

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

DOLPHIN WAHOO COMMITTEE

**Westin Hotel
Jekyll Island, Georgia**

March 8, 2022

TRANSCRIPT

Committee Members

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Chester Brewer
LT Robert Copeland
Judy Helmey
Trish Murphey
Andy Strelcheck
Dewey Hemilright

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Attendees and Invited Participants

LeAnn Bosarge
Shep Grimes
Dr. Genny Nessler
Capt Scott Pearce
Dr. John Walter

Rick DeVictor
Dr. Jack McGovern
LT Patrick O'Shaughnessy
Dr. Clay Porch

Additional attendees and invited participants attached.

The Dolphin Wahoo Committee of the South Atlantic Fishery Management Council convened at the Westin Hotel, Jekyll Island, Georgia, on Tuesday, March 8, 2022, and was called to order by Chairman Kerry Marhefka.

MS. MARHEFKA: First off is the Approval of the Agenda. Today, we'll be hearing about Amendment 10, the status of that, and we'll be looking at Reg Amendment 2, and then we'll be talking about topics for the upcoming advisory panel meeting. Are there any changes or additions to the agenda? Seeing none, the agenda is approved.

Next off, let's look at the September 2021 Dolphin Wahoo Committee minutes. Does anyone have any changes to those minutes? So no changes, and those minutes are approved. We'll start off today hearing from SERO about the status of Amendment 10, which we sent for approval I believe last June, and so take it away, Rick.

MR. DEVICTOR: Thank you, Madam Chair. Typically, SERO gives you updates when amendments are in rulemaking, after you submit it to National Marine Fisheries Service, and so the council approved this in June, as you recall, and it was submitted in October, and it includes actions for ABCs, ACLs, allocations for dolphin and wahoo, and other management measures, like authorized gear, commercial trip limits, operator card requirements, as well as a recreational vessel limit and changes to that, as you recall.

The notice of availability published on December 23, 2021, and that comment period ended on February 22 of this year, and then a proposed rule published on January 14, and the comment period ended on February 14, and that's a thirty-day comment period, and so those comment periods are done on the NOA and the proposed rule, and now the amendment is with National Marine Fisheries Service for approval, and we are working on a final rule now, and, of course, that final rule, if the amendment is approved and published, would have the implementation date. I will point out, if you want to see the comments received on the NOA and the proposed rule, that's all on regulations.gov, and you just do a search for "Dolphin Wahoo 10", and you can see all the comments that we received. That concludes my report.

MS. MARHEFKA: Thanks, Rick. I'm sure you got a lot of comments on that too, I suspect. Okay. We're going to move on to Regulatory Amendment 2, and John Hadley is going to lead us through that. Just as a reminder, today, what we hope our outcome to be is that we look at the range of options, so that we can approve this document to go out to scoping, and so we don't need to nail everything down, but we just need to make sure that our range is broad enough to get good comments for scoping, and so that's it. Take it away, John.

MR. HADLEY: Thank you very much. Just to kind of orient everywhere we are on this amendment, the committee left off in September, the last time we reviewed it, providing direction to staff to consider options that would modify the applicable range of the minimum size limit for dolphin, modify recreational retention limits for dolphin, potentially by mode, and so potentially different retention limits onboard private vessels, charter vessels, and headboats, and then, also, look at reducing or removing for-hire captain and crew bag limits, and that, again, is specifically for dolphin.

As Rick just gave you an update on, Amendment 10 is in the process of moving through the regulatory process and rulemaking, and, overall, of note, the vessel limit is being reduced to fifty-four fish, and so you'll see that come up a couple of times, when we get into the various actions.

Really, the objectives for this meeting are to look over the potential timing of the amendment, and just briefly review that, provide guidance on some of the range of options, and, if you are comfortable with doing so, approve the amendment for scoping. Looking at the tentative timing, at least as it currently stands on the council's workplan, again, the council is reviewing this options paper and potentially approving the amendment for scoping. Scoping would likely occur sometime this spring, and then the amendment would move along the process with, as of now, a final vote of approval on the amendment in March of 2023, and so next year. I'm happy to answer any questions on that. Otherwise, we'll get into kind of a discussion on the goals of the amendment and then the options, specifically. It looks like we're good to go. All right.

Within this, obviously, this is very early in the process, to really get into the weeds of a purpose and need or anything like that, since it hasn't been sent out for scoping, but I wanted to just take a brief second to make sure that the IPT has some general guidance on where to go when developing the purpose and need, and, really, kind of thinking, overall now, what would be the intended outcomes of this action and this amendment.

As of now, presumably the need for this amendment would be to increase conservation benefits to the dolphin fishery of the Atlantic region, and so I'll take a break and, if we want to add any items, we could always make a bullet-point list or something like that. If there's other intended outcomes of this amendment, certainly that would help the IPT come up with a purpose and need statement.

MS. MARHEFKA: I was just wondering if it's appropriate, based on my recollections from how we ended up here, after Amendment 10, and are we both trying to increase the conservation benefits, but also balance sort of some economic impacts? I don't know if that's the right word, but, if I'm on the right page, that's why we're sort of looking at the vessel limit situation, and that's just my thoughts, and I don't feel strongly about it, but that's my recollection, from how we got here. Laurilee.

MS. THOMPSON: I'm not sure that balance the economic impacts is the right thing, but it might be more like temper or cause less pain, but I don't think it's balancing. I think you're trying to reduce the economic impact, and also to keep economic devastation, future economic devastation, from happening, if they have to close the fishery down.

MS. MARHEFKA: Mel.

MR. BELL: I get your point, and, I mean, obviously, the big focus is increasing the conservation benefit, but it's in a manner that -- I followed you on the balance thing, because that's what kind of brought us into that discussion of particular aspects of limits and things, but that's what -- Those are the things that we're supposed to be doing under the National Standards anyway. I mean, by default, we're supposed to do things in a way that balance and that consider economic impacts and all, but the prime focus for doing it is that increased conservation benefit, to the degree that we can contribute in our region to this, because that's the part we have control over. I don't know, and, I mean, some of that is implied, I guess, and so I might see what others think, but --

MS. MARHEFKA: Dewey.

MR. HEMILRIGHT: I was wondering if you might would say if you're doing the conservation benefit in a portion of the dolphin range, given the highly migratory part of it, and we only can control a certain aspect of it, versus the circulatory, or the big picture, that we have no control over at this time.

MS. MARHEFKA: Ain't that the truth? Yes, and I think that what I was trying to get at, and that's why we have the IPT members, and you all are much more articulate, but why are we here after Amendment 10, and you know what I'm saying, and that's what I was trying to nail down in the purpose and need, and how that is said is not as important to me as just sort of some acknowledgement that this is -- Some of these actions are a carryover from decisions and discussions we had in that amendment, and they weren't necessarily addressed there, but I am definitely not tied to how it's written. Anyone else?

MS. MURPHEY: I think I'm following what you're saying, and I can't offer anything better, but I think that does need to be captured in the purpose of need, of why we did come back, and I'm not sure how to do that, but I think it's important, even just from a historical perspective, when somebody looks at this twenty years from now, but I think it needs to be captured.

MR. GRINER: I agree, and I wanted to echo that. I think we really need to capture this. I mean, for me, personally, I am not sure how we got here, and, I mean, we just finished this, but we do need to make sure this is on the record.

