

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

DOLPHIN WAHOO COMMITTEE

**Hilton Wilmington Riverside Hotel
Wilmington, NC**

December 5, 2013

SUMMARY MINUTES

Dolphin Wahoo Committee:

Anna Beckwith, Chair
David Cupka
John Jolley

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Doug Haymans
Pres Pate

Council Members:

Ben Hartig
Mel Bell
Jack Cox
Lt. Morgan Fowler
Jessica McCawley

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John Carmichael
Amber Von Harten
Dr. Mike Errigo
Myra Brouwer
Dr. Brian Chevront

Observers/Participants:

Monica Smit-Brunello
Dr. Bonnie Ponwith
Phil Steele
Dick Brame

Dr. Jack McGovern
Otha Easley
Doug Boyd
Dir. Bruce Buckson

Additional Observers Attached

The Dolphin Wahoo Committee of the South Atlantic Fishery Management Council convened in the Cape Fear Ballroom of the Hilton Wilmington Riverside Hotel, Wilmington, North Carolina, December 5, 2013, and was called to order at 3:17 o'clock p.m. by Chairman Anna Beckwith.

MS. BECKWITH: I declare this committee open to rock and roll. Has everyone taken a look at the agenda? Are there any changes to the agenda? Seeing none; the agenda is approved. Next on the agenda is consideration of the September 16th meeting minutes. Are there any additions or corrections? Seeing none; those minutes are approved.

We did have the recreational information presented to us already. If you guys remember, recreational is about 33 percent caught for dolphin as of this year and ended in 2012 at 45 percent. For wahoo the current information on the website is looking at about 18 percent caught and in 2012 we were a little bit over a hundred percent but that was before we had the increases in ACL. Jack will take us through the commercial.

DR. McGOVERN: Okay, the commercial information is updated on our website. The information in the council's briefing book is through November 11th; so the information on our website is through November 26th. About 49 percent of the dolphin ACL has been met, which is slightly higher than last year. In 2012 64 percent of the dolphin ACL was met; and for wahoo thus far about 90 percent of the ACL has been met, and it is almost exactly where it was at this time last year. Last year the ACL was at 98 percent of the ACL, and I think we closed wahoo at the very end of the year last year.

MS. BECKWITH: Jack, would you like to give us the status on Amendment 5.

DR. McGOVERN: Dolphin Wahoo 5 was submitted on November 25th, I believe; and the proposed rule package is under review in the region.

MS. BECKWITH: Okay, and for those folks that may not remember, under Amendment 5 we revised the acceptable ABC, ACLs and ACTs for dolphin and wahoo. We revised the accountability measures to reduce the fishing season only if the species were overfished and the total ACL was exceeded.

We revised the framework procedures in the FMP, updating language and allowing the framework to amend the ABC Control Rule and putting in some streamlined processes for implementation of the new ABCs, ACLs and ACTs. Now I think I'm going to turn it over to Brian and he is going to take us through a little bit of a discussion on Amendment 7.

DR. CHEUVRONT: First we've got public hearing comments. We accepted public hearing comments from November 1st until November 20th. On November 18th we had a webinar in which we received public hearing comments. There was an information session to explain to folks what this is about.

We particularly wanted to offer another avenue for a public hearing for this amendment, knowing that this meeting was going to be in North Carolina. Dolphin Amendment 7 affects

primarily Florida fishermen; so if somebody wanted to give oral public comments, we didn't want to make them to have to come all the way to North Carolina to do this.

During the webinar we did have some good discussion and things went on; however, no one chose to give comments as part of that webinar. Eight folks had sent in comments in writing, however. There is going to be another comment period this evening. It is on the agenda for the public comment this evening. Whether or not somebody is going to be here to speak on that is another issue.

Of the eight comments that we have received in writing, all of them were in favor of allowing some mechanism for bringing fillets from the Bahamas back into the U.S. Most of the fishermen talked about wanting to be able to bring into the U.S. EEZ and then into Florida state waters or into whatever state waters whatever they're allowed to catch in the Bahamas.

The instructions that we were given as staff for developing this amendment was to model it after what is currently in place for snapper grouper. As you might recall, in snapper grouper they're allowed to bring 60 pounds of snapper grouper fillets from the Bahamas into the U.S. EEZ. The Bahamian regulations are written in terms of snapper grouper fillet pounds.

However, for dolphin and wahoo, dolphin and wahoo are part of a complex. They are allowed to bring in up to 18 fish in any combination of tunas, king, mackerel, dolphin or wahoo; and they are as whole fish is the way they are listed in Bahamian regulations. Bahamian regulations, though, upon inquiry with the Bahamian government, they don't specifically prohibit fillets.

They said that since they're not specifically prohibited, that means like basically here that they're allowed. There are some issues that are related to that which we will get into when we start discussing the amendment. The fishermen would really like for the council to figure out some way, if at possible, that they can bring back from the Bahamas exactly when they're getting into the U.S. EEZ.

Now, in talking about it, the fishermen seemed to be okay with the notion of you can't stop and you can't fish once you have left Bahamian waters. There were also some discussions about – even though it is not officially a part of the amendment because we weren't given specific direction by the council to do this, we asked them requiring the skin to be left on the fish to aid in identification of species by law enforcement.

While a couple of fishermen I spoke to unofficially off the record said, well, they'd prefer to be able to skin the fish; but if they need to leave the skin on, they're willing to go ahead and do that. Officially on the record no one spoke against the idea of leaving the skin on the fish. The dolphin is not that big of a deal for them because the dolphin possession limit is ten fish per person up to sixty fish per vessel in the U.S. EEZ.

Well, if they're coming from the Bahamas, they could only have a maximum of 18 fish if there were two people on the vessel. The problem really comes with wahoo because the possession limit is two fish per person. A lot of the fishermen say that there are times they can go over to

the Bahamas and they can get 18 wahoo and bring back 18 wahoo on a single trip; and they wanted to be able to do that.

Nobody is going to go over there with nine guys on a vessel so they can bring 18 wahoo. Occasionally they also have issues with the vessel may stay in the Bahamas for a while. It may be at the end of a season or after several weeks, the owner of the vessel and maybe one or two other guys are bringing the vessel back and they have fish aboard the vessel.

They wanted to be able to at least have the Bahamian limit. They could have had fish from multiple trips that may not be in excess of what the Bahamas allows, but they could end up having problems particularly with wahoo with only being allowed two fish per person. What they're trying to do is to figure out a way – can the council help them figure out what can be done to help them be able to bring back legally whatever they're legally allowed to catch in the Bahamas. That, Madam Chair, basically ends the public comments

MR. HAYMANS: Brian, you said the Bahamian regulation for wahoo is two?

DR. CHEUVRONT: No, the U.S. regulations are two.

MR. HAYMANS: I understand, but I thought you said the Bahamian. I guess the way I look at it that Bahamian cruising permit is a get-out-of-jail-free card. I mean if they've got that card and they're coming in, we're basically telling them you don't abide by Florida regulations anymore or the EEZ regulations. You can bring in whatever you caught in the Bahamas.

DR. CHEUVRONT: Well, there are additional regulations that are possession limits in the U.S. EEZ. The one regulation that we've talked about that mirrors what is being done in snapper grouper does not mention possession limits in the U.S. EEZ. I believe – and, Jessica, please correct me if I'm wrong – that Florida enforces the snapper grouper regulation that you must also meet the U.S. possession limit.

