

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

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ATLANTIC HIGHLY MIGRATORY SPECIES  
 ADVISORY PANEL

+ + + + +

WEDNESDAY  
 MARCH 7, 2018

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

PRESENT

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

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

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

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ALSO PRESENT (Cont'd.)

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

\*Present via telephone

## A-G-E-N-D-A

Welcome and Introductions .....	6
Overview of Recent Activities/Rulemaking Randy Blankinship, HMS.....	29
Outcomes from 2017 ICCAT Annual Meeting Dr. John Graves, ICCAT.....	58
Shortfin Mako Shark Emergency Interim Final Rule and Public Hearing Tobey Curtis and Karyl Brewster-Geisz.....	86
Public Comment on Emergency Interim Final Rule.....	156
Swordfish General Commercial Permit Retention Limit .....	164
Amendment 11 Scoping Review: Shortfin Mako Sharks.....	176
Update on Pelagic Longline Closed Area Research EFP.....	238
Discussion on Closed Area Data Collection.....	249
Opportunity for Public Comment .....	333

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

2 9:32 a.m.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 my left. Thank you for being here.

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

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

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

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

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

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

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

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

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

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

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

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

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

22 MR. SCHRATWIESER: Jason

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1 Schratwieser, International Game Fish  
2 Association.

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

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

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

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

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

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

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

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

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

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1 MR. PURMONT: George Purmont,  
2 commercial.

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

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

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

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

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

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

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

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

22 MR. SCHALIT: David Schalit, American

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1 Bluefin Tuna Association.

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

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

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

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

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

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

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

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

22 MR. WEBER: Rick Weber, South Jersey

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1 Marina and tournaments.

2 MR. BROOKS: Thanks. Brad.

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

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

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

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

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

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

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

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

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

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

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1 Technology, NOAA Fisheries.

2 MS. PFLEGER: Mariah Pflieger, Oceana.

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

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

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

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

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

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

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

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

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

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

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1 MR. DESFOSSE: Joe Desfosse, HMS.

2 MR. FOREST-BULLEY: Uriah Forest-

3 Bulley, HMS Gloucester.

4 MR. WARREN: Tom Warren, HMS

5 Gloucester.

6 MS. SOLTANOFF: Carrie Soltanoff, HMS

7 headquarters.

8 MR. DUBECK: Guy DuBeck, HMS

9 headquarters.

10 MS. BAERTLEIN: Heather Baertlein,

11 HMS headquarters.

12 MR. SILVA: George Silva, HMS

13 headquarters.

14 MS. MCLAUGHLIN: Sarah McLaughlin,

15 HMS Gloucester.

16 MR. DIAZ: Guillermo Diaz, Southeast

17 Fisheries Science Center, Miami Lab.

18 MR. WALTER: John Walter, Southeast

19 Fisheries Science Center, Miami Lab.

20 MS. CUDNEY: Jennifer Cudney, HMS St.

21 Petersburg.

22 MR. COOPER: Peter Cooper, HMS

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1 headquarters.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 Unfortunately he has a last minute

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

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

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

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

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1 lobby.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 Under the Paperwork Reduction Act the

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

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

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

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

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

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

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1 have examples where it does work.

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

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

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

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

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

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1 who is also with HMS staff in a sidebar.

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

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

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

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

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

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

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1 tournaments are selected for reporting.

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

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

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

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

22 These we have presented to you in

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

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

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

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

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

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

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

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

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

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

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

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1 find them more easily.

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

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

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

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

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

22 There are 682 of those permit holders

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

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

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

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

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

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

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1 fishery.

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

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

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

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

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

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

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

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

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

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1 point.

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

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

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

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

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

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

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

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

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

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

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

12           The website link is there for more  
13          information.

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

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

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1       happening.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 That work is ongoing. That's my

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

4 MR. BROOKS: Rick, follow-up.

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

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

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

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

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1 all starting to come together.

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

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

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

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

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

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1 each other.

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

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

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

13 MR. BROOKS: Shana.

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

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

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

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

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

8               MR. BROOKS:   Pat.   Mike.

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

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

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

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

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

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

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

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

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

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

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1 implementing that.

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

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

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

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

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

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

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

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

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

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

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

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

22 And they're both actively folding in

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

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

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

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

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

22 MR. BROOKS: Just hang on one second.

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

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

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

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

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

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1 meeting in November.

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

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

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

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

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1       there.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 last 15 years.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 lot of dissatisfaction.

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

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

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

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

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

22 They used a similar approach in the

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

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

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

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

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

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

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

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

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

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1 almost went.

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

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

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

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

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

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1 committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 DR. GRAVES: So, the United States is

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

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

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

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

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

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

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

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

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

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

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1 are not coming in to Trinidad any longer.

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

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

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

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

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

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

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

6 MR. BROOKS: Rusty and then Mike.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1           accountable to this important standard. Thanks.

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

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

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

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

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

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

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1 and skipjack to do a tagging study.

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

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

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

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

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

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1       you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 We had updated link compositions and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 2011 estimate.

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

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

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

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

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1 this year.

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

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

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

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

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

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

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

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

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

22           Any feedback you have for the agency

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 MR. BROOKS: Clarifying questions.  
16 Rusty.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 MR. BROOKS: Marty, clarifying  
19 question.

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 the public hearing and collecting comments right  
2 now.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 MS. FORDHAM: Thank you. Sonja

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1 Fordham, Shark Advocates International.

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

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

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

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

5           I think that's pretty serious  
6           business.

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

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

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

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

22          And I've tried to counter that with

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

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

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

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

22 In my mind that means a more complete

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22          So we worked in this exception for

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 achieve this.

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

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

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

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

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

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

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

12          MR. CURTIS: No.

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

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

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

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

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

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

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

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

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

22 And subsequent research -- and it took

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 MR. BROOKS: Thanks, Dewey.

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

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

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

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

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

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

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

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

16                   MR. BROOKS:  Rusty.

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

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

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

10           That would change future assessment  
11 too.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 MR. BROOKS: Thanks. Marty.

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

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

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

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1 offset that cost.

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

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

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

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

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

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

8                   MR. BROOKS: I'll help you.

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

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

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

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

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

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

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

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

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1 SCRS says.

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

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

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

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

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

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1 other side.

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

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

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

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

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

22 And Randy's right that at those

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 measures and it ultimately impacts us.

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

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

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

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

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

22 And the spiny dogfish rebuilding

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

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

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

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

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

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

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

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

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

15               So just for consideration. Thank  
16       you.

17               MR. BROOKS: Thanks. Shana.

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

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

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

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

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

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

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

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1 up for public hearing. Thanks.

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

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

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

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

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

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

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

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

22                  And whether or not it's with dusky

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

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

7 MR. BROOKS: Dewey.

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

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

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

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

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

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

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

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

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

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

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

3                   MR. HEMILRIGHT: Absolutely.

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

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

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

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

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

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1 enlightening.

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

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

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

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

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

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

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

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

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

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

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

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

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1 a lot of important stuff put on the table.

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

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

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

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

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

6           We also heard a number of comments  
7           that I think are sort of more going towards All  
8           and what comes next which is of course not  
9           surprising and appropriate.

10           I'll just name them and we'll come  
11           back this afternoon and have a longer  
12           conversation.

13           We heard at least one comment around  
14           maintaining that full prohibition going forward.  
15           We heard comments around again electronic  
16           monitoring and how do we think about that going  
17           forward.

18           Moving to mandatory reporting for  
19           recreational fishers. Perhaps disbursing IBQ to  
20           offset economic impacts.

21           And then obviously the end here a very  
22           pointed conversation around data and the gaps,

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1 the needs. Because whatever you get out of ICCAT  
2 is only going to be as good as what we put in.  
3 And so we ignore these questions at our peril.

4 I overlooked one issue as well which  
5 I want to make sure I don't miss which is don't  
6 go further than recommendation. That really gets  
7 to implementation of the emergency rule.

8 If you're handed a mandate, stick with  
9 the mandate, don't go beyond it.

10 So that's my summary from here. Again  
11 we'll come back and have a much more detailed  
12 conversation on All going forward but at this  
13 point I want to pivot to the public hearing.

14 Glenn. Oh yes, phone, thank you. Is  
15 there any panel members on the phone who want to  
16 weigh in on this and do we have any public members  
17 on the phone who want to weigh in?

18 Okay. So hearing none, Glenn if you  
19 would grab a seat and a mike. Start by  
20 introducing yourself.

21 MR. DELANEY: Thank you, Bennett.  
22 Glenn Delaney. And I really should say it just

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1 occurred to me I don't want to present myself as  
2 speaking on behalf of Blue Water today because I  
3 don't want to get ahead of my client as a good  
4 consultant should do.

5 I'll really just say I'm here as a  
6 consultant to the industry and member of the IAC  
7 and someone who's participated in this process  
8 for a very long time.

9 So I just wanted to cover some points.  
10 I didn't come here prepared to make any comments,  
11 I just wrote down some thoughts in the back of  
12 the room here.

13 I can assure you, Karyl, that Dewey's  
14 level of frustration is -- having been on the  
15 phone and emails with him over the past month or  
16 so his frustrations with the data issues  
17 certainly exceeds what he may have conveyed here  
18 today.

19 But rightly so. We've got to get to  
20 the bottom of that problem.

21 But what led myself and eventually  
22 Dewey to start to look at the data on mako really

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1 for myself was triggered by looking when the SCRS  
2 mako assessment first came out last year I was  
3 looking at the chart of country reported landings  
4 by country and was surprised to find that the  
5 United States pelagic longline fleet was the  
6 third largest source of mako landings in 2016  
7 which is in the longline world somewhat  
8 remarkable given the size of our fleet and the  
9 size of our vessels as compared to the major  
10 industrial longline fishing nations, Japan,  
11 Taiwan, People's Republic of China, Korea,  
12 massive fleets operating in the Atlantic with  
13 longline gear and vessels that transcend anything  
14 we would imagine in our fleet.

15 So how could our tiny contribution to  
16 fishing effort translate into the third largest  
17 source of landings of mako. How is that  
18 possible.

19 Japan in 2016 reported 75 metric tons  
20 of shortfin mako. Taiwan, seven tons. China,  
21 four tons. And South Korea, one measured ton.

22 Now, I don't know how familiar

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1 everybody in this room is with their fleets  
2 operating in the Atlantic and our fleet operating  
3 in the Atlantic but that should cause everybody  
4 to wonder what's going on there. Something is  
5 fundamentally wrong.

6 Either our 296 metric tons that we  
7 reported that year is greatly inflated by virtue  
8 of extrapolations or the wrong conversion  
9 factors, or these countries are just simply  
10 ignoring their responsibilities to report  
11 landings.

12 Now there are perhaps as I've talked  
13 with Guillermo about some differences in fishing  
14 practices that may lead to different CPUEs of  
15 makos in shallow and deep-set longline fisheries.  
16 But this degree of difference is just not  
17 plausible.

18 So I just put that on the table.  
19 There are a lot of data issues to be looked at  
20 not just within our own data report.

21 So kind of just on Rusty's point about  
22 other nations' failure to comply with the new

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1 ICCAT measure there's a question about other  
2 nations complying with their responsibilities,  
3 obligations to ICCAT to report task one and two  
4 data correctly.

5 I was at ICCAT again this year. I  
6 just want to emphasize that in my opinion this  
7 was by far the best possible result for U.S.  
8 fishing interests that you could possibly have  
9 hoped for.

10 I think the U.S. worked very hard and  
11 successfully to avoid an all-out prohibition and  
12 more probably an ICCAT TAC that would have been  
13 divided up into country-specific quotas which  
14 very possibly could have been implemented by the  
15 United States as a hard TAC which would have  
16 resulted in shortfin mako becoming a choke  
17 species for at least the pelagic longline fishery  
18 and the recreational fisheries, and shutting down  
19 those U.S. fisheries prematurely probably pretty  
20 early in the year. That's the way it works.

21 So just want to express appreciation  
22 for the U.S. delegation's work to prevent that

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1 from happening.

2           Would also like to reiterate that in  
3 my opinion this rule is for the purpose of  
4 implementing U.S. obligations to ICCAT and should  
5 strictly adhere to the terms of what we agreed to  
6 at ICCAT.

7           That said I think we can anticipate  
8 that there's a lot more work to be done that will  
9 be done at ICCAT to further develop a make set of  
10 measures and probably a rebuilding plan.

11           I think there will be revisions to the  
12 science in part data, in part methodology,  
13 analytics. And we don't know what the result of  
14 that will be.

15           But it's very possible that ICCAT will  
16 develop a TAC and country quota scheme that will  
17 have to be implemented -- as part of a rebuilding  
18 plan that will have to be implemented by the  
19 United States.

20           But we don't know. We don't know what  
21 new science, what new measures will be adopted by  
22 ICCAT at this time.

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1           So I'm very concerned about the  
2 Amendment 11 being a premature unilateral action  
3 that will ultimately be superseded by whatever  
4 ICCAT obligations we incur at the 2018 and '19  
5 meetings.

6           So I'm not sure if there aren't things  
7 that would be helpful to have in Amendment 11,  
8 but very concerned that Amendment 11 become a  
9 rebuilding plan, a unilateral U.S. rebuilding  
10 plan before ICCAT has even taken any measures.

11           So just want to make that point  
12 strongly that we don't want to make this a  
13 unilateral action. Let's let ICCAT do its job.  
14 Let's adhere to those obligations. And so the  
15 timing of this process should reflect the ICCAT  
16 timing process timing, not some unilateral  
17 premature action. Hope that makes sense. I  
18 think that's all I've got.

19           MR. BROOKS:       Thanks very much,  
20 appreciate it. Karyl.

21           MS. BREWSTER-GEISZ: I just wanted to  
22 touch base a little bit on the timing concerns.

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1 We definitely appreciate that, Glenn.

2 Regarding the timing concerns this  
3 emergency rule will expire even if we extend it  
4 March 3. So we do need to have some sort of  
5 long-term measures in place before then.

6 What that will be, you're right, I  
7 can't predict what will happen at the November  
8 meeting in ICCAT, or the one in 2019.

9 So we are definitely aware of the  
10 timing. We're watching things. As you'll see  
11 in the presentation this afternoon we're still in  
12 the scoping phase. We're still looking at  
13 things. We're trying to have a range of options  
14 that could encompass what ICCAT plans for.

15 And we are definitely not planning on  
16 doing anything unilaterally.

17 MR. DELANEY: Well, I appreciate  
18 that. And just as a very quick comment to that  
19 I think scoping comments, scoping process on  
20 Amendment 11 I think is likely to generate a very  
21 huge volume of sensational inputs to the agency  
22 that are uninformed and generated by the shark

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1 activist community.

2 And there's going to be a lot of  
3 political pressure on the agency. It's very easy  
4 to say that right now, but you're going to get  
5 bombarded.

6 I'm sure this will show up on Shark  
7 Week and God knows what else. So it's easy to  
8 say we're not going to do anything unilateral,  
9 but everybody should write that down that Karyl  
10 said we're not going to do anything unilateral.

11 MR. BROOKS: All right, thanks,  
12 Glenn.

13 MR. DELANEY: Thank you.

14 MR. BROOKS: All right. We want to  
15 get you to lunch. We will start at 2 o'clock  
16 sharp when we get back. Again we won't be  
17 hearing from Chris Oliver but I think we will  
18 take up the bluefin tuna Florida allocation  
19 issue. I'm sorry, swordfish. Okay, great.  
20 Thanks, everybody.

21 (Whereupon, the above-entitled matter  
22 went off the record at 12:35 p.m. and resumed at

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1 2:02 p.m.)

2 MR. BROOKS: All right. So just as  
3 you're taking your seats just a reminder to you  
4 that we had hoped to be hearing from Chris Oliver  
5 at this point but he had to be going to the  
6 Department of Commerce for a last minute meeting  
7 down there so unfortunately he's not going to be  
8 here this afternoon.

9 There is a chance that he will be able  
10 to join the social hour after the meeting so we'll  
11 see if that's possible. I know it's his  
12 intention to try to do that if he can.

13 Pat has of course done baking so if  
14 you haven't seen Pat's cookies in the back room  
15 and you've never had them before you should go  
16 see them and then you should have one or six of  
17 them because he always bakes too much, but thank  
18 you, Pat.

19 So then before we get back into the  
20 agenda there was one issue that was raised. Bob  
21 brought up an issue at the outset of the meeting.

22 He brought up an interest in talking

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1 about the swordfish general commercial permit  
2 retention limit in south Florida. So we have a  
3 little bit of time here where Chris Oliver would  
4 have been speaking.

5 So I'm going to hand it off to Randy  
6 just to introduce the topic and then we'll have,  
7 obviously Bob we'll go to you after that and then  
8 open it up to the panel.

9 MR. BLANKINSHIP: Yes, so just -- for  
10 a little bit of context this will be just I think  
11 a general discussion to facilitate sharing some  
12 thoughts.

13 But a little bit of background on  
14 this. If you recall many of you and some of you  
15 won't remember or know about this because you  
16 weren't around, but a few years ago we had  
17 amendment 8 that we went through that created the  
18 Swordfish General Commercial permit which is at  
19 the time a new open access commercial permit for  
20 swordfish that authorized rod and reel and some  
21 other gears but not including buoy gear for  
22 harvesting of swordfish under a low retention

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1 limit.

2 And the retention limit was  
3 established regionally. And so in that proposed  
4 rule we had proposed in the area off of south  
5 Florida that includes the Florida Straits a  
6 retention limit of one fish per trip.

7 And through the comment period we  
8 received and with consultation with the AP we  
9 received a lot of input on that, some of it in  
10 favor of that and some of it opposed to it.

11 But then also keeping through that  
12 what was highlighted in the comment period and in  
13 our analysis was some of the unique aspects to  
14 the Florida Straits related to swordfish where  
15 the straits create in some form or fashion kind  
16 of a migratory bottleneck within that area that  
17 tends to somewhat concentrate fish and makes them  
18 available there in some ways where they aren't  
19 necessarily quite as available in other areas.

20 And that area also happens to be in  
21 close proximity to a densely populated area.

22 And so some of the comments that we

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1 received about that reflected some of these  
2 aspects.

3 And we had varying folks weigh in on  
4 that from several different entities including  
5 the commercial fishermen and from the State of  
6 Florida.

7 Some of my recollection of those  
8 comments were not interested in seeing additional  
9 commercial fishing effort within that small area  
10 of the Straits of Florida, and I'm just  
11 paraphrasing from my recollection about what some  
12 of those comments were.

13 And so in the final rule we  
14 implemented a retention limit -- well, actually  
15 a retention limit that can span a range and that  
16 can be adjusted on an inseason basis. And the  
17 range is zero to six fish, but we have implemented  
18 a zero retention for swordfish within that  
19 Florida Straits area and that's from Cocoa Beach  
20 on the east coast of Florida down and through the  
21 Florida Keys.

22 And so that's where we've been. Even

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1       though we've had in-season adjustments on  
2       retention limits in other areas that retention  
3       limit off of south Florida has remained zero fish  
4       through that time period.

5               So there's a little bit of context and  
6       background related to this as we just kind of tee  
7       up this discussion to accommodate the request.

8               MR. BROOKS:   Great.   Thanks, Randy,  
9       that's very helpful.   Bob, I invite you to weigh  
10      in here and then open it up to the AP.

11              MR. FREVERT:   Okay.   Thank you very  
12      much.   My name's Bob Frevert.   I'm a recreational  
13      fisherman from Jupiter, Florida.

14              One of the things on my bucket list  
15      was to catch a swordfish.   I actually tried to  
16      travel to Venezuela to get one and finally do  
17      recovery.   About 10 years ago I was able to get  
18      one at night right off of Florida.

19              So now I fish during the day.   I  
20      really enjoy the swordfishery.   It's been really,  
21      really a lot of fun.

22              I was getting my HMS permit a couple

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1 of years ago and I saw the Swordfish General  
2 Commercial permit and I thought well, that'd be  
3 great. Not that I want to sell every fish I  
4 catch but I like them about 100 pounds.

5 And if you get a 400 pounder, bring it  
6 home, chop it up and try and give it all away to  
7 your friends it's a lot of work.

8 So I thought well, if I could sell  
9 that one big fish the market would love it and  
10 I'd be happy.

11 But at this point there's no landings  
12 allowed in the Florida swordfish management area.  
13 But it might be adjusted in the future just as  
14 you recommended.

15 So I got my HMS permit again this  
16 week, this year, and I saw that in December of  
17 '17 a temporary rule came in where the NMFS  
18 adjusted the Swordfish General Commercial permit  
19 retentions for the northwest Atlantic, the Gulf  
20 of Mexico and the U.S. Caribbean from the default  
21 limits of two or three up to six. But Florida  
22 stayed at zero.

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1                   So I'm a proxy.       This is my  
2                   opportunity to let you all know what I think.  
3                   And I don't understand why everybody else can  
4                   catch two or three times as many as they used to  
5                   yet Florida was stuck at zero.

6                   Even though we allow buoys and even  
7                   though you can get -- there's guys commercial  
8                   fishing for them rod and reel. So that's my two  
9                   cents. Thank you.

10                   MR. BROOKS: Great, thank you. Let's  
11                   see if any AP members have any comments. Tim, I  
12                   think I see your card up.

13                   MR. PICKETT: Yes, a couple of issues.  
14                   Randy mentioned our conversations when this  
15                   permit first came out.

