

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

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NATIONAL MARINE FISHERIES SERVICE

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OFFICE OF SCIENCE AND TECHNOLOGY

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ATLANTIC HIGHLY MIGRATORY SPECIES ADVISORY PANEL

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TUESDAY
MAY 21, 2019

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The Advisory Panel convened in the Cypress 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
- ANNA BECKWITH, Council Representative; South Atlantic Fishery Management Council
- ANDREW COX, Recreational; Marlin Magazine
- MEAGAN DUNPHY-DALY, Academic, Duke University
- RAIMUNDO ESPINOZA, Environmental, Conservacion ConCiencia Inc.
- KRISTIN FOSS, State Representative, Florida Fish and Wildlife Conservation Commission
- GRANT GALLAND, Environmental; Proxy for Shana

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Miller

STEVE GETTO, Commercial, American Bluefin Tuna Association

JOHN GRAVES, ICCAT Advisory Committee; Virginia Institute of Marine Science

MARCOS HANKE, Council Representative; Caribbean Fishery Management Council

LUKE HARRIS, Commercial; Pure Harvest Seafood

DEWEY HEMILRIGHT, Council Representative; Mid-Atlantic Fishery Management Council

RUSSELL HUDSON, Commercial; Directed Sustainable Fisheries, Inc.

ROBERT HUETER, Academic; Center for Shark Research, Mote Marine Laboratory

STEPHEN IWICKI, Recreational

RAYMOND KANE, Commercial; Cape Cod Commercial Fishermen's Alliance

DAVID KERSTETTER, Academic; Nova Southeastern University Oceanographic Center

GREG MAYER, Commercial; F/V Fishin' Frenzy

ROBERT "FLY" NAVARRO, Recreational; Fly Zone Fishing

JEFF ODEN, Commercial; F/V Sea Bound

MICHAEL PIERDINOCK, Recreational; CPF Charters "Perseverance"; Recreational Fishing Alliance

GEORGE PURMONT, Commercial

KIRBY ROOTES-MURDY, Commission Representative; Atlantic States Marine Fisheries Commission

MARTIN SCANLON, Commercial; F/V Provider II

DAVID SCHALIT, Commercial; American Bluefin Tuna Association

PERRY TRIAL, State Representative; Texas Parks and Wildlife Department

RICK WEBER, Recreational; South Jersey Marina

ALAN WEISS, Blue Water Fishing Tackle Company

KATIE WESTFALL, Environmental Representative; Environmental Defense Fund

ANGEL WILLEY, State Representative; Maryland Department of Natural Resources

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ALSO PRESENT:

LEE BENAKA, Office of Science and Technologies
 NICOLAS ALVARADO, HMS, St. Petersburg Office
 HEATHER BAERTLEIN, HMS, Headquarters
 RANDY BLANKINSHIP, Branch Chief, Southeast
 Branch, HMS Management Division
 KARYL BREWSTER-GEISZ, HMS, Headquarters
 CRAIG COCKRELL, HMS, Headquarters
 PETER COOPER, HMS, Headquarters
 JENNIFER CUDNEY, HMS, St. Petersburg Office
 TOBEY CURTIS, HMS, Gloucester Office
 JOE DESFOSSE, HMS, Headquarters
 GUY DUBECK, HMS Headquarters
 STEVE DURKEE, HMS Headquarters
 CLIFFORD HUTT, HMS Headquarters
 LAUREN LATCHFORD, HMS Headquarters
 BRAD MCHALE, HMS, Gloucester Office
 SARAH MCLAUGHLIN, HMS, Gloucester Office
 IAN MILLER, HMS Headquarters
 RICK PEARSON, HMS, St. Petersburg Office
 LARRY REDD, HMS Headquarters
 GEORGE SILVA, HMS Headquarters
 CARRIE SOLTANOFF, HMS Headquarters
 TOM WARREN, HMS, Gloucester Office
 JACKIE WILSON, HMS Headquarters
 ROSEMARIE GNAM, U.S. Fish and Wildlife Service
 CELESTE LEROUX, Office of International Affairs
 and Seafood Inspection
 KATIE MOORE, U.S. Coast Guard*
 AILEEN SMITH, Restoration Center, Office of
 Habitat Conservation
 DIANE STEPHAN, HMS, Gloucester Office*

*Present via telephone

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

2 9:39 a.m.

3 MR. BROOKS: Good morning. My name
4 is Bennett Brooks. I am a senior mediator with
5 the Consensus Building Institute. It is my
6 pleasure to be back with all of you and see a lot
7 of familiar faces, also a bunch of new ones here.

8 As always, I really like to open these
9 up by just thanking you all for making the time
10 to be here. It's not trivial to give up the
11 better part of a week to come here a couple of
12 times a year, and I just always want to
13 acknowledge that, and thank you all for the
14 thoughts you bring and the time you are making.
15 And we are looking forward to the conversation.

16 There is, as you already know, a very
17 busy agenda ahead of us. The Agency has created
18 a lot of new material, a lot of new options to be
19 thinking about and talking about. So, we are
20 looking forward to the conversation and getting
21 your thoughts as we go along.

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1 I am going to walk through the agenda
2 in a moment, but what I would like to do first is
3 just go around the table and, then, to the phone,
4 and just see who is here.

5 So, Pete, I'll let you start, and then
6 we'll go that way over to Anna.

7 MR. COOPER: Sure. I am Pete Cooper,
8 and I am Acting Chief of the HMS Management
9 Division here in Silver Spring.

10 MS. BECKWITH: Anna Beckwith,
11 representing the South Atlantic Council.

12 MR. HEMILRIGHT: Dewey Hemilright,
13 representing the Mid-Atlantic Fishery Management
14 Council.

15 MR. WEISS: Alan Weiss, Blue Water
16 Fishing Tackle Company.

17 MS. DUNPHY-DALY: Meagan Dunphy-Daly,
18 Duke University.

19 MR. TRIAL: Perry Trial, representing
20 Texas.

21 MR. ADRIANCE: Jason Adriance,

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1 Louisiana Wildlife and Fisheries.

2 MR. ESPINOZA: Raimundo Espinoza.

3 MR. BROOKS: For the record, if you
4 are a new member, could you just say a touch more?
5 And I should have said that. Would any new
6 members please just introduce themselves with a
7 couple more words?

8 So, Alan, would you just say a touch
9 more?

10 MR. WEISS: Yes. My business
11 supplies primarily longline gear and, also,
12 fishing tackle for headboats and charter boats.

13 MS. DUNPHY-DALY: Meagan Dunphy-Daly
14 again. I'm faculty at Duke University. I did
15 my dissertation on some of the closed areas for
16 this fishery.

17 MR. ESPINOZA: All right. I'm
18 Raimundo Espinoza, Conservacion ConCiencia. I'm
19 the Director for a nonprofit organization based
20 in San Juan, Puerto Rico. We, also, we've just
21 started the first shark research and conservation

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1 program in Puerto Rico. And we work quite a bit
2 with the commercial recreational fisheries in the
3 U.S. Caribbean.

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

6 MR. COX: Andrew Cox, recreational,
7 from Florida.

8 MR. SCANLON: Marty Scanlon. I own
9 an outrig, the fishing vessel Provider II. I'm
10 the President of Blue Water Fishermen's
11 Association.

12 MS. WESTFALL: Katie Westfall,
13 Environmental Defense Fund.

14 MS. FOSS: Kristin Foss, Florida Fish
15 and Wildlife Conservation Commission. A new
16 member.

17 MR. WEBER: Rick Weber, South Jersey
18 Marina and Tournaments.

19 DR. GRAVES: John Graves. Very old
20 member. Virginia Institute of Marine Science,
21 here representing the U.S. ICCAT Advisory

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1 Committee.

2 MR. HANKE: Marcos Hanke, Puerto
3 Rico, Council Representative.

4 MR. PURMONT: George Purmont,
5 commercial.

6 MR. NAVARRO: Fly Navarro,
7 recreation.

8 MR. PIERDINOCK: Mike Pierdinock,
9 charter board captain, Recreational Fishing
10 Alliance.

11 MR. MAYER: Greg Mayer, charter boat
12 captain and recreational.

13 MR. KANE: Ray Kane, commercial.

14 MR. HUDSON: Rusty Hudson, Directed
15 Sustainable Fisheries, commercial.

16 MR. ROOTES-MURDY: Kirby Rootes-
17 Murdy, Atlantic States Marine Fisheries
18 Commission.

19 MS. WILLEY: Angel Willey, Maryland
20 Department of Natural Resources.

21 MR. GETTO: Steve Getto from

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1 Massachusetts, commercial harpoon and rod and
2 reel fisherman. I have been fishing for bluefin
3 since I was 12 years old.

4 MR. ODEN: Jeff Oden, commercial,
5 North Carolina, fishing vessel Sea Bound.

6 MR. GALLAND: Grant Galland from Pew,
7 a proxy for Shana Miller this week.

8 MR. SCHALIT: David Schalit, American
9 Bluefin Tuna Association.

10 MR. KERSTETTER: Dave Kerstetter,
11 academic, Nova Southeastern University in Fort
12 Lauderdale.

13 MR. IWICKI: Steve Iwicki,
14 recreational, New Jersey.

15 MR. HARRIS: Luke Harris, commercial.

16 MR. BROOKS: And I just want to note
17 that nobody had the guts to sit up here, but we'll
18 see if anyone fills in there over the course of
19 the week. We promise to be kind.

20 All right. Let's go around the room
21 and see who else is here.

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1 (Off-microphone introductions.)

2 MR. BROOKS: Great. And then,
3 Operator, if you can maybe open up the phone line,
4 so we can hear who is on the teleconference,
5 please?

6 Okay, folks on the line, if you could
7 identify yourself?

8 MS. MOORE: Katie Moore, U.S. Coast
9 Guard.

10 MR. BROOKS: Good morning, Katie.

11 MS. STEPHAN: Diane Stephan, HMS
12 Division in Gloucester.

13 MR. BROOKS: Okay. All right. Well,
14 thanks, everybody. And again, let's hope that
15 construction noise stops here.

16 So, let me just give us a quick
17 overview of the day. As I said, it's always a
18 full agenda, and this is no exception.

19 We will mostly be in plenary session
20 over the next two and a half days. There are a
21 couple of times we'll have you huddle in groups

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1 of three and four just to talk about some stuff,
2 and then, bring it back to the large group. But
3 we really will mostly stay around the table.

4 So, the game plan this morning is Pete
5 will give the traditional sort of update and
6 overview on a number of different HMS activities
7 and rulemakings. Then, the remainder of the
8 morning, we'll hear from John on the ICCAT Annual
9 Meeting. And then, we'll dive into Amendment 14.
10 There's a number of different topics there that
11 we'll want to lay out and get your thoughts on.
12 Again, lots of scoping here over the course of
13 this meeting.

14 After lunch, we'll have a mix of
15 issues. We'll hear from the Seafood Import
16 Monitoring Program. We'll also get an update
17 from the Deepwater Horizon Restoration Plan 2,
18 which we've heard about before.

19 Later in the afternoon, we'll get an
20 update on the CITES 18th meeting of the
21 Conference of the Parties.

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1 And then, we'll have an initial
2 discussion on HMS research priorities for HMS
3 management. We'll do this in two parts. We'll
4 introduce it today, and then, as you'll hear in
5 a little bit from Pete, we'll have an opportunity
6 to get your feedback in writing over the course
7 of the next day and a half. And then, we'll come
8 back and see what kind of thoughts you have at
9 the end of day two.

10 We will have public comment, of
11 course, at the end of each day. Today, it will
12 be from 5:15 to 5:45, I believe. In response to
13 comments we got last time, that's been extended.
14 So, I think in the past we've had only maybe 15
15 minutes for public comment, and this time we have
16 a half-hour. So, we want to make sure we're
17 giving ample time for that.

18 And then, today as well, at the end of
19 the meeting, there will be a no-host social hour
20 downstairs. As always, I encourage all the AP
21 members to attend that. It's just a good chance

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1 to have more informal conversations.

2 Tomorrow, a packed day, lots of
3 interconnected topics. The morning will be a
4 heavy focus on bluefin tuna, starting with a
5 review of the 2018 fishery trends and management
6 issues. Then, we'll get caught up on the A7
7 three-year review, which we've talked about a
8 number of times, but we'll hear about the
9 findings and an opportunity for some questions
10 from you all.

11 And then, we'll dive into a discussion
12 of A13 scoping. Again, a number of alternatives
13 being put forward and a chance, one, to just sort
14 of lay out what the Agency's thinking is, and
15 then, get your feedback on the different
16 alternatives.

17 After lunch, we'll come back to
18 bluefin tuna and, in particular, dive into a
19 discussion of alternatives related to pelagic
20 longline weak hook and area-based management
21 regulatory amendments. And then, we'll talk

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1 about HMS research priorities, and then, spatial
2 management scoping.

3 Again, public comments that day will
4 be from 5:00 to 5:30.

5 And then, on the last day, we'll get
6 an update on offshore wind, a topic which I know
7 is of increasing interest around the table and at
8 these kinds of meetings. And then, we'll talk
9 about A12, which is an opportunity to revisit FMP
10 objectives, and then, some enforcement updates,
11 public comment, and then, we'll wrap up and head
12 out, and adjourn by 11:30 on Thursday.

13 So, does anyone around the table have
14 any other topics they want to make sure we cover?
15 John?

16 DR. GRAVES: If time permits, I would
17 like to see a discussion on HMS forage species.
18 There's been an action that was taken, but didn't
19 go very far with the Mid-Atlantic Council, and
20 the South Atlantic Council is doing that right
21 now. And I think it's important for this panel

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1 to focus on ecosystem-based fisheries management.
2 So, we need to look at the forage species.

3 MR. BROOKS: And, John, do you have
4 any idea how much time you think that
5 conversation would take today?

6 DR. GRAVES: I can't speak for my
7 colleagues, but it could take, you know, it's
8 easily a half-hour discussion.

9 MR. BROOKS: Okay. Let us--

10 DR. GRAVES: Because I would probably
11 have a little bit of input, both from the Mid-
12 Atlantic and the South Atlantic reps that are
13 here.

14 MR. BROOKS: Okay. Thanks, John.
15 Let's see what we can do about that.

16 Anybody else have anything they want
17 to bring up here?

18 Okay. All right. We'll do our best
19 on that. And then, just a reminder of
20 groundrules, and then, I'm going to hand it off
21 to Pete to dive in.

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1 Just as always -- I know all of you
2 around the table know this, and I know the new
3 members probably just were informed of this by
4 Pete and understand it -- this is not a consensus-
5 seeking body. Rather, this is an advisory panel,
6 and the purpose of these discussions are for the
7 Agency to get a deeper sense of how you look at
8 different issues, different options, see where
9 there might be a meeting of the minds, but it is
10 not convened to give consensus.

11 For folks in the audience, the
12 conversation is around the table among AP
13 members. Again, we will have public comment
14 opportunities on each day, but the conversation
15 really does stay at the table.

16 Obviously, as I said, the point of the
17 conversations here are to help the Agency
18 understand what you all think about different
19 issues, what are the considerations they should
20 be thinking through as they move from scoping to
21 draft rules, to final rules. And so, we try to

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1 structure the conversation to give them the best
2 input they can get.

3 That means, what we ask of you all is
4 to be focused in your comments, to ask questions,
5 to be on topic. Obviously, this is a large
6 group, so we want to hear from everyone. The
7 more focused you can be in your comments, the
8 more opportunity it is for people to weigh-in.

9 When you want to get in the
10 conversation, particularly for new members, if
11 you don't know this trick, what I ask people to
12 do is just turn your placard on its side. And
13 then, I will know who wants to get in. I will
14 generally take it in order, but I'll also just go
15 back and forth, so we can have a conversation,
16 because that will lead to bigger, deeper
17 conversations. I will try to take things in
18 order. Sometimes I don't get it right, and if
19 I'm missing somebody, please just let me know, so
20 to make sure I'm getting everybody into the mix.

21 I'll try to synthesize themes I'm

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1 hearing as appropriate over the course of the
2 meeting. And as always, the Agency will prepare
3 a written summary as well.

4 A couple of other logistics. If your
5 phones are not off already or on silent already,
6 if you would do so, I'd appreciate it.

7 And just in general, if you are
8 wanting to have a side conversation with someone
9 sitting next to you -- I say this every meeting,
10 but I'll say it again -- I know we all think we're
11 being really quiet when we're whispering to
12 somebody and we are rarely being as quiet as we
13 think. And it's really disruptive for people who
14 are trying to follow the conversation. So, if
15 you need to have a side conversation, we totally
16 understand that, but better to step away from the
17 table.

18 So, I think that's all I want to say.
19 Any questions from AP members on agenda,
20 groundrules, anything that we're up to over the
21 next two and a half days?

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1 MS. BECKWITH: Are you going to work
2 on that feedback going on?

3 MR. BROOKS: We're going to work on
4 that, too. So, thank you. We're mindful of it.

5 I think, with that, Pete, we're going
6 to hand it off to you.

7 MR. COOPER: All right. Let's try
8 this mic. A little bit farther away from the
9 phone is a little bit better for feedback. Okay.

10 Good morning, everybody. I'm happy
11 to see everybody. It's a great day in Silver
12 Spring.

13 Like I mentioned, I am Acting Chief of
14 the HMS Management Division. So, my normal day
15 job is Operations and Planning Branch Chief.
16 Usually, I'm doing all the technical/logistical
17 stuff behind the scenes at these meetings. So,
18 generally, you don't see me if things are going
19 well, but this time I get to be right upfront.
20 So, I'm excited about that and I'm excited to
21 have a productive meeting here.

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1 As Bennett mentioned, we've got a
2 packed agenda, as usual. So, we're going to move
3 through things, these presentations and
4 discussions, and Bennett will keep us on track as
5 best as he can.

6 So, I'll dive into this one in a sec,
7 but I want to do some thanking first. I want to
8 thank the AP for being flexible in getting
9 together at this time of year. This is a little
10 bit later for us than usual. We are usually
11 having the meeting in March or April, but with
12 the government shutdown, it kind of forced our
13 hand to have it a little bit later. So, thank
14 you for taking time out of your schedules. I
15 know it gets tough as we get closer to summertime.

16 And I also want to thank our HMS staff
17 and general counsel for all of the work that they
18 put into getting the materials ready and the
19 presentations and all the documents available to
20 the public, so that we can discuss them at this
21 meeting. I don't think it is an understatement

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1 to say that that was a Herculean effort on their
2 part, especially with the complexity of the
3 topics and the detail that went into the
4 documents. So, thank you for that, for setting
5 us up to having a really good meeting here.

6 Okay. So, thanking over, I'm going
7 to move into the overview presentation here. The
8 goal of the presentation is just to give you a
9 brief update on some of the recent actions that
10 have gone on since the last time we got together.
11 And we've got a list of them here. I'll touch
12 on a number of them throughout the presentation,
13 and then, just for our meeting discussion we've
14 got some rulemakings, some other actions, and
15 then, updates from other offices that Bennett
16 kind of covered in the overview of the agenda.
17 So, I'll touch on those as we go.

18 Looking at our rulemaking operations,
19 since the fall AP meeting, we have had some final
20 rules, the Amendment 11 final rule on shark and
21 mako, 2019 sharks specifications. We adjusted

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1 the 2018 swordfish quotas and the bluefin and
2 northern albacore quota and predation damage,
3 tuna's final rule.

4 As always, we have a number of in-
5 season actions, adjusting the retention limits
6 for bluefin tuna, swordfish general commercial
7 permits, and the shark fishery. We've got a
8 closure of Bluefin Tuna Trophy South Fishery
9 right now and a quota transfer earlier in the
10 year from the December fishery to the January
11 fishery.

12 As far as our operations that we've
13 been working on, we have our EFP, Exempted
14 Fishing Permits, and we've got five of those done
15 so far. We've got a number in queue and they'll
16 keep rolling throughout the year. And we've also
17 issued a bunch of shark research fishery permits.

18 Tournament registration is ongoing.
19 So far this year, we've had 170 HMS tournaments
20 registered.

21 We've conducted a number of shark ID

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1 and protected resource workshops.

2 And our HMS news subscribers are
3 hanging steady at a little bit under 6,000. So,
4 we're trying to get the word out to as many people
5 as we can.

6 All right. So, Amendment 11,
7 shortfin mako, this was put into place to end
8 overfishing on shortfin mako. Based on the 2017
9 ICCAT recommendation, we initially put in
10 emergency measures when that recommendation first
11 came out and while we were developing this final
12 rule. It became effective in March, and ended
13 up with a commercial measure to allow retention
14 of dead shortfin mako sharks with longline,
15 gillnet, and pelagic longline, vessels with
16 electronic monitoring. So, the electronic
17 monitoring program, we're looking at bluefin tuna
18 and, also, shortfin mako to make sure that the
19 ones that are kept were dead.

20 For recreational measures, we
21 increased the size limit and did it by gender.

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1 So, it's 71 inches now for male shortfin mako
2 shark and 83 inches for females. And we also
3 made a requirement to use circle hooks anywhere
4 you're fishing recreationally for sharks.
5 Before, we had a line off of Cape Cod that, north
6 of there, you could use J hooks, but now we
7 removed that. So, it's circle hooks everywhere.

8 No additional reporting for
9 monitoring measures, and we're setting up the
10 foundation for developing an international
11 rebuilding plan. So, we'll work through ICCAT
12 on that.

13 For the bluefin tuna/northern
14 albacore quota rule, that also came from ICCAT
15 recommendation to increase base quotas. So,
16 that's what we did. So, it's the bluefin tuna
17 base quota and northern albacore base quota, and
18 then, adjusted the quotas based on 2017
19 underharvest as well. And so, we'll do that
20 again. We'll do the adjustment for underharvest
21 this year, moving forward.

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1 And we made one change from the
2 proposed rule as far as the shark-damaged tunas.
3 So, that this was put into place to allow
4 retention of yellowfin and bigeye that were over
5 27 inches, but may have been damaged by sharks,
6 tail bitten off, but, you know, the rest of the
7 fish was over the minimum size.

8 And so, we included other marine
9 species, just because we don't know exactly
10 what's chewing on it underneath the water
11 surface. So, we got that covered right there.
12 So, that's in effect.

13 And so, I am going to move on from
14 ICCAT stuff. I'll leave the rest of that for
15 John, coming up next.

16 Touching base on Amendment 5b
17 litigation on dusky sharks, just the overall
18 timeline, in April 2017, we published the final
19 rule for Amendment 5B. And then, in May, Oceana
20 filed a lawsuit regarding that amendment. And
21 then, fast-forward to March 2019. The court

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1 issued an opinion on that lawsuit and, in April,
2 remanded the Agency to consider all relevant data
3 related to dusky shark bycatch in the HMS and
4 non-HMS fisheries, and to submit a document to
5 the court by August 2nd, 2019, setting forth this
6 consideration and addressing several points
7 related to the approach taken in Amendment 5b.
8 So, that is what we are working on right now and
9 we'll get that to the court by August 2nd and see
10 where it goes from there.

11 The Ecosystem-Based Fishery
12 Management Roadmap Implementation Plan, we have
13 discussed that at the previous AP meeting. We
14 discussed the draft, and now we released the
15 final Implementation Plan. And this is based on
16 NOAA Fisheries EBFM Policy and Roadmap, where all
17 of the regions and HMS in headquarters were to
18 pull together an Implementation Plan.

19 So, you can find it here and take a
20 look at what we have. It takes the guiding
21 principles of the policy and Roadmap and, then,

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1 puts together a number of different milestones.
2 And this is a five-year plan. So, stuff that
3 we're doing and, then, stuff that we would like
4 to work on over the next five years, and it's in
5 terms of short term, medium term, and long term.

6 We've got some new HMS compliance
7 guides, not only updated. So, all of our stuff
8 has been updated recently, but now we have the
9 Dealer Guide that's available in Spanish. So,
10 Delisse Ortiz did a lot of work on this and, also,
11 with Nic Alvarado, to be able to pull that
12 together. We think it is a really great product
13 to kind of extend our reach, so that people
14 understand what our rules and regulations are.
15 So, we're developing the commercial and
16 recreational versions in Spanish as well. We
17 hope to have those available soon.

18 As far as landings and tournaments
19 updates, here's some links to where you can find
20 that information. We also have changed things
21 up a little bit in our processes as far as letting

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1 people know about that whole group of landings
2 updates for swordfish, tuna, sharks, bluefin
3 tuna, and billfish.

4 We have a new communications
5 specialist in Sustainable Fisheries, Anjanette
6 Riley. So, she's here today. She has been
7 helping us out quite a bit with improving the
8 look of a lot of our documents. You'll see that
9 they're a lot prettier than they used to be.
10 It's really nice.

11 And also, how we're dealing with our
12 listserv. In the past, we would send out five
13 separate emails for those five landings updates
14 when they came across the board, kind of blasting
15 people with emails. So, we've condensed that
16 down. What we're doing now is posting those
17 landings updates on the website when they're
18 available, and then, when we've posted all four
19 or five of them for a particular month, we'll
20 send out a listserv notice. You'll get the email
21 and it will have links to each one of them that

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1 will take you there. So, it won't be as real-
2 time with the email notification, but it will be
3 very close. And if you are really itching for
4 it, you can just check the website because it
5 will be up there as soon as it's ready.

6 Some updates on MRIP and LPS. So,
7 MRIP has fully transitioned to the new Fishing
8 Efforts Survey. And those new estimates and time
9 series are being incorporated into management and
10 stock assessments. So, we'll see those estimates
11 used in the upcoming assessments for blacktip
12 sharks.

13 And then, there's also some redesign
14 going on with the LPS. There's a team analyzing
15 some historical data to look at some of the
16 impacts of untested assumptions and, also,
17 looking at tournament impacts of off-frame
18 fishing efforts. So, that's when they intercept
19 folks that have been fishing for HMS, but don't
20 have an HMS permit. So, that's moving forward.

21 There's an initial pilot study planned

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1 for 2020 for the Large Pelagic Intercept Survey.
2 So, they would implement that modification, see
3 how it goes, and then, keep moving forward from
4 there.

5 Some data that we were able to compile
6 over the last year was through the general
7 category cost earnings study. So, George Silva
8 and Cliff Hutt have been working on this for us.
9 And it was a one-year cost earnings logbook study
10 of the Atlantic tunas General category. And so,
11 we didn't have a lot of economic data for the
12 fishery. So, this was a way to get some of that.

13 They've got some numbers here on the
14 number of permit-holders that were selected for
15 reporting and the numbers of returned trip or no
16 fishing reports. The response rate was pretty
17 good. I think they were pretty happy with that.
18 We received over 3300 complete trip reports, and
19 half of those had some HMS catch reported. So,
20 this will be valuable data. Those guys are
21 working on compiling that data, and they'll have

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1 a presentation for us at the AP in the fall and
2 the final report in early 2020.

3 And also, on the permit front, we've
4 got a couple of HMS permit endorsements, the
5 recreational shark endorsement and the charter
6 head boat commercial sales endorsement. Here's
7 some stats from last year through October.

8 So, as far as the shark endorsement
9 goes, about half the qualifying permit holders,
10 a little more, actually went and got that permit
11 to allow them to fish for sharks. And then, as
12 far as the commercial sales endorsement, we're
13 seeing a little over a third of the charter/head
14 boat permits that could get that endorsement went
15 forward and got that to be able to, first, fish
16 commercially with a charter/headboat permit.

17 So, ESA updates, ESA consultations
18 going on for all HMS fisheries now. And that
19 consultation will include some of these species
20 that were listed recently as far as examples of
21 Bryde's whale who's been listed as an endangered

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1 and oceanic whitetip shark which has been listed
2 as threatened throughout its range.

3 There's an oceanic whitetip recovery
4 plan team that's working on how to move forward
5 with the oceanic whitetip listing. They are
6 convening some workshops. They have done one out
7 in Hawaii to get feedback on the Pacific stock.
8 And they're planning on pulling together a
9 workshop for the Atlantic and Caribbean this
10 fall.

11 So, if you're interested in
12 participating or want to find out more
13 information, please contact Chelsea Young.
14 She's the coordinator and is in our Protected
15 Resources Office. Her email is right there. I
16 think they're shooting for November in possibly
17 Miami.

18 And then, there's also all the other
19 stuff that's happening outside the Division. We
20 have got expansion of Flower Garden Banks
21 National Marine Sanctuary. We should have a

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1 final Environmental Impact Statement on that
2 sometime soon.

3 Implementation of Gulf of Mexico Coral
4 Amendment, which could have some impact by
5 establishing some HAPCs for the deepwater corals
6 that might prohibit some bottom tending gear in
7 some areas.

8 And then, consideration of several
9 shark fin bans in Congress. Some of those bans
10 are specifically for shark fins, possessing shark
11 fins, importation of shark fins. And then,
12 there's also a bill that addresses just the shark
13 trade in general that looks to make sure other
14 countries that are importing to the United States
15 have similar management measures for sharks.
16 Those are all at different stages. So, we don't
17 have a lot of control on what goes on with them,
18 but we respond and provide our input when we're
19 asked.

20 So, looking ahead, we've got, for the
21 fall, the final Three-Year Review IBQ Program

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1 document. We're shooting for that. We'll do
2 the adjusted quotas for bluefin and northern
3 albacore. Shark specs will be on the way, the
4 quotas for swordfish as well.

5 And then, the proposed rules, actions,
6 and notices that we're going to be talking about
7 today, and that will be moving forward throughout
8 the summer. So, we have the bluefin tuna area-
9 based and DEIS, and the proposed rule of DEIS is
10 out now. And that's what we're going to talk
11 about. That's looking at the IBQ system and
12 trying to eliminate some redundancies in
13 management measures that were put in place with
14 Amendment 7.

15 And then, we have our kind of three
16 scoping topics that we're kind of rolling in and
17 we'll be discussing kind of in groups. A lot of
18 this stuff is interconnected; some of it isn't.

19 The spatial management data
20 collection, that's looking at approaches to
21 collect data for spatial management of HMS

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1 fisheries in kind of closed areas.

2 Amendment 13, looking at the IBQ
3 system and other aspects of the bluefin tuna
4 fisheries.

5 Amendment 14, looking at ACLs of
6 sharks and how we do that.

7 And so, those are all out for scoping,
8 and we'll be doing presentations to the Councils
9 and public hearings over the next couple of
10 months.

11 And then, Amendment 12, we'll talk
12 about that on Thursday, looking at some of the
13 FMP objectives. And I don't know if you saw
14 outside in the hallway that nice box wrapped in
15 shark Christmas paper. It's not a present for
16 anybody, except for us, because we want to get
17 your comments on some of the HMS FMP objectives.
18 So, out there is a list of the objectives and a
19 piece of paper for suggestions. We would ask you
20 to fill that out and drop that in the box before
21 the end of the day tomorrow. We'll take a look

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1 at that, and then, use that in our discussion on
2 Thursday.

3 We're also, for our research
4 priorities discussion at the end of the day
5 today, we're going to ask you to break into
6 groups, and then, email some of the takeaways and
7 the suggestions that you come up with to us. And
8 then, we'll compile that for kind of a readout
9 the following day.

10 And then, kind of one other change to
11 how we have done things in the past, before we've
12 had the big wrap-up presentation that all the
13 staff members have put together slides for every
14 topic that we've covered. And then, Margo or
15 whoever was up here would say, "Oh, I've never
16 seen this," and read the slides for 25 minutes.
17 We're going to kind of not do that at the meeting
18 here, but have that presentation, that slide
19 deck, available for everybody post-meeting.
20 We're still going to compile all the information,
21 so that you know that we heard your comments and

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1 these are some of the big takeaways. But, at the
2 end wrap-up, we're just going to kind of cover
3 some logistical stuff and look at timelines and
4 that sort of thing.