It is on the Florida FWC Website that way, that you're not allowed to bring anything into the U.S. EEZ that is prohibited in the U.S. Now, an issue that the council may wish to take up later is that regulation regarding snapper grouper went into place so many years ago – I believe it was before there were any prohibitions on any specific snapper grouper species.

There is no requirement for any skin to be left on the snapper grouper fillets or anything like that. However, the point that you're making, Doug, is the exact same point that the fishermen are making. They're saying if we've got a cruising permit and a Bahamian fishing permit and we're not stopping to fish and we are continuously moving through the U.S. EEZ, why can't we bring the fish in, but I think we've got to get over that hurdle of the possession limit in the U.S. EEZ.

MR. HAYMANS: So this Section 1.5; is that the sum total – that exemption Paragraph B; is that the sum total of our snapper grouper exemption? Where does it talk about the bag limit? Page 2, Section 1.5; what are the regulations for snapper grouper in the Bahamas?

DR. CHEUVRONT: Right, you're not looking at the document.

MR. HAYMANS: Yes, I'm looking at the document.

MS. BECKWITH: So we're looking at PDF Page 14.

MR. HAYMANS: The codified that you provided us as another handout; that is pretty much the same as what is there in Section 1.5 Where is the quantity limit on snapper grouper; where is that found in the exemption?

MS. SMIT-BRUNELLO: Doug, what exactly do you mean? Let me back up. What the snapper grouper exemption does is it allows you – the only that the council exempted the requirement to have head and tails intact. For snapper grouper species, when a person comes from the Bahamas through the U.S., they can have snapper grouper species filleted, but it has to be the amount of fillets equal to the U.S. bag limit.

The council didn't exempt these fishermen from the bag limit or the possession limit. They only exempted them from having to have the fish in whole form, so they are allowed to have it in fillet form. When this was brought before – and again you all have never seen this document before because it was quickly produced according to what the council wanted.

The only exemption that is being offered in this document is the same one that currently exists for snapper grouper in that you could have dolphin or wahoo fillets. It does not fishermen from the U.S. bag limits or possession limits or any closures or any restricted species like Brian mentioned because there have been a lot of restrictions you have put on the snapper grouper fishery since this first – I think this went into effect around 1998 or so.

MR. HAYMANS: Thank you; that answered that question. Otha, how do you enforce a skinless fillet of snapper grouper species over the limit when it is unidentifiable?

MR. EASLEY: That's a mouthful. Over the limit, forget over the limit, just skinless; it takes a pretty good effort. We have to take a sample of that meat and send it out to the lab for some type of forensic analysis, liquid phoresis or dna to determine what the species; and to do it right would be for each fillet. That gets costly and timely.

MR. HAYMANS: And that includes confiscation of that entire catch?

MR. EASLEY: Routinely, yes.

MS. McCRAWLEY: I was just going to say – and once again I'm not on your committee, but if we're going to consider doing something identical to what is already in place for snapper grouper and also adding the skin must be left on, I think that is one thing; but if we're going to go as far as where the fishermen want us to go to try to exempt them from these U.S. bag and possession limits, I think that is going to be a longer-term process.

I'm going to have to go back to the FWC. We're going to have to try to discuss this internally with our law enforcement and try to make those changes. I really see two different things happening here and a couple of different decision points. There is this one simple fix or there is

the bigger fix. I think just doing what we have for snapper grouper is not exactly what the fishermen are asking for.

MS. SMIT-BRUNELLO: And to that point, I think that if you stick with just the exemption that is allowed for snapper grouper, if you were to translate that into the exemption you would allow it for dolphin and wahoo, that is analyzed in Dolphin Wahoo Amendment 7. You have got enough information in front of you to decide whether you want to go ahead and do it not.

If you were to add anything else on – for example, some of the things that Brian mentioned that the fishermen want – then I would advise you that you can't tell final action on that because you don't have any analysis in front of you and you would need to send that back to staff for further development and to get all that information. You wouldn't be able to do it at this meeting.

MS. BECKWITH: Right; in order to get to where the fishermen want, you would have to figure out how to exempt them from U.S. bag and possession limits. We'd have to take into consideration, what requirements. Florida would have to buy into their state waters issues. I think it is a longer issue; but I think we're going to take this point by point.

DR. CHEUVRONT: And another big issue here is the fact that we're dealing with whole fish; and they want to cut it up into fillets. How many fillets are we talking or how many pounds of fillets are talking represent those 18 fish; and how are we going to do that? We have not been able to answer those questions yet. If you want to go that route, which is fine, whatever you guys want to do to give the fishermen what they're asking for, this document, as Monica says, needs more work.

MS. SMIT-BRUNELLO: And one other distinction here, too, that maybe Otha can speak to; for snapper grouper the Bahamians I believe have a regulation that you can have so many pounds of snapper grouper species. I think it is a poundage. They don't have that for dolphin or wahoo; so that adds a little bit into the mix, too, for you to think about.

MS BECKWITH: And one way that could be considered for discussion would be a cruising permit, a fishing license, and then the Bahamians have a potential check-out procedure that we may be able to discuss.

DR. CHEUVRONT: No, we checked specifically on that and there is no official requirement for checkout.

MR. MAHOOD: I thought when we did the snapper grouper there was, because you could tell exactly what they left the Bahamas with. Now, that may have changed because that was a long time ago we did that. Don't you recall that, Ben, that there was some checkout, bill of lading, that would indicate what fish they had on board?

That was one of the ways we got away from the difficulty of telling what a fillet was because we knew what they were supposed to leave with. If they were intercepted, they could show, okay, I'm allowed to have this, this and this, and it was not a problem. That may not be in place anymore.

DR. CHEUVRONT: I checked with my expert in all things Bahamian, Gregg.

MR. HARTIG: Well, to that point, I don't think the cruising permit was a part of that at that time. You can have the cruising permit now to go back and forth, but we didn't have that at the time we did snapper grouper.

MR. WAUGH: I spoke with the Director of the Marine Resources over there shortly before the council meeting; and there is no requirement to check out. They can leave from anywhere; but they do have to have the cruising permit and a fishing permit. I think what would be helpful when you give direction for us to work on this is to give us some guidance if you are interested in letting fishermen who go over to the Bahamas get their cruising permit, get the fishing permit, abide by Bahamian laws to bring those fish back into the U.S. and not stopping to fish in federal waters.

If that is your intent, then we would know how to proceed and we can deal with this issue of possession where that has caught us up now. It came as news to several of us that for snapper grouper we were enforcing the size limits and bag limits. When we did this for the Bahamian exclusion for snapper grouper, we didn't have a lot of these other regulations that we have now.

I know it would be a complication for enforcement; but if it was your intent to let people who go to the Bahamas legally, fish legally, bring those fish back, transit the EEZ without stopping and not having to abide by the possession laws, we can work with law enforcement and NOAA GC and see how we structure it to do that. If you want them to be subject to both Bahamian and U.S., then let us know that.

MS. BECKWITH: I want to give Otha a chance to chime in. Do you have any thoughts on that?

