

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

DOLPHIN WAHOO COMMITTEE

**The Beach House Hilton Head Island
Hilton Head Island, South Carolina**

September 14, 2015

SUMMARY MINUTES

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Doug Haymans

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Mark Brown
Toni DiLernia

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Dr. George Sedberry
Roy Williams
Nik Mehta
Jim Bussey

Dr. Bonnie Ponwith
Dr. Marcel Reichert
Sean Meehan
Rick DiVictor
Dr. Nick Farmer
Jim Buddy

Additional Observers Attached

The Dolphin Wahoo Committee of the South Atlantic Fishery Management Council convened in the ballroom of The Beach House Hilton Head Island, Hilton Head Island, South Carolina, September 14, 2015, and was called to order at 2:35 o'clock p.m. by Chairman Anna Beckwith.

MS. BECKWITH: Okay, my committee members are Roy and Tony and Doug, Chester, Zack and Mark; although, of course, I encourage and sometimes occasionally demand participation from members outside of my committee.

MR. DiLERNIA: I'm a voting member?

DR. CRABTREE: Will you repeat who is on the committee?

MS. BECKWITH: Mid-Atlantic Council Liaison Roy; not Dr. Roy Crabtree.

DR. CRABTREE: Roy is Gulf Council Liaison.

MS. BECKWITH: That's right; so we don't have a Mid-Atlantic Council Liaison here.

DR. CRABTREE: Tony.

MS. BECKWITH: No, he's New England.

MR. DiLERNIA: No, I'm Mid-Atlantic.

MS. BECKWITH: Okay, now that you guys have me straight, let's go through this again. Zack, Chester, Mark, Doug, and then Tony, our Mid-Atlantic Liaison from New York, are the voting members of this committee. Thank you, Dr. Roy Crabtree, for keeping me straight. Is there any change to the agenda, any additions? Seeing none; that agenda is approved. Were there any changes to the minutes? The last time we met, it's been a while, was December of 2014. If there is no addition to those minutes then those minutes are approved. Now let's take a look at the status of commercial and recreational catches.

DR. McGOVERN: We have updated landings from the Science Center through September 11. The dolphin ACL is currently 1,097,000 pounds; and we closed dolphin on June 30 of this year and 95 percent of the quota was met. As you know, we have an amendment that is under review – the comment is out now for it – to increase the ACL through a change in the allocation to about 1.5 million.

For commercial wahoo, we are about 63 percent of the quota right now, and we met 83 percent of the quota last year. Then for recreational, we just got Wave 3 landings for recreational; and for dolphin we're at 37 percent of the recreational ACL, and for wahoo we're at 38 percent of the recreational ACL.

MS. BECKWITH: Brian, are you going to be walking us through the recent landings and quota monitoring issues or is that going to be Bonnie?

DR. CHEUVRONT: No; that is not me. Do we have a presentation for that?

MS. BECKWITH: I think that is what is listed on my agenda, a presentation from SERO.

DR. CHEUVRONT: That is on the agenda, but I don't know if we actually have one.

DR. PONWITH: We received a memo from your council Executive Director asking if we could look into the pattern of landings for dolphin. If you go into your briefing book, it is Attachment A2 is the report that was prepared based on that. The report reiterates what those questions were and goes over the outcomes and the answers to that.

Basically what it was is what happened? This is unprecedented to see dolphin hit the ACL that early. Can you tell by the catch records or the reports that were coming in from the dealers what exactly happened? The bottom line is that dolphin landings have traditionally hovered between 600,000 and 800,000 pounds live weight between 2010 and 2013.

The landings now have increased to over 1.1 million pounds live weight between 2014 and 2015. The number of trips has gone down. Typically they have been between 3,500 and 4,500 trips up through '15; but the number of trips in 2015 has dropped to 2,208 trips this year. We took a look at the patterns that we were seeing in those trips.

What we found was that longline gear accounted for 73 percent of the landings between 2010 and 2015; but only accounted for about 24 percent of the trips. Basically the longlines were a small proportion of the total amount of effort that landed dolphin, but they accounted for 73 percent of the total landings. These patterns are quite different.

Some of the hypotheses regarding what could be contributing to this change in fishing pattern of actually hitting that ACL so early; among the hypotheses, the one that is the leading cause right now, is some possible effort shifting due to Amendment 7 of the 2006 consolidated Atlantic Highly Migratory Species Fisheries Management Plan.

That amendment went into effect in January of 2015, and we hypothesize that there were changes in fishing behavior as a result of this that resulted in higher catches of targeted fishing from this longline fleet. The ACL monitoring was able to pick this up, but another thing that confounded the turnaround in the amount of advanced warning we got of this happening was that, as you know, we're monitoring the ACLs using dealer reports.

Those dealer reports are due on a weekly basis. We are to hear from 100 percent of the dealers either with what was landed or with a no fish report basically saying they didn't buy fish. That would give us the census of what those landings are. For dealers that we don't hear from, we have to do an estimate of what they likely caught. For the estimates there are a series of algorithms that we use to deal with the missing data.

We'll do an analysis of each of those methodologies and select the method or the couple of methods that we think are the best reflection of what likely happened; and then we use those numbers to represent the missing data. We add the missing data to the known data and then use that to project out going into the future when we think that fishery is going to close.

Obviously, the higher we are, the closer we are to 100 percent, the more accurate those projections are. If the projections are a combination of actual landings and estimated landings,

that creates fuzziness in the projections. If you miss data at a time where the fishery is changing, it makes it even more difficult to estimate the behavior of the fishery; because we more often than not are relying on patterns of the past to fill those missing data.

If it is at a time where the fleet is changing its behavior is also a time where you are missing a lot of data; it introduces additional uncertainty both in the total estimate of what was landed as well as then, of course, the projections going forward. I just want to bring to your attention in that report Figure 6 on that report; and you will see on that that 64 percent of the reports that came in, came in with less than 14 days' time lag in the turnaround time on that, and then it goes out from there.

There was 22 percent of the reports were 15 to 35 days with lag; 5 percent had a 36 to 50 day lag; and 9 percent of those reports had a 51 or more day lag. Basically that represents a fair amount of information that we had to use mathematical algorithms and some assumptions about the behavior of the fleet to estimate that.

Those are some of the factors that were contributing to both the pattern of landings that we saw as well as some concerns we have about the dealer reporting lapsing in terms of meeting those required deadlines. I guess I'll stop there and see if there are questions.

MS. BECKWITH: Do we have a way of knowing how many of our dolphin permits are using pelagic longline gear? We don't ask anyone to sort of list their target gear or their primary gear when they get the permit; so do we have a sense, Brian, of how many of those 24 percent of the trips, like how many of our permit people are actually making that up?

DR. CHEUVRONT: I don't. Maybe the Science Center might; but I certainly don't.

DR. PONWITH: I don't have those numbers at the top of my head, but I can touch bases with them in the combination of – Jack was just sharing the logbook information and vessel ID and we may be able to break that down by proportion.

MS. BECKWITH: And the reason I ask is as we sort of move forward, there will be lots of discussions, I'm sure, but I am kind of curious how many of our permits have HMS permits and then are sort of mandated to use circle hooks. How many of our folks do not have HMS permits and fall under the ability to use J hooks. That will maybe fall into a discussion on discards and bycatch and that sort of thing as we move forward with this. Any other questions for Bonnie?

MR. BOWEN: Dr. Ponwith, what repercussions do the dealers have for not reporting, if any, at this time?

DR. PONWITH: The reporting is mandatory; it is in the regulations that you cut. In terms of the repercussions from a law enforcement standpoint, I would have to defer to either law enforcement or to legal for that.

MS. SMIT-BRUNELLO: It's a little bit out of my area, but I can tell you that there is a variety of penalties that could happen if someone was charged with reporting late, non-reporting, that sort of thing. I know there is a summary settlement schedule, which deals with these kinds of violations.

Instead of issuing them a notice of violation and civil penalty and that longer system, they issue them a summary settlement ticket; they can issue them. Then the person decides whether they're going to pay the ticket. There is a fine, usually a fine. There could be a written warning. There is a variety of things that could happen.

I don't know whether any cases have been made. We can talk with the enforcement folks when they come, but I know there are mechanisms for assessing someone a penalty in effect if they report late and then a case is made. Then they have the opportunity to defend themselves and all that sort of thing.

MR. BOWEN: If I may, when we started going over this, I thought, well, we closed the fishery down, and I wasn't sure if it was because these permits are open access and if that may be a potential problem; but now it appears that we closed the fishery down because the dealers didn't report. That's not right?

DR. PONWITH: Just a refinement to that; the fishery was closed down because the ACL was projected to be met by a certain date. That is what caused the fishery to be closed down. My point on the late reporting is whenever you predict the future, there is uncertainty. We have a landings in the bag; we know how many fish are in the bag, right?