16                   I don't believe the attitude of my  
17                   constituencies in south South Florida, Pompano  
18                   Beach, where we're at is kind of the epicenter of  
19                   that daytime swordfishery and I would say 90  
20                   percent of the fishing happens between Palm Beach  
21                   and Miami which is really what we're talking  
22                   about in terms of what that retention limit would

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1 be.

2 There's a lot of people that have  
3 financial buy-in to that fishery, that own  
4 permits, that paid a lot of money for permits.

5 And also I'm not sure what sort of  
6 good it would do anyway. Recently we've had the  
7 best fishing that we've had in a very, very long  
8 time both buoy fishing and daytime fishing.

9 I think there needs to be before we  
10 even look at this a couple of reasons why I feel  
11 the same way that I felt before.

12 A couple of things we need to look at  
13 is increasing enforcement of the recreational  
14 fleet to begin with. We were talking at lunch.

15 With the great fishing that we've had  
16 around right now you go into any restaurant in  
17 south Florida and there's swordfish. If the  
18 weather's good enough to get to the Bahamas  
19 there's wahoo on the menu. It's something that  
20 we need to assess.

21 And the other which we're going to get  
22 into later in the afternoon, I think it would be

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1       difficult for the south Florida recreational  
2       swordfishing community to ask to develop a new  
3       commercial fishery in the area while shutting out  
4       the commercial fishery that's being talked about  
5       in the EFP.

6                To be opposed to that and then  
7       embracing what I would call a new commercial  
8       fishery down there and additional boats.

9                Do I think that the impact on the  
10       number of boats is going to be that much more?  
11       I don't think so. But I think the status quo is  
12       what myself and my constituents would generally  
13       support.

14               MR. BROOKS: Thanks, Tim. Martha.

15               MS. GUYAS: Yes, just to I guess  
16       reiterate some of the things that Randy brought  
17       up.

18               We were, and I'm speaking for the  
19       State of Florida here, supportive of the zero  
20       limit for that area because there is a lot of  
21       activity that's happening there.

22               With creation of the General permit

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1 that also invited a whole new flood of people  
2 that potentially could be targeting in this area.  
3 As Randy mentioned there's a lot and it's easy to  
4 get into.

5 So we had pretty strong concerns about  
6 an influx of effort in that area where there's  
7 already people fishing on top of each other.

8 MR. BROOKS: Thanks, Martha. Is that  
9 Marty's card or David's?

10 MR. SCANLON: Well, as long as you  
11 keep the pelagic longliners out of there I don't  
12 see where anybody else should be allowed in there  
13 that are unregulated.

14 Put the VMS machines on your boat, put  
15 the observers on your boat, do the scientific  
16 data that we do and then you can sell whatever  
17 the hell you want.

18 Other than that I don't see where  
19 anybody should get access when you're denying  
20 access to an industry that's highly regulated and  
21 is doing all the scientific work in the fishery.

22 MR. BROOKS: Okay. Scott.

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1                   MR. TAYLOR: I'll be quick because I  
2 don't want to take my time up for later.

3                   The recreational sector that has been  
4 executing this fishery there needs to work on  
5 their accountability. This has been a subject  
6 that this panel has discussed for a long time.

7                   I don't want to mix the EFP with the  
8 fishery that's going on on the straits because  
9 this is part of the gross misconception that  
10 seems to be getting perpetuated.

11                   The two things have got nothing to do  
12 with one another. This handgear and buoy fishery  
13 is not going to take place anywhere near where  
14 the EFP was. And so the two things don't have  
15 very much to do with one another.

16                   This is a question of proper  
17 accountability and whether or not there's going  
18 to be really any benefit for the additional  
19 effort that might or might not be generated.

20                   MR. BROOKS: Thanks. So clearly a  
21 number of reasons why folks think this is  
22 problematic. Randy, any thoughts from you on

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1       either where the agency will go next or if you  
2       were Bob what you would be recommending?

3                   MR. BLANKINSHIP:   Just to say that I  
4       appreciate the additional thoughts.  And this is  
5       exactly what we intended to do here was give an  
6       opportunity for this to be heard especially since  
7       not everybody here at the table has had the  
8       benefit of the previous discussions and honor the  
9       request to be able to discuss it a little bit.

10                   As far as the agency goes we don't  
11       have any active initiative to revisit Amendment  
12       8 at this point in time.  That doesn't mean we  
13       can't at some point in the future.

14                   And so the only thing I think you can  
15       anticipate seeing is continued information  
16       related to what if any inseason actions are done  
17       in order to adjust regional retention limits.  So  
18       in the short term that's the kind of thing you  
19       can continue to see under Amendment 8.

20                   MR. BROOKS:   Thanks.  Bob, any last  
21       words from you?  Okay great.  Thanks.

22                   All right so at this point we want to

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1 shift back to shortfin mako sharks. And whereas  
2 this morning we were talking about the emergency  
3 rule now we're shifting to an Amendment 11  
4 scoping review.

5 We obviously started to touch on this  
6 already this morning so I think it's pretty fresh  
7 in our minds, but I want to hand it off to Guy  
8 and Karyl to tee this up for us.

9 MR. DUBECK: Afternoon. So this is  
10 just continuing along with Tobey's discussion  
11 earlier. So some of these slides are kind of  
12 duplicate of what Tobey was talking about earlier  
13 so I'm just going to skip over those.

14 But again so this is separate. This  
15 is Amendment 11. This is the scoping phase of  
16 Amendment 11 where we're going to be permanently  
17 implementing management measures for mako sharks.

18 So here's just kind of a quick outline  
19 of the presentation. So the purpose of this  
20 rulemaking is to implement management measures  
21 and address overfishing and help rebuild the  
22 shortfin mako stock.

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1           The next slide here, background. The  
2 same things Tobey already talked about, how mako  
3 sharks are valued in the U.S. commercial and  
4 recreational fishery, approximately 11 percent of  
5 the total catch evenly split between the rec and  
6 commercial. And then the same figure where Tobey  
7 described the top harvesters by country.

8           Again Tobey hit on this earlier about  
9 the ICCAT assessment so I won't go over these  
10 numbers again.

11           Same thing in this slide was the ICCAT  
12 recommendations that were discussed earlier.

13           So now into again this is a range of  
14 potential options. So we've put in a variety of  
15 options, a range of things. Again we appreciate  
16 any input you guys would have.

17           So the first one is commercial. So  
18 the first one is do nothing. Keep everything the  
19 same.

20           The second option is require live  
21 release of shortfin mako sharks in a commercial  
22 pelagic longline fishery.

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1           Option three and four are from the  
2 interim final rule where you allow retention of  
3 shortfin mako sharks by shark limited access  
4 permit holders.

5           If it's dead at haulback and they have  
6 -- with pelagic longline gear and they have a  
7 functioning electronic monitoring system.

8           And number four is prohibit landings  
9 of offshore makos caught on non-pelagic longline  
10 gear.

11           So more commercial options. Option  
12 five was we considered removing shortfin mako  
13 sharks from the pelagic shark quota. Use recent  
14 landings to establish what a separate quota would  
15 be. And then adjust the pelagic shark quota of  
16 the remaining species accordingly.

17           Option six would be allow retention of  
18 shortfin mako sharks greater than 83 inches by  
19 persons with a shark limited access permit caught  
20 on non-pelagic longline gear.

21           Seven was to we looked at allow  
22 retention of shortfin mako sharks that are dead

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1 at haulback by persons with a shark limited  
2 access permit caught on non-pelagic longline gear  
3 only if an observer was onboard.

4 And then the last one is prohibit  
5 commercial landings of all shortfin mako sharks.

6 So those were the eight commercial  
7 options we considered. And now we'll move on to  
8 recreational.

9 MR. BROOKS: Can I just ask one  
10 obvious question. The fact that some of these  
11 options are bright on the screen means nothing,  
12 correct? That's just a formatting issue?

13 MR. DUBECK: That's just the  
14 formatting just to kind of draw attention so it's  
15 not all blurred together. Yes, sorry.

16 So moving on to recreational options.  
17 The first one again is no action. Keep the  
18 current regulations as they are. Second option  
19 is to prohibit landing of shortfin mako sharks in  
20 HMS recreational fishery. Make it a catch and  
21 release only.

22 Option three we considered and looked

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1 at was increase the minimum size for potential  
2 limit for shortfin makos to 71 inches for the  
3 males and 83 inches for the females which would  
4 mirror what was in the ICCAT recommendation.

5 Option four is what was in the interim  
6 final rule where it just said one minimum size,  
7 increase the minimum size to one limit which is  
8 83 inches.

9 Continuing with the recreational  
10 options another one is to increase minimum size  
11 of offshore for makos to 83 inches and allow  
12 retention in registered HMS tournaments only.

13 Another one, option six was to  
14 establish a tagging or lottery program to land  
15 shortfin mako sharks greater than 83 inches  
16 recreationally.

17 Option seven is to require the use of  
18 circle hooks for the recreational fishery in all  
19 areas. You remember in amendment 5b we set the  
20 boundary line, the current boundary line based on  
21 dusky sharks near Chatham, Massachusetts.

22 Under this option we extended

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1 throughout the range of HMS so all the way up  
2 through Maine.

3 Option eight is to establish the  
4 minimum size limit of recreation retention of  
5 shortfin mako sharks greater than 83 inches  
6 considered in the EA we looked at a variety of  
7 options going up to 93, 108, or higher.

8 And then the last one is to establish  
9 a variable inseason minimum size limit for  
10 shortfin mako sharks where we would look at the  
11 landings as the landings come in and potentially  
12 increase or decrease depending what the size  
13 limit is -- can you hear me now?

14 So going back to option nine is to  
15 establish a variable inseason minimum size where  
16 we could change the minimum size inseason  
17 depending on how many landings were coming in  
18 recreationally where we could depending on the  
19 landings increase or decrease depending on what  
20 that limit is to cap landings at a certain level.

21 So that was all the recreational  
22 stuff. Now we're going to move on to the

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1 monitoring options. Part of the ICCAT  
2 recommendations was to collect more information  
3 and data and gather more information that would  
4 help with future assessments and data.

5 So some of the options we put in there  
6 for monitoring would help with that purpose.

7 The first one is do not increase  
8 monitoring or reporting of mako sharks. Option  
9 two was to establish a mandatory reporting of  
10 mako shark catches, landings and discards on the  
11 VMS.

12 Option three is to implement a  
13 mandatory reporting of shortfin mako sharks  
14 landings and discards in registered HMS  
15 tournaments similar to what is currently done now  
16 with bluefin tuna and billfish. So it would just  
17 be more -- the registered tournaments would just  
18 be entering that information for sharks, for  
19 makos.

20 Option four would be implement  
21 mandatory reporting of all recreationally landed  
22 and discarded shortfin mako sharks through these

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1 different sources between app, website, VTRs. So  
2 things we looked at.

3 And the last part of Amendment 11 was  
4 to look at the rebuilding plan. So we have three  
5 options. One is not to establish a rebuilding  
6 program.

7 Option two would be establish a  
8 domestic rebuilding plan for shortfin makos  
9 without ICCAT.

10 And option three would be establish a  
11 foundation for developing an international  
12 rebuilding program for mako sharks with ICCAT.

13 So the comment period is the same as  
14 the interim rule. So the comment period ends on  
15 May 7. We have a different FDMS number compared  
16 to the other rulemaking. And myself and Guy,  
17 you're more than welcome to call, and anyone here  
18 at HMS too, to talk about.

19 Next steps. So the comment period  
20 ends May 7. We're hoping to have by the end of  
21 July a proposed rule out and have the final rule  
22 implemented and effective by March 3 as the

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1 interim final rule expires.

2 And again ICCAT will evaluate measures  
3 in November 2018.

4 So we are going to have a variety of  
5 public hearings, scoping meetings, webinars.  
6 Here's the kind of list of where we're going to  
7 be. The first one's next week in Panama City.

8 Just make note that the Manahawkin  
9 hearing, we are changing that date and location  
10 based on comments from constituents. There was  
11 conflict with other meetings. So we are  
12 considering other time and location that week in  
13 New Jersey.

14 And also we've asked the councils and  
15 commissions to come and present during the  
16 comment period.

17 So now any questions, or questions and  
18 comments.

19 MR. BROOKS: So let's open it up to  
20 questions first. And let me just throw one out  
21 here. So from the agency's perspective you could  
22 potentially move forward with Amendment 11 after

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1       this first emergency rule or an emergency rule  
2       could be extended for another six months and you  
3       could move forward with something after that, or  
4       just not move forward with something. Is that  
5       right?

6                   MS. BREWSTER-GEISZ:       So from an  
7       agency perspective the emergency rule is in place  
8       now. It will continue for another six months.  
9       It is unlikely we would have anything from  
10      Amendment 11 in place when the emergency rule  
11      expires.

12                   What we are hoping for is this  
13      Amendment 11 long-term action to be in place in  
14      March which is when any extension for the  
15      emergency rule would expire.

16                   If,       however,       taking       into  
17      consideration the timing ICCAT does something  
18      drastically different, whatever we're looking at  
19      now may change and we may need to do something  
20      else in the interim to make up that timing.

21                   MR. BROOKS:    Great. So let's start  
22      off with some clarifying questions and then jump

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1 into summary action. So clarifying question,  
2 anybody? George and then Rusty.

3 MR. PURMONT: Yes, thank you.  
4 Eighty-three is a unique number. How was it  
5 arrived at as far as the length? Is it  
6 significant in one way or the other?

7 MR. DUBECK: Yes, in conversion from  
8 the centimeters. So going back. So 83 inches  
9 is 210 centimeters which was in the ICCAT  
10 recommendations. So it was just converting.

11 MS. BREWSTER-GEISZ: And just to  
12 clarify as I believe it was Bob Hueter mentioned  
13 this morning that is the lower limit of the female  
14 size of maturity.

15 MR. PURMONT: Okay, so what you're  
16 suggesting then is that you would catch and  
17 retain large adult fish that are spawning as they  
18 were capable of spawning rather than smaller fish  
19 which are incapable or immature.

20 MS. BREWSTER-GEISZ: Correct. It  
21 would be sexually mature sharks, yes.

22 MR. BROOKS: Rusty and then over to

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1 Katie.

2 MR. HUDSON: So with what the  
3 clarification on that is is that it's 100 percent  
4 maturity for the female shortfin mako at least on  
5 the lower end of that maturity.

6 MR. DUBECK: It's a 50 percent  
7 mortality at the lower end.

8 MS. BREWSTER-GEISZ: It's actually  
9 less than 50 percent. It's where we start seeing  
10 females that are mature.

11 MR. HUDSON: So is it like 50 percent  
12 maturity or is it closer to the 100?

13 MS. BREWSTER-GEISZ: It's closer to  
14 zero percent. So zero percent. It's a minimum  
15 size. The lower end of where females start being  
16 seen to be mature, but most females are still  
17 immature.

18 MR. BROOKS: Point of clarity, Bob.  
19 Hang on, I think Bob wants to weigh in on this.

20 MR. HUETER: So Dr. Graves right next  
21 to me showed me the ICCAT's own species manual on  
22 the shortfin mako and it states that the size of

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1 maturity for the females is 275 centimeters at 50  
2 percent of the group. So 50 percent maturity.

3 So if your goal is to protect the  
4 mature females it should be -- the minimum size  
5 should be set at 275 which is 108 inches, 9 feet.  
6 So it's a much bigger minimum size than the 83  
7 inches. If your goal is to protect the -- not  
8 protect. If the goal is to get the animals up  
9 to where they can reproduce before you fish on  
10 them which is a good goal for shark management to  
11 protect those sort of teenagers.

12 You don't want to grow them out to  
13 where they're almost ready to reproduce and then  
14 take them out. You want to let the group get up  
15 to reproductive size before you fish on them.

16 MR. BROOKS: Thanks, Bob. Back to  
17 Rusty and then over to Katie.

18 MR. HUDSON: This evaluation in  
19 November 2018, I had heard that mentioned  
20 earlier. Exactly what are they going to be  
21 evaluating with regards to us versus the players  
22 with the other 89 percent of the mortality?

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1 MS. BREWSTER-GEISZ: So they're not  
2 evaluating us per se. They're evaluating whether  
3 this recommendation 17-08 is or has been  
4 effective at reducing overfishing. I think  
5 that's the goal. Preventing the overfishing and  
6 seeing if the first six months of data under this  
7 new recommendation is effective.

8 MR. HUDSON: Okay. So where we are  
9 mandated by the reauthorized Magnuson Act from  
10 2006 to prevent overfishing they're going to be  
11 sort of reciprocal of that also I guess for the  
12 other countries would be the goal.

13 MS. BREWSTER-GEISZ: Yes, to prevent  
14 overfishing across everybody.

15 MR. BROOKS: Thanks. Katie and then  
16 over to Kirby.

17 MS. WESTFALL: Thank you. Rusty's  
18 question just led into my question. I'm curious  
19 what the requirements are under Magnuson since  
20 this is a species that's experiencing overfishing  
21 and is overfished.

22 I know there's some overlay with ATCA.

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1 I mean is our shortfin mako subject to all of the  
2 Magnuson provisions of ACLs, rebuilding plans,  
3 all of that?

4 MR. BROOKS: Kirby.

5 MR. ROOTES-MURDY: Thank you. So a  
6 follow-up to that then. I guess I'm confused on  
7 the options for rebuilding. With option one not  
8 being rebuilding is that even possible under  
9 Magnuson.

10 And then the second question I had was  
11 regarding the commercial options some of them  
12 with the monitoring seems to go away if I'm seeing  
13 them correctly where there's no landings allowed  
14 but that you would have on the monitoring side  
15 the requirement of mandatory reporting.

16 So I'm just trying to make sure I'm  
17 understanding that some of these options interact  
18 with each other and depending on which one's  
19 chosen in that decision tree they may in fact be  
20 null or void.

21 MR. DUBECK: Right, you're right. So  
22 we threw a variety of options out there. Some

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1 of them do connect, some don't, but they do impact  
2 each other. If we choose one, or option four and  
3 option eight they do connect.

4 That's why some of them we wrote in  
5 we're kind of open looking at the ICCAT  
6 recommendation where we've had the 83-inch  
7 minimum size.

8 Well, a non-pelagic longline  
9 fisherman catches one potentially there could be  
10 an option for them to retain that.

11 And then going to the rebuilding  
12 question you had we threw in the range of options.  
13 So we were trying to look at everything.

14 We would be bound to do something, a  
15 rebuilding plan. But usually with our process  
16 we throw in the bookends, so do nothing or  
17 prohibit all shark fishing.

18 So in case we get comments in between  
19 we don't have to potentially do re-scoping and  
20 re-propose something, it's within that scope of  
21 options and comments we receive.

22 MR. BROOKS: Thanks. Dewey.

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1                   MR. HEMILRIGHT:   When I look at the  
2                   background in ICCAT recommendation 17-08 it says  
3                   you're going to review the first six months of  
4                   2018 catches.       That's possible with the  
5                   commercial industry but it's not possible with  
6                   the recreational industry.   I'd like an answer  
7                   for that.

8                   And also on the one aspect of the  
9                   options that you're showing here I believe  
10                  earlier you said that we will not do -- the U.S.  
11                  would not do any unilateral management but yet  
12                  it's in here for one of your options.

13                  And so if we're not going to do that  
14                  why would there be an option in there for that.  
15                  So I guess I've got two questions.

16                  MS. BREWSTER-GEISZ:       It's still  
17                  something we have to look at.   So just like we  
18                  look at no action even though we are required  
19                  under Magnuson to do something we still have to  
20                  look at it and see what the implications would be  
21                  and describe why we wouldn't do it.

22                  So just because things are options

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1 does not necessarily mean they are things we are  
2 doing.

3 Also keep in mind this is scoping so  
4 there are going to be options here that we may  
5 not move forward with and there may be options  
6 that all of you come up with that we do move  
7 forward with.

8 So these are as Guy explained  
9 bookends. And I brought Guillermo over to  
10 hopefully talk more about what we can report on  
11 the first six months.

12 MR. DIAZ: Dewey, you are correct we  
13 can report the first six months of the commercial  
14 landings. What we can obtain from recreational  
15 is limited.

16 But let's keep in mind that this  
17 review that is going to be done in 2018 of the  
18 first six months is just to see that we are seeing  
19 some declines in the catches or not. It's not  
20 expected that the commission will make any harsh  
21 decisions based on this first six months of data.

22 The whole measure will be reviewed in

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1 2019 after the whole implementation of these new  
2 measures. This is just again this first six  
3 months is to see if it is not doing something  
4 that might reflect reduction in catches.

5 But again it's not something that is  
6 going to be used for the commission in 2018 to  
7 take more -- add new measures.

8 MR. BROOKS: Thanks. It's a  
9 snapshot. It's a quick glance of what you're  
10 seeing. Okay. Mike.

11 MR. PIERDINOCK: The source of the  
12 recreational landings has me concerned. You've  
13 heard from a few people around the table it  
14 doesn't look right. It doesn't pass the straight  
15 face test with me. Doesn't pass the straight  
16 face test with others. So I'm curious of the  
17 source.

18 In addition it's interesting to note  
19 that that looks like my statistical class that I  
20 took in college of a common bell curve. It's so  
21 nice and clean that it doesn't seem consistent  
22 with what you would typically expect in data that

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1 we find in the real world.

2 I also question that from two ends.  
3 Where does it come from. It doesn't look real.  
4 And it's so beautiful of a bell curve that I'm  
5 concerned. What is the source of that?

