

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

DOLPHIN WAHOO COMMITTEE

**Lumina Holiday Inn
Wrightsville Beach, North Carolina**

December 3, 2024

Dolphin Wahoo Committee

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Attendees and Invited Participants

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Dr. Marcel Reichert
Sonny Gwin
Dr. John Walter
Rob Cheshire

Rick DeVictor
Kathy Knowlton
Kristen Foss
John Sanchez
Shepard Grimes

Observers and Participants

Other observers and participants attached.

The Dolphin Wahoo Committee of the South Atlantic Fishery Management Council convened at the Lumina Holiday Inn, Wrightsville Beach, North Carolina, on Tuesday, December 3, 2024, and was called to order by Chairman Kerry Marhefka.

MS. MARHEFKA: Welcome to the Dolphin Wahoo Committee. Just as a reminder, this is a committee-of-the-whole, and so the entire council is on this committee. I would like to get started with the approval of the agenda. Are there any changes to the agenda? Any objections to approving the agenda? Hearing none, the agenda is approved. Any changes to the minutes from December of 2023? All right. Any objection to approving the minutes from December of 2023? All right. Hearing none, the minutes are approved.

Our first item today is to hear more about the dolphin management strategy evaluation, and Cassidy Peterson is under the weather, and so I've been told that John Walter is going to give us that presentation and, John, take it away.

DR. WALTER: Thanks for pulling the presentation up, and apologies that Cassidy won't be here. I can see the groans around the room that I'll be giving the presentation. I'm sure you would much rather be hearing from Cassidy, but, unfortunately, I'll try to do justice to the update of the dolphin MSC, which has been ongoing, and a lot of work has been done by the appointed expert panel and the technical team throughout the past couple of months to get the MSE work underway and ongoing.

So, first of all, I will acknowledge the stakeholder science team, which has staff from our shop, as well as the council, as well as some external experts from Beyond Our Shores Foundation, the Regional Office, and then from Avangrid, one of the offshore wind developers, who actually lent one of their experts to this, because Lela Schlenker has a lot of expertise with dolphin.

The technical team is Blue Matter Science now has been contracted to do a lot of the technical work. They're also the contractor who's doing the reef fish MSE, and so they have substantial expertise in carrying out MSEs and then providing standardized output for review and analysis, and so it's quite effective to have that same team here. They'll be presenting on the reef fish MSE, I believe tomorrow. Then technical team from the Southeast Center has a number of our key experts on that, as well as NC State University.

I want to give a shoutout to the stakeholder participants team. It reads kind of like a long list of some of the top people in the field. There are some of the top captains, many of the key recreational and commercial participants on that panel, and I really want to thank them for the work that they've done in attending many of the online meetings. I know it's a lot of work to be in attendance on those.

I know we asked a lot, that you could be on as many as possible, and then you could continue and stay with the process, because continuity is critical here, and we're going to be leaning on you some more in the coming year, because it's going to be integral to being able to produce management procedures then for this council to evaluate, and so thank you to that team. More to come there.

I think it would be really helpful for us to identify what the goalpost here is, and I'm not sure it's been entirely clear what the goal of a management strategy evaluation is, but, if we're going to use

it to its full extent, then the goal would be to actually get to an amendment and to the decision space that comes before the council in selecting a management action. Here, in this case, I'm going to put a dollar in the jargon jar and use the word "candidate management procedure".

That candidate aspect of it means that it is something that is being considered. It's not the actual management procedure, and I'll use another dollar for the jargon jar in a management procedure, which is the "fully specified recipe" for setting the management, and that's what's tested in the management strategy evaluation, is that full recipe for setting the ABC and OFL, as long as all of the tactical actions, size limits, bag limits, trip limits, that would also act to ensure that you stay within the ACL, as well as meet other management objectives of the fishery.

What would come before this council, eventually, according to the timeline we'll show in the further slides, would be something that looks like exactly what you see ordinarily, where there's a no action alternative, which would mean continue with the status quo, and I think we know what that is right now. It's a static catch limit, based on three-year-average catches, with some other tactical management actions, and, as we've heard from many of our stakeholders about dolphin, they're concerned about a number of things relative to the population. They're also concerned about trip limits, and other things, and it's not meeting their objectives.

Really, all we have to do is improve upon the status quo, right, and I think that's a good space to be in. Can any of the other candidate procedures, and I'll go over them in a minute, improve upon the status quo, in terms of better achieving the trip limits that North Carolina wants, better achieving the catch rate that stakeholders in Florida want, better achieving an equitable allocation of the stock between different user groups, and between different states, and so each of those alternatives would be a different candidate procedure.

Here, I've just taken the liberty of putting some hypothetical candidates forward, and I'm calling them John's Hypothetical Regulatory Amendment 3, because this is just something that we kind of scratched together. It's not actually what's in the amendment, but it's something that this council is going to be able to evaluate in the MSE and provide feedback and say, hey, can you test this? What about this? What about this? Then you'll get several bites at the apple, after you get results from that, and say, okay, it's not exactly getting what we want, and could we tweak it a little bit more, and then another bite at the apple, tweak it a little bit more, to eventually arrive on what would be the best managed procedure.

The first one would be an OFL and ABC and ACL adjusted annually based on an index, and here what we're talking about is an empirical management procedure, which would be index-based. Essentially, when the index goes up, the catch goes up. When the index goes down, the catch goes down, which is really nice. It's really, really intuitive, and it kind of matches with, okay, people say there's fewer dolphin on the water this year, and we'll reduce the catch limit and then try to equitably allocate it, so that one group doesn't catch more of them than the other, and it's probably going to make sense, because they're going to have seen those catch rates go down.

Then the other tactical actions could be size limits, vessel limits, boat limits, et cetera. Then a Candidate Management Procedure 2 could be state-based OFL, ABC, ACL. Right now we don't do state-based distributions, but that's something that, if you choose to have it be evaluated in the MSE, it certainly could be evaluated. That could potentially allow for some distribution, or spreading out, of the catch.

Then the third one could be state-based, but maybe some other added bells and whistles, like an extra added stability. When we've done management strategy evaluations in other areas, something that stakeholders have often wanted was stability, because they wanted to ensure that the catch limits weren't going to change that dramatically from one year to the next, which is quite valuable, often, for commercial fisheries to be able to plan on things, for charter captains to be able to say, yes, there's going to be fish to catch next year.

You can often add in some buffers that buffer the interannual variability in the catch limits and then evaluate does it still achieve the things that you have to achieve, the biological must-pays, which we say those are you've got to ensure that overfishing isn't occurring, and you've got to keep the stock with a reasonable probability of being in the green, and rebuild a stock that may be overfished.

If you can still achieve those, by adding all the other bells and whistles, then it meets those, while also better achieving other objectives, and being able to evaluate that tradeoff space is really the power of MSE, and I want to just kind of crystallize that, that, eventually, and I think in the timeframe, we'll get to something like this, which will be the decision before the council, and you'll get to choose one of these, and you'll have all of the other performance metrics, and you'll be able to say we're choosing CMP X because it better meets our objectives, it's better than the status quo, and, while it may not meet everything that fishermen want, it's better than the alternatives.

I think that's a really good decision space to be in, and you're going to have the power of MSE, having simulation tested it before it went in place, to be able to say, hey, I'm relying on this to say that this is a good decision, and then there's a whole lot of other things that go into it, in the sense that there's a lot of uncertainty that go with making a management decision, and, for dolphin, we've got a lot of environmental uncertainty. We've got a lot of uncertainty about what may be happening in international waters, none of which we can control.

That is going to be simulation tested within the MSE, so that you're going to know that this advice is relatively robust to those uncertainties, and then there's an added thing that, when things are not robust to that, so that there's additional set of tests for when it fails, and you're going to also know when it fails, and that's going to be then defined in something called exceptional circumstances.

We saw Cassidy, last year, give the five-minute speed talk on bluefin exceptional circumstances, and those are the get-out-of-jail-free situations, when this is when we need to abandon the manager procedure, because an exceptional circumstance occurred, and that's when usually you have to come to the table with something else, and it's usually specified in those provisions as to what would then happen in that case.