We're trying to use the burn rate through that ACL from the earlier part of the season as a tool to predict how long that season can last. Things can happen. You can get into the fish and your burn rate could go significantly up and you could go over the ACL, or the weather could go haywire on you and the catch per unit effort could drop and that fishery could go.

You are predicting the future; and the reason we do that is to be able to give the industry lead time to say, hey, you are going to be closed on this date, because that is the date we project that fishery will hit its ACL. The management side of the house needs time to set that action up and the industry needs time to prepare for that.

What I was talking about in terms of the dealer reports being late; if 100 percent of the dealers report, then we have perfect knowledge of what is in the bag already. The more perfect that information is the better positioned we are to do a good job predicting the future; when is it going to need to be closed? If what is in the bag is incomplete and we have to do estimations to represent part of that, it adds another layer of uncertainty into predicting the future.

MR. BOWEN: I understand that. My question that arises is once you have all those fish, your quote, in the bag; do you go back to see if your predictions or projections were over or under once all the fish are in the bag?

DR. PONWITH: We will use a projection to determine when the fishery should be closed because that is when we project it will hit the ACL. Absolutely, as those catch data come in, it gives us a chance to say were our projections correct, were they under or over? Absolutely, we continue to monitor the dealer reports to see how close we are, yes.

MS. BECKWITH: Thank you for that, Bonnie; and, Zack, that is occasionally why every once in a while we'll actually reopen a fishery that is closed; because once all the data comes in, we'll

find that we haven't quite hit that ACL, so we may reopen it for a bit of time based on that information.

DR. DUVAL: Madam Chair, I am not on your committee but I just wanted to make a couple comments in Attachment 2. There is some information on changes to the parameters that were used in ACL monitoring; and it mentions that NC dealer reports in 2014 were submitted with a generic dolphin fish code.

I just wanted to note that the code that the North Carolina dealers use and have used has not changed since the beginning of the trip ticket program in '94, so it is the same genus level code that maps to the NMFS genus level code. That hasn't changed at all, neither the mapping nor the actual numeric sequence.

Since ACCSP has come online, I guess starting in 1999, it has also always mapped to the same ITIS code in ACCSP, and we also look to see if there were any changes to the ITIS code to ACCSP in terms of whether it is a genus level code there as well and were there any changes to the sequence of numbers. There haven't been any.

We don't see the Pompano dolphin. We canvassed our port agents and we rarely see them. The only code that our dealers have ever used has been that genus level code. Our staff were pinged about that I think back in July, afterwards. I just want to make sure that the bottom line is that nothing changed on our end in terms of dealer reporting. If there are changes to codes that need to be made, then we're obviously happy to do any of that. I just want to make sure that folks knew that.

MR DiLERNIA: I have some questions just as a new committee member to help me understand. Is there a buffer between the ACL and the ACT? Your catch level is right up at the maximum level of your quota. There is no buffer at all?

DR. CRABTREE: That is correct for the commercial fishery.

MR. DiLERNIA: At what percentage level do you consider closing the fishery? What percentage do you start to make your projections?

DR. PONWITH: That is a nuanced answer; and it is all determined on the burn rate. It is like if you are catching a percent of the ACL a day, you've got a fair amount of time to pull the brakes on that fishery. If you are catching 15 or 20 percent of your ACL a day, you better project out before the fishery opens how long that fishery you think can last.

Do you see what I'm saying? The notion is you look at what your current catch-per-unit efforts or daily catch rates are and use that to inform how far in advance you should be giving forewarning that you're hitting that ACL so people have an appropriate amount of time to prepare for a closure.

MR. DiLERNIA: The plan doesn't have a trigger level on the commercial fishery?

DR. PONWITH: It differs from species to species. For some of our species, because we routinely hit the ACL, we do have species where they put in basically a stop order, and that is

when you hit 75 percent of the ACL, let us know because we want to impose regulations to slow that fishery down to stretch the fishery end by putting in trip levels.

MR. DiLERNIA: My final question is what initiated this discussion was the mahi fishery. Is there a trigger level at the mahi? No, okay, thank you very much.

MR. BROWN: Is there a payback for the commercial fishery if there is an overage; accountability measure?

MS. BECKWITH: No; for dolphin and actually for most of our species, it would have to be if the entire ACL, recreational and commercial, is met. Then payback would be if they were overfished or overfishing was occurring.

MR. BREWER: Bonnie, I have a question. I understand what you explained to us with regard to the uncertainty and how that can be affected by late dealer reporting particularly in a fishery that apparently is changing as rapidly as this one changed. I remember that the fishery closed not at the end but towards the end of June, then reopened for like six days, and then was closed again on June 30.

I understand that was because there were some longline boats that were way out that had not yet landed their catch; and so they wouldn't have to throw it overboard, they opened it for another six days. That leads into my question which is we know that they went over this year and they were projected to go over, did go over; but my question is do you have any final calculation as to what the catch was for the commercial dolphin fishery? Was it 1.5 million pounds or 1.6 or what?

DR. McGOVERN: The commercial sector did not go over their ACL. They are at 95 percent of their ACL.

MR. BREWER: Okay, so you did catch it in time.

MS. BECKWITH: Jack, to that point or maybe to Roy; are you guys planning on waving the cooling-off period for the increase in the ACL?

DR. CRABTREE: Well, that is something we're looking at, but we'll have to get our –

MS. BECKWITH: What would be the time period if you guys were able to wave the cooling-off period versus not? When would we be looking at that 1.5 kicking in?

DR. McGOVERN: Well, the comment period for the Notice of Availability ends on September 16, and the proposed rule is in Headquarters. We expect the proposed rule to publish maybe next week, I guess. That will have a 30-day comment period. That comment period will end in October, and then we'll get the final rule out sometime hopefully in October. If we could wave cooling off, it could be in October. Otherwise, regulations would probably go in effect in November.

MS. BECKWITH: Are there any other questions for this part of the presentation? Jessica.

MS. McCRAWLEY: Bonnie, I think I just heard you say that commercial is at 95 percent of the ACL. In Attachment 2, I read in that document that we were at 102 percent of the ACL.

DR. McGOVERN: I think I can answer that. Bonnie talked about the Science Center projects landings for dealers who don't report, and then the landings come in and then you get a better estimate of the numbers. The numbers that we have as of Friday, September 11, indicate that we are at 95 percent of the ACL.

MR. HARTIG: Bonnie, are all the dealer reports in for all the dealers now?

DR. PONWITH: I do not know the answer to that; I would have to go into the system to see.

MR. HARTIG: Okay, and one of the things you said earlier, dealers who you don't hear from; that is just in the context that you don't hear from on a timely basis, correct?

DR. PONWITH: The way the system works is we are to hear from everybody and that is whether they landed or not, because otherwise we wouldn't be able to differentiate between silence because I didn't land any fish or silence because I am not submitting a report I am going to be late.

If they don't buy fish and they send us a no fishing report, then we don't estimate fish for them, which would be really bad to have someone off in Alaska fly fishing and not realizing that they had shut down for vacation or something like that; and then we ended up estimating landings for them when they didn't have any.

That is why those no landings reports are really, really important. If we don't get a no landings' report from them, they are officially late. For the people who are late; that is where we do the estimation process. We use again history; what happened this year in their landings, what's typical for them this year? We look at last year.

We use a series of algorithms and we look across all of them to make a judgment on which we think is going to most properly reflect what is missing from that report. In a case where a fishery is rapidly changing, those assumptions can break down and end up being misleading.

MR. HARTIG: I know in dolphin in particular in our area, there are a lot of small dealers; a lot of the restaurants are permitted and buy dolphin directly from the fishermen. I think it would be interesting to know – you may expect some of those to be late or not, I'm not sure – how many major dealers didn't report in a timely fashion versus the people who are buying one-day trips from commercial fishermen in south Florida?

MS. BECKWITH: Was that in the form of a question?

MR. HARTIG: Kind of; it is rhetorical.

MS. BECKWITH: Okay, if it is rhetorical, then I'll go to Charlie and then Mel.

MR. PHILLIPS: Bonnie, I guess just to make sure I am totally clear; these are the dealer reports that snapper grouper, tilefish, mackerel; this is that same dealer report and we're just pulling

mahi out of that. Whoever is late are going to be late on mahi and several other species, whatever is in the dealer reports.

If I'm looking at these charts right, it looks like they closed the season about the same time that most of the landings have historically stopped; that wave of May/June. Then the pounds per trip dropped way down after that. Basically we've closed it at the end of the season, from looking at the charts on the historical; but all of the fish that are late reported are basically just like the mahi; am I correct?

DR. PONWITH: Every dealer has their own suite of species that they specialize in; and so you may have somebody who is a major dealer on one species who is a minor dealer on another; but, yes, this report is the dealer report that we expect to come in electronically from them weekly.

