

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

DOLPHIN WAHOO COMMITTEE

**Westin Jekyll Island
Jekyll Island, Georgia**

March 4, 2019

SUMMARY MINUTES

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Myra Brouwer
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John Hadley
Kelly Klasnick
Cameron Rhodes

Other observers and participants attached.

The Dolphin Wahoo Committee of the South Atlantic Fishery Management Council convened at the Westin Jekyll Island, Jekyll Island, Georgia, Monday afternoon, March 4, 2019, and was called to order by Chairman Anna Beckwith.

MS. BECKWITH: I will call the Dolphin Wahoo Committee to order. The first item is Approval of the Agenda, if there are any changes, additions, or comments on the agenda. Seeing none, the agenda is approved.

Let me quickly go through who is on this committee. I am happy to say it is most of you. It is myself and Chester, Chris Conklin, Tim Griner, Steve Poland, Art Sapp, Doug Haymans, Kyle Christiansen, Roy Crabtree, Jessica McCawley, David Whitaker, Lieutenant Commander Jeremy Montes, our Mid-Atlantic liaisons Tony and Dewey, as well as our New England liaison Rick. I do want to extend a special thank-you for Rick having come down to participate in this. He's not often with us, and so thank you for joining us.

The next item on the agenda is Approval of the December 2018 Minutes. I'm sure you all read them in detail. If there's any additions or corrections, please let me know. Otherwise, those minutes stand approved. The next item is Status of Commercial Landings.

MR. DEVICTOR: Thank you, Madam Chair. This will be a quick report. Dolphin landings through February 26, 11,154 pounds have been landed, and that's 1 percent of the ACL. Moving to wahoo, 17,155 pounds have been landed, and that's 24 percent of the ACL.

MS. BECKWITH: Thank you, Rick. The next item will be us going through Amendment 10, and so we'll give that over to John.

MR. HADLEY: Thank you, and so I'll start off with a brief overview to orient everyone on Dolphin Wahoo Amendment 10 and where we stand at the moment. As you recall, in December, we reviewed actions in the amendment and went over other items identified for a future amendment to the Dolphin Wahoo FMP. You directed staff to begin work again on the amendment. Work on the amendment had been postponed due to MRIP revisions. With revised MRIP data available, the amendment can certainly move forward.

You removed the action to revise the ABC control rule, since this is being handled in the ABC control rule kind of comprehensive amendment, and you also included additional items to revise the ACLs for dolphin and wahoo to accommodate new MRIP data, provide sector allocations for dolphin and wahoo, allow bag limit sales of dolphin for dually-permitted for-hire and commercial permit holders, modified the recreational vessel limit for dolphin, and modified gear, bait, and training requirements in the commercial longline fishery for dolphin and wahoo to align with those from highly migratory species.

Looking at some of the potential amendment timing, at this meeting, we will be going over the purpose and need statements, and so the initial draft, as well as the actions and alternatives, and I will get into the details of this in just a minute, but it will be -- If you choose to do so, you can pass a motion to provide guidance to the SSC on whether to consider the inclusion of recreational landings from Monroe County when the SSC provides their ABC recommendations to the council and approve the amendment for scoping.

If the amendment is approved for scoping, this would occur in the spring of 2019. At the June meeting, we will be reviewing the scoping comments, the purpose and need statements, the actions and alternatives, and, at the June meeting, we will also be coming back to you to review the goals and objectives of the fishery management plan.

In September, preliminary effects should be available, and the council and committee will provide guidance on actions and alternatives. In December, again, seeing a revised effects analysis, providing additional guidance, and finalizing the purpose and need statements. Moving into 2020, review revised effects analysis, provide guidance, and approve, potentially approve, the amendment for public hearings, which would take place in the spring of 2020. Then, in June, the committee would review public hearing comments, provide guidance on actions and alternatives, and then, in September, review the revised effects and approve the amendment for secretarial review, with the amendment likely going into place in the spring of 2021. That's kind of a general timeline as of now.

The three main items that need to get done at this meeting is we will review the decision document, and so the draft purpose and need statements, as well as the actions and alternatives, particularly focusing on the range of alternatives presented, especially for some of the new actions, and I will go through and point out some of the new actions that have been added. Provide guidance to the SSC on whether to consider the inclusion of recreational landings from Monroe County when recommending new ABCs for dolphin and wahoo and consider approving the amendment for scoping.

To get into a little bit more detail on the potential guidance to the SSC, the SSC has not yet had the opportunity to provide new ABC recommendations, but is scheduled to do so at their April 2019 meeting, and so the timing of right now is very good. It has been standard procedure in the past to exclude recreational landings of Monroe County for unassessed species, and so this is all unassessed species and not just dolphin and wahoo, when coming up with ABCs, sector allocations, and for quota monitoring purposes.

Commercial landings of these species for Monroe County are typically included in these calculations, and, really, the rationale behind this is that it has been fairly problematic to work with MRIP data for Monroe County to split those landings between the South Atlantic and the Gulf of Mexico regions.

Based upon at least preliminary analysis of the revised MRIP dataset, it appears that Monroe County recreational landings are easier to split for South Atlantic only, and so the committee will be asked, if they choose to do so, to pass a motion asking the SSC to consider these landings when they come up with ABC recommendations at their April 2019 meeting, and this will -- We will get into this in the discussion of Action 1.

There were a few issues with the development of Amendment 10, largely as a result of the government shutdown. The IPT was unable to meet as scheduled after the December meeting, and so they haven't had a chance to fully provide input, but some members were able to provide input by email on the actions and alternatives as well as the purpose and need statements, but these have not undergone the typical close examination that the whole IPT undertakes. It is likely that there will be several additional IPT recommendations for the amendment for the June 2019 meeting along with some preliminary analysis that will be available.

The committee can certainly make progress on the amendment, by working through the actions and alternatives, particularly focusing, there again, on the range of alternatives that are proposed for the newly-added actions.

As of now, there are thirteen actions that are suggested to be included in the amendment, and so it's fairly lengthy, and the actions can really be broken down into four major categories: those that accommodate revised MRIP data, and so those are Actions 1 through 3; redefining optimum yield, Actions 4 through 6; accommodating adaptive management of sector ACLs, Actions 7 and 8; and then kind of a last, catch-all, miscellaneous category of management revisions to the dolphin and wahoo fisheries, and so Actions 9 through 13.

To go through them in these groups, those actions that accommodate revised MRIP data, we have Action 1 to revise the acceptable biological catches, annual catch limits, and annual catch targets for dolphin and wahoo, and so, during this discussion, there again, you will be asked if you would like to provide guidance to the SSC and whether to consider the inclusion of recreational landings from Monroe County for dolphin and wahoo when the SSC comes up with the catch recommendations.

Action 2 and 3 would revise the sector allocations for dolphin and wahoo respectively, and it's suggested that we delay the discussion of Action 2 and 3 to take place after the larger allocation discussion that is scheduled for Wednesday morning, and so, really, this is probably the most efficient use of time, and this allocation discussion is really going to go into depth, and I think you will likely have wanted to have that discussion before jumping into the allocation actions in dolphin and wahoo, and so I think everyone will certainly benefit from that discussion, and the committee can come back to these two actions during the Committee of the Whole or potentially during Full Council, when dolphin wahoo is discussed.

Actions 4 through 6, these redefine optimum yield in the dolphin fishery, and so Action 4 revises the optimum yield definition for dolphin, and, within this definition, there is the potential to use annual catch targets for both the recreational and commercial sectors. As of now, there is no annual catch target for the commercial sector, and so Action 5 would establish an ACT for dolphin for the commercial sector, and Action 6 would modify the recreational annual catch target for dolphin.

Moving on to the actions that accommodate adaptive management of sector ACLs, Action 7 specifically allows adaptive management of sector annual catch limits for dolphin, and Action 8 revises the accountability measures for dolphin, and this is to accommodate some of the changes that would be made in Action 7, and so those actions really are paired together.

Then, finally, as I mentioned, the kind of miscellaneous category of revisions to the dolphin and wahoo fisheries, you have Action 9 that would allow properly-permitted vessels with gear onboard that are not authorized for use in the dolphin wahoo fishery to possess dolphin or wahoo. Action 10 is potentially removing the operator card requirement in the dolphin wahoo fishery. Action 11 is allowing bag limit sales for dually-permitted-for-hire and commercial permit holders, and Action 13, which would potentially modify the recreational vessel limit for dolphin -- Sorry, but's Action 12 to modify the recreational vessel limit for dolphin, and Action 13, which would modify the gear, bait, and training requirements in the longline fishery for dolphin and wahoo to align with

highly migratory species. Keeping in mind that we're going to get into the nitty-gritty details of those actions, but are there any questions at the moment, before I jump into the decision document?

MR. DILERNIA: The December meeting of the Mid-Atlantic Council occurred the week after the December meeting of the South Atlantic Council, and, at our meeting, a motion was passed, and the motion was to move that the Mid-Atlantic Fishery Management Council write a letter to the South Atlantic Fishery Management Council to request an exemption from the regulation prohibiting filleting of dolphinfish in the waters north of Cape Hatteras.

It's an issue that I brought up to you before, and I've been advised by our council leadership that a letter will be coming to this council probably after our April meeting, but I bring this up now because I believe it could be done on simply a regulatory basis out of the Southeast Region, but, if it's going to require more -- I bring it up now because, if it's require inclusion in an amendment, I would like to bring it to your attention that that would be the intentions of the Mid-Atlantic Council to request that exemption. I'm not sure if it's going to come out of the region as just a difference in the regulations or if it requires an amendment, but please be advised that our council will be seeking permission to cut the fish north of Cape Hatteras. Thank you.

MS. BECKWITH: Okay. We will look forward to receiving the letter.

MR. CONKLIN: We're taking this to scoping after this, and is that correct?

MR. HADLEY: Potentially, yes. That's the next step, is taking up the different actions to scoping.

MS. BECKWITH: Anything else for now?

MR. HADLEY: I largely covered some of the timing and background of the amendment, and, with that, I will jump into the draft purpose and need statement. This is the first time that you're seeing this statement, and this is the initial draft from the IPT. I will just go over it, and I certainly appreciate any suggested modifications, but the purpose of Amendment 10 to the Fishery Management Plan for the Dolphin Wahoo Fishery for the Atlantic (Dolphin Wahoo Amendment 10) is to revise the catch levels, the acceptable biological catch estimates, annual catch limits, annual catch targets, accountability measures, sector allocations, and management measures for dolphin and wahoo. The revisions to the ABC and ACL incorporate recreational data as per the Marine Recreational Information Program, using the Fishery Effort Survey method as well as updates to commercial and for-hire landings. With that, I will take a moment, if anyone has any suggested changes.

DR. MCGOVERN: I am wondering if you need to have the ABC in the purpose and need, because you get an ABC recommendation from the SSC, and then the ACL and ACT is based off of that, but Shep might have an opinion about that.

MR. GRIMES: I thought we would talk a little bit about this when we get to Action 1, but, in the purpose and need, there are things in here that relate to the ABC control rule, which I would say then equates to changes to ABC, and so I don't know, and I think I would suggest working through the document some first too, and I was going to tell you, with as many different pieces as there are in this amendment, I would expect the purpose and need to evolve as this document evolves.

MS. BECKWITH: Yes, I agree, and I generally don't like wordsmithing the purpose and need until we're closer to a more refined document.

MR. HADLEY: Okay. Then I will move on to the alternatives then. I will move on to Action 1. Action 1 would revise the acceptable biological catches, annual catch limits, and annual catch targets for dolphin and wahoo, and this is one of the new actions for the amendment, and, currently, the ABC, ACL, and ACT for dolphin and wahoo are based on data from the Commercial Accumulated Landings System, NMFS Headboat Survey, and the Marine Recreational Information Program, using the Coastal Household Telephone Survey method, and so this is the old survey method, so to speak, of MRIP.

Also, the ABC is equal to the ACL. Under Alternative 2, you would essentially be revising the ABC and ACL and ACT for dolphin and wahoo with updated landings, really, from the Commercial Accumulated Landings System, NMFS Headboat Survey, and MRIP, using the Fishery Effort Survey method, and so these are the new, so to speak, MRIP numbers, the newly-calibrated numbers, and, in this case, the ABC would still be equal to the ACL.

As a reminder, this was added, as it was the council's guidance to add an action to revise the ACL to accommodate new MRIP data, and so this is kind of what this action is accomplishing, through Alternative 2, and a little bit of background information on the ABC being set to the ACL. This was specified in Dolphin Wahoo Amendment 5, which was a very similar previous action to accommodate a previous revision of MRIP data, and, according to the amendment, the rationale for setting the ABC equal to the ACL was that it was the preferred alternative in the Comprehensive ACL Amendment.

Monitoring efforts had improved significantly, thereby reducing the likelihood that commercial ACLs would be exceeded. Dealers were to begin electronic reporting, which they are currently, and, also, recreational landings had remained well below recreational ACLs since implemented. Should the committee want to reconsider the ABC equaling the ACL, and potentially adding a buffer, this would require additional actions to be added to carry this out and make it happen.

As I mentioned, the SSC -- With that, kind of switching gears over to the SSC and their meeting coming up, they will be discussing ABC recommendations at their April meeting, and the ACL and the ACT for dolphin are depending on the ABC, and so they're dependent on those catch recommendations coming from the SSC.

In the past, it's been standard procedure to exclude recreational landings for unassessed species with coming up with the ABCs, sector allocations, and for quota monitoring. As I mentioned, commercial landings are included. Doing so has implications on the landings, since dolphin and wahoo are both landings-based ABCs, and it certainly has implications on how those ABCs are set as well as sector ACLs, and, given the large recreational fishery for the two species in the Keys, these implications are likely notable for both dolphin and wahoo.

We won't go over the rationale, but, there again, previously, it was problematic to work with the older MRIP dataset for Monroe County, due to the proximity to both the South Atlantic and the Gulf of Mexico regions. With the updated MRIP revision, this may no longer be the case, and it's a little bit easier to split out the South-Atlantic-only landings.

To prepare for the SSC meeting, where these catch level recommendations will be discussed, it would be helpful to get input from the committee regarding the dataset that the SSC should consider and potentially guidance, through a motion, that could be made to ask the SSC to consider Monroe County recreational landings when calculating new ABC recommendations for dolphin and wahoo.

