

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **DOLPHIN WAHOO COMMITTEE**

**Westin Jekyll Island  
Jekyll Island, Georgia**

**March 3, 2020**

### **COMMITTEE MEMBERS**

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Dr. George Sedberry  
Pat O'Shaugnessy  
Rick DeVictor

Dr. Jack McGovern  
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Duane Smith  
Erika Burgess  
Dr. Wilson Laney

Other observers and participants attached.

The Dolphin Wahoo Committee of the South Atlantic Fishery Management Council convened at the Westin Jekyll Island, Jekyll Island, Georgia, on Tuesday, March 3, 2020, and was called to order by Chairman Anna Beckwith.

MS. BECKWITH: To remind everyone who is on the committee, you are now all on the committee, including Mel, and so feel free to participate. The first item is Approval of the Agenda. If there is no need for any change, I deem the agenda approved, and the second item is approval of the Dolphin Wahoo Committee minutes from our last meeting. Are there any edits or comments? Seeing none, those minutes are approved. I am going to turn it over, for the status of commercial landings, to Rick DeVictor.

MR. DEVICTOR: Thank you. This will be pretty quick. Dolphin is -- 3,453 pounds have been landed so far this year, and it's still early, and that's about in line of where we were last year around the same time, and then, for wahoo, you can see on the screen there that 8,145 pounds have been landed, and that's 12 percent of the ACL, just under, around where we were last year, which was 24 percent.

MS. BECKWITH: Thank you. Now we're going to move into the discussion of adding bullet and frigate mackerel to the FMP as an ecosystem component.

MR. HADLEY: Thank you, and I will go through a few slides, just to orient everyone on where Amendment 12 stands at the current time, and then, afterwards, we'll jump into some of the guidance from SERO on some of the parameters of the council's ability to add ecosystem component species in this case. Just a refresher on where we stand, the council has a revised purpose and need statement, and we'll be reviewing that, and, also, you've approved one action in the amendment, and that would add bullet mackerel and frigate mackerel as ecosystem component species.

As you may recall, there are additional items within the amendment, or additional draft actions that address different regulatory measures, or potential regulatory measures, and, when this was discussed last, and I believe it was at the September meeting, there was a request from the council from NMFS on the feasibility of the additional actions considered in Amendment 12 and with the report coming back to the committee at this meeting.

The additional information that was requested covered jurisdictional issues and implementing regulatory measures, appropriate measures that could prevent development of an unregulated fishery, and then issues regarding allowable gears in the dolphin wahoo fishery and application to bullet mackerel and frigate mackerel landings with gears that are not currently allowed.

Looking at the potential amendment timing, as I mentioned, we will be receiving guidance from NMFS on the parameters of the council's ability to add EC species to an FMP, as well as implement regulatory measures, and, at this meeting, you'll be reviewing the amendment and modifying, as appropriate. In June, you would see a full draft amendment and consider approval of this amendment for public hearings. In September, you would review the amendment and modify, as appropriate, and likely consider the amendment for formal review, with a spring 2021 implementation. The timing of this, this is a draft guideline, and it really depends on the actions that are included in the amendment.

Just a refresher on the potential actions in the amendment, and there's only one that's been included, and that's Action 1, and that would designate bullet mackerel and frigate mackerel as ecosystem component species.

There were other draft actions that were considered, as I mentioned, that would examine different permit requirements, reporting requirements, a potential commercial trip limit, a potential commercial vessel limit, potential recreational bag and vessel limits, establishing a process that would allow new fisheries for bullet mackerel and frigate mackerel to develop, an action that would potentially prohibit the sale of bullet mackerel and frigate mackerel into a sort of catchall other actions that should be considered in the amendment. Those Actions 2 through 9, there again, those are draft actions that the committee has not approved for consideration in the amendment, or further consideration.

What needs to be done at this meeting is, as I mentioned, we'll go through the decision document, and so we'll review the edits to the purpose and need statements, looking for guidance on whether the designation of bullet mackerel and frigate mackerel in Action 1 as ecosystem component species is intended to apply outside of the South Atlantic region, or should it just apply within the South Atlantic region, and we're looking for guidance on whether the additional draft actions and alternatives should be further considered, and then we'll look at the amendment timing. That's all I have, and are there any questions, before I turn it over to Shep?

MS. BECKWITH: Go ahead, Shep.

MR. GRIMES: Thank you, Madam Chair. I would like to note, for the record, before I read this, that I have my SAFMC GC nameplate and my council hat, and so, if Gregg Waugh is out there listening somewhere, I want him to take note of that as I am giving this advice to you, wearing my council hat.