MR. BELL: I was trying to get to the same thing Charlie was, just to make sure these are dealer reports we're talking about; so the data you're having to kind of fill in the blanks for is Dealer X normally has 20,000 pounds and it is missing. Yes, so that is what you're actually estimating. It is not the individual fisherman that we're talking about; it is dealer reports.

DR. PONWITH: That is correct.

MR. CONKLIN: Madam Chairman, I'm not on the committee. I just wanted to ask this is all the dealers from New York to the Florida Keys is the suite we're looking at here?

DR. PONWITH: Yes.

MR. HARTIG: Just a clarification. Bonnie, on Table 1 you've got mean, maximum, minimum number of observations, standard deviation, mean pounds landed per trip and live weight by gear and year 2010 to 2015. Okay, in the table itself, the maximum under hook-and-line; is that the maximum high trip? What is that in the minimum? I was wondering, because the minimum is almost the same for everything except in 2015; and the same for the longline.

DR. PONWITH: My understanding is that, yes, that is the maximum and the minimum individual observation for each of those by trip.

MS. BECKWITH: Yes; so you're looking at that right. You can have potential longline trips that can catch and bring back to the dock 35,000 pounds; so definitely something to keep in mind. Anyone else? Okay, Brian, you're going to be looking at Attachment A4.

DR. CHEUVRONT: After the closure had occurred, there was some discussion about, well, what is going on, what are some things that the council can consider to stop this from happening again? This was the first time that the commercial fishery had been shut down in the middle of a season.

One of the things that had come up was the idea of the consideration of a commercial dolphin trip limit. The council has considered this several times before. The most recent time that was considered was in Dolphin Wahoo Amendment 5, the same one that increased the ACL for the commercial sector.

What I did, based on some discussion that was going on, with some help from some other people on the staff, we put together the history of dolphin management, particularly as it relates to the concept of trip limits; and that is the whole first part of this document that you've got here. Somehow this version of it lost the page numbers on it, and I'm sorry about that.

But what I did was after we decided that a trip limit was something that the council might want to discuss, I went back to Amendment 5 and pulled out that Action 4 that considered a commercial trip limit; and in that the council considered several trip limits. The no action alternative, of course, was not to establish any commercial trip limit, which is what the council ended up choosing.

But then you had set a 1,000 pound, 2,000 pound, 3,000 pound, 4,000 pound, 5,000 pound and 10,000 pounds as the trip limits that you wanted to consider. Now one of the things that had happened – now there is a table here – if you looked at these trip limits, one of the things that was considered was whether there was a difference between north and south of Latitude 31. Latitude 31, Doug, correct me if I'm wrong, but that is right about Brunswick, Georgia, correct?

MR. HAYMANS: Thirty-one is Jekyll Island.

DR. CHEUVRONT: Yes, 31 is Jekyll Island, so it is very close to Brunswick, Georgia. We're talking south of 31, basically Florida; and north of 31 you're talking about everybody else. Now remember the council manages dolphin for the entire Atlantic; that means all the way to Maine. If you look at this table, which comes directly from Amendment 5, it goes through 2008 through 2012. Trips with more than 10,000 pounds averaged about two trips a year.

There is a table that I've got – and let me pull it up and show you – just for 2014 alone. I didn't have access to 2015 data. Here is the same table reproduced just for 2014. You can see in 2014 you had 26 trips that landed 10,000 pounds or greater. Now, when you look at the number of trips that are landing large amounts of dolphin, they are really relatively small in terms of the total percentage of the total trips; because if you look here, in 2014 you had a little over 2,600 trips.

But if you add up the numbers here, you have roughly 125 trips that landed more than 1,000 pounds. If you look at the number of trips that landed more than 3,000 pounds, for example, you are talking roughly 50 trips landed more than 3,000 pounds in 2014, and that was a year of big trip numbers. I wanted to point that out. There is something clearly has happened.

You are starting to see in more recent years trips with large amounts of dolphin being caught. Now, one of the things that the council might want to consider in the discussion of whether you want to consider a trip limit is that when this FMP was established, it was decided by the council that you were not going to have a directed commercial fishery.

But when you are getting trips where people are landing over 30,000 pounds on a single trip and especially with the changes that occurred in HMS; if it is not happening, it is probably very tempting to make the dolphin fishery a directed fishery. Also in the time frame, think about this, most of these really big trips really do occur during the months of May and June.

There is a little bit of slippage over into April there might be a couple of big trips and maybe even into early July; but for the most part they occur in May and June. Madam Chair, I wanted to just sort of point that out to you. You can decide what you want to do. The notion of if you want to institute a trip limit, the good news is that this work has already been done on this Action 4. It was completely analyzed; it's gone out for scoping and public hearings and all.

If you decide you want to go with the idea of putting a commercial trip limit in for dolphin, you've got an opportunity here that you might be able to do this fairly quickly and get it in place for the next season. If you start adding other things or changing the alternatives and things like that; this could become like Dolphin and Wahoo 7 where we thought it was going to be a one-action amendment to allow fillets from the Bahamas, and it turned out to be like a six-action amendment that took a year or more to get done; and we thought it was going to happen pretty quickly.

I just wanted to put all that out on the table so you can begin having the discussion of what you want to do and how you might want to consider your response to what happened in the commercial dolphin fishery for this year.

MS. BECKWITH: Okay, has everyone actually had a chance to work through this document or do you guys want Brian to take us through real quick and just give us a history of management so everyone is kind of starting from the same page?

MR. HAYMANS: Can I ask him about this table first?

MS. BECKWITH: Specific to the table, Doug, go ahead.

MR. HAYMANS: Brian, the table that was up a moment ago was through '14.

DR. CHEUVRONT: It was only for 2014, only.

MR. HAYMANS: Where is that table?

DR. CHEUVRONT: That table was generated after the briefing book went out.

MR. HAYMANS: Did it get e-mailed?

DR. CHEUVRONT: I've actually got hard copies of it. It could be e-mailed to everybody if that is what you want. The concern that we had at the time was when we were messing with these numbers, we had to make sure that the data were not confidential. We had to go through and basically you will see there are some NA blocks on there because the data were confidential and we had to block out.

MS. BECKWITH: Brian, can you take us through this real quick? I want everyone to sort of start on the same page if folks haven't read it as detailed as I have, maybe.

DR. CHEUVRONT: You want to go all the way through all the history of management and everything?

MS. BECKWITH: Yes, in sort of quick fashion if you could. To move forward, sometimes we need to know where we've been; and I have until 5:30, so I'm not in any hurry.

DR. CHEUVRONT: I have some hard copies of it. I don't know if it is enough for everybody, though. In the history of management, it started with an emergency request but then an emergency rule was not implemented according to the request. That was in 2001. The council decided at that time that they were going to try to start doing a Dolphin Wahoo Amendment.

If I remember correctly – Gregg, if you can jump in if I make a mistake here, because I am not going to read the whole thing – the original Dolphin Wahoo Amendment was going to be done as a joint amendment between the Gulf and the Atlantic. The Gulf basically dropped out at some point; and the South Atlantic decided they were going to go ahead and do an amendment on their own, and it was for the entire Atlantic.

MSY was established; a 20-inch fork length minimum size limit off Georgia and Florida; prohibition of longline fishing for dolphin in areas closed to the use of such gear for HMS species. An allowable gear for the fishery was hook-and-line and handline/longlines where they were allowed. I'm trying to not go through all those specific things, but one of the things I also mentioned earlier is that it was decided in that original FMP that this was not going to be a directed commercial fishery.

Amendment 1 designated EFH and EFH-HAPC for dolphin. Amendment 2 was the Comprehensive ACL Amendment that established ACLs and sector allocations for dolphin and wahoo. At that time it was set at 7.3 percent commercial/92.7 percent recreational. In Amendment 3 – this CE-BA 3 that still hasn't been approved yet, but it was dealing with bycatch.

Amendment 4, this is part of the Generic Dealer Amendment that has been sent to formal review and has to do with dealer reporting requirements. Dolphin Wahoo Amendment 5 is the one that we were talking about earlier that changed the commercial ACLs and it just revised the ABC, ACL and ACTs for dolphin and wahoo; considered the trip limits at that point, but you decided to go with Action 1, Alternative 1, no action.

You can see that it changed the ACL equals OY equals ABC for dolphin to 15 million pounds. That was the original one and set it at 1.157 million pounds; changed the Dolphin Wahoo Framework Actions. Here is the action that we talked about establishing the trip limit, but decided not to go through with that.

Dolphin Wahoo Amendment 6 is the Charter Headboat Reporting Requirement. Dolphin Wahoo Amendment 7, which you approved last December, is the actions to bring fillets from the Bahamas. Then Amendment 8 is the Generic AM and Dolphin Allocation is where we changed the dolphin allocation to 10 percent.

