

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **DOLPHIN WAHOO ADVISORY PANEL**

**Crowne Plaza Hotel  
North Charleston, South Carolina**

**MARCH 27, 2013**

### **SUMMARY MINUTES**

#### **WEDNESDAY MORNING SESSION**

##### **Dolphin Wahoo Advisory Panel Members:**

David Harter, Chairman  
Christopher Burrows  
Fred Kinard  
Dr. Kyle Christiansen  
Richard DeLizza  
Tim Nettles

Dewey Hemilright, Vice-Chairman  
Joseph Shute  
WA Phinney  
George Patterson  
Robert Johnson  
Ray Rosher

##### **Council Members:**

David Cupka

Tom Swatzel

##### **Council Staff:**

Gregg Waugh  
Mike Collins

Dr. Brian Chevront

##### **Observers/Participants:**

Don Hammond

Additional observers attached

The Dolphin Wahoo Advisory Panel of the South Atlantic Fishery Management Council convened in the Crowne Plaza Hotel, North Charleston, South Carolina, Wednesday morning, March 27, 2012, and was called to order at 9:00 o'clock a.m. by Chairman David Harter.

MR. HARTER: The first thing we want to do, starting with Dewey down, there tell us who you are and where you are from and what you do I think would be helpful. George, you're up.

MR. PATTERSON: George Patterson, Savannah, Georgia; charterboat and recreational fisherman.

MR. HEMILRIGHT: Dewey Hemilright, commercial fisherman, North Carolina.

MR. SHUTE: Joe Shute, charterboat recreational, North Carolina, Atlantic Beach.

MR. BURROWS: Chris Burrows, charterboat recreational, Shallotte, North Carolina.

DR. CHEUVRONT: I'm Brian Chevront; I am with the South Atlantic Council staff.

MR. HARTER: I'm David Harter, recreational from Hilton Head Island.

MR. ROSHER: Ray Rosher, Miami, Florida; charterboat recreational and commercial.

MR. PHINNEY: Captain Wally, charterboat captain and from Beaufort.

DR. CHRISTIANSEN: Kyle Christiansen, recreational fisherman.

MR. JOHNSON: Robert Johnson, charterboat captain, commercial and recreational.

MR. KINARD: Fred Kinard, Charleston, recreation and represent the South Carolina Wildlife Federation.

MR. DeLIZZA: Richard DeLizza, recreational fishing, Islamorada, Florida.

MR. NETTLES: Tim Nettles, recreational fisherman, West Palm Beach, Florida.

MR. HARTER: Okay thank you, gentlemen. The first thing we need to do is to approve the agenda. The agenda is on the screen up there. If there are any additions that somebody wants to consider in there, why please let us know at this time. Otherwise, we will designate the agenda as being approved and proceed.

The next thing is the approval of the minutes, which those were on the disc, is that right, Brian?

DR. CHEUVRONT: That is correct. Those were sent to you on the disc with the briefing materials for this meeting. We don't really need to take the time to go through that unless somebody has something specific that they want to address.

MR. HARTER: Yes, if anybody had any corrections to it. Those were about a year ago. Well, if there are no corrections, then we will designate them as having been approved by this panel. Next we are going to have a presentation by one of our favorite friends, Mr. Don Hammond, who is also considered one of our I guess designated experts; certainly the best one I know talking about dolphin fish anyway.

Don is a retired South Carolina DNR biologist who has set up a private foundation or a private organization called Cooperative Science Services to continue the dolphin fish tagging program, which he had initiated with South Carolina DNR initially. Don, I think that is probably all the introduction you need with this group.

MR. HAMMOND: Thank you, David, and, yes, that is about it seeing as I'm pretty well familiar with most of the members here. Many of them participate in the program. I really appreciate the opportunity to appear before you and to bring you up to date. As Dave said, this program is kind of unique from the standpoint that it really started under the South Carolina Department of Natural Resources for the first four years and then became private.

What happened was after four years I reached retirement. I left the department, and at that time was the big economic crunch and also they were downsizing and they did not have the personnel or staff. They were gracious enough to allow me to take the program out the door with me to continue it as a private program.

The fishermen were having so much fun being involved in this and we had accomplished so much at that time, they wanted to see it continue. Subsequently it has. Today it continues as a private research company funded solely by private donations. The only government support I get is still from the South Carolina Marine Resources Division, who I do cooperative projects with and also they provide me some technical assistance as well.

But funding is strictly from the private sources. We have now completed ten years of research with this program. We've had over 1,000 boats and 2,000 anglers participating in the program. They have tagged over 15,500 dolphins during this time period; with 423 fish being reported recovered. Now let's look at where have these fish been recovered to identify the area that we're talking about in the research.

We're looking just south of the 40 degree latitude; to the east 36 degrees west longitude, to the east side of the Mid-Atlantic Ridge over south of the Azores Islands, 10 degrees north latitude down at Venezuela, and 88 degrees west off of Mexico at the border with Belize. Here you are talking about over 2,000 miles of latitude that these fish range in and over 3,500 miles of longitude. That is a pretty fair hunk of ocean that these fish are utilizing.

These are just ones from our east coast. Now we look at the east coast and we look at where were all these different fish recovered as far as what states they were recovered off of for the east coast, and what we see is that Florida and North Carolina account for the lion's share. Here we see that Florida had right at 57 percent of the recoveries taking place off of their coast with North Carolina accounting for 28 percent of the tag recoveries.

Now this does in fact resemble the MRFSS data and their projection of recreational harvest in that Florida is typically ranked number one in the recreational harvest of dolphin; and North Carolina, two. However, the percentages are much lower here than what the MRFSS data says. MRFSS data projects Florida at over 60 percent and North Carolina over 30 percent.

MRFSS indicates that the Mid-Atlantic Bight, those out through here from Virginia, Delaware, Maryland and on up, they account for less than 5 percent. Here we are showing at about 8 percent that they are recovering. Also MRFSS indicates a 2 percent harvest for Georgia and South Carolina, and here we're seeing that they accounted for almost 9 percent of the tag recovery.

Now understand you cannot really use tag recoveries as an indication of the total harvest of the dolphin from the areas, but personally I have more faith in this data than I do in MRFSS data. The further that MRFSS data is examined and put under the microscope, the less palatable its results are.

This does show you where the fish are being caught up and down the eastern seaboard. While dolphins are not the number one target fish up in the Mid-Atlantic Bight, they are extremely popular. Up there people definitely do not release dolphin. I'm having a terrible time getting people to tag dolphin up in that area for that reason.

They don't catch that many of them; and when they do, they are real happy. Now, we take these 423 tag recoveries and we pile them up and now we're going to start filtering through them and seeing what kind of behavioral patterns that we see, what kind of movement patterns. Well, we were able to identify ten different types of movements from these.

The first one is Florida in-state. The numbers behind this are the number of recoveries that resemble this particular type of movement. Florida in-state, these are fish tagged and recovered off of Florida's east coast, having the liberty period of less than 90 days. General in-state, this is the rest of the east coast. That is fish tagged and recovered off of the same state having a liberty of less than 90 days.

General out of state, these are fish that were tagged off of one state's coast and recovered off of another within the same year as they were tagged. Okay, east coast southerly, and this is Rich DeLizza's just favorite little category here, these are fish that have actually shown a very deliberate southerly movement.

They were at liberty for no more than 60 days and moved at least 60 miles to the south. Sixty miles was selected, because that closely replicates one degree of latitude, and it is easy to remember. Then we go to Florida semiannual visits. This is an interesting one; fish tagged and recovered off of Florida during the same calendar year having a liberty period in excess of 90 days. East coast return migration, fish recovered in subsequent years to the release on the same coast as they were originally released with a liberty period in excess of 120 days. I can go into why we put these limitations on here, but it is going to drag this thing out considerably. International dispersals, those are fish that were tagged off the U.S. East Coast and then recovered in distant international waters or waters belonging to other nations. Okay, Bahamas to

east coast, these are just that; fish tagged in Bahamian waters and then recovered off the U.S. East Coast.

Bahamas in territory, these are fish tagged and recovered in the Bahamas except for in the Tongue of the Ocean. We've separated out Tongue, because I will be talking about this later, because they tend to linger there – tagged and recovered in the Tongue in the same year. These are the categories. Now we're going to give an in-depth look at the different ones.

First let's look at how was the tag recoveries distributed among these different behavior patterns. We see that the Florida in-state definitely was the most. Why is that; simple fishing effort, plus the fact that two-thirds of all the dolphin tagged in this study have been tagged off the east coast of Florida.

The few that make it out of state are damned lucky. That is all it can be. Then you see the next big one is again the out-of-state movements, where they are moving northward, at 28 percent. Then interesting is the Florida semiannual revisits, 2.7, plus the return migration. Now these are fish that have left the U.S. East Coast and returned to it.

This is of particular interest to a lot of fishermen, because a lot of fishermen feel that releasing small dolphin is just throwing them in a black hole; they will never see them again and they will not benefit other fishermen. Well, here we're showing right now over 5 percent or 5.5 percent of the dolphin are returning in subsequent visits to the U.S. East Coast.

That is a very important part. Then U.S. in-state, the other east coast states, we had about 7 percent of the recoveries into that. East coast southerly movements, 1.7 percent; it is a minor movement. I am really pleased that we have been able to identify this minor migratory behavior in these fish.

I think it just speaks to the fact that we have been extremely lucky in being able to study these fish for this long a period of time. Return migrations, 2.7 as I said before; international dispersals 3.7 percent, very similar to that; Bahamas in the Tongue, a very large percent, 5.6 percent of the recoveries were represented in that; Bahamas east to East Coast, another 2.7 percent; fish coming from the Bahamas over to the U.S. East Coast and then Bahamas in-state 0.74.

Now let's look at these individual ones. What we are going to do is look at the different parameters of travel, days at liberty, the distance traveled in miles and the speed at which they travel; and that is miles per day. You see in a case like this with Florida, 178 different recoveries that were statistically useable in this. You see these zero, zero, zeros. Typically that indicates a case where a person has tagged a dolphin and recovered it within minutes of having tagged it. That is not a rare occasion.

We've had them off of the Keys, off of South Florida, off of South Carolina. We've had that happen on numerous occasions. It just shows you – and that is very important, because it does show that the trauma of tagging the fish is not so great as to disrupt their natural behavior or natural instincts to return to feed right afterwards.

For these Florida in-state fish, we see that they have had days of liberty up to 72 days, a maximum of 72, traveled a maximum of 450 miles and with travel speeds of as much as 130 miles per day. That shows you, but let me put a stick a pin in my own balloon here a little bit, and that is consider that a block of wood in the Gulf Stream will travel anywhere from 50 to over 100 miles in a day.

Anything less than that means that the fish are swimming against the current. They are actively reducing their northward progression up the coast. What we see, the mean liberty period for dolphin recaptured off of Florida was just over seven days, and they had an average travel speed of 25.5 miles per day.

Okay, remember those numbers, there will be a test later. Now, let's break this down and put it into terms for the fishery. Everybody that goes fishing offshore, the day before you're going you go down and you talk to the local charterboats; you talk to your buddies that were out fishing; where did you go catch a fish, and you write the numbers down and you are planning to run right back out there where they found the fish.

Okay, now this chart here breaks down the travel speeds for these 178 fish. We find that 35 percent of the fish traveled from zero to ten miles per day on average. That means the next day when you are going out there, those fish may be there but the odds are they may be ten miles to the north.

You look on down this and you actually see that over 50 percent of those fish had speeds in excess of 20 miles per day. What are your chances of actually going back there and finding those same schools of fish? Slim and none; the best you can hope for is that the water conditions that were favorable for those fish to be in those locations prior on that day will be the same when you get there. You will not be finding the same school of fish.

You are not having the same school being hammered out of one given port. Now the next port up the coast, 100 miles up the coast, might be fishing those fish, but that is the only way it is going to happen. That just shows you that these fish are constantly on the move along the eastern seaboard.

Okay, let's look at the general in-state territory movements. Here we are going to compare South Carolina and North Carolina, because that is where the primary tagging has taken place to where we have enough recoveries to be able to come up with some good analysis. Here for South Carolina we see that again zeros for distances and minimums all the way down, and maximum of 76 days of liberty, 67 miles distance traveled at a maximum speed of 44 miles per day.

But what we see on the mean, look at this, 20 days is the average liberty period, three times the average period for Florida fish recovered in state. Speed at which they travel is 5 miles per day versus 25. It is almost like you're talking about a different species of animal here with such a radical change in their travel parameters.

North Carolina fish we look at. Here we've had seven recoveries in this; two days to 27 for the liberty period, average travel from 12 to 123 miles during the period. Speeds of 4.6 to 21.9 were indicated by these fish. We see that the average liberty, 9.8 days. Well, that is a little bit closer to the Florida number, but still higher, 18.1 miles per day. That is definitely faster than South Carolina, but still not quite near as fast as with Florida.

There is something strange going on here. We are talking about the same species of fish, but we are seeing such radical changes in their movement patterns here. One thing I didn't mention, when I talk about states, I'm talking about states and territories, because Puerto Rico in the last five years has become a major player within this dolphin study. They have been tremendous. Now I have got over 70 boats tagging dolphin for me down off of Puerto Rico. That has really been a God-send for this particular study.

What we have seen on the in-state movements for Puerto Rico is a constantly steadily westward movement from wherever they're tagged, both north coast and south coast. We've had seven in state recoveries for Puerto Rico, and they showed liberty periods from 4 to 54 days. They only traveled from 16 to 77 miles and travel speeds from less than a mile per day up to 18.

Here we have liberty periods averaging 22 days, very similar to South Carolina, but they are even slower than South Carolina. That's a good question; I don't have a ready answer on that one at this time. But it is still showing very similar patterns, and the important part is to the west.

Let's look to the out of state. These are fish that have been tagged in one state off the East Coast and have been recovered off of other states' coast. What I didn't say before on the in-state recoveries, about 94, 95 percent of all the in-state recoveries clearly indicated a northerly movement; whereas, the remaining percentages were short-term, random-type movements is how I would classify them from the standpoint that they were to the east, to the west, to the south.

But they were short distances and typically short periods, nothing clear-cut showing up on those. But now with the out-of-state territory, 100 percent to the north is the direction they tracked in. We see that for Florida fish they had liberty periods from 8 to 119 days, distances from 117 to 1,200 miles covered, and speeds of 6.5 to 92.8.

Now we are talking about some fast travel here; Marathon to Oregon Inlet, 9 days, which is the 93 miles per day; Key West to Montauk, New York, 49 days. Now think about the implications here. The U.S. Territorial Waters extends from down off the Florida Keys up to off – as far as the dolphin are concerned, up to off of Massachusetts.

We're seeing that fish can go from Key West all the way up to Atlantis Canyon in 49 days. That is less than two months. That says that dolphin fish can blow through U.S. jurisdiction in under two months. Not all fish do it. What we've seen is I think that more five to six months, maybe seven months they will remain within U.S. jurisdiction; but other than that they are in international waters or waters of other nations.

(Question asked off the record.)

MR. HAMMOND: Just shy of 900.

AP MEMBER: And how many days?

MR. HAMMOND: Nine days; that shows just how quickly these fish can move and just how highly migratory they really are. We see the average.

MR. HEMILRIGHT: I think it is as interesting as heck, but one thing that might be helpful is when you are showing this stuff is where the tag location of that fish is, whether it was caught in the Gulf Stream and whether it was released in the Gulf stream, where it was tagged at, because that is going to tell a lot about how you made it from wherever to Oregon Inlet in nine days.

Whether it is in the Gulf Stream it is going to tell you more, because like as a fisherman I like to know – it is neat how you're telling the stuff, but figure it out even more how it went from here to there, was it tagged in the Gulf Stream. Something else that might be helping; your tags, when people put on their tags, maybe the speed of the Gulf Stream at what they tagged the fish at.

Most times people are going to be drifting so they could write that down or just something that probably is going to help even more, because it has got to be in the Gulf Stream to make it up there, more than likely in the 49 days or to a certain point, or 9 days. It is probably not going to be in the slacker waters. Somehow that Gulf Stream has got to affect it. I'm just throwing that in, but it would be interesting to show where the fish was caught at and that made these fast tracks and where it was released at and vice versa.

MR. HAMMOND: Dewey, you're stealing my thunder.

MR. HARTER: I do want to remind everybody to at least give your first name, anyway.

MR. HAMMOND: But Dewey has got a very good valid point there, and that is to where they are being tagged largely impacts some of their movements. This is what we have seen out of this study and have been able to determine. But, anyhow, going back now; we've seen liberty periods of 38 days on average for the Florida fish moving northward out of state and average speeds of around 27 miles per day, so pretty fast.

Now let's compare that to South Carolina. Okay, 49 tag recoveries here, so a good sample size we're seeing. Minimum days at liberty, 5 up to 152; miles from 52 to 723; and speeds from 2.2 to 80 miles per day. Now we see an average liberty period of 37, hey, well, that really matches fairly well with the Florida fish. But then we go back down to the average speed of travel, and it is less than half or basically just over half what we see with the Florida fish.

We are talking about the same species of fish in the same ocean. What is the difference? Well, we feel that we can find the answers actually occurring in the nature of the Gulf Stream itself. That is that during the spring and summer there is two semi-permanent gyres that set up off of



the Carolinas. These are large rotating masses of water that are on the west side of the Gulf Stream.

Fish tagged on the west side tend to get caught in these masses. We had one fish off of South Carolina that was at liberty for 77 days and traveled less than 20 miles during that period. Drift buoys monitoring the ocean currents have been caught in these gyres and have gone around in circles for up to two months at a time. I believe that this is what is delaying the speed of these fish moving north.

Whereas, fish tagged down in Florida – first off, understand, because the fishing effort, the west side of the Gulf Stream from Canaveral down is pretty well fished out because of the heavy fishing pressure. The number of dolphin are reduced at that point right there. It is the fish that are out in the middle or eastern part of the Gulf Stream that are left to move northward. They are able to go around these gyres and continue northward at a fairly fast track.

Dewey is exactly right where they are being caught, but fishing pressure in the southern area actually will push smart fish out to the east. They will learn to avoid boats and troll baits with hooks in them. They will continue out and move north. I think that these gyres may be the answer to the differentials in movements of these fish.

MR. PATTERSON: The speed of the Gulf Stream, between West Palm Beach and the Bahamas versus the speed of the Gulf Stream off Brunswick, Savannah, and Charleston; if you look at any map or what have you, it is almost twice the speed between Florida and the Bahamas as it is off Savannah or where have you. The current speed is much greater because of the compression of the Gulf Stream between West Palm Beach and the Bahamas; is that not true?

MR. HAMMOND: That's exactly it, and that is one of the major factors. I'll jump ahead with one of their statements is that dolphin fish are nomads of the oceans, and the ocean currents are their highways. The speeds of those ocean currents directly impact their distribution and the speed at which they are traveling.

Let me get back to the talk here on Puerto Rico. The out-of-state recoveries, and we call them out of state instead of international even though they are going to other countries, and because of the proximity of the different nations; and again we saw that the recoveries strictly went west. On the north coast in particular they followed the old Bahamas Channel very religiously to the west.

Now, this longest arrow to the north and this arrow on the south coast of Puerto Rico actually represent the satellite tag tracks for two fish that we monitored. This one up to the north actually traveled 520 miles, exactly half the distance between San Juan and the Florida Keys. Our first suggestion is that this may be a supply route for dolphin fish reentering U.S. Territorial waters of the Lower 48.

This is extremely important here, and we find that the fish had average liberty periods of 50 days, travel an average of 374 miles, and were traveling at the rate of approximately 9 miles per

day, with the highest speed of only 17.3, moving much slower. It is probably a direct result of the currents that are found in those particular areas.

Now here is the movement just for Rich. You've got to understand that when I first started this, in the first five or six years I had some lively discussions with charterboats down in South Florida and the Florida Keys; and Jim Sharpe being a favorite one. He says I see the fish swimming south, they are migrating south in the fall, and that's the way it is.

I kept saying, well, the tag recoveries don't say that. They are all to the north. For the first five or six years that is what it did show; but in the recent years and to a large degree the results of this gentleman right here, Captain Bouncer Smith, he accounted for four out of the seven of these southerly movements.

