

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

DOLPHIN WAHOO ADVISORY PANEL

**Crowne Plaza Hotel
North Charleston, SC**

March 19, 2014

SUMMARY MINUTES

Dolphin Wahoo Advisory Panel

David Harter, Chair
Harris Huddle
Fred Kinard
Kyle Christiansen
Ty Conti
Ray Rosher

Christopher Burrows
Joseph Shute
W.A. Phinney
George Patterson
Tim Nettles

Council Members

David Cupka
Chris Conklin

John Jolley

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Dr. Brian Chevront
Julie O'Dell

Observers/Participants:

Don Hammond

Other Participants Attached

The Dolphin Wahoo Advisory Panel of the South Atlantic Fishery Management Council convened in the Crowne Plaza Hotel, North Charleston, South Carolina, March 19, 2014, and was called to order at 9:00 o'clock a.m. by Chairman David Harter.

MR. HARTER: Good morning, everybody. Everybody has got a copy of the agenda, I hope. If there are any additions to the agenda, please let us know. If not, we will approve it by acclamation then, if that is all right; no objections. The same thing with the minutes, I think everybody has been sent a copy of the minutes from the last meeting in April. If there are any additions or corrections to the minutes; if not, we will approve that by acclamation if there are no objections.

DR. CHEUVRONT: I think one of the things that might help us out is; let's go ahead and go around the room starting maybe with Joe and just say your name and where you're from

MR. SHUTE: Joe Shute; Morehead City, North Carolina.

DR. CHRISTIANSEN: Kyle Christiansen; Richmond Hill, Georgia.

MR. CONTI: Ty Conti; Wilson, North Carolina.

MR. BURROWS: Chris Burrows; Shallotte, North Carolina.

MR. PHINNEY: Waldo Phinney of Beaufort, South Carolina.

MR. HARTER: David Harter from Hilton Head Island.

DR. CHEUVRONT: Brian Chevront; council staff.

MR. KINARD: Fred Kinard; Charleston, South Carolina.

MR. NETTLES: Tim Nettles; North Palm Beach, Florida.

MR. PATTERSON: George Patterson; Savannah, Georgia.

DR. CHEUVRONT: Ray Rosher is on the webinar. Ray, we're showing that your microphone is turned on. Can you say something just to make sure that we can hear you? Ray, we're not hearing you. You need to make sure that your microphone is turned on at your end. If it is going to be a problem, you can always use a phone and call in, and we can get you that way. You can also type in a message on your screen as well. In the meantime an, AP member just walked in.

MR. HUDDLE: I'm Harris Huddle from New Bern, North Carolina; recreational fisherman.

DR. CHEUVRONT: While we're trying to work on figuring what we can do to get Ray to communicate with us here, let's go ahead and continue on with the presentation and get that going.

MR. HARTER: A presentation by Mr. Hammond. Everybody hopefully knows Don from past council meetings, who we consider one of our gurus when it comes to understanding dolphin

fish. I've been working with Don for quite a few years back when he was with South Carolina DNR. Don has been extremely helpful to the fishing community both on dolphin fish and on cobia also. He is an expert on that, also.

MR. HAMMOND: It is a pleasure to be meeting with you again this morning to give you some insight into some of the work that we're doing with the Dolphin Fish Research Program and some insight possibly into the recreational fishery for dolphin fish. This morning I'm going to be looking at the size structure and age structure of the recreational harvest of dolphin fish along the eastern seaboard and in particular with the South Atlantic Bight, and also bring you up on some of the things that we've been doing with the Dolphin Fish Research Program. Hopefully, it will give you a little bit better understanding.

One thing that has been evolving out of this study is looking at potential spawning areas and recruitment of dolphin to the fishery and how they relate to the fisheries in the different regions. The dolphin fishery is extremely complex, because how, when and where you prosecute fishing for dolphin will dictate what you catch.

If you are primarily a troll fishery, then on the left you see you typically harvest the medium to large-sized fish. If you are in an area where the boats are prone to stopping on schools of small fish, then you are going to see the catch dominated by the small fish. This makes it complex as far as looking at the actual size structure of the population.

Additionally, where you're sampling; when we're trying to acquire the harvest data to really profile the fishery how, when and where we go to sample is going to dictate what we see. This really adds to the complexity of being able to really fully assess the fishery and the harvest. First off, let's look at the east coast and see who the players are within the dolphin fishery for the east coast.

In the last 10 years NOAA Fisheries data – and we're primarily going to be looking at the NOAA Fisheries Statistical Survey in providing the data, but there are going to be several other sources that we're going to use along the way. We see 11 states have been documented where anglers harvested dolphin fish. Of course, there are two that kind of stand out, Florida and North Carolina.

Between the two of them, they are harvesting over 91 percent of the total dolphin catch on the eastern seaboard. If you look closely, you see that there are only three other states that catch more than 1 percent of the total catch. Yay for South Carolina; we're number three at 2.5 percent. The point here is that just because that is at a low within the total catch of the harvest, dolphin are still very important in South Carolina and shouldn't be overlooked.

Also, the one thing to see here is that 94 percent of the total catch of dolphin on the east coast occurs in the South Atlantic Bight; North Carolina down to Florida. That means there is only 6 percent of the catch that is being produced by the Mid-Atlantic. That is not because anglers up there don't like dolphin, don't fish for dolphin; it is because they don't have the opportunity.

I can tell you this; it is really hard to get the fishermen up in the Mid-Atlantic to let go of a dolphin they've got in hand. They do not do that. The recreational fishery is basically represented by two components; the private boat fishery as well as the charterboat. There is a lot

of animosity periodically in different locales between these two segments. I wanted to look at, well, who is actually catching the fish? Here again we're focusing on the South Atlantic Bight.

We see that for Florida 95 percent of the dolphin are caught by private boats; only 5 percent of the dolphin harvest occurs by charterboats. In Georgia, Kyle, I hate to tell you this but you are insignificant either way. In North Carolina, though, charterboats are harvesting two-thirds of the dolphin catch for that state.

In South Carolina we kind of split the difference; 20 percent of the dolphin catch is generated by charterboats. Charterboats in most states play a minor role within the dolphin harvest; only in North Carolina. Now this would be significant if in fact the allocation of dolphin comes down to where for the recreational sector it becomes split between private boats and for-hire boats.

North Carolina would have the most potential to gain or lose out of that. Let's look at the size distribution of the dolphin fish for the South Atlantic Bight. This I am focusing on the last four years from 2010 to 2013; so you are looking at the more relevant to the fishery that is currently going on out there.

The left-hand graph shows the size distribution, and it peaks out at 21 inches; that is it. That is all the peak is 20 to 22 inches is the major peak of the harvest there. What the data shows is that 52 percent of all the dolphin caught in the South Atlantic Bight are 25 inches or less. First let me explain my categories.

For the purpose of this talk, I have split dolphin into three size categories. Small fish are 25 inches or less in fork length. These are fish that are typically three to six months old. They may be as old as nine months. Medium size fish are 26 inches to 35 inch in fork length, and these fish are four and a half months old up to typically eight or nine months. Occasionally you will have a few that go to 12 months of age. Then you have the large fish, 36 inches or more.

These are fish that are typically six months old or older on up to 36 months of age. Those are basically the geriatric cases within this population. You see here that 52 percent are small fish. Those are the youngest segment of the population. Then 36 percent is medium size fish and 11-1/2 percent are large fish.

The fishery really is prosecuted on the back of the youngest segment of the population, three- to six-month-old fish. Let's look at the two major players within the dolphin fishery on the east coast, because North Carolina and Florida really dictate what is going on with the fishery. Here again we see that the young-of-the-year fish or the youngest of the year fish dominate the catch, 20, 21 inches long. But here 50 percent of the fish are small fish; 36 percent are medium size, which is right in line with the overall look at the South Atlantic Bight; but 13 percent of the catch is large fish. You are seeing more large fish being caught out of North Carolina than the overall catch for the South Atlantic Bight.

This is a case of the fisheries are really separate, because you have a run of large fish comes at a separate time from the small fish fishery, which is primarily late summer and early fall that they have up there. Now in Florida they have shown that there is actually a larger portion of the catch is made up of the small fish.

Again you see that typically the small fish dominates in the size distribution; and 56 percent of the dolphins caught in Florida are 25 inches or less; 35 percent are medium size. We've seen an increase in small fish, a slight decline in medium size fish, and only 8 percent for the large fish there.

You are seeing fewer large fish caught within the fishery in Florida than small fish. But again you see the two major players in this do in fact harvest – the fishery rests on the back of the fish that are three to six months of age. Now for a slightly biased view of the fishery – and this is biased in every way that it can be – and that is look at the tournaments landings; what is brought in and weighed in tournaments.

Now the tournament fishery is a small fishery, but it is an economically important one. It is very important throughout Florida, the dolphin tournaments. Dolphins are featured as a category in most of the offshore blue water tournaments held up along the eastern seaboard. When I say biased, because you look at the participants' participants in tournaments are typically the most skilled of the fishermen and they have the best equipment capable of catching large fish.

It is also biased from the standpoint of the way it is sampled. Typically people that are working and collecting data at tournaments position themselves at the weigh station to intercept the fish that are brought up to be weighed in. Now, if you are a boat fishing this tournament and you come in and you've got 12 dolphin in the box; when you go to that weigh station, you are going to grab your two largest fish and you're going up there.

You can clearly see the bias toward the big fish; but this is an important fishery and we do need to understand it as to what they are catching. What we see is that 23 percent – no, 19 percent are small fish, 28 percent are medium-sized fish and 51 percent are large fish. That is a completely different view, a diametrically opposite view from what you see from the regular recreational fishery.

Now because we are getting length, weight and sex on these fish; we can take a different look at the contribution of the size classes to the overall catch, and that is looking at weight. For small fish, if you have 20 percent of the fish are small fish but they are producing just over 5 percent of the actual weight of dolphin weighed in in these tournaments; medium size fish are producing about 18 percent of the weight that are weighed in in the tournaments; and then the large fish are producing 76 percent of the weight; so the major biomass contributors are certainly that large segment.

Now this figures in when you're looking at setting allocations and it is set by poundage. The number of fish that are going to be caught to meet that poundage will vary depending on whether you are looking at producing that poundage by small fish or whether you're producing it by large fish. The size of the fish within the fishery makes a big difference as far as the total number of fish that die to reach that poundage. Now let's confuse the issue further.

I've never been happy with looking at the size distribution of fish either through the NOAA Fisheries Statistical Data or any others that I have really seen. I really wanted to take a look at what size fish do fishermen actually catch and keep. Here in South Carolina I chose one marina last year; and for three months May, June and July, I went down and I worked it. I chose this

marina specifically because of the nature of it. It is actually a marina basin. It has a large number of wet slips, and it also has dry-stack storage involved in it.