MS. BECKWITH: Okay, and so it seems to me that we've got at least one decision point, which is some discussion on if we feel that inclusion of the Monroe County recreational data is appropriate, and so do you guys have any feelings on this?

MR. HAYMANS: Mine wasn't necessarily to Monroe County, but, last meeting, we expressed extreme concerns over our estimates, and we've heard a lot of discussion when Chris was sitting in here over those estimates, and the letter from Florida was eye-opening for the number of recreational trips, and I have concern about whether to even include the action, and I guess I'm asking for some discussion as to what would it mean if we didn't include this action.

MS. BECKWITH: Yes, and, for those that haven't seen those revised numbers, I think it's Tab 3, if you want to take a look at those.

MR. GRIMES: I am going to come at it, and it's the same question, but I think from a different perspective. The only difference between Alternative 1 and 2 is the incorporation of the Fishing Effort Survey data, and I have never seen a council ABC of any council set so specific that it detailed the type of information that was going to be used for it, and I haven't seen us with this level of detail over any snapper grouper species, saying that it's MRIP with APAIS or it's MRIP with FES, and so I don't understand the basis for it here, and I would guess question -- I mean, Action 1, that's it. It's FES versus APAIS, which may not even be a council decision, per se, right? The question is what's best available, and, if one entity is saying it's FES and one is saying it's APAIS, well, that's a problem, and there will be a secretarial-level-type decision with that.

John, I'm sorry for not flagging this in the IPT review, but, in talking about it and in preparing for the meeting, it doesn't seem to me that there is really any point in having Action 1, period, unless you're telling me that the original ACL for dolphin and wahoo was set so specific that it's tied to MRIP using the APAIS methodology.

MS. BECKWITH: Mike or John can correct me if I'm wrong, but I think the dolphin ACL is based on the third-highest landings.

MR. GRIMES: But it wouldn't say as calculated from MRFSS or MRIP, and certainly not to the expansion survey methodology, and so, if you want to change ACL -- I mean, normally, you get to set the ACL, and you have an ABC control rule, and those are the things that you change, and then the best available scientific information goes into those, and your ABC recommendation comes out, and you set your other parameters based on that. I just don't see the need for this.

MS. BECKWITH: Is this a recommendation on a path forward that would come from our SSC, I assume, and their discussion in April? They would be deciding which is the best data sources to use, but that still leaves -- Would it make sense to leave this in the document for now, until the SSC can come back and comment on it, or to remove it altogether?

MR. HADLEY: Well, I think, in the end, you're absolutely correct that the SSC will choose the dataset, and it is overly prescriptive. Just based on that has occurred in the past, looking at Amendment 5, when we have had these MRIP revision updates, whatever dataset they may be, there has been an action that does revise the ABCs, ACLs, and ACTs, and so I think the IPT can certainly wordsmith this quite a bit, and, in the end, if the SSC goes down that route, you probably will be needing an action to implement the revised ABC, particularly if that chunk of recreational landings in Monroe County is included, because that's a different sort of method of doing things.

MR. CARMICHAEL: I just think we have to be careful about implying the SSC has this option to just choose what dataset to use, because I think, as Shep mentioned, the agency now -- They are doing the MRIP, and the FES is what they are now doing, and there is a lot of questions about that and how we deal with the data that's within that survey, but, to me, that's a little different than implying there is an alternative survey that they have available to use.

This isn't like in Florida, where they have their Reef Fish Survey, and then we had the Gulf states that did a lot of things on red snapper, and some states did other species, where there is an alternative that perhaps a choice could be made about which to use, and we don't have an alternative for dolphin. We do have a big question about how we interpret the FES and whether it's doing what it should be doing in terms of an absolute magnitude value, but I think we have to be careful about the SSC and giving them this direction that they need to choose a source, because they really only have one source before them.

DR. CRABTREE: Yes, and, just along the lines of what John said, I mean, the FES survey is all there is, as of 2018, and so those are the catch estimates we have. Now, we have a calibration that allows us to convert those back into MRIP currency, but it's still really based off the FES survey, and, as we move forward in time, that calibration is going to become dated, and its ability to convert these is going to become more and more uncertain and limited, and so I understand the concerns with the FES estimates, and they certainly are higher than what your gut tells you to expect.

I support the agency' and the states' efforts to try and understand some of the differences in the state surveys and all those things, and maybe there will be revisions to the survey down the road, but, for right now, it's really all we have, and so it does seem to me that we need to continue to move forward with making this transition. Now, I understand the MRIP revision assessments that the SSC spent a lot of time on, and maybe that's not the best way to transition to it, but we need to figure out how to get from where we are to those surveys.

Then it does seem to me that the wording here -- Really, the SSC gives us the ABC, and so we're not revising the ABC. That is what the SSC is going to give us, and so probably there is some wordsmithing to do there, but, for right now, the FES survey is the only survey in town, and we're going to have to deal with it.

MS. BECKWITH: Just to reiterate, I am hearing you say that this is -- I mean, we would maintain this action in and wait for the IPT to revise the language, as appropriate.

MR. BELL: Just kind of following-up on Shep and John, it did seem like perhaps we were being a little overly prescriptive here and kind of stepping outside of our normal boundaries, and then it made me wonder -- Like, in the past, when MRIP has changed, or MRFSS changed to MRIP, did

we have plan amendments that said we will follow the new -- Did we amend plans then to accommodate that change, or it's just the way the program changed and that became the data, and then the SSC looks at it and it's either useful for moving forward with it or not, but I don't recall doing that.

MR. GRIMES: You're going to approve this to go out to scoping at this meeting, and is that the plan?

MS. BECKWITH: I suspect that we're going to hold scoping until after the SSC sees this, is my gut, but I'm not speaking for --

MR. GRIMES: Okay. If we're going to have another IPT meeting, and you're going to get feedback from the IPT, then I'm fine with that, but I kind of hate to go out to scoping suggesting that one of the alternatives is that you don't to use FES.

MS. BECKWITH: Yes, that path forward is becoming very clear very quickly. I feel like we still need to discuss the Monroe County data. I don't see a reason why we would exclude data that we're being told can be useful. Does anybody have any concerns or information?

DR. CRABTREE: No, I certainly think we need to use Monroe County data, to the extent we can. There are probably more fish landed in Monroe County than any other county in our jurisdiction, and so I think -- I understand there are some complications in how you split it off and stratify it, but I think we ought to use it.

MS. BECKWITH: Can I take that as a motion, Roy?

DR. CRABTREE: Okay.

MS. BECKWITH: All right, and so we have a motion that we will ask the SSC to consider including the Monroe County recreational landings for dolphin and wahoo.

DR. CRABTREE: **So moved.**

MS. BECKWITH: Is there a second? Thank you, Chris. Is there any discussion?

MR. GRIMES: I was just thinking, and I don't know, and maybe John Carmichael would comment on this, but I presume they would consider this anyway, but, when you're drafting your guidance to the SSC, or specific questions, maybe ask them for a decision on this topic and specific rationale as to the pros and cons of incorporating Monroe County, I guess.

MS. BECKWITH: All right. Are there any additional comments? **Any opposition to this motion? Seeing none, that motion carries.**

MR. CONKLIN: Do you think this sets a precedent for the future? Will we be making the same decision to use that data in all of the revisions that come about?

DR. CRABTREE: I mean, I guess so. It seems to me the SSC ought to give us the best landings estimate they can come up with, and that certainly ought to include all the counties in our jurisdiction, and so that just seems pretty self-evident, to me.

MS. BECKWITH: Okay. We need a motion to include Action 1, it sounds like. Yes? No? You guys don't want Action 1? We need Action 1? It sounds like we need Action 1.

MR. CONKLIN: **I will make a motion to remove Action 1 from the document.**

MS. BECKWITH: There is a motion on the table to remove Action 1 from the document. Seconded by Chester. Is there any discussion?

MR. POLAND: If we don't ask the SSC to update our ABCs and stuff, so we can get new ACLs and ACTs -- I mean, I understand the concerns with MRIP and current estimates and that kind of stuff, but then at what point are we going to come back and ask them to update it if we don't move this action forward?

MS. BECKWITH: Yes, I'm a little confused at where this would leave us.

DR. CRABTREE: Well, asking the SSC to do something doesn't require an action in an amendment, and so you can just ask the SSC to update the ABCs, incorporating the best available landings information.

MS. BECKWITH: Okay, and so, if we're comfortable with that path forward.

MS. MCCAWLEY: Would the removal of the action affect the timing for scoping? I mean, are we going to hold this back until after the SSC meets, whether the action is in there or not? I guess I'm just confused about the timing.

MS. BECKWITH: I think, since the IPT hasn't gotten a chance to look over this document at all, we'll have to assess -- If this action is out of there, we'll have to assess if we feel like the rest of the document is in shape for scoping.

MR. HAYMANS: Could just somebody reiterate for me that if we remove the action that this Monroe -- Is Monroe data not included in our analysis, or do we have to have a separate action to do that?

MS. BECKWITH: It's not tied to that action. The SSC would discuss and decide and issue us their version of a new ABC, considering all the data. Okay. It sounds like we're ready to vote. Any other discussion? **All those in favor of this motion, please raise your hand, ten in favor; all opposed; abstentions, three abstentions. The motion passes.**

We are going to skip over discussion of Action 2 and 3 until later on in the meeting, and so then we arrive at Action 4.

MR. HADLEY: All right. Moving into Action 4, this was a previously-existing action from Amendment 10, from before work was postponed on it, and, as I mentioned earlier, Action 4 is

also tied into Action 5 and 6, which we'll get into, but Action 4 revises the optimum yield definition for dolphin.

There are four different alternatives. Currently, optimum yield, OY, is equal to the total ACL. Alternative 2 would make OY equal to the sum of the commercial ACL and recreational ACT, or annual catch target. Alternative 3 is OY would be equal to 75 percent of MSY, and Alternative 4 is OY is the long-term average catch, which is not to exceed the total ACL, and it will fall between the total ACL and the sum of the commercial and recreational ACTs.

MS. BECKWITH: Most of -- Not most, but there is quite a few new council members since this was originally discussed, and so I'm going to take a minute and just give a little bit of background. This original discussion of optimum yield definition, for dolphin in particular, began after we had the commercial closure, and there was some discussion and interest in being able to show that the recreational community has different goals when fishing, and, for the recreational community, having a high level of abundance in the water can be a goal, and, while catching is a substantial portion of their ACL, and it's certainly something that the recreational community would like to achieve, it's not necessarily catching every fish in the ACL, and so it's leaving some fish there to allow for abundance and ease of access and ease of encounters. Those are things that we were trying to be able to show, versus the commercial guys, who, obviously, their optimum yield would include catching every last one of the fish available in the ACL.

One way of doing this was to revise this definition of optimum yield to set say an annual catch target for the recreational community to say, hey, our optimum yield is to catch 50 percent of our ACL for dolphin and allow that other 50 percent to remain in the water, to allow for ease of access and ease of encounters, and so that's the basic background, and, if you guys have specific questions, we can certainly get further into the discussion.

The intent is not to attach any accountability measures to an ACT, but simply to say, okay, well, there is different goals for the commercial guys and different goals for the recreational guys. The recreational guys want to catch fish, but they also want to leave some fish in the water, particularly with dolphin, to allow for abundance, and so I will take any specific questions, if you guys have them. Otherwise, we will continue discussion.

MR. GRINER: Under Alternative 2, that would give the commercial guys their full ACL and give you that buffer to leave abundance in the water for the recreational guys, but does that mean that, in order to achieve that, your ACL would always have to equal your ABC?

MS. BECKWITH: Our ACLs generally have equaled our ABCs, or, rather, our ABC is equal to our ACL, yes.

MR. GRINER: Right, but, in order for the commercial ACL to be at its max, it would always have to be that way.

MS. BECKWITH: Well, you could set an annual catch target for the commercial as well and just set the catch target to be equal to the ACL.

MR. GRINER: Right, but the ACL would always have to equal the ABC under that.

MS. BECKWITH: Correct. Any other -- Go ahead, Chris.

MR. CONKLIN: Explain to me what we're trying to accomplish if we change it from anything different than Alternative 1.

MS. BECKWITH: The recreational community would be achieving their optimum yield even if they caught 50 or 60 percent of their ACL.

MR. CONKLIN: With the new numbers, the recreational community has achieved OY the way it is right now, and even exceeded it, and so why would you want to change it?

MS. BECKWITH: Well, obviously, when we had this discussion, we didn't have the new MRIP numbers, and so that is valid, and it does come into the discussion, and I think that will also come into the discussion when the SSC comes back and gives us our new ABC, and so I think that's a valid discussion.

MR. CONKLIN: John, but why is this -- Can you explain to me more why this has to be done?

MR. HADLEY: It doesn't have to be.

MR. CONKLIN: I know it doesn't have to be done, but why would we still do it? It doesn't make sense.

MR. HADLEY: Well, it doesn't have to be done, and it's in there. There again, there were different -- Using the old MRIP versus new MRIP, there are different assumptions, that the recreational sector was leaving a large chunk of their ACL on the table, and, as Anna mentioned, I guess the idea of managing for abundance versus harvest -- The way it's set now, OY is equal to the total ACL, which means the optimum yield -- You can almost picture it as your long-term, ideal vision of the fishery is set towards maximizing harvest, and so that's kind of where it was -- Obviously, that's where it was coming from at the time. Now, the assumptions are very much different. As you pointed out, the recreational sector, or so it seems, is harvesting a much larger portion of its ACL, and so certainly it was in the old amendment, and it's up for discussion now, if the committee would like it to move forward.

MR. GRIMES: The way I had looked at this, and I think the statute, Magnuson, says they have to have optimum yield, and that's ultimately our target in every fishery we have. An optimum yield is for the fishery, right, and, in this case, the fishery, as defined by the fishery management plan, is dolphin wahoo, and then, for each stock, you will establish an OY, and so you have the OY for the entire stock.

As I understand it, you want to have -- Then you divide that into sector ACLs, because I don't believe there is stock-wide ACL for this, and so, when you bust that OY into sector ACLs, and if you want one sector to harvest much less than that ACL, you set a catch target, and that's fully consistent with the concept of OY, which you're supposed to take into account ecological considerations, and you don't have to push it as close to MSY as you possibly can.