I think that's a nice way to backstop it and say, hey, we're not beholden to this, if all the assumptions failed, but then what do we do when that happens, and you're actually testing when it might happen, and you could sometimes build in a check, and a balance, to determine whether you can detect that.

The purpose here, using the jargon of the management procedure, is that, essentially, this is to develop a managed procedure. That's the purpose of the MSE, and that's the fully specified recipe with all of the tactical management actions, and I think I largely went into that, but, the last part,

meeting stakeholder-defined management objectives, that's what we're getting out of a lot of the work that we had done, the participatory modeling that was done two years ago, to be able to identify what the different objectives were, and then we can test how well we achieve them.

Here's the project outlook and where we are right now. We're in the orange box, on building the MSE operating models, with input from the expert working group. Then there will be a series of feedback loops, in the purple, and then the green, where we'll be building the management procedures, refining them, and then coming back to both the SSC and the council, at various times, with performance of the candidate management procedures.

Then you'll be able to see is it performing as you expect, can it be improved, and, eventually, the expectation is it will be able to provide a series of decision points on the candidate management procedures in March 2026.

The update on where we are is we have Blue Matter Science onboarded this summer. The modeling dynamics are following the similar framework to the multispecies snapper grouper MSE, in terms of the output is going to look quite similar. That's going to be very efficient in being able to see similar graphics, and similar presentation of results, even though it will be a different scenario. The results, and the graphics, should be able to be standardized, which will make decision-making easier.

Another detail is about the actual modeling. It has quarterly time steps. It's a statistical catch-at-length operating model, and it has spatial dynamics that reflect what we think we know about the movement and migrations of dolphinfish, based on tagging data, and then a number of the other aspects are being evaluated by that working group of experts, in terms of being able to parameterize it and incorporate their knowledge about how dolphinfish operate, and a lot of that is based on using local ecological knowledge on the movement and distribution.

There will probably be multiple different movement scenarios, because we still have a substantial amount of uncertainty about how dolphinfish move. We'll also have a lot of -- We'll different scenarios about how the international fisheries may be operating.

One of the key aspects here is I think where different decisions get made, and whose roles and responsibilities they are to make them, and so there's a science aspect of MSE, in terms of who parameterizes and defines the scientific inputs, and then there's a management aspect of who ultimately decides on the management, and that is clearly and firmly in the wheelhouse of the council, in terms of deciding on the management procedure, and so that's down at the bottom-right corner, adopt and implement managed procedure, based on performance. That will be your responsibility.

In terms of the SSC's role in that, they will advise, and ensure, that it meets the biological must-pays that are in their wheelhouse, i.e., the ABC, and then the modeling team will test and refine those, and so I'm going down the purple row, and stakeholders will advise on those management procedures. They'll get opportunities for public comment, and scoping, and say, yes, this looks good, or this doesn't, and we prefer CMP -- Maybe 3.

In terms of the operating models, going through the blue row, stakeholders advise on the operating model structure. We've already gotten a lot of that feedback. The modeling team constructs them.

The SSC then adopts them, and we'll present it to the SSC, and they'll say, yes, these do meet the scientific needs, and then the council will advise on those operating models, when eventually we present to you the suite of the operating models and the robustness tests, and then the management objectives -- Those are really what you, as a council body, want to achieve. You set the management objectives. It's advised by stakeholders. It's quantified by the modeling team, and the SSC needs to ensure that it meets the biological objectives.

Then here is the timeline, and so we are, right now, to the left of it, and so we're just starting here, and the March council meeting is when we'll have sort of the initial phase, where we'll advise on the management objectives, and some of the initial managed procedures, and one thing that is going to be very key is that we are able to actually provide some results of some initial management procedures, and I think that's really key to being able to understand what you're going to eventually see at the backend, and, key to refining something, you're going to need to see results. We hope to have some initial results for March.

Then, in the SSC meeting in the spring, we'll be able to provide an overview to the SSC. They'll be able to advise on the structure. The June meeting would be optional, depending on whether -- June of 2025, whether we need to come back to this body, but, at the September meeting, we'll probably have a revision of the MPs. Then the fall SSC, for their review of it, looking and making sure that it meets the must-pays and the scientific sign-off on the framework. The December of 2025 council meeting, to -- Again, another bite at the apple and refining those management procedures.

A CIE review, to ensure that it meets external peer review, scheduled for early 2026, and then the March 2026 council meeting is where we hope to be able to provide procedures for final adoption, and then it will go into rulemaking.

One of the key aspects about rulemaking here is that we're going to have a lot of the needs that go into the rulemaking already provided, in terms of the different performance, and so we really -- We think it will be streamlined rulemaking for SERO, and for the council, to be able to incorporate these into a final rulemaking.

One of the other aspects that we need to touch upon is that the management procedure -- If it's empirical, and it's updated every year, or every two years, you would probably ask, well, how does that factor into the rulemaking that already takes a significant amount of time, and that's where we're having conversations about abbreviated frameworks, where the Regional Administrator can actually adjust catch limits quite quickly, within a certain tolerance, which could take the output of the index-based management procedure, adjust the catch limits, and get it through relatively quickly, and this is done in other regions, so that it could reflect the rapid population dynamics of something like dolphinfish, and this is certainly within the realm of possibility, and I think dolphin is a good example of why we would want to do that. I think that's it for now, for the update, and I hope you got the idea of where we're going, what the goalpost is here, and I'm happy to take questions. Thanks.

MS. MARHEFKA: Thanks, John. All right. Let's start with questions. I have Jessica, then Tim, then Jimmy.

MS. MCCAWLEY: Thanks for the presentation. That was really informative. I guess one of my questions is it feels like we're past what the original timeline was. Can you talk a little bit about why there was a delay? Was it because you all were debating about the model? What was it that caused the delay in this process, because I thought we were supposed to be well underway and close to done by now. Now it looks like we're talking about say the end of 2026.

DR. WALTER: I don't know if there was really a delay. I don't know if the expectation was to be done by now. I think the expectation was to review the framework action, to delay the framework action for a year, and to review progress on the MSE by this year, at this meeting, and that's what we're providing. If there was an expectation that the framework action would be further along, and informed by the MSE, I don't know where that came from, but it takes the time it takes.

I think the product will be worth the wait, is my -- Advancing it more rapidly, certainly the framework action could operate more quickly, but, if the council chooses to have the framework action be informed by the MSE, that's your purview. We would recommend that that probably be the case, just in terms of it is a good structure for doing that, but maybe management exigencies dictate more rapid, but your call. Thanks.

MS. MCCAWLEY: Just to follow up on that, so is the funding secured for the remainder of the time period, or is there a possibility that it wouldn't be completed with the timeline that you showed us, by 2026, and like so are you waiting on money, or anything like that, that could slow it down?

DR. WALTER: Right now, we have internal NOAA funding to support the project through 2026.

MS. MARHEFKA: Thanks. Tim.

MR. GRINER: Thank you, and thank you, John. A couple things. Jessica kind of touched on it a little bit, but so does this MSE -- Does this dynamic modeling, does it require a continual engagement of Blue Matter Science, or somebody like that, to run these operating models from here to infinity, or else how do you update and, you know, get yearly updates, or biyearly updates?

I guess I don't really understand that part of it. Do you do it one time, and then you're done? I don't see how that works, and, you know, if there is some kind of yearly update, or if you're going to look at some kind of -- You know, given the Regional Administrator the ability to make a yearly change, or a biyearly change, you know, after this modeling, what mechanism gives him that -- What mechanism does this give the Regional Administrator that he doesn't already have? I guess I don't understand that part.

What BSIA is coming out of this that, all of a sudden, down in the future, you know, you have an amendment, and, all of a sudden, the Regional Administrator can, you know, set ACLs on a yearly basis, and where does the data come from, and what is the initial cost of, you know, getting through 2026? What does that cost? What does that cost, and what would it cost to maintain this, to do it every year? You know, I guess I'm having a hard time understanding the real nuts-and-bolts of this thing.