I was able to interview boats, everything from 20-foot single engine outboards to 70-foot state of the art sportsfishing machine, as well as numerous charterboats operating out of it. I had the cross spectrum of the entire recreational fishery within this one marina. My sampling methodology was to go in; and when I intercepted a boat, I worked up the entire catch A to Z.

I don't care whether they had just two fish or whether they had 37 fish; I weighed and measured every dolphin. If they had 10 wahoo, I couldn't care less. This way I was trying to get an unbiased view of the size distribution of the fish caught and also the age structure. By the way, this is probably one of the better assessments on sex ratios; and the answer to that is 33 percent males. That is what we observed last year.

The net result was that we have a bimodal distribution of fish similar to what we saw with the tournament, with the low point being at 30 inches in between; peaks being at 24 inches and 34 inches. We had 23 percent were small fish, 51 percent were medium-sized fish and 25 percent were large fish. Again, a totally different profile of the harvest than what we've seen in any of the other data sets that we have looked at.

By the way, a little anecdotal information here, and that is I intercepted 744 fish. They weighed a grand total of just over 6,800 pounds. I personally felt that I was able to intercept about 20 percent of the dolphin fish caught at this marina during this three-month period. If that was the case, then you are looking that fishermen in this marina caught over 34,000 pounds of fish during this three-month period.

Now for a reference point; in 2011 the NOAA Fisheries Statistics Program projected that South Carolina caught a grand total of 38,000 pounds of dolphin fish in 2011. This past year they indicate that South Carolina landed 46,000 pounds of dolphin fish. This one marina is taking a lion's share out of that harvest if that is in fact true, if their data set is accurate.

But the other thing that this allows us to do is to compare back to the National Marine Fisheries; because while I'm doing this, NOAA Fisheries Statistical Program is out sampling the recreational fishery at the same time. We were able to get the data from their sampling, and they were only able to collect length frequencies on 15 different size fish during this past year.

They said that South Carolina fishermen; that 63 percent of the harvest were dolphin 25 inches or less. Now I forget exactly what the percentage is, I can hardly read that one on it, but it is like 34 percent are medium-sized fish and then only 8 percent are large fish. It is very definitely a totally different profile of what I saw at this one marina.

I felt that I had a good cross section of boats out of it, but it was three months out of the year, not a full year, so that could bias the data set right there; but it does show that it is far more complex and it needs a lot more effort in really accurately assessing what the size distribution is for the fish caught in the fishery, so that we can better understand the age structure being harvested.

Now we've been talking about the east coast fish. That is just one side of the equation for the movement of these fish, because we've already clearly shown that these fish also move down to

the Caribbean for the winter period. Let's look at what the Caribbean fishery is like. Luckily because of it being U.S. Territorial, Puerto Rico and their Department of Natural Resources, which is very active in the fisheries and oversees the NOAA Fisheries Statistical Program down there, they are out actively surveying the fisheries there.

They show that their dolphin fishery is comprised of 40 percent small fish and 43 percent medium-sized fish, and then 16 percent large fish. You see a definite skewing toward the larger fish down in the Caribbean. What is going on here? Why are they seeing a different profile; is it they are fishing differently or are they looking at possibly a different size structure to the fish that they are catching?

If you talk to Puerto Rican fishermen, you will find that they really say that small fish are a rarity down there. They don't see that many small fish, and they tend to have larger fish present there. Now this goes back to one of my earlier talks here. We're talking about the movements of the fish around the Atlantic.

We've clearly shown that fish tagged off the Florida Keys, South Florida and South Carolina will be caught down throughout the Caribbean later on during the late fall/winter period. Now these fish tagged along the east coast have been tagged between May 1st and August 1st. They all were less than 25 inches long, so they fall into that three to six-month-old category. The average liberty period for them before they're recovered down in the Caribbean is eight months; so now we're looking at 11 to 14-month-old fish.

This is the mid-sized to a large dolphin that they are catching down there. The small school fish translates to their midsize to large dolphin for the Caribbean fishery. Where are the small fish coming from then; and why are they seeing fewer small fish? Okay, this is a structure that I had built over the time, looking at the mark and recapture movements that we've documented for the fish and also looking at the size structure and age structure of the population in different areas.

This is my hypothesis for the spawning and recruitment of dolphin for the western north Atlantic, or the flow of life for dolphin, as I call it. You have got to look three to six months back down the migration to see where would the big fish have been to produce the small fish that we're going to be catching June and right on through September?

You are looking at the potential spawning areas being in the Caribbean; and the spawning periods you would be looking at is late December right on into early April, possibly May; and also into the Gulf of Mexico. I think the Gulf of Mexico may play a more major role, because the loop current is noted for its production of the long-lasting and major gyres set up. These large circulating masses of water are ideal nursery grounds for young larval fish. The larval dolphin get caught in these large eddies; they are rich with food; and the larval fish are weak swimmers so they just ride the currents around and around in circles for a good while before they grow large enough to be able to actively swim out of them and then continue the migration.

You've got these two major areas plus we benefit from all the spawning activity that occurs along the old Bahamas Channel, along the northern face of the Caribbean Islands, and the east side of the Bahamas Chain. With all the spawning activity there, the fish are coming across and moving to the east coast. These are the three major areas I believe to be producing the fish for that sustains our dolphin fishery along the east coast.

Also from that previous slide I just showed you, these areas are in fact producing the medium to large fish that will be caught in the Caribbean Sea during the fall. Their fishery typically starts in October and will run until April or May throughout the Caribbean. That doesn't account for the small fish in Puerto Rico.

Understand, every age growth study that has been done on dolphin fish in the western north Atlantic has documented fish that were born every month of the year; clearly showing that spawning is taking place somewhere in the western north Atlantic every month. The spawning activity that occurs along the east coast of the U.S. as well as throughout the Sargasso Sea I believe is providing that supply of small fish that are being caught down into Puerto Rico.

These are also the mid- to larger-sized fish that you're catching along the east coast the following year. Your trophy fish would be coming largely from the rare survivor that are spawned in these southern areas that makes the full loop and comes back for a second visit along the east coast. That gives you some idea of the flow of dolphin.

This is going to take a lot of additional work; and we're working with Texas A & M right now on a project that might start elucidating some of this, and also with the University of Southern Mississippi to start answering some of the questions here on this. That gives you a unique look where we haven't been before and gives us some new information to look at on that.

The dolphin harvest for recreational fishermen on the east coast extends from New York all the way down to the Florida Keys. Anglers in the South Atlantic Bight are the principal users of this resource, 94 percent of the dolphin harvested. This is the major gain for South Atlantic Bight. Only in North Carolina are the charterboats actually harvesting more dolphin than do private boats.

In the overall scheme of things, private boats do harvest the most dolphin fish. The regional fisheries rely heavily on the youngest of the year segment of the population or the youngest segment of the population, six months or less, for 40 to 60 percent of the dolphin caught in their area.

Spawning failure in any of these areas would impact the U.S. dolphin fishery within eight months, be it the U.S. East Coast, Gulf Coast or the U.S. Territories in the Caribbean. Now to bring you up to date on some of the activities within the Dolphin Research Program this past year and what we have going this year, in your packet you have copies of two scientific papers that were published in peer-reviewed journals this year. The first one, Dr. Farrell's paper here is of particular interest I like to stress, because it is based on using the data from the tagging of the fish, not the recapture.

This is something that I have a hard time convincing fishermen of; that when you tag dolphin, in their mind the only value is when a fish is recaptured, but every fish that is tagged and the information that you provide there; and this was a study done looking at the occurrence of dolphin fish in relation to features in the Gulfstream, and in particular the chlorophyll fronts.

The second paper, Dr. Merton's paper is one that provided a summary of the domestic movements of dolphin fish from the mark and recapture studies that we have done on that. We have two additional papers that are currently in press. One summarizes the work that we've

done with satellite tags on dolphin fish; and the other one is looking at another segment of the movements of dolphin fish in the western north Atlantic, principally in the Bahamas, to and from the Bahamas Chain.

That is the one thing that we're really trying to do in this program is to foster additional work being done on dolphin fish by other research universities and colleges as well as other government agencies. We have been rather successful in doing that working with Duke University, working with University of Texas, Texas A & M University, University of Puerto Rico, Southern Mississippi University and now just started collaborating with a new doctoral student that has undertaken a study on dolphin fish with satellite tags.

She is studying the movements of dolphin fish in the Coral Sea at the University of New South Wales, Australia. It won't be exactly pertinent to our information for our fish, but extremely interesting and just encouraging to see the new growing interest in dolphin fish. Now the satellite tag studies; we are winding up the first phase.

The last three satellite tags in this phase are deployed in the Caribbean. One is downloading data as we speak right now and we are waiting to hear from the other two in the Caribbean. Here we're looking at the behavior of the dolphin fish, the diving behavior, the utilization of the vertical water column and also temperature selection for the dolphin fish.

We've deployed 18 tags over a 9-year period in this study, and it was the first of its kind to be done. Now also this year we'll begin the second phase of the study. This is going to be even more challenging. You've got to understand; these fish are prey for every predator in the ocean. Everything loves them.

Even when you put a satellite tag – this is a 51-inch male – there is something out there ready to eat it, whether it is a shark or a toothed whale. We've actually got video of toothed whales preying on dolphin fish. It is a real challenge to keep it on there for 30 days. Well, this new study, we're looking at trying to do long-term tracking on dolphin fish for six months.

Trying to find a fish that is smart enough and fast enough to avoid predators for six months is going to be a challenge. Thanks to Guy Harvey Ocean Foundation, we received a grant to purchase five satellite tags to begin this study. We've got to get going if we are ever going to achieve this information.

What we're really looking at to accomplish here is to fill in that blank where we know when documented how they move up the U.S. eastern seaboard, but what we don't know is when they leave U.S. Territorial waters how do they return to the Caribbean? Hopefully, we'll be able to document the routes that they use for that.

We are also going to continue our life history segment of it, looking at the tournament landings down in Florida, collecting that information, as well as monitoring the harvest at this one single marina here in Charleston to compare size distributions of the fish caught from year to year to see what kind of changes occurs there, and also again how it correlates back to the data gathered by the NOAA Fisheries.

These are some of the things that we're involved with in the Dolphin Fish Research Program. We're continuing our tag-and-recapture study throughout the western north Atlantic, Gulf of Mexico and Caribbean Sea. We are getting increased participation down in the Caribbean, increased interest, and also in the Gulf of Mexico.

One thing I didn't mention is that I am collaborating right now with Texas A & M. They are looking to begin to put satellite tags on dolphin fish in the western Gulf of Mexico, which is something that will be extremely interesting as to what their behavior is and their movement patterns are down in that area.

