

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **JOINT DOLPHIN WAHOO/SNAPPER GROUPER/MACKEREL COBIA COMMITTEE**

**Marina Inn at Grande Dunes  
Myrtle Beach, SC**

**September 14, 2016**

### **SUMMARY MINUTES**

#### **Snapper Grouper Committee:**

Dr. Michelle Duval, Chairman  
Mel Bell  
Dr. Roy Crabtree  
Ben Hartig  
Doug Haymans  
Anna Beckwith  
Chester Brewer  
Dewey Hemilright

Jessica McCawley, Vice-Chair  
Chris Conklin  
Mark Brown  
Tim Griner  
Zack Bowen  
Charlie Phillips  
Tony DiLernia

#### **Dolphin Wahoo Committee:**

Anna Beckwith, Chair  
Chris Conklin  
Doug Haymans  
Jessica McCawley  
Dewey Hemilright

Zack Bowen, Vice-Chair  
Chester Brewer  
Dr. Roy Crabtree  
Tony DiLernia

#### **Council Members:**

LTJG Amy Hockenberry  
Rob Beal

Dr. Wilson Laney

#### **Council Staff:**

Gregg Waugh  
Mike Collins  
Dr. Kari MacLauchlin  
Kim Iverson  
Julie O'Dell  
Myra Brouwer  
John Hadley

Dr. Brian Cheuvront  
John Carmichael  
Amber Von Harten  
Dr. Mike Errigo  
Chip Collier  
Roger Pugliese

#### **Observers/Participants:**

Monica Smit-Brunello  
Rick DeVictor  
Dr. Marcel Reichert  
Erika Burgess  
ASAC Jeff Radonski  
Rob O'Reilly  
Additional Observers Attached

Nik Mehta  
Dr. Jack McGovern  
Dr. Louis Daniel  
Leann Bosarge  
Jocelyn D'Ambrosio  
Robert Boyles

The Joint Dolphin Wahoo/Snapper Grouper/Mackerel Cobia Committee of the South Atlantic Fishery Management Council convened at the Mariana Inn at Grande Dunes, Myrtle Beach, South Carolina, Wednesday afternoon, September 14, 2016, and was called to order by Chairman Anna Beckwith.

MS. BECKWITH: I call to order the Dolphin Wahoo/Snapper Grouper/Mackerel Cobia Committee. The first thing on the agenda is Adoption of the Agenda. Are there any needed changes to the agenda? Seeing none, that agenda is adopted. The next is the Adoption of the Minutes. Are there any additions or corrections to the minutes? Seeing none, the minutes are adopted. Rick DeVictor now is going to take us through the Status of Catches and the Update of the Regulatory Amendment.

MR. DEVICTOR: Thank you, Madam Chair. This should be fairly quick. This is the same table that I showed yesterday when I went through the snapper grouper catches, and this is an updated version of what you had in your briefing book, and so these are landings through September 9. For dolphin, we're at 67 percent of the ACL, so about 1.02 million pounds. Again, on February 22, the ACL was raised by 377,000 pounds. Again, we're at 67 percent for dolphin. Last year, it closed on June 30. Then wahoo, we are at 70 percent, about 49,000 pounds have been caught.

Then, moving on into the next agenda item, to give an update on Dolphin Wahoo Regulatory Amendment 1, this is the regulatory amendment that puts in a trigger at 75 percent of the ACL, when it steps down a 4,000-pound trip limit for dolphin. The regulatory amendment was submitted for secretarial review on February 16. The proposed rule published on June 30, and the comment period closed on August 1, and we're working on the final rule right now. That concludes my report.

MS. BECKWITH: Thank you. Are there any questions?

MR. HARTIG: Rick, given that we're only at 67 percent of dolphin, and given the history of the catches from now until the end of the fishing year, it doesn't look like we're going to get very close, correct?

MR. DEVICTOR: Yes, catches slow down quite a bit from here on out.

MS. BECKWITH: Anything else? Thank you, Rick. Gregg, would you join us at the table and walk us through that discussion of the optimum yield?

MR. WAUGH: Thank you. At the Coordinating Council Meeting in May, we raised this issue on OY and some of the issues we were dealing with in how to address optimum yield. We gave a presentation, and we met with Russ. We had some discussions with Sam, and we met with Russ, and we sort of outlined our OY issues.

Russ made the commitment that he would meet with NMFS folks internally and see what could be laid out that we could look at, and so what we've got is some informal notes back, and we can pull from this and put some of this draft wording into options papers, if that's your interest. What we've got is the council currently sets ACL equal to OY equal to a percent of the ABC for most of the stocks, and we were looking at options to achieve OY while allowing the recreational sector to leave a portion of their allocation in the water.

That would have a high abundance and provide a higher encounter rate for the recreational fishermen. The flip side of that is the commercial guys see fish that aren't being harvested, and so how do we go about harvesting those? You can look at the general wording of optimum yield in the Magnuson Act, but what I wanted to do was just get to some of the recommendations.

We are getting some National Standard 1 Guidelines that should be available sometime later this month, and that will give us some information that we can use, but, to address this idea of translating OY into an annual value that can be compared to reference points used by the annual catch limit framework, the National Standard 1 Guidelines will clarify that there can be this annualized OY, and that can correspond to the long-term optimum yield and can be conceptually compared to a stock's ACL and ACT.

Ways that we could accomplish what we're trying to do on the recreational side is you could further reduce OY below the maximum sustainable yield, but then that's going to have implications for both recreational and commercial, and it leaves more fish in the water. We could also change our optimum yield definitions and adopt a more general statement, similar to what's been used in some of the Mid-Atlantic Council amendments, particularly their Omnibus ACL Amendment, and that would set the optimum yield as the long-term average catch, which is not designed to exceed the ACL, annual catch limit, and will fall between the annual catch limit and the ACT, or the annual catch target.

What that does is it says you set your ACT and you manage to achieve a harvest between the ACT, which is your target, and the annual catch limit, which is your limit that you don't want to go above that, and, as long as you stay in between those two, the target and the limit, then you're achieving your optimum yield, even if you're not landing every fish every year.

That's something we could look at, and we could keep our sector allocations the same, but manage the recreational sector through the use of the ACT instead of the ACL, based on the optimum yield considerations. Again, there are several ways that we can address this if you change your optimum yield definition to this long-term average catch instead of between the ACL and the ACT and instead of tying it specifically to the ACL, which is a limit. I will be glad to try to answer any questions that you might have.

MS. BECKWITH: Thank you. Chester.

MR. BREWER: I don't have a question. I have a motion, and so I will be quiet for a while.

MS. BECKWITH: Okay. Are there any questions? This information was sent to us by an email, and so if folks don't have it handy, we can certainly resend it out. It was good information.

MR. HAYMANS: I read it when you sent it, and it's been two weeks. Was there a statement in there, and I should have printed it and highlighted it, that said we were applying OY wrong? I thought I read something that said we're not applying it correctly.

MR. WAUGH: I think there's something in here that says -- I don't know if it says that we're applying it wrong. At the top here, where it says that they do not believe that the sector-based OY options that we were looking at, setting an OY for the recreational and setting an OY for the commercial, they don't think that follows the intent of the National Standard 1 Guidelines. What they were suggesting is backing it up some and modifying what your OY is, and it could be making use of the ACL and the ACT.

MR. HAYMANS: Would that remain the case under the modified guidelines?

MR. WAUGH: I'm sorry, but could you ask that again?

MR. HAYMANS: Would their belief remain the same under the new guidelines about to be approved?

MR. WAUGH: I believe so, because the individuals that are looking at this know what's coming out in the revised National Standard 1 Guidelines, and we haven't seen them yet. They will be published hopefully later this month.

MS. BECKWITH: Okay. Are there any additional questions?

MR. BREWER: **I would like to make a motion that staff be asked to develop an options paper relative to this report, I guess I will call it, and that it be brought back to the council for consideration, and I don't want to make this too long, but also that it specifically deal with the issue of managing to an ACT, which would be the ACL as modified by optimum yield. I will stop there.**

DR. CHEUVRONT: It's going to take us a minute to get this motion up here, Chester.

MR. BREWER: I didn't write it down and give it to you, and so it's my fault.

MS. BECKWITH: Let me see if I can clarify your intent. Are you interested in consideration of the optimum yield definition that we discussed here? Is that what you would like us to consider further?

MR. BREWER: Yes, and it would be to take a look at the -- I read this paper over and over and over again, and what my take-away was is that you don't want to hurt the commercial folks by a re-definition of OY that would apply to them, because then you have the potential of taking their annual catch limit down, and I don't think that's the intent. The intent is to recognize the different objectives between recreational and commercial fishing. We hear over and over again that fish are being left in the water and that's a bad thing and you're not fishing to OY, in reference to the recreational side, and, personally, I don't agree with that statement, because, on the recreational side, you want to manage for abundance.

MS. BECKWITH: Hold on. Technically, we're in discussion, and so I just wanted to get clarification. We haven't gotten a second. The clarification I was looking for is today we put in this new definition as option for consideration in the red snapper paper. We could conceivably go management-plan-by-management-plan and species-by-species, where we think this is appropriate, and adopt this long-term average catch as appropriate for that species, and so it doesn't have to be sort of an all-encompassing thing for all of our species, but something that we can consider appropriately species-by-species.

MR. BREWER: I am thinking specifically in terms of dolphin. Red snapper, lord knows when that's going to be reopened again and we would have to look at something like this. I was thinking specifically with regard to dolphin.

**MS. BECKWITH: So then I am hearing you say that the motion is to direct staff to develop an options paper that would look at this definition specifically for the dolphin fishery.**

**MR. BREWER: I am fine with that wording. Thank you for cleaning it up.**

DR. CHEUVRONT: Chester, I just wanted to check to make sure that you were okay with the wording as I had it, and so apparently you are. I just kind of made it up on the fly, and so okay.

MS. BECKWITH: We need a second before we can discuss. Ben, thank you.

MR. WAUGH: Just a quick question. Is it to develop a separate options paper or within this, our considerations of dolphin, you want options for OY?

MR. BREWER: I really hadn't thought of that, but I think either way would be fine with me.

MS. BECKWITH: I will go back to Gregg and ask him, where would this be most appropriate? Would it be within the same allocation amendment?

MR. WAUGH: I would think you would want to consider modifying your optimum yield statement in the allocation amendment, yes.