6 MS. BREWSTER-GEISZ: Are you talking  
7 about the size bell curve?

8 MR. PIERDINOCK: The recreational  
9 landings that indicates how many makos were  
10 landed by the recreational individuals,  
11 recreational sector.

12 MS. BREWSTER-GEISZ: I believe that  
13 was the sizes that are being caught across the  
14 fishery. And so those have been measured. I'm  
15 looking to LPS folks that those have been  
16 measured at dockside is what you're seeing.

17 And so when you're talking about LPS  
18 that is one of the -- mako sharks is one of the  
19 sharks that we actually have pretty good data  
20 with for LPS. So we should keep that in mind.  
21 Compared to some of the other shark species such  
22 as dusky sharks where we've been around before,

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1 the data is not all that precise or probably not  
2 all that accurate.

3 Whereas mako sharks it is much more  
4 precise.

5 MR. PIERDINOCK: What states  
6 participated in this? Is it Maine to North  
7 Carolina? I'm just curious. Does it include  
8 tournament data?

9 MS. BREWSTER-GEISZ: LPS is Virginia  
10 north. And yes, I believe it does include  
11 tournaments. I am getting the nod that yes it  
12 does.

13 MR. BROOKS: Okay. So we've had a  
14 bunch of clarifying questions which have been  
15 helpful. The agency has put forward a number of  
16 different options for consideration for again  
17 commercial, for rec, for monitoring and for  
18 rebuilding.

19 Would invite any comments from folks  
20 around the table on what you see among options  
21 and what seems to be resonating or not, or are  
22 there other alternatives and options you'd like

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1 the agency to be considering as it goes forward  
2 here. Sonja.

3 MS. FORDHAM: Sonja Fordham, Shark  
4 Advocates.

5 Okay, so I said most of my piece this  
6 morning and will just reiterate that the  
7 scientific advice or the scientists said to stop  
8 overfishing immediately and achieve rebuilding by  
9 2040 with over 50 percent probability the most  
10 effective measure is a complete prohibition on  
11 retention. So I would continue to support that.

12 So therefore option eight on  
13 commercial and option two on recreational. So  
14 support that in line with the scientific advice  
15 of hopes of realistically preventing collapse I  
16 would say and on par with other safeguards that  
17 have been put in for 20 some other shark species  
18 with less information.

19 Again that's kind of a little more  
20 than a coin's toss chance at rebuilding in a  
21 little more than two decades if we go to zero  
22 catch. So again I see it as a really serious

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1 emergency situation that requires priority and  
2 sort of maximum attention.

3 In view of that and the monitoring  
4 options it's not clear. I can study it more but  
5 it's not clear to me from the presentation if I  
6 can support all three, two, three and four  
7 together to monitor as much as possible.

8 And then in terms of rebuilding plan  
9 options also two and three I would like the U.S.  
10 to -- obviously the U.S. is a leader in this  
11 regard. I'd like to see the U.S. continue to  
12 have their scientists participate in the ICCAT  
13 science and the development of a rebuilding plan  
14 because I think the U.S. has the best standards  
15 and has been really active and important in this  
16 process.

17 But I don't want the U.S. to wait for  
18 ICCAT. I would like us to get going on that  
19 rebuilding as soon as possible. So if that's  
20 something that's possible I would support both.

21 And then finally I would just be  
22 interested again going back to the scientific

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1 advice, more recommended measures to reduce or  
2 minimize incidental mortality. If there's a way  
3 to build at least an examination of that into  
4 this process.

5 I know we have broader mechanisms in  
6 other initiatives within the shark activities  
7 that might help, but it would be nice to sort of  
8 examine that and present that also to the public.  
9 Thanks.

10 MR. BROOKS: Thanks, Sonja. I've got  
11 Charlie, Bob and then over to Dewey.

12 MR. KLUCK: Yes. I'd just like to  
13 comment because I've caught a few makos in my day  
14 and I have to applaud somebody if they get a  
15 three, four or five hundred pound mako up next to  
16 the boat. You're asking that guy on the wire to  
17 determine the sex of that fish.

18 Most of the time you're soaking wet  
19 with whitewater and you're scared half to death  
20 and I'm not sure that determining the sex of that  
21 mako before you kill it is really viable. I  
22 think most of the crew would probably kill it and

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1       then have to release it if it was under size or  
2       something. So I'm not sure about that part of  
3       it. Thank you.

4                   MR. BROOKS: Thanks. Bob.

5                   MR. HUETER: Bob Hueter, Mote Marine  
6       Lab. Let me just start off by saying that I  
7       don't think that we're asking the fishermen to  
8       determine the sex. Is that correct? Just  
9       length.

10                  MS. BREWSTER-GEISZ: Right, but some  
11       of the options split it.

12                  MR. HUETER: Okay. So I don't often  
13       play this card but I'm going to play it here.  
14       I'm going to say that the shortfin mako is truly  
15       an iconic species.

16                  And if the United States is going to  
17       walk the talk about us having one of the most  
18       progressive shark fisheries management systems in  
19       the world we must take this situation very  
20       seriously, and commercial and recreational  
21       fishermen must both participate in this.

22                  Before I get into the options I do

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1 want to say that I think we should reexamine the  
2 results of the assessment using accurate  
3 conversion coefficients that Dewey talked about  
4 this morning.

5 I want to know if those coefficients  
6 are changed how does that change the assessment.  
7 I want to see the results. And I think that  
8 analysis could be run fairly quickly.

9 So moving to the options first for  
10 commercial, and there's a lot here so I'm trying  
11 to keep up with -- option three I would support  
12 at this point. This is kind of a compromise, not  
13 an absolute kind of a position, but --

14 MR. BROOKS: Sorry, Bob, that's on  
15 commercial.

16 MR. HUETER: That's on commercial.  
17 So pelagic longline gear only, only if verified  
18 to be dead by EM or an observer.

19 On recreational I'd like to see two  
20 options, a combination of two options, seven and  
21 eight, with seven being the required use of  
22 circle hooks plus as I think I mentioned this

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1 morning alluded to I'd like to see some  
2 consideration of at least recommending if not  
3 requiring lower limits on the breaking strength  
4 of recreational line that's used to target makos  
5 because that will reduce fight times and increase  
6 the survivorship of the released fish.

7 I support option eight which is to  
8 have a minimum size limit but change that to the  
9 108 inches. If the goal is to get these animals  
10 up to reproductive size before they're harvested  
11 then we should go with what the data say which is  
12 9 feet.

13 If that's not necessarily the goal  
14 then we should consider a slot limit. So have  
15 smaller fish which do have a higher natural  
16 mortality and can sustain a certain amount of  
17 fishing mortality, but then protect those  
18 teenagers if you will, the sub-adults which is  
19 really the most critical life stage in the  
20 lifecycle of a shark.

21 On monitoring I would support  
22 mandatory reporting of all makos landed in all

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1 fisheries. How you do that I have no idea, I  
2 really don't.

3 But I think that they all should be  
4 reported at this point for this particular iconic  
5 species.

6 And then on the rebuilding I support  
7 option two which is we go ahead. But I also  
8 support option three because these animals are  
9 highly migratory, there's no question that they  
10 are cruising around the entire North Atlantic,  
11 they're having interactions with a number of  
12 foreign fleets.

13 So we must lead and we must lead by  
14 doing it collaboratively with the other nations.

15 MR. BROOKS: Great. Thank you, Bob.  
16 Dewey.

17 MR. HEMILRIGHT: Thank you. Rather  
18 than start with Amendment 11 now why not wait for  
19 ICCAT and see what they do in November.

20 And then National Marine Fisheries  
21 Service can ask for another 180-day emergency  
22 action. And if ICCAT adopts something we can

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1       adopt that in through Amendment 11. We're not  
2       going to solve this problem ourselves.

3               I'd also like to know what the other  
4       countries, the way they land their fish and what  
5       their conversion is. Because if you take that  
6       1.96 and that 1.46 or 45, I just lost a point or  
7       two, that's a big difference.

8               So I'd like to see all that weighted  
9       back in not that we're going to go back and look  
10       back. I mean we should go back and look 20 years  
11       how we've been reporting. I don't know what that  
12       changes, but it would be interesting to see what  
13       other countries do.

14               But I don't understand getting the  
15       cart ahead of a recommendation that ICCAT says we  
16       have to do and it sounds like you all are just  
17       moving right along.

18               And I still don't understand looking  
19       at the numbers of the recreational industry about  
20       believability. So I'm for waiting for ICCAT,  
21       letting them see what happens in November and you  
22       all are allowed to through Magnuson reauthorize

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1 and do another 180 day closure.

2 And if ICCAT comes out with something  
3 then we can adopt that in Amendment 11 and go on.

4 Not only is it important and I know  
5 we've got our face, the United States on with  
6 other countries, but there's a lot of questions  
7 out here that I'm hoping that we're going to have  
8 some better answers as we're moving forward on  
9 the data that we've produced and given to ICCAT.

10 And so I'm not in favor of getting  
11 ahead of the cart before the horse.

12 MR. BLANKINSHIP: Just real quick  
13 about kind of the timing stuff and why Amendment  
14 11 is necessary now is because we have a  
15 recommendation that needs to be implemented. And  
16 under domestic law we need to do that.

17 And we have an interim time period  
18 with the emergency rule that we can do that but  
19 then it must be followed on by another action in  
20 order to continue it on out in time.

21 MR. BROOKS: I've got Mike, then  
22 Scott, and then Pat.

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1                   MR. PIERDINOCK:       Thank you.       I  
2       contend the United States is at the forefront of  
3       fishery management.   The United States is at the  
4       forefront of managing the mako fishery.

5                   We have been taking conservation  
6       measures for many years where the international  
7       community has not.   And now we're suffering from  
8       the sins of what they've done.

9                   Our longline fleet is not what it used  
10      to be because of the conservation measures  
11      they've taken as a result of mako and other  
12      species that they may land.   And our commercial  
13      fleet isn't.

14                  We have taken significant measures for  
15      many years and we're here today asking to do more  
16      when they need to do more.   So I want that to be  
17      taken into consideration and keep that in mind  
18      when there are those around the table who think  
19      we've not done enough where we've done a hell of  
20      a lot.

21                  Now, I find it interesting that you do  
22      state that if ICCAT comes back with a change in

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1 November that it will be implemented. Yet we're  
2 in a situation right now that we're not even  
3 proposing with this emergency measure to do what  
4 ICCAT has proposed to be in place and only have  
5 the threshold of 83 inches for females and don't  
6 have the other threshold for males.

7 And I look at how many months are  
8 going to go by and what that could potentially do  
9 to recreational landings.

10 Now, one of the main things here was  
11 is that we did not want a shutdown because of the  
12 significant impact that would have on the  
13 commercial fleet as well as the recreational  
14 anglers, the charterboat fleet and tournaments.  
15 And all of those that rely on such to make a  
16 living. So with that it was kept open.

17 The measures that are supposed to  
18 occur within the next several months are supposed  
19 to be better data collection by the international  
20 fleet off the coast of Africa and in those areas.

21 Our measures too are to get more data  
22 and more information in the science and where

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1 makos are being landed and found in order to help  
2 the stock assessment. So I can only hope that  
3 that occurs.

4 Now with that, with the options I want  
5 there to be recreational as well as tournaments  
6 both need to be open on the entire East Coast,  
7 not just tournaments. For everybody.

8 I want the measures consistent with  
9 ICCAT and I'm disappointed to see that isn't the  
10 case.

11 And for those that fish for makos and  
12 have for many years if you can land that 83-inch  
13 mako God bless you because you've got the right  
14 cap and you've got the right crew, you've got the  
15 right equipment and you have a lot of luck.

16 I will get back to that a 70-inch one  
17 has the same type of issues and you decrease the  
18 potential of even bringing them in. So there's  
19 a conservation measure with that.

20 Now, I can only speak for the  
21 northeast. We don't have any female sharks up  
22 there. I see nothing but males. Males makos,

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1 blue sharks, porbeagles, threshers. All the  
2 years I've fished north of the Cape and the years  
3 I've fished south of the Cape there's nothing but  
4 males.

5 I spoke to fishery biologists about  
6 that and there seems to be a phenomenon that's  
7 specific to that area.

8 But with us now we don't even have an  
9 option for the males. It's going to be 83  
10 inches. And as I use the statistics earlier that  
11 I noted this morning how few we run into and how  
12 few are going to be there at the dock.

13 The conservation measure is going to  
14 be there from 70 inches on up.

15 As far as circle hooks and J hooks we  
16 had this discussion before when it comes to  
17 duskies and from what I recall ultimately that  
18 northern line was created because there wasn't  
19 adequate science to show that there was a  
20 difference with makos with the use of circle and  
21 J hooks.

22 I am all for good science. We need

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1 to have the science and we need to have the  
2 studies that show that there's a difference. So  
3 that kind of study needs to be done.

4 Personally I'll say I don't see any  
5 difference whether I use circles or J's. My gut  
6 rate that I see is about 2 percent.

7 But if I sit there and let that circle  
8 hook be ingested and sit there for a few minutes  
9 it's going to happen. So it has to do with the  
10 fact that you don't sit there and wait for minutes  
11 for it to be ingested and then you get a gut hook.

12 I'm all for mandatory reporting by the  
13 recreational sector. As I stated earlier I'd be  
14 happy if that was for bluefin, bigeye and other  
15 species because it's data lacking and I'll get  
16 back to ICCAT.

17 We need this data or we're going to  
18 have issues later.

19 Last one. Dewey, I want to call it  
20 the Dewey option. This 1.96. I'm just as  
21 interested that if that's done and redone at our  
22 end and then see whether we have consistency with

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1 the international community where we end up.

2 Maybe this is all in vain and we don't  
3 even need to discuss it because maybe the outcome  
4 is different.

5 As far as a rebuilding program we've  
6 been rebuilding for years. We've been  
7 implementing these conservation measures here in  
8 the United States. They haven't elsewhere.

9 We have a few different options to  
10 deal with this. My recommendation would be to  
11 wait to see what ICCAT's recommendations are,  
12 utilizing the assumptions that the international  
13 fleet steps up to the plate and does what they  
14 are supposed to do and then addressing it  
15 accordingly. Thank you.

16 MR. BROOKS: Thanks, Mike. I've got  
17 a few people in the queue. I've got Scott, Pat,  
18 Rick Weber, Marcus, Kirby and Sonja. And we have  
19 about 15 minutes left for this so I would ask  
20 folks who have to speak to keep their comments as  
21 focused as possible so everyone can weigh in.  
22 Scott, you're up.

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1           MR. TAYLOR: A cautionary tale. The  
2 Hawaiian swordfish fishery that lasted less than  
3 30 days this year over turtle interactions.

4           We implement these things but we don't  
5 have any measure of success. And as you see  
6 success there's going to be problems with this.

7           We always seem to cite Magnuson-  
8 Stevens for the directive of taking action for  
9 overfishing but Magnuson-Stevens also says that  
10 the commercial fishermen are not supposed to be  
11 disenfranchised by the rule.

12           And as Glenn so eloquently put it --  
13 I'm sorry, whoever it was that was just speaking  
14 so eloquently put it the U.S. has always been on  
15 the forefront of this stuff.

16           That it is disingenuous to believe  
17 that the incidental catch coming from the U.S.  
18 swordfish longline fleet which represents the  
19 majority of the commercial landings in the U.S.  
20 as I understand it is essentially catching more  
21 than anybody else in the Atlantic.

22           You can't keep disenfranchising.

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1 There's only one place economically this is going  
2 to fall back on. It's going to be another choke  
3 species that's going to shut down your longline  
4 fishery if this is not administrated properly.

5 And just listening to this  
6 conversation here puts shivers up my spine  
7 because that's exactly what we're talking about  
8 at the end of the day.

9 Because if this stock comes back and  
10 there's more mako mortality where are we going to  
11 be two years, three years down the line.

12 So, while I absolutely understand the  
13 need for regulation you need to proceed very  
14 carefully and it has to be with real  
15 accountability on the rest of the international  
16 front. It always just can't be just the U.S.  
17 that is the one that's bearing the brunt because  
18 the majority of these other countries that are  
19 participating, the numbers that you're looking  
20 at, they're not believable. It's just not  
21 believable.

22 So the bottom line here is that be

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1 careful what it is that we set into play. We  
2 have to look at what is going to happen down the  
3 line from an accountability standpoint if in fact  
4 either some of the science is wrong because the  
5 information being plugged in isn't accurate or  
6 that the interactions will increase as the  
7 population grows.

8 MR. BROOKS: Thanks, Scott. Pat.

9 MR. AUGUSTINE: Thank you, Bennett.  
10 In regards to the whole package itself and  
11 looking at all the options I think for the public  
12 to review them I think you've hit on everything  
13 that they need to look at in terms of options for  
14 commercial, options for recreational.

15 And I think we can beat up on any one  
16 of the options in itself. We can select any one  
17 particular option that we like.

18 But I'd just like to remind everybody  
19 this is a document if I understand it correctly  
20 that's going to be out for the public to review  
21 to take selections and make selections on.

22 Short of the point that Bob made

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1 relative to the assessment that was used to come  
2 up with the status of the stock I think we need  
3 that as an advisory panel to move forward.

4 Comments that Mike made relative to  
5 what we catch. I'll speak for Long Island. I  
6 was a captain and mate for 13 years. Our primary  
7 offshore fish, tuna and sharks, primarily mako.

8 And in 13 years using J hooks we never  
9 had a gut hook shark.

10 Identifying the male versus the female  
11 if you are skilled in getting that creature,  
12 animal up to the side of the boat it'll roll and  
13 you'll know whether it's a male or a female.

14 And you will be experienced or you  
15 won't be out there.

16 Relative to what's going to happen if  
17 we go with 83 inches I see the outcome being  
18 charterboat captains who are being paid thirteen,  
19 fourteen, fifteen, sixteen hundred dollars a day  
20 for a trip.

21 They're going to get out there with  
22 their group, six people, 30, 40, 50 miles

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1 offshore. They're not going to know whether it's  
2 79 inches, 80 inches, 83 inches or 84 inches.  
3 And they're going to gaff that animal. And  
4 they're going to bring it on the boat.

5 If they gaff it properly they'll be  
6 able to release it, it'll swim away. If they  
7 don't it's going to die.

8 So what have we accomplished by going  
9 from where we are to the 83 inches.

10 My concern would be had a mortality  
11 value been assigned to that which is going to  
12 happen. We do catch both male and female in our  
13 area. In recent years we found that between  
14 Block Island, south of Block Island and Montauk  
15 Point it's a pupping area.

16 We catch more duskies than we know  
17 what the heck to do with other than we release  
18 them. That's what we do.

19 Catching makos this long. Taking a  
20 bait that long with a J hook and release them.  
21 And you hold them in your hand and they have the  
22 big jaws want to bite at you.

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1           So the fish are out there.  
2       Experienced captains and mates know how to  
3       release them. But to go from 54 inches to 83  
4       inches to respond to an assessment that is  
5       questionable at best in one fell swoop without  
6       taking an interim step as Mike has suggested and  
7       as is in the document as one of the options,  
8       females to 70 or 71 inches, or males whichever  
9       the case may be 71 or 70 at 83.

10           To go from that one fell swoop from 54  
11       up you say it's not going to have an economic  
12       impact. I have to tell you people are not going  
13       to spend twelve or fifteen hundred bucks to go  
14       offshore to catch and release sharks without even  
15       putting a tag in them. And thank God we have a  
16       tagging program. That might be essential.

17           A tagging program is called for in  
18       here and Karyl reminded me that there is an  
19       existing tagging program. I'm not sure how many  
20       captains know that that tagging program exists.

21           I think the documentation needs to be  
22       publicized a little more as to the value of it.

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1        Maybe a notice goes out that won't be in this  
2        document, but a notice goes out with the highly  
3        migratory species people who are applying for  
4        permits that says you are expected to fill out a  
5        tagging report or a report of some sort.

6                    And the reason why we're doing it is  
7        to assess the value of the stock, the size of the  
8        stock out there.

9                    And I know many captains in our area  
10       that don't. They don't fill out a document.  
11       They just don't because they know what's going to  
12       happen to it.

13                   The point I'm making here is on these  
14       options I think every single option in here the  
15       public needs to see.

16                   Relative to the first option in every  
17       single case you have to have it according to  
18       Magnuson. You have to give the public an option  
19       to stay status quo. How many people are going  
20       to do it? Only a few. But reality says you have  
21       to have it.

22                   But I think it's a complete document.

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1 I can't think of anything else that has to be  
2 added again for public consumption. Relative to  
3 how we get there, that's another story.

4 MR. BROOKS: Thanks, Pat. All right,  
5 I've got four more people in the queue. I've got  
6 Rick Weber, Marcus, Kirby and Sonja. Rick.

7 MR. WEBER: I've got a couple of  
8 points. Let me see if I can't string them  
9 together in a logical order.

10 Mike's comment on your bell curve.  
11 The assumption that we are making is that we are  
12 going to draw a line and we're going to eliminate  
13 all the landings to the left of the line and we  
14 are going to maintain all of the landings to the  
15 right side of the line.

16 I've preached here for a long time  
17 that recreational fishermen are motivated by blue  
18 skies, by optimism.

19 When you take away the very heart of  
20 that bell curve you are not going to maintain the  
21 right side wing.

22 The trip that ended in the large fish

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1 being caught was not run to go catch the large  
2 fish. That trip was run to go catch the heart  
3 of the bell curve.

4 And when you take the heart of the  
5 bell curve away I think you are going to see a  
6 great fall-off of the large fish as well.