Generally, that's where it has gone, but you don't have to do that, and you want to make these ecological arguments for not doing it. What makes it a little odd in this context is you're only

doing that for one sector, and you're not -- So, somehow, you need to incorporate, into the concept of OY, the reduction on one sector and not the other, and that's where I see this as getting more convoluted.

MS. BECKWITH: Right, and we were getting a lot of comments that the recreational community was underharvesting their recreational ACL and that we were not achieving our optimum yield, and so the idea was, well, the recreational community does feel like we're achieving our optimum yield, because we are catching fish, but those fish that are not caught are being left in the water to allow for abundance and ease of encounter rates, and so, in order to make that okay, we had to redefine what optimum yield was for the recreational community, and this was the path that was given to us in order to be able to state that, hey, recreational goals are different than commercial goals. For commercial goals, we want to harvest everything we can. In some instances, for the recreational community, we in fact don't want to harvest every last fish. We want to leave some fish out there.

DR. CRABTREE: Remind me. The ABC now is based on like one of the highest years, and so the problem we're having here is that we have an ACL based on the high year, but that's not really what we want to catch, and we don't want to lower the ACL below that, because then we might trigger accountability measures, and so it seems to me what you're wanting is to set optimum yield at something that represents the average catch over recent years and the ACL based on that highest year.

I guess you can do that by throwing ACTs and all that into it, but it seems a little overcomplicated, to me, and kind of convoluted, but I think that's what I'm hearing here, is you want to set your ACL based on that higher allowable catch, which is what you think you could catch, but then what your optimum yield is is what you've actually been catching, which is quite a bit less than, and, if I'm understanding it, that's what you're trying to get to.

MS. BECKWITH: Yes, and I think the goal, again, was just to get away from the argument that the recreational community was underharvesting their ACL and that we were not achieving optimum yield.

MR. CONKLIN: All right, and so, in a fishery like dolphin, which is practically a yearly crop, I could believe the argument that the recreational wants to leave fish in the water, but I know that you've got a real high bag limit, and then you troll -- You go all the way out, and you want to fish as long as you can and catch as many as you can, and I don't see that leaving those fish in the water is a good argument for this fishery.

I can see grouper and longer-lived species, something that you take time and descend, but, I mean, when you whack it with a gaff or bring it in the boat and let it beat everybody on the shins, it's just not going to work, and so I don't believe that to be the case with dolphin or any of the pelagic species.

That's just my personal opinion and from my observations in seeing when people go out that far, and especially up in the Carolinas and all, and they want to maximize and fill their freezers, and that's OY for people in the upper part of the range, I guess, because that's what they are trying to do. They are not going out there to go release them.

MS. BECKWITH: Yes, and, again, I agree with you. I think, with the new MRIP revision numbers, we're probably catching a lot more than we thought we were.

MR. BREWER: I am kind of uncomfortable going forward with this until we see what the actual MRIP numbers are. If we find out that the recreational folks have been catching three-times what we thought they have been catching, and they've been catching it for ten years, then guess what? Our allocations are set right, and our ACLs are set right, and we don't need to mess with this, and then I'm comfortable because also -- Well, I'm uncomfortable, until we get the MRIP recalibrations.

MS. BECKWITH: Yes, I agree, and I'm going to let Tim go and Jessica go, and we don't have to take action on this. The SSC -- I think a lot of questions are going to be answered, and so you guys can simply take this as an introduction to the potential actions in Amendment 10, and we can take another hack at this in June with more information, and so let's call it an introduction.

MR. GRINER: Just to help me understand a little bit more, you could keep the OY equal to the ACL and then still have a recreational ACT that accomplished what you want, but you could take no action and OY is still going to be equal to the ACL and then come back have a recreational ACT that would only affect the recreational guys, and is that correct?

MS. BECKWITH: Yes and no, I think, because, if you set the optimum yield equal to the ACL, and the recreational community is not achieving their ACL, even if they're hitting their ACT, you're still not achieving optimum yield, and so not quite.

MR. GRINER: But couldn't their ACL be set to their ACT? Therefore, they will be reaching their optimum yield.

MS. BECKWITH: But, in order to set our ACL to our ACT, we would have to tie-in accountability measures. We don't want to tie-in accountability measures, but you have to tie-in accountability measures to hitting your ACL, and so, if you made your ACL equal to your ACT, then you have accountability measures, and that's not the intent. We're not trying to shut down the fishery for the recreational sooner than the potential to achieve that highest number.

MS. MCCAWLEY: Yes, I agree with both what Chris and Chester said, and so, first of all, I'm definitely concerned on the commercial side, since we had a closure in 2015, but I'm also -- I share the same concerns that Chester has, and so I don't want commercial to close again. At the same time, I don't think we know what the recreational numbers are, and so I just don't feel like I can contribute to a meaningful discussion on this until we know what the data are, because, just like what Chester is saying, maybe all of this is set correctly, and maybe this is kind of a moot point.

I heard you mention that maybe this is just an introduction to this amendment and maybe we come back to this in June, after the SSC has met and we have more information, and that actually makes me feel a little bit better, to hear you say that, because I was concerned about, okay, going all the way to scoping between now and June, and I just feel like there is so many questions. I just wanted to clarify that. Thank you.

MS. BECKWITH: All right, and so I'm happy to continue this discussion, but this is going round-and-round to nowhere, and so my suggestion would be to skip on to Action 7 and to have at least

some discussion on those, and then we can come back to these at a later date for further discussion. Maybe then, in June, we bounce all of these, but at least let's wait until June, after the SSC has had that discussion. Let's go to Action 7.

MR. HADLEY: All right, and so Action 7, kind of switching gears here, this was the action, as you may recall, to allow adaptive management of sector annual catch limits for dolphin, and this was also a previously-existing action in the amendment, and I will run through this, and bear with me, because some of these can get fairly -- Some of the alternatives can get fairly lengthy.

Alternative 1 is no action, and so the current allocation for the recreational sector for dolphin is 90 percent of the total ACL. The current allocation for the commercial sector for dolphin is 10 percent of the ACL. Alternative 2 is the common pool allocation, and so this alternative would set aside a portion of the total ACL that can be used by either sector as a common pool allocation.

There are four different sub-alternatives that have different amounts of what the common pool would be. Sub-Alternative 2a would be 1 percent of the total ACL becomes a common pool allocation, and the remaining total ACL is split between the recreational sector and the commercial sector, according to the current allocation. Sub-Alternative 2b would be -- The common pool allocation would be 2.5 percent of the total ACL. Sub-Alternative 2c would be 5 percent of the total ACL becomes common pool allocation, and Sub-Alternative 2d is 10 percent of the total ACL becomes the common pool allocation. The idea behind the common pool allocation is that either sector could draw from this allocation, if needed.

Alternative 3 looks at the commercial ACL and allowing potential rollover of unused ACL, and so, if the commercial ACL is not met in a given fishing year, the unused ACL may be carried forward to the next fishing year only, and so a one-year carryover, and the carried-forward balance shall not exceed a given percentage of the commercial sector's ACL, and this ranges to 5, 10, and 20 percent of the commercial sector ACL for Sub-Alternatives 3a, 3b, and 3c, and so, there again, looking at the commercial sector rollover of uncaught ACL.

Alternative 4 is very similar, but this is for the recreational sector, and so, if the recreational ACL is not met in a given fishing year, the unused ACL may be carried forward to the next fishing year only. The carried-forward balance shall not exceed a given percentage of the recreational sector ACL. In this case, there are three sub-alternatives where the carried-forward balance cannot exceed 1 percent, 2.5 percent, or 5 percent.

Alternative 5 looks at the conditional transfer of ACL, and so conditionally transfer for the next fishing year a certain percentage 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 first step is to choose that threshold of Sub-Alternatives 5a through 5d. The highest landings from the donating sector, based on available finalized data from the previous five years will be used as criteria to determine if landings are below the minimum landings threshold for this transfer to occur, and so that's sort of the trigger that causes the transfer to occur.

Looking at the conditional quota transfer, conditionally transfer 1 percent of the unadjusted ACL from one sector to the other. Sub-Alternative 5b would transfer 2.5 percent of the unadjusted ACL

from one sector to the other. Sub-Alternative 5c would conditionally transfer 5 percent, and Sub-Alternative 5d would conditionally transfer 10 percent.

Here again, getting back to that donating sector's ACL minimum threshold, the threshold -- The conditional transfer would occur if the donating sector's landings are -- Sub-Alternative 5e is less than 50 percent of its unadjusted ACL, 5f is less than 65 percent of its unadjusted ACL, and 5g is less than 75 percent of its unadjusted ACL. What we're looking at here is initially you have how much transfer of ACL can occur, and then, at the bottom, you're looking at how much one sector has to be underharvesting its ACL before a transfer could occur.

MS. BECKWITH: Alternative 5 was one that the Gulf Council originally introduced as an idea, and I think, when we were considering this one, it appeared that the recreational community was significantly underharvesting, and so this was intended as option for the recreational to lend over to the commercial. We can just leave it in until June, and we can start really cropping stuff in June, once, again, we have the ABC and everything starts becoming clearer to us, and I don't necessarily -- I am happy to discuss this action, and we don't need to. You guys can take it as an introduction, and, again, we can start working through these in more detail in June, unless you guys have something specific.

MR. BREWER: We got started on this when we thought that the recreational side was catching about 50 percent of their ACL, and that may not be the case, and it may be that the commercial guys, given the new numbers, won't want to do something like this, and so I personally think that taking a look at the number of fish that a person, a recreational person, can take warrants looking at, and I also, and I will throw this into the punchbowl, I really think we need to take a look at the trip limits, and I think that we ought to have about either a 3,000 or a 3,500-pound commercial trip limit on dolphin, and all this other stuff, quite frankly, I think, if you take those two steps, I think all of this stuff goes by the by.

DR. CRABTREE: Well, it does seem to me that this action is awfully complicated, and, really, we closed dolphin down one time in 2015, and we made some changes, and my understanding is we're not even coming close to closure in recent years, and so it seems to me this problem has been addressed successfully, as far as I can tell, and so I'm fine with waiting until June, if you want, because I have a hard time wrapping my head around all of these things anyway, but it does strike me that this really isn't necessary at this point.

MS. BECKWITH: It seems to me, if we were going to consider anything in this action, Alternative 2 and 3 might be worth some further discussion, when we've got some additional information.

MR. BREWER: Roy, remember that it was stated, when the original fishery management plan went in, that there was no need for trip limits at all, and that's what got us into a bad problem with the commercial guys, because, in Florida, we're very dependent upon that fishery for our local restaurants and our fish houses, and the commercial guys supply an absolute premium product that you can get a lot of money from from our visitors from up north, and I don't want to see a repeat of what happened in 2015. I really don't, and so that's the reason I'm talking about a hard trip limit from the get-go.

DR. CRABTREE: Well, but let's remember that I think that original plan was put in place in 2003 or 2004, and we went over a decade without a closure, and so there really wasn't a need for a trip

limit, and, if you put an overly restrictive trip limit in place, you're going to cost the fishery more money over the years than the closure, if it only occurs every decade one time, and so I think it's more complicated than that, but it seemed to me, that in the original plan, there really wasn't a need for a trip limit, because we went for a long time without having an issue there.

MS. BECKWITH: We do have a trip limit in place currently, which is 4,000 pounds when we reach 75 percent, and we did put that in after that June 2015 closure, to assure that the hook-and-line fishery would be able to retain enough to not have a closure, and some of these other actions that we were discussing were sort of an extra cushion, an extra assurance, some of these rollover options, and it was intended to make sure that the commercial fishery did not close in a year of high abundance.

MR. HEMILRIGHT: Mine and Chester's memories are sometimes a little different, but it's good that we get to explain it. In 2015 -- Normally, and I might be wrong, a plan doesn't sit on a desk, somebody's desk, for eight or nine months before it's acted on. Had that happened, we wouldn't have been in that conundrum that happened in 2015, and this council hasn't addressed the council boats, a way to identify what they are catching, and we implemented, this council did, that I sat on this committee, a step-down of 75, and then you went to your 4,000-pound trip limit.

You are under the assumption that there is no way on God's green earth that the recreational caught this much mahi, that it just ain't possible, and maybe we need a stock assessment for mahi, because one thing I have learned through a stock assessment is we were able to argue, despite the number for MRIP, with blueline tilefish, and they changed it. It got changed, because nobody believed it, and so it looks like to me that the only way to change this belief and these spikes that nobody -- I don't believe the recreational industry has caught fifteen-million pounds of mahi. It just ain't possible, biologically, when I hear all these letters and stuff from south Florida and different areas, and I read in comments that we ain't got no mahi, and so how can that be?

I think this thing needs -- I mean, this MRIP stuff is serious stuff for both sides, allocation issues, historically, and stock assessments, but, until that is addressed, why are we going down this rabbit hole? I mean, look at the catches of mahi this past year for commercial, but, I mean, you've got to buy into that MRIP to believe that smoke and that Kool-Aid, and I ain't even close. Thank you.

MR. BREWER: Dewey, I was somewhat involved in my -- I don't think my memory is that bad, because, if you take a look at what was the original intent in the fishery management plan, it was that -- You can go back and read the minutes, and I have, and the intent there was to discourage the development of a longline fishery directed at dolphin.

Now, the compromise that we reached does not accomplish that end, because, until you reach the 75 percent, you can longline the devil out of the dolphin, and so that's the reason that I am proposing and that I truly believe we should go back to what was originally in the fishery management plan that was put in there to discourage the development of an industrial fishery on dolphin.

MS. BECKWITH: Let's keep it civil.

MR. HEMILRIGHT: If you go look over the last five years, and if we had the landings here, there might be one or two vessels in five years that landed 25,000 pounds a vessel, and, if you looked at

how many days that vessel is out there, he might have had a thousand or fifteen-hundred pounds. Your industrialized ain't what I consider industrialized fisheries off of our coast here, and you look at the size of the fish that they're catching, and you look at the size of the hook they're catching, and, in 2000 -- In 1997, I attended my first meeting in Charleston, South Carolina, because the commercial industry caught, longliners caught, 1.6 million pounds or something, and the world was going to fall.