MS. BECKWITH: Okay. Is the committee okay with that?

MR. HAYMANS: After having looked at this and hearing Chester, my thought was that we create an optimum yield statement that, as we approach the various species FMPs, if we have to address optimum yield that we do it then, but not -- Maybe this is the precedent that we're setting in dolphin, but that we have some sort of guidance for how the council is going to look at optimum yield, and, as we approach the different FMPs, then we address it one-on-one.

MS. BECKWITH: I agree. I think this -- Because we are talking about allocation specifically for dolphin, this maybe an appropriate place for it, if we would like to move in that direction, and then we consider this FMP-by-FMP later on. Is there further questions right this second? Okay.

The motion is to direct staff to develop an action in the allocation amendment that will look at long-term average catch in the recreational sector for dolphin to set OY below the recreational sector ACL. I think that's probably close enough, but certainly the intent of it is to follow the definition from the Mid-Atlantic Fishery Management Council Omnibus ACL Amendment, and that definition is, specifically, OY will be the long-term average catch.

DR. CHEUVRONT: Gregg just gave me the wording that was used. Let me kind of wordsmith for a second this, and then we will verify that this is what you all want, because I think it would be better if we can get it closer to the actual wording than me making it up on the fly.

MR. BREWER: Brian, I think the actual wording in there is to manage --

MS. BECKWITH: We've got it. We're good.

MR. BREWER: I think you need to put "ACT" in there.

DR. CHEUVRONT: That's fine. I've got the wording here, and let me just get it in.

MR. CONKLIN: I just want to make sure that we're not -- That it's also Chester's intent that we're not going to be setting the ACL below or at the recreational ACT for both sectors of the fishery.

MS. BECKWITH: No, sir.

MR. DILERNIA: When we did this, we did do it as an omnibus for all of our recreational critters, to facilitate, and so I understand you doing it specifically for dolphin, but you may want to, as you proceed, consider extending it to any of the other FMPs that have recreational species in them.

MS. BECKWITH: I agree. Any other comments? We will give Brian a minute to catch up. Since, technically, I read it into the record, then, with the consent of the committee, I will be reading the new motion into the record. Are we good? Okay. The motion is to direct staff to develop an action in the allocation amendment that will look at the long-term average catch in the recreational sector for dolphin so that OY will be the long-term average catch, which is not designed to exceed the ACL and will fall between the ACL and the ACT.

DR. CRABTREE: Just looking at the Amendment 43, the red snapper options paper we went through, one of the options we have for optimum yield in that one is to set optimum yield equal to the commercial ACL plus the recreational ACT, which seems to get at this. Since you will need to put a range of alternatives in this thing, Brian, that seems, to me, to be one way that you could get at it, and then you could set the ACT well below the recreational ACL. The AMs are all still based on the ACL, and that seems, to me, to be a way you could get at this.

MS. BECKWITH: Yes, and we added this one, in particular, as well to the red snapper options paper as one of the options for the range. Okay. Are we ready to vote? **Is there any opposition to this? Seeing none, the motion carries.** Now I will pass it over to Brian, when he's ready, and he can take us through the Dolphin Wahoo Amendment 10/Snapper Grouper Amendment 44.

DR. CHEUVRONT: Great. Thanks. This is Attachment 4 under -- Actually, what we need to do first is we took this out for scoping. Let's go through the scoping comments first before we get into the nuts and bolts of this. Let me pull up those scoping comments.

MS. BECKWITH: Scoping comments are Attachment 2.

DR. CHEUVRONT: Attachment 2 in the briefing book has the scoping comments. Just to let you all know that we did take this out for scoping, based on your direction from last June. We did a webinar scoping as well as we accepted comments at that point as well as comments that were submitted by August 19, either in writing, either snail mail or over the web. We got seventy-five comments total, and I just wanted to give you a quick summary of some of those comments.

There were folks that were concerned about changing dolphin allocation and permanent allocation for dolphin. We just did that, and I think it was Amendment 10 that we changed the dolphin allocation back to 90 percent recreational and 10 percent commercial. That, given the current ACL, that got us back to that old one-and-a-half-million pounds soft cap that existed before we had the Comprehensive ACL Amendment, and everybody seemed to be pretty happy with that. There seemed to be some reluctance from a number of folks to consider a hard allocation shift again between sectors for the dolphin fishery.

There were some comments that were given about gear allocations in the commercial fishery as well, and the IPT -- When we get to that action in the amendment, the IPT had some reservations about doing that, but there were some folks who were really concerned about whether or not the longline landings were sort of, quote, out of control, and so there were some folks who were concerned about keeping that within check, because there were some comments that wanted to keep that hook-and-line fishery part of the commercial sector open all year long.

There were folks who were against the idea of shifting allocations based on uncaught fish, and that, once again, gets to some of this OY definition things that we thought. There were some folks who were just completely against any allocation changes whatsoever unless it involved carryover of uncaught fish, but one of the things you have to remember is that, now that we have ABC equals ACL and all of that for dolphin, particularly you can't go over the ABC in any given year, and since we don't have a step-down between ABC and ACL, there is not much room for carryover.

There was some concern that if there was a combined ACL for both sectors that it would create a race to fish. That could be an issue in the yellowtail snapper fishery. I'm not sure that that would be an issue in the dolphin fishery, since we haven't gotten even close to the overall ACL, but there are other comments that are relevant to that one.

Folks wanted just to maintain the current sector allocations and leave them be. Some folks would say, whatever you do, make sure that you avoid regulatory discards, and some folks wanted reallocation options that would allow for some flexibility, which is what I think the council's intent is, looking at the actions here. In summary, avoid sort of a one-size-fits-all approach to everything. Some people wanted to get rid of sector allocations to better achieve OY, and so there were people that were in favor of it and against it, and unused ACL for dolphin does not necessarily benefit either sector, and so that's the summary of the comments.

All the detailed comments are in there. You are able to download them now off of our new system that we have on the website, and so if you want to look at all of them. The nice thing about the submission that we have of comments, using the web form, is that people who have already submitted comments, those are visible to other people who come on now to submit comments, and so you can look and see what other people have said as well as council members can check at any point to see what comments are up there. It actually is really quite nice, the way it's laid out.

That's, in a nutshell, the kinds of comments that we got on this, and so they were kind of all over the place. Some people were in favor of some ACL shifting, but everybody seemed to either say don't do it or give us some flexibility, and the idea of hard allocation shifts between sectors, there didn't seem to be much support there for that.

MS. BECKWITH: Thank you, and I also saw quite a few comments specific to the gear allocations between hook-and-line and the pelagic longlines, and so, towards the end of this document, if you look through, there is a lot of charter folks and recreational folks that did comment, and so I just wanted to point that out, because we often don't get a lot of comments from charter and recreational.

DR. CHEUVRONT: Remember the gear separation, and the direction to staff in dealing with this, was only in the commercial sector and not in the recreational sector at all, and so some people commented on the recreational sector, but that was not something that we were directed to look at here.

If we're ready, we will move into Dolphin Wahoo Amendment 10/Snapper Grouper Amendment 44, and that's Attachment 4 in the briefing book. What we did is, since you guys gave us that direction in June, we put together a draft scoping document, which is Attachment 3. That was done by staff in preparation for scoping. We tried to put in some draft -- We put in a draft purpose and need and actions and alternatives, knowing that the council hadn't seen anything yet. We tried to come up with something that we thought would fit with what the council's intent was that they had given us, as a way to sort of frame the discussion for people at scoping.

The IPT did not, at that time, when that scoping document went out, did not have a lot of opportunity to comment on the scoping document that went out, but they have since then, and so what we want to do is we want to use the decision document that is Attachment 4, because that includes the IPT comments and the further additional review that we had. I don't think we've lost any of the intent of the document that went out at scoping. I think what we have gained is the added benefit of more people looking at this and thinking pretty seriously about what the council is considering looking at.

At this point, what we would like to do -- Just so you all know, John and I are tag-teaming on this one, and John was really much more heavily involved than I was in developing the allocation alternatives under those two actions there, and so, because they get pretty complicated, I am going to let John handle that part of it, and I'm going to be doing the typing for him, but, right now, for the purpose and need, we have come up with a draft purpose and need. You all might want to look at this right now, but you might want to come back to it later, after you've looked at the actions and alternatives.

If you would like to, it might make a little bit more sense to look at the actions and alternatives and make sure it fits where you're going. Then we can come back and look at the purpose and need that we have drafted that's based on the actual actions and alternatives that exist in there now, and so, Madam Chair, would that kind of work better for you, do you think?

MS. BECKWITH: Yes, and that was going to be my suggestion.

DR. CHEUVRONT: Perfect. John, I will drive for you, but if you want to lead folks through this.

MS. BECKWITH: What you should take this as is it takes two staff to keep me in line.

MR. HADLEY: We will start off with Action 1, and this is dealing with establishing ACLs by gear for dolphin in the commercial sector. In Alternative 1, there is no action, and so maintaining just one sector ACL for the commercial fishery. Then Alternatives 2, 3, 4, and 5 are essentially various allocations, increasing down the line towards pelagic longline gear, and so it's starting out with 46 percent and going to 75 percent, and those are mostly based on different years which were within the table in the scoping document.

DR. CHEUVRONT: What we do have is, since this was all put together, Mike Errigo was able to get the 2015 landings, and so we can actually show some of that as well. Basically, the trends showed that the longline percentage went up as well in there. If you want to, I can pull up a chart and show you how that looks.

MS. BECKWITH: Do you guys want to see that? Okay.



DR. CHEUVRONT: What we've got here is the blue bar, starting in 2005 here, is the longline landings, and the sort of orange bar is the hook-and-line landings. As you will see, if you look at the orange bars over time, there is some variability, but there's not a huge amount of difference. Remember, in 2015, they're low, because the hook-and-line fishery got shut down on June 30, and, typically, the hook and line fishery is the one that goes all year long.

In the longline fishery, it's pretty much over by early July, and it really starts tapering off, and you're not getting the significant landings by longlines by the time you really get into August. They're pretty much done for the season. There are still some longline landings, but not the kinds of things that you typically see April and May and June and into July.

