

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **DOLPHIN WAHOO COMMITTEE**

**Charleston Marriott Hotel  
Charleston, SC**

**September 16, 2013**

### **SUMMARY MINUTES**

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

John Jolley, Chair  
Ben Hartig  
Doug Haymans  
Pres Pate

Mel Bell  
Anna Beckwith  
Dr. Wilson Laney  
Chris Conklin

#### **Council Members:**

David Cupka  
Robert Beal  
Dr. Roy Crabtree  
Jessica McCawley  
Zack Bowen\*

Lt. Morgan Fowler  
Jack Cox  
Dr. Michelle Duval  
Charlie Phillips

#### **Council Staff:**

Bob Mahood  
Mike Collins  
Dr. Kari MacLauchlin  
Kim Iverson  
Julie O'Dell  
Anna Martin  
Myra Brouwer

Gregg Waugh  
John Carmichael  
Amber Von Harten  
Dr. Mike Errigo  
Roger Pugliese  
Dr. Brian Chevront  
Julia Byrd

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

Monica Smit-Brunello  
Dr. Bonnie Ponwith  
Phil Steele

Dr. Jack McGovern  
Anik Clemens  
Doug Boyd

Additional Observers Attached

\*Appointed but non-voting or sworn-in until October 25, 2013

The Dolphin Wahoo Committee of the South Atlantic Fishery Management Council convened in the Blue Topaz Room of the Charleston Marriott Hotel, Charleston, South Carolina, September 16, 2013, and was called to order at 2:30 o'clock p.m. by Chairman John Jolley.

MR. CUPKA: You will recall this committee had previously been chaired by Tom Swatzel, who was not reappointed. The Vice-Chair, John Jolley, has agreed to serve as chairman for this meeting. He has also expressed some concern over losing a couple of members. For the purposes of this meeting only, I am going to appoint Ben Hartig and Mel Bell to the Dolphin Wahoo Committee. In the next couple of months, when the committees are reviewed for membership, they can make changes as appropriate; but at least for the purpose of this meeting, you will have two new committee members, Mr. Chairman.

MR. JOLLEY: I declare the Dolphin Wahoo Committee open for business. Has everybody had a chance to look at the agenda? Are there any items on the agenda that you disagree with or want to add or subtract? Seeing no objection; I will approve the agenda. Secondly; has everybody had the chance to see the minutes for June 2013? Are there any additions or corrections to the minutes? Seeing none; the minutes are approved. Jack, I think you've got some information that you are going to give us on commercial and recreational catches.

DR. McGOVERN: The commercial data are on Tab 5, Attachment 1A, but we've gotten updated information from the Science Center. Dolphin landings through September 9th are at 46 percent of the 1,065,000 pound quota. Last year at this time, through September 11, 2012, we were at about 34 percent of the quota. At the end of last year, 64 percent of the quota was met.

For wahoo we're at 65 percent of the 64,147 pound quota. Last year we were also at 65 percent of the quota at this time' and 98 percent of the quota was met in 2012. We closed wahoo in the middle of December last year. I think we could expect there might be a closure of wahoo towards the end of this year.

DR. CHEUVRONT: Do you have recreational, too, Jack?

DR. McGOVERN: The recreational landings; MRIP landings have just been posted on the website. We have made a request to the Science Center to provide the recreational data to us. They need to post stratify the data and that sort of thing. Last year we were at about 45 percent of the recreational ACL for dolphin. We were slightly over for wahoo, about 8 percent over. The landings data that have been posted on MRIP are through Wave 3, and we should have that information on our website probably at the beginning of next week.

DR. JOLLEY: Any comments? Seeing none; we'll move along. I think the next item of business is Amendment 5, public hearing comments. Brian is going to take that for us.

DR. CHEUVRONT: We didn't get an awful lot of comments on Dolphin Wahoo Amendment 5. In the oral comments, we only received three. We had 35 written comments. We had a total of 38 comments that came in. Not everybody commented on every action, and 17 of the written comments were essentially identical. You received copies of those written comments.

They were comments that were made on the version of the document that existed as of the March 2013 council meeting, as some of the comments that were in there were about the Dolphin

Allocation Action that was taken out of the document at the June meeting. Then they made no comments about the dolphin commercial trip limit that was added at the March meeting.

Also, the tenor of all those 17 comments was we want no on everything, because we don't want anything to change in management for dolphin wahoo. They didn't actually address any of the actual actions that were in the amendment, so take that all with a grain of salt. When you see a lot of these things that show like for Action 1, Alternative 1, 19 were in favor of Alternative 1. Well, actually 17 of those were those people who said I'm against everything.

