

NWX-DOC CONFERENCING

**January 9, 2013
12:00 pm CT**

Coordinator: Thank you for standing by. At this time all lines are in a listen-only mode. After the presentation we will conduct a question and answer session. Today's conference is being recorded. If you have any objections you may disconnect at this time. I would now like to turn the meeting over to your host Peter Cooper.

Peter Cooper: Hi everybody. I'm (Pete Cooper) with NOAA Fisheries Highly Migratory Species Management Division and thanks for calling in to discuss draft amendment 5 to the 2006 consolidated HMS FMP.

For folks that are just on the phone and want to access the webinar you can find information about it on our website. I've got a shortened link for it and you just type into your browser, go, g-o.usa.gov, g-o-v and then slash 43b, Bravo, 3.

And that will get you to the amendment 5 web page and you can click on Public Hearings and figure out how to access the webinar or you can actually just click onto the presentation that we're going to go over on the webinar here. And I'm just going to start up the slide show now.

And just to mention that this is a draft amendment so at this time we've got a number of proposed measures for establishing tacks, quotas, and rebuilding certain shark species. But we are definitely looking for comments on these measures and maybe other ways to approach some of the challenging problems that we have here in this amendment.

So I'm going to start by going through just the timeline that we're on. We have two years under (Magnusson) to implement management measures once the overfished or overfishing status has been determined. And back in April of 2011 that was done for Scalloped Hammerhead sharks.

Over that time we have done scoping and a pre-draft for amendment 5 and there has been additional status determinations for Sandbar, Dusky, and Blacknose sharks as well as Gulf of Mexico Blacktip sharks.

This proposed rule came out in November and yesterday we had a HMS advisory panel meeting to discuss the draft. The presentation you see here is very similar to the one that was presented at the AP. And we're looking to have a final rule completed in March and then with measures effective in April to meet that two year requirement.

So the next slide is just a table of the different stock assessments and proposed actions that we're working with here. We have three new stocks of sharks. We have Scalloped Hammerheads, Atlantic Blacknose, and Gulf of Mexico Blacknose. There is also assessments been done for Dusky Sandbar and Gulf of Mexico Blacktip.

We have three stocks that are overfished with overfishing occurring -- that's Scalloped Hammerhead, Dusky, and Blacknose. The Blacknose, Blacknose in the Atlantic. The Blacknose in the Gulf of Mexico because of problems with

model fit of some of the data during the stock assessment, that assessment got rejected and so we have unknown statuses for both if it's overfished and overfishing condition.

Sandbar shark, the stock assessment showed that it's still overfished but had an improvement in its overfishing status. And so overfishing is no longer occurring on Sandbar sharks. And for Gulf of Mexico Blacktips that stock assessment came back positive with no overfishing occurring and not being overfished.

So in the draft amendment there is specific approaches from because we have a bunch of different stock statuses and a number of different sharks on how to establish tacks and quotas and rebuild the stocks that need to be rebuilt. So new quotas are for the Hammerhead, Blacknose, Blacktip, and then because we're moving towards more individual species quotas and management there would be adjustments to the large coastal shark and small coastal shark complexes.

On the recreational measures in this draft amendment we cover all species. And for Sandbar and Dusky many of the alternatives for time area closures are specific to Dusky sharks.

And just to talk about the Dusky shark proposed measures real quick here. Dusky sharks have been prohibited from commercial and recreation retention since 2000 but we're still seeing that they're overfished and experiencing overfishing.

The results of the stock assessment recommended approximate 2/3 reduction in fishing mortality so the proposed measures aim to reset 2/3 reduction by

fisheries that interact with Dusky sharks with pelagic long line, bottom long line, and recreational fishing - fisheries.

And the next slide just shows ideas from the numbers that we see from the data and we looked at the years 2008 through 2010. And you had amendment 2 which changed a lot of the directed shark fishery regulations that were implemented in 2008 so we looked moving forward from there. And then for the three year total and the three year reduction target of 62% which was recommended by the stock assessment.

And we'll see this table again when we get into the specific Dusky shark standalone measures. But the measures for establishing tacks and quotas and recreational changes are included in alternative suites because of the kind of interplay between the different stocks and they're kind of all interrelated.

So a quick recap of the shark management and tacks and quotas. Most of our line of sharks are grouped in the complexes for management purposes. But as we're getting these individual species stock assessments we're starting to pull out some of the individual species and managing on a stock-by-stock basis, species-by-species basis.

Currently Sandbar and Blacknose are managed individually and they're not included in the large coastal shark and small coastal sharks for their total (unintelligible) catch and quota purposes. And here's just two boxes show the list of what is currently in the large coastal shark quota and the small coastal shark commercial quota.

So our range of alternative suites include the no action alternative. That alternative will keep the current large coastal and small coastal shark complex structure and recurring quota linkages between Blacknose and non-Blacknose

small coastal sharks. The quotas would be similar to previous years. The other commercial and recreational regulations would be the same. But this alternative does not address recent stock assessment results and does not contribute to rebuilding of stocks that need to be rebuilt.

Alternative suite A5 would close all shark fisheries in Atlantic, Gulf of Mexico, and Caribbean. That would reach the rebuilding goals for those certain species albeit at a high socioeconomic cost where we believe that other alternative suites contained within this amendment would be able to reach those rebuilding goals with less of a socioeconomic impact.

So getting into the preferred alternative which is alternative suite A2, that alternative removes the Hammerhead complex and that would include the Great, Smooth, and Scalloped Hammerhead kind of lumped together from the large coastal shark complex.