As you can see, the percentage of longline landings in 2015 were enormous compared to the hook-and-line, because, for the first time, the commercial sector was shut down early. The commercial sector was shut down early, and the hook-and-line sector just didn't get to fish the rest of the year like they normally do, and so that percentage split between the two was artificially enhanced in this graphic because the longline fishery got shut down early. The entire commercial fishery was shut down, again, on June 30, which basically meant that the longline fishery was just about done anyway but you can see that longline fishery, in some years, really is quite large, in terms of comparison of the percentage of the overall commercial catches.

MS. BECKWITH: Okay. Under this action, I am going to let Ben speak first, if he's got any interest in it, because this was a suggestion that you wanted us to consider, and certainly, if there are things that we know that we don't want to pursue for consideration, I would be looking to clean up either alternatives or actions or whatever it is that you guys want to do with this. If Ben is not interested in speaking first, I will go to Charlie.

MR. HARTIG: Are you looking for a preferred?

MS. BECKWITH: No, just preferred conversation. I am just giving you the opportunity to share your thoughts.

MR. HARTIG: All the fishermen in South Florida that I've talked to concerning dolphin want to see the gear split. They all think it's critical for their survival, and so they want to see that happen, and I will leave it at that.

MS. BECKWITH: Did you not hear him?

MR. BOWEN: I did not, and I'm sorry.

MS. BECKWITH: He just said that the folks in Florida, the commercial fishermen in Florida, would like to see this happen.

MR. BOWEN: See this meaning the separation of gear types?

MS. BECKWITH: Yes. I'm going to go to Charlie and then Jessica.

MR. PHILLIPS: Thank you, Madam Chair. Brian, we all know that 2015 was high, and we know the longlines are done for this part of this year, and could you tell us what the landings are this year, so far this year, compared to 2015, so we could kind of see if it was still upward or flat or

down, because I think it's down this year, but at least if we know where we are this year, that should incorporate the longline landings.

DR. CHEUVRONT: We don't have that for 2016 yet, even up to date. It's a matter of we haven't compiled it that specifically. We thought we were doing pretty good to get through 2015, because that was just done this past week.

DR. ERRIGO: We only have the total commercial for 2016, and I don't have it broken down by gear.

DR. CHEUVRONT: You just wanted total? I thought you wanted it by gear type. I'm sorry. I misunderstood.

DR. ERRIGO: I think Rick had that.

MS. BECKWITH: Yes, and we were like at 65 percent of the ACL or 67. Then, Dewey, have the longline landings been lower this year, from your knowledge?

MR. HEMILRIGHT: A couple of things, when I looked at that. You all just got finished with an amendment that set it at 1.5 million pounds commercial. You set a 75 percent, when it's caught, it goes down to 4,000 pounds. Why not wait and see what happens, because it hasn't reached the 75 percent this past year. Not only that, for pelagic longline, in my experience, you've got about two months of fishing, May and June.

I understand fishermen in South Florida want it year-round, and I think the amendment that you all just went through to do the 75 percent with the 4,000-pound down after 75 percent, that you won't see a closure. I would like to see a breakout of what it is by state landings, because, as these fish move through -- Your dolphin, your mahi, 80 percent never make it past one year and 90 percent two years, and I read a bunch of the comments of the fishermen in South Florida.

Pelagic longline doesn't catch that fish. They're small fish, and I read through all of them, and I understanding wanting the 3,000-pound trip limit, but you all just put an amendment in effect, and you're coming back and doing something else, which is you all's purview, but I tend to worry about, as a pelagic longliner, what happens if all of a sudden you go to 50/50 and we're out there discarding mahi. The other side is never going to catch 500,000 pounds, the hook-and-line. The hook-and-line, in the lower part of the region, I almost believe, and I might be wrong, that it's a year-round fishery. Pelagic longlining, to go directed mahi fishing, is a two-month season, maybe nine or ten weeks.

When I say that directed, when you leave the dock, you're going out to target that mahi because you believe there is availability there. There might be boats that come in from pelagic longlining that have 1,000 or 2,000 pounds, but the majority of their catch is not mahi. It's something else, and so almost before you go down the road -- You have already done something that's set in motion to reduce and stay within the ACL of 1.5 million pounds by doing the step-down.

A boat pelagic longlining in August is not going to leave the dock for 4,000 pounds, because the mahi is not going to be there. I am probably rambling on, but I almost see that you've taken care of the problem, or perceived problem, and it probably needs a little further analysis past this, for a few more years, to see something, because it could take effect, where doing the allocation between

two sector groups is not needed, and it could harm, really harm, one. If there is a closure, it would harm the other.

Given the limited amount of mahi that comes through this pipeline that could be commercially directed, I don't see ever reaching -- If we do reach that 1.5 million, maybe there is something to where you could do something like bluefish in the Mid and get 100,000 or 200,000 pounds from the recreational side to continue on, but I would hate to have to discard mahi, pelagic longlining, because -- You've already done an amendment. Let that work. See what happens. There is stuff in place that I feel like that could be probably tuned if there was an overage or something like that, but that's just kind of my two-cents worth.

MS. BECKWITH: Okay. We will get to some of those discussions. Jessica was next and then Chester and then Chris.

MS. MCCAWLEY: Thank you, and so I would like to see this action remain in the amendment, and then the timeline for this -- This would be going out to scoping in January and February and then we would look to finalize -- No?

DR. CHEUVRONT: It goes out for public hearing in January or February. What you would see in December, hopefully, will be something that is very close to a public hearing document, with as much analysis as we can get into it. Depending on how much, when we get to the other actions, where you're looking at the different ways of dealing with the overall ACL, if you want to look at allocation shifts, temporary things, how much of that you all want to keep in the document will determine how much analysis can get done.

Some of this is going to be very, very difficult analysis to do, which is why we would really like for you -- If there's something that you don't like or don't think you would really seriously consider, if you would just say we're not going to consider that and get that out, that will make life a little bit easier, but we're going to have an IPT meeting next week and figure out how long is it going to take us to start getting that biological analysis that has to be done before we can do the social and the economic analyses, but we're going to bring you a document that we hope is going to be close to public hearing ready in December. Then it would come back to you in March, and, ideally, we would like to finish this up in June.

MS. BECKWITH: All right, guys. We have barely scratched the surface of this amendment. I've got Chester, Chris, Zack, and then, for Jessica, I want you looking at the alternatives to see if, out of those five alternatives, if you actually want to keep all five.

MR. BREWER: I am getting scared, because first I agreed with Roy on something and now I am agreeing with Dewey.

MR. HEMILRIGHT: Then you're on the right track.

MR. BREWER: I want to read something.

MS. BECKWITH: Keep it short.

MR. BREWER: No, I've got my ten minutes. This is from the summary of the original Dolphin Wahoo Fishery Management Plan, which was enacted, I think, in 1997, but I'm not sure about

that. There's a statement in here, in the summary, which they didn't call it that, but this is a purpose and need.

Owing to the significant importance of the dolphin wahoo fishery to the recreational fishing community in the Atlantic, the goal of this fishery management plan is to maintain the current harvest level of dolphin and ensure that no new fisheries develop, with the potential for effort shifts in the historical longline fisheries for sharks, tunas, and swordfish. These shifts or expansions into near-shore coastal waters to target dolphin would compromise the current allocation of the dolphin resource between recreational and commercial user groups. Further, these shifts in effort in the commercial fishery, dependent upon the magnitude, knowing that some dolphin trips can land over 25,000 pounds in a single trip, could result in user conflict and localized depletion and abundance.

We have been going down this road, I think, because we want to protect the hook-and-line fishery for dolphin. We started talking about this in 2015, because, in 2015, the dolphin fishery was shut down for the entire -- Not just the South Atlantic, but the entire Atlantic seaboard, and I believe it was June 30. We had six months where the folks that go out and hook-and-line fish and bring fresh-caught local product back to the local markets were shut down. To me, that is a tremendous economic inefficiency.

What was talked about and what the fear was in the original Dolphin Wahoo Fishery Management Plan is starting to come to fruition. It's starting to show up. If you take a look at 2014 and you take a look at 2015, you see that there is a shift. There's not much question about it. We need to make sure, in my mind, that the recreational fishery is not hurt, and we need to make sure that the hook-and-line fishery, commercial, is not hurt. We have already seen that there has been an increase in the longline fishery.

The first meeting that I came to, we did a hard reallocation shift. In fact, I voted in favor of it. That allocation shift did not come into play until this year. Late last year, we did another amendment, and, in that amendment, we had the 75 percent cutoff with, after that, a 4,000-pound trip limit. That was put in place primarily to protect the hook-and-line year-round fishery.

There are some issues with regard -- I'm hearing a lot from people down in the Keys and South Florida about localized depletion. I am hoping that that is not the case. I'm hoping that it's more of a temperature/environmental change thing that's causing that, but it seems to me that we are right now, and this is where I agree with Dewey, but we have put two different things into play, one of which only came into effect this year, and then we came on top of that with another what I believe was a framework amendment, I believe, that hasn't even come into effect yet, because it hasn't been signed yet, and I think that, before we go down this road, we need to step back for a minute and take a look at what is happening in the fishery after these two new actions that we took come into play, because we don't know right now.

I would hate for staff to go through the work that would be necessary to do those things that are called for in the new allocation policy like develop a trigger. I don't even know whether this thing has been triggered, but you have an assessment. We don't have an assessment. You have, and this is the one that really would be the bear, is you also take a look at socioeconomic factors involved in any such allocation shift, and we don't have that.

Staff is going to be forced to develop that, and so I would like to see us put this on the table for a while, maybe eighteen months or so, so that we can see what effect the two actions that we've already taken and what happens with those, because, right now, we don't know, and so we go out

blindly and start talking about, okay, well, let's shift the allocation 3 percent or 5 percent or 6 percent. In some cases here on these things, you're talking about going to a 50/50 split. I just don't think that that -- I think we're premature in doing anything like that, and I really do believe -- If necessary, I will make a motion, but I really do believe we should put this off for eighteen months or so.

MS. BECKWITH: Two-minute rule. Chris, Zack, and Dewey.

MR. CONKLIN: With the 75 percent step-down and the increase in the ACL for the commercial guys, I think we need to let it play out as well. I would be inclined to take Draft Action 1, separating the gear types, out of this document. I am prepared to make a motion to do that.

MS. BECKWITH: Go ahead.

MR. CONKLIN: **I would like to make a motion to table Draft Action 1, establish ACLs by gear type for the dolphin commercial sector, indefinitely.**

MS. BECKWITH: I think Roy is going to correct the motion. Go ahead.

DR. CRABTREE: I think you would mean to move it to the considered but rejected section.

