

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
(NOAA)

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NATIONAL MARINE FISHERIES SERVICE (NMFS)

ATLANTIC HIGHLY MIGRATORY SPECIES ADVISORY PANEL

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PUBLIC MEETING

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WEDNESDAY
MAY 15, 2024

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The Panel met at the DoubleTree by Hilton Silver Spring, 8777 Georgia Avenue, Silver Spring, Maryland, at 9:30 a.m., Bennett Brooks, facilitating.

MEMBERS PRESENT

JASON ADRIANCE, Louisiana Department of
Natural Resources*

DAVID APPOLONIA, F/V Blitzen*

KESLEY BANKS, Gulf of Mexico Fishery Management
Council

CAROLYN BELCHER, Georgia Department of Natural
Resources*

RICK BELLAVANCE, New England Fishery Management
Council

SPENCER BODE, F/V Titan, Seafreeze Ltd.

JOHN BOHORQUEZ, The Ocean Foundation

PETER CHAIBONGSAI, The Billfish Foundation

DANIEL COFFEY, Harte Research Institute for
Gulf of Mexico Studies

MATT DAVIS, Maine Department of Marine Resources*

JOHN DEPERSENAIRE, Viking Yacht Company*
AMY DUKES, South Carolina Department of Natural
Resources
RAIMUNDO ESPINOZA, Conservacion ConCiencia Inc.*
YAMITZA RODRIGUEZ FERRER, Puerto Rico DNER,
Recreational and Sport Fisheries Division*
STEVEN GETTO, American Bluefin Tuna
Association*
WILLY GOLDSMITH, Pelagic Strategies
WALT GOLET, University of Maine School
of Marine Sciences, Gulf of Maine Research
Institute
MARTHA GUYAS, ASA Fishing
GREG HINKS, New Jersey Department of
Environmental Protection
JAMES HULL, Hull Seafood
BOB HUMPHREY, Sport-Ventures Charters and Casco
Bay Bluefin Bonanza
MATT HUTH, Fresh Catch Seafood
CHRISTINE KITTLE, Florida Fish and Wildlife
Department*
JEFF KNEEBONE, New England Aquarium*
SCOTT LENOX, Mid-Atlantic Fishery Management
Council
NADYA MAMOOZADEH, Michigan State University
JACKSON MARTINEZ, Environmental Defense Fund
AL MERCIER
ROBERT "FLY" NAVARRO, Fly Zone Fishing
SANDY NGUYEN, F/V St. Joseph & Peter
MICHAEL PIERDINOCK, Stellwagen Bank Charter Boat
Association
BRUCE POHLOT, IGFA*
MARTIN T. SCANLON, Blue Water Fisherman's
Association
DAVID SCHALIT, American Bluefin Tuna
Association
GREGORY SKOMAL, Massachusetts Division of Marine
Fisheries*
CAITLIN STARKS, Atlantic States Marine Fisheries
Commission*
PERRY TRIAL, Texas Parks and Wildlife
Department*

SCOTT VAETH, Miss Shell Seafood, Inc., Grey Ghost
Fishing
ABBY VAUGHN, Mississippi-Alabama Sea Grant
- State Representative for Alabama
RICK WEBER, South Jersey Marina
ALAN WEISS, Blue Water Fishing Tackle Co.
CHARLES WITEK
ESTHER WOZNIAK, The Pew Charitable Trusts
ROBERT ZALES, Southeast Fisheries Association

*participating by webinar

NOAA NMFS STAFF PRESENT

AMY ANDERSON, NOAA Office of Law Enforcement
RANDY BLANKINSHIP, Division Chief, Atlantic
Highly Migratory Species Management
Division
KARYL BREWSTER-GEISZ, HQ Fish Branch Chief,
Atlantic Highly Migratory Species
Management Division
PETE COOPER, Branch Chief, Atlantic Highly
Migratory Species Management Division
LISA CRAWFORD, Atlantic Highly Migratory
Species Management Division
JENNIFER CUDNEY, Atlantic Highly Migratory
Species Management Division
BECKY CURTIS, Atlantic Highly Migratory
Species Management Division
GUY DUBECK, Atlantic Highly Migratory
Species Management Division
STEVE DURKEE, Atlantic Highly Migratory
Species Management Division
ELSA GUTIERREZ, Atlantic Highly Migratory
Species Management Division
ERIANNA HAMMOND, Atlantic Highly Migratory
Species Management Division
BECKY JAUCH, Atlantic Highly Migratory
Species Management Division
BRAD MCHALE, Atlantic Highly Migratory
Species Management Division
SARAH MCLAUGHLIN, Atlantic Highly Migratory
Species Management Division

DELISSE ORTIZ, Atlantic Highly Migratory
Species Management Division
ANNA QUINTRELL, Atlantic Highly Migratory
Species Management Division
LARRY REDD, JR., Atlantic Highly Migratory
Species Management Division
JAMES REINHARDT, NOAA Office of Habitat
Conservation
GEORGE SILVA, Atlantic Highly Migratory
Species Management Division
CARRIE SOLTANOFF, Atlantic Highly Migratory
Species Management Division
ANN WILLIAMSON, Atlantic Highly Migratory
Species Management Division
JACKIE WILSON, Atlantic Highly Migratory
Species Management Division

ALSO PRESENT

KATIE MOORE, United States Coast Guard

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

2 9:30 a.m.

3 MR. BROOKS: All right, good morning,
4 everybody. If you're not at your seat maybe you
5 could head there at this moment.

6 I thought my throat would be completely
7 clear this morning, but not quite yet. So we'll
8 get there.

9 All right, good morning, everybody.
10 And welcome back. Thank you so much for all the
11 good conversation yesterday. Thanks to all the
12 HMS staff for all the information you brought and
13 continue to bring.

14 We have Alan Weiss at the table today
15 somewhere. There you are, Alan, welcome. I don't
16 think we have any additional new members online,
17 so I think Alan is just the only one joining us
18 today, so welcome.

19 Before we jump into the discussions,
20 I wanted to just give us an overview for the day
21 and just remind us of a couple of our ground rules
22 that guide us.

1 Agenda for today, in the morning we will
2 be walking through the final EIS for Amendment 15
3 which, of course, is about spatial planning,
4 electronic monitoring cost allocation, an issue
5 we have talked about a great deal here. So I know
6 you're all quite familiar with it.

7 We will take lunch from 12:00 to 1:30
8 p.m. today. In the afternoon, we'll have a
9 Deepwater Horizon restoration update, we'll have
10 enforcement updates from the Coast Guard and OLE.

11 And then we'll have an Atlantic Shark Fishery
12 update, again, sort of in the same vein as the tuna
13 update yesterday, management trends, opportunity
14 to hear from you all.

15 For members of the public in the room,
16 online, we'll have public comment at 4:30 today.

17 And we will wrap up at 5 o'clock. So that's the
18 game plan. We'll also have a morning break at
19 10:45, afternoon break at 3:15. And again, if you
20 have work phone calls, emails, et cetera, great,
21 just lob that towards the breaks, towards the
22 lunch, so you can be focused when you're here.

1 Just a quick reminder on the ground
2 rules for anybody who may be new, and new members
3 of the public who may be in the room or online,
4 just again, comments are around the table or the
5 virtual table among the panelists.

6 Just for those of you on the AP,
7 continue to contribute and share the time, ask
8 questions, just be clear, and focused, and
9 respectful in your conversations and comments.
10 Again, we all have really good conversations here,
11 so I appreciate it and thank you.

12 And just a reminder, when commenting,
13 if you're in the room and you want to get in the
14 conversation, just flip your card up. And keep
15 the side chats to a minimum. You will be surprised
16 how much voices carry and can really distract
17 people from hearing.

18 Online, if you want to get in the
19 conversation, just raise your virtual hand which
20 you will see at the bottom of your screen. If
21 you're talking you can turn your camera -- when
22 you're speaking, if you can turn your camera on,

1 that's great, so we can see you all. And obviously
2 you'll be muted when not talking.

3 And if everyone can try to remember,
4 start with your name again on behalf of the court
5 reporter. That would be good. I don't think chat
6 was used much yesterday. Again, I continue to
7 recommend sort of minimal use of chat.

8 It was helpful when someone posed a
9 question. It's the kind of thing that Randy and
10 me could just grab, react to, and get you a quick
11 answer. It's perfect for that. But for having
12 a side sort of back and forth, it's not so good.

13
14 I will run the queue in the same way
15 I ran it yesterday which is just trying to balance
16 across the sectors, balance across in the room and
17 online, balance between those of you who weigh in
18 a lot, and those of you who maybe only come in a
19 little bit.

20 I will reiterate to folks online, we
21 really do want to hear from you, so please do not
22 be shy. Just because you're not in the room,

1 doesn't mean we, you know, you have sort of less
2 standing to be in this conversation. So please,
3 don't be shy, raise your hand.

4 We will be recording today, as we were
5 yesterday. So I think that's all I wanted to say.

6 Let me just quickly see if there are any questions
7 about today, anything?

8 Yes, Bob?

9 MR. ZALES: Again, Bob Zales, this is
10 just a logistical question. Back when initially
11 I was put on this panel, Rebecca Lent was in charge
12 of HMS, however long ago that was. And we had a
13 pretty good idea as to when proposed regulations
14 came out, who was in charge of putting that out
15 for the Secretary to approve or not.

16 In today's world, because a bunch of
17 you are here, who's in charge of HMS that, when
18 you propose an amendment and it gets to the thing
19 were it becomes a proposed rule, who makes those
20 decisions? Is it like a group thing, or does Randy
21 do it, or does Karyl do it, or whoever? How does
22 that work?

1 Because the Fishery Service Counsel
2 recommends proposals or regulations to the Fishery
3 Service, Fishery Service Secretary, then they work
4 on it. How does that work with you all?

5 MR. BLANKINSHIP: Thanks, Bob, that's
6 a fair question about how this process works within
7 Atlantic HMS, since we aren't part of the Council
8 process.

9 So needs for, let's say, a rulemaking,
10 a fishery management amendment or, you know,
11 whatever that looks like, come from a few different
12 sources to begin with. One is they can come from
13 recommendations from ICCAT that we need to
14 implement under the Atlantic Tunas Convention Act.

15 They can come from data analysis, updates to stock
16 assessments, those kind of things that can be a
17 driver. Also, input from the AP, or public comment
18 can be drivers for identifying a need.

19 Then once those needs are realized,
20 then we, from staff, funnel those up though me or
21 whoever is the chief. And you mentioned Rebecca
22 in the past. The process is very similar. They

1 come up through me, and then I will brief, along
2 with staff, Kelly Denit, the Director of the Office
3 of Sustainable Fisheries.

4 And if we agree, and it's approved
5 through that chain, then it is briefed on up through
6 the Fisheries headquarters office, so the F suite,
7 as we call them. So that would be, in this case,
8 Sam Rauch, and through the AA.

9 And so with approval of that, then Staff
10 would be authorized to proceed. That is how that
11 process works.

12 MR. BROOKS: That was a really good
13 question and, I think, for the new folks around
14 the table, probably very helpful, and maybe even
15 as a reminder for others. Any other questions
16 before we jump in, anybody online?

17 Okay, if not, I'm going to hand it over
18 to Randy for a minute, and then we'll jump into
19 the agenda.

20 MR. BLANKINSHIP: Yes, thanks. So
21 good morning, everybody. Good to see you all again
22 for Day 2. We have, as Bennet went through,

1 several items of interest to talk about today.
2 It should be a great day of receiving input from
3 you all on all these different issues that we will
4 discuss.

5 I want to give you a heads up about
6 something this afternoon that I wanted to keep from
7 surprising you. We've had a request from a
8 reporter, or a couple of reporters, from CNN to
9 come in and so some filming of our AP meeting.
10 And so they would like to be here during the shark
11 management discussion this afternoon.

12 We understand that there will be a
13 couple of cameras that they will have in order to
14 film the activities, and the discussion, and the
15 presentation, and a couple of reporters with them.

16 So we anticipate that they will be
17 operating in the background. And we will have our
18 NOAA Fisheries comms people with us to help
19 facilitate their work in dealing with the
20 reporters. So that should happen in the
21 background as they set up.

22 But since it's not something that

1 happens every day of our AP meeting, I just wanted
2 to give you all a heads up when that starts to
3 happen. I anticipate that that will happen
4 basically, probably following the afternoon break
5 and then going into the afternoon today. So thanks
6 a bunch.

7 MR. BROOKS: And we'll, of course, have
8 personal hair hairstylists here, and makeup folks
9 for you, sort of at the lunch break. So, you know,
10 we can all be looking our best.

11 All right, thanks for that update,
12 Randy.

13 So let's jump into Amendment 15 before
14 I hand it over to Steve and team. As I mentioned
15 a moment ago, we have spent significant time and
16 discussion on Amendment 15, as we should. It's
17 an important amendment, a lot in there.

18 There's been a lot of alternatives that
19 have been considered, both for the spatial
20 management side, for the electronic monitoring
21 cost allocation, a lot of moving parts. It's
22 complicated, a lot to digest. It's important.

1 Sort of consistent with the
2 conversation we had yesterday, you know, the
3 conversations here and feedback from elsewhere
4 have resulted in some changes. And we want to make
5 sure that we're spending a good amount of time today
6 for you all to understand what is in the final EIS,
7 ask questions. If there's any additional
8 feedback, obviously we want to hear that.

9 But the main goal here is really to
10 understand what's in there, hear your questions,
11 make sure you leave here really clear on what's
12 in the final EIS.

13 So we have a good amount of time set
14 aside for this. I'm going to hand it over. We'll
15 have a presentation for the first portion of the
16 morning and then a lot of time for Q and A. So
17 with that, I'll hand it over to Steve and team.

18 MR. DURKEE: Awesome, thank you. Yes,
19 my name is Steve Durkee. I am co-leading this
20 Amendment 15 process with Larry Redd next to me.

21 Karyl is joining me as well. On the A15 team also
22 are Erianna over here on the side, and Lisa. Dan

1 Daye is online, and Tobey Curtis has helped out
2 as well. I think he's in Alaska or something, so
3 he's not here today, but just want to make sure
4 I point them out.

5 I was recently told that Amendment 15
6 was scheduled today, which is May 15th. I'm not
7 sure if that was on purpose, Pete? Is that on
8 purpose? So it's 15 on the 15th. So it's a special
9 day. We'll have T-shirts for sale in the lobby
10 somewhere.

11 So as you will remember, there's two
12 broad components to Amendment 15. There's the
13 spatial management portion and then the pelagic
14 longline EM cost allocation portion.

15 The spatial management portion
16 considers the modification, data collection, and
17 assessments of four spatial management areas. And
18 those are all on that map up there on the slide.

19 The pelagic longline EM cost allocation
20 portion considers shifting the costs of the pelagic
21 longline EM program from the Agency to the
22 industry. And importantly, at this stage, we've

1 changed our preferred alternative and we're not
2 preferring to shift those costs fleet-wide at this
3 time.

4 Now there's two asterisks to that right
5 now. One is that we intend to initiate future
6 rulemaking to re-look at this in the future. And
7 second, some of those components of the preferred
8 draft measures have been incorporated into the
9 monitoring area in the spatial management portion,
10 which we'll get into some details there.

11 But for the rest of presentation, we
12 won't discuss really the pelagic longline cost
13 allocation fleet-wide, and we'll focus on spatial
14 management.

15 Okay, so I've got a few background
16 slides. Some of you have seen these a lot, several
17 times before, but I think it provides an important
18 context. So there are large areas in the Atlantic
19 and Gulf of Mexico that restrict or prohibit
20 longline fishing. Some have been in place since
21 around the year 2000 or so, so they've been around
22 for a long time.

1 The goal was to reduce bycatch, think
2 species like some of the sea turtles, undersize
3 swordfish, billfish, and some sharks. Now since
4 implementation though, there have been many
5 changes. There's different ocean conditions,
6 think perhaps ocean temperatures.

7 The distribution of HMS and bycatch
8 species have changed. The species in need of
9 protections have changed. Maybe one example would
10 be shortfin mako sharks that weren't on our radar
11 in the longline fishery back in the year 2000.

12 The fishery management tools have
13 changed as well. Some examples would be circle
14 hooks or bait restrictions that were not in place
15 back in 2000. So there's been a lot of changes
16 to the ocean and the fisheries since
17 implementation.

18 And all these changes particularly
19 affect HMS. While any species would change with
20 these changes in the ocean and the fisheries, HMS
21 and bycatch species are particularly sensitive to
22 these ocean conditions. Because rather than

1 congregating around static bottom types, they move
2 around and shift their distribution based on these
3 factors.

4 So in the context of climate change,
5 changes in the fisheries, and shifts in species
6 distribution, static fishery closures could result
7 in a mismatch between the original conservation
8 needs, current conservation needs, and current
9 ecological conditions.

10 So the question might be, you know, are
11 these areas protecting the right species in the
12 right places at the right times? And the answer
13 is we're not entirely sure.

14 These current closed areas have not
15 been evaluated for their effectiveness due to the
16 lack of fishery-dependent data. And
17 fishery-dependent data is data that's collected
18 during normal fishing operations.

19 That's what fishery managers base a lot
20 of decisions on. So if you close an area to
21 fishing, you cut off that access to that
22 fishery-dependent data, and you're not able to

1 actually assess whether these are meeting current
2 conservation management needs, which brings us to
3 the goals of Amendment 15.

4 So the overarching goal is to collect
5 data to evaluate the effectiveness of these current
6 longline closed areas and consider modifications
7 if needed. To do that, we're delineating, within
8 the footprint of the current closed areas, areas
9 of high and low bycatch risk, to guide data
10 collection. We have ended up with some methods
11 of data collection to put in these areas of high
12 and low bycatch risk that are conservation risk
13 appropriate.

14 We'll also produce some guidelines
15 through regulatory text for the future design and
16 evaluation of HMS closed areas, all with a goal
17 of increasing conservation protection efficiency
18 for those bycatch species by optimizing those
19 closed areas.

20 Here's just the last background slide.
21 You've seen this one before as well. This is a
22 little bit of the organization of the NEPA

1 document, the EISes. And as you recall, we took
2 kind of a menu approach to this.

3 In the top right, you'll see that little
4 flow chart. We have A, B, and C alternatives
5 indicated by the yellow rectangle, the green shape,
6 and the blue shape, A, B, C. We're thinking, like,
7 appetizers, entrees, and desserts.

8 So the A alternatives are ways to
9 evaluate and modify spatial management areas,
10 think delineating high and low bycatch risk areas
11 within closed areas. The B alternatives in green
12 are the data collection programs that could collect
13 data out of here in a conservation risk appropriate
14 manner. And then the C alternatives evaluate the
15 timing of spatial -- evaluate the timing of, I'm
16 sorry, consider the timing of evaluation of spatial
17 management areas.

18 In other words, how do we make sure that
19 future us don't end up in the same situation as
20 current us. How do we continue to evaluate these
21 things into the future?

22 So rather than take one preferred A

1 alternative across all the areas, or one preferred
2 B alternative, it's a menu selection. So on the
3 right up there with the blue is the four spatial
4 management areas considered. We'll select the
5 preferred A, B, and C alternative separately for
6 each one of those areas.

7 All right, so getting into the meat of
8 what we're preferring in the FEIS, we'll start with
9 the one bottom longline area, the Mid-Atlantic
10 Shark Spatial Management Area. That
11 cross-hatched area is the footprint of the current
12 closure. And it's closed right now from January
13 through July.

14 At the proposed stage we proposed
15 shifting that timing up by two months, so keeping
16 the length of the closure the same but having it
17 start two months earlier and end two months
18 earlier. We had also proposed extending the
19 closure a little bit to the east.

20 The changes in the FEIS though are to
21 maintain the current footprint, no longer are we
22 preferring a shift to the east. Everything is

1 within that current footprint of the current
2 closure. But we are still preferring to shift that
3 timing up by two months, to begin two months earlier
4 and end two months earlier, November 1st through
5 May 31st .

6 Some of the reasons for the change is
7 that public comment indicated that that extension
8 to the east would impact non-HMS bottom longline
9 fisheries. And also, perhaps, the very low effort
10 in the HMS bottom longline fishery may not warrant
11 expanded closure. It might not be necessary at
12 this time.

13 I'll skip over into the Gulf of Mexico
14 next for DeSoto Canyon. These two boxes up here
15 are the footprint of the current closure. They're
16 closed year-round.

17 At the proposed stage, we have proposed
18 a parallelogram to replace these two boxes, and
19 we're no longer preferring that. What we're
20 preferring is to keep mostly status quo, the same
21 spatial footprint, the same year-round timing.

22 We would rename it, to more clearly

1 indicate the purpose of the closure, as the DeSoto
2 Canyon pelagic longline restricted area. But make
3 no mistake, it's still the closed area the same
4 as it is right now.

5 Some reasons for the change is that
6 public comment indicated that that proposed
7 modification, again that parallelogram we had
8 proposed at the draft stage, would reduce fishing
9 opportunities without a specific conservation
10 need.

11 Right now, also there is a proposed
12 designation for Rice's whale critical habitat.
13 And waiting to make changes in the Gulf of Mexico
14 gives us time to wait for and consider finalization
15 of that Rice's whale critical habitat designation.

16 So those are the easy ones. We're
17 going to move into the little more complicated
18 ones, Charleston Bump and East Florida Coast
19 spatial management area. And I'll look at each
20 of these separately. But I guess it's helpful to
21 look at them both up here on one slide together
22 to see how they're kind of similar.

1 What you see as the crosshatched area
2 are the footprints of the current closure. On
3 the left is Charleston Bump, and on the right is
4 East Florida Coast. On both we are designating
5 the inshore area as high bycatch risk area. And
6 that would be the new closed area. That's the area
7 where pelagic longline is prohibited.

8 The yellow area, however, will be a
9 monitoring area. This would be a special access
10 area that pelagic longline vessels could access
11 to do some fishing to collect data with the purpose
12 of assessing those closed areas, so that portion
13 of the closed area, rather.

14 And there are some different data
15 collection programs in the red and the yellow area.

16 And we'll get into some more detail in some
17 subsequent slides, but just to show you what those
18 look like together.

19 So let's start with Charleston Bump.

20 So it looks kind of similar to the proposed rule
21 stage. However, that delineation line between the
22 red and the yellow area, we've shifted west to

1 inside of that 100-fathom line. That 100-fathom
2 line is where the Gulf Stream -- there's a western
3 wall of the Gulf Stream that comes up there close
4 to Georgia and South Carolina.

5 It also maintains the current timing.
6 You'll recall that red area was going to be
7 year-round at the proposed stage. We're now
8 preferring to keep that the same closure timing
9 as it is right now, from February 1st through April
10 30th.

11 And some reasons for the change, the
12 public comment indicated that year-round closure
13 of that 100-fathom line would significantly reduce
14 fishing opportunities, perhaps even make that a
15 useless area if they couldn't fish at all
16 year-round.

17 Public comment also indicated that
18 100-fathom line was necessary to ensure fisherman
19 would go into the yellow areas to actually collect
20 data. If catch rates are too low in those really
21 far offshore areas, you wouldn't get anyone in
22 there fishing to look at what catch would look like.

1 And again, we're going to look at what the data
2 collection programs look like for red and yellow
3 in a couple of slides from now.

4 So very similar for East Florida Coast,
5 East Florida Coast is currently closed year-round.

6 And the timing for both the red and yellow area
7 maintain that timing year-round from January 1st
8 through December 31st .

9 The change from the proposed stage
10 though is that delineation line at the draft stage
11 was a vertical line going straight up and down with
12 that same southern terminus that you see up there
13 right now.

14 We are now preferring to shift that
15 northern end of the line a little bit to the west
16 to open up just a little bit of that 100 fathom
17 line for data collection. Public comment
18 indicated that having a little bit of access to
19 that was necessary, again, to ensure fisherman
20 would voluntarily access that area to collect data.

21 We kept a diagonal line though, because
22 it keeps that monitoring area at least 45 nautical

1 miles from shore and maintains that red closed area
2 in that nearshore area where there's a more likely
3 possibility for gear conflicts or fishery
4 conflicts. Also notice with this that there's no
5 yellow or monitoring area in that south Florida
6 area or the Florida Straits.

7 Okay. So what does red and yellow
8 mean? So the red area, again, I think it's best
9 to think that is the new closed area. No pelagic
10 longline fishing is allowed outside of EFPs.

11 However, there could be some data
12 collection under EFPs if a researcher chose to put
13 a research plan together and apply for an EFP with
14 the agency. And there were some stipulations with
15 that which we'll get into in some subsequent
16 slides. But that is the avenue for collecting data
17 in those red areas.

18 And the yellow areas will be monitoring
19 areas with some increased requirements for pelagic
20 longline vessels to access that area, first this
21 increased real time species reporting via VMS for
22 species, shortfin mako, loggerhead, leatherback,

1 and billfish.

2 So currently when a pelagic longline
3 vessel is out fishing, at the end of each set,
4 within 12 hours, they need to report in their VMS
5 effort data and bluefin tuna interactions. That
6 would not change that requirement at all.

7 But when they're fishing inside of a
8 yellow area, inside of the monitoring area, the
9 number of species to report in real time increased
10 to include those bycatch species up there.

11 There's also an enhanced EM video
12 review. So currently, all sets are submitted for
13 review, and then a small selection of those sets
14 are reviewed to make sure that all of the bluefin
15 tuna reporting is accurate.

16 All those requirements stay the same,
17 including in the monitoring area, but in addition
18 to that the fishing that occurs in the monitoring
19 area would be subject to an increased video review
20 rate.

21 So again, all sets are being submitted
22 for video review, and then the vendor is randomly

1 selecting 50 percent of those sets to review to
2 make sure that those VMS set reports of shortfin
3 mako, loggerhead, leatherback, and billfish are
4 being accurately reported.

5 There's also an effort cap in each of
6 these areas, which is a maximum number of sets that
7 could occur, to make sure there's not too much
8 effort in these areas. In Charleston Bump, that
9 would be 380 sets from February through April and
10 at East Florida Coast, 250 sets per year.

11 Now importantly, these are special
12 access areas. The Agency can close these and/or
13 not reopen them if conditions warrant. Perhaps
14 with that real time reporting, if we're seeing a
15 lot of loggerhead catch, something like that, we
16 can go ahead and close early and then maybe even
17 reopen in the future if you want to go back and
18 re-look and see what's happening in those areas.

19 There's also a VMS hail-out
20 requirement. If a project longline vessel wants
21 to go in there to fish, you need to make sure to
22 indicate that interest during their required VMS

1 hail-out.

2 So changes from the draft to the final,
3 that EM video review rate was reduced from 100
4 percent to 50 percent. Again, all the sets are
5 being submitted. But the review rate is preferred
6 to be reduced to 50 percent. And the effort caps
7 in both areas was increased to 380 sets in
8 Charleston Bump for that three-month period and
9 250 sets per year in East Florida Coast.

10 Now the reasons for the changes, for
11 the reduction of video review rates, we heard from
12 public comments that that 100 percent video review
13 rate that is paid for by the fishermen might
14 dissuade fishermen from accessing that area. It
15 might be too expensive.

16 But 50 percent review rate might still
17 be high enough to incentivize accurate reporting
18 through those VMS set reports. And again, those
19 VMS set reports are how we're getting real time
20 data out of there to track the conservation impacts
21 of these monitoring areas.

22 We also heard that the effort caps that

1 we have proposed were too low to actually get good
2 data out of there to assess those areas. If we don't
3 have enough data, enough catch data, a large enough
4 sample size, perhaps that fishing in there would
5 not be useful until we have multiple years of data
6 available to see what those catch rates look like
7 for different species.

8 And so in partner with that, we also
9 heard some comments on ways to update our
10 calculation methodology. We heard loud and clear
11 that the effort cap should be based on actual catch
12 data in Charleston Bump, since Charleston Bump is
13 open during certain portions of the year. And
14 that's what we use to update the Charleston Bump
15 effort cap.

16 For East Florida Coast, the effort cap
17 was used by creating a ratio of a reference area,
18 which is just a larger area with similar
19 oceanographic conditions from Hatteras to the
20 Keys, and compared that size to the size of the
21 actual monitoring area.

22 What we heard was that larger reference

1 area should not include the closed areas to more
2 accurately show current fishing opportunities.
3 And so we removed the current closed areas from
4 that reference area and just recalculated these
5 in the same methodology and came up with a different
6 number of sets.

7 Okay. And then also in the monitoring
8 area, researchers could apply for EFP as well if
9 they wanted to do research in that area outside
10 of commercial pelagic longline fishing.

11 So let's talk specifically about the
12 EM video review. How does that work? All right,
13 so the monitoring area EM program, so importantly,
14 again, there's no change to the current bluefin
15 tuna IBQ EM program. That whole EM program to
16 support IBQ would not change. Whether you're
17 fishing inside or outside those yellow monitoring
18 areas, you still need to make sure you comply with
19 those.

20 However, on trips that fish wholly or
21 in part in the monitoring areas, fisherman need
22 to arrange and pay for enhanced EM video review,

1 again, 50 percent of the sets.

2 And I just want to keep highlighting
3 the bycatch data will continue to come from the
4 VMS set reports. And the EM video review is just
5 focused on incentivizing accurate reporting.

6 Now separately from that, we're still
7 pretty excited about actually having this EM video
8 data. Because it's possible we could feed it into
9 our spatial modeling tool, PRiSM.

10 With the EM video review, we're going
11 to have species ID, catch location and time, which
12 is the same type of information that's fed into
13 our spatial modeling tool. So that's possible
14 looking forward into the future. But as far as
15 real time monitoring, we're looking at those VMS
16 set reports.

17 So under the FEIS, there's a couple of
18 different avenues that fisherman could use to get
19 the services of a vendor to meet those enhanced
20 EM video review requirements.

21 The first one, likely the most
22 simplest, use the existing EM vendor that's

1 currently providing IBQ EM services. So when the
2 vessel owner submits their hard drives they
3 currently do, they'd also submit payment for
4 increased video review, 50 percent of those sets.

5 Now, here's a really important thing
6 to note is, with this avenue, the Agency is
7 committed to paying for this in year one. So
8 there'll be no expense on the fishermen in year
9 one.

10 A separate avenue would be we're going
11 to set up a program where we're going to solicit
12 and approve additional vendors to provide these
13 services, these monitoring services, in the
14 monitoring area.

15 So in that case, we would approve
16 vendors, give an approved vendor list out to the
17 fishermen who could then contact vendors and
18 arrange for meeting these program requirements,
19 such as a vessel monitoring plan, 50 percent video
20 review, equipment, et cetera.

21 And then the vendor would submit
22 quarterly reports to NMFS where we could actually

1 make sure that they cross checked those VMS set
2 reports to ensure its accurate reporting.

3 This option may also require some
4 additional equipment if that third vendor is not
5 able to use the current equipment that's on there.

6 So there are some complexities to this option,
7 but at least it's out there. It's a possibility
8 if someone wanted to us a different vendor. And
9 maybe it's a cheaper option than using the current
10 vendor.

11 All right, so that's specifically on
12 the monitoring areas. So let's talk about what
13 an EFP would look like. So in those red and yellow
14 areas, a researcher could apply for an EFP to
15 perform gear-specific research in those areas.

16 And particular consideration would be
17 given to collaborative research projects that
18 include multiple entities. But however,
19 additional conditions need to be incorporated into
20 that research plan in order to be considered
21 consistent with the NEPA analyses in this FEIS.
22

1 We need to have an effort cap as part
2 of the research plan, which is at 50 percent of
3 the monitoring area level. We need to include some
4 bycatch caps, some reporting capabilities in there
5 to report all effort in catch. We need to have
6 some sort of combination of a 100 percent observer
7 or EM coverage.

8 Applicability of study design, you need
9 to make sure that whatever research questions
10 they're trying to answer are applicable to
11 management questions.

12 And then this next to the last bullet,
13 exclusion areas, this is super important. We need
14 to make sure, as part of their research plan, that
15 they're excluding areas from their research
16 footprints that could result in some gear conflict
17 or fishery conflict, perhaps staying a certain
18 distance from shore, or not entering areas of high
19 fishery effort.

20 And then also some fleet communication,
21 participating research vessels need to communicate
22 areas of high bycatch. If they end up putting a

1 set down and they're finding loggerhead catch,
2 communicate to other research vessels to make sure
3 that we're not getting some additional research
4 in that area and doing undue impacts on those
5 species.

6 Importantly, applications for research
7 that meet this criteria would not be required to
8 be approved. It's still NMFS needs to look at it
9 at its own merits. And then also a researcher
10 could submit a research plan that is outside --
11 that does not incorporate all these conditions in
12 their research plan but that might require
13 additional NEPA analyses, and public comments, et
14 cetera.

15 Okay. So a data collection summary,
16 so data collection programs are implemented in some
17 areas and times that were previously closed to
18 fishing. But no previously closed areas will be
19 fully open in all commercial fishing without strict
20 effort limits, enhanced monitoring, and reporting
21 requirements.