5 MR. BROOKS: And I'll just say on that
6 last point, our sense was that wasn't the best
7 use of 30 minutes at the meeting. But if there's
8 a very different sense around the table, you
9 should let us know that. So, I just put that out
10 for people to think about.

11 MR. COOPER: Yes, and we're always
12 open for that sort of thing with all of the stuff
13 that we're doing here.

14 Okay. So, these next couple of
15 slides, you've seen them many times before. They
16 haven't changed. Goals for all. So, we want to
17 make sure that you and the public are aware,
18 informed, and engaged on what we are doing, and
19 we also want to be aware, informed, and engaged
20 on what's going on on your end. So, we want to
21 have open communication, a good feedback loop

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1 here, so that we're all on the same page.

2 Respect, that's something we've
3 talked about often. We are here with a bunch of
4 people with a bunch of different views on a lot
5 of different topics. And a lot of the times it
6 can get contentious. We want to keep the
7 conversation respectful and professional at the
8 meeting. I'm not a big fan of personal attacks,
9 and just bluntly, it's not tolerated here.

10 But I am a big fan of the platinum
11 rule. I don't know if you know what that is.
12 It's do unto others as they would have you do
13 unto them. So, for example, if somebody brought
14 me a sardine sandwich covered in hot sauce for
15 lunch today, I would be pretty excited about
16 that. I'd be very happy with that, that lunch
17 choice. If I gave that to somebody else, they
18 might not be -- it might be 50/50 in this room.
19 I don't know.

20 But, anyway, I guess the main point
21 is, just because it's okay with you doesn't mean

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1 it's okay with somebody else. So, keep that in
2 mind and respect that.

3 So, your roles as AP members, listen
4 and engage in discussions and take what you hear
5 here back to the people that you're representing
6 and that you're engaged with. Although we try
7 to cast a wide net with our outreach, we don't
8 cover everybody. So, we need you to help us with
9 that.

10 And bring the ideas. We want to hear
11 them. So, bring them at the meeting, and if
12 something pops up after the meeting, send them
13 our way and let us know. Our role as an Agency,
14 we have to ensure compliance with our domestic
15 and international requirements. We want to raise
16 these issues and inform the AP and the public,
17 listen and engage in these discussions, and take
18 your feedback and make some decisions, and keep
19 moving forward.

20 So, as usual, we're covering a lot of
21 ground. And just to be aware, we have limited

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1 resources. There's only so much we can do. So,
2 we have to prioritize things. A lot of these
3 operational activities require a lot of
4 resources.

5 That's all I have right here. We're
6 going to open it up to questions and comments.

7 MR. BROOKS: Good. Let's take a
8 question or two.

9 And while food is never provided at
10 these meetings, I want you to know that, if it is
11 ever provided, he will never be in charge of the
12 catering.

13 (Laughter.)

14 MR. COOPER: No, and unfortunately,
15 Pat Augustine could not make it to the meeting
16 today. So, we are cookie-less.

17 MR. BROOKS: That's a big drop with
18 no warning. All right. George?

19 MR. PURMONT: Thanks, Pete. Very
20 well done. I had a question, your image No. 11,
21 where you show a general category

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1 charter/headboat permit holders, and one thing
2 and the other, completed trip reports. It all
3 seems to be generated towards looking at large
4 fish. Has there been any or will there be any
5 presentation involving juvenile bluefin as far as
6 trip reporting and on the water side?

7 MR. COOPER: As far as this study is
8 concerned? I am not sure. I don't think so
9 because I think we are looking at landings for
10 the general category cost earnings.
11 Unfortunately, both my economists are gone right
12 now. They would be able to give you a definite
13 answer. But I don't think we're going to be
14 covering those smaller fish in this survey.

15 MR. BROOKS: Katie?

16 MS. WESTFALL: Just a quick question
17 on the recreational shark endorsement. The 53
18 percent of folks who have acquired that permit,
19 that endorsement, I'm just curious if that
20 reflects the universe of folks who are retaining
21 sharks. And I'm curious if you guys have gotten

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1 any feedback on the education program. I had
2 heard some pretty positive feedback on that, and
3 I'm wondering if you guys -- on the species
4 identification and the educational training
5 online.

6 MR. COOPER: So, just a
7 clarification, you're asking is that number, are
8 all those people actually landing sharks? Or
9 just fishing for sharks? It's hard to say. I
10 don't think we have that information. Whether
11 or not people are saying, hey, I'll take the
12 endorsement or not, as you know, the endorsement
13 comes with additional requirements, especially
14 the circle hook stuff. So, hopefully, that's
15 just applying to the people that are targeting
16 sharks.

17 And I haven't heard a ton of feedback
18 about the new educational materials. So, if you
19 have that, kind of send that our way. We would
20 love to hear it.

21 MR. BROOKS: Steve, do you want to add

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1 something?

2 MR. IWICKI: Just to give a little
3 feedback as a recreational guy, almost everybody
4 takes it, just in case you happen to be trolling
5 for tuna and pick up a mako or things like that.
6 I would say there is a smaller percentage that
7 actually do shark trips. Like a couple of guys
8 I fish with will do a couple of shark trips
9 overnight while we're tuna fishing. But I would
10 suspect, on the recreational side, it's almost an
11 automatic check-the-block because there isn't an
12 extra fee and you may just luck into one for mako
13 or thresher.

14 MR. BROOKS: Thanks. Thanks, Pete,
15 very much. We appreciate it.

16 In this case, let's push on and, John,
17 over to you to talk about the 2018 ICCAT Annual
18 Meeting. We'll just pull up your presentation
19 here.

20 DR. GRAVES: I don't think people can
21 pull the presentations up on their computers off

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1 the website. Is that correct?

2 I just want to make sure, can they
3 hear me on the phone if I'm talking like this?

4 MR. BROOKS: Operator, are you able
5 to hear the speaker at this point?

6 OPERATOR: Yes, we can hear the
7 speaker.

8 DR. GRAVES: Great. All right.
9 Let's go.

10 Okay. So, I just wanted to do a real
11 quick rundown on what happened or didn't happen
12 at the ICCAT meeting in November. Several people
13 in this room heard the presentation at the ICCAT
14 Advisory Committee meeting in April. So, I
15 apologize to them. It is exactly the same
16 presentation, but, of course, it was done for
17 that Committee. So, what I am going to do is
18 spend a little more time on what is relevant to
19 this panel.

20 And hopefully, I'll blow through it
21 fast enough that there will be some time for

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1 questions, but if we don't get to them, and
2 especially for some of the new people, if there's
3 anything you want to ask, I'm going to be around.
4 So, just meet me during the break or at the social
5 tonight or the other nights.

6 Starting off, the U.S. went with about
7 35 people on our delegation. That is a very
8 large delegation, but it's a typical size that we
9 have. And the amount of work that we have to do
10 at the ICCAT meetings is incredible.

11 So, we have a lot of people here. We
12 had our Commissioner, John Henderschedt, and
13 then, our Recreational Commissioner, Ray Bogan,
14 and Eugenio Pineiro is our Commercial
15 Commissioner. And then, we had a lot of people
16 from HMS International. We also had, I mean,
17 yes, for the international affairs. In HMS, we
18 had our lawyers, enforcement agents, and then, we
19 had our Committee members. And Mike Luisi was
20 representing the Mid-Atlantic Council. And so,
21 it rotates around the Councils. They have one

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1 member on the delegation each year, and it
2 rotates. And so, several of the people you can
3 see on this list are here now, and Katie Moore is
4 listening in. She was on there. So, it was a
5 big team and we had a lot of work to do.

6 Just real briefly, of the 52 parties
7 at ICCAT, the member nations, there were 45 that
8 were present. The United States has some
9 leadership positions at ICCAT. Importantly, the
10 Compliance Committee, Derek Campbell has been
11 chair of that for two or three sessions now, and
12 prior to that it was Chris Rogers. So, the
13 United States has had a very important position
14 there.

15 The Convention Amendment Working
16 Group, Deirdre Warener-Kramer has been chairing
17 that process. It has been about a 10-year
18 birthing process. So, we are, hopefully, going
19 to get there this November. And Oriana Villar
20 is Chair of the Online Reporting Working Group.
21 So, the U.S. was well represented up on the stage.

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1 There were 12 recommendations that
2 were adopted and two resolutions. And for the
3 new members here, ICCAT is a little back-asswards
4 with the way that they consider -- a
5 recommendation is binding and a resolution is
6 voluntary. So, that's their English, not mine.

7 So, just to put things into
8 perspective, if we go back to last November,
9 these are sort of the U.S. priorities. ICCAT had
10 an assessment of bigeye tuna in 2018. Bigeye are
11 overfished and overfishing is occurring.

12 In the 2010 assessment, ICCAT were
13 right where we wanted them to be, a biomass right
14 at that necessary for maximum sustainable yield.
15 Fishing mortality was just under that. But, in
16 2015, the biomass had dropped to about .67 of
17 what we needed for biomass for maximum
18 sustainable yield, and there was overfishing
19 occurring. And they did another assessment in
20 2018, and we were down to .59, or 59 percent of
21 the biomass necessary for maximum sustainable

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1 yield and the overfishing had increased greater.

2 And also, during each three of those
3 assessments, the estimated maximum sustainable
4 yield decreased considerably. So, what's been
5 happening there -- of course, most of you
6 know -- is growth overfishing has been occurring.
7 There's been a change in selectivity of the
8 fishery, and a lot of small bigeye are being taken
9 in the increasing skipjack fishery that's taken
10 out a lot of individuals. That reduces your
11 maximum sustainable yield and causes the
12 overfishing that we're seeing. So, we wanted to
13 get something in place to stop the hemorrhaging
14 of the bigeye tuna.

15 Blue marlin was also assessed last
16 year, and that assessment came in, blue marlin,
17 right around .7, or 70 percent of the biomass
18 necessary for maximum sustainable yield. And the
19 fishing mortality was right about that necessary
20 for maximum sustainable yield.

21 So, if we compare that to the last

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1 assessment, what's happened with blue marlin is
2 we've stopped the hemorrhaging, but we really
3 don't have any scope to rebuild. So, there was
4 some hope that we reduce fishing mortality and
5 build up the biomass.

6 Bluefin tuna, this is primarily in the
7 Eastern stock of bluefin tuna that we did not
8 really get full consensus on a management measure
9 the year before, when there had already been an
10 assessment for bluefin tuna. We had to take some
11 emergency measures in the fall, and we were
12 hoping to actually get a measure in place at the
13 meeting in November.

14 The Convention Amendment Working
15 Group is getting ever so close to actually having
16 the amendments adopted. And for those of you
17 that are new, ICCAT was formed back in the
18 sixties. That was before the Law of the Sea and
19 straddling stocks. And so, some of the
20 terminology and the way it's operated is
21 outdated. So, we're trying to come up to modern

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1 times and we're doing that through an amendment
2 process.

3 Improved modern control and
4 surveillance measures, that's motherhood and
5 apple pie for us, and it's necessary, as well as
6 compliance, advancing harvest strategies and,
7 also, by catch issues. So, that was sort of our
8 slate. Obviously, we weren't going to put paper
9 out on all of these, but those were our goals and
10 objectives for the meeting.

11 So, where did we get? Starting with
12 panel 1, which is the tropical tuna, so this is
13 where bigeye tuna would be, there were three
14 competing measures that were tabled by the
15 European Union, Guatemala, and South Africa. And
16 they were taking different approaches to the
17 bigeye problem. There was no consensus. And
18 usually, what happens at a meeting when multiple
19 papers are put out there is that the Panel Chair
20 will ask the parties to get together and kind of
21 make one particular proposal. Well, they worked

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1 at it, but they didn't get anywhere.

2 So, it started off, they wanted to
3 reduce the TAC, which has been exceeded by the
4 catches. And so, they wanted to drop that. It
5 started at 55k, but it was slowly moving up.
6 It's currently at 65k. Catches are about 80k.
7 It didn't get anywhere.

8 Quotas for contracting parties. The
9 way that it's set up for bigeye is that, if you
10 catch, if a country catches more than 3500 metric
11 tons of bigeye, they have a quota. If you're
12 below that, depending on whether you are a
13 developing or a developed nation, you have a
14 limit you're not supposed to exceed. But if you
15 exceed that limit, then you'll have a quota. But
16 what's happening is the overfishing has not been
17 coming from the countries that have quotas, but
18 from all of these other countries that are
19 allowed to come up to this limit of 3500 metric
20 tons or 1575, depending on the country. And
21 that's where the excesses have been occurring.

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1 So, we're trying to get more people under with
2 quotas. There was an agreement there.

3 And also, the major problem here has
4 been growth in overfishing. It's the skipjack
5 purse seine fishery which is taking the small
6 bigeye. Of course, they are focused on FADs, and
7 they're trying to just actually put a cap on that
8 effort to 2015 levels. We did not reach a
9 consensus.

10 So, here we are getting at the end of
11 the meeting. We have a problem where overfishing
12 is occurring on an overfished species. And so,
13 simply put in an estoppel measure or a stop-gap
14 measure. It's a one-year rollover. It keeps
15 the TAC at 65,000 metric tons. But, again, over
16 the last three years, the actual catches have
17 been 80,000 metric tons. So, the condition of
18 the stock is only going to get worse.

19 It suspended payback. So, the
20 measure that this was replacing required, if the
21 TAC was exceeded, then it was those countries

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1 that had quota that had to pay it back. But that
2 was robbing some of these countries raw because
3 they were not exceeding their individual quotas.
4 Yet, they were going to have pay back for the
5 excesses of these other countries that had
6 smaller levels. So, that didn't fly.

7 And so, in addition to suspending
8 that, they also decided, well, we'll suspend
9 Ghana's payback for their excesses that had
10 happened a few years past. So, the measure
11 that's in place there, it's a little bandage on
12 a really big cut and it's bleeding.

13 So, what they did approve was to have
14 a two-day intercessional meeting right before the
15 start of our meeting in November in Curacao, the
16 ICCAT meeting. So, hopefully, we'll get
17 something in place. But the magnitude of this
18 problem, it's got to be done probably before,
19 some of the work before we get to the meeting.

20 Another major issue, again, was trying
21 to finalize something for bluefin tuna. And the

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1 European Union dropped a 46-page recommendation
2 the first day of the meeting. And, yes, some of
3 those elements had been discussed before, the
4 year before, but there was a lot of new stuff in
5 there. And we had to go through it, essentially,
6 paragraph-by-paragraph. To me, it was a pretty
7 ugly time because most countries, you know,
8 bluefin tuna catches are allowed or able to go up
9 over this three-year period. And we will next
10 year have the highest bluefin catches that ICCAT
11 has ever allowed. And that doesn't mean they'll
12 be the highest catches because we used to have a
13 lot of unreported catches.

14 And so, countries are wanting more
15 ability to catch the fish, and so, reducing some
16 of the regulations that we've used to rebuild the
17 stock. Well, that's great, but what came to is,
18 for each paragraph, a country here or a country
19 there wanted, "Well, we'd like to remove this
20 minimum size for us for this time period," or "We
21 want to change our, you know, reduce the closed

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1 season." So, all it ended up was weakening the
2 measure. But we finally got it approved, but
3 it's not a great measure and we will see what
4 happens.

5 And again, it is projected that the
6 TAC will go down, looking at the composition of
7 the age classes of bluefin tuna in the East, after
8 this next three-year period. So, reducing all
9 of these management measures and control
10 measures, we're going to have to put them back in
11 place most likely, and that's a lot harder to do
12 than it is to remove them.

13 Then, just real quickly, there was one
14 resolution regarding harvest strategies for
15 bluefin, which is a process which is ongoing,
16 which many people in this room have participated
17 in here, looking at it as stakeholders for the
18 U.S. part of it.

19 Panel 4 includes the swordfish,
20 billfish, sharks, many of the bycatch species.
21 So, the United States, we came in with a blue

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1 marlin measure. Again, we wanted to reduce
2 essentially fishing mortality for blue marlin to
3 allow them to rebuild. The EU had a competing
4 measure, and they dropped the TAC from 2,000 to
5 1750 metric tons, with the major players taking
6 the reductions. And the U.S., which has just a
7 de minimis 250 combined blue marlin and white
8 marlin -- after we have unilaterally gone ahead
9 or proactively prohibited commercial retention,
10 we essentially voluntarily went to 250
11 recreational fish and we've included circle
12 hooks, then, and natural baits, which greatly
13 reduces the post-release mortalities of
14 billfish -- they wanted us to drop from 250 to
15 220. That was just a nonstarter for us, when
16 other countries have made similar measures, you
17 know.

18 And this is something to consider, and
19 it's important. It's a philosophical issue and
20 it's one I know that Glenn and I have talked
21 about, as well as other people at the table here.

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1 It's that the United States, often we do things
2 here proactively. And then, we go to ICCAT and
3 we have to make another round of cuts because we
4 don't get credit for the cuts that we've done
5 proactively. Or as Hammer would have said, we
6 lead by our chin. And we're in this place now.

7 We really didn't get consensus between
8 these measures. So, we just rolled over the
9 existing measure, which is probably an okay
10 thing. We're not overfishing blue marlin. And
11 there is a white marlin assessment occurring this
12 year, and really you're going to managing those
13 two species together. So, you might as well have
14 both assessments. So, not a major issue there.

15 Then, the things that we didn't get
16 passed in Panel 4. So, fins attached, this is
17 for sharks, that they be landed with their fins
18 naturally attached. Many of the countries at
19 ICCAT already require this, but it's the distant
20 water nations where we have an issue, and there
21 they're just adamantly opposed to doing that.

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1 We had approximately 30 cosponsors on
2 this. We could go for a vote, but there's
3 probably not any benefit in doing that because,
4 if we do a vote, countries could take an
5 objection, and then, they would put it in place
6 where they don't have to do that. We might want
7 to wait for sometime when they're in a tight spot,
8 they need to get something, and they're willing
9 to concede to this. So, we get the measure.

10 But, here we go, sea turtle
11 conservation, use of circle hooks, something that
12 we, of course, already do in our pelagic longline
13 fishery.

14 Monitoring and avoiding cetacean
15 interactions, that also didn't go. So, these
16 were all in Panel 4. At ICCAT, you meet in panels
17 like three, four, maybe sometimes five times over
18 the course of the week. So, we're here late on
19 Thursday in Panel 4, and we're getting near the
20 end of the meeting. And here we are with the
21 United States. So, Fabio, who is the Chair of

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1 Panel 4 from Brazil, summarized it for us
2 that -- they used a medical analogy. Fins
3 attached, was dead on arrival; cetaceans, in the
4 emergency room; turtles in critical conditions,
5 and marlins in need of a transplant. And that
6 was essentially the status of those four
7 measures.

8 And so, if you've been working already
9 at that meeting -- at that time, some of us were
10 there already for a week -- it's a slog, and it
11 gets very demoralizing, but you just push ahead.
12 So, not great in Panel 4.

13 In terms of the Compliance Committee,
14 we have two things: a shark check sheet and a
15 billfish check sheet. It may not seem like a big
16 thing, but there are a lot of these measures that
17 countries aren't really sure what it is they're
18 supposed to report or say, "Oh, that doesn't
19 apply to us." Here, it specifies exactly what
20 their reporting requirements are. And so, that
21 will help us with compliance for sure.

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1 The Compliance Committee, every other
2 year we have a two-day meeting of the Compliance
3 Committee, where we go country by country and
4 look at them for how they're doing with their
5 reporting requirements and, also, with any of
6 their limits. And we did that.

7 Identification. So, if a country is
8 identified in the ICCAT process and they don't
9 clean up their mess or take care of the problem,
10 it can eventually lead to trade-restrictive
11 measures, which are the biggest hammer that ICCAT
12 has. And so, if you're identified, you can get
13 off the list. Sierra Leone did that, but
14 identification was maintained for Dominica for a
15 variety of issues.

16 And then, of course, there's 52
17 parties and there's also non-contracting parties.
18 Fifty-one members and non-members received
19 letters. We used to call them letters of
20 concern. Now we just say they're letters to
21 address particular issues. But congrats to the

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1 U.S. here; we didn't get a letter of concern this
2 time. So, well done.

3 But you can see that almost everybody
4 has got issues. But that's the reporting
5 requirements and things at ICCAT, they're pretty
6 huge.

7 And then, also, we put in a
8 recommendation and adopted a recommendation on
9 compliance deadlines.

10 Just moving up here real quickly,
11 Permanent Working Group, that's really looking at
12 monitoring, control, and surveillance.

13 We updated the IUU Vessel List,
14 particularly what happens following listing.
15 So, informing others, the regional fishery
16 management organizations, that these vessels are
17 on the list and improving that communication.

18 Port states measures. This is just
19 bringing ICCAT into line with the FAO port states
20 measures agreement that was adopted a few years
21 ago. And it was interesting that several

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1 countries objected from the floor about some of
2 these measures, but it was pointed out to them
3 that these measures are already in place. But
4 that's ICCAT.

5 Okay. Minimum standards for vessel
6 monitoring systems. This was one that was put
7 forth by the U.S. to essentially decrease the
8 size of vessels that have to report, and we still
9 have a one-hour pull-in rate for the purse seine
10 vessels, except for those that are targeting
11 small tunas in the Med.

12 And then, they just essentially
13 adopted this exchange program for at-sea
14 inspection that could be a tool for compliance.
15 And it's having countries work together and,
16 also, capacity-building in this respect.

17 I'm going through these quickly, but
18 those don't pertain too much to this panel here.

19 Then, there were two small measures on
20 the application of the bluefin tuna documentation
21 system, both the paper and the electronic form,

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1 with regard to Norway. Norway and Namibia and
2 Iceland have no bycatch policies. If you kill
3 it, you bring it in.

4 And so, in the case of bluefin tuna,
5 the fishermen do not get compensated for this,
6 but they have to bring it in. But they have to
7 keep them in good condition, and Norway wanted to
8 be able to sell them. And so, this measure
9 allows them to do that, providing that they have
10 that capacity within their quota. And so,
11 there's just those two systems.

12 STACFAD is just the monetary, sort of
13 the infrastructure of ICCAT. When we started the
14 meeting, they were in the hole, not at a good
15 place to be. They've been using their fund to
16 develop the electronic bluefin documentation
17 system and, also, fund some of the scientific
18 things, which is just not a good way to go. They
19 changed that structure, and they also adopted a
20 funding scheme, which has been played around with
21 for a few years, to fund the electronic bluefin

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1 catch documentation system. So, that's good.

2 And in plenary, we got almost to where
3 we wanted to be. The wording is all accepted for
4 the amendments. Essentially, it will be adopted.
5 We've already gone through this process of
6 vetting it in the other languages, and it should
7 be formally adopted at the meeting in November.
8 Hallelujah.

9 So, an aspirational harvest
10 strategies measure/roadmap was adopted, but it
11 was kind of funny because in the finance part of
12 ICCAT we don't have the money to bring in to hire
13 some of the expertise that we need for these.
14 So, there are a couple of road bumps on this
15 roadmap. So, we'll see how fast we get.

16 Right now, they've gotten through
17 northern albacore. They're working on bluefin
18 tuna. They would like to get to tropical tunas,
19 but bluefin tuna with the East and West stocks is
20 complicated enough. How you're going to deal
21 with tropicals, who knows? Northern swordfish

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1 would be maybe another low-hanging fruit to go
2 after.

3 So, where we are. There's a white
4 marlin assessment this year, and that will be
5 occurring next month.

6 Yellowfin tuna will be happening in
7 July. We're concerned with yellowfin tuna.
8 They were okay at the time of the last assessment,
9 but this growth overfishing that we've seen for
10 bigeye will eventually catch up with yellowfin,
11 too, because they're taken in the same fisheries.

12 And with shortfin mako, there's a
13 stock assessment update. This is not a full
14 benchmark assessment, but certainly there are
15 concerns after the last assessment and it's also
16 an opportunity to see the measures that have been
17 in place now for a year, how they're working.

18 In terms of interessionals, we've
19 already had a couple of them, and the only other
20 one coming up will be right before the meeting in
21 November and that will be on Panel 1. And then,

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1 we'll be in Curacao for nine days, 10 days in
2 November.

3 And so, I just wanted to thank -- we
4 had three rapporteurs, Sea Grant Fellows. They
5 did an incredible job, including reporting out
6 when Fabio was gone to the entire Committee. So,
7 not only do they have to sit up on a table in
8 front of 650 of their closest friends, it's they
9 have to take really good notes.

10 And then, of course, the pictures,
11 trying to find ones where the people were
12 smiling. There were a few times, not many of
13 them, but there were a few.

14 And that was it. So, thank you.

15 MR. BROOKS: Great. Thanks, John.

16 (Applause.)

17 MR. BROOKS: Bob? We have time for a
18 question or two here. Bob? Then, over to Rusty.

19 MR. HUETER: Thank you. Bob Hueter,
20 Mote Marine Lab.

21 John, could you explain to us, those of

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1 us who don't have ICCAT experience -- you said, for
2 the fins attached policy, there were 30 parties that
3 supported it, cosponsored or supported it, out of the
4 52 total. How many do you need for something to
5 become a recommendation or a resolution?

6 And then, the other part of my question
7 is, you said that didn't pass or wasn't taken up
8 because it's still opposed by "distant water fishing
9 countries". I'd like to know what the main names of
10 those nations are that are still leading the charge
11 against this, please.

12 Thank you.

13 DR. GRAVES: Well, to do your second
14 question first, the Japanese Commissioner pretty much
15 said he'd die before they would adopt that. But it's
16 really Japan, China, Korea, and, well, Taiwan really
17 doesn't have much of a voice, but I don't think
18 they're very supportive of it, either. So, that's
19 your major opposition.

20 In Panel 4, the members, they could vote
21 on it. You can call for a vote. And it's a simple

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1 majority of those present, I think. And Meagan -- is
2 Meagan here? But I think that's the policy. I think
3 it's a simple majority. As I recall, when we did
4 that with Norway one year, it was really close.

5 But we can call for that, and that's not
6 a problem. But it's the peer pressure that's
7 probably more important than a vote. Because, again,
8 if we take the vote, they can formally object. And
9 so, they don't have to do it. So, what have you won?
10 We're still isolating them now in a position with the
11 peer pressure. And that's just something that our
12 Commissioners have to weigh-in.

13 MR. BROOKS: So, John, does that mean
14 you're basically sort of -- you're only moving
15 something forward when you see you have consensus or
16 near consensus?

17 DR. GRAVES: ICCAT likes to operate by
18 consensus. There have been, I think in my time
19 there, four or five cases where we voted, and that's
20 a long time. So, try not to vote, but getting
21 consensus for 52 nations is really tough.

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1 And just to go on, where we're looking at
2 this here with bigeye tuna, we don't have an
3 allocation key for the smaller harvesters and we
4 don't have any allocation key whatsoever for
5 yellowfin tuna. And so, trying to develop those and
6 get measures in place, it's going to be a really tough
7 challenge.

8 MR. BROOKS: Thanks.

9 Bob, did you have a follow-up question?

10 Okay, Rusty? And then, we'll probably
11 go to a break. Rusty?

12 MR. HUDSON: Thank you. Rusty with
13 Directed Sustainable Fisheries. John, on
14 clarification, you said the shortfin mako is going
15 through an update right now, the 20th to the 24th.
16 Is that going to include our updated MRIP calibration
17 numbers?

18 DR. GRAVES: That's a good question,
19 Rusty, and I don't know. I don't know. I know we
20 don't have any of our ICCAT scientists in the room,
21 so I don't know for sure. If anybody else has an

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1 answer to that?

2 I'm also interested whether we're going
3 to update our yellowfin tuna landings with that.
4 Because if we're going to be going into quota, it
5 would be nice to have at least the right record for
6 our catches.

7 MR. HUDSON: Well, I agree. And the
8 biggest concern I have -- and I'll have to examine it
9 with the shortfin makos, the yellowfin tuna -- is the
10 PSEs, the proportion of standard error. Some of
11 these offshore situations, like in our snapper
12 grouper complex, are really high PSEs. Anything over
13 50 is unreliable.

14 MR. BROOKS: Thanks, Rusty.

15 John? No?

16 All right. John, thanks very much.
17 Appreciate it.

18 Let's get folks into a break. We will
19 reconvene at 11 o'clock.

20 Thanks.

21 (Whereupon, the above-entitled matter

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1 went off the record at 10:48 a.m. and resumed at 11:05
2 a.m.)

3 MR. BROOKS: A couple of things. One,
4 John Graves, to your ask to have a conversation on
5 HMS forage species. Our expectation is that in the
6 1:30-to-3:30 range today, we'll probably have some
7 time we can grab there, maybe 15 or 20 minutes or so.
8 And I think the thinking is, rather than getting too
9 deep into it right now, let you sort of introduce the
10 subject, have some Council voices weigh-in, and then,
11 as needed, carry that over to the fall meeting for a
12 deeper conversation. Does that work? Okay.

13 Second is we've heard that it's a little
14 bit chilly in here. So, I think someone has talked
15 to the hotel to see if we can get the temperature up.
16 I'm seeing some head nods that that would be good.
17 We'll try to keep people warm.

18 How's the feedback on the speaker doing?
19 Better? Okay. And we don't have drilling, so that's
20 good.

21 And I'm going to just remind folks again,

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1 just throughout the day or tomorrow morning, do take
2 a look at those surveys outside on FMP objectives,
3 fill them out, and put them in the box with the shark
4 wrapping paper. It would be appreciated.

5 So, with that, I want to hand it over to
6 Guy and to Karyl to walk us through a scoping document
7 on A14. And as promised, the Agency has been doing
8 a lot of work, and this is the first of several
9 conversations where we'll be seeking your feedback.

10 So, Guy?

11 MR. DUBECK: All right. So, yes, my name
12 is Guy Dubeck, here to talk about the scoping document
13 for Amendment 14, which would be the shark quota
14 management.

15 All right. So, here is a quick outline
16 of the presentation. More importantly, here is a
17 list of some of the more popular acronyms we plan to
18 be using here. I'm going to try and say all of them,
19 but, for reference, here's where the acronyms would
20 be. The main ones we're probably mostly going to be
21 talking about are going to be acceptable biological

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1 catch, or ABC; annual catch limits, ACLs; OFL, which
2 is overfishing limits -- are kind of the main three
3 that we will be referring to a lot.

4 So, moving on to background, the NS1
5 Guidelines require that the management measures
6 prevent overfishing, but also achieve optimum yield.
7 So, the guidelines provide guidance on how to achieve
8 these requirements. The guidelines were revised in
9 2016 to allow for increased management flexibility as
10 a result of lessons learned through the
11 implementation of the annual catch limits and AMs, or
12 accountability measures. Generally, the purpose is
13 that the OFL is greater than the ABC and it is greater
14 than the ACL.

15 This is kind of a framework of what the
16 annual catch limits, or ACLs, are. So, you can see
17 at the top there is the overfishing limit. So,
18 that's the maximum amount of catch without
19 overfishing. Then, there's the acceptable
20 biological catch. So, this would address any
21 scientific uncertainty and establishing any risk

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1 policy. Then, the annual catch limits would be kind
2 of like the commercial quotas or recreational limits
3 that are in place. And then, the annual catch
4 targets, or ACT, is kind of like in the commercial
5 fishery where we have, once the quota exceeds or is
6 expected to exceed 80 percent, then we need to close
7 down the fishery.

8 So, here's kind of a history of the HMS
9 stock determination criterias and ACLs. Again, the
10 '99 FMP defined what the stock determination
11 criterias are, but, then, the 2006 consolidated HMS
12 FMP incorporated those without any changes. In 2010,
13 Amendment 3 established the ACL mechanism for the
14 federally-managed species. And I'll show you what a
15 table of that looks like later on. And then,
16 Amendment 5b clarified that the ACL for prohibited
17 sharks equals zero.