7 So as you're trying to estimate what  
8 the impacts are going to be I think you're not  
9 only going to lose the bell curve, I think you're  
10 going to lose a lot of the right wing of the bell  
11 curve as well because the trip is not going to  
12 occur.

13 Along those lines I have to at least  
14 point out as Scott's saying that they're going to  
15 take the brunt. This is South Jersey  
16 Tournament's second largest event and it is in  
17 question.

18 And that's a good bit of my income  
19 too, Dewey.

20 I'm trying to figure out how -- it  
21 doesn't serve, in recreational fishing again it  
22 doesn't serve me well to come -- I am not the end

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1 user. I have to go home and sell optimism.

2 So it doesn't do me well to come here  
3 and be pessimistic. But there is pain occurring.  
4 There is real pain occurring for events and  
5 marinas and tackle stores.

6 And yet I have to go home and say let's  
7 go anyway, guys. Because if I don't I'm just  
8 giving up the event.

9 To that line of optimism I'm not sure  
10 when we got in the business of managing  
11 fishermen's risk. To say that it is too risky  
12 to do something that we are allowed to do and  
13 therefore we're not going to allow it because  
14 NMFS has decided it is too risky.

15 Is there a size of blue marlin you  
16 think we should not catch because it is simply  
17 too big? You wouldn't do this in other  
18 fisheries. It doesn't make sense.

19 Again, I am going to continue to say  
20 follow what was handed to us by ICCAT and saying  
21 that it's too risky.

22 Well, I agree to this extent. If it

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1 is difficult find a way to penalize. But if we  
2 are allowed to take 71 let us take 71 and leave  
3 it to the fishermen to figure out whether it's a  
4 mirror or a camera or a waiting for them to flip.  
5 But you have the option of giving us 71 and I'm  
6 not sure it's up to you to protect us from  
7 ourselves.

8 And finally about those near misses.  
9 We have been here all week and a lot of my work  
10 happens downstairs at the bar. We can talk more  
11 later.

12 The penalty schedule. And I would say  
13 this about recs and commercials in general. The  
14 penalty schedule which I understand is open for  
15 review right now frequently doesn't allow for the  
16 near miss.

17 And I'm thinking of it like a speeding  
18 ticket. If I'm one mile an hour over the speed  
19 limit I have broken the law. You cannot argue  
20 that I haven't broken the law.

21 But the penalty for one to five is  
22 greatly different than it is for 25 miles an hour

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1 over the speed limit.

2 And if someone is having difficulty  
3 measuring the fish and they end up with an 82 in  
4 the boat that was done in good faith. It was  
5 wrong, but it was done in good faith.

6 This is not somebody who came in with  
7 a fish that was two feet short.

8 But again I feel this for both the  
9 commercials and the recs. I know of commercials  
10 that have gotten very substantial penalty for  
11 what was when described to me seemed like a pretty  
12 minor infraction but the schedule says if you  
13 bring in an undersized fish this is the penalty  
14 without a whole lot of discussion of how  
15 undersized it was.

16 Did you make a good faith effort. Did  
17 you have a minor error or were you a scofflaw.  
18 And I think the penalty should find a way to be  
19 different between the people who have made a good  
20 faith effort and the ones who are just blatant  
21 scofflaws. Those are different classes of  
22 undersized fish.

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1                   MR. BROOKS: Thanks, Rick, very much.  
2 Three more folks. Marcus.

3                   MR. DRYMON: Thanks. I apologize  
4 briefly for going backwards but I'm confused a  
5 bit about what Bob and John were saying over here  
6 about the median size at maturity. So do you  
7 still have that pulled up? Okay, I'll go look.

8                   It must be total length. I mean look  
9 at Mollet et al. is the only reproductive biology  
10 study on makos I'm familiar with and looking at  
11 that it seems like it's probably total length  
12 when the numbers we're talking about here are  
13 fork length. So just a question of  
14 clarification. That's all.

15                  MR. BROOKS: Thanks. Kirby and then  
16 Sonja.

17                  MR. ROOTES-MURDY: Thanks. I had  
18 just two more clarifying questions. I know we're  
19 in comments now so forgive me.

20                  The first is going back to the stock  
21 assessment. If you could help me understand a  
22 little bit better how the PSEs around the rec

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1 data is used or looked at.

2 I might have queried it wrong on the  
3 website but they seem to be significantly higher  
4 than what you'd expect for a lot of rec data.  
5 And so I just wanted to better understand how  
6 that's accounted for when putting it into a stock  
7 assessment model.

8 Then the second is because I'm still  
9 getting used to the HMS process the range of  
10 options you guys have in these different  
11 categories, they're not mutually exclusive for  
12 their category if I'm understanding this  
13 correctly.

14 Multiple options can be selected,  
15 right, depending on the category and what's being  
16 proposed.

17 So just wanted to get those two  
18 clarified. Thanks.

19 MR. BROOKS: Correct. Sonja. Hang  
20 on a second.

21 MS. BREWSTER-GEISZ: So the PSEs,  
22 they're not really accounted for within the

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1 assessment. The multiple options, yes, you can  
2 choose multiple options within all the different  
3 categories.

4 MR. BROOKS: Thank you, Karyl.  
5 Sonja.

6 MS. FORDHAM: Thank you. Sorry for  
7 ringing in twice, I just wanted to take a moment  
8 to try to clarify some points that were made about  
9 ICCAT and the comments about the possibility of  
10 just waiting for ICCAT to act.

11 ICCAT has taken action. This was a  
12 big buildup to this action. And it was based on  
13 a very sobering report.

14 And that was so serious that even  
15 Japan as well as the EU and the U.S. put forward  
16 proposals to limit the catch across the Atlantic  
17 to 500 tons.

18 So ICCAT did take this seriously. And  
19 I do certainly share the frustration around the  
20 table that the U.S. does more. It's something I  
21 think we all feel.

22 I work in a coalition that works

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1 across the North Atlantic and is continuing to  
2 urge countries to live up to their commitments.

3 But I think it's important to  
4 recognize that this measure that was taken by  
5 ICCAT in 2017 last November is binding on  
6 parties.

7 So the idea is that they came to this  
8 agreement. Countries will go home and implement  
9 those. And we will evaluate it again.

10 And the evaluation is important.  
11 This is the strongest action ICCAT has taken on  
12 makos since the first assessment in 2004 and it's  
13 the best mechanism for coming back and checking  
14 if everyone is doing what they said they would  
15 do.

16 I know that the EU and Canada right  
17 now, the member states in the EU plus Canada they  
18 are considering their actions now. And I think  
19 that the U.S. being first out of the gate taking  
20 meaningful action at least in line with what was  
21 agreed sets an example that's really needed at  
22 this moment.

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1                   And that example as I said this  
2 morning or maybe it was yesterday really helps  
3 the NGOs in the other countries to say, hey, look,  
4 the U.S. is doing this, what are you doing.

5                   Unfortunately like I said before we're  
6 in a really urgent and dire situation in terms of  
7 ongoing overfishing on an overfished population  
8 of a really exceptionally vulnerable, inherently  
9 vulnerable animal.

10                   And I just can't see how delaying  
11 action does anything but make matters worse.  
12 Thank you.

13                   MR. BROOKS: Thanks. Katie, do you  
14 want to have the last word here?

15                   MS. WESTFALL: Yes, I just wanted to  
16 second Sonja's comments.

17                   MR. BROOKS: Could you take a little  
18 more time saying that though?

19                   MS. WESTFALL: Sure.

20                   MR. BROOKS: That was a joke. Go  
21 ahead.

22                   MS. WESTFALL: No, I think Sonja said

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1 it more eloquently than I will be able to repeat.

2 MR. BROOKS: Thanks, Katie. All  
3 right, well we should be pushing on but Rusty has  
4 something to say.

5 MR. HUDSON: The question I have has  
6 to do with the national standard one changes that  
7 gave us from two to three years to phase in the  
8 overfishing elimination. Where do we stand on  
9 that?

10 MS. BREWSTER-GEISZ: So in terms of  
11 this action we're not really considering that  
12 right now. What we're looking at is not really  
13 a phase-in type of action although if you want to  
14 provide us some options that would be phasing it  
15 in I think I would be happy to hear what those  
16 are.

17 MR. HUDSON: That said, providing  
18 that as comment before May 7 with this interim  
19 rule then.

20 MS. BREWSTER-GEISZ: Correct.  
21 Comment periods for both the emergency interim  
22 rule and this scoping are due May 7.

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1                   MR. BROOKS:     Great.     Well, thanks  
2     everybody.    I guess a couple of observations from  
3     Bob before I have some observations.

4                   MR. HUETER:    No, just a clarification  
5     for the record because Marcus asked a question  
6     that we verified in the ICCAT document which  
7     admittedly is nine years old.    It says median  
8     size at maturity of females from the western  
9     North Atlantic is reported as 275 centimeters  
10    fork length.   So that is fork length, that's not  
11    total length.   So that's nine feet.   That's the  
12    50 percent of maturity length for the females.

13                  MS. BREWSTER-GEISZ:    So just to  
14    clarify we do have the description of the most  
15    recent sizes of maturity research in the EA I  
16    just don't have that right in front of me and  
17    neither does Guy and Tobey did not when he was  
18    here.

19                  So we do have it in the EA if you want  
20    to look it up and we will look it up and get it  
21    to you soon.

22                  MR. HUETER:     Everything I've seen

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1 with the 210 figure is minimum size of maturity.

2 MR. SAMPSON: I guess my comment would  
3 be effectively by raising the minimum size up to  
4 that the recreational angler, I'm not going to  
5 say you've shut down the fishery but as far as  
6 the amount of makos that are going to be landed  
7 it's going to be so dramatically reduced.

8 I think that your own figures show  
9 that you will achieve that reduction in numbers  
10 that you're trying to get to.

11 Earlier the discussion about the size  
12 at maturity of the females. And of course that  
13 being 83 inches at that minimum threshold I guess  
14 or when they first showing up to be mature.

15 And I know that Bob was alluding to  
16 should that size limit be increased to allow more  
17 of those females to become sexually mature before  
18 they're harvested.

19 So I guess kind of sort of I'm not  
20 saying one way or the other, I'm just throwing  
21 out there is the size limit set to reduce the  
22 catch overall of makos both males and females, or

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1 is the size limit being set to allow X amount of  
2 females to reach sexual maturity before they're  
3 taken out.

4 I'm going to guess that the answer is  
5 the number was set to reduce the catch, but oh by  
6 the way the side effect of that is, and this is  
7 why you all chose 83 inches is that you would  
8 also allow more females to reach sexual maturity  
9 and therefore help to repopulate.

10 So kind of a two-pronged effect but  
11 again primarily to reduce the catch. And that  
12 number will definitely reduce the catch as you  
13 know.

14 The vast majority of recreationally  
15 caught makos that hit the docks are less than 83  
16 inches.

17 However, if the discussion or  
18 consideration starts to drift in favor of  
19 crafting the size limit to allow more females to  
20 achieve sexual maturity you might want to  
21 consider actually falling back to a size limit  
22 for male sharks, male makos, which could be a

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1 smaller size limit but a slot limit on males.

2 So let's just say that we were going  
3 to allow anglers to harvest smaller male makos  
4 but then if they wanted a female it's got to be  
5 that -- whatever it was that Bob was saying.

6 But anyway, allow the harvest of male  
7 makos only and they could be smaller than the 83.  
8 And that would allow the females to have the  
9 opportunity to grow to sexual maturity.

10 Now of course the flip side of that is  
11 that when anglers are lucky enough to land that  
12 monster, the guys in the tournament that hook  
13 that four or five hundred pounder which probably  
14 is going to be a female it's not going to go over  
15 well.

16 I'm not suggesting that that's what  
17 should be done, I'm just saying that if you go in  
18 the direction of trying to craft the size limit  
19 around the sexual maturity size of the female you  
20 might want to consider a slot limit on males just  
21 to allow anglers an opportunity to land some fish  
22 and still allow those females to grow.

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1                   And also the smaller males, as long as  
2 they're sexually mature it's not difficult to see  
3 those claspers when you're holding those fish at  
4 the boat. I mean it's really not and I hate to  
5 say it but I think it's being blown way out of  
6 proportion the dangers, the hazards, whatever you  
7 want to call it of handling the fish at the side  
8 of the boat long enough to see whether it's male  
9 or female.

10                   And remember the way the proposal  
11 originally came out we had a split size for males  
12 and females. You only had to spot the claspers  
13 to know you could keep a small fish. If it was  
14 a very large fish you didn't even have to see the  
15 claspers. If it's 83 inches you knew you could  
16 keep it either way. It's not like you had to be  
17 messing around on the side of the boat with a big  
18 fish.

19                   Also, real quick I'll finish up. As  
20 far as the reporting, as far as those monitoring  
21 options, option three and four mandatory  
22 reporting and then also mandatory reporting of

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1 makos in the same way that they do with the  
2 billfish.

3 I think that's critical. I think  
4 we've seen with all the catch numbers that have  
5 been generated for all the other sharks in the  
6 recreational industry case in point the dusky  
7 sharks how horrible those numbers are.

8 And so we don't want to work with  
9 those kind of numbers for makos. We need to get  
10 some really good numbers and I think that  
11 mandatory reporting would be a good step. Thank  
12 you.

13 MR. BROOKS: Thanks, Mark. We do  
14 need to push on, but I do want to check is there  
15 anyone else, any other AP members on the  
16 teleconference who want to weigh in.

17 Okay, if not let's see. I think we've  
18 heard a lot during this conversation. I think  
19 if there's one common thread across all of the  
20 comments I've heard it's around getting better  
21 data and whether that's going back and looking at  
22 the kind of data questions that Dewey has raised,

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1 or whether it's about looking at the kinds of  
2 monitoring options that you've put out there  
3 there seems to be a lot of interest and support  
4 for making sure you have as clear a picture as  
5 possible.

6 As for some of the other options it's  
7 not surprising I think we've heard a range of  
8 views from a couple of folks weighing in fairly  
9 strongly for a conservative approach both to  
10 protect the species and to reemphasize the U.S.  
11 role as a leader in encouraging better behavior  
12 globally.

13 We also heard a number of people weigh  
14 in very strongly around waiting for ICCAT. Don't  
15 go beyond ICCAT as well.

16 And then a number of comments  
17 particularly towards the end here around minimum  
18 size and that range -- should the size be expanded  
19 so that you're protecting a greater cohort of  
20 mature females, or should you in fact go to a  
21 split between female and male sizes with some  
22 sort of slot limit given the potential for

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1 experienced fishermen out there to be able to  
2 distinguish.

3 Lots of other comments too but I think  
4 for the sake of time I'll leave it at that.

5 We want to get you all to a break at  
6 this point. Again thank you all for the good  
7 discussion on that. I assume this will come back  
8 at the fall meeting.

9 So we are supposed to be back from  
10 break at 3:30. Let's make it 3:35 and then we  
11 will jump into the pelagic longline closed area  
12 research EFP. Thanks.

13 (Whereupon, the above-entitled matter  
14 went off the record at 3:26 p.m. and resumed at  
15 3:40 p.m.)

16 MR. BROOKS: Okay. We need to get  
17 going here. So we have two more topics we want  
18 to cover this afternoon.

19 What we'll jump into next is first  
20 I'll hand it off to Rick Pearson to give us an  
21 update on the pelagic longline closed area  
22 research EFP.

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1           He'll give us an update on where  
2           that's at and then we'll open that up for some  
3           conversation among the advisory panel.

4           And then after we do that we want to  
5           sort of pivot into a discussion, step back from  
6           the specific EFP and have a broader conversation  
7           around closed area data collection. And we have  
8           a couple of thoughts on how we want to do that  
9           but I'll hold off walking through that until we  
10          get there.

11          So for right now what I'd like to do  
12          is invite Rick to give us an overview on where we  
13          stand on the EFP.

14          And again for anyone who's standing in  
15          the back and up if you could please grab your  
16          seats. Thanks very much. All yours, Rick.

17          MR. PEARSON: Thank you, Bennett. As  
18          Bennett indicated the remainder of the discussion  
19          this afternoon will be concerning closed area  
20          research.

21          I will be providing an update on the  
22          pelagic longline closed area research EFP and

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1       then later on today we're going to have a more  
2       general discussion about how to collect data from  
3       closed areas.

4                   The National Marine Fisheries Service  
5       received an application for an exempted fishing  
6       permit on November 6, 2016. The purpose of the  
7       EFP was to evaluate pelagic longline catch and  
8       bycatch rates within the east Florida coast  
9       pelagic longline closed area and to compare those  
10      rates to rates from an open area.

11                  Also the purpose was to evaluate the  
12      effectiveness of the existing area closure at  
13      meeting current conservation and management  
14      goals.

15                  The east Florida coast PLL closed area  
16      has been in place for 17 years now. We have  
17      collected very little data since that time. So  
18      one of the purposes was to see if the catch rates  
19      and bycatch rates between the closed and open  
20      areas are still significantly different given  
21      potential environmental changes, changes in stock  
22      status, changes in gear usage including circle

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1 hooks.

2 So the application that we received in  
3 November of 2016 requested to authorize six  
4 vessels to fish in the research project. All of  
5 those vessels are associated with Dayboat Seafood  
6 Limited Liability Corporation.

7 The project was requested for 12  
8 months and pending annual review could be  
9 authorized for an additional two 12-month  
10 periods.

11 All fish legally caught and otherwise  
12 authorized for retention and sale could be sold.

13 After we received the application we  
14 determined that it warranted additional  
15 consideration and the opportunity for public  
16 comment.

17 The agency prepared a draft  
18 environmental assessment that was released in  
19 January of 2017 and had a two and a half month  
20 comment period.

21 In addition we gave a presentation to  
22 the South Atlantic Fishery Management Council

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1 about this time last year on the draft  
2 environmental assessment and EFP application.

3 We conducted a public webinar and we  
4 presented before the HMS advisory panel. Again  
5 all of this about the same time last March.

6 We analyzed three alternatives, the no  
7 action alternative, a smaller research area and  
8 a larger research area that would incorporate the  
9 100 fathom contour.

10 We received well over 500 comments on  
11 the draft environmental assessment. The vast  
12 majority of those comments were opposed to  
13 issuance of the EFP.

14 Those comments expressed concerns  
15 about bycatch, primarily undersized swordfish,  
16 billfish, dusky sharks, white sharks and sea  
17 turtles.

18 The comments that we did receive in  
19 support of the EFP were in favor of collecting  
20 current catch information from the area,  
21 increasing swordfish landings, and obtaining  
22 information on electronic logbooks to facilitate

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1 real-time reporting.

2 So we received the comments. We  
3 considered them. We summarized them. And then  
4 we responded to those comments.

5 We prepared a final environmental  
6 assessment. And on August 11 of last year we  
7 issued the EFP along with the final environmental  
8 assessment.

9 Within the final environmental  
10 assessment the preferred alternative was  
11 significantly changed.

12 In this slide I'd just like to show  
13 you the study area. It was divided into three  
14 areas, closed area north, closed area south and  
15 the open area.

16 The project area was specifically  
17 selected to be north of the Florida Straits.  
18 This project area is where the Gulf stream  
19 branches out further eastward. The closest to  
20 shore that the study area is is 32 nautical miles.  
21 Sets were to be distributed equally between all  
22 three areas and by quarter. So 240 sets in the

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1 closed area north, 240 sets in closed area south,  
2 and 240 sets in the open area.

3 So sets are distributed spatially and  
4 temporally equally.

5 The EFP authorized up to 720 sets per  
6 year. This was a significant departure from what  
7 was contained in the application which requested  
8 1,080 sets.

9 So when I said that we read the  
10 comments and responded to the comments we also  
11 adjusted our preferred alternative to reduce the  
12 authorized number of sets based upon the historic  
13 level of fishing effort of the six vessels that  
14 were participating in the project.

15 Similarly we reduced the number of  
16 authorized hooks per set to 600. Again this  
17 reflects historic levels of fishing effort.

18 In other words there would be no  
19 increase in overall fishing effort under the EFP.  
20 Forty percent of all of the sets would have  
21 observer coverage.

22 In the final environmental assessment

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1 we established shark-specific terms and  
2 conditions, several of these. Among them would  
3 be a cap on the number of dusky sharks per vessel  
4 that would be allowed to be hauled back dead. A  
5 limit of six per vessel.

6           Once three were brought back dead the  
7 soak time for the sets would be reduced. And if  
8 six duskies were captured dead at haulback that  
9 vessel would no longer be authorized to  
10 participate in the project for the duration of  
11 the project period.

12           Also we were going to deploy hook  
13 timers at a certain intervals for each set to  
14 determine the length of time that these sharks  
15 might have been on the hook and their condition  
16 at haulback.

17           Also photographs and fin clips for all  
18 shark species were required. They were going to  
19 be sent to our Panama City lab.

20           And for all sharks that were dead  
21 biological samples would be collected including  
22 stomach contents and reproductive organs. We had

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1 YETI coolers lined up ready to be used to send  
2 those biological samples to the Panama City lab.  
3 So very, very explicit terms and conditions to  
4 reduce shark mortality and also to improve the  
5 identification of sharks, primarily dusky, silky  
6 and night sharks which are oftentimes  
7 misidentified.

8 So there was potentially a great deal  
9 of information on sharks that could have been  
10 obtained from this project because that  
11 particular area has quite a few sharks in it.

12 So anyway, the EFP authorized six  
13 vessels. There would be electronic logbook  
14 submission for all trips and 100 percent NMFS  
15 review of all electronic monitoring footage.