MR. EASLEY: Telling the fishermen that they have to continuously transit through sounds real convenient and easy, but making sure that happens we have no way of knowing. The only way of knowing is we have to intercept them out there and see them come in. Our usual way of dealing with this might be or is at the dock. Like Doug said, if they have that permit and cruise paperwork, then it is get out of jail free. If no one has stopped them or seen them stop in the U.S. EEZ, they can fillet all they want to and come in and say, hey, I have my permits and all this is good.

MR. WAUGH: And I think we need to be careful talking about it as a get-out-of-jail-free card. They're not breaking the law; they are abiding by the Bahamian law. The question is when they transit back, do you want to be able to bring those fish back if they have the cruising permit and the fishing permit.

Nobody is going to go over to the Bahamas, get a cruising permit, get a fishing permit and then come back in the EEZ and stop and fish just because they want to fillet fish. That is an expensive proposition. It is not going to happen. One way of approaching it is if you have those two permits, and as Otha said if they check them dockside and they have the two permits, then as long as they're in compliance with Bahamian laws, they're fine, they're legal.

MR. HAYMANS: I thought we had this licked. John, you brought this to us initially and right now I think we're only halfway there and there is more work to be done. You're nodding yes; is that –

MR. JOLLEY: I don't agree entirely.

MR. HAYMANS: Well, I guess where I was going is maybe this amendment should – I was thinking there is more work to be done now. I'm thinking there is more to be done and maybe the amendment needs to grow just a tad and we look at those snapper grouper fillets as well as part of it.

MS. BECKWITH: But, Doug, what is the end result because regardless if the amendment grows, what direction is it growing in your opinion?

MR. HAYMANS: To allow whatever those Bahamian regulations are to be brought into the U.S.

MR. JOLLEY: Well, if we have some extenuating stuff, I think things could be taken in tandem because we've got a lot of people going and coming. If we can't get all of what we want, some of what we want I think is very important. Also, when you pick up a cruising permit, you can't go back and forth forever.

I think it's good for 90 days; so you can have that cruising permit and that fishing license for a second trip. If you go in June, you could come back in August and make a second trip, but that's the end of it. I'm particularly concerned about the size thing, too, because we catch a lot of big fish over there and it is not practical, it is not even possible to keep those fish for a week on these small boats that are catching fish. They just don't have the room to keep them iced down.

MS. BECKWITH: John, to that point, if they pick up a cruising permit and it is good for 90 days and they pick up a fishing license that's – how long are their fishing licenses good for in the Bahamas?

MR. JOLLEY: The same time as the cruising permit.

MS. BECKWITH: So that's a concern that pops into my mind is if you have a cruising permit and a fishing license that makes you legal to fish in the Bahamas, then is that going to become an issue with folks coming back and unloading their allotted 18 fish and then using that as a potential extra bag limit within the EEZ if there is no one to enforce it?

MR. JOLLEY: Well, to that point, if you go back you still have to clear and you have to get your passport stamped.

MR. CUPKA: I think part of what you're getting at, Anna, is say somebody goes over there and gets a cruising permit, stays 30 days and comes back – we're not talking about somebody that is going to go back to the Bahamas and have to clock back in. We're talking about what if

somebody just wants to go out in the EEZ and catch another bag limit. I think that is Anna's concern. I'm not trying to put words in your mouth, but that was a concern I had, too.

MS. BECKWITH: It is; and I guess if you got that around that by having your passport stamped on the way in and on the way out, then that may solve that question. The passport would have to present with the cruising permit and the fishing license potentially.

MR. PHILLIPS: That was kind of what I was thinking and you pretty much covered it. I was worried about a 90-day permit and people coming back but not necessarily going all the way back to the Bahamas and having an 18-fish bag limit instead of two and coming back in; but if they have to have a passport stamped, then that may be something that would take care of that. Again, like Otha, I'm concerned about fillets and no skin on; and there is no way of knowing if you're fishing while you're transiting. There is a lot of stuff that could be wiggled around here.

DR. CHEUVRONT: Well, one of the problems with using a passport stamp is that some of these guys take their vessels over and they stay with their vessels, the vessel owners do or their crew, for several weeks at a time. They may run charters or something over there while they're over there. Their entry into the Bahamas is stamped on their passport, but there is no regulation that requires them to have their passport stamped when they leave. It gets stamped when you reenter the U.S. and not even always that.

MR. JOLLEY: But if you're going to have filleted fish and coming back for a second time, you've got to have a passport that has been stamped again or it's illegal. If you make a second trip, you have to have your passport stamped again; so there is confirming information that you've made a second trip. You're not going to be able to hand law enforcement a passport that isn't stamped if he is checking you for the second time going.

MS. BECKWITH: John, the concern isn't the second trip all the way into the Bahamas. It is once you come back and – do the guys get stamped; are the passports stamped on their way back to the U.S.? Typically not. Their boats are coming in and hitting the dock and you're done and you're going home.

My concern is once you make that initial trip and you hit the dock again in the U.S., there is no proof that you're back, that the trip has ended. Unless you go all the way back to the Bahamas and get your passport stamped again a second entry, you have this cruising and fishing permit from the Bahamas that is good for 90 days.

If you're only there for a week or three weeks or a month, you have potentially some extended period of time with this cruising and fishing license that enforcement would have a very difficult time assessing that you were fishing in the EEZ and that your catch isn't necessarily legal. Someone could say that they stopped real quick because they got a piece of line stuck in their motor and they had to check it. It is a heck of a loophole. I think there needs to be ample discussion about the ways that this could be used to get around our regular bag limits. Having a bunch of folks running around with 18 wahoo in the EEZ is a potential problem. Chris.

MR. CONKLIN: Madam Chair, I'm not on your committee either, but I had a comment about the constant transit. There are a lot of guys from our state that go to the Bahamas on a regular basis. They can't make a straight run all the way back to the EEZ just to get some fish, so maybe changing some of that wording or something to include them. They stay for an extended period of time as well.

MR. BELL: I'm not on your committee either, but I guess my question was answered. I thought at first there was a requirement to get stamped when you left and therefore all you would have to do is just if that was a reasonable transit time; but if that's not the case, then that doesn't work. My concerns would just be the enforceability of the whole thing.

MR. HAYMANS: Dick Brame was just sharing with me a little bit about federal ducks and bringing ducks across the Canadian Border. Could he share just a moment how that's handled?

MR. BRAME: What I mentioned to him is I travel regularly to Canada to hunt waterfowl. The limit there is – in the North Carolina the limit is six ducks; in Canada it's eight. You can possess three days' limit. For snow geese it's twenty; I think in North Carolina it's fifteen. I can bring those birds back across the border and keep those birds, but they do have to be individually identified.

I think the key here is being able to individually identify the fish, leave the skins on or something. With waterfowl you have to leave a wing on it and you have to individually tag – I hate to use that word, but it is a piece of paper with a string on it that has your license number, the date it was taken and your name. Then you can come back across the border with that limit – actually a three-day possession limit – and go to your house.

MS. SMIT-BRUNELLO: Dick, do you drive back across the border or you fly?

MR. BRAME: Both, either one. This will confuse you; I can come back across the border and hunt as long as I don't have more than the possession limit for America. This is done regularly.

MR. EASLEY: Who identifies those birds or puts the tag on them; Canadian authorities when you come back over or the U.S.?