22 And the level of bycatch risk

1 determines the level and type of access. Areas
2 with higher bycatch risk, like those red areas,
3 are precautionary or limited data collection to
4 an Exempted Fishing Permit.

5 Areas with a lower bycatch risk, like
6 those yellow areas, are conditional commercial
7 fishing that is heavily monitored with caps on
8 fishing effort and enhanced monitoring and
9 reporting requirements, such as the monitoring
10 areas.

11 And again, the monitoring areas really
12 are special access areas where commercial vessels
13 can access portions of those to collect data, but
14 we have the ability to close early and/or not reopen
15 if conditions warrant.

16 For the C alternatives which, again,
17 how do we make sure that future us don't end up
18 in the same situation as current us, we set up a
19 regular evaluation cycle.

20 So we're still continuing to prefer to
21 evaluate these areas once three years of data are
22 available, and then again every three years into

1 the future, but also have the option for a triggered
2 evaluation if, earlier than three years or more
3 frequently than three years, we see some
4 indications we need to evaluate earlier. We have
5 the ability to do that with a triggered evaluation.

6
7 As part of the E alternatives, we had
8 proposed some framework provisions to change the
9 regulatory text to provide guidance and a road map
10 to add, change, or modify some of these closed
11 areas.

12 Importantly, these are just some
13 direction for the Agency to follow going forward
14 in the future. There's no changes to spatial
15 management areas based on regulatory text. And
16 any future changes would require proposed rule,
17 public comment period, et cetera. But it provides
18 some guidelines moving forward into the future.

19
20 So just a quick timing slide. A little
21 over a year ago, a proposed rule was published,
22 comment period ended last October. FEIS was

1 released a week ago from this past Monday. And
2 we're expecting the final rule that actually
3 implements everything in July with an effective
4 date of January 1st, 2025.

5 And then I'll pop up a slide here that's
6 got a home page with lots of information on there.

7 We created a tiny URL instead of having that long
8 NMFS URL. This was a QR code that's easier to
9 access that home page with lots of information on
10 there as well as some contact information.

11 And I think, at this point, that's all
12 I have then, if you want to go into some clarifying
13 questions and some comments.

14 MR. BROOKS: Thanks, Steve, that was
15 great and really clear. And again, big sprawling
16 rules, so thanks for laying it out so clearly.

17 We've got Steve, we've got Larry here,
18 we've got Karyl here. What I would really like
19 to do is focus this first conversation around
20 clarifying questions. Again, really want to make
21 sure everyone understands what is in this final
22 EIS. And then after we, sort of, work through the

1 questions, I'm going to open it up to any comments
2 folks may have.

3 So let's start with Rick, and then we'll
4 go to Peter.

5 MR. WEBER: Really well done, Steve,
6 thank you. I just wanted to, more for my own
7 education while we're here, you did a really good
8 run through on the EM.

9 If differences are seen, to begin with,
10 I want to make sure I'm understanding it is logbook
11 data or VMS data that anyone would see reported.

12 It is not EM data that is seen, that the EM is
13 to audit, what did you call it, the VMS set report.

14 I think that is correct.

15 But then you said, and I'm just curious
16 to understand the process. You get a report from
17 the EM vendor, and you guys do the comparison?

18 And then I have one after this as well,
19 Bennet. I just want to understand the process so
20 we understand, because I never have, really.

21 MR. DURKEE: Yes, I think it's really
22 analogous to the bluefin tuna process right now.

1 So with the bluefin tuna actions, as far as how
2 that factors into quota debts, IBQ debts, et
3 cetera, a lot of that's tracked through that those
4 VMS set reports, that fisherman reported data.
5 And that's near real time. That's kind of that model
6 we'd use for the bycatch species as well.

7 Then on a delayed cycle that we've got
8 this EM video review coming in that, as you said,
9 we could audit and look at what those actual VMS
10 set reports look like versus what the video
11 reviewer who saw that. So there's a bit different
12 time scales.

13 They're both available to us, but in
14 the short timescales, the near real time, we have
15 fisherman-reported VMS set reports, and in longer
16 time we have that video review information from
17 EM, if that answers your question.

18 It doesn't, I can tell.

19 MR. WEBER: It starts to. You say
20 things like we can review. I'm assuming that there
21 is a planned audit between the report that you get
22 on this set and the log. And it's not simply you

1 could go back and do it at some time, otherwise
2 we're not actually getting an EM review of the log.

3
4 So I'm assuming that there is something
5 in the process that, when you get a report and then
6 I suppose also that there is some de minimis
7 difference where you go, okay, they called it this
8 rather than that. But we're going to defer to the
9 log that was on site.

10 And I would imagine that the de minimis
11 difference is you don't really get into until you
12 start seeing -- I'm just, I want to understand the
13 process, because the process is what is going to
14 develop the faith and the trust. And so long as
15 there's gray areas in the process, I don't know
16 how it's going to echo around.

17 So we really need to understand it more
18 than we have in the past. So if you could go
19 through that audit just one more time for me and
20 help me understand. Thank you.

21 MR. DURKEE: Yes, of course. The
22 broad strokes of how you described it are accurate.

1 Yes, we can, we will, we'll audit this and see
2 what those EM video review reports look like
3 compared to the VMS set reports.

4 What those thresholds are for the gray
5 area between what the fisherman report and what
6 the video reviewer is seeing, we don't have those
7 sets established right now. That's the
8 implementation plan we look forward to going into
9 the future.

10 But as far as the broad strokes of what
11 you're describing, that's essentially how it's
12 going to be moving forward. And it's largely going
13 to follow that same model that's been productive
14 on the bluefin tuna side for EM video review.

15 MR. WEBER: I guess I didn't understand
16 that this is also a new process for you, but that's
17 good to know. And on Slide 16, the EFP list, do
18 I understand that you are clarifying -- is the
19 bulleted list new as specified? It was just
20 precedent in general policy before, but now we are
21 specifying the bulleted list. Is that how I
22 understand it?

1 MR. DURKEE: No, not exactly. So
2 EFPs, we routinely issue EFPs. And so what happens
3 is a researcher would come to us and say I've got
4 a research plan that I want to do.

5 So part of the Agency's responsibility
6 is to make sure that we're doing an analysis on
7 the environmental impacts on that. So let's take,
8 for example, shark sampling. If you wanted to
9 collect some sharks, lethally sample them and
10 collect stomachs, or fin clips, or blood, gonads,
11 whatever you're going to collect. What's the
12 impact of that research?

13 We've done those NEPA analyses. We
14 limit two that were shark-heavy, maybe over to
15 limit three. We've done those NEPA analyses, so
16 we can evaluate that EFP on its own merits and see
17 whether or not it meets the management needs, if
18 it's a good research plan. And we can defer back
19 to that NEPA analysis and go ahead and consider
20 and issue that as needed.

21 With closed area research, we don't
22 have that kind of NEPA analysis done right now.

1 Or we do now, but we haven't in the past. That's
2 why, if there's a research plan offered up that
3 would like to do some closed area research, we have
4 to do everything and look at those environmental
5 impacts for that research plan.

6 So what we've done here is, more
7 analogous to our typical EFP process, is to
8 actually go ahead and do that NEPA analysis, front
9 load that and see what it looks like.

10 And so provided that a research plan
11 fits within this bulleted list, which is semi-new,
12 but it's not a requirement per se, it's just if
13 you fit within those parameters it fits in within
14 the NEPA analysis we've performed in Amendment 15.

15 And it becomes more analogous to what we currently
16 do with the EFPs.

17 So if a researcher decides they want
18 to submit a research plan and they say we're going
19 to hit all of these bullets, but we're not going
20 to do bycatch caps. Okay, well, we can still
21 consider that. But that might require additional
22 NEPA analysis, and public comment, et cetera.

1 If they hit all of these bullets though,
2 we can consider it on its own merits, like we do
3 for every other EFP, and we'd follow that same
4 process, if that's what you're getting at.

5 MR. WEBER: Yes. No, actually not,
6 because I think I understand it. I do actually
7 think I understand it better now if it complies
8 with everything. Now, I know Peter's coming next,
9 so I'm prepared to hand it off to Peter.

10 If it completes all of those lists, does
11 that mean it doesn't go out for public comment,
12 because you've already determined what -- you know,
13 that will make people nervous, ha, ha, ha. In
14 coming, Karyl.

15 MS. BREWSTER-GEISZ: Thanks. I just
16 want to make sure everybody is aware of the current
17 process for EFPs. That might help make what Steve
18 said, put that into context.

19 So currently every year we send out a
20 Federal Register Notice requesting comments. And
21 we layout all of the EFPs we are expecting. And
22 we tend to base that on the EFP requests we have

1 had in the past. And so every year, everybody has
2 the opportunity to provide comments on those.

3 And then if, during the course of the
4 year, we get an EFP application for something we
5 weren't expecting, or we're expecting to be a
6 little more controversial, or is outside the norm
7 in whatever way, or outside of what we have analyzed
8 in the past, then we would go out with a second
9 round of public comments specific to that
10 particular request.

11 And so, Rick, in answer to your
12 question, if we were to get something that didn't
13 quite meet everything, we would more than likely
14 go out for public comments. If we got something
15 that did meet everything, it really depends upon
16 what is in that research and how different is it
17 from what, A, we've analyzed here and, B, we put
18 out in that original notice asking for public
19 comment.

20 MR. WEBER: With all we do with public
21 comment, Karyl, that should probably still go out
22 to public comment, would be my comment to you, you

1 know.

2 MS. BREWSTER-GEISZ: Probably, and we
3 may decide that, but until we actually see it, I'm
4 not going to make that --

5 MR. WEBER: Understood. Thank you.

6 MR. BROOKS: Thanks, Rick, that's all
7 good clarification, I think.

8 Pete?

9 MR. CHAIBONGSAI: I'm just going to
10 second that, what Rick just said. I would highly
11 suggest doing a public comment on that.

12 And then I have a bunch of comments
13 later, but these are just -- this is just clarifying
14 comments to the presentation. Is that correct,
15 and the amendment? Okay, just making sure. Okay.

16 So I believe I know the answer, but I
17 want to make 100 percent sure. The grouping for
18 billfish, for sailfish, and blue marlin, can you
19 please give me the explanation or where you can
20 tell me where that is specifically in the document
21 so I can review it one more time?

22 And then the second question, or

1 actually, I'll let you answer that one first.

2 MR. DURKEE: Yes, before I forget, so
3 what you're asking then is why those billfish
4 species were grouped together for modeling
5 purposes?

6 MR. CHAIBONGSAI: Correct. Yes,
7 thank you.

8 MR. DURKEE: Yes, absolutely. So I
9 would say Chapter 2 would have good information,
10 their species selection section, which is probably
11 the second, third, fourth, fifth, section within
12 Chapter 2.

13 MR. CHAIBONGSAI: Okay.

14 MR. DURKEE: I would look at the
15 response to our Center for Independent Experts
16 review. They discussed a lot of some of our
17 species selection.

18 MR. CHAIBONGSAI: Okay.

19 MR. DURKEE: That's Appendix 6.

20 MR. CHAIBONGSAI: Yes.

21 MR. DURKEE: And then maybe a more
22 targeted answer for you would be the comment

1 responses in Appendix 7 where we specifically
2 respond to comments we received. And there's a
3 good explanation for why species were grouped in
4 there as well.

5 MR. CHAIBONGSAI: Okay. Then second
6 or, I guess, third question, third comment, I think
7 it was Slide 13 where you talk about low bycatch
8 risk area monitoring areas. I just want to
9 clarify, when you talk about shortfin mako,
10 loggerhead, leatherback, billfish, are you
11 grouping them together there as well? Or are you
12 going to be separating them for sailfish and blue
13 marlin and white marlin there?

14 MR. DURKEE: That's a good question.
15 I think maybe I need to clarify the slide a little
16 bit more. It would be separate species.

17 MR. CHAIBONGSAI: Thank you.

18 MR. DURKEE: So we've just gone through
19 the process of updating those VMS instructions.

20 And so I can tell you that what it looks like is
21 a fisherman completes a set. It says, did you
22 interact with any of these species? If it's yes,

1 it goes species by species, including separately
2 those billfish species, to report on each one.

3 MR. CHAIBONGSAI: Okay. That
4 definitely clarifies. Thank you. I thought so,
5 I just, I just wanted to make sure.

6 And then lastly, is there a place where
7 I can also figure out -- looking at the report
8 itself, you talk about different ratios within the
9 model of bycatch caps and how you came to certain
10 estimations, right, for certain individuals to be
11 captured with -- or bycatch caps for that, excuse
12 me.

13 Is there and area to where I can
14 reference what would be considered high bycatch
15 historically? Meaning is there any sort of
16 historical context or reference that I could refer
17 back to in looking at, you know, what's considered
18 a high bycatch? Thank you.

19 MR. DURKEE: I think you hit the crux
20 of the problem and what Amendment 15 is trying to
21 solve is that we just don't have that data. So
22 I can't tell you in East Florida Coast, in this

1 corner, between the years, you know, 2005 through
2 2010, catch was X, Y, Z. Because we just -- there's
3 no effort there.

4 So we use this -- we're informed by our
5 spatial modeling tool as well as just some
6 information on where different fishing effort
7 could occur. And that's what helps us delineate
8 areas of high or low bycatch risk. That really
9 is the crux of what Amendment 15 is trying to solve.

10 MR. CHAIBONGSAI: So then anything
11 over those numbers is considered high bycatch?

12 MR. DURKEE: To be clear, we don't have
13 those numbers. So there's no threshold that we
14 --

15 MR. CHAIBONGSAI: I understand, but
16 the estimation for what you have from the ratios
17 and what you've put in the report itself?

18 MR. DURKEE: No. So the way the model
19 works, which might just get too far down in the
20 weeds, is it's not a model that's going to predict
21 the number of species. It's a model that predicts
22 the probability of interaction with that species.

1 So that model is not sophisticated
2 enough, nor was it designed to do what you're asking
3 it to do. That's what this data collection
4 exercise is going to move forward with.

5 MR. CHAIBONGSAI: All right. I'll
6 have some follow-up then to that as well. But I'll
7 let someone else talk. Thank you.

8 MR. BROOKS: Thanks, Peter. Let's go
9 to -- I've got Matt, Alan, Marty, and then over
10 to Greg. So, Matt, you're up. And I don't think
11 I have anyone online yet.

12 MR. HUTH: My question is more of a
13 mechanical question. On that same slide, you
14 know, like you say, now our VMS, we can report real
15 time, you know, our bluefin bycatch. Is that
16 available, the other species, the real time
17 interactions, is that available now? Or is that
18 coming in the future? And is that our
19 responsibility or, in other words, is that a
20 separate box? Or is that the box that we have,
21 like updated?

22 MR. DURKEE: It's in process. So if

1 you're out on your vessel right now, you won't see
2 it. Probably before January 1st you will see it.

3 But as of January 1st, yes, it'll be one of the
4 prompts that comes up, the same as the one that
5 says did you interact with bluefin tuna, yes or
6 no, it'll say did you interact with any of these
7 species, yes or no.

8 If the answer is yes and you're -- I'm
9 sorry, actually, it will only prompt if you
10 indicate you're fishing in a monitoring area.
11 Then it will prompt you to say yes or no. If it's
12 yes, then you've got individual species to start
13 reporting numbers on.

14 MR. HUTH: Okay. Thank you.

15 MR. BROOKS: Thanks. I'm going to hop
16 over Alan for a minute and, Marty, why don't you
17 come on in.

18 MR. SCANLON: Yes, Marty Scanlon,
19 President, Blue Water Fisherman's Association.
20 Well, first of all I want to thank you for the effort
21 that you put into A15 here, Steve, you know, Larry,
22 Karyl, Randy. I know Dan Crear put a lot of work,

1 and it's been a long process in getting this to
2 us.

3 Just to touch base on the bycatch limits
4 there, you know, I think we should be reminded that
5 in the original closures there were no set limits
6 on bycatch. It just noted reduction in bycatch
7 in a general term.

8 You know, the reduction in the size of
9 the fleet from 430 vessels to the present time of
10 87 vessels would more than substantially achieve
11 those goals, especially since at the time of the
12 time of the closures there was a proposal to have
13 no closures if 100 boats were to be bought out.
14 So we've far exceeded that 100 boat threshold there
15 as well.

16 So, I mean, as far as the basis for,
17 you know, reducing bycatch, I think that should
18 be of little concern at this time here,
19 demonstrating the activity of the fleet.

20 You know, as far as the EM is concerned
21 there, as far as looking at them, we've said it
22 before, the biggest advantage, conservation gain

1 that the EMs gives us is that it creates an
2 environmental consciousness on the fishermen
3 themselves.

4 They know they're being watched. They
5 know that at any given time, you know, somebody
6 can look at those, review those tapes and see what's
7 going on. So the fishermen are very, very
8 aware of that, and they are very, very, you know,
9 they're insistent on taking care and making sure
10 they're doing the right thing at all times here.

11 You know, the question that we have
12 through all of this is that what's the basis?
13 Because we're going to have to do this in the
14 future. What's the basis for the, you know, for
15 the Agency?

16 You know, this is scientific research,
17 and you note that you need to go into these areas
18 to collect this data. And if that's the case, why
19 is the burden to pay for the scientific research
20 falling on the industry itself when this is an
21 Agency issue, you know, in moving forward here?
22

1 I mean, we certainly appreciate the
2 fact that you've reduced that number to half and
3 that it's been delayed for a year to implement that.
4 But moving forward there, this industry is at a
5 point right now where, over the last, since I've
6 been on this panel, you know, 11, 12 years now,
7 we've talked about revitalization of this
8 industry. And we've made small increments, and
9 we've made some progress, and we've moved some
10 things forward. And we're very grateful for that.

11
12 But in the same token, you can see that
13 there's been very little gain in the revitalization
14 of the fleet. You know, we have been down as low
15 as 67 vessels, I believe, at one time. And now
16 we're up to 87 vessels.

17 But that number can be very misleading,
18 because some of our big, heavy hitters, especially
19 when it came to catching swordfish, are no longer
20 in the fleet. They've been sold out of the
21 country.

22 So I think we still need to be concerned

1 about revitalization, and we also need to be
2 concerned about survival of this fleet. You know,
3 we're at a point right now, you know, in post --

4 (Simultaneous speaking.)

5 MR. BROOKS: Marty, just a reminder
6 that we want to in the clarification phase here.

7 MR. SCANLON: Okay. In the COVID, you
8 know, in the COVID era, we're still adjusting to
9 that. And there's been some major changes in the
10 industry. And, you know, there's a lot of
11 businesses that are teetering on going out of
12 business.

13 So any and all help that we can get in
14 making sure we can continue to, you know, maintain
15 the stabilization of this fishery, and help us move
16 forward to potentially revitalize it, is necessary
17 at this point. Thank you.

18 MR. BROOKS: Thanks, Marty. And so I
19 think the question there was, again, what's the
20 basis for the Agency shifting, you know, yes, thank
21 you for cutting to 50 percent, but what's the basis
22 shifting when this is seeming like information

1 collection for the Agency?

2 MR. DURKEE: Well, a few notes on that,
3 first is that this area is closed right now. So
4 if fishermen do not want to participate in this
5 and pay for EM, they just continue fishing as they
6 are right now. And they just don't access those
7 areas. So that's the first thing. There's no
8 increased cost to people who don't want be involved
9 with this process.

10 Second is that it's clear that the
11 Agency is moving in the direction of not taking
12 on new EM costs. And this is a new EM cost, and
13 so that's kind of the Agency position not to take
14 that on.

15 Third would be though in year one the
16 Agency is committed to paying for it, at least for
17 the first year. So that opportunity is there as
18 well.

19 I'm not sure, Randy, you're trying to
20 add something to that?

21 (Simultaneous speaking.)

22 MR. SCANLON: Can I respond to that

1 real quick?

2 MR. BROOKS: Let Randy jump in and then
3 we'll throw it back to you.

4 MR. BLANKINSHIP: Yes, just to build
5 off what Steve said, to add that the cost allocation
6 policy that the Agency released in 2019 laid out
7 some of the rationale for the approach to have the
8 industry pay for portions of the electronic
9 monitoring costs, specifically sampling costs.

10 And the premise that is outlined in
11 there is that basically there is, as EM is
12 implemented, that there is some benefit to the
13 industry that occurs that's associated with that.

14 And as that benefit of the use of EM
15 occurs, and is realized, that there also becomes
16 somewhat of a commensurate need for the industry
17 to be able to pay for that in the form of the
18 sampling cost. And so that's an added aspect to
19 this as well that certainly applies with the
20 monitoring area but transcends that nationally as
21 well.

22 MR. SCANLON: Well, you know, I take

1 exception to the fact that you say that, yes, we
2 can have a choice to go in there, to fish in there,
3 and that we can use those cameras for that reason.

4 But the fact of the matter is, those
5 cameras are on the boat anyway. And the fact of
6 the matter is, is that even though they're supposed
7 to be used just for bluefin monitoring only at this
8 point, to monitor our IBQ, they are certainly not
9 being used in that manner. And I know that for
10 a fact.

11 There are certain instances where
12 fishermen have gotten notices for not releasing
13 sharks properly. So those cameras are being
14 reviewed regardless of what we've been told under
15 Amendment 7.

16 Those cameras have been reviewed,
17 they've been reviewed with our entire catch all
18 along. You know, you can ask Scott Taylor on that
19 one and the fine that he's paying as a result of
20 those cameras. So, I mean, those cameras have been
21 utilized by the Agency to their advantage whenever
22 they pick or choose to be that advantage.

1 So to tell us that, in order for us to
2 access an area that we believe legitimately should
3 have been re-accessed to us long time ago, since
4 the reduction of the fleet certainly warrants that,
5 and to tell us that in order for us to have this
6 opportunity to add to that area, to fish where we
7 believe that we should be fishing all along, I say
8 it's pretty much almost insulting.

9 I mean, those cameras are already being
10 reviewed. You have the opportunity right now to
11 pick and choose whatever you want to pick and choose
12 out of there, and apply it, and criminally apply
13 it to us right now in this day and age. That's
14 going on right now. So to say that you're
15 increasing that oversight as a result of us getting
16 access, that's a falsehood.

17 MR. BROOKS: Thanks, Marty.

18 Let's go over to Greg.

19 MR. HINKS: Hi, we're good. As far as
20 the EFP process goes, does that rely on individuals
21 coming to you directly with their own independent
22 research plans, or is there a list of NOAA research

1 priorities and plans that they apply to?

2 MR. DURKEE: All the above. So I would
3 state primarily it's the researcher coming to us
4 with a research plan and the research that they
5 want to perform. And then we can look at that on
6 its own.

7 Separately from that, we do have some
8 research priorities that we've published, and we
9 update every several years or so, so that
10 researchers have available, you know, what kind
11 of research questions is the Agency looking to
12 answer for HMS. And those can be used to design
13 a research plan if they would like to, or to help
14 them with funding opportunities or what have you.

15 However, those two things are a little
16 bit separate from each other. The research
17 priorities don't guide exactly what we're going
18 to approve. It's just out there for the benefit
19 of researchers to see what kind of questions
20 managers are asking.

21 MR. HINKS: Before I do a quick look,
22 so is it easily accessible, can I just Google HMS

1 research priorities, and I should easily find that?

2 MR. DURKEE: Yes, if you Googled HMS
3 NOAA, HMS research priorities, I bet you'd have
4 something pretty quick, yes. But if you can't find
5 it thought, that's easy for us to access. So don't
6 spend too much time banging your head against a
7 wall.

8 MR. HINKS: Cool, thanks.

9 MR. BROOKS: Maybe that's something we
10 could just send around easily.

11 All right, I've got Spencer. Alan, are
12 you ready? Yes, so let's go Alan, then Spencer,
13 then Bob, then David. Again, clarifying questions
14 are on the table still. Your mic's not on yet.

15
16 MR. WEISS: Okay. It seems not to be
17 working. Thank you. Thanks, guys.

18 Actually I have several questions. A
19 couple of them have been touched on, I guess, by
20 Marty. But I'll reorient them a little bit into
21 more probing questions.

22 One is on Slide Number 4, Steve, where

1 you list the important changes that have taken
2 place in the fisheries since the closed areas came
3 to be, why has the drastic reduction in the fleet
4 size, which I think really dwarfs all the other
5 changes that you've listed, is not listed there.

6
7 I would think, that that would come into
8 the mix of the thinking and should be at the
9 forefront of your mind when you're working on
10 something like this. So why has the, kind of,
11 elephant in the room been left off the list?

12 MR. DURKEE: Fair question, that
13 definitely is a fifth bullet to add on there that's
14 super important. I will note though the FEIS talks
15 about it extensively. A lot of our analyses and
16 discussion focuses on the reduction of fleet. So
17 it's not lost on us.

18 MR. WEISS: Okay, thank you. My next
19 question is in regard to the monitoring cost.
20 Randy seemed to suggest that the, well, I'm
21 interested in hearing what the specific authority
22 is that you believe enables you to shift costs for

1 monitoring bycatch, bycatch research to the
2 fishery. What is the specific authority?

3 Randy seemed to suggest that it was an
4 internal procedure that we've talked about before.

5 But to my knowledge, there's no specific legal
6 basis, for instance, in the Magnuson Act enabling
7 this type of cost shift.

8 So my question then is, is this internal
9 policy or procedure believed to create an authority
10 for the fishery service that doesn't otherwise
11 exist?

12 MR. BLANKINSHIP: Thanks, Alan. So
13 the authority for the approach for industry, or
14 anyone to pay for compliance, basically is inherent
15 in the Magnuson-Stevens Act. It applies to other
16 things in other regulatory actions that have been
17 taken over time where compliance costs are the
18 responsibility of the permit holder, for lack of
19 a better phrase. The cost allocation policy
20 explains how that might take place.

21 MR. WEISS: Well, and I don't want to
22 put you on the spot, but if you could, at some point,

1 just let me know what specifically you're referring
2 to, I'd appreciate it.

3 And, you know, I'm familiar with the
4 costs levied on foreign fishing activities when
5 those were taking place. But nothing's coming to
6 my mind, so I'd like to see where the authority
7 is for the purely domestic fishery to be absorbing
8 those costs.

9 Then, I'll move on to -- trying to go
10 as quick as I can here, on the additional -- the
11 additional review in the EM reviews in the
12 monitoring, the new monitoring areas. You're
13 talking about now reviewing not just bluefin tuna,
14 but all species that are being caught.

15 Have you determined what the additional
16 cost will be for that additional work? Because
17 it seems the numbers that have been mentioned are
18 based on current costs where they're only
19 monitoring for bluefin tuna. So it has to take
20 more time, more training, more effort, updated
21 algorithms, whatever, to monitor all the things
22 that you're talking about monitoring.

1 MR. DURKEE: Yes. So to put some
2 numbers up front, we are estimating about \$290 per
3 set on a six-set trip. At a 50 percent review rate,
4 it's probably about \$870 per trip or so for that
5 video review. So that is, as you noted, based on
6 the current video review which is specific to
7 bluefin tuna.

8 We don't think that's going to change
9 much with the enhanced EM video review that
10 includes additional species. There will be some
11 additional training to actually ID those species
12 and to mark those species.

13 But really the expensive part of that
14 video review is somebody in front of that computer
15 watching that video, hitting the different tags
16 on the different species, come aboard to actually
17 ID those. And currently, they are reporting at
18 times other species as well, anyway. So I don't
19 think that's going to be wildly different than what
20 we see when this is fully implemented, those costs.

21
22 MR. BROOKS: Alan, why don't you ask

1 one more question, and then I want to get some other
2 folks in. And if you've still got some, we'll come
3 back.

4 MR. WEISS: Okay, thanks. I have just
5 two more, so I'll ask one then we can come back
6 for the other one.

7 When you're monitoring in the new
8 monitoring areas, monitoring bycatch levels, how
9 have the cap levels been determined for each
10 species that are the limit which, if it's reached,
11 will cause the fishery to be halted at that point?

12 MR. DURKEE: Yes, thanks for the
13 opportunity for a clarification here. Just to be
14 clear, we're not preferring a bycatch cap in the
15 monitoring areas. There is a bycatch cap
16 component in the EFPs, you know, for true research.

17 But as far as fishing in the monitoring area, we
18 are not preferring a bycatch cap. So there's no
19 hard cap on species. The only hard cap that exists
20 is that effort cap.

21 MR. WEISS: Thank you, great. That's
22 important clarification, thank you.

1 MR. BROOKS: All right, let's keep
2 working down the queue. Just so folks know I have
3 you, I've got Spencer, then Bob, then David, then
4 Amy. And then we'll come back around for seconds
5 here. So, Spencer?

6 MR. BODE: Thank you very much for
7 clarifying that about the individual species cap.
8 My question kind of stemmed off that. If there's
9 not an individual species cap, what is the reason
10 and the basis for the effort set cap in the special
11 management monitoring areas?

12 MR. DURKEE: These are new areas that
13 could allow some additional access for pelagic
14 longline fishermen. And what we don't want to have
15 happen is all of a sudden see a ton of uncontrolled
16 effort in the area.

17 We definitely want to take a
18 conservation risk appropriate, stepwise,
19 precautionary approach. So from that
20 perspective, let's not have a bunch of effort in
21 there. Let's have a limited amount of effort, see
22 what we're catching, and then once we have that

1 three-year review cycle, re-evaluate.

2 MR. BODE: My following clarifying
3 question, and that is don't we already have
4 conservation effort controls set through TACs,
5 and, you know, quotas, and what we're allowed to
6 catch to begin with? Thank you.

7 MR. DURKEE: Yes. Yes, we do. The
8 purpose though of this specifically is that, again,
9 since these are areas that have not been accessed
10 for a long time, at least at these times, just find
11 a way to be precautionary about approaching this.

12
13 MR. BODE: And is the precautionary
14 reason that the HMS management feels like we're
15 going to exceed the TACs due to this new management
16 area?

17 MS. BREWSTER-GEISZ: Thanks, I'm not
18 going to hit that one right away. I'm going to
19 go back to your previous question about whether
20 or not there are limits and TACs quotas.

21 Yes, there are quotas on the overall
22 amount. What we don't know, because nobody's been

1 fishing longline in those areas for so long, is
2 what's going to happen when you go into that area.

3 So are you going to catch almost all swordfish?

4 If you are, perfect, that's what we're looking
5 for.

6 Or when you go in there, every other
7 hook, is that going to be a turtle? That's going
8 to cause problems. And that's what we're looking
9 at. We're not looking necessarily to see are you
10 going to reach the swordfish quota. And we are,
11 obviously. We want you to catch the swordfish
12 quota.

13 But we're looking more at what kind of
14 bycatch are you having. If suddenly you go in and
15 you have a lot of swordfish, but also a lot of
16 billfish, that is an issue. What we want you to
17 do is go in there and not have the bycatch issues.

18 So it's not so much that we're looking
19 at the TACs or at the limits. We know you're not
20 allowed to catch swordfish, sorry, billfish, you
21 know you're not allowed to catch billfish. If you
22 start catching a lot of billfish, that would be

1 an issue.

2 MR. BODE: But my follow-up to that is
3 wouldn't those examples you just gave, wouldn't
4 it make more sense to have individual species,
5 choke species, opposed to having an effort choke?

6 MR. DURKEE: Yes, it's an option we
7 looked at in the DEIS and FEIS, and it's not an
8 option we preferred.

9 MR. BROOKS: Thanks. Let's go over to
10 Bob, and then David.

11 MR. ZALES: Yes, Bob Zales, real quick
12 on Slide 13. When you're recording the bycatch
13 is the --

14 MR. BROOKS: Can you get closer to your
15 mic? Thanks.

16 MR. ZALES: Bob Zales. When you're
17 recording the bycatch, is the disposition of the
18 bycatch recorded as to whether or not whatever,
19 the sailfish, blue marlin, turtle, whatever, is
20 released live, might live, or dead? And if dead,
21 like, were the sailfish eaten by sharks, or
22 whatever? Is that recorded too, or it's just

1 recorded as bycatch?

2 MR. DURKEE: We're just at a sidebar
3 to figure it out. Give me one second.

4 MR. BROOKS: Do you want to get back
5 on after the break?

6 MR. DURKEE: Yes, let's get back. I
7 think it's just a number of individuals. It's just
8 down in the weeds on the actual VMS set instructions
9 does it say.

10 (Simultaneous speaking.)

11 MR. DURKEE: It is disposition as well.
12 All right. Let us just -- we'll get back to you
13 on that. It might be disposition as well.

14 MR. ZALES: Okay, just as a suggestion,
15 it would be nice to know. I mean, if you're going
16 to encounter it, what happens when you let it go.

17 Is it dead, alive, whatever, so that it gives you
18 some kind of information on what's happening in
19 the fishery.

20 MR. BROOKS: Thanks, Bob. And let me
21 know, by the way, in the chat, HMS folks have gotten
22 in a link to the research needs and priorities.