MS. MARHEFKA: Andy, to that.

MR. STRELCHECK: Yes, and I think there's two parts to that, and so one is the scientific advice, and so this could provide a mechanism for more regular scientific advice, versus going years and years without new data, or information, or stock assessments. The other is the regulatory mechanism, and I don't have this blanket authority, right now, to make changes to catch limits, right, and that would have to be done through some sort of, you know, framework process, or some sort of efficiency that's developed that could provide the Regional Administrator that authority.

You know, the Gulf Council, and the South Atlantic, through some of the IRA funding, has been talking about looking at efficiencies, in terms of, you know, setting catch levels, and so that's certainly an avenue we want to go down.

There certainly could be bounds that are placed on it. For example, the council, the Gulf Council, talked about if, you know, the catch limit is changing by no more than a certain percentage, then it would give me the authority to be able to increase it, or decrease it, based on, you know, scientific advice that's coming in, and so, just to be clear, there's no current mechanism, but, you know, looking for opportunities just to make this process more efficient, so that we don't spend, you know, a lot of time around this table having to change catch limits, when it could be more rapidly implemented.

MS. MARHEFKA: John, go ahead, also to that.

DR. WALTER: Yes and, if I could follow up on the first part, Tim, that's a great question, and here's basically how it would work. The framework action would write down the recipe for setting the catch limit. The recipe would be really simple. It would be, if the index goes up, the catch goes up, according to some specifications. That could be basically done in a spreadsheet, once you've got the index, and then have some degree of maybe review, if the SSC says, yes, we want to sign off on it, but it would be really simple.

The goal is to produce a simple tool for updating the management advice. That would probably be done by the Science Center. Then that would be done, and then sent for actual regulatory action, however that would occur, and hopefully it can get streamlined. Then, in terms of redoing all the rest of it, in terms of revising the whole suite of operating models, that generally doesn't need to occur very often, and only if something is broken, like the exceptional circumstances happen, and the whole thing breaks, and what was tested within the operating models is deemed to be no longer valid.

Hopefully we would set it in place, and it would work for any number of years, and greatly simplify providing more rapid advice, getting to the council's stated goal of being more current with what's going on in the water, and so dolphin might be a really good example for -- Because of its life history, the need for that, but it might also set some examples for how it could be done for other stocks, where we might be able to provide more rapid updates, and maybe more rapid modifications of catch limits, that are derived from the full stock assessment in between the full assessments, and be more current with what people are seeing on the water, but great question. Thanks.

MS. MARHEFKA: All right. I have Jimmy, then Jessica.

MR. HULL: Thank you, John. Could you go back to the timeline slide? It looks like, to make this scientifically like defensible, in the long run, in determination of BSIA, you have two SSC engagements, and one CIE review, and so that's what's available to determine this as best scientific information available?

DR. WALTER: Well, in that case, it's a pretty intensive engagement with the SSC, and then the CIE here to get that, and I think it'll be a pretty rigorous review of it. Most CIE reviews are like a week-long dissertation defense, and so, yes, I think that will allow the agency to have confidence that the full package is based on BSIA.

MS. MARHEFKA: Jessica, then Chip.

MS. MCCAWLEY: Following up on the question that Tim had, because maybe I don't understand, and so I understand that we would be using this to basically do adaptive management. I mean, it seems like a cool process, but I guess, and maybe this is what Tim was getting at, so does it mean that NOAA has to permanently contract with Blue Matter, or does Blue Matter make this model for the first time, and then turn it over to you guys, and then you all can run it from here on out, to do this process?

The reason that I think -- I know why I'm asking, and I can't speak for Tim, is just trying to make sure that, if we're going to set up this cool system in a framework amendment, that the money is there for this to go in perpetuity. I would hate to set up a system, and then we get two years into it, and you guys are like we don't have the money, and we can't contract with Blue Matter anymore, and we can't do this dolphin management system anymore, and so just trying to understand kind of how you envision this working. Is there a handoff, you know, of the product over to NOAA, and then someone on your staff can then run it from here on out?

DR. WALTER: Yes, and I'll illustrate with an example. The bluefin tuna management procedure, I can update the management procedure right now, on a spreadsheet, or with some R code, and so Blue Matter has handed it off. Anyone can do that update. All you need are the indices, and it's just an algorithm that takes those indices and adjusts the catch for bluefin tuna based on what those indices are telling us, according to the rules that were specified.

We also do an annual test for whether exceptional circumstances occurred, which is another coding exercise that's handed off, and, in this case, it will be basically taking the index, which will probably be calculated by the Science Center, and then determining, based on the value of that index, how you would adjust the catch and then implement the rest of the recipe that might follow through from that index, and so like, if it was high, it might be here's the catch, and then along with the other associated tactical actions.

MS. MARHEFKA: Shep.

MR. GRIMES: Thank you, Madam Chair. I wanted to make just a few comments, procedural comments, but I guess, first, it seems to me, or at least the way I view this, it's a management tool. It's a decision-making tool. You put -- You know, what goes into it is best available, and what comes out of it is a recommendation.

It's a management recommendation, or, depending on how you structure it, maybe not a recommendation, but a management measure, a change in management, and maybe I'm not right in that, but that's sort of my mental construct for it, and, as we all know, procedure is hugely important in this business, and the way I see it, in terms of implementation, is you can either use it -- The way it's sort of presented here, you could have the MSE go out, and the MSE provides this information, and then the council can say, okay, we're going to act on that information, and so, in the context of Framework 3 that we have, that's a framework action, right?

It's an action by the council. The council takes it without an FMP amendment, right, without the lengthier process, and the council could take the information out of the MSE and say, okay, now we're going to implement it, and you go through and develop Framework 3, the actual framework document, and implement that. You could do -- If it qualifies, right, and I'm not sure if you have abbreviated frameworks in this FMP, but let's say something qualified for a framework, and you would do the abbreviated framework process.

That's still the council doing it all, right, and that you take that information right, the second stage, and then the council goes through what the old operational guidelines for NMFS used to call an open framework, right, and it requires council deliberation, and action, but it doesn't result in an FMP amendment, with the additional regulatory process, right?

Another option, it seems, and what I think John is talking about, and what I understand they have done in the ICCAT context, is that it's automatic, right, that you adopt the MSE, and you go through -- In that case, you would have to do a plan amendment, right, and I don't think we're far enough along, or at least I can't envision how we would actually write it up and do it, but we would do a plan amendment that, in dolphin wahoo, ingrained this decision tool, right, and this would be the tricky part, right, to make it automatic that we're going to feed information into this decision tool, and it's going to make its decision, and the results of that decision are going to be implemented via regulatory changes, right?

You know, I'm not sure -- Think of how we do quota closures, right, or ACL notices, and we do those as temporary rules, and they're published in the Federal Register, and prior opportunity for notice and comment on those is waived, because what's in the regulations is so specific that there's no discretion, and there's no decision point, and it just happens, and we implement it.

I think it's going to be extremely difficult to build this into the Dolphin Wahoo FMP so you've got that outcome, right, and maybe we can, and I'm not saying we can't, but let's say you build in enough specificity in the FMP, and, more importantly, not only the FMP, but in the codified regulations, right, because that's what's putting the public on notice for how it's going to occur and if it's going to occur automatically, right, with no council discretion, no council decision after the MSE advice, and it's going to have to be very specific.

It seems, to me, things like changes to size limits, changes to annual catch limits, and those things, that's going to be challenging to do, because how would you have told the public, right, and you could build it in there to say, well, if we get this result, we'll increase the bag limit by two, decrease the bag limit by two, and you could build that type of specificity in the regulations, but I'm not sure it's going to provide the flexibility that the MSE might need, if it comes out and says, no, now we need to decrease the bag limit by three, instead of two, and you didn't build that into the regulations, and you can't just do that without some sort of additional council and regulatory action,

right, which means not necessarily proposed in final rulemaking, and you could have good cause and waiver, but that's probably what it means. Thank you. I hope that made sense and I didn't just confuse everyone.

