handle that it almost
24 could require a whole new division of effort.

25 So I don't know if you want to react
26 to that first before I make my other point.

27 MR. REGHI: Absolutely. Good example
28 is our southeast enforcement division. We work
29 very, very closely with the Florida Fish and
30 Wildlife Conservation Commission.

31 They are joint enforcement agreement
32 partners. We fund their federal operations in
33 assisting our agency.

34 They also have an internet-based crime
35 squad that they're working round the clock
36 looking at the internet, seeing what's out on
37 social media and what's posted with other news
38 outlets.

39 Like you said, you almost need a
40 dedicated division to work on it because there's
41 just so much information out there.

42 MEMBER HUETER: Thanks. For sure. If
43 I could just ask the lieutenant for a
44 clarification of the shark tournament case that
45 you mentioned.

46 Was this a well-established tournament
47 that was properly registered with HMS?

48 LT. CARNEY: Yes, it was registered

1 with HMS. And it was a shark club type thing.
2 MEMBER HUETER: You said it was in the
3 northeast.
4 LT. CARNEY: Correct.
5 MEMBER HUETER: And was this the
6 tournament organizers themselves, the operators
7 themselves that were selling the meat?
8 LT. CARNEY: Yes, it was a group of
9 everybody that was within the tournament. The
10 tournament organizers and volunteers.
11 MEMBER HUETER: So it wasn't the
12 fishermen, it was the organizers, the people that
13 were running the tournament that supposedly
14 registered that tournament with NMFS.
15 LT. CARNEY: Correct.
16 MEMBER HUETER: And last question.
17 What species of shark, do you know? Do you
18 recall?
19 LT. CARNEY: I think the majority of
20 them were makos, makos and probably -- yes, I
21 think it was mako.
22 MEMBER HUETER: Okay. Just a point.
23 I think these kinds of cases argue for a need to
24 actually have a permit for tournaments rather
25 than just registering them. We need to permit
26 these tournaments when abuses like this happen.
27 For a tournament to be registered,
28 especially one that's well established to be so
29 ignorant of the regulations really cries out for
30 the need for a permitting process.
31 Go ahead, and the guys who are doing
32 it right, fine, but these kinds of folks need to
33 be excluded.
34 FACILITATOR BROOKS: Just to clarify,
35 you're suggesting permitting for tournaments that
36 have violations.
37 MEMBER HUETER: A permit to run a
38 tournament, not just a registration process but a
39 permit to run that tournament.
40 That includes all the requirements
41 that we put on the fishermen themselves and
42 especially the commercial guys.
43 Tournaments are commercial
44 enterprises. They're not run to lose money. So
45 I think they should be held up to the same
46 standards that our commercial fishermen are held
47 up to.
48 And they should be permitted and know

1 what species they're dealing with, and know the
2 laws. Clearly these guys did not.

3 FACILITATOR BROOKS: Thanks, Bob.
4 Dewey.

5 MEMBER HEMILRIGHT: Thank you. Wynn,
6 in August of this year you gave a presentation to
7 the Mid-Atlantic Fishery Management Council and
8 the law enforcement section.

9 And the report was in our briefing
10 book and it was from June 1, 2017 to July 31,
11 2017.

12 And on page 13 of that report you had
13 cases that were being sent to NOAA General
14 Counsel.

15 And in that under the Atlantic Tuna
16 Act the program and the law and then you had the
17 violations, failure to report bluefin tuna, 17
18 counts, failure to report bluefin tuna, 11
19 counts, failure to report bluefin tuna, 7 counts,
20 failure to report bluefin tuna, 11 counts, all of
21 them coming from the State of Massachusetts.

22 I was wondering if you can enlighten
23 us about the gear that that was caught in and
24 what category they were fishing under. Thank
25 you.

26 LT. CARNEY: I think hook and line.
27 I can't say for certain because that's not my
28 area of responsibility. There's another
29 lieutenant who was over there but I think it was
30 hook and line. And I think it was General
31 category or Charter/Headboat.

32 MEMBER HEMILRIGHT: And that was
33 individual vessels that had 17 counts, individual
34 vessel 11 counts, individual vessel 7 and
35 individual vessel 11 counts. So it's not a
36 majority of one vessel of all of these, it's four
37 different occasions.

38 And also, if people want to look at
39 that in the briefing book it's an interesting
40 report that also has the fines of different
41 fisheries in the northeast, not only HMS species
42 but everything else goes on.

43 So it's in the briefing book of the
44 August meeting for the Mid-Atlantic Council under
45 law enforcement. Thank you.

46 FACILITATOR BROOKS: Thanks, Dewey.
47 Bob, were you looking to get back in? No, okay.

48 So, just a couple of issues just to

1 highlight from the conversation. One, a request
2 to look at ways to streamline inspections. I
3 think keeping folks informed as drone usage
4 becomes something that goes forward.

5 To look at penalty rates for
6 recreational fishers violations and ensure that
7 they're significant enough to capture someone's
8 eye.

9 Similarly if we've got tournaments
10 that are not following well established
11 regulations we should be thinking about
12 permitting tournaments so that similar
13 requirements that are imposed on commercial
14 fishermen are imposed there.

15 As well think about ways that you can
16 continue to push at issues of mistreatment of
17 animals, protected resources, the things you're
18 doing, but just amplifying it.

19 And then again a request to start
20 looking at an issue around is there a way to do
21 exempted permits for filleting of yellowfin tuna
22 as Bob requested. So that's obviously a longer
23 term ask.

24 So, I think the three of you, anything
25 you want to add before we adjourn for lunch?

26 MR. REGHI: Thank you for having us.

27 FACILITATOR BROOKS: Well, it's always
28 good to have you guys here. Oh, we've got a
29 teleconference. Go ahead.

30 MR. KEMMERER: I'd like to add a
31 couple of clarifications to the gentleman that
32 spoke earlier about different exams or
33 inspections on the vessel.

34 The headboat charter boats, some of
35 them are inspected vessels. If they carry over a
36 certain number of passengers they have to get a
37 certificate of inspection from the Coast Guard.

38 If they're not, they're uninspected
39 passenger vessels and the Coast Guard auxiliary
40 can conduct those exams and issue a UPV sticker.

41 But if it's commercial fishing it's
42 got to be a qualified fishing vessel examiner
43 that's generally a Coast Guard person but Coast
44 Guard auxiliary also has some qualified fishing
45 vessel examiners.

46 Marine inspectors are not always
47 qualified to do the exams and issue decals on
48 commercial fishing vessels.

1 So you may need to have two different
2 people do the exam, but some cases one person may
3 be able to do it all. You just have to work with
4 the local Coast Guard office to see what you need
5 to do with that.

6 FACILITATOR BROOKS: Great. Good.
7 Thanks very much.

8 With that we should get you all to
9 lunch. We will reconvene at 1:30 with an update
10 on Caribbean fisheries management. Thanks.

11 (Whereupon, the above-entitled matter
12 went off the record at 12:04 p.m. and resumed at
13 1:31 p.m.)

14 FACILITATOR BROOKS: Okay. A couple
15 of things to note as you get settled.

16 First and most importantly if you
17 haven't found them yet Pat has once again baked
18 his heart out for us all. And so they are in the
19 back, the cookies are in the back of the room,
20 the back far right corner, at least my right.
21 Pat, where did you go to? Well, wherever you
22 are, Pat, thank you. And we'll thank you again.

23 A quick agenda note. We are going to
24 jump in as planned to the Caribbean management
25 update with Delisse so if you are here -- there
26 you are Delisse. If you would head on up here.

27 We recognize that a couple of folks
28 who care and think most about this aren't here,
29 most importantly Marcos, but this is also
30 something that Dave Kerstetter and others think
31 about.

32 So we're going to give the
33 presentation. We'll have whatever conversation
34 makes sense today, but I think Margo's thinking
35 is that we'll need to really revisit this at the
36 spring meeting given the storm's impact on AP
37 members. So just as a heads up to folks.

38 After that, before we get into the
39 exempted fishing permit update we're going to
40 have a quick presentation and discussion on final
41 Amendment 10 on essential fish habitat which was
42 scheduled for late in the day tomorrow. But we
43 think since we will probably spend a little less
44 time on the Caribbean conversation we can fit
45 that in here.

46 So that's the game plan. Try to get
47 those done and then off to the fishing exemption.
48 So Delisse, up to you.

1 MS. ORTIZ: Thank you. So we're going
2 to go through just a bit of an update since our
3 last meeting in the spring.

4 I'll go through a brief background on
5 the requests that we've received just to refresh
6 everybody's mind, some of the AP comments that we
7 received back in the spring meeting. Some
8 research updates. Some of the outreach that
9 we've done to local agencies in the USVI and
10 Puerto Rico.

11 And the idea was to have a discussion
12 on next steps but like Bennett said we're going
13 to save that for the spring meeting.

14 So very quickly, requests for
15 management changes. We received a lot of
16 requests for changes in terms of shark and
17 swordfish management in the Caribbean region.

18 Part of this entailed increasing the
19 shark retention limit under the commercial
20 Caribbean small boat permit and establishing an
21 in-season shark retention limit adjustment
22 criteria.

23 That also involved requests to have
24 the -- any shark landings in the Caribbean be
25 counted against the -- its own shark quota as
26 opposed to the Gulf of Mexico quota which is what
27 we currently do under quota monitoring.

28 The other specific thing was to create
29 a Caribbean-specific authorized shark species
30 list that includes the most commonly caught shark
31 species in the region.

32 One of the difficulties with this was
33 that a lot of the species that are landed in the
34 Caribbean are prohibited, on the prohibited list,
35 such as the Caribbean sharpnose, Caribbean reef
36 and Caribbean sharpnose shark.

37 And in terms of swordfish we currently
38 have a retention limit under the commercial
39 Caribbean small boat permit and one of the
40 requests was to increase that retention limit
41 that now is currently two to a higher limit, one
42 that potentially matches the limit under the
43 swordfish general commercial permit which is six.

44 So as you know we met on our -- this
45 is a lovely picture of our spring meeting. We
46 had very good discussions during the meeting and
47 also informally during the lunch hour.

48 And this is again a summary just of

1 the comments that we received very briefly. One
2 was to prioritize, everybody agreed that we did
3 need to prioritize management in the U.S.
4 Caribbean, that we needed definitely more data,
5 that we should take a precautionary approach when
6 considering any management changes in the region.

7 That we should consider scalloped
8 hammerhead sharks. And the fact that -- any
9 impacts on them because their distinct population
10 segment has been considered threatened in this
11 region.

12 And overall I think there was support
13 but there was a lot of like, okay, put on the
14 brakes, we need more research, we need more
15 information on prohibited species. There were
16 enforcement concerns.

17 So what we did is we went back and did
18 outreach to try to determine what research is
19 currently being carried in the region relating to
20 improving -- doing HMS data improvements
21 specifically for sharks.

22 Currently the NOAA Southeast Fisheries
23 Science Center in collaboration with the Gulf
24 States Marine Fisheries Commission is doing a
25 study that started last month.

26 And the idea of the study is to
27 estimate annual commercial fisheries landings in
28 Puerto Rico and the U.S. Virgin Islands and do
29 mostly investigate temporal and among site
30 variability in those landings during one year of
31 sampling.

32 They started in August of this year
33 and they're hoping that this will carry on not
34 just for a one-year period but also for two.

35 Another other research that is going
36 on is being carried out with Raimundo Espinoza.
37 He is the founder of a non-profit organization
38 called Conservacion Conciencia in collaboration
39 with MOTE Marine and our very own Marcos Hanke.

40 And the project aims to work with both
41 -- this is recreational but it's also commercial
42 vessels in order to just get some sort of life
43 history and species identification information of
44 some of the sharks that are mostly landed in
45 Puerto Rico.

46 So right now what they're doing is
47 they have very limited fundings, but they did
48 have the tags so they are documenting all their

1 catch, identifying the shark's species, sex,
2 measuring them, tagging them and then releasing
3 them.

4 There's also the potential for
5 collaboration with Marcos Hanke and Marcos Drymon
6 on applying for an exempted fishing permit to
7 basically sample some of the sharks, take fin
8 clips and properly identify some of the catches
9 of sharks in Puerto Rico.

10 A lot of the concerns is that there's
11 not proper identification of the sharks that are
12 landed and they really can't be identified just
13 visually by photographs.

14 In addition, there's been several
15 recent scientific research papers that have come
16 out that have been focused on sharks in the
17 Caribbean region that look at length
18 relationships of some of our Caribbean sharks
19 that we authorize in the region.

20 And they're giving a clear picture
21 that these sharks are around, they're there year
22 round, and it just gives us a better picture of
23 what a shark species composition is and some of
24 the biology in the territories.

25 In addition, Carol and Tobey attended
26 the America Elasmobranch Society meeting and they
27 encountered also two upcoming papers that looked
28 at the spatial ecology of some of the sharks
29 around the MPA in St. Croix.

30 And also they looked at population
31 structure and phylogenetics of Atlantic and
32 Caribbean sharpnose sharks which actually shows
33 that Caribbean sharpnose goes all the way up to -
34 - are found all the way up to Virginia.

35 We also did some outreach to Puerto
36 Rico news via state agencies and the Caribbean
37 Fisheries Management Council because the idea was
38 to, you know, we're just trying to get an idea of
39 what exists, what data is there, what research is
40 being carried out, how can we start carrying out
41 some HMS data improvement projects in there.

42 When we spoke to the Puerto Rico
43 Department of Natural Resources staff they're
44 currently modifying their territorial regulations
45 to make them compatible with our regulations.

46 And we did find out that at this time
47 the agency has very strong concerns about
48 promoting a commercial shark fishery which was

1 due to the lack of enforcement and species
2 identification problems, and also vulnerability
3 to overfishing. So that was -- I guess that was
4 a bit of a surprise at that time.

5 We have gone to the Caribbean
6 Fisheries Management Council where the state
7 agencies are present and we've received support
8 for allowing an incidental federal shark fishery
9 in the region.

10 So one of the questions, what are the
11 next steps. We're in this situation where we've
12 received all these requests from fishermen, from
13 the commercial and recreational sector.

14 We've had their support to do an
15 incidental shark fishery and potentially increase
16 in the retention limit in the commercial
17 Caribbean small boat permit.

18 The council has supported it. The
19 state agencies and UCI have supported it. And
20 the state agencies in Puerto Rico are a bit
21 concerned about moving forward.

22 So the question is where do we go from
23 here. And I think like Margo said the idea was
24 to have an ample discussion about the subject
25 since it was -- there was a lot of good
26 conversations last time, but given that with the
27 hurricanes and such people can't be here I think
28 we'll leave it up to the spring unless I guess
29 folks have anything to say.

30 FACILITATOR BROOKS: Let's assume we
31 will revisit this and have a fuller conversation,
32 but if there are a couple of comments now
33 certainly be happy to hear that. Rusty I see
34 your card's up.

35 MEMBER HUDSON: Thank you, Bennett.
36 Rusty Hudson.

37 On slide 3 you mentioned Caribbean
38 reef, Caribbean sharpnose shark on prohibited
39 species. Slide 5 you also include the sevengill
40 which is also on prohibited species.

41 If I recollect right I don't recall
42 much science being used to create that list. Are
43 you going to have some kind of science that will
44 be used to be able to verify that you can go
45 ahead and take it off the prohibited list and not
46 have issues, litigation issues or anything to be
47 able to create that?

48 And the last comment is the scalloped

1 hammerhead. Is that a distinct population
2 segment one of concern separate from ours up
3 here?

4 MS. ORTIZ: So with regard to the
5 scalloped hammerhead, yes, it is different. It
6 is DPS for the Caribbean specifically.

7 And then your other question was if we
8 take a species off the prohibited list what would
9 we use to take it off the prohibited list?

10 MEMBER HUDSON: Yes, because you know
11 as I had suggested last meeting about the bignose
12 and the night shark which is more of an animal
13 that we could see up here. And I always believe
14 that it's got a pretty strong populations.

15 I wouldn't mind knowing how we segue
16 out of prohibited and into something that's
17 allowable.

18 And I assume you have to do all that
19 through a full amendment, probably take a year or
20 a year and a half to get it accomplished.

21 But I just was wondering what the
22 protocol was when there was no scientific
23 assessments done on those species to begin with
24 to put them on the list. Thank you.

25 MS. ORTIZ: Well, if we take species
26 off the prohibited list it would be the first
27 time that we ever did that so there's no
28 precedent.

29 There is a criteria that is
30 established very clearly in our regulations that
31 states how we can put a species on the prohibited
32 list and how we would take it off. I don't know
33 it off the top of my head but we can talk offline
34 and I can show you what that criteria is.

35 MEMBER HUDSON: As a final comment it
36 would be great to collect the genetic stuff and
37 other details with regard to the Caribbean
38 sharpnose in particular.

39 I know it's been said about it maybe
40 being a subspecies of our Atlantic sharpnose and
41 I know that's technically the mice of the sea for
42 our region.

43 With the Caribbean reef I know that
44 it's more common except for south Florida on down
45 that way and over into Central America and stuff
46 like that. So I'm just wondering.

47 And I saw blacknose on your other
48 list. And if that's the very same blacknose that

1 we have.

2 You know, those little questions like
3 that wouldn't be a bad thing to be gathering the
4 samples to be able to utilize besides doing link
5 measurements as you had. Thank you.

6 FACILITATOR BROOKS: Thanks, Rusty.
7 Sonja.

8 MEMBER FORDHAM: Thank you. Thank you
9 for your presentation.

10 I just, if we're going to have a
11 fuller presentation about the Caribbean next
12 time. Last time I had asked about the SPAW
13 protocol, the specially protected areas and
14 wildlife of the Caribbean.

15 I think so it must have been just a
16 few months, our last meeting since they listed a
17 number of sharks including hammerheads and whale
18 sharks and sawfish and so forth. Oceanic
19 whitetips I guess.

20 I found a little bit -- there's a NOAA
21 page about the people that go to that meeting.
22 But I'd love to just have some more information
23 next time about how that overlaps with HMS, and
24 the species of sharks that we have in common, and
25 what are the U.S. plans for implementing those
26 SPAW listings for sharks. Thank you.

27 MS. SCHULZE-HAUGEN: Sorry, I'm
28 remembering that request now so we'll be sure to
29 do that in the spring.

30 FACILITATOR BROOKS: Thanks. All
31 right. Well, not seeing any other cards at this
32 point and again knowing we'll revisit this with a
33 fuller conversation in the spring, Delisse, thank
34 you very much.

35 And at this point Jen if you would
36 come on up here. And again, for anyone who might
37 have come in late we're going to go a little bit
38 out of order here and fold in the end of the day
39 tomorrow conversation on final Amendment 10 on
40 essential fish habitat.

41 MS. CUDNEY: All right. Hello,
42 everybody. So hot off the presses, we just filed
43 with final Amendment 10. It's going to publish
44 fully in the Federal Register tomorrow and we
45 have just initiated our rollout procedure. So
46 you should be getting an email shortly that has a
47 lot of this information.

48 But we wanted to go ahead and walk you

1 through some of the final updates for our
2 essential fish habitat amendment and try to give
3 you an idea, a very high-level overview of what's
4 in it and where you can go to find out more
5 information.

6 So, and we're not going to have time
7 of course to touch on all of our stocks and all
8 of our species.

9 So if you would like to meet with me
10 or with Lauren Latchford -- she's back in the
11 corner there -- we'd be happy to show you maps or
12 kind of talk you through any particular species.

13 And then of course you're welcome to
14 call me if you'd like to or Lauren after the
15 meeting if you have any questions and you want to
16 discuss it next week. Perhaps after the storm.

17 So, very quickly HMS EFH again refers
18 to those waters and substrate that are necessary
19 for fish for spawning, breeding, feeding, or
20 growth to maturity.

21 In the case of HMS this is of course
22 our federally managed species. It may or may not
23 include state waters. We do include state waters
24 in our EFH designations.

25 However, we do not designate EFH in
26 international waters.

27 It has to be periodically reviewed and
28 revised so our regulations say every five years
29 you're required to do an update. And our last
30 revision was in 2009.

31 So we had initiated the five-year
32 review actually in 2014, published it in 2015,
33 and then started the draft amendment after our
34 five-year review.

35 And so this will be updated with the
36 date of our publication for final amendment 10.

37 So, the last time we met and we talked
38 about draft amendment 10 we gave you a review of
39 the public comments.

40 I'm not going to go through them in
41 great detail here but I did want to remind
42 everybody that what we heard from the public were
43 suggestions regarding methodology, EA content.

44 There was support and opposition for
45 our HAPC alternatives which mainly were to make
46 adjustments to the bluefin HAPCs and to sandbar
47 HAPCs and to create lemon and sandtiger shark
48 HAPCs.

1 And then we also had some very
2 specific adjustments to our EFH boundaries. For
3 dusky sharks and for several of our large coastal
4 and small coastal sharks, and for smoothhound
5 shark.

6 And some of those suggested
7 adjustments comments that we received also
8 included some new data sets that the public
9 wanted us to consider.

10 So I'm now going to now go through
11 some our preferred alternatives that we are
12 finalizing under this amendment.

13 Alternative two is essentially our
14 method. We are rolling forward the methodology
15 that was sorted out under Amendment 1.

16 And in a nutshell it's what we call
17 our kernel density estimation 95 percent volume
18 contour method.

19 So this schematic describes that.
20 We're basically taking a number of data sets,
21 pulling them together, formatting them, putting
22 them into some geospatial tools that then
23 estimate what would be -- what an area containing
24 95 percent of those points would be.

25 And then we would take that polygon
26 and submit it to QA/QC and very rigorous
27 scientific review to produce our final
28 boundaries.

29 So, since you last saw these
30 boundaries in draft Amendment 10 we did want to
31 point out that there were some updates to them
32 based on public comment, based on the fact that
33 in some instances we did receive updated data
34 sets. So we had some new data that came in.

35 We had some requests from our primary
36 user of the EFH text descriptions, our Office of
37 Habitat Conservation to provide some more
38 specificity in our text descriptions.

39 So you will see when you look at those
40 some increased attention to detail in that
41 section of the EA.

42 And then as I mentioned some of the
43 public comments and scientific submissions may
44 have resulted in some minor adjustments to some
45 of the boundaries as well.

46 And all of this is detailed on a
47 species by species basis in our EA. So if you go
48 in there, you look at chapter 6, you can look it

1 up for every single species that you might be
2 interested in, but following the text description
3 there is a paragraph that describes changes from
4 the draft to the final, and then also changes
5 from amendment 1 to amendment 10.

