

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **DOLPHIN WAHOO COMMITTEE**

**Westin Jekyll Island  
Jekyll Island, GA**

**March 7, 2017**

### **SUMMARY MINUTES**

#### **Committee Members:**

Anna Beckwith, Chair  
Zack Bowen  
Mark Brown  
Dr. Roy Crabtree  
Jessica McCawley  
Dewey Hemilright

Doug Haymans  
Chester Brewer  
Chris Conklin  
Tim Griner  
Tony DiLernia

#### **Council Members:**

Dr. Michelle Duval  
Mel Bell  
Dr. Wilson Laney

Charlie Phillips  
Ben Hartig  
Lt. Tara Pray

#### **Council Staff:**

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John Hadley  
Dr. Kari MacLauchlin  
Roger Pugliese  
Cameron Rhodes

John Carmichael  
Dr. Chip Collier  
Dr. Mike Errigo  
Kim Iverson  
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#### **Observers/Participants:**

Dr. Marcel Reichert  
Dr. George Sedberry  
Dr. Jack McGovern  
Monica Smit-Brunello  
Erica Burgess

Kristin Foss  
Dr. Jessica Stephen  
Dr. Bonnie Ponwith  
Leann Bosarge  
Rick DeVictor

Other Observers/Participants attached.

The Dolphin Wahoo Committee of the South Atlantic Fishery Management Council convened at the Westin Jekyll Island, Jekyll Island, Georgia, Tuesday morning, March 7, 2017, and was called to order by Chairman Anna Beckwith.

MS. BECKWITH: I will call the Dolphin Wahoo Committee to order. The members of this committee include myself, Zack, Mark, Dr. Crabtree, Jessica, Doug, Chester, Chris, Tim, and our New England liaison, Tony DiLernia and Dewey Hemilright.

The first thing on the agenda is Approval of the Agenda. Is there any corrections or additions to the agenda? Seeing none, that agenda is approved. We do need to approve some minutes, but they're actually not the December 2016 minutes. They are the December 2015 minutes, which was the last time we met as just the Dolphin Wahoo Committee rather than the mega-joint committee. Assuming there are no corrections or additions or deletions to those minutes, those minutes stand approved. Next is the Overview of the Commercial Dolphin Wahoo Catches. I assume that Rick DeVictor will be walking us through those.

MR. DEVICTOR: Thank you, Madam Chair. As you know, we get landings from the Science Center, commercial landings, every Monday. You have those landings in your briefing book. It's Attachment 1 in the Dolphin Wahoo materials. What we have on the screen are more updated landings. The ones in your briefing book are through February 6.

The one on the screen is through March 7, and so, just going through dolphin and wahoo, you can see in our spreadsheet that we have the ACL for 2017 and we have landings through March 7, which is just above 8,000. Again, the year is young, and so the landings are considerably lower. That is approximately 1 percent of the ACL that has been met.

Moving over to the right-hand columns, you can see what the 2016 ACL was and the landings at the same time period last year, and we're about in the same place. Then we have the preliminary commercial 2016 landings, which is looking like it's 65 percent of the total commercial ACL. If you recall, in 2015, we closed on June 30, the commercial sector for dolphin, but no closure in 2016.

Moving on down to wahoo, you can see the 2017 ACL is just above 70,000 pounds. Landings through March 7 is just above 14,000 pounds, which is 20 percent of the ACL. We got close to meeting the 2016 ACL, but we did not, and so preliminary 2016 landings for wahoo is looking like 95, and that concludes my report.

MS. BECKWITH: Thank you. Next on the agenda is an Update on the Status of the Dolphin Wahoo Regulatory Amendment 1. Will you be taking us through that as well? Thank you.

MR. DEVICTOR: As you recall, Regulatory Amendment 1 would establish a commercial trip limit for dolphin of 4,000 pounds whole weight after 75 percent of the commercial sector ACL has been reached. The final rule published on December 30. The regulations would have been effective on January 30, but NOAA Fisheries delayed the effectiveness of this rule and the black sea bass line marking rule, and so the delay in effectiveness began on January 20 and ends on March 21.

The reason for that is it's in accordance with a memo that came from the White House that delayed these two actions that were basically in the cooling-off period, and so, again, it began on January 20, the delay in effectiveness, and that ends on March 21, and so we expect that to be effective, hopefully, on March 21.

MS. BECKWITH: Thanks. Are there any questions on that? Okay. Seeing none, thank you. We are going to move into Dolphin Wahoo Amendment 10, and I am going to turn it over to John to lead us through it.

MR. HADLEY: Thank you. I will start the discussion on Dolphin Wahoo 10 and pick up where we left off in December. As of now, the amendment has eight actions, which we'll go through in detail. I will briefly go over, very quickly, looking at revising the definition of optimum yield.

In relation to that, modifying the recreational ACT and establishing a commercial ACT, potentially, allowing adaptive management of sector ACLs, revising the accountability measures for dolphin, revising the acceptable biological catch control rule for dolphin and wahoo, which is in relation to the carryover provisions that were discussed last time, allowing properly-permitted vessels with gear onboard that are not authorized for use in the dolphin or wahoo fishery to possess dolphin or wahoo, and removing the requirement of vessel operators or crew to hold an operator card in the dolphin wahoo fishery.

As a little bit of background, as Rick mentioned, there was the closure on June 30, 2015, which was kind of the impetus for this whole amendment. Since then, we have had, due to Amendment 8, the commercial allocation was increased, in 2016. Regulatory Amendment 1 is expected to go into effect in March, or later this month, rather. Also, I wanted to bring to the group's attention that, as mentioned yesterday, we will -- We are expecting revised MRIP numbers, and the preliminary results indicate increased recreational landings.

There is, I guess, two potential issues here, one being the change in how much the recreational sector may be underutilizing their allocation of dolphin, and, two, a delay in the analysis. If you look at the timeline on how this might occur, as this moves along, the final approval will probably be later this year, and that's potentially the time when we would have the revised MRIP numbers, and so there could be a delay in having to revise some of the analysis in the document, and so that's just a notice there and to bring that upfront, because this might essentially play into some of the discussion later on, so how these new MRIP numbers may change the provided analysis.

MR. BREWER: With regard to recreational dolphin, is there -- You have indicated that there may be a modification because of MRIP, the level of landings, and can that be quantified in any way right now? I mean, are we talking 10 percent or 50 percent? Do you have any idea how much of an increase?

MR. HADLEY: That's a good question. I have not seen anything specifically for dolphin. I have kind of just heard general -- That this is the trend, is an increase in recreational effort and landings, but, as far as how that applies specifically to the species, both species, dolphin and wahoo, I am not sure. I don't know if there are any other updates.

DR. CRABTREE: Generally speaking, the pilot studies that have been done comparing the telephone survey and the mail survey give substantially higher effort estimates that are two, or in

some cases even more, times higher. I think that the expectation is that the change in landings will be fairly substantial. I can't tell you how much, but I think they will be substantial.

MR. BREWER: If it's 50 percent, that's going to be really substantial.

MR. HAYMANS: Since this is a catch-only ACL, wouldn't that also affect the ACL? Are you all going to go back and look at how that's applied?

DR. CRABTREE: You would have to go back and look at what was the basis for the ACL. For example, if it was based on average catch, which I think is what was done with dolphin, then it would depend on the time period that the ACL was based on. Then it also depends on how the landings are calibrated.

In at least some of the calibration models that are under discussion, the calibration adjustment is much greater in the more recent years, and it tapers off as you go back in time. Depending on the time series -- If it goes back into the 1980s and 1990s, there might not be much of an effect on it, but, if the time series is in the 2010 more recent years, then it would make a substantial impact, and so it just depends on -- It's going to be a species-specific determination based on the years involved and then what calibration model is finally selected.

MR. HAYMANS: We are fairly recent on our calibration, right? Something, to me, tells me that -- I am thinking through 2008 or something like that. Does anybody know, off the top of their head?

DR. DUVAL: I think the most recent calibrations, and I might ask Mike Errigo, but I think those went back to 2003, if I recall, and so the calibrations, Mike, that have been applied to MRIP thus far, as a result of the changes to APAIS, those went back to -- Wasn't it 2003?

DR. ERRIGO: APAIS goes back to 2004. I think what Roy is referring to is the effort survey. What they're looking at is that that survey -- The changes, due to the switchover to a mail survey, most likely that increase in effort will not go all the way back through time. The phone survey was much more effective back in time, and so the differences between the phone and mail survey will become smaller and smaller the further back in time you go, which is why, in more recent years, there will be a much larger difference in the effort estimates than there were back in time.

For dolphin, we did not adjust the dolphin ACL based on ORCS. That still used the decision tree, and I have to go back and look. I think we used the adjusted time series. I don't think we used the standard time series. Do you have that?

MR. HADLEY: I do have that, and it will come up later in the document, when we're discussing ABC control rules, and so I have it in front of me. The time series that was used was 1999 through 2008, the landings there, and so I'm not sure how far back the calibration will go.

DR. ERRIGO: That hasn't been decided yet.

MS. BECKWITH: Dr. Crabtree, did you have something to add?

DR. CRABTREE: Just as an example of things affecting all of this, for example, one of the problems with the phone survey now is related to cell phone use and caller ID, and so, if you go back ten years ago, most people had landlines and didn't have caller ID. Now, a substantial number of people don't have landlines, and virtually everyone has caller ID, and so the thinking is that, over the last five to ten years, technology has eroded the efficiency of the telephone survey, and so, if that's your line of thought, logically, you would have the greatest calibration in recent years, and it would diminish going back over time.

MS. BECKWITH: Okay. Any additional questions? Okay.

MR. HADLEY: All right. With that, we will jump into the actions. Starting off, Action 1 would revise the definition of optimum yield for dolphin, and so, in this case, the IPT essentially cleaned up the action itself. It's not much of a substantive change here, but it just changed around a little bit, but you can see the strike-through language up top.

Here is a cleaned-up version below, and I will read through the alternatives very quickly. Alternative 1 is no action. OY is equal to the total ACL. Alternative 2 is OY is equal to the sum of the commercial ACL and the recreational ACT. Alternative 3 is OY is equal to 75 percent of MSY. Alternative 4 is OY is the long-term average catch, which is not to exceed the total ACL, and will fall between the total ACL and total ACT.