MR. CONKLIN: Since it hasn't been read in, do you want me to read that? Okay. I will wait on Brian. **I will make a motion to remove Action 1 to the considered but rejected appendix.**

MR. BOWEN: Second.

MS. BECKWITH: Okay. There is a motion. Is there any discussion on the motion? Okay. **All those in favor of the motion, raise your hand, nine in favor; opposed, two opposed. The motion passes. There were two abstentions.**

MR. HADLEY: Moving along, looking into revising the sector allocations, and we'll start out with dolphin, but they're very similar for both dolphin and yellowtail snapper. These alternatives were created based on input from the council during the June meeting, looking at, and I will run through the list very quickly, a combined ACL, a permanent allocation shift, common pool category, reserve category, temporary allocation shifts similar to bluefish in the Mid-Atlantic, and a temporary allocation shift similar to what was examined in Gulf CMP 29 dealing with Gulf king mackerel. Those were the six.

Alternative 1 is no action. Alternative 2 is maintaining the current ACLs, but revising the accountability measures to not close either sector until the total ACL is met, and so this is looking at more of a combined ACL option. The second one is looking at a permanent allocation shift between the sector ACLs and with several sub-alternatives with different options there.

Alternative 4, and this is the common pool category, and so take a portion of the total ACL and set it aside so it can be used a common pool allocation by either sector, as needed, and there are various sub-alternatives in there to set aside how much of the ACL would go into that common pool. Alternative 5 is a reserve category, and this language was borrowed from one of the options in the Gulf CMP Amendment 29 dealing with Gulf king mackerel, but it's essentially a rollover credit. If a sector were to not catch all of its ACL in one year, this could be set aside for future years, where it could be used if needed.

Alternative 6 looks at a temporary allocation shift, and this is trying to mirror bluefish in the Mid-Atlantic, where the current sector allocations are maintained, but allow a temporary increase in a sector's ACL if one sector is projected to not catch or land its entire allocation. That could be shifted over to the other sector, and, there again, the different sub-alternatives with the different amounts that could be transferred.

Then Alternative 7 is looking at a temporary allocation shift, similar to Ms. Bosarge's suggestion for Gulf king mackerel, and, there again, Gulf CMP Amendment 29. It's essentially looking at setting a conditional transfer and looking at -- It's basically a condition based on the donating sector's ACL. Essentially, if one sector were not to catch its ACL, it could be transferred. However, there is sort of a stop-gap measure in there. If that sector did happen to run up against that, then the ACLs would automatically shift back to their status quo.

Before we go into discussion too much, I just wanted to go over briefly -- As Brian mentioned, the IPT did meet one time before this meeting, and they had expressed some concerns over some of the options, and I will briefly go through those. The first one is dealing with the permanent reallocation measures, and some of the issues that were raised, and these were general concerns, but litigation concerns, and this was based on some of the litigation in the Gulf over red snapper, lack of technical guidance to perform economic analysis of such actions, which is expected to be forthcoming, but is not available yet. Then, as we discussed earlier, the commercial allocation was recently increased for dolphin, from approximately 7.5 percent to 10 percent.

Moving down to other alternatives, the IPT had some issues with Alternatives 4, 5, and 7. They could be administratively cumbersome, due to the time delay in keeping track of recreational landings, and so there's not a real-time option there. For Alternative 5, which is the carryover option, there would essentially have to be additional measures taken so the ACL is not exceeded due to that reserve carryover, and so some sort of buffer, have the SSC change the ABC, change to a multiyear ACL, but there would need to be some kind of buffer in there to make sure that the ACL is not overrun.

Then, finally, based on the recent Gulf meeting in August, there was an additional measure put in there that mirrors some of the language in there that deals with essentially the delay in recreational landings or information on recreational landings, and so it's looking at data from two years prior to deal with that time lag.

MS. BECKWITH: Okay. Let's go back up to the top, and I guess my preference would be to take these one at a time, unless I have some overarching comments. Jessica has an overarching comment.

MS. MCCAWLEY: Remind me, because I didn't see it in this list, but did we get rid of the option to just combine recreational and commercial? I see that Alternative 2 is maintain current sector ACLs, but revise the AM, but I thought there was an option that just combined the recreational and commercial into one, and I don't see that anymore. Did we take that out last time?

MR. HADLEY: That was in there, and Alternative 2 was the IPT's version of that. That would maintain the current ACLs, but revising the AMs, so it doesn't close until either sector is --

MS. BECKWITH: I guess it would achieve the same endpoint.

DR. CHEUVRONT: That was the mechanism that the IPT recommended to achieve that same outcome.

MS. BECKWITH: So overarching comments only. Monica.

MS. SMIT-BRUNELLO: Just one on Alternative 3. When we talk about a permanent allocation, remember that what you put in place now could be changed in the future by you all again or other council members or whatever, and so when we're calling it permanent -- Maybe you're putting that in there, John, to differentiate between conditional transfers and that sort of thing, but just to keep in mind what "permanent" means.

MR. HAYMANS: Before it goes out, I'm surprised the IPT hasn't caught the fact that, under Alternative 1, the ACLs are the old ACLs and not the 2016 ACLs.

MS. BECKWITH: Thank you for that. We will make that correction. Okay. So, with all general comments out of the way -- Do you have a general comment, Zack?

MR. BOWEN: I would consider my comment overarching, but I can say it and you all can decide. **Given what we just did with Action 1 and the previous regulations that are, like we've said on the record, not even on the books yet, so to speak, and the increase in ACL, I would almost be willing, if I could have some support, to just take this out as well.** It would save time for staff and us.

MS. BECKWITH: Like the whole action?

MR. BOWEN: Action 2, yes.

MS. BECKWITH: Let's not and say we did for a little while. I want some discussion on this.

MR. BREWER: Second.

MS. BECKWITH: Darn it. Okay.

DR. CHEUVRONT: Zack, was that a motion?

MR. BOWEN: That was a motion, and, for clarification, just dolphin. I guess Action 2 is just dolphin and not yellowtail. Yes, that was a motion. Thank you, Chester. I think we're on the right page here.

MS. BECKWITH: Lovely. Okay. We have a motion on the table to move Draft Action 2 to the considered but rejected appendix. Discussion?

MS. MCCAWLEY: I am going to vote against this motion. I think that this action needs to stay in the document. I hear what you're saying about the recent changes that were made. I don't know if you guys looked, but FWC sent a letter from their meeting last week that they think that revising these sector allocations for dolphin is very important, and they want it done as expeditiously as possible. This is something that's very important for our Keys fishermen and fishermen along Florida's east coast, and so I support this action staying in, which would be voting against the motion that is on the table.

MR. HAYMANS: I understand removing Action 1, but, for me, this is setting the next step, in case we do get close to the 1.5, that there is an opportunity to increase, and so I also would vote against it.

DR. CRABTREE: It seems, to me, the problem we're trying to solve is a closure of either sector when it's not really necessary, and I say it's not really necessary because we're not catching the overall ACL, and so, unless Brian or someone tells me that I'm misinterpreting it, it seems, to me, that Alternative 2 fixes this whole thing. We wouldn't have closed last year, and I don't think we would have closed, historically, under any scenario, because we don't catch the overall ACL, and so we're not harming the stock, and it seems, to me, you could tweak those AMs in that fashion and avoid opening the whole allocation issue, and so I think one option would be to just change the title of the action to be "revise the accountability measures for dolphin" and then just have two alternatives, status quo and the fishery doesn't close unless the overall ACL is projected to be reached. That might be a less-contentious way to head off the problem. It's something to think about.

MR. PHILLIPS: I agree with Roy. I could see taking out the allocations and maybe some of the other stuff, but I think what Roy is talking about is probably simplest and it gets us where we want to go.

MS. BECKWITH: That would certainly be up for discussion if this motion fails.

MR. HAYMANS: Roy, that seems, to me, to fly in the face of what the previous council, and what Chester just read, was suggesting, that basically Alternative 2 is one ACL, and it throws the door open to directed fisheries, to a much larger extent than they currently are. That's why I thought we wanted to try to constrain that somewhat, to keep those bigger fisheries from developing. Chester, I apologize for not completely listening to what you read, but part of the issue was also some localized depletion fear, and I don't know whether that has ever materialized or not, if it was a directed fishery.

DR. CRABTREE: To that point, you're right that it could allow one sector to catch over their ACL repeatedly if the other sector remains well below there, so that the overall ACL is caught. I guess it comes down to whether you consider that a problem. I've heard about the localized depletion kind of argument for years, and I don't know if that has happened or not. I don't know that just fear of that is a reason for doing something. That's something that's hard to have much evidence about, and so I guess, if you are concerned that either sector goes over their ACL, then this wouldn't work very well for you, but if your main concern is staying within the overall ACL, so you're not having a negative impact on the stock, it seems, to me, that this approach would address that, at least.

MR. BELL: To kind of take where Roy was going with this, you're talking maybe two alternatives, status quo or go with Alternative 2 here, and you could perhaps add another alternative to where you create a little bit of a buffer. Rather than the ACL having to be completely met, you go to 75 percent or 80 percent or 90 percent and create a little bit of a buffer in there, call it an ACT or something, but it would be the same thing, but you're maybe addressing the concerns expressed earlier. That's just another alternative, perhaps.

DR. DUVAL: I don't know if I could support this motion either to remove the entire action. I understand what Roy is saying, but I feel like the whole intent of this amendment was to develop a tool or multiple tools that could be used to address these types of issues, where one sector or



another is running up against its ACL, and so I think there is value in keeping this action in there. I would not be in favor of keeping Alternative 3 in there, establishing a permanent allocation shift, simply because we just did a, quote, unquote, permanent allocation shift, and I think, as Chester and Dewey mentioned, we need some time for that regulation to hang out on the books for a little while, but I do think there is value in considering these other alternatives.

MR. BREWER: In essence, combining the ACLs, because that's what you're doing if you go down the road that Roy is talking about, in my mind anyway, is a recipe for disaster. In particular, in this fishery, because you're inviting one sector to begin to take a bigger and bigger portion of the overall quota and catch.

