

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

DOLPHIN WAHOO COMMITTEE

**Town & Country Inn
Charleston, South Carolina**

September 18, 2019

Summary Minutes

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Other observers and participants attached.

The Dolphin Wahoo Committee of the South Atlantic Fishery Management Council convened at the Town & Country Inn, Charleston, South Carolina, on Wednesday, September 18, 2019, and was called to order by Chairman Anna Beckwith.

MS. BECKWITH: I am going to call to order everyone's favorite committee, Dolphin Wahoo. The first order of business is the Approval of the Agenda. Is there any modifications or changes? Seeing none, the agenda is approved. Next is if there is any modifications or changes to the June meeting minutes. Seeing none, those are approved, and we are first going to go over to the Status of Commercial Landings.

MR. DEVICTOR: Real quick, through September 11, dolphin is at 44 percent. At a similar time last year, it was at 32, and so a little bit ahead of last year. For wahoo, we're at 70 percent, and we're quite a bit of ahead. Last year, at the same time, we were at 40 percent, and that's it.

MS. BECKWITH: Thanks, and I'm going to give us one quick minute before we go into our AP panel report so the rest of our panel members, or committee members, can actually arrive. Let me remind everyone who is on our committee. It's myself, Chester, Chris Conklin, Tim Griner, Steve Poland, Art Sapp, our Mid-Atlantic liaisons, Carolyn, Kyle, Roy, Jessica, David, and Lieutenant Montes, and so we're missing a few. Okay. Let's go into our AP panel summary, and we've got our Chair, Ray Rocher, here.

MR. ROCHER: Thank you for the chance to be here. I just wanted to give an overview of the AP meeting for the Dolphin Wahoo group, and, for the sake of time, I'm going to just go over the highlights, and, of course, at any time, if you have questions, please stop me, during or after the discussion.

The meeting started with public comment by two people that were discussing the importance of bullet and frigate mackerel as an ecosystem component, and I'll talk about that more in a minute. The staff updated us on developing Amendments 9, 10, and 11. After that, there was some discussion on clarifications on Amendment 10.

The first real matter of business was revising the goals and objectives of the Dolphin Wahoo FMP, and the AP members noted that it was very important to preserve continued year-round access to the dolphin and wahoo resources and maintain high abundance. The importance of this is not just for the fishermen, but also predators. Dolphin really -- I always call them the pilchards of the blue water, and so they're important on several levels.

As I mentioned a minute ago, there were two commenters discussing the importance of bullet and frigate mackerel being included as an ecosystem component within the Dolphin Wahoo FMP, and the staff provided information on this consideration, and the AP felt that the council should consider a conservative approach that would help ensure that there aren't major increases in the harvest of bullet and frigate mackerel, and I know I can speak from experience, as can Art, and he and I have spoken about it, but I would say, for four or five years, it's been noticeably absent in our area.

Now, is that because of harvest? Probably not, but the important thing to remember is that anything that could threaten the existence of those species would impact dolphin and wahoo, and I think that's the reason this became kind of an important subject to talk about, and so two motions were

made in relation to this. Motion 1 recommended that the South Atlantic Council designate bullet and frigate mackerel as an ecosystem component species in the Dolphin Wahoo FMP. Also, the AP endorses that the South Atlantic Council proactively protects the species as prey. That was six in favor and none opposed and one abstention.

The second motion was consider regulatory actions in conjunction with adding bullet and frigate mackerel as ecosystem component species, and that was approved by the AP, again, with six in favor, zero opposed, and one abstention.

For that second motion, the AP discussed the options that would prohibit the sale or implement at least a trip limit on bullet and frigate mackerel, and, after further discussion, the AP stopped short of any action, of recommending specific options, but suggested that the council consider actions to avoid an unexpected major increase in landings of the two mackerel species. The concern here is related to the reduced landings in other fisheries by the commercial sector might cause a shift in focus to these species, which could negatively, potentially negatively, impact the dolphin and wahoo, as well as other species, and so just something to put on your radar, that there's an interest in taking a step back and looking at the food sources that need some consideration.

In other business, the Amendment 10, the AP had a long discussion about all the many facets of that amendment, and the following is what came out of it. Recreational retention limits, there's been a discussion on lowering the retention limit for dolphin on the recreational sector, and some of the AP members felt that this would be acceptable, and others were a little nervous, considering that, once things are taken away, they are hard to get back.

Again, kind of an overall consensus of moving slowly and carefully, but, additionally, it's important to note that reducing retention limits too far could have a negative impact not only on recreational fishing interests, but also the ability of for-hire boats to book trips, and so that's another reason to have caution about changing bag limits. One thought, just in conversation, was going from a sixty-fish boat limit to a forty-fish boat limit, but maintaining the ten-fish per person, and that helps -- We had a situation like this years ago on the AP concerning wahoo.

Some of the North Caroling boats, or I guess members that had boats, charter boats, brought to our attention that, if your personal bag limit is too low, sometimes there is one or two-person charters that would hesitate to book a trip if the bag limit per person is too low, and so I think this falls in that category where keeping a ten-fish per person limit -- With a small charter party, you can still create incentive for them to book the boats, which is important, and for recreational anglers to go fishing, but I think the focus, if I'm not mistaken, is to reduce excessive harvest, boats that come back with sixty or seventy or eighty fish on a recreational trip.

Many times, you see pictures where guys have gone beyond the sixty-fish limit, thinking that ten fish per person applies, and you've got ten people on the boat, and so you just create the situation where, if it were clearly defined that it's a forty-fish limit, you have kind of accomplished the goal without getting overly restrictive on personal limits.

Many on the commercial landings side, pelagic longline gear, many of the AP members voiced concern over the landings of dolphin on longlines, and, in recent years, there has been talk of huge harvest levels, 20,000 or 30,000 pounds. I spoke to Dewey before the meeting, and I've always really respected everything that he's had to say, and it seems like that may not be as much of an

issue as many people think it is, but just to kind of report on what comments were made during this AP meeting.

There was a desire to create some form of a trip limit and reduce harvest of smaller fish, and so however the council might see to address that would be appreciated, and this takes us to our Motion 3, which was consider a start-of-season commercial trip limit in the dolphin fishery, and that was six in favor and none opposed and one abstention.

The fourth motion really was the AP supporting Action 15, Alternative 2 in Amendment 10, which is listed there on the screen, and, again, it seems to address some of these issues, just causing a reasonable approach to the harvest. You know, the general consensus is, and I think Art will probably support me on this, over the last four or five years, there has been somewhat of a reduction of catch levels.

We have three charter boats, and we run over 400 trips a year, because we're a year-round fishery, and I can count on one hand the number of limits we caught this summer with three boats. Not to say that occasionally we maybe could have caught a limit, but we shifted effort halfway through, but to go out and really try to catch, at least in the southern region, in Florida let's call it, the numbers haven't been there. Now, the northern region, the Carolinas and the Mid-Atlantic, I think the fishing has been phenomenal this year. Why is that happening? We really don't know, and we're just depending on you guys to figure all of that out. Anyway, that just takes us kind of to the end of our discussion, and feel free to ask any questions.

MR. SAPP: The ten-fish per person, forty fish, was that a whichever is greater or whichever is less thought with you all?

MR. ROCHER: Whichever is less.

MR. BREWER: First a statement and then a question. Ray, the fishing club has talked a lot about the dolphin and some of these almost like -- I am not going to call it -- I won't use that word. Some of the these trips where people seem to be bringing in a lot of fish, and the consensus there was leave it ten per person, but cut down on the sixty fish, and the number of forty came up, I guess independently really of you all's discussion, that that would be a more reasonable number.

Then, with regard to frigate and bullet mackerel, you've got some sort of like direction or suggestions coming out of the AP, and we have talked about it, and we're going to talk later in this options paper about different ways to get to I guess you would say greater protection for those particular fish, and, personally, I think that's very important to do. There has been talk about permit routes or trip limit routes or several different options, and I'm sure that you have thought about that as well, and, while you've given us the AP's formal motions, I would really like to know what you think and what would be the best way to go on that and to protect those fish, because, I mean, they're forage fish, not just for dolphin and wahoo, but a lot of other very important species that, yes, we may not manage them, but they're important forage fish.

MR. ROCHER: To start out, like I mentioned, and Art can support this, but, years ago, when we nighttime sword fished, it was very routine to have schools of tinker mackerel, chub mackerel, and we always felt that that was a real positive sign, and we also -- I remember schools of squid, and I

don't see either of those, and I still do night fish for swordfish, and so it's not that the effort isn't there, but it's just something has changed.

To address your point most accurately, I would say, if you want to see the value of the forage fish, look at Canada. Canada, from my understanding, when I fished there for bluefin tuna, they do aerial surveys and estimate 10 percent of their biomass of bait, and they allow 10 percent harvest, and that's it, end of story, and, if you want to go catch a bluefin tuna in a short period of time, you would go to Canada today, and that speaks volumes.

That's one of the things that I respect about Wild Oceans. Their focus has been on protecting the forage fish, because, and I believe this applies across the board, when you -- Food is such a great big component to the health of the fishery, and you can't ignore that, and that's, really, I think, the consensus with the AP, was to not ignore the importance of just preemptively figuring out a way to not let something get out of control.

As I mentioned, as other fisheries, and Dewey and I talked about this. It's becoming difficult, and I really sympathize with the commercial sector. I hold quite a few commercial permits, and, in my younger days, I did a fair amount of it, and it's really hard to survive as a commercial fisherman, following all the regulations that are imposed upon them, and you have to anticipate that the day may come where these mackerel may become very attractive to fill in a gap, and so that's really all this is about, and it's not about trying to hurt anybody at the moment, but, if we do it preemptively, I think we're planning for the future.

MR. BREWER: Thank you.

MR. SAPP: As Ray mentioned earlier, south Florida has so many names for so many fish, and those pilchards, scaled sardine, a good portion of them are white baits in a good portion of the world, and small dolphin, which generally were quite abundant in the past in the springtime in south Florida, aren't now, and, in my opinion, that was a food source for many of the other species that we may not necessarily manage, but the loss, or the lack of seeing the tinker, or the chubs, and then also the small mahi in the spring, is a big concern of a lot of us, and, like he said, we don't why they're not there, but we are extremely concerned of the backlash from them not being there, as well as the other forage species.

I keep hearing how dolphin is a yearly-recurring species and we don't have to worry too much about them, and it's such an important species that I think we do need to worry a lot more about them and try and find out why we're not seeing them like we used to and haven't for years.

MS. BECKWITH: Are there any other questions for Ray? Thank you, Ray.

MR. ROCHER: Thank you, everyone.

MS. BECKWITH: Okay. Next on the agenda is the review of the Dolphin Wahoo Fishery Management Plan goals and objectives.

MR. HADLEY: Thank you, everyone. I will start off with a presentation, just to kind of bring everyone back up to speed on where we stand on revising the goals and objectives of the Dolphin Wahoo FMP. As a reminder, in June, the committee reviewed the existing FMP goals and

objectives, noting that this was part of the process for creating an allocation review trigger policy, and provided initial guidance on revisions. This included the decision to change the goals and objectives to a table format, rather than a narrative format, and we'll get into that in the document.

However, the committee also directed staff to provide commercial and recreational landings of dolphin and wahoo by gear type and by state and include information on pelagic longline landings of dolphin by permit type, and so looking at HMS-permitted vessels versus non-HMS-permitted vessels.

I wanted to take a few minutes to go through some of the graphs that were in the document that address this request, and I think this is a good primer for the goals and objectives, and it also will play into Amendment 10, and so I will get into that in just a minute, and just a note that the recreational landings provided represent the revised landings, or the Fishing Effort Survey estimates, unless otherwise stated.

Here again, I start with the general landings, and then we'll dive into some of the gear-specific and state-specific landings for dolphin and wahoo, but, looking at total landings over time, you can see the commercial landings tend to be -- They have been much higher throughout the time series than recreational landings, or recreational landings were higher than commercial landings, and you can see the red on top are recreational landings, and the blue are commercial. Then, looking at how these landings played out on a percent basis -- This time series, I will mention, was from 1986 through 2017, and, looking at that time series, approximately 93 percent of the total dolphin landings were recreational, and approximately 7 percent were commercial.

Moving over to wahoo, on the top, the top red line represents recreational landings, and the bottom blue line represents commercial landings. As you can see, with wahoo, the recreational sector accounts for a good majority of the landings, and, as you can see, in recent years, according to the FES estimates, you've seen a ramp-up in recreational landings of wahoo, looking at kind of a trough there in 2013, but then moving up through 2016 and staying pretty high in 2017.

Here again, on a percent basis, you're looking at the recreational sector accounted for approximately 95 percent of the total wahoo landings, and the commercial sector was accounting for approximately 5 percent of the total wahoo landings, and so certainly very recreationally-dominated fisheries for both wahoo and dolphin.

Getting into some of the commercial landings of dolphin by gear, earlier in the time series, you can see on the left part of the graph there, hook-and-line accounted for a good majority of the dolphin wahoo landings. However, that has decreased over time, and, essentially, since the mid-2000s, pelagic longline landings have picked up and have become the dominant gear in the fishery, in the commercial fishery.

On a percent basis, you can kind of see these trends a little bit more clearly. You can see the hook-and-line component has been -- The blue line at the top has been on the decrease, and then pelagic longlines increased through the 1990s and early 2000s. However, on a percent basis, they have been fairly steady since the mid-2000s. There again, that's the dominant gear in the commercial fishery.

Looking at commercial landings by state, initially, east Florida accounted for the vast majority of landings, and, really, through most of the time series, most of the commercial dolphin landings occurred in east Florida. However, there has been a sizable portion in North Carolina, and South Carolina and Georgia have particularly picked up in recent years, and so looking at from approximately 2011 through 2017, and it's kind of interesting that all three of these states sort of converge there at the end, at 2017, where you have east Florida, North Carolina, and then South Carolina and Georgia accounting for approximately the same proportion of commercial dolphin landings.

Here again, this is on a percent basis, and, there again, you can see that kind of converging trend, where you have the -- There again, Florida and then the Carolinas and Georgia accounting for approximately a third of the total commercial landings of dolphin.

Looking at longline landings of dolphin by permit type, this is essentially a graphical version of what was presented to you at the last meeting. If you recall, there were landings presented based on -- These are pelagic longline landings only of dolphin, and this is by permit type, and so the blue line on top are vessels that possess both Atlantic dolphin wahoo and HMS permits that allow the fishing of pelagic longlines, and then, below, the purple line, you have unknown landings, and then also in the graph are dolphin-wahoo-permitted vessels only, and so these are vessels that do not have the HMS permit, and then HMS-permitted vessels only that don't have the dolphin wahoo permit.

Really, you can see those account for a relatively small portion of the total landings, and sort of the take-home point here is that the vessels that have both the dolphin and wahoo and HMS permits account for the majority of dolphin landed with pelagic longlines, and so, since about 2010, you're looking at -- It depends on the year, but we're looking at about 80 to 90 percent of the pelagic longline landings occur on these dually-permitted vessels, and this is for dolphin.

I have the number of vessels landing dolphin with longline gear presented as -- This is preliminary data, and we're still working on coming up with a longer time series and also looking at the vessel count by permit type, and there are some confidentiality issues that we ran into, and so we will be presenting more in-depth information on vessel counts at a future meeting. However, you can see here that you're looking at approximately seventy to ninety vessels landing dolphin with pelagic longline gear.

That's it for commercial landings of dolphin, and we're switching over to wahoo here. Looking at the wahoo fishery, hook-and-line landings do dominate the fishery, and there are some pelagic longline landings. However, throughout the time series, hook-and-line was the dominant gear, and you can see this, and it's based on a percent of total landings, and that makes it a little bit more clear there, that hook-and-line gear has been the dominant gear overall.

This is looking at commercial wahoo landings by state. Florida and North Carolina are the two states that account for the most wahoo landings. However, you have seen South Carolina and Georgia pick up in recent years, accounting for approximately 10,000 pounds per year. Looking on a percent basis, this is the percent of total commercial wahoo landings, and you can see that Florida and North Carolina roughly account for the same percentage of total landings, but, there again, South Carolina and Georgia have picked up in recent years. That is it for commercial wahoo landings.

Moving over to recreational landings by state, and so looking at the distribution of recreational dolphin landings, really, for the most part, east Florida has accounted for the most recreational dolphin landings, followed by North Carolina, and then, more recently, which is fairly interesting, the Mid-Atlantic region has accounted for a good portion of recreational landings, and, really, when you look at it on a percentage basis, you can see this increase in 2014, and, really, it stayed fairly steady through 2017, where you have the Mid-Atlantic accounting for just under 20 percent of the total dolphin landings, and so there certainly has been a pickup there, and then, as I mentioned, the other two, North Carolina and east Florida really are the other two areas where most of the landings occur on a recreational basis.

I added this graph in here, and there was some discussion, since the briefing book has gone out, to kind of compare -- Since we are looking at revised recreational landings of the new FES estimates, just a comparison overall, so folks can see how these landings have shifted for dolphin. The red line on the top are the revised recreational landings, and so these are the FES estimates, and the blue line below are the original or old recreational estimates using the Coastal Household Telephone Survey, and so you can see the red line shows how things have shifted. However, the trend has stayed -- It follows the original revised recreational landings, but you can see, really, overall, recreational landings have -- They are variable from year-to-year, but they have remained fairly steady, at least on a trend basis. That's it for recreational dolphin landings.

Moving over to recreational wahoo landings by state, if you look throughout the time series, the green and red represents North Carolina, and the orange line represents east Florida, and so you can see that east Florida and North Carolina, not surprisingly, account for the majority of recreational wahoo landings. However, in recent years, there again, we have the seen the Mid-Atlantic accounting for a good portion of wahoo landings, particularly in 2015 and 2017, and so those fish are certainly showing up more in the Mid.

Looking at a percent basis, this kind of exaggerates the trends a little bit more, but you can see east Florida and North Carolina, and so the green line being North Carolina and the orange line being east Florida and then the red line at the bottom being the Mid-Atlantic, and you can kind of see that overall increase since about 2010 in the Mid. That popped up quite a bit in 2017, and it will be interesting to see if that holds in 2018.

I will mention, and I forgot to mention, for dolphin recreationally, they were landed in every east coast state from Florida through Massachusetts, I believe, and then, for wahoo, they have been landed in every east coast state from Florida through Rhode Island, with the exception of Connecticut, and so you really are seeing a pretty wide distribution there throughout the east coast.

Here again, a similar graph, a comparison of recreational estimates for wahoo, and the red line on top shows the new FES estimates, and the blue line below shows the old Coastal Household Telephone Survey estimates, and you can see, particularly in recent years, the recreational wahoo landings estimates have increased quite a bit. That is a general overview to address the request of looking at landings by gear and state for dolphin and wahoo. Moving back into the goals and objectives, really what we're looking for at this meeting is to provide guidance on revisions to the Dolphin Wahoo goals and objectives, and we'll get into that in just a minute, but, if anyone has any questions, I will take a pause here.

MS. BECKWITH: Any questions?

MR. DILERNIA: I don't have any questions, but I do have a comment that I agree with what's just been presented here regarding the increase in the Mid-Atlantic area, both mahi and wahoo, and it seems like a significant increase. Up until maybe a couple of years ago, you never really -- Well, the sportfishing magazines, the local magazines, are actually writing articles now about how to catch mahi and wahoo in New York waters and south, and so we're seeing -- I guess it's part of the trend of the species shift to the Northeast, but, yes, I agree with what I see here on the screen regarding increases. Thank you.

MS. BECKWITH: Thanks, and, in terms of the number of boats that have pelagic longline landings, then you mentioned we'll get, later on, a better breakdown of which ones by permit type.

MR. HADLEY: Yes, that's the plan, and we'll -- Likely, assuming that this is addressed in December, we'll have the number of vessels represented by permit type by December.

MR. HEMILRIGHT: Thank you, John, for the presentation. I was wondering, in some future slides, could you implement into your slides the longline closure in Florida that started in 2000 on the east coast, to show how the fishery might change or be executed, and you also have a closure in the Charleston Bump that is for February through April 30, and so that would also be helpful, just to give folks an idea of the landscape and different changes that has happened over time in the areas and the fish.

I also had another question. On the recreational landings of mahi, when you look at the FES and the old survey, why is it that in like 2004 -- I mean, prior to 2004, it's tight together following, and then, all of a sudden, in 2003 and 2004, it just starts separating, and it's a pretty increasing trend of separation there, and is there any reason for that? I mean, when you clearly look at it, you can see the new revised recreational numbers are higher than -- It starts about 2004, and I just wonder if there is any reason for that.

MR. HADLEY: I would really have to dive into that to get a definite answer, but I imagine that one of the reasons you might be seeing that is that's where that household telephone survey method really is starting to fall off and not properly sampling the way it should, and so that's -- This is really back-calculating, and I will turn it over to Mike Errigo, who can give you a more detailed answer.

