

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

DOLPHIN WAHOO COMMITTEE

**Sea Palms Resort and Conference Center
St. Simons Island, Georgia**

MARCH 5, 2013

SUMMARY MINUTES

Dolphin Wahoo Committee Members:

Tom Swatzel, Chairman
Stave Amick
Doug Haymans
Pres Pate

John Jolley, Vice-Chairman
Anna Beckwith
Dr. Wilson Laney

Council Members:

David Cupka
Mel Bell
Dr. Roy Crabtree
LCdr Scot Gibson
Charlie Phillips

Ben Hartig
Tom Burgess
Dr. Michelle Duval
Jessica McCawley

Council Staff:

Bob Mahood
Kim Iverson
Roger Pugliese
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Dr. Brian Chevront
Julie O'Dell

Gregg Waugh
Amber Von Harten
Myra Brouwer
Dr. Mike Errigo
John Carmichael
Mike Collins

Observers/Participants:

Dr. Jack McGovern
Dr. Bonnie Ponwith
Corkey Perrett
Larry Simpson

Monica Smit-Brunello
Martha Bademan
Doug Boyd
Dr. Marcel Reichert

Other Attendees attached

The Dolphin Wahoo Committee of the South Atlantic Fishery Management Council convened in the Frederica Room of the Sea Palms Resort and Conference Center, St. Simons Island, Georgia, March 5, 2013, and was called to order at 8:35 o'clock a.m. by Chairman Tom Swatzel.

MR. SWATZEL: Good morning. We will call this meeting of the Dolphin Wahoo Committee to order. The first item is approval of the agenda. Are there any additions or changes to the agenda? Hearing none; the agenda is approved. Approval of the December 2012 Committee Meeting Minutes; any additions or corrections to the minutes? John.

MR. JOLLEY: One item; I had submitted a position statement that was three pages and I noticed in the minutes that Page 2 was not included in the minutes, and that was for Items Number 5 through 8 that I had identified in the proposal.

MR. SWATZEL: Any other changes to the minutes? Hearing none; then the minutes are approved with John's changes. That brings us to the status of commercial catches versus quotas for dolphin and wahoo. I believe Jack is going to take care of that for us.

DR. McGOVERN: For dolphin, we have landings from the Southeast Fisheries Science Center through February 21st. They're on our website. Dolphin is currently at 1 percent of the quota. We also have presented up there last year's – we show that we're at 38 percent of the quota in 2012, and that is based on the last in-season report from the science center. Those don't represent the final landings. We won't have the final landings until probably April. For wahoo, thus far this year we're at about 9 percent of the ACL and last year we were – the last in-season report in this case we're right at the quota and we closed wahoo on December 19th.

MR. SWATZEL: Are there any questions for Jack? Ben.

MR. HARTIG: Well, just one, Jack, realistically given the commercial production of dolphin, wouldn't we be close to final numbers now given the time that those animals are actually caught?

DR. McGOVERN: What I have been told by Dr. Gloeckner at the science center is that the final landings for all the species that they monitor will be available probably in April or May.

MR. SWATZEL: Are there any other questions? Okay, that brings us to the status of the recreational catches for dolphin and wahoo. Bonnie.

DR. PONWITH: The notes on the landings are that we're still again as in the other presentation highlighted the fact that we're converting ACLs and quotas based on MRIP estimates, and therefore the landings that are presented here are based on MRFSS estimates. The estimates were updated by NOAA Fisheries Southeast Regional Office consistent with the ACL monitoring, in other words, the post stratification of the estimates. They include data through Wave 6 of 2012.

Here you will see for dolphin that landings are about 5.6 million pounds, and that puts us at – and that is in wet weight – 41 percent of the ACL. For wahoo we're at about 1.4 million pounds, which puts us at a hundred percent of the ACL. This slide is the traditional table you're

accustomed to seeing, so you can see what those landings look like compared to the landings from other years. The pertinent line is the last line, 2012, showing again that total of right around 5.6 million pounds.

The next slide is your stacked bar graph. The bars again show landings by mode, and the lines show the effort over time for the MRFSS effort in the darker line above and the headboat effort in the lighter line below that is crossing the bars. The black dot up there on top of the last bar again is the ACL.

For wahoo you will see again that lower line for 2012 fishing year. The wahoo recreational landings in pounds wet weight are 1.4 million pounds. The next slide shows again the stacked bar chart showing the combined landings by mode relative to the ACL. Are there any questions?

MR. SWATZEL: Thank you, Bonnie. That brings us to a review of the Amendment 5 Scoping Comments. Brian.

DR. CHEUVRONT: Under Attachment 1 under Tab 4 you will find the dolphin and wahoo scoping comments. That document is several pages long, but what we're going to talk about mostly is just going to be what appears on the first page. We took Dolphin Wahoo Amendment 5 out for scoping in the January round of public hearings and scoping.

Of the six places that we went to, we received ten comments orally; one from New Bern, two from Jacksonville, two from Cocoa Beach and five from Key Largo. At the time I put this together prior to the briefing book deadline, we had received 21 written comments. After the briefing book deadline we received an additional three comments, none of which were substantially different in content from previous comments that we received.

I do want to point out one thing. Of the written comments that we received, twelve of them were basically the same e-mail that had been forwarded by different individuals. In each case those e-mails said that they were in favor of Alternative 1, no action, for each action. Even in the case of Action 1, which is to modify the ACLs, the ABCs that basically gives more fish to all of the sectors, they have suggested don't change anything.

The tone of the e-mail was such that it was don't mess with management of dolphin and wahoo at all without truly addressing each action individually, but each of the letters did say that their preferred position was Alternative 1, no action, for each of the actions in the amendment. I wanted to point that out.

