

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **DOLPHIN WAHOO ADVISORY PANEL**

**Hilton Garden Inn, Charleston Airport  
North Charleston, South Carolina**

### **SUMMARY MINUTES**

#### **Dolphin Wahoo AP Members:**

David Harter, Chairman  
Harris Huddle  
Fred Kinard  
Dr. Kyle Christiansen  
Tim Nettles

Dewey Hemilright  
Joseph Shute  
W.A. Phinney  
George Patterson  
Ray Rosher

#### **Council Members:**

David Cupka

Tom Swatzel

#### **Council Staff:**

Gregg Waugh  
Dr. Mike Errigo  
Dr. Brian Chevront  
Mike Collins

Kim Iverson  
Dr. Kari MacLauchlin  
John Carmichael

Observers and participants attached to back of document

APRIL 24, 2012

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The Dolphin Wahoo Advisory Panel of the South Atlantic Fishery Management Council convened in the Hilton Garden Inn, Charleston Airport, North Charleston, South Carolina, Tuesday morning, April 24, 2012, and was called to order at 8:30 o'clock a.m. by Chairman David Harter

DR. CHEUVRONT: (Recording started here) Brian Chevront, council staff, and we have a number of other council members and council staff here. We have Kari MacLauchlin, council staff; Gregg Waugh, council staff; Mike Collins. We have two council members with us. We have the Council Chairman, David Cupka; and council member Tom Swatzel, and we have a couple of members from the public here as well.

MR. HARTER: Yes, Don Hammond is behind us, and I think we all know Don Hammond.

DR. CHEUVRONT: And Rusty Hudson is over there as well. Okay, I think that has gotten everybody here.

MR. HARTER: Okay, I know everybody was sent the minutes. The minutes of the last meeting were rather daunting, to say the least, 101, 110 pages. I hope everybody had a chance to at least go through it and check out whatever they had said in the minutes. I know I did. It was hard for me to keep up with everybody else. If there were any corrections to those minutes, why please let us know about that. We have to have a motion then to approve those minutes if nobody has any changes.

**MR. SHUTE: I'll make a motion to approve them.**

MR. HARTER: Okay, Joe Shute; Captain Wally seconds. All in favor just raise your hand quickly. That's a unanimous approval. Okay, if there are no other changes to the agenda; no other changes, did we have to approve the agenda, by the way, by vote or not?

DR. CHEUVRONT: You can approve it just by consensus or something; you don't have to do a formal vote.

MR. HARTER: All right, since we had no changes to the agenda I assume if we there are no objections, we will approve it by unanimous consent. I guess Kim is up.

MS. IVERSON: Thank you for that introduction. Good morning, everyone, it is really great to see everybody again. Thank you for traveling this morning and being here and representing the advisory panel. We had two advisory panel meetings last week back to back. The Snapper Grouper Advisory Panel met and then the combined Deepwater Shrimp and Shrimp AP met on Friday. We've had busy AP meetings last week, and we'll continue on this week with your meeting this morning and then the Mackerel Advisory Panel will be coming in this afternoon.

I say that only because I wanted to go through the council process very quickly and kind of give you a refresher. I think some of you have seen this presentation before, so if you'll bear with me we'll go back through it again as kind of a refresher on the council process and the importance of the advisory panels in that process.

As you know, the councils are eight regional management councils in the country and they were created back in 1976 with the authorization of the Magnuson-Stevens Fishery Conservation and Management Act. That is the law of the land that governs federal fisheries throughout the country. The role of the councils is to conserve and manage for fisheries within its jurisdiction, to develop fishery management plans and subsequent amendments to those plans as necessary. This is a map showing the jurisdictions of the eight regional management councils.

If you start in the northeast corner there with yellow, that is the New England Council. Then you have the Mid-Atlantic Council, the South Atlantic Council; down in the Caribbean there is the Caribbean Council with U.S. Territories represented. In the Gulf, you come around the Gulf of Mexico Fishery Management Council; the western side of the U.S. you have the Pacific Council.

Off the coast of Alaska, the entire coast of Alaska represents the North Pacific Fishery Management Council. Then if you go out to Hawaii and the American Territories, you have the Western Pacific Council. You can see that it covers a great deal of federal waters across the country and out into the Western Pacific and Caribbean Territories.

Getting closer to home, the South Atlantic Council's Area of Jurisdiction begins at the North Carolina/Virginia Line and extends down to the Dry Tortugas. It ranges from waters from 3 to 200 miles offshore. I always say that it ranges; because as you get off South Florida, you can't go very far offshore without being in Bahamian Waters.

You do have some crossover there in that jurisdictional boundary and a lot of people that fish off of southeastern Florida over to the Bahamas. The council is responsible for the following management plans; the coastal migratory pelagics, which includes the king and Spanish mackerel and cobia; corals, dolphin and wahoo, which you're familiar with; golden crab. There is a habitat plan that has morphed into a fishery ecosystem plan.

The council actually has a management plan for sargassum. It was harvested back in the early eighties, I believe, off the coast of North Carolina, so the council has developed a plan and very limited harvest is allowed -- shrimp, which includes both deepwater shrimp and the penaeid shrimp fisheries; snapper grouper, which is our largest fishery; spiny lobster and the fishery ecosystem plan.

The spiny lobster fishery management plan and coastal migratory pelagics are both managed jointly with the Gulf of Mexico Fishery Management Council. Who are these people, who are these council members? They represent recreational and commercial fishermen. The state agencies for each of the southeastern states are represented. There are federal partners that are nonvoting members that include the U.S. Coast Guard, the U.S. Fish and Wildlife Service, the Atlantic States Marine Fisheries Commission, and the Department of State; NOAA Fisheries, the Regional Administrator is Roy Crabtree, and he is a voting member on the council.

There you see a recent photograph taken in Savannah at the March council meeting. The council members serve obligatory and at-large positions. They are nominated by the state's governor and then appointed by the Secretary of Commerce. The members serve three-year terms and they can serve up to three consecutive terms.

Our council chairman is here at this meeting this morning, David Cupka, from Charleston, South Carolina; and our council Vice-Chairman is Ben Hartig. He is a commercial fisherman from Hobe Sound, Florida. The council members serve on various committees, and those committees represent the fishery management plans that I just went over earlier.

In addition they have non-species-specific committees, things like a Law Enforcement Committee or the AP Selection Committee or our Executive Finance Committees that help with the administrative end of things. Of course, the Law Enforcement Committee provides law enforcement recommendations as management measures are put into place.

These council committees are where the work is primarily done. If you've been to a council meeting, and I'm sure most of you have at some point, you've seen that the committees meet earlier in the council meeting week and then generally on Thursday afternoon the council will go into full session where final decisions are made.

The councils operate under policy mandates. Of course, the Magnuson-Stevens Act, which initially created the council, there are ten national standards under which the councils operate. In 2007 the Magnuson-Stevens Act was reauthorized mandating that annual catch limits and accountability measures be put into place. I think you are all familiar with that.

In addition, the councils operate under the National Environmental Policy Act. NEPA requires that there are always alternatives given any time management measures are implemented or considered by the councils. There are several other policy mandates that the councils operate under, including the Marine Mammal Protection Act, Endangered Species Act and others.

In reviewing management plans and amendments, there are issues that must be considered in development of the management plans and amendments; biological needs, the economic impact and the social impacts. The biological data is collected in two ways. There are fishery-dependent data that include logbook data collected from commercial and charter captains as well as port agent interviews.

Then the Marine Recreational Information Program, or MRIP, formally known as MRFSS – and Brian will be talking more about that this morning as far as the changes that program has undergone recently. Then the fishery-independent surveys that involve research vessels and other means of collecting information outside of the fishery. Most of you are familiar with the MARMAP cruises. They operate out of the South Carolina Department of Natural Resources and cover the Southeast Region.

Economic and social impacts must be also considered. When you read an amendment to a fishery management plan, there are economic and social analysis that are done. Brian Chevront

on our staff is our staff economist and Kari MacLauchlin who is here this morning is our council staff social scientist. They work closely with the National Marine Fishery Service in developing social and economic impacts that are included in the amendments.

They have to assess how financially the community will be impacted and also social impacts of the management measures that are being proposed. Other considerations come from the Scientific and Statistical Committee. The SSC, with the Reauthorized Magnuson Act, has increased responsibilities and they provide baseline numbers to the council for management decisions to be made.

Those include the acceptable biological catch and overfishing levels under which the councils have to operate and then determine what the annual catch limits and accountability measures will be based on the recommendations from the SSC. There again, there are lots of acronyms. Most of you are familiar with these, but it is helpful I think sometimes to go back and review.

The SSC oftentimes reviews the SEDAR stock assessments that are done through the regional process. There is information on our website and also for the Southeast Fisheries Science Center on the most recent stock assessments that have been conducted through the SEDAR process. Public participation is key in the council process.

That was the original intent in 1976 when Congress implemented the Magnuson-Stevens Act. It is mandated; it is not an option. It is mandated through the Magnuson-Stevens Act and NEPA. It is essential to the council process and that is why you are here this morning. The council has 11 advisory panels including Coral; Dolphin Wahoo; Habitat and Environmental Protection; Information and Education; Law Enforcement; Mackerel, again including the coastal migratory pelagics; and Snapper Grouper; Deepwater Shrimp; Spiny Lobster. The advisory panel members, similar to the council, represent the fishery.

They represent recreational fishermen, charter, for-hire captains, commercial fishermen, wholesale and retail dealers, representatives from environmental organizations, scientists and generally members of the public that are interested in fisheries issues and have experience in those issues.

The AP duties and objectives are outlined in the council's SOPPs. They offer continuing advice on the assessments and specifications contained in the fishery management plans and amendments in regards to the capacity and extent to which fishing vessels will harvest the resource, the effect of the measures on the local economies and social structures, the potential conflicts between user groups and enforcement problems that may be peculiar for each of the fisheries.

The advisory panels provide recommendations through a formal report to the council committee. There, again, those committees are made up of council members. The AP report is considered by the committee and the committee in turn makes recommendations to the full council. In addition, the AP members act as an information source; not only to recommendations to the committee, but you are a useful resource for me.

When the members of the public call and they have a question about dolphin fishing in the southeast or wahoo or I have a reporter that calls and wants to talk with someone about issues off of North Carolina, for instance, relative to the dolphin fishery, I can pick up our membership directory. I can give them the contact information and put them in contact with a council member that may have experience.

I want to thank you for serving in that capacity, because it really is helpful for me to have that resource at hand, and I use it quite often. Public input also comes not only from the advisory panel process, but there are scoping meeting that are held early on when management measures are being considered.

Once those management measures are further developed, the council will hold a series of public hearings and throughout this process the council receives written comments. Those can be written by hand and sent via snail mail or also e-mail comments are always accepted. Looking at the fishery management plan, it is a process. Sometimes it can be a lengthy process, but that's intentional.

The management measures that are being considered by the council sometimes have far-reaching impacts. It starts out by identifying a management issue. That can be a statutory deadline under the Magnuson-Stevens Act, such as implementation of the annual catch limits and accountability measures, or it can be an issue that the advisory panel members bring to the table.

One of our advisory panel members with our Snapper Grouper AP said he thought that hogfish size limit should be increased' so when the council went out for public scoping back in January and February, that was one of the issues that was on the table. Early on in the process the advisory panel members make some recommendations and the council will take it out to public scoping.

I put the advisory panel there, the input with little asterisks, and that is because I don't want you to think there is only one time that your input is taken into consideration. You meet on a regular basis and you also are contacted by council staff I hope on a fairly regular basis to get your input. You're not just pigeonholed into one location within that process.

Your input is taken throughout the management process and you have a right to participate not just as an advisory panel member but as a member of the public to submit your individual comments as well. Once the process is developed a little bit further, the council develops a public hearing document with defined management alternatives.

Public hearings are held and written comments taken. Then the amendment would be approved by the council and that approval is for submission to the Secretary of Commerce. Once the council submits an amendment to the Secretary of Commerce, it goes through a review process where the National Marine Fisheries Service is involved.

NOAA Fisheries reviews the amendment, makes sure that all of the legal ramifications are covered and that all the mandates are covered, the policy mandates. Then that amendment is sent up to Silver Spring, up to headquarters where the Secretary of Commerce reviews it and

ultimately the secretary can either approve, disapprove, or partially approve the management measures within an amendment. Once that amendment is approved and the management measures are implemented – excuse me, the National Marine Fisheries Service or NOAA Fisheries actually is responsible for implementing the regulations. That’s kind of it in a nutshell. As I said, it’s a lengthy process and that makes it sometimes frustrating to some fishermen when you’re talking about issues for years at a time in some cases, but it is a deliberate and open public process. Some of the things that are on the table right now – some of you may receive the Southeast Fishery Bulletins when they were sent as hard copies and referred to them as the blue sheets, from the Southeast Regional Office. That’s a NOAA Fisheries publication.

Generally the Fishery bulletin will advise you when a rule is being reviewed by the secretary or regulations are about to be implemented. Generally there is a 30-day notice that’s required for implementation of any new regulations. Right now the council is taking public comments on the use of marine protected areas to help protect speckled hind and Warsaw grouper from bycatch mortality.

NOAA Fisheries is taking comment on Amendment 18A, which deals with black sea bass. It involves an endorsement program for the black sea bass pot fishery as well as increases in size limits for both commercial and recreational fisheries for black sea bass in order to help extend the season; Amendment 24, which involves red grouper rebuilding plan; and Amendment 20, which is dealing with the Wreckfish ITQ.

At any given time you’re going to see lots of different issues that are on the table through that management process, whether it be the council taking public comments or NOAA Fisheries taking public comment on any proposed regulations or sending you out these Fishery Bulletins. We forward these through our office to you, letting you know of pending regulations changes.