We've only had one fish tagged in the Gulf of Mexico that was recovered that came around to the Atlantic. We know nothing about really the movements of the dolphin fish in the Gulf of Mexico. With that; that is my presentation. I will be glad to try to answer any questions that you might have.

MR. PATTERSON: Don, what is the approximate cost of a normal satellite tag that you are utilizing in your study?

MR. HAMMOND: Well, it is \$4,200 for the tag and then we allocate \$1,000 for satellite time. You are looking at \$5,000; but there is no other way to acquire this information at a lower cost, because you are getting information from an animal when it is underwater; live, natural movements; and then where it doesn't have to be recaptured to get the information.

There are other cheaper tags out that are cobble tags that require the fish to be recaptured; but when you have a recovery rate of 2.5 percent, that means if you put 100 of these \$1,500 tags out, you might get two of them back. This is still the most cost-effective way to acquire this information.

MR. PATTERSON: At times do you feel like you may be tracking a wahoo after he eats that fish?

MR. HAMMOND: We've have tracked what we believed to be swordfish, pelagic sharks, and blue marlin; where they were eating. The units were not destroyed when it was consumed, and so the unit keeps recording data and then is finally emitted from the fish. Either it is passed through or regurgitated, one way or the other. Then it comes back to the surface and downloads its data; and that's how we learn. Basically the lights go out for two, three, four days and it doesn't come back on until it surfaces. Are there any other questions?

MR. WAUGH: The council at their last meeting in discussing this issue of allowing fillets to be brought back from the Bahamas; there was some concern expressed that if we did that, it could foster some increased harvest level and could result in biological impacts to the stock. Can you offer any advice or comment on that based on your experience?

MR. HAMMOND: Well, based on my experience talking with the fishermen; I think that would only be an issue with an extreme minor portion of the fishermen out there. There are very few fishermen I think that would do that; undergo filleting the fish at sea so they could bring in an increased amount. Because the majority of the fishermen do not catch their limit of dolphin, they don't have an issue with exceeding their limits. I really don't think that would be a major issue.

MR. WAUGH: Just a follow-up; when you look at the stock structure and movement and all of that; do you think that level of harvest could impact the stock biologically?

MR. HAMMOND: Well, this is something that we really don't know the harvest level on this stock, because they are subject to international fishing that is largely unmonitored. They are fished by many countries that have poor or nonexistent reporting of harvest. We really don't know what is being harvested.

We know our harvest; we've got a fairly good understanding of what is being caught here. We are probably the major harvester or consumer of the western north Atlantic dolphin stocks. I feel very confident in that; but still its impact, I can't say. Are there any other questions? Thank you gentlemen; I hope you have a good meeting here.

MR. HARTER: A couple things I want to remind you of what Don said, that those two reports on the dolphin movement and size distribution were in your package. There is a lot of dry numbers in there, as these guys do, but it is really some very interesting reading about that. Another thing; it becomes more obvious every year that the efforts by Don Hammond and this Dolphin Fish Tagging Program has essentially fostered a lot of collaboration now between the states and even other countries that was not there before. We've got Don I think to thank for all of that. Thank you, Don.

DR. CHEUVRONT: I would like to say I've got a copy of the presentation that Don just gave. What I'll do is I will turn it into a PDF File and I will e-mail it out to all of you so you can have a copy of it. We just got it this morning, so I'll make sure you all get it.

MR. HARTER: Okay, is council staff up now?

DR. CHEUVRONT: It is. What we're going to do first is I'm going to give you an update on Dolphin Wahoo Amendment 5. You will recall last year that was the amendment that looked at increasing the ABCs for both dolphin and wahoo as well as looking at accountability measures for dolphin and wahoo. It changed the framework slightly for this.

Originally when you all saw it last year, there was an allocation action in that amendment that was looking at how to change the allocation between the commercial and the recreational sectors for dolphin. At the June meeting the council decided to take that action out of Dolphin Wahoo Amendment 5 and said that, well, we're going to be doing an Comprehensive Allocation Amendment that they were going to start last fall.

They later decided that they weren't going to start that last fall, because they wanted to wait until they were finished all this visioning work that is being done for snapper grouper. I reminded the council at that time that you had told the AP that you were going to deal with the allocation issue in this amendment.

They decided to put it into the next dolphin wahoo amendment or into the next amendment that they could at the time; and that is Dolphin Wahoo Amendment 8, which we're going to be talking about that later this morning. Dolphin Wahoo Amendment 5 was approved by the council at the September meeting, and it has been forwarded on to the U.S. Secretary of Commerce for secretarial review.

Right now they are in the federal comment period on that amendment. That comment period is open until August 14. If you would like to comment on it, the Fishery Bulletin is on our website; or you can contact me and I will help you get any information that you would like to have regarding contacting the federal government about this amendment if you would like to do so. In other words, it is on its way to being approved. It will increase the ABC, assuming that the Secretary of Commerce does approve that for both dolphin and wahoo. Okay Mr. Chairman that is it for that.

AP MEMBER: Could I ask you a question? On this new marine recreational information; could you briefly go over that for me, please?

DR. CHEUVRONT: Which marine recreational information are you referring to?

AP MEMBER: The one that is mentioned in this Amendment 5 here.

DR. CHEUVRONT: Okay, I understand what you're talking about now. What happened is that MRFSS is no longer with us; and we are now using MRIP, the new sampling scheme that the feds have come up with for counting the recreational catch. What happened was because they have switched to a new counting method, they needed to go back and recalculate landings for recreationally caught dolphins going back into previous years.

In doing so, they realized that was going to allow them to increase the amount of dolphin that would be allowed to be caught. Since they're using the new MRIP in future years, they wanted to make sure that they were going to compare future landings based on the same method and not compare future landings based on the old MRFSS method.

Going back and recalculating the landings for those previous years using the newly recalculated MRIP landings allowed the council to increase the overall landings that were allowed for both dolphin and wahoo. That was not the case for all species. Dolphin and wahoo happened to be two species that it was allowed to be increased.

AP MEMBER: Can I ask a brief question on the MRIP, which is almost maybe off topic; but has anyone in this room ever been approached by anyone claiming to count fish for this new method of counting fish?

DR. CHEUVRONT: I actually have. Believe it or not, I actually have. Two years ago I got contacted three times by telephone, which is surprising. I asked them how could that be because I had never been contacted before. I actually got contacted three times and they said purely at random. One thing I want to ask you all to do is that before you speak if you could just say your names, just so they can get it on the transcripts so they know who it is. But, yes, I have been.

AP MEMBER: I have three times.

MR. BURROWS: I was told by Michelle Duval at one point that there would be creel counts and boat landing and marina surveys done for this MRIP program. I still have yet to talk to anyone. Now this is in my area, things could be very different in south Florida or Georgia, but I still have yet to talk to anyone in my area, which is southeastern North Carolina, that has ever been affected by that.

MR. HARTER: All right, now we're ready to go on and we're doing well as far as our schedule is concerned. We're ready to discuss Amendment 7 with an overview from the council staff.

DR. CHEUVRONT: What I want to do here is, Tim, I'm going to ask for your help a little bit here in talking about some of the background of this, because you were involved in bringing this to the council has June. Since you all have met about a year ago, the council was approached by some fishermen out of Florida who were running into issues with trying to bring back dolphin and wahoo from the Bahamas. This is currently allowed for snapper grouper species, but it is not allowed in the regulations for dolphin and wahoo. What I am going to do is I'm going to let Tim sort of tell some of the story here first that got to the point where the council is taking this issue up.

MR. NETTLES: The issue has not been bringing back whole fish; it is been bringing back filleted fish. What has happened is historically anyone who goes to the Bahamas is usually going for a three- or four-day weekend up to a week or two weeks. If they're leaving their boats, they are flying back and forth.

Historically everyone has always filleted their fish, because it is easier to ice down filleted fish instead of whole fish when you are over there for four or five days. I guess the council years ago gave an exemption for snapper and grouper to come back filleted. Based on the information I was given, at that time there was no regulation on dolphin and wahoo.

When those regulations became in effect for the South Atlantic, no one thought about the fish coming back from the Bahamas. I started getting contacted last spring early by fishermen from South Florida that were being stopped at the inlet and were either being written – most of them were given warnings for having filleted dolphin and wahoo or filleted tuna.

I've told them that tuna, the council has nothing to do with that, but we do I guess have the jurisdiction or the responsibility of dolphin and wahoo. The majority of the boats that are being stopped are small boats, center consoles, express boats, boats under 40 feet. They don't have room to store whole fish for four or five days at a time.

As far as discussing the biomass, when we go to the Bahamas we're required to clear customs. When you clear customs, depending on the size of your boat, it is \$300 to \$400 for a cruising permit and a fishing permit. With that fishing permit, that vessel is allowed to have 18 pelagic fish. Pelagic fish per Bahamian rules is tuna, dolphin, wahoo and mackerel. Nobody I know keeps mackerel when they are in the Bahamas.

If the council is worried about fish coming back from the Bahamas affecting the biomass; if I am fishing out of Florida, I can technically have 60 dolphins on board. If I'm coming back from the Bahamas, I can technically only have 18. The fishermen coming back from the Bahamas are not going to affect the biomass.

The whole purpose of this is just to make it easier to store this fish for three to four days before you bring it back. No one had ever thought about this being an issue until all of a sudden it raised its head and people started getting checked, getting written up tickets and warnings last year. That is why I was asked to bring it before the council. The current, which we'll get into, I

think would work. There are going to be some other people that are going to push for fillets without skin and we'll explain why, but this is how we got to this point.

DR. CHEUVRONT: Tim came to the council meeting in Florida, I guess it was in June last year, and brought this to the council. At the September meeting the council decided that they wanted to take this up, thinking at the time it was just going to be a simple one-action amendment; take the language that was used for snapper grouper, apply it to dolphin wahoo, bring it back to us as an amendment ready to go in December and, bam, we would vote it up or down then.

Well, it turned out it wasn't going to be quite that easy. As we discovered, there are a lot of other issues that came up as a result of this. Part of the thing with snapper grouper that made it a little difficult was that in the Bahamian regulations they are allowed either 60 pounds of snapper grouper species or 20 fish.

In the pelagic fishery, they are allowed 18 fish. If you think about it, it doesn't make so much sense to describe those fish in terms of pounds; because there is a huge disparity in the size of a tuna and a dolphin. You wouldn't want to limit folks based on the number of pounds if you are trying to count fish. That is where we stood; so allowing pounds of fillets back was going to be a bit of an issue. The council gave direction.

They had some discussion about it and came up with several issues that they wanted explored, and they gave the council staff as well as the National Marine Fisheries Service direction to develop a suite of actions and alternatives based on the issues that they had discussed. Now, what I initially sent you for the briefing materials for this meeting was what the council received at their March meeting, which was just the week before last.