6 And then of course as we got this new
7 information in we went to our folks at the
8 science center and we basically did that same
9 QA/QC process to make sure that what we were
10 seeing with our models was actually grounded in
11 science and made sense.

12 So, in general I want to emphasize in
13 general we didn't see substantial changes from
14 draft to final in terms of the habitats that were
15 identified for each species.

16 There are some changes though. I do
17 want to give you some examples here that kind of
18 show what some of the differences are for some of
19 our higher profile species.

20 So, the next couple of slides are
21 going to have some maps on them and if you look
22 at the label on the right side of the screen it's
23 going to say either draft amendment or final
24 amendment. So that's going to give you an idea
25 of whether you're looking at the older version or
26 the most recent version of the map.

27 You're going to see a polygon that's
28 either in general going to be orange, pink, or
29 green. That is going to be the boundary that we
30 had identified either in the draft or the final
31 amendment.

32 And you're going to see a little like
33 hash marked area. And that is what we had under
34 amendment 1. So that is the old EFH. The color
35 polygons are essentially the new EFH.

36 So, digging in, this is bluefin tuna,
37 our adult life stage. This is what we have put
38 forward in the draft amendment. And this is what
39 we had put forward in the final amendment.

40 And so there are a couple of
41 differences that are highlighted here in the pink
42 circles.

43 When we took our model results after
44 we got public comment back to our science
45 centers, looked at the distribution of the data
46 and some PSAT data that we had identified we felt
47 that they are off of the northeast should have
48 been expanded a little in terms of the bluefin

1 adult EFH.

2 We had also identified an area off of
3 south Florida that had been included in our
4 models because of a concentration of data points
5 that were actually in the Bahamian EEZ.

6 However, we didn't have any data
7 points really in this area so we actually removed
8 part of the Straits of Florida from our adult
9 EFH.

10 And then you'll notice there's also a
11 big area in between North Carolina and off the
12 coast of central Florida that has been added.

13 And that is in part due to some PSAT
14 data that we had identified. Now, this is from
15 the NRDA DIVER database so this is actually data
16 that came through Deepwater Horizon funded
17 research out of the Block Lab.

18 And these are tracks for 24 bluefin
19 tuna. And what really immediately caught our eye
20 is that these fish are coming out of the Gulf of
21 St. Lawrence, going to North Carolina, and you
22 see a lot of habitat utilization between North
23 Carolina and really the Bahamian waters.

24 But we wanted to capture that in our
25 adult EFH boundary delineation so we added that
26 area.

27 Another species of interest was dusky
28 shark. So again you're going to see the
29 identifying whether we're talking about draft or
30 final amendment on the right.

31 Look at the polygons. And in some
32 cases we have inset maps like you'll see here
33 because the areas that we're talking about are
34 fairly small.

35 So draft Amendment 10 we constricted
36 our -- this is the neonate young of year EFH. We
37 constricted it from what was put forward in
38 amendment 1.

39 And based on the public comment that
40 we had received we were asked to take a look at -
41 - and this is what we had in the final, but we
42 were asked to take a look at this area that was
43 off of southern New England.

44 Because we heard a lot of people say
45 that there are dusky sharks in this area. We
46 also got a lot of feedback where people were
47 suggesting that we use certain landmarks like
48 Long Island, or an area called the dump as sort

1 of delineation for our EFH.

2 Well, our EFH is based on where the
3 data is. But when we looked at these coastal
4 areas of Rhode Island and southern Massachusetts
5 there really weren't a whole lot of data points
6 there.

7 It was more captured as a function of
8 the model output.

9 So we felt that there was sufficient
10 justification to remove these areas from
11 inclusion in the EFH boundaries for neonate and
12 young of year.

13 Kind of similar case with the dusky
14 shark adults. However, when we're comparing
15 draft Amendment 10 and final Amendment 10 the
16 area that I really want to emphasize here is in
17 the northern Gulf of Mexico.

18 So a lot of the data points that were
19 in this area were old tagging data that were
20 provided to our cooperative tagging program. And
21 a lot of it is not verified.

22 So some of our scientists were
23 suspicious that there may have been some
24 misidentifications. We only had 8 data points
25 out of 130 that were photo verified. And our
26 scientists tend to not see as many dusky sharks
27 in this coastal area. So it was recommended that
28 we remove it. So that gives you kind of an idea
29 of the sort of QA/QC discussions that we have as
30 we're looking at some of these data points.

31 So, the other part of this amendment
32 was a discussion and consideration of HAPCs. As
33 you are probably aware HAPCs are subsets of EFH
34 that are evaluated based on either their
35 ecological importance, their sensitivity to
36 environmental degradation, whether development
37 activities will be stressing that habitat, or how
38 rare that habitat is.

39 Sometimes a certain area is going to
40 come to our attention based on one of these.
41 Sometimes it's going to come to our attention
42 based on all four of these factors.

43 We had identified in our five year
44 review several species that we analyzed in the
45 draft amendment.

46 Our final preferred alternatives are
47 not changed between draft and final.

48 So there's a lot going on here but

1 what you're seeing are maps showing the final
2 locations of our HAPCs for bluefin tuna and
3 sandbar shark which are in green.

4 Those are fairly unchanged in terms of
5 what you saw -- well, they are unchanged in what
6 you saw in the draft amendment.

7 And then the new HAPCs that we added
8 for sandtiger and for lemon shark and those are
9 shown here.

10 Okay, so our next steps for this
11 project are mostly based around outreach. We
12 have an amendment 10 website that you may have
13 seen for our draft amendment.

14 We are in the process of adding our
15 final amendment documents to that website. So
16 when you get our listserv notice you will have a
17 link in there to this website.

18 We will be adding maps and shape files
19 for individual species that you'll be able to
20 download and look at as much as you would like in
21 the next few weeks.

22 And then we're also looking at
23 developing some online mappers. So you'll be
24 able to go in and interact with the shape files
25 and look at your particular areas and see whether
26 or not you have any intersecting EFH perhaps in
27 places where you like to go fishing or local
28 places that you might be interested in.

29 We are also going to be looking at
30 habitat consultation aids for our Office of
31 Habitat Conservation and possibly developing some
32 additional EFH products based on public and
33 partner requests.

34 So this is the team and I will take
35 any questions.

36 FACILITATOR BROOKS: Thanks so much.
37 That was good. Any questions or comments on
38 Amendment 10. Anybody. Bob.

39 MEMBER HUETER: Thanks. Can you just
40 remind me what the procedure, what the process is
41 when there's historical data about the presence
42 of a species and the life stage of that species
43 in an area but no -- because of overfishing or
44 other effects that species is not present in that
45 area anymore?

46 Does that then disappear as EFH when
47 in fact at one time it did support that life
48 stage for that species?

1 MS. CUDNEY: Not necessarily. So we
2 had some data sets that spanned very long periods
3 of time.

4 Our current procedure wasn't
5 necessarily to disregard very old data. There
6 are certain [approaches] -- I've heard of people
7 basically doing EFH assessments on the last five
8 years of data.

9 But we tended to take a longer look at
10 some of the -- at our data sets through this
11 process.

12 So I would say that some of that
13 historical data is going to be captured in our
14 analyses. You're just going to be adding other
15 data on top of it.

16 So there could be a dilution effect,
17 but it's still there.

18 MEMBER HUETER: Okay. The reason I
19 asked the question, I just noted in looking at
20 the dusky shark slide that the west coast of
21 Florida was -- there was a tiny spot before and
22 then that didn't make it to the cut. Yes, right
23 there.

24 In fact, there's sufficient data from
25 the nineteen sixties that dusky shark was a much
26 more common inhabitant of the Florida Gulf coast,
27 especially the big pregnant females.

28 So I just wonder where information
29 like that goes. And it would be not preferable
30 if something like this got out and would then
31 somehow make people forget that these animals did
32 exist in these other areas at one time.

33 MS. CUDNEY: I think that's a valid
34 concern. We certainly do try to in the life
35 history section capture information like that.

36 We do have a -- the point of EFH is
37 not to, as we all know, the point of EFH is not
38 to designate it across the entire range or extent
39 of the species. It's to try and identify those
40 core areas.

41 So we did look at all of the data that
42 we had. It's just this time around that area
43 didn't ping so much as something that needed to
44 be included.

45 But that's definitely something that
46 we do keep in mind when we're going through these
47 analyses and we're looking back at the data
48 through time.

1 FACILITATOR BROOKS: Bob, is your
2 concern about less that it isn't included and
3 more just that this historical look and
4 perspective and relevance of that area could get
5 lost?

6 MEMBER HUETER: Yes, because people's
7 attention span isn't very long. And if you look
8 at the latest papers and see that something is
9 not an area you just assume it never was.

10 And when you look to a process like
11 this, I mean it's a fair assumption to think that
12 the agency has done everything it can to capture
13 data not only from the last 5 or 10 years but all
14 the way back as far as it exists.

15 So I totally understand the decision
16 but it would be a mistake if we didn't
17 acknowledge that there were previously areas that
18 supported these various species that don't now
19 support them because of perhaps problems that we
20 ourselves have caused.

21 It's hard to say but certainly in the
22 case of the dusky shark that's an overfishing
23 issue.

24 And we still again as much as the
25 commercial guys hate to hear me say this every
26 meeting we still haven't seen them return to the
27 Florida Gulf Coast in any numbers when they in
28 fact were there 50 years ago.

29 FACILITATOR BROOKS: Thanks, Bob. Let
30 me come up to Sonja, then to Rick, and then over
31 to David.

32 MEMBER FORDHAM: Thank you. I agree
33 with Bob, I think that's a really important
34 point. Thank you for making it.

35 I just want to confirm that the
36 presentation is going to go up on the site? So
37 even though you've given it early you're still
38 going to post it so we can look at it later.

39 MS. CUDNEY: Yes, we -- there was some
40 uncertainty about the timing of whether we'd be
41 even able to present this so we didn't post it.
42 It will be there.

43 FACILITATOR BROOKS: Rick.

44 MEMBER WEBER: I've been on the usage
45 side of EFH and it wasn't fun because we weren't
46 able to dredge because the winter flounder might
47 recover and want that space back.

48 The argument on the other side of it,

1 Bob, is this isn't -- there are regulations and
2 permits going to be issued or not issued based on
3 the EFH.

4 And while I agree with you that we
5 need to protect what is the current essential
6 fish habitat if the recovery you're concerned
7 about is going to take longer than the EFH cycle
8 then we should save what is needed for the
9 current population.

10 And when the fish recovers I assume
11 that you would get more data points and the EFH
12 would shift and change as the population shifted
13 and changed, correct?

14 MS. CUDNEY: So, our current method is
15 based on the data. We make an assumption that
16 the fish are going to be where the important
17 habitat is.

18 And so if you do get more data points
19 in different areas, yes, it's logical to make the
20 step that things could change in the future.

21 FACILITATOR BROOKS: David and then
22 over to Rusty.

23 MR. SCHALIT: Thank you for your
24 presentation. Were there any findings of
25 significant concern in connection with bluefin or
26 BAYS species?

27 MS. CUDNEY: So, I'm not sure what you
28 mean in terms of a significant concern. There
29 are no regulatory aspects to this.

30 This is basically an exercise to
31 identify the important habitats based on the
32 distribution of the data that we had.

33 So we didn't say, okay, this area, the
34 habitat is particularly stressed here so we're
35 going to close fishing.

36 No, there are no regulatory aspects to
37 this. So if that's the sort of significant
38 finding that you're referring to then that's not
39 part of this amendment.

40 MS. SCHULZE-HAUGEN: So, just to add
41 a little bit. This effort is to identify things
42 for the habitat itself. And most likely, HMS
43 fishing gears don't actually affect the habitat.
44 The water temperature is still the same. The
45 salinity is still the same whether the gear's
46 gone through it or not.

47 That isn't always the case with some
48 gear types where dredging on the bottom can

1 affect the habitat itself.

2 And so that's part why the HMS EFH
3 exercise doesn't have regulations associated with
4 it. But it's also to support the consultations
5 where other activities of other federal agencies
6 that could affect the habitat, having this
7 information, the most up to date data is
8 available to the habitat office so that when the
9 core comes with the drilling permit they'll know
10 that's an important area for this HMS in this
11 life stage.

12 So it's largely in this context used
13 to support those habitat consultations.

14 MEMBER HUDSON: Thank you. Rusty
15 Hudson.

16 Tarpon Springs is north of Tampa Bay.
17 I had vessels that would come out of there, two
18 in particular, two fish houses.

19 And when I was in the shark fin buying
20 operation until I folded the tent in September
21 '97, since March of '92 you had state waters
22 closed out to 9 nautical miles. There was a
23 certain time of the year that those big females
24 would be right there around that 9 mile line.

25 And they were caught. And I have them
26 documented in my records. I would really doubt
27 that they disappeared, it's just the simple fact
28 that we have nobody really fishing anymore in
29 those regions.

30 So that is an area I know those
31 duskies will get to. And I can go back, look
32 through my stuff, and give you the dates of when
33 I was purchasing from those two fish houses.

34 MS. CUDNEY: I mean, we would be happy
35 to look at the data but at this point we are done
36 with the EFH analyses for another couple of
37 years.

38 But we're going to be reopening this
39 book in five years when it's time to redo -- or
40 when it's time to do updates.

41 So at that point in time we can take
42 a look at it.

43 Most of the data that we look at
44 though is going to come -- we do look at the
45 fishery independent data.

46 The fishery dependent data that we
47 look at is largely observer data. So if there
48 were no observers onboard the chances of us

1 actually getting fishery dependent data are small
2 - it is just not one of the data sets that we are
3 regularly incorporating [into the analysis].

4 MEMBER HUDSON: I was thinking about
5 research to verify, check and verify. That would
6 be something you could do over the next five
7 years before you do the next EFH.

8 You've kind of left them out. I know
9 they're there.

10 FACILITATOR BROOKS: Thanks. Anyone
11 else want to get in on this? Yes, please, Mike.

12 MEMBER PIERDINOCK: Just a quick
13 question. Since many of these areas are now
14 located in state waters like for instance the
15 tiger sharks up there in Plymouth.

16 You're doing this to protect areas if
17 they're going to do dredging or do different
18 activities and so on.

19 Is there anything proactively they're
20 going to do from the standpoint of the
21 contaminated stormwater runoff, or the combined
22 sewer outflows that ultimately discharge into
23 these areas? Or is that separate from what the
24 objective of this is. As you stated it's for
25 dredging and other proactive activities within
26 that area.

27 MS. SCHULZE-HAUGEN: So EFH is a
28 requirement under Magnuson-Stevens Act. And so
29 the nexus is federal activities. And so that's
30 where Army Corps of Engineers, BOEM, things of
31 that nature would be where those agencies have to
32 consult with us on activities that they're doing.

33 So state activities, I think we offer
34 the information, we provide it to them if they
35 ask, but there's not the same requirement for
36 states to consult with us and consider mitigation
37 if there's an impact to EFH.

38 So it's a little bit different when
39 it's a state-based activity.

40 MEMBER PIERDINOCK: Because most of
41 those locations have federal permits in order to
42 discharge stormwater or combined sewer outfalls
43 during storm events into these areas so that's
44 why I was curious.

45 They have those federal national
46 pollution discharge elimination system permits
47 that periodically discharge into these areas.

48 So is there any wiggle room there to

1 deal with that?

2 MS. SCHULZE-HAUGEN: My understanding
3 if there's a federal nexus then there would be.
4 And so a federal permit could be that. But I
5 don't know for sure. I'd need to check.

6 MEMBER PIERDINOCK: I appreciate the
7 answer to that because that could open up a whole
8 bag of worms which I think are well overdue and
9 justified to be looked into. Thanks.

10 MEMBER GREGG: I don't know how it is
11 in your state, but in the State of Florida NPDES
12 is actually delegated to the states for many
13 activities. So that's actually a state license
14 or permitted activity. I don't know how it is in
15 your state.

16 MEMBER PIERDINOCK: No, you are
17 correct but it is a federally led permit and it
18 could -- the authority can be delegated to the
19 state and then the state to manage that activity.

20 FACILITATOR BROOKS: So, let me just
21 suggest that let Margo look into this a little
22 bit and see what nexus that actually creates and
23 come back to this.

24 Lisa, are you okay with that? Did you
25 need to jump in? You're good? Okay.

26 All right, then let me push us on just
27 so we stay vaguely on schedule here.

28 So our next topic which I'll hand off
29 to Margo here is to get an update on the pelagic
30 longline closed area research exempted fishing
31 permit. Not a new topic here.

32 This is a permit that has been
33 authorized at this point so the conversation
34 today isn't about whether to or not, but it's to
35 understand background of where this issue, again,
36 where it sort of came from, considerations, the
37 analysis, the alternatives.

38 So really catch everybody up on where
39 -- the background here.

40 And then we'd like to spend time in
41 conversation hearing from you around your
42 thoughts around how to best go forward in terms
43 of implementing it, tracking it as things evolve.

44 So Margo, with that I will hand it off
45 to you.

46 Oh sorry, before I do that, just one
47 thing. Somebody in the audience lost a pair of
48 glasses. You have them. They're in your hand.

1 You're okay. Good, okay. Margo, all yours.

2 MS. SCHULZE-HAUGEN: All right. So,
3 like Bennett said this is something that we've
4 been discussing for a bit so I'll give you an
5 overview of how we got to this point and then
6 include some of the details of what the permit
7 includes, what the provisions are, and things of
8 that sort.

9 And so a bit of background. This is
10 for the east coast Florida closed area that was
11 closed in 2001 to the use of pelagic longline
12 gear.

13 At the time of the closure a number of
14 factors were significantly different from what
15 they are now. This is a bit of a comparison from
16 that point in time to now where we've seen in the
17 fishery side of things a decline in the number of
18 vessels that are active in the fishery, and
19 active in this context is having landed at least
20 one swordfish in a year. This last point was
21 2015.

22 We've also seen a similar decline
23 although not to the same degree in hooks fished
24 over this time period.

25 And as has come up a couple of times
26 elsewhere the U.S. landings of swordfish there's
27 been a large persistent underharvest with
28 approximately 39 percent of the base quota and 34
29 percent of the adjusted quota landed in 2016.

30 And on the stock side of things there
31 have also been a number of changes. North
32 Atlantic swordfish was declared fully rebuilt in
33 2009. And so this area was in part to address
34 juvenile catches. And so a change in that stock
35 to a fully rebuilt status.

36 Western bluefin tuna was no longer
37 experiencing overfishing. North Atlantic
38 albacore rebuilt as of last year. And sailfish
39 no longer experiencing overfishing.

40 And so there have been a number of
41 large changes both in the fishery side. I should
42 also mention gear changes such as circle hooks in
43 this area, individual bluefin tuna quota program
44 in place. There's been a lot that's happened
45 since this area was closed both in the fishery
46 side and on the stock side.

47 And so one of the ideas that was posed
48 to us in the exempted fishing permit application

1 was the purpose to evaluate the pelagic longline
2 catch and bycatch rates from within the closed
3 area and compare it to those outside in the open
4 area and try to evaluate the effectiveness of the
5 existing area closure meeting current
6 conservation and management goals.

7 The application requested six boats to
8 participate in the research with an additional
9 number of boats as backup if there were technical
10 issues.

11 All of these vessels are associated
12 with Dayboat Seafood.

13 I should mention that the applicant is
14 Dr. David Kerstetter who is an AP member who
15 unfortunately is not with us at the moment due to
16 the hurricane.

17 And Scott Taylor is another AP member
18 who is the manager of the Dayboat fleet who is
19 also not here due to the hurricane.

20 The application requested
21 authorization for 12 months with a view that
22 pending an annual review an additional potential
23 authorization for two additional 12-month
24 periods.

25 And that all fish that could be
26 legally caught and sold would be sold.

27 And we received that complete
28 application November 6. As we do with all EFPs
29 that we feel deserved more attention and public
30 input.

31 We put this out for public comment.
32 That comment period started January 13. To help
33 inform that public comment we prepared a draft
34 environmental assessment of what the potential
35 impacts of this would be if it were to be issued.

36 And so we had a little bit more than
37 two-month comment period. We had a public
38 webinar towards the end of it. And we presented
39 to the South Atlantic Fishery Management Council
40 as well since this is in waters off of their
41 jurisdiction.

42 And in that environmental assessment
43 we analyzed three alternatives.

44 And so the first is the no action. So
45 do not issue the research permit. And so this
46 gives you some scale where you can see the gray
47 area is the entire east coast of Florida closed
48 area.

1 And that the red box here is for a
2 general indication of where this research was
3 proposed to be done. So it's not its entirety.

4 So, we also considered two different
5 alternatives two and three that have slightly
6 different geographic scopes here with alternative
7 two being a straight north-south line that does
8 not encompass the 100 fathom curve.

9 Alternative three which is preferred
10 has kind of a jog to the west there to encompass
11 the 100 fathom curve.

12 The level of effort is the same
13 between these two. It is simply the
14 configuration of the area.

15 And then the open area is in green
16 here. That's where they're proposing to do the
17 comparative sets.

18 And so in order to do an analysis of
19 impacts we needed to project what catches would
20 possibly be under the research permit.

21 And since this area has been closed
22 since 2001 we have only been able to get data
23 from a very limited study conducted from 2008 to
24 2010. Otherwise there's no information coming
25 from this area with this gear.

26 And so what we chose to do was use the
27 catch rate information from that 2008 to 2010
28 study for the areas inside the closed area as the
29 most recent.

30 But then use observer data from 2013
31 to 2015 from the open areas to look at what the
32 catch rates would be in the open areas.

33 And so it's using the information that
34 we have.

35 And so the EFP analysis would be those
36 catch rates for the closed areas combined with
37 the one open area, and then the analysis for not
38 issuing the EFP is all of the effort remains in
39 the open areas.

40 One important point is these boats are
41 assumed to be fishing. It's not that there's no
42 effort in this research effort. These boats are
43 fishing, it's just where they're fishing, whether
44 it's in exclusively the open areas, or whether
45 they would do some limited sets in the closed
46 area as well.

47 We also analyzed both what the
48 applicant requested in terms of effort which was

1 1,080 sets per year with 750 hooks per set.

2 But then we also looked at the more
3 historical level of effort which was about 720
4 sets per year and 600 hooks per set. So you'll
5 see those numbers in a minute.