Then it goes up to 15.3 million pounds is total, and it is 1.534 million pounds commercial. Amendment 9 is the Generic Commercial Logbook Amendment; 10 is the Joint Vessel Reporting Amendment; and then 13 is the bulletin that came out this spring that closed the commercial fishery for the first time.

Then 14 is when they reopened it for a few days to let those folks who were still out on longline trips to bring the fish back. Those are all the changes, and you can see there has been a flurry of actions that have affected this fishery in just the last couple of years alone. That is kind of where we are historically and that leads us back to this action from Amendment 5.

MS. BECKWITH: I'm going to open up discussion now. I don't really want to take any motions right this second. Let's just talk sort of in big picture for a few minutes. We know that we've got the 1.5 ACL that is going to be implemented here soon. We know that we have a shifting of effort from the hook-and-line to the longliners that is occurring.

We know that we are seeing some substantially larger trips coming in from longliners that we haven't seen in the past. We sort of know that the original FMP did not have that as an intended directed fishery. That is sort of where we are. I want to get a sense of – you know, we could take this in lots of different directions. We could move to implement trip limits now. We could think about not implementing trip limits now and look into the future of the dolphin fishery and start discussing things like limited entry or other factors. I am going to start with Zack.

MR. BOWEN: If you want to talk big picture, like you said we also know this is an open access permit. We could consider making it not an open access permit. I am recalling from memory, but Dr. McGovern, when he was going over recreational landings a while ago, I want to say he said that the recreational dolphin landings right now were at – again from memory – 38 percent. We could also discuss the nasty “A” word of allocation instead of trip limits.

DR. MCGOVERN: I just wanted to correct what I said. In 2014 37 percent of the recreational ACL is met; and thus far in 2015 we're at 22 percent of the recreational ACL. That is through Wave 3.

MR. BOWEN: That is a lot of fish left in the water.

MS. BECKWITH: Right; and those are larger discussions than the short term. That would be sort of a long-term discussion.

MR. HAYMANS: I guess just from my perspective, I think it is good and it's healthy that we're able to look at data as quickly as we're able to look at it and understand that we've got a blip on the radar that we need to keep an eye on. But we are at 30 percent of the total ACL, if you combine both, thereabouts; the fishery is not overfished, not undergoing overfishing. We've got a new ACL in place. For all those reasons and many more, if I had my No New Amendments Sign, I would put it out; but, Monica, I didn't bring it. I am not in favor of, as we continue this discussion, looking at any trip limits or anything of that nature today.

MR. BREWER: And I beg to differ.

MS. BECKWITH: No motions, just discussion.

MR. BREWER: The commercial dolphin fishery has never, ever, ever been closed, period. This council – and I might point out that it has never been closed; and this time in 2015 it was closed in June. That has real ramifications. It has real ramifications for the smaller hook-and-line guys that are selling directly to fisheries or to restaurants, because they are closed out, too.

They cannot supply fresh-caught dolphin to the restaurants and the fish markets in Florida or throughout where we monitor. The folks in the Mid-Atlantic; a lot of them didn't even get a chance to fish for dolphin this year because it got closed out; because it got closed from Key West to Maine.

We are seeing what this council has been concerned about for a lot of years. It goes back to 2000 when the trip limits were first put in place. They were taken out by the – excuse me, I'm wrong, I'm wrong. In 2000 I believe it was an emergency rule that was not approved. Then again in 2003 trip limits were put in place in the fishery management plan of that year.

They were taken out because it was determined that no, they are not necessary because nobody is exceeding their ACL. It was considered again in Amendment 5 – this is Action 4 – and it was determined at that time by the council; no, nobody is exceeding their ACL so we really don't need them.

This year the commercial exceeded their ACL in June. I am pretty familiar with Amendment 7 because of the time that I spent with ICCAT. Amendment 7 is not going to change. Amendment 7 is not the only factor, but it is helping to force something that this council has not wanted to see and that is a directed longline fishery for dolphin.

It is happening. If you take a look, you saw those big increases in 2014. The average catch in 2014 for longlines was 820 pounds. In 2015 that goes up by 250 percent. That is the change that you're seeing and that is the acceleration in the change that you're seeing. We might disagree, but I think two years you can see a change. You can see a trend.

As a recreational fisherman, I would be very concerned to see a directed longline fishery for dolphin. That has ramifications beyond adversely affecting the smaller hook-and-line guys. It can also affect other important recreational fisheries. You can go back to the purpose and need that was set forth by this council in 2003:

“The FMP represents a proactive approach to maintaining healthy stocks of dolphin and wahoo, with action intended to cap participation, effort, and landings in the fishery. Approved actions provide equitable harvesting restrictions to the recreational and commercial sectors and maintain the historical participation by both user groups.

“The intended effects of the FMP are to conserve and manage dolphin and wahoo off the Atlantic states, Maine through the east coast of Florida, and to ensure that no new fisheries for dolphin and wahoo develop.” We're witnessing the development of the new fishery, and that is a directed fishery on dolphin in the commercial side.

If we don't want to see a repeat in 2016 of what happened in 2015, then we do need some trip limits put in place or we need to do something. The only thing that we can effectively do is essentially a framework to Amendment 5, which would go back and reevaluate the change in circumstances; and the changing circumstances are this huge increase in the pounds landed average. That can be accomplished.

Allocation; that is not going to happen before January 1, 2016. A lot of the things that we might consider are not going to happen before January 1, 2016. If we want to protect the smaller guys, if we want to protect the guys from the Mid-Atlantic, then we do need to put a trip limit in place. It is the only thing that we can put in place even if we put it in place temporarily. It's a framework, but it has to be put in place.

MS. BECKWITH: Ben, can you speak a little bit about the concerns of shifting efforts between longline and hook-and-line and what is sort of happening with the ACL?

MR. HARTIG: Maybe. Basically Chester pointed out 2014 and 2015. In 2010 through 2013 the average trip by the longline averaged 400 to 600 pounds. Then in 2014, as Chester mentioned, it went to 800 pounds; 2015, now we're at 2,000 pounds. Actually you are more than doubling your volume of fish you're catching per trip. Your question was what the –

MS. BECKWITH: Is there a concern with the hook-and-line folks that there is a shift in effort?

MR. HARTIG: Basically, Florida and other areas have a hook-and-line fishery that supports all the small restaurants. I mentioned earlier about the restaurants having the necessary permits to be able to buy these fish as dealers. It is not just the impact on the fishermen that closure had. It has an impact on the myriad of small restaurants that supply dolphin to the local consuming public in those areas.

The increase in the longline fishery has put the hook-and-line fishery out of business for six months. The hook-and-line fishery does continue to produce fish throughout the year while the longline fishery gears down significantly after July. We have a bump actually right now in dolphin. As they're moving back south, we have a bump in our dolphin fishery that it is occurring right now.

They are catching quite a few dolphins in this time of the year. Those dolphin now are not available to the commercial fishing sector. The other thing about dolphin that was so important in our area, the fisheries in south Florida aren't really volume fisheries. We're dependent on a few animals of each species to make a trip.

When you're out catching king mackerel, you're out catching reef fish. Those dolphin are very important. The price we get for dolphin now has more than doubled in the last couple of years. It used to be a \$2.00, \$2.50 a pound fish; now it is a \$4.00, \$4.50 a pound fish. I'm not sure what the longline fishery is getting for those animals.

It doesn't take a whole lot of dolphin on a hook-and-line trip to make that trip significantly more profitable. The concern from the hook-and-line fishery is that as the longline fishery increases their productivity in this fishery, it is pushing the commercial fishery to lower and lower levels of catch each year. We're concerned about that.

I don't have a problem with the longline fishery operating at a specific level. I do have a problem when it starts to impact and close fisheries and impact the myriad of businesses that it does. What I would like to see is some trip limit that allows the longline fishery to remain viable but allow enough harvest so that the hook-and-line fishery remains at a more or less stable level as it has for a number of years before the last couple of years.

To me we need a trip limit, and we don't need to clamp down so much that these longline fishermen can't catch the quota; because the hook-and-line fishery, if you look at the numbers, they are only going to catch so many fish. It is not like we can increase our harvest like the longline has the ability to do. We can't do that because based on our gear inefficiencies, we can't catch the same number of fish that they do. Somehow we need to adjust the longline trip limit to make them still profitable while allowing the fishery to stay open for the year. That is what I'm trying to get at.

MS. BECKWITH: That begs two questions in my mind that maybe someone can answer. One; what are the resource concerns potentially for having these really large trip limits that come in? If we have a bunch of 10, 15, 20, 25,000 pound trips come in and these fish come through in waves; does that impact the availability locally to, let's say, the charter industry in North Carolina and Florida, where that is sort of their bread-and-butter fishery; so that is one question I would have.

