

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL
MIGRATORY SPECIES COMMITTEE

The Perdido Beach Resort Orange Beach, Alabama

August 12, 2009

VOTING MEMBERS

Ed Sapp.....Florida
Larry Simpson.....GSMFC
Kay Williams.....Mississippi

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Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
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48

1
2
3 The Migratory Species Committee of the Gulf of Mexico Fishery
4 Management Council convened in the Ballroom of the Perdido Beach
5 Resort, Orange Beach, Alabama, Wednesday afternoon, August 12,
6 2009, and was called to order at 2:45 p.m. by Chairman Ed Sapp.

7
8 **CHAIRMAN ED SAPP:** The meeting of the Migratory Species
9 Committee will come to order. Besides myself in attendance, we
10 have Larry Simpson and Kay. Please note for the record that we
11 do have a quorum.

12
13 **ADOPTION OF AGENDA AND APPROVAL OF MINUTES**

14
15 The first item of business is Adoption of the Agenda and if you
16 look in your briefing books, this is Tab F, Number 1. Are there
17 any changes or additions to the agenda that anybody would like
18 to make? Hearing none, I'll entertain a motion to adopt the
19 agenda.

20
21 **MR. LARRY SIMPSON:** So moved.

22
23 **MS. KAY WILLIAMS:** Second.

24
25 **CHAIRMAN SAPP:** Hearing no objection, the agenda is adopted.
26 The next order of business is Approval of Minutes and this is
27 Tab F, Number 2. Are there any corrections to the minutes?
28 Hearing none, is there a motion to adopt the minutes?

29
30 **MS. WILLIAMS:** So moved.

31
32 **MR. SIMPSON:** Second.

33
34 **CHAIRMAN SAPP:** The minutes are adopted. Our next order of
35 business is going to be a presentation by the HMS folks and this
36 is going to be Tab F, Number 3 in your briefing books. There
37 are hard copies available at the back table for anybody else
38 that wants to follow along.

39
40 From HMS, we have got Dr. Joe Desfosse and LeAnn Southward-Hogan
41 and she's actually going to be making the presentation and I
42 understand that, council members, you can follow along with her
43 PowerPoint if you'll go to the email attachment that Trish has
44 sent out. LeAnn, you can get started if you will, please.

45
46 **PRESENTATION OF AMENDMENT 3 TO THE CONSOLIDATED HMS FMP**

47
48 **MS. LEANN SOUTHWARD-HOGAN:** Thank you. I am LeAnn Hogan from

1 the Highly Migratory Species Management Division and I'm going
2 to give you a presentation today on Draft Amendment 3 to the
3 2006 Consolidated Highly Migratory Species Fishery Management
4 Plan.

5
6 This is an overview of my presentation. I'll be going through
7 the need for action, the management objectives, timeframe of
8 action, some background information, and then I will go through
9 the summary of alternatives that we analyzed on blacknose
10 sharks, shortfin mako sharks, smooth dogfish, and then talk a
11 little bit about the request for public comments.

12
13 Here is the need for action. Based on the latest stock
14 assessment that was completed in 2007, blacknose sharks were
15 found to be overfished with overfishing occurring. There was an
16 ICCAT, that is the International Commission for the Conservation
17 of Atlantic Tunas, stock assessment for shortfin mako sharks in
18 2008 and they were found to not be overfished, but to be
19 approaching an overfished condition and they have overfishing
20 occurring. Smooth dogfish are currently not managed at the
21 federal level and are in need of conservation and management.

22
23 Here is a quick general overview of our objectives for Amendment
24 3. Our first objective is to rebuild and end overfishing of
25 blacknose sharks, to end overfishing of shortfin mako sharks,
26 and ensure the sustainability of smooth dogfish by implementing
27 federal management measures.

28
29 Here are some more specific objectives that go into a little
30 more detail of what we're looking at here. We need to implement
31 a rebuilding plan for blacknose sharks consistent with the
32 Magnuson-Stevens Act to ensure that the fishing mortalities are
33 maintained below the levels that would result in 50 percent
34 probability of rebuilding.

35
36 We also need to end overfishing of blacknose and shortfin mako
37 sharks and provide an opportunity for the sustainable harvest of
38 the other small coastal sharks that are listed there and other
39 sharks.

40
41 We also need to prevent overfishing of Atlantic sharks as well
42 as considering management measures for smooth dogfish. Another
43 thing that we're looking at in this amendment is to establish a
44 mechanism for specifying annual catch limits and accountability
45 measures. I know that you are all familiar with those terms and
46 I will go into a little more detail on that in a minute.

47
48 Here is our timeframe. We completed scoping for this amendment

1 from July to November of 2008. We completed a pre-draft in
2 February of 2009. Obviously right now we're in the draft stage
3 of the environmental impact statement and we hope to have the
4 final EIS and the rule out by early 2010. We are on a tight
5 timeline because of ACL implementation required by Magnuson-
6 Stevens and so we're really pushing to have this done as soon as
7 we can.

8
9 This is the process that we established for ACLs and AMs, and
10 pardon me for using those acronyms, and hopefully that's okay,
11 for Atlantic sharks, which is outlined in this diagram. NMFS is
12 establishing the following guidelines for Atlantic shark ACLs
13 and accountability measures, that the OFL, which is equal to the
14 annual amount of catch that corresponds to the estimate of
15 maximum fishing mortality threshold applied to the stock
16 abundance that is greater than or equal to the acceptable
17 biological catch and that is equal to or greater than the annual
18 catch limit, which equals the total allowable catch. I just
19 want to note that this includes landings and dead discards, the
20 ACL.

21
22 The ACT sets a target for us to aim for and accounting for
23 management uncertainty, such as reporting lags. We consider
24 this as an accountability measure and then the quota is the
25 commercial landings component of the ACL. These are the
26 guidelines that we're using and here's a little more in specific
27 and wordy terms. Basically, it's what I just went over on how
28 we are implementing these for sharks.

29
30 I am going to be going through this presentation of the
31 alternatives by species. If you've looked at the draft
32 environmental impact statement, you will know that we did not do
33 it by species in the draft EIS. We did it by commercial
34 measures, recreational measures, and then smooth dogfish, but I
35 thought for presentation it was easier to go through it by
36 species and so some of the alternative numbers are out of order.