MR. BRAME: The hunter does; but occasionally when you cross the border – generally when you're coming back, the U.S. Fish and Wildlife Service will have a check station there. I'd say one out of every five or ten times you cross the border there is a U.S. Fish and Wildlife Service agent at the border crossing. They will go through all your stuff. The key is they have to be able to individually identify the waterfowl and that you possessed them. What you all are talking about is commonly done in hunting circles.

MS. SMIT-BRUNELLO: So you've got the bird –

MR. BRAME: Typically what we do is take the entire breastplate out; so we have a breastplate and a wing. I would imagine with fish it would be you could fillet the fish and leave the skin on;

because most of them you can identify, put it in a bag with your name and your license number in it – require them to identify them.

MR. EASLEY: The difference there and here in this situation is there are fairly specific locations where you come across from the Canada to the U.S., and there is at least a threat that – you said one out of four or five times; and you might not know when that one time is going to be, so at least there is a perception or the threat is still going to be there to check things out to make sure you have it tagged right. There are no particular spots between the Bahamas and here and a particular avenue or corridor. There is a little bit of a difference.

MR. BRAME: Yes; there is that difference.

MS. BECKWITH: Otha, has there ever been any cases brought against folks for the illegal possession of the snapper grouper – sixty pounds coming in from Bahamian waters?

MR. EASLEY: There have been cases. The last one was prosecuted criminally as well; and the details I can't recall right now, though.

MS. BECKWITH: All right, folks, what is your pleasure? Michelle.

DR. DUVAL: Madam Chair, I am not on your committee. I guess I would look to Mr. Jolley for some input on where to go next. As Jessica has indicated, we can take steps now to only partially solve the problem. Just from reading some of the public comments; some people are pretty upset about this; and I think they might be even more upset if the steps we take only partially solve that problem. That would just be my concern.

I would hate to see us try to rush to do something and then do it poorly or only partially correctly and then have people be even madder that it really is not meeting their needs. Obviously, I have absolutely no familiarity with this issue; so I would look to John for some input on how upset are people going to be if we hold off on taking action now in order to make sure that the final action we do take meets their needs.

MR. JOLLEY: Well, I think that's good counsel; but it doesn't get us away from we've got a problem here. There are thousands of boats that are doing this. This is a big number. It is a rare event for anybody to get checked or anything to happen; but there it is. That is why it's critical to try to address it sooner rather than later; but we've got a law enforcement problem, I really believe that we need to solve that aspect. I hate these rules that you can't enforce.

MS. SMIT-BRUNELLO: John, do any of these people Fed Ex their fish back. You can go to Alaska and you can go to these places and you can ship your fish back. Do many of them do that?

MR. JOLLEY: I don't know about that. I can give you my experience, which is sometimes – my boat is going to be there from the 15th of April in Hope Town until the 1st of August next year. I'll be flying back with a cooler occasionally with some fish in it. Normally in the past I wouldn't bring my license with me; it would stay on the boat.

I have never been checked coming in with a cooler. “Yes, what have you got in that cooler?” “I’ve got fish; bringing it from the Bahamas.” And away I go through Miami, through Palm Beach, International, or through Fort Lauderdale, for that matter. It hasn’t become a big problem; but if we’re breaking the law, we sure as hell need to get this thing straightened out. I am a little confused now about the whole mess.

MS. BECKWITH: And I fly back with fish from Costa Rica as well and TSA is not enforcing fisheries’ laws. They don’t check it. I have the same experience. They’re asking what is in the cooler and they’re moving you along. Monica.

MS. SMIT-BRUNELLO: So if you fly it back, you don’t go into the U.S. EEZ in terms of the water; so you’re not bound by the U.S. restrictions if you fly it back. You have whatever the Bahamian law allows for and you can pack that, I would assume, and then ship it back; so you don’t run into this problem when you ship your fish back or bring it back in a cooler. You run into the problem when you try to bring it back on the water in a boat.

MR. JOLLEY: Well, to that point, it is practical to bring it back yourself when you’re getting on the plane and carrying the cooler; but to ship it back from the Bahamas, if you have experience in the Bahamas you know that can be a risky proposition at best, never mind the expense. I think Michelle has made a good point here. Rather than do something halfway, I’d take the gamble that let’s do it right rather than halfway.

DR. CHEUVRONT: That’s fine if that’s what the council wants to do, but I would really appreciate it if the council and preferably in the form of a motion gave very explicit instructions to staff exactly how they would like this to be worked out; what is the final result that you want and we will do our best to bring the document back to you to give you options to get to that result.

MR. PHILLIPS: If we’re going to do this, I want to do it once. I don’t want to use staff time to do it twice.

MS. McCAWLEY: I hate to complicate this even further; but I think the decision needs to be made are we just trying to fix dolphin and wahoo or we going to also do a separate amendment in snapper grouper to try to go back and address that at the same time, too. I think the decision needs to be made is this just dolphin and wahoo or is it dolphin, wahoo and snapper grouper? I hate to complicate this issue.

MR. JOLLEY: Well, I think there might be some problem with snapper grouper now, too, because we’re bringing back – there are people bringing back mutton snappers, for example. I don’t know about these lesser species. I don’t think we’ve got any rules on queen snapper and blackfin snapper. I don’t know about yelloweye.

MS. BECKWITH: We could do a two-action amendment and have a snapper grouper action that would reconsider this. If that is the desire of the committee, then I would need I guess a couple of motions; one to very specifically say that if our intention is to allow the Bahamian law to rule

with the cruising permit and the fishing license and to exempt those guys from U.S. bag limits and possession limits, then that needs to be clearly stated in the form of a motion. Charlie.

MR. PHILLIPS: Again, I'm not on your committee; but if law enforcement tells us that it can't be enforced or we can't figure out a way to enforce it, I don't run a rabbit if we can't have some kind of enforcement on it.

MS. BECKWITH: Well, I'm thinking of a couple of examples where the council has attempted to make activities that were currently occurring that were not within complete legal bounds trying to make it legal; so that can be a goal.

MR. CONKLIN: What if the vessel transiting the fish back just had to hail in and get on the record with the Coast Guard via VHF or a satellite phone and notify someone that they're coming; and whether it is enforced or not, if they get back and they hadn't done that, then it is on the record. That is enforceable; isn't it?

MR. EASLEY: Well, that helps a great deal; that and maybe throw VMS on them as well.

MS. BECKWITH: Those three letters. I like that idea; I think that could be partly direction to the staff to include a call-in provision to accommodate for this. David.

MR. CUPKA: It seems to me the crux to this whole issue centers around enforcement. At some point, before we get too far into it, it might be good to run this by our Law Enforcement AP and get some input from them before we get too far along. I see Brian is going to tell me we've already done that.

DR. CHEUVRONT: We did run this by the Law Enforcement AP.

MR. CUPKA: Were they looking at it from the standpoint to just allow fillets or was it just to expand the thing?

DR. CHEUVRONT: It was just as the amendment is now. We have not included all the details that we now have in it. They did raise some concerns even though it is just allowing the fillets to come back.

MR. CUPKA: Well, it sounds like they looked at a lesser situation than what we're trying to do now. I still think it would be valuable to get their input on this before we get too far down the road.

