

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
JOINT DOLPHIN WAHOO AND SNAPPER GROUPER COMMITTEES

Westin Jekyll Island
Jekyll Island, GA

March 7, 2016

SUMMARY MINUTES

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Dr. Marcel Reichert

Dr. Bonnie Ponwith
Dr. Jack McGovern
Erika Burgess

Additional Observers Attached

The Joint Dolphin Wahoo and Snapper Grouper Committees of the South Atlantic Fishery Management Council convened in the Westin Jekyll Island, Jekyll Island, Georgia, Monday afternoon, March 7, 2016, and was called to order by Chairman Anna Beckwith.

MS. BECKWITH: I am going to call the Joint Dolphin Wahoo and Snapper Grouper Committee to order. Because it is a joint committee, everyone is on the committee, except our Gulf Council liaison, although I always encourage everyone to share and participate. Everyone else is a voting member on all things. Is there any additions or changes to the agenda? Seeing none, the agenda is approved. Dr. McGovern will take us through the Status of the Commercial and Recreational Catches.

DR. MCGOVERN: Thank you, Madam Chair. We have recreational up first, and this is a presentation that was put together by Mike Larkin in our office and Dr. Ponwith's staff. The landings for 2015 are through Wave 5, and it includes both MRIP and headboat landings. In 2014, 37 percent of the recreational ACL was met for dolphin and 38 percent of the wahoo ACL. Through Wave 5 in 2015, 50 percent of the dolphin ACL was met and 56 percent of the wahoo ACL.

This shows the landings by sector for dolphin. It shows that private, very much so, dominates the landings. This is the same thing shown graphically. These are the recreational ACLs for dolphin up here, and the landings are well below the recreational ACL. For wahoo, again, the private sector and the charter sector are high for wahoo. These are the recreational ACLs. It looks like the landings were a little bit above the recreational ACL in 2012, but they've been below that since then.

These are the commercial landings through February 26. We get updates every Friday for commercial landings, and so I also have landings through Friday of last week, on March 4. The landings for dolphin and wahoo are pretty similar through March 4, around over 9,000 pounds for dolphin and about 4,000 for wahoo.

Through March 4 in 2015, the dolphin landings were about 35,000 pounds, and so landings so far this year are less than last year, and I will also note this year that this shows the increase in the commercial ACL from about 1.2-million pounds to about 1.5-million pounds, and this was effective on February 22.

MS. BECKWITH: Great. Thank you. Are there any questions for Dr. McGovern? It is encouraging to see our recreational landings increasing a bit, and so maybe the economic downturn is on its way to its endpoint. Next is the Status of Amendments under Formal Review and Dr. McGovern.

DR. MCGOVERN: Okay, and there are several actions here. Amendment 7, Dolphin Wahoo Amendment 7, is part of Snapper Grouper Amendment 33. This is the fillet amendment. It allows fillets from dolphin and wahoo harvested in the Bahamas to be brought into the U.S. EEZ. It requires skin intact on fillets of dolphin wahoo and snapper grouper species, and it specifies the number of fillets that can be brought into the U.S.

The Notice of Availability for the amendment published on September 17, and the comment period ended on November 16 of last year. The proposed rule published on October 7, and the comment

period ended on November 6, and the final rule published on December 28, and the regulations were effective on January 27.

Amendment 8 is included with Amendment 34 in the Snapper Grouper FMP, and this revises accountability measures for a number of snapper grouper species, and also golden crab, and it changed the allocations for dolphin. It changed the allocations from 92.46 percent recreational and 7.54 commercial to 90 percent recreational and 10 percent commercial. As we see right here, it increased the commercial ACL.

The Notice of Availability published on July 15, and the comment period ended on September 14. The proposed rule published on September 29, and the comment period ended on October 29, and the final rule published on January 22. The regulations were effective on February 22.

The next amendment is the Regulatory Amendment 1. This is the trip limit amendment for dolphin. It would establish a 4,000-pound commercial trip limit when 75 percent of the commercial ACL was met, and that amendment was submitted to us, I think, last week and -- No, it was earlier. I am getting confused with the other amendments. That amendment is under review in the Region, the proposed rule package is.

Then the last thing is the control date. On February 4, NOAA Fisheries published an Advance Notice of Proposed Rulemaking to set a control date of June 30, 2015, for the dolphin commercial sector of the dolphin wahoo fishery, and the comments on the control date must be received by March 7. That's all I have, Madam Chair.

MS. BECKWITH: Thank you so much. Before we get into the Dolphin Wahoo Amendment 10 and Snapper Grouper Amendment 44, I had asked if John would come up and give us a history on the dolphin ACL and how we got to our current ACL, and that presentation is under the Additional Materials on the website, if it's not in your briefing book.

MR. CARMICHAEL: Anna had raised the question of just what was the basis for the dolphin ABC and fishing level recommendations and where were they derived. It goes back to the SSC in April of 2010. We were first setting catch limits on many species and had an ABC control rule for data-limited stocks.

There has not been an assessment of dolphin. There was an exploratory assessment done, which you see referenced in a number of places. It was done by Mike Prager when he was at the Beaufort Laboratory. It was done in 2000. It really just applied a production model to cobia as a way to try and see if there was -- I think largely to see if an assessment could be done and what questions maybe stand in the way of getting an accepted assessment for that species.

In that case, it was all of the basically North Atlantic cobia. It was the Gulf of Mexico and the cobia off the Atlantic combined. Dolphin. Sorry. I think a lot about cobia these days, but, yes, it was dolphin combined. Boy, that's a slip for things that are going to come later.

Yes, it was dolphin in the Gulf of Mexico and dolphin in the Atlantic, and it was some growth work which was done in the late 1960s and some efforts to try and get a commercial fishery CPUE, which are things you need for the production model. It's really just been forth as a manuscript.

To my knowledge, I don't think it went farther than that. I am not aware of it, for example, being peer reviewed.

At that time, SEDAR did not exist, but it didn't come to the SSC for review, and so we don't have a review of it there, and it did make its way to the level of say a laboratory document in a numbered series or an agency technical memorandum, which does have some level of review. I think it truly was exploratory, and so there was an attempt, but then that means when the SSC set its fishing level recommendations that it falls within the data-limited stocks.

Initially, the SSC had a process whereby they attempted to define an OFL, based on reference landings, and then an ABC. Then the ABC was reduced from that OFL reference point, based on applying a range of criteria, very similar to what you see for the assessed stocks. Now, that led to some concerns, mainly that when you're just dealing with landings, can you really call it an OFL?

The council was very concerned with some of the uncertainty reductions and what they did with the landings levels. The reference periods tend to be mean landings, and there was a lot of discussions if you have landings that are a zig-zag pattern and you set a limit at the mean, will suddenly all of those higher ones that you observed, you're now saying are dangerous?

There was a lot of discussion over the year about whether or not that was really the intent. If you're dealing with uncertainty data, then you know you've got to accept that the mean might reflect the long-term tendency, but maybe it's not so good as a line in the sand that you shall not go above this without causing trouble.

That led to a lot of debates by the SSC, leading around to April of 2011. At this point, there were discussions with agency lawyers at the SSC of how to deal with OFL, and it was acknowledged that OFL could be stated as unknown, and so you see that change taking place by April. The SSC was told that as long as they discussed all the landings and they built a record and they really looked at each individual species and they felt the OFL was unknown, they were justified in that recommendation. The key thing was that they went through a process, and they considered the data, and they didn't just say that because there is no assessment that OFL is unknown. That's the exercise they went through in 2011.

They developed a decision tree approach, which was added to the ABC control rule for dealing with the unassessed stocks. As a result of that exercise, they ended up with reference period of 1999 to 2008 for dolphin, and their reference statistic was the third highest. Here, you get into the difference between the mean and the third highest as being the point where you draw the line that you don't want to go above. That was a very critical decision and it had a lot to do with the recommendations that then came out of this.

That's where we got the recommendation for the ABC of 14,596,216. That was your initial recommendation. When that was put into place, there was the revision to the MRIP data which went in, and so in the amendment for the dolphin, this changes to fifteen-million, because of the adjustment for the MRIP. It's still using the same years and it's still using the third highest, but the value was a little bit different because of the MRIP calibration. In the Comprehensive ACL, this has also been discussed, ABC equals ACL equals OY. That was what was used in the Comprehensive Amendment.

Here, you have the 15.3-million-pound dolphin line. That's the purple, and then this is the landings trends from the recreational -- I guess this was the total that I pulled. Yes, it's mostly, obviously, the recreational. You can see that there was a period of kind of increasing landings in the early part, to around the early 2000s, and then the landings dropped.

I remember the SSC talking about this trend, and talking about this fishery in particular, when they picked this period, and one of things, obviously, which I expect people would ask here today is, well, what happened there to explain that big decline in landings. The FMP went into place in 2003, and so that corresponds with that.

That made me just look a little bit at the FMP, and it has a ten-fish recreational possession limit. I noticed, in looking and trying to find the dates when it went into place, that it was predicting a 7 percent reduction in weight, but actually it went from about a 39 percent in reduction in weight, and that number obviously is not 4.4, but you can see the landings reduction there, from the recreational fishery hitting over thirteen-million pounds to hitting around seven-million pounds, an average of about eight-million pounds. It was a 39 percent reduction. I will have to figure out what that 4.4 was actually supposed to be. I think I hit a wrong key there. That's the thing with doing things on Friday afternoon, but I think that we get the point that -- What interested me is we predicted 7 percent with those regulations. Maybe there were other things that had amplifying effects.

At this point, that would take a lot more work than what I was able to do by Friday, but we could dig into that, maybe if someone were interested at some point, but what you also see is that there's, even after that first drop, the landings got up around ten-million pounds there and then have sort of tapered downward.

There was a lot of discussion when the SSC was dealing with this in 2011. Folks might remember there were concerns that the high fuel prices and the economic downturn was really keeping people from going offshore fishing as much, and I think there was a thought that by now certainly things would have kind of turned that corner. Going back to 2011 and looking at data through 2010, and really thinking that maybe this fishery, once the economy recovered and fuel prices got low, it might be back up bumping against ten-million pounds, easily, if not higher.

I think we certainly now, with a couple more years under our belt, we see that hasn't really been the case, and I guess it doesn't seem that offshore fishing, in general, has reached back to the peaks that we saw. It has recovered some, but I know in just some glances at MRIP effort that it doesn't seem that that offshore component has gone back to the levels it was before gas hit five-dollars a gallon, almost, and the economic issues that hit.

How much of that is at play in what's going on with dolphin versus other things, it really would just be conjecture at this point. We don't have an assessment for this species and assessing it, obviously anything can theoretically be assessed.

It would be challenging, because aging these things are quite tough, and I would think certainly we know now, in comparison of looking at that 2000 assessment, there was updated age work that was done, actually by a student of Jeff Buckel's, who is on our SSC, who is from North Carolina, which changed the growth patterns quite a bit.

They worked with otoliths from dolphin and looking at daily increments, as opposed to scales and things, which were done back in the 1960s. There is a little bit more information in dolphin, but I think with something that grows that fast, our typical methods being tracking decline of cohorts from one year to the next, something that grows really fast kind of can be tough in that regard. You might have to go into some shorter time periods. It could be done, but at this point, there isn't a dolphin assessment on the horizon in the future, and so we have the data-limited methods that we've used for the ACL.

MS. BECKWITH: Are there any questions for John?

MR. BREWER: John, you mentioned the Comprehensive Amendment that was ABC equals, I think, OFL equals OY. I'm assuming that, when you say comprehensive, that that means across the board, for all fisheries? Is that correct, or is it just this fishery?

MR. CARMICHAEL: No, the council put that into place for many fisheries, I think, at that time, certainly all of the data-limited fisheries. I think there were some which may have been slightly different, but exactly which ones that would be escapes me at the moment.

DR. DUVAL: It was all the unassessed species. We were trying to meet the Magnuson mandates at the time to have annual catch limits in place for everything, and Brian was actually the council rep from North Carolina at that time, and so I came in on the tail-end of it, but it was all the unassessed snapper grouper species and it was dolphin wahoo. Mackerel had just been done in Amendment 18. It was cobia and golden crab and a lot of species.

MS. BECKWITH: As we're going to spend the next year, or maybe two, looking at the dolphin fishery as a whole and contemplating how we want to see this fishery be prosecuted in the long run, is there any value, John, to having the SSC go back and take a look at current ABC and the trends and give us sort of an okay, they still think we're on the right track with these numbers or have some discussion that maybe some reconsideration of our ABC would be needed, based on the trends of what we're seeing?

MR. CARMICHAEL: I think you can always ask them to do that. Their question, I would think, at first, would be, one, what new information is there that they could maybe adjust this? Is there information to do this through some of the data-limited assessment techniques which have been developed since we've been working under this ABC/ACL mandate?

They would probably really feel like having some analysis of some other alternative would help them give you a difference, because I think, otherwise, you get into the thing of you just really don't know the relationship between landings and the status of the stock.

Because we have very little other information for many species, we've been forced to use landings to infer something, and the general rule the SSC applied was if it didn't -- If there was no indication that the landings were impacting the stock negatively, then they felt like the current landings was a good indicator of what the stock may be able to produce.

There were some stocks where the trends were downward and they might have had a survey or something which showed them some concern, and there were a few stocks where they didn't use

this third highest and they used, I believe, it was a median, in some where there was concerns or some other, or they could alter the reference period.