Since that period of time, the data -- When I read comments that is posted to this council, the data that's in the file doesn't come close to reality of what the person that's giving comments say, but that's what is great about it, is we can say anything we want in the comments section, and so it's not close to reality, but, until you address this recreational and these numbers that are not even believable, ain't even close -- You would have to walk on water for the mahi, and so, all these years, when the price of fuel was \$4.00 a gallon, or \$4.75 or \$5.00, they are catching all these mahi?

No, but, yet, nobody wants to address it, because it's the perfect thing. The National Academy of Science got awards for MRIP and all these other things, but I know one thing. In SEDAR, when we put a number up there of 32,000 discards north of Cape Hatteras from the charter boats, it got smoothed down, by best practices, from the SEDAR process down to 1,600 fish, and so maybe we need a stock assessment for the mahi to be able to smooth these numbers over to commonsense and best practices before we continue going down this route.

The historical, in the last fifteen to twenty years, for the recreational side, longline and hook-and-line, has been about 1.5 million pounds. If you got that, you kept fishing. With that stepdown, I think that that's going to work, but -- I know you don't like longlining, but I can't help that, but, when you go look at the data from the longlining and what they do in the different configurations, it's not the bycatch in some other types of longlining that is pursued, and so it's a relatively short, May and June, fishery, and it's supplying Americans with fresh seafood, the same as in Florida or New York or anywhere else, and it's 10 percent of what you take, and now it's like 5 percent of what you take, with these blown-up numbers, but, I mean, we need to be able to access fish also, whether it's your thoughts on industrial fishing or going out there and catching 5,000 pounds or 3,000 pounds or 10,000 pounds over five or six days, and it's just we need that access too, and there is plenty of fish there, but that's why I recommend something to do with having a stock assessment for these mahi. That way, you will be able to smooth over these blown-up numbers, because they are just not possible.

MS. BECKWITH: Before I go to Chris, because Dewey discussed the potential for a dolphin stock assessment, and we received public comment from the American Bluefin Tuna Association requesting that we discuss the option for a stock assessment for dolphin, is there anyone out there that can come to the table and talk to us about the option for a stock assessment for dolphin, just so we can have it on the record and where that potential might be and the realistic timeline that that would pursue, given the data that we have?

MR. CARMICHAEL: I can tell you what we've done in the past, and it's come up before the council and been raised at the SEDAR Steering Committee, and there was discussion within the Science Center about doing that, and they came back and said that that probably wasn't really appropriate, given the worldwide spread of this stock. We in the U.S. don't just have access to

that stock and that some international entity, such as ICCAT or something, might be appropriate, and that's back before Clay had taken over, and it's when Bonnie was at the Science Center.

There was discussion about going to ICCAT and seeing if it was a possibility to do that, and I don't know if there's been any more progress at the time, and we didn't hear a whole lot, and it didn't sound like this was likely to be a big priority at ICCAT, and so it is tough to figure out how to assess them. We also have concerns, which were noted in the letter that Gregg copied from last January to Chris Oliver about the issues with the Act and everything, and, if you read that and have refreshed yourselves on that, you notice it mentioned dolphin and about dolphin maybe not being subjected to some of these rules, because it's virtually an annual crop, which kind of plays into how do you go about assessing something like that.

There was an attempt to assess them by Mike Prager many years ago, and he tried to do a production model, and there were a lot of data needs that were going to have to be addressed before he felt that you could get a reliable assessment, and I doubt that we have made a lot of progress in getting things like a good survey of abundance of dolphin, which is the kind of stuff you're going to need to do say a production model, and so I am just not real optimistic of getting an assessment that is going to meet the standards for best scientific information or even the standards of the SSC to say we think this gives us an estimate we can use for management advice, particularly given the standard that's being applied to those assessments.

We saw in our revision assessments, with that webinar on Monday, a pretty tough bar being applied to those, but I think that you can go through a data evaluation without having to go through the full assessment effort, and that's something that the SSC mentioned, about wanting to go through these revised numbers in greater detail, and they suggested having a workshop, and we'll talk more about this when we get to the SEDAR Committee, but the thought is, if you're going to have to go through that level of scrutiny for your assessed stocks, where you've got lots of other sources of data to temper the impact of a point or so, or even the overall increase across-the-board, you're going to have to do even more due diligence to use those numbers for our data-limited species, where it's the only information you're doing. I think I agree with the SSC about the need to get into these in detail, and it's not just for the assessed stocks. It's going to be for every managed stock, and Clay might be able to say more about getting to actually an assessment.

MS. BECKWITH: Right, and I was going to go over to Clay and see if he had anything to add, because I suspect that ICCAT will not be picking up dolphinfish anytime soon.

DR. PORCH: John was actually pretty thorough in his response, but that's exactly right. The problem is the stock is pretty widespread, and a lot of countries exploit it and not just the United States. Even within the United States, you've got your jurisdiction with three councils, and so getting the data is problematic, and we don't have an index of abundance, and so we would rely on longline catch per unit effort, like we do for many other HMS stocks, and so I won't say that it can't be done, but we really need to embark on a multinational effort if you're going to do a full stock assessment, and then that probably means ICCAT.

MR. DILERNIA: I understand the difficulties in conducting this assessment. I also can't help but wonder about how we in the Mid are able to assess say illex squid, which is about an eighteen-month or so population, and you described mahi as an annual stock. Well, illex squid are very

similar. One has got a backbone and one doesn't, but, as far as their population dynamics are concerned, are similar.

I am not an assessment scientist, and so I can't say for sure, but I was just wondering if we can't draw some parallels between like what we do with illex, which also we do a localized assessment, and illex are global, yet we do a localized assessment of the stock, and we're able to set some quota on illex, and, again, they are global, and so, with mahi, we do a localized assessment, and perhaps you could do that for mahi, and the illex live for eighteen months, and mahi are annual, and perhaps there is something there that can be learned or developed from examining how the Northeast Fisheries Science Center assesses illex squid. Thank you.

MR. CARMICHAEL: I suspect one thought that comes to mind is that's predominantly a commercial fishery, and they probably have more confidence in their effort measures and their CPUE within that fishery than we do in dolphin, with the 90 percent recreational component. I think that was one of the concerns in the Prager assessment, because now it's that uncertain MRIP data is the whole ballgame, but, just off the top of my head, that's probably the biggest thing, because I don't imagine there is a lot of squid surveys out there either, but I could be wrong.

MS. BECKWITH: All right. Are there other concerns or comments on this? Okay. As we move forward, I am going to suggest that we skip Action 8, which is basically tied to choices that we're going to make in Action 7, and come over to Action 9, which is talking about allowing bag limit sales.

MR. CONKLIN: I wanted to go back to 7. Before we started the other chat, before that other one, before the one before that, we were talking about whether that needed to be in there, all of this stuff about sharing the allocation and stuff, which could be very useful with other species, but, to what Roy was saying about the step-down and the little bump in the catch, and it's not looking so close, and we haven't had the problem, and it's not foreseeable that we will, and the cost and the burden associated with doing all of this, and I agree, and I don't really think that it needs to be in this document, and so I would like to remove Action 7 from the document.

MS. BECKWITH: You are certainly welcome to make any motion, but I will make a comment if you get a second.

MR. CONKLIN: Please comment.

MS. BECKWITH: My personal preference would be not to remove Action 7 at this time. I think there's a couple of alternatives that we might find might be beneficial to both recreational and commercial. That Alternative 2 and 3, allowing a carryover for one year, might prove to be something worth discussing, and so, if there was a particular alternative that you would like to remove, I think that would be okay, although, I think, in general, my preference would be to start ripping this one apart in June, once we have the SSC's feedback, but, if there's one particular alternative you despise and want to get rid of, but I'm not quite ready to bounce the entire action.

MR. CONKLIN: It it's your intent that we don't approve this for scoping at this meeting, then I won't make that motion. Thank you, Madam Chair.

MS. BECKWITH: Thank you, Chris. Okay, and so let's have some fun with Action 9.

MR. HADLEY: All right. Moving on to Action 9, and, just to keep this in mind, this is a request from -- Well, it originated from a request from the New England lobster fishermen regarding allowing the possession of dolphin, in particular, onboard while lobster pots are also onboard on well, since lobster pots are not an allowable gear in the fishery.

With that in mind, Action 9 would properly-permitted commercial fishing vessels with gear onboard that are not authorized for use in the dolphin wahoo fishery to possess dolphin and wahoo. Currently, the only authorized gears are automatic reel, bandit gear, handline, pelagic longline, rod-and-reel, and spearfishing gear, including powerheads. A person aboard a vessel in the Atlantic EEZ that has onboard gear types other than authorized gear types other than that list may not legally possess dolphin or wahoo.

There is three other alternatives here, and they're all aimed at potentially allowing possession of dolphin and wahoo when non-authorized gears are onboard. Alternative 2 would allow 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 and wahoo with rod-and-reel while in possession of lobster traps. A person aboard a vessel in the Atlantic EEZ that has onboard other gear types that are not authorized in the fisheries for dolphin and wahoo may not possess a dolphin or wahoo. Really, this is a very tightly-tailored solution to allow an exemption for lobster traps to be onboard a vessel and for dolphin and wahoo to be possessed.

Alternative 3 and Alternative 4 are slightly more broad options. Alternative 3 would allow the possession of dolphin or wahoo on properly-permitted commercial vessels with gear types onboard that are not authorized in the dolphin wahoo fishery. The amount of dolphin or wahoo allowed onboard cannot exceed a certain percentage of the total commercially-harvested species onboard by weight, and so this is kind of looking at a bycatch provision by weight.

Alternative 4 is very similar. However, in this case, the amount of dolphin or wahoo allowed onboard cannot exceed an incidental limit. This limit could be -- This is essentially adding a trip limit or potentially a certain number of fish, and, for Alternatives 3 and 4, as far as fleshing these out, it would be helpful to have some guidance, as far as some sub-alternatives for Alternative 3 and Alternative 4.

MR. CONKLIN: This came to us a few years ago, before you were with us, John, and I remember -- I think it was Dr. MacLauchlin who presented us with some options in here, and one thing that's missing is the black sea bass pot fishermen. They are faced with that burden as well, and so wouldn't we need to include them as well?

MR. SAPP: I think if we get rid of -- Was that Alternative 2? If we get rid of that and just go with Alternative 3 or 4, where we're not specific to any fishery, such as my guys in Florida that are commercial sword fishing with buoy gear, and they would love to be legally retaining dolphin-type species that they right now cannot, and so we can pick a preferred here and then set a trip limit, a reasonable trip limit, and we're there, right?

MS. BECKWITH: We will come back to that. Go ahead, Jessica.

MS. MCCAWLEY: A couple of things. One, what about black sea bass traps? I was wondering if Alternative 2 -- That we can change that up so it's not just lobster traps and maybe black sea bass traps as well, and my other concern is -- I have some concerns about Alternative 3 and 4, and the same concern that the IPT mentioned, that it might go beyond what the original intent of the action is, and so I was kind of going in the opposite direction.

MS. BECKWITH: Yes, and that's what I was going to point out, was that the IPT had discussed some concerns of Alternative 3 and 4 being too broad, and it might have some consequences that we had not yet thought of, but I agree with the black sea bass. Rick, this came from your crowd, and so do you want to speak to this?

MR. BELLAVANCE: Thank you, Madam Chair. Basically, it's sort of like it's described in the letter from David Borden. This is a fishery that is an add-on to the lobster fleet up in New England, and I do appreciate the comments on the black sea bass pots. There are some fishermen up in our area that fish with black sea bass pots, and, occasionally, in the month of August or September, there is an opportunity for them to harvest a couple of mahi in addition to their day's catch, and so it would be helpful if that was included, from our perspective, but it's just basically money for the crew, a few extra fish here and there, and they're hopeful to be able to include this in the document.

MS. BECKWITH: Were your guys looking for an incidental limit of 200 pounds, or were they looking for a regular trip limit for being dually-permitted, which would be basically no trip limit on dolphin? What was the preference and the intent?

MR. BELLAVANCE: Right now, I think the approach that they're taking is they've just gotten rid of their dolphin permit altogether, and they're using that 200-pound incidental catch, which is less than what they can harvest, and it didn't seem to me, from the conversations that I had with the folks around my marina, that there was this 10,000 or 15,000-pound trip limit that was necessary, and so that 4,000-pound cutoff that you guys have at 75 percent is an incidental amount that would probably work for them, but I think the 200 is lower than what would be applicable for them.

MR. SAPP: I think we could get past a concern over some large-scale fishery creeping in inside of Alternative 3 or 4 by just setting a low trip limit, a 600 or 800-pound trip limit. These guys are rod-and-reel fishing anyway, and that's what I'm concerned about, and it sounds like, by the definition, so are they. They pull up on their pot and there's a few swimmers there, and they catch them or whatever, and, with an 800-pound trip limit -- Nobody is going longlining for 800 pounds, or whatever other style of fishing.

MS. BECKWITH: Okay. Any additional thoughts? I am hearing that, in general, Alternative 2, but maybe with some sub-alternatives for specific trip limits. Is that -- Alternative 2 is more specific to the pots, and 3 and 4 open it up to some potential unforeseen circumstance that we have not all thought about yet, and so I think, if we did Alternative 2 and added in the black sea bass exemption and then added in some trip limits, it might be a prudent way forward, at least as an alternative to consider, and then we can work through Alternative 3 and 4 in addition to that.

MR. SAPP: Again, I'm speaking more for my region and some guys that are being excluded from a dolphin fishery that would like to be able to get back in. If we're letting some folks in, they would be really irate if they were not considered, at least, in this exemption.

MR. CONKLIN: Keeping with the definition of OY for commercial fishermen, I don't see any reason that you would constrain a catch for a fisherman that doesn't need to be constrained until 75 percent of the quota is met, and so I would just -- I wouldn't be in favor of putting any trip limits on anybody. I mean, the scenario is -- This will probably never happen, but, I mean, why do you need to constrain the catch because they have a trap onboard? I mean, they're not catching the fish with a trap, and they can't get that many of them.

MS. MCCAWLEY: Maybe you said this, but, when you were repeating what we might do and change up in this action, did you say that we were adding black sea bass to this? I missed that.