16 We had a reviewer lined up to review  
17 all of the data from EFP trips.

18 In addition all other longline  
19 requirements would apply, reporting  
20 requirements, observer coverage, size limits,  
21 seasons, IBQs, bluefin tuna, individual bluefin  
22 quotas, reporting and workshop requirements, and

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1 careful release gear.

2 However, no research activity ever  
3 occurred under the initial EFP that we issued in  
4 August of last year.

5 On December 14 the agency received a  
6 new application that changed the affiliation of  
7 the principal investigator from NOVA Southeastern  
8 University to Florida Fisheries Solutions, LLC.

9 No other aspect of the research  
10 project was altered. This is the update part  
11 here.

12 With receipt of the new application  
13 and change in affiliation of the principal  
14 investigator NOAA Fisheries considers the  
15 original EFP issued August 11, 2017 to be  
16 invalid.

17 Because of this change and the  
18 continuing controversial nature of the EFP  
19 request consideration of the new application will  
20 require further evaluation including  
21 consultation with the HMS advisory panel and  
22 informing the South Atlantic Fishery Management

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1 Council.

2 And both of those activities have  
3 occurred this week. We gave a presentation to  
4 the South Atlantic Council on Monday and today we  
5 are consulting with the advisory panel on this  
6 EFP.

7 The agency remains committed to  
8 ensuring that any future decisions regarding HMS  
9 conservation and management measures and closed  
10 areas are based upon current data.

11 As we have learned over the last two  
12 years obtaining current fishery data from the  
13 closed areas can be controversial, it's difficult  
14 and it's expensive.

15 We intend to work collaboratively with  
16 the advisory panel, the ICCAT advisory committee,  
17 commercial and recreational fishing interests,  
18 academics, environmental NGOs and others on the  
19 appropriate next steps to improve long-term  
20 management of highly migratory species.

21 And the next presentation this  
22 afternoon will be focusing on the more general

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1 question of how -- if this area has been closed  
2 for 17 years or any other areas and people suspect  
3 that there might be environmental changes or just  
4 changes that need to be considered for closed  
5 areas how do we -- what would be the best method  
6 to obtain that data.

7 MR. BROOKS: Thanks, Rick, very much.  
8 So at this point what we wanted to do was give  
9 both Scott and Dave an opportunity just to fold  
10 in a little bit of their perspective since this  
11 is a project that was obviously near and dear to  
12 both of them and still is.

13 So we wanted to give them an  
14 opportunity just to share their thoughts on this  
15 and then open it up for AP comment and discussion.

16 Our intention, however, is then to  
17 move fairly soon into the discussion that Rick  
18 was just mentioning around how do we think more  
19 broadly around closed area data collection.

20 So with that what I'd like to do is  
21 just hand it off to I think Scott you were  
22 interested in talking first, is that right?

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1                   MR. TAYLOR: Five minutes to sum up a  
2                   lifetime. This industry is done. We sat here  
3                   at the beginning of Amendment 7 and talked about  
4                   the direction that we were going.

5                   Four years ago, I went in, I took my  
6                   own time and money and met with Margo and had a  
7                   discussion with her about the changing dynamics  
8                   of the environmental changes, things that we were  
9                   seeing out there on the water and talked to her  
10                  about how it was that we could actually go out  
11                  and not only catch our swordfish quota but to go  
12                  out and to have this industry economically  
13                  viable.

14                  In all of my tenure here the only  
15                  thing that has happened is the economic viability  
16                  of this fishery has been diminished.

17                  Whether or not that it's under  
18                  Magnuson-Stevens by deliberate attempt or by just  
19                  circumstance doesn't really matter at this point.

20                  At this point I think Marty would  
21                  probably attest Dayboat Seafood probably  
22                  represents the majority if not the vast majority

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1 of what's left of the North Atlantic fleet. A  
2 handful of boats outside of me.

3 There was another company Blue Harvest  
4 that was handling about 10 boats and they are no  
5 longer actively in the business for a bunch of  
6 different reasons. They also happen to be the  
7 recipient of what's left from the El Grande purse  
8 seine quota.

9 We can't fish where the fish are.  
10 When I send a crew out that's 800 miles off of  
11 Miami it's going to spend 20 days at sea and the  
12 crew comes in and the crew is making five or six  
13 hundred dollars for a check. How long do you  
14 think that they're going to continue to do that  
15 for.

16 Marty who I respect and please don't  
17 take offense to this, Marty, hasn't made a real  
18 paycheck since October.

19 I was issued 35,000 pounds of bluefin  
20 quota for the group of permits that I have. The  
21 first eight weeks of the season I've landed  
22 37,000. My boats will be parked in two weeks.

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1           You've taken -- the action that has  
2 developed has taken this fishery and made it into  
3 a directed bluefin fishery.

4           My boats are interacting with vast  
5 numbers of fish and not because of choice because  
6 we're not getting any value for the fish but  
7 because there's no other place for them to fish.  
8 At least they're catching a handful of fish  
9 there.

10           There's some people in this room right  
11 here and I think that it's important for  
12 everybody to know why the EFP didn't move forward  
13 because the agency can't be so politically  
14 correct.

15           Billfish Foundation, IGFA, Coastal  
16 Conservation through Ellen Peel solicited Guy  
17 Harvey to go to the president of Nova Southeast  
18 and have the study killed, potentially Dave  
19 Kerstetter fired on complete misinformation.  
20 Misinformation.

21           Those of you around the table, Andrew,  
22 IGFA, Billfish Foundation, Florida Sportsmen, you

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1 knew what was in that EFP and you either didn't  
2 clearly spell it out to your constituency or just  
3 chose to ignore it. You're just as guilty either  
4 way.

5 Because it's not politically correct  
6 or politically difficult.

7 I'm angry. I'm angry because I spent  
8 four years of my life trying to do something good  
9 and meaningful.

10 We're talking about mako sharks. How  
11 about if you let us fish where we can catch the  
12 swordfish quota and turn the makos loose.  
13 There's only so many economic cuts that you can  
14 take.

15 For 10 years nobody has listened to  
16 us. We know where the fish are. This is our  
17 job. We can go get the job done and we can get  
18 it done responsibly.

19 If we would have been allowed to have  
20 been able to show that we could have done it  
21 responsibly because it wasn't us that designed  
22 the science. It wasn't Dave that designed the

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1 science.

2 It was NOAA and the science center and  
3 everybody else that had input that designed the  
4 science.

5 I'm going to let him speak to that  
6 part of it.

7 But now these individuals, these  
8 selfish individuals --

9 MR. BROOKS: Scott, Scott.

10 MR. TAYLOR: Okay. I'm going to tone  
11 it down.

12 MR. BROOKS: Thank you. It's  
13 important for people to hear your perspective but  
14 don't go after anyone around the table.

15 MR. TAYLOR: So the bottom line here  
16 is that this turned into a witch hunt. And now  
17 we've digressed to the place that we're afraid to  
18 even get the science.

19 The science was going to be the  
20 science, however it was going to come out it was  
21 going to come out. Maybe we were wrong.

22 But now when we talk about agency and

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1 industry and private sector actually going out  
2 and designing and getting the science that was  
3 realistic and then making a determination that  
4 would have been presented to this body and  
5 deciding what was going to be actionable.

6 Nobody was talking about opening the  
7 Straits of Florida. We were talking about  
8 getting data that hasn't been able to be  
9 available for 17 years to see if we can ultimately  
10 at the end of the day make a better industry and  
11 a better fishery so that we can deal with all of  
12 these other issues that are coming up from the  
13 standpoint of bycatch and everything that's out  
14 there.

15 And I do take it personally and I'm  
16 sorry that I take it personally. Because when  
17 you work hard all of your life and there's a  
18 deliberate attempt to misrepresent what's being  
19 done and then it becomes a character attack and  
20 a personal attack on people that used a  
21 tremendous amount of political capital to get  
22 this thing approved.

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1                   Never in the history as I understand  
2                   for NOAA has there ever been an application for  
3                   an EFP had it be granted and then had the  
4                   requesting agency decline to execute on it. I  
5                   guess that's something to be proud of. I really  
6                   don't know at this particular point.

7                   But what I do know is the people that  
8                   I love and I care about, they're done. There's  
9                   no recruitment left in this industry.

10                  The names that have been in this  
11                  business for 20 and 30 years are no longer there.  
12                  The bluefin quota is in the hands of a company  
13                  that survived a purse seine group that refuses to  
14                  sell any of the quota out there out of spite  
15                  because they've lost the boats essentially to us.

16                  The other 60 percent of it is in the  
17                  hands of people that are not actively fishing.  
18                  And the economics are no longer there.

19                  This was a real opportunity that if  
20                  there was availability not to send these guys 800  
21                  miles offshore and I'm going to wrap this up.  
22                  Because Rick actually asked me a pretty valid

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1 question.

2 He said well, he said well why don't  
3 you build equipment that you can go out there and  
4 fish on the high seas like a lot of the other  
5 international fleets do.

6 And my answer to him is well, the  
7 Taiwanese, they can retain 150 bluefins on a  
8 trip. So I'm going to go spend \$5 million and  
9 mortgage my life to go build a boat out there  
10 that I'm still not going to be able to fish  
11 because I'm subject to U.S. law.

12 This fleet was an artisanal fleet that  
13 was designed for coastal and inshore fisheries.  
14 There isn't a conflict and all we wanted was a  
15 fair opportunity to be able to show that it was  
16 there.

17 The only change that was made to the  
18 EFP -- I'm finishing up -- the only change that  
19 was made to the EFP was the deletion of the name  
20 Southeast University. That was the only change.

21 Same principal investigator. Same  
22 science. Same design. Everything was

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1 identically the same and now we're back to square  
2 one.

3 MR. BROOKS: Thanks, Scott. Dave.

4 MR. KERSTETTER: Thanks, Scott, for  
5 putting it in a larger fleet-wide perspective.

6 It's been three years of my life as  
7 well. And I guess the way that I would look at  
8 it is the profound disappointment that I have in  
9 a body that likes to pride itself on having data  
10 and science-based management.

11 The complete disregard for even the  
12 data collection to evaluate a current management  
13 measure.

14 I get it was unpopular. Believe me,  
15 I heard it more often than not how unpopular it  
16 was.

17 But data collection isn't supposed to  
18 be about popularity. It's about providing the  
19 inputs for effective management.

20 Again, that was the disappointing  
21 part. We did exactly what the agency and this  
22 group and the ICCAT advisory committee has asked

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1 for years.

2 We partnered with the agency. We  
3 partnered with industry to come up with a  
4 science-based research plan to evaluate a  
5 management measure. And the outcome we all know.

6 So profound disappointment on my part  
7 as well. That's it, I'm done.

8 MR. BROOKS: Thanks, Scott. Thanks,  
9 Dave. Obviously this is not an easy topic to  
10 talk about and I don't want to pretend it is. I  
11 know there are folks who want to weigh in.

12 I just want to ask everyone to be as  
13 thoughtful and as careful as you can be with your  
14 comments and speak to your knowledge of this.

15 What I will say is I think the value  
16 of a panel like this is the ability to bring the  
17 perspectives of constituencies to this table.  
18 And it's important that we do and when we don't  
19 we're losing the opportunity to raise important  
20 issues and talk about them.

21 So let me just invite some people in.  
22 Jason, then over to Katie, and then over to David.

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1                   MR.    SCHRATWIESER:        Thanks.        I  
2    understand the frustration, Scott.  I talked to  
3    you about this.  Dave, I've talked to you about  
4    this quite a bit.

5                   But  I  want  to  clarify  that  our  
6    organization did not lobby anybody to have Nova  
7    stop this research.  So I want that on record.  
8    We did not do that.

9                   MR.  BROOKS:  Thanks.  Scott, just let  
10   it go.  Katie.

11                  MS.  WESTFALL:  We had originally I  
12   think this was the last HMS AP meeting had  
13   commended the agency's approval of this EFP and  
14   we hope that we can commend the agency for  
15   ultimately approving this.

16                  This  is  a  thoughtfully  designed  
17   research project and I think a lot of the details  
18   and  benefits  get  glossed  over  in  this  
19   conversation so I want to take a moment to  
20   highlight those.

21                  This is going to collect crucial data.  
22   It's going to pilot new technologies.  And it's

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1 going to ultimately help us make decisions about  
2 how to better manage our domestic fisheries.

3 Specifically the project makes  
4 significant leaps and bounds in looking at the  
5 use of electronic monitoring and reporting. It  
6 will test electronic monitoring and reporting for  
7 all species including bycatch.

8 And it will pioneer an approach to  
9 link the catch data to oceanographic data. And  
10 this will allow researchers to figure out what  
11 types of conditions different species will occur,  
12 when they will occur. And this information is  
13 crucial.

14 For us this is -- losing U.S.  
15 swordfish quota to other countries is a  
16 conservation issue. And it's important for us  
17 to collect the data and the information to make  
18 those decisions and to figure out how to best  
19 manage our U.S. fisheries.

20 MR. BROOKS: Thanks very much, Katie.  
21 David.

22 MR. SCHALIT: Just a question, a

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1 technical question. The area that you're looking  
2 at is known as the east Florida coast area that  
3 has a 12-month closure.

4 But what I'm missing on the chart that  
5 they showed was is there any overlap between the  
6 area you want to explore and the Charleston Bump  
7 as well? Okay.

8 Just one more thing. My  
9 understanding is that originally this closure was  
10 put in place, this 12-month closure was intended  
11 to address issues in connection with interaction  
12 with shark, juvenile swords and marlin. Not  
13 shark though. Which is it. That's my question.

14 MR. BLANKINSHIP: So this area was in  
15 combination a part of several closed area  
16 management approaches that tried to address  
17 bycatch in general.

18 MR. BROOKS: Thank you. I've got  
19 Marty and then over to Martha.

20 MR. SCANLON: Well, first of all I  
21 just heard you say that you need the current data  
22 in these areas. And that's not necessarily true.

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1 Magnuson-Stevens requires best  
2 available data. Well the best available data is  
3 what we have on the pelagic longline that was  
4 excluded from these areas.

5 And we warned the agency back then of  
6 the problems that we're facing today, that we  
7 were going to have a black hole in the science  
8 which is what we have now at the present day, we  
9 were going to have greater interaction with  
10 bluefin tuna fish because you're going to be  
11 pushed out and forced to fish in areas that we  
12 did not want to fish in. So that's the result  
13 we got of that was A7.

14 So to me I don't even need any of these  
15 EFPs. The agency ought to put on their big boy  
16 pants, go back to the available data that was  
17 back then, back present in those areas, apply the  
18 regulatory changes that have been imposed upon  
19 the pelagic longline industry from that time  
20 period till now and see what those numbers come  
21 out to.

22 And the FEIS report back then, they

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1 keep telling us that one of the reasons why it's  
2 not going to be open like the Charleston Bump  
3 area for example is because they fear an increase  
4 in marlin.

5 Well, that report, we looked at that  
6 report, Blue Water looked at that report and that  
7 report stated that there was going to be a strong  
8 likelihood of an increase in our interaction on  
9 marlin by excluding us from those areas.

10 Contrary and contradictory to what  
11 this agency is trying to tell us today. The  
12 reasons why they're keeping it closed today.

13 So you're talking to us in circles on  
14 this. You keep telling us how you want to  
15 rebuild these industries, you want to catch our  
16 swordfish quota.

17 We know where the swordfish are. You  
18 will not politically allow us to get in that area.  
19 And even when we try to devise a strategy to get  
20 in there we're now afraid of the science to get  
21 us in there.

22 Like Scott says, good, bad, or

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1       indifferent the science is going to tell us one  
2       thing or the other.

3               Since you denied us the access to the  
4       science then you ought to at least go right back  
5       to what the science was 17 years ago and apply  
6       what the hell we've done in the meantime to reduce  
7       our take in all these areas and see if we should  
8       be in there.

9               MR. BROOKS:   Thanks, Marty.   Martha,  
10       then over to Bob.

11              MS. GUYAS:   Yes, so the commission and  
12       the State of Florida, they've had the same  
13       position on this EFP and the various iterations  
14       of it for the past however many years this has  
15       been going on.

16              They discussed it at their meeting I  
17       guess last month now and the position is still  
18       the same.   We don't need to go into the details  
19       but it's pretty much the same.

20              So I do appreciate, I think some of  
21       the concerns that we had in the EFP application  
22       were attempted to be addressed in the EA that

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1       came out originally, but we continue to oppose  
2       this EFP.

3                   MR. BROOKS:  Thanks, Martha.  Bob.

4                   MR. HUETER:  Yes, Bob Hueter, Mote  
5       Marine Lab.

6                   So, I've been on this panel I think  
7       since it started for 21 years and I have really  
8       been proud of all the accomplishments that we've  
9       made in this body and really cherish a lot of the  
10      relationships that have been fostered.

11                  But I have to say sort of taking a  
12      broad approach that there are two problems that  
13      really pull down our thinking and our discussion  
14      in this panel.

15                  The first is slippery slope and the  
16      second is fear of the data.  And I see it on both  
17      sides.

18                  The slippery slope is oh if you let  
19      this happen then the next thing's going to happen  
20      and the next thing's going to happen.  That's a  
21      negotiator's position.  That's not a judge's  
22      position or a thinker's position.  Maybe a wise

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1 man's position but nevertheless it hampers our  
2 thinking.

3 Fear of the data. I hear people  
4 constantly saying we need more data, we need more  
5 data because I think they say that when they think  
6 the data that are going to be collected will  
7 support their position.

8 If they don't think the data that are  
9 going to be collected will support their position  
10 then they are opposed to it. It's human nature.  
11 We've got to get past this. We've got to do the  
12 right thing.

13 So having said this, I see this -- I  
14 think Katie said it perfectly. I see this as a  
15 well-designed fisheries dependent research  
16 project.

17 I would tell Scott maybe you need to  
18 tone down your messaging a little bit because  
19 you're presenting it strictly as let's do this so  
20 I can fill the quota.

21 Let's talk about the importance of  
22 this as a research project in cooperation with

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1 Scott's fleet.

2 I will say, I said this before when we  
3 last took up this discussion that I want to see  
4 as a scientist a very short leash on this project  
5 when it's implemented.

6 And I'm not sure whether that -- I  
7 like a lot of the changes like the increase in  
8 observer coverage from the original proposed I  
9 think it was maybe even 10 percent or something  
10 possibly.

11 But I want to see quarterly validation  
12 of what's going on by NMFS. And if they're  
13 getting into huge bycatch then the project needs  
14 to be at least temporarily shut down until we can  
15 figure out what's going on.

16 So I'll make that point again. I  
17 think that should be part of the permit.

18 And finally I'll just say if the only  
19 change in this application was the affiliation of  
20 the principal investigator, everything else is  
21 the same, unless NMFS is having second thoughts  
22 or new information has come to them that makes

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1       them change the decision the permit was given.  
2       So the new application should be also approved  
3       very quickly.

4                   MR. BROOKS:  Thanks, Bob.  Bob.

5                   MR. FREVERT:  Let's see if it works  
6       this time.  I'm a member of the West Palm Beach  
7       Fishing Club.  This is our position.

8                   On behalf of the over 1,400 members of  
9       the West Palm Beach Fishing Club I would like to  
10      voice our strong opposition to the proposal  
11      exempted fishing permit currently being  
12      considered by the National Marine Fisheries  
13      Service to allow pelagic longline in the east  
14      Florida coast closed area.

15                  The fishing club has long supported  
16      billfish conservation efforts and was among those  
17      years ago who advocated for pelagic longline  
18      closure off Florida's east coast to protect  
19      juvenile swordfish, rebuild the swordfish stocks  
20      and to protect sea turtles and other billfish  
21      species that are often caught on that gear.

22                  Allowing pelagic longline vessels

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1 back into the closed area under the guise of  
2 research threatens the quantifiable gains that  
3 have been made to protect these resources and  
4 rebuild the swordfish fishery.

5 The fishing club sees no positive  
6 outcome by approving this EFP. Four years ago  
7 the fishing club submitted comments to the  
8 National Marine Fisheries Service opposing a  
9 similar proposal.

10 As we did then the West Palm Beach  
11 Fishing Club urges NMFS to deny the EFP  
12 application. The resurgence of swordfish stocks  
13 in our region has been a conservation success  
14 story.

15 The NMFS is to be lauded for their  
16 foresight in protecting and rebuilding swordfish  
17 stocks through prudent management. Please do not  
18 let that jeopardize all that has been  
19 accomplished. Thank you.

20 MR. BROOKS: Thanks. I want to take  
21 a couple of more people. Ben, I think I saw your  
22 card up there, is that right. No. Oh, I'm

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1       sorry, Tim.

2                   MR. PICKETT:   Just a couple of things.  
3       I feel that when the first EFP came out I fielded  
4       an awful lot of phone calls.

5                   It was -- because I'm in kind of a  
6       unique position being where we're located and my  
7       supplying   I   would   say   three   different  
8       constituencies with equipment.   I supply the  
9       recreational fishing community with equipment, I  
10      supply the handgear fishery with equipment and I  
11      supply the longline fishery with equipment.

12                  I don't want to say that gives me a  
13      unique perspective on things but it gives me a  
14      unique perspective on things and it gives me a  
15      tough selection of which dog in the fight it is  
16      and it made me look very objectively on what was  
17      going on.

18                  That being said every single person  
19      that called me on the telephone at the end of our  
20      conversation their tone of voice came down and  
21      their blood pressure dropped.