MR. BREWER: Tim, we got here because Amendment 10 doesn't do much of anything, quite frankly, from a conservation benefit. It got rid of operator cards, and we went from sixty to fifty-four, and so that's a *de minimis*, to use a word, change, and a *de minimis* conservation benefit. After Amendment 10 -- We passed that, and, I mean, I got mocked down in south Florida about what are you doing, and this does nothing, and people down there felt like it was a slap in the face, because the dolphin fishery is extremely important in south Florida, and other places as well, but, I mean, down there, it's like -- Particularly in the Keys, that's the fishery, and so I'm not sure exactly what machinations we're going through to get us back to take another look at this, but I do think we need to take another look at it.

MS. MARHEFKA: Go ahead, Spud.

MR. WOODWARD: Well, wordsmithing by committee is a dangerous business, and I think that maybe, if we need to reference Amendment 10 in this somewhere, could we just tack that onto the end of the purpose statement? If there's a belief that that needs to be memorialized somewhere, could you say the purpose of this amendment is to extend the applicable geographic range of the minimum size limit and modify the recreational retention limits for dolphin, as previously discussed in Amendment 10, and, that way, it links this to Amendment 10, so that the two things are shown as this is in succession to it, and it's just something out there to maybe consider.

MS. MARHEFKA: Shep.

MR. GRIMES: Thank you, Madam Chair. I would just note that we could add, the IPT could add, that kind of language to any introduction for it, and I don't know that it would go in the purpose

and need, and this is something that's going to be approved for scoping, and so now debating and wordsmithing the purpose and need seems pretty premature to me. Thank you.

MS. MARHEFKA: Thanks, Shep. Tom, go ahead.

MR. ROLLER: Thank you, Kerry. I just think that it's important that we communicate to the stakeholders here why we're approaching this again, and we all have a bunch of different reasons on the table, and that's been the biggest thing that I've heard from stakeholders in North Carolina, particularly the for-hire fleet, is they've said, wait, wait, we just did this, and why are we doing this again, and so I just think that we need to communicate that.

MS. MARHEFKA: I think Shep is right, and I think hopefully what we've had here is a productive discussion, and the IPT will read all of it, and you all will take it back to them, and I think we've given you something to work with. We've given you a job to do, and so, unless anyone feels really strongly -- Andy.

MR. STRELCHECK: I don't feel strongly, but just a comment, and so I just wanted to build on Tom's statement. To me, we're revisiting this because we're hearing a lot of input from stakeholders, right? It wasn't necessarily that we weren't hearing that at the tail-end of Dolphin Wahoo Amendment 10, but that amendment took many, many years in the making, and it evolved over an extended period of time, and so what we know now is different, I think, than even what we knew when we took final action on Dolphin Wahoo Amendment 10, and so I think it's important to kind of reflect that, from the standpoint of public input and statements from stakeholders. I know it's not necessarily consistent across the geographic range, but that, to me, is an important emphasis here, with regard to why we're re-looking at this.

MR. BELL: I think, following up on that, it's good to have that on the record as the explanation, but, also, as we got towards the end of that multiyear process, as Andy mentioned, it seems like that's when some of the stakeholder involvement really ramped up, literally, at the tail-end of that, and so we concluded that process, and now we're carrying on, based on additional input, and I really like -- At some point, let them do the wordsmithing at the IPT level, but Spud's kind of concept of tying this in, just so it's on the record and everybody understands the why, and it would explain to the stakeholders why, but, as long as it's clearly on the record, and I think Trish's point was good that it needs to be clear, because, twenty years from now, when Trish is revisiting this, she can say, oh, yeah, now I remember.

MS. MARHEFKA: When our grandchildren are still doing this. No, but I think that was a really good discussion, and I think that it's just going to be really important that, when we go out to scoping with this -- I mean, luckily, John has been through this whole process, and you can relay that, as staff, to the public, and you know how we got here, and whoever is doing those hearings can, and so that was hopefully really what you all needed for that point, and so I'm going to let John get back to looking at the range of options we have for this reg amendment.

MR. HADLEY: Perfect, and absolutely I appreciate that. That certainly helps when going out to the public for scoping, and that's certainly plenty of information for the IPT to take it and digest and then kind of come back with a more robust purpose and need statement, and so I appreciate that.

From here on out, we'll jump into some of the proposed actions, proposed options, or options for proposed actions. Sorry. The first one, there is four total, as the amendment is currently developed, and the first one focuses on modifying the applicable range of the minimum size limit for dolphin, and so, just to be clear, it's not looking at changing what the size limit is, but it's just looking at where the range of the size limit would apply.

As a little bit of background, currently, there is a minimum size limit for dolphin, and that is twenty inches fork length, and this applies to both the Atlantic EEZ side of Florida, Georgia, and South Carolina. The size limit applies to both the recreational and commercial sectors, and, essentially, from the South Carolina/North Carolina state line and states further north, there is not a minimum size limit for dolphin, and so this includes North Carolina as well as northwards in the Mid-Atlantic and New England regions.

Just a reminder, as a little bit of background on why the minimum size limit went into place, and the council's rationale for doing so, it was implemented off of Florida and Georgia in the original FMP, with the council's conclusions stating that establishing the size limit would prevent targeting of peanut or chicken dolphin, and so small dolphin, reduce waste, and increase yield in the fishery. Additionally, it was intended to only allow harvest after most female dolphin were sexually mature and essentially had a chance to spawn.

Amendment 2 added the minimum size limit off of South Carolina, and, there again, similar reasons. It was really looking to address comments from South Carolina anglers about large-scale recreational harvest of small dolphin, peanut dolphin, and, also, there had been previously a state size limit off of South Carolina, and so that's why it wasn't -- That's why it wasn't considered in the original amendment. However, that measure had been challenged in court and overturned, and so it was added through the federal process and added to the Dolphin Wahoo FMP off of South Carolina, and it specifically focused off of South Carolina.

Looking at some biological information, it varies a bit, as far as the 50 percent maturity, but, overall, looking at one study from Schwenke and Buckel, they estimated that 50 percent maturity was 18.1 inches for female dolphin and 18.7 inches for male dolphin. The sources do vary, but it tends to be around that twenty-inch size limit being the 50 percent maturity for dolphin.

While a change to the size limit wasn't considered in Amendment 10, there were comments received on it. Really, in general, there were comments received on increasing the applicable range of the minimum size limit, or possibly increasing the minimum size limit for dolphin, and you will see this in several of the other comments, that there tends to be a very regional theme to a lot of these comments, where, for the size limit specifically, those in favor of changing it, either increasing it or extending the range, tended to be based out of Florida or South Carolina, and those opposed to extending the range tended to be based in North Carolina. Similar comments have been received regarding the minimum size limit during the federal rulemaking process for Amendment 10.

The AP has discussed this in the past. During development of the fishery performance report at their April 2017 meeting, AP members felt that a twenty-inch size limit off of South Carolina, Georgia, and Florida is sufficient and working. It was noted that, in south Florida, many fish are released, and the size limit is compatible with charter trips. There were differing opinions on whether or not the size limit should be expanded for the entire management zone, given the fast

growth rate for dolphin and the cap on harvest of sixty, at the time, and it's still currently sixty fish per vessel.

That is just kind of a little bit of background on this action, and, as a reminder, the previous committee direction to staff -- The range of options were to focus on extending the minimum size limit through North Carolina only, North Carolina through New York, and so essentially North Carolina and through the Mid-Atlantic region, and then North Carolina through Maine. The draft options, as they're currently stated, look at implementing those different ranges, and so Option 2 focuses on North Carolina, Option 3 focuses on up through New York, and then Option 4 focuses on up through Maine.

I'm looking to turn it over to the committee, and do you feel comfortable with that range of options, and if there's any other changes that need to be made, and, really, again, at this point, we're looking to send it out conceptually to scoping, and so, really, it will be -- The format will be similar to what was done for the recent snapper grouper amendment, and so, really, this option, as far as wordsmithing or what have you, we haven't really gotten there yet, and the IPT will take a really in-depth look at this, and, when it goes out to scoping, it will be more of the conceptual phase, along the lines of the committee guidance, as far as the range of options.