MS. BECKWITH: Yes, my intent was to add it to the Alternative 2, but we may need to add it to another --

MS. MCCAWLEY: Thanks.

MR. HADLEY: If I could just summarize what I am hearing and direction to staff for Alternative 2, we could re-word that, where you are allowing exemptions for specific gears, and so, as it's just worded now, it's just for American lobster traps. What we could do is we could add sub-alternatives to that that allow exemptions for lobster traps, potentially black sea bass pots, and then maybe buoy gear, and that's one way we could handle it, and so it would be a Sub-Alternative 2a, 2b, and 2c, and we could always add more gears in June, and that might be a way to tackle this.

MS. BECKWITH: Yes, that's a good way forward.

MS. MCCAWLEY: Yes, and, also, it appears that we're talking about American lobster, and are we not going to also consider spiny lobster or stone crab or something of that nature? I thought that this was all lobster, but apparently it's just American lobster.

MS. BECKWITH: Is that an ask from the Florida lobster guys? Are they putting traps out and then going dolphin fishing, or are we just trying to be all-inclusive here? I think the original intent was to clean up a specific request, rather than start opening it up to all sort of potential, but we certainly can do whatever the committee desires.

MR. HAYMANS: This is similar to what John just suggested, but I was going to say that we take out American lobster and it's all federally-permitted trap fisheries, which would be inclusive of several other things, and perhaps they could be listed as sub-alternatives, but --

MS. BECKWITH: Okay.

MR. BELLAVANCE: Just one suggestion that I would offer of a wide range of trip limits, if you're going to go down the road of trying to get an incidental trip limit for this fishery, and I'm not 100 percent sure on what they would consider a top line on their trip availability, and just a pretty wide range, if you get there. Thanks.

MS. BECKWITH: Sure. Understood.

MR. GRINER: I had a couple of questions. Most of your guys are -- They are pulling pots on a daily basis and then going back home, and is that correct?

MR. BELLAVANCE: These are mostly trip boats that we're talking about. For five to ten days, they're offshore in the canyons fishing, a hundred miles from port, and they're fishing throughout the day, trolling a pretty far distance from trawl to trawl as well, and so they'll put out some trolling gear to get from one spot to the other, and the boats only go eight or nine knots anyway, at top speed, and so it's a combination of fishing around the buoys and then trolling from trawl to trawl over a multiple-day trip.

MR. GRINER: Thank you, and I had one more question for Art. Art, I was a little bit confused on what you were asking. You were asking something about tile fishing?

MR. SAPP: The current commercial hand gear, buoy gear fishery, in south Florida, commercial swordfish hand gear buoy fishery deal, we're not allowed to have anything but those swordfish on the boat, and the dolphin are excluded from our deal, and it's very frustrating, and we would like to be able to have the same deal. Most of the commercial boats are quite slow. We troll in and out, and, especially in the morning, when you're doing your haul-back, you have quite a few dolphin encounters, and they would like to be allowed to keep them.

MR. GRINER: So you can't have a swordfish permit and a dolphin wahoo permit?

MR. SAPP: You can have them, yes, but you can't target dolphin with your buoy gear on the boat. If your buoy gear is on the boat, you are strictly doing that, currently.

MR. GRINER: Does that hold true for all snapper grouper species? Does anybody know?

MR. SAPP: I don't believe that's the case on snapper grouper, but it is the case on swordfish.

MR. GRINER: Thank you. That's why I was confused.

MR. HADLEY: If I could, really quickly, that relates back to this list of allowable gears that is in Alternative 1, and buoy gear is not specifically listed there, and so, if it's not listed, then it's not authorized in the fishery, and so that is, I think, what we're getting at with the mentioning of the buoy gear.

MS. BECKWITH: Well, that was one of the reasons we were trying to do exemptions instead, because we don't want to add -- There is a difference between adding them to allowable gear for dolphin and then allowing an exemption for other fisheries to be fishing for dolphin with allowable gear, and so we're not changing the allowable gear, per se, but we're just making exemptions for other permitted fisheries, and so I want to make sure that everyone is clear on that. We're not adding traps to allowable gear for fishing for dolphin, and we're not adding buoy gear to the allowable gear for dolphin, and that's not the intent. The intent is you are allowed to fish with these gears for dolphin, but, if you're properly permitted and have these other gears and are fishing for those species, then that's okay.

MR. GRINER: Yes, that's what I was trying to clarify, was that we're not trying to change adding new gear.

MS. BECKWITH: We are not adding new allowable gear to the dolphin wahoo fishery. Okay. With that clarification, where are we, because I am hearing, under Alternative 2, do sub-alternatives for specific fisheries that we want to exempt from this restriction, which would be, I guess, my personal preference, rather than just opening it all up, and so that's one thing I am hearing, potentially. Two is, if we want to add any trip limits, or do we want to allow the standing trip limit of no trip limit until we hit seventy-five pounds to apply to these exempted fisheries, and so I need feedback on that.

MR. CONKLIN: Just one question for Rick. There is a trip limit in place for dolphin in your region, and is that correct? Is that why there is wording in here for sub-alternatives?

MS. BECKWITH: There is a 200-pound incidental catch limit for anybody north that doesn't have a permit, and so their maximum is 200 pounds of dolphin if they do not hold a commercial dolphin wahoo permit.

MR. CONKLIN: Okay. Well, back to my comments earlier, and I didn't realize that, and maybe that's my own fault, but I do recall that now, but, if they have the dolphin and wahoo permit and a trap onboard, why the hell would you give a trip limit? It just makes no sense to me.

MS. BECKWITH: I don't know, Chris. Why the hell would we? Do you want to or not? Does anybody want to? Is there any interest in exploring trip limits for this, besides the standing trip limit for a dolphin wahoo commercial permit? No? Great. Done. Sub-alternatives under Alternative 2 for all of the exempted permits. Is there any other -- Do we need a motion to add those sub-alternatives, or is that direction?

MR. HADLEY: I think we can take that as direction to staff. As far as Alternative 3 and 4, I'm not sure if the baseline discussion of the committee wants to keep that in there, but that might -- We could use some direction on that as well.

MS. BECKWITH: Okay.

MS. MCCAWLEY: I would like to see them out.

MS. BECKWITH: Is there a motion?

MS. MCCAWLEY: **Yes.**

MS. BECKWITH: Okay. Is there a second? David seconds. Is there any additional discussion? No? **Any opposition? Seeing none, that motion carries.**

Is there any additional discussion on this action? Seeing none, we are ready to move on, as soon as John is.

MR. HADLEY: Moving on to Action 10, and this should be a fairly quick one, this would remove the requirement for a vessel operator or crew to hold an operator card in the dolphin wahoo fishery, and, here again, this is another existing action from Amendment 10, or previously-existing action. Currently, an Atlantic charter/headboat for dolphin wahoo permit, and so for-hire permit holder,

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. Alternative 2 would remove the operator card requirement for the for-hire sector, and then Alternative 3 would remove the operator card requirement for the commercial sector.

Just, very quickly, the only other fishery that the South Atlantic manages that requires operator cards is the rock shrimp fishery, and the intent was to improve enforcement and aid in data collection, and it was also intended to decrease the cost to vessel owners from fisheries violations and make vessel captains more accountable for if they were to commit violations, and there was a discussion of this action at the March 2016 council meeting, and NMFS Law Enforcement gave a presentation on operator cards, mentioning that, currently, the operator cards are not used for gathering data and distributing information or enforcement, to a large extent.

MS. BECKWITH: Okay. I'm hoping that we feel no need to discuss this, as this council has discussed this over and over and over again, but would anyone like to comment on this? No? Good. Let's move on.

MR. HADLEY: All right. Moving along, Action 11 is allow bag limit sales of dolphin for dually-permitted for-hire and commercial permit holders, and so this is a new action that was added. Currently, bag limit sales of dolphin landed from a vessel that is issued a for-hire dolphin wahoo permit are prohibited if operating a trip under a for-hire mode. If the vessel is also issued the federal commercial permit, dolphin landed from the vessel may be sold if not operating under a for-hire or private recreational mode. Alternative 2 would allow bag limit sales for properly-permitted vessels, regardless of whether on a commercial or a for-hire trip, and Alternative 3 does the same thing, but for vessels landing in Florida only.

A very quick discussion is this -- As mentioned, this was added at the December meeting, and, really, the Alternative 3 was added for Florida only, the rationale being that this alternative was encouraged for discussion, based on the Dolphin Wahoo AP's recommendation, and the IPT really had varying opinions on this alternative, as far as whether or not to include it, but just, as a reminder from a while back, at the April 21, 2017 meeting of the Dolphin Wahoo AP, they passed two motions to reinstate for-hire bag limit sales in general throughout the management unit as well as in Florida only.

Really, the discussion regarding Alternative 3, there is no set numbers of alternatives that need to be included, and so all reasonable alternatives that meet the purpose and need should be included. Having two alternatives, however, is acceptable, and, if Alternative 3 remains in the amendment, it would be beneficial to get some rationale on why Florida was selected and not other states. As mentioned, this was a recommendation of the AP, and the alternative may run afoul of National Standard 4, in that conservation and management measures should not discriminate between residents of different states. With that, I will turn it over, but, really, we're just looking for whether or not to include Action 11 in the proposed range of alternatives in the amendment.

MS. MCCAWLEY: I would like to see this action stay in this amendment.

MS. BECKWITH: Anyone else?

MR. HAYMANS: This is the only fishery that we would allow sales in, correct? We don't allow them in any others, correct?

MS. BECKWITH: Correct. I in no way want to encourage us to wrap ourselves around the axle on this one, and so I am not hearing that we want to bounce this. I am hearing that we want to retain. Are the alternatives as they need to be at this moment in time?

MR. GRINER: It seems like we could get rid of Alternative 3.

MS. BECKWITH: Okay, and so it would be an all or nothing. Okay. Do we need a motion to get rid of it, Alternative 3?

MR. HADLEY: Well, it's not accepted into the amendment just yet, but it would be helpful to add Action 11, potentially a motion to add Action 11, with Alternatives 1 and 2 kind of specifically -- Direction to staff as far as what to add.

MS. BECKWITH: Yes. Okay, and so, as John said, if you guys are okay with this, then we would need a motion.

MS. MCCAWLEY: **I move that we add Action 11, Alternatives 1 and 2, to the document.**

MS. BECKWITH: It's seconded by Art.

MR. HEMILRIGHT: Refresh my memory a little bit. Whose quota, potentially, was this coming off of? Second, how is this being tracked by the sale, besides selling to a federal dealer? How is it being tracked from that vessel as being sold, and is there room on the electronic logbook that says I sold this amount or something like that? How is the tracking part?

MS. BECKWITH: Those are all fabulously excellent questions that we will have to battle out the details of if we continue to move this forward, but we're certainly welcome to have some of those discussions now. Does anybody want to -- I mean, the assumption would be that the quota would eventually somehow come out of the commercial, even though it's recreational catch, or you would have to figure out some way of accounting for that, moving the recreational ACL over. I mean, we don't -- We're not doing this at the moment, and so we don't have a plan on how this would happen.

MR. HEMILRIGHT: It's just curiosity questions, and it's kind of like cart before the horse, but it's all right.

MS. BECKWITH: No, those are all great questions that we would have to -- How is it being tracked and how would the electronic logbook handle this, and would there be -- Would MRIP be able to account for this type of thing? Would the trip tickets have an additional space that says these are recreationally-caught fish, so they are counted different? I mean, these are all -- This seems simple, but this particular action is going to be extraordinarily complicated, if we move this forward, and so who has comments?

MR. SAPP: I just wanted to say that all of that has been thought about, but it's not really necessary at this moment. We want to get it pushed forward, to where we can really get into the nitty-gritty

in June, and I don't want to make the assumption that it's coming from the commercial end at all. I don't even want that to be stated yet, until we have ground it out in June.

MS. BECKWITH: If they enter commerce, they are commercial, and so that is -- Eventually, we will have to deal with how to make that equitable and fair, but, if they enter commerce, they are commercial.

DR. CRABTREE: You're right that if they're sold then, according to the statute, it's commercial, but that does not necessarily restrict which ACL they are counted against, and so I think that is something you will have to figure out.

MR. GRINER: I just wanted to make sure that I understood what Roy was saying, because that was my question. There is a way, Roy, that, even though it's entering commerce, that it can be taken out of the recreational ACL, and is that correct? I mean, you guys could do that, right?

DR. CRABTREE: I would think there is a way you could do that. Whether we can do it from a practical matter or not, I don't know, and it will create problems with tracking and figuring out that you're not double-counting and all those kinds of things, which will be complicated, but I don't think that you're required to count them against the commercial quota. I think you have some flexibility on how you handle that.

LCDR MONTES: This whole thing kind of reminds me of what we've been having a problem with in HMS, where we've got people who are walking the line back and forth between selling their fish commercially, and hence being held to the commercial fishing vessel safety standards and not, and so that's going to -- I see where everybody is going with this, but I caution how we get there, to make sure that we're not going to all of a sudden put an undue burden on all these charter vessels, in that they're going to now be required to follow those same standards.

MS. BECKWITH: Right, and I think that's one of the reasons that this would be retained to dually-permitted, so that those vessels are already complying with the Coast Guard and safety standard regulations.

MR. DILERNIA: In November, the Mid-Atlantic Council conducted a workshop, in which we examined the fact that there were a number of for-hire vessels that perhaps were engaged in the sale of HMS species that perhaps did not have or comply with commercial fishing vessel safety standards for a Coast Guard sticker, and the proceedings of that workshop will be finalized at our April meeting, but there seemed to be quite a bit of agreement that if a vessel was engaged in the sale of fish that they would have to comply with Coast Guard standards for a commercial fishing vessel safety sticker, except in the case of inspected vessels, which have already met significant safety standards, and so that was a matter of discussion. The Coast Guard participated in that meeting, but the results of that workshop will not be available until after the April meeting of the Mid-Atlantic Council. Thank you.

MR. CONKLIN: I have concerns with whose quota would these fish come off of, and I know nobody is a big fan of it here, but the only way I could see it work is if they got their own slice of the pie and it came out of their quota.

