

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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WEDNESDAY  
MAY 22, 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 8:30 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
- RICK BELLAVANCE, Council Representative; New England 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

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GRANT GALLAND, Environmental; Proxy for Shana  
Miller

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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, Recreational; F/V Fishin' Frenzy

SHANA MILLER, Environmental; The Ocean Foundation\*

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

SCOTT TAYLOR, Commercial; Dayboat Seafood

PERRY TRIAL, State Representative; Texas Parks and Wildlife Department

RICK WEBER, Recreational; South Jersey Marina

ALAN WEISS, Commercial; Blue Water Fishing Tackle Company

KATIE WESTFALL, Environmental; Environmental Defense Fund

ANGEL WILLEY, State Representative; Maryland Department of Natural Resources

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ALSO PRESENT:

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

\*Present via telephone

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

2 8:37 a.m.

3 MR. BROOKS: All right, let's get  
4 going. Good morning, everybody, and welcome  
5 back. As promised, we are going to have a very  
6 busy day today. I'm sure you've all had a good  
7 look at the agenda, so you should be familiar  
8 with the topics. We're going to be very bluefin  
9 tuna-centric today.

10 We will start the morning with a  
11 couple of presentations that will be pretty data  
12 heavy, and the intent is really to give you all  
13 and give all of us a common understanding of where  
14 things stand right now. First take note, hearing  
15 from Brad on 2018 fishery trends and 2018  
16 management issues, and then we'll hear from Tom  
17 on the A7 three-year review.

18 We've got about two hours set aside  
19 for that. If we need all that time, great. But  
20 a lot of that information will come cycling back  
21 in the later conversations. So if we move

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1 through that quicker, it wouldn't be the worst  
2 thing in the world because it will just give us  
3 more time to talk about the various ideas that  
4 are being brought forward for A13 scoping and  
5 talking about bluefin tuna weak hook and area-  
6 based management regulatory amendments.

7 A lot of ideas obviously on the table  
8 to be talked about today, and I want to make sure  
9 we've got a good chunk of time for you all to  
10 understand the ideas that the agency is putting  
11 on the table based on lots of conversations you  
12 all have had over a number of years, and then  
13 obviously hearing from you all on reactions,  
14 other ideas that should be added to the mix.

15 So you know, get yourself comfortable,  
16 and we really look forward to hearing from  
17 everyone during the course of the conversation.  
18 Let me just pause and see who we have on the phone  
19 today. So, operator, if you could just let us  
20 know, maybe open the lines so we can hear who's  
21 on the phone.

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1 OPERATOR: Okay, one moment as I open  
2 the lines. Hi. All lines are now open. The  
3 guests may speak.

4 MR. BROOKS: Hi, if you could just  
5 name and organization, who you're with, and if  
6 you're an AP member, let us know.

7 MS. MILLER: Hi. This is Shana  
8 Miller with the Ocean Foundation. Sorry I can't  
9 be there, but I'm on the phone today, and Grant  
10 is of course there.

11 MR. BROOKS: Great. Thanks Shana.  
12 Anybody else on?

13 (No response.)

14 MR. BROOKS: Okay, and, Shana, we'll  
15 remember to ask you to fold in, but you should  
16 feel free to fold in as needed, okay?

17 MS. MILLER: Thanks, Bennett.

18 MR. BROOKS: Okay, thanks. All  
19 right, Brad, over to you.

20 MR. McHALE: Alrighty. Well good  
21 morning, everyone. It's great to see everybody.

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1 As Bennett mentioned, we've got a full day here,  
2 definitely data heavy as we proceed through what  
3 transpired last year, Tom presenting the three-  
4 year review and then ultimately all that feeding  
5 into where we're at regarding exploring Amendment  
6 13 and that scoping process. So hopefully a lot  
7 of what we observe this morning or early this  
8 morning will then, you know, feed right into and  
9 look forward to, as always with bluefin, a rather  
10 fruitful discussion.

11 So 2018 in review. Definitely a busy  
12 year, I think a productive year, although  
13 definitely as always when it comes to bluefin  
14 tuna management, there's always room for  
15 improvement depending on the perspectives around  
16 the fishery or even from this side of the house.  
17 But and I won't be belaboring a lot of these  
18 numbers.

19 I essentially put this together so you  
20 all have it as reference to help inform the  
21 conversation. But I don't want to get too far

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1 down into the weeds. So they'll be like a few  
2 take-home kind of points I'll just want to touch  
3 on all of these.

4 So here, you know, pretty much all  
5 landings weighed up against the -- not only the  
6 base quotas but then the adjusted quotas as we do  
7 transfers say from the Reserve, but kind of gives  
8 you a sense of at least last year how the  
9 fisheries have played out, not only in volume of  
10 fish and tonnage, then also percentage harvested.

11 I know the one or one of the lines  
12 taken off this that, you know, that I think from  
13 the agency side we can start to do a better job  
14 at and continue to strive to do a better job at  
15 is lower right-hand corner when you're looking at  
16 percentages of base quota taken or the adjusted  
17 quota taken.

18 We fell shy from kind of where we  
19 would like to be and where we have been in say  
20 the last few years. But that doesn't necessarily  
21 mean that there wasn't effort put in to trying to

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1 catch our quotas and provide fishing  
2 opportunities, and you've seen this for years,  
3 where we kind of run down a list of all the  
4 various actions that we've taken.

5 So we modified retention limits four  
6 times last year. We did nine inseason quota  
7 transfers. We did three quota adjustments. So  
8 these are more of your bigger picture ones, and  
9 I'll get into a little bit more detail in the  
10 following slide.

11 Unfortunately, we had overall eight  
12 closures. We definitely ran into some  
13 micromanagement in the fall, trying to find  
14 whether there's a window to open and provide a  
15 fishery, and especially with bluefin, you know.  
16 We were hearing quite a bit that all of a sudden  
17 we'd have an opening and be blowing 30 knots.

18 Well again NOAA forecasting called for  
19 30 knots the day we set up the opening date. So  
20 we'll have to talk to the Weather Service side of  
21 things to get that dialed in a little bit more.

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1           So that in turn also resulted in a  
2 number of different reopenings. Then ultimately  
3 -- we lost it.

4           And then also we finally incorporated  
5 the northern albacore and the bluefin tuna quota  
6 adjustment rule based upon the recommendations to  
7 increase those western Atlantic TACs. So again,  
8 a lot of time and effort put in by staff in  
9 managing this fishery.

10           I mean just run down this list, and  
11 none of these actions, you know, happen with the  
12 snap of a finger. You know, there's time,  
13 there's deliberation. There's, as I mentioned,  
14 trying to dial things in when you're looking at  
15 small windows or small quota of how to get these  
16 openings.

17           So not anything new, but just re-  
18 enforcing the administrative burden it takes to  
19 manage the fishery at this level and scale. And  
20 as this helps inform Amendment 13 and how we  
21 evolve in the overall management, is this

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1 something we collectively as an advisory panel,  
2 as fishery representatives as well as managers,  
3 something that we want to continue.

4 Is this working, is it not? Is it  
5 worth the cost-benefit? Is there more certainty  
6 we can introduce? So all items to be thinking  
7 about for that Amendment 13 discussion. And  
8 again, a few more examples of some of the quota  
9 transfers and adjustments that we did. So some  
10 of these are, you know, just moving quotas around  
11 based upon the timing in the fishery.

12 I know for those that have members in  
13 the Harpoon category, guaranteed, you ask for a  
14 quota increase from the Reserve, your fishery  
15 will cease. There's about eight years of that  
16 happening in a row now. But yet that quota then  
17 becomes available for other fisheries later on in  
18 the season.

19 When it comes to kind of managing some  
20 of our retention limits when we look at the  
21 recreational side, because we use the Large

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1 Pelagics Survey as our data collection tool and  
2 knowing that that isn't real time, and based upon  
3 experiences that we've gained over the years,  
4 we've tried to provide consistent retention  
5 limits both for the for-hire fleet as well as the  
6 private fleet.

7 So folks kind of have a certainty of  
8 okay, as I'm planning vacations or planning  
9 trips, we know what the limit's going to be versus  
10 it bouncing up and down. So that has been  
11 consistent over the last couple of years, as it  
12 was with '18. And what we actually, in looking  
13 at those recreational landings from the first  
14 slide, the recreational category's been landing  
15 45, you know, plus or minus percent over the last  
16 few years.

17 So again, trying to be precautionary  
18 and knowing there's high variability here, and  
19 not necessarily wanting to overshoot, what we did  
20 do for this go-round is provide a slightly more  
21 liberalized retention limit for those inspected

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1 vessels or headboat vessels. So essentially  
2 where they would be allowed six school bluefin  
3 tuna and two large school small/medium bluefin  
4 tuna.

5 And acknowledge it's not something  
6 that business could dedicate a trip around, but  
7 yet when you have, you know, multiple anglers  
8 onboard your vessel doing overnight trips, it  
9 might allow for a little additional catch to  
10 contribute to that Angling category quota  
11 attainment.

12 And some of the variability that I  
13 mentioned, again I think everybody around the  
14 room this is not news. But when you start to  
15 kind of look across the years and the different  
16 size classes, you can kind of see how -- excuse  
17 me, that variability kicks into play.

18 A prime example is when you look at  
19 last year, the number of large schools as well  
20 as, you know, that were seen in comparison to the  
21 prior two years. Significant drop off in that

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1 size class. Don't want to read too much into it,  
2 you know. It's not -- it's a data point. It's  
3 a year's sample.

4 We'll see what '19 brings, but this is  
5 kind of why we take that precautionary approach  
6 of trying to provide opportunities and  
7 consistent, but then don't want to overshoot and  
8 then have to ratchet back unnecessarily in a  
9 subsequent year, especially when fish are around  
10 or available.

11 When it comes to the Angling Category  
12 size classes, again, just another way to look at  
13 the data when you look at quota usage. If you  
14 look at that last line, you know, this is an item  
15 that I think we'll want to touch on. We've heard  
16 it around the table. It's part of that Amendment  
17 13 discussion is we had very, very small quotas  
18 for our Trophy categories.

19 So these are the giants that can be  
20 landed by recreational fishermen for personal  
21 use. Each geographic area has a 1.8 metric ton

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1 allocation. They tend to be caught pretty  
2 rapidly. Normally, when the winter General  
3 category is done, that Southern Trophy fishery is  
4 caught, you know, within a matter of days.

5 And when there's a body of fish there,  
6 combine that with the effort, you can easily go  
7 well above that 1.8 very quickly in just a matter  
8 of days. I know in the Gulf of Mexico right now,  
9 we've had a number of different landings in  
10 tournaments and what have you.

11 They're approaching their quota, and  
12 I suspect as we're hearing reports of fish moving  
13 north, through the canes and New York, it won't  
14 be long before that Trophy north is closed up as  
15 well. So something to keep in mind as we're  
16 discussing just allocation issues in general, how  
17 we'll want to discuss that as a panel.

18 Addressing variability again, more by  
19 geographic area across the years. You can kind  
20 of see that, you know, depending on when you lump  
21 different states it's -- the last few years, the

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1 New York, New Jersey and Delaware-Virginia area  
2 have been kind of the locations where we've seen  
3 our school catch come in.

4 Reflecting back to the previous table,  
5 you'll see that, you know, large schools have  
6 dropped off rather considerably, and  
7 small/mediums are variable. So again, just all  
8 things that we're taking into consideration as  
9 we're trying to manage the fishery.

10 As well as some of these trends that  
11 we're seeing across years, we're looking at that  
12 Large Pelagics Survey data, are we seeing  
13 different cohorts marked through the fishery, and  
14 then how do we fold that into our thought  
15 processes and analyses on how we're going to  
16 manage these.

17 We experienced this a number of years  
18 back, where we had very strong year classes that  
19 were marching through and then kind of filling up  
20 recreational quotas very quickly because an  
21 individual weighed a lot in that context, before

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1 they then entered into the commercial fisheries.

2 So something we're also -- you know,  
3 what sort of trends exist, or all of a sudden  
4 maybe there isn't a trend. We just start to see  
5 year classes pop up that we didn't see in prior  
6 years. So all indicators of what's transpiring  
7 and helping us inform when we're making our  
8 decisions.

9 So the table here, my intent of  
10 showing this is to get at a lot of the dialogue  
11 that's taking place regarding the management of  
12 the directed handgear fisheries, and how  
13 allocation is distributed, where catches and when  
14 catches attained, as well as the influence of  
15 retention limits and how that influences it.

16 For that that aren't dialed in to the  
17 bluefin tuna, you'll be aware that we just  
18 announced that we're going to start off the June  
19 fishery at three fish again, very similar to what  
20 we did last year. We're catching a lot of heat  
21 of doing that because there is a misperception

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1 that by having a liberal limit early in the  
2 season, it compromises more opportunities in the  
3 fall.

4 And that is just downright false. The  
5 data does not play that out, and the table here  
6 kind of shows it. If you look at the June 1  
7 through August 22 of last year, where we had it  
8 at a three fish limit, we were open for 83 days.  
9 About 250 metric tons were caught in that time  
10 period.

11 So when you start to look at that  
12 catch rate, and then you look at say the September  
13 1st through 23rd, 23 days approximately the same  
14 amount of quota. I mean when the fish are there  
15 and the effort's there, I mean there's only so  
16 much you can do management wise.

17 And a three-fish limit isn't  
18 necessarily going to -- early in the season,  
19 going to provide opportunities later in the year.  
20 That doesn't mean the concerns later in the year  
21 are invalid. But the tools and mechanisms to

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1 address that isn't necessarily going to be  
2 resolved in a retention limit.

3 And when you further break that down  
4 to get some of the detail, because we've also  
5 heard that the agency should entertain  
6 prohibiting harpoons in the General category as  
7 an example. Well when you start to look across  
8 the contributions of different gear types to  
9 quota attainment, again the data doesn't play  
10 that out.

11 When you look at say harpooners that  
12 landed three fish in the General category,  
13 essentially it equates to about 10 metric tons  
14 contribution during that time frame of the 253  
15 metric tons. It's a drop in the bucket. And so  
16 trying to have focus, see the issues but not infer  
17 causation is a challenge that we always run into.

18 We'll continue to run into it, but  
19 we'll continue to try to throw logic at some of  
20 these issues, and if folks want to hear that,  
21 great. If they don't, well that's their

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1 prerogative. But at least we can kind of show  
2 exactly where the information we're using in our  
3 decision-making is coming from to ultimately  
4 support those decisions.

5 Another kind of breakdown, again  
6 depending on how folks interpret information,  
7 whether it's from a table format or visually, you  
8 know, how the different quotas have played out  
9 across the different time periods, what they were  
10 at the base levels, what they were adjusted based  
11 upon the ICCAT increases, what they were adjusted  
12 to based upon transfers from either different  
13 categories or from the Reserve, and then  
14 ultimately how the landings had played out  
15 collectively, not only for those specific time  
16 periods, but also cumulatively and then, you  
17 know, the percentage of those adjusted in those  
18 latter two columns.

19 You know, I would say that we're  
20 pretty consistent there as far as kind of where  
21 we ended up across the different time periods,

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1 but obviously you know, there's still issues  
2 embedded here, overall quota attainment. And so  
3 hence some of the allocation-related issues that  
4 we'll be looking to discuss as part of Amendment  
5 13 and ways to ultimately evolve.

6 And then when we kind of look quickly,  
7 because we've had the 2019 winter fishery, to  
8 date just ultimately where we're at there as far  
9 as the BAYS quota, ultimately what we adjusted it  
10 to and then overall quota attainment for that  
11 time frame. So this is probably more on par of  
12 what we experienced in the 2017 fishery is what  
13 transpired in 2019.

14 Again, depending on where folks are  
15 geographically located, we heard a lot of flak  
16 from folks of giving somebody excessive amounts  
17 of quota. But when you kind of look at the big  
18 picture of that category overall, it's difficult  
19 to make fairness and equity arguments when you  
20 start to compare apples to apples across all the  
21 U.S. fishermen that have access to this resource.

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1 Another slide that we've tried to  
2 introduce over the last couple of years, just  
3 trying to paint the picture of catch rates, quota  
4 attainment, and how quickly not only effort and  
5 landings can take place. If you look here,  
6 obviously we have the chronological calendar  
7 across the bottom.

8 The yellow line is the quota that's  
9 available for those different time periods, and  
10 then the curve line essentially is harvest. So  
11 you'll see, you know, that for most of January  
12 and February of '18, that catch was almost non-  
13 existent. The fish showed up in mid-February,  
14 and then we kind of had early March closure.

15 I know that a lot of pressure to throw  
16 more quota at this. We've heard those  
17 discussions in years past around the table. I  
18 don't need to belabor them now, but those issues  
19 are still relevant as far as access to quota.  
20 But then you also see as the summer fishery takes  
21 off.

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1           So looking directly underneath the  
2   331.7 metric ton mark, you know, that's where we  
3   had three fish, essentially flatlined. Catch  
4   rates early are very, very low, so you can get  
5   away with maybe a month and a half, two months,  
6   two and a half months of a liberalized retention  
7   limit because there isn't that much catch that's  
8   taking place.

9           Normally, the hook and line fishery  
10   hasn't really caught on yet. But the staff has  
11   also kicked it up a notch, of where we're  
12   monitoring catch rates not only by category but  
13   by gear type.

14          So when we do start to see a shift of  
15   the fish being more amenable to taking those hook  
16   baits, that we can ratchet things back down  
17   immediately, knowing that the amount of effort  
18   there in hook and line versus harpoon, it's night  
19   and day difference.

20          To again try to level out some of the  
21   catch rates to the best of our ability when, you

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1 know, we're limited at a one fish limit. We have  
2 to entertain what other tools may we have to even  
3 slow things down further to extend it because we  
4 can't actually allocate a half a fish retention  
5 limit. It doesn't really work. The fish don't  
6 like to cooperate that way.

7 What you'll also see here demonstrated  
8 visually for those that gravitate to  
9 understanding information is the slope of the  
10 line there in the fall, is that all of a sudden  
11 when you're looking at 10, 15, 20 metric ton days  
12 of one fish, it's very difficult to entertain  
13 requests that we'd like more quota and we'd like  
14 multiple fish to make it a more economical  
15 fishery.

16 Okay, I will give you a half of  
17 October 1st to fish. Like there's only so much  
18 magic we can weave, and you know, so it's  
19 realigning expectations, especially where a lot  
20 of the fishery participants, you know, have come  
21 into the fishery when catch rates were low in the

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1 mid-2000s, and they did have expectations that we  
2 would get through December 31st at a liberalized  
3 limit, and closures was never a consideration.

4 We're now starting to reminisce and  
5 fall back into what we experienced back in the  
6 mid- to late '90s, of yeah no actually this is  
7 the norm. Like -- and these are good problems.  
8 It means fish are here, the efforts here, yen to  
9 dollar exchange rates would also, you know, would  
10 be nice if we could get that up.

11 But again, it's things that we don't  
12 necessarily have control over, and then another  
13 visual representation of how the fall played out.  
14 Again, you look at a jump from about 540 metric  
15 tons almost up to 800 in a very, very concentrated  
16 time frame. Very difficult to manage. Weather  
17 windows are difficult.

18 So the break in the line there is kind  
19 of when we had closures and were trying to  
20 forecast reopenings with limited quota and trying  
21 to get those weather windows dialed in. Again

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1 we caught a lot of heat and understandably,  
2 justifiably. So when all of the sudden we were  
3 trying to find 20 knot base, and that was a good  
4 day to fish relatively speaking in a two-week  
5 time period.

6 Just extremely burdensome not only on  
7 the industry but also on us to try to dial that  
8 in. So we ultimately try to avoid this at all  
9 costs. It's never worked or at least it's never  
10 worked well, and so something that we'll be  
11 striving to tighten up a little bit is to not  
12 have these stopgap openings.

13 Harpoon. I'm not going to belabor  
14 this. Essentially the fishery operated as it  
15 should, that most of the effort and catch was  
16 applied to giants. We had 90 percent of the  
17 landings in the giant category, some the  
18 large/medium, and you know, when you look at the  
19 breakdown of how many percent of trips landed  
20 multiple fish, you know, again heavily leaned  
21 or weighted to one or two fish versus say, you

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1 know, the multiple three or four plus fish.

2 We get another kind of table trying to  
3 provide the data in different ways for folks to  
4 understand, but ultimately this kind of gets at  
5 the contributions of harpoon landings to the  
6 General category, to address some of those  
7 concerns that we've heard of prohibiting that  
8 gear type in this.

9 Again, it's a drop in the bucket in  
10 the grand scheme of things, but we wanted to at  
11 least share. When you look at that specific gear  
12 type in the two categories where it's currently  
13 allowed, how those contributions are happening,  
14 to again help inform those specific discussions  
15 as we move forward and entertain changes in  
16 potential management.

17 One thing that I've spent time on in  
18 the last few years was the timing of dealer  
19 reports, as well as the vessel reports and how  
20 that impacts our ability to do our job based upon  
21 the information we have real time. And I must

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1 admit that the dealers have gotten their own  
2 ships in order. For those high volume dealers  
3 that are handling 200 plus fish, I know we were  
4 dealing with a number of them that had six, seven  
5 day lags when there's a 24 hour requirement, and  
6 ultimately seven days at 20 metric ton landings,  
7 I mean by the time we're getting that information  
8 formally in front of us, we've missed the boat to  
9 take the proper action.

10 At least last year, they were dialed  
11 in. We didn't have any issues to speak of. I  
12 did not have to send Tom down to muscle anybody,  
13 and nor did we have to call anybody in uniform to  
14 go pay somebody a visit. So hopefully that  
15 continues because we'll continue to provide more  
16 opportunities when we have that real information  
17 before us to inform them.

18 You know, another slide that we spend  
19 some time on over the year, would be reporting  
20 compliance on the vessel side. So these were new  
21 requirements we kicked into place during

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1 Amendment 7. Obviously the first initial years  
2 we had concerns with compliance.

3 So if you look at the right-hand side  
4 of the table, we're looking at our handgear  
5 categories there, both by fish reported as well  
6 as number of fishermen, and we're continuing to  
7 see progress as far as compliance there. I'd  
8 like to say some of this was just voluntary  
9 compliance, but that wouldn't be doing it  
10 justice. I know we've come up -- or I've sat  
11 here and said no, we're going to start whacking  
12 folks because there's only so many times I can  
13 say please.

14 I'm a big fan of saying please, as  
15 well as thank you. But at some point if it's  
16 ineffective, enough is enough. And so testifying  
17 in federal court last year on some of these  
18 issues, writing citations with our partners in  
19 the Office of Law Enforcement, we're continuing  
20 to get those numbers up.

21 It also will clearly show that there's

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1 continued room for improvement there. And so  
2 we'll continue to wield the stick as necessary,  
3 seeing that we can do some of these assessment of  
4 violations retroactively. Did a dealer report  
5 your permit as landing a fish? Yes. Did you?  
6 No. All right. Well, there's a letter in the  
7 mail for you. Maybe that will get your  
8 attention.

9 But something that collectively we'll  
10 continue to strive to improve on, so there's  
11 parity across the different users. Another item,  
12 just sharing information, was kind of the average  
13 prices. We continue to hear the prices in the  
14 fall are the best prices we're going to get all  
15 year. Allocate to the fall. It doesn't always  
16 play out that way.

17 So we took the snapshot of the last  
18 few years. So you can see the variability by  
19 month, and it bounces around. I mean the really  
20 only consistent pricing we've had would be for  
21 September, and also that's when you kind of see

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1 a jump in the landings. So I see volume of  
2 landings being a contributor there, but some of  
3 the perceptions the fleet have is when the best  
4 prices are.

5 It can bounce around, and obviously  
6 quality of fishermen, the quality of how they're  
7 handling the catch, all those things kind of come  
8 into play that influence this. So we try to  
9 average it, you know, across the year, trying to  
10 get information out to the fleet so they  
11 understand the challenges and the decision-making  
12 we're -- and the information we're using versus  
13 their individual perception and how to bridge the  
14 gap between the two.

15 So we looked at averaging those  
16 average prices across that three-year time  
17 period, not an average of an average. We looked  
18 at the entire universe and averaged it. But also  
19 did the same with landings, so we could kind of  
20 then see what sort of influence volume of  
21 landings coming across the dock is then having on

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1 those price points.

2 Another kind of very interesting one,  
3 I haven't fully gotten my mind wrapped around  
4 this yet, is the number of fish that are staying  
5 domestically versus being exported. Last year,  
6 essentially even going back pre-2005, a  
7 significant portion of our fish are staying  
8 domestic.

9 A lot of that is exchange rate, the  
10 value of the fish, the consistent product on the  
11 international markets. We're just not getting  
12 the dollars to incur the cost of shipping those  
13 fish. I mean I had photographs sent to me of  
14 bills where the fishermen owed the dealer to send  
15 their own fish, because it didn't cover the  
16 costs, which then speaks to -- I know we've had  
17 the discussions around the table before.

18 What sort of marketing are we doing  
19 not only say as an industry, but collectively  
20 industry agency. I know we're fielding phone  
21 calls from fishermen saying all right, how can I

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1 then maybe develop a farm to table model, where  
2 I'm only working with a few? What are the  
3 logistics of that? How do I supply that?

4 We're starting to hear more and more  
5 of that, not that I have any expertise in that  
6 other than from the fishery side and the  
7 regulatory side. But we're hearing more and more  
8 of that interest of domestic market development.  
9 I know we've talked about this for years on the  
10 long run side when it comes to swordfishing  
11 imports. We're starting to see the same  
12 potential on the bluefin side of things as well.

13 Touch on the purse seine fishery for  
14 2018. Essentially there wasn't one. This is  
15 again a big ticket item that we'll be exploring  
16 in Amendment 13. We've discussed it. What is  
17 the future of this category? What is the future  
18 of this fishery? Amendment 7 made it so we could  
19 access quota that was being kind of a sink given  
20 the lack of effort there.

21 But you know, is it time that we start

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1 to entertain that this fishery sunsets, given  
2 some of the historical participants haven't been  
3 active in decades, and you know, there's been  
4 sales of permits and infrastructure. So we'll  
5 spend a little bit more time in this later this  
6 morning. But looking forward for your collective  
7 thoughts, as well as members of the public and  
8 their thoughts on that as well.

9 And just to kind of keep going to get  
10 through this quicker than I would have liked,  
11 just showing, again, other ways of showing the  
12 same data. You know, landings versus catch  
13 versus quota across time, you know, to kind of  
14 show trends to help inform overall discussion.

15 I'm happy to say that overall, that  
16 discards of bluefin tuna were again a drop in the  
17 bucket last year of what we experienced. Again,  
18 I think one of the success stories coming out of  
19 Amendment 7 was to address the bluefin tuna  
20 bycatch. That doesn't mean Amendment 7 was fully  
21 successful in meeting its objectives.

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1           There are still immense challenges  
2 that we're up against. But here's one that we're  
3 currently not facing, is a lot of valuable  
4 product being forced to be thrown over the side.  
5 And so now it's how does this discussion evolve  
6 as far as quota utilization and access,  
7 especially as it relates to the directed  
8 fisheries on swordfish and the other tunas.

9           These other slides kind of just  
10 reference, and you know the last few here, it's  
11 just kind of a recap of what we've heard. I  
12 think I've touched on most of it as I've gone  
13 through the presentation. But here more is your  
14 reference. Consider this my contribution of  
15 things that we've heard.

16           As I suspect, a lot of this will be  
17 the same. Even though we may not do the full  
18 recap at the end of the meeting. Here's a bone  
19 that I'll throw everybody. We've heard you, like  
20 these issues are on our radar. We know they're  
21 on your mind. We know that they're evolving, and

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1 we genuinely are open to exploring ways to  
2 address them, and some of them as quickly as we  
3 possibly can. So with that, we'll button it up.

4 MR. BROOKS: Great. Thanks, Brad.  
5 That was actually a really well-done run-through,  
6 so thank you. So what I'm going to do is just  
7 open this up for particularly questions. If  
8 there was data that Brad just ran through that  
9 you want another look at or you want to better  
10 understand, this would be the moment to do it.

11 I ask folks not to dive into the  
12 conversation yet of so what do we do about this;  
13 that's to come. Mike.

14 MR. PIERDINOCK: Thank you. Mike  
15 Pierdinock. Your 2019 landings, the data  
16 indicated that 164 metric tons was taken from the  
17 purse seine category. Am I correct that that  
18 total is 219 for that category, and if so, is  
19 that correct I believe?

20 MR. McHALE: Yeah, yes.

21 MR. PIERDINOCK: Okay. What was the

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1 mechanism to make the decision to use that during  
2 that first quarter period, leaving 60 metric tons  
3 for the rest of the year, to have equitable use  
4 of that quota for everyone from Maine to the Gulf  
5 of Mexico?

6 MR. McHALE: So there's a whole suite  
7 of determination criteria that we look at, and I  
8 don't necessarily need to regurgitate that here  
9 now. But we talked about this. There's about  
10 14 different things we look at. As far as when  
11 we move quota from the purse seine category that  
12 hasn't been utilized in the prior year to the  
13 reserve, your numbers there are correct.

14 What we also recognize is that at some  
15 point in the middle of the season, if you will,  
16 timing-wise, is that we have final numbers for  
17 the prior year, and those final numbers of catch  
18 overall influence the amount of quota we can roll  
19 over from the U.S. from one year to the next.

20 So normally there are two different  
21 shots of additional allocation that enter the

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1 reserve. One is from the purse seine, lack of  
2 usage in the prior year. The second shot, which  
3 usually comes later timing-wise, is the  
4 carryforward from the prior year. And so we're  
5 factoring in.

6 Although we don't officially have that  
7 carryover value, when the fisheries are starting  
8 say January 1 or June 1, we have a ballpark and  
9 understanding based upon preliminary numbers how  
10 much we're going to be able to carry forward, and  
11 we factor that in as part of that decision-making  
12 process.

13 MR. IWICKI: Hey, Brad, on -- sorry,  
14 Slide 9, we had the graph for the rec numbers.  
15 Was 2017 the year you guys rolled out the mobile  
16 app? I think it was, right, for reporting?

17 MR. McHALE: Yes.

18 MR. IWICKI: Yeah. So I'm just  
19 looking at that, saying I think there might be a  
20 connection, just looking at it from the big  
21 picture of the mobile app and rec reporting,

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1 because you see it sustained in two of the regions  
2 for '18 as well.

3 So you might want to take a look at  
4 that for some more data, and then maybe do some  
5 more outreach in the mobile app because unless  
6 you go to like the permit page or something, you  
7 don't really hear anything about the mobile app.

8 That's probably a spike from the first  
9 year it rolled out, and then some people still  
10 using it. So you might want to just take a look  
11 at that to get better collection of your  
12 reporting data on the rec side.

13 MR. McHALE: Thank you. We'll take  
14 that under advisement. If this is the slide  
15 you're referencing, just note that these are the  
16 Large Pelagics Survey, so it's not exactly the  
17 app. But your point is well taken, is the more  
18 we get that -- those mechanisms out there, the  
19 more robust the data is we can then verify what's  
20 coming through the survey versus self-reported.  
21 Thanks, Steve.

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1 MR. BROOKS: Ray, then Scott.

2 MR. KANE: Yes, good morning. Thank  
3 you for the presentation, Brad. You know, for a  
4 couple of years now we've been hearing from a lot  
5 of harvesters about the inequities and they would  
6 like to see a more equitable solution to fish per  
7 day.

8 And looking at this graph, General  
9 category average price, 2016 to '18, we'll notice  
10 in August on all three years, the price except  
11 for one year, the gold bar dropped and last year,  
12 I believe, we were shut down, what, the 23rd of  
13 August, and the year before maybe the middle of  
14 August.

15 But in fact from September on, all  
16 three years, that graph bar just increases. So  
17 I would like to know how we can come up with an  
18 equitable solution for all harvesters. I'm not  
19 going to get into the three fish per day because  
20 you provided information and percentages and  
21 what-not, and where the fishery takes off and the

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1 percentage of people landing three fish or two  
2 fish.

3 But I would like to see a more  
4 equitable distribution over the course of the  
5 season because even though June-July-August gets  
6 the greater quota, those harvesters are still  
7 catching fish in September and October, whereas  
8 you get south of the 42 line, and we know from  
9 history it really picks up in September,  
10 September through November.

11 So looking at prices once again, I see  
12 where it's on a constant increase from September  
13 1st onward. Thank you.

14 MR. McHALE: Thanks, Ray, and we'll  
15 be picking that up later this morning as part of  
16 that Amendment 13 discussion because that falls  
17 right at that allocation bin.

18 MR. BROOKS: Scott.

19 MR. TAYLOR: I really appreciate this  
20 data because it kind of goes against what my  
21 intuitive nature was, and I was speaking to Tom

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1 sidebar about typically the June opening that  
2 happens, where we anticipate a big drop in the  
3 pricing. I kind of find myself in a little bit  
4 of a unique situation because not only are we  
5 producers, but we're also dealers for the fish,  
6 so we understand the market dynamic.

7 That, that -- I think that the most  
8 important takeaway from this is how best to fully  
9 utilize the quota, as what we're mandated to do  
10 under Magnuson, and not to be so concerned about  
11 market because there is so much viability. What  
12 really drives the pricing even more than the  
13 supply are the quality of the fish that we're  
14 catching.

15 Which is why you see that generally in  
16 the fall when the water gets cold and the fish  
17 are coming off of the Grand Banks, higher fat  
18 content and the fish generally have a higher  
19 value. Whereas in the spring, that the fish tend  
20 to be a little bit more migratory and haven't  
21 quite gotten, you know, as fat.

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1           And so that I just -- the takeaway  
2           from this is to -- as Tom put it, it's awfully  
3           difficult for the agency to really affect the  
4           market price of the fish, that, you know, there's  
5           just so many different things that come into it,  
6           weather and what the catch rates and what the  
7           actual condition of the fish are that are going  
8           to be landed.

9           It applies a little differently to the  
10          longline fleet, but I'm not going to get bogged  
11          down with that. But I do have a question on the  
12          slide referring to the dead discard. It appears  
13          to me from this slide, and maybe you could speak  
14          to this a little bit, that we're still using  
15          estimated numbers on dead discards, and that --  
16          is this because -- I mean clearly if we're still  
17          estimating numbers having to do anything with the  
18          PLL side of the fleet, I have a fundamental  
19          problem with that, with the amount of oversight  
20          that's going on in terms of the monitoring and  
21          what we're required to do, and that as far as the

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1 other fisheries are concerned, because any  
2 obviously discard that we are reporting goes  
3 against the utilized quota, correct, and  
4 therefore you're making an allowance for it.

5 And maybe you could speak to a little  
6 bit in terms of why, you know, I mean are we --  
7 these other fisheries like you note here in the  
8 bottom of the commercial handgear, dead discard  
9 is under review for quality control.

10 Maybe you could speak a little bit to  
11 what's going into these numbers, and whether or  
12 not you're still using an extrapolation off of  
13 our quota.

14 MR. MCHALE: So you're right. The  
15 methodology is consistent both from what as far  
16 as estimating, calculating the dead discards pre-  
17 Amendment 7 and post-Amendment 7. I think we  
18 were pretty transparent that that would be in  
19 place for some period of time.

20 As we were kind of bringing up the IBQ  
21 program and the electronic monitoring program,

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1 they kind of run those in parallel for some period  
2 of time, to then inform a decision is one better  
3 than the other. So essentially you move away  
4 from a potential extrapolation model to a census  
5 model.

6 And we're currently not quite there  
7 yet. I mean obviously you, as well as the other  
8 members around the table that are longline-  
9 centric, realize that the cameras are there. But  
10 there are still challenges that come along with  
11 them, and discard events are one, is that how do  
12 you accurately calculate, you know, especially in  
13 the conditions you may be operating in, of okay  
14 it's the bluefin and it's being discarded in the  
15 water at the side, you know. Is that alive, is  
16 it dead? And so those continue to pose  
17 challenges.

18 The one, not just the one but a  
19 particular item that I find very encouraging is  
20 the methodology that we're using as we were  
21 heading into Amendment 7 that we're showing 200,

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1 300 percent of discards. The methodology hasn't  
2 changed, and now we're down to tens of metrics of  
3 tons.

4 So it really does demonstrate what the  
5 longline fishery has done with the program, and  
6 understanding the challenges that have come along  
7 with that, it's almost a non-issue. It's now,  
8 you know, the pendulum's almost swung the other  
9 way. So with the methodology being consistent,  
10 you have an apple-to-apple comparison to speak to  
11 it pre and post.

12 That doesn't mean that we won't be  
13 working with the science center, of trying to  
14 refine, you know, how the electronic monitoring  
15 is being used and is there more certainty in that.  
16 But currently we're not quite there yet. As far  
17 as it goes to say the handgear fishery and  
18 discards we still have the self-reported  
19 information that Steve was just kind of  
20 referencing both on the recreational and handgear  
21 side. Self-admittedly we do have challenges with

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1 that.

2 I've consistently seen individuals  
3 report lengths in a number counts. So all of the  
4 sudden they're releasing 89 bluefin tuna on a  
5 trip. But yet you see one fish that's retained  
6 that's 89 inches. So there's some design  
7 challenges that we have there as far as  
8 education, as well as just the challenges that if  
9 it's self-reported and you don't have the  
10 validating mechanism, how you then, you know,  
11 fold in that information.

12 But we tally it and you know, it's  
13 accounted for within the quota as well. So it's  
14 -- there's not a pass being given, if you will,  
15 even though those challenges pose themselves in  
16 that sector of the fishery.

17 MR. BROOKS: Thanks. All right.  
18 Let's get a few more people in, and then we'll  
19 probably hand it off to you, Tom. Let's go to  
20 Greg, David, Dewey, and Mike.

21 MR. MAYER: I was looking at Slide 19

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1 and 20, where you're talking about compliance and  
2 reporting, and one of the things that I look at  
3 with the fishery, where the landings go up in the  
4 fall and in February also, where the prices go  
5 down. There's a lot of participation, a lot of  
6 boats in the fishery, and what my question is you  
7 said you had been in court, issuing summonses for  
8 non-compliance.

9 Well, if I was a longline fisherman  
10 and I didn't report, didn't do my mandatory  
11 reporting, my VTR, my log book, you'd tell me I  
12 couldn't go fishing. Now why can't we hold the  
13 General category to the same standards? Part of  
14 if -- I know I personally report all my fish when  
15 I catch them. There's a lot of guys that don't.

16 I know we really can't do limited  
17 access in the fishery, but there should be some  
18 type of penalty, other than maybe just a fine.  
19 If you don't report your fish, why is it you're  
20 allowed to go fishing the next day? You know,  
21 you look at all this data. You can see the

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1 percentage of fish that are reported.

2 You know what fish are getting sold.  
3 If there's a fish that's getting sold and there's  
4 no report from the fisherman, you could  
5 retroactively go to him, issue him a letter, give  
6 him a summons and, you know, some kind of penalty.  
7 So that's the one thing I was looking at, just  
8 the compliance in reporting.

9 MR. BROOKS: And again, definitely  
10 topics to be taken up later this morning for sure.  
11 David.

12 MR. SCHALIT: This is kind of  
13 clarifications. The quota from June for the  
14 summer and fall is basically divided 50-50  
15 between June, July, and August and the balance of  
16 the season. So the essential difference is --  
17 and the way that plays out is that we have heavier  
18 landings in the fall.

19 So it gives one the impression that we  
20 have less quota in the fall, but we don't. So  
21 that's one point. The other point I wanted to

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1 mention has to do with -- it came up at a meeting  
2 a few weeks ago, where we had two of our highest  
3 volume dealers in attendance, guys who don't  
4 normally talk to each other by the way.

5 And the issue came up of what about  
6 the pricing, the question of pricing? If you  
7 look at that really good chart, you can see that  
8 September, the prices are depressed in September.  
9 The commonly held view is that the longer the  
10 fish are in the water foraging in the region, the  
11 more fat content and oil content they will have,  
12 and therefore the more value they will have.

