

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **HIGHLY MIGRATORY SPECIES COMMITTEE**

**Town and Country Inn  
Charleston, South Carolina  
September 17, 2002**

### **Draft Minutes**

#### **Highly Migratory Species Committee**

Dr. John Dean, Chairman  
Fulton Love

Wayne Lee  
Pete Pearce

#### **Council Members**

Dr. Roy Crabtree  
Dr. Louis Daniel  
Dr. Joe Powers

David Cupka  
George Geiger  
Susan Shipman

#### **Council Staff**

Bob Mahood  
Roger Pugliese  
Margaret Murphy  
Kerry O'Malley  
Kim Iverson  
Bridgett Vergara

Gregg Waugh  
Dr. Vishwanie Maharaj  
Rick DeVictor  
Dr. Kathi Kitner  
Shannon Moore

#### **Observers/Participants**

Dr. George Sedberry  
Dick Stone  
Micah LaRoche  
Don Hammond  
Dr. John Merriner  
Columbus Brown  
Ronal Smith  
Greg DiDomenico  
Monica Smit-Brunello

Ken Hinman  
Jack McGovern  
Tracy Dunn  
Bob Zales  
Michelle Duval  
Bobbi Walker  
Spud Woodward  
Bobby Hood  
Dr. Jim Weaver

The Highly Migratory Species Committee of the South Atlantic Fishery Management Council convened in the Oak Room of the Town and Country Inn, Charleston, South Carolina, Tuesday afternoon, September 17, 2002, and was called to order at 4:15 o'clock p.m. by Chairman John Dean.

Dr. Dean: I would like to call the HMS Committee to order, please. This afternoon we're going to have our Highly Migratory Species Committee meeting, and then this evening we'll be hosting the

regional meeting of the U.S. ICCAT Advisory Committee.

There are some of the issues we want to deal with that are ours, and then this afternoon, or later this evening, there will be the chance for public comment to the ICCAT Advisory Committee.

Just a way of framing, Wayne Lee made the point earlier Wayne is the council's representative to the Highly Migratory Species Advisory Panel for the National Marine Fisheries Service. And, of course, NMFS, or actually the Secretary of Commerce has the plan for highly migratory species.

I serve as the council's designee to the U.S. ICCAT Advisory Committee, and it's very important, we think, that the council plays in both those arenas. We have a lot invested in those fisheries and that's one of the things we want to talk a about a little bit this afternoon.

I've asked Bob Hood, who is the chairman of the South Carolina Governor's Cup Billfishing Series, to come and talk to us briefly about that. He has a conflict, so I have put him up in the agenda previously from where we had him scheduled him before. So without further ado, Bobby, would you give us a little -- oh, excuse me, mechanics.

The first item is the approval of the agenda as distributed. Are there any objections to the agenda?

Mr. Mahood: Besides Bobby Hood, under Additional Business we've got an update of the bluefin tuna stock assessment by Dr. Powers, and also there's a letter that was passed out from Greg DiDomenico that he asked that the committee take up. Those are the things I have.

Dr. Dean: Thanks, Bob, we'll incorporate those into the agenda.

Mr. Lee: Mr. Chairman, thank you. Under Other Business, could we address that issue of incidental catch in our letter?

Dr. Dean: Actually, I was thinking, Wayne, that when we get into talking about the bluefin allocation issue, then we'll do all the bluefin business at that time.

Mr. Cupka: Well, when we get to that point on the agenda, I've got a letter I would like to distribute copies of also that we wrote in support of that.

Dr. Dean: All right, thank you, David. Any further items? Hearing none, is there any objection to the approval of the agenda as modified? Hearing none, so ordered.

Are there any modifications or changes to the minutes as distributed from our last meeting? Any discussion?

Mr. Lee: Move approval.

Dr. Powers: Second

Dr. Dean: Okay, I have a motion for approval of the minutes. Any discussion? Any objection to the motion? So ordered. Now we'll move on and, Bobby, we'll put you on, and Wayne is going to provide your support here, I believe. Thank you.

Mr. Hood: Good afternoon. My name is Bobby Hood. I'm currently serving as chairman of the South Carolina Governor Cup Billfish Series Board. I missed a meeting and got elected, I guess. But, anyhow, we're recreational fishermen in the state of South Carolina and we have created, over the course of 14 years, a program which has gone from 10 percent tag and release to 99 percent tag and release of billfish.

And we're now promoting releasing and tagging game fish, to some extent, for conservation reasons as well. So I think that your group might be interested in knowing of our existence and what we do.

It's basically the brainchild of Governor Carol Campbell fourteen years ago. He said why don't we have something called the Governor's Cup, give a nice trophy, and base it on tag and release and it's conservation, and recreational fishing is a big industry.

It's a big tourist industry and it's a big money-making industry in our state. And the idea took off, and since it has been copied in Georgia and North Carolina. Now we have a shoot out between the people that win, the five best boats in Georgia and North Carolina and South Carolina, and it's all tag and release and fun.

So we have tournaments that go, as the fish come north, from south to north, along the coast of South Carolina in six different marinas. We have an average of 50 to 150 boats in our tournaments; nothing as big as you have in Maryland or up in Big Rock, but it's pretty big for South Carolina.

The docks are packed with children and wives and families of the participants, and we get a pretty big crowd at each tournament and it's a lot of social activity and a lot of fun. We give awards to youth anglers, female anglers, conservationists, people who tag and release the most fish; and as I mentioned a minute ago, we're encouraging the tagging and releasing of yellowfin tuna, wahoo, and dolphin as well.

John Hammond started a study on dolphin and we're trying to get him as many tags on dolphin as we can. We have a banquet once a year and your chairman was our speaker this year. He gave an excellent presentation on bluefin tuna and educated everybody about the mysteries of bluefin tuna.