It would establish regional tacks and quotas. The stock assessment for Hammerhead - for Scalloped Hammerhead sharks gave us a tack that would cover the Atlantic and Gulf of Mexico but currently our large coastal shark complex is split between the Gulf of Mexico and Atlantic. And so the Hammerhead complex for tack and quota would be split regionally to establish quota linkages and I'll get into all of that in a few slides.

The alternative suite also removes Gulf of Mexico Blacktip sharks from the Gulf of Mexico large coastal shark complex and establishes a separate tack and quota for that.

There would be regional tack and quotas for Blacknose sharks and also several quota linkages that I referred to just a second ago. And there are multiple recreational measures. There is an increase in the minimum size

requirements from the current 54 inches to 96 inches (fork) length and that's specifically targeted at the Dusky shark rebuilding.

There would also be required reporting for Hammerhead sharks in the HMS non-tournament reporting system. And then additional outreach regarding Dusky shark identification and the current prohibition to recreational anglers.

So there's a few slides taking a look at the current quotas and landings and what the proposed quotas would be. Here is one in table form and we've got a couple of graphs coming up.

And kind of the take away from this is that there wouldn't be a huge change in what is being currently landed and the proposed new quotas. The impact from this alternative suite may come from the quota linkages which would close - which would have - occur when one tack or quota is reached and would close other quotas which have - were still open.

But Scalloped Hammerhead sharks or the Hammerhead shark complex would be split according to average landings, percentages that we've seen in the Atlantic and Gulf of Mexico and similar calculations were made for the new aggregated large coastal shark complex. And that would include everything that's left over once you pull out Hammerheads and Blacktips in the Gulf of Mexico.

The Atlantic Blacknose quota was taken directly from stock assessment recommendation. But the Blacknose in the Gulf of Mexico since it was unknown was created the proposed quota from average landings from 2008 to '10 and excluding - or 2008 to '11, excuse me, but excluding years where there were closures especially due to the BP oil spill in the Gulf.

And the large reduction that you see kind of in the aggregated, the large coastal shark in the Gulf of Mexico, that negative 64% is kind of made up with Blacktip proposed quota. So that's what comes out with Blacktip so it all kind of evens out.

And you can see it in the next slide on the bar graph that basically the 2013 quotas in the Gulf of Mexico and the Atlantic line up to be about the same as what the proposed quotas would be. And the same is true for the small coastal shark fisheries.

One thing that would occur to make quota linkages work for small coastal sharks is we would need to split the non-Blacknose small coastal shark quota between the Gulf of Mexico and the Atlantic. Right now it's one quota for all regions. And the split would be based entirely for quota linkage purposes, not for any sort of rebuilding purposes of non-Blacknose small coastal sharks.

So the split right now that is proposed is based on average landings percentages but there would be a provision written in that quota would be transferrable between the two regions so that the non-Blacknose small coastal shark quota would not be the limiting factor as far as shutting down the Blacknose quota.

So getting into the proposed quota linkages, quota linkages are applied to quotas for sharks that are generally caught together. And when one quota closes so does the other quotas to prevent overfishing from by-catch for the closed quota species. Currently we have that with Blacknose and non-Blacknose small coastal sharks.

The proposed quota linkages would be between aggregated large coastal, Hammerhead, and Blacktip shark, and also the small coastal and Blacknose.

Here's just a couple of diagrams to describe what's currently going on and what the proposed measures would bring.

The - for large coastal sharks we have the two regional large coastal shark quotas and then with the quota linkages in the Gulf of Mexico we pull out Gulf of Mexico Blacktip and Gulf of Mexico Hammerhead so you kind of have three quotas that were linked together.

And then in the Atlantic because Blacktip would remain in the Atlantic aggregated large coastal shark quota we would only pull out the Hammerhead you would have that linkage between Hammerhead and the aggregated LCS quota.

In the small - for small coastal sharks currently you have Blacknose connected directly with non-Blacknose, small coastals. It would be the same but it would occur in both regions. And we would have that transferability of the non-Blacknose small coastal shark quota between regions and they would have that direct link regionally.

So that's kind of the tacks and quotas and quota linkages. And the last component of the alternative suites are recreational measures. And just a quick recap from the recreational management history.

It has been mainly by retention limits rather than by shark complex quotas. They were set up by complex prior to '99 FMP but with no minimum size and five prohibited species.

Once the '99 FMP went into effect it changed to one shark per vessel per trip, kind of simplifies regulations. There was a minimum size set at 54 inches. There is an exemption to that minimum size, sharp nosed shark. And Dusky

and other sharks were prohibited from retention. Then once that '99 FMP and 2004 kept that same size and retention limit but added a similar exemption to add Hammerhead sharks to the minimum size.

And then amendment 2 to the 2006 FMP and 2008 kept that trip limit of one shark per vessel per trip but changed what could be retained to only non-ridgeback large coastal sharks excluding the Tiger shark, small coastal sharks and pelagic sharks.

The minimum size continued. So that led to a prohibition of Sandbar and Silky sharks in the recreational fishery. So over time these changes have been mainly based on IV and it has been reflected in these regulations.

So the preferred alternative in alternative suite A2 would be an increase in the minimum size from 54 inches to 96 inches based on size and maturity of Dusky sharks. And which is 93 inches but round it to 8 feet just for easier enforcement purposes.

The mandatory reporting of all Hammerhead sharks that would be landed recreationally through the (MIFS) non-tournament reporting system is also part of this alternative as based on recommendations from an (MRIP) for higher pilot study to gain a little bit more information about what is being landed recreationally.

And then the suite would also have additional outreach to anglers regarding the identification and prohibition of Dusky sharks because we're still seeing in the data that they are being landed and also hearing that this could be a result of misidentification issues to other sharks that look similar.