It is because of where he is fishing, and going back to what Dewey said. Bouncer fishes close to shore as he can coming out of Miami. During the fall and winter periods, there is a southerly counter current that sets up off of South Florida moving back toward the Keys. It is close to shore. We've got this, and four of the recoveries were during November and December; very clearly fall migration going to the south. Well, a fifth one was tagged in March off of Miami, and it still went south.

Well, that is not exactly a fall movement, but we'll give him that. The other two movements, one was off of Canaveral the other one was off of Fort Pierce. Those fish were tagged in May. It may not be a case of as much of a fall migration of fish as much as when that inshore counter current sets up that there are a few fish that will move south.

The randomness of this is shown by two of Bouncer's tag recoveries. One day off of Miami he tagged eight fish. Two of those fish were recovered. These were out of the same school. One fish was recovered 8 days later; the other fish was recovered 11 days later. One went north, one went south.

That is not exactly a clear pattern or consistency here, but it does show that there is this movement down to the south. We've never had any of these come around and be caught into the Gulf of Mexico yet. I say yet on all this, because this is a dynamic study and things change. As we get new information, we update it.

Also look at the average liberty period of 21 days, an average of 116 miles and 7.24 average speed of travel; that doesn't mesh with the Florida in-state travel. That does not favorably compare with what we saw within that. That right there tells you that there is something different going on; so very interesting minor migration.

Now let's talk about something that is extremely interesting, and that is the semiannual revisits of Florida fish. These are fish that have been tagged off of Florida and then recovered off of Florida, having liberty periods in excess of 90 days. For this, these fish have been tagged everywhere from Sebastian Inlet down to Key West.

They have been recovered everywhere from Daytona down to Marathon. We see that they have been at liberty for 90 to 167 days, average 130 and traveling from 5.1 to 386 miles, 172 on average, and had travel speeds of less than a tenth of a mile per day up to a magnificent 2.6 miles per day. That right there does not mesh with what we've seen with the other Florida inshore fish.

There is something else going on; what is going on here? First off, there is nobody sitting at this table that can convince me that a voracious dolphin with this appetite and aggressive nature could survive 167 days in this wall of hooks down here in the Florida Straits. It is not called the Gauntlet for nothing. What is happening?

What I believe is happening is what I term a mini-migration; fish moving out, kicking around the Bahama Banks. Now they may cut through the Providence Channel, they may go around the north end, I really don't know, but they are making a small migration. With the speeds that you've already seen these fish travel at, this is very easily doable within the timeframe that these fish are at liberty. But I believe that they have to be leaving this area and then returning, because I just don't believe they could survive down there otherwise.

MR. NETTLES: Don, back to your photo, have you ever had any fish tagged off Florida that has been recaptured off the Abacos?

MR. HAMMOND: I'll get to that.

MR. NETTLES: Okay, because sometimes in the Abacos we'll have a real strong south current.

MR. HAMMOND: You're getting ahead of me. Anyhow, let's move on to the East Coast return migrations. These are much more readily seen by most fishermen in the fact that these are fish that have been tagged off of the U.S. East Coast. They have overwintered somewhere else, and then have returned the following year to the U.S. to be recovered, having a liberty period of more than 120 days.

These fish have been tagged off of South Florida, mostly off of South Florida; one off of North Carolina and one off of Jersey. They were at liberty from 161 days to 388 days, over a year. We're looking at the distances traveled from 71 to 597. Now that is from the point where they were released to the point where they were recovered.

It does not take in the theoretical movements out into the ocean or wherever they went to. The travel speeds were from three-tenths of a mile per day to 2.1 miles per day. These fish have spent this time and are recovered. Typically they are recovered south of where they were originally released.

It shows this is extremely important, because it does show that releasing small fish will in fact come back to benefit the fishermen of the East Coast as opposed to just falling off the earth and disappearing into the vast ocean, never to be seen again by East Coast fishermen. Yes, you do get a reward from what we see here.

Now, international dispersals, this gives us an indication of what is happening with the fish when they leave the U.S. jurisdiction. From the in-state recoveries, the out-of-state recoveries, we're seeing that dolphins are probably spending anywhere from two to five, six, seven months along the U.S. East Coast. Then the remainder of the year they are out in international waters or waters of another nation.

The fish that we've seen move internationally come from three primary locations; from the Florida Keys in red, South Florida in yellow and the white is South Carolina. It is pretty amazing when you watch these things pop up. We see that they start out going all the way out into the eastern North Atlantic beyond the Mid-Atlantic Ridge.

That is our one major clue to where these fish may be moving to as far as the open ocean and through around the Sargasso Sea. But you see that we have the recovery starting to cluster around the West Indies, on the northeast corner of the Caribbean Islands, and also off the south coast of Puerto Rico.

Again, that might be function of fishing effort, that there is more fishing effort going on in there. But you see them all the way down to Venezuela, over to Mexico, along the north shore of the Dominican Republic, and even off of Cuba. Also, pay attention to the months that they are showing up: February, March, December.

These are the months when dolphin fish are the least abundant off the East Coast or even absent from the East Coast. If they're not here, well, they're showing up down in here. Understand that this immediately challenges the main management theory right now that there are three separate stocks of dolphin fish in the Western North Atlantic.

These fish off of the East Coast are showing up everywhere down through there. The clustering of these recoveries here in this northeast quadrant of the Caribbean suggests that is a major entry point for East Coast dolphin moving in to the Caribbean. That is something that we really have to pay attention to is what is going on in the Caribbean.

As of recent, if you haven't been paying attention, China is trying to buy the Caribbean. They are spending vast sums of money to courting the islands. One of their considerations for coming in and providing economic support to these islands is consideration in fishing rights. Right now the Chinese are building the largest resort in the Bahamas at Nassau, and they are really right on our doorstep here.

With their economic influence in these countries, they could gain a strong foothold in the fisheries, and we need to be paying attention to what is going on here. You notice here that I didn't put down any speeds and distances traveled, because it would be purely speculation on my part. I speculate all the time on that, because I believe that with these recoveries they showed that they could be doing almost like a circum Atlantic movement of 8,000 miles.

Now 8,000 miles in a year only requires a fish to be traveling 20 or 22 miles per day. They could easily do that, but not only that but dolphin fish are nomads. They don't have an itinerary;

they don't have to be any one place. They don't have to make this movement in 12 months. They can make it in 15 months or 16 months around.

A large migration route is very plausible for these animals; no question about it. The speed at which they travel, a large part of it will be dictated by the currents that they're riding. Here you are seeing some of the dispersals, and that is really important. Now let's talk about the Bahamas and its relations to the U.S. East Coast.

The Bahamian fish or fish tagged in Bahamian waters have readily moved over. We've had 11 of them that have moved over to the U.S. East Coast. Now this is fish tagged, two on the west side, the rest of them were tagged on the east side of the Bahamas. They've shown up everywhere from Fort Pierce to Brunswick, to Hatteras, to Montauk, up off of Nantucket out in international waters, right on up the East Coast.

That is showing that these fish are moving up the east side of the Bahamas and coming across the Gulf Stream and basically replenishing the supply of dolphin fish, thank God, for South Carolina and North Carolina, because otherwise we'd be hurting. This was our first indication of a new supply line of dolphin fish coming in to the domestic fishery other than those coming up through the Florida Straits.

But now dolphin fish movements are a two-way street. We have had fish that have been recovered in the north end of Exuma Sound as well as off of Long Island. They do move back and forth between the two. Then this past year we have had our first fish from the Gulf of Mexico, tagged in the Gulf that was recaptured, and it was recaptured in the Atlantic off of Freeport, Bahamas, so moving around through the Florida Straits. This is our very first documentation of an exchange between the dolphin stocks in the Gulf and those in the Atlantic.

Even though common sense says that they must be coming from that route through the Florida Straits to providing the major supply. Now, let's look at the very interesting place, and it is called the Tongue of the Ocean. Many of you here are probably far more familiar with this than I am, but it is really interesting. Most of the tagging of dolphin fish in the Tongue has taken place at the AUTECH Buoys off of Andros, the North Buoy and the South Buoy.

This tagging has been done by some extremely bored civil service workers that are stuck on those infernal islands out there with nothing for entertainment, so they go out and tag dolphin. Well, these zeros on the minimum side are not exactly having the same meaning as the other zeros you saw. Some of these zeros are fish that were tagged at one location, recovered at the same location over a month later. As a matter of fact, 23 tag recoveries of fish tagged in the Tongue to be recovered in the Tongue; only six showed a movement in excess of six-tenths of a mile.

The maximum distance moved, we had one fish that moved almost 57 miles. Now, of those six fish, five of them showed a southerly movement coming down the Tongue. That puzzled me; it really did. But going back and looking at current charts for the area, at that time of the year it shows the inflow of current coming into the Tongue from the north, moving down south and then washing out over the bank back toward Cuba, down this way.

Now I am not really that familiar with the Bahamas, but looking at the bathymetric charts that I've been able to access, you can pick and choose places down through here that maybe maintain a 20-foot channel trying to come out across this bank here. Honestly, you could hide a pretty darned big dolphin in 20 feet of water.

Anecdotal information from fishermen, as well as two biologists that have worked in the Bahamas, have encountered schools of dolphin up in the shoal water, 15 feet of water, 10 to 15 pound fish seen crossing through it. Were they just chasing bait and then turn around to head back to deep water? I don't know.

This is a possibility, we don't know, but it is strange that those fish are steadily moving south when you have got a blind canyon here. You are looking at 5,000 feet of water coming up to 20, or 12, or none. It is just a real puzzle why those fish are moving south. That is some of the intriguing parts.

Okay, let's sum it up and let's put all these nice little arrows and lines together. What we've seen is that dolphin fish off the Eastern United States consistently are tracking south to north throughout the year, regardless of the month. Okay, fish from Puerto Rico show that they are consistently tracking westward, up through the old Bahamas Channel, and down through the Caribbean.

Now these fish in the Caribbean they are moving west. The Caribbean current comes up and comes up through the Yucatan Straits, and it forms the basis for the loop current in the Gulf. These fish are likely moving up through the Gulf and in here and then riding the loop current back, and that is what supplies the current for the Florida current in the Gulf Stream.

Also, I believe that is where the fish are moving. Now the tag recoveries from the Bahamas showed that we are recruiting a new supply of fish coming over as far south as Fort Pierce, even, coming from the east out of the Bahamas where there is less fishing effort. We have also seen now that the fish from the Gulf, that at least some of them do come around the Florida Straits and the Keys and move into the Atlantic as well.

Earlier recoveries have shown that our fish, when they leave the U.S. they are turning east and moving out into the Atlantic as far east as out south of the Azores Islands before going back. By the way, satellite tag studies of white marlin indicate that white marlin use the Mid-Atlantic Ridge extensively in their southerly migrations.

That could be an indicator that dolphin may be using that as well. Now we've clearly established that East Coast dolphin mysteriously appears, and Scottie doesn't beam them down into the Caribbean. These fish are moving out and coming around somehow; that the northeast quadrant is a major entry point for the fish coming in to the Caribbean.

Now, this is what I just got last week, and that was a latent tag recovery. We've had our first recovery of a fish tagged off of San Juan, November 8, 2011. It was recovered May of last year

by a commercial longliner out of Cape May, New Jersey. It was recovered 107 miles off of Georgetown, South Carolina, 1,600 miles and 203 days.

Here is a clear link between it. With earlier short distant movements of fish from Puerto Rico, up through the old Bahamas Channel, I feel very confident that this fish probably traveled the old Bahamas Channel into the Florida Strait and then up the East Coast. This shows you what we have been able to establish as far as the movements of the dolphin fish and the interconnection between the fish in the Caribbean, in the Western North Atlantic with the East Coast.

One thing that we're looking at right now is that we've seen an elevated weight per length for female dolphin fish down off Puerto Rico in the winter period, from November, December, and January in this area. They have greater weight than what we see off the East Coast of the U.S. Is this a case that the females are growing eggs and are reaching maximum weight and gonadal condition that suggests that there may be a major spawn that takes place either in the Caribbean or either in the Loop Current in the Gulf of Mexico?

This is something that we may be able to identify later on with additional studies. I think that we will ultimately be able to show that fish move from the Caribbean up through the Yucatan Straits, into the Gulf of Mexico, resupplying the Gulf of Mexico fish; and then also a lot of them remaining in the Loop Current and coming around and that being the major supply of dolphin fish coming by the Florida Keys and up the Florida Straits onto the Eastern Seaboard.

With that, I would like to leave you with just a couple of points to consider; and that is recognize that dolphin fish are the mainstay of the blue water troll fishery in the Gulf of Mexico, South Atlantic BAT, and Caribbean. They are too valuable a resource to ignore or to allow to be diminished.

The U.S. East Coast fishery is a shared fishery supplied from the Gulf through the Florida Straits and now with the information the old Bahamas Channels and additional recruitment from the Eastern Bahamas. Dolphins are nomads of the oceans and currents are their highways. Age growth studies and tag recoveries indicate that dolphin fish grow from a half to one inch per week, and that fish three inches or less will gain a pound every two weeks.

You are looking back to the fish from Florida that were moving north, they were out the 38 days; you are looking at two pounds that those fish have already gained in the time that they have moved to the north, significantly larger. Grasp the magnitude of the challenge that you are really looking at here in managing a fish that is so exposed to international fishing.

That is something that has to be contended with when you are dealing with dolphin fish. Also, I leave you with this challenge. Do not accept the difficulty in acquiring data on this dolphin fishery as an excuse for NOAA not to collect the needed management data for this important species, and with that dream. How long does it take for those little fellers right there to become that monster? With that, I'll be happy to answer.

MR. HARTER: One of the questions I had; there was a brief comment in the notes that we had about the council is considering commercial trip limits for dolphin as a way to avoid potential

localized depletion. I understand localized depletion when it comes to things like groundfish and stuff like this; fish that basically stay in the same area.

But could you comment on that, and I think Dewey probably could, too, on how it relates to commercial fishery. I think especially in light of the pinch points that you brought up; are there other pinch points that we need to be worried about besides those down in the Caribbean?

MR. HAMMOND: Well, localized depletion is something that can occur at a distance from it. Actually in defense of commercial longliners, tournaments offer the same type of effect on the water. What you're looking at is not that you are depleting the stock in one geographical area, but rather in one water mass, because that environment is continuously moving.

When you remove the fish from this one water mass, whether it is an intense tournament out there or whether it is a longliner fishing, then that water mass that has had the dolphin removed from it continues up the East Coast. Then fishermen going out and hitting that pocket will experience less fishing, but it comes from both sides.

MR. HARTER: Dewey, and, Don you may know, too; the longliners, do they go out and specifically target dolphin or are they going to fish an area that is going to have a variety of species and dolphin is just one of the ones that they are going to catch?

MR. HAMMOND: Well, from the talks with the longliners that I have been involved with and the longliner that just caught this last one; typically they are after swordfish or other species and dolphin are incidental. Now when the dolphin market is strong, they do go out and specifically target dolphin, but typically it is for a short period of time and it is not one of their mainstays. Dewey could probably answer that better than I can.

MR. HEMILRIGHT: When you talk about your tag return that came off Georgetown, South Carolina, 107 miles is where you said he caught the fish at; there ain't a whole bunch of charterboats or recreational fishing 107 miles off the coast. It seems like we're beating an old dead horse here, but we asked about the question. As far as localized depletion, it's called fishing. It is on both sides of the coin. When you go look at the average size of a longline fish that's caught, we've rehashed this for years, it is probably 10 to 20 pounds. You've got longline boats that go fishing for 10 or 12 days, mahi fishing; they'll come in with 25,000 pounds.

You add that up, that is 2,500 pounds a day. You add five or six charterboats up at 60 fish a day; it is about the same amount. As far as localized depletion, looking through a presentation here, it is kind of debunked, because you've got a Gulf Stream that's going. That localized depletion; I ain't got much use for that type of talk; it's just bullshit really.

But as far as the longline boats, most of their trips, a lot of them are 10 days. They catch 25,000 pounds, the fish are moving through just like everything else. I don't see a problem. There are probably more things, the international issues that we can't even touch and have no control over that looks like it's going to feed the mahi.



You know you've got two different times. You've got the Gulf Stream, you've got the fish that come up inside that is in the slack water, you see moving up our coast. Most of the longline boats I know, except for our smaller boats like my size, most of them, they're out there fishing each side of the stream or their fishing in the stream.

Looking at the size fish they're catching; I don't see a whole bunch of this localized depletion. It is called fishing. Some just don't like when they see a longline boat or somebody fishing around them or something like that. But looking at your tag returns, 107 miles off Georgetown, I don't think there is going to be a whole bunch of recreational charter fishermen going 107 miles unless it is a tournament or something.

MR. HARTER: Yes, that is why I thought the comment in here was kind of odd considering the mobility of this particular fishery. It is out there like holding up a butterfly net and catching them as they go by as they migrate through, and that's about it.

MR. WAUGH: This is going back to the original FMP. The comments are right; a dead fish is a dead fish. It doesn't really care if it is a rich Yuppie or a guy with white boots that killed it. But what we were trying to do in the original FMP is spread the fish out. If you look at the original FMP, we put in a bag limit on the recreational side to spread those fish out.

The intent was to put a commercial trip limit that recognized the current trip levels are very little impact to the fishery at that time, to spread those fish out. Now whether you call it localized depletion; that is the correct technical term. We weren't talking overfishing; and if you all revisit this, the whole idea is spreading those fish out.

It is not pointing a finger to the commercial side or the recreational side, it is anybody kills them. But we put in precautionary measures. This is basically an annual fish. Some of them live a little longer. We put in precautionary measures on the recreational side to spread that harvest out geographically.

As Don's research shows, those fish move up the East Coast predominantly. That is what we were attempting to do with the trip limit on the commercial side. That was disapproved by NMFS, because it wasn't a current problem. If you don't have a dead body, they didn't see the need to do any management. That is why the council is considering it again; not because anything is happening now but in the future just to spread those fish out. I just wanted that on the record.

MR. JOHNSON: This question is for Don. What is natural mortality on mahi; do you have any idea?

MR. HAMMOND: Natural mortality; I really do not recall what the natural mortality is. I do remember that the total mortality for dolphin fish is an amazing 99.7 percent annual mortality. That is three-tenths of one percent surviving beyond 12 months.

MR. JOHNSON: We don't have any natural mortality estimates at all?

MR. HAMMOND: There may be some out there; I just don't recall them right at this time.

MR. HARTER: It would seem to me that based on what you have shown so far, Don, is that obviously we need to have a concern about the international fishery particularly down in the Caribbean. Hopefully, with your continued tagging studies, you will either be able to reinforce or diffuse that clear possibility of being a strong commercial pinch point down in the Caribbean, which could affect the entire east coast fishery, recreationally and otherwise. I find that a little ominous.

MR. HAMMOND: Well, that is what we're seeing is that these fish are so exposed to fishing that is either unregulated or undocumented that it can be a real concern. I don't think it is going on right now. I think the dolphin stocks are healthy, but man has shown a clear ability to destroy anything. Right now there are rumors, and so far it is just rumors, that pair trawling is now starting to occur in the Caribbean.

Pair trawling, if you're not familiar with that, are two ships pulling this vast net that filters the water column between them. If that is the case, then that could pose a direct threat to dolphin fish, and even wahoo. There is a growing commercial fishery of wahoo down in the Caribbean right now, and that could immediately threaten our wahoo fishery from up in this area.

MR. HEMILRIGHT: I've got to address something. I know how rumors get started, but don't you have something better than telling me a rumor that somebody is starting pair trawling in the Caribbean? I mean how do you come up with that rumor? I understand the international ramifications of the mahi and stuff, but I swear I hate a damned rumor.

MR. HAMMOND: Well, I agree with you, that is –

MR. HEMILRIGHT: When you are going to come to us, give us a little better thought on the process besides a rumor.

MR. HAMMOND: Okay, why I put that out there is does somebody else know anything about this, because that was presented to me just like that, and that is what I accept it as. But, does that lead to confirmation or can we refute it? You've got to start a discussion before we can get to and get an answer.