The council talked about these issues and they narrowed down the actions and alternatives to things that they really wanted to discuss. Because some things have been taken out of the amendment; and for expediency sake I would just really like to discuss only the issues that the council has said that they are now considering for this.

You might remember at one point they were talking about having some kind of a monitoring system, calling in. The council completely took all that out. There is no kind of monitoring that the council is considering; whether calling in or anything like that. That is off the table so we don't need to discuss that now.

We're down to four actions, which I have. After the council meeting was over last week, I sent everybody a copy of the report of the actions that the council took on dolphin wahoo. That was sent to you a week ago Monday, I believe. Anyway, what I have done is taken the four remaining actions and alternatives that the council left in the document; and I think probably the best thing we could do is just go through and discuss each one of the actions and the alternatives. I'll help you figure out what the council means by each one.

You can have your discussion and make your recommendations to the council what you all think should be done regarding that action and alternative. Now some of the actions that are in there are changed from the forms that were in the original document that was sent to you. What I have

done is left in the motion and the rationale behind the motion for why the council made the changes that they did.

If we're ready, what I'll do is talk about the very first action that is still in the amendment. That has to do with just allowing dolphin and wahoo fillets from the Bahamas to come into the U.S. EEZ. The action is to exempt dolphin and wahoo harvested lawfully in the Bahamas from regulations that require them to be landed with head and fins intact in the U.S. EEZ.

That is taking language from the regulations that are currently in place. Alternative 1, the no action, which is the status quo; the dolphin and wahoo in or from the Atlantic EEZ must be maintained with head and fins intact. Such fish may be eviscerated, gilled and scaled, but must otherwise be maintained in a whole condition.

It doesn't matter where those fish come from, if they're from the U.S. or if they were from the Bahamas; they must be left in a whole condition. What the council is now looking at as an alternative is allow dolphin and wahoo brought into the U.S. EEZ from the Bahamas as fillets. The vessel must have stamped and dated passports to prove that the passengers were in the Bahamas as well as valid current Bahamian cruising and fishing permits on board the vessel.

The vessel must be in continuous transit in the U.S. EEZ. Two fillets of dolphin or wahoo, regardless of the size of the fillet, will count as one fish towards the possession limit. Now the reason why that last sentence is in there is largely a law enforcement issue. They need a way to be able to count these fish.

If you start cutting them up into smaller fillets, they don't know how many fish those fillets came from; and we have no poundage comparison that we can use to compare them against. This is where the council is at this point with that action. Mr. Chairman, if you want to lead the discussion on that action; I think we'll go action by action with discussion and everything.

MR. HARTER: Is that the updated one?

DR. CHEUVRONT: Yes, it is. What I have done is I've taken the actions and alternatives from that report, and I put them into a little bit more condensed format to use just for this meeting to help the recordkeeping here.

MR. HARTER: Any comments about Action 1, which is to not allow and to keep the status quo.

DR. CHEUVRONT: Well, that would be Alternative 1. The whole Action 1 includes both the status quo as well as allowing the fillets to come back.

MR. HARTER: Okay; are there any comments?

MR. NETTLES: Of course, I want to prefer Alternative 2. This is an issue just more for convenience for the recreational fishermen and more for what we're seeing is for the smaller boat fishermen. That is mostly who this is affecting. I would definitely push for the filleted fish coming back. We had to follow other limits; we had to follow a foreign countries laws to catch these fish. As the snapper grouper exemption gave us, if you are bringing back fillets, you are

not allowed to stop and fish in the EEZ on the way back. All you're doing is just transiting back into Florida or to the U.S.

MR. SHUTE: I was just going to agree with Tim; that seems like the simplest and easiest way to go. You're following all the rules and regulations. You can count how many fish you're bringing in; poundage is no problem. It is simple to follow the rules, especially if you have all the valid passports and fishing licenses for the Bahamas. I don't see a problem with it. I think it would be the quickest and easiest way to go.

DR. CHEUVRONT: How about making a motion or something.

MR. SHUTE: Okay, I make a motion that we adopt Alternative 2; Action 1, Alternative 2?

MR. HARTER: Yes, he has got to put the motion up here and then we can see if that is what you agree with.

MR. NETTLES: One of the issues coming from over there is as everyone knows there are a series of marlin tournaments, and there are a lot of big boats that go over and they stay there for months at a time. They are there for two, three, four months at a time. A majority of those boats are not looking for dolphin and wahoo; they are marlin fishing. But it just as a bycatch, they are going to catch dolphin wahoo, there is no way around it.

Those boats, because they are there for three or four months, they are going to be freezing this fish and it is not going to be in this whole status. I don't see a way around it for the accounting purpose, but I just see problems down the road if someone ever stops one of these big boats coming back. These are usually very powerful people; multi-million dollar boats, and they are going to scream very loud. It hasn't happened yet, but I see it coming.

MR. HARTER: Yes, I agree, Tim. I know some of those boats myself. I think it was mentioned in some of the articles about frozen fillets being brought back, and that it was very, very difficult for anybody to figure out what is in that package of frozen fillets; what kind of meat it is or anything like that. I agree, I think we're just going to have to stick to the guns on keeping the fillet with skin intact. I just don't see any way.

DR. CHEUVRONT: That's another action.

MR. HARTER: Yes, that is another action, apparently.

MR. NETTLES: I think this action is best for overall, but there are going to be situations where it is going to become an issue.

MR. HARTER: We don't always feel real sorry for them. I know some of those guys and I don't feel real sorry for them.

MR. WAUGH: Tim, you are saying some of these bigger boats may not be willing to package the fillets individually so that when they come in it would be easy for law enforcement to count fillets.

MR. NETTLES: They are working with constrictions of size, space to put this fish. If you've got a fillet of a – John Jolley and I were talking about it; the average dolphin we catch in the Abacos is 20 to 30 pounds. If you are taking a slab off that, you've got a three-foot fillet. You could probably roll it up and freeze it; but if you roll it up and freeze it, you are not going to be able to suck all the air out of the bag.

Most of these guys are vacuum sealing it, just like they would when they get back to the states; and so you are not going to have that good quality of a fish, and that is why if they are staying there for months at a time, I feel you are going to see a lot of them still process the fish to save the quality of the fish when it gets back.

As far as the guys going over for a four-day weekend or for a week, I think it is an easy deal. We take an ice bag, you take that side off of the dolphin or wahoo, you roll up an ice bag, you ice it down. It is much easier to do that than it would be to ice a whole fish. I just see this one class of boat that it is going to be an issue with.

MR. HARTER: We have a motion up on the board up here. We need to divert to that.

DR. CHEUVRONT: Joe, would you mind reading that motion.

MR. SHUTE: The motion is I recommend that the council select Action 1, Alternative 2 as the preferred alternative. Yes, I'll make that motion.

MR. HARTER: Is there a second?

MR. NETTLES: I'll second it.

MR. HARTER: Tim Nettles seconds it. Any further discussion? I think just a quick show of hands would be acceptable; all in favor of the motion. All right, let the record show it was unanimous.

DR. CHEUVRONT: That was an easy one. The second action is to exempt dolphin and wahoo harvested legally from the Bahamas from the bag and possession limits in the U.S. EEZ. The first action was just to allow the fillets to come back. Now what we're looking at is for whether the council wants to exempt those species from the possession limits.

Now, one of the things that Tim brought up is that for dolphin, if you've got six people on board that vessel, you can bring 60 fish back, up to 60 fish. You can bring back 10 dolphins per person. If you're coming back from the Bahamas with fillets, regardless of the number of people that are on board that vessel, you can bring up to 18 fish as fillets, if that is what we're proposing here, back from the Bahamas.

As far as dolphin is concerned, the U.S. possession limits, as long as there are at least two people aboard that vessel are higher than what you would be allowed from the Bahamas. That is not the case for wahoo. Wahoo, you are only allowed two fish per person. If you've only got two guys, three guys on the boat coming back from the Bahamas, you would only be allowed six fish of wahoo.

What the council did originally; they had dolphin and wahoo together that would be exempted, but in their discussion in March they decided to pull these two species out separately, thinking that it might be in the best interest of fishermen to allow them to have the U.S. possession limits for dolphin in the U.S. EEZ; but maybe consider wahoo separately, because you could bring back more wahoo from the Bahamas.

In other words, they wanted to split it out. The idea was that they are considering not exempting everything, but there is a real concern mostly over wahoo and bringing wahoo back and the numbers of fish that would be involved here. The action is exempt dolphin and wahoo harvested lawfully in the Bahamas from the bag and possession limits into the U.S. EEZ.

Alternative 1, no action; the status quo is the bag limit for the possession of dolphin and wahoo lawfully harvested in the Bahamas is 60 dolphin per boat or 2 wahoo per person per day in the U.S. EEZ. Now, also understand that the Bahamian possession limits are not a per day vessel limit; it is a total vessel limit.

It doesn't matter how many days you've been in the Bahamas, you can bring 18 fish back. Alternative 2 is exempt dolphin lawfully harvested in the Bahamas from regulations for bag limits in the U.S. EEZ. Alternative 3 is exempt wahoo lawfully harvested in the Bahamas from regulations for bag limits in the U.S. EEZ. I don't know how well I explained that to you all; but if you have any questions asking for clarification, I would be glad to help if I can.

MR. HARTER: Tim, I'll defer to you; what do you think about the wahoo? That is the one part that –

MR. NETTLES: During the summer/spring you are not going to have that as an issue. However, I will say that a number of the marinas and resorts in the western Bahamas survive the winter months because of fishermen from Florida running to the Bahamas for the winter wahoo fishery.

The public or fishing public perception is that we have bought a permit, we have signed that permit; purchased that permit in the Bahamian waters, and it says we can have 18 wahoo on the boat if we wanted. If all we're doing is bringing it back through the EEZ; that is all we're asking is the requirement to do that. Now, is everybody going to bring back 18 wahoo?

Probably not, but you will have days where 8 or 10 wahoo on the morning bite is a good day. You go two days; yes, you could have 18 fish coming back. I think exempting them – because we have to abide by Bahamian law while we're fishing Bahamian waters; I would prefer to exempt them from the U.S. bag limit, because we're fishing in Bahamian waters.

DR. CHEUVRONT: That is exactly what Alternative 3 would do.

MR. NETTLES: How come we don't have an exemption for both or are they separated as one of each?

DR. CHEUVRONT: The council could choose two preferred alternatives under a single action; so they could prefer Alternative 2 and Alternative 3. They decided that given the discussion about the possession limits and the U.S. possession limit for dolphin is higher than it is in the

Bahamas and the opposite is the case for wahoo; they decided to separate the two species out and consider them each separately.

DR. CHRISTIANSEN: Why not treat them the same, though? You are catching both in Bahamian waters; why are we separating them? You caught them there legally; you just want to bring them home; no different than when you go large game hunting in Canada; you are going to pack it up; you are going to bring it home. You don't kill a moose in Georgia, but you want to bring it home, so why not just leave them both the same? Exempt both; if you're going to exempt one, why not both?