MR. BELL: I was just going to say it works for ducks. Somehow as a society we make it work for ducks. The trick is that, as Dick had mentioned, there is a potential of being checked. If you could create some system through check-in or something where there is at least the potential to be checked, that would help some. I don't know that we have looked at that. That probably needs to be focused on some.

MS. BECKWITH: Yes, I agree, I like the call-in option.

MR. JOLLEY: Well, we're obligated to clear when we come back in one form or another. Now, I don't know if that would be the place to declare something or not. Maybe Otha has got some comments on it.

MR. EASLEY: I don't necessarily have comments on what John just mentioned. I wasn't at the last LEAP meeting when they discussed the lesser bunch of alternatives, but they had issues there with those; and to expand this even greater, I am sure the group would have serious concerns with expanding the exemption.

MS. BECKWITH: John, when you clear customs on the way back; where do you do that and does everyone do it?

MR. JOLLEY: Well, there are two different ways. You can get a special permit and everything is done by telephone. You can still be called in and you can still be inspected when you call it; but everybody at least has to call in. You call in and you identify the boat, you identify the number of souls and their passport numbers and what you were doing. You'd be getting in a hell of a lot of trouble if you don't do that and you get caught.

MR. HAYMANS: The deterrent is the FWC. A fishing vessel on the water has an equal chance – I don't know, maybe not an equal chance but you're going to get intercepted at some point for a vessel check, a fishing check or whatever. You're going to get checked at some point; and if you've got fillets, period, well, here is my cruising permit and my fishing license.

I don't know why there is anything extra that needs to happen there. I'm trying to craft a couple of motions; and do we need one as to intent? If our intent is that we address all species that are managed both by the South Atlantic Council and by the Bahamas; do we need a motion to that effect?

MS. BECKWITH: Well, Brian is attempting to craft something based on what he has heard, so let's take a look at what he has got up there and go from there. Wilson.

DR. LANEY: Madam Chairman, I'm not on your committee either, but it occurs to me to ask Otha if – this is sort of a hypothetical question, I suppose, and it's maybe a far-fetched option; but if the Bahamas had the same regulations in place as the U.S., then does the enforcement issue go away?

MR. EASLEY: I'm not sure what you're getting at on that one.

DR. LANEY: What I'm getting at I guess is right now the big concern here around the table is that the Bahamas have more liberal limits for wahoo than the U.S. does; so that creates the potential anyway for somebody that is willing to go to the trouble of getting the cruising permit and the fishing permit to then be able to go fish in the EEZ and claim that they're bringing 18 wahoo back from the Bahamas. If the Bahamas was to decide to change their limits to match those of the U.S. so that there were complementary regulations on both sides of the border; wouldn't that eliminate the enforcement issue?

MR. EASLEY: I don't know that it would eliminate the enforcement issue; but it would bring it back to something closer to normality for us. I will say that.

MS. BECKWITH: Doug, do you want to read that motion up there and see if you want to add anything to it.

MS. McCAWLEY: Once again, I'm not on your committee; but I still think according to our legal office regulations are going to have to be changed in Florida. What I would like to see is a call that has some of our biologists, our legal staff and our law enforcement, with council staff and maybe NOAA legal and law enforcement, to discuss this more.

MS. BECKWITH: I think that's a great idea, but I still think we need to have our intent at the moment to move forward. If we can get the intent down, we can always come back and change that if we need to. I would add mandatory hail-in provision of some sort regardless if it's calling in through customs or a separate phone call. Otha.

MR. EASLEY: The hail-in part sounds good and it would help enforcement. As I said, the devil is in the details. I am not sure who would be able to develop the system or put the system in place to make that happen. I know Roy's shop has hail-in systems for various fisheries; but I can't obligate him to any of that. I don't know what the Coast Guard has. I know our VMS System is up and running, though.

MS. BECKWITH: We had a similar discussion to this during one of the mackerel discussions, Ben, for the mackerel gill net, tear your net apart and give it to your best buddy. We had a call-in provision for that; so how did we handle that?

MR. HARTIG: I can't remember. It has been a long week, Anna, I'm sorry.

DR. MacLAUHLIN: There is a number; NMFS provided the number and that actually went into the regulations; an OLE number.

MS. BECKWITH: Perfect; so we will go under the assumption that we can find a solution to that problem.

MR. EASLEY: Well, the OLE number is in that rule because we know the frequency of the calls will be pretty minimal. This one from John, we're talking thousands of boats, which is a different volume to deal with.

MS. BECKWITH: I guess the direction would be to explore a hail-in provision.

MR. JOLLEY: Madam Chairman, here is your opportunity to have a pilot on VMS because there are a lot of people who wouldn't mind paying for one if it is going to be a hassle.

MR. BELL: Otha said this and he is absolutely right. For the privilege of doing this; the VMS solves the tracking issue, the whole thing. It is logical. It may not be popular but it is a simple fix for part of it, anyway.

MS. BECKWITH: Well, it is in there, explore a hail-in provision or a VMS provision; so, Otha, you've got your letters in. All right, everyone take a quick read through this motion. No one has made it; so if someone would like to read it and suggest making it.

DR. CHEUVRONT: Or modify how you would really like to be. I'm just sitting here and trying to take what I'm taking people say and put it in the form of a motion. If this doesn't capture what you really want, then help me modify it, please.

MR. HAYMANS: In Line 2, rather than dolphin wahoo, I was thinking along the lines of species that are managed by both.

MS. McCAWLEY: As part of this discussion, be careful what you wish for. Because there are prohibited species like queen conch and other things like that, you've got to be very specific about what you want to allow and what you don't want to allow. You can't just open it wide up about Bahamian regulations because conch is definitely going to be a problem.

DR. CHEUVRONT: And tuna are not managed by us; and if you're going to start throwing in king mackerel, you're going to bring in the Gulf Council.

MR. HAYMANS: That's the reason why we have discussion.

MR. EASLEY: Just to follow up on a question you asked earlier on cases, this year alone we have had Bahamian import cases through the EEZ on filleted grouper, lobster tails, queen conch and tuna fillets; and in pretty high numbers on some of them, also.

MS. BECKWITH: Well, good, so there is enforcement. Excellent! Okay, I need a motion from of my committee members, please. John.

MR. JOLLEY: I'll be glad to make that motion that is up on the screen. I think I can read it without my binoculars.

MS. BECKWITH: **I will be happy to read it on your behalf: modify Dolphin Wahoo Amendment 7 to allow dolphin wahoo fillets be brought into the U.S. EEZ consistent with Bahamian bag limits, as long as the skin is on the fish, there are valid Bahamian cruising and fishing permits on board; and explore a hail-in or VMS provision.** Seconded by David. Is there any additional discussion? Doug.

MR. HAYMANS: Are we going to address snapper grouper as well?

MS. BECKWITH: Separate action. **Is there any additional discussion? Any opposition? Okay, one opposition, the motion passes.** Doug.

MR. HAYMANS: Madam Chair, **I would make a motion that we add to Amendment 7 an allowance for snapper grouper fillets to be brought into the U.S. EEZ consistent with Bahamian bag limits, as long as the skin is on the fish, there are valid Bahamian cruising**

and fishing permits on board; and explore a hail-in or VMS provision. Jessica, are there any prohibited species in the Bahamas or in the U.S. that are allowed in the Bahamas?

MS. McCAWLEY: One of those is queen conch.

MR. HAYMANS: Snapper grouper species.