22                  There was a massive amount of

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1       misinformation that was spread and I just wanted  
2       to from boots on the ground say how disheartening  
3       that was and how there wasn't a lot of effort I'm  
4       not going to say at the agency's level in  
5       educating people and maybe having some meetings  
6       or something like that that would more easily  
7       educate the general public as to exactly what was  
8       going on and the exact reasoning behind  
9       everything would have been nice.

10               I was able to sit down with a couple  
11       of people and kind of I don't want to say change  
12       their mind but just educate them a little bit.

13               I kept on telling people don't  
14       formulate an opinion until you read what's  
15       actually written down.

16               From a perspective of the fleet I  
17       wanted to echo Scott's sentiment that this is a  
18       small coastal fleet and in my opinion that's the  
19       only way a longline fleet will continue to exist  
20       in the United States.

21               Mostly because of the length of trips.  
22       Not a lot of people want to go offshore anymore

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1 and spend weeks at a time.

2 And we're also competing against  
3 fleets that have foreign crew members. And we  
4 don't really in the mainland United States have  
5 a mechanism to employ foreign crew members.

6 That would be another way that we  
7 could expand our fleet, but we don't really have  
8 a mechanism of doing that in the mainland.

9 And then from an equipment supplier  
10 standard I say this a lot to people that they  
11 need to think very, very hard about the hooks  
12 that they're taking out of the water or they don't  
13 want to go into the water.

14 And I give a lot of tours of people  
15 of our facility and I don't want to say change  
16 minds but kind of open minds and tell people that  
17 for every one of our hooks that comes out of the  
18 water three go into the water somewhere else.

19 And as much of a difference that we  
20 think we're making here in the grand scheme of  
21 things we're micromanaging ourselves and we're  
22 going to lose it, and we're going to lose our

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1 ability to control everybody else.

2 So I just kind of wanted to clarify a  
3 couple of things and give a little bit of  
4 experience of what kind of the pushback to this  
5 was locally in south Florida. That's it.

6 MR. BROOKS: Thanks, Tim. Andrew.

7 MR. COX: Andrew Cox. I can say that  
8 from a recreational person in south Florida there  
9 is just the thoughts of longlines are something  
10 that just bother people. Whether it's in Costa  
11 Rica and fishing amongst the black flags and  
12 seeing sailfish jump left and right, it just  
13 bothers you when you're spending mass amounts of  
14 money to chase sailfish.

15 And look at the data. That's where  
16 we're going to have to see the most interaction  
17 to anticipate increased interactions in that  
18 fishery.

19 That's where over the last 10 years or  
20 since the longline closure had been put in place  
21 we've been seeing banner years. On a given  
22 weekend we're releasing 1,200 fish in a great

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1 tournament.

2 How much money is brought into the  
3 industry from the sport fishing and I believe  
4 that the tone within the EIS and the EA overlooked  
5 recreational fishing and the importance of that.

6 But on the other hand I understand  
7 that the data needs to be there. But I believe  
8 that the EA overlooked and could have done a far  
9 better job creating stock caps for catch caps for  
10 billfish and other species to create  
11 intermittent, just as Bob said.

12 What is the agency going to do if  
13 there's too many sailfish or blue marlin caught.  
14 We never saw what was going to happen.

15 And I think that's where personally I  
16 had big conflicts with what was inside the EA.  
17 I did not know what would happen should the  
18 sailfish or marlin get caught.

19 I think that's where a lot of other  
20 people -- I'm still opposed to it but I still  
21 think that the data is important for us as a  
22 country from a catch standpoint.

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1                   MR. BROOKS: Thanks. I want to wind  
2 this down. Mike, you wanted to jump in.

3                   MR. PIERDINOCK: Just a quick one. I  
4 remember when this was before us I don't know  
5 whether it was one or two years ago or so on.

6                   The only comment I had at that time  
7 and it was the same at this point. We had gone  
8 through all those measures with dusky sharks and  
9 I know I was concerned at the time looking at the  
10 fact that they would be within that area and would  
11 be landing them.

12                   But my understanding and correct me if  
13 I'm wrong is if they get a certain amount of  
14 boats, catch a certain amount of duskies and then  
15 they get shut down completely or how does that  
16 work?

17                   MR. PEARSON: After three dusky  
18 sharks are brought dead alongside the vessel they  
19 would have to shorten the soak time.

20                   Beyond that if six duskies are brought  
21 dead alongside the boat they would be prohibited  
22 from participating in the project for the

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1 duration of the project period.

2 MR. BROOKS: Pat, you have another  
3 chance to weigh in on this.

4 MR. AUGUSTINE: I do, Bennett. Thank  
5 you.

6 You know this is really crazy. The  
7 distance of this exercise is going to be 67  
8 nautical miles from shore, or 32 nautical miles  
9 from shore.

10 We lack the information. The  
11 sideboards and controlling what these vessels  
12 could keep were so severe if I had a vessel I'm  
13 not sure I'd want to spend the money and effort  
14 to go out there 67 miles and participate in it.

15 But it was for a reason, research, an  
16 assessment on the stock.

17 It's been 17 years, we haven't done a  
18 damn thing. We drew a line in the sand and we're  
19 putting another fishery out of business. It  
20 doesn't make sense. Absolutely doesn't make  
21 sense.

22 Now the organizations who are dead set

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1       against it, multimillion dollar boats, some cheap  
2       ones, you're traveling 67 miles, you want to  
3       protect your fishery.

4                   But what about the guys who were here  
5       before you.    What about the 90 percent plus  
6       seafood that's imported into the United States  
7       and our people can't catch them.

8                   We have the hardware, the gear to do  
9       it.    All we're doing is putting people out of  
10      business.

11                  I come from the recreational community  
12      but at ASMFC I represent it all, commercial,  
13      recreational, shorebound, it didn't matter.

14                  And the idea is if we're looking for  
15      research that we do not have how can we sit here  
16      in good conscience and not support this kind of  
17      effort.

18                  It's not rocket science.    We put up  
19      all these blocks to prevent this from happening.  
20      And down to the bottom it confuses me when it  
21      says no other aspect of this research project was  
22      altered.

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1           I changed the title of the Bible but  
2       didn't do anything else, didn't change any words,  
3       didn't change the index, I didn't change  
4       anything. I just changed the name.

5           So the question is with receipt of a  
6       new application the original becomes invalid.  
7       Final line. Because of this change and the  
8       controversial nature of the EFP -- what was the  
9       controversial nature? A couple of groups bitched  
10      and moaned -- excuse me, complained and moaned  
11      because they weren't happy with it.

12           And then we go on to say consideration  
13      of the new one requires further evaluation. So  
14      the question I have is what evaluation. What  
15      specifically has to be evaluated in view of the  
16      fact that the original was approved.

17           I don't get it. I don't get it. And  
18      we sit here more power in this room than God would  
19      want to have in one room and we can't agree to  
20      move forward with something that is essential in  
21      the survival of these fisheries.

22           We can put protective measures in,

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1 don't catch anymore, don't do this, don't fish  
2 there, but once we've done that and you waited 17  
3 years mind you now we can't perform the research  
4 to get it done.

5 So I guess my question, and I'm not  
6 emotional like you, Scott, I'm an old guy.

7 MR. BROOKS: Just a simple baker.

8 MR. AUGUSTINE: Thank you very much.  
9 So the final point is when will we have that  
10 evaluation and what will change. Don't need an  
11 answer right now.

12 But around this table we need an  
13 answer. Is this thing going to die on the vine.  
14 Are we going to take a guy who has put this thing  
15 together, how many years, four years to do it.

16 Have it fall on deaf ears because some  
17 political group or some person got all excited  
18 and they were able to convince somebody  
19 subjectively that this wasn't warranted.

20 So hopefully we get a decision and we  
21 can move this thing forward before we kill that  
22 whole industry. Thank you.

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1                   MR. BROOKS:    Okay, thanks Pat.    I  
2    have now heard from everyone.    I know there are  
3    three people who want to get in.    Thirty seconds  
4    each.    Real 30 seconds.

5                   MR. TAYLOR:    I just want to address  
6    something for Andrew and Jason both.

7                   It's important to understand that the  
8    only data that we had in extrapolating the  
9    information for the study was J hook data.    So  
10   best available science.

11                   We don't know what those interactions  
12   are going to look like or whether or not we can  
13   make a conscious effort to mitigate that.    That's  
14   what this is all about.

15                   The problem that I had also from the  
16   standpoint of Jason rather than being accusatory  
17   and I'm going to tone it down for just a second  
18   is as an AP member I think there are people here  
19   that have a responsibility to properly  
20   communicate the true nature of what it was that  
21   we were trying to do to their constituency.

22                   And like Tim said you can't argue with

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1 me that there was just total misinformation from  
2 all the groups down there in Florida whether it  
3 was Florida Sportsmen, whether it was just lack  
4 of standing back and putting your hands up and  
5 saying let me see the way that it goes. And that  
6 was what I have the issue with.

7 I'm a fighter and so -- I'll wind it  
8 down.

9 MR. BROOKS: Thanks, Scott. Marty,  
10 30.

11 MR. SCANLON: Well the misconception  
12 that the swordfishery was rebuilt because of  
13 these closed areas is a complete misconception.

14 It's like Scott just pointed out. The  
15 implementation of the circle hook is what rebuilt  
16 the swordfish stocks and which kept the swordfish  
17 business in business.

18 It was a reduction unilaterally of 28  
19 percent on all bycatch and our targeted species.  
20 That's what rebuilt the swordfish stock. No  
21 closed area.

22 We as a group here should not be

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1 promoting exclusion. This country in this day,  
2 the political environment everything is inclusion  
3 not exclusion.

4 And we should not be sitting here at  
5 a table and promote and preach exclusion to any  
6 group at this table. We should be including  
7 everyone.

8 MR. BROOKS: Thanks, Marty. Martha.

9 MS. GUYAS: Yes, just a question. So  
10 the application is a little bit different than  
11 what was issued and discussed in the EA.

12 Since the EA was issued we now have  
13 oceanic whitetip listed. How do you account for  
14 that here if you move forward with this? I'm  
15 trying to understand what may be different here  
16 if this moves forward. Or is it going to be the  
17 same as what's in the EA. What is this going to  
18 look like?

19 MR. BLANKINSHIP: Thank you for that.  
20 My answer to that is just like any other action  
21 that the agency would do at this point we are  
22 under consultation on all of our fisheries.

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1                   We also have consideration of  
2 operation under the existing BIOPs while that  
3 consultation is underway. And that applies in  
4 this case.

5                   MR. BROOKS: Is there anyone else?  
6 Oh, please.

7                   MR. HOPKINS: Just a real quick  
8 comment. I'd just like to remind everybody that  
9 there is bycatch and mortality with any kind of  
10 gear you put in the water, whether it be  
11 recreational or longline or anything.

12                   When he said 1,200 sailfish at a  
13 single tournament I know there's -- it may not be  
14 high but I know there's some degree of mortality.  
15 So one weekend, 1,200 sailfish, I doubt pelagic  
16 longline would catch anywhere near that. Just  
17 throwing that out there.

18                   MR. BROOKS: Thanks. I guess I'll  
19 just throw in a couple of observations and then  
20 we'll shift to our next conversation. Oh I'm  
21 sorry.

22                   MR. BLANKINSHIP: Yes, thank you. So

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1 I just had a couple of thoughts. This won't take  
2 long, but in relation to I think Pat had mentioned  
3 something about coming to a decision.

4 And one of the things I want to  
5 reiterate is that the advisory panel as we talked  
6 about earlier today is advisory in nature.  
7 There's not a decision that will be made during  
8 this discussion.

9 The purpose of the discussion though  
10 is to carry through with the consultation with  
11 this AP and also with the South Atlantic Council  
12 which occurred earlier this week. And so the  
13 discussion is what needed to take place.

14 And we appreciate all of the points of  
15 view that were expressed. And we will take them  
16 back as we continue to consider the application.

17 MR. BROOKS: Thanks. I think I'll  
18 just leave it at that actually.

19 So at this point what we want to do  
20 is obviously getting at good data from closed  
21 areas is not going away as an issue. It's  
22 crucial for putting forward informed management

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1 and it's something somehow we all have to  
2 collectively tackle.

3 So we'd like to have a conversation  
4 around that for the remainder of the afternoon.  
5 And sort of step back from the EFP that we were  
6 just talking about and take a wider view, a bigger  
7 view at this.

8 And I recognize that that is going to  
9 be more challenging for some than others and  
10 admittedly for pretty good reasons but I think  
11 that is our collective challenge is to figure out  
12 how do we get at this issue in a way that furthers  
13 the work you all are trying to do and the various  
14 views that we're trying to straddle here.

15 So we want to do this in a couple of  
16 ways. First we'll hear from HMS just to tee this  
17 up a little bit as to what the challenge is and  
18 where they want to try to get to.

19 We'll then open it up for a general  
20 conversation panel-wide. But after that we're  
21 then going to give you about a half hour to talk  
22 in small groups amongst yourselves and brainstorm

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1       what are different strategies, what are different  
2       ways to think about this.

3               And we'll do that in not big formal  
4       breakouts but just ask you to get into groups of  
5       three or four and spend some time just kicking  
6       around ideas and try to generate as many good  
7       thoughtful ideas to push at and explore and use  
8       that then as a way to go forward.

9               So that's our game plan. And what I'd  
10      like to do is hand it over to Steve Durkee to  
11      introduce the subject.

12              MR. DURKEE:     Good afternoon.     I'm  
13      Steve Durkee.     I'm going to talk about some  
14      options for data collection and research to  
15      support spatial fisheries management.

16              As has been noted this is kind of a  
17      complement to Rick's presentation.     Where Rick  
18      was talking about one specific EFP project this  
19      is more of a 30,000 foot view on ways we can  
20      actually get some more information to support  
21      this management strategy.

22              So     what     is     spatial     fisheries

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1 management. So it's a range of management tools  
2 we can use to control adverse ecological impacts.

3 Some examples are time area closures,  
4 closed areas, controlled access areas, marine  
5 monuments and gear restricted areas, really  
6 anything you can see on a map that shows an area  
7 where fishing is somehow restricted or  
8 eliminated.

9 These areas can affect commercial and  
10 recreational fishing as well as certain boating  
11 activities depending on how it was designed.

12 And these areas are meant to protect  
13 a variety of things such as benthic habitat,  
14 perhaps a fishing gear that's interacting with  
15 the ocean bottom, perhaps nursery grounds, or  
16 protecting vulnerable life stages of target  
17 species such as juveniles, or also protecting  
18 bycatch and incidental catch.

19 So the next few slides just show some  
20 maps. These are all from the compliance guides  
21 we have. So don't worry too much about the  
22 detail. I know it's hard to see.

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1           But you have it electronically in your  
2           PowerPoints on your computers and they're also  
3           always available in the HMS compliance guides.

4           Just to give you an idea what we're  
5           looking at here are some closures that restrict  
6           the use of some HMS gears in the Atlantic, Gulf  
7           of Mexico and Caribbean.

8           A similar one for pelagic longline  
9           closed areas and gear restricted areas. Same  
10          thing for bottom longline. And then finally we  
11          have gillnet as well.

12          So specifically with closed areas they  
13          can be very effective at reducing fishing  
14          mortality since you're slowing down or even  
15          stopping certain fishing activities.

16          However, when you stop these fishing  
17          activities you also -- it also results in a  
18          proportional decrease in fishery-dependent data  
19          collection.

20          So take a step back. Fishery-  
21          dependent data versus fishery-independent data.  
22          Fishery-independent data collection is data

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1 that's collected in more of a classic research  
2 idea where NOAA might send a vessel out or an  
3 academic institution might send a research vessel  
4 out and some sort of project is being performed  
5 on that vessel.

6 Fishery-dependent data though is data  
7 that's collected during normal fishing  
8 operations.

9 And so as you can imagine if a closed  
10 area reduced normal fishing operations it would  
11 also proportionally decrease that fishery-  
12 dependent data that was being collected during  
13 the normal fishing operations.

14 And in some cases this fishery-  
15 dependent data is the most cost effective method  
16 to collect information. The vessel that's out  
17 there fishing is the research platform and an  
18 additional vessel doesn't need to be contracted  
19 or deployed.

20 It's also the most applicable to gear  
21 specific research questions. If you want to know  
22 how gillnet, what kind of impacts gillnet gear

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1 has when you're targeting a certain species it's  
2 probably best to be on a gillnet vessel targeting  
3 that species in question.

4 So why is data collection and research  
5 in closed areas so important. Well, I think  
6 we've already gone around the table and discussed  
7 many of the reasons. Perhaps getting the best  
8 up to date information to support fisheries  
9 management, ensuring the original goals of  
10 closures are still being met, Magnuson-Stevens  
11 Act as was mentioned earlier requires us to use  
12 the best available science.

13 And not to minimize the fact also that  
14 these closed areas are geographically stationary  
15 areas in the midst of changing ocean conditions  
16 and these migratory species.

17 So the big question is are we  
18 protecting the right species in the right areas.

19 So if sound scientifically rigorous  
20 and up to date closed area research is so  
21 important the question is how do we get it. And  
22 that's what the back half of this presentation is

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1 going to focus on.

2 So I'm going to present to you guys  
3 eight possible options to collect data and  
4 perform research in these closed areas.

5 And these are some preliminary ideas  
6 meant to spur discussion. If you formally  
7 consider any of these, when you look at the  
8 legality and the practicality of some of these,  
9 these options at least will help us spur some  
10 discussion on how to collect this information.

11 The first option is kind of a status  
12 quo no action. Continue to authorize any closed  
13 area research through the current HMS exempted  
14 fishing permits program.

15 This is the process that Rick just  
16 outlined and we just discussed with the last  
17 presentation.

18 Typically a researcher comes to us  
19 with a research plan. Since closed area research  
20 is outside the scope of our typical EFPs we need  
21 to do an effects analysis through a NEPA  
22 document, put it out for public comments and then

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1 consider whether or not to actually issue that  
2 EFP.

3 Under that option the agency has some  
4 control over the research, it puts terms and  
5 conditions into place, but the impetus of the  
6 research is on external partners.

7 So option two is still using an EFP  
8 program but perhaps trying to streamline the  
9 process a little bit. If we could actually front  
10 load some of the work perhaps it would be a little  
11 easier to actually approve these EFPs. So the  
12 effects analyses perhaps, looking at the effects  
13 of a wide range of closed area research  
14 activities across multiple closed areas ahead of  
15 time and then putting it out for public comments,  
16 perhaps then when the researcher comes to us for  
17 an EFP we can more easily actually issue that EFP  
18 if it was an appropriate application.

19 We have the same kind of concerns as  
20 far as how much control the agency has over that  
21 research and the management applicability, but it  
22 doesn't require a huge investment of time or

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1 resources on the agency's part.

2 Option three is collect data on closed  
3 area catch through an observed access program.  
4 The way this would work is that if a vessel was  
5 chosen to carry an observer, an observer was on  
6 board they could then go fish in a closed area.

7 This option though wouldn't have much  
8 agency control at all. The fisherman decides if,  
9 when, where to fish so it wouldn't be underneath  
10 a formal scientific research plan. For that  
11 reason it would take probably quite a long time  
12 to get a sufficient amount of data to actually  
13 inform management and it would also require some  
14 rulemaking, NEPA analyses and public comment to  
15 put this option forward.

16 The fourth option is to institute a  
17 closed area research program similar to the  
18 current shark research fishery. So the shark  
19 research fishery, fishermen apply to be part of  
20 this program and if they are accepted they can go  
21 out and target sandbar sharks and retain them  
22 along with other sharks as well.

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1           In order to go out and participate in  
2           this fishery they have to abide by certain  
3           restrictions such as observer requirements and  
4           also fish in a manner and location consistent  
5           with an overarching scientific research plan  
6           developed by the agency through the science  
7           centers.

8           So if we use this model perhaps we  
9           could have fishermen apply to a closed area  
10          research program where fishermen would apply to  
11          it. If they're accepted they go out and fish in  
12          certain closed areas underneath an umbrella  
13          research program that could perhaps since it's  
14          designed from the beginning and the onset get us  
15          the best management information -- the best  
16          research information to support management  
17          decisions with closed areas.

18          It does require some voluntary  
19          application and participation by fishermen, and  
20          it would require a fair amount of agency  
21          investment in time and personnel.

22          Option five, conduct closed area

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1 research through a public-private partnership  
2 partially funded by NOAA Fisheries similar to the  
3 2003 NED research program. The NED research  
4 program back in 2003 was a public-private  
5 partnership that was meant to try and find some  
6 gear technologies to reduce sea turtle bycatch in  
7 the NED.

8 What happened is that the agency  
9 contracted commercial vessels out, paid for all  
10 their operating costs and allowed them to sell  
11 their catch to further incentivize this kind of  
12 research on the NED.

13 So if we chose this kind of option  
14 with the current closed areas perhaps we could  
15 incentivize fishing in closed areas under an EFP.  
16 But since the catch rates are unknown the way to  
17 incentivize this would be perhaps with  
18 compensation fishing where the vessels could sell  
19 their catch, or we could even perhaps pay a  
20 portion of the vessel operating costs.

21 This would be under a formalized  
22 research plan which does help with the management

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1 applicability, but it would be expensive for the  
2 agency particularly if we paid for part of the  
3 operating costs for the vessels doing the  
4 research.

5 Option six, conduct closed area  
6 research through a research program led by NOAA  
7 Fisheries using NOAA or contract vessels.