6 So this is from the EA. We looked at
7 a long list of species. I don't expect you to
8 read this. I would encourage you to refer to the
9 EA for the full detail of this.

10 But what it shows is that there are
11 differences in catch rates. And so some of the
12 projected catches actually show declines in the
13 closed area versus the open areas.

14 And so at a summary level we predicted
15 that catches, so that would be fish kept and
16 discarded dead of all tunas would decline.

17 White marlin, dolphin, and sea turtles
18 would also be projected to decline.

19 And again this is based on catch rates
20 being different between the closed areas and the
21 open areas.

22 We predicted that swordfish kept,
23 discarded dead, and discarded alive would
24 increase but remain within the U.S. quota and
25 without impacts to the stock from increased
26 catches of juvenile fish.

27 Sailfish discards were projected to
28 increase some, but relative to the scale of
29 mortality on the stock it's small. It would not
30 be expected to lead to overfishing.

31 And you will have seen that there were
32 also projected discards of dusky, silky, and
33 night sharks to increase.

34 And so when we put it out for public
35 comment we included a number of terms and
36 conditions that we were considering to make sure
37 that that was within acceptable limits. And so
38 we have also finalized those and I'll go through
39 those in a minute.

40 Our summary of socioeconomic impacts
41 was that the benefits for the participating
42 vessels would be positive due to increased
43 swordfish landings as well as lower costs
44 associated with lower fuel, food, and ice costs
45 largely because the trips would be shorter
46 because they'd be closer to shore.

47 We predicted adverse impacts to the
48 recreational fishing community from potential

1 gear conflicts and potential reduced catches of
2 HMS and other species as well as some potential
3 adverse impacts to other commercial pelagic
4 longline vessels that are not participating in
5 the research due to more competition on the
6 market.

7 We also saw several long-term benefits
8 from obtaining current statistically valid catch
9 rate data from the closed areas in comparison to
10 open areas as well as advances in use of real-
11 time electronic logbooks linked to an electronic
12 monitoring system that the applicant put forward
13 as a private system that they would be using.

14 This is in addition to the NMFS
15 electronic monitoring system.

16 And that we would also have benefits
17 from increased biological sampling of several of
18 these shark species.

19 So in our public comment period we
20 received over 500 comments. Most were opposed to
21 issuance of the EFP at all. And those comments
22 expressed concerns about bycatch levels including
23 undersized swordfish, billfish, a couple of
24 sharks and sea turtles.

25 And comments in favor supported
26 collecting current catch information from the
27 area, the benefits of increased swordfish
28 landings as well as obtaining information on
29 electronic logbooks and enhanced monitoring.

30 So after weighing all of the public
31 comments and the concepts that we had put forward
32 the agency decided to issue the permit. It was
33 issued on August 10.

34 You can see the blue area there.
35 There's a northern area where 240 sets would
36 occur up to a closed area with similar
37 distribution of sets, and then 240 sets in the
38 open area.

39 These sets would be distributed across
40 both time and space, so on a quarterly basis
41 throughout the areas.

42 The permit was issued for up to 12
43 months. We'll be paying very close attention in
44 real-time, but then there will be a formal annual
45 review and potential issuance beyond that remains
46 to be seen but is a possibility.

47 And so at a snapshot level what was
48 requested to what was authorized. What was

1 authorized was the 720 sets as a maximum based on
2 that historical effort with up to 600 hooks per
3 set.

4 Forty percent of all of the sets would
5 have human observer coverage. And then the
6 shark-specific terms and conditions I'll talk
7 next.

8 Six boats would be authorized, are
9 authorized with up to I think six now at this
10 point as sort of backup. So no more than six
11 boats would be involved at one time.

12 There will be electronic logbook
13 submission tied to the private EM system for all
14 trips. The data would be available to the
15 agency.

16 And then obviously there's the current
17 requirement for electronic monitoring. And the
18 agency has committed to reviewing 100 percent of
19 that video.

20 All of the other pelagic longline
21 regulations apply. So 100 percent logbook
22 coverage, regular observer coverage, limits,
23 seasons, IBQ program, GRAs, workshop attendance,
24 things of that sort. So all of that is the same.

25 And then the details of the shark-
26 specific terms and conditions are that a positive
27 identification of all live sharks. So that's fin
28 clips and photographs.

29 They'll all be sent to the Southeast
30 Fisheries Science Center. And that biological
31 samples of all sharks dead at haulback, so that's
32 vertebrae, reproductive organs, stomachs would be
33 retained and those also sent to the Southeast
34 Fisheries Science Center.

35 Hook timers at approximately every 15
36 hooks would be deployed. That will give us
37 valuable information on when mortality on the
38 line occurs.

39 And then specific to dusky sharks, if
40 three dusky sharks are dead at haulback on a
41 particular vessel then for the duration of the
42 EFP a maximum soak limit of 10 hours would be
43 required.

44 And if an additional three dusky
45 sharks occur on that vessel they would be removed
46 for the remainder of the 12-month period.

47 And so again, all of the details that
48 we have are posted online in the EA. And so

1 we'll be looking to providing regular updates to
2 you all.

3 One of the things that we'll also be
4 posting are the detailed protocols. We've been
5 getting a lot of requests for that so people will
6 have a good sense of what's happening.

7 We'll be working on getting that up on
8 the site as well in the near term.

9 So, it's a high-level overview. I'm
10 happy to answer questions and turn it over to
11 Bennett.

12 FACILITATOR BROOKS: Great. Thanks,
13 Margo. And again, this permit's been authorized
14 so the point today is to make sure people
15 understand it and the decision-making behind it,
16 and then questions or comments around how this
17 moves forward from here.

18 So let's go to Rusty and then Bob and
19 then Marty.

20 MEMBER HUDSON: Rusty Hudson. I'd be
21 remiss without bringing this up, but I purposely
22 would have my swordfishermen for 2001 put 50
23 hooks on the west end of the gear, swing into
24 that 100 to 200 fathoms from the region from Port
25 Canaveral north. You'll get the duskies in late
26 February through March and then on their way back
27 September-October.

28 And then if you get up around that
29 Fernandina line south Georgia, 31 degrees north,
30 you'll get into the Cuban night sharks.

31 Now you only have the actions with the
32 duskies but I'm afraid that based on their
33 increased frequency during those times with
34 migration coming from over-wintering in Mexico
35 and going back.

36 And remember, 16 to 20 percent of
37 those tags for duskies came from Mexico. And
38 that's the type of thing that I keep in my mind
39 that those areas haven't been touched.

40 So I would say that you're going to
41 have an increased frequency and don't be
42 surprised when it happens.

43 MEMBER HUETER: Yes, I'm basically --
44 I've been in support of this EFP because I think
45 this is going to provide needed data on what's
46 happening in these closed areas.

47 I want to commend HMS for doing what
48 appears to be a very diligent job of taking this

1 proposal very seriously and maintaining some very
2 high standards including increasing the observer
3 coverage percentage. I think that that was
4 critical.

5 And I believe I understand that video
6 monitoring will be on all the sets and it will be
7 even done in an even more intensive way. So
8 kudos to you guys.

9 Two questions or one comment is I
10 request that NMFS keep a very tight leash on this
11 project.

12 And I personally would like to hear a
13 report every single AP meeting, the latest data
14 summaries that they have from what's happening.

15 I don't want to see this thing go on
16 for three years before we know what the results
17 are.

18 And this dusky shark criteria here is
19 pretty strict. I just wondered, I assume that if
20 there's an observer onboard the observer makes
21 the call as to whether the animal is dead or not.

22 But if there's no observer onboard
23 who's going to actually determine whether or not
24 the animal is dead at haulback? Because you
25 know, well you know. I don't see a captain doing
26 that. But tell me.

27 MS. SCHULZE-HAUGEN: Well, so recall
28 we've committed to 100 percent EM review. And
29 there's two cameras. One is on the rail to get
30 at exactly this issue.

31 And if need be, if there's a
32 discrepancy in our review of the video and the
33 captain's report we can rely on our video.

34 So it can be a determination that we
35 make. It doesn't have to be the captain.
36 Hopefully we will agree.

37 MEMBER HUETER: Yes, well okay. Well,
38 EM is as you know I work in EM. EM is excellent
39 for species ID in a lot of cases. But the burden
40 of proof is going to be on the agency to say that
41 an animal that's not moving much in the video is
42 dead versus what the captain says. So you know,
43 best of luck with that. But keep a tight leash,
44 please.

45 MS. SCHULZE-HAUGEN: Yes. And so in
46 terms of kind of periodic updates certainly
47 updates every AP meeting would be easily done.

48 FACILITATOR BROOKS: Thanks. Let's go

1 to Marty, then Lisa, then Katie, then Mike.

2 MEMBER SCANLON: I do have a question
3 here about slide 7 where you use the CPUE rate
4 from 2008 to 2010 within the research project.

5 But then you use the observer data
6 from 2013 to 2015.

7 I mean, I don't know why you didn't
8 use the same year, apples to apples, oranges to
9 oranges in that.

10 And the other question I have there is
11 on slide 14 is that three duskies per set, per
12 trip, or per boat for the year. Those are my
13 questions.

14 MS. SCHULZE-HAUGEN: So, the dusky is
15 per boat per year.

16 And the reason that we used observer
17 data from 2013 to '15 was that that was a more
18 recent time period. Seemed to be better to use
19 more recent information.

20 I get that it's not strictly apples to
21 apples, but 2008 to 2010 is quite a while ago at
22 this point. And so we wanted to use more recent
23 information.

24 FACILITATOR BROOKS: Thanks. Lisa.

25 MEMBER GREGG: Thank you. Just a
26 couple of questions. Slide 10, Margo, the
27 summary of socioeconomic impacts.

28 The fourth bullet you talk about
29 scientifically valid catch data. But in the EFP
30 and in the EA as far as I can tell you only
31 established a maximum number of sets, not a
32 minimum number.

33 And scientifically valid is kind of
34 dependent on a minimum number. So where is that
35 minimum number being addressed?

36 MS. SCHULZE-HAUGEN: So, I think I
37 understand what you're asking. What we have
38 authorized is what we've authorized.

39 We looked at information that would
40 try and get at that and the information is
41 unfortunately not what we have -- from the closed
42 area is not particularly rigorous from the
43 previous study.

44 So we used what we could of that
45 information and are trying to get some rigorous
46 information moving forward.

47 FACILITATOR BROOKS: Lisa.

48 MEMBER GREGG: Okay. And another

1 question is what is being considered as bycatch?

2 The reason why I'm asking is because
3 a boat is out targeting swordfish. And I would
4 assume that anything they catch besides a legal
5 swordfish would be considered bycatch. And that
6 would be an undersized swordfish, or a bluefin
7 tuna, or any other species.

8 Even if you were allowed to sell it,
9 even if you had the ability to sell it and all of
10 that that would still be bycatch because it's not
11 the targeted species. So how are you guys
12 defining bycatch?

13 MS. SCHULZE-HAUGEN: So, no, a
14 yellowfin tuna that's caught on a pelagic
15 longline is not bycatch. There's mixed targets.

16 Typically in our parlance bycatch
17 would be things that cannot be retained. So
18 juvenile swordfish even though it's a target
19 species would be bycatch. All of the billfish
20 are bycatch. Sea turtles are bycatch.

21 Bluefin tuna there is an allowance but
22 it's an incidental fishery. And so that would be
23 kind of mixed.

24 But yellowfin, bigeye, albacore, those
25 would all be in my view target species even
26 though they're not swordfish.

27 MEMBER GREGG: Okay, so if they can
28 sell it if it's open season, if they've got quota
29 or if it's a legal catch then it's not considered
30 bycatch.

31 But once the quota is met is that
32 going to be -- then will it be shifted to being
33 considered bycatch? If they're not allowed to
34 retain it and sell it.

35 MS. SCHULZE-HAUGEN: I think that
36 would be a fair way of characterizing it. If
37 you're talking about like a shark season that is
38 open and can be retained that wouldn't be bycatch
39 until the fishery is closed. Is that kind of
40 what you're asking?

41 MEMBER GREGG: Right. Okay, so that's
42 what you're considering as bycatch, but is that
43 how the study is going to characterize bycatch?

44 MS. SCHULZE-HAUGEN: So what the study
45 is doing is comparing catch and catch rates of
46 all species, and how we classify them is
47 something that we do.

48 But what we're looking at is catch and

1 catch rates, all species, inside the area,
2 outside the area.

3 FACILITATOR BROOKS: Thanks, Lisa.
4 Katie.

5 MEMBER WESTFALL: Yes, I want to
6 second Bob's comments. I want to commend the
7 agency in carefully considering this project and
8 ultimately approving it.

9 It's a very thoughtfully designed
10 research project and it will collect crucial
11 data, pilot new technologies, and could
12 ultimately lead to great improvements in the way
13 we manage fisheries.

14 Specifically I think the EM, ER
15 components are particularly exciting. The fact
16 that they're using EM for all species, both
17 target and bycatch is exciting.

18 Carefully tabulating catch across all
19 fisheries is incredibly crucial for managing
20 imperiled HMS.

21 Also, another component that I don't
22 think was mentioned here is the linking of catch
23 data to oceanographic data. And that will allow
24 researchers over time to be able to identify
25 trends as to where and when bycatch species are
26 found and ultimately hopefully minimize bycatch.

27 And could also lead to more precise
28 real-time management that could approve catch of
29 target species as well.

30 And as we mentioned earlier I think
31 we've heard several times in this meeting and in
32 every meeting that really I go to there's an
33 importance of catching more of our U.S. quota for
34 swordfish.

35 And we think this project collects the
36 type of information we need in order to have
37 those informed discussions on how to responsibly
38 harvest our U.S. catch of swordfish.

39 So kudos to the agency.

40 FACILITATOR BROOKS: Thanks. Margo,
41 anything on that, or just have her repeat it?

42 (Laughter)

43 FACILITATOR BROOKS: Mike.

44 MEMBER PIERDINOCK: Mike Pierdinock.
45 I think we've gone through some considerable
46 changes to the recreational commercial catch and
47 release methods as a result of our current
48 concern for dusky sharks.

1 Yet what I see here and I think it's
2 the second from the last page. And maybe I need
3 some help with my math.

4 But we're allowing three dusky sharks
5 per vessel. That's 6 vessels times 3 is 18. So
6 that's 18 dusky sharks that can be caught and
7 dead.

8 They're also -- I noted earlier that
9 they have backup vessels. Are the backup vessels
10 also considered independent of that number? Is
11 that another six that they can catch -- so no.

12 Then the next bullet, does that mean
13 that three additional duskies are caught at
14 haulback then the vessel could not make another
15 trip.

16 Does that mean that they can catch
17 more than that 3, another 3 and then that would
18 be 36 duskies in total?

19 So, okay, so now we're up to 36. So
20 I'm just a simple fisherman from Massachusetts.
21 I'm assuming then that this 36 duskies if
22 harvested is not any concern to the dusky shark
23 stock and the major revisions that we made, or
24 are in the process that are going to be made in
25 2018 to protect the stock. I just need some
26 clarification to that. Thanks.

27 MS. SCHULZE-HAUGEN: You need
28 clarification of what the terms and conditions
29 are?

30 MEMBER PIERDINOCK: Impact. Back when
31 we went through all these discussions my
32 understanding was if we had the potential to land
33 one dusky that we needed to implement these
34 measures to make sure that's not the case.

35 We have a study here that we're going
36 to be allowed to land 36 over one year. What's
37 that going to do to that stock and is the stock
38 going to be in trouble that more stringent
39 measures are going to have to be implemented as a
40 result of landing and killing or harvesting that
41 dusky.

42 MS. SCHULZE-HAUGEN: So if you're
43 talking about the measures that were implemented
44 in amendment 5B we do not feel that this is
45 inconsistent with that.

46 We feel that the benefits of this
47 information as well as getting hook timer
48 information when the dusky shark mortality would

1 have occurred is very useful.

2 We feel that this is not going to
3 jeopardize the stock or we wouldn't have
4 proceeded.

5 And so this is not analogous I don't
6 think to the recreational fishery which is
7 continuing and will occur with circle hooks where
8 dusky sharks are occurring. This fishery is
9 already using circle hooks.

10 Does that answer your question?

11 FACILITATOR BROOKS: Please.

12 MR. KLUCK: Thank you. By the way I
13 spoke to Scott this morning and he's running his
14 boats up the coast of Miami up to Florida right
15 now to get them into safety.

16 I have to admit when I first heard
17 this program I was kind of skeptical, but after I
18 did my research on it I think it's a fantastic
19 program.

20 And of course I've known Scott for a
21 long time. He worked for me back in the
22 seventies and I think you picked the right person
23 to grant this permit for. So I just want to
24 applaud you on that. Thank you.

25 FACILITATOR BROOKS: Thanks. Rusty,
26 did you want to get back in?

27 MEMBER HUDSON: Thank you, Bennett.
28 Without getting the exact number 2015 northeast
29 longline survey out of Narragansett dusky was
30 almost tied with Atlantic sharpnose for second
31 and third most frequently caught sharks. And
32 they didn't even get to dusky country.

33 Sandbar of course was off the map like
34 six times the level.

35 So I think the population from what
36 we're seeing is becoming fairly prolific. Just
37 like sandbars, just like the duskies. Thank you.

38 FACILITATOR BROOKS: Thanks. Mike,
39 were you looking to get back in? No. Randy, you
40 wanted to jump in on this?

41 MR. BLANKENSHIP: Coming back to
42 Lisa's point earlier, Lisa, about minimum number
43 and statistical rigor.

44 I think a couple of things there is
45 related to discussions that have taken place
46 within the science center that indicated what
47 would be required as far as the amount of data to
48 be collected in order to be sufficient through

1 power analyses. And that those are covered.

2 One of the key points here is that
3 this permit is not a contract with the researcher
4 in order to accomplish a certain number of
5 samples and then be paid for it.

6 That's not what the purpose of the
7 permit is for.

8 The permit is set up in order to
9 protect the resource and authorize up to a
10 certain number of samples.

11 And so a couple of points there to
12 make that distinction. And that the
13 responsibility will be the researcher still to
14 accomplish the goals of his research project.

15 FACILITATOR BROOKS: Anyone else want
16 to jump in on this at this point. Marty.

17 MEMBER SCANLON: Any word on when this
18 is actually going to start? I know there was
19 discussion on giving them time since this was
20 just authorized to set up and get that thing
21 started. Any set date on when it will begin?

22 MS. SCHULZE-HAUGEN: No, I don't have
23 a set date. I think they were several weeks out.
24 I think thinking possibly mid-October. But the
25 hurricane may impact that. So no, I don't have a
26 set date at this point.

27 They did wait to commit resources to
28 this until the permit was issued. So they were
29 not going to start the next day.

30 MEMBER SCANLON: But the agency is
31 flexible with them on when they can do it? You
32 don't have a deadline of when they have to start
33 or anything like that, right?

34 MS. SCHULZE-HAUGEN: No deadline for
35 that, no.

36 FACILITATOR BROOKS: All right, so
37 thanks for the feedback. Clearly a number of
38 kudos for a thoughtful -- Rom just raised his.

39 MEMBER WHITAKER: Rom Whitaker,
40 Hatteras Charter Boat.

41 Just would like to add of course I'm
42 sure you know when I first heard of this project
43 of course speaking from for-hire and the
44 recreational side there was great concern. I'm
45 sure you've seen it in your emails.

46 But some of our guys in North Carolina
47 in the PLL fleet are already doing the things
48 that these guys are required to do to go in a

1 special area.

2 So I think it's incumbent on you all
3 that you make sure that everything is -- I think
4 Bob mentioned at least meeting updates to know
5 kind of where it's going.

6 But I think you have to keep your
7 credibility to make sure that it's followed.
8 After looking at it and studying on it a little
9 bit it looks like a pretty good project to me and
10 you can learn a lot from it.

11 But the credibility, you have to keep
12 that in there.

13 I mean, there may be times in our area
14 where some of our guys get shut out of an area
15 for whatever reason, dusky sharks comes to mind
16 and a lot of other things.

17 But I just say the credibility has to
18 be there, especially looking at it from the for-
19 hire and recreational side. Thank you.

20 FACILITATOR BROOKS: Thanks, Rom. So
21 again just to -- Jeff.

22 MEMBER ODEN: From the perspective of
23 a fisherman who has witnessed a remarkable
24 recovery for duskies, for instance, I sure hope
25 the agency if there are far more duskies
26 interacted with in this study I would certainly
27 hope they would be aware of that.

28 The facts will show themselves I'm
29 afraid in this case. And that being the case
30 it's not all bad news.

31 And please make it a point there to
32 take note of that in your assessments. And
33 anyway, I'm very appreciative of the agency for
34 going forward for this and hopefully we can start
35 on the road to regaining some of our sword quota.

36 MEMBER HUDSON: 2015, large coastal
37 shark survey, it was 312 duskies, 181 of them
38 were tagged, brought 88 of them onboard.

39 And Atlantic sharpnose 367 and the
40 sandbar was 1,706. And that was an incomplete
41 trip in my estimation. So it's been improving
42 for the last four surveys.

43 FACILITATOR BROOKS: All right, I'm
44 going to pause because every time I talk a card
45 goes up. Three, two, one, all right. Last
46 chance.

47 All right, so thanks for the feedback.
48 Clearly a lot of support for the thoughtfulness

1 of the survey, for the learning potential as well
2 as some concerns lingering.

3 And I think a very strong message of
4 tight leash, close eyes, really track this and
5 share those findings with the AP at every meeting
6 going forward.

7 So thanks very much for the
8 conversation. Walt, you want to make a comment
9 from the phone?

10 MEMBER GOLET: Can everybody hear me
11 okay?

12 MS. SCHULZE-HAUGEN: Try again.

13 MEMBER GOLET: Can everybody hear me
14 okay?

15 MS. SCHULZE-HAUGEN: Yes.

16 FACILITATOR BROOKS: Go ahead, Walt.

17 MEMBER GOLET: Can you hear me okay?

18 MS. SCHULZE-HAUGEN: Yes, you're good.
19 Go ahead.

20 MEMBER GOLET: Okay. So, sorry. I
21 appreciate the ability to connect remotely here.
22 Sorry I couldn't make this meeting.

23 With respect to the dusky shark
24 conversation the one thing I wanted to piggyback
25 on from Bob's point of view was the caution
26 exercise in the discretion of whether or not a
27 dusky is dead.

28 And what I'd like to just highlight
29 real quick is that our dusky shark study is going
30 out for review very shortly and two quick
31 highlights.