13 But it's this kind of counter-  
14 intuitive problem here. When in actual fact we  
15 should be getting higher prices for these fish in  
16 the fall, we're not. And what is the reason for  
17 that? It's very simple. It's because after  
18 Labor Day, according to these fish dealers, who  
19 are our highest volume dealers, the domestic  
20 market contracts. It gets smaller. You can't  
21 sell as much fish into the domestic market.

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1                   And then in Japan, we have a different  
2                   situation.    You have -- the Australians are  
3                   usually delivering fish in August or through  
4                   August and early September.   The New Zealanders  
5                   the same.

6                   The Japanese purse seiners in the Sea  
7                   of Japan are finishing up their season around the  
8                   same time, and then the Omori Province fish are  
9                   being landed, are starting to be landed regularly  
10                  starting let's say in September, and then of  
11                  course you have the Canadians beginning to export  
12                  to Japan, and they export nearly all of their  
13                  fish to Japan at some point in September.

14                  So in the Japanese market, there's  
15                  just a tremendous amount of product.   I remember  
16                  last year for example, we had one day in which  
17                  the Australians landed nearly 1,000 bluefin.  
18                  It's amazing when you think about it.   So this  
19                  is -- where we would think that we would have  
20                  opportunities for higher prices, actually the  
21                  inverse is what's taking place.

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1                   And this is nothing new. It's just  
2                   that it's a kind of clarification that we  
3                   appreciate getting from the fish dealers.

4                   MR. BROOKS:       Interesting, thanks.  
5                   Dewey.

6                   MR. HEMILRIGHT:   Yeah, thank you. I  
7                   have a question about the dead discards for the  
8                   pelagic longline industry. If we have to account  
9                   for them dead discards, why do we have to throw  
10                  them back over? That equals at \$4 a pound,  
11                  that's \$90,000 that could be going into the  
12                  industry, \$5 a pound is \$113...

13                  But if we're accounting for them on  
14                  paper and accounting for them with ICCAT, why do  
15                  we have to dead discard them, since we have to  
16                  tag the fish when it comes to the dock, even if  
17                  it's under-sized or whatever. That's just -- I  
18                  just don't understand that.

19                  MR. McHALE:    So basically what that  
20                  boils down to is there is a commercial minimum  
21                  size established in the U.S. fishery of 73

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1 inches. So if that's something that we as a  
2 panel want to entertain and address as part of  
3 Amendment 13, that would be something to raise  
4 there.

5 Like if all of a sudden, regulatory-  
6 wise, even though there's individual quotas, we  
7 still maintain that minimum size fish and really  
8 delineated what is a recreational fish versus  
9 what is a commercial fish. Now I think we're all  
10 pretty aware around the table that those same  
11 minimum sizes aren't applied across all the other  
12 ICCAT member fisheries.

13 So if that's something that we want to  
14 entertain and take on, I mean we're open, we're  
15 open to that discussion, because ultimately what  
16 this 10.3 metric tons is, is undersized, less  
17 than 73 inch fish, because the way the  
18 regulations are set up, if there is a dead large,  
19 medium or giant that's coming boatside, it's  
20 required to be retained.

21 If it's alive, large, medium or giant

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1 coming boatside, it's to the vessel operator's  
2 discretion of whether or not they want to take  
3 that fish. So that's the long and short of it.

4 MR. HEMILRIGHT: I'm sure we've got  
5 plenty of other fish to fry, but it just don't -  
6 - it's dead, it's going overboard. It looks like  
7 to me that if you're accounting for it, given  
8 that the U.S. is like the poster child for the  
9 rest of the world, we're going to account for  
10 that fish. We're going to keep the fish, we're  
11 going to put it into the marketplace.

12 It's getting accounted for. You  
13 shouldn't be penalized. I mean that's \$100,000  
14 thereabouts average that it could be going, you  
15 know, to help the industry survive given the  
16 mess, the state of affairs that we're in right  
17 now.

18 MR. BROOKS: Mike.

19 MR. PIERDINOCK: Thank you, Mike  
20 Pierdinock. Brad, part of the frustration is is  
21 the fact that 2018, only 74 percent of the quota

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1 was used, and then we had seasonal closures up  
2 and down the coast. That is not a misperception;  
3 that is a reality, and that leads to the  
4 frustration of many, you know, up my neck of the  
5 woods from Massachusetts on north.

6 When we look at the fact that from  
7 June, July and August there's 83 days at three  
8 fish per day, logically it would dictate if that  
9 was at one, you'd fish that whole period of time.  
10 So in addition, I'd like to point out that you've  
11 heard this before, and in New England we only  
12 have bluefin. We have no other options, and with  
13 cod possession we even have fewer opportunities.

14 The criticalness of keeping the  
15 fishery open during that period of time is  
16 critical to everybody. The bluefin tuna bite's  
17 on. There's not a boat at the dock. If it's  
18 off, there's not a boat leaving the dock. I also  
19 want to mention the Trophy closures.

20 That's not a misperception, that's a  
21 reality. That closure occurs in July or August.

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1 We never have that opportunity up north as a  
2 result of the fishery being in such sound shape,  
3 there's a lot of bluefin tuna tournaments that  
4 have popped up in Massachusetts on North.

5 Then they have to deal with closures  
6 from a recreational standpoint, or they use the  
7 General category charter/headboat to keep it  
8 open, and they've had closures too. Well, as a  
9 result of closures, the tournaments have had to  
10 be closed. So that is not a misperception,  
11 that's a reality.

12 This is the difficult we have. Under  
13 your present scheme, you only use 74 percent of  
14 the quota. You continued to have closures, and  
15 when you start with three and don't take it from  
16 the other side of the fence and start with one  
17 and go to three, then we look at that and say if  
18 you're at least conservative and start with one  
19 and go to three, you can manage it accordingly  
20 and keep it open during that period of time.

21 MR. BROOKS: So obviously something

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1 we can talk more about later this morning. But  
2 Brad, I just do want to see if you have any sort  
3 of observation on the relationship between the  
4 quotas and the closures.

5 MR. MCHALE: Sure, yeah. So and we  
6 will get into this, because let me be perfectly  
7 clear. The concerns that we're hearing are being  
8 heard and acknowledged. I see it in the data, I  
9 see it at Liddy and Gloucester. I see it take  
10 place. I see it in all the conversations I have,  
11 whether it's at a grocery store or on the phone  
12 in my office.

13 The misperception that I am  
14 specifically talking to Mike is that starting off  
15 at a one fish limit in June and July is  
16 compromising opportunities in the fall, and the  
17 data doesn't play that out. It just doesn't. It  
18 doesn't mean that the concern is not legitimate,  
19 because it's an allocation issue.

20 As you mentioned, you know, and you've  
21 brought this suggestion up before, is well start

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1 conservative and then bump it up. The trends and  
2 the graph that are showing now just shows that  
3 the patterns in the fishery don't warrant going  
4 overly conservative right out of the gate,  
5 because that's when the catch rates in the entire  
6 season are the lowest.

7 So that's where you can get this  
8 counterbalance. But again the points you raise  
9 of experiencing mid-season closures. It's not  
10 my desire to have any sort of disruption in the  
11 fishery. I understand the implications it has  
12 on the industry. It understand the implications  
13 it has on my staff. I understand all that. It's  
14 not new to me. This isn't my first rodeo.

15 But sometimes when you're dealing with  
16 natural resources and especially bluefin, there  
17 are challenges that are opposed to all of us  
18 collectively. Hence why I'm looking forward to  
19 the discussion a little later this morning of how  
20 do we start to tackle this, because we are  
21 transitioning from where we're at and those kind

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1 of mid-2000's of when these weren't concerns. It  
2 was five fish. Increase the -- take off all  
3 limits.

4 But we're transitioning into we don't  
5 have enough to fully spread around, and so  
6 ultimately how do we tackle that. And we're wide  
7 open to all that. That's not lost on us.

8 MR. BROOKS: Thanks. Raymond, did  
9 you want to -- Ray, did you want to jump in on  
10 this point? Yeah please.

11 MR. KANE: Yes Brad. I thank you and  
12 your staff, especially when it comes to the  
13 September opening. But even though our  
14 weathermen don't get the weather right, you know,  
15 we've often said as fishermen if they're given 10  
16 to 20, add the two numbers and that's what you're  
17 going to get for wind for the day.

18 So I don't think it's advantageous for  
19 your office to be opening and closing seasons on  
20 weather predictions, and the fishermen would  
21 rather just see an opening say on October 1st for

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1       October 1st. I know Tom and your staff, they do  
2       a good job of summarizing what was caught, which  
3       brings us back to compliance issue. The sooner  
4       you get the information, the sooner you can make  
5       a decision.

6               But to belabor your staff with trying  
7       to pick opening days for weather, that's beyond  
8       beyond. Thank you.

9               MR. BROOKS: I see two more cards. I  
10       do want to get to Tom, so Scott and David, if  
11       either one of you can take a pass, I'll let you.  
12       If not, we'll go to Tom. Can you -- Scott, go  
13       ahead.

14              MR. TAYLOR: I just want to go to the  
15       second slide real quick as long as we're talking  
16       about allocation of quota, that it appears that  
17       in 2018, and I guess I missed this, that the  
18       baseline quota for the General category was  
19       exceeded by -- it was 141 percent of the adjusted  
20       quota; is that correct? Am I reading that number  
21       right?

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1 I just wanted to note that if I'm  
2 looking at this correctly, there was 4,200 fish  
3 that would have landed in the General category,  
4 and 4,200 fish that were landed in the Angling  
5 category that was under-utilized, and 468 fish  
6 that was in the total of the U.S. longline fleet,  
7 and that I just want to make the point that the  
8 level of scrutiny that we get how insignificant  
9 that number of landings really is, and how  
10 minimal the baseline quota has been, but yet how  
11 much focus has been on, you know, given to the  
12 longline fleet, that clearly some of these other  
13 user groups can fully utilize.

14 But a quick question, which is how did  
15 we wind up exceeding the baseline quota? Was  
16 that by design on the General category where  
17 there was reserve category available and you made  
18 it available for them to catch?

19 (Off mic comment.)

20 MR. TAYLOR: So my comment is it would  
21 have been nice if we could have had some

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1 opportunity there to have -- to have been  
2 encouraged to catch it, and we can talk about  
3 that later, I guess, when we -- thank you.

4 MR. SCHALIT: Real quick. ABTA did a  
5 study two years in a row on the difference in --  
6 on how bag limits affects landings. What we  
7 found was that it seems a little bit strange,  
8 but we were surprised to find that the difference  
9 between a three fish bag limit or a two fish bag  
10 limit, let's say specifically with regard to the  
11 cadence of landings during July and August was  
12 perhaps no more than a day of fishing.'

13 If you went for a longer period of  
14 time, it might turn into two or possibly three  
15 days. In other words, the idea being that a  
16 higher bag limit doesn't necessarily -- doesn't  
17 shorten the season overall by anything of any --  
18 by any significant degree.

19 So but what I think Brad was making  
20 reference to is the fact that when we have a  
21 starting bag limit of let's say two or in this

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1 case three fish per day, we're not looking -- I  
2 don't think that -- the way we see it is that's  
3 a starting bag limit. That's not something  
4 that's going to stay on the books for very long.

5 I think we learned our lesson in 2017  
6 about having a higher bag limit. We had a four  
7 fish bag limit until August 4th I believe. That  
8 will, you know, there will be a cumulative effect  
9 that you'll see of higher landings. But it's not  
10 so significant as we would think, and I think the  
11 problem here is that -- is that when we have these  
12 kinds of heavy landings that we've experienced  
13 since 2016, there's not a whole lot we can do to  
14 slow it down.

15 Unfortunately I think that the  
16 conclusion that we come to at ABTA is we just  
17 don't have enough quota. That's the bottom line,  
18 and it's strange. But bag limits are really, are  
19 the only tool we have available to us to slow the  
20 fishery down, and it doesn't even do that good a  
21 job at it.

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1 MR. BROOKS: Thanks David. All  
2 right. Thanks Brad, and thanks for the good  
3 comments. I think it's set us up nicely for the  
4 number of issues we'll be chewing on later. Tom,  
5 all yours for the Three Year Review.

6 (Pause.)

7 MR. WARREN: Thank you. Tom Warren,  
8 HMS Gloucester. We have recently released the  
9 draft Three Year Review of the individual  
10 bluefin quota program. I'll be presenting to you  
11 a brief overview, synopsis essentially of some of  
12 the highlights from this document. If you're  
13 interested, I encourage you to dig into the full  
14 document.

15 Most of this information has been  
16 previously available and presented in part to you  
17 all. We have included new information in the  
18 document in response to some of your suggestions,  
19 specifically in response to some of the  
20 suggestions regarding some of the revenue  
21 analyses.

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1 Briefly, the three year review is in  
2 response to the Magnuson-Stevens Act requirement  
3 that requires a formal review of catch year  
4 programs. The purpose of this review is to  
5 describe and analyze the impacts of the IBQ  
6 program during its first three years of  
7 operation, and compare that to the baseline  
8 period of three years just prior to.

9 We have included a little bit of  
10 relevant information for 2018, as it supports  
11 evaluation of the impacts. And so again, the  
12 bottom line question is whether and to what  
13 degree the objectives of the IBQ program have  
14 been met since implementation, as well as  
15 ensuring compliance with applicable laws, and  
16 then evaluate the components of the IBQ program.

17 Most catch year programs have a lot of  
18 common elements as defined in Magnuson, and so we  
19 wanted to take a look at these also. In the  
20 spring of 2018, we provided you some preliminary  
21 information. In the fall of 2018, we provided a

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1 draft executive summary. So again some of this  
2 information is a little redundant, so I will go  
3 over it somewhat swiftly.

4 We recently released a draft document,  
5 and then the final document will be released this  
6 fall. We don't anticipate a lot of changes. We  
7 hope to have time to respond to any suggestions  
8 you all have today or in the future, and also  
9 provide some more discard information.

10 Part of our challenge is the timing of  
11 log book information. It isn't finalized until  
12 later in the subsequent year. So for example,  
13 2018, log book data and some of the dead discard  
14 analyses aren't yet available, but we hope to  
15 include those.

16 Briefly, the IBQ program objectives  
17 limit the amount of bluefin landings and dead  
18 discards in the pelagic longline fishery,  
19 providing strong incentives for the vessel  
20 owner/operator to avoid bluefin interactions and  
21 reduce discards; provide flexibility in the quota

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1 system to enable folks to obtain bluefin quota  
2 from other vessels, and enable full accounting  
3 for bluefin landings and discards, and yet  
4 minimize constraints on fishing for target  
5 species, essentially achieve that balance of the  
6 sometimes opposing objectives.

7 Balance the objective of limiting  
8 bluefin landings and discards with the objective  
9 of optimizing fishing opportunities and  
10 maintaining profitability, and then lastly  
11 balance the available objectives with the  
12 potential impacts on the directed permit  
13 categories that target bluefin and the broad  
14 objectives of the FMP, basically take a step back  
15 and say okay, even if we're achieving objectives  
16 specifically in the longline fleet, are there any  
17 impacts broader, FMP-wide or on the other bluefin  
18 fisheries.

19 So with respect to evaluation of the  
20 objectives, Objection No. 1, limit the amount of  
21 bluefin landings and dead discards. Our

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1 preliminary conclusion is that this objective was  
2 achieved, based on many different types of data.  
3 The total bluefin catch declined, and is  
4 substantially less than the amount of quota  
5 allocated to the Longline category.

6 The number of vessels landing bluefin  
7 declined, as did the percentage of active vessels  
8 landing bluefin. The dead discard numbers  
9 declined, as did the rate of dead discards.  
10 There were decreased numbers of bluefin  
11 interactions on observed trips based on observer  
12 data, and the proportion of total landings from  
13 the Gulf of Mexico declined.

14 Additionally, to those more clear-cut  
15 patterns, there was other changes in the dynamics  
16 of the landings. The distribution changed among  
17 the fleet. For example, there were more vessels  
18 landing no bluefin at all, yet some vessels  
19 landed more bluefin as they compared to the  
20 baseline period, which makes sense in that these  
21 were dead discards previously that were converted

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1 into landings.

2 The seasonality of bluefin landings  
3 shifted. In the past, they were concentrated  
4 during the first six months of the year, and  
5 during the IBQ program the general pattern was  
6 all year long, with a peak in the summer. There  
7 were increased landings from the NED.

8 Looking at some of the specific data,  
9 the blue represents Atlantic and the orange  
10 represents Gulf of Mexico. These are dead  
11 discard estimates using observer logbook data,  
12 and as Brad mentioned the same methodology pre-  
13 A7 as to post A7, and you can see the dramatic  
14 reduction in total dead discards.

15 The rate of dead discards similarly  
16 decreased. These are the number of dead discards  
17 per 1,000 hooks. So again 2015, '16 and '17  
18 during the IBQ period, a reduction in the rate of  
19 dead discards.

20 This graph depicts total catch,  
21 including the landings and the dead discards.

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1       However, not including the NED. The total catch  
2       is in the blue bars and the adjusted quota is in  
3       the orange. So you can see although the quarter  
4       did increase as of 2015, as a result of a couple  
5       of factors. One was a change in the quota  
6       allocation to the Longline category. Also  
7       another factor was an ICCAT increase.

8               But overall, the take-home picture is  
9       that although the quota increased, the level of  
10       total catch is dramatically reduced from the  
11       baseline period, and remains well below the level  
12       of the quota.

13              This slide shows inclusion of the NED  
14       catch, and represents landings. So you can see  
15       overall the landings did increase compared to the  
16       baseline period in 2017, similar to the baseline  
17       period in 2015 and '16 overall. Now the striking  
18       difference in pattern with the exception of the  
19       NED catch did increase.

20              But one thing to note, which I don't  
21       show, is the fishing effort in the NED did not

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1 decrease. So this is a different dynamic than  
2 the increasing effort in the NED.

3 This shows the number of active  
4 vessels or the number of vessels fishing, as well  
5 as the number of vessels landing bluefin. So the  
6 blue bars, the number of active vessels. Pre-A7  
7 and A7 there's a decline in the number of active  
8 vessels. Similarly, there's a decline in the  
9 number of vessels landing bluefin. But perhaps  
10 more telling is that comparing, looking at the  
11 percentage of active vessels that are landing  
12 bluefin, there is a reduction between the  
13 baseline period and the IBQ period.

14 With respect to evaluating Objective  
15 No. 2, provide incentives to avoid bluefin,  
16 similarly this preliminary conclusion is that the  
17 objective was achieved. Measuring this metric  
18 is a little less straightforward than measuring  
19 the previous, in that you're quantifying, you  
20 know, a response to incentives.

21 This data that we analyze is the same

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1 data that we analyzed for Objective No. 1. Total  
2 bluefin catch declined. The percentage of active  
3 vessels landing bluefin declined. The  
4 percentage of active vessels no interactions  
5 increased, and there's a change in the  
6 seasonality.

7 So essentially did the program provide  
8 incentives? Yes, based on the conclusion that  
9 if these metrics changed, vessel behavior changed  
10 and there were in fact incentives that caused  
11 this behavioral change.

12 Objective No. 3, provide flexibility  
13 in the quota system to enable vessels to obtain  
14 bluefin quota from other vessels, in order to  
15 enable full accounting and minimize constraints  
16 on the target catch.

17 Again, the preliminary conclusion is  
18 that this objective was achieved. There was  
19 robust participation in the IBQ leasing market.  
20 Every year of the program, the folks  
21 participating in the leasing market increased.

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1 There was a decrease in the average price of the  
2 leased IBQ.

3 A second indicator was that NMFS  
4 provided in-season allocations to the vessels,  
5 also in an effort to facilitate the leasing of  
6 quota. And then a third type of tool used was  
7 regulatory changes. You recall that in the first  
8 year of the program, there was annual accounting.  
9 The second two years, there was trip level  
10 accounting, and then in the fourth year there was  
11 quarterly accountability, and also we made  
12 regulatory changes to provide flexibility where  
13 in the instances where we give, allocate quota in  
14 season, we had the option to allocate to either  
15 all shareholders or only to vessels that are  
16 active.

17 So basically through regulatory  
18 means, fine-tuning providing flexibility and  
19 allocation to optimize things.

20 So here's some supporting data on the  
21 IBQ leasing program by year, the first column

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1 showing the total pounds. You can see that  
2 increasing nicely over time. The number of  
3 leased transactions, 49 in the first year and  
4 then increasing to between 81 and 85. The number  
5 of unique participants in the leasing program  
6 increasing over time, and then the last column  
7 percentage of active vessels leasing. Also, the  
8 pattern is increasing over time.

9 The price of the leased quota, of  
10 course, is very relevant. This is a weighted  
11 average in the first column. You can see the  
12 price for the weighted average lease price per  
13 pound slightly decreasing trend over time, and  
14 comparing this to the average ex-vessel price per  
15 pound.

16 There's a slight delta between the  
17 price that the vessels were getting and the price  
18 they needed to pay, but clearly it's not a profit-  
19 making species that are particularly basically  
20 covering costs at the end of the day. The number  
21 of transactions used to calculate prices listed

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1 here, as well as the total number of lease  
2 transactions.

3 One area that could use improvement is  
4 the data entry on price per pound, that the vessel  
5 operators put in, but also if there's some kind  
6 of agreement between two vessels or they're in  
7 some kind of cooperative, there may not in fact  
8 be any price per pound. So that's a challenge  
9 to note the value and how that cost dynamic works.

10 Objective 4, balance the objective of  
11 limiting landings and dead discards with the  
12 objective of optimizing opportunities and  
13 achieving profitability. Here, our preliminary  
14 conclusion is that the objective was only  
15 partially achieved. The data here are mixed.  
16 There's some positive signals, but also some  
17 disconcerting signals.

18 Annual total revenue appears to be  
19 stable compared to the baseline period. The  
20 total annual revenue is lower during the baseline  
21 period but the pattern, which you'll see in a

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1 moment, of declining annual revenue as a whole  
2 stopped and it's more leveled out now. So  
3 that's, you know, again good news/bad news.  
4 There's an increase in average revenue per vessel  
5 from 2015 to 2017. But again, using the average  
6 does mask some varying trends that depend on, you  
7 know, who you ask.

8 Are you a large vessel, small vessel?  
9 Do you do a lot of sets in a year? Depending on  
10 how you slice and dice the data, the revenue  
11 metrics definitely look different. And then  
12 thirdly, the average trip operating income, which  
13 is a proxy for profit during the IBQ period, was  
14 higher than or equal to the baseline period,  
15 essentially due to decreased fuel prices and some  
16 decrease in bait prices.

17 But that being said, it is very  
18 difficult to tease out the impact of the IBQ  
19 program on the revenue and the profitability of  
20 the fleet because there are, as you're aware,  
21 many of the factors, the overall status of the

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1 fishery, other factors such as swordfish imports,  
2 other regulatory impacts such as closed area and  
3 target species availability.

4 So continuing on with this objective  
5 regarding profitability, there's a long term  
6 trend of declining fishing effort that did slow  
7 under the IBQ program, and although total revenue  
8 and effort remains lower than the baseline years,  
9 there are many, many factors that are  
10 contributing.

11 So here's the average revenue that I  
12 referred to. Again, the level during '15, '16  
13 and '17 is lower during the IBQ period than the  
14 baseline period, but the good news is well, it's  
15 stabilized and actually increased from 2015 to  
16 2016 to 2017.

17 The total revenue from PLL vessels  
18 similarly, although lower during the IBQ period  
19 is stabilized, and this is the trip operating  
20 income revenue minus expenses. This is what I  
21 referred to as having a positive trend during the

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1 IBQ period, due to lower fuel costs and bait  
2 costs.

3 The fishing effort trend again has  
4 been downward overall, but arguably stabilized  
5 during the last couple of years, and it would be  
6 interesting to see what the 2018 log book data  
7 show with respect to this trend. Has it bottomed  
8 out or is it in fact maybe even increasing? So  
9 again, interesting information to look forward  
10 to.

11 So Objective No. 5. This is the  
12 objective where we take a step back and look at  
13 the impact of the IBQ program as a whole on other  
14 potential fisheries and objectives. You'll  
15 recall that in the past before the IBQ program,  
16 the Longline category vastly over-exceeded,  
17 overshot its quota due to the large number of  
18 dead discards.

19 Because the U.S. is required at the  
20 ICCAT international level so account for all this  
21 quota, basically we're able to do the math and

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1 account for it because the other quota categories  
2 are under-harvested. But it was an impact, a  
3 spillover impact of the Longline category on the  
4 other quota categories. This is no longer the  
5 case, so the Longline category does not impact  
6 these other categories as it had previously.

7 The in season allocations that  
8 occurred to the Longline category from the  
9 reserve occurred in conjunction with the reserve  
10 transfers to the Harpoon and the General  
11 category. So basically, the premise being all  
12 the categories had their shot at the Reserve  
13 category quota during the year, and there weren't  
14 any adverse impacts there.

15 There were some impacts on the  
16 dealers. I'm not sure exactly how to interpret  
17 this, but the number of dealers purchasing  
18 bluefin from longline vessels declined, but the  
19 top dealers handled actually more bluefin than  
20 they had before. So there's some dynamic going  
21 on there in conjunction with the program.

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1           And then switching gears, no longer  
2           are we talking about the specific IBQ program  
3           objectives, but taking a step back to look at  
4           okay, the standardized Magnuson-Stevens catch  
5           share program components, basically how the  
6           program itself was put together. How were these  
7           metrics looking: allocations, accountability  
8           rules, eligibility, catch and sustainability,  
9           accumulation caps, data collection and reporting,  
10          duration, new entrants, auctions and royalties  
11          and cost recovery.

12           So with respect to allocations,  
13          vessels were able to account for bluefin catch  
14          using a combination of the allocations and leased  
15          IBQ. Essentially, that objective of a vessel  
16          being allocated and accounting for bluefin, that  
17          aspect was achieved.

18           The total amount of IBQ allocation was  
19          sufficient to account for bluefin catch, and  
20          contributed to the function of the IBQ market,  
21          yet there are still some concerns regarding the

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1 specific dynamics of the availability of IBQ  
2 early in the season and how that works.

3 The amount of IBQ allocation, low,  
4 medium or high tier. Essentially each  
5 shareholder is allocated one of three distinct  
6 defined amounts. That did matter. You couldn't  
7 say that well, there wasn't really any difference  
8 between a vessel in the high tier versus low tier.

9 The amount did matter, and we measured  
10 this by looking at the tier basis, how much quota  
11 did a high tier vessel have. How much landings,  
12 what were the proportions, and kind of slice and  
13 dice the data, and yes, it matters whether you  
14 were a high tier vessel or a low tier vessel.

15 And one particular aspect about the  
16 allocations of note is that Amendment 7 had a  
17 design principle that bluefin tuna allocations  
18 were -- the objective is specifically to account  
19 for bluefin catch. It wasn't to give inactive  
20 vessels a, you know, a rainy day fund to lease  
21 quota and become an armchair captain.

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1           The design principle was that this  
2           quota was to be allocated to vessels to use, to  
3           account for their bluefin, and also serve as an  
4           incentive. Given the number of shareholders that  
5           were inactive, essentially shareholders who were  
6           eligible provided bluefin quota but did not fish.  
7           We can't say that this design objective was fully  
8           achieved.

9           And similarly, catch share programs  
10          typically are for target species, and the typical  
11          design has been based on historical landings  
12          allocation using a formula, and it's a tiered  
13          type of allocation. This design may or may not  
14          be a good fit for a bycatch species such as  
15          bluefin, which is highly variable and you can  
16          design a program based on historical catch.

17          It may or may not have any relevance  
18          to what is happening on the water. Who's needing  
19          quota and who's running into the bluefin may be  
20          divorced from the past and allocation scheme.  
21          And then again, given the number of shareholders

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1 that were inactive and the total number of active  
2 vessels, a simpler allocation may be warranted,  
3 and such an allocation was analyzed in Amendment  
4 7, but may be ripe for future consideration.

5 Continuing with the individual  
6 accountability, as I mentioned before, we had  
7 different accountability rules, whether on an  
8 annual basis vessels were required to account for  
9 bluefin. So basically you could fish in quota  
10 debt and balance the books at the end of the year.

11 Whether you were required to account  
12 for bluefin on an individual trip basis, which  
13 was in the case of Year 2 and 3 of the program,  
14 and under Year 4 there's been quarterly  
15 accountability that the hope was to provide kind  
16 of a balance. Vessels can have flexibility to  
17 pay the quota debt and obtain leased quota under  
18 their own time line. They weren't forced to a  
19 trip level basis.

20 And at this stage, the preliminary  
21 conclusion is that quarterly accountability kind

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1 of best achieves that balance of providing  
2 incentives and accountability, yet providing  
3 flexibility for operators to go into quota debt  
4 and then resolve it when their cash flow is better  
5 or when they can achieve a better price for the  
6 IBQ.

7 The shareholder eligibility criteria,  
8 basically defining the pool of which vessels were  
9 eligible to receive quota under the Amendment 7  
10 formula, this resulted in a larger pool of  
11 eligible vessels, shareholders, then the number  
12 of active vessels. And so that, as I mentioned,  
13 could use some work.

14 The eligibility criteria didn't  
15 appear to have been excessively restrictive,  
16 because there were basically only a small number,  
17 six vessels, they were active, that did not have  
18 shares. If there was more active vessels without  
19 shares who were forced to lease quota, you can  
20 make the argument well, we didn't really capture  
21 the pool of vessels who wanted to participate.

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1           We did capture the vessels that were  
2           intending to participate in the fishery. And  
3           then how am I doing for time?

4           MR. BROOKS: You're good.

5           MR. WARREN: Okay. So data  
6           collection, reporting, monitoring and  
7           enforcement. As a whole, this aspect of  
8           Amendment 7 was solid. IBQ records on landed  
9           bluefin input at the dealer were compared during  
10          the year with the dealer records, non-IBQ records  
11          and found to compare favorably. Where they were  
12          different, we input that data in either the  
13          dealer database or the IBQ database.

14          So our conclusion was that but this  
15          aspect was solid. The VMS reporting  
16          requirements, the compliance with those increased  
17          over time based on either looking at the landings  
18          data or the logbook data. And then the -- during  
19          2018, we made improvements to the VMS reporting  
20          system whereby the VMS reports were automatically  
21          linked into the IBQ program.

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1           So dead discards reported by the  
2 vessel in basically real time fashion were  
3 accounted for in the IBQ program. And then  
4 lastly, the electronic monitoring program also  
5 was a success in being able to analyze bluefin  
6 interactions on board and compare that to the VMS  
7 data, and compared favorably.

8           The EM program didn't as a whole show  
9 that it was a problem to the successful  
10 functioning of vessel operations. We didn't  
11 preclude any vessels from taking any trips. We  
12 did slow down some trips in a couple of cases,  
13 but waivers were issued and we worked  
14 successfully with folks to enable them to execute  
15 planned trips.

16           The IBQ program did not appear to  
17 preclude new entrants or present unreasonable  
18 barriers. There were six active vessels. As I  
19 said, they were not shareholders, and five new  
20 entities, essentially five new owners of longline  
21 permits and vessels who were active in the

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1 fishery. They were able to enter the fishery.

2 Based on anecdotal evidence and the  
3 costs of a longline permit, the cost of a longline  
4 permit is more of a deterrent to entry or barrier  
5 to entry than is the IBQ program. To date, NMFS  
6 has incurred the cost for installation of the EM  
7 program, so that aspect of the program has not  
8 served as a barrier to the entrance.

9 Last but not least, cost recovery  
10 under Magnuson. There was a requirement to  
11 recover the incremental costs of a catch share  
12 program. Essentially NMFS is authorized to  
13 charge the industry a certain percentage of the  
14 catch, in order to recoup some of NMFS'  
15 administrative costs.

16 With respect to the bluefin bycatch  
17 fishery, the ex-vessel value is relatively low,  
18 in part because of the price and in part because  
19 of the relatively low landings. Therefore, the  
20 maximum amount of recoverable costs is relatively  
21 low, especially since Magnuson caps this

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1 recoverable cost at three percent of the ex-  
2 vessel value.

3 So three percent of the ex-vessel  
4 value is a relatively low number, and therefore  
5 a cost recovery program may not yield any net  
6 value. There's costs to NMFS both to monitor the  
7 ex-vessel value and to implement such a program,  
8 that would basically, you know, yield no value.

9 So next steps. We look forward to  
10 hearing from you this morning, but then also in  
11 the next month or so while we're wrapping this  
12 document up. Particularly I'd like to hear is  
13 there any data we got wrong. What data you might  
14 find useful, and do our conclusions, our  
15 preliminary conclusions follow from the data  
16 we've presented.

17 Again, we're going to incorporate a  
18 little bit of new data in the next couple of  
19 months as it arrives, and then our target data  
20 for finalization is September. So thank you.

21 MR. BROOKS: Great. Thanks, Tom. We

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1 have about 10 minutes for this, and I will clip  
2 us at 10-15, because I want to make sure we have  
3 time for a full conversation on A13. So let me  
4 get a couple of folks in the queue, and again  
5 your comments on, you know, did he get it right?  
6 Does any of the data look off, conclusions not  
7 square? Let's just work our way around the table  
8 here. So we'll start with you, Dewey.

9 MR. HEMILRIGHT: Yeah thank you. I  
10 thought it was a good presentation. Lots have  
11 been incurred since 2015. One question I have  
12 or maybe two, is what is defined as an active  
13 vessel? I just -- it seems like there's less  
14 vessels out there than the 85. You know is it -  
15 - what is the determination of a vessel? What's  
16 y'all's criteria?

17 MR. WARREN: In the short term we use  
18 VMS information of vessels reporting through VMS,  
19 that bluefin set report. But then in a longer  
20 term, we rely on the log book data, a vessel  
21 submitting log book data indicating they're using

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1 pelagic longline gear.

2 And could it be -- it could be one  
3 trip in the year. We would count that as an  
4 active vessel.

5 MR. HEMILRIGHT: Is there any way that  
6 -- and I don't have the answer, in the future to  
7 maybe look at a little heavier criteria of an  
8 active vessel? I'm just trying to think, you  
9 know. Through VMS is probably more the route,  
10 because if you're pelagic longline fishing,  
11 you're going to have a VMS. If you're mahi  
12 fishing, you don't have to have a VMS if you're  
13 a so-called Council boat.

14 So maybe just look at the VMS per se  
15 and just get an idea, and maybe also if it -- I  
16 know we have traveling vessels that travel, you  
17 know, from down to the Gulf. But somehow put it  
18 by regions of who's left is kind of an insight,  
19 because we have a very active longline fleet  
20 that's, you know, a lot of boats are for sale and  
21 stuff like that.

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1           So just maybe a perspective of area,  
2           just to give a clearer picture. But thank you  
3           for your presentation.

4           MR. BROOKS: Thanks, Dewey, and I've  
5           got six more people to get in in about eight  
6           minutes. So if folks could be focused. Alan.

7           MR. WEISS: Thank you. Tom, there  
8           were several places in your presentation where  
9           you made reference to the bluefin tuna bycatch,  
10          and I think in order to refer to it as bycatch,  
11          you'd have to be using a different definition of  
12          bycatch than what's in the Magnuson Act.

13          There was one slide where you -- where  
14          you indicated the ex-vessel value of landed  
15          bycatch. If it was landed and sold, it wasn't  
16          bycatch under the definition in Magnuson. So I'm  
17          -- I ask you to reconsider that. I guess people  
18          have gotten accustomed to referring to the  
19          pelagic longline catch of bluefin as bycatch,  
20          because that's what it was before Amendment 7.

21          The purpose of Amendment 7 obviously

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1 was to eliminate the bycatch as much as possible,  
2 and it's been very successful in doing that. So  
3 it's -- it's largely and for the most part not a  
4 bycatch fishery anymore.

5 MR. BROOKS: Thanks. Scott.

6 MR. TAYLOR: I want to refer you to  
7 Slide 25, and I want to elaborate a little bit on  
8 what Alan said, and I want to read a sentence  
9 from that that sums up the whole problem. "Such  
10 considerations include an accountability system  
11 that maintains strong incentives to avoid  
12 interactions with bluefin."

13 Is that what we're doing? This is a  
14 legally authorized fish for us to catch and  
15 retain. It has value for us as an industry, and  
16 we need to take a hard look at that in an industry  
17 that's suffering on all levels, because without  
18 reciting Magnuson again, and if I was hanging and  
19 then this industry had the financial resources  
20 that some of the NGOs have, I think that that  
21 would make a pretty good legal argument that this

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1 agency has not taken into consideration to fully  
2 allow this longline fleet, to recognize the value  
3 of this legally authorized valuable resource that  
4 is being utilized by other user groups and  
5 causing us financial harm as an exclusion.

6 And that if you go to the other slide  
7 that refers to the ex-vessel value for the  
8 longline fleet, the reason that those fish as an  
9 average are worth substantially less than what  
10 the average is for the rest of all the other user  
11 groups that can sell them, is essentially what  
12 we've created by putting a substantial amount of  
13 this quota into the hands of people that are not  
14 actively fishing, and the mind set and the  
15 financial resources of the individuals that are  
16 precluded sometimes from buying quota because of  
17 the difference in the value of what the ex-vessel  
18 value is, and the market value of the fish, that  
19 it's because these fish are primarily dead fish.

20 We've talked about this before, is  
21 that we've created an environment in which we

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1 can't recognize the value out of this resource,  
2 because the only thing we're retaining is the  
3 dead fish and leaving 50 percent of the quota and  
4 really more than that on the table, particularly  
5 in terms of the fact that originally under A7,  
6 you set the purse seine quota up as the only place  
7 that could be utilized by the longline fleet.

8 So if that was a fully utilized  
9 resource, there is a substantial amount of value  
10 there that's being left on the table.

11 MR. BROOKS: Thanks Scott. Marty.

12 MR. SCANLON: Yes, and in Slide 16,  
13 it talks about the average revenue of the pelagic  
14 longline fleet there, and I think what that  
15 should indicate to us is that that's the fleet  
16 bottoming out at the revenue, at the level of  
17 revenue that it takes to maintain these vessels.

18 I mean you see here now that we've,  
19 you know, we've been contracting at a rate of  
20 about ten percent a year since A7 was  
21 implemented, and of course now at ten percent,

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1 we're losing less and less vessels because that  
2 number's getting smaller and smaller. So I think  
3 that we need to look at that, as that's basically  
4 the bottom line. We cannot allow that to drop  
5 below that, and if we go --

6 Like Scott says, if we're going to  
7 stabilize this fleet and revitalize this fleet to  
8 some extent, we need to find a way to increase  
9 that revenue overall. In Slide 20 there we talk  
10 about sets, and I'm questioning whether or not  
11 multiple sets were included in that or those, you  
12 know, broken down to where it's a one set per day  
13 type of deal. I'm not sure how that was done  
14 there.

15 So that's a question I have for Tom  
16 there. I have one other thing to say other than  
17 that there. In Slide 26, we talk about there are  
18 six vessels that had no -- they were active and  
19 they had no quota available to them. And I mean  
20 with the amount of available quota in the pelagic  
21 longline category especially that's not being

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1 utilized, it's almost a crime that there's six  
2 active vessels don't have any quota at all. I  
3 mean that's something that we definitely have to  
4 correct.

5 MR. WARREN: The set information is  
6 log book data and didn't incorporate a measure of  
7 per day et cetera. It's reported number of log  
8 book number of sets. It may in fact have been  
9 two sets in one day or --

10 MR. SCANLON: So you didn't break it  
11 out in multiple sets.

12 MR. WARREN: No.

13 MR. SCANLON: Including multiple  
14 sets?

15 MR. WARREN: No.

16 MR. BROOKS: Sorry, Katie.

17 KW Thank you, Tom. That was a lot  
18 of data and a lot of work that you guys clearly  
19 did to pull that all together. Just one a  
20 general comment and commend the agency and the  
21 longliners for all the work on the IBQ program.