It’s enough to make a hogfish croak. It is a complicated process; and if anybody has any questions, I will be glad to help answer them. I think most everyone at the table is familiar, but I think it’s helpful sometimes to have an overview of how the advisory panel members fit into the process and show you that your input is taken into consideration at the committee and at the council level. Thank you very much. If you have any questions, I’ll be glad to answer them and I will be around this morning, too.

MR. PHINNEY: Since we’re looking at the big picture and I’ve got all the staff people here, there are a couple of things I want to bring out. Number one, is anything being studied about the lionfish? Down in the Jamaica area, I go down there and spend a week, and staff is bringing back 10 to 20 lionfish per trip. Anything being done off the South Carolina coast and see how much damage they are starting to create on these wrecks out there?

MS. IVERSON: Captain Wally, certainly the council has had presentations from NOAA Fisheries Service about lionfish. The National Marine Fisheries Service has a program that they are helping to increase public awareness of the problem. It’s not a species that is managed by the council. It is a non-indigenous invasive species.

The council, as I said, is aware of it, certainly, and has seen reports from researchers that have been doing some work off the coast of the Carolinas on some of the Deepwater MPAs and certainly off the southeastern coast of Florida. I think somebody else may be able to add to that, but I just wanted you to know that the council is aware of the problem.

We don't have a lionfish fishery management plan, but maybe we should and begin bag limits and size limits and let people go out there and they'll harvest them. I do know that there have been lots of rodeos and things like that held, lionfish rodeos by individual dive clubs and things like that in order to encourage people to harvest them. There has been some inquiry at one point from National Marine Fisheries Service to have some sort of commercial interest in harvesting them. I have personally eaten them.

Some of the restaurants here in Charleston have had them on the menu. I know some of the restaurants across the country are trying to find a reliable source from the commercial end of things, but it is my understanding that they're difficult to harvest in commercial quantities. But to answer your question, yes, the council is aware of the lionfish issue.

MR. PHINNEY: Yes thank you. The second question, since we're still looking at the big picture, the law enforcement, it is very weak down here in Beaufort County. I'm concerned about a lot of people just going crazy down here and just going over their limits and stuff like that. Is there going to be a turnaround anytime in the future about getting more law enforcement out in the water?

MS. IVERSON: Well, again, Captain Wally, it kind of goes back to budgets. Unfortunately, I think all of the states right now have been struggling for the last few years just to get fuel to go in the patrol vessels. There are joint enforcement agreements between the state and the federal agencies throughout the southeast, but enforcement is something that the council, like lionfish, has been made aware of for a much longer period of time.

The council has a Law Enforcement Advisory Panel, and it meets regularly and provides inputs and recommendations and a Law Enforcement Committee. I can't speak for individual law enforcement agencies, but I can tell you that the council is aware of the need to increase that and has made recommendations to NOAA Fisheries Law Enforcement Agency to increase penalties for when infractions do occur and have long supported increasing law enforcement and patrol efforts.

MR. PHINNEY: Yes thank you. Why don't they start working more closely with the charter boat captains to help them out when they see a violation?

MS. IVERSON: Well, a lot of times those things go unreported or they're reported anonymously. I think given the limited resources that that law enforcement agencies have currently, they do the best that they can. I know I get calls from them quite often asking about regulatory changes and trying to keep up with things, and they are being multi-tasked.

An enforcement officer at the state level may be working turkey season on Tuesday and trying to go run offshore and keep up with federal regulations on Thursday, within the same week.



They're required to do more with less right now. Certainly, anytime you see violations, there are 800 numbers that you can call and report them, but it does take time for that information to get processed and actually have an officer on duty to respond.

MR. PHINNEY: What I'm suggesting is why don't you send a charter boat captain a form or something they could write, and then they could send it in so they can start accumulating and zero in. It is usually certain boats that do it all the time, and sometimes I'm afraid I'm going to get shot.

MS. IVERSON: We could talk about this off the record or later on this morning, but if you have some issues that you'd like to discuss – and we can certainly make South Carolina DNR and law enforcement agencies aware of it. I'm sure they would appreciate any information that you can provide.

MR. HARTER: Brian, do you want to go ahead?

DR. CHEUVRONT: Thank you Mr. Chairman, and thanks Kim for the informative discussion that we just had. Before we go on much further, one of the things that we need to talk about is one of the big reasons why we wanted you all to come here today and to talk about some of the issues; the council is under some pressure from the National Marine Fisheries Service or working with the National Marine Fisheries Service looking at updating its ABCs, the allowable biological catch, and the ACLs, the annual catch limits.

Where we had the new MRFSS to MRIP, we have some new numbers. The council had requested, the Scientific and Statistical Committee to look at how they are going to re-estimate allowable catches based on these new numbers. At the time that this meeting was set up, the SSC still had not yet met and they now have – and we didn't have all of our re-estimates from MRFSS to MRIP at the time.

Well, the SSC met earlier this month and they did talk about the ABC Rule. They have something called an ABC Control Rule that sets up for them how they go about determining what that ABC is that the council needs to follow to help them set ACLs and all the other numbers that trickle down out of that.

The council was hoping that the SSC was going to give them some new ABCs for these new stocks based on the MRFSS/MRIP numbers. They talked about it; they talked about their method for calculating their ABCs. The method that they had used before helped them get the initial numbers, and they've been talking now about a report, which is referred to as the ORCS report.

That report has helped give them a new or modified method from what they had been using before. It refers to the only reliable catch stocks methods. It is a way of looking at setting allowable landings based simply on what has been caught in the past and based on what was reliable. It is for when there is no stock assessment.

The SSC wanted to look at how they could incorporate this new method into how they determine the ABCs. They were not able to do that at their meeting in April. The committee considers this ORCS method to be a more robust method for calculating these ABCs. They wanted to have a workshop held to address the specific details of how they're going to modify what they've been doing into incorporating this new ORCS method. They have not done that yet.

They wanted to have it, I guess, done prior to their October meeting, and then they wanted to finalize this in October. I want to get at least get nod, John, did I describe that all right? Okay, where we are now is we did not get the ABC recommendations for any of the species that we were hoping to get out of the SSC at their April meeting. If you have any questions about this method and how they're changing it, I was not at that meeting, John was, he would be able to help answer that, but the problem is that right now at this point we are not where we were hoping that we would be at this point. I would like to entertain any questions somebody might have regarding this method or this change in methods or how the SSC is going to go about doing this. Obviously, until they can provide some numbers, the council cannot deal with the issue yet.

MR. ROSHER: Can you explain the difference between old estimates and the new estimating procedures in a little more detail?

DR. CHEUVRONT: I'm actually going to ask John to do that because he is very much involved in that whole process.

MR. CARMICHAEL: I guess a quick overview of the situation. Most of you guys are aware that a number of years ago there was a review of the entire recreational data collection program, the private charterboat side, the MRFSS program as it's called. They noted some issues that needed to be changed.

One of the things they noted was that there was a disconnect between how samplers were going to sites and how the values were then being incorporated when they calculated the estimates. The gist of it is that if a site didn't have a lot of activity, the samplers would go to another site. By sites I'm meaning like a boat ramp or a mariner or something where they could encounter fishermen.

They would go to another site to try and get more data, so they could encounter more fishermen. But the problem was as they started making that change over time to try and increase their sample size, the number of fishermen they were encountering – because that was one of the concerns people had, was that they weren't encountering enough fishermen – they weren't making similar changes within how the estimates were calculated.

Because, within this they have their two-month periods and then they have their types of gears, their types of fishermen; you know, private, rental, party charter, shore, all of that. Then they also have the other characteristics that they use to stratify how they do this. They weren't doing – the weighting wasn't proper between how the samples were being collected and how they were calculating the estimates.

That was discovered during this review and they said you are creating a potential bias in your values, because if you go to a site with more people, what if their catch rates are different from the site with fewer people, and in some cases that turned out to be what was happening. One example that I can give you is that they've noted now that there were some changes in some species, say, in the Mid-Atlantic and Ocean City.

They thought that, well, what was happening is samplers were going to the more common areas where a lot of tourists were and there wasn't as much effort in the smaller ramps where a lot of the locals were, and they had different catch rates between them, which is not surprising at all. That's just one example of how that could create a problem in the final value. That's what went on for a number of years; and then during last year they came up with the calibration procedure where they could adjust for that.

They were able to do that because they knew what the samplers were doing in terms of, you were supposed to be at this site, but you went to that site. They were able then to compare what the original design was and what the samplers actually did in the field. In this case they were following the instructions. They wanted them to get more, so they were doing that. They knew where, instead of staying at Site A, I went over to Site B.

They knew that and then they knew how the estimates were being calculated. This is very complicated, obviously, because you have so many different levels of sampling going on. The experts burrowed into that process that they use, those calculations that they use, and came up with a correction factor.

What they've been able to do now is go back through – and I forget the years – I guess its 2004 and adjust the estimated catch rates for the sampling as it actually occurred. They were able to go back to 2004, because they have very good detailed information over where people were to be and then where people shifted to.

They could make a straight-up mathematical calculation without any assumption, so that they now have the proper weighting on their values. The basic thing is if I go and sample a site and I see one person and you go and sample a site and you see 99 people, your catch rate should count 99 times what mine counts, because I saw one person and you saw 99 when you look at the overall.

That wasn't really what was happening. It might have been I saw 10 people and you saw 50 people, but my catch rates were counted as if I saw 40 people. They fixed all of that so we have the new values, and that's now what we call MRIP. The complexity is you had – it was called MRFSS up until the start of this year. Then you had MRIP. You have a period of overlap where you have MRFSS and MRIP values for the catch that are available, and that's 2004 now through 2011, and it will be available through 2012.

What you have is for last year you have two different possible catch rates to look at, one based on the MRIP process and one based on the MRFSS process. With what the council does in terms of tracking catch rates, that's obviously a bit of an issue, because which one do you use? That's one of the issues the council is grappling with.

When we judge your catches against your ABC, which catch rate do we use, MRFSS or MRIP? What the council's intent is and the agencies intent is to make sure that you're judged against the numbers that created your limit. If your limit was created from MRFSS numbers, you should be judged against MRFSS numbers.

That means then in the future we're going to have to transition all of that stuff. All of those catch rates, we're going to have to have some transition into the different currency of the MRIP just to make sure that the fisheries are being treated fair. It's very complicated right now. There have been a lot of different workgroups working on this just in terms of actually having products and having people review it and go through it; you know, 18 months now and those guys who've actually made the corrections have been working on it for a year.

That is the first step of what is now becoming MRIP, and is the response to that review that pointed out the problems with the recreational data collection. The next step is a number of procedural changes that will take place and be implemented over the next couple years. They've been doing pilot studies on this to try and figure out how best to do it for three or four years now. I hope that I didn't get too far off track and covered your question, but we can follow up some more on this.

MR. ROSHER: Well, thank you for your explanation. The only problem I see is I've been involved in a little bit of the surveys at the dock. I don't know what everybody else's opinion here in this room is, but I really feel like it is still a very vague and assumptive process. If this were my business, I wouldn't invest money in this business.

I'm not being smart. I'm saying that if my business depended on accuracy, I don't think that's as accurate as we need to be to affect people's livelihoods on those estimates. The reason I say that is that my experience in being surveyed has not been – I don't think it really represents what we truly catch.

When I've been surveyed, some days it just happens that I'm sail fishing all day and I'm releasing sailfish; and then the next day when the party wants to go dolphin fishing and we catch 50 dolphin, they're not there to survey that. Just like you said, certain boat ramps or marinas or groups all have different efforts and levels of experience.

Not that this discussion right now is going to really change anything, but I'm just throwing my two cents in there that it seems like there has to be a better procedure. At our last meeting I mentioned something about tags. In the hunting world when you kill something you have to tag it.

I know this is a very controversial subject, but my thought is if I had to tag every dolphin, at least you'd know how many tags I used in a year by virtue of what I bought. I'd have to keep a certain number on my boat; and when I get low, I'm going to buy more. It may not be very accurate the first year, because people are going to overbuy.

But the second year, third year, fourth year, you are going to see a flow of tags that I used. I'm also in the tackle business. I know what things cost to make. It's not that expensive to make a one-time tag. Granted, there is always the human factor and people can play with the numbers and some people are honest and some people are not.

But the point is if enforcement was based on your fish being tagged, then it makes it a lot harder for people not to tag, especially if there are substantial penalties. I know I'm kind of digging deep into this, but we're having this meeting and making lots of rules that affect people's lives on what I think is a lot of extrapolation, for lack of a better word, and a lot of guess work.

I really believe that and I think that's the problem I have with a lot of what goes on with fishery management. Like I said, I wasn't trying to be mean when I said if this were my business I don't know that I would feel very successful with that process. I think you've got to start this whole process of fisheries management with accurate counting.

That's why I'm making a big deal out of this. If we're not counting the fish accurately, how in the heck do we know what has been harvested? How do we know what should be harvested? How do we know what should not be harvested? That's just my two cents. I don't know; maybe other comments could be added. Thank you.

MR. CARMICHAEL: I would say if you've listened in on an SSC meeting or gone to a SEDAR workshop, every one of the scientists agrees with you a hundred percent. It is extremely difficult to do this. One of the reasons the SSC here at the South Atlantic Council struggled so hard with giving the ABC recommendations that they are mandated to give by law is because they are very uncomfortable with the catch statistics that are available to them.

They understand that there are problems with the sampling. The snapper grouper fishery in particular, because that is a patchily distributed resource, it is very hard to get accurate catch statistics on those species. The uncertainty around those can be 100 percent because you really don't know what was caught.

We have species within snapper grouper that we were obligated to give catch limits for that may only show up in the catch records every couple of years. That means you are extremely uncertain, and it is because of the reasons, as you said, here in the South Atlantic fishermen can do very different things from day to day.