You have the -- Well, I would preface my statements by saying that you have the written response to the council's questions in your briefing materials, and it represents your official agency guidance, and I'm not going to read it back to you. It was vetted through headquarters, which means that it gives you a headquarters-type response. It doesn't want to say no to anything programmatically, and it does not, and it notes general considerations, without providing much specific guidance on how to address those considerations in any particular context. I don't intend that as a shot at the written guidance or headquarters, but it's just a fact that it's giving some foundation for the more specific guidance that you're about to get from me here today.

As your lead legal advisor for this issue, the following really represents my advice as to how best to proceed. The council has developed a strong record to support the ecological connection between bullet and frigate mackerel and wahoo, and that record is sufficient to support ecosystem component classification for bullet and frigate mackerel under the Dolphin Wahoo FMP. That much has been fairly straightforward from the start of this process, and the more perplexing questions have related to what can be done to regulate the harvest of bullet and frigate mackerel as EC, for ecosystem component, species.

Thus, if frigate mackerel and bullet mackerel are designated as EC species under the Dolphin Wahoo FMP, what management measures can be implemented for them? Generally, under the analytical framework that's created in the National Standard Guidelines for EC species, they are,

first, and perhaps foremost, not in need of conservation and management. If they are in need of conservation and management, they should be added to an FMP and managed accordingly.

Presumably, the Dolphin Wahoo FMP would not be updated to include all the mandatory elements for managing a managed fishery, MSY, OY, overfished, and overfishing thresholds, et cetera, and the guidelines don't require those elements for EC species, and the elements have not been developed for any other EC species designations by this, or I believe any other council.

In light of those facts, it seems to me that there must be some logical and legal limits on the types of regulatory measures that can be implemented for EC species under the MSA. That is, councils cannot manage EC species to the same extent that they manage the managed species in your FMPs. However, clear boundaries on the allowable scope of management are not specified in the regulatory guidelines. While there is little additional detail provided, the guidance does mention potential regulatory measures for a managed fishery, which could serve to provide data on EC species or seek to protect the role of the EC species in the ecosystem from the impacts of a managed fishery with which the EC species are associated.

That is, the South Atlantic Council could implement measures via the Dolphin Wahoo FMP to manage how the Dolphin Wahoo FMP fisheries affects EC species. The South Atlantic Council would be protecting the role of the EC species through management measures for a managed fishery and not directly managing or restricting the harvest of the EC species for its own sake, because the EC species are fundamentally not in need of conservation and management.

This is not explicitly stated anywhere in the guidelines or in past ecosystem component designations. However, this is how I think you construct a rational basis to support limited regulatory measures to protect whatever role for EC species, without crossing what seems to be a translucent line into implementing conservation and management measures.

Once again, regulatory measures to protect EC species need to be focused on restricting some currently managed fishing activity, where the measures protect the role of the EC species from the effects of the managed fishery. Under this analytical framework, the viability of every potential regulatory measure is a fact-specific inquiry for the specific species and fishery at issue. Now I will address some of the types of regulatory restrictions the council has raised, and I will do so specifically in the factual context of the dolphin wahoo fishery.

First, trip limits. Commercial trip limits for EC species provide a good example of potential management measures applied to a fishery when the measure is intended to limit the impact of the managed fishery on EC species by limiting the harvest of the EC species, and thereby reducing the likelihood of stock depletion. The concern would be that stock depletion would reduce the availability of the EC species as prey for managed species, thereby impacting the ecosystem function. As such, vessels harvesting dolphin and wahoo could be limited to a specific per-trip quantity of the EC species.

In this particular instance, there is no indication that vessels harvesting dolphin and wahoo are the same vessels harvesting bullet and frigate mackerel. Bullet and frigate mackerel have largely been reported landed commercially using gillnet, pound net, float trap, and otter trawl gear, none of which are allowable gear in the dolphin wahoo fishery. Vessels could switch gear and participate

in multiple fisheries, but that appears less likely to be occurring with these species, as they are not even being reported landed in southeast states.

Currently, limiting the per-trip harvest to such vessels would not be reasonably expected to result in substantial protection for the EC species, because the restrictions would not protect EC species from increased harvest in other fisheries where the harvest of these species has actually been documented to occur. Although there is no clear indication of a likely future increase of bullet and frigate mackerel by dolphin and wahoo vessels, a trip limit for the dolphin wahoo fishery could be justified as a precautionary measure to reduce the potential rapid expansion of their harvest in the dolphin wahoo fishery, should that ever arise.