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1 I think there's some incredible conservation  
2 results.

3 Certainly, I think the agency made a  
4 lot of adjustments along the way, the in-season  
5 transfer, which I think is helpful and still a  
6 lot of opportunity I think to, you know, to Marty  
7 and Scott's concerns, to increase the economic  
8 viability of the longline fleet, and increase  
9 opportunities to catch more of a swordfish quota.

10 But I think the IBQ program has been,  
11 you know, a success in a lot of respects and  
12 wanted to commend the longliners for all the work  
13 and maintenance for their work as well.

14 MR. BROOKS: I've got three more folks  
15 to jump in here. I've got Grant, David and then  
16 over to Rick.

17 MR. GALLAND: Excuse me. Thanks  
18 Bennett. I also just wanted to congratulate the  
19 agency on the success of the program. Since  
20 really for my whole lifetime, since 1982, the PLL  
21 catch of bluefin has been something the agency is

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1       trying to be -- make incidental, and now  
2       Amendment 7 has successfully done that.

3               Before A7, quota by the sector was  
4       exceeded by up to 300 or more percent, and now  
5       discards have become landings, landings are going  
6       up, discards are doing down.       The percent  
7       mortality in the Gulf of Mexico, the only known  
8       spawning ground for the western bluefin has gone  
9       down.

10              So it's clearly been really successful  
11       and it's something that should be celebrated as  
12       a fisheries management win.   Thank you.

13              MR. BROOKS:   David.

14              MR. SCHALIT:   Thanks Tom.   That was a  
15       really good presentation.   Just I'm wondering if  
16       you could give just an informal verbal  
17       characterization regarding IBQ costs.   I mean you  
18       showed us annual average, but how would you  
19       characterize them?   Are they higher in the  
20       beginning or higher at the end or low in the  
21       middle?   You know, just you know, informally

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1 speaking.

2 Well, what we found in the industry  
3 ourselves is in the beginning of the year, there  
4 tends to be a higher value to it because of the  
5 uncertainty of the availability. But as  
6 availability becomes abundant throughout the  
7 year, the price needs to fall and almost collapse  
8 by the end of the year.

9 December, we're almost being offered  
10 to give it away to us. So at the beginning of  
11 the year it could be as high as, in the beginning  
12 of A7, it was as high as -- people were demanding  
13 five to seven dollars a pound for it. In recent  
14 years, it's more closer to three to four, maybe  
15 five dollars. But you know, as it goes down, it  
16 goes down to maybe a dollar.

17 MR. BROOKS: Rick.

18 MR. BELLAVANCE: Thank you Tom for  
19 your presentation. My question is in regards to  
20 Slide 27, the last bullet, speaking to electronic  
21 monitoring and the potential for EM to restrict

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1 fishing opportunity. I was just wondering if you  
2 could either elaborate or point me in the  
3 direction where I could learn a little bit more  
4 about the waiver process for EM, for the vessels  
5 that have EM problems.

6 MR. WARREN: Sure. The process is an  
7 informal process, whereby a vessel operator  
8 usually contacts Saltwater, the contractor, who  
9 is responsible for maintaining and repairing  
10 these, and states that they have a problem. They  
11 work with Saltwater to get it resolved, and  
12 there's not time or the system isn't fully  
13 functional and they realize they're in a jam.

14 So then they contact us, give us the  
15 facts and we make a determination based on  
16 multiple factors, evaluating okay has this vessel  
17 been working with Saltwater and try to resolve  
18 the problem in a timely manner, you know, and  
19 look at the various relevant information.

20 Then we make a determination and say  
21 okay you can go fishing, provided this is fixed

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1 when you reach the dock at the end of the trip.

2 MR. BROOKS: Okay, Tom. Thanks very  
3 much. I want to get us to a break. We will  
4 reconvene at 10:30, dive into A13 and obviously  
5 a lot of ideas are already on the table to be  
6 talking about. So thanks everybody.

7 (Whereupon, the above-entitled matter  
8 went off the record at 10:18 a.m. and resumed at  
9 10:34 a.m.)

10 MR. BROOKS: All right. Just as  
11 folks are getting settled, just two quick  
12 reminders. I'm assuming everyone's sent in their  
13 research priorities from the conversation  
14 yesterday afternoon. But if you didn't, please  
15 make sure you do.

16 And again, just a gentle reminder that  
17 the survey out front, we're really looking  
18 forward to hearing from folks on any thoughts you  
19 have on management objectives, so that can inform  
20 a conversation later in the meeting. So, if you  
21 haven't taken the time to do that yet, please do

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1 so.

2 So, for the rest of the morning, until  
3 we break at 12:15 p.m. we want to open up the  
4 conversation on Amendment 13 scoping. Obviously  
5 agency staff have been listening carefully over  
6 the last several years, and have put together a  
7 scoping document that gets its arms around a lot  
8 of different options and possibilities.

9 And I want to give Brad a chance to  
10 sort of lay out what the different options are.  
11 But by no means should that be considered  
12 exhaustive.

13 And so, when we get to the discussion  
14 part, in addition to hearing your thoughts on  
15 ideas that may already be in the mix, other  
16 options, other considerations, alternatives are  
17 definitely encouraged. This is the right moment  
18 to get stuff out on the table. So, with that,  
19 Brad, it's all yours.

20 MR. MCHALE: Thank you. So yes,  
21 thank you for the past two session. Because it,

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1 really all does feed into this. And to echo what  
2 Bennett just shared is, you know, one is we all  
3 leave Silver Spring this week. I think we'll be  
4 able to all go home to our loved ones and say,  
5 yes, we were scoped pretty well in D.C.

6 And there's actually a reason for  
7 that, you know. And for this particular  
8 amendment, in comparison to what we discussed  
9 yesterday, we are casting the net wide.

10 So, you're going to see a range of  
11 issues that we're raising to be entertained, as  
12 we embark on this amendment, that could be as  
13 broad scope as reallocation of bluefin quota, to  
14 specifics of the longline fishery, that we just  
15 touched on a couple of those, all the way down to  
16 some of the minutiae of the operational  
17 implementation of this.

18 And really what, when we're done and  
19 start the discussion, and we start to go through  
20 the different arenas of where we're looking to  
21 potentially modify programs, or entertain

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1 changes, or stay consistent for that matter,  
2 don't leave any ideas on the table. Not that  
3 they'll all come to fruition, and be included in  
4 the amendment as we continue to refine and  
5 assess.

6 But we do kind of, just like we did  
7 with Amendment 7. Don't want to leave any stones  
8 unturned. And then all of a sudden, dammit, you  
9 know, if we had only thought of doing X, Y, or Z.  
10 Hindsight being 20/20, you know, would it have  
11 been good if we could have raised some of those  
12 issues, and had them on the table to be explored  
13 and analyzed further, given the challenges that  
14 are before us?

15 So, quick outline focusing on  
16 Amendment 13, looking for purpose and need. Some  
17 of the objectives are logical outgrowths of the  
18 FMP, Amendment 7, Magnuson, what have you.

19 And then in addition to our  
20 opportunity to have some of the discussion today,  
21 also where we're going to be having additional

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1 scoping meetings over the next few months.

2 So, three very broad bins of areas  
3 we're looking to entertain changes is, one is the  
4 issues that pertain with the Longline category.  
5 So, whether that's IBQ, whether that's EM,  
6 whether that's, you know, something spatial in  
7 time area management.

8 We've already kind of denoted that  
9 those are taking place in other rulemakings. But  
10 it's all intertwined. The Purse Seine, you know.  
11 What is the future of that component of our  
12 bluefin tuna management? And where should we go  
13 with that? And based upon some of those  
14 considerations, what are the ripple effects on  
15 other users of bluefin tuna U.S. quotas?

16 And then thirdly, kind of touching on  
17 some of the items that were in the first  
18 presentation this morning, other management  
19 options. You know, that would be kind of a  
20 catch-all of our directed fisheries when we're  
21 looking at time management, or quota management,

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1 or allocation, or gears. That's kind of our all  
2 catch in.

3 So, most of what I'll be just  
4 discussing will fall within these three major  
5 bins.

6 So, purpose and need. Essentially to  
7 get your input, the public's input on items and  
8 issues to consider as we as the agency continue  
9 to refine and start to develop a proposed  
10 amendment.

11 And so again, let's cast the net wide,  
12 get things on the table. And then we can kind  
13 of figure out where the pieces fall as we do a  
14 more accurate assessment.

15 As far as the need, there's a number  
16 of different drivers here. One is, coming off  
17 of the three year review that Tom just shared,  
18 you know. So, it's time to, underneath Magnuson,  
19 reconsider the catch share program, what's  
20 worked, what hasn't, what course corrections may  
21 be needed.

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1           The purse seine fishery, I touched on  
2           that, as well as some of the other issues that  
3           we've been touching on over the years. The  
4           conversation Mike and I were just having  
5           regarding retention limits and fall access. How  
6           do we get at some of those allocation and equity  
7           issues?

8           So, for those that like to see things  
9           in table format, essentially the same  
10          information. You know, some of the additional  
11          context we could be reviewing, you know, the  
12          fundamentals of IBQ allocation, or the shares, I  
13          think we just touched on.

14          At least when we rolled out Amendment  
15          7, you know, we had about 136 permit holders,  
16          vessels, however you want to kind of view them,  
17          that had access. But we're seeing that those  
18          vessels that are active in the fishery is well  
19          below that number. How do we course correct?

20          Again, the intention is to get quota  
21          in the hands of those that are actively in the

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1 sword fishing and BAYS fisheries.

2 Optimizing the quotas. Continue to  
3 try to find that right balance of acknowledging  
4 historical trends with kind of the current needs  
5 of the fishery. And kind of strike that right  
6 balance.

7 How to maintain as much flexibility as  
8 we can, but at the same time have as much  
9 certainty as we can. So, you know, the whole  
10 yin-yang of what a day in the life of a manager  
11 is, is how do you have it all?

12 And so, these will continue to be the  
13 challenges that we'll run at. As well as, in  
14 addition to the just the issues that we're trying  
15 to challenge, you know, what are the drivers?

16 So, there are requirements.  
17 Obviously the objectives are Amendment 7, the FMP  
18 that I mentioned, Magnuson, everything that we  
19 discuss and entertain still needs to fall in the  
20 line of all of these things. Again, nothing new.  
21 But there's only so far at times you can think

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1 outside the box.

2 So, to get in a little bit deeper on  
3 some of the IBQ-related options that we've kicked  
4 around. And again, not exhaustive. Open to any  
5 and pretty much all is, do we eliminate how we  
6 currently allocate out the IBQ shares? So, we  
7 went through a historical process that  
8 essentially established that three tier system  
9 Tom mentioned and then in turn the quota  
10 allocation that was built off of those share. Do  
11 we go back to that drawing board, you know? And  
12 some of the three year findings kind of support  
13 moving in that direction.

14 We've heard for some time, you know,  
15 we should be the active fleet that getting  
16 recipients. So, how do you potentially entertain  
17 modifications to the foundation of that IBQ  
18 program so it can better meet the needs of the  
19 industry, but yet still preserve the conservation  
20 benefits that we've been able to achieve  
21 collectively with the implementation of Amendment

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1 7?

2 Or do you currently leave it, and just  
3 maybe change the timeframes that you're looking  
4 at? Or essentially some sort of hybrid? So,  
5 essentially looking literally at the foundation  
6 of that program, and entertaining what changes  
7 and modifications, based upon our collective  
8 experiences that we could explore there.

9 What about modifying, potentially,  
10 some of the rules regarding IBQ allocation, for  
11 example, in the Gulf of Mexico? We know we  
12 delineated Atlantic and Gulf of Mexico based upon  
13 allocations.

14 Vessels that only had Atlantic  
15 allocation couldn't necessarily harvest that, or  
16 prosecute the fishery in the Gulf of Mexico. Is  
17 that something we want to entertain?

18 You know, are we comfortable with  
19 enough of the individual accountability that  
20 where that harvest is taking place we have it  
21 dialed in that the geographic delineation isn't

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1 necessarily a strong component? Or do we need  
2 to preserve that?

3 I know one aspect that has come up is  
4 the inclusion of catch that took place in the  
5 Northeast Distant Area. Should that be brought  
6 into the fold, given there is a set aside quota  
7 by ICCAT to handle those bycatch, or those  
8 interactions? And how does that factor into the  
9 overall decision making?

10 Looking at share or allocation caps,  
11 or both. So, do we need to place ceilings, so  
12 there isn't necessarily consolidation of this  
13 allocation to the hands of too few? And then,  
14 if so, if that's something we want to pursue, and  
15 further refine, where do we want to kind of fall  
16 on that scale?

17 I know that in Amendment 7 we teed up  
18 whether or not to authorize sale of, whether it  
19 be shares, or quota, or rollover, or what have  
20 you. You know, just to bring those issues back  
21 up to the table of what are some of the

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1 implications, you know?

2 What are some of the other fisheries,  
3 you know, that the agency's managed that have  
4 allowed sales? And what are some of the lessons  
5 learned, so we don't necessarily repeat errors  
6 that some other management parties have made? Or  
7 we can at least learn from those lessons.

8 And then, as I mentioned, some of the  
9 micro issues that could pop up is, you know,  
10 moving a pin requirement between bluefin tuna  
11 transactions. Because we finally got some  
12 databases to connect.

13 And so, some of the administrative  
14 burden is placed on dealers. Certain operators  
15 are just no longer warranted. So again, more of  
16 a technical issue versus something that needs to  
17 be deliberated, but paints the scope.

18 When it comes to electronic  
19 monitoring, what sort of aspects would need to be  
20 improved as far as performance, or efficiency?  
21 And there's a whole litany of items that kind of

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1 could fall underneath this, as far as the timing  
2 of when hard drives are being mailed in.

3 You know, right now it's at the end of  
4 each trip. But we know most of those hard drives  
5 are at just a fraction of their capacity. Could  
6 we kind of have a hard drive get more data per  
7 hard drive, per submission?

8 Very minor. But yes, we understand  
9 it's a pain in the ass as you're pulling into  
10 port to have to pop a hard drive into the mail,  
11 and make sure you have one to get out on the  
12 subsequent trip. Not lost on us.

13 One thing that we've intentionally did  
14 when we rolled out Amendment 7 is, we didn't  
15 prescribe how fish needed to be handled on each  
16 vessel.

17 It's clearly apparent that every  
18 vessel in the fleet is essentially unique in  
19 their own, A, construct, as well as how they  
20 handle catch. But are there ways that we could  
21 institute more standardization?

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1           So when if an image is coming off of  
2 Marty's vessel, versus an image off of Jeff's  
3 vessel, versus an image off one of Scott's  
4 vessels, there's comparability. So, all of a  
5 sudden you can get that consistency, which feeds  
6 into the accuracy of the information derived from  
7 those systems exponentially.

8           I know not necessarily a conversation  
9 I think most folks are around the table would  
10 want to have, at least from the industry side.  
11 But do we entertain expanding the scope of what  
12 EM is used for?

13           Right now we have held true to our  
14 commitment that it is used for data verification  
15 of fishery-dependent information, and ensuring  
16 the accuracy of that. Building confidence in the  
17 information, that hopefully will translate into  
18 other actions that benefit the industry, spatial  
19 management kind of being the big one.

20           Do we want to entertain those sort of  
21 items? And what then comes along with them?

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1       What are the risks, as well as costs? Currently  
2       Tom mentioned that we're incurring, we, the  
3       agency, are incurring costs in these systems.  
4       They're not cheap. But we are also not deaf to  
5       the challenges to the industry. And if you go,  
6       and then try to transition those costs, that may  
7       not even be a viable option.

8               So, there's a whole litany of things  
9       that we could entertain when it comes to just the  
10      electronic monitoring component. And, you know,  
11      I'm thinking carrots and stick.

12             How can we leverage this to all of a  
13      sudden transition to benefits for the industry,  
14      as a result of having this gear, versus more of  
15      a control approach?

16             When it comes to the purse seine  
17      options, one would be no action. You know, we  
18      took a number of steps in Amendment 7 again to  
19      gain access to under-utilized quota, to be able  
20      to redistribute that. But is that enough?

21             You know, we haven't seen any

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1 legitimate activity in some time, as I mentioned,  
2 earlier. Is it time to essentially sunset the  
3 purse seine category as a whole? And then, if  
4 that's kind of ultimately where we collectively  
5 get to, then managing the ripple effects of that.

6 Where does quota get reallocated?  
7 Does it go to the reserve? What are some of the  
8 challenges with having so much quota in the  
9 reserve? Currently there's a lot there.  
10 There's a lot of discretion to the agency, with  
11 all the transfers I showed this morning, which  
12 introduces uncertainty.

13 To be personally honest, it would be  
14 nice to get some of that allocation formally in  
15 other categories, so this ask/receive  
16 deliberation, we can de-escalate that, especially  
17 when we're starting to deal with some of the  
18 volumes of quota that we're looking at for not  
19 just the U.S., but all of us collectively.

20 And then, if we did want to entertain  
21 some sort of sunset, is that, are we going

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1 guillotine? Is it more of a protracted time  
2 period? Like, what's the best way to kind of  
3 manage that, knowing that we don't have too many  
4 voices around the table that represents that  
5 category. Nor do we have I believe any in the  
6 audience, you know. So, making sure that we're  
7 operating with their input as well, as part of  
8 the overall process.

9 And here's just some of the trends  
10 that just outline exactly kind of what we've  
11 observed, kind of going back for a number of  
12 years, of level participation, and how that's  
13 just diminished over time. And then, how do we  
14 then adapt to what we're observing?

15 Getting into some of the other  
16 management options, I believe David had mentioned  
17 this earlier, as far as how quota is allocated.  
18 Currently that it is not just a -- well, I guess  
19 here's the baseline allocations across all the  
20 various user groups. Is this something that we  
21 want to entertain opening up?

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1           You know, it's always been a third  
2 rail, because of some of the challenges that come  
3 along with it. But we're open to it. But we're  
4 open to it with our eyes wide open of those  
5 challenges.

6           Perhaps some of the changes and  
7 modifications need to be kind of within some of  
8 the categories. We've already discussed some of  
9 the General category challenges of when fishermen  
10 are operating at different times of the year, and  
11 how that quota is weighted at those different  
12 times of year.

13           Is it right to have those  
14 conversations? And I believe it is. But  
15 ultimately where do we want to evolve to? Again,  
16 trying to strike the right balance between  
17 dependence and historical trends, versus what  
18 we're actually observing real time. And how do  
19 you strike the right balance between the two?

20           As Mike had mentioned, and I  
21 mentioned, modifying potentially some of the

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1 Trophy category, given how small those quotas  
2 are. And what are some of the challenges with  
3 managing that, or the opportunities that come  
4 along with that?

5 But also, when you're dealing with  
6 giant bluefin tuna, how do you ensure that we  
7 don't open up opportunities for the temptation of  
8 selling those fish to all of a sudden take a  
9 foothold, you know?

10 Some of the reasons why those quotas  
11 were rather small in the first place, more  
12 support term and state record type opportunities,  
13 as well as any other allocation options.

14 You know, the, again, the door is wide  
15 open. Can't commit that we're actually going to  
16 do any of it. But I also can't commit that we're  
17 not going to. Like, so now is the time to get  
18 it out there and see how it shakes out.

19 I know that we've had plenty of  
20 conversations over the years, you know, of  
21 include this gear, exclude that gear. Allow

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1 charter/headboats to use harpoon. Don't allow  
2 charter/headboats to sell catch.

3 Like, so we've gone through this. And  
4 every single person you ask, they have a  
5 different opinion. It doesn't mean that those  
6 opinions don't carry weight. It's just, more  
7 often than not there's point counterpoint, point  
8 counterpoint.

9 So ultimately, you know, how do we  
10 want to move forward, if at all, on any of these  
11 sort of, you know, very in the weeds type of  
12 aspects? And then, ultimately, how does it play  
13 in with equity, and changes across the scope of  
14 the fisheries?

15 And the one item that had come to  
16 light, when we were authorizing green-stick for  
17 the use in our pelagic longline fleet, combined  
18 with the IBQ program. That there's some gaps  
19 there as far as how some of that bluefin tuna  
20 catch that occurs on green-stick, how is it  
21 accounted for?

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1           Because IBQ is so tied to pelagic  
2 longline use there are things that can be cleaned  
3 up, that we realized introduced some gray areas  
4 when we finalized Amendment 7, and actually  
5 started to operate underneath that management  
6 regime.

7           As well as minor things like permanent  
8 category change allowances. To this day we still  
9 have folks that, through human error, grab a  
10 category permit that doesn't meet their intent on  
11 how they're going to run their vessel.

12           And how can we kind of accommodate  
13 some of that human error, but yet, still preserve  
14 that we don't have folks kind of fill in one  
15 category, and then jumping to another, which  
16 again, tabs into equity issues?

17           But it's a very painful conversation  
18 to tell a commercial operator that he's got a  
19 recreational permit and regulation alone says he  
20 can't change and he's locked in for a year, and  
21 vice versa.

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1           So, how do we be more human, to allow  
2           for modifications to those errors, but yet, not  
3           compromise the integrity of the program?

4           Visual depiction of kind of what the  
5           General category base quotas are. So, I suspect  
6           we'll spend a fair amount of time here.  
7           Historically it's been heavily front loaded.

8           And then, you know, I refer to it as  
9           the snowball effect. That any unharvested quota  
10          would roll to the subsequent one. Again, for  
11          about a decade that worked out just fine, where  
12          we'd get through until December. The last number  
13          of years, not so much.

14          And so, is it time to kind of revisit  
15          how the General category is allocated, to strike  
16          some of the balance, and address some of the  
17          issues that are before us?

18          Again, trying to level the playing  
19          field, given the challenges the fishery just  
20          presents when fish are that available, and there  
21          is that much effort. You know, what can we then

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1 do to kind of pump the brakes?

2 So, that was a very quick oversight.  
3 Didn't need to belabor any of it, because we've  
4 already spent some time on it, not just this  
5 morning, but at prior meetings.

6 So, we definitely encourage, you know,  
7 all of your comment and feedback, not just from  
8 yourselves, but for the representatives that  
9 you're here voicing, providing your voice for.

10 As far as this scoping document, we  
11 have it open until the end of July. The pathways  
12 to submit the comments are pretty standard, you  
13 know, online, here verbally.

14 But we also have a number of different  
15 scoping meetings coming up. And so, you'll hear  
16 this, whether it's Amendment 14 that we touched  
17 on, whether it's Amendment 13, whether it's  
18 spatial management, Amendment 12, what have you.

19 But then we have a list of not only  
20 the dates, but the locations of where we plan on  
21 holding those meetings. So, for those folks that

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1 are able to get out in person, you know, we  
2 encourage that.

3 We gain a lot from just the  
4 conversations we have, versus just the formal  
5 communications. And so, I don't need to run down  
6 this list. It's available I think the listserv  
7 posted yesterday. Today? Today. So, this  
8 information's out there. And again, we'll look  
9 forward to seeing you, as well as your  
10 constituents, in person at these meetings as  
11 well.

12 And so, with that, I'd rather turn the  
13 microphone over to you all, to have the  
14 discussion we've teed up the morning to have.

15 MR. BROOKS: So, before we jump in,  
16 because we are in the allocation business here,  
17 let me give you a sense of how we want to sort of  
18 manage the next hour and 20 minutes, or so.

19 We think we want to sort of walk  
20 through this chunk by chunk. Again, so we can  
21 have some focused conversations, rather than just

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1 sort of bouncing from topic to topic.

2 So we, our recommendation is we spend  
3 about the next 30, 40 minutes or so, chunking  
4 through these different slides that Brad just put  
5 out there, starting with IBQ.

6 Then we imagine a fairly quick  
7 conversation on electronic monitoring, you know,  
8 fairly focused on purse seine. And then again,  
9 another 30, 40 minutes or so on that broader other  
10 category. A lot in there to chew on. So, that's  
11 our game plan.

12 And as we walk through this, I guess  
13 my, just my advice is, in general this is a  
14 brainstorming session, right. So again,  
15 reaction to the ideas that are out there. In  
16 particular, bringing forward ideas.

17 As Brad said, we don't want to feel  
18 like we missed the boat, and didn't get something  
19 on the table. So please, no bad ideas here.  
20 Let's hear thoughts that people have.

21 Always, it's important to hear the

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1 rationale of what's driving your thinking, your  
2 recommendation. That's very instructive for  
3 everyone around the table, and for the agency.

4 You know, and as you're drawing on  
5 data, there was a lot of information shared this  
6 morning. Draw on that as you can. And I  
7 certainly invite Brad and Tom to weigh in as, you  
8 know, if you're hearing stuff that doesn't square  
9 with your understanding of the data, please weigh  
10 in.

11 Because there's plenty for us to think  
12 about, and a lot of options, without getting lost  
13 in data confusions. So, let's keep us straight  
14 on that. So, with that let's --

15 MR. MCHALE: Maybe just one other --

16 MR. BROOKS: Yes, please.

17 MR. MCHALE: -- item to complement.

18 Because we know spatial managing, time error  
19 management, weak hooks --

20 MR. BROOKS: Yeah.

21 MR. MCHALE: -- they actually

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1 already have presentations for later this  
2 afternoon. We've acknowledged the importance of  
3 that, and the challenges that come along with  
4 those.

5 Let's try to keep those issues and  
6 options tabled. And we'll get them dedicated a  
7 specific time this afternoon. So, we'll kind of  
8 try to capture the other items.

9 MR. BROOKS: Yes. Perfect. Thank  
10 you. So, with that let's just jump in. And  
11 let's again start on the slide that Brad's got up  
12 there right now, which is thinking about the IBQ  
13 program, and share distribution, allocation  
14 method.

15 A couple of options out there. Other  
16 options we should be thinking about. Let's start  
17 with Scott and Marty.

18 MR. TAYLOR: So, as far as the IBQ  
19 system is concerned, I've got a couple of  
20 different hats that I've got to wear here.  
21 Because I recently joined the Board of Blue

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1 Water. And Blue Water presented a position paper  
2 to you recently.

3 I do want to mention that, like every  
4 other organization there are difference of  
5 opinions of the metric, and how things need to be  
6 considered. And so, I think the time and the  
7 place for that. And I think Marty may want to  
8 speak specifically to that.

9 But I want to take my time here to  
10 impress upon a central point that everybody in  
11 the industry will agree about, which is that the  
12 quota needs to go into the hands of the people  
13 that are actively fishing.

14 Is unfair and unreasonable. And that  
15 if there's been any failure at all, from my  
16 perspective in the system, it's that people that  
17 may have had a initial allocation under this  
18 complicated metric that the agency determined,  
19 that we spent countless hours and days debating  
20 about, you know, how that was determined. And I  
21 don't want to take anything away from that.

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1           We've come well beyond that at this  
2 point, in terms of the fact that you've seen, in  
3 a general sense, the effective result of what it  
4 is you intended.

5           But that this has to go back to a  
6 general understanding of the way that the fleet  
7 operates.

8           I can remember when Amendment 7 was  
9 first being proposed. And there was this panic,  
10 you know, within the industry that we were  
11 looking at potentially one or two fish per boat.  
12 The quota numbers were down. That we were  
13 getting pressure at ICCAT in the way that the  
14 numbers were being calculate, with high  
15 recruitment and low recruitment. And that there  
16 was a panic.

17           Now we're in a situation in which  
18 there's available quota that is not being used  
19 and allocated. And there's this stigma that  
20 continues to circle around this longline  
21 industry, that we have to rely upon you to a

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1 certain extent to put an end to.

2 You looked at the numbers in terms of,  
3 when we're talking about specifically bluefin,  
4 with the other user groups are taking from the  
5 available U.S. quota. And that we're limiting  
6 the take by the longline fleet, because there's  
7 so much quota that's being left on the table in  
8 two places.

9 And I'll reserve part of it to a  
10 comment when we get to the Purse Seine. Other  
11 than to say that you all have sunsetted out a  
12 substantial amount of that quota that has gone  
13 into the reserve category, that funnels into the  
14 discussion shortly about what it is that you do  
15 with the reserve.

16 But the remaining portion of that  
17 quota was always intended within Amendment 7 to  
18 only be used by one user group, which was the  
19 longline fleet. It can't be transferred to  
20 anybody else. It has no value within that system  
21 to anybody else. That was your buffer.

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1                   What I don't think everybody  
2 understands here is that we get an intermingling  
3 of swordfish and tunas, bluefins. There are  
4 areas when we're targeting swordfish that we're  
5 going to interact with bluefins.

6                   And if you discourage us from taking  
7 and working within the parameters of the numbers  
8 that we have by limiting what's available to us,  
9 you're going to affect swordfish catch. It's not  
10 all the time, every place. But it has a  
11 cumulative effect on our ability to be able to  
12 catch our numbers.

13                   There are boats that specifically stay  
14 away from targeting swordfish because of a  
15 concern with interacting with the bluefins, when  
16 we've got all this quota that's on the table that  
17 could be utilized in the best way.

18                   You've set a system up in which  
19 there's individual accountability. The one  
20 thing everybody in the industry agrees on is, put  
21 the quota in the hands of the individuals that

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1 are out there doing the fishing.

2 The rest of the metric of how you  
3 ultimately determine that is probably not a  
4 constructive discussion for me here today.  
5 Because I can give you 50 different alternatives.  
6 And there would be 50 different positions. I'll  
7 leave that to, you know, to the group.

8 MR. BROOKS: Scott, do you want to  
9 comment on what actively fishing would mean to  
10 you? Or how you'd like the agency to think about  
11 that?

12 MR. TAYLOR: Actively fishing, in  
13 terms of?

14 MR. BROOKS: Redefining where the  
15 quota goes. You were saying, shift the quota to  
16 those that are actively fishing.

17 MR. TAYLOR: Well, I mean, my wish  
18 list in a perfect world would be to reassign  
19 whatever is remaining in the purse seine quota  
20 that's not being used, put it on all of the active  
21 boats. That there are several different

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1 methodologies that could be used.

2 It doesn't matter to me, in terms of  
3 a personal level. The position of Blue Water is  
4 based upon the number of sets, by effort. So  
5 that the boats that are getting the more effort  
6 would get the bigger part of the allocation.

7 But what's more important to me is  
8 that that quota is available for the active boats  
9 that are out there fishing, to utilize it in the  
10 way Magnuson intended, and the way that we best  
11 see it fit, rather than setting up an environment  
12 in which you discourage us by your own language  
13 in here from bluefin interaction.

14 Why are we being discouraged from  
15 economic viability of a species that every other  
16 user group has the ability to do? And I would  
17 make the same argument whether or not that that's  
18 recreational or commercial. Because everybody  
19 benefits financially from it. We don't really  
20 get that opportunity --

21 MR. BROOKS: Thanks, Scott.

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1 MR. TAYLOR: -- in the current  
2 configuration.

3 MR. BROOKS: Okay. Brad.

4 MR. MCHALE: Yes. And I hear you  
5 there, Scott. But I also don't want to lose  
6 sight of where we came from. And, you know, so  
7 there is legitimate reasons why we instituted  
8 incentives to avoid bluefin tuna interactions, to  
9 get at the dead discard numbers.

10 And it was absolutely by design. And  
11 you know that, we all know that around the table.  
12 You know, there's lots of discussion of whether  
13 or not, you know, whether it's a Magnuson  
14 definition of bycatch.

15 It's pretty clear the agency's  
16 position that directed longline effort on bluefin  
17 is not a direction we want to go in. That being  
18 said, your points are valid as far as, if access  
19 to bluefin quota is a constraint. And it's  
20 there. I mean, even outside of what the purse  
21 seine has, even within the Longline category

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1 right now we're scratching at it. not that we  
2 want to necessarily harvest it the same way the  
3 direct users are. There's those nuances. We've  
4 discussed that.

5 But yet, if all of a sudden that  
6 access is curtailing the access to swordfish  
7 we're having, you're right. There are course  
8 corrections that are needed there. And hence,  
9 why we're entertaining some of these, based upon  
10 what we've learned over the last three-plus  
11 years.

12 MR. BROOKS: Thanks, Brad. So --

13 MR. TAYLOR: Just a quick follow-up.

14 MR. BROOKS: Really quick. Because I  
15 want to get folks in here, Scott.

16 MR. TAYLOR: It's just that I don't  
17 want to lose sight of the fact that, or get into  
18 a debate about why it is that where we are. We  
19 all know where the reasons were, what the agency  
20 did.

21 But we've learned a lot in the last

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1 three or four years. You were dealing with a  
2 contracting fleet, with other systemic problems,  
3 that you need to remove this barrier. And how  
4 you decide how to do the metric only includes  
5 putting the quota into the hands of the people  
6 that need it.

7 MR. BROOKS: Yes. So, takeaway is,  
8 get that quota being used. Get it out to the  
9 active vessels. And how that actually gets done,  
10 more flexibility there.

11 Marty, go ahead.

12 MR. SCANLON: Well, first of all, as  
13 far as the, you know, you talk about the IBQ  
14 program and the distribution of the IBQ. You  
15 know, Blue Water prepared and presented you those  
16 documents, the reform document, and the  
17 revitalization plan most recently.

18 And it outlines a, you know,  
19 procedural process to implement that. And I  
20 think at this time Blue Water is, you know, would  
21 be standing on those positions.

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1           But in, you know, to make that simple  
2           there is, what we suggest is to identify  
3           activation as, you know, right now to be declared  
4           active it's as little as one set in the initial  
5           allocation. And that's how it was done. And  
6           that's why we have the problem we do.

7           Because there was so many, and at 135  
8           initial active vessels, you know, there was  
9           probably maybe 20, 25 percent of those vessels  
10          that really weren't very active at all, if active  
11          at all.

12          So, you know, that's a misleading  
13          number to begin with. But for us, you know, we  
14          believe that it, you know, the allocation should  
15          be distributed according to a vessel's set  
16          activity on a three year average.

17          You know, take the two year average,  
18          establish how many sets vessel's made in a three  
19          year average. And give them allocation according  
20          to what was available to the quota at that set  
21          rate. Okay.

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1 MR. BROOKS: And proportionate to  
2 effort. So --

3 MR. SCANLON: Yes. First thing.  
4 That would be the proportion of effort. We would  
5 encourage you to get rid of the metric in which  
6 they originally allocated it by total, you know,  
7 landings per what, where targeted species would  
8 have been, to total bluefin interactions.

9 We would, you know, it would make it  
10 simpler to, you know, we've always contended that  
11 that is a judgment on the fisherman's ability to  
12 fish, and where he fishes.

13 And as we've learned, and one of the  
14 problems that we have and why we're contracting  
15 is that, you know, we've had a balance that, you  
16 know, do we jeopardize catching fish to  
17 accommodate that number, as opposed to, you know,  
18 just go out there and try to catch, and be as  
19 viable as possible?

20 You know, I mean, we may not catch as  
21 many fish, but actually make more money in what

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1 we're catching, you know, in that formula. The  
2 way you have it there we almost have to go catch  
3 the most fish, you know.

4 And that's big. As you can see,  
5 that's big counterproductive for the fleet. It  
6 would be much, it would simplify that whole  
7 process. And, you know, the fisherman's  
8 mentality is the set, you know.

9 All through this whole process  
10 everything is set up by sets, you know. You make  
11 a set. You either have bluefins on that set, or  
12 you don't have bluefins on that set.

13 If you have bluefins on that set, how  
14 you are going to adjust that set will determine  
15 how many bluefins you're going to have in the  
16 future. So, we would like to see it done on a,  
17 you know, on that set basis.

18 MR. BROOKS: Thanks, Marty. That's  
19 helpful. Let me go to Alan, and then Kate.

20 MR. WEISS: Thank you. First of all,  
21 I think the Fishery Service is already onto the

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1 problem here. Because Tom in his presentation  
2 on the three year review said that the intent  
3 originally was not to create armchair captains.  
4 Although, that's what happened.

5 And so, by allocating under the type  
6 of process that Marty mentioned, you'll end up  
7 giving the bulk of the allocation, almost all of  
8 it, to people who are actually actively fishing.  
9 And it will be proportioned to the level of their  
10 activity.

11 And that will really be fairest.  
12 Because at the moment you have roughly 40 percent  
13 or so allocated to people that aren't active.  
14 And even within those that you currently define  
15 as being active, the activity may be very minimal  
16 for a significant, not a large, but a significant  
17 chunk of those

18 And I think that's where I'll leave it  
19 for the moment.

20 MR. BROOKS: Okay. Thank you.  
21 Thanks. So, so far hearing, you know, yes,

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1 shift. Shift to active. Active based on, you  
2 know, set -- scaled by effort, by set. Yes.  
3 Quick, Marty.

4 MR. SCANLON: And that set activity  
5 would be one set per calendar day. We would not  
6 count multi sets as, in that formula there.  
7 Thank you.

8 MR. BROOKS: Thanks. Let me get Kate  
9 in, then over to David. And again, if there's  
10 other ideas, other thoughts that you'd like the  
11 agency to be considering, this would be the  
12 moment to get on the table. Kate.

13 MS. WESTFALL: Yes. Just since this  
14 is a scoping exercise, I mean, I think you're  
15 hearing pretty clearly that it's really important  
16 that this amendment focus on ways that quota can  
17 get in the hands of active fishermen.

18 And I'll have to dig in to what you  
19 all provided on some of those opportunities.  
20 But, and look at solutions across, you know, in  
21 other programs. But I think that definitely

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1 needs to be a high priority of this moment.

2 MR. BROOKS: And to your point,  
3 obviously today is not the last day to share  
4 thoughts with the agency. David.

5 MR. SCHALIT: Yes. Just, the  
6 original criteria that was used for determining  
7 which longline vessels would be involved in this  
8 initial IBQ distribution is obviously a much  
9 larger number than the number of vessels that are  
10 participating, that are fishing, that are in the  
11 fishery for most of the year, let's say.

12 And I mean, I even, I understand that  
13 there are some vessels out there that are  
14 receiving IBQs that don't even bother to lease  
15 those IBQs. So, this is a serious problem.

16 But I'm just wondering, from a  
17 technical perspective, is the agency, does the  
18 agency have the authority to modify that original  
19 criteria? And if so, would that be frame-  
20 workable? Or is it needed, a mandatory  
21 amendment?

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1 MR. MCHALE: First of all, let me see,  
2 do I have my attorney in the room?

3 So, now that I know that -- Yes,  
4 please. Megan, I think you have a call in the  
5 hallway. What we would need to do there, David,  
6 is really compare that up against the  
7 requirements underneath catch share programs,  
8 underneath Magnuson, to see exactly what leeway  
9 we have.

10 Like, very comfortable with the fact  
11 that we need to, and are required to re-entertain  
12 allocation issues when it comes to catch share  
13 programs.

14 What I'm less comfortable in is, what  
15 leeway do we have in re-examining what we've  
16 discovered with the catch share program, and how  
17 it could be modified. And so, we haven't done  
18 that deep dive yet.

19 And, but would obviously need to do  
20 so, because that then starts to paint the  
21 sideboards of where, what can we genuinely

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1 entertain? Like, it is not lost on us, you know,  
2 the points that Marty and Scott raised of getting  
3 the quota in the hands of folks.

4 And that was originally our goal. We  
5 tempered it with trying to acknowledge the  
6 historical participation. But we've now seen how  
7 that has trended, where it didn't meet those  
8 objectives.

9 And you're right. There are  
10 individuals, as a result of Amendment 7, that  
11 haven't done anything with their allocation,  
12 whether lease it or fish it, which becomes a sink.  
13 And then obviously has adverse impact for those  
14 that are engaged in our U.S. Pelagic Longline  
15 Fleet.