DR. ERRIGO: The reason why you see the divergence there for dolphin landings is mostly due to the mobile effect, the wireless effect, is what they're calling it, and what means is that more and more people are switching over to wireless only, and so they don't have landlines, and the Coastal Household Telephone Survey only dials landlines, and so it's missing large portions of the fishing community, and, not only that, but the demographics of the people that it is reaching is different than the demographics of the actual fishing population. They tend to be older individuals and things like that, and so there's different demographics.

Once the mail survey kicked in, they started to capture all of those people, and that's why you see that big divergence there, and so they use records of cellphone use and cellphone stuff from states, and they usage started to increase somewhere around the early 2000s, and it just got more and more prevalent.

MR. HEMILRIGHT: I've also got another question. On the landing by gear, could you also maybe plot, in the future, when the South Atlantic Council implemented the two-for-one permits that reduced the snapper grouper fleet by a good margin, and so that would take fishermen off the water with the hook-and-line aspect of it, and so just to show changes, and I consider that a pretty substantial change, when that many folks lost their permits. Thank you.

MS. BECKWITH: Looking at that Figure 6 that we had before, you mentioned the closures starting for pelagic longline in 2004, but, if you look at that graph, it's still showing that the pelagic longline percentage kept increasing after that closure, and it's a still a pretty substantial amount of the commercial landings, and so I'm trying to figure out what you're trying to get to with the closures over the time period past 2004.

MR. HEMILRIGHT: My thing would just show accurate -- Like the east coast of Florida, if you looked at landings by state, you saw when the landings started coming down when there was a closure there in that particular area, and so it just helps give a perspective of the overall fishery, whether it's pelagic longline or hook-and-line, the commercial side of it and the history of twenty-plus years of the landing of mahi-mahi.

MS. BECKWITH: Got it, and so you want to show that the effort went down in Florida, but the effort overall for the pelagic longline continued to increase after 2004. Okay. Got it. Are there any other questions on this?

MR. HADLEY: With that, we'll jump into the revised goals and objectives. I am going to run through what we have so far, and then we can -- If it's okay with everyone, then we can come back to each goal and objective, so we can see kind of what's on the plate, and then we'll come back and look at each one, but, as I mentioned earlier, one of the overarching recommendations was to change the overall format of the goals and objectives, rather than a narrative format, where they were kind of in paragraphs and numerated, to a goal with objectives directly tying in.

For now, we have five overall goals, and the Goal 1 being maintaining the precautionary approach, and so support a precautionary and risk-averse approach to management which maintains historic catch levels while preventing overfishing. Under this goal, there are two objectives to maintain the catch levels that do not exceed -- Maintain catch levels that do not exceed catch level recommendations for dolphin or wahoo and do not directly change the balance of landings. Objective 2 is minimizing unutilized bycatch of dolphin or wahoo through development of management measures, and so two objectives there.

Goal 2 is maintaining access, and this is something that the committee wanted to include in the goals and objectives, and so maintain access to the dolphin and wahoo resource for both the recreational and commercial sectors. Under this, there are three objectives. For the recreational sector, adopt management measures that emphasize the importance of continued access when the fish are regionally available while maintaining sufficiently high abundance to support elevated catch rates.

Objective 2, this addresses the commercial sector, and adopt management measures that address the importance of continued access to dolphin wahoo when regionally available. Objective 3 is address potential localized reduction in fish abundance as a result of a possible shift by longline

vessels to traditional recreational fishing grounds, and so those are the three objectives under that goal.

Goal 3 is to minimize competition between user groups, and this is between recreational and commercial user groups. Objective 1 is ensure effort and catch levels of dolphin and wahoo do not expand beyond traditional fishing grounds to the point where competition becomes problematic between sectors. Objective 2 is develop communication approaches to provide streamlined and timely information to increase awareness and engage stakeholders.

Goal 4 covers the social and economic importance of the fishery, and so recognize and preserve the economic and social importance of the fisheries for dolphin and wahoo, and there's four objectives under this goal. Manage the dolphin and wahoo resources to achieve optimum yield, to maximize economic and social net benefits. Objective 2 is minimizing market disruption. Objective 3 is improve knowledge of social and economic elements of the dolphin and wahoo fishery, and so that's targeting sort of research, as does Objective 4, improve awareness and understanding of how social and economic issues are linked to dolphin and wahoo fishery management measures.

Then, finally, Goal 5 is ecosystem-based management and research priorities, and there are four objectives under this. Objective 1 is support improved and expanded monitoring and reporting programs for the dolphin and wahoo fishery. Objective 2 is promote research aimed at developing ecosystem-based management. Objective 3 is support measures that incorporate ecosystem considerations, where practicable, and Objective 4 is direct research to enhance collection of biological and habitat data on dolphin and wahoo.

Those are the five goals and then the directly corresponding objectives, and, really, overall discussion questions are does the committee have any suggested changes or edits to the revised goals and objectives and are there topics that should be covered that aren't currently covered under these five goals?

MS. BECKWITH: Okay. I know I've got a few things, and it sounds like you guys have a few things, just by looking at your computer edits, and so shall we start with general comments first and then go one goal at a time? Does anybody have sort of any general comments before we jump in?

MS. BURGESS: John, I think you guys did a great job, overall, with taking the format and all the pre-existing goals and objectives and putting them into a table like the council asked. We have a couple of overall thoughts about the goals and objectives. The first one is that, the way they are kind of presented now, the goals are written a lot like objectives themselves, where the goal should maybe be a desired result that you want to achieve, and then the objective is how you get to that result, and so, using Goal 1 as an example, the IPT came up with support a precautionary risk-averse approach to management which maintain historic catch levels while preventing overfishing.

Maybe you could make it more of a goal by revising it to be management is precautionary and risk-averse and maintains historic catch levels while preventing overfishing, and so muddling goals and objectives was something that the IPT, and I believe NOAA Fisheries staff, brought up in past discussions about FMP goals and objectives, and so maybe you could take a new stab at this and we could be more clear about what's a goal and what's the objective.

MS. BECKWITH: All right, and so that's an example, and so I guess we'll just then jump into the first goal, and it sounds like you had the first edit.

MS. BURGESS: Yes, and that was just an example. One other thing, before you launch into it, if I could, is the committee made a lot of comments about wanting to recognize the social and economic importance of these fisheries, and I saw that the IPT made a good attempt at trying to do that, but it makes it a little bit awkward in having an objective that then references an ideal, and so maybe there could be a preamble that talks about how economically and socially important these fisheries are that leads into the goals and objectives, and so it kind of talks about it at the beginning, and then you have more clear objectives within the table.

MS. BECKWITH: Okay, and so editing by committee is super painful, as we all know, and so I think it sounds like Florida has got quite a few edits that maintain the spirit of what's in each and just a little bit of wording, or is there some real changes to sort of the spirit of what's in there?

MS. BURGESS: Our intent was not to go through and give edit-by-edit in this document, but those were just concepts to think about as the IPT works on additional edits to these goals and objectives.

MS. BECKWITH: Yes, but I think providing those edits are great, and it gives us a step forward, rather than editing by committee. I guess I would suggest that those edits come to John, and maybe we eventually work on that, in addition to any other comments, and we take a quick another look at this at Full Council, with some additional edits for us to consider with what Florida brought.

I will bring up just a couple of things that I noted. If you look at the original FMP, the first thing that the FMP sort of says is that the goal of this fishery is to maintain the current harvest of dolphin, and it recognizes the significant importance to dolphin and wahoo in the recreational fishing community, and I think that that is brought through in this current set of goals and objectives, but not directly, and so I think I would like to see, somehow, a more direct nod to the fact that this is sort of an extraordinarily recreationally-important species, or management plan, and that we originally kind of created this to make sure that the recreational sectors were acknowledged and the importance and all the rest of that.

I think it comes through in how we do it, but maybe not quite as direct. Does anybody have any other sort of quick suggestions on Goal 1 under the objectives that we would like to take into consideration? No? Okay.

Moving over to Goal 2, under Objective 1, I know that we have, in the past, talked about high encounter rates leading to trip satisfaction, increased trip satisfaction, and so I think that's covered a little bit when you guys discuss "while maintaining sufficient high abundance that supports elevated catch rates", but I know that maybe some nod to elevated catch rates, or elevated encounter rates, also leads to increased trip satisfaction.

Under Goal 3, Objective 1, I think we've got to be careful to just not call out the pelagic longliners. There are other gear types that we are considering in amendments, and there is quite a bit of focus, and so we might have competition between sectors, but it's not necessarily just the pelagic longline, and, under Goal 4, it might be a place where we can give that additional nod to the

importance of the recreational fishery more specifically than is currently in there, and so those are sort of some overall comments that I had, and it sounds like Florida has got quite a few, and so do you guys have any other comments? Do you want to go through these in detail, or do you want us to kind of bring back another version with some additional edits?

MR. HEMILRIGHT: I was curious if Florida has like a sheet of paper or something for their comments that they're looking to change, and, also, the objective you discussed about the pelagic longline industry, where the majority of the recreational fish are caught in Florida, there hasn't been a longline fishery there for twenty years, nineteen years, and so something else in this document here is the migratory pattern of mahi has changed, as we've seen with landings, and that's something that I don't know exactly what part of the migratory pattern of mahi increasing and going further north, based on the landings and data here, and at what part does that put into effect?

I am looking at putting in this document everything that we know about the closures, the reductions, to make it -- Not to make it, but to show the accurate picture of reality of the mahi fishery in the last twenty years, and also in the future, with this document, but that would be something I would like to see if Florida had, is some of the things they are looking to edit or change, since the majority of mahi is caught in the State of Florida. Thank you.

MS. MCCAWLEY: Our comments are very specific, where we did strike/add on these objectives, and so I don't know how you want us to provide that. I think it would suck down a lot of time to try to go over each one of those things right now, and so I don't know if you want us to just provide those comments to say you and John, and then maybe we look at this again at the next meeting, if we can, or at Full Council or whatever, but I am just trying to save some time here, because our comments are extensive.

For example, on Goal 3, it's talking about competition, but, also, there is competition not just between commercial and recreational, but between different types of commercial gear uses and things like that, and so those are the types of comments, just kind of trying to expand. I think that there's a couple of the objectives, say under Goal 4, that are kind of confusing, and I don't even understand what they mean, and so we were trying to offer some wording and ask some questions about that.

MS. BECKWITH: I definitely would like to see those comments, and maybe you and I and John, and maybe even Dewey, can sit down and kind of go through them at some point. Let's move forward with that and see if we can find time between now and Full Council. Otherwise, we'll take another hack at this at the December meeting, to save some time. Okay. Any additional thoughts? Are you okay with that, John? Okay. Then let's save some time and move on.

MR. HADLEY: Moving along, we will jump into Amendment 10, and so, here again, just a shorter, brief overview of where this document stands and just to bring folks up to speed. In June, the council reviewed actions in Amendment 10 and new items identified for the amendment. The two major portions of this included moving actions from the Comprehensive ACL Amendment into Amendment 10, which we'll get into, and also adding a potential action that would allow filleting of dolphin at-sea onboard for-hire vessels in the waters north of the Virginia/North Carolina border. This was responding to a request from the Mid-Atlantic Council. Also, you

requested further information from the Office of Protected Resources on the timing of the new biological opinions for dolphin wahoo and HMS, which we got into earlier.

Looking at potential amendment timing, we'll be reviewing the goals and objectives and the contents of the amendment. However, one thing to point out is this amendment has not really gone out for scoping, and so that's a decision, on timing of scoping, and that could occur this fall, and then the amendment would continue to be developed over the subsequent meetings, potentially looking at approving it for public hearings next year, September of 2020, and then moving toward final approval in March of 2021, and so you're looking at likely implementation in late 2021. That's kind of a rough estimate of timing for the amendment, and just to keep in mind though that we are fairly early in the development, as far as how the amendment can move forward.

As a reminder, there have been some issues in the development of Amendment 10, and we do not have catch level recommendations yet for dolphin and wahoo. However, the SSC is expected to provide catch recommendations for all unassessed stocks at their October meeting, and this will include -- The plan is to include dolphin and wahoo, and so, ideally, the committee will see these new catch level recommendations at the December 2019 meeting.

Keeping that in mind, there are potentially seventeen potential action in the amendment. However, these actions can be broken down into four major categories. The first four accommodate revised MRIP data, and so revised recreational data. Actions 5 through 7 look at redefining optimum yield for the dolphin fishery. Actions 8 through 12 accommodate adaptive management of ACLs, change accountability measures, and announce starting and end dates for recreational seasons. Then Actions 13 through 17 implement miscellaneous management revisions.

Very quickly, to run over the exact actions in the amendment, Actions 1 and 2 would implement a new ACL for dolphin and wahoo. Actions 3 and 4 would revise sector allocations and sector annual catch limits for dolphin and wahoo, and so, there again, accommodating that revised recreational data. Actions 5 through 6 redefine OY for the dolphin fishery. Action 5 directly relates to this. However, part of that includes potentially using ACTs in the definition of optimum yield, and so that's why we have an action to establish a commercial ACT and modify the recreational ACT for dolphin.

Looking at the accommodating adaptive management of sector ACLs, changing AMs, and announcing recreational seasons, Action 8 would allow adaptive management of sector ACLs for dolphin, and so I will pause here for a second. Based on the committee's previous guidance and discussion at recent meetings, it may be difficult to make decisions on Actions 1 through 8 without knowing what the catch level recommendations will be for dolphin and wahoo, and so, based on this guidance, the committee may want to consider holding off on discussion of these eight actions until a later date, and so, essentially, we'll be starting with Action 9.

Action 9 would revise the commercial accountability measures for dolphin, and so this really addresses the potential changes for -- If adaptive management of sector ACLs was put in place, you would have to revise the commercial accountability measures. Action 10 revises the recreational accountability measures for dolphin, and so this is also accommodating the adaptive management of sector ACLs. However, as a reminder, the committee did vote to bring in the actions that would revise accountability measures from the recreational accountability measures amendment to Amendment 10, and so there's kind of two purposes there for Action 10. Action

11 will revise recreational accountability measures for dolphin, same rationale, and Action 12 would announce starting and ending dates before recreational seasons start for dolphin and wahoo.

Really, through these actions -- We will work through them, but we'll look at providing guidance on how to address, or if you want to address, AM revisions that have been moved from the recreational AM amendment into Dolphin Wahoo 10. Then, finally, the miscellaneous management measures, Action 13, allowing properly-permitted commercial vessels with gear onboard that are not authorized for use in the dolphin wahoo fishery to possess dolphin and wahoo, and so that's the action that looks into accommodating lobster pots, potentially buoy gear, and other gears, and so look at sort of an incidental catch.

Action 14 is removing the operator card requirement for the commercial and recreational sectors, or for-hire sectors, rather, in the dolphin wahoo fishery. Action 15 is modifying the recreational vessel limit for dolphin, and Action 16 is looking at aligning the dolphin wahoo requirements for pelagic longline gear with those from highly-migratory species, and Action 17 is allowing filleting of dolphin at-sea onboard for-hire vessels north of the North Carolina/Virginia border.

What needs to get done at this meeting, we'll be looking at the decision document, and so the purpose and need statements, the actions and alternatives, and we're specifically looking to approve any new actions and proposed revisions, as necessary, and so Action 9, 10, 11, 12, 13, 16, and 17. Consider approving the amendment for scoping, and so that's sort of the next step for the amendment, and consider amendment timing and when the committee would like to review the amendment again.

MR. BREWER: I have a question. Why does the Mid-Atlantic want to permit filleting of dolphin at-sea?

MR. DILERNIA: Typically, the catch of mahi in the Mid-Atlantic occurs anywhere from three to five hours offshore of travel time. Unlike what occurs in the South Atlantic, there are no dockside fish cleaning surfaces in the Mid-Atlantic. That doesn't really occur. Most of the for-hire vessels, and that's both charter and headboats, the deckhands make part of their income by cutting fish, filleting fish, on the way home, back to the dock.

Imagine a headboat arriving at the dock with twenty-five people onboard and five fish each, five mahi each, and that's 125 mahi. After a three to six-hour ride, do they really want to stand around in the parking lot while the deckhands on the back of the boat are cleaning fish? I mean, if it takes two to three minutes to cut each mahi, 125 mahi, that's 300 minutes, and that's three or four hours, at least, when that time could be used productively cutting the fish on the way home.

There is no minimum size limit in the Mid-Atlantic for mahi, and there is no possession limit on the more than six vessels, on the headboats, and the headboats are very happy to -- If you do allow the cutting of the mahi, the for-hire vessels are very happy to obtain the racks for enforcement purposes or whatever it is, although there is no -- There is no possession limit on the larger boats. The smaller boats, there is, and so they're very happy to retain the racks, and, also, they are very happy to obtain a portion of the skin on each fillet, so it can be identified as fillets, although anyone who has seen a mahi fillet knows that you can distinguish that from any other fillet of any other fish that's caught in the Mid-Atlantic, but, again, we're very happy to leave a piece of the skin on the fish.

For the convenience of the clients onboard the vessels, so they don't have to stand around for hours waiting for the fish to get cut, for the deckhands to make some money that they traditionally make, and that's a traditional way of making money, and we're not going to abuse the resource by allowing this occur, and we're hoping that the South Atlantic Council will accommodate our request. Thank you.

MS. BECKWITH: Thanks, and we did have some pretty significant discussion on this the last time, and I think the action that we added has the racks not being required only for the charter boats, full skin on, and two fillets equals a fish, and that is where we had gotten to for consideration at the last meeting.

MR. BELL: I'm not on the committee, but I just had a general question. In Actions 6 and 7, we're establishing ACTs, and, yesterday, we had some discussion about ACTs that existed that weren't functional, and so I'm just wondering if, later on, there were actions related to establishment of accountability measures, and does that make these functional ACTs or --

MS. BECKWITH: The purpose of these ACTs in our previous discussions was to set the definition of optimum yield, to be able to acknowledge that, for the dolphin fishery, achieving the ACL is not the goal of the recreational dolphin fishery. It might be to achieve 50 percent of the catch, but to have high encounter rates and high abundance and to still be able to catch, and so, if we set the ACT, we could use the ACT as part of our optimum yield definition.

The optimum yield for the commercial fishery is to achieve harvest of their entire ACL, and that is not necessarily the case for the recreational sector. We don't necessarily want to catch our entire ACL when it comes to mahi, but we just want to make sure there's a lot of fish out there, so we can run into them and catch them, and so that was part of where that discussion came from, and, once we get the ABC, I think we'll dive back into that in some detail, but, originally, during the discussion, the intent was to maintain the accountability measure to the ACL, and I'm happy to chat with you in detail off-line if you don't want to go through it now.

MR. GRIMES: Are we going to walk through the alternatives one-by-one?

MS. BECKWITH: We are going to skip through 1 one through 8 until we get the ABC, and so we're starting at 9, and I was just answering the questions that had come up. Anyone else?

DR. MCGOVERN: We might get this later, but I noticed there is no action for a commercial AM for wahoo, but there is for dolphin, and I was just wondering -- Is there a special reason for that, or we don't think we need any changes to the wahoo commercial AM?

MS. BECKWITH: I don't know that there was a need to change the current accountability measure, but we can certainly review what that is. Okay. Anything else before we go into Action 9?

MR. HADLEY: Jumping into Action 9, and the next few actions address accountability measures, and so Action 9 -- If you recall, last time, we had one action for accountability measures, and so, since we brought in the actions from the recreational accountability measures amendment, one of the thoughts of the IPT was to split off the actions addressing accountability measures into different

actions addressing each species, and so dolphin and wahoo, and each sector separately. That's just a little bit cleaner way to handle that, and it also helps with analysis, but, looking at Action 9, this would revise the commercial accountability measures for dolphin, and there is some editorial changes that were made, getting rid of some of the acronyms, and then also removal of the recreational AMs, since that's addressed in the next action for dolphin.

Really, the substantive changes, there again editorial changes, but Alternative 2 accommodates an available common pool ACL, and so this ties into that Action 8 that looks at allowing adaptive management of sector ACLs, and so that's directly addressing Action 8. Alternative 3 looks at a rollover of uncaught sector ACLs, and so, there again, that ties directly into Action 8. Alternatives 4 and 5 were removed, and then the Alternative 4 was originally addressing the recreational accountability measure, and so that's been moved to the next action, and then Alternative 5 was revised, and you can see the new wording here at the bottom.

Really, the initial direction was to look at ways of potentially applying the recreational AM to the commercial sector, and the old Alternative 5, and so the struck-through language here, really didn't capture that well, and so, really, we went back and looked at the recreational accountability measure in detail and essentially applied that to the commercial sector, and so, if you look at Alternative 4, if this were chosen, you're looking at, if the commercial landings exceed the commercial ACL, during the following fishing year, commercial landings would be monitored for persistence. The commercial ACL, if it is exceeded in the second consecutive year, it will be reduced by the commercial overage, and the season will be reduced by the amount necessary to essentially maintain catch levels within the ACL.