Action 1, like I had mentioned, looking at the revision of the ABC, ACLs and all, based on the updates primarily from MRIP, but there were some additional updates on I believe headboat landings as well as commercial landings, and you can see there are those 12 votes that said, no, don't update even though that meant everybody was going to get more fish if you do the updating.

Action 2 is the action regarding AMs, and we will get into that when we get into the decision document, and again you see huge numbers of folks who said don't do anything on AMs. Action

3 is the one that looks at revising the ACL and making the previous soft cap allocation of 13 percent commercial and 87 percent recreational, making that the actual allocation.

Alternative 4 is to modify the framework and you can see we had some of these things that may not necessarily make sense were kind skewed by those comments. The table shows in favor and opposed, and you will notice that the opposed numbers are fairly low. I only tallied an opposed vote if somebody specifically said, "I am opposed to this alternative specifically."

Otherwise, I did not tally anything for them if they had stated a preference for one of the other alternatives. There were a couple of other comments. Two folks in Key Largo commented on adjusting the size limit to some variation of having no size limit for dolphin. One person did comment in favor of allowing the sale of dolphin from the for-hire sector.

Two comments that were stated were that the council should wait until a stock assessment to change anything regarding dolphin, and I believe you have a stock assessment scheduled for dolphin in 2014. One commenter wanted the council to consider establishing a daily trip limit for the commercial sector. One commenter suggested that dolphin be moved to HMS for management. Mr. Chairman, that concludes the scoping comments that we received.

MR. SWATZEL: Are there questions for Brian or any comments about the scoping comments? Okay, hearing none, we will start going through the document, Brian.

DR. CHEUVRONT: Okay, we have several things that we would like to try to accomplish. I want to point out right now that part of where we are in the process here with Amendment 5 that I want to remind everybody about is that we started last fall working on putting together Amendment 5, and we did send it out for scoping like we had discussed.

Where we are in the process right now is we need some help in refining the actions and alternatives that you would like staff to analyze. We have taken out these actions for scoping. We have gotten a few comments back, but now is a good time to make sure that all the actions and all of the alternatives that you really seriously want to have considered are in the document.

The timing of this is going to work such if it stays on its current timing path is that we will bring it back to you in June with all of the actions and alternatives analyzed. You will review them, revise them, hopefully choose some preferred alternatives, and then bring it up for voting to send it out for public hearings in August.

After the public hearings in August, you will have one more crack at it and vote it up or down at the September meeting. That is the current timeline that it is on, so now is the time to go ahead and start thinking about are these the actions and alternatives that you want staff to analyze for you. What I would like to start with is the purpose and need. It would be good if you could tell us you feel that this purpose and need is appropriate; would you have any changes or edits that you would like the staff to put into the purpose and need at this time.

Just for the record, I will go ahead and read the purpose and need into the record. The purpose of Dolphin Wahoo Amendment 5 to the Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic (Dolphin Wahoo Amendment 5) is to revise the ABCs, ACLs (including

sector ACLs), sector allocations, AMs and ACTs implemented by the Comprehensive ACL Amendment. The revisions may prevent a disjunction between the established ACLs and the landings used to determine if AMs are triggered.

Dolphin Wahoo Amendment 5 would also ensure that the best available science is utilized, as per National Standard 2. Revisions to the framework will incorporate updated language reflected in the Magnuson-Stevens Act. The need is to prevent unnecessary negative socio-economic impacts that may otherwise be realized in the dolphin and wahoo fishery and fishing community, in accordance with the provisions set forth in the Magnuson-Stevens Act.

Now, one thing that we're going to recommend is that in the purpose we remove the reference to sector allocations. I will discuss that more completely. We do have an action that specifically addressed sector allocation so we can leave that in the purpose and need for right now. Anyway, I think now is the time for you all to tell us whether you would like us to change or revise anything with the purpose and need or if you can get a motion that would tell us what you do want to do with that.

MR. HAYMANS: Mr. Chairman, I would make a motion that we accept the purpose-and-need statements as read.

MR. SWATZEL: John Jolley seconds that. Monica.

MS. SMIT-BRUNELLO: I have a question, Brian. Do you think we need the parentheses after ACLs that says "including sector ACLs"? ACLs encompass sector ACLs. It is just extra words to me, but you can decide. Maybe there should be some discussion or get your opinion on whether you think that is necessary. I'm not talking about sector allocations; I'm just talking about the sectors ACLs in the parentheses.

DR. CHEUVRONT: I think it is probably in there to try to be very specific; but if GC feel that is not necessary, that maybe it is redundant, then perhaps it would be fine to remove it. I don't have any problem with it one way or the other.

MS. SMIT-BRUNELLO: It seems redundant to me unless – and I don't think of everything; so unless you can tell me why it is not, I think it could be stricken.

DR. CHEUVRONT: I think it is in there just for clarity; but if it is felt that is not needed for clarity, remove it is not a problem.

MS. SMIT-BRUNELLO: I will leave that up to you.

MR. SWATZEL: Let me ask the maker of the motion if he wants to make that change?

MR. HAYMANS: Sure; for brevity I would suggest that we accept that recommendation to remove "including sector ACLs" within the parentheses.

MR. SWATZEL: Okay, that is part of your amended motion. John, the seconder is okay with that?

MR. JOLLEY: Yes.

MR. SWATZEL: Any discussion of the motion? Okay, I'm going to have to get Brian to read that.

DR. CHEUVRONT: The motion is accept the purpose and need as written but remove reference to "sector ACLs".

MR. SWATZEL: Okay, any discussion of the motion? Any opposition to the motion? **The motion is approved.**

DR. CHEUVRONT: Okay, let's move on to Action 1. Action 1 is to revise the ABC, ACLs, including sector ACL, sector allocations and recreational ACT for dolphin and wahoo based on MRIP estimates. Alternative 1 is no action; that is to not revise ABC, ACL, including sector ACL, sector allocations and ACTs for dolphin and wahoo. Data will not be updated with data from the Marine Recreational Information Program, MRIP; commercial and for-hire landings.

