

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

DOLPHIN WAHOO COMMITTEE

**Charleston Marriott Hotel
Charleston, SC**

September 18, 2009

SUMMARY MINUTES

Committee Members:

Tom Swatzel, Chair
Dr. Roy Crabtree
Dr. Wilson Laney
Charlie Phillips

Robert Boyles
Ben Hartig
Rita Merritt

Council Members:

Duane Harris
Dr. Brian Chevront
George Geiger
Susan Shipman

David Cupka
Mac Currin
Mark Robson
Lt. Brian Sullivan

Council Staff:

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Gregg Waugh
Mike Collins
Kate Quigley
John Carmichael
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Observers/Participants:

Monica Smit-Brunello
Hal Robbins
Bob Gill
Dr. Bonnie Ponwith

Dr. Jack McGovern
Otha Easley
Phil Steele
Nik Mehta

Other observers attached to the end of the document.

The Dolphin Wahoo Committee of the South Atlantic Fishery Management Council convened as the Committee of the Whole at the Charleston Marriott Hotel, Charleston, South Carolina, September 18, 2009, and was called to order by Chairman Tom Swatzel.

MR. SWATZEL: We'll call the meeting of the Dolphin Wahoo Committee to order. The first agenda item is approval of the agenda. Any additions to the agenda? Any opposition to approving the agenda? Hearing none, the agenda is approved. Our next item is approval of the minutes from the June 2009 meeting. Any additions or corrections to those minutes? Hearing none, those minutes are approved.

The advisory panel met in North Charleston in August. We had a very spirited discussion about the dolphin wahoo. There were some issues about some omissions concerning some of the data that the advisory panel picked up on very quickly, which somewhat hindered the discussions. We were also privileged to have David Cupka and George Geiger in attendance at that meeting. I'll let Gregg Waugh go over the advisory panel motions at this time.

MR. WAUGH: These are included as Attachment 1. I've also got them projected on the screen. The AP elected Dave Harter as chair; Dewey Hemilright as vice-chair. We had a discussion about pompano dolphin because they're included in the fishery management unit. Their recommendation was that it's such a minor species to either lump it in with common dolphin or just not bring the issue back to the AP to discuss anymore.

They also approved some recommendations that we push for more funding for data collection and research at the state and local level; that we have each state explain their data collection programs to the AP and council; and that they recommend we have better data presented to the AP.

MS. MERRITT: Gregg, I tried to listen to most of this AP meeting on the U-stream, and I did miss a great portion of it. I'm wondering was there any discussion regarding data collection programs that addressed tournaments and the data that they might have available for dolphin wahoo?

MR. WAUGH: There was some discussion about that. We had Don Hammond there and he gave a short presentation, and that was identified as a data source that we should try and tap and get that data as well.

MR. SWATZEL: Any other comments or questions? Hearing none, we are the presentation on dolphin and wahoo landings. Jack, are you going to give that?

DR. McGOVERN: Yes, Mr. Chairman, I'll give a very brief presentation. The dolphin landings are in Attachment 2 and the Wahoo landings are in Attachment 3 for the Dolphin Wahoo Folder. The dolphin commercial landings are from ALS for North Carolina through Florida. The landings for Virginia north are provided by the Southeast Science Center by Dave Glockner.

All the commercial landings for 2009 are from the Science Center. There is not a quota monitoring system for dolphin so they're all from the states and provided to Dave. He brought those to us. The 2009 data are preliminary.

The recreational data are from MRFSS and the Southeast Headboat Survey. You will see that the South Atlantic landings for commercial and recreational dominate for both commercial and recreational. I think like 93 percent of the dolphin landings were recreational overall and 7 percent are commercial. There are also some lengths' data in this report.

This report was put together by Nik Mehta for both dolphin and wahoo. There are some mean fork lengths by year for the headboat, MRFSS charter, MRFSS private and commercial. Generally the commercial sector, there is really no trend to the mean length with time. Commercial mean lengths are generally larger than other sectors and headboat are generally smaller. There is also a preliminary size limited analysis provided for increasing the minimum size limit from 20 inches.

For wahoo those landings are in Attachment 3. Again, for states for North Carolina to Florida, those are ALS for commercial and the Science Center has provided data for states north. The South Atlantic dominates commercial and recreational. Most of the landings are recreational. They average about 50,000 pounds commercial and about a million pounds recreational. That completes my report, Mr. Chairman.