18 So, here's kind of the current HMS stock
19 determination criteria figure here, where we
20 determine what the overfishing, overfished and
21 overfishing areas will be.

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1 As I mentioned, this is the table in
2 Amendment 3 where we talked about the TAC ACL for
3 nonprohibited shark species. So, right now, you've
4 got the OFL equal to the ABC, which, then, is equal
5 to the ACL. And then, you've got the sector ACLs,
6 and it's divided into three groups, where we got the
7 ACL for discards, mostly for the commercial
8 fisheries. They've got the ACL for the recreational
9 fisheries. That includes landings and discards.
10 And then, you've got the commercial fishery ACL,
11 which is actually the commercial quota, and then,
12 divide it down, and you talk about the ACT, and then,
13 accountability measures for the overharvest will be
14 taken off the next season.

15 Now moving on to objectives, the
16 preliminary purpose and need of this is that the shark
17 harvest has historically been variable. So, we need
18 to review the process for setting the HMS ABCs as
19 related to the OFL and ACLs, determine if there needs
20 to be change, and then, potentially, need
21 modifications to the accountability measures based on

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1 that.

2 The 2006 NSI Guidelines provided guidance
3 on phase-ins, carryovers, and overfishing
4 determinations, which I'll go into more detail later
5 on. So, we need to review the current HMS process
6 to determine if we need to incorporate these for
7 changes.

8 The objectives from Amendment 14. We've
9 got five objectives we need to consider. The need
10 to revise the ABC control rule to ensure that harvest
11 does not exceed the OFL. Then, establish a process
12 for ACLs for nonprohibited shark species. And then,
13 also establish a process to determine, set the levels
14 for rebuilding success. Then, we've got to consider
15 a process for addressing and distributing unused or
16 underutilized sector ACLs for shark species, and
17 then, also, consider increasing management
18 flexibility to account for changes in harvest for the
19 sharks by sector. The objectives of Amendment 14
20 will principally focus on these five topics, and
21 we're going to have options for each one of those

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1 later on.

2 So, moving on to management options, the
3 first thing is ABC control rules. The ABC, as I
4 mentioned, is the level of catch, stocks annual
5 catch, which was based on the ABC control. It
6 accounts for any scientific uncertainty. The control
7 rule, which is kind of establishing the limit for the
8 catch based on the best science information
9 available.

10 Moving on to the different options,
11 Option 1 is the no action, which is kind of status
12 quo, what we have now, where we have the OFL equal to
13 ABC, equals the TAC, equals the ACLs.

14 Option 2 is to create a standard ABC
15 control for all shark species and management group
16 where it is just generic for all species. So, the
17 ABC would be "X" percent of the AFL. It would be
18 general for all shark species, regardless of the
19 stock or management group.

20 The next one would be create a tiered ABC
21 control where we would have different tiers based on

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1 whether the species or managed group was assessed or
2 unassessed, or based on the confidence of the stock
3 vulnerability.

4 And the last one would be to develop a
5 peer review process for determining the ABC control
6 rule. So, right now, this would be setting up a
7 process for kind of similar to the Councils of SSC,
8 using this to determine what the ABC control rule
9 would be for each species or management group. Some
10 cons to this is it would just delay the process. A
11 lot of the folks that would be involved with this are
12 already involved with the stock assessment. And
13 then, from there, it would just delay the process
14 again because, then, the group would meet and
15 determine what the ABC control level would be.

16 MR. BROOKS: Let me just jump in for one
17 second. There is going to be about five of these
18 pairs of topic and options. So, he's going to walk
19 through all of them, and then, we'll come back and
20 take them sort of one by one.

21 MR. DUBECK: Thanks.

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1 Next would be the phase-in ABC provision.
2 It allows for gradual phase-in of changes of the ABC
3 over a period of time to help stabilize catch. So,
4 instead of assessment occurs and we need huge
5 reductions, and we have to do it right away, this
6 would be phasing in those reductions over a three-
7 year max. This acknowledges that there could be
8 large changes due to new scientific information.

9 Some of the options we're considering
10 right now is, again, the first one is status quo; do
11 no action. So, no phase-in, where we are currently
12 right now where the stock assessment says there are
13 fishermen fishing and the reduction needs to be right
14 away, this would be put in place right away instead
15 of phasing in that reduction over time.

16 Option 2 would be to use that phase-in
17 approach for any reduction of the ABC, regardless of
18 the stock status.

19 Option 3 would be to phase in ABC control
20 reduction unless the stock is an overfished or
21 overfishing status.

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1 And then, Option 4 has that flexibility,
2 similar to the other options, where if the stock
3 determination is that it's overfished with
4 overfishing occurring, we would potentially put that
5 reduction in right away or we would just next year,
6 or when the rulemaking was in place.

7 But the other option with this one, the
8 flexibility where if it's overfished, no overfishing
9 occurring, we could phase in that reduction.

10 So, moving on to the TACs and ACLs, as
11 you can see, the figure I described earlier, that was
12 again Amendment 3 in 2010 was implemented. So,
13 changes in mechanism might be necessary to facilitate
14 any changes with the ABC control rule. And then,
15 changes may be necessary for better management of the
16 shark species.

17 Now going through different options.
18 Again, no action would be the first one, not to change
19 anything.

20 Option 2 would be to actively manage the
21 sector ACLs. This would be us actively monitoring

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1 and putting in quotas for each one of these sectors.
2 Similar to how with a commercial fishery where we
3 have quotas and we actively manage that, this would
4 be also doing it for the recreational and discards
5 and scientific research.

6 Option 3 is to establish a reserve sector
7 ACL, which would be very similar to what is in the
8 bluefin tuna fishery, where we would have a buffer
9 involved, where there could be an observed quota that
10 could be transferred to each one of the sectors,
11 depending on what the catch levels are, so it's not
12 exceeded. So, this adds some flexibility like the
13 bluefin tuna fishery. However, with this, you would
14 be reducing each sector's ACL to account for this
15 buffer.

16 Option 4 would be establish an ACL for
17 each management group as a whole without individual
18 species.

19 And Option 5 would be to a species-
20 specific ACL without gear or quota linkages. So,
21 right now, we have quota linkages involved with the

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1 fishery where we have aggregated large coastal and
2 hammerhead species are linked; management groups are
3 linked. This would be individual ACLs for each one
4 of the species within the management groups, and
5 then, there is no quota linkages.

6 However, this one, it adds complexity
7 with the fishery where you might have some species
8 that are open, some species closed, different
9 retention limits per species and quotas per species.
10 So, it just adds that complexity where, instead of
11 having for the large coastal fishery in the Atlantic,
12 for example, aggregated large coastal and the
13 hammerhead managed group and the quotas, you could
14 potentially have eight to ten quotas and potential
15 limits based on each one of those species.

16 The next one would be carryover options.
17 The first one, again, is no action. Where currently
18 we only allow carryover of the commercial landings,
19 the sector ACL, only if it's a healthy stock -- so,
20 right now, we have the carryover of the Gulf blacktip
21 up to 50 percent and the smoothhound fishery.

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1 Option 2 would be distribute any unused
2 ACL to the sector where the underharvest occurs. So,
3 if the aggregated large coastal fishery landings were
4 underharvested by, say, 10 metric tons, then we could
5 roll over that 10 metric tons to the following season.

6 Option 3 would be distribute the unused
7 portion of the ACL across all the sectors, based on
8 how it was established. So, if, say, the commercial
9 fishery has 70 percent of the overall ACL, then they
10 would only get 70 percent of that potential
11 underharvest, and then, the other sectors would get
12 the same percentage based on their distribution.

13 And Option 4 would allow carryover of any
14 unused, as long as it does not exceed the ABC.

15 And then, Option 5 would be allow for
16 carryover of underharvest, but limit that carryover
17 to a percentage of the overall ACL. Similar to how
18 we only allow 50 percent of the carryover now, we
19 would also set up some sort of percentage that would
20 only allow up to that point to be carried over.

21 Moving on to the last option here, this

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1 would be the multi-year fishing option. Again, the
2 first one, no action, where we would not allow multi-
3 year of fishing to determine stock determination
4 criteria. So, right now, only allow what we
5 currently do with assessment, determining what the
6 stock status should be.

7 Option 2 would be to change the stock
8 status based on the fishing mortality estimates,
9 either annually or over a multi-year basis. An
10 example is, say, over a multi-year if the overall ACL
11 combined for everything for the management group or
12 species is exceeded over multiple years, we could
13 make the determination that overfishing is occurring
14 for that managed group.

15 Option 3 would be to compare a three-year
16 average of the total harvest of the OFL to determine
17 if overfishing status is occurring.

18 And then, Option 4 is kind of using in a
19 similar way to the recreational fishery where you
20 have a percent standard error meta-analysis to
21 account for any variance in catches over those three

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1 years. As you know, as I mentioned, the shark
2 catches are variable, has been so variable over a few
3 years, that it would take that into determination.

4 And then, the last option is to use a
5 three-year average catch to OFL to determine when
6 overfishing has ended. So, similar, but this would
7 make the determination that overfishing has ended if
8 it has been under that amount.

9 So, those are the options. We are
10 currently in public comment for this until the end of
11 July. So, Ian Miller, submit comments directly to
12 him through regulation.gov or by contacting myself,
13 Karyl, or Ian.

14 I also want to mention, this just came
15 out today. It filed today in the public Register.
16 It is the scoping meetings. So, the notice that came
17 out today is kind of a combined one with multiple
18 actions. It has all of them in here. But, for
19 Amendment 14, we have a webinar next week for this.
20 We have a standalone meeting in St. Pete for Amendment
21 14, but, then, in Fort Pierce, Manteo, and Louisiana,

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1 there is going to be a combined scoping meeting with
2 the other two actions. Amendment 13 and special
3 management, both will be discussed tomorrow. And
4 then, also, we are going to the Councils to present
5 this, too, time willing.

6 Our next steps with this is the comment
7 period. We are hoping to have a proposed rule out
8 early 2020, and then, have this final at the end of
9 2020 or the beginning of 2021.

10 So now, we will move on to questions.
11 And I'll go back to the different ones.

12 MR. BROOKS: Yes. So, let's just start,
13 first, with a couple of clarifying questions in
14 general, and then, we'll sort of take it topic by
15 topic and see what thoughts you have on the different
16 options.

17 Rusty?

18 MR. HUDSON: Rusty Judson, DSF.

19 We're going to need to review this
20 prohibited list on sharks. Part of the reason is
21 that unknown status for the 19 species. I think

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1 about two of them, at least one, dusky has some kind
2 of an assessment.

3 That slide No. 9, if you could go to that?
4 You can see the discards. And the recreational has
5 those two-month waves, between the two-month wave,
6 the 45 days for them to get the material, the QA, the
7 QC, the idea of limiting things to three years, when
8 you've got five years of projections of the stock
9 assessment for at least the stock that's been
10 assessed, you're not going to get a good grip around
11 the recreational discards and/or landings without a
12 census. And even then, you're still a half-year into
13 the following year before you can plug all that stuff
14 into whatever you're going to assess. So, you don't
15 even know if you've blown by it in one year. So, I
16 would say a three-year running average would at least
17 be useful when you're dealing with the recs and the
18 commercial. You've at least got a census.

19 How to get those assessments, that's a
20 key question. Because, right now, based on what I
21 saw at the SEDAR Steering Committee meeting, we're at

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1 2023 before we get done with the hammerheads. I've
2 been asking for a blacknose update, so something real
3 simple in-house, and I'm told 2024 before that can
4 get on the list. There's a lot of things here with
5 the sharks that needs not only clarifying, but, you
6 know, better scientific information made available by
7 NIMS.

8 MR. BROOKS: Thanks, Rusty.

9 David, did you have a question or a
10 comment?

11 MR. SCHALIT: A question.

12 MR. BROOKS: Please.

13 MR. SCHALIT: Does ICCAT have any
14 stipulations or constrain the amount of rollover that
15 could be used for the sharks that it manages, as they
16 do with bluefin tuna?

17 MR. DUBECK: Yes. I should have
18 mentioned this earlier. So, there are exceptions for
19 international stocks. If that is determined by an
20 international stock that it's quota, it is limited
21 that way.

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1 MR. BROOKS: Thanks.

2 Karyl?

3 MS. BREWSTER-GEISZ: The other
4 clarification for that is ICCAT does not currently
5 manage sharks. We have recommendations for sharks,
6 but sharks aren't part of the ICCAT Convention.

7 And I did want to just touch base with
8 one quick thing which Rusty said about the prohibited
9 species. Just to clarify, Amendment 14 is not
10 addressing anything to do with prohibited species or
11 the prohibited species ACL being equal to zero.

12 MR. HUDSON: To reply, when you have ACL
13 equals zero for prohibited species, it does affect
14 that.

15 MR. BROOKS: Jason?

16 MR. ADRIANCE: Yes, a clarifying
17 question on carryover. And I may be incorrect, and
18 somebody can double-check. In the national
19 standards, isn't carryover limited to a difference
20 between the OFL and ABC? Or am I confusing something
21 else with that?

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1 MR. DUBECK: No, you're right. So, as
2 long as it's not exceeding those. You can carry over
3 to the amounts. So, there's buffers involved that
4 some of the fisheries have put in place where they
5 can carry over only a certain amount because of where
6 the ABC and ACL and OFL are.

7 MR. BROOKS: Okay. Well, let's double-
8 back to each topic. You want to go to ABC control
9 rules first?

10 MR. DUBECK: Yes.

11 MR. BROOKS: Again, there are four
12 options here, and it would be great to hear some
13 thoughts, conversations, on which one of these option
14 seems to make sense.

15 Jason?

16 MR. ADRIANCE: Thanks.

17 I think, just personal perspective, I
18 think you need to develop a peer review process to
19 determine that ABC, that control rule. But I'll tell
20 you, just from my experience at Gulf SSC, that is
21 something we struggle with, that control rule, almost

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1 every meeting. Actually, it's currently being looked
2 at being reevaluated. So, like I think you
3 mentioned, it will be a little longer process, but I
4 think it will put you in better footing if you develop
5 it that way.

6 MR. BROOKS: Thanks.

7 Who else wants to weigh-in on the options
8 here for the ABC control rule? Anything that jumps
9 out as particularly advisable to do or something
10 definitely to steer clear of?

11 Yes, please, Dewey.

12 MR. HEMILRIGHT: I guess mine would be
13 just kind of a general comment. There's three
14 different areas where the sharks are caught at, three
15 different regions. And it seems like this is kind
16 of a one fix for all. Is it something that could be
17 looked at where it's one size doesn't fit all with
18 this? Because you've got the Gulf; you've got East
19 Coast of Florida, and you've got a little bit of North
20 Carolina. Everywhere else there's not a whole bunch
21 of sharks being caught. And so, you look at the

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1 different control rules where stuff's caught first,
2 and the harvest levels probably in the Gulf gets
3 caught fast versus the other regions.

4 I was just wondering, is this one size
5 going to fit all going to be productive for the
6 fishers in all three areas or should it be tied to
7 the areas that need fixing, tweaking, or something
8 like that? Does that make sense, what I'm saying?

9 MR. BROOKS: Yes. So, could you have a
10 different control rule for different areas?

11 Do you want to jump in on that?

12 MR. DUBECK: Yes. So, that's a
13 possibility. Kind of similar to No. 3, where we're
14 talking about the assessed or unassessed, where right
15 now we have the Gulf blacktip and the Atlantic
16 blacktip assessment happening now. So, there's two
17 different regions. So, we would have potentially two
18 different possibilities on what the control rule
19 could be or what those levels could be, too.

20 MS. BREWSTER-GEISZ: And just add to that
21 the ABC control rule does not set up the sector ACLs

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1 or the subregion regional quotas. So, this is at the
2 larger stock level, where do we then set all the
3 various quotas and levels that we should be shooting
4 for?

5 I think, ultimately, it will affect all
6 the regions, but at this larger level it's just a
7 little higher level than that. So, yes, we will be
8 considering the different regions.

9 MS. BECKWITH: Yes, No. 3 is certainly
10 closest to what many of the Councils are using, which
11 is the tiered approach based on the stock
12 vulnerability and based on available information and
13 assessed and non-assessed, and all those. So, that's
14 the one that I'm most familiar with.

15 And certainly, the South Atlantic Council
16 is spending more and more time listening to comments
17 from the public with concerns about how the shark
18 interactions are occurring in our area. And I know
19 you guys have received a comment letter from the South
20 Atlantic in reference to that.

21 So, really looking at the tiered

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1 approach, but with as much flexibility built into it
2 to start addressing some of these concerns that our
3 local fishermen are having in terms of interactions
4 and gear damage.

5 MR. BROOKS: Thanks.

6 I'm going to go over to Kirby and Marcos
7 in a minute. But just a question: are 3 and 4
8 necessarily exclusive? Could one pursue 3,
9 developing a three-way peer review process?

10 MR. DUBECK: Yes.

11 MR. BROOKS: Okay. Thanks.

12 Kirby?

13 MR. ROOTES-MURDY: Thank you.

14 So, can you give me a little more detail
15 on how this peer review process would play out? Like
16 who would be the peer reviewers?

17 MR. DUBECK: Yes, so it would be kind of
18 -- it's how it's set up. So, I mean, it could be,
19 say, HMS, NIMS folks internal, and, also, it could be
20 academics, commercial fishermen similar to like the
21 Council setups. But, then, this would actually be

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1 done like after the assessment is done. So, the
2 assessment would be done. Then, this group would
3 come together and look at the assessment and
4 determine what the ABC control rule or levels should
5 be before moving forward. So, it is just kind of
6 delaying the process. You know, it's an extra step.

7 MR. BROOKS: Does that answer your
8 question?

9 MR. ROOTES-MURDY: Yes. I guess I'm
10 still a little confused. So, it could be an internal
11 peer review or it could be an external? And I guess
12 that's what I'm trying to get cleared up. Would you
13 have outsiders peer reviewing to give you a sense of
14 what the control rule should be or would it be in-
15 house you have staff determining that?

16 MS. BREWSTER-GEISZ: So, at this point,
17 Kirby, it could be either or both. This is scoping,
18 so a lot of this is we're putting out an idea. I
19 think the idea of the peer review came up at our last
20 AP meeting, where somebody suggested it. So, we are
21 also looking for feedback from all of you on, if we

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1 do go forward with a peer review option, what would
2 that peer review options look like? And do you want
3 it to be internal only, external only, and all of
4 that?

5 MR. BROOKS: Yes. So, definitely
6 something to comment on today or in subsequent
7 comments.

8 Go ahead, Kirby.

9 MR. ROOTES-MURDY: I think if you leave
10 this option in, it might be good to clarify what the
11 role of that peer review is versus the peer review of
12 an assessment because that can start to get confusing
13 if you have a peer review of a peer review. But
14 that's just a comment on No. 4.

15 MR. BROOKS: Thanks.

16 We want to get a couple more comments on
17 this, and then, go to the next topic.

18 Marcos?

19 MR. HANKE: I'll be very quick. Also,
20 the No. 3, would it make more sense? And I will
21 invite you guys, once you have to address something

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1 for the Caribbean, at the Council level they are
2 creating very innovative or new ways to address this
3 issue with the multi-species approach and
4 assemblages, and other things, that might be useful
5 for you guys, just keeping contact with me or with
6 the SSC in the Caribbean.

7 Thank you.

8 MR. BROOKS: Rusty? And then, back to
9 Jason.

10 MR. HUDSON: One of the problems I have
11 is linkage. And the hammerhead is a perfect example.
12 We're one of two stocks out of six stocks of
13 hammerheads in the world that has no issue, that ESA
14 took no issue. But, yet, we are using linkage with
15 them to shut down early our other trip limits that
16 are somehow interacting, like the blacktip in the
17 Gulf of Mexico with the hammerhead or these North
18 Carolina hammerheads being caught in State waters
19 without federal permits. Whatever it is, it's all a
20 problem.

21 That linkage should not be occurring, and

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1 it shouldn't be occurring with the blacknose, either,
2 simply because those stocks are very healthy in the
3 U.S. waters. What's in the other waters with other
4 stocks that are threatened and/or whatever status
5 society is chasing, we need to change that. That
6 way, we can achieve catching our ACL and not leave it
7 on the table. This is a real good goal for Amendment
8 14.

9 MR. BROOKS: So, Rusty, just to clarify,
10 does that for you argue for the tiered ABC control
11 rule approach?

12 MR. HUDSON: Yes, I can deal with that.
13 This really comes down to that vulnerability question
14 and the BSIA.

15 MR. BROOKS: Thanks.

16 Jason?

17 MR. ADRIANCE: Yes, sorry, I guess I
18 didn't expand my comments enough. I think a tiered
19 approach in that peer-reviewed ABC is a good thing.
20 It's like you said, you have those unassessed stocks
21 that you need to deal with, like bull sharks in the

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1 Gulf of Mexico. There are those stocks like that
2 that you need to look at. And that peer review, I
3 heard it mentioned. I think it might be beneficial
4 if there's some peer review that's not just in-house.

5 MR. BROOKS: Anna?

6 And then, I want to push us to the next
7 topic.

8 MS. BECKWITH: Sure. To me, the peer
9 review process is a part of creating a tiered ABC
10 control rule. I mean, from our perspective and the
11 Councils, that is the functionality of our SSCs, or
12 Science and Statistical Committees. So, they look
13 at our stock assessments and tell us if the stock
14 assessment is able to be used for management, and
15 then, work through our already pre-established ABC
16 control rule, and give us an ABC, from which we then
17 work from.

18 For unassessed species, we do have a
19 portion that deals with unassessed species as part of
20 our control rule. And then, we are able to get an
21 ABC from that peer review committee, our SSC. So, I

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1 don't think that you guys are looking for the exact
2 same functionality of our SSC, but, certainly, they
3 are independent external scientists and such that
4 give us advice. And they keep the regulatory and the
5 policy politics perspective out of it, and they
6 review it from just a scientific perspective. And
7 then. we take over from there.

8 MR. BROOKS: So, hearing a lot of support
9 around the table for some sort of tiered approach and
10 a lot of interest as well in some sort of peer review
11 process to develop that with thinking around external
12 voices are important, and sort of just interest in
13 what that peer review process looks like.

14 The last quick word, Rusty, on this one.

15 MR. HUDSON: No. 4 on peer review,
16 originally, this plan was five Councils. And
17 depending on the particular species that's being
18 questioned, some of that peer review should involve
19 those Council SSC, whoever you want to pick, because
20 you don't have an SSC. Anna is dead right;
21 everything that we depend on starts and stops with

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1 them when it comes to our future.

2 MR. BROOKS: Thanks.

3 Let's push to the next one, phase in ABC
4 provisions. So, again, there are four options that
5 the Agency has put forward. Thoughts on, are there
6 options that seem to make more sense to you than
7 others? Questions about them or considerations,
8 concerns, that the Agency should be thinking of?

9 Rusty?

10 MR. HUDSON: When we originally started
11 all this ACL stuff and ABC stuff with our Councils in
12 2010 and '11, there was a lot of things that occurred
13 that we had to sort of get our minds wrapped around.
14 As far as phasing-in, I think we had like one year to
15 end overfishing, and that's now been changed to like
16 two years or something like -- you've got a little
17 more flexibility there. And so, that's part of the
18 big deal because the Councils are all, at least what
19 I see at South Atlantic and stuff, we're familiar
20 with that.

21 Phasing-in is great. To succeed three

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1 years, like I say, that five years, there's so much
2 data and so much iffy-ness, that you really need some
3 solid answers. And getting your solid answers
4 between year three and year five would be useful when
5 you're trying to look into what do we do next after
6 we've exhausted these phase-ins and ABCs, especially
7 if it's a real large change, like what could happen
8 with the Gulf blacktip as a "for instance".

9 MR. BROOKS: So, if phase-in makes sense,
10 think about three to five years just because, then,
11 you get a sort of richer look at the data. Okay.

12 Do you want to jump in?

13 MS. BREWSTER-GEISZ: So, just to be
14 clear, the NSI Guidelines limits us to three years.
15 So, it is a three-year phase-in, large change, small
16 change, and that's what we're looking for guidance
17 on.

18 MR. BROOKS: Jason? Then, Anna. Okay,
19 Jason.

20 MR. ADRIANCE: Yes, thanks.

21 So, a clarifying question, and then a

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1 follow-up, I guess. This phase-in, if the stock's
2 overfished or overfishing, obviously, you're not
3 intending to use it. So, is this intended to be used
4 for a stock that might be rebuilding?

5 MR. DUBECK: Potentially, yes. So,
6 instead of going a huge change, it could be gradual
7 increase over the three years. Do not make that huge
8 change.

9 MR. ADRIANCE: Okay. Then, one
10 suggestion in that, I guess you want to approach it
11 carefully because, if you're doing this with a
12 rebuilding stock and you're phasing in, but, then,
13 you have an overage in that phase-in, that may impact
14 your rebuilding, too. So, there are some things to
15 consider. I don't know that I have a preference or
16 anything, but it might be something to think about.

17 MS. BECKWITH: Yes, sorry. In terms of
18 just two things he said, we have actually discussed
19 phasing-in in overfishing situations because, if you
20 are overfishing from a new stock assessment, then if
21 you can phase in a reduction, you might actually help

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1 not crash your commercial fishery.

2 So, in instances where the stock is
3 overfished, that may be the dead where you don't do
4 any phase-ins. But if it is not overfished, and
5 overfishing is occurring, I actually think that is
6 one of the most appropriate situations to phase in
7 reductions in order to make sure that you are not
8 completely wiping out your commercial fishery from
9 one year to the next, because some of those reductions
10 that at least we've had to implement have been quite
11 dramatic.

12 And I had another point; I can't remember
13 what it was.

14 MS. BREWSTER-GEISZ: So, just to
15 clarify, I know you like Option 2, which allows for
16 reductions regardless of status?

17 MS. BECKWITH: No. I think probably
18 phase-in approaches under overfished situations
19 should be more stringent. But if it is not
20 overfished, and overfishing is occurring, I think it
21 should at least be considered.

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1 MR. HUDSON: If a stock like the Gulf
2 blacktip is not overfished, and overfishing is not
3 occurring, we may have to really rethink trip limits
4 because that is one reason why sometimes we don't
5 catch our ACLs. And I believe that somehow affects
6 the stock assessment, when they're going, oh, well,
7 they left 20-30 percent on the table each year, stuff
8 like that.

9 MS. BECKWITH: And then, my other point
10 was that, typically, our commercial data is quite
11 accurate. And most of these phase-ins are really
12 going to be impacting the commercial fisheries. So,
13 when the data is of high caliber and timely, then
14 phase-ins for overfished situations, we don't expect
15 to see that many overages in those situations. You
16 get more overages, unexpected overages, when it's a
17 primarily recreational fishery. So, it's less of a
18 concern of having a step-down and, then, an overage
19 occurring on any particular year on that step-down.

20 MR. BROOKS: Good. Push to the next one.
21 So, establishing shark TACs and ACLs. So, you've got

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1 five options on the table in front of you here.

2 Jason, you're in.

3 MR. ADRIANCE: Thanks.

4 I definitely think, at least from my part
5 of the world, we need to get back to individual
6 species ACLs. I think at the time the aggregated and
7 separating out things seemed like a good idea,
8 but -- or at least reevaluate those groups. And this
9 could go for individual regions as well, but I think
10 it would make more sense if bulls and blacktips were
11 an aggregate in the Gulf rather than how it is now.

12 MR. BROOKS: Jason, can you add a quick
13 why the rationale for your thinking there?

14 MR. ADRIANCE: It's just those, at least
15 off of Louisiana, those two are caught the most and
16 usually together. With them being part of the other
17 group, you end up with just what was described
18 earlier. If you have blacktips still open, but you
19 close aggregated large coastals, you're likely
20 hooking a lot of bull sharks. And so, you run into
21 that issue.

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1 MR. BROOKS: So, you're focused on Option
2 5 up there, right, species-specific?

3 MR. ADRIANCE: Yes.

4 MR. BROOKS: Good.

5 Katie?

6 MS. WESTFALL: Just a clarifying
7 question, these options aren't mutually-exclusive?
8 So, for example, like No. 3, or No. 2, the sector,
9 actively managing sector ACLs and species-specific
10 ACLs, those are not necessarily exclusive?

11 MR. BROOKS: And sorry, Katie, just to
12 follow up on that, do you have thoughts that you want
13 the Agency to hear on sort of a preference?

14 MS. WESTFALL: I mean, I think Jason made
15 a lot of good points on the importance of managing
16 individual species, but there's a lot to think about
17 here. So, I'll get back to you all.

18 MR. BROOKS: Rusty?

19 MR. HUDSON: To what Jason was talking
20 about with the bull and the Gulf blacktip, or even
21 Atlantic blacktip and bulls, they're near-shore

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1 animals, and most of the fishery in his area, they
2 can fish, you know, normal stuff in state waters;
3 whereas, like Florida, we cannot.

4 But there's one problem child in the
5 whole bunch. It's called a spinner shark. I hope
6 your species ID has gotten good enough all the way
7 around from Texas to, therefore, this range, probably
8 the Mid-Atlantic. But a lot of people just do it as
9 a lookalike, and spinners then become blacktips. But
10 they're an offshore animal and will come inshore at
11 certain times of the year. So, that's something to
12 keep in mind.

13 MR. BROOKS: Thanks.

14 Anyone else want to weigh-in on this one?
15 Oh, Marcos, sorry, please.

16 MR. HANKE: For sure, you guys heard
17 about this before. In our area, the multi-species
18 is not a species-specific. It's very important to
19 consider. And I think there is, No. 4 is addressing
20 that.

21 And one of the main reasons is that we

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1 have incidental fishery with people in the Caribbean
2 that are not directly fishing for them, and they don't
3 know how to identify them. It's going to create a
4 great deal of problem if you manage a species-
5 specific.

6 And another comment on that, a little
7 farther ahead on the road, we have two basic
8 incidental fisheries. Deepwater fishing versus
9 shallow water fishing, that should be taken into
10 consideration because it's two different sets of
11 assemblage of species on the incidental catch.

12 And that's it.

13 MR. BROOKS: And so, your thinking is
14 managing by group because of incidental catch,
15 because of ID issues? Okay. Thanks, Marcos.

16 Jeff?

17 MR. ODEN: I would like to concur with
18 Marcos. I mean, this past year or this past winter,
19 I was in for sharks, small coastals primarily, but
20 catching hammerheads. And unfortunately, with very
21 little of the season gone, we lost the large coastals

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1 because of the hammerhead.

2 And my understanding is, last year, what
3 left on the table with the hammerhead quota? Forty-
4 one percent, was it? Was it not? Dewey, do you
5 remember?

6 MR. HEMILRIGHT: Somewhere like that.

7 MR. ODEN: Anyway, I mean, there we were,
8 you know, throwing fish back, and it just seemed
9 pretty absurd. So, I'm for 4 with Marcos.

10 MR. BROOKS: Thanks, Jeff.

11 So, a couple of different directions
12 you're hearing on this one. It makes your job
13 interesting.

14 Anyone else want to weigh-in on this one?
15 If not, let's push to the next, which is around
16 carryover. All right. So, we've got five carryover
17 options on the table here.

18 Thoughts? Again, inclinations on what
19 seems to make sense or considerations that at least
20 you want the Agency to be thinking about? I'll give
21 you a second to catch up on what the options are.

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1 Again, the gist of these is who it gets distributed
2 to and under what conditions.

3 Jason, you have been first out of the
4 gate to date. What are you thinking? Can I pull you
5 in?

6 (Laughter.)