Annual commercial vessel limits, which have been implemented elsewhere for ecosystem component species, they are similar to trip limits, in that they place limits on the incidental harvest of EC species by vessels participating in a managed fishery. As such, they may be viable options to apply to EC species. In the context of the open-access dolphin wahoo commercial sector, such limits could potentially be justified as measures to prevent the expansion of harvest of EC species in the existing dolphin wahoo fishery.

However, the commercial dolphin wahoo fishery expands across three fishery management council jurisdictions, involves multiple potential types of commercial permits issued by two different NMFS Regional Offices, making such limits very challenging to effectively monitor and enforce.

Annual EC species quotas, annual quotas have seemed, to me, to be very challenging to justify for EC species, quotas or direct limits on the overall quantity of EC species, rather than incidental limits on harvest occurring in a managed fishery. Such annual harvest limits are common conservation and management measures, which are required for every fishery managed under the MSA. Thus, I would say annual species quotas would be highly questionable for a species that are, again, fundamentally not in need of conservation and management.

Restrictions on allowable gear to harvest EC species present what I consider another very challenging scenario. It seems hard to support limits on the types of allowable gear as being measures intended to manage an existing fishery with related benefits for EC species, because the limitations would in no way relate to the harvest of dolphin and wahoo. Restricting the types of gear that could be used to harvest bullet and frigate mackerel doesn't appear to be doing anything but directly managing the harvest of EC species, which are not in need of conservation and management.

Allowable harvest of dolphin and wahoo can only occur using automatic reel, bandit gear, handline, pelagic longline, rod-and-reel, and spearfishing gear, including powerheads. Theoretically, these allowable gear types for dolphin wahoo fishing could be further restricted to provide protection for EC species, but that is quite different than limiting the use of the gear just to harvest bullet and frigate mackerel solely because of the desire to control the harvest of those species.

Permits, permit requirements are readily supportable for EC species on some level, but challenges arise in applying the concept to the dolphin wahoo facts. Regulatory guidance on EC species

specifically provides, and I quote, management measures can be adopted in order to, for example, collect data on EC species, and so that's what you have in terms of regulatory guidance.

A permit requirement for EC species could be based on the need to collect data on who is harvesting EC species. In this context, however, it appears that it is occurring by vessels already permitted to participate in other fisheries, be they state or federal fisheries, and those vessels appear to be required to report already, and are in fact reporting landings of both bullet and frigate mackerel. Thus, the permit requirement wouldn't reasonably be expected to gather much, if any, additional information beyond the status quo. This undermines the rationale that the permit is needed to collect data. Ultimately, it isn't the permit requirement itself that's problematic, but rather the record supporting the need for the permit in this particular instance.

Now, there's a bunch of -- Well, there are some jurisdictional complications to this. To further complicate things, none of that addresses the jurisdictional complications associated with adding the EC species to the Dolphin Wahoo FMP. With the exception of highly migratory species in the Atlantic, the South Atlantic Council has, and, again, I am quoting from the statute, authority over fisheries in the Atlantic Ocean seaward of the states of North Carolina, South Carolina, Georgia, and Florida.

Consistent with the requirements of the MSA, the South Atlantic has been designated the lead for managing the fishery for dolphin and wahoo throughout the entire mainland U.S. Atlantic coastline. However, the current secretarial designation as the lead for the dolphin wahoo fishery is not going to automatically extend to EC species subsequently added to the plan. This is clear in the guidance, general guidance, you were provided.

Absent some secretarial designation as the lead council for managing the new stocks, the South Atlantic Council's authority would be limited to its geographic jurisdiction discussed previously. Thus, any regulatory requirements for EC species would be geographically limited to the South Atlantic's jurisdiction and potentially to vessels over which the South Atlantic Council already had some jurisdiction as a condition of being permitted under the Dolphin Wahoo FMP.

The South Atlantic could request secretarial designation as the lead for bullet and frigate mackerel throughout the U.S. Atlantic coast to match the geographic jurisdiction of the South Atlantic Council over the dolphin and wahoo fishery. Your official written guidance explicitly leaves the door open for this type of request. However, there are potentially significant questions about whether it would be consistent with the MSA for the Secretary to designate the council, South Atlantic Council, as the lead for preparing an FMP for a species that are fundamentally not in need of conservation and management. I personally view it as ill-advised and a questionable legal viability, and I advise against requesting such a designation.