MR. SWATZEL: Thank you, Jack. Any questions concerning the landings' data for wahoo and dolphin? Mac.

MR. CURRIN: We've mentioned this several times around the table over the last couple of meetings. There has been a fair amount of concern expressed to me in North Carolina about the increased longlining activity up there and potential impacts on the recreational harvest. It was indicated earlier it's primarily a recreational species.

To track that concern I've bugged Phil a number of times to give me the most updated landings that they have. In going through that, they kept coming up for several months is there is about a half a million pounds, and I know just from the effort in North Carolina that didn't come close to equaling what we had seen in North Carolina on its own.

I contacted the confidential Georgia folks and South Carolina and Florida and able to cobble together some of those landings. Without the Mid-Atlantic and New England and without Georgia's landings, the best I could cobble it together through about July the commercial landings were at about 1.3-plus million pounds, very close to our 1.5 million pound cap at least through July and in some cases June. Again, these are estimates but we're bumping up against that cap, which the plan would indicate would trigger some sort of action by the council.

The other thing it pointed out is that the tracking of these landings make it very, very difficult for the council to react if that became necessary because we don't know how close they are to the cap in reality. There is a real time lag here, and from my perspective I think we need to do something to tighten up the reporting so that those landings are as close to real time as possible.

There never going to be and I'm not asking for daily or weekly reporting, but monthly reporting perhaps when they're complete by the state, to some central agency so that these are more real time I think would be a real benefit to this plan.

MR. GEIGER: Mac, I agree with you, but to that point, when Jack was going through his presentation he talked about the fact that dolphin are being monitored under a cap as opposed to a quota. I guess when the cap was established by the council under the original plan commercial landings weren't really high enough to demand – or we weren't managing enough fish under a quota to consider this particular plan to be manageable by a quota

In fairness NMFS has a quota management site for species that are managed under a quota that you can go to and they keep up, and when the quota is met it closes the fishery. Unfortunately, a cap, in talking to Roy, there is no definition for what a cap actually is, but it not necessarily would result in a closed fishery because it's not a quota.

I guess the conundrum we're in is we need in this plan that we're looking at is convert that cap to a quota so that it can be managed and observed under the quota monitoring program that is already established and we can take whatever actions are necessary such as a closure when the quota is met. I guess to do that it would take an amendment to the existing plan.

DR. CRABTREE: Just to follow up on George, it does sound to me, Mac, like what you want is to put this in the quota monitoring program and I don't think we're going to that because it's not a quota. It's a cap and it's not in the regulations anywhere. I can read to you what the preamble of the proposed rule said about this.

It says, "In addition, the FMP would establish an annual cap of 1.5 million pounds or 13 percent of total landings, whichever is greater, for the commercial fishery for dolphin in the Atlantic EEZ. Should the catch exceed this level, the council would review data and evaluate the need for additional regulations."

The way this was set up was that we would periodically look at what is caught; and if the cap was exceeded, the council would go through the plan amendment or a regulatory amendment process and take some action. This was set up not to respond to going over quickly, but to go through the whole process with an amendment and public comment and rulemaking and everything.

Most of this discussion was before my time on the council, and I really don't know why the council set it up as a cap rather than a quota. We really can't say whether the cap was exceeded just by measuring the commercial landings because it has got the "or" statement whichever is greater; and with the 13 percent and evaluate, you'd have to have all of the recreational landings pulled together.

Now, I suspect the reasons the numbers you have are higher than what we have right now is something over 800,000 pounds, but we get that reported from the state I guess through the trip ticket system, and there is a big time lag with that. It's months before we get all that and sometimes more than that.

We've got to go through and establish ACLs for dolphin and wahoo; and I would say when you do that, if you want to change the structure of the cap and set it as a commercial quota, you can do that and then we'll monitor it through the quota monitoring program; and when we think they're going to catch the quota, we'll close the fishery like we do with all the other programs. My read of it is that the council intended this not to be a quota. They intended it to be something different, and so we don't monitor it as a quota and we don't treat it as a quota.

MR. GEIGER: I guess my question is to Gregg; as we're required to develop annual catch limits for this fishery and we're going through that action right now, wouldn't this be the time to take that up and establish a quota?

MR. WAUGH: Well, that's one of the items that we have in our decision document. Once we set an ACL and determine whether we're going to set an ACT, yes, it is in the plan to do that, and these actions would be forwarded and included in the Comprehensive ACL Amendment.

