

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

DOLPHIN WAHOO COMMITTEE

**Marriott Hutchinson Island
Stuart, Florida**

June 12-13, 2019

SUMMARY MINUTES

Dolphin Wahoo Committee Members

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Other Observers and Participants

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Dr. George Sedberry
Erika Burgess

Other observers and participants attached.

The Dolphin Wahoo Committee of the South Atlantic Fishery Management Council convened at the Marriott Hutchinson Island, Stuart, Florida, on Wednesday, June 12, 2019, and was called to order by Chairman Anna Beckwith.

MS. BECKWITH: The first item is Approval of the Agenda. Are there any additions to the agenda? Seeing none, the agenda is approved. If there were no additional corrections or any corrections to the minutes, then --

MR. GRIMES: Madam Chair, on page 7, I make repeated references to MRIP with APAIS versus MRIP with FES, and the differences between APAIS versus FES, and I recall saying that, and it's correctly transcribed, but I used incorrect terminology. Everywhere that "APAIS" appears in that discussion, it should be "CHTS", and apologies for my error.

MS. BECKWITH: So noted. Thank you, Shep. Okay. With no additional corrections or notes to the minutes, then those are approved. The first item is I guess we had our recreational landings already given to us, and do you guys need to note the commercial landings? Those are Attachment A01a, and you can see that we've had quite an increase as compared to last year in our landings for dolphin wahoo, and so we seem to be having a pretty good year, and so are there any questions on those dolphin wahoo commercial landings? No? Okay. Then we are going to go into our first major item, which is a quick discussion of the path forward to review the goals and objectives for the Dolphin Wahoo Management Plan.

MR. SAPP: Is there any comparison here to the year that the fishery closed commercially, numbers-wise? Like you said, they're having a good year, and has anybody looked at that?

MS. BECKWITH: No, I doubt it, but we also have the additional protection of, if the commercial folks hit 75 percent of their ACL, that we implement a 4,000-pound trip limit, to make sure that it should stay open throughout.

MR. HEMILRIGHT: I believe, in 2015, it was around June 30 or July 3 that the fishery closed at a million pounds, and so I think we're behind that schedule. Plus, there's a step-down now, and so, from what I'm hearing out on the water, the majority of the landings have already occurred that is going to occur this year.

MS. BECKWITH: Yes, and we had an increase in the ACL since that original closure occurred. Any additional questions on the landings? Okay.

MR. HADLEY: Thank you. With this next item, we're going to be going over -- This is the first thorough look that the council has had in a while of revising the goals and objectives of the fishery management plan for dolphin and wahoo. Just from a conceptual standpoint, we're not -- There's a lot of details to get into, but, at this meeting, we're really looking for kind of overall guidance on which way you would like your IPT to go, as far as starting to revise these, and I will get into some of the discussion questions, but, really, there again, at this point, it's kind of a first look, so to speak.

Just a little bit of background on why we're bringing this forward now. As part of the fisheries allocation review policy, it's to encourage the use of adaptive management is put into place in regard to allocation revisions, and this includes periodic reevaluation and updating of the

management goals and objectives, to ensure that they're relevant and current to the current needs, and so this is being done now as part of the allocation review trigger policy, which you will be going over in more detail at the Committee of the Whole meeting, I believe tomorrow, but that's kind of the reason that this is being brought forward now.

The idea is to revise the goals and objectives, and these revised goals and objectives will be put into place by the next plan amendment, presumably Amendment 10, and so we're kind of keeping it separate for now, so we can concentrate just on the goals and objectives, but, eventually, those would be rolled into Amendment 10.

As a little bit of additional background, the goals and objectives of the FMP were implemented in the original dolphin wahoo plan, and so they were put in place in 2004, and they haven't been revised since then, and so they've been there for a while, and certainly the conditions within the fishery have changed since then.

At the time that the council was formulating the original Dolphin Wahoo FMP, there was concern over increased landings of both species, and the council was trying to take really a proactive approach to address potential commercial effort shifts that were being seen and really geared toward the HMS longline fleet and the consolidation that was being seen at the time in that fleet, and there was some concern that that effort may shift over to the dolphin wahoo fishery, and so that was kind of a little bit of the background of the mindset of the current conditions when these goals and objectives were put into place.

In the FMP, that original FMP, it outlines some problems and issues that were identified by the council, looking at localized depletion of fish, due to high fishing pressure, disruption of markets, conflict or competition between recreational and commercial user groups, reduced social and economic benefits, some bycatch concerns, and these were specifically related to the pelagic longline fishery, and importance of predator-prey relationships between dolphin and other pelagic species and limited, essentially, information overall in dolphin and wahoo, and so looking at biological, habitat, economic, and social information to help manage those fisheries and the limited information that was available.

A look at the existing Dolphin Wahoo FMP goals, and I certainly won't read it to you, but, as you can see, it covers two paragraphs, and it's in a very narrative form at the moment, and so you have a -- It's fairly lengthy, and there's a couple of goals in there, but, in summary, it involves adopting a precautionary and risk-averse approach to management, which, in the first instance, attempts to maintain status quo in the current catch levels, and it states that the current catch levels at the time should not be exceeded, and conflict between sectors of the fishery, specifically commercial longliners and recreational fishermen, should be resolved.

The status quo should reflect trends, average catch, and effort levels in the fishery, and the time period chosen for that was 1993 through 1997, and so that might be something that you might want to keep in mind, once we get into the goals and objectives and things that could be updated, is that really what should be reflective of status quo.

Also, maintaining current harvest levels of dolphin and ensuring no new fisheries develop and addressing potential effort shifts in the historical longline fishery for sharks, tunas, and swordfish and that these shifts could compromise the allocation of the dolphin resource between recreational

and commercial user groups and, finally, localized depletion and abundance. That's the kind of general topics that are covered in the current goal, or the existing goal, of the FMP.

The IPT for Dolphin Wahoo 10 did discuss this, and, really, overall, we weren't sure which direction that the council and the committee would like to go with this, and so the IPT requested that the committee provide general topics or talking points that should be covered in the goals of the Dolphin Wahoo FMP, and we can certainly get into the wordsmithing side of that through the IPT process.

It was noted that an FMP can have multiple goals, if the committee decides that this is appropriate, and so you could have one goal, or you could have multiple goals, and, if left in a narrative state, consider consolidating goal paragraphs into a single paragraph with more broad elements. Also, there again, if status quo remains in the goals, what years represent status quo, and, within this discussion paper, there was the landings table, and you've seen it I believe at the past -- At least we did see it in March, but that was put into this table, at the very end, to show the landings over the years and also looking at past recreational landings and some of the newly-revised recreational landings.

In the current allocations, it was noted that the current allocations are based on landings from 2008 through 2012 for dolphin and 1998 through 2008 for wahoo, and so this seems contrary to the years that were used for status quo that exist in the current goals of the FMP, and, before I get into potential ways to move forward, I want to very quickly review, as an example, what exists for the Snapper Grouper Fishery Management Plan.

This is, I believe, the most recent FMP where the goals and objectives were addressed and revised, and so, for the Snapper Grouper FMP, the decision that was made by the council at the time was to change it into more of a table format, where you have a set goal, and, as you can see, there are four different goals, and then there's an ensuing set of objectives under each goal, with each objective directly tying back into that goal, and so that's one kind of conceptual thing to think about, is would you rather leave it in a narrative state, where it's a paragraph or a set of paragraphs, or would you rather change the goals and objectives to more of a table format, like the Snapper Grouper Fishery Management Plan, and this is also part of the appendix in this paper.

I will mention, when working through this, any suggestions that we can take back to the IPT, and we can run with that, and, also, the Dolphin Wahoo AP will be meeting in August, via webinar, and we have a half-day meeting scheduled, and the Dolphin Wahoo AP can certainly provide some additional feedback as well during that webinar.

Looking at some kind of discussion questions, you can look at the content, structure, format, and concept, and so are the current goals appropriate? If not, should the goals be updated or revised, and should new goals be added to the FMP? Also, just what overarching topic or topics should be considered?

Looking at structure, does the committee want one goal or multiple goals for the Dolphin Wahoo FMP, and, also, looking at format, would the committee prefer to keep the goals in the current narrative format, where it's a set of paragraphs, or change it over to a table format, similar to the Snapper Grouper FMP goals and objectives?

Then, from a conceptual standpoint, there are portions of the existing goals that attempt to maintain the status quo or current harvest levels for dolphin and ensure no new fisheries development. Just keeping in mind some of the actions that we will get into in Amendment 10, should this wording be changed to accommodate some of those potential actions that may introduce new gears to the fishery and allow additional sale of dolphin and also potentially change harvest levels? With that, I will stop there, and the requested committee action is just to provide initial feedback on revisions and which way you would like to see the IPT further work on revisions to the goals of the amendment.

MS. BECKWITH: Thank you, John. I think our first, more simple choice would be if you guys like the narrative format or a table format, similar to our snapper grouper.

MS. MCCAWLEY: I like the table format. It's just easy for me to flip back to it and glance at the goals, and it's just easier for me if it's in the table or bulleted-type format.

MS. BECKWITH: Okay. Is everybody comfortable with that, or does anyone want to see it remain in the narrative format?

MR. HAYMANS: Well, personally, I like the narrative format, and I think the fishermen would see that as an easier format than a page full of tables, but, again, you're asking for opinions, and there it is.

MS. BECKWITH: Okay. Then do we want to have any further discussion on narrative versus table, or do we want to sort of take a quick poll on what you guys want to see?

MR. POLAND: I was just going to say that I like the table, just because I get tired of reading stuff, and I know most folks do, but I feel like, with the table, it's a very neat package, and you can just hand it to somebody that's got questions or has interest in it.

MS. BECKWITH: All right. In terms of some of our commercial folks, do you guys think that your guys would like the table or the narrative? While you guys are thinking about that, go ahead, Mel.

MR. BELL: I just view tables as something easier to grasp without a lot of verbiage. That works for me. If you had pictures, that would even be better.

MR. GRINER: I think the table format kind of is easier to quickly glance at and pick out what you want to see, and so I really like the table.

MS. BECKWITH: All right. Going once, going twice, sold to the table format. One suggestion that I had made to John, before we get into any significant wordsmithing on these goals, which we can have some discussion today, is I thought that this might make an excellent use of a Survey Monkey tool, as we've used before, where it might be presented to both us and the AP in trying to get all of our thoughts organized and what goals, or would this be a good goal, or would this be a good goal, or that sort of thing, to sort of bring back a slightly more organized group of our thoughts, and so that's idea, and we would be able to work on that Survey Monkey and then maybe have the AP take it in August, and then have us take it in September and organize our conversation that way. That's one path forward, or we can certainly come back through and have a quick

conversation on the content and if the current goals are appropriate, and so what would be the pleasure of the committee?

MS. MCCAWLEY: I guess help me understand, on the Survey Monkey, and so you would basically go through the old goals, and someone would have to reaffirm that either I like this goal or we shouldn't use it, but then I guess my concern is -- I think there's some maybe nuances of the old goals, or current goals, that maybe a couple of words here and there need to be fixed, and then I would be okay with it, and so I'm not sure if the Survey Monkey could adequately capture that, and that's just my concern.

MS. BECKWITH: Okay, and so then let's have a quick discussion through this, and then maybe, if we need more refinement, we can come up with a way of cleaning some of that up and our thoughts.

MR. BELL: Remember that we use that to set our priorities and all, but what makes that work for me is there is some explanation or context or something in the questions, and we're rating something there one to ten, or whatever it is, and, in this case, if it's yes or no, but it would need to be linked kind of the same way, to context or something.

MS. BECKWITH: Right, and we haven't discussed how it would be designed, but you could assume that it would be sort of going through the same discussion that we would have here, to start to get us organized, but let's give it a shot for a few minutes and see where we end up.

MS. MCCAWLEY: One of the things that was brought up in the questions was about the whole status quo and what are we going to do about that, and I was wondering if we could just change status quo to historic and then maybe, in parentheses, the particular years that were used at the time that it was the status quo, and that's just a suggestion that I had, because we could spend a lot of time trying to define which time period in the fishery in the past that we're wanting to use, and so I was just trying to find a simple way to change the status quo wording to historic and then list the years that were used at the time.

MS. BECKWITH: Okay. That's a good idea, and I think, if we go back and look at the two goals that this FMP was really intended to be precautionary, and it recognized the importance of these fisheries to the recreational community and the charter industry and all of that, while still sort of acknowledging the value of the commercial industry in bringing this fresh seafood to market, and so I like that, and I like that this was one of the first FMPs, the only FMP, that really acknowledged the recreational importance of this particular species, these species, and so I think I would like -- In taking into thought the historic, that sort of implies that as well, and so I don't want to lose that in the management structure of this fishery.

A little background, for folks that weren't here when we re-did the allocation for those new years, the original FMP, before we put in ACLs, had sort of a soft 1.5-million pound cap for the commercial industry, sector, and, when we re-did the current allocations based on those landings years of 2008 and 2012 for the commercial, it was really -- It was the years that got to that 1.5-million pounds, and so the intent was never to take away the original soft cap allocation that was provided to the commercial sector in the original FMP, and so that is sort of where we are at the moment.

In terms of those two overarching goals for the FMP, to be precautionary and to sort of acknowledge the importance of the recreational fishery, is there any other concerns or feelings that those two overarching goals are still appropriate? Okay.

MS. MCCAWLEY: It looked like a couple of the goals had to do with maintaining current harvest, and it looks like “current” was in parentheses here, and the potential for effort shifts, it looks like over to the HMS, and that they were maybe trying to prevent some of this effort shift, and so I think that, when we -- It seems like we’re maybe doing almost like a little white paper here that’s just on the objectives, and I would love to see some discussion, maybe from John, about whether or not those things were actually achieved, like whether we felt like the FMP was successful in preventing this effort shift over to HMS fisheries, and then that could help us figure out if we need to reword that goal for the future.

MR. HADLEY: I guess my one thought on that, and I will go down to the landings table in the appendix, and you can kind of see the commercial landings over time, and that area of concern -- You can see that chunk of time that was chosen, and you had this one kind of really jump in 1995, I believe, in commercial landings. However, when you look at them over time, they have been, obviously, variable from year-to-year. However, they have not exceeded that, and they have stayed relatively within that normal range, so to speak, and so, from that aspect, I guess you could say it maintained a relatively -- It was stable in status quo, in that aspect.

MS. MCCAWLEY: Yes, and I would like to see maybe that written out, just to say that this was accomplished, and then we can figure out if we want to maintain it, which I think we do, but just trying to acknowledge, maybe, if that one or some of these were achieved through the various changes to the FMP so far.

MS. BECKWITH: Okay.

MS. MCCAWLEY: All right, and so I’m also wondering if we should have a new goal about maintaining access for all sectors to dolphin and wahoo. I am just throwing that out there for discussion, and I don’t know how we feel about that. It seems a little bit counter to what we just discussed about trying to prevent this shift over to HMS, and I don’t know, and I’m just going to throw that out there about access.

MS. BECKWITH: Yes, and it was also suggested that we might want to add in one about preventing overfishing, and I believe that we’re going to need an ecosystem management objective in there as well, because I’m not sure that we’ve got that specified.

MS. MCCAWLEY: I thought about that too, and I thought that that might actually be covered under the whole part about the overall goal about precautionary and risk-averse approach to management, and I actually felt like that was already covered, because I was spending time trying to craft what that objective would look like, and then I felt like, well, I think this might actually already be covered already, interestingly enough.

MS. BECKWITH: Yes, and Steve brought up that similar point.

MR. POLAND: I agree with you, Jessica, but maybe some wordsmithing on that, just to capture just ecosystem-based management language somewhere in there, so it's a little bit more explicit, and that was my suggestion.

MS. BECKWITH: Do we want to take a minute and go through the existing Dolphin Wahoo FMP objectives, which is on page 4? The first one is to address localized reduction in fish abundance, and the council remained concerned over a potential shift in effort by longline vessels to traditional recreational fishing grounds and the resulting reduction in local availability if commercial harvest intensified.

I guess one question would be if that's still appropriate, and I would say that I think there is still some, reality or perception, but there is still some perception that localized depletion can be a concern, and so, while we could probably do some wordsmithing of that, I think, from a North Carolina perspective, that one might still be worth having in there.

MS. MCCAWLEY: I like that, and I actually think that there's two concepts in here, and I would like to see this maybe split into two. I agree that -- Actually, maybe three. There is address localized reduction in fish abundance, paired with something like restoring or maintaining access to locally-harvested dolphin, and I think that that's important. When the fishery shut down, and I believe that was in 2015 on the commercial side, that was -- It really hit the Keys hard, and it was a very important component to that particular fishery, and so I'm wondering if maybe we split out this objective into one about maintaining this local fish abundance and access to locally-harvested dolphin, and then maybe the other one is working on this potential shift in effort, and so, to me, there's kind of two concepts in there that I would like to see split out.

MS. BECKWITH: Okay.

MR. HAYMANS: This objective is fifteen-plus years old, but yet we still heard this same objective in the last couple of years, and so my question with it is can we look at any of the more regionalized data and determine whether or not we did have some localized depletion based on landings from certain areas or whether it's unfounded and it remains part of the historical record, but we don't include it moving forward?

MS. MCCAWLEY: I guess that's why I was bringing up that how the closure affected the Keys, because I was trying to indicate that I felt like that that was still relevant, that that still happened when the fishery closed down in 2015.

MR. HAYMANS: But is that because of depletion of the fish in that area or just a great fishing year and they just --

MS. MCCAWLEY: I think that there were some environmental factors that had to do with the movement of dolphin, and that's just my personal opinion, but, also, I think that we had discussions about how the fishery was being prosecuted, maybe north of Florida, and that maybe that somehow affected the amount of fish that were available to Florida at certain times of the year, and so that's why I think that localized reduction in fishing abundance and splitting this into two pieces still gets to that, and I'm saying I think it's still relevant, and I would just like to see it defined a little bit better and freshened up a little bit.

MR. BREWER: I well remember what went on in 2015, and we actually took some steps to try to take care of that problem, and we have put in place a trip limit with a step-down. Let me sort of give my idea or tell you what Chester's perfect world is. In the State of Florida right now, the recreational and commercial fishing for dolphin are incredibly important and are a tremendous economic engine.

It is very important that we have the local production of dolphin for our -- Get your dolphin sandwiches for the tourists, and you've got fresh dolphin at the fish houses, and that's important, and that needs to be protected, and you don't want to see gluts in the market. You want year-round supply of fresh dolphin in the commercial sector.

On the recreational side, which is also a tremendous economic engine, you want a reasonable amount of dolphin available to the recreational sector's access, essentially year-round, and, to me, that would be the overarching -- The two overarching goals. It can be achieved, and I think that is being achieved right now, and the only threat that I see to it is that what happened in 2015 when the commercial dolphin fishery got shut down, and I think it was the beginning or the middle of June, and it was closed for the rest of the year.

In our goals, we are talking about sort of the -- In the old goals, we were talking about a fear of -- Dewey, you're going to hate me, and I apologize beforehand, but the fear was, and what they were trying to prevent, was a change in gear type whereby longliners were going to be targeting dolphin, and that was the fear, and it is still a concern, and so, to me, we can split these out, and, whether we do or not, it doesn't make a whit of difference to me, but, to me those are the goals. That's what we need to try to be -- I don't even say achieve, but I would say preserve, really.

MS. BECKWITH: Okay.

MS. BECKWITH: I agree with everything that Chester is saying, and he's just kind of restating my point another way, and so that's -- When I said the words "maintain access to locally-harvested dolphin", I meant for both recreational and commercial, and so maintaining the access by the recreational boats as well as that you could eat the dolphin sandwich when you were there on vacation, and so I was meaning access for both sides of the fishery there, and so that's just my little suggested wording to get at that piece that he's talking about.

MS. BECKWITH: Yes, and, to that as well, I mean, we've had plenty of discussions that a goal of the recreational fishery is to have high abundance and high encounter rates, and so I think we might need to craft some verbiage within maybe that same section, with a nod to that that is -- There is some distinction in how the commercial industry wants to prosecute their fishery versus the recreational desire to have high encounter rates, which requires having a higher level of abundance in the water.

I am going to go to -- As we have these discussions, and I know we're basically talking about dolphin, but this is the Dolphin Wahoo FMP, and so I'm just throwing that out there, and so, when we craft some of these objectives, we might need to make sure that we're taking into consideration wahoo as well, and so I have Dewey, Art, and Chris.

MR. HEMILRIGHT: Thank you, Madam Chair. Given the things that happened in 2015, this council put into place a step-down approach that would hopefully, if it occurs in the future, would

help have mahi available year-round. The problem that I'm starting to see and listen to from fishers down in the Key West area and different things is maybe the migratory patterns of fish have changed for the mahi in these areas that has nothing to do with the pelagic longliners catching them off of North Carolina or something, because I hear from various -- I have heard from different comments, over particularly the last year in Fort Lauderdale, and we had comments from numerous folks, but these migratory -- The migratory patterns of fish are changing, and maybe it's happening with the mahi.

How does this council address migratory fish patterns changing under localized depletion of abundance if this particular mahi, in October of last year, was in true abundance for the charter fishermen in North Carolina of having limits of their charters of October, and so I don't want to get caught up in these localized depletions that were fifteen or twenty years ago and these developments where something else could be happening while we're beating the horse of localized depletion, when it could be the migratory patterns and that actual fishing has nothing to do with that, and so that's something that maybe in this thing that it gets looked at. How do you determine -- There is a lot more people catching mahi once it leaves here and does a circle, and so how does that -- Some of the things, when I was on the AP panel, that was brought up by -- I can't remember the name, but the guy from South Carolina that had the dolphin study. Don.

He looked at a localized reduction in abundance, and, basically, the outcome that he had, through the studies and stuff, was they've got tails and they swim, but I just know that there's something else that appears to be happening, maybe in the lower part of Florida, down in the Keys, that we keep hearing this, but there's got to be something else, because, when you look at the data, it's not backing that up as to here's localized depletion and here's the fault. It might be something natural that is going on with migratory patterns, and so that's just something for everybody to think about with that, also. Thank you.

MS. BECKWITH: Yes, those are great points.

MR. SAPP: To that, the fish are still there, but they're just not nearly as big as they once were, even illegally small -- Other North Carolina, we have that twenty-inch minimum, and they're seeing large quantities of fish under that twenty-inch minimum, at a time of year when generally it was slammer time, and we were supposed to be seeing the bigger fish. I agree that fish cycle, and they change their patterns regularly, but it's been long enough now in the Keys that they are extremely concerned.

As far as the conflict between the commercial and the recreational sector here, with the changes we're making in bait restrictions and hook restrictions for the longliners, I think a lot of that is kind of going away anyway through those restrictions, and it's harder and harder for longliners to catch them with these giant circle hooks and big baits, but I would also like to see promoting a commercial fishery that desperately wants in it in the buoy fishery. Traditionally, swordfish buoy guys that aren't allowed right now to take mahi, and these guys can -- They're out all night.