So getting into a couple of the other alternative suites, I have it here kind of listed out and a table coming up. But alternative suite A3 would continue to have that single Hammerhead complex quota but for all three species, Great, Smooth, and Scalloped, but it would cover all areas, it wouldn't be regional. And since there would be no regional split in this alternative there would be no quota linkages.

They would have same quota calculations for aggregated LCS and the alternatives within each suite that are the same as the preferred alternative are marked with an asterisk here.

The Blacktip quota would be set at 30% above current landings. The stock assessment result recommended are stated that current Blacktip shark landings would be sustainable I think running over the next 30 years.

Projections will run outside of the assessment that were not peer reviewed in the (SEDAR) process and have a high degree of uncertainty associated with them. But they indicated that we might be able to go above that current landing level.

So here we're going with 30% above current landings. And the recreational measures would include a new minimum size on Hammerhead then additional outreach especially Dusky outreach.

Alternative suite 4 would have regional Hammerhead quotas but it would only be Scalloped Hammerhead, it wouldn't include Great and Smooth. On the aggregated LCS quotas would be based on the highest one year landings from 2008 to '10. It would use the high Blacktip quota based on the projections. And this one would include quota linkages as well as specific recreational shark quotas and additional outreach as well.

So here is the table that has that sort of information with some of the numbers plugged in of what the increases or changes would be. So it's another way to refer and kind of compare the preferred alternative which is suite A2 to the other suites when we get into the discussion on these different suites.

Right now we have everything connected together but if there's one management measure that you like in one of the suites and combined with management measures in the other suite, we'll definitely take comment on it and we can use that sort of looking at mixing and matching as an alternative in the suites.

So that wraps up the tacks, quotas, and recreational measures. So now let's move on to the pelagic long line and guide long line effort control alternatives and these are the ones that are targeted at rebuilding Dusky sharks.

And getting back to this table that we saw earlier in the presentation, looking at some of the data that we have on Dusky shark interactions and harvests and so it's logical why we would look at log book interactions, bottom long line observer interactions and recreational that is - and surveys that gives us a harvest estimate.

And so these numbers are just kind of a guide to a reduction target. We took them, summed them into three year total, and then applied that 62% reduction to get that kind of target number. But we're dealing with a percent reduction in fishing mortality of 62%. So that's what we're kind of working towards in each one of these fisheries.

And so this slide just kind of shows where the targeted measures for Dusky sharks are contained within the draft amendment. We covered the recreational

measures and those were in the tacks, quotas, and recreational suite. And this next set of proposed standalone alternatives are focused at getting that reduction commercial bottom long line and pelagic long line fishery.

And the goal is to add up the reduction in shark mortality - Dusky shark mortality between the three, you have, you know, approximately 2/3 reduction in Dusky shark fishing mortality.

So the data that is used in the draft environmental impact statement to analyze these effort control analysis were a little different for each one depending on what sort of data we had available.

The pelagic long line looked at HMS log book data in 2008 to 2010. This data is a census of the entire PLL fishery so it's all the sets that occurred over that time period and their self reported interactions.

Bottom long line is bottom only shark observer program data for 2008 and 2010. We don't have kind of that self reported census data but for bottom long line but we do have observed interactions. And at the census of the shark research fishery, everybody that takes a shark research fishery trip has to have an observer on board. That data is a subset of the entire fishery (unintelligible).

The recreational data is a combination of the (Murffs) survey and (Headbone) and Texas Parks and Wildlife recreational fishing survey for those same years. This gives us a look at recreational fishing activities from Maine to Texas but it's not a census. The results here are extrapolated. There's limited locality information associated with the results and they're not specifically designed for rare event species shark HMS type.

So getting in to standalone alternatives, alternative B1 is the no action alternative, maintaining existing time area closures. That would not address Dusky shark rebuilding so it's not preferred at this time.

Alternative B7 would address Dusky shark rebuilding by prohibiting the use of pelagic and bottom long line gear in Atlantic HMS fisheries would be at a high socioeconomic cost whereas we think some of the other alternatives contained will be able to reach those rebuilding goals more efficiently.

Alternative B2 would be to extend the timing of the (Charleston Bump) pelagic long line closure through May 31 of each year. Currently it is closed from February 1 to April 30. This would be a one month extension. This would reduce Dusky shark interactions by 214 but it would not get all the way to the 2/3 reduction we're looking for Dusky sharks.

So the preferred alternative B3 would be to establish additional pelagic long line time area closures based on Dusky shark interaction hot spots. And these next slides go into how we're identifying some of these hot spots.

So the map on the top left shows all of the different pelagic long line sets reported in the HMS log book from 2008 to 2010. So we looked at all that data and then grouped all of the Dusky shark interactions in grid cells to determine where the interactions were taking place. And the map on the right hand side of the screen shows where those interactions were taking place by one by one degree grid cells.

And then we drilled down to try to find the smallest closure areas in space and time to avoid Dusky shark interactions and get to that 2/3 reduction. And we would be closing certain areas and looking at where that fishing effort would go we did a redistribution analysis and considered different economic data just

to kind of get an idea of okay well if fishing can't take place here, where would it take place. And looked at stuff like average set revenue that's reported in a log book which a map of that is seen in the lower left hand corner there.

Just to touch on how we're using interactions to estimate fishing mortality reductions. Because Dusky sharks are prohibited we don't have any landing data in the commercial fisheries because they're not supposed to be landed. The proposed standalone measures that are included in the draft amendment here don't reduce (unintelligible) or post-release mortality of Dusky sharks in commercial fisheries.

We took a look at some alternatives in the pre-draft and they were more specifically targeted for bottom long line. But we didn't propose them in the draft due to a number of comments we heard on safety at sea and enforcement concerns and other comments we received in the pre-draft and that identified additional ways to decrease (unintelligible) post-release mortality of Dusky sharks in commercial fisheries.