37
38 This table shows blacknose shark mortality from data that was
39 between 1999 and 2005 and you'll notice the percent by number
40 across all fisheries and not just HMS fisheries -- This includes
41 Gulf of Mexico shrimp bycatch, South Atlantic shrimp bycatch,
42 and recreational landings. This table came from the stock
43 assessment.

44
45 From 1999 to 2005, there were 86,381 sharks landed or killed per
46 year. The stock assessment said that we have to get that
47 mortality down to 19,200. In order to have a reduction in
48 mortality, we have to have a 78 percent reduction in all

1 fisheries and not just HMS fisheries. That includes the shrimp
2 fishery and recreational.

3

4 Here are some specific numbers from the stock assessment for
5 overfished and the overfishing status. Like I said, in order to
6 attain that blacknose TAC of 19,200 individuals per year, we
7 need to reduce that mortality to 78 percent. In this amendment,
8 we are not proposing any management measures for the shrimp
9 trawl fishery. We have asked the councils to work with us
10 collaboratively and so we are moving forward with management
11 measures just in the HMS fisheries in this amendment.

12

13 I'm going to start with the commercial quotas. We analyzed five
14 alternatives, the first alternative being the no action
15 alternative or the status quo, which would maintain the existing
16 small coastal shark complex and quota. Currently, the small
17 coastal complex consists of finetooth, bonnethead, Atlantic
18 sharpnose, and blacknose and there is a quota of 454 metric tons
19 dressed weight.

20

21 Alternative 2, we would establish a new small coastal quota of
22 392.5 and a blacknose -- We would pull blacknose out of that
23 quota and establish a blacknose commercial quota of 13.5 metric
24 tons dressed weight.

25

26 Alternative 3 would be to establish a quota of 42.7 metric tons
27 and a blacknose commercial quota of 16.6. That would be
28 blacknose specific and this alternative would allow all the
29 currently authorized gear for sharks.

30

31 Alternative A4 would establish that a new SCS quota of 56.9 and
32 a blacknose quota of 14.9. However, this alternative would
33 remove shark gillnet gear as an authorized gear for sharks.
34 That would be all shark species. This alternative also would
35 prohibit anyone who had an incidental limited access permit for
36 sharks from retaining blacknose sharks. Then we looked at
37 Alternative A5 to close the entire small coastal shark fishery.

38

39 Let me go back to the preferred alternative and give you a
40 little more information on why we chose this as our preferred
41 alternative at this time. That 56.9 metric tons is a 76 percent
42 reduction in the current small coastal shark landings from 2004
43 to 2007 and that 14.9 metric tons is the amount of blacknose
44 sharks that would be landed while those small coastal fishermen
45 are fishing for those other species of sharks.

46

47 Ecologically, this would have very positive impacts for both
48 small coastals and blacknose, because of that 76 percent

1 reduction in landings. That gets us underneath that TAC that we
2 need to be under to achieve rebuilding of blacknose sharks. It
3 would be an 81 percent reduction in blacknose discards with the
4 elimination of gillnet gear.

5
6 Economic impacts, there would be a loss of revenue in both the
7 blacknose and the small coastal shark fisheries. In total, it
8 would be, for both of those fisheries, about a 76 percent
9 reduction in total annual gross revenues and just from the
10 prohibition of gillnet, it would be about a 42 to 45 percent
11 reduction in gross revenues.

12
13 We are preferring this alternative at this time because by
14 reducing both the effort in the small coastal fishery and
15 prohibiting gillnet gear, as well as reducing mortality in all
16 the other fisheries that have blacknose bycatch, we can get that
17 mortality below the level we need to in order to rebuild.

18
19 I will go into a little more detail on the commercial gear
20 restrictions. We looked at three alternatives, the first one
21 being the no action or the status quo, which would be to
22 maintain all the authorized gear for commercial shark fishing.
23 We looked at B2 is closing the gillnet fishery everywhere and
24 removing gillnet as an authorized gear and then B3 would be to
25 close the gillnet fishery to commercial shark fishing from South
26 Carolina south. This is the main range of the blacknose sharks
27 and it is the predominant gear that catches this species, that
28 catches blacknose sharks.

29
30 It will have a positive impact ecologically for small coastals
31 and blacknose and other protected species and economic impacts -
32 - It will be a major impact, negative, for the small coastal
33 fishery and the blacknose fishery. We limited the geographic
34 scope of this alternative because we're looking at the smooth
35 dogfish fishery and adding it to our management plan and they
36 use gillnet from North Carolina north to harvest smooth dogfish
37 and there are other sharks that are harvested with gillnet in
38 that area as well and so we're trying to mitigate those impacts
39 by limiting the geographic scope.

40
41 Moving on to recreational considerations for blacknose, we
42 looked at four alternatives and the first one, again, being the
43 no action and maintaining the current recreational retention and
44 size limit. There is a one shark per vessel per trip limit
45 currently and a four-and-a-half-foot size limit for all small
46 coastal, except for bonnethead and Atlantic sharpnose. There is
47 that size limit.

48

1 Alternative D2 would modify the minimum recreational size limit,
2 based on their biology, because they rarely, maybe never, get to
3 four-and-a-half feet. We looked at lowering that size limit and
4 D3 would be to increase the retention limit for Atlantic
5 sharpnose. Atlantic sharpnose were found to not be overfished
6 and not have overfishing and we've been asked by constituents to
7 consider increasing the limit for Atlantic sharpnose and so we
8 looked at that alternative.

9
10 Then the preferred alternative, D4, would be to prohibit the
11 retention of blacknose sharks in the recreational fishery. This
12 would make it a catch and release only. Recreational anglers
13 would be able to catch it, but not be able to retain it.

14
15 Blacknose sharks are not a targeted species in the HMS
16 recreational fishery or the charter/headboat fishery and, again,
17 I wanted to remind you that we have to reduce that mortality 78
18 percent in the recreational fishery as well as the commercial
19 fishery. That is blacknose sharks.

20
21 Moving on to shortfin mako, I talked briefly about the ICCAT
22 assessment that took place in 2008. They found it was not
23 overfished, but approaching an overfished status, and
24 overfishing is occurring.

