

NWX-DOC CONFERENCING

**Moderator: Margo Schulze-Haugen
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1:30 pm CT**

Coordinator: Welcome and thank you for standing by. At this time all participants are in a listen-only mode. After the presentation, we will conduct a question-and-answer session. To ask a question, please press star 1.

Today's conference is being recorded. If you have any objections, you may disconnect at this time and I will turn over the meeting to Ms. Margo Schulze-Haugen. You may begin.

Margo Schulze-Haugen: Okay, thank you so thank you everyone that has joined us on the phone. This is our HMS Atlantic Highly Migratory Species advisory panel conference call consultation on draft Amendment 8 to the 2006 Highly Migratory Species Fishery Management Plan and so we are in public comment period and this constitutes the formal consultation with the panel.

I'm going to turn it over to Rick to go through the presentation. Hopefully everyone was able to get online with the Webinar if they wanted to and so we'll have the discussion with the panel members and then if there's time then we will also have time for public question and answer.

And the last thing that I would say before we hand it over to Rick is that I anticipate momentarily that we will have clearance to release our final Amendment 5A on shark management measures so some of you will likely be getting phone calls from us in the very near future on that amendment but

again this is on Swordfish Amendment 8 and so Rick, why don't you walk us through the presentation?

Rick Pearson: Thank you, Margo. I hope that everybody is able to access the Webinar. The subject of this presentation is Amendment 8 which addresses the potential establishment of a small-scale commercial open-access swordfish hand gear permit.

It's a rather long presentation and I know that many of you have already seen it and the remainder should be familiar with the subject matter so I'm going to try to get through it rather quickly in an effort to provide more time for the advisory panel members to comment on Amendment 8.

As I said, this is draft Amendment 8 to the Consolidated Atlantic HMS FMP. It deals with establishing a small-scale commercial swordfish hand gear permit. Quick outline, we're going to just briefly discuss the background and development of Amendment 8.

Many of you have been involved in that over the years. I will describe the alternatives that have been analyzed in the proposed rule. Basically there are two main topics. The first is vessel permitting and the second addresses the swordfish retention limits associated with that permit.

And within the discussion of the swordfish retention limits, we also discussed the concept of regional swordfish management under this permit. Then I will briefly describe the ecological and socioeconomic impacts of all of the alternatives as we're required to do under NEPA, provide a timeline and then provide some additional information on how to submit comments.

The development of Amendment 8 essentially started in June of 2009 with the publication of an advanced notice of proposed rulemaking and one of the topics in that ANPR was the establishment of a small-scale commercial swordfish hand-gear permit.

For the last four years at most of the advisory panel meetings, we've provided updates on our progress towards developing this amendment through presentations and discussions.

Then last March we presented the advisory panel with a pre-draft of Amendment 8 so we've been discussing this topic for several years now and all of the comments that we have received over the years have been considered in the development of this draft amendment.

Quickly, North Atlantic swordfish are not over-fished. Over-fishing is not occurring and there has been a consistent under-harvest of the U.S. swordfish quota that's recommended by the International Commission for the Conservation of Atlantic Tunas.

From 2007 to 2011 we were harvesting approximately 70% of the baseline. In 2012 we harvested closer to 80% of the baseline. The underage is more when you compare that to the adjusted quota. We've been a little bit over 50% of the adjusted quota over the years.

So the stock is not over-fished. Over-fishing is not occurring and we've had an under-harvest of the quota. However, under the existing limited access system, it's difficult to gain new entry into the commercial swordfish fishery and I will address that in the next slide.

In addition we've had periodic requests and expressions of interest to provide more opportunity to use hand gears to commercially harvest swordfish. This is what I was discussing when I said it can be rather challenging to enter the commercial swordfish right now.

For the most part, all of the current swordfish permits are limited-access permits. We have three types of limited-access permits, the directed swordfish permit, the incidental swordfish permit and the hand gear swordfish permit.

In 2011 there were a total of 334 commercial swordfish limited-access permits that were issued. There are no new limited-access permits being issued. In order to gain access to the swordfish fishery, you have to obtain a permit from somebody who is exiting the fishery.

In addition all of our limited-access permits are subject to transfer restrictions, renewal restrictions, restrictions on vessel upgrading, and they have termination dates, which means that if a limited-access permit is not renewed within a year of expiration, that permit terminates and it cannot be reinstated.

The vessel upgrading restrictions limit the size to which a permit of a vessel to which a permit can be issued with regards to length, tonnage and horsepower so it would have to conform to a very narrow list of specifications in order for a permit to be transferred onto another vessel.

Furthermore, all of these swordfish permits are only - or the directed and the incidental permit - are only valid when the vessel has also been issued shark and tuna long-line limited-access permits. That's the triple pack that we often refer to.

In addition to the three main limited-access permits, there are two other permits that allow for the harvest of swordfish. Recently we implemented the incidental HMS squid trial permit of which there are about 70 issued. That's a de facto limited-access permit. A vessel also has to be issued an ILLEX squid moratorium permit in order to be eligible for the incidental squid trial permit.

More recently we implemented the Caribbean Commercial Small Boat permit which is valid only in the U.S. Caribbean. So, the purpose of Amendment 8 is to provide additional opportunities for fishermen to harvest the available swordfish quota using selective gears that are low in by-catch given the rebuilt status of swordfish and their increased availability.

In 2011, hand gear has accounted for approximately 5% of commercial swordfish landings. Our overall goal is to more fully utilize the U.S. swordfish quota while minimizing by-catch so, in order to address this purpose and goal, we have two main alternatives.

That would be (1) the establishment of new and modified commercial swordfish vessel permits; and, (2) the development of retention limits for the new and modified permits. Now I'm going to briefly describe the alternatives that we have analyzed in draft Amendment 8. With regards to vessel permitting alternatives, there are three primary alternatives.

Alternative 1.1 is the no-action alternative which would maintain the current swordfish limited-access program. Alternative 1.2 would establish an open-access commercial swordfish permit and we have three sub-alternatives under the open-access alternative and finally Alternative 1.3 would establish new limited-access commercial swordfish permits.

So no-action, or establish an open-access permit, or establish a new limited-access permit. Under the open-access permits, like I said we have four sub-alternatives. Modify the existing Atlantic Tunas General category permit by adding swordfish to it. Sub-alternative 1.2.2, modify the existing Atlantic tuna's harpoon category permit by adding swordfish to it.

Sub-alternative 1.2.3 and this is one of our preferred alternatives, allow charter headboat permit holders to fish under open access swordfish commercial regulations when they are not on a for-hire trip.

And finally preferred Sub-alternative 1.2.4, create a new separate open-access commercial permit. So, those are our two preferred alternatives, allow charter headboat vessels to fish under open-access swordfish commercial regulations when they're not on a for-hire trip, and create a new separate open-access commercial swordfish handgear permit.

With regards to retention limits, again there are three main alternatives. The first Alternative 2.1 would establish a fishery-wide 0 to 6 fish limit range for the new and modified permits and codify a single limit within that range. Essentially that would extend from Maine to Texas.

There would be a one retention limit for the whole area and it would be within the 0 to 6 fish limit range. So say, for example, you establish it at four swordfish from Maine to Texas. That's what alternative 2.1 would do. Alternative 2.2 would establish a fishery-wide 0 to 6 fish limit range. It would codify a single limit within that range and it would establish in-season authority to adjust the limit.

So again, let's say for example, from Maine to Texas it would be four swordfish; however, we would have the ability to adjust that limit on an in-

season basis say from four to five or to three depending upon whether certain criteria are met.

And finally Alternative 2.3 is our preferred alternative. The unique characteristic about Alternative 2.3 is that it establishes swordfish management regions, a 0 to 6 fish limit range within each region, codifies a single limit for each region with in-season authority to adjust the limit within each region. So within each region they could have different retention limits.

And we would have the ability to adjust those limits on an in-season adjustment basis using certain pre-established criteria. So Alternative 2.3, establishing regions, is our preferred alternative and there are several Sub-alternatives to designate those regions to account for the unique environmental and biological factors that affect the North Atlantic swordfish stock.