16 So, that's something that we're trying  
17 to address, and with the expertise around the  
18 room. So, long story short, we have to go back  
19 and make sure that we're not tripping any wires  
20 regarding the national policies.

21 But that, from a programmatic side

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1 we'd be willing to entertain that, if it meets  
2 the objectives of not only the FMP and Magnuson,  
3 but the needs around the table for our U.S.  
4 domestic fisheries, given the challenges they're  
5 facing. Thank you.

6 MR. BROOKS: Let me get Jeff into the  
7 mix. Then back to Scott. And why don't we shift  
8 to the next set of options as well. Jeff.

9 MR. ODEN: Thanks. Kind of like  
10 Scott mentioned before I'm also a Blue Water  
11 board member. But I do have an opinion. And as  
12 per Marty's, you know, insistence, or Blue  
13 Water's insistence, I just want to note that as  
14 one of the older captains, my effort's going to  
15 be decreasing, not increasing.

16 And to that point, the one set per  
17 day, often I leave home on the evening before.  
18 And I'll set the point at 5:00 in the morning.  
19 Maybe setting four or five knots a tide. I'll  
20 idle back to the east end, retrieve that gear,  
21 race back down to the point, and set again.

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1 I may have set in 75 degree water that  
2 morning. That afternoon it may be 80. So,  
3 everything I'm doing is completely different  
4 than, and it should not be discounted as effort.

5 And the simple fact is, you know, even  
6 mahi fishing, you know, we may set two separate  
7 areas and 800 hooks twice a day. And to me it's  
8 kind of discounting my ability, which will be  
9 decreasing, you know.

10 It may not be daily. But over the  
11 course of the year I won't be putting in quite  
12 the effort I used to, as one of the older  
13 captains.

14 MR. BROOKS: So, Jeff, just to be  
15 clear. You would opt to not limit it to one set  
16 per calendar day?

17 MR. ODEN: Look, I've got to fill out  
18 a set form every time I make a set. You all get  
19 that set form. I've got to call in a bluefin  
20 report every time I make that set. So, a set's  
21 a set as far as I'm concerned. And --

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1 MR. BROOKS: Thanks. Thanks.

2 MR. ODEN: Thank you.

3 MR. BROOKS: Before I get back to you,  
4 Scott, I want to get, let Rick get in.

5 MR. WEBER: I'm going to try and  
6 thread a needle here. My recollection of the  
7 history is probably more in line with yours,  
8 Brad. How we got here was not creating a -- we  
9 were legalizing a discard fish, not creating a  
10 legal fishery.

11 We allowed the transfer from the purse  
12 seiner, not to give the purse seiner quota to the  
13 longliners, but rather because that was a clean  
14 place to move it to the bluefin quota. That  
15 said, we're at 74 percent of our adjusted quota.  
16 If we have a gear that can catch it, we should  
17 try to catch that quota.

18 And so, I want to set the historical  
19 record straight, but leave the path to the future  
20 open for where we could go if that is -- If the  
21 longlines are a tool that could be used, let's do

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1 that openly, without necessarily re-writing the  
2 history of how we got here.

3 But in general, I'm in favor of trying  
4 to catch 100 percent of the quota.

5 MR. BROOKS: Carefully framed.  
6 Thanks, Rick. Let's go to you, Scott. And I'll  
7 let you also pivot us to this next slide, and  
8 weigh in on other aspects that you want the agency  
9 to be thinking about.

10 MR. TAYLOR: So, two things real  
11 quick. I actually agree with Jeff. A set is a  
12 set. If it's a legal set under your definition  
13 of a legal set, because different boats fish  
14 different ways, you know, that's another story.

15 If we get into a situation where  
16 somebody's trying -- I don't, I just don't see a  
17 situation in which a boat would try to affect  
18 their bluefin metric by the way that they're  
19 going to fish their gear. You may have that  
20 scenario that gets developed at some point. But  
21 we can cross that bridge, if we get to it.

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1           The more important takeaway I think is  
2           that if we can, for the moment, you know, table  
3           the agreement that we need to put the quota into  
4           the hands of the boats that are fishing.

5           I would also caution you not to  
6           penalize boats that, because of geographic area,  
7           or of amount of effort that they have, to discount  
8           the way that that allocation is being calculated  
9           moving forward by interactions, or by the number  
10          of fish that they're catching.

11          You have a pool of quota that's there,  
12          that inherently -- if a boat's going to have, you  
13          know, be willing to, you know, target swordfish,  
14          and have more activity, and may interact with  
15          more bluefins, we don't want to be  
16          counterproductive, and then turn around and lower  
17          their allocation because they happen to catch,  
18          you know, bluefins while they were targeting the  
19          swordfish.

20          That pool of quota is there to be  
21          shared basically amongst the industry itself.

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1 Put it in the hands of us. Let us sort it out.  
2 Keep it, keep that quota active through some sort  
3 of a matrix, in terms of how it's going to be  
4 allocated, whether it's yearly, bi-yearly,  
5 whatever it is that you all decide.

6 But that if there's a bad seed, or a  
7 bad player that's going, that is going to go out.  
8 We have not had that issue, Brad, at this point.  
9 So, you know, I think that it's kind of fatalistic  
10 to take that perspective.

11 Just give us the flexibility that  
12 Amendment 7 put the constraints on, to target  
13 these fish, and to try to get our swordfish quota  
14 up, without penalizing us because a boat happens  
15 to have a higher level of activity.

16 MR. BROOKS: Scott, do you have any  
17 thoughts on -- Sorry, if we can get back --

18 (Off microphone comment.)

19 MR. BROOKS: No. Actually, back to  
20 the other aspects of the IBQ program. Yes. Did  
21 you have any other thoughts on this? If not I'll

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1 hand it off to Marty.

2 MR. TAYLOR: As far as?

3 MR. BROOKS: Any other ideas that you  
4 think you'd like the agency to be considering, or  
5 any specific reaction --

6 MR. TAYLOR: Well, the NED is --

7 MR. BROOKS: -- to these --

8 MR. TAYLOR: The NED has always been  
9 a unique area, okay. And there's going to be as  
10 many opinions within Blue Water, and depending  
11 regionally on where you think. That is a set  
12 aside quota, from my perspective, and you have a  
13 handful of boats that have a special interest in  
14 that particular area, that are the larger  
15 transient fleets. And that I don't think that  
16 you should affect the fleet generally by what a  
17 handful of boats up there.

18 It's a set aside quota. It's a  
19 separate quota. They shouldn't be penalized for  
20 accessing, you know, that quota. It's tough  
21 enough as it is to make a 1,000 mile trip.

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1           And if that's part of their trip, and  
2           they choose to access that, you know, and to fish  
3           in there, and they're going to interact with some  
4           bluefins when they're catching the swordfish,  
5           then, you know, leave that as a separate,  
6           distinct fishery, which it was intended.

7           I think that that's the way that the  
8           agency has always viewed it. And I don't see any  
9           reason to change it, or to figure into the metric.

10           MR. SCANLON: Well, the point that I  
11           want to make in response to what Jeff says, is  
12           that it, that may become a moot point if the Take  
13           Reduction Team recommendation, that regulation  
14           comes to fruition, where there will be only  
15           single sets in a 24 hour period.

16           So, I mean, that's something, as this  
17           goes on we may want to -- if you're going to lean  
18           that way it may not even matter. Because we may  
19           not be allowed to make more than one set in a  
20           given day.

21           MR. BROOKS: Grant.

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1 MR. GALLAND: I think Jeff might want  
2 to speak to that point.

3 MR. ODEN: Yes. Well, I'm on the TRT  
4 too. And I'll fight that battle. But the simple  
5 fact is, I leave the dock with a box full of bait.  
6 And it shouldn't make any difference if I set it.

7 And, you know, if I'm setting it twice  
8 a day that means a whole lot shorter soak time  
9 than if I set it in a longer timeframe. So, I  
10 feel like they'd be more receptive to my end than  
11 a longer soak time.

12 But again, I'm not trying to argue.  
13 I'm not trying to rock the boat. The simple fact  
14 is, when the bluefins show up I'm probably going  
15 to do all I can to avoid them. I'm a smaller  
16 boat. I hope I never catch another one. That's  
17 the God's honest truth.

18 I don't want another one. They're a  
19 nuisance to me. And, you know, I'm seeking other  
20 species. And that's, you know, I'm not trying  
21 to rock Blue Water's boat, Marty.

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1           And again, but I am concerned that I  
2 might go out there early in the season with an  
3 observer, which is always forced on us right out  
4 of the gate. And, you know, I don't want to end  
5 up having to buy quota at the end of the year for  
6 a disaster set. So, that's my point.

7           MR. BROOKS: Thanks, Jeff.

8           MR. ODEN: Thank you. Now, Grant.

9           MR. GALLAND: Thanks. Just on the  
10 current slide, I just wanted to mention, we do  
11 think it's still important to have the geographic  
12 delineation in the IBQ, between the Atlantic and  
13 Gulf of Mexico, in order to protect those Gulf  
14 spawners.

15           And that's also kind of a broader  
16 comment on the IBQ as well, is that we don't want  
17 to see any general redistribution in how it's  
18 distributed to increase the take in the Gulf.

19           MR. BROOKS: Jason.

20           MR. ADRIANCE: Thanks. So, I'll make  
21 a comment I've made before in regards to that

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1 geographic allocation. I don't see an issue with  
2 allowing that cross allocation. Because whether  
3 you kill that spawning bluefin on the way to the  
4 Gulf, or in the Gulf, it's still dead.

5 MR. BROOKS: Rick.

6 MR. WEBER: Brad, can you explain the  
7 allow permanent sale of IBQ? Would that, you're  
8 not talking about separating it from the permits?  
9 Someone couldn't permanently sell it, because  
10 they may need it back.

11 MR. MCHALE: So, this is an item we  
12 floated during the development of Amendment 7,  
13 where we entertained, but didn't pursue, whether  
14 or not a shareholder could then in turn sell his  
15 or her shares to another entity.

16 And so, we kept it compartmentalized  
17 by saying, right, the shares are non-  
18 transferable. And the allocation has only a one  
19 year duration.

20 The thought now is, after a few years  
21 is this worth entertaining? Where instead of,

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1 you have your permit, and you have your  
2 percentage share, but also and you want to  
3 expand. Instead of having to procure another  
4 vessel and another permit, could you start to  
5 consolidate those shares?

6 And there are pros and cons going both  
7 ways with that, with pre-existing fisheries. I  
8 know we're dialed in pretty tight to what's  
9 transpiring down in the southeast, and lessons  
10 they've learned.

11 And not anxious, or not chomping at  
12 the bit to repeat mistakes they've learned based  
13 upon their own experiences. So, it's more in  
14 line with what we're getting at is, the share  
15 itself becomes something that can be purchased  
16 and consolidated.

17 MR. WEBER: Speaking broadly then,  
18 I'm not even sure I'm speaking of bluefin. I'm  
19 speaking much broader. I'm a little opposed to  
20 giving property ownership rights of a national  
21 resource away. I kind of prefer it as an annual

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1 allocation than a permanent sellable ownership.

2 MR. BROOKS: Thanks. Thanks, Rick.  
3 Let's take two more comments, then we'll shift to  
4 electronic monitoring. Scott, then Marty.

5 MR. TAYLOR: Yes. I just want to echo  
6 that as well, that I think because this was an  
7 incidental catch allocation, and there's a lot of  
8 different thoughts on IBQ, or IFQ systems, I  
9 agree with Rick wholeheartedly that this is a  
10 public trust. And that while they were for to  
11 maintain the integrity of what it was intended to  
12 do, this should be an allocation that the agency  
13 looks at on a regular basis, and keeps in the  
14 hands of the people that are active.

15 Otherwise, what's going to happen is  
16 you're going to potentially have a few players  
17 that acquire the lion's share of the quota, like  
18 you've had in the Gulf. And that, and it  
19 discourages new entrants coming in, which would  
20 have to be accommodated.

21 That, and I want to make a brief

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1 comment on that. That whatever the metric is,  
2 you know, for that, that essentially anybody  
3 entering the fishery, whether or not that it's  
4 allocated through the agency form reserve, or  
5 whether or not that they have to lease for the  
6 first year, that then they should be vested in to  
7 whatever that allocation scheme is in the  
8 subsequent year. And thereby, you keep the  
9 resource in the hands consistently of the people  
10 that are actively engaged in the fishery, without  
11 discouraging new entrants.

12 MR. BROOKS: Thanks. We need to move  
13 to the electronic monitoring conversation.  
14 Because I want to keep us moving along here. I  
15 did see Marty and Alan, if something that hasn't  
16 been covered yet.

17 MR. SCANLON: Just that I just want  
18 to make it a point there that by when you  
19 permanently allow the sale of that quota there,  
20 you're actually encouraging a directed fishery,  
21 you know, by doing that. And that's been our

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1 concern. And that's one of the reason why it  
2 wasn't done that in the first place.

3 MR. BROOKS: Thanks. And definitely  
4 not hearing any support around the table yet for  
5 a permanent sale. Alan.

6 MR. WEISS: And I just wanted to throw  
7 in that certainly to even entertain the idea of  
8 permanent sale at this stage is way premature.  
9 Because while you still have the process that  
10 you're allocating to people who aren't using it,  
11 a lot of people who aren't using it. And that  
12 not being the intention, you'd only be further  
13 rewarding these people who aren't even involved.

14 MR. BROOKS: Okay. Let's move to  
15 electronic monitoring. So again, this is maybe  
16 a little bit more in the weeds version here. But  
17 apparently people have some things to say. So  
18 it's this, I want to hit this for just about five  
19 minutes or so. Scott and Marty.

20 MR. TAYLOR: So, you know that I was  
21 one of the first advocates for electronic

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1 monitoring when it came up. I think because I  
2 recognized that the longline fleet -- it wasn't  
3 a very popular opinion at the time, that the  
4 longline fleet had to go a ways to have some  
5 credibility.

6 I think we've done more than any of  
7 the other user groups to demonstrate a level of  
8 accountability that takes place on the boat.  
9 It's unprecedented for us that, then certainly as  
10 high as virtually anybody, any of the other  
11 fisheries that I know, that are involved in,  
12 short of, you know, maybe a permanently manned,  
13 you know, observer on one of the trips.

14 But that my position, and this is a  
15 personal position, not a Blue Water position. My  
16 personal position is that you have the cameras on  
17 the boats anyway. The individuals that are on  
18 the boats know the cameras are there. You're  
19 looking at the video.

20 The only thing that we're talking  
21 about is whether or not that you can be using the

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1 cameras for an enforcement issue, which is a  
2 little different discussion.

3 But that anything that furthers the  
4 level of flexibility that this fleet needs is  
5 something that I think that we should have the  
6 opportunity to look at, you know, that we don't  
7 want you using the camera systems as a sole  
8 enforcement issue.

9 But one of the discussions that's  
10 going to come up here later today, I hope later  
11 today is, how do we get data in areas that have  
12 been closed. It's fundamentally imperative for  
13 this fleet.

14 You've got a system that doesn't work.  
15 You've got openings where they shouldn't be, that  
16 we're being forced to fish in, because we don't  
17 have any other options.

18 We've got closures at the wrong time.  
19 And we're working off of antiquated data that, in  
20 a model that is so dynamic and so moving that it  
21 just doesn't work anymore.

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1           So, my opinion is that if it furthers  
2           that opportunity, in conjunction with some other  
3           measures, then I think it's something that, on a  
4           personal level, that I would look very, very hard  
5           at, being as it's already in place and there's a  
6           great deal of expenditure that's going to that,  
7           to get the data so that we can better regulate  
8           what is, what needs to be done in order for this  
9           fleet to meet its primary objective, which is to  
10          catch the U.S. quota.

11           MR. BROOKS: Great. So, if it's in  
12          service of increasing flexibility, supportive.  
13          Marty, I'm going to put you on hold for a second,  
14          just because Rick hasn't been in the conversation  
15          for a bit. Rick.

16           MR. BELLAVANCE: Thanks. I'll be  
17          brief. I just had a question about some of the  
18          different bullets that you put in your slide on  
19          electronic monitoring. Do you need an amendment  
20          to implement those types of things? Or is there  
21          an easier way to --

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1 MR. MCHALE: No. I would suspect a  
2 lot of these could be de-escalated to a  
3 frameworkable action. I think once we've cast  
4 the net wide, some of these will strike that  
5 threshold of a full blown SMP Amendment.

6 But I also suspect that a lot of them  
7 will kind of fall down the ranking, and be more  
8 of a framework regulatory action. But we want  
9 to cast the net wide to kind of get all that  
10 feedback to then ultimately figure out what's the  
11 best vehicle, how to lump, how to split. And I  
12 suspect some of those we'll tease out.

13 MR. BROOKS: Marty, Grant, Katie, and  
14 then we'll shift to purse seine.

15 MR. SCANLON: Okay. I have a couple  
16 of things here. As far as the timing of the  
17 mailing of the hard drives, we've always been,  
18 you know, where we think that it should be, you  
19 know, a little bit more flexible on that to be -  
20 -

21 You know, we, especially on smaller

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1 vessels where we come and go. And especially in  
2 the winter time with weather. We'll go out, for  
3 an example, sometimes and make two sets. Come  
4 back to the dock. And now have to send off a  
5 tape.

6 And we run out of tape very quickly.  
7 And, you know, we'll get tapes back from NMFS  
8 also, from the program. And they're inoperable.  
9 So now we're short a tape. So, I mean, there's  
10 times that we've actually had to go with the same  
11 tape in there, because we just don't have a tape  
12 available to us.

13 As far as any expansion of these  
14 systems at this time, I think it's premature. We  
15 need to focus on getting these systems up and  
16 working, and working on a consistent basis.

17 I mean, you're talking about putting  
18 a, you know, a rail camera on a boom. And, I  
19 mean, those create safety issues to the  
20 fishermen. Anything you extend over the top of  
21 these boats on a rough particular day here, you

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1 know, could be potentially hazardous to the crew.

2 So, you know, I would be against any  
3 expansion of those systems. I think we need to  
4 focus on just maintaining and, you know, getting  
5 these systems to work as properly as we can.  
6 They're very expensive systems to operate. Very  
7 expensive systems to maintain.

8 When I first put these systems on my  
9 boat it was the very first system they ever put  
10 on. And you've heard me in this room for several  
11 years tell you that I had no problems whatsoever  
12 with those systems.

13 But as, my report as of today is I've  
14 had nothing but problems with my system. My  
15 system has been changed in full over the past six  
16 months twice. And it still is not operating  
17 correctly. So, I mean, that's, you know, let's  
18 get the systems working before we even think of  
19 expanding them.

20 MR. BROOKS: Thanks, Marty. Katie.

21 MS. WESTFALL: Thanks. I just wanted

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1 to encourage you all to think about a lot of the  
2 innovations that are coming down the pipeline as  
3 you look at putting things into regulation. And  
4 try to maintain, you know, not being over  
5 proscriptive.

6 I mean, I know there was a big  
7 investment that was made for these systems. But  
8 now, you know, wireless transmission of data is  
9 becoming available. So, I would just encourage  
10 not being overly proscriptive to accommodate new  
11 innovations, and new technologies.

12 MR. BROOKS: Grant.

13 MR. GALLAND: Thanks, Bennett. Just  
14 to say that we're happy to hear that the system  
15 has been working fairly well, and didn't stop any  
16 fishing trips over the course of three year  
17 review. Well, that's fantastic news.

18 And in fact, we do want to see it  
19 continue and be expanded where that is  
20 appropriate. But also, we want to see that the  
21 agency, you know, takes a lead internationally in

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1 basically ensuring that the other fleets around  
2 the world that fish on these same resources are  
3 implementing a similar system or the same system.

4 You know, I've said before that I  
5 think the U.S. should be disciples for electronic  
6 monitoring around the Atlantic. And I hope  
7 that's something that we can see starting, now  
8 that we've proven it works here.

9 It gives us clout. It gives our  
10 fishermen clout internationally. And we just  
11 need to make sure that the other fleets fishing  
12 these resources are doing the same thing.

13 MR. BROOKS: All right. Let's hop  
14 into purse seine fishery management options for  
15 about five minutes here.

16 George, sorry.

17 MR. PURMONT: Good morning. And  
18 thank you very much. I think that Brad, Tom, it  
19 has been an excellent presentation. And to  
20 Scott, Marty, and Jeff, thank you for the  
21 education that you're providing everybody here.

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1           A number of years ago National Marine  
2 Fisheries Service Highly Migratory Species made  
3 available to the grandfathered seiner license  
4 holders the option to lease, but only to  
5 longliners, they're individual, uncaught quota.

6           The acknowledgment being that of all  
7 the categories the longliners could use more  
8 quota in an effort to land their target species.

9           All five seiners have been sold out of  
10 their original ownership. And the ability to  
11 seine giant Atlantic bluefin tuna was not  
12 transferred to the new ownership.

13           So, to the best of my knowledge no new  
14 owner has challenged the inability to transfer.  
15 I think the time has come for the closure of the  
16 seine quota.

17           And I suggest that it be redistributed  
18 principally to the longliners. And the rest into  
19 the Reserve, where it could be given, or  
20 allocated at the discretion of HMS. There should  
21 be no further leasing of individual quota from

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1 the seiners.

2 MR. BROOKS: Any thought on the timing  
3 for that? Do you see it as -- did Brad eloquently  
4 put it a guillotine?

5 MR. PURMONT: Yes.

6 MR. BROOKS: Or more --

7 MR. PURMONT: The gear method should  
8 have a terminal date. And I suggest that it be  
9 withdrawn from the fishery in 2020. So, the  
10 sooner the better. I think if you prolong it  
11 you're not doing anything. Thank you.

12 MR. BROOKS: Thanks. Mike.

13 MR. PIERDINOCK: Thank you. I'd  
14 recommend a reallocation to, whether it's a  
15 General category or the Trophy, to try to  
16 increase the metric tons that are in those  
17 categories, to keep us open.

18 As well as, you know, the others, the  
19 longliners and others. They should get a piece  
20 of the pie too. But I would not want to see that  
21 it is not shared among the General category, as

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1 well as the Trophy to kick those levels up.

2 Thanks.

3 MR. BROOKS: Thanks. Grant.

4 MR. GALLAND: I think, just to say we  
5 also support the discontinuance of the purse  
6 seine fishery, and reallocation to the other  
7 gears, except to the Gulf of Mexico Trophy  
8 category.

9 Just want to say again that the  
10 spawners there need to be protected. And while  
11 a fish caught in the Atlantic might be on the way  
12 to the Gulf, it might, and very likely is on the  
13 way to the Mediterranean.

14 So, the Gulf of Mexico is where we  
15 know we're protecting these fish. And so,  
16 support reallocation, but not to the Gulf Trophy  
17 category.

18 MR. BROOKS: Okay. Jason.

19 MR. ADRIANCE: So if the purse seine  
20 is discontinued and that quota is reallocated, I  
21 would advocate for an equitable allocation across

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1 all those categories, including the Gulf of  
2 Mexico Trophy category. There's no reason that  
3 that can't be done, at least if that fish is in  
4 the Gulf of Mexico, it's had a chance to spawn,  
5 potentially.

6 MR. BROOKS: Thanks. Scott?

7 MR. TAYLOR: Well I just would say  
8 that I've already made my point that that quota  
9 should be reallocated, that there's no reason to  
10 have it sitting there and not being fished on a  
11 yearly basis and not utilized.

12 But the reality of the situation is,  
13 the lion's share of the purse seine quota has  
14 already been reallocated. It's already gone into  
15 the Reserve category, and the primary windfall of  
16 that reserve amount has been allocated to the  
17 other user groups.

18 I'm not going to be a pig and say that  
19 100 percent of it should be, but that's really  
20 the way that I feel, because this residual amount  
21 that's left sitting in there right now, if you

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1 left it alone and did nothing, potentially the  
2 only user group that can use that is the longline  
3 fleet.

4 The only reason that that's not being  
5 welled out is that the users that it's allocated  
6 to are not just generally making that available,  
7 because they're looking for a financial  
8 consideration for that residual quota that's  
9 there.

10 I can't remember what the original  
11 purse seine quota is, but I know you're reducing  
12 it by 25 percent per year were you not on the  
13 unused portion. And so all of that is already  
14 found its way into the reserve category, has it  
15 not?

16 MR. MCHALE: Seventy-five.

17 MR. TAYLOR: Seventy -- so 75 percent  
18 of what the original purse seine quota was has  
19 already gone into the Reserve to allow you to  
20 allocate to various other user groups. This set-  
21 aside was intended for any potential catastrophic

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1 or problem use of the longline fleet.

2 I would strongly encourage you to,  
3 one: get it into the system; let us get out  
4 there and catch the fish; let us utilize this so  
5 that we have the level of flexibility.

6 Some of the things that you personally  
7 -- that I know a lot of people in the agency  
8 advocated for that maybe weren't possible at the  
9 beginning of Amendment 7, and give us the  
10 opportunity to show us an effective result.

11 We need this flexibility; we need the  
12 quota in there so we don't feel like we're walking  
13 around with a noose around our neck.

14 MR. BROOKS: Thanks, Scott. I want  
15 to get Steve in the mix. Oh, sorry, Tom? Quick  
16 response?

17 (Off mic comment)

18 MR. GETTO: Yes. I'd like to  
19 advocate sunseting this industry, the fishery,  
20 but also reallocating this quota to the  
21 commercial fisheries. These are commercial-

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1 sized fish, and there are commercial fisheries  
2 that need these, both in the General, Harpoon,  
3 and the longline fisheries.

4 MR. BROOKS: Thanks. I want to move  
5 us on. I know there's a couple of cards left; I  
6 think we're hearing very clearly: sunset, re-  
7 allocate; a bunch of opinions on how that re-  
8 allocation should go forward.

9 Alan, Marty, if you can hold off? If  
10 not, super-fast, because I really want us to the  
11 last topic. Go ahead.

12 MR. WEISS: I just wanted to say  
13 something else that hasn't been mentioned yet in  
14 regard to the dead allocations being made,  
15 whether it's within the Longline category or to  
16 the purse seine category.

17 That's that an impediment to the full  
18 utilization of the U.S. quota is putting us in a  
19 position where we run the risk that if we  
20 chronically underharvest our ICCAT quota,  
21 pressure comes internationally to reallocate that

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1 quota, because it's such high value and other  
2 people want it.

3 MR. BROOKS: Thanks, Alan. Marty?

4 MR. WEBER: Two things: what's left  
5 -- the 25 percent that's left in the Purse Seine  
6 category right now, I would say that if you look  
7 to sunset the category, the Purse Seine category,  
8 right now that is the sole thing that's keeping  
9 us from being choked out.

10 And since the pelagic longline  
11 industry is the only industry here that has got  
12 the potential to be choked out, I think that that  
13 25 percent should be set up some way to protect  
14 the longliners from being choked out. That  
15 should strictly only be allocated to the pelagic  
16 longline industry.

17 As far as the other 75 percent, we're  
18 already starting to set precedence on how that's  
19 being allocated, and I'm against any permanent  
20 allocation of that until we figure out how to  
21 straighten out the allocation system within the

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1 pelagic longline category to begin with.

2 MR. BROOKS: Thanks, Marty. All  
3 right. Let's shift to the last topic, other  
4 management options. So a lot of different  
5 options out there to talk about. I want to hear  
6 what folks are thinking and what ideas are not up  
7 there that should be. So, Rick?

8 MR. WEBER: The permit changes  
9 question you had, Brad; I know people that have  
10 been caught in that. Did you actively have  
11 people who were changing category? Was this a  
12 solution in search of a problem, or did you  
13 actually have the problem?

14 MR. MCHALE: There actually, where  
15 this stemmed from was a problem in the sense that  
16 -- it's a little stale now; things have evolved.  
17 But at one point in time, you had Harpoon category  
18 landings taking place, and the vessel -- you're  
19 jumping over.

20 Let's say that fishery was open for three  
21 weeks, and then they jump over the General

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1 category. So double-dipping was the premise of  
2 why this had come about, but it's evolved over  
3 time, especially with the evolution of the  
4 permits.

5 And you have charter, the  
6 recreational, and then your directed commercial  
7 fishermen that have been getting jammed up. So  
8 it's, how do you allow the flexibility for the  
9 human error to be corrected, but yet conserve the  
10 integrity that -- let's say somebody doesn't jump  
11 into the General category, land themselves three  
12 fish, and be like, Oh, you know what? I like to  
13 go chase footballs.

14 And so, how do you preserve that  
15 integrity? It's doable, but it's almost like  
16 whatever timeframe we attach with this, there's  
17 somebody always on the other side that has a  
18 legitimate story. And it's, again, how do you  
19 build a new flexibility to accommodation them?

20 MR. WEBER: Well, let me speak  
21 complimentarily of your office. If there was a

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1 way to put it in there that it took a human  
2 judgment to fix a human error; if you try to write  
3 it as an algorithm or another hard rule, you're  
4 just going to move the line to the next human  
5 error.

6 I don't know what you should write,  
7 but I think I involved you when I had that person  
8 who had made that human error, and your response  
9 was, There's just nothing in the code that lets  
10 me.

11 I fully believe you; I understand the  
12 mistake. This is not one of the problems we were  
13 attempting to address, and yet he's caught in a  
14 trap.

15 And continuing that compliment, as  
16 we're talking about the purse seine, going back  
17 to that, personally, I've been very impressed  
18 with what your shop has done over the last decade  
19 with using the reserve to solve problems in all  
20 industries, and I would be a proponent of leaving  
21 a decent amount of reserve to solve national

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1 problems that are unforeseeable.

2 I can't even give you the example, but  
3 having someone there to judiciously allocate in  
4 the best interest of the nation, not have  
5 everything fully allocated so you don't have to  
6 think about it anymore, and it's on -- I know  
7 that's more angst for you and your shop, but I  
8 think it's what's best for the country.

9 MR. BROOKS: Offer some comfort and  
10 flexibility at the national level. David,  
11 pelagic industry.

12 MR. COX: Just a quick question.  
13 I've heard mention that two possibilities --  
14 there are probably others -- one would be to be  
15 to put the purse seine quota into the reserve,  
16 and the other one would be to reallocate. And  
17 I'm wondering if there's anything in your view in  
18 the national standards that would give us  
19 guidance that would compel us one way or the  
20 other. Thanks.

21 MR. MCHALE: I'm going to go with no,

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1 because the way some of the national standards  
2 are phrased, you could make it support an  
3 argument either way, I suspect.

4 But I also don't want folks to walk  
5 away from the conversation thinking it's an  
6 either-or situation. Even though we've moved  
7 quota from the reserve to the longline and the  
8 General category, that doesn't necessarily mean  
9 that's how we need to roll forward.

10 We absolutely can, so there's a lot of  
11 options there where it could be, like Jason had  
12 mentioned, some sort of an equitable  
13 redistribution, but yet some portion is, as Rick  
14 just mentioned, held within reserve to maintain  
15 the flexibility the agencies had, and that we've  
16 executed with relative success, not always a home  
17 run.

18 But how do you strike the right  
19 balance? All that's wide open, that we're not  
20 overly constrained because again, no decision has  
21 been made yet. And the first thing first is, do

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1 we ultimately sunset the fishery, and then if so,  
2 the reality of that is, there's 18.6 percent of  
3 the U.S. quota associated with that category  
4 currently, even though right now, we're  
5 redistributing 75, we could use that as a  
6 precedent, but we're not bound by that.

7 And so that's where I think a lot of  
8 flexibility of the needs around the table can be  
9 addressed. Then, Rick, as you mentioned, as  
10 needs arise, we've been able to accommodate  
11 certain -- we can think of it along that line of  
12 either addressing some of the certainty issues,  
13 but yet striking the right balance and  
14 maintaining flexibility versus the U.S. continue  
15 to be at the, you know -- of all of it.

16 And we're fine if that's ultimately  
17 where we all want to be, is that the power -- not  
18 power, but some of the power exists within the  
19 agency to execute those redistributions based  
20 upon the criteria we hold ourselves to, then  
21 we'll stay that course.

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1           But it's also acknowledging that  
2           certainty to fishery participants to know what's  
3           happening when, goes a long way. So it's all  
4           that balance game of how you strike it between  
5           the two.

6           MR. BROOKS: Thanks, Brad. I've got  
7           a few people in the queue and just to remind  
8           folks, some of the questions Brad has put out  
9           there as well are thoughts on changing big  
10          picture allocations, thoughts on changing sub-  
11          allocations, time periods again, to the extent  
12          you want to comment on that or throw ideas into  
13          the mix. Let's go with Andrew, Mike, Jason,  
14          Dewey, Grant, Alan, and then Scott. So, Andrew?

15          MR. COX: Just to jump back to the  
16          purse seine allocation; we already have a  
17          prescribed allocation percentage, so to me it  
18          makes sense, why would we not just follow what  
19          we've done in the past as we look to reallocate  
20          that purse seine.

21          Jumping to the Angling category, I

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1 think that, as 2.3 percent is only pushed towards  
2 the giants currently, that I would advocate for  
3 a larger percentage going towards the Trophy  
4 category. And if you look to split the north,  
5 which I know is in Amendment 13 potentially, it  
6 also looked at potentially splitting the south as  
7 you look at how anglers have been interacting  
8 with those fish over recent years, specifically  
9 deep-dropping and kite fishing off of South  
10 Florida in later spring and early summer.

11 We've been seeing more and more of  
12 that as more anglers are deep-dropping and those  
13 fish seem to have moved west on their migration  
14 back north.

15 MR. BROOKS: Mike?

16 MR. PIERDINOCK: Thank you; few  
17 things. First, with the Trophy category, there's  
18 a 1.8 metric tons rep zone, which is very small,  
19 and it results in early closures. Up in New  
20 England, we don't even have an opportunity,  
21 because typically that gets closed anywhere from

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1 June to August, I believe.

2 So take something from the purse-  
3 seiners quota, increase the quota for that.  
4 Also, you may want to consider that you have an  
5 additional zone, the infamous 42 line, maybe have  
6 a new zone north of the 42 line, and then from  
7 the 42 to Egg as an additional zone with certain  
8 quota for Trophy category. So that's the first  
9 thing.

10 The next thing, to keep the General  
11 category open, the charter/head boats with  
12 commercial endorsements open up and down the  
13 coast, as well as in New England in the summer  
14 months as well as the fall. Use the Purse Seine  
15 category to help that, and maybe some  
16 consideration that the June, July, August quota  
17 has some of that moved into the fall months, that  
18 movement an attempt to keep us open all year.

19 Next, as far as harpoon goes, the  
20 outcry I hear from many is that if you want to  
21 harpoon, go into the Harpoon category; don't

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1 permit such within the General category. So  
2 that's something else out there for  
3 consideration.

4 As far as having harpoon in the  
5 charter/headboat category as an additional method  
6 of landing commercial fish, I would not recommend  
7 such. You're increasing effort, and in addition,  
8 right now, as a charter/headboat with a  
9 commercial endorsement, you can go hook-and-line  
10 fishing, and the clientele are participating in  
11 the process.

12 If you're harpooning, the clientele  
13 will not be participating in the process; it will  
14 just be the captain doing it, and I doubt whether  
15 they'd be insured to do anything other than that.

16 Lastly, one thing just to add about  
17 the infamous three versus one, one point I'd like  
18 to make is that for the charter/headboat  
19 community, it has to all with perception. If the  
20 bag limits are high -- let's say you have a bag  
21 limit of 15 fish versus five, people will say, I

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1 want to get 15. I want to book that trip. If  
2 it's five, well, I don't know.

3 I'd like you to take that into  
4 consideration. If the bag limit is three, and  
5 if I'm a charter/headboat with a commercial  
6 endorsement, and I can possibly get three that  
7 day, people are saying, Wow. I'm going to get  
8 three; I'm going to book the trip.

9 It may increase effort. If it's just  
10 one, the perception isn't the same. That happens  
11 even with the other bag limits we have with the  
12 schoolies and -- well, the school size, the mid-  
13 size, and so on.

14 And that may be adding to the  
15 perception and the reality that you've indicated  
16 that there's only one fish typically being caught  
17 instead of three, and the percentage is smaller  
18 than three. But the efforts are going on from a  
19 charter/headboat's standpoint because of that  
20 perception. Thank you.

21 MR. MCHALE: So Mike, I just want to

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1       come back to that. I think I heard you loud and  
2       clear, but I also want to course correct my own  
3       understanding when it comes to the four higher  
4       aspects.

5               So historically, we've heard  
6       accommodated and implemented, more liberal  
7       retention limits to be attractive to book a  
8       charter, whether it be in the recreational side.  
9       Now, that isn't necessarily as strong an  
10      influence on the commercial retention limits, but  
11      higher retention limits make a trip more  
12      attractive to incur the cost of what it takes to  
13      charter an offshore trip these days.

14             So are you expressing concerns that if  
15      there is a commercial trip limit of three fish,  
16      that that's potentially detrimental to the for-  
17      hire fleet? I just want to make sure I didn't  
18      mishear something there. I didn't think so, but  
19      I wanted to verify.

20             MR. PIERDINOCK: No, I think it's --  
21      with Wicked Tuna and all the perception out there

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1 about getting all these fish and having the  
2 opportunity to catch three. People are looking  
3 at it and saying, If I can go book that guy and  
4 get three, I'm going to go. If it's one, maybe  
5 not.

6 That's a typical issue with bag limits  
7 that we run into all the time. It's perception.

8 MR. BROOKS: Thanks, Mike. I have  
9 about eight, nine people in the queue, so just if  
10 folks can be focused, that would be helpful.  
11 Jason?

12 MR. ADRIANCE: Thanks. I just wanted  
13 to touch back on the Gulf of Mexico Trophy; we're  
14 talking, what, five, six fish currently?

15 There's been all these other  
16 management and regulatory changes, and you  
17 greatly reduced dead discards, and you've added  
18 closed areas in the Gulf of Mexico. You've added  
19 weak hooks.

20 I just don't see where the argument  
21 holds much water that another five or six fish,

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1 that little increase there, is going to do  
2 detrimental damage to the bluefin stock.

3 MR. BROOKS: Thanks. Dewey?

4 MR. HEMILRIGHT: Thank you. I was  
5 wondering if it's possible to -- the last few  
6 years people have been having to turn their  
7 pelagic longline permits in to get a General  
8 category permit. The General category permit is  
9 more restrictive than a pelagic longline permit,  
10 so it will allow you to only possess one fish or  
11 whatever the trip or bag limit is at that time.

12 So instead of having to turn permits  
13 in, reapply for them, get them back, and  
14 different things, why couldn't you just -- it's  
15 under discretion, whichever permit is the most  
16 restrictive is the one you have to go by.

17 And it's also similar to having to  
18 turn in an incidental swordfish permit to get a  
19 handgear six fish added to your General category  
20 permit. The incidental permit allows you, I  
21 believe, 30 swordfish when you're a pelagic

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1 longline.

2 So my thing is to be able to allow to  
3 possess two permits; the one you have to go by is  
4 the most restrictive without having to do all  
5 this, send in to the permits office, get permits  
6 back. It's just a lot of unnecessary paperwork.

7 You're jumping through legal  
8 loopholes that's allowed you to do it, but you  
9 don't have to do all this sending permits in and  
10 sending them out, because whatever permit you  
11 possess is the one that's the most restrictive  
12 that you have to follow.

13 And if you have an Atlantic tuna  
14 longline permit, that's the caveat. You can't  
15 go longlining without that. So I can't go  
16 incidental swordfishing without my pelagic  
17 longline permit. So if that goes off the shelf,  
18 there should be no reason why I couldn't get a  
19 handgear permit to go with my General category  
20 without having to turn it in.

21 It's just a bit of paperwork, and it's

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1 a pain to have to send down two weeks here, four  
2 weeks back and all this stuff just to try to go  
3 fishing and make it. It's all legal, but it's a  
4 lot of paperwork. I was wondering if that's  
5 possible, and whatever permit is the most  
6 restrictive that you have that's valid is the one  
7 you have to follow. Thank you.