Then another question I would have is how could a longline vessel actually control the amount of effort or catch that they're bringing in? Can they sort of self-control the number of hooks? How does that work, because clearly I'm not a longliner; so if you know you have an unlimited trip limit, then you sort of put out as much gear as you want. If you have a 10,000 pound or a 5,000 pound trip limit for dolphin, is that something that that gear type is able to self-regulate or they are going to sort of catch what they catch and the discards are going to happen regardless. Can anyone sort of speak to that?

MR. COX: Yes; I understand that the dolphin fishery is one of the healthiest fisheries that we have; and these fish, it is a directed commercial fishery only for about 60 days. These fish start way in the southern part of the United States; they travel up. They get about to Hatteras and they shoot straight off. They go back to the east.

Here we are trying to talk about trip limits and things, but I think what we need to understand is these fish mature very fast. It is a very healthy fishery. If we had the 400,000 pounds going into this season, I don't think we would be having the discussions that we're having right now. I think that is going to solve the problem next year.

I don't think it is time to talk about a trip limit, because these guys are going to catch what the American consumer is putting the demand on. You can see the demand by the price per pound that they're willing to pay for it.

When you talk about a directed fishery, the recreational guys that are out bailing dolphin on the back of the boat, they are directing the mahi fishery as well. I don't think we need to get real worked up at this point on what is going on with it until we see what happens next year after we get the added 400,000 pounds and add it to the ACL.

MS. BECKWITH: Real quick; can anyone actually answer my question about how the longliners can sort of control effort?

MR. BROWN: I used to longline, I used to have longline boats, so you just reduce the amount of gear you put in the water, the amount of hooks, and then you could limit that. There would be

ways you could control it. One of the things too that I wanted to mention is that this sounds real close to being a conflict like also with the golden tile fishery with the fact that you've got the longline boats and the hook-and-line guys. I kind of think that maybe we ought to look at some sort of an idea of splitting that ACL and maybe have part of this ACL go towards the handline fishermen and then part of it towards the longline gear fishermen.

MR. DiLERNIA: I have a question. The recreational ACL; is there at surplus at the end of the year or does the recreational fishery take all the fish that is allocated to them?

MS. BECKWITH: We have a surplus in our recreational ACL; but again if we go back to the original purpose and management objectives of our FMP, our current standing FMP very specifically manages dolphin for recreational benefit; and its intent was to not allow a directed dolphin harvest and to not really sort of increase effort past that 1.5 million on average poundage. That is sort of where we are.

If we needed to go back and have a larger discussion on if this council deems it appropriate to allow this fishery to become a directed fishery, I think that is a different discussion. But as it stands right now, it is not meant to be a directed fishery and it is meant to be towards the benefit of the recreational industry.

When it is targeted in May and June, that is also the peak of the charter fleets time period; and that is again sort of the bread and butter of the for-hire industry. We can all sort of see where this could go.

MR. BOWEN: Madam Chair, maybe Brian could tell us or you. What year was that FMP?

DR. CHEUVRONT: 2004.

MR. BOWEN: 2004, pre-reauthorization of the Magnuson Act, so the commercial guys went through a lot of changes since the reauthorization? I just wanted to throw that out there.

MR. CONKLIN: I'm not on the committee. I'm just wondering if it wasn't meant to be a directed fishery, why do we have a commercial permit for dolphin.

MR. BROWN: The commercial guys have a small ACL. We're talking about increasing it from 7.5 to 10 percent of the entire effort. I'm just thinking the commercial guys should be able to catch their ACL; shouldn't they? Shouldn't they be able to land what is allotted to them and then just the fishery closes?

I think that the bigger boats that we're talking about that everybody seems to be concerned about, those are the guys that probably have a lot invested in their boats and it costs them a lot to go fishing. Obviously, they're going to try to catch as many as they can, and it is a short window of opportunity to be able to catch them. This year off Charleston we had a poor run of fish. We didn't catch very many as far as the recreational guys go. I talked to everybody.

Everybody said the same thing, but there were some big landings of the dolphin that came in at Cherry Point, which was one of the commercial docks. I asked those guys about it, I said, "Man,

where were you all catching your fish, because we just didn't see them"; and they were 100 miles or more east of Charleston.

They said that the stream had made a bend and it turned offshore and then the warmer water had settled in earlier in the year, and that is why a lot of these fish were caught up so soon. At 10 percent, that is not a big portion of the ACL. Let them catch the 10 percent, but I think we need to decide on what we're going to do with the separation between the handline and the longline fishermen.

MR. BELL: The problem is not the commercial guys catching their ACL or the recreational guys not. The problem is that within the recreational ACL, due to the use of some efficient gear type, they just reached the ACL awful fast and caused the whole commercial fishery to shut down, which has repercussions for a whole bunch of people at smaller levels.

The real issue is how you allow the commercial folks to obtain their ACL. The bad thing you want to avoid is having the whole fishery shut down and cut off the stream of dolphin for the year. That is what kind of leaves you to, okay, how do you limit then that overly efficient gear; that is what takes you to the concept of trip limits.

The other alternative is to give them a bigger piece of the ACL, which we don't want to talk about right now. There is not necessarily a resource issue if you've got plenty of fish in the water still; but it is really just about the application of this really efficient gear causing the overall commercial fishery to shut down. That is not what you want to happen; you don't want the commercial fishery to shut down.

MR. PHILLIPS: Madam Chair, I am not on your committee, but we do have industry. Jim Busse is out there and maybe he could come to the table and answer some of those questions that you had; at your pleasure.

MR. BUSSE: Jim Busse, owner of Seafood Atlantic.

MS. BECKWITH: One of my original questions was how can the pelagic longliners sort of control the amount of harvest that they can take? You guys haven't had a trip limit; but if you were restrained to a 10,000 pound trip limit, how would you be able to restrain yourselves?

MR. BUSSE: For two and a half years we've been trying to get this extra 3 percent. If we had the 10 percent, we would have another 400,000 pounds.

MS. BECKWITH: This isn't public comment so only answer the questions that are specifically asked, please.

MR. BUSSE: What was the question?

MS. BECKWITH: If you have a trip limit; how can you alter your gear to restrain yourself within a trip limit? Let's say you have no trip limit now but if we decided on a 10,000 pound trip limit or a 5,000 pound trip limit; how would you prosecute your fishery to be able to maintain that trip limit?

MR. BUSSE: You would have to stop fishing after you made a few sets, because some of these guys are catching a lot of fish in one set. These guys that were smart enough and invested enough money to put the equipment on board to know that there was that piece of warm water 100 miles east of Charleston; those are the ones that benefited by taking care of business.

These guys that travel out there, if they had a 10,000 pound trip limit, if you look at your averages for those figures on your chart; each trip for 2014 above and below 31 degrees, the average on the above was 16,000. The average below was around 17,000 or 16,000 pounds per trip of longline vessels.

There is your trip limit right there. If you had a 15,000 pound trip limit in place today, you would have that extra 400,000 pounds that we've been working on for two and a half years to get; there would be no problem. Ben could take his catches of dolphin and sell them to a small restaurant that has the proper permits in Jupiter.

Jim Budi over there, who owns the Eagle Eye Fleet, he could go out and catch 15,000 pounds; so there is your trip limit right there. If you are going to play a trip limit game, I suggest 15,000; get the 400,000 lined up here, fast-track it; put an experimental 15,000 pound trip limit on these guys. I think you would have an experimental time period where you could reevaluate, come back next year and see how it worked out.

MS. BECKWITH: How many days are your trips typically?

MR. BUSSE: How many days what?

MS. BECKWITH: How many days are you guys out there when you're on your trips?

MR. BUSSE: On the big trips? Jim Budi, answer that for us, please? How many days, Jim?

MR. BUDI: Between 21 and 30

MS. BECKWITH: Between 21 and 30.

MR. BUSSE: Let me answer your question, 15 to 30 days.

MS. BECKWITH: Okay; and those are typically, the vessels that are out 15 to 30 days are typically the ones that are bringing in the largest trip limits, the 16,000 trip limits, 20,000 pounds of mahi?

MR. BUDI: No.

MS. BECKWITH: Okay, come up to the microphone, please. Sorry, guys, I need an education on this.

MR. BUSSE: This is good, I think we all do.

MR. BUDI: Thanks for the opportunity to comment. Jim Budi; and I am manager of the Eagle Eye fleet, I don't know if you need background. We're distant water boats. Some of you may

know us from the reality show called Swords Life on the Line, Eagle Eye II, Seahawk and whatnot.

To answer your question, our boats actually are considered distant water big boats although they are the size of a shrimp boat. Our biggest boat is 96; our other boats are about 72. Our boats have caught mahi as an incidental catch. When I talk about a trip that is 21 days or longer, I'm talking about our typical trip that oftentimes is about 1,000 miles offshore from the east coast.