The statute, in Section 302, requires that each council shall, for each fishery under its authority that requires conservation and management, prepare an FMP. It further provides that the Secretary may designate a council that shall prepare the fishery management plan for such fishery. Looking at the definition of "fishery", which is used in both of the sections that I referred to before, it is defined, in part, as one or more stocks of fish, which can be treated as a unit for purposes of conservation and management. To me, there is a whole lot of statutory text about conservation and management when we're talking about a species that is fundamentally determined to be not in need of conservation and management. Thank you.

MS. BECKWITH: Thank you, Shep. That was very detailed. Are there any questions? Roy, did you have something?

DR. CRABTREE: Just that I agree with what Shep says, and, coming back to the designation of a council lead, I guess I would go a little farther, to say my read of the statute is a regionally-focused statute, and clearly the intent of the statute and Congress is that fisheries ought to be managed by the council that they are occurring off of, and that's the way the statute is intended to go. Now, in some cases, conservation and management of a stock may necessitate that the Secretary designate a council as lead, but those aren't that often, and we don't do that for most stocks.

For the reasons that Shepherd mentioned, my read of the statute is just that it would not be appropriate for the Secretary to designate this council to lead for the management of EC species, and, if it came to that, I wouldn't be able to support making such a designation, because there's just not -- It's not consistent with how I read that portion of the statute.

MS. BECKWITH: If this council moves forward with designating these species as ecosystem component for the dolphin wahoo, for our permitted vessels in our region, that does not preclude the Mid-Atlantic, and then the Northeast, Council from following up and potentially putting in some conservation measures in maybe one of their forage fish species amendments.

DR. CRABTREE: Well, I think it would open the door for them to perhaps take some action, based on the fact that these have been designated as EC species, and the fishery does occur for dolphin and wahoo, and so there is that nexus, but that's something that, to my knowledge, we haven't done, and so I can't say with certainty how far they could go on that, but I think it is something that the Mid-Atlantic Council could explore.

MS. BECKWITH: This is a very unique situation, where they're important to one set of species, but the fishery that prosecutes them is occurring in a different area under different gear types.

DR. CRABTREE: If I could, I mean, the door to managing these species is there, and, if the Mid feels like these two species ought to be managed, then the cleanest way to handle that is for the Mid to add them to an FMP and manage them, and that's really how the statute is designed, and so in no way are any of us saying that these species shouldn't be managed, but I think what we're saying is they ought to be managed by the council that's in that region, and they ought to be put into the FMP, if the determination is they need management.

MR. GRIMES: I was just going to note that we discussed that possibility, and, while Roy is correct, and, as far as we know, no one has ever implemented measures for something that's an EC species outside of their geographic jurisdiction, but we see nothing that could preclude that, and no one has raised any objection to it at this point, and it is -- Essentially, if they're not in need of conservation and management, and you're just doing things for a fishery that you're already managing, that ecosystem nexus in another FMP, whether it's another FMP within that council or another council jurisdiction, should be sufficient to support that.

MR. DILERNIA: I will show my age. If anyone remembers when there were five councils trying to manage swordfish at one point, that was an impossible task, and that really -- It was the New

England, Mid-Atlantic, South Atlantic, Gulf, and Caribbean. They were all trying to manage swordfish at one time, and that was a disaster, and so let's not even think about trying to have three councils managing all together at one time. It's not going to work.

The Mid-Atlantic Council clearly wanted to protect bullet and frigate mackerel, by evidence of the fact that we included those two species in our submission to the agency in our forage fish FMP, and the agency, as you all know, came back and said, well, it's not going to work for bullet and frigate mackerel, because your critters don't eat them, and so we came up with the idea of -- First, let me say that, clearly, we were willing to do something to manage that species and to protect that species, but the agency was telling us that you can't do it and you don't really have the right, at this point, to do it, and so we said, okay, and we did a little work, and we saw that bullet and frigate mackerel were very important in the wahoo fishery, and so we all came down and asked you if you could please make -- Help us protect them by making them an ecosystem component in the dolphin wahoo fishery, and that's where we are here right now.

Now, should you choose to make them an ecosystem component, that would be good, and you can protect them. Once they become an ecosystem component, we up in the Mid will take it back, and we'll do the heavy lifting, as far as writing what we have to do to protect it in the Mid. Now, if you all want to sign on to what we're doing and just tear off the cover page of our plan and put your cover page on top of it, well, that's fine, but, right now, we don't have the ability to do anything to protect them, because they are not designated as an ecosystem component.