They are, in some places that are doing this fishing, far enough offshore that they would love to be able to stay all day and buoy fish for mahi, and this is gear that is constantly tended. Therefore, bycatch is minimal, and, if there is something, it's released alive, because, if you don't keep up you with your buoys -- They are free floating, and they're going to be on them, and you will lose

them, and so it's constantly tended, and dead bycatch doesn't happen, and it's a fish that's back to the marketplace very rapidly, and so it's a great addition to the market.

MS. BECKWITH: I think we have a place for that discussion within Amendment 10, but this discussion might need to be a little bit broader right now.

MR. CONKLIN: If we're going to have these conversations and try and make decisions based off of if a longliner is depleting the fish or whatever, then I think we need to see tables of landings from the regular dolphin wahoo permit holders, commercial, and we need to see the blue-water boats landings, and we need to see the trends for a few years, maybe five or eight or something, or ten, whatever you can drag up.

Then we need to take -- I remember when Don Hammond presented to us how those fish swim and that some of the fish come around the Bahamas, I think I remember, and they swim up, and those are the Carolina fish, and the fish that come up through the Keys are coming from somewhere else, and I could be wrong, but there is different groups of fish, and I don't think it's, per se, because there is a lot more hooks in the water. I mean, it could just be how strong that crop is for the year.

Then we've got to remember that there's a lot of other countries fishing these fish too before they get to us, and so it would be real helpful to see, as we move forward in making these new goals and stuff, a visual of where the fish trends -- How they go, and maybe even have another -- Invite Don back for another presentation, and that would help us all be a lot more educated, and there is people here that didn't get that. If we're going to be changing the whole dynamics of an FMP and the goals, then we owe it to be as educated as possible, and so, with that, thank you.

MR. HADLEY: I was just going to say that's something that we could certainly bring back to you in September, sort of a more detailed breakdown of commercial landings, so you can see how that has played out within the commercial sector, and I will get in touch with the dolphin tagging program folks and see if they could give a presentation to the council.

MR. CONKLIN: Yes, I would love that, and then, when you break it down, can you do the landings by state for both the blue-water boats and the -- And make it coast-wide, please.

MR. HADLEY: Yes, we can certainly do that. Some of the other states, we might get into some confidential data issues, but we'll address that and certainly get it as high-resolution as possible.

MR. CONKLIN: Yes, and we need to see the big picture of the fishery and what's going on.

MS. BECKWITH: I suspect that some of the actions we've already taken have taken care of some of those localized depletion issues.

MR. BREWER: Pass. Chris covered it.

MS. BECKWITH: Okay. Cool. All right, and so that was Number 1. Number 2 is minimize market disruptions, commercial markets, mainly local, or maybe disruptive large quantities, and so we've sort of talked about parts of this, and I think some of the language that Jessica put forth would cover that, and so is there any other thoughts on that second objective at this time? Okay.

Then let's jump over to the third one, which is, and, again, we've had some of this discussion, to minimize conflict and/or competition between recreational and commercial users, and so we've had some of that discussion, and we've noted some data requests from Chris and a possible presentation, and we've noted that we would like to put in some verbiage about the difference in goals of how these fisheries occur for recreational versus commercial. Jessica, did you have something else on that?

MS. MCCAWLEY: I am wondering if we should split this one out into two, and so, the minimize conflict and/or competition between recreational and commercial user groups, that seems like one all by itself. Then that part where it's talking about the longline maybe seems like another thought, and the first part, where you're talking about the conflict or the competition between recreational and commercial, maybe this is where we would add the thing about maintaining access for all sectors, and I would put dolphin and wahoo in there also, and so just wanting to be clear, and maybe that actually needs to be split into two, because I feel like there is two thoughts in there.

MS. BECKWITH: Okay. The fourth one is optimize the social and economic benefits for the dolphin wahoo fishery, given the significant importance of dolphin and wahoo to the recreational throughout the range of these species and management unit. Manage the resource to achieve optimum yield on a continuing basis, and, of course, we've had plenty of discussions that there is a different -- There could be a different meaning of what optimum yield means to the recreational versus the commercial, and so that would be a good opportunity to discuss that within this particular management goal.

MR. CONKLIN: I mean, I would like to see the things that you think have already been done, either through the ICCAT rules or the HMS rules and the council rules, as far as pushing the longliners offshore and making them use the bigger hooks and stuff like that, and I would like to see the things like that, that kind of separate the fellas from each other, because if they're forced to be farther offshore and all, then they're not even fishing the same grounds, and so you have one community of commercial and recreational that can go out into the -- With the longliners, they can't come into the council zone or whatnot and fish alongside those guys for certain times of the year, and I would like to see the measures that have been taken, not just for dolphin, but things that they have to do that we've heard a lot about, that the council boats and the recreational people don't.

MS. BECKWITH: Yes, and that's in Amendment 10, and I think it's that Action 15 that we go into that discussion a little bit, because we have listed in there a lot of the requirements of the HMS pelagic longliners are required, and to open up the discussion of what we feel is appropriate to bring our, quote, unquote, council boats up to equitable landing with the HMS folks, and so there will be a chance for that discussion. Did you have anything else?

MR. HADLEY: Just going back to the earlier discussions on Number 4, it mentions, given the significance importance of dolphin wahoo to the recreational sector, and do you want to add the commercial as well, or just leave it as recreational? Earlier, we were talking about the importance to both sectors, or should we just leave it as-is?

MS. BECKWITH: I think we probably want to have some discussion about the different optimum yield type goals for both commercial and recreational, and maybe it could be finessed into that.

The next one is reduce bycatch of the dolphin fishery, and bycatch is a problem in the pelagic longline fishery for highly migratory species. Any increase in overall effort, and, more specifically, shifts of effort into nearshore, non-traditional fishing grounds by swordfish and tuna may result in increased bycatch of non-target species.

I am not sure that this one is appropriate, as appropriate, anymore, and so we'll have to take that into consideration. I think we certainly want to reduce and minimize bycatch in the dolphin fishery, and I'm not sure that it's particularly necessary to call out just the pelagic longline fishery, but that is up for discussion, and I think we've taken measures to make sure that we are allowing those high-encounter catches to come in, but retaining some portion of that ACL with that step-down and trip limit, to assure access locally, but if you guys have any additional thoughts, we certainly welcome it.

MR. CONKLIN: So the bycatch of non-target species, when they wrote this, they were referring to dolphin, and is that right? Like I was saying, there's probably measures that have already been taken to reduce that.

MR. BREWER: This may be somewhat outdated, because of changes that have been made with the HMS requirements, which you and I have both seen, and so I think that there have been a lot of steps taken to reduce bycatch in the pelagic longline industry. Maybe it's still a concern, but it's certainly not as much of a concern as it was at the time this was written.

MS. BECKWITH: Yes, and I think it's worth recognizing that, certainly an objective that recognizes the need to minimize bycatch in general, and not allow for overfishing to occur, or something along those lines, might be more appropriate to replace this one. I think there is two more on the next page, direct research to evaluate the role of dolphin and wahoo as predator and prey in pelagic ecosystems, and we're certainly -- We probably need to reword that into some broader ecosystem management objective, and we're taking a step, potentially, in that direction with our frigate and bullet mackerel work that we're doing at this meeting.

MR. POLAND: There has already been considerable research done to evaluate the role of dolphin wahoo as predator and prey, but a lot of that research was just short-term snapshots, and we received input from the Habitat and Ecosystem AP, the meeting before last, as far as encouraging just continual monitoring, and not necessarily of dolphin and wahoo diets, but continual monitoring of the prey field in the pelagic ecosystem, and so, I mean, I would certainly suggest some rewording of this, but still try to capture that goal of continued research and monitoring, and maybe add some language in there, something to the effect of, where practicable, incorporate ecosystem information into management or precautionary -- Something like that, and I will leave it to staff to wordsmith.

MS. BECKWITH: Okay. Sounds good, and I think Number 7 is probably still appropriate, direct research to enhance collection of biological habitat and social and economic data on dolphin and wahoo stocks and fisheries. I think we covered most of what the IPT recommendations were. Consider adding an objective that aims to prevent overfishing, and we discussed that, and we discussed Objective 1, with the localized depletion, and we talked about minimizing bycatch as an objective, and so where are we at now? Do you have enough?

MR. HADLEY: I think that was very helpful, and I appreciate the insight there, and that gives us a lot to run with, as far as that goes, and I think, as general direction, if it's okay with the committee, we'll try to include wahoo, where appropriate, in this, in the different objectives, but, yes, that was pretty much it. A lot of this, there again, is the different format, and we went over that a lot already, and we will be coming back with more of a table format, rather than a narrative format, and that's, I believe all we need for the goals and objectives.

MR. POLAND: I just had a quick question, as far as the process moving forward, and so our intent is to get these goals and objectives kind of squared away and included in Amendment 10, whenever we finalize that, and is that correct?

MR. HADLEY: Yes, the next plan amendment, and so that would be, presumably, Amendment 10, but they could be rolled into if there's another amendment that comes up or what have you, but that's the way that they would go into the fishery management plan.

MS. BECKWITH: Okay. If that is all on that discussion, then, John, when you're ready to start taking us through Amendment 10.

MR. HADLEY: All right. Switching gears, switching over to Dolphin Wahoo Amendment 10, and so we'll start off with just a kind of overview presentation that largely tracks the decision document, and so what the council did in March was they reviewed the actions in the amendment and potential new items that were identified for the amendment.

Also, if you recall, you passed a motion asking the SSC to consider Monroe County recreational landings when making catch level recommendations and directed staff to bring back information on adding buoy gear to the list of allowable gears in the commercial dolphin and wahoo fishery and requested information on HACCP training that may be required for for-hire vessel operators or crew if bag limit sales are allowed, and requested landings of dolphin caught with pelagic longline gear by vessel permit type, and that was over a longer time series and an updated time series from the previous data that was presented on this.

Looking at potential amendment timing, overall -- Of note, this amendment has not gone out for scoping, and so that is one decision, and that would be the next step in the process for this amendment, and, if it were to happen, if the committee did approve this for scoping at this meeting, it would occur in the summer, and, eventually, we would see -- Over the next several meetings after that, we would see the amendment several times and provide different revisions, and so the point being that we're fairly early in the process.

In June, assuming everything went smoothly, we would be looking at public hearings, approval for public hearings, next year, and this would occur in the summer, and then, potentially at the December meeting in 2020, we would potentially be taking final action on this amendment and looking at likely summer or fall of 2021 when the actions in Dolphin Wahoo Amendment 10 would go into place.

As a little bit of a background on issues with development of Amendment 10, as discussed in March, several actions are dependent upon new catch level recommendations from the SSC, and these are not yet available. At the April meeting, the SSC expressed some concerns over using revised MRIP data to set these catch level recommendations, and they are scheduled to work

through these concerns at a workshop in August, potentially paving the way for new catch level recommendations at their October meeting, and so what this means is it's unlikely that the committee will have these new catch level recommendations until December of 2019, and that's at the December 2019 council meeting is when we would be reviewing them.

Looking at the actions in the amendment, there is several. There is currently fifteen. However, these can be broken down into major categories. Actions 1 through 4 accommodate revised Marine Recreational Information Program data and looking at revising the ACLs and then revising sector allocations. Actions 5 through 7 redefine optimum yield for the dolphin fishery. Actions 8 and 9 accommodate adaptive management of sector ACLs, and Actions 10 through 15 implement miscellaneous management revisions to the dolphin and wahoo fisheries.

Looking at the actions, Actions 1 and 2 implement a new ACL for dolphin and wahoo. Actions 3 and 4 revise the sector allocations and ACLs for dolphin and wahoo, and, as a reminder, we will be having a more in-depth allocation discussion at the Committee of the Whole meeting that is scheduled for Thursday morning, and so these two actions suggest that we take up discussion of this, just so -- There is going to be a lot of information presented at that time, and we'll potentially take up discussion of Actions 3 and 4 either during the Committee of the Whole or at a later time.

Actions 5, 6, and 7, they, again, redefine optimum yield in the dolphin fishery. For Action 5, it will revise the optimum yield definition for dolphin, and Actions 6 and 7 -- As part of that optimum yield definition, one of the alternatives would use annual catch targets, and so Actions 6 and 7 -- Action 6 would establish an annual catch target for the commercial sector, and Action 7 would modify the annual catch target for the recreational sector, and these are both for dolphin.

Then the actions, there again, that accommodate adaptive management of sector ACLs, you have Action 8 that has a suite of actions that allow adaptive management, potentially sort of allocation sharing between the two sectors, or a rollover of ACLs, and so there are several alternatives there that we did review in March. However, based on the committee's guidance and discussion in March, it may be very difficult to decide how to move forward with Actions 5 through 8 without knowing how the ABCs and ACLs for dolphin will change, and so, with that, assuming that guidance still holds, the committee may want to hold off on discussing Actions 5 through 8 at this time, until we have those new catch level recommendations.

Moving on, Action 9 revises the accountability measures for dolphin, and we'll take a pretty good stock here to discuss how the committee would like to address accountability measures that are being considered across two amendments, and so we are considering revising accountability measures for dolphin in Amendment 10. However, the recreational accountability measures amendment also is considering revisions to the accountability measures for dolphin and wahoo, and so, at that time, we will ask for some guidance on how the committee would like to handle that, potentially consolidating all of those actions into one amendment, likely Amendment 10.

Then, finally, the miscellaneous management measures, we have an action that would allow properly-permitted vessels with gear onboard that are not authorized in the dolphin wahoo fishery to possess dolphin and wahoo, and so this is looking at accommodating some trap and pot gears. Action 11 would allow the use of buoy gear, and this is a new action in the commercial dolphin wahoo fishery. Action 12 would remove the operator card requirement, and Action 13 would allow bag limit sales for dually-permitted for-hire and commercial permit holders. Action 14

would potentially modify the recreational vessel limit for dolphin, and Action 15 looks at aligning the commercial longline fishery for dolphin and wahoo with the requirements of the commercial pelagic longline fishery for highly migratory species.

One more item that we will come to, once we've gone through all of the actions in the amendment, is the Mid-Atlantic Fishery Management Council recently requested that the South Atlantic Fishery Management Council and the Southeast Regional Office provide an exemption for the regulation prohibiting filleting of dolphin in the waters north of Cape Hatteras, and we got into this discussion a little bit during the Law Enforcement Committee meeting, but this is where we'll be asking for guidance on how the committee wants to respond to the Mid-Atlantic's request.

Of note, this exemption -- It was clarified that this exemption is intended to apply to for-hire vessels only, and the Mid-Atlantic also included recommendations of their Law Enforcement Committee, where a requirement for a one-inch-by-one-inch piece of skin would remain on each fillet, and the crew must retain the racks of the fish, and the crew must be able to present two fillets, which are the equivalent to one fish, and, there again, we'll get into the details of that after we're run through the actions.

What we need to accomplish at this meeting is we'll look at the draft purpose and need statements and also the actions and alternatives, and, of note, there are three new actions that there would need to be a motion to include those in Amendment 10, and so these are Actions 1 and 2 that look at revising the ACLs for dolphin and wahoo and Action 11 that would implement buoy gear as allowable gear in the commercial fishery.

There again, providing guidance on the Mid-Atlantic's request, and one of the considerations could be approving the amendment for scoping, and then, also, considering the amendment timing and when the committee would like to review the amendment again, knowing that you will not get catch level recommendations likely until December. With that, any questions before I jump into the decision document?

MS. BECKWITH: I just see Mel's head kind of shaking at the list of -- Yes, Tony.

MR. DILERNIA: Thank you, Madam Chairwoman. I don't know when you would like for me to speak to the request from the Mid-Atlantic Council.

MS. BECKWITH: Not now. I will let you know though.

MR. DILERNIA: Thank you.

MS. BECKWITH: Okay. Go ahead, John.

MR. HADLEY: I will jump into the purpose and need statement. At this point, the IPT did provide initial language for the purpose and need statement. It is very initial language. Until the actions in the amendment are a little bit more solidified, it's hard to come up with a purpose and need for action, and I don't know if the committee would rather move forward and maybe come back to this at a later date, once we have a little bit better idea of which actions will remain.

MS. BECKWITH: Yes, please.

MR. HADLEY: All right. Moving into Action 1, this would revise the total annual catch limits for dolphin. Currently, the current ACL for dolphin is approximately 15.3 million pounds whole weight, and Alternative 2 would revise the total catch limit for dolphin to reflect the updated ABC, and so the new catch level recommendation that will be coming from the SSC. Of note, the total ACL for dolphin is set equal to the ABC, and, as a little bit of background on this, this was set in Dolphin Wahoo Amendment 5.

Some of the rationale was this was the preferred alternative in the Comprehensive ACL Amendment, and so this is what was previously done. Monitoring efforts had improved significantly, reducing the likelihood that the ACL would be exceeded, and dealers were beginning to report electronically once a week, further enhancing the monitoring efforts, and recreational landings had remained well below the recreational ACLs, and so that's the rationale for setting the ABC -- At the time, setting the ABC equal to the ACL. However, one of the IPT requests is guidance on whether the committee would like to consider sub-alternatives that would potentially set buffers between the ABC and ACL, for example, the ACL equals 95 percent of the ABC, the ACL equals 90 percent of the ABC, et cetera. If so, the IPT would come back to you at the next meeting with that updated language.

Again, as a final note, I will -- I forgot to mention that last time, if you recall, we did pass a motion removing an action that would revise the ABCs, ACLs, and ACTs, and so part of the discussion was that the ABC is set by the SSC, and so that was removed. However, the IPT felt that, since the ACLs are set by the council, and they are codified, we do need an action that would revise the ACLs.

MS. BECKWITH: Okay. Any thoughts on that? Are we interested in seeing something other than ACL equals ABC?

MR. BREWER: John, refresh my recollection. I know we had some discussions on the recreational side and not the commercial side, but only recreational, that optimum yield be defined in ways other than the -- I guess it was the ABC, or the ABC was set exactly equal to the ACL, and we had discussions about defining the ACL differently. In other words, to kind of encompass the whole thing with regard to the difference between the recreational and commercial and the whole thing about abundance and accessibility, et cetera, being very, very important in the recreational sector, and is that encompassed in here in any way?

MR. HADLEY: It is not. That discussion was part of the -- We have this kind of set of actions in there and discussing the definition of optimum yield and potentially revising it and then doing that through the ACTs, and so that discussion occurred by step-downs of the ACT in comparison to the recreational sector ACL, but, to answer your question directly, no, this would be the ACL set for dolphin, and so that's inclusive of the commercial and recreational sectors.

MR. BREWER: Thank you. Is that something we are going to perhaps get into in this amendment?

MR. HADLEY: It is currently in the amendment, that discussion of optimum yield and the ACTs. Based on the committee discussion last time, the committee wanted to see the new catch level recommendations before making a decision on whether to move forward with that or not, but it is in the amendment currently.

MR. BREWER: Thank you, sir.

MR. GRIMES: I am on the IPT, and so I have provided input relative to this, but I would encourage you to at least consider buffers. I mean, it's not even looking at buffers, and you may have very good reason for not doing it, but buffers are often incorporated into this, and it seems like it's a good idea to at least examine those alternatives in making your decision. Thank you.

MS. BECKWITH: I was going to make that suggestion, especially since we don't know what the final ABC coming from the SSC is going to be, and so we can certainly move forward with that, unless there is some opposition to that. Okay.

MR. HADLEY: To formally add this action to the amendment, we would need a motion from the committee.

MS. MCCAWLEY: **So moved.**

MS. BECKWITH: It's seconded by Doug.

MR. HAYMANS: That's for 95 and 90, is that what the motion is?

MS. BECKWITH: 90 and 95, yes.

MR. HADLEY: Just to clarify, the motion itself would approve the action as it stands, and direction to staff is we will come back to you at the next meeting with the different step-downs.

MS. BECKWITH: Okay. The motion is on the board to approve Action 1 and the proposed range of alternatives for consideration in Amendment 10. Is there any opposition to that motion?

MS. MCCAWLEY: **Should we just say the proposed modified range of alternatives, since we're telling them to edit that, just to be clear?**

MS. BECKWITH: Okay. That has been added. **So it's to approve Action 1 and the proposed modified range of alternatives for consideration in Amendment 10. Is there any opposition to that motion? Seeing none, that motion carries.**

MR. HADLEY: Moving on to Action 2, this is essentially the same action, but for wahoo. Action 2 would revise the total annual catch limits for wahoo. Currently, the total annual catch limit is approximately 1.8 million pounds for wahoo, and Alternative 2 would revise the ACL to reflect updated ABC catch levels, and so updated catch level recommendations from the SSC. Here again, I will emphasize that the total catch limit, or the ACL, is set equal to the ABC, and so I'm not sure if the same discussion would apply to wahoo as well.

MS. BECKWITH: Yes. Jessica, would you be willing to make the appropriate motion?

MS. MCCAWLEY: Yes. **I move that we add Action 2 and the proposed modified range of alternatives to the amendment.**

MS. BECKWITH: It's seconded by Doug. **Is there any opposition to that motion? Seeing none, that motion carries.**

MR. HADLEY: All right. Again, I will -- As long as it's okay with the committee, I will skip through the next set of actions and move down to Action 9. There again, Action 3 and 4, looking at the sector ACLs, we'll have that discussion at the Committee of the Whole, or at least the allocation in general discussion at the Committee of the Whole, and we can come back to these actions at a later date, using that information.

MS. BECKWITH: Action 9 starts on page 19.

MR. HADLEY: Action 9 right now revises the accountability measures for dolphin only, and there is really, and I will get into the details of this in a second, but, overall, there is really three competing ideas within this action. The first is you have a set of alternatives that would accommodate flexibility in managing the ACLs, and so Action 8, the previous action, and so that's where these alternatives come in.

There is also a new alternative that would allow -- It would essentially apply a very similar accountability measure to the commercial sector that is currently in place for the recreational sector, and this was part of the discussion that came up during the ABC control rule amendment in March, and potentially looking at other ways to allow the commercial sector to potentially bump over their ACL on that certain year, where they have that really large pulse in landings. However, it will likely revert to their mean, so to speak, in subsequent years.

If you look at the alternatives in the action, Alternative 2 accommodates a common pool ACL, where both sectors could pull from a common pool allocation, and, there again, that's in Action 8. Alternative 3 accommodates rollover of uncaught ACL for the commercial sector, and Alternative 4 does the same for recreational sector, and so it accommodates rollover of uncaught sector ACL, and, there again, Alternative 5, as I mentioned, is very similar to the current recreational AM, where the commercial accountability measure will include a shortening of the commercial season that may be triggered if the ACL is exceeded, but only after commercial landings have been monitored for persistence in increased landings.

That is really the key term there, the "after monitored for persistence in increased landings", and it doesn't necessarily kick in right away, as currently is the case, where you have an in-season closure once the ACL is projected to be met.