Therefore the proposal approach that we have here is to reduce Dusky shark interactions by $\frac{2}{3}$ in order to reduce that fishing mortality on Dusky sharks by $\frac{2}{3}$.

In turn looking at interactions we could use that to establish a by-catch cap for some of these hot spot areas and that's analyzing alternative B4 and I will talk about that in a few slides as well.

So just to discuss the resolution of the hot spot analysis we did. On the previous slide you saw things, interactions put into one by one degree squares

and kind of on a large scale. We wanted to, you know, get these hot spot closures as small as possible while still getting these Dusky shark reductions.

So we looked at the data on a more fine scale area in GIS and by 10 minute by 10 minute squares. What you see in the draft EIF is on the maps on a course scale just because of confidentiality concerns with some of the data. But we were looking into options to display that data on a finer scale and when we do we'll - if when we get past those confidentiality concerns we'll release that data, let everybody see it.

So just talking about the redistribution of effort analysis, so we looked at those hot spots where the Dusky shark interactions were occurring. And then we looked at the CPUE for the number of fish that were caught times the number of hooks in that area. And we looked at that not only for Dusky sharks but for target species such as Swordfish and Yellow Fin Tuna, also other sharks, and other protected species.

And we also looked at that CPUE and redistribution areas where we think that the effort would go up after these hot spots were closed and applied the CPUE to the number of hooks that were fished in the hot spots to see what the change in catch would be between all of these species. And there's a number of tables in EIS appendix that calculate all of these numbers.

And so exactly where we have redistributed this effort going from north to south, Southern Georgia's Bank closure area, hot spot closure. We moved the effort into the broader NEC statistical area for the Mid-Atlantic sites (unintelligible) outer shell, we moved that effort into that larger Mid-Atlantic Plate statistical area.

And for the two (Charleston Bump) hot spot closures we didn't take them out into the entire South Atlantic bite area but kept them within that current (Charleston Bump) closure area and then analyzed those redistribution effects and the economic impacts associated with them.

So here is a map of the proposed hot spot closures and the dates that they would be closed. In the (Charleston Bump) you have two hot spot closures, the larger one in May and the smaller one in November. And Hatteras Shelf you have a hot spot closure area that is mainly contained within the Cape Hatteras special research area and that closure would occur in May, June, and November.

The Mid-Atlantic bite canyon hot spot closures, there's three of them. They all would be closed in October and the Southern Georgia's Bank hot spot closure would occur in July and August.

And the next slide shows the results of the redistribution analysis. What we found was a total economic impact of a little over \$385,000 over a three year period and a reduction of Dusky shark interactions of 854 over that three year period. And that is a percent reduction of 49%. So with all these different closures we still don't quite get to that 2/3 reduction we're looking for.

Alternative B4 by-catch caps kind of piggybacks on the hot spot idea and would allow pelagic long line fishing to continue in the hot spot areas until a limited number of Dusky shark interactions would be reached.

The by-catch caps for each hot spot would be set at 10% of redistributed interactions from 2008 to 2010 for a three year period. So if one of the closures is closed in say May of every year, that would be that three year period of May of those years that we're looking at.

Fishing in those hot spot areas would have to be observed and observed interactions would count against the cap. Once the cap for the area is reached it would close for that remainder of the three year period. So if the cap is reached in year two the area would be closed in year three and the area would reopen in year four which would be kind of the first year of another three year period.

And we're requesting specific public comments on how to administer a by-catch cap program for Dusky sharks. While we're not anticipating an increase in funding for the observer program how would we get these areas observed.

Would it be through a current observer selection, if you're selected for a certain statistical area and that hot spot is occurring during that time period, would that vessel have access to that area. Would it be an industry funded program, would it be electronic monitoring, those sorts of ideas.

Moving on to alternative B5, this is another one of our preferred standalone alternatives. It would be modifying the dates of the Mid-Atlantic shark bottom long line closure. Currently the Atlantic States Marine Fisheries Shark Nursery closure ends on July 15 while the Mid-Atlantic shark closure ends on July 31.

Some of the ideas, we've heard comments from North Carolina feels like it is disadvantaged that those dates don't line up and contrary to national standard 4. So this proposed change would shift the closure dates to July 15 then move the January 1 start time back to December 15 to try to maintain conservation measures but also address those equity concerns for those two closures opening dates.

Alternative B6 is another preferred alternative to get at reducing interactions in the bottom long line shark fishery with Dusky's. And it would modify the research fishery, shark research fishery to minimize those interactions and take advantage of the operational flexibility that we have with the shark research fishery currently to limit soak time or number of hooks set, restricting different fishing areas to avoid Dusky sharks and reducing effort if necessary.

So that covers the presentation here as far as the different alternatives that are contained within the draft amendment. The specific request for public comments that we have are how we're going to monitor the by-catch caps. The main aggregated LCS, are other options that are more appropriate or more descriptive of these new groups of large coastal sharks.

Different approaches of reducing Dusky shark fishing mortality and recreational fishery. How can we improve angler identification awareness and other approached to reduce Dusky shark mortality in the recreational fishery.

And then also looking at stowing long line gear to transit closed areas preferring a number of hot spot closures. There are concerns about, you know, safety at sea, conditional economic burden, accessing fishing grounds, having to navigate around these different closure areas. (Unintelligible), hooks, buoys are removed from the mainline drum is stowed, should this allow transit of those closed areas for long line gear.

And just a heads up on some of the other shark actions that are currently taking place. There have been a number of petitions to list sharks on the Endangered Species Act, Scalloped Hammerhead was petitioned in August 2011 and the status review for that should be released in the next month or two.