Alternative 2 is revise the ABC, ACLs, including sector ACLs, sector allocations, and the recreational ACT for dolphin and wahoo with updated data from MRIP, commercial and for-hire landings. If we want to be consistent with what you just did, we would need to remove the references to "including sector ACLs".

This is also the place where to be consistent with Snapper Grouper Regulatory Amendment 13 that you all voted to send to the Secretary of Commerce in December, we need to remove reference to sector allocations in this action, because we're not actually proposing to change sector allocation formulas. That is how they are calculated here.

Action 3 would look at changing sector allocations but we're not changing it here. To be consistent with what was done in Regulatory Amendment 13, we need to strike out references to sector allocations from this action. The idea is that as we're updating each of the FMPs for the different species, that we want to make these motions be as similar as possible.

What I have done in the decision document here is I went back to Regulatory Amendment 13 and grabbed the wording that was in this action from that amendment. You can see it hopefully bolded on the bottom in yellow here. The wording was "revise the acceptable biological catches (ABCs), annual catch limits (ACLs including sector ACLs) and annual catch targets for dolphin and wahoo." In this case, since we have decided that referencing sector ACLs is redundant, we might want to go ahead and strike that from this wording revision.

MR. HAYMANS: Brian, is that post second briefing book?

DR. CHEUVRONT: What I have got here is my decision document. What is highlighted in yellow here is simply where I am recording the actions and decisions that you all are making. The document itself has not changed.

MR. HAYMANS: The wording at the bottom that you just read does not appear in our current –

DR. CHEUVRONT: That is correct; that does not appear in your briefing book version. I just pasted that into this document this morning.

MR. SWATZEL: Okay, does the committee want to make this change?

MR. HARTIG: Mr. Chairman, I'm not on your committee. Brian, did you read that already? The stuff that you have pasted into the document this morning; did you read what is highlighted on the screen now?

DR. CHEUVRONT: Yes, I did.

MR. HAYMANS: I guess I was going to first just ask if we could give guidance to staff to remove the "including sector ACLs" in parentheses to match up with the action or purpose statement? That doesn't need a motion, does it, if we just direct them to do that throughout the document or at least in Action 1?

DR. CHEUVRONT: I think that would probably be fine; just give me a second to get that recorded here in the document.

MR. SWATZEL: Any other comments about this action? Doug.

MR. HAYMANS: Brian, I'm just making sure I'm clear. That suggested new wording is for Alternative 2, correct?

DR. CHEUVRONT: That is correct.

MR. HAYMANS: Okay, then I would make a motion that we accept the alternative wording as presented for Alternative 2.

MR. SWATZEL: Second by Anna. Any discussion of the motion? Anybody opposed to the motion? Hearing no opposition; the motion is approved. Next.

DR. CHEUVRONT: The second action is to revise the accountability measures for dolphin and wahoo. You have got the wording in Alternative 1, which is exactly as it is in the regulations. The reason why this has come up – and we discussed this in December – is in reviewing all of the accountability measures across all of the amendments, we realized that the accountability measures were sort of all over the place.

In some species they're more restrictive than others and different criteria are given for what would trigger the accountability measures. What we have trying to do is to seek some

consistency across FMPs, if this is what the council wishes to do. Now, in this action, in June when we come back and are choosing preferred alternatives, you're probably going to need to choose – if you decide to go with something other than the no action alternative, you will probably need to choose two preferred alternatives for this action; one for the commercial fishery and one for the recreational fishery.

Alternatives 2 through 5 reference the commercial fishery and Alternatives 6 through 9 reference the recreational fishery. The difference between those two sets of alternatives is simply which fishery it refers to. By going through Alternatives 2 through 5, we won't need to go then through Alternatives 6 through 9 because we just replace commercial with recreational.

Now, it gets a little complicated in looking at this because the criteria for what would trigger an AM in each of these alternatives is slightly different. I will read them for you, but then I will explain to you which is the most restrictive and which is the least restrictive, et cetera, so you can get an idea for what is included here.

Alternative 2 is if the commercial ACL is exceeded, the regional administrator shall publish a notice to reduce the ACL in the following season by the amount of the overage only if the species is overfished. Alternative 3 is if the commercial ACL is exceeded, the RA shall publish a notice to reduce the ACL in the following season by the amount of the overage regardless of the stock status of the species.

Alternative 4 is if the commercial ACL is exceeded, the RA shall publish a notice to reduce the ACL in the following season by the amount of the overage only if the total ACL; that is the commercial ACL and the recreational ACL is exceeded. Alternative 5 is if the commercial ACL is exceeded, the RA shall publish a notice to reduce the ACL in the following season by the amount of the overage only if the fishery is overfished and the total ACL, commercial and recreational ACL is exceeded.

Alternative 3 is the most restrictive. That is no matter what; if the ACL is exceeded, then there will be a reduction in the following season by the amount of the overage. Alternative 5 is the least restrictive in the sense that the ACL would be reduced only if the stock is undergoing overfishing and the total ACL is exceeded. Does that make sense to everybody?

Then it is the same range of alternatives for the recreational fishery. What we're looking for here is do you all think that we have captured the criteria you want us to analyze for applying AMs for these fisheries? Do you want to change any of the wording of the alternatives and is it complete?

DR. LANEY: It looks to me like you have captured them all, Brian. The only question I have is would it be very slightly clearer if in that parenthetical comment we said "commercial ACL plus recreational ACLs" since those two are being added to get the total, right?

DR. CHEUVRONT: That is correct.

DR. LANEY: Okay, that is just a suggestion and you might want to change the "and" to a plus.

DR. CHEUVRONT: I can put that in as guidance to staff if everybody is okay with that.