MR. HARTER: We can choose both those Alternatives 2 and 3 and I think is what Brian was saying. We can choose both of them, yes, and I think they may lean toward that. Is there any other discussion?

MR. BURROWS: I make a motion for the advisory panel to endorse Alternative 2 and Alternative 3.

DR. CHRISTIANSEN: I second the motion.

DR. CHEUVRONT: The way I've written the motion; is that okay; Chris would you mind reading it for the record?

MR. BURROWS: Motion: Advisory Panel endorses Alternatives 2 and 3 as preferred alternatives for Action 2. It's perfect.

MR. HARTER: Show that Kyle Christiansen seconded it. Any comment? No further discussion? By a show of hands all in favor. Let it show that it was unanimous.

DR. CHEUVRONT: Okay, the original version that I sent you had Action 3, which was the one to look at monitoring vessels coming back from the Bahamas. The council pulled that from further consideration. There is nothing under further consideration at all for any kind of monitoring the vessels coming back specifically in terms of reporting to a law enforcement agency or VMS; so that is gone.

We now have a new Action 3, which used to be Action 4 under the old system, but it is now going to known as Action 3. That is going to require fillets of dolphin, wahoo and snapper grouper species brought into the U.S. EEZ from the Bahamas to have the skin intact. Currently that is the status quo; Alternative 1; snapper grouper fillets possessed in the U.S. EEZ from the Bahamas are not currently required to have skin intact.

There is nothing in there about dolphin and wahoo, because that is not currently allowed. But at the time that the original regulations were done for snapper grouper, there weren't many regulations on snapper grouper in terms of prohibited species and all that sort of thing. That is a whole other snapper grouper issue. We're not asking you all to comment on snapper grouper species, only dolphin and wahoo.

This is a joint amendment with snapper grouper, because they are going to be affected by a couple of these actions as well. The council chose a preferred alternative at the meeting in

March, and their preferred alternative is that snapper grouper fillets brought into the U.S. EEZ from the Bahamas must have skin intact on the entire fillet.

Preferred Alternative 3 is that dolphin and wahoo fillets brought into the U.S. EEZ from the Bahamas must have the skin intact on the entire fillet. The reason behind this is that depending on the regulations or the alternatives and actions that the council chooses; species that are prohibited for possession in the United States, particularly snapper grouper species, are going to continue to be prohibited.

If you could legally catch a snapper grouper species – I'm not even sure what the snapper grouper species are that you can catch in the Bahamas. But, for example, if you could get a Goliath grouper of something over there, you would not be able to bring that back into the United States. That is what they are still trying to keep in place or considering here.

What they need to do for law enforcement is they need to have the skin still intact on those fish, so that they can help identify the species since you are now going to be allowed to bring back both dolphin and wahoo and snapper grouper should this all go forward. The council has chosen to require skin to be intact on those fillets that are coming back; but this is your opportunity to comment. You don't have to agree anything; you can say whatever you want.

MR. NETTLES: I have a quick comment on this. Maybe I don't understand the law properly, but if I'm fishing Bahamian waters by their regulations; what you're saying is if a certain snapper grouper species is closed in the U.S., I'm not allowed to bring that species back from the Bahamas?

DR. CHEUVRONT: That is the way the council is looking at setting this up, yes.

MR. HARTER: I think also the way it would be set up, too, if for some strange reason the dolphin and wahoo fishery were closed in our area, it would apply to that also; is that right?

DR. CHEUVRONT: Presumably it would.

MR. HARTER: Well, I think at issue here really is primarily whether or not the skin is intact I think rather than discussing the other species to be worried about.

DR. CHEUVRONT: That is correct. Right now really what you are considering is Alternative 1 and Preferred Alternative 3. Alternative 2 is a snapper grouper issue, and that is to be taken up by that committee.

MR. NETTLES: Has the council already voted on this or we can make a motion of our recommendations?

DR. CHEUVRONT: The council has just chosen a preferred alternative. This amendment has not even gone out for public hearings or anything yet. They certainly can change their mind one way or the other. That is why they want to send this out to public hearings, bring it to the APs, they want to hear what the opinions are of the public and their advisory panels before they fully commit themselves, but this is clearly where they are leaning at this point.

MR. HARTER: This is just for opinion purposes; we don't have to vote on anything?

DR. CHEUVRONT: You don't have to vote on anything; but if you want to make sure that the council understands what your preferences are, it is probably a good idea if this committee has strong feeling one way or the other. Even if you don't, if you are mixed or divided on it, let's get the discussion out there, because that will be used to help inform the council as they are going ahead with this action, because they can change their mind.

MR. HUDDLE: If I am going to fillet a dolphin, I am going to have the skin off. That is the way I see it; but a wahoo, I'll keep the skin on. Dolphin, I would rather have it skin off.

MR. BURROWS: Is there anyone in this room who can't tell the difference? Isn't that the most logical thing in the world? I say that because I have fish inspectors that come to my restaurant and can't tell the difference between what we have in the freezer, and that baffles me because these guys are supposed to be trained in that. I feel like most of my staff can.

MR. HUDDLE: Actually sometimes when we fillet wahoo, when I put them in the refrigerator, I freeze them and everything. When I start looking at it; is this dolphin or is this wahoo? Sometimes it is kind of hard until it actually thaws out and then I can tell.

MR. HARTER: Frankly, I am of the opinion I do prefer to keep – at the very minimal to keep the skin on. I know that inconveniences some people. In fact, I would just as soon that we had the same regulation for the U.S.; just strictly U.S. caught fish, too, that they be allowed at least – if they kept the skin on and allowed to do everything else would be fine. I don't have any trouble with that skin on.

MR. PHINNEY: I agree with keeping the skin on, because it keeps the fish more moist and less stuff to get messed up with the meat. I cook with the skin on, too.

MR. ROSHER: Hello!

DR. CHEUVRONT: Is that, Ray? Okay, do you have something to say on this one?

MR. ROSHER: I finally got a working microphone, sorry about that. The biggest thing I wanted to mention is that, first of all, my opinion is that the skin on isn't a big deal. It is just something you cut off before you cook it. All the concerns about bringing back certain numbers of wahoo, et cetera; I think if we keep in mind that any boat that is in this position is going to have valid paperwork, I think it is pretty easy to decide who is catching local fish and who is exempt from local laws based on having valid, current cruising permit. Do you agree, Tim?

MR. NETTLES: Yes, I agree. When you leave the Bahamas, you are going to have your current cruising permit, fishing permit. Everybody on the boat is going to have their passport stamped. You are probably going to have receipts from the marina or hotels. It would be very easy to figure out which boats are coming back from the Bahamas and which ones just went offshore and fished for the day and came back.

MR. ROSHER: I understand the concerns, they are valid concerns; but if we just keep in mind that for anybody to be given any exemptions over U.S. law, you have to prove by form of

paperwork that you have a current cruising permit, and like Tim said passports, all the immigration papers. It seems like as long as those species are legal to be kept in the U.S., there shouldn't be a big problem honoring Bahamian limits, because you are just transporting; you are not harvesting in U.S. waters.

MR. HARTER: Well, it sounds like there is some division, but does anybody want to make a motion that could be at least voted on one way or the other?

MR. NETTLES: Personally I would prefer Alternative 1 and Alternative 3. Wait, I'm sorry; yes, Alternative 1 and Preferred Alternative 3.

MR. ROSHER: I second that.

DR. CHEUVRONT: I just want to make sure you understand this motion. Basically what you're saying is that Alternative 1 and Alternative 3 is that you are recommending that snapper grouper not be required to have skin intact but dolphin and wahoo should. Okay.

MR. HARTER: Is there a second to that.

MR. PATTERSON: Second.

MR. HARTER: Gentlemen, any further discussion?

DR. CHEUVRONT: Why do you prefer that the skin not have to be on snapper grouper species; that was not discussed?

MR. NETTLES: That is how the current rule is and it is just less confusion in my opinion. The current rule is that and it would just be less confusion. We're not changing something. I think you are going to have a big push-back from the recreational community over what the Bahamas calls the demersal fish we call snapper grouper.

The only grouper they have a closed season on is Nassau grouper for a couple of months; whereas they are always outlawed in Florida. Let's say someone in the Bahamas is deep-dropping and they catch a couple of snowy grouper.

If the season is closed in the U.S., we would have to release that fish. Of course, it is not going to survive coming up from 800 feet. But legally since we are fishing in the Bahamas, we could have kept that fish. I think that is where you are going to get a big push-back from the recreational fishermen over that issue.

MR. ROSHER: I think the biggest thing to keep in mind is that snapper grouper are governed by a poundage requirement. As long as you don't have more than 60 pounds, if I am not mistaken, you are okay. But on the dolphin/wahoo we're governed by numbers, and that is why we have to have the whole fillets.

MR. HARTER: Yes, that is a good point.

DR. CHEUVRONT: Great; thank you for getting that on the record, because I know that I'll have to explain that to the council why you all did that. Thank you.

MR. HARTER: Any further discussion on the motion. All right, by a show of hands all in favor. Let it show it was unanimous.

DR. CHEUVRONT: Now, there were two other actions that were originally in there that the council removed and those involved snapper grouper fillets. The new Action 4 that is in the amendment was to require stamped and dated passports on those vessels that are bringing snapper grouper fillets back. That is not in the U.S. regulations.

I could tell you all, though, that the staff from the council and from the National Marine Fisheries Service have been working on developing this have talked about this issue specifically. One of the recommendations that we're going to take back to the council in June is to take out all that language that says specifically the cruising permit, the fishing permit and the passport; that you have to have all the documentation and change it to fish that were legally harvested in the Bahamas throughout, which means you have to have a cruising permit, you have to have a fishing permit, you have to have the passports.

This would allow the Bahamian laws to change, and we would not have to come back and change the U.S. regulations. Whatever is required in the Bahamas is what you have got to have to prove when you come back to the U.S. Those are basically the three things that you have to have to be able to fish in the Bahamas legally. That is a recommendation that is going to come back from the Interdisciplinary Plan Team on this amendment.

If the council goes through with that, then this new Action 4 regarding having added passports to the list of documents; the council may want to remove this action as well; but that is something they will discuss in June. I'm just putting that out so you can maybe see some modifications and changes still to this document in June. That is all of the actions and alternatives that we had for this amendment. We're through with 7; do you want to take a little break?

MR. HARTER: Yes, let's take a break guys, we're in good shape. Thank you.

MR. HARTER: All right everybody, get a seat and we will take care of this Amendment 8 and Brian will give us a presentation on that.