1 So if anyone wants to check that out, that is
2 there. So thank you.

3 All right, so let's go over to David
4 Schalit.

5 MR. SCHALIT: Thanks, Steve. Just a
6 couple of clarifications. We're talking about,
7 just for example, 100 hours of all that video.
8 Fifty percent of that would be, you're saying,
9 would be for the account of the fisherman. So
10 we're talking about a random selection of 50
11 percent, or 50 percent of each set, of each
12 haulback.

13 MR. DURKEE: So all sets are being
14 submitted. And then once that vendor has got that
15 bucket of all sets submitted, they randomly select
16 50 percent. And then they're reviewing all the
17 catch that occurs across that entire set.

18 MR. SCHALIT: Okay.

19 MR. DURKEE: If that answers your
20 question.

21 MR. SCHALIT: Okay, thanks. And then
22 another item, for the purposes of this panel, I

1 don't know that it's -- it's interesting to know
2 what the original, the very first reason for having
3 a closure in the DeSoto Canyon, or the Charleston
4 Bump, were at the time that they were implemented.

5 But I don't know to what degree that
6 actually impacts what you're looking at now in the
7 EIS. It appears, and I'd appreciate your
8 confirming if this is correct, that you're taking
9 a fresh look at the fish that are in those areas
10 that would interact with pelagic longline gear,
11 not trying to determine if the original conditions
12 that warranted the closure are still there. Is
13 that correct?

14 MR. DURKEE: Yes, mostly. So, yes,
15 looking at everything, so in the FEIS, towards the
16 end of Chapter 4, we get into the specific reasons
17 each area was closed. And that's the context for
18 what's going on.

19 However, we did really focus on what
20 our current conservation needs are. And I think
21 a really good example is shortfin mako sharks.
22 So those areas were not closed for shortfin mako

1 sharks. But shortfin mako sharks bycatch in the
2 pelagic longline fishery is a concern now. So we
3 couldn't make any changes anywhere unless we took
4 that into consideration.

5 So I think it's heavily weighted
6 towards what we're thinking about now for current
7 conservation management needs. But the context
8 is still there for the original issues.

9 MR. SCHALIT: And one more item, you
10 mentioned twice that, well, with regards to the
11 East Florida Coast pelagic longline restricted
12 area, that the reason why this area is still
13 remaining closed, and is not going to be examined
14 under this EIS, you characterized it as the reason
15 being gear conflict or fishery conflict. And I
16 wonder if you could elaborate on that? Thanks.

17 MR. DURKEE: Yes. I think, in my mind,
18 that is kind of synonymous. I think some people
19 separate those two out. So I think maybe you could
20 think of gear conflict as actual gear interacting
21 with each other and getting tangled up. Maybe
22 fishery conflict is someone wanting to fish in the

1 same area and can't.

2 In my mind, it's kind of wrapped up into
3 the same term, would be like a gear conflict. But
4 there wasn't a reason to separate them out, per
5 se.

6 MR. SCHALIT: Because I'm wondering,
7 because I fish in the same areas where there are
8 pelagic longline fishermen. And I don't have a
9 gear conflict with them. Of course, I'm in open
10 ocean. I mean, we're not talking about -- we're
11 talking about, what, 50 miles of stretch between
12 the Florida coast and Bahamas Bank, more or less.

13 But that's a big piece of aquatic real
14 estate. So I'm just wondering what is actually
15 the user conflict or the gear conflict here?
16 Thanks.

17 MR. DURKEE: Well, specifically for
18 East Florida Coast there's a lot of different gears
19 operating in there. You've got recreational off
20 shore fisheries, you've got buoy gear fisheries,
21 you've got pelagic longline, well, not pelagic
22 longline fisheries, but in this case we're talking

1 about pelagic longline fisheries. There's a lot
2 of different fisheries operating in a very small
3 area. So it's not just one specific one.

4 MR. BROOKS: Let's get in maybe one more
5 question before we go to break. And then we'll
6 come back around. We've got another hour of time.

7 Not Peter, okay. All right, but Amy,
8 you're up.

9 MS. DUKES: Thank you. Steve, great
10 work. You and your staff did a wonderful job.
11 I just wanted to commend you on shifting that,
12 specifically for the Charleston Bump, westward to
13 that 100 fathom and using your actual landings
14 data, your actual effort data, to change those
15 caps. I think that will really help perhaps to
16 get some more of that monitoring going.

17 I do have a question specifically about
18 the EM monitoring. Are there anything that the
19 fishermen are going to need to do from a pre-fishing
20 requirement to be able to utilize those EM areas,
21 those monitoring areas? And then if so, can you
22 just sort of explain what that might be?

1 And then also have you already had
2 discussions with your current EM services groups
3 to talk about some of this and how this is going
4 to be affecting them?

5 I also think adding additional vendors
6 may maybe make it a little bit more competitive
7 so that the actual fees to the industry may come
8 down if there's more folks doing it. I just want
9 to ensure there's an easy process that's not too
10 taxing on the industry.

11 MR. DURKEE: Yes. So before accessing
12 the area, a couple of things that a fisherman needs
13 to do, one is that in the short term, part of that
14 currently required the VMS hail-out, they need to
15 declare their intention to fish in the monitoring
16 area.

17 But then second, maybe even earlier
18 than that, they need to arrange with a vendor how
19 to make sure that they're complying with the
20 enhanced EM requirements, which kind of feeds into
21 your second question a little bit, how that looks.

22 So, yes, we're in contact with our

1 current vendor that's under contract with NMFS to
2 provide the EM for IBQ bluefin tuna. We'll deal
3 with that on this end.

4 And then, yes, there's that separate
5 avenue that we're going to create, this open
6 opportunity for other vendors to come in and
7 provide those services if they're interested.

8 MS. DUKES: And follow-up to that, so
9 with you guys, with the Agency covering the cost
10 for the first year, that would be calendar year
11 '25. This would come into play in January of '26,
12 and there's enough time for all of that to happen.

13 So that will be clear direction for the industry
14 sometime in the middle of '25 to get them ready
15 to go for January 1 of '26?

16 MR. DURKEE: Yes, and a good reminder
17 also. Yes.

18 MR. BROOKS: Rick, a quick clarify?

19 MR. WEBER: Yes, kind of clarifying,
20 but it is quick.

21 Randy, I went and looked up that 2019
22 policy. I happened to note that it is due to be

1 reviewed starting May 1 of 2024, as an interesting
2 coincidence. And therefore, people who might have
3 a desire to comment on that policy, if you could
4 find out if it's actually open for review, people
5 may be interested in commenting on that policy at
6 this moment.

7 MR. BLANKINSHIP: Thanks, Rick for
8 pointing that out.

9 (Laughter.)

10 MR. BLANKINSHIP: And to my knowledge,
11 it is not open for public comment right now. But
12 it's a good reminder. Thank you.

13 MR. BROOKS: All right, with that we
14 should take a break. I have left in the queue here
15 back to Alan when we come back. And then I think
16 we'll just open it up for any other feedback,
17 discussion that you all would like the HMS team
18 to hear. So let's come back, let's be back by
19 11:05. Thanks.

20 (Whereupon, the above-entitled matter
21 went off the record at 10:47 a.m. and resumed at
22 11:09 a.m.)

1 MR. BROOKS: Okay. Thanks, everyone,
2 for all the good questions, I think there was a
3 lot of helpful clarification there, so we're all
4 really clear on what it is that's on the table here
5 in the final EIS. So, thanks for that. I've got
6 a couple of folks in the queue, and my apologies,
7 Christine, I think your hand went up at some point,
8 I missed it, and then it went down.

9 But I'm hearing it's back up, and I'm
10 still not seeing it, so maybe there's something
11 wrong on my computer. But I want to work the queue.

12 We'll go with Christine, then to Alan to his final
13 clarifying question, then I've got Fly, and Marty.

14 And then anyone who wants to weigh in as well,
15 we've got until lunch for whatever else you want
16 HMS folks to hear.

17 But Christine, let's start with you.

18 And if we can open the line, and I'll let you know
19 when your line is open, Christine. There we go,
20 you should be open, Christine.

21 MS. KITTLE: Yeah, so mine is more
22 comment than question. So, if we want to finish

1 up questions, and then just --

2 MR. BROOKS: No, just jump in, but
3 thank you. Jump in. Go ahead, Christine, with
4 your comment.

5 MS. KITTLE: Okay, perfect. Yeah, so
6 it's a little lengthy, but I'm going to try and
7 be as consistent as possible. Christine Kittle,
8 Florida Fish and Wildlife Service. First, we just
9 want to say thank you to HMS staff for reviewing
10 all the public comment, we know you got a lot.

11 And we support the new recommended
12 options for not shifting the cost of electronic
13 monitoring to the industry, as well as not
14 reconfiguring the DeSoto Canyon spatial management
15 area. However, the state of Florida has strong
16 opposition with the final rule regarding the
17 proposed monitoring area that's in the northeast
18 portion of the east Florida coast spatial
19 management area.

20 As expressed in our public comment
21 letter, in numerous letters in the past decade,
22 we're adamantly opposed to reopening any portion

1 of this area to pelagic longline gear. While the
2 amendment calls this a monitoring area, it does
3 provide new limited harvest opportunities that
4 have been closed to this year for 20 years.

5 FWC does not feel HMS provided
6 sufficient rationale for modifying this closure,
7 and the new preferred alternative exacerbates our
8 concern, considering that the new alternative
9 doubles the size of this monitoring area, as well
10 as the number of sites that are allowed compared
11 to what was previously proposed.

12 FWC disagrees that the new preferred
13 alternative minimizes bycatch, especially for
14 billfish, since this is a high bycatch area based
15 off of the interactions maps that were modeled.

16 HMS also did not consider looking at the catch
17 longline interactions with non-HMS species such
18 as dolphin fish.

19 We don't believe this is a balance in
20 economic analysis, this is a net loss for the
21 pelagic longliners, as well as it doesn't evaluate
22 the impacts to the recreational sector. We don't

1 believe that HMS PRiSM --or we don't believe that
2 this action provides the most protection, since
3 these alternatives consider the same spatial area.

4 The no action alternative keeps the
5 entire area closed to pelagic longline, thus
6 providing the most maximum protection for all four
7 bycatch species. Specifically we're concerned
8 with billfish, especially in the spring and summer
9 months, since this area, as illustrated in matrix
10 four, it decreases -- the area decreases from 40
11 percent -- the closure has 40 percent of the high
12 risk area, and decreases to only 10 percent.

13 FWC also does not believe there was
14 enough proper time to review the alternatives in
15 the final action. This amendment is 700 pages
16 covering 4 management zones and a lot of
17 alternative changes, including the electronic
18 monitoring cost, and other management
19 modifications.

20 So, the new preferred alternative was
21 also not included in the proposed rule, and so this
22 is the first time we are seeing what is being

1 proposed. FWC requests additional time to review
2 these changes and provide comment. And to
3 summarize, FWC does not support the preferred
4 alternative in the FEIS, and we would like to
5 provide additional comments before this proceeds
6 to a final ruling. Thanks.

7 MR. BROOKS: Thanks very much,
8 Christine, appreciate it. Let's go to Fly, and
9 then over to Alan.

10 MR. NAVARRO: Number one, I would like
11 to say I stand with Christine 100 percent on that
12 one. Here on slide 16 you have some bycatch caps,
13 but it's vague. I don't see any kind of numbers,
14 what that will trigger shutting down of this
15 fishery. You're trying to protect a lot of
16 different species.

17 You're trying to protect turtles,
18 billfish, blue marlin, and I'm assuming sharks as
19 well. Where are the triggers? What are those
20 numbers, and how are you going to come up with those
21 numbers, and when are they going to be published?

22 So people know exactly if they hit those numbers,

1 what it's going to do.

2 MR. DURKEE: So, a couple things to
3 sort through there. So, first of all the
4 monitoring area specifically, there are no bycatch
5 caps for that. The bycatch caps that we would
6 require are for research trips under an exempted
7 fishing permit. And those actual bycatch caps are
8 listed in the FEIS in chapter three, which I know
9 is not helpful, because it's probably 100 pages
10 long.

11 I can get you the exact section
12 reference in there, but for each one of those
13 species there is a bycatch cap listed.

14 MR. NAVARRO: Could you please provide
15 those? Thank you.

16 MR. BROOKS: Thanks, Fly. Let's go
17 over to Alan.

18 MR. WEISS: Thank you. My last
19 clarifying question was in regard to the VMS hail
20 in, or hail out rather, when someone is going to
21 be fishing in one of the monitoring areas. What
22 is the reason for that? What is the need for that,

1 and what is the timing for that? Because as
2 background, when fishermen fish, they may fish in
3 an area, find it unproductive, want to move to
4 another area.

5 Would someone be in a situation where
6 if they hail out at start of trip, and they're
7 fishing somewhere else, then they find they want
8 to shift to the monitoring area because it looks
9 like it would be more productive, would they have
10 to go back into port and hail out again, or hail
11 out at that point to do that, or could they do that
12 while the trip is in progress?

13 MR. DURKEE: Yeah, so it's a two part
14 question. So, first, the purpose of a hail out
15 requirement is largely for enforcement. So, if
16 there is someone fishing in that area, it triggers
17 all the different requirements that the monitoring
18 areas have. VMS set reports, et cetera, et cetera,
19 so it is more of a compliance tool.

20 Your question on can you change your
21 mind part way through, it's a pre-trip or a mid-trip
22 hail out. You can change your decision in a

1 mid-trip hail out, and there will be an option to
2 change that as well, to go fish in the monitoring
3 area if you change your direction on that trip.

4 MR. WEISS: Thanks, it's good that
5 there will be that flexibility. Although with VMS
6 on all the vessels, I'm not sure of the enforcement
7 need for it, but at any rate at least you have the
8 flexibility to be able to change within trip. I
9 have some other comments if you want to slide into
10 that now.

11 MR. DURKEE: Go for it.

12 MR. WEISS: One is in regard to this
13 cross shift idea, which is in large part now on
14 hold, but it explicitly says in this final that
15 that will be revisited in the future, and something
16 will be done again to try to shift the cost to the
17 industry. The rationale for not doing it at this
18 time has been that it would be impractical for the
19 fishery.

20 And I can't foresee any circumstances
21 in the future under which it will become more
22 practical for them to have to pay the amount of

1 money that is being contemplated for a fishery wide
2 EM cost recovery. So, it's apparent from the way
3 all this is structured that the plan is to entice
4 people into the monitoring areas to fish where they
5 know they're going to have their catch examined.

6 Not just their bluefin tuna
7 interactions, but all species. And then they're
8 going to be having to start paying fees to do that.

9 And once that takes place, obviously it would move
10 the fishery out from under the three percent cap
11 that pertains to a limited access privilege
12 program.

13 So, when you go down that road, that's
14 just not going -- you may think you can do that,
15 I don't know that you can, but you may think you
16 can, but I don't know how you think it could be
17 any more practical a couple years from now than
18 it is today for the fishery. And it's just
19 something that's not going to work.

20 It would be the end of the pelagic
21 longline fishery, because nobody can, in an
22 industry that's struggling, fork over that much

1 of their profits. And I'd point out that figure
2 of 20 percent that was bandied about with the
3 preliminary proposed rule, that was the median
4 figure.

5 So, for the people who are not at the
6 median, it might be 25 percent, 30 percent, 40
7 percent. And for any given fisherman at any given
8 time, because everybody from time to time has a
9 bad trip, or has whatever circumstances in fishing,
10 stuff happens where they have poor results.

11 The monitoring fees could be 100
12 percent of the profit, or more than 100 percent
13 of the profit. And situations like that are just
14 going to ruin people. It just wouldn't work. So,
15 I'm just trying to anticipate where this is going,
16 and make sure that you have the caution to
17 understand what the implications would be.

18 And I'd like to know, a question I'll
19 ask is suppose people look at what I just laid out,
20 and say well this is freakishly scary. Right now
21 we're under that protection offered by Magnuson
22 with the three percent cap. So, what if nobody

1 takes the bait, what if nobody will fish in these
2 closed areas, and pay monitoring fees because they
3 just don't want to go down that road?

4 And everybody just rolls along with
5 things as they are, and let the EM just be for
6 monitoring bluefin tuna, and leave it at that.

7 MR. BROOKS: Thanks. Is that a
8 question at the end there?

9 MR. WEISS: Yeah.

10 MR. DURKEE: Yeah, if I could hit just
11 a couple, let me take it a little bit separately.
12 One is that this isn't some secret program to try
13 and get around the three percent, all the things
14 you're referencing right now, it is a separate
15 program from the IBQ, EM programs or the IBQ
16 program. So, I don't think the way you're
17 characterizing it is exactly accurate from our
18 perspective.

19 Second, it's a short answer, but I don't
20 want my short answer to minimize how serious what
21 you're saying is. The costs we proposed in the
22 DEIS were huge, they were big. It was the cost

1 to the agency, but also implementation concerns
2 from the vendors, and those are the reasons we're
3 going to be pushing no action, and we'll consider
4 it in the future.

5 So, we do need to reevaluate, regroup,
6 work with the industry, find a workable solution,
7 but that's not happening at this stage. So, I
8 don't mean to push those concerns off to the side,
9 because they are very real, but we are going to
10 need to tackle that at the next stage, post A15.

11 MR. BROOKS: Thank you. Okay, thanks.
12 Yeah, I want to get other people in. Okay, you
13 were done, all right. Let's move on then, let's
14 bring in Ally.

15 MR. MERCIER: Yeah, I'm Ally Mercier,
16 fishing vessel Kristen Lee. I did your last study
17 in the Straits of Florida as a longliner, probably
18 when Rebecca Lint was running the program for three
19 years. My data was excellent, the bycatch was like
20 nothing. Everything we caught, if we caught a
21 sailfish, it was recorded, how it was let go,
22 everything.

1 So, I got the pretty good data we did
2 for three years. Now I'm buoy fishing, getting
3 a lot of data from that, I've got EFPs, the deep
4 set with that. Now, if I go back in the Straights
5 again, cause I live in Pompano Beach, Florida here,
6 right in the heart of the sport fishing fleet, but
7 I can do it again.

8 But all the research I used to do, they
9 used to pay for everything, cameras, observers,
10 observers are usually used university students
11 that were free from the agency, they just had to
12 go to observer school, get trained, and there were
13 my observers, it didn't cost the agency anything,
14 and it was good, and you guys got the data for that.

15 But I wouldn't mind going in there
16 again, but if it's going to cost me a bunch of money
17 to go in there and do it, it's not feasible, because
18 my boat is setup for buoy fishing, and I don't mind
19 doing the research, but it gets expensive. I've
20 got to buy a longline spool, which I buy spool,
21 probably no more than eight miles of gear.

22 Because I know in 8 miles of gear, I

1 can do what I used to do in 30 miles of gear, what
2 I've learned over the years, and how I'm buoy
3 fishing this stuff, I don't need 30 miles or 25
4 miles of gear. I can do just as good in seven,
5 eight miles of gear. And that's, you know, then
6 if I do that longline again, I need bluefin quota.

7 Because if I'm not mistaken, you have
8 to have bluefin quota to go long lining. Now, I
9 do have bluefin quota right now on my permit, but
10 if I don't longline soon I'll lose it, so that's
11 another thing. So, to get boats to go in there
12 and try to do a lot of this research, I don't know
13 who you're going to find, because there's really
14 no one left out there. And that's it, thank you.

15 MR. BROOKS: Thanks, Ally, appreciate
16 it. Marty?

17 MR. SCANLON: Yeah, I just have a
18 simple question here. I know we have the hail in
19 there, but as for like right now, we don't have
20 to submit our video tapes but every other trip,
21 is that going to be maintained in the monitoring
22 areas as well, you're not going to increase that,

1 right?

2 We're not going to have to report --
3 we send them in every other trip, it'll still be
4 every other trip?

5 MR. DURKEE: Yeah, that's correct.

6 MR. BROOKS: Thanks, Marty. Again,
7 I'm looking online, I am not seeing any hands, but
8 if anyone else is seeing one let me know, please.

9 Let's go over to Bob Zales.

10 MR. ZALES: Yeah, I've got a question,
11 I'm going to preface it first. In our 58 years
12 in charter and commercial fishing business I used
13 to tell people the primary difference between a
14 for hire charter guy and a commercial guy is on
15 a charter boat I got my money before I left the
16 dock, I had money in my pocket.

17 On a commercial fisherman, when they
18 leave the dock, they're hoping to catch fish,
19 they've already spent money to try to go catch it.

20 So, now I'm looking at this to where you're trying
21 to give incentives, what you're calling incentives
22 for commercial guys to go out and fish in these

1 new areas for research, but you're wanting them
2 to pay for it.

3 That seems counterintuitive to me, that
4 you're trying to get me to do something that may
5 or may not benefit me, but you're wanting me to
6 foot the whole bill to do that, hoping it might
7 benefit me. And I would think you'd be more
8 successful in trying to gain the data that you're
9 looking for if you provided the expense for the
10 commercial fleet to go out here and do this.

11 Because they're already paying fuel,
12 bait, ice, everything that goes along with the
13 process to go out there, but yet you're wanting
14 to add costs for cameras, and for video, and for
15 observers, and the whole bit. That makes
16 absolutely no sense to me. I mean, it's kind of
17 like, and I've made this statement over the years
18 about the councils and everybody else.

19 It's kind of like the agency is trying
20 to manage an industry that they don't have a clue
21 how it operates. And until you understand how it
22 operates, and what's involved in it, it's hard to

1 understand how you think that you can properly
2 manage it.

3 MR. DURKEE: I just wanted to add one
4 thing, I know you're talking about the costs for
5 fishermen in the monitoring areas. Just to
6 reiterate again, the agency is committed to paying
7 for this in year one, the enhanced EM video review.
8 But of course your comment still stands in years
9 two through infinity.

10 MR. BROOKS: Thanks, Bob, and thanks
11 for the response. I'm just noting in the chat,
12 folks are saying they're getting a bit of feedback.
13 Sasha, or Christine, if you could just tell me
14 whether you got feedback from Steve's most recent
15 comment? I know my mic here is getting a lot of
16 feedback.

17 So, if we could maybe swap it out and
18 see if we can get something better in here, that
19 would be helpful. All right, let's see if there's
20 anyone else. Allen, back to you.

21 MR. WEISS: Thanks. I just wanted to
22 make the further comment with regard to monitoring

1 costs, and the efficacy of the EM system. The
2 pelagic longline fishery already, for many years,
3 is under requirement for log books that provide
4 a tremendous amount of data. VMS tracking, VMS
5 recording, landings submissions, do you really
6 think that the fishery needs yet another layer over
7 the entire fishery?

8 Another layer of scrutinization, or
9 observation when it's already the most
10 scrutinized, and observed, and documented fishery
11 that we have? Thank you.

12 MR. DURKEE: I think I'd just go back
13 to the fact that these are areas that have not been
14 accessed during these times for a long time, and
15 we're taking a precautionary approach. That's not
16 to minimize those other data collection programs,
17 but this definitely does increase the robustness
18 of that fishery dependent data.

19 MR. BROOKS: Thanks. We're good on
20 the mics, online folks, I'm seeing some of the chat,
21 but just keep us posted on how it's going, and we'll
22 try to improve it. Let me go to Peter, and then

1 Rick. Let me go to Rick, and then Peter.

2 MR. WEBER: I'm going to walk my
3 traditional fine line here, Rick Weber. First
4 thing I want to say, Steve, is I want to support
5 Alan in you said it's not the intent of anyone to
6 violate the LAP cap, and I believe that entirely.

7 But what I have seen, and we have seen through
8 countless years here is our problems are not
9 frequently with the people who write it, or what
10 their intention was.

11 And frequently not even with people in
12 the room, but a precedent is a precedent. And so,
13 I want to support Alan's fear, while not saying
14 that you area also wrong. There is good reason
15 for us to be cautious of the precedent, and if this
16 precedent could be extrapolated to get through the
17 three, then it could be used to get through the
18 three, and his fear remains real.

19 Even if it is not the intent of anyone
20 in this room. And if you want to go to that, we
21 can colloquy, go.

22 MR. DURKEE: Speaking to that for just

1 one second, one is that you don't need to apologize,
2 I've got a pretty thick skin. I presented this
3 A15 in Manteo, I can handle anything, so it's all
4 right. I don't want to speak much about the LAP,
5 I just don't think anybody up here is in the
6 position to really speak authoritatively on it.

7 It's an open question, and understood,
8 and we've got it. But I don't know that we're in
9 the position to discuss it in much detail that's
10 going to be helpful.

11 MR. WEBER: And I wasn't -- Randy,
12 sorry.

13 MR. BLANKINSHIP: Yeah, well I'll
14 build off that a little bit. In the draft there
15 was no contention that the three percent limitation
16 on LAP was -- that it applied in this situation.

17 And I think a lot of the discussion happening
18 around the table right now is associated with
19 public comment that came in on this topic.

20 And I'll just say that the agency's
21 position so far has not changed on this. So, this
22 -- the thought process that there is some approach

1 here to get around the three percent cost recovery
2 for a LAP is not at play with the actions that are
3 in this final EIS.

4 MR. WEBER: Thanks. My mic was open
5 the whole time. And Steve, not only do you have
6 thick skin, so does Randy, but it is my nature to
7 attempt to not be offensive whether it would hurt
8 you or not. And therefore I would come right back
9 to Randy and largely say the same thing. I was
10 not saying that it is anyone's intent in this room.

11 That it is not in anyone's brain, that
12 it is not a subtext intention of anyone who had
13 their hands on the pen. I am saying if it could
14 be, then the fear is real, and that is the end of
15 my comment. Was I wanted to support the people
16 on that side of the line. Now, risking falling
17 off the other side of the rope, in a broad sense
18 here I'm going to differ with the Florida
19 contingency.

20 I don't see how you can be pro-science
21 and anti-experiment. I don't see how those two
22 things come together, and this is a valid

1 experiment. Now, once you have run the experiment
2 you have to still protect all of the goals. And
3 so there is some uncertainty with no bycatch caps.

4 There is a little bit of transparency
5 that is going to need to either happen because I
6 have given you all credit in the past, and I will
7 maintain it, you have been very judicious in the
8 last decade. I think you support both industries
9 and while still protecting the national resources,
10 I think you guys do an excellent job.

11 I'm encouraging you to keep up the
12 transparency of what has been caught in the zone,
13 and allow for the public feedback of whether what
14 has been caught in the zone is reasonable. But
15 you can't be pro-science and anti-experiment, and
16 this is an experiment that in my opinion must be
17 run.

18 So, let's get on with the experiment
19 is my feedback, but be very careful with it. It
20 is a very powerful experiment.

21 MR. BROOKS: Thanks, Rick, appreciate
22 it. The buzzing seems to have stopped up here,

1 maybe, so online folks will let us know. Peter.

2 MR. CHAIBONGSAI: All right, so just
3 a bunch of things. So, first and foremost, I guess
4 is our foundation doesn't feel like -- first of
5 all actually I want to agree with what Fly said
6 before in regards to agreeing with what Christine
7 said at FWC, fall in line with that. We feel like
8 the model that was being used, PRiSM, because we
9 had three years to look at it, is still incredibly
10 hard to digest.

11 And for us, and I think we explained
12 it yesterday as well, communication again, Rick
13 said it as well, and I think you guys did an
14 admirable job of it, but man, that model is still
15 really hard to understand, as well as to talk to
16 our constituents about. And when there's a lot
17 of uncertainty, that brings a lot more questions
18 obviously, and then a lot of distrust of what's
19 happening.

20 A lot of the questions that we always
21 have is why do we utilize PRiSM? I understand your
22 reasoning, but the models that we've talked about

1 before could have been used, and why not use PRiSM
2 as an adjacent model. Is it going to be a one all
3 be all model for the future of fisheries
4 management?

5 If it is, then I have a little bit of
6 a concern, because I was talking with Rick or
7 somebody about this, it's like the movie Minority
8 Report, right? You can predict something to
9 happen, but it might not happen the way you think
10 it's going to happen. I understand that you have
11 checks and balances in place.

12 I would tend to agree with what Marty
13 said in terms of bycatch caps rather than effort
14 caps, personally. Because at least then, like
15 Rick said as well, at least we can actually see
16 what is happening, what is being caught, right?

17 And I think that's why I asked you before during
18 clarifying questions, is what is the number?

19 I want to know, and I'm sure these guys
20 want to know what is going to be the number for
21 them to have to actually stop fishing? And if it
22 is, which we potentially believe could be a very

1 clean fishery, like Ally says, show it. And I
2 guess I want to know a little bit more about why
3 the decision from the FEIS was, why was it decided
4 to go with the effort cap rather than the bycatch
5 cap?

6 I think the other thing too is when
7 we're looking at when the model is created, or when
8 Amendment 15 was looked at, I think one of the first
9 slides you had talked about was to hope to protect
10 overfished species. And one of those overfished
11 species is blue marlin, this does nothing to help
12 them in my opinion.

13 Fine, it might do a little bit, but it doesn't
14 do enough, it doesn't actually do what it's
15 supposed to do. You have grouped them in with
16 sailfish, which is a by far more coastal species
17 than blue marlin are. So, please, I would love
18 an explanation, and this is maybe more rhetorical
19 at this point, but how is this amendment going to
20 help protect an over fished species like blue
21 marlin?

22 What else? I think on top of that is

1 when we were looking at locations of effort of where
2 billfish were being caught, specifically white
3 marlin and blue marlin, one of the things that
4 again, I apologize if I misread this, so maybe some
5 clarification would be helpful here. When I was
6 looking at the model, or document itself, the model
7 or document stated that the most vulnerable species
8 within these areas are going to be the fish that
9 I'm looking to conserve.

10 White marlin, blue marlin, sailfish,
11 everything else has a very lower ratio. And again,
12 if I were to go to my constituents and say sea
13 turtles are safe, sharks are safe, but the most
14 vulnerable species, and over fished species, the
15 ones we're looking to protect are not being
16 protected under this amendment. That's going to
17 be very hard to swallow.

18 Again, maybe I'm misreading it, but
19 that's one of the things that I saw. Another thing
20 that one of my colleagues stated, Bruce Pohlot,
21 who can't attend for some reason, he's been texting
22 me as well, saying through some of their research,

1 and probably some of ours as well, states that where
2 it shows low risk bycatch there is actually high
3 amounts of marlin, specifically white marlin and
4 blue marlin.

5 So, I would implore you to double check
6 that, that is a very, very big part of what you
7 were talking about before. And I know a lot of
8 this stuff, a lot of the areas that you're looking
9 to go off of is over 45 miles off shore, I believe.

10 But remember that most of our constituents fish,
11 especially off of the Charleston Bump, they're
12 going to be fishing off of 45 miles.

13 And I think I was mentioning this to
14 someone on staff, maybe it was Karyl. We just
15 recently had an amazing -- we're having an amazing
16 blue marlin bite off there right now. Seven blue
17 marlin in one day, about 60 miles offshore. Most
18 of those boats potentially are going further than
19 45 miles offshore.

20 So, just something to think about.
21 Again, and it's something that goes back again to
22 the conversation of yesterday, of you guys are

1 listening, and we appreciate that. But if you're
2 not doing anything outside of listening, it makes
3 our job very hard. The last thing is probably just
4 as important.

5 And that's -- I understand Rick's
6 point, and your point of looking at getting apples
7 to apples data, that is the model that you guys
8 have talked about for the past three to four years
9 when you've been talking about this, and I
10 understand that. But I hope you guys also
11 understand the difference that the community, and
12 that state has had in terms of the economic growth
13 that that state has had because of it as well.

14 What I mean by that is I would love to
15 see, and I don't have this data, but I would love
16 to see the amount of tournaments, the amount of
17 events, the amount of people that have come into
18 Florida to fish, the amount of increase in fishing
19 in Florida, the amount of charters, all of that
20 information would be interesting to see.

21 Because there's potential, let's just
22 put it that way, there is potential for obviously,

1 listen, you guys get swordfish, great, get our
2 quota, I understand that for ICCAT. But I hope
3 that NOAA also understands the other aspect of it,
4 to where the communities and the industries that
5 are also dependent on it as well on our side.

6 I'm not discounting what the commercial
7 guys do at all, but I hope that you guys understand
8 from the recreational, industry, and community
9 side, the 20 plus years of this has also benefitted
10 our community, and our industry because it's
11 brought in so much more to our area. Money, people,
12 so forth, and so on. Thank you.

13 MR. DURKEE: Yeah, I appreciate it, and I
14 know it's mostly comments in there, and we're all
15 furiously taking notes, thank you. As far as a
16 few things specifically you asked for response on,
17 the effort cap versus the bycatch cap in the
18 monitoring areas, we've always preferred the
19 effort cap over the bycatch cap in the monitoring
20 area, specifically both in the DEIS and the FEIS.

21 And the reasoning really is that it's
22 easier to track a single effort cap. And

1 presumably an effort cap is pretty closely related
2 to the bycatch cap as well, assuming a certain
3 species interaction rate is going to be standard
4 across that effort cap, it's more useful.