MS. BECKWITH: I would like to have a bit of discussion amongst the committee. I'm not particularly comfortable with waiting until dolphin is overfished to implement an accountability measure. I'm not sure that is a prudent approach for the council. I would be most interested as time moves on to see Alternative 4 be our preferred; but saying that, I would also like to consider adding a trip limit for the commercial at 1,500 pounds for dolphin if we were going to move forward with Alternative 4. I know we're not picking preferreds today. What I'm looking for now is a bit of discussion if this council really wants to move forward with only having accountability measures for dolphin if the species is overfished. Otherwise, I would like to remove those options.

MR. SWATZEL: Well, actually I think Alternative 3 doesn't have the overfished wording in there. David.

MR. CUPKA: I'm not a committee member, but this suite of alternatives here, Brian, apply to both dolphin and wahoo. They're aren't broken down by dolphin or wahoo; of if we wanted to do something different for dolphin, then we'd have to add another suite of alternatives for wahoo; is that correct.

DR. CHEUVRONT: Well, what I would recommend is that you add a subalternative if you want to split them out under each alternative and have each subalternative refer to dolphin and wahoo separately, if you would like to do that.

MR. CUPKA: But you would have to modify it based on the way it is set up now?

DR. CHEUVRONT: Right now the way it is set up, it would apply to both. If you want to split it out and have different AMs for dolphin and wahoo, we could put it in subalternatives, but I think the initial goal of this action was to try to come up with some kind of – keep it consistent across species. Obviously, you can choose to split it out if you would like.

MR. WAUGH: These alternatives are just talking about payback provisions. You're free to put in other regulations. If your intent is to consider a trip limit for the commercial sector, I wouldn't put it here. I'd create a separate action that deals with management measures and just let this focus on the payback provision.

What we're trying to do is bring some order to our payback provisions across species; and if you have one that is relatively straightforward for dolphin and wahoo and then split that up, that doesn't bode well for what we're doing elsewhere. This is just dealing with payback, and you can put in your other regulations under a different action.

MS. BECKWITH: I would be equally as interested in removing Alternative 2 and 5 for wahoo as well. I just don't know that it is prudent to wait until these stocks are overfished to put in AMs.

MS. McCAWLEY: I just had a general question about why the committee is not picking preferreds to go out to public hearing.

DR. CHEUVRONT: You're going to see this again in June before it goes out to public hearings in August, so we have time to work on it and get you some analysis before you make your choices of preferreds. You're certainly able to choose preferreds if you want to do it now.

MR. HAYMANS: We're trying to find some consistency between plans is what we started off with, and certainly the issue about when the fishery is overfished is already in a bunch of our plans with regard to paybacks, so I would tend to want to leave that in.

DR. CRABTREE: Remember, you have accountability measures so this isn't about whether you're going to have them or not. It is about, as Gregg said, paybacks. The thing you need to think about is what are you really paying back? In all likelihood if you have as recreational overrun of the ACL, it is going to be because there is a big year class of fish out there and there are lots of dolphin out there, and that is why you overran the ACL.

What are you paying back in that situation? Lots of fish out there is a good thing and not a bad thing, so that is really the issue here. These catches are going to fluctuate around and you're going to occasionally go over; but going over an ACL is not necessarily a bad thing. It could reflect really good situations, and so it is a tricky thing to think about.

We don't want to end up in a situation like just happened in the Middle Atlantic with black sea bass recreational when they had a big payback and a big brooha about closures and all that. Based on my understanding of it, a lot of it was because there were a lot of black sea bass out in the water. Maybe Pres could comment on that, but I just don't want to get into a situation where we're penalizing a fishery because something good happened and there were lots of fish in the water.

MR. HAYMANS: Roy, I agree and that is the exact argument that the fishermen are giving us with black sea bass right now. There are lots of fish in the water and they're continuing to exceed the ACL. **The ones that to me look like we need to maybe remove are Alternative 3 and Alternative 7 regardless of the stock status.**

Roy already has in the current recreational sector at least to go to shortening the season if need be, which is really doing the same thing as a payback and trying reduce the catch the following year. **To me it would be 3 and 7 that we would remove from this list. I would make a motion to that effect if that would be in order, Mr. Chairman.**

MR. SWATZEL: Sure; and seconded by Anna. Discussion of the motion? Any opposition to the motion? Hearing none; the motion is approved. John, do you still have a comment?

MR. JOLLEY: Well, I agree with Roy. In looking at this stuff, I think we have got enough punitive regulations. I like this Alternative 5, quite frankly.

MR. SWATZEL: Does the committee want to make anymore changes to the alternatives in this action? Hearing none; we will move to the next action.

DR. CHEUVRONT: Action 3 is to modify the sector allocations for dolphin. Currently Alternative 1, no action, is the allocations that were set in the Comprehensive ACL Amendment. It was based on using historical landings; the formula that we had used in the past that was based on 50 percent of long-term landings and 50 percent based on recent landings.

As that turned out, under the current allocation it was 92.7 percent for recreational and 7.3 percent for commercial. That changes slightly under Action 1. If you go with Alternative 2, we still use the same formula but the percentages actually kind of change a little bit when you apply the new landings. Alternative 2 is based on the recommendation that the council had considered in the past and was brought up by the Dolphin and Wahoo AP at their meeting last spring that they would like the council to consider going back to what was the soft cap allocation that existed prior to the Comprehensive ACL Amendment.

If you don't remember that worked, it was that the allowable quota for the commercial sector was based on the total landings for the entire season; and as long as the commercial portion of the total landings did not exceed 13 percent of the total landings in a given year – there was no total quota for dolphin prior to the Comprehensive ACL Amendment – then nothing would happen.