MS. MARHEFKA: I think we have a follow-up and, Charlie, if you'll forgive me, you're next, but Jessica I think has a follow-up that's pertinent to that discussion, and I would like her to ask it, if that's okay with you. Thank you.

MS. MCCAWLEY: So thanks, Shep. That was helpful. That was one of my questions, is kind of not understanding how this would work, and so, just to kind of follow along that discussion, on this timeline schedule here, if you look out to the last red arrow there, there is a tiny bullet under there that says, "adopt MP", and, for example, John's Hypothetical Reg Amendment 3.

I guess part of my question is it seems like, in this scenario, with this MSE, that we would start embarking, either today or soon, to set up Reg Amendment 3, not to have a specific size limit, bag limit, et cetera, but, instead, you would have this sliding scale that would operate based on the results of the MSE, and what it seems like what Shep is saying is, hey, what a challenge, because, you know, what if the MSE comes back -- What if the sliding scale allows the bag limit to go down, or up, in increments of say two, but the MSE comes back one year and it says that it needs to go down in an increment of five, or three, but the procedure is not set up to do that.

Then you've got this procedure that doesn't match the results, is part of what it seems like Shep is saying, and so I guess, also, it seems like what John is saying is that you're kind of throwing out Reg Amendment 3, the way it's currently structured, and, instead, you're just using the amendment to set up the procedure, and these things that are going to slide back and forth, as the MSE is run, either each year, or every other year, et cetera, and is that -- Can you speak to that, please?

MR. GRIMES: Yes. Thank you. So, in terms of just through Framework 3, right, that's framework, and so you do -- You can't set up that thing in the FMP through that framework action. There's nothing in the framework currently that allows you to do that, and I would say that's way broader than any action you should be taking under a framework, period. It should be a full-blown plan amendment. It should change the FMP to ingrain that procedure in the FMP, but so -- I wouldn't say throwing out Dolphin Wahoo 3, because it seems, to me, this is sort of a test flight, let's say, right?

You're developing the MSE, and it can provide information that you wanted. Okay, let's say it tells us to change the vessel limit, right, and that's what -- You know, whatever it -- It tells the council what should be done in those measures that are just in Framework 3. You could then proceed with Framework 3, and implement it just like you would any other framework, right, and I think where the MSE would have saved you is why --- You wouldn't need to have a bunch of meetings worth of discussion over what to do if that process would have told you what to do.

You could write up your framework, have a meeting to discuss it, approve it, and then it would be implemented. I mean, you still have whatever rulemaking, and so there's a year or so to go, or whatever, and, I mean, many months of agency action after the council would vote to submit that amendment, or that framework, but you could implement just Framework 3 with that, and then, if you wanted to start the amendment to build the MSE into the FMP for future management decision-making, you could.

You could also just, you know, can Framework 3 for now, and do it all at once in that FMP amendment, right, and build in the MSE, and then use it going forward, but, if you really want to do this stuff in Framework 3, I wouldn't wait, because I see building an FMP amendment to ingrain this in the FMP as being a long process.

MS. MCCAWLEY: Yes, and I think you -- Just to follow on that, so I think you answered my question. It's because, first, it would take a full plan amendment to set up the framework of the MSE procedure, and then that could take -- It sounds like we're talking a year, two years, three years to, you know, figure that out, since it's brand-new for the council, figure out what these sliding scales are, figure out how this is going to work. We could be all the way to like, and I'm going to just make some guesses here, 2028, or 2029, before we could implement the MSE, is what -- I think that's what you're saying, and I don't want to put words in your mouth.

MR. GRIMES: That was all correct except the timeline. I won't offer an opinion on that, but, yes, I'm not -- It is -- The timeline to build this into the FMP, and implementing it that way, is much longer than the timeline I see for Framework 3, and that's simply a matter of the scope of it and the issues involved.

MS. MARHEFKA: Thank you. That was a very helpful discussion. I have Charlie, then Andy, then Trish, then Dr. Walter.

MR. PHILLIPS: Thank you, Madam Chair. I'm still trying to get my arms around this. It's a lot, and it seems like I remember, yesterday, and it seems like a long time ago now, they talked about the Gulf Stream being on an inshore track for the last ten years, more or less, and we know that's where -- You know, the conveyor belt that moves the mahi around, to a large degree, and so are things like that built into this, so that we can kind of track what our sliding scale may be doing, and it looked like the scenarios were mostly recreational, and so I have no idea what it's going to do to commercial.

DR. WALTER: One, commercial is absolutely included in this. I mean, it's a package deal. You can't manage one component without the other, and so the commercial needs are part of the management objectives, in terms of what commercial fishermen desire and need out of the fishery, and so that is definitely considered, in terms of those, and there are some commercial representatives on that expert panel. I think Dewey is one of them, and Dewey is here today.

In terms of considering multiple different current scenarios, we're trying to kind of figure out how best to address that, because there is a hypothesis, to get into the details, that some come up through the Straits of Florida, and come up that direction, and some come around the Bahamas, and come into the North Carolina waters around the Bahamas, and that maybe those may not be the same group of fish, the same migratory components.

We're going to probably try to build different scenarios, and one of the benefits of this is we don't have to settle on one best scenario, and you get the answer of how well does the management work given that those uncertainties exist, and we just don't know, but we have to put some management in place, and so you'll be able to say, well, you know, to your fishermen, you know, we don't know the answer to this, but we're not required to know it. We're still giving management advice that does better than this one, given that, and I think that's a nice place to land, from a decision space.

MR. PHILLIPS: Yes, and just to note that I called a friend of mine that swordfishes, and occasionally -- He's got HMS permits, and occasionally they mahi fish out there, and so he said it's been pretty poor pickings, for the last few years, to the point where they generally just didn't do it, and I know we've got some of the non-HMS folks that occasionally go out there, you know, longlining, but, again, there's not a lot of effort there, in the scheme of things, so there's a lot of moving pieces, and, again, tracking where the Gulf Stream is going to go, and what's going to happen, is a really neat trick, and good luck with it.

MS. MARHEFKA: Thanks. I have Andy, then Trish.

MR. STRELCHECK: Just a couple of comments, and so, kind of building off of the conversation between Jessica and Shep, I agree that this is going to take a while to build this structure, if we go down this path. You know, nothing prevents us from proceeding with the regulatory amendment, or action, until that broader MSE is completed.

You know, we're in new territory, as many have talked about, and, you know, from your comments, Jessica, I think this is an opportunity for us to make this as simple, or as complicated, as we would want to, right, and so that's something I think that's the beauty of the MSE, is it gives us an opportunity to put the sideboards on it and give some direction for the scientists and others that are running the MSC.

I think that's the other critical component of kind of this new territory, is we're reliant -- Or we have been reliant heavily on Blue Matter and the Science Center bringing forward this information, but, at some point, we really need to then turn to providing much more feedback, and input, on the management strategies themselves, right, and so the models might say we need to reduce effort, or we need to change discards by a certain amount, in order to achieve our goals and objectives, but it's not telling us exactly how we do that, how we go about that.

That's been our responsibility, to help inform the scientists, and others that are working on these strategy evaluations, to see if they can build that into the modeling component, and assess that for us, and then, ultimately, provide the feedback loop back to managers that could be integrated into future management.

MS. MURPHEY: So I just need to speak. This is not what I think we had been presented initially, when we started talking about Regulatory Amendment 3 and the MSE. The story has changed, because what I recollect, and maybe I recollect wrong, is it was going to take a year to do the MSE. All the stakeholder meetings were supposed to happen this year.

I think what I understand is you lost the MSE guy who was running it, and it took some time to get back. That was my understanding of why it was put off, because we had a motion on -- We had a motion, back in June of -- We had a motion, sometime, that actually basically said -- June? Okay. So it was June. We had a motion that basically said we would either have the report on this MSE, at this meeting, or we would start Regulatory 3, whatever came first, because I think --

I'll speak for myself, but I kind of take it, around the table, that we were going to have results from that MSE, and, from those results, that would start the Regulatory Amendment 3, and it was going to be based off all the stakeholder input, the modeling. Like, I mean, if it came out, and this is just

an example, but if it came out that, you know, the best way to go would be regional, and we did the amendment with the four different regions that are in the MSE, you know, something like that, and was never -- I was never informed, and maybe I'm just naive on the MSEs, period, which is true, but I had the impression that the results was going to start the regulatory amendment.