I think, in the case of dolphin, if council members perhaps felt like the continued downward trend in landings were an indication of concerns in the stock, then that could be something they could discuss, but I think they would like to know if people believe that. Do people believe that those higher landings levels were not sustainable? I am trying to remember what landings were even going back historically. It's really -- This covers most of the period over which we have landings.

I think if there are people on the council who say, hey, we're looking at this figure and we think maybe that landings level was too high, looking at what's gone on now and what's happened in the last few years, if you wanted to ask them to reconsider the basis for ABC in dolphin, based on the last ten years of landings trends, then it's certainly within your right to ask them to do that, yes.

MS. BECKWITH: Okay. That's good information for the committee to consider.

DR. PONWITH: Just as long as we're on the topic of data-limited, first of all, I just want to thank you for the really good summary of the sequence of events over the last several years with respect to these. The Caribbean just finished the peer review of their data-limited stock assessment that began in the fall, and I think they assessed six stocks. We're waiting to get that report, but the word on the street is that report is going to be quite favorable for our ability to use the results of that stock assessment for management purposes.

As you know, the Gulf of Mexico is gearing up to do a data-limited assessment coming up this year as well, and it would be a really good opportunity to watch how that assessment progresses and kind of go to school on the Gulf's experience and the Caribbean's experience, as you think yourselves about are there stocks for which we have enough data to support something more robust than average landings, but do not have the data to support an age-structured full-blown benchmark stock assessment. Again, I think that's just going to be something that's going to be really valuable to keep an eye on.

MS. BECKWITH: Okay. Are there any other comments?

MR. HEMILRIGHT: Looking at your chart that said "ABC Updates in Amendment 5 to Incorporate Revised MRIP Estimates", it's my thought that the recreational industry never caught more than -- Probably their highest was in 1997, somewhere around ten or twelve-million pounds. Basically, just with the revised estimate, the only thing it's done is just increase the -- For lack of my better words, just a hypothetical increase in what they've caught.

I don't believe the recreational industry has ever caught 15.3-million pounds, as it's showing here on the revised trend in 2000. Basically, just looking at the numbers, and I guess you have to go by it, it's just kind of artificial increase what their catches is, because if that was the case, you would be walking on dolphin back in the 2000s and different things like that. Historically, it's been pretty much a 90/10 recreational/commercial split, and so I think you have to take it kind of with a grain of salt, looking at your revised landings and the increase of that.

Some of the other things, you know with fuel prices, and in some of the years you might not have had as many hurricanes. That has a lot to do with the reason why maybe the recs aren't catching

as many fish as they used to or different things like that. I think that's kind of important to take a look at or just throw out.

MS. BECKWITH: Thank you, Dewey.

MR. HARTIG: I think one of the interesting things about dolphin is there is no relationship between the recreational catch and the commercial catches whatsoever, and I mean I would really like to have some insight as to why that's happening. I mean is the commercial HMS fishery so far outside of where recreational fishermen go that that is why their catches are different? Are they targeting a different group of dolphin that our recreational fishermen never come in contact with? I mean those are questions that I had asked, and I see some hands going up over there and maybe we can get some --

DR. DUVAL: That was exactly what my comment was going to be about. I know we had our staff do a little bit of analysis last year when -- I mean they do this every year as part of just a commercial and recreational harvest update, but there's like an inverse relationship between recreational landings of dolphin versus recreational landings of bluefin tuna.

When the tuna are around -- Not bluefin, but just when it's a good tuna year, the dolphin landings go down, and when it's not such a great tuna year, dolphin landings go up. Just seeing those two lines go back and forth opposite, it was pretty interesting. I don't know if that's the same for other states, but certainly off of North Carolina.

MR. HEMILRIGHT: Being up to answer that question, at the dock I'm at, we've got four eighty-foot longline boats, and a lot of those boats start fishing about this time of year off of the Bahamas, and so they are quite outside of the range of the recreational fishing.

MS. BECKWITH: Is there anyone else? Thank you for that, John, and that sort of leads into another part of the discussion, which is what is the definition of optimum yield? If the committee is comfortable with this ABC, and we feel like the trends that we're seeing don't indicate any need to reconsider, or have the SSC reconsider the trends that we're seeing, then this is what we have to work with, but we have our ABC equals OY, and that's how we have it set up right now.

We have the recreational ABC -- Our recreational ACL is quite high, and we're not achieving our ACL. There have been lots of questions that have come up about, well, if we're not achieving our ACL, is the recreational community achieving their optimum yield?

I think it's worth having a discussion of what we consider optimum yield to be for the recreational sector in general, but, specifically, we can certainly have one on what we consider optimum yield to be for dolphin. I know that this is Chester's favorite topic, and so I will let him lead this part of the discussion. Go ahead, Chester.

MR. BREWER: I'm uncomfortable with OY equaling ABC across the board, not just with regard to dolphin. I spoke with a prior council member about why that occurred, because it sort of flies in the face of Magnuson, quite frankly, in the definition of OY that is in the Act, and the explanation that was given to me, and Dr. Duval touched on this, was this was done in reaction to essentially a crash plan when Magnuson came into play, or at least I should say when the new definition in Magnuson was not MSY anymore and it was OY and how to meet that, and it looked

like there was a potential for even more cutting back of the different fisheries and quotas than the council was even remotely comfortable with.

In an attempt to get the quota as high as possible, that step was taken, to equate OY solely to the ABC. OY is more than that, and it's more complicated than that. OY takes into account socioeconomic considerations, and, before everybody gets upset, economic is not the only consideration, but it's now coming back, maybe to sort of haunt us, in that in a number of recreational -- In some recreational fisheries, and dolphin is a particular example of that, you now have an ABC that, for the recreational sector, may be a good deal higher than it should be.

That is because -- When I say higher than it should be, and normally that's a real good thing. Not if you're trying to manage the fishery properly, but if you're trying to maximize the quota for one side or the other, you might want to go at it in that fashion, but it comes back to bite you when you hear statements continuously with regard to dolphin that, hey, you recreational guys are not catching your OY and you're wasting fish and we need to reallocate this fishery.

It may well be that in the recreational side, in which abundance is so important, that the OY -- Maybe you want to be catching 50 percent of the allowable maximum, because recreational has much different concerns and much different criteria that they judge a fish by. It's not are you able to get the most number of fish as economically as possible, but it's about opportunity and it's about abundance. You can reasonably expect that if you go out fishing for a particular fish, whatever it is, that you've got some reasonable chance of catching that fish and bringing home a few for supper.

With all that said, and I've gone on way too long, but I would be interested in the council actually taking a look at OY and the definitions that are used, not just in dolphin, but across the board. I think we need perhaps a more modern and more compliant definition that we're using, not just in dolphin, and, as we go through some anticipated questions with regard to allocations in different fisheries, I think we need to be taking a look at OY across the board, meaning both recreational and commercial, for the different fisheries. With that, I will be quiet.

MS. BECKWITH: Thank you, Chester, and I agree with much of what Chester says. I think that for the recreational fisheries, and, in my opinion, for the for-hire industry, that having ease of access to the fish by having a large abundance of species in the water certainly is something that the recreational community looks favorably upon, and that should be taken into consideration in our definition of recreational optimum yield, which, of course, is very different from what the commercial guys are interested in.

I guess my next question would be to Roy. What ways can we sort of bring our definition of optimum yield back into sorts? I think you mentioned during the last committee meeting that our definition of optimum yield for dolphin is sort of out of sorts. What are some methods that we can take into consideration where we would be able to bring it back to a little bit more towards our current reality?

DR. CRABTREE: I think we set a lot of our optimum yield specifications in the ACL Amendment, and we set them all along similar lines, as I recall, and so if you feel like -- If you're in agreement with Chester's argument that in this case we want a premium on maintaining a high standing stock of fish in the water, that would be an argument for setting OY at a lower level. Maybe you need

to start talking more about the differences in terms of objectives for the two sectors that you're managing and how you would then parse the OY along with the allocation.

I think there are lots of ways to do it, but I think the main thing is to give some thought to what your objectives are in terms of managing the fishery, what you're trying to achieve, whether it's abundance or whether it's to harvest as many fish as you can without it resulting in overfishing, and I don't know that we've really ever had that discussion and come to a conclusion.

DR. DUVAL: I think one thing that plays into some of the comments that Roy made is that the National Standard 1 Guidelines are currently in a state of revision, and there are multiple changes that are being proposed to address this very question regarding optimum yield and to provide councils more guidance between the relationship between setting of an annual catch limit versus setting of optimum yield.

I don't recall exactly what the timeframe is for those guideline revisions to be complete. I thought that we heard at the CCC meeting that they might be -- That an updated draft would be available for folks to see in May, and I only bring this up because I think that's going to be informative to any future discussion we have regarding OY, and I think everything that's been said around the table here is extremely valuable.

I guess the one caution I would have is that we not go too far down this road, just within this committee meeting today, because I think that kind of discussion of OY is very important and one of the ones that we would have to have within the allocation amendment that we have spoken about that we wanted to do post the snapper grouper visioning process, whereby your goals for different species, as Roy mentioned, could be different whether you're trying to have a very large standing stock to maximize opportunity versus wanting to maximize harvest rate.

I am not trying to necessarily curtail the conversation, I guess. Because it is such an important one and it's not something that was actually noticed as an agenda item or an action item, I am concerned that the public would want to be able to have some notice about that conversation as well, and so I will shut up, and it sounded like Roy wanted to respond to something I said about the National Standard 1 Guidelines revisions.

DR. CRABTREE: My recollection was the goal was to finalize those sometime in the summer. Now, that's dependent on if Congress does something with the Magnuson Act which would cause it, and it has to go through OMB review and a number of those kinds of things, but, assuming Congress doesn't reauthorize the Act, I think the goal was to have them finalized sometime in the course of the summer.

MR. CARMICHAEL: One thing to think of, as we get into the alphabet soup, is what it is you wish to achieve and which of these many parameters you have to work with is the right one to use. OY is reduced from MSY, per the Sustainable Fisheries Act back in 1996. That's when that language came in.

Then when we had the Reauthorized Act, which brought in the OFLs, ACLs, ACTs, ABCs, and all of that, OY still existed, but think about the things that have impacts on what you do as management. The OFL is mapped to the MSY and the sustainable yield on an annual basis. The ABC is reduced from the OFL for the assessment uncertainty, and then, from there, you get into

the management restrictions, and so you have to set your management things that don't exceed the ABC of your SSC. That gives your annual catch limit, ACL, and your annual catch target, ACT.

The council could reduce from ABC to ACL, and the examples given for doing that were things like ecosystem functionality. The classic was if you had a forage species, then you may want to set some of that aside to feed all your other species that are out there.

Then, between ACL and ACT, the intent was that that accounts for the management uncertainty. Let's say you knew that you managed your quotas and you tended to stay within 10 percent either way, 90 to 110 percent. Then, when it was all said and done, then maybe you would want to set seasons or set a commercial closure when you got to 90 percent of the commercial.

In the case of the recreational, you said you want to use the ACT to set bags and seasons, and so we'll see that in cobia, and intentionally cobia this time, that you're seeing targets at like 500, or I guess 520, perhaps, for next year, 520,000, which is a good bit below the actual ACL, and so you're using the ACT to say what your seasons should be to keep yourself from going over your ACL.

Accountability measures are tied to going over ACLs, and nowhere in there, in the thing I'm talking about now, is OY coming in as something which would affect how you said you will set bags and seasons or how you would apply accountability measures in the fishery.

If the idea is to set aside some dolphin for ecosystem functionality or to preserve higher availability, then you may want to consider doing that when you set like your recreational ACT or when you set your ACL, because discussing the OY might get something at the intent, but it's not clear to me how that gets translated into how you manage your fishery and how you set your specifications and then where you apply your accountability measures.

MS. BECKWITH: Right now, we do have an ACT for recreational dolphin. We just don't close the season based on it, or we don't have one at all for -- We don't have one for dolphin? Okay. Great conversation, and is there any other comments on this?

MR. PHILLIPS: I think we had talked to Monica at the last meeting about kind of where we are on OY, and, you know, to Chester's comment, maybe we do need to leave fish in the water to have a higher standing stock, but we're going to need to go to the public to be transparent and hear from them, and then there's the emails that we're seeing about possible sale of dolphin wahoo.

If you put that in the mix, then it's going to change the equation a lot, and so we're going to have to get a lot of comment, and it would be good to know kind of where we are now. Then we'll see where they're going down the road, but we're going to have to walk with some open ears as we go through this.

MS. BECKWITH: I agree, and that's why I keep saying that you guys are going to see me up here a lot for the next couple of years. Any other comments?

MR. HARTIG: I appreciate Bonnie's comments about the data-poor Caribbean and Gulf information that we're going to be privy to in the future. That's a great concern, but, to me, I look at this and there's a lot of paper fish out there on dolphin, in my estimation. The other thing we

don't do anymore as a council is we don't look at some of these things that are happening and we don't make adjustments in our landings because we see things happening.

We wait for assessments. We wait for scientific advice before we do things. We don't have to do that. You can change the ABC on dolphin today. I mean you could say I don't believe that the ABC is reflective of the productivity of the stock, based on the recreational catches going down over the last fourteen years. You might say that needs to be lower, and so then we get into this argument about OY.