If the commercial sector exceeded 13 percent of the total landings, then they would watch the fishery for future trends and make adjustments as necessary. It was really rather nebulous, but it was really thing that we had to sector allocations prior to the Comprehensive ACL Amendment and a couple of other amendments around that time where these values were set.

The Dolphin and Wahoo AP said, "Well, why don't we go back to that and just make that soft cap allocation a hard allocation," so that would in essence give 13 percent of the ACL, regardless of what it is, to the commercial sector and 87 percent to the recreational sector, and that is what you have in Alternative 2.

MR. SWATZEL: Given that this current sector allocation that we have was put into place and implemented basically about eleven months ago, then I guess my question is does the committee really want to keep this action in here or do you want to put in the considered by rejected appendix? Is there any discussion? Ben.

MR. HARTIG: I'm not on your committee, but, yes, I would like to see it stay in here. If I was on your committee, I would offer another alternative for this; and it would be the commercial allocation would be set at the highest landings' level of the last five years, which is significantly lower than the 13 percent.

DR. CRABTREE: I'm not on the committee either; but I do think if you're going to keep this action in here and revisit the allocation issue, I have a hard time seeing that one alternative as a reasonable range, and I think you're going to have to come up with a couple of additional alternatives because it seems to me there are lots of different ways you could allocate a fishery.

DR. DUVAL: Mr. Chairman, I'm not on your committee, but I agree with Ben in that I would certainly want to see this stay in there. If the committee decides to move it to the considered but rejected, this was a recommendation from the advisory panel, and I think you should provide a good rationale for doing so if you choose to do so. I guess I would also just remind folks that we are considering other actions under snapper to change things that were also just put in place about a year ago.

MR. HAYMANS: I think it is a bit early to consider removing only because I'd like to see it worked up. **I would make a motion to add a third alternative to the list which would basically – and I will let staff get the wording right on this, but to look at the commercial allocation and select the highest landings over the last years.**

MR. SWATZEL: We have a motion and a second by John Jolley. Discussion? Ben.

MR. HARTIG: Eventually I would to see us get into looking at these catch levels on a more regular basis as we go through this. The recreational sector since the economic meltdown has been way below their allocation. If we can shift some fish back and forth on a yearly basis if we have to – I mean if next year the commercial catch goes over by a hundred thousand, maybe we shift another hundred thousand based on what the recreational catch was in that year.

I think we need to look at this on real time and look at these things and set in stone as we have before. I think all the allocations we should look at in trying to obtain OY from our fisheries. This is a step in that direction. They'd get 1.9 million if you set it at 13 percent. They haven't caught that in the last five years.

I think what would be reasonable would be what you made your motion at; set it at their highest level of catch, monitor that. If we need more, revisit it again next year and add more. If the recreational catches their entire allocation and they need more, maybe we'd do the same thing and maybe we'd take some from the commercial. I'd like to see it on both sides.

DR. CHEUVRONT: Okay, I need to get some clarification on the motion. The way I have it written now is add an Alternative 3 to Action 3 that would look at setting the commercial allocation at the highest percentage over the past five years, 2008 through 2012. What I heard Ben just say sounded like set it at the highest poundage, and I want to make sure are you talking poundage or percentage here because that is two different things.

MR. HAYMANS: Right now I understood Ben to mean the poundage and so that is what I intended it to be was the poundage as well; but understanding that poundage is not going to be over 13 percent because that was its maximum under the soft cap, right?

DR. CHEUVRONT: Well, the commercial dolphin in 2009 would have exceeded I believe the percentage that you're looking at in the MRIP, adding in the MRIP. However, I don't think it would have exceeded it if you – I know you wouldn't have exceeded it if you went to 13 percent, and I'm not sure what it would be. I would have to look at the numbers for that, given this new alternative, but there could be a difference there.

MR. HAYMANS: And then just exactly a point of information for Jack; was there a printout e-mailed or anything that had your presentation from this morning, the commercial numbers, because I'm always at a loss when I can't see those numbers. Was it e-mailed?

DR. McGOVERN: That was e-mailed out and the final accumulative landing system numbers are on our website for previous years, from 2011 back.

DR. CHEUVRONT: They're also in Table 3 in this document; so if you go back up to Action 1, it shows the landings by sector by year for dolphin and wahoo I think for the last five or six years.

MR. PHILLIPS: Mr. Chairman, I'm not on your committee, but I echo Ben. We really need to work on being able to move quota from recreational to commercial or vice-versa so we can fully utilize our fisheries because we're obviously not. I applaud that effort.

MS. BECKWITH: I suspect the for-hire industry is going to have a bit of an issue with this movement, especially now that we have banned the bag limit sales for dolphin. I expect that we will be getting some comments against this.

DR. CRABTREE: Well, I assume you added that motion or you haven't voted on it yet; so if that motion passes, then you will have two alternatives. Everything would shift more of the allocation – it would reallocate the fishery towards the commercial sector. Do you not want to have an alternative in here that would shift more allocation to the recreational sector or are you only interested in reallocating towards the commercial sector; and I guess if so, why.

MR. HAYMANS: I guess having the counter alternative in there allows the public comment to be balanced then.

DR. CRABTREE: Well, it is not totally clear to me what we are trying to do here other than the AP suggested something; but if you have reasons for wanting to shift more allocation to the commercial fishery so that is your goal here, I think that is fine, but I'm not really sure. I can see you're going to get a lot of input on this one and that question is likely going to come up why you're only going in one direction.

MR. HAYMANS: Well, I think the resource is simply being underutilized. There is a lot of ACL left out there and this would be an opportunity to better utilize that amount of unused resource.

MS. BECKWITH: Well, if we go back to Action 2, to a certain extent we would be doing this anyway because if we were to choose Alternative 5 where we only require paybacks for dolphin and wahoo if it is overfished; and if the total ACL was exceeded, then you would technically be taking care of that overage on the commercial side without reallocating from the recreational.