MS. BECKWITH: If you guys remember, we've had lots of discussions here trying to figure out a way of making sure that, if there is a year of high abundance in the dolphin fishery, that we have taken initial protection to make sure that the commercial guys don't close by having that step-down at 75 percent to a trip limit, but there was also some desire to make sure that, if there's a year of high abundance, that we're not unnecessarily closing down access to those fish for the commercial guys.

We have gone round-and-round with carryovers and common pools and all sorts of different discussions, and, with all the complications that those additional ideas have been brought, it has been beaten into my brain at this point that the easiest way forward would be something along the lines of Alternative 5, which is the same accountability measure that we currently have for

recreational, and it would, as John said, basically not penalize the commercial sector for going over their sector ACL for one year in those years where there is particularly high abundance and they are bringing in quite a bit of catch, because, as we saw in 2015, we did have that closure, because that was a particularly high year of abundance, but we haven't seen that since, and so, even though we put in that step-down and the trip limit, it has not, since 2015, been implemented, and it's not been necessary, and so that's not to say that we won't have another exceptional year of abundance and the commercial -- What we're trying to avoid is an in-season closure for the commercial sector, just because there happens to be an unbelievably excellent year of dolphin.

I would be interested in a motion that would add Alternative 5, and then, if there's some discussion on if that is something that the committee would like to see move forward, if some of the other alternatives are maybe no longer appropriate, given that new option, and so I will open it up for discussion.

MR. SAPP: In a perfect world, before these revised MRIP numbers were scaring us all, the recreational sector would share a little bit to the commercial sector, and we would get more locally-domestic-caught mahi in the marketplace, but I believe firmly that Alternative 5 gives us our best option, with the fear of these new numbers.

MS. BECKWITH: We don't have to take anything out now, if we don't want to, and we can certainly leave it all in for discussion after we get the ABCs, but, if you like Alternative 5, would you like to make a motion to include Alternative 5?

MR. SAPP: More discussion sounds like needs to be had.

MR. BREWER: Agreed.

MS. BECKWITH: Go ahead.

MR. BREWER: I just want to say that some of these I have already said I am against vehemently, and I probably will again, but, right now, we're just saying are these acceptable alternatives, or do we want to add any, and so I say what we've got is pretty good.

DR. MCGOVERN: I just had a question about this new Alternative 5, and it's not clear to me -- I think this is a post-season AM, but it's not clear in that way, and then, also, John mentioned that we had the other AM amendment, and it has recreational AMs in it, and it seems like a lot of these other alternatives could go out and just be addressed in the recreational AM amendment.

MS. BECKWITH: I thought the suggestion was going to be to pull some of those into this amendment, so we're keeping dolphin and wahoo together, and so I think the opposite is going to happen, that we're going to pull in more stuff. To Jack's point, this new alternative would take away the in-season closure for the commercial sector and have it as a post-season accountability measure. That would be the accountability measure.

MS. MCCAULEY: Are we going to pull in the items from the other amendment into this document, because we don't have a similar action for wahoo, and I'm just kind of confused right now.

MR. HADLEY: We're going to have to do a lot of reorganization of this. The idea is just to get some direction on which amendment you would like the actions housed within, and then, in the end, you will likely see -- Assuming that everything gets put into Amendment 10, you may see several accountability-measure-based actions, once the IPT has had a chance to discuss it and kind of organize it in a little bit better fashion.

MS. MCCAWLEY: I would like to see them come into this particular amendment, and so I don't know if we're kind of splitting hairs here, like do we want to add an Alternative 5 or do we not, because I feel like all these other pieces are coming in from that other amendment.

MS. BECKWITH: Yes, but this new Alternative 5, as part of this action, is not coming in from the other amendment, and so we need to go ahead and add this one in, and then we'll add in -- We'll give direction to staff to bring in the other related items for consideration as a whole.

MR. HAYMANS: At the appropriate time, I will make the motion, but I do have a question about "monitored for persistence in increased landings", and what was the discussion back when we put that into the recreational side about how long would NMFS monitor for persistent increased landings?

MS. BECKWITH: I think the intent, if it needs to be worded, is persistence would be more than one year, and so they could go over the first year, and, if for some reason it looked -- If they went over a second year, then we would have to come back and figure out what to do.

MR. HAYMANS: **Madam Chair, I make a motion that we add Alternative 5 to Action 9.**

MS. BECKWITH: Do I have a second? Second by Steve. **Is there any opposition to this motion? Seeing none, that motion carries.**

DR. MCGOVERN: I have another question. The recreational AMs that are being brought in from the other amendment, are they going to replace the AMs that are in this amendment, because these are really complicated, and I think it would probably be good to see what those recreational AMs are that are coming in here, and so that part is not really clear to me.

MS. BECKWITH: This is just my personal feeling on dolphin, in particular, is I actually think that the current accountability measure for the recreational is appropriate for dolphin. I think it's a slightly different animal than the rest of our species, and I think that the other accountability measures that we are considering in the other amendment would be appropriate for wahoo, and I'm not really sure how the rest of the committee feels, but this new Alternative 5 would basically put the same accountability measure that we currently have for dolphin recreational and apply it to the commercial, and we would potentially have this one -- If this went forward as-is, we would potentially have this one species with slightly different accountability measures than the rest of our species, but I think this fishery is a little bit different than the rest of our species, and so just something to consider. I'm not sure, but I think that would be an organizational thing for the IPT to figure out, how to bring it in and have it make the most sense for us to consider.

MR. HADLEY: If I could say that probably the way that this would be structured is you're at least going to have two actions, one dealing with commercial AMs and then one dealing with recreational AMs and potentially more actions in there, but at least two.

MR. CONKLIN: It just doesn't make a whole lot of sense to have to be paying fish back the following years in something that's an annual crop. If you ever fish it in one, you've got a whole new crop the next.

MS. BECKWITH: If the status is overfished. Okay. Is there any additional discussion on Action 9? Okay.

MR. HADLEY: All right, and so we took care of Alternative 5 that will be added to the action. However, the discussion on how to address the actions that are in the accountability measures amendment needs to be a little bit further addressed in how the committee would like to handle that.

We will not be discussing that amendment at this meeting, and so that's why it's being brought up at this time, and to get some direction on how the committee would like to go with that, but, just to show you what is in the recreational accountability measures modifications amendment, Action 4 would revise the post-season recreational accountability measures for dolphin and wahoo. There is a wide array of options, and a little bit of the rationale for even considering these actions was trying to, and this is the goal of the accountability measures amendment, is to try to standardize accountability measures across fisheries.

The two actions that I will go over are really geared towards potentially aligning the accountability measures for dolphin and wahoo with those, potentially, of the snapper grouper fishery, and one of the options is to not specify post-season accountability measures. Alternative 3 would only specify post-season accountability measures, and there are several sub-alternatives there, one being if the recreational ACL limits are constant, annual catch limits are constant and the three-year geometric mean of landings exceed the recreational sector ACL, and Alternative 3b is the recreational annual catch limits are constant and the sum total of the most recent past three years of recreational landings exceeds the sum of the past three years of the recreational sector ACLs.

Sub-Alternative 3c looks at whether or not the recreational ACL is exceeded in two of the previous three years or exceeds the total acceptable biological catch in any one year, and 3d looks at the commercial and recreational combined annual landings, if the combined landings are exceeded, and Alternative 3e is if the stock is overfished, based on the most recent status of the stocks report to Congress.

Then, jumping into Alternative 4, if the post-season AM is triggered, reduce the recreational catch limit by the amount of the overage, and then Alternative 5 is the recreational accountability measure would be triggered, which would cause a reduction in the recreational fishing season that is necessary to reduce the probability that the ACL will be exceeded in the following year, and so that's kind of an array of options there, and, there again, there is similar kind of sister reflective actions that would apply to the snapper grouper fishery in that amendment.

MS. BECKWITH: Right, and, to Chris's point earlier about dolphin basically being considered an annual crop, there is quite a few of these potential recreational accountability measures that would not be appropriate for dolphin, because it's annual crop, and so looking across a three-year average or some of these options doesn't make a lot of sense for dolphin, possibly, and so we'll have to take that into consideration at the appropriate time.

MR. GRIMES: A point of clarification. This is not an annual crop. If it were an annual crop, we would be exempt from the accountability measure requirements, and so let's sort of change that term.

MS. BECKWITH: Certainly by the official term, yes. Agreed.

MR. HAYMANS: Just to make sure that I understand, are we going to pull these Actions 4 and 5 from the recreational ACL amendment into Amendment 10 at some point, or is it going to --

MS. BECKWITH: For dolphin and wahoo, yes. Any other questions?

DR. MCGOVERN: I just want to add to what Shep said. Dolphin live for a maximum of four years, but there is very high mortality after the first year of life, and so it's not an annual crop, but most of them are dead after one year.

MS. BECKWITH: Thank you, Jack. That is certainly how we consider it.

MR. CONKLIN: Maybe we should revise our definition of annual crop, and we can get away from this whole thing.

MS. BECKWITH: Okay. Where are we now?

MR. HADLEY: Just really quickly, if we could go over the other action that would be moved in, and it's Action 5 in the recreational AMs amendment, and this would announce a starting and end date for the dolphin and wahoo season for the recreational sector. The fishing year for dolphin and wahoo are the same, currently, and there is no in-season closure for the recreational sector for dolphin or wahoo.

Under Alternative 2, the National Marine Fisheries Service would essentially annually announce the start and end dates of the dolphin and wahoo fishery, and the season would start at the beginning of the fishing year and end when projections show that the recreational annual catch limit will likely be met. Those are the two actions that would potentially be moved into Amendment 10.

MS. BECKWITH: Can you take that as direction, or do you need a motion?

MR. HADLEY: I think a motion would probably make it a little bit cleaner, as far as to move these two actions from the recreational accountability measures into Amendment 10.

DR. CHEUVRONT: I just wanted to take a second and talk procedurally how this could happen, if you decide to move these into this amendment. John had mentioned that the recreational AMs amendment is not going to be discussed at this meeting, and so what would happen is, if you all vote to move these two actions into this amendment, and that's fine, it would then go before Full Council, and so, at that point, Full Council will decide whether to move them into this amendment.

Anna, you had brought up a point about maybe changing some of the alternatives. Once that has happened, then it would be totally appropriate. If you move these actions in, they now become

Dolphin Wahoo Committee actions, and you can do with them as you see fit, and so I just wanted to make sure that everybody was clear on how this procedurally would occur.

MS. BECKWITH: Okay. Great. Thanks. We need a motion to move these two actions into Amendment 10.

MR. HAYMANS: **Madam Chair, I would move that we move Actions 4 and 5 of the recreational accountability measures modification amendment into Amendment 10.**

MS. BECKWITH: Thank you. It's seconded by Steve. Is there any discussion?

MR. GRIMES: Do you just want those wholesale put in there? I mean, the IPT, though we have some license to edit and move things around, but to combine it with the existing stuff?

MS. BECKWITH: Certainly, and, since we've had a little bit of discussion on the uniqueness of dolphin, then it might be appropriate for some verbiage changes and some additional recommendations. Okay. **Seeing no opposition, that motion carries.**

MR. HADLEY: I appreciate the guidance there. Moving on to Action 10, this would allow properly-permitted commercial vessels with gear onboard that are not authorized for use in the dolphin wahoo fishery to possess dolphin and wahoo. Currently, the list of allowable gears in the fishery includes automatic reel, bandit gear, handline, pelagic longline, rod-and-reel, and spearfishing gear, including powerheads, and so, if anyone has onboard a gear type that is not within that list, then dolphin and wahoo may not be possessed.

Alternative 2 would provide an exemption for certain gears, and so, essentially, the list of gears allowed in the fishery would remain the same. However, if the vessel is in the Atlantic EEZ and has both the commercial dolphin wahoo permit and the necessary state and/or federal commercial permits for the following gears, they would be authorized to retain dolphin and wahoo caught by rod-and-reel while in possession of such gears.

Based on the committee guidance last time, we reworded Alternative 2 and came back with sub-alternatives that would cover different gears. In Alternative 2a, we have American lobster traps. In 2b, we have spiny lobster pots. In 2c, we have stone crab pots, and, in 2d, we have black sea bass pots, and so those are the gears that are covered.

As a reminder, this action originally came about from a request from the Atlantic Offshore Lobstermen's Association, and so lobster fishermen in New England were essentially catching some dolphin on their more long-range lobster fishing trips, and they were requesting that an exemption be made that -- They were catching them by hook-and-line. However, since they have the lobster trap gear onboard, they were not able to possess those dolphin and wahoo, and so that's where the request originally came from. I will mention that, currently, there is an incidental limit of 200 pounds for vessels that do not have the commercial dolphin wahoo permit, but have other federal commercial permits, and this applies north of 39 degrees North latitude.

The Dolphin Wahoo AP did review this at their 2017 meeting, and they suggested a -- They passed a motion to allow vessels with pot gear onboard to possess dolphin or wahoo, as long as they are

a permitted vessel and the fish are caught by rod-and-reel, and that was a unanimous recommendation.

The IPT discussed this, and one of the discussion points that was brought up is the Jonah crab fishery appears that it's going to come under federal management, and so that's -- It's unclear whether that will fall under the American lobster trap permit or potentially another permit, and so that's something that the committee may want to consider. Also, the golden crab fishery and golden crab pots are not included in the list of sub-alternatives, and are there any other gears that should be considered in that list of sub-alternatives? With this, we're looking for a motion approving the IPT's suggested edits.

MS. BECKWITH: Okay, and so how about thoughts on this?

MR. BELL: It's just kind of a question, and I may be overthinking this, and I understand what we're trying to do, but is that in any way -- Maybe we should be clear that it's not deemed in any way to be contrary to the goal in the overall plan, which was to maintain current harvest levels of dolphin and ensure that no new fisheries develop, and are we potentially creating the opportunity for new fisheries to develop on the commercial side by doing this, and, if so, then -- Well, one, are we okay with that, but, two, if you want to do that, then should there be -- This kind of gets back to the allocation, and we're at 95/5 or whatever it is, or 90/10, and -- Whatever it is, but do we need to adjust for that, just for discussion, I guess, but I think it seems to be kind of potentially contradictory to our goal, but, if we're not interpreting it that way, then maybe we should just make that clear.

MR. SAPP: I felt like I saw a separate action, where we were talking about my buoy fishermen, and, for some reason, I can't find it now.

MS. BECKWITH: (Ms. Beckwith's comment is not audible on the recording.)

MR. SAPP: Okay.

MR. CONKLIN: I thought we had language, one of the last times we looked at this, to allow any allowable pot/trap gear that's approved by NMFS or something, so that we don't have to worry about if we missed a fishery that we don't know about or something, and wouldn't that just seem a lot easier?

MR. HADLEY: We could certainly make revisions, I believe, to add that sort of language. I will mention that one of the gears that was listed by the committee last time was stone crab pots, and that is a state-managed fishery, and so we have to accommodate that, rather than just a federal permit, but I imagine that language can be added in there.

MR. CONKLIN: It just seems like there's all kinds of little boutique fisheries and people catching octopus off of -- That's sort of a pot, and there's all kinds of stuff like that, but, if we miss something and we don't encompass it, and we're trying to make this easy for people, and I don't know if this would necessarily be a new fishery, because they are catching something they have a permit for already, just because they participate in multiple fisheries, and that's how people get by. You can't make it on just one fishery.

MR. BREWER: I am little uncomfortable, because we're doing this coast-wide. I mean, we manage these fisheries coast-wide, and I understand the idea here of you've got some guys that are going to be out, or girls out, for three or four days, working different gear, and I certainly don't begrudge them catching a few dolphin and having something onboard, fresh dolphin to eat, and that's fine, but I don't know how we are going to be able to accommodate, I mean, fisheries or gear types or whatever that we don't really even know about, because this is going to be range-wide.

I am just uncomfortable with this, and I would like to, obviously, let people have something good to eat when they're onboard, but, by only having it be certain described gear, you're liable to miss some, and, also, another thought is that you're going to be talking about trips that are two or three or four days or whatever, and spiny lobster pots and stone crab pots are not two or three or four-day deals, and they go out periodically, and they run their traps, and they are not running at night out there, and they're not staying out at night. They are coming back in, and so I just wanted to express some discomfort here.

DR. MCGOVERN: The purpose of this action is just to allow for incidental catch of dolphin when these guys are moving, and I don't think we're talking about directed harvest or catching a lot of fish, and so I think we could add to the alternative in there to enable retention of incidental catch of dolphin, and maybe even have a trip limit on them, a small trip limit, just so they can keep a few dolphin when they're running between their gear.

MS. BECKWITH: As folks were talking, I had come to the same mental conclusion that Jack just presented, that, if this is -- To Mel's point, are we going to allow for new fisheries, and what is the increase in effort going to be, and what are the unintended consequences, and, if we approve this as-is, then they would not have a limit until that 75 percent of the ACL was caught, and so, if the intent is to allow somewhere above the 200 pounds that is allowed in the Northeast if they don't have a dolphin wahoo permit, but, if they did get a dolphin wahoo commercial permit, we could associate an appropriate trip limit of 500 or 1,000 pounds or whatever, whatever we would deem appropriate, to these gear types.

That might still allow the catch of incidental, allowing these fish to come into the market, but not get us to where we're increasing effort and creating new fisheries and having some unintended consequences that we're not fully clear on, and so I'm going to keep with my list, and we are at Tim is next.

MR. GRINER: I agree with Chris. I think there's a lot of different pots out there that we're not even considering. I mean, there's pots for whelks, and there is all kinds of things, and I think the important thing here is what the purpose originally was and to keep in mind that it's not going to be creating a new fishery. They have to have a dolphin wahoo permit, and so they're already in the fishery, the dolphin wahoo fishery, and they have a permit, and it really is meant to just allow them some incidental catch, and, to me, it doesn't matter whether it's a guy that's setting American lobster traps or a guy that's dropping black sea bass pots.

A guy that's dropping black sea bass pots ought to be able to drop his pots, and, while they're soaking, if he wants to troll for mahi, he can troll for mahi, if he has the appropriate permits. I don't really like the idea of not able to allow a commercial fisherman to use multiple gears on the same trip, and so I am in favor of this, but I just want to make sure we clear it up to where we're

including all types of pots that we're not even thinking of, like Chris said, and there's whelk pots, and there's all kinds of different pots.

MR. HAYMANS: Along the same lines, do we have to call out each and every type of pot fishery, or could we have a singular comment that is something to the effect of a valid South Atlantic pot fishery, so you don't have to miss one, and that's the question. It came from the lobster pot fishery, and now we've added all these other pots, and so, if it's a valid, South Atlantic pot fishery, it would be included.

MS. BECKWITH: Right, and there is some of these that are not South Atlantic pot fisheries and just a federally-permitted pot fishery, and then there was another point made earlier about some of the state crabbing crab pots, and so it's more than just -- That's the problem, that it's more than just the --

MR. HAYMANS: Okay, and so I would drop the "South Atlantic", as long as it's a valid federal pot fishery then, if it's federally-licensed.

MS. MCCAWLEY: The stone crab fishery isn't a federal pot fishery anymore. It's state.

MS. BECKWITH: So then maybe we do have to make the verbiage where it's federally-permitted pot fishery and if you guys wanted to call out specific state ones or just say -- Are there permits, I assume, for the stone crab fishery?

MS. MCCAWLEY: There is permits for stone crab, and there's permits for blue crab, and so blue crab is not on that list either, and I'm just throwing that out there.

MS. BECKWITH: Then is that the desire?

MR. GRIMES: I was just going to suggest that maybe the easiest way to do this is to get rid of the prohibition on possessing other gear types while you had dolphin wahoo. Now, I don't know what your original rationale was for that, and I presume it's to avoid any incentive to harvest with those other gears, but maybe that's not an issue anymore.

MS. MCCAWLEY: I just think that's a little risky, because we were trying to avoid incentive to harvest with these other gears.

MR. SAPP: We're getting deep into this, and I understand the verbiage part of it being very important, but you've got in here where it's a rod-and-reel fishery, and to amass a large quantity of fish with a rod-and-reel and hook-and-line is extremely difficult. I think we're talking about giving these guys an opportunity -- Even at a 500-pound trip limit, that would be huge, in my opinion, for these guys.

I think we're overthinking this. This is something that should and needs to happen, for them and a few other fisheries, and it's going to have such a minimal effect on the commercial ACL, because the numbers are so small, and, to Chester, this isn't just something for them to eat. It's another way for them to survive, and it's rather difficult to make a living commercial fishing, and you need to be branched out over several fisheries, and this is the perfect opportunity for a clean hook-and-line fishery to exist.

MR. CONKLIN: Maybe this will get us through this. It says a vessel in the Atlantic EEZ that possesses both an Atlantic dolphin wahoo commercial permit and the necessary state and/or federal commercial permits for the following gears, and then it says Sub-Alternatives 2a through 2d, and why wouldn't we just change the gears to traps or pots, and that covers it, and we're done. It says federal commercial permits for the following gears, and so that would mean that they are federally approved, but it says state or federal in the traps or pots, and that covers it, and we don't have to figure out what all the fisheries are.

MS. BECKWITH: Right, and the necessary state or federal commercial permits for the trap or pot fishery. I am going to shoot that over to the IPT as guidance, and maybe they can bring us back what they think is appropriate, with the intent that we're not looking to call out individual traps and pots, but certainly make sure that they are permitted, and so that would be one decision point.

MR. GRINER: I just kind of wanted to build on what Art was saying there. This is not going to be a directed fishery. These guys are just wanting to troll with one or two rods, and they're not going to have outriggers, and they're not going to be displaying eight or nine lines at a time, in any manner that would be able to harvest a lot of dolphin, and so I really see -- Like Art said, these guys would be lucky to get 200 pounds of dolphin, and so I really don't see a problem with this, and I think we just need to get the language cleaned up.

MR. POLAND: I just wanted to advise the IPT to be very careful as far as the language of state pot permits or state licenses. North Carolina doesn't have a state permits for pots, and it falls under the shellfish license, and so I want to avoid any unintended consequences.

MS. BECKWITH: Yes, and I'm a little concerned with the unintended consequences with having the verbiage be that open as well.

MR. CONKLIN: Keep in mind the object of this is to let guys catch fish, and by no means are any of these pots or traps going to be catching dolphin or wahoo, and so it's basically hook-and-line, and so we've got to find a way forward to let this happen. Otherwise, we're back to where we started, and it's been talked about for three years.

MS. BECKWITH: Right, and, back to Steve's point, just thinking. This would still require them to have the federal dolphin wahoo permit, which would mean they would still have to be following all the commercial requirements and all the Coast Guard regulations and have the sale allowance in the State of North Carolina, the commercial permit, and so how many of our shellfish guys have all of that? Probably not a lot.