8 MR. BROOKS: I want to get a couple  
9 of folks who have really been in the conversation  
10 today much. So let's go with Angel then over to  
11 Anna.

12 MS. WILLEY: I just wanted to support  
13 what Mike was saying earlier about the potential  
14 to reconsider Trophy areas. Maryland has been  
15 shut out of the opportunity to land a Trophy  
16 bluefin tuna for years now.

17 MS. BECKWITH: Yes, and the South  
18 Atlantic Council still supports consideration of  
19 extending the January General category time  
20 period to end of April.

21 MR. BROOKS: Thank you. I'm going to

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1 try a different approach with my electronic  
2 reporting requests. I wonder if there's a  
3 possibility that we could put into this amendment  
4 the ability for a fisherman who has to report  
5 electronically through a different agency or  
6 council mandate, that they are allowed to use  
7 that reporting requirement for their HMS,  
8 particularly bluefin. Just trying a different  
9 way to skin a cat.

10 MR. BROOKS: Steve?

11 MR. GETTO: Just looking for point of  
12 clarification. Is the idea that you would make  
13 harpoon gear illegal in the General category  
14 wherever it's drawn from on the boat?

15 Because it says here: Remove harpoon  
16 gear as an authorized gear for the General  
17 category. That would mean cockpits; cockpits  
18 take in everything.

19 MR. MCHALE: Yes. We have  
20 regulations in place that define secondary gears  
21 as gears that are used in the cockpit to bring

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1 the fish under control. So whether is your gaff,  
2 your flying gaff, your 45, your -- you name it.

3 We're not, in this context, referring  
4 to that. We're referring to, as the primary gear  
5 used to take the fish. So essentially thrown  
6 from the pulpit.

7 MR. GETTO: So how would that be  
8 enforced? I mean, would you -- the gears on the  
9 boat; how do you enforce how it's used?

10 MR. MCHALE: No pulpit. That would  
11 be an example of something we would explore then.  
12 There would be no pulpit allowed on the vessel,  
13 and if somebody had to skills to drive their  
14 vessel up on those fish and not put them down and  
15 still throw from the bow, all right. Power to  
16 you, I guess.

17 But we'd be looking along those lines.  
18 But we wouldn't want to introduce any uncertainty  
19 that a cockpit harpoon is a valuable tool to bring  
20 these large pelagic species under control. We  
21 wouldn't want to compromise that as we explore

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1 this.

2 MR. BROOKS: Let's go to Grant, and  
3 then Scott, and then Alan, then to back to Rick.

4 MR. GALLAND: Thanks. I can be  
5 quick. Just on a couple of issues here: first,  
6 the potential allowance of retention of bluefin  
7 caught using green-stick; but longline vessels,  
8 that's something that we would potentially  
9 support. Of course, we would need to see how  
10 that was written up.

11 I think you've highlighted a couple of  
12 the questions here that would be the most obvious  
13 ones to ask, and I don't have any answers right  
14 off the top of my head, but I think we would want  
15 to be open to the flexibility for those guys to  
16 retain green-stick caught fish.

17 And then to a point that there was a  
18 conversation between you, Brad, and Dewey earlier  
19 about the dead discards. We would also support  
20 lowering the maximum size for the commercial guys  
21 down to the ICCAT max size and then requiring

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1 retention of those fish so we kind of get at two  
2 problems with one there.

3 MR. TAYLOR: I'd like to jump back  
4 just for a quick second to page 11 if we could.  
5 This is just a point of clarification that I think  
6 that I understand, and also to make a point here,  
7 as we're talking about the potential for  
8 sunsetting the purse seine quota.

9 It should be noted that there still  
10 was 28 percent leasing of that purse seine quota,  
11 and that if it was sunsetted and not allocated to  
12 the longline fleet, you could be creating a  
13 situation that would make things worse from the  
14 standpoint of cost. Then the longline fleet was  
15 forced to go out and get quota from people that  
16 were not active that was in the fishery, and that  
17 this additional 28 percent was not available.

18 And the second part of that is, maybe  
19 I'm not sure that I'm understanding this; maybe  
20 everybody else does. But over the past several  
21 years, you've reduced that purse seine quota by

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1 25 percent to the purse seine quota.

2 Is that not a permanent reduction that  
3 is essentially a calculation that you make every  
4 year so that the existing amount that's in the  
5 purse seine quota is still the 18.7 percent?  
6 Then you would have to determine would be  
7 reallocated as a total amount, or are we talking  
8 about the reallocation of only the remaining 25  
9 percent that is the residuary amount as it sits  
10 today? Am I making myself --

11 MR. MCHALE: So the way it's set up  
12 now is, we're doing an annual assessment of that  
13 fishery. We're looking at previous year's catch,  
14 and based upon previous year's catch, if they're  
15 zero, which there has been, we currently have the  
16 authority to reallocate 75 percent of that  
17 category's quota to the reserve, leaving the 25  
18 percent.

19 Underneath a potential proposal to  
20 sunset this fishery, the doors are almost wide  
21 open. So we could entertain discussing

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1 reallocate the 18.6 percent. We could look at  
2 what we've done last couple of years to help  
3 inform it, but we're not obligated in any way,  
4 shape, or form, to mirror what we've done the  
5 last few years.

6 So really, when I mention casting the  
7 net wide, we're doing just that. The opportunity  
8 is there to entertain a number of things, but  
9 we're not hemmed in based upon exactly what's  
10 transpired last couple of years.

11 MR. TAYLOR: So if I can follow up, I  
12 personally should have realized that, and didn't,  
13 and was only thinking in terms of the potential  
14 sunset having a potential reallocation of the  
15 remaining 25 percent, because the other 75  
16 percent has been going into reserve.

17 And if we're talking about a  
18 reallocation of 20 percent, almost, of the U.S.  
19 quota, that is real and meaningful and would  
20 present tremendous opportunity that I would  
21 encourage the agency to look very hard and clear

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1 at, but that it needs to be done as a part of the  
2 reallocation of the quota into the hands of the  
3 active boats so that we can avoid any potential  
4 downside opportunity to the fleet.

5 MR. MCHALE: Alan?

6 MR. WEISS: Thank you. This is kind  
7 of an overall comment which is that recognizing  
8 that in Amendment 7 and in the FMP overall, you've  
9 given yourselves a very wide latitude in making  
10 framework adjustments.

11 The fact being that some of the  
12 changes that are being contemplated here are  
13 urgently needed, I'd like to see you make as many  
14 changes as possible under the framework  
15 procedures, rather than the FMP amendment process  
16 that takes much longer.

17 MR. MCHALE: Thank you.

18 MR. WEBER: As I support move of some  
19 quota towards Trophy, I am very aware, as you  
20 said, with temptation that that is a risk I do  
21 not want them to enter commerce. We know where

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1 that leads, and it's bad.

2 I would look for some way to  
3 physically alter the fish; removal of lower  
4 caudal lobe; removal of a particular fin;  
5 something that is to be done as soon as that fish  
6 is on the boat that identifies it as a Trophy so  
7 that a dealer knows, if you see a fish with this  
8 marking on it, it was marked that way to identify  
9 it as a Trophy, and therefore -- and I'll defer  
10 to the dealers for what ideas they might have.

11 But although I want Trophy, and I want  
12 recreational fishing, I do not want to empower  
13 people to then put those fish into commerce.

14 MR. PIERDINOCK: Thank you. One  
15 thing that I would also like to point out is that  
16 we have a number of different tournaments that  
17 take place from Cape Cod on north that have become  
18 larger, notable tournaments for bluefin  
19 specifically, and the Trophy category isn't even  
20 there because of the early closures.

21 As a result, there's a significant

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1 lack of participation and who would participate  
2 in these tournaments. And these are big money  
3 tournaments. They then go down the road of using  
4 the General category or Charter/Headboat category  
5 if you rely on giants, and that's what you have  
6 to have to keep the tournament going.

7 Brad, you know which ones they are;  
8 the closures have occurred that that hasn't even  
9 happened, so I just wanted to point that out, and  
10 also point that out from the standpoint that  
11 maybe for tournaments there's also some  
12 exceptions, and with what Rick said, maybe that's  
13 another mechanism of what you do in a tournament  
14 if it is Trophy-related and not for commercial-  
15 grade fish. Thanks.

16 MR. GALLAND: Yes. Sorry, just  
17 taking the floor to correct myself. My  
18 colleagues told me I'm over here talking about  
19 max sizes instead of min sizes.

20 So to be clear, what we would support  
21 for the longline guys moving the minimum size

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1 down to the ICCAT minimum size, and then  
2 requiring retention above that. Sorry, too many  
3 whiskeys last night.

4 MR. BROOKS: Okay. Anyone else want  
5 to weigh in on any of the topics we've talked  
6 about broadly? If not, I think we can let you  
7 all go to lunch. I just want to thank folks for  
8 a good conversation there; a lot of issues out on  
9 the table for your folks, Brad, I think they'd be  
10 thinking about.

11 MR. MCHALE: Yes. Plenty to chew on.

12 MR. BROOKS: Plenty to chew on. All  
13 right. So we --

14 MR. MCHALE: Good stuff. I appreciate  
15 everybody's candor, there's a lot here. We'll  
16 continue to do it, but appreciate it.

17 MR. BROOKS: So a busy afternoon  
18 again; a lot more scoping docs to be thinking  
19 about. We will reconvene at 1:45 sharp. Thanks.

20 (Whereupon, the above-entitled matter  
21 went off the record at 12:14 p.m. and resumed at

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1 1:51 p.m.)

2 MR. BROOKS: All right. Let's get  
3 going here. We do have a busy afternoon so we  
4 want to jump right into it. You know, again, as  
5 we discussed this morning, and as you all know,  
6 their agency has been busy, a lot of different  
7 work has been done and a good deal of effort has  
8 been put into this, the issue around potential  
9 regulatory amendments for weak hook and  
10 area-based management.

11 I think the question is, is there a  
12 need to revisit this in light of IBQ and what it  
13 been accomplishing? And so I want to hand it off  
14 to Jen and to Craig to walk us through what the  
15 thinking they've been done on this. And as we've  
16 done in the previous conversations, we'll let  
17 them walk through the whole -- sort of the full  
18 range of options that they're putting out and the  
19 areas that they're talking about. And then we'll  
20 come back and take them one-by-one. So, Jen,  
21 over to you.

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1 MS. CUDNEY: Okay. So, for the next  
2 hour or so we're going to chat about the  
3 rulemaking and project that Craig and I have been  
4 working on. We last talked about this at our  
5 fall AP meeting where we provided a summary of  
6 comments from scoping that we did last spring and  
7 summer.

8 So I'm going to emphasize that what  
9 we're presenting on today is the Draft  
10 Environmental Impact Statement or the DEIS. We  
11 do anticipate having a rule come out soon,  
12 hopefully, but we just needed to get something  
13 out for you all to think about and provide us  
14 feedback on. So, again, this is the DEIS, rule  
15 to follow shortly, and we'll provide you with  
16 some more information on both the DEIS and rule  
17 at the end of the talk.

18 So this is the outline. We'll talk  
19 about our background, purpose and need and  
20 objectives. A lot of this is going to look  
21 familiar to you. We've used -- we've had a

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1 similar information presented before as we've  
2 continued this discussion.

3 We'll then get into some of our  
4 alternatives for each of our four thematic areas  
5 that we're going to be talking in this DEIS  
6 presentation, with our preferred alternatives in  
7 italics and with a little special emphasis in our  
8 presentation and then, as I said, we'll get into  
9 the next steps at the very end.

10 So, as everybody knows, the pelagic  
11 longline fishery targets swordfish, bass, tuna  
12 and dolphins and has been the subject of much  
13 discussion. There have been recent decreases in  
14 revenue and effort and landings. This table  
15 shows revenue and effort over the last six years  
16 and depending on which column you're looking at,  
17 you're seeing somewhere between a 30 to about a  
18 40 percent decrease in revenue and effort  
19 through, between 2012 and 2017.

20 In light of this and many of the other  
21 topics that we've already considered this

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1 morning, there have been requests from several  
2 constituent bases to look again at our pelagic  
3 longline bycatch management and determine whether  
4 or not some of these regulations are still  
5 needed.

6 Recently, we implemented new  
7 management structure under Amendment 7 that  
8 included our individual bluefin quota, our IBQ  
9 program, numerous gear restricted areas,  
10 electronic monitoring or the cameras that  
11 everybody should be familiar with at this point  
12 and VMS catch reporting which requires for every  
13 set a report on the number of fish that are  
14 caught, retained and/or discarded.

15 These new management measures have  
16 resulted, as Tom talked about this morning, in  
17 what we think is a fairly substantial reduction  
18 in bluefin landings and dead discards and has  
19 emphasized a sort of programmatic focus in  
20 bycatch management that reflects a shift from  
21 fleet wide measures towards individual

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1 accountability.

2 With the end result being that we have  
3 a number of regulations that are on the books  
4 that are intended to reduce bluefin tuna discards  
5 or interactions so again, we're looking at  
6 whether or not these are all needed. This map  
7 shows some of the measures, or some of the areas  
8 that we're looking at in this action.

9 I do want to reemphasize the IBQ  
10 program of course covers all of the fishable  
11 extent that the pelagic longline fleet is fishing  
12 in so you would have to think of that as being  
13 layered on top of some of these closed areas,  
14 gear restricted areas and the mandatory year  
15 round Gulf of Mexico weak hook use.

16 So, the purpose again as we've said is  
17 to evaluate whether some of these longline area  
18 based and gear measures are needed to maintain  
19 our low numbers of bluefin discards and  
20 interactions.

21 Given the fact that we feel, at least

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1 as shown in the draft three-year review, that the  
2 IBQ program has met bluefin landing and dead  
3 discard goals for the fishery, those decreases  
4 and effort and landings that we just talked  
5 about, some of the programmatic focus shift  
6 towards individual accountability and the request  
7 to remove redundant regulations.

8 So the objectives of this rule making  
9 are paraphrased to continue to minimize bycatch  
10 and bycatch mortality of bluefin tuna and other  
11 Atlantic HMS by a longline gear as consistent  
12 with our fishery management plan and other  
13 applicable laws.

14 To simplify and streamline Atlantic  
15 HMS management by reducing redundancies and  
16 regulations that were established to reduce  
17 bluefin tuna discards or interactions and then to  
18 continue to work towards optimizing the ability  
19 for the longline fleet to harvest target species  
20 such as swordfish to the extent practical.

21 So, as I mention there are these four

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1 geographic area, or four geographically based  
2 themes for our alternatives and the next couple  
3 of slides are going to present the different  
4 alternatives that are considered for each of  
5 these areas.

6 So, first looking at the Northeastern  
7 United States closed area we had five  
8 alternatives in the DEIS ranging from no action,  
9 to modifying the Northeastern United States  
10 closed area by removing a portion of it, to  
11 converting the whole thing to a gear restricted  
12 area and applying the performance metrics that  
13 are currently used for the Cape Hatteras gear  
14 restricted area to this region, to our preferred  
15 alternative which is to undertake a review  
16 process to evaluate the continued need for the  
17 area to elimination of the area.

18 And because it's our preferred  
19 alternative I want to take a second to walk you  
20 through what a review process would look like.  
21 So this flow chart is showing two scenarios, you

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1 kind of have to think about it as swim lanes, so  
2 you're moving from the left side of the screen to  
3 the right side of the screen.

4 The scenario on top gives an example  
5 where we do not exceed a threshold, which I'll  
6 explain in just a second. The scenario on the  
7 bottom is an instance where we would exceed an  
8 threshold.

9 So, what we are looking at here,  
10 walking through scenario one, is we would  
11 establish an evaluation period of three years  
12 where in the Northeastern United States closed  
13 area we would essentially open it up for pelagic  
14 longline fishing during the month of June when it  
15 was previously closed.

16 Now, this fishing would be allowed to  
17 happen as long as the amount of IBQ that is used  
18 to account for landings and dead discards of  
19 bluefin tuna does not exceed a level that we feel  
20 could put the longline fishery at risk for  
21 essentially overextending their quota for the

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1 Atlantic category IBQ.

2 Provided that doesn't happen, for  
3 example in June 2020 the threshold's not met, the  
4 area would remain open for the entire month of  
5 June. We'd then go into June of 2021 open.  
6 Provided the threshold was not met in June 2021  
7 we would then roll into June 2022, okay.

8 So, at the end of what we call this  
9 evaluation period, where the longline fleet  
10 basically has three years to demonstrate that  
11 they're able to fish in that area without running  
12 into any major problems, we would then evaluate  
13 the data that's collected from the fleet under  
14 step three, which is evaluation, and that is the  
15 extent of the actions that would be covered under  
16 this project.

17 But, there is a fourth step in this  
18 process and that is a future action that would  
19 follow up and basically provide us the next steps  
20 beyond the evaluation. So we would basically  
21 publish a report of our findings and then follow

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1 on with what we wanted to do next, so it's kind  
2 of comparable to what we're doing with Amendment  
3 13 where we have the three year review, it's a  
4 report that we're using to sort of inform that  
5 activity.

6 Now, the green and the red is  
7 indicative of instances where fishing is allowed  
8 and fishing is not allowed so under the first  
9 scenario where that threshold is not met during  
10 the evaluation period, then fishing would be  
11 allowed in that area during the month of June  
12 while we're undertaking the evaluation, and  
13 publishing that report, and while we're doing  
14 that follow up action.

15 However, if the threshold is met then  
16 the, as in scenario two, the fishery would be  
17 closed through an in-season action in that year  
18 and in any remaining June's during that  
19 evaluation period and it would remain closed  
20 while we develop the report, developed our  
21 analysis, published it and then thought about our

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1 next steps.

2 So, one of our decision points is how  
3 do you define what an appropriate threshold is?  
4 We thought about a couple of different options,  
5 and what made sense to us regarding the Atlantic  
6 is because the fishery follows the fish, you have  
7 people that are fishing in different places in  
8 different times of year, we did not want to make  
9 this a cumulative thing. So we looked at the  
10 amount of IBQ that's used in the first half of  
11 the year, okay, that's about 28 percent of our  
12 Atlantic IBQ is used between January 1st and June  
13 1st in the Atlantic, okay.

14 That leaves 72 percent that's used in  
15 other places, what we just don't want to see is  
16 the remaining IBQ for the Atlantic having to be  
17 used to cover bluefin interactions in the  
18 Northeastern closure as a result of opening that  
19 area. So, I hope that makes sense. If not we  
20 can try to delve into that a little bit more in  
21 the question and answer section.

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1           But essentially what this means is  
2           that we have a threshold of 72 percent of the  
3           remaining, excuse me, 72 percent of the available  
4           IBQ Atlantic allocation that is available to the  
5           fleet for that time period and that is equivalent  
6           to 150,000 pounds, roughly, of fish so,  
7           approximately 546 fish is your threshold.

8           All right, moving on. For the Cape  
9           Hatteras gear restricted area there are two  
10          options in the DEIS. We're looking at no action,  
11          so retaining the current regulations and  
12          eliminating the Cape Hatteras gear restricted  
13          area and part of the reason that we're looking at  
14          elimination here is this area is a little  
15          different because we've actually been able to  
16          collect data because most of the fleet has  
17          actually had access to this area over the last  
18          couple of years.

19          So we information that is summarized  
20          in the DEIS that suggests not only have we seen  
21          a dramatic reduction in the number of

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1 interactions that are happening in this area  
2 during this time but the hot spot that occurred  
3 during, or that we analyzed and identified in the  
4 FEIS for Amendment 7, isn't really available, or  
5 isn't really there anymore so if you look at the  
6 old data from 2006 to 2012 about 33 percent of  
7 the bluefin interactions occurred within this  
8 small area pre-Amendment 7.

9 After Amendment 7 was implemented  
10 we're only talking about 8 percent so we don't  
11 feel that the problem that was occurring before  
12 we implemented Amendment 7 is still occurring.

13 Okay, for the spring Gulf of Mexico  
14 gear restricted area we looked at four  
15 alternatives. They included no action, allowing  
16 the, basically converting the spring Gulf of  
17 Mexico gear restricted area into a gear  
18 restricted area that allows access based on  
19 performance metrics.

20 Undertaking a very similar evaluation  
21 process to determine whether we still need that

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1 area as a gear restricted area or eliminate the  
2 spring Gulf of Mexico gear restricted area and  
3 again our preferred alternative here is to  
4 undertake that evaluation process so there's a  
5 schematic that's very similar to the one that I  
6 just walked you through for the Northeast area.

7 The only difference here really is if  
8 you look at the, under step one and step two where  
9 we've got the little green blocks and the green  
10 to red blocks that are talking about the time  
11 periods where this area was previously closed,  
12 we've got the months of April and May in here  
13 instead of June because we're talking about the  
14 Gulf of Mexico gear restricted area, and that is  
15 effective and currently closed to the fleet  
16 during the months of April and May.

17 So, the spring Gulf of Mexico gear  
18 restricted area is a little bit different than  
19 the Northeastern United States closed area in  
20 that most of the fleet is fairly locally  
21 contained so we don't have the same

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1 considerations, we don't have the same concerns  
2 about, you know, fishing that's occurring early  
3 in the year off of Florida affecting potentially  
4 the quota usage that could influence a closure in  
5 reaching of that threshold up in the Northeast  
6 closed area.

7 So, it's just a different situation.  
8 So we felt that in this instance the threshold  
9 could be established around the amount of IBQ  
10 that's issued to vessels that are active during  
11 the months of April and May. So, this is over a  
12 three year period of time. We looked at who had  
13 actually fished in the Gulf of Mexico, figured  
14 out how much quota they had available to those  
15 boats and that established a threshold of about  
16 63,000 pounds or about 114 fish for this area.

17 The fourth thematic area that we have  
18 alternatives built around are the, is the spring  
19 Gulf of Mexico weak hook management options.  
20 They include alternatives such as no action, a  
21 seasonal requirement for weak hooks, and complete

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1 removal of the weak hook requirement and I want  
2 to emphasize the seasonal requirement for weak  
3 hooks would apply from January to June and it  
4 would cover the primary spawning time periods of,  
5 sort of like, May, June, late April of course,  
6 but it also encompasses other time periods where  
7 there is a higher abundance of spawners or fish  
8 that are getting ready to spawn in the Gulf.

9 We felt that a seasonal requirement  
10 for weak hooks was very justified when we went  
11 back and looked at some of the weak hook research  
12 that was completed by the Southeast Science  
13 Center. We don't have information that suggests  
14 that anything that has really changed since this  
15 project was done. We're still, you know, we  
16 still would anticipate that weak hooks are  
17 beneficial to the stock.

18 They do tend to reduce the number of  
19 fish that are caught, at least bluefin tuna and  
20 so we would be, with the seasonal requirement,  
21 you can see that they would be effective during

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1 the times as I said when there are more bluefin  
2 tuna and when catch per unit effort of bluefin  
3 tuna is higher.

4 However, as we were looking at this  
5 data we also noticed that, you know, white marlin  
6 and roundscale spearfish, there are actually more  
7 of those that are caught when weak hooks are used  
8 so this alternative sort of strikes a compromise  
9 between trying to maximize our protections for  
10 bluefin tuna and then also considering the  
11 protections for white marlin and roundscale  
12 spearfish.

13 Okay, so next steps, we are  
14 encouraging comments on the DEIS by July 31st.  
15 You can submit those to Craig or I over email.  
16 We have made our documents available on the HMS  
17 website. As I said, there's going to be another  
18 rule that, or there's going to a rule that's  
19 attached to this DEIS that's coming out shortly  
20 so you can still submit comments on  
21 regulations.gov and we intend to consider the

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1 comments on the DEIS and on the rule collectively  
2 when we move forward with the FEIS and the final  
3 rule.

4 We are also going to be publishing a  
5 public hearing schedule with our rules so stay  
6 tuned for that. We're looking at most of our  
7 public hearings happening from late June through  
8 the end of July. There are also two planned, as  
9 of yet unscheduled, webinars.

10 Okay, and I also want to point out  
11 some new information that is not in the DEIS but  
12 something that we wanted to get out there. It  
13 was suggested to us that the use of what has been  
14 referred to as "shot charts" is a useful way to  
15 look at some of this information that we have  
16 presented in the DEIS.

17 So what's you're looking at is a  
18 bivariate hex map of the number of sets  
19 represented by the size of the hexagons and the  
20 number of bluefin interactions represented by the  
21 color of the hexagons and the gray circles that

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1 are in the background are showing fishing  
2 activity but it's at a confidential level so we  
3 didn't necessarily want to show the exact  
4 locations where that activity was happening.

5 But you have the presentation, you'll  
6 be able to flip through these. The first slide  
7 is talking about bluefin tuna interactions in the  
8 month June up in around the Northeastern closed  
9 area. The next slide is showing swordfish  
10 landings in the Northeast closed area and then we  
11 have two maps that are showing bluefin and  
12 yellowfin tuna landings in the Gulf of Mexico so,  
13 we do hope to have more of these types of maps in  
14 our FEIS.

15 MR. BROOKS: Great. Thank you. So  
16 we have about 15 minutes or so to talk through  
17 this. As I said at the beginning we want to take  
18 it, sort of area by area, but would invite first  
19 just any general comments folks have on, you  
20 know, the general approach that's guiding this  
21 around that the IBQ program is in essence

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1 creating some space to rethink some of the  
2 regulations that are already in place from an  
3 area based or weak hook approach so if there's  
4 any general comments on that approach we'd like  
5 to hear it and then I think we'll just start in  
6 the Northeastern U.S. closed area and work our  
7 way South so, general comments? David.

8 MR. SCHALIT: Thanks Jennifer. That  
9 was really good. We, I'm just wondering how this  
10 is going, this DEIS is going to interface with  
11 another document, which I received a 30-page  
12 document, issues and, I forget what it's called.  
13 It has to do with the methodology used for doing  
14 the research in a closed area so we've been asked  
15 to provide comment on that, I think by the  
16 beginning of July if I'm not mistaken, I'm a  
17 little fuzzy of that, but how is this --- this  
18 30-page document, is that going to set the tone  
19 for how this research will be done? Is that the  
20 idea?

21 MS. CUDNEY: So these are similar yet

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1 different issues. So, we have four, four things  
2 that are out right now that overlap and we tried  
3 very hard to get them all out at about the same  
4 time because one thing informs the other but what  
5 we're looking at here is sort of a controlled  
6 process to get data in these areas by the fleet.

7 So, it, it's a little bit different  
8 than I think some of the measures that are covered  
9 in that spatial management document that Tobey  
10 and Steve have put out. I mean some of these  
11 areas are included so yes, of course there's  
12 overlap but some of that is I think they were  
13 included because we don't exactly know what is  
14 going to happen with all of these different  
15 measures.

16 So I think in the interest of being  
17 complete, their taking comments on, you know, the  
18 Gulf of Mexico gear restricted area because it's  
19 part and parcel of the spatial management complex  
20 that we have. Does that answer your question?

21 MR. SCHALIT: What's missing from

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1 that? Are there, I mean, there are other  
2 closures. Like the Desoto Canyon and the  
3 Charleston -- they will, they're included in the  
4 30-page document, not the DIS's edit?

5 MS. CUDNEY: I don't want to steal  
6 anybody's thunder, but yes. There's, they took  
7 a very comprehensive look at the closed areas so  
8 yes, I don't, I don't want to steal their thunder  
9 and I'm not the most informed person to talk about  
10 this so I guess I would say they are --

11 (Simultaneous speaking.)

12 MR. CURTIS: There will be more  
13 details at 3:45.

14 MS. CUDNEY: -- Tobey? Okay. Stay  
15 tuned to 3:45. Thank you.

16 MR. WEISS: Thank you. In broad  
17 overview, what I would say is that when Amendment  
18 7 was put together it was going to be a novel  
19 approach to an unusual problem. A problem that  
20 isn't common to fisheries across the board so  
21 nobody could be quite sure exactly how it was

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1 going to work and so there were a lot of  
2 safeguards built into it and the old saying of  
3 well, you know, you have belt and suspenders  
4 just in case.

5 Amendment 7 gave us a belt,  
6 suspenders, duct tape, crazy glue, that when you  
7 put it all together in some ways it ends up being  
8 more like a straight jacket. The driver of the  
9 results that Amendment 7 has given us, the good  
10 results is the IBQ. That is the bottom line.  
11 That is what has produced the results and that's  
12 what will keep the fishery on target. Tinkering  
13 with how to, putting limits on how much bluefin  
14 might come out of a given area in a given month  
15 or things like this really aren't necessary and  
16 aren't relevant. You just don't want the overall  
17 quota to be exceeded.

18 You don't want people to exceed their  
19 individual allocations or whatever allocations  
20 they can procure from others but trying to  
21 micro-manage where they go and when and how many

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1 they can take from a given area at a given time,  
2 that just becomes an inhibition.

3 So, for instance that Northeast closed  
4 area isn't an inhibition obviously to fishing in  
5 that area at that time and setting it up with the  
6 preferred alternative and I'm just using this as  
7 an example, just gives you another way of still  
8 micro-managing what the fishermen are doing in  
9 that area at that time. The IBQ is really the  
10 centerpiece of the whole program and the other  
11 stuff really isn't necessary.

12 MR. BROOKS: So just to be clear,  
13 you're focused on those thresholds in particular?  
14 That feels like -- a level down, that's not  
15 productive?

16 MR. WEISS: Yes, and you know, I have  
17 no idea how it would, you know, turn it in  
18 practice but even, even for argument's sake, if  
19 you say well, the threshold gets exceeded, okay  
20 but that gets charged against the --

21 MR. BROOKS: That's why they have the

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1 IBQ bank account.

2 MR. WEISS: -- you're, you know,  
3 you're still okay.

4 MR. BROOKS. Okay. Thanks. Scott,  
5 then Jason.

6 MR. TAYLOR: Page nine. Think that's  
7 not page nine. It's says my page nine, option  
8 two. I'm in the wrong place. I'm sorry.

9 MR. BROOKS: Tell us what you're  
10 looking at.

11 MR. TAYLOR: Well, what I'm looking  
12 is, we were talking about the -- am I in the  
13 wrong? I'm in the wrong one right? For the  
14 research where we're talking about research  
15 correct?

16 UNIDENTIFIED FEMALE SPEAKER: I think  
17 that's the 3:45 discussion.

18 MR. TAYLOR: This is the next one.  
19 Well it's still relevant, it's still relevant  
20 anyway so, and I can save my comments until later  
21 on this afternoon but when it comes to these, the

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1 closed area of research I think that it's  
2 important to use whatever that you have that's at  
3 your disposal in order to be able to get that  
4 taken care of.

5 Clearly if there was any lessons  
6 learned on our side from the exercise with the  
7 EFP, it's that there is substantial push back so  
8 whatever the design is it's obviously got to be  
9 done, you know, through the agency here and it  
10 shouldn't be limited to any particular specific  
11 area that's there.

12 I think that what we really need to --

13 MR. BROOKS: Scott I want to put you  
14 on hold because we should hear this but we really  
15 should hear it when we're talking about research  
16 because it will be a lot more relevant then.

17 MR. TAYLOR: Okay. No problem.

18 MR. BROOKS: Okay. Thanks. Jason.

19 MR. ADRIANCE: Thanks. To piggyback  
20 a little bit on what Alan said, you've gone  
21 through great pains with this IBQ process to set

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1 up this individual accountability and hold  
2 vessels or particular actors to account for their  
3 interactions or discards and you mentioned the  
4 objectives are to streamline, to simplify, to  
5 optimize.

6 Well, in my view, these were things  
7 put in place prior to that, that were measures to  
8 try to get at that. Now you've got this drill  
9 down individual accountability, in my opinion you  
10 shouldn't at this point need any more of these  
11 time area, closed areas. You shouldn't need  
12 these gear modifications.

13 You've put this, as Alan pointed out,  
14 you've now got this thing that has many safety  
15 valves on it and you still, you're still looking  
16 at fleet-wide objectives in this when you have  
17 this IBQ and why are, you know you're worried  
18 about shutting the fleet down when they reach a  
19 certain percentage if they get into these areas  
20 and they go over.

21 Well, you're going to shut down the

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1 individual guys that don't have IBQ and that's  
2 their, you know at that point, that's their  
3 prerogative to take that chance and if they're  
4 shut down, they're shut down. They're fined more  
5 or they don't fish. So, I just don't see, you  
6 know, to me to simplify you get rid of these  
7 things because you have the IBQ.

8 MR. BROOKS: Thanks. Let me get  
9 Marty into the mix, then over to Grant and then  
10 I want really take it piece by piece so, general  
11 comment, and then Rick. Okay. Marty.

12 MR. SCANLON: Like they say here,  
13 we're looking at, you know, you're talking about  
14 streamlining, simplifying things and this to me  
15 is really complicating it further. You know,  
16 it's like Alan says here, we have a IBQ,  
17 individual IBQ accountability, and that  
18 circumvents all of this.

19 I mean, you know, they only have so  
20 much IBQ, they go in there and, you know, if  
21 there's, if they're there you can see in proof of

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1 what's going on in the Cape Hatteras region of  
2 how the IBQ works in an area where there was  
3 pre-A7 a high interaction rate and we've already  
4 proven our capabilities of reducing that number  
5 without all these additional measures.

6 So, I would just stay with the, you  
7 know, put it under the IBQ system and the boats  
8 will take care of it themselves. We've proven  
9 that we're willing to and we're capable of doing  
10 that.

11 MR. GALLAND: Thanks Ben, and you  
12 know, just to say that we have several concerns  
13 with some of the preferred alternatives that the  
14 agency has presented and I'll comment on those  
15 kind of on the slide by slide basis as you want  
16 but some general comments include the, you know,  
17 recognition of the IBQ system has been successful  
18 but IBQ doesn't lead to, you know, avoiding  
19 interactions with these tuna. It can certainly  
20 avoid mortality or landing sometimes but not  
21 interactions which do lead to mortality and

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1 closures especially on spawning grounds are not  
2 redundant to IBQ. It's another tool in the  
3 toolbox here and one that we need to make sure  
4 we're keeping on that table.

5 And then finally, just the, as I  
6 already mentioned, we'll have some comments on  
7 each of these slide by slide if that's okay?

8 MR. BROOKS: Preferred. Thank you.  
9 Rick.

10 MR. WEBER: Does the review process,  
11 could the review process, lead to removal of  
12 those close zones? Is that what it does?

13 MS. CUDNEY: Yes. It could lead to  
14 removal, it could lead to another trial period,  
15 it could lead to retaining the area. I mean  
16 there's a number of different outcomes so all  
17 we're saying here is that we want to get data and  
18 figure out what's happening.

19 Especially in the case of like the  
20 Northeast closed, well, in both of the  
21 alternatives of course, but the Northeast closed

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1 area's been closed for 20 years so we really don't  
2 know what's going on in that area.

3 MR. WEBER: In that case I'd like to  
4 say let's, let's look and run the review. That's  
5 what would make the most sense. Not just taking  
6 it away blindly but do your review but I say that  
7 in the Atlantic. I feel differently in the Gulf  
8 because the assumption is a ton is a ton is a ton  
9 when it comes to the IBQ and that is not  
10 necessarily the case when you have stock mixing.

11 Because some of that stock mixing out  
12 in the Atlantic is large sized Eastern fish. The  
13 only place we know that they are pure Western  
14 fish and you are sure to take a Western spawner  
15 is in the Gulf and so to hold those two fish out  
16 statistically as being the same, there is a  
17 probability difference of whether or not it is a  
18 Western fish or an Eastern fish and the only place  
19 we can be sure that there are Western is in the  
20 Gulf.

21 MR. BROOKS: All right. Mike I see

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1 your card but I want to shift us, I'm going to go  
2 to you next, but let's -- go ahead.

3 MR. PIERDINOCK: Are the National  
4 Monuments located within that area that is  
5 subject to closure?

6 (Off-microphone comments.)

7 MR. PIERDINOCK: Okay, thank you.

8 MS. CUDNEY: They are very close to  
9 the closure so, basically you're looking at an  
10 area that is just off of the northeastern corner  
11 of the Northeast closed area. They don't overlap  
12 though.

13 MR. BROOKS: Great. So just from a  
14 general standpoint, several people weighing on  
15 eliminate the redundancies, feeling like part of  
16 this design is a little too much in the  
17 micro-managing of the fishery, let IBQ program do  
18 its work and then some divergent views on the  
19 Gulf of Mexico.

20 So, but let's now take it a little bit  
21 more piece by piece here. So Northeastern U.S.

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1 closed area and a preferred alternative here is  
2 to undertake a review process. Would love to  
3 hear comments, thoughts, anything for the agency  
4 to consider. Scott.

5 MR. TAYLOR: While I was a little off  
6 track and a little off page, that was the point  
7 that I was trying to make I guess, which is that  
8 the agency needs to use all tools that are at its  
9 disposal to get at these areas that have either  
10 been closed or that we don't have data in.

11 That it's just, I think extremely  
12 important that there is some sort of a review  
13 process that will determine, because it's not  
14 simply in terms of the politics of things,  
15 limited to bluefin interaction. Some of these  
16 of other areas may have had some other level of  
17 impact that may not exist today that currently  
18 had existed prior and we just don't know without  
19 them having the ability to get in there and get  
20 the data itself.

21 MR. BROOKS: So a review process makes

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1 sense given that it will gather up that data.  
2 Great. Thanks Scott. David.

3 MR. SCHALIT: The Northeast closed  
4 area is, until Amendment 7, was the only time area  
5 closure that existed that was set up specifically  
6 for protecting bluefin tuna. Desoto Canyon?  
7 No. Charleston Bump, (inaudible) whatever, and  
8 so on.

9 So, the reason why it exists is  
10 because scientists who have studied bluefin  
11 migratory movements have found that in the spring  
12 the fish are coming north along the Eastern  
13 seaboard and they're entering the Gulf of Maine  
14 passing through this region.

15 One thing we need to keep in mind is  
16 that there are only two deep water access points  
17 into the Gulf of Maine. One is the Fundian  
18 Channel which is between Georges Bank and Browns  
19 Bank and the other one is the Great South Channel  
20 and then you have -- so there are streams of  
21 bluefin there coming from the east and from the

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1 south so you would find bluefin moving north in  
2 this region along the continental shelf in the  
3 cooler water along the continental shelf, and  
4 then you would find bluefin that would be on the  
5 other side of the Gulf stream in cooler water  
6 there moving north as well and then there are  
7 bluefin that come from Spain and other places  
8 like that, that would be coming from eastern  
9 areas.

10 And so, this is a, this is a  
11 traditional bottleneck. This area where the  
12 Northeast closure was put in place is a  
13 traditional bottleneck for these fish as they are  
14 coming into that region and the statistics, the  
15 most recent statistics for catches for  
16 interaction with bluefin tuna prior to the  
17 closure being put in place between 1996-97 and  
18 they were fairly spectacular and the evidence we  
19 have that, you know, is sort of, we've been able  
20 to see, we understand from fishermen, like myself  
21 who actually fish in this general region, is that

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1 these fish continue to follow these migratory  
2 patterns.

3 So it's a reasonable assumption that  
4 this bottleneck still exists and I would suggest  
5 that with increase, the dramatic increase and  
6 abundance of bluefin in the last couple of years,  
7 there's even more fish in this area than there  
8 was in 1997.

9 So, a precautionary approach is  
10 absolutely essential in this case in my view and  
11 this is really sort of a very similar situation  
12 to the one we have in the Gulf of Mexico where  
13 you have bluefin there for a specific purpose.  
14 They're spawning, right, and the case of the  
15 Northeast closure, bluefin are passing through  
16 this area. They're not staying in that area.