White Sharks were petitioned but that was just a Northeastern Pacific so it doesn't really affect the Atlantic or Gulf of Mexico. And we have a few new ones, Dusky in November and Great Hammerhead and whale in December.

The shark season rule came out and the commercial fishery opened January 1 but (unintelligible) was closed for 2013 due to overages in the previous year. And then there is some upcoming (SEDAR) stock assessment as well. 2013 Atlantic Sharp Nose and Hammerhead are on schedule and 2014 Fine Tooth and (Smooth Hounds) are up.

The next slide is just a list of our public hearing schedule. This - today is our first conference call webinar. There is going to be another one in February as well and then there's a number of public hearings in Florida, Louisiana, New Jersey, North Carolina, Massachusetts, Maryland, and Texas coming up.

Our public comment period ends on February 12. You can submit comments online through regulations.gov and we'll also take your comments via fax or mail. You can access our website for more information. If you have additional questions feel free to email me or give off this call.

So that wraps up what I have for the presentation. We can now open it up for questions and comments.

Coordinator: Thank you. To ask a question or for a comment press Star 1. The system will prompt you to record your name. Once again for a question or comment press Star 1. One moment please. For a question or comment press Star 1. I have no questions or comments at this time.

Peter Cooper: Okay I guess there's one last chance here. We'll wait a second. No questions now, feel free to get any questions or comments to us before our comment period closes.

Coordinator: And I do have some questions coming through, one moment. (Katherine Kilduff) your line is open.

(Katherine Kilduff): Hi, I'm with the Centers of Biological Diversity and I was curious about the pelagic long line data, that it was also reported interactions. And I thought there was increased observer coverage of that fishery and I was wondering why there was no observer data.

Peter Cooper: In the EIS we have maps of observer data to kind of see how it lines up with the HMS log book data and the self reported data. We went with the analysis of the HMS log book data because we have a census of the entire fishery whereas the observer data covers about 8% of the fishery.

So in order to get that kind of locality information to determine where we could possibly put these hot spots closures, that's why we went with the more specific point data for the redistribution analysis.

(Katherine Kilduff): Thanks.

Coordinator: To ask a question or for a comment press Star 1. (Russell Hudson), your line is open.

(Russell Hudson): Hello.

Peter Cooper: Hey (Rusty).

(Russell Hudson): Hey Peter. This is Peter, right?

Peter Cooper: It is, it is. We've got a bunch of our crew here as well.

(Russell Hudson): Yes, of course this is the first time I've had to do a webinar between looking at one computer and then having to have a telephone conference call going with you at the same time. Usually the way we work it on a council level, we're able to just type in a question and get an answer right there in the little box that goes with the webinar and then they can open up a microphone to those people. But maybe y'all can do that on a future date.

This stuff with the requests for listings, I see August 21 Scalloped Hammerhead. They haven't completed the 90 day finding yet on that?

Peter Cooper: Yes the 90 day finding.

Margo: For Scalloped Hammerhead was November. It's coming out soon.

Karyl: The 90 day finding for Scalloped Hammerhead was positive (Rusty). We're in the status review phase right now.

(Russell Hudson): Okay I'm sorry, I guess I, you know, had so much on my plate I haven't been paying attention to that as much. But also I see the requests for the Greater Hammerhead listing on December 2012 and so I have to take a look at that and the Whale Shark, you know, some of those issues we don't have a problem with because like Whale Shark, we supported those first five prohibited species way back in '97.

One of the things that I started thinking about when we started talking about that interdorsal ridge issue, Dusky has got a real low ridge, Sandbar has got a

narrow ridge, but the orientation of the dorsal fin, Sandbar is over the pectorals whereas the Dusky dorsal orients behind the pectorals.

This would be a simple outreach because I think with the recreational component you have only let's see, a take of Tiger shark that's a ridgeback. The Big Nose is closed, the Silky is closed, the Sandbar is closed, the Dusky is closed, all to recreational, correct?

Peter Cooper: Correct.

(Russell Hudson): And I would have to go and ponder some of the other stuff but I have like including (Trey Driggers) stuff, (Eric Sanders) stuff, a couple of other sources on looking at the animals and comparing them just like with the three Hammerheads.

I told you and I've tried to emphasize Great Hammerhead has a (falcate) fin, a curved fin on the pectorals whereas when you look at the Smooth Hammerhead and the Scalloped Hammerhead, both pectorals have a straight edge. And there is a size difference that, you know, I tried to point out yesterday on the maturity.

But when we're dealing with the heads, all three heads, I believe some people use that as a way to validate the difference between a Smooth which is a fairly rare animal as a schooling shark up our ways compared to the Scalloped Hammerhead which is the most frequently caught and/or interacted with animal both from the beach right on offshore. And the Greater Hammerhead of course, its size maturity is much larger than that 78 y'all were talking about.

So I'm trying to figure a way that you can educate the recreational, avoid the non-ridgebacks, you know, the Spinners, the Dusky, I'm sorry, the Spinners, the Blacktips, the - a few other animals there that don't have an interdorsal ridge that, you know, are still allowed to be caught, Bull Sharks, (Lemons), whatever.

You need to just keep those open. Do not even dream of putting them under the 96 inch. But because you only have the Tiger shark and if somebody wants a trophy fish Tiger shark in the recreational tournament stuff, stuff like that, then perhaps, you know, some of that might fit.

It's just my mind is trying to get around what you're trying to do. And where we have the December 15, July 15 Atlantic States Marine Fisheries Commission area of closure and y'all want to go to that and get away from the July 31, I'm supportive of that.

But my question is you know there is some area, (hopsy) area that is north of North Carolina up through Virginia that should be considered in like an expanded (hopsy) whether it's, you know, fits into that December 15, July 15 but you've got Dusky's up through there.