DR. CHEUVRONT: We did go to Dolphin Wahoo Amendment 8. It is one that I alluded to earlier this morning about allocation for dolphin is included in this amendment. This is the one that you had seen before. This action is exactly the same as the one that you saw when it was part of Amendment 5 except there was an addition of one more alternative that is now Alternative 5.

Let me just remind you what this is about. Currently the recreational sector allocation for dolphin is 92.46 percent. The commercial sector is 7.54 percent. Most of our allocations for most species are just in solid percentages, maybe one decimal place; but because the allowable catch is so large, we're talking millions of pounds, to get any amount of accuracy in being close to the pounds historically, we had to go to a couple of decimal places to account for that.

They were set in the Comprehensive ACL Amendment and updated in the Dolphin Wahoo Amendment 5. Now, the dolphin ABC is now over 15 million pounds; or is going to be when Amendment 5 is approved. It is a huge amount. This committee in the past had discussed

before, well, you all really kind of liked that soft cap that was in place before the council had to come in and put in these hard allocations.

That soft cap that was in place before was that the commercial sector was basically sort of allocated about 1.5 million pounds or up to 13 percent of the total catch. If the commercial sector ever reached that, then the council was going to take a look at what was going on with the fishery and decide if anything else additional needed to be done in terms of how the fish were being allocated between the two sectors.

They got close to that in the commercial side; I think it was 2009 or 2010, but they never exceeded it; so that never would have been invoked. When they got to the Comprehensive ACL Amendment, they did it based on historical landings. In those historical landings, 50 percent of the long-term time series, which was 1999 through 2008, and then 50 percent of the allocation was based on the most three recent years they had at the time, which was 2006 to 2008.

They figured out the percent of those two time periods and basically averaged them together; and that is what gave you the allocation. That is where we stand now. When you looked at this last year in March, you had selected Alternative 4 as your preferred alternative. That would have set the commercial allocation at the average of percentages of the total catch over the past five years.

The recreational sector allocation for dolphin would be 90 percent and the commercial sector allocation would be 10 percent. With the ABC going up to about 15 million pounds, that got it pretty close to that 1.5 million pounds that you all said you were fairly happy with; but there are some issues associated with that. The ABC can change over time.

The way that ACLs are set now are based in percentages. If the ACL goes up, then everybody would get more fish again. If it goes down, everybody would get fewer fish. Tim and I had some discussion offline in the last week or two before this meeting, and he had asked me some questions about, well, how are the landings going? There was a table that we had that I want to show you. We don't have the certified landings for 2013 yet, but we do have from 2008 through 2012.

I show dolphin and wahoo, because I just took this out of another document; the Dolphin Wahoo Amendment 5 Document, as a matter of fact. You can see the commercial and recreational landings there. As you can see, in no case when you are talking about there being 15 million pounds, even if you are allowed 10 percent in the commercial sector, you can see in 2009 they got to about 1.2 million pounds, and roughly 14 million pounds would have gone to the recreational sector.

These are rough numbers I'm talking about here right now. These are not exact numbers. You could see how many fish get caught as a result of supply and demand. You can see that in each case we haven't actually ever exceeded the ACL that was there. I put that up there to show you that in no case would either have been impacted by any of the alternatives that are currently being shown.

Alternative 2; they just changed the years that were considered; or Alternative 2 looks at making what was that soft cap the hard cap. That would have made it 87 percent recreational and 13 percent commercial. Looking at the time series just at the highest percentage over the last five

years is 86 percent recreational, 14 percent commercial. Then Alternative 4 would give it 90 percent recreational, 10 percent commercial; and given the current ACL, that would be about 13.5 million pounds roughly for the recreational sector.

Then it makes it roughly 1.5 million pounds for the commercial sector. That was your preferred alternative as of your last meeting last March. Alternative 5 simply looks at what the status quo would be but then changes the years. There is a bit of an issue that comes up when you start looking at landings based on years. We haven't had it happen yet but it could occur in the future that one sector could be constrained by its sector ACL.

In other words, the maximum amount of fish that are caught could shut down a sector of the fishery. For example, let's say there are an awful lot of fish out there; people are really hammering on them; the commercial sector catches their 1.5 million pounds by September; that fishery gets shut down.

That is the maximum percent they could ever reach would be whatever they are allowed by the ACL, and the same thing could happen on the recreational side. Using year's landings could prove to be a problem for the future. The council needs to figure out how they want to deal with that issue. That is not addressed directly in this alternative, but this is the action and the five alternatives that are currently being considered.

As I said, when you all went through this a year ago, this Alternative 4 was the preferred alternative. If you choose not to change your preferred alternative, that is fine. The motion that you guys made a year ago; it is still in the books there and that is fine. Since they have modified this slightly and it has come back before the council again, we thought we needed to bring this up with you guys to see if you wanted to have another discussion on it or if you are happy with what you said a year ago.

MR. HARTER: Are there any comments from our guys with any commercial experience?

MR. ROSHER: Is Dewey present?

DR. CHEUVRONT: Dewey is not here.

MR. ROSHER: I don't know if anybody else there has done much commercial fishing, but I am licensed in both recreational and commercial. I want to say in past meetings he generally was pushing for the 87/13. Can you tell me again what we agreed on last year? You mentioned it a couple times, but I never heard the percentages associated with that comment? Where are we now?

DR. CHEUVRONT: What you agreed to last year was 90 percent recreational and 10 percent commercial. That was your preferred allocation.

MR. ROSHER: If I recall, Dewey was in agreement with that?

DR. CHEUVRONT: I believe so; I believe the entire AP was in agreement with that.

MR. ROSHER: You are saying now that the ACL has been increased to 15 million, so that would really increase the commercial harvest from about, if I remember correctly, at 11 million in 13 percent. Am I correct, that 11 million was the old cap?

DR. CHEUVRONT: No, the old cap was closer to about 14 million.

MR. ROSHER: I'm sorry; I was thinking it was 11. At 10 percent that still gives him 1.5 million, if I'm correct, and that still is quite a bit above any of the past five years' harvest commercially, is that correct?

DR. CHEUVRONT: That is correct; that is almost 300,000 pounds more than what the commercial sector had landed in 2009, and that was pretty close to the highest in the time series; not just the five years, but I think even going back further than that.

MR. ROSHER: Would the group agree that Alternative 4 is the best choice? Are there any comments on that? Is that kind of where we're leaning? I am trying to remember what we based our opinion on last year was 14 million pounds. Now you're saying that with the new counting methods, we're up to 15 million. Does everyone agree that the 90/10 would still be appropriate?

DR. CHEUVRONT: Ray, I just want to point out that the action that increased the total ACL/ABC at the time was in that Amendment 5 when you discussed this last time. Those 15 million pounds was considered last year as well. The rationale that the AP gave at that time was that this would provide enough fish for everybody; for both sectors.

This got you closer back to that original soft cap that had been in place prior to the Comprehensive ACL that set it at the current allocation between the two sectors. I think that is what – I don't want to speak for Dewey, because he is not here; but I think that is what got him to sort of buy into this in the whole discussion last year.

MR. ROSHER: One thing I would like to mention is that in years past at this meeting we've talked about setting a marker at like 80 percent where once we reach 80 percent, either group reaches 80 percent of their ACL; then there is a notification that causes some trip limit reductions so that it can extend the season.

Would it be appropriate to make a motion that we adopt the 90/10 allocation on the 15 million pound ACL and have a notification sent out to either group when they reach 80 percent; triggering some reduction in trip limits, either daily bag limits or trip limits in the commercial sector?

DR. CHEUVRONT: Well, Ray, the way this probably ought to be handled would be I'm thinking that if you all want to reaffirm Alternative 4 as your preferred alternative, I think just the discussion would be enough for that; but you can make a recommendation. You or the AP can make a recommendation to the council to consider that kind of a step-down like you're talking about; and they would have to create a new action alternative somewhere to consider that; but that could be done.

MR. ROSHER: It just makes a lot of sense to me so that we don't create a derby fishery where there is this big urgency as the cap is being approached for both – in the commercial sector as I

remember Dewey talks about these longline boats that go for days and weeks at a time harvesting anywhere from 5 to 20,000 pounds of dolphin.

By setting some trip limits in their arena, if they reach 80 percent, then that may extend their season a little bit; although he seems to think their season is so short because of weather. It is not a big deal, you kind of go when you can go. On the recreational side it is a bigger deal to me. I don't know how the rest of the group feels recreationally; but if there was ever a threat to that limit, I would like to see a reduction in daily bag limit. As a charter fisherman and recreational fisherman, we would extend our opportunity to harvest fish. Does everybody agree with that?

DR. CHEUVRONT: I want to add one thing. If you will remember, there was a commercial trip limit action that was considered in Dolphin and Wahoo 5. It is not a step-down like Ray is talking about now. The idea was to set a maximum poundage that could be landed on a single commercial trip.

The council debated that and some analysis and things were done. It was shown that there were very few trips that were landing, like Ray is talking about, 10,000 pounds or more fish. Actually in the last five years I don't think we had any trips that landed 15,000 pounds or greater. The thing is when those trips do occur, they do land a fairly sizeable percentage of the fish.

The case couldn't be made biologically that this was having an impact on the stock. The council removed that action from the amendment; but what Ray is talking about is something slightly different. He is talking about – and correct me if I'm wrong, Ray; but you are talking about no trip limits other than what is currently in place until either sector reaches, Ray is saying, 80 percent before there would be either a reduction in bag limit or a commercial trip limit placed on the fishery. You could make a recommendation to the council to consider such an action if you would like to do that.

MR. ROSHER: I would like to make that recommendation if anybody is in agreement.

MR. HARTER: Is there any discussion? I assume then that we will – or do we need to vote on Alternative 4 first?

DR. CHEUVRONT: You don't have to vote. You have already voted on Alternative 4 before. Unless you have any new reasons for liking that alternative or wanting to change your preferred alternative or anything like that; you don't need to do it again. We can pretty much tell from the discussion there doesn't seem to be any – at least I don't detect any opposition to keeping your preferred recommendation as Alternative 4 at this point. Maybe we should deal with that part of it first and then get to the other issue that Ray brought up about this step-down after a certain part of the ACL has been caught.

MR. ROSHER: It is probably two separate issues, yes.

MR. HARTER: Is there any opposition to keeping our stance on Alternative 4, which we presented before, which is up there; that being so we can show that Alternative a was still unanimously approved.

DR. CHEUVRONT: What I've put in here for the notes is the AP has reaffirmed the choice of Alternative 4 as their preferred alternative for Action 2, because we are now in Amendment 8.

MR. HARTER: Okay, as far as recommendations, Ray, do you want to I guess condense that; or, Brian, do you know how to write out that recommendation that Ray has made?

DR. CHEUVRONT: Ray, you can see what is on the screen right now, can't you?

MR. ROSHER: Yes, I can.

