

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

DOLPHIN WAHOO COMMITTEE

**Key West Marriott Beachside
Key West, Florida**

June 16, 2022

Committee Members

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Dr. Carolyn Belcher
Chester Brewer
LT Robert Copeland
Judy Helmey
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Dr. Judd Curtis
Kathleen Howington
Kim Iverson
Dr. Julie Neer
Dr. Mik Schmidtke
Suz Thomas

Attendees and Invited Participants

Rick DeVictor
Jamal Ingram
Ashley Oliver
Dr. Clay Porch

Shep Grimes
Dr. Jack McGovern
LT Pat O'Shaughnessy
Monica Smit-Brunello

Additional attendees and invited participants attached.

The Dolphin Wahoo Committee of the South Atlantic Fishery Management Council convened at the Key West Marriott Beachside, Key West, Florida, on Thursday, June 16 2022, and was called to order by Chairman Kerry Marhefka.

MS. MARHEFKA: All right, and I think it looks like we're getting most people back to the table. We're convening the Dolphin Wahoo Committee, and I would like to remind everyone that this is a committee-of-the-whole, and so all council members are on this committee, I believe, and we'll get started with approval of the agenda.

There has been some discussion about flopping Item Number 4, which is the Development of the Empirical Management Procedures, with Item Number 3, which is Discussing Reg Amendment 3, and I just want to look to the committee and see if anyone has any issues with that modification to the agenda. All right. Seeing none, we will approve the agenda with that change.

Now let's look to the minutes. Has everyone had a chance to look at the minutes, and are there any changes to the minutes? Hearing none, the minutes are approved, and now we will move into the Dolphin Wahoo AP meeting report, and we have Chris Burrows here, to my right, who is going to give us a report of their very productive meeting that they had in April.

MR. BURROWS: Good morning, esteemed council members and council staff. My name is Chris Burrows, and I live in Bolivia, North Carolina. I've been on the Dolphin Wahoo Advisory Panel since 2011. I am currently the Chair, and it's been a wonderful experience, and it's run the gamut from beyond frustrating to very rewarding, such as it should be.

Before we get started, I would like to say a special thank you to the following people: Ray Rosher, the former Chair, for his years of hard work, and he was a great person to look up to in this; Captain John Reynolds, who is the Vice Chair, for his efforts, and he's got a huge amount of passion about these matters, and a lot of energy, too; Captain Ron Whitaker from Hatteras, an advisory panel member, for his experience and his willingness to bring a different perspective to all these matters, and one that is very important to myself, being a North Carolinian; John Hadley from the council, who brings all this together for the AP, and he's been a tremendous resource in virtually everything; and Kerry Marhefka, Chair of the Dolphin Wahoo Committee, for ensuring that the discussion between the advisory panel and the council occurs and continues to move forward.

One lament, before I get into the meat of this, with the assistance of John, is that, at our last meeting, out of eighteen total members, only eight were present in person, and ten were present overall. I feel like something needs to change with this. We need participation, if this is ever going to truly amount to anything, and we need a lot more than 55 percent. That's my start.

Now, getting into the slides here that John has presented, our meeting occurred just after the Snapper Grouper meeting this April, the 20th and 21st, in Charleston. We went through a multitude of things, like the recent and developing council actions, a good update on the Citizen Science Program, where we had several AP members offer to do more, especially with the FISHstory aspect of that, and the development of an updated fishery performance report for dolphin, and Regulatory Amendment 3, which is modifications to the minimum size limit, recreational retention limits, and for-hire captain and crew bag limits, where things got really interesting.

There is a widespread consensus that dolphin abundance is lower than it used to be in the South Atlantic, and I think every for-hire operator, which we have a large representation of that on the advisory panel, said, to some degree, that they were seeing, even with the same amount of per-unit effort, lower catches and issues with size of the stock, similar to what they've seen in other fisheries, and North Carolina being yellowfin tuna, specifically. There is a huge increase, over the past decade or so, in recreational effort, especially for the private recreational component of the sector.