MR. MAHOOD: Initially when the council looked at this and the reason it was set up as a cap is we estimated approximately what portion of the fishery was commercial and what was recreational. There was pretty weak information. The way I always looked at it – we had the longline folks involved and they felt like they were going to get short-changed, but in actuality, as I recall, on the commercial sale side, 8 percent of the 13 percent was hook-and-line sale, which really probably was recreational sales of the bag limit.

At the same time we did this we prohibited recreational sale of dolphin and wahoo. In actuality the commercial longline side picked up a percentage over what they had probably harvested in the past. At the time the discussion was this fishery is very vibrant, it's in good shape, they reproduce quickly and there just weren't any problems.

That's kind of the background of how we got to where we are now. Now, obviously, like Gregg pointed out, it's in the document. We've discussed that and that would be the time for the council to make a decision if they want to go to more of a hard quota or hard TAC under the ACLs.

MR. CURRIN: Bob, thanks for that history lesson. Dr. Crabtree, like you, I think about the time I came on this council six or so years ago was the time that the Dolphin Wahoo Plan was being approved by the council. One measure that was in that plan developed by the council that was not carried forward or was not approved by the National Marine Fisheries Service was a trip limit recommendation I believe from the council of about 4,000 pounds.

There have been apparently a number of trips off of the coast of North Carolina this year involved with the increased longline effort that had far exceeded that two times or greater of that; not on a regular basis but some trips of well over 10,000 pounds. In the big scheme of things that may not be a big deal for the coast-wide landings but for 30 to 50 or 60 charterboats that are trying to make a living off the coast of North Carolina, it can affect localized depletion of stocks that in some cases might stay there for weeks to a month or weeks to a month or so, so it has raised some concerns.

Those sorts of levels of landings have raised some real concern among some of the charterboat folks off of our coast. I would ask, then, that we actually consider as well in the ACL Amendment some sort of trip limit for the commercial industry, if we can do that.

DR. CRABTREE: You can certainly do that, Mac, but just keep a few things in mind. At this point, since the cap was put in place, it has not been exceeded. There were a lot of problems with that amendment. There were NEPA issues with it that resulted in some of the disapproval and there was lack or rationale.

Looking back now, it appears that a trip limit wasn't necessary to prevent going over the cap, and that was part of the issue with the disapproval. You could certainly come back with it. The other thing to keep in mind is the commercial landings are by and large I think less than 10 percent of the overall landings in this fishery.

If you have depletion problems, it's a stretch in my view to pin it on – it's more likely due to recreational takes if there are issues with this stock than the commercial takes. We just need to be careful that we're not reacting to perceptions rather than reality, but I think you can certainly come back and revisit this. The other portion of that plan that was not approved was the limited entry permits, I believe, for dolphin. I think you can come back in and look at all of those things if you want to in the ACL Amendment.

MR. MAHOOD: Roy, I think Mac hit it on the head why this plan moved forward to begin with, and it was localized depletion. It wasn't depletion of the resource, but there was depletion in certain areas. I know one of the big issues off of South Carolina, there were at least a couple of documented landings of over 20,000 pounds. I think, also, isn't the bag limit different in Florida than it is in the other states? I know there was a localized depletion problem off the east coast of Florida that addressed in the amendment, also.

MR. WAUGH: Size limit.

MR. MAHOOD: Size limit; that's what it was. A lot of it was this localized depletion issue and not so much that the stock was in trouble in any way. Again, the cap or the percentage was set as a trigger. I think as Roy said the council would step back and take action if it got out of what we considered an equitable balance.

DR. CRABTREE: Yes, but just remember a further problem is perception is not always reality; and the fact that if your fishermen see somebody bring a lot of fish in and say, oh, well, we've got depletion, localized depletion, now it doesn't mean that there is really localized depletion. That is what we need to be careful of.

I'm not saying these things aren't going to have an impact, but the fact is you've got a commercial fishery that's only a small fraction of the overall removals from the fishery. All of us have been around long enough to know there is always somebody trying to look at the other side and say they're bring in too many fish. We just need to be careful about that and make sure that if we come in talking about depletion and things, that we actually have some evidence that there really is a problem.

MR. CUPKA: Bob is right in his remembrance of this thing, and it was sort of a localized depletion issue. I can remember that's when we had in South Carolina what we affectionately refer to as the dolphin wars where Jim Donofrio came down and was on the steps of the courthouse getting all the recreational guys worked up over this thing and all.