DR. CHEUVRONT: Give me a second and I'll draft up something really quickly here. Then you can let me know if it you think it needs to be modified and then maybe that can be discussed. If at some point you all feel you want to make a motion, then you could make a motion, but just give me a second to type up something here.

MR. ROSHER: While you are typing that, does anyone else have any feelings about this? Is there a negative to notifying a group that they are reaching that? I am just trying to avoid getting a notice in the mail that says it is over in seven days or something to that effect, something that puts you – basically just extending the season.

MR. NETTLES: Ray, I agree with that.

MR. SHUTE: I agree with that, also. You wouldn't want to shut down a whole charter fleet season in September or August without giving them some notice to have an opportunity to cut back in order to run their trips and still catch some fish. I think it would be a good idea.

MR. ROSHER: That is kind of what you said Joe about the wahoo last year or the year before about shutting down – not being able to catch enough fish to attract a charter party at the rates you have to charge for fuel. Just keeping boats fishing is I think a big goal here even if it is with reduced catch.

DR. CHRISTANSEN: A quick question; when you look at our limits being reached, I mean it would have to be a heck of a year for it to be reached, and I want to ask Don this. Where would that affect most of your charter fleet? Where is your fall dolphin catch that concerns us? Is that in South Florida still?

MR. ROSHER: We still catch them. We have had some years where we caught them 12 months a year. I've had some winters where I would joke amongst the crew that it was better than our summer. But it didn't happen this last winter, but in the last week we've had – one of my crew said the other day they could have caught 600 pounds on a charter.

They were all gaffers and nice fish; so they are just starting to show up now; but it fluctuates from year to year. Years ago, talking to a captain who has now passed away, but he was there for 55 years in Miami; and he said that 40, 50 years ago there were good years and bad years. It cycles, and I think it has a lot to do with what Don was touching on with the loop currents and different – you know, El Niño and La Niño, whatever it is.

There are things that cause there to be different patterns to the migration of fish; or maybe I should say there are environmental conditions that cause there to be good years and slow years. I think it has been happening since way before we were around. That is the hard thing to do here is to create laws which coincide with the fisheries in different regions. But, Joe, wouldn't you say the summer and fall is your primetime; you wouldn't want to run out of quota in the fall.

MR. SHUTE: Yes, for us April through the end of August is probably the best of our dolphin fishing, but we still catch them all year. They are catching them right now.

MR. ROSHER: Same here, yes.

MR. HAMMOND: What I have been able to piece together is that traditionally – and I say traditionally because every year seems to be different with dolphin fish – just like Ray said, this past year they had a very strong run in the fall of small fish that they normally do not see.

But there is a strong August, September and into October fishery for the small school fish up off of North Carolina that really sustains the charterboats and fleet up there. I would say that traditionally the fall fish for small fish may center more off of North Carolina, but that doesn't mean that it is not important and significant down in Florida as well at the same time; but it is a year-to-year variation.

DR. CHEUVRONT: Okay, Ray, what I've got upon the screen right now shows that the AP recommends the council develop an action that would require a commercial trip limit or a reduction in the recreational bag limit should 80 percent of the sector ACL be reached or projected to be reached. The reason why that last part "projected to be reached" is on there is because sometimes to be able to act quickly enough, the National Marine Fisheries Service has to be able to project in the future when that percentage is going to be reached so they can get out the notice that the fishery is going to be changed in some way, to give fishermen time to react to it. If they wait until the actual number has been reached in some of the fisheries they have, the fishery is over by the time that notice can get out. Are you okay with what I wrote up there?

MR. ROSHER: Yes, that looks great, thank you.

MR. HARTER: All right, do we have a second?

DR. CHEUVRONT: Well, is this being made as a motion or is this just something you all are recommending to us? If you all want to make it a motion, somebody needs to say I make the motion.

MR. HARTER: Ray, do you want to make the motion or just leave it as it is.

MR. ROSHER: Sure, I can make a motion that the council develop an action that would require a commercial trip limit or reduction in the bag limit if we reach 80 percent of the harvest.

MR. BURROWS: Second.

MR. HARTER: Is there any further discussion or questions?

AP MEMBER: Should we put something in there as far as how much to reduce it or let the council talk about that?

DR. CHEUVRONT: What the council would do is develop alternatives. They may look at whether it should be 80 percent or some other number or the amount of the reductions that would be considered. They would come up with a suite of different things that would be considered. Again, this would come back to you.

If they decide to go ahead with this, this would come back to you at some point in the future for your discussion and input on what the trigger would be as well as how the reductions would also be worked out. You would get to see this again. Don't think that this will be your only crack at looking at this. It will come back to you if the council goes ahead with this.

MR. ROSHER: It actually gets pretty complicated for the commercial sector, because as Dewey has mentioned before, for those boats to really make the long trek offshore and make a trip, they are not going to be able to make that trip with 1,000 pounds. It is going to involve, like you said, probably a lot more discussion on what that trip limit should be. On the recreational side, it might be half of the normal bag limit or something. But just trying to get the ball rolling on this; I think it is heading in the right direction. Not that it looks like we're going to be affected by it, but it is a nice contingency to have.

MR. HARTER: Yes, Chris Burrows seconded the motion. All right, by a show of hands all in favor of making this a motion or passing this. Let it show that it was unanimous.

DR. CHEUVRONT: Okay, we're up to other business, and before I turn it over back to David I do want to say I need to clarify something that I said earlier in regards to Dolphin Wahoo Amendment 5. I was told that I said that the comment period was open until August 14th. It is actually open until April 14th. It was an "A" month, I was kind of in the right ballpark. The comment period for Dolphin Wahoo Amendment 5 is April 14, so you have got about three weeks or so. If you do want to comment on it, please contact me if you can't find that Fishery Bulletin, and I'll help direct you to what you need to do.

MR. HARTER: Under other business. First of all, Kim, do you want to address the panel?

MS. IVERSON: Good morning, everyone. It is good to be here and thank you for coming this morning. I wish Charleston had a little warmer weather to greet you, but stick around it will change. Brian asked me address the advisory panel on the issue of term limits. As a staff person, I work closely with the AP Selection Committee. The council actually has a committee that is responsible for reviewing applications and setting policy for its advisory panels.

Back in September that committee and the council approved a change to the policy. You should have received an e-mail with a letter advising you of the changes of the policy. Basically it set term limits for advisory panel members. Several of you sitting at this table were charter members; we're growing older together gracefully.

I had talked with Brian about it as I was reviewing the term limits and what was coming up. There are 14 members currently on your advisory panel; and of those 14, eight people on this advisory panel started back in 2001; your chairman being one of them. What I wanted to do is

just to remind you that these term limits for eight of your members – and I can run through those – will expire at the end of this year.

In December the council will hold an Advisory Panel Selection Committee Meeting, review applications and then appoint new members. The change in policy wasn't meant to flesh any of these loyal members off the advisory panel, I promise you. There was a lot of discussion at the committee level.

But as you know, there is a lot of interest in serving on the advisory panels; we get a lot of applicants. As the committee reviewed those applications and re-applications, because you could always reapply. If you had been active in the advisory panel and productive in your recommendations and attendance at meetings, then most of the members were reappointed.

In order to kind of expedite new members being appointed to the advisory panel, the AP Selection Committee and the council changed the language in the policy. I've got it here; that if members after serving three consecutive terms, that their terms would expire, and that would allow new members to be appointed.

If there were no qualified applicants for a particular seat, then that member could be reappointed for one additional three-year term. If the advisory panel member's terms have expired and they are off the AP for a year, you can reapply. The council certainly wants to acknowledge the experience of everyone in their contributions.

But for this particular advisory panel, because it was all created back in I believe it was March of 2001; the following members have terms that are going to expire; David Harter being the Chairman, Dewey Hemilright, Joe Shute, Wally Phinney, John Tortorici, George Patterson, Tim Nettles; and I believe that covers it. Again, I wanted just to bring this to your attention.

Your terms don't expire until the end of this year. I am asking that maybe as you go through the ending of your term limits here, that you start thinking about some other folks that may be interested in serving and that would want to send an application. They can send them to me; the applications are online.

I just wanted to bring it to the AP members' attention and to let you know that the council will be looking at new members for the Dolphin Wahoo AP during its December 2014 meeting. I will send – we are getting ready to advertise AP seats for the consideration at the June council meeting down in Florida the second week in June.

You will receive a news release from our office probably later this week advertising those open seats. None of that has to do specifically with the Dolphin Wahoo AP right now; but I did want to bring that to your attention and I'll resend a memo that was sent out in October to all of the AP members just to remind you that the term limits have been put in place as of last September.

I will be glad to answer any questions. I hope you don't find it confusing; but as you leave here and you go home, start thinking about other people that may want to serve on the advisory panel that would serve you well to represent the sectors in your interest. Encourage them to contact me if they have any questions, and then perhaps submit an application form. Again, to reiterate that

if you were off the AP for a year, you are welcome to reapply and serve again. Does anyone have any questions?

MR. SHUTE: Gosh, I was really hoping to go back to Key West again, but so much for that. It has been 13 years, anyway.

MR. HARTER: Yes, it is not exactly a death sentence. Maybe just the voltage might be insufficient to do so. That's all right. In other words, if we don't have a meeting for a year, all of us can reapply right? That's all we need to do, right?

MS. IVERSON: It is three consecutive terms and then the membership – each term is three years, so it is nine years in a row. After nine years, the council will be looking at new qualified applicants. If no qualified applicants are there, then you can get reappointed for one three-year term.

After being away from the advisory panel or off the advisory panel for a year, you are certainly welcome to reapply and you can get reappointed. Now I want to point out that does not excuse you from coming to public hearings and participating in the process. I just wanted to advise you of the term limits on the advisory panel.

MR. HARTER: Thank you, Kim. Hopefully, Mr. Hammond would probably be one of our best sources of finding new applications that come in.

MR. NETTLES: Or he could apply.

MR. HARTER: Don can apply and then he can run the whole meeting. Gentlemen, is there any other business?

MR. SHUTE: Well, since I'm getting kicked off now –

MR. HARTER: Hey, we can say whatever we want to now.

MR. SHUTE: That's right; that was what I was getting ready to say, I don't have to worry about coming back now. In our last meeting and in a lot of our meetings previous to this we had addressed the sale of recreational-caught fish for charterboats. Where do we stand on that right now, because that is a big concern in North Carolina and Florida both?

DR. CHEUVRONT: I can tell you that every time that the AP has brought up that issue, it has been taken to the council and the council has decided not to go forward with it.

MR. SHUTE: Has there been a good reason?

DR. CHEUVRONT: There was a prohibition of sale that went into place in I think it was in the Comprehensive ACL Amendment, so it has only been in place for a couple of years. There was a reluctance to go back and change something that they had just done. There may be other reasons, but I'm speaking off the top of my head, but that is what I think it was.