What you could easily just do is subtract 17 from all of those who preferred Alternative 1 for Actions 1, 2 and 3, if you wanted to discount those comments. I am just letting you know that. You can see that there were very few comments that were really made about the other actions. Action 4, which those other folks did not comment on, six of the comments was in favor of Alternative 1; and Action 4 is the one to put a commercial trip limit for dolphin in place.

Then there were four comments regarding choosing some of the other subalternatives, which are the different pound levels for dolphin commercial trip limits. That pretty much sums up what there was. There wasn't an awful lot that was said substantive about this amendment in terms of the comments that we received.

MR. JOLLEY: Does the committee have any comments, any suggestions? Brian, if you want to move ahead.

DR. CHEUVRONT: We'll move on to Dolphin Wahoo Amendment 5. Actually you have Attachment 2 is the decision document, which is what I'm going to be working from today. Now I have modified that slightly, because I am going to put the motions that you all give us right into the document.

Previously you've gone through the purpose and need for this document and have edited it. You were happy with it in June. The IPT had no recommendations for anything on changes. If you see there is a need to readdress that, we probably need to discuss that now. Moving on to Action 1; at the June council meeting you chose Preferred Alternative 2 as your preferred alternative.

Action 1 is the one to revise the acceptable ABCs, ACLs and ACTs for dolphin and wahoo. Just to remind you, this is the one that because of MRIP, we will no longer have MRFSS landings to compare our future landings against, and MRIP is going to be used. We recommended some modifications to the ABCs, ACLs and ACTs.

It was basically good news all the way around. Even though we used the same method for percentage allocation and some of the percentages changed slightly between the two sectors; in all cases everybody ends up with more fish. That always makes everybody happy when the council can say everybody gets more fish.

You already have a preferred there. There is no additional need for action if you don't want to; but we thought if anybody wants to have any more discussion, this is it. Remember, at this meeting you are scheduled to vote on sending this amendment to the secretary for formal review. This is basically going to be your last whack at it.

Action 2 is to revise the accountability measures for dolphin and wahoo. Currently you do not have any preferred alternatives selected for this action. If we are going to push this on ahead, we're going to have to do something with this action at this meeting. Alternative 1, of course, is the status quo.

Under Alternative 2 and Alternative 3, the IPT has recommended some slight modifications to the language that simply makes the intent a little clearer. Under Alternative 2, we made sure it was perfectly clear that what we are talking about in each case is the commercial ACL. If the commercial AM is triggered, the reduction in the fishing year is going to come out only of the commercial ACL; and they are only going to pay back the amount of the commercial overage.

In other words, if both sectors were to go over, the overage wouldn't come out of all of one sector. Each sector would pay back according to their overage. That was the language that was changed here. In Alternative 3, the length of the fishing season was added to this as well as clarifying that we're really talking about recreational overages and recreational ACLs.

Everybody is paying back their amount of overage, and the judgments are based on the amount of overage of that sector. We just did it to be very clear. What we would need to do is to have a discussion at some point. One, it would be great to get a motion to accept the recommended language changes or to modify it further, whatever you want to do, as well as to go ahead and select some preferred subalternatives for Alternative 2 and Alternative 3.

Just to highlight this again, remember now in Alternative 2, Subalternative 2A would require reducing the fishing season only if the species is overfished. Alternative 2B would be only if the total ACL, and that is both commercial and recreational combined, is exceeded. Subalternative 2C is only if the species is overfished and the total ACL is exceeded. Alternative 3 is the recreational version of that.

Now we came up with – the language that we're using here follows fairly closely to what you have put in place already for king mackerel and Spanish mackerel and cobia. Now if you were to accept Alternatives 2C and 3C as your preferreds – and I'm must putting this out as information – you would be tracking what you have already put in place for king mackerel, Spanish mackerel and cobia. With that, Mr. Chairman, unless somebody has any questions and they would like me to follow up with more explanation.

MR. JOLLEY: First of all, are there any concerns about the language? Let's take that first.

MS. BECKWITH: Under Alternative 2; why do we not have something mirroring the language in Alternative 3 that says the commercial ACL would not be reduced if the RA determines using the best scientific information that a reduction is not necessary?

DR. CHEUVRONT: Part of that has to do with there is a feeling of greater certainty with commercial catches. The recreational – dolphin, basically you are talking about something pretty close to an annual crop, so we're doing our best to do our best guesses. We do have – because of trip tickets and things, we have better estimates of commercial landings. That is the way the language has been handled in the past, so that was the reason. We just carried that on through.