It was a fascinating speech and obviously he knows very much about that subject. We are not a political entity. We are purely out for recreational fishing and having fun fishing and promoting tag and release of fish.

The most impressive crew on a boat this year was one of our senior guys that I fished with as a young child. He had a crew of five kids twelve years old that handled the rigging, tagging, and letting go of the fish; everything except running the boat and he ran the boat.

It was a pretty neat kind of deal and then we gave an award to the best youth angler in each division that catches fish, so it encourages a lot of turnouts. Even the grandmothers come and watch them participate.

The overall concern that we have, and something for you all to consider, is what do we do about the generations down the road of pelagic fishing and what impact on it do longliners have? This is a political football. I'm not in politics.

I do practice law, but I try cases and not political issues. From the little we have studied and have learned, we're advised that the Charleston Bump is a nursery and a breeding ground for billfish. If that's true, it needs to be properly and scientifically protected.

Florida has been protected, and it looks like from a letter just handed they've got some major problems down there with law enforcement. But, anyway, as far as going forward and looking at the subject of the Charleston Bump, recreational fishermen would be in favor of seeing longlining out of our fishing waters where these fish are breeding and are growing.

I'm sure the commercial fishermen would be opposed to that, and rightly so. They're making their living catching these fish, and they have certainly a very strong and valid position that should be heard and analyzed and thought about.

But to me, not only are the scientists catching the small billfish on the Charleston Bump, but the recreational fishermen are catching the teenagers. They're catching the 20, the 30, and the 40 pound fish that are a brand new yearlings and have not started the migratory cycle.

So there's got to be some strong scientific proof of there being a nursery right here off the coast of this state and a nursery that should be protected by everyone that's concerned about the future of fishing from the standpoint of business or from the standpoint of recreation.

I think that's really all I wanted to make sure I got across. The white marlin fiasco that went up and down the newspapers and the internet, thank goodness they ended up with white marlin not being listed

as an endangered species.

What, of course, would have happened there, it would have put everybody out of business, recreational fishermen, people that make boats, people that operate boats, the people that fuel them up, the people that maintain them, the people that sell them, the people that tax them and live off the taxes, the docks, everybody, all kind of boats because if you couldn't catch white marlin, you couldn't catch anything where they live.

The thrust of our group -- and it's a pretty outspoken group of people -- is all the same and that is we've got a great resource. Let's don't hurt it. Let's enjoy it. It's amazing how tag and release has taken off.

It's become very popular and it is definitely the preference to killing the fish. We've gone so far as you can't take the fish out of the water. We don't want to hurt the fish. Don't touch it. Leave the fish in the water, tag the fish in the water, and get the hook out or cut the hook as close as you can to the fish and let the fish go in good condition.

So, anyway, thanks for listening to me and next time you pick up the paper and see something about the Governor Cup Billfish Series, you'll know we're out there having fun with our children and grandchildren. Thank you.

Dr. Dean: Thank you, Bobby.

Mr. Mahood: Dare I ask what the record is between Georgia, South Carolina, and North Carolina?

Mr. Hood: Wayne is the DNR man that knows all the details.

Mr. Waltz: South Carolina is in the lead. South Carolina is in the lead right now.

Mr. Hood: And we've got the shoot out coming up in another ten days, so it's going to be in North Carolina this year, out of Morehead City. Thank you all again.

Dr. Dean: Bobby, one of the things that I would like to make a point is we talked earlier about how interconnected this all is, and certainly you get points on blues, whites, and sails in billfish, and they're managed under HMS.

You also have a category for yellowfin, which are under HMS, but you also give points and awards for wahoo and dolphin, which is hopefully our plan. So we are all in this soup together and there are mutual interests in all these levels. Any other quick questions for Bobby and he's got to be on his way?

Mr. Hood: We have a debate in my house about putting tags in yellowfin tuna. But, anybody that's eaten them knows what I'm talking about.

Mr. Mahood: Yes, just a quick one, Bobby. Do you all encounter blackfin tuna out there very often?

Mr. Hood: About once every five years you might catch one.

Mr. Mahood: So they're not very prevalent?

Mr. Hood: A lot less than we saw years ago. We used to catch them every now and then years ago around schools of bonita, inshore a little bit of where we fish.

Mr. Lee: Just a comment based on what Bob said, but we've recently caught a blackfin tuna that set the state record up in North Carolina. That just happened a couple of weeks ago.

Dr. Dean: Yes, and I think it's fair to say that if there's anything further anybody wants to pursue on the Governor's Cup, any details, they can talk to Wayne Waltz from DNR because he helps look after the program, and certainly Don Hammond is with us and Don shepherded this through the early years, and we've shared a lot of information together. Thank you very much, Bob.

The next item on the agenda is some brief report on the white marlin. We have the letters in your folder. Certainly, most of you have seen the news release and the report on the status of white marlin, but I would like to ask Joe if he would give us a formal output on that.

Dr. Powers: I don't know how formal, but basically the issue, as you all know, was that the National Marine Fisheries Service was petitioned to list white marlin as an endangered or threatened species.

This petition was received, I think, September 3rd, 2001, and basically the steps that had to be followed was within 90 days the agency had to decide whether to consider the petition. We did do that, as of December last year, and then we had in nine months to come to some decision about it.

Basically the process that it had to go through to come to the decision was primarily to form a scientific panel to evaluate white marlin in the context of the five main criteria from the Endangered Species Act.

I don't recall all of them, but there were two key ones which were focused on, which were essentially what the status of the fishery was in terms of the history of exploitation and also what kinds of management institutions are there available to take care of any perceived problems.

Roy Crabtree was one of the members of the scientific committee, so he could answer questions if you wanted to ask him questions later on, not now. The actual finding and the scientific committee report has been posted on the NMFS website, so one could look at that as well.