That's part of the reason why we ended up with some state regulations that later got overturned and shot down, but that was exactly the reason why it was seen as a localized depletion thing and all of sudden these longliners were showing up and they were being seen more and more by the recreational guys. That was the impetus behind a lot of this.

Bob is right; you know, the idea was to look at this; and if got out of hand, then we could come back and take some action on it. As Roy pointed out, to date we don't have any data that shows that was exceeded. But that was always the idea which was to monitor the fishery. The stock was in good shape, it was a fast-growing thing, so we put a cap in place, really, as kind of a monitoring trigger. If we exceeded that, then we could come back and see if we needed to take some more action to restore that balance between commercial and recreational.

MR. PHILIPS: I agree with Roy; you know, this is a stock that's in good shape. We know that the commercial guys are 10 percent, or whatever the number is, it's a small number. We also know we're going to be pushing people from one fishery to another, and dolphin might be something that can take up some of that slack.

I'd be skeptical about making such small trip limits, if that was an option, until we see what the ACL is. Then if we want to do an allocation and we see a problem coming, then we work accordingly. It's kind of like some of the other things; you know, when they wanted to close shrimping so they could save some red snapper, it's perception. I don't think the commercial guys are the problem. It may be a problem at some point in time, but I don't think they are yet.

MR. SWATZEL: After Mac, if we could, we probably need to start moving on into the ACL recommendations.

MR. CURRIN: Yes, it may well be perception, but I fish every year personally out of Hatteras for a couple of days in June, the same month, and have for the last close to 25 years. I've gotten to know a lot of the charterboat captains down there and I know a large number of the commercial fishermen down there.

The longline effort has been ramping up from three or four to eight boats to this year 20 to 25 crews that were operating off of there in the month of June, during the heart of the season when these fish migrate by our coast. They're available in small numbers; the big peak is around the first of June, the middle of May to the middle of June.

When you've got several of the boats removing 10,000 pounds plus a day, that's 160, as best I calculated, on average charterboat limits that come out of the water in one day. These guys have never said anything to me before about longline effort in that area until this year, and they had sense to bring it up because they live in the community.

They live with these people, but it's disturbing them greatly. I bring it to this council; and if it will require a motion that we analyze trip limits in the ACL Amendment for dolphin, then I would make that as a motion at the appropriate time, Mr. Chairman.

DR. LANEY: Well, two comments; one is I'll increase the observations and equal to Mac's comments that he just made, because I also fish that charter fleet out of Morehead City and out of Hatteras and out of the Oregon Inlet Fishing Center. This was the first year that I've heard the complaints about the longliners, as well.

But I wanted to switch the subject to wahoo and just ask Jack one real quick question. In contrast to the dolphin landings since '99, the wahoo graphs there show what seems to be a general downward trend from about 2004 to the present. Is that any indication of changes in the population or changes in the market or do we have a clue, Jack?

DR. McGOVERN: I don't know, Wilson. I don't know the answer to that.

MR. SWATZEL: Okay, let's let Gregg go through the Comprehensive ACL Amendment Options and then after that we can –

MR. GEIGER: Point of order. Mac, did you make a motion? You said if it took a motion, you were making a motion to that point.

MR. CURRIN: At the appropriate time I would like to make a motion that we analyze trip limits. If this is that time, then I would make that motion.

MR. SWATZEL: I would suggest let's let Gregg go through those options first and then we can do that. Gregg.

MR. WAUGH: We do have an exploratory dolphin stock assessment that was done by Prager in 2000, and this is Attachment 4. We have an MSY, an Fmsy, biomass ratio, and a fishing mortality ratio. Hopefully, we'll get recommendations from the SSC in December using their control rule.

We do have the issue of common dolphin. We do have pompano dolphin in the management unit. At some point we need some guidance on whether to try and present that as an ecosystem component or just drop it from the management unit. It is a very minor, minor component. It doesn't show up in any of the landings.

In terms of our MSY options, this is on Page 3 of that document. We've got the no action, which again remember MSY and OY include the Gulf and the Caribbean. Our management regulations only apply to the Atlantic. The MSY right now is between 18.8 and 46.5 million pounds. We've got some other alternatives that we pulled out of the Prager Report.