MR. HAYMANS: Mr. Chairman, I would make a motion that we accept the IPT's recommended changes for Alternatives 2 and 3.

MR. JOLLEY: Doug has made a motion; do we have a second? Thank you, Ben. Ben is the second. Discussion.

MR. HAYMANS: Just a point of order, I guess. I didn't see Ben's name on the committee list. I apologize, but I don't see him there. I heard the chairman say that, it just didn't register; my apologies again.

MR. JOLLEY: I think I asked if there was any discussion. Any objection?

**DR. CHEUVRONT: The motion is to accept the IPT's recommended language changes for Action 2.**

MR. JOLLEY: Okay, is there any opposition? **Seeing none; the motion carries.**

MR. HAYMANS: Mr. Chairman, **I would make a motion that we select Subalternatives 2C and 3C as our preferreds.**

MR. JOLLEY: I have a motion and I have a second by Ben Hartig. Discussion.

MS. BECKWITH: Yes, I was going to suggest that we consider 2B and 2C as our preferreds. Because as we go into the SEDAR discussion next, I am sure there is going to be a discussion about less often taking the opportunity to do stock assessments on dolphin and wahoo, which would, of course, be the only opportunity that we have to assume that these stocks are overfished. I felt like 2B and 3B would be more appropriate for dolphin in light of that; so just my feelings.

MR. CUPKA: Yes, I would speak in favor of the motion to select 2C and 3C. Given the biology of this fish and also the fact that would be consistent with what we did with coastal migratory pelagics; I think anytime we can achieve consistency in some of our regulations, it helps out with enforcement and everything else. I would speak in favor of the motion on the board, Mr. Chairman.

MR. JOLLEY: Anna, are you good? Okay we've got a motion and a second. Is there more discussion on this?

MR. PHILLIPS: Mr. Chairman, I am not on your committee, but I would kind of like to know using the best scientific information available that that reduction is unnecessary; is that going to be from the SSC? I would just kind of like to know what the best scientific information is.

DR. CHEUVRONT: I believe the way it is worded it leaves it up to the RA.

MR. JOLLEY: Further discussion? Brian, do you want to read that for me?

**DR. CHEUVRONT:** The motion is to select Subalternatives 2C and 3C as the preferred subalternatives for Action 2. This is actually what I read in before, but this is select Subalternatives 2C and 3C as the preferred subalternatives for Action 2.

**MR. JOLLEY:** Any further discussion? Is there any objection? **Seeing none; that motion passes.**

**DR. CHEUVRONT:** We are up to Action 3, which is to revise the framework procedure in the Dolphin Wahoo FMP. At your June meeting you selected two preferred alternatives; Alternative 2 and Alternative 3. Alternative 2 is designed to update the language; amend what is currently there in Alternative 1 and update the language with the new language that came from the Magnuson-Stevens Act. This is the first time that this amendment has been opened like this since the Reauthorized Magnuson-Stevens Act went into place.

Also in Alternative 2, you added allowing the framework to amend the ABC Control Rule. Then in Alternative 3, you put in language that would allow a streamlined process for implementing new ABCs, ACLs and ACTs. Those are your two preferred alternatives. Mr. Chairman, I think Monica had some stuff that she wanted to say about some recommended language changes for I think Alternative 2.

**MS. SMIT-BRUNELLO:** I do, but I won't have them ready until full council, and I apologize for not having them in advance of this meeting. But Alternative 2; I think there is some holdover language that we need to take care of much as we did with Amendment 27 in amending the snapper grouper framework.

It talks about being able to have the Regional Administrator being able to implement changes to ACLs and those sorts of things via just filing a notice in the Federal Register. That won't work. I don't want to go through all the reasons I discussed before why that is not a good idea, and it won't get you where you need to go.

But what I thought I would do is work with Brian before full council, have the recommended language brought before you then so you can approve it at that time for full council. Then Alternative 3; Brian hasn't got to that yet, but that is the abbreviated framework procedure, just like you voted on in Amendment 27 to quickly implement ACL changes and I think ACT changes.

Much as I think it will work with the Snapper Grouper FMP, it will work with dolphin wahoo, so I have no problems with Alternative 3. It is just Alternative 2 needs to have some slight revision to the language, but I won't be able to give you that until full council. I will have it worked out with Brian so you will clearly see what has been changed.

**DR. CHEUVRONT:** Hopefully, by the time the report from this committee comes out to you, we'll have that language and we can put that in there so you can see it. We will also be able to project it at full council. That will just come then as another recommended language change that you can vote on at full council. I think that kind of does it for Action 3.