25
26 The U.S. portion of the Atlantic-wide shortfin mako catch is
27 relatively small compared to other nations in the ICCAT area
28 that are landing and reporting shortfin mako catch. We have a
29 very small portion of that mortality and it is primarily a
30 bycatch species in the pelagic longline, swordfish, and tuna
31 fisheries, but it is a really valuable bycatch, because the meat
32 is good and so it is often retained when it is caught by
33 bycatch.

34
35 We looked at a series of pelagic shark effort controls to reduce
36 and stop overfishing, the first one being the no action
37 alternative and the status quo. Currently, the shortfin makos
38 are managed in a complex. The oceanic whitetip, the common
39 thresher, and the shortfin mako are managed and they have a
40 quota of 488 metric tons dressed weight and so that is the
41 status quo.

42
43 We looked at C2, to remove the shortfin makos from that species
44 group and to establish a quota that was equal to current
45 landings, which is about seventy-four metric tons dressed weight
46 annually is how much shortfin makos are landed.

47
48 Then C3 would be to remove shortfin mako sharks from the pelagic

1 sharks species complex and place them on the prohibited species
2 list and so no landings of shortfin mako sharks.

3
4 We also looked at establishing a commercial size limit for
5 shortfin makos. Currently, we do not have commercial size
6 limits for our sharks that we manage and so we looked at a
7 couple of different size limits. The first one we looked at was
8 based on the size at which 50 percent of female shortfin makos
9 reached sexual maturity, which is a thirty-two inch interdorsal
10 length. Interdorsal length is from the trailing edge of the
11 first dorsal to the leading edge of the second dorsal and so we
12 analyzed that, as well as a twenty-two inch interdorsal length,
13 which is the size at which 50 percent of the male shortfin makos
14 reach maturity.

15
16 Back to C5, which is to take action at the international level
17 to end overfishing of shortfin mako sharks. This is our
18 preferred alternative. We feel that we cannot end overfishing
19 with any measures that we would put in place, because the
20 contribution to the overall mortality is so low. We are
21 proposing to take action at the international level so that the
22 other countries that have landings can -- We can work with them
23 cooperatively to end overfishing of this species.

24
25 We are also preferring to promote the release of shortfin mako
26 sharks brought to the vessel alive. We have found that many of
27 the shortfin mako sharks that are caught as bycatch and in the
28 recreational fishery are alive when they are brought to the
29 vessel and so we would like to do some outreach with fishermen
30 to promote the release of this species.

31
32 Then moving on to recreational, you'll see that our two
33 preferred alternatives are the same, but let me just go through
34 the others. The status quo, again, is the current retention
35 limits and size limits. It's one per vessel per trip of the
36 authorized species and a four-and-a-half-foot size limit.

37
38 We also looked at increasing the recreational minimum size and
39 like we did for commercial, we looked at two different minimum
40 sizes, a 108-inch fork length measurement and a seventy-three-
41 inch fork length.

42
43 Alternative E2(a), the 108-inch fork length, would reduce
44 recreational landings by 98 percent. That's quite a reduction,
45 because most of the shortfin makos that are caught are below
46 this size and so because that is such a large impact on
47 recreational -- This is a very popular tournament fish and the
48 seventy-three-inch fork length would be about a 60 percent

1 reduction in recreational landings in this species.
2
3 Alternative E3 is to take action at the international level to
4 end overfishing of shortfin mako sharks and E4, again, is to
5 promote the release of shortfin makos that are brought to the
6 vessel alive. That will require a lot of outreach on our part
7 to recreational anglers and tournaments.
8
9 Then we also analyzed the alternative to prohibit landing of
10 shortfin mako sharks in the recreational fishery and make it a
11 catch and release fishery only, which would obviously have very
12 negative impacts to the recreational community and the
13 tournament community. That is it for shortfin makos and I will
14 move on to smooth dogfish.
15
16 The map that you see there is the smooth dogfish observation
17 data. This is where smooth dogfish has been observed and the
18 data sources are from the Southeast Fisheries Science Center,
19 SEAMAP, COASTSPAN, and the VIMS Nursery Study.
20
21 They are not currently federally managed. There is incomplete
22 catch data. There has been no stock assessment and the stock
23 status is unknown. There is an issue with the taxonomic
24 classification with the Florida smoothhound. There are some
25 recent genetic studies and morphological studies that have been
26 done that suggest that the Florida smoothhound and the smooth
27 dogfish are the same species and so we would include both of
28 those species in the management unit.
29
30 We looked at three alternatives for this. The first one was the
31 no action and would be to not add smooth dogfish under the NMFS
32 management. Alternative F2 would be to add smooth dogfish under
33 NMFS management and develop management measures such as a
34 federal permit requirement and a quota. That is currently our
35 preferred alternative.
36
37 We also looked at adding smooth dogfish under NMFS management
38 and mirroring the management measures implemented by the ASMFC
39 Interstate Shark FMP. They have included smooth dogfish in
40 their FMP. However, they actually have an addendum that's out
41 to change some of the smooth dogfish measures that are in that
42 FMP and that is currently out for public comment right now.
43
44 Those measures would be to allow at-sea processing of smooth
45 dogfish, to have no recreational retention limit, and to get rid
46 of the two-hour net check rule that is currently in that plan.
47
48 This is what management of smooth dogfish would entail. The

1 list on the left are the requirements. There would be fins
2 attached and commercial and recreational permits. It would be
3 an open access permit. It would not be limited access. Anyone
4 could get an open access permit.

5
6 There would be dealer reporting required and gillnets would be
7 allowed gear from North Carolina north. We are required to do
8 EFH designation and I'll talk about that a little bit later.
9 There would be observer coverage, if selected, and the quota
10 would be implemented.

11
12 The smooth dogfish fishermen that would get a permit would not
13 be required to do any reporting. We just want to try to
14 characterize this fishery and see what's going on. We're just
15 in the beginning stages of this.

16
17 There would be no recreational size limits or commercial size
18 limits. We are not intending to change the fishery and like I
19 said, no logbook requirements or no workshop requirements and no
20 protected species handling requirements for workshops.