Option 2 is 26.987 million pounds. We've got the MSY option just looking at landings. Option 4 is to specify MSY separately from the Atlantic; a placeholder for the recommendation from the

SSC. The AP has recommended Option 6 to specify MSY as 46.5 million pounds for the Atlantic, U.S. Caribbean and Gulf. That's the top end of the current MSY range.

MR. SWATZEL: Gregg, just a thought; maybe as you're going through this, as you end each one of these we can kind of discuss amongst the committee about if this is a satisfactory range of options; or if you want to add some more to it, now is the time. Yes, Brian.

DR. CHEUVRONT: I'd like to go ahead and make a motion at this point that we move – well, these aren't actual alternatives yet, so we don't have to say whether we have considered them and rejected them at this point; do we? Okay, Option Number 3 I think is kind of unrealistic; and aside from the potential for localized depletion, there is probably no reason to have Option Number 3 in there. It just seems too low.

MR. SWATZEL: Any other discussion about that? Yes, Mac.

MR. CURRIN: I would just observe that without some sort of basis for that, Brian, I'm not sure whether it's too low or not at this point. I just don't know. There is no basis for making that decision.

DR. CHEUVRONT: Well, I guess the reasoning for my basis for making that is that the no action option, the lowest part of that is 18.8 million pounds, which is higher than the upper end of this range, and we've not had any indication yet that using that 18.8 million pounds – even using that number that there is a problem in the fishery.

MR. SWATZEL: I guess basically we're just trying to give staff guidance as to is this a good range of options. Any other thoughts before Gregg moves on? Yes, Gregg.

MR. WAUGH: Well, we need a little bit more guidance because we've had one suggestion to take it out and I think Mac was saying not to take it out. I think if there are some that we want to drop or add, maybe the cleanest way is just to do it my motion unless there's consensus.

MR. SWATZEL: Okay, I'll entertain any motions. Yes, Brian.

DR. CHEUVRONT: Yes, just to move this along, I'm going to make a motion that we drop Option 3 in the MSY options.

MR. SWATZEL: We have a motion; is there a second? Rita seconds. Any discussion on the motion? Any opposition to the motion? Okay, correct me if I'm wrong, but based on that count, the motion did pass. Yes, Roy.

DR. CRABTREE: Where that is going to leave you, if you go back to the SSC or whoever and they say, "Well, wait a minute, those other ones you have are out of date and not best available," now you don't have any options based on landings so you're going to have to come back and put it back in, it seems to me, because I don't know what else you're going to have to base it on. Take it now, that's fine, if that's what you want to do, but I suspect once the SSC goes through it, you very well may have to add it back.

MS. SHIPMAN: Would that, though, be covered perhaps in Option 5 where they could come back and recommend to us – it says “recommended MSY from the SSC”, so we may come back in, I agree with you, from a different venue.

MR. SWATZEL: Okay, the next item, Gregg.

MR. WAUGH: The next item is the top of Page 4, the overfishing level, and we’ve got the no action alternative. We’ve got the Fmsy that came out of the production model by Prager in 2000; an option to specify some separate value for the Atlantic and then a placeholder for the value recommended by the SSC.

MR. SWATZEL: Any discussion; does this look like a good range; anything you want to add or delete? Hearing none, we’ll move to the next item and assume that’s a good range.

MR. WAUGH: The next item is the ABC. We’ve got no action where there is no ABC. We’ve included an alternative from 17.5 to 22.9 million pounds based on 65 to 85 percent of MSY, Option 2, that would apply for dolphin in the Atlantic, U.S. Caribbean and Gulf. Alternative 3 is to specify ABC separately for the Atlantic, and Option 4 is a placeholder for the SSC recommendation.

MR. CURRIN: Gregg, in the previous option or the previous action as well as this one to establish an ABC, there was an option in there to separate it for the Atlantic at some value and I think that’s a good idea. I just don’t how to get to that value. Does the staff have some means of deriving a value for those two separately, for the Atlantic?

MR. WAUGH: Well, the only thing we could think of is if you come up with some landings, just using landings from the Atlantic. As Roy suggested yesterday, perhaps using that to set your MSY and your OFL because that would be the yield at MSY. We would hope the SSC would give us some guidance on this.

MR. CURRIN: Okay, then I’m fine with it at this point.