Once you do that, then we can go back and start to do some work, and, again, we were willing to do that work in the first place, where we included it, and so it's not foreign to us, and it's something that we would do.

Now, having said that, let me also say that our staff and council leadership, and I mean the Chairman, the Vice Chairman, and the Executive Committee, is very protective of our workplan, and we're very proud of delivering things on time, and, while this is mentioned as a possibility in our workplan, it's not there for the upcoming year, and so, should you all decide to make an ecosystem component and say you're going to do some work, and I have to bring this back to the Mid, to the leadership, and I'm going to say, well, we're going to have to put it into our workplan and get it done. I don't think that it will go into -- This is just me now, but I don't think it will go into this year's workplan, but it will definitely get included into our workplan going forward.

The bottom line is this. What we're trying to do by making them an ecosystem component, we're telling the world that it's not a control date, but it is, in a sense, a type of control date, because what we're saying to any potential commercial fishers or any potential fishery that may develop around these two species is they are important to us a forage base, and, if you want to invest a bunch of money, going forward, and try to catch them commercially or whatever, for processing or whatever, just be careful, because I don't think you're going to get too far, because they are an ecosystem component, and we need to protect them.

We don't have an FMP for them, and so we can't set a control date, but it is a way of sending a signal that we intend to protect these two species, and we would not like to see, or we will not permit, once we get it in place, a large commercial fishery developing on these two species. Thank you.

MR. BREWER: I have a question, Tony, and maybe Dewey. If we were to go forward with a declaration of ecosystem component species for these two fish, for species of fish, I'm assuming that that would then be up to the Mid in incorporating bullet and frigate mackerel, maybe into your omnibus, under a framework, and I'm not sure how that is set up, but would you all have to go -- Could you do it through a framework, or would you have to go through a full FMP?

MR. DILERNIA: Well, it's something we would want to do when we start work, and I would ask my equivalent to Shep at my council table how they best advise that we do that and stay within the process, but, if you make an ecosystem component, that gives us a step forward in starting to do work on it.

DR. CRABTREE: Well, I appreciate all that, Tony, but I just would point out that the letter from NMFS to the Mid didn't say that you can't protect these, and it suggested and said that, if you believe they need protection, you could include them in a small tuna FMP or something, and so what the agency said is not that you can't do this, but it's that you need to include them in an FMP if you want to protect them.

There are ways to deal with this, and I also -- It seems to me that you're sending a mixed signal by doing this, and the main point we're making with EC species is what you're saying is they don't require conservation and management, and that does not seem, to me, to be a clear signal that you don't want to see a fishery develop or you intend to manage it, and, to me, it's not like a control date. You are effectively saying that you don't believe they need to be managed, and so I come back to, and I think this is the gist of the agency's position in the letter, is, if you believe they need protection, include them in the FMP and protect them, and that's fine. It's all about the mechanism of it.

MR. DILERNIA: I don't know what FMP we would include it in at this point, because, there again, we're trying to protect them as a forage fish. There is nothing that we manage that eats them, that eats a lot of them, and so, to put them into an FMP, which FMP? I don't know. We don't have the authority to manage the tunas, and that's HMS, and so help me here, Roy. I'm listening.

DR. CRABTREE: Well, HMS species are defined in the statute, and these are not HMS species, and the Mid clearly has authority to manage these if they have fisheries that are occurring and if they believe they are in need of conservation and management, and the letter from the Mid suggests that a small tuna FMP might be more appropriate, and so those avenues are there, and I don't want to belabor any of this, but they're not HMS species, and they could be managed by the Mid if you believe they need conservation and management. That's fine, if you believe they require that and they require conservative management, because they're forage species or have some role in the ecosystem, but, I mean, you clearly have a way to do that, and I believe the agency laid that out in the letter to the council.

MS. BECKWITH: So, again, we've got some jurisdictional issues here. Our path forward as the South Atlantic -- My intent is to move this amendment forward and create these species as ecosystem component species in our FMP for dolphin and wahoo. What the Mid-Atlantic does after that is sort of back in their ballpark and has nothing to do with us, and the Mid-Atlantic can -- Because they have fisheries that catch these species, they will have to find a path forward to put

in some protections or some potential precautionary cap, or whatever they want to do, but that's sort of on them.