21
22 Here are the quota sub-alternatives that we looked at. We
23 looked at three sub-quota alternatives, the first one being to
24 establish the quota that was equal to the average annual
25 landings from 1998 to 2007.

26
27 The next one we looked at was to establish the quota that would
28 be equal to the maximum annual landings and then the third quota
29 alternative we looked at, which is the preferred alternative,
30 would be to establish the quota equal to the maximum annual
31 landings plus one standard deviation and so that would be a
32 quota of 1,423,727 pounds dressed weight.

33
34 This next set of sub-alternatives deals with the exempted
35 fishing permit program. We have currently a sixty metric ton
36 whole weight set-aside for shark research and we would need to
37 add a separate set-aside quota and that is what the preferred
38 alternative is for this for research for smooth dogfish.

39
40 Here, we are required to develop essential fish habitat for
41 species that are federally managed and this is the proposed
42 smooth dogfish EFH, based on where the species is observed.
43 That is all and I have a couple other slides that I will go
44 through real quick, but we are requesting that comments be sent
45 to regulations.gov. The comment period closes on September 25.
46 The comments can also be submitted to Karyl Brewster-Geisz. You
47 can fax them or you can mail them to our office and our website
48 is listed there if you would like to get more information on our

1 website.

2
3 For those who have never submitted comments on regulations.gov,
4 this is what the home page looks like when you go to this
5 website. What you will need to do is you'll have to do a key
6 word search. The field where the big red arrow is pointing to,
7 you will need to put in the regulation identification number,
8 which is 0648-AW65, and then press the "search" button.

9
10 Then our document will come up and the big red arrow is pointing
11 to a button that says "Submit a Comment" and so you will push
12 that button and you will be able to submit your comments
13 electronically on this website.

14
15 Additionally, we are requesting comments on very specific
16 questions, some of the things that we would like to know from
17 our constituents, and they are listed here. There's nine
18 specific questions and so when you are commenting on this draft
19 amendment, if you will take these into consideration, that would
20 be very helpful.

21
22 They are, are the commercial and research set-aside quotas for
23 smooth dogfish appropriate? Is the designated EFH that we have
24 proposed, is that accurate? Is the number of vessels
25 anticipated to participate in the smooth dogfish fishery
26 accurate? We have estimated that about 223 vessels will be
27 participating in the smooth dogfish fishery, based on the number
28 of vessels that we already have smooth dogfish landings reported
29 from. Is the boundary for the prohibition of gillnets
30 appropriate? Should gillnet fishermen be required to carry VMS
31 units?

32
33 Should smooth dogfish permit holders without a shark limited
34 access permit be required to carry VMS? Should the smooth
35 dogfish fishermen be required to tend their gear and have it
36 attached to the vessel and do net checks once every two hours?

37
38 Should there be a recreational size and retention limit for
39 smooth dogfish in federal waters and should smooth dogfish be
40 allowed to be retained with trawl gear? You'll notice that a
41 lot of these questions focus on smooth dogfish, because we're
42 leaving it open right now. We're not putting in a lot of
43 specific management measures. We're simply putting in a permit
44 requirement and proposing a quota and we would like to get some
45 feedback from our constituents on the other management measures
46 that would be appropriate at this time for smooth dogfish.

47
48 Here are the list of public hearings and hearing locations that

1 we will be doing and then that is all and I will take any
2 questions. Thank you for listening.

3
4 **CHAIRMAN SAPP:** Thank you for your presentation, LeAnn. I'll
5 start the questioning and if you will, stay up there, because I
6 think there are probably at least a few questions from the
7 council here.

8
9 I'll start with the thing that I know is on the minds of
10 probably most of the council folks here and we've been advised
11 that the blacknose sharks are overfished and undergoing
12 overfishing. We understand that we need to take a 78 percent
13 across-the-board reduction, but we also know that the Gulf of
14 Mexico shrimp trawl fleet is responsible for 45 percent of that
15 mortality.

16
17 If you do the math, it doesn't work to get the required
18 reduction without some action on the part of this council within
19 our Shrimp Fishery Management Plan. I understand your comments
20 were that the HMS is working with the council to arrive at some
21 solutions and can you bring us up to speed on what's occurred so
22 far and what we can expect to occur in the future?

23
24 **MS. SOUTHWARD-HOGAN:** We have sent letters to both the South
25 Atlantic and Gulf of Mexico Fishery Management Council
26 requesting that they consider taking action to reduce bycatch
27 mortality by 78 percent. We have not given them recommendations
28 of specific actions.

29
30 Because those actions are going to be council actions, we have
31 not said you must do this to reduce mortality. We have just
32 said simply please consider measures that would reduce the
33 mortality and we have sent those letters.

34
35 **MR. MYRON FISCHER:** On the Gulf of Mexico shrimp fishery with
36 the 45 percent mortality, what was the extent of the dataset?
37 Didn't it end around 2005?

38
39 **MS. SOUTHWARD-HOGAN:** That's correct.

40
41 **MR. FISCHER:** Since 2005, the Gulf of Mexico shrimp fishery has
42 pretty much shut itself down, between hurricanes, infrastructure
43 damage, price of fuel, et cetera. We've documented the Gulf of
44 Mexico shrimp fishery going down and so where do you think we've
45 accomplished in that 45 percent so far?

46
47 **MS. SOUTHWARD-HOGAN:** Thank you for that question. Any
48 reduction in blacknose bycatch from 2005 to the present due to

1 reduction in fishing effort or for other reasons would be
2 counted toward meeting that 78 percent mortality reduction.

3
4 I would like to let you know that currently the NMFS Southeast
5 Fisheries scientists are working with the shrimp trawl industry
6 with regard to looking at the TED effect. They are taking a
7 collaborative effort in developing new bycatch models. That
8 work is currently underway.

9
10 These new models will be used in the future stock assessment.
11 This species will be reassessed -- Right now, reassessed in
12 2010. Data from 2008 and 2009 -- Hopefully 2009, if they're
13 available, will be included in that stock assessment. They've
14 been running sensitivity analyses and they looked at a 25, a 50,
15 and a 75 percent reduction in blacknose bycatch in the shrimp
16 trawl fishery and it indicated that the stock would still be
17 overfished with overfishing occurring. This is very preliminary
18 and this is being done at the Fisheries Science Center. We're
19 working with the shrimp trawl industry on those bycatch
20 estimates.