MS. MARHEFKA: Thanks, John. I appreciate it. Chester.

MR. BREWER: Thank you. I am very comfortable with this range of options.

MS. MARHEFKA: Trish.

MS. MURPHEY: John, I wasn't -- Did you say don't worry about wordsmithing?

MR. HADLEY: Well, I'm happy to take any questions, but, you know, this is kind of the first look at it, and the IPT will kind of dig into it, but, if there's anything that you think needs to be changed, I'm happy to --

MS. MURPHEY: I just thought, since you were needing to clarify that we were talking about a geographical range, I was wondering if you should modify the geographical range of the minimum size limit, instead of the applicable range, but not trying to wordsmith.

MR. HADLEY: I do appreciate that, and I will definitely add that to the notes, and we'll work on changing it.

MR. BELL: This may be a little early, and so I'm okay with the range, and, again, we're just looking at -- There is mention of size, and there is mention of bag, different versions of bag, restrictions, and so, in the context of going back to why we're doing this and what we're considering, we just need to be clear that that's sort of the box we're trying to work in, and so, when we're going for scoping --

Because folks have all kinds of ideas sometimes, but that's -- Again, once we're finished here today, if we're agreement that's the box we want to work in, we just need to explain to the public that this is the box we're trying to work in, and all kinds of other concepts aren't really what we're considering. Now, they'll bring up anything they would like to, and that's fine, but this is just

clearly the box that we've determined is what we would like to kind of keep the discussion in and be able to move forward quickly with it.

MS. MARHEFKA: Yes, and I think that's probably going to be -- The last thing you said I think is going to be important, is how do -- It's hard enough for us all to remember what makes a reg amendment different from a regular amendment, and why we've chosen that as a path, and you're probably going to need to make it clear, when we're at scoping, that this is something we're trying to do in a relatively quick manner, and so, yes, we're bounded by the range, and we keep saying it, but, today, it's the upper bound and the lower bound of these options that we're looking to establish, and the AP will be looking at this for the first time, and so I'm looking forward to their comments as well. Does anyone else have -- Tom.

MR. ROLLER: A quick question. In the ranges, why did we choose through New York? Is that because it's the Mid-Atlantic's range? Okay. It has nothing to do with where catches are more prevalent or anything like that?

MR. HADLEY: No, and that was based on the regions, and so the cut-off of the Mid-Atlantic region.

MR. ROLLER: Okay. Thank you.

MS. MARHEFKA: You don't know that the twenty-inch dolphin stop at the New York border and turn around and swim back here?

MR. ROLLER: That was the other answer I was looking for, yes.

MS. MARHEFKA: If only. Okay. Last call for amending the range of these options. I am not seeing any, and so we can move on to the second action.

MR. HADLEY: All right. Thank you. The second action focuses on the daily recreational bag limit for dolphin. Currently, the daily bag limit is ten dolphin per person, not to exceed sixty dolphin per vessel, whichever is more restrictive, and this covers the entire jurisdictional range of the Dolphin Wahoo FMP, and so approximately Key West, Florida through Maine, and then, of note, that recreational vessel limit will be reduced through Amendment 10.

Again, this topic has come up in previous discussions, at the AP level and also through public comment, and the AP did discuss changes to the retention limits at their August 2019 and October 2020 meetings, noting that reducing recreational retention limits too far could have a negative impact on the ability to book charters, and, also, if the council reduces recreational limits for dolphin, consider reducing the vessel limit rather than the daily bag limit.

Overall, as was mentioned, there were comments received through Amendment 10, and that same regional focus and regional theme was in place, where those in favor of reducing the bag limits tended to be based out of Florida or South Carolina, and those opposed tended to be based out of North Carolina.

Then, while not necessarily totally up-to-date, I did include a figure from Amendment 10 that looked at the distribution of dolphin harvest per person. Overall, considering that this is being

examined potentially on a mode basis, and so specific to private recreational vessels or charter vessels, there will be more resolution to future analysis, but I pulled this, since it was on-hand, and it shows the distribution of harvest per person. Typically, on trips, it's one to five dolphin per person. However, there are trips that do harvest upwards of ten dolphin per person. Likely, when you dig into that information, a lot of those higher numbers tended to occur on for-hire trips.

As a reminder, for your previous direction to staff, it was to consider the same limits for headboats that would apply to charter vessels consider the same retention limits onboard for-hire and private vessels, continue consideration of different retention limits by mode, and consider a bag limit range of five to ten fish per person.

Looking at the different options, Options 2 through 4 really focus specifically on the mode, and so Option 2 looks at changing the bag limit onboard private vessels, Option 3 looks at changing the bag limit onboard charter vessels, and then Option 4 looks at changing the bag limit onboard headboat vessels, and the range there is between five and nine dolphin per person.

That is how it's currently laid out, and there's sort of the range of options, as it currently stands, and I will turn it over to the committee from there, to get input on does this look like a good applicable range, or are there other bag limit options that would like to examine, and that sort of feedback.

MS. MARHEFKA: Thanks, John. Anyone like to kick off -- Jessica.

MS. MCCAWLEY: I just want to remind folks what I brought up during the state liaison report about what the FWC did, and so the FWC dropped down to five dolphin per person, a thirty vessel limit for private anglers, and essentially that would be the same thing if you had a six-pack charter, but, on headboats, it would default to the five per person limit, and so I'm not sure if -- I guess this is a question on Option 4, and is it worded such that it could match that, because, the way I read Option 4 there, it appears -- It says whichever is more restrictive, and so the five dolphin per person, versus sixty or fifty-four vessel limits, that would still default to the overall vessel limit, and that's not what FWC did, and so is there a way that we can add something here, maybe under Option 3 and 4, so that it's just going to default to whatever the per person bag limit is, and there's not an overall maximum on headboat and charter boats?

MS. MARHEFKA: I certainly would be supportive of that, and I think it makes a lot of sense. Would anyone else like to speak to that? Again, we're getting the range. Tom.

MR. ROLLER: This is actually more of a clarification. Jessica, I was curious, and, in the FWC's recent actions, are you treating charter boats and private vessels the same or separately? That's what I am trying to understand.

MS. MCCAWLEY: Separately. Basically, for-hire separately than private.

MR. ROLLER: Okay, and so the thirty-fish limit doesn't apply to the for-hire sector, to be clear?

MS. MCCAWLEY: No, but, I mean, on a charter, you would default -- So, like if you had a six-pack, that defaults to the thirty-vessel limit that we adopted, but we made that divisible by five. Do you see what I'm saying?

MR. ROLLER: Yes, and now I understand. Thank you.

MS. MARHEFKA: Shep.

MR. GRIMES: Thank you, Madam Chair. I guess I'm a little confused, and I was going to suggest that the alternative would be to remove the vessel limit and leave just the bag limit for individuals, but I thought you just said that the vessel limit was thirty, and so --

MS. MCCAWLEY: Great question. For private anglers, it maxes out at thirty, and still the five per person is applicable, but, on the for-hire vessels, it's going to default to the per-person limit, yes, and so I'm good with adding that type of action, or option, into the document. That seems cleaner.

MS. MARHEFKA: Trish,

MS. MURPHEY: I'm sorry, and just another question. Charter and headboat in Florida, there's really no vessel limit, and it's just going to default to the -- If you've got ten people on a headboat, you can catch ten bags, regardless of the total.

MS. MCCAWLEY: Well, can you say it again, because our new bag limit is five per person, and are you using a ten-per-person bag? That's where I got confused.