In New England, there are fish now, and there's fish in the Mid-Atlantic. They seem to be moving northward. Whether these fish have always been there, to some degree, or there are more of them now, due to climate shift, was a little bit of a discussion point, but there is targeted effort almost all the way to Maine, and this was the first time we had advisory panel members included in an AP meeting that were from north of the Virginia state line, and so getting their perspective was something that we hadn't seen before, but they are catching dolphin, and they are targeting dolphin.

As far as the commercial side goes, everybody wants dolphinfish, and not just commercial, but, across-the-board, everybody wants dolphinfish. We can't get enough at the resource. At the restaurant level, which I'm very involved in, you simply cannot get enough, and so that has led to certain things. In 2015, as we've discussed in the past, the commercial ACL was met for the first time ever, and we had never seen that before, and we haven't seen it since, thankfully, but it definitely shows the demand for dolphinfish is there throughout all sectors.

Changes in infrastructure, community importance, and adaptation, obviously, dolphin is a culturally-iconic species, and that has always been the case. Of course, here in the Keys, one of our AP members made the point that Wilmington, North Carolina has become dolphin city, and that, as the shift has been away from yellowfin tuna, it is the prized offshore target pelagic species. At the same time, dock space is becoming limited, or very expensive. There is nowhere for the commercial sector -- There is becoming nowhere for the commercial sector to get their fish bought and handled, and so that's contracting the industry there, in terms of what access they have.

Environment and habitat, shark abundance and predation definitely is impacting the fishery, and that's across-the-board. We have warmer water temperatures, during the winter in the South Atlantic, than we've ever seen.

Management measures, this goes to Regulatory Amendment 3, and one point that I would really like to stress is the council boat issue. There are more boats fishing for dolphin with longlines than we know about at this point. There is too much access to this fishery. On the commercial side, there are boats that have modified center consoles to make this their income, and these are guys that have normally been forced out of the snapper grouper fishery, and they are finding another way to make this work, and the regulation of it is terribly lacking.

I just had a conversation with John about this, and it seems that there's a disparity in what we think is going on and what is going on in actual practice, and you can't go offshore in May or June now and not have to pick your way around longline gear on virtually every weed line that you find in thirty fathoms or greater, and this is happening, and it is causing a huge impact in the fishery, and there has to be something done. At the very least, we have to get this back on the agenda to be dealt with. That's as far as I want to go with that, and that's something the council does need to look at, at some point. Are there any questions at this time?

“Council boat” is a new term, to me. I found that they were being referred to as that at the AP meeting, and a council boat would be a boat that is longlining dolphin without being HMS permitted. Most longline vessels have the tripack. To longline dolphin, that is not needed. You have to have your commercial license, and you have to have, prior to I think May 1, an operator card, and the operator card requirement has gone away, and it was only fifty-dollars, and so there is a huge access to this fishery.

Kerry and I had a good discussion about the difference in how these boats have gotten into the fishery, and I know what I’ve seen, and I know what I’ve heard from the charter fleet to the north of me, and I know that we’re seeing the same things, but, if you have invested several hundred thousand dollars in your tripack, and what I would consider aboveboard longline gear, that’s not who we’re talking about, and we’re talking about someone who has put a longline spool on their boat, and, at this point, has no -- There is no real regulations at that point, and they have crashed the price of dolphin on the dock for the guys who have put all their effort into keeping their permits aboveboard, and they’re in the HMS sector. It’s a completely different animal.

MS. MARHEFKA: Real quick, and I will get to Tom, and I just want to clarify. It’s not that -- They have a permit. They have a South Atlantic dolphin wahoo permit, and so they are not unpermitted, and they are not doing anything illegal, but it’s just a different -- They are operating in a different manner than the folks that also have the HMS tripack, and so it’s not under the radar, and they have to report in the logbook, just like you would for snapper grouper or any other fishery, and so I just didn’t want it to sound like they were completely rogue. Tom, go ahead.

MR. ROLLER: Thank you for the report so far, and it kind of goes into your observations regarding these council boats, as we’re hearing them called, and did AP members, across the region, express that concern, that they are seeing them? I mean, you seemed to allude that you’ve dealt with this as well, and was this just a Florida thing, or was it a North Carolina thing? If you could touch on that a little bit, I would appreciate it.