Basically, to make a long story short, the agency, as was indicated, decided not to list them as either endangered or a threatened species. They're putting them on a candidate list, which doesn't have the same effective of law as either one of the previous sort of things that I mentioned.

In terms of the status of the stock, it's recognized that the status of white marlin has been depressed over the years. I think the range of bio-masses were something in the order of about 15 percent of BMSY.

This is not inconsistent with a number of other species, but there still is concern. The scientific panel essentially made some determinations that in order for this species to be considered to be either threatened or endangered, it would have to go through further sorts of declines before one would classify it as that, and that it would be very unlikely that would happen within the next ten years.

So, therefore, the agency, in making this finding, still recognizes the need for particularly ICCAT to deal with the management and the recovery of white marlin. So basically we're saying that this should be revisited within five years and essentially to go through the same process again in five years.

I would note that one of the major considerations and why I mentioned ICCAT is that the U.S. contribution to the overall mortality is rather small, on the order of about 5 percent. In other words, other countries, other fisheries are, in aggregate, anyway, are a much larger portion of the issue in regards to white marlin, and so for that reason the international kinds of management through ICCAT, at this point in time, is seen as the only real option in terms of actually getting these sorts of recoveries.

So the onus is being put on the United States government, through ICCAT, to remedy this situation. That's essentially it in terms of the white marlin. And as was indicated by a number of these letters that were sent in, if we were to have classified it as endangered or threatened, that would have large implications for how we manage many fisheries, including recreational fisheries, so it was understandable that there was that concern.

Dr. Dean: Questions for Joe or Roy? Joe, it is fair to say, though, that on the basis of this, it's clear that this will be a major issue and agenda item for the advisory committee at their meeting in October?

Dr. Powers: Yes, I would say so. I mean, clearly it sorts of sets the agenda for the United States, both in terms of white marlin, but also remember that the marlins are a, quote, unquote, bycatch of many other fisheries, longline fisheries.

So any sort of activity that modifies the amount of effort, for example, of longline fisheries for other fisheries, for big eye, for something else, would have its spin-off effects on marlin, and so I would encourage the people to think broadly in that context.

Dr. Dean: I would ask the question that -- we've heard a lot of discussion that this was an ill-advised quest, strategically and so forth. But what did we learn, what can we take that's a good plus from this or did we learn something that we can fit within our scheme of fisheries management that's a real plus? Maybe that's the answer.

Dr. Powers: Well, what it did was it raised the issue about endangered species in general within marine fisheries and I think, if nothing else, it made people cognizant that there's a different set of rules when you go to an endangered species.

There's different criteria, different perceptions of risk that you have to deal with, and so it is a major step when you move from Magnuson-Stevens to an endangered species because it really does change the ball game.

I think, secondly, is that, at least in the case of white marlin, particularly the United States government has to deal with international management of white marlin, that this can't go on for very much longer before you really are going to have to consider issues like endangered species. I think it is a commitment for the United States government to deal with that.

Mr. Love: Joe, on endangered species, how do you determine when a species becomes endangered? I'm sure the shrimp industry didn't ask for turtles to be put on the endangered species.

Dr. Powers: Well, turtles, when the Act went into effect in, I guess it was 1972 or whatever, turtles were on that list originally. It becomes a little more difficult when you're talking about actually classifying something, or vice versa unclassifying something.

We in fisheries are used to quantitative criteria like MSY and BMSY. You may argue about where you are relative to things, but people tend to accept the concepts fairly regularly anyway; whereas, the same sorts of things don't exist for endangered species.

And that was largely what the scientific group did, was actually had testimony from some outside groups about what sorts of criteria might be used, and what they did was came up with some quantitative criteria, but they were very careful to indicate that this really only works for white marlin.

They didn't want to get into how this affects other marine species. The agency, ourselves, are starting to develop quantitative criteria for endangered species, marine fisheries as well as other species as well, but we haven't really gotten that far yet.



But it is an important point, like I said, because marine fish are different than turtles that are different than whales and so on and so you have to take a look at many aspects of this in terms of defining those criteria.

Dr. Dean: Thank you. If there's nothing further, we're going to move on in the agenda, and the next item on the agenda is the discussion of bluefin tuna issues. You recall last time we sent a letter to HMS, two letters to HMS relative to issues on bluefin; the allocation issue for catching fish in North Carolina.

And our record is quite clear on that, with statements from Wayne and Louis at our last meeting. We have not received a response from HMS to those letters. I would like to put this on the table again and see if there are further discussion.

The allocation is discussed in a separate session at the fall meeting, which deals more with quota, and remember we talked about allocation as the internal decision and the quota as the global decision.

So we haven't had a response, and I didn't know if either of you had any communications that you wanted to bring to us on this at this point.

Dr. Daniel: A little bit. We've submitted, I know, several additional letters, some of which are in your briefing book. Probably the most recent one is the 23 August letter that we thought was a reasonable request.

We've been tracking the landings and through the June through August sub-period, there was about 200 metric tons under the quota for that time period, and what we submitted to Bill Hogarth was possibly not just rolling over that entire 200 metric tons into the September sub-quota period, but to perhaps allocate some of that into the reserve to sort of protect that reserve that exists right now for our requested December 1 sub-quota.

We have not received a response back from the National Marine Fisheries Service Highly Migratory Species Section on that request as of yet, or have we received really any response back from Dr. Hogarth or Rodgers on any of our letters, actually, since the last council meeting.

We do know that 200 metric ton underage was rolled over into September and they have continued with a two-fish limit. They have increased the limit to two fish and they have removed all the restricted fishing days, which does limit some of the controls on the fishery and could allow that fishery to take off like we saw last year, with some 50 to 60 metric ton days, which can eat the quota up pretty quick.