MR. POLAND: I don't think there's a single one. Like I said, I was just trying to avoid any confusing language in there, if we're just going to try to capture all permitted pots, and we don't have any permitted pots in North Carolina. They are all licensed.

MR. BELL: Just to be clear, I am not opposed to it. What I'm saying is we just need to be clear on our intent, and Jack covered that, in terms of one way you could do it, and you could set some of limit, but just to make sure -- Because I never underestimate the ingenuity of our fishermen. When lobster fishing ain't so good or whatever, they'll do what they need to do, and so you might find that they can harvest a lot more than you might think, and so we just need to make sure that

the intent of this was to allow them to retain some fish, but it wasn't designed to create directed fisheries, but there may be some directed effort at some point, because that's just -- It's available, and it's open, and why not?

MS. MCCAWLEY: These are the ones that we identified the last time, and we could just keep it locked down to these four particular ones, and, if the future, if some other fishery wants to do this, they can make a request, and we could do a framework action to change this.

MR. SAPP: I like that thought, because these are the guys that have asked for it, for the most part, but, also, it still says rod-and-reel and hook-and-line, and then we throw a 500-pound trip limit on it, and it's got to get rid of all fears that somebody is going to somehow create a fishery that is just taking dolphin in giant numbers. We're safe there, correct?

MS. BECKWITH: Chris, how do you feel about that?

MR. CONKLIN: What if Tony has his clam rake on top of his boat and wants to go catch a dolphin?

MR. DILERNIA: You just invoked my name, and so I'm going to weigh-in on this. Stone crab pots, I don't think there's going to be too many mahi hanging around a stone crab pot, considering how shallow they are, and the markers on the American lobster pot traps in the Mid-Atlantic are very often known to hold mahi during the summer, and so, when you come up alongside of it, you may want to pull a couple of mahi off of there before you pull the gear. The black sea bass pots, depending on how deep they are, are probably unlikely to hold mahi, but they may, and so, as far as the Mid-Atlantic is concerned, the only critter that we might have some mahi hanging around is probably around the lobster traps, and, again, of course, if you only pull a few of them and get a couple of fish, and then pull your gear, and so is this a threat to the mahi fishery? I don't think so.

MS. BECKWITH: Okay. So, as a way forward, I would suggest that we look at this again at our next meeting, with the alternatives as they are, and then maybe an additional alternative with a broader language that encompasses all pots, so people can sort of go home and think about what some unintended consequences of this might be, and then do we want to consider a trip limit associated with this incidental catch, because certainly we can indicate that that is the intent of this, is to catch incidentally-caught -- Although it's sort of an odd thing, considering this incidental catch, because you're not really incidentally catching dolphin with a stone crab pot. You are going to direct on dolphin while you're waiting for your pots or in between, and so I'm not sure that this is really -- Do you know what I'm saying? It's just not the traditional incidental catch that we're accustomed to, and so I'm okay with it, but do we want to put a trip limit?

MR. CONKLIN: Doesn't the State of Maine have a trip limit on it already? I say we should make the regulations consistent region-wide, whatever it is, but that's the State of Maine, and it's not a federal thing, and so we don't have to do it that way.

MS. BECKWITH: Okay, and so then bring back some -- Brian.

DR. CHEUVRONT: Currently, the federal trip limit north of North Carolina is 200 pounds.

MS. BECKWITH: So then bring back an option for consideration of a trip limit, and, right now, our trip limit, if they do not have a dolphin wahoo commercial permit. north of North Carolina is 200 pounds. Are we clear on that? Do you have -- What do you need?

MR. HADLEY: On that note, as far as a range of options, I believe, last time, the feedback that was given was that they were looking to go above that 200-pound limit that is currently in place, and so is there a range that we should consider?

MS. BECKWITH: I would guess that we would probably cap it at a maximum of 1,000, and so some range below 1,000, and so throw out some numbers, folks. What do you want?

MR. CONKLIN: Well, that's for people without permits. We want to manage the people with permits too, and so, if they have a permit, I don't see why you should stop them at anything other than when 75 percent of the quota hits.

MS. BECKWITH: This would require them to have the dolphin wahoo commercial permit, and so that sort of is -- Yes, I hear what you're saying, and so do you want a 500-pound trip limit as an option, 750, 250, or what do you -- Throw out some ranges.

MR. HAYMANS: 250, 500, 750.

MR. SAPP: If we're going out for public comment, let's put a range between 250 and 1,000 pounds and see where it lands.

MS. BECKWITH: Okay. Anything else? Awesome. Let's move on. We are not accepting that language, because I suspect you guys are going to have to tweak it, and then we'll come back and accept the language the next time.

MR. HADLEY: Moving into Action 11, this would allow the use of buoy gear in the commercial dolphin wahoo fishery. Currently, the buoy gear does not occur within that list of allowable gears, and Alternative 2 would add buoy gear to the list of commercial gears. One of the reasons that this was split from Action 10 is you kind of have two intentions there. One is to allow possession of dolphin and wahoo with gears that would not feasibly catch dolphin or wahoo, and this action does add a new gear that would catch dolphin or wahoo, and so that's why we have the two actions there.

Looking into the background, this was a request from the committee in March, and there was also some public comment received at that meeting to consider adding buoy gear to the authorized list of commercial gears, and one of the -- When the IPT was discussing this, one of the questions was does the committee want to consider any other gears as well in this action or keep it strictly to buoy gear, and, as a reminder, this is a new action for the amendment, and so we would need a motion approving adding this action to the amendment.

MR. BELL: I guess I would just go back to what I said previously then. This is a directed fishery, for sure, and is that consistent with our goal, and are we okay with that? If so, then we need to state why we're okay with, but this is even more -- This is kind of a new fishery, or a new potential anyway.

MR. SAPP: These guys are either swordfishing with their buoy gear or bottom fishing with their buoy gear, and they encounter the mahi sometimes on the gear, but, frequently, that buoy gear is structure, and the fish swim up on it. Again, we're giving fishermen that are in a very clean fishery an opportunity to make a slightly better living, with allowing them to branch out into other fisheries while they're already there, and they're in an area that the fish are there, and, again, we would be very open to a trip limit of less than 1,000 pounds, much like the trap fishermen with it, and these are fish that are making it back to the dock very rapidly, high quality, domestic mahi that the market desperately needs.

MR. BREWER: I hate to disagree with my state-mate, but I've got concerns about this, and the concerns are not really with this council, but it's something that HMS did, because they allowed, and I think wrongly allowed, thirty-five buoys per boat, and, with that many hooks in the water, you've got the potential to have a pretty good sized directed fishery developing, and it's not the concern, perhaps, of longline gear, but it is very much a concern, and my discomfort level would go down if you had something like a 500-pound trip limit, such that you're not going to start directing these things, because you fish differently for swordfish than you fish for dolphin, and that's just plain and simple.

I don't want to see them deciding that, well, you know what, we're going to fish these pots. Right now, they fish the buoys mostly at night, mostly shallow, and in some depth, but then are they going to be out there in the daytime fishing shallow and whacking dolphin? I don't want to see that.

MR. SAPP: Again, it's thirty-five hooks, and we're very comfortable with a trip limit of 500 pounds or 1,000 pounds, and that's great, but thirty-five hooks are not directly connected to your boat, and you actually have to drive. You can't put thirty-five of them out in the daytime and keep up with them. It's physically impossible, and the sun gets up, and you can't see them, and so a fisherman is never going to do that, but it's an opportunity to fish during the day, when you're already fishing at night, and try to add to your catch a little bit. These guys are never going to put a giant dent in that ACL, and, again, 500 or 1,000 pounds, and we're good with that. Anywhere in that range is fine, but to be afraid of it is a bit ludicrous. It's thirty-five hooks, at most, which you can't get in the water. You can't do it. It's impossible.

MR. CONKLIN: For the swordfish buoy gear, I assume you're allowed one hook per buoy?

MR. SAPP: Legally, two.

MR. CONKLIN: Okay. Then, if you are fishing the buoy gear for deepwater bottom fish, how many hooks are you allowed to have? Is that four on the bottom of each one, but less buoys? I am not sure, and I'm just wondering how many hooks are --

MS. BECKWITH: I don't have the HMS regulations memorized to that level.

MR. DILERNIA: You are fishing longline gear bottom gear?

MS. BECKWITH: No, buoy gear for swordfish. Go ahead, Art. Explain yourself.

MR. SAPP: Yes, there is -- The buoy gear for swordfish is two hooks per drop, thirty-five total buoys, and most guys fish two buoys per set, and so cut that in half, and they also keep a buoy on the boat for fish fighting, because it's handline, and it's totally separate from what we're talking about now with the bottom buoy gear. That's ten hooks, and you're allowed a maximum of a couple hundred feet more than the depth of water you're fishing, and it's a tilefish and snowy fishery that exists.

These guys, obviously, encounter, because they are fishing during the day, and it's a reduced buoy. You're not allowed to have thirty-five buoys on that, I don't believe, and I can't remember right off the top of my head, but these guys are fishing during the day, and they are encountering mahi swimming up to their buoys, and they would love to be allowed to take them as a part of their catch. Currently, they are not. With buoy gear on your boat, you're not allowed to have mahi on your boat.

MR. BELL: Again, I appreciate what Art is -- You're looking at something that exists now and these guys, but, if you allow this gear, if you open this gear up, it's not potentially just these guys anymore, and it's -- If somebody has got a great idea, you know how ideas spread, and so the potential is that it's all up and down the coast, and everybody thinks this is the greatest thing since white sliced bread, and we're all going to do it.

MS. BECKWITH: Okay, and so we have six minutes before lunchtime, and I am going to cut this off at lunchtime, and so I'm going to let Steve go, and then Tim, and then we're going to check where we are.

MR. POLAND: All right, and so I guess maybe I'm just a little confused. I am not that familiar with the buoy gear fishery, and I thought this action was to use buoy gear to target dolphin, but, Art, you just said for them to pull them off the buoys as they are retrieving gear, and so I want to know -- Is our intent to allow guys to catch dolphin on buoy gear, or is it more similar to what we were just discussing in the previous action to allow guys to -- I wouldn't say incidental, because I agree with Anna that it's probably not incidental, but to have dolphin onboard when they are buoy fishing, and so I want some clarification on that.

MS. BECKWITH: Right, and how we handle that question will define how this moves forward, because, if we are allowing the retention of true incidental catch, then we are within our objectives to minimize discards. If we are somewhat allowing a directed fishery of dolphin using buoy gear, then we are outside of our current objectives, which would be developing a new fishery, and so I'm going to let Tim go, and I'm going to let everybody think about that, and then we're probably going to go to lunch and come back and pick this one back up.

MR. GRINER: Why don't you let Art go ahead and answer that, real quick.

MR. SAPP: Currently, the people asking for this opportunity are directed fishermen with all the needed permits for swordfish, shark, and tuna, the tri-packs, and some of them are hand-gear permits for directed swordfish, and then some of them are the buoy fishermen that need the snapper grouper and all the insane permits that you've got to go through for that.

They would be a fish swims to their gear as cover, and they want to be able to take that fish. Is there potential for people to try to target them with buoy gear, target dolphin with buoy gear? Yes,

and it would be an absolute nightmare and a near impossibility. As a guy that spent years and years buoy fishing, we did everything we possibly could, to the point of losing fish, to get our gear back in the boat before the sun cracked.

The second the sun cracks, you're losing money, because your gear becomes near impossible to see, and so to be afraid of a buoy fishermen, in reality, fishing ten buoys for dolphin with, at most, twenty hooks in the water in those ten buoys, and having to tend them, and these things aren't connected together, the entire time they're in the water, driving up and down that line, trying to keep up with them, there is no fishery comparable. A trolling boat is going to catch more mahi, or a boat that is really good at running and gunning, is going to catch more mahi than a buoy fisherman, but these guys are already doing it, and so allow them to make a slightly better living, please.

MS. BECKWITH: I don't think that the committee is afraid of considering, but it is our job to sort of overthink these things and consider unintended consequences and potential growth, and so I'm sure there is a path forward, but we just have to comfortably figure out what that path is. I think I had Tony.

MR. DILERNIA: I am going to skip. Art said most of what I wanted to say, and I don't have much more to contribute to this at this point.

MR. CONKLIN: If that's our intent, then we should move Action 11 into one of the alternatives and make it Alternative 2 in Action 10, and that's something we can do maybe after lunch, and people can think about it.

MS. BECKWITH: Maybe you can check with some of those buoy fishermen and see what an incidental catch trip limit might be. What is that number, Art?

MR. SAPP: 500 would be great, and a little more would be even better, but 500 is the fall-down point, which is miniscule.

MR. GRINER: I was going to say the same thing. I don't see this as any different than allowing the lobster guy to do the same thing. I mean, they're not going to catch the dolphin on the buoy gear. They are just going to catch the dolphin off of the buoy gear, and, to me, that's no different than stringing a bunch of cardboard boxes together and catch your dolphin off of it. It's the exact same thing, really, and you're just catching them off the buoys and not with the buoys, and so I really don't see a problem with this, and I think we should roll it into the same action as the pots.

MS. BECKWITH: Okay.

MR. POLAND: After that input, that's kind of where I'm leaning too, because, like I said, I was just kind of confused how this fishery is operating, and so I'm completely comfortable with just rolling this into Action 10.

MS. BECKWITH: All right. Can you guys take that as direction to staff, to pull this action into the incidental catch of Action 10, with the same trip limit options?

MR. HADLEY: We can certainly do that, and so, essentially, Action 10 would be accommodating trap and pot gear as well as potentially buoy gear.

MS. BECKWITH: Yes, and the overall intent of that would be I guess a small-ish trip limit to accommodate these fishermen that have a dolphin wahoo commercial permit, and I guess the difference is the pot guys are catching them hook-and-line, and so there would have to be a separate -- So yes.

MR. BELL: I am still unclear. So they're not catching the dolphin on this gear, right? They are not using the gear to catch the dolphin.

MR. SAPP: Is there a potential for that to happen? Yes, but that's not -- The guys that are asking for this right now, that's not what they're doing. They have rods-and-reels ready to go, or would, because they're not allowed to right now, and, as they pull up to their gear, and it happens day and night, but mostly as the sun is cracking, or with the bottom-fishing buoy guys, there is mahi swimming around their buoys, their gear.

MR. BELL: It's an attraction.

MR. SAPP: Exactly. It's a floating FAD, sort of, but you've got to understand too that the stuff is not in the water for more than eight or ten hours ever, and so it's not like it has a great amount of time to attract a bunch of bait. It's usually a very temporary -- They happen to show up while you're there, and you catch one or two, and you move on to the next, or potentially they are trolling along during the day, getting ready for their next night's set, and hook-and-line catch another dolphin or two. Right now, legally, they can't do it, and it's ludicrous that we're taking that away from them.

MR. BELL: Well, then that would make more sense to roll that into 10 then, and it's more like -- It's a little different.

MS. BECKWITH: Okay. Chris, and then we are taking lunch.

MR. CONKLIN: Do we need a motion to remove Action 11?

MS. BECKWITH: We never added it. We're just giving direction to staff. I saw this coming. Okay. Be back at 1:30 sharp, or I'm going to just keep going through this, and we're just going to make decisions with whoever is here.

(Whereupon, a recess was taken.)

MS. BECKWITH: Okay. We technically have a quorum, and so let's continue with Action 12, which should be an easy, quick one while we wait on the rest of our crew.

MR. HADLEY: All right. Going over Action 12, this would remove the requirement of the operator card in the dolphin wahoo fishery, and, currently, it's required for both for-hire vessels and commercial vessels with dolphin wahoo permits. A vessel operator or a crew member must hold an operator permit from the Southeast Regional Office or Greater Atlantic Regional Fisheries Office.

Alternative 2 would remove this operator card requirement for the for-hire sector, and Alternative 3 would remove the operator card requirement for the commercial sector. Of note is operator cards, for at least South-Atlantic-managed fisheries, the operator card is only required in two fisheries, one the dolphin wahoo fishery and also the rock shrimp fishery.

The language is pretty straightforward, but, as a reminder, the Dolphin Wahoo AP did pass a motion supporting removal -- Alternative 2 and Alternative 3, and so removal of the operator card requirement, for both the commercial and for-hire sectors, and no action is necessary, but we can certainly discuss the action and the alternatives as needed.

MR. BELL: Recall that we had also run this by the Law Enforcement AP a while back, and I think the thinking there was the way -- I mean, there is value in operator cards, if it's done correctly and across the fisheries and all, but, given the current setup, it's not particularly useful for anything, but it would be useful if we kind of restructured the whole system, but, at this point, I think their thinking was it's not that valuable, as it is.

MS. BECKWITH: I think this council actually send a letter to the Gulf Council and the Mid-Atlantic and the Northeast at one point, saying, hey, would there be any interest in making one operator card across all of the councils on the east coast, and we heard crickets back, and so I think the will to make this a truly functional permit across councils is simply not there at this moment. Jeremy, did you have something? Okay. Then that one is easy. Let's move on to Action 13, which should be tons of fun.

MR. HADLEY: All right. Action 13 allows bag-limit sales of dolphin for dually-permitted for-hire and commercial permit holders. Currently, dolphin landed on a for-hire trip may not be sold. Well, either on a for-hire or recreational trip may not be sold, neither dolphin nor wahoo. Alternative 2 would allow bag-limit sales of dolphin, provided that the vessel had both a commercial and for-hire permit. Sales of dolphin would be allowed either on a commercial trip or a for-hire trip. Private recreational trips are still excluded in Alternative 2.

MR. DILERNIA: Just for the matter of information for this council, in the Mid-Atlantic, we do not allow the sale of recreationally-caught fish. If it's commercially-caught fish with commercial permits, HACCP compliance and everything else, that's great, but the sale of recreationally-caught fish is no longer permitted in the Mid-Atlantic region for any of the critters that we manage. Let me just add that, in the 1970s and 1980s, I sold a ton of bluefish at one point in my life, but that's no longer allowed in the Mid-Atlantic. Thank you.

MR. BELL: Just to kind of cut to the chase here, I would move that we remove Action 13 from consideration, and I will be glad to explain that.

MS. BECKWITH: Is that a motion?

MR. BELL: Yes. If someone seconds it, I guess we can talk about it.

MS. BECKWITH: Okay. I've got a motion on the table to remove Action 13 for consideration, with Doug as a second, and so now I'll open that up for discussion.

MR. BELL: Thank you. We had some recent input, as recently as last night, on some opinions from some of the fishermen and some of the reasons this wouldn't be a good idea, and we heard that several times last night, but I also, as we were going through the goals and objectives for the dolphin wahoo plan, I would say that this action is really contrary to the goals and several of the objectives of the plan, Objective 1, Objective 2, and Objective 3, and so I think you've got an issue there, where I would view it as contrary to what we kind of set up and the direction we were moving, in terms of goals and objectives with the plan.

I just think, and we've had this discussion before, when you start getting into just how does this work and where do the fish come from, and are you shifting ACL, and how do you account for them, and there's just so many problems with this, and I think the one thing that law enforcement picked up on, as well as others, is that it's kind of the camel's nose under the edge of the tent, and, if we're doing it for this fishery, why aren't we doing it for mackerel, or why aren't we doing it for snapper grouper, and so I think those are valid questions from those other folks, and we heard some of that last night as well, but I just think this would be opening up a can of worms and that we don't really need to do that.

I understand what the specific needs are, or the desires of the group that would like this, but, once you open that up, it would not be contained to just the folks that are kind of wanting it right now, and it would be wide open for anybody that wants to do that, properly permitted, of course, and licensed, along the whole region, and so I just wouldn't go down this road. I would point out that it is Action 13, and so maybe we should pay attention to that. Thank you.

MR. SAPP: My birthday is on the 13th, and my anniversary is on the 13th, and I happen to like 13 a lot. I am going to answer the concern with all the other species that you think might get dragged into this. Dolphin happens to have a very large bag limit, and, even on the recreational sector, I wouldn't mind seeing it reduced a little bit, but that's beside the point.

The other species, and king mackerel was brought up, and it's two fish per angler, and your charter is going to want every kingfish they catch, at two fish per angler, where, at ten fish currently with the mahi, it's overkill, and there are frequently leftover fish on those trips, where the charter says, hey, we don't need or want this much, and you ask them why they said they wanted to catch this many, but it happens on every trip when you are targeting them.

Also, it was brought up last night that these fish can't -- We don't want recreational fish counting against the commercial ACL, which they can't in this scenario, and that defeats the purpose entirely, and that's really hard to do. All I keep hearing is it's really hard to do. Well, everything I have ever done in life that was worth anything, and turned out to be great, was so hard that I didn't think that it was doable, and it turned out to be phenomenal, and it got me where I am today, and so I'm sick of hearing that it's too hard to do. Guys, everything we do here seems to be too hard to do, but, in the end, we try to succeed, at least, and so please find another excuse for me than it's too hard.

Also, these guys will have every single permit, and we heard it again from those folks last night, that I don't want these guys getting it easier than us. Well, no, they're going to get it harder, because not only do they have to have those commercial permits that all those fellas have that are traditional commercial fishermen, but they're going to have to have their charter permits, state and federal both, and so it's no easier, but it just gives mates, primarily, on these charter boats an

opportunity to make a little bit more money, and it gets high-quality, domestically-caught fish in the marketplace, day-caught, and so it's definitely better than any imports that come into the country, as far as treatment. It's hard to do, yes, but I don't want to see it just go away because it's hard to do, and maybe it ruffles a few feathers, and we've still got to talk about this longer. A lot of people in the community would like to see it happen.

MS. BECKWITH: Doug, I had you on my list, because you were the seconder. Did you want to speak to this?

MR. HAYMANS: Yes, and so I echo a lot of what Mel said, and we heard it loud and clear from the king mackerel committee, that, if they get it, we want to be in line next, and I just think that it's -- I don't think it's appropriate that we carve out one specific, and, if it's an issue of they are catching too many fish and they don't have any self-restraint, and the captain can't show restraint for what the clients catch, then let's put a boat limit less than six fish per person on the charter fishery, if that's the way to control that, but I'm not in favor of this either.

MS. MCCAWLEY: I can't support removal of this action. This action is important to the FWC, and I believe that it meets old Objective 2, which was to present the disruption of markets. Also, I feel that it allows access to locally-harvested fish, and having domestically-caught fish is certainly important to the FWC, and I think that this is premature to take this action out. We've had discussions in the past where Bob Jones' organization and others were supportive of this, as long as you met the HACCP requirements and everything else, and so I would like to see this action remain in there. It is important to FWC, and I would like to see some analysis, and I would like to see it go out to scoping.

MR. BELL: I certainly appreciate that it is important to FWC and specific people down in a specific area, but this would be open to everybody along the entire region, and, to the difficulty part, perhaps it is difficult because I think it is, in essence, going against how Magnuson is set up, with sectors, for a reason. There's a commercial sector, and there's a recreational sector, and it's disposition of catch and all.