This fishery is extremely important to recreational fishermen in our entire area. It is incredibly important, in my mind, that the hook-and-line folks be able to fish all year. We may have taken steps that accomplish that end and that goal already. That's the reason that I seconded Zack's motion. With regard to Alternative 2, I will talk about this in a minute, because it's not the motion that's currently on the floor, but my thought is that we not do anything with regard to this until we see what we have already accomplished, and we don't know that. We don't know. This is going to be acrimonious. My phone was already lit up over this, and I've gotten a number of emails. It just seems, to me, that, again, the best thing to do here, and I will make a motion if necessary, if this motion doesn't carry, that we put off consideration of any of this for at least eighteen months. Thank you.

MS. MCCAWLEY: Just to take what Roy was explaining a step further about Alternative 2, I guess my question is, if we revise the accountability measures so that we wouldn't close either sector until the total ACL is met, if say the commercial were to go over, I'm assuming there's going to be payback, and then you're going to be stuck in a loop paying back?

MS. BECKWITH: No, there would be no payback as long as the total ACL -- Besides, we don't have a payback for dolphin.

MR. BOWEN: Call the question.

MS. BECKWITH: That requires a second and a whole vote thing. Hold on. Just hold on. Dewey and then we're going to vote. Dewey, go ahead.

MR. HEMILRIGHT: I take great interest in listening to this discussion. I have been involved in the advisory panel for mahi ever since it started. Addressing the fears of localized depletion has never been documented. They've got tails and they swim. We've had presentations from the guy that -- I can't think of his name, but he does the dolphin research. Don. He has come to the AP panel and talked about hearing fears of localized depletion, and he showed how the fish migrate, and you know it's like a fear.

You just put in place an amendment before of increasing the quota to 1.5 million. The directed longline fishery, if you look at catches where you talked about 25,000 pounds, I venture to say that's probably ten or twelve days. If you look at that, that's 2,500 pounds a day. You're talking you went from 75 percent gets caught that you tier down to 4,000 pounds. If you looked at the majority of your catches that catch that amount, they don't catch 4,000 pounds. They catch more, and so you have protected your year-round fishermen. Pelagic longlining, you don't year-round catch mahi.

The fish that the guys in South Florida catch, that fish that we've got up here is not going to go around back down the loop, probably, and be the same fish they catch the next year. There is other countries fishing on these mahi. There is imports every day coming into Miami and all around that our country, we don't catch them. They come in here once our markets are closed.

While we're sitting here -- To me, I'm fine living with 1.5 million, because I believe we can stay around there and people can fish year-round, but you also need to have, maybe in the future, if there's that chance for a buffer of 100,000 pounds or something to get you past that couple of months. I understand the fear. I understand. That's what got me into fisheries the first time, when the South Atlantic, in 1997, was going to do with the mahi. I understand that, but there's fear and there is reality, and the reality of fishing is you just did an amendment to set a precedent to protect the people and when the majority of the fish is caught to step down. You only have a two-month season of directed longline fishing that catches the amount of poundages.

Something else this council has not taken upon itself to look at is non-permitted vessels. I would like to see a survey or something of how much they catch, and we're not seeing that here. I would also like to see a breakdown of each state and a breakdown of each hook and line sector group and longline in each state of what they catch and the times of the year. That will give you a better picture, but you've already done something, and I agree with Chester and with Zack and with Roy. Let's see what happens in eighteen months.

MS. BECKWITH: Okay. We're going to vote.

MR. BREWER: When you say non-permitted boat, are you talking about what I would refer to as a council boat?

MR. HEMILRIGHT: Yes, sir, and you brought that up in March, and I have read other stuff about it, and I have yet to see this council discuss or talk about it or what's being caught here.

MS. BECKWITH: We did it in June, and I swear I will start using the gavel.

MR. HEMILRIGHT: It's time to see that.

MS. BECKWITH: Yes, and it's up on the screen.

DR. DUVAL: Just a clarification on that chart that's up on the screen. I mean, that's not looking at actual permits. That was a de facto type of analysis looking at vessels that only had landings of HMS -- They had landings of dolphin and other HMS species. In other words, species that required an HMS permit versus vessels that only had landings of dolphin, correct?

DR. CHEUVRONT: That is correct, and the reason why we did this analysis this way is because of permit transfers. We would have to have followed every permit every day and looked at landings, and that's the kind of analysis that has to be done by hand. When you're talking about as many trips and as many permits and things, it was totally unwieldy to do this, and we felt that this would probably be a pretty good approximation, although it is not exact.

MS. BECKWITH: Right, and I know that we're going to have more discussion, if this fails, as we go through each of these alternatives, and so let's go ahead and vote. **All in favor of Zack's motion to move this entire action into the considered but rejected, please raise your hand, three; all those opposed to moving this action, six. The motion fails. One abstention.**

Now, let's go back. We're going to skip discussion on Alternative 2, because we've had that for a little bit, and let's talk about Alternative 3. Is there any interest in consideration of a permanent allocation or do we need to move this to the considered but rejected?

**MR. PHILLIPS: Madam Chair, I make the motion that we take Alternative in Draft Action 2 to the considered but rejected appendix.**

**MS. BECKWITH: It's seconded by Doug. Any opposition? Seeing none, that motion carries.**

**COUNCIL MEMBER: Point of order.**

**MS. BECKWITH:** I said we were going to go back to Alternative 2 for a little bit. Sorry. Okay. We haven't had any discussion yet on Alternative 4, and so let's just move forward for a minute. Then we'll go back to Alternative 2. Any thoughts or opinions or conversation on Alternative 4 specifically?

**MR. BOWEN:** Thank you, Madam Chair. I just think with the delay of our recreational landings, the delay that we have them coming in, the flip-flopping of ACLs is probably not going to be advantageous for the recreational sector, and I'm trying to make sure that that --

**MS. BECKWITH:** Alternative 4 wouldn't be a flip-flopping. It would be a common pool, and so this is, again, retaining for consideration in the public hearing document. Again, I am not looking for motions, but I just want any comments, thoughts, or opinions on Alternative 4 first, before we start throwing out motions.

**MR. HAYMANS:** Just for clarity, that is taking 1 through 10 percent from the total ACL to begin with and setting it aside. If one of those fisheries bumps up against its sector ACL, it could borrow -- Not borrow, because it's not going to pay back, but it could take from that pool?

**MS. BECKWITH:** That's correct.

**DR. CHEUVRONT:** Doug, to follow-up on what you're saying, what that would mean is, for example, if you chose Sub-Alternative 4a as your preferred, at the beginning of the season, 1 percent of each sector's ACL would create that pool, and so it would be roughly -- I am talking about from the commercial sector, which is -- I can't do the math that quickly in my head, but it would take 1 percent of each sector's ACL, and that's what that 153,000 pounds would come from.

**MR. HAYMANS:** I understand that, and the math is exactly the same, I believe, but it makes more sense to take it from the total ACL and then apply the 90/10 split to the remainder, but it's the same math.

**DR. CHEUVRONT:** Yes, it would work the same way.

**DR. CRABTREE:** Just think about how this would work, because I'm not sure it explains it totally, if we chose Alternative 4d, so that 10 percent comes off of the total ACL, which is one-and-a-half million pounds, roughly, and assuming the recreational continues to not even come close to theirs, that means the commercial fishery wouldn't have been closed unless they caught their ACL plus the one-and-a-half million pounds. Then, if they caught all of that, they would be closed. That's how I'm reading it, at least.

MS. BECKWITH: That's correct. The common pool would be available for either sector.

MR. HARTIG: How does that happen though if your commercial ACL is fixed in a one-year specification? I don't see any of this working without a multiyear specification of ACLs.

DR. CRABTREE: I think it's really a modification of the AM, and so the AM wouldn't apply, in terms of the closure, until you caught your ACL plus all the common pool was caught up.

MS. BECKWITH: Right.

MR. BOWEN: The term was used "bumped up against their ACL", and I'm not sure what the definition of "bumped up" is. When would this --

MS. BECKWITH: The common pool is always available for either sector. If the commercial happened to catch two-million pounds, they would be using 1.5-million pounds from their sector ACL and a half-million pounds from the common pool. Are we clear? Are we okay with keeping this for the public hearing document? Yes. Thank you.

Let's talk about Alternative 5. Alternative 5 was one of the ideas that I had sort of come up with, although apparently other people have come up with a similar idea. I am going to read out an example of how this would work, to give you guys an idea, because it does sound a little bit complicated. Roy, I want you to pay attention to my example of Alternative 5, so you don't ask me a bunch of questions. Everybody listen.

DR. CRABTREE: I am listening closely to you.

MS. BECKWITH: Okay. Now, with one difference. In the Sub-Alternatives 5d to 5f, I would be actually adding the option to carryover credit equal to 100 percent, and so this is a specific example for how this would work for dolphin. Focus. As long as 20 percent of the overall ACL was still available during the previous year, the commercial sector would be permitted to carryover up to 100 percent of their unused sector ACL up to 10 percent of their sector ACL, meaning 150,000 pounds.

The following season would proceed with the baseline plus the carryover reserve available to the sector, as long as the overall ACL is not overrun. That's how it would work. The benefits of this carryover option would be that the ACL carryover reserve can be replenished as ACL underages from that sector itself would occur.

The carryover reserve is created by a sector from that same sector's underages, and so it's not a recreational to commercial or commercial to recreational switch, and this would help cover the years of high abundance, when the fish are more available and catches will naturally increase. This is actually a somewhat simple solution, but it sounds much more complicated, as you read it through, than what the dynamics would actually be. The IPT had some concerns about going over the ACL, but, of course, for dolphin, that would not ever really be an issue, and so the commercial sector would be able to carry over its underages, up to a maximum, and that underage would be available to them in addition to their baseline. Are there questions or concerns or comments or discussion? Are folks okay with keeping this option as a public hearing option? Then my request would be to add the carryover cut to 100 percent as an additional sub-alternative, and then we can

discuss this again in December and keep making sure that people understand what I'm trying to get at. You're good? Fantastic.

MR. HAYMANS: I was just going to suggest that it really sounds overly complicated, when there are some other solutions that do the same thing. In trying to keep the document somewhat understandable, I would prefer to see it gone, but, in deference to the Chair, I won't make a motion.

MS. BECKWITH: I gave him the look, which is so against the rules, I know. My only reasoning for wanting to keep this forward as an option is because it's the only option that we have on the table that is carryover provided by the same sector. It's not a recreational to commercial transfer. It is a commercial underage providing carryover to the commercial, and so regardless if it's -- It may be more palatable, possibly. Okay. Alternative 6, any concerns or questions or desires to keep -- Tony.