MR. HARTIG: The reason for this motion was that under the new numbers under the ACLs, that is going to significantly impact the commercial fishery in at least one of the years. We

would be about 200,000 pounds less than what we had caught in the highest year of landings. Given that the recreational is so low, I think we should do this.

The other thing is I don't have a problem putting that general motion in this amendment that we could shift back to the recreational fishery if something occurs where the recreational fishery got to a point where the commercial allocation was impacting their catches. I don't have a problem putting that in and maybe that would help.

I don't have the wording for it now. We will have to sit down and maybe by full council come with that one. I don't have the wording for it; but to Roy's point, I don't have a problem putting that in there. He is right; we're going to get a lot of comment about this one, and we already have based on what we saw in the scoping document so far. It is up to this committee.

DR. CRABTREE: Well, it seems to me one way to get at what you're talking about, Ben, would be to simply have a single annual catch limit for the whole fishery and not deal with the allocation. That way, unless the overall ACL is hit, they catch what they catch. Now, the problem with that would be when the ACL is actually hit at some point and then if it is due to one sector's activity, the other sector is likely to be very unhappy about that.

MR. HARTIG: To that point, I think that option we should probably include. To Anna's point about the commercial overages, if the total ACL wasn't harvested, what is the big deal about the commercial overage? I think in dolphin that is one species we might do that with. The Gulf did it with cobia. That was an interesting one as well to look at.

I think if we added that alternative in dolphin, we would be covered under – and looking at these fisheries on a year-to-year basis, that is the critical part of this. If the commercial gets way out of line and goes over that 13 percent, just keeping that in the back of your mind, go back to a more limited way of doing it.

MR. SWATZEL: Let's vote on this motion; and then if you want to put some other alternatives in there, we can do that. I will get Brian to read the motion.

DR. CHEUVRONT: I still need some clarification. It was never really discussed. Doug said that in the motion he was referring to poundage and not percentage, and I need to know whether you want to change this motion or not. Right now it reads an Alternative 3 to Action 3 that would look at setting the commercial allocation at the highest percentage over the past five years, 2008 through 2012. The question I have is do you want to leave that word "percentage" or did you want to change it to "poundage"?

MR. HAYMANS: I had stated that I wanted to go with "poundage".

DR. CHEUVRONT: Okay, thank you for the clarification.

MR. JOLLEY: Well, just far I think we have gone to the public with percentages, so I question why we would want to go to poundage now and maybe confuse part of the public.

DR. CHEUVRONT: And part of the issue with that is that if the ACL was to change, the percentage would also change as to what part goes to the commercial and what part goes to recreational; and if you keep “poundage”, that was the clarification I was trying to get; but it is up to the motion maker.

MR. SWATZEL: Well, I need to rectify this because I think John seconded the motion and you have a difference in what you want.

MR. HAYMANS: Okay, so the table that we’ve provided goes ’07 through ’11. It doesn’t include ’12, but that is okay. I’m looking at the maximum percentage during that time period of 14 percent and slightly over 13.

My discussion of the motion was not over what had been in the soft cap of 13 percent. I guess if we look back over the last five years, it is going to be 14 percent. Should we stick to what had been the maximum in the soft cap of 13 or go with this five-year highest at 14?

MR. HARTIG: If I may, Mr. Chairman, what does this percentage actually mean, Brian? Is it the percentage of the ACL or is it percentage of the landings that were taken?

DR. CHEUVRONT: No, this is percentage of the ACL.

MR. HARTIG: And is it the percentage of the ACL that we first approve or is it the percentage of the ACL that we’re approving now?

DR. CHEUVRONT: I’m not sure I’m following what you’re saying.

MR. HARTIG: We had an ACL that was higher and we’re changing it now to make it lower in both recreational and commercial.

DR. CHEUVRONT: It is the other way around.

MR. HARTIG: It is the way around?

DR. CHEUVRONT: We are increasing the amount of fish that folks are getting.

MR. HARTIG: Okay, somehow I missed that.

DR. CHEUVRONT: Yes, even with the minor changes using our sector allocation formula that is currently in place in the Comprehensive ACL Amendment; even with those minor adjustments both sectors are going to end up with more fish allocated to them under the current regulations that we have, and they’re for both dolphin and wahoo even though the sector allocation percentages shift slightly in both cases.

MR. HARTIG: So the percentages were done on the more fish; the additional –

DR. CHEUVRONT: Table 1 shows what is currently in place. Table 2 shows what the allocations would be, pounds and percentage, if you go with Alternative 2, which increases the overall ABC. In these fisheries the council set ABC equal to ACL; so since the ABC and the ACL go up, everybody is getting more fish.

MR. HARTIG: Yes, I misread those. I had them backwards.

MR. SWATZEL: We have a motion up there which the seconder doesn't agree with the language, so I don't know that we have a motion.

MR. HAYMANS: It seems like – and I'm looking at John on this well – that the percentage is where everybody wants to be; so I'm willing to change the motion back to the way Brian originally typed it with the "percentage" and let's leave it there.

MR. SWATZEL: Okay, let's let Brian get it up there and read it and then we're going to vote.

DR. CHEUVRONT: Okay, this is for clarification, **the motion is to add an Alternative 3 to Action 3 that would look at setting the commercial allocation at the highest percentage over the past five years, 2008 through 2012.**

Now, I want to add this is slightly different than what is in the numbers that are in Table 3 because that is 2007 through 2011. We will be able to have the 2012 numbers and have those analyzed, so that will be the most recent five years. Those numbers will be adjusted accordingly in future versions of the document that you see.

MR. SWATZEL: Okay, is there any opposition to the motion? Hearing none; **the motion is approved.** Does anybody else want to offer any further alternatives for this action? Hearing none; let's move on.