32 Our mortality estimates were very low.
33 In fact they were 5 percent. And just as a
34 caveat four of those dusky sharks that came to
35 the vessel had a release condition of four which
36 was indicative of our worst release condition.

37 One of those four also had an injury
38 condition of four, which again is a shark that
39 has sustained injuries from the catching process.

40 And all four of those sharks despite
41 sinking out of sight straight down once they were
42 released actually survived.

43 So again, what Bob was talking about
44 is very prudent here. Interpretation is going to
45 be a big thing and very key to whether or not an
46 individual shark actually survives the process.

47 They may look dead or morbid at the
48 vessel but in the case of these individuals who

1 did sink straight down they actually did survive
2 and we have data on them 10, 15, 20 days post
3 release.

4 So I just wanted to make that comment.
5 Thank you.

6 FACILITATOR BROOKS: Thanks, Walt. So
7 Margo, a question for you. We are about 25
8 minutes ahead of schedule. Should we just jump
9 into the first of the recreational issues or take
10 a break?

11 All right, we'll take a break but
12 we'll try to get back here at 3:15. So you get a
13 longer break than you would have but we'll start
14 sooner. 3:15.

15 (Whereupon, the above-entitled matter
16 went off the record at 2:54 p.m. and resumed at
17 3:22 p.m.)

18 FACILITATOR BROOKS: All right, let's
19 get going again. We've got a couple of topics we
20 still want to cover here.

21 We're going to spend the next hour on
22 a series of rec issues and then we'll hand it off
23 to Brad to talk about the 2017 year to date for
24 Atlantic bluefin tuna management.

25 But let's start off with rec issues
26 and hand it off to Cliff Hutt to talk about HMS
27 tournament survey update, and then MRIP and LPS
28 priorities.

29 MR. HUTT: Good afternoon, everybody.
30 First off we're going to talk about an update on
31 some preliminary figures from the HMS tournament
32 survey.

33 As you all remember the goal of the
34 tournament study was to quantify the economic
35 activity and impacts of HMS tournament operations
36 and participants in 2016.

37 We conducted a survey which was sent
38 out to all HMS tournament operators that had
39 registered in 2016 with the exception being
40 tournaments that lasted longer than 10 days. You
41 know we have a few that are kind of like go all
42 year round type club tournament things that we
43 decided to exclude from the survey.

44 We also excluded some registered
45 surveys in the Bahamas as that's technically out
46 of the United States.

47 And we sent flyers to be distributed
48 to tournament participants at roughly half of all

1 registered tournaments.

2 We received responses from operators
3 of 75 different tournaments with the majority of
4 those being in the south Atlantic or mid-Atlantic
5 region. The next biggest area would be in the
6 Gulf of Mexico.

7 Similar distribution responses for the
8 participant survey.

9 We received participant responses from
10 104 teams participating in 29 different
11 tournaments in 2016.

12 Top target species from the
13 tournaments we heard from were blue and white
14 marlin and yellowfin tuna. No big surprise
15 there.

16 We did some analysis to determine if
17 there was any potential non-response bias from
18 our tournament operators.

19 For the most part primarily what we
20 looked at was species targeted because we had
21 that from the registration data.

22 And for those tournaments that were
23 required to report additional effort data, the
24 billfish tournaments, we looked at those that we
25 had gotten reporting from to look at vessel
26 effort in the tournaments to see if there were
27 any differences between respondents and non-
28 respondents.

29 Looking at all those things, the only
30 thing we found any significant difference was
31 that tournaments that actively targeted sharks
32 were somewhat significantly more likely to
33 respond than those that did not target sharks.

34 That could be due to maybe some of the
35 more controversies that they run into and feeling
36 a greater need to have the information on their
37 economic impacts, benefits to communities out
38 there.

39 But otherwise we found no difference
40 based on whether or not they targeted tuna, or
41 billfish, and no significant statistical
42 differences based on the amount of effort
43 expended in the tournaments.

44 Some basic descriptive statistics we
45 found from our operator surveys. Tournaments on
46 average lasted about three days. The median or
47 the 50th percentile was about two days. But it
48 ranged from a minimum of 1 to 10 days.

1 And overall in all of our data there
2 was great variability in these tournaments. We
3 had everything from small club tournaments with
4 maybe 4 or 5 vessels to massive ones with 300
5 vessels participating.

6 The mean number of total vessels
7 participating in the tournaments reported was 43.
8 The mean number of vessels that were registered
9 to target HMS was 33. And the tournaments
10 averaged over 228 anglers participating. But the
11 median was significantly less than that, about
12 128.

13 So there was a big skew. As you can
14 see the range ranged from like 6 for a small club
15 tournament to 2,500 for a very large major
16 tournament.

17 So naturally we found huge variability
18 in terms of the costs and earnings reported by
19 the tournament operators.

20 Because these ranged from club events
21 that basically had no registration fees and no
22 costs associated with them other than what they
23 spent on gas for the boat and their bait to
24 massive events with significant costs.

25 The average revenues brought in were
26 just under \$100,000 but ranged as high as over \$5
27 million.

28 Prizes on average, prizes and trophies
29 awarded to the winners averaged \$46,000. The
30 range is as high as almost \$4 million.

31 Operator costs on average are a little
32 over \$30,000. But the median was only about
33 \$2,500. So, huge kind of skew just because of
34 the huge range we were looking at.

35 Earnings. On average tournaments
36 turned a profit based on the data we saw of
37 around \$22,000. But you know, again huge range
38 from losing about \$100,000 to having over
39 \$800,000 in earnings.

40 Donations averaged about \$30,000 but
41 ranged as high as \$850,000 to charitable
42 donations from the tournaments.

43 Some of the data we got from
44 participant teams. On average total expenses of
45 teams participating in a trip were a little over
46 \$20,000.

47 We had this broken into categories of
48 travel, registration and fees, boat fuel and

1 other expenses.

2 About on average a little over half
3 their expenses were associated with registration
4 and fees followed by their travel expenses of
5 about \$4,000 per team on average, boat fuel of
6 nearly \$3,000 and other expenses around \$23,000.

7 But again you can see from the ranges
8 these skewed very widely.

9 And you might ask how could someone
10 participating in a tournament have no boat fuel
11 expenses for their team. Some teams actually
12 chartered charter boats and then that was covered
13 by whoever was running the charter boat, the boat
14 fuel.

15 Our next step for this are to
16 basically expand these estimates to kind of total
17 expenditures across all tournaments.

18 We're still working out some tweaks in
19 the statistics on how best to do that. And then
20 we'll be able to run the economic analysis in the
21 IMPLAN software and get total economic outputs to
22 the national economy, jobs supported, numbers
23 like that.

24 And hope to have kind of a draft final
25 report by sometime this winter which we'll then
26 present at next spring's AP meeting.

27 FACILITATOR BROOKS: Thanks. Any
28 questions on that. Yes, please.

29 MEMBER IWICKI: Steve Iwicki. So
30 Cliff, that's tournament stuff, but have you guys
31 started to look at true rec costs?

32 I mean, I'll give an example. One day
33 in July, a Saturday, a bunch of us go out to a
34 place called the Hot Dog. We get there in the
35 dark, we come up, there's 100 boats out there.
36 Three quarters of them are not charter boats.

37 It's costing my crew probably about
38 \$1,500 that day times say 75. That's \$112,000 in
39 one day between bait, ice, fuel, food.

40 I mean, we say we're talking about
41 this in a rec term, but it's all about
42 tournaments right now.

43 So is there anything going on that's
44 going to capture the recreation costs?

45 MR. HUTT: So, at the same time we
46 were doing this we were also doing nationally the
47 Marine Recreational Expenditure Survey which had
48 an HMS subcomponent to it.

1 We have that data and I'm working on
2 that data. That was expenditure data for HMS
3 anglers from Maine to Texas, but it isn't quite
4 ready for presentation to the AP yet.

5 But hopefully next spring AP I will
6 have when I have the final numbers for this to
7 present I'll also have the final numbers from
8 that study as well.

9 MEMBER IWICKI: Yes, I would just say
10 then it's got to be compounded. Because say if
11 it was 75 boats at one spot on one day of one
12 weekend and there's spots like that all up and
13 down the coast it's millions. So just a thought.

14 FACILITATOR BROOKS: Mike and then
15 over to Dewey.

16 MEMBER PIERDINOCK: Thank you. As I
17 look at the expenditures and the range there from
18 seven, ten, to twenty thousand dollars for a six-
19 pack, I mean depending upon the tournament I
20 think that's pretty good. I think you've done a
21 good job with that.

22 That somewhat jumps over if you're a
23 recreational angler and you're just taking a
24 bunch of guys depending upon the tournament and
25 so on I would suspect that range maybe within
26 there.

27 Actually the boat fuel depends upon
28 the proposed per gallon. I remember when it was
29 up to \$4 a gallon for diesel and that was
30 ridiculously high. And that's a great
31 variability to there.

32 With your registration and fees a lot
33 of these tournaments have calcuttas and you bet
34 in the boat. Is that in that fees? So that's in
35 there.

36 That range, that could be anywhere
37 from \$500 up to ten or fifteen thousand dollars
38 depending on the tournament.

39 But I think you've done a pretty good
40 job here, what I would expect up in my neck of
41 the woods from my experience of what I've seen
42 over time. Thank you.

43 FACILITATOR BROOKS: That's great.
44 That's helpful to hear.

45 MR. HUTT: Yes, I actually went to the
46 White Marlin Open the year we were doing the
47 tournament and saw some guys pay their
48 registrations and their calcuttas with cash. It

1 was impressive.

2 FACILITATOR BROOKS: Dewey.

3 MEMBER HEMILRIGHT: I was just curious
4 on page 3 you have your targeted species the
5 percentage for blue marlin and white marlin.

6 What is the stock status of Atlantic
7 blue marlin and Atlantic white marlin?

8 MR. BLANKENSHIP: Well, actually I
9 have a slide covering that in my presentation
10 that'll be coming up a little bit.

11 So for blue marlin they're overfished,
12 overfishing is occurring. For white marlin it's
13 overfished and overfishing is not likely
14 occurring, just quickly.

15 Let me clarify, that's the
16 international. That's the SCRS stock assessment.

17 MR. HUTT: And I'd add as folks are
18 aware we have the 250 limit for the year. So
19 we're really -- if overfishing is occurring it's
20 really not us that are being the primary
21 contributor to that to our understanding.

22 MEMBER HEMILRIGHT: And that 250 is
23 post release mortality, or is it dead fish that
24 are counted dead?

25 MR. HUTT: Those are landings.

26 MEMBER DRYMON: Cliff, that's really
27 cool stuff. Just to clarify a question. Are
28 these strictly HMS tournaments or any tournament
29 that has HMS as a component?

30 MR. HUTT: Technically any tournament
31 that has HMS as a component is required to
32 register so they would be covered.

33 There are a few that definitely were
34 much more targeted towards other species than
35 HMS.

36 FACILITATOR BROOKS: Cliff, if you
37 want to shift to the next presentation.

38 MR. HUTT: So, next one is talking
39 about MRIP and the regional implementation plan
40 that we have been working on for Atlantic HMS.

41 So, as all of you know MRIP is the
42 program that is primarily responsible with
43 collecting recreational effort and catch data in
44 the Atlantic, Gulf of Mexico and Caribbean.

45 And in the last several years MRIP has
46 been working to develop and certify a series of
47 scientifically sound surveys to meet our
48 recreational fisheries management data needs.

1 And a key component of that program
2 has been to develop implementation plans for each
3 region that kind of set our priorities for what
4 our data needs are and what steps need to be
5 taken to improve them.

6 We are developing our own plan which
7 will include our kind of data priorities,
8 identifying existing data caps and some budget
9 estimates for different programs.

10 In this presentation I want to lay out
11 just basically the primary priorities we've
12 identified through that process.

13 That plan has currently been handed
14 over for review by the MRIP operations team and
15 their executive steering committee.

16 The number one priority we identified
17 was kind of completing conducting the LPS
18 redesign and re-estimation similar to what MRIP
19 has done recently for the APAIS survey and the
20 fishing effort survey.

21 This would incorporate probability-
22 based sampling for the LPS, improved data
23 collection on trips originating from private
24 access sites, particularly early morning and at
25 night. Optimizing sample sizes to improve the
26 precision of estimates on rare event species
27 particularly like sharks, and addressing biases
28 from over-sampling tournaments.

29 Next big priority is expanding kind of
30 targeted HMS data collection through the rest of
31 the Atlantic HMS region.

32 Currently LPS is only conducted from
33 Maine to Virginia. We want to kind of find a way
34 to expand more targeted data collection on HMS
35 trips for the rest of the region from North
36 Carolina to Texas.

37 The main thing here is kind of the
38 debate on whether to simply expand the existing
39 LPS design, or to try to add like an offshore
40 strata to existing MRIP intercept surveys such as
41 APAIS.

42 A big thing that'll take into account
43 for that will be issues like budget, how we wind
44 up redesigning the LPS, and kind of issues with
45 the states as for the most part the states have
46 taken over the intercept portions of the APAIS
47 surveys in recent years.

48 Next big priority is kind of making

1 sure Atlantic HMS Charter/Headboats are included
2 in the new for-hire electronic logbook data
3 collections that are underway through the
4 councils.

5 We have HMS staff including myself who
6 are participating on the various subgroups with
7 the SEPHIER process that Margo talked about
8 earlier to make sure that those electronic
9 logbooks will be collecting the appropriate data
10 that we would need for HMS management at least
11 from those for-hire captains who have dual
12 permits with the council permits.

13 Also looking for ways to integrate
14 catch and effort estimates for species
15 encountered by multiple surveys.

16 Currently right now, particularly like
17 through the LPS region you've got LPS estimates
18 for tuna. You've also got estimates being
19 generated by the more traditional MRIP surveys.
20 And we're looking for ways to try and integrate
21 that data and improve better estimates.

22 We are looking to expand selection of
23 tournaments for landings reporting to potentially
24 include all Atlantic HMS tournaments instead of
25 just billfish tournaments.

26 Evaluate ways of expanding the catch
27 card data collections through additional states
28 or other ways of reporting landings.

29 And improve data on recreational shark
30 fisheries. These tend to be kind of hampered by
31 the rare event nature for many species, and also
32 by misidentification of species, particularly
33 released species and night trips. Many sharks
34 being caught during night trips that aren't
35 intercepted by the various MRIP or LPS surveys.

36 We hope that the shark endorsement
37 that's taking effect in 2018 will help produce a
38 more targeted sampling frame for shark anglers in
39 federal waters but that's going to depend on what
40 percentage of HMS anglers wind up getting the
41 shark endorsement.

42 As we'll be talking -- as Brad talked
43 about earlier also looking at modifying the
44 Charter/Headboat permit that will allow for
45 improved recreational trip sampling. It says
46 discussed earlier on here.

47 Revise the large pelagic biological
48 survey to allow for greater collection of

1 biological samples from all HMS species.

2 Currently right now they prioritize
3 bluefin tuna but they've been making efforts to
4 get more samples on yellowfin tuna.

5 And that data includes things like
6 collecting otoliths or tissue samples for
7 genetics that can help support stock assessments.

8 And lastly we're looking to try to
9 improve HMS data collections in the Caribbean
10 region.

11 The Caribbean region has its own MRIP
12 implementation plan on which Randy sat on the
13 team for that to kind of represent us and our
14 interests as they're looking to improve their own
15 data collections down there.

16 So our next steps. As I said earlier
17 our regional plan has been submitted to the MRIP
18 operations team and executive steering committee
19 for review.

20 Then we're hoping to look to start
21 initiating the LPS redesign and re-estimation in
22 the coming years which will eventually help to
23 lead to supporting its expansion although that
24 will be a long-term project that will be years in
25 the making because it will require pilot studies
26 and calibrations and things of that nature.

27 And eventually design and fully
28 implement a new and expanded HMS or LPS survey.
29 And we are hopeful that lessons learned from the
30 MRIP design process should speed up that process.

31 With that, have any comments or
32 questions?

33 FACILITATOR BROOKS: Okay, questions
34 or comments on that? Yes, please, Rick. Then
35 over to Katie.

36 MEMBER BELLAVANCE: Thanks, Cliff,
37 great presentation. I'm reading the part that
38 you went over regarding expanding the LPS survey
39 and HMS data collection.

40 And I guess I'm thinking about how we
41 currently collect data with the APAIS survey and
42 then the independent LPS survey, the folks that
43 that come down the dock, intercept me as a
44 captain for the LPS, my clients for the APAIS
45 survey.

46 And I'm thinking -- I guess I would
47 recommend combining those, so you add a little
48 thing -- add an existing stratum to the APAIS. I

1 think that's what I would recommend.

2 Because you fish all day, we leave
3 early, we fish all day, maybe you get beat up a
4 little bit, and you come to the dock and there's
5 a slew of people walking down trying to interview
6 everybody. And you maybe had a bad day or maybe
7 had a good day, you're just tired and you don't
8 want to talk to anyone at that minute as soon as
9 you back in and here are these people.

10 So I think the states are doing a
11 pretty decent job of getting to understand the
12 different personalities or the captains and who
13 you can approach and who you can't and when is a
14 good time and how many minutes this guy needs to
15 calm down and that guy and all that.

16 So I think the state folks would
17 probably be better served to try to take on that
18 extra LPS stuff. That's my recommendation.

19 MR. HUTT: Reducing, you know, burden
20 on the public is definitely one of the
21 considerations we're having in this design. But
22 as you said, you know, the states have kind of
23 taken over the APAIS sampling and a lot of that
24 will depend on kind of negotiating with them on
25 what they're willing to take on and their
26 priorities. But it is definitely something we
27 are considering in that process.

28 FACILITATOR BROOKS: Thanks. Katie?

29 MEMBER WESTFALL: Thank you so much,
30 Cliff. Along a similar line, I'm curious -- I
31 want to dig in a little bit more on the option
32 between expanding LPS in an offshore stratum.

33 And I'm wondering if you guys are
34 looking in detail as to, you know, what are the
35 tradeoffs associated, which ones will provide a
36 more reliable stream of data, which ones will be
37 more timely. And if you could talk about that a
38 little more?

39 MR. HUTT: That's all stuff that we
40 will be looking at through the LPS redesign
41 process and whatever eventual pilot studies we
42 wind up conducting.

43 Basically, the way an offshore stratum
44 would work is it would entail, you know, a more
45 targeted sampling of those marinas, those access
46 sites where you're more likely to have people
47 going out for offshore trips, which is basically
48 what the LPS is doing right now, only it would

1 involve trying to merge that in with the APAIS.

2 So the issue whether which will be
3 better will depend in part on kind of funding.
4 You know, if we add it to APAIS, is that an issue
5 of taking away from sampling in other places or,
6 you know, if we merged the LPS with the APAIS,
7 you know, merge those pots of money, maybe we,
8 you know, don't involve decreasing the overall
9 sampling. But that's going to be kind of
10 dependent on the different locations.

11 I know talking with the folks in S&T,
12 you know, they've already looked at -- with the
13 existing data collection states where they could
14 essentially just in the analysis end kind of add
15 in like a stratum and certain weighting just with
16 the existing data for states like North Carolina
17 and Florida.

18 They've got enough intercepts at those
19 access sites that already have a lot of offshore
20 fishing that they could probably do it with what
21 they have now. But then you get a lot of states
22 like Georgia that don't have a whole lot of sites
23 that are -- you know, guys going offshore. The
24 existing data is just not really feasible.

25 So it's trying to determine like how
26 much extra effort would be required to be able to
27 do that in different states, depending on their
28 offshore fleets and how -- on the feasibility of
29 it. But it's a lot we'll have to be looking at
30 for the next really several years through this
31 process.

32 MEMBER WESTFALL: But that's great and
33 really hopeful, because my next question was
34 going to be whether or not you guys are
35 collaborating with the states and the regions
36 because I know there are a lot of states that are
37 working on improving their recreational
38 estimates. And the more you can integrate, the
39 better.

40 My other question is, are you looking
41 at any type of -- incorporating any self-
42 reporting to have another stream of data to be
43 able to compare, you know, LPS data streams or
44 MRIP data streams?

45 MR. HUTT: Well we already have the
46 self-reporting for the landings, the bluefin
47 tuna, swordfish, billfish and those natures.
48 They could certainly be compared. And also the

1 catch cards, things of that nature.

2 And all that stuff is stuff to
3 consider through the process going forward
4 through the next few years. Obviously, you know,
5 the new for-hire electronic logbooks are another
6 thing that are going to be considered in this
7 process.

8 Right now those are just covering, you
9 know, the federal ones. It's not, you know, the
10 guys who are just out in the state waters. So it
11 doesn't mean -- just because we're initiating
12 these logbooks doesn't mean things like the for-
13 hire survey are going to end, because we
14 definitely have -- that's definitely not covering
15 everybody. But those are all different things
16 we'll be looking at.

17 MEMBER BECKWITH: Just a point of
18 clarification. The federal for-hire charter
19 permits will require the federal -- anybody
20 holding a federal permit to also put in
21 information for their state trips. So all --
22 it'll be all trips for those people.

23 So while we won't be covering --
24 you're right, just the people that are state
25 permitted, we will have some information on trips
26 run in state waters.

27 MR. HUTT: Correct. Absolutely.

28 FACILITATOR BROOKS: Jason, and then
29 over to Rom.

30 MEMBER ADRIANCE: Yes, thanks. Jason
31 Adriance. We found adding an offshore stratum,
32 what we did in Louisiana with our LA Creel
33 program, helped tremendously.

34 Also on the effort side, we've gone to
35 weekly calls on effort, which is -- which gets at
36 effort very well. But I had offered to Margo
37 that in the spring if you all want, I can do a
38 presentation on LA Creel and show you some of the
39 things we've done and how we've been able to
40 reduce some of that error in those offshore
41 species and the rare event species.

42 MR. HUTT: I've seen that recent
43 PowerPoint presentation that went around and it
44 was -- it looked very impressive what you all had
45 accomplished there.

46 MEMBER WHITAKER: Rom Whitaker,
47 Hatteras Charter Boat. Just to add a few things,
48 of course I'm participating in an electronic

1 logbook program and it's -- I'm not very computer
2 literate, so it's a slow process.

3 But any rate -- and this is in
4 response to what Rick mentioned earlier, I don't
5 want to have to -- I want to just fill that thing
6 out and mash the button and it goes wherever it
7 needs to go, whether it's state, federal, south
8 Atlantic, mid-Atlantic, you know?