DR. CRABTREE: And then I would guess what we’re going to get from the SSC is to apply these control rules that we’re looking at. Gregg, this is going to be in the Comprehensive ACL, so we’re going to have an action, I would guess, in the Comprehensive ACL Amendment where we adopt these ACL Control Rules. How are you envisioning this going?

Then it seems in that action, if we adopt the ACL Control Rule, then that’s how we’re going to come up with our ACLs for – with the ABCs. It’s not an ACL Control Rule; it’s an ABC Control Rule. Then once we adopt those, that’s where all of our ABCs are going to come out of, I would guess; is that how you see it?

MR. WAUGH: That’s correct, and I think the way the Comprehensive ACL Amendment would be structured is similar to when we’ve done other comprehensive amendments. Those things that apply across FMPs, like the ABC Control Rule, we would have in one section where you would adopt that.

Then the specific values for each – we would have a section that amends each plan and talks about that plan. Within that section we would have the specific values for each species. Then just like we're going through here, we'd talk about the MSY, the OFL, the ABC, ACL and get into accountability measures and then management measures for each species, each FMP.

MR. SWATZEL: Any other thoughts about the ABC options? Gregg, next.

MR. WAUGH: Okay, the next is the ACL options at the top of Page 5. There is no ACL right now. We've got alternatives based on 65 percent of MSY, Option 2; 75 percent and 85 percent. All of those apply to the three areas. Then we have an Alternative 5 to set the ACL separately for the Atlantic.

MR. SWATZEL: Any thoughts about the ACL options; any additions or anything you want to drop out? Hearing none, we move to the next item.

MR. WAUGH: This is accountability measures. What we've done is basically just pulled from actions that you have taken in snapper grouper. We presented this to the AP as well, and their suggested change is highlighted in yellow. They have concern about reducing the length of the following seasons. They don't like the idea of season closures.

Anyway, Option 1 is there is on hard quota for dolphin. There are no AMs in place. Option 2 would have the commercial – the accountability measure for this stock is to prohibit harvest, possession or retention when the quota is met. All purchase and sale is prohibited when the quota is met. Do not implement ACLs or AMs for the recreational sector.

Option 3 is to use the same commercial accountability measure; and then if the ACL was exceeded, the Regional Administrator – and this applies to the recreational side – the Regional Administrator would publish a notice to reduce the length of the following fishing year by the amount necessary to ensure landings don't exceed the ACL for the following fishing year.

Similar to what we've done with some of the snapper grouper species, compare the recreational ACL with the recreational landings over a range of years. You'd use 2011 and 2012, use the two-year average, and then beyond that a running three-year average.

MR. SWATZEL: Any thoughts about the AMs for dolphin? Charlie.

MR. PHILIPS: Well, back to Mac's point, it might be an option to put in a trip limit or a lower trip limit, and that way you can at least keep the fishery open all year, so that might be an commercial for commercial.

MR. SWATZEL: I think that would be I guess a management measure that we would get to later on the document, I believe. Yes, Ben.

MR. HARTIG: Tom, the first two are kind of the same in a way. I know you have to have the status quo option in there, but the second one in the bottom says "do not implement ACLs or

AMs for the recreational sector.” I mean we have to do that, so why would we have two options that said the same thing about do not put in place AMs for dolphin? I don’t understand that.

MR. WAUGH: Rick, do we still have an alternative in the snapper grouper where we’re not implementing AMs? It shouldn’t have said ACL. I can’t recall why that’s in there, but it was to track snapper grouper. I know at one point for some species we didn’t have AMs.

MR. DeVICTOR: Yes, I think we got rid of those because it didn’t have the recreational component. I’m not a hundred percent positive, but I’m pretty sure we did.

MR. WAUGH: So there is no problem if you want to drop Option 2 because Option 3 is the same as Option 2 except it adds the recreational accountability measures.

MR. BOYLES: Mr. Chairman, looking at the AP recommendation not about reducing the following fishing year but the bag limit the following year, I want to know if the committee is interested in adding that as an option?

I’m seeing heads shaking so I would like to add that and make a motion that we add an option for a recreational accountability measure that would allow the following season bag limit adjustment to account for any overages in the recreational sector.

MR. SWATZEL: There is a motion on the floor; is there a second? Susan. Any discussion?

MS. SHIPMAN: And, Robert, is your intention that would be added in for the Regional Administrator to do that adjustment?

MR. BOYLES: Yes.

MR. SWATZEL: Any other discussion on the motion? Is there any opposition to the motion? Hearing none, that motion is approved. Any other discussion about the AM’s?