8 This is the more classic research  
9 program idea where a research vessel would go out  
10 there and perform the research under a formal  
11 research plan.

12 It could get us some pretty  
13 scientifically rigorous data and results.  
14 However, it might not be the most applicable to  
15 normal fishing activities.

16 Again if we're trying to figure out  
17 what a certain normal fishing activity like a  
18 bottom longline, what the effects are, perhaps  
19 it's better to be on a bottom longline vessel  
20 than on a research vessel. This option would be  
21 also one of the most expensive options.

22 Option seven is a performance-based

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1 closed area access program kind of similar to the  
2 Cape Hatteras gear restricted area to limit  
3 bluefin tuna interactions.

4 In order for fishermen to enter these  
5 GRAs they need to abide by certain criteria. So  
6 using that as a template perhaps we could allow  
7 access into closed area using a different set of  
8 criteria such as observer and reporting  
9 requirement compliance.

10 This option could result in a fair  
11 amount of data being collected but again it  
12 wouldn't necessarily be under a formal research  
13 plan which could limit its management  
14 applicability.

15 And then option eight, elevate the  
16 visibility of closed area research needs through  
17 existing grant programs and the Atlantic HMS  
18 management based needs and priorities document.

19 So we have a number of grant programs  
20 that researchers can apply to, to get money from  
21 NOAA to perform fisheries research. So perhaps  
22 we could work with these existing grant programs

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1 to highlight the need for this closed area  
2 research and then perhaps get more money out for  
3 these type of projects.

4 We could also update our Atlantic HMS  
5 management based research needs and priorities  
6 document. I know it's a mouthful, but what it  
7 is is a document that a researcher when they're  
8 applying for money can point to and say look, the  
9 agency has said this is a vital research need,  
10 closed areas, and it can help with the funding  
11 process.

12 All right. So as we discussed here's  
13 three questions to start the discussions up a  
14 little bit.

15 Do these eight options cover the full  
16 range of possibilities to collect data in closed  
17 areas? Do they capture a fair number of options  
18 or are there other ones that I didn't consider  
19 and brought up here?

20 Which of these options or other  
21 options provide the most useful information for  
22 sound HMS management? And are certain options

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1 more appropriate for some closed area research  
2 but not for others. Perhaps we could pick and  
3 choose different options for different types of  
4 closed areas.

5 I'll come back to the slide for while  
6 we're discussing but just here's the next steps.  
7 We'll discuss here and depending how the  
8 discussion goes consider publishing an issues and  
9 options paper or a scoping document to get more  
10 formal public input on collecting data for closed  
11 area research.

12 And if you have any additional  
13 questions or anything you can contact myself or  
14 Tobey at the email addresses up on the slide.

15 But with that we could probably move  
16 on to questions and then our discussion plan.

17 MR. BROOKS: So just before we do that  
18 just two points to note. One is though this  
19 began with sort of a no action alternative and  
20 other options this is not being put forward as a  
21 rulemaking set of options that the agency is  
22 considering.

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1           This is a brainstorming conversation  
2 right now. So please take it as such.

3           Also just to underscore what Steve  
4 said. This is also a brainstorming list. This  
5 is not intended to bound the options that you can  
6 be putting on the table, other ideas.

7           This was the agency's thinking of some  
8 possible ways to approach this. So I want to  
9 make sure everyone is really clear on this. This  
10 is not intended to limit it.

11           So again what I'd like to do is just  
12 take clarifying questions right now, make sure  
13 people understand what kind of conversation the  
14 agency is wanting to have, what kind of  
15 information they're looking for, just get a  
16 couple of thoughts out on the table, and then  
17 really again invite you to get into groups of  
18 three or four, whatever threes or fours are  
19 comfortable to you. If it's talking with people  
20 who are coming from the same part of the world as  
21 you, that's fine. If you want to use this as an  
22 opportunity to talk with people who have a very

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1 different perspective that's always encouraged as  
2 well.

3 But at the end of the day what we want  
4 is some feedback on these questions. So talk  
5 about that more in a minute but let's just again  
6 take some questions just so everyone understands  
7 what the agency is looking for. I'll just work  
8 my way around the table. David, you had your  
9 card up.

10 MR. SCHALIT: It seems that the  
11 general theory is that the query informs the  
12 result. So what I'm hearing here is basically a  
13 binary approach. Yes, time area closure, no,  
14 time area closure. Yes, GRA, no, GRA.

15 I have a serious problem with that  
16 because there are alternatives to this yes or no  
17 approach. For example, hot spot management.  
18 Move on strategy. And help me here, Katie  
19 Westfall, windowpane flounder, SMAST.

20 These things, in some cases they're  
21 already working in some of our fisheries. So I  
22 think that when we look at these questions what

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1 we want to do in terms of research we need to  
2 consider that it's not just a black or white  
3 situation, either we have the closure or we  
4 don't. We have other alternatives as well.  
5 Thanks.

6 MR. BROOKS: Thanks. And certainly  
7 think about that as you go into your breakout  
8 groups. You can go wide. Dewey, is that your  
9 card up there? All right. In that case, George.

10 MR. PURMONT: Yes. In recognizing  
11 that you've come up with these various options  
12 does HMS have a preference?

13 MR. DURKEE: Absolutely not. That's  
14 the point of this discussion. I definitely don't  
15 want to lead you to believe that we're leaning  
16 towards one or the other by any means. Really  
17 just kind of the full range of options I could  
18 think of, that the agency could think of. So no,  
19 not at this point.

20 MR. BROOKS: Okay. Bob.

21 MR. HUETER: Steve, could you explain  
22 the difference between option one and two? You

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1 talk about streamlining. To me that means option  
2 one is a crappy process, option two is an improved  
3 crappy process.

4 So it looks like option two though  
5 it's more than streamlined. It looks like  
6 there's more agency control, organization. Can  
7 you just without going into too much time explain  
8 the difference between one and two.

9 MR. DURKEE: Yes, sure. So imagine  
10 the typical EFP. Perhaps a researcher comes to  
11 us and says we want to figure out the gut contents  
12 of swordfish caught in the Atlantic.

13 And we say okay, well we've analyzed  
14 the effects of catching and killing a certain  
15 number of swordfish back in the XYZ amendment to  
16 our FMP.

17 The effects have been analyzed.  
18 We've already put it out for public comment.  
19 This is valid research. We issue an EFP.

20 The reason the process gets slowed  
21 down for closed area research is this is outside  
22 the scope of EFPs we typically get. We haven't

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1 analyzed all these different options for closed  
2 area research.

3 The EA that Rick mentioned, the NEPA  
4 analysis was for one specific project in one  
5 specific area using one specific set of gears.  
6 That can't be applicable to any kind of closed  
7 area research EFPs we get.

8 So option two if it is feasible would  
9 be to go ahead and ahead of time to perform a  
10 NEPA analysis, look at a variety of closed area  
11 research across a variety of closed areas.

12 That way when a researcher comes to us  
13 more similar to that gut content research project  
14 we could then look at the EFP application on its  
15 merits and perhaps issue in a similar fashion to  
16 that. That's the streamlined portion.

17 It really wouldn't change the process  
18 much more than at least doing the grunt work ahead  
19 of time rather than after the fact.

20 MR. BROOKS: Thanks. Scott.

21 MR. TAYLOR: The agency have the money  
22 for this? Because if it does I'd love for you

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1 to be able to pay me to go out and do it rather  
2 than me have to pay the money for it.

3 You can design it however you want  
4 because at the end of the day we're still the  
5 ones with the longline boats. Unless you've got  
6 a different solution on how it is that you're  
7 going to get the data at the end of the day you've  
8 still got to use the boats.

9 So the rest of this is just semantics  
10 from our perspective. We came to you and worked  
11 out the design for this in the best way that we  
12 thought.

13 The issue from my perspective all this  
14 time in is the political perspective, not the  
15 practical perspective. Because there was more  
16 than ample input.

17 I actually spoke to Lisa that I know  
18 did a lot of the writing on this and she had some  
19 extremely valid points that she raised.

20 But I think it's important for you to  
21 know, Martha, that we weren't the one that  
22 designed the science. So at the end of the day

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1 that was a NMFS design.

2 So no matter which way you go about  
3 this stuff we're still talking about the same  
4 thing. The longline fleet's got to do the  
5 research work. And this is what this agency has  
6 been begging for which is a cooperative effort  
7 because I don't think you do have the money to  
8 get it done.

9 And finally we're out of time. This  
10 fleet is out of time. If we don't do something  
11 relatively soon there isn't going to be anything  
12 left to salvage.

13 MR. BLANKINSHIP: Scott, you raise  
14 some good points and the points are part of this  
15 discussion. So the cost, the pros and cons of  
16 different approaches. Simplicity, complexity,  
17 available resources outside of just money, all of  
18 that is part of this discussion that we're  
19 intending to gauge on here.

20 And it's not just restricted to east  
21 Florida coast closed area and research there.  
22 This is intended to be a broader discussion

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1 geographically and even across fisheries. And  
2 it's part of the discussion. That's inherent in  
3 the discussion.

4 MR. BROOKS: That's the feedback we  
5 need to hear and maybe there are different  
6 approaches depending on whether there's funding  
7 that you want to put forward. Tim, then over to  
8 Mike.

9 MR. PICKETT: I might have a novel  
10 approach to this that's way out in right field,  
11 but how about entertaining an expiration date on  
12 closures. That forces the hand of gathering the  
13 data rather than just passing the ball down the  
14 field.

15 You can roll it along, you can roll it  
16 along, we're going to do data, we need to have  
17 industry buy-in, we need to have an EFP project.

18 If you have an expiration date to it  
19 you have to have the data or else it opens back  
20 up.

21 So I think it probably will never  
22 happen, but it's a novel approach and while

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1       you're considering all these things it's  
2       something to consider. Rather than saying okay,  
3       well when we collect the data maybe we'll  
4       consider something then you have a concrete date,  
5       10 years, 5 years, whenever it is that you have  
6       to have things done by or else it expires.

7                   MR. BROOKS: And certainly invite you  
8       to chew on that more in the break which I want to  
9       get to here in five minutes. Mike.

10                   MR. PIERDINOCK: My question is  
11       option one presently the only mechanism right now  
12       to do the data collection and research.

13                   MR. DURKEE: Outside of the agency,  
14       yes.

15                   MR. PIERDINOCK: Then isn't option  
16       six inside the agency.

17                   MR. DURKEE: True, yes.

18                   MR. PIERDINOCK: Thank you.

19                   MR. BROOKS: Thanks. Let me take  
20       Dave Kerstetter, then over to Shana and then I  
21       think I saw Walt's card up.

22                   MR. KERSTETTER: It's nice to back off

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1 a little and look at this from a more academic  
2 perspective.

3 Just a quick response to David.  
4 You're right. Hopefully in the future we and the  
5 agency will better consider time area closures as  
6 a management strategy. But we still have the  
7 ones that exist now that we've got to deal with.

8 And going to that point and kind of  
9 leading off a little bit from what Tim was saying  
10 does the agency see a requirement that these time  
11 area closures be evaluated. There was never a  
12 requirement when these were implemented so does  
13 the agency now see that as a need.

14 MR. DURKEE: Yes, it's a need. And  
15 there are some requirements in certain cases to  
16 perform research and collect data in these areas.

17 Some of our closed areas are not year-  
18 round total elimination of all fishing effort  
19 areas so I'd have to leave that up to our lawyers  
20 to discuss whether or not the need is there.

21 But I think we've all around the table  
22 discussed that we're all interested in the need

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1 of additional data collection and research in  
2 these areas.

3 MR. BROOKS: Shana.

4 MS. MILLER: So we're kind of drifting  
5 into comments instead of questions. I want to  
6 play by the rules but should I wait?

7 MR. BROOKS: I'll let you hold your  
8 comment. Of the cards that are up here let's see  
9 are there any -- I'm going to encourage that right  
10 now.

11 At this point of the remaining cards  
12 questions about what we're doing and then I want  
13 to get us into breakouts. Walt, question.

14 MR. GOLET: To echo Scott's point a  
15 little bit based on funding where will the agency  
16 get the money to do this?

17 Because this project right here does  
18 not fall within the bounds of any existing  
19 federal RFP that I'm aware of.

20 To do this type of project will take  
21 considerable capital which I imagine Scott is  
22 personally investing at some level and I applaud

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1 him for putting his money up to do this.

2 But just to give you an example, the  
3 BREP program which is a bycatch reduction  
4 program, you're talking \$200,000. Which sounds  
5 like a lot. But you have to remember all the  
6 little things that chip away at that money.  
7 Graduate students, overheads, fringes and things  
8 like that.

9 And so while this is an option it's an  
10 option that the agency really needs to consider.  
11 If you're going to do closed area research you  
12 have to understand the scope of that research and  
13 what the minimum scope of that research is going  
14 to need to be to get to the answers that you would  
15 like.

16 I see no viable options with existing  
17 RFPs within NOAA right now to do this research.

18 Sorry, just one last thing. This  
19 would be maybe to use 1 boat or 2 boats for maybe  
20 60 sets.

21 MR. BROOKS: The question is will  
22 there be money for it.

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1                   MR. GOLET:     Will there be money,  
2     sorry.  It was a question with some comments back  
3     to a question.

4                   MR. DURKEE:     The point's taken.  
5     However, all these options have varying amounts  
6     of agency investment in time and money.

7                   So I think as we all discuss this  
8     perhaps then we should think about perhaps  
9     putting a NOAA vessel out or contracting a vessel  
10    for more formal research in a closed area, one of  
11    the most expensive options, perhaps is not  
12    feasible in this budget climate.  You're right.  
13    These are part of the discussions we need to have.

14                  There are some options that are much,  
15    much less expensive as well.

16                  MR. GOLET:     But you may want to  
17    consider that funding that may come from other  
18    sources --

19                  MR. BROOKS:    So let's hold that for  
20    the breakout groups.

21                  MR. GOLET:     -- NGOs or private  
22    organizations and the possibility of connecting

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1 those people to do the projects if they can get  
2 them off the ground.

3 MR. BLANKINSHIP: Absolutely, Walt,  
4 and that's actually exactly along the lines of  
5 what I was going to say which is in the breakouts  
6 consider the potential alternatives for where  
7 funding can come from including from those kind  
8 of partnerships.

9 MR. BROOKS: Okay. I want to get us  
10 into breakouts. Marty, is it a question? A real  
11 question.

12 MR. SCANLON: Well, option three  
13 looks to me like that was what the preferred  
14 alternative and one of the preferred alternatives  
15 in A7 was is to utilize the existing observer  
16 program to give access to the vessels in that  
17 area to do the research.

18 Isn't that pretty much what that A7  
19 what the preferred alternative was in A7?

20 MR. DURKEE: I'm not exactly sure but  
21 you're making me look way too clever for this.  
22 I do not have any preconceived ideas. These are

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1 just some ideas we threw up in a presentation.

2 So consider them on their own merits,  
3 not necessarily connected with something we  
4 proposed in A7.

5 MR. MCHALE: Marty, in essence, yes.  
6 Essentially that is very similar to what we put  
7 forward in amendment 7.

8 MR. BROOKS: Okay. So, thank you.  
9 Let's get into the breakout conversation. If you  
10 could put up the questions for discussion.

11 While you're doing that let me just  
12 double check. This presentation is available  
13 online. So if folks want to be clicking through  
14 the options.

15 MR. DURKEE: Correct.

16 MR. BROOKS: All right. So just to  
17 remind you I want you to spend about 25 minutes  
18 in breakout groups or so.

19 And the questions we want you to talk  
20 about are do these eight options cover the full  
21 range of possibilities to collect data in closed  
22 areas.

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1           I think we're already hearing that  
2           there may be some other options you should be  
3           thinking about.

4           Second is which of these options or  
5           other options provide the most useful information  
6           for sound HMS management.

7           The third question is are certain  
8           options more appropriate for some closed area  
9           research but not for others. So again the charge  
10          to you all is not that you have to come up with  
11          one answer for every area, you could come up with  
12          some suggestions or ideas that are more nuanced  
13          than that based on geography or gear type,  
14          whatever you think.

15          As you have this conversation again  
16          we'd like you to be reflecting back. As you sort  
17          of point towards certain options why is it. Is  
18          it about the simplicity and the ease of  
19          implementation? Is it around the quality of the  
20          data that it gets, the quality of the research,  
21          questions of affordability? These are all  
22          different considerations we'd like you to be

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1 thinking about.

2 So again our recommendation is that  
3 you get in groups of three or four, no larger  
4 than that because we want everyone to have an  
5 opportunity to fold in.

6 When you get in the groups if one  
7 person in each group to agree to be the recorder  
8 because at the end of the breakout we want you to  
9 reflect back just main ideas that came up.

10 We think this is a good way to get a  
11 lot of ideas out on the table. And again it's  
12 up to you whether you want to sort of organize  
13 yourself via gear type or actually organize  
14 across different interest groups, NGOs, fishing,  
15 academics together. That's your call.

16 Any questions? We're going to do this  
17 for 25 minutes. Then we will come back and we'll  
18 hear from each of the groups just so we get a  
19 feel for the kinds of ideas and any directions  
20 that seem to be emerging.

21 Any questions before we break into  
22 small discussions? Okay, that's it. Stay

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1 close. Stay in this room or the anterooms.

2 (Whereupon, the above-entitled matter  
3 went off the record at 5:01 p.m. and resumed at  
4 5:27 p.m.)

5 MR. BROOKS: All right. So we have  
6 about 20 minutes before we have to go to public  
7 comment and we would like to hear from the groups.

8 What I want to do is just sort of start  
9 with whatever group wants to start. And I think  
10 what I would ask you to do is maybe just give us  
11 the top two or three ideas that came out from  
12 your group because I'm not sure we'll have time  
13 to hear from everyone.

14 And then we'll go back again around.  
15 As ideas have been mentioned by others as it gets  
16 to you I'll ask you to acknowledge where someone  
17 might have covered a topic you had talked about  
18 and also then fold in new ones.

19 So I think we saw about 10 groups  
20 chatting or so. Is there a question before I  
21 jump in? Okay. So we're going to start down at  
22 that end of the table. Randy.

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1                   MR. GREGORY:    So we had a bunch of  
2                   state reps here talking.  I'm not sure we looked  
3                   at any of your options.  We discussed them a  
4                   little bit but we had a few ideas.

5                   So if there's a closed area there  
6                   ought to be opening triggers as well.  So if we  
7                   have a closure for dusky sharks, dusky sharks get  
8                   to a certain stock rebuild there ought to be  
9                   opening triggers and those ought to be built into  
10                  the plan or the rule that closes.

11                  The same thing with evaluation dates.  
12                  If we have a rule that closes an area there ought  
13                  to be documented timeline dates of evaluation at  
14                  some certain point in time.  Maybe there ought  
15                  to be a deadline to at least have someone go in  
16                  that area and make some kind of evaluation.

17                  And for every closed area there ought  
18                  to be a sampling for data collection plan set up  
19                  for that area.  And a timeline to examine -- in  
20                  addition to that a timeline to examine all the  
21                  old areas.

22                  We thought that those four points were

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1 probably not brought forward in these options but  
2 should be considered in every plan or whatever  
3 you call those when you close an area.

4 MR. BROOKS: Thanks, Randy. So it  
5 seems like the first three are really about  
6 closed areas. Well let me ask this as a  
7 question. Was your group thinking these were for  
8 closed areas that are in existence today or for  
9 any new ones?

10 MR. GREGORY: Yes. Both.

11 MR. BROOKS: All right. Good. I  
12 wanted to clarify.

13 MR. GREGORY: That's the problem  
14 there's been. Off of North Carolina we have lots  
15 of closed areas and there's not a plan. Some  
16 sampling goes on but there's not a plan and  
17 there's definitely not dates or anything that  
18 says okay, these have been in place, it's time to  
19 go back and look at them.

20 MR. BROOKS: Thanks, Randy. Shana,  
21 your card was up.

22 MS. MILLER: Okay. So we had Luke,

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1 Martha and Marty. So two longliners, an NGO and  
2 a state agency so pretty good representation.

3 And we also had some overarching  
4 comments about any closed area research. First  
5 to really look at the original goal of the closed  
6 area and to consider the impetus for the research  
7 at this point and then what the goal would be of  
8 reopening the closed area, like who the  
9 beneficiaries are.

10 And just to keep in mind that these  
11 closed areas were originally designed based on  
12 extensive analyses.

13 And then also we saw a presentation  
14 earlier this week by Eric Orbesen from the  
15 Southeast Fisheries Science Center on some of the  
16 bluefin tagging that they've done to look at post  
17 release mortality from longlines.

18 And they showed really low post  
19 release mortality which is great, but they also  
20 had almost 50 percent of those fish dead at  
21 haulback.

22 And so as he said the best way to

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1       reduce mortality is to avoid interaction. So to  
2       keep that in mind but also recognizing that some  
3       of these closed areas have been in place for  
4       almost 20 years and so it's worth doing research  
5       to see if the original reason for those closed  
6       areas has changed.

7                We thought that any closed area  
8       research should have some standards such as 100  
9       percent observer coverage, whether it's human or  
10      electronic. Bycatch caps on vulnerable species  
11      that would pause or end the research.

12              And then making sure that any data  
13      collected in the research would be publicly  
14      available and easing confidentiality rules about  
15      the data as allowed by the law.

16              And then also when designing the  
17      research to really take into account the drift of  
18      the gear and whether any boundaries to that  
19      research are realistic given that drift.