MR. HEMILRIGHT: So the discussion is we have a rumor that a pair trawl –

MR. HAMMOND: Well, has anybody heard –

MR. HEMILRIGHT: How about the South Atlantic Fishery Management Council, the managers or any international issues; where are we coming up with this at? If it is true, then it is something that needs to be looked at. If it is not, how do we discuss a rumor? I hate bringing a rumor to the advisory panel.

MR. SHUTE: It seems to me like we may be in the future facing the same problem we have with the bluefin tuna right now. It is going to be out of our hands unless internationally

something can be done; because in that pinch point in the Caribbean, if China buys up a large majority of that, which they have the money and we owe them so much right now; whatever we do here seems to be a moot point unless something can be done about that. If that happens, the same problem we've got in the bluefin fisheries right now; if the dolphin were to fall, it would destroy the East Coast Fishery.

MR. NETTLES: Dave or maybe Gregg can answer this; I know in the very beginning of this, ten years ago, the South Atlantic kind of took this as the lead I know over the Mid-Atlantic and the Gulf, and I thought that we were also going to be the lead over the Caribbean fisheries. Is that true, Gregg?

DR. CHEUVRONT: Gregg left the room a few minutes ago, but originally in the late 1990s there was going to be a joint plan that was going to include the Gulf, the Caribbean, as well as the South Atlantic. There were some issues with the Gulf and the Caribbean Councils that caused the South Atlantic Council decide to go ahead and do a plan on their own. That is how come we ended up with the separate plan that we have now.

MR. NETTLES: Is there a way that we can make a push to join it back as one plan? I mean if we have got this pinch point that we are now seeing from tag studies, I would think we would want some plan in this international route. I know as far as the U.S. Council, all we really have is the Virgin Islands and Puerto Rico. We really don't have any pull over the islands south of there, but is there a way we can make a push towards that?

DR. HARTER: I think besides a recommendation like that; it seems to me the only scientific way we have of determining how significant these pinch points are and how much of a fishery it is, is to promote this tagging program. We have no other way to find out. There is no other program that could help us figure that out.

It may be it is a minor thing, we don't know, and we don't know until we get enough tag recoveries going back and forth to determine that particular migratory pattern. I think those are two things that we should be very much concerned about in supporting this program.

MR. BURROWS: A quick question regarding the dynamics of the tagging program itself; I've recovered one tag; I've put others in fish. I'm flashing back to one of those first slides where you gave the amount of tags that were out there and the amount of tags that were recovered. What do you feel your tag recovery rate is, and do you feel it is acceptable to get good – I mean we've got some good data, but do you think the sample size is big enough at this point?

MR. HAMMOND: When you start breaking it down, then you get down to just like when we are looking at in-state movements where you have six replicates or seven, something like that; no, I would love to see a lot more definitely to really get a better handle on it. But when you take them in mass and you look at the generalized movement, yes, I think that is giving us a good accurate pattern overall, of a general movement. We do need more; there is no question; more information.

That is the basis of science; the more quality information you put in the better information you are going to get out. It is a slow process especially when you are dealing with an animal. Right now we are basically seeing about a 2.5 to 2.7 percent annual recovery rate for our tags. We have had years in excess of 3 percent. But it is very low, but that is typical of highly migratory fish.

The problem that we constantly face in any type of tagging program like this is the non-reporting of recovered fish. We cannot put a handle on it. There have been a lot of studies done; some of them have shown as much as 50 percent non-reporting for certain fish. I'm hoping that is not that case; but when you run into a case just like this last recovery we had, that it comes in nine months after the fact; and it wasn't the case that the guy deliberately stalled sending it in.

He forgot about it. It was not important to his livelihood. He wrote the information down on a piece of paper, put it somewhere on the boat and then he found it and he reported it at that time, when he was reminded, but we face that problem. It always makes me wonder how many other tag recoveries are out there that we have never heard about? It is a problem that we have. How we address it we don't know, but, yes, we need more information especially in areas like the Gulf of Mexico, up in the Mid-Atlantic Bight, down in the Caribbean to really get a better understanding about these fish.

MR. HARTER: What more outside help do you need?

MR. HAMMOND: Well, one thing I would like to see council do – and they have done in the past – and that is stress the need to NMFS and the funding programs for work on dolphin fish; have that set as a priority on their shopping list of what they want to see done. I am just one researcher; there are a lot of other capable people out there.

Right now I am cooperating; I have a graduate student working at the University of PR doing genetic studies there. I am working with another graduate student at Texas A&M in Corpus Christi on the dolphins down there. We need to get more of this type of work being done by universities.

There are a lot of highly technical studies that need to be done on age and growth, genetics, a whole long shopping list to really answer the questions that we need to do a proper stock assessment on dolphin fish. The council, by pushing NMFS to set dolphin as a priority would be a major help in getting this accomplished.

MR. HEMILRIGHT: When is the stock assessment for the mahi mahi?

MR. HAMMOND: I encourage you to ask council that one.

DR. CHEUVRONT: It is on the SEDAR schedule I believe for 2014.

MR. HEMILRIGHT: I've sat through a couple stock assessments, a few for sharks, gray triggerfish and tile. The frustrating thing to do some of these is they are doing the stock assessment, but they don't have the data to do the stock assessment. What the heck is good if

you are going to do a stock assessment if you have not the best available but actually done through the whole range of stuff. I mean it is important.

This species is important to fishers on the East Coast and all up and down; but if you haven't done the leg work, it is pretty doggoned useless to do the – even the best available doesn't work. It doesn't work for people whose livelihood depends on it. That is imperative and the South Atlantic Council has taken the lead on this since the mid-nineties.

They need to follow up to make sure that the data is for a stock assessment and there is enough there to do it; not just best available, because that doesn't cut with fishers. That is like a cop out. That is something that we could recommend that it needs to be pushed that you've got to have the data here. 2014 is not a year or two away, but when you look at the modeling and how it all works, it is a lot more than just measuring the fish.

There is a lot more to plugging in the 10 or 20 different things of blueprint on coming up for that stock assessment. I would recommend that is something that we could recommend; make sure that the better than best available information is gathered that is going to be needed for a stock assessment for the mahi.

MR. WAUGH: We'll double check, but I was just looking at the SEDAR schedule for 2014, and I didn't see dolphin and wahoo on it. There have been a number of changes, but I'll follow up with John Carmichael. But stepping back – and I know to you all dolphins are important, but when it comes to the council, just the reality is they have to put this in balance with all the other species.

The assessment output that we get from the National Marine Fisheries Service Beaufort Lab is like three species a year. What the council has to do is balance the needs of all our other species. Right now we are really struggling with many of our snapper grouper species to understand what is going on with those long-lived species.

What you are asking them then to do is to put stock assessment of an annual crop at a high level. Dolphins are basically an annual crop. It is hard to balance that and I am just giving you all the realities. Not contradicting, Don, researchers and scientists always want more data and want to do assessments, and that is never going to change.

But the flip side of that is you have to understand the reality of the process that is in place now. If you do a stock assessment, the Scientific and Statistical Committee gives the council an ABC, and you are stuck with that as a hard cap. I know a number of you around the table know what that means in other fisheries. It means we can't exceed that.

Unless you are really unhappy with the catch limits you have, I personally, the last thing I would do would be to ask for a stock assessment. There is just no upside; there is only a downside. I am just giving you some of the things, because we are having this discussion now on research and monitoring. When Brian gets up here, we will get into more of the nitty gritty, but I am just giving you all some of the realities of where we are in the federal management system right now.

(Question asked off the record.)

MR. HAMMOND: Well, I am waiting to see the results from the study from the student at the University of Puerto Rico from the standpoint that previous genetic study on dolphin fish has shown them to be homogenous, and it is the case of looking at specific genomes and how you analyze the DNA.

The techniques are improving, and they are really refining it. We have to wait and see, and that is above my head. I don't fully understand it, and so I am waiting to see whether they can get it down to where maybe we can start identifying some different generalities of fish that say these fish in the Caribbean are slightly different from the fish off the East Coast.

There may be blending, but we can separate the two and see that one group spends most of its time in the Caribbean, another time another group moves through the East Coast and returns to the East Coast. We have to get that data in and really evaluate it. Right now I can't answer right now, because in past studies they are just saying they're all the same.

MR. PATTERSON: You mentioned just on the east side of the Caribbean that your studies so far are indicating that area is a spawning ground; did you state that?

MR. HAMMOND: That is an entry point; and what I said was that data comes –

MR. PATTERSON: The females, you mentioned the weight of the fish, this, that and the other. Who has come up with that data and how are you proceeding with factuating that data?

MR. HAMMOND: That data was generated by the Puerto Rican DRNA. They are the ones right now that are following up. They are starting a fecundity study on it and following the gonadal development of the fish there to be able to confirm is this a case of what we see happening down there or are the fish just well fed and that it is just a manifestation of well-fed fish being a little big heavier per length in that area?

MR. PATTERSON: Okay, well noted. I realize that the dolphin roe is very popular up and down the East Coast or very much so in Asia. I am taking this one step further with the Chinese element that you brought up.

MR. PHINNEY: The bottom line here is how are we going to work more closely with the international fishing law? You mentioned tuna. Tuna winds up in the Mediterranean Sea to reproduce, but then you have Portugal, Spain, Italy, Turkey and Greece just raping the hell out of those fish over there. We won't have no bluefin tuna in five years or ten years probably.

They used to show up to Betsy Ross in December and January, but they haven't shown up there for quite a few years, since about five years. But my point is if this country can't help enforce these international laws, we won't have much dolphin in the future if China moves into the Caribbean. How can we influence the Secretary of Commerce at Washington D.C. to put more pressure on the international laws?

MR. NETTLES: Last year or the year before last there was a group of investors from Europe, I think it was Italy or somewhere, that came in and brought in a couple of big trawl boats into Freeport, Bahamas, and went in partnership with some Bahamian fishermen. They wanted to trawl for yellowfin tuna and dolphin off of the Bahamas.

The Bahamian citizens and the Southeast Florida fishing groups went nuts over it. The Bahamian people realized that the recreational fishing from people who come over from Florida is a gigantic part of their economy. After several meetings, the Prime Minister voted it down and they made them take the boats back.

That is how you are going to have to stop that is we have to show the economic benefit of these fish and get involved. You can stop it when it comes in. They already had the boats there. They had the equipment there. The nets were there. They were ready to start fishing and it got stopped before it got started.

MR. WAUGH: In response to the question about how we could influence the international arena, that is really a difficult role for the council. We had a situation with our golden crab fishery where a Mexican university was able to gain permission from I guess the State Department to place buoys in the Gulf and the South Atlantic without any consultation with the Coast Guard, NMFS, NOAA, Councils or anybody.

This has caused obviously some gear conflict with our golden crab fishermen. While the State Department is a non-voting member on the council, they are also a non-attending and non-participatory member. We have got two council members here and they are free to jump in if they disagree, but I don't see any effective role for us to influence the State Department at this stage. You all would be more influential as individuals.

MR. HEMILRIGHT: Something I would like to see is your size of your fish again. In presentations you put on last year and this year, I don't see nothing about size of your fish, whether they're measured. Fish don't tend to congregate together, like the small ones – a two pounder ain't going to be with a 50 pounder.

Something when they measure, I haven't seen anything in your presentations over the years where like this portion was measured when it was put over and tagged, and this portion was measured when we recovered it to see about the different sizes. All we're seeing is the migratory patterns of the mahi, but it is telling me nothing about the size of the fish that are doing the migratory patterns; just something that might help in the future.

MR. HAMMOND: To answer that partially; and that is 80 percent of the dolphin tagged in this study are under 24 inches, probably a little bit higher than that even. The problem is that almost consistently, unfortunately, on every recapture at one end or the other, the fish is estimated. That is a real problem.

It is a rare event that I get a recovery where the fish was measured at time of release and at time of recapture. Yes, that is a real problem, but I don't know how you accomplish anything differently other than education, because every fisherman that goes out there on that blue water is

a potential person to recover a fish. How do you educate every fisherman out there to that need? That is the problem we have. They are getting better; they are doing a better job.

A lot of times fish are estimated, because the people don't want to keep them out of the water any longer than they have to. That is commendable from that standpoint, but you are right. What we do get with the estimated length is kind of a category of fish; whether they are real small school fish or are they mid-size fish that are approaching the stage like especially for the males where they become loners.

Yes, that is something that we do want to look at. But, honestly, if we look at the number of recaptures where they were measured at both ends, it would be a small proportion to compare back to the others. It wouldn't be a very good comparison between the two.

MR. HARTER: I think it is time to take a break. Let's do about ten minutes.

(Whereupon, a recess was taken.)

DR. CHEUVRONT: The council directed staff to take this out for public hearings. Now, there were four actions that were taken out to public hearing. Since then the council added a fifth action at the meeting in March and they changed some of the alternatives slightly. When we were out to public hearings, we got 10 oral comments and we got 21 written comments.

Of the written comments, 12 of them were essentially identical that some group had said send this e-mail in as our comments. Basically every single one of them said no action on every item, including Action 1, which basically increases the ABC for both dolphin and wahoo. They just basically said no action on anything. They just didn't want the council to do anything with dolphin and wahoo.

Take that for what you think it really means; did they really process the information and read it? My guess is that when something goes in your favor and you say, no, my guess would be that maybe you didn't quite completely process the information yourself. But, anyway, Action 1 is the action by which the council is considering revising the ABC, ACL, et cetera, to reflect the MRIP data.

We'll get into that when we get into the amendment, but in each case Alternative 1 is the no action, which is to keep using the MRFSS data, which is a problem. If they stayed with the MRFSS data, MRFSS numbers are no longer being calculated, it is all MRIP, and so you would be comparing numbers that were calculated with one method by using a different method.

By switching over to MRIP, actually the ACLs increased for both species and for both sectors, even though the sector allocations shifted slightly. Action 2 was to look at accountability measures that should the ACL be exceeded, it looked at how should the council respond in terms of what should be done, if anything, to fix that.

Alternative 1 basically says that when the commercial fishery reaches the ACL, it is shut down until the start of the next season; and the recreational AM currently is that if the recreational



ACM is exceeded, it will be watched the next year to see if it is exceeded again. If it is, then the decision will be made about shortening the season in the future.

The additional alternatives have to do with other ways of looking at that in terms of whether or not the stocks are overfished and whether or not the total ACL had been exceeded. By the total ACL, we mean if you add together the commercial sector ACLs and the recreational sector ACLs together. We'll go through those in a moment. Action 3 was the action that came from this group that asked the council to consider, and that was the allocation of dolphin to the commercial and recreational sectors.

Initially, before the Comprehensive ACL Amendment changed the sector allocation, dolphin was sort of managed through what they called a soft cap. What that means is that the way it was worked out was that they kept tabs on what the commercial percentage of the total catch was, with the idea being there was no total allowable catch at that time for dolphin.

They thought that as long as the commercial catch did not exceed 13 percent of the total catch or 1.5 million pounds, then there was no problem; but when they went to the Comprehensive ACL Amendment, that changed; it was based on landings history. This group at the last meeting asked the council to reconsider this action, which they did. At the March meeting they actually added a couple of alternatives to this as well and they appear in the document that we have.

Action 4 is since this FMP was written, there hasn't been any regular amendment to the FMP that has looked at the framework action. The framework action basically tells us how do we go about managing the fishery, and what kinds of changes can the council make using different procedures?

What has happened is since the original framework was written, we had the Reauthorized Magnuson Act, and that changed some of the language that is used for managing the fisheries. Alternative 2 in this – remember Alternative 1 is just don't change anything. Alternative 2 looks at revising the language to make it reflect the language that is now used as a result of the revised Magnuson Act.

Alternative 3 would have the National Marine Fisheries Service change the language for the framework to include language that reflects how SEDAR works, because the language that is in there now, when it was written SEDAR didn't exist. This has to do with using the SEDAR language for coming up for the biological reference points.

In a sense you can think of that as really being an administrative action, but it has to go through an action with approval and all that before it can be done. That is where we are with this. We didn't get a huge number of comments. As you can see, the vast majority of comments were basically don't do anything.

Those were largely – remember there were 12 e-mailed comments and you have got copies of that. This is included in your briefing materials and all the written comments were attached to it. If you go through them, flip through them and look you can say, well, I've already read this one

and I've read this one, and you can see they are all basically the same thing, and they all said don't do anything to anything.

The opposed column, you can see those numbers are very low. It was only if somebody actually said I don't want the council to do this action specifically did I account for that in the opposed measure. If they said nothing, there was no tally of that. That is where we are on those. If there is any question anybody has, I will be glad to answer them the best I can.

MR. DeLIZZA: Brian, I just want to make sure I'm clear; council staff is discounting those 12 comments?

DR. CHEUVRONT: No, we're not discounting them. I'm just identifying this is what they are just to make everyone aware that this is a repeated comment that was sent over and over again. Council staff doesn't interpret these things. We present the information that is given to us. In this case I saw that as a caveat to some of the information that we were given. Ultimately it is the council's choice to decide what they are going to do with this. This exact document was presented to the council at their March meeting.

DR. CHEUVRONT: Okay, it looks like we don't have any other comments.

MR. HARTER: I guess we have no other comments; we'll jump into Amendment 5.

DR. CHEUVRONT: I actually did print some copies of the document for Amendment 5 that was included in your briefing CD. If anybody would like to have a hard copy of this to follow as we go along, I know I didn't print out enough for everybody to have a copy; so if you don't need one, please don't take one.

This was included on that disc that you were all sent so if you have a computer and can look at it there or whatever, that would be a good thing. I just wanted to tell you Gregg did check the update when the dolphin is supposed to be assessed by SEDAR. I said 2014; he looked it up and he said it is on the schedule for 2015. I was off by a year, but that schedule is going to be reviewed. Whether it stays in that position or gets changed, who knows?

It just depends on what the SEDAR Committees decide is the most important thing to be assessed at that time. Dolphin Wahoo Amendment 5 is proposing five actions. What we'll do is I am going to jump down to some of the action stuff, because we can talk about the reasons why things are being done as we talk about each action.

Mr. Chairman, what I would propose to do is to allow me to introduce what the actions are, what the alternatives are, and then you all can have a discussion about if you have some direction that you would like to give to the council of what you would prefer that the council to do and offer some advice; that would be the kind of thing I think they would like to hear from you.

We're on Page 4. This is Action 1. Again, I mentioned this briefly, there are two alternatives for this action only. One is the no action, which is you don't revise the ABCs, ACLs, and ACTs for

dolphin and wahoo. That is the allowable biological catch, the annual catch limit and the annual catch target. That is all that new Magnuson alphabet soup that we now use.

But then the data would not be updated with data from the Marine Recreational Information Program, commercial or for-hire landings. In essence what you're going to do is this would put the council, if they went with Alternative 1 in the scenario that I described, we don't count using the MRFSS methods anymore. As of January 1, 2013, no more MRFSS calculations are being done, MRIP only.

The council, in order to be able to compare apples to apples, in other words, that you get those ACLs calculated, you would want to use the MRIP calculation to compare MRIP landings to. That is what Alternative 2 would do, is to change that so that they will start matching them up again. Now I did put a couple of tables in here on Page 5 that I would like to go over with you. You can see under Table 1 up here on the top it says "Comp ACL Actions". This is what we currently have in place.

As you can see, as you look on here, the commercial allocation currently is 7.3 percent and the recreational allocation is 92.7 percent. That is of the total 14,596,216 pounds whole weight of dolphin that is available. Now when you multiply that 14 million pound plus by 7.3 percent, you come up with a little over a million pounds for the commercial sector and about 13.5 million pounds for the recreational sector.

However, the annual catch target, if you'll remember, is a tool that the council can use to try to help them to keep from exceeding an ACL. Now the council has pretty much felt all along that the commercial landings and having logbooks, trip tickets and all that helps them to pretty accurately keep track of what the commercial landings are in closer proximity to real time. They can actually project out when they think the commercial fishery is going to hit or exceed its ACL.