5 So, the question is if you've got a
6 suite of 20 species you're concerned about bycatch
7 caps, at what point do you close that monitoring
8 area? Is it when you hit the bycatch cap for one
9 species, is it when you hit the bycatch cap for
10 three species? There's a bunch of gray area in
11 there, and the effort cap provides just a hard cap
12 that everyone can watch, and track, and introduces
13 some simplicity to that.

14 It looks like you might have a response
15 to that one, I'll pause for one second.

16 MR. CHAIBONGSAI: Yeah, I guess it goes
17 back to what a bunch of us were saying, is I just
18 want to be able to understand what the threshold
19 is. Like you're right, if it was a bycatch cap,
20 and you're looking at a suite of 20 species, okay,
21 that's fine. But I need to know what the line is,
22 like where is the line for them, where is the line

1 for us.

2 Like this is so ambiguous to me that
3 it makes it very hard for me to swallow, and be
4 able to talk to my constituents about. No, no,
5 we're okay, but there's nothing that I can even
6 -- it's almost like you're grasping straws here.

7 Because I don't know if you know, and I know that's
8 what you were saying about probability, and stuff
9 like that before, in regards to that.

10 So, like I said, I'm just trying to
11 figure out what's going to be that trigger, right?

12 MR. DURKEE: Yeah, that makes a lot of
13 sense, I see exactly what you're saying. So, it's
14 separate from a hard bycatch cap, it's more of we
15 keep saying that we're going to monitor this
16 bycatch in real time, and that we have the ability
17 to close those areas if we're seeing too much
18 bycatch. And your question is well what is too
19 much bycatch?

20 If I'm understanding correctly, and
21 that's a valid question. And the answer is that
22 I don't have anything in the FEIS that explicitly

1 says if it's over this catch rate we close the
2 monitoring area. And that's part of the
3 implementation, that's part of the real time
4 monitoring.

5 And it sounds like what you're saying
6 is we make sure that we're clear, and transparent,
7 and have that out there, and available.

8 MR. CHAIBONGSAI: I'm sorry, so then
9 does that mean that you won't know what those are
10 until they go fishing? Correct?

11 MR. DURKEE: I'm thinking through the
12 implications of what you said, and I think the
13 answer is yes, but I'm not entirely sure. But we
14 need to see what those catch rates are in that VMS
15 set report to know what they're catching, yes.
16 We also need to compare that to areas outside the
17 area to see if they do catch one loggerhead sea
18 turtle in 100 sets.

19 Is that comparable to outside the area?

20 There's a lot of complexities on what is too much
21 bycatch in that area, and we need to do a better
22 job of communicating that, and I think that's the

1 next step here at implementation, and the initial
2 transparency if I'm understanding what you're
3 requesting.

4 MR. BROOKS: Peter, I'm going to let
5 you chew on that for a little bit. Let me go over
6 to Marty, and then Alan, and again, checking online
7 to see if there's anybody there. Wait --

8 MR. SCANLON: Well, first of all it
9 wasn't me that --

10 MR. BROOKS: Marty, wait one second.
11 We're just pausing because you won't be heard
12 outside of this room. Not yet. We're good, go.

13 MR. SCANLON: Well, first of all, it
14 wasn't me that was in favor of bycatch caps, I'm
15 in favor of the effort catch, number one. It's
16 all right. The other thing I want to touch base
17 on here is that one of the reasons why they're not
18 setting bycatch caps is because the original
19 closures didn't indicate or give hard bycatch caps.

20 They just indicated reduction in
21 bycatch in general. So, that's why there is no
22 set, because there is no number to begin with.

1 So, other than that, one of the problems that the
2 pelagic longline industry has faced in this room
3 over time is that we are so heavily monitored, we
4 are so heavily regulated.

5 Everything we do is so well documented
6 that when this is presented with an environmental
7 problem, a conservation problem, the only one that
8 can come up with hardcore numbers to resolve that
9 problem happens to be the pelagic longline
10 industry. So, the burden consistently falls on
11 our shoulders, and we have held that burden.

12 And we're still, we're here at the table
13 today and have survived all of this. Even if it's
14 not by our doing, it becomes our issue to resolve
15 because of the data that we present. And for you
16 to sit here and suggest that -- you just said that
17 you have an overfished stock of fish that you have
18 a directed fishery on.

19 And that you're worried about an
20 incidental fishery, a fishery that incidentally
21 interacts with those fish to correct that problem,
22 how we're going to correct that problem, that's

1 almost impossible for us to do. So, one of the
2 things that we could suggest here, if we want to
3 go forward, is in those high bycatch risk areas,
4 perhaps maybe there should be increased monitoring
5 on the directed fishery in those areas if you're
6 so concerned about rebuilding those stocks.

7 I mean, when is it going to stop that
8 the pelagic longline industry has to shoulder the
9 burden of rebuilding every one of these stocks as
10 we go forward? We're more than willing to share
11 in that burden, but when it becomes evident that
12 we're the only ones that need to resolve that issue,
13 then that becomes a problem.

14 And that's why we're in the position that
15 we're in right now, because every problem becomes
16 our problem because of the data that we present,
17 and the data that we develop. So, I think we all
18 need to be fair with us. I mean, we're not asking
19 for the world, we're asking for access to an area
20 that we feel has been rebuilt for a number of years
21 now.

22 We're not asking for the red areas, we

1 understand that there's high -- that's what the
2 indications are, we can live with that, we can live
3 with the EFPs, and getting access by that way.
4 We're more than willing to do the research if
5 somebody comes up with the money. But for people
6 to suggest that we should continually be denied
7 areas that suggest that we should have access,
8 that's troubling to us.

9 MR. BROOKS: Marty, let me -- I know
10 Peter wants to weigh in, so let's have a little
11 discussion. I think they're doing this just to
12 drive me crazy. Go ahead, Peter.

13 MR. CHAIBONGSAI: Again, this was not
14 directed towards you guys at all. That was 100
15 percent -- if that was how you took it, that's not
16 what it was. It was more directed towards the
17 management of this. It was more towards the goal
18 -- one of the goals in Amendment 15 was to conserve
19 or protect overfished species, and that was just
20 a point that I was bringing up.

21 It was not a directed attack at all
22 towards you guys. We've talked about this sidebar

1 many times, I've talked about it with Ally, and
2 other people. I understand the importance of the
3 commercial industry as well, but I think the scope
4 of Amendment 15, that's what I was attacking. I
5 hope you understand that, it wasn't the fleet
6 itself.

7 MR. SCANLON: It comes down to the
8 basis of this, the PLL industry has trusted the
9 science over all these years. Blue Water has
10 always stood by the science. One of the things
11 that Hammer introduced to us way back when Blue
12 Water was formed back in 1990 was we have to trust
13 in the science, and the scientists.

14 We're not afraid of good science. And
15 this is all to improve the science, so this is a
16 step in the right direction. This isn't blindly
17 opening up these areas to us, these are modifying
18 areas, these are being modified so that we can
19 continue to improve on the data, and to improve
20 on ways to help rebuild all these stocks. I mean,
21 this isn't designed to hurt anybody, this is
22 designed to help us all.

1 MR. BROOKS: Thanks, Marty. And
2 thanks, Peter, for the clarification, I appreciate
3 it. I think I've got one card left, and no one
4 in the queue online, so Alan, why don't you come
5 in, and then maybe we'll start to wrap and head
6 to lunch.

7 MR. WEISS: Thanks, Bennett. I just
8 want to follow up on this discussion that's now
9 taking place. And I want to allay some fears, and
10 say that the commercial longline fishery is not
11 -- the longline fishery and the recreational
12 fishery are not mutually exclusive. And our goal,
13 certainly for our part, is coexistence, and having
14 everything go to the mutual benefit of everyone.

15 And ultimately the best thing for the
16 nation is for us all to be successful. In regard
17 to bycatch specifically, there are good reasons
18 to feel optimistic, and one is that as mentioned
19 before, the size of the longline fleet is much,
20 much smaller than what it was back when these areas
21 were last able to be accessed.

22 Two, circle hooks are now required,

1 which produce less bycatch, and even more so,
2 decrease the mortality of bycatch. And three is
3 that the commercial fishermen don't want to kill
4 marlin that they can't sell. So, they'll do
5 everything they can to avoid them. They'll do
6 everything they can to ensure the survival of those
7 they come in contact with.

8 And the broader picture of the
9 conservation problem with white marlin and blue
10 marlin is really on the international front, where
11 truly the bulk of the marlin mortality occurs.
12 And so, whether the longliners interact with a
13 handful more or less, or the recreational fishery
14 catches 100 more or 50 less, that's a drop in the
15 bucket compared to the mortality taking place on
16 the international scene.

17 MR. BROOKS: Thanks, Alan.

18 MR. WEISS: Thank you.

19 MR. BROOKS: I've got two more folks.

20 Spencer, and then over to Bob Zales.

21 MR. BODE: I just wanted to add that
22 there was a lot of valid, and credible points about

1 electronic monitoring in this area, and just wanted
2 to give the little example that there's two boats
3 fishing next to each other in this spatial
4 management area. One has a 50 percent EM, and a
5 marlin is considered a bycatch.

6 Another boat fishing next to it has no
7 EM, and has a directive fishery for an overfished
8 species, like the example that we heard previously
9 in this area. And I just think that's a big red
10 flag that we have, we're not on the same playing
11 field here, where we have a publicized directed
12 fishery and an over fished species in an area where
13 we're putting strict EM on a fishery where it's
14 considered a bycatch, and I just have a hard time
15 wrapping my head around that.

16 MR. BROOKS: Thanks, Spencer. Bob?

17 MR. ZALES: And listening to this
18 conversation has been really interesting,
19 especially since I'm fairly new to the process now
20 over what it used to be. But what I remember what
21 it used to be, I can remember being first appointed
22 to these panels years ago. And back then,

1 especially in the Gulf, where I'm from, you had
2 the commercial industry and the recreational
3 industry pretty much at odds on everything.

4 The recs were blaming the commercial
5 longliners for no swordfish, the depletion of blue
6 marlin, the depletion of white marlin, and the
7 whole bit. And since all these regulations came
8 into play, and everybody had to change what they
9 were doing, the recs, the commercials, everybody,
10 you went to circle hooks, you went to mostly catch
11 and release.

12 The blue marlin that I'm familiar with,
13 it's been caught in the Gulf of Mexico, I'm not
14 so sure about in the northeast, but in the Gulf,
15 typically a blue marlin isn't killed unless it's
16 about 400 pounds or greater. Anything less than
17 that is released. White marlin are pretty much
18 all released.

19 Sailfish, unless sharks are eating
20 them, they're released. And so the conflict that
21 used to exist on the water to me, I don't see
22 anymore. I saw it at one time, but I don't see

1 that anymore. Everybody is pretty much on the same
2 page. And like some of the stuff here, I mean
3 you're going to have somebody that's able, with
4 a camera, to go out into an area and catch some
5 fish, and let them go.

6 And you're going to have somebody else
7 that's doing whatever they do with the overfished
8 species. How any billfish today, in my mind, is
9 considered overfished, or undergoing overfishing
10 when the vast majority are released is beyond me.

11 But I guess that's the scientific thing that you
12 have to deal with.

13 And from what I'm hearing around this
14 table, it appears to me that it's pretty much solid
15 opposition to having to pay for any kind of
16 monitoring to have the so called privilege of
17 fishing in these new areas for research. I mean,
18 the whole issue, cooperative research between the
19 fishery service and fishers was developed years
20 ago to, I think, kind of help that.

21 So, I would suggest that some kind of
22 cooperative research program be done to work with

1 the fishermen, to pay them if they want to fish
2 in this area to help with this research, to pay
3 them, and do it that way. Rather than have them
4 come up with the money out of pocket, which they
5 have very little left in their pocket to do, to
6 go out there to fish in an area where they may or
7 may not be able to catch something to have a profit.

8 MR. BROOKS: Thanks, Bob. I'm going
9 to go online, I've got John DePersenaire, John,
10 just wait until we get your line open. Okay, John,
11 you should be good to go now.

12 MR. DEPERSENAIRE: Yeah, can you hear
13 me okay?

14 MR. BROOKS: Yes, we can. Yes, John,
15 you're good. John, you're open, you're good to
16 talk.

17 MR. DEPERSENAIRE: Great, thank you,
18 there's a bit of a lag between unmuting, so I
19 apologize for that. So, John DePersenaire with
20 Viking Yacht Company. It's been really
21 interesting to hear this conversation, and in
22 general I think we are very supportive of the idea

1 of performance based management, which I think this
2 really comes down to, what Amendment 15 is trying
3 to do on many levels.

4 And I absolutely believe it is
5 appropriate to revisit measures regardless of how
6 long they've been in place, and revisit their
7 effectiveness, revisit their usefulness,
8 especially in a state of flux that we're in where
9 we're seeing so many things change, timing,
10 locations, of many of these HMS species.

11 So, I do think that's appropriate. I
12 think the attributes of the PLL fleet and the
13 techniques they use have changed, so yeah, I think
14 it's worth seeing what can happen within those
15 areas, given the appropriate monitoring in place.

16 I guess that I was curious about, you mentioned
17 something about an opportunity to -- during the
18 implementation phase of this, and I quite frankly
19 wasn't aware that there was several phases of
20 putting an amendment into effect.

21 But you talked about the implementation
22 phase, and perhaps the metrics would be developed

1 to have a trigger to slow things down, or stop them
2 if they're exceeding a certain threshold, or
3 something like that. Could you expand upon how
4 that metric would be developed?

5 Would that be with EFP, would that be
6 with the public, would that be internally? Could
7 you expand a little bit more about that in terms
8 of the implementation process?

9 MR. DURKEE: Sure. It might be overly
10 technical to call it an implementation phase, it
11 is just an implementation process. Once we have
12 an FEIS in the final rule, it contains just about
13 everything we're doing, but of course what does
14 it look like on the ground? What staff is going
15 to actually count each effort cap?

16 Which staff are collecting VMS set
17 reports, and collecting EM video reports, et
18 cetera, so that's kind of the implementation part
19 of it. So, in the FEIS we did not dictate exactly
20 what the bycatch tracking in the VMS set reports
21 would look like, what we're comparing it to.
22 There's several different ideas on how we can do

1 that, and that's what we've kind of got to flesh
2 out now as we're implementing all this.

3 And we're beginning on January 1st,
4 looking at what the bycatch is that's occurring
5 on the area. So, I don't have an answer for you
6 on what that actually is, that's what we're
7 developing right now. And what I'm hearing loud
8 and clear is we need to make sure that we're
9 transparent about it, and we're getting that
10 information out to the public on what that looks
11 like.

12 But I'm not sure I can provide much more
13 than that, because we don't really have the details
14 planned out of what that analysis would look like,
15 we've got to see what the catch rates are first.

16 MR. BROOKS: Thanks. All right, I
17 think one more -- Marty, is your card back up, or
18 is that left over? Okay, so let's go to Marty,
19 and then over to Peter, and then we should close
20 for lunch. Marty?

21 MR. SCANLON: One of the things that
22 I want to remind everybody is that when Blue Water

1 looked at the FEIS from the original closures, that
2 indicated that the PLL industry, in order to
3 rebuild the overfished swordfish stocks, and to
4 protect under sized swordfish back then, we're
5 going to -- by closing those areas, and pushing
6 this off shore, we were going to increase our
7 numbers on billfish.

8 We were also going to increase our
9 numbers on bluefin tuna interactions. So that's
10 something that we should think about when we start
11 saying -- so adamant about having us not have access
12 to this. The other thing is you talk about
13 economic growth and economic boom as a result of
14 us being closed out of those areas.

15 But at the same time we don't talk about
16 the purpose of this, the scientific data that comes
17 out of these areas, but we also don't talk about
18 the carbon footprint that goes along with that
19 economic gain. The over development of our
20 coastlines, the development of all the marinas that
21 were built, all the boat slips that are there, how
22 much destruction that has done on our turtles, and

1 stuff like that.

2 These are all things, you want to talk
3 about economic boom, but talk about what comes with
4 economic boom, there's a cost to everything, what
5 was the conservation cost of that economic boom,
6 or are we just going to forget about that? I mean,
7 here we are, we're looking for a simple solution
8 that indicates for all time that we should be able
9 to have access to this area.

10 And to us, the way I feel, I've been
11 fishing for 40 years, I've been a longliner since
12 1985, and what I know is that -- what you're
13 forgetting is that we're not adding just new effort
14 into the industry. We're moving effort from an
15 area where we're probably catching more billfish
16 right now than if we accessed these areas.

17 And that's one of the reasons why we
18 want to access these areas, to see if that is the
19 truth. So, I mean this could actually be a
20 positive to all of us. So, I mean we can't be
21 afraid of the science, and we can't be afraid of
22 moving forward.

1 MR. BROOKS: Thanks, Marty. Peter,
2 I'm going to let you go.

3 MR. CHAIBONGSAI: I kind of feel --
4 what's that? We good? All right, I appreciate
5 that comment, that's a very fair point, and I do
6 appreciate your -- sorry, I feel like that was
7 directly towards me, so I'm just going to respond
8 directly towards him. So, Marty, 100 percent, I
9 respect you, I respect your knowledge, I respect
10 the fleet for sure, I want you to understand that.

11 My question was actually towards you,
12 Steve, in regards to again, the transparency
13 aspect, and understanding the fact that you guys
14 have to go in, perform some data collection, and
15 so forth. My question is if this is going to take
16 place, and fishing will happen inside there, and
17 there's no numbers right now, and just knowing how
18 science takes some time to do the analyzation.

19 This is a very tough ask, but what kind
20 of time frame do you think we'd be able to see in
21 terms of when you'd be able to figure out the
22 metrics of this? Let's say Marty and the fleet

1 was able to go in there, put forth maximum effort
2 in that area, and would it be two years later where
3 you'd have a metric? Or would it be even quicker?

4 I guess I just want to understand what
5 we would be looking at in terms of a time frame
6 to understand what the metrics would be for that
7 threshold. Thank you.

8 MR. DURKEE: Yeah, I don't have a firm
9 answer for you, but on day one, we're looking at
10 the VMS set reports. There's a reason we're not
11 using the EM video review reports that come through
12 weeks later to monitor this, there's a reason we're
13 getting the VMS set reports, and that's to get near
14 real time information.

15 So, on day one we're looking at that.
16 What we're looking for, and what metrics we're
17 using I don't have a firm answer for you, my
18 comments from earlier stand.

19 MR. BROOKS: Thanks. And thanks to
20 everyone for all the comments, and feedback. I
21 know the team up here, and on the sides has been
22 taking really extensive notes on all of the

1 feedback, so thank you all. Just a couple of quick
2 observations from me before we get you to lunch.

3 One, I would just say the things that
4 I was hearing, one, on electronic monitoring as
5 Bob Zales said a moment ago, a number of comments
6 around the cost, and suggested that that cost
7 really should be borne by the agency. That the
8 current rationale that it's impractical for
9 industry now is unlikely to change.

10 That it is maybe setting a precedent
11 around breaking three percent cap, we certainly
12 heard clearly from -- yeah.

13 MR. SCANLON: How will this affect the
14 council vote, Steve, what effect will this have
15 on the -- a big part of the problem that we have
16 with the recreational industry, and the only
17 conflict that I see over the last number of years
18 now between the recreational industry and the
19 pelagic longline industry are the council vessels
20 that are working inside, primarily in those red
21 areas. So, how is this going to affect them?

22 MR. DURKEE: I don't want to speak with

1 too much authority on those council species,
2 because that's not what we manage. But I will say
3 though, my understanding is that pelagic longline
4 vessels that target council species are excluded
5 from these areas right now. But additionally, in
6 the FEIS, we have some analyses on those council
7 targeted species on pelagic longline. So, that's
8 there with some maps that I can help direct you
9 towards.

10 MR. BROOKS: Thanks. In addition to
11 sort of the comments on the electronic monitoring,
12 on the data collection side, it seems like there
13 were again, sort of a call for transparency, and
14 the importance of transparency, and building
15 confidence in what's being put in place. And
16 that's around -- I've heard that in the sort of
17 frame of public comments around EFPs.

18 Around understanding how the audit
19 function is looking, and sharing that information,
20 whatever can be done to share all of that.
21 Obviously we've had a good back and forth on bycatch
22 caps, which again, I think is just trying to

1 understand what's happening, how is it playing out,
2 being able to see those numbers with specificity
3 so people can understand how this is playing out.

4 And the East Florida area, we heard a
5 pretty strong call from the state of Florida, and
6 a couple other folks not supporting the shift with
7 a sense of insufficient rationale around size of
8 sets increasing, a number of other factors there.

9 We've also heard that there is an importance to
10 experiment in that space as well.

11 And then a couple of just general
12 comments that I don't want to lose as well. One
13 was the suggestion to add fleet reduction to the
14 change conditions, that that's a big factor as
15 well. There was a very specific request to add
16 more time to review the final EIS. There was a
17 suggestion around sort of what's the agency's fall
18 back if this experiment doesn't work?

19 If vessels don't go in, what happens
20 then? And then just a general comment that the
21 process is tough, it's dense, it's tough to explain
22 and particularly comments around PRISM, and not

1 making that sort of the focus going forward. So,
2 lots of other comments as well, but those are the
3 pieces that seem to sort of pop for me.

4 It is about ten after 12:00, I want to
5 just see if anyone up here wants to make any final
6 comments before we go to lunch, and we'll be coming
7 back at 1:30 to talk about a Deepwater Horizon
8 restoration update. And we will take a look at
9 the mics up front, and see if we can make that sound
10 quality better.

11 But if folks online can tell me how this
12 last little bit of information has been heard or
13 not, that would be helpful. But Randy, anything?

14 MR. BLANKINSHIP: The only thing I'll
15 say is just thank you very much for a lively
16 discussion. We knew that this would be a lively
17 discussion. And that didn't disappoint in that
18 regard, that's for sure, thank you very much for
19 all of the input.

20 MR. BROOKS: Great, see you at 1:30,
21 thanks everybody.

22 (Whereupon, the above-entitled matter

1 went off the record at 12:13 p.m. and resumed at
2 1:32 p.m.)

3 MR. BROOKS: Okay, we've got a bunch
4 to go through this afternoon, so let's get going.

5 Welcome back, thanks all for the good conversation
6 this morning. I just want to remind us this
7 afternoon, our game plan is in a minute we'll hear
8 about Deepwater Horizon restoration update, then
9 we'll have some enforcement updates as well from
10 Coast Guard and OLE.

11 We will take a break at 3:15, and then
12 we will come back at 3:30 for an hour long update
13 on Atlantic shark fishery update, management,
14 recent trends, et cetera. For members of the
15 public in the room or online, we will have public
16 comment at 4:30, and we will adjourn at 5:00
17 o'clock.

18 Just a reminder to folks that we are
19 expecting CNN to be here this afternoon for the
20 conversation on the Atlantic shark fishery update.

21 We have asked, and are hoping that they'll set
22 up the cameras at the 3:15 break, so hopefully that

1 will not be sort of intrusive when we're in the
2 middle of our other conversations, but we'll see
3 how that goes.

4 Anyway, I think that's it. Any
5 questions from this morning, anything? Or for
6 this afternoon? All right, then if not, Jamie,
7 I'm going to hand it off to you to walk through
8 your update. Thank you.

9 MR. REINHARDT: Well, thank you very
10 much. I want to express my gratitude for allowing
11 me the brief moment to provide some updates to you
12 all on the Deepwater Horizon program. And I'm
13 obviously going to keep it pertinent, or what I
14 think is pertinent for the HMS group here. The
15 Deepwater Horizon program is much, much bigger than
16 what I'm going to talk about today, but obviously
17 keeping it relevant to HMS.

18 And even with the projects or
19 activities that I'm going to be providing updates
20 on, I will only be giving a brief overview, really
21 scratching the surface. And hopefully that will
22 just either pique your interest to find out more,

1 or if you do have further questions there will be
2 time at the end of my presentation for questions.

3 Or I will be able to follow up as needed,
4 and we can set up an opportunity to have further
5 conversations. So, really again, this is just to
6 provide a brief overview of ongoing activities
7 relevant for HMS. And after I get through some
8 ongoing activities, I want to talk about an update
9 of our Open Ocean Restoration Plan 4.

10 And that is a plan in process that will
11 fund future restoration activities for fish and
12 water column invertebrates. The hot spots mapping
13 initiative is a planning project that has the goal
14 to reduce bycatch by supporting collaborations
15 among fishermen and anglers to share fishing
16 information, develop communication and mapping
17 tools to avoid unwanted fishing interactions, and
18 improve fishing experiences.

19 So, the outcomes of this preliminary
20 phase of the project is to engage with interested
21 fishing communities, and to develop plans and ideas
22 for implementations of communication networks for

1 those interested fisheries. I remember last year
2 we had briefly presented on this, and NFWF was also
3 in the room to provide any follow up.

4 So, as updates, this project has hosted
5 meetings with the shrimp trawl fishery, and
6 multiple segments of the for hire and commercial
7 reef fish fisheries to discuss specific designs,
8 and implementation, and goals for communication
9 networks. The project has drafted implementation
10 plans for hot spot communication tools ranging
11 messaging networks to real time mapping of
12 voluntary fisherman submitted data.

13 A data specialist has been brought on
14 board to help visualize data, and design mapping
15 and other tools. And the project is continuing
16 to plan for meetings with other fisheries, and
17 other fishery segments, including with the Gulf
18 longline fishery, and commercial reef fish
19 fisheries.

20 This project also keeps exploring
21 opportunities for the future, including how to
22 implement and design requirements to support

1 implementation of this project as this first phase
2 of the project comes to a close in the next 6 to
3 12 months. Next project is the bluefin tuna
4 restoration project.

5 This project is examining the
6 effectiveness of deeper longline sets for reducing
7 bluefin tuna catch in the Gulf of Mexico. Setting
8 gear deeper is expected to reduce bluefin tuna
9 interactions, and enabling those fish to grow,
10 reproduce, and ultimately helping to restore the
11 resource.

12 In the project's second year they now
13 have two longline fishermen participating, and
14 over the next few years we will better understand
15 how depth affects the catch and bycatch profile,
16 and hopefully help to optimize catch and reduce
17 bycatch. This project continues to actively look
18 for participants for future years, and welcomes
19 input from the longline fishing community for ideas
20 in order to improve the implementation.

21 I'll call out Abby over here, who is
22 one of the project managers for that. So, if there

1 are questions you can bother Abby, and I'll be
2 sharing her email address as well. The
3 Characterization of Caribbean Fisheries
4 Interactions with HMS is a data collection project
5 to evaluate existing fisheries data to identify
6 restoration opportunities, and support
7 restoration planning in the Caribbean.

8 The overarching objective has three
9 steps. One is to compile existing fisheries data
10 into data systems. Two, evaluate the breadth and
11 the limitations of those data. And thirdly to
12 identify the greatest threats by fishery and
13 geography in the Caribbean to help prioritize
14 restoration planning for our priority species, and
15 identify opportunities for restoration.

16 And I probably should have said this
17 at the beginning, some of our priority species that
18 we're developing restoration ideas and concepts
19 for are yellowfin tuna and blue marlin, amongst
20 the other HMS. So, over the last year the
21 Characterization of Caribbean Fisheries
22 Interactions Project was initiated by entering

1 into agreement with ICCAT, who will serve as a
2 primary implementation partner.

3 The project team has participated in
4 an ICCAT workshop with Caribbean nations to discuss
5 the status of monitoring and reporting. And ICCAT
6 has now released a call for tenders to get support
7 for data gathering and analysis activities. We
8 expect this project to be completed by 2025.

9 The Deepwater Horizon Oceanic Fish
10 Restoration Project was designed to help restore
11 fish that were injured as a result of the oil spill,
12 and this project aimed to reduce fishing mortality
13 during a temporary voluntary six month repose
14 period each year, where participating vessel
15 owners refrained from longline fishing.

16 This project began in 2017, and was
17 completed in 2020. The project included two
18 separate components, a repose period where there
19 was no longline fishing by participants, and their
20 use of alternative gears. If vessel owners chose
21 to use alternative gears they were provided with
22 gear that helped specifically target yellowfin

1 tuna and swordfish with lower bycatch.

2 This portion of the project helped
3 provide participants the opportunity to use
4 alternative gears, and to improve fishing
5 proficiency with those gears. Like I said, this
6 project was completed in 2022, and now the
7 environmental and economic data are being
8 analyzed, this report is expected later this
9 summer.

10 And the initial results suggest that
11 the project was able to meet its restoration goals.

12 Many thanks to the longliners in the Gulf who
13 participated in this project. I'd also like to
14 acknowledge the role that Charlie Bergmann played
15 in this project, and both as when he was an employee
16 from NOAA, and then when he moved on he was just
17 a valuable participant, always kept us earnest.

18 And the last time we met he was looking
19 forward to reviewing this final report, and yeah.

20 So, onto our restoration planning activities.
21 In the summer of 2023 the Deepwater Horizon Open
22 Ocean trustees solicited ideas for its next

1 restoration plan. The solicitation sought a range
2 of project ideas to meet one or more of the goals
3 for restoring fish, and water column
4 invertebrates, and sea turtles.

5 And sought ideas that might build on
6 the progress that we've already made with existing
7 restoration projects, and or implementing new
8 approaches and techniques for restoration. This
9 solicitation directly builds on the fish and water
10 column invertebrate strategic plan that set
11 priority species and objectives.

12 Again, priority HMS include blue marlin
13 and yellowfin tuna. And priority objectives
14 include reducing bycatch, reducing illegal
15 fishing, improving health of priority fish species
16 by developing tools and techniques to reduce
17 uncertainty in restoration, and developing best
18 practices for stakeholders and fishing
19 communities.

20 Reducing threats from marine debris,
21 and reducing post release mortality in
22 recreational fisheries. After a process for

1 screening ideas to ensure that the idea scan meet
2 the requirements for the Oil Pollution Act, the
3 trustees are now beginning to initiate the
4 restoration plan writing process.

5 So, what are the concepts that the Open
6 Ocean Trustees were considering for the plan? The
7 trustees are considering an expansion of
8 recreational angling education program. So,
9 similar to the ongoing return them right project
10 that addresses post release mortality in reef fish,
11 the Open Ocean Trustees are looking for
12 opportunities to address post release mortality
13 in other recreational fisheries, including for HMS
14 in both the Gulf and the Atlantic.

15 The trustees are pursuing additional
16 cooperative fishing education, outreach, and gear
17 distributions projects. This would be large scale
18 projects, could last between 10 to 15 years, that
19 build off of other projects that are working
20 cooperatively with commercial fisheries in the
21 Gulf and the Atlantic.

22 Again, this could include additional

1 programs for HMS fisheries, as well as reef fish
2 and shrimp trawl fisheries. The trustees are
3 considering moving a phase one communication
4 network project, IE the hot spots mapping
5 initiative, into implementation phase. So, that
6 would be building off the current work that our
7 implementation partner NFWF has been doing.

8 Build upon those opportunities, and
9 support implementation of the hot spots mapping
10 initiative. This could also include
11 opportunities that support conservation of fish
12 spawning aggregations. To address non-fishing
13 stressors identified in the strategic plan, the
14 trustees will look for opportunities to develop
15 pilot scale projects that focus on reducing impacts
16 from marine debris, water quality, and invasive
17 species.

18 As you all know, illegal fishing
19 activities has the potential to negatively impact
20 Gulf fish populations. The trustees will look for
21 opportunities to reduce impacts from illegal
22 charter activities through education and monitor

1 the impacts from illegal fishing across the Gulf.

2 To do a better job, a more efficient
3 job in communication and cross project monitoring
4 needs like tagging, observing, and assessing
5 restoration of fish populations, the trustees are
6 considering a standalone project that supports
7 both communications and monitoring across all
8 projects.

9 And lastly, the trustees will consider
10 activities that may help address unnecessary
11 mortality from depredation in the Gulf of Mexico.
12 So, while I don't want to be too specific about
13 the time line for the relief of the restoration
14 plan, I'll put a market that sometime in the fall
15 of 2024 you can expect the first draft of this
16 restoration plan that would provide in more detail
17 the projects that the Open Ocean Trustees are
18 planning to implement.

19 So, here are some contact information
20 for the various projects that I briefly went over.

21 And on the bottom is the contact for the Open Ocean
22 Restoration Plan 4. We have a website there, and

1 an email address if you're interested in learning
2 more. I'm available for questions, and I'll also
3 hang around until the break.

4 I do want to acknowledge the input from
5 a variety of folks that are sitting around the room
6 here throughout our restoration planning and
7 restoration implementation activities. Thank
8 you.

9 MR. BROOKS: Thanks so much, Jamie.
10 We've got some time for questions, comments, any
11 thoughts you all have. So, let's just see, and
12 of course online folks, raise your hands as well.
13 But we'll start, Martha, with you.

14 MS. GUYAS: Hey, Jamie, question about
15 the hot spots, and I'm sorry, I walked it a couple
16 minutes late, so I missed it. Are you all thinking
17 about using that communication, or those
18 communication networks potentially to, I guess
19 reduce interactions with protected species, marine
20 mammals, that kind of stuff?