MR. BURROWS: Certainly. Every for-hire member of the AP had either spoken to me about that or reached out prior to the meeting, that they feel that this is an issue in their area, especially to the north, the Outer Banks for-hire, and, obviously, there is some of this going on in South Carolina as well, and I did not hear the same from Florida. We did not hear anything about this going on in the Keys. That’s not to say it isn’t happening, but there’s definitely more concern about it in the Carolinas, and especially the northern half of North Carolina.

MS. MARHEFKA: Dewey, go ahead.

MR. HEMILRIGHT: There is a closure in Florida for pelagic longline, and so you wouldn’t hear about it or see it, from -- I can’t remember exactly where the closure is, but from northern Florida south, and this council has looked at it, and has gathered data, and has spoken on it numerous times, about council boats, and they’re operating legally, and it’s just they don’t -- This council has chosen to continue allowing that, versus where we have to have a tripack of permits, and you don’t even have to have a longline spool on your boat.

You could have a modified deck reel, with the wide thing, and probably hold two or three miles, and you’re a smaller boat inshore somewhere, and so that’s why it’s more likely that you’re seeing

other vessels like that, but, when it comes down to it, you know, I would be very interested, and have seen in the past, that I think it best -- In one year, it might have accounted -- At the height, they might have accounted for like 100,000 pounds of catch, which, in the commercial side, right now, we've got a 1.73-million-pound quota, and so it's minimal, but I guess it's the part of being seen, and maybe competition with somebody that's trolling a weed line inside, and the catches are still low.

You know, 2015 was anomaly for everybody, recreational and commercial, and, had that quota been given, instead of sitting on somebody's table for eight months, that increase, there would not have been a closure that year, and so that's just a little bit about council boats, but I think that, you know, how to capture that -- I guess it's not a problem of what they're catching, but it's the problem that they're in the way of somebody else, is what it appears to be, and so that's enough.

MR. BURROWS: Thank you, Dewey. You make some good points there, and I think it's causing some frustration with recreational anglers as well, and, like you said, it might just be because they have to pick around it.

MS. MARHEFKA: I have Tim and then Chester and then Clay.

MR. GRINER: Thank you. I just kind of wanted to piggyback off of what Dewey said. The commercial effort on dolphin is shrinking, and it's not growing. The commercial longline boats, these so-called -- I don't even like the term "council boat", because it doesn't even make any sense, but, if you look at the data, I think the last time we looked at it, there was only a handful of boats that landed dolphin on a longline that didn't have a tripack. I think there was five or six boats.

The entire commercial industry, handline, longline, every bit of it, has only caught 230,000 pounds of dolphin, and here we are halfway through the year. We have a 1.5-million-pound quota, and we can't even get close to catching them, and it's because the effort is shrinking, and it's not growing. I think that's misinformation, to think that there is a growing commercial longline effort on the dolphin fishery, because it simply doesn't exist, and the numbers will bear it out.

If you took the longline away from the commercial industry, we would be catching 35,000 pounds of fish, and that's it, for the whole year. It's a pulse fishery, and you only get a two or three-week shot at it in the spring, and maybe a two-week shot at it in the fall, and we heard testimony yesterday from a guy who has been tagging fish for forty years. He's tagging fish in Key West, Florida, and, seven days later, they're captured in New England, and so it's a pulse fishery.

It's not a growing fishery. There's not new guys coming in here and plopping down a quarter-of-a-million dollars to go get a tripack and a longline boat. It's just simply not happening. Is there some -- Maybe there is some heartburn with some charter guys, and I don't know, but that's just part of it, but, really and truly, when you look at the numbers, the numbers don't bear out any increased effort in the commercial longline fishery for dolphin. They don't bear out any increased effort, period, for dolphin. It's just one of those fisheries that is really a recreational fishery, and commercial guys -- You would be very hard pressed for anyone to go make a living off of just dolphin, targeting dolphin. I don't think it exists. Thank you.

MS. MARHEFKA: Thanks, Tim. Chester.