7 MR. ADRIANCE: Nothing on this one.

8 MR. BROOKS: Okay. Rusty?

9 MR. HUDSON: Unused ACL from the year
10 that it's occurring because of, you know, step-downs,
11 or whatever, you're going to have to make a decision
12 earlier on because of the weather patterns in the
13 later half of the year, in order to try to catch that
14 unused ACL. And whatever carryover you do, like in
15 the Gulf blacktip, as long as you've got the linkage
16 with the hammerhead, or over on our side, linkage
17 with hammerhead, it creates a problem. And so, we
18 don't need that linkage with the hammerhead. As I
19 said, this stock does not have the status of the other
20 four around the nation or around the world.

21 MS. BREWSTER-GEISZ: Just to jump in on

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1 that, while hammerhead is off the Maine line, or the
2 Maine coast, is not under ESA, it is still considered
3 overfished. So, it's not, as you keep saying, a
4 healthy stock. So, I just want to clarify that.

5 MR. HUDSON: And it would be nice to
6 update, but it's going to take a little while. We're
7 going to do all three of them, starting with 2021
8 through 2023, or something like that. So, what comes
9 out on that end, I guess that's how long we have to
10 wait until linkage could be potentially ended?

11 MS. BREWSTER-GEISZ: Well, and linkages
12 are in this amendment. So, I think whatever we end
13 up doing with Amendment 14 could change. And let me
14 clarify and emphasize this, it could change what we
15 do for sharks in the long term. And this is going
16 to be the biggest change we've done for sharks
17 probably since the '93 FMP, because it is going to be
18 setting up, do we still have large coastal sharks or
19 are we going to manage on a species level? Do we
20 have aggregates? Do we have quota linkages? Are we
21 managing the recreational fishery actively? These

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1 are big changes we're considering, and I would say
2 you need to wait until you see what happens in
3 Amendment 14, not just the hammerhead assessment, in
4 terms of linkages.

5 MR. HUDSON: With that said, buffers are
6 built into our science, built into our management.
7 I think that we have some pretty serious positives
8 that have evolved since May of 1993, when the FMP was
9 put in place. And then, it further evolved when we
10 eliminated a lot of people in the commercial fleet
11 and wound up eliminating 19 animals between '97 and
12 '99 that do matter. We just need to be able to
13 understand how to do a stock assessment with no data.

14 MR. BROOKS: So, Rusty, just to be clear,
15 of the five options up here, what is your thinking?

16 MR. HUDSON: Personally, I want to use
17 the ACL and feed people. So, No. 2, at least where
18 underharvest is occurring and you're not experiencing
19 any overfishing or overfished status -- but when
20 animals having been assessed in the normal
21 way -- hammerhead is an example -- you've got some

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1 problems, particularly when I was able to bust the
2 database with ESA with regard to scallops, smooth and
3 great, because they used a lot of the same data for
4 the three different species. So, we can't have that
5 happen on our stock assessment.

6 MR. BROOKS: Thanks.

7 Anna?

8 MS. BECKWITH: Yes, we've discussed a lot
9 of these similar options, certainly not allowing
10 carryover for species that are overfished, and we are
11 currently not leaning towards allowing any carryover
12 for species that experience overfishing.

13 We also had one additional item that
14 we're discussing that may not be appropriate for you
15 guys, but only allowing carryover for species or
16 sectors that have had a closure in the previous three
17 to five years. The idea behind that is, you know,
18 why would you need the carryover? You need the
19 carryover in order to prevent a closure. So, if
20 you're not having closures occurring, then why would
21 you go through the additional regulatory steps

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1 required for a carryover?

2 MR. BROOKS: And of the options that are
3 on the table right now, are there any that seem to
4 make more or less sense to you?

5 MS. BECKWITH: They're probably all
6 valid for different species. So, off the top of my
7 head right now, I wouldn't be tied to one.

8 MR. BROOKS: Fair enough.

9 Rusty? And then, Marcos.

10 MR. HUDSON: The question I have is with
11 regards to the recreational ACL. I mean, commercial
12 is real-time. The recreational, are you allowed to
13 carry any of that unused sustainable stock for the
14 recreational to have for the following year? I mean,
15 how do you pull that off with not knowing the numbers
16 until halfway through the next year?

17 MS. BREWSTER-GEISZ: So, that's part of
18 the question. So, I don't have an easy answer for
19 you at this point. It's something we would have to
20 look at. We've never tried to actively manage the
21 rec fishery that way. The way we manage the rec

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1 fishery is it's one shark with some exceptions and
2 differences in size limits. And, yes, how we go
3 about doing it, we're stepping off into the great
4 unknown.

5 MR. HUDSON: Well, I like the idea of
6 doing something for the recreational, so that they
7 can have allocations, be able to catch, not have to
8 have a great deal of discard problems. You know,
9 like 54 inch on a blacktip may be too big. You know,
10 little things like that could help them out.

11 MR. BROOKS: Marcos?

12 MR. HANKE: Following up on the combo of
13 ideas that I threw on the table already, it is
14 important to mention that, on those multi-species for
15 us, to use as reference on that group of species the
16 most sensitive biological animal there that is most
17 sensitive to overfishing as a point of reference on
18 the decision, that's very important because we will
19 not have control of -- each of the species will be
20 landed more or less. That is a precautionary
21 recommended approach.

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1 And the other part is that, when you pass
2 one year to the other, if there is available quota or
3 landings for the next year, maybe create a reserve
4 that can be used on unusual years because of the
5 hurricanes, and so on, that we address in the
6 Caribbean; maybe apply to other places. But use the
7 reserve in a little different way for our area; it
8 was a very precautionary approach.

9 MR. BROOKS: And, Marcos, is that
10 specifically for your area that you're thinking?

11 MR. HANKE: That's the only place I can
12 speak for.

13 MR. BROOKS: Fair enough. Anyone else
14 want to weigh-in on this one?

15 Okay. The last one is multi-year
16 overfishing options. Again, another five different
17 options on the table here. Thoughts?

18 Rusty?

19 MR. HUDSON: Like I said, I like the
20 three-year versus the one-year anytime, you know, in
21 trying to figure stuff out. Yet, at the same time,

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1 having some ability to look further down the road,
2 like we do with our projections at five years. I
3 don't know what to say about NS1, but I just like to
4 see people fish.

5 MR. BROOKS: Good.

6 Anna?

7 MS. BECKWITH: So, I swear I won't talk
8 this much during other parts of the meeting.

9 Three-year averages, just straight
10 averages have worked horribly for us for at least the
11 recreational species. Because you've had averages
12 due to MRIP, and then, you cannot ever get out of
13 that cycle because you can average and you can take
14 your entire double, 200 percent, because of the
15 recreational.

16 It's not as much of an issue for the
17 commercial, but we have looked at different types of
18 averages and we have some amendments that we're
19 taking that into consideration. But just a straight
20 like numerical average is something that I would be
21 very nervous about. It's been very bad.

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1 And then, also, we have also discussed
2 that, over a certain PSE, that that is not necessarily
3 used for accountability measures. So, it's used for
4 tracking or information. But if you are looking at
5 information that has a PSE of 60, 70, 80 percent,
6 that that's really not appropriate to consider
7 accountability measures or early closures, or that
8 sort of thing.

9 MR. BROOKS: Anna, a follow-up question.
10 Is the concept of a multi-year approach acceptable or
11 advisable if one doesn't just do a straight average?
12 Or --

13 MS. BECKWITH: Yes, we've looked at
14 different options. So, we are talking about and
15 considering multi-year options. Just the mean
16 average has not worked well. There are other
17 statistical mechanisms that you could consider that
18 would look over a three-year period, but not just a
19 straight mean average.

20 MR. BROOKS: Jason?

21 MR. ADRIANCE: Thanks.

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1 So, in considering your options, you
2 mentioned a lot of three-year average of catch or
3 harvest, but have you considered a three-year average
4 of fishing mortality?

5 MR. BROOKS: I'm just curious, is that
6 something you all have thought about? Or that's
7 Option 2. Option 2, right. Option 2 is change stock
8 status based on fishing mortality estimates, either
9 annually or on a multi-year basis.

10 MR. ADRIANCE: Sorry, I didn't read that
11 correctly. Okay. thanks.

12 MR. BROOKS: Mike?

13 MR. PIERDINOCK: Thank you. Mike
14 Pierdinock.

15 I would just request that you do continue
16 to consider the three-year average, the purpose of
17 that, for the recreational sector, as a result of the
18 variability of the data and the high PSEs. And I
19 would ask that you keep that in the toolbox for
20 consideration and not throw it out as an option.

21 Thank you.

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1 MR. BROOKS: Thank you.

2 Marcos?

3 MR. HANKE: I also agree with the three
4 years. If we can address -- we passed similar
5 problems that Anna has. And the SSCs tend to use the
6 best available data to determine which is the best
7 years to manage each species or complexes. I think
8 that should be used here, too, because each species
9 is caught by different gears, a different time of the
10 year, and different datasets. And that expert peer
11 review opinion or expert opinion is the only way to
12 go for me, for my areas.

13 MR. BROOKS: Thanks.

14 And, Mike, a question back to you. When
15 you talked about the three-year average, just in
16 terms of Anna's comment, are you focused on taking
17 advantage of the multi-year, a multi-year look at it,
18 or specifically saying, yes, a straight mean average
19 is the way to -- just keep that in the mix?

20 MR. PIERDINOCK: We may be saying the
21 same thing. I just want to make sure that it's in

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1 there, multi-year, three-year, taken into
2 consideration. Because it is my understanding,
3 because of high PSEs of the recreational data, that's
4 an additional option for consideration.

5 MR. BROOKS: Thanks. That's helpful.

6 Let me get in two more folks, and then,
7 we'll go to lunch.

8 Jason? And then, back to Rusty.

9 MR. ADRIANCE: Thanks.

10 So, having gotten that clarification of
11 me not reading the slide correctly, I would lean
12 towards some sort of average of fishing mortality.
13 And anything you do, the last year of an assessment,
14 looking at your fishing mortality, it's always going
15 to be your least confident fishing mortality anyway.

16 MR. BROOKS: Rusty, the last word. Or,
17 actually, Kirby will get the last word.

18 MR. HUDSON: Yes, the OFL, when it's set,
19 between that and the ABC at our SSC levels, generally,
20 there's varying buffers. Like our golden tile had
21 the biggest buffer, but it was not overfished and

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1 overfishing not occurring. That buffer is actually
2 your protection for any overage issues. And at that
3 point, depending on what your assessment says -- but
4 are you all going to set all of that internally? I
5 would suggest do not use a standard buffer between
6 the OFL and ABC.

7 You have to look at the longevity of the
8 animal, the size of the stock, et cetera, et cetera.
9 And if it's not overfished, and overfishing is not
10 occurring, then you have to look at what does it take
11 to catch the ACL you are going to allow them to do.
12 A lot of times with our recreational, their ACL that's
13 out of the greater ABC will sometimes be dropped down
14 to an ACT, simply because of the variance with trying
15 to estimate what they have or have not caught in a
16 given year.

17 MR. BROOKS: Kirby.

18 MR. ROOTES-MURDY: Thanks.

19 I understand this is a scoping document,
20 but could you provide a little bit more detail on
21 what your thoughts are on this meta-analysis for the

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1 PSE? I have some concerns because I know that the
2 Councils have tried, one of the Councils has tried in
3 the past to evaluate PSEs on either side, variance.
4 And so, I'm curious to hear what's your plan is for
5 that.

6 MS. BREWSTER-GEISZ: So, again, I was
7 just fighting over who was going to respond, because
8 I don't think either of us has a really good sense of
9 this. This was suggested by some of the more
10 scientific minds on the team. So, we can get back
11 to you on that.

12 MR. BROOKS: All right. So, a good deal
13 of interest in some sort of multi-year look with a
14 caution around straight averages. Some interest in
15 fishing mortality estimates, and then, I think a
16 bunch of comments that said, look, you have to look
17 more specifically at some of these species to sharpen
18 the approach.

19 Any last words before we break for lunch?

20 If not, let's break for lunch. Thanks
21 for the feedback. And we'll reconvene at 1:30 sharp.

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1 Thanks.

2 (Whereupon, the above-entitled matter
3 went off the record at 12:05 p.m. resumed at 1:32
4 p.m.)

5 MR. BROOKS: All right. So, just a quick
6 update on our plan for this afternoon. In a minute,
7 we'll hear from Aileen Smith on the Deepwater Horizon
8 Restoration Plan 2 update. We will, after hearing
9 from Aileen, we think we'll spend about a half-hour
10 on that topic. And then, at that point, John Graves,
11 we're going to hand it off to you. You'll have about
12 20-30 minutes to talk about HMS forage species. And
13 then we'll go back to the agenda and hear on the
14 Seafood Import Monitoring Program, and then, through
15 the rest of the afternoon.

16 So, with that, I want to welcome Aileen
17 for being here today. Randy pointed out that at the
18 outset of the day I mentioned that we have talked
19 about the Deepwater Horizon Restoration Plan 2 update
20 before. Of course, we've never talked about the Plan
21 2 update before because we're hearing about Plan 2

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1 for the first time. But we certainly talked about
2 the restoration efforts a bunch and we've heard from
3 Aileen before and some of her colleagues.

4 And I will just hand it over to Aileen to
5 share with you where things are heading on Plan 2.
6 I want to invite Aileen to just sort of walk through
7 her complete presentation, and then, we'll open it up
8 to questions or comments you might have at that point.

9 So, Aileen, over to you.

10 MS. SMITH: Thank you, Bennett.

11 Is that working?

12 MR. BROOKS: Yes.

13 MS. SMITH: Okay. All right. Thank
14 you. I wanted to thank the Advisory Panel for
15 allowing time on today's agenda to talk about the
16 Restoration Plan 2 and Environmental Assessment.

17 This plan was released May 15th. So,
18 just released last week, and is currently out for
19 public comment.

20 A lot of the focus today is going to be
21 to give you an overview of the fish restoration

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1 projects in the plan and the means by which you can
2 make public comment. And we're hoping to get a lot
3 of comments to improve the projects as currently
4 described and get input before we go to finalization
5 of the plan.

6 I'm going to walk through a little bit of
7 background on the Deepwater Horizon spill. I'll move
8 through that fairly quickly, although I love to talk
9 about it. So, you might have to move me along. But
10 we'll want to move through that just to give everyone
11 the context under which this planning effort is
12 undertaken, because it's fairly different than some
13 of the other plans, obviously, that you're familiar
14 with.

15 With that, I have to remember I'm
16 forwarding.

17 I think all of you are familiar with the
18 Deepwater Horizon spill itself, obviously, a tragic
19 spill in the Gulf, coming up soon on the 10-year
20 anniversary. It was in 2010.

21 This spill continued for almost three

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1 months, and over 13 million gallons of oil were
2 released into the Gulf of Mexico. So, a tragic
3 event, a huge response needed to deal with this spill.

4 The response activities basically were
5 occurring even as oil was spreading from the deep
6 ocean, which is what you can see here with the dark
7 area around the Macondo well, where BP was drilling.

8 The oil injured natural resources as
9 diverse as deep-sea coral, deep-sea benthic
10 communities, fish and shellfish, sea turtles,
11 dolphins, on into coastal wetland habitats. So, we
12 have three months of response activities followed by
13 injury assessment activities. There were over 12,000
14 trips taken for field collection exercises -- excuse
15 me -- 20,000 trips to the Gulf to collect data to
16 assess the extent of the injury to natural resources
17 and their services that have occurred as a result of
18 the spill.

19 It took years to get to settlement, and
20 we'll talk about the settlement. But, basically,
21 this is the largest response to a marine offshore oil

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1 spill ever conducted. It's all done under the Oil
2 Pollution Act natural resource damage assessment,
3 which is fundamentally a legal process. It's the
4 process by which federal and state natural resource
5 trustees are authorized to go out and assess what
6 injuries have occurred to natural resources and their
7 services. So, NRDA is not about economic damages.
8 It is solely about the damage to the natural resources
9 and how to address and make whole the damages that
10 occurred.

11 For those of you who may have worked in
12 the Gulf at the time, one of the things that was found
13 is that, because of the extent of the spill and the
14 number and types and breadth of habitats, there was
15 not only an injury to the individual natural
16 resources, which we see in oil spills frequently.

17 Putting all those things together, it was
18 determined there was an ecosystem-level impact. And
19 so, the scale of the restoration that needed to follow
20 is also unprecedented. And trying to put all of this
21 together and figure out how do you put pieces of a

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1 system back together to bring that system to the
2 condition it would have been in, had the spill not
3 occurred, and that's the responsibility under NRDA.

4 To address those injuries, the trustees
5 put together an injury assessment and a restoration
6 plan. Those get wrapped into one document that's
7 combined with an Environmental Impact Statement.
8 This was required by the Court in order to settle the
9 case. So, the Court required, under the NRDA portion
10 of the claim, that a programmatic restoration plan be
11 put forward.

12 I think the important thing to set the
13 context here, this plan was completed in February
14 2016. The case was settled in April 2016. And since
15 then, what the trustees have been doing is putting
16 together a series of restoration plans that address
17 the specific ways in which incrementally restoration
18 for the resources injured in the restoration areas in
19 which they occurred is going to happen over the Gulf.

20 This spill has a 15-year payout from BP.
21 So, it's going to take time to get all the way through

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1 the planning, the implementation, and the monitoring
2 of the projects to see if we're doing the right things
3 and putting together the right suite projects to
4 address these injuries over time.

5 In the programmatic plan, the trustees
6 also settled on a governance framework. So, this is
7 the way in which decisions would be made.

8 I'm going to actually go to that, and
9 I'll come back to this one.

10 In the governance framework, there were
11 seven trustee implementation groups put together.
12 This was done in order to streamline restoration
13 planning and implementation. So, rather than all
14 nine trustees working together, we work in groups
15 now. And so, there's five Trustee Implementation
16 Groups in each of the Gulf states, one regionwide
17 plan where all of the trustees work together, a
18 regionwide TIG, and then, an Open Ocean TIG where the
19 federal trustees are charged with the responsibility
20 of dealing with the effects to wide-ranging and
21 highly migratory species.

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1 That's the group that's circled here
2 because that's who has released this plan we're
3 talking about today, is the Open Ocean TIG. And so,
4 that's the focus we're going to have in this
5 discussion.

6 By the numbers on the settlement, the
7 NRDA portion of the claim was up to \$8.8 billion.
8 You can see how it's distributed here on this slide.
9 Again, the focus for this discussion today is the
10 funding set aside to replenish and protect the living
11 coastal and marine resources. Embedded in that is
12 the restoration amounts for marine mammals, sea
13 turtles, fish, oysters, and some other LCMRs. So,
14 in here today, we're focused on the restoration to
15 fish.

16 And I should have said at the beginning
17 that NOAA, along with the other federal trustees,
18 formed a set of core restoration-type teams to bring
19 in expertise from each of the agencies. Randy
20 Blankinship and Lee Benaka are here sitting beside me
21 because, as you get to detailed questions on the fish

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1 restoration projects that are proposed, they have
2 been core members of the team putting together the
3 project ideas and trying to work within the mission
4 areas that all of you have, to make these projects
5 work in alignment with the other work happening.

6 This is the names of the representatives
7 on the Open Ocean Trustee Implementation Group. I
8 don't think we need to spend time here, but just to
9 let you know the people who attend and participate in
10 the meetings, should there be any questions.

11 One of the things that is often confusing
12 is the name of this group, the term "Open Ocean,"
13 it's a little bit of a strange moniker when the spill
14 was in the Gulf. And the TIG is also responsible for
15 restoring migratory species throughout their
16 geographic range. It includes restoration for birds.
17 So, that can occur up into the continental U.S., up
18 into Canada. And then, some of the restoration for
19 fish or other highly migratory species can occur in
20 the Gulf as well as the Caribbean, the North Atlantic
21 Ocean. So, basically, part of the assessment the TIG

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1 needs to do is look at the best available projects to
2 restore species in the life stage in which they were
3 injured. And so, that work of the Open Ocean TIG,
4 in particular, can occur outside of the Gulf of
5 Mexico.

6 The next slide is just another look at
7 the funding allocation, again, to focus in here on
8 the living coastal marine resources. The circled
9 resources are the restoration types that are
10 addressed in this Open Ocean Restoration Plan.
11 There's projects for restoration of fish, restoration
12 of sea turtles, restoring marine mammals, and the
13 restoring of mesophotic and deep benthic communities,
14 so work around some of the deep-sea corals and their
15 associated communities. Those are all in this plan.

16 This is a large plan. It proposes \$226
17 million worth of restoration to occur over the next,
18 say, five to seven years. So, it's a long-term plan
19 intended to start now and continue.

20 As an overview of the plan, I already
21 identified the restoration types that the plan is

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1 focused on. To move through this process,
2 essentially, the trustees started with requesting
3 project ideas from the public. We had over 1600
4 project ideas that were screened by the Open Ocean
5 TIG. And through application of different criteria,
6 including the criteria that we're required to
7 consider under the Natural Resource Damage Assessment
8 process, we arrived at 23 restoration projects.
9 Those are essentially the reasonable range of
10 alternatives under both the Oil Pollution Act and
11 under the National Environmental Policy Act.

12 Those 23 restoration projects are, then,
13 carried through to determine which ones are best and
14 proposed to move forward for implementation. So, we
15 refer to those as the preferred projects. We have
16 18 projects that are considered preferred in this
17 plan, and they come to that total of almost \$226
18 million.

19 This is a look at where we are in the
20 restoration planning cycle. Essentially, we started
21 up at the top left of the screen with the project

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1 identification I mentioned, moving through the
2 screening process, and now coming through the very
3 thorough evaluation under OPA, under NEPA, under
4 compliance with other laws, looking at all those
5 aspects and carrying the 23 projects through a full
6 evaluation, resulting in the release of the draft
7 restoration plan.

8 So, where we are right now is in a 45-
9 day public comment period. We, typically, on a plan
10 of this size, extend it beyond the minimum required
11 30-day period. So, we've got a 45-day comment period
12 because there's a lot here to absorb.

13 After public comment is received and
14 considered, we'll be revising to a final restoration
15 plan, and then, the trustees move through a project-
16 by-project resolution to begin implementing those
17 projects over time. So, again, the implementation
18 can be staged over time at the pace that's right for
19 the participants and for the communities that will be
20 working with the projects.

21 To give a little bit of background, I

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1 said we screened 1600 ideas. We decided, in February
2 of 2018, to split the restoration for birds and
3 surgeon out from this plan because, first, the plan
4 was getting too big, and the Department of the
5 Interior had several bird projects they wanted to
6 move forward with more quickly. And so, the bird and
7 sturgeon restoration plan was released in March 2019.
8 The second restoration plan is now focused more on
9 those offshore living coastal resources.

10 I want to give a quick overview, fairly
11 quick overview, of the preferred projects in the
12 plan. The four fish projects I'm going to talk about
13 with a slide each. So, I'm going to skip through
14 those for now.

15 There are six preferred projects for sea
16 turtles. In summary, again, you can read those here.
17 It would take time to talk through all of these. So,
18 for sea turtles, basically, the Open Ocean TIG is
19 proposing projects to better understand sea turtle
20 bycatch in commercial fisheries and to identify
21 opportunities for voluntary-based restoration

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1 activities and tools to reduce bycatch. In addition,
2 the TIG is proposing a project to conserve high-
3 density nesting habitats over on the Atlantic Coast
4 of Florida, as well as looking at projects to improve
5 sea turtle data collection and look at data gaps and
6 improving data-sharing for sea turtles across the
7 Gulf.

8 For marine mammals, there are four
9 preferred projects in this restoration plan. These
10 restoration projects are basically looking at impacts
11 to cetaceans. These are a little bit more
12 preliminary phases, almost all of these projects, to
13 get an understanding of what's happening with marine
14 mammals in the Gulf.

15 So, the projects are going to enhance
16 regional capacity to respond to natural, manmade
17 disasters affecting marine mammals, reducing impacts
18 of noise on cetaceans, and reducing and mitigating
19 the risk of vessel strike and mortality on cetaceans.
20 There's also a proposed project to collect and share
21 marine mammal data to improve our future restoration

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1 decisionmaking.

2 There's a lot of gaps in how you go about
3 actually restoring a marine mammal. So, this plan
4 is really a get-started look at how you go about
5 restoration of marine mammals, not just conservation
6 and protection.

7 For mesophotic and deep benthic
8 communities, similarly, these are some of the larger
9 monetary value projects in there. There's a lot of
10 unknowns in how to restore the deep benthic
11 environments of the Gulf, largely due to how
12 difficult it is to get there and do the work. So,
13 these projects are focusing on mapping,
14 groundtruthing, habitat modeling, assessing and
15 looking at the environment to determine how we can go
16 about active management.

17 So, the last two projects under this
18 restoration type are trying to test out some coral
19 propagation techniques to see if that actually can be
20 successful in the deep environment and, also, looking
21 at active management. So, taking some of the work

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1 that could occur in sanctuaries, et cetera, and
2 taking some of those management pieces and seeing if
3 those could be enhanced.

4 For mesophotic and deep benthic projects,
5 there is going to be time to get that implementation
6 planning in place. So, those on the groundwork and
7 the mesophotic and deep benthic probably won't happen
8 until at least a year after the plan is released.

9 So, the focus today with the Advisory
10 Panel is on the preferred alternatives for the fish
11 and water column invertebrates. That is the way in
12 which this restoration type was named in the
13 settlement. So, when you see "FWCI," forgive us;
14 it's not the best acronym ever invented.

15 The injury, I think you're all familiar
16 with the injury to the fish and water column
17 invertebrates. The large and continuous release of
18 Deepwater Horizon oil impacted many species
19 throughout the water column. There's numbers like
20 trillions of larval fish being injured.

21 The water column resources that were

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1 injured included all levels of the food chain, so
2 bacteria, estuarine-dependent species such as red
3 drum, shrimp, and sea trout, to large predatory fish
4 such as bluefin tuna. So, a really wide-ranging
5 impact to the fish in the Gulf.

6 With that injury in mind, the Open Ocean
7 TIG is going to be carving out certain groups of fish
8 to focus on over time. So, there will be a series
9 of open ocean restoration plans. This plan is not
10 attempting to address all the injuries at once.
11 Again, because the funding is paid out over 15 years,
12 the planning needs to also occur over time.

13 We covered that.

14 I think the piece to focus on here is one
15 of the focuses for the Open Ocean TIG, and
16 particularly on working to restore fish, is the need
17 to work closely with fishing communities in a
18 voluntary, participatory, and non-regulatory way.
19 So, the restoration for fish cannot happen without
20 the fishing community. And so, these are the
21 projects that need to be most closely timed with a

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1 participatory restoration philosophy.

2 This is a quick overview of the projects.
3 There is a slide on each of them. So, just to break
4 this down, there's \$57 million worth of restoration
5 for fish proposed in this particular restoration
6 plan. You can see the four projects that have been
7 proposed here.

8 But getting to each of them, the first
9 one is focusing on reducing barotrauma in Gulf of
10 Mexico reef fish, recreational fisheries. This is
11 intended to restore recreationally-important reef
12 fish populations, such as red and vermillion snapper
13 and red and gag grouper. The project will distribute
14 fish descenders to charter boats, headboats, and
15 private boat anglers, ensuring that anglers are using
16 the best release practices and conducting monitoring
17 to determine how the use of descending devices can
18 affect mortality rates.

19 The intent, obviously, is to increase
20 post-release survival and, thereby, increase the
21 populations of reef fish. This project initially

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1 will focus on areas of high recreational fishing,
2 such as coastal Alabama and the Florida panhandle.
3 And depending on the success of those initial
4 implementations, it will expand to additional areas
5 of the Gulf in later phases.

6 The second fish restoration project would
7 restore fish by reducing finfish bycatch in the
8 commercial shrimp trawl fishery. The shrimp trawl
9 fishery targets brown, white, and pink shrimp. In
10 doing so, there can be unintentional catch of other
11 species, which can include juvenile red snapper,
12 croaker, porgy, pinfish, and Gulf menhaden.

13 To reduce that finfish bycatch, this
14 effort proposes to identify and implement a project
15 to promote the use of better bycatch reduction
16 devices, or better BRDs, as you know, throughout the
17 Northern Gulf. BRDs are devices that would be
18 inserted into the shrimp trawls and allow the non-
19 target species to escape while retaining shrimp.

20 Initially, a BRD innovation survey would
21 be conduct to identify industry-based BRD innovations

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1 that are currently used, and then, would engage with
2 U.S. and international entities in the shrimp trawl
3 work to develop better BRDs for further testing. So,
4 this is an initial testing and rollout.

5 Promotion of the use of these BRDs and
6 assistance to fishermen to install and use them
7 correctly will be conducted via outreach workshops
8 and other means to reach the impacted group,
9 including working with fishermen, having fishermen
10 involved and engaging to help develop the details of
11 the program.

12 The third fish restoration project is
13 focused on implementing a feasibility study to
14 identify areas where bycatch is high, referred to as
15 hotspots, in a variety of fisheries and develop tools
16 to help fishermen avoid them.

17 Phase 1 would focus on identifying
18 requirements of a system to create near-real-time
19 details maps of bycatch hotspots for fisheries
20 selected for this project.

21 Project activities would include

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1 conducting scoping workshops to identify fisheries,
2 regions, and ports that would benefit from a bycatch
3 identification system; developing maps to identify
4 areas of potentially high bycatch and high fish
5 densities, such as spawning aggregation sites, and
6 holding a workshop to discuss the use of voluntary
7 communication networks to avoid bycatch.

8 Again, workshops would be help to enhance
9 stakeholder engagement throughout the involvement of
10 this project, particularly upfront, early
11 involvement. The workshops with fishermen, fishery
12 groups, management experts, and others, would be used
13 to identify those party fisheries and species for the
14 development of a hotspot analysis and communication
15 networks.

16 The final fourth project in this plan is
17 a project for restoring bluefin tuna via fishing
18 depth optimization. Data, as you know, has shown
19 that PLL gear deployed at depths greater than 360
20 feet may have the potential to reduce bluefin tuna
21 interaction with PLL gear and decrease bluefin tuna

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1 bycatch mortality while allowing catch of yellowfin
2 tuna.

3 This project would involve conducting a
4 pilot study to better define an optimal pelagic
5 longline depth to reduce bycatch of Atlantic bluefin
6 tuna. The data would be collected on possible
7 effects to other species from a deeper PLL fishing
8 depth. The pilot study would be conducted for an
9 estimated four years in cooperation with voluntarily
10 participating commercial PLL vessels in the Northern
11 Gulf.

12 Again, outreach workshops would be held
13 along the U.S. Gulf Coast in Texas, Louisiana, the
14 Florida panhandle, and south Florida, as well as
15 locations in Mexico.

16 Onboard monitoring by observers would
17 collect data on catch rates at normal and deeper PLL
18 depths. The data would be analyzed and, ultimately,
19 working with various outlets to take this from a pilot
20 phase into determining the possibilities for fuller-
21 scale implementation.

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1 Are we on time? I don't have a --

2 MR. BROOKS: You have about five minutes.

3 MS. SMITH: In the half-hour?

4 MR. BROOKS: But we'll let you go a
5 little longer.

6 MS. SMITH: Okay. Then, let's go to how
7 to submit comments.

8 So, I know that last one was probably of
9 keen interest to so many folks here, and I can answer
10 questions on these.

11 To submit comments, again, the plan was
12 just released. So, it's the very beginning pretty
13 much of the 45-day period. There are three means to
14 get your comments in. They're here and the slides
15 are available. So, I won't spend time on this. But,
16 basically, online, by mail, or participating in
17 upcoming meetings to give verbal comments.

18 The comment deadline is July 1st, 2019.
19 This is just some details on the public events for
20 those of you who either want to travel or join the
21 webinar. So, we'll have one public meeting in

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1 person, two public meetings via webinar, to allow
2 larger participation. We've had trouble figuring out
3 how many places to meet in the Gulf in order to reach
4 everyone, and the webinars have thus far proven to be
5 a really good mechanism. We've had over 200
6 participants in our open ocean public webinars at the
7 scoping phase. So, that worked out better to hear
8 from more people. Hopefully, this webinar approach
9 also will work for all of you to provide comments.