MS. MERRITT: Might this not be an opportunity to offer up as an option to have recreational texting; that program that was presented earlier by Sea Grant?

MR. SWATZEL: Any other thoughts about that from the committee?

MS. MERRITT: Just to expound upon what I said, the complaints from the AP of the lack of data. We’ve seen in here and we’re struggling with some the species there is no data. Well, it’s primarily a recreational fishery, and at this point we don’t even have tournament data that I know of that the SSC has had. This might be one opportunity to look into. I’m not saying it’s something that they would want to do or would be affordable or whatever, but it might just be an option to get some input on.

MR. SWATZEL: Okay, any other thoughts at all? Brian.

DR. CHEUVRONT: So are we going to just drop Option 2; is that a decision that we made? If we need to make a motion for it, I will just go ahead and make the motion that we drop Option 2 from the accountability measure options.

MR. SWATZEL: We've got a motion on the floor; second by Robert Boyles. Any discussion on the motion? Yes, Roy.

DR. CRABTREE: Well, yes, a question and maybe I missed it and now I can't see – does Option 3 include a commercial quota and close the fishery or Option 3 is just recreational; isn't it? Okay.

MR. SWATZEL: Okay, any opposition to the motion? Hearing none, that passes. The next item.

MR. SWATZEL: Okay, now we get to Page 6 where we have our management measures. Option 1 is all the existing management measures. Option 2 would prohibit bag limit sales of dolphin from for-hire vessels. Wahoo sale is prohibited by everybody. Dolphin, you can still sell those on for-hire vessels.

Option 3 would establish minimum size limits off of North Carolina and South Carolina. Option 4 would expand the minimum size limits to the New England and Mid-Atlantic areas. Option 5 – and some of these now in all caps are from the AP – increase the minimum size limit to 22 or 24 inches; reduce the boat limit, and one suggestion was to reduce it by a third. Option 7 was to examine harvest by powerheads and evaluate whether it should continue to be allowed.

MR. CURRIN: Mr. Chairman, I would like to move that we establish Option 8 to explore a series of trip limits for management of the commercial fishery.

MR. SWATZEL: We have a motion on the floor; second by Robert. Any discussion?

MR. BOYLES: Mac, are suggesting as well a quota – I mean the cap becoming a quota?

MR. CURRIN: Well, I think, Robert, with the establishment of an ACL, once we have that in place, we're going to have to allocate this fishery in some way, so then there will be a quota, I presume, for the commercial and some quota, unquote, for the recreational fishery as well. In that case, then, yes.

MR. PHILIPS: I don't have a problem with the trip limit and especially if you can work the trip limits into the AMs so that you set the trip limits so that the fishery is open all year. I don't really have a problem with the trip limits so long as the trip limits are high enough where they can make a decent trip.

MR. CURRIN: Yes, and just for some guidance for staff, then perhaps in the previous amendment it was 4,000 pounds; so if we ratchet it up from 4,000 pounds and ratchet it down from 4,000 pounds, that may give us a reasonable range of options to explore in that first cut, anyway.

MR. SWATZEL: Any further discussion on the motion? Any opposition to the motion? Hearing none, that is approved. Yes, Brian.

DR. CHEUVRONT: I would like to ask a question regarding Option 3. Currently off of North Carolina and South Carolina we don't have size limits. In North Carolina, for a couple of weeks every year, we have an opportunity to catch dolphin off of fishing piers. It's the only time that – unless you have a boat or access to a boat – that you can catch dolphin in North Carolina. These fish tend to be on the shorter range, and I was wondering if they had a similar fishery in South Carolina.

MR. BOYLES: Brian, I'm not aware of one. If I recall, I had asked that we would put this in for consideration just to hear what the public had to say. I continue to get, particularly at a lot of tournaments, a lot of questions and a lot of sideways looks from guys bringing these really, really small dolphin. I would like to get more feedback on it from South Carolina at least.

DR. CHEUVRONT: Yes, I agree with you, and I'm not going to suggest anything to eliminate the option at this time. I would like to get some public comment on it, but I know that is one of reasons why – you know, from the agency perspective in North Carolina we're concerned that if we establish a minimum size limit off of North Carolina, we could shut out a certain segment of the population from access to the resource when they only have access a couple of weeks out of the year, and those tend to be the shorter fish.