MS. BECKWITH: Do we have a second on this motion?

MS. McCAWLEY: Nassau grouper.

MS. BECKWITH: Seconded by John. Additional discussion?

DR. DUVAL: Are you messing with my committee, Doug?

MS. BECKWITH: I'm just trying to save you some work, Michelle.

DR. DUVAL: Well, I think it would be – I mean it seems it would be better to bring this up at full council because this is going to have to be a snapper grouper amendment. You can't do this in dolphin and wahoo.

MR. HAYMANS: I thought that is what we started off with about 20 minutes ago or 25 minutes ago saying we could do.

MS. BECKWITH: We could eventually do an amendment that looks into both of these; but they will have to be dealt with in each committee.

DR. CHEUVRONT: This is a procedural issue, Doug. It is not that you can't do it; it is you have got to do it in the right committee. This is only dolphin wahoo and we can't be making decisions for the Snapper Grouper Committee, which is what this is. Right now this is simply a dolphin wahoo amendment; but you add snapper grouper and we slap a snapper grouper amendment number on it, and this would be like 33 or something like that.

MR. HAYMANS: The Peanut Gallery says CE-BA 4.

MS. BECKWITH: Okay, make a notion of your motion, Doug, and let's bring it back up at full council. Can you withdraw your motion, please.

MR. HAYMANS: **Okay, I will be willing to withdraw.**

MR. PHILLIPS: Just a question to Jessica since I'm going to have to ask her in snapper grouper, anyway, I know people that import Nassau grouper over here; so just because it is prohibited here, is there really an issue why somebody couldn't catch there and bring it back since we import those fish, anyway, as far as I know.

MS. McCAWLEY: I think the way that the rule is worded now about where you can and can't possess the fish; I think that our FWC regulations would have to be changed to allow something like that.

MR. JOLLEY: Madam Chair, just a note to Doug that we might want to also bring those snappers back whole. A lot of those fish are small enough to be stored whole. A lot of these guys will catch fish the day before or the day they leave and they'll bring them back here and they won't fillet them until they get back here. I'm one of them.

MS. BECKWITH: I think filleting is not mandatory. Brian.

DR. CHEUVRONT: Speaking of fillets; there is a dolphin and wahoo fillet issue that we really ought to address. Since the Bahamian regulations are written in terms of numbers of fish, we really haven't addressed the issue of what do those fillets need to look like. One solution that has been suggested is that you get two fillets per fish, so it is easy.

You count 36 fillets; that is the maximum number of fillets you can have no matter what size they are. The Bahamian regulations have no size limits on any of these fish. You could either do it that way or how do you decide how many fillets there are in an average dolphin. Just to let you know, we talked to the folks at the science center to see if they had any information about that.

We don't know of any information out there that tells you what the average weight of the fillets off of a dolphin or a wahoo might be. That becomes a law enforcement issue as well when we don't know exactly how many pounds or numbers of fillets that are allowed. It would be great if you could address that issue because that is something that is going to come up as the IPT is trying to figure out how do we define fillets and what is allowed.

MR. PHILLIPS: Well, they do have an average size of the fish; and any cutting house can tell you what the yield is going to be. If you use the maximum yield for a cutting house – Jack can probably tell you – then that would be your number. You use their average weight on the fish, you use his best cutting weight yield, and that is that.

MS. BECKWITH: But you have dolphin and wahoo and tuna and mackerel. Bahamian regulations are a total of 18 fish in combination so how do you deal with that?

DR. CRABTREE: I would say two fillets equals one fish, period, regardless of the size of the fillet; make it easy.

MS. BECKWITH: That is one big king mackerel fillet.

DR. CRABTREE: Well, too bad.

MS. BECKWITH: I assume that we're going to hear some feedback off of that from boats that are staying in the areas for a long period of time and are incapable of vacuum packing a 30-pound dolphin fillet. Are there any additional thoughts?

DR. CRABTREE: You can't make everybody happy; and if you want to be able to enforce our rules, you're not going to be able to let them do just anything they want; so there is a balance here. We've got to make sure that we aren't making loopholes for people to get around our regulations. If that means we can only give them part of what they want, that just may be the way it is.

MS. BECKWITH: I agree. John.

MR. JOLLEY: Well, I agree, too, Roy, but it is totally impractical with all of these people going and coming to think that they're going to be able to take a 40-pound dolphin fillet or a 50- or 60-pound fillet and put that in a package some way. It is not practical. You will have to cut that fillet in half or in threes. They can be put back together, I can assure you of that, so that it looks like – I don't know how it would work in a court of law – so that it looks like it is one fillet. It is totally impractical.

DR. CRABTREE: Well, okay, but if they catch a really big fish and they have to cut the fillets in half, then they can't bring as many fish back. I don't know, John, have you got another solution?

MR. JOLLEY: No, I just raise the questions. Well, you're right, you're going to have to eat more of your fish while you're over there. This has socio-economic implications as well, guys. The Bahamas, you think we were hit hard in this economic setback, there are people camping on the beaches over there now. They're living on the beaches; I'm not kidding you now.

Business is terrible and if these things get so complicated, a lot of people won't go. They didn't go and there was a real backlash in the Bahamas when they proposed to raise a \$150.00 fee to \$300.00. They rescinded it a month or two later because they realized what harm they had done to the economy by making that – they needed the money. They're always looking for the money over there; but if they don't get the tourists, they don't get the money.

They are really dependent on the tourists, as we all know. It behooves us not just to try to find some practical solution for our fishermen going and coming, but I can tell you it is a big thing in the Bahamas, and it has serious economic consequences if these Americans don't go.

MS. BECKWITH: So if they don't go to the Bahamas, they can come and vacation in North Carolina; or, the Bahamas can change their bag limits to match us on wahoo, which is the only problem that we're having if it becomes a major issue. If it is so much of an economic issue for the Bahamas, then it is something we have to work together on. Zack,

MR. BOWEN: One solution is to fly them back and those fillets stay out of our EEZ. If the fishermen with these big boats are going over there, they have the money to burn the diesel fuel to get over there and keep their boats and fish over there, then they probably have enough money to ship their fillets Fed Ex or Air Express or whatever back to their home address in the United States.

MS. BECKWITH: I'm hearing potentially let's explore two fillets per fish.

DR. CHEUVRONT: Right; staff would like some direction on how you would like for us to address this issue.

MS. BECKWITH: I see Morgan nodding. Two fillets per fish; is that doable?

LT. FOWLER: Yes.

MS. BECKWITH: Skin on, two fillets per fish. If you get a huge dolphin and if you want to cut into pieces, it just counts.

DR. CHEUVRONT: So you get a maximum of 36 fillets, dolphin and wahoo combined.

MS. BECKWITH: So you could choose to keep fish intact and bring in 18 fish or you can fillet them and bring in the maximum of 36 fillets. It does give them some additional options or some combination of both. You could keep the little ones intact and fillet the big ones. I would need a motion to direct staff to write in two fillets per fish. Zack.

MR. BOWEN: I'm against the whole thing; I'm not making a motion.

MR. PATE: I'll make the motion.

MS. BECKWITH: Motion by Pres to consider two fillets equals one fish. Is there a second?

MR. JOLLEY: Would that allow us to take a 40-pound wahoo and cut each fillet in two and that would be considered four fillets or two fish?