17 They're passing through it on their  
18 way to the U.S. to let's say, New England and  
19 Canada. So, in a sense it's kind of, you're kind  
20 of like looking at fishing in that area is almost  
21 like shooting pork in a barrel. The abundance

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1 is so tremendous in that area at that time of  
2 year, you know, so I think it's, I think what we  
3 would look, we would look with a view toward  
4 considering various options.

5 One would be to change the shape of  
6 that closure, which was a proposal which we made  
7 actually during Amendment 7 and the areas that  
8 are closest to New Jersey strike me as an area  
9 which might be worth investigating because I  
10 believe that they're probably so close to the  
11 shore of Delaware and New Jersey it seems odd to  
12 me that they would be fished that close to the  
13 coast.

14 But we know that they're fishing  
15 Chicken Canyon right now and Tom's Canyon but  
16 that's pretty far from there so it seems that  
17 there are modifications that could be made and we  
18 do have data dating from Amendment 7 which showed  
19 where these fish were interacting with bluefin  
20 back before this closure was put in place and we  
21 can use that as guidance. Thanks.

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1 MR. BROOKS: So I just want to be  
2 clear David, if you can just briefly say, when  
3 you're saying change the shape, that's, which of  
4 the alternatives are you thinking about that for  
5 in terms of just removing a closure or change the  
6 shape and then do a review process. I just want  
7 get a little sharper sense of that.

8 MR. SCHALIT: I would assume that a  
9 review process would provide guidance in terms of  
10 the changing of the shape let's say.

11 MS. CUDNEY: Yes. So, our review  
12 process could certainly end with the result of  
13 modification as well. I mean, there's a number  
14 of places we could go with that.

15 I would say that any, the most helpful  
16 comments along the lines of change the shape are  
17 going to have specific reference points in or  
18 something like, you know, you say look at the  
19 comment that we submitted for Amendment 7 of  
20 course we'll go back and try to dig that comment  
21 out but, but also like, I wrote down, you know,

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1 Chicken Canyon and Tom's Canyon.

2 So that's something that we would  
3 definitely look at as a comment so sort of in  
4 general if you're going to propose modifications  
5 for us to consider it is incredibly helpful if we  
6 have actual reference areas or LAT/LONG's or  
7 whatever to look at -- and then when Brad reminded  
8 me, your first question about why, how these  
9 things are different and similar, this rule's  
10 looking at and this project is looking at bluefin  
11 centric closures.

12 Whereas some of those other, the  
13 spatial management project is looking at closures  
14 that were implemented for a broader range of  
15 reasons so that's the distinction and I should  
16 have definitely jumped on that when you first  
17 asked that.

18 MR. BROOKS: That's helpful.

19 MR. SCHALIT: Jennifer just one  
20 question, a follow-up question.

21 MR. BROOKS: Very quickly because I

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1 need to keep pushing us.

2 MR. SCHALIT: Yes. With regard to  
3 the Hatteras GRA this is, this really relates to  
4 the Northeast closure. If you look at slide  
5 number 14. Okay, you can see on the left, on the  
6 right there's basically, they've taken it down to  
7 zero. The bluefin interaction has gone to zero  
8 as compared with the chart on the left. Right?  
9 What, how is that achieved? Do you know?

10 MR. HEMILRIGHT: I'll take a stab at  
11 it. There's probably some bad actors that didn't  
12 get to go fishing in them areas and we've gotten  
13 a little bit smarter. The fish might not be  
14 migrating down in the hotter water in the lower  
15 end so there's a variety of reasons why but the  
16 fact of the matter is it kind of speaks for  
17 itself.

18 When you go look at the other Northern  
19 closure, I mean something that's been closed for  
20 20 years, you got your reasons. You're talking  
21 about somewhere off Delaware where a longliner

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1 ain't going to sit in 50 fathoms which is  
2 something like that, probably (inaudible) with  
3 sharks.

4 We should be opening up some areas to  
5 see what's there. We got a, you know, the  
6 fishermen are saturated with this IBQ and it's  
7 upon us to make it work one way or the other where  
8 we pull our hair or not and make it work. So far  
9 it's working and so we should be given that  
10 chance.

11 I mean, you know, they can, something  
12 closed for 20 years and nobody been able to in  
13 there and see what different is, it's pretty  
14 daggone sad.

15 MR. BROOKS: Good. I want to get  
16 Grant, Marty and Alan and then I want to shift to  
17 Cape Hatteras. Grant.

18 MR. GALLAND: All right. Excuse me,  
19 Thank you Bennett. So we can't support the  
20 preferred the preferred alternative A4 and that's  
21 not because we don't support some action here but

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1 just because the review process that's being  
2 presented in the DEIS seems, has questionable  
3 scientific rigor, you know, it's been closed for  
4 20 years and it's warrants are really rigorous  
5 scientific process to see what's going on in  
6 there.

7 Not sort of a review process that  
8 might increase mortality so much so that the  
9 agency is presented a fear that it could, you  
10 know, zero out the IBQ system Atlantic-wide. I  
11 mean this is, this is something that requires I  
12 think, a bit of a slower, very scientifically  
13 rigorous process to open this up, and that kind  
14 of gets at something that we heard earlier.

15 I know we said, you know, more details  
16 at 3:45, but it's seems strange to be considering  
17 a holistic review of how to analyze closed areas  
18 in one piece and here be considering a sort of  
19 weaker review process for a couple of these very  
20 important closed areas in another piece that's  
21 being presented. And it just seems strange to

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1 be trying to open these areas before we've gone  
2 through that scope and process of exactly what  
3 scientific program needs to be done to figure out  
4 whether or not we should open them up.

5 So, again, we don't support the  
6 alternative but that's not because we don't  
7 support any action. It's just because this  
8 requires a slower boil on the scientific program.

9 MR. BROOKS: Thanks. Thanks, Grant.  
10 Marty.

11 MR. SCANLON: Well, like I said  
12 before, you know, the pelagic longline industry,  
13 through the IBQ system since the implementation  
14 of A7 here, we have shown our willingness and our  
15 ability to avoid those bluefin tuna fish. And  
16 to assume something that still exists 20 years  
17 after the fact is just an assumption. So, you  
18 know, if you're going to make that assumption you  
19 got to assume that just what's happening here.

20 What the industry has used to  
21 accomplish the goals of A7, the greatest tool

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1 that we have is communication protocol and the  
2 ability to avoid unwanted interactions. And  
3 we've implemented -- we've shown that we've  
4 implemented that in the Cape Hatteras area  
5 dramatically. So, to assume -- you know, you're  
6 assuming that those areas, if there's bluefin in  
7 there, that we're going to go in there and catch  
8 them. Well, the fact of the matter is, we'll  
9 handle that area just like we handle the area in  
10 the gear restricted areas that are there.

11 You go in there and if, you know, you  
12 see negative interactions, there's one boat goes  
13 in there, people aren't to follow. I mean,  
14 you're just going avoid it. I mean, and it does,  
15 to me, from year to year, that's a large area of  
16 the ocean right there, and where the eddies form  
17 and where the slope water forms up there will all  
18 impact on where those vessels are going to  
19 concentrate their effort.

20 So, to put any restrictions on it,  
21 again, you're restricting our ability to avoid

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1 unwanted interactions. So the best thing to do  
2 is to open it up and the IBQ system will take  
3 care of the situation that you've got there.  
4 It's already proven that that's what's happening.

5 MR. BROOKS: Thanks, Marty. Alan,  
6 last word on this.

7 MR. WEISS: Thank you. With regard,  
8 specifically, to the Northeast closure, it's well  
9 to keep in mind that we're humans, so we think in  
10 terms of latitude and longitude and New Jersey  
11 and Massachusetts and things like this.

12 The fish don't know about that stuff.  
13 They don't have GPSes. They will be where they  
14 have an opportunity to feed, and that will vary  
15 from month to month, even week to week, and  
16 sometimes even day to day, let alone over a period  
17 of years. So this really gets to questioning the  
18 efficacy of drawing fixed boxes, geographical  
19 boxes, when the fish are really responding to  
20 dynamic oceanographic conditions. And the  
21 fishermen, of course, can respond to the

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1 oceanographic conditions and the concentrations  
2 of fish.

3 And, as Marty said, if someone goes in  
4 there and finds that it's thick with bluefins  
5 they're going to leave and nobody else is going  
6 to go there. That's part of managing their own  
7 personal IBQ.

8 MR. BROOKS: Okay. Marty, I do know  
9 you want jump in, but I want to get us into Cape  
10 Hatteras, so if you could figure a way to take  
11 your comment -- go ahead. Pardon?

12 (Off-microphone comments.)

13 MR. SCANLON: I could make that  
14 comment right here.

15 MR. BROOKS. Go for it. But I want  
16 to shift to Cape Hatteras for everyone else.

17 MR. SCANLON: What you've got to  
18 understand is, 20 years ago, the information that  
19 these captains of these vessels had is much  
20 different than they have today. I mean, for us,  
21 the information that we get through orb imagery,

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1 the downloads of satellite, the computers on  
2 these vessels today is much different.

3 It far exceeds what we -- we used to go out  
4 there and use a, I forget the name -- what was -  
5 - no we used to use, no I'm not talking about  
6 Loran, I'm talking charts, we used to get a  
7 Jennifer shot chart (phonetic) that would be, by  
8 the time you got there, fish would be three or  
9 four days old. And that's what we would, you  
10 know, monitor, conduct our fishing activities by.

11 But we get an updated water chart  
12 today every six hours in some of these programs.  
13 so we're very much aware of the oceanographic  
14 conditions. It's like Alan points out, of like,  
15 you know, what's happening in real-time today. So  
16 our ability to avoid these interactions, we're at  
17 a great, a much more of an advantageous position  
18 today to avoid, without even putting the gear in  
19 the water. Don't even have to put the gear in  
20 the water to know sometimes not to go there. So,  
21 I mean, you know, the ability of us to avoid these

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1 things is dramatically been increased in 20  
2 years.

3 MR. BROOKS: Thanks. Thanks, Marty.  
4 And I think that came out clearly in the Northeast  
5 conversation. Again, I think a number of  
6 commenters endorsing the concept of a review  
7 process, perhaps with the flavor of it needs to  
8 be slower and more scientifically rigorous, but  
9 a need to get in there and look. A chance to  
10 find out, get more data. And then, however,  
11 several comments on let the IBQ program work.  
12 Don't micro-manage it. Let the fishermen work  
13 as they've been working.

14 Cape Hatteras, again, the two options  
15 in the DEIS are no action or eliminate the  
16 restricted area. Discussion? Scott.

17 MR. TAYLOR: Again, you're going to  
18 get a round robin here of every time that we're  
19 going to talk about one of these closed areas  
20 here, that the same issues, you know, apply and,  
21 you know, while I really respect Grant's

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1 perspective and appreciate the level of prudence  
2 here, the problem is that the level of prudence  
3 is going to cause an extinction of the pelagic  
4 longline fleet if there's not some affirmative  
5 action taken in these particular places.

6 And we can sit here and give you one  
7 example after another about what the anticipated  
8 interactions and from a timeframe in these time  
9 area closures may contemplate, but the reality is  
10 that we're not finding what we found in the past  
11 and you're probably not going to find what you're  
12 going to expect to find, you know, into the  
13 future.

14 We have programs in place through the  
15 monitoring, through the program, through the IBQ  
16 system to allow a level of flexibility. And if  
17 there's any take away at all for this panel and  
18 for the agency, is don't underestimate the talent  
19 and the ability that's out there on the water to  
20 not only target, but to avoid.

21 Okay? It was a different world when

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1 these things were closed. It was J hooks, it was  
2 dead reckoning, it was -- the tools that are  
3 available to us today, from the communications,  
4 you know, I don't have a boat that doesn't have  
5 sat radio, sat phones on it. My guys talk and  
6 download, you know, on the internet today, you  
7 know, like, it was inconceivable even a few years  
8 ago from a standpoint, you know, of costs.

9 The information flow that gives the  
10 ability to manage what we do out there is leaps  
11 and bounds about where it was five years. You  
12 know, we live in the same technological world  
13 that everybody else does, and as that technology  
14 continues to get better the tools that are  
15 available to us get better on both sides. And  
16 the time for action is now.

17 MR. BROOKS: Thanks, Scott. Let me  
18 get Anna in, then Grant, then Jason, then David.

19 MS. BECKWITH: My comments are a  
20 little broader, in general. We have, as a  
21 council, lots of overlapping closed areas that

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1 overlap with HMS closed areas, and some of the  
2 experiences that we've had as a council is just  
3 the idea that, you know, getting good data from  
4 closed areas is not a problem that's going away.

5 And one approach and attitude that the  
6 South Atlantic Council is taking is that, as we  
7 consider these closed areas for our own  
8 management purposes, we are automatically putting  
9 in sunsets or we are putting in system  
10 managements plans that have some time period for  
11 a review to evaluate what the original goals are.

12 What we are finding is that we lose  
13 credibility with our constituents when we close  
14 an area and just leave it closed without any  
15 future evaluation. And that's generally not good  
16 for, really for the system, for them, for us, for  
17 anybody.

18 So, what I would encourage in general,  
19 without saying if I support opening or closing  
20 these particular areas, is just that either they  
21 do need to be evaluated to see if the original

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1 goals are being met, and if they are not being  
2 met or they are no longer needed, then they either  
3 need to be adjusted or sunsetted. And if there  
4 comes a time where we find that the need is there  
5 for whatever reason or additional hot spots are  
6 occurring then we have methods in place to  
7 protect those areas.

8 But if the communities think that we  
9 are going to close an area and leave it closed  
10 forever without any evaluation, then the support  
11 for closing future areas for good reasons are  
12 going to be much less supported.

13 MR. GALLAND: Thanks, Bennett. And  
14 this is one where we actually can support the  
15 preferred alternative of eliminating the closed  
16 area. It was never really implemented anyway,  
17 and I think it highlights some issues with  
18 respect to kind of partial access areas like  
19 this. So we can support the preferred  
20 alternative.

21 MR. BROOKS. Thanks, Grant. Jason.

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1           MR. ADRIANCE: Thanks. So there was  
2 discussion earlier about IBQ, you know, dealing  
3 with the discards or the bluefin that come in,  
4 but not necessarily interactions. If you drop  
5 down a slide, is that not what this is showing,  
6 that interactions have been reduced since the  
7 implementation of 7? So, you know, to go to the  
8 general comments that have gone around, I think  
9 you've changed fishing behavior and there's been  
10 discussion that technology has changed as well.

11           So, in regards to the previous  
12 comments about getting research in these, in all  
13 of these closed areas, I'm all for that. But a  
14 year or two ago we saw what happened when that  
15 was attempted.

16           MR. BROOKS: David.

17           MR. SCHALIT: Going back -- well,  
18 there is the slide, all right. It seems -- my  
19 understanding is that the big problem we had in  
20 the Cape Hatteras GRA was that there were a  
21 handful of bad actors, as Dewey pointed out, that

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1 were interacting very heavily with bluefin tuna  
2 and they were denied access and that is the reason  
3 why we have this spectacular result on the  
4 righthand side.

5 So, I just have a simple question I'm  
6 going pose. What is the downside of leaving the  
7 GRA? What does that cost us? If nearly every  
8 vessel in the pelagic longline fleet now has  
9 access to that GRA, taking the GRA away is, in a  
10 sense, assuming that we're never going to have  
11 bad actors again. Follow me?

12 So, you know, this was not considered  
13 -- I don't think was considered in the narrative.  
14 Why not consider the cost of leaving it there as  
15 a deterrent against bad acting in the future?

16 MR. BROOKS: Scott, you seem like you  
17 might want to talk to that, and maybe Marty does  
18 too, and Dewey does too and maybe Brad does, and  
19 Brad wants to talk, but Brad wants to talk first.  
20 Thanks, Jeff, I'm sorry, you're card keeps  
21 bleeding into your -- okay. So, we're going to

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1 go to Brad and then to you Jeff.

2 MR. MCHALE: So, a couple points on  
3 the comments that were just made. First one to  
4 Grant. Actually, that area was implemented  
5 exactly as it was designed. It was not ever  
6 intended to be a closed area; it was to provide  
7 conditional access. So I want that corrected  
8 just on the record, so, exactly as it was  
9 designed.

10 In regards to David, your point, it  
11 was never also intended to be there in  
12 perpetuity. When we implemented Amendment 7,  
13 because of the uncertainty of how the IBQ would  
14 work, essentially it was a backstop to the IBQ  
15 program for a well-known hot spot in the area.  
16 And then, yes, there were a few vessels that  
17 contributed to a significant number of actions.  
18 And I think, as Dewey had pointed out, behaviors  
19 have changed.

20 You know, again, when there is  
21 individual accountability based upon where you're

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1 dropping gear and the implications is it's you as  
2 a business owner and operator, we've seen some of  
3 those changes. And there have been some painful  
4 changes. The benefit or cost of ultimately then  
5 removing it, yes, that could be debated, hence  
6 why we're proposing it. But I suspect there's  
7 enough evidence at this point in time that the  
8 IBQ, in and of itself, would address issues that  
9 we were observing pre-Amendment 7, and hence the  
10 need for the gear restrict area has diminished  
11 significantly.

12 MR. BROOKS: Jeff.

13 MR. ODEN: Thank you. A couple years  
14 ago I asked the late Walter Jones to do an  
15 analysis on this area and landings of bluefin on  
16 the East Coast. And it was shown on the analysis  
17 that our area not all that much greater than, you  
18 know, other areas. And one particularly in the  
19 southern range of the Atlantic Seaboard. And  
20 with that understood, what Brad just said, the  
21 IBQ has done its part. But the last thing we

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1 want locally, you know, is to be the focal or the  
2 penalty box, so to speak. You want it in your  
3 backyard maybe it's easy for you to say we're the  
4 issue, but we're not exclusively.

5 So, anyhow, you know, seems like every  
6 time we turn around we're getting one, the CHSRA,  
7 the GRA now. And, again, we're kind of sensitive  
8 to the focus that seems to be inherent in  
9 everything that happens off our coast. So,  
10 anyway.

11 MR. BROOKS: Thanks, Jeff. Marty,  
12 Scott, Dewey. If what Jeff or Brad said covered  
13 it and we can let it go, great, because I want to  
14 make sure we cover the other areas, but if not,  
15 weigh in.

16 MR. SCANLON: Well, some of the  
17 assumptions that are being made are all being  
18 made negatively. You know, you're assuming that  
19 the fleet isn't capable of being educated from  
20 the outreach and from the implementation of A7,  
21 so you're assuming that these bad actors haven't

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1       been reeducated.

2                   The IBQ system opened everybody's  
3       eyes. It was a game changer. It wasn't business  
4       as usual. And like we keep repeating, the IBQ  
5       system in itself and the ability to move by giving  
6       us better access, we can even better implement A7  
7       and the IBQ system if we have the access to bottom  
8       that we can't get to.

9                   I mean, we're now being forced at  
10      times to fish in areas where we don't want to  
11      fish, but we got no place else to fish. So you  
12      may find, by opening these areas up, we may even  
13      reduce our interactions on bluefin tuna overall.  
14      Not increase them. Even though you're increasing  
15      some of these areas. Believe us when we tell  
16      you, if there's a concentrated area of bluefin in  
17      those areas, these boats are not going to go  
18      there. It's not profitable.

19                   MR. BROOKS: Thanks, Marty.

20                   MR. TAYLOR: I'd say you are correct  
21      in the assumption that Brad made a pretty good

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1 argument for us, that I would, and I just want to  
2 point out as well that this particular model, in  
3 terms of identifying areas of potential problem,  
4 was a much better solution than the other closed  
5 areas that we're dealing with, because it was not  
6 a closed area. It was an area of concern. There  
7 a mechanism put in place in order to be able to  
8 identify whether or not there could be a change  
9 in behavior in it. And it makes the case for us.  
10 This is just an imaginary line on a map. It's  
11 not anything different than that.

12 It was an area where there was concern  
13 and the concern was clearly addressed. And I  
14 think that this, at least in the future, if we  
15 ever do run up with an area of concern, you know,  
16 and I spoke to you have to have a mechanism in  
17 order to be able to open it up. And the final  
18 part of it is, in response to Jason's comment,  
19 about we know what happened the last time that  
20 there was potential research that was given.

21 And we'll leave that until 3:45 and

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1 it's incumbent upon the agency to -- when this  
2 area was originally contemplated, unless I'm  
3 wrong, in order to fish in it, you had to have an  
4 observer. But that somehow you managed to make  
5 the observers available for the trips that needed  
6 to be executed in there, and therefore it allayed  
7 the concern that was raised, I think, in the last  
8 attempt where there was to get data.

9 MR. BROOKS: Thanks. Dewey, is your  
10 card down because you're good? Okay.

11 MR. HEMILRIGHT: There's no need to  
12 pile on.

13 MR. BROOKS: Okay. Appreciate that.  
14 So, I mean, I think this last conversation is  
15 bleeding a little bit from general big picture  
16 comments around, you know, there's been change in  
17 technology, there's change in behavior. All of  
18 these different approaches need to acknowledge  
19 it, about the importance of evaluation. Not  
20 closing indefinitely. And then I think we're  
21 hearing, you know, varying views on the action is

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1 needed is now, it's imperative, versus there's a  
2 need to move prudently.

3 I think on this area in itself, on  
4 Cape Hatteras, I think there was -- I didn't hear  
5 anyone speaking up against the preferred  
6 alternative. So, just to close that out.

7 Spring Gulf of Mexico gear restricted  
8 areas. There are four alternatives on the table.  
9 Please, Meagan.

10 DR. DUNPHY-DALY: Hi, I just have a  
11 question. So, with this preferred alternative,  
12 if you do the review process -- so, once you get  
13 to the follow up the action, that could take a  
14 year or two if you do some sort of rulemaking,  
15 whether it's amendment or framework action.

16 So what would happen in like 2023? So  
17 during, if it didn't meet that threshold, would  
18 it be open that year? Or if it did meet the  
19 threshold, would you just close it again?

20 MS. CUDNEY: Okay, so you can sort of  
21 pretend that step three is happening in 2023.

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1 We're not specific timelines on it because it's  
2 difficult to know what our division is going to  
3 be working on but we are saying that we would do  
4 this evaluation and until the evaluation is  
5 complete, if that's threshold's not met, the area  
6 would stay open.

7 MR. BROOKS: So, other comments on  
8 this? And I imagine that a number of the comments  
9 for the Northeast are sort of maybe similar here,  
10 but if so let's get them out on the table, but we  
11 can do it succinctly. Marty.

12 MR. SCANLON: Well, number one here,  
13 the preferred alternative that Blue Water  
14 presented on this in the Gulf of Mexico gear  
15 restricted area isn't even listed on here. Our  
16 preference would have been to keep the GRAs as  
17 they are, but implement them as weak hook areas  
18 and remove the weak hook areas throughout the  
19 Gulf otherwise.

20 The question I have here also is, you  
21 know, you're reducing -- you're getting of the

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1 GRAs and you're implementing the weak hooks from  
2 January through June. I don't know why we -- why  
3 would you do that, not do it the way we asked,  
4 and then GRAs are only April and May? Why didn't  
5 you, if you were going to do that, why did you,  
6 you know, just keep the weak hooks in April and  
7 May to correspond with the existing GRA?

8 I mean, that doesn't make any sense to  
9 us. What's the loss of swordfish by the use of  
10 those weak hooks in those areas, you know, when,  
11 basically, they shouldn't be really -- to us, we  
12 don't really think they need to be done there.  
13 I mean, the GRAs were April through May and now  
14 you want keep the weak hooks there from January  
15 through June and eliminate the GRAs.

16 MR. BROOKS: Anyone from the agency  
17 side want to comment on that?

18 MR. COCKRELL: Thanks, Marty. Yeah,  
19 just a real quick response to that is that, you  
20 know, bluefin, yeah, they're there in April and  
21 May but they're also there January and March --

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1 or January, February, and March. They really  
2 start to come into the Gulf in January.

3 MR. SCANLON: But we're not -- you  
4 know, it's not illegal to catch bluefins at all.  
5 I mean, it's a level of bluefin interactions that  
6 we're concerned about, are we not?

7 MR. COCKRELL: Right, but --

8 MR. SCANLON: We're not looking to  
9 completely restrict the pelagic longline industry  
10 from catching bluefins altogether, right?

11 MR. COCKRELL: Right, but retaining  
12 those weak hooks when they're more abundant would  
13 then release them before they're even up  
14 boatside.

15 MR. SCANLON: But the issue that we  
16 have here is, in the Eastern Gulf, isn't there a  
17 significant -- isn't there significantly less  
18 bluefin interactions than in the Western Gulf  
19 where the gear restricted areas exist today?

20 MS. CUDNEY: The gear restricted  
21 areas are on top of -- thinking back to the A7

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1       analyses, the gear restricted areas are on top of  
2       the places where most of the interactions were  
3       occurring. And I'd say now a majority of the  
4       interactions are occurring actually in the space  
5       between the two gear restricted areas and just to  
6       the north.

7                   MR. SCANLON: Have you considered the  
8       cost in -- you know, have you considered the  
9       effects on swordfish, you know, landings, by  
10      continuing the use of these weak hooks in those  
11      areas? Those times of the year other than April  
12      and May?

13                   MS. CUDNEY: So, the analysis that we  
14      included in the DEIS is primarily based on the  
15      weak hook research that was done. And so tThere  
16      are some data in there that talk about the effects  
17      of the use of the weak hooks on catch of different  
18      species. And there is some information in there  
19      on swordfish.

20                   I think we ran into the issue with  
21      that research, though, that some of the

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1 differences weren't statistically significant.  
2 You did see a decrease in the number of swordfish  
3 that were kept, but it wasn't a statistically  
4 significant decrease.

5 MR. SCANLON: But are we at a point  
6 right now in this HMS process to maximize our  
7 ability to catch our swordfish?

8 MS. CUDNEY: Maximizing -- or  
9 optimizing the catch of target species is an  
10 objective of this project, yes.

11 MR. BROOKS: Marty, let me --

12 MR. GALLAND: Thanks, Bennett. And  
13 my comments about this one will actually not be  
14 similar to my comments about the Northeast one.  
15 So I do want to take a moment to explain our  
16 thinking here, and it's really hard to overstate  
17 how concerned Pew is, and the broader  
18 environmental community is, by what's being  
19 considered here.

20 As we've heard from several commenters  
21 around the room, including myself, the Gulf of

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1 Mexico is the one place where we can be sure that  
2 we're protecting Western Atlantic bluefin tuna.  
3 It's the one place where everyone is from the  
4 West. And we're learning at ICCAT recently,  
5 despite the abandonment of the recovery plan in  
6 2017, we're learning recently that the stock  
7 might actually be in worse shape than we  
8 imagined.

9 Now, in the Atlantic, the U.S.  
10 Atlantic, we're catching a lot of fish from both  
11 the Western and Eastern stocks. So, catch may  
12 not be reflecting what is the situation with this  
13 specific stock.

14 We very strongly support alternative  
15 number one of taking no action. This is a  
16 different situation than in the Northeast which  
17 has been in place for 20 years. This has only  
18 been in place for four spawning seasons. It's  
19 too early to even consider a research program to  
20 figure out what's happening in that area. We  
21 have a long history of research from the Gulf.

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1 We know that these are valuable to protecting  
2 spawners, and if anything they should be expanded  
3 to be one large rectangle that encompasses both  
4 of these two smaller rectangles.

5 Now, we have some different thoughts  
6 on weak hook, which we'll get to in the next  
7 slide, I think, but with respect to this GRA  
8 there's really no appropriate alternative other  
9 than the first, which is to keep this thing in  
10 place and protect these spawners moving forward.  
11 Thank you.

12 MR. WEISS: Thank you. First of all,  
13 with regard to the weak hook and the Gulf of  
14 Mexico. Again, everything boils down to the IBQ.  
15 And if fishermen fishing in the Gulf in Mexico  
16 are not restricted to using the weak hook, then  
17 they can use the weak hook if they think that's  
18 the best thing for their operation, for the  
19 fishing conditions, for the species that are  
20 present in the area that they're fishing, or they  
21 can determine that the standard hook works okay.

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1           Either way, whatever bluefins they  
2 catch will be counted against their IBQ, and that  
3 is the limiting factor. And it's not just that  
4 their total IBQ is limiting them over the course  
5 of the year, it's that the fear of catching too  
6 many and potentially, you know, bumping up  
7 against their ceiling too soon is something that  
8 drives people, even now in areas that aren't  
9 subject to these other restrictions.

10           Something I'd like to say, because  
11 there's been some repeated references to a  
12 concern of protecting bluefin in the Gulf because  
13 it's a spawning area, biologically there are two  
14 reasons, from a fisheries management perspective,  
15 why you'd want to protect a spawning area.

16           One is, if the fish become more  
17 concentrated, I mean, really concentrated, not in  
18 the expanse of the Gulf of Mexico, but very  
19 concentrated such that they're more vulnerable to  
20 capture, like salmon going into a river mouth.  
21 Or if the fishing activity would be disruptive to

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1 the spawning process. Well, having a pelagic  
2 longline drifting nearby is not disruptive to  
3 anything, really.

4 So, there's kind of an inherent  
5 reflexive belief that there should be more  
6 restrictions because of the spawning activity in  
7 the Gulf when there's really, if you talk to  
8 scientists about this, which I have, there's no  
9 scientific justification for it. The primary  
10 driver of the science end of it is fishing  
11 mortality.

12 MR. BROOKS: Thanks, Alan. I want us  
13 to start talking about the weak hook alternatives  
14 because we are running out of time. But I want  
15 to get David and Scott in. And if you want to  
16 make that comment and also talk about weak hook  
17 alternatives, that would help. David.

18 MR. SCHALIT: Okay. Just to put in  
19 context, yesterday Dr. John Graves made a  
20 presentation regarding ICCAT, and in that  
21 presentation he mentioned that there is a

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1 likelihood that we are not going to have the same  
2 quota we have now going forward. It could go  
3 lower than what it is.

4 Of course, ABTA will do its utmost to  
5 ensure that that doesn't happen, but I'm here to  
6 tell you that that's very much in the air.  
7 Something that you folks might appreciate is that  
8 for many years, decades in fact, we always  
9 believed that the fish that were being in Canada  
10 were exclusively Gulf spawners. And, as of a year  
11 ago, we now understand that 50 percent, 50  
12 percent of the fish caught in PEI are Western  
13 migrants. All right?

14 So, what does this mean in the big  
15 picture? It means that what we have to consider  
16 that West Atlantic bluefin spawning stock biomass  
17 is maybe 10 percent the size of Eastern  
18 Atlantic/Mediterranean spawning stock biomass.

19 It's a very small stock. And the U.S.  
20 is the only country in the world that has  
21 protections in place to protect these spawners

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1 when they're having sex. It's un-American to  
2 kill them when they're having sex. So, in my  
3 opinion we have to do this in context.

4 Any bluefin that we can save from  
5 mortality that's in the process of spawning, this  
6 should be done, because this is the future of our  
7 fishery. What's taking place in the Gulf of  
8 Mexico --

9 MR. BROOKS: David, I'm going to ask  
10 you to wrap it up. I've got to really push here.

11 MR. SCHALIT: Okay, so, this is why  
12 we feel so strongly about protecting these fish.  
13 And one other item I want to mention, which is my  
14 understanding is that the longline fishery in the  
15 Gulf of Mexico is primarily targeting yellowfin,  
16 not swordfish. There's some swordfish being  
17 caught obviously, but it's primarily yellowfin  
18 fishery.

19 MR. BROOKS. Scott. Fast.

20 MR. TAYLOR: As quick as I can. I  
21 mean, I think it's important to notice a couple

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1 of things quickly, that our position is that we  
2 support the weak hooks and the GRA but we think  
3 that, outside of the GRAs, that they're a  
4 redundant issue that is accommodated under the  
5 IBQ system.

6 We personally had boats there fishing  
7 into the Gulf. There's not very much Gulf quota  
8 because of the Deepwater Horizon Project with  
9 boats that have been retired in general that  
10 we've spoken to on different issues. And there  
11 are swordfish in the Gulf.

12 The fact of the matter is that the  
13 weak hooks preclude us from fishing swordfish in  
14 the Gulf, regardless of what your data is telling  
15 you. My guys that go in there can't stand  
16 fishing in there because the bigger fish tend to  
17 straighten out the hooks.

18 So, we have several boats that fish  
19 down there. I probably did 40 to 50 sets down  
20 there in February and March, between three boats  
21 that were down there, and I think we had one

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1 bluefin interaction the entire time that we were  
2 there, that was released alive.

3 So, you know, we have the ability to  
4 be able to mitigate, but, you know, we don't want  
5 to lose track of the fact that, I want to take  
6 this also this opportunity, we're not the only  
7 ones in the Gulf and that all this burden always  
8 seems to fall back on this longline fleet in this  
9 country.

10 The number of bluefins that were  
11 coming in this year down in the Gulf Coast from  
12 Mexico was obscene. So, you know, while we may  
13 be doing our part maybe the same kind of energy  
14 from the agencies that are so concerned about it  
15 ought to be, you know, directed that way as well,  
16 rather than precluded this fleet from having the  
17 ability to have the flexibility to catch it's  
18 swordfish quota.

19 The Gulf of Mexico is a swordfish  
20 resource, and given to our devices with the  
21 controls that you have in place, with deference

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1 to the GRA, with weak hook, because we all agree  
2 we don't want to fish on a spawning aggregation,  
3 we can get the job done.

4 MR. BROOKS: Just to clarify, when  
5 you're saying you support the GRAs, in the Gulf  
6 of Mexico GRA?

7 MR. TAYLOR: In the Gulf of Mexico GRA  
8 we would support the continuation of the weak  
9 hooks, because they are effective for the  
10 bluefins. They've totally ineffective for  
11 swordfish. And the areas outside the GRA we  
12 would like to see a modification to standardized  
13 hooks and allow the IBQ program to work.

14 MR. BROOKS: Got it. Thanks. You  
15 wanted to jump in on this or is that left over?  
16 Okay. Anyone else want to jump in on this, on  
17 weak hook? Grant.

18 MR. GALLAND: Thanks, Bennett. Just  
19 to say that we do support the preferred  
20 alternative here of reducing the seasonal -- or  
21 making it a seasonal requirement for January to

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1 June, reducing from the full year. And, you  
2 know, we would be nervous, I think, about having  
3 it also be area-based, as Scott and Marty have  
4 presented. And, you know, since we're not seeing  
5 that here it's hard to comment, but we do support  
6 the preferred alternative.

7 And also just to mention that we  
8 totally agree with Scott that we need to ensure  
9 that other countries in the region are doing the  
10 same thing. Mexico, Japan, and others. So  
11 that's something that we need to keep working on  
12 at ICCAT.

13 MR. BROOKS: All right. If nobody  
14 else is burning to weigh in on this right now,  
15 and if you two feel like you've heard enough  
16 conversation, I think I want to shift. Does that  
17 work? Okay. Thanks, everybody.

18 We want to get in one more topic before we  
19 go to a break so, I think we're going to have  
20 Tobey and Steve come back up here. You all  
21 brainstormed at the end of the day yesterday

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1 around research priorities. I think they've  
2 taken whatever you worked on, tried to look  
3 across all the different ideas, and will share  
4 with you a synthesis of that and we'll have a  
5 chance to get some feedback on it.

6 MR. CURTIS: All right. We should be  
7 able to get through this pretty quickly. Make  
8 up a little time. Thank you to everyone who sent  
9 Steve and I emails yesterday. This morning I  
10 spent some time trying to summarize that, what I  
11 received.

12 You might not see every single bullet  
13 point that was suggested but I tried to summarize  
14 things and we'll be able to consider all this  
15 feedback as we prepare the final documents. So,  
16 thanks again to folks that submitted emails.  
17 Especially those that submitted them on time.

18 So, I sort of just have a few slides  
19 broken out by the species groups, starting with  
20 all HMS. We had a few folks comment that maybe  
21 we should ask the question, do we have too many

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1 priorities? It's kind of a big list. It's kind  
2 of a long wish list, and it's a very good question  
3 of whether we should maybe consider paring it  
4 down a little bit and thinking hard about what  
5 are real high priorities and focus on those  
6 things.

7 So, it's something we can talk about.  
8 That aside, we had a number of other suggestions  
9 that would lengthen the document. So, I'll just  
10 outline those here. This is just to let you know  
11 that, you know, we've kind of got your input, and  
12 we'll be considering adding this stuff in and if  
13 -- well, we'll follow up at the end on the next  
14 steps.

15 So, first, for all HMS, some focus on  
16 ecosystem-based management, especially foraged  
17 fish distributions and abundance as it relates to  
18 HMS. Assessing presence of HMS and HMS fishing  
19 before, during, and after off-shore wind turbine  
20 construction. We'll hear more about off-shore  
21 wind tomorrow, but that's kind of an emerging,

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1 important issue.

2 Some more basic stomach contents, diet  
3 studies, including genetics approaches for HMS.  
4 Prioritizing basic life history. Ensuring that  
5 that stays kind of a high priority across all our  
6 species, especially those that lacking sort of  
7 more complete life history information.

8 Looking at the effectiveness of catch  
9 reporting app that we have compared to older  
10 methods and consider improvements and expanded  
11 use of catch reporting apps. Evaluate the  
12 implementation so far of the National  
13 Recreational Fishing Policy. Increasing  
14 priority of dynamic area management research and  
15 management strategy evaluation for HMS.

16 Consider Deepwater Horizon impacts  
17 outside the Gulf of Mexico, and also some broader  
18 effects of oil platforms on species mass  
19 distribution and catch rates. Evaluating new  
20 MRIP recreational fishing estimates.

21 Having some comments possibly on some

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1 things where there's been progress. So, noting  
2 overall progress on things that have been in the  
3 list since the previous one. And some Caribbean  
4 specific stock assessments and quotas. So,  
5 addressing Caribbean research needs.

6 For bluefin we specifically got a  
7 recommendation for close kin analysis and  
8 collection of young of the year. More sampling  
9 of Slope Sea bluefin to see what's going on, get  
10 a better handle on what's going on in the Slope  
11 Sea. And more data on smaller bluefin, less than  
12 73 inches, including recreational landings and  
13 consideration of expanding catch cards to smaller  
14 sizes.

15 For the smaller tunas, we have the  
16 data analysis from some of the existing ICCAT  
17 programs and FAD reportings. So, taking a hard  
18 look at data we have to evaluate those species.  
19 And retrospective analysis of our accuracy of our  
20 catch estimates for yellowfin because I guess  
21 there'll be an assessment coming soon for

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1 yellowfin.

2 For swordfish and billfish, I just  
3 sort of put them together, we didn't get a whole  
4 lot of comments specifically on them, but more  
5 research on post-release survival, which  
6 continues to be a high priority for all of our  
7 species. Predator-prey relationships.  
8 Assessing the impacts of the deep-drop fishery on  
9 all sizes of swordfish, not just large swordfish.  
10 And improving recreational recording and  
11 compliance.

12 For sharks we wanted to look at  
13 factors contributing to hammerhead shark  
14 mortality, specifically in longline fishery.  
15 Hammerheads have a very high vessel mortality  
16 rates, so, want to see if there's factors that  
17 could help reduce that. Make sure we  
18 review the Atlantic States Marine Fisheries  
19 Commission research's needs information for  
20 coastal shark. So that'll be a great research  
21 to sort of, to consider with this.

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1           Want to increase the priority level  
2           that's identified for shark spatial management.  
3           More information on shore-based shark fishing,  
4           and looking at maybe partnerships with state  
5           agencies to look at shore-based shark fishing.

6           To improve social science on safe  
7           handling and release of sharks. Considering  
8           terminal tackle variations with regard to circle  
9           versus J hook studies. Improving an EM and  
10          reporting in of shark bycatch across different  
11          fisheries.

12          Looking at public perceptions and  
13          public safety in response to rebuilding shark  
14          stocks. And recommendation to increase priority  
15          level of habitat use studies and impacts on  
16          habitat.