It is a little tougher with the recreational fishery, because you remember we have two-month waves; and then after that wave is finished, it is 45 days or so before the data even become available. If the recreational fishery is in danger of exceeding its ACL, it might be several months later before they actually have the data that allow them to realize that.

What the annual catch target does is it steps down from the ACL, and it says that we're going to try to aim for about this number, knowing that we're not going to be real accurate. If it goes over, there is no penalty if you go over an ACT. It is only potentially a penalty when you go over the ACL. There is no binding requirement that an ACT not be exceeded.

It is just sort of a target that the council can use to help them not to exceed the ACL. The council came up with a formula that is used to help them calculate what the recreational ACT is, and it is about 11.6 million pounds. That is for dolphin. For wahoo the commercial allocation is 4.3 percent and the recreational allocation is 95.7 percent.

There is not quite 1.5 million pounds. That 1,491,785 pounds is the ACL total for wahoo. For the commercial sector, when you multiply that by their 4.3 percent, that comes out to about

64,000 pounds. The recreational ACL comes out to about 1.4 million pounds. But again there is an ACT for the wahoo and that comes out to about 1.16 million pounds.

That is what we have in place right now. I am going to scroll down. You won't be able to see it all on the screen, but you've got the tables there in front of you so you can compare them. By switching over to MRIP – and there are some minor changes that have come in since the Comprehensive ACL Amendment was calculated in the charter/headboat data as well as the commercial landings; pretty minor compared to the changes that were done with MRIP.

But when you put all those factors in together, what it does for dolphin is it makes the commercial ACL at a little over 7.5 percent and the recreational ACL at about 92.5 percent. Now you see that is carried out to five decimal places and people say why did you do that? Well, I'll tell you, because we wanted to get to the exact number of pounds.

Anything else with fewer numbers would have involved some rounding, and people would want to know, well, whose pounds are they? Actually that was really rather significant. When you're looking at – because the overall ACL is 15.3 million pounds; without all those significant digits, we were actually seeing some big shifts between the sectors.

By doing it this way, we were able to actually get it down to the exact pound that should go from allocated to one sector or the other. The commercial sector for dolphin is going to get about 1.15 million pounds and the recreational sector ACL is almost 14.2 million pounds. Now, when you kick into the ACT, for the recreational sector that number drops down to about 12.75 million pounds.

But in each case, even though the allocations between the sectors shifted slightly, a little more going to the commercial sector. Because the total ACL has increased using the MRIP calculations, both sectors are going to get more fish is the bottom line. For wahoo, again we still see some shifting. The ACL again here increased by about 300,000 pounds by using the new data.

The commercial percentage allocation went from about 4.3 percent down to about 3.9 percent. The recreational ACL went up from 97.5 to about 96 percent. Again, because the overall ACL was increased by going to MRIP and the other data that were updated, the commercial sector, even though their allocation went down slightly, still is getting over 70,000 pounds of fish.

The recreational sector is going to get about 1.7 million pounds of fish. When you go to the ACT, it is about 1.26 million pounds. In each case we still have more pounds under the second alternative than we did using what is currently in place. Now, on Page 6, on the top as it shows what the actual landings were for commercial and recreational sectors for dolphin and wahoo from 2008 through 2012.

The 2012 data have not been finalized, so please don't take the 2012 data as gospel. That still could shift a fair amount, but that was what was available as of March 15. As you can see when you look at dolphin, if you compare dolphin; you look at 2009; dolphin actually exceeded – if

you look at the old allocation that was there, the 13 percent or 1.5 million pounds; dolphin actually exceeded that.

We're going to get to that when we get to Action 3 in here. I believe that was the only year that had happened. In wahoo, the recreational shows that right now for 2012 that about 1.4 million pounds of wahoo were landed in 2012, and that would have exceeded – no, it was pretty close. It was mighty close, but I don't think it exceeded the existing ACL for 2012.

If the council goes with Alternative 2, it would not have been exceeded. You can see that for the most part the changes add more fish, but it really isn't going to hurt any sector at this point for recent years unless the fishing behavior changes in the future. That is what I have for Action 1, Mr. Chairman. If you would like to discuss that, ask any questions that you have, I will do my best to help you out.

MR. HARTER: I thought this was very clear when I went over it the other day, but any comments, gentlemen, or is it something to digest very quickly for those of you that didn't get a chance to see this yet?

MR. JOHNSON: Just one quick comment on the MRIP estimates on wahoo; my concern still is that is an open commercial fishery. I am just curious how that is shaking out in MRIP when they stop a guy with a 32-inch yellowfin at the ramp and he's got wahoo, but he's selling them under commercial. Are they asking those kinds of questions? Are they asking that guy do you have a commercial permit, because he obviously looks like a recreational angler? I don't think the pure commercial fishery is having this huge take of wahoo. I think that is mostly coming from other places.

DR. CHEUVRONT: Gregg was just telling me that they do specifically ask for the disposition of the fish. If they say that the fish will be sold, that ends the interview. That does not get counted then. It would get picked up obviously when it appears on a trip ticket somewhere as a commercial sale. I think your concern, Robert, is probably are they being double counted commercially and recreationally?

MR. JOHNSON: That is my concern; are those guys counting those fish as recreational anglers, because they don't want to tell somebody they are really commercial fishing and selling those fish?

DR. CHEUVRONT: That is something that probably exists in a lot of fisheries that somebody is a recreational fisherman and they may not even have a commercial permit. There are backdoor sales that go on. If the person is asked the question what is the disposition of these fish and he says we're going to sell them; that does end the MRIP survey. But if they don't say that, then, yes, it could be counted against the recreational ACL.

MR. JOHNSON: I just know the commercial wahoo ACL was met last year for the first time ever. That said, that is my only concern.

MR. BURROWS: Just a comment that the MRIP numbers seem to benefit everybody. I don't see any reason to stick with the MRFSS. It's a dead system; and moving forward MRIP is what we're using. We both benefit. The commercial and the recreational sector seems to both benefit from it under the data we have been presented.

MR. HEMILRIGHT: Brian, explain to me how the commercial benefits from MRIP.

DR. CHEUVRONT: It has to do with the shifting of the sector allocation of the ACL, because, for example, if you look at what the MRIP does is it boosts up the total catch, but then it also looks at what percentage of the catch was actually coming from the recreational sector. Remember, some of the commercial numbers were modified as well.

If it turns out that the actual total catches have gone up, it could be that what is happening is that the percentage of it that was recreational has changed as well as the commercial; so when the total amount goes up, we look again at using the same allocation formula that the council used in deciding Comprehensive ACL Amendment. That was when they had the longer timeframe, which in dolphin I think they started at 1999 and went through 2008.

They figured out the average percentage between sectors and all those years, and then they looked at the most recent three years, which in the case was 2006 through 2008, and looked at the average percentage of landings in those three years; then each of those contributed 50 percent of what the total allocation was in the decision between commercial and recreational sectors. That formula was applied with the new numbers as they came in, and that is how they came out this way.

MR. HEMILRIGHT: Was the allocation there; was that using that fantasy Boyles' Law that they come up with in their committees?

DR. CHEUVRONT: We are trying to avoid the use of the term Boyles' Law, because that actually is a specific physics term, but, yes, that is the same method that was used.

MR. HEMILRIGHT: How much science is in coming up with that? When I read that committee meeting, it didn't seem like there was a whole bunch of science there with who had seven votes and stuff and reading it. When I look at that reallocation scheme that was put out there by that particular fantasy law or whatever it is; I mean, it is not very scientific there when you look at it.

It is more of one group wanting a reallocation and how have we're going to do it, we'll come up with this law. We got seven votes in committee. If everybody hangs to it until we get to the council level we'll have the votes. I know this is in the past, but because a lot of time the past precedent sets the future of how the reallocation and the grabbing or thieving or whatever else you want to call it works out to. Does the council tend to revisit this fantasy law there or does that have to be done by the council?

DR. CHEUVRONT: Well, first I will tell you the SSC has looked at this to see is this good science to use this method to allocate; and they said that there really isn't – using landings to do

your allocation, which is kind of what the council is stuck with using right now or has chosen to use; the SSC's comment was basically this is as good a method as any.

They could not come up with a better method to use. The other thing is that the council could choose to go back and look at this allocation rule again if they wanted to. Right now they are still using the same series of years that they did initially when they put the Comprehensive ACL Amendment together. Do they want to go to using a different time data stream? They could choose to do that, but that would have to be done through an amendment to be able to do that. I am just saying they could change their method if they wanted to.

MR. JOHNSON: Brian, am I looking at this right; we had 1.4 million pounds recreationally last year, and it seems like that number is awful high compared to all the other years. Even in a down economy, we had that much? That doesn't raise any eyebrows around the room other than mine?

DR. CHEUVRONT: Remember, this is 2012 and these data are still preliminary.

MR. JOHNSON: Well, that means it could be higher?

DR. CHEUVRONT: Conceivably.

MR. JOHNSON: We went from 700,000 pounds to 1.4 million, and the next highest year other than that was 796 in 2009. I don't know about these guys' neck of the woods, but that ain't happening in northeast Florida. We've got great wahoo fishing. I'm just trying to rap around where those landings come from, MRIP, MRFSS whatever; this is MRIP, right? Something is wrong there just from my perspective. I don't see how that happened.

DR. CHEUVRONT: Well, at this point I would take those 2012 landings with a grain of salt, and it will be probably late June or July before we have the final numbers is what I was told.

MR. JOHNSON: My concern is I know there were some errors made as of late on amberjack, on the commercial sector in some other species, some numerical errors made. I just want to make sure that somebody is checking somebody's math. Somebody else please feel free to weigh in here. That doesn't seem right. How did we get that many more fish than ever before in a down economy? I don't think wahoo fish has been any better.

MR. HARTER: Yes, I can speak for South Carolina too, Robert; I agree with you. It seems like an anomaly here. I think it is certainly worth looking into to figure out where they came with it, especially if we're talking about going to MRIP.

MR. ROSHER: Is this the time to talk about – we've had conversations in years past about different methods of keeping track. For instance, we talked about some kind of a tag like a zip tie. We've talked about maybe incentivizing people to call in. I am involved in all three categories, recreational, commercial and for-hire.

I know that what is caught – I mean, I said this a year or two ago; in 32 years of full-time fishing I've never had my fish checked on the water. I hesitate to tell you that because I don't want to get hounded, but I have nothing to hide. But the point is there is a horrific method in my opinion.

As I said two years ago, if this was my job to keep these numbers, I would expect to be fired, to be honest with you, from what I've seen in my life on the water, because I think this is all smoke and mirrors, I really do. I hate to be so harsh, but I spend my life having to do things right and accurately.

I'm keeping track of not only recreational, commercial and charter activities in my life, in my notes. It seems like we're basing not just fisheries' laws but people's livelihoods on poor science. Is this the time to talk about a way to – I'll give you one example and Dewey can weigh in on this with me. How many books do you have? I possess about, I don't know, 15 commercial permits.

How many different books you have got to fill out, and now the burden of reporting on paper gets bigger and bigger and bigger. We have to do it to maintain these licenses, so we are required and that makes sense. In other words, the commercial sector is I believe counting their fish; do you agree, Dewey? You have to.

MR. HEMILRIGHT: Yes, there is no doubt.

MR. ROSHER: It is not happening accurately on the recreational sector. I'm not anti-anything, because I participate in all three of them, but what I am for is making laws on good science and not putting good people that are working hard and doing it legally out of work, and that is what has happened already with the no sale on for-hire fish. I'll get into that later. But the point is there needs to be a better way. I remember in years past we have made recommendations to the council.

Is this the time; do we want to open this discussion up? The reason I brought up the paper forms is, Dewey, don't you agree; like, for instance, when I catch a billfish; I am on a charter, I catch a swordfish. I kill that swordfish. I come home and in a couple minutes time on the HMS site I punch in my information, lower fork length, the type of hook, type of bait, time of the day, et cetera. It takes me a couple minutes, it is electronic, and I don't have to remember where I put the book.

Doesn't it seem like there should be a burden on their part, on fisheries management's part to provide us with an easier means of reporting commercially, for-hire and recreationally? Then all of this comes with a lot more clarity and accuracy. Is this something we should talk about?

DR. CHEUVRONT: Well, I can tell you right now that the council does have electronic reporting actions in the pipeline. There is some of that, but there isn't anything that I'm aware of specifically for the general public recreational angler.



MR. HEMILRIGHT: I don't even recreational fish for wahoo; but the scary part, as I'm sitting here laughing a little bit, this document is going out to the public, what we're reading right here. This is going out?

DR. CHEUVRONT: The council will have another chance to look at the actions and alternatives at their June meeting and then the document will be modified based on that.

MR. HEMILRIGHT: That number for the recreational wahoo, there is something wrong with that. You don't go doubling your quota or doubling your catch. What is scary about it is it doesn't jump out at nobody but this advisory panel. How did it get past to where we come here? I mean, I don't even catch it; but you look at all the years and all of a sudden it's doubled, 1.4 million pounds? Whoever put that number down, did they even look at the rest of the numbers and say damn, you know, there is something wrong here, or maybe could be. You need to look at 2012 recreational wahoo and go back and see if there ain't something wrong with that number.

MR. HARTER: I agree, but let's not lose sight of really what we're looking at here, rather than some of these individual figures, as far as the action that they are asking us to take a look at right now. I agree, I think it's a terrible figure in there and there is something wrong. There is a misplaced digit. There is something wrong in there; either that or there is something wrong with all of the other years they had in there.

I've been in more than my share of meetings where your point has been brought up, Ray. I think if anything Gregg can certainly I think address – if that is your concern, because we are not going to spend the night here. Where should he be venting this concern? I know I've been to NOAA workshops where it was a great place to do it, when we went over MRFSS data and stuff like that. But speaking for his standpoint, where should he be questioning this or venting this?

MR. ROSHER: I just wanted to say one second, Gregg, before you get in to that; it seems like there has to be a way to incentivize people in all three categories. Even though we list them as two categories, there are really three activities; the for-hire, the commercial and the recreational. Has there been any discussion of just a more revised, better system? I mean, we live in a world with electronic reporting of all activities in our life, and e-mail.

A very, very, very small percentage of fishermen would be burdened by electronic reporting. I believe that is a way that we have to go, and can you create incentives for those who report the most? In other words, instead of spending tons of money on this, I call smoke and mirrors, we don't need to beat that anymore, but it is an estimate at best.

If there is a way, whether it be with physical tags that are mandatory and easy to check at any ramp or on any on-water check; is there a way to do it electronically where if you participate you get rewards of some sort? For instance, when I want to qualify for a commercial permit, I have to report or I can't get it. Why can't we apply that principle?

If you want to harvest fish as a recreational or a for-hire boat, you have to report; make it mandatory. Electronically it is not such a burden as it is with paper. I don't know; we've got a roomful of smart people here. We should come up with something that we can recommend to

the council. All of that being said, are they going to listen? I don't know, but it is our civic duty to try to make things better, and that is all I am trying to do.

MR. WAUGH: I'll try and respond. You are right; we've talked about this, we provided recommendations. The council can only make recommendations in terms of how these data are collected. We're trying to move to electronic reporting. We have a joint amendment with the Gulf Council that will implement electronic dealer reporting weekly.

That was approved in October. There were some bumps; we just reapproved it. The Gulf will reapprove it at their April meeting. Hopefully, by January of next year we will have dealers on weekly electronic reporting. That will greatly improve these commercial numbers. On the recreational side, we at our last council meeting completed a headboat amendment that will implement electronic reporting on headboats in the South Atlantic.

The Gulf is doing that same thing, looking at that same thing in the Gulf. The two councils have agreed to start work with the National Marine Fisheries Service to look at implementing some other system on the recreational side. Let me back up; the amendment we dealt with deals with headboat electronic reporting; not charterboats, just headboats.

We are looking to deal with charterboats together, but we have to work with the MRIP Program to get their agreement to split charterboats out from the MRIP Program. If we get that done and go to a logbook system on the charterboat side, which there has been a lot of support for; we've tried to push through ACCSP.

There is a lot of resistance to that and wanting to keep with the same system that is in place. You have to frame changes to MRFSS and MRIP and look at what congress directed the agency to do, and how much of that has been done versus how much it matters what you all recommend and we recommend.

We are moving in that direction, but right now there are no plans to get down to the level of having recreational anglers doing the additional reporting. We are still trying to wade through getting our dealers on electronic reporting, and then we have already dealt with the headboats. The next step would be the charterboats. Once we get that done then we are left with the recreational.

One final point, these numbers that are shown in Table 3, all we can do is report to you the numbers that are on the National Marine Fisheries Service's Website. They are the ones that are responsible for quota monitoring. As Robert pointed out, there have been a number of issues where we passed those recommendations along, and we will certainly pass along your recommendations.

Part of the MRIP sampling, which is used in – I think it affects these 2012 numbers, but definitely 2013 and beyond as it picks up some sampling sites and times that weren't picked up before. We will pass along your recommendation to reexamine those 2012 numbers, because we have had other issues with other species, when they have looked, there have been problems. All we can do is report those numbers to you.

MR. BURROWS: Looking back to that table, I remember from the 2011 meetings in New Bern, 2007 also showed a huge discrepancy with wahoo numbers, which is what we're seeing again in 2012. I would like to know if we are looking at the MRIP numbers now or if we are still looking at MRFSS numbers for 2012, or is it some hybrid of the two?

Additionally, those years to me look like outliers. Freshman statistics say you drop your outliers when you calculate this. I think we are looking at two years where something was just absolutely missed. Even with that being said, if we were to say it was 1.4 million pounds, looking at the MRIP calculated ACT, we're still 300,000 pounds short of that.

AP MEMBER: It's just strange that when you compare it to the dolphin landings, you've got a 5 percent decrease in the same year on dolphin fish, and you have got 100 percent increase in wahoo fish. You are fishing the same water, the same place. We had that problem our very first meeting when they brought to us the headboat statistics on dolphin landings at like a million and a half pounds. I don't know what the discrepancy was, but it was like 80 percent more than it was supposed to be. Figures do get screwed up. I would think that when South Atlantic met, there would have been a little bit of question on that.

DR. CHEUVRONT: The council actually hasn't seen the 2012 landings. These are not finalized landings either. They will discuss these issues again in June; and still at that time we project that the numbers are still going to be preliminary. It is going to be probably late June or July before we have the final numbers for 2012.

AP MEMBER: Brian, on your percentages commercial here, on that, you figured those on a total catch of both commercial and recreational, not on the ACL, correct?

DR. CHEUVRONT: That is correct. The reason I did that is because this table is referenced in Action 3 when you get back to talking about allocations. I didn't even bring that up at this point. Now this does not reference the percent of the total ACL.

AP MEMBER: You will reference that later on?

DR. CHEUVRONT: Yes, I will.

MR. HARTER: I guess the only thing we have to do is whether or not we want to make any response or any recommendation to this particular action. We do not necessarily have to vote on it at this time.

MR. DeLIZZA: Boiling this down to its simplest terms, we either vote to use the current methodology for counting fish or we leave in the plan a methodology that no longer exists. That seems like a pretty simple vote, so can we move on?

MR. HARTER: Yes, we can barring any other recommendations.

DR. CHEUVRONT: Okay, Action 2, this is on Page 7. This is to revise the accountability measures for dolphin and wahoo. In Alternative 1, what we show here is what is currently in the regulations. There is actually a mistake that is in the regulations. They reference the incorrect charter vessel/headboat permit.

It says South Atlantic Snapper Grouper, and I have it highlighted there. It is supposed to be Dolphin Wahoo, but somehow that got in that way. When they redo this amendment, they are going to fix that language, so don't get wrapped around the axle on that one. But basically it happens the way I described it.

The commercial sector; they monitor the commercial sector landings and when they get close to meeting their ACL or projected to meet the ACL, the commercial fishery will shut down. In the recreational fishery – and it is the same for both dolphin and wahoo so I don't need to repeat it, even though the CFR repeats it.

In the recreational sector if it exceeds the recreational ACL, what they are going to do is they will look at it and monitor it for persistence increase in landings. If necessary they will reduce the length of the following fishing season by the amount necessary to ensure that the recreational fishery does not exceed the ACL. That is currently what is in place for both dolphin and wahoo.