MR. DILERNIA: Again, I understand this is copied or modeled from what we do in the Mid-Atlantic with bluefish, but I see you have sub-alternatives of increase by 100,000 pounds, or 6b is increase by 250,000 pounds. A suggestion would be to eliminate all the a, b, c, d, and e and just say conditionally increase the commercial ACL by a value not to exceed one-million pounds or not to exceed 750,000 pounds. This way, you have the freedom and the latitude, when you set your annual specifications, to look at how the recreational fishery performed and to pick a number.

That's what we do, again, in the Mid, is we have -- I think it's not to exceed, and I forget how many million pounds. It's a lot of fish, but that gives us the ability to pick any number we want, up to a maximum threshold, and so I simply offered that as a suggestion as to how you may want to reconsider these sub-alternatives. Thank you.

MS. BECKWITH: Okay. Do you want to do something with that?

MS. MCCAWLEY: I guess my question is, based on the discussion that the Gulf Council had -- I think that this new alternative that is Alternative X that has this two-year prior average is in there partly because it's difficult to estimate if the recreational ACL is going to land all their fish, and so I think that we could get rid of Alternative 6, because I just don't think that it's a good idea logistically, because we can't really figure it out, and that seems like that's why the Gulf Council added Alternative X.

MS. BOSARGE: Yes, and, at our last meeting, that's exactly what we did. We took the alternative with the conditional transfer and we replaced it. This is essentially the same conditional transfer, but just it's worded now so that you will have hard landings numbers to deal with, to make sure everything is kosher before you start moving fish around, and so we did choose to incorporate that Alternative X as a replacement.

MR. BREWER: I just find it interesting that we say in the first part of this thing that if the other sector is projected to not land its entire allocation in the coming fishing year. I'm not sure exactly how you do that. Additionally, I don't see where there is any conditional increase in the recreational. This all says it's going to move to the commercial. I don't know that the second part of this thing agrees with the first part.

MR. DILERNIA: Again, when we do it with bluefish, we look at the MRIP estimates of what was caught for the past year, and MRIP will give us an estimate of what they expect us to catch the following year, and then we make a decision. We don't transfer every unused pound of fish. We

don't get an MRIP estimate and say, wow, we're going to be two-million pounds short and let's transfer the full two-million pounds. We don't do that, but we do make some transfers.

This past year, we almost didn't make the transfer, because we were coming up to the point where the stock size was going down and our ACL was getting a little bit lower and we were coming up close to it, but we eventually did make a bit of a transfer, but not as much as we've made in the past. Also, one other thing, and this is also taking into consideration -- When I first voted for this amendment many, many years ago, it was to -- Recall that at one point, before we had management for bluefish, many of the rod-and-reel fish that were classified as recreational fish actually ended up on the commercial market. They went in trucks to the Fulton Fish Market and were sold as commercial fish, but they were recorded as recreational fish. Many of us recognized that while our recreational estimates may have been very high, some of those fish were actually commercial fish. I myself sold thousands of pounds of bluefish as a headboat captain in those years, and so there was that recognition also. Thank you.

MS. BECKWITH: Thank you for that. We've had some good discussion on Alternative 6. I am now willing to entertain a motion.

MS. MCCAWLEY: **I move that we move Alternative 6 to the considered but rejected appendix.**

MS. BECKWITH: Is there a second? Second by Zack. Is there any further discussion? **Any opposition? One in opposition. The motion carries with one opposed and one abstention.**

Now we are down to Alternative 7, which I guess the IPT suggested that we flip-flop with Alternative X, and so, depending on what the committee wants to do, we would have to get a motion to accept the IPT's recommendation for language for Alternative X or just --

DR. CHEUVRONT: What do you want to do? Do you want to add Alternative X in place of Alternative 6 or 7? What you can do is you can handle that all in one motion, if you would like to do it that way.

MS. BECKWITH: Okay, and so, before we go in that direction, is there discussion on Alternative 7, keeping it or utilizing the new Alternative X in its place, which I believe is what the Gulf Council has done? What is your pleasure?

DR. DUVAL: Just to make sure I'm understanding this, it says landings data from two years prior will be used to determine allocation transfers, and so this is the landings data from either sector from two years prior would be used to determine the allocation transfers, and is that it?

MS. BOSARGE: Yes, and in our case, on the Gulf side, most of the focus on that two years prior is going to be on the recreational side, just because our commercial landings are typically above that 90 percent. That is really not a question, in our case.

MS. BECKWITH: Okay. Any other discussion?

MS. MCCAWLEY: The part that's on the next page about the recreational ACL minimum threshold, and it's a percentage of its ACL, I am confused whether that's the old ACL or the conditional ACL.

MS. BECKWITH: Leann, can you answer that?

DR. CHEUVRONT: I think the thing to do is -- I've just been talking with John, because I saw another place where the poundage was wrong. Let's stick with the percentages, and then know that the -- I'm not sure what 20 percent of the commercial ACL is, right offhand, the 20 percent, but I think that that is probably correct, because the commercial ACL right now is about fourteen-million-plus pounds, and so that's probably pretty close, but we're going to verify all of those numbers again, and so stick with the percentages.

MS. MCCAWLEY: That didn't really answer my question. I am looking at Sub-Alternative Xd about conditional transfer of 20 percent. Then, if you look at the Sub-Alternative Xe and Xf, it says less than a certain percentage of its ACL, and is that of the conditional ACL or of the old ACL? That's the part that's confusing to me. Could you just clarify that?

DR. CHEUVRONT: Yes, we'll clarify that, because I think what we're looking at here really, that less than 50 percent, that's the sector's total ACL. If you multiplied that 7,093,023 pounds whole weight, that will get you the 100 percent of the recreational sector ACL.

MS. BECKWITH: Okay. Then Ben had a comment. Then I'm going to be ready for a motion.

MR. HARTIG: I am just looking at the definition. If you're using landings data from two years prior to use to determine allocation transfer, maybe I would like to look at something a little different, possibly the highest landings for the recreational fishery in the past five years, in dolphin in particular, to use that as a threshold. I think we would be on a bit safer ground if we did that, and so do you need a motion to do that or would we add that in as another possible way to look at the landings in the recreational that you're using to shift?

DR. CHEUVRONT: You can give probably direction to staff to deal with that. We don't necessarily need a motion, but, if you wanted to, you could give us some latitude. If you want to replace Alternative 7 with the version of this, with the modifications, the additional considerations that you're talking about, we could probably fit that in. We'll come back to you in December anyway, and so the public is not going to comment on it until after you see the next version anyway, and so you will get a chance to -- One of the things I wanted to point out is that, once we figure out what alternatives you all want in this document, we plan on putting in some examples of how each of these alternatives might work in the real world, with the transfers going back and forth, just to help make it clear to you all, as well as the public, because some of these are pretty complicated, to say the least.

MS. BECKWITH: I think, if I'm understanding Ben's intent, it's to be most conservative in protecting the recreational fishery, and so I think that's a good call for this one.

MS. MCCAWLEY: I had a question, and then I'm ready to make a motion, but my question is, at this point, this Alternative X only allows transfer from recreational to commercial. Don't we also want to allow it to go the other way as well?

DR. CHEUVRONT: Yes, we do, and we'll make sure that clarification is made as well, because you will notice, in a couple of the other alternatives, in some of the sub-alternatives, it does say from the recreational to the commercial, and so we'll clean some of that up too, because the intent here was to provide a mechanism that could be used for other species later on in the future, where transfers could go either way, and there is no reason why we should set it up specifically transfers

one way for the other, especially when we get to yellowtail, because that's one that is much closer in terms of their ACL, and so, yes, we want to make sure that it's clear that they can go either way.

MS. BECKWITH: All right, guys. I am ready for a motion.

MS. MCCAWLEY: **I move that we replace Alternative 7 with the Alternative X language.**

MS. BECKWITH: With the additional considerations discussed?

MS. MCCAWLEY: **Yes.**

MS. BECKWITH: Okay. Is there a second to that? Ben. Discussion?

MR. BREWER: If you could put it back up there, but the language that's up there, is that X or is that what we are getting rid of?

DR. CHEUVRONT: This language right here is X.

MR. BREWER: Do we really, really want to consider transferring 20 percent of the recreational ACL, which is approximately -- Is it almost three-million pounds? Three-million pounds to the commercial ACL, which that's twice what the current commercial ACL is.

MS. BECKWITH: What would your preference for percentage transfers be, because we could do 2, 5, 10. I mean, that's open for discussion, if Jessica is willing to entertain that, or now it's a committee motion, and so think about that. Let me go to Roy, and then I will come back.

DR. CRABTREE: Remember too that we have a trip limit that kicks in at 75 percent of the ACL. That would continue to kick in at 75 percent of the original ACL, and so any fish that carried over beyond that, they would be fishing under the trip limit, and so it would be at a reduced rate from where they started.

MS. BECKWITH: Okay, and so it sounds like we're not interested in these percentages, maybe, but are there some additional percentages that you might want to consider? Speak now.

DR. CHEUVRONT: Just to clarify this and to do this, we might want to add 1 and 2 percent and get rid of the 20 percent as potential alternatives here. Does that make more sense? There is no way that the commercial sector will be able to harvest an additional three-million pounds.

MS. BECKWITH: If we need three options, how does 1, 2, and 5 percent sound to folks as a range?

MR. BREWER: A lot better than 20.

MR. HAYMANS: I was just going to suggest reiterating the percentages from Alternative 4 of 1, two-and-a-half, 5, and 10.

MS. BECKWITH: That sounds like a fabulous idea. Is the committee okay with that suggestion, by consent? Okay. So it's 1, two-and-a-half percent, 5 percent, and 10 percent as the full range. The motion is replace Alternative 7 with Alternative X language with the additional considerations



discussed, which included all of those changes. Is there any further discussion? **Is there any opposition? Seeing none, this motion carries.**

Now, let's go back to Alternative 2, which I kindly skipped over, and is there any additional discussion on this alternative, any tweaks that we want to see to it or a desire to keep it in or get it out? You guys tell me.

DR. MCGOVERN: I think there needs to be a better description of the AM and what it does to each sector when the total ACL is met. Is it like the total ACL is met and the commercial has gone over and the commercial closes in season and what happens to the recreational sector? I think the recreational AM now is to shorten the following season if the total ACL is met, but I just think it needs a better description.