But it has been indicated to us that they would work within the confines of the plan and the allocation

schemes to have some fish available in December through those mechanisms. Now one thing we are doing, I guess from North Carolina, but on behalf of the South Atlantic states is we will be submitting a petition to the National Marine Fisheries Service for formal rulemaking to set up a specific December sub-quota period.

Some of that is sort of dependent upon the report that we get on the bluefin tuna status and whether or not there is going to be a move from the U.S. delegation to get more fish this year and whether or not the stock can withstand additional pressure.

So that will depend in large part on how much we ask for. But for the most part, John, that's sort of where we are, just sort of a wait and see type attitude. I would note too that the general category specs I don't believe have been finalized yet, so we're kind of waiting to see what's going to happen with that.

We did very much appreciate the National Marine Fisheries Service holding one of their public hearings in Atlantic Beach this year. There have been some positive steps forward. I mean, just because we haven't received any response from them, Chris Rodgers has called me on several occasions to give me an update, a heads up on what's coming, what's going on up there, and they did schedule one of their hearings in North Carolina.

We had about 250 people show up to that hearing. I think we're well on the record as to showing how important this is to the South Atlantic. We had some folks, I know, from South Carolina at the meeting and we're just continuing to move forward with keeping the pressure on and hoping that we won't end up like last year and the fishery closed December 1st and we ended up last fishing year 300 metric tons under quota.

Mr. Cupka: Thank you, Mr. Chairman. I was at the meeting last fall also that Wayne was at, the HMS AP. I was there on behalf of the state of South Carolina. Since then I have been appointed the ASMFC representative to the Highly Migratory Species AP, so I look forward to going up there again this fall.

But after the meeting last year and listening to Louis proposal, which he did an excellent job on I thought, I came back and wrote a letter to Chris Rodgers on behalf of the state of South Carolina. I've got copies of it here that maybe staff could hand out to people or you could pass them around.

But basically what we did was to support North Carolina's request for part of that quota to be set aside for our part of the world. It was quite apparent from the data that HMS staff presented at that meeting last fall, that there are other states that have fishermen that participate in that fishery, including South Carolina and Virginia.

So it's not just a North Carolina issue and so I just wanted to go on record that we did support that.

The last word I got was they were waiting for the outcome of the stock assessment, to factor that into any decisions they were going to make. I haven't seen the stock assessment yet. I know it's been done and I guess we'll have a report here later on. But I'm curious to see what kind of follow-up we get on this, and we do support it.

Dr. Daniel: I didn't know if David had gotten a response back from his letter, but we certainly appreciate South Carolina sending that letter.

Dr. Dean: Does the committee want to have any specific action relative to this meeting, why, be thinking about that. At this point, though, I would like to call on Joe and see what you can give us about the recent stock assessment that was done, Joe.

Dr. Powers: The bluefin stock assessment was updated, or is being updated is probably a better word. But basically the process is through the ICCAT Scientific Committee. and in July they had a working group meeting in Madrid to do the assessment for both the Eastern Atlantic and Western Atlantic Bluefin Tuna.

The way this process works is that the working group gets together and meets, writes the report, drafts the executive summary, and so on. That then is vetted through the plenary body of the ICCAT Scientific Committee, and so that vetting process happens the week after next. The assessment isn't final until it's final, until it goes through the vetting process.

However, I'll more or less tell you what the outcome is because usually it doesn't change all that much. I can never predict entirely, so keep that in mind.

Basically, this was the first time we had done both a eastern and western Atlantic assessment together for a while. So the way it was organized is I chaired the overall meeting and Mike Sissonwine chaired the Western Atlantic meeting and a French scientist, Jean Marc Flomentine, chaired the Eastern Atlantic meeting.

I'll focus, obviously, on the west because that's what's of major concern here. You may or may not recall that there's been a lot of controversy about the west, in particular in regards to issues about mixing, and the fact that some of the newer information from satellite tags would indicate that there may be some significant mixing across the Atlantic Ocean, both east and west; although we have more information of western fish going east than vice versa.

The assessment itself was similar in terms of how it was approached for the Western Atlantic, and it indicated similar sorts of declines in the population since we started monitoring these. Right now, I think the biomass, the eight-plus biomass, the fish that are eight years old and older, that biomass is on the order of about 13 percent of what it was in 1975, and this is consistent with a lot of previous

assessments.

There's indications of more recent recruitment being higher in a couple good year classes in the last five years or so, which leads to optimism in the projections, and I'll get to that a little bit later.

I would note that these assessments, they've always been pretty consistent in terms of what's happened in the past, but our ability to project ahead at what happens in the future, that's where the real uncertainty lies, and that's where these estimates of recruitment become an important factor because having an estimate of good recruitment two years ago, as time goes on, it may turn out to be not so good and vice versa.

So our ability to detect good and bad year classes is pretty limited and that, of course, affects projections about how things get better in the future or do not get better in the future.

The commission had agreed on a recovery plan, which basically is specifying that you keep the same sort of recovery strategy unless the scientific evidence would argue that the catches ought to be more than 2,700 metric tons or less than 2,300 metric tons.

The catches, the TAC, so to speak, for these things is 2,500 metric tons. For the actual catch in the year 2001, it was slightly above that, primarily because of IUU's, illegal unreported or unregulated catches, and in this particular case it was probably funneled through equatorial Guinea. So there's issues like that we have to deal with.

Also, there is a great deal of uncertainty about what the target is we're trying to achieve, what is BMSY, and there are two different recruitment scenarios that are used to project ahead. For lack of a better term, one of them is called the Low Recruitment Scenario and one of them is called the High Recruitment Scenario.

Don't get too involved in what they really mean, but is part of the basic uncertainty of the problem. So essentially what the assessment says is if the probability of achieving a target in the year 2018, which is the time horizon that we're trying to deal with, at annual catches of 2,500 metric tons, you have something like a 90 percent chance of achieving that target.