21 MR. REINHARDT: So, the restoration
22 projects that I work on have a focus on fish

1 restoration. So, usually they will have some fish
2 angle. Now, if we can also avoid interactions with
3 protected resources, that's great. In fact, some
4 protected things are fish. So, that's the approach
5 there.

6 We want to look for fish benefits, but
7 we also want to make sure that we're providing
8 benefits to protected resources. Also if that's
9 an incentive for anglers or fishermen to
10 participate, so that they can avoid protected
11 resources, we want to make sure that we're
12 including that for that reason as well.

13 MR. BROOKS: Great, let's go over to
14 Mike, and then to Marty.

15 MR. PIERDINOCK: Thank you, Jim. A
16 few questions. The ICCAT twist, it was noted about
17 blue marlin and yellowfin tuna, there's a
18 significant problem with non-U.S. Caribbean
19 nations not reporting blue marlin and other
20 species. And is there any thought, or any
21 potential for working with the non-U.S. Caribbean
22 locations to attempt to get them to report, and

1 train them in apps, and so on and so forth?

2 Because we continually have this
3 habitual problem with lack of reporting. That's
4 my first question, thanks.

5 MR. REINHARDT: Yeah, so at this time
6 we're focused on the data gathering step, which
7 is understanding more precisely what the
8 limitations of the data are for other Caribbean
9 nations. So, once we have that, we have the
10 analysis, then we can have a better look at what
11 type of activities we can do to support either
12 better data collection from those nations. Or
13 other interventions that we can use to help restore
14 billfish, for example.

15 MR. PIERDINOCK: Good. Next
16 question, you mentioned outreach, outreach to the
17 commercial and recreation community. Specific to
18 bluefin, and the need for DNA samples from
19 commercial grade bluefin or recreational juvenile
20 bluefin, does this include funding those type of
21 activities, and having that take place up and down
22 the entire east coast, and the Gulf?

1 The management status evaluation, we
2 evaluate it in 2026, I believe, and we need to have
3 a robust DNA set not only for the commercial fish,
4 but recreationally, and that would provide that
5 data that would help our U.S. quota. So, does your
6 project include doing that kind of work to support
7 the need for that data?

8 MR. REINHARDT: At this time the
9 project does not have that level of specificity
10 in it, but I welcome the idea, and that's a good
11 thought, and suggestion that we can consider.

12 MR. PIERDINOCK: Thank you, and I'm
13 sure there will be a few around the table that can
14 reach out for that. Last thing, once again with
15 you noted spawning aggregations and the Slope Sea
16 is a potential spawning area, and I know that the
17 southeast fishery science center in collaboration
18 with the northeast fishery science center would
19 like to conduct larval studies within those areas.

20 So, I throw that out as another
21 possibility to do bluefin tuna larval studies in
22 that area. Maybe this could be included in funding

1 that process, because right now it's a problem with
2 getting vessels that transit to those locations
3 that you'd have to go to. So, to throw that in
4 your list that I'm throwing your way.

5 Last thing is you said to deter illegal
6 fishing activities in the Gulf, what does that
7 entail?

8 MR. REINHARDT: Well, I don't want to
9 get into too much detail, but one of the issues
10 is of education and understanding amongst the
11 recreational fishing community, knowing that you
12 can have charters that are operating illegal, and
13 charters that are operating by the rule. So,
14 there's going to be probably an element of
15 education, both for the recreational anglers on
16 that issue.

17 MR. PIERDINOCK: Thank you. I was
18 more looking into like Mexico or other nations that
19 are illegally coming into our waters, does it
20 include that?

21 MR. REINHARDT: At this time we don't
22 have any specifics on that.

1 MR. PIERDINOCK: Thank you.

2 MR. BROOKS: Thanks, Mike. Let's go
3 over to Marty, and then Willy.

4 MR. SCANLON: All right, I kind of
5 don't understand what really your intent is with
6 this hot spot mapping here. Hot spot mapping this
7 to identify like in the pelagic longline industry,
8 what our targeted catch would be so that we could
9 avoid catching that targeted catch? Or are these
10 hot spot mapping intended to identify high levels
11 of bycatch areas to avoid those?

12 MR. REINHARDT: Well, I mean ideally
13 we'd have a situation that creates efficient
14 fishing. So, you're avoiding things you don't want
15 to catch, but doing a better job catching the things
16 that you want to catch, that's the ideal situation.

17 So, you want to catch target, and you want to avoid
18 the things that you don't want to catch.

19 So, for different fisheries that means
20 different things. For different fishermen within
21 the reef fish fishery, that may mean different
22 things. So, one of the meetings with the shrimp

1 trawl fishery identified hey, we're catching these
2 big manta rays in our net, and we don't want to
3 catch those, so help us avoid those things.

4 And obviously that's an opportunity to
5 figure out ways for shrimpers to keep catching fish
6 without having the manta rays getting caught in
7 their net, as an example.

8 MR. SCANLON: So, its intent is really
9 to identify pretty much everything wherever it
10 might be, right? Bycatch and targeted catch.

11 MR. REINHARDT: Yes. And obviously
12 we're not going to spend our time identifying where
13 juvenile croaker are for the shrimp trawl, but for
14 important things that the fishing community are
15 interested in, that's probably where we would spend
16 our time and energy.

17 MR. BROOKS: Thanks. Willy, and then
18 over to Sandy. And Martha, is your card back in?
19 No, okay.

20 MR. GOLDSMITH: Thanks. And thank
21 you, Jeremy, for that presentation. I had a follow
22 up on the Caribbean project as well. I guess two

1 quick questions. First, just a clarifying
2 question, it's entitled fisheries interactions
3 with highly migratory species, and I'm just
4 wondering if that's kind of a more loose definition
5 than we typically consider here?

6 I just saw the small tuna is included
7 from ICCAT, thinking about species like dolphin,
8 wahoo, blackfin tuna, little tunny, that sort of
9 stuff. And the second question related to that,
10 is I see all of this work to collaborate with ICCAT,
11 but I was wondering if there is any vision of
12 working with the WECAFC as well, given there are
13 probably many CPCs that are not ICCAT CPCs, but
14 might be involved with WECAFC. Thanks.

15 MR. REINHARDT: Yeah, the project does
16 have a focus, but we're not limiting the activities
17 just to yellowfin tuna and blue marlin. So, if
18 you're dealing with a data set, we're not going
19 to say throw away all the other species. So, we
20 would, I guess have a broader definition where it's
21 practical.

22 And then secondly, we're not opposed

1 to coordinating with any other body like WECAFC.
2 So, the collaboration with ICCAT is because they're
3 obviously involved in it, and we sought to us them
4 as a mechanism to get the work done. And it's an
5 important collaboration because we're talking
6 about the use of data.

7 We want to make sure that we work within
8 the frameworks that have already been established
9 for collecting this data, and using this data, and
10 then seeking to improve upon that.

11 MR. BROOKS: Thanks, Willy. Sandy?
12 If somebody can get Sandy a different mic?

13 MS. NGUYEN: I just kind of have a
14 comment, and then wanted to say hi to Jamie. Seven
15 years ago NOAA approached our office with a big
16 project from the Deepwater Horizon, and I always
17 brag about this, it was one of the first projects
18 that came from government that started from the
19 bottom up.

20 And it was a seven years long, I just
21 received the final report for that project on the
22 cumulative year yesterday from Amy. I wanted you

1 guys to understand what that did for our fleet,
2 it made them feel for the first time included.
3 They planned it with NOAA from day one, they worked
4 the six years with NOAA.

5 And what that did was it opened them
6 up to doing other things with environmental groups
7 later on. So, engaging these folks is really
8 important, it was something that I thought I could
9 do all my life, and that project was the first one
10 ever done that I've seen in our community, for the
11 36 years that I've been servicing the industry.

12 And so, I also wanted to update you,
13 Jamie, that we did have a meeting about the hot
14 spots, and are working with Mississippi State on
15 the Bluefin Restoration Project. I don't know how
16 long I can focus on these things at CCC, looking
17 at the closures, and just -- big plots in the Gulf
18 of Mexico, how long are you guys going to go with
19 these closures?

20 It's going on what, 20, 30 years? Will
21 the DeSoto area open up in my lifetime? This is
22 just my personal question to see if I should devote

1 more time into this. There's only 10 of them
2 versus 2000 shrimpers that are dying.

3 MR. REINHARDT: Well, Sandy, first I
4 want to say thank you for your comments. I've
5 learned so much from working with you and the
6 longline folks that you work with. So, I'm really
7 appreciative of that, and the lessons that we take
8 from those fishermen are important lessons that
9 we try and use more broadly about our restoration
10 program, so thank you. And I will not touch
11 anything having to do with DeSoto Canyon.

12 MR. BROOKS: But maybe Randy will.

13 MR. BLANKINSHIP: Well, I'll just say
14 we spent the whole morning talking about closures,
15 and DeSoto Canyon was one of them. But I'd be happy
16 to talk, I guess I would say offline, if you have
17 more comments about that, Sandy.

18 MR. BROOKS: Okay. Anyone else in the
19 room or online have any questions or comments you
20 want to share with Jamie? Again, I'm looking
21 online, I'm not seeing anything yet, but I
22 encourage online people, please feel free like you

1 are around the table with us. Do not hesitate to
2 raise your hands.

3 And anything else in the room? Okay,
4 if not, then Jamie, thank you very much, I
5 appreciate you making the time.

6 MR. REINHARDT: Thank you.

7 MR. BROOKS: Okay, we're a little bit
8 ahead of schedule, but that is never a bad thing
9 with this group, because we'll always get behind
10 schedule again. We want to shift to some
11 enforcement updates. We have, in the room, Amy
12 Anderson with Office of Law Enforcement coming this
13 way. And online we've got Katie Moore with U.S.
14 Coast Guard.

15 Amy, do you know how is going to go
16 first? Will it be -- no, I'd prefer which ever
17 presentation gets called up first. Okay, why don't
18 we go with OLE first, and if someone can call that
19 presentation up, that would be good. And then
20 Katie, you're okay being in the second position?

21 And then we'll just, I think what Amy
22 was suggesting, is we'll just go through both

1 presentations, and then open it up for questions
2 for both of them. Thanks, Katie, I see your
3 response in the chat. Okay, Amy, over to you.

4 MS. ANDERSON: Good afternoon,
5 everyone, I'm Amy Anderson with the Office of Law
6 Enforcement. I am another new face to this AP
7 meeting, so this is me, I'm hoping to be around
8 for a couple years, you might have seen me in some
9 other meetings such as ICCAT. I am new to this
10 position with OLE at headquarters here in Silver
11 Springs, but I am not new to OLE.

12 I was out in the Alaska division for
13 the last nine years, but though I might not be the
14 tuna subject matter expert, I have a lot of them
15 standing with me, behind me, they're just not with
16 me at this meeting today. But they have assured
17 me if there's any question that I cannot answer,
18 they will do their best to get back either tonight
19 or tomorrow.

20 So, please feel free to ask me all the
21 questions you would ask if Kevin Swiechowicz was
22 here, or Miles. So, this is my presentation of

1 the HMS. So, I'm just going to go off I've already
2 been told that if you've reviewed my slides they
3 are very few, and maybe lacking some of the detail,
4 but that's because I'm hoping for some good
5 discussion in the room, of good questions from you
6 guys.

7 I'm sure you have plenty to ask me, but
8 I want to go over some of our priorities in staffing
9 just to make it aware to the people in this room,
10 these are our priorities for OLE. There's not one
11 that says HMS, but HMS falls under several of these.

12 Under sustainable fisheries, we want to ensure
13 that HMS fishing can continue on in the future.

14 Protected resources, we know there's
15 overlap with the sharks and the turtles. IUU
16 fishing, we're very aware, like I said, I sit on
17 the ICCAT meetings as well, and we want to ensure
18 a level playing field with our U.S. commercial,
19 and U.S. efforts, and what is happening in the
20 international arena as well.

21 And that we work with the IUU, the
22 illegal, unreported, and undocumented, or

1 unregulated fishing, and try to address anything
2 that's coming into the U.S., and the capacity
3 building as well. And then we also have the
4 seafood fraud wildlife trafficking in our
5 sanctuaries and monuments, which there is some
6 overlap with HMS as well.

7 I just want you guys to be aware that
8 currently for this Atlantic, Gulf of Mexico, and
9 the Caribbean, we only have 29 enforcement officers
10 for that entire region, so not a lot. You might
11 feel like it's a lot when you're on your commercial
12 boat, and you see us every week, you see the officer
13 that's coming down. But really, we're spread
14 thin.

15 We have 31 criminal investigators for
16 that same area. We do have our joint enforcement
17 partners, such as the Coast Guard, and all the state
18 officers as well, and they are great assets with
19 regards to helping patrol and enforce all of these
20 regulations for HMS. But we can't always be there.

21 So, it might feel like you're seeing
22 something on the other side of the dock that's

1 occurring that's not being addressed, and if you
2 do that, we want you guys to report it. Report
3 it to us, report it to the 1800 number, report it
4 to that local officer, whoever you do see. And
5 we take all complaints that have good information,
6 you can't just say I see a white boat that's doing
7 something illegal out in the water.

8 Give us names, give us port locations,
9 give us some information. But we do take it
10 seriously, and we want to enforce any kind of
11 violations that you guys might see, and report to
12 us as well. So, for regarding the HMS, these are
13 the common violations that our regions are seeing.

14 HMS permitting, and this could be as
15 being out on the water, targeting HMS species, and
16 not having a permit at all, not having the correct
17 permit, not having the correct information when
18 submitting permit applications, this is one of the
19 main, largest violations that we're seeing out
20 there.

21 Failure to report landings, this one
22 we're getting a lot, these are reports probably

1 from the HMS division coming to us of late
2 reporting, and we do get the ones of information
3 of hey, they offloaded this tuna and they didn't
4 report it, but those are the reports that come in
5 for us.

6 Because it is something that unless
7 we've been on the boat, we've seen the fish, and
8 then we get off, that's not very common that they
9 don't report that, because you'd have to be a little
10 dense. But it does happen, but most of those come
11 in from either the HMS division or reports from
12 out in the field from the other stakeholders.

13 Failure to maintain proper landing form
14 is something that we're seeing out there. What
15 I'm hearing from our guys that are out in the field
16 is a lot of times they've been working with these
17 individuals before they get fines added, maybe it's
18 egregious, maybe there are several, because the
19 fine right now is 750 on our penalties schedule
20 up to five fish.

21 But obviously if they've known that
22 it's a violation and they continue to violate in

1 this, they'll get higher fines. But then
2 retention and closed areas. So, at the bottom of
3 this slide there is our general counsel link to
4 all of the enforcement section charging
5 information, which is if you want to see what our
6 general counsel has been issuing as far as notice
7 of violations, and assessments of fines.

8 It's updated every month, and it's a
9 great place to see kind of the trends and what's
10 happening. That's nationwide, but it'll identify
11 if it's an HMS violation on there. I also want
12 to say the general counsel website also has that
13 penalty schedule list if you're not familiar with
14 the basic how violations are issued.

15 So, if it's something that our
16 enforcement officers, our criminal investigators
17 are issuing out in the field, then it's coming from
18 the summary settlement schedule, the penalty
19 schedule, and if it's something that's too
20 egregious, or not listed on that, then it goes as
21 a NOVA, forwarded on to our general counsel, our
22 lawyers, for consideration of how they want to

1 handle it, and then they have their own matrix.

2 But that's all online, so it shouldn't
3 be a mystery, but if you have problems finding it,
4 let me know, it's there. So, one of the big things
5 that has been a priority for OLE is the right
6 whales. And I know this impacts HMS as well,
7 especially because there's proposed speed limits,
8 and there are, if you're over 65 feet, there are
9 the slow zones.

10 I just want to -- all of that is
11 continuing on, it's not something that OLE
12 controls, but it is a priority that's been mandated
13 down to us as should be our top priority. So,
14 that's been taking up a lot of our resources as
15 far as patrols and enforcement. But we are still
16 out in the water, and when we are out in the water,
17 we are boarding every boat we see, no matter what
18 they're fishing for or doing.

19 But I just want to reiterate, make a
20 suggestion, a lot of these are not -- they're
21 putting them out there, they're saying please be
22 aware there's right whales in the area, go slow.

1 You're not going to get a ticket if you go fast,
2 they're just the suggested. But I just want to
3 say it saves everyone some headaches if everyone
4 does work together to mitigate any kind of issues.

5 Because it's really nice for the HMS
6 shareholders, stakeholders, commercial fleet,
7 recreational fleet, everyone to say hey, we've
8 never had any kind of interaction with the right
9 whales, and to continue on in the future. And so,
10 I would really highly encourage everyone to use
11 these resources that are out there so that can
12 continue in the future, and we can hopefully get
13 that recovery ongoing, and moving in the right
14 direction, so yes.

15 This is for the report of violation,
16 you can definitely feel free to contact your local
17 OLE office, divisional office, the phone number
18 of the enforcement officer that's on your dock,
19 that's giving it to you. But the best way is always
20 the 1-800 number, just because that's 24 hours,
21 someone can take that information, you can be a
22 little more anonymous if you choose to be on there.

1 But once again, we just highly
2 encourage you guys if you do have a concern, to
3 let us know about it. Because we can't do anything
4 unless we know about it, and then just give us good
5 information. Because we continually get reports
6 or complaints of people are selling fish and not
7 landing it correctly.

8 But nobody wants to tell us what port
9 they're doing it out of, nobody wants to tell us
10 what boat it's coming off of, or what restaurant
11 it's coming off of. And we have authority issues,
12 I cannot just barge in to every restaurant on the
13 coast and demand to see where they bought their
14 tuna from, I don't have that authority, and that's
15 not something.

16 But if I have good information, I can
17 work with that to solve those problems, and we don't
18 want people to have unfair advantages over people
19 who are following the rules, and documenting
20 everything correctly. And then at the bottom of
21 this screen we have the contact list for all of
22 the Office of law Enforcement. So, I encourage

1 you to check that out, and you can see what
2 resources are in your area if you're not familiar
3 with it.

4 MR. BROOKS: So, I think maybe just
5 before we go to Katie, just since it's a little
6 harder to toggle back and forth between
7 presentations, just in case someone has a question
8 or two, any specific questions right now? Marty,
9 and then over to Rick.

10 MR. SCANLON: Hello, Marty Scanlon,
11 president of Blue Water Fisherman's Association.
12 You say you don't have the authority to go in there
13 to a restaurant that's potentially buying illegal
14 fish, who does have that authority?

15 MS. ANDERSON: Marty, thanks for that
16 question. So, we could get that authority if we
17 had reasonable belief that we could -- that a crime
18 was being committed, we could apply for a subpoena
19 to go in and get those records. But as far as
20 search and seizure, I cannot just go -- that is
21 not in the Magnuson Act for me to be able to go
22 and look at documentation in a restaurant.

1 Maybe a dealer has to keep records
2 correct, the fisherman has to keep records, but
3 it's not in Magnuson, it's not in OLE. As far as
4 fisheries enforcement, I would not be aware of
5 anyone with that authority. I'm sure health
6 inspectors can go in, but they can't ask about where
7 the tuna came from, they're looking at their own
8 authority.

9 So, we can get access to those documents
10 and records, but you have to have some kind of
11 evidence to get a subpoena from the courts to go
12 in and see. In this country I can't just go into
13 a house of a suspected drug dealer, and you have
14 to have some kind of evidence to go for a search
15 and seizure.

16 And NOAA Fisheries Office of Law
17 Enforcement does not have the authority to regulate
18 where the restaurants the fish came from, that's
19 not in the Magnuson, that's not in our authority.

20 So, I would not be aware, I'm not aware of
21 anything, maybe states have it.

22 MR. SCANLON: So, there's nobody

1 authorized to enforce who is landing the illegal
2 fish in other words. I mean, basically somebody
3 else has to catch them, turn them over to you, and
4 then you can -- someone has to go through this whole
5 process to stop somebody from illegally landing
6 fish, is that what you're saying?

7 MS. ANDERSON: So, I'm talking about
8 people -- we're getting reports of restaurants who
9 are buying fish that have not been reported
10 accurately. I have the authority to regulate
11 fishermen who have permits, or who don't have
12 permits who are offloading fish, because that's
13 under Magnuson, and I can meet them on the dock,
14 I can meet them on the water, and verify those
15 documents, and catch reporting.

16 But once it's on the dock, once it's
17 five days, it's in someone's freezer, I can't go
18 into their property without -- if they've put it
19 in the truck and moved it somewhere in Alabama in
20 a freezer on their property, I would have to know
21 about that, and notice that.

22 MR. BROOKS: If I'm hearing this right,

1 if you're talking about restaurants, which Marty
2 was asking about, you need some probable cause,
3 some evidence to take some action. If it's
4 involving fishermen on the water, then you've got
5 your standing. Does that help, Marty?

6 MR. SCANLON: Yeah, so what you're
7 saying is there's nothing in place right now to
8 enforce whether or not a restaurant is buying
9 illegal fish, there's nobody even looking for that.

10 Unless basically a fisherman, or an individual
11 has to go out and catch them doing that for them
12 to be -- no wonder why there's so much illegal fish
13 going through the back doors of these restaurants.

14 There's nobody even enforcing the rules
15 and regulations here. I mean, how is that even
16 possible? Maybe Randy has an answer for that, I
17 don't know.

18 MS. ANDERSON: I mean if we had an
19 officer at every dock, and was there, I would love
20 to see it, and I would love -- we want to make sure
21 everyone is complying, and we're out there trying
22 our best. We just keep hearing these complaints,

1 OLE does, of this fish moving to restaurants, and
2 we're saying if you have knowledge of it, please
3 let us know details so we can hold them accountable
4 under our authority.

5 MR. SCANLON: Yeah, but if you were
6 informed that a particular restaurant was in the
7 habit of buying illegal fish, isn't that enough
8 to further investigate that restaurant, on where
9 they're purchasing their fish, and to enforce the
10 rules and how is that possible?

11 MS. ANDERSON: Yeah, so this is -- if
12 you give us that information, if you say Restaurant
13 ABC is buying illegal fish, that is the information
14 that we would need to start an investigation into
15 it. So, I would appreciate any information if you
16 have that complaint. But just a complaint of
17 saying all this -- these rec guys are selling fish
18 to the restaurants with no names, no ports, no
19 restaurant names, that's not very useful.

20 So, we do take it seriously, we would
21 enforce it, but I have to have some knowledge of
22 where and who. I can't just go into a restaurant

1 without that complaint, without that concern.

2 MR. BROOKS: Marty, you've just
3 answered your own question. Yes, if information
4 about a restaurant suspected of doing something
5 illegal is passed along, then they have the ability
6 to act. They're just not going to wander into any
7 restaurant however, they just need some sort of
8 suggestion of cause.

9 MR. SCANLON: So, out of sight, out of
10 mind. I mean, it doesn't matter whatever they're
11 doing, I mean basically what you're just saying
12 is really there's no oversight on the purchaser
13 of these fish. I mean, even though we have to have
14 all of our licensing in place, we have to sell it
15 to a licensed dealer, and all this other stuff.

16 What protects our buyers, what protects
17 our fishermen from this activity other than the
18 fact that we have to tell you that this restaurant
19 is buying illegal fish, and then you investigate
20 them. I mean, you would think that somebody would
21 be keeping an eye, you're certainly keeping an eye
22 on us. I mean we don't get away with it, God forbid

1 we should break the rules.

2 MR. BROOKS: Thanks, Marty. Rick, you
3 were in the queue.

4 MR. WEBER: I'm going to finish Marty's
5 question first. Asking the question directly, I
6 think it's kind of interesting, because you brought
7 something up about where authority is ending right
8 now, and I guess this really goes back to Randy,
9 because you were are really only enforcing what
10 is written here. Is it illegal to purchase fish
11 from an unlicensed?

12 We know that it is illegal to sell, to
13 break channel and sell, but that would be a boat
14 issue. Is the restaurant also breaking a crime
15 by purchasing from a bad source, or is that a loop
16 hole that we need to close at some point in the
17 future?

18 MR. BLANKINSHIP: Yes, our regulations
19 prohibit the purchase of fish that's not legally
20 harvested from a licensed fisherman. So, a dealer
21 can't purchase from an unlicensed.

22 MR. WEBER: The question at the end of

1 the day is is the restaurant also committing a crime
2 by purchasing outside of the channel? Are you
3 allowed, forgetting the permitted dealer, is a
4 non-permitted person committing a crime by
5 purchasing outside of the given channels?

6 MR. BLANKINSHIP: Fish can only be sold
7 to a permitted dealer, if the restaurant's a
8 permitted dealer, they can buy. Or they can buy
9 the second point of sale through a wholesaler, but
10 the first point of sale is to a dealer.

11 MR. WEBER: It's a nuanced answer, my
12 friend, and I'm going to drop it.

13 MR. BLANKINSHIP: That's not nuanced.

14 MR. WEBER: It is because my question
15 was about the restaurant, and you came back to how
16 it must be sold. My question was is the restaurant
17 committing a crime, and you answered that it must
18 be sold. And my question was still is the
19 restaurateur, is the restaurant owner, because
20 this is really following on to Marty, and the
21 question of Amy's limited authority that the crime
22 ends at the dock with the deboating of the fish.

1 Is the restaurant under our regulations
2 that are already existing -- I know who the seller
3 has to sell to, and I know that the permitted dealer
4 can only buy from a particular channel. But if
5 you are outside of the dealer channel, has the
6 restaurant committed a crime?

7 MR. BLANKINSHIP: If they're the first
8 purchaser, and they don't buy from a permitted
9 dealer, and the first purchase as the first
10 purchaser, they aren't a dealer, then they violated
11 the regulations.

12 MR. WEBER: I think I understand that,
13 and I would simply hand that right back to Amy as
14 the restaurant is committing a crime.

15 MS. ANDERSON: If we found out that a
16 restaurant was buying from a fisherman, and
17 unlicensed, the restaurant was an unlicensed
18 buyer, and the fisherman was not following their
19 license, or they were unlicensed, that would be
20 a concern. Now, if it's like three steps down the
21 road, or it came across the thing from Mexico,
22 that's a different violation of imports and other

1 items.

2 And there are always going to be other
3 considerations, such as does the state have any
4 violations, does seafood inspection have
5 violations, but it is a problem, yes, it is a
6 violation that we could enforce. And then there's
7 ones that are outside of our circle, it's
8 complicated, it depends.

9 MR. BROOKS: Can I flag this as --

10 MR. WEBER: You absolutely can, and I
11 was --

12 MR. BROOKS: I'm going to flag, I think
13 this is --

14 MR. WEBER: And I was going to only say
15 to Amy very quickly, and by the way, that was not
16 my question, my question is coming very quickly,
17 I promise. This is a long standing thing, and I
18 know that you're new in the seat. It is one of
19 the few places that you see this whole table gel,
20 is the idea of the out of channel sales.

21 One place almost all of us speak one
22 voice is that really bothers all of us. Just take

1 that as a long term note, it is something that will
2 keep surfacing. I wanted to go to your only
3 comment on improper form. And again, this is
4 somewhat nuanced, but I had a customer boarded,
5 I think by Coast Guard, Katie, that got an improper
6 form ticket.

7 Technical noncompliance, it was
8 absolutely tuna in an improper form. But when you
9 hear the story it's a lot more sympathetic, because
10 it was a grandfather who kept bloodline tuna aboard
11 so his grandchild could fish at the dock. He was
12 boarded offshore, was asked what this is, it's tuna
13 bloodline, I keep it on board, and received an
14 improper ticket.

15 My understanding of improper form is
16 to prevent fileting at sea, which makes absolute
17 sense. Except in this circumstance the
18 implication of receiving the ticket is that you
19 cleaned the fish at sea, threw away the hard parts,
20 and the edible parts, and kept the bloodline.

21 And only the bloodline, and quickly
22 threw it in the -- it's so outside of logic and

1 intent that I don't know how we improve it. I don't
2 know if it's regulatory wording, enforcement
3 education, I don't know what would improve it, I
4 just know it doesn't reflect on any of us well when
5 what you're talking about is a technical violation
6 that is outside of the real intent of what we were
7 trying to do.

8 And I'd like any feedback from you about
9 how that might be improvable.

10 MS. ANDERSON: Thanks for bringing up
11 that situation, that comment. I will just say
12 there's no exemption at this time, but I don't think
13 just one solution is going to fix that, I think
14 it's a whole range. You talked about education,
15 so education of the fishermen out there, education
16 of our enforcement officers, just that can be
17 something that can be brought up for our penalties
18 schedules of hey, it's just this small amount.

19 But at this time there is no exemption
20 for that, and it would just be up to that officer's
21 discretion, and maybe how many times they've talked
22 to this grandpa in the past, and if it's a

1 continuing issue.

2 MR. WEBER: And how would this body
3 improve that?

4 MS. ANDERSON: That might be a question
5 for the group as a whole.

6 MR. BROOKS: I'm going to move us on
7 to Katie. Bob, your card was up before, are you
8 good? Okay. In that case, Amy, you'll stay with
9 us, right? In case there are any more questions.
10 Thanks. Katie, I see you on, let's call up your
11 presentation here, just give us a second.

12 Okay, I think it's up, are you seeing
13 that? All right, Katie, are you good? You're
14 good, Katie, we can hear you.

15 MS. MOORE: Great, thank you so much,
16 I appreciate your time, I know there's a full
17 agenda. My name is Katie Moore, I work for the
18 United States Coast Guard. I work in operations
19 as their fisheries program manager in the Atlantic
20 area office. So, the U.S. Coast Guard is part of
21 Department of Homeland Security.

22 We have a national defense role with

1 the Department of Defense, but we also have a
2 domestic role where we have the authority for
3 enforcement of federal regulations. We are the
4 primary at sea enforcement arm of the U.S.
5 government, and I will be focusing on fisheries.
6 Coast Guard divides the world into two areas, east
7 of the Rockies, and west of the Rockies.

8 I deal with east of the Rockies. So,
9 this involves Atlantic Ocean, Gulf of Mexico all
10 the way into the Indian Ocean. So, we're pretty
11 busy. But if you have any questions, let me know,
12 and what I'll be focusing on today is what we're
13 doing domestically, I won't be talking about what
14 we're doing internationally, because those are two
15 different mission sets, 2 out of Coast Guard's 11
16 missions.

17 And then I'll be talking about some of
18 our strategic and operational focus. I have
19 received some questions, and I've picked up some
20 topics during this meeting that I've also included
21 at the tail end. So, this presentation slightly
22 differs from what you may be seeing online. As

1 always, I let you know how much effort we're
2 expending.

3 Because if you expend no effort, and
4 you see nothing, that's a false confidence. If
5 you expend some effort and see a lot, then that
6 is telling. This is a description of the domestic
7 fisheries efforts Coast Guard has expended fiscal
8 year to date. So, that's October 1st of 2023
9 through early May.

10 So, we do have a combination of at sea
11 assets that are small boats, patrol boats, all the
12 way up to our major cutters, and we also have
13 aircraft. We do have drones, but that is still
14 in the growing boat, and we don't have them on all
15 of our assets. In comparison to prior years, we
16 are having a decline in the number of hours we
17 expend towards this mission set.

18 So, we have had declining total number
19 of hours expended each year since fiscal year '21
20 on fisheries. Now, that's due to some other
21 demands, so Coast Guard has 11 statutory missions.

22 So, it includes issues such as search and rescue,

1 ice breaking, interdicting illegal migrants coming
2 on the water.

3 And that is also coupled by a shortage
4 in our enlistments. So, we are down ten percent,
5 that's about 4000 members, similar to other
6 military organizations, they are experiencing
7 shortages as well. So, our existing commandant
8 has acknowledged that shortage and said continuing
9 to do what we have done in the past puts us in a
10 risk basis.

11 So, you will see a reduction in the
12 number of patrols we do for fisheries, and that's
13 one reason why I am attending virtually, my budget
14 for travel is zero, so FYI. In comparison to prior
15 years, I'd like to show you how many boardings we
16 have done for domestic fisheries specific to HMS.

17 So, this is just a subset of all of our
18 fisheries boardings. But as you can see in the
19 northeast, which is District One, that's Maine
20 through approximately New Jersey, we have a large
21 reduction compared to last year, which is a very
22 large reduction compared to the year before. So,

1 we're hitting about three boardings so far this
2 year.

3 And when I've asked what is the
4 reasoning behind it, it is also because they are
5 short staffed, and there's competing mission
6 demands. In the Mid Atlantic we're tracking
7 approximately half of what we've done last year,
8 which is good, because last year reflected a full
9 year. In the South Atlantic it's variable every
10 year, and in the Gulf of Mexico it's pretty
11 consistent to what we did last year.

12 But overall we are tracking less than
13 half of the boardings from last year, which was
14 less than half of the boardings from the year prior,
15 so, FYI. We did detect two potential violations,
16 NOAA fisheries is the lead for taking these case
17 packages and running them through the adjudication
18 process.