17          So, thank you again. That was kind  
18          of quick, but thank you for the feedback. And  
19          if you have additional ideas or things you forgot  
20          about, please let us know. If you could email  
21          myself or Steve within the next couple of weeks

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1 we can work that info into the final document.

2 MR. BROOKS: Were there any  
3 priorities that sort of rose across many of the  
4 comments that you got back? Or is that list, was  
5 that really kind of what you got, more of a list  
6 without any obvious top of the pile?

7 MR. CURTIS: Yes, the only item that  
8 multiple people tagged was the sort of question  
9 of do we have too many priorities.

10 MR. BROOKS: Okay. And then they  
11 added more priorities, okay. Got it. Good.  
12 Marcos.

13 MR. HANKE: I have a sense that once  
14 you guys saw the Caribbean in there requesting  
15 the priority, you may think, oh, the Caribbean,  
16 far away there, disconnected to our day-by-day  
17 needs here on the U.S. continental area, but just  
18 be mindful that, based on my experience and -- we  
19 have a lot of areas with important species that,  
20 those are highly migratory species.

21 That we have, for sure, some essential

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1 fish habitat there being documented in the  
2 future, and please don't lose that connection  
3 with the Caribbean. We are right in the middle  
4 of the range of most of those species. And on  
5 the same lines, trying to bring importance of the  
6 Caribbean in these studies, the prey relationship  
7 with the HMS in the Caribbean should be  
8 addressed, too, connecting to the foraged  
9 species.

10 Especially because we have sea  
11 mountains and other features on the oceanographic  
12 characteristic of us that includes small big-eye  
13 tunas, small yellowfin tunas, and closer to the  
14 shore sharks, and on and on and on, that make  
15 very pertinent the Caribbean on the research  
16 priorities for that reason. Especially once we  
17 think about juvenile of all the species we've  
18 managed on this group.

19 MR. SCANLON: Well, this is quite a  
20 substantial list here, but one of the things I  
21 would suggest, and I suggested it in a group that

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1 we had here, had worked in, is the expansion --  
2 the better utilization of our existing observer  
3 program would, you know, accomplish a lot of  
4 these on this list right here.

5 Right now, we're sitting pretty much  
6 locked into the same type of data collection that  
7 they've done since, I believe, 2000 -- 2000 is  
8 when I think the observer program started, if I'm  
9 not mistaken. But since then it's been the same  
10 data collection.

11 Once in a while we get an observer  
12 there that'll do something else, but I mean, just  
13 better utilization of the existing observer  
14 program would answer a lot of these questions  
15 right here.

16 MR. BROOKS: Dave, you are feeling the  
17 need to say something?

18 DR. KERSTETTER: Yes, just that the  
19 observer program is insanely expensive when you  
20 start working on an individual set basis. We  
21 actually have observer data. We don't. NOAA

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1 does, going back to 1987. So it is a fairly long  
2 running program. I'll save the rest of my  
3 comments for the remaining time/area closure.

4 MR. BROOKS: Mike.

5 MR. PIERDINOCK: As many are aware,  
6 there's wind turbines proposed up and down our  
7 coast. I've been involved the past few years in  
8 commenting on the proposed siting of the wind  
9 turbines in areas up in our neck of the woods in  
10 Coxes Ledge and the Claw as well as Gordon's  
11 Gully. I threw that out there that this body,  
12 the HMS body, needs to be significantly concerned  
13 with our highly-migratory species that are out  
14 there and the impacts as a result of the  
15 industrialization of our oceans and hundreds or  
16 thousands of wind turbines and the noise and the  
17 EMF generated and how that will impact those  
18 species.

19 I want to use it as an example  
20 because, for instance, Vineyard Winds is going to  
21 start construction later this year in December.

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1 We have six months in order to evaluate HMS  
2 species prior to construction. This is the major  
3 disconnect that's going on right now with the  
4 siting of such wind turbines.

5 And I think that unfortunately on  
6 behalf of me and others, the Vineyard Winds  
7 project will be the pilot test for the entire  
8 East Coast and that you will use that to evaluate  
9 the impacts prior to, during, and after  
10 construction, and that in this case, what type of  
11 studies are going to be done in the next six  
12 months. Construction is going to start in  
13 December. They're going to be up and running  
14 within the next one or two years, and then they're  
15 going to assess impacts during and after  
16 operation.

17 Where the disconnect with the science  
18 is is the preexisting conditions are not fully  
19 established like you typically would to assess  
20 those conditions over a one, two to three year  
21 period. I throw all that out here to the Highly

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1 Migratory Species Division because you don't want  
2 to have the same thing happen in all the other  
3 locations that are being proposed.

4 And there seems to be a big disconnect  
5 that you'll see that National Marine Fisheries  
6 Services and the Massachusetts Division of Marine  
7 Fisheries which I'm involved, as well as other  
8 bodies, provide recommendations to BOEM in order  
9 to point out these concerns, yet, they're silent.

10 I'm only aware for Vineyard Winds,  
11 Christa Banks is the liaison, recently made me  
12 aware of the fact that Jeff Kneebone, who is on  
13 ICCAT, will conduct the preexisting conditions  
14 study over the next six months of what's there.  
15 But there's nothing else proposed anywhere else  
16 up and down the East Coast. And National Marine  
17 Fisheries Services or others will report to BOEM  
18 and say we need to do it, yet it's silent.

19 So I'm all for green energy. I don't  
20 want it to be done to the detriment of our  
21 resource, the detriment of fishermen, and we need

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1 to know and understand these issues prior to  
2 construction.

3 I thought being around as many years  
4 as I have we stopped doing what we did in the  
5 '70s that you built things before you truly  
6 understood the impacts prior to construction.  
7 This seems to contradict such and there are many  
8 that are providing comments. BOEM gets them and  
9 then it's silent. Hopefully, the HMS Division  
10 can do something about this to make sure we don't  
11 have a detrimental impact to us.

12 MR. BROOKS: Thanks. And obviously,  
13 that's again on the agenda for tomorrow morning,  
14 so we'll have a chance to think more about that.

15 Rick.

16 MR. BELLAVANCE: Thank you. Yes, I  
17 was going to save my comments relative to  
18 offshore wind development for tomorrow as well,  
19 but since Mike got it started, I think I might  
20 pile on just a little bit.

21 So I'm equally concerned about the

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1 lack of baseline studies that have been done for  
2 all resources in the area, in particular, HMS  
3 species and those comments were made to BOEM.  
4 They're not really receptive to too much when it  
5 comes to doing research on natural resources that  
6 are going to affect their projects.

7 But I think it's probably worth a shot  
8 anyway informing this body that there's not a lot  
9 of work getting done and while I think that it  
10 may not necessarily be management research, it's  
11 important that we get it done and there doesn't  
12 seem to be any other avenue to get that stuff  
13 done. So maybe adding cumulative impacts of all  
14 these projects, the effects of the construction  
15 period which could last to over a decade in these  
16 areas as they start to click all these projects  
17 together, the effects of all that construction is  
18 going to have on the forage fish which is what  
19 brings all those tuna fish into that area, that  
20 management area that we were just looking at and  
21 others near it, I don't think any of that has

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1       been looked at and maybe that would be something  
2       that we could use for research project  
3       suggestions here.

4               I feel like the developers should be  
5       stepping up to the plate and BOEM should be  
6       insisting that they do, but that's not happening  
7       so the alternative would be to try to run those  
8       research projects through here. I'll have plenty  
9       more to say tomorrow.

10              MR. BROOKS: Thanks, Rick.

11              Bob?

12              DR. HUETER: Bennett, are we still  
13       talking about adding or subtracting priorities or  
14       can I talk about process at this point?

15              MR. BROOKS: Feel free to talk about  
16       process.

17              DR. HUETER: Okay, so looking back the  
18       first list of this type came out I believe in  
19       2014 and I think it just sat within the agency.  
20       I'm not sure exactly how it was incorporated into  
21       FFOs and RFPs and things like that.

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1                   This may be a question more for Pete,  
2           but I did check with somebody in one of the  
3           science centers who does HMS research and he said  
4           he had no input into this list at this point. So  
5           I'm interested from this point now what happens  
6           with this list. Does it go -- is it circulated  
7           to all the NMFS scientists at the science centers  
8           who do HMS work? Does it go to anyone else?

9                   And then most importantly, so what?  
10          So we have a wish list of virtually everything  
11          that you could do with these species. That part  
12          is good. I understand that, the need for that.  
13          But a list without true prioritization, certainly  
14          a list without a budget behind it is just a wish  
15          list. And I said that five years ago and I'm  
16          repeating that statement now.

17                   So what's the plan for this plan?

18                   MR. CURTIS: So process wise, the next  
19          step is to consolidate comments we have from you  
20          folks with the draft that was provided. That  
21          version will be circulated to the science

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1 centers, Northeast and Southeast, so all the  
2 scientists will have an opportunity to comment.  
3 But we're also trying to maintain or limit  
4 redundancy with stock assessment priorities  
5 because it's related, but not always -- stock  
6 assessment priorities aren't always management  
7 priorities, vice versa. So there will be science  
8 center input, everybody will get a chance to.

9 And I think as far as the utility, I  
10 agree that maybe we can discuss better ways to  
11 present the actual priorities or refine the list  
12 to really hone in on specific things. But it has  
13 been useful internally in reviewing proposals.  
14 If you have one proposal that addresses a high  
15 priority versus a proposal that doesn't, that's  
16 a useful document to refer to. And it's  
17 something that researchers can also take to other  
18 funding opportunities external to NOAA and be  
19 like look, this is something that we're arguing  
20 in our proposals it's important to management and  
21 NOAA has said yes, this is important for

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1 management. So hopefully, it's a leveraging  
2 document for getting funding.

3 DR. HUETER: Can I follow up to that?  
4 So that's fair and the researchers have done  
5 that, in fact. And I don't know whether it's  
6 held any sway or not. But it is something that  
7 we do.

8 One question besides the fact that  
9 there's so many priorities and it's just a bullet  
10 list and it's not ranked, honestly, what is the  
11 meaning of a low priority in something like this?  
12 Are you basically -- I mean when I look at this  
13 I know I read the intro and all that and the nice  
14 explanation, but the high priority is like we're  
15 ready to fund this now. Medium priority it looks  
16 to me like well, we might consider funding this  
17 in the next three to five years. And the low  
18 priority is don't even ask us about this because  
19 it's just not going to make it to the top of the  
20 list.

21 So help us as researchers, direct our

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1 efforts so that we're really doing things that  
2 the agency needs and the fishery needs for better  
3 management and try to make this more -- less, you  
4 know, kumbaya, and your arms around everything,  
5 and more these are the specifics that we  
6 absolutely need in the next year, the next three  
7 years, and the next ten years.

8 MR. BROOKS: Jackie, you wanted to  
9 jump in a moment ago?

10 Katie?

11 MS. WESTFALL: Yes, I was going to say  
12 maybe there's a way to be thoughtful about how to  
13 prioritize the use and maybe think about some  
14 type of matrix on, you know, is the species over  
15 fished, its level of vulnerability, things that  
16 a good chunk of stakeholders have said. Maybe  
17 there's a way to get at a thoughtful  
18 prioritization.

19 MR. BROOKS: So I wonder if it makes  
20 sense to come back in September with something  
21 that puts together, but you didn't use the word

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1 some type of criteria for suggesting what are  
2 high priorities and doubling back.

3 DR. HUETER: Something that might a  
4 little more objective ranking.

5 MR. BROOKS: Yes, good. Let's go to  
6 a break and we will come back at 3:45 to talk  
7 about spatial management scoping. Thanks.

8 (Whereupon, the above-entitled matter  
9 went off the record at 3:32 p.m. and resumed at  
10 3:49 p.m.)

11 MR. BROOKS: All right, so we've got  
12 one more topic we want to cover today and we've  
13 already started diving into it a little bit in  
14 some of the comments in the last conversation,  
15 but we want to spend the next hour and a bit  
16 talking about data collection and research in  
17 closed areas.

18 I'm going to hand it off to Steve in  
19 a second here, but just to give you a sense again  
20 of how we want to approach this. Steve will give  
21 us an overview of how the agency has been thinking

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1 about this and framing it up. And then we're  
2 going to, as we did yesterday, have you talk in  
3 small groups again, three, four, just as you did  
4 yesterday, just informally kick around some of  
5 these ideas and then we'll come back. We'll only  
6 do that for 15 minutes or so. We want to save  
7 the bulk of the time in plenary so we can just  
8 get a sense of the ideas. But late afternoon,  
9 it's a good chance to have people talk, think  
10 about the issue in smaller groups and then bring  
11 sort of the main ideas that are coming up in those  
12 conversations back to the group.

13 Dave, I do see your head wagging back  
14 and forth, but this time I won't ask for comment.

15 Steve, all yours.

16 MR. DURKEE: Yes, great, thanks.  
17 Steve Durkee, based up here in HQ. I'm going to  
18 talk about options for data collection and  
19 research to support spatial fisheries management.

20 All right, so what is spatial  
21 fisheries management? Really, it's a range of

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1 tools to reduce fishing mortality on certain  
2 species in specific geographic areas. Some  
3 examples of spatial management tools are  
4 time/area closures, closed areas, controlled  
5 access areas, marine monuments and GRAs.

6 Types of activities that can be  
7 affected by spatial management tools are things  
8 such as commercial and recreational fishing and  
9 certain boating activities. So the idea is to  
10 control adverse fishing impacts on a range of  
11 different species and problems. You know, for  
12 example, benthic habitats, perhaps bottom-  
13 tending gear on top of corals, nursery grounds  
14 such as in the case of perhaps sharks, vulnerable  
15 life stages of target species, perhaps juvenile  
16 swordfish, and then bycatch and incidental catch  
17 of things such as sea turtles.

18 All right, just a couple of charts I  
19 have up here to give you some examples of some  
20 spatial management tools that are in place right  
21 now. These are taken straight from our HMS

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1 Commercial Compliance Guide. These are closed  
2 areas and GRAs that affect pelagic longline and  
3 ones that affect bottom longlines. You can see  
4 they kind of range the range the entire NED,  
5 Gulf of Mexico and U.S. Caribbean.

6 All right, closed areas they can be  
7 effective at reducing fishing mortality for  
8 certain species, but on the flip side it also has  
9 a proportional decrease in fishery-dependent  
10 data. Fishery-dependent data is data that's  
11 collected during normal fishing activities.  
12 Fishery-dependent data is oftentimes the most  
13 cost-effective way to collect data and also could  
14 be the most applicable to normal fishing  
15 operations since that data is actually being  
16 collected during normal fishing operations. So  
17 for reducing fishing in certain areas, it's  
18 creating some data gaps that are hard to fill.

19 All right, so why do we need data  
20 collection and research in these closed areas?  
21 Well, first and foremost good science. We have

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1 the best management tools in place when we have  
2 good science and good data to back it up. It  
3 also allows us to review the effectiveness of  
4 closed areas to make sure the original goals of  
5 closed areas are being met.

6 Of course, Magnuson-Stevens Act, our  
7 guiding legislation for federal fisheries  
8 managements, compels us to use best available  
9 science. And then perhaps more importantly for  
10 this body, we're talking about HMS which are  
11 highly migratory. They are sensitive to changing  
12 ocean conditions so the big question is are we  
13 protecting the right species in the right places?

14 All right, so that sounds good. You  
15 know sound, scientifically rigorous data is  
16 important. The big question is how do we get it?

17 So what I have up here are seven  
18 possible options to collect this data and perform  
19 this research. Definitely not an exhaustive  
20 list. This is just a spur discussion. If we  
21 wanted to formally consider any of these, we

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1 definitely need to consider the legality and  
2 practicality of any of them, but at least for  
3 discussion topics, I think it's useful.

4 All right, no surprise. Option one  
5 is no action. So stick with the existing  
6 program. A researcher comes to us, wants to do  
7 closed area research. We consider an EFP. Since  
8 closed area research is outside the normal scope  
9 of EFPs, we have to go through and do a NEPA  
10 analysis, the effects analysis, put it out for  
11 public comments, solicit those comments, and then  
12 consider whether or not to actually issue that  
13 EFP.

14 Option two is slightly modified of  
15 option one. This would streamline the HMS EFP  
16 process. What we could do is perhaps analyze the  
17 effects of a wide range of closed area research  
18 activities in multiple closed areas ahead of the  
19 application being submitted, submit those for  
20 public comments, get those. That way if somebody  
21 comes to us with an EFP application, we don't

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1 need to go through the NEPA analysis process.  
2 We've already done that and front-loaded it. So  
3 possibly simplify that EFP process.

4 Option three, collect data on closed  
5 area catch through an observed access program.  
6 If a vessel was chosen to carry an observer, that  
7 vessel could then go into closed areas to fish.  
8 Some issues possibly with this is minimal agency  
9 control. The fishermen decide when, where, and  
10 how to fish. So we need a formal scientific  
11 research plan. If that's the case, perhaps it  
12 might take a long time to get enough data for  
13 robust analysis to see about how these closed  
14 areas are working.

15 Option four, institute a closed area  
16 research program similar to the current shark  
17 research fishery. So the shark research fishery,  
18 fisherman apply to this program and if they're  
19 accepted, they have access to actually  
20 commercially fish for sandbar sharks which are  
21 typically prohibited in the commercial fishery.

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1 This allows us to collect some data, some life  
2 history data to feeding the stock assessments and  
3 other scientific analyses.

4 To use that as a model what we can do  
5 is created a closed area research program.  
6 Perhaps fishermen could apply to the program and  
7 then fish in closed areas underneath an umbrella  
8 scientific research plan developed by the agency.  
9 It would require voluntary application and  
10 participation, but it would probably provide some  
11 pretty robust results since it would be under a  
12 formal research plan. It would also require a  
13 modest investment in agency time and personnel,  
14 not just from a management side with HMS, but  
15 also on the Science Center side as well.

16 Option five, conduct closed area  
17 research through public-private partnerships,  
18 partially funded by NOAA fisheries similar to the  
19 2003 NED research program. So the 2003 NED  
20 research program was a public-private partnership  
21 that looked for ways to reduce sea turtle bycatch

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1 in the NED. It looked at ways to bait  
2 combinations, perhaps gear type, circle hooks,  
3 fishing techniques, ways to reduce the impact on  
4 sea turtles. It was a pretty successful program.  
5 In the end, it actually expanded access in the  
6 NED for fishermen without having too bad of  
7 adverse impacts on sea turtles.

8 Under this idea, we could do this and  
9 the agency perhaps could also offer some level of  
10 compensation for fishermen to fish in these  
11 closed areas since there's unknown catch rates,  
12 since some of these closed areas have been closed  
13 for so long. Since there is the possibility of  
14 compensation fishing though, this would be a  
15 pretty expensive option for the agency.

16 Option six, conduct closed area  
17 research through a research program led by NOAA  
18 fisheries, using NOAA or contract vessels. This  
19 is the more formal research idea, the classic  
20 white NOAA vessels going into a closed area,  
21 conducting scientific research, probably very

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1 robust results, but perhaps some questionable  
2 applicability to normal commercial fishing. And  
3 of course, this would be the most expensive  
4 option that I'm presenting up here, at least for  
5 the agency.

6 And then finally, option seven,  
7 performance based closed area access. Kind of  
8 modeled similarly to the Cape Hatteras GRA. It  
9 would allow fishermen access into the closed area  
10 as long as they met certain criteria. And this  
11 criteria can include observer or reporting  
12 requirements. It would probably provide fair  
13 amounts of data coming in, but it wouldn't  
14 necessarily be organized under a formal research  
15 plan which could kind of limit its usability.

16 All right, just some quick  
17 housekeeping, with the hearing scheduled, we've  
18 got one coming up in a couple of weeks extending  
19 all the way through the end of July. This is --  
20 you can't read it from the screen, but we had  
21 this information available. The next steps are

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1 to solicit comments on this issues and options  
2 paper we published. The public comment period  
3 is pretty long to make sure we get a lot of  
4 comments back. It closes at the end of July and  
5 I have a link here for the issues and options  
6 paper and the way to submit comments.

7 So as Bennett had mentioned, we're  
8 going to break out into small groups to discuss.  
9 I've got a couple of slides to help with that.  
10 The first one is the breakout discussion topics.  
11 We're interested in a lot of your opinions, but  
12 perhaps to focus the discussion a little bit, I'm  
13 interested to see if these seven options covered  
14 a range of possible ideas. Are there ones that  
15 we forgot about, we didn't include, interested in  
16 that.

17 Which of these options or others  
18 provide the most useful information for us to  
19 make management decisions. And perhaps maybe  
20 some of these different options are better in  
21 certain closed areas, but not in others. That's

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1 the kind of feedback that will be useful as well.

2 So I'll put this slide up during the  
3 breakout discussions and I'll also have this one  
4 that has just a summary of all seven options as  
5 well, just for reference. I'm not sure which one  
6 is the best one to have up, but we'll go back and  
7 forth.

8 MR. BROOKS: All right, so George.

9 MR. PURMONT: It's really a few parts.  
10 Is this the methodology or is this by species?  
11 In other words, are we supposed to prioritize and  
12 we say it's more important that we do this for  
13 this particular species or is it the methodology  
14 of gathering information that you want to know?

15 MR. DURKEE: Perhaps both. I'm  
16 thinking at least initially that it's just kind  
17 of a more broader brush. I'm looking at how we  
18 collect data in these areas where fishermen can't  
19 fish. That does kind of break down into a  
20 species-by-species question. If there are  
21 certain closed areas that are closed because of

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1 very specific species, perhaps there can be some  
2 species-specific suggestions as well. Does that  
3 get to what you're asking?

4 MR. PURMONT: Yes.

5 MR. BROOKS: Scott, then over to  
6 David.

7 MR. TAYLOR: How much money do you  
8 have for this?

9 (Laughter.)

10 I mean because that's a serious  
11 question because a lot of the stuff that's on  
12 here is financially driven and if the money is  
13 not there and we're going to have a constructive  
14 discussion about whether -- what alternatives  
15 have the best possibility of success, I don't  
16 think it's -- it's funny, but I don't think that  
17 it's unreasonable.

18 MR. BROOKS: To take Scott's  
19 question, I think maybe a way to think about it  
20 is what working assumptions should they have when  
21 they focus on what research makes sense, what

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1 sort of structure makes sense to you?

2 MR. DURKEE: That's completely fair  
3 for sure. I mean you know the budget climate  
4 just as well as we do, so there's a whole range  
5 of options in here. There's ones that aren't  
6 free by any means, but are minimal agency  
7 investments. And then there's these pie in the  
8 sky ideas of sending formal research vessels out  
9 in the closed areas. So that might factor into  
10 your discussion a little bit on what's more  
11 appropriate.

12 MR. BROOKS: So maybe assume that  
13 recent history would be a good indicator of  
14 future conditions.

15 MR. TAYLOR: Well, I figured they'd  
16 put the expensive alternatives on there so maybe  
17 there was some discussion about how that they  
18 potentially could fund it and appreciate the fact  
19 that it looks like the comment period and the  
20 public meetings are somewhat being fast tracked  
21 in terms of how things generally can sometimes

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1 stretch out so I think that if we're going to be  
2 helpful that we also need to be realistic about  
3 what the finances look like.

4 MR. DURKEE: You bet. Thanks.

5 MR. BROOKS: David, then over to --

6 MR. SCHALIT: Just to clarify, this  
7 discussion encompasses all of those pelagic  
8 longline closed areas on that first chart, not  
9 the second chart, right? So we're focusing on  
10 the first chart and in that first chart there is  
11 a couple of primary closures that were not set up  
12 for bluefin tuna, so we would need to know what  
13 species they were set up to protect. In the case  
14 of Charleston Bump was it dolphin? Swordfish,  
15 sorry, swordfish. Okay, and De Soto Canyon, what  
16 was that all for, also swordfish. Okay. And  
17 the Florida Straits, also swordfish.

18 MR. BROOKS: Actually, let me get  
19 Karyl's head shaking back and forth here. So  
20 Karyl, I'm going to invite you in on this one.

21 MR. Durkee: So this is a useful place

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1 to start, so I think a lot of our preconceived  
2 notions on which closed areas were closed for  
3 which species isn't always clearly accurate. The  
4 issues and options paper really dives into this  
5 by each closed area to see why they were closed.  
6 And I think you will find very few, if any, were  
7 closed specifically only for swordfish.

8 Charleston Bump as well as Florida  
9 East Coast it was more species than just  
10 swordfish. There's billfish concerns, perhaps  
11 for sharks, other things as well. So it's worth  
12 thinking about that.

13 There is some overlap with the GRAs,  
14 well, actually to backup, no, it's not just  
15 pelagic longline. It's also bottom longline.  
16 There's recreational closed areas. There's a  
17 whole host of areas that eliminate or curtail  
18 some type of fishing that we're considering.

19 Now GRAs specifically like Jen and  
20 Craig were just presenting, those were areas that  
21 were closed specifically for one species, so that

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1 is kind of a different operation. If you  
2 protected those species through other measures,  
3 perhaps IBQ, perhaps you could look at those in  
4 a different way, but these areas that I'm talking  
5 about are more the ones that were closed for lots  
6 of different species that don't have the benefit  
7 of a single targeted management measure,  
8 protecting that one species that was impetus for  
9 the original closure.

10 MR. BROOKS: Let me see if Karyl  
11 wanted to add anything to that. Good, okay. Go  
12 ahead.

13 MR. SCHALIT: Just to follow up, I  
14 just want to understand, so we are looking at  
15 evaluating those closures which were not  
16 mentioned, are not part of Amendment 13. We're  
17 focusing on those other closures now, not the  
18 GRAs in the Gulf and Hatteras and primary closure  
19 in the Northeast, correct?

20 MR. DURKEE: That's a really  
21 important clarification. Absolutely. Yes,

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1 we're looking at the ones that were more broad  
2 brushed multiple species. This isn't -- Karyl  
3 is telling me I'm probably mistaken on this one.

4 (Laughter.)

5 MS. BREWSTER-GEISZ: So I would say  
6 that what Jen just talked about with the GRAs, we  
7 are proposing ways of moving forward the review  
8 period, opening them up, removing Cape Hatteras,  
9 but that is proposed. It doesn't mean that's  
10 what we're going final on. If we end up keeping  
11 those areas, then that could very much fit under  
12 the structure we're looking at here. Does that  
13 help? You're looking confused, so --

14 MR. Schalit: I'm suffering from  
15 customer confusion, but I just want to make sure  
16 that -- we received the 30 page document, issues  
17 and discussions, okay? This relates, this  
18 presentation relates to that document for which  
19 you require comment, public comment by the end of  
20 July, right? Okay.

21 So if I want to make public comment on

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1 that, am I looking at -- just to make sure, I'm  
2 only looking at those closures which are for  
3 multiple species? Hm?

4 MS. BREWSTER-GEISZ: And I'm saying  
5 no. Look at this. For closed areas that we have  
6 now which include the ones that Jen presented on,  
7 but you were also commenting in the rule that Jen  
8 presented on how we are opening those up now. So  
9 there's a different action that is specific to  
10 bluefin.

11 This is specific to closed areas as a  
12 whole. So we're looking at this not only what  
13 we have now, but in the future, if we happen to  
14 think about GRAs or closures in the future, how  
15 do we want to go about making sure those areas  
16 also have research. So this one is broader, more  
17 general. It applies to what we have now. It  
18 applies in the future as well.

19 MR. BROOKS: Let me get in Kristin and  
20 over to Rusty, then Scott.

21 MS. FOSS: Thanks for your

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1 presentation, Steve. I have a couple of  
2 questions about option two, how that would work.  
3 So for a certain area you would do like one  
4 general NEPA kind of analysis. Would that be  
5 like for a year or something? And then as you  
6 would receive EFPs, you wouldn't have to do  
7 individual NEPA analysis for each of those?

8 MR. DURKEE: Yes and no. We can  
9 design that impact analysis based on what our  
10 needs are. It might not be just a specific year.  
11 It might not be via specific closed area. We  
12 need to look at any closed areas we did want to  
13 authorize research in. That could be multiple  
14 areas in the same NEPA document, but yes, the  
15 idea would be we would front load all that heavy  
16 work initially and then when they came up for  
17 possibly issuing an EFP, that we would have front  
18 loaded all the work and it would be more like a  
19 simple EFP process.

20 MS. FOSS: I have a couple of other  
21 ones. So with those EFPs, that would be like the

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1 authorization process. You would still use the  
2 EFP to allow that research in that certain area.  
3 It would be through the EFP process?

4 MR. DURKEE: Yes, correct. So let's  
5 look at our typical EFP. So if somebody wants  
6 to go out and collect samples from sharks, we've  
7 already assessed the impact of researchers  
8 collecting samples from sharks. So when they  
9 come to us with an EFP application, we can say  
10 yes, we've analyzed this. We've had it for  
11 public comments. This falls under previously  
12 analyzed ideas. We consider the EFP on its  
13 merits and then issue it. It follows the same  
14 idea if we had already done an impacts analysis  
15 for that action.

16 MR. BROOKS: Rusty.

17 MR. HUDSON: Thank you. Rusty  
18 Hudson. On the slide that restricts bottom  
19 longline, you failed to put the Oculina  
20 (phonetic) original closed area, the expanded  
21 area, and then the second expanded area. It's

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1 100 miles of area from probably just offshore of  
2 the Big Ledge, 240 foot thereabouts, all the way  
3 out to 330, in the new one out 600 and the old  
4 one feet, and you should at least have some  
5 considerations there.

6 The other thing and I think I'm  
7 looking at option four, similar to the shark  
8 research fishery and the idea of potential CRPs  
9 or else EFPs and the observer. We have 19  
10 prohibited sharks. We need data on those 19  
11 sharks. That includes the dusky and a couple  
12 other things that we have done a couple work ups  
13 on. The Cuban might had a work up on by Enric  
14 that was really good, showed that it didn't have  
15 a problem.

16 Bignose is a virgin population of 80,  
17 90-pound animals, 400 to 2,000 foot on the  
18 bottom. And it's a bottom longline effort just  
19 to be able to catch them. And they range from  
20 South America all the way up the line.

21 Those are the type of things that we

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1 need the data on and so we specifically need to  
2 make an effort to do what we haven't done since  
3 we created the prohibited list expansion in 1999.  
4 That's 20 years now and we've got, except for the  
5 dusty and a little bit of paperwork on a few of  
6 those animals, nothing.

7 And we are single handedly,  
8 unilaterally, virtually trying to protect this  
9 body of sharks and yet, we're getting no help  
10 from our neighbors to speak of. I mean Canada  
11 might have put a thing with dusky on there a long  
12 time ago, but they don't get many.

13 Most of the nursery grounds have a  
14 coexistence between each other, the sandbar and  
15 dusky, in particular. Once you start getting  
16 down the line, then you get into the other species  
17 that may be using stuff, bull sharks and  
18 blacktips and what have you. And so all of this  
19 is important if you're going to manage it. If  
20 we're not going to manage it then it's going to  
21 wind up being a problem later. So thank you.

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1 MR. BROOKS: Thanks Rusty. Scott,  
2 and then I want to get us into some smaller  
3 conversations. Scott.

4 MR. TAYLOR: So as far as the pelagic  
5 species are concerned in terms of the EFP  
6 process, if somebody wants to bring a bottle of  
7 Jack Daniels and sit down with Dave Kerstetter  
8 and myself, we probably could explain to you  
9 about some of the problems with that EFP process.

10 And to kind of speak to David's  
11 question here, unless I'm missing this exercise,  
12 this is about trying to come up with an agency-  
13 driven program that is going to be more  
14 acceptable than an outside EFP. EFPs, as it  
15 pertains to this particular fishery, has met with  
16 a great deal of unfair and uneducated  
17 misrepresentation with the general community.  
18 And while we're deliberating today, I think that  
19 that has to be at the forefront of the discussion  
20 because the real issue here isn't whether or not  
21 we can get the science or want to get the science

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1 or need the science, it's whether or not that  
2 there's the political will from the agency and  
3 from people that are representative around the  
4 table in here to accurately communicate that need  
5 and a structure that is going to be acceptable to  
6 their constituency.

7 MR. DURKEE: Just to be clear, they're  
8 not all agency-driven. We have some options that  
9 do require outside and we're just getting  
10 authorization for it. But the point is taken.

11 MR. TAYLOR: But that is the point is  
12 that when the agency is not involved and the  
13 agency is not sanctioning it, the way that the  
14 EFP was designed and approved, everybody that's  
15 around this table that was here for the process  
16 understood exactly what happened with that.

17 So you know, the point is that the big  
18 objection is not only at the council level, for  
19 the Southeast Regional Council, was in the design  
20 and the fact that that information could somehow  
21 be affected by the fact that it was not agency

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1 driven, that there was industry and third-party  
2 participation.

3 MR. BROOKS: Let me just invite you  
4 and everyone as you're thinking through these  
5 questions, I mean this is what we want you to be  
6 thinking about so you can come back with what is  
7 a practical way to go forward.

8 MR. TAYLOR: And I'm just saying  
9 because that is the real central issue here that  
10 I'd like to make sure everybody is aware,  
11 although I suspect that they are, that that's  
12 really where our focus needs to be is perception  
13 and politics on that.

14 MR. BROOKS: Again, you've raised two  
15 practical considerations that people should be  
16 thinking about when they chew on these different  
17 options and that's definitely want you to do.

18 So let's -- Dave.

19 DR. KERSTETTER: Just going on that  
20 theme of ideas for people to consider in their  
21 small discussions, one, going to Grant's point

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1 earlier, keep in mind as was talked about in  
2 presentation how expensive these projects are.  
3 So weigh that in terms of motivations for opening  
4 new areas, where that potential funding might be.

5 So one of the issues that has been  
6 raised before for opening these time/area  
7 closures and doing some of this research is the  
8 source of that funding. So I know it's been  
9 raised before that industry funding it may be a  
10 bad thing in view of some people. Even though  
11 the agency might not put it forward or the groups  
12 opposing the work might not be willing to fund  
13 it, so think about what sources of funding are  
14 acceptable.

15 The other side is those groups that,  
16 in particular, oppose the project that Scott and  
17 I put forward, need to think about who would be  
18 acceptable to conduct some research, what can you  
19 do with these time/area closures. It's one thing  
20 to sit around this table and say hey, we have  
21 these time/area closures, we need to go in there

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1 and do research and find out what's going on.  
2 Oh, but you can't do it, you can't do it, you  
3 can't do it.

4 There is a lot of invective directed  
5 specifically towards me. I had Sport Fishing  
6 Magazine editors tell their reporters that they  
7 couldn't talk with me. I had people trying to  
8 get me fired from my academic position. Made it  
9 every unlikely that other academics will want to  
10 go through this process.

11 So I like to think, hey, I have HMS,  
12 I have fairly thick skin, I've done this for a  
13 while. Even that was somewhat unnerving, a  
14 little rattling.

15 So again, when you think about what  
16 sources of funding might be appropriate to your  
17 constituency, also consider what scientists you  
18 would find acceptable for your constituency and  
19 maybe that's NOAA as a neutral arbiter, but keep  
20 these thoughts in mind. Thank you.

21 MR. BROOKS: Thanks. Thanks, David.

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1 I think credibility, what's realistic, what's  
2 practical, all things to be thinking about.

3 Bob.

4 DR. HUETER: I disagree with  
5 everything Scott's about to say.

6 (Laughter.)

7 I have no idea what you're going to  
8 say. Yes, if you don't know Dave's story, talk  
9 to him because it's a very -- in Scott's words  
10 it's unconscionable what happened to Dave.

11 But I thought as you were talking, you  
12 know, practical matters are important here and we  
13 can design the most scientifically-valid program  
14 to do this work, but if it's not practical, it's  
15 not going to go anywhere. So something that  
16 might address both the funding and the political  
17 issues are to form -- to have a funding base for  
18 this that's a public-private partnership of some  
19 kind, something like a NFWF of a source.

20 So Pew, if you're listening, I'm not  
21 asking you to fund the whole thing, but maybe put

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1 some skin in the game. Some of the other  
2 foundations form a collaboration with NOAA to  
3 fund this program and then maybe everybody --  
4 then it's a win for everybody and you get to see  
5 how it's done and we get this funded. Just a  
6 suggestion.

7 MR. BROOKS: Scott, you have 30  
8 seconds to disagree with everything Bob just  
9 said.

10 MR. TAYLOR: I actually agree with  
11 everybody Bob just said.

12 (Laughter.)

13 MR. BROOKS: I figured as much.

14 MR. TAYLOR: Our position is that this  
15 has to be agency driven. If you're going to put  
16 it forth, you got to own it, you got to drive it,  
17 and that it's -- you need to accept the fact that  
18 there are NGOs and constituency around the table  
19 that don't want this research period. They don't  
20 want it. They're not interested in what the  
21 outcome is. They want those areas to stay closed

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1 and that's the message to take away from the  
2 discussion with Dave.

3 MR. BROOKS: Andrew, you get the last  
4 word, then it's small groups.

5 MR. COX: As sort of the punching bag  
6 in the room, at least my constituency base, I  
7 will say that we're not opposed to research, that  
8 I would encourage all groups forming EFPs or the  
9 process to involve us early in the process to see  
10 if we can encourage and then control the message  
11 going to our constituencies in the future.

12 MR. BROOKS: Thank you. All right,  
13 so what I want you to do is spend the next 15  
14 minutes or so in again, groups of three or four,  
15 you know, just chatting with the folks who are  
16 next to you works. If you again want to be  
17 talking with someone in particular, feel free to  
18 get up and move around the table.

19 Three topics we want you to talk  
20 about, one, do these seven options cover the full  
21 range of possibility? So there may be other

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1 approaches that you think are better, smarter,  
2 wiser, something for the agency to consider. We  
3 absolutely would like to hear that.

4 Secondly, which of these options  
5 provide the most useful information for sound HMS  
6 management. So (a) not only are the right  
7 options on the table, as you look across them,  
8 which ones hit the credible, practical, realistic  
9 kind of check boxes.

10 And then lastly, as you think about  
11 that, are certain of these options -- it might  
12 not be a one size fits all. There might be  
13 options that are appropriate for areas or species  
14 or different situations. So if there are nuances  
15 that would be helpful for the agency to hear, we  
16 would love to sort of get that insight from you.

17 So take 15, 20 minutes or so in small  
18 groups. Chew on these three questions. If  
19 there's a question that you think is important  
20 that we didn't put up there, feel free to chew on  
21 that, too, and then we'll come back and just kind

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1 of go around the room and hear what kind of ideas  
2 surfaced.

3 No, this one we're not going to email.  
4 Feel free to email, but we're planning on  
5 spending 20, 30 minutes here talking about it.  
6 Okay? Thanks.

7 (Whereupon, the above-entitled matter  
8 went off the record at 4:19 p.m. and resumed at  
9 4:42 p.m.)

10 MR. BROOKS: All right, so we asked  
11 each of the groups to think about three things.  
12 Do the seven options cover the full range? Do  
13 any of these options seem to really pop as a wise  
14 thoughtful way to go, given the realities that  
15 the agency and you all are dealing with? And  
16 then lastly, are some of these options more  
17 appropriate for certain areas, for certain  
18 species, et cetera.

19 I'd like to hear from each group and  
20 I think maybe just let a group sort of debrief  
21 across all three.

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1 Yes, Rick.

2 MR. BELLAVANCE: I'll take a stab at  
3 it. So our group over in this corner here, we  
4 talked about a potential additional option  
5 similar to the research set aside program that  
6 they have in the New England Fisheries Management  
7 Council uses for scallops, monkfish, or herring  
8 where three percent of the overall quota of the  
9 species is auctioned off to folks and then that  
10 money is taken and it funds research projects.  
11 There's a whole lot more details to it, depending  
12 on the species and all that, but my only thought  
13 was that's not a Council basis so I wasn't sure  
14 if HMS had the ability to do that. And thinking  
15 of this new quota that's coming up from  
16 potentially from the purse seine fishery, you  
17 might be able to just grab three percent and not  
18 even realize what happened.