MR. BELL: Just one quick question; both 2 and 3 lets us do things in a manner that are consistent with other plans, but three has the added advantage of some streamlining in it, but it is still consistent with snapper grouper?

DR. CHEUVRONT: Yes, exactly. The idea behind Alternative 2 was to line up the dolphin wahoo framework much to what the snapper grouper framework looked like prior to adding the streamlining process of implementing ABCs, ACLs, ACTs, et cetera. Actually part of the language confusion that Monica pointed out to me today was that some of that streamlining was in Alternative 2 originally, and we tried to pull it out.

What happened is a little bit of excess language got left in Alternative 2 that shouldn't have been there and a little modification needed to occur that she caught. That is what we're going to work on to get that straightened out. You've got everything that you're going to get in snapper grouper when you're done with this, you will get also for dolphin and wahoo.

MR. JOLLEY: Any additional discussion on this? Now what do we do here?

DR. CHEUVRONT: Well, we've got to go to Action 4 now.

MR. JOLLEY: Okay, you've got it.

DR. CHEUVRONT: All right, because you have already got preferreds. Unless somebody wanted to change preferreds for Action 3, I don't think so, so we're ready to move on. Action 4 is to establish a commercial trip limit for dolphin in the exclusive economic zone throughout the SAFMC's area of jurisdiction.

We had some recommended language changes here, because originally what you saw in June; Alternative 1, for example, was no action. There is no commercial trip limit for dolphin, and the period ended there. Well, actually there is a commercial trip limit for dolphin north of North Carolina. Because, remember, we manage dolphin for the entire Atlantic coast.

North of North Carolina there is a 200 pound commercial trip limit for dolphin wahoo combined, and there is not a permit required for that. The way we fixed this so it would work, and to clarify that what we're really talking about is those folks who have a commercial dolphin and wahoo permit; and so that basically affects the folks in North Carolina down through the east coast of Florida, and looking at the idea of whether or not you want to have a commercial trip limit for dolphin for those states.

Now, you also have subalternatives under each of the alternatives, and it breaks it out so you could have a different trip limit for north and south of 31 degrees north latitude. That is right about where the Florida/Georgia Border is. We're talking about longlining here, and whether you want to have a commercial trip limit on longlining that might be higher than for the hook-and-line fishery.

The longlining occurs north of 31 degrees north latitude. Your alternatives allow you to have 1,000, 2,000, 3,000, 4,000, 5,000 or 10,000 pounds. In the original FMP there was an action that was submitted that had a 1,000 pound trip limit south of 31 degrees north latitude and a 3,000

pound trip limit north of 31 degrees north latitude. That action was not allowed. It was not approved by the secretary, because it was deemed not to be biologically necessary at the time.

We've taken it out for public comment, and slightly more than half of the public said don't do it; don't put any kind of commercial trip limit on. There was some additional information that had been brought to the council and to the council's Dolphin Wahoo AP that showed that there might be a possibility of limited localized depletion as these waves of dolphin move up the coast.

Now, if you have a couple of really large trips, the longliners take out a lot of the dolphin in that wave. If you look on the last page of the decision document, there is a Table 5. Table 5 basically shows you that if you're just counting trips, there are not that many trips in which more than 1,000 pounds of dolphin are landed.

However, on some of those trips, you are talking about a lot of dolphin. If you're just looking at the percentage of it; I think if you added it all up it comes up to somewhere around the ballpark of 35, 40 percent of dolphin are landed on these trips of more than 1,000 pounds. You've got a lot of pounds of commercial dolphin coming out on some of these longline trips.

If you are going to choose something from Alternative 2 through 7 as your preferreds, you are going to need to justify the biology or come up with some kind of a justification for why you are going to do this where it hadn't been done before; to get it approved by the secretary I think this time. Roy might want to jump in and say something about that, I am not sure, but I just wanted to set the stage for you for your conversation about it.

MR. JOLLEY: Roy, did you have your hand up first before Michelle?

DR. DUVAL: I'm happy to let Roy go ahead, Mr. Chairman. I'm not on your committee. I guess the only thing I was going to point out is that when this action was added back in March, it was at a time when we were considering revising the sector allocation for dolphin. The reason that it was put in was because there was a concern that if the commercial and recreational sector allocation changed, that there might be greater incentive for more directed trips on dolphin.

That action to revisit the sector allocations was taken out due to the fact that the council decided to move forward with a comprehensive amendment to look at sector allocations throughout the FMPs. One of the reasons that was given for taking it out was because, well, the commercial ACL had not been exceeded so it wasn't deemed timely.