So, the next few slides describe some of the Sub-alternatives under Alternative 2.3 that describe the regions. Alternative 2.3.1 establishes swordfish regions that are aligned with domestic fishing areas. Essentially that would be Northeast Coastal, Mid-Atlantic Bight, South Atlantic Bight, Florida east coast, Gulf of Mexico and the Caribbean.

So again you could have a separate retention limit in each one of these regions and you would have in-season authority to adjust that limit based upon the attainment of certain pre-specified criteria.

And then preferred Alternative 2.3.2.1, all of these have larger regions with the exception of a separate Florida Swordfish Management Area so these areas are larger than those that would be established under Alternative 2.3.1.

It combines the Northeast Coastal, Mid-Atlantic Bight and South Atlantic Bight into the Northwest Atlantic region. So, the remaining ones under Sub-alternative 2.3.2 all have the Northwest Atlantic, Gulf of Mexico and Caribbean region but they differ in the establishment of a Florida Swordfish Management Area.

This is our preferred alternative. It aligns with the existing Florida East Coast pelagic longline closed area; however, we have extended it up towards the northwest border of Monroe County to include this particular area right here.

The reason that we did that is so that there is one retention limit on both the north and south side of the Florida Keys. So, essentially it's the same area as the FEC Pelagic longline closed area but it has this area right here included as well and then this is the Gulf of Mexico over here. So, this is our preferred alternative, the PLL closed area if you will.

This Sub-alternative would extend the Florida Swordfish Management Area out to the EEZ from the Florida-Georgia border to Key West and then the smallest of the Sub-alternatives for the Florida swordfish management area is this one and it includes St. Lucie County, Martin County, Palm Beach County, Broward County, Miami-Dade and Monroe County.

This is the smallest of the areas for the Florida swordfish management area. Again, all of these Sub-alternatives include the Northwest Atlantic, the Gulf of Mexico and the U.S. Caribbean. They differ only in the definition of the Florida Swordfish Management Area.

Just to reiterate, our preferred alternatives for permitting, create a new open-access commercial swordfish permit tentatively called the Swordfish General Commercial permit and the authorized gears would be rod-and-reel, handline,

harpoon, bandit gear, and green stick. The rationale behind establishing those as authorized gears is to keep them consistent with the current authorized gears for the Atlantic Tunas General category permit.

The other preferred alternative for permitting is to allow charter/headboat permit holders to commercially fish under the new permits regulations when they're on a non-for-hire trip. Those authorized gears differ because they are consistent with the authorized gears for swordfish for charter/headboat permit holders, and includes only rod-and-reel and handline.

Briefly, I am going to describe some of the ecological impacts of the alternatives for permitting. We anticipate neutral to minor ecological impacts on swordfish. There may be a shift from recreational fishing effort to commercial fishing effort. There's also a potential for minor increase in overall swordfish fishing effort. However, I want to emphasize that swordfish quota is available.

We had over 1,800 metric tons of unused quota in 2011 from the adjusted quota. In addition, landings will continue to be monitored through weekly electronic dealer reports and the directed fishery is closed when the quota is reached or is projected to be reached. That's why we're anticipating primarily neutral to minor ecological impacts.

This slide describes some of the anticipated ecological impacts on non-target species, protected species, and essential fish habitat. Overall, hand gears are tended and they're selective with regards to the target species. When fishermen are fishing for swordfish, they generally tend to catch swordfish.

Also, on different consultations for the HMS hand gear fishery, the 2001 biological opinion found that the potential for takes of endangered species with hand gear is low.

Under the Marine Mammal Protection Act, hand gear is a Category 3 fishery meaning there is a remote likelihood of incidental mortality or serious injury to marine mammals and with regards to impacts on EFH. It was found that hand gears have negligible adverse physical impacts on midwater environments, the substrate and most sensitive benthic habitats.

One thing I'd just like to emphasize here, this slide is very important because this gives us the ability to examine increasing effort in the hand gear fishery because hand gear is a relatively low-impact gear so that's why we're able to consider expanding some effort in this sector of the fishery.

With regards to the retention limits, as I described earlier, we are proposing to establish four swordfish management areas, the Northwest Atlantic, the Gulf of Mexico, the Caribbean, and the Florida Swordfish Management Area. Further, we propose to codify an initial default limit for each region and establish authority to adjust the limit in-season within each region.

For the northwest Atlantic we are proposing to establish an initial default retention limit of three swordfish per vessel per trip. Similarly, for the Gulf of Mexico, we propose a limit of three swordfish per vessel per trip. Within the U.S. Caribbean, two per vessel per trip and that would be consistent with the recently-implemented Caribbean Commercial Small Boat permit.

That's the same swordfish retention limit that's codified in the U.S. Caribbean for that permit. Within the Florida Swordfish Management Area, we are proposing an initial default retention limit of one swordfish per vessel per trip.

As I mentioned earlier, we are also proposing to establish in-season adjustment criteria, meaning that these initial default retention limits could be adjusted on the basis of the following factors. That would include information from biological sampling and monitoring, the ability of vessels participating in the fishery to land the quota, the amounts by which quotas for other categories of the fishery might be exceeded, the effects of the adjustment on accomplishing the objectives of the FMP, variations in seasonal distribution, abundance or migration patterns, the effects of catch rates in one region precluding vessels in another region from the opportunity to harvest a portion of the overall quota, and a review of dealer reports, landing trends and availability of swordfish.

These are very similar to but not identical to the criteria that are established to adjust the bluefin tuna retention limits. That's one thing I'd like to emphasize here is that we are essentially modeling this proposed swordfish permit off of the Atlantic Tunas General category permit and the management of bluefin tuna. The Swordfish General Commercial permit is also an open-access hand gear-type permit.

For example, and we received some comments or questions in Gloucester on Letter F, the effects of catch rates in one region precluding vessels in other regions from the opportunity to harvest a portion of the overall quota.

For example, it's more of a year-round fishery in Florida and so if the fishery is landing close to the quota, something along that lines and whereas in New England it's a summer-fall type fishery, that could be a factor in modifying the retention limit in Florida to ensure that participants in other regions have an opportunity to harvest the quota.

So that's kind of how this would work. These are in-season adjustment criteria and the benefit is that retention limit adjustments can be done relatively quickly primarily through the publication of a notice in the Federal Register.

I'd like to quickly describe some of the ecological impacts associated with the retention limits. Primarily we decided to propose regional managements because it would better accommodate the differences that occur in the swordfish fishery, while continuing to protect the resource. Some of these geographical differences include the seasonal availability of swordfish, the abundance of juveniles in a particular area, migratory patterns, the incidental catch of non-target species, variations in the distance from shore to the productive fishing areas as well as variations that occur geographically in terms of fishing effort.

So, that's why we felt that it was important to propose regional management measures for this proposed permit. Once again we anticipate neutral to minor ecological impacts with these proposed retention limits. We recognize that the initial default retention limits are set, some would say, low. We are setting these conservatively during the establishment of a new swordfish fishery. This would be the first time since 1999-2000 that there would be open access potentially to the swordfish resource, so we felt a need to proceed conservatively as we get a better idea of the number of participants and the types of landings associated with those permits. These retention limits could be modified as more information becomes available as I described in the earlier slide.

There is a potential for a minor increase in discards and discard mortality. That could occur either as a result of catching juvenile swordfish or, hopefully not, but there might be a potential for high-grading under some of these lower retention limits. However, hand gears are closely tended. They have low by-

catch and by-catch mortality rates and incidentally-caught species can be released quickly to help ensure survival so those are the ecological impacts.

Now I'm going to touch briefly on some of the socioeconomic impacts of all of the preferred alternatives. I'm not going into each alternative. I'm just discussing the preferred alternatives in these next few slides.