21
22 **MR. JOE HENDRIX:** My question is along the lines of Mr.
23 Fischer's also. We've had a 75 percent reduction in fishing
24 effort and so far you haven't considered that. I think many of
25 the council members might be very concerned about a request for
26 action when those reductions haven't been considered.

27
28 **MS. SOUTHWARD-HOGAN:** That will factor in when the council is
29 considering what measures they need to take, based on what the
30 reductions have already been in the shrimp trawl fishery.

31
32 **MS. KAY WILLIAMS:** Why didn't you use more up-to-date numbers as
33 far as in your assessment, since the shrimp fishery has actually
34 declined greatly over the last recent -- The last three or four
35 years anyway. The numbers are way down and was there a reason
36 you couldn't use more up-to-date numbers?

37
38 **MS. SOUTHWARD-HOGAN:** The assessment was done using the SEDAR
39 process and it was done in 2007 and the time that they started
40 the data workshop for that SEDAR process, the data that was
41 available was up to 2005 and so there were data limitations and
42 that was their data limitations. They're hoping, like I said,
43 with this 2010 assessment that they'll include -- They'll
44 definitely include 2007, 2008, and hopefully 2009.

45
46 **MS. WILLIAMS:** I actually have a couple more questions. In our
47 groundfish survey, and it's my understanding we've been doing
48 this more or less for thirty years, do you know what the catch

1 rate has been in those nets, because I know they don't have any
2 type of device to really allow for the escapement. They're
3 basically naked nets and do you know what that catch rate is?
4

5 The reason I'm asking is because it's my understanding, in
6 looking at some of the survey rates, is you just do not see the
7 amount of bycatch that you're reporting. Therefore, your
8 bycatch rates, are they observed or actual or are they just an
9 extrapolation?

10
11 **MS. SOUTHWARD-HOGAN:** To answer your first question, I don't
12 think that we -- By we, I mean the Fisheries Science Center,
13 looked at the groundfish fishery catch rates. I could be wrong.
14 I can get back to you on that.

15
16 These are observed, reported, and extrapolated. The data is
17 observed and landings reports and we get logbooks and we get
18 dealer reports. It's a complete set of data that goes into the
19 stock assessment.

20
21 **MS. WILLIAMS:** If you would check that to see what it shows,
22 that would, I think, be very beneficial and then just one other
23 thing. There is a gillnet fisherman here today and he will
24 probably be asking some questions tonight.

25
26 It's my understanding, in speaking with him, that there's
27 actually only -- He's the only one that uses the gillnet in this
28 area and do you all have the numbers of how many gillnetters we
29 actually have?

30
31 **MS. SOUTHWARD-HOGAN:** When we did our analysis, there were about
32 five to seven gillnetters that were directing throughout the
33 Atlantic using gillnets to catch sharks at the time of the
34 analysis. That's what we're basing our analysis on, five to
35 seven gillnets. We're not aware that David was the only one in
36 the Gulf.

37
38 **CHAIRMAN SAPP:** Any more questions, Kay?

39
40 **MS. WILLIAMS:** Really, just one other comment. I noticed that
41 there was not an analysis done as far as these new catch shares
42 that we're going to be analyzing for the various fisheries and
43 have you all considered using the catch shares? I know you
44 probably cannot do it in this amendment, but in the near future,
45 for the shark fishery? Do you all really plan on doing that or
46 was it just kind of brought up and just kind of discarded?

47
48 **MS. SOUTHWARD-HOGAN:** You're right. This timeframe, like I

1 mentioned in the beginning, is very tight, because of the annual
2 catch limit and the ending overfishing and needing this to be
3 implemented in 2010.

4
5 We are looking at catch shares and not just for shark fisheries,
6 but for all the species that we manage. We have put out an
7 advance notice of proposed rulemaking and in that, among other
8 things in that proposed rulemaking, will be catch shares. We
9 will be looking at it across all of the HMS fisheries.

10
11 **MR. CORKY PERRET:** Bonnie, you may want to get in on this.
12 October 29th of last year, we had a presentation by Ms. Brewster-
13 Geisz, who provided some numbers. I brought up some numbers
14 from SEAMAP data, thirty-five years and under 300 blacknose
15 taken.

16
17 I'm going to quote now, if I can find it. I asked Ms. Brewster-
18 Geisz if my numbers were accurate and, quote, this is her
19 response: I believe that your numbers are accurate, but I don't
20 have the exact numbers in front of me and so on and so forth.

21
22 If my numbers are accurate in thirty-five years in the
23 observation of 272, I think it was, two-hundred-and-seventy-
24 something, versus the data that was being used then, six years
25 of information and 38,626 sharks taken. Dr. Crabtree jumped in
26 and I'm quoting that he's had conference calls and he's working
27 with Bonnie and we're going to get this resolved. Has it been
28 resolved and if so, was that SEAMAP data incorporated into that?
29 It had to reduce this 38,000 number if under 300 sharks were
30 taken in thirty-five years by SEAMAP. Bonnie, do you want to
31 comment or whoever?

32
33 **MS. SOUTHWARD-HOGAN:** I have to say that I would definitely
34 defer to Bonnie and the shark assessment scientists who ran that
35 assessment.

36
37 **MR. PERRET:** My data is accurate, quote, unquote, is what's been
38 told, yet we have thirty-something thousand versus two-hundred-
39 and-seventy-something and so I would like some clarification.

40
41 **DR. BONNIE PONWITH:** I'm not going to be able to just off the
42 top of my head could be able to comment on 300 versus 38,000. I
43 do know that they ran that stock assessment and the stock
44 assessment was reviewed and approved. We've got another stock
45 assessment planned in the near future that will be using
46 contemporary data that will capture changes in the fishing
47 patterns in the shrimp fishery.

48

1 I'm not sure I know what number this two-hundred number is what
2 you're talking about and so I would have to actually look at
3 this and get back to you.

4
5 **MR. PERRET:** We discussed it on October 29 of 2008 and Dr.
6 Crabtree assured us that he was working with you and you all
7 were going to have the answer. I continue to be frustrated by
8 being told we're going to get things and we don't get it.