I would say that I think that rationale still stands for this particular action. I understand that there are some concerns about potential impacts of maybe some of the HMS closures that are being considered. Certainly, we had a discussion this morning during the visioning workshop about localized depletion and the perception, and that is a matter of scale and duration.

I guess looking at the data that is in the table, I personally don't feel that supports having a trip limit. I think the one thing that is not contained in that information is the length of the trip. If you're out for 7 days or 10 days or whatever; 10,000 pounds is probably all that much dolphin. I think we can always – if this proves to be a problem; that is why we have a regulatory amendment process.



We can always come back with a framework and adjust that if based on some actions taken on other fisheries that should be a problem. I also think it is kind of difficult to sort of parse out which sector may be responsible for localized depletion. There are a lot more dolphin that is landed recreationally than commercially.

I think if you are limiting out on a for-hire trip at 60 dolphins per boat and you're getting gaffer dolphin, there is something to be said about which sector is having an impact at which time. I think it is difficult to answer those questions with the information that we have. Thank you Mr. Chairman, for your indulgence; I am not on your committee.

MR. JOLLEY: No, I appreciate that; I think that is well thought out. Further discussion. Mel.

MR. BELL: I'll just say for a lot of the reasons Michelle just covered, as well as we've referred to it as maybe a fishery where it is kind of like an annual crop sort of thing. I've read all of the comments that we got. I can kind of see where there is some tension between the sectors on things. But I would have a hard time, I think, based on what I know in supporting a trip limit, honestly, right now myself.

MR. HAYMANS: Mr. Chairman, I was going to briefly ask now that we've had the analysis, do we need all seven alternatives in the final document or is there reason to send any to the considered but rejected? I guess I'm asking Brian that question.

DR. CHEUVRONT: You can choose to send it to the considered but rejected if you want to, as long as it is clear as to why you are sending it there, because I will have to write that up in the document. But as long as that is clear, you can make a motion to do that if that is what you want to do.

MR. HAYMANS: I guess the next step that I would ask – or at least I would make a motion that we accept the IPT's recommended changes to those subalternatives.

DR. CHEUVRONT: If you want to be kind to the staffs, the easiest thing would be just to choose Alternative 1, no action, as your preferred alternative and let it stand, because we will have to go through and edit the entire document to make sure that there is nothing in there that is referring to Action 4. I mean, it is more than just pulling the thing out. It would involve an entire document reedit; and this document actually is in pretty good shape right now.

MR. HAYMANS: Then to follow up on that; if we do Alternative 1, we don't need to do the IPT recommended changes; it stands?

DR. CHEUVRONT: No, you need to do that, too.

MR. HAYMANS: Okay, that is where the motion is right now is to make the recommended IPT changes.

DR. CHEUVRONT: Let me come back up here and grab what I had before. Boy, that Action 3 is long. **Okay, the motion is accept the IPT's recommended language changes for Action 4. The motion was made by Doug Haymans and seconded by Ben Hartig.**

DR. JOLLEY: Well, Ben, you had something to say or was that just your second?

MR. HARTIG: I read through those minutes in the dolphin wahoo where – what was the researcher’s name, I’m sorry, the guy who has done all the work on dolphin?

DR. CHEUVRONT: Don Hammond.

MR. HARTIG: Don Hammond, and I got a lot out of that; I really did. I was really impressed with the research he has done and that the annual crop – I can’t remember the percentage. I think it was 97 percent of the fish were caught at age one. The biological implications of that are overwhelming to me that Alternative 1 we should choose as our alternative in this Action 4.

DR. CHEUVRONT: You still have a motion on the floor about accepting the IPT’s recommended language. I think we need to deal with that one first and then we’ll deal with the next one.

MR. JOLLEY: I think David had some comments.

MR. CUPKA: I was just going to point out you still need that motion to make the Alternative 1 correct, because there is a commercial trip limit north of North Carolina. You do need that wording change.

DR. CHEUVRONT: We need to get this motion taken care of first.

MR. JOLLEY: Did you have a comment, Anna? Okay, we’ve got a motion and a second. Is there any opposition to the motion? **Seeing none; the motion carries.** Where are we going now?

DR. CHEUVRONT: Now I think you probably are ready to get a motion to choose your preferred alternative.

MR. JOLLEY: Yes, could I have a motion for a preferred? Mel.

MR. BELL: Mr. Chairman, I would move that the committee would adopt Alternative 1 appropriately modified to reflect the trip limit north of North Carolina or however we need to word that.

MR. JOLLEY: Thank you, Mel; I’ve got a second by Doug.

DR. CHEUVRONT: The language as it is now that you have approved the language change takes care of that. We don’t need to modify Alternative 1 now.