One of the things that we're required to analyze is to provide an estimate of the number of entities that might be affected by the proposed rulemaking. Because it's an open-access permit, that's a very difficult task to accomplish. We used the Atlantic Tunas General category permit as a proxy and in 2012 there were 4,084 Atlantic Tunas General category permits issued.

Then we wanted to examine the potential number of participants affected by the Florida Swordfish Management Area. We estimated that less than or equal to 1,455 new permits could be issued to vessels in that area. We based this using the percent of current commercial swordfish vessel and dealer permits that were issued on the east coast of Florida. We took that percentage and applied that to the 4,084 number. So, this estimate of 1,455 entities affected by the Florida Swordfish Management Area would obviously vary depending upon which alternative we select for that area, so it could be slightly higher or slightly lower than that.

There were a lot of different ways that we could have estimated this, but we believe that, because the Atlantic Tunas General category permit is the permit that's most similar to the one being proposed, we should use it as a guideline for estimating the potential number of new entrants. However, there are some differences between the Tunas General category permit and the swordfish permit, one being that the tuna permit allows for the harvest of all BAYS tunas as well as bluefin tuna so there's more opportunities to fish under that

permit, whereas for swordfish it's primarily just one species. It is just an estimate, but there is a basis for that estimate.

Then, to calculate the potential impact on landings associated with the preferred alternatives we analyzed the number, or determined the number, of successful Atlantic tuna's general category vessels in 2011. So, out of that universe of 4,084 vessels, there were 583 successful vessels, meaning they landed at least one tuna.

Then we calculated the weight of the average commercial swordfish in 2011 which was 128 pounds whole weight or 96 pounds dressed weight. Assuming that 583 vessels land 10 swordfish per year - and again this is a coast-wide average estimate - vessels could certainly land more than that in some areas and they might land less than that in other areas. We provided an estimate of 10 per vessel per year. If vessels are going to be landing more than that, this estimate would increase. If vessels land less than that, this estimate would decrease.

So based on 583 vessels landing 10 swordfish per year, that would equate to 5,830 total swordfish which equates to an increase in landings of approximately 338 metric tons whole weight, or 254 metric tons dressed weight, which is well within the available quota. If you believe that vessels are going to be landing a lot more than 10 swordfish, then that estimate would be higher but we just wanted to get some idea and to provide some bookmark of what we could anticipate under this new permit. It is likely that vessels in Florida, where there's the longer season, could land higher and that vessels in New England, where it's a more compressed season, may land fewer. We don't definitively know, and that's one of the reasons why we're setting these retention limits low. As more information becomes available with regards to

landings, number of participants, we can adjust these retention limits accordingly.

Continuing on with the discussion of summary of socioeconomic impacts, the proposed new permit will provide increased commercial fishing opportunities within the available quota. This would provide some direct economic benefits to some fishermen that choose to obtain this permit and are successful at landing swordfish. It also will provide indirect economic benefits to tackle suppliers, bait suppliers, restaurants, marinas, etcetera.

The new permit could also impact ex-vessel swordfish prices through more product being on the market and it could impact the value of existing limited-access permits. However, these impacts would be mitigated by the low initial default retention limits that are being proposed. We're proposing retention limits of three fish, two fish and one fish. Right now the directed swordfish permit does not have - it's an unlimited retention limit - as well as the existing swordfish hand gear limited-access permit, has an unlimited retention limit and the incidental swordfish permit has a 30-fish retention limit. It's quite a difference from the limits that are being proposed for this new permit which are three, two and one.

There might be a potential shift in fishing effort from the recreational sector to the commercial sector. However, those impacts would be mitigated by the need to comply with a variety of commercial fishing requirements and other vessel safety restrictions. One thing that I want to emphasize right here, in the press this permit has been portrayed as allowing recreational fishermen to sell their catch. That is not the case. This permit would allow recreational fishermen should they choose - or commercial fishermen in other fisheries - to become commercial swordfish fishermen. They would need to comply with Coast Guard safety regulations for commercial fishing vessels because they

would be a commercial fishing vessel. There would also be vessel-marking requirements, gear-marking requirements, and other things of that nature.

Continuing with the summary of socioeconomic impacts, as I indicated earlier the average swordfish weight in 2011 was 96 pounds dressed weight. The average coast-wide ex-vessel price in 2011 was \$4.51 a pound. Based on those numbers, the average value per swordfish is \$432.96. Also, I recognize that those ex-vessel prices vary regionally and seasonally. This is a coast-wide yearly average price. Based upon these estimates, producing 10 swordfish per year would yield approximately \$4,330 in annual gross revenues. Therefore, we anticipate that the preferred alternatives associated with Amendment 8 would support a seasonal, or a supplemental, fishery for many new permit holders. We do not anticipate that this permit will provide for a year-round directed swordfish fishery.

One of the things that we heard in Gloucester is that some of the Atlantic Tunas General category boats when they're steaming back and forth from the grounds occasionally see a swordfish on the surface and they would like to have the ability to harpoon that fish. This permit would be perfect for that. Additionally, when swordfish migrate a bit closer to the shore and it becomes economically feasible to make a few trips or if a vessel is already fishing for other species, they could have the ability to harvest swordfish.

Now I briefly want to describe a few of the other important regulatory measures in the regulatory text of Amendment 8. First of all, this new permit could not be held in combination on vessels with an HMS angling category permit, an HMS charter/headboat permit, or any other swordfish limited-access permits. A vessel owner would have to decide whether or not they wish to retain the HMS angling category permit or they choose to get the Swordfish General Commercial permit. I also can't be held on vessels with a

charter/headboat permit; however, they would not need to obtain the new permit because they could fish commercially for swordfish on non-for-hire trips.

The proposed permit could be held on a vessel with the Atlantic Tunas General category permit. Again, we're trying to facilitate similar fisheries. Vessels issued the Swordfish General Commercial permit could fish in registered HMS tournaments, otherwise there would be no recreational fishing for billfish or for sharks and tunas unless the vessel is issued the proper commercial permits for sharks and tunas. So that is an important factor. If a vessel owner wishes to fish for sailfish outside of a tournament, then this would not be a very desirable permit because they would lose the opportunity to fish for sailfish or marlins if they had this permit, because those are primarily recreational species.

Vessels issues the new permit must comply with the specified retention limits in the region in which the vessel is located. That means either at sea or upon landing. Swordfish landed under this permit may only be purchased by permitted swordfish dealers as with all of our commercial permits.

Swordfish landings would be deducted from the semi-annual directed swordfish quota. All other swordfish regulations would apply including minimum size, landing requirements and gear definitions.

So, that wraps up the discussion on what is contained in draft Amendment 8. Here's the timeline. Right now we are holding public hearings. The important date to remember is that the comment period ends May 8th. There is a potential final EA and final rule in the Spring of 2013 and a potential effective date of this summer.

This is the public hearing schedule. I just want to mention one thing. The original comment period was 15 days shorter. We received a request to extend that comment period so we extended it out to May 8th, 2013 to provide more opportunity for public comment. In addition, we included an additional public hearing in Manahawkin, NJ and one additional conference call when we extended the public comment period. So we've had public hearings in St. Pete, in Silver Spring, in Gloucester, in Fort Lauderdale, and New Jersey. Now, this is the formal AP consultation and we'll have one more conference call on April 30th of 2013.

Specifically, we're seeking comments on the boundaries for the regions and the boundary for the Florida Swordfish Management Area. We are also seeking comments on the retention limits that are proposed for the new and modified permits, the criteria for in-season adjustment of the retention limits, the requirement to comply with the retention limits both at sea and upon landing, and any other items related to the proposed action.

This is the information on how to submit public comments. Really, the easiest way is to logon on www.regulations.gov, put in this keyword NOAA-NMFS 2013-0026. I get an update every day of which comments have been submitted and then I do my best to get those posted online for the public to see as soon as we receive them.