MS. BECKWITH: Anybody else? Okay. Any additional comments? No? We're good. Okay. We'll pick this discussion back up in June, but I think we've noted some of the future topics for discussion and figuring out how to move this forward, if that's the will of this council. Did we vote on this motion? We did get a second though, right? Who was the second? Art. Okay. **Is there any opposition to this motion? One opposed. Any abstentions? No? Okay. The motion passes.**

MR. HADLEY: Moving along to Action 12, this is another new action for the amendment, and it's to modify the recreational vessel limit for dolphin. Currently, there is a daily bag limit of ten dolphin per person, not to exceed sixty per vessel, whichever is less, except onboard a headboat, where the limit is ten dolphin per paying passenger.

There is Alternative 2, where the recreational daily bag limit would stay the same. However, the vessel limit would potentially be reduced, with the exception of on headboats, and so Sub-Alternative 2a would be forty dolphin per vessel, and Sub-Alternative 2b is forty-two dolphin per vessel, Sub-Alternative 2c is forty-eight dolphin per vessel, and Sub-Alternative 2d is fifty-four dolphin per vessel.

Just as a reminder of where these numbers came from, there was direction to add to this action to the amendment and also further guidance to consider an additional range outside of forty fish that focuses on vessel limits divisible by six, and so that's where these different sub-alternatives come from.

MS. BECKWITH: Yes, and I'm happy to take comments on if these numbers look right for consideration, and then I have an additional something to consider.

MR. DILERNIA: My question is how are we defining a headboat? Are we defining a headboat as an inspected vessel carrying seven or more passengers for-hire, or are we defining a headboat as any vessel carrying passengers for-hire?

MR. HADLEY: I would have to get back to you on that. I'm not positive, but it certainly would be above a six-pack, and so seven or more.

MR. DILERNIA: So an uninspected vessel, which is six passengers or less, would not meet the headboat specification, and so that would be forty, forty-two, forty-eight, or fifty-four, whatever those numbers were, whereas an inspected vessel, which I guess we're calling a headboat seven or more passengers, would then be limited to ten dolphin per paying passenger, and is that correct?

MR. HADLEY: Yes, I believe so.

MR. DILERNIA: Thank you. I just wanted the clarification. Thank you.

MR. BREWER: That was certainly the intent of what was going on here, what you just described.

MR. DILERNIA: Jessica, you're not going to like what I'm about to say, but I think what you're starting to do is, once you start to separate the six-packs from the headboats, there is some separation of the different sectors, the headboat sector and the charter boat sector.

MR. BELLAVANCE: Just to add to the conversation, up our way, we've got a handful of charter boat vessels that are inspected, like Tony was speaking to, that carry seven or eight passengers, and so they're not really what we consider a typical headboat. They operate like a charter boat, but they would now be subject to a different set of rules than all the other guys on their dock, and I can see that being problematic, and so it would be my suggestion to just make it charter/head boat, and then that kind of covers it, right?

MS. BECKWITH: Well, and I was going to add a suggestion. I know that Florida is quite interested in seeing a chance to the vessel bag limit, and North Carolina is not, and so I was going to suggest that we put in some additional sub-alternatives under this Alternative 2 that specifies the states, and you guys would be carried with us, and so whoever wants to participate in this, but North Carolina north would not -- They would have the opportunity to not reduce their vessel or bag limit, and Georgia and South Carolina could choose accordingly, but that would be my suggestion. My direction to staff is to add some sub-alternatives, and so, within this discussion, the individual states can choose according to their needs. A little regional management.

DR. CRABTREE: Can you refresh my memory as to why we need to even address this? I mean, what is the problem that this is intended to address? They are not catching their ACL, the recs, and the --

MS. BECKWITH: I think Florida would have to address their concerns, because they have separate concerns than what North Carolina does, and so, Jessica.

MS. MCCAWLEY: I would look to Art. Art was the one that explained it the last time.

MR. SAPP: Well, one, we do have an issue in the Keys right now. These guys are screaming about the reduced fishery, or the reduced quantity of fish they've been seeing over the last few years, and the quantity of fishermen that hit the ocean every day down there is so much greater than in so many of the other states. It's just a conservative mindset.

The biomass, for lack of a better term, has been phenomenal, north of the Keys. We're seeing unbelievable quantities of fish. However, the size isn't all the wonderful. The schoolies are still smaller than they used to be back when I was younger, and so it would be nice to see these fish get a little bigger, and potentially reducing the amount of fish taken would hopefully maybe give us a bigger stock, or a larger fish to target, but, listen, I'm seeing the writing on the wall that the support isn't here, and so I don't want to waste any more time than we have to here. Do what you all want to do, and we'll support it.

DR. CRABTREE: I mean, I've talked to the guys in the Keys, and so I've heard their concerns about they're not seeing the fish, but bear in mind these are highly-migratory fish, and I suspect it's not that the stock is depleted, but it's that the fish are somewhere else, for whatever reason, and so I'm not sure that the connection between the two is there and that this would reasonably be expected to make much difference, but it's up to you.

MS. BECKWITH: I don't have a problem with Florida trying to move a reduction in bag limit. I mean, you guys have a significantly higher population of charter fishermen down there, fishermen in general, and so, if that's something that you want to take out to scoping and public comment and keep this in the document for a while, I'm fine with that. I just want clearly sub-alternatives

where we are going to provide some regional management, and, if this is a Florida issue and if you guys -- If we end up going down the route of bag limit sales, then maybe it makes a lot of sense for the Florida Keys to have a smaller bag limit, so you're not encouraging additional catch that then goes up for sale. You guys have a separate set of issues than North Carolina does, and so I don't have any problem moving this forward with some additional sub-alternatives.

MR. SAPP: Gluttony is gluttony, no matter where you are, be it Florida or North Carolina, and it feels a lot like sixty fish for one boat is gluttonous.

MS. BECKWITH: That would certainly be an opinion. Is there anyone else? Are we good with adding this action with the additional sub-alternatives identifying the different states and that north of North Carolina would be included with North Carolina? All right, and so I would need that in the form of a motion.

MS. MCCAWLEY: **I move that we add Action 12 with the additional sub-alternatives that we discussed.**

MS. BECKWITH: Steve seconds it. Is there any additional discussion? **Is there any opposition to this motion? Seeing none, that motion carries.**

MR. HADLEY: Moving on to Action 13, this is the last action that we'll go over in the amendment, and it's modified gear, bait, and training requirements in the commercial longline fishery for dolphin and wahoo to align with highly-migratory species requirements, and this is another new action for the amendment.

Currently, the owner or operator of a vessel for which a commercial permit for dolphin and wahoo has been issued and that has onboard a pelagic longline must post inside the wheelhouse a sea turtle handling and release guideline provided by the National Marine Fisheries Service. Such owner or operator must also comply with the sea turtle bycatch mitigation measures, including gear requirements and sea turtle handling requirements. However, there is no protected species handling, release, or identification training, and there is no circle hook requirements, there is no hook material requirements, and no gangion length requirements.

Alternative 2 would require the following for vessels with a commercial dolphin wahoo permit when using pelagic longlines. Sub-Alternative 2a is must possess a valid safe handling, release, and identification workshop certificate onboard for both the owner and the operator. Sub-Alternative 2b would require possession or use of only corrodible, i.e., non-stainless steel circle hooks. Sub-Alternative 2c looks at hook size, and so it would require the possession and/or use of only 18/0 or larger hooks with an offset not to exceed ten degrees and/or a 16/0 or larger non-offset hook.

Sub-Alternative 2d requires whole finfish and/or squid to be used as bait. Sub-Alternative 2e is, if the total length of any gangion plus the length of any floatline is less than 100 meters, then the length of all gangions must be at least 10 percent longer than the length of the floatlines. Sub-Alternative 2f is cannot deploy a pelagic longline that exceeds twenty nautical miles in length in the Mid-Atlantic Bight.

Some very quick discussion on this, really this list of items in Alternative 2 came about due to a biological opinion that was issued by the Office of Protected Resources that required these different measures to minimize sea turtle bycatch mortality in right whale interactions, and so, when you look at the certificate requirements, these serve as proof of required training, and so that's Sub-Alternative 2a. Corrodible circle hooks are intended to mitigate injuries to hooked sea turtles, Sub-Alternative 2b. Larger hooks are intended to discourage sea turtle hooking, Sub-Alternative 2c, and whole baits are intended to be easier for turtles to pull off the hook, Sub-Alternative 2d. The length of the gangion is intended to help sea turtles resurface, and the longline length restriction is intended to minimize right whale interactions, and so you can see the intent behind each one of these that were implemented by Highly Migratory Species.

It was noted that larger hook sizes may not be conducive to targeting dolphin, and then it's worth mentioning that, coinciding with development of Amendment 10, it is possible, and probably likely, that the Office of Protected Resources will want to issue a biological opinion for the dolphin wahoo fishery. We'll certainly have more information for you at the June meeting, but these management measures may be required from this biological opinion that are similar to those outlined in Alternative 2, or they could be very different, and so it's hard to tell at this point as far as whether or not these will be required in the future. With that, I will turn it over.

MS. BECKWITH: This action really is focused on some of the stuff that Dewey has brought up over the years of just making it equitable for what HMS pelagic longliners are required versus what some of our pelagic longliners that just had our dolphin wahoo permit and not any of the HMS permits, and they less restrictive requirements, and so, Dewey, do you have any thoughts on this?

MR. HEMILRIGHT: Is it going to help you identify the vessels better that are doing -- Chester's council boats, is it going to help to identify them by this process, or what process will be used to do that?

MR. HADLEY: I don't think it will help identify those. I mean, that would go along the lines of an additional permit or endorsement or something like that. This is more so making -- It's aimed at making vessels fishing the same gear in the same area be under the same requirements. However, in regard to identifying the vessels that are kind of, quote, unquote, council boats and those landings, the Science Center is able to do that, and they can identify those landings as needed, and so that is an option that does exist.

MR. HEMILRIGHT: I was wondering if we could get the last ten years of landings of council boats, now that it's available. Thank you.

MR. HADLEY: Yes, I think that's something that we can certainly do, and we can put in a request for that.

MS. BECKWITH: Sure, and you can certainly put in, I guess for the IPT discussion, that part of the intent of this is, if there is a feasible way to help identify, then to bring it to our attention.

MR. BREWER: To Dewey's point, the year that I would really like to look at is 2015, because we've had discussions about whether that spike in dolphin came about from, as Dewey refer to

them as Chester's council boats, or whether they were blue-water boats, and so I would be very interested to know that.

Then just one point that I wanted to make is most of this stuff is aimed at turtle safety and right whale safety, and a turtle or a right whale is going to be just as dead if it's killed by one of Chester's boats or one of Dewey's boats, and so I really believe that the same requirements out to apply to both.

MS. BECKWITH: Well, that's why we have this action in here, to bring everybody up to the same equitable-ness. Okay. Any additional comments? All right. I feel like we did look at the landings from 2015 at some point when they pulled this up the first time, but I think it will be good to see the long-term ten-year trend.

MR. HADLEY: Yes, and we can certainly bring those back to you at the June meeting, and so that shouldn't be a problem.

MR. HAYMANS: Perhaps you could bring back some brief discussion on what sort of training and certification the crews would need on dolphin boats with for-hire. In other words, do they need HACCP, which I think I've heard Charlie say in the past? Could you verify that for us?

MR. HADLEY: Sorry, but could you say that one more time?

MR. HAYMANS: I believe I've heard Charlie say in the past that HACCP training was required of everybody handling seafood, and so the question is, on these dolphin for-hire boats, if the crew is going to sell it, does the crew need that level of training as well, and I would just like maybe you guys to check into that. Not just HACCP, but what training would the crew need that's the same as the rest of the commercial fleet?

MS. BECKWITH: For the dually-permitted boats.

MR. HADLEY: Yes, we can look into that as well.

MR. CONKLIN: Maybe to save some time -- I don't think there's any requirements for Chris and Chester's council boats to handle the fish, and I'm not sure about what the blue-water boats have to do, but I know that the dealers are required to take the safety courses and get the certification, but, as far as at-sea level handling of the fish, there is nothing.

MR. GRINER: Back to the HACCP. I think, though, if you're talking about them cutting the fish, then, yes, they're going to have to. If they are selling some fish and cutting other fish at the dock, then, yes, I would -- Once you start processing the fish, I think you're stepping into a whole other ballgame.

MS. BECKWITH: Okay, and so we need a motion to include Action 13. I do not think we made any changes.

MS. MCCAWLEY: **So moved.**

MS. BECKWITH: Okay, and it's seconded by Art. Any discussion? **Any opposition? Seeing none, that motion carries.**

That ends our discussion on Amendment 10, as it currently is. As discussed, this is not ready for public scoping, and we will wait and look at this again in June, with some SSC clarification on ABCs and whatnot, and we'll take another look at this in June. Is everybody okay with that? Okay. The next thing on the agenda is the discussion on the bullet mackerel, frigate mackerel, and other potential ecosystem component species for the Dolphin Wahoo Fishery Management Plan, and I will give John a minute to catch up and then we'll turn it over.

MR. HADLEY: All right. Switching gears here, we'll be discussing the potential ecosystem component species in the Dolphin Wahoo FMP, and I will go over a white paper that was discussed, or that was requested at the December meeting, and, just as a reminder, the council received a presentation on bullet and frigate mackerel in the diets of dolphin and wahoo. Steve was very kind to give us that very good presentation.

Discuss the request from the Mid-Atlantic Fishery Management Council to manage the two mackerel species as ecosystem components in the Dolphin Wahoo FMP, and the council decided to further investigate the topic and have a more in-depth discussion on the potential for adding bullet mackerel, frigate mackerel, and possibly other prey species as ecosystem components at this meeting.

The committee directed staff to prepare a white paper on background information on fisheries for bullet and frigate mackerel, identifying other major prey species for dolphin and wahoo, potentially focusing on flying fish and squid, provide further information on the concept of adding unmanaged prey species to an FMP as an ecosystem component as well as regulatory parameters and mechanisms for doing so and to go over how other councils have addressed unmanaged prey species by designating them as ecosystem components in FMPs, and, really, in the end, to come up with potential management options, and so looking at the tools in the toolbox, so to speak.