**MR. BELL: Then my motion is that we adopt Alternative 1 as our preferred alternative.**

MR. JOLLEY: Okay further discussion? Is there any opposition? **Okay, seeing none; the motion carries.**

DR. CHEUVRONT: Okay, Mr. Chairman, we zipped through that really well. We are now down to the committee can make a recommendation to approve the Dolphin Wahoo Amendment 5 for formal secretarial review, and I've got some text up there in case somebody would like to make that motion if the committee so chooses to do so.

**MR. HAYMANS: Mr. Chairman, I would move to approve Dolphin Wahoo Amendment 5 for formal secretarial review and deem the codified text as necessary and appropriate; that we give staff editorial license to make any necessary editorial changes to the document or codified text; and give the council chair the authority to approve the revisions and redeem the codified text.**

MR. JOLLEY: Thank you Doug. Do we have a second; Ben, thank you. Discussion, Michelle.

DR. DUVAL: Thank you, Mr. Chairman. I'm not on your committee, but can you do this right now since you're still waiting on final text from Monica with regard to Action 3 and the alternatives in there. I'm not sure if you can do this before full council.

MS. SMIT-BRUNELLO: Well, the council can change anything the committee did; so if the committee moves this forward, you could do it one of two ways. You could either wait and do it at full council or you could do it now and then just change it at full council. Either way you want to go is fine with me.

DR. CHEUVRONT: The motion has been made.

MR. JOLLEY: Is everybody all right with that? Any additional discussion here? Okay, there is a motion on the floor and a second. No further discussion? Any opposition to the motion? **Seeing none; the motion passes.** Brian, I guess we're to our last item.

DR. CHEUVRONT: Yes, thank you all very much. That was great, a big help on moving this forward. There is one other item on your agenda, Mr. Chairman. That has to do with the issue that has been brought before the council regarding the issue of bringing dolphin and wahoo fillets from the Bahamas back to the U.S.

You had heard comment I believe at the June meeting from a fisherman who made the case for this can already be done for snapper grouper; why can't we do it for dolphin and wahoo as well? Between the June meeting and now, I researched this some and put together a two-page information paper for you, which is under Attachment 4 in your briefing book.

I've got that projected here. What that did here in this first part is I show you what is currently in the regulations regarding dolphin and wahoo and bringing them into the EEZ. Basically you have to land the fish with head and fins intact. Basically the fish has to be whole. But if you go to the 50 CFR 622.186, there is a caveat in there for snapper grouper, that you can bring them back from the Bahamas filleted.

Thinking that the dolphin and wahoo fishermen would like to be able to do the same thing as the snapper grouper fishermen, so what I did was simply put together a proposed action and some alternatives that would allow you to do that. Simply by changing the language that exists in the

snapper grouper exemption for bringing the fillets back from the Bahamas and inserting dolphin and wahoo, we can have applicable language for dolphin and wahoo and put it in there.

Now thinking about how we're going to do this; it needs to be done as quickly as possible. If you decide that you want to move ahead with this action and do it, the quickest way we could do it – we've looked around and we've talked with Monica offline before the meeting to figure out what we could do.

We can't do this apparently through our current framework for dolphin and wahoo so we're going to have to do an amendment. However, if you would like to do a one-action amendment, we could probably bring you an amendment at the December meeting. You can hold your public hearing in December and hopefully be able to vote the amendment up or down at that meeting.

It is a quick thing. We are just finishing up Dolphin Wahoo 5, so a lot of the background material that you need to normally put into an amendment has just recently been done and we can reference it in this other amendment. But we're trying to figure out the way we could do this and do it as quickly as possible so that we could give the fishermen some kind of relief.

What we would probably do is if the amendment is acceptable to the council in December without major changes, we could probably submit it by the end of December; and then it takes about six months to get through all the federal processes as long as everything goes well. We're looking at perhaps maybe by June they could have this in place.

That is being optimistic; that is if everything goes well. But I think that is about as quickly as we'd be able to get it in place. I don't know if anybody from the NMFS side of the house would like to comment on that, but that is kind of what I'm thinking. If I'm wrong, I would sure like it if somebody would let me know, but that is where I'm coming from at this point.

MR. JOLLEY: Thank you Brian; that is creative thinking and I like that creative thing. This is a big mess down in Florida. I'm not going to give you any numbers, because I don't know them, but it is a big problem. If we can solve it, it will add to our credibility I think when something like this comes up.

MR. CUPKA: Yes, one of the courses of action I guess Brian suggested in this two-page issue paper dealt with putting it into another amendment, the upcoming generic allocation amendment. I would submit to you that if you want to put it in there, it is probably not going to get done very quickly.