A guy can catch entirely different species because he went a little farther offshore; he went a little more north or a little more south; not as big an issue within the pelagic components, but especially within the commercial components where guys have really – they can target a spot and get a different species mix.

The scientists are aware of that. They would like to have the information, and everyone understands that it probably isn't as good as it should be. It sounds like you're in the charter side, so within that we understand – you know, one way the council has looked at getting better data there is to have a logbook and have charterboat fishermen report, like the headboat guys do, what you catch.

There will always be issues with that as you noted. It's people filling out the data and sending it in, and questions have been raised about that in the past. I don't think many would argue that is not a better source than simply going out and surveying 10 or 20 percent of the people and seeing that.

Now, the bigger nut here and the crunch is, of course, the private side. Can we have logbooks for every recreational fisherman? I don't know. Can you do mandatory reporting? I don't know. A lot of us hunt; we understand they do that for things like ducks. There are a lot of freshwater situations where you go into, where if you fish that water, you report back to kind of everything that you caught.

They did that in some areas when they opened up the striped bass fishery, that they had mandatory reporting of people who fished. The Potomac River did that when they opened up their fishery in May. You could get the permit but you had to report what you caught over the season. Whether you did it with a tag, which helps enforcement or some other way; I think there is an opportunity to do that and the scientists would be behind it a hundred percent because we know that cost-effective things come into consideration.

It is really hard to adequately survey this vast recreational fishery especially in the South Atlantic with a stratified random survey as we do. If you're really going to get the levels up to where you get a good estimate of something like silk snapper, you're going to have to sample an awful lot of fishermen, and that means people out at the boat ramps interviewing people, which is costly. Then you also have the other issues that you just can't solve by putting more samplers out there, which is what about people that leave from private docks where you can't go access them?

Scientists have thrown out lots of ideas like put a big vessel out in an inlet and intercept people as they come in; so you don't wait until when they get to land, you get them as they come in. Somewhere like off of Morehead, you could put a vessel right there and try to encourage people to come by or make it mandatory or something. There are ways to do this, and the scientists are fully aware of all these issues and they share your concerns about this.

AP MEMBER: Good way to get your vessel sunk.

MR. ROSHER: Well, in the last meeting I elaborated on that point exactly. To the point that was made earlier about lack of enforcement, you said the big vessel; in my opinion it should be the other way around. You could put a 20-foot vessel with one or two officers inside of an inlet and do random stops. As soon as they get done checking one vessel, the next one that comes gets checked, you know, inflatable boats, very safe, hard to sink, doesn't scratch a fiberglass boat.

It goes back to why I think the tagging would be important, because I'm also a commercial fisherman. I'm involved in really four sectors, which is recreational, charter, commercial, and I'm a wholesale retail licensed fish seller, fish buyer. I have experience in all four categories, and I do believe that the way the reporting is done now on my commercial side with my logbooks, I have stacks of logbooks I have to fill out for different licenses that I possess.

It is very lengthy and difficult. Some people simply don't do it or just report the bare minimum. Remember, that's self-reporting. The problem with giving logbooks to charterboats and recreational fishermen is it is very difficult. It's not easy to enforce laws if you are not enforcing them on the water.

In other words, once someone gets back to the dock, they've got a boat to clean, they've got family to take care of, business to take care of. It's easy to go, you know, what, I didn't catch anything. That's what is going to happen, that is the reality. They are not going to report. But if you have to put a tag in a fish and there is a little inflatable boat waiting in your inlet, trust me, people are going to put tags in them especially if your penalties are large enough.

You'd simply carry a Tupperware, or whatever with the different species of tags that you have to have. That's going to be your responsibility. I may regret the outcome of this if it ever happens, but I'm speaking unbiasedly, as I always do. What I have to say doesn't always benefit me. As a matter of fact many times it doesn't, but I have to tell the truth.

I believe that if I am going to volunteer my time for our future generations, we better do a good job at knowing what's killed, knowing what's harvested, policing it as well as managing it. That's our job here. We are all trying to do the right thing, and that is what is behind my comments, just so you know.

It may be a bad thing for me in the charter business, or commercial or recreational because it may create more limitations once people know what is really harvested, but I'm telling you I've spent my life hunting and fishing. I'm telling you that when you've got to put a tag on something and you know there may be a game warden waiting around the corner, you're going to tag it for fear of losing your license. You can mirror the procedures that have already been used in other sectors; just my two cents.

MR. HARTER: A number of years ago we had a federally funded program for South Carolina where South Carolina law enforcement guys were able to work offshore at our bottom fishing areas, anywhere up to 30, 40 miles offshore, and it was all paid for by the feds. I thought it was probably the most effective program I had ever seen in any of the coastal areas as far as making sure people were following the rules.

I got checked three times as much. I hadn't been checked inshore in 20 years, but I got checked three times one year offshore. They were doing the same thing. They were using soft boats, they could come up, and they weren't so much concerned about inspecting your vessel like a Coast Guard inspection; all they wanted to do was just talk to you about your fish and where you'd been fishing and stuff like that. It was a very friendly operation. The guys were great.

But if they could ever get back and get some more funding for that, I don't know how much it cost, but I'll tell you what, I thought it was the most effective one for being able to help control some of the fisheries on our offshore live bottom areas, whether it was the Snapper Banks or the North Holes or stuff, but I was really impressed. If they could get the money back to do that, that I thought was much more effective than anything else I've ever seen.

MR. ROSHER: For what it costs to run big boats offshore though, I feel like a small boat in inlets where we all have to pass is a much more cost-effective way to do it. If you don't know what day they are going to be in what inlet, if you just see them there on a routine basis in different inlets, the incidents of people breaking the law is going to diminish.

I think that's the ultimate goal. We're never going to check everybody. But I said this at the last meeting, I have never been stopped on the water; and I hate to say this, but I've never had my fish measured once. The closest I came to was about 25 years ago. Commercial jack fishing they came and did – it was back in the days when there was a lot more drug activity and they scoured the boat, machine guns the whole thing.

I was out engaged in jack fishing and they came off my bow with an inflatable. After about a two-hour search of the boat they said, "So what are you doing out here?" I said, "I'm amberjack fishing." "What's an amberjack look like?" I said, "Open the box." It was cored back then, we sold them cored. He said, "What does that look like whole?" I said to my mate get a blue runner and he held it up. I said, "They look kind of like that." "Oh, great, have a good day."

That's the closest I've come in 32 years to getting my fish checked. That is why I'm so passionate about this, because I know what a bad guy could get away with. I'm in no position to do anything wrong and I don't choose to, but there are a lot of people who do. That's the only reason I'm really adamant about it. I want to make things better. That is why I'm here.

MR. SHUTE: I kind of agree with what Ray was saying. The data we have out there right now can hurt or help us one way or the other. With the tagging program, it could do the same thing but we would have hard numbers. North Carolina experienced the same thing in the early nineties with the giant bluefin tuna. The first few years we didn't have a tagging program. People came in and said, "Man, we're catching a thousand fish. We're wearing them out."

Well, they were basing our catch ratio on what people were saying. We went to a tagging program and a thousand dropped to 300. We could catch more fish actually because they didn't close the season on us. Where it has got its plusses and minuses, it's going to be a nightmare in the private sector, there is no doubt about it.

I own a tackle shop and people don't want to do anymore than they absolutely have to. You are going to find the same thing in the North Carolina charter fleet. I mean, they are great guys but they look at any way that you put any type of restrictions on them as it is going to hurt them or put them out of business.

But in the long range, like the last time we met here last year, when we were actually talking about putting the two-fish-per-day limit on the wahoo; that would have totally shut North Carolina's charterboat fishing off. That is 40 to 50 percent of our fishing from September to May. We're experiencing the best wahoo fishing right now we've ever seen.

If something like this could eliminate all doubt, you've got hard facts where they think you're catching a thousand and you're only catching and you're only catching 500, it extends



everybody's season and you've got hard facts and numbers. The inflatable boat is a great idea. The guys really hate to be screwed with coming in the inlet; but if you could get a pair of those boats in there with two people on each boat, you do the same thing the Coast Guard does, you pull up alongside the boat and say continue on to your dock and you follow that boat on so you don't impede his process.

To check tags on a fish, it wouldn't take them five to ten minutes on each boat, hop back on and turn around if you've got two vessels doing the same thing. That would probably be less invasive to the guys. They wouldn't mind as much being stopped dead in an inlet with the current flowing and boats coming in and out.

There are ways around it, but you are going to get resistance to anything you do. It's going to be terrible, but like Ray said you would have hard facts eventually. It would take a while, but it sure would be better than spending a lot of money for estimates. I know that is what we are having to work with right now. Hard numbers are going to definitely be better than estimates I believe.

MR. ROSHER: One last comment and I'll shut up. Dewey operates – that's the one sector that really has to count their fish; and if I were Dewey, I'd be pretty upset at the system, because he's getting tagged, his group is getting tagged with all the accurate counts and the recreational and charter sector really gets off easy.

But to the point of cost of enforcement with inflatable boats, et cetera, do you have any idea what's spent on these estimates now? In other words, if we could reduce the dollars for manpower; I mean it has got to be astronomical what it costs to send people. I know when the girls would be at the back of my boat – I said I've never been checked on the water, what I meant is I've only been checked at the dock. I know sometimes my days, they vary, if somebody says I want to do this or I want to do that.

I could come in any time of the day. Some days I'd ask the girls how long have you been sitting here? About four or five hours, and I'm the only two charterboats at my dock. It's a great waste of manpower for what is really one report; whereas, if that manpower was shifted to something like an inlet, like in Dade County, where we're at in Miami, there are five ports people can come in. It's not that you have to have a boat at every port, but if it was random it could help. Some of those dollars spent in manpower now for surveys, it might be cheaper to do it the way we're talking about is my point.

MR. CARMICHAEL: I'm not certain what the entire budget is for the MRIP program, but its millions of dollars, it is many millions of dollars. The states contribute money to increase sample sizes. There are programs that ACCSP – like they have a recreational committee that have submitted proposals year after year, a couple hundred thousand dollars where they have increased the sample sizes to try and get the measure of uncertainty.

They have what they call their PSE, and it just shows you how uncertain the numbers are. They've tried to get those numbers down so you have more confidence in the estimates; a couple

hundred thousand dollars being devoted annually just to increase the sample size on some key southeast species to get more reliability. It does, it costs a lot of money.

One of the things is the issue you noted about, they're sitting at the dock and there are only a few boats there. That was kind of one of the problems where they might have sent those people to another dock, but they had to make sure that they calculated it correctly in the end. We've had a lot of discussions with the scientists about what kind of crazy ways could you do that would be more effective.

One of them is the idea that – once everyone gets back to land, they are all scattered. When there are private docks and then there are places where a lot of people are, but they may not be skilled, and then there is the guy that goes out every day that ties up in his backyard, has the highest catch rates that you never see, because you are not going to walk in his driveway and walk back there and get him.

The idea is that if you got to some point like we discussed at the inlet where everyone is, then you get a true random sample. You would get a much better sample of what's going on. Whether its vessels or – and we've talked about the idea if you just had a big floating dock out there and people came and tied up, and you had ten biologists on there and technicians taking the samples, and you were quick about it; and when a lot of people are coming in the afternoon and you had more staff out there, people could stop in; you'd check their fish and move on; throw a line to them, pull them up.

The thing is stationary so they're not drifting into currents and all that. There has got to be some way that you can do that. It's just the marine environment is tough. In freshwater fisheries a lot of times you have limited access points on a lake and they are able to go around there. They have methods where they do roving creel surveys where they get people during their trip rather than waiting until the end.

There are scientific methods that let you calculate the catch rates by talking to me maybe at the start of my trip and you at the end of your trip, and you three-quarters of the way, and you ask how much longer are you going to fish, and they keep track of that. I think that is one of the things they've looked at. One of the pilots was roving on the beach in North Carolina, because that is a huge area where you don't get many people, and using those incomplete trip methods to try and get estimates; something like that that could go out certainly in the inshore areas where maybe a vessel with a few samplers could just run up and down a river and stop people when they're fishing and say how much have you caught today.

There are methods out there and there are ways to be more efficient. One of the concerns is obviously support from the fishermen. I think the tagging idea is great. I've thought about that as we at the council grapple with this deepwater complex problem that we have; how do you control the catches out there when you know the sampling is bad for those fish?

If you figure that a hundred people went out of an inlet fishing and it's the middle of summer, most of them probably went out for pelagic stuff and not that many necessarily went out for bottom fish and stuff. That is, of course, going to vary seasonally. Getting the people that truly

went to the way offshore water and caught any fish, the chance of encountering them is often very slim. That's what we see.

Most of the trips you see, say, summertime offshore, people fishing dolphin, wahoo, pelagic stuff like that, so you don't get as many encounters of those fish and it makes it even more problematic. We thought what if you did have some sort of mandatory tag program. When you get your license, if you want to fish beyond 250 feet, you get so many of these tags and you put them in your fish when you're done.

Whether or not the recreational community will go for that or any kind of mandatory reporting, we just don't know yet. We're going to have to wait and see. The council has a committee that is dedicated on data collection things. Ideas like this can funnel up into them and they will put it out there and see what we can actually accomplish. I like these ideas. I don't think we're wasting time at all. I'm taking some notes on this; and the more ideas we can get coming up from you guys, the more chance we have of getting something the people actually support.

MR. ROSHER: Yes, Dr. Kyle just pulled it up; it was a \$10 million budget. That is quite a bit of money that could be used maybe in different directions to create better results. I think Joe's comment about a boat pulling up next to you and not slowing down your process, you've got to remember in the charter business you might have another charter waiting at the dock. Stopping a vessel who is making a living on the water is not a good thing, but throwing a guy on your boat and let him sample obviously in calm water – that is why I keep going back to the inlets, you know, inside the breakwaters. I don't know if that makes a lot of sense.