Now what the council is trying to do – I'm going on to Page 8 now. They have changed the number of alternatives that were taken out to public hearing. We are now down to seven alternatives. I'll explain to you how these work. There are really only three versions. There are six additional alternatives; but one the way it is set up it allows the council to choose one accountability measure for dolphin as well as one for wahoo.

Chances are what is going to happen is the council will choose two preferred alternatives from the six that are here. Alternative 2 is the same as Alternative 5. What we are talking about is commercial versus recreational. In the commercial ACL, if that is exceeded, the Regional Administrator will publish a notice to reduce the ACL the following season by the amount of the overage only if the species is overfished.

In Alternative 3 they will do that only if the total ACL, and that is the commercial ACL plus the recreational ACL is exceeded. Alternative 4 is if the commercial ACL is exceeded, then they will reduce the amount of the overage in the following season only if it is overfished and the total ACL is exceeded.

Now I believe I made a mistake when I said earlier they were split between dolphin and wahoo. They were split between commercial and recreational, so I want to make that clear, but we have the same set of alternatives for the recreational fishery. Now, the only way we can determine if the species is overfished is with a stock assessment.

We are talking about the total ACL; we do have ACLs in place. Alternative 3 and Alternative 6 could be done without a stock assessment unless somehow the SSC has come up with some other way to determine whether a stock is overfished. Now the reason why the council is even

considering changing these is because they are trying to get some consistency across all the different fisheries.

Because the accountability measures kind of go all over the place for the different fisheries, so they are trying to see if they can get some consistency that makes it easier for everybody involved if they kind of know what the accountability measures will be. That is the reason why the council is considering this.

MR. JOHNSON: Just a quick question on the mahi; you were saying they would reduce the ACL on a species that 90 something percent of them die annually. I'm trying to figure that one out.

DR. CHEUVRONT: Yes, that is a very good comment.

MR. ROSHER: Maybe I should say the biggest thing that jumped out at me is talking about shortening a season. To me that is really not the wisest way. If there is – and I'm not saying this room agrees with that action, but if there is going to be a reduction in anything the following year, I would rather see a reduction in bag limit than in shutting off the fishing.

We've talked about this about the wahoo the last time we were here; just keep the boats fishing. That is really the most sensible thing that seems to be overlooked many times. Everybody who is out there is spending money. It creates a healthy economy or as healthy as it can be. To me it is very counterproductive to talk about shortening seasons.

MR. DeLIZZA: I would just reiterate what Ray is saying. I have said it at every meeting; I'll say it at this meeting; I'll say it at the next meeting you cannot have an action that shuts down dolphin fishing in the Florida recreational fishing area. The economic impact is just huge. Now I've been ignored the first time I've said that. I've been ignored the next time I said it. I assume I am going to be ignored this time, but it is going to get on the record come hell or high water.

As far as these alternatives go, if I understood, Brian, what you said, any alternative that includes a trigger point that involves overfishing is going to require a stock assessment, which I don't think any of us – well, I can't speak for anybody else. I certainly don't have faith in the stock assessment that is going to be done for dolphin and wahoo just for a lot of the reasons we've already discussed. I will just personally say that any of these alternatives that involve overfishing as a trigger I would not be voting for.

DR. CHEUVRONT: The alternatives don't involve overfishing, because overfishing by law must be ended immediately if it occurs. That is what happens when you are exceeding your ACL is you are in a state of overfishing. This happens to be overfished, and that determines what can the stock handle, and that is determined by a stock assessment.

MR. ROSHER: It seems like there is a little too much smoke in all of these actions. Why not just come up with a very simple approach? If there is a problem with the harvest one season, there is going to be a reduction in the limits for the following season. I want everybody else to weigh in on this. There are a lot of variables here that are just not going to happen efficiently.

Let's just leave it at that. It seems like – are any of these up for discussion with us? I mean, can we make a recommendation to the council?

DR. CHEUVRONT: Yes, you can make recommendations if you would like them to consider additional alternatives. Certainly, you could do that.

MR. ROSHER: Yes, if we could make a motion to have a simplified alternative for both recreational and commercial. If limits are reached the following year – remember one time we talked about when we reach a trigger point of, say, 70 percent. Now imagine here we are in almost April and the count for 2012 is not in yet.

This isn't going to be determined probably until mid-year. What I don't want to see happen is that any of these groups get totally cut off come August or September or whatever. There is a way that we can say by either placing trip limits, bag limits, a reduced trip limit or bag limit or establishing – I don't know, Dewey, what is your thought on all of this? I know your season is late. It is just a tough thing, but let's as a group maybe come up with a good motion.

MR. HEMILRIGHT: Yes I would say you have got to think about a few things here. One, if 75 percent of it is caught – I'm just talking about for the recreational or the charter crowd or something – if 75 percent of it is caught, maybe reduce your bag limit by a quarter. Definitely keep people fishing. I mean, you've got a fast-growing species; you've never done a stock assessment. Probably over half of our actions are for international issues ramifications of this.

I mean don't stop people from fishing until a certain point. The world ain't going to stop. I don't see a lawsuit coming the next day because somebody caught too much one day. So maybe look at that; reducing your bag limit by a quarter, what does that gain you? Somebody has got to look at that stuff and look at the analysis of it besides just saying I don't know if it is a quarter or something.

But don't stop people fishing, especially for the mahi or something if something can be worked out. You've got like almost a 14 million pound quota. I hope I'm wrong, but I think it is going to be a long time before you are going to see the recreational and charter catch 14 million pounds of mahi again.

MR. SHUTE: The one thing that worries me more than the mahi for North Carolina is our directed fisheries on wahoo. If you put some sort of restrictions because of overfishing early in the year, 30 to 40 percent of the charter fleet's business in North Carolina comes from a directed wahoo fishery from August all the way through February.

Like the last time we were here, they wanted to change the limits on wahoo from two fish per day per person to two fish per day per vessel. That closes us down. We're done; that's it. That is something that needs to be looked at on the wahoo side; speaking for the people that have contacted me from all the charter industries of North Carolina, because we would be on the end part of the season. If they decide to close something down because the early part of the season got hot and heavy, you are just totally shutting North Carolina out of it. There has to be a better

way of reducing harvest or accurately counting it, one of the two, because it would devastate the charter fleet.

MR. HARTER: Are you against, in other words, the bag limit change for the next year?

MR. SHUTE: I wouldn't be against – right now the guys are having a hard time getting people to pay \$1,600, \$1,800 to go out to just catch a few wahoo. Right now they are on the verge. If you were to cut that in half, which right now if you've got a six-pack out there, if they are lucky, a good day, they can catch 20 wahoo but they can only bring in 12.

If you were to cut that to four or five fish, then you are going to have people say, "Well, you know, that is \$1,800 for four fish. I don't know if I'm going or not." Just be careful with the way that you try and word it as far as a reduction in harvest for something that you – definitely the wahoo don't have any type of stock assessment on. That would definitely hurt.

MR. HEMILRIGHT: When you look at this for the wahoo, first of all, we're coming here to ask for decisions and we are given a number for 2012. I don't even wahoo fish and nobody believes it around the table. It is awful hard to give some comments on something. I would make it really liberal as heck, meaning simple where it is not going to hurt something.

Then if there is a problem, because I don't believe there is – I mean, looking at the numbers the last five years except for this anomaly in 2012, the recreational are not going to catch their annual catch limit of 1.4 million pounds of wahoo; so make it something real easy that is enough to keep everybody fishing.

Then at that point, if you come to that point, it has got to be revisited, but don't stop people fishing. You are looking at it right now, 2012 it is going to be June before these numbers come out and get cleaned up or whatever like that. Do something that is simple. If something happens that triggers it, then you look at it the next year or something. Don't put stuff in place that is going to stop people from fishing over something that has never even done a stock assessment, has international ramifications and all that other stuff.

MR. ROSHER: Does everybody here feel comfortable with like a 10 percent reduction the following year of the boat's bag limit, whatever that bag limit is; something like you mentioned, it is a move towards conservation, and then revisit it. If that trend continues of excessive harvest, then obviously there would have to be more major action taken.

MR. HARTER: Well, we don't want to get too far afield on this thing. I agree with what everybody is saying as far as kind of staying away from affecting the season. We all have too many different seasons. It just doesn't jive. You guys have got a 12-month season down there now essentially for dolphin anymore.

We've got a three-month season. I know, don't hate me for it, but that's all right. We know why that is happening, and I agree and I think that's great. It is very difficult to throw something in here that has to do with closing down a season or a fishery that doesn't screw up somebody

somewhere. I agree with that. I think it may suffice if we just recommend to the council that instead of looking at season closures, they would look at bag limits instead for adjustment.

We don't have to make a recommendation on a bag limit. We don't have to make a recommendation for both of them. We might consider just, hey, stay away from the season limit; but as far as dolphin are concerned, take a closer look, certainly more scrutiny at the wahoo end of it. I think the criteria there is simple enough to make that kind of recommendation. Gregg, did you have something to say?

MR. WAUGH: I think you all are mixing two parts of this. If Brian could show the bottom of Page 7 – actually on Page 7 of your document; this describes what is in place now. What you all are talking about, adjustments to the bag limit, that is already in place now. For wahoo, the bottom there, the recreational sector for wahoo, what this AP and the public told us when we did the Comprehensive ACL; you didn't want to reduce the bag limit. You wanted to reduce the length of the following recreational season. That is what is in place now. If you go over one year, the following year it is monitored more closely and the length of the season could be shortened.

MR. SHUTE: I have just one question on that, Gregg.

MR. WAUGH: Let me just finish one second. If you want to change that, that is something you need to make, but that is not the question that is being asked of you. The question that is being asked of you in Alternatives 2 through 7 deals with payback. If you go over one year, then do you pay back the following year?

The point you all made on dolphin is a good one is that it is an annual crop. What I took from that is then since it is an annual crop, you don't feel you need to do any payback. That is not the case with wahoo. You can make that recommendation for dolphin. I think you are on shakier ground on wahoo.

MR. SHUTE: Do we have the data that shows the public comment which states that came from?

MR. WAUGH: We can go back and dig that out.

MR. SHUTE: Yes because, see, North Carolina and South Carolina are probably the only two that have a really directed charter fisheries for wahoo. I know what you're saying, but you have got them 12 months out of the year.

MR. JOHNSON: No, we really don't; don't confuse Florida with South Florida. I run 50 miles to the edge of the Continental Shelf. It is the same distance for me as it is for boats in South Carolina and North Carolina. South of Fort Pierce, yes, you are dealing with a different kind of fishery, but anywhere north of there it is very similar to what you guys experience. So just to clarify that for you.

MR. SHUTE: Yes, I wasn't arguing that point, but the point I was arguing is you've got different stuff to fish for. In August and September you've got more than wahoo to fish for;



don't you? That is the only thing that worries me. I would just like to see where the comments as far as the seasonal reductions, which state the public comments came from is all I wanted to see.

MR. ROSHER: Gregg, do you think that we should make a recommendation as a group? If so, we would just recommend that they leave the dolphin alone and no payback and then a slight reduction in bag limit or boat limit for wahoo, if needed. Does that sound reasonable?

MR. WAUGH: On the dolphin, yes, and your argument is you don't need payback, because it is an annual crop. But on wahoo, again, you are mixing an adjustment in the bag limit with the payback. The question you are being asked is if the recreational sector goes over its ACL, should there be a payback the following year. The way it is done in king mackerel and Spanish mackerel and cobia is you only have a payback if the stock is overfished and the total ACL is exceeded. If you want to be consistent there, that would be a recommendation.

(Question asked off the record)

DR. CHEUVRONT: Yes, that is listed in the alternatives. That is Alternative 4 for the commercial fishery and Alternative 7 for the recreational fishery. But I do want to remind you, Ray, you started to make a motion before and that hasn't gone anywhere. I know Joe, our transcriptionist guy, is going to go crazy if we don't resolve this, either to withdraw a motion or make a substitute motion or finish this somehow.

AP MEMBER: Is a motion needed to not have a payback on dolphin?

AP MEMBER: Or to use the existing.

AP MEMBER: In other words, for wahoo it would be Alternatives 4 and 7 to do what we all talked about; is that correct?

DR. CHEUVRONT: Yes.

AP MEMBER: Then for dolphin no payback, but there is not an alternative so a motion is needed to create an action.

DR. CHEUVRONT: Well, I believe right now under what is currently in place would reduce the following fishing season, but it doesn't say anything about a payback.

MR. ROSHER: My only concern was not reducing the length of the season, but simply to reduce the catch per day's effort. Can you kind of guide us on how we do that and what the motion would look like, and then we can vote on it?

DR. CHEUVRONT: Well, what I would suggest as a way to do this is maybe let's disentangle dolphin and wahoo. It sounds like you guys want to do two different things. If you want to make a recommendation on what you think are the best alternatives regarding wahoo, I would suggest you go ahead and treat that one first.

Then we'll figure out how to handle dolphin after that, because you may want to do something different commercially versus recreationally. I think if we can sort of disaggregate it, that would be good. You guys can recommend alternatives for wahoo first, because I think you do have a preference on which actions you would like the council to take. Let's go ahead and knock that out and then let's come back and discuss dolphin, perhaps; what you would recommend they do for the commercial fishery, and then perhaps what you recommend that they ought to do for the recreational fishery.

MR. SHUTE: I would kind of agree with what you were saying a little bit earlier. Instead of shutting the season down, just reduce it by 10 percent is reasonable to start with. If you have to go back and visit it later, you can do that.

DR. CHEUVRONT: You are talking about reducing the bag limit, right, Joe?

MR. SHUTE: The bag limits, yes; not the season but the bag limit. That would be my recommendation, if the recreational ACL is exceeded, to reduce the bag limit by 10 percent and to be revisited in the following year.

MR. ROSHER: Yes, it's hard – the percentage thing is kind of tough when you are talking about individual angler limits, but does it make any sense? I mean I don't want to complicate this whole process that we are trying to do. However, if anybody has got any good ideas on how to word this so that we can accomplish the goal, go ahead.

MR. JOHNSON: The question is for him. It is two per person right now. If you have six anglers, that is 12 fish. I'm a charterboat operator and I'm just trying to figure; okay, do we want to reduce it like two fish per person with a maximum of X per boat, maybe 10 per boat or 8 per boat?

MR. SHUTE: That is fine with me, 10 is reasonable.

MR. ROSHER: We want to separate the dolphin and wahoo and make a motion that states that if – and you guys correct me on the wording – if the ACL is met or exceeded in one year; the following year the bag limit per person would not change but a reduced boat limit would take effect to compensate for the prior year's overharvest. Does that sound right? Yes, a boat limit of 10, max 10 to compensate for the previous year's harvest. Go ahead, Richard.

MR. DeLIZZA: I am just going to make a suggestion, because I don't really have a dog in this fight; but if we are trying to prevent the fishery from being shut down and you are trying to sell somebody on an alternative, for the number of times where you are going to catch 12 wahoo on a trip, to limit it just to 10, I think they are going to roll their eyes and say that is not going to do much.

Just human nature; I know somebody is looking at swallowing a bitter pill here, but I think if they are going to view it as a legitimate alternative, you probably should look at something at

little bit more of a reduction than that. Again, I don't have experience with charter fishing for wahoo; I am just thinking that would be dismissed out of hand, just a thought.

AP MEMBER: One question; would you be better off putting in an ACT beforehand, before you reach the ACL?

DR. CHEUVRONT: There already is an ACT. If you look at Action 1, even if the council goes with the MRIP numbers, there is an ACT that is calculated for the recreational sector there. It is in the bottom of Table 2.

MR. JOHNSON: Just remember, though, my main reason for any of this is I don't have faith in the numbers, just establishing an ACT or anything else is not going – we just want to make sure we don't get penalized due to bad data.

MR. ROSHER: Do you want to change that wording to 8 fish to make it more substantial per boat; reduce boat limit of 8 fish would take effect to compensate for previous year's overage. How would you word it; it takes effect for that year only? Yes, returns to normal. Yes, that was a question.

(Question asked off the record)

MR. HEMILRIGHT: You know something, when you are sitting here looking at this stuff, I don't know how you put a number of fish. You don't even know the weight of the fish. You don't know how many pounds you are going to be over. From my personal perspective, it is pretty dangd useless. You've got a whole different ball of wax.

First of all, we are given the number for 2012 nobody believes. You are halfway – for the last five years the recreational and charter has been catching half their annual catch limit. They are sitting there asking you to make a motion on what you are going to do to plan ahead when you haven't even been given the right numbers.

Then you are going to put an eight fish bag limit on a number you don't even know how many pounds your fish or wahoo are weighing and haven't been told what the recreational size of wahoo is going to be if you are doing a stock assessment. You've got a ton of stuff. You have got the cart so far ahead of that horse that horse can't even see it. I am not in this one here, but I don't see why you are doing it.

MR. ROSHER: What if we reworded it to say if it is met, attempt for a reduced daily boat limit instead of a seasonal closure. That is the only thing I was saying, and I really don't have a dog in this fight either. I am just trying to create common sense rules instead of seeing the end of the road for charterboats. That doesn't make sense to me.

DR. CHEUVRONT: I would like to remind you guys something here. What this action is looking at doing is what triggers the accountability measure, not what is the accountability measure. I know it is hard to separate the two like, well, what happens if it gets triggered. But

your recommendation could be, based on whatever your reasoning is, to make it either easier or harder to trigger the accountability measure.

If it is not triggered, then nothing happens the following seasons. I would suggest you look at some of the alternatives that are there. If your goal is to avoid triggering the accountability measures, then you might want to make a recommendation to the council that your preferred alternatives would do just that.

MR. NETTLES: I was reading this; that is what I was thinking. If you read this on Option 3 or Option 4, the only way this would be triggered is if the total of both the commercial and the recreational was exceeded. If you go back and you look at the chart they gave us on 6, we've never done that. My only concern was on Option 4 it says is overfished and the total ACL between recreational and commercial is exceeded. Correct me if I'm wrong, but the only way we would ever show it is overfished is if there is a stock assessment, correct?

DR. CHEUVRONT: That is correct.

MR. NETTLES: If you went with like Option 3, you don't have overfished in there, but at least the commercial and the recreational have to both be exceeded; is that what I understand?

DR. CHEUVRONT: Not both be – the combined numbers would exceed it. One sector could cause the overage. It could be one or the other, and not both of them have to be exceeded. It would be the combined values of the two would. Remember Alternative 4 means that you have to also be in an overfished state, regardless of whether or not the ACL – well, the total ACL would also have to be exceeded as well. If you look at these in terms of Alternative 2, 3, and 4 treated separately from Alternatives 5, 6, and 7; they go in increasing difficulty in terms of triggering the accountability measure.

MR. JOHNSON: Brian, if they do a stock assessment and they deem wahoo to be overfished; they are going to adjust that ACL, anyway, correct?

DR. CHEUVRONT: That is correct.

MR. ROSHER: I think I would like to remove the motion and support Alternative 4 and 7. They seem like the two that are going to least likely cause a trigger. I guess we deal with the trigger, the hardest to reach.

MR. JOHNSON: I'll second that motion.

MR. WAUGH: While Brian is typing that, let me just make one point. Brian is correct in saying that they are in increasing order of difficulty of being met. That is not the rationale the council is using. I just want to make sure that is on the record. That tracks such that trigger is pulled when there is a biological need.

We did this with king mackerel, Spanish mackerel and cobia; that you need to pay back the fish if the stock is overfished, because it is critical in order to rebuild that stock. But if it is not

overfished and it assumes you have appropriate management measures in place on both the recreational and commercial side; then you can tolerate a little bit of variance above. It doesn't hurt if you go above. That is the rationale.

MR. NETTLES: But if overfished is in there and they don't have a stock assessment; how can they make that determination? Is that why you are saying it is making it more difficult or is this going to force them to do a stock assessment we may not like?

DR. CHEUVRONT: There is no way to force them to do a stock assessment. This group can say we want a stock assessment, the council can say we want a stock assessment, but there are priorities and things that have to be worked out. That will determine whether a stock assessment occurs.

AP MEMBER: During the time where if they say they do need a stock assessment; do they shut the fishery down or do they let us continue to fish?