Right now our boats are fishing the Grand Banks up about where the Titanic sank. The relationship of big boats to big catch is erroneous. This year the biggest catch was brought in by a boat that I think was somewhere in the 50-foot range, so the biggest catch of mahi. It has to do with the ability of the captains for the most part.

There are some boats that are restricted in their size to fish holds that can only hold 15,000 pounds; but they have sort of an inefficiency in their size. Can I comment more on the difference in boat sizes and what it means; would that be helpful? With a larger boat, there is an efficiency to whatever species you're targeting in that the larger boats tend to put out more line.

I did a quick back-of-the-napkin thing, about 29 percent on average for what we would call a distant water boat. Our boats are self-sufficient, they make their own ice, and they have freezers. One of the things wrong with a trip limit right out of the bag is if you are looking at it from a marketing standpoint, a frozen product or a product that is kept on saltwater ice is a completely different product than a freshwater ice product.

The effort is something else. If you don't mind me commenting on some of the things a few people have discussed; I think it would be helpful. The effort is peculiar this year in that some of the distant water boats that have been involved in the mahi fishery in the past weren't there this year. I can name three of the big ones who have been in that 20,000-plus pound trip.

The talk about boats changing to a mahi fishery to avoid bluefin, that is almost like a given with the way people are talking. Yet in my own experience with our boats; we haven't switched over to the type of gear that would catch more mahi. Some of the boats that produce the most mahi historically weren't there this year, so it is kind of interesting where the catch is coming from.

MS. BECKWITH: I appreciate it. Well, we're going to come back to just council.

MR. BREWER: If one is directing on dolphin – I don't call them mahi; but if a longline boat is directing on dolphin; does it use the same kind of gear that is used when it is directing on swords?

MR. BUDI: Well, that is a curious question, because we were involved in the NED research many years ago – it seems like many years ago – that came up with the circle hook. We're very proud of that. There were 13 boats in the Grand Banks that developed that and we learned a lot about reducing the post-release mortality of a host of different creatures. That said, circle hooks are a requirement for permitted longline boats, but apparently there are new longline boats that use the dolphin wahoo permit that may not be under that requirement. When you asked me that question, I can't really answer that. Terri, can you address that; Terri Beidemen, head of Blue Water Fishing Association.

MS. BECKWITH: Chester, do you want that answer?

MR. BREWER: Terri, I'll be more specific – how you doing, by the way? It is good to see you.

MR. BEIDEMEN: It's good to see you, too.

MS. BECKWITH: I'm showing a lot of leniency here, so speak up.

MR. BREWER: And I appreciate that. I'll ask the question this way, because I think I probably did not make myself clear. I know the difference between circle hooks and J hooks. I've been involved in those discussions for years, even with Terri. My question really is we're the one that's talking about J hooks or circle hooks. When one is targeting dolphin, let's say; does one set the equipment, in other words, at a different depth or in a different temperature or different lunar cycle or whatever than one sets the gear if one is targeting swords?

MR. BUDI: I'll answer it. Yes; there is a different strategy for whatever fish that people might be trying to get the majority of in their catch.

MR. BREWER: I've been told – and it is anecdotal and I'm just asking you whether what I've been told is correct. Typically swordfish, you fish at night, you fish typically deeper. Dolphin, you fish typically in the day and typically shallower. Is that information correct?

MR. BUDI: Yes. Again, our vessels haven't targeted dolphin, so we haven't practiced that; but that is my understanding also.

MS. BECKWITH: All right, thanks, folks, thanks for the education. Does anybody have any other comments? Are we actually ready to start to wrapping this up and thinking about what our next steps are? Some ideas I've heard are for the long term maybe exploring some separate ACLs for the longline and the hook and line; maybe reconsideration of the limited entry aspect of the permit; and some different trip limits that we may or may not be interested in moving forward now.

We've heard from the industry that if we wanted to move forward and sort of draw a line in the sand where we would not want to have any increase from that point; that 15,000 pounds might be something for us to take into consideration. Now you guys can tell me what you want to do about trip limits.

MR. BOWEN: Another long-term consideration that was pointed out to me a while ago was we may want to consider modification of the purpose and need of this amendment since it was pre-authorization. Again that is long term, but I think that needs to be on the record.

DR. DUVAL: Madam Chair, I am not on your committee. I guess one other option I would just throw out there – and this has been mentioned in some of the letters we've received via public comment – would be establishment of some kind of common pool or reserved category or something along those lines. I guess I would just throw that out there for the committee's discussion as well.

MS. BECKWITH: Right; there are other things that HMS style management does. They do have rollovers, reserve categories. They actually have trip limit ranges that we can approve and shift depending on effort and need. There are some different ways to manage this if we wanted to go that route.

DR. CRABTREE: One thing I think you ought to keep in mind; if we are going to have a longline fishery that is outside of the HMS vessels, you need to think about circle hook requirements. That came up and that was a big issue ten years or so with respect to turtle takes. I don't know if we're having turtle takes in this fishery or not, but I think it is something we're going to need to take a look at.

MS. BECKWITH: Is there anybody else? Okay, let me remind folks who are on the committee – any motions would have to come from these folks – Tony, Doug, Chester, Zack and Mark. Now to Brian, we don't have an option in here that – I think the largest trip limit is 10,000 pounds. Anything larger than that would slow down this process if we were to include a larger trip limit, correct?

DR. CHEUVRONT: I believe Monica would have to answer that question, because that would put it out of the scope of what was previously considered. Previously considered maximum was a 10,000 pound trip limit, but now the council or what Madam Chairman has suggested is perhaps a larger trip limit, like a 15,000 pound trip limit. Since it is outside the range of what was considered before, this would probably have to start all over again with the action; is that correct?

MS. SMIT-BRUNELLO: If you had asked me the question, the question is would it take more time to and analyze more; could you pick other trip limits outside the range of what was previously analyzed?

DR. CHEUVRONT: That is correct.

MS. BECKWITH: And keep it on the quick track.

MS. SMIT-BRUNELLO: Even the analysis that was done before, you now have some new information in terms of harvest and those sorts of things, so you would need to update that anyway. But, yes, you need to analyze the range of alternatives. I don't know exactly what the quick track means. I don't know how quickly the staff folks can come up with the analyses that you would need.

DR. CHEUVRONT: I believe there has been discussion that if the council wants to go ahead and consider a trip limit would be to have an amendment with a one action in it in December ready to vote up or down.

MS. SMIT-BRUNELLO: Okay, so you're going to have to analyze whatever you put in there. I have no idea whether given the workload – I mean Gregg could address that or Jack could address that – given the workload that you've got on your staffs right now, whether they would be able to do additional analyses; but if you think that there should be a different range of trip limit measures in there, then I think that is what you should consider.

MR. BREWER: I do have a motion, but I'm going to wait a moment to take it. To follow up on that question, Amendment 5 did have Alternatives 1 through 7, which were fully analyzed and went out to scoping, et cetera, et cetera. If you stay within Alternatives 1 through 7, then you can go forward with it.

MS. BECKWITH: Right; and then bringing up the 15,000 pounds, because that is what we heard from the industry; if we were to choose one of the ones that is previously analyzed, certainly we could reconsider that trip limit once we started to move forward with any of these other options for the long-term management of dolphin that we've discussed, circle hooks, limited entry, splitting out the ACL; all these other great ideas that we sort of need to discuss.

DR. CRABTREE: You are not going to be able to just take an analysis that was done a couple of years ago and just say here is the analysis. It is going to have to be redone to pull in all of the data that we have. I don't know if adding an additional trip limit into it makes that much more time consuming to do it; but you're not going to just take what was in Amendment 5 and reuse that. It will have to be updated to reflect all the data that we have.

MS. BECKWITH: I guess to that point, Brian, if we were going to add an additional alternative for analysis and we were able to look at it in December; could we go the route of an HMS style range where – and, Roy, this one is really for you, probably – where we can approve a range that we could sort of work within, depending on effort or how we need to change effort in the fishery; you know 7 to 10,000 pounds, 10 to 15,000 pounds, sort of ranges that we would be able to work within without having to do a full amendment process?

DR. CRABTREE: Well, it sounds like what you're talking about is doing a framework to do that. I think you already have a framework in place that allows you to set trip limits now. You might be able to get to some sort of abbreviated framework, but I don't know that is all that quicker than a framework.

DR. DUVAL: Roy, I guess just making sure that what Anna was talking about, having the same kind of in-season adjustment authority that HMS has right now, if the council wanted to do so, could we give you that authority to adjust those trip limits in-season such that we could try to ensure that the season would last longer by approving sort of a minimum and maximum trip limit range? Is that possible?

DR. CRABTREE: What we've done in the past is set up that when some fraction of the quota is caught, the trip limit is adjusted. Now, in this case the fishery has happened really quickly and that might logistically be difficult to do, I don't know. But that is what we've done in other fisheries is when some fraction of the quota is caught, there is a trip limit adjustment. I'm not sure beyond that what you're referring to, because I am not that familiar with the HMS fishery and how they do it.