However, at the High Recruitment Scenario, it's something like 47 percent. There's a wide dichotomy of what the outcomes might be for the future. For those reasons, the scientific panel and the management recommendations basically use the term the weight of scientific opinions favors no change for the TAC for this upcoming two years. Excuse me, I said no change; I said no significant change.

So what basically the science is saying is given the uncertainties with this and the uncertainties in

mixing and so on, if the commission chooses to change from 2,500 metric tons, it probably shouldn't change very much.

The issue of mixing is important and it has been a part of the concerns, particularly to the Western Atlantic people and the United States, primarily because there's very different stock sizes associated with the Western Atlantic versus the Eastern Atlantic.

So, therefore, knowing what mixing is and possibly mixing either east to west or west to east has more of a significance to the western group than it does to the eastern group, and, in essence, what actions are taken in terms of management for the east could have some significant implications for the Western Atlantic group. I think that's probably the biggest issue that we're trying to deal with.

So that was reiterated several times in the report, that even though that there are lots of unknowns about the mixing and our ability to do the assessment with the mixing is limited, we go through some several options there in the report.

Still, the overriding thing is that the management in the east could affect the west, and that's a major thing there. In terms of the Eastern Atlantic Assessment, the biggest issue there is basic catch information and particularly how it's been colored by both recent regulations and recent developments in the fishery.

For example, we haven't done an assessment in the Eastern Atlantic for like four years, basically because the scientists refused because they didn't believe the catches. Secondly, this assessment only went through the year 2000 because we didn't feel like we had the year 2001 catches to be significant. Thirdly, the reported catches for the year 2000 for the Eastern Atlantic were 33,754 tons.

But we actually created another scenario where we wouldn't say it's a better estimate of the catches, but it's a scenario that is not unlikely, and that's on the order of about 40,000 metric tons. So the difference there is about 7,000 metric tons, which is almost three times what we take in the Western Atlantic and probably six times what the U.S. allocation is.

So that kind of puts the scale on the problem that the eastern is dealing with. The recommendations for the Eastern Atlantic really were that you can't get very quantitative about what's happening to the stock and so on, although some of the longline CPUE's are declining rather precipitously.

But it's unlikely that the current catches are sustainable and current catches may be in the order of 33,000 tons or maybe in the order of 40,000 tons, but that's kind of the limit of the information there.

So, again, from a Western Atlantic standpoint, really what the scientific group is saying is that if you are going to deviate from 2,500 metric tons, it probably shouldn't be very much; that there is some

room for optimism because of the purported year class strength that might be in the pipeline, and that mixing is an important issue and that overall you need to come to grips with management of the Eastern Atlantic as well. So that's it in a nutshell.

Mr. Mahood: Joe, maybe I misunderstood, but I'm a little confused. You said under current management there's from a 47 to a 90 percent chance of achieving the rebuilding that's needed in 18 years or something like that, but then you just said that the scientific opinion was that the harvest at the levels we have them now are above 2,500 metric tons or 25 metric tons, whatever it was, is not sustainable? Am I matching apples and oranges there or --

Dr. Powers: Yes. The not sustainable comment was relative, I think, to the eastern group. Basically the two recruitment scenarios sort of bracket the situation. In other words, the low recruitment scenario says that you're starting to get close to where you want to be so that 2,500 metric tons over the next 15 years, or whatever it is, would give you a high probability of achieving that; whereas, with the other scenario your target is a lot farther away than that. So, therefore it's unlikely that you'll be able to achieve it, so that's the kind of uncertainty and bracket that we're dealing with.

Mr. Pearce: Joe, is there any evidence as to whether there are more fish going from west to east or east to west?

Dr. Powers: In terms of the actual tagging, there's more tagging going west to east than east to west, but that's a function of individual economies. Basically because of the kind of research that's done, most of the research in the Western Atlantic has focused on this issue because it makes a difference to us what this mixing in the Western Atlantic is.

There's a been a lot of tags of fish in the west, both conventional and the archival and satellite tags, things like that, and therefore those fish that cross the ocean, for most of these tags, most of them come from fish that were tagged in the west. But that's a little bit a one-sided question because the research hasn't really been done to test the converse kinds of things.

Mr. Pearce: Just to follow-up, is there any interest in the group on the eastern side trying to determine what the evidence of transfer is?

Dr. Powers: There's interest, and in fact there's interest in migration patterns. Some of that interest is more in the Mediterranean rather than the east/west sort of migration in the middle of the Atlantic, and to me this isn't unpredictable.

If I were a funding agency working in Europe, I would be more interested in funding programs that would get me an estimate of the catch that I believe in terms of management there. Whereas, in the Western Atlantic, it really does make a difference to us. So by and large, most of the research that's

gone on relative to this has been from the U.S., Canada, and somewhat from Japan.

Mr. Lee: Joe, we were kind of led to believe by some people, when we were talking about the quota increase and so forth, that the potential for the stock assessment was an increase of around 500 metric tons for the western side.

You kept using the words if we're going to increase below 6,500, it's not going to be very much. I guess I can assume from that, 500 doesn't meet that criteria of not very much?

Dr. Powers: Now we're getting into speculation about how the commission really wants to deal with this. I'm trying to reiterate what the scientific group said, is basically if you want to deviate from not 6,500, but 2,500 metric tons, you probably shouldn't do it very significantly.

Now what that means to the commission I'm sure will be debated very hotly. Whether it's 500 tons -- well, I would just as soon leave it to the commission to deal with that, and not only the commission, but also the ICCAT advisors, our own commissioners, about what stance they want to take with that.

Dr. Dean: And this really is one of the reasons I wanted to start having these discussions with our committee and the council and so forth, is understanding this process. I've been fully engaged now since '92, and I think I'm beginning to get a little bit of an understanding, and it's a really steep and long learning curve.