19 What we saw was one instance in the Mid
20 Atlantic where there was possession of two under
21 sized species, swordfish and tunas, that was on
22 a commercial vessel. We also detected a potential

1 violation in our southeast. The vessel actually
2 had been fishing in the Mid Atlantic, and through
3 an intelligence exchange we were able to
4 participate in a shore side boarding of the vessel.

5 And the case package included failure
6 to have a high seas permit, and it involved a catch
7 seizure. So, I just want to highlight that that
8 case was done in coordination closely with NOAA
9 Law Enforcement, and the state of Florida. In
10 terms of foreign fishing vessels operating on the
11 high seas, or conducting incursions into U.S.
12 waters, we have not had any completed patrols on
13 the high seas since the last time I reported.

14 So, there are no active sightings on
15 the high seas to which I am reporting at this time.

16 But we do have operations underway right now, and
17 that is in both the Mid Atlantic high seas, as well
18 as in the South Atlantic on the high seas. In
19 regards to seeing foreign fishing vessels come into
20 U.S. waters, that is predominantly at the Mexican
21 U.S. border.

22 And this is a reflection in comparison

1 to prior year data. The catch this year of HMS
2 species has been approximately 150 pounds. A
3 large majority of the catch continues to be red
4 snapper. We have had 183 detections year to date,
5 and that means we either have eyes on the vessel
6 with operators, or eyes on the gear.

7 Interception means that we are actually
8 physically located on scene with a coast guard
9 asset. And interdiction means we have stopped the
10 vessel, that we have seized the catch, seized the
11 vessel, seized the gear. And if the vessel is of
12 a navigational hazard, we will sink the gear, and
13 we repatriate the Mexican nationals through
14 Customs and Border Patrol to Mexico.

15 But I do want to flag that should the
16 interaction involve a failure to heed to Coast
17 Guard's guidance, then that can result in U.S. jail
18 time through the Department of Justice working
19 those cases. And that is a small minority of the
20 cases, thankfully, because we don't want to risk
21 the safety of our crew.

22 The Mexicans have learned that jail

1 time isn't worse than ramming our vessels, but
2 those do continue. Detections do not necessarily
3 indicate an increasing threat. Unfortunately
4 it's hard to predict always, how many actual
5 incursions happen. But we have had close
6 partnership with other federal agencies to use
7 their technology, like CBP to help provide
8 additional eyes on the border.

9 So, just to connect the level of effort
10 expended to look isn't always constant every year,
11 so you can't just say that the increase in threat
12 is associated with the increase in detections.
13 But I do want to couch that we still continue to
14 exceed our 20 year average for successful
15 interdictions.

16 So, we have very high interdiction
17 rates of the vessels that we do see. We continue
18 to look at all of our fisheries, and I think you're
19 all aware that there is many. Through the counsel
20 processes, take reduction plans, the HMS FMPs,
21 there are a lot of fisheries, and we have to
22 prioritize within Coast Guard the high, medium,

1 and low precedence fisheries, and HMS continues
2 to remain high.

3 We're planning for next year, and
4 appreciate the efforts by NOAA fisheries to keep
5 us in the loop on the number of permits that have
6 been issued for each component of the fishery.
7 That helps us determine our boarding targets. As
8 in similar years, we continue to be active on the
9 policy front.

10 So, we continue to work with the U.S.
11 interagency to look at what are the key countries
12 that we want to partner with to address IUU fishing.

13 We also want to align our outreach, education,
14 and training efforts, and we do that on a sub
15 working group basis. So, Coast Guard is active
16 on several of the regional sub working groups.

17 Coast Guard itself has a counter IUU
18 fishing implementation plan, so that's Coast Guard
19 wide. My command, we drafted an Atlantic area
20 specific campaign plan, and that addressed the
21 entire fisheries set, not just international
22 fisheries, but our goal was to not shirk the

1 domestic fisheries enforcement as well, but to give
2 guidance regarding the entire fisheries program
3 on what our lines of efforts were.

4 And we continue to be active in helping
5 the U.S. government on other aspects of trying to
6 deter the Mexican larger threat, to include the
7 vessel port denial implemented by the U.S.
8 government. We're very active in high seas
9 patrols, like I stated, and we also help with
10 partner nations.

11 So, most often it is related to Western
12 Africa. We have been active in getting bilateral
13 agreements enforced to help serve as a platform
14 to help those nations enforce fisheries in their
15 waters. We provide the boarding platform,
16 training, and bodies to serve as part of their
17 boarding team, so they retain their sovereignty.

18 We're also very active outside of
19 Atlantic HMS, we're already in the Seychelles doing
20 the same thing. So, very broadly, worldwide. So,
21 I serve on the ICCAT USDEL with Special Agent
22 Anderson. We were saddened that the HSBI did not

1 come through, we do not have a high seas boarding
2 inspection regime, which would have been great.

3 So, instead of that, we are required,
4 every time we want to do a boarding on the high
5 seas, we have to get the flag state's approval.

6 So, I'm sure you can guesstimate navigating two
7 different countries to get approval, and then to
8 negotiate what you can look at, and how long you
9 can stay, that would have been a lot easier if we
10 had a high seas boarding inspection regime approved
11 and agreed upon through ICCAT.

12 So, we continue to work towards that.
13 But we still act upon suspected IUU fishing
14 sightings, and take that sighting information,
15 work with NOAA international affairs, and convey
16 that to ICCAT when it's actionable. We also
17 understand that there are tools out there, the
18 Coast Guard cannot be on the high seas as much as
19 we would like to be, so we encourage use of
20 technology.

21 And we also really appreciate trying
22 to reduce some of those policy loopholes that

1 exist, but make it very difficult at sea to document
2 sufficiently possible violations. And the U.S.
3 has made labor conditions a type priority, and
4 we're hoping that we're making progress in that
5 realm.

6 So, we continue to work towards
7 building capacity with our partnerships. So, the
8 Coast Guard in the U.S. cannot be the only ones
9 worldwide countering IUU fishing. So, we can help
10 other nations build their own capacities through
11 our information sharing, interagency road shows,
12 also our mobile training branch visits.

13 We were just most recently in the
14 Caribbean, and doing joint patrols. Those are all
15 opportunities that we can expand other nations'
16 capacity so they can use their sovereignty, and
17 their people to help detect potential violations
18 at sea. Now, I did receive a question earlier,
19 so I thought it was pertinent.

20 AIS, automatic identification system,
21 this is not an LMR regulation, it's not a fisheries
22 regulation, but we're very aware that there are

1 some fishermen that are using this, and buying off
2 the shelf. And it has been conveyed that it's
3 helpful for the fishermen. But I will just say
4 Coast Guard's response to this is it is not a Coast
5 Guard regulation to permit AIS on fishing gear.

6 It's not within our authority, it's
7 actually within FCC's. So, there is a process in
8 place should Coast Guard see gear that has AIS on
9 it, that we can convey that to our federal
10 enforcement partners who have that authority to
11 proceed with prosecution. Coast Guard does have
12 authority on AIS for carriage requirements on the
13 vessel itself.

14 So, wanted to tee that up, and redirect
15 you to this information should you have any
16 questions. This has been a longstanding concern,
17 and I heard it come up again of the potential value
18 of AIS on fishing gear. The other thing is in terms
19 of our work place shortages, our work force
20 shortages, there may be impacts in your particular
21 area.

22 Some of our stations have been shuffled

1 a bit to address our mission. So, I wanted to
2 direct you to the public docket. So, the work
3 force shortage does not affect solely small boat
4 stations. However, this is one aspect to which
5 your input can be put on the docket, to how it may
6 impact you.

7 So, if anyone ever has any questions,
8 let me know. I will send this to Peter so he can
9 repopulate the HMS web page to have this
10 information in it. And if anyone ever has any
11 questions, you can reach out to me. This is my
12 number. We do have a 24/7 command center, and
13 you're welcome to contact it any time, wherever
14 you're operating, and they will make sure to get
15 you to the closest command center.

16 But this is where we deal with search
17 and rescue. Should you have any information, I'll
18 call it intel, but if you're going to have any
19 information on potential violations, you are
20 welcome to call, but this one is not going to be
21 necessarily anonymous, but you can contact us any
22 time. So, thank you for the opportunity, and I'm

1 open for questions.

2 MR. BROOKS: Great. Thanks, Katie.
3 Appreciate it. We've got a couple of folks in the
4 room here who have some comments for you, and then,
5 at some point, I will get back to Raimundo, who
6 had a comment on our previous discussion. So we'll
7 pull back there, but let's start off with Esther.

8 MS. WOZNIAK: Thank you. Hi, Katie.

9 Nice to see you again. This is always a helpful
10 presentation to get us in some of the high seas
11 boarding inspection programs. Like you, I have
12 expressed some disappointment in the fact that
13 ICCAT with an agreement on a high seas boarding
14 inspection scheme, and last year there was a
15 workshop in Vigo, I think, with help from the EU
16 and Canada to try and progress that conversation.

17 But then, after the commission meeting, it seems
18 like there was some fatigue on the topic.

19 That said, looking at your
20 presentation, it looks like there is some progress
21 in the West African region, and so I'm curious if
22 you might be or anyone from your team presenting

1 that at the ICCAT integrated monitoring measures
2 meeting to try and convince some of those countries
3 who are unwilling to move forward on an HSBI
4 Atlantic-wide program. Thank you.

5 MS. MOORE: Thanks. I will say the
6 U.S. delegation that deals with enforcement for
7 ICCAT involves Amy, myself, NOAA International
8 Affairs, NOAA general counsel. And we actually
9 have a meeting tomorrow, and it's with one of our
10 partner nations to figure out the best way of teeing
11 the subject back up, so continue some of the
12 momentum but addresses some of the concerns we
13 received from the other countries about concern
14 about rightness of the issue, capacity and
15 equities, is there going to be accreditation of
16 inspectors, and so forth.

17 So that's exactly where we are. So we
18 have a meeting in June, and that is essentially
19 to talk enforcement within ICCAT. And we haven't
20 let go of this topic, so thank you for your support.

21 MR. BROOKS: Thanks. Let's go to Mike
22 Pierdinock, and then over to Bob Zales.

1 MR. PIERDINOCK: Thank you. Thank
2 you, Katie, and thank you, Amy. I guess the best
3 education I've got is watching North Woods Law Lone
4 Star Law to understand the way the federal and the
5 states interact with one another. But I think
6 maybe that's what was missing from the narrative
7 that you're dealing with federal issues and the
8 minute they go into state waters and come onto land,
9 then the state is contacted, and then the EPOs and
10 so on get involved in the process and it's more
11 of a team process.

12 I have been sitting at the table for
13 a long time now, and I remember, I think it was
14 nine years ago, there was an example up in New
15 Hampshire where bluefin were being sold by
16 unlicensed individuals that caught them to
17 restaurants in New Hampshire, and they all got
18 prosecuted. So the data is there, the information
19 there, this is nothing new. So maybe we could dig
20 into that a little bit as an example. OLE was
21 involved, New Hampshire was involved, and so on.

22 So I remember that being up in New England because

1 it was big news, but I just wanted to throw that
2 out there.

3 With the Mexico illegal catch, it
4 indicated 150 pounds of sharks. And was it red
5 snapper or sharks? Because I think you said red
6 snapper, but I think it said sharks up there. Was
7 there any other species, was there any endangered
8 species, listed species, or so on that they caught?
9 That's my one question.

10 And then, with the interdictions, there
11 was 86 in '22, I think 51 in '23. Are there repeat
12 offenders? And if so, what do you with repeat
13 offenders? I'm curious, of those numbers, how
14 many are repeat offenders.

15 MS. MOORE: Thanks. So the majority
16 is red snapper. I didn't provide that poundage.

17 The poundage I provided was of sharks. In the
18 past, we would transit them back to shore, take
19 pictures, and then transit the catch back to
20 dispose of it at sea. So there was a lot to it.

21 So at this point in our case, as much as possible,
22 you try to estimate the weight and the species.

1 So I know that there's still interest in the
2 species, but, operationally, this is where we are
3 and what we can provide.

4 We have not had reports this fiscal year
5 of other species beyond red snapper and sharks.

6 In the past, there have been. Luckily, not so
7 much recently, but there have been interactions
8 with some sea turtles and there have been, at one
9 point, use of pelicans as the buoys to which they
10 set the gear, so it was, I don't know, pretty
11 ingenious and cruel at the same time. We have not
12 seen that lately.

13 Yes, we have repeat offenders. It's
14 demoralizing, and I will say that we use -- of the
15 ones that we interdict, we have come up to some
16 repeat offenders that have been 40 times or more.

17 And the Coast Guard works in conjunction with the
18 greater U.S. government to figure out the best
19 direction ahead to combat this issue with Mexico,
20 so the aspects include diplomatic, you know,
21 economic sanctions, is there information, meetings
22 with Mexico, is it capacity building, or is it just

1 increasing at-sea presence by the U.S. government
2 or enforcement? So we fit within the larger U.S.
3 government picture on how to tackle this issue,
4 and we would like for this to be addressed, as well.

5 MR. BROOKS: Thanks, Mike. Go ahead.

6 MR. PIERDINOCK: Of the repeat
7 offenders, are these companies or these funded by
8 whom? Who's behind these operations?

9 MS. MOORE: So what we're seeing is
10 these are very small boats. They are very small,
11 fast boats that are open. They don't have a hull.

12 And they run out of camps in Mexico, so you can
13 have some camp owners that buy the equipment and
14 are essentially paying the operators by the day,
15 by the catch, to do so.

16 So we do meet with Mexico, convey the
17 case packages to them, so that they can proceed
18 with their prosecution efforts, including issuing
19 fines, addressing their at-sea enforcement
20 posture, or addressing other means that they have
21 of getting to their foreign fishing vessels. So
22 the U.S. posture is not to criminalize foreign

1 fishing vessels. We do not give them jail time
2 for a fisheries violation. We just proceed with
3 jail time should it be a failure to heave to, which
4 is not a fisheries violation. So we work with in
5 the process of meeting with Mexico, giving them
6 case packages, so they can pursue their own
7 prosecutions.

8 MR. BROOKS: Thanks. Let me go over
9 to Bob Zales.

10 MR. ZALES: Bob Zales II. I'm from the
11 gov, and the launches that she's talking about,
12 they harvest almost as much available quota that
13 we have with red snapper on both commercial and
14 recreational side. From the Eighth District
15 reporting on this, these launches, when they come
16 in, they take the people, they simply send them
17 back home. Apparently, the cartels are behind all
18 this because Coast Guard and Customs will
19 confiscate the vessels and the engines, stack them
20 up, and put them in a dumpster somewhere. They
21 go home, they get a brand new boat, brand new
22 motors, and come right back.

1 My question is, when it comes to
2 shortages and lack of recruitment, because I know
3 in some areas of the Coast Guard now they're hiring
4 retired personnel to fill the void. Have you all
5 considered looking into what may be the status of
6 looking and hiring civilians to fill the voids of
7 the personnel that you can't fill with recruitment?

8 MR. BROOKS: Katie, you are on mute.

9 Still not hearing you. We are still not hearing
10 you. We're trying to figure out, it seems like
11 it's -- try again, Katie, one more time. No, not
12 working.

13 Why don't you think about the answer
14 deeply. You can hear us. Let me take a few more
15 comments and just jot down your thoughts on that
16 while we figure out what's going on here, okay?

17 Let me bring in Marty.

18 MR. SCANLON: Hi, Katie. Good to see
19 you. My question is that you say you turn it over
20 to Mexican authorities. What kind of follow up
21 do you do once you turn it over to them?

22 MR. BROOKS: We're going to let Katie

1 think about that question, too. Okay. Katie, try
2 to speak again.

3 MS. MOORE: Yes.

4 MR. BROOKS: Okay. Go ahead, Katie.

5 MS. MOORE: Okay. Trying again.

6 MR. BROOKS: Yes, you're good.

7 MS. MOORE: Let's try one more time.

8 Otherwise, I will shout it.

9 MR. BROOKS: Katie, we can hear you.

10 Can you hear me?

11 MS. MOORE: Someone can hear me.

12 MR. BROOKS: Yes, we can hear you.

13 MS. MOORE: Thank you. So our case
14 packages, we have worked with Mexico over the years
15 to make the information collected as helpful as
16 possible for their prosecution. At times, they
17 said they get our cases late or it doesn't have
18 enough information, so we have gone and worked with
19 them to get them the information.

20 In working with the larger U.S.
21 government, especially with the positive and
22 negative certifications, there is a lot of work

1 to engage Mexico to ask them what are they doing
2 and what is the effect of that. So years ago, it
3 was, okay, great, you find your fisherman, but did
4 you collect the fines? So there is a very detailed
5 process to really ascertain is Mexico really using
6 all the tools that they have to address this issue.

7 So Coast Guard is just one part of it, and so we
8 do with that with NOAA International Affairs and
9 we also do that with a lot of work with Department
10 of State.

11 So I do want to say this is a U.S.
12 government-decided posture. It's not all just
13 at-sea enforcement and having teeth from that
14 angle. So there are broader diplomaticals that
15 have to be balanced. In the meantime, we keep
16 addressing the threat the best the Coast Guard can
17 with the tools we have.

18 MR. BROOKS: Thanks. And, Katie,
19 there was the question from Marty around whether
20 or not there's any sort of focus on using civilians,
21 retirees, anything to plug any of the staffing
22 gaps.

1 MS. MOORE: So my job actually used to
2 be a military job. Coast Guard can turn military
3 jobs into civilian jobs. I'm not sure if they're
4 going to do that this go-around, but I will tee
5 up that little idea. I know that there's some
6 value in having civilians for working with the
7 agency, not having to learn a new face every couple
8 of years. At the same time, I can't do boardings.

9 So there's a balance there. Certain
10 jobs might be able to be civilianized, but other
11 jobs inherently require that it's a uniformed
12 officer, and those are the ones that are at sea.

13 Over.

14 MR. BROOKS: Thanks, Katie. And I can
15 now see your answer in the chat on that.

16 Let's go to Kesley, then Sandy, and then
17 over to Rick.

18 MS. BANKS: Thanks. My answer is
19 actually for Mike. So we are currently -- is that
20 better?

21 MR. BROOKS: You're going to have all
22 the mikes there soon.

1 MS. BANKS: Yes. I'm working on it.

2 So my answer is actually for Mike. So we, at the
3 Harte Research Institute, are actually partnered
4 with the Coast Guard to help enumerate some of this
5 IUU catch coming out of Mexico and so out of the
6 Corpus Christi sector and the San Padre Island
7 sector. And as of last week, there have been
8 additional species added to that list that may be
9 coming to you, Katie. They include red snapper,
10 Spanish mackerel, a bunch of different types of
11 sharks, cobia, amberjack. So there's been quite
12 a few this year alone, but we will also have an
13 intern down there on base this summer that will
14 be taking all of the biological samples. So some
15 of this catch is coming back for scientific
16 analysis.

17 MR. BROOKS: Thanks. Sandy.

18 MS. NGUYEN: Hi. I just have an issue
19 with safety, especially on the decals. I know that
20 we have officers, inspectors, on them that inspect
21 our federal fleet every, what, three or four year
22 with our decal? Two years. And so what is the

1 purpose of having them being inspected and then
2 being boarded also offshore with the decal? We
3 assume that if we start to see -- we're now very
4 hard on our fishermen. They're inspected every
5 year in my area. But it just doesn't make sense
6 for them to get the decal and then get boarded and
7 still harassed offshore. Time and money during
8 season is lost when that happens. That's a
9 comment.

10 A question I have is do these boys have
11 quotas that they have to meet? Because I've heard
12 from one Coast Guard to another that they have to
13 meet certain numbers of tickets they have to write
14 up. Is that true?

15 MR. BROOKS: Katie, you want to jump
16 in on that?

17 MS. MOORE: Sure. Thank you. So I'll
18 say that the fisheries enforcement has the resource
19 hours to do boardings. In doing so, we also look
20 for compliance with your fishing vessel inspection
21 and decal requirements. So they technically don't
22 have any hours at sea specific for decals.

1 As you're aware, some fisheries
2 regulations can only be enforced at sea. And any
3 time we do boarding, we can jump on for one purpose,
4 but then we also check warrants, we also check who
5 are the crew on board. That's much broader than
6 just fisheries regulations.

7 The other thing is you also want to know
8 that what you passed shoreside you still retain
9 when you're out at sea. You want to make sure that
10 all of your life vests are actually on board. So
11 you might have gotten a decal and gotten inspected,
12 but if the gear is not still on board when you're
13 conducting fishing, then what's the purpose of the
14 decal, but I get what you're saying.

15 The other part was, no, we don't have
16 a requirement for number of violations that need,
17 citations that need to be issued. We issue
18 enforcement action reports. We have a goal for
19 number of boardings that we do because we want to
20 have some confidence in our observed compliance,
21 is that representative of the fleet, and you really
22 need to be able to get on a significant part of

1 the fleet to have confidence in that. So, no,
2 there are no anywhere, any targets for how many
3 violations you issue within the Coast Guard for
4 fisheries.

5 MR. BROOKS: Thanks, Katie. That's
6 helpful. Rick.

7 MR. BELLAVANCE: Thank you, Amy, and
8 thank you, Katie. My question may benefit from
9 both of your expertise. It's relative to the
10 Atlantic right whale speed rules that are in place
11 and maybe proposed to go in place. I'm just
12 curious as to if your U.S. Coast Guard
13 documentation length is the length that you would
14 use to determine the length of your vessel. I was
15 under the impression that that was the tool to use
16 and you look at your documentation and figure out
17 your length, but I just want to make sure that
18 that's correct.

19 MS. ANDERSON: I can answer that or I
20 can give some insight into that. So you're talking
21 about the 65-foot for needing the AIS. That would
22 the Coast Guard looking, because that's their

1 ruling, that's their authority to enforce it for
2 anti-collision, so it would be on that
3 documentation vessel. But Katie might have more
4 insight to that. But as far as just the speed rule,
5 it would just be, if it applies, if there is a speed
6 limit and it's under, then we would need to put
7 that in the regulations of, you know, if it's a
8 40-foot vessel, NOAA has a length overall, but we
9 usually base it off of that Coast Guard
10 documentation but not all vessels are Coast Guard
11 documented.

12 MR. BROOKS: Katie, do you want to
13 weigh in on this at all?

14 MS. MOORE: Yes. I would say that we
15 actually have a lot of fishing regs that are length
16 specific, and so we look at what you are documented
17 at. We do know some vessels will go through
18 retrofitting, and we have gone to do dock-side
19 length measurements to confirm. So when you're
20 talking about AIS requirements and the speed rule,
21 NOAA has the speed rule, and I can put it in the
22 chat exactly how they document where you determine

1 the 65 feet. But, yes, AIS regs is Coast Guard,
2 the speed rule is NOAA. They have to be aligned
3 with the 65 feet, the same length.

4 MR. BROOKS: Okay. Rick.

5 MR. BELLAVANCE: Thanks. So I think
6 I heard two different things there. I just want
7 to clarify. Like, if you look at your
8 documentation, there's a length on there. Is that
9 the number you look at, or is there a different
10 number you look at when you're calculating
11 specifically the speed rule for closed areas for
12 Atlantic right whales?

13 MR. BROOKS: Did you get that, Katie?

14 MS. MOORE: Yes. I would say what we
15 do is Coast Guard currently is on the water. We
16 use AIS as an indicator of you possibly needing
17 to be regulated under that rule. Anything that
18 Coast Guard does is a hail and inform, and all cases
19 are actually made by NOAA law enforcement. They
20 take into account additional information, such as
21 a possible safety out due to the weather.

22 So we use AIS. So if you have AIS,

1 that's a good indication that you should fall
2 within the current rule in terms of your length
3 requirement. But I'm actually looking up NOAA's
4 rule right now to see how they wrote it, but,
5 operationally, Coast Guard uses 65 feet as what
6 you are documented at and if you're required to
7 have AIS.

8 MR. BROOKS: Thanks. Let's go to
9 Spencer, and then I want to go to Raimundo online
10 to double back to our earlier conversation around
11 --

12 MR. BODE: All right. Thank you very
13 much for the presentation. Can we go to the slide
14 that was about the AIS on FAQ 18? So this is about
15 AIS on PLL gear and I think fixed gear, and I just
16 wanted to say that this is an example of using
17 technology to prevent gear entanglement and ghost
18 gear. And this is a very, very good thing, and
19 we should continue having more AIS beacons on gear
20 along our continental shelf.

21 And I just wanted to ask a question what
22 would be the potential issues with the Coast Guard,

1 if there are any, with having AIS on the gear?

2 MS. MOORE: This is an FCC restriction.

3 They're the ones who approve whether or not there
4 can be any AIS on fishing gear, so it's actually
5 an FCC determination of that. The Coast Guard uses
6 all tools available right now to help us inform
7 ourselves on enforcement and where vessels might
8 be operating. Generally, the Coast Guard stance
9 is that AIS was put in place for safety, and we
10 don't want AIS to, we don't want people to be
11 turning AIS off and compromising safety. However,
12 we see the value of AIS helping inform us knowing
13 where fishermen and mariners currently are, and
14 we have taken that into account in other
15 regulations.

16 So AIS is not written in the speed rule.

17 AIS is just one enforcement tool that is used for
18 right whale enforcement for the speed rule. So
19 it's a gentle balance. But to okay the use on
20 fishing gear, that's really an FCC determination,
21 not a Coast Guard determination.

22 MR. BROOKS: Thanks, Katie. I wanted

1 to invite Raimundo into the conversation, if we
2 could open up Raimundo's line. He had a comment
3 before. This is going back to the conversation
4 earlier with Amy around selling to non-dealers,
5 and he just had a little bit of commentary about
6 how it works in the Caribbean.

7 Raimundo, your line should be open.
8 If you'd just take yourself off mute maybe. There
9 you go. I think we should be able to hear you.

10 Raimundo, you there?

11 MR. ESPINOZA: The whole conversation
12 of law enforcement and the chain and applying that
13 to restaurants --

14 MR. BROOKS: Raimundo. Raimundo.
15 Raimundo.

16 MR. ESPINOZA: Yes.

17 MR. BROOKS: Sorry. We lost the
18 beginning of your comment. Can you start again?

19 MR. ESPINOZA: Yes, of course. It was
20 pertaining to the previous presentation, but it
21 also, I guess, it also covers Coast Guard, as well,
22 because it pertains to law enforcement and the HMS

1 fisheries.

2 So, specifically, for the U.S.
3 Caribbean, of course, since the locals and the
4 majority of the local HMS fisheries would be using
5 the HMS small boat, commercial small boat permit,
6 which allows for the commercialization and sale
7 to non-dealers, it makes law enforcement's job a
8 lot more difficult. And so making sure that, how
9 that's commercialized and who is it sold to. You
10 know, after landing, it's pretty much impossible.

11 I mean, if folks don't want to tell you, they don't
12 have to just because the way that is done. It goes
13 around the dealer. That's part of the reason why
14 it was created just because of the small-scale size
15 of the local HMS fishery in the U.S. Caribbean.

16 But at the same time, it's one of those
17 things that we have heard of folks, of fish markets
18 getting fined \$3,000 for selling tuna and not
19 having a dealer license but when they purchased
20 it from folks from the HMS small boat permit
21 holders. So I think seeing how we can involve or
22 see that HMS fish --

1
2 MR. BLANKINSHIP: Yes. And this is
3 Randy. I just wanted to follow up with that. My
4 statement earlier in the discussion earlier was
5 about really kind of a scenario on the mainland
6 of the United States, and Raimundo has highlighted
7 the exception that exists under the Caribbean small
8 boat permit in the U.S. Caribbean, and that permit
9 is only valid in the U.S. Caribbean that does allow
10 for the sale directly from a vessel with that permit
11 to the public, to a restaurant. It basically has
12 the ability to do that sale without going through
13 an HMS-permitted dealer. It is the only
14 exception, and it only occurs in the U.S. Caribbean
15 with that permit. And it was created that way in
16 Amendment 4 specifically to meet the way that the
17 markets operate in the U.S. Caribbean, so it is
18 an exception there.

19 I understand the point that Raimundo
20 is making about challenging aspects of it from an
21 enforcement standpoint but just wanted to kind of
22 like give that background to set that stage for

1 them.

2 MR. BROOKS: Good. Thanks. Thanks,
3 Randy. And, thanks, Raimundo. We've got just a
4 couple of minutes left, and then we need to get
5 to a break. Go ahead.

6 MR. WEISS: Thanks. I was holding off
7 until the end because what I'm going to suggest
8 is kind of where enforcement meets management, so
9 it's not directly relating to enforcement. But
10 the point that Rick Weber brought up earlier in
11 regard to some small quantity of a fish on board
12 a boat that is not conforming to the requirements
13 of the manner in which the fish has to be kept until
14 it's brought off the boat.

15 If, in some future regulatory cycle,
16 you could make a small tweak to the regulations
17 pertaining to that to allow some de minimis
18 quantity that would allow for situations like what
19 Rick described and maybe allow for other situations
20 where someone wants to bring some very small
21 quantity of fish for personal use or whatever, that
22 it allows that without making a huge issue of it.

1 And, of course, the regulation in the first place
2 is not designed to stop this kind of de minimis
3 thing from happening.

4 MR. BROOKS: Thanks, Alan. Thank you,
5 Amy. Thank you, Katie. It seems like, as always,
6 there's a ton of interest in this topic. It's
7 important. I think there are two pieces that sort
8 of maybe are helpful to pick up at some point in
9 the future here. One is this last point around
10 the, you know, is there something you've thought
11 about for exceptions for de minimis quantities on
12 board, and then this question of just
13 out-of-channel sales. That's just to consider
14 whether there's a conversation to be had there at
15 some future AP meeting, just thinking about that
16 issue.

17 With that, I think we should probably
18 get ourselves to break. We will reconvene at 3:30
19 sharp and dive into Atlantic shark fishery update.

20 Thanks again, Katie. Thanks, Amy. Thanks.

21 (Whereupon, the above-entitled matter
22 went off the record at 3:13 p.m. and resumed at

1 3:31 p.m.)

2 MR. BROOKS: All right. Let's jump
3 in. We're going to go to plan B, and that worked
4 last time, so I assume it will work this time again.

5 All right. Last topic of the day, we want to talk
6 about the Atlantic shark fishery, and I'm going
7 to hand it off to Ann Williamson, who is going to
8 give us an update on a number of management actions,
9 as well as trends in the fishery, and then we will
10 open it up for conversation around the table. So,
11 Ann, over to you.

12 MS. WILLIAMSON: Okay. Good
13 afternoon. My name is Ann Williamson, and today
14 I'll be presenting our Atlantic shark fishery
15 update. This presentation will provide a brief
16 overview of recent management actions from the last
17 year or so, including Amendment 16, the 2024
18 commercial shark season rule, the prohibition on
19 oceanic whitetip sharks in the Atlantic Ocean and
20 hammerhead sharks in the U.S. Caribbean, and the
21 proposed oceanic whitetip shark Endangered Species
22 Act rule.

1 We'll also note some upcoming actions,
2 including in-progress and future shark stock
3 assessments. And, finally, to get a sense of
4 recent trends in the commercial shark fishery,
5 we'll take a look at a few graphs of commercial
6 shark landings from the last five years.

7 Starting off with recent management
8 actions and draft Amendment 16 and the proposed
9 rule, Amendment 16 could result in substantial
10 changes to the entire commercial and recreational
11 Atlantic shark fishery. Amendment 16 would
12 implement new quotas for recreational and
13 commercial shark fisheries based upon the
14 framework developed in Amendment 14. We announced
15 the availability of a scoping document for
16 Amendment 16 last spring, and, during the public
17 comment period, we received a ton of written
18 comments, as well as numerous oral comments during
19 five in-person and virtual public hearings and
20 during presentations to the regional fishery
21 management councils, the Atlantic States Marine
22 Fisheries Commission, and the HMS Advisory Panel.

1 Overall, there was support for
2 Amendment 16. Councils and states were supportive
3 of our intent to increase flexibility in shark
4 fisheries management and supported opportunities
5 for increased sustainable harvest because, as we
6 know, we're not coming anywhere close to reaching
7 our quotas. However, there were some concerns
8 regarding the potential lifting of restrictions
9 on shark stocks, particularly those with an
10 over-fished or an unknown stock status.
11 Additionally, there were concerns across the board
12 regarding the number of topics included in
13 Amendment 16 scoping, and we received
14 recommendations to split management measures into
15 multiple smaller actions.

16 So where are we now? We are
17 considering all of the public comments that we
18 received. It will likely be a while before we
19 release draft Amendment 16 because we are waiting
20 on the completion of the SEDAR 77 hammerhead stock
21 assessment, which I'll talk about in more detail
22 later on in the presentation. In the meantime,

1 we are considering options for a smaller, more
2 focused initial rulemaking.