However, that would only occur if the total ACL, and so recreational and commercial ACL combined, is exceeded and the species is overfished. There is also the potential exception that this accountability measure would not be put in place if the Regional Administrator determines, using the best available science, that it is not necessary, and so, really, if you recall, the intention behind this is to allow the commercial sector -- If there is that exceptional year of dolphin, where dolphin are particularly available to the fishery, to potentially go above the ACL for a single year, likely with the expectation the following year to drop back down to its normal catch levels.

I went through the large portion of these points. As I mentioned, we have sort of split these accountability measures into actions by sector and by species, and then, really, we're looking for an approval of the IPT's suggested edits or any suggested changes to the action, if those are not acceptable.

MS. BECKWITH: Okay, and so any comments from the committee on this? If not, I have one. Under Alternative 4, I wonder if we think that it's necessary for the commercial to have a payback of an overage. I am not sure that that seems necessary, and I am thinking through that that would only happen anyway if it was overfished and if the total ACL was achieved, and so I think what I am thinking is that it might make more sense to have it that, if they go over that second year, that the season would be adjusted to ensure that they stay within their sector allocation.

Again, we're looking at accountability measures to allow the commercial guys to bump-up one year, in case there is a year of high abundance, and then, if they were to bump a second year, then we need to do something about it, because that's more than an abundance issue. Then it becomes a trend, but I don't know that a payback against the commercial ACL makes sense for dolphin,

and so, instead, I think we should adjust the season, to make sure that they're going to stay within their sector ACL and not necessarily tie that to if it's overfished or if the entire ACL is occurring, has been achieved.

MR. BREWER: My comment is also to Alternative 4. We're talking about adjusting the recreational -- I am going to call it sort of a definition of OY to better reflect recreational goals, and let's say that, because of that, the OY for recreational is 50 percent of the ACL, and you will never trigger, ever, the accountability measures, because, if you're measuring it off of the total ACL for recreational and commercial, the recreational is -- You're just not going to trigger any kind of AM, ever, I don't think, for commercial.

You raised a good point, that we should be looking strictly at the commercial catch, and, if they bump up over their ACL, or whatever it's reduced by, but, if they bump over it, then the accountability measure should trigger off of their going over and not the overall ACL, and so I think I'm agreeing with you, and I'm not sure that I am expressing myself well, but I do see a problem with Alternative 4, in that regard.

MS. BECKWITH: I think we're trying to get to the same place, maybe slightly differently, because I am okay with them bumping up for a year of exceptional abundance, but I just don't want the trend to continue to happen, and so we can either adjust that alternative or create a new alternative, but I suspect that adjusting that alternative would be more than adequate.

MR. CONKLIN: I was just going through all of this, and we have an open-access commercial permit for the fishery, and there is no cap on the amount of commercial effort you can have, and so I really see that as one of the issues. I mean, we're going through all this, and there is no end in sight for how many commercial fishermen you can have, and it just doesn't make any sense to me.

MS. BECKWITH: What the hope of these accountability measures do is -- Again, if there's a year of amazing abundance, we allow it to go through, but, if you start to see them going over in multiple years, then that's not abundance. That's a trend or an increase in effort in the fishery, and it gives us time to come back and react to that, but not overreact when there just happens to be one year of really high abundance for mahi.

DR. CRABTREE: I think, in Alternative 4, as I read it, assuming the stock is not overfished, if they go over, then we monitor it for persistence the second year, but we don't do anything if they go over it even again, and I don't think that's an adequate accountability measure. In terms of the payback, the only thing is, if you look at Alternative 3, it refers to carrying over unused quota. I think, if you're going to carry over unused quota, then you have to pay back overages, and I don't know that you can do one without the other, and it ought to be irrespective of stock status, but I think, and I think this spills over to the recreational as well, I don't think it's an adequate accountability measure if nothing happens, even if you go over for a second year in a row. It seems to me that then you have to have some sort of shortening of the season or something happening.

MS. BECKWITH: Right, and that's my point exactly, that, instead of having a payback -- I sort of don't like the payback part, but I'm okay with the shortening of the season, because that makes sense, to make sure that, after they go over, that the accountability measure is that the season is shortened, to make sure that they are going to stay within their sector ACL.

In terms of the carryover point, I had gathered that we were trying to get to this, Roy, to not have to deal with the carryover provisions for mahi, that this would achieve the same goal, which is, in those years of high abundance, that's okay, and we don't have to worry about the carryover, because, at least for dolphin, for mahi, we were trying to work through the carryover provision in order to prevent a closure in a year of high abundance, and so this was the other way of getting to the same goal without having to deal with carryover.

Specifically, my suggestion for this alternative would be to take out the payback portion and to maintain the shortening of the season and to make that irregardless of stock status or the total ACL being achieved, and, if we can take a look at that, maybe we can get a little bit further.

MR. HEMILRIGHT: Why not have it like the first year you monitor it and the second year you have a payback? This council already took into effect the 75 percent step-down and a 4,000-pound trip limit, and, clearly, if there is abundance one year, and there is abundance the second year, there is probably a lot of mahi, and the recreational numbers, with the new MRIP -- It won't be a 50 percent. It will be fifteen-million pounds or something.

MS. BECKWITH: My concern with doing the payback, Dewey, is that you guys would dig yourselves into a hole for something that you may not need. What I am saying is I don't think you need a payback. I think you need -- If you go over two years in a row, I think we need to adjust the length of the season to make sure that you guys don't go over your sector ACL, but I don't actually think you need a payback. I don't think you guys need to dig yourselves into a hole with a payback and a significantly-shortened season. I think, if you shorten the season, to make sure that you are maintaining your sector ACL, we get to the same place without you guys digging into a hole, and it's actually better for you. I am just saying.

MR. HEMILRIGHT: Sounds good.

MR. SAPP: I have got a concern with the shortening of the season as well though, because you're talking about crushing the little guy, the hook-and-line guy, that thrives in the latter half of the season, and that's small numbers, but it's a crusher for that guy. He lives for that late season hook-and-line.

MS. BECKWITH: That is a valid point, and you would still, under this current accountability measure, have that, but the little guy would be crushed even further, because it would have a payback on top of a shortened season, and so the hope is that this doesn't ever really get triggered, because you have the one year of high abundance, and they go over, and we haven't had the commercial guys go over two years in a row, and so something has to change pretty dramatically to have them go over two years in a row, but, if it does, then we need to be doing something, the council, the committee, and somebody needs to be coming back and taking a look at that.

MR. SAPP: I struggle to be that terribly concerned, especially that latter half of the season, when the commercial sector is at, in the chart we saw earlier, 4 percent of the catch, and I think this screams to be more conservative in the recreational sector, and that forty-fish max is -- It's crucial now, at this point, especially with these new MRIP recalibrations. If we can't get support for that now, I don't understand any of this.

MS. BECKWITH: Anybody else on this? So do you understand the changes to Alternative 4 that I am asking for?

MR. HADLEY: Yes, I believe we do, and I will include those revisions in the committee report, so we can kind of make sure it's all captured and everybody's input is actually addressed.

MR. GRIMES: Just one thing that I would keep in mind is that Alternative 4, as it's currently written for the commercial sector, is the same as we currently have for the recreational sector, and so, if we're not making -- I know this decision is long off in the future, but, if you're not going to make changes to the recreational sector, then that would argue that Alternative 4, as currently written, would be a reasonable alternative that you would make sure that we wanted to consider in our decision-making process.

MS. BECKWITH: Okay, and so we could add it as an additional alternative. That's fine. Okay. So then do you want to go ahead and add that as an alternative, an additional Alternative 5, and so then we can add in the IPT? Okay. Let's type it up real quick and see if we can get it to where someone might be able to add it.

Okay, and so the new alternative would read as on the screen. If commercial landings exceed the commercial annual catch limit, then, during the following fishing year, commercial landings will be monitored for persistence increase in landings. If the commercial annual catch limit is exceeded for a second consecutive year, the commercial season will be reduced by the amount necessary to ensure that commercial landings do not exceed the commercial sector annual catch limit. However, if the commercial annual catch limit and length of the commercial season will not be reduced if the Regional Administrator determines -- So we've got to fix that. Okay. That would be an additional alternative, and so, if folks are okay with that, I would need a motion to add an additional Alternative 5 and to accept the IPT recommendations.

MS. MCCAWLEY: **I move that we add new Alternative 5 and accept the IPT recommendations to Action 9.**

MS. BECKWITH: Okay. Do I have a second? Second by Art. Is there any discussion? **Any opposition? Seeing none, that motion carries.** Let's move on to Action 10.

MS. MCCAWLEY: Back on the question that I think Shep asked earlier, are we going to do these same things for wahoo, because I don't think we have actions in here for wahoo on accountability measures.

MS. BECKWITH: We have the recreational accountability measure, and those mirror what is in the recreational accountability measure amendment, and I think there was sort of a recognition that maybe wahoo should be treated more like how we're going to treat snapper grouper, but that dolphin was a little bit distinct, but we can certainly have that discussion, and it's in there for recreational wahoo, but not commercial.

MS. MCCAWLEY: I don't know what you mean by saying we're going to treat it like snapper grouper. I don't know what that means.

MS. BECKWITH: The accountability measure amendment had wahoo and dolphin originally in there, and so we're trying to make all the accountability measures for the recreational the same throughout snapper grouper. We could follow that -- Whatever we choose for snapper grouper, we could follow that with wahoo, for sure, and then we're going to discuss dolphin next, and does that make sense? The action mirrors --

MS. MCCAWLEY: I see what you mean now, but you mean it just for recreational, because there isn't one in there at all for a commercial accountability measure for --

MS. BECKWITH: Correct, and, if you want to add another action to consider, but we can also just look -- Do we have what the accountability measure for the commercial wahoo is handy? We can pull that up and show it when we get to wahoo.

MS. MCCAWLEY: I was just asking because we just dealt with commercial dolphin, and so I was trying to figure out if we needed to add an action for commercial wahoo, and it just seems odd not to have it in there.

MS. BECKWITH: Okay, and so do you want to add it in there?

MS. MCCAWLEY: Sure. I have no idea what it is right now, and so I don't --

MR. DEVICTOR: You asked what the current wahoo commercial AM is, and it's the same as dolphin. It's an in-season closure, and then it's payback if overfished and the total is exceeded. That's your current wahoo commercial AM.

MS. MCCAWLEY: **I would move that we add an action to this document for modifying the commercial accountability measure for wahoo. I guess it's technically to revise the accountability measure for wahoo.**

MS. BECKWITH: Okay. It's seconded by Steve.

MR. GRIMES: My only comment is going to be that, and I don't want to discourage considering other things, and that's certainly a worthwhile endeavor generally, but this amendment is already loaded up with actions and alternatives, and my understanding was that the dolphin stuff is in there because you are looking to avoid in-season closures that you have experienced in the past, because of the disruptive nature of them, et cetera, but that you don't have that same problem in wahoo, and that's a legitimate justification for not exploring changes to the existing accountability measures.

MS. BECKWITH: Yes, and that was my general feeling, was we were not currently having issues with wahoo, and so it didn't seem like we needed to deal with it, but we certainly can if you guys want to.

MS. MCCAWLEY: I can withdraw that motion, if you want.

DR. MCGOVERN: It seems like the accountability, commercial accountability, measures for dolphin are based on Action 8, that deals with a common pool and things like that, and we're not considering that for wahoo, I don't think.

MS. BECKWITH: Right, and so, unless you guys feel like the current accountability measure for wahoo is a problem, I would suggest us dealing with it when it comes a problem a little bit later and not in Amendment 10.

MS. MCCAWLEY: **I am good with that, and I can withdraw that motion.**

MS. BECKWITH: Okay, and so are you okay with withdrawing? I have not read it, and so it still belongs to you all.

MR. POLAND: I'm fine with that. I mean, my general support was just because I felt like, if we're got the plan open, we might as well look at everything, even if it would be no action, but Shep made a valid point. If there's no need, there's no need.

MS. BECKWITH: Okay, and so let's go ahead and withdraw that motion, and, if we can kick a bunch of other stuff out of this amendment eventually and we want to reconsider, but, right now, I think we're okay. Action 10.

MR. HADLEY: Action 10 is moving over to the recreational accountability measure for dolphin, and so, essentially, we went over it in fairly good detail in the previous discussion, on Alternative 4, and so I won't go over that again, but that was the recreational sector accountability measure for dolphin that is currently in place.

Looking at Alternative 2, here again, we're accommodating the common pool ACL from Action 8, and Alternative 3 looks at accommodating roll over of uncaught ACL, there again addressing Action 8, and so that's why Alternatives 2 and 3 have been moved into this action. Then Alternative 4 is where we jump into the recreational accountability measures amendment and the actions that were moved into Dolphin Wahoo 10.

As you may recall, one of the main drivers for that amendment was to try to standardize AMs across-the-board as well as just look at the AMs in place and see if they needed to be changed, and so Alternative 4 would remove the post-season accountability measures. If this were chosen, the committee would need to specify some sort of accountability measure, and so that would kind of be a follow-up to Alternative 4, if you wanted to keep that in there, and there needs to be an AM in place for the recreational dolphin wahoo fishery.

In Alternative 5, it looks at situations where the AM would be put in place if -- Alternative 5a looks at the three-year geometric mean of landings exceeded the recreational annual catch limit, and so looking at a three-year average, essentially. In any year, if the recreational ACL is changed, then the moving multiyear geometric mean would start over, and so, basically, if there was a change in the ACL, that would sort of restart the clock, so to speak, for this accountability measure.

Alternative 5b is, if the ACLs are constant and the sum total of the recreational landings exceeds the summed total of the ACLs, then the accountability measure would be put in place. Alternative 5c looks at if the recreational landings exceed the recreational ACL in two of the previous fishing years or exceeds the total acceptable biological catch in any one year. Alternative 5d, the accountability measure would go in place only if the total ACL is exceeded, and Alternative 5e is the accountability measure would only go in place if the stock is overfished, or deemed overfished.

Alternative 6, if the post-season accountability measure is triggered, the reduced recreational sector ACL would be reduced by the amount of the overage in the following fishing season, and Alternative 7 is the AM would be triggered -- If the AM is triggered, it would reduce the length of the fishing season by the amount necessary to reduce the probability that the annual catch limit will be exceeded in the following year.

One of the IPT comments on this alternative, if it were to stay, is “reduce the probability” is a little bit of an ambiguous term, and so the language may need to be strengthened there, but essentially, what we did here was move that language from the recreational AMs amendment into Amendment 10, and so that’s why some of these may need some edits, if you want them to stay, but we didn’t make those edits, because we wanted the committee to see what was existing in that amendment and how it would exist in Amendment 10 at the moment. With that, I will remind everyone that this is a new action, and so this would take a motion to accept this action into Amendment 10 from the committee.

MS. BECKWITH: Okay, and that Alternative 7 sort of mirrors a little bit of what we just did for the commercial, and it kind of gets us to the same ultimate goal, that if the post-accountability measures trigger, the length would be shortened without a payback. I am not sure that there is a monitoring for persistent landings option in here, and did I miss that?

MR. HADLEY: No, that was not included in here, the monitoring for persistent landings.

MS. BECKWITH: Okay, and so then what is the committee’s feelings on this? What would they like to do?

DR. CRABTREE: Well, just as a general comment, and, a minute ago, we talked about how we didn’t have a problem with wahoo, and I’m not convinced we have a problem with dolphin. We have closed it once in the history of the fishery, and so it’s not clear to me that we need to really go down the common pool or any of the things we’re looking at, but I will leave that to you.

I do think that the current AM for recreational dolphin is not really adequate, because it seems to me that, unless the species is overfished, it doesn’t do anything, and I don’t think that really is sufficient to meet the requirements of the Act, even though it is, I guess, status quo, and I think it got implemented along with a whole host of other things in a big rush some years ago, and so I think what does need to be there is, if we go over it, then, the following year, we’re going to make an adjustment to the season, to avoid going over again, but we have commercial fisheries that close every year because they catch the quota. In dolphin, we had that one closure in 2015, but it hasn’t closed before or since, and so it’s not clear to me that we have a burning problem with any of this.

MS. BECKWITH: I see your point, Roy. That new alternative that we just put in for the commercial, would that achieve what we could do for the recreational as an option, which would be, if you go over, monitor for persistent, and then adjust the season, if you go over again, the one we just approved?

DR. CRABTREE: Yes, I think it probably would, or I think, for Alternative 7 that you have in here, that, if you -- It seems to say -- I don’t like the way it’s written, but it seems to be saying, if you go over in a year, in the next year, you’re going to monitor the fishery and close it to prevent

going over it again, and so however you want to word that, but I think that's what needs to be in there.

MS. BECKWITH: Okay. Do you want to replace Alternative 7 with the new alternative that we just did for the commercial and then adjust accordingly? No?

MR. BREWER: First of all, I hesitate to say this, but I agree with Roy. Something that struck me in the prior presentation is, under the MRIP revisions, there was a year where the recreational went over by twenty-million pounds, and a lot of the stuff that we've been talking about has really assumed that the recreational side is not going to get anywhere near to catching its ACL, ever, and that may in fact occur, and so the -- It seems like maybe you do have a little bit of a buffer, but you don't want to have a tremendous buffer, and, when I'm talking about buffer, I'm talking about maybe one year where it shoots up, but it's not going to do any good to assume that you're going to have some sort of in-season monitoring, effective monitoring, of dolphin. It's not going to happen. You're going to have to adjust the fishing year, fishing season, as opposed to looking at shutting the fishery down because you're monitoring it, and it's saying, okay, you have caught your quota and that's it.

DR. CRABTREE: Well, I mean, what you could do -- Let's say we change it so that, if you go over in a year, then, the next year, you're going to monitor it and close it to avoid it. Again, if you just barely went over, then, the next year, you could probably get one or two waves and see where you are. If they were much lower than the previous year, you might conclude that, well, we're not likely to go over, and so we're not going to do anything, but, if you had a year and you went way over earlier in the year, then you might not be able to get it, and so it kind of depends on when you think the closure would be, but you might get to look at a little bit of catch data during the year.

MR. SAPP: It sounds more and more like we're screaming towards reduced recreational overall bag limit.

MS. BECKWITH: Hold that thought, my friend. What we just put in place as an additional alternative for the commercial gets to that, where we're allowing that one overage for years of high abundance, and we're monitoring for a persistent increase and adjusting the seasons as needed, but there is no payback, and so I think the payback is where we dig ourselves into a really terrible hole, and so that sort of sounds like what you're trying to get to. Okay. Then I guess my suggestion would be to mirror the new alternative that we just added for the commercial, and is there any of these that we know that we don't want, so we can just kick it out of it now, or I guess we have to wait until we get the ABC, so we can have a thorough discussion on that.

MR. GRIMES: I was trying to look at the alternative that we added for the prior action. I would just say, in this one, any action that you were taking is not going to be until the third year, because you have monitored to -- You have exceeded the catch limit one year, and so, during the following year, and so this is year-two, you are going to monitor it for a persistence in increased landings. If it's exceeded for the second year, then the commercial season will be reduced by the amount necessary, and that's necessarily going to be the third year, because you would have monitored two consecutive years of overages. I just wanted to make sure I had that right.

DR. CRABTREE: Well, I don't think that's what we mean.

MS. BECKWITH: Well, it's what I meant for the commercial guys, but it may not be appropriate for the recreational.

DR. CRABTREE: So you're going to go over two years in a row and not doing anything until the third year?

MS. BECKWITH: That is obviously up for discussion, but that is what that alternative says.

DR. CRABTREE: Well, at some point then, we're pushing what the law allows, and I am not sure that you can go over an ACL two years in a row before you do anything about it.

MS. BECKWITH: Okay, and so how do we adjust the language to allow for the monitoring in the second year?

DR. CRABTREE: I think it just needs to -- I mean, we're monitoring it every year. We need to just say, if we go over it, then, the next year, we're going to close the fishery down when they hit their ACL. Write it how you want in a clean fashion, but that was my understanding of what we meant, and so I don't think the monitor for persistence is necessarily necessary. We are monitoring all of these commercial quotas, and we get the recreational data that we get either way, but what I intended was, if you go over the ACL, then, the next year, you're going to close the fishery when you project the ACL is going to be hit.

MR. SAPP: Would it be an option to say, if you go over the ACL one year, the following year, we put trip limits in, rather than risk closing early? I would much rather see that and have a fishery throughout the entire season.

MS. BECKWITH: We have trip limits.

MR. WHITAKER: To follow-up on what he just said, I presume that a closure would be coming at the end of the season, curtailing it, and so, if the fishery is -- Later in the year is more northern, and southern is -- Is that right? That's not right?

MS. BECKWITH: It's primarily hook-and-line after June.