In addition we'll take comments by fax and mail. If you submit them by fax or mail, again use this identifier NOAA-NMFS-2013-0026 and this is the Website for additional information including the environmental assessment, the proposed rule, the list-serve notice and the notice extending the comment period. Or, give me a call. I've gotten quite a few of those. That wraps-up the presentation. Now we'll take questions and, as I said, we really want to focus more on receiving input from our Advisory Panel members. Thank you for

tuning-in today. It's been real interesting going around the country and hearing the different perspectives on this permit. We really appreciate your perspective, so feel free to speak up and we thank you. That concludes my presentation.

Coordinator: Thank you. If you'd like to ask a question, please press star then 1. First question is from Scott Taylor. Your line is open.

Scott Taylor: Good afternoon, everybody. I've got a couple of comments particularly pertaining to the south Florida management area. One of the things that came up at the discussion at the meeting in Fort Lauderdale the other day was there was a pretty unilateral agreement from most of the hand gear fishermen that were there, you know, against this program for reasons that I think are pretty obvious. But, it occurred to me after the meeting when I had an opportunity to digest what the comments were that this is a fishery that essentially has gleaned kudos from everybody that's involved in the industry. It's something that is not only exemplary down here in south Florida, but has attracted a lot of attention internationally that I'm sure that you all are aware of with some participating programs. It occurred to me that in trying to add some additional quota opportunity that we can very well undermine the very fishery that everybody I think is, you know, proud of. It is such a narrow strait. It is such a small area where the production of the hand gear fishery takes place. Even as it is right now, the amount of fishing pressure that area can sustain is pretty well maxed-out.

During the initial years, there was a lot of conflict between the recreational sector and the people that were actively engaged in the commercial hand gear activity. Pretty much clearly, the recruit for this fishery is going to be from the recreational angler that might otherwise want to have the ability to sell its fish. So, I wanted to reiterate a couple of points that I think are extremely pertinent

that some of you probably have heard and some of you haven't. The entire number of recreational reported fish for the State of Florida in the year of 2012 was less than 400 fish. That means that the recreational sector, in complying with the HMS recreational Angling permit, has reported 400 fish.

The implementation of this new permit based upon the numbers that you all have calculated would anticipate 10 fish per boat at 1400 boats, which is 14,000 fish nationwide. My point is that the majority of this particular fishery takes place here in south Florida because of the seasonality and the fact that we have a 12-month season. If you are correct, and it was to attract that many participants without dramatically opening some other opportunity in the area, you would stifle the fishery that you already have. I think that's something that we should be greatly concerned about because, while it's been tried in a few other areas, this is the only area that it really takes place.

My additional comment is as to the modeling for using the General Category tuna permit. One of the reasons the general category tuna permit works so well from the commercial sector is because there's a tagging system in place that mandates accountability not only from the standpoint of the fisherman but from the HMS dealers. Nobody is going to handle a bluefin tuna, move a bluefin tuna, or sell a bluefin tuna without a tag on it. That is not going to be the case down here in south Florida. We've had some discussion about that, you know, in the past. I strongly disagree with the premise that one fishery should really be modeled, you know, after the other.

And so the question then becomes does the benefit that we possibly can stand to gain in these other areas that are going to have limited access availability from time to time, does that outweigh the potential downside for the damage that we can do down here in the south Florida area?

My last comment was a question that I actually posed to Randy at the meeting which was, as Amendment 8 was developed, the thing that I was looking to see was if there was going to be this demand from the commercial sector, fishermen that were involved in other fisheries that wanted to have the opportunity to access this permit. And that demand was substantially absent from the meeting of about 100-plus people down here in the south Florida area. The only person that was a commercial fisherman that would have benefited from the access was actually a Gloucester fisherman that happened to be down here. He would have been able to take advantage of the swordfish opportunity if he was harpooning bluefin tunas. And so I again strongly caution you as it pertains this south Florida region, that if you are going to go implement a permit, that the retention should be zero for the Florida region for all of the reasons that I have previously mentioned.

Rick Pearson: Thank you Scott.

Scott Taylor: You're welcome. Thank you.

Coordinator: Ready for the next question? The next question is from Rick Belevance. Your line is open.

Rick Belevance: Hey Rick, how are you?

Rick Pearson: Good Rick.

Rick Belevance: Good. I just have one question. I'm going to put my comments in writing so I was just curious if this presentation was available either online somewhere if you could e-mail to me so I could just use it as reference to put it in my written comments.

Rick Pearson: Sure, yes, I think that that Website at the end of the presentation should point you to the presentation on the HMS Website under the Amendment 8 link. It might be a little hard to find, but I think that if you check that link that's at the end of this presentation, you'll find it.

Rick Belevance: Okay, I'll look for it. Great, that's my only question, thanks.

Randy Blankinship: Also, this is Randy Blankinship in the reminder e-mail that the Advisory Panel members got there is a link to the Website that contains the presentation and other information about Amendment 8, so you can look at that through there.

Rick Belevance: Yes, I just checked but I couldn't quite find it. But I'll go again. Great, okay, thanks.

Rick Pearson: Thank you.

Coordinator: Once again to ask a question, please press star then 1. There are no further questions at this time.

Rick Pearson: We'd love to hear comments.

Coordinator: Once again to ask a question or if you have a comment, please press star then 1. Terri, your line is open.

Terri Beideman: Oh, thank you. First I want to thank everyone at HMS for adding the extra hearing and the future conference call. I appreciate it very much and I have previously provided some comments at a couple of hearings and, as things go, there were a couple of things that I would like to cover, questions.

NMFS' stated goal to this rulemaking is to more fully utilize the quota allocation while minimizing by-catch according to the slide. I'm wondering why or, I guess I'll just state it, why didn't NMFS analyze any other possible alternatives including but not limited to possible minor adjustments of the time area closures particularly the one in south Florida. This has been recommended by fishermen and myself and other members of the HMS Advisory Panel.

Margo Schulze-Haugen: Terri, this is Margo. As Rick mentioned in the beginning, this effort to increase swordfish utilization has been a multi-year and multi-step process. In part, what you're asking is what the closed-area research was looking at and so we have that report. We have not undertaken the steps that you've asked for in time-area modifications. This action is commercial hand gear access and so...

Terri Beideman: But, excuse me, sorry, it's just that it could possibly achieve your goals filling the swordfish quota certainly while minimizing by-catch through the use of circle hooks, etcetera. It has been shown to do that. And the history of that particular area's reason for being closed had to do with the level of swordfish catches at a time when there was a strict rebuilding plan. Thankfully, we no longer have to rebuild here, or there. But, even if you didn't prefer it, I think it should have been looked at and analyzed and discussed. I'm just pointing out that I think that was something that should have done. Certainly just a slight adjustment to the size, shape and duration of the area closure could allow us to fill our quota. That was one comment on that. I think that should be looked at.

So, and this is another very important aspect that I know you can't forecast, but I believe you should think about the possibility of delaying this until after this year's ICCAT sessions. We know there's going to be the use of new

assessment models. We also know that ICCAT is over-allocating its swordfish quota. We know that we've had very good catches this year and last year. If we, by any opportunity whether through a reduction in the total TAC because of downsizing and right-sizing the quota or if it is strictly based on a reassessment of swordfish, we could very well be facing a reduction in our quota. And I believe that, because we are at 80% without considering late reports and discards. I think there is a very good chance that if we do have a reduced quota, which I'm not hoping for by any stretch, that we could be looking at closures. I don't know that it would be good timing. Given the fact that it's only a matter of months before the SCRS meets in September to do their work and ICCAT meets in November to make their decision, it would be prudent, reasonable to withhold action on this rule.

You know, someone at one of the hearings I was at suggested it was fairly costly if you were a recreational fisherman to go and equip yourself and then just turn around and have to tell them zero. I don't know, given that all of that might take place sooner rather than later, but I think it's a good idea to wait.

I personally have no problem with the possibility of filling our quota. That's what we'd like to do but very concerned about the impact it's going to have, as mentioned previously on the current permit holders. I have concerns in that regard. I believe that you have tremendously underestimated the ability even at one fish in the southern - in that Florida zone - for that quota to be filled.