We have this great big ABC on dolphin, which everybody grabs on to and goes, you know, you have to give some of this to the commercial, when in fact the predominant fishery for dolphin, which is the recreational fishery and always has been, is on a declining trend over the last -- Golly, it's almost ten-years, or twelve-years, anyway.

To me, I mean we could get rid of some of those paper fish, if you really wanted to, by having an informed new ABC for dolphin. That way, you get away from some of these pressures that people want to, the commercial industry in particular, want to take away from dolphin. I don't believe the dolphin fishery is anywhere near as productive as it was before all of the island nations and everywhere that has an airport in the Caribbean and anywhere else in the ocean is as productive as it once was, based on what the catches are today.

Dolphin cross boundaries between different oceans and other things that we don't even know about, and so all that production of dolphin, which goes all through the entire United States -- I have to ask Jack or Charlie about all the imported dolphin that comes in, but I know when I was in the business, my God, the amount of imported dolphin dwarfs the U.S. supply by I don't know how much.

I think it's 85 percent that I point to as one number of what comes in from outside, and I don't know that that's specific to dolphin or just fish in general, but I know that most of the dolphin that comes into the United States is not domestic dolphin. It's imported, and there is a relationship between what's taken out of dolphin in the entire ocean and ours. To me, I think we could head off some of this by having an informed conversation about what we really think the ACL for dolphin should be, or the ABC. That's just some stuff I throw out there.

MS. BECKWITH: Thanks, Ben. I agree.

MR. COX: Ben, that's a good point, because it is. You know these other foreign countries are freezing dolphin left and right, as hard as they can go, and, just a couple of weeks ago, the importers were selling dolphin as high as seven-dollars a pound, and so there has been a lot of change in that fishery, and that fish, they cross a lot of oceans, and so good point.

MS. BECKWITH: Zack or Chris, do you guys have anything? No? Anyone else? Ben, I agree with you. I also have worries about the paper fish and the ACL being too high in general, and, as Michelle and John mentioned, maybe using a recreational ACT and putting a recreational ACT for dolphin in place is a good way to manage for that abundance that we're looking to retain in the water and give the opportunity -- If the charter industry and the recreational start to grow back, it gives those fish an opportunity to be there.

Between last year and this year, I think we had a two-million-pound increase in the recreational ACL that was caught, and so, to me, that's a good indicator that some of the recreational effort is coming back. If there's no other comments, I guess we will transition into discussion on Amendment 10, and I will pass that over to Brian.

DR. CHEUVRONT: Thanks, Madam Chair. I think some of this discussion that you've been having is rather germane to this potential amendment that you had discussed in December, where you, at full council, decided you wanted to consider a joint amendment for looking at dolphin allocations between sectors as well as for yellowtail snapper. That's how this amendment came to be.

If you will recall, we had, at the December meeting, sort of a laundry list of potential dolphin actions, and you all decided, in December, just to take the allocation portions of those actions for dolphin and take them with some allocation actions for yellowtail snapper and create a new amendment, which is what we're now presenting to you as Dolphin Wahoo Amendment 10/Snapper Grouper 44, which is why we now have this joint committee meeting.

The additional actions regarding dolphin that are not in this amendment are being set aside for a potential Dolphin Wahoo Amendment 11, and so those additional actions haven't been dropped off the face of the Earth here, so to speak, but they've just been deferred, according to your discussions that you had in December about what your priorities were. I just wanted to make sure that everybody understands that's where we are.

I would like to seriously caution you about wanting to go through and dealing with allocation issues, when in fact you may decide that you want to make some more fundamental changes further up the line, whether it is to modify the ABC for dolphin or set a recreational ACT, whatever you want to do. What this amendment basically consists of, at this point, are some potential actions, or actually concepts, because it's really at the concept stage now. There are no actions yet.

This is truly a white paper with just ideas of different ways that, if you want to go forward and look at allocations for these two species, there are some different kinds of things that this council can look at that it has not really considered in the past, but are kinds of things that maybe have been considered by other councils for other species.

What you see in this short white paper is some discussion of potential ways to look at allocations. There is a couple of other documents that are in the briefing book that literally are -- They're things you've discussed in the past. There are things that have lots of -- They're in there for the value of the tables and things that are in there, I guess is what I really what I want to say. It summarizes primarily the dolphin landings and a number of different ways that we've looked at it over the most recent years, depending on how much you want to get into the weeds in looking on that at this meeting.

I think part of the take-home that we would like to receive, and I'm speaking as council staff, is that we would like to get some direction from you as to how you would like to proceed at this point. Do you want us to continue going on and looking at development of an amendment that looks at allocations now?

That would mean would you want then to -- The next step would be to go on to scoping and taking this out and seeing what the public thinks about these potential ideas, and then you could direct staff to then develop some actions and alternatives to bring back to you in June. We can proceed through some of these allocation ideas, but understand that -- I guess my advice is be careful to don't put the cart before the horse here, if there's something else that you want to do.

MS. BECKWITH: Thanks, Brian, and I think that, and I will let Chester comment in a moment, but I think a way forward would be to go through these ideas and have a bit of discussion on each of them and see how the committee feels, sort of positives and negatives on each idea, and then if there's any that we want to see moved forward, we can continue some development on those. Did you guys have comments right now?

MR. BREWER: A lot of this got triggered by the disaster that happened in dolphin last year when the fishery got closed down, in I believe June. We have now accomplished getting an allocation shift of 300,000 or 400,000 pounds to commercial. We know that upcoming there is going to be some guidelines, hopefully, to better inform us how we are to work with OY and how we are to define it and use it.

Right now, I think that we're certainly in a wait-and-see position, from the standpoint of are we going to have happen in 2016 what happened in 2015. Hopefully not. Hopefully the two steps that have been taken fairly recently are going to forestall that, or prevent it.

We also don't know right now what these guidelines are going to be saying, and I really think that a lot of the ideas that are set forth in this paper that we need to be in a wait-and-see position, to see if we have the problem again in dolphin that we had, and I'm hoping that we do not, and, for that reason, I would say that this could be -- There are other things that are more important right now than going through the quota ideas here and having staff time spent on that.

I think having a big, frank discussion about OY and what you want to see OY be, or at least how do you best comply with the requirements of Magnuson in setting OY -- It's a much bigger discussion, but I think it's one that we need to have, and I think it would take priority over this white paper.

MR. CONKLIN: I just wanted to see, when we go through talking about some of these ideas, if we could kind of broaden our outlook on what species are we doing. I thought that the general kind of moving out of visioning and still not tacking allocation, hard allocation shifts, this would be a tool, something sort of generic, that we could use for multiple species.

Just because dolphin and yellowtail have had some recent problems, there's plenty of other species that commercial and recreational guys have suffered for a number of years with closures and just have learned to live with them, but if there's any room for doing any kind of good, I say we do it. That's all I have to say.

DR. DUVAL: I agree with Chris in regards to the ideas presented in the white paper. I think if we're going to develop a tool that could be used for temporary shifts of allocation that it should be able to be used broadly. You know we had some discussion about that, I think at the last meeting. We discussed this two years ago, in regards to the Spanish mackerel fishery.

The Gulf Council has been discussing this in regards to king mackerel, and so I think there are a number of different pieces that we could look at in terms of temporary allocation shifts. Again, I agree with Chris. I think that any tool we develop really needs to be something that can be used for any species, but I also think that it might be more important to focus on an amendment regarding comprehensive management of the dolphin fishery, because I think a couple of the ideas that are in this white paper, like, namely, looking at allocations, or sub-allocations, of ACL for different gear types or something like that, that those are things that we might want to tackle within that amendment, remembering that this is a fishery that we manage for the entire coastline, and that there are going to be different considerations, seasonally and regionally, for that fishery that we need to be very much aware of.

Gregg has reached out, again, to both the Mid-Atlantic and New England Councils. We have our Mid-Atlantic liaison here to speak to some of those concerns, and I think in the future that we might have a liaison from the New England Council, as we move forward looking at comprehensive measures for the fishery.

What we did in December was really a stopgap measure to try to prevent a closure, and I think we were very clear on the record about that, that down the road things might change, but we just wanted to make sure that we would at least be able to make it through 2016 without any potential closure.

I fully recognize that there is some dissatisfaction with what the council did in regards to a trip limit and how that might impact other sectors of the distant fleets that operate throughout the coast, and so that's a long-winded way of saying I agree with Chester that perhaps we might want to spend more time on that. Thank you.

MS. BECKWITH: I agree, and I'm sure that as we develop this that we can develop it in a way that we're creating a tool in the toolbox that can shift in either direction, commercial to recreational or recreational to commercial, and then maybe add in some additional ways that we can decide what species it's utilized for, so we can do it on a broader way.

MR. PHILLIPS: I agree with Michelle. I don't want to stop and wait on if and when we're going to get final direction from Washington. I think we should keep talking to our stakeholders, and we don't want to put the cart ahead of the horse, but we need to keep moving, so we've got a general direction on where we would like to go, where our fishermen need to go. Then, as they give us direction and definitions, then incorporate it accordingly, but I think stopping and waiting on them would be a disservice.

MS. BECKWITH: I don't think we often have the opportunity to spend time talking about big ideas without having to move directly into actions. We have a bunch of different ideas presented to us, and this is a good opportunity to sort of chat about them and see what cream floats to the top.

MR. HAYMANS: That's what I was going to suggest. We've got an hour-and-twenty minutes left. I know you have an Other Business item that you want to talk about, but if that was all that was on the agenda that I saw, we could tackle the white paper, striking the names "dolphin" and "yellowtail", and let's talk in generalities about it, because it's only two ideas there. Let's spend an hour beating that horse.

MR. BOWEN: As I listen to Chris and Dr. Duval and Mr. Haymans and you as well, Madam Chair, I'm trying to think of a species where, as we talk about rolling allocations or soft shifts, I am trying to think where, from the recreational perspective, that it would be a benefit, and if somebody could tell me maybe a species that we manage where it might could be a benefit for the recreational sector, I might be a little more inclined to have those discussions, but, at this point, I am not so sure that that's the path we should go down.

MS. BECKWITH: I'm a little surprised and pleased to hear you say that, Zack.

MR. BOWEN: Wait a minute. We agree on something?

MS. BECKWITH: I am also struggling to identify a species in my head where a shift in allocation, a temporary shift, would benefit the recreational, but maybe cobia. I don't know.

MR. BOWEN: There may be one, but I'm just not aware of it, and I think all of our -- I won't say all, but the majority of our recreational landings are overestimated, and so, therefore, I don't see a benefit for an in-season soft allocation shift coming from the commercial sector.

MR. COX: Zack, don't you think a lot of the recreational fishermen like to go out and eat fresh seafood for dinner?

MR. BOWEN: I know I would.

MS. BECKWITH: Ben, and then we're going to start talking about these specific ideas.

MR. HARTIG: I mean I've heard from every one of my hook-and-line people. I've had more calls on dolphin than anything else in the recent past, in my area, and every one of them asked when we were going to separate the sectors. Every one of them said that was their most critical concern, was to separate the longline and the hook and line sectors, and we needed to do that sooner than later.

My fear is that, looking at the landings, as they're going up and up and up on the longline, and it's an alarming increase in the longline fishery, our concern is that we're going to keep getting shut out of this fishery, and the hook and line guys want to see us tackle that, above everything else.

MS. BECKWITH: Okay, and so that's where we're going to start. We're going to start with the commercial gear sector allocations for longline and hook and line. We've heard Ben's comments on that, and that his constituents have a large concern about that. Are there any other comments and desire to see us continue development of that particular idea?

MR. BOWEN: To Mr. Hartig's point, I think soft in-season allocation shifts are a completely different topic than sector separation.

MS. BECKWITH: He's talking about gear separation and not sector separation.

MR. BOWEN: He used the term "sector separation".

MS. BECKWITH: Right, but he meant gear. He meant separation of longline and the hook and line beneath the commercial.

MR. BOWEN: I was just going on what he said, and so I will retract my comment, and thank you.

MR. HEMILRIGHT: How many years has the commercial side been shut down, and, alluding to Ben's comments there of the gear sector separation? Had this amendment that placed the extra 300,000 pounds been put into effect, that took probably longer, and please correct me if I'm wrong, but nine months that was sitting on somebody's desk, we wouldn't have had a closure.

The thing I'm afraid of, looking at the commercial industry, and I heard some other comments about looking for reallocation, but what happens if you get through the year and the commercial side, the way the fishery are caught, is you have about from late April to about the end of June commercially, where it's massively done or whatever other catch phrases people want to use, but here it is. It's not throughout the year.

Even if you were to have 400,000 or 300,000 at the end of June, the fishery would have never been closed down. I looked at the recreational numbers throughout the years, and there ain't no way you're going to catch fourteen-million pounds. I don't believe they ever caught ten-million pounds, but that's just looking at the OY and what it's set at there, but please be very careful in adding some flexibility from the commercial side when it comes to harvesting the mahi, and it is a historical recreational fishery. We're not looking to gain allocation, more fish, but I would see no problem in reaching out to say, hey, if we might need 100,000 pounds to get us through a couple more months, what the heck is wrong with that?