I understand that you can keep running the MSE, and make different changes and tweaks and everything, and then, to me, if those tweaks were important enough, or needed enough, it would maybe feed into another regulatory amendment. That's how I thought this was going, and so, now that I see this, and hearing Shep, and hearing you guys talk, this is totally not what I thought we were doing. I don't know what other folks around the table were, but this got a lot more complicated than what I remember the point was, and so just -- I'm kind of at a loss of what to do at this point, and so just that's my feelings, on how, you know, this was not what I thought we were doing, and so thank you.

MR. GRIMES: Thank you, Madam Chair. I guess I'm a little confused, because I see what you were expecting as being one of the options I just discussed and presented to you. That is that you use the information that you get, plug it in just to Framework 3, right, and that's -- If you want to proceed with those changes, and those changes alone, you could use the MSE, inform those decisions, make those decisions, do the Framework 3, and then decide what else you're going to do with the MSE at a future date, and so you could still accomplish that. That is one of the things I mentioned. You won't incorporate the larger suite of MSE into your FMP at that point, but you could use it to inform your decision-making in Framework 3.

MS. MARHEFKA: Let me see if I can sum this up, the way I understand it, which could muddy the waters, but, Shep, what I think I'm hearing you say is we can wait. You know, March comes around, and we're at this point where it does have this sub-bullet, John's hypothetical amendment, Reg Amendment 3.

At that point, we can do two things. We can start Reg Amendment 3, and use what we've learned from the MSE to make some decisions with Reg Amendment 3. Concurrently, we can begin the work on the more systemic document, and then our other option, that we're referring back to, is that we had this discussion in June that said this --- Instead of March being the date, December was the date in which we were going to make the decision about whether we were going to move forward with Reg Amendment 3 now or wait for the results of the MSE.

What I am sensing is we're at that point where we need to have the discussion of timing again, and I will defer to you, Madam Chair. That does get in a little bit more to our next discussion topic. I think we're going to have probably a lot of discussion on that. I'm not sure if there are any more specific questions to John's presentation. It looks like Jimmy has one, and, Jimmy, while you ask, maybe we'll figure out timing of where we want to go, just in this committee. Please, and then Jimmy.

MR. GRIMES: Thank you, and so I guess, yes, right, and I don't have any issue with what you said, but what I was thinking, or what I wanted to add, is that this council made a decision not to proceed with Framework 3 at the time, because they wanted to use this information, or thought it was a good idea to incorporate the information of Framework 3.

You don't have to. You could make that decision. You could pick Framework 3 back up, and proceed with it, develop it, do whatever, regardless of the MSE, but I would just say, right, you have the MSE there, and I would caution that, if you get a little too far -- Well, if you go down the road of Framework 3, and decide what you want to do, and then have the MSE come out before you submit it, or let's say after you submit it, is sort of, in my view, the worst-case scenario, because then the agency -- What if they're different, right?

Then you have the agency making a decision on a plan amendment that you submitted, and is it consistent with the best available science, when you have this fancy new computer model telling you to do something else, right, and that will muddy the waters, undoubtedly, and that's something I would just certainly be cognizant of.

MS. MARHEFKA: I'll just correct you in that my recollection is it's not that we said we wanted to wait until we had the results of the MSE. We were saying -- We were cautiously going along with the ride, but my understanding of the way it's gone is was the timing going to line up, and we would give it some time, to see if the timing was going to line up, and then we would reevaluate, which is I think the point we're at here today, but your point is very well taken, as far as what happens if the cart gets ahead of the horse, which is a discussion we have been having all along.

MR. GRIMES: I'm not assigning blame or anything. That was the council decision, holding off on Framework 3. You could change that decision at any point.

MS. MARHEFKA: Jimmy.

MR. HULL: Thank you. My question is to Dr. Walter. I think, once this management tool is developed, and you said, earlier, that, once it's handed off to the Science Center, that you could actually quickly throw in new scenarios, and get quick results out of this model, so that, once it's implemented into our -- You know, things change, and the timing is important, that we get something quicker than this long timeline, but is that what I heard, that it could be quickly -- The model could be run quickly, with results, with new scenarios?

DR. WALTER: Yes, and it wouldn't necessarily be new scenarios. We would just get an updated index, or whatever information needed to run the management procedure, which would probably just be an index, and then we would simply run that, and then all of the other actions would follow, because they're specified according to the recipe, probably, and it sounds like probably a whole new plan would need to be done to be able to have that operate like that, but it would be straightforward, and fairly simple, and everyone would know the recipe. We wouldn't know the value of the index until we get it, but, once you get it, everything else would follow.

MS. MARHEFKA: To that, Shep.

MR. GRIMES: Please correct me if I'm wrong on this, but that would say they put new information in it. The model, the decision-making tool construct, whatever that is, that's done, right? Blue Matter develops that, put it in, you use it for decision-making, and then, each year, or however often you do it, you put the new information in it and get whatever answers it's providing, right, and it's not like you're changing the model, and the process, or, you know, revising things substantively, right?

DR. WALTER: It's not even a model. It's just that the ACL change -- If the index is X, the ACL changes. If the index goes up by 10 percent, the ACL goes up by 10 percent. It's something as simple as you could do in a spreadsheet. That's the empirical management procedure.

MR. GRIMES: Okay. Good. So that's great that you said that. I would liken it to -- Think of the decision tools that you get in spreadsheets that come from the Regional Office for specific species. If I change the size or bag here, then here's the end result of it, right, and I guess you're familiar with those. I mean, SERO has built those, and you use them. I've seen them for gag, you know, those kinds of decision tools. That's exactly how I view it, right, and then you put the information in, get that out, and it's just a question of whether, you know, process-wise, whether you build it into the FMP or it's something outside the FMP that informs you, and then you proceed procedurally after you have that.

MS. MARHEFKA: Thank you. I think that was an incredibly helpful discussion. I am going -- Seeing as we've come up a little past our lunch hour, I'm going to hand it over to our chairwoman to explain what we're going to do from here.

MS. MURPHEY: Thank you for all that discussion. We're going to go ahead and break for lunch. Please everybody be back at 1:30, and I think we'll take up -- We are done with the MSE discussion?

MS. MARHEFKA: We are.

MS. MURPHEY: I think we're done with the MSE discussion. We'll take up the discussion of Reg 3 at 1:30, and so see you all then.

(Whereupon, a recess was taken.)

MS. MARHEFKA: We're ready to get started with the Dolphin Wahoo Committee. Our post-lunch discussion, or pickup on the agenda, is going to be on Item 2, which John is going to walk us through sort of where we left off with Reg Amendment 3, and so take it away.

MR. HADLEY: All right. Thank you. What I'll do is provide a summary of Regulatory Amendment 3 and just kind of remind everyone where we left off last time, and, really, kind of the question that will be posed at the end is what does the committee want to do with Regulatory Amendment 3 right now, and we'll have a few options at the very end, but just kind of be thinking about that as I go through the various actions and alternatives, kind of range of alternatives, that are in the amendment.

I will mention we don't really have additional information for you, from an analysis standpoint, and so, you know, we're not really prepared to have the discussion on, you know, these are the specifics of these alternatives, but, you know, the idea is to have more of a timing discussion today.

As a little bit of a reminder on what's in the amendment, there's really four major actions. There's one that would extend the geographic range of the minimum size limit for dolphin to basically apply north of the North Carolina-South Carolina border. The next action, and, again, I'll get into the sort of what's being considered in the specifics of these actions, but, you know, as a general overview, the other action looks at modifying the daily bag limit for dolphin.

There's another action that looks at changing the vessel limit for dolphin, and then the final action looks at removing, or reducing, captain and crew bag limits for dolphins, and so, again, this is very focused dolphin-based amendment. The last three actions focus on the recreational fishery only. The first action would apply to both the recreational and commercial fishery, if the size limit were to be extended, from a geographic standpoint.