3 Now, as most of you know, each year we
4 publish a final rule for the upcoming commercial
5 shark season that sets the commercial quotas,
6 opening dates, and retention limits for the
7 upcoming year. We published the 2024 commercial
8 shark season rule at the end of last year, and the
9 commercial fishery opened on January 1st. All of
10 our shark fisheries are currently open, and large
11 coastal sharks have the maximum and now default
12 retention limit of 55 large coastal sharks, other
13 than sandbar sharks, per vessel per trip. In this
14 action, we also implemented management measures
15 to automatically open the commercial shark season
16 on January 1st each year under base quotas and
17 default retention limits. This means that, for
18 2025 and future fishing years, the commercial
19 fishery will automatically open on January 1st
20 under those base quotas and default retention
21 limits, including the new default of 55 large
22 coastal sharks. And early each year, once we have

1 determined any under-harvest from the previous
2 year, we will publish a final rule with any
3 necessary quota adjustments.

4 Earlier this year, we also published
5 a final rule that added oceanic whitetip sharks
6 to the prohibited shark species group, so retention
7 is prohibited in all U.S. waters of the Atlantic
8 Ocean, Gulf of Mexico, and Caribbean Sea, and
9 prohibited the retention of hammerhead sharks,
10 that is great, smooth, and scalloped hammerheads,
11 in the U.S. Caribbean.

12 The purpose of this rule was to be
13 responsive to two HMS biologic opinions and to
14 reduce the mortality of oceanic whitetip sharks
15 and the central and southwest Atlantic Distinct
16 Population Segment of scalloped hammerhead sharks,
17 which are both listed as threatened under the
18 Endangered Species Act.

19 Related, just earlier this week, NOAA
20 Fisheries Office of Protected Resources announced
21 a proposed rule that would prohibit the take of
22 oceanic whitetip sharks. That's take as defined

1 under the Endangered Species Act. So, currently,
2 although oceanic whitetip sharks are listed as
3 threatened under the Endangered Species Act, their
4 take is not prohibited. This proposed rule would
5 close some loopholes that currently don't prohibit
6 retention of oceanic whitetip sharks in non-HMS
7 fisheries and other forms of take beyond retention.

8 However, it could be a while before we see a final
9 rule implemented, and public comments on the
10 proposed rule are due on July 15th.

11 Moving on to upcoming actions and
12 Atlantic blacknose sharks. So in Amendment 14,
13 which we finalized in January of 2023, we revised
14 the status determination criteria for Atlantic
15 sharks. Now, for assessed stocks, in years when
16 a stock assessment is not conducted, we can compare
17 a three-year rolling average of catch to the
18 over-fishing limit to determine whether or not a
19 species is experiencing over-fishing. Now,
20 because the Atlantic stock of blacknose sharks is
21 our only commercially-authorized species
22 experiencing over-fishing, we are using this new

1 criteria established in Amendment 14 to reevaluate
2 the over-fishing status for Atlantic blacknose
3 sharks.

4 We are working on this right now, and,
5 optimistically, we hope to know whether or not we
6 can change the status this summer. But because
7 it's our first time working through this process,
8 it just may take more time. We'll definitely let
9 everyone know if we are able to determine that
10 Atlantic blacknose sharks are no longer
11 experiencing over-fishing.

12 And for shark stock assessments, we are
13 currently assessing hammerhead sharks through
14 SEDAR. Scalloped and Carolina hammerheads are
15 combined and assessed together, and then smooth
16 hammerheads and great hammerheads are being
17 assessed separately. This was our first research
18 track assessment, which means that the assessment
19 scientists determined the appropriate models and
20 data, but they didn't actually run the models for
21 management use.

22 SEDAR released the final research

1 assessment in February, and, overall, the
2 preliminary results were pretty positive.
3 Scalloped and Carolina hammerheads are not
4 over-fished and not experiencing over-fishing.
5 Smooth hammerheads have an unknown over-fished
6 status due to limited data, but they are not
7 experiencing over-fishing. And great hammerheads
8 are over-fished and not experiencing over-fishing.
9 So, again, those are just preliminary results.

10 We now need to complete the operational
11 assessment, which will give us the final stock
12 assessment results and the information that we need
13 for management. The operational assessment is
14 expected to be completed in late 2024; and, at that
15 point, we'll be able to start working on Amendment
16 16. After completion of the hammerhead stock
17 assessment, SEDAR plans to assess bull shark and
18 sandbar shark.

19 Now, moving on to recent trends in
20 commercial shark landings. So a few things to keep
21 in mind for this next section: In December 2022,
22 President Biden signed into law the National

1 Defense Authorization Act, which included the
2 Shark Fin Sales Elimination Act. Under this act,
3 it is illegal, with certain exceptions, to possess,
4 buy, sell, or transport shark fins or any products
5 containing shark fins. Additionally, as of
6 November 2023, 31 out of 42 Atlantic shark species
7 we manage are now listed under Appendix 2 of CITES.

8 This means that any products of these species must
9 be properly certified and permitted by the U.S.
10 Fish and Wildlife Service before they can be
11 imported or exported. These factors do impact the
12 commercial shark fishery, and we may see some
13 evidence of their influence in our landings trends,
14 particularly in recent years but more so now in
15 and in the future.

16 So this graph shows aggregated large
17 coastal shark and hammerhead shark landings
18 compared to their quotas in the Atlantic region.

19 For both of these management groups, landings have
20 overall increased in the last five years. For
21 aggregated large coastal sharks, 47 percent of the
22 quota was harvested in 2019 compared to 73 percent

1 in 2023. Similarly, for hammerhead sharks, 59
2 percent of the quota was harvested in 2019 compared
3 to 89 percent in 2023.

4 And here we have aggregated large
5 coastal shark and hammerhead shark landings
6 compared to their quotas in the Gulf of Mexico
7 region. For aggregated large coastal sharks,
8 following the over-harvest in 2020, there has been
9 a decline in landings with 57 percent of the quota
10 harvested in 2023, and we've also seen a decline
11 in hammerhead landings with less than 15 percent
12 of the quota harvested in 2023 compared to 72
13 percent in 2019.

14 And this graph shows sandbar shark
15 landings compared to the quota in the shark
16 research fishery. To the right of the graph, you
17 can also see a table with a number of shark research
18 fishery participants for each of those years.
19 Landings have declined since 2019 when 75 percent
20 of the quota was harvested compared to 2023 when
21 25 percent of the quota was harvested. We've also
22 seen a decline in the number of shark research

1 fishery participants over the years from five in
2 2019 and eight in 2020 down to two in 2023.

3 And this graph shows non-blacknose
4 small coastal shark and blacknose shark landings
5 compared to their quotas in the Atlantic region.

6 For non-blacknose small coastal sharks, overall,
7 there's been a decline in landings from 56 percent
8 of the quota harvested in 2019 compared to 32
9 percent of the quota harvested in 2023, though we
10 do see a small increase in landings from 2022 to
11 2023. And for blacknose sharks, landings have
12 been fairly consistent over the last five years
13 with an average of 35 percent of the quota
14 harvested.

15 And here we have non-blacknose small
16 coastal shark landings compared to the quota in
17 the Gulf of Mexico region. Landings have been
18 consistent over the last five years with an average
19 of 24 percent of the quota harvested, though here
20 we do see an increase in landings from 2021 through
21 2023.

22 And this graph shows smoothhound shark

1 landings compared to the quota in the Atlantic
2 region. Here, landings have been fairly
3 consistent over the last five years with an average
4 of 19 percent of the quota harvested, though we
5 do see a slight increase in landings from 2020 to
6 2023. Also, as a reminder, the Shark Fin Sales
7 Elimination Act has an exemption for smooth
8 dogfish, which their landings are included in our
9 smoothhound shark landings here. Also,
10 smoothhound sharks are not listed under any of the
11 CITES appendices. We do have a smoothhound quota
12 in the Gulf of Mexico, but landings are very low
13 because they're not harvested.

14 And, finally, this graph shows pelagic
15 sharks, other than porbeagle and blue landings,
16 compared to the quota in all regions. Landings
17 have declined over the last five years with an
18 average of 7 percent of the quota harvested across
19 those five years. These declines may be impacted
20 by some of those factors we've mentioned but also
21 by the zero shortfin mako shark retention limit
22 that went into effect in July 2022.

1 Also, I wanted to note that currently
2 only common thresher shark may be retained under
3 this pelagic shark quota now that oceanic whitetip
4 sharks are prohibited and the retention limit for
5 shortfin mako sharks is zero. We do have separate
6 quotas for blue and porbeagle sharks, but landings
7 are very low there, as well.

8 So that is pretty much it for our
9 update. This is a summary of our recent management
10 actions that we covered, as well as their relevant
11 dates. And if you would like more information,
12 our website is provided at the bottom of this slide.

13 And as a quick reminder, like I just
14 mentioned, the shortfin mako shark retention limit
15 of zero has been in place since July 2022 and there
16 have been no changes in international measures.

17 We've received a number of questions from anglers
18 who were under the impression that the ban on
19 shortfin mako shark landings was only in place for
20 two years, but that is not the case. So we would
21 appreciate it if you have any opportunities to
22 remind folks that retention is still not allowed

1 this year and not until further notice.

2 And thank you for your time and
3 attention. I have the contact information for
4 Karyl, Guy, and myself if you have any questions,
5 but we're happy to take any questions now, as well.

6 MR. BROOKS: Great. Thanks so much,
7 Ann. Let's start with clarifying questions, as
8 always, and then open it up for more general
9 comments. And I'll start from the chat. A
10 question from Raimundo. On slide 7, it states that
11 effective February 2, 2024, the commercial and
12 recreational retention is prohibited in all U.S.
13 waters for oceanic whitetip sharks and prohibits
14 hammerhead sharks in the U.S. Caribbean. Does
15 this include Puerto Rico and U.S. VI jurisdictional
16 waters is the question.

17 MS. WILLIAMSON: Yes.

18 MR. BROOKS: Thanks. Clarifying
19 questions? Jimmy, and then we'll go across.

20 MR. HULL: Yes. Thank you, Ann. I
21 was wondering if you could go back to the Atlantic
22 blacknose stock status update and the methodology

1 of that equation that's being used and maybe go
2 a little deeper dive into what that says there.

3 MS. BREWSTER-GEISZ: Thanks, Jimmy.

4 So this is looking at what we've been landing
5 lately, what's been discarded lately, and, by
6 discarded, not just discarded in our HMS fisheries
7 but discarded elsewhere. We're also considering
8 whether or not we need to look at post-release
9 mortality, so we're doing a deep dive to remind
10 ourselves what was in the previous stock assessment
11 and what did they consider there and then trying
12 to see if we can figure out those data sources
13 moving forward and where we are now compared to
14 all of that. Does that help?

15 MR. HULL: A little bit. I was just
16 wondering, this seems like it's support to support
17 change in the stock status, so I'm just trying to
18 understand. You're going to take a three-year
19 rolling average of the catch compared to the
20 over-fishing limit, and I was just trying to put
21 that in an equation type --

22 MS. BREWSTER-GEISZ: Right. So the

1 over-fishing limit is essentially the quota that
2 we have, the whole TAC, total allowable catch.
3 And so what we're doing is comparing all of the
4 mortality in recent years to that overall TAC that
5 we created back when we had the previous stock
6 assessment and implemented it, and that will tell
7 us whether or not over-fishing is occurring. We
8 won't be addressing the over-fished status until
9 we have a stock assessment.

10 MR. HULL: Okay. Thank you.

11 MR. BROOKS: Just a quick comment in
12 the chat from Raimundo. I don't know if this needs
13 a response, but just he wants to note that
14 hammerheads are still being landed in Puerto Rico,
15 so just as an FYI.

16 Okay. Let's go over to Matt.

17 MR. HUTH: What other exemption is
18 there in the sale or possessing of fins other than
19 the smooth and the spiny dogfish? Is there any,
20 or is that the only two exceptions?

21 MS. WILLIAMSON: Those are the only two
22 exemptions.

1 MS. BREWSTER-GEISZ: Those are the
2 only two exemptions, as Ann said. But I will say
3 the act explicitly defines what a shark fin is,
4 and, essentially, I don't remember the exact
5 wording off the top of my head, but, essentially,
6 the fin has to be removed to be defined as a fin
7 under the Shark Fin Sales Elimination Act. So if
8 the fin is still attached to the shark, it is not
9 a fin.

10 MR. HUTH: Okay.

11 MR. VAETH: I was just wondering if
12 it's possible to show up there on the screen this
13 year's landings since CITES has come into place.
14 Is that possible to show the whole AP here, the
15 landings from 2024?

16 MS. WILLIAMSON: I can't pull them up
17 on this computer, but we can meet afterwards and
18 I can pull them up and we can take a look.

19 MR. BROOKS: Thanks. Any other
20 clarifying questions? Anybody? Anybody online?
21 Okay. If not, then let's just open it up for --
22 Marty, Marty. Marty, please.

1 MR. SCANLON: How does a shark fin ban
2 not contradict Magnuson-Stevens mandate to maximum
3 sustainable yield of these sharks? I mean, the
4 whole purpose of the shark, the whole value of the
5 shark, comes out of the fins themselves. So by
6 making them throw away the sharks, you're killing
7 any viable commercial fishery on these sharks.

8 MS. BREWSTER-GEISZ: Thank you. It
9 was implemented through Congress, so I do not
10 believe it was implemented under Magnuson. It is
11 its own statute, and it is telling us what is
12 allowed or not allowed.

13 MR. SCANLON: Well, that doesn't give
14 us very much confidence.

15 MR. BROOKS: Okay. Any other
16 clarifying questions? Not seeing any. Let's
17 open it up for any comments you all have, any
18 suggestions you want the HMS staff to be hearing,
19 thinking about, as it moves forward here. Let's
20 start off with Fly.

21 MR. NAVARRO: Thank you very much.
22 Ann, great presentation. Thank you very much.

1 I want to start off with saying that.

2 First of all, I'd like to say I commend
3 you on trying to make these amendments smaller and
4 more focused. We have a lot of constituents
5 listening in right now, and it makes it seem hard
6 for them to understand it. So the fact that you
7 guys understand that and are going to make it more
8 precise makes it easier for everybody that's
9 listening.

10 I also want to commend you that you guys
11 are protecting the whitetips and the hammerheads.

12 You continue to do that. I'd like to say thank
13 you to Karyl for allowing me to join the SEDAR
14 meeting back in August before we got run off by
15 a hurricane.

16 Going forward, and I know I spoke with
17 Randy quite a bit about this earlier, clear and
18 transparency in how these rules are going on
19 forward, people want to know because right now
20 depredation is a very big problem, and we've heard
21 about it from everybody around this table so far
22 at this meeting, and this is the first time we're

1 talking about sharks. So that is a continuing
2 problem.

3 We need to start focusing, whether it's
4 us here as this body or pushing it back up to
5 Congress, we need to focus on creating a legal
6 market for these sharks. The fact that these fins
7 were banned, we may have to take a lawsuit and
8 figure it out. I don't know what the appropriate
9 measure is, but I just got a message literally 15
10 minutes before this meeting that somebody
11 harvested 1800 pounds of shark this morning and
12 had to throw away all the fins. First of all,
13 that's disgusting. You're killing an animal and
14 not using all of it. Going back to what Marty said,
15 if they're allowed to harvest the fish and they're
16 getting counted against the quota, those shark fins
17 should be able to be sold and eaten and not wasted.

18 That is just, like I said, it's disgusting.

19 And, finally, this is something that
20 we need to continue talking about, and this is
21 something that you guys need to listen to and point
22 us in the right direction. If it takes us going

1 to our congress people to talk about it, help us
2 with this. This is your guys' job to let us know
3 what we need to do. This is one of the few things.

4 I know a little while ago, there was commercial
5 against recreational. This is something that
6 we're all on board. This is a problem. This is
7 going to be a problem until it spills over into
8 tourism.

9 We're already starting, at least in my
10 state of Florida, we're already starting to lose
11 dollars where people don't want to come down to
12 Florida to fish because of the shark problem. And
13 I'm going to steal a word from Rick, and I
14 apologize. I'm giving you full credit. Are we
15 waiting for all the sharks to get back to a healthy
16 status before we do something? Because, right
17 now, it's spilling over on everything. And we just
18 had a young man fall in the water last week, got
19 bitten by two sharks. Is it going to take a
20 senator's son or a congressman's daughter to get
21 bitten and attacked before somebody does
22 something? Thank you.

1 MR. BROOKS: Thanks, Fly. Okay.
2 I've got Raimundo online. Let's go online and
3 bring him in, and then I'll come back into the room
4 to Charles in the corner. Raimundo, you should
5 be able to speak now.

6 MR. ESPINOZA: So for, you know, going
7 back online, my question was, my comment is that
8 we would need a little more information and
9 outreach specifically for Puerto Rico since we've
10 been actively documenting the landing of
11 hammerheads, specifically scallops and great.
12 And so that's why I asked the question and my
13 further comment that hammerheads are still being
14 landed in Puerto Rico.

15 And so this is one of those things that
16 we would need further outreach. If this does
17 include the jurisdictional waters from zero to nine
18 nautical miles in Puerto Rico, we would need
19 further outreach to make sure that those species
20 are prohibited and it's an effective ban on these
21 species. Right now, it would also be very
22 imperative for HMS to reach out to the local

1 department of natural resources to ensure that that
2 can occur. As I understood it, this would just
3 be in federally-managed waters, which is from 9
4 to 200. And so if this does include the
5 jurisdictional waters, it would be very important
6 for us to make sure that we get that information
7 out because they are being landed, like I said,
8 on pretty much a weekly basis. And so this is
9 something that we've been working on together with
10 the commercial fishery, with the shark fisheries,
11 for a while. And so this is something that, you
12 know, we can make sure everybody that's been
13 landing them can be in compliance and still be able
14 to continue their fishing activities. However,
15 we do need to make sure that there is no doubt into
16 whether or not this does include it.

17 And so, again, it's interesting because
18 this would fall into some of the EEJ. So diversity
19 is a given, inclusion is an action. And so when
20 we speak about inclusion, we bring back plans that
21 our convention developed. We want to make sure
22 that inclusion is an action, and so it's something

1 that we really do need because there is some of
2 these things that are moving forward that do need
3 to be communicated further down the line to the
4 jurisdictions to make sure that we're able to more
5 than be in compliance but make sure that everybody
6 can do their part in making sure that the resources
7 stay healthy.

8 And so that's something that we want
9 to continue making sure that the body that AP is
10 still being as useful as possible but also that,
11 when these decisions come down and they do include
12 the jurisdictions and the jurisdictional waters,
13 that we make sure that also the local agencies are
14 aware so that local enforcement can also be more
15 effective. Thank you.

16 MR. BLANKINSHIP: Thank you, Raimundo.

17 This is Randy Blankinship. I want to just thank
18 you for those comments that highlight the need
19 there, as you mention, in Puerto Rico, and I'll,
20 in return, highlight the equity and environmental
21 justice implementation plan that we in the Office
22 of Sustainable Fisheries have developed and are

1 working on implementing, and I highlighted that
2 last week we were actually had a team of folks down
3 there conducting outreach in Puerto Rico
4 specifically about HMS regulations and permitting
5 and had a lot of success and a lot of great
6 attendance and engagement in those workshops. And
7 then we have additional engagement planned in the
8 U.S. VI and, again, in Puerto Rico later this year.
9 So stay tuned on those fronts. Thanks.

10 MR. BROOKS: Thanks. Let's go over to
11 Charles, then Sandy, and then over to Bob and Jimmy.

12 MR. WITEK: Okay. In my area, and I'll
13 call my area a hundred-mile radius around Fire
14 Island Inlet New York, the recreational shark
15 fishery has changed completely in the last 40
16 years. When we started, shortfin makos were the
17 primary target. Blue sharks were pests, but they
18 were everywhere. You would get sometimes 20, 25,
19 30 fish a day until you ran out of bait and hooks.
20 Sandbar sharks were common. Dusky sharks were
21 anywhere from 3 feet long to 500 - 600 pounds.
22 Tiger sharks were occasionally caught; 500-pound

1 tigers weren't unusual. State record is a little
2 over a thousand. And common threshers, you caught
3 them, but there weren't an awful lot of them around.

4 Today, it's completely changed. Of
5 course, makos are scarce now and they're
6 non-retention. We're seeing decent numbers of
7 sandbars again, although they were gone for a very
8 long time. We're just starting to see duskies
9 again. They're small for the most part, 3- or
10 4-footers. We're not seeing the 500 - 600-pound
11 fish we used to see. Tigers tend to be scarce and
12 small. But the one thing that we're catching now
13 are common threshers. They're much more abundant.

14 They're caught more often. I don't want to say
15 abundant because what we're also seeing is we have
16 big schools of menhaden against the beach. For
17 the last five years, we've been getting pretty
18 good-sized schools of chub mackerel. And the
19 threshers are taking advantage of these schooling
20 fish, and, because they're coming in close to the
21 beach, they're very, very catchable. You can get
22 them from a small outboard. The kind of boat a

1 person used to fish for bluefish or striped bass
2 you can catch thresher sharks out of now.

3 I'm a little bit concerned that the
4 number of fish they're catching isn't reflecting
5 abundance as much as it's reflecting catchability.

6 And I really would like to see the agency, if not
7 an assessment because I know these fish are
8 assessed by ICCAT, but look into the numbers and
9 seriously consider a regulatory change. A 54-inch
10 fork length probably doesn't make an awful lot of
11 sense for a fish like the thresher. Get something
12 closer to 50-percent age at maturity, something
13 that is going to give these fish protection,
14 because they're the last edible pelagic shark that
15 people can take now. They're really the only fish
16 the tournaments can focus on, so they're getting
17 much more pressure than they got before. Thank
18 you.

19 MR. BROOKS: Thanks so much. Let's go
20 over to Sandy.

21 MS. NGUYEN: I know I'm here for
22 pelagic longline, but I do want you guys to

1 understand how detrimental these sharks have been
2 in the Gulf of Mexico. It has impacted all four
3 of our major species. They are very much in shore.

4 They love our shrimp nets. And so, economically,
5 it has hurt other industries in the Gulf of Mexico.

6 And so where we are searching for any
7 help, what is it that we can -- is there a piece
8 of equipment because, you know, our kids are all
9 into this now, trying to get things to sway these
10 sharks away, because our state is integral for
11 restoration, into climate change, into
12 environmental-friendly products. And our
13 shrimpers are using these nets, they're like
14 \$10,000 a set now, not those normal ones anymore.

15 It saves a few and it's environmentally friendly.

16 But we can't afford it when every set we buy is
17 bitten off by sharks. We lose money, and we're
18 lost. We can't make money and we lose money at
19 the same time.

20 So I just want you guys to be aware of
21 that, and that's where we need the most help
22 pertaining to the sharks. Thank you.

1 MR. BROOKS: Thanks, Sandy. Bob
2 Zales.

3 MR. ZALES: Yes. And like you've
4 heard from everybody else around here, it's Bob
5 Zales and from the gov. The shark issue has been
6 a growing issue now in the commercial and the
7 for-hire charter business, I don't know, probably
8 five, six, seven years at least. In the commercial
9 longline grouper fishery, from what the guys tell
10 me, whenever they get off shore and get ready to
11 set their gear, there's massive schools of sharks
12 waiting on them to set the gear, so they're having
13 problems getting grouper to the boat.

14 On the for-hire charter side, and you
15 heard from down the table from me about people not
16 wanting to come to pay to go fishing in Florida.

17 That's a fact. When you pay \$2,500 - \$3,000 to
18 go on a ten-hour fishing trip out of Panama City,
19 Florida, and you go out there and about half of
20 your catch is eaten by sharks, you don't come back
21 to the dock real happy. And to come back in the
22 future, you're questioning spending that kind of

1 money to feed the massive amount of sharks that
2 are out there.

3 I've shown people, because I've got
4 videos on my phone that were sent to me from
5 Southeast Florida in the sailfish fishery where
6 you used to -- and sailfish, release 10, 15, 20
7 sailfish on a trip. You can no longer do that.

8 You're catching those sailfish, but you're
9 releasing heads and parts of bodies and, in some
10 cases, none. I mean, I've got videos here.

11 You've got camera crews here. They may want to
12 see them. I've got videos here of sharks tearing
13 the sailfish up that they're trying to catch. It's
14 an impressive set of videos that I've got here,
15 and this is a classic problem that the guys are
16 running into.

17 Like I said yesterday, a year or two
18 ago, whenever you all had the telephone, webinar,
19 whatever it was, you had fishermen from Maine
20 through Texas call in. Two people out of I don't
21 know what the total number was, two people from
22 enviro groups were the only speakers that spoke

1 in favor or not doing anything about sharks. Every
2 other person on that phone call talked about the
3 problems that they were having with sharks eating
4 their catches and the massive amount. And it's
5 like I said, when you have everybody pretty much
6 from Maine through Texas say there's a problem with
7 sharks, you might have a problem that you need to
8 look into. And this has been an ongoing situation.

9 MR. BROOKS: Thanks, Bob. Let's go to
10 Jimmy, then Rick, then Martha, then Alan.

11 MR. HULL: Thank you, Bennett. Jimmy
12 Hull, commercial shark fisherman, Ponce Inlet,
13 Florida. You know, as we all know, we have a very
14 robust shark fishery. It's pretty much all
15 species. It's a big resource, and we need to quit
16 wasting that resource. You know, management needs
17 to speed up and change more rapidly with the
18 changing shark fishery and the abundance levels
19 that we're seeing.

20 As a fisherman, for me to catch an
21 animal and kill it and then have to just discard
22 it and waste it, it's a sin. You know, we don't

1 like that. We don't want to do that. We need to
2 stop it. It's wasting that resource. It's
3 wasting other resources to do it.

4 So I urge HMS leadership to implement
5 some of the recommendations that we've been talking
6 about in the past meetings and also at this meeting
7 to take Amendment 16 and break it down in maybe
8 smaller sections and not the whole comprehensive
9 rulemaking that takes so long because we need to
10 move quicker. I hope that we do. Thank you.

11 MR. BROOKS: Thanks so much, Jimmy.
12 Rick, over to you.

13 MR. WEBER: Rick Weber. I think our
14 issue here is that we continue to talk about sharks.
15 We don't talk about tuna, we don't talk about
16 billfish as a group, and we don't talk about grouper
17 as a group anymore. We talk about individual
18 species. Which ones are doing good, which ones
19 are doing bad. I know this is the heart of A16,
20 so I'm going to follow on to Jimmy and say let's
21 tear some of these pieces that we can off because
22 complex management, to me, is a big part of the

1 problem where we're trying to balance two good and
2 caring groups, some of whom say sharks aren't
3 rebuilt and some of whom are saying sharks are
4 overbuilt. And there is a world that both of them
5 are true, and that is when we stop talking about
6 species, you know. When we are managing to the
7 slowest common denominator, we risk seriously
8 overbuilding some of the species. So the sooner
9 we can get away from complex management, and that
10 captures a lot of my notes as I was thinking about
11 it, was because I wanted to discuss how the complex
12 quotas are created because, at this point, we've
13 pulled everything out of the pelagic complex but
14 the quota didn't go down, which means we're waiting
15 for 1.1 million pounds of thresher to be -- complex
16 management simply is not working, and so the sooner
17 you can get pieces of A16 through and get us moving
18 forward on being able to talk about which species
19 are doing well and which species are not doing well,
20 we can have a more targeted discussion.

21 Along that line, I'm going to pick up
22 where we were yesterday with public comment and

1 public faith in the process. We talked about
2 people not feeling heard. This, as everyone is
3 saying, there is a group, a large group, that is
4 not feeling heard. And when people don't feel
5 heard is when they do stupid things, you know,
6 taking too many. When they don't feel that the
7 regulations are listening to them and reflective
8 of the reality, then I fear that we enter a day
9 where people stop caring about the regulation
10 because they don't think the regulation is
11 reflecting reality.

12 I will follow on Charlie's observation
13 on the thresher. They are more available, and,
14 if we choose to go down that path or maybe with
15 more of the sensitive sharks in general. We
16 started a really good experiment with the makos
17 being able to target conservation at them by sex,
18 you know. When we look at terrestrial management,
19 we are able to have a doe season and a buck season.

20 That might be something we should look at so that,
21 if we need to do some restriction while maintaining
22 fishing opportunities for both the commercials and

1 the recs, possibly there should be a buck season
2 but not a doe season or something along those lines.

3 And that really takes into my comments.

4 Thank you very much.

5 MR. BROOKS: Thanks, Rick. Let's go
6 to Martha, and then I'm going to pause the in room
7 and go to Christina online, and then we'll come
8 back to the room. Martha, you're up.

9 MS. GUYAS: Thanks, Bennett. So, you
10 know, ditto all the things that have been said
11 around the table. You know, it sounds like the
12 take-home here is, when you're thinking about
13 Amendment 16, certainly prioritize things that
14 might be able to help address shark depredation.

15 That said, you know, I don't see us
16 regulating our way out of the problem, and so I
17 guess I have a question. Have you all thought
18 about or planning, you know, other approaches to
19 deal with this, like getting to, you know, helping
20 the fishermen understand what they can do to avoid
21 these interactions, you know, trying to figure out
22 what technologies are available, what are the

1 techniques, looking into all those things,
2 continuing to do and support the research. I know
3 some of that is going on, but there's still a lot
4 of questions out there.

5 And then, of course, coming back to our
6 discussion yesterday, you know, having those
7 conversations with fishermen and communicating
8 that, so I feel like a lot of it really is education,
9 outreach, and then also continued research. Can
10 you speak to that?

11 MS. BREWSTER-GEISZ: Thanks, Martha.

12 Yes. We've been thinking about this process
13 problem a whole bunch. As Bob knows, I've been
14 down talking to the Gulf of Mexico Council and
15 fishermen down there a lot. I talk a lot to the
16 South Atlantic Council, as well. We have, we being
17 NOAA, have funded a number of studies to try to
18 get at what we call the scope of the problem. So
19 where is this happening, when is it happening, what
20 gears is it happening on, what species are actually
21 the ones that are the culprits, the ones that are
22 causing the main problem. We have been holding

1 a lot of workshops on it, a lot of talking. We
2 don't yet have the answers.

3 We've also been funding projects,
4 looking at shark deterrents. What is the best way
5 to deter a predator that really wants to eat the
6 food, also understanding that it's not always
7 sharks that are doing the depredating. Sometimes,
8 it's dolphins. Sometimes, it is grouper.
9 Sometimes, it's other, and I see Fly looking at
10 me like, no, it's sharks. It is definitely sharks.

11 Sharks are a major part of the problem, and this
12 is part of why we're also focusing for the next
13 assessments to be sandbar and bull. Bull has never
14 been assessed. We don't know what's out there.

15 We have been hearing, just like we're hearing
16 around the table now, that sandbar is recovering
17 and recovering much faster than we thought possible
18 at the last assessment.

19 So we're working on it. We're trying
20 it. I am not expecting there to be a silver bullet.

21 And sharks eating other animals is natural, and
22 it has been happening since the beginning of time.

1 So we are fighting something, we are fighting a
2 creature that is a very good hunter and is also
3 learning just along with us. It knows the sound
4 of the dinner bell when the boats go out into its
5 territory, so how do we solve that?

6 I think the problem is very complex.

7 You will hear that all the time. I don't think
8 the answer is going to be easy. It's not going
9 to be just only go fishing here, and you'll never
10 see a shark. It's how do we minimize the
11 interactions to be able to maximize, for
12 recreational fishermen, the enjoyment you have on
13 the water and, for commercial fishermen, maximize
14 the profit you are able to make, the fish you are
15 able to bring in that can still be sold.

16 It's not going to be something we can
17 just turn around and have happen in a year. It's
18 going to take time, and I know that is not the answer
19 any one in this room wants. I certainly don't want
20 to be spending the next ten years working on it,
21 but I think it's going to be a continual problem
22 and something, as soon as we find a solution, the

1 sharks are going to learn what the issue is and
2 they're going to find a solution to their problem,
3 and it's going to be continually leapfrogging.

4 MR. BROOKS: Thanks, Karyl. We've got
5 about ten minutes left. I've got a few folks in
6 the queue and I suspect a couple of cards may go
7 up before then. But let's go online. Christine,
8 let's bring you into the conversation, and I'll
9 let you know when your line is open. Okay.
10 Christine, you should be good.

11 MS. KITTLE: Thanks, Bennett.
12 Christine Kittle, Florida Fish and Wildlife. I
13 echo a lot of the comments in the room. I really
14 support separating Amendment 16, proceeding with
15 species that you can go and change the management
16 to help the fishery maximize harvest opportunities
17 where you can while we're waiting on the stock
18 assessment for hammerhead.

19 I did, and correct me if I'm wrong, but
20 I felt like Amendment 16 focused a lot on
21 harvestable species. I wanted to kind of get back
22 to Jimmy's comment about how, you know, trying to

1 revitalize the meat industry and how he's making
2 progress there in Florida, focusing on the small
3 coastals and blacknose. And I wanted to see, you
4 know, blacknose doesn't really fall into any of
5 your recategorizations. It's not going to get a
6 new quota, but it definitely could look at those
7 trip limits. And I hope you guys would maybe
8 prioritize that again, especially with maybe the
9 new assessment that you're going to be doing in
10 the summer. You know, we just saw that only 35
11 percent of the quota is being harvested. The trip
12 limit is eight fish per trip, and so it looks like
13 that could be increased without exceeding the
14 quota, without putting this species at risk. You
15 know, people should be allowed to fish the
16 allowable quota that you guys have already set.