10 The registration that's mentioned here
11 can be done just prior to the webinar. It's just to
12 get online. It's not a pre-registration process.
13 So, that's not meant to exclude anybody from
14 participating.

15 Again, our goal today is to let you know
16 what's in the plan very briefly, encourage review,
17 invite you to review it, and invite comments. We had
18 a number of comments on several of our past projects
19 from the Advisory Panel which have helped us reshape
20 the projects even since their implementation.

21 So, the Open Ocean TIG, and NOAA, on

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1 behalf of the TIC, I want to thank the panel again
2 for allowing us to present this today, and I am sure
3 that there are questions.

4 MR. BROOKS: Great. Thanks very much.

5 Let's see what questions or comments
6 folks have.

7 Rusty?

8 MR. HUDSON: I have a question about
9 slide No. 17, the restoration goals for fish and water
10 column invertebrates. And it says, "Initial
11 restoration priorities, reef fish, highly migratory
12 species," and in parentheses "(other than sharks)".
13 Can you explain that to me, please?

14 MS. SMITH: Yes. In the injury
15 assessment, there was not injury to sharks
16 demonstrated. And so, the restoration that we can
17 do has to be for species that had a demonstrated
18 natural resource injury, and we could not prove any
19 injury to sharks through the work that was done in
20 the assessment phase. So, right now, we're not
21 targeting shark species.

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1 In the very beginning of the slide, you
2 may have seen the unknown conditions in adaptive
3 management. There's up to \$700 million set aside
4 that could come into play in year 10. So, if there's
5 either other injuries that weren't identified, an
6 unknown unintended consequence, or a way in which we
7 need to change the restoration, there are
8 opportunities to revisit that, but, right now, shark
9 is not a focus for the restoration, this current
10 restoration planning effort or in the injury
11 assessment.

12 MR. HUDSON: I take it that covers all
13 the different age classes. And one of the benefits
14 we'll see with your bycatch reduction devices that
15 you're looking to put in, that might benefit the
16 young of the year sharks. Now I'm not sure. They're
17 pretty sensitive at that young age, but I don't know
18 how many samples you may or may not have had.

19 MS. SMITH: Okay. So, taking a look at
20 that as we do that project. Thank you.

21 MR. BROOKS: David?

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1 MR. SCHALIT: Thanks for that
2 presentation.

3 As you probably know, there is a
4 scientific research paper, or possibly two, that have
5 identified that bluefin tuna that were exposed during
6 spawning season to the Deepwater Horizon spill have
7 developed cardiac issues.

8 And I'm hearing what you're saying about
9 the plans that you have for restoring some of this
10 damage to these species in the Gulf. But, in the
11 particular case of bluefin tuna, once they are done
12 spawning, they advect out of the Gulf and into the
13 Atlantic. And I'm wondering if there is any
14 recognition or any plan to address these issues,
15 these physiological issues.

16 Thanks.

17 MS. SMITH: We could certainly restore
18 outside the Gulf.

19 But you can answer that.

20 MR. BLANKINSHIP: Yes. That was
21 actually -- yes.

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1 MS. SMITH: Yes. So, I mentioned that
2 we can do restoration outside of the Gulf. It's
3 allowable use of the settlement funds. And so, in
4 future plans, we'll be likely looking beyond the Gulf
5 for the next best set of project ideas to restore the
6 target species, and certainly bluefin tuna is one of
7 the key, most iconic injured fish species, the most
8 iconic injured fish species from this spill. I don't
9 think anyone ever looked at larval fish until those
10 slides starting coming out showing the cardiac
11 issues. So, we'll continue to look at bluefin tuna
12 and probably look in broader areas of the North
13 Atlantic and elsewhere for where we can do the best
14 restoration.

15 MR. BLANKINSHIP: Yes, and just to add
16 on because, as Aileen had mentioned, this is just one
17 of the restoration plans that are anticipated to come
18 out in the future that will present multiple
19 restoration projects. Part of the process is still
20 the collection of restoration ideas. And so, if
21 there are thoughts about what potential ideas there

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1 could be for restoration projects, those are welcome
2 as well through the input process.

3 MR. BROOKS: Any other questions or
4 comments?

5 Dewey?

6 MR. HEMILRIGHT: Yes. I had a couple.
7 And one of them had to do with your pelagic longline
8 and boats that are being, I guess, paid not to go
9 longline fishing and to use alternative gear. I was
10 curious, in looking over the websites and different
11 things, I was wondering, how much fish did these boats
12 produce beforehand, and kind of what was the bang for
13 the buck?

14 And I guess I've got a couple of
15 questions. Where can you find somewhere like a
16 Vessel A -- probably there's confidential or
17 something -- Vessel A before this project caught
18 50,000 pounds of fish? Now he's participating in
19 this project and he's caught "X" amount of fish?

20 And the second thing is, in one of the
21 slides -- it's slide maybe 18, or something like

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1 that -- it had the reduction of post-release
2 mortality from barotrauma in the Gulf of Mexico
3 recreational fisheries, seven years, \$30 million.
4 Can you expand on how that \$30 million is going to be
5 used over seven years and what the bang for the buck
6 would be? In the recreational fisheries, I guess you
7 would have to -- if everybody is using the bycatch
8 release tools, how are you going to see that they're
9 using them tools? I just kind of -- \$30 million is
10 a lot of money. I think it is, and I'm just curious,
11 what's going to be spent over that seven years?

12 So, I guess that's my two questions.
13 Thank you.

14 MR. BLANKINSHIP: So, I'll start off by
15 speaking to your first question about pelagic
16 longline and the Oceanic Fish Restoration Program,
17 which is the name of the program that this group has
18 heard about in years past. It is currently being
19 implemented. It's in its third year of
20 implementation. It's not one of the projects that's
21 in RP2.

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1 That project was developed during the
2 early restoration phase of the follow-on to the oil
3 spill in negotiation with BP. It's the amount of
4 biomass of fish saved as a result of that project.
5 It was calculated by utilizing observer data that
6 comes from the Gulf of Mexico vessels. It is
7 intended to provide the restoration benefits for a
8 number of species that are caught as bycatch in the
9 pelagic longline fishery.

10 And you are current, on a per-vessel
11 basis, there are confidentiality concerns about that
12 information. But, because the data that were used
13 included all of the fleet in the Gulf of Mexico in
14 order to come to that calculation, one of the premises
15 and assumptions that is made as that project is
16 implemented is that the participating vessels will be
17 representative of the fleet that fishes in the Gulf
18 of Mexico.

19 And so, the selection process for those
20 vessels is open to all vessels that wish to volunteer
21 to participate, and then, agreements are entered into

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1 where they are compensated during their
2 participation. And so, those vessels that
3 participate, then, are representative of the vessels
4 that fish, as represented in the program by the data
5 from the observer project that were originally used
6 to calculate the benefits of that program.

7 So, I know it's a little bit of a
8 complicated answer, but I think it gets to the heart
9 of what you're getting at.

10 I don't have the number off the top of my
11 head of what an average vessel in poundage that
12 savings of fish represents. We could probably get
13 that for you and provide it later. But that would
14 be on an average basis and not on a per-vessel basis;
15 that's for sure.

16 Secondly was related to barotrauma. And
17 do you want a chance to speak on this?

18 MR. BENAKA: I'd be happy to do that.

19 MR. BLANKINSHIP: All right. I'm going
20 to let Lee handle this one.

21 MR. BENAKA: Yes. Thanks.

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1 That's a great question. It is,
2 obviously, a big-ticket item when you look at the
3 four different projects.

4 I'm not sure whether the plan that was
5 issued on May 15th has a budget breakdown in it or if
6 it's more of a descriptive, a more generally
7 descriptive document. I haven't looked at that to
8 see if it breaks down how the money is -- it's pretty
9 high-level.

10 Yes, I mean, I don't have the budget with
11 me right now, but it's much more multifaceted and
12 involved in different little phases within it than
13 what was apparent from the slides. So, it will
14 involve distributing devices to charter and
15 headboats -- so, that is a pretty large audience or
16 a large number of vessels -- working with them on how
17 to use them; doing surveys of whether these vessels
18 use them already. What are their attitudes towards
19 those devices? What do they think worked? What do
20 they think doesn't work? After they've had them for
21 a while, there will be more surveys, more outreach.

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1 And then, to get to the question, the big
2 question you raised of how do we know if they're even
3 using them, and so what, this project encompasses
4 monitoring of how they're being used on the charter
5 and headboats by putting observers on the boards as
6 they go out to kind of check out how people are using
7 them, to provide guidance on how to best use them,
8 and to try to figure out what impact this is having
9 on the actual fishing practices on the charter and
10 headboats.

11 Another aspect of the project that wasn't
12 really apparent from the slide was that we'll be
13 looking at some data gaps in release mortality
14 estimation and rates. And we budgeted four research
15 projects to try to get at better estimates of release
16 mortality rates for important reef fish in the Gulf
17 of Mexico involving the stock assessment scientists
18 who work on those species to make sure that this
19 project will have sort of feedback loop into the stock
20 assessment process. So that if people are using
21 these devices and more fish are surviving, then that

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1 gets incorporated into the stock assessments and the
2 TAC-setting down the line.

3 I hope that's helpful.

4 MR. BROOKS: All right. Aileen, I know
5 you had one more comment you wanted to make. And
6 then, I think we'll probably let Bob jump in, and
7 then, push on.

8 MS. SMITH: Just I was overly strong on
9 my statement on sharks. So, I wanted to correct
10 myself. There is no quantified injury to shark.
11 That doesn't mean we can't work on shark restoration.
12 It's just not a quantified injury. I said there was
13 no injury, but nobody could state that for a fact.
14 So, I just wanted to -- I was talking about quantified
15 injury. So, I apologize for overreaching on my
16 statement.

17 MR. BROOKS: Thanks. Good
18 clarification.

19 Bob, I'll give you the last question or
20 comment here.

21 MR. HUETER: Well, just to follow onto

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1 that, there definitely were injuries to sharks.
2 There were many more sharks killed than bottlenose
3 dolphins, I can guarantee you that. But a bottlenose
4 dolphin's life is valued a little bit differently
5 from a shark's life. So, that's a philosophical
6 question.

7 I wanted to follow up on Dewey's question
8 because I also question \$4.5 million for this
9 project. I didn't hear you say anything about
10 technology, about use of like survivorship tags or
11 any kind of real big-ticket items. You're talking
12 about surveys, observers, distribution of tools.
13 That doesn't sound like \$4.5 million to me a year for
14 seven years. So, did you skip over something that
15 was a really expensive part of this project that you
16 want to share with us?

17 MR. BENAKA: Thanks.

18 I think I tried to mention that we were
19 planning on having four very robust research projects
20 associated with the project to get at data gaps
21 related to release mortality estimates. And these,

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1 because of the nature of the resources that are
2 available, these are projects where you could use
3 very expensive tags if you wanted to. So, we're
4 going to budget \$250,000 per project. We're planning
5 on four projects at this time, but there may be more.
6 It may not look at just the release mortality. It
7 could look at depredation as well associated with
8 getting barotraumatized fish back down to depth.
9 There's a lot of anecdotal information from fishermen
10 about dolphins and sharks depredating on the fish.

11 So, I would be happy to try to get that
12 more detailed budget breakdown because this seems to
13 be of a lot of interest to you, Bob, and to Dewey,
14 and anyone else who is interested, after the meeting,
15 so you can have a better sense of what this about.
16 It's a very ambitious, multifaceted project that is
17 a little pricey. But we've got some money to work
18 with, so it's kind of nice to be able to budget like
19 that.

20 Thanks.

21 MR. BROOKS: Okay. I do see two more

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1 cards. I'm going to let those two jump in, and then,
2 I want to get it over to John.

3 David? And then, over to George.

4 MR. KERSTETTER: I think George was
5 first.

6 MR. BROOKS: Okay. George, you get to
7 go.

8 MR. PURMONT: Okay. Thank you for that.

9 As the inquiry goes forward, if there is
10 further discovery, is there a chance at a
11 continuation of the lawsuit or is this at its time of
12 final settlement? In other words, if you, in one of
13 your five-year or seven-year endeavors, you discover
14 something, you can call up BP and say, "Hey, guys, we
15 overlooked this, and now we're finding, in fact,
16 there is an issue that needs to be further addressed
17 financially."?

18 MS. SMITH: So, there's no reopener
19 clause in this settlement. In lieu of a reopener,
20 the settlement reached an agreement to put aside the
21 \$232 million which can be available at year 10. If

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1 not withdrawn at year 10 by the trustees, it can
2 accrue interest up to the \$700 million. So, that's
3 why you always see it described as up to \$8.8 billion.
4 So, in lieu of a reopener, that unknown conditions
5 and adaptive management clause was put into the
6 settlement. So, there is no reopening, but there is
7 \$700 million out into the future if something unknown
8 occurs.

9 The money will be available to the
10 trustees to be used, and it's broadly described as
11 "unknown conditions or adaptive management". So, you
12 don't have to have an unknown condition in order for
13 the trustees to access those funds. It's just
14 specifically set aside for that use if something
15 unknown is discovered into the future.

16 MR. PURMONT: Thanks.

17 MR. BROOKS: David?

18 MR. KERSTETTER: Thank you.

19 Full disclosure, I'm doing some data
20 analyses for the OFRP program. But, you know, it's
21 hard not to look around the room and to know elsewhere

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1 in the scientific community that there are lots of
2 scientists outside the Agency that have expertise in
3 a lot of these areas.

4 Are these all going to be run internally
5 through NOAA? And if so, is there going to be any
6 kind of external review of those scientific projects?

7 MS. SMITH: So, there's a monitoring and
8 adaptive management appendix, which is the review
9 process that's proposed for each of the projects.
10 But, to the extent to which I think you asked about
11 a panel, right? Did you say -- repeat that?

12 MR. KERSTETTER: No, any kind of external
13 scientific review of the individual projects that I'm
14 assuming are now going to be conducted completely
15 within the Agency?

16 MS. SMITH: Completely within the Agency
17 and, either by a contract or a cooperative agreement,
18 supported by outside personnel. But, right now, we
19 don't have an external outside panel identified. I
20 think we've had comments on that in past plans. We
21 haven't put a plan of this magnitude out. So, that's

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1 exactly the type of comment that would be welcomed.
2 There were certainly discussions at settlement of
3 having a scientific advisory council, and that was
4 not ultimately decided at settlement, but that is
5 exactly the type of comment that the way to get it
6 considered is a thoughtful comment during this
7 process.

8 MR. BROOKS: Okay. Katie, you will, in
9 fact, be the last comment.

10 MS. WESTFALL: Thank you, Bennett.

11 So, just a quick question on the
12 communication networks and mapping tool to reduce
13 bycatch project. It seems like a very exciting
14 project, and I am wondering, it sounds like it's going
15 to be a first phase, but I'm wondering if it will be
16 designed in a way to be potentially replicable for
17 the Atlantic as well. It seems like a really
18 valuable tool for a lot of the fishermen on the water.

19 MR. BENAKA: Yes, thanks. That's a
20 great question.

21 And, yes, I don't know if that's

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1 something explicitly that we've thought about. So,
2 it's great to get that feedback to figure out how
3 that could be incorporated and applied to the
4 Atlantic.

5 There's been work done in New England on
6 this topic, not so much in the South Atlantic. And
7 to the extent to which, you know, you've got similar
8 bycatch issues with the same species in the South
9 Atlantic and the Gulf of Mexico, then that does make
10 a lot of sense.

11 I think the big question to answer for
12 this project is, do we have kind of the
13 management/regulatory environment that would make
14 that sort of program successful? Do we have choke
15 species? Do we have individual vessel quotas for
16 bycatch? Do we have hard bycatch caps in the Gulf
17 of Mexico or South Atlantic? And if that's not
18 really the case, like it is in Alaska or New England,
19 you know, how do we make it work and how do we get
20 people to buy into it?

21 So, yes, I think it's a pretty exciting

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1 project. And just figuring out where the data are
2 that we would need to actually have an effective
3 hotspot, real-time management program like that is
4 going to be interesting.

5 Thanks.

6 MR. BROOKS: Thanks. Aileen, thank you
7 very much. And, Randy and Lee, thank you.

8 All right. John, I'm going to give it
9 back to you to talk about HMS forage species, and I
10 imagine you have about 20 minutes total for this.

11 DR. GRAVES: Are you going to facilitate,
12 Bennett?

13 MR. BROOKS: Yes.

14 DR. GRAVES: Good.

15 MR. BROOKS: Whatever you want, John.

16 (Laughter.)

17 MR. BROOKS: Okay, I'll facilitate.
18 Go ahead, talk, John.

19 (Laughter.)

20 DR. GRAVES: Thanks. So, I just
21 brought this up. As Chair of the ICCAT Advisory

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1 Committee, I have been commissioned on a few
2 times to write letters to the New England Fishery
3 Management Council regarding the fishery for
4 herring and its impact on bluefin tuna catch
5 rates.

6 As many of you know, there was a
7 period during the 2000s where, for six years or
8 so, the United States was not able to catch its
9 full bluefin tuna quota. And there's anecdotal
10 evidence that the fishing was breaking up herring
11 concentrations and, hence, the bluefin tuna that
12 might have been off the U.S. moved up to Canada,
13 much to our loss.

14 So, we have at the Committee
15 considered some basic elements of ecosystem
16 management. But, recently, one thing happened
17 with the Mid-Atlantic Council, and another is
18 currently occurring with the South Atlantic
19 Council, that I think this Committee needs to be
20 aware of. And so, rather than me putting it out
21 there, I thought I'd let Dewey and Anna give their

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1 insights, and then, to go from there.

2 But it has to do specifically with the
3 role of some of the smaller tuna species as forage
4 and, also, the weird relationship in ecosystem-
5 based fisheries management that is set up
6 legislatively where Councils need to be not only
7 managing the target species, but also the
8 predator; the sizes that are considered for
9 forage species.

10 And then, the fact that this panel,
11 when HMS was through the reauthorization of
12 Magnuson in 1990, created the Highly Migratory
13 Species Management Division doesn't give it
14 control over the forage species. It's very
15 specific on the species that are there. So,
16 essentially, even though the Agency may be
17 promoting ecosystem-based fisheries management,
18 it has set up a roadblock to do it for this
19 particular panel.

20 And so, with that preface, Dewey, do
21 you want to take over?

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1 MR. HEMILRIGHT: Yes. Thank you.

2 The Mid-Atlantic Council had these two
3 species for management and sent in to GARFO, and
4 GARFO turned them down because we didn't have,
5 they felt like we didn't have management of these
6 two species like as a predator/prey.

7 So, the Mid-Atlantic Council sent a
8 letter to the South Atlantic Council asking if
9 they would implement some management measures for
10 bullet and frigate mackerel.

11 And also, the Mid-Atlantic Council has
12 also commissioned a study of stomach contents
13 that's ongoing. So, we sent a letter to the
14 South Atlantic, and now the South Atlantic has
15 taken over. And I believe that they have started
16 some scoping meetings.

17 And I'll let Anna speak to the rest of
18 it.

19 MS. BECKWITH: Yes. Originally,
20 these species came to us because, as Dewey
21 explained, the Mid-Atlantic had an omnibus

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1 ecosystem plan, and these two species, in
2 particular, were disapproved because it was
3 deemed that they had insufficient connection to
4 the Mid-Atlantic's FMPs.

5 So, they requested our Council to
6 consider them under the Dolphin Wahoo Plan. And
7 these are species, bullet and frigate mackerel
8 are important primarily for wahoo, not quite as
9 important for dolphin. So, it's a bit of a
10 stretch. It's one of many species that dolphin
11 fish will consume. They are exceptionally
12 important for billfish and tunas, but that is not
13 something necessarily that the South Atlantic
14 Council can bring into the discussion directly.

15 So, where we are is we have started
16 the discussion. We have done a white paper on
17 these two species and where they would sort of
18 apply under our purview of the Dolphin Wahoo
19 Management Plan as ecosystem component species
20 and forage species for them.

21 We have done a webinar on May 7th and

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1 8th, where we did get a fair bit of feedback and
2 support for moving forward with these two
3 particular species. And we did get some comments
4 about their importance outside of dolphin and
5 wahoo, particular to tuna and billfish.

6 So, as a Council, we have yet to look
7 at those comments. In our upcoming June meeting,
8 we're going to review all the comments and sort
9 of decide what is our next step forward.

10 I can tell you that there are sort of
11 mixed feelings on if the South Atlantic Council
12 really wants to take this on. Ecosystem
13 component and sort of large amendments at the
14 moment are something we're a little bit
15 overwhelmed with work.

16 So, I think this is particularly
17 important because I sit on this panel and IAC,
18 and I understand that these species are of
19 importance above and beyond what we specifically
20 manage at our Council, which is dolphin and
21 wahoo.

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1 I think one thing I would
2 encourage -- and maybe John's intent was to open
3 up the floor -- if there is an impassioned plea
4 that the South Atlantic Council take these
5 particular species into serious consideration,
6 then I can take that back, and certainly there's
7 an opportunity for individual and group comments
8 to be presented to the South Atlantic Council to
9 make sure that this floats to the top of the long
10 list of things that we have under consideration.

11 But that's quick. I'm happy to answer
12 questions.

13 MR. BROOKS: Thanks, Anna, and Dewey,
14 and John.

15 And I think I have a question maybe to
16 you, John, or you, Pete, which is, listening for
17 that impassioned plea, is that something on a
18 sort of timeline basis that we need to give the
19 HMS AP time right now to talk about and get that?
20 Does it make sense to come back in the fall and
21 have more time to talk about this? Or do we lose

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1 the timeliness? So, I'm kind of looking to both
2 of you to give us a signal on that.

3 MS. BECKWITH: Right. So, I can tell
4 you that we will be looking at this as a next
5 step in June, and I cannot say what the Council
6 will do. But we certainly always have the
7 potential to drop this off of our itinerary if
8 there's not enough Council interest in moving
9 this forward. I am the Chair of that Committee.
10 So, I can certainly do my best to keep it on, but
11 that is the timeliness of it.

12 So, if we were to move, if this were
13 to continue on, then our next discussion on it
14 would be in September. And then, we generally
15 don't meet until October. So, I think if we
16 didn't have some at least general comments coming
17 from this group now, our next meeting that we
18 would have for you guys to officially comment
19 would be probably our December meeting. And
20 we're going to be a good, long ways down the
21 process, one way or the other, by then.

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1 MR. BROOKS: Then, it seems like it's
2 worth burning up some time for some comment and
3 feedback now.

4 David?

5 MR. SCHALIT: Yes, I'm coming around
6 to seeing that there are structural issues. I
7 mean, the HMS Management Division could possibly
8 help us to bridge these gaps. There's no venue,
9 specific venue, that I know of that would make it
10 possible for us, for the species that we're
11 involved in to be introduced into these processes
12 that are being undertaken by Councils.

13 Now I'm going to give you a couple of
14 illustrations on this. The Atlantic herring,
15 there was an MSE conducted, and it went to
16 herring, that was concluded about three years
17 ago.

18 I just had a recent exchange of emails
19 with the lead assessment scientist for Atlantic
20 herring, and he's telling me that the only
21 species that they are considering in the

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1 management of Atlantic herring quotas at the
2 moment are birds and mammals.

3 Now, with regard to bluefin tuna, we
4 have had a study. There was a study done in 2009
5 that involved 110 stomachs. And ABTA has
6 undertaken to do a scientific study this last
7 year where we collected over 250 stomachs. So,
8 we have some very recent, excellent data on what
9 these fish are eating in the Gulf of Maine. And
10 we're looking with a view towards initiating a
11 dialog with these Councils on these issues.

12 I'll give you an example. One key
13 species would be mackerel; another would be
14 menhaden. Mackerel is managed out of the Mid-
15 Atlantic Council. Menhaden is managed out of the
16 Atlantic States Commission.

17 So, we are now looking, if we want to
18 dialog with these Councils on these issues, we're
19 looking at talking to three Councils on herring,
20 mackerel, and menhaden. And there are other
21 species as well, obviously, squid, and so on,

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1 Jonah crab.

2 The point is that we need guidance
3 from the HMS Management Division as to how we can
4 grease the wheels to have this dialog.

5 Thanks.

6 MR. HUDSON: Rusty, DSF.

7 Dr. Moore's letter from March to the
8 Council identified the frigate mackerel and the
9 bullet mackerel as being whatever, the desire to
10 be an ecosystem forage fish. But the commercial
11 landings for each of the six years, 2012 to 2017,
12 was 1,502 pounds collectively throughout the
13 Northeast per year. And at the same time, the
14 frigate and the bullet are a lot bigger than the
15 normal forage fish and they prey on those same
16 forage fish.

17 Of course, I see blue marlin. I get
18 it; it's a big fish. Yellowfin gets pretty big.
19 But blackfin tuna, we're not managing that. At
20 least I don't think Mid-Atlantic does, either.
21 And wahoo, of course, is part of our dolphin wahoo

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1 thing.

2 But there was some pushback on the
3 idea of these bigger animals, both from up the
4 line and even when it was presented to us, as I
5 was listening, because of the fact that they are
6 so much bigger, significantly, than the menhaden
7 and the thread herrings, and the sardines, and
8 the river herring, and whatever, you know,
9 Spanish sardines, cigar minnows down our way.
10 But I don't recall ever really catching a frigate
11 mackerel or a bullet mackerel down in our
12 neighborhood.

13 So, it really does sound like more of
14 a Mid-Atlantic/New England scenario, just to
15 throw it out there.

16 MR. BROOKS: John?

17 DR. GRAVES: Yes, well, the GARFO
18 letter to the Mid-Atlantic Council made two
19 comments. One, that the Mid-Atlantic Council was
20 not managing the predators, so they shouldn't be
21 concerned about the prey, effectively. And the

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1 other one had to do that they were the improper
2 size, that they were too large. And that was
3 just simply poor science.

4 I've pulled hundreds and hundreds of
5 auxis out of the stomachs of tunas and
6 billfishes, and they're all generally in 10 to 12
7 inches. I've also done a lot of sampling
8 offshore for baby bluefin tuna at the end of the
9 year, trolling small spoons which catch scombrids
10 of all sizes, everything from baby bluefin tuna
11 up to 130-pound bluefin tuna. And almost all of
12 the auxis that we catch are in that same size
13 range.

14 I note you mentioned Atlantic
15 menhaden. And Atlantic menhaden, the maximum
16 size of Atlantic menhaden is 50 centimeters.
17 That's exactly the same size as the maximum size
18 of auxis. So, to say that auxis are the
19 inappropriate size because they're too big would
20 also remove menhaden, and that's just asinine.

21 So, I think we need to have some

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1 better science looking at this, because I don't
2 think they were using, one, the right parameters.
3 And it depends on the size of the animals that
4 are eating it. But 10- to 12-inch auxis are a
5 very common forage item in the highly migratory
6 species that I've seen in the Mid-Atlantic.

7 And so, I think it's important for
8 Anna's situation that, if we think it's
9 worthwhile doing, we should say so. But, right
10 now, we, as an AP, don't have the
11 opportunity -- you know, we really don't have the
12 mandate to do that. And I think that,
13 structurally, we would like to look further down
14 the road to do something, but right now the
15 immediacy would be what the South Atlantic is
16 doing because, in the case of wahoo, auxis does
17 comprise a major part of the diet. And so, the
18 South Atlantic Council manages wahoo. So, they
19 would have every right to manage the forage
20 species.

21 MR. HUDSON: So, you are saying, John,

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1 that the asinine part is the bad science that had
2 been put forward as a reason not to have the
3 frigate or the bullet?

4 DR. GRAVES: It would apply to
5 menhaden, and you would be removing menhaden as
6 a forage species, too, because menhaden get to 50
7 centimeters, the maximum size. But the maximum
8 size for a species is not often the typical size
9 that you encounter those individuals.

10 MR. HUDSON: Now, with those two
11 species, do you have an estimated biomass for
12 them in your region, like you do with the Atlantic
13 menhaden?

14 DR. GRAVES: Dewey can probably
15 explain, with the forage amendment, the idea was
16 just, until we know what's going on, the idea was
17 that we have concentrations of these fish. The
18 total biomass removal may not be as important as
19 we've seen with bluefin tuna in the Northeast, as
20 disrupting the concentration of the prey, because
21 it's that concentration of the prey that serves

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1 to aggregate the HMS species, whether it's
2 bluefin tuna.

3 So, at the mouth of the canyons along
4 the Mid-Atlantic, you're going to have auxis;
5 you're also going to have chub mackerel. That,
6 then, is where the HMS species go. It's where
7 the longliners are going to set, when they can,
8 because they're going to have their highest catch
9 rates. It's also where the recreation lane is
10 going to go. So, it's going to have a large
11 impact on the fisheries.

12 MR. HUDSON: But the commercial
13 fishery is pretty limited, from what I see. So,
14 it's mostly the recreational and/or the targeting
15 of the other species in those areas you were
16 mentioning?

17 DR. GRAVES: To clarify that, at times
18 the commercial fishery for auxis is what you're
19 talking about. That depends, also, on the squid
20 fishery because those boats are going to move
21 around.

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1 So, the point is, it's not to shut
2 down the fisheries, but it's to be precautionary.
3 So, until we know more, why would you want to
4 threaten what are pretty viable commercial and
5 recreational HMS fisheries?

6 MR. BROOKS: I'm going to let Jason
7 get into this. Jason?

8 MR. ADRIANCE: Sure. I guess two
9 questions. The first one being to HMS: how does
10 this discussion we're having now fit into
11 potentially -- I noticed the ecosystem management
12 document was just released not that long ago. Is
13 this something that was considered in that? Or
14 is that something that -- a discussion like this,
15 is this something that can be added to that?

16 And secondly, this seems to be some
17 good research ideas coming up for the discussion
18 at the end of the day.

19 MR. COOPER: So, I believe in the EBFM
20 document that some of our milestones are to
21 coordinate with the Councils on forage and that

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1 sort of thing. So, that is something that we can
2 definitely keep moving forward with, and I think
3 we can continue that discussion, Anna, before the
4 June meeting. And then, as far as what David was
5 saying, kind of develop ways to work with the
6 Councils in integrating HMS with some of the
7 forage fish stuff that's going on.

8 MR. BROOKS: Marcos?

9 MR. HANKE: I got very confused when
10 he was mentioning frigate mackerel, bullet
11 mackerel, and so on, because we do have them in
12 the Caribbean sporadically, but they are not
13 very, very common. But I understand that up
14 North they are.

15 Something that I want to bring to the
16 table is that, as fishermen, we try to identify
17 the concentration of different bait in terms of
18 predicting where we're going to go fishing, and
19 so on. For us, the concentration of cigar
20 minnow, bigeye scad, different herrings and
21 sardines -- blue runners not so much -- but those

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1 first ones are the ones that drive the effort,
2 the fishing effort. I think it's something that
3 the panel should address in terms of identify
4 those drivers, the concentration of bait for a
5 season that move the fishery around. And I
6 didn't hear anything on the matter that is the
7 first step in this analysis that you should take
8 into consideration.

9 Thank you.

10 MR. BROOKS: Mike?

11 MR. PIERDINOCK: Thank you. Mike
12 Pierdinock.

13 We've had some examples of this in New
14 England with the New England Fishery Management
15 Council having decisions made about herring as a
16 result of its importance on the ecosystem. There
17 have been attempts, too, with menhaden through
18 measures with the Atlantic States Marine Fishery
19 Commission to have an ecosystem-based management
20 of that fishery, which didn't move through.