DR. CHEUVRONT: Exactly.

MR. CUPKA: You don't want to put it in that one, I'll tell you.

MR. JOLLEY: Further discussion, folks?

MR. BOWEN: Just because I may have misunderstood you or misheard you a while ago; if putting this in, this will be the same as snapper grouper; is that what you're saying?

DR. CHEUVRONT: Basically what we're suggesting doing – and we'd bring this back to you in December, so you would be able to see, but we're suggesting allowing dolphin and wahoo fillets to be brought back just like snapper grouper, because right now they cannot bring the fillets in. The issue is that if they get stopped, they don't know where those fish came from and they could potentially be over the bag limit that they would be allowed in the U.S. EEZ.

One of the things that is built into this is that they would not be able to stop and fish coming back from the Bahamas. They are going to have to be in transit and continue going; because if there is additional fish, nobody is going to know where those fish came from. The idea is that this is just a way to get the fish home from the Bahamas, because right now it is illegal to bring them back filleted.

MR. BOWEN: This is for commercial vessels or recreational vessels or both?

DR. CHEUVRONT: This is recreational vessels only.

MR. JOLLEY: Yes, Zack, we've got guys going across in fairly small boats and they are catching a lot of 20, 30 pound dolphin. It is just totally impractical to keep those animals for three or four days whole and bring them back. We've got real legal problems with these people, and they've been going back and forth for a long time filleting fish, but people are starting to get caught now, so it is a problem. We need to get it corrected.

MR. BELL: I was just going to say if it gives you consistency with what we're doing with snapper grouper, that is a plus, too. I like consistency.

DR. CHEUVRONT: Well, somewhere along the line it would be great if the committee could either have a motion or do something to give direction to council staff to begin to develop such an amendment to bring back to the council in December.

MR. JOLLEY: Can I get a motion? Brian, is there anything we're going to have to do with the Bahamians in this process?

DR. CHEUVRONT: You have to obey Bahamian law while you're in Bahamian waters. I actually talked with Monica earlier today, and she requested that if we do this to go ahead and summarize what the Bahamian regulations are and put them in the document just for informational purposes. But what people do in the Bahamian waters; that is up to the Bahamas to figure out how they're going to enforce and do whatever they're going to do.

MS. BECKWITH: I move that we direct council staff to begin a new Dolphin Wahoo Amendment to allow for bringing dolphin and wahoo from the Bahamas into the U.S. EEZ, and the action alternatives are as shown in the issue paper. The amendment will be brought to council at our December 2013 meeting.

MR. JOLLEY: Thank you, Anna. May I have a second; Ben Hartig.

MR. JOLLEY: Thank you. Second by Ben. Further discussion, David.

MR. CUPKA: I wonder if you want to say bringing dolphin and wahoo fillets, because right now you can bring dolphin and wahoo back.

MR. JOLLEY: Thank you, Dave. Okay, we've got a motion and got a second. Further discussion.

**DR. CHEUVRONT: The motion is to direct council staff to begin a new Dolphin Wahoo Amendment to allow for bringing dolphin and wahoo fillets from the Bahamas into the U.S. EEZ, and the action alternatives are as shown in the issue paper. This amendment will be brought to the council at our December 2013 meeting.**

MR. JOLLEY: Any comment, Monica?

MS. SMIT-BRUNELLO: It looks good to me.

MR. JOLLEY: Okay, any further discussion? All right, is there anybody opposed to this motion? **Seeing none; the motion passes.** Okay, we're done unless we have some additional business. David.

MR. CUPKA: Thank you, Mr. Chairman. I just wanted to mention – and it has nothing to do with this amendment, but last week I attended the Highly Migratory Species Advisory Committee meeting in Silver Spring. Again, there was talk about the fact that some members of the advisory committee felt like dolphin and wahoo should be under the HMS Division and not under the councils now.

This comes up every year, I think, and so far they haven't pushed it, but again they were talking about it. I just want everyone to be aware of that. I don't know if anything will come of it. I've heard it before at these meetings, but it came up again at this last meeting. For whatever it is worth, there you go.

MR. JOLLEY: Thank you, David; I've heard the same thing on several occasions. Is there any additional information or anything else anybody else wants to discuss with dolphin and wahoo? Then I conclude this meeting, and, Mr. Chairman, I'll turn it back over to you.

(Whereupon, the meeting was adjourned at 3:25 o'clock p.m., September 16, 2013.)