If you want to have commercial landings, and you are properly permitted and licensed for that, be a commercial fisherman. Run a commercial trip, and you can switch hats and run a recreational trip, and so you can do both functions, but it's just, when you start doing them at the same time and using clients for unpaid strikers, or strikers that are effectively paying you to take them out, that's what you've got going on, and the rest of the traditional commercial fishermen cannot operate that way.

It's an unfair advantage, I think, and so it's -- Yes, it's difficult, and we do difficult things, but it's difficult because it's kind of going against the entire grain of how Magnuson has set things up, and that's the way we manage our fisheries, but it would not be restricted to the few people that I certainly understand that it works for their business model, but it's not necessarily fair to compete with the business models of folks that don't do that, or can't operate that way, and I think it's unfair to the legitimate commercial fishery, and we talk about we don't want to sort of do things to increase that commercial side of the house, and that's been said over and over again this morning, and this is incentivizing turning recreational activity into a commercial endeavor, in terms of the catch itself, and so you are incentivizing the commercial side of the equation, and so I just don't see it as consistent with what we're trying to do, but I certainly understand the desire of those who

would like to do it right now to do it, and I just think it's going to open a can of worms. Thank you.

MR. BREWER: I started out being a very big proponent of this provision, or action, and I have since, when trying to figure out exactly how it would work and what effect it would have, I now have some reservations, and I'm not sure, at the end of the day, how I would come down on this thing, but, at the very least, I would like to hear some more and have some more comment on it, and so, with all due respect, I cannot support Mel's motion.

MS. BECKWITH: Okay.

MR. SAPP: Again, to talk about the competition between these fish and commercial fish, there is none. They have to stay within the recreational limits, and so it's not like they are going out there and making a big strike or a large quantity of fish hitting the market. The charter is still going to take the portions they want, and so that current number being a sixty max, it's going to be considerably less than that, as they will generally take, at minimum, ten or twelve fish, and frequently more.

The other thought process here is that, the more, high-quality domestic fish you bring into the marketplace, the better chance you have of driving domestic fish prices up, because there won't be as large gaps throughout the year of domestic fish that we then have to bring in these imports that, in my opinion, drive people away from eating mahi, when they are considerably lower quality, which then drives the price down, and so I see only benefits to the commercial industry by allowing a few more fish to make it into the marketplace, and then a benefit to people who make a living fishing.

Again, this is -- To me, people who make a living fishing, be it charter/for-hire or commercial, are a family. It's a hard thing to do, but we do it because it's a passion, and we're good at it, but we're so handcuffed by so many of these trip limits and these limitations that it makes it even harder to do, and we still do it, because we love it, and most of us are successful. To me, this is an opportunity, like I have said over and over again, and I sound like a broken record, to aid, in so many ways, the fishermen and the fishery.

MS. MCCAWLEY: **I would like to offer a substitute motion to add another alternative to this action that would allow bag-limit sales of dolphin landed from vessels -- Like Alternative 2, but make it for Florida only.**

MS. BECKWITH: Art second. Tim, did you want to speak, while we're getting this on the board?

MR. GRINER: Yes, thank you, Madam Chair. You know, I have kind of got mixed emotions about it too, but I want to get back to something that Art touched on. This would be more than just hard to accomplish. I don't think it can be accomplished, and the reason I say that is because I don't think, without this coming out of the commercial quota, there is any way for a dealer to report. As it currently stands right now, when I fill out my dealer trip ticket, there is no distinction, and I have to put down a federal permit number for the person that I purchased that fish from, period.

Once I do that, it comes out of the commercial quota, period, and so that is going to be something that Jack or somebody is going to have to get me comfortable with, is how would you fix that? How would it truly not come out of the commercial quota? I see no way around that. My trip ticket program does not allow for that. When I hit the button and it sends it to NMFS, it's coming out of the commercial quota, right then and there. That's it. I can't see any other way around it.

The other problem I see is, in North Carolina, we have a lot of our charter guys that are using trailers, and they're not sitting in a marina, and they're on trailers, and so they're going to charter today, and then they're going to trailer their boat home, and they may charter tomorrow, and there is not a fish dealer driving around in a refrigerated truck to go pick their fish up every day, and so what's going to happen? They are going to come in at 4:30 or 5:00 in the afternoon, and there's no way to get the fish to a fish market, and they're going to turn around and put them in a cooler at the house and then go run the charter the next day and start aggregating fish? I just don't see how this is going to work at all. I mean, at the surface of it, I think it's not a bad idea, necessarily, but I don't see it working like everybody thinks it's going to work.

MS. BECKWITH: Before I go to the next person, I just want to pause a moment. There is multiple issues to this. It's, one, if this is a good idea, and, two, if it is a good idea and this passes, then we have to think about what the dynamics or the mechanics of it would be. We have certainly Richard Cody in the audience, and sorry to call you out, that works with MRIP that might be able to chat with us about how the intercepts for some of these recreationally-caught fish are, and I'm sure we can have a discussion eventually on how there could be a question added of if it was -- If something was a recreationally-caught fish on a trip ticket program, and I'm sure that there are mechanisms. The question becomes are those mechanisms worth the squeeze to get to that.

MR. SAPP: The IT dude sitting behind me, I'm pretty sure, could make it, especially once we go electronically entirely, in two clicks of a button, and, all of a sudden, there's a for-hire caught box that you click on, or, in the trip tickets, there's a box that checks it and that separates it very quickly, and it's not there now, but it can very easily get there. One other added caveat here is that now, all of a sudden, we are counting recreationally-caught fish, guaranteed. Those fish that the charter boats put in the market are going to get counted, and so at least we're getting something from the recreational sector and a real count from it.

MS. BECKWITH: The PSEs on the mahi catches in MRIP are actually pretty decent, and so we do get some, and so we're getting some information back on mahi, in particular.

MR. HAYMANS: I may have just found the answer to my question, but I will -- This is two questions to folks on that side. I guess, to the Coast Guard, maybe a reminder for us about safety-at-sea and equipment. If these guys are selling fish, does that put them in a different category? To Shep, NOAA GC, does this -- If we go with Florida only, does that in any way violate National Standard 4, if it's Florida only that is allowed to sell?

MR. GRIMES: I would say, if it's just in Florida, it may not necessarily discriminate against residents of different states, and you could have someone from out-of-state come down and do it, but I was going to comment that having it in just Florida, as a general matter, would be a cause of concern for me. Why just Florida? I know you're not selecting it as preferred, and so you have plenty of time to consider that, but, in the case of what we did with red grouper for Amendment 30, you have some arguable biological basis for doing things differently off of each state, rather

than just sort of a political decision, and so, here, I don't know what other kind of basis you could develop to support it.

LCDR MONTES: Just to provide the answer about the commercial safety requirements, if the vessel is dually-permitted, like they would need to be with how this is written, and they have the intent of selling the catch, and I don't know when they express that intent, or how they express that intent, and we've talked about this in the past, where you don't know if the passengers you have on your charter boat are going to make the decision of we've got too much fish and I don't want this when you hit the dock or when you're still way out to sea and actively engaged in fishing.

It makes it hard for us at that point to know which set of regulations to enforce, whether it would be uninspected passenger vessel or if it's something that has got a COI or if we're going down the commercial fishing vessel safety requirements, and so some sort of declaration before the fact might be something that would make our jobs easier of saying that I intend that, if there is extra catch onboard, to sell it when we get back, and that assists my guys with being able to provide the correct inspection out at-sea when the vessels are boarded, and I think that would clear it up a little bit.

MR. CONKLIN: Looking at this, and it's for dually-permitted for-hire and commercial permit holders, and, with an open-access dolphin wahoo permit, and there's no number on it, I see a lot more of those, and open-access charter permits, and I see a lot more of those coming onboard. Then you have this other deal, where you have people that have charter boats with the king mackerel permits, and they would want to be able to sell, and then you have people that have charter boats with snapper grouper permits, and then they would want to be able to sell their fish.

I am not opposed to more fish, necessarily, entering the marketplace legally, as long as we can count it, and then another thing is, if it's just charter boats, and not private recreational, then it seems to me that we would have to go through all kinds of other hoops and sector separation and get these guys their own slice of the pie, and then we're monitoring that quota, and that's that, and I don't see any recreational groups going for it as-is right now, and I don't seem going for that either, and it's a conundrum. I mean, I would welcome the fish, but I don't see it happening, and so I don't know if I'm in support of it or not, but I just don't see a way that it can be done like this, unless we do it for everybody that has permits, dual permits.

MR. GRINER: I just want to kind of follow-up with Art's comment there. It's not as easy as adding a button or a box to check on this program. It's not that simple. It's much more difficult than that, in fact. I have to carry around a dedicated Windows laptop to run my dealer program, because it's not internet-based, and it's 2019, and we don't even have an internet-based dealer system.

This is a proprietary program that does not have that capability. The capability is not there, and the capability for this to download into all of the other data warehouses and systems that would have to be in place to work to count these fish is simply not there, and, as Chris alluded to, what is going to happen when all of a sudden people that have these two open-access permits just start going fishing? Then they're really and truly just -- It's really and truly turned into a commercial enterprise. If they want to commercial fish, go commercial fish. I would love to have their fish, but I think you've got a problem when you've got eight guys on the boat that want to go recreational fishing and then turn it into a commercial trip at the end of the day.

It's going to come out of the commercial quota, and I don't see any other way around that. If there was a way around it -- Like Chris said, somehow you would have to slice the pie, and you would have to give them their own deal there, and then we could count their fish, but, other than that, I don't see any way around it, and you just can't bring it out of the commercial quota any other way.

MR. DILERNIA: Earlier in this discussion, I had indicated that we in the Mid-Atlantic do not allow the sale of recreationally-caught fish, what you would call bag-limit fish. In November of 2018, last year, we ran a -- The Mid-Atlantic Council sponsored a law enforcement workshop, which I actually refer to later on in another request, but one of the issues that was discussed at the law enforcement workshop was the concept of a dually-permitted vessel, and so, if the vessel is permitted to be a recreational vessel, that's fine, but the vessel may also have a commercial permit, and one of the recommendations that came out of that workshop was, if the vessel also has a commercial permit, then it must comply with all U.S. Coast Guard safety requirements regarding a commercial fishing vessel. Therefore, it must comply with the Commercial Fishing Vessel Safety Act, which means it must have a commercial fishing vessel safety sticker and number, and so please just keep that in mind when you discuss the sale of fish. Thank you.

MR. BELL: To Tony's last point there too, that's my understanding. We have guys that are charter, and they are dually-permitted, but, if law enforcement encounters them, the first question is, is this a commercial trip or is this a recreational trip, and they have to go one way or the other, and they have to be permitted one way or the other, and they have to be inspected one way or the other, or both, but they've got to be able to do that.

Kind of the point I was going to make here is I understand Art's impassioned plea here, and he could be -- Imagine Art now as a snapper grouper fisherman for us, and we've done this, and we're doing this for dolphin wahoo, or dolphin, and Art is a snapper grouper fisherman, and he can give me the same impassioned plea and rationale for why it's beneficial to do this, and what are we going to say? Well, no, it's just special for dolphin only? I just think that, once you -- We've already heard from some mackerel fishermen that, if you do it for one, do it for all, and what are we going to tell them? No, this is a special situation that doesn't count for you?

In terms of how the trips run, I mean, I get it that this is how they want to do it, but I have guys that they run commercial trips or they run recreational trips, and you can participate, as long as you are properly licensed and permitted, and do both, and I have charter boat captains that have rules they establish with their clients about retention and what they're doing and that sort of thing at the beginning of the trip, and do you intend to retain fish or not.

If you're from Chicago, and you've got to get on an airplane, you are probably not going to take the fish with you, and so, the ones that can be released, release them, or stop fishing at some point, but establish that upfront, so you're not surprised, at the end of the trip, with, oh my gosh, we've got all the fish here and they don't want them after all. Well, you can define that at the beginning of the trip, I would think, because I know some of my charter boat guys have very specific rules, understandings, when they start the trip. Then you won't have that surprise, and so that's just kind of adjusting practices, I guess, and so I guess that's the only other thing new.

MS. BECKWITH: I have Art and then Chris, and then I'm going to give Richard an opportunity, if you feel like you can add something to the discussion about how this might be captured through

the MRIP process, to come up to the mic, and so you can join next to Kyle if you feel that you would like to share something with us.

MR. SAPP: What ends up happening, frequently, is they will say, yes, definitely, we want to take all we can, and they see the fish, and they're all excited, and the day goes on, and you get back and you start cutting them, and you're on your third bagful of fish, and they say, oh my gosh, this is so much more than we expected, and then you end up there, but, to the snapper grouper question, the limits, the recreational -- Again, we're staying within recreational limits, and the recreational limits are so small in all snapper grouper species that there will be none left over. That is never a concern, much like king mackerel. It's two per angler, unless, in many of the species, other than yellowtail, when yellowtail is so small, they're going to take every yellowtail they catch. There are no other species, that I can think of, that would be a concern that anybody would try to go after as recreational bag sales from a for-hire vessel.

MR. CONKLIN: I think a big part of the background that we're missing is this is been a problem that's going on, and this is a way to make it legal for people, and so I'm sensitive to that. I'm also sensitive to the fact that -- Not that I'm in favor, but I'm just thinking of how the commercial fishery in snapper grouper, where we don't have any captains coming up through the ranks, and we don't have anybody -- Everybody in our region, or up my way, they're dying out, and the people that are coming up are -- There's nobody.

The way that a lot of the good captains are now died out, or the few that are left, they became, at the end of the fishery, is they were charter fishermen, and they saw the fish, and they saw that they could make money doing it, but, with the limits that we have in place in snapper grouper commercial, they're so low that it's not an ideal way to go make a living, if you have to suffer for so long for so little, and it's basically for people with nothing to lose, owner-operators, and so, if we had something to look forward to, and people wanted to go to work in the snapper grouper fishery, through working hard as a charter fishermen, and they see that that's a way that they could really make a living, and separate the men from the boys, then I would be in favor of it, but I don't see much of a future in what we're doing in snapper grouper.

MS. BECKWITH: Richard, would you like to introduce yourself to the group and tell us what you think?

MR. CODY: My name is Richard Cody, and I'm with the MRIP Program up in Headquarters in Silver Spring, and I have been involved with the MRIP survey, and also some commercial data collection, over the past few years. There would possibly be a way to account for those fish in the recreational survey data collection in the field, by adding a disposition code that would classify a fish as for commercial use.

The part I would worry about is that it's a survey, and so you are carving up the fish that are being caught, and so there is going to be variance associated with any estimates that come out of that. My concern would be combining what is essentially a census-based reporting system with the trip ticket program with something like a survey, where you are now putting some variance or some uncertainty, added uncertainty, to the estimates.

There might also be another way around this too, and that would be that, if we go towards a census-based reporting system for the charter, you could account for this in the same currency, so to speak,

because they would both be census-based, but there is still some logistics there with making sure that the commercially-caught fish don't get counted against the recreational component, and, as far as double-counting is concerned, and that was an issue raised up there, we can't be certain that every fish will be measured that's taken to a fish house.

More than likely, they would be, but that wouldn't -- You would still have to account for them in the recreational survey as well, and so it wouldn't be a matter of picking one versus the other, as far as counting those fish, and so I would have -- That might require some thought as well, but the main thing for me is that you are -- It could be done, and you could carve up -- You could assign a disposition code for commercially-caught fish on a recreational trip. You wouldn't be able to validate that they were actually going to be sold, and that would be another concern, but it could technically be done, but realize that you are mixing a survey with a census, and you're going to get added uncertainty when you do that.

MS. BECKWITH: Thank you, Richard. Okay. We've had a lot of discussion. Are there any clarifying questions for Richard? If not, I think we're going to start taking this to a vote. Okay. **We have a substitute motion on the board, which is to add an alternative to Action 13 to allow for for-hire bag-limit sales of dolphin in Florida only.** If this substitute motion passes, then it becomes the main motion, and so we have to vote on it twice. **All those in favor of this motion, please raise your hand, four in favor; all those opposed, seven opposed. This motion fails. One abstention.**

Then we go back to the original motion, which is to remove Action 13 from Amendment 10. I am going to give one last opportunity for discussion, only if there is any new thoughts that have not been said. Okay. **The motion is remove Action 13 from Amendment 10. All those in favor, raise your hand, five in favor; all those opposed, four opposed; abstentions, two abstentions. I am counting five in favor, four opposed, three abstentions. Is that correct? Okay. The motion passes, and Action 13 is --** Wait. Just kidding. You all can't vote. Let's go back through who is on the committee.

Let's try this again. It's myself, Chester, Chris Conklin, Tim Griner, Steve Poland, Art Sapp, Tony, Doug, Kyle, Roy/Jack, Jessica, David, and Jeremy. Who in that group was not allowed to vote? Okay. So Spud is the only person, and you did not vote. Okay. He did not vote, and so, therefore, no one voted that was not on the committee, and so everything stands. I am deeming that the original vote stands, and the Action 13 is removed from consideration. Going once, going twice, done.

MS. MCCAWLEY: I call for a roll call vote for the substitute motion and then the main motion.

MS. BECKWITH: Okey dokey. Give us a second. We have got two roll call votes. I suggested that to Jessica, and she said no, and so we're going to be --

MS. MCCAWLEY: We would consider that at another time, and not at the call of a contentious vote and not adding additional people to the committee to try to sway the vote one way or the other.

MS. BECKWITH: This is like we're the Gulf Council. Okay. Gregg is ready, and so we're going to go back to the substitute motion. **The substitute motion was to add an alternative to Action 13 to allow for-hire bag-limit sales of dolphin in Florida only.**

MR. WAUGH: Mr. Bell.

MR. BELL: No.

MR. WAUGH: Mr. Brewer.

MR. BREWER: Yes.

MR. WAUGH: Mr. Conklin.

MR. CONKLIN: No.

MR. WAUGH: Dr. McGovern.

DR. MCGOVERN: No.

MR. WAUGH: Dr. Christiansen.

DR. CHRISTIANSEN: No.

MS. MCCAWLEY: Mel is not on the committee. Point of order. That original motion was out of order. Damn. I think you and Spud better take a bathroom break.

MR. BELL: You can strike everything that I said then.

MS. BECKWITH: Okay, and so would the people not on the committee step away from the table, please?

MR. BREWER: Excuse me, Madam Chair, but that means we had somebody make a motion who is not on the committee.

MS. BECKWITH: Yes, we just --

MS. MCCAWLEY: That's my point, that that motion was out of order, because it was made by a person that is not on the committee.

MS. BECKWITH: Fabulous. Okay, and so let's back it up. **The original motion is out of order, which means the substitute motion is also out of order.** We are back to no motions on the table, and so I would like a motion, if someone would like to present one that is actually on the committee, or are we simply going to leave this in the document and take care of this at Full Council, if somebody wants to have that discussion again at Full Council. Is there any desire to make any motions at this time? Otherwise, this action will stand as-is.

MR. CONKLIN: **To keep the ball rolling, because I don't want to have to keep talking about this, I am going to make the same motion that Mel made, so we can vote on it and get this done. I make a motion to remove Action 13 and its alternatives from the document.**

MS. BECKWITH: Okay. The motion has been made by a committee member and seconded by another committee member, Tim, and so we have a motion on the table. Would we still want to do a roll call vote for the committee vote, or do you feel the need to --

MS. MCCAWLEY: I do, but I would like to make my substitute motion again.

MS. BECKWITH: Yes. Go ahead.

MS. MCCAWLEY: I was on the committee on the first time. **I would like to add an alternative to Action 13 to allow for for-hire bag limit sales off of Florida.**

MS. BECKWITH: Good. I hope we're thoroughly entertaining people in the audience. Okay. Is anybody going to call for a roll call?

MS. MCCAWLEY: Yes, I would like roll call votes, but, first, we need a second to my substitute motion.

MS. BECKWITH: Yes. Art is seconding.

MS. MCCAWLEY: So I would like a roll call vote on both the substitute and the main motion.

MS. BECKWITH: Okay. Gregg, would you mind doing a roll call vote for us, for the committee members, please?

DR. MCGOVERN: This is for the substitute motion, right?

MS. BECKWITH: Yes, this is for the substitute motion. Do you have the list of the committee members? Yes? Okay. We're ready when you are. This is for the substitute motion.

MR. WAUGH: Mr. Brewer.

MR. BREWER: Yes.

MR. WAUGH: Mr. Conklin.

MR. CONKLIN: No.

MR. WAUGH: Dr. McGovern.

DR. MCGOVERN: No.

MR. WAUGH: Dr. Christiansen.

DR. CHRISTIANSEN: Yes.

MR. WAUGH: Mr. Griner.

MR. GRINER: No.

MR. WAUGH: Mr. Haymans.

MR. HAYMANS: No.

MR. WAUGH: Ms. McCawley.

MS. MCCAWLEY: Yes.

MR. WAUGH: Mr. Poland.

MR. POLAND: No.

MR. WAUGH: Mr. Sapp.

MR. SAPP: Yes.

MR. WAUGH: Mr. Whitaker.

MR. WHITAKER: No.

MR. WAUGH: Mr. DiLernia.

MR. DILERNIA: Abstain.

MR. WAUGH: Lieutenant Commander Montes.

LCDR MONTES: Abstain.

MR. WAUGH: **Four yes and six no.**

MS. BECKWITH: Okay. **The substitute motion fails. We are now to the main motion, which is to remove Action 13 from Amendment 10.** Whenever you're ready.

MR. WAUGH: Mr. Brewer.

MR. BREWER: No.

MR. WAUGH: Mr. Conklin.

MR. CONKLIN: Yes.

MR. WAUGH: Dr. McGovern.

DR. MCGOVERN: Yes.

MR. WAUGH: Dr. Christiansen.

DR. CHRISTIANSEN: No.

MR. WAUGH: Mr. Griner.

MR. GRINER: Yes.

MR. WAUGH: Mr. Haymans.

MR. HAYMANS: Yes.

MR. WAUGH: Ms. McCawley.

MS. MCCAWLEY: No.

MR. WAUGH: Mr. Poland.

MR. POLAND: Yes.

MR. WAUGH: Mr. Sapp.

MR. SAPP: No.

MR. WAUGH: Mr. Whitaker.

MR. WHITAKER: Yes.

MR. WAUGH: Mr. DiLernia.

MR. DILERNIA: Abstain.

MR. WAUGH: Lieutenant Commander Montes.

LCDR MONTES: Abstain.

MR. WAUGH: **Six yes and four no and two abstentions.**

MS. BECKWITH: Okay. **The motion passes, and Action 13 is removed from Amendment 10 for consideration.**

MR. HAYMAN: What was the final number?

MS. BECKWITH: Six, four, two.

MR. BELL: Madam Chair, I profusely apologize for my error. I was on the committee at one point, but David is now, and so it's the first time we have probably ever had the debate on motions before they were actually made, but, anyway, I am sorry about that.