21 I agree, this HMS Division needs to

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1 have a voice in this. How far it goes, though,
2 whether it's just more than a few of the species,
3 I mean, if I just think about it from New England,
4 I'm going to start with herring. Then, I'm going
5 to go down the pecking order of menhaden,
6 mackerel, whiting, squid, and sand lances, and
7 the importance of that.

8 I mean, you go to Nantucket. For
9 years, they have been trying to limit the squid
10 trawlers that are coming into there because it's
11 been indicating -- well, they've demonstrated, or
12 tried to demonstrate, the importance of the
13 removal of this squid in the fishery.

14 So, yes, it is important. I think one
15 of the beauties that we've seen is that, through
16 the management of some of these forage fish, the
17 forage fish have come back and they're near
18 shore. And that's why our bluefin tuna landings
19 up in Massachusetts are such that you can catch
20 a bluefin one mile off the beach, as a result of
21 the presence of the forage fish. So, the

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1 importance is there.

2 I agree with John. I agree with what
3 others are saying around the table. HMS needs
4 to have a voice and figure out how to -- you know,
5 there's some people around this table who are
6 trying to go to the New England Fishery
7 Management Council meetings, Atlantic States
8 Marine Fishery Commission meetings, you know,
9 state meetings, and so on. We can't be
10 everywhere for everything. And the fact that
11 those forage fish are managed by different
12 regulatory authorities per se, we need to have
13 one voice coming from here that could, hopefully,
14 help us get to us where we need to be with an
15 ecosystem-based managing type of an approach.

16 Thank you.

17 MR. BROOKS: So, I want to get two
18 more people into the discussion here, and then,
19 we should be switching shortly to our next topic.
20 But I think what I'm hearing in the sort of the
21 next two places to go are, one, sort of Jason's

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1 observation around there may be some research
2 priorities here to be thinking about later in the
3 meeting, and, also, several people saying, yes,
4 HMS, we need you; we need your voice in the next
5 year.

6 And I don't know, from your
7 perspective, Anna, whether there's more you need
8 to hear to sort of make sense of where, as a
9 Council, you go.

10 MS. BECKWITH: Well, I mean, we have
11 a public comment opportunity through the Council
12 website for individuals, that we'll certainly
13 take that, and folks can certainly always contact
14 me directly by email and I'll forward those
15 comments. So, I'm fine. I'm just providing the
16 opportunity before we discuss it next week.

17 MR. BROOKS: Okay. Thanks. And
18 obviously, this isn't a consensus-seeking body.
19 So, the idea of a letter from this panel is not
20 something to pursue.

21 There were a couple other commenters.

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1 David? Go ahead.

2 MR. SCHALIT: The promise of EBFM from
3 the perspective of predator species, in our view,
4 is that all these species on which bluefin depend
5 exist in the same water column, and the idea is
6 that they are each managed separately. But EBFM
7 provides the possibility for establishing the
8 predator species that have a strong relationship
9 to those forage species, that are consuming a lot
10 of that forage species, and therefore,
11 establishing that dependency. And then, when it
12 comes time to set quotas for that forage species,
13 a set-aside, in effect, would be created that
14 somehow addresses that relationship, so that
15 there's enough forage species in the water to
16 hold these fish long enough for us to prosecute
17 a season. Okay?

18 But my understanding -- and maybe
19 someone else here has better knowledge of
20 this -- but my understanding is that EBFM is not,
21 on this level, is not fully yet supported by

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1 Magnuson-Stevens. And maybe Jennifer Pudney
2 knows something about that. But I'm kind of
3 fuzzy on that, but I believe that the information
4 that I have from New England Fishery Management
5 Council is that is not something that is
6 supported by Magnuson-Stevens. And that would
7 be important.

8 Thanks.

9 MR. BROOKS: Thanks.

10 All right, John, are you good?

11 Okay. Thanks. Thanks very much.

12 Thanks, both of you.

13 All right. Oh, sorry, Alan?

14 MR. WEISS: Thank you.

15 For this to be addressed effectively,
16 I think you need to bring the science end of it
17 into it, because, really, with what David was
18 just saying about something like a set-aside or
19 some kind of budgeting of these prey species in
20 a fisheries management process, really that's
21 technical supposed to already be done. Because

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1 whatever the dietary needs of the predators are
2 is accounted for in so-called natural mortality
3 in the assessment process. So, if that's not
4 being done accurately or sufficiently, or not
5 enough attention is being paid to it, then that's
6 probably where you would want to focus.

7 MR. BROOKS: Thanks.

8 Okay. Thank you all very much.

9 Let's push to the next topic. Celeste
10 is here. Good. All right. So, we are going to
11 hear from Celeste Leroux with the Office of
12 International Affairs and Seafood Inspection, who
13 will give us an update on the Seafood Import
14 Monitoring Program.

15 MS. LEROUX: Hi, everybody. My name
16 is Celeste Leroux. Like mentioned, I work in the
17 Office of International Affairs and Seafood
18 Inspection for NOAA Fisheries. And
19 specifically, I work a lot on the Seafood Import
20 Monitoring Program.

21 So, I was asked to come here today,

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1 give you an overview of the program, and
2 facilitate a discussion, if you have questions
3 about it.

4 The Seafood Import Monitoring Program
5 is relatively new as far as regulatory programs
6 go at NOAA Fisheries. It is designed to combat
7 IUU fishing and seafood fraud, specifically to
8 keep those products outside of U.S. commerce.
9 So, it establishes requirements for imports of
10 certain seafood products coming into the United
11 States.

12 The three main categories of work or
13 requirements for the program include a
14 permit -- I'll go into a little bit more detail
15 on each of these with you -- reporting
16 requirements which is electronic entry filing of
17 data through Customs, and then, recordkeeping.
18 So, requiring that permitted importer to keep
19 records of their product from the point that it
20 was harvested -- so, it came out of the water
21 either from a farm or the ocean -- and then, to

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1 the point it came into the United States. It
2 does not cover product movement within the United
3 States. That is the limit we've interrupted from
4 Magnuson for traceability under this program.

5 So, a little bit on timing. The
6 rulemaking process has been relatively quick. We
7 issued a proposed rule to establish the Seafood
8 Import Monitoring Program back in February of
9 2016. And by the end of that year, we finalized
10 it. We had about a year to implement, and within
11 a few months of the program becoming mandatory at
12 the beginning of 2018, we were told in the 2018
13 appropriations bill by Congress to add shrimp and
14 abalone to the scope of the program.

15 These were species that we had already
16 identified as being potentially at risk of IUU
17 fishing and seafood fraud, but the addition of
18 those two species has required us to establish a
19 secondary program that is in the rulemaking
20 process right now. But if you're interested, it
21 covers domestic aquaculture of shrimp and abalone

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1 traceability from harvest to its first point of
2 sale in U.S. commerce.

3 So, we had less than a year to expand
4 the program to cover shrimp and abalone, which
5 shrimp is the largest seafood import, doubled the
6 size functionally of the program. That became
7 mandatory December 31st of last year. And so,
8 this year we've been working on implementation of
9 the program for shrimp and abalone, and we're
10 about a year into implementation for the other
11 species.

12 The scope of the program is wide. We
13 receive seafood imports from many, many
14 countries. And this is just up here to give you
15 an idea of our approach to outreach. In general,
16 we offer support to governments, foreign
17 exporters, U.S. importers, domestic brokers,
18 whenever they ask for it.

19 It involves quite a lot of work to
20 comply with this program, and we really have an
21 open-door policy. We have an email address that

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1 I'll show you at the end that is available for
2 industry. We operate a support line for industry
3 from Monday through Friday, 8:00 a.m. to 8:00
4 p.m. And we've kept those services going to make
5 sure that the program does not in any way unduly
6 disrupt trade of these species.

7 So, here's the list. The program
8 covers some individual species and some whole
9 species groups. You can read the list of single
10 species, but we usually walk through them very
11 quickly. I believe that the ones that will be
12 of most interest to you here are swordfish,
13 sharks as a group, the species of tuna that we
14 have here.

15 When we say "species group," just for
16 your information, with the exception of the list
17 of tunas, what we do is we send the list of all
18 known species of, let's say, shrimp to the NOAA
19 staff that work at the Smithsonian and ask them
20 which of these species are consumed as food. And
21 then, that's what we consider subject to the

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1 program. So, it's for all seafood.

2 All right. So, I mentioned there's a
3 permit requirement. You may or may not be
4 familiar with this. It's called the
5 International Fisheries Trade Permit, or IFTP.
6 It's a permit that's required by U.S. entities.
7 So, that doesn't mean a U.S. citizen, but
8 somebody with a U.S. location whose, let's say,
9 door could be knocked on. Has to have a permit
10 for the Seafood Import Monitoring Program as well
11 as a couple of other trade monitoring programs
12 that run out of NOAA Fisheries, including the
13 Tuna Tracking and Verification Program.

14 If you are or work with importers, you
15 can let them know we don't require you to have a
16 different permit for each of these programs. You
17 can just use the same number, but your permit
18 number is one of the pieces of information that
19 need to be entered as part of the Customs entry
20 filing for the program, and it has to be a real
21 permit. So, you need to enter a valid permit

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1 number. If you fail to do so, you won't be able
2 to continue filing through Customs; your entry
3 won't be able to make it into U.S. commerce.

4 This is a slide walking through the
5 information that we require at the time of entry
6 filing. I'll go through this in a little bit
7 more detail than I normally would because I think
8 this might be of interest to this group.

9 So, on the harvest event, we ask for
10 data electronically filed through Customs
11 identifying the flag state of the vessel that
12 harvested product, the vessel name, and the
13 evidence of authorization of fish. So, that
14 could be a license for an aquaculture facility.
15 It could be a permit for a fishing boat.

16 I'll go into in a second -- we do have
17 an allowance for small vessels that was made to
18 accommodate the fact that there are some very
19 small vessels in the world that don't actually
20 require a permit to operate. So, we couldn't de
21 facto ban those imports if they weren't harvested

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1 illegally just because a permit wasn't required
2 for that particular fishery.

3 We also require a vessel identifier
4 when that's available -- sometimes those are an
5 IMO number -- and the gear type. For those of
6 you who may be familiar with the European Union's
7 traceability program, this is the one piece of
8 information that we found it necessary to add to
9 the EU list. We felt that identifying the gear
10 type makes an important difference between
11 whether or not a fishery was legal or illegal.
12 So, that's a piece of information we ask for as
13 part of the entry filing.

14 There is a known list of gear type
15 that I think it's from FAO. So, they have to
16 select from a dropdown of options for the fishing
17 gear.

18 The name of the aquaculture facility
19 and, then, the area of wild capture. At a
20 minimum, they have to put the FAO area, but there
21 are slots for them to include more detail of their

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1 individual management areas.

2 So, that's basically the information
3 we look for at the time of harvest. And then,
4 we also are looking for information on where that
5 product was first landed. So, sometimes that's
6 delivery from a small boat to a mother ship.
7 Sometimes it's to a dock. Sometimes it's
8 directly to a processing facility. But it's that
9 first time that the product changed hands.

10 So, we're looking for the species of
11 fish. There is a monstrous list of something
12 like 11,000 species that is called ASFIS, and
13 there's a three-letter code for each one of
14 those. That three-letter code has to also be
15 entered as part of the Customs entry filing for
16 all of the species that are included in a
17 particular entry.

18 And then, the weight at the time of
19 landing. So, for Customs, they also have to
20 report the imported weight, but for our program
21 we require the weight of that species when it was

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1 landed.

2 Landing date. For us, that means the
3 date that the product entered port. So, if there
4 was a multi-day fishing trip, they enter the last
5 day. They don't have to separate, for example,
6 within a trip what fish was harvested on what day
7 if they're landing it all at the same time.

8 And then, where it was landed. We ask
9 for a contact for that landing point, so we can
10 go back to them to verify their records.

11 So, this is the data that's
12 electronically entered. For those of you who may
13 be familiar with Customs, some programs require
14 submission of actual PDF documents. The Seafood
15 Import Monitoring Program does not require that.
16 We are just looking for this data to come in, and
17 then, we reach out through an audit process that
18 I'll go into a little bit more detail with you on
19 to ask for the accompanying traceability records
20 for this product.

21 Essentially, someone described to me

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1 last week, one of our auditors, this is the table
2 of contents for which there needs to be backup
3 records, if we ask for them in an audit, which I
4 thought was a nice analogy.

5 I mentioned small-scale fisheries.
6 Like I said, we did come up with an accommodation
7 for small harvests. We used our arrangement with
8 the EU's definition of "small," which is a vessel
9 under 12 meters or under 20 gross tons capacity.
10 We also made an aquaculture equivalent of under
11 a thousand kilograms from a single farm in a
12 single day. In hindsight, that was a little
13 challenging because barely any farms harvest that
14 little product, but that's the definition of
15 "small". It also doesn't have anything to do
16 with the size of the farm physically, which has
17 caused a fair amount of confusion.

18 Anyway, if it's small vessel, because
19 there may not be a permit required for its
20 harvest, we essentially start the chain of
21 custody at that first point of aggregation.

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1 Other than that, it looks exactly the same as the
2 regular SIMP requirements. And for vessel type,
3 they enter "small vessel harvest". And then,
4 that doesn't require that they enter a vessel
5 name.

6 All right. So, I mentioned that there
7 are audits. What happens now is, let's say your
8 product is filed. This electronic process is
9 complete. The product enters U.S. commerce.
10 The importer, that International Fisheries Trade
11 Permit holder, has to for two years hold the
12 traceability documents that track that catch back
13 to the point that it was first harvested.

14 There's no requirement in SIMP to
15 separate catch. So, if they're commingling a lot
16 of different harvest events, they just need to
17 include the data for all of those harvest events.
18 That can be a lot, as you can imagine for like a
19 shipment of canned tuna. But that is the scope
20 of the program.

21 So, the way an audit works is that

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1 anytime in the two years following an entry our
2 SIMP auditors can reach out to that permit holder
3 and ask them for the records that track that
4 product back. We will ask for those records. We
5 will ask again, if we need to, but there is a
6 time limit on how long we will wait.

7 Once we get those records, we do a
8 couple of things. One of them is we check and
9 make sure that the data they filed in Customs
10 matches the actual records that they submitted to
11 us. We also look at the thoroughness of that
12 supply chain to make sure that there weren't gaps
13 in the supply chain. And we'll look at things
14 like differences in weight. If you had a lot
15 number that came into a processing plant at a
16 certain weight and somehow it doubled in size by
17 the time it left, maybe that's problematic and we
18 should look at that a little more closely. So,
19 that's the type of thing our auditors will look
20 at.

21 We try to close audits within 30 days

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1 of receiving records, and we always notify the
2 International Fisheries Trade Permit holder of
3 the status of their audit. Basically, they
4 either have no findings, meaning we didn't find
5 any issues with it, or there are findings. If
6 there are findings, we refer that audit over to
7 the Office of Law Enforcement, and they can
8 choose to take action on that.

9 There are a list of SIMP-related
10 penalties as part of the Summary Settlement
11 Schedule that is published by NOAA, Office of
12 General Counsel. And I don't have them
13 memorized.

14 Okay. So, you may wonder -- this has
15 been a huge process of getting the program up and
16 running -- what is a full chain of custody. So,
17 that is highly variable based on the type of
18 supply chain that we're dealing with. So, we
19 have produced a Guide to Audits. It's up on our
20 website. This is a table from that guide,
21 essentially listing some of the records that may

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1 be part of the supply chain to make sure that
2 it's complete.

3 We don't require any particular forms
4 for this program. That's kind of a Paperwork
5 Reduction Act thing. But that's why we
6 essentially say, you need to provide full chain
7 of custody records. We are not giving you 10
8 forms to fill out. You need to give us the actual
9 records that you use in industry to produce your
10 own chain of custody.

11 So, this is just an example of some of
12 those records. And these are the resources. So,
13 you can certainly go to our website. You can
14 email us with any questions at
15 simpsupport@noaa.gov. You can also email me.
16 I'm celeste.leroux@noaa.gov. And then, these
17 are our industry support lines, if you ever need
18 to call them.

19 So, those were the highlights. This
20 is what I wanted to get across. And I'm happy
21 to take questions, discuss any aspects of this

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1 that are of interest to you. I don't know if you
2 have any questions.

3 MR. BROOKS: Yes, let's open it up to
4 the panel --

5 MS. LEROUX: All right.

6 MR. BROOKS: -- and see what thoughts
7 or questions folks have.

8 Mike?

9 MR. PIERDINOCK: Thank you.

10 I have confidence that, if you're
11 going to implement a SIMP audit in the United
12 States, your office will do such. My question
13 has to do with the international community that
14 you have in here, the international nations.
15 Who's watching the henhouse? Is it China that
16 decides to do the audit? Or is there someone
17 else? I'm just curious as to how that works
18 internationally.

19 MS. LEROUX: That's a good question.
20 So, entries are selected for audit randomly by
21 the entry filing number that comes in through

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1 Customs. So, anytime an import occurs, some
2 broker or some entry filer files an entry through
3 U.S. Customs and Border Protection. That entry
4 has a certain filing number associated with it.
5 And every entry includes specific tariff codes.
6 So, we have a selection of about 150 harmonized
7 tariff schedule codes that are subject to the
8 SIMP reporting requirements. So, if you're
9 bringing product in under any of those codes,
10 your entry is subject to all the dataset that we
11 require and audits. What we do is we take all
12 of those entries and we randomly select entries
13 for audit. And then, we reach out to the
14 International Fisheries Trade Permit holder,
15 which is a U.S. entity.

16 The way that the rule is structured is
17 that that permit holder needs to have all of these
18 records at the time the product enters the United
19 States. So, it is incumbent upon the U.S.
20 importer to get the information that they need
21 from the foreign exporter. We go to foreign

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1 exporters and explain to them what the
2 requirements are, but, ultimately, this is a
3 business-to-business information-sharing
4 requirement. We're not getting records from a
5 foreign government.

6 MR. PIERDINOCK: So, if China now
7 imports, do they go through this same process to
8 import fish into their nation? There's no
9 reciprocal there?

10 MS. LEROUX: I'm not an expert at
11 China's import requirements. I do know that
12 there's like a list of certain suppliers that
13 they take for certain products, but it's not my
14 area of expertise.

15 The only country that has something
16 that I would consider similar to this is, well,
17 the EU system. They recently -- and I don't know
18 any detail about this -- came out with more of an
19 electronic recordkeeping system. It started as
20 a completely paper-based program.

21 So, no, there aren't other countries

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1 that require something comparable to this.

2 MR. PIERDINOCK: Two other quick
3 questions.

4 MR. BROOKS: Yes, go ahead.

5 MR. PIERDINOCK: It has to do with the
6 international because last year there was a
7 considerable amount of illegal bluefin tuna
8 caught in the Mediterranean. And ultimately, it
9 was discovered. And I was curious as to whether
10 one of these nations went through an auditing
11 process to figure that out, but it's apparent
12 there is no auditing process.

13 One last question. If it gets
14 imported from China, let's say, and I'll pick on
15 shrimp. And you note that it's from an
16 aquaculture. Is there any testing done here to
17 make sure it's not loaded with contaminants as a
18 result of them raising in the fall pipe, which is
19 a considerable problem? And is that done with
20 any other fish that you have on this list when it
21 comes to our docks?

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1 MS. LEROUX: So, the Seafood Import
2 Monitoring Program is pretty limited in its
3 scope. We're focused on making sure that seafood
4 that isn't illegal or misrepresented comes into
5 the United States. It's not, for example, a
6 labeling program. It's not a health program.
7 So, we don't do health testing of product
8 associated with this traceability program.

9 MR. BROOKS: Which is not to say that
10 that's not happening; it's just not done by your
11 office?

12 MR. PIERDINOCK: Yes, is that done by
13 the FDA? Is someone doing it? And how often is
14 it being done, to make sure we're on an equal
15 playing field?

16 MR. BROOKS: Is there anybody in the
17 room who has that expertise? I think it's done.

18 Jeff?

19 MR. ODEN: I happen to have a cottage,
20 and I happen to have two FDA inspectors, a husband
21 and wife, who showed up, and they stay there from

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1 time to time. Anyhow, that was my question to
2 them: how often does this happen? And their
3 comment to me was, way less than one-half of 1
4 percent on a good day.

5 MR. BROOKS: Thanks. Glenn?

6 (Off-microphone comment.)

7 MR. BROOKS: Thanks, Glenn. Let's go
8 over to Meagan, and then Bob.

9 MS. DUNPHY-DALY: Thanks. You
10 mentioned that some of the audits are random.
11 Are there also targeted audits based on species
12 that are imported?

13 MS. LEROUX: So, we have the authority
14 to do random and targeted audits. We can do them
15 based on information that we receive. At this
16 point, we're really focused on getting a good
17 baseline. So, we've been focusing on random
18 audits, but we can do targeted audits, based on
19 any factor. It could be species. It could be
20 enforced from a certain country. It could be a
21 certain importer or exporting country or harvest

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1 country. Any of the data elements that we get
2 could be the scope of a target, yes.

3 MR. BROOKS: Thanks.

4 Let's go to Bob, Raimundo, Grant, and
5 then, Rusty.

6 MR. HUETER: Okay. Thanks. Thanks,
7 Bennett.

8 Celeste, thank you very much. I was
9 one of the persons that asked for this to be on
10 the agenda, and I consider this program to be an
11 absolutely critical component of NOAA's
12 activities at this point. It's absolutely
13 central to efforts, like the Sustainable Shark
14 Trade Act in Congress right now that we're trying
15 to get passed, that we have this kind of vetting
16 of import products that are coming in. So, thank
17 you for your work that you're doing. I think you
18 guys have made, actually, a lot of progress since
19 January of last year to have this in place with
20 such a huge mandate.

21 Can I ask you, do you know what the

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1 annual budget is for the program?

2 MS. LEROUX: I wouldn't want to report
3 off the top of my head, but I think it's a couple
4 of million dollars. There is a specification
5 appropriation for implementation of this program.

6 MR. HUETER: Okay. Not \$30 million?

7 (Laughter.)

8 MS. LEROUX: No.

9 MR. HUETER: Okay.

10 MS. LEROUX: But I can work with Peter
11 and circle back with you on the question about
12 that.

13 MR. HUETER: I won't follow up on
14 that.

15 And I'm not criticizing. What I am
16 going to ask you is some critical questions. And
17 this is to make the program better.

18 I do understand that the form, the
19 species forms, you said 11,000 species, but there
20 are big categories in there. Maybe use things
21 like various shark or deepwater sharks or just

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1 shark fins.

2 MS. LEROUX: You're talking about
3 like the three alpha codes?

4 MR. HUETER: Yes. What do you call
5 them, the AS --

6 MS. LEROUX: The three-letter codes,
7 yes --

8 MR. HUETER: Yes, three-letter codes.

9 MS. LEROUX: -- ASFIS, yes.

10 MR. HUETER: Right, right.

11 Do you recognize that that's a big
12 problem? That's kind of a loophole. And are
13 there efforts underway to try to narrow that and
14 fix that, so that we know exactly what species
15 are coming in, to the best way possible?

16 MS. LEROUX: Right. So, there are
17 some three-alpha codes that are more generic.
18 And because all sharks are included under the
19 program, for our purposes it doesn't matter if
20 they use a more generic one because, if we were
21 to ask for the audit records, they would, then,

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1 have to report exactly what they caught, based on
2 the traceability records.

3 We are not endeavoring to change the
4 scope or the listing of three-alpha codes, but we
5 work with that to determine what we want to
6 include in the program. For example, even though
7 the program only covers specific red snapper, if
8 you enter a more generic lutjanidae species,
9 other, you do have to then enter the rest of the
10 SIMP data because what you're saying is it could
11 be the species that we're trying to target here.

12 MR. HUETER: Okay.

13 MS. LEROUX: Is that helpful?

14 MR. HUETER: Yes.

15 And when you talk about traceability,
16 are these products coming in with any kind of UPC
17 codes or tags or labels or anything? Or is it
18 just a piece of paper with bags of seafood?

19 MS. LEROUX: So, this program doesn't
20 have any labeling component. This is just
21 reporting data to the government. There is not

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1 a requirement that this be public-facing in any
2 way.

3 What it looks like now is an
4 electronic data feed. So, NOAA has an MOU with
5 Customs and Border Protection under the Trade
6 Secrets Act. They share with us their data that
7 comes through. It's called the Automated
8 Commercial Environment, or ACE; also called the
9 International Trade Data System, or ITDS. We get
10 that data feed through Customs, and that's what
11 we use to view this data. And then, we reach out
12 to the permitted NOAA entities, these
13 International Fishery Trade Permit holders, and
14 ask for their records directly outside of the
15 Customs process.

16 MR. HUETER: Okay. Bennett, I'm
17 almost done, but if you would just give me --

18 MR. BROOKS: Okay. Go ahead. Yes,
19 yes, go ahead.

20 MR. HUETER: So, one of the tenets of
21 this Sustainable Shark Fisheries and Trade Act

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1 legislation that we hoped to get passed this year
2 is that certain countries will be identified that
3 are not complying with the same standards or at
4 least comparable standards to what we have here
5 in the U.S., which I think is probably a good
6 goal for all of our fisheries eventually.

7 Eventually, we're going to have a
8 countries list of countries that comply and
9 countries that don't. Do you see, even at this
10 early stage, do you see any kind of hanky-panky
11 with saying things are coming in from another
12 country and they've just been sort of laundered
13 through that other country in order to stay off
14 the, quote, "bad country list"? Do you see in
15 the SIMP program the possibility of that kind of
16 thing happening? Because if that is a big
17 loophole, we've got to fix that before we rely
18 too much on some of this new legislation.

19 MS. LEROUX: What we can do under SIMP
20 data analysis is something we couldn't do before,
21 which is at the time of entry see what country

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1 that product was harvested in, and not just the
2 country of export. Just because a product was
3 exported from a country it wasn't harvested in
4 doesn't imply some kind of laundering. So, I
5 wouldn't want to make that assumption just
6 because the country of export was different.
7 I've been stunned to see how much seafood moves
8 around the world before it makes its way into
9 commerce.

10 But that is a piece of the information
11 that we can review under SIMP. Maybe if we have
12 time after taking general questions -- I did have
13 a question out for this group, which is, is there
14 data that would be coming in under this program
15 that would be of interest to you that we could
16 release in an aggregated, legal way? Because we
17 are getting quite a bit of information. And now
18 that we have about a year of data, I'm curious to
19 know what of this might be of interest.

20 MR. BROOKS: To Bob's question, is it
21 will you, in fact, designate a good country/bad

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1 country list? Or would it be more targeted at
2 the importer or the entity?

3 MR. HUETER: No, that's not going to
4 be their job. That's going to be the job of some
5 of this other legislation and these other
6 programs.

7 MS. LEROUX: So, if there were,
8 theoretically, a requirement that said product
9 harvested in "X" country can't be imported to the
10 United States, you would be able to identify the
11 harvested product, provided it's being harvested
12 and imported under one of the HTS codes subject
13 to this program.

14 MR. HUETER: Okay. And you're saying
15 that the audit system will occasionally check
16 that, vet that, and make sure that what's being
17 reported is true?

18 MS. LEROUX: Right. So, the auditing
19 basically serves two functions. It's, is the
20 information you reported into Customs true, and
21 is the product you identified as being harvested,

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1 what actually came into the country?

2 MR. HUETER: Okay. The last
3 question: so, other than the audits, which I'm
4 not clear when they actually happen and how
5 often --

6 MS. LEROUX: Okay.

7 MR. HUETER: -- do Customs Officers,
8 do they hold product now if the paperwork doesn't
9 line up, isn't in place? Do they hold stuff at
10 the port of entry?

11 MS. LEROUX: So, Customs doesn't
12 really have to do that because the way that this
13 is programmed into the system, the product can't
14 clear Customs until this data is entered. So,
15 the filer can't process. Customs doesn't have
16 to actively hold it.

17 MR. HUETER: Okay.

18 MS. LEROUX: A filer can begin to
19 enter their filing information like this up to
20 five days before the product reaches the United
21 States. So, we encourage brokers to do that, so

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1 that we can work with them on any issues they
2 might be having.

3 MR. HUETER: How much product has been
4 held back, do you think, at this point? I mean,
5 are we holding back 1 percent? Are we holding
6 back 25 percent?

7 MS. LEROUX: Our focus is to make sure
8 that industry can comply with this program, and
9 we're not, you know, inadvertently holding
10 product back that was legally harvested.
11 Ideally, what's happening is, if product was
12 illegally harvested and it couldn't be entered
13 here legally, they're not entering it into the
14 U.S. commerce. They're either not doing it or
15 they're finding a non-U.S. market for it.

16 So, I don't have a figure for you on
17 how much product didn't make its way into U.S.
18 commerce because, if it was filed, then it made
19 its way in, and that's really what I'm seeing.

20 MR. HUETER: Somebody should track
21 that, too.

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1 MS. LEROUX: Like the ratio of failed
2 filings to completed filings?

3 MR. HUETER: Yes, yes.

4 MS. LEROUX: Yes, I am not confident
5 that that's possible, just because of the way the
6 broker interface works with Customs, but we can
7 talk about that separately. The entry filing
8 process is a little bit complex, and it has to do
9 with individual software development on behalf of
10 the broker.

11 MR. BROOKS: I've got a few other
12 people in the queue. So, I want to let them in.

13 So, let's go to Raimundo.

14 MR. ESPINOZA: So, you actually
15 answered the question, I think. Because I was
16 asking, it was mainly on -- Raimundo Espinoza,
17 Conservacion ConCiencia. The question was on
18 multiple ports. For example, I saw some of the
19 countries that were visited on the round trip.
20 Ecuador and Peru showed actually multiple visits.
21 For example, those are places that you see in

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1 Ecuador shark fins, the sharks being landed in
2 Ecuador, being trafficked to Peru, and then, that
3 being passed off as the country of origin, sent
4 to Panama, and then, eventually reaching the U.S.

5 So, one of those things that I wanted
6 to see was how that actually, from the data
7 collected beyond the harvest event or the first
8 offloading, if that multiple locations of transit
9 could be or is already being collected, that data
10 being collected?

11 MS. LEROUX: The electronic filing
12 data for this program has the country of original
13 landing, the FAO area that it was fished in, and
14 maybe some additional detail on area. And then,
15 like you said, the country of origin, which is
16 standard Customs filing.

17 MR. ESPINOZA: Yes.

18 MS. LEROUX: So, we can go in and see
19 for which entries, for example, the country of
20 harvest was not the country of origin. What I
21 can't see from entry filing data is every country

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1 that would have been part of that supply chain.
2 That's information we could get in an audit.

3 MR. ESPINOZA: Okay. Because a
4 certain species, you know, some species that
5 would make it from Ecuador or Peru and, then, to
6 Panama, in the aggregate of collecting some
7 things that could pass through that maybe were
8 not allowed to be sent from Ecuador to Peru, but,
9 then, from Peru to Panama it could be. So, it
10 is, when those added links to that chain are being
11 able to be audited, I think it's a really big
12 plus.

13 But thank you very much.

14 MR. BROOKS: Thanks.

15 Grant?

16 MR. GALLAND: Thank, Bennett. And
17 thanks, Celeste, for the presentation.

18 This clearly is an amazing effort to
19 gather lots of data about what is entering the
20 U.S. But my question is, when does the
21 examination of the legality of that actually come

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1 into play here? Because if we look at this list
2 here, the only thing on this list that has
3 anything to do with legality is whether or not
4 they have authorization to fish by someone.

5 MS. LEROUX: Yes.

6 MR. GALLAND: So, does that mean,
7 under this program, any product caught by any
8 vessel that's authorized to fish by somebody is
9 legal?