In the commercial side of it, you've got two aspects of looking at it. Yes, it is for profit, but we are giving access of this resource to people who don't have money for a boat or money to go charter fishing, and this resource is owned by all, not just a few, and so there's no reason for thinking that the commercial side is looking to gain an allocation shift, but I don't see nothing wrong with at the end of the year, or when you're in pinches, in having some flexibility to say, hey, look here, we need a few hundred-thousand-pounds to get through the year.

A lot of people brought up some questions, and some of them I've got a few problems with, but that's nothing different for me, but I just -- To be able to look forward and so that the commercial side of it, who has the smallest piece of the pie, can get through its year and give access to the fish.

When you look at the pelagic longline industry, there's probably about less than sixty or seventy active vessels, from Maine to Texas, left. If you could walk on mahi tomorrow, you wouldn't be having the total commercial fleet go fishing, because all the recreational industry would probably be catching the mahi too and be selling them. Therefore, the marketplace would be depressed and people couldn't go fishing for a dollar or two-dollar-a-pound mahi. That's just kind of a bigger overlook picture.

Our share of effort is decreasing up and down the coast, with different amendments and different things happening, and so please be flexible when it come to the commercial side and thinking. Don't place us in a box and say, well, we've got to look at this later, because management takes time. It's not very flexible. Thank you.

MS. BECKWITH: Just for folks that aren't completely aware of all the permits that the HMS longliners have to have, some of their permits are limited entry. They require -- Tuna longline, swordfish directed, swordfish incidental, swordfish hand gear, shark directed, and shark incidental are all limited entry. To use pelagic longlines, a permit holder must hold three permits: tuna longline, swordfish directed or incidental, and a shark directed or incidental. They call that the triple-pack, and so the HMS longliners are under quite a bit of restrictions.

MR. BREWER: To Ben's point, yes, HMS, the pelagic longline, quote, blue water boats, are very restricted. The fear that I think that we have had, and what we've seen, is what Terry Beideman calls council boats. Those are boats that are not HMS, and what we saw happening last year, and what we believe shut the fishery down, were, quote, council boats that were going out and not targeting swords or tunas, but targeting dolphinfish, and starting to bring in 30,000 and 40,000-pound trips.

I don't know that that's true, but that's the information that we got, and so I think Ben is very justified in saying that at least we should explore separating out the gear types, so that the hook and line guys, the vertical gear guys, don't have happen to them again what happened last year, because even in the Mid-Atlantic, your folks up there who vertical line stuff, they didn't really get a chance at the fishery for more than maybe a month or so, and it galled me.

I was really pretty upset about it, because these are the guys that are supplying to the local markets, that are supplying to the local restaurants, and those fish that they are supplying are fresh-caught fish, fresh-caught product, which commands, and I know Jack agrees with this, which commands a premium. I think that those folks need to be protected, and so I do think that there would be real value in just taking a look at separating the gear types.

MS. BECKWITH: I think, just to remind folks, our purpose here is to figure out a way of keeping the commercial guys open and not having the season close down, and so it's just a matter of going through these options and seeing which ones might make the most sense for the way that we might want to see this fishery be prosecuted in the future, but I think the intent is clear. Our intention is to keep these guys working.

MR. HEMILRIGHT: I tend to focus, a lot of times, my thoughts on what I know and not the hypothetical, and you have the State of Florida, the State of Georgia, South Carolina, and North Carolina here. You could easily go there and request data from each state to show these phantom fisheries you're discussing or council boats. I would probably -- I don't believe there is boats landing 30,000 or 40,000-pounds, as your espousing to, that are not documented commercial vessels.

Yes, there is a loophole that's in there that you don't have to have the tri-pack to go mahi fishing, but the percentage that you're discussing, I believe it's phantom. I believe it's minute, and you could easily request from each state, and maybe you've already put the request in to each state, to provide you with that data, and it would be interesting and educational for us sitting around the table to see that, and so I'm hoping that's the case.

MS. BECKWITH: I will go to you guys in a second, but when we start to develop the next amendment, one of the requests that we had made in a previous meeting was summaries of the temporal and spatial landings histories for dolphin across the entire Atlantic Coast. We had also

requested a breakdown of that temporal and spatial landings history for folks that had just dolphin wahoo permits and those that had the tri-pack and the dolphin wahoo permit, because we don't have a really great understanding of what our fishery is looking like right now, and so all that information, hopefully, will come through the development of the amendment, and that will help us make some choices, because I think you're right. We don't know how many landings are coming from folks that just are holding the dolphin wahoo permits and are longlining.

MR. BREWER: I did request that information, and I was told that it was proprietary, in certain instances, and we could only get averages, and so we're dealing with the averages, but we do know there were some trips that were tens-of-thousands of pounds, and we do know that -- I should say, and it's claimed, and I've talked to several blue water boat owners and operators, and they said that their average for like a ten-day or two-week trip pretty well remained under 600-pounds or 700-pounds.

They were saying it was not us. It was not us that had this huge spike, and so we are left with the assumption, and it is not 100 percent rock solid, but that those were, as have been described, council boats. Therein lies the fear that you're going to have these folks that are operating within the loophole, as you've described it, who are shutting down the hook and line vertical guys for over half the year, because, regardless of the source of the problem, that happened last year, and the economic impact, I believe, of that happening to the vertical hook and line guys was very, very, very, very negative, and it was very -- It was a big impact.

MS. BECKWITH: All right, folks. Tick-tock. We have an hour-and-fifteen minutes left.

MS. MCCAWLEY: I will pass.

MR. COX: I mean it's interesting, and it's great to have Dewey here for this conversation, because I think some of the Dare County boats were thirty-five or forty-foot boats that were fishing on the -- They were longline fishing for the tilefish and lost their fishery to some unreliable data and they've tried to fill that void with some mahi fish. The boats that I've seen unload have been catching a thousand to a couple of thousand pounds every three to four days of the mahi, but I don't think -- It's not been a whole lot of boats, has it, Dewey, that do that up there? I know we don't have any just below them that are targeting the fish that way.

MR. BOWEN: Chester mentioned the word "loophole", and Madam Chair, did you say that we didn't have a good grasp of what our longline boats were doing versus the hook and line in the commercial sector for the mahi?

MS. BECKWITH: Right, and our dolphin wahoo permits, we don't ask them to define a gear. It's just a dolphin wahoo commercial permit, and so we have landings -- The table is there. We have a breakdown of all longline catches and hook and line catches, but we don't have the longline catches separated out by those that just hold the dolphin wahoo permit or those that hold the tri-pack and the dolphin wahoo permit, and Brian can answer that better.

DR. CHEUVRONT: Just to follow up with what Anna was just saying, it's not impossible to do that. It's just that it requires going through landings, because what we have to do then is take those who have HMS permits and figure out the landings by the HMS permit guys, and then separate

those out from the other guys who don't have HMS permits. That's a very, very time consuming process.

We do actually have a table in here, and this is Table 1 that's in that white paper, that shows you - It's really small print here. If you want to pull it up in your briefing book, it's Attachment 2, and it shows you the landings by month by the different gear types. Then there's another document in there, and I think it's -- Let me find it here. It's Attachment 4. That shows you the differences by gear and what the landings were by year, and this includes through 2015.

Remember what happened was is that when the fishery was shut down, I believe around June 30 of last year, typically that's the end of the longline fishery, and the hook and line fishery would then go throughout the year. While the longline landings, which you see there, is probably about pretty close to what the longline landings would have been, had the fishery stayed open, the hook and line landings would have increased throughout the year.

In doing the Regulatory Amendment 1 that you did put into place, it put into place a 4,000-pound trip limit once 75 percent of the commercial ACL had been reached. That was done as a way, effectively, to make sure that there would be enough fish left, and if you needed to shut down these large trips, you could go ahead and do that.

What was interesting is that I went back and looked at the number of trips, historically, that would have been affected had this 4,000-pound trip limit gone into place when 75 percent of the ACL had been reached. I've forgotten, but I think it was maybe over the course of five years, and I think there was one or two trips that would have been affected.

What you did with Regulatory Amendment 1 has helped to, I would think, suppress the possibility of the longline fishery busting the commercial ACL and not having a hook and line fishery for the rest of the year. That was basically the purpose of why you did what you did in Regulatory Amendment 1. Then you also got the added boost of another almost 400,000 pounds when the allocation between the two sectors was permanently changed.

You've got two things that have happened in the last year that have probably decreased the probability of what happened last year from happening again. I could never say that it will never happen again, but, if you had a year like last year, simply having the increase in the commercial ACL last year, the fishery never would have probably closed.

MR. BOWEN: Can I follow-up, Madam Chair?

MS. BECKWITH: Really quick, and then I'm going to go to Mel, Chris, Ben, and then we are moving on to the next topic.

MR. BOWEN: I just never got to my point is all.

MS. BECKWITH: Well, that is a problem, isn't it?

MR. BOWEN: Yes, ma'am. To Brian's point there, one thing I think we did too is we -- I think we hurt the full-time fishermen and helped the part-time fishermen with that trip limit, but that's just my opinion, but correct me if I'm wrong. We did establish a control date for June 30, and

that's in place now, I believe, but we did not establish a limited entry for that permit. We just established a control date, correct?

MS. BECKWITH: Right, and the limited entry is not being taken into consideration in Amendment 10. If we wanted to move forward with that, we would potentially move forward in Amendment 11, and, if we can get through these topics and have any time left, then I would start to discuss some of those larger topics.

MR. BELL: I just wanted to clarify something when Chester was talking about the pelagic longline versus the vertical and the vertical hook and line guys being hurt. That's the legitimate commercial hook and line sold, that part of it, right? That's what you meant?

MR. BREWER: Yes.

MR. CONKLIN: I just wanted to point out that in 2014 the recreational anglers only landed 37 percent of their ACL, which is around 5,227,000 pounds. The problem I see with this fishery, and if you really want to fix it, is you need to allocate more fish to the commercial side. If you are scared to do it through a soft allocation, then we need to go ahead and put more fish in the marketplace. That's just my point of view.

MS. BECKWITH: Thanks for that, Chris. I also want to point out that our 2015 numbers look like we increased by two-million pounds, and so we're up to 7.1-million, which means the recreational are maybe coming back to some of their ACL, and so there you have it.

MR. CONKLIN: Glad you sharpened your hooks.

MR. HARTIG: Dewey, my concern comes from the fact that the longline fishery in 2014 doubled its catch, and then it doubled again in 2015 from 2014, from the average catches in the previous time series. That's where our concern is coming from. Dolphin is worth money now, as you well know, and that's one of the drivers of why the longline fishery is catching more dolphin, because they're worth twice what they were four or five years ago, and so that's a big driver, when you can get four-dollars-plus a pound for dolphin.

Our concern is that we need to have some kind of insurance that we can try and fish the whole year. The fishing power between you guys and us is probably a hundred times, and so we're concerned about that fishing power in that fishery at that time of the year.

MS. BECKWITH: Dewey, because I love you, I'm going to let you have the last word, but we are moving on to the next topic.

MR. HEMILRIGHT: I totally agree with that, but, as we're talking about these things we want, why not address the rogue boats that are not licensed and get that information? It's kind of like a stepping-stone of building a house. Everybody is putting out their thoughts on what you want the roof to look like and you haven't even got the foundation to the question, because a lot of these times, if we go find these answers -- That one about the boats and the council boats or whatever, you can find that information. You can word it so it can weed itself out and we can see what it is and to the magnitude of what they caught. That should not be a problem. If it is, we've got a lot of other problems with management, but that's the reason why I guess I'm bringing it up, because

we're asking the different things and we haven't even answered the questions or found the answer to the questions that are out there that shows you to build another fishery.

Do you want a regulated longline fishery catching mahi, or do you want one that's not regulated and a loophole fishery being able to fish too? This council has a couple of things to answer, since they manage the mahi. One is look at the council boats that we've learned of and do we want the fishery to be regulated and boats that are regulated in limited access? There's a lot of questions to be answered before we get to what everybody wants about sector separation or sector gear types, in my opinion.

MS. BECKWITH: Thanks, Dewey, and I wouldn't call them rogue boats, because they do have council permits. They do have a dolphin and wahoo, but they simply don't have the circle hook regulations and some of the other regulations that the tri-pack has, but I wouldn't call them rogue boats.

The next topic is we hear from Ben and a couple of others that there is some interest in still considering potential gear separation. Now, let's look at the next one, considering permanent or temporary allocation shifts between the commercial and recreational sectors. One example of the temporary allocations is, if you guys have access to your briefing book, if you look on Amendment 26 under the king mackerel, PDF page 28, and that is their Action 8, Alternative 4. That's in the decision document for 26, but that shows an example of what those temporary allocations would look like.

Again, let me repeat that. One option for a temporary allocation that we might consider could be found in the CMP Decision Document 26 on PDF page 28. That's under Action 8, Alternative 4. The Gulf Council is considering temporary allocation shifts that go in -- For them, right now, they're just considering it from recreational to commercial, but it is simply set up in the format that 5, 10, or some percentage would be shifted temporarily until the recreational ACL meets a certain percentage.

That is an option for this council to consider. It's one that Michelle alluded to earlier, and so if you guys have any comments or discussion or any interest in looking at that as an option, spit it out. Brian has got it up on the screen now for consideration.