MS. MURPHEY: Yes. Sorry. Five. If you had ten people on a headboat, they can have five each, regardless of the vessel limit, and there's no vessel limit? I guess that's the question. Is there a vessel limit on the for-hire and the headboat?

MS. MCCAWLEY: No, but I am going to ask Kristen Foss if she can come up here, if you'll allow that, and she's the one that worked on the rulemaking for FWC, and so she can probably give some clarification, because we had some of these questions at our commission meeting.

MS. MARHEFKA: Go ahead, Kristen.

MS. FOSS: Sorry, but could you repeat the question again, Trish, real quick?

MS. MURPHEY: Okay, and so I was just trying to get everything straight in my head, and so private vessel -- You've got a vessel limit, but, when you get to charter and headboat, based off the number of people on the charter or the headboat, is there a vessel limit? I guess the short question is, is there a vessel limit on for-hire?

MS. FOSS: There's not a specific vessel limit written in our rule. How it's written is it's the number of paying fishing passengers multiplied by your bag limit. Let's say you have a charter of six, and it's six times five, and so your vessel limit would be thirty. If you have a headboat of ten, ten times five, and your vessel limit would be fifty. It's not like a prescriptive vessel limit for each charter and headboat, and it depends on what your bag is.

MS. MURPHEY: I've got you. Okay.

MS. FOSS: But there is a specific vessel limit for private, and it is thirty.

MS. MURPHEY: Okay. I understand now. Thank you.

MR. BELL: Captain and crew don't retain?

MS. MCCAWLEY: Yes, and so, in Florida, that was already technically the rule, was captain and crew could not retain a bag limit, and so we just clarified that, or restated that again, in the rulemaking, that that was already the case, that, in state waters, captain and crew, no bag limit.

MS. MARHEFKA: Laurilee. John, go ahead. I thought you had a question to that, and so it's going to you.

MR. CARMICHAEL: So two people on a private vessel can keep ten or keep thirty?

MS. MCCAWLEY: Whichever is more restrictive, and so the ten.

MR. CARMICHAEL: So then eight people on a private vessel would only keep thirty?

MS. MCCAWLEY: That's correct.

MR. CARMICHAEL: Got you. Thanks.

MS. MCCAWLEY: Sorry.

MS. MARHEFKA: It's not your fault. I mean, I feel like we're relatively smart people, but this is blowing -- This is making us all think. Okay. I have Laurilee, Andy, and Chester. If I got the order wrong, I apologize. My mind is doing math today.

MS. THOMPSON: I think it's important that the fact that Florida approved these limitations, and so can the IPT add that to the background, so that stakeholders can see that there's already a state that has set this in place, because I think that's important.

MS. MARHEFKA: I mean, I certainly feel like, because it's on the record, and that's part of our justification, it would make it into the document as part of our rationale. Andy.

MR. STRELCHECK: All right. A couple of comments here. One, I feel like we're way in the weeds for a discussion of scoping alternatives, and so I'm trying to maybe pull us back out of that. This is a tough one, because we don't have a stock assessment that tells us that we need to reduce harvest, or modify harvest, by X amount, and so the end goal is still kind of in question as to what we're trying to achieve.

What I would like to suggest, in terms of the bag limit and vessel limit options, and it might not be popular, is that we ask for input on lower vessel limits and lower bag limits than what are even considered in Dolphin Wahoo 10, or what's been considered by the State of Florida, and the reason I say this is that a fifty-four-vessel limit, and a six-fish limit, we know weren't going to reduce harvest. Five and thirty sounds great, and it looks like a great reduction on paper, but, in reality, our analyses indicate that it's a very small reduction, right, and, if this fishery is having bigger

problems than we know about, then I think we need to be looking at alternatives that would achieve a greater reduction in harvest to help the stock status, and so I suggest that, with not a definitive kind of lower bound, and I think it's important for public input.

I think the other thing that we should consider, and we can maybe talk about this toward the end of the council meeting, is the speed at which this action moves forward. How much are we going to gain, in terms of public input? What do we already know? Do we need to take a couple of years to actually implement this, given what is happening with Dolphin Wahoo 10 and the decision by the agency, or do we want to speed that timeline up or not, but I think it would be good to kind of look at our schedule and how this fits within, obviously, that broader schedule, if we feel like this is more urgent to address than not. Thanks.

MS. MARHEFKA: That's a lot to think about. Chester.

MR. BREWER: A lot of what we're dealing with here is perception, and Andy is exactly right that the five-fish thing does not get you that much, insofar as reducing the harvest, but there is a perception, at least, that we're trying to do something, because we are getting reports, and complaints, and I can't go to a party and not have somebody come up and say to me, what in the world is going on with dolphin?

People are complaining about it, and they're upset, because they don't see dolphin anymore, and I'm not sure the default of not seeing the dolphin lies with the recreational industry in dolphin, and it may not even lie with the commercial side, domestically, and we've seen some stuff that indicates that the problem may well be an international problem in longlining, and I don't know how we go about addressing that, but, until something is done in that regard, I don't think we, and, when I say we, I'm talking about the eastern seaboard of the United States, are going to see dolphin come back to where they were say even ten years ago.

I realize that's probably a whole different can of worms, but, in the meantime, I do think that we've got a whole lot of recreational people out there that are seeing that dolphin are in trouble, at least in their minds, and they want to see something done about it, and I can tell you that the whole idea of dropping it from ten to five fish per person is very, very popular, and so I think that should be explored.

That being said, John, I had a question. I'm a big proponent of all recreational fishing people being treated the same, no matter what they're on, whether it be a charter boat, their boat, a pier, the beach, whatever, but I'm a big proponent of everybody being treated the same, and I don't have a -- In Chester's perfect world, we would say, okay, no matter how many people you've got on the boat, no matter what kind of boat it is, it's five per person, period. Is that captured in the language that's here, because I see that it says, "given vessel limits, if applicable", and so I'm a little concerned that we may not be capturing the idea that it should be five per person, period, end of story, that kind of thing.

MR. HADLEY: I think that would probably be a two-part process, and so essentially two actions. One, you would change that daily bag limit to five, in your case five dolphin per person, and, in the next action, you would just remove the vessel limit, and so that's -- I think we need to tweak this a little bit, but it's essentially captured here, and it would just be a two-step process.

MS. MARHEFKA: That feels cleaner, to me, too. That just -- The way we're all sitting here, and our brains are smoking about it, I think that separating it out may make it cleaner. I had Chris next.

MR. CONKLIN: I wanted to echo the middle part of Chester's comment about a lot of stakeholders have come to us, and they try to draw a line between commercial and recreational, and point fingers and all this, but that's not the problem, and we all know that. It's a bigger-picture problem, and whatever we do here is probably not going to help a whole lot, and so we went through all these decisions in Amendment 10, and we ended up with fifty-four, and now we're circling back, and what we do here may not help either, but this is not a commercial versus recreational problem, and it's a big picture. The fish have tails, and they migrate very far, and they're getting caught before they get to us.

MS. MARHEFKA: Jessica.

MS. MCCAWLEY: Just to add a little bit to what Chester said, and so the FWC has debated this a lot, and the FWC -- Just a reminder, and I can send it to staff, so they can send it back around, but FWC sent a letter to the State Department, because you're right that this is not just a U.S. fishery. In fact, the United States is not even the largest harvester, commercially, of dolphin, and we're like the fourth largest, but, also, a number of those international countries are not reporting, and so we don't even really know what the international harvest is, and none of them are reporting recreational, and so the only numbers that we have are the commercial numbers that those countries are willing to report right now.