10 MS. LEROUX: So, there is a process
11 in auditing of verifying the legality of harvest.
12 It includes verifying that the permit was real,
13 but it could also include verifying that that
14 vessel was legally fishing in that area at that
15 time.

16 We don't have public information on
17 exactly how we do that. So, that is something
18 within the purview of the program that we look
19 at. It's not exactly the same procedure for
20 every single supply chain, but verifying legality
21 of harvest for a farm or wild capture is part of

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1 what we do, and it's not just looking at the
2 permit and seeing if it looks like it makes sense.

3 MR. BROOKS: Jeff, please.

4 MR. GALLAND: Can I follow up?

5 MR. BROOKS: Oh, yes, please go ahead,
6 Grant.

7 MR. GALLAND: Thanks, Bennett.

8 Just to follow up, in IUU fishing
9 there's those two "U's" as well of unregulated
10 and unreported. So, I think between the three,
11 IUU, there are probably lots of things to
12 examine. And Bob touched on a few things with
13 respect to sustainable shark fishing. But I
14 imagine somewhere there is just some list of
15 rules that all of this catch has to flow that
16 list to make sure that it meets all the
17 requirements of all those before it's considered
18 to be legal or not IUU, and therefore, imported.
19 And I trust that happens somewhere, but I just
20 don't think that's been reported yet. And so,
21 just a few words on that might be useful to

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1 everybody.

2 MS. LEROUX: So, I'll take that under
3 consideration. We've been thinking about doing
4 some kind of public-facing document describing
5 the implementation of the program. And that
6 might be something that we could bring up in the
7 context of that kind of public report. I don't
8 really have more detail for you right now on
9 exactly what our auditing methods are that we've
10 already released to the public. So, we should
11 think internally about what we could say about
12 our methods that would be of value to the importer
13 as well as broader audience.

14 I will say, if you are interested in
15 the way we review records and the type of records
16 that we require, I would suggest going to our
17 website and reading through the Guide to Audits,
18 because that includes quite a bit more
19 information about what we're looking for and how
20 we review it.

21 MR. GALLAND: Thanks.

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1 MR. BROOKS: Jeff?

2 MR. ODEN: Can I assume that there are
3 no gear types that would preclude a species from
4 being imported into the country?

5 MS. LEROUX: Yes, there is a dropdown
6 of gear type options, but there isn't a global
7 ban on a certain gear type that is in that FAO
8 list of gears.

9 MR. ODEN: Well, you know, it kind of
10 stands to reason. I mean, here we
11 are -- yesterday on the way up I was talking to
12 a fish buyer friend who, you know, we were
13 concerned. I've been mai fishing in the last
14 month. And, you know, we're finding ourselves
15 stuck with 16 of the circle hooks when even boats
16 in our own country are allowed to fish smaller
17 gear. And we're getting creamed by them.

18 So, anyway, it's just something of
19 note I would like to add, that we're definitely
20 fighting an uphill battle in our industry.

21 MS. LEROUX: Thanks.

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1 MR. BROOKS: Rusty?

2 MR. HUDSON: Thank you, Celeste, for
3 coming and doing this.

4 We used to talk to Chris Rogers a
5 little bit about all of this --

6 MS. LEROUX: Yes.

7 MR. HUDSON: -- back in time. And
8 whenever they first did the shark fin permit, you
9 know, the people that had to get in on that, they
10 didn't collect any data, and that was a problem.
11 And, of course, it wasn't a priority, I guess.

12 But in the chain of custody, let's say
13 I'm whatever guy importing whatever from
14 wherever. And in the labeling it says "shark,"
15 just "shark". Or it could say "dress shark" or
16 "shark parts". But, then, when you get into it,
17 let's say it's just dried shark fins or frozen
18 shark fins. Doesn't that get a little fuzzy
19 right there because, if it isn't inspected and it
20 goes into the food chain that we have, doesn't
21 that create a scenario where that will probably

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1 become irretrievable and may be out there for
2 weeks, months, years before you catch onto this?
3 Is there a way to keep that from happening, is I
4 guess the first question.

5 MS. LEROUX: So, I think what you're
6 getting at is sort of preemptive targeting based
7 on SIMP data and saying, if you're entering this
8 combination of information, your product is
9 illegal and should not be coming into U.S.
10 commerce. That is definitely something we're
11 thinking about.

12 As for your question, sharks
13 specifically, maybe it would help to just be a
14 little bit more clear. So, there are certain
15 tariff codes associated with shark that are
16 covered under this program. They're generally
17 things that are not considered highly processed
18 products and they're seafood.

19 So, if they enter a product under one
20 of those tariff codes, then they do need to enter
21 a species. But because all sharks are included,

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1 they could include a pretty generic three-alpha
2 code, if there are some. I recently looked into
3 this. I don't recall whether or not there were
4 super-generic shark three-alpha codes.

5 And the information, though, about the
6 harvest of that product is still required. Even
7 if the species name is generic, we would still
8 need to know the vessel, the date of landing, the
9 place of landing. So, those are all pieces of
10 data we can look at as part of the entry filing
11 process.

12 But the way that it works presently is
13 that I get these entry filings once the product
14 has already filed. So, I don't see the sort of
15 midway through trying to enter their filing
16 process. Because the way it works with Customs
17 is they get the entry once it's filed properly,
18 yes.

19 MR. HUDSON: And I guess on, you said,
20 all sharks are considered food?

21 MS. LEROUX: No, we include the tariff

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1 codes that are considered food.

2 MR. HUDSON: Okay. Because I know at
3 least the Greenland shark you don't want to be
4 eating that.

5 (Laughter.)

6 MS. LEROUX: Okay.

7 MR. BROOKS: Katie, you had a
8 question? You're good?

9 And then, Celeste, you had a question
10 you wanted to put back out to the group, and we
11 do have a couple of minutes left, if --

12 MS. LEROUX: Yes. So, I heard some
13 good suggestions already. But if there's
14 information, now that you have an idea of the
15 type of data we collect, that would be of value
16 to you in your management discussions, let me
17 know. You don't have to tell me right now, but
18 you can certainly reach out, reach through Peter.
19 And I'm interested in your feedback on that.

20 MR. BROOKS: And are you thinking
21 about this in terms of periodic reports that your

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1 office could be presenting to HMS or something a
2 little bit more ad hoc? What's your --

3 MS. LEROUX: So, we don't have any
4 reporting requirement for the Seafood Import
5 Monitoring Program in law. We're thinking about
6 what would be a good way to express what we're
7 learning in the program. So, I don't have a
8 particular proposal on how we would report it.
9 It kind of depends on the type of information
10 folks are interested in and if this is more of an
11 internal government sharing or an external-facing
12 announcing.

13 MR. BROOKS: Thanks.

14 Anyone have any thoughts on that at
15 this point? Obviously, you can take time to
16 consider that. But the "ask" is, what
17 information would be helpful to the AP in the
18 work that you're doing on an ongoing basis or as
19 you go forward?

20 MS. LEROUX: Of course, noting that
21 this has to be aggregated.

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1 MR. BROOKS: Yes. Understood. And
2 may or may not be possible.

3 MS. LEROUX: Yes, right.

4 MR. BROOKS: David?

5 MR. SCHALIT: A question: I haven't
6 had a look at the Harmonized Tariff Schedule, but
7 do I recall your having said that there are 150
8 codes, approximately, that could relate to more
9 or less a thousand species or subspecies of
10 marine life?

11 MS. LEROUX: So, there are big, big
12 lists of the full list of tariff codes because
13 anything that comes into U.S. commerce -- I think
14 one of our coworkers says, "from fish to
15 firearms" -- has to have a tariff code associated
16 with it. There are about 800 tariff codes that
17 have something to do with seafood. About 150 of
18 those are subject to this program, because they
19 clearly or somewhat clearly would be used to
20 bring in product of the species that we're
21 looking at that's not highly processed. We have

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1 a list also of species that are covered by the
2 program.

3 So, if you, for example, are using a
4 generic tariff code -- or sorry -- you are using
5 one of SIMP tariff codes, and you're bringing in
6 a product that is not covered under the
7 program -- so, let's say, for example, you're
8 bringing in a fish stick that's made completely
9 of pollock. What they need to do, then, is enter,
10 obviously, the tariff code because that's
11 required by Customs. And then, the SIMP data
12 requirement is just the three-alpha code. Once
13 they've entered that species code and we see that
14 it's not a species subject to this program, they
15 don't have to enter all the rest of that entry
16 filing data.

17 MR. SCHALIT: So, to follow up on
18 that, if we wanted to ask you to query on your
19 own database, you mentioned that you are
20 collecting gear type data. That's extremely
21 important. So, for example, we could ask you to

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1 give us information based upon gear type, country
2 of origin, and Latin/scientific name, or whatever
3 the --

4 MS. LEROUX: Yes, these three-letter
5 codes are associated with scientific names, yes.

6 MR. BROOKS: So, I suspect that, given
7 time, this group around the table could probably
8 think of some information that would be
9 interesting for them to hear from the program,
10 but maybe can't come up with right now.

11 Pete, one thought I have is maybe sort
12 of a post-meeting step is to canvass AP members
13 and just get a feel for what kind of information
14 would be helpful to bring to this panel on
15 whatever time set makes sense, because it's
16 clearly a topic of interest around the table.

17 Any final questions, comments, or
18 anything you want to say?

19 Yes, please.

20 MR. ROOTES-MURDY: Thanks.

21 So, I see that the listed species if

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1 a mix of both federally-managed and state-managed
2 species. I'm curious to get a sense on how does
3 one identify species to be added to this list
4 that are of relevance to certain management
5 entities.

6 MS. LEROUX: So, the scope of the
7 program was limited to species that we considered
8 to be at risk of IUU fishing and seafood fraud.
9 I mentioned before that, if it's all species
10 within a certain group, we've gone through the
11 Smithsonian to identify which of these species
12 are considered food. If it's an individual
13 species, it was part of this initial 2015 process
14 of identifying species that were particularly at
15 risk.

16 The addition of any new species to the
17 program is going to require rulemaking by NOAA.
18 So, that's a relatively-long, very public
19 process. But we can do it. It's just that we're
20 not pursuing that at the moment.

21 MR. ROOTES-MURDY: So, just one

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1 follow-up. How would that -- I'm just trying to
2 understand, if it was a species that doesn't fall
3 under NOAA's purview, how does one get that
4 added?

5 MS. LEROUX: So, the program doesn't
6 consider NOAA's purview so much as the species
7 itself. We're looking for traceability
8 information on imports of a certain species,
9 regardless of who it was harvested by. So, yes,
10 the internal factor of NOAA Fisheries management
11 isn't part of the consideration here, yes.

12 MR. BROOKS: Rusty?

13 MR. HUDSON: I guess for my little
14 brain, I just wanted to know, it's a shark that
15 is brought into this country. Does that have to
16 be species-specific to be part of that shark
17 group as far as SIMP is concerned? If it's
18 blacktip -- is it a scientific name or is it a
19 common name?

20 MS. LEROUX: So, the species for
21 sharks, well, for everything, there's a three-

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1 letter code that FAO assigns to every scientific
2 name of a species and some higher-order species
3 groups, as Robert was mentioning before. So, if
4 any of those that apply to shark are imported
5 under one of these tariff codes that we're
6 looking for, then that triggers the full SIMP
7 message set.

8 MR. BROOKS: So, I do think at some
9 point it would be worth having you come back for
10 a return visit. I think there would be
11 definitely interest. I'm hearing a lot. Just
12 understanding the auditing method, looking at
13 some of the aggregated data, understanding the
14 IUU piece and how that all plays out, those are
15 all -- you know, we'd leave it to you all to
16 figure out when to come back.

17 MS. LEROUX: Yes. Thanks for your
18 interest. Yes.

19 MR. BROOKS: There's a lot of interest
20 around the table, clearly.

21 MS. LEROUX: Okay. Great.

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1 MR. BROOKS: All right. Great.

2 Thanks so much.

3 At this point, we'll get you to a
4 break, and we will reconvene at quarter of.

5 Thanks very much.

6 (Whereupon, the above-entitled matter
7 went off the record at 3:25 p.m. and resumed at
8 3:48 p.m.)

9 MR. BROOKS: Okay, let's get going on
10 the last two topics for this afternoon.

11 For the next 40 minutes or so, we want
12 to hand the program over to Rosemarie Gnam and
13 Mary Cogliano with the Fish and Wildlife Service
14 to talk to us about the CITES 18th meeting of the
15 Conference of the Parties. So, I will hand it
16 over to you, and we'll have about 15 minutes or
17 so, 20 minutes of presentation, and then, an
18 opportunity for questions and discussion.

19 All yours.

20 MS. GNAM: Hi. Okay, I'm here to talk
21 about CITES. Some of you may be familiar with

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1 CITES; some may not. So, I'll start at the
2 basics. But CITES is the Convention on the
3 International Trade in Endangered Species of Wild
4 Fauna and Flora.

5 Essentially, there's 182 member
6 countries, which is most of the world, and the
7 EU, which is there as an economic integrated
8 unit. So, we refer to them as the 183 parties,
9 and they're the ones who make the decisions at
10 CITES. The U.S. is one member country.

11 The Convention establishes a legal
12 framework with common agreed-upon mechanisms for
13 regulating international trade and species listed
14 in CITES. There's like a three-tier system that
15 I'll go over briefly. But the strictest
16 regulation is placed on the species that are
17 currently threatened with extinction. And
18 basically, how it regulates the trade is through
19 a permitting system which requires legal and
20 sustainable international trade.

21 The purpose of CITES is to ensure that

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1 international trade in wild fauna and flora is
2 legal and sustainable, and these are some
3 photographs of some of the species that are
4 currently listed in CITES, stony corals, all
5 sturgeon, manatees. As I said, basically, CITES
6 regulates the export, re-export, import, and
7 introduction from the sea of live and dead
8 animals and plants and their parts and
9 derivatives. It's important to note that it does
10 regulate parts and derivatives, so it's not just
11 the entire animal. But it regulates it only for
12 species listed in CITES.

13 And as I said, the international trade
14 is regulated based on a system of permits and
15 certificates. That's basically what a CITES
16 certificate looks like on the right. And those
17 permits and certificates are only issued if
18 certain conditions are met, and we'll talk about
19 those. And they are presented when the specimen
20 in trade is either leaving or entering a country.

21 So, how do you get species on the

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1 three appendices of CITES? Essentially,
2 addition of a species to Appendix I or Appendix
3 II of CITES is either adopted at a CITES
4 conference by consensus or, the case most likely
5 for marine species, it has been a two-thirds
6 majority vote of the parties present. So, it's
7 a higher bar than a simple majority. It's
8 essentially two-thirds or consensus.

9 There is also known as Appendix III,
10 which I'll discuss in a minute. But a country
11 can add unilaterally a species to Appendix III,
12 and we'll go through why they would think about
13 doing that.

14 So, this is how CITES works. It sets
15 up this three-tier system. Appendix I, again,
16 are those species that are threatened immediately
17 with extinction, and they seem to get all the
18 focus from CITES. Those are the tigers, all the
19 sea turtles. There's about a thousand species.
20 There's about 40,000 species covered under CITES,
21 of which about a thousand are only in Appendix I.

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1 But, essentially, if you're in Appendix I, there
2 is no commercial trade allowed in those species,
3 and it requires both an import permit and an
4 export permit. So, the import permit is issued
5 by the country importing the specimen, and the
6 export permit is issued by the country exporting
7 the specimen.

8 But what we want to talk about mostly
9 with marine species is Appendix II, of which
10 there about 30,000 species listed. That includes
11 plants and animals. So, you have like all
12 orchids and all cacti listed in CITES, which
13 brings those numbers up quite high.

14 Those are the species where the
15 parties have decided that they're vulnerable to
16 overexploitation, but not yet at a risk of
17 extinction. The idea being, if you regulate the
18 trade in those Appendix II species, they will
19 never meet the criteria for transfer to Appendix
20 I. That's the objective.

21 And so, under Appendix II, both

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1 commercial and non-commercial trade is allowed,
2 and permits and certificates are required for
3 export, but not for import.

4 In Appendix III there's about 300
5 species there. And basically, in Appendix II you
6 talk about both the legal origin of specimens and
7 whether they've been sustainably harvested.
8 Appendix III is an appendix that gives a country
9 the unilateral right to list a species because
10 they're looking at legal origin, and they want
11 the cooperation of the other parties where that
12 species occurs. So, that you would know that
13 that specimen was legally acquired.

14 For example, the U.S. has listed some
15 of its fresh water turtles in Appendix III,
16 mapped turtles to support state efforts to
17 regulate the trade in those species. But, for
18 most of the marine species, the only really
19 marine species currently listed in Appendix III
20 are three species of red coral that China listed.

21 So, what's allowed? Again, to

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1 repeat, to sort of give you -- some of you might
2 be familiar with this, but I just want to be sure
3 we're all talking the same language when we get
4 to questions. So, Appendix I is generally the
5 commercial international trade is prohibited.
6 Appendix II, commercial international trade is
7 allowed as long as it's not detrimental and the
8 specimens are legally acquired. Appendix III,
9 basically, commercial trade is certainly allowed
10 from the country who put it in Appendix III and
11 from the other countries with a Certificate of
12 Origin.

13 So, the key findings -- and Mary works
14 in the Management Authority and I work in the
15 Scientific Authority -- under the Treaty itself,
16 in the actual Treaty language, there are two
17 findings that parties are required to make before
18 a permit can be issued. And one of those is
19 called the legal acquisition finding, which is a
20 finding done by the Management Authority that the
21 specimen to be exported has been legally

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1 acquired; i.e., mostly in accordance with the
2 national laws of that country.

3 A non-detriment finding is a
4 conclusion by the Scientific Authority that the
5 export of specimens of a particular species will
6 not negatively impact the survival of that
7 species in the wild. And for the marine species
8 such as hammerhead sharks that are currently
9 listed in CITES, we rely very heavily on the
10 information from the National Marine Fisheries
11 Service and the states, and fall back on their
12 management plan in making that non-detriment
13 finding. So, it's not something we do
14 independently at Fish and Wildlife Service
15 because you may say we don't have the expertise
16 on those species. We consult with the people
17 that do.

18 So, CITES is implemented through this
19 permitting system. It's a national control of
20 the import and export/re-export of CITES listed
21 species. So, if you get a CITES permit and you

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1 have the specimen and you want to re-export it
2 somewhere else, don't ever throw out your CITES
3 permit. I encourage you to keep those documents.
4 It's like having your own passport. It shows you
5 brought those specimens in legally and met all
6 CITES controls.

7 It is also a measure to stop the
8 illegal international trade in CITES listed
9 species. There are measures under CITES where
10 we look at the trade in species. And so, there
11 can be penalties for countries engaging in
12 illegal trade contrary to the CITES requirements.
13 And it allows for the confiscation of specimens
14 when that is found to be true.

15 Essentially, permits, in Fish and
16 Wildlife we view them as a tool to basically help
17 fulfill the Executive Order that this
18 Administration is currently making even stronger
19 to combat wildlife trafficking. So, again, just
20 to repeat, it's regulation through a permitting
21 system, and it gives us a way of discerning

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1 legally-traded wildlife from illegally-obtained
2 wildlife. If you have a CITES permit, that
3 basically shows that that specimen can be legally
4 traded.

5 The permits allow the U.S. public to
6 engage in activities involving protected species,
7 including international wildlife trade. So, in
8 some ways, permits definitely facilitate trade by
9 U.S. businesses once you have them. And as I
10 said, there's 183 countries that are looking for
11 that permit. So, that's most of the world, with
12 the exception of Pacific Island territories or
13 countries. And U.S. is both one of the world's
14 largest exporters of wildlife, but also one of
15 the largest exporters of wildlife, particularly
16 terrestrial wildlife from our states, such as
17 furbearer products, alligator skins, reptiles.
18 We produce a lot of wildlife, too, that we export.

19 And CITES basically is done through an
20 enforcement process where U.S. Fish and Wildlife
21 Service and APHIS have the legal authority to

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1 inspect wildlife shipments, both coming into the
2 U.S. and leaving the U.S. And they have the
3 authority, based on those inspections, to take
4 legal action or undertake investigations.

5 But the key to CITES is enforcement at
6 a national, but also at an international level,
7 and there's been much recent work in working with
8 INTERPOL, particularly with the trade in European
9 eels, as an example for marine species. And so,
10 the whole idea is that CITES, unlike some other
11 treaties, does, in fact, have compliance measures
12 and has teeth, has so-called teeth, and there are
13 measures that can be taken when people/countries
14 are not found in compliance. But those measures
15 are decided upon by the Conference of the Parties
16 or the Standing Committee.

17 So, the benefits of CITES, just to
18 review, there are some benefits. It does
19 establish a legal framework to regulate
20 international trade and, hopefully, prevent
21 overexploitation. It definitely promotes

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1 cooperation. A large part of our time is working
2 with other countries to be sure we're all
3 interpreting the Treaty the same way and
4 facilitating that the trade occurs in a
5 consistent manner, and that we're all making the
6 same findings.

7 So, it is a responsibility of both the
8 importing and exporting countries to ensure that
9 the trade is legal and sustainable. But, more
10 importantly, it does, on a global scale, help
11 encourage the assessment and analysis of
12 population status of species in trade and what
13 the effects of that trade are on the wild
14 population. It's probably not as germane to this
15 audience, but CITES, it's not just wild
16 specimens; it does regulate the trade in captive-
17 bred specimens to ensure that they are truly
18 captive-bred and meet the CITES requirements.
19 So, just being captive-bred does not exempt you
20 from CITES.

21 The legislation in the U.S., it's one

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1 of the Treaties that, with a lead through the
2 Endangered Species Act, for CITES was given to
3 the Secretary of Interior to implement this
4 authority through the Endangered Species Act.
5 So, the State Department will participate with us
6 at CITES conferences, but unlike some of the
7 other treaties you may be familiar with, they do
8 not have the lead. It is the Secretary of
9 Interior who makes the final decisions.

10 The ESA also gave the Secretary of
11 Interior to establish a Management Authority and
12 a Scientific Authority, which essentially right
13 now is carried out by the U.S. Fish and Wildlife
14 Service.

15 Our regulations are based on the
16 Convention text and resolutions adopted at the
17 Conference of the Parties that interpret the
18 Convention. All of our regulations are found in
19 50 CFR Parts 10, 13, 17; most importantly, Part
20 23 really is written pretty much in plain
21 language and explains what the requirements are.

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1 So, as I said, in the United
2 States -- and different countries have different
3 ways of doing this -- but you have to have a
4 Management Authority. And so, we have a single
5 office for CITES policy and coordination. Mary
6 is the Branch Chief of Permits in that Management
7 Authority. And essentially, they make the
8 finding when they get applications that the
9 specimens were legally acquired, and then, they
10 issue the CITES permits and certificates.

11 That office is independent of the
12 Scientific Authority, or the Scientific Authority
13 is independent of that Authority, because the
14 Treaty basically requires that. And so, the
15 Scientific Authority essentially is sort of the
16 single office for CITES science policy. And most
17 importantly, we provide the non-detriment finding
18 to the Management Authority that basically says
19 the trade is sustainable. And as I said, we
20 consult with outside experts or other agencies in
21 making that finding.

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1 And we also, when you're dealing with
2 live specimens, make the finding that whoever is
3 receiving them is suitably equipped to house and
4 care for live Appendix I specimens. Right now,
5 that's pretty important because we have quite a
6 lot of live rhino imports occurring to the United
7 States, and they're Appendix I listed most of the
8 time. There's some with annotations.

9 So, how does CITES work? There is an
10 official meeting of the CITES Parties usually
11 every two to three years, and their job is to
12 review how the Treaty is working, deal with
13 implementation issues, resolve policy issues, and
14 most importantly, probably of interest to this
15 group, is that they look at what species should
16 be added to Appendix I and Appendix II. There
17 are criteria for determining how you add to
18 species to which appendix and how the parties
19 should make their decision. They're pretty
20 robust. And so, they look to be sure that trade
21 is occurring in accordance with the Treaty.

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1 When we don't have a CITES Conference
2 of the Parties, the work is carried out through
3 decisions directed at the CITES Standing
4 Committee, which essentially serves as the CITES
5 Parties during that time, and they deal with
6 mostly the policy and implementation issues.

7 And then, we have technical committees
8 for both animal and plants committees, and they
9 deal with particular decisions directed at them
10 to look at trade in particular species if they're
11 found to be unsustainable; looking at periodic
12 reviews of all the species on the CITES
13 Appendices that could be removed, and essentially
14 advise the Parties, the Standing Committee, if
15 they find the trade to be unsustainable, as I
16 said, if compliance measures are warranted.

17 So, the next Conference of the Parties
18 was actually -- we would have been there right
19 now in Sri Lanka, but the recent terrorist
20 activities there have postponed the CITES
21 Conference. I know you want to ask me the date

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1 and where, and those questions are still to be
2 determined. The U.N. is sending some security
3 officers to Sri Lanka, because they're still keen
4 to host the meeting, to see if that's, in fact,
5 possible or looking at alternative venues. A
6 decision should be forthcoming sometime by the
7 end of June. So, it could be postponed until
8 later this part of the year. I don't think
9 they'll postpone it into 2020 because there's a
10 lot of decisions and things that have to be done.
11 But, as I said, the Parties meet to look at the
12 Treaty.

13 Probably of most interest to this
14 group is the next slide, which you'll probably
15 have questions on. But before us right now at
16 this CITES Conference are four marine species
17 proposals. And the one, No. 42, is
18 essentially -- and you can find copies of all
19 these proposals either on the Fish and Wildlife
20 Service website or at the CITES website, and I'll
21 have addresses for those later on. The CITES

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1 website is really easy. It's www.cites.org.

2 But the mako sharks, both the long fin
3 and the short fin mako, are being considered for
4 inclusion in Appendix II. And when a proposal
5 is brought forward, it has to be brought forward
6 by a Party. There are other Parties that can
7 cosponsor that proposal. And so, Mexico brought
8 forward the mako shark proposal along with 54
9 other countries, including the EU.

10 So, if you're doing vote tally in your
11 head already, there's not two-thirds of the
12 countries there yet, but this is probably one of
13 the proposals that has quite a lot of sponsors
14 compared to some of the terrestrial ones.

15 But countries change their positions
16 between now and the CoP. So, it's not a given
17 that those cosponsors will still be there when we
18 have the CoP.

19 Proposal 43 is one for the guitarfish,
20 again, another inclusion in Appendix II. And I
21 guess I should say, for both the mako sharks, the

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1 guitarfish, and the wedgfish, the trade there
2 is, largely the concern is in the trade in fins,
3 more so than meat, although there is some
4 international trade in meat, but primarily in the
5 fins, particularly all three TACs are known to be
6 in trade for the fin trade.

7 So, 44 is for the wedgfish, and that,
8 again, is inclusion in Appendix II. So now,
9 remember, Appendix II does not ban commercial
10 trade. It regulates through a permitting system
11 the trade in those species. And so, you would
12 need to make a legal acquisition and a non-
13 detriment finding to be able to issue a permit
14 for the trade.

15 And there are other sharks currently
16 listed in CITES Appendix II, great whites,
17 hammerhead, three species of hammerheads,
18 porbeagle, and whale sharks, but those would be
19 the ones of most interest to you.

20 And then, the other proposal, which
21 might be news to people in this room, or it may

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1 not, is probably the most controversial, in my
2 professional opinion of the four. It's to
3 include three species of sea cucumber found in
4 the Indo-Pacific in Appendix II, and the U.S. did
5 cosponsor this proposal with the European Union,
6 Kenya, Senegal, and the Seychelles, but largely
7 that we've seen in some islands in the Indo-
8 Pacific an overexploitation of these sea
9 cucumbers. So, we think CITES can be of benefit
10 in regulating the trade in these species.

11 So, that's it for the PowerPoint. It
12 has the contact information for the Management
13 Authority, the Scientific Authority, and also our
14 web page, where you can find those species
15 proposals if you click on CITES CoP 18.

16 I didn't want to give a lengthy
17 presentation. I really wanted to be able to
18 answer questions. So, that's it.

19 MR. BROOKS: Great. That was
20 perfect.

21 Let's see who wants to get in. Rusty?

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1 MR. HUDSON: Thank you very much for
2 the presentation. As fate would have it, I was
3 supposed to be in Sri Lanka as an invited
4 participant, but I'm here.

5 And that being said, when you have 55
6 Parties -- you need to kill your mic.

7 MS. GNAM: Oh, sorry.

8 MR. HUDSON: Yes, thank you.

9 When you have 55 Parties that have
10 cosponsored this shortfin and longfin mako
11 Appendix II listing, I assume, even though it's
12 Mexico, I'm assuming that it's not just
13 constrained to the Atlantic populations, but the
14 worldwide populations? And is there a genetic
15 difference? That's my first question.

16 MS. GNAM: All right. I can explain
17 about a split listing. I'm not a genetic expert
18 on sharks. But the proposal does, in fact, do
19 all stocks of each of the mako sharks. That is,
20 right now, the U.S. is undecided on this
21 proposal, evaluating it, because we looked at the

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1 North Atlantic stock assessment and the
2 Mediterraneans and we feel that there are some
3 questions about whether it meets the CITES
4 criteria for inclusion in Appendix II. So, we're
5 still evaluating it and undecided. Unlike the
6 55 countries there, the U.S. is not a cosponsor
7 of this proposal.

8 There is such a thing as a split
9 listing where Parties could -- I mean, any one of
10 those 55 countries, only the countries that bring
11 the proposal forward could amend it; that they
12 could conceivably amend it to include not all the
13 populations and which ones they think met the
14 criteria. There's been an FAO expert panel
15 evaluation of the proposal. That might give some
16 insights there.

17 But split listings, as you can
18 imagine, are incredibly difficult to enforce. We
19 have some in CITES, but, as a matter of practice,
20 they're basically frowned upon, particularly by
21 Customs and enforcement officials because, unless

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1 you really have a strong chain of custody from
2 the beginning, from origin to the end, especially
3 when you get into products, it's really difficult
4 to enforce a split listing and ensure that that
5 specimen in trade is the one from the population
6 that is listed and not the others.

7 So, it's not to say the Parties, the
8 55 countries, may think about a split listing,
9 but I've not seen them happen with marine species
10 as a matter of practicality. So, I suspect
11 they'll start first talking about all the
12 populations of mako sharks.

13 MR. HUDSON: Thank you. As a follow-
14 up, having been a shark fin purchaser for several
15 decades, the shortfin mako, the lower caudal is
16 of significant value, what we call a Grade A in
17 an adult. It's a top value. The other three
18 primary fins, the dorsal, the two pectorals, are
19 extremely minimal value, more like a chip value,
20 a couple of dollars. And then, the secondary
21 fins are worthless off of that animal

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1 particularly.

2 Backing up to a previous effort that
3 you had all had, and you brought up hammerhead,
4 we had six genetic distinct stocks worldwide that
5 you wanted to do the data collection on the
6 scalloped hammerhead. Two of those scalloped
7 hammerhead stocks, one including the East Coast
8 of the United States from Maine to Texas, and the
9 Caribbean -- I'm not going to say the Caribbean;
10 that's a different stock -- we did not have a
11 problem with that stock. But, yet, we are doing
12 linkage and we're doing reporting of that.

13 Now the reporting, was that a mandate
14 from you all or is that a mandate just for the
15 United States trying to sort of follow through on
16 trying to provide all the data that they can?

17 MS. GNAM: I may turn to my NIMS
18 colleagues.

19 The reporting that we do is what CITES
20 requires. And so, CITES requires an annual
21 report every year done by the Management

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1 Authority, that the U.S. report -- we only report
2 exports. So, that's based on the permits and
3 what we have actually seen leave the ports. And
4 so, that data, when you look at it from the United
5 States, is based on what actually left the United
6 States in exports of hammerhead. It's not based
7 on harvest. It's not based on domestic sales.