20              And as far as the options we did not  
21      all agree on which options were preferable which  
22      is not surprising given the makeup of our group,

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1 but some of us liked options one and two through  
2 the EFP whether it's streamlined or not to ensure  
3 that there's a clear scientific approach and to  
4 make sure that NMFS scientists are involved in  
5 the development of the experimental design, not  
6 just review.

7 And I think Dave's EFP did that, is a  
8 good example of that.

9 And then to have it be user paid. And  
10 we had some disagreement about whether the  
11 research should be driven by the users or  
12 solicited and really supported and pushed by the  
13 agency.

14 Others in our group preferred options  
15 three or four because they're the cheapest  
16 options and it takes -- option three in  
17 particular takes advantage of the existing  
18 observer program.

19 And you could try to add some  
20 scientific design. But I think we all agreed  
21 that it would be hard to standardize the  
22 scientific methodology with option three.

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1           But at the same time it does give NMFS  
2           an idea of what's happening in those closed  
3           areas.

4           And option four, similar pros and  
5           cons, but we did think you could have a more  
6           scientific approach with option four compared to  
7           option three even though it's not as user driven  
8           and the agency's really pushing it which some of  
9           us didn't think was appropriate.

10           So the first four were our top choices  
11           and eight is fine.

12           MR. BROOKS: Thank you. Katie.

13           MS. WESTFALL: We also didn't really  
14           talk about the specific options and spoke a  
15           little bit more generally about some of the needs  
16           and what kinds of questions we should be asking.

17           While getting catch rate information  
18           is incredibly important in these closed areas in  
19           a way that's done in a well-designed research  
20           project that has scientific rigor and has all the  
21           appropriate conservation backstops is incredibly  
22           important it's also important to test -- to

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1 really look at whether or not there are better  
2 ways of doing business.

3 Are there approaches that we can  
4 pioneer to maximize the catch of healthy target  
5 species and minimize the catch of imperiled  
6 bycatch species.

7 So using available science and  
8 technology to use real-time data and  
9 collaboration between scientists and fishermen on  
10 the water is there a way to meet our conservation  
11 goals while catching healthy target species.

12 So that was one thing we talked about  
13 in terms of the questions that we should be asking  
14 in some of this research.

15 I'll let David chime in on what I  
16 might have missed.

17 MR. SCHALIT: We see the time area  
18 closure approach is to borrow a term from Brad  
19 McHale is a kind of baseball bat approach when  
20 what you'd really rather have is a scalpel  
21 approach to achieve the same thing.

22 And so I'm just making reference to

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1        what Katie mentioned about alternative approaches  
2        to time area closure.

3                    But it occurred to us when we were  
4        talking about this that unless the funding is in  
5        place to address every one of these time area  
6        closures and GRAs this is basically just an  
7        exercise.

8                    And we realize that in the best of  
9        circumstances funding is going to be limited so  
10       what would be the best use of that resource.

11                   And we considered one possibility  
12        which is to choose a closure, let's just name, I  
13        don't care, DeSoto Canyon, and use that as a pilot  
14        project on which we build all these assumptions,  
15        these ideas and approaches with a view toward  
16        possibly duplicating these with other areas down  
17        the road in the future.

18                   But ultimately with a view toward  
19        finding an economical approach because this can  
20        be fantastically expensive.

21                   And I think that's pretty much we  
22        covered it. Thank you.

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1                   MR. BROOKS:    Thank you very much.  
2           Let's head on down.  Is that Ben's card or Tim's?  
3           Is that Ben?

4                   MR. CARR:     So I'm going to -- our  
5           group was comprised of Angel, Jason, Rick,  
6           Marcos.  So we were fairly diverse.

7                   Two things we thought that were very  
8           important were, one, having a list of specific  
9           needs that was public so that it could be  
10          reviewed.

11                   We also had the idea of not an SSC,  
12          sorry to say the three letters, but an SSC-like  
13          body that was composed of all stakeholders who  
14          could have input and that might be a subset of  
15          this group or a separate group to look at what  
16          different bodies, different stakeholder groups  
17          think are the most important things to address.

18                   MR. BROOKS:   Ben, just to clarify,  
19          when you said a list of specific needs that would  
20          be specific research needs?

21                   MR. CARR:     Yes.  We've been talking  
22          about stock assessments since I started and

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1 probably for 21 years we've been talking about  
2 stock assessments and putting them off and off.

3 So getting a public list, a wish list  
4 basically that could be reviewed would be  
5 excellent. And getting input from stakeholders  
6 on what they feel are the most important barring  
7 litigation of course could be helpful.

8 MR. BROOKS: Thank you. Kirby.

9 MR. ROOTES-MURDY: Yes, thank you. I  
10 was the intrepid note-taker for our group and I'm  
11 going to try to summarize some of the points that  
12 were raised. I think we'll touch on other points  
13 raised by the previous groups.

14 So regarding the range, do the eight  
15 options cover the full range of possibilities I  
16 think one that was offered up and you heard it  
17 prior to breakout groups was Dewey's idea of an  
18 expiration date.

19 And I think it differs slightly from  
20 the time area closure but I might defer to Dewey  
21 to provide some more clarity on that.

22 But in essence it's that the closed

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1 area research would need to be done for a certain  
2 period of time and then after that that closed  
3 area is no longer closed.

4 Regarding the second point of which  
5 options provide the most useful information our  
6 group kind of focused more on trying to get at  
7 what is the useful information that needs to be  
8 gathered from this.

9 And so Ben who preceded me I think  
10 touched on a concern I had in our group what is  
11 it that this closed area data collection is  
12 really trying to inform either on the stock  
13 assessment level or the species or the HMS  
14 management. I think that needs to be first laid  
15 out.

16 Because CPUE, marine mammal  
17 interaction, bycatch information is helpful, but  
18 if there's other more targeted pieces of  
19 information specific to biology of these species  
20 that you're trying to get I think that needs to  
21 be made more clear and that can help inform which  
22 of the options is helpful in collecting the data.

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1           And then to the last in terms of are  
2           certain options more appropriate for some area  
3           research but not for others what came up in our  
4           group really was kind of coalescing around either  
5           option seven, the idea I believe it was Tim who  
6           put it forward in our group that there needs to  
7           be a forcing of the issue of why an area remains  
8           closed after a certain period of time.

9           Revisiting what is really the benefit  
10          of maintaining that area closure if there's not  
11          any data collection going on in it.

12          But if there was a certain option of  
13          the eight that were offered up that probably was  
14          the best it would be option five as Walt touched  
15          on earlier.

16          Money is really important. As you are  
17          aware of the expression cash rules everything  
18          around me. And having some kind of public  
19          partnership between federal government and NGOs  
20          might be the best way to try to cover the cost  
21          for people to go out and hang out in a closed  
22          area to collect data when they might not interact

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1 with the species that are being specifically  
2 looked at. So, thanks.

3 MR. BROOKS: Great. Thank you very  
4 much. Let's see who's next. Scott.

5 MR. TAYLOR: So our group was Charlie,  
6 Jason, Robert and Andrew Cox.

7 The first part of our discussion was  
8 around how to deal with misinformation so that we  
9 could better come up with any one of the  
10 alternatives for the solution.

11 Because the fact of the matter is the  
12 reality is that political will does drive a lot  
13 of these things.

14 There was actually a fair amount I  
15 think of understanding of each other's position.  
16 It was a good discussion.

17 We talked further about the ability  
18 and methodology and how the data was going to be  
19 collected to address some of their concerns,  
20 particularly as it pertained to the sailfish.

21 I guess there was more time kind of  
22 spent in generalities rather than to the specific

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1 eight options because I guess to a certain extent  
2 I was dominating the conversation. I know that's  
3 a surprise.

4 That the real core issue is here that  
5 everything David just described is exactly what  
6 our EFP did which was that we designed this  
7 cooperation. And I think that there was a  
8 failure for constituencies to really understand  
9 what was happening.

10 And that it doesn't matter whether you  
11 pick DeSoto Canyon. You'd think if we pick the  
12 Charleston Bump or the DeSoto Canyon there's  
13 going to be any less pushback than what we have.

14 Every one of these areas is going to  
15 be the same. So unless we figure out a  
16 methodology to disseminate this information to  
17 constituencies it doesn't mean that there's ever  
18 going to be true consensus because that probably  
19 will never happen with the diversity of this  
20 panel.

21 At the very least at least if  
22 constituencies get an accurate overview that

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1 maybe we can make some meaningful progress.

2 MR. BROOKS: Certainly reasonable  
3 people can look at the same data and come to  
4 different conclusions, but you at least want them  
5 looking at the same data.

6 Let me just pause for one second. I  
7 know it is 5:45 when we have public comment. I  
8 want to see if we have anyone on the line for  
9 public comment or in the room who needs to jump  
10 in which case we'll get you in and then we'll  
11 keep going around the table.

12 Is there anyone for public comment in  
13 the room or on the telephone? Okay. If not then  
14 George, down to you.

15 MR. PURMONT: Thank you very much.  
16 Tough following Scott.

17 Much as Kirby's group came up with an  
18 opinion, Ray Kane and Walt and I came up with  
19 options five and seven.

20 We seemed to focus much of our  
21 conversation on funding as being a lynchpin  
22 issue. With seven there was the question of

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1 funding and we felt that the permittee would be  
2 compensated out of the hatch and a charter fee  
3 from the agency.

4 That's pretty much we felt the charge  
5 we had was to choose between the eight options  
6 and that's what we came up with. Thank you.

7 MR. BROOKS: Ben.

8 MR. CARR: So I just, that was one of  
9 the points I didn't get to. We thought that  
10 there should be a choice in economic  
11 incentivization and that it might need to be  
12 retention of the catch is an option.

13 It's always a gamble whether you go  
14 out or not. And so there should be an option  
15 either at the beginning of this entire process or  
16 on a per RFP basis whether the fishermen are going  
17 to be compensated by keeping the catch or if they  
18 are being hired and they don't get to sell the  
19 fish.

20 MR. SCANLON: Myself, I think that we  
21 need to go in a direction that includes options  
22 three, five, some combination of options three,

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1 five and seven.

2 Three because it includes the existing  
3 observer program and the existing fleet to  
4 minimize cost. You've got five that would  
5 include elements of the NED that the research  
6 project of the government has already been  
7 successful in concluding.

8 And you've got number seven which  
9 incorporates the performance metric criteria  
10 under A7.

11 MR. BROOKS: Marcus.

12 MR. DRYMON: Yes, so I'm kind of  
13 trying to distill down these concepts that have  
14 been around the table. It seems like there's a  
15 few unifying themes.

16 I keep thinking about what Tim said  
17 about this idea of an expiration. And thinking  
18 about that as a scientist it's almost as if having  
19 a time area closure is a hypothesis that hasn't  
20 been tested.

21 So to test that requires going out to  
22 collect those data and to really kind of quote

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1 unquote "force" that you need to have some sort  
2 of an expiration.

3 And then you ask yourself how do you  
4 pay for something like that. And I think Walt's  
5 point was really good that perhaps CRP, SK,  
6 MARFIN, they don't offer the scale necessary but  
7 I'd say even more importantly they don't  
8 necessarily offer the expertise. CRP does for  
9 sure.

10 So then you go to a situation like  
11 these guys had with the EFP and that strikes me  
12 as a really good way to test the efficiency of a  
13 time area closure.

14 So I guess to me it keeps on coming  
15 back to this idea of an expiration. So we've set  
16 this expectation that a time area closure is  
17 going to achieve objectives A, B and C, but until  
18 that gets tested we don't really know if that's  
19 valid.

20 MR. BROOKS: That's a helpful way to  
21 think about it. Walt.

22 MR. GOLET: Just one thing to keep in

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1 mind too with these types of research projects,  
2 what I hope doesn't get lost in potentially a  
3 couple of these options is the breadth of  
4 scientific scope that is undertaken.

5 What they're proposing is a lot of  
6 sets and a pretty thorough project. And what I  
7 don't think we want to get into is a situation  
8 where we do scientific work but it's right at the  
9 margin and then we open up ourselves to even more  
10 discussion and more ambiguity about yes it did  
11 work, no it didn't work.

12 So kind of keep that in mind about the  
13 scientific plan if you will or the scientific  
14 scope and where that's going to get you, 1 set  
15 versus 240 sets and things like that.

16 I'm always a proponent of robustness  
17 in science. As robust as you can get. There  
18 will always be questions and disagreements but  
19 regardless of which side you come down on from an  
20 argument perspective my vote would be the most  
21 robust scientific plan that you can have.

22 MR. BROOKS: Great, thank you. Tim.

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1                   MR. PICKETT: Just to add. With the  
2                   expiration date kind of idea and everybody  
3                   talking about where the funding can come from.

4                   Much like Scott and Dave's program the  
5                   funding is coming from Scott's operation. If you  
6                   make it not so easy to just say no, and if you  
7                   ask someone why do you say no. Because I don't  
8                   like it.

9                   If you force them to prove why they  
10                  say no you'll see funding mechanisms coming from  
11                  all over the place.

12                  And then the work will I don't want to  
13                  say take care of itself, but if you all of a  
14                  sudden have to back up saying no then you have to  
15                  have evidence as to why to say no.

16                  Why do we keep this closed? Okay,  
17                  well we funded this project and we chartered four  
18                  longline boats to go out and this is what they  
19                  found. It's peer reviewed and it should stay  
20                  closed.

21                  To me rather than a smear campaign and  
22                  the just ease of saying no because I want to say

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1 no and because I'm trained to say no it's a much  
2 more productive situation.

3 MR. BROOKS: You articulate specific  
4 criteria that would -- you'd have to meet to  
5 justify the no.

6 MR. DURKEE: The discussion around  
7 sunsetting closures is definitely helpful. I  
8 don't want to dissuade you from adding this in.  
9 That's really helpful in the future as we look at  
10 perhaps putting a closed area into place putting  
11 these kind of mechanisms in.

12 But it's not so useful for closed  
13 areas that exist right now. We have no basis to  
14 put a sunset provision let's say on the Florida  
15 east coast or the Charleston Bump.

16 The question is how do we get the  
17 information to perhaps put something like that in  
18 the future or to understand if the closed area  
19 are still meeting the original goals that were  
20 put in place to begin with.

21 So while the discussion on future  
22 closed areas is helpful and we appreciate it, I'm

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1 writing it down, it doesn't help us with the  
2 existing closed areas as they exist right now.

3 MR. BROOKS: I've got Shana, then  
4 David, then Scott.

5 MS. MILLER: Just following on Walt's  
6 comment about the scientific rigor of any of  
7 these studies. I think it's worth remembering  
8 the Blue Water EFP from several years ago that  
9 was just had no scientific approach whatsoever  
10 and was just fishing in the closed areas.

11 And I think that's something with  
12 whatever option we go forward with that needs to  
13 be opposed, avoided. And obviously that EFP was  
14 rejected.

15 MR. BROOKS: Thanks. David.

16 MR. SCHALIT: What's the  
17 consideration here, the fear is -- it seems that  
18 it's one coin with two sides.

19 We spoke earlier about the General  
20 category swordfish Handgear permit and there's a  
21 retention limit of zero to six fish. And ever  
22 since that permit's been in place the retention

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1 limit has been zero for that Florida fishery.

2 And at the same time we also heard  
3 about the opposition to this project that Dave  
4 Kerstetter is involved in.

5 So those are two sides of the same  
6 coin. In other words you have resistance, really  
7 tremendous resistance. And the agency is feeling  
8 it.

9 So it seems to me that this thing  
10 pivots, this concept pivots on the idea that  
11 there are possibilities that we haven't  
12 considered yet.

13 Because let's face it the fear for  
14 Floridians let's say will be that one day they'll  
15 have -- this time area closure will be lifted and  
16 one day they'll look out at an armada of  
17 longliners like the Normandy invasion.

18 There have to be other possibilities,  
19 other possible fantasies we can give these  
20 people.

21 MR. BROOKS: That's the fall meeting.  
22 Scott.

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1                   MR. TAYLOR:    So I think that we've  
2                   kind of gotten off track because this really kind  
3                   of segues into everything that we've been  
4                   discussing today which was it goes back to the  
5                   original meeting that I had with Margo.

6                   Which was there is no mechanism to  
7                   open any of these areas up.   And so I went to her  
8                   and I said what do you need to consider it.

9                   There's no guarantee.   And she said  
10                  I've got to have the science.   I said well, can  
11                  you afford the science.   And she said no, we  
12                  don't have the money in the budget to do it.

13                  And I said what about if I make my  
14                  boats available and I fund the science.   You all  
15                  design the science.   I'll execute the work.

16                  It's what the agency has been asking  
17                  for from day one.   There was a process, a  
18                  rigorous process.   I mean Dave could tell me but  
19                  it went on for a substantial period of time when  
20                  the science got vetted.   Everybody had the  
21                  opportunity to input into the science and then at  
22                  the end of the day the agency decided what the

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1 science was going to look like.

2 This business about the handgear  
3 fishery or the access permit and what we're doing  
4 has absolutely unless you really understand and  
5 know the area the two have absolutely nothing to  
6 do with one another.

7 That handgear fishery and buoy fishery  
8 is perpetrated between essentially the Keys and  
9 the Pompano Beach area, maybe as far north as  
10 Palm Beach.

11 In fact Randy can correct me if I'm  
12 wrong from Jacksonville north the handgear  
13 fishery is allowed to be and there is a retention  
14 limit for that. So part of Florida you can  
15 retain with that General category permit as long  
16 as it's caught from Jacksonville north.

17 Our north line is approximately Cape  
18 Canaveral. It's not all the way there, it's just  
19 south of Cape Canaveral as Rusty pointed out  
20 basically north of Palm Bay, north of Melbourne  
21 area.

22 So we're drawing -- I don't want to

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1 have everybody get into sort of a conflict. The  
2 issue is I agree that before you're going to close  
3 any more areas you have to look at what the  
4 criteria is and there needs to be some sort of an  
5 exit strategy.

6 There is in every other fishery. You  
7 see in scallop fisheries the bottom opened up.  
8 There's a mechanism to do that. We don't have  
9 that.

10 So we committed the time, money,  
11 resource, had some NGO partner that participated  
12 in the design of the EM to have 100 percent  
13 accountability for what was going on the boat.

14 Tried to come up with the most cost  
15 effective way to get as much science as Walt  
16 suggests and the number of sets so that the data  
17 wasn't going to be skewed that was in there.

18 And I didn't have anything really to  
19 do other than a couple of comments about how it  
20 was that they designed the program.

21 In fact, I don't look at this as a  
22 financial beneficial exercise, not in the short

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1 run. It's going to cost several hundred thousand  
2 dollars over the term of the study.

3 The only reason that I was willing to  
4 make that investment was because of the absence  
5 of us doing something nobody was doing anything  
6 else.

7 MR. BROOKS: Scott.

8 MR. TAYLOR: I'm just saying to you  
9 that this design was well thought out, it's a  
10 good design and in an environment where you have  
11 budgetary constraint there's enough checks and  
12 balances in there that it is in my opinion the  
13 only way that this stuff is ultimately really  
14 going to get done.

15 MR. BROOKS: Fair enough. Thank you.  
16 Is there anything that any group talked about  
17 that hasn't gotten out on the table? I think  
18 we've probably hit it all.

19 I want to thank you all for -- sorry.  
20 Anybody on the phone who wants to make any public  
21 comments?

22 I want to thank you all for having

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1 some pretty impressively focused conversations in  
2 a short amount of time. Just to highlight the  
3 pieces that I was hearing.

4 Obviously a lot of common  
5 conversations around how do you -- before you  
6 step into closures the need to frame it, to bound  
7 it, whether that's around including some sort of  
8 sunset provision, thinking up front about how  
9 you're going to deal with data collection  
10 requirements so that you're learning from an area  
11 that's closed, what kind of standards you want to  
12 put in place if you are closing, whether that's  
13 around coverage or bycatch caps, et cetera, and  
14 confirming that your goal as you're going  
15 forward, the whole purpose of a closed area is  
16 still relevant.

17 To the extent that you go into closed  
18 areas think about it as a way to push a technology  
19 fixes and new technologies. Lots of issues  
20 around dollars not surprisingly.

21 Different ideas to deal with that or  
22 whether you'd go with a pilot, learn from there

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1 and then see if that can be broadened.

2 Looking at the potential for NGO  
3 partnerships, EFPs clearly a way to get at a cost  
4 effective approach. Whether there are other  
5 incentives.

6 The suggestion to look at criteria for  
7 declining an EFP or some sort of going into --  
8 some effort to go into a closed area rather than  
9 just leaving it as a yes/no that's fuzzy and open  
10 to less objectively grounded reasons for proving  
11 or denying, having some clear criteria ahead of  
12 time.

13 And then ways to deal with  
14 misinformation going forward. So what kind of -  
15 - how are you going to collect data, how are you  
16 going to disseminate it, how do you ensure that  
17 the science that's being done is rigorous and  
18 robust and of sufficient scope to use that data  
19 when you're done.

20 So just some themes I heard. Randy,  
21 Steve, either one of you want to weigh in? Any  
22 final thoughts from anybody on the AP? All

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1 right.

2 Then in that case I want to thank  
3 everyone for a good long day. Remind you of two  
4 things. There is a no host social downstairs on  
5 the first floor starting right now.

6 And then we will reconvene tomorrow at  
7 8:30 for another full day. So thank you all very  
8 much.

9 (Whereupon, the above-entitled matter  
10 went off the record at 6:00 p.m.)

11

12

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16