MR. BREWER: I don't mean to defend what have been called the council boats, and I remember when I first heard that terminology, and it was in 2015, or maybe 2016, and the truth of the matter is that it took a while to get the data, but the closure in 2015 wasn't caused by, quote, state boats, or council boats, and it was caused by blue-water boats, tripack boats, and they caught well over - Well, not well over, but they caught over a million pounds of dolphin in a very short period of time, and blew out the quota, and the fishery, commercial fishery, closed in June of 2015.

One of the things that happened, years and years and years ago, was it was recognized that dolphin was primarily a recreational fishery, and there was a fear, by the council, that a blue-water-type longline commercial directed fishery on dolphin would develop, and it didn't really much exist at that time, and so the original fishery management plan for dolphin wahoo had a provision in it for a trip limit.

The trip limit was 3,500 pounds, if memory serves, and it could have been 3,000 pounds, and NMFS removed that requirement, and has there been any discussion, at the AP, with regard to putting in place some sort of a trip limit for dolphin and longline boats, or, well, it's across-the-board, and it's a trip limit, and has there been any discussion, at the AP, about reinstating a trip limit for dolphin in the commercial side, and, of course, you wouldn't really need one on the recreational side.

MR. BURROWS: There certainly has been discussion, and it's been brought up at at least three meetings that I've been present at, and it never has seemed to have carried much weight, and I think there is -- A lot of the for-hire guys would advocate for it, and I don't know that that's seen as big of an issue as what our Outer Banks guys are saying of, well, we can't catch gaffers, because of localized depletion, because of longlining pressure.

Whether that's true or not, and, obviously, we're hearing different opinions of the impact this has, that longlining has, but the consensus, from the Outer Banks guys, is that these are not the HMS tripack guys, and those guys are generally after higher-dollar fish, like tuna and swordfish, but it's the smaller ones that are causing issues with the fishery, and that seems to be the consensus.

MS. MARHEFKA: All right. I have Clay and then Chris and then Dewey.

DR. PORCH: Thank you, Chair. Just to confirm what some of the folks around the table have been saying, at least the data that we have suggests that commercial landings have fluctuated around a million pounds in recent years, and recreational landings are up around fifteen to twenty-million pounds, recreational U.S. commercial, and so, unless there's a huge illegal commercial fishery that somehow we're not detecting, it really would be hard to blame the commercial fishery for any trends.

The other thing that I would point out is that this isn't a unit stock. Probably even more than half of the total catch comes from outside the U.S., and so there's lots of things that are changing the environments and changing -- You know, as has already been mentioned, fish are moving further and further north, and so I think the commercial fishery is probably -- Blaming the commercial fishery is probably a bit of a red herring. There's other things going on.

MS. MARHEFKA: Thanks, Clay. Chris.

MR. CONKLIN: Thanks, and so dolphin prices, in May and June, are generally as high as a camel tail, and so it's a pulse fishery, and the prices are very strong, and there's not much dolphin available in the marketplace, from imports or anything, and so that does make it attractive. We have kind of beat our heads against the wall, and beat this horse a bunch, and, you know, with having to adhere to the National Standards, and the commercial sector not filling its quota, it's kind of hard to point fingers and try and, you know, manage a fishery by taking an efficient way of catching the fish out of play.

There is one thing that this committee can do, and I highly encourage it, everyone thinking about it, and that is setting a control date of probably today, and, if you're looking to limit access to the commercial fishery, then you put a moratorium and make the permit limited access, and that would be the first step in the right direction for the fishery, but, then again, if we're not catching the fish commercially, then maybe we need more participants, and so it's sort of a conundrum, and it's something to think about, but I've always been an advocate of limited access commercial fisheries, and I don't see any reason why there should be an open-access permit in this one either, especially with people not adhering to the safety regulations that they're supposed to, and it doesn't make any sense.

MS. MARHEFKA: Thanks, Chris, and John is going to check, and, in my recollection -- I was around when we did the original FMP, and I don't know why I have it in my mind that we already have a control date, and they don't expire, but I think that's a good discussion to have later on, after we sort of map out what our plan is with this committee anyway. Dewey.

MR. HEMILRIGHT: As far as a control date, it's my thought that it's always used if there's overcapitalization, or something is going on like that, and the control date is used for different reasons. To my -- I don't see that there's a need for a control date here in that discussion, and we're not harvesting the quota.