9 Our days are long and there's a lot
10 going on. You've got to get home, you got to
11 answer the phone, you got to line up your bait,
12 everything for the next day. You need to make it
13 as painless as you can.

14 As far as MRIP goes, it's not --
15 doesn't have to do with HMS, but some nightmares
16 with some other species with MRIP. And it
17 usually boils down to the multipliers. And our
18 state does dockside surveys. They don't survey
19 me, they survey my customers.

20 But they mostly look at the fish that
21 I throw on the dock, so it's not like you can
22 tell them one thing and -- they see what we
23 catch. They measure it, they weigh it, they
24 record it and then they talk to the people about
25 if we turned loose a sailfish or a shark or some
26 other species that we released for whatever
27 reason, a barracuda maybe.

28 But, you know, be very careful with
29 MRIP. You know, we live or die by it. When you
30 come up with those numbers, we have -- we're the
31 ones that have to pay if they're wrong.

32 And the other thing was the dockside
33 surveys, all the catch cards. Our catch card
34 program works good -- swordfish, billfish,
35 bluefin tunas. It really seems to work good. I
36 think Massachusetts -- or Maryland's doing it
37 also. I thought Massachusetts was doing it, but
38 it seems like it works good in our state. I
39 don't understand why other states wouldn't want
40 to follow suit.

41 MR. HUTT: The main thing we have
42 heard about the catch card problems that makes it
43 problematic for some states is the amount of
44 access sites.

45 North Carolina and Maryland both have
46 shall we say a more concentrated, you know,
47 number of access sites for their offshore fleet.
48 So they don't have too many points where they

1 have to collect them or distribute them.

2 But in a state like Massachusetts
3 where the main problem they had was they have so
4 many private access sites where you have boats
5 who are going off offshore or are going out to
6 catch bluefin tuna because they come in fairly
7 close up there, it makes it a little harder to
8 distribute and collect those cards, which is the
9 primary difficulty that Massachusetts had with
10 it. And so it just varies depending on the
11 nature of their HMS fishery in a given state.

12 MEMBER WHITAKER: Well, I agree. But,
13 I mean, Morehead City area, Wilmington area,
14 there's hundreds of private docks -- hundreds.
15 And they all got to get fuel or ice or bait, so
16 it can be -- it seems to work good. I think it
17 can be handled there too.

18 FACILITATOR BROOKS: Thanks. Let's go
19 over to Mike, then Pat. And Katie, did you want
20 back in?

21 MEMBER PIERDINOCK: Thank you. You
22 know, with what Rick and Ron said about the one-
23 shop stop -- shopping, push the button and
24 everybody gets notified with EVTR. That would be
25 definitely the way to go.

26 The MRIP process is laden with those
27 high PSEs that we see for a wide variety of
28 species. And, you know, one way that
29 Massachusetts has dealt with this is that we have
30 589 different locations where we do dockside
31 interviews.

32 It's all about the numbers. It's all
33 about funding. It's all about cost. As a result
34 of that, we take our saltwater fishing license
35 and we take that money and it goes to doing more
36 dockside interviews, which ultimately brings down
37 the PSEs.

38 That's a difficult thing to do state
39 to state because the money's not there. So I
40 just throw that out there because then we
41 continue to have issues with PSEs and every
42 species imaginable. And I would hate to have
43 that go down that road with this.

44 We also went through this process that
45 they were calling people in the western part of
46 the state on landlines and they're not fishing at
47 all and they're not getting anybody responding
48 for phone calls. So hopefully it's evolved to

1 the point you're not going to do that.

2 We're not doing the tags anymore. We
3 did that a little bit, for a little while. Just
4 another thing to note with the EVTRs, what we're
5 -- me and 30 other captains are participating in
6 this pilot. And we -- I have my six pack. I got
7 six people in a boat. If I -- they're from Ohio.

8 They come on and they fish once a
9 year. They don't have a clue of what -- only
10 clue they have is what we're bringing home. They
11 don't have a clue how much your catch is. So,
12 "How many cod did you catch?" They'd said, "Oh,
13 30, 40." They may have -- you know, throw back
14 30, 40. It may have been 10.

15 So their numbers are way off. So what
16 they're doing with our pilot is they're
17 interviewing -- there's an observer in the boat
18 that interviews those anglers. Then they
19 interview me, and the observer observes what they
20 caught.

21 And I think this is very important
22 that that be evaluated, which I'm not sure if
23 it's been evaluated elsewhere. And this is what
24 I talked about earlier. We need to take some
25 baby steps prior to implementation, so then it
26 could show the inherent errors associated with me
27 as a captain, associated with the people on the
28 boat and the person that is observer.

29 Now say as an example, if I don't have
30 a first mate in the boat and we're groundfishing
31 and we're catching fish left and right, what I
32 found the other trip where they had the observer
33 in the boat is they're throwing the fish back
34 that they're too small to catch. I don't even
35 know it, so I can't record it. So these things
36 happen too.

37 So I think it's part of what they're
38 trying to do with that pilot is ultimately
39 understand the percentage of error that you're
40 going to get from that data and then implement
41 that later.

42 So I would ask you to look at that
43 carefully before you implement such. In
44 addition, typical fishing trip, I'm going to go
45 out and go groundfishing for cod and pollock and
46 haddock. I fish there for a few hours, see some
47 tuna, I'm going to chase tuna. And then I will
48 do some sharking.

1 So as far as effort goes, one of the
2 things that's critical with these EVTRs, you
3 press the button, it's your transit time. Then
4 maybe I fish for two hours. You press another
5 button.

6 I'm fishing for two hours for the
7 groundfish. Maybe I'm fishing for an hour for
8 sharks or two hours or something, that you press
9 those buttons and it's part of the -- part of
10 that EVTR, so effort is reflected.

11 Otherwise, the effort could be I was
12 -- I had eight hours of fishing time and I was
13 targeting bluefin for eight hours, which I
14 wasn't. I was doing multi-species. And that's
15 one of the difficulties too with estimating
16 effort. So I think it's important that the EVTR
17 do that as part of the process, otherwise we're
18 going to get back to another issue with effort.

19 FACILITATOR BROOKS: Thanks. I got to
20 push us here.

21 MEMBER PIERDINOCK: Think that's it.
22 Thanks.

23 FACILITATOR BROOKS: Okay, thanks.
24 I've got a few people on and we need to push to
25 the next topic, so I've got Pat, Katie, Randy and
26 Michael.

27 MEMBER AUGUSTINE: Thank you. My
28 question is on the next steps for planning the
29 LPS redesign. You said that the HMS region plan
30 has been submitted to MRIP operations team.

31 Do you have any clue as to when
32 they're going to finally review and when you can
33 move on to your next step? And I think the next
34 question would be, along with the LPS redesign,
35 re-estimation and so on, do you have a timeline
36 or will you have one maybe by the spring meeting
37 of next year to give us a clue as to how this is
38 going to start being packaged together?

39 Sounds like an awful lot of work, and
40 again for the data that we're trying to collect
41 so we find out what the status of our stocks are,
42 where we really are, I think it's the most
43 important we get some timelines established. So
44 do you have a clue?

45 MR. HUTT: So to the first question,
46 the review of the plan should be done fairly
47 soon. I mean, that will be finalized this year.
48 As far as the timeline, I mean, we haven't formed

1 the final timeline yet, but I can tell you it
2 will be years.

3 This is a process that will probably
4 take, in total for full implementation expansion,
5 you know, upwards of a decade because just like
6 with MRIP, it's -- the redesign alone can take a
7 couple of years.

8 Then you have to do pilot studies
9 where you're running the new survey along the
10 existing survey for three years for calibration
11 purposes. And then, you know, you finally can
12 start -- once you've done calibration, you can
13 finally start rolling out the new ones. And then
14 we have that whole step for doing the expansion.

15 So I don't know if we'll have like a
16 final timeline by the spring. And I'm -- at this
17 stage, I'm not entirely sure when S&T is going to
18 be ready to start actually doing the LPS redesign
19 because they are very busy with a process of, you
20 know, the -- rolling out the fishing effort
21 survey, the new mail survey.

22 So we'll try to have more by the
23 spring meeting, but at this time, I'm -- we're
24 not ready to make any promises on that. I would
25 definitely think by next year we would definitely
26 have more information on that though.

27 FACILITATOR BROOKS: Thanks.

28 MEMBER AUGUSTINE: Just a quick
29 follow-on. In regard to what Mike and Rick were
30 talking about, other methods of reporting, I know
31 Rick had been working on a project of his for
32 years -- what, three years, Rick -- for a
33 reporting system. And it'd be pretty easy to go
34 quick, bang-bang, you put your input in.

35 Is there any way that we can look at
36 existing technology in the meantime as a side to
37 try to do some of this collection quicker and
38 implement that or at least utilize that while
39 we're waiting for the new redesign?

40 FACILITATOR BROOKS: So I'm going to
41 let that just stand as a topic for you all to
42 consider just to get to the next. Thanks Pat for
43 the comment.

44 Katie?

45 MEMBER WESTFALL: Yes, just a point on
46 improving the recreational estimates for sharks.
47 I think the data collection efforts need to go
48 hand in glove with outreach and education on

1 identification.

2 There was a great feature in the AFS
3 publication that included John Carlson from NMFS
4 that showed that I think catches of prohibited
5 shark species -- I think it was 1.2 million and
6 there was an additional 17.5 million that
7 couldn't -- that weren't identified.

8 So the misidentification or the lack
9 of identification of shark species remains to be
10 a huge issue and will continue to hamper our
11 ability to understand what's going on in the
12 recreational sector with regards to sharks.

13 FACILITATOR BROOKS: Thanks Katie.
14 Randy?

15 MEMBER GREGORY: Randy Gregory, North
16 Carolina Marine Fisheries. Just real quick, I
17 was just going to ask about the timeline, and
18 probably in bold letters. And to your planning,
19 everybody does have to buy fuel and we've
20 capitalized that in North Carolina with our catch
21 card survey and where we put that stuff. So
22 that's it.

23 FACILITATOR BROOKS: Great, thank you.
24 And last word, Michael.

25 MEMBER SISSEWINE: Yes, thank you.
26 I have to admit, a lot of the discussion about
27 recreational data collection and so forth has
28 gotten into more detail than I care to know about
29 or remember.

30 But, you know, I'd just like to make
31 the observation that, you know, I've been
32 involved in this stuff longer than most people
33 and there's been frustration with the issue of
34 recreational data and how it's used in management
35 as long as I can remember or at least going back
36 to when it was first determined that a
37 recreational survey would be used for within-
38 season closures of the bluefin recreational
39 fishery.

40 I remember that very specifically
41 because at the time I was the chief scientist of
42 the agency and went to the director and said,
43 "There's no way in hell you're going to estimate
44 in a timely enough fashion bluefin tuna
45 recreational catch to ever satisfy anybody
46 within-season management of a recreational
47 species."

48 And the answer was, "We have to do it,

1 and we don't care what it'll cost. Just spend
2 more money until we can do it." This is about
3 1992 or something like that. And so the program
4 expanded tremendously.

5 And to the credit of people within S&T
6 or whatever it was called in those days, it had a
7 different name, they did a reasonable job. And
8 it sort of worked at that time at a tremendous
9 increase in cost.

10 The same time we said, "Don't kid
11 yourself that we're going to do this for red
12 snapper, for codfish for --" on and on on, for
13 bluefish, for every species you can think of.
14 And -- because there's just no way it'll ever be
15 affordable. But that's basically the way we're
16 trying to manage recreational fisheries today.

17 And it's inevitable that until people
18 sort of step back and say, "What's reasonable to
19 produce," given realistic costs and so forth for
20 management purposes and then manage accordingly,
21 we're going to have frustration when it's, "Here
22 the way we manage. Figure out how to do it,"
23 statisticians.

24 Because it's just not going to work
25 and this frustration will continue and continue
26 until there's some recognition that you need to
27 harmonize the way you're going to use the data
28 with some realistic understanding of what the
29 statistical sampling problems are and the
30 feasibilities. And I just don't see us getting
31 closer on that regard. Sorry about the sermon,
32 but it's been a lot of years that I've been
33 listening to this.

34 FACILITATOR BROOKS: All right,
35 thanks. Appreciate it. That's a good comment to
36 end the discussion on.

37 Let's shift to the next topic, which
38 is an update on the Atlantic tournament
39 registration and reporting online system.

40 DR. ALVARADO: Good afternoon. I'm
41 going to be giving an update on the Atlantic
42 tournament registration and reporting online
43 system.

44 And just to recap for those of you who
45 are not familiar with this system, in 2010 and
46 2011 we started focusing most of the registration
47 communication efforts in an email and moving away
48 from paper, mail and fax.

1 In 2011, there was an AP presentation
2 on the results or the status. In 2012 and '13,
3 we surveyed the operators to get a perspective on
4 yielding -- which yielded an AP presentation that
5 Cliff highlighted in his presentation.

6 In 2014 and '15, HMS began cleaning up
7 data and began entering information into the
8 Southeast Fishery Science Center Recreational
9 Billfish Survey database in anticipation of
10 merging the HMS database and the existing RBS
11 database.

12 In 2016, my predecessor obtained
13 funding to transfer the data and upgrade the
14 recreational billfish survey database to the
15 Apex-based Atlantic tournament registry online
16 system.

17 In 2017, we completed the Atlantic
18 tournament registration online system and
19 reporting and it is now live and we had the
20 rollout in the last week or two.

21 So the -- this slide gives you a flow
22 chart of the Atlantic tournament registration
23 system. There's two paths. There's the operator
24 registering a tournament on the left side and the
25 same operator reporting their catch seven days
26 after the tournament is over.

27 They are entering the system -- or the
28 data into a centralized database. And if you
29 follow the arrows -- I don't know if you can see
30 that, there's the tournament registration
31 confirmation and there's also the report, Catch
32 Confirmation.

33 And one of the outcomes of that is
34 there's an automated -- the dash line on the
35 right side of the flow chart gives you an
36 automated reminder to the operators based on the
37 previous year's tournament history to register
38 upcoming tournaments, and then seven days later,
39 to report tournaments seven days after they've
40 occurred.

41 As I mentioned, the centralized data
42 is very helpful for requesting outreach for the
43 various user groups that you can see at the
44 bottom of that flow chart. So we have HMS
45 Management, Southeast Fishery Science Center, Law
46 Enforcement from the federal and state levels and
47 Outreach.

48 In addition to being helpful for those

1 different user groups, it helps HMS manage and
2 monitor compliance with tournament requirements
3 and HMS recreational landings.

4 So the take-home messages -- take-home
5 message for this slide is it makes it easier for
6 the public to use because it's smartphone, tablet
7 and PC-compatible; it improves the efficiency of
8 registration and reporting processes for data
9 managers; it increases the availability of
10 information for the agency; and it also allows
11 for the expansion of HMS tournament catch-
12 reporting programs; it automates, facilitates
13 tournament operator notifications; and last but
14 not least, it reduces the use of paper and
15 mailing costs for the public and for the agency.

16 So here's a screen grab of the
17 tournament online system and the Web page that
18 will get you to there, and -- any questions?
19 Thanks.

20 FACILITATOR BROOKS: Questions?

21 DR. ALVARADO: Thank you.

22 FACILITATOR BROOKS: Okay, Mike.

23 MEMBER PIERDINOCK: This somewhat ties
24 into the -- we had a discussion this morning
25 about some tournaments not following rules and
26 regulations and so on.

27 If you go in and you register, then
28 you get an ID number that is complete or that --
29 is there any mechanism in here to make them be
30 provided the rules and regulations and
31 requirements associated with the HMS species?

32 They make it -- try to make it dummy-
33 proof, but it never is. But I don't know if
34 that's an easy fix to try to address, you know,
35 that issue.

36 DR. ALVARADO: When they register, if
37 they request outreach materials as part of the
38 kit, that they receive the recreational
39 tournament compliance guides. So that's given to
40 the operators. And depending on the numbers that
41 they request, they can provide this -- those
42 outreach kits for the participants in the
43 captain's meetings.

44 MEMBER PIERDINOCK: But -- so that's
45 if they request?

46 DR. ALVARADO: That's if they request.
47 Yes, because I was going to say then it's
48 apparent they're not reading it. I don't know if

1 this is a mechanism for outreach that they
2 automatically get those kind of answers they need
3 to the different questions or the different
4 species that are permitted to be landed and they
5 can't be sold commercially and so on and so
6 forth. So maybe that's one way to try to address
7 that issue.

8 FACILITATOR BROOKS: Good thought.
9 Katie, did you want to jump back in or is that
10 leftover? Okay.

11 Okay, great. Thanks. Randy, I think
12 you're up with an update on billfish circle hook
13 tournament requirements.

14 Thanks, Randy.

15 MR. BLANKINSHIP: All right. Thanks,
16 Pete.

17 My name is Randy Blankinship. I'm the
18 Southeast Branch Chief located down in St.
19 Petersburg, Florida.

20 This presentation is intended to be
21 kind of a continued consideration or follow-on to
22 discussions that had an input that we received
23 during the recreational breakout session at our
24 last meeting.

25 If you remember, there were several
26 where some of this kind of -- I guess where you
27 can see it synthesized is in the summary of the
28 dots that were applied to that piece of paper,
29 and Margo had that in her overview presentation.

30 One of the subject that received quite
31 a few dots was this one about the circle hook
32 requirement in tournaments. We -- that wasn't
33 the only time that we heard about this.

34 We've heard about it over the last
35 several years since implementation, and so we
36 wanted to continue that conversation, give you
37 all an opportunity to give us a little bit more
38 input on this subject and some of the
39 considerations involved.

40 So this is regarding the existing
41 circle hook requirement that requires anglers
42 that are fishing in Atlantic HMS tournaments to
43 use only non-offset circle hooks when they're
44 using natural bait or natural-artificial lure
45 combinations. This has been a requirement since
46 2008.

47 The purpose was to reduce post-release
48 mortality for all billfish species. Initially

1 when this requirement was implemented, it
2 received a lot of negative feedback. However,
3 since that time, much of the billfish fishery has
4 adapted to the requirement.

5 So hitting a little bit of the stock
6 status information that supports the reason for
7 circle hooks initially, reported here on this
8 slide is billfish stock status according to the
9 assessments by the SCRS. So this is
10 international determination here.

11 For blue marlin, it's overfished and
12 overfishing is occurring. For white marlin,
13 overfished, but overfishing is not likely
14 occurring. And for West Atlantic sailfish, it's
15 not likely overfished and overfishing is not
16 likely occurring.

17 So continuing this discussion about
18 the reason for circle hooks, there are several
19 studies that have been conducted looking at post-
20 release survival of fish when they're caught on
21 J-hooks, but then also when caught on circle
22 hooks and in comparisons between different bait
23 types and those kind of things.

24 This slide summarizes some of that
25 information. For instance, for white marlin, you
26 see a mortality rate with J-hooks of 35 percent.
27 For circle hooks, post-release mortality rate of
28 1.7 percent. You can kind of see the reason for
29 the savings of fish that occur with that -- with
30 white marlin.

31 For blue marlin, another study found
32 that J-hooks had 6.7 percent mortality while
33 circle hooks had 0 percent mortality.

34 And then some additional studies over
35 time have shown some benefits of circle hook use
36 for both hooking up a fish using certain fishing
37 techniques for certain species like sailfish and
38 then also the improved ability to retain a fish
39 on a hook with certain species and certain bait
40 types.

41 However, other studies have also shown
42 some not necessarily consistent results with
43 that, particularly with some coastal pelagic
44 species such as wahoo and dolphin and yellowfin
45 tuna.

46 Most notably a study -- it's actually
47 not referenced on here, but was done by North
48 Carolina Department of Marine Fisheries and NC

1 State that looked specifically at the effects of
2 circle hook and J-hook use with coastal pelagics
3 that found that the successful hookup was not as
4 good with circle hooks as with J-hooks with
5 certain bait types. There's several other
6 details in that study as well.

7 And so the gist of this is that there
8 is clear evidence that there is improvement in
9 post-release mortality rates when circle hooks
10 are used, some variation depending on the type of
11 fishing that's done and the type of bait that's
12 used.

13 But there is a lot of variance in how
14 successful that hookup rates can be and retention
15 rates can be between circle hook use and J-hooks,
16 with oftentimes for many species J-hooks having a
17 much better success rate at catching and
18 retaining fish in some situations.

19 So ten years later after the
20 implementation of circle hooks, two issues keep
21 coming up. One is the request from some areas of
22 the fishery to exempt trolling for blue marlin
23 from the circle hook requirement because trolling
24 for blue marlin in these areas is done without a
25 dropback.

26 In other words, a dropback is when a
27 lure is trolled and a fish comes up and either
28 whacks the bait with its bill or strikes it and
29 misses it or something like that, then the angler
30 can flip their reel into free spool, allow that
31 bait to fall back, mimicking the death of the
32 bait where the fish comes back around and picks
33 the bait up.

34 It's a common technique that's used
35 not only in billfish fishing, but also in other
36 species. And in that kind of a situation,
37 oftentimes the fish can grab the bait and ingest
38 it before the reel is flipped back into engaging
39 the gears and the line comes tight.

40 In that kind of a situation with a J-
41 hook, it is more likely that a fish can be deep
42 hooked. With a circle hook, that's -- the
43 purpose is that it allows more frequently for
44 that hook to come up out of its throat and then
45 get hooked in the jaw.

46 Returning to the key point here, is
47 that folks that want the exemption from the
48 circle hook requirement are contending that they

1 fish with blue marlin without using a dropback
2 technique that the fish are hooked up on the
3 strike, and therefore J-hooks would be much more
4 effective in having a successful hookup rate and
5 that there is not a concern in their opinion
6 about post-release hooking mortality because J-
7 hook and deep hooking is not very likely to
8 happen.

9 So we heard this at the roundtable
10 discussion at our last meeting, but like I said,
11 that was not the only time that we've heard that.
12 We've heard that over the course of the last ten
13 years repetitiously through phone calls but then
14 also at tournament operator meetings.

15 The second thing, an issue that has
16 kept coming up, is related to lures that are
17 built with a natural component to it like the
18 head of a fish that is completely encased in some
19 synthetic material like acrylic. And there's a
20 picture here of one type of those -- of that
21 lure.

22 The request is to exempt lures with
23 the natural component that's encased in this kind
24 of material from the circle hook requirement.
25 The way that their interpretation has been is
26 that circle hooks are required with this kind of
27 bait because there is a natural component to it.