DR. CHEUVRONT: In general they basically let you continue to fish unless there is an emergency situation.

MR. JOHNSON: If all this came to fruition and they said, well, they are overfished; then the council would look at adjusting bag limits. That would be the time to try to figure out and hash out bag limits that would allow for a year-round fishery.

MR. HARTER: Well, I assume they would adjust the ACLs first and all that and then after that. If there is no more discussion, I guess we need a second for this motion.

MR. JOHNSON: I second it.

(Question asked off the record)

MR. HARTER: Both. All right, I stand corrected; this is just for wahoo.

DR. CHEUVRONT: I'm going to read the motion and then we are going to confirm with the motion maker and the seconder whether they agree with the motion as it is to get it in the record.

AP MEMBER: Should we put on there no payback needed for dolphin?

DR. CHEUVRONT: I would probably make that as a separate motion. **The motion that you have before you now is recommend the council approve Alternatives 4 and 7 as preferred alternatives for Action 2 for wahoo only.** Do the motion maker and the seconder agree?

MR. ROSHER: Agree.

MR. JOHNSON: I agree.

MR. HARTER: Okay, we'll take a vote, just a show of hands; all in favor, that is everybody. It is 12-0. Okay, do you want to type up the motion? **The motion passes 12-0.** Now we need the motion for the dolphin. You can probably best word it; recommend the existing rules with no payback for both commercial and recreational. Does that sound right, guys? Does somebody want to make this motion?

**MR. DeLIZZA: I make a motion that we recommend to the council that we select Alternative 1 and that no payback for dolphin is required. This motion would only apply to dolphin.**

MR. HARTER: Do we have a second?

MR. NETTLES: I'll second it.

MR. HARTER: All in favor, a show of hands, please; all opposed. **That passed 12-0.** Have we done enough to go to lunch now?

DR. CHEUVRONT: Yes, we got an e-mail that came in from NMFS regarding the landings for the recreational ACL. All right, these are just wahoo, I believe. We got some of the pounds landed of wahoo from the recreational database that they keep at NMFS. Just to show you, 1990 we were looking at 532,887 pounds. That went up to about 772,997 in '93, but in '94 recreational wahoo went up to 1,052,729.

It stayed up over a million pounds getting as high as 1.7 million pounds in 1999. It was trending slightly down in 2004 at 1.1 million pounds; but in 2005, 858,000; 2006, 768,000; 2007 was over 2 million pounds. But in 2008 it was estimated at 666,000 pounds and 2007 was 2 million pounds; 2008 was 666,000 and then the numbers followed along with what is reported in that table that you have in your document. You can see, their numbers show some wild variations from one year to the next. Whether you agree with that or not, I can't say; I mean, these are the numbers that come from National Marine Fisheries Service.

MR. JOHNSON: Those are effort-driven numbers, though. I know during the ORCS Workshop I saw recreational effort had gone from 2.7 million to 1.2 million trips annually. I am not believing that number; I'm sorry. It's not right.

MR. HARTER: All right let's take what an hour for lunch?

(Whereupon, a recess was taken.)

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WEDNESDAY AFTERNOON SESSION

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The Dolphin Wahoo Advisory Panel of the South Atlantic Fishery Management Council reconvened in the Crowne Plaza Hotel, North Charleston, South Carolina, Wednesday afternoon, March 27, 2012, and was called to order Chairman David Harter.

MR. HARTER: All right, I think we are up to Action 3 on Page 9; is that right, Brian?

DR. CHEUVRONT: That is correct. Action 3; this action was put in this amendment as a result of the council discussing the issues that you had me take back to them after your last AP meeting. They decided to put in a reconsideration of the dolphin sector allocations. Right now Alternative 1 is the recreational allocation for dolphin is 92.7 percent and the commercial sector allocation is 7.3 percent. Now realize that when we are talking about the percentage allocations here, that they could be affected by what action the council takes or alternative the council chooses for Action 1.

The actual poundage could shift based on what the council decides to do. Now Alternative 2 is the suggestion that you had sent to the council requesting that they consider going with the soft cap that had been in place before. Prior to the Comprehensive ACL Amendment it was 13 percent commercial and 87 percent recreational.

The council I can tell you at their last meeting kind of struggled with the idea because the other component of that soft cap was a maximum of 1.5 million pounds. The problem is that they couldn't figure out how to work those into an alternative to take into account 1.5 million pounds, because the ACL can change over time.

For example, if the ACL was to go up, then if the commercial sector was limited to 1.5 million pounds, all of the increase would go to the recreational sector. Likewise, if the ACL went down, the entire hit would also go onto the recreational sector. They kind of struggled and walked around with this trying to figure out what to do. They have basically kept it at percentages.

Now Alternative 2 was based on what you all had originally recommended to them at the March meeting, and that was all that went out to public scoping. However, at the March meeting the council came up with a couple of other alternatives, two others. What they did was Alternative 3; they looked at that Table 3 that we had mentioned earlier.

I believe Kyle was asking me about with those percentages of dolphin that were landed, as Table 3. I think that goes back to about Page 6 or so; yes, Page 6 in this document. One of the alternatives was to set the commercial sector at the highest percent of overall landings in the past five years, 2008 to 2012. You can see, I think it is 2009 wasn't it – yes, that the highest percentage was 14 percent.

Then Alternative 4 was to look at the average of those five years. That is a 10 percent average when you average across all those five years; the percentage of the overall that was landed by the commercial sector. You've got four alternatives now and that is kind of where we are with that.

MR. HARTER: In spite of all these words, then that is all we're really down to is deciding on which percentage we like, between 8, 12, 14 and 10.

DR. CHEUVRONT: Yes, the additional verbiage tells you basically what the poundage would be based on the different alternatives should the council – what they choose for Action 1.

DR. CHRISTIANSEN: On here, if you look at some of them, they go by its highest percentage of the total catch and not the total ACL. Are they going to use the percentage from the total catch and then apply that to the ACL for that is what they're going to do?

DR. CHEUVRONT: That is what Alternatives 3 and 4 would do.

DR. CHRISTIANSEN: Okay, just making sure I understood that part.

DR. CHEUVRONT: Alternative 1 is the only current one that they have, but they are actually doing it based on a longer time period of landings.

MR. ROSHER: Brian, what we are supposed to do to stay on track here is just vote on these four things, right?

DR. CHEUVRONT: I think the council would like to hear your opinions on these four alternatives. If you think that there is some other alternative that they ought to consider or you just think that we don't like any given alternatives at all, you need to be able to go ahead and state that now and have that discussion.

MR. ROSHER: I don't want to confuse issues here and get off on a tangent, but I feel very strongly still about the charterboat and the for-hire sector being able to sell their fish if properly licensed. The only reason I bring it up now is you are talking about a variation here of about a million pounds of commercial catch.

I understand the commercial sector's concern that the charterboats would take a piece of their catch; although I know when I report fish under charter, when I did use to report fish under charter, on my state trip tickets you had your activity listed, so they should have been able to differentiate. But that was one of the claims; they couldn't tell what was charter, and what was commercial and all that.

I don't want to, like I said, muddy the water on this. I think the only reason I bring it up is it may relate to how we allocate fish. I would like to ultimately have -- I am going to really try to make this brief, and I can read a letter from one of the council members that is in full support of charterboats being able to sell their left-over catch if they are properly licensed.

But my alternative would be to create a piece of this catch, some allocation for charterboats, even if it is 500,000 pounds, something that separates where we don't infringe on the commercial quota. It sounds like they are throwing out the possibility of increased catches here and there, up to as much as 1.2 million pounds. If this is not the right time to bring this up, we can table it now and get into it later in our discussion, but it may relate to this.



DR. CHEUVRONT: I can tell you that there were two potential actions that the AP asked me to take back to the council, which I did. One of them was this one for modify the sector allocations and the other was to allow for-hire sale of dolphin. The council did discuss that and they decided not to pursue that at this time. They've already had a full discussion of it. Actually I think they have discussed it twice. All I can tell you is that they have decided that they did not want to do that now.

AP MEMBER: When you say not pursue it; do you mean not make a decision on it and just ignore it or actually rule one way or the other, rule it out?

DR. CHEUVRONT: They have basically said they do not want to do that now.

MR. ROSHER: The only thing that concerns me is when you organize 12 people here; I think last time we were here we had 9; and you get a unanimous vote from four sectors of this fishery and everybody is unanimous that is what we recommend; for them to ignore it makes me question. I would just like to know why they can ignore a unanimous vote, and the year before it was 7 to 2, by the way. This is my third meeting about it. In my book it seems discriminatory.

When I have earned the right by virtue of my catch, my income levels, filling out the paperwork, reporting my fish, paying my taxes; I have more licenses than any – I commercial fished, too, a big part of my life and just commercial fished. I understand all three sectors of this fishery. How can you deny someone the right when he has earned the right just like anybody else?

I just think it is discriminating against a sector of the fishery that, by the way, provides a lot of revenue for local economies. I think it is a mistake especially in this economy to make it harder for charterboats to exist. They are already hanging on by a thread, and I could name many that are going out of business. I talked to Paul Spencer the other day. Many charterboats up there are struggling. Joe, you could talk about it. Obviously, they have made their decision, but I can tell you I am not done fighting. You can send that message back to them. The South Atlantic Charterboat Association is emerging.

DR. CHEUVRONT: Well, you have the right to bring that up at the council yourself, directly. You can do that. I am just reporting back to you what they had decided what they were going to do.

MR. ROSHER: I'm sorry; it just seems to me to be very puzzling and sends a bad message. I try to do my civic duty to be here; and if I'm wrong, then we wouldn't have unanimous votes. That is the part that is very puzzling to me, but I'm going to get off my soapbox. That is my only big issue and I guess we'll shelve it for now and vote on that.

MR. SHUTE: I've just got one quick response to what Ray said and I'm not going to run on. They said they weren't going to pursue it now. Did they bother to give a reason why they weren't pursuing it?

DR. CHEUVRONT: I think part of the reason was because it was in the Comprehensive ACL Amendment that had only been in place now for just now a year where they stopped for-hire

sales. They didn't want to change the rule after they had just gone in and just put it in place. But, David, Tom, Gregg, do you guys have any other reasons why they decided to –

MR. CUPKA: Well, let me say first of all we didn't ignore the recommendation. We got the recommendation. There was discussion about it. In fact, it has been discussed many times on and off the record. But like Brian mentioned, the fact was brought up it just changed a year ago. There was concern I think about being consistent.

We don't allow it in some fisheries and they didn't want to allow it in others. They want to try and be consistent. The council had started moving in this direction several years ago to prohibit all recreational sales. I think they just wanted to be consistent. It certainly wasn't unanimous, because there are people on the council that feel both ways and for the reasons that you sited as good reason to consider doing that. It certainly wasn't unanimous and it wasn't ignored. I'm saying it wasn't unanimous on the council.

MR. DeLIZZA: For the record, the fact that the rule was only in place for one year is sort of a hollow explanation, because this group recommended originally that for-hire sales be allowed. That doesn't help. The charter fishing industry for dolphin is an expensive proposition to undertake. If the council is trying to come up with a one size fits all management practice for a snapper and a dolphin, well, we really are headed in the wrong direction then.

DR. CHRISTIANSEN: I want to second that. When you look at that and you look at the allocations; if you had either allocation that was close between recreational and commercial and you've got a mate trying to sell fish and make a little bit of extra money, you are not close on either one, so where you put the total poundage isn't going to affect either sector, because neither sector is getting anywhere close to the ACL from the numbers.

I think they are taking away the ability of these guys who don't make a lot of money anyway, and do it because they love it, to make a few extra dollars. They are nitpicking on where the fish are going, whether they want to put it in one sector versus the other and let these guys sell the fish; you can move it. They are catching a million pounds in the commercial sector and 500,000 go for sale for-hire boats. You are not affecting them. You are not really getting anywhere close to your catch limits on either sector. I don't think for them to ignore it, I agree with Ray; I think they are making a bad decision.

MR. WAUGH: In terms of more of the rationale, under the Magnuson Act if a fish is sold it is commercial. What the council is trying to do is separate the sectors. Under ACL management we have to track – we and the National Marine Fisheries Service have to track the landings. If you are allowing sales from recreational vessels, it is more difficult.

The council is implementing across all its fisheries – at least it was up until recent time, and they may change their mind, but the idea that the commercial sector is the one that harvests and sells fish. They have to meet lots of requirements in order to do that to provide a safe product. Recreational, which is private recreational, charter and headboats, is selling a recreational fishing experience, and that is what it should be.

If you look at the rest of resource management, you can't go moose hunting and sell one. A guide can't even in many cases participate in the fishing or harvesting in freshwater and game management. This is just reality of where we are heading. We have finite resources. You have got more and more people participating particularly on the recreational side.

The reality is we are going to have to move to lower bag limits, seasons perhaps, and to sort out this sale issue and all the associated byproducts. The council is drawing a line, and the ones who are going to sell are commercial. There are those that debate whether a headboat fisherman has a right to sell a fish.

If you have a privilege to go harvest it, those fish belong to everybody in this country. The council has lots of rationale for drawing that line. They can change their mind. If you all want to provide recommendation to them that they should look at this again, then pass a motion and tell them they should look at it again.

MR. ROSHER: I would just like to make a couple quick points before I make a motion. I just saw a news report recently where the state of affairs in seafood consumption in the United States, about 80 percent is imported now from overseas. Of that, 1 percent is tested; and of that 60 percent fails the test; all kinds of antibiotics, horrible conditions.

The fish that our country is eating is by and large now brought in from overseas, and the worst part of that news is that a catfish farmer in the United States can't compete with the catfish prices overseas. That is the reality. That is wrong and that is a mistake. Secondly, I disagree with the comments that this is like moose hunting.

I hunt a lot. I am totally aware of all game laws. I've hunted 18 states in this country. The only thing that makes it drastically different is until a year ago, until a year ago history has allowed charterboats to sell fish. As a matter of fact, as a kid I went to Pier 5 and my parents bought fish off the charterboats.

That has always been historically a niche market that allows people to know that they are getting fish that was caught that day. That is the logic behind selling fish off charterboats. Just for the record, this doesn't make or break me. I am doing this for the sake of the charterboat industry. Because I wear other hats, my income is diverse, but I am telling you I feel very emotionally strong about this because I love the charter industry.

It has taken me all over the world. I have met people, become friends with clients. It is a great industry and we should be – I am training three 16-year-old kids today, this week. I have a 20 year old I am training. This is the up and comers. They deserve the same opportunities. This hurts my crews. They are the ones that \$5,000 at the end of the year makes a big difference.

It doesn't matter as much to me, my budget is huge. I am just saying I am watching this trend and you are not totally correct. Swordfish are still entirely legal for a charterboat to sell. You can check with HMS. Anyways, so it is not across the board. I was part of the fight with George years ago over the snapper and grouper being shut.

That is where the South Atlantic Charterboat Association was born, and I dropped it because of being too busy trying to survive. That is what I am telling you. I am ready to start fighting again, because I am pissed. I am really upset that everybody in this advisory panel, who are your field staff, they are the eyes and ears that are advising the council; it is truly a matter of opinion to say we shouldn't be selling fish. Remember, if we don't do a good job handling our charter clients, we lose them.

It is a self-policing thing. I wrote that to the Secretary of Commerce, never got a response. That is why I am pissed. I have had very little response from anybody other than steamrolling across all of our opinions. That bothers me. That is why I am questioning what is happening here. Please don't take offense, but it is a big issue.

This is changing the future of charter fishing. If we don't do it right, we don't stay in business, so it is self-policing. If we are able to do it, I think we should be able to do it if we are falling within the ACLs. Then an argument came up about taking a piece of the commercial quota, and that is why I brought it up now.

I don't really know, and I am sorry to bog this meeting down with it, but it is worth fighting for. Keeping charterboats in business is a really important part of our marine economies. Anybody near the ocean, really, more than they believe, needs those people to come in on the airplanes and stay in the hotels and eat in the restaurants, buy the marine supplies, the tackle, the lures.

That is why this is a big deal. When you start seeing charterboats going out of business, it is a bad sign, and that is what is happening. That is why I am fighting for it. I want to protect the charterboats even though I am entrenched in all three sectors. That is a big deal. I don't know if it would be good.

I would like to make a motion for them to reconsider the for-hire sale of dolphin, for whatever that is good for; take a vote and if the vote isn't unanimous, so be it. I am not going to hold it against anybody, but I'm just telling you that I think it is a fight worth fighting. Remember, this is only for licensed charterboat operators. I'm not asking for a free-for-all here.

But here is what is happening as a result of the council's action. Now fish are being sold underground, no taxes are being paid, no trip tickets, no logbooks. That is the result of their action. We can't do that; we are a huge target. We do everything by the book, but I am telling you that is the result of that action. It's a historical.

AP MEMBER: It is unregulated.

MR. ROSHER: That's right, and there is no tax being paid; there are no licenses being sold. That is the result and that is why I am saying it is a bad idea.

AP MEMBER: Those fish are unaccounted for.

MR. ROSHER: Unaccounted for; and trust me, I am all about preservation. If limits need to be restricted, size limits need to be increased, we will talk about that. That is another issue, but if

everything is healthy, and they are renewable resource as we've talked about; it is just almost like a vindictive move, and that is why I am pissed.

MR. SHUTE: Are you wanting to restrict that only to dolphin?

MR. ROSHER: I think dolphin and wahoo, since that is what we are here to talk about, should be allowed for for-hire sale. Granted, again, it is not a free for all, only if there is leftover fish that is part of the tip. I'll make one last point and I'll shut up. There are many times, especially in the Keys, it doesn't affect me as much, when a husband and wife, a couple come down to a boat, they can't afford the full-day charter, but the charter captain and mate can decide that they are going to work that day, because they can do a half price charter and go out, and they keep the fish. Now what it is becoming is a subsidized commercial trip.

But remember these are people who are commercially licensed. That is why I believe they have the right, because if you don't have those licenses you can't do that, you can't sell the fish. As far as fish quality, I beg to differ if anybody says the quality isn't right. If you are selling these fish, you are going to make sure they are chill brined. That falls on the responsibility of the fish house to core sample the temperature, core check the temperature. If the quality is not there, they can't sell it. There are actions in place to prevent poor quality sale of for-hire fish. That is a poor argument is what I'm saying.

MR. SHUTE: Well, I'll second your motion; but also what you were saying, the same thing happens everywhere there is a charter fleet. It happens in our area a lot. You get back to the dock, a pair of people goes out, and you have a great fishing day. Like I was mentioning, we have a great wahoo season and they only want to take two or three back and they say, well, here, we're going to give you these fish as a tip.

Well, believe me, they don't go home to their friends and relatives, they go to the market. They are illegal and they are not counted. The guys aren't going to quit doing it, because there is \$300 laying on the deck right there. What is he going to do, throw it over or go make \$300? The fish houses, even with trip tickets in North Carolina, they are being sold. I know a bunch of people that do it.

MR. DeLIZZA: Ray, is that written properly or should the motion be request the council approve the for-hire sale?

MR. ROSHER: Approve would be the right word; thank you.

MR. HEMILRIGHT: I've got a question. Was the motion that we made last year also include wahoo?

DR. CHEUVRONT: Yes, it did.

MR. HEMILRIGHT: It did. Do you have to have logbooks to fill out for everything like that? Because when you are looking at a quota here, 64,000 pounds ACL commercial quota is a lot different than a 1.1 million and 1.5 million pound dolphin. You are having a little bit of a

difference here, and I might not have brought it up last time, but it struck on me a little bit different here.

DR. CHEUVRONT: Related to that, Dewey, when I presented this to the council, I presented them dolphin and wahoo separately so they could decide each species separately. It wasn't that they had to take both if they didn't want to consider both.

MR. HEMILRIGHT: Yes, I just look at it – I don't have a problem with the dolphin part, but that wahoo part is getting a little bit closer to that ACL. If you've got the proper license, you could have a charter fisherman go catch all the wahoo up. I've got a little more difficulty with that. I don't have any difficulty with the dolphin. We've said that for all the time, but when I look at it and get thinking about the 64,000 pounds of wahoo, it's something else. Do they still allow king mackerel sale from tournaments?