I'm going to bring us back now to what we're going to do, which is we're going to take a look at the amendment, and we're going to move through the amendment and look at the purpose and need, and we're going to make sure that we only want to move forward Action 1, which is just creating these species as an ecosystem component species, and we'll open up discussion, to make sure that there's nothing else that we want to do, but we're done with that discussion, and we're going to go ahead and move this forward.

MR. WOODWARD: Just indulge me, because I'm trying to distill this down to its essence, and this is, I guess, for Roy and Shep. The fishing practices that are allowed to capture dolphin and wahoo do not catch bullet and frigate mackerel, and they don't interact with them, and is that correct? Is that everybody's general belief?

In the snapper grouper fishery, when we designate something as an ecosystem component, the fishing practices that target other species in that complex do interact with those species, and so those fishing practices can have an impact on those fish, because they're in an ecosystem with that complex. The fishing practices used for dolphin wahoo don't catch bullet and frigate mackerel, and does that disqualify them from being ecosystem components in the definition of ecosystem component as it exists?

MR. GRIMES: Well, there's really no definition of them, but, no, you can have the ecosystem component, and I think it was the prior version of the guidance, which was in the National Standard 1 regulatory section, talked about -- Like you can have an ecological connection to a managed stock, or you can have -- You have this nexus to a managed fishery, and either one of those could be a pathway as to being an EC species, but, ultimately -- I mean, the statute already allows you to take into account ecosystem considerations, and so, in setting optimum yield, for instance, you're supposed to be taking into account ecological considerations.

If you couldn't harvest optimum yield in the dolphin and wahoo fishery without having what you considered an unacceptable ecological impact on anything out there, then you could reduce OY accordingly, and so the EC designation isn't really introducing anything particularly new, but it's just identifying these species as being important, and I think, if you designated them as ecosystem component under dolphin and wahoo, and your gear isn't interacting with them under dolphin and wahoo, but it is under snapper grouper, you could use that ecosystem concern under dolphin and wahoo as a basis for restricting the impact the snapper grouper fishery is having, even though it's not in the same FMP.

MR. WOODWARD: So then, I think, okay, what fisheries do we have under our management that potentially do interact with bullet and frigate mackerel?

MR. GRIMES: I think, in terms of hook-and-line, I'm sure some people are catching these hook-and-line, and I was talking predominantly about commercial landings, and there are no reported landings, commercial landings, using hook-and-line. They are harvesting them in larger quantities, and there are recreational landings estimates developed through MRIP, and those are, I imagine, hook-and-line harvest, and so it isn't that they're totally not susceptible to it, but they are small fish, and hook-and-line is going to take a lot longer to catch them than a trawl.

MR. DILERNIA: So, let me see. If you make them an ecosystem component, then I can go back to the Mid and say, well, they're an ecosystem component for the dolphin wahoo fishery, and we can begin to manage them in our forage fish amendment, because, in the Mid-Atlantic, I do have purse seine fisheries and trawl fisheries that have the potential to target bullet and frigate mackerel.

I don't -- I understand what the Regional Administrator is saying, to write an FMP, but, if you all make it an ecosystem component, I don't have to jump the wall of hoops to make a full-blown FMP that's going to take two to three years, whereas I can add it to the forage fish plan and protect them, and it will be a lot easier, and, in a sense, a lot less work than writing an entire FMP for those two critters at this point.

MS. BECKWITH: Again, trying to bring us back to what our jurisdiction is, we have a case to make these species ecosystem components, and we have a record, and we've got public support, and we've had these discussions, and, as Shep said, our record is clear where we can support making these two species ecosystem components within the dolphin wahoo plan. I think we need to probably concentrate on what we are able to do and what our record is clear on, and so, are there any other questions, or do you guys want to move into the amendment discussion now? All right. Let's move on.

DR. BELCHER: Shep, because I ask for a point of clarification, because I either wrote it down incorrectly or -- What was the caution for us proceeding forward? I had it written down as adding them as an EC species.

MR. GRIMES: I would discourage you from requesting designation as the lead council for managing them throughout their range, and then as Dr. Crabtree followed on with somewhat more strenuous concerns that it's not consistent with the MSA. Again, it was left open in the general guidance that you got back from the region and headquarters, but, regardless of what it says in that guidance, I would discourage you from doing it and have concerns over it.

MS. BECKWITH: Okay. Any other questions or points of clarification? Okay. Let's move on into the amendment then.

MR. HADLEY: All right. I will jump into the purpose and need statement, and you can see, towards the top of the page here, we have the purpose and need statement as it was last revised by the committee in December, and we have a revised purpose and need statement from the IPT, and, essentially, what this does is combine the purpose and need statement into one sentence and one statement, and this is certainly appropriate for some circumstances, particularly very narrow amendments such as this.