MR. HARTER: One thing that this committee can do, and we shouldn't forget that, is we can make recommendations. I think certainly in your case, Ray, if you would like to make a recommendation to the committee about the tagging program, that you think it would be really important to put in, especially for dolphin and wahoo, this committee can make that recommendation if you would like to do so.

MR. ROSHER: Yes, I'd like to make that recommendation.

MR. HARTER: If there are no objections from any of the other panel members.

DR. CHEUVRONT: Yes, let's get this in some formal language in the form of a motion and do this formally.

MR. HARTER: All right, we have time. If you want to write something up, that will be fine, okay, and we can do that. You want to do it now.

DR. CHEUVRONT: Yes, I'd like to do it right now.

MR. ROSHER: I think that's better; let's get it done. I'd like to make a motion that we research the possibility of a tagging program for at least dolphin and wahoo species.

AP MEMBER: Tag all of the harvested fish?

MR. ROSHER: Yes, tagging harvested fish that will help create accurate estimates of harvest.

MR. HEMILRIGHT: That would be for the recreational charter headboat industry?

MR. ROSHER: What are your feelings about commercial, Dewey? The fact that you already report, do you think that's – what is your opinion?

MR. HEMILRIGHT: I already report like through my logbook through where my dealer is. I feel like I'm pretty much taken care of with that. You hear it more and more, people talking about the tagging thing. It could be something where you do a pilot program, because most of the time stuff starts out as a pilot program.

You hear also about that the public has to buy in to a certain point. But then, again, as managers and people sitting around the table, we're brought together to come up with ideas. Even though selling it to the public, some of it you are not going to be able to sell, but a pilot program, it seems like that is how a lot of things start with logbooks or different things.

You've got to start somewhere. It's clearly and obviously what is going on now doesn't work. I guess you're making with this new MRIP program something that doesn't work, just make it work better somehow. It is just kind of like we don't agree with it but it is somewhere we've got to get some things.

I would recommend some type of pilot approach or pilot program for this. I think if you've got a lot of people that have a little expertise or thinking how to make something up that you put about seven or eight of them in a room or something, you come up with something and then you have another something that plays devil's advocate of why it is not going to work or something like that. But that is what I would recommend.

MR. ROSHER: I do commercial dolphin fish. too, just hook and line. The only problem I see is if one day I am on charter, my fish are tagged and I go out the next day and I'm on a commercial trip. I come into the same inlet with a bunch of dolphin not tagged. That is the only problem I see with not tagging a commercial fish.

MR. HEMILRIGHT: The only thing I would say about that is most of the time I don't know if when you go commercial fishing you carry like six people to go out there to commercial fishing with you, so there are different things that, hey, and it might be something that you declare or something before you leave the dock, because there are all types of stuff that's happening today that might encompass something more than just tagging. It might be electronic logbook type deal or something you do. There is a real wide variety of stuff that's going on nowadays that all stuff that everybody is looking at.

MR. ROSHER: Well, one other option might be when you're engaged in commercial, let's say jack fishing, you have to have your letters displayed on the boat. We would hang a board on the side, on each side with 12-inch letters of either – I can't remember if it's your commercial license number or your document number on your boat, but I mean it might be something that

you display when you're engaged in commercial fishing. That would separate a charter trip from a commercial trip.

MR. WAUGH: I'd encourage you to be specific with your request here. Remember, last year at your AP meeting we talked about ACLs, and those are in place now. You're talking about having a great wahoo year. Well, there is a hard quota on the recreational side now. The question is how do you want your harvest counted to track towards that recreational quota?

I think on the commercial side – I would encourage you to focus on the recreational side, because the commercial side I think we've got pretty well covered. The problem on the commercial side is timing, and not on the fishermen but on the dealers there is a lack of accountability. Certainly, on logbooks in the snapper grouper fishery there is no requirement – there is no consequence for them to fill in those logbooks at the end of the year and turn them in.

We have amendments that we're working on now that will plug those gaps. The hole that's left is the recreational side. Our scoping for CE-BA 3, Comprehensive Ecosystem-Based Amendment 3, we had in there establishing a tag program. The council has deferred that to CE-BA 4, which will pick up in 2013.

But you are left with the question here; your motion says research the possibility. I mean, scientists love doing research. I hunt deer; I chase turkeys a little bit. The states have an existing system. You apply for your tags; you have them. I don't think we need to research the possibility. To me the tricky part is can the feds let the states run the program?

I think maybe you all can have some thoughts in this area; because to me if the state is going to be issuing the program, then let the state determine what it costs them to issue a tag, just like they do now for deer, for turkey. We don't need to come in and reinvent the wheel. It's just that the states – and then from the state's perspective, I live here in South Carolina.

Our resource budget has been trashed. Can a state afford to do this? Well, if a state can charge what they need to charge to administer the program, then probably yes. I think existing programs at the state level that have tag programs that work, I think that is going to be a much more efficient way than having the feds start researching this.

MR. ROSHER: Should it read implement or recommend the implementation of a tag program? One last thing I would like to say is my intention for this idea is not to become an additional tax, a burdensome tax. Being in the tackle business, I have a pretty good idea what things cost we made here and elsewhere.

I would love to see it put up for competitive bid, so that we're not dealing with just someone stamping a price tag on it that may be unreasonable and saying, oh, this is two dollars per tag for a dolphin tag. I mean that is not a fair number. In other words, it's got to be – and I think I would like to put in that language something for a competitively priced tag. In other words, obviously we don't want counterfeits, but I don't think we've got to build a golden tag to put in a dolphin.

MR. SHUTE: I think something that North Carolina is looking to do right now, which like Gregg said, North Carolina has no money, period, for anything, period. We're done. I mean they've been cutting us back. We just cut back 1.4 million last year and they are wanting us to cut more this year.

But we're looking at raising fees now on our charterboat licenses, our commercial licenses and our recreational licenses by X-amount. It wouldn't be much but to help to implement programs like that, and possibly that would be one way to get some money to pay for this. With all the new federal regulations coming down with the turtles and the sturgeons and everything else, we're already in violation because we have no money for observer programs.

We have no money for enforcement programs. That's what we're looking at right now. But to get back to one of Gregg's points, too, talking about this being a great wahoo year, it may reduce your number of harvest. Well, it could also increase our number, because you're running off of fiction. You don't know how many fish are caught.

You are saying that, well, maybe you caught 100,000 pounds when in reality we only caught 75,000 pounds or we caught 400,000 pounds; who knows? This is going to be the only way you are ever going to know exactly what is going to be caught. This is going to be met with resistance; there is no way around it.

But if you tell a guy that is barely making it in the charterboat industry it is going to cost you \$200 more a year to participate in this program to know exactly what you're catching or next year we're going to cut your quota in half and put you out of business, what is he going to do? He's going to pay the extra money to keep going.

That's just commonsense; it is common business sense. It is going to be hard on the recreational sector, but if you add a reasonable amount that doesn't really hurt people – like Dewey said we may do this on a pilot program to see how it does; see what kind of resistance you get. It is the only way to take the guesswork out of it.

MR. HEMILRIGHT: I have one quick question for Gregg – I might have missed it – about the logbooks, filling out logbooks. Were you talking about on the commercial side? Well, if you don't fill out your logbook, you don't get your permit renewed. I wasn't sure what you were –

MR. WAUGH: That's why I was specific to snapper grouper. That's not the case – well, it is the case in snapper grouper, but what happens is at the end of the year – I can fish all year and not turn in one logbook. I apply to get my permit renewed; they send me back and said you haven't turned in your logbook. If it's a whole year, I might need a twelve pack, and I sit down that night and fill out my logbooks and send them in and I get my permit.

MR. HEMILRIGHT: But basically it better line up with what you unloaded at the dock through that whole year, because if one doesn't line up with the other, you don't get it. Second of all, on logbooks, it is my understanding that – and personal knowledge that most of the time they are at least six months behind; six months to a year on looking at that.

The dealer report gets looked at first. When pound is landed, you know the pounds landed. That is coming from the dealer. But as far as sitting down with your twelve pack and filling something out, you better make sure that when you get down further on that twelve pack that everything is jiving up with what you sold and what you're filling out; because if it doesn't, down the road that will come back to you.

MR. WAUGH: Well, Dewey, that is certainly a possibility. I know of no case or ongoing program that is doing that comparison, at least not in the southeast. My point in raising this was not to get into a discussion about logbook but to separate it. I think we're fixing the commercial side. Where we really need the help is on the recreational side. The commercial side is fixable, and it's a small portion of the fishermen that are not following the timelines.

Personally I think once the council – we're working on a joint dealer amendment with the Gulf Council. Once we finish that and put in some consequences to the dealers, and then we have other amendments we're working on and put in some consequences during the year to the fishermen such that if you haven't turned in your logbook, if you're a dealer you haven't turned in your reports and if you are a fisherman and you haven't turned in your reports, then you lose the ability to sell fish until you turn in those reports.

That has got to happen during the year, but we're already addressing that. Where we're short and where I think you all have the expertise is how do you want your recreational quota tracked? John has touched on MRIP. Is that okay for you guys or do you want to use a tag program? As you discuss this, if you can give – you all have sort of stepped around the cost.

If you can throw some figures on that, I think that would be helpful. What you think would be too much to charge. I buy four doe tags, five bucks each. Personally to me that is very reasonable, but now that is a deer versus a dolphin. But give us some guidance if you have a feel. I forget what the turkey ones are, but I'm sure some of you guys know.

Fred probably knows, but some idea of what you think would be too much. In the states looking at this they've got to look at, okay, what is going to be our cost? Joe, you pointed this out from North Carolina. They are starting in a hole. What is it going to cost us to send out a tag today. I guess if that is too high for you, then that is going to be a deal breaker right from the get go, but I think any guidance you can provide would be very helpful.

MR. SHUTE: In a perfect world everybody would go to the electronic. We're getting ready to set up another – it is not going to be a logbook, but it's going to be for the charterboats in North Carolina. We are going to try to put a program in. It's just a one sheet deal; you fished this day, you caught this many fish, and you submit it. It's not a great big logbook with a lot of pages. It takes 30 seconds to fill out.

They are going to try and have it in electronic form, too, to where they get the data real quick. Like I said, in a perfect world it wouldn't cost the state hardly anything to do something along those lines. But there again you've got to get the people to do it and that is a whole 'nother thing. It all comes down to if you can convince the people they're helping themselves instead of

hurting themselves, but that would be the most costly way of doing it. There, again, getting people to do it is a whole other world.

MR. HARTER: What would a tag like this look like and how would it function; what do you think?

MR. CARMICHAEL: My thought in listening to this discussion is you guys have probably seen examples of the technology. If you've ever caught a tagged fish that a biologist tagged, if you've ever participated in a voluntary tagging program like Don does – the Floy Tag Company is what most of the scientists use. There are a variety of tags.

The simplest and cheapest are what they call tee bars. They look like the little plastic tags that they use in retail industry to attach tags to your clothes when you buy them. They have that little plastic tab on the back and then it's stuck in the fabric. The trouble with those is those require a dedicated tagging gun and that might be some expense.

But those are the cheapest to buy a bazillion tags. The next up from that is like the dart tags where you can stick the tag up into a little stainless steel hollow needle and you jab it into the fish, which is used in most of the pelagic tagging programs. You pull the fish alongside and you stick him with that.

You pull the thing back and a little dart and that plastic streamer sticks in the fish. There is also like they used on the striped bass tags and a lot of ones where they handle the fish, they make a little slit and they stick a tag into the fish that has a plastic disc that's the backing that holds it. These tags cost pennies.

When you're buying – how many dolphins were caught last year 500,000 or more? When you're buying that number of tags and making them available, the cost goes way down. In this case you're not talking about something that needs to be visible after swimming around in the ocean for 15 years.

You're not talking about something that needs to be very big, because it's an enforcement tool, right? The enforcement guy gets to come in at the dock and look at it. He knows where you're supposed to put it. He can search for it. It means you've got a small product, which means you've got a lot less money.

It comes down to is it something that is going to be left on the fish forever. You get a next one, is it something that you reuse? Is it something you don't want people to be able to reuse unless they are able then to say, well, if it cost me five dollars for a thousand tags, but I catch 3,000 dolphins on my charterboat operation, I don't want to spend that money, I'm going to pull them out and reuse them; that would be a problem.

Another example is several years ago – several it has probably been 15 now – North Carolina had an issue with the size of their weakfish being different than the northeast. Dewey probably remembers this. They came up with a little metal clip, and it looked like something you'd see maybe at like some kind of tradeshow giveaway or something, but it was a little metal tag and it



said North Carolina weakfish on it. They came out straight in the bags and it had a tab on the back, and you just clipped into like the jawbone of the fish and you squeezed it down.

Those things cost next to nothing, I believe. They made them available to all the commercial fishermen to identify North Carolina weakfish, which were of a different size than the fish coming out of, say, New Jersey. You could do something like that. I think most of you guys have seen the technologies. Anything that you've seen in a store, hanging on clothes or like that is a very cheap technology that could be issued people and let them stick them on those fish.

MR. NETTLES: My idea of this is it would be something that is one use, like a cable zip tie or something; something that goes around the fish's tail, through a gill plate or something, zips on there, they can't take it off is my thought on that.

MR. ROSHER: Yes, that is exactly what we talked about last year is a one-time use zip tie that can't be tampered with. In other words, you can't be able to access the metal tooth that makes it unzip. It is a one-time use deal, it cannot be reused. I do think there is something to be said about maybe different colors for recreational versus for-hire.