I think a point of discussion is what the total ACT is. It's the assumption of the IPT that the total ACT, at this point, would be the recreational ACT, because the commercial ACT does not currently exist. Table 1 here shows the different values of where these four different alternatives would fall. Then, for discussion purposes, in blue here, we added some additional language specifically looking at the definition of ACT. Instead of saying in the total ACT, it would be in the sum of the commercial and recreational ACTs.

MR. HAYMANS: **To dispense with the early stuff, Madam Chair, I would move that we accept the IPT's recommended changes to the wording for Action 1.**

MS. BECKWITH: Before we do that, if you don't mind -- Can you go back up to that blue language? The substitute language for Alternative 4, I would want a sense of which Alternative 4 the committee would want, either the one that the IPT suggested or the one that's in blue, OY is the long-term average catch, which is not to exceed the total ACL, which will fall between the total ACL and the sum of the commercial and recreational ACTs. It just is a little bit more specific, indicating that it's commercial and recreational ACT, and so it's a matter of --

MR. BREWER: Do you need to have a motion with regard to which to select there?

MS. BECKWITH: It would fall within the same motion, but we would just need to indicate which of the Alternative 4 version wording you guys would like to see.

MR. HAYMANS: **I think that we would indicate that the Alternative 4 would be the wording in blue, as presented here.**

MS. BECKWITH: Okay. We have a motion on the table. Chester seconds. Is there any further discussion on this motion? **Is there any opposition? Seeing none, the motion passes.**

Okay. Is there any additional discussion on this alternative? I suspect we're not necessarily ready to choose a preferred, or would you guys like us to discuss a preferred?

MR. HADLEY: It's up to the committee, but you will see this again in June. When it goes out to public hearings will be in August, and so you will get another look at it in June, and so it's up to the committee.

MS. BECKWITH: Okay. So then let's move on, at your convenience, to the next action.

MR. HADLEY: Moving on to Action 2, this would modify the recreational ACT for dolphin. At the current moment, the ACT equals the sector ACL times one minus the PSE or the ACL times 0.5, whichever is greater. Alternative 2 would set the recreational ACT equal to 50 percent of the recreational ACL. Alternative 3 would be 60 percent of the recreational ACL, and Alternative 4 would be 70 percent of the recreational ACL.

Table 3 shows what the recreational ACT would be, and I will emphasize at this moment that these aren't tied to accountability measures. The ACTs are not tied to accountability measures, and so what we're looking at here is sort of a sort target, at the moment. Finally, in Table 4, down below, since we're looking at both the commercial and recreational ACTs and defining OY, I put together a table that showed what the values would be under the different alternatives between Action 2 and what we also see in Action 3, and so what's highlighted in yellow are those options where OY would fall, with the addition of the recreational ACT and commercial ACT together.

MS. BECKWITH: In this action, if there's no need for additions or word changes, we would be looking for a motion to approve the wording in Action 2. Chester.

MR. BREWER: Let me put a proviso in here. I don't have any problem with the language that's here, but this scares me a lot, given the uncertainty of what's going to happen with the recalibration of MRIP, because it is possible that -- Let's say we pick 50 percent of the recreational ACL and we find out, the year after we do that, that, all of a sudden, recreational is overfishing, and so I just want to throw that caution in there, because that does worry me.

MS. BECKWITH: The purpose of choosing the ACT is not tied to an accountability measure. The ACT is the target that helps us define the optimum yield. From the action before, we are looking to differentiate between the needs of the recreational anglers and their desire to have abundance and opportunity over necessarily catching 100 percent of their ACL, and so the ACT helps define that change.

MR. BREWER: **With that, I move to approve the wording.**

MS. BECKWITH: Okay. I would need a second. Second by Doug. Is there any further discussion on this motion to approve the wording in Action 2? **Seeing none, that motion is approved.**

MR. HADLEY: Moving on, it's a very similar action, but this would establish a commercial annual catch target for dolphin. Currently, there is no ACT for the commercial sector for dolphin. Alternative 2 would set the commercial ACT equal to 80 percent of the commercial ACL.

Alternative 3 would set the commercial ACT equal to 90 percent of the commercial ACL, and Alternative 4 would set the commercial ACT equal to the commercial ACL.

MS. BECKWITH: Okay. We would be looking for the same thing.

MR. BREWER: **Madam Chair, I move that we approve the wording of Action 3.**

MS. BECKWITH: Okay. Chester moves and Doug seconds to approve the wording of Action 3. Is there any discussion? **Is there any opposition? Seeing none, that motion carries.** Doug.

MR. HAYMANS: Just to find out how you're going to move through the next action. Are you going to walk through each of the alternatives and then we'll come back and talk about them as a whole, or are you going to take them up one at a time, because I have a -- There's a reason why I ask the question.

MR. HADLEY: I was planning on walking through them one at a time, but if you would rather go through them all at once and then come back to it, I am --

MR. HAYMANS: The reason I ask is I would like to propose another alternative, especially in light of potential new landings information on the recreational side, and it's sort of a hybrid of two of them, and so I didn't know when to bring that up, and so now I do.

MS. BECKWITH: Okay. How about we go through the individual and then we can add in your alternative, because really, right now, we're not moving on any preferreds, and so we're just getting the wording right to reconsider in June.

MR. HADLEY: All right. Moving on to Action 4, one of the major changes here from what you saw last time is splitting out essentially what would revise sector allocations or allow quota sharing and splitting off the accountability measure into a different action. You will see how they tie in together in a moment, but it was just a little bit cleaner to handle them in two actions instead of one.

Action 4 would allow adaptive management of sector ACLs for dolphin. In Alternative 4, most of the changes were taking out the accountability measure language. That will be put in later, and then cleaning it up a little bit and taking out some of the pound values that were mentioned in the alternative language. There again, it's kind of just a housekeeping sort of motion.

As you can see, in Table 7, and I will run through that really quick, but this is how the ACLs compare or how past landings compare to the current ACL that we have now. That's pretty much it for Alternative 1, and I will jump into Alternative 2. This would set aside -- This is the common pool allocation. Essentially, in this case, the change to the wording here is it's exactly what you saw in December.

There again, it's just cleaning it up a little bit, and you will see this is a common change, taking the pound values out of the language, to make it a little bit -- It's basically to simplify it. With that, again, as a reminder, the common pool ACL, you would have a percentage of the total ACL would be set aside as a common pool allocation that could be used by either sector.

The Sub-Alternatives 2a through 2d range from 1 to 10 percent of the total ACL would become the common pool. The remaining ACL would be allocated to the commercial and recreational sectors along the current lines, and so 10 percent going to the commercial sector and 90 percent going to the recreational sector. Then, over here on the right, we have the upper limits of what the potential ACLs could be for either sector. These do assume that only one sector would be utilizing it at a given time, and so that's kind of the upper limits of what could be harvested, assuming both sectors weren't using the common pool. I don't know if we have any comments on that or keep moving along. All right.

Moving into Alternative 3, this is the wording that was suggested at the December meeting. This is the carryover provision. If the commercial ACL is not met in a given fishing year, the unused ACL may be carried forward in the next fishing year only. The carried-forward balance shall not exceed a given percentage of the commercial sector ACL.

The carryover provision ranges from 5, 10, and 20 percent, depending on the sub-alternative that is chosen, and this will also -- We will get into this a little bit later, but the carryover provision would also require a revision of the ABC control rule for dolphin and wahoo, and, there again, we'll get into that in a subsequent action, to accommodate this alternative. Any discussion on that? All right. I will mention that here is the potential carried-over ACL for the commercial sector. Here is the total sector ACL, with the addition of the carryover, and so the potential upper limits for the commercial sector.

Alternative 4 was added by the IPT for discussion purposes, to have a rigorous NEPA EA process. If it was added for the commercial sector, we would also examine it, at least, for the recreational sector. This is the same language, except looking at the recreational sector with the carried-forward balance of unused ACL that could be 5 percent, 10 percent, or 20 percent of the total recreational sector ACL.

Here again, this would require an ABC control rule adjustment, but if we could get a little bit of discussion on whether or not you would like to keep this in the document, but I will mention that this -- I will scroll down to the table here. As you can see, due to the size of the recreational ACL in general here, your carryover poundage is substantially larger and would require a much larger revision to the ABC control rule. Also, I will remind you that there is no in-season closure for the recreational sector.

MS. BECKWITH: Okay. Chester, did you have some comments on that?

MR. BREWER: I was going to move that we move Alternative 4 to the Considered but Rejected.

MS. BECKWITH: We haven't accepted the wording, and so we actually don't have to move it to the Considered but Rejected. We just don't have to include it in our wording, and so what we would be looking for is just sort of general feelings on if you guys would want to see this in, and I'm gathering that you don't, and can you state some reasons for it, please?

MR. BREWER: Certainly. I mean, there's no reason for it, quite frankly, and the other thing is there's a lot more -- I will phrase it the way that I phrase things. There is a lot more room for mischief here, because of the amount of quota that currently exists in the recreational sector.



You're talking about moving a lot more pounds of fish in these carryovers, and I just don't think that's a very good idea.

MS. BECKWITH: Right, and something else to consider is -- Back to Roy's point about the MRIP revision numbers, just so we sort of keep that in the back of our minds. It may be that the recreational are much closer to their ACL, and it is not inconceivable that we may hit a closure, but we don't have an in-season closure as part of our accountability measures, but we do have the potential for a shortening of the season, if it's overfished or overfishing, which it's not, and so we can do a couple of things.

We can take this all the way out, or leave it in for consideration with different percentages. Clearly 5, 10, and 20 percent is not reasonable, and so we could consider a smaller percentage of say 1, 3, and 5 percent as a range and keep it in there just as we continue to learn more about how these MRIP revisions might impact us, but that's just food for thought. I had Mark and then Jessica.

MR. BROWN: What is the highest amount, percentage-wise, that the recreational has ever harvested of their ACL? It's never that big, is it? It's always kind of a small amount.

MS. BECKWITH: Right, but our concern, at the moment, is that we actually don't know what we're harvesting, given that when we go through the MRIP revisions that all indications show that our harvest numbers are going to look like they have been much higher than what we have thought them to be in the recent past. If we're at 50 percent now, on average, it may be that the MRIP revisions show us that we've really been at 80 percent or 70 percent. We just don't know yet, and so we won't have that information for a while. I have Jessica and then Dewey.

MS. MCCAWLEY: I would like to see this alternative stay in there at the lower percentages. The commission was wanting a range of actions or alternatives in here that would allow it to go both ways, and so, at this point, I would like to see it stay in with lower percentages.