And because when you look at the Delaware survey stuff that, you know, a lot of people have been pointing at, you'll see a large variety of, I mean, a lot of immatures. And then when you look at the tagging stuff I brought up from (SEDAR) 21 for Dusky, you see the nearly 8000 tags, most of them off the Mid-Atlantic and stuff like that, you'll see mostly immatures that were tagged.

But you only have a handful, 100 and something animals but you do have sizes that on the recaptures. And some of those definitely showed up in the Gulf and down in Mexico and as far south as Panama, the country. And we

need to be able to see the range of that because that is extremely highly migratory to make it all the way down there. And only a 2.1% return rate is fairly low in my opinion. But again, 8000 versus 100 and some odd.

So we're not going to have any more stab at doing any more revisions to the DIS, anything that occurs that we'll see in the future will only be a final, is that correct?

Peter Cooper: The measure - any changes would have to be a logical outgrowth of what comes...

(Russell Hudson): Whatever comes out of the comments. Well I'm looking at your timeline at the opening slide and you have an April effective date or implementation or publish the final, whatever rule. That correlates with that review workshop. And I look at the Dusky shark final report and it's what, dated August or September 2011?

So I'm just looking at the fact that you could probably work our way through amendment 5 and have further discussion at the May meeting unless that's not on the - in the cards.

Peter Cooper: That's something that we can consider.

(Russell Hudson): Okay, I just wanted to throw that out there. And I missed it yesterday but (Bob Uter) made a comment about 100 mature females additional and I didn't quite understand the context because I had to, you know, go down the hall. What do you think - what exactly does that mean? I mean, there's only X amount of pups in a female and it only has whatever reproductive frequency. I mean, I know of people that historically would have 100 animals on long line that most of them might be females.

Peter Cooper: I don't want to speak for (Bob) specifically but what I took from it was that he was saying that the stock has been severely depleted since kind of the 70s and that sort of thing and we were talking about a species where 100 mature females would be important.

(Russell Hudson): Back to that, 50% of all the large coastals were wiped out by the recreational component during the 70s when the Jaws movie came out? Because we didn't have a directed shark fishery.

Margo: Yes (Rusty) we can't talk about (Bob)'s comments. I mean, that...

(Russell Hudson): Okay well let's just talk about the idea that it is depleted.

Margo: But we will have a transcript available.

(Russell Hudson): That's the assumption that was made. We're seeing frequency of catch per unit of effort, and I'm not sure how that fits in there but that's an important feature. You see it with your independent as (Bonnie Connally) calls it the gold standard of, you know, going out and sampling. You have just this huge increase in CPUE. Does that matter or not?

Peter Cooper: Increase of the, I mean.

(Russell Hudson): Of the Dusky catch.

Peter Cooper: Well any of the, I mean, the data that is used in the assessment was yes based on CPUE indexes and so that was what we had that was applied. So if there was increases in CPUE that was included in the assessment.

(Russell Hudson): Well okay, I just, you know, because some of those numbers were 2012 numbers and stuff, the 500 and something, you know, per 10,000 hook hours, stuff like that.

Peter Cooper: Yes and the assessment was done before that so that wasn't incorporated.

(Russell Hudson): That is exactly what I'm saying. And when we go back and of course updates are spread out across however many years, you know, I'm just having a difficult time when I know that we're having quite an expansion of this Dusky immature population in its range, in its frequency of interaction. That's something that's important.

And I mentioned the hierarchical analysis of (Paul Conn), the same guy that did the catch free model for, you know, he inherited that I guess from (Monreich). But you know that hierarchical showed that we have gotten a benefit from all the closures that might not be getting measured or understood correctly in the catch free model that the reviewers sort of rubber stamped. I shouldn't say rubber stamped but they may not have understood Dusky. That's the feeling I come away with.

So I like some - a lot of the reviewers and the process of having a peer review but sometimes I feel that them not being familiar with the animal and may be just more to the idea of the modeling is problematic. So that's just something on hindsight of nearly 30 (SEDARS) that I've had to study now.

But anyway, I'm going to let you go on this. I'm trying to put together a comprehensive comment. I may include using some of the comparisons of the shark photographs so that, you know, y'all can do an outreach to this recreational component.

I just really don't think you need to go with taking away all of their Blacktips and Spinners and stuff like that. It just doesn't seem like the proper solution. So I just wanted to share those thoughts with you and we'll talk to you later on.

Peter Cooper: Great, thanks (Rusty).

(Russell Hudson): Okay.

Coordinator: For a question or a comment press Star 1. (Katherine Kilduff) your line is open.

(Katherine Kilduff): Hi, I had a follow-up question about the log book data for pelagic long line. I was curious, could you tell me more about if you spot checked it against the observer data and how confident you are in the self reporting?

And it's especially relevant since you're asking about how to monitor for potential closure by-catch cap. I'm just curious about what the statistical certainty or confidence is around your hot spot data.

Peter Cooper: Well I don't - we didn't go through an entire scrub of comparing specific self reported sets to the specific observer program data. This information is reported to us through the industry so we were taking it as - for what it is. Do you have anything to add to that (Margo)?

(Margo): Yes there have been reviews of log book data to observer data in the past and I think we presume that the results of those kinds of comparisons are still true, that they are, you know, often there is some variability between what observers are reporting and what the log books show. But it's not statistically

significant in any direction meaning that the variability appears to not have a statistically significant impact on the conclusions.

For the redistribution analysis we wanted to have complete coverage so a census of the fishing efforts and that was only available in the log book database and so that's why we used that information.

We used the observer information in other ways as it was appropriate for mortality and things of that nature where only the observer data would have that information.

(Katherine Kilduff): Okay thanks.