Remember that what happens next is the U.S. ICCAT Advisory Committee will meet, and that's roughly 20 members of the committee plus the management council participation and the three U.S. commissioners, and there's some public discussion.

Then that will go into a closed session at which there will be very, very candid discussion of what the U.S. position should be. But just as we earlier heard discussion on white marlin and putting white marlin on, I think it's fair to say -- this is my observation now.

My observation is that when you put white marlin on the table as the priority, it reduces your leverage relative to arguing on bluefin tuna issues, so you have to make a choice. The U.S. has to make that kind of a choice. But as I say, Joe is being careful in his, and that's my observation.

So those things come into play at that meeting, and the U.S. commissioners then meet, and there's also a participation on the part of the -- ultimately the resolution on conflict between the Department of State and the Department of Commerce is done by the National Security Council.

That's the final arbiter on that. So you have an idea of the scale and level of play that's going on here. Joe, I have a question that I've always puzzled about. Would you explain to us what the difference in

minimum size that is the recommendation -- recommendation is the code word in ICCAT for regulation. So if it's an ICCAT recommendation, you treat it like a regulation -- minimum size in the east versus our minimum size.

Dr. Powers: For bluefin?

Dr. Dean: For bluefin.

Dr. Powers: I'm not sure I remember all the details. But in the Western Atlantic, it's gone through several evolutions, one evolution and several different renditions, I guess.

As I recall, the way it is now, it's a fairly high minimum size, and primarily one of the motivations for it -- and this was probably ten years ago -- was to reduce the sale of smaller fish; I mean to basically call it a recreational -- I mean, they don't like to use the word "recreational," but to allocate it as a recreational catch.

There was also the issue of -- typically, in ICCAT minimum sizes were dealt with percent tolerances. And, again, I'm operating off memory here, there was some issue with how big that tolerance ought to be and some of the difficulties there.

In the Eastern Atlantic, basically the minimum sizes were sort of catch-all minimum sizes that were established way, way back when, which essentially there was a -- 6.4 kilograms is the --

Dr. Dean: Right, it's 6.4; it's a 13-pound fish.

Dr. Powers: Yes, is the minimum size with a 15 percent tolerance, and then I think it's 1.25 with no tolerance. Basically those actions in and of themselves would eliminate zero years old in the catches, if they were adhered to, and then also up to about two or so for the 6.4 kilogram one.

And that is an important issue because the amount of undersized fish, throughout the Mediterranean in particular, is pretty extreme, even the ones we count, and I'm sure there's lots more that we don't count, because there is a market for small bluefin tuna. You can see them in just about any market.

Dr. Dean: You know, intuitively, when you have a huge fishery that's targeting, as is the Bay of Biscayne, Spanish fishery in the Bay of Biscayne, which targets these 13- to 18-pound fish, those are the young of the year and they aren't spawning yet, it's really a very different mindset and approach and it's something that's very difficult to deal with.

Dr. Powers: Just an aside, one of the issues with getting catch data in the Mediterranean is this burgeoning of the cage culture that's going on. Basically what's happening is they're holding fish in



pens. A purse seiner dumps them into a pen.

These pens are more or less on the high seas and sometimes it will take them two or three weeks before they pull them back to shore, going one or two knots.

But what's it's caused though is all kinds of statistical problems because a purse seiner from one country may sell it to a cage holder from another country. They may all be part of the EU, but not necessarily the same country; I mean, just all kinds of things like this.

The fish gain weight, up to 25 percent, while they're going through this process. The technology is getting pretty good so that it wouldn't surprise me very long; it's not holding them for two or three months; it's holding them for two or three years.

And then it becomes a fine line between what you call aquaculture and what you call fishing, and there's lots of issues about how to keep track of the statistics in this regard.

Dr. Dean: I sent you a note not long ago, I think, Joe. As far as I'm concerned, when they go into the cage, they're dead at that size class. That's the way we ought to be looking at them.

Dr. Powers: Yes, but you have to have somebody there to figure out what that size is and to count them. I mean, it's complicated to keep track of it.

Dr. Dean: That's right. Yes, the incidental catch issue, Wayne, the letter behind 2B in the briefing book.

Mr. Lee: Thank you, Mr. Chairman, just a quick update. This issue came up in the 2001 HMS meeting, and many people thought that the two options that were presented there were going to be acceptable and that there would soon be rulemaking, and that didn't happen.

Our letter went out March 13, which addressed those two options and gave a preferred option, and then we had the HMS meeting in April. At the HMS meeting this past April, the HMS section gave an excellent briefing on a proposed rule to solve this incidental catch issue.

It was presented to the advisory committee and everyone seemed to be very pleased and everyone thought that they would be out shortly with rulemaking. Well, here it is September and that has not happened.

I happened to give Chris Rodgers a call a week and a half ago just to ask him -- I said, "We have a council meeting coming up in September and what is the status of your program?"

And he said, Well, it's laying right here in the middle of my desk." I said, "Well, when are you going to get it out of the middle of your desk and get it out to the public because our longline fishery starts in January and we're just going to be throwing discards over again".

For those that may not be knowledgeable, that's not really a resource issue as much as it is the fact it's an enforcement issue and a fairness issue for those boats that operate south of 34 and those that operate north of 34 degrees latitude.

And he said they had been crashing and were busy getting ready for the ICCAT meeting, but he did say that he anticipated having something out for rulemaking within 30 to 60 days. That was the leeway that he gave me.

But we still have our letter there. It has not been answered, and just like our letter on the 90 metric tons has not been responded to.

Dr. Dean: Thank you, Wayne. Would you suggest we send a little reminder to formally put it on the record?

**Mr. Lee: Yes, Mr. Chairman, I would suggest that. I would like to make a motion that we ask the full council to send a follow-up letter on this particular issue.**

Dr. Dean: Both issues?