DR. CHEUVRONT: Madam Chair, I wanted to remind you of something that Mel had said earlier, which was possibly the idea of instead of when 100 percent of the total ACL is met, it could be some percentage below 100 percent would be the thing that would trigger the closure.

DR. CRABTREE: Yes, and I thought that was a pretty good idea. If you think about it, it effectively creates a common pool and accomplishes the same sort of thing, but I think it would address some of the concerns that Chester raised a little bit. Also, Chester had a comment that this was the same as having a single ACL, but it's not. If you did project that the overall ACL was going to be hit, it would close the sector that had already caught its ACL and not the other sector, and so it's not the same as a single ACL. Then, if we put some options in like Brian is talking about, to have the AMs triggered if 75 percent of the ACL is hit or something like that, you could further constrain that, if that's a concern.

DR. DUVAL: I am intrigued by that. I think I need to see the detail, but I would want to have the IPT flesh this out and see it again in December before deciding whether or not to keep it in, because I can't really wrap my head around it right now.

MR. BREWER: I was just going to point out, with regard to Alternative 2, that you're assuming there that our last framework is going to be approved. If it's not approved, and we all remember that in this original dolphin wahoo plan that there was a 3,000-pound trip limit that was taken out, and we wouldn't be having these discussions if that hadn't happened, but I just wanted to say that you're assuming there that the 75 percent kick-down is going to be in place, because, if it's not, you've got the potential here for the longline guys, and I am going to differentiate between pelagic longlines and council boats, because I don't think pelagics are the problem at all.

MS. BECKWITH: The vote to send it to the Secretary was unanimous, and so it will be in place, if memory serves. I believe Roy actually voted for that.

MR. BREWER: You voted for it and so it's unanimous?

DR. CRABTREE: I probably did, but that doesn't preclude the Secretary's options for it, but I would point out that when the previous trip limit that was disapproved -- The fishery had never closed, and there was never any indication that it would. Now, you've had a fishery that has in fact closed, and it closed very early, and so you have a much stronger rationale for a trip limit now than you did fifteen years ago.

MR. BREWER: I agree.

DR. CRABTREE: Chester is right. I wanted to get that on the record.

MS. BECKWITH: I stand corrected. I learned something new.

MR. PHILLIPS: I just have a quick clarification question. Under 2, when we hit the 75 percent, it goes to 4,000 pounds, but it stays at 4,000 pounds and it just doesn't close if the other sector -- That's just a clarification. I don't see that 4,000-pound trip limit as eating up a whole lot of poundage in the longline sector, but I just wanted to make sure. Thank you.

MS. BECKWITH: Then, Mel, did you have some percentages that you wanted to add in there?

MR. BELL: I was just swaggered at 75 percent, but I mean maybe we could -- If you think that's worth kind of fleshing out a little bit, maybe we could have staff look at a couple of options that might be reasonable, if you think that would work, without worrying about it here.

MS. BECKWITH: All right, and so we will have this direction to staff to look at an appropriate range.

DR. CRABTREE: One thing I think we need to clarify in here is the 75 percent of the ACL that kicks the trip limit in. Is that of the ACL before you conditionally transfer to it or is that of the ACL after you conditionally transfer to it? I don't think it's completely clear from this what that means, and that would make a difference.

MS. BECKWITH: Okay. Is that something you guys want to clarify now or in December when we take a look at this document again and have some of these ideas a little bit more fleshed out?

MR. HAYMANS: I thought I had already heard it said today around the table that it was 75 percent of the original ACL, and so the trip limit would just slowly drag out the season and it would never close. I thought I had already heard that today.

DR. CRABTREE: Yes, you did, and I think you heard it from me, but my folks behind me pointed out to me that that wasn't how they read it, and I guess the document is not totally clear, and the regulations say that 75 percent of the ACL specified in the regulations, and it's not clear to me if we can conditionally transfer some allocation over at the beginning of the year. That sets a new ACL, and so, the way it's written, it could go either way, depending on how you write it, and I think we need to be clear what we mean for it to be, and I don't think we've ever had this conversation really as for how we intend for it to apply. To me, right now, it's debatable.

MS. BECKWITH: Do we want to have that discussion now, and everybody look at your clock, or do we want to have this discussion the next time we see this document?

MR. PHILLIPS: Just a quick thought. If we were to use the 75 percent to the final number, after we add it on, then that 25 percent that we're setting aside for the hook-and-line is going to be a larger number, and so we should be okay doing it that way, and I would just bring that up. If you go up, everybody goes up.

MS. SMIT-BRUNELLO: As Chester reminded everyone, the 75 percent requirement is not in effect at this point. You have a proposed rule out, but you don't have a final rule. You would hope by your December meeting that you would know whether that 75 percent was implemented

in a final rule or whether it was not implemented in a final rule, and so you will have a better understanding in December.

MS. BOSARGE: I was just thinking about it from a fisherman on the water's perspective and when this step-down is going to -- In his mind, he doesn't -- When he goes out to fish that year, he doesn't have two ACLs, but he has got an ACL he's fishing at, and I can just see that would be mind-boggling, if I'm a fisherman out there and I go, well, it's actually 75 percent of this other number before that and then that's when -- I'm just throwing it out there to think about for the man on the water.

MS. BECKWITH: Brian is suggesting that he would like for us to have a little bit of discussion to help him with the analysis. I kind of agree with Leann. I think, to keep it simple, it seems like the step-down would be most appropriate, from whatever sort of conditional total ACL they have to work with that year, and so we could give direction to staff to take that into consideration in their analysis, unless I hear other opinions against that. Are we good? Then, by consensus, we will consider the 75 percent step-down to happen at whatever conditional transfer ACL, final ACL, for that year.

One more point. Since we talked about altering the definition of optimum yield, do we also want to consider including an action that would reconsider the ACT for the recreational ACL/ACT thing to 65, 75, or 85 percent and consider that change in this document as well?

MR. BREWER: I think, out of fairness, that you have to, because all of the different wording that we're using here is ACL, and what we're actually talking about in that OY discussion paper is managing to ACT, and so, and I can get into the esoteric discussion of what that is, but there needs to be some consideration of what happens if we do go forward and start managing the recreational sector to an ACT, which is an ACL minus considerations for OY that then gives you an ACT. For that reason, I think it -- I do think that that kind of consideration needs to be in this document.

MS. BECKWITH: Is that a motion?

MR. BREWER: Yes, ma'am.

MS. BECKWITH: We have a motion on the table to add an action that would reconsider management by ACT with a range, or something along those lines. A range might be 65, 75, or 85 percent of the ACL.

MR. BREWER: It probably, at least in my mind, would be about 50 percent of the ACL.

MS. BECKWITH: Okay, and so the range should include between 50 and 85 percent. Did we get a second for that? There is no second, and so the motion dies for lack of a second. I think Gregg wanted to bring something up before we moved on to yellowtail.

MR. WAUGH: Thank you, Madam Chair. We received a letter from David Borden, who is the Executive Director of the Atlantic Offshore Lobstermen's Association. It's Comment Number 14 in your online comment form. They had a member of their association that landed, from an offshore lobster trip, some dolphin. It's common practice for them to troll with hook-and-line gear in between their trawls, and they are targeting pelagics.

The way the regulations are written, and looking back at our allowable gear rule, hook-and-line is allowable, but, the way the rule was specified, if you have gear other than allowable gear onboard, which lobster traps are not allowable gear for dolphin, then you can't possess dolphin. They have requested that we consider modification to our allowable gear rule that would allow offshore vessels that have a lobster permit to be able to possess dolphin and wahoo that were harvested by hook and line gear. We do can do that through the framework or, since we have this amendment, if you all are interested in making that change, it could be included in this amendment.

MR. HAYMANS: Monica, my first reaction to that question is, when it talks about allowable gear versus other gear, wouldn't the other gear be gear capable of catching dolphin? In other words, if he had longline and hook-and-line on, then that makes sense, but trap versus hook-and-line, I would think the guy is okay.

MS. SMIT-BRUNELLO: Right now, your authorized gear for Atlantic dolphin and wahoo states the following in the regulations: The following are the only authorized gear types in the fisheries for dolphin and wahoo in the Atlantic EEZ: automatic reel, bandit gear, hand-line, 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 may not possess a dolphin or wahoo, and so I understand what you're saying, but, the way this is written, it's because he's got traps, is my understanding.

MR. HAYMANS: Go back to the first sentence. Would you reread the first sentence, please?

MS. SMIT-BRUNELLO: The following are the only authorized gear types in the fisheries for dolphin and wahoo in the Atlantic EEZ: automatic reel --

MR. HAYMANS: Those gear types are specifically for the dolphin wahoo fishery, and it just seems to me that if he's got a gear type that is not capable of catching dolphin and wahoo, that is excluded. In other words, if it's hook-and-line season only and he's got any of those other gears there, then he is illegal. I think this is a technicality.

MS. SMIT-BRUNELLO: The second sentence though, and maybe I'm not understanding what you're saying, but the second sentence basically states that if he has got another kind of gear onboard that he can't possess a dolphin or a wahoo.

MR. HAYMANS: Personally, I think it's if he's got another type of gear that is capable of catching dolphin, which is what that paragraph opens with, dolphin and wahoo.

MS. SMIT-BRUNELLO: But that's not the way it's written, but I understand what you're saying.

DR. DUVAL: Gregg, thanks for bringing that up. I saw this in the comments last night. I think there are probably several folks around the table here who know David Borden. He was a former state director for the State of Rhode Island. He is actually currently a commissioner at the ASMFC table, and so he's been around the fisheries management world for a long time, and I think this is -- The way this regulation is written, it's an unintended consequence that, even though these folks have the authorized gear aboard to catch dolphin, unfortunately, the way our regulations are written, if they're on a multi-gear trip, it's not allowing for this.

I do think it's something that we should address, because these folks are using legal gear that we have specified to catch the fish, and I'm not quite sure what the modifications would need to be.

Obviously, Monica, you and your staff would need to take a look at that, but I do think it's something that needs to be addressed, whether it's in this amendment or -- I guess, can we do that in -- I am getting ahead of myself a little bit. This is a plan amendment, and so we would definitely be able to do it. Okay.

MR. PHILLIPS: If we're going to look at lobster traps, you might as well cover the other bases, stone crab or even an octopus pot, and make it inclusive.