DR. CHEUVRONT: The final action for this amendment is to revise the framework procedure in the Dolphin and Wahoo FMP. There are lots and lots of text in here because it includes the wording that is currently in statute. There are two additional alternatives of which it would be perfectly fine if you choose more than one preferred alternative in the future.

Alternative 2 basically says to revise the framework to keep up with the changes in wording in the revised Magnuson-Stevens Act; and Alternative 3 takes that one step further and says revise the wording in the framework to reflect the stock assessment changes and using the wording that is now current with SEDAR. That is basically what the options are that we have now, so we have three alternatives under Action 4.

MR. SWATZEL: Does anybody want to modify or add any other alternatives to Action 4? Okay, hearing none, we will move forward with that action as written.

DR. CHEUVRONT: This is also now the time if there are any other actions that you would like for staff to consider and bring back to you at the June meeting that then you would vote on to

take out for public hearing, now would probably be the time to consider adding additional actions that you may wish to do so at this point.

MS. SMIT-BRUNELLO: I don't wish to add an action, but I have a question about Alternative 3, Brian, under Action 4. Do you have specific language that you're thinking about? I am curious about the additional language to reflect SEDAR and SSC roles in setting MSY, OY and ABC.

DR. CHEUVRONT: If you look at – I think it is probably misnumbered here. It says Table 3 but just right after the actions, there is a large table that says, "Items retained from the current framework and items added to the current framework"; if you look in that second column, you will see references to the changes.

It is not the exact wording that would be changed; but, for example, the first item under the current framework is adjustment of the best estimate of MSY range and/or best point estimate, and that we want to change that to "use of SEDAR reports or other documentation the South Atlantic Council deems appropriate to provide biological analysis."

There are a couple of references to SEDAR in that second column and that is what we're referring to that Alternative 3 would make those kinds of updates. If you decide to go ahead with all this, we would bring back the actual wording at June and have that all worked out.

MS. SMIT-BRUNELLO: Okay, I understand better; thank you.

MR. HARTIG: This framework is consistent with what we've done – we're proposing in all of our amendments; correct.

DR. CHEUVRONT: This framework is modeled after what is in –

MR. HARTIG: Snapper grouper.

DR. CHEUVRONT: Yes, the Snapper Grouper Amendment 27, I believe.

MR. HARTIG: Because I've been spending quite a bit of time on that one and this one looks pretty comparable, so it's the same.

MR. SWATZEL: Okay, does the committee want to add any other actions to this amendment?

MR. HARTIG: At the public hearing in the Keys, there was some comment about the size limit and whether or not within the trip limit you could have a number of dolphin under the size limit. That was talked about because at certain times of the year, especially in the Keys in the later part of the summer, most of the fish coming through are smaller fish.

The charter operators said it would have been nice – if that is what we're seeing and that's all that is available, it would have been nice to have maybe three or five of those fish so at least the customers could have had something to bring home and eat for that trip. What is done down

there is a lot of times you have the tourists and the customers come in, they catch a few dolphin and then it is cooked at a restaurant.

They take the fish directly to the restaurant and it is cooked there. I used to think about this back when we first started, and I think we have had some conversations about that back then, if some low level of dolphin undersized would be allowed to be kept in the original document. I am sensitive to this. I think it is – and I do see this in my fishing for dolphin as well at certain times of the year those smaller fish are the only fish available. If the committee thinks it is important to do that, I will just put it up for discussion.

MR. JOLLEY: I got that clearly also when we were down there, Ben, and I think having taken away the for-hire sale of bag limits, I think we could reasonably say if there is some small amount that they could keep, it would help them with their clientele, especially when that is all they catch are those small fish.

MS. BECKWITH: Brian, just an editorial comment; under Alternative 2, number one, it still says “snapper grouper species”.

DR. CHEUVRONT: Thank you. Yes, we’ve got to make sure we capture all of that.

MR. SWATZEL: Okay, does the committee want to do anything else concerning any further actions within this amendment? Brian, do you have anything else?

DR. CHEUVRONT: I have nothing else regarding this amendment.

MR. SWATZEL: Is there any other business to come before this committee? Hearing none; the committee meeting is adjourned.

(Whereupon, the meeting was adjourned at 9:36 o’clock a.m., March 5, 2013.)

Signed: _____ Date: _____

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April 2013

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Dolphin Wahoo Committee Meeting
 March 5, 2013
 St. Simons Island, GA