MS. BECKWITH: Okay. Dewey, did you have something to add?

MR. HEMILRIGHT: I was just wondering, since there's discussion of talking about the new MRIP numbers, how is it going to be that, even though when it comes out with the numbers, the believable factor? The believable factor is sitting around the room that the common sense is that the recreational industry has never harvested twelve-million pounds of mahi.

If that was the case, you would walk on water for six months, but yet we're going to take these numbers, and we're talking about doing different things, based on the believable factor, and, me personally, I just don't believe that -- I don't care how many more new surveys you come up with to look at something, the best available or whatever, but somehow there's got to be, around the room, the believable common-sense factor.

If they say you caught fourteen-million pounds, then why is everybody crying that there's no mahi and they're not catching none? Are we going to use citizen science to go out to the people and say, hey, your survey is saying this, but yet you all are telling us there is no mahi and you're not doing this, and so how is that going to work in the believable factor, or do we just not worry about that part and just go with the revised MRIP estimates and life goes on?

MS. BECKWITH: I don't have a good answer to that, Dewey. Would anyone like to comment on that? I don't think anyone else has much of a good answer to that either. Yes, Wilson.

DR. LANEY: I'm not on your committee, Madam Chairman, but I will just say, to Dewey's point, that the credibility issue is always there, and one of the things I've always said is we just have to keep in mind that, even though we treat these things as point values, they're really estimates, and they have error associated with them, and so somehow Dewey is right that we need to take that error into consideration as well.

MR. HARTIG: I am not on the committee, but, Dewey, even the Science Center has come out and said we need to look at this information, with maybe a workshop or something, to look at the new MRIP numbers, to see if they make sense. I think that's a really good move by the Science Center to do that.

DR. PONWITH: To qualify that, what we would like to do is take a look at the recreational discard numbers and, in cases where -- We would like to work with MRIP to look at the CVs of those recreational discard numbers, and there are cases where those CVs are very good, and there are cases where they start getting more and more broad. What we would like to do is set a standard to say, above this level, caution should be used in using those numbers for management purposes, and we would like to have a conversation with MRIP, and include council representation, as to where is that line. In cases where the CVs are bigger, what should we do?

In those cases, we would like to have a workshop to talk about what are some ways to generate recreational discard estimates that can be used for management decision making that we're comfortable with. We've been in discussion with MRIP about this. SERO and the Science Center have been in discussion about this, and it's something that I'm eager to talk more about with the council.

MS. BECKWITH: Okay. So, I am hearing the consensus of the committee is to keep this new Alternative 4 in, with percentages ranging between 1 and 5 percent. Is that correct? Okay. All right. Then we will make it so.

MR. HADLEY: All right. Thank you. Moving on to Alternative 5, this is the conditional transfer. None of the mechanics have really changed here. The IPT took a shot at cleaning up the language a little bit, in trying to make it flow a little bit better. I will read it very quickly, or at least the top part. Alternative 5 is to conditionally transfer, for the next fishing year, a certain percentage, and there are Sub-Alternatives 5a through 5d, of the ACL from a sector that is not landing its ACL to the other sector that is landing at least 90 percent of its ACL if the landings of the donating sector are below the minimum landings threshold. The highest landings from the donating sector, based on available finalized data from the five years prior, will be used as criteria to determine if landings are below the minimum landings threshold for the traditional transfer to occur.

In this case, you have the conditional transfer. One sector has to essentially demonstrate need, and so be harvesting at least 90 percent of its ACL. The donating sector has to be below a minimum landings threshold for five years straight for this to occur, and that's essentially the mechanics of this alternative.

MS. BECKWITH: Okay. Is there any need for discussion? Are we interested in keeping this or making any changes? Tony.

MR. DILERNIA: I have a question. Are those values, those percentages, if you scroll back to them, is that -- That's a percentage that must be transferred or you could have a transfer not to exceed say 1 percent or 2.5 percent or 5 percent or 10 percent? In other words, say you took Sub-Alternative 5d and you wanted to transfer 7 percent. Would that be allowed under 5d?

MR. HADLEY: My understanding is no, that that would be -- It's a point transfer, I guess, and so that could be a suggestion for a change in wording.

MR. DILERNIA: I would suggest it to give yourself more flexibility. The way the alternative should read is conditionally transfer up to or not to exceed 1 percent or not to exceed 2.5 or not to exceed 5 or not to exceed -- Do we have to choose one at this point? If you have to choose one, then I would suggest selecting Sub-Alternative 5d, to conditionally transfer not to exceed 10 percent. If you want to transfer 2 percent or 3 percent, based on the conditions under that year, the preceding year, you could make the determination then and you're not locked into a particular number.

MS. BECKWITH: I guess I would want to hear National Marine Fisheries Service's thoughts on that suggestion, because I think it would add sort of a complicating factor for you guys to decide what is the appropriate amount, and so, if we give you a percentage that's automatic, then that's easy. If we write it in to conditionally transfer up to 10 percent, then I think the question becomes, each time a transfer is going to occur, what is the appropriate amount and what reasons is that sort of the appropriate percentage, and so do you guys have any thoughts on that?

DR. CRABTREE: I'm afraid, if it's not laid out pretty specifically, that we would have to get into notice and comment and all kinds of things, and so I think it should be laid out as exactly as it can be.

MS. BECKWITH: That was what I was thinking you were going to say, and so we will leave it as is, I think, unless there is some further discussion on that point. Then I had Charlie and Doug.

MR. PHILLIPS: Thanks, Madam Chair. I'm not on your committee, but I just had kind of a question. The percentage of the fish caught in a given year, how many of them are like two-year or over fish? If you've got a really low percentage of fish that are two years old or older, you probably want to keep your rollover provisions at that number percentage or less, and I'm just kind of thinking from that point of view.

MR. HADLEY: I mean, it's a good question. I haven't seen any age information, as it relates to landings.

MR. HAYMANS: I raised my hand just now to your point and to Roy, but that is taken care of. What I alluded to to begin with, I don't know that it necessarily has to be a new alternative so much as a preference if we pick two of the alternatives, because I really like Alternative 3, where the industry is basically borrowing from themselves from the prior year, and that's the direction I would prefer to go in.

However, if there is a year in which they have spent all of their capital and they needed to borrow the next year -- In other words, if they have hit their ACL one year and there is nothing to roll over, then perhaps we could look at something within Alternative 5. Does there need to be a new alternative that sort of combines 3 and 5 or can we preferentially pick one from 3 as the primary and one from 5 as a secondary?

MS. BECKWITH: Will a mind greater than mine answer that question? Michelle.

DR. DUVAL: By no means trying to assume that my mind is greater than yours, but, to get at Doug's question, I feel like that's a little bit like what we did when we modified the cobia accountability measures. We said to first lower the vessel limit to nothing lower than two and then look at applying a shortened season, and so it was an if-then type of situation.

It seems like we ought to be able to do something like that that would allow you to borrow from yourself first before you would consider something else. It does seem like it might be a little bit complicated, from a regulatory sense, in other words to put that into the regulations. I don't know. I think it might require some mulling over, that's all.

MR. HAYMANS: I just wanted to make sure that we covered that before we get too much further down the road, to when we get to passage and, all of a sudden, we can't do it, because we didn't talk about it.

MS. BECKWITH: Right, and we can give direction to staff to maybe touch base with the IPT and check what would need to happen to keep that as a potential option. Chester.

MR. BREWER: First, I agree with Doug, with regard to Alternative 3. I am just thinking that to do now a combination might be, at this point, overcomplicating things. We are making so many changes with regard to dolphin here, and there are so many moving pieces, that it might be a good idea to, if we decide to go with Alternative 3, put it in place and see how it works and see if we do run into a problem where one side is continually going over and getting closed. That's what we all do not want, but, if we do hit that problem, maybe do a framework to bring something like that, again, as opposed to -- Trying to keep it a little bit simple, as opposed to over complicating it. That's just my thought.

MR. HARTIG: Madam Chair, I am not on your committee, but I look at how the last alternative we were discussing would actually work functionally, and the 90 percent thing, it doesn't look like it's going to work, because, in the years that I am looking at, 90 percent of the allocation wasn't hit in the year before. Is that how that -- Am I reading it wrong? You would have to have 90 percent of your allocation caught the year before or the year of the transfer?

MS. BECKWITH: The year before the transfer.

MR. HARTIG: Yes, and so, functionally, it doesn't look like it would work, based on the past, because we haven't hit 90 percent before we would have needed a transfer in the past. In 2013, you go from 700,000 to 1.3 million, and so you wouldn't be anywhere near 90 percent in the year before. Then, in 2008 and 2009, it was a little closer. It was 835,000, but I still don't think that's going to be -- That's not going to be 90 percent of what we have now, and then you went to 1.3

million. Functionally, I don't think this is really going to solve the problem we're trying to solve is all I'm saying, based on past experience.

MS. BECKWITH: I see your point, and I hadn't thought about it that way, because the commercial sector does achieve their ACL, because of that huge abundance, which wouldn't have had the transfer in there, because we would have the transfer next year and then, this year, they didn't reach their ACL, and so I see what you're saying.

The most protection for the following year abundance potential would actually be Alternative 3, where they're carrying over their unused, and, if there happens to be a year of high abundance, that that buffer is available to them, and so I see your point. You're right that that alternative actually may not functionally be very pragmatic for the dolphin commercial fishery, and so I agree.

So, it sounds like we're going to keep everything we've got and add in the new Alternative 4 with the range, and I would be looking for -- Then we've got some direction to staff to discuss with the IPT Doug's idea as an option, but taking into consideration Ben's points that that actually may not get to the problem that we are trying to solve, given the dynamics of the mahi fishery, and so have I covered the discussion? Okay. **I would be looking for a motion to approve the revised wording, as discussed.**

MR. BREWER: **So moved.**

MS. BECKWITH: Motion by Chester. Do I have a second? Second by Zack. Is there any discussion? **Is there any opposition? Seeing none, that motion carries.** Yes, Ben.

MR. HARTIG: Based on the IPT comments that says Alternatives 2, 3, and 4 may be cumbersome to implement in a timely manner, due to time lags in landings data, when this would be needed and when the season really ramps up -- I mean, if you take that into consideration, is that still a concern, Jack? Since the season doesn't really start until May, or I guess a little bit in April, and you're making these decisions in January, you should have your landings figures by May for the preceding year and am I wrong in that?