9
10 **CHAIRMAN SAPP:** Dr. Crabtree, would you like to make any
11 comment?

12
13 **DR. ROY CRABTREE:** Corky is right. I remember this came up.
14 This is a science issue. I don't have the answer for you and I
15 have no way to find it out. I know that there have been
16 numerous meetings between Center folks and Benny Gallaway and
17 that they're working all of this and they're making good
18 progress, but I can't answer the question. That's going to have
19 to be someone from the science side of the house.

20
21 **MS. SOUTHWARD-HOGAN:** I can say, like I said in a previous
22 answer to another question, that they did rerun and do some
23 sensitivity analysis. The shrimp trawl industry is working with
24 the shark assessment scientists. They did these analyses and
25 looked at 25, 50, and 75 percent reductions in blacknose bycatch
26 and the preliminary results say that they're still overfished
27 with overfishing occurring and so there is work.

28
29 They are moving forward and right now, we have a -- Like Bonnie
30 mentioned, it's peer reviewed and we have a mandate and are
31 required by law to move forward under Magnuson to implement
32 measures and a rebuilding plan. That is where we're at right
33 now.

34
35 **DR. CRABTREE:** I just want to suggest if you have a specific
36 question that you want an answer to, put it in a memo from the
37 Chairman to Bonnie down at the Science Center and ask the
38 question. That way, you would be assured that it gets attended
39 to and folks know what it is.

40
41 I think sometimes what happens is there are questions asked
42 verbally at a council meeting, but there's nothing put down and
43 then the specific responses don't come and then it comes up
44 again several months later and now everybody has got to go back
45 and try to remember what it was and I just think the best way to
46 get direct answers is to put the question down in writing and
47 send it down to the Science Center.

48

1 **MR. PERRET:** I asked it on October 29, 2008 and I was assured
2 that you and Bonnie would provide us with the answers, Roy. I
3 don't know what more we can do.

4
5 **DR. CRABTREE:** You can do what I just suggested, put it down in
6 a letter from the council to the Science Center and ask the
7 question, Corky. I'm not going to have the answer for you. I
8 can't answer it. It's not in my area of expertise. It's going
9 to have to come from the scientists who are looking at this
10 stuff.

11
12 **CHAIRMAN SAPP:** Corky, can I suggest that when we go into full
13 council that you ask for a motion that the council request that
14 information from them?

15
16 **MR. BOB GILL:** LeAnn, thank you for your presentation. I
17 understood you to say that relative to the shrimp industry
18 bycatch that you were working collaboratively with the councils
19 at this time. Does that suggest that you can effect changes in
20 the shrimp fishery without the council?

21
22 **MS. SOUTHWARD-HOGAN:** No.

23
24 **MR. MIKE RAY:** When I was listening to your presentation, I'm
25 not sure if I quite understood and so I thought I would ask
26 again. Is there hope, again, working with the shrimp industry,
27 that some of the reductions in bycatch of sharks can indeed
28 happen through, as you said, TEDs and BRDs and that kind of
29 stuff, so there's something in place that looks like it might
30 work?

31
32 **MS. SOUTHWARD-HOGAN:** Just so I understand, are you asking what
33 further could be done in the shrimp fishery to reduce bycatch of
34 blacknose?

35
36 **MR. RAY:** It sounded like there was some work to try to improve
37 that. Granted, the pressure is way down, but still, those that
38 are fishing, is there ways that look like we can achieve a lower
39 bycatch rate?

40
41 **MS. SOUTHWARD-HOGAN:** I'm not sure that there have been specific
42 meetings to talk about specific ways, BRDs or decreasing the
43 spacing in the TEDs. Those types of things have not been
44 discussed.

45
46 Like I mentioned before, I discussed some of the analysis and
47 the bycatch models and sensitivity runs and taking into account
48 the TED effect, the exclusion device effect. Any reduction in

1 bycatch, like I said before, that's happened from 2005 to
2 present would count toward that 78 percent reduction and so no
3 specific measures yet.

4
5 **MS. JULIE MORRIS:** I have two questions, one having to do with
6 blacknose and shrimp and the other having to do with the
7 recreational harvest of blacknose. The shrimp question is has
8 the council been officially notified that we need to address
9 overfished blacknose in the shrimp fishery and do we have a two-
10 year period to address that? There hasn't been an official
11 notice? Will there be an official notice? Will there be a time
12 clock for us to respond to the shrimp harvest component of
13 blacknose?

14
15 **MS. SOUTHWARD-HOGAN:** We have sent a letter to the council
16 requesting that the council takes action. Yes, that has been
17 sent. As far as a timeframe, I defer to --

18
19 **MR. SHEPHERD GRIMES:** I would say the timeframe -- It's not your
20 fishery and so the time to implement a plan to rebuild it isn't
21 strictly applicable to us, I suppose, but given that HMS has a
22 timeline in addressing this issue and we're all part of the same
23 team, we need to cooperate in that effort and try to implement
24 something to help them meet their timeline.

25
26 **MS. MORRIS:** Maybe if you have any further thinking about that,
27 let us know, if we do have to respond to a timeline, because it
28 is one of our fisheries and it looks like there's some harvest.
29 I don't know if because we're a bycatch fishery we don't have to
30 respond to the timeline. That seems to be your suggestion.

31
32 **MR. GRIMES:** It's their fishery and their timeline for getting
33 their plan in place for ending overfishing, but if that plan is
34 going to involve reductions in a Gulf-managed shrimp fishery,
35 then we're going to have to incorporate that stuff.

36
37 I don't know that as far as an official notification that -- The
38 clock for overfishing is going to run based on the determination
39 that HMS received relative to the species and so we'll try to
40 track down the paper trail on that, but this is -- Again, this
41 is an issue that we've known about for ten months and we need
42 the wheels to turn on it, I guess.