And I have a question, procedurally, there are lots of things to think about. NMFS is going to allow fishing with these gears in the Gulf of Mexico, presumably people running around with green sticks fishing in the Gulf of Mexico. That gear was actually developed to catch tunas, particularly bluefin tuna, and it doesn't catch swordfish very well but it will be allowed. How are you going to address those catches? It's not allowed because you're not

allowed directed blue fin fishing in the Gulf of Mexico, but there will be catches. How will they be addressed? NMFS will have to do some estimate of how many are being discarded. So there are lots of cans of worms in that, and those are just things that have come to the front of this situation.

I just think that we could wait, go to ICCAT and find out that we have a double biomass and everything's good. Then we should set aside specific percentages, or what have you, and proceed. But, given all the question marks, I think it would be wise just to wait. At this point, it's not like we're going to be waiting for years. It's a matter of months so I have more. It will be in writing however. I just wanted to raise those particular issues for folks to think about.

This is a big deal, an open-access general swordfish permit throughout the entire coast. It is a lot more possible that we're going to have folks in Florida that may not know about it yet, that aren't paying attention to swordfish, but discover that they'll be able to if they're fishing for something already. They'll just be able to add an endorsement and land some swordfish.

I don't support the analysis. I also think that you have to base it on our base catch, not on a continued under-harvest. The fact that that won't happen, or it might be removed, so you need to base it on a baseline quota. I told you that before. Anyway, thank you for giving me the opportunity to speak and will have comments in writing.

Margo Schulze-Haugen: Okay, thanks Terri.

Coordinator: Ready for the next question? David Shalit your line is open.

(David Shalit): Hi, can you hear me?

Rick Pearson: Yes.

David Shalit: Okay. I have a few comments of my own and I also have a couple of comments that were sent to me today by Ralph Pratt who could not attend this conference call. So, I'll start with my comments.

First of all, NOAA is to be commended for this really historic decision to propose an open-access, small-scale artisanal hand gear commercial swordfish fishery in an age that is dominated by industrial fishing. You know, this concept is actually bringing back an old fishery and it is expected that, should this permit become available, that it will introduce a limited quantity of high-quality swordfish that is truly day-boat swordfish into the domestic market.

And I want to state that I support all the preferred alternatives but I want to discuss one or two. I want to emphasize first of all that Alternatives 2.2 and 2.3 that discussed daily retention limits, that I consider this to be very important. And there's another preferred alternative that I want to discuss briefly, which is Alternative 2.3.2.2. I support this chart that is in the document in all respects, except in the Gulf area adjacent to Monroe County. This is something that came up in the New Jersey meeting and I think it's worth having a look at. In other words, Alternative 2.3.2.2 begins at the Georgia border and goes south from there and then it stops more or less at the same longitude as Key West. Alternative 2.3.2.1 carries it around to incorporate Monroe County and it appears that this makes more sense.

So, I'm only suggesting that we're looking at making a modification to those alternatives as it relates to the Monroe County area and the waters adjacent to Monroe County. Then I have heard comments from Florida fishermen expressing concern regarding present sales of swordfish by fishermen through what you would call informal channels. This is evidently an ongoing problem

in Florida and likely requires more enforcement, both locally and on the federal level, but it's important to keep in mind that Amendment 8 is not an initiative intended to address this existing problem of illegal sales. However, it is realistic to assume that Amendment 8 will have a positive effect on this problem of illegal sales, because it is safe to assume that some fishermen who are selling swordfish illegally today would rather sell their catch legally and will opt for this permit. That's the end of my comments and I just want to read Ralph Pratt's comments if that's okay and he states as follows.

He has been reading the comments that are posted and speaking with some of who oppose Amendment 8 mainly for existing permit valuation arguments. He says I still believe there is enough flexibility built into Amendment 8 to maintain existing permit valuation. He goes on to say one Florida fisherman that I spoke with who was a headboat captain was worried that increased targeting of spawning swordfish would occur under this new permit. He said I felt that if targeting is occurring already by recreational fishermen based on discussions with the AP and black market sales are occurring, then no new effort would result as a result of Amendment 8.

It still boils down to National Marine Fisheries Service enforcement, getting a better handle on the illegal fishing that is occurring in Florida. If the agency chooses to go ahead, future default limits can be adjusted accordingly based on experiences after implementation. By creating the 0 to 6 bag limit, the agency maintains total control over what level Amendment 8 will impact the fishery overall, and to specific geographical areas too. That's the end of Ralph Pratt's comments and thank you sir. Thank you very much.

Rick Pearson: Thank you David.

Coordinator: Once again to ask a question, please press star then 1.

Rick Pearson: We're also we're taking comments as well too. It's not just questions.

Coordinator: Thank you. Scott Taylor your line is open.

(Scott Taylor): Yes, I guess that was a little bit out of order there when I made my comment when it should have been a question so I apologize for that. But, I do want to comment on some of the last comments that I don't think the enforcement issue down here is for lack of desire. I think it's a lack of resources. I don't see, based upon the enforcement community that we've been speaking to down here and addressing this ongoing problem, that there's much hope for substantial additional resources along those lines. And that's the biggest concern in the south Florida management area, and I also would comment about that additional area for the west side of the Florida Keys in Monroe which really doesn't make a whole lot of difference. That's fairly shallow water in there and most of that's made up by Florida Bay. That's not going to be an area that is going to be targeted in any substantial way. Almost all the fishing takes place on the Atlantic side of the Keys through the Florida Straits starting there in the Key West area.

And, as you'll notice, that area is fairly narrow. It's actually much narrower than it looks and the reason is because of the bottom configuration in there. Meaning that, you know, essentially what we're doing is that that area is made up of the split between the U.S. and the Bahamian, Cuban EEZ and represents maybe an area of about 25 miles wide between the Keys and the (Caysell) bank which is not really depicted there on that area, and then Andros and the Bimini Islands all the way to, you know, the Freeport area.

But the area that you're actually fishing in because, you know, you're 10 to 12 miles seaward before you get into the target depth of where we're fishing to where the axis of the Gulfstream flows through those Straits. It's actually a

fairly narrow area. It's one of the reasons that buoy gear is so effective in that area, because the water is basically funneled along the axis of the Gulfstream in there into a strip that's generally three to five miles wide. This makes it much easier to decide where it is that you're going to place that gear. And, the practical consensus is that because that area essentially from the middle Keys up to about the Stuart, FL area is where your primary effort goes. It represents a pretty small sliver of water that's in there. And, that's why that in the initial days of the swordfish activity that was taking place with the implementation of the hand gear there was so much gear conflict between the recreational sector and the hand gear sector, you know, the actual buoy gear fishermen. And it has really pretty much developed into a balance to where everybody, you know, is working along with one another. A bunch of new entrants commercially targeting in that area, if that's what happened, would unsettle that balance.

And, you know, Margo and Randy and everybody that, without going back to what Terri said, one of the ways you could accommodate additional pressure in that area is through modification of hand gear and maybe use some additional gear. So maybe there is flexibility there, so that you would see more effort in the area north. If you look at where your arrow is there, that's really pretty much Palm Beach North. There's very little hand gear fishing that goes on from that point north and the reason is because that is where the area starts to broaden. With the limited amount of gear that we're able to fish for tending purposes, it makes it much harder to narrow-in on where the body of fish is, if that makes any sense. So that's why you generally see that effort in the very narrow strip so, even though you're looking at a much larger management area, this is why that area is so critical to what it is that you're talking about.

It's a little different than Terri's position maybe and you know how I feel. I understand that the entire pelagic swordfish quota does not, and should not, be targeted by the PLL fleet. There needs to be effort, that there needs to be diversification. Hand gear is part of it. What you all are trying to accomplish here is part of it. I just don't want to see us take one step forward and three steps back. That's really what my concern is, that these issues with enforcement down here, with illegal conduit down here, lack of traceability, the fact that there has been an ongoing demonstration to ignore compliance issues. That isn't going to change and that's a bad argument.