The council has discussed this amendment. As a reminder, it was approved for scoping. As part of the scoping process, the -- Well, the concepts within this were explored during the MSE stakeholder meetings, and you did receive -- The council did receive a summary of that, and that feedback, and so that was sort of, I guess, not a "Unusual" is the wrong word, but a different way of going about scoping than we would typically go about scoping for amendments, but that was the mechanism that was used for scoping.

The amendment has been approved for scoping, and then the work on the amendment was sort of paused after that feedback, with the intent of allowing the MSE to progress, potentially to inform actions that are taken, or not taken, with this amendment.

As a little bit of a reminder, kind of some of the more recent dolphin-related actions that have occurred, you did move forward with Dolphin Wahoo Amendment 10. This was sort of an overhaul of the FMP, if you will, and it was a fairly large plan amendment, where you updated the sector ACLs, or the total ACLs, sector allocations, sort of several different management regulations for both dolphin and wahoo. You removed the operator card requirement, and you also reduced the recreational vessel limit from sixty fish to fifty-four fish.

Another sort of regulatory piece that has occurred, or change that has occurred, in recent years anyway, is that Florida FWC did implement their own dolphin recreational limits, particularly focusing on the Atlantic side, that do differ from the federal regulations, and so, effective May 1, 2022, in Florida state waters, the bag limit was reduced from ten fish to five fish per person. The recreational vessel limit was reduced from sixty fish to thirty fish, again in Atlantic state waters, and there was a clarification that captain and crew bag limits were prohibited, and so those are standing regulations in Florida state waters on the Atlantic side, and so just a reminder on some of the recent regulatory changes that have occurred over the past several years.

With that, again, the objectives for the meeting, I'll provide an overview of the management measures, and we're looking for that timing guidance, at the very end, on how you want to proceed. There was a draft purpose and need statement that was developed. I won't take too much time going over this, but the purpose was essentially modifying the size limit and recreational retention limits, with the need being to increase conservation benefits for the dolphin fishery.

Moving on to the draft actions, I'll just kind of go over some of the general feedback and where it stood with previous committee guidance. Action 1 would modify the applicable geographic range of the twenty-inch fork length minimum size limit for dolphin, to potentially apply from North Carolina and northward, potentially all the way through the management range, from Florida through Maine, and so you have various alternatives there that capture that, and, again, the intent here is that this would apply to both the commercial and recreational sectors.

The next action looks at modifying the daily recreational bag limit, and there's potential alternatives, and subalternatives, where there could be different bag limits based on the subsector within the recreational sector, and so whether -- There could be different bag limits onboard private vessels, charter vessels, and headboats, and so looking at each one of those individually. The range that was initially looked at for scoping was two to ten fish per person, ten fish being the no action alternative.

Moving on to Action 3, this action would modify the recreational vessel limit for dolphin, and the range here was twelve to fifty-four fish, which fifty-four fish was implemented via Amendment 10, and there's sort of different sub-options here, or different other subalternatives rather here, that could apply, based on the vessel type, whether it's a private, charter, or a headboat vessel, and, also, an option that would apply either for the entire Atlantic region, and so the whole management jurisdiction, if you will, of the FMP, or specifically off of Florida only.

Then, last, but not least, Action 5 would modify the captain and crew recreational bag limits for dolphin, essentially removing captain and crew bag limits, if Alternative 2 or 3 were chosen. Alternative 2 would apply, there again, to the entire U.S. east coast, while Alternative 3 would apply off of Florida only.

Moving on to the amendment timing, and, again, that final question there on what the committee would like to do with this amendment, you know, as far as how much council time this amendment would take up, it really depends on the details of how in-depth, and how complicated, or not complicated, the different actions and alternatives are, but you're likely looking at approximately four meetings or so to get this amendment in -- Sort of in shape, the analyses updated, the information updated to the point where you can move it towards final approval.

Then we have a draft timeline in there. You know, this basically reflects what's in the council's workplan right now. What's in the council's workplan is that the work would begin on this amendment after the MSE results are available, which would likely be the latter part of next year. We did receive an update on that in the previous presentation, and that may be a little bit later than that, but this is sort of a general timeline.

If work were to continue to be paused on this while the MSE was underway, and then work began after the MSE was sort of finished, so to speak, you're looking at regulatory changes likely in 2027, or 2028, and I know it's a pretty wide range, but it's certainly dependent on what ends up in this amendment.

Coming to the committee action, you know, the question of you is to provide -- Or request of you is to provide guidance on timing of amendment development. Do you want work to begin immediately on this amendment again? Do you want to continue to wait until after the MSE is sort of in a more finalized point, or do you want a different timeline?

I think, you know, kind of summarizing the discussion, and the options, that were discussed during the previous presentation, there could be more options, but there are three sort of main options that I was sort of jotting down here on potential avenues to move forward.

One, the council could continue to sort of keep things status quo and not make management changes to the fishery, and so I guess there would be four options. If you did want to move forward

with Regulatory Amendment 3, that could happen in sort of a traditional sense, and so it would move through, and you would have your actions and alternatives, and you receive the analyses on those actions, as you typically do in most amendments. That's more of the traditional -- You know, quote, unquote, traditional route for developing the amendment.

You could move forward with Regulatory Amendment 3, and perhaps have the MSE inform the amendment as it moves along, and so, if you have a set of actions and alternatives, you could possibly provide guidance to the MSE team of can you model this, or could you provide results, and, you know, here's what we're thinking, from a management standpoint, and what would be the modeling outcome of that, and so that's sort of a hybrid approach to that, or, of course, you could wait and move forward with the MSE, sort of in a larger plan amendment sense, as we discussed during the last conversation. Those are the options that I sort of jotted down, as we were discussing this earlier, but I'll turn it over to the committee to get guidance on timing for this amendment.

MS. MARHEFKA: Thanks, John, and I really appreciate you laying out those at least starter four options for us. I think that really helps clarify sort of what we heard earlier, and so, again, this is to be a discussion about timing, where we want to go with Amendment 3, Reg Amendment 3, as it stands, and I'm looking to hear from the committee your thoughts on this. Jessica.

MS. MCCAWLEY: I guess I have some concerns about waiting until the end of the MSE. I mean, we're continuing to hear concerns in Florida, and so part of me wants to continue with the framework action now and try to narrow down the alternatives, et cetera. I'm concerned about waiting until the end.

I was hoping that the MSE could really kind of inform the options that were in Reg Amendment 3, and give us a little bit more information about what would work, et cetera, how regional management would work, if we did different things in different states, which is kind of a little bit of what we have right now, but we're continuing to hear concerns, and I'm thinking about the timing, and assuming that everything goes on track, it looked like the MSE wouldn't be completed until March 2026. Then we would have to start something, and so maybe it's not in effect, at the earliest, until 2027. It just seems like kind of a long time to wait.

MS. MARHEFKA: Okay. Thank you for that. Tom.

MR. ROLLER: You know, I do also share concerns about the timeline of the MSE taking a considerable amount of time. I mean, you know, there isn't -- You know, we do hear, from fishermen, that they're seeing less fish, and we don't know what the cause of that is, whether it's climate or a loss of productivity in the fishery, for some reason, but, at the same time, I'm concerned going forward with this framework.

I'm asking what we're trying to accomplish here, because we were having this argument in the previous amendment, and we came to some sort of compromise. It wasn't what some people were happy with, but what are we trying to do here? Are we trying to reduce harvest, because I'm not so sure that what is put forward in this framework is actually going to do that. I mean, what we heard, from a lot of fishermen, particularly the North Carolina for-hire sector, being that they were going to be unfairly -- They were going to bear the brunt of any sort of regulatory reductions, at least of what was proposed here.

MS. MARHEFKA: Yes, and we had a lot of discussion about that back then, and, you know, you asked the question of sort of what is the purpose, and I'm just referring, myself, personally, back to the purpose and need, you know, to inform what is -- Why we are doing this, whether or not that really gets at the core question of are we trying to reduce harvest, and it doesn't say that in the purpose and need, and I recognize that, and, while we're looking Trish.