I agree that it's a problem, and that's why FWC was trying to go at this from multiple angles. Yes, let's what do what we can here in the United States, but let's also try to get the information and figure out what's happening internationally and try to kind of hit it from that angle as well, and so I can send that letter back to staff, so people could see, because I agree with what Chris is saying and what Chester is saying, and this is a bigger problem. I do think we have a part, and I do think that there's a role to play to maybe put another reduction in place, but there is a bigger-picture system here, and I think that the council can also talk to the State Department about that as well.

MS. MARHEFKA: That's what I was wondering, is -- You know, obviously, we can only control what we can control, and that's what we're trying to do here, but is there utility, in all of our dolphin wahoo documents, where, even in this one, we state, very clearly in the document, that we realize that we're sort of fighting a bigger battle, and talk about those issues, to some extent, so that it can be referenced in a different platform? Does it lend credence to whatever is happening internationally if we put our concern about what's happening in the document, and it's documented there? Mel.

MR. BELL: Jessica is absolutely right that we're effectively kind of a small player, but we're a small player that can do what we can do, and the box we're working in are things that fishermen understand, and it's a personal sacrifice, and being willing to restrain harvest, and, as Andy pointed out, maybe we even need to go a little lower, to have a potentially measurable impact, but, on top of the international aspect of this, let's not forget that we're doing this in a dynamic environment right now that is changing, but, basically, all you've got to do is look at the considerations of things like blueline tile, red snapper, cobia, and why does Virginia now have a white shrimp fishery, and that's the world we're working in.

The problem, in some people's minds, or the perception, like Chester is talking about, is, well, this is all us, and we're all doing this. Well, part of this can also be that, in this changing environment, the animals are responding to environmental conditions and are just not -- Their timing is different, and they're not where we would normally expect them to be, because water temperatures are different, and currents can be changing, and so there's that factor as well, but we can't change any of that. All we can do is what we have control over and what our fishermen, who are the stakeholders in this, can be willing to do, and that's the best we can do, but, in addition to the international aspect of this fishery, let's not forget that things are going on, and we're well aware of it in other fisheries, in the ocean right now that can be causing some of this.

MS. MARHEFKA: Well, let's hone-in on what we can control, because I did promise not to go over time today. Where I understand we're at is we are going to sort of break out, in this Action 2, the difference between the vessel limits, whether or not the charter -- A vessel limit versus a per-person limit, and then Andy brought up going wider in our range and having a lower option for per-person bag limit, and is there anyone who feels strongly about not including that, and do we need to have more discussion about that? Again, it's going to scoping, and so we do want to have the broadest range of alternatives now.

MR. BELL: Yes, and I certainly wouldn't throw any numbers out there, but I think the point was that it's going to scoping, and so just ask them, you know, how low would you go, or how low are you willing to go, that sort of thing. I mean, we don't have to throw a number in there, and it's scoping.

MS. MARHEFKA: Shep.

MR. GRIMES: Well, I guess we're not really analyzing it at this point, but I thought the indication was to put a lower number in there, so that you can look and see what a more significant reduction from bag limit reductions might be. I mean, maybe you don't need to put it in to take it out to scoping.

MS. MARHEFKA: Jessica.

MS. MCCAWLEY: I agree with Shep, and so it just concerns me that we would go out to scoping, and people might look at it and say, well, five is the lowest that they're going, and I'm okay, and then they could word their comments accordingly, when really, ultimately, we pick three, or whatever it is, and so I'm just a little bit concerned about not showing a smaller number.

MS. MARHEFKA: That's kind of my gut sense too, is that we should probably -- Someone should throw out a smaller number, the lowest we would be willing to go, and, obviously, something north of zero. Tim.

MR. GRINER: Well, in a way, it seems to me that, at least for the private recreational vessels, you already have the choice of zero. You can catch and release, but, for a charter guy to throw out there and say, okay, well, maybe it's three per person, and I don't know, and it just seems like, I mean, you're -- It's really up to the vessel operator, as to how many fish they keep, at the end of the day, especially for a private vessel, and so I'm just not sure you need to have an option any lower than what Florida has already done. Everybody already has that choice.

MS. MARHEFKA: Chris.

MR. CONKLIN: Can anyone enlighten me on what the limits are that are set by the Caribbean Council?

MR. HADLEY: It's not a federally-managed species in the Caribbean, and so there may be some local limits that I'm not aware of, but nothing on the federal side.

MS. MARHEFKA: Trish.

MS. MURPHEY: Just looking at the MRIP data, preparing for this, it did look like people, on average -- The rec take averaged around three, and so I would think that we would at least maybe include three and four, as a sub-option, and then just a question, to make sure that I'm understanding it, when we were talking about vessel, and so we're going to have sub-options of just bag limit without dropping out the vessel piece for headboats or for all? For all? Okay.

MS. MARHEFKA: All right, and so I've heard three, and so where we're at right now is adding -- Going down to our lowest bar is going to be three, up to the current no action, which is ten, and then sub-dividing that alternative, to go to scoping. Does anyone have any heartburn? Trish, go ahead.

MS. MURPHEY: Just throwing this out, and I'm good with three, but, if we're trying to -- So, if they're averaging three, I wonder if we need to go one more down, to two, just to have a reduction, because, theoretically, if you're at three, then we're not really reducing, right, and so we might need to go to two.

MS. MARHEFKA: I mean, I think if it's -- If it's possible that we can consider it, we need to let people know that that's an option. That's really all we're trying to do right now, and we can argue the merits of it later, and so, with that said, two to ten, two to no action. Okay. I am not seeing anyone want to throw anything at me, and so I think you have what you need on that. All right. Let's move along to the next one.

MR. HADLEY: Okay. I appreciate that, and that will certainly be helpful on the scoping side. Action 3 focuses -- Switching gears from the bag limit, we're focusing on the vessel limit for dolphin. Currently, as noted, the vessel limit is sixty fish per vessel, and that will be changing to fifty-four fish per vessel. As a reminder, the council did previously look at different alternatives for vessel limits of thirty, forty, forty-two, forty-eight, and fifty-four dolphin per person.

There is -- I won't go into the details of it, but there are the similar regional focus, or regional themes, to the comments, for those that did comment on this for Amendment 10. Those in favor of reducing the retention limits tend to be based out of Florida and South Carolina, and those in North Carolina were interested in maintaining the current vessel limit of sixty fish.

A similar figure that was pulled from Amendment 10, and, there again, when this does get into the analysis phase, we'll be looking at it likely by mode, but, overall, kind of a general crosscut, this figure shows that most trips -- The harvest per vessel was less than ten. However, there are

certainly vessels that often harvest in the range of ten to thirty-nine, and then, of course, upwards of sixty fish. There is sort of a very broad look at the distribution of harvest per vessel.

The previous committee direction to staff were, there again, to consider the same limits for headboats that would apply for charter vessels, consider retention limits -- Consider the same retention limits onboard for-hire and private vessels, include increments divisible by six, and consider consideration of different retention limits by mode and a vessel limit, potentially, between thirty fish and fifty fish per vessel.

This is sort of a similar layout as before, where you have major options that focus on the specific mode, with sub-options that would specify what the vessel limit would be for that mode, and so Option 2 covers private vessels, Option 3 covers charter vessels, and Option 4 covers headboat vessels, and so, there again, we're looking for any input on vessel limit options, and it sounds like there may be some interest in removing vessel limits altogether, at least in some circumstances, and that can certainly be carried over, if that's the committee's wish, and we're looking for additional input on that before we send it out to scoping.