In other words, as a charterboat I'd have to have a charterboat tag; and then if I were recreational fishing, I'd have to have recreational tags. I like to hear the word pennies, because I think that's acceptable and would make it more palatable to people. In the tackle business I can't imagine that it would cost more than – and I mean I'm going on a limb here, but 10 or 20 cents at most to make these in bulk.

It might be five cents, but the point is I think you would sell these no different – the same spots that you would sell a lobster license, a fishing license, at a tackle store. This become something that they carry and you go to your local tackle store and say I need a hundred dolphin tags for recreational use.

Granted, it's another item that they have to carry; but if they make a penny or two on it per tag, at least it's paying for their manpower and cost of inventory or whatever; whatever that margin needs to be is what I'm saying, but I can't imagine that it should be excessive. I mean this conversation could go on and on.

Maybe you could order a hundred at a time direct from your state agency and save that couple few cents from a tackle shop, I don't know. There are lots of ways you could slice this, but I think it's got to say recreational dolphin, and it can only be used one time and there is no way to tamper, which is only just the way that the tag would be molded; that the plastic would show evidence of tampering if someone tried to stick something in there to loosen the tooth to pull it out. Basically what you want to see is someone zips it through the gills of a dolphin; and at the dock when they go to clean the fish they cut it and discard it in the garbage.

MR. HARTER: Yes, I like that. As a 30-year veteran myself of tagging of a variety of fish, I like the wire tie idea the best. That is the only one I can think of that is pretty much un-reusable. That would be cheap.

MR. SHUTE: The good thing about it is it is like anything else you buy. I tie a lot of lures. I get different grades, different thicknesses of hair. You don't want anything that's going to last. A regular zip tie is designed to last forever outside. Have it made 75 percent thinner than what it is now. It's only going to be used once. You zip it on, and you could cut your cost. If it cost you five cents, you could cut it down to a penny and a half, or whatever. Like I said, they are color coded. They've already got the name dolphin or wahoo printed on the long stretch of the tab; it's quick and easy.

MR. ROSHER: The whole idea behind this to me is just to track a number of fish killed in a year. Like I said, the first year everybody is going to buy – there are going to be more tags inventoried on boats than there are fish killed. But by virtue of use, the next year you are going to really kind of buy what you need.

At least it gives you some idea, some tangible number that you can say this year we sold 500,000 tags; next year we only sold 300,000. The bottom line is what's left then is just an average weight to get – I said it in last year's meeting; my average weight is probably six to seven pounds on dolphin in South Florida. If you are off, you are off by one pound probably and that is a lot closer than what we're grabbing at now.

AP MEMBER: That was going to be my question is, yes, we've got numbers but you have no weights. When your catch limits are going by weights and not numbers of fish, correct; that you are just going to have to do an average, but you are still way ahead of where you were last year or the year before.

I do have one question comparing the two numbers. The MRIP versus the MRFSS, how far apart are these two? I mean, you guys have obviously done some calculations between what you have and what you think you might have had. I mean, can you give us an idea? Are these numbers 50 percent off, 100 percent off; are you in no ballpark together?

DR. CHEUVRONT: You're actually going to get a presentation on that in a few minutes when we get through with this discussion. If the chairman will indulge me here, I'd like to try to bring you all back around a little bit. We've got a motion on the table that was made. We don't have a second yet.

One of the other issues that you really haven't discussed too much yet is, great, if you all decide that you are interested in this tagging program; do you also want to make a recommendation about whether you would prefer to have a tag program be used to track the recreational ACL as opposed to using the MRFSS/MRIP method? If you guys wanted to weigh in on if you could get a tag program, what would you prefer to have the recreational ACL – what would you prefer have to be used to monitor the recreational ACL?

MR. HEMILRIGHT: First off, just thinking about that. to me it is way too early to decide what you want. First of all, I think that sitting around discussing at the table that this is something everybody appears to want to look into. Until you get a further pilot program or looking, you don't know that.

Not only that, there are growing pains with something that you are wanting to implement and look at that takes the time. I mean, sitting around the table and you get a bunch of different people, you tend to get your brainstorming in and it helps a lot better. Of course, somebody throws the cheap zip ties are definitely an interesting point.

Then how you get weights is something that you take different areas and different regions are measuring fish and weights and stuff like that. I think as far as – and I don't have a dog in this hunt here as about the recreational and what they want to track, but I wouldn't think that right now that you put all your cookies in one thing, because this is going to take a few years to work out.

How you track it, even though I've always been under the thought process what the recreational side is tracking, heck, it doesn't really matter because they are going to do their own thing anyway to a certain point, so I don't know how you are going to track. If the law says you have to track some way, it is going to be kind of difficult to figure it out, I just think.

MR. CARMICHAEL: A couple of the questions that have gone on, there is not a big difference between the values, as you'll see. We're not talking a hundred percent. Most of them within the error estimates of the last ones. There are a few species and situations where there are more substantial changes, but for the most part they are not much.

In terms of weight, there is nothing in the law that says you are obligated to do everything by weight. There are opportunities to do things by numbers, and that is something the council is looking into. If a program like this got started and were proven effective, people bought into it, it worked, then obviously if this is the accurate catch record, then this would be the type of thing you would want to use; and you could track it in numbers to avoid having to go out and have the weight information.

Now if we ever want to get a stock assessment of dolphin, we are going to have to get some other information besides simply the amount of fish harvested. It would be nice to have the life history information, but you could get that through a scientific sampling program. You wouldn't have to get that from the fishermen directly.

I think one of the things you have to remember is just because you've sold the tags doesn't mean the tag was used. Part of the research component of this is going to be how do you determine the difference between what was sold and what was used? What is the inventory left on hand on December 31? What if Joe buys 5,000 tags and he sells 3,000 over the year?

Well, do you want the agency counting how many were ordered by every fisherman and every tackle shop, in Bass Pro and Wal-Mart and everybody that decided to get in on this and sell the tags? All those people would have to say, okay, you know how many I bought from you; this is how many I have on hand.

There is a whole inventory from every individual that is going to be messing with these. If they sell them to individual fishermen, let's say I can go online and Amazon fulfills for the National Marine Fisheries dolphin tags, you've got to know how many that – I might have bought 500

tags thinking I was going to have a great year and didn't get to go fishing and I have 250 on hand at the end of the year.

Just because you've sold the tag doesn't mean you used the tag. To me that is another part of it that we're going to have to work out. I agree with Dewey, it's going to take some devil in the details kind of work to go from tag sold to tag used and to turn this into an effective program. But it's a great idea, I believe, and it's probably going to turn out to be something that is much more effective at getting an accurate record, but we have to work through this. It's a good discussion on this.

MR. KINARD: Returning to the motion, following up on what Gregg said, should we state the recommendation that the states do implementation?

MR. HEMILRIGHT: I kind of don't think that it's up to the states yet, because this is a federal-managed fishery. In the federal – there is not a whole bunch of mahi, well, maybe certain places in Florida it is caught in state waters. I believe it's just me personally it's up to the feds, and this is what the council is, because they are charged with managing these fish throughout its range.

Maybe they get buy-in from the state at a later level, but it is up to the feds because they are the ones charged with Magnuson on managing the fish and the counting of it. Something about thinking about – I might be wrong, but doesn't everybody that goes mahi fishing recreational have to have a license? Oh, you don't, just charterboat. I was just thinking of how if somebody had to have a license, you could maybe somehow when they got their license –

MR. SHUTE: Well, everybody has to have a recreational fishing license. Well, in North Carolina they do.

MR. CARMICHAEL: Right, everyone has to have a recreational fishing license. If your state is recognized by the feds, then that is acceptable. If it's not, then they have a registration for the private recreational guys that you do through the MRIP. Right now anyone that's fishing in the marine environment, in the federal waters, needs to have a license. It may be a state license; it may be the federal registration equivalent.

MR. HEMILRIGHT: There is something – and we're not going to solve it today, but there is something with this tagging program that I think can go on. It's just getting the people in the room and thought process out somehow to do something to look at, because I know in North Carolina we've got to – is it tag a giant, and it might be something else.

I know in like striped bass commercially, when we bring in striped bass, which we didn't bring in many this year, is that they have an orange tag that is big that they put around their mouth. But I definitely think that there is something here. It's just how to get everybody to figure it out and like I said a pilot program or something to look at.

MR. SHUTE: I kind of agree with Dewey; we've got a great idea in what Ray has come up with, and I think it could benefit everybody, but we're not going to change it overnight. If there is some way we could put a motion in to start a pilot program to where the feds could implement

this, because like Dewey said, it is a federally managed species, and allot X-amount to the states to do what little bit of clerical work they need to keep up with it, because we're not going to change it.

I think it would be a great idea or a great reason to put in a pilot program to get it started and just see how much cooperation you get from both the recreational sector and the charterboat sector. If it takes however long it takes, I mean we'd at least get some data back from that that we could then show people and say, hey, look this thing is working; this is what is going on, before we implemented the whole program.

MR. HARTER: All right, I don't think that will require a change to the motion there. I think we probably – if we've had enough discussion I think we can move on with this. Have we got a second to this motion? Captain Wally seconds the motion.

AP MEMBER: Shouldn't we identify who is to implement this?

MR. HARTER: Other than the people we're making the recommendation to, which is the council?

MR. ROSHER: Currently if you catch fish in federal waters and you transport those back through state, they can enforce limits and size limits, bag limits, or are they only enforcing state measures, you know, state limits? In other words, can't there be a cooperative effort? All the checking, as we talked before, would probably be easiest accomplished in state waters.

I don't know if there is a way to form some cooperation between both agencies, but at least as Dewey said other than that small stretch between Miami and Palm Beach, almost all the dolphin are caught in federal waters. Most of them are caught even in that stretch in federal waters. It is very rare that we get them inside of three miles.

MR. HEMILRIGHT: I think right now presently that in North Carolina that we pretty much parallel what the feds do. I'm pretty sure on all things, and most of the time you get that through Atlantic States working with the feds to make each thing complementary of each other. I think you are already getting that; that we get that to help out if something is done.

MR. HARTER: In South Carolina that is the same way. South Carolina adopts all the federal laws. They do federal law enforcement.

MR. ROSHER: The more I think about this; this could be a way to create a little more revenue for the states, if the feds could possibly help contribute to the state enforcement of this federal program. In other words, this could evolve into something that creates a little bit of help for our state's law enforcement.

I'm not a magician here on numbers, but I'm just saying that there is obviously some benefit to the feds for the state law enforcement agencies to police this. Maybe there is a way to help support them in this effort. But the tags would have to be installed in the area that they're caught in federal waters.

DR. CHEUVRONT: I think I would caution you not to modify this motion too much in terms of making it specific of how a tag program would work. A lot of it is going to be dictated by administrative financial issues that we don't know or can't know at this table that are constraints on how this program would run.

I think the important point that if you guys are really interested in a tag program, that is what you need to be made known. Then before anything – trust me if this goes forward and the council decides they want to move ahead on it, if they come up with something, it is probably going to come back to you before it becomes reality. You'll have a chance to comment on the plan as they are trying to develop it. I think this is a great start if this is where you all wanted to head.

MR. HARTER: All right, if we have no further discussion, all in favor. Let the record show it is unanimous approval.

DR. CHEUVRONT: Would you like to have a break, Mr. Chairman?

MR. HARTER: Let's have a break, guys.

DR. CHEUVRONT: When we come back, I think we'll go on to the MRFSS/MRIP discussion if we're through with this.

(Whereupon, a recess was taken.)

MR. HARTER: All right, Brian, you indicated you want to revisit this motion? Brian needs to revisit this motion of ours for some clarification for the minutes.

DR. CHEUVRONT: Yes, all I wanted to do is we had discussed this motion and it got crafted a little bit from what had originally been stated. We've got somebody who is going to transcribe the minutes of this meeting, and so I just wanted to go back and read into the record the motion as it was passed.

**The motion was recommend the implementation of a competitively priced tag program for dolphin and wahoo that will indicate accurate harvest for all recreational components for the for-hire and private sectors.** Thank you, that was it. Now, I think what we are going to do is we are going to move on to Dr. Mike Errigo is going to be talking about the MRFSS and the MRIP estimates and changes and how all that has gone.

DR. ERRIGO: Well John, gave a pretty good overview of what the actual differences are between how they estimated MRFSS and how they estimate MRIP. He said how they didn't take into consideration when they went to different sites that we may have to weight them differently because of the amount of effort going into a certain site or the ability to catch fish out of one site versus another.

They fixed all that and they went backwards in time only to 2004 and re-estimated the catch numbers. They are looking into going back even further right now. They are hoping by the fall

to be able to go back to 1999, although there is no set date on when they'll be able to do that or even if they will be able to do it.

Then further back, they are not even sure if they will be able to do that, because they need certain information to be able to go backwards in time and re-estimate all of these numbers. What I have here is we have re-estimates from 2004-2011. This is dolphin catches back to 1986, recreational catch of dolphin back to 1986 in pounds. Over here on the end is the comparison between the old MRFSS and the new MRIP.

The orange is the old MRFSS and the red is the new MRIP. As you can see, the difference is not that large. It's pretty big really only for this one year, 2004, but as we go forward in time the numbers match up much better. Then in 2011 they're only off by 10,000 pounds from each other. The differences are not that big. That is dolphin let me just show you – oh, up here, anyway, the current ABC is 13.5 million pounds.

If we use the same method that the SSC used the last time when they set the ABC for dolphin, it would come out to almost 15 million pounds, so it would actually go up. However, Brian and John had mentioned that there is this new method that they are going to use called the ORCS method, and so I don't know how that will come out.

They haven't even figured out how that exactly is going to work. They are going to figure that out this summer. We'll have a better idea of what we are looking at for ABCs in the fall. Then here is wahoo. Again, the differences are not that large. MRFSS is in orange, MRIP is in red. You'll actually see that the peaks are higher for the MRIP numbers than they were for the MRFSS.