MS. BECKWITH: Two fish.

MR. JOLLEY: Okay, that might be something that we could use.

MS. BECKWITH: I need a second then.

MR. JOLLEY: I'll second that. Otha, does that sound all right; could we cut the same fish into four fillets and you're all right with that?

MR. EASLEY: The way that it has been presented –

MS. BECKWITH: Four fillets would count as two fish.

MR. JOLLEY: Something is always better than nothing.

MR. EASLEY: Slicing those two large fillets into four pieces will equal two fish. Are you good with that?

MR. JOLLEY: I think I have to be.

MS. BECKWITH: Okay, we have a winner. Monica.

MS. SMIT-BRUNELLO: Brian, I was just thinking maybe bag and possession limits, right, because there are regulations that address bag limits and there are regulations that address possession limits in certain situations. For example, a person on board a vessel may not possess red porgy in or from the EEZ in excess of three per day or three per trip, whichever is more restrictive.

There are a few more possession limits that depends whether you're on a charterboat or headboat that spans more than 24 or 48 hours or something like that. I don't know if you would want to put possession limits in there as well. We usually all think of them as the same thing, but they are bag limits and possession limits.

MS. BECKWITH: Okay, is there any additional discussion to this motion? **The motion currently reads to set bag/possession limits for dolphin and wahoo brought into the U.S. EEZ from the Bahamas to allow two fillets per fish, for a maximum of 36 fillets or 18 fish intact or any combination.** Pres, are you okay with that wording?

MR. PATE: Yes.

MS. BECKWITH: John, are you okay with that wording?

MR. JOLLEY: Yes, I am.

MS. BECKWITH: Okay, any additional discussion? **Is there any opposition? The motion passes with one dissenter.** Bob.

MR. MAHOOD: Monica, this just occurred to me and I thought I ought to keep my mouth shut; but if this legal, can they sell these fish when they come back? Does anybody sell them, John?

MR. JOLLEY: I think a few people might; but most people are not; but you've always got this clandestine sale going on; and it is going on, I'm sure, in the Keys now even after this latest stuff with the dolphin.

MR. MAHOOD: The reason I asked that is you have some smaller boats that run over there. I've got people up our way that trailer their boat down and run straight across, fish and come back. You could pay for your gas if you could bring back – I mean you could be talking about a bunch of fillets; because if you have a 40-pound dolphin and it's two fillets per fish, a lot of people aren't going to cut them into four pieces. They're going to leave them whole like that.

MR. JOLLEY: Those are the guys we want to see get caught and really get it socked to them, to be honest.

MS. BECKWITH: So could we add something in this that said that sale would clearly be illegal?

DR. CHEUVRONT: If you would like to do that; you can do that in a separate motion, but I really don't know. Monica, is there anything already that prohibits sale of dolphin and wahoo from the Bahamas?

MS. SMIT-BRUNELLO: I don't know and I have to think about it. We could be restricting trade in some way. I have no idea. I don't think so, but I just need to think about it more. Right now you cannot sell fish caught under the bag limit, in essence, from the U.S. EEZ. You can't sell those, but this is a different kettle of fish, so to speak, so I'm not sure.

MS. McCAWLEY: I'm wondering if there aren't some state of Florida rules that wouldn't come into play here at some point once you got those fish back and landed them and possessed them. Maybe we could add this to the discussion for that group that is going to get together and discuss this.

MS. BECKWITH: Good idea. Doug.

MR. HAYMANS: Madam Chair, I think I would make a motion that our intent is that this applied to recreational anglers and not holding a commercial permit and therefore the sale of recreationally caught fish, whether it be from the EEZ or Bahamas, is prohibited; something to that nature.

MS. BECKWITH: How about direction to staff to explore that with our counsel?

MR. HAYMANS: Sounds good, direction to staff.

MS. SMIT-BRUNELLO: So what about closed seasons; what about when you reach the ACL for a certain snapper grouper species or dolphin and wahoo, whatever, and you shut down harvest in the EEZ; do you want these folks to be exempt from those restrictions?

MS. BECKWITH: I would expect that would be the intent of the committee if we were keeping them to Bahamian – what is legal in the Bahamas. Are there any additional thoughts?

DR. CHEUVRONT: So we're talking about if there are closed seasons in the U.S., then they cannot bring Bahamian fish into the U.S.; what other provisions?

MS. McCAWLEY: Let me just offer a word of caution. The further you go down this road with all these exemptions with – whoever said it earlier, you know, this free pass with this cruising permit; just be careful. I think it is going to be the camel's nose under the tent from many, many other things about you created this exemption for this group of folks, they're exempted from seasons, from bag limits, from everything else – I think the council and committee needs to be careful what they wish for here. We might be going a little bit too far.

MS. BECKWITH: So would we feel more comfortable with not exempting folks? If it is closed in U.S. EEZ, then the fish are not allowed into our waters? Monica.

MS. SMIT-BRUNELLO: This isn't the Snapper Grouper Committee; so when you get to the full council and you think about this, you have restrictions on possessing Warsaw or speckled hind, those sorts of things; so think about those kinds of issues when you get to full council if you address this from a snapper grouper perspective as well,

DR. DUVAL: I thoroughly echo Jessica's words of caution.

MS. BECKWITH: All right, so we have the ability to not bring in dolphin and wahoo caught in the Bahamas into the U.S. if it is closed or prohibited under U.S. law under direction to staff; so we can have further discussion on that at full council if we would like. Is there any additional direction or thoughts; and, Doug, you thought this was going to be easy. Okay, if there is nothing else, we're going to move on. Okay, we are moving on to allocations.

DR. CHEUVRONT: I just wanted to bring up with you that there was discussion earlier this morning under the Snapper Grouper Committee the Allocation/Accountability Measure Amendment. One of the things that the Snapper Grouper Committee voted to do was to pull out the snapper grouper allocation actions out of that amendment and revisit them later on.

What is currently left in that amendment is the accountability measures and the allocations for dolphin and wahoo. Now, in Dolphin Wahoo Amendment 5 you removed the action that currently exists in the Accountability Measure/Allocation Amendment. It has a full range of alternatives. It has gone out for scoping but not public hearing. It was endorsed by the Dolphin Wahoo AP.

What was not included in that amendment was to look at allocations for wahoo; so you have two separate actions in there; one for each, dolphin and wahoo. Both of them are based on landings' history, which is all that we have. Remember, visioning right now really only pertains to snapper grouper species.

It is appropriate for this committee to discuss the allocation actions in that amendment for dolphin and wahoo. It is Action 17 and here is the action for revising the sector allocations for wahoo. There is nothing that says that you have to revise the sector allocations. We brought them up so that you can consider them if you wish.

This shows how the allocation is currently set, which is just under 4 percent commercial and just over 96 percent recreational. They were set in the Comprehensive ACL Amendment. What you have here is alternatives for changing those years that you consider for the long term and the short term.

Now, you can wait to see if you want to apply the snapper grouper vision to dolphin and wahoo if you come up with some idea from there that you want to apply here for dolphin and wahoo. I don't know, but at some point you need to discuss how you want to handle these two actions for dolphin and wahoo. There is a similar action, Action 18 for dolphin.