Coordinator: To ask a question or for a comment press Star 1.

Karyl: It looks like (Terri Beideman) is on the line and trying to get in but for some reason her Star 1 is not working.

Coordinator: I'll open her line. (Terri) your line is open.

(Terri Beideman): Thank you. I've been pushing. Everybody has been beating me to the punch. So yes this is (Terri Beideman), the Water Fisherman's Association. And though I have many remarks I will also be providing much of it in written form or at the hearings.

But I did have a couple of questions as you were proceeding through the presentation Peter. And on slide - page 34 if you could.

Peter Cooper: Yes let me flip to that.

(Terri Beideman): Okay. Now we didn't really spend a lot of time on the by-catch caps at the meeting yesterday anyway. But I'm curious exactly why it would be that the caps for each hot spot area would be set at 10% of the redistributed interactions, okay, so I'm looking, you know, in the EIF on page 4-90 and I see the change in interactions.

So 10% for your cap would be, you know, in one place 10%, all right so assuming - this is what you're expecting that you're going to have less than let's say for instance Alternative B, 3B, there is 11 sharks that are going to be reduced so that means that you anticipate 4 a year in that area.

So that 10% of four, when that were achieved, that area would be closed for the whole three year period, not even four? I mean, with tenths of a percent? I'm not understanding. I'm guessing.

Peter Cooper: It would be 10% of that total. So that 11 sharks that you're referring to the Hatteras closed area I think in May. So that's, you know, once we did the redistribution analysis it was a reduction in 11 Dusky sharks in that area. So it would be a set of 10% of that which is, you know, one Dusky shark.

And some of the comments we heard is that, you know, we don't see Dusky sharks in these areas, we're not interacting with them. We can, you know, not have an impact, that sort of thing.

So having a by-catch cap unit that's really low at, you know, 10%, would allow vessels to go into those areas and fish and if they can avoid Dusky's they would still have access to the areas.

We have kept it at 10% because if you look at the previous slide that has all the areas and the reduction in interactions, we're still getting to reductions in

interactions of 49% so we're not reaching our 62% goal. So that would be 10% estimated 10% further away from that goal by having the by catch cap alternative in place as well.

So it's allowing access so that good fishing in those areas and if, you know, Dusky's can be avoided in those areas either through, you know, different fishing methods or just fishing within certain spots in those areas, then it could continue under a by-catch cap alternative.

(Terri Beideman): Okay, I was just curious why it was set up at 10%. I have another question, I guess it kind of alludes to some of the questions that (Rusty) had about these other petitions and the very real likelihood, most of these are prohibited.

I don't know to what extent these species have assessments but of course similar to the Dusky we're dealing with - you're looking at data in that assessment that was before 2009. And then the report finally chugged out actually as he reported in August I believe so of 2011.

So I think our clocks should have been when that status determination was made which was the final. So I also think that gives a little extra time to work on a better solution than destroying the livelihoods of so many people.

And I recognize that you have gone to some length to try to make them discreet but if the state decides to build a highway and it's your house that they decide that they have to have, it becomes very important to you even if it's maybe not so important to others. So that's kind of where we're at on that.

So I wondered if you had taken a look at or considered even since 2009 our fairly significant reduction in effort in the pelagic long line fleet and considered that at all in your assessment about staying with, you know, 60, 2/3

reduction, how much reduction have we made already in terms of effort that was not calculated into that number that was needed to end overfishing. So I think that's kind of important.

One of the other things I would like to ask is presuming this rule whenever it goes forward, it would apply to pelagic long line gear who hold HMS permits?

Peter Cooper: Correct.

(Terri Beideman): It would not apply to pelagic long line gear who do not?

Peter Cooper: Yes.

(Terri Beideman): So do we have any idea what their interaction rate with Dusky sharks or anything else for that matter is? Because we do have fisherman who are using pelagic long line gear and not to pick on them, you know, but they're allowed to fish, they have different rules, they don't have to use circle hooks, they are fishing in areas, you know, sometimes they're closed when we're closed but not always.

And if this rule goes forward as you said, and it won't apply to them because they don't have HMS permits but they are using pelagic long line gear and they are catching I'm pretty sure a pretty decent range of pelagic long line species. Would that affect them? Have you been working with the South Atlantic Council or the Gulf Council for that matter in certain cases?

I believe the reef fishery, bottom fishery has some interaction with Dusky sharks. I'm just saying there's other fisheries out there, it looks like pelagic

long line, bottom long line, and the recreational sector are being asked to shoulder the whole burden.

Peter Cooper: And I don't believe the assessment incorporated data from - specifically from those fisheries.

Karyl: It includes the bottom long line and the pelagic long line. So it would have included those landings but we did hear you yesterday when you brought this up and we will go back and look at it. And if there are significant interactions then we will go back to the councils.

(Terri Beideman): Well I would argue that maybe some of our interactions wouldn't be on the scale of what you would call significant. But anyway, what I also wanted to point out is despite our reduction in effort which, you know, if you look at just hooks for pelagic long line is pretty significant even just from 2009. That, you know, the catch index, the CPUE on the surveys are going up. And you're showing our interactions going up with fewer hooks.

And, you know, when you can't as you so correctly pointed out in the EIS, you know, to do with Blue Fin Tuna that you can't account for it just on the basis of effort. And so I would say the logical conclusion is that there is an increase in abundance and that's why you're seeing it more interaction.

And I'll just raise again the issue I'm very concerned about as we tick through these other species here, Scalloped Hammerhead, Greater Hammerheads, Whales, all of these being, you know, prohibited species for quite some time that we're going to get wrapped around the axle again with this no - not having any data and having to base it on pretty not so good data.