DR. MCGOVERN: Yes, you should have them by April or May.

MR. HADLEY: All right. Moving along, Action 5, as I mentioned, is looking at how the ACL or essentially the quota sharing options were split off with the accountability measures for dolphin. What was added here was, for Alternative 1, is the current AM for the commercial and recreational sectors. For dolphin, the current commercial AM includes an in-season closure to take place if the commercial ACL is met or projected to be met. The commercial ACL will be reduced by the amount of the commercial overage in the following fishing year only if the species is overfished and the total ACL is exceeded.

For the recreational sector, the AM includes a shortening of the recreational season that may be triggered if the recreational ACL is exceeded, but only after recreational landings have been monitored for persistence. The length of the recreational season will not be reduced if the RA determines the best available science shows that it is not necessary. If a reduction is necessary, the season may be reduced and the ACL as well in the following fishing year by the amount of the recreational overage only if the species is overfished and the total ACL is exceeded.

Moving on to Alternative 2, in this case, this was something that the IPT discussed as far as -- It's based on the reef fish accountability measure for the Caribbean Council. In this case, you could potentially allow the overage -- Well, I will run through the alternative and then discuss it a little bit, but neither the commercial or recreational sector will face an in-season closure unless the total ACL is met or projected to be met. Both sectors will close when the total ACL is met or projected to be met.

However, if the landings of one or both sectors are estimated by the SRD to have exceeded the sector ACL then the AA will file a notification to reduce the length of the fishing season for the commercial sector, essentially if appropriate, for the following year by the amount estimated to prevent the sector's ACL from being exceeded.

Sub-Alternative 2b, is, at the beginning of the following fishing year, there would be a reduction in the length of the fishing season for the recreational sector, again if appropriate, by the amount estimated to prevent that sector's ACL from being exceeded. Sub-Alternative 2c would implement a trip limit for the commercial sector the following fishing year if they had exceeded their sector ACL. Sub-Alternative 2d would implement a bag limit reduction for the recreational sector the following fishing year by the amount estimated to prevent that sector's ACL from being exceeded.

In this case, the general idea here is potentially tying the accountability measure to the sector ACL, rather than the total ACL. Some things to point out are, in this case, the accountability measure would kick in if the sector ACL was exceeded. The language that was provided from the Caribbean Council showed that -- Essentially, the language there is the accountability measure is triggered if the sector ACL and the total ACL is exceeded.

Also, as you can see in the current accountability measure for dolphin, it takes into account whether or not the stock is overfished, and so those are kind of three considerations, should the committee want to accept this for further examination.

MR. HAYMANS: I'm trying to understand why the IPT suggested putting this alternative in, because it seems to me, at least from the opening sentence of Alternative 2, that it nullifies Alternatives 2 through 5 of Action 4. I mean, you've got to reach the total ACL, which is in opposition to what we were trying to do in previous actions, and so I don't know why the IPT put that there.

MR. HADLEY: That is a good point. The thought process was that this would allow essentially one year of flexibility in a given year. In this case, say the commercial sector would continue fishing if they exceeded their sector ACL, as long as the total ACL wasn't exceeded. However, the following year, the accountability measure is tied into that overage, and so that's the I guess rationale behind it. It's to prevent that sector from exceeding its ACL year after year after year.

MR. HAYMANS: I don't like that alternative, and I've already put a big old X through it, and so, at some point, if we can consider it rejected, that would be fine.

MS. BECKWITH: Okay. Let's go through the other alternatives and then, when we put the motion forward to accept the changes, if this is not something you guys want to see move forward, then that's your opportunity.

MR. HADLEY: All right. Moving on to Alternative 3, essentially this is the same language as the current accountability measure for dolphin, but this is to accommodate the common pool ACL. You can see the underlined language here is added to -- Should the committee and council decide to use the common pool ACL option in Action 4, this would be the accountability measure that would accompany that, to allow that to function as proposed. Is there any discussion on that?

Then, moving on to Alternative 4, similarly, this alternative would accommodate Action 4 for the rollover provision of uncaught ACL. Here again, this would just be the AM that would allow the mechanics to function properly for the commercial sector.

MR. BREWER: I am just thinking that the word "available" -- Available uncaught sector, if that's specific enough. If we've got a -- To me, that always suggests that whatever wasn't caught the year before is going to be shifted over into the next year, as opposed to what we're talking about is 5, 10, or 20 percent. I just don't know that the word "available" is specific enough, and I am not enough of a wordsmith to suggest something different, but, when I first read it, I said no, that's not what we're talking about, and so maybe a change of that word.

MS. BECKWITH: Okay. Point taken. I read that as available based on our previous whatever decision is made in the previous action, and, once it's codified, it would likely specify that percentage that was permitted.

MR. BREWER: I read it the way that I'm talking about the first time. The second time, when I reread it, I said no, I can see how that would work, but when I read something one time and I read it a way that I think is not right or not what we're doing and then read it a second time and say well, somebody else may read it the way I first read it.

MS. BECKWITH: Okay. Point taken. Is there any other points on Alternative 4 or 5? Okay.

MR. HADLEY: Similarly, for Alternative 5, this is essentially the same thing for the recreational sector, to accommodate Alternative 4 of Action 4. There again, it's allowing the rollover to occur within the accountability measure.

MS. BECKWITH: Okay. Doug.

MR. HAYMANS: I would like to just get a little discussion with Roy on the sentence that we used many times about if the RA determines the best available science shows it is not necessary. Do you have a feel for what kind of information you would need to see in order not to close the season?

MS. BECKWITH: That is typically used for shortening the season in the following year.

MR. HAYMANS: That's right, but you don't have to shorten the season the following year, and I want to know what kind of information it would take not to close the season.

DR. CRABTREE: I guess if we found an error in the last minute in the data somehow or if we had some evidence from a new stock assessment that the council hadn't had time to take an action on, but it indicated that it wasn't necessary and those types of things. I will give you an example. If you found that the estimate was based on only one MRIP dockside intercept of a deepwater

species and the guy they intercepted said that he caught it in state waters and there were questions about the species ID. There could be a host of things like that that could come up.

MR. HAYMANS: I guess I was just thinking specifically for dolphin. For its long catch history, if, all of a sudden, MRIP next year shows that we did go over, and I'm not trying to put you on the spot now as to whether you would close it next year or not, at a shortened amount of time, but would you take into consideration all those past histories of not having gone over and still having a healthy fishery? The first time we hit the new MRIP estimate, would that trigger a closure?

DR. CRABTREE: I think what it does is it triggers a shortening of the next year's season, but, unless I had some solid reason to determine that the spike was not based on the best available science or was caused by some artifact, no, I would have to follow the accountability mechanisms as they're laid out. Without the council putting something in there about how to deal with outliers or averaging or some of those kinds of things, I would have to carry them out.

MS. BECKWITH: Okay. Is there any further discussions? Roy, when we have really large percent errors around estimates, would that be -- That is sort of an example of what you're talking about, that you would be able to look at that and say maybe that's outlier and the percent error is really high around that estimate.

DR. CRABTREE: I can give you an example of how it might go. If we had a situation where there was a payback involved and we had a new stock assessment that had just come out, but hadn't gone to the council yet, and it indicated that we were going to have a higher ABC and the payback was already factored into it, you might be able to make a determination that the payback is not necessary or something along those lines, and I don't know.

With the CVs, unless we had some process in place that said that, if the CV exceeds some number that we're not going to use it, then no, I would still have to operate about it, but, if I had evidence that the spike was being driven by an erroneous dockside intercept or something like that, then we would have some discretion to make a determination that we didn't think it was a credible number.

MS. BECKWITH: That is not a route that this council has really ever discussed as part of an accountability measure, but, given what I just heard Roy say, it might be worth thinking about at some point, that we set some percentage over which the CVs are maybe not used for triggering accountability measures. I don't know how we would even start that discussion, but I'm sure we can have it. I had Mike and then Charlie.

DR. ERRIGO: I just wanted to say that, for dolphin in particular, if there is an issue -- If the MRIP numbers change, they only change for let's say 2008 on and our ABC uses the years from 1999 to 2008, there is a -- Dolphin is an interesting circumstance. It's a rather unique species. The SSC will look at that, and they may determine that that's a special circumstance, and so there is always -- There is all that kind of business that will happen as well. It's a very fast-growing and highly-productive stock.

MR. PHILLIPS: Thank you, Madam Chair, and, again, I'm not on your committee, and Michelle may need to help me fine-tune what I remember from the CCC meeting, but we asked Luiz several questions, when he gave an MRIP presentation, and one of which was what happens -- How high do the PSEs have to get before they're not best available science, and, if I remember right, he said



as high as 60 percent that they're still best available science, and that may depend on species, but they can have some really high numbers and still call it best available science, if I remember correctly.

DR. DUVAL: I'm not on your committee, but I think the other piece of that was data standards, which is something that the MRIP staff themselves have brought up, and that was one of the presentations that was made to the SSC back in October, and not of last year, but the year before, and so October of 2015. That seems to be another thing that seems like it may have gotten delayed a bit, with all of the other MRIP things that have been going on with the National Research Center review and the calibration studies as well, but, yes, data standards was another presentation that was made.

MR. HEMILRIGHT: Do you think maybe that you could put that question out to your SSC? I heard standards of around 40 percent, 40 to 50 percent, from SSC members and that, after that, that you probably wouldn't use it, and so maybe that needs to be looked at, just to take that into account.

MS. BECKWITH: Madam Chair, would that be an appropriate question to add to the SSC discussion at some point?

DR. DUVAL: Dewey, your question is just what PSE would, in the SSC's opinion, constitute data that would not be appropriate for use? Is that what you're asking?

MR. HEMILRIGHT: Yes, because I believe that they probably have some idea of what's believable or how it starts to get fuzzy past a certain point, and so I think that would be a great -- They would have to weigh in on what's done, and so it would be good to get a response back from them, unless you already have or something like that.

MS. BECKWITH: I think, specifically, it would be maybe consideration of at what level of error is appropriate to trigger an accountability measure for some of these rare-event species, and I think this goes far beyond the dolphin discussion.

DR. DUVAL: It does, definitely, and this is something that we have discussed and pointed out in other committees with regard to -- We're getting a little off track here, but there is a couple of different prongs of this conversation. One is alternative means to reduce the error or to increase the precision in the estimates with harvest, and, again, there have been methods that have been developed by the MRIP staff, and those were presented to the SSC using some of our rarely-intercepted species as examples, such as the deepwater species and hogfish.