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Session Details

Attended	Interest Ra	First Name	Last Name	Email	Registratio	Join Time	Leave Time	In Session I
Yes	26	Kate	Quigley	kate_j_qui	Mar 05, 20	Mar 05, 20	Mar 05, 20	263.1
Yes	23	emily	muehlstein	emily.muel	Mar 05, 20	Mar 05, 20	Mar 05, 20	76.82
Yes	68	steve	branstetter	steve.bran	Mar 05, 20	Mar 05, 20	Mar 05, 20	9.22
Yes	39	Karla	Gore	karla.gore	Mar 05, 20	Mar 05, 20	Mar 05, 20	410.82
Yes	70	Alberto	Solana	albiesol@g	Mar 05, 20	Mar 05, 20	Mar 05, 20	346.25
Yes	46	greg	dvis	gcdavismar	Mar 05, 20	Mar 05, 20	Mar 05, 20	394.7
Yes	32	Anik	Clemens	anik.cleme	Feb 15, 20	Mar 05, 20	Mar 05, 20	484.15
Yes	60	barrett	colby	bcolby3@c	Mar 05, 20	Mar 05, 20	Mar 05, 20	249.03
Yes	51	phil	steele	phil.steele	Mar 05, 20	Mar 05, 20	Mar 05, 20	579.18
Yes	20	Matthew	Ruby	warriorfish	Mar 04, 20	Mar 05, 20	Mar 05, 20	605.5
Yes	29	Andy	Strelcheck	andy.strelc	Mar 05, 20	Mar 05, 20	Mar 05, 20	337.75
Yes	28	Julia	Byrd	julia.byrd@	Mar 04, 20	Mar 05, 20	Mar 05, 20	488.7
Yes	27	a	g	andrea.gra	Mar 05, 20	Mar 05, 20	Mar 05, 20	344.47
Yes	31	m	c	mec181@y	Mar 05, 20	Mar 05, 20	Mar 05, 20	563.6
Yes	30	Julie	Davis	julie.davis	Mar 05, 20	Mar 05, 20	Mar 05, 20	161.08
Yes	47	Anne	Eich	annemarie.	Mar 05, 20	Mar 05, 20	Mar 05, 20	555.98
Yes	20	I	Laks	captaindrif	Mar 05, 20	Mar 05, 20	Mar 05, 20	76.58
Yes	70	bo	von harten	capt_bo@f	Mar 05, 20	Mar 05, 20	Mar 05, 20	19.25
Yes	38	Chris	McCaffity	freefish7@	Mar 04, 20	Mar 05, 20	Mar 05, 20	287.93
Yes	30	Samantha	Port-Minne	sport-minn	Mar 04, 20	Mar 05, 20	Mar 05, 20	583.07
Yes	47	Tracy	Yandle	tyandle@e	Mar 05, 20	Mar 05, 20	Mar 05, 20	68.02
Yes	56	Nikhil	Mehta	nikhil.meht	Feb 15, 20	Mar 05, 20	Mar 05, 20	553.33
Yes	56	Carrie	Simmons	carrie.simn	Mar 05, 20	Mar 05, 20	Mar 05, 20	90.43
Yes	67	jack	cox	dayboat19	Mar 03, 20	Mar 05, 20	Mar 05, 20	43.37
Yes	70	Bill	MacLauchli	billmac@c	Mar 05, 20	Mar 05, 20	Mar 05, 20	130.17
Yes	20	I	Laks	captainira	Mar 05, 20	Mar 05, 20	Mar 05, 20	184.32
Yes	69	Rebecca	McGinn	littleriverfi	Mar 05, 20	Mar 05, 20	Mar 05, 20	40.85
Yes	30	Joseph	Ballenger	ballenger@	Mar 05, 20	Mar 05, 20	Mar 05, 20	520.9
Yes	22	Kiley	Dancy	kdancy@m	Mar 05, 20	Mar 05, 20	Mar 05, 20	108.45
Yes	34	Fan	Tsao	fan.tsao@r	Mar 04, 20	Mar 05, 20	Mar 05, 20	166.18
Yes	41	kate	michie	kate.michi	Mar 05, 20	Mar 05, 20	Mar 05, 20	311.4
Yes	21	Sherylanne	McCoy	sherrim@v	Mar 05, 20	Mar 05, 20	Mar 05, 20	104.95
Yes	20	Don	Hesselman	don.hessel	Mar 05, 20	Mar 05, 20	Mar 05, 20	127.95

Yes	65	wayne	mershon	kenyonseal	Mar 05, 20	Mar 05, 20	Mar 05, 20	2.52
Yes	27	Todd	Phillips	tphillips@c	Mar 05, 20	Mar 05, 20	Mar 05, 20	208.47
Yes	29	Tony	Lamberte	tony.lambe	Mar 05, 20	Mar 05, 20	Mar 05, 20	70.48
Yes	37	Rick	DeVictor	rick.devictc	Mar 05, 20	Mar 05, 20	Mar 05, 20	511.32
Yes	22	todd	phillips	toddphillip	Mar 05, 20	Mar 05, 20	Mar 05, 20	117.95
Yes	28	scott	sandorf	scott.sandc	Mar 05, 20	Mar 05, 20	Mar 05, 20	398.62
Yes	29	Frank	Helies	fchelies@v	Mar 05, 20	Mar 05, 20	Mar 05, 20	463.9
Yes	49	stephen	holiman	stephen.hc	Mar 05, 20	Mar 05, 20	Mar 05, 20	434.37
Yes	30	James	Waters	jwaters8@	Mar 05, 20	Mar 05, 20	Mar 05, 20	59.78
Yes	32	Anthony	Bresnen	anthony.br	Feb 15, 201	Mar 05, 20	Mar 05, 20	499.83
No		Stephen	Holiman	stephan.ho	Mar 05, 2013	07:53 AM	EST	
No		NICHOLAS	FARMER	nick.farme	Feb 15, 2013	03:16 PM	EST	

*If an attendee left and rejoined the session, the In Session Duration column only includes their first vis

City	State	Unsubscrib Questions Asked by Attendee
Charleston	SC	No
Tampa	FL	No
st pete	FL	No
St. Petersburg	FL	No
Wilmington	NC	No
wilmington	NC	No
Saint Peter	FL	No
merritt isla	FL	No
st petersbu	FL	No
Charleston	SC	No
st. petersbu	FL	No
Charleston	SC	No
chas	SC	No
mtp	SC	No
Beaufort	SC	No
St Petersburg	FL	No
Jupiter	FL	No
charleston	SC	No
Morehead	NC	No
Saint Peter	FL	No
Atlanta	GA	No
St. Petersburg	FL	No
Tampa	FL	No
moreheaac	NC	No
Stockbridge	GA	No
Jupiter	FL	No
Little River	SC	No
Charleston	SC	No
Dover	DE	No
Silver Spring	MD	No
St. Pete	FL	No
Cape canav	FL	No
Morehead	NC	No

murrells inl SC	No
Austin TX	No
St. Petersburg FL	No
St Pete FL	No
austin TX	No
st petersbu FL	No
Tampa FL	No
Saint Peter FL	No
Morehead NC	No
Tallahassee FL	No
Saint Peter FL	No
ST PETERSE FL	No

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