Mr. Lee: Yes, both issues.

Dr. Daniel: I'm not on your committee and I guess I should have said that earlier. You might have shut me up though; that's why I didn't say anything.

We did ask, in the hearing in North Carolina, as well as in at least one and possibly two letters, that National Marine Fisheries Service let us know when we might expect a December sub-quota period.

And I would like, if you would consider reiterating that request because it's difficult when they sit back and they wait and wait and wait, and then all of a sudden let these guys know that they can go out and catch the fish.

I mean, a lot of people were calling me last year. They weren't pulling their boats out onto the railway. They might have been moving on to different fisheries, different areas, because they just didn't know if it was going to come or not.

Then all of a sudden you get a notice saying it opens in 24 hours and it creates problems and so some

indicator -- we felt like November 1 was a reasonable date to let us know if fish were going to be able December 1st, and that does seem reasonable.

I mean, the fishery is essentially over by then, with the exception of what's going to be happening in North Carolina, and some reiteration of that from the council would sure be helpful for planning purposes for the fishermen.

Dr. Dean: I have a motion from Wayne Lee to send a letter of reminder, touching on those two issues to the HMS at National Marine Fisheries Service. Do I have a second to the motion? Second from Pete Pearce.

Is there any discussion on the motion? Any objection? Hearing none, so ordered. Anything further on bluefin?

The next item addresses some of the issues that have come up at the fall ICCAT meeting and the spring species working groups, and the one in particular that's relevant to us is the fact that we have, for a long time had a very serious problem with documentation of yellowfin landings on the east coast of the United States and Gulf coast.

This is another one of those issues that has been argued since I started paying attention, and at the meeting when the ICCAT Advisory Committee met with the white marlin status team this spring, there was an extended discussion and very strong criticism of the National Marine Fisheries Service and their efforts relative to landings data on yellowfin.

There was a commitment at that point, at that discussion, that there would be full cooperation, which we had requested in a letter, between National Marine Fisheries Service HMS and the now on line ACCSP program.

What I would like to do is invite Maury Osborn, who manages that program now for the Atlantic States Marine Fisheries Commission, to meet with us at our December meeting, which would have good participation, hopefully, from the North Carolina yellowfin fishery, and discuss that and let her have some input from all of us on how that might move forward.

I present that for information and if there are any comments or questions.

Mr. Cupka: Just a short point of order, Mr. Chairman, that ACCSP is not a commission program. It's separate. It's housed at the commission, but it's a stand-alone program under all the states, and the commission is an active partner.

But the real thing I want to tell you is Maury is scheduled to be here Thursday for dolphin/wahoo to

give a presentation on the discard and bycatch module, so that would be an opportunity to discuss that with her and see where they are in terms of doing that. We'll have that opportunity later on this week to talk to her about that.

Mr. Lee: Mr. Chairman, also, I would just like to flash back to the commitment that Jack Dunnigan made at the HMS meeting, and that was that he could not make it happen for fishing year 2002 because of personnel commitments and that kind of thing, but he pledged that he would have HMS on line in the ACCSP module for fishing year 2003.

Again, let me just go one step further, if I could, on the issue of the yellowfin tuna. I'm hopeful that Jack carries through on that and that happens. But, again, it doesn't solve this issue that you're well aware of and that is documented in all the reports of the landings being so poor in the past.

I know you have worked hard on that issue and I don't know what the solution is for that, but maybe at some point in time we can talk about it.

Dr. Dean: Any other comments or questions? The next item is Other Business. We've got a letter from Greg DiDomenico about the swordfish. We're hearing comments about swordfish landings and sale of swordfish.

I think that's a problem that in a way I'm glad to see the problem because what it says is that the swordfish are coming back, and there is a recreational fishery for swordfish off the east coast of the United States again, and we're seeing it in Florida. We're seeing it in South Carolina as well.

I would suggest that what we do with this issue of -- the point is that there is a presumed sale of recreationally caught swordfish in Florida, and I suggest that we actually transfer that issue to the Enforcement Committee and bring it to their attention.

Mr. Mahood: Is Greg still here? I would like to ask him if he had any better luck getting an answer to his letter with Chris Rodgers than we did? I noticed this letter was sent back in May of this year. Did you get any response?

Mr. DiDomenico: No, I haven't, but the issue has actually become more complicated since I was visited by two special agents from the National Marine Fisheries Service who told me that it's very difficult to make a case.

But they found out, much to my surprise, that there was no bag limit at all. You could essentially have had unlimited quantity of swordfish and I don't think -- well, that's certainly going to exacerbate the illegal sale issue.

Mr. Lee: If I could respond to that, that issue was discussed at HMS. I was just looking back over my notes, but the issue that came up at the HMS meeting was that the recreational quota was not being caught. so why transfer from other categories or why have a bag limit if the recreational quota is not being filled at this point in time.

Dr. Crabtree: One of the problems with the swordfish issue in South Florida is that we've never, in Florida, required the HMS permits for sale of swordfish from state waters; I think because up till now no one has really thought much about swordfish being caught in state waters in Florida.

But recently there is at least the possibility of catching swordfish from state waters in Florida, and so we put a rule in place that I believe takes effect on October 1 that will require all of the appropriate federal permits in order to sell swordfish in Florida, even if you catch them in state waters.

And up until now, if you had a salt water products license, which you can get for fifty dollars, this wouldn't have been illegal sale. It would have been legal, and I'm sure people would have claimed they caught some of these fish in state waters. We have plugged that loophole, and that should go into effect, I believe, next month.

Dr. Dean: Any other comments or questions relative to this? I'm confident this issue is going to come up at the ICCAT Advisory Committee meeting as well, and the recreational community is well aware that this is looming on the horizon and active on the agenda. The next item, is there other business before this committee?