DR. CHEUVRONT: It depends on where you are. I know North Carolina has a separate tournament permit that would allow the sale.

MR. HEMILRIGHT: That is managed by the South Atlantic? No, it is not; the king mackerel is not the South Atlantic.

DR. CHEUVRONT: Well, it is South Atlantic and Gulf.

MR. HEMILRIGHT: Okay, but what I'm saying is there any tournament sale of king mackerel that come off the commercial quota?

DR. CHEUVRONT: Well, I'm not going to answer that because I can't recall, but I believe that those tournament sales do come off the commercial quota in North Carolina, I believe. That may need to be verified.

MR. HEMILRIGHT: Well, I almost think it is, too, now that I think about it. I would say do the same thing. I just worry about the wahoo part. Most of it is probably coming from a charter fisherman or somebody that is going out and catching a lot of wahoo or something.

MR. ROSHER: The only think I can say in defense of that, Dewey, is look back in the historical records and prior to a year or two ago; all the records, all the catches that were registered were registered with including for-hire sales. It is not like when they banned for-hire sales the number went way down.

What I am trying to say is you survived it with for-hire sales since the beginning of record keeping. Like I said, I totally understand if anybody disagrees with me, but I am saying that I don't see – I know in my year I might sell 100 or 200 pounds of wahoo. I'm not up in the Carolinas; but when I was selling wahoo, it wasn't that much, it was very incidental.

MR. HEMILRIGHT: Yes, I don't have a problem with it. I just think it is still going to fall on, not deaf ears, but because that is not the route that they're going, but it would be better to ask and have it out in the open. Before we do this motion here, we still haven't talked about this motion

here, Action 3, and what alternatives here we are looking at. We don't want to get that cart before that horse too quick here, like I might sometimes do.

MR. HARTER: Well, it is definitely something that affects what kind of allocation that we would approve. It kind of bumps everybody's percentage up a little bit as far as the commercial allocation based on what we said before.

MR. HEMILRIGHT: Something else when you look about this; you have to get a handle on how many pounds this is, even though I think it is a miniscule amount. Somehow that is going to have to be through a system to figure out who is doing it and how that works like that, because when I look at these alternatives –

DR. CHEUVRONT: Yes, and I want to remind you, Dewey, that Action 3 only pertains to dolphin. It does not include anything about wahoo in it.

MR. HEMILRIGHT: Yes, right, I knew that. I understand that.

DR. CHEUVRONT: But I think if this is the motion you all want to have, I am going to go ahead and read it into the record so that we all know it is being voted on: request the council approve the for-hire sale of dolphin and wahoo.

MR. JOHNSON: Can I make one more comment?

DR. CHEUVRONT: Sure.

MR. JOHNSON: Well, I couldn't support it as it is, because it doesn't say anything about properly commercially permitted vessels. If a charter/headboat is going to sell these fish, he has got to have a commercial wahoo, dolphin permit. Then he is no longer selling them under recreational; he is selling them under commercial. If it doesn't say that, I couldn't support the motion.

MR. ROSHER: Can we add that to that motion, properly licensed for-hire sale vessels?

MR. JOHNSON: I think you still need to specify commercially licensed, because just because I have a South Atlantic Charter/Headboat Snapper Grouper Permit, I have got to have that commercial charter.

MR. ROSHER: Yes, for-hire vessels. Yes, that is right, you've got it.

DR. CHEUVRONT: Yes, we need to fix the language here a little bit: request the council approve the for-hire sale of dolphin and wahoo by commercially licensed – well, do you want dolphin and wahoo commercial permit?

(Remarks made off the record)

DR. CHEUVRONT: Well, it says “commercially”. We took out “properly licensed”.

MR. ROSHER: Dewey, I am not opposed to making it two motions, one for wahoo and one for dolphin. If you want to vote separately on it, that is fine.

MR. HEMILRIGHT: I don’t care. I think it should be allowed. I just want to make sure that they have logbooks they have got to fill out just like I’ve got to fill them out. If you have a dolphin, wahoo permit, you have to fill out logbooks. As long as they have got all that and safety equipment, flares, all the other things that we have got to have, all the other 10,000 hoops to jump through.

MR. ROSHER: That is my frustration. After jumping through all those hoops, to be told that you’re singled out as not being able to sell what is really a small amount, but it does matter in the lives of guys that are working by the day; the same as your crew.

(Remarks made off the record)

DR. CHEUVRONT: Okay, so your motion now is request the council approves the sale of dolphin and wahoo by commercially licensed for-hire vessels.

MR. ROSHER: Yes, I make that motion.

MR. HARTER: Second, Joe, still?

MR. SHUTE: Yes.

MR. HEMILRIGHT: You might want to throw in – how about that they can only sell their bag limit or something like that, because it doesn’t say that here. When you read that, it is just a request that request the council approves the sale of dolphin and wahoo by commercially licensed for-hire vessels; it just says commercially licensed for-hire. It doesn’t say that they can only sell their bag limits or whatever.

DR. CHEUVRONT: Where do you want to stick that language in, then?

MR. HARTER: Approve the bag limit sale of dolphin and wahoo.

**DR. CHEUVRONT: Okay I’m going to read it one more time just so that Joe is not totally confused here. Request the council approve the bag limit sale of dolphin and wahoo by commercially licensed for-hire vessels. That’s okay with the motioner and the seconder?**

MR. ROSHER: Yes.

DR. CHEUVRONT: They both indicated yes.

MR. HARTER: **All in favor; there are 12.**



DR. CHEUVRONT: Yes, I just did find out that tournament sales in North Carolina do count towards the commercial.

MR. HEMILRIGHT: Is the council going to work on that so that way it is even across the board? You don't have one that is standing out, because this could be a second one that could stand out. Is the council looking at that also so that way we're straight across the board or not straight across?

DR. CHEUVRONT: The council has considered tournament sales, but I believe that action –

MR. CUPKA: The Gulf and the South Atlantic; that is just their alternative.

DR. CHEUVRONT: That's right.

MR. HEMILRIGHT: What are their preferred alternatives? Does anybody have that? I mean we're asking it is about sale; just ask them.

MR. CUPKA: Yes, the mackerel plan is a joint plan between the Gulf and South Atlantic. We're working on a joint amendment with them now. There is a difference on the preferred in regard to recreational sales. The Gulf has taken a position that they don't want to allow any recreational sales.

The South Atlantic, we have been going around and around, because some of the states allow recreational sales for tournaments for charity. They want to try and find a way to continue that if possible, not the day-to-day recreational sales, but tournament sales where they are being sold for charity. That issue is going to have to be resolved before that amendment could move ahead, because we have different preferred alternatives between the two councils.

MR. HEMILRIGHT: Wouldn't it be a good idea in the future or just right now if instead of it coming off the commercial quota, since it is a recreational-caught fish, that it comes off the recreational side instead of that commercial king mackerel quota? Shouldn't that be the way? Is the council looking at that until they can figure out how to do this charity part of it?

MR. CUPKA: Yes, that has been part of the discussion is trying to set aside part of the one ACL so that those sales would come off against that. Again, we have been going around and around on it. Some states allow it and some states don't. North Carolina does have a system set up to allow tournament sales and account for those sales, but not all the states have that. We are looking at that as part of that issue.

MR. HEMILRIGHT: It just still ain't addressing, though, whose quota it comes off of.

MR. CUPKA: Well, we've had discussion on that, and some people feel like if we're going to allow it, it needs to be set up in such a way that it comes off the recreational quota, because that is a recreational sale, some people consider that. That is all being looked at for that issue, but it hasn't been resolved.

MR. ROSHER: Dewey, what do you think about making a motion that those type of sales as well as for-hire sales come off recreational quota. It would follow the motion we just made so the two would kind of tie in together, and I agree with you. My goals are not to hurt the commercial quota, but that is something that is easy to at least put it on the floor right now and see if everybody agrees with that. I don't see a problem since the bulk of the quota is recreational, anyway. I don't see a problem with that, just saying it comes off of that percentage.

MR. HEMILRIGHT: Yes, when I looked at it, I think until you get a handle on what is going on – I mean, I don't see what is wrong with it. If it is getting sold and the person that is selling it is making a profit from it, a king mackerel tournament to me is different. They are donating that fish or doing something with that fish that is going somewhere.

It is not going back in that guy's pocket. Even though it is commercial, the money is changing hands; it should come off the recreational side. I don't see why you have to have years of discussion. I mean that is just damned common sense kind of thing, but they are going around and around to figure it out.

The thing I want to talk about is the sector allocation here when we get to it, but I don't have a problem to make a motion to whoever sells the fish, it goes off their quota or something. But, see, with this charterboat you have two different purposes here. Even though it is going to come off a commercial quota and you are selling it, you have caught it recreational fishing. You have like a twofold thing here. I personally thought it should come off the recreational side, but me and you and the rest of us around this room ain't at the table.

(Remarks made off the record)

MR. NETTLES: Yes, but it is being sold under a commercial license, and that is how they are going to track it is by that commercial license. I don't see how you would be able to track that as a recreational fish.

MR. ROSHER: On our state trip tickets they actually do have a box for charter. There is a way to track that, and that goes back to my comments earlier about having electronic reporting even on the commercial side instead of paper logbooks that we have currently. That is the kind of stuff that if we put our heads together, you could make it real easy to check and they can track where everything came from.

DR. CHEUVRONT: Well, one of the ways that you might want to consider this is make a recommendation to consider a separate allocation for the for-hire sector.

MR. JOHNSON: Do you all really want to go down that road, sector separation and all that? I mean being very familiar with the snapper grouper fishery, being on that AP as well, I don't really think we want to. The problem I have with taking commercially sold fish, whether you caught them for fun or not, and counting them against your recreational sector ACL, you are going to drive a wedge there between the charter for-hire sector and the recreational.

The first time a pure recreational angler gets wind that charterboats are selling their catch and it is coming out of his share of the fish, you are going to have some issues there. I think just leave it if it is sold, it is commercial. I mean the definition of the law, if you sell it is a commercial fish. Leave it as it is just my personal opinion.

MR. HARTER: We have these alternatives to vote on since this is where we started. We've come full circle around to these alternatives, and, of course, the discussion has affected how we think of these alternatives, especially if we assume that if they were to follow through and pick up for-hire sales as commercial sales. Brian, I don't know how to do this other than you vote on each alternative, whether you like it or not?

DR. CHEUVRONT: Well, that is kind of up to you, but you might have some discussion specifically on the alternative, and some folks might say that some are definitely preferred over others just to begin with and start from there.

MR. HARTER: It seems to me it is just strictly a matter of no action or changing the percentage.

DR. CHEUVRONT: That is correct, but there is some thought behind how those percentages were developed that you may or may not agree with. There may need to be some discussion behind that.

MR. DeLIZZA: Dave, one quick comment to Brian's point, Alternative 3, where it sets a commercial allocation based on the highest of the last five years; fundamentally I don't think it is a good practice to set anything at the highest of the last period of time. It is an outlier to what the averages are. That is the only language in those alternatives that strikes me as a little unusual that I wanted to comment on.

MR. ROSHER: Dewey, didn't you say last year you were comfortable with about the 1.5 million pounds; so Alternative 4, does that represent what you were saying was reasonable?

MR. HEMILRIGHT: Yes, I wasn't looking – for me, for Alternative 4 it is going to take an average of the five years for the commercial, and that is about 10 percent of the landings. In commercial, when you look at the landings of one particular year we had like 1.2 million pounds. Looking here, it says 1.5 million pounds.

If you went with the 87/13, that is like almost 2 million pounds or Alternative 4, 2.1 – I mean, not only that, we just voted or I think we voted earlier that if you exceed your ACL, that nothing happens the next year as long as it is not overfished that overfishing is not occurring on dolphin. Isn't that what we said; there is no payback provision?

DR. CHEUVRONT: Yes, unless the fishery is overfished and the total ACL was exceeded.

MR. HEMILRIGHT: Well, there hasn't been a stock assessment so you don't have overfished or overfishing occurring. I personally – maybe I'll be wrong; I don't see the total ACL of 14 million pounds being harvested. Maybe I'll be wrong, because you don't have the magnitude of the effort on the recreational side to go catch the fish.

I was looking at Alternative 4 as something I would support looking at it, then. Under Alternative 4, I don't understand something, but that doesn't mean nothing, if you look under Alternative 4 and Alternative 1, the new recreational ACL will be 13.8 and the commercial will be 1.5. It looks like under that alternative, both sides get a little more fish. Am I reading that right?

DR. CHEUVRONT: Alternative 2 in Action 1; is what you are referring to, correct?

MR. HEMILRIGHT: So you've got to go back to Action 1 to get that.

DR. CHEUVRONT: Well, right now if you stay with what is in Alternative 1, you note that there is a note underneath Alternative 1.

MR. HEMILRIGHT: Yes.

DR. CHEUVRONT: If they choose Alternative 2, those values would change. What we did here is give you what those changed values would be. If you stayed with Alternative 1, the commercial ACL for dolphin would be 1.157 million pounds.

MR. HEMILRIGHT: That is based on that –

DR. CHEUVRONT: That is based on MRIP; the new MRIP numbers.

MR. HEMILRIGHT: That is also based on the Boyles' reallocation law; isn't that correct?

DR. CHEUVRONT: That is correct.

MR. HEMILRIGHT: It is based on picking and choosing how to get your reallocation methodology. Basically on Alternative 4, your total average of the last five years of 10 percent –

DR. CHEUVRONT: Of the landings.

MR. HEMILRIGHT: Of the landings.

DR. CHEUVRONT: Right, but the way it is stated right here, it says the past five years and it states the five years as 2008 to 2012. My understanding of this is that if you decided to endorse Alternative 4, that 10 percent would not change until the council did some action to change that 10 percent. Now, also remember that the values that are shown here are based on the numbers that we have in Tables 1 and 2.

That is fine as long as the ACL doesn't change. We got the information earlier that the dolphin and wahoo are scheduled for assessment in 2015. If there are actually assessments done, then the ACL is likely to change. Whether it is up or down or whatever, I don't know. What I am telling you is that the amount that each sector would be allocated would be based on the percent of the total ACL that is available following a stock assessment.

MR. HEMILRIGHT: I read the meeting of the minutes who was driving the bus and how it was laid out there. I just wish that there would have been some at the council level that had intestinal fortitude to say, hey, look here, it is clear you are reallocating something here. How about just go across the board.

It has always been a recreational dolphin fishery; 80, 85 percent or something has all been caught recreational. I ain't looking to change that. You have a few axe grinders at the council level past and present looking for this reallocation methodology. All I'm looking for is for people to keep fishing and not to have to throw back a fish, and at 1.5 million pounds, you are right there, 300,000 pounds more than you caught before at any given year.

It is also your five-year average of what you caught the last five years. I can't help it if the recreational couldn't go out fishing or something happened there, because it seems like we're putting our percentages based on what they catch. Well, if they have a bad year and they can't go pay four dollar fuel or the boat breaks down or something happens, that ain't my fault.

Quit punishing the commercial guy because he catches some mahi and is supplying people with fresh seafood about three or four months a year when the mahi comes through here. I'm for Alternative 4; I think that is fair. You are taking your average of your landings here. If there is going to be a stock assessment, which it is amazing how they are going to be able to do one, because I don't think they have go the data nowhere even close – I don't think they are even close to getting it.

If there is any cut, it is going to affect the recreational a lot more than it is commercial, because they catch 90 percent of the fish or whatever. It is consistent with what I have said at the last three or four years here. My thought process hasn't changed and I'm not trying to grab extra from somebody else. It is just trying to keep people fishing and not have to throw back something if you were to get close to your ACL or something happened there.

You know, on that commercial side you are accounted for pretty darned close. On that recreational side it is Ripley's Believe It or Not, or flip a coin. We've got two different sides here. That is just a fact of the matter. If every charterboat that went fishing wanted to fill out a logbook, and some of them might every day, I ain't sure what they do, but everything they catch, a logbook for tunas, we could get a little bit closer. But the recreational side you are not going to get there, because it is just the nature of the beast. You can work and achieve, but I am not looking for no reallocation or somebody to grab some extra fish here.

I'm just looking to keep people fishing on a stock of fish that is highly migratory. A lot of it affects what other countries catch or whatever rumor of a pair trawl happening in some foreign country or something; but I know this axe to grind here with a few past and present on this mahi. I am not looking to do that. I am just looking for 10 percent of the fish and we go fishing.

DR. CHEUVRONT: Are you making a motion?

**MR. HEMILRIGHT:** I'll make a motion for Alternative 4 as a historical thing of 10 percent for the last five years for the dolphin wahoo, and that is pretty consistent. It is even less than our 87/13, but Alternative 4 is what I'm making a motion to support.

MR. HARTER: Do we have a second?

MR. ROSHER: I'll second that.

MR. HARTER: Anymore discussion on the other alternatives? Any questions? Any further discussion? All right all in favor of the motion on the board. **The motion passed 12-0.**

DR. CHEUVRONT: Okay, if we are through with that one, let's move on to Action 4. I mentioned this one briefly when I was talking about the scoping comments. Action 4 is to revise the framework procedure in the Dolphin Wahoo FMP. As I said, this is largely an administrative procedure. What is presented here under Alternative 1 – and this is a very long action in here, because there is a lot of verbiage about what the council is going to consider, and how they are going to consider making changes to different management measures for dolphin and wahoo.

But the council, basically, the goal of what they are doing by looking at this is through Alternatives 2 and 3; Alternative 2 is basically to adjust the Dolphin Wahoo FMP framework that updates largely the language and some of the procedures to how they allow different actions to occur.

One of the goals of what we are trying to get done in here is that when an ACL is increased, one of the actions that is included in here is to increase the speed with which that can be done. Already an ACL reduction can be done pretty quickly. But right now to increase an ACL, we have to go through an amendment and all this sort of thing to get it done. Part of what is included in here is to change some of those actions so that they could be done more quickly as well.

MR. DeLIZZA: I've got just a couple questions on this. Starting with that third paragraph that begins modifications to the ACLs, ACTs and AMs; if I am reading that right, it would allow the RA to make these changes without public comment, without amendment process, without any of the things that go with having to make those changes now in an effort to streamline things. I just want to make sure I understand the ramifications of that.

DR. CHEUVRONT: It would be streamlined in the sense that there are a lot of comment periods that are associated with amendments and things. However, the RA can't just go off and do it by him or herself. This would have to be done – at least at a council meeting, there would have to be discussion of the results of the stock assessment. It can't be just done any time. There are guidelines as to when this could be done. But, you are right, if you are going to speed up the process, you are going to probably reduce the number of different comment periods that would occur.

MR. DeLIZZA: Okay, does that reduce it or eliminate it?

DR. CHEUVRONT: It reduces. There would still be opportunity for people to comment.

DR. CHEUVRONT: Then Alternative 3 is in addition to the revisions in Alternative 2, it would also include language to reflect SEDAR and SSC roles in setting MSY, OY and ABC. When the original framework was established in the original Dolphin Wahoo FMP, we didn't have all that SEDAR language and stuff in there.

That is what is just mentioned here is that we just update that language. If you turn to Page 15 of the document, starting at Number 9; that is the process that describes how ACLs and all would be changed; ABCs, ACLs and ACTs, and it goes on to the next page.

MR. DeLIZZA: Currently how are accountability measures changed?

DR. CHEUVRONT: Through amendments like we're talking about here. We are not asking to change accountability measures in the framework.

MR. DeLIZZA: I think that you are. Go back to that other page. It seems to mention accountability measures. Go back to Action 4 where it starts.

DR. CHEUVRONT: This describes the specifications of what would happen. Are you talking about going further up?

MR. DeLIZZA: No, go back to the beginning of the section on Action 4, second alternative, third paragraph.

DR. CHEUVRONT: On Alternative 2; are you talking about?

MR. DeLIZZA: Okay, that third paragraph, modifications to the ACL, ACTs and accountability measures.

DR. CHEUVRONT: I'll have to check into that; that might be an error there. The actual procedure of what we are talking about is in Section 9.

MR. DeLIZZA: Okay, I find that to be significant, however.