MR. POLAND: I think I kind of see what David is getting at, and so accountability measures are triggered and the season is shortened. Due to the seasonal nature of this fishery, it might disproportionately disadvantage South Carolina and North Carolina, and even the Mid-Atlantic states, as those fish move up.

MS. BECKWITH: Yes, and we would still have the step-down at 75 percent for the commercial, and so we've gone back to Action 9, but right, and so it sounds like we're back in Action 9 for the commercial, is where the discussion has gone back to. If in the second year, if they went over and they were monitoring to see when the catch -- They would still have that step-down to 4,000 pounds at 75 percent, and so I think the commercial guys probably would still be okay, but anything is possible, and so what do you guys want to do, because I am hearing Roy say that we need to adjust the Alternative 5 to make sure that it is in the second year that monitoring and adjustment of the season length would occur, and so are folks okay with that?

MR. DILERNIA: Let's be clear that an early closure would disadvantage the more northern states. That is what has happened in the past. Perhaps something that we did in the Mid may be helpful here. We did it actually with recreational black sea bass, but it may be applicable here. Where the stock was robust, if we exceeded the ACL in the first year, rather than have a payback in the very second year, and it actually would have occurred when we first looked at this.

We exceeded the ACL so much that first year that we would have had to have closed the fishery entirely for the next year, and so, to avoid that draconian action, what we did was we developed a scenario in which we looked at the fishery three years in a row, and if the trend was, three years in a row, that we were going to continuously exceed the ACL, then we would initiate paybacks, but, if it was only just one year -- If it was the first year that we exceeded the ACL, and the stock was very robust, and what we did was we would do it the second year and, rather than payback, we adjusted the season or the possession limit to prevent us from exceeding the ACL the second year.

If that worked, then there was no payback that was required, but we eliminated the in-season closure because, typically, the in-season closure would disadvantage one state over the other. In the case of black sea bass, the in-season closure would probably come during Waves 5 or 6, which means the southern states would have been affected by overfishing by the New England states. In the case here of mahi, in the sense of the commercial fishery, but it's applicable -- What I gave you was a recreational example, but it's applicable to the commercial fishery.

If you overfish heavily in the southern states, and you close early, then you do disadvantage the northern states, and so there might be some other scenarios that you may want to take a look at to be consistent with the law and to avoid paybacks, but yet -- Because this is what the law -- You avoid paybacks. Thank you.

MS. BECKWITH: Yes, and, again, to Roy's point, the commercial has only ever closed the one time, and so this isn't a persistent or consistent problem that we're having, and so we're just trying to get to a point where we don't have to have that in-season closure for them in a year of high abundance. We have the other stop-gaps in place, with the step-downs at 75 percent that have a trip limit of 4,000, and so I also don't want to make this more complicated than it actually needs to be.

I understand the concern about the end-of-the-season fishing, but I think that part of that is protected by the step-down, and I want to make sure that we're not mixing our conversations for recreational and commercial. I think we need to treat the commercial not identically to how we're treating the commercial accountability measures, and so let's keep those two conversations separate, and so we are back to commercial, and I only want to hear things about the commercial accountability measure. I don't want to talk about recreational.

MR. SAPP: This is with regard to the commercial. Clearly folks are hearing better John and Ray and myself. Our fishery, in the spring, the early season, doesn't exist anymore, per se. It's been very weak over the last five years, and our fishery is later than what it seems to be in North Carolina and further north in that April/May/June fishery. We don't have that fishery anymore. Ours is later, and so, especially in 2015, when it shut down -- The guys that I am really interested in protecting, those hook-and-line very clean small-business fishermen, down there got crushed. They lost a good portion of their income, and we're talking about south Florida, the southern range of this discussion.

MS. BECKWITH: Okay, and so I hear you. Roy, did you have something else?

DR. CRABTREE: I don't think we're talking paybacks here. We're just talking about what happens. If you want to set it up so that, if you go over, and then the next year you close to avoid going over, and, if you want to have a trip limit or something kick in, but that's up to you. The only thing I think you need is that you have that closure that takes place the next year, so you don't go over. You still need that even if you do lower the trip limit, but I think paybacks are unlikely to occur in this fishery.

MR. HEMILRIGHT: In 2015, when it closed, it was closed, but there was also 40,000 pounds that was left on the table. This council -- At the time it closed in 2015, it's my understanding that the amendment to increase it to 1.5 million pounds sat on somebody's desk for eight months, and, since this council took it upon itself to say fishermen were hurt, particularly in south Florida, and so we're going to implement a step-down when 75 percent of the quota is caught, and it's going to go to 4,000 pounds.

The predominance of the fishery in the Carolinas is May and June, and maybe a little bit in July. After that, the amount per trip decreases greatly, and so, unless the world turns to mahi, the stuff that the council has implemented, you've got to let it work and see what happens. As we look at the landings -- Something else is you don't have a fishery commercially in the Northeast in October and November, I do know commercially, but you do see now the increases in migratory patterns of the mahi has changed a little bit. You are seeing charter boats catching them up until October.

You put something in place, and let it work, and it was bad in 2015, but, then again, it sat on somebody's desk for eight months, and we left 40,000 pounds on the table at that particular closure, and so it was a learning point, and we carry on.

MS. BECKWITH: All right. Anybody else?

MR. BREWER: Right now, we've got a step-down to 4,000 pounds when you hit 75 percent of the quota. If you have an overage, that system for that year didn't work, and so how about, just as a suggestion, and I will throw it out, making your accountability measure the next year your 4,000-pound trip limit starts on day-one, which, by the way, is pretty much in line with what the AP was talking about, when I read through their minutes.

MR. HEMILRIGHT: That would be interesting, but you're also talking about a one-year occurrence and hamstringing you right from the get-go with a 4,000-pound trip limit. If that was the case, then your landings would probably be a heck of a lot less, and so, therefore, it would deprive the rest of the public access to that mahi. I mean, it's almost like something happened and you put something in place, the best we know, and you keep on and keep on, and you can't keep keeping on.

You've got to let it see if it works a little bit, and so you did the 75 percent step-down to 4,000 pounds, and it's working. If you look at the landings over the last twenty years of the mahi, and you see, just like this, ups and downs in different years. One year, it got to -- I mean, look at the recreational and the commercial landings for twenty years, and so you've got to let something try to work. If you try to fix something -- Tweaking it too much and, all of a sudden, we lose

fishermen. We lose access to a fish, and the public loses access, because we're trying to tweak something too much, and sometimes management has a -- I know, with HMS sometimes, they tend to tweak, tweak, tweak, tweak, and, all of a sudden, we're done, and we're just about done, and so I don't want that to happen here, and I don't see there's no reason for it. Thank you.

MS. BECKWITH: Roy, can you take a look at the language on the screen, to see if that would work better?

MR. DILERNIA: I hear Chester, and I hear Dewey, and I guess I have a question for staff, if they can tell me what is the average trip landings in that early part of the season, up until about June or so? Is a 4,000-pound trip limit going to be effective, and is it going to be a significant hit to the fishery? What do the landings look like early on in the season?

MR. HADLEY: I would have to go back and -- I don't have the answer for you off the top of my head, and that certainly depends on gear, but, for pelagic longline gears, I know that, just based on what we were presented at the last meeting, there are trips that that would -- The 4,000-pound trip limit would be restrictive, potentially very restrictive, compared to their total landings per trip, but, to get an exact answer, I would have to go back and look at some information.

MS. BECKWITH: We've had some large trip limits come in, but those are multi-day, because the guys are staying out there for larger periods of time. I don't quite want to spiral us into this whole tit-for-tat discussion, and so careful, but I'm going to let Chester talk, and then I've got Roy, and then I'm going to wrap this up, because I think we've got an option on the screen, and we need to move on.

MR. BREWER: I just wanted to speak to Mel's question. Mel, in 2015 -- Was it 2015 or 2017? I thought it was 2015. The closure was 2015.

MR. SAPP: You're talking to Tony and not Mel.

MR. BREWER: Did I say Mel? I meant to say Tony. I'm sorry. In 2015, we had a problem, in that there were some massive catches early in the year. There were, and the season closed, or the fishery closed, on June 1. That was devastating to the hook-and-line folks that fish year-round in the State of Florida, and so that was one of the things that was driving this. When we originally went to the step-down and whatnot, I was a big proponent of making sure that that never happened again, and starting out day-one with a 4,000-pound trip limit.

Now, I didn't win on that argument, but, if you have a problem where you are going over, and we're not even talking -- Well, if you have the problem that you're going over your quota, and you have the step-down that is in place, and it didn't work, then, yes, the next year, you may be punishing those people that are early in the year having these huge trips that are blowing out the quota. You may be punishing them, but, by the same token, you're going to be protecting the people who did not cause the overage and who depend upon this fishery, and, yes, we are mostly talking about the hook-and-line guys in the State of Florida.

DR. CRABTREE: Well, I think, Anna, that Alternative 5 would be okay. I think though, if I understood Dewey correctly -- I agree with Dewey that, what we have on the books now, we haven't given enough time to work, and so I think we could get rid of this entire action and leave

the commercial accountability measures for dolphin status quo. That would be my preference, but, if you want to make a change, I think this would be okay.

MS. BECKWITH: I don't want to get rid of this. I do think we need the ability for them to go over one year without us having to overreact, and I think the language in the revised Alternative 5 probably gets us there, along with the step-down and the current trip limit, and I think this would allow the commercial guys to roll for at least another five to ten years without any significant issues, would be my guess. We revised the language to Alternative 5 in Action 9, and so we probably need a motion to accept that. Is anybody willing to do that?

MS. MCCAWLEY: Let me just ask another question before making a motion. I mean, I kind of agree with what Roy is stating, but let me also say that I don't mind leaving it in there, but it's just -- I know we had a little bit of discussion about this, but, like that action that we just talked about is going to happen whether it's overfished or undergoing overfishing, and, the way it is currently, it's only a payback if it's overfished or undergoing overfishing, and so just kind of a different philosophy here on a short-lived species, and I just have some concerns with that. **I move to modify the alternative language for Alternative 5 in Action 9.**

MS. BECKWITH: Do I have a second? Second by Steve. Is there any discussion? **Any opposition? Seeing none, this motion carries.** Let's try Action 10 again. This is the accountability measure for recreational for dolphin, and so do we feel the need to change this? Is the status quo okay? Do you guys want to move forward? Do you want to kick this one out? That part is open for discussion. What do you guys want to do?

MS. MCCAWLEY: I would like to keep it in the amendment. Of course, I would like to see all the items in the recreational accountability amendment moved forward, and I get that this one is pulled out and put over here, which I think is fine, but just, as we edit that document, we need to think about if we need to come back and edit this one, and so I would like to see it stay in here.

DR. MCGOVERN: I think there's some alternatives that you could take out though. I think Alternatives 2 and 3 have the same problems that Roy was talking about with Alternative 1, where nothing is done unless the stock is overfished, and then Alternative 4 I'm not sure is a viable alternative, because, if the council selects that, then there's not an accountability measure. Then Alternative 5, the way it reads to me, for 5a through 5b, is that the recreational accountability measure is not implemented unless the recreational ACLs are constant over three years, and I am not sure if that's the intent of this, but that's the way I read it, and so just some thoughts.

MS. BECKWITH: I think, Alternative 2 and 3, we probably need to keep them until we decide if we're going to keep Action 8, and, if we're not going to keep Action 8, once we have the new ABC, then we can start slashing this pretty dramatically. In terms of Alternative 4 and 5, those are good points. Then I guess the other point would be if we want to mirror that new alternative that we just added for the commercial, and is there any desire to do that?

MS. MCCAWLEY: I don't know if I'm understanding why we would remove 5a and 5b. We talked, earlier this week, about MRIP landings and how we're now tracking quotas, and this is more about looking at a mean over a certain time period, which is, I think, what we were hopeful we could do with some of these fisheries, and so I'm not understanding why we would remove 5a and 5b, and so I just don't get it.

DR. MCGOVERN: It might be with just how it's worded, but the way it reads to me is -- Suppose you get a new ACL, and so it reads like you don't do anything until you have three years for that ACL to be constant, and maybe it's just the way it's worded and it needs to be worded differently.

MS. MCCAWLEY: Can we give direction to staff to look at the wording of it, but I like the fact that you would be looking at kind of a geometric mean over a time period that you're looking against, and so maybe it's just direction to staff to look at the wording of those.

MS. BECKWITH: I agree that we'll be talking about this in the accountability amendment as well, and so we can sort of work off of that one and then come back and mirror here, as necessary. Is there any desire to add that additional alternative, or are we good? Do we think we can come up with something from these? Okay. All right. Do we need to add this to the amendment?

MR. HADLEY: Yes, and so we have the direction to staff. We would need an action to add it to the amendment, and I guess we had some discussion on which alternatives to keep, and I guess a definite decision on, for example, Alternative 4. Do we want to keep that? Do we want to keep all the alternatives presented, and so kind of as-is, or do you want to alter it, with the exception of the direction to staff?

MS. BECKWITH: Right. I think we probably don't want a payback, which is Alternative 6, and removing the post-accountability measure is probably unrealistic, and so I think we could probably get rid of Alternative 4 and 6, unless there is some desire to keep those in. Alternative 4 is remove the post-accountability measure, and then Alternative 6 would do a payback of any overages.

DR. CRABTREE: The problem that I see with Alternatives 2 and 3 is they don't do anything unless the stock is overfished, and so, to me, they are not adequate accountability measures, which I think is why Jack was recommending to take them out. If you want to leave them in because of the common pool, okay, but I think they need to be modified so that the accountability happens in the second year if you hit the annual catch limit again, whether it's overfished or not overfished.

MS. BECKWITH: Right, because the chances of us getting an overfished status for dolphin is unlikely, and so we're basically saying no accountability measures, because we'll never get an overfished status, and so I guess you can take that as direction to staff to revise the language in Alternative 2 and 3 to take out the overfished status and to make sure that the accountability measure is kicking in in the second year. **We still need a motion, and so we're going to get rid of Alternative 4 and Alternative 6, and so we would be approving Action 10, Alternatives 1, 2, and 3, as revised, 5, and 7.**

MS. MCCAWLEY: **So moved, Madam Chair.**

MS. BECKWITH: Okay. It was seconded by Steve. Is there any discussion? **Any opposition? Seeing none, the motion carries.** Now Action 11.

MR. HADLEY: Action 11 would revise the accountability measures for wahoo, and this is very similar to the action that we just discussed for dolphin. However, it is missing the actions that would accommodate adaptive management of sector ACLs, and so it's a bit shorter, since those aren't included in Action 8.

Under Alternative 1, under no action, the current recreational AM for wahoo is very similar to dolphin. However, there is only a reduction in the ACL. There is not a measure to reduce the recreational season, and so that's main difference there. Alternative 2 would remove the post-season accountability measure. Alternative 3, you are looking at the same set of sub-alternatives, as we just discussed under Alternative 5, and so looking at a three-year geometric mean and looking at summed landings over three years, and it's basically looking at the same measures over three years, and I won't go over those again, unless we really want to.

Then Alternative 4 is looking at a post-season accountability measure that would have a payback provision, and so reduce the ACL in the next year, and Alternative 5 is a post-season accountability measure that would reduce the length of the fishing season necessary to make sure that the annual catch limit is not exceeded in the following year, and so, essentially, the exact same language that we just saw for dolphin, but this would apply for wahoo.

MS. MCCAWLEY: I would like to see the same direction to staff on these same alternatives that we're talking about. **I move that we add Action 11 to Amendment 10 and then I will list out which alternatives to remove after you get it pasted down there, because we want to remove the same alternatives, but they have different numbers here, and so I think it's Alternative 2 and maybe 6, or 5, and I would have to see it again. It's 2 and 4.**

MS. BECKWITH: My only comment on this is that it is conceivable that we might get an overfished status some day on wahoo, and I certainly hope not, and so, by removing Alternative 4, then we wouldn't have a payback provision at all, and, if we kept Alternative 4, I think we would have to add in the stipulation that it's only if the status is overfished.

MS. MCCAWLEY: Well, let's do that. **Let's keep 4 and add the overfished status part.**

DR. BELCHER: Just for clarification for me, because I am looking at that Sub-Alternative 3e, and why is it, in that particular case, the Status of U.S. Fisheries Report to Congress is determining in the overfished status, or why is that the guidance that we're using for overfished?

MR. HADLEY: That's how it's written in the codified text, and so that's kind of the -- I guess that's how it is judged being overfished, and I think that's to specify timing, and so, once that is included in that report, then that's the timing on when this would kind of kick in.

DR. BELCHER: But the SSC determines that before it makes the report, and that was just where I was not understanding why that particular language was there.

MR. GRIMES: The overfished determination, that's when it's listed as overfished. There is a secretarial process that it goes through, and that's the official determination. It is based on a stock assessment outcome, but the secretarial decision and the report is the official designation.

MS. BECKWITH: **So approve Action 11 for consideration in Amendment 10 and remove Alternative 2 and add overfished status to Alternative 4.** Was there a second?

MR. POLAND: Second.

MS. BECKWITH: Second by Steve. Is there any discussion? **Any opposition? Seeing none, that motion carries.** I think we can move on to Action 12.

MR. HADLEY: All right. Action 12 is the final action that was moved from the recreational AMs amendment, and, here again, this is a new action for Amendment 10, and this would announce the starting and ending dates before the recreational season starts for dolphin and wahoo. Currently, the fishing year for dolphin and wahoo is the same as the calendar year, and there are no in-season closures for the recreational sector for dolphin or wahoo.

Alternative 2 would -- Under Alternative 2, the National Marine Fisheries Service would annually announce the recreational season start and end dates for dolphin before, and the fishing season will start at the beginning of the fishing year and end on the date that the National Marine Fisheries Service projects the recreational ACL will be met, and so this would be for dolphin.

Essentially, what this is mirroring is the season announcements that we have for species such as black sea bass, where the agency announces the season before it starts, and, moving on to Alternative 3, this is the same alternative, but this would apply to wahoo, and so the idea here is that the fishing season, the recreational fishing season, for wahoo would be announced before the season start date, which, in this case, since it is the same as the calendar year, it would be January 1.

DR. CRABTREE: My recommendation to you would be to get rid of this action. I don't think it's workable or needed, because, to announce things before the season even starts, we wouldn't even have the landings from the previous year, and so I would get rid of it.

MS. BECKWITH: Is that a motion, Uncle Roy? Are you on my committee?

DR. CRABTREE: I am. **I will move that we remove Action 12 to Considered but Rejected.**

MS. BECKWITH: Seconded by Jessica. Is there any discussion? **Any opposition? Seeing none, that motion carries.** That's one down and sixteen to go.

MR. HADLEY: Moving on to Action 13, we're going to jump back into the actions that we have previously reviewed, and so this would allow the properly-permitted commercial fishing vessels with gear onboard that are not authorized for use in the dolphin wahoo fishery to possess dolphin or wahoo, and, if you will recall, just before I get into the alternatives, the reason that this was brought forward was there was a request from New England lobster fishermen that were using lobster pots, obviously, but also catching dolphin and wahoo by rod-and-reel during their trips, and, since they had lobster trap gear onboard, they weren't able to possess dolphin and wahoo necessarily, and so that's where this originated.

Then the discussion has kind of molded around addressing that request and then maybe addressing other gears as well, including buoy gear, and so I'll get into the details of that, but, under Alternative 1, the current gears allowed in the fishery are automatic reel, bandit gear, handline, pelagic longline, rod-and-reel, and spearfishing gear, and so a person onboard a vessel that has other gear types onboard, other than authorized gear types, may not possess a dolphin or wahoo.

Alternative 2 would alter this a bit, and so a vessel that possesses both an Atlantic dolphin and wahoo commercial permit and the necessary state or federal commercial permits for trap, pot, or buoy gear are authorized to retain dolphin and wahoo caught by rod-and-reel while in possession of such gears.

Dolphin retained on trips when trap, pot, or buoy gear are onboard shall not exceed -- There's four different sub-alternatives, and so these are essentially trip limits ranging from 250 to 1,000 pounds, and those would apply only to dolphin. The wahoo commercial trip limit would remain at 500 pounds, and a person onboard a vessel that had other gear types not listed that are not authorized for use in the fishery would still not be able to possess a dolphin or wahoo.

I got into the details on how that originally came about. I will remind you that this action has been in the amendment for a while. The Dolphin Wahoo AP reviewed it in 2017 and made a motion to allow vessels with pot gear onboard to possess dolphin or wahoo as long as they were a permitted vessel and fish are caught by rod-and-reel, and, as a note, buoy gear was not being examined at the time, and so that wasn't really part of the AP's discussion.

Looking at some of the IPT comments on this, as Alternative 2 -- There are a few things that I wanted to point out. As Alternative 2 is currently written, it only applies to dolphin and wahoo caught by rod-and-reel, and so not buoy gear, and so just to point that out, that that is how it's written. That was the interpreted intent of the committee, but I just wanted to make sure that is the case. Does the committee want to allow dolphin wahoo caught with buoy gear to be retained?