The council did the same thing in Snapper Grouper Amendment 33, looking at the red snapper seasons, and so it's really up to the committee, as far as would you like to keep the existing purpose and need statement or the IPT-suggested version, which reads: The purpose and need is to add bullet mackerel and frigate mackerel to the fishery management plan for the dolphin wahoo fishery of the Atlantic as ecosystem component species to safeguard their role as forage fish for wahoo. Really, all we're looking for is, if you want to approve the IPT-suggested edits, we would need a motion to do so. If not, the purpose and need stand as-is.

MR. BELL: So that's -- I mean, we're used to separating those, but that's perfectly fine like that?

MR. HADLEY: It is. That was the IPT's -- That's an option from the IPT, and you have done that with --

MR. BELL: Okay. **Then I would move we accept the IPT's suggested language for the purpose and need statement together.**

MR. BREWER: Second.

MS. BECKWITH: Okay. Is there any discussion? **Is there any opposition? Seeing none, that motion carries.**

MR. HADLEY: With that, we will jump into the Action 1, which is the only action that is accepted in the amendment so far, and this would designate bullet mackerel and frigate mackerel as ecosystem component species in the Dolphin Wahoo Fishery Management Plan. Really, it's just a two-alternative action. Currently, there are no ecosystem component species in the Dolphin Wahoo FMP. Alternative 2 would add the two mackerel species to the Dolphin Wahoo Fishery Management Plan as ecosystem components.

Just very briefly, I just wanted to remind everyone, and Shep alluded to it, but there has been quite a bit of discussion and public comments regarding adding bullet mackerel and frigate mackerel as ecosystem component species. There was a lot of public comment in support of doing so. Your Habitat AP, as well as Dolphin Wahoo AP, both suggested adding the two mackerel species as ecosystem components, as did the SSC.

What we're looking for, as far as guidance here, assuming that you want to move forward with this action, is some guidance as far as the jurisdiction of this. There again, we kind of discussed do you want to extend the entire jurisdiction of the Dolphin Wahoo FMP, which is the Atlantic coast, and, if we were to do so, we would need to request authority from the Secretary, or are you comfortable with it remaining in the South Atlantic region alone?

MR. GRIMES: I don't really see the need to do that. If you're not applying any restrictions to it, what does it matter? It's an ecosystem component species under the FMP, and, when -- You know, you get management authority over it coastwide, but it seems like, until you start to do something to it, that's not a question or an issue that needs addressing, or at least that would be my take on it, unless I'm missing something.

MR. HADLEY: The reason that this was added was in an attempt to address the agency response that, if the council wants to extend potential regulatory measures or ecosystem component status outside of the South Atlantic region, they would have to basically state that as such. Otherwise, it would apply just for the South Atlantic region.

MR. GRIMES: It would absent any measures then.

MR. DILERNIA: I agree with Shep there that you don't really need to expand it, because what will happen is, if you make it an ecosystem component, what will happen is that the Mid will then add it as a species in our unmanaged forage fish omnibus plan, and then we can just cover it with

two frameworks, and then you will have coverage from the Mid right through the South Atlantic region, and, if the New England Council cares to do it, then they might be able to do it also, but I don't think you need to ask to be made the lead council.

If you want to, go right ahead, but I agree with the Regional Administrator that it's going to make a lot of work and a lot of headaches for you that I don't think you need to do. Just make it an ecosystem component, and, once you do that, we'll add it to our omnibus bill, two frameworks, and we're done. Thank you.

DR. CRABTREE: I would agree with Tony. I think your best course is just to make the designation and leave the designation question alone.

MR. BREWER: Agreed.

MS. BECKWITH: Okay. Would someone like to choose a preferred on this action?

MR. BELL: **I would move that we select Alternative 2, Action 1, as our preferred alternative.**

MS. BECKWITH: It's seconded by Steve. **Is there any opposition?** Is there any further discussion questions? **Seeing none, that motion carries.** While John is typing, is there any desire, by anyone sitting around this table, to add any other one of those draft actions? I hear chirping, and so let's move on.

MR. HADLEY: All right, and so I will take that as direction to staff that these draft actions will be removed from the amendment and not further considered. All right. Moving forward, the last committee action item would just be to consider timing of the amendment. The way it was proposed was that you would see it again in June and approve it for public hearings, and then you would go for final approval potentially in September.