DR. CHEUVRONT: Yes, about changing accountability measures.

MR. DeLIZZA: Sure.

MR. WAUGH: What Alternative 2 does is allow us to do this by framework, which requires a regulatory amendment. It does include AMs. That has a requirement that there is a public hearing; the council has to do a public hearing – we would do that at a council meeting – and NMFS implements that by proposed and final rule.

Under Alternative 3, what we're trying to get at is we put a new – there is a shortened framework that implements changes to the ABC, ACL and ACT from an assessment. We are doing that in a

much shorter process that allows the council to take action more quickly. There you would still have an opportunity to comment at the council meeting; but when NMFS implements it, there would likely only be one comment period and not two.

In that case those changes under that faster framework are limited to just updating the values from the SEDAR stock assessment, and you would use the same allocation formula, the same way to define ACLs and ACTs. You are not changing anything; you are just getting the new ABC recommendation or value from the SEDAR stock assessment.

MR. DeLIZZA: I hate to characterize it this way, but it seems like an attempt by the council to bypass public input.

MR. WAUGH: If I might, Mr. Chairman; not at all. We're doing this with vermilion snapper right now. We got a new stock assessment for vermilion snapper that allows us to increase the ACL. What we have to do is we have to use our existing framework. We hold a public hearing; now NMFS is going to do a proposed and a final rule.

Yes, you have more time to comment, but that takes longer to implement the increase. Do you want to talk about getting more fish for a longer period of time or get the fish? That is what this boils down to. It is very restrictive. We are facing this same situation with black sea bass now. We will be getting – we were supposed to have last week the black sea bass stock assessment, don't have it yet, but that is supposed to show that the stock is rebuilt.

With this new framework in place, the council could take action at their June meeting, and NMFS could then publish a rule and get it implemented, and so the increase in the black sea bass ACL would be available before the commercial and possibly recreational seasons are closed, or the commercial is closed and the recreational blows the ACL.

Now under the existing process, the council is just taking the new ABC and applying it using their new formula, but NMFS is going to have to implement that under the framework that is described in Alternative 2, so there will be a proposed rule and a final rule. That additional length of time, in all likelihood the commercial sector is going to be closed and then reopened.

MR. DeLIZZA: For reductions right now, I am assuming council has more latitude to implement reductions quicker. It seems like they do.

MR. WAUGH: No; we are doing the same thing here. In Regulatory Amendment 18, we are implementing an increase in vermilion snapper, a small reduction in red porgy. What we are trying to do is to be able to make adjustments when we get a new stock assessment and only changing the ACL and the ACT values, applying the same formula to do that more quickly.

MR. JOHNSON: I was just going to say it could be used as a double-edged sword, I think is what you were pointing to. The flip side of that is most of these stocks are being rebuilt and it takes too long once we get that good news, to realize the good news, especially in reef fish, vermilion snapper, black sea bass being case in point. We already know that vermilion snapper



are not overfished. They have already had one commercial season open up and close without any increase to the ACL because of this very problem.

MR. HARTER: I take it we have a choice of the three alternatives, and the last one, of course, would include the SEDAR and SSC roles. That would be the difference between that and 2; is that right?

DR. CHEUVRONT: That is correct.

MR. HARTER: Well, I can't make a motion so somebody is going to have to if they have a favorite alternative here.

MR. DeLIZZA: Maybe just a vote on each one might work out easier.

MR. HARTER: We can do that.

MR. DeLIZZA: We can vote for more than one alternative, correct? I don't mean as a group.

DR. CHEUVRONT: Like if you are okay with 2 and 3, and you decide you are going to vote on all three alternatives, you could vote for 2 and 3 because you would be fine with both of them.

MR. DeLIZZA: Yes.

MR. HARTER: I understand; that sounds fair. I like a couple of them, but we are not going to read the entire alternatives in here and the actions so let's trust that –

MR. JOHNSON: Just because we select a preferred, the council still will be looking at all of these alternatives.

MR. HARTER: I am willing to take a yay or nay vote on each alternative and let the council look at the way we thought about it. Is that all right, Robert? With Number 1, how many are in favor or would prefer Alternative 1 as a possibility; not the top one, necessarily. All against.

DR. CHEUVRONT: I'm just going to count the votes in favor.

MR. HARTER: Okay, we'll do the same for Alternative 2. All that prefer that; 11 prefer. Then Alternative 3, which, as I say, is similar to 2, but adds SSC and SEDAR into that. All in favor; that vote is 11.

DR. CHEUVRONT: Okay, now we are up to the last action that the council is considering. That is found I believe on Page 17 of the document. This has to do with establish commercial trip limits for dolphin in the EEZ throughout the South Atlantic Council's area of jurisdiction. Remember, the South Atlantic manages dolphin throughout the Atlantic Coast of the United States. Just to remind everybody that north of Latitude 49, which is about Cape May, New Jersey, there is already a trip limit of 200 pounds of dolphin and wahoo combined.

The original management plan for dolphin and wahoo; the council had an action very similar to this in which they had approved – I believe they wanted 1,000 pound trip limit south of 31 North Latitude and a 3,000 pound trip limit north of 32 degrees North Latitude. That was not allowed by the National Marine Fisheries Service at that time. I believe, Gregg, if I'm correct, it was based on biological. There was no biological reason that they had said for doing it at that time.

MR. WAUGH: Right; the council wasn't making a biological argument. We're talking the trip limit, right? The council was making this argument of localized depletion. They wanted to spread the fish out, but National Marine Fisheries Service felt there wasn't a demonstrated problem and so disapproved it.

DR. CHEUVRONT: In that original action alternatives, it had Alternatives 1, 2, 3, 4 and I believe 5,000 pounds. When the council discussed it earlier this month, they added additional to that 10,000, 15,000 and 20,000 pound trip limit. Now, since this motion was made by the council, NMFS staff did some analysis on trips and landings.

Now, the 31 degrees North Latitude had to do with where longlines are allowed and the longline trips land typically more fish. Here are pounds of dolphin landed per trip. As you can see looking down here, so many of the trips have less than 50 pounds – these are I think from bins from 0 to 50 pounds, 50 to 100, 100 to 200, 200 to 300, et cetera.

You can see when you are just counting the number of trips, the vast majority of the number of trips had fewer than 500 pounds. But as you look down here closer, it might be harder to see it on the screen, you have got a few little blips here and there; but when you get out to 3,000 plus pounds, now you have got some years, like 2009, you do have a number of trips that actually exceeded 3,000 pounds. That is just counting the number of trips with the number of pounds.

Then we looked at north and south of that 31 degrees North Latitude. As you can see, south of there, there were a higher percentage of the trips were lower poundage. As you get out here, you can see that those larger trips did occur north of 31 degrees North Latitude; and on the last page here that looked at it by gear.

You can see most of those lower poundage trips are being done by hook and line; and longline, as you can see, really it is all the way out here. All these larger trips are all longline trips. But, the number of actual trips greater than 3,000 pounds is actually a fairly small number of trips. You are looking at longline trips.

That is fewer than probably – well, my guess is no more than 100 trips out of all the trips. When you look at the numbers of – well, I guess what probably would be a good thing to do is if you all could just talk about do you think that there is a need for trip limits in the commercial fishery for dolphin? If you all agree that maybe there are reasons for this, if you could discuss what you think that those trip limits ought to be set at would be helpful.

MR. HEMILRIGHT: I'm trying to keep it short; I don't see no need for no trip limits. There is nothing wrong with the fishes biologically; it is highly migratory. The chart that National Marine Fisheries sent you was not a good representative of a directed, targeted commercial

fishery. You have longline trips. A couple times a year they will land 20, 25,000 pounds if they're out 10 or 12 days fishing. You only get two or three trips. Dolphin season is April, May and June. You have an 8 annual catch limit. It just seems like some people need to leave well enough alone. There is no need for a trip limit.

If something happens and you are coming up on your annual catch limit or exceeding it, then you go back and look at that. You are catching a fish that 80 percent of them never make it past one year and 90 percent two years. A lot of fish that are caught longlining is probably the majority of your catch and mahi probably is maybe half of it or something. I don't know the exact number.

The size of the fish they're catching; we are catching like 10 to 20 pounders. You have small boats where we fish sometimes closer to off Hatteras, and then there are some that are further out here in the stream and different things. There was no reason with National Marine Fisheries before for a trip limit and nothing has changed since then. I don't see what new – there is no reason for a trip limit. I would go with Alternative 1. I would make the motion for Alternative 1 under Action 5; no reason for a trip limit.

MR. HARTER: Do we hear a second? Ray.

MR. ROSHER: Yes, I'll second it.

MR. HARTER: Don might remember it, I don't know, it was about 12 years ago. I think the only thing that I think kind of hinked everybody back then is that we ended up with about 19 longline boats working out of a port in South Carolina. I think they were all Rhode Island boats at the time. I think that is probably what also I think instigated some of this thought about trip limits and stuff like that. I haven't seen it since then or heard of it since then.

MR. HEMILRIGHT: I'll have you know probably about 12 years ago, 15 years ago, there used to be 400 longline boats from Maine to Texas. Right now there are probably less than about 90 operating, or 80, we're getting smaller. We are working on that. We've got that far. That might be another reason why you see less of them from Rhode Island or somewhere, because there are less of us out there.

Because, pretty soon what is going to happen on different fisheries, we are going to figure out what country can we give the rest of our fish to? That is the next thing that is coming. Everybody else that loves those turtles and all them porpoises and whales, those other countries that aren't using circle hooks and everything else, they are wondering that.

But, you know, I followed this mahi since 1997 was my first time I ever gave a public comment. In 1997 I came down here to Charleston, because the commercial catch was 400,000 pounds that year and the recreational were going crazy. They are catching our fish. We watched over time. We stayed under a million pounds, and we watched the different reasons.

Some people don't have money for a charterboat and they are looking to get that fish that belongs to everybody out here, not just us in this room or a few others to get access to it through

commercial fishing they are going to get access unless they have got a neighbor that gives them all their fish or something.

With the mahi, we are staying right there at the 10 percent level or something like that. But there are other things that we need to look about as far as international issues and when they make their pattern and what these other artisanal fisheries are doing with the mahi and different things like that, you know, we better wake up to.

MR. CUPKA: Dave, I remember those dolphin wars quite vividly; I was in the middle of them. But you are right; there was a lot of concern about localized depletion because of all the longline boats that had moved into the area. NMFS didn't go along with the trip limit, but I know there were people on the DNR Board at that time who were trying to implement trip limits.

I ended up having to go to court to testify that there really wasn't any need to put those things in place. I had gotten some landings data from Micah LaRoche down at Cherry Point Seafood and looked at the distribution of longline catches. There were certainly catches in there that exceeded what the state was looking at setting the trip limits at.

We ended up defeating that in court, and they struck down the trip limits on the state level. That all came about, and in fact it was the beginning, I think of the RFA, the Recreational Fishing Alliance, that Jim Donofrio came to town and was getting everybody worked up over that. Those were interesting times and I hope we don't revisit those.

MR. HEMILRIGHT: Well, that was a little bit also when the maritime center started and you had taxpayers dollars that built the place, and they wanted to deny access. They leased out something, and then they had the crowd marching in Charleston and you know the things. They took taxpayers money and rebuilt this maritime center over there.

They leased it out to a longline group that was going to pack fish out of there. That happened like that, but it's a time gone. But there are a lot less of us now and we need to keep fishing just like everybody else does. That way I figured maybe you'd sleep a little bit better knowing there are only 85 instead of 400.

MR. HARTER: Well, cannonball jellyfish are next. They are working on that now.

MR. ROSHER: I wanted to just real quick to add to what you're saying, Dewey. It kind of explains my position, too. I haven't been able to – I don't think a lot of the council understand what it is like to be in the position to truly make a living on the water. In the last seven years I haven't been able to raise my charter prices and yet during that same time my dockage, insurance and fuel have tripled.

It goes back to my comments about the couple that want to go dolphin fishing and can't afford it. What happens is if that boat can leave the dock, that money goes towards paying their dockage, their insurance. Their mates get paid. The question becomes what kind of crews do you want on charterboats, ones that are almost vagrant level?

All my crew has started from scratch and they all have families now. I have fished with some of them 25 years now. These are family men. My goal like yours is to be able to make an honest living and not live at poverty level. That's all; I'm not trying to rape the ocean at all. I know you can't bite the hand that feeds you.

Just for the sake of everybody in this room, I think the same thing is happening in the charter business. Those numbers are also dwindling. I think it is all going to balance out to a point where everybody can survive, but you have got to really work hard and you don't need to have things taken away that don't need to be taken away. That has been my only point.

MR. HEMILRIGHT: When you look at this here and you look at the amount of pounds landed by the recreational the last five years in order to catch their ACL, can you imagine doubling of the effort? I mean, it might be a few years or something, but it is not going to happen there for a second.

But I've always been one if somebody has been doing something and you can figure out a way; don't take them off the water. People need that money. There are also different scenarios. Just because we do it in this fishery doesn't mean we do it in all fisheries. People say we've got to be – I don't like the word where it says we have got to be consistent, everything is different. Different fisheries, you know one size doesn't fit all and things like that. That is why I advocate for keeping people on the water if there is fish to catch.

MR. BURROWS: Real quick, Dewey; do you think that a trip limit would help you out price-wise at the dock? This is just a question.

MR. HEMILRIGHT: No, I don't, because, see, your fish are only coming through a certain period of time. I really don't think so at all. If that were the case, it might would be so, but I just don't think a trip limit is going to help, because if you had a trip limit you wouldn't catch – I mean I can go out there in my boat and go fishing.

If I'm in the mahi, I have caught 6 or 7,000 pounds in a couple days. How 1,000 pounds and 2,000 pound trip limits ain't going to help me out there? If you've got a quota to catch, let the commercial side or industry figure out how to deal with their quota, whether it be price or whatever, because I'm not in for the government to tell me how to do my prices or to go sell my fish or something like that. That is up to industry or whatever, but I don't think that would help.

I mean, maybe if there was only like you can only catch one mahi or something; you know what I'm saying. I don't see that being the case, because you don't have them 12 months a year. You only have that short amount of period of time and you need it. If the price gets so depressed you are not going – nowadays you can't go longline fishing. Squid is like \$1.25 a pound is what we have to pay for the squid. I think a lot of the prices had to dictate that.

MR. BURROWS: This may be cynicism on my part. My fear is that – and I think Dewey is infinitely more qualified to speak about his needs in the longline fishery than I am in my side of the industry; but my fear is if there is no trip limit put in place by us or at least recommended in

this panel, I feel like we're going to get smacked in the face with one at the council level. That is just a fear I have.

MR. DeLIZZA: I've got a comment on this. It would seem to me that a trip limit could actually protect the 85 or 90 longliners that are left. Let me finish before you jump in. Because the commercial quota on mahi is so low now, if there was a very few boats that made a very focused effort into catching mahi, I could see where they would exhaust the majority of that commercial limit and exclude other fishermen from that. My thought is that a very high trip limit, whatever one of the higher ones offered there, could actually be a safety net to prevent that kind of focused effort from monopolizing the commercial limit. Dewey; am I absolutely nuts?

MR. HEMILRIGHT: About half way; because what it is, you only have like a two- or three-month season to catch the mahi. You are not going to have all 85 longline boats come from Maine to Texas to come and catch a mahi when you've got tuna prices at \$5.00 a pound, swordfish at \$7.00 a pound and your different types of things. Think about this; with no trip limit, the most we have ever caught is 1.2 million pounds a few years ago with no trip limit.

That was through the whole time. It might not even have been that much; I ain't sure what it was, 1.2 million pounds or something. As far as the council getting slapped in the face, they got slapped in the face from National Marine Fisheries Service that said, hey, there is no biological reason here for a trip limit. They went to court and you just heard that. The council, they don't like to get slapped in the -- they don't get slapped in the face too much.

But they don't want to get slapped in the face again, because they've already been told this once a few years ago down this route. Now had they done a stock assessment or do one and they say all this, the dolphins there aren't any, it is going to be extinct tomorrow, then they might be different, but I don't see that happening for them.

MR. ROSHER: Dewey, I've got one last question. Is there any chance that a refrigeration ship could participate in this fishery, where you have a couple big operators. I was fishing up in Ocean City one time and here is a tuna seiner. There are four permits up there and they are still active seining; owned by family.

MR. HEMILRIGHT: There ain't any more tuna active seiners in the EEZ. They might have permits but they haven't been active for the last 10 years except one purse seine boat that did a couple catches there last year.

MR. ROSHER: Okay we saw one that was about four or five years ago, and that is what I was told. I'm not speaking from total knowledge. All I'm asking is, is there any chance that there is some way somebody could exploit your quota through a refrigeration ship?

MR. HEMILRIGHT: I don't think so because you can't transfer at sea; that is illegal. This is labor-intensive stuff. It ain't like they're going to come over here and everybody is like, hey, let's all go mahi fishing this month. It doesn't work that way. You've got to find the fish. You're fishing in the Gulf Stream, they're moving. We had a great presentation today to debunk all that localized depletion talk because they are moving.

MR. JOHNSON: Just one quick comment, trip limits really weren't to prolong seasons. If you are not reaching your ACL, there is really no reason to have a trip limit, especially in a short season when these guys are going to make their money in three months it wouldn't probably make a lot of sense at this time.

MR. BURROWS: Dewey, what is the most you have ever put on the dock in one trip?

MR. HEMILRIGHT: Probably like 7,000 pounds; that's a couple days. Mahi takes a lot of ice and I could probably put 10,000 pounds of bluefish in my hold, but icing down mahi; probably 7,000 pounds in probably two days or something. But that was when we caught like 1.2 million pounds or something a few years ago when there was a lot of mahi around.

MR. HARTER: All right, we have a motion to vote on and it has been seconded, Alternative 1.

**DR. CHEUVRONT: Yes, the motion is recommend the council select Alternative 1 under Action 5 as their preferred.**

MR. HARTER: All in favor; all opposed. **We have 11/1.** Is there any other business now that you want to take up? You want to take up for-hire vessels; we're all wore out on that.

AP MEMBER: I've got one question; more of a general knowledge question. We have data on our dolphin harvest, whether it is good, bad or indifferent. Do we have anything on the population, what we take compared to the other countries as these dolphins pass or go through to get to us? That may be a question for Don. If anybody has any information, we're talking 6, 7 million pounds, but what is everybody else taking out of the group that we fish? We don't have any idea between Caribbean, Mexico.

AP MEMBER: Some council members may have some of that information, but I haven't been able to find any regulation source other than going to the countries themselves.

MR. WAUGH: We can pull that from FAO and other sources and come up with what the estimate is, but again it is similar to stock assessments. You have to think ahead and see where you are headed with this. Are you then going to advocate that what the U.S. is taking then is only a small part of an international fishery so you want this managed through ICCAT?

MR. HEMILRIGHT: One other thing I wanted to bring up about when we talk about the stock assessment or whatever if they choose to do one, and looking ahead; I mean, it is 2013; if they are planning on doing one in 2015, do they have the information to do one by 2015? Have they collected everything that you have got to have for one besides best available?

I sat through a tilefish stock assessment and was still continuing on sitting through it. The frustrating part for me as a fisherman, in a few years you know I've landed 50 or 60,000 pounds of bluefin tilefish and they are sitting there telling me, well, we don't have the length of this or we don't have this or we don't have this.

Well, people have caught this amount of pounds. If you have to do a stock assessment, you need the data and not just best available to do something. Because this fishery, suppose you do a stock assessment and it goes to the reviewers and it gets all the way to the end and all of a sudden they say, you know what, your new ACL is only about 7 million pounds.

MR. HARTER: I think when and if a stock assessment ever comes out on this; I think this committee is going to be very capable of addressing what we think are the holes in the stock assessment one way or the other. Yes, I know and that is why I think it is going to be thoroughly reviewed again, because this will be a monumental thing to have a stock assessment on dolphin and wahoo. All right, gentlemen, well, if there is no other business, then we are adjourned.

(Whereupon, the meeting was adjourned on March 27, 2013.)

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

Transcribed By:  
Graham Transcriptions, Inc.  
April 2013