Then I think the other prong of that, which was also discussed at that meeting, was the data standards approach, and this was also brought forward by MRIP staff regarding the fact that there are estimates that do have significantly high PSEs, and the MRIP staff themselves was considering looking at the issue of data standards.

They are very aware of this as well, and so it's certainly something that we could ask the SSC to add to their list of potential agenda items for discussion of data standards. I think that would be a conversation that they would want to have in conjunction with some MRIP staff being around, and

so it's definitely a bigger issue, but the concern is duly noted, and I think it's an issue that I have been raising for a while now for other species.

MS. BECKWITH: Just giving you back-up. Doug.

MR. HAYMANS: I could have sworn we asked the specific question, two or three meetings ago, about the validity of PSEs. I thought the SSC had already taken that up and given us -- I was about to say an unsatisfactory answer, and I don't mean it that way, but didn't come out and say this is an acceptable level or not, and I don't recall the exact -- You all did talk about that a couple of meetings ago.

DR. ERRIGO: That was for red snapper in particular, and basically what they came up with was there wasn't anything else to use for red snapper, and so they weren't exactly sure what they could say about it. They also didn't really have very much else to go on. What I did want to say is that ASMFC did do a PSE study, or ACCSP, and they had a workshop on PSEs. They did a simulation study and management strategy evaluations and all that, and they did produce a report from that. It is not completely comprehensive, but it was a very good start, and so they did start that, and so bringing them in for that conversation would also help.

The SSC can start the conversation at this meeting. I am not sure how many people I can recruit to come in right now, but we can certainly start the conversation at this meeting and hopefully get a lot more people to come in for the October meeting and have like a PSE workshop/talk at that point as well.

MS. BECKWITH: Thanks. Doug.

MR. HAYMANS: Just from the executive summary of that report, you get that the ASMFC guidance supported the use of recreational estimates from PSEs of less than or equal to 20 percent. Then you read down a little further and, in general, model estimates are more reliable or unbiased for input data when PSEs are between 40 and 60 percent. It seems to be all over the place, and I am not criticizing that report by any means, because I'm not the person to do that, but that's just on the first page that I'm looking at three different levels of a PSE. Thank you, Kathy Knowlton, by the way.

DR. PONWITH: I think what you just read is -- The thing that's frustrating is actually a really good reason why it would be good to get the MRIP people and the SSC and potentially folks from the Science Center together, and the reason is looking at PSE just at face value by itself is challenging. You really have to look at the underpinning sample design and how robust it is to those PSEs, and so it's not a one-factor evaluation. You would have to look at the design itself as well, and that's why bringing the MRIP folks in would help us be able to do that.

I applaud the council for raising this issue. MRIP has made the offer that we're willing to talk to you about standards, and I think it's a really smart thing to pursue, because it gives us some firm foundation for decisions, where you make them in kind of a framework setting, as opposed to one off of is this number good enough for us to rely on for this decision versus that decision, and so applaud you for considering this, and I think it's a smart move to get the right people in the room and take a look at those and see what steps we can do to set some standards to make your decision-making more straightforward.

MS. BECKWITH: Thank you for that. Unless there is any further discussion -- Yes, Leann.

MS. BOSARGE: Just a question for Bonnie. What you're suggesting would almost be like a control rule for the Science Center when these MRIP numbers come in and you're starting to utilize them in the assessment process or this or that and you would have a control rule that you could fall back on as to how to utilize these or whether to utilize them at all? Is that kind of where you're headed with that?

DR. PONWITH: It may not be as formal as a control rule. Right now, the Act requires us to quantify uncertainty, and that's what those PSEs are about. It is here is your number and here are the PSEs, and so that's a really important step. The thing that we may not have been as good about as we really should be is, so now that you have that PSE, what do you do about that? This discussion would get us farther down the road in helping to make reasoned decisions based on those PSEs and the structure of the modeling that underpin them.

MR. HAYMANS: The gavel has got handed down for a brief moment, and so go ahead, John.

MR. CARMICHAEL: I guess now is a good time to bring up some of the discussions we've had about how to deal with this, because this is the high PSE, and we've talked about it relatively to rare species and snapper grouper a lot. Two Octobers ago is when the MRIP folks came to our SSC and really talked about two things, one being that there is a lot of other ways that they could aggregate the data that they collect between the intercept survey and the effort survey to give us better estimates are far more sophisticated than just averaging across final estimates across years.

The other point they made is they were looking seriously at whether or not there is some level above which the PSEs become so high that they should not provide the annual catch estimates, and that is something that they are continuing to do on top of all of this calibration work and everything else, but where that sort of left things is the MRIP folks saying the information is there and you can take the data and aggregate it in different ways, and we welcome other regions to find the way that works best for them.

That is sort of where it has languished, and the challenge has been finding some way that we move the bubble on that and we actually figure out that, okay, for our region, how do we go about getting some of these alternative estimates that resolve some of these PSE issues in a way that acceptable to everyone, to the council, to the Science Center, to the Regional Office.

My thought on this is that it's not something the South Atlantic should go alone, first of all, because we're in a region with the Gulf Council, and consistency is important in handling these challenges across the region. It certainly helps build the record for the Center and the Regional Office. Plus, we also have stocks that we manage jointly, and they need to be handled the same way.

Where I would like to see this go, and it's something that Marcel and I have talked about bringing up with the SSC when we meet in April, is floating out the idea that we have a joint meeting with the Gulf SSC's and with the Science Center folks and with the MRIP folks to handle this at all one time and come up with a way that we can get these alternative methods in place and agree on who is going to do the calculations, because the SSCs themselves are not in the position to take this MRIP data and do these calculations. I think that's something that is probably going to need to be

done at the Science Center level, because MRIP has said it's there and do it on a regional level, much as the Science Center now does with weight information.

I think that is the best way forward to actually get us to make some progress on this and get past these discussions that we've been having for eighteen months as to how to actually have this happen, and so I am hoping the Gulf will be interested in some sort of joint effort later this fall of our two SSCs, and the big topic, to me, would be deal with this MRIP issue.

MS. BOSARGE: I will take it back and throw it out there and see if they bite on it, but I like it.

MS. BECKWITH: Great. Is there any further discussion? Doug.

MR. HAYMANS: Not discussion, but a motion.

MS. BECKWITH: Yes, and go for it.

MR. HAYMANS: **Madam Chair, I would move that we accept the suggested wording for Action 5, with the exception of Alternative 2.**

MS. BECKWITH: Okay. Is there a second to that? Chester. Is there any discussion on that motion? **Is there any opposition? Seeing none, that motion carries.** We are going to move to Action 6.

MR. HADLEY: Moving on to Action 6, this would revise the acceptable biological catch control rule for dolphin and wahoo. Here again, just as a reminder, this is to accommodate the rollover of uncaught ACL and allow the ABC to essentially expand temporarily for one year. Up here, we have the ABC control rule. There are several tiers and levels as well, and so, just scrolling through that, dolphin wahoo is towards the bottom part of the scale, in unassessed stocks and inadequate data to support DCAC or DBSRA. At the current time, the ABC is set equal to the third highest point in landings in the 1999 to 2008 time series.

MS. BECKWITH: I have just sort of a technical question. Are we technically changing the control rule for dolphin and wahoo, because all of these actions pertain to dolphin and changes we're making to the way we're handling dolphin, and so, by changing the control rule for dolphin wahoo, are any of the previous actions going to actually impact how we handle wahoo?

MR. HADLEY: Not necessarily, but this is part of the IPT guidance, to include both species if you're going to change the control rule, being in the Dolphin Wahoo FMP. That was the guidance, and that's why -- Good question. That's why wahoo was specifically included.

DR. DUVAL: I am not on the committee, but I just wanted to note that this is not the most recent version of the control rule that is included in here, and so we did, through I think it was Amendment 29, we modified the control rule to include the ORCS approach, and so that is actually Level 5 of our control rule, and so that needs to be updated.

MS. SMIT-BRUNELLO: My question is I think that was just done for snapper grouper and not necessarily for dolphin wahoo, but that was something we talked about, and I will go back and look. The Comprehensive ACL Amendment put in all these control rules, right? At that point, it

covered several different fishery management plans. My recollection was, with the ORCS, and I will have to go back and look, but it might have not been included into the Dolphin Wahoo FMP, but I will go back and look right now.

DR. MCGOVERN: Monica is correct. Amendment 29 just modified the ABC control rule for snapper grouper and not dolphin wahoo, but part of this ABC control rule that's in Alternative 1 is missing under Level 4. There is language there about using the median catch and the third-highest landings and that sort of thing. That is what is used for dolphin right now, but this alternative actually would just modify the ABC control rule for the Dolphin Wahoo FMP.

DR. DUVAL: Okay. I have more questions, but I will get them offline.

MS. BECKWITH: Okay.

MR. HADLEY: All right. Moving into the two alternatives, and I will just briefly mention that - I will go into the details, but essentially what the IPT discussed was that we don't have an OFL for dolphin at this time or wahoo, but what happens if, in the future, an OFL does become known? In this case, we proposed two alternatives, one when the OFL is unknown and one when the OFL is known, should it be known, to kind of cover the bases.

Moving into Alternative 2, this would revise the ABC control rule for dolphin and wahoo by adding a carryover provision. If the OFL is known, in which case it is not at the current time, and here again covering the bases, for dolphin and wahoo, the ABC can be increased by carrying over unused ABC from the previous year. The revised ABC may remain in place for no more than one year, and it may not exceed a certain percentage of the OFL. In this case, it ranges from 95 percent to 85 percent of the OFL.

Here again, in this case, we don't have one yet, but, moving on to Alternative 3, this would revise the ABC control rule for dolphin and wahoo by adding the carryover provision. If the OFL is unknown, which is the case currently for dolphin and wahoo, the ABC can be increased by carrying over the unused ABC from the previous year. The revised ABC will remain in place for no more than one year and may not exceed a certain percentage of the original ABC, and so we have Alternatives 3a through 3c, in this case 3a being that the ABC may not exceed 101 percent of the original ABC. 3b is the revised ABC may not exceed 102.5 percent of the original ABC. 3c is it may not exceed 105 percent of the original ABC, and so this is kind of capping the amount that the ABC could expand, the revised ABC could expand.