MS. BECKWITH: You are thoroughly forgiven, sir. Okay. We're done with that conversation for now. Let's move on.

MR. HADLEY: All right. Moving on to Action 14, this would modify the recreational vessel limit for dolphin, and, currently, there is a ten-dolphin per person, not to exceed sixty fish per vessel, whichever is less, except on a headboat, where the limit is ten dolphin per paying passenger. Alternative 2 would keep the daily bag limit the same, at ten fish per person, but it would modify the vessel limit, and this would occur throughout the FMP jurisdiction, and so the entire range. There are sub-alternatives starting at forty and going to fifty-four, and Alternative 2a would be forty fish, Alternative 2b would be forty-two fish, Alternative 2c would be forty-eight fish, and Alternative 2d would be fifty-four fish per vessel.

According to guidance received in March from the committee, we added another alternative for regional management, and that was the request, and, in this case, it was split in the EEZ north of Florida versus the State of Florida, as far as potential vessel reductions. Under Alternative 3, north of Florida, the vessel limit would remain at sixty fish. However, in the sub-alternatives of Alternative 3, in Florida only, the vessel limit would be reduced either to forty fish, forty-two fish, forty-eight fish, or fifty-four fish.

Again, the rationale for at least that as a starting point is the request was regional management, and we can certainly add -- We can change that line and add states as need be, but it seemed like the discussion was focusing on Florida versus the rest of the FMP range, and so that's why that was chosen in Alternative 3.

As a little bit of -- We have some preliminary analysis, and we looked at the distribution of dolphin harvested per vessel in the entire Atlantic region. On the majority of trips where dolphin were landed on recreational vessels, you're looking at, in most trips, it's less than ten fish. However, there are several in the ten to thirty-nine range and relatively few above forty. I will say that, within this dataset, it is largely driven by Florida, and so, once we go down to Florida, you can see we're looking at approximately -- For the entire Atlantic region, you're looking at approximately 1.8 million vessel trips, and then, once you look at Florida only, Florida accounted for 1.1 million of those, and so to keep in mind that we can do a more high-resolution analysis in the future, but this is just a preliminary analysis for you to review.

Looking at east Florida, there again, it's showing a similar trend, and you have the majority of trips, recreational trips, landing dolphin had less than ten fish. However, you do have several trips in the ten to thirty-nine fish range. Looking at your SSC recommendations, or AP recommendations, rather, there was initial support from the AP for a forty-fish vessel limit, but this would be if it were tied to the recreational ACT, and so, essentially, once the recreational ACT was met, the idea of the Dolphin Wahoo AP was potentially to reduce the recreational vessel limit. I will mention that there is a new alternative there, and so, if those alternatives -- If you would like to have them in Action 14, we would need a motion to do so.

MS. BECKWITH: Thank you, John. That new alternative came out of, of course, the discussion during our last committee meeting where certainly North Carolina and north of North Carolina are not interested in a reduction in the bag limit of dolphin, and we sort of opened it up to Georgia and South Carolina, at least at that point, and they indicated that they were not particularly interested in seeing a reduction. If you guys have changed your thoughts on that, then this would be a time to indicate that, so that we can craft the alternatives accordingly, to give opportunity for Georgia and South Carolina to reduce the bag limit, if you guys decided to, but North Carolina and north of is not interested.

MR. HAYMANS: Just based on the two figures that we were presented, I don't see where this is going to get us anything, whether it's just Florida or the entire coast. I mean, 90 percent of these trips are less than ten fish per vessel, and so why even tackle this action if it's not going to get us anything?

MS. BECKWITH: Okay.

MR. DILERNIA: I have a question, and I'm not sure who will be able to answer it, whether it will be the Office of General Counsel or the region, or perhaps staff, but let me start first off by saying that, in the Mid-Atlantic, we define for-hire vessels as inspected and uninspected vessels, and an uninspected vessel is -- That's a term that we use that comes from the Coast Guard regulations, and uninspected vessels are carrying six or less passengers for-hire, and inspected vessels are carrying seven or more passengers for-hire, and that vessel -- The inspected vessel has to conform with the regulations set out in the Federal Register, and it's what we call Sub-Chapter T, and we call them T-boats.

The regulations that I see here in front of me refer to a headboat, and I am just wondering how it is defined, the term "headboat" is defined here in the South Atlantic, and the reason I ask that is because we do have, in the Mid-Atlantic, uninspected vessels that charge on a per-head basis. Typically, a headboat, we would consider it a vessel that is just walk-ons, and you're just charging them a per-head basis, but there are developing and emerging industries developing in the Mid-Atlantic in which vessels that could carry six or less passengers for-hire are accepting passengers on a walk-on basis, paying on a per-head basis, but, again, those vessels fall into the category of what we call an uninspected vessel, and so I don't know if I can get the answer now, or who might have to give me that answer, or if you have to think about it for a bit, but, when I read the regulations, it just says for a headboat, and I'm unsure what that would mean. Thank you.

MR. GRIMES: 50 CFR Part 622 defines "headboat" as it means a vessel that holds a Certificate of Inspection issued by the U.S. Coast Guard to carry more than six passengers for-hire. Then there is a bunch of language that goes into dual-permitted vessels and when it's operating as commercial versus headboat.

MR. SAPP: I would love to be the stump that people beat on for a bit here, and I think I can take it, but I wouldn't mind supporting that Florida only and reducing the recreational catch to forty fish and have it go to public comment and have them scream at me if they feel like it, but I think we could be better stewards for conservation on our recreational end by doing this, and maybe one day guilting, not so much Georgia and South Carolina, because I don't believe they've got enough fishermen making that long, long run, recreational fishermen, to do any real damage, but, as much time as I've spent in the Carolinas and watched the quantity, I would like to see them be a little

better stewards one day down the road on the recreational side. Maybe if we do it, and it's successful, and I don't get yelled at too bad, one day it will follow up there.

MR. GRIMES: For the sake of consistency, I feel like I have to note, like I did with the last one, the dividing line of Florida only, and I know you're not talking about selecting it as a preferred, but, should you eventually go down that path, we'll need to develop some non-political rational for dividing the states, I think.

MS. BECKWITH: Did you have a question to Shep specifically? Go ahead.

MS. MCCAWLEY: I guess I don't understand the two different alternatives, because the first alternative, to me, applies across the entire region, and then the second alternative is only for the EEZ north of Florida, and there's not a way to choose just Florida. Am I missing something? Okay. I've got it. All right. Thank you.

MR. BREWER: I would be in favor of the Florida only and reducing the total number. The reason is, and here you go, Shep, but most of these trips occur in Florida, and there is -- I have seen it, and they may not have been picked up on MRIP, but you see people coming back with just a god awful number of dolphin, and dolphin are -- They run up and down within the Gulf Stream, and Florida is different, because, as an example, my house, the Gulf Stream might be four miles offshore, and, because it so much closer and so much easier to get in there and harvest those fish, just because of the distance, Florida is different.

I even sometimes worry about local depletion, because we've got so many boats that are targeting those fish, and, I mean, when people hear that the, quote, dolphin bite is on, it's not as bad as the mini-season for lobster, but there are a ton of boats out there, I mean a ton, and so, like I said, I think Florida is different, and I do worry about local depletion in Florida, and not anywhere near as much as in the other states, and so I think there is a justification for treating Florida differently, and I would be in favor of a forty-fish limit per boat.

MS. BECKWITH: Okay.

MR. SAPP: Chester hit on exactly the reason for doing it, is simply because we have so much more participation in the fishery, and I would have to think that would be enough. Again, on the record, if you have an issue, charter or recreational, please contact me in the near future.

MS. BECKWITH: Now we're going to take a simple conversation and make it really complicated.

MS. MCCAWLEY: First, let me say that I am in favor of adding this action to do this only for Florida, for all the reasons you just heard, but I'm just going to throw a question out there, and I don't mean to drop a bomb, but, if we change the bag limit for Florida, aren't we also changing the amount of fish that can come back from the Bahamas?

MS. BECKWITH: That is a legal question that we need a legal clarification on.

MR. GRIMES: You're going to have to give me a minute. That's a new one for me.

MS. BECKWITH: Sure. Take your time, but don't try and answer that question, because that's a legal question that we're getting answered, and so don't go there. While we're having this sidebar, if there is anybody that is not interested in having that Alternative 2 in this action, then we might could -- You do want to keep it in?

MR. HAYMANS: I would like to see what --

MS. MCCAWLEY: **Madam Chair, I move that we add Alternative 3 to Action 14.**

MS. BECKWITH: Do I have a second?

MR. BREWER: I will second that.

MS. BECKWITH: Okay. Chester is seconding. **Is there any opposition to adding this alternative to this action? Seeing none, that motion carries.**

MS. MCCAWLEY: **While that dumpster fire is getting put out over there, and I'm so sorry, I'm going to make another motion to accept the IPT's edits to Action 14.**

MR. GRIMES: Just to answer Jessica's question, the only exemption in our regs, in Part 622, relative to the Bahamas is an exemption, and it says, in the Atlantic EEZ, dolphin or wahoo lawfully harvested in Bahamian waters are exempt from the requirement that they be maintained heads and fins intact, and we don't have any bag limit exemption. If you change the bag limit in federal waters, you are going to change it for vessels that are in federal waters, and so, if they have a different bag limit in the Bahamas, they're going to be subject to our bag limit when they come into our waters, but that's the way it is now, based on what we have in the regs.

MS. BECKWITH: Right, and so our understanding is that they would be maintained to whatever bag limit is currently on the books.

MS. MCCAWLEY: So our guidance, and I'm not saying that this is correct, but our guidance had been that they can't exceed Bahamian bag limits, but they also can't exceed U.S. bag limits either, and so then, by this particular action, to me, it would change what's allowed to come back, because they couldn't exceed -- The boat could not exceed whatever the vessel limit is, and is that not right, because it's the new U.S. vessel limit.

MR. GRIMES: As it is now, they have to comply with our bag limits and our possession limits when they are in U.S. EEZ waters, but, if the Bahamian bag limit is the same as our current bag limit, and then we change our bag limit, then legally nothing has changed. The boat still has to have our bag limit when in our waters, but, if it's different than the Bahamas, then too bad. They have to comply with our bag limit and not a Bahamian bag limit, but, again, that's the way it is now.

LCDR MONTES: I think I can put this to bed, and so this may be, but probably not, the first time that we're going to reference Bahamian statute, but I pulled up the Bahamian statute, after I looked through my kind of job aid that we use for boarding officers, and it said eighteen fish, and I wanted to validate it, and so I did pull up the statute, and it says any migratory -- This is Bahamian law, by the way. Any migratory fishery resource, such as kingfish, dolphin, tuna, or wahoo, that is

caught shall not, in total, exceed eighteen fish aboard the vessel at any time, and so their bag limit is eighteen. It's more restrictive than ours is, and so I don't think we've got an issue if we want to drop it down to forty.

MR. BREWER: I think we need to separate you all. In answer to your concerns, and as somebody that was involved in that debacle with regard to the fish being brought back from the Bahamas, the only real change is, as Shep said, that we let people bring fillets back, that we could separate the heads and tails, which was required under our law.

I am not going to get into the glitch that occurred because of what was going on with wahoo, which was really driving that thing, which I found out later, but you're still going to have a limitation on per-boat for dolphin of forty fish. If you're only allowed to have eighteen dolphin over in the Bahamas, how are you going to run into a problem? I don't think it is a dumpster fire.

MS. MCCAWLEY: Well, I think that, if the Bahamas changed their regulations, and so then you have to abide by the stricter regulations, and so, if their regulations were more liberal, then this does apply.

MR. BREWER: I don't think they're going to take it up to forty fish from eighteen. I think we're looking for a problem that really doesn't exist.

MR. GRIMES: I have to correct that. I did find -- It's not Bahamas, but it's worded as "Bahamian", but there is a bag and possession limit provision that says, in the Atlantic EEZ, and lawfully harvested in Bahamian waters, ten, not to exceed sixty per vessel, whichever is less, except onboard a headboat, ten per paying passenger. That is Part 622, Subsection 277. I would say that's interesting, because that's more than Bahamian law allows, which I believe would be a violation of the Lacey Act.

MS. BECKWITH: Okay. While we mull on that, Jessica started a motion to accept the IPT's suggested edits in Action 14, and we do need a second for that. Second by Steve. Okay. Is there any discussion on the edits for Action 14? Okay. Any further discussion? **Any opposition? Great. It passes.**

Now we are back to this -- In theory, we don't have to do anything else to this action, for the moment. Again, this is one of those pieces that we can mull over for the next couple of months and think it through, as needed, and we'll take another look at this action in September. Yes? Okay. Let's move on.

MR. HADLEY: All right. The Action 15 deals with commercial pelagic longline regulations. It would modify gear, bait, and training requirements in the commercial longline fishery for dolphin and wahoo to align with highly migratory species requirements, and, before I get into that, I am going to go over a couple of data points that were provided by the Southeast Fisheries Science Center, as of your request last time.

If you will recall, and I believe it was June of 2017, but this is in the late materials, and it's under Dolphin Wahoo, and it's Attachment 3c, and what it is, it's an update of pelagic longline landings of dolphin by vessel permit type. The request was for the past ten years of data, and this is the past twelve years of data, and this is A03c under Late Materials in Dolphin Wahoo.

I will mention that it's looking at kind of the discussion that we've had of council boats that only have the dolphin wahoo permit and are fishing pelagic longline gear versus boats that also have the tri-pack, or the three HMS permits that are required to fish pelagic longlines, and this is looking at dolphin wahoo longline landings only, and so, as you will see, we have the year on the very far left, and next are vessels that have both the dolphin wahoo and the HMS longline permits, and, as you can see, for most years, the majority of landings, or the vast majority of landings, are coming from these vessels, and so the vessels that do have the HMS permit.

Next are landings of dolphin for vessels that only have the dolphin permit and do not have the HMS permits. Here is the vessels that only have the HMS permit, and then, finally, the unknown landings, and the reason that these are classified as unknown is they cannot be tied back to a specific vessel. Therefore, they couldn't be put under a specific permit.

However, in most years, they are a relatively small portion of the total landings, and, with that, I will take a break. I have one more presentation for you, but, if there's any questions on the table, I am happy to answer questions, and also we have Beth Wrege from the Southeast Fisheries Science Center that can help answer questions as well.

MS. BECKWITH: Okay.

DR. MCGOVERN: I was wondering about how many permits are represented by Atlantic dolphin wahoo only and HMS only. Do we know the number of vessels?

MR. HADLEY: I am jumping ahead here, but I'm just seeing if the next presentation has the number of vessels. No, not for the -- In this data request, I'm not sure how many vessels are represented here, but that is something we could certainly follow-up with.

MR. HEMILRIGHT: Thank you for the table. It's helpful, but the unhelpful part is the unknown, and I don't understand how this number was arrived at with nobody having a permit, and it's this illegal fishing, and so I don't understand. How can we tie this further back to see what this is about?

MS. BECKWITH: John had gotten clarification that these unknowns are in fact not illegal fish. They are legal fish, but they just were having trouble tying them back to an individual vessel for some data glitch.

MR. HADLEY: The way the data request was framed, it was asking for pounds, and, essentially, there is two datasets that can be examined. One is the dealer dataset, which is superior for pounds, because those are weighed fish, and so that's going to give you your most accurate weight estimates. The other way that you could go, and this is specifically if you wanted to look at effort, and so number of vessels and number of trips, you could get into the logbook data. However, that was not chosen for this request, because you're going to get approximate pounds, and so those are coming off logbooks, and those fish are likely well estimated, but they're not exactly all weighed fish, and so that's where that unknown column comes from. In this case, these landings likely did come from permitted vessels, but it's just that the landings could not be tied to a vessel. Therefore, they could not be tied to a specific permit, and so, really, that permit type.

MR. CONKLIN: The HMS permit that you looked at, was that the tri-pack license, or was that any HMS? Like say you can go online and get the Atlantic tuna through the website, and is that considered -- Or are these tri-pack HMS permits?

MR. HADLEY: They are specifically the tri-pack permits, and so they're the limited-access permits, and so the Atlantic tuna longline, shark directed permit, shark incidental permit, swordfish directed, or swordfish incidental.

MR. CONKLIN: Then if you will scroll back up, back to the table, and so the vessels that are Atlantic dolphin wahoo only, does that mean they only hold that one permit, or they have other permits as well? Like do they have the snapper grouper and the dolphin wahoo? I mean, just to be clear, because I see there were no dolphin wahoo only landings in 2018 reported, or 2016, yet I'm a dealer, and I know that there is several guys that sell to me, and they just have dolphin wahoo.

MS. BECKWITH: To be specific, Chris, this is for pelagic longline catch, and so this is only using pelagic longline gear.

MR. HADLEY: They could have had other federal permits, but, really, we were looking at do they have just the dolphin wahoo permit or do they have the HMS pelagic longline and the dolphin wahoo permit, and so we didn't include any other federal permits outside of that original list.

MR. CONKLIN: Okay. I was reading it wrong. I apologize. Thank you for the clarification.

MS. BECKWITH: Okay. Is there any other questions about what this table represents or the information on the table? Are we all clear? Okay.

MR. HADLEY: All right. With that, as a follow-up to this, we had a sort of follow-up request to look at pelagic longline landings by weight category. Originally, it was going from 500 pounds to 5,000 pounds in 500-pound increments. The data, when you break it down into those small weight bins, there's a lot of confidential data, and so, in this case, we looked at -- The Science Center looked at dolphin trips using pelagic longline gear, and what's shown here are the number of trips that landed less than or more than 500 pounds of dolphin with pelagic longline gear. As you can see, the majority landed less than -- The majority of commercial trips landing dolphin with pelagic longline gear landed less than 500 pounds, and it's certainly variable from year to year. However, there are several that land more than 500 pounds, and this is also by permit type, and the majority of these trips occurred onboard vessels that had both the HMS and dolphin wahoo permit.

Then the next figure, Figure 2, shows trips landing less than 5,000 pounds or greater than 5,000 pounds. As you can see, the vast majority of trips landed less than 5,000 pounds of dolphin, and, again, these are trips using pelagic longline gear to land dolphin, and the majority of these vessels, again, had both the HMS and dolphin and wahoo permit.

As a general categorization of the trips that landed more than 5,000 pounds, again, once you get into this, there is very few trips, depending on if you get into high resolution, and so there's a lot of confidential data in there. However, looking at the mean and median of these trips, recently, you're looking in the 10,000 to 12,000-pound range, on average, and, again, this is the subset of trips landing more than 5,000 pounds of dolphin, and these are the dolphin with pelagic longline gear. With that, are there any questions on this data?

DR. MCGOVERN: There are eleven vessels in 2018 that landed more than 5,000 pounds, and I guess those are HMS-permitted and/or dolphin-wahoo-permitted vessels, and I think it would be really helpful to know who the dolphin-wahoo-permitted vessels are that don't have HMS permits, because I think those are the entities that are affected by this action, and it might only be a handful of vessels, and so I think it would be really good to know that.

MR. HADLEY: The Science Center did look into that, and it was very low, and so less than three vessels, and so you're looking at confidential data, essentially, and so that is the reason that the table doesn't also show just the vessels with the dolphin wahoo permit and no HMS permits, because, while it did occur in some circumstances, it's very rare, and so, essentially, that's why this table only shows vessels that have both the HMS and dolphin wahoo permits, and the take-home being there that action would affect a relatively few amount of vessels, and, again, this is looking at trips above 5,000 pounds.

MS. BECKWITH: But it could possibly impacts folks catching less than 5,000 pounds at a greater number, but we don't have that breakdown for the trips under 5,000 pounds.

MR. HADLEY: Correct. We don't have that breakdown, and we can certainly follow that up with vessel accounts, but, there again, you would be moving into the other dataset and looking at logbooks, but we certainly could have vessel counts and trips, to get a very accurate effort estimate.

MR. CONKLIN: I know one scenario where a person has an incidental swordfish and an Atlantic dolphin wahoo, and is that considered to be in this table, or is that not counted?

MR. HADLEY: It would be in that table, but, there again, they would be fishing pelagic longline gear.

MS. BECKWITH: But they would be under the dolphin wahoo only permit, because they wouldn't be allowed to use pelagic longline under the other permit you mentioned, the shark one. Are there any other questions on this? Okay, and so I think the take-home from this is we've had lots of conversations about council boats using pelagic longline gear to catch dolphin and the inequity between our more lenient rules than what the HMS tri-pack guys are having to work within.

This is trying to give a sense of what the magnitude is and the number of people that are council pelagic longline boats, and it doesn't appear to be particularly significant, in terms of number or poundage, but there are a handful of folks out there, and so, if we go back to the action, the intent of the action has been requested numerous times by folks in HMS and holding those tri-pack permits, to make sure that they are being treated equitably as compared to our council boats, and so I think where we go from here is, given the information that's been provided to us and the magnitude of that fishery, does it make sense to move forward with this? Do we want to cease consideration of this? Do we want to look at options?

I mean, we've got a -- We can go in any direction, and I feel like this has been a request that's been put to us numerous times from there, and I think there is some value in making sure that our guys are playing in an equitable playing field to those that are under the HMS restrictions, but I

certainly open up that discussion to the committee. Dewey, do you have any thoughts on this, particularly?

MR. HEMILRIGHT: I think that, looking at this Alternative 2, it levels the playing field, and it gets everybody that is using pelagic longline gear and boats that don't possess tri-packs that does everything that a pelagic longliner has to do and makes it equitable, reading over Alternative 2. I think, also, now that you've got a little handle on what's being caught by the council boats, that it would help in the future, if something was to arise, to where you come close to the quota or something like that, just to identify it, and so I think this is a good thing. It took a little while, but hopefully it will be done here.

MS. MCCAWLEY: I certainly want to keep this action in there. I think it's interesting, under the IPT discussion, some of the statements about the biological opinion and how what will eventually be, I guess, a dolphin wahoo biological opinion might be the same or different from the HMS biological opinion, but I still want to keep this action in there.

MS. BECKWITH: Yes, and I had chatted with Jack about that earlier, to see if we could touch base with Protected Resources and get a feel for not only timing on the biological opinion for dolphin wahoo, but get their input on this action and these alternatives, to see if they had any thoughts on it that we could use to take this into fruition. Chester, did you have something?

MR. BREWER: I hope lightning doesn't come down, but I agree with Dewey. I think certainly this should be left in.

MS. BECKWITH: Okay. John, did you have anything else about the timing of the biological opinion, anything we haven't touched on?

MR. HADLEY: No, but just to reiterate that there will be a biological opinion being issued by OPR for the dolphin wahoo fishery. However, there is also, and this wasn't in the document, but OPR is also updating the HMS biological opinion, and so the point being, depending on those two biological opinions, there is going to be likely new requirements that will come of those, and there might be some issues with -- The intent of this action seems to be to bring parity between dolphin wahoo and HMS boats. However, the HMS regulations may be changing as a result of whatever comes out of that new biological opinion, and so we may be on some somewhat unsteady ground in the meantime, and we can certainly get updates. The council could get updates in the meantime, as that progresses.