MS. BECKWITH: Let's talk about wahoo first. In 2012 both sectors got very close or surpassed their ACLs; but, of course, with Amendment 5 with the increase in the ACLs, both

would have been okay. Is there any desire to reconsider allocations for wahoo? I think the last year that was used was 2008.

We certainly have three additional years that we could consider, 2009, 2010 and 2011. Of course, from the recreational perspective, those years have not been great economic years and may or may not have impacted the recreational fishing. Is there a desire from this committee to scope this, to leave it be for now? Doug.

MR. HAYMANS: Leave it be for now.

MS. BECKWITH: Leave it be for now. John.

MR. JOLLEY: I agree with Doug.

DR. CHEUVRONT: So your suggestion is then not to include an allocation action in this amendment for wahoo? Let's be very clear that is what you're saying.

MR. HAYMANS: If that is what is required to leave it be; that would be my preference. I'm only one voice on the committee.

MS. BECKWITH: There are only five of us. David.

MR. CUPKA: I think we ought to; we've plenty to do; and I didn't see a big clamoring for wahoo. Now, dolphin is a little different story; but wahoo, just leave it alone for the time being.

DR. CHEUVRONT: And in this case, remember this is the first time you've ever seen this. These are just suggested actions and alternatives. There is no document yet; and so what I'm trying to do is to help clarify what things do you want to be considered in the document. I just want to be clear that you all are saying you do not want to consider reallocating wahoo.

MS. BECKWITH: It looks that way. It looks like we have not heard a cry for reconsideration of allocation for wahoo. I would need a motion?

DR. CHEUVRONT: No, I don't think you need a motion at this point because it is not in any amendment. I think the direction to staff is that you don't want to consider allocations for wahoo at this time.

MS. BECKWITH: Okay, so directed. Let's talk about dolphin. As Brian said, we have discussed dolphin and the AP has had a preferred alternative in the past; actually Alternative 4. We had intended to move this forward with the other snapper grouper allocation discussions, but I think it is probably time to go ahead and move this one forward. Is there any desire from the committee to not do that?

MR. HAYMANS: I'm confused about your wording; I'm sorry.

MS. BECKWITH: Let's keep dolphin in or not.

MR. HAYMANS: In my opinion on all of them is not; but, again, I'm one vote.

MS. BECKWITH: This one has been scoped and discussed by the AP and there has been a desire by the AP to move this forward for a while.

DR. CHEUVRONT: And this was part of Dolphin Wahoo Amendment 5 until last June when before you voted to send this Dolphin Wahoo 5 out for public hearing, you voted to take this action out of that amendment and put it into this Comprehensive AM/Allocation Amendment, which you had said was going to begin this fall, which it is, and you were going to consider it there.

This action has been seen by the Dolphin Wahoo AP, and they're basically okay with this action as it is now. Now, they may want another whack at the alternatives in here before it goes forward, but this is not news to them. They were endorsing the idea that the council consider reallocation of dolphin.

MR. PHILLIPS: I'm not on the committee; but if the Dolphin Wahoo AP has been looking at it and asking for a reallocation, then we might – and I don't even know what their suggestion was, but I'm sure there was one. I would say we should go ahead and look at it.

DR. CRABTREE: I'm not on your committee; but I have a feeling that as you look at not just dolphin allocations but snapper grouper and king mackerel and these other species, if all we really have to base allocation is past history, catch histories, I think no one is going to be very satisfied with that being the only criteria.

Something you might think about is asking the science center to evaluate the possibility of which species there might be enough data on to do some kind of economic efficiency or net benefits type analysis. We're in the process of looking at allocations in the Gulf for red snapper and we have looked at some grouper; and they have recently given us some analysis that looks at whether the current allocation is an efficient allocation or whether it maximizes net benefits or not and how shifts in allocation would affect those kinds of things.

I don't know if we have similar sources of data over here on some of these species that would let us look at them or not. I suspect because allocations are always controversial, as we move down the road looking at these that question is going to come up.

I think as you move through the visioning process that is going to be one of the things that is going to come out of the public that we ought to look at. It might be at least worth exploring the feasibility of doing those types of analysis and what kind of timeline we might could get results from some of those kinds of things.

DR. CHEUVRONT: In response to that, Roy, dolphin is the one species that is different than all the other species that are listed in this amendment. Dolphin does have an alternative in there that does look at landings and basically jiggers with the numbers basically based on the years of landings that you used and all that. But all along the Dolphin Wahoo AP has been saying that they liked the old soft cap system that was in place before there was that ACL.

What was done was there are additional alternatives in this action that are unlike all the alternatives in all the other actions in this amendment that it allows to look at other criteria for setting the commercial/recreational allocations. If I remember correctly – and I'm speaking from memory – is that Alternative 4 is the one that the Dolphin Wahoo AP most preferred because they thought that got them closest to what they had before.

Now, also understand that in dolphin neither sector has exceeded its ACL in quite a while. I say that, but there may have been one time the commercial sector reached the current ACL but not the new ACL that they're going to be getting under Dolphin Wahoo 5, if I remember the details right. We're not competing for a finite number of fish; and the AP thought that this would be a good time to address the sector allocation when there aren't any fights going on between the two sectors as to whose fish are they. This may not be a time to deal with this.

MR. PHILLIPS: Roy, I'm a little concerned about economic benefit analysis, especially if you're going to figure what it is worth to a recreational sector, say, ten dollars a fish versus a commercial sector getting five dollars a fish. Under those kinds of rules, then the recreational sector always wins and the commercial sector gets what is left. I have a problem with that.

MR. CUPKA: Well, to Roy's point, for those of you who were around when we set up the allocation committee a number of years ago, that was one of the approaches we wanted to take a look at was not just landings but economic basis. That has been a while now so I don't know whether – at the time we didn't data to do that and I don't know if we do now or not.

Several years ago it was our intent to do that and we didn't go any further because we didn't have the data. It might be worth looking at to see if it is even possible to do that now or if we're in the same boat we were back then. That was certainly one of the approaches that the original allocation committee wanted to consider.

DR. DUVAL: Madam Chair, I'm not on your committee. I would be supportive of moving forward with that particular action as it currently is and not dealing with economic alternative considerations right now. I think the AP spent a considerable amount of time on this. The Dolphin Wahoo Committee spent a considerable amount of time on this.

There was in June the expectation that this was going to move forward until we decided as a council to do this Comprehensive Allocation Amendment. Obviously, things have changed. I think it should just stay in there the way it is, send it out and see what we get.

MR. JOLLEY: I was going to ask if you wanted me to offer a preferred, if that was appropriate at this level, but I would support what Michelle just said.

MS. BECKWITH: We don't need a preferred. Okay, Brian, do you need anything else?

DR. CHEUVRONT: I think that's probably going to do it for Dolphin Wahoo. That's enough already.

MS. BECKWITH: Okay, I yield back negative hour and a half.

(Whereupon, the meeting was adjourned at 4:50 o'clock p.m., December 5, 2013.)

Certified By: _____ Date: _____

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December 30, 2013

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Thursday, December 5, 2013

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78	L, I	captaindrifter@bellsouth...	219 min
70	Lloyd, Vic	vic_lloyd@bellsouth.net	1 min
62	holiman, stephen	stephen.holiman@noaa.gov	221 min
61	collier, chip	chip.collier@ncdenr.gov	251 min
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5 min