If the stock is not in trouble, then maybe there is no reason to eliminate that. This is something that will probably come back up later on as we discuss this further, but I just wanted to get that idea out there.

MR. BOYLES: Tom made note that there is like a stimulus project to build a 45-mile-long pier on the Grand Strand, and that might be the case. (Laughter)

MR. ROBSON: I have a couple of questions about Option 6. I guess to be clear that's basically reducing the boat limit to 40 per day. That's what the Florida boat limit is. Then you want to be clear because I guess we have a headboat that's different. You want to be clear that is this a boat limit for private recreational boats.

MR. SWATZEL: Gregg, is that enough guidance for you on that item? George, do you have a comment?

MR. GEIGER: Well, I was going to pass but I think we were talking about the charterboats and not headboats; not the private recreational sector, but for charterboats and the private recreational sector. Headboats would be exempt.

MR. ROBSON: I was just saying we want to be clear on what you are referring to as a boat limit, because right now you have a headboat exemption. You have ten per person for a headboat.

MR. BOYLES: Gregg, where did Option 7 come from; what is the genesis of that; can you give me a little bit of background?

MR. WAUGH: This was just mentioned at the AP. There was some concern that this was going on. I can pull up some more of the discussion.

MR. SWATZEL: Any other comments about management measures or dolphin because I think we've pretty much reached the end on dolphin?

MR. WAUGH: There was some mention of allocating and we do need to take the ACL and allocate it, so we need to have some guidance on how you would want us to do that. In general what the guidance has been up to now is for the Comprehensive ACL Amendment we will look at allocating to the three sectors, the private recreational, for-hire and commercial. Then we had the formula approach and then we'd work up some others using landings. Is that still the general guidance for allocation?

DR. CHEUVRONT: I'm saying when you are saying the formula approach you're referring to the Boyles approach? Okay.

MR. SWATZEL: Any other comments about dolphin? If not, we'll let Gregg go ahead and move into wahoo.

MR. WAUGH: Okay, so for wahoo we don't have – well, the MSY proxy that was used – and this is on Page 8, for wahoo is 1.41 to 1.63 million pounds. As I recall looking at some of the landings' data, we were getting close to that in some instances. We've got some other range based on several years, separating for the Atlantic, and a placeholder for the SSC recommendation.

MR. SWATZEL: Any comments about MSY options? Hearing none, we'll move to the next item.

MR. WAUGH: Okay, overfishing, top of Page 9, the no action alternative, and again this applies to the Gulf and Caribbean. Also, Option 2 is to have a separate value and the value recommended by the SSC.

MR. SWATZEL: Any comments about OFL? Hearing none, we move to the next item.

MR. WAUGH: ABC, there is not one in place now; some alternatives to use the range of pounds based on 65 to 85 percent of MSY, Option 1 or 2; separate value for the Atlantic and the SSC's recommendation.

MR. SWATZEL: Any comments about ABC? Hearing none, we'll move on.

MR. WAUGH: ACL, there is nothing specified now. We've got alternatives ranging from 65 to 75 to 85 percent of MSY options and a separate value for the Atlantic.

MR. SWATZEL: Any comments or discussion about the ACL options? Hearing none, we'll move to the next item.

MR. WAUGH: Okay, accountability measures, and I would assume here you would want us to make the same changes that you approved for dolphin, so we'll make those changes because these are exactly the same.

MR. SWATZEL: Any opposition to that; everybody okay with that? Okay.

MR. WAUGH: All right, then management measures, we haven't heard any recommendations for any changes. Obviously, we'll have to look at what we end up with for an ACL because, remember, your MSY is not a large number and that's split between the Atlantic, the Gulf and the Caribbean; so by the time we get to our ACL, it may be a small enough number that we need to look at some regulatory changes.

MR. SWATZEL: Okay, any comments about management measures? Hearing none, we're complete with wahoo. Is there any other business to come before this committee? Yes, Brian.

DR. CHEUVRONT: I think we probably need to do something with wahoo on allocation, and I was just going to suggest that we give guidance to staff to follow the same things that we did for dolphin.

MR. SWATZEL: Good point; any objection to that? Hearing none, we'll head in that direction. We're at the timing-and-task motion, but I believe we've probably given you your tasks. Okay, any other business? Hearing none, then this committee is adjourned.

(Whereupon, the agenda of the Dolphin Wahoo Committee was completed on September 18, 2009)

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