MS. MCCAWLEY: I guess I don't really understand how this would work, and the reason that I say that is because the recreational data is coming in in two-month waves, and so if we hit a situation like we had this past year -- I guess I just don't understand how we're going to really transfer the quota from the recreational over to the commercial, because of the data lag and because, at least in some fisheries and not necessarily dolphin or yellowtail, but in some fisheries you would have an issue, where you wouldn't know until after the year is over how close you were to the quota on the recreational side.

If you had a situation like last year, where you're in the height of the season and the fishery is closed, I just am unsure how we're going to assess where we are relative to the recreational quota, since we're talking about two-month waves, and what the lag would be in transferring from recreational to commercial.

MS. BECKWITH: Right, and the way I see this, Jessica, is we would use this, possibly, if we wanted to, as a tool in the toolbox for situations like mahi that we have a significant amount of recreational ACL typically unused, and it would be an automatic shift over. Then, you see the second part of that Action 4, it would revert back to status quo once the recreational sector reached a certain percent of its ACL.

If we went through the season and so our dolphin ACL hit 50 percent. If next year, we hit 70 percent, then the following year maybe there wouldn't be a shift, and so it would be an automatic shift until a certain percentage of our recreational ACL was met, and then that would automatically -- Whatever the share was would automatically shift back to the recreational ACL, and vice versa, potentially.

MS. MCCAWLEY: I guess I still don't understand. So we would be relying on the Southeast Fisheries Science Center to say, okay, the commercial has hit the ACL and that -- Then Dr. Crabtree is going to automatically transfer over some quota in percentage chunks? How is this going to work?

MS. BECKWITH: Probably, and Leann can probably speak to what you guys were intending with this, but my understanding of it would be it's a conditional transfer, but it's done automatically at the beginning of the fishing year, and so it would transfer automatically, but the conditional part of it is that if the recreational ACL achieved a certain percentage, then that transfer would no longer occur. It would be an automatic transfer until we reached some portion of the recreational ACL, and then that transfer would no longer occur.

MS. MCCAWLEY: Maybe I am missing something again, but it just seems like -- Say you're transferring in these chunks over the course of five years or ten years or fifteen years. Then all of a sudden we hit whatever that recreational threshold is and then it reverts back, straight from commercial over to recreational, and it just seems like we're possibly violating a National Standard, because that's going to be pretty disruptive to that commercial fishery that's been fishing that quota for however many years that was in place. You've got people investing capital, et cetera, and what am I missing?

MS. BECKWITH: That's a great point, and that's why we're having this discussion, to see if it's something the council would be interested in pursuing.

MS. BOSARGE: This was actually an alternative that I threw out there as a possibility, and it would be something, like Anna said, where, okay, you come up with your percentages here. Say you go with a 15 percent transfer, 15 percent of the, in this case, recreational ACL would get transferred to commercial, one time, at the beginning of the year. When it's set, you set your ACLs and then you do your loan program and the commercial is going to borrow 15 percent from the recreational.

Then you have a second threshold built into it that we're doing this because there's a bunch of fish left in the water on this side and, if we went this way, it would be saying that we think that the best way to manage the fishery is to let those fish be caught by somebody, but we don't want to push it up to the limit and end up in a spot where we put the recreational sector in a position where maybe they're facing closures, or whatever the case may be.

Your second threshold is you only do this loan, this borrowing, this loan program, up until the point that, in this case, the recreational sector hits -- 80 percent was what was thrown out at our last meeting as a possibility of its quota. At that point, if they get to that point, that means they're fishing those fish again. For whatever reason, maybe they weren't in the past, but they are now and so all bets are off.

The whole point was so that -- Because we put on our boxing gloves in the Gulf and we go at it over these allocations. I mean we just let it fly, and we spend so much of our time on allocation decisions that could be better spent on other things, really proactively managing our fisheries, and so this was a situation where, if you look at the pure data, you probably have the justification and the rationale to do a hardship from recreational to commercial, but why spin our wheels on that for years and years if we could do some kind of loan program that will keep that hard allocation what it is, to safeguard whatever sector, in this case the recreational sector, from losing it in the future if they want it. Up until that time, where they're actively fishing it, let somebody else use it, but not have to spin our wheels on these bloody allocation decisions.

MS. BECKWITH: Jessica brings a good point that if it's used for ten-years, then is there some concern about investment in the industry and what chaos can that bring in the future?

DR. CRABTREE: Jessica is right that there are a lot of logistic issues that would have to be worked out, but, at least the way I'm thinking this would work, it would be -- You set some threshold, and, as long as the recreational catches are below that, then the transfer occurs, but that would be based on the recreational catches in the previous year being projected to be below it, because we wouldn't even have the finalized data, but most of the recreational catches are in the summertime and so we're probably not going to get that far off.

Then you would, early the next year, make the transfer over, and you might be able to wait until the spring, because most of the commercial fishery is in the summer. I don't believe we have an in-season closure for the recreational fishery for dolphin, and so I think, if they hit the ACL, it would be a closure in the following year, but then you would pull back the transfer if that happened and maybe that avoids the need for a closure. It depends on how much you transferred and all that.

I think you could work it out, but the key would be setting the threshold low enough so that if the catches did bounce up that you're not going to end up in a closure situation, or at least the odds of it happening are something you're comfortable with, and so I think you could do it, but it's not like we're going to be tracking the recreational catches real-time during the year and making those decisions. It would have to be based on what we saw in the previous year.

DR. DUVAL: I mean this is a little bit like what is done for bluefish in the Mid-Atlantic, and so the commercial sector is allocated 17 percent of the total allowable landings. If that is less than ten-and-a-half-million pounds and the recreational sector is not projected to meet its own harvest allocation, then a portion of the recreational sector allocation may be transferred to the commercial, up to ten-and-a-half-million pounds, so that it would take the overall commercial sector up to that 10.5-million pounds. It can't go above that, and that's something that's been happening for a good long while, although I think just this past year, because of the bluefish stock assessment, I believe that the transfer amount for the 2016 fishing year was not as high as it had been previously.

That's another example of -- The Mid-Atlantic Council does this through their annual specification setting process, and Dewey can probably speak to that more if you want to find out about it, but I believe that's at the August council meeting every year.

MS. BECKWITH: Chris, and then we're going to move on to the next idea for discussion.

MR. CONKLIN: If we're still burning up this commercial quota and we wanted to end any additional investment on behalf of the commercial fishermen or anything, we need to go ahead and close up the fishery and not have open access permits for this fishery. That way, we don't have to worry about people investing a ton of money and new entrants, if there's 15 percent more or 5 percent to catch, if somebody doesn't go and buy and boat and go into the mahi catching business just based on that and they think they can do that for a long, long time. If they did, they certainly would be on their own in that, and so that's just all I was saying, is we have this problem in the fishery, but we still aren't limiting the access to the commercial side of the fishery. If we're, like I said, not going to change any allocation or anything, we need to try and limit the participation.

MS. BECKWITH: Point taken, Chris. The next idea is to establish a common pool allocation or a reserve category allocation. A common pool would be, of course, taking a certain percentage from either the recreational and/or commercial and just making it available to either sector. If one sector surpassed their ACL, then there would be that common pool that could be accessed by either recreational or commercial, and that would be a safeguard to not having an overage in either sector.

A reserve category allocation, my understanding would be, is you could roll over some of your unused allocation from one year to the next and have that in a reserve category. If say the commercial guys have 1.5-million next year, and they only use 1.3-million pounds of it, then some percentage of that would be able to roll over into a reserve category that they could utilize in the future, in case they surpass their ACL. Thoughts?

MR. BOWEN: As you were speaking and you said -- I didn't write it down and so I'm not quoting you and I am going to paraphrase, but you said if either sector were to go over their allocation -- When is the commercial -- I mean this is for discussion, but when has the commercial guys went over their allocation? They're accountable.

The problem lies from the recreational fleet, the for-hire fleet, not having any accountability and us going over. The way the trip tickets are now with the commercial guys, and maybe Dr. McGovern can answer the question, but I don't know of a fishery in the commercial sector that has went over lately. Is there one, Dr. McGovern, that you know of, or maybe Dr. Crabtree?

DR. CRABTREE: What was the exact question again?

MR. BOWEN: When has there been a commercial overage for the ACL for the commercial sector?

DR. CRABTREE: You're talking about dolphin?

MR. BOWEN: I'm talking about any species. My point was Anna -- Don't shake your head at me, Anna, yet. It's early. It's only Monday. My point was Anna said when there is an overage for either sector, commercial or recreational.

MS. BECKWITH: It would be a safeguard for an overage for either sector if we created a common pool.

MR. BOWEN: So my question arrived then of when has there been, or when was the last time there was an overage from the commercial sector for the ACL, or their ACL?

DR. CRABTREE: But you're not talking just dolphin and you're talking more generally?

MR. BOWEN: Yes, sir, more generally.

DR. CRABTREE: You can look on our website for previous years and you can see what was caught versus the ACL. We've had overages for quite a few species, and so it happens. One thing you ought to bear in mind here though is that the commercial fishery caught its ACL and it was closed, but we've come nowhere close to catching the overall ABC of the fishery.

There probably are simpler ways to get at this. The one that pops in my mind is just have a single ACL and recreational and commercial and everybody fishes for it and nobody shuts down unless the whole ACL is caught or an ACT is caught. Now, that probably has a downside as well. It seems, to me, you might be able to link whether you have any in-season closure for anybody on the performance of the fishery in the previous year, so that if the catches remain at 60 percent of the overall ABC in the previous year, there is no in-season closure for anybody.

From a biological point of view, even though the commercial fishery may have gone over their ACL last year, we were way below the overall ABC for the fishery, and so it's not like we're doing any damage to the stock if the ABC is what we think it is and reflects what's going on. There is, I think, a lot of creative ways you can look at how the accountability measures operate, and you have a lot of flexibility here, because the catches are remaining so far below the overall ABC. I think as long as they remain well below the ABC that you probably have a lot of flexibility in how you manage the fishery.

MS. BECKWITH: Jessica, and then, if I'm hearing Roy right, he is suggesting another direction this committee may take to consider, and that would be the accountability measure, instead of soft or hard allocations. Let's keep that in mind and keep the conversation interesting.

MS. MCCAWLEY: I guess I would say if we're going to move forward with some type of white paper that **I would like to see us look at a single ACL for yellowtail and dolphin.**

MS. BECKWITH: Is that in the form of a motion?

MS. MCCAWLEY: **Yes, Madam Chair, it is.**

MS. BECKWITH: Do I have a second? Charlie seconds.

MR. HAYMANS: To the motion, I just look at that single ACL as opening the door to enlarging the fleet that's already out there, and especially just -- I shudder at the thought of a single ACL, but I do have another point when we finish with the motion.

MS. BECKWITH: Yes, and the single ACL scares me a bit in an open-access, permitted commercial fishery, and so I too shudder at a single ACL for dolphin.

MR. PHILLIPS: To that point, I mean we're going to -- We basically have soft TACs, and we're going to set regulations shooting for those soft TACs. We've heard fishermen ask for flexibility ever since I can remember, and this is one of the ways to do it, and I like Roy's thoughts.

MS. BECKWITH: We have four other ideas presented in this white paper that also offer ideas to offer flexibility without having one single ACL.

MS. MCCAWLEY: I would like to say that I'm not considering this as the only option all by itself. I would like to see this in conjunction with other options, because, like you said, I also have concerns of us just looking at this all by itself. I would like to see this in conjunction with some other options. I was thinking that at the end of this white paper that we were going to make a list of all the different items we were going to look at, and so I just wanted to clarify.

MS. BECKWITH: Thank you, Jessica.

MR. BOWEN: I have the same sentiment as you and Doug, believe it or not. It scares me. It worries me to death, and I mean if we're looking at dolphin wahoo, we might as well look at --

MS. BECKWITH: This is the Dolphin Wahoo -- No, this is the Snapper Grouper as well. Darn it. Go ahead.

MR. BOWEN: Yes, it's joint, you know the one you're Chair of. We could look at vermilion snapper as well, and that's just a for-instance. My point is that it worries me with the single ACL.

MS. BECKWITH: That will be added to the list to go out to scoping.

MR. HARTIG: You've got a motion on the table.

MS. BECKWITH: Sorry. We haven't voted on it. **All in favor of this motion, raise your hand, five; all opposed, four. The motion passes five to four.**

Then that will be included in the white paper or whatever goes out to scoping. Now let's talk about some of these other options that we want to see go out to scoping. What of these which we have discussed would folks like to see go out to scoping for consideration? Ben, do you want to pick your favorite out there and send it to scoping, or multiple favorites?

MR. HARTIG: Absolutely. Do you want a motion to add the gear allocation separation? Is that what you're asking for?

MS. BECKWITH: Whatever you guys want to see go out to scoping from this white paper, please let us know.

MR. HARTIG: I would like to see the gear -- Zack has got me with the sector stuff.

MS. BECKWITH: **Commercial gear section allocation for longline and hook and line.**

MR. HARTIG: Thank you. That's it.

DR. CHEUVRONT: Are we making a motion or are you just giving direction to staff here?

MS. BECKWITH: Do you guys feel like we need to -- Do you want to do a motion? Okay, Jessica wants a motion. Ben, was that in the form of a motion?