There is a table here, Table 11, that shows the potential increase in ABC. It ranges from approximately 153,000 to 767,000 pounds whole weight of an increase, depending on the sub-alternative chosen. Over here on the far right, this shows you what the potential revised ABC would be.

I will note that this was chosen specifically looking at the commercial rollover. With the addition of the recreational rollover, this may need to be expanded. I would have to go back and look at the percentages and what that weight would be converted to wet weight, but this might not be sufficient, and I would beg to say that it probably is not, and so this may need to be further expanded.

Additionally, I will quickly go over kind of the summarized version of the guidance that was prepared to look at what are appropriate levels to set a revised ABC and specifically in relation to risk aversion to overfishing. While we don't have an OFL, what was looked at were different stocks that are assessed and how their OFL relates to their ABC and the buffer thereof for each stock. You can see that Table 12, over here on the far right, this is the buffer between OFL and ABC. Then, furthermore, looking at the buffer of 25, 15, and 5 percent, kind of combination of those different scenarios.

The take-home point here is that, looking at what we have proposed now, and I will scroll back up, 105 percent is fairly risk-averse towards moving towards overfishing, most likely. You could probably bump it up to 110 percent, moving towards 115 percent plus of the original ABC, and probably moving into a more risky area in relation to overfishing.

MS. BECKWITH: I think, for discussion in June, I suspect we would want to see the range that would encompass the options that we have in the previous alternative, and so with the recreational 1, 3, and 5 percent and the commercial up I think it was 20 percent, just sort of offering up a range that would encompass all of those, so we can have that discussion and see how much of a percentage over the ABC the extreme choices would pick, so we can inform our decisions. Does that make sense? Okay. Ben.

MR. HARTIG: This is kind of nonsensical, to me. I don't know how you can have overfishing if you're just borrowing from one year and put it over into the next year and your OFL would be a combination of both, and so I don't know how that's overfishing, in my mind. If you want to get away from this, you can always use multiyear specifications of your landings, of your ACLs in multiple years. You could combine two or possibly three years.

Then, that way, you would get away from these kinds of problems, which I don't see as a problem right now anyway, but I have been thinking in terms of what Roy has always told us about you can't go over your ABC the next year, but in multiyear specifications, that could happen. You wouldn't go over the multiyear, but you could go over a single year within your multiyear specification.

DR. CRABTREE: Remember that if you modify your ABC control rule to take into account the carryover that it would adjust the ABC in the following year based on the carryover, and so you wouldn't be going over the ABC. The ABC would actually change.

MS. BECKWITH: Right, but, to that point, if the ABC changes, then is this -- Alternative 3 is forcing us into a percentage based on the original ABC instead of the new ABC, and so it's a matter of sort of -- That's sort of what we're struggling with is, if we get a new ABC, then we're not -- Overfishing shouldn't be an issue, but, the way that this alternative is worded, we would be maxing out, based on the original ABC. Maybe there is some different ways of doing that. John.

MR. HADLEY: If I could just add one more thing, just to point out that this is a temporary increase, and so essentially, if needed, the ABC would increase for one year, but then it would relapse to whatever the original ABC was in that case.

MS. BECKWITH: Right, but the way that we're structuring these actions is, if there's an underage on an annual basis, then that ABC would be changed on an annual basis. I understand that this is

sort of a stopgap safety point, and so I guess we can have further discussion on that, but certainly, for June, certainly accounting for what the maximum amount that we would be considering allowing to transfer over on an annual basis from underages. Is there anything else on this action? **Are we willing to accept the IPT changes with the direction to staff included?**

MR. HAYMANS: **So moved.**

MS. BECKWITH: Okay. Chester seconds. Is there any further discussion? **Is there any opposition? Seeing none, that motion carries.** Then I think we've got one more action and then we are done.

MR. HADLEY: All right. Moving on to Action 7, this is the action that would allow properly-permitted vessels with gear onboard that are not authorized for use in the dolphin or wahoo fishery to possess dolphin or wahoo. Just to step back, remember this was -- It essentially came up as part of the request of the Atlantic Offshore Lobstermen's Association, where commercial vessels fishing for lobster would also essentially troll or possibly hand-line some dolphin under a lobster pot buoy to supplement their catch.

Since lobster pot is not an authorized gear for the dolphin wahoo fishery, the dolphin and wahoo should not be possessed onboard such a vessel, and so this is looking at ways to allow that to occur and accommodate that request. I will go over the different alternatives, but, essentially, what the IPT came up with were three different levels of harvest, with the anticipation of getting guidance on how much harvest should be allowed for these participants.

Alternative 2 would allow the possession of dolphin or wahoo on properly-permitted vessels with gear types onboard that are not authorized in the dolphin wahoo fishery. The amount of dolphin or wahoo allowed onboard cannot exceed the commercial trip limit. Essentially, in this case, it would allow full commercial participation, if you will, in the fishery.

Alternative 3 is similar, as far as allowing the possession of dolphin or wahoo. However, in this case, the amount of dolphin or wahoo allowed onboard cannot exceed a percentage of the total commercially-harvested species onboard by weight. This is kind of looking at more of a bycatch provision, and there are examples from the Spanish and king mackerel fisheries in the South Atlantic provided, showing the language of a bycatch allowance, what we have out there. Then, finally, Alternative 4 would allow the possession of dolphin or wahoo on such vessels. However, the amount of dolphin or wahoo allowed onboard cannot exceed a recreational trip, and so this is looking at essentially capping at personal consumption levels.

I will add, very quickly, as a little bit of background on this, that we have reached and received comment from folks up in the New England area. It's fairly limited comment, but some of the feedback is there is some concern by one constituent of adding a new fishery. We have essentially received other feedback that how these boats operate is typically they're trolling on the way out. They may fish while they're out there and troll on the way back. The typical trip may be -- This is anecdotal, I will add. This is not any kind of analysis, but this is the feedback that we've gotten so far. It's 300 to 1,000 pounds a trip and most likely not more than 2,000 pounds per trip.

It's not necessarily the target of the trip, clearly. They've been doing so for several decades and so, as was originally requested, it's allowing this practice to continue. There is some -- As I

mentioned, there were alternate views. Also, I think, as a general shaping of how this action should occur, do you want to focus specifically on lobster pots or do you want to focus on allowing other circumstances as well and taking those into account? Do you want to allow gears, or, in this case, we provided alternative language, as far as specifically allowing lobster pots.

In this case, the alternative language would be the current -- This is the list of authorized gears. However, a vessel in the Atlantic EEZ that possesses both an Atlantic dolphin wahoo commercial permit and a valid federal commercial American lobster permit endorsed for trap fishing only is authorized to target dolphin wahoo with a rod-and-reel while fishing for lobsters. A person onboard a vessel in the Atlantic EEZ that has onboard gear types other than the authorized gear types may not possess a dolphin or wahoo. That is where we stand. Again, it is the input that we've received so far.

MS. BECKWITH: I am going to go to Michelle first and then Doug and Erica and Chester afterwards, because she had some direct conversations with some of these folks.

DR. DUVAL: Thank you, Madam Chair. I'm not on your committee, but, yes, I have had some conversation both with the individual who has brought up concerns about possibly increasing effort in the commercial dolphin fishery and concerns about lobster trap fishermen who would be targeting dolphin that have gathered up around high-flyers up in the New England area. I have also reached out to the Atlantic Offshore Lobstermen's Association to just get some of their input.

I will say that I don't personally like opening this alternative up to all unauthorized gear types. I would prefer to see that this be a specific exemption just for the use of lobster traps, and that was my communication back and forth with the industry representative up in New England, was that they were also concerned and didn't want to see something opened wide up for possession of dolphin onboard vessels that have any unauthorized gear type.

There are also additional examples in the regulations for the snapper grouper fishery that speak specifically to possession allowance regarding sink nets off of North Carolina and having a properly-permitted vessel that has a sink net off of North Carolina is specifically allowed to retain commercial limits of snapper grouper that are harvested with the gear that are legal for the snapper grouper fishery. You can't be using other gear to harvest them, and so that's what this additional alternative that John described would do, and this was something that was offered by the industry.

It limits it just to those dually-permitted vessels who already have the commercial dolphin permit. This is, again, a practice that they have been engaged in for seventy years, since the fishery has been around, and I think there has probably been a lack of knowledge that you could not have lobster trap gear onboard while fishing with legal gears for dolphin wahoo at the same time, and so this would simply tighten this loophole, and, again, I don't like the wording of alternatives that would allow for use of any unauthorized gear type. I really think that we need to make this specific to lobster traps.

The feedback that I received was that this alternative that John outlined would also -- This would eliminate lobster trawlers and gillnetters from exploiting this as a loophole, and so it makes it very specific just to the lobster trap fishery, and I think, given the amount of harvest that these guys are incurring, it's pretty limited, and so I just put that out there for the committee's consideration, that we want to make this as narrow an exemption as possible, as we have done in other fisheries.



I would also note that, in the snapper grouper regulations, the specific exemptions are possession allowances regarding sink nets off of North Carolina, possession allowances regarding bait nets, possession allowances regarding cast nets, and then, of course, we have our longline species limitations, and so those are some other examples that could be brought to bear on this. Thank you, Madam Chair.

MS. BECKWITH: Thank you. Doug.

MR. HAYMANS: I don't know that there's anything else that needs to be said. I mean, that's where I was going, because we didn't have the version that had the Alternative a in it there. In 2, 3, and 4, there's a lot of -- I could just see a gillnet fisherman with a rod-and-reel in the bottom of the boat, and that's where I was going to go, was some alternative, and then it's presented and then we have all the rationale we need, and so I'm good.

MS. BECKWITH: Okay. Erica.

MS. BURGESS: I will second Doug and Michelle. We believe that an exemption is the route to go. I wanted to let you know that we also reviewed this with our law enforcement, and they agreed that an exception is the appropriate way to move forward.

MR. BREWER: I agree.

MS. BECKWITH: Okay. So then my question would be to Monica. Given all the rationale and how tight we want this exemption to be, would it be appropriate to only have the no-action alternative and this very specific alternate language that provides the very strict exemption that we are looking to provide?

MS. SMIT-BRUNELLO: I stepped out of the room for a moment, and which is the very specific alternative that you are talking about?

MS. BECKWITH: It's on the board, under Alternative 7. It is not in your paperwork.

MS. SMIT-BRUNELLO: So it's Alternative A that's up there? Is that correct?