MS. MARHEFKA: I am confused. I am confused with what we just did in --

MR. HADLEY: If I could, the previous one was a very narrow focus on the bag limit, and so it's currently ten fish per person, and it will stay at ten fish per person, and this is focusing on the vessel limit, and so a microscope on the vessel limit specifically, which will be fifty-two fish per vessel, or fifty-four. Sorry.

MS. MARHEFKA: Jessica, you look very sure of yourself, and so that excites me.

MS. MCCAWLEY: To me, that we just talked about was you would, I think, go into this action, or maybe it's a sub-action on the one we just talked about, and you would have an option to remove the vessel limit, because you would essentially be defaulting to the per-person bag limit, and so I think that the options are likely okay, but we need an additional one that actually removes the per-person limit.

MS. MARHEFKA: I'm glad you get it.

MR. GRIMES: Based on what we said before, you will have one that removes it just for for-hire and then one that removes it for everybody, to get to Chester's point.

MS. MARHEFKA: That is my understanding of the intent, too. Do you follow? Good.

MS. MURPHEY: I guess I'm confused on why we're hashing out the vessel limit again, and I actually spent last night reading minutes, and it seems like there was a lot of discussion on this fifty-four and forty-eight, and we ended up with the fifty-four, and so I'm sitting here, and even when I went through this earlier, and I guess why are we rehashing this, because I don't see how the comments are going to change, the public input is going to change, and so -- I mean, if anything, from what I read, maybe the headboat needs to be looked at for vessel limits, and that's a question, and I don't know, but it just seems like we'll go through all of this and spin our wheels on this, to end up at the same place at fifty-four, and so I just -- Just for discussion purposes, I think this should be removed.

MS. MARHEFKA: Thank you, and it's always helpful to have someone come in fresh from the discussion, to kind of pull us back to that, and Jessica is going to address that.

MS. MCCAWLEY: I'm going to go back to something that Andy said earlier, and so a lot of additional comments came in after the amendment was finalized, and towards the end of the amendment, and so I would say that I've even seen new comments from when we passed the amendment, and it seems like at least Andy and I are getting cc'd on comment letters and other things to the Secretary of Commerce, but, also, Florida just changed, and so I would like to have the option that Florida adopted for state waters in the document, and you probably saw, in the minutes, or the transcripts, that we didn't think that fifty-four was enough, and we were trying to compromise at forty-eight, but, in state waters, FWC went with thirty for private vessels, because we felt like that was probably the necessary thing to do for dolphin off of Florida, based on everything that we're hearing, but I do think that there's a lot of new information that came in once that amendment was finalized.

It was starting to come in before we finalized it, but, to be honest, we were trying to get that done, as Andy said, and completed before Anna left, and we had been working on it for three years, and that's kind of why we agreed to restart it immediately, is are we just applying this to private vessels, and we were just trying to figure out -- We could not resolve that, at the last minute, plus the new comments that were starting to flood in there at the last minute.

MS. MARHEFKA: Tim.

MR. GRINER: Thank you, and I can appreciate what Florida has done. I think Florida took the lead and did what they thought was right, but, having said that, then what else do we really need to do? If Florida has already taken this action, what more are we really going to accomplish than what they have already done right now? I am having a hard time getting my arms around why we're even taking this up, knowing that Florida has just imposed these new restrictions that really take care of the problem that they're seeing in Florida, and so I'm really just having a hard time getting my arms around why we're doing any of this.

MS. MARHEFKA: Laurilee.

MS. THOMPSON: I think because, if we go even more restrictive than Florida did, then Florida, typically, matches what we've done on the federal level, and so, if we feel like that we need to do even more to try to reduce the number of fish that are being landed, once we approve it, then Florida will follow suit.

MS. MARHEFKA: Jessica, go ahead.

MS. MCCAWLEY: Also, the action that we took was only for state waters, and so, at the very least, we need to look at this in federal waters off of Florida, because that's where the majority of the dolphin are caught and not in state waters, and so we did this to be proactive, but there's only so much that FWC can do here, and I would really like to see the analyses for what it would do, making some of these changes coast-wide.

MS. MARHEFKA: Chris.

MR. CONKLIN: Just for clarification, and this is just a question, and so, if I'm fishing in Florida, and I am caught in state waters with a federal bag limit, I'm going to get a ticket, and is that correct?

MS. MCCAWLEY: I am going to ask Scott Pearce to come to the table, because he's prepared to answer that, and so this is our law enforcement rep, and he's the head of the South Atlantic Council's Law Enforcement Advisory Panel.

CAPTAIN PEARCE: Good morning, everybody. To answer your question, we have a policy, in Florida, where, if a vessel is in federal waters, and they're harvesting fish that are legal to harvest in federal waters, they can land those fish in Florida as long as they remain in direct transit and do not stop and fish again in state waters. If they leave federal waters and go direct transit back to their dock, or where they're hauling the boat out and landing fish, they'll be fine, but, if they stop and fish again in state waters, with those fish onboard, then they'll be held accountable for state regulations.

MR. CONKLIN: So, in essence, your rule in Florida really only helps from like Cape Canaveral south, theoretically.

MS. MCCAWLEY: Yes, or anybody that happens to catch a dolphin in state waters, but that's kind of my point, is that there's only so much that the FWC can do, and, ultimately, since the majority of these fish are caught in federal waters, we would need something in federal waters here to make any kind of significant difference.

MR. CONKLIN: If I am fishing in state waters, and I get a sixth bite, it's illegal if I land that fish, and I can't bring it straight back to the dock, and I wouldn't be in compliance, if I was fishing.

MS. MCCAWLEY: I think what you're asking is, if you're over the five-fish bag limit, as long as you direct transited back to the dock, without stopping in state waters, then you can have that federal limit.

MS. MARHEFKA: Shep, go ahead.

MR. GRIMES: Thank you. One other thing that I just wanted to note in this discussion, given how small of a reduction the analysis already shows from these reductions in bag limits, it seems to me that the geographical scope is that much more important, because you're already not expecting that much reduction, and so you want to cover geographically more area to get what you're going to get out of it.

MS. MARHEFKA: To that point, and then Trish.

MR. CONKLIN: So, when Florida made the rule, did they look at the analysis, or the reduction, or was it more of a, you know, from your stakeholders, that's what they wanted?

MS. MCCAWLEY: It was somewhat both, and so the FWC also felt that something needed to be done in federal waters, and so I guess you could consider it a two-part process, where they would go first, and then send me back here to the council table to try to get this in place in federal waters, because they felt like what they did wasn't adequate, based on the analysis.

MS. MARHEFKA: I am going to go with Trish, and then I feel like we kind of need to wrap-up and make sure that we have our range. Again, we're just going to scoping.

MS. MURPHEY: This is just a thought, as far as an additional option, and would an additional option be to have the vessel limit in federal waters off of Florida so that they match state waters, and would that be an additional option to go out for scoping? I will look at Jessica for thoughts, just to kind of get it, the discussion around the table, and I guess in concerns about rehashing the vessel limit?

MS. MARHEFKA: I had everyone at once. Did you want to respond to that point? Okay. Then I had Chris, then I had Mel, and then I had Tim.

MR. CONKLIN: So we've scoped a lot of these ideas before, and I am interested to see what North Carolina has to say about this, and I know what it's going to look like, and the battle this is going to bring, and I'm not opposed to it, but I'm just trying to, you know, lay out all the circumstances and what to expect. This is a lot more -- These ideas are a lot more conservative than what we brought to the stakeholders previously, and it's not going to be pretty.

MS. MARHEFKA: Mel and then Tim.