43
44 **MS. MORRIS:** Then my second question has to do with your Action
45 D, D1, D2, D3, and D4. Your preferred action is to prohibit the
46 retention of blacknose sharks in the recreational fisheries and
47 you kind of breezed through that and I would like you to explain
48 a little bit more why that's the preferred alternative and if

1 it's possible for a recreational harvest to continue.
2
3 You have a number that it could be on one of the earlier tables
4 as if it could continue at a very low level and so why go for
5 the prohibition on recreational harvest?
6
7 **MS. SOUTHWARD-HOGAN:** Thank you for your question and I'm sorry
8 that I went quickly through that during the presentation. You
9 were speaking to Alternative D4, correct, the preferred
10 alternative for recreational.
11
12 One of the reasons that it is our preferred is it is not a
13 targeted species in our shark recreational or charter/headboat
14 fishery. Also, there is currently a four-and-a-half foot size
15 limit and so really, in the real world, there should be no
16 blacknose landed at all, but there are. Going to a catch and
17 release will help reduce the mortality and a 78 percent
18 reduction in recreational retention limits and it is not a
19 targeted species.
20
21 **CHAIRMAN SAPP:** A follow-up to that point. What you are, in
22 effect, doing is changing the allocation away from 88 percent
23 commercial and 12 percent recreational, based on the number of
24 fish harvested. I understand what the intention is and I
25 understand what the problems of it are.
26
27 We have a federal limit that says no blacknose can legally be
28 caught, because they don't grow up to the fifty-four-inch size
29 limit in order to be a legal fish, but it doesn't change the
30 fact that we have had a traditional harvest, a historical
31 harvest. Probably a good portion of that occurs within state
32 waters, where they are legally caught.
33
34 One of the things that I see we've asked for at several points
35 in this HMS draft document is cooperation with the states for
36 concurrent laws. In effect, you are reallocating and I want to
37 address this to Shep, because I think he's probably the
38 appropriate one to address this, because I think it becomes a
39 legal issue.
40
41 Shep, I refer you to Section 10 in this HMS 3 and this is the
42 section where they justify within the document that all of the
43 National Standards have been met and I address you to National
44 Standard 4 and it says if it becomes necessary to allocate or
45 assign fishing privileges among various U.S. fishermen that such
46 allocations should be fair and equitable to all fishermen.
47
48 It seems like the recreational fishermen are being left out of

1 this allocation and when we look down here at the defense of
2 what it is that we're doing, it doesn't address the issue of the
3 unfairness to the recreational fishermen. It looks like it's a
4 very narrow defense of the National Standard. Shep, my question
5 is, am I faulty in my thinking or can you develop that further
6 for me?

7
8 **MR. GRIMES:** I'll try. I'm not familiar -- Not being involved
9 with HMS, I'm not familiar with what other record they have to
10 support that, but you're right that National Standard 4 would
11 apply.

12
13 I would also say that fair and equitable would not necessarily
14 mean -- It doesn't mean equal and there may be other facts or
15 arguments that support their point. I guess another
16 consideration I would have in that regard are the provisions in
17 303(a) which require conservation and management measures which
18 reduce the overall harvest in the fishery and allocate recovery
19 benefits and harvest restrictions fairly and equitably among
20 commercial, recreational, and other charter fishing sectors in
21 the fishery.

22
23 I think those are things that would have to be addressed in the
24 record, but I am not familiar enough with the action or with the
25 record that they've built to really comment on whether they've
26 met that standard.

27
28 **CHAIRMAN SAPP:** LeAnn, do you want to comment on that?

29
30 **MS. SOUTHWARD-HOGAN:** Let me just comment briefly. As to the
31 fairness issue, if you look at commercial and recreational, the
32 hit that they're taking on the commercial side -- They're going
33 from a small coastal quota of 454 to a quota, in the preferred
34 alternative, to fifty-six and an elimination of an entire gear.
35 They're taking a dramatic hit in the commercial fishery.

36
37 When you look at that compared to the recreational fishery, it's
38 not a target fishery. Our number one goal is to end overfishing
39 of this species and for other species, like sandbar sharks,
40 which is a species that's overfished, we've implemented
41 rebuilding plans and went to a catch and release fishery for
42 sandbar sharks on the recreational side. It has been done and I
43 would say that is the record that we've built for other species
44 and shutting that directed fishery down for sandbar. That's
45 basically what I have to say on that.

46
47 **CHAIRMAN SAPP:** We'll get off this issue. I just hope that
48 before we have a final version of this amendment that there will

1 be some further consideration given to something that will allow
2 a continued participation of that recreational harvest. Whether
3 it be a size reduction, which is already in your options, or a
4 nine-month closed season would accomplish the same thing, it
5 just seems, for the sake of being fair, that it be incumbent on
6 you to do that.

7
8 **MR. FISCHER:** I wanted to visit makos for a second, but getting
9 back to this, it was really not fair from the onset of having
10 the fifty-four-inch limit applied to these fish, because they
11 don't grow that large. Just lumping them altogether as large
12 coastals wasn't a fair way of managing, just like if this
13 council were to group all snappers under one size limit and all
14 groupers under one size limit. It wouldn't be fair to the
15 smaller species and I never thought that was a fair method of
16 doing it.

17
18 My question is -- I just want to make sure I understand it and
19 I'm clear on shortfin makos. They're overfishing and who
20 determined -- Was this an ICCAT determination? This is the
21 entire Atlantic complex and the U.S. is taking less than 10
22 percent?

23
24 **MS. SOUTHWARD-HOGAN:** That's correct. The Atlantic Northwest
25 Atlantic stock is overfishing.

26
27 **MR. FISCHER:** I would think trying to put some of the recovery
28 burden on the recreational fishermen by increasing the size
29 limit wouldn't really have a grave effect when you look at who
30 is actually prosecuting the fishery and who is harvesting. It's
31 not going to satisfy any needs, except punishing the few people
32 who might catch a trophy fish.

33
34 **MS. SOUTHWARD-HOGAN:** That's correct. The preferred alternative
35 for shortfin makos will have no regulatory changes for that
36 species, recreational or commercial. At this time, we're not
37 proposing any changes for that species.

38
39 **CHAIRMAN SAPP:** We're running considerably over our allotted
40 time here and I've got Harlon on the list and I'll add Kay.

41
42 **MR. HARLON PEARCE:** I'm a little bit confused and so maybe you
43 can help me. The data that you're showing us, first off, is
44 from 2005 or before. When I look at your commercial gear
45 restrictions, it says nothing about shrimp or shrimp trawls in
46 your recommendations, your alternatives. The preferred
47 alternative is gillnet fisheries in South Carolina south and so
48 on.