You don't legalize something to legitimize people that are not already complying with what is already the law of the land. I would really caution that this issue with the ICCAT quota and catching the numbers that, you know, that Terri Ray has certainly valid issues. I don't want to get too far off the track.

There are a lot of things that we could do to allow increased access within some of these fisheries that currently exist that would help but I just don't know how to be any more strongly passionate about that little tiny sliver where you've got those two dots that are there. How small of a piece of water that that is and how delicate the balance that you have that takes place essentially from where your dots are. This is a question for you all, is it not where we go from checkered to dots where the close zone begins, to the north side of the open area, I should say.

Margo Schulze-Haugen: So Rick - so Scott - do you have the Webinar open?

Scott Taylor: I do have it open in front of me, yes.

Margo Schulze-Haugen: So are we on the slide that you're talking about?

Scott Taylor: Yes, we are so where your arrow is right now, you know, you have a configuration of double dots that extends to the north to where the funnel starts to broaden along the eastern fence of the closed zone because the dots represent right now closed area with the exception of hand gear fishing and recreational fishing, correct?

Margo Schulze-Haugen: Correct.

Scott Taylor: So my point is that the proposed new permit is going to target that area. The area that represents the current area that is now open to the fishery is not your problem. Because that's not going to be the area where there's any pressure either, because as you get north of the Florida-Georgia border, the continental shelf extends very far offshore there and you have to run a long way offshore to get out to the depth of the water where the swordfish are going to be targeted. Or as you get east of Cape Canaveral there to the beginning of that close zone, you're almost 100 miles offshore there to the apex corner there to where you're out of the EEZ of the Bahamas exactly right there it's almost 100 miles.

So, the guy that's out there, whether it's one fish or three fish, nobody's going to be fishing there. That's not where you're going to have your target activity. Your target activity is going to be in close proximity, because of fuel reasons, to that thin sliver that is represented between the Florida Keys and the Stuart area. Again, it goes to my point that whether or not you're rod-and-reel fishing or whether or not you're fishing buoys. If you're fishing 13 to 17 buoys which is, you know, practically all that you can manage and fish especially if you're doing it the proper way with a buoy and an indicator because you're limited by 35 floats, you're only going to be able to cover

about a mile to a mile and a half of water by stretching that gear out. Do you understand what I'm saying?

Margo Schulze-Haugen: Yes, I think so.

Scott Taylor: So as you get up into that area where that closed area starts to broaden, the ability to kind of zero-in on where the fish are moving through becomes more difficult because of how little gear you're fishing. That's why you don't have much rod-and-reel pressure there. Whereas if you move down off of where Monroe County ends where the Keys end and along the Florida, right between Monroe up to the northern side - okay, to where that sort of north so it have move east, essentially where Miami is, where Miami is between Miami and West Palm Beach, that area is only a couple or three miles wide where really most of the fishing activity takes place. And that's why you had so much gear conflict and interaction in there. That's pretty much the case all the way down through the Keys because as you get down closer to Key West, you have to run farther and farther offshore so to get to 1000 feet of water, you may be 15 miles offshore and the EEZ may be at 25.

So you've only got a four or five-mile band of water essentially that you're working all the way from Key West all the way up to at least the Palm Beach Stuart area where Tim lives. I don't know if he's on the Webinar with us but I know that he would concur with me as far as that area. And that's really what our concern is. I think that, for those of your staff that didn't get to come down to Fort Lauderdale, it was a pretty impressive turnout. A lot more people than I thought that were going to be there. And, you know, the consensus was essentially the same which is that everybody's kind of worked really hard to carve-out this hand gear fishery that's there.

If you're successful or anywhere close, if you're 10% of your numbers Rick or Randy, and you have 140 new entrants down in there coming out of the south Florida area, that's where they're going to come from. And we're going to undermine that hand gear fishery in there. I don't think anybody wants to see that happen. It should be of real concern to you because that's not paranoia, that's what's going to happen down there.

Margo Schulze-Haugen: Scott, I appreciate all the detail on the areas and locations. I think that's going to be good.

Scott Taylor: You know, one of the things that we could do is that if there was, you know, this is - I will put it in my comments - there's some additional things I think that could be done to maybe spread that fleet out a little bit, but the bottom line is that closed area that you're looking at from Palm Beach down through the Keys, that little sliver of water is where almost 100% of the hand gear effort in this entire country is taking place. Is it worth undermining that? That's really the question you all need to ask yourselves.

Margo Schulze-Haugen: So if you have more specific comments, those would be helpful.

Scott Taylor: I will. I'll put it in writing. I will try to give somebody else a chance now.

Margo Schulze-Haugen: Okay, thank you.

Coordinator: Once again if you have a question or comment, please press star then 1. Randy Gregory, your line is open.

Randy Gregory: Hey, this is a question. Just to address Scott's point, if you went to that small area and said that 2.3.2.3 area and you said zero retention there and you could

retain fish in other places, would there be an enforcement problem with people coming in and saying well, they caught their fish in the open area?

Margo Schulze-Haugen: So this is why the language is the retention limits would apply where that field is located so either on the water or in port.

Randy Gregory: Okay.

Margo Schulze-Haugen: Does that answer your question?

Randy Gregory: I think so. If we tried to protect that area down there and said zero retention for some region in south Florida, what my thought process was is how big does it need to be to protect that area and what would be the law enforcement concerns in protecting that area?

Rick Pearson: Well Randy, excuse me, this is Rick. Yes, certainly that was one of our top considerations is can we narrow this area down, and this is what we came up with here but I think that you do run the risk of, if the limit is say three here, and one here, or zero here, then yes, you might have some transboundary transgressions as a result of that.

It's more possible with this alternative than with this one. There's a larger buffer area up here and so that's one of the reasons that's why we selected this as the preferred alternative but we certainly were cognizant that, as Scott mentioned, that this is the key area right here. But that the likelihood of transboundary transgressions is naturally greater there because somebody could be fishing in this area, and then bring the fish down here. Of course, they would need to comply with the zero fish or one fish or whatever the retention limit is here.

Randy Gregory: But yes, that was where the problem would be is they would catch the fish down there and then take it up north.

Rick Pearson: But yes we certainly were considering a smaller area so the smaller it is, the more difficult it is to enforce so that's why we wanted the larger buffer area.

Randy Gregory: Okay, then the other question I had and please tell me if I missed this, was there ever an idea, or did you ever analyze giving this new permit a percentage of the swordfish quota like 5% or 2% or whatever you think that that may be. Did you look at that as a possibility as a way to protect the existing participants in the fishery?

Rick Pearson: Well...

Margo Schulze-Haugen: So Rick, I think the answer to that is no. FMP allocations are typically done through FMP and amendments and often require EISs. This is an FMP amendment with an EA because we felt the ecological and economic impacts were sufficient for an EA which is a less-involved process. That isn't really within the scope of what we've got although I think the estimates of landings of 250 tons relative to the directed fishery allocation are quite small.

Randy Gregory: What is that office? Does anybody know off the top of their head a close ballpark figure?

Margo Schulze-Haugen: I can get it for you.

Randy Gregory: Sorry. You could probably do modern math but thank you, just a couple of questions. I'm going to talk with some of the folks in North Carolina that are participants in the current fishery and anyway, I'll be providing comments and

I do want to tell the swordfishermen that are on the line, I've eaten swordfish three times in the last two weeks and I love it. Thank you.

Rick Pearson: Thank you Randy.

Margo Schulze-Haugen: So the proposed adjusted quota is 3,209 mt for the directed category so the baseline would be less than that. I could do the math here. It would be 2,859 mt.

Randy Gregory: Okay, thank you.

Margo Schulze-Haugen: All right, thank you Randy.

Coordinator: We have a question from David Shalit. Your line is open.