Looking at some information on fisheries for bullet mackerel and frigate mackerel, and this was all in the white paper, but the commercial landings for the two species over the past twenty years have been reported by the Mid-Atlantic and New England regions, and I take that back. They were all reported as frigate mackerel, and there is the potential that there was some species misidentification. The species look very similar, and bullet mackerel have been recorded as being caught in commercial operations.

Commercial landings of frigate mackerel have been variable, but are typically relatively low, on average, over the twenty-year time series that was examined. There is approximately 4,500 pounds per year, and the ex-vessel value over that time series is approximately \$2,400, and the average ex-vessel price was ninety-three cents per pound. There were some years where landings were greatly increased. In 1999, there was 37,000 pounds of frigate mackerel landed, and, in 2000, approximately 20,000 pounds were landed. However, landings in recent years have typically been very low.

Moving over to the recreational side, recreational landings of bullet mackerel and frigate mackerel have been variable and really sporadic over a similar twenty-year time series. The average landings have been approximately 4,700 pounds per year combined for both species. Many of the

years, however, do have zero landings, or no landings recorded at all, and there were some exceptionally high years. In 2012, there were 52,000 pounds of the two species landed combined, and, in 2013, there were 18,000 pounds landed. Recreational catches of bullet mackerel and frigate mackerel have largely occurred in the South Atlantic region. However, there have been some limited catches reported in the Mid-Atlantic region.

MS. BECKWITH: It sounds like we lost our webinar, and so we're going to take a five-minute break, and we're going to pick this back up after we reset the webinar.

(Whereupon, a recess was taken.)

MS. BECKWITH: All right, John, take us back through it.

MR. HADLEY: All right. To pick up where we left off, one of the requests from the committee was to look at other potential major prey species for dolphin, and, looking at some of Steve's work that identified other dominant prey species for dolphin, within that list were juvenile carangids, and so looking at pompanos, jacks, jack mackerels, runners, and scads, and porcupine fish, filefish, pufferfish, sargassum swimming crabs, flyingfish, jacks, bullet tuna, paper nautilus, shortfin squid, and dolphinfish, and so they do eat their own, and so that's sort of the list of other potential major dominant prey species for dolphin.

Moving over to wahoo, looking at some of the other dominant prey species that were identified, as was mentioned at the last meeting, bullet tunas were the dominant prey for wahoo by occurrence, mass, and numbers, and so certainly a very strong connection there between bullet tuna and wahoo. Other species that were identified were flyingfish, large jacks, filefish, triggerfish, paper nautilus, shortfin squid, longfin squid, and Atlantic bird squid.

Out of this list, what are the major prey species that are unmanaged? Clearly dolphin is a managed species, as well as many jacks and triggerfish species, in addition to shortfin and longfin squid, and all of these species, the identified forage species for dolphin and wahoo, those are currently managed under federal management under federal FMPs. Additionally, it's worth noting that sargassum, which is often associated with dolphin and wahoo forage species, is also managed by the South Atlantic Council through an FMP, and so, excluding bullet and frigate mackerel, that leaves porcupine fish, filefish, pufferfish, sargassum swimming crabs, flyingfish, paper nautilus, and Atlantic bird squid as identified unmanaged prey species for dolphin and wahoo.

Switching gears over to the regulatory parameters, regarding ecosystem component species, there is no mention of ecosystem component in the MSA itself, and so the basis for the concept, presumably, is derived from multiple references to ecosystem and the authority for councils to conserve target and non-target species in the habitats through fishery management plans.

To take a step back, there is the question of what is an ecosystem component species, and this is defined as stocks that a council or the Secretary has determined do not require conservation and management, but desire to list in an FMP, in order to achieve ecosystem management objectives, and we'll get into how to determine whether a species is in need of conservation and management in a minute, but underlined there is the ecosystem management objectives, the reason being specific ecosystem management objectives have not been fully developed in the Dolphin Wahoo FMP, and, if the council decides to pursue the addition of EC species to the Dolphin Wahoo FMP,

it may be helpful to specify what are some of the ecosystem management objectives that these species may address.

Moving over to how to determine if a species is in need of conservation and management, there is a sort of ten-step checklist in the National Standard General Guidelines that a council should consider the following when deciding whether additional stocks require conservation and management: the stock is an important component of the marine environment; the stock is caught by the fishery; whether an FMP can improve or maintain the condition of the stock; the stock is a target of a fishery; the stock is important to commercial, recreational, or subsistence users; the fishery is important to the nation or to the regional economy; the need to resolve competing interests and conflicts among user groups and whether an FMP can further that resolution; the economic condition of a fishery and whether an FMP can produce more efficient utilization; the needs of a developing fishery, and whether an FMP can foster orderly growth; and the extent to which the fishery is already adequately managed by states, by state/federal programs, or by federal regulations pursuant to other FMPs or international commissions, or by industry self-regulation, consistent with the requirements of the Magnuson-Stevens Act and other applicable law.

That is sort of the checklist to determine whether a species would essentially qualify for -- If it's not in need of conservation and management, it would essentially qualify to be listed as an ecosystem component. If it is determined that a species does not require conservation and management, then that species as the potential to be listed as an ecosystem component and does not require ACLs, other reference points, or accountability measures.

How the council could designate an ecosystem component, in the National Standard General Guidelines, councils may choose to identify stocks within their FMPs as ecosystem component species if the council determines that the stocks do not require conservation and management, based on that list of factors that we just reviewed. Ecosystem component species may be identified at the species or stock level and may be grouped into complexes, and management measures can be adopted in order to collect data on the EC species, minimize bycatch or bycatch mortality of EC species, protect the associated role of the EC species in the ecosystem and/or address other ecosystem issues. That last part, again, is underlined, just because it does give some flexibility in how a council can identify a species to become an ecosystem component.

Looking at the regulatory parameters, as far as how a council can designate a species as an ecosystem component, it appears that frigate mackerel, bullet mackerel, and other prey species for dolphin and wahoo may have the potential to be listed as EC species if the council and the Secretary of Commerce agree that the species do not fit the requirements for implementing conservation and management measures, there again working through that sort of ten-step checklist, and it's determined that the species are important in relation to ecosystem management of dolphin or wahoo stocks.

Looking at the mechanism for adding EC species to an FMP, this is simply an amendment that must take place. Some councils, such as the Pacific and Mid-Atlantic, have designated ecosystem component species through a comprehensive amendment that added the species to multiple FMPs at once. However, this is certainly not required, and the council can add ecosystem component species to a single FMP.

Now we'll get into a series of examples on how councils have designated unmanaged prey species as ecosystem components. Starting with the Mid-Atlantic Fishery Management Council, the Unmanaged Forage Omnibus Amendment became effective on September 27, 2017, and it implemented management measures for seventeen species and groups of species, with sixteen of these being designated as ecosystem components in all of the Mid-Atlantic fishery management plans.

The intention was to prevent development of new or expansion of directed commercial fisheries for the listed ecosystem component species until adequate information could be gathered to assess potential impacts. I will mention the Mid-Atlantic Fishery Management Council received input from their SSC on how to narrow down the important forage species.

Looking at the actions that were put into place, this amendment established the possession limit of 1,700 pounds for all of the EC species combined, and there was a permit requirement that, in order to possess the EC species, commercial vessels and operators must be issued a commercial vessel and operator permit. Transit provisions, that will allow transit of the EC species above the designated possession limit through the Mid-Atlantic forage species management unit, and, finally, recordkeeping and reporting requirements, where vessel operators and seafood dealers are required to report the catch and sale of EC species on existing vessel trip reports and dealer reports.

Moving along to the Pacific Fishery Management Council, this council developed their Comprehensive Ecosystem-Based Amendment 1, CEBA 1, which was effective May 4, 2016. This comprehensively implemented management measures for multiple EC species in four of the Pacific Council's finfish FMPs, and, there again, much like the Mid-Atlantic Council, it is intended to prevent development of new directed fisheries on unmanaged forage species until adequate information can be gathered to assess potential impacts, and it also adopted Council Operating Procedure 24, which was a standard process to consider exempted fishing permit proposals intended to develop scientific information that may lead to potential future directed fisheries.

Looking at the measures that were put in place, there were general measures and then gear-specific, trawl-gear-specific, measures, a retention limit, where there is a prohibition on landing species without any other species onboard, a trip limit of ten metric tons combined weight of all EC species, an annual trip limit, and so an annual vessel limit of thirty metric tons, a processing limitation, and so there is a prohibition of at-sea processing of EC species.

Moving over to the gear-specific measures, there is a trip limit on one metric ton combined weight, with the exception of EC squid species, and, there again, an annual vessel limit of forty metric tons combined weight of any ecosystem component squid species in a calendar year, and so, really, what we're looking for here is the different annual limits, trip limits, and then gear-specific limitations.

Moving to the North Pacific Council, the North Pacific recently classified squids as an ecosystem component species through amendments to their Bering Sea, Aleutian Islands, Groundfish, and Gulf of Alaska Groundfish FMPs, and this was effective August 6 of 2018, and the North Pacific Council noted that squid are important prey species for marine mammals, fish, and other squid, and, although squid did not require conservation and management, it is still appropriate to take measures to minimize squid bycatch, to the extent practicable.

Really, the concern there was the bycatch concern, and this established recordkeeping and reporting requirements, and so catch, discard, and production of squid must be recorded in logbooks or on catch or production reports, and then a retention limit, where the maximum amount of squid is not to exceed 20 percent of the total landings retained.

Then, finally, the South Atlantic Council has listed several EC species in the Snapper Grouper FMP, and so this was not directly in relation to concerns over the protection of prey species. However, several species have been added, including longspine porgy, cottonwick, ocean triggerfish, bank sea bass, and rock sea bass, and no regulations have been put in place for these ecosystem component species, but the species stay within the fishery management unit, and the listing has prioritized them for continued data collection that may help with future ecosystem modeling and ecosystem-based fishery management efforts.

Last time, it was asked what are some of the implications of listing an unmanaged prey species as an ecosystem component, and that's really highly dependent on the management measures that are put in place. However, it does recognize the ecosystem role of the species as prey for a target species that the council directly manages, and it can provide protection from unexpected ramp-up in directed effort or landings, it allows for orderly growth of directed recreational fisheries, if desired, and it can address bycatch concerns, and it may prioritize the species for research and monitoring.

There is the potential to add cost to fishery participants by capping potential revenue streams if management measures are put in place, and also cost to a council and NMFS by dedicating resources to adding the ecosystem component species to an FMP, implementing regulations, and providing monitoring.

Finally, some of the potential options, and so, there again, the tools in the toolbox for addressing ecosystem component species. As shown through past actions of the South Atlantic Council and other councils, there is sort of a wide range and several options available that the South Atlantic Council may have if designating prey species as ecosystem components, and seemingly there is somewhat flexible guidance in the National Standard Guidelines, and it appears to also encourage novel ideas on the part of the council, provided that those ideas remain within the existing constraints.

With that, I will hop over into the table in the white paper, at the very end, and so this is a table summarizing the different options, based on what other councils have done, and so the one option is to request guidance from the SSC on identifying prey species to be listed as ecosystem components, designating ecosystem component species with no -- There is an option to designate these species as ecosystem components with no management-related items, and so, there again, similar to some of the snapper grouper species, prohibit or limit a directed fishery through a trip limit, or potentially an annual vessel limit, implementing a reporting requirement, implementing a permit requirement, and also implementing a protocol for building directed fisheries for ecosystem species, and so establishing a mechanism for allowing the development of directed fisheries for species listed as ecosystem components.

Finally, sort of a catchall of other options, and so are there other -- As mentioned in the National Standard Guidelines, management measures can be adopted in order to address other ecosystem

issues. Are there other ecosystem issues not listed that need to be addressed in the Dolphin Wahoo FMP and what management measures can be created to do so. With that, I will turn it over.

MS. BECKWITH: Okay.

MR. BREWER: I know that there's been some talk of adding these frigate and bullet mackerel to the existing Dolphin Wahoo FMP by way of a framework, and I was wondering if we have any information on whether that could be done.

MS. BECKWITH: I don't know. Can it be done? Could you add -- I suspect we would have to add these species through a plan amendment and that we would not be able to do this via a framework?

MR. GRIMES: I do not know, off the top of my head, if it's in your framework or not.

MR. HADLEY: I want to say that it's not, but I will double-check that for you.

MR. BREWER: Thank you.

MS. BECKWITH: Okay. General thoughts first, and I will look to Steve, since he's our resident expert on all these critters.

MR. POLAND: John, thank you for putting all this information together. I realized, after the December meeting, that we dumped a lot on you right there at Christmastime, with this and Amendment 10, but I spent some time thinking about this and just thinking about the best way to move forward or, first, off, what we want to accomplish with this and then how to move forward with this.

The request came from another council specifically for bullet and frigate mackerel, and so I feel like, at the very least, we need to consider doing something about that, and if that's deciding that we don't want to protect them, which I'm not in favor of, or identifying them in some way, either in this plan or another plan, because it seems like -- To me, the issue is we don't have a directed fishery here in the South Atlantic.

There are some landings in North Carolina, and I know, John, you cut off at 2017, but, in North Carolina, we didn't show any landings because we didn't have bullet and frigate mackerel in our trip ticket program, which is our commercial landings program, until February of 2018, and that was mostly in response to the Mid-Atlantic plan, the reporting requirements for their species, and our staff decided just to go ahead and add as much as we could into our trip ticket plan, just so we could start tracking them.

In 2018, I think we had about 1,100 landings from about twenty-five trips, I think, and a lot of those were vessels that fish in the Mid-Atlantic and offloaded in North Carolina, and so there are some landings in North Carolina for those two species, but, in reality, the whole dolphin wahoo plan is a -- It started as a precautionary plan, and nothing was wrong with those stocks, but we decided we would manage them, just to be on the safe side, and that's kind of how I view this action, especially for bullet and frigate mackerel.

If we can just identify them in this plan as ecosystem component species, and so, at least that way, we have the regulatory mechanism to act in the future if a fishery does arise or we have some concerns with that stock, and, and in all honestly, I feel like, if we're going this for bullet and frigate mackerel, and we're having this discussion right now, let's consider the whole prey field, or at least the prey field that we feel like might be subject to exploitation now or in the future.