Really, that's helpful in developing alternative regulatory language and also in development of the new bi-op. It was noted that 750 pounds and 1,000 pounds may go beyond an incidental catch, and this may or may not be noteworthy, depending on the committee's intention of the action, and the action currently includes wahoo, but discussion of the action has really focused around dolphin, and so is the intent to keep wahoo in the action? When I went back to the meeting minutes of when this was originally added, it was kind of added as should we include wahoo, and yes, and that was the extent of the discussion, and so I just wanted to double-check that you wanted to keep wahoo in this action.

MR. SAPP: To make this clear, and it seems especially for Chester, in fifteen years of commercial buoy fishing, primarily for swordfish, never once did I catch a dolphin on my buoy gear. However, the opportunity did present itself, on nearly every trip, to catch dolphin with a rod-and-reel in that same time when floating debris was found, and the wahoo were there as well, when that opportunity presented itself, and so this isn't a giant fishery, but it is an expense-covering fishery for these buoy fishermen primarily in Florida, and I think that, if guys were to use this buoy fishing technique in other areas, it would grow, but, yes, dolphin and wahoo are important. It's not a giant fishery, but it's a very important fishery, and this would do wonders for those small boats, small-operation fishermen, primarily in Florida.

MS. BECKWITH: But, to be clear, we can authorize the gear to be onboard, but not authorize dolphin to be caught by buoy gear, is what I'm hearing you say.

MR. SAPP: That would be fine.

MS. BECKWITH: Because that was the clarifying question, is we're authorizing the gear to be onboard, but not as an authorized gear to catch dolphin, which would also help with the bi-op. Not having dolphin caught by buoy gear would help with a cleaner bi-op. We can take that. Does anybody else have any additional comments on that one question? We would be moving forward authorizing buoy gear to be on the vessel, but the dolphin and wahoo would be caught by hook-and-line, and is that clear? Okay.

What were the other questions? Do we want to keep that 750-pound and 1,000-pound option in there, recognizing that that would be more than incidental and would be directed? Are you guys comfortable with that range still, or do you guys want to back off that 1,000-pound one? Any thoughts on that?

MR. POLAND: I was just going to say that I'm comfortable leaving that range in there, because I still have to remind myself that we haven't even sent this out for scoping, and so I would like to hear back on that.

MR. CONKLIN: I thought these trip limits were in there if people were going to use like buoys to catch these things with, and that was my understanding, but I don't really think that we need to have them in there if they're not going to be using these gears, but I know that, in other regions, they have limits, and so maybe we should stay in place with those.

DR. CRABTREE: Just to be clear, you can say they can only catch it on the hook-and-line gear and not the buoy gear, but, of course, there is no way for law enforcement, when they inspect the catch, to tell what gear caught the fish, and so just understand that, for all practical purposes, you can't enforce that aspect of it. You can enforce that they can only have so many pounds onboard.

MS. BECKWITH: Okay. Were there any other outstanding questions on this one for the moment? It sounds like the intent is to allow wahoo to be caught as well, along with dolphin, and so that -- Do you need anything else on that for the record?

MR. HADLEY: No, and I think, as long as that's still the intent, and it sounds like that would be helpful for those trips, kind of helping the bottom line, so to speak.

MS. BECKWITH: The only thing that I will point out is that we are so close to our commercial catch ACL annually for wahoo that any additional effort on that wahoo fishery from additional catch from other fisheries that are developing have certainly put us in a position to run over our ACL, and so I do want you guys to think about that, is how close we are getting to our commercial ACL for wahoo.

DR. MCGOVERN: I had a question for John. It says here, in the discussion, that the incidental limit of 200 pounds for dolphin is in place for north of 39 degrees, if someone has a commercial permit, and this was brought forward by the American lobster fishermen up north, I presume, and so, if they didn't have a dolphin wahoo permit, they could keep 200 pounds incidental, right?

MR. HADLEY: Yes, that's correct, as long as they didn't have that commercial dolphin wahoo permit. They can retain 200 pounds, and I think the intent, if I recall correctly, was that they wanted to exceed that 200-pound level.

MS. BECKWITH: Okay. Any other questions or comments or concerns on this action? **Okay, and so we do need a motion to approve the IPT edits.**

MR. SAPP: **Sure.**

MS. BECKWITH: It's seconded by Steve. Is there any discussion on this motion? **Is there any opposition to this motion? Seeing none, that motion carries.**

MR. HADLEY: Action 14, this one has been around for a while, and we've seen it quite a few times, but I will go over it very briefly. It would remove the operator card requirement in the dolphin wahoo fishery, and so, currently, an operator card is required for holders of an Atlantic charter headboat or a dolphin wahoo permit, and so the for-hire permit or the commercial permit. This permit is not valid unless the vessel operator or a crew member holds an operator card. Alternative 2 would remove this requirement for the for-hire sector, and so there would be no operator card requirement for for-hire vessels. Alternative 3 would remove the requirement for commercial vessels and commercial crew members. With that, any comments on the action?

MS. BECKWITH: Seeing none, we can almost pick preferreds on this one, but, since they haven't gone out to scoping, we will restrain ourselves. Action 15.

MR. HADLEY: Moving along to Action 15, this would modify the recreational vessel limit for dolphin. Currently, there is a ten dolphin per person limit, not to exceed sixty fish per vessel, with the exception of headboats, where the limit is ten dolphin per paying passenger. Alternative 2 would maintain the ten dolphin per person bag limit; however, modify the vessel limit, and this would be for the entire Atlantic region. There is sub-alternatives under Alternative 2 that range from forty to fifty-four fish per vessel, and so that's Sub-Alternative 2a through 2d.

Then Alternative 3 would apply this vessel reduction. However, it would be in Florida only. If you will recall, last time, this alternative was added at the previous committee meeting in June. With that, we have just an updated analysis from what was presented last time, looking at the distribution of dolphin harvested per vessel, and Figure 1 here looks at the entire Atlantic region, and so Atlantic dolphin harvested per vessel, a lot of vessels are harvesting less than ten dolphin per vessel. However, there are several that harvest ten to thirty-nine. Once you hit forty, it drops off quite a bit, and so you can see there is a little bit of a bump there under each of those categories that match the sub-alternatives, but they are fairly small.

Figure 2 looks at Florida only, and so this is kind of a high-resolution version of that previous figure, and you can see a similar trend, and most vessels are harvesting less than ten dolphin per vessel. However, there are a sizeable amount that harvest up to forty. Once you exceed forty, that decreases substantially.

Finally, Figure 3 removes from Florida from that original analysis, and so you're looking from Maine to Georgia, looking at harvest per vessel, and it's the same trend of typically less than ten fish per vessel. However, there is a little bit higher number in the ten to thirty-nine fish per vessel range, but, there again, after forty, it drops off quite a bit, and so you certainly do have vessels harvesting more than forty fish. However, the majority are not, and so that's the new analysis that the IPT has undergone.

With that, I will remind you that the AP did have a recommendation to initially support a forty-fish vessel limit as a potential step-down once the ACT was landed. Also, and I won't go over it again, because Ray went over it very well in detail, but there was the AP recommendation, or kind of discussion, of this action in the amendment, and so there's really no committee action required, but, if you want to make any changes, we can certainly make those at this time.

MS. BECKWITH: Is everybody good? Okay.

MR. HADLEY: All right. Action 16 would modify gear, bait, and training requirements in the commercial longline fishery for dolphin and wahoo to align with those from highly migratory species. Currently, if a vessel only has a dolphin and wahoo permit, there are certain requirements that -- In the wheelhouse, a sea turtle handling and release guidelines document must be posted, and, also, the owner or operator must comply with sea turtle bycatch mitigation measures, including gear requirements and handling requirements.

However, there are no training requirements as it relates to protected species handling, release, or identification, and there are also no circle hook requirements, hook material requirements, or gangion length requirements, and this is just for the dolphin wahoo fishery.

Looking at Alternative 2, this would change that situation, where we would be implementing the HMS gear and training requirements for the dolphin wahoo pelagic longline fishery. Sub-Alternative 2a would require a valid safe handling, release, and identification workshop certificate onboard by both the owner and the operator, and so that would verify that the mandatory training had been completed.

Sub-Alternative 2b looks at they must possess only corrodible, and so non-stainless-steel circle hooks. Alternative 2c just looks at hook size, where only 18/0 or larger hooks, with non-offset, may be used, not to exceed ten degrees, or a 16/0 or larger -- Let me step back a second. It was 18/0 or larger offset circle hooks may be used, as sort of a minimum size requirement, or a minimum of 16/0 or larger non-offset circle hook, and so looking at the hook size. Alternative 2d is must use whole finfish or squid as bait, and Alternative 2e looks at the gangion length, and Alternative 2f is you cannot deploy a longline in excess of twenty nautical miles in the Mid-Atlantic Bight. Really, all of these different sub-alternatives are looking at essentially measures that came out of the biological opinion for the HMS pelagic longline fishery.

The IPT did bring up and suggested potentially adding Alternative 3, and this would require a safe handling, release, and identification workshop certificate, and it must be supplied when renewing an Atlantic dolphin wahoo commercial permit if the permitted vessel intends to land dolphin and wahoo with pelagic longline gear, and so this is the case with HMS vessels and operators, and, essentially, this workshop certificate must be presented to renew a permit, and so kind of, there again, mirroring that requirement within the HMS fishery.

With that, I went over the details, and we discussed some of the portions of this action earlier. However, the AP, as a reminder, was in support of this action, particularly Alternative 2 and sort of leveling the playing field, so to speak, between HMS and dolphin-wahoo-permitted vessels that are fishing pelagic longline gear.

Also, just to point out that, based on the discussion that we had during the Protected Resources Committee, we are working on sort of a moving target, because the intention of this action is to mirror HMS regulations for pelagic longline gear. However, those regulations may be changing once the new bi-op is issued for that fishery, and so we have kind of two bi-ops going along parallel to one another, and it's a moving -- The intent of the committee is to mirror HMS regulations. However, those regulations may be changing, and so it's going to be a moving target, likely, until both of those bi-ops are issued. With that, really the action we're looking for on this is to approve or not include the IPT's suggested edits.

MS. BECKWITH: There is definitely some issues and concerns with this action, because, certainly, some of the requirements in Alternative 2 may not be appropriate for people that are just pelagic longlining for dolphin and not swordfish, and so we have to take that into consideration. I don't know if we have been able to identify individuals that are actually using pelagic longline just for dolphin under those permits that we might be able to connect with and talk about how they are prosecuting that fishery.

Identifying some of those folks, because we don't have any of them on our Dolphin Wahoo AP, would be helpful, to get a sense of which of these would make sense and just to get a sort of clear understanding of how they're really -- Where they are fishing and how they are fishing and what they are currently using, because I know that I am not fully informed on that, and I don't know that anyone else on the council is, and so that would be sort of a goal as we move forward, is to figure out how we can ID some of these guys.

We have talked about this before, and I think, at one point, we even suggested if an endorsement on that permit would make sense, if you're using pelagic longline as a way of identifying people, but I don't know how feasible that is, and so, Dewey, are there any of these requirements, off the top of your head, under Alternative 2 that clearly don't make sense for folks that are just using pelagic longlines for dolphin, because, I mean, certainly that hook size is not appropriate if you're not fishing for swordfish.

MR. HEMILRIGHT: I would say -- I don't know. I just know, because I possess pelagic longline permits, the tri-pack, this is what I have to fish under.

MS. BECKWITH: Yes, but, again, your intent is swordfish and not as much dolphin, and so I sort of recognize that there is probably some adjustments that would be appropriate for us to make. Under Alternative 3, the only thing that concerns me in that one is the vessel intends, that "intends" language, and is that what is in the regulations for HMS, because that seems kind of soft. I might intend to go, or I might not intend to go, and then I decide I am going to go.

MR. HADLEY: That's a good question. I will have to go back and look at the regulations, and the IPT can clean up that alternative, if you do want to include it in this action, but this is just something that was brought up as bringing parity between the dolphin wahoo and HMS pelagic longline fisheries, and, also, if this is something that the council wants to consider, it's helpful for HMS to kind of have a heads-up that this is coming down the line, because they would have to -- They may have to modify their training seminars and programs and just the opportunity for permit holders to undergo that workshop, to make sure they have that certificate ahead of permit renewal.

MS. BECKWITH: To me, this would be Alternative 3. Having the workshop would be the absolute bare minimum that we would consider, but it would certainly -- You would have to have it to be able to harvest dolphin with pelagic longline, but yes. Roy, a question for you. Is there any way that we can figure out like -- How hard would it be to add an endorsement to the dolphin wahoo permit if people want to use pelagic longlines and they don't have an HMS permit? Is there somewhere we can actually identify exactly, annually, who specifically is fishing with pelagic longlines?

DR. CRABTREE: Well, you would have to add an action in to do it.

MS. BECKWITH: But you don't see any concerns doing that, any red flags of, if you don't have an HMS permit and you intend on using pelagic longlines for dolphin wahoo, you have to have this additional endorsement?

DR. CRABTREE: I don't know. I would have to look at it, and then I think they should have to comply with all the HMS turtle regs and everything else, and probably my preference would be to only allow the HMS-permitted vessels to do this.

MS. BECKWITH: That was my next suggestion, is another alternative is to disallow pelagic longlines as an allowable gear under the dolphin wahoo permit, which means they would have to have an HMS permit, and they would have to abide by all the HMS regulations, and so that is really the breadth of what we could consider, is an endorsement to maintain that fishery, but we don't know who they are, and we don't actually know how they are fishing.

We could disallow the pelagic longline gear as an allowable gear, or we can do what we're trying to do, which is to force parity, but I also -- Part of me thinks it's going to be hard to track that, even if we put these forward, that they're being complied with, because we don't have a clear way of identifying who has these pelagic longlines without an endorsement, and so that's the scope. I know that nobody else cares about this the way that I care about this, but I am going to keep you here two more minutes before lunch for somebody to give me some feedback on what they think is a good idea to move this forward.

MR. HEMILRIGHT: Why not put on the permit application if you intend to use pelagic longline gear and just checking the box? I think that would be the best way to be able to identify -- The best way to identify it, and it goes with that permit, and the permit number is the endorsement, of checking the box. When you check that box, you have to meet all these requirements that are right here if you want to harvest mahi-mahi with pelagic longline gear without a tri-pack.

MS. BECKWITH: I am okay with that as an option, except that, again, I just go back to -- The one that keeps catching my attention is the hook size. If you're only fishing for mahi, that hook size is bigger than it probably should be, unless you are swordfishing.

MR. HEMILRIGHT: There is no doubt about that, but the reason why -- The mahi gear is different. The gangions is different in leader length than the pelagic longline gear, and, also, that's the reason why you have 2e, is because, if you're using a sixty-foot leader, you've got have like an extra 10 percent, in case you were to catch a turtle, and so it's fished different, but we just, as pelagic longline, have to use the larger hook, and one-size-fits-all. In the Grand Banks, when they did the study in 2003 for turtles, one-size-fits-all, and so we kind of have to do that. Yes, it would

be great to use a 14/0 hook, or a 12/0 hook, and stuff like that, but that's not the case. I mean, that's reason for the gangions and the hook size, is they both go together for the pelagic longline industry that fishes for the tuna and swordfish.

MS. BECKWITH: I understand that, but, again, you guys are focused on the tuna and swordfish, and these guys are just fishing for dolphin, and so I'm just sensitive that some of these requirements -- I am all about the parity and bringing up everybody to equity, but I also don't want to be overly restrictive if there is not a need for it, and so there's got to be -- I am just looking for balance, but I don't understand how these people fish, and so we don't have anybody on our AP, and so we are trying to move forward with actions, and we don't have the stakeholders at the table explaining to us how they are prosecuting their fishery differently than how you guys are prosecuting the fishery, to see if there is some distinction in how we can move this forward.

MR. HEMILRIGHT: They are using smaller hooks, smaller circle hooks, and they are predominantly fishing the same way we do. They set out some gear and put five to ten hooks between the buoys, and sometimes the buoys might get clipped to the line, and sometimes not, and it's relatively smaller boats, and they are using a smaller hook, probably a 14/0 circle hook, and, I mean, if it's a choice of me not going fishing and using a 16/0, that's a no-brainer, and there has been no -- You still can't identify the people that are using the council boats, and so, therefore, it's almost like you need to identify them boats and reach out to them ones that are landing and start working your way back with this regulation, and not that I am for adding more staff time or whatever, but that's the only way that you're going to figure out the folks exactly and get their feedback, because there hasn't been no outreach, because you don't know who they are.

MS. MCCAWLEY: You had a number of hands in the air, and I do have things to comment, but I really think we should break for lunch and continue this after lunch.

MS. BECKWITH: You're the boss.

MS. MCCAWLEY: Can we now come back at 1:45?

MS. BECKWITH: Yes.

MS. MCCAWLEY: Okay.

(Whereupon, a recess was taken.)

MS. BECKWITH: Before lunch, we had sort of hit a brick wall on Action 16. When we got back from lunch, Dewey and I spent a couple of minutes chatting about some alternatives that would be appropriate for folks that are using pelagic longlines that do not have a tri-pack HMS permit that would be using pelagic longline to only fish for dolphin and wahoo.

What is on the screen there, under Alternative 4 and 5, are some thoughts that Dewey and I sort of came up with for your consideration. Alternative 4 has the potential to read: Require the following for vessels with a commercial dolphin wahoo permit when using pelagic longlines that do not have an HMS permit that allow the use of pelagic longline gear, which is better known as a tri-pack. The sub-alternatives would include them requiring possession of the valid safe handling, release, and identification workshop certificate onboard, for both owner and operator, and, for Sub-

Alternative 4b and 4c, the only difference is the hook size, but the requirement would be to use only corrodible, non-stainless-steel hooks, either 12/0 or larger or 14/0 or larger non-offset circle hooks, and the last sub-alternative would be to use a whole finfish or squid as bait.

In addition to that, we discussed the benefit of requiring a longline endorsement on the commercial dolphin wahoo permit to use longline gear to land dolphin or wahoo, and this would be a potential replacement to the current Alternative 2, and the reason for that is some of those requirements in Alternative 2 don't make a lot of sense for our guys that are only using pelagic longline to fish for just dolphin and are not focused on swordfish or bluefin tuna or some of the interactions with protected species that would occur while fishing for swordfish and/or bluefin tuna. The subset of folks we are trying to bring to some level of parity are using our permit and using pelagic longline, but only trying to catch dolphin and wahoo, and so are there any thoughts or comments or concerns?

MR. GRIMES: I don't want to discourage you from considering this, and so don't interpret my comments that way, but just keep in mind that the requirements that we're talking about that were established in HMS were the result of a jeopardy biological opinion written on that fishery, and there was a lot of work done, and it was a reasonable and prudent alternative to use, and, as I understand it, it's a circle hook, and it's very, very size specific. I totally understand the point of wanting these vessels to have parity amongst each other, but I would -- I think, one, we'll find that through the biological opinion, but consult heavily with Protected Resources folks on this, because it doesn't seem, to me, to make any sense to put these restrictions on a vessel when it's a totally different sized hook and it's not going to realize the turtle benefits that the other size hook would, and so you are creating parity, but, when the underlying requirement is based on mitigating the impacts to listed sea turtles, why do it if you're not mitigating impacts to listed sea turtles through the measure? Just keep that in mind as we work through it, I guess.

MS. BECKWITH: That's good for discussion, because some of the comments that we got back from the IPT was that that hook size might be too big for people that are just trying to fish for dolphin, and so I'm trying to sort of take that into account. We could add the additional sub-alternative that has the 16/0, which is what the other one does, but this is bringing some training, the use of the whole finfish and squid, and using the non-corrodible, non-offset circle hook, which, right now, the folks that fall under our, quote, unquote, council boats don't have any of those requirements, and they are certainly using j-hooks and cut finfish and partial squid and those sorts of things, but they also use shorter lines when they fish, as I've understood, and so the fishery is prosecuted differently than what the HMS requirements cover.

That is just my two-cents, and am I hearing a suggestion from you to keep the original Alternative 2 in there, because some of those sub-alternatives in current Alternative 2 are not appropriate for the way that these guys prosecute their fishery, particularly 2e and 2f, because they neither use that length of gangions or the length of pelagic longline or anything like that, and so --

MR. GRIMES: Leaving both -- Do you intend the alternative that you just had up there to be a replacement to the existing Alternative 2 or in addition to?

MS. BECKWITH: We were considering it to smooth out and pare down the amendment, but, if you don't feel that that's appropriate, then we can certainly simply add them. I would look to legal counsel to make that suggestion.