MS. BECKWITH: Yes, ma'am. While Monica reviews that, Dewey, did you have a comment?

MR. HEMILRIGHT: Yes, I did. How would this be tracked, with VTRs or with logbooks? Meaning, how is it going to be segregated out into the catch once they report, meaning is it going to be that we caught this lobster fishing, or is it going to be caught just on hook-and-line? What I am trying to get to is there is different ways of counting of what is being landed.

Like, in the pelagic longline industry, you have here is longline gear. You also have the dolphin wahoo council vessel and how to track their landings that is unknown at this time, that hasn't been addressed, and you're also looking at here the dolphin wahoo lobster gear fishery and how to track their landings, to see how it's segregated out, even though they will be using hook-and-line and stuff like that, but how is that going to work?

Is it all going to be lumped together or is it all going to be -- When you look at a picture and you see landings, here is lobster gear hook-and-line landings and here is the dolphin wahoo council boats that is not being addressed and here is pelagic longline that has the tri-pack and there is the different fisheries, the way to track it in the future, so in case there is discussion about allocation, or not allocation, but just who is catching what.

DR. DUVAL: There is two different meanings of tracking, and so there is the tracking against the ACL, which is one of the things that we would be concerned about with this action, and that's going to be through dealer reports, but then your concern is just about how to parse out which fishery landings are coming from.

We do that generally through logbooks, and so I would assume that it would be the VTR system in the Northeast, which my understanding is that those vessels have to fill out -- You've got to fill out a new VTR for every gear type that you're using, and so they would need to indicate that they were fishing for dolphin using rod-and-reel gear, and it would be another VTR for using the lobster gear, but it would be on the same trip, and those are tracked through use of operator cards in the Northeast. That operator card links those VTRs, is my understanding, but I stand to be corrected, but that is how the VTRs from an individual vessel and a trip would be tracked, so that you would know that, if you have multiple VTRs filled out for the same trip, because you're using multiple gear types, and that's how you would account for it.

MR. PHILLIPS: I'm not on the committee, but I'm thinking about what these guys in our region might be doing or not wanting to do, and I don't see -- If I am reading this properly, if you've got a black sea bass pot endorsement, and you've got black sea bass pots, that's not an authorized gear. If you want to set octopus pots or whelk pots or something like that that you might want to pull once a week or ten days, at the end of a trip on the way in, but I am -- I definitely see a problem with not having black sea bass pots on here, and what happens if you're setting an octopus pot or something like that?

MS. BECKWITH: I am going to go back to Monica, because I can't conceptualize that question right now.

MS. SMIT-BRUNELLO: I did have time, and thank you, to read the new alternative, and it's getting at a specific problem that was first brought to your attention by these lobster fishermen. If that's the problem you want to address, I think that's fine and that alternative is appropriate. You could move the others to Considered but Rejected. However, Charlie has brought up a new issue, and I don't know whether you want to address that at this time or not, but this would definitely get at your -- I think it would get at the problem brought up by the American lobster fishermen.

MS. BECKWITH: So that opens up discussion for Charlie's point. Is there some interest in pursuing an additional exemption for black sea bass pots and then the snowball keeps growing? Michelle.

DR. DUVAL: Maybe we could ask the IPT to gin up a similar exemption specifically for black sea bass pots. I am not sure -- I am going to have to talk to Charlie about what an octopus pot looks like. That is pretty intriguing, but I don't know about some of these other gear types. I mean, I agree with Anna that the snowball keeps growing, and I think part of the question is, is it part of the fishing practices to do that? That would be the first question.

I mean, if you're sea bass potting, are you still using hook-and-line to -- My sense is you might not be out far enough to actually catch dolphin on those trips, but that's just me, but I think maybe one way forward would just be to ask the IPT to create a similar alternative with a specific exemption for black sea bass pots in the Southeast. I think one way you could tighten this up even further is for use of lobster traps in a specific geographic area.

I will just point out that, right now, in the dolphin wahoo fishery, if you're fishing north of 39 degrees North latitude and you do not have a commercial dolphin wahoo permit and you do have any other federal commercial vessel permit, you are allowed to retain up to 200 pounds of dolphin wahoo in combination, and so I think we might be able to add a geographic component to these alternatives.

I will just note that most of these folks in the lobster fishery are fishing between the Mid-Atlantic/New England Council line, and so the Mid-Atlantic goes up to New York, and the Canadian line, and so they're fishing up to 180 miles offshore, and so that just gives you a little bit of geographic specificity. Thank you.

MS. BECKWITH: My first reaction to this is we are trying to solve a problem that hasn't been presented to us, and so I am -- This is a committee decision, and I'm actually not personally inclined to move forward with this, just because it hasn't come up to us from any of the black sea bass pot fishermen, and there is only like twenty of them, and we have had plenty of contact with them in recent years, and so, if this was a concern, I feel like it would have come to us from one of the folks, and so that is sort of the alternate view to what Michelle presented. If there is any sense from the committee how you guys would like to move forward with this, to solve the problem that's been presented to us or to start creating alternatives to cover issues that haven't come forward to us yet, but it's up to you guys. I don't make motions. Mel.

MR. BELL: Thank you, Madam Chair. I'm not on your committee, but I kind of like Charlie's thought. Monica is right that this came to us, a specific request for a specific gear type, but that does sort of beg the question of maybe we haven't heard about that yet, but, if we were to all of a sudden become aware of something, then we would find ourselves having to deal with it later.

If perhaps the IPT could explore an option to consider maybe at least sea bass pots or any other thing that might fit in there, and I don't know, but the octopus fishery is not that big, and I don't know that they would be far enough out to really be an issue, but certainly sea bass you might find yourself interacting out there in waters, at the right time of the year, with dolphin.

MR. HAYMANS: The haints have shown themselves. The haint behind the tree is out, and now it's the snowball, what you just said. Before we had been presented with Alternative a, I was going to suggest wording in 2, 3, and 4 that said something to the effect of "so long as appropriate dolphin wahoo gear was onboard".

If we're going to look at other fisheries besides the one that has specifically been requested, 2, 3, or 4 would be the way to do that, and we would have to, I think, make sure that there is appropriate gear onboard to harvest dolphin, and so I was going to suggest that we move forward with Action 7 without 2, 3, and 4 and we just look at this new Alternative a, but, with Michelle and Mel's comments, I would ask the IPT to come up with some sort of wording for 2, 3, or 4, and I would

assume that we are, perhaps, closer to 3 or 4, but to come up with some sort of wording that would be inclusive of all fisheries, so long as the appropriate dolphin harvest gear is onboard and we restrict that harvest such that it's not a directed fishery. I don't like it, but if we want to include these others, that's the way to handle it, I think.

MS. MCCAWLEY: I am fine including exceptions for other fisheries. We had worked on some language, and I can pass it to staff and maybe they could tweak this language for some of the other things that we've been discussing and maybe we can look at it again in Full Council. I am also fine with doing what Doug is suggesting, to tweak 2, 3, and 4 to help with this problem, but this would be a different approach that would more specifically call those things out.

To me, 2, 3, and 4 is broader. I mean, I think 2, 3, and 4 is getting into gillnets and other things that are issues as well, and I am not sure if we want to go there, but I can pass some suggested edits to staff, but I would like to try to address all of this. I don't want people, when this amendment is finalized, to come forward and say, hey, what about this and what about that and what about this. I would rather address all of that right now.

MS. BECKWITH: Okay. Michelle.

DR. DUVAL: Thank you. Again, I'm not on your committee, but I would just say that I don't like Alternative 2 as presented. I mean, that's the most wide-open of those alternatives, and I guess just a question for Jessica. In terms of the language that you guys had worked on, what were those specific, I think, exemptions that you guys were looking at? Were they for particular gear types?

MS. MCCAWLEY: We had it just listed as for the possession of lobster traps, because that's the problem that we thought we were trying to solve, but I think that the language -- We could add additional exceptions for black sea bass, octopus pots, or whatever into this language that we worked on with law enforcement. To come back to what you're saying, if you want to -- If you're thinking that Alternative 2 needs to be removed, or maybe we wait until we get the new language in there. Then, when we get to Full Council, we can remove some of these, because I think some of them can come out as well.

MR. CONKLIN: We could just remove the language for lobster and make it pots/traps, and wouldn't that just solve our problem?

MS. MCCAWLEY: The language that we were working on was specific to them being permitted in the other fishery. Now, we don't have a permit for octopus pots, but the language that we were working on specifically stated that they had to have permits in the other fishery.

MS. BECKWITH: Okay. Michelle.

DR. DUVAL: I guess, as you've stated, this is going to come back to the committee in June, and so I don't know if -- I mean, I hesitate to bring something back at Full Council, just because we have such a packed meeting week. I mean, it might be better if you provided the suggestions to John and then the IPT could work on it and then we can look at this again in June, because that's when we would approve it for public comment.

MS. BECKWITH: The only other comment that no one has brought up is, under Alternative 4, the amount of dolphin or wahoo onboard cannot exceed the recreational limit, and I know that the council has had some concerns in the past about keeping recreational limits on commercial trips and so on and so forth, and so I don't know if anybody has got any comments on that. Otherwise, we can pick up that discussion later on.

DR. DUVAL: In that regard, because we did this same thing with the action in CMP Amendment 26, allowing for an incidental harvest of king mackerel, I would use that same language and just say an incidental limit not to exceed ten fish per person and just making it clear that it's an incidental limit instead of tying it to the recreational limit. I really think that just causes confusion and strife between user groups.

MS. BECKWITH: Yes. Okay. Is there anything else? In terms of a way forward, can you guys just take that as direction to staff to add the Alternative a language and sort of everything else that we have -- I don't know what sort of motion we would put forth right now.

MR. HADLEY: I think that's fairly clear, as far as we will work with Jessica to incorporate the language that FWC has come up with and then to more broadly look at lobster pots as well as other pot fisheries and trap fisheries in the South Atlantic and in the Atlantic in general, and so I think that's fairly clear.

MS. BECKWITH: Okay, and so we've got one more, Action 8, and this one should be quick.

MR. HADLEY: All right. Moving on to Action 8, the last one that we will go over today, and so this is -- This came up during the December meeting, to add an action that would remove the requirement of vessel operators or crew to hold an operator card in the dolphin wahoo fishery, and so just a little bit of background on this before I get into the alternatives.