AP MEMBER: I think we would be remiss if we didn't bring that issue back up again.

MR. ROSHER: You know I have to speak up on this one. Thank you for the lead in, Joe. One thing I think needs to be considered is that some of the council members that were behind that action are not there. I have heard actually more comments in favor of re-allowing charterboats to sell fish from those either on the council or those that are dealing with council-related issues, for instance, the CCA.

I've heard a couple people talk that the realization in the end was that it was really an unnecessary action. I wish that the council could be at my dock in the afternoons and explain to the people why they can't buy U.S. caught fish. The bottom line is by allowing the charterboats to sell that local catch; first of all there isn't a big fishery in South Florida commercially.

The charterboats historically are the ones responsible for providing that for local markets. By doing that, we would be reducing our dependence on imported fish. We would be bolstering U.S. employment and keeping U.S. dollars at home. For all those reasons, I think it is a bad idea to prohibit the sale of fish if, and the big contingency "if", those charterboats are properly licensed.

That disallows some boats, but if the ACL can stand it and can support it and the boats are properly licensed, I see no need for it. Is it possible? I think we've had two unanimous votes in a row, and the vote three years ago was 9 to 2, if I recall, in favor of allowing charterboats to sell fish before it became law. Is it possible to just make a motion to basically make that recommendation once again and at least put it in their lap where they have to deal with it? Maybe the group on the council may have changed and their opinion may be different.

DR. CHEUVRONT: Well, you can make a motion for anything that you want to do, but I also want to point out there one of the other issues that is involved here is a double-counting issue. Fish that go into commerce would be counted against the commercial quota regardless of whether they were caught on a charter vessel or not; but they also could be counted against the recreational quota through MRIP. You've got an issue of double counting, but also they will be counted against the commercial quota. That is a hurdle that would have to be overcome as well.

MR. ROSHER: Well, the biggest thing that confuses me is for all the years up until two years ago, that was never a problem and the ACLs were never met. Any fish that are sold off a charterboat are registered with a state trip ticket and with a federal logbook, because nobody is really catching commercial quantities of dolphin within three miles on the east coast, to speak of. It is a negligible amount. One solution would simply be to make a notation on the trip ticket and logbook that these were caught on a charter; and then those could be deducted from any count in the recreational category. That is a pretty simple fix.

DR. CHEUVRONT: You say simple, but you're dealing with state bureaucracies here.

MR. ROSHER: Well, actually on the state trip ticket it does designate charter. I would have to go get a trip ticket, but there is a box on the state trip ticket already that talks about whether it is on a charter. That is already there. I think it is all – when you look at ACLs, look at the numbers; we are millions of pounds below our ACLs. Granted if we had a banner year then that could become an argument.

I think we're cutting off our nose to spite our face. I just wish you guys – almost daily I get asked for fresh dolphin when I'm cutting it. It just seems crazy that they have to basically go buy imported fish. It is really foolish. It is hurting our charter industry. Don't get me started, but it is a huge business that has tons of residual; or maybe I should say creates lots of related business in hotels, restaurants, airlines, rental cars, grocery stores.

I told the story a couple years ago where I had two charters spend almost \$8,000 in two trips. I polled them on all their expenses. A group of five and a group of six; we killed 40 pounds of dolphin and released 6 sailfish in two trips. They spent on the first round of spending almost \$8,000.

I know laws aren't based on economics or because of economics; but I think everybody in the room should understand how big of a deal this is to keep charterboats fishing. I think, Joe, you could probably attest to the struggles that charterboats in your areas are facing. If they are licensed to sell them, we're not close to the ACLs. It was legal in the past.

Commercial division of fish; commercial and recreational is not a big deal in all the years past before this became a law. I don't get it. It is like Joe said; does anybody have a good reason why? When we have two years in a row where it has been unanimously recommend and we get ignored – I wrote a letter to the Secretary of Commerce and never got a response.

Again, I will say it one last time. Why are we engaging in these recommendations if we get no response, no good reason why this has to be a law? I have done a lot of commercial fishing and charter and recreational. Charter fishing is a very commercial activity. I have to maintain two or three times the licenses that a commercial fisherman has to maintain. I'll get off my soapbox, but I would like to put something in there that just brings it to the table. I'm speaking on behalf of countless charterboats in south Florida.

DR. CHRISTIANSEN: Ray this is Kyle; I agree with you. The thing they have to realize is these fish are entering the commercial sector whether they want to admit it or not. These guys are selling these fish. The council is saying you are not allowed to do it; they don't know who the council is. They are not even thinking twice about it. This is the way that a guy who works 12 hours or 14 hours and makes a hundred bucks and maybe a fifty dollar tip can put an extra fifty dollars in his pocket and that is extremely important in that lifestyle.

MR. ROSHER: That is exactly right.

DR. CHRISTIANSEN: The council needs to at least give a reason why and not just say that they are not going to do it. At least if you can regulate it or keep track of it, then you know how much more that sector is. Even Don said when he counted the number of dolphin caught out of one marina, heck, the one marina caught South Carolina's whole estimate just about. Why not find another way that they can track what is already being done on there? I agree with Ray as far as find a way to regulate it, track it, or let these guys do it because they are doing it, anyway.

MR. SHUTE: I agree with what you just said. The fact that the law has been passed, and I won't name the people, but it continues. They are not going to stop, because a lot of them need the money. We might as well instead of turning honest mates and charterboat captains into criminals, we ought to let them go ahead and continue to do it. I would like to make a motion

that we just reiterate our past motion to let the charter community commercially sell their dolphin and wahoo.

MR. ROSHER: With all appropriate licenses.

MR. PATTERSON: There are different charterboat ethics in geographical terms. I understand what is going on in Florida, specifically South Florida. I understand what goes on in North Carolina. If we attempted to sell any of our customers catch specifically out of Savannah, Georgia; we would never have a customer again.

Categorically, the charter party kept 100 percent of their fish. However, it is ridiculous to note that even on pleasure trips fish are being sold to reputable restaurants, so-called. I would even fathom to say fish are being sold to some fish houses. I totally support Ray, Joe and Kyle's ideas because we know it is going on.

I know that if in fact we had a customer that went to the Gulfstream with us who was incapable of transporting his fish back to his hometown; that my mate or mates throughout the years would have benefitted from the sale of the catch. Categorically we gave the fish away. I love to fish, but I don't eat fish. I just wanted to emphasize that it is time to address this and an explanation by the council at least an explanation would assist, I believe, in all of our concerns; especially Rays. Thank you.

DR. CHEUVRONT: I've got a motion up there that was made by Joe, but I don't remember did you include both dolphin and wahoo in that?

MR. SHUTE: Yes, I did, but 99.9 percent it is going to be dolphin sales; because very rarely do they give up very many of the wahoo, except in the fall when we catch a bunch of them.

DR. CHEUVRONT: Perhaps what you can do, if you agree with this motion as it is, go ahead read the motion into the record and then was it seconded?

MR. HARTER: Yes, was it seconded?

DR. CHEUVRONT: Let Joe read it in and somebody will second it.

MR. SHUTE: Okay the motion I brought forward is what we have done in the past that the AP reiterates that the past motion to allow the properly licensed charterboat sector to sell their catch of dolphin and wahoo.

MR. ROSHER: I second it.

MR. HARTER: Show that Ray seconded it. Is there any further discussion?

MR. PHINNEY: I agree with what Ray is. I have been doing this for 38 years, and basically it is a sad thing that a lot of guys down in my area sell fish illegally, because they have to make that extra money because of the fuel cost and their overhead is high. It is just sad that the charterboats don't have the capability to sell their fish.

I wish I could but I have been honest all my life and I just can't do something like that, but some guys are hurting more than I am and just to me it is a sad situation that a charterboat can't sell their fish. They go out and do it themselves. If they don't even have customers, they could do that offseason, which is a good time.

Offseason down where I'm at is pretty low and a lot of guys have to get second jobs. I'm lucky, I am retired out of the army and I get that to back me up. I love what I do, and I would go out there and catch fish so that I could sell to people that loves to eat fish instead of that meat. That is all I have to say.

MR. ROSHER: I wanted to say one more thing. George, I agree with you that being concerned about the customer's happiness is of paramount importance. I think this issue is kind of self-policing. If you don't handle your customers properly, they will be gone. It is really not up to the council or anyone else in my opinion to tell me what to do if someone leaves me fish.

Where this fish comes into play is there are times when I will get, let's say, a young couple that want to go fishing and they maybe can't quite afford the trip. Well, the fish becomes maybe their tip to the crew; maybe they take enough for a few meals and leave some for the crew. As long as all the limits are being obeyed, it just seems kind of intrusive for this to be disallowed.

It is really fish that was caught under legal means. Like you said, Wally, none of us on this panel could ever think of doing anything illegal because we would be a big target. It is the last thing that we would want to do. There are a few other very legal operators. What you are really hurting – and I have said this in prior meetings, you are hurting the real honest guys.

The guys that aren't quite as honest, maybe they will survive. They backdoor it for cash, and then the fish doesn't get counted. What I'm trying to do is say let's count it; let's make sure that the fish are counted. If we were teetering on reaching our ACL over the last five years at any point, I might have a little different view being worried about how it gets counted. Obviously that is another whole discussion how it would get counted. Just for today, I think bringing this motion and voting on it is something that lets the council know that we're still concerned about it. Our opinion is whatever our votes reveal. Thank you for your support guys.

MR. HARTER: Ray, I think you're right. I think this is an issue that we need to keep throwing it up there certainly until we've got some explanations. I can understand trying to create almost another sector. We've got commercial and we've got recreational and then we've got recreational/commercial.

I can understand the council's position on trying to figure this out, but that doesn't mean that we need to let it go. Any other discussion, gentlemen? Well, then a show of hands on approving this motion. Let it show that it was unanimous, and I'm assuming Ray, too. Is there any other new business, gentlemen? You guys have been great; we're getting out here on time. Brian didn't think we could do this. If nothing else, this meeting is adjourned.

(Whereupon, the meeting was adjourned on March 19, 2014.)

Certified By: _____ Date: _____

Transcribed By:
Graham Transcriptions, Inc.
April 2, 2014

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Dolphin Wahoo AP Meeting March 19, 2014

Webinar Attendees

77	rosher, ray	ray@missbritt.com	184 min
76	Hudson, Rusty	dsf2009@aol.com	172 min
55	Kloc, Briana	klocbm@g.cofc.edu	70 min
26	Hoke, Joshua	hokejd@g.cofc.edu	76 min

PLEASE SIGN IN

So that we will have a record of your attendance at each meeting and so that your name may be included in the minutes, we ask that you sign this sheet for the meeting shown below.

South Atlantic Fishery Management Council
Dolphin Wahoo Advisory Panel Meeting
March 19, 2014 North Charleston, SC

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