Folks' emotions and what the data bears out is two different things, and I am thankful for Chester's revision of history, and I will give my interpretation of it, that the reason why NMFS didn't go with a 3,000-pound trip limit, according to their comments, was the Florida straits were being closed, and, if that was closed, it wouldn't give the commercial industry an opportunity to fulfill their ACL, or fish at the optimum yield, of their little bit of 10 percent, or now it's 7 percent, of the quota.

If it wasn't for pelagic longline fishing right now, and I don't know if you buy pelagic longline fish in your restaurants that you're associated with, but, if it wasn't for that, Americans wouldn't have a chance to have access to that resource, and it's only 7 percent. 1.73 million pounds is what the quota is now for commercial, and the recreational is twenty million pounds, or twenty-five million pounds, for that part of it.

The fish are definitely moving north, and there's a migratory pattern that's changing. In south Florida, there's something going on of why they don't have fish or whatever, and it appears to blame the rest of the half of the U.S. that catches them about the reason why not, and this is an international fishery, and the data -- If folks dug into the data like they dug into their emotions of this, it might be different, if they could see it that way, but clearly it's not a harvest -- Folks aren't catching fish.

For tripack boats that fish, it's opportunistic to go mahi fishing, or else go tuna fishing or swordfishing, when the prices are better, and the economics are better, and so, you know, while I appreciate the AP, and I listened to the AP. I listened to the whole thing of the AP discussion, except for the last day, but it's just -- You know, I've been involved in the dolphin thing since my first time of coming to a dolphin meeting, and it was in 1997, and I believe it was Charleston, when the longliners caught a million pounds, and we thought the world was coming to an end, and so, I mean, that's a long time for me to be sitting around the table with this discussion, but, you know, I don't know the reason for the migratory patterns changing and what's going on, but the only access we have to the commercial industry, to the folks that don't own a boat, is through commercial fishing, and I'm proud of that access, and I hope it continues on. Thank you.

MS. MARHEFKA: All right, and so this is what I would like to do, because we're getting towards the end of our whole council meeting, and we need to watch time, and I know this is a discussion that we could really have for a long time, but I will find out if there's any more questions for Chris. I neglected the first item on our agenda, which is to find out the status of Amendment 10, real briefly, and then, as we look at the MSE and Reg Amendment 3, I suspect some of these same issues will come up again, with how we're going to move forward with dolphin, and so let's not hash it all out here. Any more questions for Chris at this time? I assume you'll be around for the committee, and so as we move forward into Reg Amendment 3, and so any other questions for him right now? All right. Seeing none, Rick, do you want to just tell us, real quick -- I skipped over you for Item 1. Sorry.

MR. DEVICTOR: Sure, and there's not much more to say besides what's in the agenda, and the final rule published on April 1, and those regulations are effective as of May 2.

MS. MARHEFKA: Perfect. Okay. As mentioned before, we're going to flip 3 and 4, and so I think I'm going to Clay, where he's going to give the presentation on the development of empirical management measures for dolphin wahoo, before we get into Reg Amendment 3.

DR. PORCH: Sure. Thank you. As we've already discussed, we have a lot of data challenges here in the South Atlantic region, and, as we mentioned before, and especially if you listened in on the recent SEDAR Steering Committee meeting, we have lots of little pieces of information, and we try and make up for the lack of really strong informative data by sewing together all these little pieces of information, and what ends up happening is we have probably the most complex stock assessments in the country, and they take longer than anywhere else, because it's all that effort of trying to put all these little pieces together.

You can think of it as if you were trying to make a jacket out of a whole bunch of little squares of different colored cloths, and you try and sew them all together, versus if you had like one big, informative -- Or one nice, uniform piece of cloth, and so that's the challenge we face, is relatively limited data. We try and sew it all together, in the hopes that we can get kind of a coherent picture that's going on, and the process ends up being very slow, and, in many cases, we actually don't even have the basic data to do these full stock assessments, and so we need to something different.