As far as moving forward, just to start the discussion, I would put it out there to let's identify them as EC species in the plan and just get them identified in there, very similar to the way we identified the EC species in the snapper grouper plan, and I know we did that for a little different reason, but, at least if we acknowledge their role, their ecological role, in the ecosystem now, if we want to do anything in the future, we've got that ability, or we'll at least save a few meetings before we can actually act, and so those are my comments.

MR. DILERNIA: I brought this request -- As a liaison, I brought this request to this council, as I was directed to by the Mid-Atlantic Fishery Management Council, and, first of all, I would like to take this opportunity to thank this council for responding to our request so quickly. It was a yeoman's job on the part of the staff to turn this around so quickly and develop this white paper, and, on behalf of the Mid-Atlantic Council, I would like to thank the staff, and the council itself, for considering this request,

Recall that, in my introductory remarks in December, I stated that it was the Mid-Atlantic Council's intention to protect both frigate and bullet mackerel as prey species, and it was part of our forage fish amendment, and we had sent it forward to the agency, and the agency, when reviewing our amendment that we sent forward, responded to us that, while they understood our intent to protect both frigate and bullet mackerel, they couldn't justify including it in the amendment as they approved it, because it did not appear to be -- Those two species did not appear to be significant in the diets of the species that were managed by the Mid-Atlantic Council.

Upon further review, we discovered that it appeared that both frigate and bullet mackerel were important in the diets of both wahoo and mahi-mahi, or dolphinfish, and, thus, our request, and so, again, thank you for considering it. It was the Mid-Atlantic Council's intention to protect these two species originally, and it will be your decision now whether or not you want to protect these two species or not.

Finally, let me add that what the Mid-Atlantic Council did in its forage fish amendment was to freeze the footprint. It was not to prohibit a commercial fishery or whatever, but to freeze the footprint to develop a rapid expansion of a fishery on all the species that were included in the forage fish amendment, and that would have included frigate and bullet mackerel, and so, in freezing the footprint, the numbers that I saw projected here earlier were, in 1999, there was 23,000 pounds taken. In 2000, there was 20,000 pounds taken. Should this council decide to go forward with including or protecting these two species, if you follow the example of the Mid-Atlantic Council, I would suggest that those are the values that you would use.

Finally, if you do decide to go forward with this, I am confident that the Mid-Atlantic Council's amendment could provide a framework or a skeleton in developing your own amendment to your plan, and so, again, on behalf of the Mid-Atlantic Council, thank you very much for considering our request, and it's up to you now. Thank you.

MR. POLAND: If we recognize these as EC species, does that mean that we have to write an FMP and allocate the resources towards it?

MR. HADLEY: No, and so, essentially, we would work through that ten-step checklist, and, if you decided that they don't meet need conservation and management, you can kind of forego the whole setting of ACLs and essentially the FMP route, and so that wouldn't be required. They would just be added to the Dolphin Wahoo FMP through an amendment.

MS. BECKWITH: Yes, and we would basically just be acknowledging that they are important prey species to fish that we manage and other HMS and highly-migratory species, really. I mean, billfish eat them and whatnot.

MR. GRIMES: I just wanted to address a couple of things that I've heard in the discussion already. One of the perceived benefits of this was potentially allowing for more rapid future action if you determine that management measures are necessary, and I don't really see that as being the case. You can add a species to your FMP anytime you determine that it's in need of conservation and management, and you would develop those measures for it.

If you add it to the FMP as an ecosystem component species, and you determine you want to actually manage it, you're going to have to do an amendment to put all the stuff together, including what management measures you need anyway, and so having it there already doesn't seem like it's going to save you any time, and you have the request from the Mid-Atlantic for just these two species, and I am not suggesting -- I mean, that, alone, yes, that's great, if you wanted to proceed with -- When you're asked what's our rationale for doing this, well, they asked us to do this, and so perhaps stepping back and then thinking, much like the process they went through, do we want to identify other prey species that are important to our managed species and then move forward in what I will say is more holistically, or at least start with a picture or a method to it that would guide inclusion, or lack of inclusion, for all species that met criteria, rather than picking two and go, yes, we're going to put these two in.

The other thing is I would encourage you some to have an idea of what you want to do with it, right, because, again, just adding ecosystem component species and calling them that and putting them in the FMP -- If you recall, we used to have a lot of species that were in the FMP for data collection purposes, and I'm not sure if you guys did that, but I know, at one point, the Gulf Council had a ton of that stuff, and you could collect data on it without it being in the FMP, if all they do is collect information on it, but, presumably, you want to do something else, right, and there are significant limits on what you can do for it, because, again, the first step is determining it is not in need of conservation and management.

Then it's hard to justify loading it up with a bunch of management measures if you just said that it doesn't need conservation and management, and so what is it exactly that you have in mind, and, if you don't want to do anything but add it as an ecosystem component, just to hang that tag on it, then I guess what's the benefit of it? Thank you. That's it.

MS. BECKWITH: All great points. If I heard Steve right, I think he was moving towards looking at them a little bit more holistically and maybe adding in some additional species that were identified through the white paper as being important. I think Tony brought up a good point that, if we did move forward and identify these as ecosystem components, that the base level protection

that we could add in would be just to set a footprint, recognizing the current levels, at which point we would be able to maybe monitor any potential growth in the fishery that might indicate additional need for management.

MR. GRIMES: At least in terms of the fisheries you manage now, you have reporting requirements for those, right? If they're in dolphin wahoo, then you can make all dolphin-wahoo-permitted people report what bullet and frigate mackerel they catch. You don't need to add them as ecosystem components to collect the information on them, and so, again, what management -- I don't want to call it management measures, because you're saying it's not in need of conservation and management, but the incidental harvest limits in trawl fisheries that harvest a lot, things that you want to do to manage the fishery that you manage that has an incidental benefit to this ecosystem component.

MR. POLAND: Anna, I was saying that, if we're doing this, I would like to go ahead and look at everything in the prey complex, but, Shep, just for my clarification, so I'm clear on this, what we have in the toolbox, if we move forward with designating bullet and frigate or whatever else is EC species in the Dolphin Wahoo FMP and just added in some framework-able actions in that, would that not speed up the process down the road if we decided to implement any management measures, or are you saying that we've got the ability right now to do that?

MR. GRIMES: That's tricky. If you added it, you have an ecosystem component in there, and it's in the FMP as an ecosystem component, and you decide, for instance, that you want to add a trip limit to dolphin and wahoo, because they're harvesting them, and you want to prevent expansion, and I am just making this up, right, but that, to me, is the kind of thing where you're saying that you manage dolphin wahoo, and the restrictions are on the dolphin wahoo fishermen, the vessels, and we're putting some incidental harvest limit for bullet and frigate mackerel. If you wanted to do that, if you had the record, and your framework allowed you to put in those incidental harvest limits, then, yes, it would save you the amount of time.

If you want to come in and manage it, manage it and exceed those limited bounds of ecosystem component, I think you would have to come back and do a plan amendment and add it as a managed species, and you would need MSY and OY and develop ABCs and the whole list of things that go along with managing a species, a stock.

MS. BECKWITH: All right. Other comments or thoughts?

MR. BREWER: I go back to whether or not we can do this by a framework, where we just add them as an EC species to dolphin and -- We cannot do that?

MR. HADLEY: No, and Myra just pulled up the framework-able actions for the Dolphin Wahoo FMP, and that wouldn't -- Adding the ecosystem component species isn't one of them, as far as the kind of first step to get them in the FMP.

MR. BREWER: Let me just talk about where I would like to go with this, and I don't know whether it's possible or not, but the Mid-Atlantic has already identified these fish as important prey species for these two fish, dolphin and wahoo, and we manage dolphin and wahoo, and, apparently, from what we saw up there, these species are the prime prey species for wahoo. That makes them pretty important, and I think the object of the exercise -- What they were doing in the

Mid-Atlantic is, for some of these species that are currently unmanaged, they wanted to set things up so that there would not be a large commercial market which would all of a sudden spring up and adversely affect the very commercially-valuable fish like dolphin and wahoo.

If you looked at the chart up there, they were getting sometimes pennies for the pound on these species. Commercially, they are not that valuable, but they are damn valuable from the standpoint of dolphin and wahoo, and so I'm not sure how we get there. We've been talking back and forth, but I would like to see something put in place that would inhibit the growth of a commercial directed fishery on these two prey species, and I know we can say, well, we can monitor them, but if we -- Unfortunately, I feel like that, if we see a problem starting to develop, we will be two years down the road before we get anything in place, and, by that time, that market will have developed, and then we're going to have hell to pay to try to get these folks to cut back on their fishing.

In Chester's perfect world, we would have something put in place that would inhibit the growth of a commercial directed fishery on these species. Now, I'm not sure how to accomplish that, but that's what I would like to see done, and I would like to see us move forward with this.

MS. MCCAWLEY: I could support adding those two species as ecosystem component with some type of regulations that Chester is describing. I can't get onboard with adding all of these species that are prey items for wahoo and dolphin and then adding regulations to those, but I could possibly get onboard for that for these two limited species, but not for everything that they are eating.

MR. BELL: Kind of the same thing, and I was going to say -- I am not on your committee, by the way, but the same point Jessica was making. Maybe, because we've been asked about these two species, because maybe there is more data associated with them -- I mean, I'm fine with including other things at some point, but maybe we start here with these two, and then you have created the ecosystem component, and you've got it in there, and I guess you could add other species maybe in the future, but, if we try to kind of bring everything together, we may get all wrapped around the axle trying to bring in other stuff and fussing about other stuff, and so it might be easier to just move on these and get it in there and then bring in the other species, because it's obvious that they don't just eat these two species, but they are important, and we do have a specific request right now, where we can kind of help out and work in conjunction with another council, and realizing that the fish don't stay in the nice little lines that we have drawn for them, and so that would just be a suggestion, maybe. Again, to Chester's point, I am not sure what the mechanism is, what the plan amendment is, but I would be comfortable with the two at this point and then bring in others later, maybe.

MS. BECKWITH: Okay. Let's do a quick strawman poll. My two questions are going to be if you're interested in just moving forward with these two species or if you want to move forward in consideration of additional species past these two. Let's keep it simple. Raise your hand if you're interested in moving forward with just these two species. Six. How about more than these two species? One. How about none at all? Two. Okay.

Then let's assume that we're going to move forward with just these two species for now. How about -- I suggest that we do a scoping webinar using this white paper as the basis for it and take it out to a webinar computer scoping session and get some additional feedback. I am told that we would get plenty of public comment on this if we took it out to scoping, and so why don't we go

ahead and take it out to scoping and focus on these two species and pick this back up in June and see where we go from there?

MR. CONKLIN: The thing I'm stuck with on this is we haven't got any public comment saying to please help these fish and they're all going away. We got a letter, and it's a good thing to do, but it's -- We've got to think about time and money and resources, and what is this going to do? I need to see a problem before I can make that decision, and I just don't see it. There is other fish in the ocean that are important prey species, I mean mullets and cigar minnows and sardines, and way more than 25,000 pounds of those come out of the water every year, and everything seems to be swimming around just fine, and so, if that's a number that needs to take action on it, for me, there is nothing quantifiable for it, and so I'm out.

MS. BECKWITH: Am I hearing support then for some public comment by going out to scoping?

MR. CONKLIN: I would not oppose that, Madam Chair.

MR. POLAND: I can't believe that we would ever get wrapped around the axle on anything, but, I mean, I'm fine just moving forward with bullet and frigate. My only -- I won't even call it a reservation, but it was just we've got it open and we're discussing it and let's look at it all, but I'm certainly fine just looking at what was asked of us, but my question is, in taking this out to scoping, what kinds of questions are we going to ask the public? What kind of feedback do we want from the public? I feel like that needs to be pretty structured before we get to that point.

MS. BECKWITH: I guess I would say to move forward naming these two species ecosystem components and if the public feels like there is any additional species of importance for dolphin and wahoo that we might consider. I mean, pretty much the same presentation that John gave to us would be acceptable, and with a clarification at the end that the council is leaning towards, if we're going to take action, to likely take action on just these two species, but, if the public desires to comment that we move forward with any additional species, we would certainly be open to consideration.

MR. POLAND: A follow-up to that. At any point do we want to loop the SSC into this, to get any feedback from them, or do we want to get a little bit more work done on it before we throw it to them?

MS. BECKWITH: Any thoughts on the SSC? I mean, there was a -- I think the SSC agenda is pretty full for their next meeting. There is the option that was suggested to have a general conversation with the SSC to request guidance on identifying prey species to be listed as ecosystem components, and that's a fairly broad discussion that we might be able to broach with the SSC at some point, when appropriate, but I don't know if that would be on this April agenda, and I suspect it's full.

MR. GRINER: My struggle is a little bit like Chris's. I am struggling to see where we have an issue or a problem that we're trying to solve, but the other thing that I kept coming back to in my mind, and maybe Tony or Roy can help me, but was part of the problem that you guys ran into was that NMFS didn't think that this was actually qualified as a forage fish?

MR. DILERNIA: The way we were able to justify our forage fish amendment was to say, okay, what are the critters that we manage, and what do those critters eat, and we had many different species. Actually, at one point, we had like over 200 species that our SSC cut down to a number of species, but, when it came time to looking at bullet and frigate, they said that none of the critters that you manage really eat bullet and frigate, but we also realized then that they were a good part of the diet in wahoo and in dolphin.

We said that we do want to protect these critters, and we don't want to see a commercial fishery develop overnight on these two critters, and so, thus, our request to you. You know, I can't help but wonder if the localized depletion of mahi in the Keys has something to do with the availability of the forage base, and I don't know. I was surprised to hear that there was a depletion of mahi in the Keys. Today, when I heard that, I said, well, maybe the critters that they eat are not there, and I don't know, but that is how we came to this council, because we know that your critters do eat these critters. Thanks.

MS. BECKWITH: Okay, and so anything else? Do we have a path forward to take this out to scoping via webinar and pick this back up in June? Yes? Nods yes. Is everybody good? Okay. That's the plan. All right. Is there anything else to come before this committee? Am I missing anything? Okay. We're good. Thank you so much.

(Whereupon, the meeting adjourned on March 4, 2019.)

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Certified By: _____ Date: _____

Transcribed By:
Amanda Thomas
March 21, 2019

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