DR. DUVAL: I am wondering -- Gregg, it seems like a motion from the committee would be appropriate, to direct staff to develop an action that would address the current authorized gear types to address conflict with -- I don't know if we want to be specific enough to say trap-based gears, but certainly to address David's question, but I don't know.

DR. CRABTREE: Just give some thought about how you write this when you start getting into other gears. Otherwise, you could end up with people setting gillnet out there for dolphin or something, and I am not saying that is necessarily a bad thing, but you ought to think about the ramifications of what you do.

DR. DUVAL: That's why I'm asking other folks to think about what the language should be and not us, because clearly I don't think we're equipped to do it right now, but I think if we can provide that direction to develop an action that would address the authorized gear types for when folks can possess dolphin, that would be good.

DR. CHEUVRONT: Right, and it might be a good idea to let your IPT -- If you want to give this direction and let your IPT come back with an action with alternatives that you all can consider in December, so that you don't have to get into the weeds right now. Then we have the time to deal with it later, and then you guys will get something concrete to discuss in December.

MS. BECKWITH: There's a motion on the table. Is there a second?

DR. CHEUVRONT: Nobody has actually made this.

MS. BECKWITH: I'm sorry. Michelle, would you like to make the motion?

DR. DUVAL: Yes, Madam Chair. **I move that we direct staff to develop an action that would address authorized gear aboard a vessel in which dolphin are onboard.**

MR. PHILLIPS: Charlie seconds.

DR. CHEUVRONT: We want to add wahoo to it as well.

MS. BECKWITH: Okay. Would you like to add wahoo to that?

DR. DUVAL: **Yes.**

MS. BECKWITH: Okay. I have not read it into the record yet, and so it is still okay. The motion is to direct staff to develop an action that would address authorized gear aboard a vessel on which dolphin and wahoo are onboard. Is there any further discussion on this? **Any opposition? Seeing none, the motion carries.** Madam Chair, it is 3:29, and we still have the yellowtail actions to go through. What is your pleasure?

DR. DUVAL: We're not even nearly through with this agenda. My hope was that the conversation, once we waded through the dolphin actions, that it would go much more quickly for yellowtail and we could just get a thumbs-up or a thumbs-down on whether or not to keep the yellowtail actions in and make similar revisions as we did to the dolphin actions.

The other major item on the agenda for this committee is discussion of for-hire limited entry, but we also have a very full agenda for our Mackerel Cobia Meeting, and we also have an additional Mid-Atlantic Council liaison who I believe is only here overnight. Rob, you are here only through like midday tomorrow?

MR. O'REILLY: Right.

DR. DUVAL: So what's your pleasure? Do you want to try to just wrap up these last couple of actions on yellowtail and then we can give folks a couple of minutes to switch up and move into Mackerel Cobia? I'm seeing some nods, and then we can take up discussion of the for-hire amendment at Full Council. I am seeing nods around the table, and so why don't we go ahead and do that. We will clean up these yellowtail actions and then move on.

MR. HADLEY: Just to run through the yellowtail actions, it's very similar in the mechanics, as far as how they work, as the dolphin actions. The percentages, in pounds, are different, due to the difference in ACLs and the difference in overall allocations, but, moving through, Alternative 1 is no action. Alternative 2 is to maintain current sector ACLs, but revise AMs to not close either sector until the total ACL is met. Establish a permanent allocation shift, which I believe was removed.

Alternative 4 is to set aside a portion of the ACL as a common pool application. Then Alternative 5 is to look at temporary allocation shifts, similar to bluefish, which was removed. Then Alternative 6, which was a temporary allocation shift as well, which was removed. Then Alternative 7, which was also removed, but replaced with Alternative X, which was in the notes, and altered as well to have looking at the highest recreational landings in the past five years rather than two years prior and the additional percentages.

MS. BECKWITH: Okay. For Action 3, let's go through this one-by-one in quick succession. Any chance of that?

MR. BREWER: I am assuming that this is going to be, quote, cleaned up, so that it's not just going from recreational to commercial and that it could potentially go back the other way?

DR. CHEUVRONT: We got that point when you were discussing it under dolphin, and so, when you see whatever the draft is in December, hopefully close to a public hearing draft, it will be more generic.

MS. BECKWITH: Let it rip, Jessica.

MS. MCCAULEY: **I move that we remove Alternatives 6 and 7 and put them in the considered but rejected appendix and add Alternative X with the modifications we made on dolphin.**

MS. BECKWITH: Is there a second? Charlie.

DR. CHEUVRONT: Do you want to remove Alternative 3 as well, which you removed? That's the permanent allocation shift.

MS. MCCAWLEY: I do not. We have not recently made any type of allocation changes that I remember on yellowtail, and so I would like to keep the possibility of a permanent allocation shift in this action.

MS. BECKWITH: The motion is remove Alternatives 6 and 7 and add Alternative X with the discussed modifications. Charlie seconded. Is there any discussion on this motion? **Is there any opposition to this motion? Seeing none, this motion carries.** Is there anything else that needs to change in this action?

DR. MCGOVERN: The only thing I have is for Action 2 and Action 3. I think the title should read "Revise Sector Allocations and AMs" for the species.

MS. BECKWITH: Okay. We will take that as direction to staff. Is there anything else? If not, we are moving on. Everything else is good? Okay. That takes us through the end of this amendment to the timing. We will see this document again in December. If there is nothing else, then I will stop here and we can switch over to Mackerel.

MS. SMIT-BRUNELLO: I think you have asked your staff to do a lot of things, and it's going to be kind of complicated. Just think, maybe by even the time of Full Council, that you have an ambitious schedule. If you wanted to see this in a public hearing draft form in December, maybe you need to carry that over to March. I am just thinking, because I think there is a lot to be done here for staff, and so I am just throwing that out there.

MS. BECKWITH: Okay, and we'll certainly touch base on that at Executive Finance.

DR. MCGOVERN: One other minor thing. In Alternative 3, the "permanent" allocation language should be changed, just like it was in the previous action.

MS. BECKWITH: Okay. I guess we will recess Dolphin Wahoo.

(Whereupon, the meeting adjourned on September 14, 2016.)

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

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

Transcribed By:  
Amanda Thomas  
October 11, 2016

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*(Continued)*



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- ✓ Charlie Phillips
- Mid-Atlantic Liaison, Tony DeLernia/Dewey ✓
- Hemilright ✓
- Staff contact: Myra Brouwer
- ✓ **TIM GRIVER**

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- Doug Haymans, Vice-Chair
- Anna Beckwith
- Roy Crabtree
- Michelle Duval
- Ben Hartig
- LT Tara Pray
- Staff contact: Gregg Waugh

**SPINY LOBSTER**

- Jessica McCawley, Chair
- Ben Hartig, Vice-Chair
- Chester Brewer
- Roy Crabtree
- Staff contact: Kari MacLauchlin

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Timestamp	Full Name	Email	Mailing Address (If your address is already on file, just type "on file")	How do you participate in fisheries in the South Atlantic? (Check all that apply)
9/14/2016 8:08:05	Walter Bublely	bublelyw@dnr.sc.gov	217 Fort Johnson Rd, Charleston, SC	Government
9/14/2016 8:08:49	Joey Ballenger	ballengerj@dnr.sc.gov	on file	SCDNR
9/14/2016 8:10:24	Gary Jennings	gjennings@asafishing.org	514 Sawyer Shores Lane, Windermere, FL 34786	Private Recreational Angler, Non-Governmental Organization
9/14/2016 8:13:02	Leda Dunnire	ldunnire@pewtrusts.org	205 Taylor Lane, Morehead City, NC 28557	Non-Governmental Organization
9/14/2016 8:14:49	dean foster	dfoster@pewtrusts.org	on file	Non-Governmental Organization
9/14/2016 8:20:49	Robert Lorenz	rllorenz@ec.rr.com	On file	Private Recreational Angler
9/14/2016 8:23:13	Lora Clarke	lclarke@pewtrusts.org	on file	Non-Governmental Organization
9/14/2016 8:30:52	jim freeman	cfreeman23@bellsouth.net	122 springwood dr daytona beach fl 32119	Commercial Fisherman
9/14/2016 8:39:52	Gary Zurn	gzurn@bigrocksports.com	on file	Seafood Dealer/Wholesaler/Retailer
9/14/2016 8:42:11	Russell Dunn	Russell.Dunn@noaa.gov	on file	NOAA Fisheries
9/14/2016 8:42:55	David Bush	davidbush@ncfish.org	on file	NCFA
9/14/2016 9:20:19	Rusty Hudson	DSF2009@aol.com	On file	Fisheries Consultant
9/14/2016 9:30:22	Celeste Leroux	celeste.leroux@noaa.gov	on file	NOAA Fisheries employee
9/14/2016 10:22:35	Mary Conley	mconley@tnc.org	on file	Non-Governmental Organization
9/14/2016 10:26:23	rick hawkins	rick.haawkins@uscg.mil	file	uscg
9/14/2016 10:27:47	david la	david.la@uscg.mil	721 medical center drive wilmington, nc 28401	Private Recreational Angler, Charter/Headboat/For-hire, Commercial Fisherman
9/14/2016 10:38:56	trip aukeman	taukeman@ccaflorida.org	on file	Non-Governmental Organization

Timestamp	Full Name	Email	Mailing Address (If your address is already on file, just type "on file")	How do you participate in fisheries in the South Atlantic? (Check all that apply)
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9/14/2016 13:09:20	William Gorham	getbowedup40@gmail.com	ON FILE	Private Recreational Angler, Charter/Headboat/For-hire, LURE MANU
9/14/2016 13:29:03	John O'Hern	johncohern1@gmail.com	2731 Euston Road Winter Park FL 32789	Fishery Observer
9/14/2016 14:00:00	Steve Shelley	ssmsmollied54@gmail.com	on file	Commercial Fisherman
9/14/2016 14:28:21	Tony Constant	awconstant@gmail.com	on file	Private Recreational Angler
9/14/2016 15:04:33	Robert Boyles	boylesr@dnr.sc.gov	on file	Government
9/14/2016 15:47:18	davis turner	tideridefishin@hotmail.com	1231 ladys island dr. port royal sc	Charter/Headboat/For-hire
9/14/2016 15:58:15	Captain Eric Heiden	e.heiden@aol.com	1041 Blue Stem Drive, 37A, Pawleys Island, SC 29585	Charter/Headboat/For-hire

WEDNESDAY 9/14/16

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