19 MR. BROOKS: So nobody is losing.

20 MR. BELLAVANCE: Right. Just a  
21 thought.

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1 MR. BROOKS: Rick, before you step  
2 down here, did you -- this was for agency-driven  
3 research? Did you guys think about that, talk  
4 about that across geographies or species? Any  
5 thoughts?

6 MR. BELLAVANCE: I think we talked  
7 mostly about bluefin tuna, but I think it would  
8 apply to all species. And then I would defer to  
9 the rest of the group for what we thought about  
10 the other options and if there were any strong  
11 feelings one way or the other with those. I'm  
12 not sure -- we kind of got wrapped around the  
13 axle on the ESA thing.

14 MR. BROOKS: Dave.

15 MR. SCHALIT: There was some concern  
16 expressed about funding. It seems that it's a -  
17 - we're really talking about something which in  
18 the first instance would need to be a commitment  
19 from NOAA or National Marine Fisheries Service to  
20 fund the project. And that would determine  
21 precisely -- that money would determine the type

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1 of -- one of these options, the seven options you  
2 mentioned here. So we're really not in a  
3 position -- of course, we support the research,  
4 it's a no brainer. Okay? But nothing can be  
5 discussed really until a funding source has been  
6 nailed down.

7 DR. KERSTETTER: It's convenient  
8 sitting next to David.

9 So one of the other issues that we  
10 talked about kind of getting to the comment  
11 earlier raised about messaging is that any such  
12 project needs to clearly be stated by NOAA as an  
13 agency priority, that however the funding works  
14 out, the agency has to say this is something that  
15 we feel is important and we're going to provide  
16 cover for whatever constituencies, for whatever  
17 reason might oppose it. So the agency needs to  
18 stand behind it.

19 MR. BROOKS: Great. It looked like  
20 you guys were having a productive conversation  
21 and it seems like indeed you were. So thank

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1 you.

2 Who else? Rick.

3 MR. WEBER: I'm not going to pretend  
4 to talk for the group. We were broad and  
5 diverse.

6 (Laughter.)

7 That said, I'm going to give you some  
8 personal thoughts. One, the questions, as I  
9 frequently feel when we're faced with these  
10 questions, we're not going to answer them. It's  
11 just too broad. Tools need to be fit to purposes  
12 and 10 minutes to consider 20 closed zones and  
13 which of the seven options would apply to which  
14 of the 20, it's simply too much.

15 That said --

16 MR. BROOKS: You have answers for all  
17 20 areas?

18 (Laughter.)

19 MR. WEBER: I do to this extent. To  
20 be fair and really reflecting on what Anna said  
21 about the next time a closed zone comes, closed

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1 zones need reasons. It should not be what we saw  
2 moments ago with -- that was closed for  
3 swordfish. No, no, no. Actually, it was closed  
4 for swordfish and -- it should have a reason.  
5 And that should be a very clear stated reason.  
6 We are looking to drop swordfish juvenile  
7 landings by 75 percent. Write it down. We are  
8 hoping to drop marlin landings by 50 percent.  
9 Write it down.

10 Now when we say what did this closed  
11 zone do, we have the goals. And if they can go  
12 in there and meet the goals without the closed  
13 zone, they can meet the conservation goals. But  
14 right now, it's a constantly-moving target of how  
15 do I feel? It shouldn't be how do people feel.

16 We're trying to lead to science-based  
17 management, that's what we keep talking about, a  
18 science-based management. But going into a  
19 closed zone suddenly becomes touchy feely because  
20 we don't know what the goal of the closed zone  
21 was. Oh, my God, I can't let you in there at

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1 all.

2 MR. BROOKS: And it may be that it's  
3 not that the goal isn't known, it just isn't  
4 current, available, presented in the way the way  
5 you're seeing it. It's front and center.

6 MR. WEBER: In my experience, there  
7 is no summary of what the zone was for.

8 MR. DURKEE: Let me grab that for a  
9 second there, Rick.

10 MR. BROOKS: You want in?

11 MR. DURKEE: Absolutely, and your  
12 point is taken. You had ten minutes to consider  
13 this, so that aside, the issues and options paper  
14 really does dive into it pretty well. It takes  
15 it area by area, the original reasons for the  
16 closed area. It doesn't get into detail as far  
17 as the percentage catch reduction of let's say  
18 juvenile swordfish, but it would say that this  
19 area was closed because of juvenile swordfish and  
20 sharks and billfish. It has the original goals  
21 in there to kind of frame this discussion.

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1 MS. BREWSTER-GEISZ: And I would just  
2 add that the SAFE Report every year does an  
3 analysis on what the impact of those closed areas  
4 have been compared to the original percentages  
5 that we talked about.

6 So we do have all that information.  
7 I was telling Bennett that it has been since the  
8 very beginning the fishermen have assumed  
9 swordfish was the reason for all these closed  
10 areas and that was not the case. But that has  
11 always been the underlying assumption that I hear  
12 whenever anybody asks why the areas were closed.  
13 It was swordfish. No, it wasn't.

14 MR. WEBER: As a marlin person, I'm  
15 familiar with that because it always feels like  
16 we're on the coattails. But continuing from  
17 there, we should be sunseting closed zones or at  
18 least be building a plan in on how they would --  
19 if you know why it's there, then we should know  
20 how it could go away or what the conditions would  
21 need to look like to let it go away.

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1                   And as we're looking at MSE, the other  
2                   thing that struck me is maybe we need an  $F_{lim}$  in  
3                   the closed zones. You know? When we implement  
4                   an MSE, there is always an  $F_{lim}$  of monitoring level  
5                   of fishing. Maybe we don't drop to zero in a  
6                   closed zone. Maybe we drop to ten trips a year,  
7                   just enough to have some idea because these guys  
8                   are right. We don't know what's in there. We  
9                   don't know if the species still exists in these  
10                  closed zones. And if it is written in right from  
11                  the -- it's very difficult to go back on the ones  
12                  that are there now, but as you go forward, it  
13                  seems to me that there should be something  
14                  written in that lets us accurately monitor it so  
15                  it feels more scientific and less touchy feely.

16                  MR. DURKEE: No, and point is taken.  
17                  I would say though that for this discussion,  
18                  those types of ideas are important for us to keep  
19                  in mind going into the future, but for existing  
20                  closed areas, it might not be helpful right now  
21                  to think about sunseting or anything like that.

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1       Because we're trying to get data out of these  
2       closed areas to do impact analyses to find out if  
3       they're still effective or not. But going to the  
4       future, that kind of stuff is important for sure.

5                   MR. BROOKS: Bob.

6                   DR. HUETER: I was in that first group  
7       and I agree with what was said there. We did  
8       sort of focus on funding, but I think to pull it  
9       back to what was asked of us, I just wanted to  
10      add my voice that I think you can throw out three  
11      options, probably three options. Option one gets  
12      thrown out and probably option two with it. I  
13      think anything that's associated with the EFP  
14      program has already shown its failure to handle  
15      this situation politically and management wise.  
16      So throw those two out.

17                   And also throw out option six, the  
18      NOAA fishery independent option is too expensive  
19      and those boats just can't simulate what the  
20      fisheries, what the fisherman does which is a  
21      nice way of saying that they can't catch fish, so

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1 don't make them go out there.

2 And the other thing I would add to  
3 whatever is done is to make it absolutely  
4 obligatory that we have 100 percent observer  
5 coverage and 100 percent electronic monitoring of  
6 all the operations of all these projects, whoever  
7 does them, and no matter where they're done.

8 MR. BROOKS: I know I've got two cards  
9 here, Scott and Marty, but I want to check.  
10 There were two other groups that I think were  
11 talking and I just want to give the groups a  
12 chance to weigh in.

13 Anyway, I just want to hear from the  
14 other groups, so let's --

15 DR. KERSTETTER: Can I make a quick  
16 clarification?

17 MR. BROOKS: You may do a quick  
18 clarification.

19 DR. KERSTETTER: When we talked about  
20 observers, we didn't necessarily mean federal  
21 pelagic observer program observers. They could

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1 be graduate students, but every set had to be  
2 observed by somebody not from the vessel or  
3 company.

4 MR. BROOKS: Some sort of independent  
5 observation. Okay.

6 Scott, and then I'll go over to Mike.

7 MR. TAYLOR: So I don't know in ten  
8 minutes, I was singing kumbaya with Andrew over  
9 there and I think everything will be fine.

10 MR. BROOKS: That's why I didn't go  
11 to you right away because I couldn't tell if you  
12 guys were a group or whether it was more of  
13 something else.

14 MR. TAYLOR: Thank you, Andrew, but  
15 it was actually very substantive and telling  
16 because even though there's other groups that are  
17 not represented, I think he's representative of  
18 the substantial mindset that we had in terms of  
19 dealing with the project.

20 So I want to be kind of succinct and  
21 I actually have a solution for something that

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1 Rick mentioned because there was also something  
2 that Andrew and myself talked about about  
3 quantification. And it was a big problem in the  
4 EFP process.

5 So I agree with Bob that one is no  
6 longer an option. Two is a tough putt not  
7 because I don't think that a properly-structured  
8 EFP could be -- could accommodate some of the  
9 concerns that Andrew has raised through his  
10 constituency, but because I think we're going to  
11 have a hard time finding a scientific participant  
12 after what happened with Dave. I think there's  
13 going to be a great deal of difficulty in finding  
14 somebody independently that could be put in the  
15 position where their career could be essentially  
16 compromised. And then six is clearly probably  
17 not practical and not doable because it wouldn't  
18 be accurately representative of a real commercial  
19 activity in that area.

20 Again, I want to take the opportunity.  
21 I think that we both sort of tentatively agreed

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1 that this has got to be at least NOAA driven and  
2 that we need NOAA behind it from the standpoint  
3 of credibility and that like a lot of these other  
4 programs, the one thing that really was not  
5 definitely defined in there that I think was a  
6 concern that was originally raised to me,  
7 actually through the Southeast Fisheries Council,  
8 I think it was Anna that was talking to me about  
9 the design. Among some other concerns is that  
10 there were no real quantifications within this.  
11 We went through this environmental impact  
12 statement using J hook data in the closed areas  
13 that was the best available science, but we  
14 really didn't say if there was 50,000 sailfish  
15 mortalities what we're going to do.

16 So that I think -- and I think that's  
17 sort of the same point that you were raising in  
18 a different way that what really should be done  
19 is if we look at what the current landings based  
20 upon scientific data is as the fleet is  
21 constructed now and use that as a baseline with

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1       some sort of a buffer. And you know, what we're  
2       basically saying as a fleet is that we believe  
3       that we can get the job done and mitigate bycatch  
4       and that we're not going to have interactions.  
5       And so build in a level that Andrew and other  
6       people can go to their constituencies with and  
7       say these are the safeguards. We need to get the  
8       data that's in there, but if, in fact, there's a  
9       particular problem, this is how we're going to be  
10      able to deal with that particular issue.

11               Clearly, and I'm going to finish up,  
12      that I can tell you the industry is still willing  
13      to participate, okay? This does not have to be  
14      a funded project through NOAA for the cost of the  
15      boats. We feel there is adequate resource there  
16      right now through the observer program and  
17      through a vetted observer option, along with the  
18      electronic monitoring that was already previously  
19      approved in the last EFP in which they were going  
20      to monitor 100 percent of that data coming out of  
21      there that we can develop with the scientists a

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1 program in which the data would be credible. And  
2 I think that that's the particular issue, but it  
3 has to have NOAA's stamp on it rather than an  
4 independent stamp.

5 MR. CURTIS: Clarifying question for  
6 Scott and Bob on option six. Option six would  
7 be a white boat, NOAA white boat, but also  
8 potential for contracting vessels, cooperative  
9 research platform. I just wanted to ask you if  
10 that changes your recommendation option six if it  
11 was rather than like a NOAA white boat survey, if  
12 it was a contract, with fishing vessels to do a  
13 survey, sort of like the bottom longline survey  
14 that Northeast Center does.

15 MR. TAYLOR: I think it's too slow.  
16 I don't think you're going to have enough money  
17 to get the number of sets that you need that are  
18 in there. I think that when we can verify the  
19 information and it's an interesting point that  
20 was raised by -- and I'm not sure who it was but,  
21 you know, whether or not you come up with this

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1 perfect scientific design of how many sets and  
2 where and what and when in a particular area.

3 I guess I would put that question back  
4 on you as what are you trying to accomplish? If  
5 what we're trying to accomplish is to demonstrate  
6 that we can mitigate bycatch, avoid bluefins,  
7 lower marlin and sailfish, marlin and white  
8 marlin interactions and not have impact with the  
9 turtles and some of the other things that were a  
10 problem before, why would you not want to build  
11 into the program the discretionary judgment of  
12 the boats that are in there that are executing  
13 the fishery with proper safeguards.

14 It doesn't have to be designed because  
15 if you force -- it's like if you went out and  
16 Karyl -- and we did a sandbar survey in a place  
17 because you all decided that this is where you  
18 wanted to do the sandbar survey, it doesn't mean  
19 you're going to catch any sandbars. If you're  
20 not going to rely on the people that are executing  
21 the fishery to determine where and when that they

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1 need to go into those areas in order to mitigate  
2 the bycatch, what are you really accomplishing?

3 MR. BROOKS: I want to jump in here  
4 just because we're coming up on public comment  
5 and I want to be respectful of that.

6 MR. TAYLOR: Yes, I'm sorry.  
7 Obviously, this is a subject that you know I'm  
8 extremely invested in and passionate with and  
9 have spent a lot of time, not ten minutes thinking  
10 through.

11 MR. BROOKS: I want to invite Mike to  
12 share additional thoughts that came out and  
13 certainly feel free to hit new stuff and not  
14 repeat the other stuff and then we'll see what  
15 Marty's got and if Bob had something else.

16 MR. PIERDINOCK: Okay, I'll try to  
17 make it short and sweet and hope that there's not  
18 tomatoes thrown at me and the people here that  
19 were part of the group because ours is a little  
20 bit different than what has been stated around  
21 the table.

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1           We really focused on what mechanism  
2           you would need to do the research necessary to  
3           open the areas back up and what would be the  
4           approach to be taken, whether it's multi-species,  
5           single species, the gear types and so on. That  
6           was really aside.

7           So what would be the mechanism to do  
8           that? We looked at option one and option two and  
9           have a hybrid of such. There's been other  
10          examples of EFPs, maybe not HMS related that have  
11          been successful, but we want the EFP and we want  
12          to make sure that it's a simplified process and  
13          we want to make sure that the research is not  
14          coming from NGOs. It may be advancing their  
15          position to shut it down or open it up or so on.

16          What happened with David and the  
17          others, we could talk for many, many days about  
18          that, but if I have to just say from afar, this  
19          has to make sure there is no lack of transparency  
20          in that all parties are brought to the table,  
21          recreational, charter, NGOs, commercial.

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1       Everybody is brought to the table.       Their  
2       positions are discussed to come up with an EFP  
3       that works for all.       And I know that can  
4       sometimes be difficult, but we would promote that  
5       kind of process and then come up with a program  
6       to then do the research to hopefully provide a  
7       mechanism to open it back up.

8                Last thing, we would not want again to  
9       promote monies coming from NGOs or elsewhere that  
10      then could result in one concluding that that NGO  
11      that doesn't want you fishing and wants it to be  
12      a preserve is funding the project, or the one  
13      that wants to open it up exclusively to fishing  
14      and doesn't care about that, we wouldn't want to  
15      see that mechanism.   We'd want it to remain the  
16      same as it is now.   Thanks.

17               MR. DURKEE:   I just want to clarify.  
18      We're not trying to open up closed areas though.  
19      We're examining the effectiveness.   It could be  
20      shifted closed areas.   It could be open closed  
21      areas.   It could be expanded closed areas.   It

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1 kind of depends on what we see and what the  
2 original goals for the closed area are, but by no  
3 means is this just a way to open up closed areas  
4 necessarily.

5 MR. PIERDINOCK: Right, understood.  
6 We just provide the mechanism to provide the  
7 science to do what's needed.

8 MR. BROOKS: Marty, and then over to  
9 Steve.

10 MR. SCANLON: Looking at the options  
11 here, if you want to compare apples to apples,  
12 the best way to compare apples to apples is to  
13 use the existing fleet and how they would once  
14 the areas if the areas were deemed to be able to  
15 be opened and maintained to be opened there you  
16 would be opening it up to the existing fleet. So  
17 the best way to do is give access to the existing  
18 fleet to do the research. Definitely one would  
19 be agency driven all the way, you know.

20 For me looking at it, you know, a  
21 combination of three and seven would work, you

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1 know. Performance based. We certainly as an  
2 industry don't encourage you just open it up and  
3 let anybody and everybody just go in there if  
4 they haven't proven that their performance --  
5 that they can perform well with certain criteria  
6 presented to them. We certainly don't want them  
7 coming in there. One single vessel can screw the  
8 whole thing up, so we definitely wanted -- the  
9 industry would want to be protected by some sort  
10 of performance mechanism to allow access to the  
11 area for the research to begin with.

12  
13 One hundred percent observer coverage  
14 is very, very expensive and even though the  
15 agency has already exhibited like an A7 in the  
16 first two years of A7, they've expanded to 100  
17 percent observer coverage in the bluefin tuna  
18 gear restricted area to gather the data they  
19 needed. So the gauges they had demonstrated the  
20 ability to fund 100 percent observer coverage if  
21 they deem necessary, but with the amount of areas

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1 that you're looking to look at and open to  
2 possible research that might not be possible. So  
3 you know, blue water, you know, as far as we're  
4 concerned there also when you look at it there,  
5 like in All with the mako shark data, utilization  
6 of our EMs, you understand, we would definitely  
7 be considering access in them to offset the  
8 availability observer program. And the way this  
9 is set up there would almost be like a  
10 continuation of the A7 process here and this is  
11 what -- we're operating under the A7 process  
12 right now and to do it any other way to make  
13 believe that we're not going to fish in that area  
14 under the A7 process, you know, we're just  
15 kidding ourselves.

16 A7 is what we fish under right now  
17 under the restrictions and everything else. If  
18 the utilization of that process is going to help  
19 us get the research that we need to potentially  
20 get access to those areas, you know I believe  
21 that we would be seriously considering that

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1 option there, but it would definitely have to be  
2 100 percent agency driven there, EFP or outside  
3 interference, we don't need any outside influence  
4 on it.

5 We fish in these areas right now where  
6 we're governed under the government. If they see  
7 certain things happen, we're in this room there  
8 and we're finding ways to minimize those takes or  
9 whatever it is that we have to work on. So I  
10 mean open the area up to the fishermen that know  
11 how to fish there to the best of the fishermen  
12 that we have. Weed out and protect the fishermen  
13 that do have a vested interest in this fishery,  
14 protect them from people that don't have the same  
15 levels of responsibility that a lot of us have.

16 MS. BREWSTER-GEISZ: Thanks, Marty.  
17 Real quick. Yes, pelagic longline fishermen are  
18 fishing under Amendment 7 rules. Just to  
19 clarify, that's not the only closed areas we  
20 have.

21 MR. SCANLON: The gear-restricted

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1 area right now in bluefins and you know under the  
2 A7 thing that area is accessible by a performance  
3 metric. We're not 100 percent happy with the  
4 performance metric and we're working on trying to  
5 correct and improve on that performance metric  
6 and how it's being imposed on us and that's  
7 something that we have to continue to look at  
8 there, but these areas here, to get access to  
9 that research, you'd have to have some sort of a  
10 performance metric guideline. We just can't let  
11 anybody go in there that's demonstrated an  
12 irresponsibility, you know, to screw the whole  
13 thing up.

14 MR. BROOKS: Okay, I want to jump in  
15 here because we're about five minutes into public  
16 comment and I want to be mindful of that. How  
17 many folks out there want to make public comment.  
18 Glenn, two, do I see a third? Okay, I've got two  
19 and maybe Glenn is going to nominate a third.

20 If we carry this conversation for  
21 another five minutes is that all right? Does

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1 anyone who wants to make public comment need to  
2 run out the door?

3 All right, so let's give this five  
4 more minutes and then I want to bring it to a  
5 close and go to public comment.

6 Steve.

7 MR. GETTO: Yes, we talked a lot about  
8 all of the options. Option six was probably the  
9 least desirable. We considered EFPs quite  
10 extensively. An area is closed for a reason and  
11 to me an EFP would be a way -- I mean a fisherman  
12 is going to figure out how to avoid or solve a  
13 problem if possible. So EFPs that are  
14 collaborative that use all these -- a combination  
15 of these items would probably be the best way to  
16 go about figuring out what's going on in an area  
17 or if something could be changed to open up or  
18 change how an area is being closed. Also, making  
19 full use of the observers. You're collecting the  
20 data already. You've got cameras on the boats,  
21 so make the best use of that information that you

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1 have.

2 MR. BROOKS: Thanks. Alan.

3 MR. WEISS: Thank you. I'm the first  
4 person I think from our little group that's  
5 talking, although I don't really want to speak  
6 for the whole group. We had some dispersion of  
7 opinions and also concern over funding.

8 What I would say is that first of all,  
9 there's not one option that's going to fit all  
10 closed areas or circumstances. One example is  
11 the Charleston Bump area where it's only closed  
12 three months of the year. So to allocate  
13 observers to cover those three months for the  
14 level of activity that would be brought forth by  
15 allowing access, would probably not be --  
16 hopefully not be too much of a stretch for the  
17 Fisheries Service. And hopefully, that's  
18 something that could be done. For other areas,  
19 you know, the circumstances are different,  
20 different times of year and different time  
21 periods.

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1           The other thing is as far as the cost,  
2           a lot depends on what you're trying to -- what  
3           data you're trying to elicit. If you're trying  
4           to do an aerial survey like a trawl survey or  
5           something, then obviously fishermen are going to  
6           have to be compensated because you're going to be  
7           sending them to places not of their own choosing  
8           where they're not going to be catching what would  
9           be economically viable for them and you know, you  
10          can't compel them to do that.

11           If you are trying to ask the question  
12          if this area were open, what would fishermen  
13          catch if we let them in there, then you're not  
14          sending them to certain stations spatially  
15          separated or you know, grid points or whatever.  
16          You're just telling them go in there and be a  
17          fisherman and we want to collect all the data on  
18          your activity and what you catch, but it's a  
19          different question and it's a different way you  
20          would approach it.

21           And if you're sending the fishermen in

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1 and saying okay, you go and do what you would do  
2 in there, then you don't have to charter the boat  
3 because the fishermen will be able to prosecute  
4 the fishing activity and generate a catch and  
5 that will cover his costs and hopefully a profit.

6 MR. BROOKS: Thank you. Bob, you get  
7 the last word here.

8 DR. HUETER: Oh, boy. Just a quick  
9 comment I heard, a fear expressed about NGO  
10 funding participation in this and I just want to  
11 say as a scientist, we hear this fear expressed  
12 all the time that if our research is funded by a  
13 private source or by a certain NGO that it's going  
14 to drive the outcome. And I just want to make  
15 it very clear to this group that that is not the  
16 case. If you're an ethical professional  
17 scientist, you don't accept any strings. A  
18 dollar is a dollar to us. We're glad to have a  
19 dollar. We don't care where it comes from. And  
20 we will do good science with it. And there's  
21 ways to build transparency and peer review into

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1 the process. So let's please not reject the  
2 possibility of NGO participation in the funding  
3 side.

4 MR. BROOKS: Yes, I'll certainly  
5 underscore that. In the work I do there's always  
6 concerns about where the funding is coming from.  
7 There are a lot of ways that are credible and  
8 well tested to bring in funding from a range of  
9 sources and do it in a way where it's credible  
10 and transparent.

11 All right, so thank you all for that.  
12 I think that the themes that sort of pop for me  
13 in listening to the various debriefs and  
14 observations are one, pretty clear, it needs to  
15 be agency driven. That seemed to come through  
16 loud and clear, kind of no matter who was  
17 speaking.

18 I think a second was draw on industry,  
19 getting the fishing vessels out there who know  
20 what they're doing is going to get you the data  
21 that's the most relevant.

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1           A third was you need some sort of  
2 realistic funding base and match your research to  
3 the funding, whether that is like we heard from  
4 the group over here some sort of creative use of  
5 purse seine quota to be allocated or whether I  
6 think for folks who are saying well maybe options  
7 one and two are still in the mix. It's got to  
8 match. It's got to be realistic and it's got to  
9 fit.

10           I think there were a number of  
11 comments to me that sort of got at the -- it's  
12 got to be credible. It's got to be stable. So  
13 that speaks to me what I heard that talk to that  
14 were whether it has observers, who are the  
15 researchers, how are they selected, are they  
16 credible, where does the funding come from? How  
17 do we know that the funding isn't driving  
18 research or at least addressing that fear. And  
19 then sort of the general assurances, you know,  
20 how does this go forward? How can groups that  
21 might otherwise be concerned about where this

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1 research could go have confidence of where this  
2 is going. And so I think there's a bunch of  
3 different pieces there.

4 There was not a lot of support from  
5 any group around option six, I don't think. I  
6 don't think I heard anyone say that that seemed  
7 like a viable way to go. And then there were  
8 several comments that were more about future  
9 closures and the need to articulate rationales,  
10 have sunset provisions, think about you never  
11 have a complete closure, but you've got some  
12 level of activity going on in there, so you're  
13 still learning. So that's at least what jumped  
14 out at me.

15 Bob, is your card back up or just not  
16 down?

17 Okay, up here any final comments,  
18 observations, anything? Jeff.

19 Jeff, that card blends into your  
20 computer so I never see it. My apologies.

21 MR. ODEN: I just wanted to make a

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1       brief comment. I mean it seems like every time  
2       I pick up a newspaper, something I'm reading  
3       about environmental changes affecting fisheries  
4       and I can't think of a greater reason to have  
5       these research projects in these essential areas  
6       because a lot has changed since -- I mean I've  
7       been fishing 42 years and what I do now is nothing  
8       even similar to what I used to do.

9               Secondly, I mean how many times do we  
10       need to beat a dead horse. I just got through  
11       taking an observer the trip before last. I've  
12       got nothing to hide. I was required to carry him  
13       for three sets. I made six. Nothing to hide.  
14       So why can't these observers be utilized in these  
15       projects rather than redundant, you know, every  
16       first quarter or second quarter we have to take,  
17       every fisherman in my area carries them. How  
18       much of the same data do we need continually? I  
19       think you could utilize those in a much better  
20       use in those areas. Thanks.

21               MR. BROOKS: Thanks, Jeff. And Scott

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1 actually is going to have the last word.

2 Sorry, Dave, do you want the last word  
3 or do you want the last word before Scott's last  
4 word?

5 DR. KERSTETTER: I'd like the next to  
6 the last. Just as a minor clarification, I made  
7 the comment about how NOAA needs to strongly  
8 support this. Now what happened with the prior  
9 time/area closure project I'm happy to put to bed  
10 finally, get that accomplished and done with, and  
11 to use that experience to grow and hopefully  
12 better expand this process.

13 But I wanted to clarify in that  
14 numerous people within the agency did, in fact,  
15 strongly support us for that project and I know  
16 that through a lot of sidebar conversations that  
17 there were decisions made otherwise that didn't  
18 always come out in public.

19 So my point simply when I made that  
20 about NOAA being in front of it, was that it needs  
21 to be very clear that this is a NOAA-sanctioned

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1 project, not that individuals from the agency  
2 didn't support mine. Thank you.

3 MR. BROOKS: I think that was  
4 understood, but thank you for reiterating that.

5 Scott.

6 MR. TAYLOR: Yes, and I just want to  
7 reiterate that, too. The EFP is long gone and  
8 far away, but there were some substantial lessons  
9 to be learned from that. And I think in  
10 hindsight, even though Dave and myself tried to  
11 be transparent I guess we didn't do a good enough  
12 job with communicating with the people that  
13 ultimately were the strongest part of the  
14 opposition in the process and so there was a lot  
15 to be learned from that.

16 But I want to end with Jeff's comment  
17 with you that we have got reams and reams and  
18 reams of data, ongoing data now from the POP  
19 program and from the EM in the areas that are  
20 currently open, that NOAA has demonstrated an  
21 ability when they want to put observers into a

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1 particular -- whether it's a gear-restricted  
2 area, whether it's been observers in the Gulf  
3 during certain times of the year, whether it's  
4 been in the Cape Hatteras Research Area that they  
5 have made the resources available to do that.

6 How much more time do we need spending  
7 those resources in the existing areas where  
8 you're going to be pretty confident with the  
9 level of reporting that's coming and it's time  
10 maybe to retest that to be able to get that data.  
11 It's that important and we need your support to  
12 do that.

13 MR. BROOKS: Thanks, Scott. I really  
14 want to get to public comment. One sentence, and  
15 not a run-on.

16 DR. HUETER: Not a Rusty sentence.

17 MR. BROOKS: I didn't say that.

18 DR. HUETER: We have 21st century  
19 technology. Let's not let 20th century, fears,  
20 myths, and prejudices hold us back.

21 MR. BROOKS: I'm going to assume there

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1 was a semicolon in that. Thank you.

2 All right, let's get to public  
3 comment. Thank you, all. That was, I think  
4 actually a really helpful conversation.  
5 Appreciate it.

6 Let's see. Public comment. Yes,  
7 please. If you would just come up to a mic and  
8 state name and organization.

9 MR. JAGGARD: Thanks for the  
10 opportunity to comment. Cameron Jaggard with the  
11 Pew Charitable Trust. I want to just reiterate  
12 our support for the comments made by AP members,  
13 Grant, David, and Rick Weber on the draft pelagic  
14 longline bluefin tuna weak hook, and area based  
15 management regulatory amendment, particularly as  
16 they relate to the Gulf of Mexico.

17 Amendment 7 really stands as a major  
18 accomplishment achieved through a broad and  
19 thorough collaboration between your division, HMS  
20 Division, additional agency brain power including  
21 the SEFSC, the advisory panel and the public.

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1           During that years-long process to  
2       develop Amendment 7 over 370,000 comments were  
3       submitted to the agency in support of protecting  
4       severely depleted Western Atlantic bluefin tuna  
5       in the population's primary spawning grounds with  
6       pelagic longline gear restricted areas.

7           Commenters included 19 members of  
8       Congress, hundreds of fishing and conservation  
9       organizations all through the Atlantic and Gulf  
10      of Mexico, and scientists. All these folks took  
11      time to speak at public hearings, submit  
12      letterhead letters, postcards and they even hand  
13      delivered a 7,000 photo mosaic of schooling  
14      bluefin tuna to Sam Rauch.

15           Over the last four spawning seasons,  
16      the Gulf of Mexico gear restricted areas have  
17      proven themselves as an essential and highly-  
18      effective tool for reducing unwanted bluefin  
19      mortality and interactions. Average annual  
20      bluefin interactions in the Gulf during the April  
21      and May closure months were 82 percent lower in

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1 2015 and 2016 than in 2006 through 2012 before  
2 the GRAs were in place.

3 I want to point out that interactions  
4 is a key point since NMFS tagging studies and  
5 observer program data found that more than half  
6 of bluefin caught on pelagic longlines in the  
7 Gulf of Mexico are dead at haulback. So we stand  
8 by the Gulf gear restricted areas and support  
9 alternative C1, no action.

10 I also reiterate our support for  
11 alternative D2, a January to June weak hook  
12 requirement in the Gulf of Mexico and outside of  
13 the Gulf, we do not support any of the preferred  
14 alternatives for the Northeast U.S. pelagic  
15 longline closed area. Rather, we support a  
16 scientifically rigorous evaluation of the  
17 continued need for the Northeastern closed area.  
18 Thanks for your time.

19 MR. BROOKS: Thanks very much.  
20 Glenn.

21 MR. DELANEY: Thank you. Glenn

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1 Delaney, I'm here on behalf of the Blue Water  
2 Fishermen's Association. I'm a consultant to  
3 them here in Washington, D.C.

4 I apologize for having to read my  
5 comment, but it's not always that I take the  
6 opportunity to express my sincere appreciation  
7 for the agency's actions which is well deserved,  
8 so I don't want to miss any of the nice things  
9 I'm going to say. Plus, after 40 years of  
10 fisheries, it's pretty much fried my brain and I  
11 do forget things.

12 This is the first time the agency has  
13 stopped giving just lip service to revitalizing  
14 U.S. pelagic longline fishery, something it has  
15 been promising to do since shortly after the  
16 effects of the massive primary closures were  
17 being felt in the early 2000s.

18 The agency is now putting serious,  
19 meaningful proposals on the table. This  
20 represents a welcome sea change in the  
21 perspective of this administration and the many

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1 good people working in the agency at the highest  
2 levels of leadership and within the HMS Division  
3 itself.

4 The first thing I am thankful for is  
5 what I believe the agency clearly recognizes as  
6 a result of this three-year review that the  
7 Amendment 7 IBQ program may have overshoot perhaps  
8 substantially so. While the program may have  
9 achieved his objective to reduce the catch of  
10 bluefin in the pelagic longline fishery,  
11 particularly dead discards, as I believe Brad  
12 said this morning, the pendulum may have swung  
13 the other way. In fact, while dead discards have  
14 become de minimis, we are now leaving about 50  
15 percent of the sustainable U.S. ICCAT bluefin  
16 quota allocated to the pelagic longline fishery  
17 quote category in the water just wasted.

18 And just to diverge briefly, as Alan  
19 Weiss mentioned, I think it was earlier today,  
20 maybe yesterday, and as further explained in the  
21 regulatory reform document we prepared, bluefin

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1 dead discards do, in fact, fit the definition of  
2 bycatch under the Magnuson Act and thus are  
3 subject to national Standard 9 requirements to  
4 minimize bycatch and bycatch mortality to the  
5 extent practicable. Dead discards in our  
6 fisheries are regulatory discards which is a term  
7 specifically included under that Magnuson  
8 definition of bycatch. But bluefin landings in  
9 the pelagic longline fishery do not meet this  
10 Magnuson definition of bycatch. They are not  
11 subject to national Standard 9 requirements to  
12 minimize bycatch.

13 And so while as Brad implied, the  
14 agency may have an informal policy based on a  
15 time and place in the distant past when we somehow  
16 became an incidental category. The Amendment 7  
17 objective to limit bluefin landings in the  
18 pelagic longline fishery is just not consistent  
19 with the statute. It's not clear why bluefin  
20 landings by the pelagic longline fleet continue  
21 to be characterized as bycatch. IBQ stands for

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1 individual bluefin quota, not individual bycatch  
2 quota. This is a fundamental issue that needs  
3 to be considered.

4 As also recognized in the A7 review  
5 document, there is no question that the IBQ  
6 program has substantially modified pelagic  
7 longline fishermen's behavior, so much so that 37  
8 percent of the fleet at the start of the program  
9 is now inactive. Such behavior modification also  
10 likely contributed to the inability of the fleet  
11 to efficiently and effectively catch target  
12 species across the board. This is especially the  
13 case with the sustainable U.S. ICCAT quota of  
14 North Atlantic swordfish, a stock that is fully  
15 rebuilt and not subject to over fishing.

16 Ironically, and sadly for us, it was  
17 the U.S. pelagic longline industry that partnered  
18 with the agency to lead the successful initiative  
19 for ICCAT to adopt a series of rebuilding  
20 measures in the 1990s. I know. I was there.

21 Our reward for that is that we now can

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1       only harvest maybe 30 percent of the U.S. ICCAT  
2       quota, while other nations have fully enjoyed the  
3       benefits of our ICCAT and domestic unilateral  
4       conservation sacrifices including closed areas to  
5       protect juveniles in the requirement to use large  
6       circle hooks documented by the agency to reduce  
7       swordfish catch.

8               So I greatly appreciate both this  
9       review and what I believe is the recognition and  
10      commitment by the agency to make the appropriate  
11      modifications of this program to achieve its  
12      stated objective number four, to balance the  
13      objective of limiting bluefin catch with the  
14      objective of optimizing fishing opportunities and  
15      maintaining profitability.       Clearly, Brad's  
16      presentation on Amendment 13 confirms that he and  
17      the agency are taking this objective very  
18      seriously and for that I am very thankful.

19              The second thing I am thankful for,  
20      second and last thing I'm thankful for -- I don't  
21      want to overdo it.   I don't like you guys that

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1 much.

2 MR. BROOKS: And you don't have that  
3 much to be thankful for.

4 (Laughter.)

5 MR. DELANEY: Many other things. The  
6 agency has finally recognized that simply drawing  
7 boxes in the ocean where no fishing can occur is  
8 simply, and then simply walking away leaving  
9 behind essentially a black hole, is not a sound  
10 or responsible fishery management strategy.

11 First, highly migratory species are by  
12 definition dynamic and are in general not  
13 particularly susceptible to area-based  
14 management.

15 Second, oceanographic conditions to  
16 which the pelagic ecosystem is closely tied, are  
17 also highly dynamic. Based on the changes we see  
18 on the water every day, there is certainly no  
19 reason to believe that the conditions within the  
20 time/area closures are the same today as they  
21 were 20 years ago.

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1                   Finally, fishery management itself  
2                   has also been dynamic, far more precise output  
3                   controls, as well as intensive electronic  
4                   monitoring have been adopted. And as Marty  
5                   mentioned, fishing technology has advanced  
6                   tremendously to enable far more precise fishing  
7                   strategies to avoid non-target species.  
8                   Altogether, these advancements have rendered  
9                   blunt instruments such as massive time/area  
10                  closures and other input controls obsolete or  
11                  redundant.

12                  The agency's recognition of these  
13                  realities is so well stated in its spatial  
14                  fisheries management issues and options paper and  
15                  the need to do something meaningful about them is  
16                  also deeply appreciated. This is also a first  
17                  for the agency to finally put some serious  
18                  proposals on the table for how best to conduct  
19                  the research necessary to evaluate whether these  
20                  time/area closures are needed to achieve present-  
21                  day objectives that reflect the current realities

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1 of highly-migratory species, climate change, and  
2 the recent progress in fishery management  
3 strategies and technologies.

4 And I just want to stress that when  
5 the agency is considering these options, it is  
6 not necessary and may not even be appropriate to  
7 evaluate whether closed areas are achieving the  
8 objectives for which they were originally  
9 established. After 20 years of change and  
10 progress on many levels, it's reasonable to  
11 consider new objectives for fishery management  
12 strategies including area management.

13 So again, I thank everyone at the HMS  
14 Division for listening to our well-intended  
15 inputs and I congratulate you all on what is an  
16 extraordinary and comprehensive effort to reform  
17 the regulation of the pelagic longline fishery  
18 and perhaps achieve some degree of revitalization  
19 of what is by far the most sustainable pelagic  
20 longline fleet operating in the world.

21 We look forward to working with you on

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1 all of these initiatives. Thank you very much.

2 MR. BROOKS: Thanks, Glenn. Anyone  
3 else in the audience care to make any public  
4 comment at this point? No. I don't think I'm  
5 seeing anybody.

6 Just before we adjourn, a reminder on  
7 Rick's behalf which is if you haven't yet  
8 completed the survey on HMS management  
9 objectives, please do so by 6 o'clock -- Rick,  
10 where are you? Is that right? Yes, by 6 o'clock  
11 which is 31 minutes from now. So that will be  
12 very helpful.

13 And lastly, we will reconvene tomorrow  
14 at 8:30. It's a short time together tomorrow.  
15 Just 8:30 to 11:30, so if you can arrange for  
16 late check-in so we don't lose people for a long  
17 time at the break that would be good or just come  
18 down with your luggage and we'll be starting at  
19 8:30 sharp with the update on offshore winds.  
20 We've heard about that a bit already, and we'll  
21 hear about it more tomorrow.

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1 (Whereupon, the above-entitled matter  
2 went off the record at 5:31 p.m.)  
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