MS. BECKWITH: Chris, did you have something?

MR. CONKLIN: Really, the only thing here that I see is the hook size. I mean, we're not fishing for 1,000-pound tunas or anything like that, and so let's leave it in, and I say we consider changing the hook size to allowing something a little smaller.

DR. MCGOVERN: I was wondering about the hook size, too. If it's just guys fishing for dolphin and they don't have an HMS permit, and maybe Dewey knows, but I don't know if that hook size works for guys just longlining for dolphin.

MR. HEMILRIGHT: If you've got a tri-pack, that's the only thing you have to use, and so that's why you'll see the larger size of dolphin. If you don't have the tri-pack, it's game on, and your catch will be more effective, but that's just the way the cookie crumbles on that, and so it's a big hook, no doubt about it. Sometimes you will catch a few small mahi, but, in general, you've got a larger size of mahi you're catching, and so it's just to level the playing field.

If you're using pelagic longline gear, you should be using the same hook as the guy that's got to jump through all the hoops, and they've also got the cameras and vessel monitoring systems and observers, and so it's leveling the playing field, and that's just the way it works. The mahi will bite the hook, but you've just got to hope that he's got a big mouth.

MS. BECKWITH: Just for our education, Dewey, is that hook size for conservation of bluefin tuna or for swordfish or for turtles? Like where was that original hook size set for?

MR. HEMILRIGHT: That was for the conservation of tunas in the Grand Banks, of studies done in 2003, I think, or something like that, and the best practices, and it reduced the bycatch of turtles by 80 percent, I believe, plus, at the same time, doing the statistical analysis, they lost up to 25 percent of their swordfish catch, and so, in the U.S., doing its part and more so, we reduced our sea turtle interactions by 80 percent, but, yet, statistically, we lost 25 percent of our swordfish catch, and so that's where that hook came from, and it's a good-sized hook. There is also ongoing work for weak hooks and different things for pilot whales and bluefin tuna, and there is also some weak hooks that have to be used in the Gulf for bluefin tuna at certain times of the year.

MS. BECKWITH: Jack, do you have any sense of how we might be able to connect with Protected Resources to get a read on this particular action?

DR. MCGOVERN: I will talk to them when we get back to the office and find out if they have any idea about the timing of the biological opinion of both of them.

MS. BECKWITH: Okay, and so then we'll touch base on this action again in September when we look at it and get an update on that, and so I think that takes us through the end of this amendment, which would bring us into it sounds like the Mid-Atlantic request, which, if we decide to move forward with that, it would probably also find its way into this amendment. Did you have a plan on how to present that?

MR. HADLEY: Well, I will certainly let Tony take over, but, in front of us, this was included as Attachment 3b in your briefing book, and this is a letter that we recently received from the Mid-Atlantic, and it's requesting an exemption for the regulation prohibiting filleting of dolphin in the waters north of Cape Hatteras. From there, I'm happy to chime in, but I think I will turn it over to Tony to go from there.

MR. DILERNIA: Over the past couple of days, I've had different council members asking questions regarding the Mid-Atlantic Council's request, and I believe I can -- I would like to address the request in three parts of how did the request originate from, who was involved in the development of the request, and, finally, the request itself.

First, where does this all come from? Industry asked, in October actually of 2017, for a clarification on certain rules, and they came to the Law Enforcement Committee. At the same

time, there were questions regarding the sale of tilefish, and there were questions regarding the sale of HMS species, and so the leadership of the Mid-Atlantic Council decided to convene a workshop, which consisted of three committees, the Law Enforcement Committee, the Highly Migratory Species Committee, and the Tilefish Committee.

I chaired -- I had the honor of chairing that workshop, and one of my co-chairs was Dewey Hemilright, and my other co-chair was Steve Hines. That took place on November 13 and 14 in Philadelphia. At that workshop, the attendees included a number of individuals from industry as well as a number of individuals from the agency and NOAA General Counsel, and there were representatives -- Without going through the whole list, there was representatives from -- Law enforcement representatives attending included the Maryland Department of Natural Resources, NOAA Office of Law Enforcement, representatives from NOAA Fisheries, representatives from the Massachusetts Division of Marine Fisheries and Law Enforcement, representatives from the Delaware Natural Resources Police, representatives from the New Jersey Division of Fish and Wildlife and the Bureau of Law Enforcement, another individual from the NOAA Office of Law Enforcement, NOAA Regional Office representatives, and so, again, that was just the NOAA folks and the law enforcement folks who attended, and I can give you the names of those individuals if you need them, but they were part of -- All of those individuals were part of the decision-making process that came out of the workshop.

The workshop, again, took place on November 13 and 14, and there were general recommendations that were developed at the workshop, and those recommendations were reviewed first by the committee, the joint three-part committee of Law Enforcement, Tilefish, and HMS, and those recommendations were presented to the council at I believe the December meeting, and the council accepted those recommendations and asked for further modification and review.

The recommendations went back to the committee, and the committee met a second time, and the committee refined its recommendations and presented its final recommendations to the council at its April council meeting in New Jersey. At that time, when the final recommendations of the committee were presented, that meeting and that discussion was also attended by NOAA Office of Law Enforcement and NOAA Office of General Counsel. That was how all the recommendations were developed.

Now, one of the recommendations was to write to this council and request that recreational vessels, and I will emphasize the term "recreational vessels", and not for-hire vessels, but recreational vessels be permitted to fillet mahi-mahi at-sea. Now, a little bit of background regarding that request.

It's common practice in the Mid-Atlantic region, and also in New England, very basically within the GARFO region, the Greater Atlantic region, to allow the filleting of fish at-sea. Mid-Atlantic species that are allowed to be cut at-sea are summer flounder, scup, black sea bass, and New England species are cod, pollock, and they are allowed to be filleted at-sea.

The provisions are, if they are filleted at-sea, the provisions are that, number one, two fillets are equal to one fish, and, because we have minimum size limits for those species, we must retain the racks or the frames onboard, and, again, that's because we do have minimum size limits, and also, for the purposes of identification, a piece of the skin must be left on each of the fillets, so that law

enforcement can easily identify the fillets and what species they came from, and so the request that you have, and, as you review our request, please feel free, if you need necessary -- If you want to approve it as written, that's fine. If you have a need to modify it, I understand that also, but the request that's coming from us -- Our letter states that we request the ability for vessels to fillet mahi at-sea, and we would be happy to leave a piece of the skin on, and we said a one-inch-by-one-inch piece. If you feel it's necessary to leave the entire skin on the fillet, that's fine, also.

We, in the Mid-Atlantic, expect the racks to be retained, and that's common practice in the Mid-Atlantic, and, again, two fillets are equal to one fish. Let me know follow-up all of this by saying that the reason we're asking this for the mahi is because the mahi fishery in the Mid-Atlantic and the New England region occurs hours from shore, a minimum of four hours from shore, if not six or seven hours from shore, and, as a vessel is traveling back, be it a for-hire vessel or private recreational vessel, all the fish onboard are being cut, except for the mahi at this point.

Now, if you look say at a for-hire vessel with say thirty passengers onboard, and a conservative number of five mahi per person, that's five times thirty, and that's 150 fish, and, if you say four minutes to clean each fish, 150 times four is 600 minutes, and that's ten hours' worth of cleaning back at the dock.

We do not, in the Mid-Atlantic or in New England, have fish cleaning services like you all have down here, where a headboat comes to the dock and there is folks at the dock who make a living by cleaning fish that come off of headboats. As a matter of a fact, the deckhands onboard the headboats make a significant part of their income by cleaning fish on the way in, traveling in. To expect the passenger, who has just endured a five or six-hour ride back to the dock, to then stand and wait hours until it comes to be their turn to have their fish cut, we believe that's unreasonable.

We are willing to comply with whatever regulations you feel are necessary, but we're asking that this council recommend either to change the regulations or a letter to the agency that, in the Mid-Atlantic region -- I have been asked by representatives from North Carolina not to include the State of North Carolina, and so, for these purposes, it would be from the Virginia line north, up to the State of Maine, to allowing the filleting of mahi at-sea.

Let me point out that there is no minimum size limit for mahi in this region, and the possession limit is ten, although it's rare if ever we -- Per person, and, onboard a headboat, it's not limited to a total of sixty, but it's ten per person, and so you can get into 100 or 150 or 200 mahi at times, although it doesn't usually occur, but that potential exists, and so I would be happy to answer any questions that you have, and, again, thank you very much for this opportunity to present our request, and I know it has taken a lot of your time, and you've have to research it, with staff time, and we appreciate all of that. Thank you.

MS. BECKWITH: Okay, and, so, before I open it up to the queue that I already have forming, I am going to throw out just an idea, because I think we've had some experience from the Bahamian filleting regulation. As you heard Tony mention, North Carolina has requested to be excluded from this, if this council were to move forward with this.

One potential idea that I have discussed with Tony would be to allow it from the Virginia line north. There is no minimum size limit, and so they would not need to retain racks. Two fillets

equals a fish, with full skin on, and so that would be one potential way forward that we can move forward, and I would open up the discussion, to see where we go with this.

MR. POLAND: Thank you, Tony. Just a point of clarification, and then I was just going to provide a little justification for our request to move this to the North Carolina/Virginia line first. Is it intended for all vessels, or just recreational for-hire vessels, and do we need to make that clear?

MR. DILERNIA: The letter clearly states recreational vessels. It does not specify for-hire vessels. I understand there was some confusion in the communication between our Executive Director and South Atlantic Council staff, in which they requested a clarification whether it be for-hire all recreational vessels. I conferred with my co-chairs, and I referred to the letter, and so the letter, at this point, requests all recreational vessels. If you all choose to modify that, that's your prerogative, but the request that I am presenting to you today is for all recreational vessels in that area.

MR. POLAND: Thank you. I just wanted to make sure that was clear on the record. Then, for North Carolina's request to move this up to the North Carolina/Virginia line, this really comes from our enforcement staff. They have got concerns about having this line at Virginia, where there is the potential of vessels at-sea north of Hatteras with fillets onboard, and there's a lot of vessels that fish both sides of that line in a given day, and they just wanted to move it up to North Carolina/Virginia and just remove any possibility of confusion there, and, like you said too, a lot of our -- Especially our charter operations there in the Outer Banks, they already have cleaning stations onboard, and, a lot of times, those mates don't even want to touch the fish after they throw them up on the dock, and so I don't really see any of our guys even willing to utilize this.

MS. BECKWITH: To that point, Tony?

MR. DILERNIA: Thank you, Madam Chairwoman. Yes, our request originated from the region, the region Hatteras north, because that's the area that's covered by the Mid-Atlantic region, and then it extends up into New England, and so that was the purpose of the original request, not to exclude a portion of the State of North Carolina. I understand the rationale for the State of North Carolina, and we have no objections to that, but we had to be as inclusive as possible when we made our original request.

MS. BECKWITH: Yes, and I think, from chatting with some committee members, certainly limiting this exception to charter and headboats would make it more palatable for consideration.

MR. SAPP: That was my sentiments exactly, and I could absolutely support it, especially for the headboat fleet and their speed issues that they've got. Charter boats, I'm not nearly as supportive. It's fewer fish, most likely, than the headboats, but you've got my support definitely on the headboats.

MS. MCCAWLEY: I could support this if it was for-hire only and it was skin on the entire fillet and not retaining the frames.

MR. CONKLIN: With that, I will go ahead and make a motion, and we'll get it up there, so we can talk more about it, because everybody seems to be in agreement. **I will make a motion to allow filleting of dolphin north of North Carolina for charter/for-hire only. Then you can**

specify in there if you want to have the racks or not, and do we need to? Just skin-on fillets is my intent for the motion, and two fillets equals one fish.

MS. BECKWITH: Yes, skin on the entire fillet. The idea for retaining the racks is because a lot of the species that they are already permitted to fillet at-sea have minimum size limits, but, since dolphin does not have a minimum size limit, retaining the racks seems unnecessary, because we will be requiring that two fillets, regardless of the size of the fillet, but two fillets equals a fish against your bag limit.

MR. BREWER: Tony, does the word “charter/for-hire”, in you all’s parlance, cover both like six-packs and headboats?

MR. DILERNIA: In the Mid-Atlantic region, a for-hire vessel is either an inspected or uninspected vessel, what you would call a six-pack or a headboat, but, again, let me emphasize that this request is for all recreational vessels and not just for for-hire vessels. If you all choose to modify that, I understand that, but the request that I am presenting to you is for all recreational vessels.

MS. BECKWITH: Yes, we certainly acknowledge that, Tony, but I think the wherewithal of this council is not for all recreational vessels at the moment.

MR. GRIMES: If this motion passes, isn’t this essentially a -- You’re talking about a new action to Dolphin Wahoo 10 or a framework to do this, in which case you would have an action, and you would have alternatives that could include all for-hire vessels, all recreational vessels, and you could look at those alternatives and flesh it all out through the process.

MS. BECKWITH: Jessica wanted to make sure that it was no frames needed to be retained.

DR. MCGOVERN: I had a question for Tony. When you guys talked about this, you saw you had law enforcement present, and I was just wondering about their degree of support for this.

MR. DILERNIA: This was a recommendation that came out of the workshop from NOAA Law Enforcement, and I had a Don Frei from the Office of Law Enforcement and NOAA Fisheries was Brad Mchale. NOAA Law Enforcement was Jeffrey Ray was in attendance, and Michael Ruccio from GARFO was at that meeting, and, again, I had a number of representatives from state agencies, and, if there were any objections, they were, I don’t think, very strenuous, and I don’t remember any objections. It was discussed. It was thoroughly discussed, and so this is the final recommendation of the entire working group.

MR. HAYMANS: Respectfully, Tony, the letter that was sent from the Mid-Atlantic is not clear, by no means, that this is all recreational vessels. It originated from a law enforcement/for-hire meeting, and so we infer that it’s for-hire, which is what John has in our documents, for-hire, which is what I would be in favor of. With that said, I support the motion, except that I would suggest that, in the final version of this, we simply copy our Bahamian fillet and regulations, as they are, so they’re exactly the same.

That brings up one last question. Tony and I were talking yesterday about the one-inch versus the whole skin, and Tony suggested skinning the fillet down to a naturally-attached connection. In

other words, the skin is still there, but only a small tag is left. Does that fall within our council's definition of a skin-on fillet? I guess I would put that out for question.

MS. BECKWITH: That probably doesn't fall under how we wrote it for the Bahamian. Okay. I had Mel next, and then, if the Coast Guard -- How are you guys enforcing that skin on?

LCDR MONTES: This is just in particular with regards to Bahamian fillets, but what I've got is the skin must remain on the entire fillet, and so not a one-by-one-inch patch.

MS. BECKWITH: So I suspect that that would fall under those, and naturally attached would not fall. Mel.

MR. BELL: Thank you, Madam Chair. I'm not on your committee, but thank you for letting me speak. Let me just make sure that everybody recalls, and, during the Law Enforcement AP meeting, this was discussed. The Law Enforcement Committee AP was unanimously opposed to it, and I just noticed also, in the report, they were viewing this as for-hire vessels only, and so, if that's not right, then -- But, for-hire vessels only, they still were unanimously opposed to it, and one of the issues, and I think Steve brought it up, that they listed, and they have like six different bullets here, was the -- When the line was at Hatteras, their concern was fish caught north of Hatteras and landed south of Hatteras, and so, if you simply move the line up to the Virginia line, fish could be caught north of Virginia and landed south of the Virginia line, and so I would assume that would still be kind of an issue with them, but I think the request they were considering was for-hire only, and, for the various reasons stated in here, they were opposed to it, and certainly, if law enforcement north, in the Mid-Atlantic, looked at it, that's fine, but our law enforcement officers looked at it, including the Coast Guard, and including NOAA, and we had a GC rep there, and they were unanimously opposed to it, and so that's just for your -- Just recall that.

MS. BECKWITH: Any fish being landed in North Carolina would not be able to be filleted, and so, if they caught them in Virginia and were landing them in North Carolina, filleting at-sea would not be an option for them, and so that, to me, is pretty clear.

MS. MCCAWLEY: I just wanted to point out that our law enforcement rep felt like this would be enforceable if it was looking more like what the Bahamas rules are, which is skin on the entire fillet, and part of the reason why our law enforcement rep didn't like it was the whole one-inch-by-one-inch piece and then the frames. I feel like this motion is reflective of what he said he could have supported, but that wasn't exactly how the Mid-Atlantic request was worded, and so I just want to put it out there that FWC law enforcement was supportive of this type of recommendation.

MS. BECKWITH: All right, and so I can't remember if we got a second for this, and so who wants to second? Art. Great. We have the motion, and we've had some pretty good discussion. Shep is correct that we have not decided where we would be adding this to, and is the intent to add another action to Amendment 10, or could we do this by some shortened framework of some sort? What are the thoughts on that?

MR. BREWER: A framework makes sense on this, because they are already filleting all their other fish.

MS. BECKWITH: But do we have -- I don't know that we can do this by framework.

MR. POLAND: I would like the staff to really give us some guidance on that, just look at their current workload with Amendment 10 and other potential amendments that might come under dolphin wahoo, and kind of advise us on what they think would be the quickest route for it.

MS. BECKWITH: I certainly welcome John to weigh-in, but, Shep, I don't think our framework would allow this to be done.

MR. GRIMES: I am sorry, but I'm not familiar enough with it to tell you off the top of my head. I would have to look at it. I mean, I think the best way is to have the IPT come back with a recommendation.

MR. HADLEY: We've seen how long it takes to get through this amendment, and we have skipped several actions. We can put it in Amendment 10 for now and certainly come back to it at another time, as far as do we want to split that off. I think, eventually, once we can look at this entire amendment in its whole, the actions are going to have to -- Whether it be split into a different amendment or some actions removed, it may need to be pared down a little bit, but there certainly is the option to put it in Amendment 10 for now, and we can decide what to do with it at a later date.

MS. BECKWITH: Okay.

MR. BELL: Just one other point. Without the racks, I mean, if you ever -- You certainly can't use those landings for any kind of data related to size or age, if you wanted to use that for future stock assessments or whatever. I mean, the racks have some value, I guess, but they're not there, and that's just --

MS. BECKWITH: Good point. Okay. Are we ready to vote on this? All right. **All those in favor of this motion, please raise your hand, ten in favor; anyone opposed to this motion; abstentions, one abstention. The vote passes.**

This brings us to the end of -- I think the next topic would be the frigate and bullet mackerel discussion, and we have about fifteen minutes before we have to stop in order to get ready for public comment, and so can you guys make it through another fifteen minutes? Okay. Let's see where we get.

MR. HADLEY: All right. We'll jump into that, and just one last thing, and we can bring this up likely under Executive Finance, but just some guidance eventually on when the committee would like to see Amendment 10 again, but that could certainly come up with kind of Brian's discussion, as far as timing.

As you will recall, at the March meeting, you voted to send the topic of adding bullet and frigate mackerel as ecosystem components to the Dolphin Wahoo Fishery Management Plan out for scoping. The scoping was held in May of this year, and we had two scoping webinars, one on May 7 and one on May 9, and comments provided via webinar are we had eight of those, and they are included in your attachment, and the online comments can be found at the link provided in the document, and I will mention this is Attachment 4a under the dolphin wahoo section of the briefing book.

Looking at the respondent characteristics, you had a fairly good distribution. Most comments came from commenters -- I will mention these are only the online comments, since it is stated in the online comments where is the state of origin for the respondents. Most comments came from Florida. However, you did have several folks commenting in North Carolina, and, also, many comments came in from folks in the Mid-Atlantic. As far as affiliation, most of the respondents were affiliated with the private recreational sector. However, multiple sectors can be chosen in that comment form, and so you also had a distribution throughout commercial, for-hire, wholesale, and non-governmental organizations.

Really, in general, we had several comments for this, particularly for a scoping topic, and most commenters -- The vast majority of commenters expressed support for the council moving forward with adding bullet and frigate mackerel as ecosystem component species in the Dolphin Wahoo Fishery Management Plan.

In general, as far as comments in support, there was general support for adding the species to the FMP, and also general support for protecting forage species. It was pointed out that the two Auxis species, referring to bullet and frigate mackerel, are not only important forage for dolphin and wahoo, but also several other large pelagic predators, such as billfish and tunas, and that, cumulatively, all of these large pelagic predators, including dolphin and wahoo, support several offshore charter and private recreational tournaments and commercial fisheries that are important economic drivers for many coastal communities.

It was also pointed out that the Auxis species not only contribute to the health of the stocks of dolphin and wahoo, but also serve as a means to aggregate these predatory species into a general area, so they are accessible to fishery participants. Also, it was pointed out that the development of new fisheries for the Auxis species could negatively impact abundance of those two species as well as the other economically-important species, such as dolphin and wahoo, that rely on them for prey.

Basic protections could be implemented for the Auxis species without disrupting any other fisheries, and protecting bullet mackerel and frigate mackerel was also a concrete way that the council could put policies from the Fishery Ecosystem Plan into place. Finally, it was pointed out that adoption of the two species into the Dolphin Wahoo FMP would be a proactive, preventative approach.

There were a few comments in opposition, and they were fairly limited. However, these comments were largely -- I think there was a misunderstanding that the council was considering authorizing a new fishery for these two Auxis species. While this isn't the case, and those two species are currently unmanaged, this perception generally accounted for the relatively few comments that were in opposition of the topic.

Looking at the -- It was pointed out that there was potential for increased directed commercial fisheries for bullet and frigate mackerel. The example from the Mid-Atlantic on chub mackerel were landings increased to five-million pounds, and this occurred in 2013, and it was cited in several of the comments, and it was also noted that there are several large-scale fisheries for the two Auxis species in other countries, resulting in millions of pounds of these species being landed commercially. It was also noted that there is a scarcity of bait, in some situations, for fisheries

such as the lobster fishery, that may open up new markets for the Auxis species being used as bait that could drive an increase in landings.

As far as the options that were provided in the paper and that were commented upon, it was suggested to analyze all the management options presented in the scoping document. There was stand-alone support for Option 3, which prohibits or limits a directed fishery, through a trip limit, and there was stand-alone support for Options 3 through 8, which looked at a trip limit, annual vessel limit, reporting requirements, and permit requirements and developing a protocol for building directed fisheries for the ecosystem component species.

It was suggested to consider options for fishery-dependent and independent monitoring and develop alternatives that provide protection for the Auxis species without negatively impacting any existing recreational or commercial fisheries, and so looking at freezing the footprint and freezing harvest levels while they are currently low. It was suggested to consider extending any conservation measures throughout the Dolphin Wahoo FMP jurisdiction and also look at development of new and directed fisheries until the necessary information can be gathered. Once these management measures are in place, look at some avenues, such as exempted fishing permits, to gather necessary data, and, also, establish an ecosystem objective in the Dolphin Wahoo FMP, and then, finally, I will mention that several of the comments encouraged the council to consider developing an omnibus forage amendment.