MR. HARTIG: **Yes.**

MS. BECKWITH: Can I have a second? I am looking for a second to Ben's **motion to consider to send out to scoping the concept of a commercial gear sector allocation for longline and hook and line.** Zack seconds. It was seconded. The motion is: Consider for scoping gear sector allocations for the commercial fishery for dolphin.

DR. DUVAL: Again, I am getting -- I would just be repeating what I said before, and so I think, at some point, we need to have a discussion of timing on this amendment versus I think there were some of us around the table who were interested, at least on the dolphin side of things, of the larger comprehensive Amendment 11 and where that would play in, because, in looking at the previous white paper for that amendment and the ideas that have been thrown out, gear sector allocations was in there as well.

MS. BECKWITH: Right, and it may be that if the committee would prefer to have a larger discussion on what we don't have time for today, because I've got forty-minutes left on my clock and a whole lot of things to talk about, we may be able to decide, out of this white paper, what we would want to send to scoping and wait until the next meeting and have a larger discussion on some of the other issues we don't get to today and send those out for scoping as well together, since it's just scoping. I don't know that we're in a huge hurry for action on any of these. I think they're big enough issues that we maybe really need to think them through.

DR. CHEUVRONT: If you're going to have two separate scopings --

MS. BECKWITH: No, I would consider -- I would ask the committee if they would like to hold off. We can figure out what we want to send to scoping, but we can hold off sending it to scoping until we have a discussion on all of our topics.

DR. CHEUVRONT: That's what I would recommend you do if you can't get through it today and you decide that would fit what your plan would be. I thought you were suggesting that whatever you choose today goes to scoping before June and then whatever you choose in June goes to scoping again, and that's not very efficient.

MS. BECKWITH: I don't think that would be productive.

MR. BREWER: **A friendly amendment, if Ben might consider it, would be to change the word “gear sector” to “gear type” separation.**

DR. CHEUVRONT: Gear type separation or gear type allocation?

MR. BREWER: **I meant to say “gear type allocation”.**

MR. HAYMANS: To clarify your last comment, both 10 and 11 issues together for public scoping?

MS. BECKWITH: I am sort of envisioning -- We have a lot of things we haven't gotten to. We haven't gotten to talking about limited entry and we haven't talked about bag limit sales and we haven't talked about circle hooks. We haven't talked about the change in fishing year that was suggested by some of our public comment.

DR. CHEUVRONT: Those were Amendment 11 items.

MS. BECKWITH: Right, and I agree those are potentially Amendment 11 items, but I still think that some of the discussions that come out of those Amendment 11 items may impact some of the direction that we take on some of these Amendment 10 actions. If I'm not correct on that or someone views that differently, please speak up, but I think all of this is sort of -- If we go to limited entry, we may choose one thing. If we go to limited entry for the charter industry, we may choose different choices. I think it sort of behooves us to have at least a short conversation on all the topics before we start to ratchet down.

MS. MCCAWLEY: I agree with that. Are you suggesting that that would occur this week or you're suggesting holding off on everything and having another discussion in June and then do scoping after that? I would be in favor of that.

MS. BECKWITH: Right, and I don't want to rehash whatever we talk about today. I don't want to talk about it again in June, but I want to pick out whatever it is that we want to see come out of scoping out of this discussion. Then, in June, we're going to have a whole separate list of things that we're going to talk about, and then, whatever we choose out of that, we'll send that whole suite out to scoping and then start ratcheting that stuff down. Does that make sense to everyone?

MR. HARTIG: Refresh my memory on Amendment 11.

MS. BECKWITH: Amendment 11 was potentially a discussion of limited entry for the commercial, circle hooks, potentially bag limit sales for the for-hire, potentially Zack would be bringing up limited entry for the for-hire, and -- Am I missing stuff? I think there was more stuff on a list that would potentially go into Amendment 11.

DR. CHEUVRONT: Ben, it's all the stuff that was in the white paper that you saw in December, plus I don't recall if bag limit sales was on that list or not. I don't think it was. I think it's an issue that's come up since then. Previously, remember your Dolphin Wahoo AP, for the last several years that they have met that I was helping coordinate that AP, has passed motions to allow for bag limit sales of dolphin. Madam Chair, I just wanted to point out a procedural sort of thing.

MS. BECKWITH: Ben, were you okay with that friendly amendment? Okay. Great. Thank you. Then we have two other things, two other ideas, that were set forth in this white paper. Is anyone interested in seeing either consideration of a permanent --

DR. CHEUVRONT: You need a vote here, Madam Chair. You've got a motion on the table. Let's deal with this one first or modify this motion.

MS. BECKWITH: Thank you. The motion on the table is to consider for scoping gear type allocations for the commercial fishery for dolphin. **All those in favor of taking that out to scoping, please raise your hand, eight. The motion passes.**

The other two ideas that were discussed was establishing a common pool allocation or a reserve category allocation or considering permanent or temporary allocation shifts between the commercial and recreational sector. Are either of those of any interest to folks?

MS. MCCAWLEY: I have a procedural question. Are we suggesting that we're going to scope the items for Amendment 10 and 11 at the same time, or is that going to become -- Are 10 and 11 going to become one amendment? I'm just a little confused about what's going to happen in June. Are we still keeping these items separated and one is a faster track than the other? I am just looking for some more information.

MS. BECKWITH: I guess, in my mind, the Amendment 10 and 11 issues are related, and so, to me, whatever we send out to scoping, whatever we get back, maybe we would shift into Amendment 10 and 11, but I am going to let our Chair and Brian speak to that. My intent is really that -- I think all of these issues are related, and I think sending them all out to scoping and getting feedback on a larger host of issues is probably more productive, if that is doable. If it's not, then we need to reassess.

DR. DUVAL: When we talked about this stuff in December, we initially talked about a whole suite of items related to the larger management of the dolphin fishery, and some of these allocation shifts were included in that, and we added for-hire sales as a consideration, because we also did not have sufficient time to discuss that at the December meeting, and that's why it's here for Other Business today, which I'm sincerely hoping that we'll get to that.

Based on direction that we got at full council, it was to -- People were interested in exploring options to have non-permanent, in-season allocation shifts for both yellowtail and dolphin, based on the issues that arose last year, and so the decision was that this allocation shift amendment took higher precedence than Amendment 10, which is now Amendment 11, because if we're going to do something like this temporary allocation shift amendment, that gets a different number. That gets Number 10 for Dolphin and whatever number we're on for Snapper Grouper.

Again, I think my intent would be that whatever is developed in this temporary allocation shift amendment really needs to be applicable to other species as well and not just dolphin and not just yellowtail snapper. I think whatever goes out for scoping should note that.

MS. BECKWITH: Then it's up to the committee. I mean if we want to send this entire suite out for scoping now, I mean we certainly can do that. We'll get feedback and then, as we discuss topics of limited entry and a host of other things in June, then -- That's certainly an option.

MS. MCCAWLEY: That was not my intent when I asked the question. My intent was just to figure out if Amendment 10 and Amendment 11 were going to be on different time scales and one was going to move faster than the other, which I think that Michelle explained.

DR. DUVAL: Just to add to that, I mean if you pull up the staff amendment slots Excel spreadsheet from the December council meeting that we reviewed at full council, and so it might be in the full council folder, the way that ended up was this temporary allocation shift amendment would basically be conducted in 2016, and then, in 2017, you would be looking at the large Dolphin Wahoo Amendment 10/11, whatever number it's going to end up being, for 2017.

MS. BECKWITH: Okay. I mean either way is fine by me. If you guys want to send -- Is there interest in sending all of these ideas out for scoping or just some? Is there some idea in here that somebody does not want to see go out for scoping, from what's been presented in this white paper, one idea that we know that we're not going to ever consider?

MR. HAYMANS: I care not at all for the common pool. I've been trying to get to that for a couple of minutes. That was my other point, but the common pool idea just, to me, seems like it's a permanent allocation shift from recreational to commercial, because, from Zack's point earlier, I mean there's only one fishery that -- Anyway, I don't care to send the common pool out.

While I've got the mic, I will go ahead and make my other points real quick. Ben had made a point earlier that, based on things that we've done previously, we may not see the 2014/2015 high longline landings again, which is why I thought we were looking at Amendment 10, was to try to keep that from happening, or at least allocate it. If there's a possibility that we're not going to see that in 2016, and I know that's a dice throw, I would just as soon combine these into one amendment.

I would like to see things comprehensively, and, like we've been talking about, see all the pieces at one time. I have always just had trouble with the way we go through actions and we see them at different times and we want to go back and change something. I would rather look at it comprehensively as one amendment.

MS. BECKWITH: Okay, and so I am hearing from Doug that he doesn't want to see the common pool allocation, but the reserve allocation is an option, because that would be coming from its own sector, reserving from its own sector, and so unused quota that could roll over into a reserve category.

MR. HAYMANS: When I read the reserve, I read it as those are two different names for the same thing, and I didn't see it being from individual sectors. I saw it pulling allocation from both sectors into a common pool, or a common reserve, and maybe I read that wrong.

MS. BECKWITH: One idea that I would like to see go to scoping would be the idea of what I would call a reserve allocation, which would be a set-aside of unused ACL from say the commercial that they would be able to tap into in a following year, as long as the overall ACL hasn't been met.

Let's say they use 1.4-million pounds and they have 100,000 pounds left over, that could go into the commercial reserve and they would be able to tap into that the following year, and so it would be unused commercial for the commercial.

MR. BREWER: You know how well rollover have worked with ICCAT and HMS. They don't, and it's a bad idea.

MS. MCCAWLEY: I think that what you were bringing up was is there anything that needs to be removed from this document before going to scoping. I was just going to go on record saying that I'm fine with everything else in this document going to scoping. If we want to pull out what Doug suggested, I'm okay with that too, but he also was suggesting that this get combined into one amendment.

I would like to make that decision at the June meeting, after we have the broader discussion of everything. I would rather not make the combine decision right now. I would like to leave that on the table for June. I am not suggesting scope this stuff and then come back in June, but I'm suggesting we talk about everything for scoping as well as determining if it becomes one amendment or it stays two amendments, with one moving faster than the other -- I would like to have those discussions at the June meeting.

MR. HEMILRIGHT: As far rollover, I think in ICCAT, which doesn't manage the dolphin fishery, they have rollovers of up to 15 percent, whether it be swordfish or other species. I wouldn't see anything wrong with this council that manages dolphin being able to have a rollover, given that there's quota left over and that the stock is not overfished and overfishing is occurring.

Something else is the previous -- I'm not sure exactly what amendment it is, the one that was at the public comment about setting the catch limit at when 75 percent of the fish is caught that it reverts back to 4,000-pound trip limit, but it seems like this want that everybody is asking up here for these motions is you already have something that's going to go in place, possibly, and so how about you wait and see what's happening there, before you keep on adding other amendments in place, to see how the fishery is going to play out? I believe it's in the purview of this council to do rollovers, and they're the ones that manage the fishery, and so I wouldn't worry about what ICCAT thinks about the dolphin fishery here on the Western Atlantic.

MS. BECKWITH: Thanks for that, Dewey. The 4,000-pounds at 75 percent, yes, we definitely put that in place to make sure that it didn't close, but we went clearly on the record saying we would take into consideration other additional actions that would assure prevention of that, and that 4,000-pound limit was also not completely well received by the Northeast area, and so we're just sort of thinking ahead, but thank you for those comments.

I agree with Dewey. I am okay with scoping a rollover reserve concept, rather than the common pool or reserve allocation, and so, if it's okay with the committee, then I would like to add that in lieu of the common pool allocation. We could do a rollover reserve concept, and then I don't know how other people feel, but I would like to see scoped the temporary allocation shifts, using the Gulf Council's example, but I am not interested in scoping a permanent allocation shift at the moment, and so I would, personally, like to not include that for scoping, but I'm open for comments.

MR. COX: I mean I would like to see it stay in there, just to see what folks thought about it. I mean we can certainly vote on it right here and decide whether we want to keep it in or take it out, but it makes sense to me to keep it in.

MR. PHILLIPS: I still would like to hear what people say about a common pool or a common ACL, and it may work for one species, like yellowtail, and it may not work for something else, but scoping is scoping.

MR. HAYMANS: I was just going to add when I was thinking about that whole concept of temporary transfer -- I thought about it from a larger species standpoint, and I would like to see us, if it goes to public comment or public scoping, to talk about what percentage of -- I've got to back up and get my thought right.

For instance, in the dolphin fishery, we would only do it if the recreational side had met 60 percent or less, and then we heard Leann talk about the 5 or 10 percent increments, but, for those fisheries which are at 80 percent or better, it would not be under discussion, and I think that needs to be part of the scoping document, and I don't know whether we need to set those percentages or not.

DR. CHEUVRONT: You can set those percentages if you want to, but I think there's enough direction that if you want to keep this in there that it would follow pretty closely to what Leann had put in for CMP. When we take it out to scoping, people might make suggestions at that time to adjust those numbers, and that's fine. That would all come back to you later and you can adjust those numbers, as appropriate, for whatever species.

I think one of the things that you will want to discuss is it's pretty clear that you want these things to go out for dolphin, but what -- Right now, the other species that we're considering is yellowtail, but do you want to scope snapper grouper species in general or -- I would like to get some discussion on that as well, if that's appropriate to you all. If it's not, then just say so and we'll just leave it at yellowtail right now, but some of these concepts seem pretty generic.