(David Shalit): Hi. Just to follow-up on comments made previously by others, it's a matter of concern for me this area that we're referring to from let's say the Florida Keys to the Georgia border through which the Gulfstream passes and I've spoken with fishermen in the area who expressed concern about possible congestion issues, in other words too many boats showing up in the same place at the same time. And, it seems to me, that one thing that we need to keep in mind is that buoy gear is largely a night-time activity and my personal experience in connection with behavior in that fishery is that they tend to fish during the day or early in the evening so the amount of overlap that you would have for buoy gear between let's say angler activity is probably - it probably exists - but it's not that - I don't expect that we would see - anglers out there all night long together with the buoy gear guys but, you know, someone could correct me if I'm wrong on that.

But, it seems to me that the distance from Biscayne Bay to Grand Bahamas Bank is probably around 40 to 45 nautical miles and the distance from let's say Lake Worth inlet to the Little Bahama Bank is probably about the same distance. And then you have, between the two, the northwest Providence Channel. So, if it works the way it works in the bluefin fishery in New England, bluefin fishermen will invariably always go to the shortest distance they can to get to where the fish are, okay? They're not going to spend one more hour steaming if they don't have to. So probably part of the reason why you have in this area a certain amount, or the issue of possible perception of congestion, is the fact that people don't want to steam any more than they absolutely have to, to get on top of the fish.

All right, but the point is that this is, you know, we're looking down the road at a permit which is going to be in place for a very, very long time and things can change. Swordfish are a highly migratory species and we don't know where they're going to be five years from now. So it may be that we're looking at people who are today, just as we have in New England, people who for a long time have been traveling let's say not more than just for sake of argument 15 nautical miles from their home port to get to the fishing grounds who may tomorrow be looking, or for several years down the road or whatever, at going a far greater distance to get to those fish. This is in fact what is happening right now in New England in connection with bluefin so another highly migratory species so we have to take the long view on this and understand that nothing is written in stone with highly migratory species.

One other comment I want to make has to do with long-lining. Long-lining is essentially they are allowed to begin at the innermost point in the Florida Straits in which they are allowed to long-line is that line of longitude that will pass through Key West and go south towards Cuba. So they're allowed to fish from that point west into the Gulf of Mexico. And there's been some

discussion about the possibility that these permit holders of this new proposed permit might be fishing in the same waters. I tend to think that that's a very longshot - because the distance from Key West which is the southernmost part of the United States to the nearest fishing grounds in which the long-liners could fish is a minimum of 20 nautical miles. And the distance from the southernmost land, you know, port, you know, on mainland Florida to the closest point where long-liners could fish is a distance of approximately 50 nautical miles. So that seems to me like that's probably not going to be an issue but I think the overriding consideration here is that we're looking at a fleet of largely center-console boats and these center-console boats are anglers who fish for swordfish. Now are we going to have a wholesale, you know, are we going to see the wholesale exchange of these vessels to commercial swordfish permits? Probably not. The buy-in costs for getting into this commercial fishery is the cost of complying with all commercial fishing vessel regulations which means purchasing a very expensive liferaft, EPIRB, etcetera, etcetera. I tend to discount the possibility that the average Florida center-console vessel owner is going to opt for that additional expense so and that's the end of my comments. Thanks very much.

Margo Schulze-Haugen: Great, thank you.

Coordinator: Once again to ask a question or if you have a comment, please press star then 1. Terri, your line is open.

Terri Beideman: Just a really quick question I guess. It's the same issue. Did NMFS take any, well I know that you used the general category as a model, but did you take into account other commercial fishermen who are currently fishing out of, in the entire Gulf of Mexico and fishing along the East Coast including Florida? Did you take a look at how many permits there are and how many folks are snapper/grouper fishing or rec fishing, mahi fishing that are already out there

fishing? They already have all of the, you know, the commercial guys, they have all the saltwater landing permits. Was there any look because my experience is, for the most part, if they think they'll be able to ever land one, then they'll get a permit. And if the fish are as close as indicated by the experts down in that neck of the woods in Florida that, yes, you may not have anglers necessarily in the General Category tuna fishery wanting to do this but you might have a whole load of current commercial guys that are used to being at sea in other fisheries that would give it a shot. You know, if we had a boat, we'd certainly consider it. So did you take a look at any of those numbers and try to do as estimate of what might happen?

Rick Pearson: We didn't provide those numbers exactly. However, particularly in the Gulf of Mexico, it could be a similar situation with the General Category permit so that estimate of 4,000 could include other commercial fishermen in other areas as well too. But to look at every other - the numbers of all other commercial permits - no, we didn't look at that.

Margo Schulze-Haugen: And, I would add that we looked at what we thought the closest match would be for commercial hand gear fishing for highly migratory species as the most likely group of fishermen that would take advantage of it. That's the General category. It's not limited to them but as a reasonable estimate, that's what we did.

Randy Blankinship: And this is Randy. I was going to say that that's particularly relevant because, you know, the Atlantic Tunas General permit is the commercial permit not only for bluefin tuna, but for yellowfin tuna which is an important species in the Gulf of Mexico.

Terri: Okay, but fellows can get those permits now. I'm just saying, there's other hand gear fisheries down there targeting other species that may not have ventured into HMS that might all of a sudden decide it's very appealing. You can't target bluefin in the Gulf so, you know, a lot of folks tell us we weren't doing that there. You can target swordfish in the Gulf with hand gear, certain areas, particularly the Desoto Canyon, regional swordfish areas. Anyway, it was just a question. I think you ought to really think about it if you're going to have an open-access permit. You'd better take a good look at all the possibilities before you open the door, so that's why I raise them.

Margo Schulze-Haugen: Okay, thanks Terri.

Coordinator: Next question is from Scott Taylor. Your line is open.

Scott Taylor: I can't help but respond to Terri and to the prior caller. I think it's an important distinction, first of all, when he was commenting about the distance between the U.S. and the Bahamas that, if we can figure out a way to avoid that EEZ, that would probably make a huge difference. But as long as we have to comply with these sorts of economic zone of other countries, that limits the Straits quite a bit into the area that I said.

Second, is a comment on Terri's about the commercial sector. If I thought that this was going to benefit the commercial sector and that they too were going to apply for these permits, I think that I would have a lot easier time supporting it. I don't think that's the case. I don't think that the fishery as it's currently laid out, or contemplated, can be economically viable for fishermen that are engaged in other commercial activity. And, that's where my concern lies. I think that what you're going to see exactly as the prior caller referred to as the center-console fleet that is recreationally fishing that may see this as an opportunity to be able to market their fish but that isn't going to want to bear

the expense necessarily of doing what needs to be done in order to be able to comply. That fleet is the most prolific in the area that we discussed and, whether or not you have a retention limit of one or two or three fish, it's very difficult for somebody to make a commercial living when limited by that number of pieces. So it's going to be much more along the line even by the numbers that Rick and Randy calculated on how much we can anticipate that a boat catching 10 or 12 or 15 fish would generate a year would not offset the cost of complying with, where the fishery is

That ties into the compliance issues and enforcement and all the other stuff that we've already had some conversation about. Then the final comment is in the divergence between the daytime fishery and the hand gear fishery and I feel compelled to say something about that. Our daytime hand gear fishery, I mean, our daytime deep-drop fishery here is something that's relatively new. It's kind of developed over the past couple or three years. I personally don't know of anybody that makes any money doing that. That is a recreational adaptation to going out and essentially dropping a line into 1800 feet of water and catching, you know, one fish or two fish during the day.

On a nice night down here in the spring and in the summer when the swordfish are biting, you can see 100 boats out there engaged in recreational activity. You know, we're talking about a handful of guys with very specialized, deep-drop electric reels that are expensive that are engaged in that fishery. It's certainly been glorified on YouTube and most sportfishing shows and you see it happening out there, but that's not where the greatest number of activity and pressure is. It has always been, and will be, in the south Florida area down here a predominantly night-time fishery.

Margo Schulze-Haugen: Thanks Scott. A couple of points. This was never intended in our view as a sole fishery that someone would make to live off of. We've

characterized this as supplemental to other commercial fishing activity and I would actually would encourage folks to look at the comments that we've already received on regulations.gov. There's quite a number from other commercial fishermen in support, although perhaps not many from South Florida but in other regions there is interest from commercial fishermen in this permit.