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

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September 25, 2013

# South Atlantic Fishery Management Council

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BENHARTIG ✓

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## South Atlantic Fishery Management Council Meeting: Dolphin Wahoo Committee Monday, September 16, 2013

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Conklin, Billie	<a href="mailto:beachbumbillie76@yahoo.co...">beachbumbillie76@yahoo.co...</a>	517 min
77	Bonura, Vincent	<a href="mailto:sailraiser25c@aol.com">sailraiser25c@aol.com</a> 412 min
53	jenkins, wallace	<a href="mailto:jenkinsw@dnr.sc.gov">jenkinsw@dnr.sc.gov</a> 7 min
52	DeLancey, Larry	<a href="mailto:delanceyl@dnr.sc.gov">delanceyl@dnr.sc.gov</a> 143 min
48	michael, merrifield...	<a href="mailto:mikem@wildoceanmarket.com...">mikem@wildoceanmarket.com...</a> 249 min
48	holland, jack	<a href="mailto:jack.holland@ncdenr.gov">jack.holland@ncdenr.gov</a> 53 min
47	Shertzer, Kyle	<a href="mailto:kyle.shertzer@noaa.gov">kyle.shertzer@noaa.gov</a> 47 min
42	Waters, James	<a href="mailto:jwaters8@gmail.com">jwaters8@gmail.com</a> 43 min
39	Thompson, Robert	<a href="mailto:capt.thompson@gmail.com">capt.thompson@gmail.com</a> 535 min
36	Smith, Mason	<a href="mailto:mason.smith@myfwc.com">mason.smith@myfwc.com</a> 3 min
35	holiman, stephen	<a href="mailto:stephen.holiman@noaa.gov">stephen.holiman@noaa.gov</a> 139 min
34	DeVictor, rick	<a href="mailto:rick.devictor@noaa.gov">rick.devictor@noaa.gov</a> 461 min
34	Michie, Kate	<a href="mailto:kate.michie@noaa.gov">kate.michie@noaa.gov</a> 385 min
32	Tsao, Fan	<a href="mailto:fan.tsao@noaa.gov">fan.tsao@noaa.gov</a> 32 min
32	sandorf, scott	<a href="mailto:scott.sandorf@noaa.gov">scott.sandorf@noaa.gov</a> 457 min
32	E, A	<a href="mailto:annemarie.eich@noaa.gov">annemarie.eich@noaa.gov</a> 443 min
31	Williams, Erik	<a href="mailto:erik.williams@noaa.gov">erik.williams@noaa.gov</a> 441 min
31	Bresnen, Anthony	<a href="mailto:anthony.bresnen@myfwc.com...">anthony.bresnen@myfwc.com...</a> 509 min
30	raine, karen	<a href="mailto:karen.raine@noaa.gov">karen.raine@noaa.gov</a> 178 min
30	c, m	<a href="mailto:mec181@yahoo.com">mec181@yahoo.com</a> 482 min
29	Ballenger, Joseph	<a href="mailto:ballengerj@dnr.sc.gov">ballengerj@dnr.sc.gov</a> 480 min
29	Merrifield, Jeanna...	<a href="mailto:jeannam@wildoceanmarket.c...">jeannam@wildoceanmarket.c...</a> 505 min
28	Takade-Heumacher, ...	<a href="mailto:htakade@edf.org">htakade@edf.org</a> 180 min
27	Wyanski, David	<a href="mailto:wysanskid@dnr.sc.gov">wysanskid@dnr.sc.gov</a> 31 min
26	Baker, Scott	<a href="mailto:bakers@uncw.edu">bakers@uncw.edu</a> 315 min
25	sedberry, george	<a href="mailto:george.sedberry@noaa.tov">george.sedberry@noaa.tov</a> 27 min
25	Gore, Karla	<a href="mailto:karlagore@gmail.com">karlagore@gmail.com</a> 207 min
25	crabtree, roy	<a href="mailto:roy.crabtree@noaa.gov">roy.crabtree@noaa.gov</a> 15 min

23	MacLauchlin, Bill	<a href="mailto:billmac@charter.net">billmac@charter.net</a>	26 min
20	L, I	<a href="mailto:captaindrifter@bellsouth...">captaindrifter@bellsouth...</a>	0 min
20	Stevens, Charles	<a href="mailto:iamcstevens@gmail.com">iamcstevens@gmail.com</a>	0 min
20	Amick, Steve	<a href="mailto:steveamicks@aol.com">steveamicks@aol.com</a>	0 min
20	Neer, Julie	<a href="mailto:julie.neer@safmc.net">julie.neer@safmc.net</a>	0 min
20	Ponce, Charlene	<a href="mailto:charlene.ponce@gulfcounci...">charlene.ponce@gulfcounci...</a>	0 min