**Mr. Pearce: Mr. Chairman, there's been some discussion about the advisability of having an advisory panel for this committee, and I would like maybe for the other committee members to weigh in on this.**

**But along the lines of the discussion would be maybe to have a total of twelve designated-type seats, plus two at-large, a total of twelve being one from each state in the recreational or commercial and conservation areas.**

**They would possibly give us some input that we're not getting by virtue of having people who are directly involved in the fishery on a regular basis. I would put that forth as a motion and hope for discussion.**

Dr. Dean: Okay. We have a motion to create an advisory panel for this committee. Is there a second to the motion?

Mr. Love: I'll second it for discussion.

Dr. Dean: Is there discussion on an AP?

Mr. Love: We don't do anything with this. They took it away from us. We kind of just sit and I don't know what -- I'm sure we would get something out of our AP, but I don't know whether it's appropriate at this time.

Mr. Mahood: Generally our input relative to what's going on has been through our ICCAT representation, which has been John, and our HMS representation, which has been Wayne. What happened is we're not involved in management of highly migratory species.

For a long time, the council didn't even worry about it. Our representatives went and kind of reported back. And then I think it was Penny Dalton, when she was there, who encouraged us to get more involved and to give them more advice.

Well, the problem I have, we've sent, what, three or four letters and we haven't even got a response. I mean, why would we have an AP to advise us to give them advice when they won't even respond to our letters when we do give them advice.

I think we need to cure that problem before we worry about maybe having an advisory panel because we, obviously, other than through what Wayne does -- and he seems pretty frustrated at the HMS Committee and what John does and he seems equally frustrated with ICCAT -- we don't seem to have much influence with what's going on.

I intend to talk to Bill and find out why we're not getting responses to our letters. I think that's a horrible way to do business, and I think part of the problem with HMS is they treat all of their constituents that way, basically ignore them.

We would never do anything like that to the people we deal with. I don't mean to shoot down your idea, Pete, but we just don't seem to have much influence as a council, and I'm not sure at this point -- now maybe at some point, if they do start listening to what we have to say, it would be appropriate to have an AP.

And then also I'm coming from the executive director standpoint, that budgets are getting tight, and I already heard them talk about extra shrimp people and this and that, and we're going to have to see what we've got to work with in 2003.

Mr. Cupka: I was just going to point out the conversation that Bob just alluded to he'd like to have with Bill. I just recently had that conversation with Jack Dunnigan, who is over that group, so apparently, from what I can understand, it's a pretty typical reaction and somehow we need to get their attention.

Mr. Pearce: But if we had an advisory panel and if they are from the four states, does that not give us a louder public voice that would carry maybe a little bit more weight than just coming from those of us in this room?

We possibly, by having the advisory panel and getting it well publicized, could generate a political force, perhaps, that we alone within this room are not able to do. That was one of the reasons for the thinking.

Now, I understand you've got budget problems and David is over here fussing about his budget in the state and Bob's fussing about our budget, but that's just a thought as to how we can try to move some of this along. The old saying the squeaky wheel gets the grease may or may not have application in this instance, but it was a thought.

Mr. Cupka: Well, I was just going to point out that the APs that meet with them have a large number of individuals, some of whom you would think would be very highly influential, and they don't seem to be getting anywhere either.

I don't think it's just a matter of numbers. I don't think that's how we're going to solve this problem. We need to attack it another way. I'm not trying to shoot down your idea, but I'm just saying that the idea of having a broader representation is good.

But at these AP meetings, there's representation from the whole Atlantic coast and the councils and the commissions and all kinds of people, and that doesn't seem to carry a lot of weight.

Mr. Lee: Just a couple of comments. When you attend the HMS meeting, and that's the only meeting I can speak to is the one I attend, but, like David was saying, you get a representation from the NGO's, from every one of the communities, and there's no action taken up there.

And if anyone has read the report that I wrote from the last meeting, you saw in that report, you know, just listing the comments of the issues and their view of that is -- and they just published a report of that meeting, by the way, and I read that before I came to this meeting.

But they listen to their constituency and we talk about the issues and nothing really defined comes out of that. The other thing that I would say right now, with regards to starting an HMS AP, we have a pretty heavy schedule on our staff.

And we've got some tough issues that we're faced with over the next few months, in my view, with Snapper Grouper Amendment 13 and that's followed by Amendment 14. We've got the shrimp issues. At this time I would not want to see if we could not have any of the staff diverted to doing something

else I guess is what I'm trying to say; not that Pete's idea may not be a good idea at a later time, but right now I just think we've got enough work to do.

Dr. Dean: I think what I'm hearing is that you all have great confidence in Wayne and me in articulating your needs and so we can just free wheel it, Wayne.

Mr. Love: Yes, I would say call the question.

Dr. Dean: Call the question. All those in favor of the motion say aye, opposed. The motion fails.

Any other business before the committee? Hearing none, I remind you that the ICCAT regional meeting of the U.S. ICCAT Advisory Committee will be in this room at seven o'clock, and I urge you to attend and make your wishes and concerns known to that committee. Thank you very much. We stand adjourned.

(Whereupon, the meeting was adjourned at 5:30 o'clock p.m., September 17, 2002.)

Tape of Proceedings on File (1)

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October 2002



Highly Migratory Species Committee  
Charleston, South Carolina  
September, 17 2002

**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

**HIGHLY MIGRATORY SPECIES COMMITTEE**

**Town and Country Inn  
Charleston, South Carolina  
September 17, 2002**

**Draft Motions**

**MOTION #1: THE COUNCIL VOTED TO SEND A FOLLOW UP LETTER TO DR. HOGARTH REMINDING HIM WE DID NOT RECEIVE A RESPONSE TO OUR MARCH 13, 2002 LETTERS TO HIM RELATIVE TO BLUEFIN TUNA.**