17 So I hope that you guys can maybe prioritize that
18 maybe in addition to when you do your reevaluation
19 of the stock status there.

20 But I think separating Amendment 16,
21 prioritizing species that can be managed
22 differently now, is really going to help, as the

1 shark fishery rebounds. I think we're getting a
2 lot of good traction with sharks. People are
3 supporting more harvest of sharks, and we don't
4 want to lose that momentum waiting on management.

5 MR. BROOKS: Thanks, Christine. That
6 was a great summary. Back into the room. Let's
7 go to Alan and then over to Scott.

8 MR. WEISS: Thank you. I see, looking
9 at these graphs that were presented in the course
10 of this presentation, this is emblematic of so many
11 species, not just the shark species that have
12 recovered but also swordfish and other species in
13 the highly migratories complex. We have
14 sustainable quotas that are up here and actual
15 landings that are down here.

16 In the Magnuson Act, National Standard
17 1 says conservation and management measures shall
18 prevent over-fishing while achieving on a
19 continuing basis the optimum yield from each
20 fishery for the United States fishing industry.

21 We've done a tremendous job of preventing
22 over-fishing. We have done a tremendous job of

1 rebuilding stocks. We have not done a very good
2 job at all, in fact we're failing miserably, at
3 achieving on a continuing basis the optimum yield
4 from each fishery. And I think, in the shark
5 fisheries, as well as the pelagic longline fishery
6 and other HMS fisheries, management needs to
7 respond faster to be able to allow these fisheries
8 to rebound to the sustainable levels, and
9 increasing a quota is not enough because you have
10 a whole suite of regulations that are impeding the
11 fisheries and preventing obtaining the optimum
12 yield.

13 So things need to be loosened up on a
14 number of different fronts, and we have to get back
15 to being able to harvest at least approaching the
16 maximum sustainable yields of these species
17 because, as it stands, the fish stocks, most of
18 them, are at sustainable levels but the fishing
19 industry is not sustainable.

20 MR. BROOKS: Thanks, Alan. I've got
21 four folks in the queue. Again, starting to get
22 tight on time, and I absolutely want to make sure

1 we have enough time for public comment because I
2 think we'll be getting a bunch. So I may or may
3 not get to all the cards but try to help each other
4 out with some focused comments.

5 Scott, then over to Mike, and then
6 Esther, and then Peter.

7 MR. VAETH: We all know that the Shark
8 Fin Sales Elimination Act has killed the industry,
9 and, by killing the industry, everybody is
10 complaining about depredation. Well, if we're not
11 fishing, we're not catching our quotas, I mean,
12 that's part of the problem.

13 So the big question is is how do we get
14 back our shark fins, which we ask you all and you
15 all tell us that it's Congress. So how does the
16 agency yourself help us go to Congress to try to
17 get back our shark fins? And in my eyes, I see
18 that some of these stock assessments, they're way,
19 way off, one including the sandbar. The sandbars
20 have, in my eyes, are 100-percent rebuilt. In your
21 papers, it shows it's still another 40 years.

22 So I know you see that, you know, you

1 said you got another stock assessment coming in
2 five years. I think we need to push this as fast
3 as we can because we have no grounds to fight on
4 if these sharks are showing 40 years. In the
5 environmentalist's eyes, 40 years from now, these
6 sharks, they're extinct right now, which they're
7 not. So if you could re-do these stock assessments
8 and they come out true that they're fully rebuilt,
9 at least we would have some kind of ground to stand
10 on when we try to fight for our fins back. Thank
11 you.

12 MR. BROOKS: Thanks. And as I go to
13 the next speaker, if members of the public who
14 online want to be speaking, if you could just start
15 raising your hands so I can start growing a queue
16 and know how many people want to get in, that would
17 be good. Mike.

18 MR. PIERDINOCK: Thank you. Just to
19 add to the discussion, I've fished for many years
20 now in New England north and south of Cape Cod and
21 have been able to observe the changing conditions
22 over time, which, you know, a lot of this depends

1 upon where you fish and who you are and so on, and
2 the observations could be different for those
3 around the table or beyond these walls.

4 One main factor, if you're shark
5 fishing, is temperature. And there's been no
6 doubt there's been a change in temperature in our
7 waters, especially in Gulf of Maine where the
8 temperatures have increased higher than any place
9 else in the world. I've observed that north of
10 the Cape, and I've observed that south of the Cape.

11 So where I would historically target makos in the
12 past has changed. As one goes farther north or
13 east in cooler waters, that's where the makos go
14 and where I would typically find them at certain
15 times of the year. The temperatures are so
16 elevated, they're not there.

17 So there's instances there that the
18 location of them have changed, and I can say
19 especially north of Cape Cod where you typically
20 would have just monster or giant makos and you would
21 have fewer that were smaller-sized makos. But
22 with shifting temperatures and stocks, you see them

1 up there.

2 The narrative that's been said around
3 the table about predation, that continues and it's
4 continued for a long time. Porbeagles and blue
5 sharks eating our ground fish as we reel them up
6 and cutting them in half. Great white sharks, we
7 all know about that narrative, how they've come
8 back. The dinner bell for them is seals, 1500
9 seals, now 50,000-plus seals and they're coming
10 your way. They're all the way down in Virginia,
11 and they continue to go. So we now encounter
12 situations where we're fishing near shore for
13 striped bass or reeling them up and the juvenile
14 great white sharks are going airborne and cutting
15 them in half. So whether they're doing that or
16 offshore where there's adult great white sharks,
17 they're cutting bluefin tuna in half.

18 So we do have plenty of examples of
19 that, and I ask that, as far as the status of many
20 of these stocks, the shift, the increased
21 temperatures in shifting stocks may not find them
22 historically where you found them before. So

1 don't be misled by that in some instances that I
2 pointed out.

3 You know, I've spoken many times in the
4 past about the need for ecosystem-based fishery
5 management. That would be taking into account
6 temperature and these various variables, as well
7 as predator-prey relationships. You know, we
8 talked about the various species of ground fish
9 and grouper and so on and how they're being eaten
10 by these predators, and ecosystem-based fishery
11 management is maybe another option that's in its
12 infancy to try to address that. Thank you.

13 MR. BROOKS: Thanks, Mike. I'm going
14 got take one more comment, and then I'm going to
15 go to public comment because I know folks have been
16 sitting and waiting all day. And then I will come
17 back if we have time and pick you up, Peter, and
18 pick you up, David. Esther.

19 MS. WOZNIAK: Thank you, Bennett.
20 Esther from Pew. And thank you, Karyl, for that
21 presentation. That was really helpful. Knowing
22 what stock assessments are in the works is also

1 really helpful. It led me to look back at some
2 of the conversations at ICCAT last year, and, at
3 some point, I think there was going to be a stock
4 assessment or agreement on doing a stock assessment
5 on mako sharks, which just led me to ask if there
6 is any coordination between those two processes
7 or if it influences the domestic shark stock
8 assessments at all.

9 MS. BREWSTER-GEISZ: It definitely
10 influenced the domestic assessments. We have the
11 same stock assessment scientists as the ones that
12 the U.S. sends to do the ICCAT. So any time there
13 is an ICCAT shark assessment, it takes our domestic
14 shark stock assessments and slows them down because
15 the same people can't be in two places at once
16 essentially.

17 So there is coordination. We work very
18 hard with our colleagues in the Southeast Fishery
19 Science Center to coordinate the timing as much
20 as we can, knowing that they are busy
21 internationally and domestically.

22 MR. BROOKS: Great. Thanks. Again,

1 I'll do my darnedest to get us back in, but I do
2 want to give the public a chance here. How many
3 folks in the room are interested in making public
4 comments? I see one hand. Okay. Online.

5 Captain Doug, I saw your hand up before, and then
6 it went away. If that wasn't intentional, please
7 put it back up again. Great. I see that.

8 All right. Let's start online. I
9 think we have one commenter there and, again, one
10 in the room. And just a reminder to members of
11 the public: if you can start with your name and
12 affiliation and the topic you want to talk to, that
13 would be greatly appreciated. Ask you to hold your
14 comments to no more than three minutes. Just this
15 comment period is an opportunity for you to share
16 your thoughts. It's not a back-and-forth dialogue
17 with HMS staff or the Advisory Panel, so it's really
18 your chance to share your thoughts so the agency
19 can hear that. And if there's anyone online who
20 would like to make a comment but doesn't want to
21 verbalize it, please feel free to throw your
22 thoughts into the chat.

1 So with that, Captain Doug, your line
2 is open. And, again, if you could just start with
3 your name, affiliation, and topic.

4 CAPT HOGAN: Okay. My name is Captain
5 Doug Hogan. I'm from South Florida, Palm Beach
6 --

7 MR. BROOKS: Hey, hey, Doug. Doug,
8 hang on one second. We really -- Doug, hang on.
9 We're just not really hearing you well. I want
10 to work on that to make sure we hear you.

11 CAPT HOGAN: Is that better?

12 MR. BROOKS: Yes, that's better.
13 Thank you.

14 CAPT HOGAN: Okay. Captain Doug Hogan
15 out of South Florida, Palm Beach, Florida. I just
16 want to say two things. One, I suggested this to
17 Fly. We're trying to make this happen. But
18 there's a 200-boat tournament happening this
19 Saturday, a one-day tournament for kingfish, tuna,
20 sailfish, mahi, and there's 200 boats. I'm going
21 to be horrified to get the report. We're trying
22 to get the tournament organized, and we got a report

1 of how many fish actually get depredated. It will
2 probably be somewhere thousands of kingfish, tuna,
3 and sailfish, and so that kind of shows what's going
4 on with our industry down here.

5 And to change this, I can see the
6 difficult time that you guys are having. I mean,
7 there's a commercial shark-fishing operation
8 somewhere in the world that is really hoping that
9 we don't get our act together because we are their
10 only competition. And when you hear stories about
11 thousands of pounds of shark fins being wasted
12 here, someone overseas is cheering that on because
13 that means their shark fins where they're actually
14 finning, and we're not finning, we're just taking
15 the fins off a whole carcass, they're very happy
16 because, in one way, we're actually supporting fin
17 by not using our fins.

18 One suggestion other than management
19 that I've seen is perhaps more education because
20 I would be shocked by what I see online, how many
21 people in comments we get from people saying, oh,
22 no, shark meat is toxic. And even it's amazing

1 that so many people say, oh, you know, sharks are
2 over-fished, by shark meat is no good. So perhaps
3 some more education to the public and show them
4 that shark not only is edible but also, because
5 of proper management, is sustainable here and maybe
6 we can get back in some stores shark meat, and that
7 would some take some of the pressures off the fins
8 and the commercial guys not being able to sell the
9 meat, and their only viable means to go fishing
10 is to sell the fins.

11 That's it. Thank you.

12 MR. BROOKS: Great. Thanks so much,
13 Doug. Appreciate it. Let's come back into the
14 room. I think, Sonja, was that your hand I saw?
15 Yes, if you could come up to a mike. Thank you.
16 And, again, name, affiliation, and topic. It
17 knows you're a former AP member and is -- try it
18 again.

19 MS. FORDHAM: Okay. Thank you.
20 Sonja Fordham, Shark Advocates International.
21 Nice to see you all. Thank you for the
22 presentation. Sorry.

1 MR. BROOKS: Swap in a different one.

2 MS. FORDHAM: Okay. Thank you for the
3 presentation. I just wanted to comment on a number
4 of the topics in order, if I can, starting with
5 amendment -- sorry. On sharks. Amendment 16, we
6 submitted comments for the record, so I don't want
7 to rehash all our comments. But based on your
8 recap, I did just want to stress that, for the
9 conservation community, it was pretty much a mixed
10 bag and there are parts we supported, parts we
11 wanted more information about. But for the parts
12 that gave us concern, that concern is significant
13 and it's across all the NGOs that I talked to about
14 sharks. So I just wanted to mention that.

15 I move on to oceanic whitetip sharks.

16 As you might imagine, I strongly support and
17 welcome the protected actions under the fishery
18 management plan and also the Endangered Species
19 Act. And I'm interested in any updates you might
20 have on NOAA's recovery plan for this species.

21 I understand that that falls under protected
22 resources, but, as I've mentioned before, we're

1 really eager to get better integration across the
2 agency and, in fact, the U.S. government towards
3 rebuilding this particularly
4 critically-endangered species. And I just note
5 that there are immediate opportunities to work
6 towards that goal through the Cartagena
7 Convention, through the CITES review of
8 significant trade process that's going on now, and,
9 of course, compliance committees for all the tuna
10 RFMOs.

11 I want to flag that there was very good
12 collaboration among stakeholders and conservation
13 NGOs to pelagic longliners at NOAA's workshops on
14 oceanic whitetips under the ESA. And so I just
15 wanted to reiterate that we're really urging NOAA
16 to establish a recovery team of stakeholders from
17 many different interest groups to sort of tap into
18 that expertise and take advantage of that shared
19 concern to rebuild the species on a global scale.

20 Turning to assessments, I just want to
21 reiterate my concern for common thresher. I
22 appreciate Charlie's comments today. I do also

1 appreciate that the landings updates are now
2 reflecting that the common thresher is the only
3 species left under the pelagic catch-all quota but,
4 again, concerned that that 488 tons is really a
5 holdover from the 90s. And if you show that just
6 a small percentage of that quota is being landed,
7 it sort of gives the impression that there's no
8 threat to common threshers or no reason for concern
9 of over-fishing. So just to repeat, mentioned
10 concern for common threshers here have been
11 redirected, along with Jeff Kneebone, to ICCAT and
12 to just mention that we did just have this
13 conversation at the ICCAT Advisory Committee and
14 there was a lot of agreement that there are coastal
15 components and domestic issues for common
16 threshers, and I think that's becoming
17 increasingly apparent.

18 So I urge NMFS to prioritize some sort
19 of examination of the status of common threshers,
20 and, if it has to be with independent scientists
21 at some sort of collaboration, that would be
22 terrific. Thank you.

1 And then, last, shortfin makos.
2 Appreciate the reminder of the zero possession
3 limit. You may recall early in the ban I expressed
4 concern that the associated announcements from
5 NMFS maybe suggested that the measure was really
6 short term and might be misleading. And so it kind
7 of, in my opinion, ran counter to the agency's
8 intention to have no surprises management and
9 efficient long-term planning. So just
10 considering that the population is predicted to
11 decline for at least another decade, we just urge
12 the agency to commit to long-term prohibition for
13 North Atlantic shortfin makos, and I think that
14 kind of commitment would lend itself to better
15 long-term planning and clearer messages for the
16 public.

17 Thanks very much.

18 MR. BROOKS: Thanks so much, Sonja.
19 Is there anyone else in the room or anyone online
20 who would like to make a public comment? I'm not
21 seeing anyone in the room. Oh, wait, I see one
22 line. Chris Ledford, I will take you off mute.

1 And, again, if you could start with name and
2 affiliation, topic you want to talk to, and, if
3 you could keep your remarks to three minutes, that
4 would be much appreciated. And your line should
5 be open.

6 MR. LEDFORD: Can you hear me?

7 MR. BROOKS: Yes, we can.

8 MR. LEDFORD: Great. So I'm Chris
9 Ledford. I'm a commercial fisherman in Virginia
10 Beach, Virginia. I just wanted to go on record
11 and say that, I just want to publicly go on record
12 and say the dissatisfaction with the rule
13 implemented in '22, I think it passed Congress in
14 '22 and then established in '23, on the fin rule,
15 I think that, once again, you know, American
16 fishermen are bearing the brunt, much like we did
17 on swordfish. I want to say I understand this
18 group cannot change it. It has to happen through
19 congressional legislation, but anytime I can get
20 a forum to, you know, make this opinion known, I
21 would like to do it, so this is why I'm here.

22 But we're wasting product, we're

1 causing people to lose income on these species that
2 are being targeted legally and are healthy, you
3 know, for shark fishing by not being able to sell
4 the fins. All we're doing is waste. You know,
5 we had already a ban where the American fishermen
6 agreed that we were not going to, you know, target
7 sharks just for the fins and waste the meat. You
8 know, we've always been, you know, professional
9 and participating in ethical harvest. It seems
10 that this rule is doing nothing but causing waste
11 and putting people out of business.

12 For years, we reworked our fishery for
13 the swordfish, you know, put fishermen out of
14 business, families went, you know, out of business
15 fishing for swordfish. Now the swordfish is
16 recovered, and we don't have any people to catch
17 it. You know, we're going to do the same thing
18 with sharks. I understand that there are certain
19 species that, you know, need protection and there
20 are some over-fishing and/or other factors at play
21 that are hurting their population, but some of the
22 in-shore fisheries that we have, you know, they're

1 healthy and robust, which are pretty common in the
2 Carolinas and Virginia, even going up through
3 Jersey. You know, I think we can admit that
4 there's some healthy fisheries, and we're doing
5 nothing but waste these fins.

6 So I just want to go on record to say
7 that. It's just a travesty and it's wrong in all
8 sorts of reasons. I know there are people who just
9 want to conserve to conserve and it's all about,
10 you know, caring for sharks, and that's great for
11 those, but some of us still have to make a living
12 and we have science-based fisheries. You know,
13 again, the fin rule is completely ridiculous.

14 I appreciate your time. Thank you for
15 allowing me to speak, and I hope you have a
16 productive rest of your meeting.

17 MR. BROOKS: Great. Thanks so much,
18 Chris. Let's see if there's any last commenters
19 online or in the room. All right. Charlie, and
20 then we're going to bring it back in.

21 MR. CHAIBONGSAI: Just really quickly,
22 I'm not going to echo everything that everybody

1 has said. I think we're pretty much in agreement
2 how much of a problem this is for everybody. I'm
3 going to speak towards what Doug Hogan just
4 publicly commented in terms of outreach. And I
5 think what he meant, I believe, is marketability.

6 If these guys are catching them and they can't
7 even sell them to market or nobody knows that
8 they're actually, like Doug was saying,
9 sustainably caught and not marketed in the actual
10 market, it's going to be very tough to actually
11 sell them for obvious reasons, right.

12 I think the other thing, too, is we
13 brought this up maybe a couple of years ago when
14 someone gave a presentation on this, as well. With
15 inflation the way that it is, we had some economists
16 come in and state inflation for consumable products
17 specifically at the supermarket were higher than
18 the other aspects. This is a method for those that
19 are in that EEJ or those that need cheap protein
20 to get it. I think I said this two years ago
21 actually, the very same thing, but I wanted to say
22 it again because it's exactly what Doug was saying,

1 and I want to make sure that that was expressed
2 correctly to where, if these guys are catching
3 them, let's make sure there's a market for them,
4 and we have to promote that. And then, at the same
5 time, you're helping out those people that can't
6 buy their rib eye or can't buy Chilean sea bass,
7 but maybe they can buy a cheaper protein that's
8 still helping out our constituents and helping out
9 the community.

10 There's a lot to be said about that,
11 and I actually believe even five, ten years ago
12 there was an actual outreach thing through NOAA
13 and the Department of Commerce that would help to
14 talk about shark fish. I don't know what happened
15 to that, but I believe there was something years
16 ago. I would look to explore that. Working with
17 these guys would make a lot of sense.

18 The only other question that I actually
19 had, too, because I haven't had a chance to speak
20 with the PLL guys and stuff, but is there, and I'm
21 actually going with what Sandy was saying, is there
22 any research money for this? Very similar to the

1 point to where I'm thinking about the funding that
2 has been available or now available for the right
3 whales, right, to where there's \$84 or \$82 million
4 that was just released for whale detection and
5 whale deterrent. So just something to think
6 about. I don't think if there's something out
7 there, but just something to think about.

8 MR. BROOKS: Thanks. I think Karyl
9 wants to jump in on this a little bit.

10 MS. BREWSTER-GEISZ: Yes. Thank you.

11 So you may remember 2023 was our 30-year
12 anniversary, and we released a lot of information
13 supporting the shark fisheries, supporting the
14 efforts we have done to rebuild sharks. We had
15 a huge 30-year campaign that lasted almost all of
16 2023 and culminated with a release of a shark
17 calendar that we got from all the kids, K through
18 8th graders.

19 So we have been trying. But as we all
20 have discussed earlier throughout this meeting,
21 communication is key. So as much as we try to
22 communicate that story, we do keep running into

1 blocks. So we would appreciate help in getting
2 the communication out there as much as possible.

3 MR. CHAIBONGSAI: I mean, it sounds
4 like a broken record. I mean, the past two days,
5 that's all it's been, you know. The crux of the
6 matter is communication and lack of trust.
7 Basically, every single issue that we've talked
8 about, that's been the basis of everything, right.

9 So, yes, obviously, I don't know if everyone would
10 agree, but, of course, we would love to have further
11 communication. But just talking to some of my
12 peers over here, yes, you might have had a 30-year
13 whoop-de-doo about NOAA, right, and that's great.

14 But when those individuals don't even know about
15 it that are directly involved, there's a problem,
16 right. And I'm not even in their sector. But just
17 something to think about.

18 MR. BROOKS: Thanks. I know I've got
19 a couple in the queue here. When you came in,
20 Peter, I was actually trying to get the last public
21 commenter. No worries at all, but I want to go
22 back and grab him. Charles Locke, Charlie Locke,

1 we're going to take you off mute. And if you could
2 start with your name, affiliation, and the topic,
3 and then, again, limit your remarks to two or three
4 minutes, that would be great. And then we'll come
5 back in the room. You should be able to talk now.

6 Charlie, are you there?

7 MR. LOCKE: How about now? Can you
8 hear me?

9 MR. BROOKS: Yes. We've got you,
10 Charlie. You can just start.

11 MR. LOCKE: I don't know if you guys
12 can hear me or not.

13 MR. BROOKS: I can hear you.

14 MR. LOCKE: Okay. So, anyway, yes,
15 the communication part, you all had a big push for
16 that. This is Charlie Locke. I'm a shark
17 research participant, sandbar shark research
18 fishery for the last 13 years. I do a lot of shark
19 research with other scientists. We actually just
20 finished a sandbar trip yesterday in the research
21 fishery. I didn't go anywhere, I didn't try to
22 go look anywhere. I sat right on the three-mile

1 line out, no specific area, and we let it sit 100
2 hooks for three hours, because I'm in the closed
3 area for the duskies, and we had 37 head of sandbar,
4 7 duskies, and a great white, and a sand tiger,
5 so almost like a 50 percent, you know, one on every
6 other hook in three hours.

7 But I, normally, I'm not trying to catch
8 a bunch of sharks. My market cannot carry a
9 thousand pounds of sharks would bust the market.

10 There's just no market for the meat. But I wanted
11 to bring them in so I could tell, you know, at the
12 lab and, you know, hey, this is why we need
13 compensation in this research fishery. But the
14 dressed weight was 740 pounds. These were all big,
15 giant female, full-term sandbars. I mean, I
16 wanted to bring them in because I wanted to kind
17 of prove my point, but I'll be lucky to get 50-cents
18 a pound. I mean, the carcass weight was 66, 62,
19 68. This is dressed carcass weight. They want
20 a shark that's 30 pound and under to get any kind
21 of money for the meat market. That's where we're
22 at with this with this fin ban.

1 And so I don't think the general public
2 even understands that the fishermen are
3 complaining about predation that say, you know,
4 you all need to give them more quota, open up the
5 shark fishery. Without the fins, we're done. I
6 don't want to kill myself at 51 years old to handle
7 those sharks. I mean, it was \$870 for the meat.

8 I haven't even taken my fuel, my bait, or my mate
9 off of that. I can do anything fishing and make
10 more money than that.

11 And so we have this little bit of
12 compensation in the research fishery that's
13 helping us do this project, but, you know, the
14 reality is we need a domestic fin market, just the
15 city of San Francisco, Chinatown, they could
16 consume what we produce domestically annually.
17 Just that being opened up would give this fishery
18 kind of a reboot. And I know it's congressional;
19 I've heard the guys say it. But I just think you
20 guys need to understand, like, there is no shark
21 fishing, there is no quota being caught because
22 it is the most labor-intensive thing you will do

1 in any fishery. I'm not afraid of work. Anybody
2 knows me will tell you that. But it is the most
3 labor-intensive thing you can do for basically
4 pennies.

5 So I'm going to go back out there
6 tomorrow and we're probably cutting all these
7 sharks loose. We'll get the data, but I don't want
8 to kill this shark. I respect the shark enough
9 that I'm not going to kill a full-term sandbar with
10 ten pups in it for 50-cent a pound meat. So that's
11 where our fishery is at, and that's what everybody
12 needs to kind of get a grip on. We have caught
13 to get a domestic fin market, or there is no shark
14 fishery. That's my opinion. I appreciate your
15 time. Thank you.

16 MR. BROOKS: Thanks so much, Charlie.

17 Appreciate it. Let's come back in the room.
18 I've got five speakers left. We'll probably go
19 into overtime a little bit, but we let you out early
20 yesterday. It all evens out in the end.

21 Let's go to David, then Charlie, then
22 Jimmy, then Fly, then Marty. Then we'll try to

1 wrap up. Oh, I got Bob in the corner. Go ahead,
2 David.

3 MR. SCHALIT: Just real quick. This
4 is basically a question. I just took a look.
5 Someone mentioned earlier that ICCAT was assessing
6 common thresher, and I don't believe that's the
7 case. I checked online, and it is a species of
8 interest for ICCAT but they have no assessments
9 scheduled. They do assess certain sharks but not
10 that particular one, so I'm wondering, I'm sure
11 people will know in this room, how is common
12 thresher being assessed or where or by whom?

13 MS. BREWSTER-GEISZ: Common thresher
14 has never been assessed. So the discussion about
15 thresher came up at the IAC meeting, so ICCAT hasn't
16 agreed to assess it.

17 I will say that common thresher is
18 listed under ICCAT Recommendation 19-01 where it
19 is listed as -- I'm going to get the order wrong
20 -- oceanic pelagic highly-migratory sharks. So
21 ICCAT has agreed that it should be in the
22 convention, but it is not yet there.

1 MR. BROOKS: Thank you. Charlie.

2 MR. WITEK: I wanted to endorse the
3 comment before about warming waters making a
4 difference. You know, on Long Island, we're now
5 seeing blacktips and spinners, something that we
6 never saw until about five years ago, and we're
7 now getting them in schools.

8 But the other point I wanted to make,
9 I had mentioned yesterday that I help out
10 researchers from Stony Brook doing acoustic
11 tagging, and that acoustic tagging is going to tell
12 us exactly what these fish are doing. We now have
13 some long-term tracks that are telling us if these
14 fish are moving. Now, a thresher we tagged in 2018
15 has proven to be a regular commuter between Long
16 Island and perhaps Jacksonville, Florida.
17 There's a white shark that we tagged in 2020 has
18 now set into a repeat pattern of summering off of
19 Nova Scotia and wintering off the Carolinas.

20 So there is data out there that's
21 showing whether these fish are moving, probably
22 can't get it on the pelagic species that don't come

1 into the acoustic arrays, but the acoustic tagging
2 is really going to show us something about the
3 movements of these fish.

4 MR. BROOKS: Thanks, Charlie. Jimmy.

5 MR. HULL: Yes. Thank you. Jimmy
6 Hull, commercial shark fisherman, Ponce Inlet,
7 Florida. I just wanted to comment on how NOAA
8 fisheries in the past, and could help in the future
9 if they'd like, to promote our shark fisheries.

10 There's a document that's dated from October 22nd,
11 2019 stating that U.S.-caught sharks are a
12 sustainable food source. I use this document in
13 marketing my animals. It needs to be updated and
14 these type of things need to be promoted by the
15 agency to help us. It is helpful. A lot of people
16 just don't realize it. They've seen a lot of
17 literature that says contrary to that, so we need
18 the agency to help us, and they have in the past.
19 They need to do it again.

20 MR. BROOKS: Thank you. Fly.

21 MR. NAVARRO: Two quick things.
22 Number one, I was going to note that article that

1 Jimmy just mentioned, but, going back to you guys
2 helping create a market, if I am correct, I know
3 you guys had at one time, not for a long time, but
4 you at one time tried hosting recipes on your
5 website, but I don't think that worked out very
6 good. But I don't think on your FishWatch of
7 sustainable seafoods that you have sharks on it,
8 and I could be wrong, and, if I am, please correct
9 me. But I think on your website, as of right now,
10 sharks are not part of the sustainable seafood.

11 That's number one.

12 Number two, going back to what Karyl
13 mentioned with that calendar and the kids that drew
14 some beautiful pictures, and there's nothing that
15 I would love to see more than people enjoy our
16 resource. But one of the problems we're having
17 here with the sharks is the fact that us, as a
18 nation, as a world, we've humanized these sharks.

19 And I could show you pages and pages of Instagram
20 accounts on personal sharks that people are feeding
21 off the coast of Florida. They have names. If
22 that is not humanization of an animal. I do not

1 see kids going to farms and naming chickens and
2 naming cows, yet we are supporting the humanization
3 of a resource which makes it very, very tough for
4 when it comes time to allocate a certain quota to
5 them. You're going to get a lot of people pushing
6 back because they look at them like Bambi. They
7 look at them like their next door neighbor.

8 So that is something that we need to
9 start not encouraging that because it makes it
10 very, very hard when it comes time to make a tough
11 decision on opening up quota. Thank you.

12 MR. BROOKS: Thanks, Fly. Marty and
13 then over to Bob.

14 MR. SCANLON: Marty Scanlon,
15 president, Blue Water Fishermen's Association.
16 Since Congress seems to have the appetite and a
17 desire to help regulate our fisheries in this
18 country, perhaps they could help our commercial
19 fishermen by promoting a sustainable seafood
20 certificate to promote all the work that we do in
21 this room. We have a situation, especially
22 swordfish, where we have foreign countries

1 importing swordfish into our country that have
2 better access to our own domestic market that fish
3 far less sustainably than we do. But because we
4 do not have a certification, we don't have access
5 to that market.

6 So I think it's time for somebody to
7 step up and certify the work that's being done in
8 this room and to promote it successfully. And one
9 of the failures in this room is the fact that that
10 shark ban could be pushed through Congress the way
11 it was because we all know what a negative effect
12 that it's had on every one of these fisheries in
13 this industry.

14 MR. BROOKS: Thanks, Marty. Bob.

15 MR. HUMPHREY: Thanks. Bob Humphrey
16 from Maine. I witnessed a pretty interesting
17 presentation earlier this year at the Maine
18 Fishermen's Forum, which is an FYI. The
19 demographics of this country are changing and
20 ethnic enclaves at all of the major population
21 centers in this country are proving to be a really
22 important economic source for people who are

1 catching and selling under-utilized fish species.

2 So something that people who are in that business
3 might want to look into.

4 MR. BROOKS: Thanks, Bob. And I'm
5 going to note from the chat Raimundo mentioned that
6 there are several sharks on NOAA's FishWatch and
7 put a link to that listing.

8 Leftover card, leftover card? Good
9 job. All right. I think I'm not seeing anything
10 left online. I don't think I'm seeing anything
11 in the room. So I think probably we should move
12 to close.

13 Thank you all for this conversation.

14 Obviously, a lot of attention here, lots to be
15 thinking about, talking about. The depredation
16 issue is not new here. I think we've heard a pretty
17 clear call for smaller, targeted actions, thinking
18 beyond management actions, education, outreach,
19 thinking about marketing, thinking about the
20 economic impact, not just to the fishermen but to
21 ancillary industries that get hit. Finning has
22 come up again and again, and that, without fins,

1 do you have a market. What would it take, again,
2 which brings us back to marketing and thinking
3 about what the agency and others can be doing to
4 help create a market. A bunch of other stuff, too,
5 but I think it's late and we should probably let
6 everyone start to think about getting on to other
7 things.

8 Just before we close, for tomorrow, we
9 still start up at 9 in the morning, so we keep
10 getting a little bit earlier. So tomorrow is a
11 9:00 start, so please be here by then. We'll start
12 with a conversation around Atlantic highly
13 migratory species fishing gear consideration, so
14 thinking about perhaps some buoy gear, deep pelagic
15 longline bait net, spear gun, fishing gear
16 considerations we want to talk about. We'll hear
17 from Sam Rauch with a leadership update, and our
18 last topic will be a logic model description for
19 exploring fishery issues.

20 For members of the public, we will have
21 public comment at 11:30, and then we will adjourn
22 by 12:00. I really hope we get a full turnout

1 tomorrow for these topics.

2 And I think, Randy, over to you, if
3 there's anything you want to say before we close.

4 MR. BLANKINSHIP: No. Thank you for
5 good discussions today. You all have a good night.

6 MR. BROOKS: All right. Thanks,
7 everybody.

8 (Whereupon, the above-entitled matter
9 went off the record at 5:03 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Highly Migratory Species Panel

Before: NOAA

Date: 05-15-24

Place: Silver Spring, Maryland

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate complete record of the proceedings.



Court Reporter

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