MS. MURPHEY: My thoughts are I was really excited about this MSE, when it first started, and I thought it was going to -- I guess I go back to the original, what I thought was going to happen, is it was going to help us inform the regulatory amendment, and we already got some good information from the stakeholders and stuff. You know, the way the stakeholder stuff has worked out, it's -- I guess they're kind of looking at four regions, you know, within what has come out so far, and so I'm kind of wondering -- I'm wondering more about the MSE informing us.

We don't have to wait on it, but what information can we use from those stakeholder meetings, which were also scoping, counted as scoping meetings, and what can we get out of that to basically address Florida's concerns, and North Carolina's concerns, so that we can get it right for both states, and not leaving out Georgia or South Carolina, but -- So that's why I'm kind of -- I wonder if we can kind of take the regional piece of that MSE and apply that to Reg 3, and so just a question, a thought, if anybody else has any thoughts.

MS. MARHEFKA: I had Tom, and then we'll go to John for that.

MR. ROLLER: I share Trish's sentiment on this, is how we can use the MSE to inform this, because I think that, in order to address the concerns of both the primary harvesters of this fish, which is North Carolina and Florida, we're going to have to look at some sort of regional differences, right, because I look at the draft purpose and needs statements, and it reads: The purpose of this amendment is to extend the applicable geographic range to the minimum size limit and modify the recreational retention limits of dolphin.

It says the need for this amendment is to provide increased conservation benefits to the dolphin fishery in the Atlantic region. Does this amendment accomplish that need, is the question I'm asking, because I don't believe it does. I think reducing the bag limit to thirty in Florida, if I'm not mistaken, isn't a reduction at all, or, if it is, it's barely one. I would look to staff, or look for some sort of analysis on that.

I think I remember that from the previous discussions, because what we discussed about is, if we reduce the recreational bag limit, the only people it really impacts is the North Carolina charter fleet, and so are we really providing any conservation benefits to this fishery with what we have proposed here?

MS. MARHEFKA: Great questions. John, go ahead.

DR. WALTER: I think I'm hearing the concerns about the timeframe for the MSE, but the reason for that timeframe is actually to get repeated feedback from this body, and the reason the -- We could complete this, and be done with it faster, but, if you remember that timeline, it had repeated engagements with the council, and two engagements with the SSC, which was -- To fit that in, that's why the March 2026 timeframe was there.

We could be finished with it faster, but this process really does need that engagement, we feel, and, to the point of can it inform Regulatory Amendment 3, absolutely. Right now, Regulatory Amendment 3, those options would probably be the strawman CMPs to start off with. Just taking exactly what's there, I would say we would just run with those, going from twelve to fifty-four fish per person, and then, whether it's state-specific -- I mean, there's some options there that are outlined that could form the basis for the CMPs.

Then in the next -- I think -- When is the next engagement? I think we have an optional June council meeting. We have the March council meeting for an engagement, and we could potentially use that optional June one to get some advice, further advice, on results out of that, which would answer the question that I think Tom is asking, is what are the conservation benefits of those options?

I think that's the key information that this group would want to have, and to say, actually, this is not getting the conservation we want, or it is, and narrowing down, because the range of twelve to fifty-four is really, really wide, and one is going to be highly unpalatable to one user group, and maybe acceptable to another, and you will want to be able to show, if it turns out that the conservation benefit of the more restrictive one is that beneficial -- You want to be able to show that, and say, look, we're choosing this because of the benefit for long-term sustainability, and that you will reap the benefits in the future.

That's the power of the MSE, and I think it can be fit in within that process, so that the framework, the Amendment 3, could probably proceed somewhat informed by the MSE through those engagements. Thanks.

MS. MARHEFKA: Thank you. Andy.

MR. STRELCHECK: Going back to Tom's comment, and I guess Jessica's, in terms of timing, you know, we've kind of held off on pursuing any action for some time, kind of waiting on the results of this MSE. Like Tom is suggesting, unless you're looking at kind of major reductions in the bag or vessel limits, I don't expect that we're going to get a lot of conservation benefit in looking at those.

You know, there is, obviously, the potential benefit, given the range is extended northward, due to climate shifts, you know, whatever is causing them to, obviously, move forward, of extending the minimum size limit northward, but I don't feel like there's like this immediate urgency.

In the same light, I don't want to wait until 2026 to kind of pick this up again and run with it, and so I like kind of what John is suggesting. It's like could we maybe shorten the time period, in terms of this iterative process with the MSE, have a little bit more engagement throughout 2025, and then, based on that, we could really get the ground running with Reg Amendment 3, or whatever, you know, the next action will be.

MS. MARHEFKA: That's food for thought, and I think, a little bit, that's out of the purview of this committee, because we -- You know, planned, I think, council meetings, like adding something in June, where I don't think we had a Dolphin Wahoo Committee, and we would have to look at that.

MR. HADLEY: I think -- I have to look at the revised workplan, but there are MSE time slots that have been reserved, and so we could sort of fold that discussion, I think, into that time slot.

MS. MARHEFKA: All right, and so I'm looking to the committee here for some guidance. I went to lunch, and came back from lunch thinking it was clear, and it's become muddier, which is always fun when you're live in committee, and so I'm going to really be relying on you all to help us out, specifically as this is -- Not only, but a plan that greatly affects North Carolina and Florida. I think that I'm really looking to you all to give us some guidance. Again, that's not excluding South Carolina and Georgia.

MS. MURPHEY: If we consider what Andy was suggesting, that we can use what's in Reg Amendment 3 right now, as those MPs, or management procedures, and what's the timeline? Would you have something by June? I'm assuming you wouldn't have anything by March, though you would have the spring SSC. Would you have something there for the SSC to look at, and then us in June? Would you have something of those?

DR. WALTER: If you allow me to just consult with the analyst, and the staff, on that timing, on having something for the SSC, and then June, I'll get back to you, but I think it's possible, because certainly, in the schedule we outlined, there was going to be results on the table at that point. Thanks. I'll get back.

MS. MCCAWLEY: So it's still a little muddy for me. What would we see in June? Would we see some -- I'm going to call it analysis through the MSE on the options that are in Reg Amendment 3? Is that what we're seeing in June? I'm just trying to figure out how I feel about this modified timeline, but I'm trying to understand the new timeline.

DR. WALTER: Right now, I'm talking with Cassidy about exactly taking what's in the document and saying we're going to then write those down as candidate management procedures, which would be a range of twelve to fifty-four, and some of the other ones. Then you would see the results of their performance on the conservation needs, as well as the other management objectives of obtaining catch rate and yield stability, et cetera, and I think you would be able to say how well do they rank according to those, and I think that will really help to crystallize the decision space and say, okay, we can rule out this range, and let's focus on this range. I think it will be useful.

MS. MCCAWLEY: So then are we suggesting that the Dolphin Wahoo Committee would meet again in June, to have this same discussion over again, because, if that's the case, I think I can live with that, but I just thought we were going to get some stuff at this meeting, and that didn't happen, and so I'm trying to be optimistic about what I'm hearing.

MS. MARHEFKA: That is my understanding. I'm also getting an affirmative nod from John Hadley over here, and so that makes me believe that he understands how the puzzle pieces are going to fit together. I have a question, and this may be a silly one, but I guess, because the Red Amendment 3, the traditional version, has gone to scoping, and it's been a long time.

It's my belief that the complete range of options that we would even want to consider right now is contained in there, and, therefore, they have everything they need to analyze, and that we weren't going to muck around with the options anyway, and I just want to make sure that that is everyone

else's -- That my understanding is correct, and so I'll be looking to see if anyone thinks I'm wrong about that.

MS. MURPHEY: So let me make sure I'm -- Okay. This is how I have it in my head, which may not be right, but, yes, you guys would take all these options, and you'll go to the SSC, and I guess they'll just review your process, come back to us, and, when you come back to us, you'll have some options that will probably be ruled out, and then options that we may want to consider, moving forward, and so, that way, we're going to -- After your analysis -- That's what I'm thinking.