28 The argument is that the hard,
29 synthetic material completely removes any type of
30 a natural effect to the bait because there's no
31 scent that's escaping, there's no texture to it
32 that mimics the real thing.

33 And so therefore the contention is
34 that it should be exempt from the circle hook
35 requirement. Once again, this is something we've
36 heard repetitiously over the last few years and
37 including at the last meeting.

38 So for discussion, here are some
39 prompt questions. And this does not have to be
40 limited to these. Should NMFS consider changing
41 the way that the circle hook requirement applies
42 in billfish tournaments? Are there fishing
43 techniques for blue marlin where circle hooks
44 should be required, such as when using live bait?

45 What modifications to the regulations
46 can be made that maintain the benefits of circle
47 hooks for reducing post-release mortality for
48 billfishes, and can modifications to the

1 regulations be enforced?

2 So some things to think about as we
3 engage in this discussion, and I look forward to
4 your comments and/or questions.

5 FACILITATOR BROOKS: Great. And we --
6 thanks, Randy. We have about 10, 15 minutes to
7 chew on this. Start with Fly and then over to
8 Rom.

9 MEMBER NAVARRO: Good afternoon.
10 Thanks, Randy. A couple of things that I noticed
11 in there, and I was also in that discussion in
12 the recreational, you have it broken down here
13 into two different questions. But the truth be
14 told, it's the same question. You're just
15 talking about in two different ways here, and
16 it's actually your fishing technique.

17 If the bait is encased in polyurethane
18 or if it's in some kind of synthetic material,
19 it's going to be trolled at something in the 8 --
20 7 to 8, maybe even 9-knot range.

21 And with a lot of those guys in the
22 Gulf of Mexico, they're trying to fish
23 artificials along with dead baits at the same
24 time. So while that's happening, there is no
25 dropback for blue marlin when you're going at
26 that speed.

27 Now if you were to slow the boat down,
28 even if you're blue marlin fishing and you're
29 doing 6 knots and if you fall under the "blue
30 marlin tournament" but now you're allowed to use
31 J-hooks because you're fishing for blue marlin,
32 but you can still give them a dropback, it's a
33 very fine line there. And how do you enforce
34 that?

35 I'm not opposed to having J-hooks in
36 a ballyhoo or a mackerel while you're going at
37 such speeds, but how do you enforce it in a
38 tournament? How do you enforce it outside of a
39 tournament? It's a very, very fine line and I'd
40 be very careful.

41 Just because we've done really well
42 with the circle hooks over the last now, what is
43 it, nine, ten years, and we have learned a lot of
44 new ways to fish with circle hooks successfully
45 for billfish, and just to go back on it to
46 encompass one kind of fishing is kind of
47 counterproductive.

48 FACILITATOR BROOKS: Thanks, Fly.

1 Rom?

2 MEMBER WHITAKER: Yes, Rom Whitaker,
3 Hatteras Charter Fisherman. Am I missing
4 something here? First of all, we fish for blue
5 marlin the same way in the Atlantic that they do
6 in the Gulf. There's no difference.

7 Yes, we had this big argument ten
8 years ago about -- we around my area are the
9 biggest fans of a J-hook and islander combination
10 probably in the world. And we were -- we argued
11 hard about it ten years ago and we decided -- we
12 didn't decide, you all decided that the mortality
13 was too great for that combination.

14 So unless I'm missing something, we're
15 allowed to use J-hooks and a lure. And this
16 plastic thing you showed in the picture here, I
17 would call a lure. There isn't nothing about
18 that that's natural. You can put all the fish
19 heads in there you want, but if it's inside
20 plastic, it's a lure.

21 So if they want to put a J-hook in
22 that, I have no problems with that. But it seems
23 like we're rehashing something that we pretty
24 much I thought put to bed eight -- well, ten
25 years ago almost.

26 So yes, we -- if you do an exemption
27 for them, you better be ready to do an exemption
28 all over Bermuda to anywhere anybody fishes for
29 blue marlin. But yes, as Fly pointed out, we've
30 learned how to use circle hooks. Better circle
31 hooks have come out and hooked much better.

32 And if you're using a natural bait,
33 whether it's popping out of a outrigger clip or
34 you're dropping it back with your thumb, it's
35 going to probably hook some -- it's going to be -
36 - cause more mortality. So I'm -- I don't even
37 know why we're discussing this. Thank you.

38 FACILITATOR BROOKS: It was the sticky
39 dots, the evil sticky dots. Randy?

40 MEMBER GREGORY: Randy Gregory, North
41 Carolina Division of Marine Fisheries. I just
42 want to agree with Rom and Fly and say no. Yes,
43 even longer got -- 2003 Randy is when we started
44 this.

45 FACILITATOR BROOKS: Anna?

46 MEMBER BECKWITH: Yes, I need to echo
47 that sentiment as well. It's not worth the
48 exemption to go backwards.

1 FACILITATOR BROOKS: Mike and then
2 over to Rick.

3 MEMBER PIERDINOCK: Is this just for
4 blue marlin or -- it does say for all billfish
5 tournaments, but you have the two questions here.
6 So are you saying white marlin, blue marlin,
7 everything, or just one or the other?

8 MR. BLANKINSHIP: So in the first
9 question, it's related to an exemption related to
10 blue marlin fishing, and particularly related
11 most likely to them actively trolling without a
12 dropback. The other second question about a
13 luring cased in acrylic or some other material is
14 not specific to blue marlin. It would be across
15 the board for all billfishes.

16 MEMBER PIERDINOCK: One last question.
17 I mean, I was in that breakout session. I wish
18 the fellow that was from New Orleans -- I think
19 Fishing Club was very outspoken about this. He
20 isn't here, probably for obvious reasons. I
21 think that from what I recall, there was a big
22 issue with enforcement with this. So do you have
23 any response of how to address that?

24 MR. BLANKINSHIP: So first of all, say
25 that he might be online or on the phone, so we
26 might give him a chance to speak up if he is here
27 in a moment.

28 Secondly, so there is an enforcement
29 aspect to this that is a difficult one. As has
30 been discussed around this table quite a bit, the
31 existing circle hook requirement for tournaments
32 is difficult to enforce as well from an
33 enforcement agent standpoint because the
34 technique that's being employed on the water
35 during a tournament usually isn't able to be
36 observed by an enforcement agent.

37 And so you depend upon voluntary
38 compliance to a great extent and compliance with
39 oftentimes tournament regulations that require
40 that fish be landed legally. And so those things
41 are at play with some limitation on enforcement.
42 There -- then similarly, an exemption might be
43 hard to enforce as well if you make some specific
44 requirement that allows that.

45 Like say for instance if you said that
46 a certain leader material -- mono leader greater
47 than 100 lb test could be exempt. That sounds
48 pretty logical and it might work, but it also

1 might be difficult to enforce.

2 The same things I would mention apply
3 to even things in other fisheries like the circle
4 hook requirement for reef fish in the Gulf of
5 Mexico in the South Atlantic where it depends
6 upon, to a great extent, voluntary compliance on
7 the water because oftentimes you don't have an
8 enforcement agent right there watching to see
9 whether that bait that you let down has a circle
10 hook in it or not when you're fishing for red
11 snapper, for example.

12 So it wouldn't be without precedent to
13 make such a distinction, but it is difficult to
14 enforce.

15 FACILITATOR BROOKS: Let's hear from
16 Rick and then see if there's anyone on the phone
17 who wants to weigh in. Rick?

18 MEMBER WEBER: I'm going to start by
19 agreeing with Mike that we don't have a lot of
20 Gulf Coast anglers around this table right now.
21 And it's -- I don't -- I'm with you, Rom.

22 I think his analysis is accurate that
23 probably we're not getting a great savings on
24 blue marlin, but I think the enforcement is a
25 real hassle and not -- it's probably not worth
26 backing up.

27 But I think we owe it to our Gulf
28 Coasters. I hope they are on the phone and can
29 speak up on that. But I disagree with Fly that
30 these are the same question when we talk about
31 that encased fish head because these two things
32 are not related. I think you should move forward
33 on that encased fish head. That's a lure by any
34 definition.

35 MEMBER NAVARRO: I was just saying
36 that it was the same fishing techniques as --
37 you're just trolling. It's -- you're going 8
38 knots whether they're encased in the lure or
39 whether it's a ballyhoo and a Hawaiian eye.
40 That's what I meant.

41 MEMBER WEBER: I understood. I didn't
42 want them to make a mistake and think there was
43 only one question. It was either a full yes or a
44 full no because I see the split.

45 FACILITATOR BROOKS: Thanks, helpful
46 distinction. Anyone on the teleconference who
47 wants to be weighing in there? Mike?

48 MEMBER PIERDINOCK: Yes, since they're

1 not in a teleconference, with these tournaments,
2 you -- I believe the anglers are required to
3 report what they land, is that correct? So do
4 they also report what's dead or discards?

5 And I'm curious with that, with what
6 they landed, what they released, and are we
7 confident with that data, what does that tell --
8 or are they, since they're not complying, not
9 even telling us they're using Js or whatever?

10 I'm just curious of whether you can
11 glean anything from the data or there's no data
12 there in order to come to any conclusions to see
13 if it supports the finding that date -- that have
14 been researched, the death with circle hook use.

15 MR. BLANKINSHIP: So the first
16 question about reporting, for tournaments,
17 reporting of effort and landings and including
18 dead discards, that is all information that is
19 recorded and reported by tournament operators to
20 the agency.

21 That tournament reporting is --
22 there's a little bit more information in there
23 than there is with just the requirement for non-
24 tournament fishing -- fishermen to report their
25 landings only. All right? Distinction there
26 between tournament and non-tournament.

27 So I think you were getting at a
28 question about any evidence of successful
29 implementation and real savings of fish as a
30 result I guess to -- is that what you were
31 getting at with the second part of that?

32 MEMBER PIERDINOCK: Yes, that's part
33 of it. But if they weren't aware, I don't know
34 if they're blatantly just using Js or -- and not
35 aware? Are they stupid is as stupid does,
36 they're actually putting in the information to
37 use Js when they should have used circles? I
38 don't know, I'm just curious.

39 MR. BLANKINSHIP: So as I mentioned
40 before, there's -- and we've had this discussion
41 before about different ways that enforcement can
42 find out about, you now, what type of terminal
43 gear is used. So to say that it's completely
44 unenforceable is not right. It can be enforced.

45 It may depend upon photographs, video,
46 videos posted, you know to Web sites, those kind
47 of things where an enforcement agent could use it
48 as evidence in order to take an action.

1 Secondly, as I mentioned before,
2 tournaments -- most tournaments have some
3 provisions in their rules where -- that state
4 that fish must be landed in -- using legal means
5 and methods.

6 And there are tournament operators
7 that employ lie detector tests on their winning
8 teams in order to get some kind of verification,
9 albeit oftentimes questionable, but some kind of
10 verification that they can hang their hat on that
11 says that they checked or they asked.

12 Other tournaments have observers on
13 all the boats, and so there's verification that
14 way. And others depend completely on us
15 fisherman and no real way to verify. Others may
16 have photographs.

17 So there are different ways that
18 tournaments can get some kind of confidence that
19 there is adherence to the circle hook rule.
20 Oftentimes it does lean upon the tournament rules
21 and the tournament operators in some form or
22 fashion for that to take place.

23 FACILITATOR BROOKS: Thanks. I see
24 that there are a handful of cards that have gone
25 back up, but for sake of time, unless it's going
26 to cause massive strain for somebody, I'd like to
27 push us on.

28 Also, Margo is whispering in my ear
29 that because we don't have Gulf folks here, that
30 we will probably need to come back and revisit
31 this a little bit. So if that helps you put your
32 card down, I would appreciate that. Yes? Okay.

33 So I don't know what you heard, Randy,
34 but what I've heard at least given who's around
35 the table today is not much support for exempting
36 the trolling, some support for exempting the
37 lures. But again, a strong recognition that we
38 don't have all the voices around the table, so
39 take all of that with a grain of salt.

40 Okay, thanks. So with that, we want
41 to shift to getting you up here, Brad, so you can
42 give us the end review as to where we are right
43 now. And I -- while you're coming up here, I
44 just want to check for folks in the audience.

45 We will have public comment in an hour
46 from now at 5:30. How many people, if anyone in
47 the audience, want to be making some sort of
48 public comment? One, two. Okay, thanks. So if

1 you could just hang in there a little longer.
2 Thanks.

3 MR. MCHALE: All right, good
4 afternoon. I appreciate being put on the agenda.
5 You put an Irishman between you all and happy
6 hour, always not necessarily a safe bet. But
7 we're also talking bluefin tuna, so I'm very
8 conflicted.

9 So anyhow, as we were kind of setting
10 up the agenda for this meeting, and sometimes as
11 we do in the fall, we try to give a snapshot of
12 what's transpired.

13 And I think for those folks that are
14 either interested in bluefin tuna or just can't
15 avoid hearing about it in your daily duties,
16 there's been a few things happen this year that
17 once again fall outside the norm.

18 And so I figured we'd kind of report
19 back on that, kind of let folks see kind of some
20 of the data that we're seeing reflect back in
21 some of the conversations that we have around the
22 table here, over the phone, via email and then
23 ultimately try to make heads or tails of it as we
24 try to figure out how to continue to adapt this
25 fishery.

26 So first and foremost, I'd like to
27 actually call out Sarah McLaughlin on the HMS
28 team there in Gloucester because she has
29 primarily had the pen to draft a number of the
30 inseason actions that are conducted, whether they
31 relate to quota transfers, retention limits what
32 have you, and I think we're at 15 to date and I
33 suspect there'll be more.

34 So as far as the amount of Margo's
35 resources that are then used to kind of manage
36 the fishery in season, it's been a little higher
37 than what we've experienced say over the last
38 five, ten years.

39 But one thing to point out is that --
40 we touched on a little bit this morning is that
41 the division is very active in moving quota
42 around, especially given some of the flexibility
43 authority that we had put into place and
44 finalized with amendment 7, so whether that's
45 moving quota around for the winter fishery,
46 whether it's reallocating Purse Seine quota based
47 on the previous year's catches, whether it's
48 moving quota from the reserve to the Harpoon

1 category, which is usually a guarantee that
2 fishery will catch no more fish, which has
3 transpired the last two times we did it.

4 Although I think there have been a
5 handful of fish this year -- and then also kind
6 of looking to see how the remainder of 2017 will
7 play out and what quota we still have available
8 to kind of review the needs of the fishery that's
9 recreational, that's commercial, regardless of
10 gear type, and kind of move that quota where it
11 needs to be.

12 In regards to the recreational
13 fishery, just a very quick synopsis that we
14 started the fishery off with a default limit of
15 one fish per vessel per day. That fishery lasted
16 right up through the end of April and then we
17 kind of established a consistent, like we have
18 done in years past, retention limit both for the
19 private recreational vessels.

20 And then for our for-hire fleet, we
21 did a slight uptick in the retention limits for
22 school bluefin tuna, and so that fishery's
23 currently ongoing. As it relates to the trophy
24 fishery that we've discussed around the table to
25 some degree today, that each of the respective
26 areas that were redesigned in amendment 7 have
27 since closed.

28 So the southern area, which
29 essentially is from southern New Jersey down
30 through the east coast of Florida, that closed on
31 March 20. The Gulf of Mexico fishery closed on
32 June 7. And then lastly the North, which is
33 southern New Jersey through Maine, closed on
34 August 11.

35 So one thing that we're keeping tabs
36 on, as we always do, but some data that had
37 piqued my interest when received our first wave
38 of information derived from the large pelagic
39 survey was looking at -- if you look at the last
40 two rows there, it's stacked from 2013 through
41 2017, was to keep tabs on the numbers of fish
42 that are coming through both from the school as
43 well as the large school fishery as they relate
44 to say the past four or five years.

45 You know, granted, it's a data point.
46 I know we have some preliminary numbers coming
47 through here momentarily for the month of July,
48 but just to keep tabs that -- I know that there

1 was some discussions around the table.

2 Looks like one individual in
3 particular happens to be missing for some reason
4 during this discussion -- but how quota is
5 actually used and where does it go and where is
6 it allocated, is that it is not just a longliner
7 and a commercial handgear component of the
8 bluefin tuna fishery. Oh yes, there's this
9 recreational aspect to it as well, go figure.

10 So we will also be looking at the
11 needs of everybody that is participating in the
12 harvest and the catch and release of this fishery
13 and what it means to the quota utilization to
14 ultimately get back to the overall optimal yield.

15 But this is a dynamic that we haven't
16 had to contend with in the last few years that it
17 -- the trend may drop off, it may continue, but
18 just another dynamic to make my beard that much
19 more whiter each year that goes by.

20 Continuing on with those inseason
21 actions I mentioned. So as we look at the
22 commercial retention limits, you can see that it
23 hasn't necessarily been a dull year, whether it's
24 starting off the winter fishery at three, seen
25 catch rates kind of go up quite dramatically,
26 dropping it down to one.

27 And knowing that -- or not knowing,
28 but then still seeing catch rates are high, then
29 ultimately closing that fishery on March 30. It
30 would have closed automatically on the 31st, but
31 again, catch rates were really cranking right
32 there at the end of that winter fishery.

33 A lot of debate over the last couple
34 years of where to start the kind of summer/fall
35 fishery, offshore fisheries, inshore fisheries.
36 We started off at four fish this year.

37 Just shortly after July 4, we saw
38 catch rates go up and those catch rates kind of
39 remained constant, if not even increased, as time
40 marched on. Tried to respond there in early
41 August with the two-fish retention limit
42 reduction.

43 And then catch rates actually even
44 increased after that, whether that was an effort
45 increase or whether just the catch rate itself
46 for the effort that existed gone up. A little
47 difficult to tease out, but those catch rates
48 continued.

1 And then ultimately we had to close
2 the fishery on August 17, and that's an action
3 that we haven't had to take since -- as I went
4 back through the FR notices, since August 8 of
5 1998. So we're close to 20 years since we've had
6 to have that kind of interim closure, at least
7 that early in the season.

8 And then ultimately the fishery had
9 reopened on September 1, and we reopened that
10 fishery at a one fish per vessel per day. And
11 the statistics I have to date is we've landed
12 about 31 metric tons out of an available 123 and
13 we got about 8 metric tons coming in at that one
14 fish limit right now. And so if those catch
15 rates were to continue, we'll get about 15
16 fishable days out of that base 123 quota.

17 In regards to the Harpoon category
18 fishery, we kept the large medium slot limit at 2
19 fish per day. There was some increase that I'll
20 touch in a latter slide to have a larger
21 allotment of large mediums or a larger retention
22 limit of large medium.

23 And currently, we transferred
24 additional quota into that fishery. And again,
25 there hasn't been a lot of activity the last few
26 weeks and that fishery will be closed
27 automatically on November 16 if the adjusted
28 quota isn't harvested in the fall.

29 Some more statistics regarding that
30 Harpoon category fishery, kind of breaking down
31 the catch composition of how many metric tons are
32 being landed that fall into that large medium
33 group versus the unlimited giant group.

34 Ultimately we're at, as of yesterday,
35 with 40.1 metric tons. You know, we did that
36 transfer. And then what we've also been sharing
37 over the last few years is this composition of
38 those vessels that have been successful, how many
39 are catching zero, large mediums and only giants,
40 how many are catching at least one large medium
41 too.

42 And then we've done the same
43 statistical breakout or percentage breakout for
44 the giants. Again, trying to use what is
45 actually taking place on the water and then
46 helping the form where we set some of those large
47 medium retention limits at versus what's the data
48 state versus what are some of the requests we

1 field.

2 When it comes to the General category,
3 looking across the different time periods, you
4 know, here in particular in January looking at
5 the retention limits, looking at the landings and
6 then ultimately where we ended up, you know,
7 having to close that fishery.

8 You know, I've got March 30, but with
9 a rather substantial harvest that had taken place
10 through those winter months whether, you know,
11 you look at January through March where we had a
12 three-fish limit, you know, catching just shy of
13 70 metric tons.

14 But then when the daily retention
15 limit dropped to one fish, you can look there
16 just over those few weeks in March, you know, we
17 had 40 metric tons. You know, the catch rates
18 were still rock solid there -- fish availability,
19 weather windows, what have you, it all
20 contributed to large catches.

21 You know, so ultimately that winter
22 fishery racked up at about just shy of 108 metric
23 tons being landed from January through the end of
24 March.

25 And then kind of the same breakout.
26 If you look at the percent of trips landing at
27 least one bluefin -- so these are only successful
28 trips, you know, how many vessels caught one
29 fish, two fish as well as three fish. And you'll
30 see a trend that, you know, the vast majority of
31 the fleet are catching one or two fish. And
32 these same catch rates apply throughout the
33 summer and fall months as well.

34 So there's been a lot of feedback that
35 the agency's been receiving regarding our
36 decision to start the fishery at four fish, and a
37 lot of consternation that that directly led to
38 we'll call the premature closure in mid-August.

39 In breaking down some of these
40 numbers, we had a whopping 8 metric tons landed
41 for the entire month of June. But then when you
42 start into July and August, you're almost getting
43 8 metric tons a day.

44 You know, so those shifts of, you
45 know, what's actually taking place on the water
46 versus the information we're using to help inform
47 our decisions -- what were the catch rates last
48 year, where were the fish available, were they

1 inshore, were they offshore, what were weather
2 windows -- you know, all those different
3 variables that, you know, we can look at till
4 we're blue in the face and try to make, you know,
5 a solid estimate, but sometimes it doesn't always
6 play out.

7 So for a total of, you know, June
8 through August, there was about 324, 325 metric
9 tons landed. You know, again, catch rates really
10 skyrocketing there in the end. I've got another
11 graph that'll show that. And then ultimately
12 where we stand, again, some of the base
13 allocations right now for the General category at
14 about 93 percent of that January through August.

15 Again, there's still a quota available
16 potentially in reserves and what have you. And
17 then kind of the -- some of the same breakout
18 numbers there in the end, but the patterns are
19 pretty consistent when you look at the June
20 through August that the vast majority of the
21 fisheries landing that one/two fish limit when
22 it's available.

23 So I actually worked with some of the
24 staff that aren't around the table or in the
25 audience up in the Gloucester office to kind of
26 map out what does fisheries look like, where our
27 quotas were at and what the catch rates are at,
28 especially given a lot of the feedback that we're
29 receiving through social media and emails -- you
30 know, why did you make this decision, why didn't
31 you act sooner, you know, why are you so awful at
32 managing this fishery.