I should also mention that all of these differences are within the confidence intervals that they came up with for the new MRIP numbers. That's just the amount of scatter around the points. All the estimates are within the confidence intervals, so that just means that they are not statistically different. They are pretty much the same number as far as statistics goes.

Obviously, there are some differences. Then by 2011 the differences are pretty small, 60,000 pounds, so that's what it looks like. Again, if we looked at what the current ABC is and what the actual third highest would be, it goes up a little bit. It goes up by 200,000 pounds. Again, in the fall we'll see what the actual ABC estimates are going to be with this new ORCS method.

That's really all I've got. The differences between MRFSS and MRIP are pretty small for these species compared to some of the other species where there is a systematic difference, meaning that they are always lower or they are always higher. For dolphin and wahoo it is pretty random.

DR. CHEUVRONT: Are there any questions or anything for Mike or any clarifications you would like to hear about these landings?

AP MEMBER: Quick question; why do you think they are smaller or the differences are less in 2011 or recently; was there less moving from place to place?

DR. ERRIGO: Yes, as time went on here, some of the methods changed a little bit. I don't know all the specifics about how the changes happened, but the methodology has evolved for MRFSS over time. That is one of the reasons why they stopped going backwards in time at 2004.

Before that there was some significant change in the methodology, which made it difficult for them to go backwards. As time went on, there are several changes that happened in this time period from 2004 to the present. I think that is probably one of the reasons why the numbers are so similar is just because the way they processed MRFSS is more similar to the way they are going to process MRIP in the future.

AP MEMBER: Does that make you more confident in the numbers in your data since they are the same?

DR. ERRIGO: Well, yes, it's nice to see that there is no real bad biases in any of the – in fact, most of the species are like this, small differences, kind of random, whether it is higher or lower. That's really good to see. It shows that we have some confidence in the landings that we used in the past. Let's say for stock assessments, we can be pretty confident that the result of a stock assessment, like if you put these numbers in, the new MRIP numbers for dolphin or wahoo into a stock assessment, they wouldn't change the outcome.

MR. HARTER: No more questions, so, Brian, do you want to go on to your sector allocations?

DR. CHEUVRONT: Thanks, Mike, I think we don't have anymore questions right now, but if you think of something that you would like to ask Mike later, that's fine. He'll be around for a while and you can talk to him specifically or if you we have something that we want to bring up later.

One of the things that had been brought up in discussion primarily about dolphin in preparation for this meeting and talking with a couple of the AP members prior to this meeting starting was the issue that the AP had made a recommendation for sector allocations for the dolphin fishery. There was a rather lengthy discussion about this at your meeting last April.

The council ended up choosing another method for figuring out the allocation from what you all had recommended, and you haven't had a chance to talk about that yet. What you had recommended was that before the ABC, ACL alphabet soup stuff started – remember that dolphin had a soft cap on it in which the commercial sector was allocated up 13 percent or up to 1.5 million pounds of the dolphin landings.

We actually came pretty close to that on the commercial side a couple years ago but did not exceed those 1.5 million pounds. The recommendation that was made by this AP last spring was that since we had to move to hard numbers on what they recreational – the recreational side was going to have hard numbers for the first time in the form of an ACL, that this sort of be codified.

Your recommendation was that the sector allocation, it should still go – it should go to 13 percent, the commercial sector, and the remaining 87 percent would go to the recreational sector.



What the council ended up doing was applying a method that they had used in other fisheries that was based on a percentage of historical catch division between the sectors.

When they did that, it ended up with the commercial ACL was then reduced to 7.3 percent of the total ACL. The recreational ACL was at 92.7 percent. Since you all haven't had a chance to talk about that as an AP, in discussions with a couple of people prior to this meeting we thought that we might want to open that discussion up again and just to have you all say whether you would like to have the council reconsider the allocation; are you happy with what they did based on the method they used, but we wanted to open it up to a general discussion of this allocation again, if you all wanted to do that.

MR. HEMILRIGHT: What was the methodology that was used and how was it produced? Something else, it seemed like there were a couple things that the council did different – voted on than what our preferred alternatives here. I'd like to expand more, but once explaining what the process was for these allocation methodology.

DR. CHEUVRONT: I think the numbers went back from – I think it was 1986-2008, but we'll have to check that to confirm, that but I think those were the years' landings that were used. What they did is they looked proportionately between the recreational sector and the commercial sector over that long period of time and figured out what percent was commercial and what percent was recreational.

Then what they did is they looked at the most recent of that time series to give more weight to the more recent years as to how the fishery was playing out. Those two percentages were then averaged together. When you look at the actual landings between the commercial and the recreational sector allocations, it turned out that using that method, 7.3 percent on average is what was landed by the commercial sector; and then that 92.7 percent was what was landed by the recreational sector.

MR. HEMILRIGHT: That methodology, if you took and looked at – how was it weighted; like 50 percent come from historical catch and 50 percent from this new rule?

DR. CHEUVRONT: 50 percent from historical catch, which was the long time series, and 50 percent from the shorter time series, which I think was the most recent three or four years.

MR. HEMILRIGHT: Why did they choose the most recent three years? What I'm getting at is basically around this table here, everybody last year, we had a great discussion. The discussion was – and I led it for the most part on the commercial side – is that if we caught 1.5 million pounds, got up to our cap, the recreational would be catching a lot of fish and charters.

I felt and I think everybody else, if my memory serves me correct, that in this economic time there was no need to cut people back. Even though I question it don't mean it changes anything, just how this allocation issue, when you look about the reasons for certain things; the reasons why the recreational in certain years didn't go fishing was because the price of fuel was \$4.75, so that cut back their allocations. They didn't go fishing and harvest some fish.

It seemed like we were kind of arbitrarily and capricious – and that’s a word I’m not really used to saying much – arriving at this. I look at it like this. I hope it doesn’t affect me commercially or the commercial sector. In a few years it did affect us. I believe it should have stayed with the 1.5 million pounds, which would have kept it at 87/13.

I believe that the methodology for the 50 percent now and 50 percent later, I think the reason why it got weighted, I believe that part weighted in favor of the recreational side. I believe it should have been left at our discussion, and I was happy with our discussion at the last AP meeting.

It seemed like everybody else was, too, because there was only one thing that we didn’t unanimously agree on and that was the size limit. In North Carolina we wanted to make sure that the charterboats would catch the 20 inchers, you know, that they had with their charters and the rest of the crowd. They wanted to go with size limits.

That is the only thing we weren’t unanimous on. I just at the end of the day don’t want some new law or new allocation scheme or methodology to be putting people out of business when there is no need of it. That’s my frustration here. I know we recommend to the council. The council chooses and does as it pleases, I’m very much aware of it. I don’t know why the council chose to do this new weighted version and where that came up from. I was kind of wondering where the – somebody said it was the Boyles’ Law. Where did that –

DR. CHEUVRONT: That came from – the council use to have an Allocation Committee. When all this was coming down about the Revised Magnuson Act and having to come up with these ABCs, ACLs and all, and the council was faced with having to consider allocations by sector so that they could manage the ACLs separately between the commercial and the recreational sectors; that allocation committee met and tried to figure out methods for how you figure out how do you go about allocating these fisheries?

We went around and around after several meetings of how they were going to handle that. The only thing that they could come to some kind of agreement on that seemed to be more objective and less subjective and the criteria that were used to make those decisions was to use historical landings.

The committee also felt that because fisheries change over time, that they should look at something more than just the entire historical series that they felt was reliable; that they should somehow weight the more recent years in the series as being more indicative of where the fishery currently is and probably is headed.

That is how this – it’s a mathematical formula that came up that looked at the ratio between the commercial sector and the recreational sector in all the different species where it’s been applied over that time series, the long time series, and that accounts for 50 percent of where the overall sector allocation goes to versus the same thing for the more recent allocation. Then they add the two numbers together and that’s how they come up with the allocations, and that was the best thing that committee was able to come up with.

MR. HEMILRIGHT: Basically, it changes allocation stuff, because when I go back to the factors in some years, you look at the weightiness of the recreational industry, it is like the commercials were getting penalized because the recreational didn't catch enough in this scenario I'm looking at.

I just hope that it doesn't close people down in the commercial side. I believe there is enough dolphins out there, and I believe that putting us at 7 percent is wrong, because I believe it could years affect us when there is a lot of mahi around. It just wasn't a need of it. I believe that buffer for us to keep fishing all up and down the coast on the commercial side, that 500,000 pounds should have stayed there.

I would venture to say that if you looked up Boyles' Law and went back over and applied it across all of the sectors of allocation of what you all did, I would venture to say it probably didn't favor the commercial side very much. I believe it changed the allocations and I believe that if you went back and looked into it and you put every species out there, that what I'm saying about favoring one side or the other, I believe it would clearly show that.

That's why when this committee or AP members voted that we thought that it was leaving it like this, because we felt the economics and putting people out of work just wasn't needed for this resource. The council chose different so that's why this is a hard one for me to swallow. I think that when you go back and look, like I said, that this was put in place, the allocation scheme, not only in this, but I believe it would favor the recreational side all these Boyles' Law and the catch weighted. I believe if the council did analysis of that, it is probably in the meeting minutes somewhere. I have a hard time with what the council did, because I know it could ultimately affect people commercial fishing and there was no need of it.

DR. CHEUVRONT: That's fine and that is because of concerns like the one that you're bringing up now is the reason why we put this on the agenda to be discussed again. You can do with this as you like. If you'd like to make a motion – because you realize the council is going to have to go back and revisit ACLs and things and stuff in the future, and they can change sector allocations if they would like to.

Because what the council ended up with was using a different method or using a method that was consistent with the other fisheries but not consistent with what the AP recommended, at this point we wanted to bring it back and allow you all to decide whether you would like to bring this to the attention of the council by making a motion or whatever it is you would like to do, or just have this discussion and say we're okay with it.

MR. ROSHER: Dewey, did you guys ever meet your million and a half pounds? Can you give me an idea roughly the last two years or three years what your catch was commercially, just so we can get a feel of what the trend is in terms of fish populations, harvest levels, et cetera. Because I agree with you, I don't see why there is a reason, especially in light of Don Hammond's discussion last year talking about the dolphin population being the healthiest of all the populations managed here – I look at it as an unnecessary restriction, but if you could just educate us a little bit on what has been harvested and what your thoughts are. Should it be a million pounds or 10 percent or something? Maybe we can get a motion together.

MR. HEMILRIGHT: Yes, I look at as first of all nothing has changed since the time we met here last year. That recommendation from me, my thought process stands. As far as harvesting or achieving the 1.5 million pounds, that was the soft cap applied. I believe we came close one year. Also in that one year we came close to the recreational side or charter side both together had a great year like we did.

Second of all, I think last year – heck, I don't even know what it was last year. I want to say I read something the other day that the commercial side caught 700,000 pounds, but that might not be right. I know in North Carolina we didn't catch a whole bunch last year; we just didn't see the fish and I was bottom fishing.

At that, nothing has changed since this advisory panel met last year and we recommended 1.5 million pounds. Nothing has changed based on the biology of the fish. I don't know what the recreational side caught last year, because you don't know that until a couple of years from now when it's done. I just know that I don't think there was any reason to change this.

I don't want it to have affect when it was no need to. I looked at also the way this is set up; that if the dolphin fishing was just unreal, that the dolphin could be caught. I experienced this in spiny dogfish; the dolphin could be caught before it ever got to its northern range, meaning that in spiny dogfish fishery we had a quota and the fish migrate to the south.

Well, the north caught them before they got to the south. We didn't fish for a bunch of years in North Carolina. It took a while to get that changed. I don't see there was a need to do anything here. I don't sit on the council so it is obvious that we only can recommend to them. I would recommend and want to make a motion after much discussion that we go back to our same thing we recommended last year because we see nothing changed in a year.

I don't believe that we can gauge or this isn't gauged on how good the dolphins are doing, what we are going to put the commercial quota at, you know, how good the stock is. If that was the case, we'd be looking at the recreational side, too. I could go on and on, but I would recommend after a discussion and everybody put their thoughts on the table that we go back to what we recommended last year, the same thing.

Nothing has changed from that last year. I tend to think if you've got a resource, if we're worried about the fish first; closely, the way I think, the commercial fishermen – and my thing is that fishermen, whether it's recreational or commercial, are right behind the fish. If the fishing is good, you know, that person who is ever right behind it ought to be thought about also.

That's why I am not in favor of the way they weighted it, because I believe – and I'm going to look for it, that it was probably weighted, because it was favoring one side over the other to a certain point, which I believe that is wrong. And this will be the last on this round of discussion, my comment.

In those few years the recreational side, maybe high fuel prices there was a couple of year, people couldn't go mahi fishing, so that brought their level of harvest down. It might have

shown the commercial side catching more or something, which I don't believe it did. But I would be in favor of going back to our motion we made last year. It was only a year ago we were here, something like that. I don't see nothing has changed that far. I see the council has done something different, but as far as us, the stuff coming for us, nothing is done different.

MR. ROSHER: Brian, one question; what is your opinion on how we could get something done in this matter? In other words, would you recommend – do you think the odds are better of making a proposal to go back to 1.5 million pounds or do you think there is a better chance of a small compromise on the commercial side to get something, to get more for what Dewey is asking? I'm just trying to understand how it works.

DR. CHEUVRONT: I'm loathe to give an opinion because as a staff member you guys are here to give us your opinions. However, just to clarify, the motion that you all had made last year, because the ACLs can go up and down based on whatever they have for stock assessments and things; that if you stated it in terms of percent as opposed to actual pounds, because if you had recommended, for example, 1.5 million pounds for the commercial allocation; if the overall ACL dropped, the council would then either have to modify the commercial ACL or let it stand.