MS. BECKWITH: They may say that there is 45 large coastal sharks are allowed, but they have a maximum of 55. Through the Federal Registry, they can set within that range. Between 45 and 55 sharks, they can set that range for the next year; that trip limit for the next year.

DR. CRABTREE: Like annual specifications that we would do each year based on what happened the year before?

MS. BECKWITH: Yes.

DR. CRABTREE: I think we could set something up along those lines.

MR. HARTIG: To Roy's point; to me when you talk about 75 percent – I was thinking about this a little bit earlier – I mean maybe not have a trip limit for the first part of the season and then implement a trip limit at 75 percent of when the landings are caught. That way the longlines will be able to participate at the levels they have been participating and then have some smaller trip limit towards the end of the season to still allow them to participate may be a way to do it.

MR. BROWN: Yes; and I would have to agree with Ben, too. We've got other fisheries we already do that with. It would be kind of a put the brakes on a little bit and then maybe kind of gliding into a trip limit; but you would already be fishing at your maximum up to that point.

MR. BOWEN: I would like to make a motion that we pick Alternative 1, no action, no trip limit; and the reasoning for that is because of the 400,000 pound increase. I make a motion that we go with Alternative 1, no action.

DR. CHEUVRONT: I don't know that you need to make a motion because that is currently what you have.

MR. BOWEN: Okay, status quo, we're good.

DR. CHEUVRONT: That is status quo.

MS. BECKWITH: Anybody else?

MR. BREWER: Madam Chair, I move that we direct staff to, number one, draft a regulatory amendment to evaluate commercial dolphin trip limit Alternatives 1 through 7 as outlined in Action 4 from Dolphin Wahoo Amendment 5; number two, that the council select an alternative, whichever one that is, as preferred based on the new impacts as analyzed in the discussion document and recreation of Table 4-2; three – that was the one that was up there – and, three, approve the regulatory amendment for public hearings to be held via webinar. The intent would be for this to be reviewed by the council along with public comments and to possibly take final action to send for formal review at the December 2015 council meeting.

MS. BECKWITH: Well, that would require a second. Okay, motion fails for lack of a second.

MR. HAYMANS: Chester, I listened and heard your argument very thoroughly earlier, and I appreciate the thoroughness with which you presented it. I still say that the one blip – I see that the last three years of per trip landings has increased; I understand that. But I look at where we're hitting the ACL.

I'm going to go back – and I hope I've interpreted Attachment 2, Figures 3 and 4 correctly; but this year is the first time – well, first of all, it looks like to me the fishery ends – in the large trip landings, it looks like they end somewhere around June to July. From there on out you've got

roughly 1,000 trips for the rest of year, and it looks like those were all hook-and-line boats, based on the landings that they're bringing in.

I'm willing to see next year's with the increase in ACL of 400,000 pounds to see whether or not the longline fishery still ends in June or July and we have that continued hook and line for the rest of the year. I am willing to take that risk, and I guess it is mute now that we don't have a second. I appreciate the thoroughness with which you put that argument together.

MS. BECKWITH: Now, let me be clear, I agree with Chester. I think we're going to be right here having this same discussion next year if we don't move forward with something. It is going to be blueline tilefish where we didn't increase the management region up. I think we are going to have an issue with the hook and line.

We are making a choice at this table right now that next year even with that 400,000 pounds, we are gambling that ACL is going to be reached. It is going to be reached early and the entire ACL is going to be shut down for hook and line and for pelagic longlines. If this is the route that the committee wants to take, that is fine.

But I would suggest we start to look forward with actually asking for some scoping, preparing a scoping document with some of the things that we discussed such as separating the ACL for hook and line and for longlines and for limited entry and some of those other discussions that we have started having. Zack looks very confused, so go ahead.

MR. BOWEN: Madam Chair, I constantly look confused, I think, especially during this committee for some reason. I know we're trying to do this as quickly as we can and we don't want to see the closed fishery. But, again, I am going to reiterate the recreational guys are catching 37 percent of their ACL. I don't want to wait a year and have a closed fishery either for the commercial fellows. Why can't we or can we shift some of that allocation?

MS. BECKWITH: Not short term, no. That would part of the longer-term discussion.

MR. DiLERNIA: The 400,000 pounds, is that a permanent transfer or is that just for next season only?

MS. BECKWITH: Permanent.

MR. DiLERNIA: How does that transfer occur?

MS. BECKWITH: We changed the allocation.

MR. DiLERNIA: That is going to be a permanent transfer?

MR. HAYMANS: It's permanent until we change it.

MR. DiLERNIA: It is permanent until you change it, okay.

MR. BROWN: How long would it take to develop another alternative? If we wanted to do an Alternative 8 for a 15,000 pound trip limit; would that take very long to do that? Could we

recommend like a motion for developing framework for an Alternative 8? Say the ACL does not have a trip limit until it meets 75 percent of the ACL and then it is reduced down to a 15,000 pound trip limit; and then also look at having a separation between the handline fishermen and the longline.

MS. BECKWITH: The separation would have to be in a longer amendment. If we wanted to put in a trip limit and keep it simple, then I would suggest adding an Alternative 8 to consider 15,000 pound trip limit and leave it at that; and we would see that again in December. That would at least sort of draw a line in the sand where we're not going to have 20 and 25,000 pounds of dolphin coming in on any given trip and cover the current effort in that longline industry.

MR. BROWN: All right, Madam Chair, then I would like to make a motion to develop an Alternative 8 for a 15,000 pound trip limit for the commercial dolphin ACL.

MS. BECKWITH: Do I have a second?

MR. BREWER: If he's offering that as an amendment to my motion, in other words, the motion stands and we add –

MS. BECKWITH: No, yours died.

MR. BREWER: I'm done?

MS. BECKWITH: Yes. Tony, do you want to second?

MR. DiLERNIA: Second.

DR. CRABTREE: Well, so implicit in this motion is that you are directing staff to develop a framework amendment that includes all the Alternatives 1 through 7 and adds this to it, right?

MS. BECKWITH: Yes, sir.

MR. WAUGH: This discussion is going to have to take place at Executive Finances; but what you have asked us to do is to consider – right now we're looking at four new regulatory amendments that you would like to see done to affect what happens next year. The way we've discussed this dolphin potential regulatory amendment thus far is in order to affect the 2016 fishing year, you all need to approve this for formal review at your December meeting.

That means you need to give us the range of alternatives, preferably a preferred alternative at this meeting so that we could go forward. The analyses have been updated in that table so that you can see the impacts for the different alternatives. If you now add an alternative that is not in there, then you are not going to have the analyses before you to pick a preferred alternative at this meeting.

Plus that is going to add to the workload of our staff and the Regional Office staff in order to get this done. That would have to be done before the amendment went out for public hearings. Then you are going to pick a preferred in December. It just raises the amount of work involved

in this amendment. You are going to have to talk during Executive Finance what you're willing to give up of the other priorities that we were already working on.

What we've offered up for discussions is that you consider in Snapper Grouper Regulatory Amendment 23, putting that on the back burner until next year for some of these other regulatory amendments that you're looking at. Adding it makes it a little more complex. I am not sure that you will be able to pick a preferred at this meeting, which will require more work after the December meeting in order to complete that document once you do have a preferred.

MS. BECKWITH: Okay, I don't think this council is willing to give up anything to make this one happen. I would suggest that we either consider the 10,000 pound or nothing at all and move on.

MR. BROWN: Well, with what was just said, then I would like to withdraw my motion. I would like to ask the council to look at just leaving the current status as it is and let's see what happens with this additional adding to the ACL and see what happens. Can we have something being worked on for the future? Can something be looked at so that if we do get to this point next year; that we can go ahead and have an Alternative 8?

MR. WAUGH: One of the things we're going to talk about in Executive Finance is what starts to go on the list for 2016. I have heard some discussions that there are other items you want to look at in a dolphin amendment that could perhaps go into 2016. The idea is you tell us what amendments you want to work on in 2016 at this meeting; we bring that back to you in December; and then you give us your priority list for 2016. Depending on where a dolphin amendment would fall out in that work load, then we would address it at that time. It could be worked on, yes.

MS. BECKWITH: I'll work with Brian to put a list of possible actions for 2016 to bring back at full council for us to consider.

MR. CHEUVRONT: Madam Chair, I've actually started working. I've got seven possible actions plus changing the purpose and need as a potential new amendment for dolphin wahoo.

MR. DiLERNIA: I am very sensitive to my position as a liaison to another council. I have many years' experience as a liaison from the Mid-Atlantic to the New England Council, and I've always been very careful not to advocate any positions unless it has been directed by the council itself to direct that position or present that position to the other council; so I am careful not to do that.