An operator card is required in the dolphin wahoo commercial and recreational for-hire fisheries, and then it's also a requirement for the rock fisheries in the South Atlantic. Alternative 1 is an Atlantic Charter/Headboat for Dolphin/Wahoo Permit, and that's the name of the permit, and it's a little bit clunky wording, but that's the name of the permit, or an Atlantic Dolphin/Wahoo Commercial Permit is not valid unless the vessel operator or a crew member holds a valid operator card issued by either the Southeast Regional Office or by the Greater Atlantic Regional Fisheries Office, GARFO.

Alternative 2 is neither a vessel operator nor any crewmember is required to have an operator card for an Atlantic Charter/Headboat for Dolphin/Wahoo Permit to be valid. That is removing it for the for-hire component of the dolphin wahoo fishery. Alternative 3 is neither a vessel operator nor any crew member is required to have an operator card for an Atlantic Dolphin Wahoo Commercial Permit to be valid, and so, here again, this is specifically looking at the commercial sector. With that, I will turn it over.

MS. BECKWITH: There is no need for any word changes or anything here that the IPT has suggested, although there is a note that we need to approve the wording of Action 8.

MR. HADLEY: Yes, if this is acceptable wording.

MS. BECKWITH: Does anybody have any concerns with the wording, as it is right now? I'm sure we'll get into further discussions of this in June. I believe we're having an LE AP meeting between now and June, and so we'll be having some further discussions on that as well. Mel.

MR. BELL: All I was going to say is, having talked particularly with NOAA OLE after the last meeting and all, I think they do see value in operator cards, perhaps more specifically to commercial applications, and so Alternative 3 wouldn't help there, but, yes, we will talk about it more when the AP meets, but I know they've told me directly that they would like to consider retaining or us using it as a tool perhaps, more so in commercial.

MS. BECKWITH: Right. I agree, and that's one of the reasons why we separated out the for-hire and the commercial permits. Is there any additional discussion on this action? **Do we need a motion to approve the wording of Action 8?** Doug.

MR. HAYMANS: **So moved.**

MS. BECKWITH: Chester seconds. Is there any further discussion on this? **Seeing none, that motion carries.**

Is there anything else to come before the -- I sort of don't feel like talking about purpose and need, unless someone really feels excited about it, because I feel like, when we get to June and we start picking alternatives, maybe we continue to clarify what our purpose and need is, because this is still going in various directions, based on our choices. Does anybody have any issues with that? Dewey, do you have a comment?

MR. HEMILRIGHT: Yes, and I would just -- If it's the time to bring up new business about how to track the council boats that have the dolphin wahoo permit that fish with pelagic longline gear, a way to track their landings, so that, in the future, we are able to see and track just what's being caught by that. It seems like we're going through -- The council is going through with different things for management on dolphin, commercially and ACLs and all this stuff, and you still haven't figured out a way of how to track these vessels, because right now, for twenty-eight dollars, you can go get a dolphin wahoo permit, and I believe that's what it costs, and maybe not, and you can go pelagic longline fishing.

How is this council, as it's proceeding along with allocation issues and overages or underages and all of these things, how are they going to track the vessels that are using pelagic longline gear in the South Atlantic that does not have VMS and that does not have a tri-pack, and it seems like you can't tell me their landings. Is there any way that, in the future, that this council is going to track that?

MS. BECKWITH: I would like to ask Roy a question. Is there a way for National Marine Fisheries Service to either add a question to the permit renewals for the commercial dolphin wahoo permits that state intended gear or if they can maybe check-mark that they also have the HMS permits or is there some way that you guys might be able to help us identify this subgroup of people that are using pelagic longlines?

DR. CRABTREE: We know what permits a vessel has, because we issue the HMS permits out of our office, and so we know what they have. We have the logbook requirements in place, and we use dealer reporting to track the landings against the quota, and so --

MS. BECKWITH: So then would we be able to be provided with a list of dolphin wahoo permits that also have HMS permits, but then there is this other weird gray area that you guys would have to sort of dig through the logbooks that would identify what dolphin wahoo permits issued by the South Atlantic do not have HMS permits, but are using pelagic longlines, and so there is this sort of subset that we're trying to identify that we're having trouble identifying.

DR. CRABTREE: I am not quite clear what you're getting at, but I think we can give you a report on how many vessels have what permits. A lot of that is posted on our website, I think.

MS. BECKWITH: But it's more than the permits. It's the dolphin wahoo permits that do not have HMS, but are utilizing pelagic longlines, and so that would require you to use the permits and to dig into the logbook.

DR. CRABTREE: I think we would have to go into the logbooks and try to put it together that way, but I assume that can be done.

MS. BECKWITH: May we put that in as a formal request from this committee?

DR. CRABTREE: Put it into a memo and send it over and we'll see what we can do.

MS. BECKWITH: Okay. Thanks. Then I am going to go to Chester and then back to Dewey.

MR. BREWER: What Dewey is talking about I think is important, because, in my conversations with the folks that have what I think is called the tri-pack, they were concerned that the closure in 2015 for commercial dolphin was caused by what they refer to as council boats, and the council boats that they're referring to are the ones that are in this sort of gray area that we're talking about. If that's true, and I don't know whether it is or not, and I think Brian actually tried to do some work to identify that subset and found it very, very difficult, and you almost had to do it by way of exclusion, if I remember correctly.

I think that that would be very valuable information to know. I mean, is there a problem that's occurring with perhaps overharvesting with what I call the HMS boats or is it instead what are referred to sometimes as the council boats and do we need to take a look at that as we are working through different scenarios to try to protect against closures in the commercial dolphin fishery.

DR. CHEUVRONT: Chester is right that we looked at this problem a couple of years ago, and what we were finding was that you can identify the universe of HMS permit holders as well as the Atlantic dolphin wahoo permit holders, but, when we were trying to match those landings up, what we couldn't get was all three of them together without going individually line-by-line to figure out who had the HMS permit for each landing record.

What we ended up doing was using a proxy, and we looked at if longline gear was used, but there were no HMS species landed on that trip, we had to make the assumption that it was landed with

just an Atlantic dolphin wahoo permit without an HMS, and that was the way we had to do it, because it would have been too cumbersome to do it otherwise.

Now, I don't know if there is some other way, and we talked about it, and I know that Mike Errigo helped with some of that analysis, but it was the way that we had to figure it out, at least in the timeframe that we had, and I think it was probably between a couple of meetings, but we weren't able to get to that HMS component of it and separate it out, and I think that's what Dewey is trying to get at, is figuring out are these just what they call council boats or are they HMS vessels.

MR. HEMILRIGHT: I think the best way to look at this -- The question I'm trying to find out is the landings of non-tri-pack vessels, and there is only about -- From Maine to Texas, there's probably about only eighty of us left that are active, and so, therefore, I have heard numerous discussion from council members here that talked about council boats and how we can't track this and how we can't do this, but basically what you do is you take and look at your landings somehow through dealers of vessels that didn't have the tri-pack, which is a tuna, swordfish, both incidental and directed, and the shark, both incidental and directed.

You say look at this here, and here is the tri-pack, and you can't just go by dolphin landings alone, because there is numerous times on trips, pelagic longline, that you only catch mahi, and so you can't use that as saying if you had other HMS species, and so I think it shouldn't be that hard to look at your landings of your tri-pack vessels, which there's only about eighty of us, or maybe ninety of us, that are actively left and say here is the landings that used pelagic longline gear, is what they are coding, and here is the landings, because you need to be able to track that.

I have heard many of the council members here, a few, bring it up over and over and over, and you're giving all these regulations and looking at different things, but you don't even know who is landing the fish, and so look at your tri-packs and back away from that.

If they used pelagic longline gear and they didn't have the tri-pack permits, then that would be one of your council vessels to look at and to come up with a number, so, therefore, when we look at landings commercially, we see that here is your tri-pack longliner and here's what they're catching and here is your hook-and-line guy and here is your council boats that is open access. That way, we'll get a better idea of the numbers. Thank you.

MR. CONKLIN: I think that, to elaborate on the issue, the definition of what a longline is and there is a little bit of a loophole, I guess you could say, where the council boats can have a certain amount of line out in the water and not be considered a pelagic longline, or maybe it is, but they don't have to have the HMS and the tri-pack and all of that, and so there is ways around it.

Now, whether it's really affecting the fishery or not is to be determined, but, with a lot of the rules that we've been making over the past years, and more and more people are having to join up and participate in different fisheries and find ways to make it work, which I mean it's completely legal, but, when they come through, it's an important economic way for commercial guys to make it. That is what he is talking about. I think it's a one-mile spool or something, or a certain number of hooks, and I'm not even sure, but that's what we're talking about.

MS. BECKWITH: Right, and our, quote, unquote, council boats are not under the same regulations that the HMS boats are. We don't have the 750 hook, and we're still allowed to use j-



hooks, and we are still allowed to use whole baits instead of the required cut baits of the HMS, and so there is some inequities in how those two fisheries are forced to operate.

Our guys are not required to go through the species identification classes or the shark classes, and so there's been multiple requests for us to sort of get a handle on who we have using pelagic longlines through our permits and to consider bringing them up to the same standards as HMS if they're going to be fishing the same areas, but I don't necessarily think they fish exactly the same areas, but, again, we don't have enough information to have an intelligent discussion on that, and so I think that's why this sort of keeps coming back to the table. Is there any further desire to talk about anything?

MS. SMIT-BRUNELLO: Just food for thought. I was looking back at the Comprehensive ACL Amendment and the ABC control rules that were adopted in a number of FMPs. It seems to me that you should just think about, at this meeting, whether you would rather, based on the new changes to the NS 1 Guidelines, rather have an ABC control rule amendment that would cover all of these FMPs instead of piecemealing here and there, like we've just talked about recently, where the snapper grouper contains I think it was the ORCS approach, but dolphin wahoo doesn't and some others don't, and so just think about that as we move forward at the meeting, but I think that might be very helpful.

MR. HADLEY: Very quickly, I just wanted to let everyone know that the Dolphin Wahoo AP will be meeting April 21 and discussing these, and so you will have the input from the AP at your June meeting.

MS. BECKWITH: Okay. If there is nothing else to come under Other Business, I adjourn this meeting.

(Whereupon, the meeting adjourned on March 7, 2017.)

- - -

Certified By: \_\_\_\_\_ Date: \_\_\_\_\_

Transcribed By:  
Amanda Thomas  
April 3, 2017

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