MR. GRIMES: I guess, at this point, you might want to leave both of them. If you want to include both of them, you will get feedback from Protected Resources folks, and then you could decide to remove it at a later point, but this is something that they would need to have a look at, and, again, you could have a biological opinion that looks at the existing fishery and comes back and identifies a problem and has a different approach to minimizing the extent of the take on listed animals.

MS. BECKWITH: Duly noted. Okay. **Then we'll go ahead and leave Alternative 2 in the document as-is, and I would be looking for Dewey to move to add Action 3, 4, and 5 to Action 16.**

MR. HEMILRIGHT: **I make a motion for that.**

MS. BECKWITH: Okay. Dewey so moves. Do I have a second? David seconds. Is there discussion? Are there any concerns or questions?

MR. SAPP: Real quick, Dewey, you guys are currently catching mahi on those 18/0, relatively successfully.

MR. HEMILRIGHT: 16/0.

MR. SAPP: 16/0 offset.

MR. HEMILRIGHT: 16/0 straight.

MR. SAPP: Straight, okay. The purpose of that being that a large enough turtle that might happen to unfortunately get hooked on it, they are capable of swimming high enough to get a breath of air, and so, with these smaller hooks, you're going to hook a smaller turtle that, theoretically, can't swim that gear to the surface to get a breath of air, and not on your gear, but on the other gear that we're talking about, and so, again, has anybody talked to any of these folks that are doing this fishing? I don't know, but why don't they have to suffer the same consequences that Dewey is and get the same rules? Dewey is catching dolphin, and these guys can figure it out and catch dolphin.

MS. BECKWITH: Don't give me complaints. Give me a solution. Would you like to change the size in one of these sub-alternatives to 16/0?

MR. SAPP: Yes, absolutely. I would just as soon that they fall under the same exact restrictions, yes, of 16/0. That is what Dewey is doing, and that's what I want these guys to do.

MS. BECKWITH: I am hearing you suggest that 4b turns in 16/0 or larger.

MR. SAPP: Sure, or we could stay with what we did before.

MS. BECKWITH: Let's go ahead and add it. Does that work? Now all of the options are in there, and Protected Resources can give us some feedback. Is everybody happy now?

DR. BELCHER: Just to kind of add in this in, and, like I said, it's more informational than anything else, but, in noticing your bait choices, having conducted a longline survey off of coastal Georgia, turtles will eat squid, and so we catch turtles on squid. We've been using squid for a while, and so, as you're kind of finicky and getting down into the detail of the bait, just be aware that, if there's mitigation to be expected to be built into the rule, that is putting something on there that is an attractant for them.

MS. BECKWITH: In the current pelagic -- The pelagic longliners under the HMS are required to use whole finfish or squid, and so that's equitable to what their current requirements are, until that changes.

DR. BELCHER: Like I said, I was just kind of putting it out there if you're thinking about mitigation, especially as you're talking about protected species work. I mean, we have had to talk about it too, and then the idea of, again, whole squid, loligo, they are small enough that it's maybe six-inch squid, versus something that is much larger than that, and I don't know what particular you all are using for bait, or what they are using for bait, but, just thinking about that part of it, we have caught them on that, and so it's --

MR. HEMILRIGHT: The requirement is a whole bait or a whole squid, and it don't say what gram squid, but it's just a whole bait or a whole squid, and these are the hooks that we have to use, based on the turtle interactions and the study that was done in the Grand Banks in 2003, and that was sent through everything, through all fisheries, and so that's the definition, and that's what they have us use.

MS. BECKWITH: Dewey, do you feel like you guys see more turtles get caught on your whole squid than on your whole finfish baits?

MR. HEMILRIGHT: I have caught one turtle in fifteen years, and so I'm not a good example. Maybe somewhere where they are a hotspot or concentrated, probably maybe Panama or some beach or something like that, they maybe could help you better.

MS. BECKWITH: Okay. Is everybody good with these alternatives as they are? Do you guys want to take out the 12/0, if you feel like that's too small? I mean, this is up for discussion.

DR. MCGOVERN: I don't have a question about this alternative. I have a question about another alternative.

MS. BECKWITH: **Okay, and so I'm not hearing any desire to change anything else, and so, seeing no further discussion, is there any opposition to this motion? Seeing none, this motion carries.** I am back to you, Jack. What did you want to cover?

DR. MCGOVERN: I was wondering about Alternative 5 and the purpose of requiring an endorsement. Is that just to identify who the council boats are, because there might be another way of doing that, by looking at logbooks. There is an HMS logbook and a coastal logbook, and going through that exercise, and maybe staff could try to do that.

MS. BECKWITH: I think that's what we've been trying to do for a while, is trying to go the round-about way to identify these council vessels, and the reality is that, without an endorsement,

if we're going to allow the pelagic longline gear to be used, that could change annually on who comes into the fishery and who doesn't, and so using the logbooks and going the round-about way of getting to it may be more difficult on a year-to-year basis than having an endorsement.

I have gathered that simply putting an additional checkmark box on the application for the dolphin wahoo commercial permit doesn't seem to be an easy option, unless we go with an endorsement, but that would be a question for you guys, to tell us if that would be an easier way of doing it. Okay. So I am ready to move on on this action, unless somebody has anything else.

MS. MCCAWLEY: Can we add an alternative to not allow the use of a pelagic longline? That is a motion to not allow the use of the pelagic longline.

MS. BECKWITH: Jessica is moving that we take pelagic longline gear out as an allowable gear in the Dolphin Wahoo Fishery Management Plan. It's seconded by Chester.

MR. CONKLIN: I am just going to highlight that the landings data for the commercial is, the 10 percent we're allowed to harvest, anywhere from 40 to 60 percent are taken with pelagic longline.

MS. BECKWITH: That is exactly right. I guess my clarifying question to Jessica would be then no dolphin wahoo would be allowed to be harvested using pelagic longline, or you would only be able to harvest dolphin and wahoo with pelagic longlines if you have an HMS permit?

MS. MCCAWLEY: I am going to go ahead and say none, as an alternative to add to this.

MR. GRINER: I just wanted to echo what Chris said. 90 percent of the commercial landings of dolphin are coming off of longline gear, and there would be no dolphin.

MS. BECKWITH: Okay.

DR. CRABTREE: Given that the fishery has closed once in all of these years, what would be the rationale for getting rid of the gear?

MS. MCCAWLEY: I think it's an alternative that could be added here, along with the list of these other alternatives. If I look back to some of the original items that were in the objectives of this FMP that had to do with limiting the amount of fish taken from the longline portion and to make sure that there was equitable access among all the different gear components, other what they were calling traditional gear components, in the fishery, and so if I look back to those original objectives.

MS. BECKWITH: Okay, and so this particular alternative would not allow any dolphin or wahoo to be harvested using any pelagic longline, either our own or any from HMS permits, and so I want to make sure that everyone is clear on that what is. Okay. Let's take a vote. **Anyone in favor of this motion, please raise your hand, I see two in favor; all those opposed, ten opposed. The motion fails.** Is there anything else before we move on from this? Seeing none, we will move on to Action 17.

MR. HADLEY: All right. Moving on to Action 17, this would allow filleting of dolphin at-sea onboard charter or headboat vessels in the Atlantic EEZ north of the Virginia/North Carolina border. As you may recall at the last meeting, this was responding to a request from the Mid-

Atlantic Council, and this is a new action for the amendment, and so you saw the request, but this is the first time the committee has seen the action itself.

Under Alternative 1, dolphin possessed in the Atlantic EEZ must be maintained with heads and fins intact, with specific exemptions for fish that are lawfully harvested in the Bahamas, and so fish possessed in the Atlantic EEZ may be eviscerated, gilled, and scaled, but otherwise must be maintained in a whole condition.

Under Alternative 2, there would be an exemption for dolphin from regulations requiring head and fins be intact onboard properly-permitted charter and headboat vessels in the Atlantic EEZ north of the Virginia/North Carolina border, and, in this area, dolphin may be filleted under the following requirements. The skin must remain intact on the entire fillet of any dolphin carcass, and two dolphin fillets, regardless of the length of each fillet, is the equivalent to one dolphin, and so that's Sub-Alternative 2a and 2b.

As I mentioned, this was a request from the Mid-Atlantic, and we discussed it briefly at the last meeting, and, as far as when the IPT discussed this, it was noted that the recreational ACL for dolphin is tracked in weight, and allowing filleting at-sea may reduce some size and weight measurements from recreational catches that are collected by dockside samplers, and, just looking at a general overview of regulations, filleting at-sea is allowed for many federally-regulated groundfish and flounder species in the Mid-Atlantic and New England regions, and it is not allowed for other species, such as golden tilefish, blueline tilefish, and many HMS species, such as federally-regulated tunas, sharks, and swordfish.

A future analysis that the IPT plans on conducting is looking at the catch composition of dolphin trips based on vessel trip report forms from the Mid-Atlantic and New England regions, and so we'll have more information to come, and, with that, we're looking for approval of the action to add it to Amendment 10.

MR. GRIMES: I know my colleagues in enforcement have views on this, and I would like to invite them to express those, if we could.

MR. SMITH: I suspect I'm not going to tell you anything that you haven't heard before and haven't thought about before, but I want it to be very clear on the record where enforcement stands on this issue. When you do this, you make their job harder, plain and simple. You have to go into it knowing that that's what you're doing, because species identification, proof species at hearing, all of that is greatly enhanced by having the fish intact, and that's why we have the rule, and so, anytime you deviate from that, you make their job harder, and you make my job harder, and, therefore, you reduce the efficiency and the likelihood of enforcement. You can do what you want with the council, and you can ignore our advice, but that's what you're doing, and so please understand that's what you're doing.

We have resisted this approach in the Southeast for years, and I know that our colleagues in the Northeast have folded and given up, but bad management practice in the Northeast does not mean we should adopt bad management practices in the Southeast, and so I would urge you, once again, don't take the fact that this cat is out of the bag in the Northeast -- Don't have that particular infection, if you will, head south.

That is the first point, and the other point, and you've heard this ad nauseum as well, is it sets a really bad precedent. At first, it was let's have fillets in the Bahamas, and law enforcement fought you long and hard on that, and you did it anyway, and so now we have fillets coming from the Bahamas. Now that's being used as the argument, just as we knew it would be, to extend that to other species and other plans, and so now it's, well, it's just charter/headboats, and it's just mahi, and it's just north of the line, and it sets the same bad precedent, and, if it's okay for them for that species in that area, why not okay for other species in other areas?

I see us heading down the route of allowing more and more of this, and I think it's a mistake. I think, again, you make it hard for law enforcement to do their job, and, the harder you make it for them to do their job, the less likely we're going to bring cases, and, as a wise person once said, a rule without enforcement is a wish. If you want your rules to be wishes, keep making it hard to law enforcement. If you want your rules to be enforced and obeyed, then you have to take that into consideration when you pass rules. I will get off of my soapbox, but, again, I wanted that to be very clear on the record of where we stand on this and the reasons. It's not simply because it's new and different. It's because we think it's a bad idea, and I just wanted you to know that. Thank you.

MS. BECKWITH: I appreciate your clarity and your bluntness. I can relate to those.

MR. DILERNIA: I would like to expound on the good management practices that we have in the Mid-Atlantic regarding the permitting of filleting of fish at-sea. We do have -- In the Mid-Atlantic, it is allowed, and we have this good management practice of allowing filleting of fish at-sea, and some of the parameters, or curves, or guidelines that we place around the filleting practice is that, number one, two fillets equal one fish, and I think most folks around here can agree with that, that two fillets would equal one fish.

We require the retention of the racks onboard, and we also require that a piece of the skin be left onboard, aboard the fillet, and I am sure, and I am confident, that when the agency goes through the training of its agencies and the species identification, what they do is they train their agents in how to identify species by looking at the skin of the fish, and so we are asking that a piece of skin, and you've already said the whole skin, but we say, in the Mid-Atlantic, a piece of the skin be left on the fillet, so that the fillet can be identified to what kind of a critter or fish that it is. I am sure that that's how the agents from the agency identify fish, by what the fish skin looks like.

Finally, on top of that, let me add that the fillet -- Those of you who have cut fish, who are in the fish wholesaling business, know that the fillet of a mahi looks a lot different than the fillet of any other species that are caught in this region, and so, looking at a mahi fillet, you can very easily identify it as a fillet coming off a mahi, but, to back up the appearance of the fillet, we are willing to leave the piece of the skin on the fish, and so we are very proud of the good management practices that we have in the Mid, and it seems to work very well, and we're hoping that you will support our request. Thank you.

MR. SMITH: Just a couple of points. If I painted all of the management practices in the Northeast as bad, I didn't mean to do that, and so my apologies to my colleagues in the north. Skin is one way that you identify something morphologically, but, the more you start carving it up and the less of it there is, the harder it is, and, while, if you are a commercial fisherman or a fisherman who

fishes every weekend and has been doing it for forty years, you may be able to say, oh, that's a mahi fillet, or that's a red snapper fillet, or that's a whatever fillet.

BM3s from the Coast Guard from Iowa, who are trying to enforce these rules for you, it's a little bit different for him, and fish identification is a large part of their training, and you're correct, Tony, but it's also a difficult part of their training, and many species look similar, even when they're whole. When they're filleted, that's a whole other ball of wax, if you will, and it leaves me, as a prosecutor, either having to call an expert witness to try to identify this morphologically or having to run a DNA analysis for a simple possession case, which is a waste of agency resources and time. Again, not that it's impossible, but you make their job more difficult.

MS. BECKWITH: Okay. Anyone else? No? All right. **We have not accepted this action into the amendment yet, and so I would need a motion to accept Action 17 into Amendment 10, if we would like to see this move forward.**

MR. DILERNIA: **Madam Chairwoman, as a member of the committee, I so move.**

MS. BECKWITH: Okay. Did I hear a second? Dewey seconds. The motion is to add Action 17 to Amendment 10. **It's to approve Action 17 and the proposed range of alternatives for consideration in Amendment 10.** Is there any discussion on this?

DR. WILLIAMS: Sorry for jumping into this conversation a little late, but I was just trying to follow everything, but it sounds like now that racks are not required to be landed with the fillets, and so, from a science standpoint, we're losing data, because now we can't get that sample at the port, and so I just wanted to -- I don't know to what degree this would impact our data flow, but there is that potential.

MS. BECKWITH: Erik, to that point, if you look through the action, it would only be for the charter/headboats. The recreational boats would not be allowed to do this, and so I don't know if that impacts -- Like if that makes it better or worse. You would still be able to get some data from the recreational, but it would impact the charter. Do you have any additional feedback on that?

DR. WILLIAMS: Like I said, I don't know exactly how much we might potentially lose with this, and so I'm just saying that there is a potential loss of data there.

MR. DILERNIA: When I first introduced this idea to the South Atlantic Council, I did include the concept of the retention of racks, and so, if the retention of racks would make council members feel better, we would be very happy to support that provision for the opportunity to be able to cut the fish at-sea. Thank you.

MS. BECKWITH: To that point, Erik. Would the retention of racks onboard, even if they are filleted, somehow make bad better?

DR. WILLIAMS: It makes it a little bit better, but, again, when we get our hands on a whole fish, we like to try to take as much as we can, otoliths being at the top of the list and length measurements, but even reproductive, and, once you start filleting a fish, you start damaging the fish, and you start altering the length a little, and you start losing reproductive material, if it falls out of the gut cavity, and those sort of things happen.

MS. BECKWITH: So noted. Is there any additional discussion? Do you guys feel ready to vote on this? Okay. **All those in favor of adding this action, please raise your hand, I see nine in favor; all opposed, one opposed; abstentions, two abstentions. The motion passes.** I think this ends our discussion of Amendment 10 for now.

MR. HADLEY: The only other, and I think this can come up in Executive Finance, but whether or not you would like to send it out for scoping or wait on that decision, and also timing of the amendment, and we can get back into that when you kind of see the whole workload. It's up to the committee.

MS. BECKWITH: Let's take a five-minute break before we get into the Amendment 12 discussion.

(Whereupon, a recess was taken.)

MR. HADLEY: We will start off with a brief overview of Amendment 12, which is adding bullet and frigate mackerel to the Dolphin Wahoo Fishery Management Plan as ecosystem component species. As a reminder of what the council did in June, you reviewed scoping comments, the majority of which were very supportive of adding the two Auxis species to the Dolphin Wahoo Fishery Management Plan.

You directed staff to begin work on Amendment 12, and, in doing so, you stated that you wanted an options paper at this meeting, and, as guidance, you directed the IPT to use the initial options presented during scoping that are based on actions taken by the South Atlantic Council and other fishery management councils in regards to ecosystem component species, and I will jump into that table in a minute, but that was kind of the general guidance that the IPT used for the initial actions that are proposed. Also, there was discussion on considering a prohibition on sale of bullet and frigate mackerel.

Looking at the potential amendment timing, the amendment has gone out to scoping, and you continue to review the amendment, potentially approving it for public hearings in March of 2020, and these public hearings would occur in spring of 2020, and then you're looking at potentially formal approval in September of 2020, and it should be a spring of 2021 implementation.

There are nine potential actions in the amendment for now, and just keep in mind that the committee has not seen these yet, and so they're all going to be new. The idea is we went with the guidance on looking at that table that was presented in scoping, and so that's where a lot of these came from, but Action 1 -- I will mention that the order of the actions is very deliberate, in that you have the more overarching actions at the beginning, that really affect many of the decisions, and it kind of funnels down more into the more narrow regulatory measures.

Action 1 would be to designate bullet and frigate mackerel as ecosystem component species in the Dolphin Wahoo Fishery Management Plan. Action 2 would then be to establish a requirement for bullet and frigate mackerel, and Action 3 would establish reporting requirements for bullet and frigate mackerel, and Action 4 would establish a commercial trip limit for bullet and frigate mackerel. Action 5 would establish an annual commercial vessel limit. Action 6 would establish a recreational bag and vessel limit, and Action 7 would establish a process that allows new fisheries

for bullet and frigate mackerel to develop or existing fisheries to expand. Then Action 8 would prohibit the sale of bullet and frigate mackerel. Then a potential Action 9 is are there any other actions that you want to consider in this amendment.

Looking at what needs to be done at this meeting, we'll go over the options paper, and we have a draft purpose and need statement for you to review and also draft actions and alternatives, and, really, the idea is to determine which actions the committee wants to further explore and which you do not, which actions you would prefer not to further explore.

The IPT also included actions and alternatives that would cover the recreational sector for the council's consideration, and, really, if it's the intent of the council to exempt the recreational sector, it would be helpful if this is clearly stated, and, really, the reason that this is being brought forward is that doing it at this point in the process helps build a stronger record for the amendment and comply with some regulatory requirements, looking at NEPA and some of the National Standard Guidelines, and so that's where you will see some of these recreational-related actions and alternatives come from, and that's the standpoint of why they were initially included.

We will discuss if there are any specific questions that you would like the SSC to answer or address, and they will be reviewing this amendment at their October meeting, and, finally, consider the amendment timing and when the committee would like to review the amendment again. Are there any questions?

MS. BECKWITH: No.

MR. HADLEY: So, as I mentioned, the initial guidance that was provided was to use the table that was used in the scoping document for coming up with an initial set of actions and alternatives. If you look at this, there are eight different options, one looking at the requested guidance from the SSC, designate ecosystem component species with no management-related items, prohibit or limit a directed fishery via a trip limit, prohibit or limit a directed fishery via an annual vessel limit, implement a reporting requirement, implement a permit requirement, and then implement a protocol for building directed fisheries for ecosystem component species, and so we'll come back to this, but, there again, this was kind of the overarching table that the IPT used for guidance.

A quick review of some of the landings, and I will go over this very briefly, but, just as a reminder, the commercial landings tend to be -- There have been some spikes in landings, particularly in the late 1990s. However, if you look at the twenty-year average on the commercial side, we're looking at approximately 4,500 pounds per year, and the ten-year average drops down to approximately 1,700 pounds per year.

In the recreational sector, this table is provided, looking at the landings of bullet and frigate mackerel along with the PSEs. As you can see, there tends to be fairly high PSE estimates for bullet mackerel and frigate mackerel in most years. However, based on the estimates that are available, the twenty-year average, for I believe this is bullet mackerel, is approximately 1,200 pounds, and the twenty-year average annually for frigate mackerel is 3,600 pounds. On a ten-year average, this bumps up a bit to 2,300 pounds of bullet mackerel and 7,100 pounds of frigate mackerel, and so we're looking at approximately 5,000 to 10,000 pounds, approximately, annually, on average, depending on your baseline.

As a reminder, you were presented with the discussion from the Dolphin Wahoo AP, and they were supportive of designating bullet and frigate mackerel as ecosystem component species in the FMP and also considering actions in conjunction with adding the two species as ecosystem components.