I mean, you said we had a wide range of, what, ten to twenty, or fifty fish, or -- Yes, the wide range of vessel limits and all that, that some of those I would think we would rule out, based off your analysis. I may be wrong, but I'm making that assumption, and then that kind of narrows down all the different options. It's informing the amendment, and then we can start moving forward, because I think we all want to go ahead and, you know, we're hearing concerns, and we probably do want to move along sooner rather than later, and so that's just my question of how I -- Well, that's how I envision how this would go, and I just want to make sure that's the right vision.

MS. MARHEFKA: Andy.

MR. STRELCHECK: Yes, and I think you're exactly right, Trish, and the suggestion I was going to make was, you know, between now and Full Council later in the week, get together with John Hadley, John Walter, the MSE team, and kind of frame this out, and just make it very clear, so that by the time we discuss this in Full Council, you know exactly what would be going into that MSE evaluation.

MS. MARHEFKA: Yes, and I'm getting a lot of affirmative nodding, and I agree with you completely. I think that's the path forward. John.

MR. HADLEY: I had a couple quick comments, one on timing. We are going to have the Dolphin Wahoo AP meet in the springtime, likely in April, and so a Dolphin Wahoo Committee at the June meeting would be appropriate, I think, so you can hear from the AP, and, you know, discuss what's in Regulatory Amendment 3, and maybe see some of the MSE modeling outputs as well, and so that might be a good sort of package to go along with this.

You'll have to discuss further with the MSE modeling team, but they -- You know, the way it is set up, there are regional inputs there, and so maybe they can be modeled regionally, perhaps, so you can see if -- You know, if this management dial is changed, within this specific geographic region, what's the potential biological change, to go along with that, based on their modeling, and so it may get at some of the regional concerns that have been mentioned earlier, and inform that a little bit more.

MS. MARHEFKA: I guess, Dr. Walter, I'm looking at you, thinking -- Making sure you captured John's statement about looking at regional variations, to possibly run through those -- As MPs, I guess is how that would be stated.

DR. WALTER: Yes, and so I'll clarify. There's regional variations in stakeholder objectives. Certainly different regions want different things, and so that goes into what we're calling the management objectives, and how well we perform on them, and so, presumably, we would say,

does Candidate Management Procedure 1, 2, or 3 better achieve Florida's objectives, better achieve North Carolina, Georgia, South Carolina's objectives, and so yes.

There's also the fleet-specific objectives, I think, and I'm pretty sure that it's broken out by fleet, so that we would be able to say is it achieving the commercial goals, and then there's also options for different management by those different sectors, and states, which I think is needed to be able to evaluate currently what's on the books for do we extend the size limit that's in Florida, South Carolina, and Georgia also to North Carolina, et cetera, and some of the other things, and so there needs to be both management by those specific ones as well as report-out on performance by those, and I'm pretty sure that the structure of the operating models allow for all of that, and I'm confirming a couple of those things right now. Thanks.

MS. MARHEFKA: Thank you. Trish.

MS. MURPHEY: So, this is a process question. The SSC will see this, and make sure it's good, before it comes to us, because I'm kind of thinking, if the SSC doesn't see it, and you come to us with your results, and we run with the results, and then the SSC says, no, that ain't right, and so I want to make sure that that will be part of the process, that the SSC will look at this.

DR. COLLIER: Yes, it's definitely part of the process. The CIE review for this I think is critical, because that's going to be determining what your catch level is. Kind of think of it as a benchmark assessment for setting an ABC, or an ACL, for the normal stock assessments that we do, and I think that's going to be an important component for this.

Even though the MSE might not be finalized at that part, maybe looking at these regional components could be done, and maybe the inputs that are going into the MSE, as far as a regional aspect of it, and so, if there's different bag limits for different areas, how effective are they going to be? Well, we can potentially look at that, just with our normal datasets right now, without having to rely on the MSE, and make sure that, whatever is going into the MSE, we match those up, as best we can.

I think there's parts that can be taken out of it, figure out where they're developing the line to break between North Carolina and Florida, figuring out exactly where that break will be for where management is best, whether it is state-by-state, or however it's being set up, and we can make sure that the management options are developed in such a way that they can be inputted into the MSE, and also analyzed further, to get you more information on that sustainability part.

MS. MARHEFKA: Thank you. Jessica.

MS. MCCAWLEY: So, just to try to sum up, it sounds like we're going to come back at Full Council to hear what all we could see by June of 2025.

MS. MARHEFKA: That is my understanding. With our preference -- The way I understand it, our preference is to -- Is what you had originally outlined sort of as one of the options where it's a hybrid, where we're getting -- Where the MSE is informing what we decide to do with Reg Amendment 3, and Reg Amendment 3 may not wait until the MSE is completely formalized, but we may be able to use -- So I just want to make sure we're all on the same page about what we're calling this hybrid option. John.

MR. HADLEY: Yes, absolutely. I think that frames it up very well, and so, you know, under that hybrid scenario, Regulatory Amendment 3 is moving forward. It's just integrating the MSE results into that, as part of the analysis, and so it's sort of an enhanced analysis beyond what you would typically see for an amendment.

MS. MARHEFKA: Excellent. Any other questions on that, on the timing, on Reg Amendment 3? I'm not seeing any hands. You're giving me a look, and so I'm trying to decide. Please.

MR. HULL: I was just going to -- In my mind, I'm trying to -- You know, I think for me, I have to see some results from the MSE, because like you can take Action 3, and you've got this range from twelve to fifty-four dolphin per vessel, and all these different fleets. I mean, you can't just pick a number. You have to have some feedback, before you can even start to choose something. It has to be -- You have to base it on some information, and I know there's probably --

For me, it's like maybe I'm not up to speed, and I'm sure I'm not but like who in Florida -- Who is catching fifty-four dolphin per vessel? I mean, is -- You know, not now, but, I mean, that was -- But it's thirty now, and so, in the charter fleet in North Carolina, are they catching -- Are they actually catching that vessel limit? If they are, well, then, obviously, that's not going to be good if they get reduced, but it could have conservation benefits, possibly, but we need -- That's the other answers we need from the MSE.

If we do this, like you said, is this going to do what we're saying it's going to do, and so, yes, for me, the MSE has to give us some type of results before we can really go deep into this, but you can certainly start it, and say what you're going to do, frame it up and say here's what we're going to do. I'm all for that.

MS. MARHEFKA: Well, yes, and, to be clear, I mean, we always have those questions, right? Whenever we do a fishery management plan amendment, we're always wondering what percentage of trips are actually hitting the bag limit, and all those questions, and there's traditional analyses that could be done.

We -- You know, I'm not advocating this, but there is the let's go old-school option and just say here's our range, that are going to be analyzed the way that they were always analyzed, and that is an option, right? That's not where we've been discussing going. This hybrid option allows for this sort of enhanced. We're now taking the MSE package along with our traditional model, is my understanding.

Then, just to further summarize discussions that we've had, there was discussions before lunch, and we don't need to get mired down in this, but just so the record is clear, and there was discussions before lunch about sort of MSE results that resulted in how we move forward with Reg Amendment 3, but there's also the discussion of MSE results that we may further look at sort of having systemic change to the fishery management plan in the future, with this possible potential of this easier way to manage, and that's a separate thing, and I think our understanding is that's something that we look at -- That can wait until it's done, but, Reg Amendment 3, we want to sort of be a little more on top of and moving along, and please anyone correct me if I've summarized where we're at wrong, but that is my understanding.

Okay, and so I think that was really good discussion. We will revisit this again in Full Council, when we are assured that timeline is going to work, and so that's sort of the end of that agenda item, and, at this point, I'm just wondering if there's any other business to come before this committee. All right. I am seeing no other business. We adjourn the Dolphin Wahoo Committee.

(Whereupon, the meeting adjourned on December 3 , 2024.)

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Certified By: _____ Date: _____

Transcribed By
Amanda Thomas
January 29, 2025

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