At the same time, I am concerned with the closure that has occurred at the end of June, because many of the mahi that would come after the month of June into July and all will come from either the Mid-Atlantic of the southern New England Region, and so that has a direct affect on the fishermen in those regions.

I am in the position of having to use my judgment regarding or presenting a position or a situation or explaining a situation. This discussion reminds me very much of what we've done with bluefish in the Mid-Atlantic region. Originally the Bluefish FMP, which was developed in

the late eighties, was developed in response to what appeared to be a developing commercial fishery for bluefish. The bluefish fishery at that time, and still is primarily a recreational fishery.

As the FMP for bluefish was developed, an allocation was developed in which 83 percent of the ACL or the ABC would go to the recreational fishery and 17 percent of that quota would be allocated to the commercial fishery. When we developed Amendment 1 in the early nineties for the bluefish fishery, it was clear that the recreational fishery might not take its quota on a regular basis.

In Amendment 1 to the bluefish fishery, we installed a procedure whereby on an annual basis we would review the projected landings by the recreational fishery. If the projected landings for the upcoming year were substantially lower than what had been allocated to the recreational fishery, the council could decide on an annual basis if they wished to transfer some portion of what was a recreational quota to the commercial quota.

Each transfer on an annual basis is not a permanent transfer. Again, let me emphasize that transfer is done after a projection of how the recreational fishery would behave. That process was developed for a number of reasons; one, to ensure, as Chairman Hartig has described, a deliverable of rod-and-reel fish to the fresh fish markets that were serviced by recreational fishermen or for-hire captains that would have surplus bluefish on a regular basis before the Amendment 1 was put in place.

It was also designed to try to maximize the availability of bluefish to the American public; but it was always designed in such a way as to preserve the recreational fishery. That may be something this council may want to consider going forward. Again, that transfer has been on an annual basis. It is done after we've projected what the recreational fishery would take. This particular year there was some discussion about how much should be transferred.

Our transfer this year for 2016; the decision was made at the August meeting for the 2016 fishery not to transfer as much as has been transferred in the past because the ACL level has come down. But there has been a transfer and it is not a permanent transfer. Thank you very much for your time and for the opportunity to present that as something that you may want to consider.

MR. BECKWITH: Thank you, Tony. Zack, did you have a closing comment?

MR. BOWEN: Brian said he had a list of actions. Maybe he could read them, if that would be okay.

DR. CHEUVRONT: Not a problem. I am sorry they are not in any particular order, because I grabbed them as they were coming along. The first one is trip limits. The second action could be something like gear sector allocation; hook and line versus longline. Third would be limited entry for commercial dolphin permits.

The fourth would be to establish common pool allocation or reserve categories like in HMS. Six would be a circle hook requirement; and then just as Tony was talking about, I had an action for consider shifting allocation between sectors and have it either be permanent or a temporary transfer. Then the last thing, of course, was to reconsider the purpose and need to allow a directed commercial fishery.

MR. HARTIG: Brian, one interesting twist on the common pool would be – you know, the commercial fishery hasn't caught their allocation every year; so another way to look at that is in years when you don't have the commercial fishery catching their allocation; that part of the commercial fishery landings could be put in a pool for the next year.

Given the dynamics of dolphin, the increase in sargassum in the Atlantic, we're probably going to see dolphin population increase over time. The dynamics of that is yet to be seen but certainly that is something that we could investigate as well.

MS. BECKWITH: Right, like a rollover of sorts.

DR. DUVAL: I'm not on your committee, but I appreciate the opportunity to speak. I was just noticing in some of the comments that we received – and this is sort of like I guess bigger picture of what this fishery looks like on the commercial side – was just the commercial landings by region and by quarter.

We received a comment letter from a gentleman who had queried the landings' database or requested landings from the Science Center across regions. I do think something like that might – I mean as far as that can be done without displaying confidential information; I do think that helps to give maybe a broader picture of how the fishery operates and any shifting of effort.

We've looked at things sort of somewhat myopically focused on this region for the most part, north of 31 degrees latitude, south of 31 degrees latitude in terms of the landings; but I think having a better sense of how that harvest occurs up the coast from, say, the southern part to the Mid-Atlantic and New England regions.

We know that the bulk of that commercial fishery is really the months of May and June. It is very seasonal when those fish come through. I think that might be a useful thing. I'm not saying you've got to have this for December or anything.

I think that is just sort of a future big-picture piece of information that it would be useful for the council to have, especially since we have primary management authority for this fishery throughout the entire coast.

I think the other piece that Madam Chairman mentioned at the outset was I would certainly be curious to know how the commercial landings are differentiated amongst folks who are holders of both HMS and dolphin wahoo permits versus just dolphin wahoo permits; certainly based on the way the gear has to be set or prosecuted, the requirements for use of circle hooks or use of whole squid versus pieces. I think that might be interesting as well and might help inform future discussion of this fishery. Thank you for your latitude.

MS. BECKWITH: This is like an entire visioning document in one amendment, so you guys better get used to me being up here. Okay, are there any final comments?

MR. PHILLIPS: Like Michelle, I am not on your committee, so thank you. If we are thinking about doing some limited entry on dolphin wahoo, we need to be thinking about what control date we might want to be using.

MS. BECKWITH: There is a 1999 control date. We could certainly update that or we could use landings. I've been informed that we don't actually have to update the control date if we're going to use landing histories at some point.

DR. CRABTREE: That would be a pretty tough control date to stand by.

MS. BECKWITH: I think so, too. Should we update the control date, Roy, or do we need to? We can just base it on landings history for some date-sensitive that we discuss later?

DR. CRABTREE: I think if you're considering limited entry, you probably should put an update to a new control date.

MS. BECKWITH: Do we have to update it to 2015 or can we back track it to 2013 before the shift in pelagic longline?

DR. CHEUVRONT: Madam Chair, I think you would probably have a hard time going back to 2013 or something like that. You can maybe even choose the date by which the commercial fishery closed this year. That would include everybody who had participated in it, and it would put new entrants on notice that something could happen that might limit their participation in the future. I don't want to play Monica, but you might seriously think about if you want to backdate.

MS. SMIT-BRUNELLO: Well, I think Brian raises a good point; but also I think if you want to pick a date in the past, you have to have a good rationale record as to why you're doing it. I don't think you are prevented from doing it, but I think you have to have a good record to support the date you're choosing.

MS. BECKWITH: Sure, and I think the only reason that we would choose a prior date of 2013 at some point would be if we wanted to set it prior to this new shift in any directed fishery when our FMP clearly stated that a directed fishery was not what was intended. We would be bringing them back a couple of years to a baseline where it was not a directed fishery through the pelagic longline.

I see that as sort of two options and I invite folks to comment. Do you guys want to set a control date at the closing of this year and include sort of that shifting of effort from hook and line to the pelagics or do we want to back track to 2013? Let's do a strawman pole. No? Jessica, go ahead.

MS. McCAWLEY: I'm not on your committee. I wouldn't set a control date unless you've determined that you're going to start limiting entry in this fishery. I just think it's premature.

MS. BECKWITH: We are going to probably go that route. It is going to be in the next amendment for discussion. Do you guys want to think about it; and I'll ask you again at full council? Okay, that will be a full council question. I am right at two hours, which was my allotted time. Is there anybody else that has anything to add? It was a long conversation, there were lots of circles; but I think it was a good discussion and quite educational. Thank you guys for your tolerance of my meandering.

(Whereupon, the meeting was adjourned at 4:35 o'clock p.m., September 14, 2015.)

Certified By: _____ Date: _____

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**South Atlantic Fishery Management Council –
September 2015 Council Meeting
Hilton Head Island, SC**

Date: Monday, September 14, 2015

Committee: Dolphin Wahoo

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		Charter/For-hire <input type="checkbox"/>	Other _____ <i>Describe</i>
Terri Baderna	<input checked="" type="checkbox"/> On File	Commercial <input checked="" type="checkbox"/>	NGO <input type="checkbox"/>
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		Charter/For-hire <input type="checkbox"/>	Other _____ <i>Describe</i>
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	<input type="checkbox"/> On File	Commercial <input type="checkbox"/>	NGO <input type="checkbox"/>
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	<input type="checkbox"/> On File	Commercial <input type="checkbox"/>	NGO <input type="checkbox"/>
		Recreational <input type="checkbox"/>	Govt. <input type="checkbox"/>
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		Charter/For-hire <input type="checkbox"/>	Other Describe
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		Charter/For-hire <input type="checkbox"/>	Other Describe
Jim Busse	<input type="checkbox"/> On File	Commercial <input type="checkbox"/>	NGO <input type="checkbox"/>
		Recreational <input type="checkbox"/>	Govt. <input type="checkbox"/>
		Charter/For-hire <input type="checkbox"/>	Other Describe

MONDAY SEPT 14, 2015

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