With that, I will drop down to the draft purpose and need statement, and so this is an initial attempt by the IPT to come up with a purpose and need statement for the amendment, and so the purpose is to add bullet mackerel and frigate mackerel to the fishery management for the dolphin wahoo fishery of the Atlantic, based on their importance as forage fish for wahoo. Designate bullet and frigate mackerel as ecosystem component species to address data collection issues and limit the potential for adverse biological effects. The need is to safeguard the role of bullet and frigate mackerel as forage species for wahoo by preventing the development of directed fisheries on these ecosystem component species.

Really, the one thing that I wanted to emphasize is that the IPT's initial suggestion was to focus on wahoo, since that seems to be the closest forage link to bullet mackerel and frigate mackerel, but, with that, I will turn it over for any comments.

MS. BECKWITH: Any thoughts?

MR. DILERNIA: Again, I thank the South Atlantic Council for taking up this request from the Mid-Atlantic Council to include bullet and frigate mackerel as ecosystem components in the fishery, the wahoo fishery, and if I could just briefly review the history of this request. A few years ago, and it was probably three or four years ago, the Mid-Atlantic Council passed a forage fish amendment in which we protected all of the species that we had determined were forage fish or were a food source for one of the managed species that we have in the Mid-Atlantic.

Essentially, what the amendment did was we froze the footprint on those fisheries. We didn't prohibit commercial fishing, and we simply froze the footprint, because we wanted to make sure that there would not be an expansion of a commercial fishery on those ecosystem species, because, as we all know, once a fishery starts to develop, all of a sudden then you go get it under control and folks say, oh, wait a minute, I've been doing this for a while, and you're going to put me out of business, and so, by freezing the footprint, we were able to take control over all those fisheries in the Mid-Atlantic.

The agency accepted our request, except for bullet and frigate mackerel, because the agency did not see bullet and frigate mackerel as a food source for any of the species that were managed by the Mid-Atlantic Council, but it's very clear, from the work that's come out of the state of North Carolina particularly, that bullet and frigate mackerel are essential components to the wahoo fishery, and so, once we saw that, we realized that, really, if we want to protect bullet and frigate, it shouldn't be our job and it should be a request that -- It should be something that should be considered by the South Atlantic Council.

Thus, our request for you to consider this management action, and that's where it comes from, and, again, it's built on research coming out of North Carolina, and I will be happy to take any -- Also, just as a follow-up, what we do now each year with our forage fish is we get a report once a year, and we look at all the different species that we protected with our forage fish amendment, and we take a look at the landings of those species, just to make sure that there's no spikes or increases in

any of those fisheries, and, if we do see the beginning of a spike, or an increase, we're ready to take additional action at that point, but, most recently, and I think it was two council meetings ago, we had an update, and we did not see an increase in landings of any of the species that we protected with our amendment. Thank you.

MR. POLAND: I would speak to the IPT's comments about the importance of bullet and frigate mackerel to wahoo and to dolphin. Certainly it's pretty clear that they are important in the diets of wahoo, and, as far as dolphin is concerned, they do occur in the diets of dolphin, but at quite a bit lower frequency than you see in wahoo.

Certainly, if the council is interested in extending some protections to other forage species for dolphin, there are certainly candidates out there, and I know that, in past discussions on this amendment, there didn't seem to be a lot of council support to expand this much past bullet and frigate mackerel right now, but I wanted to put that out there again, that there are species, prey species, that dolphin consume that are as, if not more, important, or at least constitutes the same proportion in dolphin diets, as bullet and frigate mackerel do in wahoo diets.

DR. CRABTREE: This is kind of a different thing than what we've done before in the South Atlantic, and so I've talked a lot to Shepherd and Headquarters about what sorts of authorities we might have here, and remember that part of the premise for making something an ecosystem species is that it's not in need of management and conservation.

I think I have seen enough that I believe you can include these as ecosystem component species, because it's pretty clear that at least wahoo feed on these, and the extent to which though you can affect management of these species, or regulations of these species, particularly in the Mid, I think is very limited, and so, for example, in your need, it says preventing the development of directed fisheries, and you might be able to do that within the South Atlantic, but I don't see how you would have any basis to say you're going to prevent a directed fishery from arising in the Mid or put limits on fisheries outside of the dolphin wahoo fishery in the Mid, and that's out of our jurisdiction, and we're the lead on dolphin and wahoo, but we're not the lead on a frigate mackerel or bullet mackerel fishery, and, if things need to be done there, they're going to need to be done by the Mid-Atlantic.

We're going to continue to explore what we can do with that, but I think there are a lot of limits on what you can do, in terms of regulations in fisheries that are outside of the South Atlantic region, and I think, as we go through the options, there are probably a number of them that aren't really going to be effective, because of that.

MS. BECKWITH: If we added bullet and frigate to our dolphin wahoo permit, in order to retain, then wouldn't that give us coverage up and down the east coast?

MR. GRIMES: That's one of the questions we've been exploring, and so my initial reaction would be no, that you needed to be designated by the Secretary as lead for those species, as you have been for dolphin and wahoo, but, if you had a Mid-Atlantic proposal, where they're talking about regulating some non-regulated species in our area, I think there would be jurisdictional considerations, and just adding -- When the council was developing the fishery management plan, it was presented to the Secretary, and the Secretary made the decision that you are the lead for managing the species, these two species, throughout their range.

There was absolutely no discussion at that point of these two species, and so you have no record indicating that you have been designated the lead for it, and, in order for that stuff to happen and for the council to assert jurisdiction beyond its range, they are designated the lead for managing that species throughout its range. I see some internal tension between adding a species and saying it's not in need of conservation and management, but you need to be designated the lead for managing it beyond the geographic jurisdiction of the council.

MS. BECKWITH: I see your point. I've got one question first. In the past, we've talked about doing memorandums of understanding between the South Atlantic and the Mid-Atlantic, I think when we were talking about blueline tilefish, if memory serves, and I don't remember, but could we go the route of a memorandum of understanding between the South Atlantic and the Mid-Atlantic, instead of where they would say, yes, sure, we want you guys to set some --

DR. CRABTREE: I don't think that would affect your jurisdictional realities. I mean, the bottom line is, if bullet mackerel and frigate mackerel need to be managed in the Mid, the Mid needs to put them in their management plan and manage them. We're going to have very little ability to affect what happens outside of the dolphin wahoo fishery in the Mid, and, as best I can tell, that's where all the harvest is taking place, in trawl fisheries and gillnet fisheries in the Mid, and those fisheries are not in the dolphin wahoo fishery, and they are not in our geographic area of jurisdiction, and so it's difficult for me to see how we could put regulations in place there.

MR. GRIMES: I just want to unpack that a little bit, and so let's say, hypothetically, you can go ahead and add these two species and then you can assert jurisdiction over them coastwide, just like dolphin and wahoo. Then what measures do we put in place? Those restrictions would be tied to the Dolphin Wahoo FMP and the dolphin wahoo fishery and say, anybody who has the dolphin and wahoo permit, you can't do these things with bullet mackerel and frigate mackerel.

That's not going to touch the trawl vessels and the other vessels that are actually harvesting these things. There is no indication that anybody with a dolphin and wahoo permit is currently harvesting, and so you would prevent those things from expanding, but not the others, and then are we talking about saying, well, then, no, anybody fishing anywhere on the Atlantic coast has to follow these restrictions for bullet and frigate, when they may have absolutely no nexus to dolphin and wahoo or anything under that FMP?

MR. WAUGH: Let me unpack that a little farther then. The jurisdictional issue, it was never my understanding that we were adding bullet and frigate to the South Atlantic Council area. It was always my understanding that we're adding bullet and frigate mackerel as ecosystem component species to the Dolphin Wahoo FMP that covers the entire east coast.

Now, if the Secretary reviews it and approves it, then the Secretary is approving adding them as ecosystem component species along the entire east coast, and we could certainly take a different route and write a letter to the Secretary asking the Secretary to make that designation, but my understanding is we were doing that via the action of adding them to the FMP. Once it's reviewed, if it's approved, then the Secretary is approving our authority, and so that deals with the jurisdictional issue.

The second is it makes no -- It doesn't accomplish anything by adding them as ecosystem component species if we can't put in appropriate regulatory actions to prevent a rapid harvest before the council could determine whether necessary and appropriate management measures were available, and that is what happened in the chub mackerel fishery, and so we want to prevent that, and so, if we have to put in a requirement that, for vessels to harvest bullet and frigate, they have to have the dolphin wahoo permit, that's a way to do it, and another way to do it is put in a permit requirement for harvesting bullet and frigate, and, again, if it gets approved, then the Secretary is giving us that authority, and so that's the approach I thought we were taking.

MR. DILERNIA: Gregg couldn't have said it any better than what I was going to say.

MR. GRIMES: For starters, the National Standard Guidelines have changed a little bit on this stuff. National Standard 3, the Guidelines used to talk about designation throughout its range, and I believe there was some procedural stuff in it, and I'm not totally up to speed on how it's handled now, but, when you developed the Dolphin Wahoo FMP, you didn't develop the Dolphin Wahoo FMP and establish a coastwide range and submit it to the Secretary and say, when the Secretary approves it, we're designated the lead. There was a formal process that enabled you to do that.

I sat down, and these are the things that I do in the evening, but I was reading the Magnuson Act last night, to look at -- It's sad I know, but, when it talks about the South Atlantic Council, you have jurisdiction off of these states. When it talks about council authority, there is a clear geographic authority of the council and a jurisdiction, and dolphin and wahoo is sort of an exception to that because we had some formal process, and these other councils have decided that, okay, we will do it for those two species, which we designated as the fishery, and it seems to me, fundamentally, if you come back and revisit that and add species to it, you need that same kind of process acknowledging the jurisdiction, and I don't think that's -- As far as I know, that has never been done just for an ecosystem component thing, and I will go back to what I said initially, that being designated the lead for managing something that you're saying is not in need of conservation and management.

DR. CRABTREE: I think the bottom line is there are a lot of unclear questions here, in terms of what you could do, partly because the whole concept of ecosystem component species is relatively new. The best approach here, in my opinion, is, if you believe these need management, then the Mid needs to manage them. Put them in an FMP and manage them.

If they need conservation and management in the Mid region, that is not going to fall upon us to do, in my opinion, and so I think you may have some authorities up there within the confines of the dolphin wahoo fishery, but, in terms of what people have talked to me about as to what they are trying to do, I think that falls under the responsibilities of the Mid, and they need to put these two species in a management plan, if that's where they want to go.

Now, we'll continue to talk to Headquarters and try to explore, and there may be different opinions about this, and we'll see what we can do and come back to you with it, but remember, when you say a species is not in need of conservation and management, that implies that there are relatively few regulatory measures you're going to be able to put in place on them, and so these are just some questions that we're going to have to deal with as we move this forward.

MS. BECKWITH: It doesn't sound to me like that precludes us from moving forward with what we're doing, even if the Mid-Atlantic decides later that they need to establish an FMP for these two species separately, and those are two separate processes.

DR. CRABTREE: I agree with that. I think though, as we go through the options in here, we need to think about them within our authorities and is it going to be able to get us what we initially thought it might, in terms of significant -- So that we don't expend a lot of staff time on something that is not likely to get us anywhere.

MS. BECKWITH: Right, and so the short is that we can take it as far as we can, and then, if there's any gaping holes, then the Mid would have to supplement.

MR. BREWER: I have got, I think, a worse headache than I had this morning. With regard to friction between us and the Mid-Atlantic, the Mid-Atlantic put together essentially an omnibus forage fish amendment, and, in that, they had these two species, and the thing went up for review, and whoever within the food chain there said, no, these fish, these two particular species, are not forage fish for anything that you manage, and then it was determined that, well, wait a minute, they are forage fish and prey for dolphin and wahoo, and so we actually got a letter from the Mid-Atlantic Council, which started this whole process, that said, hey, we think these things need management, but we're not going to be allowed to manage them. Therefore, South Atlantic Council, you manage dolphin and wahoo throughout the range, and so please put some protections in place, or at least look at it, and we agreed to do so, and that's what we're doing.

It seems to me that, if someone, up or down the food chain somewhere, has objections to this, all they need to do is look at the letter that came out of the Mid-Atlantic Council, and I've got to tell you that I remember, fifteen years ago, when I first heard the term "ecosystem-based management", and I thought, oh my god, what is this, what are the feds or the enviro people getting ready to do to us with this, and, as I have come to learn more about it, this kind of thing is what gets tremendous support, where you are recognizing that prey-predator relationships are very important, very important. I don't understand the pushback when we're trying to protect the prey species for two species, two predator species, that are incredibly important to our area, yet I just don't understand why you're doing what you're doing.

DR. CRABTREE: Well, Chester, it has to do with what our legal authorities are, and I have read the letters, and I've read the letter from the Fisheries Service back to the Mid, which recommended that, if the council believes these species need conservation and management, they should put them in a small tuna or broader ecosystem-based management action and put them in an FMP, and so there is a lot more in these letters.

No one is saying there is any friction between us and the Mid. That's not at all what anyone is saying, but we have to respect what our regulatory authorities are, and particularly the regional nature of the Magnuson Act. It set up multiple regional fishery management plans to manage the fisheries in their region, and so that we have to respect, and so that is just the reality.

MR. WAUGH: I would say we don't know if we need management or not, and that's one thing. Two, I don't think it's clear whether we have the authority to do what we want to do or not, and I have joked with Shep and other attorneys about putting on their council GC hat and not their NMFS

GC hat, and I think his council GC hat fell off, but, in all seriousness, if we want to clarify authority right now -- Well, let me back up.

If we want to do what we think is the right thing to do, which is to put in some precautionary regulatory measures to prevent a rapid increase, so that we don't result in a problem being created, then we need to keep those precautionary regulations very simple, similar to what the Mid has done successfully, is commercial trip limit, total commercial harvest, limits that won't impinge on the current effort, but will create a time regulatory time-out, so that then, if they are triggered, the council can determine whether management is needed or not.

If you think that's the right thing to do, let's ask our NOAA GC to help us structure to do that. If you want clarification now, let's write a letter to the Secretary of Commerce explaining that we have authority for dolphin, we were designated along the whole coast, and we're adding these two species as ecosystem component species, and we want you to designate us as the lead for those two species. Approve that here and send it to the Secretary and then continue to develop the amendment how you think it needs to be developed.

DR. CRABTREE: That's fine, and you can write a letter, and no one is saying that you don't have authority to freeze the footprint and do some of these things, I don't think. What we're saying is you probably don't have the authority to do that outside of the South Atlantic region, and so we're not going to resolve all of this here, and there are no hats, in terms of representing one or the other. I am a member of this council, and it's just a matter of making sure we stay within the bounds of what we're allowed to do.

As we said right off the bat, this is a somewhat novel situation we haven't been in before, and so we're going to have to more fully explore what we can and cannot do, but I am bringing these issues to your attention now, because we have all sat here and talked about priorities, and we've talked about staff workload, and we want to make sure we don't expend a lot of staff time and energy going down an avenue that is not going to pan out, and so we'll continue to look at some of these things, Gregg. If you want to send a letter to Headquarters, I will look forward to when they send it to me to draft a reply to you, and we can do that, and that's up to you, but I think that's probably a little premature at this point.

MR. GRIMES: I lost the thread a little bit, but, what Roy was saying before, I just wanted to add on. Again, nobody is saying -- Well, first off, the Mid-Atlantic didn't ask to manage it. They asked to designate it as ecosystem component species, and that's the first action in here. The problem isn't with the designation as ecosystem component species. Problems arise when you talk about what you want to do to it and where you want to try to apply those restrictions.

Much in the vein of what Dr. Crabtree was saying, I would say, after twenty years, I don't have a hat. It's tattooed on my back, but I am trying to advise this group in a way that we don't spend a bunch of time and effort developing measures that end up getting disapproved when we submit them because they're not consistent with the existing law.

As to the letter itself, I tend to agree. We're working on this, and we've got a thousand other things going on that we're also doing, but we need to coordinate with Headquarters, and we are already intending to explore those issues. If you want to write a letter, that's fine, but I would view it as a little premature. Maybe you give us until the next meeting, so that we have time to coordinate that

before we're forced to respond to a letter, which may come, potentially, before we have things organized the way we would prefer.

MR. WAUGH: The only other point that I wanted to make was to put this into context. There has been activity in the Mid, and they weren't able to move forward. There is also a forage fish bill that is way more comprehensive that's been introduced, and I think eyes are going to be on what happens here, and, if we don't take the appropriate action that a number of groups feel is appropriate, I think you're going to see strong congressional action that may create more difficulty for us. Thank you, Madam Chair.

MR. DILERNIA: About a half-an-hour ago, I engaged in the discussion regarding the ability to fillet mahi in the Mid-Atlantic region, because you all manage mahi, and now I'm saying, well, those fish that you're going to let me cut, I want you to manage what they eat, so that they can be there for me to catch them so that I can cut them in the first place. It doesn't seem, to me, that -- There seems to be an inconsistency here. You all manage the dolphin wahoo throughout their range, and that's fine, and why can you not manage what they eat throughout their range also?

DR. CRABTREE: Because the first premise of this with an EC species is they are not in need of conservation and management, and my question to you, Tony, is, if you feel so strongly about this, why doesn't the Mid put them in a fishery management plan and manage them? That is essentially what the letter from the GARFO told you that you probably should do. It's within your authority and ability to do this. The Fisheries Service did not tell you that you can't manage these species, but you just -- I don't understand why doesn't the Mid put them in an FMP and manage them.

MR. DILERNIA: Quite frankly, because we thought it would be a lot easier if you just made it an ecosystem component, if you made it an ecosystem component and, just like we did, just make it an ecosystem component at this point and freeze it and not do much more than that, and it would be a lot easier than us writing a full FMP for these critters, but, if you don't think you can do that, then I am going to have to carry that message back.

MS. BECKWITH: Shep, you've got the last word, and then we're moving through this.

MR. GRIMES: I never get the last word, but I just wanted to make one comment on the larger discussion of forage fish and the concern with that. That may all be legitimate, but it rings a little hollow when we're only looking at these two species and saying we're concerned about forage fish and that's the basis of this and you pick two what I would say are rather obscure species to say are important and proceed with, and, again, just to respond to Tony there, the Mid wants us to manage something that is prey to what we're already managing, and framing it that way sounds even more problematic, because, again, it's not in need of conservation and management.

MS. BECKWITH: I am going to hold to the fact that I told Shep that he was going to have the last word. Please move us through. Does anybody have any comments on the purpose and need?

MR. BREWER: To your point about ringing hollow, I have been involved with regard to prey species for probably twenty-five years, and I got involved in fisheries management over a thing called a mullet. Twenty-five years ago, we started trying to protect forage fish in the State of Florida, and we had to have a constitutional amendment to do it, seriously, but we did it, and it proved to be extremely successful, and so please don't talk to me about ringing hollow.

MS. BECKWITH: All right. Purpose and need statement. Put us back on track, John.

MR. HADLEY: All right. I think we have some comments as far as the directed fisheries may be an issue, and the IPT can certainly address that. Otherwise, does the committee want to accept the initial draft purpose and need?

MS. BECKWITH: Is there any desire to move forward with accepting this purpose and need, or do we want to roll through the amendment, like we usually do, and come back to it later? I would say let's pick it up at the end.

MR. HADLEY: All right. With that, we will move into the proposed actions, and, as I mentioned, the order is intentional on these, and it's kind of like a funnel, where you have the overarching actions, and then they funnel down into the more detailed regulatory measures, and so Action 1 would designate bullet and frigate mackerel as ecosystem component species in the Dolphin Wahoo Fishery Management Plan. Right now, 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 and designate them as ecosystem component species, and so, really, this is kind of step-one in the process, so to speak, and, really, at this point, we're looking for the committee to approve Action 1 for addition to the amendment.

MS. BECKWITH: **Okay, and so who would like to approve Action 1 for addition to the amendment?**

MR. BREWER: **So moved.**

MS. BECKWITH: Motion by Chester. Is there a second? Second by Steve. Is there any discussion? Is there any opposition? **The motion is to approve Action 1 in the proposed range of alternatives for consideration in Amendment 12. Any discussion? Any opposition? Seeing none, that motion carries.**

MR. HADLEY: Moving on to Action 2, this is looking at establishing a permit requirement for bullet and frigate mackerel. Currently, there is no permit requirement for these two species in the Atlantic EEZ. Alternative 2 would require a permit for bullet and frigate mackerel commercially harvested in the Atlantic EEZ, and there are three sub-alternatives under this, one being an Atlantic dolphin wahoo commercial permit, any federal commercial permit, or create a new bullet mackerel and frigate mackerel commercial permit.

Alternative 3 is very similar. However, it covers the for-hire sector, and, in this case, for any for-hire vessel to -- For bullet and frigate mackerel to be recreationally harvested on a for-hire vessel, a permit would be required, and this has three sub-alternatives as well, the Atlantic charter headboat for dolphin wahoo permit, and Sub-Alternative 3b is any federal for-hire permit, and Sub-Alternative 3c is create a new bullet mackerel and frigate mackerel for-hire permit. With that, I did have one editorial comment. Under Alternative 2, that should be Sub-Alternative 2c instead of 3c, and I do apologize for that.