MS. BECKWITH: Is there anyone that is not okay with that timeline? Seeing none, we're good to go. Then that ends the discussion on Amendment 12, and we've got one more item to cover, which is our dolphin and wahoo participatory workshops that Julia Byrd is going to come and chat with us about, and then it will be like it never happened.

MS. BYRD: Good afternoon, everyone. I just wanted to give you a quick update on the dolphin and wahoo participatory workshops that we will be starting next week. As a quick reminder, we mentioned these workshops to you guys at the December meeting, and a couple of folks at the Science Center, Mandy Karnauskas and Matt McPherson, had been leading efforts to do participatory workshops in the Gulf of Mexico.

Kind of the goal of these workshops is to talk to fishermen, to build kind of a conceptual model of what their fishery looks like, including kind of biological and socioeconomic factors, and so it's bringing fishermen together to kind of ask them kind of what they think the major factors are that are affecting their fishery, what they value in the fishery, any risks they see to the fishery, if there's any kind of research needs that they think would help improve management, and so it's that sort of thing that is kind of the deliverable from this workshop.

Mandy was interested in bringing these workshops to the South Atlantic, and so we've been working with Mandy and Matt and Kevin Craig at the Beaufort Lab, and the idea is to have these workshops in the South Atlantic focus on the dolphin wahoo fishery. As you guys well know, we've been hearing a lot of different kind of perceptions of the fishery based in the Carolinas and Virginia versus what seems to be occurring in the Keys, and so the idea here is to have a series of workshops in the Carolinas and Virginia and come up with a conceptual model of how that fishery is working up there and to do the same thing in the Keys and then to be able to compare the two and then bring that information to the SSC and to you guys to look at.

We will be having the first round of dolphin and wahoo participatory workshops in the Carolinas and Virginia next week, and so this is the flyer that we put together to kind of promote and recruit folks to come to the workshops. We are providing coffee and lunch at the workshops, and the workshops will be facilitated and led by folks at the Science Center, and so, on Monday, we'll be in Beaufort, North Carolina, at the Maritime Museum. Tuesday, we'll be in Wanchese, at the Coastal Studies Institute, and then, on Wednesday the 11<sup>th</sup>, we'll be up in Virginia Beach at a Surfrider Restaurant.

The workshops are an all-day affair, from 9:00 to 4:00, and we provide coffee and lunch, and we have been doing a lot to get the word out, and we really wanted to thank a lot of you guys in helping get the word out as well, and I know Dewey and Steve and Anna, the Dolphin Wahoo AP members, Sarah Mirabilio with North Carolina Sea Grant, Rick Robbins and Skip Feller from the Mid-Atlantic region, and folks at the Mid-Atlantic Council and the New England Council have also been helping us kind of push out information about these workshops to fishermen, and so we are excited about them, and we're hoping that folks will be able to come and participate, because I think we'll be able to learn a lot about the fishery from kind of the fishermen's perspective.

The workshops are for commercial, recreational, for-hire, all fishermen, as well as any other kind of interested community members, whether that's dealers or people in the restaurant industry, that sort of thing, and so, if you guys know of any folks who may be interested in attending these workshops, we really would appreciate you spreading the word or sending them to John or myself, and we would be happy to chat with them about the workshops.

Then, once we get through these, the next thing will be to focus on planning the workshops in the Florida Keys. Right now, we're thinking kind of late June or July-ish, and, much as we did with the workshops in the Carolinas and Virginia, we'll be reaching out to kind of council members, as well as AP members, to figure out kind of when and where would be the best to hold those workshops, and so we're hopefully going to get through those workshop this summer.

Then the idea is that Mandy and Matt, with the Science Center, would be able to kind of present the preliminary kind of models that they've put together from the two different regions, perhaps to the SSC this fall, at their October meeting, and then that would come to you guys in December of this year, and so that's just a quick update on where we are, and, again, thanks to especially a lot of the people sitting around this table for helping us kind of spread the word out to fishermen, and I would be happy to take any questions.

MS. BECKWITH: Great. Thank you guys so much for putting this together, and I know this is something that members of our AP have been asking for, and it's nice to be able to set it up and get that feedback from them. Is there any questions or comments? All right. Seeing none, thank

you so much. Is there any other business to come before the Dolphin Wahoo Committee? Seeing none, the Dolphin Wahoo Committee is adjourned.

(Whereupon, the meeting adjourned on March 3, 2020.)

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

Transcribed By:  
Amanda Thomas  
April 6, 2020

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