Then the commercial sector would be getting a much higher percentage of the overall ACL. My recommendation to you would be to consider stating your motion, if you want to do it this way, in terms of a percent, and 13 percent was part of that soft cap as well. Now if you're looking at some landings' issues here, we don't have the commercial landings for 2011 yet.

But for just the last three years, the commercial landings, in 2008 it was about 760,000 pounds. In 2009, and that was the big year, that was about 1.15 million pounds, and in 2010 it was about 670,000 pounds. But right now the commercial ACL at 7.3 percent is just slightly over one million pounds. If that had been in place in 2009, the commercial sector would have blown its ACL, its share of the ACL, and would have probably been facing potentially paybacks or something like that.

What I recommend that you guys do is if you want to make a motion to make a recommendation to the council to change this back to what you had done originally is to make sure you give a clear explanation as to your reason why you think the council should do this, because that is going to be a major deciding factor to get them to reconsider this. If they bring this up for a vote to reconsider it, they will want to know why you want this.

MR. HEMILRIGHT: I think that some different times in the industries – the reason why I think is because to keep people viable in fishing, where I'm just particularly through the commercial side, is that had this been in place a year ago or two years ago, we would have been over our annual catch limit. It was clearly thought – the reason why I'd like this to go around in 1.5 million pounds is because that keeps people fishing, that number would keep people fishing.

That's something that the council had no problem in the past. Nothing has changed since our last meeting. I would almost think what has changed, the council changed in their vote and said, hey, it should be this. I still think that it should be what we discussed at the table. I also think that the

reason why we discuss these things, that kept us under – I can't get all these ABCs and all that stuff straight, but it kept us under everything that we could do on both sides.

I think the discussion was around the table a lot, because I just don't want it to be up there when there was no need of having this a million pounds when it could have been 1.25 million pounds. Because two years ago, we went over and I know how the mahi works. Well, I don't know how they work, because if I did we'd all be catching them or something.

But just looking at the migratory pattern and how if you have a quota it can be caught up here quicker and then the people up north – I mean, the reason why something should be constrained is because there is a problem with the stock. A paltry 13 percent interest for the commercial side based on historical allocations, I have no problems with, but if there is something wrong with this stock, it is going to affect the recreational more than it is the commercial.

If that commercial guy catches a million to 1.5 million pounds, that recreational people and the charter industry, they're going to be catching a heck of a lot less if fuel gets way up there or something else happens. The justification for doing this and continuing on is, I think it needs to say the same as we voted on last year.

I don't see the need for changing – nothing else has changed, just some creativity by the council in their methodology, which we've still got to look over to see how they come up with. I would ask that – and you say how about a compromise, well, nothing has changed since last year, so why aren't we requesting it the same for last year. I'd be more than willing on the other side if the shoe was on the other foot.

Had it been a problem with the stock, then you would have to say, hey, well, hold on a second here, this ain't a stock problem. It doesn't appear to be. When it comes to allocations, there are going to be winners or losers, and I don't see us from one point looking at here that we need to go down that road. Maybe I'm wrong. I'd like to hear everybody else's opinion on it.

MR. SHUTE: I agree with the status quo, the way we have it right now. I haven't seen any need to change it since we first met in Key West. Everything seems to be about the same, not a whole lot of changes since then. Everybody kind of went along with the 87/13 deal last time and personally I think we need to stick with it.

DR. CHEUVRONT: I wanted to clarify status quo right now is 7.3 and 92.7, but you're in favor of going back to the 13/87?

MR. SHUTE: Exactly, 87/13.

MR. ROSHER: I'm sorry to bring this up. I was going to wait until later, but it is kind of related because we're talking about allocations. At our last meeting we had a vote on allowing for-hire vessels to sell their fish. The proposal was to disallow it. Our vote, if I remember correctly, was 7 to 2 to allow it. Then the council voted to end for-hire sales.

I will try to be brief, but I can tell you in as short a story as possible that it is a real unnecessary law. It is really hurting a crippled industry in the face of the economy and fuel prices. Charter fishermen bring lots and lots of benefits to local economies and national economies. I told this story last time I was here, my two days of fishing prior to the meeting.

My two groups spent over \$7,000 to kill about 40 pounds of fish and release 6 sailfish. That is just an example. Granted, it is an extreme example, but it is real. Those are real numbers. One of my biggest missions here is to somehow figure out a way to allow for-hire vessels to sell their leftover catch. Understand that some of these boats don't leave the dock unless the boat is able to sell some of their fish.

For instance, there may be people that come to the dock and can't afford a full-day charter. The charter operator and mate can opt to say, well, we'll do it for half price but we keep the fish. I am only endorsing this for boats that are properly licensed, no different than Dewey or anybody else that has been in the commercial fishery.

I'm not trying to increase the sale of dolphin, but I'm saying that boats that have historically sold them legally, reported the income, paid taxes on that income, those boats should be allowed to fish. The reason I have to bring it up now is we're talking about allocations. As Dewey mentioned, one of the problems with for-hire vessels selling dolphin is it counts against – they are recreationally caught fish that count against a commercial quota.

Is there a way to possibly allow that increase from where it is now, status quo as you mentioned, from 93 and 7 to go back to a 13 and 87; and one of the reasons would be to allow for-hire vessels to sell their fish?. I know it kind of convolutes things a little, but I'm telling you this is an issue that I feel very strongly about and I think it was really a mistake to make that law. Thousands of signatures were sent to the Secretary of Commerce once it was announced the law was on their desk.

Restaurant organizations to the tune of 10,000 restaurants wrote a letter to the Secretary of Commerce in behalf of the charterboats being able to sell their fish, because it does help local restaurants provide fresh domestic fish to the area. I'm trying to wrap a lot of thoughts into one comment here, but I'm saying that I would be behind a proposal to go back to an 87/13 and allow for-hire vessels. I don't know if that would need to happen in two proposals, but I'd like both of those things to happen today if possible.

MR. HARTER: Brian, do you recall what was probably their strongest reason for not going with our recommendation on that? It took me a little by surprise, too.

DR. CHEUVRONT: I can't say for certain other than I think it was to be consistent with what they had done in management of other fisheries. I do want to add one bit of information here. Based on the current ACL, if you look at the commercial allocation, if it went to 13 percent, you are talking about it being along the order of about 1.7 million pounds is 13 percent of the current allocation. Of course, that could change if the ACL went down, but it could also go up if the ACL was to go up.

MR. HEMILRIGHT: How did we get it – I'm not looking for the increase, I'm looking for something that we've been on the same track for a long time, the 1.5 million. Second of all, I understand Ray's argument. I voted for allowing them to sell the stuff with all the proper permits. I don't know if I would be in favor of enticing all this together, because I think about, first of all, we have to go back and look.

That would be documented from each state how much was sold under the charter, and how much it's going to affect. I think it is both. Basically, what we're at here is that this advisory panel recommended, and it's a recommendation to the council on the particular things or items. Well, when a couple of particular items, they didn't go along, they didn't have favor in our recommendations, which is we're sitting back here around the table asking what can we do.

Instead of tying something back together, it needs to go back up. Our recommendations should be the same as we did last time, because what has changed here was the new methodology, which I guess was that place last time. Last year when we looked at this, was this allocation methodology on the table or did it come on the table later?

MR. HARTER: I think Gregg has got some input on this.

MR. WAUGH: Yes, it was on the table and we talked about that. That was the percentage that you all looked at. What you recommended was basically staying with what was in place from the original Dolphin Wahoo FMP, which was 1.5 million pounds – well, 13 percent or 1.5 million pounds as what we called at that time a soft cap.

If it went above that, the council would look at it and then look at changing the regulations. But the council talked about this a lot and they weighed your recommendation very seriously, and we had a series of motions that were made and votes that were taken. I believe it was at the special August meeting when we finalized our Comprehensive ACL Amendment.

There were some council members that felt that in reality we already had an allocation in place for dolphin, which was a 13 percent; but since it was couched in terms of that being a soft allocation or soft quota, there were other council members that felt that wasn't really a quota, wasn't really an allocation, and they favored applying the Boyles' Law methodology across the board. As I recall, it was a very close vote and there were substitute motions made to advance the allocation that you had suggested, and it was narrowly defeated. I know there are a number of council members that are interested in looking at this again, and it will come up again. That's why it is before you now.

MR. ROSHER: Dewey, do you think we should just make two different proposals and recommend to the council – being in light of what Gregg said, if it was narrowly defeated, there are some members of the council that are new and they might respect the opinion of everybody that is here.

MR. HEMILRIGHT: I don't think we have nothing to lose. It is obvious when the council processes it is about the votes. Maybe there are some more people in line at the council now has



a different thought process. If there was a problem with the stock, we'd be talking about some different things here. At this time now it doesn't appear that way.

In these economic times people that have properly permitted and been doing it for years should be allowed to continue. Something maybe also we look at is getting a better handle on what is sold in the future or something, but we just don't need to be putting people out of business. I understand it is about the fish, but right behind that fish is people's livelihood and jobs.

I would recommend that we send them back up with not looking at percentage that would keep us at 1.5 million pounds; given the fact that the commercial has caught 1.5 million, the recreational crowd is going to have an excellent fishery, too, a great fishery. Something else that does trouble me in the future is about how these fish migrate and how it could be caught up before it got to the northern states and those opportunities and stuff.

I would recommend that we have two motions, you know, the same motions that we had last year – it would be pretty easy, everybody agreed to that – and send them back up and our reasons for it is the discussion on the table. We have two council people, Chairman Cupka and Councilman Swatzel, in the audience over there. I think that is all we can do, because at the end of the day it's a recommendation. We recommended it last year and we're putting it again back up to this year.

MR. ROSHER: One last thing I'd like to say; part of what motivates my comments about my request is in the 12 months that have passed since our last meeting – and I am telling you 100 percent truth – I have had the best dolphin fishing I have seen that lasted all 12 months. I can't recall ever seeing that and my memory goes back quite a while; average size, more legal fish than I've ever seen.

In almost every trip in the last 12 months we've caught at least one or two dolphin. I had limits through last fall into the winter. We were catching limits of dolphin in November and December. I think this is synonymous with what Don Hammond said. He felt that this was a species that was healthy.

Granted, we could have a very cold winter this upcoming winter and the appearance of the fish could change, but I can tell you that when the conditions were good, I've never seen bait stocks or dolphin stocks at a healthier state. As I said, that is 100 percent truth. I'm here for the future generations. I have three children. I would not make a rule that I felt is going to be shortsighted. I just want to throw that out there that I think that we're not talking about the last buffalo here. I'm really concerned for the livelihoods of people.

I can tell you, in reference to your quota, Dewey, that the charter industry is shrinking. I can say that for a fact, there are people that are falling by the wayside, which is one of the reasons I'm here today to fight for the rights of the charterboats to survive at least in our area. Other states outside of Florida, maybe that's not as – I don't know how all the laws work regionally, but I can tell you in South Florida and in the Keys the dolphin sale is a really big issue.

It is going to hurt a lot of guys and some boats are already out of business. What I'm telling you, Dewey, is I'm not that worried about an increased draw on your quota. I'm in favor of the quota being where it was before at that 1.5 million estimate, and I don't see that allowing charterboats to sell fish is going to be any different than it was five years ago or three years ago, which I don't think is going to stop you from fishing. That is my only two cents on that.

MR. HARTER: Does anybody want to craft a motion? I'm assuming the motion you are talking about doing is just to reiterate what we had recommended last year. Are we talking about the single motion as far as a percentage?

DR. CHEUVRONT: I would recommend that you do this as two motions as opposed to trying to put it all into one.

MR. PHINNEY: Can we have a cap for the commercial like 1.5 million and they cannot exceed that; have 13 percent but yet they cannot exceed 1.5 million or a certain poundage?

MR. HEMILRIGHT: What percentage can you get 1.5 million out of the ABC? What I'm trying to look at is that at 1.5 million pounds; whatever percentage that is, is what I would recommend.

DR. CHEUVRONT: Right now just looking at the – because the ABC is about 14.6 million pounds. You are going to be pretty darned close. A little over 10 percent will get you close to that and 11 percent will get you very close, but that is on the current ABC, and that can change over time. Think about how you feel about that.

MR. NETTLES: Can I say something here? I think the whole problem with this, and no one has really said it is, we're talking about a fish that is not in trouble, as Dewey said. We're talking about a fish that doesn't have a long life span; it is highly migratory. I think it is in a lot of people's craws putting a hard cap on either recreational or commercial when it's not a fish that we're really worried about getting in trouble because of its biological life span.

MR. ROSHER: It's the one fish that really inhabits the entire globe in the tropical region. Like last summer, I took a boat to Bermuda to fish for a month and all the way across we're catching them. I mean, how many are there? I'm not saying that it is an unlimited supply, but you're talking about, as Tim said, a supply that is a lot better off because of its widespread dispersion over all the oceans of the tropical zones. It's not a fish that is to be worried as much as fish that is limited to a reef area.

MR. HEMILRIGHT: How does it work with your percentages; and if you went with 13, it would be 1.7 million pounds, but how do you get it back down to, say – and they could change, and that change would be based on, what, a stock assessment or something like that?

DR. CHEUVRONT: It would probably be based on a stock assessment, and the ABC would probably stay pretty close to where it is now. The SSC could make a recommended change for ABC based on their reinterpretation of how to deal with the ORCS model or something like that. That could adjust it either up or down. The change from MRFSS to MRIP data might have some

slight impact. I think the one thing I could probably say with some certainty is that it probably won't stay exactly what it is right now, but it will probably be pretty close to that in the long run, until we have a stock assessment.

MR. HEMILRIGHT: We don't know what is happening five years from now, but I feel comfortable on the commercial side with 1.5 million pounds as somewhere – whatever that percentage is, if it's 10.8 percent of the ABC right now or if it is 11 percent, just something like that, because that shows you we're not increasing either on the commercial side, probably decreasing. Well, I know we are. I'm not looking to gain; I'm looking to stay even.