Scott Taylor: And I think that it has its place, Margo, in other areas. I'm not discouraging the guy that is out there harpooning tunas from having to turn away from a swordfish. I think that there's an important distinction and that's why most of my comments have been focused on the south Florida area.

As you know, I helped with some of that alternative workshops that went on down there in the Gulf and I think that one of the disappointments was that this permit was limited in scope in these other areas and did not include the ability for some other hand gear possibilities. But, having said that, there is absolutely a place to allow for some additional opportunity so long as that it's not going to curtail the ability in the near future for existing permit holders, regardless of how they're going to use it, to be precluded from fully utilizing the permit and their activity.

It's why I said that I really do understand the desire to diversify and that essentially that the PLL fleet that captures the lion's share of the swordfish quota does not have, and should not have, total exclusivity to the fishery. It's not what I'm proposing. My concerns go along the lines of what I deal with in my life every day that you all don't get to see, which is a huge proliferation of black market fish. I'm just really greatly concerned that in an environment down here that deals with all the other things that we've just spoken of, that we're going to take a bad situation and even make it worse, because it will produce some level of additional conduit.

I'm going to end this comment, but there was an interesting comment down here in Florida from somebody that was in the audience that, when they were talking about the one fish per day limit. The comment was does that mean that I can sell one fish per day? That comment was directed because of the fact that he was going to be out there every single day. His comment was directed because there are already people that are sitting out there looking to take this opportunity down here and to figure out to best utilize that to accomplish what they want to be able to accomplish. Does that make any sense to you?

Margo Schulze-Haugen: Well, that people want to accomplish what they want to accomplish. I guess maybe I'm not getting the point then.

(Scott Taylor): Well, okay. What he was basically saying is, does that mean that if I go out and catch six fish under my recreational permit, then I can have somebody sell one fish per day for me. I mean, that was what the question was posed, that he'd be able to sell a fish every day even though he only had gone out one time because this is the mindset in general with what is transpiring down here.

And for all the reasons that have been mentioned about the way that what it's going to take to comply with this permit, I know people, for example, with a snapper/grouper permit that found the issue the way that they can get by around the quota down here is that what they do is put a dinghy on the boat that has the permits. And so what they do is they put a 15-foot vessel on the back of their boat and, essentially, then they can carry catch-to limits. We deal with this black market fish making it into the market every single day down here. And what's going to happen is that the guy that's running around that you're hoping to be able to see get the permit, or it's the center-console with twin outboards that's got a \$200,000 boat, he's not going to opt for a

commercial permit with where he's got a one or two-fish limit when he can have a recreational permit and find another way to have a legitimate permit to be able to market the product if that's what they choose.

So I mean, this is the area of concern because there is no level of enforcement down here. You're looking to pass a highly migratory species open-access permit without any concept whatsoever of how you're going to go about, or how the Agency's going to go about, enforcing essentially the same group that can't even bother to report their recreational catch.

And that does not apply to the other areas that we're speaking about. For a lot of different reasons - geographic and logistics - it's not the commercial guys, the true commercial guys that you have compliance issues with because they have something to lose. They have other permits that they have to lose. They have a livelihood that they have to lose. The guy that turns around and is selling fish for his buddy that's got another open-access permit, what does he have to lose? What's the downside for them?

Margo Schulze-Haugen: Okay, I get the point Scott.

(Scott Taylor): Okay, and that's why I'm in support of the utilization. I just am, like I said to you as a dealer down here, if I thought it was more to like legitimize it. It's a business opportunity for me because there's not that many licensed dealers down here in the area. I just am violently opposed - vehemently opposed - to anything that I don't see any way you possibly can enforce within this sensitive area down here, and that's it.

Margo Schulze-Haugen: Okay.

Coordinator: Once again if you have a question or comment, please press star then 1. No further questions or comments at this time.

Margo Schulze-Haugen: Okay, well so thank you everyone so this has been recorded. This will be part of the administrative record. We've all also been taking notes. I would encourage you...

Coordinator: Excuse me.

Margo Schulze-Haugen: Okay.

Coordinator: Oh, one just came up. Did you want to take it?

Margo Schulze-Haugen: Sure

Coordinator: Thank you. Russell Hudson, your line is open.

Margo Schulze-Haugen: Hi Rusty.

Russell Hudson: Hi Margo, Rusty. I missed a lot of this because of a family emergency earlier but to Scott's point, and he's making really good points, and Terri's point, pass-up issues I believe is a big deal. It's something that we have to abide by whenever the dealer receives things. And it sounds to me like the idea of a 15-foot boat on top of another boat would be a transfer at sea issue. I'm not sure of the legitimacy of that particular approach but just wanted to throw those couple of items out there and I could easily see where they could get jammed-up down there in that region.

If you want to see what your list of permits are, the South Atlantic Council's done some analysis with Coral Amendment 8 which was actually in the recent

SSE briefing book and you may be able to ferret-out pretty quickly just how many other permits are out there by counting and how many dealers are in whatever regions in case you want to know. Thank you.

Margo Schulze-Haugen: Okay, thank you.

Coordinator: No further questions at this time.

Margo Schulze-Haugen: Okay, so I will take the opportunity to thank everyone and the comment period closes May 8th. We have one additional conference call Webinar scheduled for the 30th and so regulations.gov is the preferred way of getting those comments in.

As Rick mentioned earlier, we are posting comments as they come in. You can see what the other commenters have said and I think with the few minutes we've got left I'll take the opportunity to let folks know, Scott, and as I mentioned at the beginning of the call, clearance to let you know we are releasing the final draft Amendment 5A on sharks today.

So you will be having that list-serve and the FEIS will be posted and so the processes that will be we'll have the notice of availability that the EPA releases next Friday, so not tomorrow but a week from tomorrow.

And then there is a 30-day period where people can review what's in the final amendment and then the final rule follows that. The final measures as you may know do not include measures to address the over-fishing and over-fished status of Dusky sharks.

We had notified folks that we were going to pull that out and consider that separately, re-propose an amendment specifically for that and so what

Amendment 5A is are the measures for scalloped hammerhead, black-nose, sandbar, and Gulf of Mexico blacktip. So the Dusky sharks is renamed Amendment 5B.

And so the final measures, we have kept the TACs and commercial quotas again for scalloped hammerhead, the aggregate large coastal, Gulf of Mexico black tip, black-nose and non-black-nose largely the same, although there are some minor changes due to the inclusion of an additional year's worth of data into the analyses and so very, very similar approaches there, but again numbers slightly changing.

Quota linkages where there is a change in the final, we maintain quota linkages between the hammerhead, Atlantic and Atlantic large coastal sharks so those fisheries would close together. However, in the Gulf of Mexico, we only kept linkages between the hammerheads and the aggregate large coastal and did not finalize an automatic linkage with the Gulf of Mexico black tip quota and that's because in looking at the public comments and the data, we found that people that were fishing for black tips had largely catch of black tips and there was little by-catch or catch of the hammerheads or the other large coastal.

We have the authority in the regulations to close the black-tip quota based on a review of several criteria, landings information, any other observer information so that, should we need to close that, whether it's in conjunction with the others or not, we have that ability but it is not automatic.

On the recreational side, the final measures are to increase the minimum recreational size limit for hammerhead sharks only to 78 inches fork length and to maintain the current size limit for all other sharks. We are not finalizing reporting of recreationally-landed hammerhead sharks at this time

but we intend to revisit some of the recreational reporting for all sharks in the future and then we will be tailoring our outreach accordingly to these measures.

So if you have any questions on that, Pete Cooper is here and ask him to call you. I unfortunately need to go fairly soon and then we will be in tomorrow and you will have this notice in your inboxes very shortly. So, thank you very much for dialing-in today. We appreciate all the comments and look forward to hearing from you all soon.

Rick Pearson: Thank you, everybody.

Coordinator: Thank you for participating in today's conference call. You may now disconnect.

END