1
2 Since 2005 -- You were looking for a 70 percent reduction I
3 think is what you're telling us. Since 2005, our shrimp fishery
4 has, if our number is right, over an 80 percent reduction in
5 effort and so shouldn't we already be there for you? Shouldn't
6 we have already done our job in the shrimp fishery so we should
7 not have to relook at this or revisit this?

8
9 All this talk about revisiting the shrimp plan I think is moot,
10 because we're there already and we've done what we need to do to
11 help the blacknose shark. Am I correct?

12
13 **MS. SOUTHWARD-HOGAN:** I can answer your first question and the
14 reason that you don't see measures for the shrimp trawl fishery
15 is because we don't manage the shrimp trawl fishery. We are
16 leaving that to the council. We are just taking actions on the
17 shark fisheries that we manage.

18
19 The reduction in shrimp trawl effort from 2005 to present, the
20 council will take that into consideration when they are deciding
21 what measures to implement and so I can't speak to how the
22 council takes those reductions from 2005 to the present and how
23 they move forward with their measures.

24
25 **MR. PEARCE:** I'm trying to get a direct answer. Wouldn't that
26 solve your problem if we're 80 percent reduced?

27
28 **MS. SOUTHWARD-HOGAN:** Yes.

29
30 **MR. PEARCE:** That's what I wanted to hear. Thank you.

31
32 **MS. WILLIAMS:** Thank you, LeAnn, and we're really not beating up
33 on you. We realize you're just the messenger. The only reason
34 I bring this up, and I almost had the fear of doing it, but to
35 me, it's necessary. I'm asking in the future that HMS has some
36 considerations for this.

37
38 If the council will look at this amendment and they will look at
39 Figure 2.3 and 2.4 also 2.5, under Figure 2.4, it says "Observed
40 Bottom Longline Sets from 1994 through 2007 Relative to the
41 Twenty-Fathom Line" and it also goes on to talk about how
42 National Marine Fisheries Service considered closing waters
43 inshore of the fifty fathoms in the Gulf of Mexico to shark
44 bottom longline gear as a way to reduce fishing pressure on
45 young blacknose sharks and to complement the Gulf of Mexico
46 Fishery Management Council's emergency rule for the reef fish
47 bottom longline gear, May 1, 2009.

48

1 The emergency rule prohibited the use of bottom longline gear
2 for reef fish in less than fifty fathoms for the entire eastern
3 Gulf of Mexico in order to reduce sea turtle interactions.
4 However, closing waters inshore of fifty fathoms would have a
5 large negative socioeconomic impact on the shark bottom longline
6 fishery for the Gulf of Mexico, as the majority of the shark
7 sets from the observer program from 1994 to 2007 occurred
8 inshore of twenty fathoms.

9
10 Because of this large socioeconomic impact, you all decided not
11 to further analyze this. I would like for you all to take a
12 look at the turtle situation that we are facing in the Gulf with
13 the reef fish fishery and I am so concerned in looking at these
14 graphs and thinking back to the density, the aerial survey of
15 the turtles, and how our logbooks are structured and some of the
16 comments that have been made that somehow this fishery for the
17 shark fishery and the fishery for the reef fish fishery perhaps
18 didn't get over calculated as far as in these extrapolations.

19
20 Even further than that, if in fact you've got all this effort
21 going on inside of twenty fathoms and you all look at that
22 aerial survey, the density part of it, I think we might have a
23 problem with turtles there as far as the bottom longline gear.
24 I would appreciate you, in another amendment or when you were
25 doing your analysis, just to look at the interactions. Thank
26 you.

27
28 **CHAIRMAN SAPP:** Are there any other HMS Amendment 3 questions
29 for LeAnn before we let her go?

30
31 **DR. CRABTREE:** I think what we need to figure out here, one, is
32 what is the timeline that HMS is looking for something? It's my
33 understanding that we're going to update or redo this assessment
34 next year?

35
36 **MS. SOUTHWARD-HOGAN:** The data workshop will start in early
37 spring of 2010 and so the assessment won't be completed probably
38 until early 2011.

39
40 **DR. CRABTREE:** Even if this council started doing something at
41 this meeting, we wouldn't take final action on it until that was
42 done and so I guess the question to HMS is, are you okay with
43 the council waiting until that SEDAR is completed and figuring
44 out what needs to be done on the shrimp side? That's Question
45 Number 1.

46
47 Then if the answer to that is no, something needs to happen more
48 quickly than that, we need to understand that about the time the

1 council would likely be taking action the new assessment would
2 be completed and we would probably have to rethink things.

3
4 Then we need some direct answers to the baseline question, given
5 the baselines -- I guess this would have to come from the
6 Science Center, but given the baselines that are involved here
7 and the trends in effort, are we or are we not there? If in
8 fact effort has fallen enough to meet our goals, then it seems
9 to me the council would write back to HMS and say that based on
10 this analysis from the Center and the trends we've seen that we
11 believe we already have met the goal and we don't need to take
12 an action to do that.

13
14 Somehow in all this we need to find out what the answer to
15 Corky's question is and where we are in terms of TED effects and
16 all the rest of these things, but I think we need to get some
17 resolutions to this and it seems to me the starting point is to
18 have some understanding of the timeline that HMS is on and when
19 they need this council to take some action, because it seems to
20 me that most of these questions about TED effects are best
21 addressed by the new stock assessment next year.

22
23 If it meets you guys' need for us to complete that process and
24 then take this on, I think that's the cleanest answer to it, but
25 I think the council needs a response to that, so we can figure
26 out where we're going.

27
28 **MS. SOUTHWARD-HOGAN:** Thanks, Roy. I will take that question
29 back and have an answer to you.

30
31 **CHAIRMAN SAPP:** Thank you, LeAnn. Any other questions? Thanks
32 so much for making the long trip and making the presentation.
33 That's the last item on our agenda. Is there any new business
34 to come before this committee? Hearing none, the committee is
35 adjourned.

36
37 (Whereupon, the meeting adjourned at 3:55 p.m., August 12,
38 2009.)

39
40 - - -
41