33 And so to kind of map it out of some
34 of the dynamics -- and this is just one snapshot
35 of this year, but, you know, where we can kind of
36 -- I know it's probably difficult to see,
37 probably better on the laptops.

38 But where you can kind of see where we
39 took actions, what the data was and, you know,
40 ultimately how we're trying to respond to these
41 variables in the fishery and try to stay out
42 ahead of it as much as we can.

43 Needless to say, there's still room
44 for improvement, you know, to snap out of the
45 mindset that we've been in probably say for the
46 last dozen or 15 years of, you know, how do you
47 provide access to the fishery.

48 Well, a year like this is not actually

1 -- how do you try to extend the fishery and, you
2 know, dropping down to one-fish limits and, you
3 know, even having discussions of restricted
4 fishing days coming into the conversation at
5 least on the public side is a flashback to where
6 we're at almost 20 years ago.

7 So some of the dynamics that we then
8 internally have to contend with is we do have 24-
9 hour reporting requirements. They have been
10 consistent. But what I was trying to look at is
11 what are some of the dynamics that compromise our
12 ability to be so responsive to the dynamics in
13 the fishery and trying to look at what sort of
14 lag times we might be getting from our dealer
15 reports.

16 And so looking at some of those
17 higher-volume dealers and look at the lag times,
18 you know, we have some of those dealers that are
19 reporting, you know, right on time to some of
20 those dealers that are reporting four or five
21 days late.

22 And, you know, on average we're
23 looking at two and three-quarter day kind of lag
24 time when you look at those high-volume dealers,
25 and especially right off the weekends.

26 So I think what we're observing is
27 maybe some dealers aren't necessarily staffing up
28 their office folks that may actually be
29 submitting the reports. So all of the sudden,
30 we're not necessarily seeing Friday, Saturday and
31 Sunday landings until late on Monday.

32 And especially as we start to approach
33 filling these quotas or sub-quotas, it really
34 compromises our ability to really adapt, which
35 ultimately then feeds into some of the metrics we
36 were talking earlier.

37 So amendment 7 implemented
38 requirements where vessels, whether they be
39 charter, General or Angling for that matter, have
40 a vessel reporting requirement. And that's
41 either via the phone application or over the Web
42 site.

43 And so currently I only have this
44 teased out for those putting fish into the
45 General category versus Harpoon as far as
46 landings, but I think we can kind of take another
47 look, George, to get at your question, a
48 Charter/Headboat versus a General breakout of

1 those numbers.

2 But what's glaringly apparent here is
3 there is significant room for improvement with
4 our commercial handgear fleet. The General
5 category's still hanging just about 45 percent
6 compliance. And much as I've tried to work with
7 our ABTA members and other folks in the fishery
8 that we have, the dealer data, we can do a direct
9 comparison.

10 It takes nothing for me to print out
11 a spreadsheet and give it to Wynn Carney and have
12 him go fill his quota as far as violations of
13 however they're tracking it. Hence why the
14 multiple count, Stewie, that you were talking
15 about earlier today, is they may go jump on a
16 vessel, compare the numbers, and if that one
17 vessel caught 17 fish and didn't report one,
18 there's your 17 counts.

19 And so we're working directly with OLE
20 right now where we've transitioned out of that
21 education phase and trying to work folks is that,
22 okay, how else do you get folks' attention when
23 you're looking to improve compliance. And
24 violations is a clear way to do that.

25 So we'll be continuing to work on that
26 -- this because when we're trying to manage the
27 fishery, especially as catch rates are extremely
28 high, and trying to determine which way to go,
29 all this data helps inform those decisions.

30 A few other dynamics of what we've
31 been hearing pretty loudly this season is poor
32 quality of fish, poor prices on fish. And so we
33 looked at some of the averages looking back over
34 January of '16 at least through currently '17.
35 And on average, we don't necessarily see
36 significant drops, but there are drops, no doubt
37 about it.

38 It's also playing out in the quality
39 of fish, as dealers report it, that there are
40 significant numbers of poor-quality fish and very
41 few high-quality fish when you look at either fat
42 or oil content. And there are also, although
43 hidden in these numbers, plenty of examples of
44 where fish have been sold for one or two dollars.

45 That low quality apparently has been
46 putting those fish more in competition with
47 bigeye versus say the more traditional bluefin
48 tuna markets, and whether or not it warrants

1 exporting those fish.

2 So very quick run through the data.
3 So kind of what we hear as you sit on this side
4 of the fence is that, you know, it is continuing
5 to be important that the United States uses its
6 entire quota, whether that be swordfish or
7 bluefin.

8 Again, I take a lot of credit, I think
9 as Margo does as well as the last two years,
10 we've pretty much harvested our entire bluefin
11 tuna quota. And so that continues to be kind of
12 one of our objectives, is to capitalize on what
13 the United States has available to it.

14 Some of the other dynamics and, you
15 know, the image in the lower right kind of tries
16 to get at some of the feedback we get. And I
17 think most folks around the table are accustomed
18 to this. Do or do not, and then insert whatever
19 variable you want, is a lot of the feedback that
20 we get.

21 So set the retention limits high
22 early. Catch the quota when it's there, because
23 you don't know when the fish will leave. Set the
24 limits high because we want to do offshore trips.

25 Okay, well if those fish are inshore
26 and you have those high limits, you start to
27 experience what we did there in August as well as
28 in July. Folks that want to have low limits
29 early because they think the quality of the fish
30 is going to improve throughout the year, so save
31 the harvest for later in the year.

32 So those kind of opposing suggestions
33 that we field of, oh, I never thought I would
34 have heard it, bring back restricted fishing
35 days. I suspect that is from folks that are new
36 to the fishery, since we actually had restricted
37 fishing days. Set up limits -- more weekly
38 limits. Like how do you ultimately get at
39 slowing down the catch rates?

40 And then, you know, coming to the last
41 point there is ensuring that there still is a
42 December quota, given how things had played out
43 in 2016. And then the flip side of the coin is
44 preserve more of the traditional fisheries. So
45 this constant tug of war of how do you strike the
46 balance to piss you all off equally.

47 And so kind of segueing back to some
48 of the same feedback we get with the Harpoon

1 category, we've heard this more loudly this year
2 than ever, is we should eliminate harpoon as a
3 gear type in the General category. They should
4 have their own category.

5 In the Harpoon category, we should
6 have the large medium numbers set the same as the
7 General. Again, an equity-type argument. And
8 then, we should be extending fishing
9 opportunities for harpooners. And again, you
10 know, we did that and again catch rates there
11 have dropped off.

12 So I question sometimes why they ask
13 for it. But we did it all the same, and then
14 that quota can be moved further. So somebody had
15 captured one of my quotes as I kind of talk with
16 all those folks through social media and what
17 have you that are experts in managing this
18 fishery.

19 And if anybody wants to buy me a
20 crystal ball from Brookstone that it will allow
21 me to do a better job, I appreciate that offer,
22 as long it's under \$20. But, you now, it's --
23 again, it's a quick summary. The take-home
24 message is it's bluefin tuna fishing. It's a
25 bluefin tuna fishery.

26 Be damned if any of us know really
27 what's going to take place from one year to the
28 next. We adapt to the best of our ability. We
29 take all the feedback and observations and years
30 of expertise into consideration.

31 But sure enough, you know, we are a
32 federal agency. We are very responsive, but
33 things take time, and, you know, we will continue
34 to adapt to meet all of the objectives as we try
35 to manage this fishery. And with that, I think
36 I'll wrap up.

37 FACILITATOR BROOKS: Okay, thanks
38 Brad. I've got a couple of folks in the queue
39 already. George and then over to Jason.

40 MEMBER PURMONT: Thank you. Brad,
41 first of all, thank you very much for an
42 excellent presentation. And by extension, thank
43 you to Sarah.

44 A question -- couple of questions or
45 an observation, 138.2 metric tons from the Purse
46 Seine went into the Reserve. Was that all of the
47 existing Purse Seine or was there Purse Seine
48 that was leased? And would you explain the lease

1 procedure to the longliners? Thank you. And
2 then I've got another one.

3 MR. MCHALE: Okay. So real quickly,
4 that transfer from the Purse Seine category to
5 the reserve was not all of the Purse Seine quota.
6 In amendment 7, we set up a metric so where there
7 was always a minimal amount, 25 percent of the
8 baseline Purse Seine quota would remain with
9 those five historical participants. And so
10 essentially that's 75 percent of the quota has
11 transferred over.

12 As far as where the allocations
13 associated with each of those give entities have
14 gone, I'd have to go back and look to see where
15 the leases may or may not have taken place. I
16 don't have that information readily available,
17 but it was there for those five purse seine
18 fishing participants to lease quota either
19 amongst themselves or to longline -- Atlantic
20 Tuna Longline permit holders.

21 And the lease process there is whether
22 it's from a purse seine participant to a
23 longliner, or identical to longliner to
24 longliner. They're all part of the IBQ. Their
25 quota's in the system.

26 And then where the private business
27 deals are managed out, that allocation can move
28 from one account to the next. So there really
29 aren't significant differences whether it's a
30 longline participant versus a purse seine
31 participant when it comes to that leasing
32 dynamic.

33 MEMBER PURMONT: A continuation of
34 questions. In regard to the purse seine again,
35 there are five vessels. White Dove Too has been
36 reflagged and has been fishing in Ecuador for
37 quite some time. Bruce Pat is a pelagic
38 fisherman up in Maine. The Avila family, I'm
39 sure the Genovese family, have absolutely no
40 intent of ever reentering our fishery.

41 The recent sale of Harbor Blue's
42 fishing boats to another entity without the
43 ability to transfer the grandfather concession
44 means essentially that there are no seiners left.

45 I know that there's an allegiance
46 occasionally paid to history, but I'm wondering
47 at what point in time does this allegiance
48 surrender itself and the purse seine quota

1 actually go to the whole disposal of national
2 fisheries.

3 MR. MCHALE: So when it comes to that,
4 there are still some issues that surround, you
5 know, the purse seine fishery. And permit
6 ownership I think is a -- still a rather
7 significant one of whether or not permits are
8 transferrable, are they not. Were the permits
9 issued to families, individuals or the entities,
10 the companies, that ran the vessels.

11 So I think that's still kind of under
12 consideration in light of the recent sales, not
13 necessarily in the Genovese and Avilla-type
14 situations. But, you know, if sales are
15 authorized in some shape or form, that obviously
16 ripples into there.

17 When it comes to say managing that
18 fishery as a whole, that becomes a much more
19 significant undertaking if all of the sudden
20 you're looking at reallocation and/or the
21 prohibiting a fishery or -- those sort of
22 dynamics are kind of on the FMP amendment scale
23 and would need to be properly vetted through
24 EISes and the like.

25 And so I don't think we're there quite
26 yet. That may mean we may not get there, but
27 that's kind of something that I think once ripe,
28 and it might be approaching that, that we'll be
29 discussing around this table for some time
30 exactly what are the pros and cons of those sort
31 of approaches.

32 MEMBER PURMONT: Thank you very much.

33 MEMBER ADRIANCE: Thanks, Brad. When
34 you get that good crystal ball, let me know how
35 it works. My state-issued one seems to issue
36 more caveats than predictions.

37 On Slide 11 in the compliance rates,
38 are those compliance rates based on reporting
39 within the first 24 hours or just fish that were
40 never reported?

41 MR. MCHALE: The latter, so this isn't
42 even getting at the timeliness aspect. We all
43 right? Did someone take a digger? All right.

44 FACILITATOR BROOKS: How are Pat's
45 cookies?

46 PARTICIPANT: Nick seems very calm,
47 but okay.

48 MR. MCHALE: Yes. Yes. So Jason, to

1 get back to your question, yes, these are just
2 compliance rates period, you know, which kind of
3 exemplifies the need for better outreach, however
4 effective that may need to be through the
5 different means.

6 One other item I guess I wanted to
7 share back -- and I don't know if Steve's next in
8 the queue, but Steve you had had a question
9 earlier regarding the breakout of the mobile
10 application versus the Web application. And our
11 staff up at headquarters were able to tease out
12 some of the numbers that -- at least so far for
13 this year.

14 Out of all the Web-based reports, that
15 about 57 percent are still coming through the
16 Web, 29 percent are coming through the Web -- the
17 phone application and about 14 percent are still
18 kind of picking up the phone and calling to
19 somebody in the customer service during business
20 hours. So --

21 FACILITATOR BROOKS: I've got Andrew,
22 Steve, Rick and then Mike. So Andrew, you're up.

23 MEMBER MARSHALL: Thanks. Just a more
24 of a comment I guess than a question. We talked
25 about a little bit earlier this -- when you do
26 drop the retention limits, we're seeing a kind of
27 a herd mentality right now.

28 And you're seeing some people, you
29 know, safety issues, people out fishing in
30 weather they shouldn't be out in right now. And
31 I think that's really driving up the catch rate
32 right now. We're seeing really small boats out
33 there right now, and I'm sure you know that. So
34 just a quick comment.

35 FACILITATOR BROOKS: Thanks. Rick?
36 Oh sorry, Steve.

37 MEMBER IWICKI: Steve Iwicki. So
38 first off, I'll tell you about 30 percent for
39 that app for the first year, that's great.
40 That's really a great statistic to know. If you
41 can go to pull up Slide 4 a second, I just had a
42 question.

43 So the numbers in red there for this
44 year just are like statistically off the charts
45 for the first half of the year. So I'm just of
46 wondering, is that due to -- you think to a much
47 better reporting or is that much better catch?
48 Because I'll tell you, I don't know what Rick

1 would say, but for South Jersey, bluefin wasn't
2 that great this year for us through June.

3 So I'm just wondering is there any
4 geospatial correlation of where you think those
5 reports are coming from or do you see a spike in
6 the reporting? Because statistically, that's a
7 very big difference. Doesn't mean you're going
8 to blow through it, but compare that to ever year
9 for that point in time, that's a big delta.

10 MR. MCHALE: I haven't had a chance to
11 tease these numbers apart to kind of get at the
12 geospatial aspect. What I do think is that there
13 is an improvement in the recreational reporting.

14 Because I know that not just the
15 agency, but a lot of the folks around this table
16 and a lot of the associations have been kind of
17 beating that drum of, you know, the better data
18 the agency has, the better it can manage versus
19 the 1-800-CLOSE-ME mentality. That, and I think
20 that there will be certain geographic areas that
21 the fish were available.

22 One thing I didn't mention, and I know
23 we're kind of -- I'm getting long-winded here,
24 but one thing that came out of the commercial
25 data is that every single day in July and every
26 single day in August, there were multiple
27 commercial fish landings, which means every
28 single day for both those two months was a
29 fishable day.

30 And it wasn't just coming into
31 Gloucester in one port -- that there were
32 multiple ports. So I suspect that those weather
33 patterns, the fish being relatively inshore, bait
34 availability inshore kind of will drive up some
35 of those catch rates as well. But I just need to
36 kind of dissect those numbers as well as see if
37 that trend continues in through July.

38 MEMBER IWICKI: I would just add, when
39 you tease the numbers, if you look at it at --
40 the permit number is the reference point to see
41 how many first-time reports or how many -- they
42 may have done one in the past and they did three
43 this year or something like that.

44 Because I don't think the numbers are
45 that crazy, that they're off. It's just a matter
46 -- I think the reporting's that much better. So
47 I'll be curious to see how that comes out.

48 FACILITATOR BROOKS: Thanks. Rick,

1 then Mike, then David, then Marty.

2 MEMBER BELLAVANCE: Thanks, Brad.
3 Same slide, I had a couple of questions as well.
4 I'm curious if you might be able to get to any
5 data from like 2003, 2004, 2005 with those same
6 classes of fish to see what the recreational
7 fishery looked like back then.

8 That's -- in my head, what I remember
9 being like a good robust recreational fishery,
10 and I'm curious to see what those numbers might
11 look like as far as numbers of those small school
12 tuna compared to the 739 that we've landed so
13 far.

14 Just trying to see if we're getting
15 back to that level of fishing or not. I also
16 noticed that the number of small/medium seems to
17 be dropping a little bit, so maybe those fish are
18 getting out of the fishery and the overall weight
19 metric tons might be a little bit more leveled
20 off because we're catching smaller fish -- more
21 of them, but they're small as opposed to those
22 bigger ones, so that's kind of good news.

23 And then on my last question, our
24 request would be to try to vet out that small
25 school bluefin tuna, the 27 to 47 inch, into
26 modes so that we can see if there was any effect
27 on increasing the Charter/Headboat retention to
28 three fish, if that was where some of the extra
29 landings came from or if it was strictly on the
30 private angling side or if it was a combination
31 of both, just for future reference when we start
32 to think about those regulations for next year.
33 Thanks.

34 MR. MCHALE: The quick answer's yes.
35 We can kind of go to the web-based LPS querying
36 tool and probably have some of those answers
37 before the end of the meeting tomorrow.

38 FACILITATOR BROOKS: Great, thank you.
39 David?

40 MEMBER SCHALIT: This is more in the
41 form of a comment or comments, not questions. I
42 think at ABTA what we learned this year was that
43 if you're -- with regard to Atlantic bluefin
44 tuna, if your expectations are zero, your
45 expectations will always be met.

46 There was no way we could anticipate
47 the volume of fish that we were dealing with,
48 especially given the fact that in the month of

1 June, as Brad pointed out, we landed only eight
2 fish. That was it.

3 And I think this -- the most landings
4 we had in any one day occurred on the 4th of
5 July, if I'm not mistaken. It was either the
6 first or the second-highest day. And from then
7 on, it was -- what would you call it -- a living
8 -- that sort of being in the seven editions of
9 hell. You didn't -- there were so -- the volume,
10 the pace of landings was hard to keep track of.

11 And one of the things that we learned
12 in this process was that toggling bag limits,
13 raising and lowering bag limits, as a method for
14 increasing or decreasing the pace of landings,
15 doesn't always work in all conditions. And
16 that's what we learned in this year.

17 We found that -- I mean, it was
18 completely counterintuitive in the sense that --
19 let us say from the end of June through the --
20 through early August, we had a four-fish bag
21 limit and we were landing, according to our
22 statistics, 4.5 metric tons per day in the
23 northeast.

24 Beginning the 3rd of August to the
25 15th, we dropped the bag limit from four fish to
26 two, and we were landing over 8 metric tons per
27 day. So it seems that there was nothing we could
28 do to lower the -- what was -- to slow down what
29 was going on on the water.

30 It was kind of a perfect storm of
31 various conditions that we're not even really
32 sure about now because we don't have enough
33 statistics, as was mentioned a few minutes ago.
34 The idea of new entrants has been bantered about
35 a lot. Well, we don't know if that's real or
36 not. But we'll be able to get to find out by
37 looking at the data, but that's going to take a
38 little while.

39 So right now I think our objective is
40 to find the best possible way to get through the
41 end of the season -- to get through the season.
42 And I think that's the challenge for now. Thanks
43 very much, Brad. Appreciate it.

44 FACILITATOR BROOKS: Thanks. Marty?

45 MEMBER SCANLON: Yes. Once again, you
46 know, our concern in the pelagic longline
47 industry here, you know, is the compliance issue
48 here. You know, once again you've got better

1 than half of the General category basically
2 refuse to comply with the -- reporting with
3 compliance like they're supposed to.

4 You know, I hear about, you know, they
5 want to -- you know, ways to keep the category
6 open, transfers, all of this stuff. However, you
7 know, you have to, you know, show compliance in
8 order to be rewarded.

9 We continue to reward a category that
10 is better than 50 percent noncompliant with the
11 regulations. So, you know, how do you expect
12 you, Brad -- to be fair to you, how do you expect
13 you to regulate it properly when you're not
14 compliant with the regulations to report? You
15 know?

16 So, you know, all of a sudden, what's
17 going to happen? You know, you do a transfer,
18 and then what happens if there's 100 percent
19 compliance? What happens to the quota then? And
20 when does it get to the point where, you know,
21 like you say, we're into the three-year review
22 and now we're just going to start giving these
23 guys fines?

24 Well in a longline industry if every
25 logbook that I'm supposed to have filled every
26 single page has to be correct, every single line
27 on that page has to be correct or I'm not getting
28 a permit, how come that's not the case here?

29 These guys that don't comply should
30 not be reissued permits the next year, period.
31 And if that means that the guys that are in the
32 category and that are compliant gets double the
33 amount of fish to land next year, so be it.

34 I'm not saying don't let the legal
35 fisherman go fish. But we have to put a stop to
36 the people that think they're better than the
37 compliance. This is nonsense to come in here --
38 it's insulting to me and the rest of the guys
39 that fish with me to have to sit here and look at
40 this year after year. And it's consistent.

41 The numbers here are consistent from
42 2016 to 2017. The same people don't think they
43 have to comply and you have not made them comply,
44 period.

45 So is it -- would it be fair to just
46 say, "Well listen, we're not going to give you
47 the entire category anymore -- transfers unless
48 they comply?" That wouldn't be fair to the guys

1 that are complying, and I wouldn't want to see
2 that.

3 But these guys that refuse to comply
4 are making it nothing but more difficult for all
5 of us to manage this fishery, you know,
6 correctly. So it's time to stop playing games
7 with them.

8 These guys don't comply this year,
9 pull their damn permits and let the rest of the
10 guys that are compliant catch double the fish
11 next year. Believe me, they'll comply.

12 FACILITATOR BROOKS: Thanks, Marty.
13 Thanks Marty. Mike, you want back in?

14 MEMBER PIERDINOCK: Sure. You know,
15 our observations up in Massachusetts, you could
16 say from the Chatham area on north, western gulf
17 of Maine, so on, I think one thing that's
18 contributed to these increase in landings is that
19 in the past, you know, you're either rec charter
20 or even commercial guys got to go off the Georges
21 Bank or the Hague Line or certain areas like that
22 in order to land these giants. But this year,
23 it's been completely different. I mean, you go
24 to Chatham, they're right there, you know, 100
25 yards offshore going crazy.

26 You're 15, 20 miles offshore where you
27 have a quick and easier access to these areas
28 that I think that it's contributed to the fact
29 that we have more landings. You know, we had
30 that great year class back in 2008 where we were
31 running and gunning and chasing those guys and
32 they're getting bigger and to the point of what
33 we have now, and I think it's reflective of that.