Very briefly, looking at the IPT comments, really, a permit requirement is necessary to make regulatory actions binding or enforceable when you think about, for the snapper grouper species, you must have a snapper grouper permit, and that thereby makes it binding, and so a permit requirement is very important, as far as if there are any regulatory measures that are going to be implemented for bullet mackerel and frigate mackerel and making those bindable and enforceable on fishing vessels.

I will note that there is no private recreational permit for South-Atlantic-Council-managed species, and so that wasn't in an alternative that was covered. These sub-alternatives are structured similar to what the Mid-Atlantic is considering for chub mackerel, and, as noted earlier, the IPT included covering the for-hire sector for the council's consideration, and so, really, this is an initial review to comply with regulatory measures, including NEPA as well as National Standard Guidelines, and we're really looking to build a strong record for this amendment, and so, if it is the intent of the council to exempt the recreational sector from the permit requirement, then it would be helpful if that was stated as such. As far as the committee action, we're looking for approval of Action 2 for addition to Amendment 12.

MS. BECKWITH: Okay, and so are there thoughts on this one before we consider approving it?

MR. GRIMES: I guess I would just mention, thinking about this, depending on which alternative you pick, if you create a new permit requirement, then these Mid-Atlantic trawl vessels, these New England trawl vessels, these gillnet operations that are actually harvesting that, they're going to have to get a South Atlantic Council permit to harvest an ecosystem component species beyond the geographic jurisdiction of the South Atlantic Council, and so those are just the surrounding facts that I would like to highlight.

MS. BECKWITH: But can we do that?

DR. CRABTREE: Well, I think the bottom line is there are a lot of problems with it, and we're not sure that you can. Now, the question for you is do you want to expend a lot of staff energy on working on this before you know if you're really able to do this or not? We're going to have to check on some of these things and figure it out, and maybe we can do that by the December meeting, but it's not at all clear to me at this stage.

MS. MCCAWLEY: I guess, to follow along with that, I just am not completely understanding why we're doing this. Is the goal because then we would know the particular individuals that are targeting it and then we can have a better idea of how many boats, and so, that way, we would know over time if it is increasing, and I just can't remember the exact reason why we were doing it.

Then, also, clearly the private recreational anglers are going to be left out of this, and so then we would just be relying on say MRIP numbers, which are going to be highly uncertain, because this would be a species that is rarely encountered, and I'm just throwing a couple of points out there, and I can't remember all of the specifics on why we were doing this.

MS. BECKWITH: I don't think the intent was to track these recreationally, given that they would be an EC species and the catch level of them currently is sort of inconsequential, especially when people use them for bait and stuff, and I don't think they really come back to the dock that much.

I don't think that the initial intent was to create a new permit for an EC species, and so I hadn't heard that discussion amongst the committee before, and so, if that would be something that you guys want to talk about, then let's talk about it, but, otherwise, I'm just trying to get feedback on what you think about this action and where you guys would want to go with it.

MS. MCCAWLEY: I guess that was kind of my point, is do we need to do it, and it seems like folks down here from the Mid-Atlantic are for it, and I'm just not sure why we're doing it, I guess.

MR. POLAND: To Jessica's point, I feel like, at least my support and my perceived intent of moving forward with this action, was to, one, protect these species and try to not necessarily limit or prohibit a commercial fishery, but just slowly kind of ramp up a fishery, or develop a fishery in a very methodical and systematic way, and I would think the first part of that would be to know how many people are targeting these species and, if we see an increase in the number of boats getting a dolphin wahoo permit to land bullet and frigate mackerel, then that would give us some indication, in addition to just landings, that there is more and more interest in this, and so I kind of see it as a necessary component or nugget of information that we need to address some of these other actions.

MS. BECKWITH: Yes, and so adding them to a permit -- The discussion had fallen around adding them to the dolphin wahoo permit before the jurisdictional issues came up, and the intent was to be able to be able to manage -- The intent is to freeze the footprint, potentially, so we don't have this potential quick growth, but also to have some way of tracking it to identify the universe and to put management measures in place through some permit process, or through associated with some permit.

MR. GRIMES: The second bullet under the IPT recommendations and comments is that a permit requirement is necessary to make the regulatory actions more enforceable. To me, that seems to be the most obvious thing. We used to require -- We would say the first way to identify who was actually harvesting a species is to require the permit, and then everybody has to have the permit, and you know the pool of harvesters that you're dealing with, and we would use that related to data collection.

We require so many other permits to harvest different species that now we're already collecting the data, but we may not know everybody who is harvesting it, but everybody who already has a permit is reporting, and we know that there has been zero reported landings of this species, commercial landings, in the South Atlantic jurisdiction for the entire time series that we have data. Most of the landings that we do have are recreational, which include a lot of MRIP landings.

MS. BECKWITH: Okay. For now, are we interested in keeping this in the amendment for consideration? It seems to me like that would be the appropriate way forward for now, which means -- I'm sorry. Chris and then Tim.

MR. CONKLIN: If I'm a recreational fisherman and I'm going out and targeting dolphin and wahoo, and we start getting close to catching up our quota, I'm just going to go get a free open-access commercial permit through the Southeast Office, so I can keep on fishing. If you don't put a number, or a cap, on these permits, then there's going to be no way to track why the influx of permits, like Steve was talking about, and it's going up, and do you see what I'm saying?

I would like to know how long it would take for Headquarters to tell us if this is something that we can do, and, after that amount of time, I would feel comfortable coming back to this, if need be, and so do you guys know how long it would take for Headquarters to figure it out?

DR. CRABTREE: Well, I can't tell you how long it's going to take us to sort through some of these things, and my general advice to you would be that, if you feel like these two species require management and conservation, you need to add them to an FMP and manage them, but I think you're only going to be able to do that in your region. Otherwise, we're going to have to -- I am not aware, and I could be wrong, but I can't think of an instance where there has been a permit requirement created for an ecosystem component species. Maybe there has, but I can't think of anyone ever doing that. These are sort of some new things, and, largely, we're going to have to have the attorneys sort out and give us their views.

MR. GRIMES: I think, to answer the question, we need a more fully developed set of facts. For one, you don't want to go in with fifty different options with Headquarters with no fully developed record and say, hypothetically, what can you do and what can't you do, and then it's just going to come back to us, and it will be developed as sort of a proposal for a response to this, and I think we need a little more development. We're doing this as best we can at a rather abstract level now, but I think we'll do our best to come back with as specific guidance as we can give you at the next meeting, but even that is no guarantee.

MS. BECKWITH: Chris, is it to that point? Go ahead.

MR. CONKLIN: Being cognizant of staff workload and time, then I am prepared to make a motion to postpone work on this amendment until June of 2020.

MS. BECKWITH: Before I ask for a second on that, can you hold off until at least I get everyone that was in the queue? No? All right. Is there a second. I don't see a second.

DR. BELCHER: I will second it. Just the language, and I have the same wraparound, in listening to Roy and trying to look for specific examples of it, and it just seems --

MS. BECKWITH: That's fine. Is there discussion?

MR. BELL: My question kind of fits in with that, I guess, and so I was trying to sort it out. If the Mid-Atlantic follows the GARFO advice in that letter that Roy was describing, and they choose to manage this thing, I guess what I heard Roy say was something similar to us. If you guys think this thing needs management, then stick it in a plan, and so it sounds like you were giving us the same advice that GARFO was giving them, and am I following that correctly, which means then maybe we might be wasting our time with this.

DR. CRABTREE: Well, you can certainly add these two species to an FMP if you believe they are in need of conservation and management. The trouble we're getting into with all of this is we don't want to put them in the FMPs, and so we're saying they're ecosystem management component species, which means they don't need conservation and management, yet we're doing a lot of things that seem to border on conservation and management, and that is what is getting us into this tricky gray area, where it takes some sorting out to figure out what we can do, but you could certainly do these things if you want to put them into a fishery management plan.

MS. BECKWITH: Let's take a minute. These species are appropriate as ecosystem component species in the South Atlantic. I think we don't need to lose sight of that. I think that is what we need to move forward with. That is what has been asked of us, is to add these in as an ecosystem component. If you guys want to throw out a bunch of these actions, then we can do that and pick them up later on, but to put these species in as an ecosystem component I think is -- The argument is there, and it's clear, and I think we need to move that forward, which is Action 1.

If we do nothing else, I think Action 1 clearly needs to move forward, and then I would like to have a general discussion on the rest of these actions, but what I want to unequivocally move forward, based on the data, information, and appropriateness of these two species for wahoo, is to move these forward as an ecosystem component species.

If the Mid decides that they want to manage them, if we find out that our jurisdictional issues don't allow us to put other things in place, then we can deal with that as time goes on, but the reality is that it is appropriate for us to move these forward as ecosystem component species if we do nothing else, and that offers some level of protection for consideration for future fisheries, even if, right now, we don't have those fisheries occurring in the South Atlantic, and so we've got a bunch of different issues here, and, if we get wrapped around the axle, and we just make this go away, we're not getting anything done. What I'm saying is we can get done adding these as ecosystem component species if we do nothing else, and that is an accomplishment.

I would suggest that we take this vote and we continue to move forward and talk about these actions and decide what we're going to keep it and keep out and have a quick discussion on each and boot out the obvious ones and then move forward adding these in as an ecosystem component species, if we do nothing else, and that's my suggestion, for what it's worth. I have Tim, Mel, Jessica, and Tony.

MR. GRINER: I think I will just wait until after we have this vote.

MS. BECKWITH: Brilliant.

MR. BELL: That was actually my question. I mean, I asked my question, and so I'm good. Thank you.

MS. MCCAWLEY: Just to clarify, what you're saying is, if we just chose Action 1, then we're adding them as ecosystem component with no additional management measures, other than just declaring them ecosystem component species.

MS. BECKWITH: That would be the bare minimum, yes.

MS. MCCAWLEY: Then I have a question. Did Chris say why June of 2020? Why that date? Were you intending that, during that time period, that NMFS is going to go back and figure out some of the answers to the questions? I am just wondering why that was chosen.

MR. CONKLIN: Hopefully to give them more than enough time to do what they need to do, and it sounds like all the stuff I've been hearing is that we've been asked to do this through a loophole to freeze the footprint of a fishery in the Mid-Atlantic, and, if we're being told -- If we do this and

spend staff time and money and all that on it, instead of something else, then, once those fish swim across the line, then we're not doing what they intended to do. If the intent is to make them a part of the ecosystem component and not freeze the footprint of the fishery in the Mid-Atlantic, then I'm fine with moving on, but, if the intent is to freeze the footprint of a fishery in another region that we don't have any jurisdiction, then we're wasting our time.

MR. DILERNIA: I agree with most of what's been said by the last three or four speakers. Your suggestion that you simply make it an ecosystem component at this point and nothing else is fine. That would be very acceptable. We don't have permits for -- When we passed the forage fish amendment in the Mid, we didn't create permit systems for all the critters that we defined as forage fish. We basically said that these are forage fish, these are critters that our critters eat, and then, if we start to see things change, then we're going to come in with permits and all of your other alternatives that you have here.

At this point, the only thing we did was declared them ecosystem components, and I understand exactly what Chris is saying, and I understand why he had his motion to postpone it, because he wanted clarification on many of the issues that have been raised by the region and by other members sitting around this table, and I see the uncertainty amongst members. They have many questions that are not being answered, and so the members of this council are very uneasy about making a vote regarding all of these different alternatives.

I agree. When I first saw these, I said, oh my god, we're really going down a rabbit hole with all of this, and so I would support your suggestion of, at this point, simply making an ecosystem component, and, at that point, then have the staff, the region, the agency, and our staff get together and talk a little bit more about how to proceed beyond that, and so just make it an ecosystem component and be done with it at this point, and let's move on. Thank you.

MS. MCCAWLEY: Just to clarify again, if we were to pass Action 1 in this amendment, it applies for the entire range, and so for the entire Atlantic coast, for the entire range of dolphin wahoo, and so this would be an ecosystem component for the entire Atlantic coast, and not just for the South Atlantic jurisdiction, and is that right?

MS. BECKWITH: Yes, for dolphin wahoo.

MS. MCCAWLEY: For dolphin wahoo. Okay. I am kind of torn here, but I am thinking about voting against this motion, just because you made a good point that we could just do this one thing, and maybe I am willing to do that, instead of postponing work on the whole amendment, if we're just going to do Action 1, and so I'm just going to throw that out there.

MR. CONKLIN: I am glad that I got everybody back on track. I don't want us to come back to the next meeting and the next one and we don't have an answer and we have this same sort of conversation. Our feathers are getting ruffled over bullet and frigate mackerel, and I'm not seeing people get as angry about red snapper, and so this is pretty silly, and so I just want a clear path and an answer, and so that's why I put this up.

DR. CRABTREE: I think, if you want to move this with Action 1, to make them EC component species, that, to me, it seems that you clearly can do, and so I don't think that's a problem, and

then we can sort through these other issues at that point, but it's really the other aspects of this that are more difficult to sort through.

MR. BREWER: First, let me apologize for being aggravated, but I do that sometimes, and then, Shep, I do have a serious question. With regard to if we go ahead and just say, okay, this is not a protected species, but it's a component species, if in the future there was an indication that there was an industrial fishery getting ready to descend on these two species, what steps would have to be taken to try to limit that industrial fishery, and, with them already being a component species, would it make it easier to come in and do something about it?

MR. GRIMES: Conceptually, yes, in that it would already be in the FMP and that we could do -- I would say we could do a framework to implement whatever was appropriate with it. I am inclined to think that, if we know this issue is arising, then it sounds like it needs conservation and management, in which case we should amend the FMP to make it a managed species or whatnot, but, no matter what we do now, in the future, we still have these same issues to figure out, in terms of, if it's within the Dolphin Wahoo FMP, does that expand our geographic jurisdiction to the level of the Dolphin Wahoo FMP just because it's in dolphin wahoo.

There would be a lot to figure out still, but my hope would be that, if the council decides that you want to move forward and make them ecosystem component species, there is already some indication that you might want to do more in the future, and hopefully we can get our ducks in a row and be ready when that comes.

MR. BREWER: Thank you.

MR. DILERNIA: If it's unprotected, if there's nothing there, there is nothing to stop anyone from developing a fishery. Once it becomes an ecosystem component, no one is going to say, well, let's start to develop an industrialized fishery on this critter, because, the minute we start to do that, because it's an ecosystem component, the council already has the ability to pass an emergency action to shut us down, and so, the minute you make it an ecosystem component, you're sending a message out to the rest of the world of don't mess with this critter beyond a certain point, and that's what is going to happen.

MS. BECKWITH: My suggestion as a path forward would be to vote this down, and I'm just saying, and move Action 1 into Amendment 10, and so let's bring that sucker back up to seventeen actions. We got rid of one, and so it would still be seventeen actions, and we would only have to look at one document, and then, the rest of these, everybody else can talk about the other potential things without having staff do any economic analysis or additional separate analysis on Amendment 12.

We know we want to move them forward as an ecosystem component species, and, if that is all this crowd is willing to do right this second, then that is something we can do in Amendment 10 and maybe streamline some staff workload by only having one active amendment, and we can get that done, and, while we're getting that done, we can start to answer some of these other jurisdictional questions in the background. Gregg, does that sound like a plan?

MR. WAUGH: If that's what you all want to do, that's fine.

MS. BECKWITH: I am just throwing it out there for anyone who has any brilliant snippets of information. Let's go ahead and vote on this. **The motion is to postpone work on Amendment 12 until June of 2020. Is there anyone in favor of this? Seeing no one in favor of this, the motion fails.** Thank you very much.

My next suggested motion from someone would be to move Action 1 of Amendment 12 into Amendment 10.

MS. MCCAWLEY: **So moved.**

MS. BECKWITH: Motion by Jessica and seconded by Tony. Is there any discussion?

MR. BREWER: I don't necessarily oppose this, but I have concerns about moving this into the morass that is Amendment 10.

MS. BECKWITH: Right, because Amendment 12 seems like it's going to be so much better.

MR. BREWER: No, no, no. The way we're going to do 12 is we're just going to go forward, I think, at this point, just as you have suggested, with Action 1.

MS. BECKWITH: So you're suggesting that we move everything else out of Amendment 12 and just leave Action 1 as a stand-alone in Amendment 12?

MR. BREWER: Yes, because 10 -- I remind you of the headache that I had this morning, and you had as well.

MS. BECKWITH: Okay. That would maybe not streamline as much work for the staff, but I would let John speak to that.

MR. HADLEY: I think if you had a very simple amendment, in that respect, it could move along fairly quickly. If you just had this one action, it seems like it's a fairly straightforward action, and I think we can move that along, if you wanted to tackle it that way as well.

MS. BECKWITH: Okay. We had not gotten a second to that motion. Did we? Okay, and so --

MS. MCCAWLEY: Tony seconded it.

MS. BECKWITH: Then it belongs to the committee. Would the committee like to make it go away?

MS. MCCAWLEY: We can make it go away, and then we could just continue -- We could just, instead, have an action that dumps all the other -- Have a motion that dumps all the other actions in Amendment 12.

MS. BECKWITH: Okay. **Let's do that and so consider it gone. It's the consensus of the committee.**

MR. CONKLIN: To clean up 10, do you want to put the fish filleting in this one?

MS. BECKWITH: I don't know that we want to move the rest of the actions in this amendment do Considered but Rejected, because we're not rejecting them. We're just sort of making them go away and bringing them back at a later date, and so how would we word that, because we're not considering and rejecting them.

MR. HADLEY: I think, if you wanted to just move that action, and so Action 1 would be Amendment 12, essentially, and we would move that forward. We have this document, and we can always bring it up down the road, if you say that I want to make Amendment 13, and let's consider all of these other actions, and then we can certainly bring it back at that time. I mean, we have this information, and it's not going anywhere. If you wanted to give some kind of guidance on when you would want to see that, that's up to you.

MS. BECKWITH: Susan, did you have something?

MS. BOGGS: I was just going to suggest that you just create another amendment with the rest of your actions in it, like he suggested.

DR. CRABTREE: I am not sure we have ever approved all these actions to be in the amendment, have we, and so --

MS. BECKWITH: That's true.

DR. CRABTREE: We would just approve Action 1 to be in it, and the others would --

MS. BECKWITH: That's true. We only got to approving Action 1 into Amendment 12, and so I guess we can just stop right there, and the rest of the actions will come back once National Marine Fisheries -- I guess let's set a date for some answers on the jurisdictional issues.

MR. BREWER: Before we start talking about time periods and whatnot, could we go back to and focus on the motion in which we just move Action 1 forward in Amendment 12?

MS. BECKWITH: We already did that. We had already approved -- The only action that had been approved and put into Amendment 12 was Action 1, and so we have basically already accomplished that, and we don't have to do anything else. Amendment 12 is Action 1, and that's all we got to. Now I am suggesting a time period to see the rest of these actions come back with some answers, and I have heard March or June. Do you guys want March or June? June? Okay. So answers to the rest of what we can do and the jurisdictional questions, with some additional answers for us, in June of 2020. We are going to have public comment at 4:00, and so I've got five minutes to wrap this up.

I think, with these two things, is there anything left that we have to deal with today? There is one additional issue. Since we're having all these discussions with the catches increasing in the Mid-Atlantic for dolphin and wahoo, we are considering adding an additional seat to the Dolphin Wahoo AP for a Mid-Atlantic representative, and is there anyone that would oppose that addition of that seat? Okay.

MR. WAUGH: Just a quick question then. We have done this before, and I thought we had one on Dolphin Wahoo before, maybe from the Mid or another committee, but we did that with the other council picking up the travel costs for that individual, and so I assume that's how we would do this as well.

MR. DILERNIA: I would have to bring it back to my staff, but I don't think it would be a problem. You're talking about an advisor?

MS. BECKWITH: Yes, adding an advisor to our Dolphin Wahoo AP from the Mid-Atlantic, with the Mid-Atlantic covering the travel costs for that individual.

MR. DILERNIA: I don't think that's something we usually do, but I would be happy to take that request back to our staff.

MR. WAUGH: They would have full voting privileges on the committee, on the AP.

MS. BECKWITH: Okay. I would, I guess, put that also -- Does that have to be a motion, or can that be direction to staff to just touch base with the Mid-Atlantic, to see if they could cover the travel costs for an AP seat?

MR. HADLEY: I think, by consensus, we can take that as direction to staff. I didn't hear any negative comments in that respect, and so I'll take that as direction to staff to work with the Mid.

MS. BECKWITH: Okay. If there is nothing else, then we're done. Nice job.

(Whereupon, the meeting adjourned on September 18, 2019.)

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Certified By: _____ Date: _____

Transcribed By:
Amanda Thomas
October 15, 2019

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