Based on a structure, the biology of the fish is good and there are fish around. Predominantly commercials, and predominantly for pelagic longline fishing, the size of the mahi we catch, are old fish and they're not going to be here next year because of natural mortality or something else based on all the science we know.

The average catch on a mahi trip could be 12, 16 pounders, 20 pounders. We're not catching the smaller fish. They're getting a chance to reproduce or something like that. That is all however the motion needs to be crafted – I would say a motion for 11, whatever 1.5 million pound ABC is. It needs to be – if we're going to click over one or two, half a percent and do whatever.

DR. CHEUVRONT: I just did the math on it real quickly just based on the numbers that we have and it is about 10.3 percent is equivalent to about 1.5 million pounds.

MR. SHUTE: Could you not leave it at 13 percent but put down there 13 percent not to exceed 1.5 million pounds? Wouldn't that be the easiest way to do it; either/or. I mean that way you wouldn't be decreasing, but you still wouldn't exceed the 1.5 million pounds.

DR. CHEUVRONT: You could do that. I think that will get your intention to the council. I don't think there are any other ACLs that are stated that way, but I am not sure that there is a reason why it couldn't be. If you want to do it that way, you could probably just go ahead and state it in those terms, if that is what you prefer.

MR. HEMILRIGHT: Because basically nothing through all this Magnuson-Stevens Act and the reauthorization, nothing is changing our fisheries, it's just the laws that we've had to been applied to what we're doing. This 87/13 and 1.5 has been around. I remember my first dolphin meeting I came to, it was in 1997 down here in Charleston, in like August, and that was time when the longliners, they caught some fish and everybody was in an uproar, and so they put a 1.5 million cap, soft cap.

Nothing has changed with everybody fishing and the dolphin stocks. Everything else around us has changed, but not the stock, basically, to where we've limited or done something like that. Whatever you could come up with, your percentages that you said, I think would be great in a form of a motion. Then also, not only for this one, but also the same about allowing the people to sell their fish, if you're properly licensed and documented, and because people need that opportunity, that was two things that I fell out of real big favor with the council on their vote, because I think these two things are going to affect people.

AP MEMBER: Brian, if the ABC does change, will they come back to the APs and to the committees to readdress the percentages again?

DR. CHEUVRONT: Are you talking about the ACL changes? They will get the information back to you, but I'm not sure that it will get back to you in time for you to meet before they take action on it. If I'm not mistaken, they can do this through a framework action and that means they don't have to go through the full amendment process to do that as long as just the ACL is changing.

If they are changing sector allocations, I think that they may have to do that through an FMP process; I'm not sure. I'm trying to get this thing to move along. I've started with a motion up here that we could at least start to see if this captures what you are saying, and then we can modify it as we go along just to make sure, so we can get something up here so that somebody can make a motion, and then we can get you all to vote on it.

MR. HEMILRIGHT: I would put up there adopt a commercial sector allocation.

DR. CHEUVRONT: That's a word I dropped out.

**MR. SHUTE: I'll make that motion for what you have there, recommend that the council adopt the 13 percent allocation not to exceed 1.5 million pounds for the commercial sector; and remaining gives 87 percent to the recreational sector.**

MR. ROSHER: I second it.

MR. HARTER: All right, all in favor. **Let it show it was a unanimous approval.** Now do we want to make a separate motion concerning the for-hire sales?

**MR. ROSHER: Yes, I'd like to make a motion that returns the ability of the for-hire vessels to sell their catch if properly licensed. I mean, obviously that doesn't need to be said, but that is what I'm after. Would it be beneficial to say as recommended in the last meeting? I don't know if that adds any weight to it.**

MR. HARTER: Yes, we could just say re-recommend. Have we got a second, gentlemen?

MR. SHUTE: I'll second it if nobody else will.

MR. HARTER: Any further discussion, gentlemen? All in favor. **Let the record show it was unanimously approved.**

DR. CHEUVRONT: Mr. Chairman, that is all that we had on our agenda. I don't know if anybody else has any other business that you wanted to entertain at this time.

MR. HARTER: Dewey, just out of curiosity – I didn't want to complicate the discussion – we've all talked about the effect of both recreationally and commercially how fuel prices have

affected us. How has the importation of dolphin affected your efforts, which, of course, indicates some indication of success one way or the other? What kind of trends are you seeing as far as import prices for dolphin?

MR. HEMILRIGHT: A lot of times, you know, people in restaurants they are going to have to have that product year round so they'll go import. As far as from me seeing and it basically boils down to the dollar amount affecting me, if I catch some mahi, I haven't seen that affecting me. Last year there wasn't a lot of mahi for us up in North Carolina.

The price, if you had some mahi, was probably \$2.50 a pound to the boat. I'm just venturing to say \$2.50, \$3.00 a pound to the boat. In certain places it might affect some people, but the way the mahi does, sometimes you look at some of the importing states where the mahi comes from, there have been some limitations put on them, Panama for one. Their harvest of mahi has been curtailed through different types of regulations they've put in their countries.

Mahi kind of come through waves; when there are a lot of mahi, people are catching them and stuff like that, the price might drop down a little for a week or so or something and then next thing you know it kind of clears up and the unit price goes back up. As far as the imports affecting me, I don't see it because it is not like our domestic market supplies everybody.

Our domestic market supplies that restaurant, that nice restaurant or somebody wants to serve fresh fish, you know, we've got plenty of restaurants that want to serve fish. They might call it fresh but it's not. It would be interesting, and I don't know this off the top of my head just what the U.S. does import in mahi a year, import into this country.

MR. SHUTE: It's over 90, probably closer to 95 percent of the import.

MR. HEMILRIGHT: Does that mean that on the commercial side if we caught a million pounds, that 10 million pounds would be coming into this country? A few years ago I got to go to Brazil and fish, and we were fishing off Victoria, Brazil, and Cabo Frio, Rio de Janeiro out there and we were mahi fishing. It was kind of different.

The mahi would come over, some big mahi, and what they would do is they would take them, we'd catch them and we'd stay out for like three to five days, three to ten days, something like that, bring them back to the dock, they'd cut the heads off, halfway to the head, then they'd ship them to fresh markets in the states and stuff like that.

Our market in the U.S. is so – for fresh fish it is such a limited time period. It's kind of like soft crabs; you all have got the blue crabs. When you shed crabs, here everybody has got soft crabs this time of the year. You eat it this time of the year, come October or November you are not eating mahi on the Mid-Atlantic coast or something. You're eating whatever else is there at the time. As far as massive import and shutting it down, if we were closer to 50-50 catching a lot of imports, then you might see stuff, but we're like a niche market in the U.S. It doesn't effect, I don't see any effect.

DR. CHEUVRONT: Mr. Chairman, I just want to make sure that – I added one word to that motion you all just passed – just to make sure that if somebody was looking at this motion out of context that they would recognize that we were talking about solely the dolphin catch; that you all are recommending that the council allow the for-hire sector to sell, and I just wanted to make sure that was clear; and that if anybody had anything they wanted to say about that at this point, go ahead and do it now; but following the conversation that is what we were talking about.

MR. HARTER: Yes, we've kind of ignored wahoo a little bit here. Did you want to include wahoo?

MR. ROSHER: Yes, I think that would be advisable. Did they only limit dolphin sales or dolphin and wahoo?

DR. CHEUVRONT: I believe it was both.

MR. ROSHER: I'm sorry, I was so focused on dolphin I didn't see the word wahoo.

DR. CHEUVRONT: Dolphin and wahoo both were prohibited there, recreational sales.

MR. WAUGH: Wahoo were prohibited in the original Dolphin Wahoo FMP. What we did in the Comprehensive ACL was to prohibit dolphin sales.

MR. ROSHER: Does anybody have a problem allowing dolphin and wahoo? As I think you said last year, Joe, the amount of wahoo we catch on a charter are very minimal. I think if there is a chance to sell either one – obviously, if we don't handle this properly on the for-hire sector, we are going to lose our customers. It's not something we are going to wrestle fish out of their hands; but if fish are left for us or that is part of our compensation for the trip, I feel that it should be allowed to be sold, if that is mutually agreed upon by all parties.

MR. SHUTE: Certain times of year it would be real big in North Carolina. Probably if you had got your limit of wahoo and a party came from New Jersey or Chicago and they only want to take two or three fish back and you're left with eight or ten fish on the dock, it would be nice for them to be able to get rid of especially to the restaurants that like fresh fish that time of year.

MR. ROSHER: Yes, one of the things I've heard talking to one of the council members is that their goal is to make laws that are enforceable, which is one of the reasons why I think it is good to re-propose these things. This is one of the new members. Their goal is to make laws that are enforceable; and when you start trying to shut everybody down on the charter sector from selling fish, it is hard to do. I'm not endorsing it at all, but I just believe that allowing them to sell a couple fish here and there to help supplement their income is a good thing. We have to police ourselves or we'll be out of business.

MR. SHUTE: The think about it is like you said it's going to happen one way or the other. You might as well make it legal.

MR. ROSHER: Well, the benefit that this council member said was that now these fish get counted in the quota and taxes get paid on that money. You are legitimizing what has been happening since long before we were born. I think that's what we all have to remember, this has historically been allowed in the charter industry since before we were around. To me it is problematic to start overpolicing and overmanaging an industry that obviously has gotten where it's at by making good decisions and not overharvesting, just doing the right things.

I don't think this is a wrong thing and that is the only reason I'm fighting for it. One last thing to say, remember not too many years ago there were no size limits on dolphin and no number limits. I participated in that slaughter, I hate to say. But now with those limits in place on both wahoo and dolphin, I believe that it is okay to allow the sale of some of these fish. The harvest levels are lower and I think that is what you're seeing in the reports that we're looking at.

DR. CHEUVRONT: I think procedurally there are two things that we are going to need to do. One, somebody is going to have to make a motion to reconsider this previous motion. If that motion passes, then we will restate the motion. And this new motion, if that is the way you want it to be, if you want it to include dolphin and wahoo, the first motion that somebody would need to make is a motion to reconsider this last motion. If you do that and that carries, then we'll say let's make this motion again and it will include dolphin and wahoo in the motion.

MR. HARTER: I thought wahoo was legal.

DR. CHEUVRONT: No, wahoo sales are prohibited right now in the for-hire sector.

MR. ROSHER: Well, I'll make that motion. Do you think that this would really inhibit the chance of its success if we added wahoo? Does that convolute the issues? If so, my main focus is dolphin; but if you think it has equal chance, then I would make the motion to reconsider the language in this motion to make it more accurate.

DR. CHEUVRONT: I have no idea how the council will handle this, so I can't really advise you on that. But if you really think that you need to include both dolphin and wahoo, it doesn't mean that the council has to take your motion and do with it exactly as you state. If they decide that they want to consider just dolphin or just wahoo and allow for-hire sales, they can do that. But if you guys really think it should be allowed for both dolphin and wahoo, then that is probably what you really ought to state in the motion.

MR. ROSHER: I recommend that we make one motion for dolphin and one motion for wahoo, two separate motions so we don't mix the two and the dolphin motion got killed because it included wahoo.

DR. CHEUVRONT: That's fine, but before we go that far we need to reconsider this motion; and then if you want to take them up as two separate motions that is fine, but let's get to that hurdle first.

MR. HEMILRIGHT: I'll make the motion to reconsider and also have one other thing to add to it once we've done that. Up here we're stating to allow the for-hire to sell their catch. I think we

also should state that it is only allowed to sell to a permitted dealer, because this motion that we have up there is not stating that.

It's meaning that you can sell basically – this motion is to sell to anybody. I believe the motion needs to be up there to allow it to be sold to another properly permitted dealer I believe should be the wording. I do believe that you probably maybe need two separate motions for the one on wahoo, because sometimes when somebody votes on something they can say, well, hey, it was included together so I'm going to shoot it down. That's just my thinking.

MR. ROSHER: I'm in total agreement of the proper licensed dealers, because I think that might have been where some of this came from is people thinking that the fish is all sold for cash behind boats. I happen to be a properly licensed wholesaler and record everything the dealer would; but even if it meant I had to sell to other dealers, I'd be fine with that.

MR. SHUTE: I'll second Dewey's motion.

**DR. CHEUVRONT: I was just jumping ahead there. All we are doing is reconsidering the previous motion at this point. The motion has been made, it has been seconded, and you just need to vote on it now.**

MR. HARTER: All right, all in favor. Let the record show it was unanimous.

**DR. CHEUVRONT: The motion that is up there now is re-recommend the council allow the properly licensed for-hire sector to sell its dolphin catch to a licensed dealer. Does that catch the motion?**

MR. ROSHER: Yes, it does. I make that motion.

MR. HARTER: A second; Captain Wally seconds. Is there any further discussion? All in favor. Let the **record show it passed unanimously**. Now you want to restate that exact same motion substituting the word wahoo.

**DR. CHEUVRONT: Okay, what we've got now is recommend the council allow the properly licensed for-hire sector to sell its wahoo catch to a licensed dealer.**

**MR. SHUTE: I'll make that motion.**

MR. HARTER: We have a second from Captain Wally. Any further discussion? All in favor. **Let the record show it passed unanimously.**

DR. CHEUVRONT: Thank you all for helping out and going back and looking at that. I think it makes it a little clearer for when I go before the council and pass on what your recommendations are, specifically what it is that you all wanted.

MR. HARTER: Okay gentlemen, if there is any other further business; if not we'll adjourn,



(Whereupon, the meeting was adjourned on April 24, 2012.)

Certified By: \_\_\_\_\_ Date: \_\_\_\_\_

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APRIL ~~MARCH~~ 24, 2012

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