And, you know, these are livelihoods. These are communities. And the truth is, you know, we are not going to be able to do it all by ourselves with these stocks whether, you know, they cross the ocean or they just slide up and down the coast. We share these stocks with other countries. We do everything we can do. We can't even possess them for 12 years and accidentally people misidentify.

And I'm going to say in the pelagic long line log books you're going to see some misidentification. You're also going to see errors in data entry. The numbers we're talking about are not huge, they're really not. You had to combine three years to even make it look like anything.

So I know that the data can be entered wrong and the information that comes out is changed because of that. I remember years ago looking at set information and calling up Team (Kramer) and saying did we really have a set in the Arctic Circle? Did we really have a set in Missouri? It was a data entry problem. I mean, we're going to lose a lot if in fact it turns out that there was mistakes and that because of that we have taken actions that we can't undo.

So there's plenty and, you know, you heard from folks yesterday. They're willing to work but we're really close to the line here. We're doing everything we can do besides not fish.

So anyway, somebody actually brought up, you know, if you're going to keep doing this maybe you'd just be kinder to come up with a buyout. I don't think it's going to be worth it. I think we could stop fishing altogether and it wouldn't necessarily save Dusky sharks unless a whole lot of other countries get on board. And maybe it would but we might have to wait a couple hundred years to find out.

Anyway, I appreciate you having the call and that you let me know that there was a problem with the number because I was trying to register going I can't. It won't take me. So I'm wondering how many other people had the opportunity, tried to register and were unable and thought that they couldn't.

Peter Cooper: Yes and hopefully it wasn't a whole bunch. That was one of those, you know, little...

(Terri Beideman): A data entry issue.

Peter Cooper: A data problem, yes. That happens.

(Terri Beideman): It happens. And, you know what, I'm not immune to it. So anyway thank you very much for that. I have plenty of other things but I'm not going to go into all of them.

But I would like you to kind of take a look through and recognize that we're being asked to bear the whole burden and I'm certain that there's other fisheries, not just U.S. but I know you can't control other countries.

But we shouldn't have to bear the whole burden of trying to do this. And I certainly would encourage any possibility of pushing the clock back to when you have much better grip on the real science or at least, you know, try to find another way besides shutting down where people fish because that's how they survive. Anyway, so thank you very much for that you guys and...

Karyl: And thanks (Terri) and the information on the webinar we, yes obviously we don't like it when we make mistakes like that. There is another webinar conference call coming up so I believe (Pete) has already checked that and people can register for it.

(Terri Beideman): I'm already registered. You know, when I couldn't get into the one I made sure I tried the other one. But I'm glad that you sent out the notice today on just, you know, perhaps folks that would have normally gotten on weren't able to find out that information until too late.

So just so you know and I don't know what was going on with my telephone but it wasn't - everybody, I felt like everybody else was beating me. Anyway I'm off, I'm done. Thank you very much for listening.

Peter Cooper: All right thanks (Terri).

Coordinator: Our next question comes from (David Kerstetter).

(David Kerstetter): Hi everyone. With, you know, (Terri) there and (Katherine) and (Rusty) it almost seems like I'm actually up in Silver Springs. It's kind of nice actually.

I don't want to go too much down into the weeds but I do want to kind of follow up with you all on the issue of the log book versus the observer data and your rationale for using the log book data rather than the observer program data that the agency spends an awful lot of time and energy to collect in the first place.

I have to second (Terri)'s concerns about the veracity of log book data. I can't remember how many times I've seen fishermen fill out their log books from their wheelhouse notebooks while they're on the steam end rather than at the time of the set. And honestly when you're cutting sharks off at the side of the boat anyway I think that your species level identifications are going to be pretty difficult.

Now I remember hearing I think it was during your answer to (Katherine)'s question that there had been a comparison of the observer and log book data for similar trends and catch rates and CPUEs yet as far as I know there have been relatively few published studies doing those side-by-side comparisons.

The comparison that (Bill Walsh) did out in the Honolulu lab with the Hawaii data particularly for Blue Sharks is one of the only ones that actually comes to mind from an academic setting. And so I was wondering if those side-by-side analyses are something that the agency has or will be publishing.

Margo: I would have to check back and see whether they have been published or not. I don't know that off the top or if there are future plans.

Karyl: The ones that I can think of (Dave) have all been presented at SCRS.

(David Kerstetter): Okay, okay because - sorry, I'm trying to think back to the recent SCRS reports but I don't think those were specifically for in this case a species that is not going to be retained in the first place and is again likely going to be cut off rather than brought on board to vessel for specific vessel identification.

Again if I'm remembering those correctly from the SCRS you were looking at things like Swordfish, I think maybe it was Blue Marlin that was compared in one of them. But again not the easily confused (carcarhinids) like Dusks.

And one of the other concerns that I would have is even if you go back to the log book or even the observer data, how many of those individual sharks are going to be simply listed as unidentified (carcarhinids) versus specifically Dusks. So you have almost two levels of potential misidentification going on even within that specific large shark data set.

So I understand that it's probably not something that you have at your fingertips but, you know, I've got to be leery of being supportive of any kind of large additional time area closures based on what I feel are data that have a serious risk of not being completely accurate.

Margo: Thanks (Dave).

(David Kerstetter): So again, if you could get those to me I would greatly appreciate it.

Coordinator: To ask a question press Star 1. At this time I have no questions in queue.

Peter Cooper: Okay well there are no additional questions we'll wrap up the call. Just a reminder, the comment period ends February 12 and so you have time to send written comments or, you know, attend one of our public hearings or the other conference call in February. So thanks everybody for calling in or hopping online and I hope you have a great afternoon.

Coordinator: This concludes today's conference. Thank you for participating. You may disconnect at this time.

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