34 You know, one thing I think maybe that
35 needs to be taken into consideration -- and I
36 don't know if this is up for discussion tomorrow,
37 but there seems to be a lot of fish out there, a
38 lot of bluefin, and do we need to push for our
39 quota increase at ICCAT for us to have more
40 landings, which would be fair to the North
41 Carolina guys and down south? Because they've
42 seen plenty of them down there, we're seeing
43 plenty of them up here.

44 Otherwise, you know, everything's
45 going to remain the same with, you know, just
46 adjusting daily quotas and bag limits. But
47 getting back to your crystal ball, this year
48 we're seeing them right next to shore. We're

1 seeing them close. Next year, they may be 50 to
2 100 miles off, which adds to the difficulty.

3 And then people say, as they did a few
4 years ago, there's no fish and they want to make
5 an ESA designation for bluefin. Well they were
6 50 to 100 miles offshore. They weren't coming
7 close to the shore. So that's part of the
8 difficulties with fishery management. They move
9 with the food, with the forage fish and
10 temperature and so on.

11 This year, they're all near shore.
12 They've increased their landings. And I think as
13 a result of that too, you get a lot of the
14 weekend warriors that were able to hook up more
15 because there are a lot more of them and are a
16 lot closer to shore.

17 So I just want to throw that
18 observation out there because I think that
19 contributed greatly to those increased landings
20 up our neck of the woods.

21 FACILITATOR BROOKS: Brad, any closing
22 observations you want to make? Is your card back
23 up?

24 MEMBER SCANLON: Yes, I do. And I do
25 have one more question here, is that I don't see
26 anywhere we've even discussed -- and I haven't --
27 since I've been here over the past three years in
28 this review, there's never been a number given on
29 what the number of reported discards is in the
30 General category. Are there any? Have there
31 been any? And if not, why haven't there been?
32 What is that number?

33 MR. MCHALE: We'll get to that number.
34 I suspect it's pretty round and not a whole lot
35 of straight lines associated with it.

36 MEMBER SCANLON: Well we've been
37 hearing "We're going to get to that number" for
38 three years and I haven't heard it yet.

39 MR. MCHALE: We'll get that. It's not
40 that hard to tease that number apart. The
41 initial year, there were issues with that data
42 where some entries had been made with inches of
43 fish versus numbers of fish. That kind of blew
44 the numbers apart, but we can get you those
45 estimates

46 FACILITATOR BROOKS: Yes, please.

47 MEMBER SCHALIT: I'm in agreement with
48 what you're saying, Marty. I believe that we

1 wish -- we should be as fully compliant as
2 possible in this reporting.

3 And we actually -- ABTA actually made
4 a push to get people to work on this. Because
5 today, as of this year, we have an iPhone and an
6 Android app that we can use which makes it a
7 total no-brainer. You know what I'm saying?

8 Remind you, I don't want to -- well,
9 this is also a requirement for recreational
10 fishermen as well, right? So it's not only a
11 General category that has to comply on this. So
12 I absolutely agree with you 150 percent, and I
13 will -- and ABTA will do whatever it can do to
14 bring this compliance up to where it needs to be.

15 But I think your question in
16 connection with bycatch to Brad is really
17 dependent upon that kind of response that we're
18 looking for. I mean, otherwise, we're just
19 talking about, you know, approximations. You
20 know?

21 MEMBER SCANLON: No, I'm not blaming
22 ABTA at all. I'm not blaming anybody at this
23 table. You know, I mean, you guys are -- you
24 know, you're as frustrated as we are, I'm sure of
25 it.

26 MEMBER SCHALIT: I think that the --
27 look, it's like what we need is a -- we need a
28 concerted effort on the part of the agency to do
29 outreach on this one singular issue. Okay?

30 But I believe that the -- bycatch, the
31 question of bycatch in the General category --
32 okay, I should say in the General category, I
33 would characterize bycatch in general, in the
34 General category, as being negligible. Okay?
35 But that's -- you know, that's an anecdotal
36 observation on my part, right? I don't see this
37 as a big screaming problem.

38 FACILITATOR BROOKS: I'm going to jump
39 in and let you guys take -- continue this at the
40 happy hour. I want to go to Pat and then over to
41 Jeff, and I saw you, Rich. Yes.

42 MEMBER AUGUSTINE: Yes, thank you.
43 You know, back to Marty's point, he raised a
44 concern. Again, we've listened for three years
45 about this non-reporting issue, Brad. And I'm
46 not sure what you can do -- not you specifically,
47 but we can do -- to force them to report.

48 And I think he's right, the same way

1 with recreational fishermen who are out doing HMS
2 fishing. We know they're catching them, but
3 they're not reporting them. But sooner or later,
4 we have to put our foot down and say, "Hey, you
5 got to report or no tickie." It's that's simple.

6 And it just seems to me that maybe
7 this is the year that an option goes out to them
8 saying, "You don't report this year, you don't
9 get your permit next year." And what would it
10 take to make that statement to go on your Web
11 site -- or our Web site saying, "You are required
12 by law to make that report. If you do not
13 report, you will not be receiving your" -- Margo,
14 do you want to address that, or --

15 MEMBER SCHULZE-HAUGEN: So one of the
16 situations that we have in the current
17 regulations is under our electronic dealer
18 reporting where permits are not, you know, not
19 ever issued, but they are deemed incomplete
20 applications until all the reports are received.

21 And so that's rulemaking in order to
22 establish those kinds of provisions, but that
23 would be one potential model. So it's not you
24 don't ever get your permit. It's you could
25 submit it and then move on.

26 That has been something we have found
27 to be effective in getting reports on an annual
28 cycle. So it's not necessarily, you know,
29 particularly timely because of the annual issue
30 and stuff with permits. So that is one option.

31 MEMBER AUGUSTINE: Yes, but is that
32 enough teeth? Do you have enough teeth to push
33 harder or insist for those that don't? I mean --

34 MEMBER SCHULZE-HAUGEN: Well it works
35 when people want their permit, and then sometimes
36 you have to wait another year to get their
37 reports for the next permit.

38 MEMBER AUGUSTINE: That's good.

39 MEMBER SCHULZE-HAUGEN: And one point
40 I'd like to make is that, you know, we've
41 highlighted on this slide reporting compliance on
42 one issue for one category. This is not a
43 holistic review of all requirements across all
44 categories, and so that might show a different
45 story.

46 FACILITATOR BROOKS: All right, I want
47 to get a couple people into this and then we
48 should be pushing to our public comment. So

1 Jeff?

2 MEMBER ODEN: Thanks, Jeff Oden.
3 Again, David, I heard you say you and ABTA would
4 work towards this effort. I mean, this isn't
5 your fight. This is an agency who is -- not to
6 be redundant and more or less mirror essentially
7 Marty's or mine -- my previous of the last AP
8 meeting.

9 I mean, we -- I have to dot every T --
10 or dot every I and cross every T. And, I mean,
11 I'm routinely getting logbooks sent back to me to
12 redo if they're not right.

13 And again, you know, it's frustrating
14 to come home and be in the process having to fill
15 out a logbook and then having to go back and redo
16 one I may have missed something. And yet the
17 agency has continued down this road and allowed
18 this to go on.

19 All you've got to do is again make
20 these reports mandatory to get that permit. You
21 will get the desired effect quickly, and enough
22 said.

23 FACILITATOR BROOKS: Rich?

24 MEMBER RUAIS: First, I want to
25 apologize for being absent for a bit there. I
26 have a little emergency going on at home. But I
27 wanted to give Marty credit and Jeff credit for
28 at least acknowledging that ABTA has I think been
29 as -- has been quite cooperative in trying to
30 improve this. And we agree 100 percent that we
31 should be up to snuff.

32 I would point out a couple of things.
33 One is there's a duplicity of mechanisms that the
34 agency knows how much fish we're catching and
35 landing in the General category, and that
36 includes the Japanese market, that includes the
37 former daily reporting requirements and the
38 improvements that ABTA has supported, including
39 the initial phone effort which was again over a
40 three-year period.

41 I believe that Blue Water got -- and
42 I want to give you a lot of credit for the amount
43 of work that you guys put in to approve all of
44 the reporting that you guys done.

45 But I would point out it took you a
46 little bit more than three years to straighten
47 out the fleet of about 180 boats whereas I
48 believe we have -- David, we got 3,000-plus boats

1 in the General category alone and then a party
2 boat, Charter/Headboat adds more to that.

3 I'd also suggest that trying to
4 compare -- and I don't mean this in a derogatory,
5 insulting way, but trying to compare a fishery
6 that's using a rod and reel and one or two fish
7 at a time, if someone happens to get lucky enough
8 to hook up two fish at a time and bringing them
9 to the boat right away as -- not as fast as
10 possible, but is trying to maintain quality,
11 balancing the quality issue but -- plus getting
12 the fish safely to the boat and inside your boat
13 is -- you know, it's an easier thing to do.

14 And if you make a mistake, if you've
15 caught a short, the stress on that fish -- I
16 think this has been vindicated, verified by
17 plenty of people -- that survival is -- might be
18 a bit higher than hanging -- you know, than a
19 longline-caught fish for the most part.

20 But it's a problem that we will
21 continue to work with the agency on and do
22 everything we can. We constantly plead with the
23 dealers to keep things up.

24 I just was in court. I was subpoenaed
25 by an attorney for -- I don't know if it was NOAA
26 that subpoenaed me. But I had to testify between
27 a bluefin dealer and a longline operation on a
28 crime that took place about three or four years
29 ago.

30 So I'm not saying that our fishery is
31 lily white either. Money's involved, and
32 whenever this kind of money is involved, things
33 can take place.

34 But I think -- you know, I think in a
35 -- the vehemence of the attack -- or not the
36 attack but the protest, is there. And we
37 recognize it, and we've talked about this for the
38 three years that you're talking about, and we'll
39 talk about it longer till we get it fixed.

40 And have we ever not cooperated in
41 trying to do something that would improve the
42 system? I think we've been right there at the
43 forefront. And we've talked about it in our
44 mailings with our board, with our dealers and
45 everybody else.

46 So anyway, so I just wanted to add
47 that to it. And again I apologize for being out
48 of the room.

1 FACILITATOR BROOKS: Thanks. Katie?

2 MEMBER WESTFALL: Yes, I'm just
3 curious if we're able to get those same
4 statistics for the private Angling category and
5 just curious how those would stack up.

6 MR. MCHALE: It's a little more
7 difficult to tease them out in the same fashion
8 for the recreational fishery because you don't
9 have the dealer data to use as a control to
10 compare back to.

11 And there have been times where we've
12 looked at folks that have been intercepted by the
13 large pelagic survey and then you compare that
14 back. But which one's the control, it becomes
15 much more burdensome to tease out a genuine
16 compliance rate without having a control data.

17 FACILITATOR BROOKS: All right. I'll
18 take two more comments and then we'll take public
19 comment. Dewey and then over to Rom.

20 MEMBER HEMILWRIGHT: Yes, I think a
21 few meetings ago I said one way to fix this when
22 it first come out was to have the person that's -
23 - has to give the dealer a number, a call-in
24 number or something.

25 And also, you know, refresh your
26 memory a little bit, in amendment A7, and I'll
27 use myself as a poster child there, I sent my
28 logbooks in late. I didn't take an observer
29 seven years prior and you denied me access.

30 But I avoided bluefin tunas, and you
31 denied me access for five months and I think
32 three years to fish off my coast in North
33 Carolina because I sent my logbooks in late.

34 And so, you know, the easy way to fix
35 this is you don't issue the person a permit the
36 next year and they simply can't go fishing. But
37 I expect that we'll be here again next year
38 looking at the same compliance rate, and it's an
39 easy way to fix it.

40 If you don't report, you don't get to
41 go fishing. That's what you did on the
42 commercial end, on the pelagic longline industry,
43 even though you avoided bluefin. So what's good
44 for one should be good for the other. It's real
45 simple.

46 FACILITATOR BROOKS: Okay. Thanks,
47 Dewey. And obviously we're hearing a very strong
48 call for -- from some around the table for

1 dealing with this compliance issue in a very sort
2 of straight, if-you-don't-comply-don't-get-a-
3 permit way.

4 Rom, you get the last word here.

5 MEMBER WHITAKER: Okay. And I want to
6 ask you, first of all if you look at Page 4 in
7 the report -- and I think I'm looking at it
8 right.

9 But if you look at in the very first
10 column down at the bottom left corner, 739, and
11 these are 27 to 47-inch bluefins. And I'm
12 assuming these are caught up Mike's way or
13 somewhere up in the northeast. But that to me is
14 a great indicator of the fishery is obviously --
15 not only are the big ones -- were filling the
16 quota, but there is some small fish coming behind
17 it.

18 So I've got to take that as a very
19 positive sign for the management of the fishery.
20 And Brad and Margo or the whole staff, I take my
21 hat off to you that you do listen. And I know
22 you're not going to make everybody happy, but we
23 do appreciate your efforts. Thank you.

24 MR. MCHALE: Thanks, Rom. Can you
25 just tell my girlfriend that same statement, I do
26 listen, I would be greatly appreciative.

27 FACILITATOR BROOKS: Okay. Well I
28 know this isn't the last time we're going to be
29 chewing on this topic, but a lot of ideas here to
30 be thinking about and no doubt coming back to
31 tomorrow a bit.

32 At this point, I would like to go to
33 public comment. I think we had just two, is that
34 right? So if you would come up to the table and
35 find a mike, would be great. If you go next to
36 Terri, would be good. Thanks. And if you would
37 start by just stating your name and any
38 affiliation, that would be helpful.

39 MR. KANE: Yes, good afternoon,
40 commission, AP members. I appreciate the
41 opportunity to address what the Fisherman's
42 Alliance is looking for in the way of an EFP.

43 I want to thank --

44 FACILITATOR BROOKS: Sir, can you just
45 state your name?

46 MR. KANE: Raymond Kane, I'm sorry.
47 I want to thank Dr. Sissenwine for bringing in --
48 it up earlier today, and if he could open it up

1 to discussion or a few people have questions
2 about this application, we had submitted it to
3 John Bullard the first part of April.

4 And then I have a follow-up letter
5 from the Alliance back to your division here,
6 July. But there seem to be questions in the
7 audience or with the AP about this EFP that we're
8 looking for.

9 I mean, we were one of the first
10 organizations on the East Coast to go to sectors,
11 and they're well managed. And a number of the
12 commercial fishermen within the sector who have
13 always had HMS bluefin tuna permits would like
14 the opportunity on a groundfish trip to land
15 bluefin tuna.

16 Because these vessels I'm talking
17 about are fishing eastern Georges for codfish,
18 and that's roughly 100 miles from port. And if
19 it so happens that they encounter bluefin tuna,
20 they would like the opportunity to catch whatever
21 the daily trip limit is.

22 So if we could open it up to
23 discussion, I know Patsy Augustine had questions
24 earlier and George Purmont and Michael
25 Pierdinock.

26 FACILITATOR BROOKS: Yes.

27 MEMBER SCHULZE-HAUGEN: Maybe what
28 could do, Ray, is give us a synopsis and then we
29 could take the discussion offline.

30 MR. KANE: Well which synopsis would
31 you like? I have a 15-page synopsis for John
32 Bullard, so --

33 FACILITATOR BROOKS: The two-to-three-
34 minute synopsis would be perfect.

35 MR. KANE: All right. Basically these
36 are commercial fishermen who ply the northwest
37 Atlantic on a 12-month basis. They harvest fish,
38 different species, 12 months of the year.

39 And what they're looking for is an EFP
40 while engaged in electronic monitoring. These
41 three vessels all have cameras onboard. They've
42 had them onboard for the groundfish industry.

43 So it's a no-brainer. These
44 harvesters want the opportunity to harvest
45 bluefin tuna on a groundfish trip. I think it's
46 only right, as I said. They ply the northwest
47 Atlantic 12 months of the year harvesting
48 different species.

1 They are true commercial fishermen.
2 They belong to sectors. And they're looking for
3 an EFP in conjunction with electronic monitoring.
4 Those cameras will be on -- turned on from the
5 time they leave the dock until they return so
6 everything will be photographed.

7 SMAST is involved in cleaning the
8 videos. And a number of the electronic
9 monitoring companies that sell the cameras, they
10 also have protocol and they have to review the
11 videos. We also have sector managers who -- in
12 our own office, we have a sector manager and upon
13 request she will review a video.

14 So I think that's pretty much it. And
15 now that you've gotten through your longline EFP,
16 I would certainly hope you'd look and consider
17 this proposition by commercial fishermen. Thank
18 you.

19 FACILITATOR BROOKS: Thanks very much.
20 Ben, are you want to -- give a question?

21 MEMBER CARR: I have a response.

22 FACILITATOR BROOKS: To the -- well
23 no, it's public comment, so we don't want to --
24 we don't really want a back-and-forth. Okay.
25 Let's not -- I don't want get into response back
26 and forth here. Okay. If there's a
27 clarification, we can talk about it later and
28 clarify it that way. All right.

29 MEMBER PURMONT: Can I ask him a
30 simple question?

31 Raymond, I'm in favor of it right off
32 the top.

33 FACILITATOR BROOKS: Yes. Actually,
34 you know what, George, I'm going to put a hold --

35 MEMBER PURMONT: The question is
36 whether or not these are people that actually
37 have a permit to catch the fish. And if they
38 have a permit to catch the fish --

39 FACILITATOR BROOKS: He said they did.

40 MEMBER PURMONT: -- what category and
41 what quota would it come under?

42 FACILITATOR BROOKS: Let me put that
43 up here.

44 MR. MCHALE: So building off of what
45 Ray said there to help clarify what's in the
46 request is that all these vessels would have
47 General category permits. They would be catching
48 the bluefin tuna on authorized bluefin gear, rod

1 and reel, harpoon.

2 They just so happen to have groundfish
3 gears onboard the vessel, which runs afoul of our
4 no unauthorized gear onboard requirements.

5 And because these vessels have
6 electronic monitoring gear associated with the
7 groundfish fishery, this is where they're asking
8 for the exemption, is that we're monitored, you
9 can verify that we're catching it on HMS gear.
10 Please explore. That's kind of it in a nutshell.

11 FACILITATOR BROOKS: Okay. Thanks.
12 Thanks, Ray.

13 What I'd like to do is invite -- no,
14 you know what, I really want to sort of keep this
15 in public comment which is public comes up and
16 comments and it's not going to work to have a
17 dialogue back and forth at this juncture.

18 So Greg, you have a public comment to
19 make? Sorry.

20 Thank you very much, Ray.

21 MR. DIDOMENICO: Normally I'd give Ray
22 all my time, but not today.

23 I know well enough not to get between
24 a group of people who have been sitting down
25 since 9:00 a.m. and happy hour, so I'm honestly
26 just going to say two things, three things. I
27 had a long list, but it's not time for that.

28 I wanted to of course again, as
29 always, I come here and thank you for your
30 patience and your indulgence with my constant
31 emailing and requests. I am really satisfied at
32 the direction you're going regarding splitting
33 these -- splitting the permits up in such a way.

34 I do also though want to remind you
35 that my ultimate goal was to ask you to reform
36 your online permitting system. It still exists
37 in such a manner that a private angler who
38 doesn't have a for-hire boat or, you know, for-
39 hire license or any other commercial license can
40 still go on your Web site and get a permit. And
41 in fact, there's 2,000 of them out there.

42 So that really was my -- that's one
43 part of my goal. I hope you can reform that
44 system. I'm asking you to do that. I think it's
45 going to solve a lot of the problems.

46 And like I said, I had a bunch of
47 things here, but I am going to just mention one
48 thing. And I made some requests, some informal

1 requests, since you have -- HMS has designed and
2 formulated a video for shark identification.
3 We're really hoping you can extend that to the
4 commercial industry.

5 And quite frankly, we hope you can
6 extend that to the turtle classes, the dehooking
7 classes. I have to tell you that I have a group
8 of guys who have been unhooking cardboard boxes
9 in -- you know, for a couple -- for a real long
10 time now and also attending shark ID classes that
11 quite frankly I think they could teach. So if
12 you give incentive to the commercial industry,
13 that would really be -- we would really be
14 grateful.

15 Again, I've got guys who are driving
16 a couple hours to attend these workshops and
17 they're often the only people there besides
18 interested public. And so it's a burden and it
19 takes money and time out of their very busy
20 schedule. So if you could do it by video, I'd
21 really appreciate it.

22 And I'm going to stick around a little
23 while because perhaps Margo we can talk or maybe
24 some of your other staff regarding some of my
25 other items. Thank you.

26 FACILITATOR BROOKS: Thanks, Greg.
27 Any other public comments at this point? Okay.
28 If not --

29 MEMBER ODEN: Can I -- I want to speak
30 to Ray's concern that little bit ago.

31 FACILITATOR BROOKS: Hey Jeff, I --

32 MEMBER ODEN: I'm public comment. No,
33 I'm --

34 FACILITATOR BROOKS: No, you're an AP
35 member. So --

36 MEMBER ODEN: Okay.

37 FACILITATOR BROOKS: -- what I want to
38 do is --

39 MEMBER ODEN: Well hey, I'm speaking
40 to versatility in our fisheries, and that to me
41 is essentially what he's asking for. And --

42 FACILITATOR BROOKS: I hear you. What
43 I would love to do is invite people to continue
44 that conversation informally right now after
45 this. I don't know whether or not it makes sense
46 to pick this back up at any point as an AP
47 discussion or not, and I defer to Margo and Brad
48 whether we want to try to do that at all

1 tomorrow.

2 Because I hear the request, I just
3 want to honor the distinction of sort of public
4 comments versus AP conversation. So in the very
5 near term, I absolutely invite people -- I know
6 Ben, you had some comments, Jeff, you do. Take
7 it up informally after we adjourn and then we'll
8 think about whether there's merit in bringing
9 that back to the table tomorrow.

10 So at this point, I just want to thank
11 folks for putting in a very long day. I think
12 everyone is probably pretty wiped out at this
13 point.

14 Just remind you that the no host
15 social is downstairs in the lounge on the first
16 floor. I think you all know where that is.

17 And we will reconvene tomorrow at
18 8:30. So again we have an early start because
19 we're getting out -- getting you out of here
20 early. And we know several folks who'll have to
21 leave even a little bit earlier than the schedule
22 determined due to weather.

23 (Whereupon, the above-entitled matter
24 went off the record at 5:40 p.m.)
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This is to certify that the foregoing transcript

In the matter of: Highly Migratory Species Panel

Before: NOAA

Date: 09-06-17

Place: Silver Spring, MD

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Neal R Gross

Court Reporter

NEAL R. GROSS

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