Before I turn it over, one last recommendation that I wanted to go over is this topic was presented to the Habitat Protection and Ecosystem-Based Management AP, and they had commented on this before. However, we updated them on the scoping that was occurring, and the AP strongly recommended that the council take proactive actions for bullet and frigate mackerel, due to the sound existing science regarding their importance as prey for dolphin and wahoo, noting the work that not only Steve has done, but there are several other dietary studies, particularly for wahoo, showing a strong connection to the two Auxis species.

The AP felt that a dedicated scientific study should target bullet and frigate mackerel, in conjunction with other identified forage prey, to enable the future development of comprehensive fishery management plans. With that, that is an overview of the scoping comments that were received, and what we're really looking for here is some guidance and direction on how or if you would like to move forward with adding bullet and frigate mackerel to the Dolphin Wahoo Fishery Management Plan as ecosystem component species.

MS. BECKWITH: Okay. Who would like to start?

MR. BREWER: This is really kind of a no-brainer, I think. We've got the AP in favor, and we've got overwhelming public support for this, and we've got the request of the Mid-Atlantic Council that we go forward with this. **With that in mind, Madam Chair, I would like to make a motion, and that is that the council direct staff to initiate an amendment that would designate bullet and frigate mackerel as an ecosystem component species with associated management actions in the Dolphin Wahoo FMP, so as to protect their role as prey.**

MS. BECKWITH: Okay. There is two parts to the motion you just made, and it was to designate and to add management actions, and so --

MR. BREWER: I meant to do it that way, yes.

MS. BECKWITH: Okay. Is there a second? Okay. Art seconds for discussion.

MR. BREWER: By the way, anybody that wants to wordsmith on this thing to get to the same place is fine with me, Shep, if that's what you're doing.

MR. GRIMES: Well, thank you. What I was going to say is we have to be careful about the management measure portion of it, right? I mean, in order to designate an ecosystem component species as an ecosystem component, it must not be in need of conservation and management. That's part of the concept, and so, as I have been preaching throughout this, there are real limits on what we can do for ecosystem component species.

While I have the mic, if I could, I would be very interested, and I'm sure we'll get this information, to the extent we can, as we develop this, but who is harvesting these species? Are they being harvested by the South Atlantic dolphin-wahoo-permitted vessels or snapper grouper? I think the answer to that is no, and I have questions about this, and so I really view this as -- There are sort of two stages, right?

The first question is, is it an ecosystem component species, or can you designate it as an ecosystem component? The Mid-Atlantic tried to do it, and it was disapproved, and, in the Federal Register notice discussing that -- There are two ways that you can establish a nexus to the fishery to get it as an ecosystem component, and that is it's important ecologically to a managed species or it interacts with a managed fishery. You are already managing the scup trawls, or whatever they are, and they're catching this stuff, and so you're putting restrictions on an already managed vessel, and so that's the first question in deciding is there a sufficient nexus to establish it as an ecosystem component, and we have done that, or at least we have started to lay that groundwork, through the fact that they are heavily preyed upon by two of our managed species.

That starts us down the road for establishing a rationale to support it as ecosystem component. The second question then is what are you looking to do with it? I won't call them management measures, because they are not, but what regulatory requirements can we implement that go along with it, and I think that is a separate inquiry.

If none of your vessels are harvesting them, you're going to put a trip limit on a bunch of boats who aren't harvesting them in the first place, and it doesn't seem like that's going to suit your purposes much, and so I think, once we know who is harvesting and who is actually interacting with these critters, we will have a better idea of what can be done, and maybe the ultimate answer to this, and I don't want to peek behind the curtain too much, is we could say it's an ecosystem component, but they are being harvested by trawl vessels in the Mid-Atlantic, and so, in terms of regulatory measures, we can't place restrictions on what those vessels are harvesting, and so it might end up having to go back to another council's court.

MS. BECKWITH: Right, and I'm to cut conversation on this now, and we're going to pick this back up tomorrow, because it is 3:45, and we do have to prepare for public comment, and so we're going to just leave this. We're going to pick this back up tomorrow, and we're going to prep for public comment, which begins at 4:00, and we're not even going to vote on this motion. We're going to pick this up tomorrow.

(Whereupon, the meeting recessed on June 12, 2019.)

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June 13, 2019

THURSDAY MORNING SESSION

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The Dolphin Wahoo Committee of the South Atlantic Fishery Management Council reconvened at the Marriott Hutchinson Island, Stuart, Florida, on Thursday, June 13, 2019, and was called to order by Chairman Anna Beckwith.

MS. BECKWITH: While John is getting settled, yesterday, we ended our discussion with a motion that was on the table that might need a bit of tweaking, but we'll pull up that motion here momentarily, and Shep had walked us through some things to consider, and I believe Tony had wanted to respond to some of those things that Shep had mentioned. Tony would you like to -- Do you remember what your thoughts were from yesterday afternoon?

MR. DILERNIA: It was a discussion about the bullet and frigate mackerel, and there seemed to have been some concern yesterday about whether or not you could manage them as an ecosystem component, but that's what we all have done in the Mid-Atlantic with many of the other species, and let me just -- Perhaps, if I could just take a moment to remind the council that we asked -- The Mid-Atlantic Council asked for this management, if you folks would consider this management, because we originally submitted both of those species under our forage fish amendment, and the agency approved probably thirty or forty species that we were managing, but they disapproved these two species, because they said they truly didn't represent a food component under any of the critters that we managed.

Well, wahoo is a creature that you manage, and over 50 percent of its diet, for wahoo, is -- I forget if it's bullet or frigate mackerel, but it's clearly -- The studies that came out of North Carolina have shown how important those two species are to particularly the wahoo fishery, as well as the billfish fishery, but you don't manage that, and so we were hoping that you would take on management for those two species.

The way we did it in the Mid was we just froze the footprint, and we didn't tell anyone that you can't go fishing for them, but we just said, if you have been fishing for them, we're going to put in limits that match basically the highest landings in a particular year, and so to prevent a significant expansion of a fishery on those two species, and let me point out that those two species of fish worldwide -- Hundreds of thousands of tons come out of other oceans, and the U.N. has estimated that even the landings that we have reported underestimate the landings of those two species of mackerel.

They are consumed by many African nations and Asian nations, and so there is the potential, should folks decide to focus on them, for that fishery to ramp up very quickly, and, unfortunately, we in management find ourselves always playing catch-up. A fishery gets in place, and, oh my

goodness, what are we going to do, what are we going to do, and you all have an opportunity to prevent that, to be in front of the curve, to put management measures in place that would prevent you from saying, a couple of years from now, should someone decide to focus on these fisheries, what are we going to do, and how are we going to preserve these species, particularly because they are so important for your wahoo.

I am hoping that you folks will -- We're hoping, in the Mid-Atlantic, that you folks will choose to manage them, and probably the easiest way to manage them will be through making them ecosystem components in your wahoo fishery, and I would be happy to answer any other questions you may have about how we did it in the Mid. Thank you, Madam Chairwoman.

MR. POLAND: Thanks, Tony, and I agree pretty much with everything you said, and they're also important in yellowfin tuna, but we don't manage those either. This is the same motion that we saw yesterday, correct? Some of the language looks a little different. It is? Okay. Well, with the way the motion is written, I am in full support of it.

I certainly think we need to move forward and acknowledge the role that bullet and frigate mackerel have in the ecosystem and in the foraging ecology of wahoo especially, but also dolphin, and I certainly think moving forward and identifying them as an ecosystem component in that plan -- Also, I guess I do have a question, kind of a general question, for staff and Shep as well, as far as how much input the staff and the IPT feel like we need from us right now to move forward and start investigating potential management measures and development of an options paper and moving forward.

I feel like we've made the case that they certainly are ecosystem components, and we've made that nexus to the diets of dolphin and wahoo, and they are ecologically important there, but, as far as moving down the road of potential management measures, what kind of input would you like to hear from the council, as far as how broad of a swath do you feel like you can investigate now?

MS. BECKWITH: Was there a question you actually wanted answered there?

MR. POLAND: It was more just fostering a discussion and really from -- If Shep has got any input, if he feels like the record is there to continue to move forward and develop an amendment, or if there still needs to be some discussion from the council as far as clarifying our intent for this action, and so, yes, it's kind of a question.

MR. WAUGH: If I could just clarify a couple of things. I think we need to be careful how we discuss this. We're not talking about management measures, because those two species don't need management right now. What we would look for a little guidance on is perhaps some regulatory measures, precautionary regulatory measures, that we can analyze that would prevent things happening similar to what happened with chub mackerel.

One of the issues is we add them as ecosystem component species, and we need to explore whether that just applies to our council area or whether that would apply along the entire east coast, and so that's something we would explore, and then how you get at the fishermen that might potentially harvest them is we would need to explore perhaps requiring a permit, so that, in order to possess these two species, you had to have a permit.

That way, we could have some precautionary regulatory measures in place, and then, in terms of other regulatory actions, maybe looking at some cap, trip limit cap and then a total harvest cap, not to prevent a fishery developing, but as a pause point, such that, if a fishery was to develop, it would be a safety valve to stop harvest at some reasonable level, and then the council could determine what appropriate management measures would be necessary. I think, if those topics meet your guidance, that's something that the IPT could work on and bring back for you.

MR. GRIMES: I think, based on the motion and discussion, it's pretty clear to you all, but I want to make clear that I never said yesterday that you couldn't do this, and there seemed to be some perception of that. Yes, there are a lot of challenges and a lot of unanswered questions about where we're going to end up with it, but, at least in terms of the ecosystem component designation itself, you seem to have built a strong record to support that wahoo prey on these, and there's a basis for doing that. I think I would say that's true for virtually any action you take. You've got an idea, and you put together a draft amendment, and you come up with actions and alternatives and move forward, and so that's the way I see all of this going.

I think Mr. Waugh is correct, and the council staff can put together an IPT, and we would start to talk about this, and you could go with, I guess, the next stage draft amendment or options paper or whatever you want to call it to come back with looking at different things to do, and it seems the first action is easy. Is it an ecosystem component or isn't it? That will be a dichotomous choice, and so you would have two alternatives for that, and then the next one is, okay, so it's ecosystem component, and then what do we do with it.

I think there's a lot of information that needs to be gathered to inform that decision. Chief amongst that is current catch and where is the animal being harvested and who is harvesting it and what relationships to existing managed fisheries, and then we can put together a list of potential, again, regulatory provisions, and let's stay away from the management measure terminology, because, again, a fundamental decision in deciding that it's ecosystem component means it's not in need of conservation and management. Please all keep that in your head, and hopefully it will stick and go over and over again, but continue to have that discussion as we develop it and think of other options, and we add those for consideration.

MS. BECKWITH: Thank you for that, Shep. Within the scoping document, there's a Table 4 that really goes through some options that we would consider in the next document that go through some of the things that Gregg had mentioned, and certainly designating these species as ecosystem with no management-related items would be one option, and it goes kind of through the whole gamut that we might explore in our next iteration of this.

One option is implementing a protocol for building a directed fishery for EC species, and one way of doing that, possibly, could be through EFPs that are presented to this council, if somebody wants to, in the future, direct on these species, but I will say that, for my own perspective, I have never seen scoping comments to be as detailed and thoughtful as we received for this, and, if you take the time to go through and actually read some of those letters, a lot of the supporting documentation that we would need has been actually researched and presented by the public, and so I found those to be really enlightening.

MR. SAPP: Yesterday, and again today, Shep was asking whether these species are being utilized currently, and, in south Florida, there are a few boats that are set up right now with tuna tubes, and,

when these fish show up in schools, frequently the wahoo and the billfish and the tunas are around them, and so these guys are set up to catch them. Six or eight go in the tubes, and a couple go on the rods, and they slow troll them around in the recreational sector, and then, again, in the commercial sector, the guys that are good at it use them as well for that a little bit, but then they show up frequently offshore in large schools, and the fellas that are headed offshore swordfishing with the buoy gear will come across them, and fresh bait is always better than frozen, and so they will take a few minutes, or an hour or two, whatever it takes to get what they need, and catch them and utilize them that way.

The numbers are obviously small in both of those scenarios, but they are being utilized, and having a permit for a little fish like that specifically scares me, and I don't like the thought of that at all, and then especially a fish that's being taken in such small quantities, but they are being utilized in our region currently.

MR. GRINER: I had some questions about that too, and Gregg cleared up some of it, but, going back to what Art was touching on, I feel the same way. I think it is a very important component of the ecosystem, but, to me, when you start moving into requiring permits, now you're saying it requires management, to me, in my mind, and I don't know that any of our bait requires management. To me, that's what this is. It's a forage fish, and it's something that the guys that are directing effort toward the dolphin and the wahoo are using as bait, and so I don't want to see us go down the road of us starting to require permits to go throw a cast net or use a sabiki or anything else while you're trying to gather bait.

MR. HADLEY: I think, to that point, one of the questions that the IPT will investigate is can we tie that into the dolphin wahoo permit, rather than having a separate permit, and I think the Mid-Atlantic staff have offered to kind of help us along the way, because they've been down this road, and kind of look at how they've gone through this, and I think there are some lessons learned there that we can certainly bring forward to the council next time.

MS. BECKWITH: I'm not sure I want to get all tied up in the weeds on this, but I think where we need to move forward is, is there a desire to move forward to establish these as ecosystem components, and, if so, then we will continue down that road, and the IPT will come back and present us with some initial thoughts. Again, the scoping paper has already offered us a range of alternatives and options for us to consider, and we could take a look at those, or we could let the IPT kind of come back at a future point to discuss it. I hear that a permit may not be -- Maybe we can get that fleshed out a little bit and then have a more thorough discussion.

DR. MCGOVERN: If we move forward with this amendment, I think Shep mentioned, at the last meeting, that, if we're going to consider these as ecosystem component species, we should look at other species and use Steve's study, the diet study that he did, or any other studies, and evaluate and determine why these are ecosystem species, and if, really, there's a need for anything else, and so I think there should be some discussion regarding the study, and Shep might have more words on this, since he brought it up.

DR. PORCH: Just to add to that, I know the Pacific Fishery Management Council has a couple dozen ecosystem component species, where they actually prohibit directed commercial harvest, but they allow some incidental take, and so I don't know, and you might want to comment, Shep,

but I think there's a lot of flexibility in how we handle ecosystem components, even including eliminating a directed fishery.

MR. GRIMES: Two things. Relative to the Pacific Council, I would just be a little cautious, because the Pacific Council -- Their program, relative to this, was developed under the regulatory guidelines that used to exist, when the ecosystem component species concept was embedded in the National Standard 1 Guideline and not where it is now, in the sort of general section, where there is different regulatory guidance, and so we have a somewhat different playing field, but, as a general matter, yes.

To the point about considering other species, I had suggested, at the last meeting, that it seemed most logical to approach it as maybe a forage fish amendment, and I'm not saying that you have to do it that way, but taking a more holistic approach would be consistent with what the Mid-Atlantic had done and what the Pacific had done, but maybe there are reasons why you don't want to tackle that at this point, and I think, if you could articulate those, it would help improve your justification for moving forward with just these two species.

MR. BREWER: I am going to try to stay away from proposed regulatory actions that might come up, but I did want to speak to the need to act proactively with regard to forage fish and, in particular, the bullet and frigate mackerel. I am old enough to remember the war that went on with regard to mullet in the State of Florida, and this council was not involved, and that was a state issue.

What had happened was the Japanese and Chinese had developed a taste for mullet roe, and the mullet were being gillnetted, and the females were targeted, and the roe was stripped out of them and then sold, and I think they were getting about six-bucks a pound. The thing exploded, and we literally had pelicans dying of malnutrition over in Tampa Bay, and so a move was started to attack that problem, and it was finally decided that the way that it would be attacked would be to outlaw gillnets in state waters.

A constitutional amendment was proposed and put on the ballot, and there was a shooting war that started. Those of us who were proponents, some of us actually had to start going around with guns in our briefcases. You had the same thing, to a much lesser extent, with regard to menhaden, but the point that I want to make is, once forage fish, or a particular species of forage fish, are targeted, and you begin to see, and I know a lot of people don't like this term, but industrialized harvest of that species, and you have hell to pay in trying to bring it back under control. For that reason, I think that a proactive regulation of these two species at this time is warranted.

MR. CONKLIN: I think we should let the IPT bring it back, instead of going through everything, but I was sensitive, and I share the same concerns as Shep does, as far as where are the fish coming from and who is catching them and what fisheries are doing it. Then the landings, because I don't want us to get into some sort of a real micromanagement scenario that doesn't need to be done, where we're creating some sort of a choke species or something for an unintended consequence and shutting down a huge industry that this may be some bycatch for or something. I understand that we don't really want this to become a targeted fishery by any means, but I'm fearful of that, and I think we need to be sensitive to other fisheries that we don't know much about when setting these rules. Thanks.

MS. BECKWITH: Thank you, Chris.

MS. MCCAWLEY: I just want to say that I am against an overall omnibus type amendment for all forage species. I am against bringing in other species other than bullet and frigate mackerel. I think the council's intent was outlined in FEP II about kind of why we didn't want to go that route at the time, and we wanted to focus on more research. I think that bullet and frigate mackerel, as we heard yesterday in public comment, they are over 50 percent of the diets of wahoo, and so these particular species are of particular importance, and I am supportive of the motion that is on the board to initiate something. I don't know exactly what that looks like, but I would like the IPT to flesh that out.

I agree with what Gregg is saying about maybe some kind of cap here, and I guess my other thing that I would like to see the IPT work on is, whatever measures we put in place, whether it's a cap or whether it's a permit, which sounds very complicated, but do those measures apply throughout the entire Atlantic coast, because of the way we manage dolphin and wahoo, and so I guess that's a big question to me, and it seems like that's part of the reason why the Mid-Atlantic was asking us to do this, and so I would like to see that laid out fairly clearly in the document, and, if there is some type of permit discussion, how that would apply across the various jurisdictions, I guess.

MR. SAPP: I just wanted to throw a couple of reasons out as to why we dialed in on these two species. They're the most likely to be heavily commercially targeted in great quantities, because there is some mass to them, and there's some value there, whereas the puffers and the little-bitty triggers and the grass shrimp -- I can't imagine a fishery being created around that, and then we also have to be very cautious about fisheries that have been in existence, forage fish fisheries that have been in existence, for a very long time and have no issue with overfishing, where, if we made a giant, encompassing forage fish amendment, we could subsequently affect those guys that have been very successful for a very long time without any issue, and so I want to be very cautious that we stay within these two species in this amendment.

MR. BELL: I think Jessica did a good job of just summarizing the issue we're looking at and everything we need to consider, and, if we move forward with this, the concerns we've brought up, or the issues we need to look into, we can cover that, and so I would be prepared to move on this, when we're ready to move.

MS. BECKWITH: We've got Doug and Steve, and then we're going to vote.

MR. HAYMANS: I am ready to move on it as well, but, if the IPT is going to suggest some ways that we can manage it, I would ask for a short discussion on whether or not we should prohibit the sale of the fish. I mean, they can still be harvested at-sea, for the use of bait in the swordfish fishery, and recreational anglers can still harvest them, and I haven't heard any use of them as food, and so I don't see where it's going to become a recreational problem, but that wouldn't eliminate their use as bait, and so I would like, in this document, some discussion about prohibition of sale.

MS. BECKWITH: To that point?

MS. MCCAWLEY: I think that comes back to the table that Anna pointed out that's in the document, that the IPT would essentially run through the table and look at those things. I'm not

sure if sale was in the table, but, if not, then maybe it needs to be added in there, but I saw them as kind of working through that table, also.

MS. BECKWITH: That's a good point. Tony mentioned that there was a study from the U.N. FAO that the landings were quite significant for these two species world-wide, and so they are used for food elsewhere.

MR. POLAND: I just want to say that I'm comfortable moving forward with just these two species, and I think Art made a good point, that our initial concern was that there are fisheries for this species, or similar species to bullet and frigate mackerel, currently in the management area of dolphin and wahoo. I mean, I certainly think there probably are a few other prey species out there that are probably as important to dolphin as bullet and frigate are to wahoo, but I certainly don't think that there's a fishery that interacts with those prey species yet, and so, in the essence of just moving forward and getting some work done, I support just bullet and frigate mackerel right now.

MS. BECKWITH: All right. I think we've had more than enough discussion. I think I'm ready to call the question. **Everyone in favor of this motion, please raise your hands.** Remember who is not on the committee, and we're still in the Dolphin Wahoo Committee. **We have got eleven in favor. Are there any opposed? Any abstentions? We have got a unanimous approval.**

I think that was -- Is there anything else that we need for this? No? Awesome, and so I think I'm done. Is there any other business to come before the Dolphin Wahoo Committee? No? Okay. Thanks, guys.

(Whereupon, the meeting adjourned on June 13, 2019.)

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Certified By: _____ Date: _____

Transcribed By:
Amanda Thomas
July 22, 2019

Day 1

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Day 2

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D/W COMMITTEE
FULL COUNCIL - ROLL CALL VOTE

Date: June 10-14, 2019

Meeting Location: Stuart, FL

Issue: MAIN MOTION : Remove action 13 from Amendment 10

	YES	NO	ABSTAIN
MS. BECKWITH			
X MR. BELL			
MR. BREWER		✓	
MR. CONKLIN	✓		
DR. GRABTREE Dr. McGovern	✓		
DR. CHRISTIANSEN		✓	
MR. GRINER	✓		
MR. HAYMANS/MS. KNOWLTON	✓		
MS. MCCAWLEY		✓	
MR. POLAND	✓		
MR. SAPP		✓	
MR. WOODWARD			
MR. WHITAKER	✓		

MR. Dikernier
 LCDR MONTES

6

4

✓

✓

2

MAIN MOTION CARRIES

D/W COMMITTEE

~~FULL COUNCIL~~ - ROLL CALL VOTE

6/12/19

Date: June 10-14, 2019

Meeting Location: Stuart, FL

Issue: SUB MOTION: ACTION 13 - Keep just off Florida

	YES	NO	ABSTAIN
✓ MS. BECKWITH			
X MR. BELL		NO	
✓ MR. BREWER	✓		
✓ MR. CONKLIN		✓	
✓ DR. CRABTREE <i>McGovern</i>		✓	
✓ DR. CHRISTIANSEN	✓		
✓ MR. GRINER		✓	
✓ MR. HAYMANS/MS. KNOWLTON		✓	
✓ MS. MCCAWLEY	✓		
✓ MR. POLAND		✓	
✓ MR. SAPP	✓		
X MR. WOODWARD			
✓ MR. WHITAKER		✓	

✓ *Mr. DeLerm*

✓ LCDR MONTEZ

4 6

SUB FAILS

✓
✓
2