MR. BELL: I was just going to point out that, as Jessica described, and we talked about earlier, as we were concluding with Amendment 10, a lot of input at the end, but, since then, you know, and I'm just speaking for South Carolina, I mean, I've received an awful lot of input about additional reductions for us, and so it's -- And we're totally federal waters, and, the way we're set up right now, we just adopt the federal regulations by reference as state law, and so it's -- There has been a lot more input, including congressional, since the last time we left this, and so I'm just speaking for us, and I know there is interest in pretty some additional conservation measures put in place that would apply to us as well.

MS. MARHEFKA: Tim.

MR. GRINER: I can appreciate that, but I think, if anything, this really -- This situation really highlights the regional differences in the South Atlantic, and especially in this particular fishery, and so I think Trish is right, and I think we need to have some options in here that look at the regional differences as well, and, if you can solve this with matching what the State of Florida and whatever powers that be in South Carolina want to see done, if you can marry those two up, that's fine, but I don't think that necessarily means that that's going to be a one-size-fits-all for North Carolina. Like Chris said, we hashed this out for a long, long time, and we had a lot of comments, and so I think this may be a good opportunity to take a hard look at some of the regional differences and have those in the document.

MS. MARHEFKA: Do you feel like you would like more specific direction in regard to looking at things at a regional level, or do you feel like having an option in there that includes only off the State of Florida is enough direction to the IPT? I do feel like we're at a little bit of an impasse right now, and I would welcome any specific language to add.

I did hear, from a couple of you, a specific option to be added to only, if I understand right, only change the vessel limit options to reflect off the State of Florida, and that's one option to add. Are there any other options, so that we really have a range to go out to scoping, to let people know what we are really considering? That's the most important thing right now, is just that we have the range, and we can litigate the rest of it later, and so that's what I am looking for guidance on. John, you speak up if you don't feel like you have what you need.

MR. HADLEY: No, and I think that would be helpful, if -- It sounds like, yes, that, as far as scoping-wise, to consider regional options, and, as you mentioned, off of Florida only, and the existing -- The entire range, that would be in there, and is there another -- Essentially, do you want to consider off of specific other states or just Florida only or the entire range?

MS. MARHEFKA: Trish.

MS. MURPHEY: I'm sorry, and I need to make sure that I'm understanding, and so we're going to look at a regional -- So like off of Florida matches -- Florida federal waters will match Florida state waters, and then did you also say that the whole range of the South Atlantic would match Florida state waters, and that's another additional option?

MS. MARHEFKA: Correct, and that's my understanding as to where we're at right now, and what I'm asking is, is there anything else that we're not considering, again for scoping, and so it just has to be bound on either side.

MS. MURPHEY: That will be added to the rest of these options, and so we're not removing any of these other options at this point, and we're just adding the additional regional component.

MS. MARHEFKA: That is my understanding of the committee's intent at this time.

MS. MURPHEY: Okay.

MS. MARHEFKA: Mel.

MR. BELL: I was trying to -- So, obviously, regional differences are a big deal with this fishery, but we're talking about -- When we say the entire coast, or range, we're talking about all the way up to New York, or are we just talking to --

MS. MARHEFKA: To Maine.

MR. BELL: To Maine, okay. Then let's say, for whatever reason, just for differences in the fishery, North Carolina wanted to be different from Florida, or different from everyone else, and then it would pick back up again at the Virginia line and run all the way to Maine, looking the same? That's where it gets -- Breaking this down state-by-state or whatever gets rather complex, but I certainly -- From a standpoint of making this work, if you can have something that works through the entire range, that's good, and that's good from a law enforcement perspective, and it's good from the fishermen's perspective, in terms of understanding things, but I get the regional difference part here, but there may be more complexity to the regional difference than just Florida alone or North Carolina alone, and what I'm saying is I don't know how you factor that in, other than just get people's feedback on that, but this would apply, in theory, all the way to Maine.

MS. MARHEFKA: Well, we certainly could reflect the same language that we have in the first action for the size limit, where we have off of Florida and then we have up to North Carolina, I think, and then we have up to New York, and then we have up to Maine, and so that would certainly cover everything, and it would give us time. Again, it gives us -- All we need right now is to get comments on it, and so, Trish, go ahead.

MS. MURPHEY: I was just going to say that, when I made that suggestion, that wasn't my intent, but I know this is we're going out to scoping, and I guess, the more ideas to discuss, the better. Sometimes I wonder if there's too many, but I am fine with that, but I just kind of wanted to state that that was not my intent when I made that suggestion.

MR. HADLEY: I'm thinking of maybe a middle ground here, when it's scoped. It sounds like there is two major options that have been discussed, and one is the entire range, and so Florida through Maine, and then one applying just off of Florida, and there's, obviously, other mix-and-match options, and so maybe, when it's scoped, there could be an input question along the lines of do you think -- Outside of that, do you think there are specific areas where the vessel limit change should apply, or something along those lines, obviously better worded, but maybe an open-ended question along those lines, so the committee can get input on are there other areas that should be considered.

MS. MARHEFKA: Yes, real quick, and I think that that's what we need to do, and I think it's going to be really important, because what I'm hearing from this committee, and I'm hearing from Chris and Tim, and certainly in all the time we've talked about it, is we really, really do have -- I think we're going to end up with regional differences of opinion, as you know, as you even stated in the decision document, that we're hearing one thing from North Carolina and another thing from Florida, and I think that we need to let people know that we as a council recognize that, and so we would be seeking input on regional approaches to these issues, throughout all of these, I think, three actions. Tom, go ahead.

MR. ROLLER: I just want to throw support behind that idea, and what John said, because we're going to hear a lot of different comments, particularly from North Carolina, who -- I appreciate, and I'm sensitive to the comments from Florida fishermen, but North Carolina fishermen are experiencing the same things, and so we're definitely going to hear from them on this, particularly the for-hire fleet.

MS. MARHEFKA: I look forward to it. I think, John, unless you feel uncomfortable, I feel like we've given you all a lot to chew on, and given you a direction to go forward for this decision document. Do you feel comfortable?

MR. HADLEY: Yes, I think so, and we have one more action.

MS. MARHEFKA: I told him that we would be done before 9:30, and so you made a liar out of me. Yes, please take your time, and let's do it the justice it deserves. Sorry.

MR. HADLEY: Thank you, and I appreciate that discussion, and I think that will help get the information that you need, and want, from scoping. The last action that's in the amendment is modifying the captain and crew daily bag limits for dolphin. Currently, from a federal regulatory

perspective, a captain and crew on for-hire vessels, or specifically charter vessels, may retain a recreational bag limit of dolphin, provided that the recreational vessel limit is not exceeded. There is, of course, the exception onboard headboats, where the limit is ten fish per paying passenger.

In general, the for-hire captain and crew members can, for the most part, keep captain and crew bag limits, and this is consistent across the Snapper Grouper FMP as well as the Coastal Migratory Pelagics FMP. Previously, there were some exceptions, but the council has worked, through several amendments, to reach regulatory consistency across the FMPs that do require a for-hire permit, or relative consistency.

Overall, there is some additional uncertainty from captain and crew members retaining bag limits, at times. When those trips are intercepted, the number of anglers is recorded on that MRIP intercept, but the captain and crew is not reported, and so it tends to be very limited, but, in some circumstances, you can have situations where it may appear that the bag limit, or the vessel limit, was exceeded, when in fact it was not, and it was just that the captain and crew limit was retained, and not to rehash it too much, but that did come up in the discussion of Amendment 10, and, really, it takes a little bit deeper dive into the data to see what's going on there, but that can be overcome.

Looking at the previous committee direction to staff, the direction was to continue considering removing or reducing captain and crew bag limits for dolphin only and consider a regional approach, and Florida only was the regional approach that was mentioned last time this was discussed.