8 So, I know there are some reporting
9 requirements that you have to meet under NIMS.
10 We use that information, but when it comes to
11 what's in trade from CITES, we fall back on what
12 the permits are, not even what we issued because
13 sometimes CITES permits are not -- people apply
14 for permits, and then, they find a domestic buyer
15 and they don't use the permit.

16 So, our annual report, unlike some
17 other countries, is not based on permits issued,
18 but what actually is declared to us, because it
19 has to be declared to us when it enters the United
20 States or leaves. And so, we have actual -- that
21 data is pretty robust in terms of this is what

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1 somebody shipped out, and we know the quantities.

2 MR. BROOKS: Other questions or
3 comments?

4 Yes, Rick?

5 MR. WEBER: Rick Weber.

6 I'm familiar with CITES, but I don't
7 know the ins and outs. I'm going to take the
8 opportunity to learn just a little bit.

9 One of your last comments was that you
10 thought CITES, with the sea cucumbers, your
11 specific was, CITES could help regulate the
12 trade, was the word you used. And I didn't think
13 you regulated the trade; rather, that you
14 monitored the trade. And I'm trying to
15 understand the difference. And then I've got a
16 follow-up.

17 MS. GNAM: Okay. And I appreciate
18 the time to educate because we get used to our
19 acronyms and things like this.

20 CITES regulates the trade. And when
21 I mean that for the sea cucumbers, one of the

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1 reasons the U.S. cosponsored this is we are a
2 state for not all three species, but one of the
3 species. Basically, the annual report, that
4 monitors the trade data. But by regulate, when
5 we make that legal acquisition finding and that
6 non-detriment finding, we, in fact, could say no,
7 if we found, for example, if there's a management
8 plan for like some of the terrestrial species,
9 the states have a management plan and they set a
10 harvest quota for turtles. If we find that the
11 state says to us that quota was exceeded and those
12 specimens were acquired after the quota had been
13 maxed out, then we make a negative non-detriment
14 finding for some species. There may not be
15 enough information to make a non-detriment
16 finding.

17 You know, we live in a litigious
18 society, so we have to be sure. It's not just,
19 "Here's a permit." We actually have
20 written/verbal findings that accompany when they
21 go to the Management Authority. So, if someone

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1 wants to see them, we can.

2 We have put on the CITES website,
3 because countries are struggling with how to make
4 non-detriment findings for some of the shark
5 species, we have put -- the U.S., as a matter of
6 transparency, has posted its non-detriment
7 findings that we've made for porbeagle sharks,
8 hammerheads. As I said, it's Appendix II. It
9 does not stop the commercial trade.

10 So, we are regulating the trade to
11 ensure that it is sustainable. As I said, we
12 fall back on NOAA's management plan. So, if NOAA
13 sets a quota, then, basically, that's how
14 we -- our non-detriment finding we say is
15 positive; it's good, you know, for a quota up to
16 "X" amount of pounds. So, it is regulation. It
17 isn't just monitoring the trade.

18 MR. WEBER: Thank you.

19 And so much of what we do is at the
20 international level. So many of these species
21 are ICCAT species, and I'm involved with the IAC

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1 as well. So, I'm looking at how we can help
2 empower those agreements.

3 So, again, trying to understand, you
4 said mako might not meet the criteria. Without
5 me reading all the criteria, educate me on how
6 that -- what could it possibly not meet?

7 MS. GNAM: Okay. There's a
8 resolution that's called Resolution CoP 9.24.
9 The reason it's important is it sets out what the
10 CITES Parties have agreed to in terms of
11 scientific criteria. That's not to say that the
12 thresholds and the advice in those criteria have
13 to be met verbatim, but you have to be able
14 to -- you know, it sort of gives you guidance and
15 thresholds.

16 And so, for marine species, actually,
17 there's a footnote, and there, essentially, the
18 species needs to be declining to a certain
19 percentage. Now, for some species, we may not
20 have that information, and that's where I say you
21 can get into interpretation.

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1 But all marine species proposals,
2 because of a Memorandum of Understanding between
3 CITES and the FAO, are reviewed by what's called
4 an FAO Expert Panel. And so, what I was saying
5 was what the Expert Panel has basically -- when
6 they reviewed the mako shark proposal, and they
7 looked at it. As has been brought out, there's
8 many stocks. For some of the stocks, they have
9 assessments such as the North Atlantic, based on
10 the good work that ICCAT has done, or the
11 Mediterranean. And in those cases, they weren't
12 convinced -- the data wasn't sort of conclusive
13 that it met the criteria.

14 So, that's one of the issues, and
15 that's probably where the debate is going to be
16 on makos, unlike wedge and guitarfish where there
17 weren't those robust stock assessments, either,
18 but based on the quantity -- they had a good idea
19 of the species life history and experts' opinion
20 about the trade. And there, they said it may be
21 advisable because there is no other mechanism to

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1 regulate the trade; there is no other RFMO that's
2 really dealing with guitarfish or wedgefish, that
3 they might warrant CITES protection.

4 And so, I would urge you to look at
5 those FAO Expert Panels because it will review;
6 it will explain better than I can. But it's,
7 basically, if you go to the CITES website, it's
8 Document 105, and it will have the detail there.
9 But they've brought together a panel of shark
10 experts and they review those proposals. And
11 then, they give it -- that's not to say the CITES
12 Parties are bound by that FAO review, that
13 guidance, but it's information and it's more
14 information that's in the proposal.

15 And probably between now and when we
16 get to the CoP -- countries can no longer submit
17 proposals, but you can submit like supplementary
18 information as an information document. And so,
19 I suspect we'll probably see some information
20 documents. There may already be one. There's
21 57 proposals. So, I'm up-to-date every day on

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1 what got a new document, but, to my knowledge,
2 that is the issue that you raise with mako.
3 There is some interpretation. So, ICCAT measures
4 enough for the North Atlantic, but maybe not for
5 the Pacific Ocean. And that's where CITES, if
6 it's looking holistic, will have to decide what
7 it wants to do.

8 MR. WEBER: Good answer.

9 MR. BROOKS: Rick, something else?
10 No?

11 Mike?

12 MR. PIERDINOCK: Yes, thank you.

13 Just to expand upon that, if I hear
14 you right, at this point the U.S. doesn't have
15 any technical justification to go down this road
16 with this listing. I would have to assume that,
17 as ICCAT implemented measures that the whole
18 world was supposed to -- well, the contributing
19 nations or parties were supposed to follow a few
20 years ago, and the United States was the only one
21 that has followed those measures. The United

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1 States is the only one that has achieved the
2 conservation measures here in our U.S. waters,
3 but the rest of the world has not.

4 And it's interesting that the EU and
5 all these other nations that are proposing this
6 Appendix II are the same ones not implementing
7 any measures at the international level at ICCAT
8 to conserve, implement the conservation measures.

9 So, am I interpreting that properly,
10 that as a result of the fact that the U.S. has
11 been proactive with conservation measures and the
12 rest of the world has not, or those that
13 participate in ICCAT and those contracted
14 parties, that at this point we do not feel that
15 this citing would be necessary?

16 MS. GNAM: We haven't taken an
17 official position. The public comment period
18 only ended April 23rd. I'm just sort of
19 paraphrasing what the FAO panel has said, what
20 some of our initial -- we're still talking with
21 NIMS. We're still working on this. So, we

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1 haven't totally evaluated the proposal.

2 But let's say that's what FAO has come
3 to the conclusion, and we do take their advice
4 seriously. I will agree with you that the U.S.
5 takes its international responsibilities under
6 any treaty or convention seriously, just the same
7 as CITES.

8 That said, we'll look at the species
9 as a whole and see what's being proposed. You
10 know, the Pacific, as I said, has no stock
11 assessments, has no management measures in place
12 for makos in the Pacific Ocean, to my knowledge.
13 We'll hear what the other range countries say.
14 Position will be decided by Fish and Wildlife
15 Service's leadership in consultation with NIMS's
16 leadership. I'm just sort of the technical
17 person giving you, when we look at these
18 proposals, what some of the things are that we
19 have seen.

20 Yes, ICCAT seems to have taken
21 measures for mako, and the U.S. is complying with

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1 them. Interestingly enough, Mexico is also a
2 member of ICCAT, and they felt that this proposal
3 was warranted. So, we'll need to hear what
4 Mexico has to say as to why they think this could
5 add more protection. It will be an interesting
6 debate. That's really at this point --

7 MR. BROOKS: A quick follow-up
8 question on Mike's question. To ask it slightly
9 differently, to what extent, when the U.S. is
10 figuring out the stance it wants to take in CITES,
11 does it take into account how other nations are
12 implementing something like ICCAT provisions?

13 MS. GNAM: It certainly will take that
14 into account. And one thing I forgot to say is
15 that, had we left this week for Sri Lanka, we
16 usually publish in The Federal Register just
17 shortly or the day we arrive at the CoP what the
18 U.S.'s tentative negotiating position is. On
19 some proposals sometimes it is undecided,
20 basically, because we are wanting to hear the
21 dialog. I mean, this has happened with elephant

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1 proposals and down-listing elephants to Appendix
2 II and, basically, wanting to hear what the
3 African range states really have to say.

4 Mako is a sort of different situation
5 because the U.S. is a range state and we do well
6 manage this fishery, as you well know. And so,
7 we will hear the arguments, why people think that
8 there are benefits to doing this, and we'll weigh
9 it against what the scientific data tells us, and
10 come up with what the position will be.

11 MR. BROOKS: Great. Thanks.

12 Grant?

13 MR. GALLAND: Thanks, Bennett.

14 And thank you for the presentation.

15 I'm Grant Galland, and I come from the
16 Pew Charitable Trust. And just to be
17 transparent, we support the two ray proposals,
18 wedgefishes and guitarfishes, as well as the mako
19 proposal. And as you know, we have submitted
20 comments, written comments, during the open
21 period.

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1 But I did just want to mention that
2 it's important to say again that CITES regulates
3 trade, not fishing. So, you know, it's not in
4 competition with ICCAT and the other RFMOs. It's
5 to work alongside those bodies.

6 And then, I also think there might be
7 some fear around the world that a listing on
8 Appendix II is just a stepping-stone to a listing
9 on Appendix I. And actually, something you
10 mentioned in your comments I thought was really
11 important, and that was that the whole point of
12 a listing on Appendix II is to avoid a listing on
13 Appendix I. So, I'm wondering if you can maybe
14 ease some of those fears for us.

15 But, then, I just did want to
16 reiterate that we support these proposals because
17 the benefits of ensuring that trade does not lead
18 to the endangerment or extinction of an important
19 fisheries species seems to be good for really
20 everyone involved.

21 Thank you.

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1 MS. GNAM: Yes. Okay. Thank you.

2 We're still analyzing all those public
3 comments, yes. And the U.S. has always basically
4 taken the position that listing of species under
5 CITES can be complementary to our RFMOs. And so,
6 we don't think it's "either/or". We, in fact,
7 have prepared, and it is on our website, a fact
8 sheet that discusses how CITES can complement
9 RFMO and their measures. And so, that will be
10 part of our decisionmaking here with mako, to
11 look at that.

12 In terms of going to Appendix I, as I
13 said, there are criteria that need to be met for
14 a species to basically qualify for Appendix I.
15 And they're very -- I mean, if you think an
16 Appendix II proposal is controversial and
17 requires much discussion, I'm working on some
18 terrestrial species right now that are being
19 proposed for a listing up to Appendix I,
20 transferred from Appendix II. And clearly, there
21 are issues and problems. Particularly, illegal

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1 trade is not controlled or the population, since
2 it's been listed in CITES, despite all the
3 efforts, has continued to decline and now would
4 meet the biological criteria for inclusion in
5 Appendix I.

6 That certainly has not happened with
7 any of the shark species that are currently
8 listed in CITES Appendix II. We've spent, the
9 Parties have spent a great deal of amount of time
10 building capacity. I know I participated, along
11 with NIMS, in a regional workshop in West Africa
12 that had to do with how to make findings for
13 permits for sharks from West Africa. So, I think
14 that the Parties -- there is no fear that right
15 now -- you know, in itself, it's enough to talk
16 about Appendix II for marine species. We're not
17 talking about Appendix I here.

18 And you could amend the proposal at
19 the -- you can always lessen the scope of a
20 proposal, as we said, make the proposal deal with
21 only certain populations. The proponents could

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1 do that. But you can never broaden the scope of
2 a proposal at a CITES CoP. So, if you go on the
3 table with an Appendix II proposal, you cannot
4 change it to an Appendix I. That would take
5 another Conference of the Parties, because
6 proposals, unlike some Conventions, some
7 proposals have to be out there for 150 days before
8 the Conference of the Parties for people to
9 really discuss them and consult with experts, and
10 really make what they hope is a decision that's
11 made on robust science and not just a proposal
12 that comes in a day before they meet.

13 MR. BROOKS: Thanks.

14 I've got one last question I want to
15 get in here.

16 Marcos?

17 MR. HANKE: On the presentation, this
18 is not an HMS question directly because the
19 species we're not dealing with. But the sea
20 cucumbers, I'm really interested because in the
21 whole Caribbean -- we are already in experiment

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1 in Puerto Rico -- many experiences with areas
2 that lost heavily, fished by a single person, and
3 there is data from the fish labs showing the
4 population disappearing and it's still under that
5 effect in those areas.

6 And we have those areas close to Japan
7 where they have been using a very similar species
8 being listed in there. And it's not the interest
9 of CITES, of the U.S., to include this similar
10 species here that already are experiencing the
11 same kind of pressure that is of this trend of
12 the market, and they're looking for options,
13 coming to the U.S. Caribbean, for example.

14 MS. GNAM: Interesting. If you'll
15 let me a non-shark question? Sea
16 cucumbers -- and that's why we're supporting that
17 proposal -- sea cucumbers have been, based on
18 U.S. leadership, much discussion in CITES. And
19 there were three reports done by FAO. You're
20 totally correct that sea cucumbers, because of
21 their lifestyle, their life history, are

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1 extremely vulnerable to overexploitation. And
2 the market demand for sea cucumbers has increased
3 phenomenally. Florida recently enacted
4 legislation that only allows you to catch 500 a
5 day.

6 We also have very little population
7 data on sea cucumbers. So, we've been looking
8 at those for a long time. We have been
9 interested in trying to do workshops to get
10 better data because, as I said, these proposals
11 need -- you know, we took nautilus to the last
12 CoP, but we worked on it for three cycles before
13 we felt we had a proposal that could stand up to
14 scientific scrutiny that's required.

15 And so, I would be very interested to
16 talk to you about Puerto Rico. It is certainly,
17 we are certainly monitoring our own sea cucumber
18 species. And that's why this proposal we think
19 is very important, because, clearly, for these
20 species, the decline has been documented. Some
21 of these countries want to do something. There

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1 is no other way.

2 And the reason I said they're the most
3 controversial, because I think back to CoP 10
4 where we talked about the first shark listings
5 under CITES and led into this debate about
6 whether you could list marine species under
7 CITES. We got over that. And now, CITES is seen
8 as a tool for marine species.

9 But, with sea cucumbers, we're right
10 back at that same dialog. And so, this proposal
11 becomes really important. I think if it
12 succeeds, we will probably see -- I mean, I can
13 tell you I've been to meetings in the Central
14 American region. They are really concerned about
15 their sea cucumbers. We've got harvest in
16 Alaska. We have harvest in Maine. The U.S. is
17 a sea cucumber -- I mean, you talk to the
18 Caribbean countries. You're right. I've talked
19 to Cuba. I've talked to the Bahamas. Everybody
20 is seeing an increase in the export of sea
21 cucumbers, and in large volumes.

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1 And so, I think it is a marine species
2 that deserves attention, but, amazingly, we're
3 working with some NGOs who are calling them "love
4 the unloved" because people react to sharks and
5 they react to fish. When you start talking about
6 sea cucumbers, which the volume is akin to
7 sharks, if not greater, and we know so little
8 about them, that, "Oh, really, people eat sea
9 cucumbers?" Whereas, in Asia, this has been a
10 huge market for years and just increased. As
11 their population is declining, they look for
12 alternates. And I don't know a country that has
13 a coastline that I haven't talked to that hasn't
14 seen a sea cucumber trade start.

15 MR. BROOKS: Rusty, you have 20
16 seconds.

17 MR. HUDSON: On the cosponsors of 55,
18 on the mako, you need two-thirds in order to get
19 it passed. That would be about 122 countries.
20 When you come back to amend it, the 122 or the
21 55?

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1 MS. GNAM: It's two-thirds of the
2 Parties present. And the reason I say this is
3 because, if we have the CoP in Sri Lanka, you may
4 not have 182 countries present. Okay? So, the
5 vote is two-thirds of the countries accredited
6 and present at that Conference of the Parties.
7 Okay? But your math is right in the normal
8 circumstances, yes.

9 The other thing is that most marine
10 proposals, particularly sharks, have been done by
11 a secret ballot. And there, the bar is 10
12 countries can ask for a secret ballot. So, you
13 really don't know how countries vote unless they
14 announce it. The U.S. has always announced how
15 it votes on a proposal. It doesn't believe in
16 secret ballots.

17 But, essentially, it's 122 countries.
18 It depends. If they want to stick to the
19 proposal as written and they go for a vote, and
20 they lose it, according to the Rules of
21 Procedure, they cannot come back and amend it.

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1 So, they would have to amend it before there is
2 a vote, a discussion on the proposal.

3 MR. HUDSON: Thanks.

4 MR. BROOKS: Thank you very much.
5 Very informative. Appreciate it. And you know
6 your stuff seriously. Thank you.

7 MS. GNAM: You're welcome.

8 MR. BROOKS: All right. We have one
9 last topic we want to cover today, and then, to
10 public comment.

11 As we mentioned, we want to have a
12 conversation around HMS research priorities for
13 HMS management. I think you last visited these
14 in something like 2014, something like 2014. So,
15 the intention is to take a fresh look at these
16 priorities and get a sense from you all as to
17 what should be staying on the list, what should
18 be falling off, what new priorities might need to
19 rise up the list or be added. And so, Tobey
20 Curtis and Steve Durkee will come up and give an
21 overview of the priorities as they stand now.

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1 And then, the game plan is, after they
2 do that, we're going to ask you to get in groups
3 of three or four, just very informally around the
4 table; spend about 20 or 30 minutes talking in
5 small groups, brainstorming what you all see as
6 changes in research priorities that would make
7 sense.

8 And then, after you've had a chance to
9 talk, we'll ask one person in each group just to
10 email what you developed in your group to Tobey
11 and Steve. And then, we're going to come back
12 and revisit that at the end of the day tomorrow.
13 So, we'll sort of aggregate all of that and see
14 what picture it tells us, and we'll come back and
15 talk about that. So, I'll give you those
16 instructions again in a little bit, but I just
17 wanted to give you a big picture of what we're
18 looking to do.

19 So, you guys, it's all yours. Okay,
20 go ahead.

21 MR. CURTIS: Thank you, Bennett.

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1 MR. BROOKS: Yes.

2 MR. CURTIS: Thanks, everybody. I'm
3 Tobey Curtis, for those who don't know me, and
4 this is Steve Durkee. We're sort of leading this
5 effort to update the HMS management-based
6 research priorities.

7 Just to point out upfront, this is a
8 little bit different from stock assessment-type
9 priorities. There may be some overlap, but this
10 was really a list initially developed sort of by
11 managers for managers, but there's definitely
12 some overlap with sort of stock assessment
13 priorities because a lot of those needs for
14 research are similar.

15 So, I'll go through a quick
16 presentation here, and then, we'll have the group
17 breakout, like Bennett indicated.

18 We last published this priorities
19 document in 2014. There's a Federal Register
20 citation there. The purpose of the document was
21 to communicate key research needs that directly

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1 support Atlantic HMS Management. It contained a
2 list of near- and long-term research needs and
3 priorities and different priority levels. It
4 covers biological and ecological needs to
5 socioeconomic needs. And it complements the data
6 collection priorities listed in the stock
7 assessment reports, and there's a link to the
8 2014 document.

9 It's been useful for several purposes
10 in the following years: for our review of grant
11 proposals; for federal programs like SK and BREP;
12 support for HMS researchers seeking funding from
13 non-NFMS sources. So, researchers looking for
14 funding elsewhere can sort of point to this
15 document, identifying it as a research need for
16 the Agency. Generally, communicating with the
17 scientific research community on HMS; enhancing
18 outreach on stock assessment needs, both domestic
19 and international, and, ultimately, getting data
20 that we can use in management.

21 Currently, the 2014 document, some of

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1 the priorities are now outdated. Some of the
2 research has been completed. Management actions
3 have resulted in some shifting priority levels,
4 and we have new needs and new methods, given the
5 changes in stock status and other things.

6 So, HMS staff so far have drafted this
7 updated document, which is also linked in the
8 agenda, on the agenda website. So, if folks
9 don't have it open, it might help for your small
10 group discussions to find that link and open it
11 up to look through.

12 So far, we drafted this update, and
13 right now is our opportunity for AP input. We'll
14 collect what we can today and tomorrow, but if
15 you have additional ideas or thoughts in the next
16 couple of weeks, feel free to email Steve or me,
17 and we can make sure that your comments get
18 addressed.

19 Right now, we're requesting input from
20 you. Mainly, we would like folks to focus on
21 things that could be removed, if you think

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1 there's things on the draft list should no longer
2 be there; things whose priority levels should
3 change. If they're high and you think they
4 should be low, or vice versa; if there's new
5 priorities for each species group under all
6 HMS -- the document is broken down for all HMS
7 across the board, all the species, and then
8 broken down by bluefin and other tunas and
9 sharks, et cetera.

10 Generally, right now, what would be
11 most important is to identify oversights,
12 something that you think should be on the list
13 that just isn't, something that we missed. So,
14 that would be, for today, I would think that would
15 be a high priority for us. That would be
16 helpful, just to make sure we are not missing
17 anything important as a research priority.

18 And then, just general suggestions to
19 improve the overall usefulness of the document.
20 We want to make the most of it and, hopefully,
21 make it useful to us as well as the broader HMS

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1 research community.

2 So, then, our next steps will
3 incorporate AP comments and we'll complete
4 revisions to the draft. There will then be some
5 internal review. It will go through our Science
6 Centers and HQ staff. And then, when the final
7 document is ready, it will be posted and
8 available on the HMS website. And then, maybe
9 it will sit there for another several years
10 possibly.

11 (Laughter.)

12 MR. BROOKS: That's inspiring.

13 (Laughter.)

14 MR. CURTIS: But, no, hopefully, that
15 will give us our window to get the research done,
16 and we can make some progress and revisit it when
17 we've made some progress.

18 So, again, this is the sort of
19 instructions for right now, when we can break up.
20 So, if you can find the document -- and we are
21 going to keep this kind of informal. Steve and

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1 I and Karyl and others will kind of be floating
2 around. Wave us down if you have questions. But
3 if you could, look at the list, think about if
4 there's things missing, in particular, or if
5 things should be moved around, to compile some of
6 those thoughts, and then, email Steve or me by
7 tomorrow morning. And anything we get by
8 tomorrow morning will be reflected in our follow-
9 up presentation tomorrow. But if stuff occurs
10 to you in the next few days or weeks, you can
11 still just email us those ideas, and we'll try to
12 get them into the final document.

13 MR. BROOKS: And so, in a perfect
14 world, what we want you to do is actually, and
15 again, in just sort of informally groups of three
16 or four, and I would just say clump around the
17 table, as it makes sense. I mean, if there's
18 someone you really want to huddle with, feel free
19 to get up and move around the table. That's
20 fine.

21 But just spend 25 minutes or so

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1 brainstorming in a small group around what
2 research priorities seem important, the kinds of
3 questions and feedback that Tobey's asking for up
4 there.

5 And I know Tobey said you can email by
6 8:00 a.m. tomorrow, and that's true, but I would
7 strongly advise that you email today by 5:15, if
8 you could.

9 I would just think in your group it
10 would be best if one person just sort of worked
11 the keyboard and wrote down the ideas as they
12 came up. That would be probably a lot more
13 efficient, and then, you don't have to leave the
14 room with a homework assignment, which then you
15 won't do.

16 So, my suggestion is spend until five
17 after 5:00, 10 after 5:00, and then, just use the
18 last five minutes to just put together a quick
19 email. It doesn't need to be pretty. It doesn't
20 need to be complete sentences. It just needs to
21 be something these guys can understand.

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1 And then, again, they'll sort of
2 aggregate all of that. And then, tomorrow
3 afternoon we'll come back and reflect that back
4 to you.

5 Does that make sense?

6 And, George, maybe you have a
7 question?

8 MR. PURMONT: Yes, I have a little
9 question here. Under "current status," you have
10 new needs, new methods. What do you mean by "new
11 methods"?

12 MR. CURTIS: Just new sort of
13 technical scientific techniques that may be
14 available that we didn't have five years ago.
15 I'm thinking -- I don't know -- advances in tag
16 technology or advances in genetics. Just new
17 tools in the scientific toolbox that would help
18 address our management priorities that we haven't
19 had available before now.

20 MR. BROOKS: And when you are done in
21 your small groups, please do not leave the room

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1 because we do have public comment. And I want
2 to make sure that the AP is here to hear the
3 public comment.

4 And let me just get a quick show of
5 hands. How many folks in the audience will have
6 public comment they want to make?

7 Am I not seeing any? Oh, Glenn has
8 left the room. So, we might have one public
9 comment.

10 So, let's just assume, let's assume
11 Glenn has something he wants to say. I'm going
12 out on a limb here, but -- all right. Anyway, I
13 think unless there's any other questions, again,
14 just spend about the next 25-30 minutes
15 brainstorming ideas. You don't need to reach
16 consensus in your group. If you have ideas that
17 were broadly supported, note it. If they're just
18 individual ideas, that's great, too.

19 Okay. Thanks.

20 (Whereupon, the above-entitled matter
21 went off the record at 4:42 p.m. and resumed at

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1 5:15 p.m.)

2 MR. BROOKS: All right. Thank you
3 all for doing that.

4 And, again, what they'll do is look
5 across the various suggestions you all put
6 forward, and then, they'll come back tomorrow
7 afternoon and sort of reflect back here are some
8 common themes and sort of share the results. And
9 we'll talk about that.

10 At this point, I believe all we want
11 to do for the rest of the day today is take any
12 public comments, if there are any.

13 Do we have any public comments?
14 Great. I see at least one.

15 Anybody else?

16 All right. If you would come up and
17 maybe get close to a mic, any one that looks
18 accessible, maybe right over here next to Anna.

19 And just start with your name, name
20 and organization. It will be great. Thanks.

21 MR. GEHAN: Thank you very much, Mr.

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1 Chairman.

2 My name is Shaun Gehan. I'm
3 representing the Sustainable Shark Alliance, an
4 ad hoc coalition of shark fishermen, fish
5 dealers, processors.

6 I just wanted to bring an issue to the
7 attention of the members of the AP, maybe look
8 for a little support. One of the main reasons
9 the group initially formed was to fight some of
10 the federal fish shark fin sale bans. We've
11 worked with environmental groups and academics
12 and shark scientists to create an alternative
13 that would create a certification program to end
14 the practice of shark finning and shark
15 overfishing, where it exists. So, if you wanted
16 to import any shark products, you would have to
17 certify that you have an effective shark finning
18 ban and conservation, shark conservation programs
19 equivalent to those of the U.S. We still think
20 that is the right approach.

21 And that's a battle that's going on

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1 now. But this year another issue has sort of
2 raised its head. And I think it's sort of timely
3 because I think you're all informed of the South
4 Atlantic Council has written to HMS and NIMS
5 about just some of the increasing complaints of
6 people having interactions with sharks, shark
7 predation having impacts on managed species.

8 Texas, in 2016, had passed a shark fin
9 ban, a State ban. You couldn't sell shark fins
10 in the State. And the Sustainable Shark Alliance
11 isn't taking issue with that. But, as part of
12 that law, they purport to require that any sharks
13 in international or interstate commerce that pass
14 through this State be shipped with the fins still
15 attached, which means the way the fisheries
16 always operated, a federally-licensed dealer
17 would land a shark at a federally-licensed
18 dealer. They would sell the fins to the fin
19 market. They would sell the meat to the meat
20 market. And Mexico happens to be a big market,
21 and Louisiana happens to be the leading State in

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1 terms of shark landings by a wide margin.

2 Although it was on the books, it
3 wasn't until last summer when they became aware
4 of one shipment and reached out to the dealer,
5 that they hadn't really enforced it. No one was
6 really aware of this provision.

7 But, as a result, this year, at least
8 as of mid-March -- and I haven't looked at the
9 numbers -- only 7 percent of the Western Gulf
10 large coastal quota had been taken. And that's
11 because most of those sharks were coming into
12 Louisiana, other parts of the Gulf, and parts of
13 the Atlantic, and being trucked through Texas.

14 The Sustainable Shark Alliance and
15 others are challenging this ban on constitutional
16 grounds that it interferes with interstate and
17 international commerce as well as a Supremacy
18 Clause challenge, saying that it's contrary to
19 the federal government's duties under the
20 Magnuson-Stevens Act, not just to conserve
21 species, but also to achieve optimum yield on an

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1 ongoing basis for the U.S. commercial fishing
2 industry.

3 The Agency itself, when it was
4 implementing the Shark Conservation Act of 2010
5 measures, pretty much the requirement to land
6 sharks with their fins naturally attached and to
7 create the smooth dogfish exemption, had raised
8 questions about whether state fin bans were,
9 indeed, preempted by the Magnuson-Stevens Act.
10 They found several states not to be, but those
11 were pretty de minimis states in terms of shark
12 landings, including California and New York,
13 Washington and Oregon, Hawaii.

14 But this particular law -- and again,
15 this is just where sharks can be processed. Can
16 you do that in Louisiana, Alabama, Florida, or do
17 you have to ship it to Mexico to be processed?
18 We think that goes too far, and it's having an
19 impact on the ability to achieve OY.

20 So, we'd love support from the Agency,
21 from other industry groups, for this lawsuit, but

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1 also just in general. You know, people are
2 having issues with shark predation. We've heard
3 it from commercial fishermen, from shrimpers, and
4 recreational fishermen. Just trying to get your
5 bait past sharks has become a big issue.

6 And if this law continues, I mean,
7 this is -- you know, if we're not successful,
8 then these issues that have been raised by the
9 South Atlantic Council are only going to be
10 exacerbated.

11 So, that's really all I had to say.
12 I really appreciate the time and your attention
13 after a long day. Thanks.

14 MR. BROOKS: Thank you. We
15 appreciate that very much.

16 Any other public comment today?

17 Okay. Then, Pete, anything before we
18 adjourn?

19 MR. COOPER: No, I don't think
20 anything additional, other than a no-host social
21 is happening downstairs.

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1 MR. BROOKS: Yes, three reminders.

2 A no-host social downstairs. I think
3 it's set for 5:45, but I'm sure they'll welcome
4 you early, if you want to show up; I just think.

5 Second is we start tomorrow at 8:30
6 sharp, and we have a big, full day. So, please
7 be here and ready to start at 8:30.

8 And third is, yet again, if you didn't
9 take a moment to fill out the survey yet outside
10 on objectives, that would be helpful for you to
11 do, and get that back by tomorrow morning or
12 tomorrow midday.

13 MR. COOPER: The survey? I think the
14 deadline of six o'clock tomorrow --

15 MR. BROOKS: 6:00? Oh, by the end of
16 the day tomorrow, that's right.

17 MR. COOPER: Yes.

18 MR. BROOKS: Okay. Any questions
19 from AP members before we adjourn for the night?

20 All right. Thank you all very much
21 for a good day. Thanks.

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1 (Whereupon, the above-entitled matter
2 went off the record at 5:23 p.m.)
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