MS. BECKWITH: Right, and I would make note that, as we write the temporary allocation shift concept in the scoping paper, to make sure it's written in a fashion that can go in either direction, just because.

MS. MCCAWLEY: The temporary allocation, are we only looking at the option like what's in mackerel, or are we going to have the ability to look at an option that's more like bluefish? Can we look at both of those?

DR. DUVAL: I don't see why we couldn't. I mean the language is pretty clear. I think we pulled it before when we were considering this for Spanish mackerel, like two years ago, as an example of a temporary allocation shift. I would certainly advocate for including language in whatever goes out to scoping, as I said earlier, that this be general in nature. It would be the council's intent that if there's a desire to use this tool, this type of tool, for other species that it would be available and it would not just be for these two species here.

MS. BECKWITH: I agree with that.

MR. HARTIG: Madam Chairman, I need to take this opportunity to correct something I said earlier. When I was speaking to Dewey, I said a hundred times more efficient. That is clearly wrong. It's more like ten-plus, longline versus hook and line, and so I would like to put that back on the record and correct my mistake.

MS. BECKWITH: Noted. Okay, and so I think we've got the list of what we're looking to go for scoping, in general, for yellowtail and dolphin, and with verbiage that indicates that this tool that may choose to utilize would be used for additional species. I think the last thing that's up for grabs is do we send this out to scoping now or are we waiting until after the discussion in June? Let's do a strawman. Let's make it easier. Who would like to see this sent out to scoping now? Raise your hand.

DR. CHEUVRONT: Is this a motion?

MS. BECKWITH: No, this is a strawman. Who would like to see the greater discussion, another discussion, happen in June and then decide the larger package to go out to scoping? Okay. The committee has spoken, and Michelle looks perplexed.

DR. DUVAL: I will just say that we'll have another discussion about this during Executive Finance, when you look at the spreadsheet that indicates that allocation, the temporary allocation shift amendment, was going to be this year's task, and next year's task was going to be Dolphin Amendment 11, looking at the larger-scale management issues within the fishery and what we want to change. I don't care, but just if we can settle on some certainty for a schedule, so that staff has some certainty about what they're going to be working on, that would be great, and so we'll be coming back to this at Executive Finance.

MS. BECKWITH: To Michelle's point, what we're sending out to scoping, even though it will impact dolphin and yellowtail, we keep saying that this is a tool that we're going to try and develop for a broader use across species, and so this could -- This is why I keep asking. This could be scoped on its own now and written in a way that it would impact dolphin and yellowtail, but would be developed as a tool for a broader suite of species, if the council deemed it appropriate.

While I think that some of the discussions we may have in June would impact what direction, which of these tools we might use for dolphin, it doesn't preclude these tools from being developed for a suite of species, and so we could send this out to scoping now, independent, and not have it specific for dolphin and yellowtail. Have those be examples, but be clear that these are a potential tool that we're developing for our toolbox. Given that, is there any change in desire to hold this for scoping? Do we still want to hold for scoping?

MR. HARTIG: My point is that how much additional do we put into 11, and then that's a time constraint in itself? If we're putting additional things to consider into 11, it's going to draw 11 out, to some degree, and then it gets to the point that I made when we were talking about slots and timeliness and how much can you put in an amendment and still be timely and still take pressure off of staff, like we said we were going to try and do?

DR. DUVAL: I am not advocating for lumping all this stuff together. I am just telling everybody the decisions that you all made in December, that, instead of lumping everything all together, that the decision that was made was that it was more important to try to develop this in-season

allocation shift tool and focus on questions that were more germane to coast-wide management of the dolphin fishery in 2017, that we had taken this temporary -- We had taken this action, through Regulatory Amendment 1, that was a placeholder for things in 2016.

We work on this allocation tool for 2016 and then come back to Dolphin Amendment 11 and some of those broader issues in 2017. I am not advocating one way or the other. I am just merely informing you all what you decided to do and where the slots are right now, so you can go to your Executive Finance tab and pull up the spreadsheet and take a look.

DR. CHEUVRONT: I just wanted to add to what Michelle said, because I agree with everything that she said, but if you all decide that the actions that you have taken right now already for the dolphin fishery you feel would be sufficient to keep that fishery from going over for the next few seasons, and you want to lump all these things together in one amendment, that can be done.

What had been considered was the fact of do you need to fast-track these allocation actions separate from the other dolphin things? If you do want to do that, then you ought to keep them separate. If the speed of action is not as important to you, it doesn't really matter.

I am basically the staff guy who is doing dolphin, and so if what happens is that you lump all these things together, it may take a longer time period to get through everything, and you won't get those allocation actions in place faster, but if that's not important to you and you want to consider all of these potential dolphin management things at the same time, then that's what you should do. If the speed of getting the allocation stuff is no longer important and you just want to -- If you think it's important to keep all those actions together, then that's what you should do.

MS. BECKWITH: I think that the dolphin timing is maybe less of a concern now that we have a stopgap in place, and it may be an overall consideration, but I don't want to speak to yellowtail snapper. I don't know how desperate of a situation yellowtail snapper is in, but I agree with the committee, and I think looking at the dolphin fishery as a whole and looking at all the different components is probably a worthwhile exercise.

MS. MCCAWLEY: I agree. I think that yellowtail might be a different situation from dolphin. Can we just continue this discussion at Executive Finance, so that we can get past this and move on to the other items?

MS. BECKWITH: Thank you, and yes. The item under Other Business was a discussion on the bag limit sales for the charter industry, which I am happy to have this discussion, but I also think that this discussion will curtail into logbooks and limited entry for the for-hire industry and all sorts of larger topics on how we want to see the dolphin fishery prosecuted, but I will turn it over to Brian to -- Or who wants to talk about the emails about the bag limit sales?

DR. DUVAL: I will take a stab. I received an email from Bob Jones. This was prior to the December council meeting. For folks who don't know Bob, he is the Executive Director of the Southeast Fisheries Association. He had passed along a resolution that was developed cooperatively.

The West Palm Beach Fishing Club hosted a meeting of commercial fishermen, charter boat fishermen, and other folks. I think Ben was in attendance at that meeting and Chester was in

attendance at that meeting, and so there's been discussion over the past couple of years, since bag limit sales for dolphin and mackerel were disallowed, and concern about the economic impact that that has on dually-permitted vessels, in other words those folks who hold both a charter/for-hire and commercial permit for both mackerel and dolphin species.

The Dolphin Wahoo Advisory Panel has, for several years, advocated allowing properly permitted vessels that have both commercial and for-hire permits to be allowed to sell the catch that has been caught on a for-hire trip, but only those vessels that hold those dual permits. Similarly, I believe for king mackerel, but that was the intent, that you would have to have both permits.

Mr. Jones had asked if we could discuss this. I told him that we would put it on the agenda for the December council meeting, but let him know that our agenda was extremely full, and so I think we brought it up at the Dolphin Wahoo Committee meeting in December, noting that we wanted to have a more robust discussion of this in March, at this meeting, and so I really don't have a problem if we go past our 5:00 P.M. time limit on this one, because I want to make sure that we have at least some discussion on this and what the council's intent might be.

I know Chester is going to have something to say, and I believe Dewey will probably have something to say about this. Dewey was a long-time member of the Dolphin Wahoo Advisory Panel, and this is one of the items that we tagged for inclusion in Dolphin Wahoo Amendment 11, and there are a number of items that would need to be considered in moving forward with any reconsideration of bag limit sales for those two species. Just for folks who were not around, bag limit sales of dolphin were prohibited with the passage of the Comprehensive Annual Catch Limit Amendment, and so that's been in place since April 16 of 2012.

MR. BREWER: Bob Jones and I don't agree on a lot of stuff, but you're right that I was at the meeting at the Fishing Club, and Ray Rouse was there and Bob Jones was there. There were representatives of the charter, pure recreational, commercial. This is primarily coming out of some guides down in the Keys, and they do, and they did, supply product to the restaurants in the Keys and they are not able to do that now if they are on a charter trip.

We're not talking about folks that don't know what they're doing. We're talking about professional guides who also hold commercial permits. Bob Jones is pushing this because he believes that -- Well, he is in favor of it as long as these guides are commercially permitted and they would be subjected to the same type of safety of handling of the fish, the product --

MS. MCCAWLEY: The HACCP standards.

MR. BREWER: Okay, but the same standards if the fish were caught commercially. I am usually -- Usually, I am not a proponent of recreational fish being sold, but my understanding of the way this would work is those fish would magically transfer from being recreationally caught to being commercial fish and would be counted against the commercial quota.

The reason that I am in favor of this is I truthfully believe that we should be doing whatever we can to help out -- Not everything, but everything within reason to help out professional guides. They provide the platform for recreational folks to go fishing and it's an additional method of access, and I'm all about access for the public to the resource. I am in favor of this. It's very strange, and I feel kind of weird saying that, but I am in favor of this.

MR. BOWEN: Chester, you stated on record that mainly these guys were the guys in the Keys that are wanting this. Is that correct?

MR. BREWER: I said that, but I may not be correct in that assumption. It is guys from the Keys that have been pushing it the hardest, and it may well be an issue for folks outside of the Keys.

MR. BOWEN: The reason I ask that is it's strange you say that, because the majority of the people in the Keys, the comments that we've had, are against electronic reporting, and so I don't see how they can be against electronic reporting for the charter boats, but yet want to be for-hire for selling their catch. I am not against it. That law was put in place for a reason. I think it's double-dipping. If they're going to carry recreational people out there to catch recreationally-caught fish and then sell them as commercial, you're taking away from the full-time commercial guys, as far as their allocation or their ACL. It's hard to count them and I'm not for it.

MR. BELL: Surprisingly enough, I don't really like this idea. I think one thing Chester just said, and that's why I had to say something, but I kind of deal with issues where I'm watching commercial guys that are holding on by their fingernails trying to stay -- I agree with supporting all the sectors and trying to keep them vibrant, but I look at this as the commercial guys only make a living one way. They catch the fish and they sell the fish and put them on the table. That's what they do.

The for-hire guys, they have a way of -- They have a different business model. They do things differently with the fish, and so, while in looking out for them, I think we also need to be sensitive to the fact that -- What perhaps dolphin or king or whatever it is represent is marketable product for the legitimate commercial sector.

Kind of switching it around or shifting some of it over to allow folks that really aren't part of that sector to have it, it just doesn't sit right with me, and it's, again, crossing that -- You know Magnuson established these sectors for some reason, and so that's one thing. The other is the way the folks that are sort of presenting this to us are teeing it up. It just doesn't sit right with me.

Maybe it's because, as Chair of the Law Enforcement Committee, when it's teed up as basically illegal things have been happening for decades and so let us keep doing it and just make it legal - - That's sort of the way they set it up. I mean it could be set up differently, or teed up differently, perhaps, but that's kind of how it comes across, is we've been breaking the law, we're breaking the law, we're breaking law, and change the law so we're not breaking the law and don't change the -- That's just me with my law enforcement hat on. Another thing I would say is, in discussing this, we really need to have law enforcement involved in this from the very beginning. Thank you.

DR. DUVAL: My concerns are really about the accountability of the catch, and so how it would be recorded, because, right now, those are all fish going into commerce and it's going to count against the commercial annual catch limit, and so -- And possibly recreational. There is a concern of double-counting.

In my mind, the only way that something like this can work is if you do have a charter vessel logbook, where you can actually have a disposition code for those fish that knows whether or not they've been sold. I think the State of Florida, and Jessica can probably correct me if I'm wrong,

has space on your trip ticket where you can note the disposition of the fish, in other words, if they came from a for-hire trip.

We're in the process of a revamp of our commercial trip ticket database right now. I don't want to -- We can certainly account for those fish as that revamp goes forward. It's going to be difficult right now, but I think you're going to get double-counting on both sides, and that's what I am really concerned about, and I don't really know how to get around that. In full disclosure, Bob and I have had a very cordial conversation about this, and I have brought those concerns up as well. Thank you.

MS. MCCAWLEY: I just wanted to clarify something that Chester said. What Bob Jones said, and in the document that I think is A5, that has Jeanna Merrifield's signature line on it, they were wanting those fish to come from the recreational quota and not the commercial quota, but I share the same concerns that Michelle does, that these fish could end up being double counted. Yes, there is a disposition code on the Florida trip ticket, where they could indicate how those fish were disposed of, whether they were sold or not, but I just wanted to clarify that Chester had said Bob et al. wanted it from the commercial quota. No, they wanted it from the recreational quota.

DR. CRABTREE: You know when we eliminated this some years back, this was a big part of the discussion. It's not clear to me, if charter boats are selling fish to restaurants, how that's counted against the commercial quota, because I don't see who is filing a trip ticket or a dealer report. They are being counted though against the recreational quota, because they're part of the overall recreational survey.

Now, there may be ways to make adjustments and fix all of that, but it's going to take changes in how the fish are handled and how they're reported and how well any of that is going to work. I think you would have to look at it, and so I think that's something that we would need Bonnie to go back and talk to the guys in her shop who are tracking all these things and figure out, if we're going to do this, what kind of changes would we do, but, you know, when we did the ACL amendment, we had bag limit sales of snapper grouper going on too, and a big part of why we didn't allow that anymore was all of these complications and things.