Looking at the draft options, Option 2 looks at reducing the captain and crew bag limit between five and nine fish, the sub-options covering between five and nine fish, and those mirror what was being considered, at least initially for anglers, and then Option 3 would remove the ability for captain and crew to retain a recreational bag limit, and so I will turn it over to the committee there.

MS. MARHEFKA: All right. For the sake of time, I will go ahead and throw out that perhaps what makes the most sense is to do the sub-options per person to mirror what we had done for the per-person trip limits down to -- Did we go down to two? It seems like that would cover us. Does anyone else have any -- Go ahead, Chester.

MR. BREWER: The Options 1 and 2 both make reference to not exceeding the vessel limit, and so, if we were to go to -- Do away with vessel limits and just it's a straight five fish or three fish or whatever it is per recreational fisherman, and the captain is -- If they've got a recreational license, I mean, they're recreational fishing, and, again, everybody needs to be treated the same, and so I think we ought to have an option where they would be allowed to keep a recreational bag limit, and not sell them. That's a whole different animal, but allowed to retain.

MS. MARHEFKA: We don't have time for that today.

MR. BREWER: No.

MS. MARHEFKA: Chris, go ahead.

MR. CONKLIN: Since this is just an options paper, I guess I don't need to make a motion, but I wanted to discuss, if we had a limit of five per person on a charter boat, or thirty per boat

recreationally, whichever one is more liberal, and it's sort of like Florida's, but it's getting to what everybody can probably digest, and so, if you're on a charter boat, and you had two people, you could still keep thirty, but, if you were on a headboat, and you had ten people, you could keep fifty, and, if Tim and I had our recreational licenses, and we were out there trolling ballyhoo around, we could keep thirty.

MS. MARHEFKA: So you're going back to the -- This is not the --

MR. CONKLIN: Yes, I know, and it's out of order, but I've been thinking about it for a while, and you know me. When I get something on my mind, I have to speak it, and so that's what I wanted people to maybe think about while the rest of the discussion is going on, because I know this committee is coming to an end.

MS. MARHEFKA: It's what we love about you, and that's great, but I just wanted to make sure that I followed that we were back at the other one. Is that noted?

MR. HADLEY: That's an option that we can certainly take out for scoping, if that's what the committee would like to do, and so the idea, just to clarify, is -- Like he said, it's kind of the reverse of -- It's kind of whichever is greater, essentially, and so thirty fish or --

MS. MARHEFKA: For the record, I'm seeing a lot of heads nodding in agreement, and that option will be added back in Action 2 and 3. That brings us back to this captain and crew, and where we just left it was that we were going to have it reflect those lower bag limits that we discussed earlier, and then, Chester, you wanted to clarify that that stood for all sectors.

MR. BREWER: Yes, and all I'm saying is that, right now, they're subject to a vessel limit, and, here, they wouldn't have -- What I am suggesting is everybody gets treated the same, captain and crew, and, if we pick five, they can keep five, regardless of -- Then we don't even have a vessel limit, and so they would be -- If you've got two guys on the boat, and you've got a captain, and you've got one crew member, and that's four anglers, and that's twenty fish.

MR. HADLEY: I think we can do that. I will take that back to the IPT, and we may have to kind of slice and dice it a different way through the actions, but I think you could -- I mean, that could definitely be done, and it would essentially be probably no action on this, and then we just remove the vessel limit and then change the bag limit, but that's something that -- I mean, that's good input, and that's something that I think the IPT can certainly figure that out.

MS. MARHEFKA: Wonderful. I see you wanting to raise your hand, but I was about to wrap up that, and so it's now or never.

MR. GRIMES: Thank you, and I just wanted to throw out one thing, because I think this is going to -- I don't know if this is going to come back right away, but I know you're going to hear this at the IPT, as we develop this, and so the council just made a decision, and has submitted to Secretary for approval, a huge increase in catch levels, right, and set no management uncertainty buffer, ABC, ACL, OY, and, if you are going to come in and reduce bag limits, such that you expect a significant reduction in catch, your management is not structured to achieve OY, which is what you're supposed to do, and so, if you really want to rein-in catch, you're going to have to adjust OY to be consistent with what your management is trying to achieve, right, because our goal is not

to overfish, but to achieve OY, and we just cranked -- Well, you just asked the Secretary to crank up OY, and so, I mean, right now, if you're just talking about a small reduction in bag limit that are expected to get little or no reduction in harvest, it may ask why you're bothering to do it, but it may not create the problem of not achieving OY. If you come in with something that does achieve significant reductions in harvest, we may need to address that, and I just wanted to throw that out, so it doesn't surprise anybody. Thank you.

MS. MARHEFKA: I think that's the 500-pound elephant in the room. In my mind, it is, and so I agree, but Chip is going to come to us with a solution.

DR. COLLIER: Not a solution. Sorry. The change in the ABC is not an increase. It is basically keeping the value the same. What has happened is the change in the estimate of recreational catch has changed, and so they're just having to update those numbers based on that, and so this discussion of changing OYs and ABCs is not really relevant for this. What we're trying to do is update based on the best scientific information available.

MR. GRIMES: So point taken, yes, and I get that there is not an actual increase relative to what we're seeing and what we're doing going forward. If you're trying to reduce below that, yes, absolutely OY is an issue, and, I mean, we're saying that maybe ABC didn't increase, and overall recreational catch has always been higher, and so our numbers are catching up with what is actually occurring, and it is an increase on paper, where it's not believed to represent an actual increase, but, going forward, now you're looking at those new numbers, and you're wanting to bring catch down, right, and that's the whole point of constraining recreational harvest more, and that is going to bring -- It will show up in FES currency. Looking at the FES numbers, it will come down, and it won't be achieving OY if you put in significant reductions, and you will need to address optimum yield, so that your management measures are tailored to achieve your management targets. Thank you.

MS. MARHEFKA: Chris.

MR. CONKLIN: Just for the record, these options seem like -- Since the recreational fishery has become such a freight train, with low interest rates and, up until a couple of years ago, low gas prices, and it's an ever-growing juggernaut of a fishery, and we're managing -- Essentially, this is managing the fishermen and not the fish, and so maybe that's the need of this action, or the whole amendment, whatever you want to call it.

MS. MARHEFKA: Yes, certainly, and I think we've all talked about the justification, sort of the rationale, for the public comment we're hearing, which is why we're doing this, and hopefully is the rationale for why we're not trying to achieve OY. Okay. We have to wrap-up. Our last item is going to be looking at items for the advisory panel to discuss at their -- Okay. There is a draft motion on the board. Would anyone care to make the motion to approve this? Jessica.

MS. MCCAWLEY: **I move that we approve Regulatory Amendment 2 for scoping.**

MS. MARHEFKA: I have Mel as a second. Any discussion? **Any objection? Hearing none, so moved.** Now, hopefully you all have had a chance to look at the list of items that the AP will be discussing in April, and does anyone have any items they would like to add to that list for that advisory panel to discuss? I am not seeing any, and so I thought I was going to yield you back

some time, but I have failed, but back to you, and, John, thank you very much for keeping us on track.

(Whereupon, the meeting adjourned on March 11, 2022.)

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Certified By: _____ Date: _____

Transcribed By
Amanda Thomas
April 27, 2022

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Yes	Batsavage	Chris
Yes	Beckwith	Anna
Yes	Berry	james
Yes	Bianchi	Alan
Yes	Bolitho	Leah
Yes	Bonura	Vincent
Yes	Brame	Richen
Yes	Bublely	Walter
Yes	Calay	Shannon
Yes	Chaya	Cindy
Yes	Conklin	00The Real Chris
Yes	Copeland	00 Robert
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Yes	Curtis	Judd
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Yes	Foor	Brandon
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