DR. DUVAL: Then I think you should call on Dewey, but just to Roy's comment about if they're selling to a restaurant and those fish not being counted against the commercial quota, and, sure, if they're selling them illegally, but if a restaurant owner also has his dealer license, then that person is required to report that stuff on a trip ticket.

MR. HEMILRIGHT: For about eight or nine years, I was a member of the Dolphin Wahoo AP panel, and it was unanimous every time allowing for bag limit sale of charter-caught fish, predominantly from the guys in the lower Keys area, and I was always for it. I would venture to put a cap on it at 50,000 or 100,000 pounds, to say that because it wasn't the majority of the fisheries and how it works up and down the coast, and put a cap on it of 50,000 or 100,000 pounds. Take it out of the recreational industry or the quota of the for-hire sector, like that.

Also, make sure that they're properly licensed, commercially, and that they have to fill out logbooks and they have to document that fish that is entered into commerce. As different ones said, and I'm glad to hear that Chester is for giving access to all, and so it was great to hear that. It also works on the commercial side also, and so that was kind of good on him saying that. I was

putting the commercial side into the equation, but anything that can keep people fishing within the realm of our annual catch limits.

Put a cap on it of 50,000 or 100,000 pounds and see where we go and kind of work our way through this, and something else in some of the earlier motions that we had about what people wanted, there's something else this committee needs to look at, and it's to decide, on the commercial side, who do you want fishing for the dolphin? Do you want guys that pelagic longline that have the tri-pack, or do you want the open access that you're allowing to anybody that has a dolphin wahoo permit to go fishing?

Before you put up here everybody's discussion about all their wants, how about deciding on who you want in the fishery, go ask them questions. Don't put the cart before the horse, and so I would hopefully, when people are looking at the earlier motions here, would pull back a little bit and say, well, who do we want in this fishery and what permits are they going to have to have to go fishing, because the South Atlantic Council manages the dolphin wahoo. It's not some other entity, and so it's to you all to decide on who fishes, but I was for that charter selling their fish on a limited scale, on a cap, and I support it now, just because people -- I like to see them go fishing and provide some economic access, if they can, and times are tight and all of the above.

MR. PHILLIPS: I am concerned about how it's going to be reported and how they're going to shake it out. I'm also concerned about what kind of shift in effort we're going to get. I would expect a good bit of shift in effort and how that's going to play out, and that concerns me.

MS. MCCAWLEY: I would like to continue this discussion as part of this broader discussion at the next meeting to figure out what's going to get scoped, and so I was thinking that the discussion was just going to get started today and that it was going to get pulled into the discussion in June for all of the items that we're going to figure out what is going to be scoped. I just wanted to put that out there.

MS. BECKWITH: Because it's 5:03 and Jessica is ready. Who else needs to comment on this?

MR. COX: Some of the issues I have with it is -- As I read through this, some of these issues fall back on law enforcement not doing their job. I mean if there's back-door sales of illegal seafood and we're trying to rectify that here by allowing them to sell it, that's a law enforcement problem.

Another thing is, over the years that I have bought fish from the for-hire recreational sector, most of the time they have sold fish because they've caught more than they need or want to take home with them. Therefore, when they started out fishing that day, they didn't carry a sufficient amount of ice, and so we're talking about a histamine fish that can make people really sick. I have seen a lot of lesser-quality fish through those kinds of sales. As you allow more industry to sell their product, you're going to decrease the value to the commercial industry. I just have heartburn with this whole deal.

MR. HARTIG: I have changed on this. I was adamantly opposed against the bag limit sales, and we got rid of the general bag limit sales and the for-hire guys came out of the woodwork. I have been convinced that a number of business plans that people went into business on were made on what we had allowed them to do at the time.

One of them was the charter guy in king mackerel from the Cape, who told me that he was teeter-tottering between commercial and recreational, you know going into for-hire and going into commercial fishing, and he made his decision based on he could sell the bag limit of king mackerel on his for-hire trips, and that was enough to keep him satisfied in the mackerel fishery.

That took him out of commercial fishing and took him out of producing more fish in the market on a daily basis. It took him into a lower amount of fish to be able to sell per day, but it still allowed him to capitalize on that sale, and that was part of his business plan.

To Mel's point about law enforcement, these people were allowed to sell these fish until 2012, and so it's not a case of over the years that they've been breaking the law. They were allowed to sell those fish prior to the Comprehensive ACL Amendment. We talked about the Comprehensive ACL Amendment, and there was a lot in there. There was a heck of a lot of stuff in there, and, frankly, a lot of these people were not paying attention at the time and didn't comment on it. Then, when the law was passed, they found out they couldn't sell dolphin, in particular.

In Florida, and Chester mentioned the Keys, but in South Florida, there isn't much commercial fishing at all, because it's primarily the megalopolis has changed. It costs you a lot of money to live there, and so commercial fishing has pretty much went away. There is still charter fishing, and that charter fish was an important part of the restaurant business prior to 2012.

These charter guys sold the bycatch that their clients didn't want to these restaurants, and it was an important part of the daily supply of fresh catch to these restaurants. I have been convinced, over these conversations and meeting with these fishermen, that this is something we should reconsider.

I think how the fish are listed on the trip ticket is taken care of in Florida. You can check the box whether it was caught on a charter or a commercial trip, and so that, at least in Florida, is taken care of, and it could be taken care of in other states. I understand South Carolina's concern, because they don't allow recreational sales, but I know this went farther, and there were a number of fishermen in North Carolina who were upset when they found out that they could not continue to sell those dolphin catches, and I am sure Michelle heard some about that before.

I think we can take care of some of the double-counting issues with the new for-hire reporting requirements we have coming shortly and just being able to report that on a trip ticket in the different states, if the other two states that allow this would do that. My question to Jessica is are they allowed to sell fish caught in state waters now on a for-hire trip?

MS. MCCAWLEY: That's a very complicated question. We are working on a table, and it's different on different coasts and it's different for different species, and so there's not an easy answer to that.

MR. BOWEN: Ben, this is not what I wanted to say before you spoke, but the guy that you were speaking of on record that couldn't decide if he wanted to go commercial or for-hire, because he kept his king mackerel, and that's what made him decide to go to for-hire, I feel sorry for him if he's keeping two mackerel per day, at an average of twelve-pounds apiece. That's twenty-four pounds at three-dollars a pound. That's not really a good business plan, and so I don't necessarily

agree with that fellow that told you that. My point was that the double counting -- To Michelle's point, I don't see how we can get away from that.

MS. BECKWITH: Logbooks.

MR. BOWEN: That brings me to my next point. When we go to logbooks, it's, like I said earlier, the guys that are wanting this are the ones that are adamantly -- We had a guy at the Mackerel AP meeting down in Florida a month or so ago adamantly say, on record, that he wasn't going to fill out reports, but yet they want to sell their catch. I just can't get on the --

MS. BECKWITH: It's 5:09. Let's not make double points. Who is next?

MR. BELL: I was just going to ask -- A lot of what I've seen as an issue, and particularly this is like with cobia, is just direct sale to restaurants. There's no dealer involved and there is no reporting. In theory, if the trip were basically intercepted, it might be counted recreationally, but it's not counted commercially.

Do you see this -- If we allow this, then all of that direct sale to restaurants will go away, because everybody is going to do it right? I mean I guess that's what the selling point here is, is that it will cut out the illegal aspect and that will all go away.

MR. HARTIG: Madam Chair, to that point. I have sold to restaurants to years, Mel. All the restaurants I sell to -- I don't sell to a restaurant that doesn't have the necessary dealer permits and fill out trip tickets, to accept my catch. I don't do that, and so, basically, it's not that big of a deal for a restaurant -- If that is an important part of their fresh seafood purchasing, it would behoove them to have those permits. They're not that difficult to get, and so, to me, the restaurants that deal with it have already made that change and they have the permits and so it's not a problem.

MR. BELL: But there are some that don't. I mean that's what I'm saying. Where I am and not where you are. You're doing it exactly right, Ben.

DR. DUVAL: Just a quick clarification. I mean the reason folks are upset in North Carolina is because these are all guys who have a standard commercial fishing license. In North Carolina, to sell your fish, you have to have a standard commercial fishing license no matter what.

If you're operating as a charter captain and you have your federal dolphin wahoo charter permit, you can't just, even before the Comprehensive ACL Amendment went in place prohibiting those bag limit sales, you couldn't just sell your dolphin. You had to have a commercial license as well, and so that was one of the major reasons that folks were upset, and I just wanted to clarify that. I don't know if that's the case in the other states.

MR. HEMILRIGHT: Simply put in place a 100,000-pound quota. If you want to sell your fish, it's mandatory that you have to have logbooks and you sell to a licensed dealer and all the other things that you have to have in place, have a commercial fishing license and also have the necessary equipment aboard your vessel, whether it's safety equipment or whatever. Therefore, here is all the standards by which you're going to be allowed to sell your fish, and if you don't have these standards, then you're illegal.

I mean here is a criteria and it's pretty simple. You either follow these four things that everybody has talked about in discussions or you don't get to sell your fish, and you put a 100,000-pound quota. If you're seeing that you're bucking up close to that 100,000-pound quota or going over, then maybe the council looks at this and says there's a little bigger problem here or potential in what's going on, and so that's pretty simple. If they want to sell, you've got to follow these standards.

MR. COX: The industry has changed a lot, because what is going on now. It's all about lawyers and it's all about product liability. In the company that I have, we've got \$5-million worth of product liability insurance. We've got the FDA food safety training and we're HACCP trained. We have to do temperature tests on the fish when they come in. We've got a professional facility that is temperature controlled that HACCP comes in periodically and Marine Patrol comes in. We have a business.

We're not filleting fish on the back of a boat in hundred-degree weather and taking it to a restaurant, and so you know it just gets under my skin here when we talk about these things, because we're talking about food safety.

MS. BECKWITH: Okay. You all assume that I've got an opinion on this, but I'm going to go ahead and hold mine. It is 5:13. If no one has any other burning comments, then I think we have said enough today. Michelle, it's back to you.

DR. DUVAL: Thank you, Anna, for keeping us on task, and I agree with Jessica that I would expect that this discussion that we've had would really just inform what is going into Dolphin Wahoo Amendment 11, but we really needed to have the beginnings of this discussion, so we could at least air what the pros and cons are and get some ideas, such as have been thrown out, about how this could potentially be done. We will recess for the evening, but we start back up at 8:30 in closed session with Advisory Panel Selection, which is going to be chaired by Mr. Brewer. Thanks, everyone.

(Whereupon, the meeting was adjourned on March 7, 2016.)

Transcribed By:
Amanda Thomas
March 2016

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- / Jessica McCawley, Vice Chair
- / Anna Beckwith
- / Mel Bell
- / Zack Bowen
- / Chester Brewer
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- / Jack Cox
- / Roy Crabtree
- / Ben Hartig
- / Doug Haymans
- / Charlie Phillips
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**South Atlantic Fishery Management Council -
March 2016 Council Meeting
Jekyll Island, GA**

Date: Monday, March 7, 2016

Committee: Joint Dolphin Wahoo/Snapper Grouper

PLEASE SIGN IN -

In order to have a record of your attendance at each meeting and your name included in the minutes, we ask that you sign this sheet for the meeting shown above.

Name:	Mailing Address/E-mail: <i>(If your information is currently on file, please check the box.)</i>	How do you participate in South Atlantic fisheries? <i>(Check all that apply)</i>	
		Commercial <input type="checkbox"/>	NGO <input type="checkbox"/>
Lindsay Jeffcoat	<input type="checkbox"/> On File 15 Widgeon Ct Bloomington GA 31302	Recreational <input type="checkbox"/>	Govt. <input type="checkbox"/>
		Charter/ For-hire <input type="checkbox"/>	Other _____ <i>Describe</i>
		Commercial <input type="checkbox"/>	NGO <input type="checkbox"/>
Susan Shipman	<input checked="" type="checkbox"/> On File	Recreational <input type="checkbox"/>	Govt. <input type="checkbox"/>
		Charter/ For-hire <input type="checkbox"/>	Other _____ <i>Describe</i>
		Commercial <input type="checkbox"/>	NGO <input type="checkbox"/>
FRANK HELIES	<input checked="" type="checkbox"/> On File	Recreational <input type="checkbox"/>	Govt. <input type="checkbox"/>
		Charter/ For-hire <input type="checkbox"/>	Other _____ <i>Describe</i>
		Commercial <input type="checkbox"/>	NGO <input checked="" type="checkbox"/>
JUSTIN GRUBICAT	<input checked="" type="checkbox"/> On File	Recreational <input type="checkbox"/>	Govt. <input type="checkbox"/>
		Charter/ For-hire <input type="checkbox"/>	Other _____ <i>Describe</i>
		Commercial <input type="checkbox"/>	NGO <input checked="" type="checkbox"/>
	<input type="checkbox"/> On File	Recreational <input type="checkbox"/>	Govt. <input type="checkbox"/>
		Charter/ For-hire <input type="checkbox"/>	Other _____ <i>Describe</i>
		Commercial <input type="checkbox"/>	NGO <input type="checkbox"/>
	<input type="checkbox"/> On File	Recreational <input type="checkbox"/>	Govt. <input type="checkbox"/>
		Charter/ For-hire <input type="checkbox"/>	Other _____ <i>Describe</i>
		Commercial <input type="checkbox"/>	NGO <input type="checkbox"/>

MON 7 MAR 16

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