Management strategy evaluation gives us a way to move forward, in terms of doing something different, and the idea is, as I will articulate a little bit more as we go on, is that you want to come up with some sort of empirical harvest control rule, where you have an indicator, and, depending on the direction that the indicator goes, you adjust the catch up or down, and usually you want to

rely on your most reliable information, rather than trying to just grab up a whole bunch of different pieces of information, and the process of doing that, coming up with that harvest control rule, is comprehensive and thorough, just as comprehensive and thorough as a full stock assessment, but, once you do that, you have something that's relatively simple that you can execute quickly.

We'll talk about that, and dolphin is perfect place to start with that, because, with dolphin, we talked about we don't really have a unit stock. We have some catch information, and we don't have a whole lot of other information, and we might have some catch per unit information, and what can we do with that? We probably can't do a full stock assessment.

In fact, I'm sure we can't do a full stock assessment, and that's why I have advised the council that, if we were to attempt that, it would really have to be in the international arena, where we could get data from all the other countries, but I also know that a lot of the other countries haven't really collected reliable data, and so, if that ever happens, it's not going to be during my tenure. It might happen ten years from now, maybe, and that would be fortunate. That would require a lot of investment from a lot of other countries.

Given that, we've got a highly-migratory stock, and it doesn't care about U.S. jurisdiction, and it doesn't care about our boundaries. It swims all around through the Caribbean and all the way up, and, nowadays, who knows? They're getting up to Maine and stuff, as the water warms up, and they're everywhere, and there are lots of people fishing for them.

What we want to do is take the information that we might have and figure out how much fishing effort we might want to apply to a fishing mortality rate, and there's many ways to control fishing mortality rate, and we want to figure out how we might want to adjust that, in light of all the concerns that you've heard from stakeholders, because there is more objectives than just maximum sustainable yield.

We can't ever tell you what maximum sustainable yield is, but we could tell you a fishing mortality rate that would optimize the fish that are coming into our waters, and that's something that we want to work with stakeholders on, and so the project that we're talking about here has several goals, and, again, we'll go through this in a little more detail as the presentation moves on, but the first part of it is to build on all the stakeholder participatory workshops that we've already had, and we want to get, again, all the different perspectives on local abundance, what your objectives are in each part of the region, and take a look at our current management practices and how we can optimize them.

As it says here at the bottom, the project goal, overall, is to develop an empirical, index-based management procedure to provide ABC and OFL advice that would best achieve all these different objectives.

Here, I'm going to try and give you, in a nutshell, a description of what we mean when we say, "management strategy evaluation", or MSE. Most people, when they think of it, they think of the words, and they think of any sort of analysis where you're just looking at different ways to manage a resource, but, in the fisheries world, the fisheries science world anyway, when we say "MSE", management strategy evaluation, we mean a process where we create a simulation environment, which we call an operating model, that simulates how we think the population dynamics of

something like dolphin actually works, and then we would have another simulation component where we simulate how we're collecting data from that.

Then there's the estimation model, and that could be a full stock assessment. We can have an MSE that's based on a full stock assessment, or it could be a simple harvest control rule that's linked to a particular piece of information, and that would be the catch control rule that you see here. Then we're going to have something, a module, that models how well that is actually implemented, sort of the management uncertainty, and that feeds back into the operating model.

You caught some dolphin, and it changes the population dynamics, and then we just keep doing this circle. The idea is we want to find a catch control rule that performs the best in that simulation environment, and the idea is, if it performs well in the simulation, we hope that it would perform well in real life. Does that make sense? I am open, and do you want to take questions during this or wait until the end?

MS. MARHEFKA: That's entirely up to you. Are there any questions at this point for Clay? All right. We're happy to entertain them as they arise.

DR. PORCH: Everything here that I have talked about, from the data-generating process to implementing the model, would be the management procedure, and so it's all the parts that are involved in management, the data collection, your assessment method, whatever that is, your harvest control rule, your ABC Control Rule, and then how it actually gets implemented and monitored.

Then the operating model is how the fish population reacts, and so we try and simulate all that, and, as I said, the whole idea is we try and make that as real as we can, within limits, and then we hope that that's a good representation of all the uncertainties that happen in reality, and, with all those uncertainties, we find the harvest control rule and the piece of data that we can use that performs the best and meets the objectives of all the stakeholders.

This gives you an idea of the timeline that we're looking at, and I have to admit that this was put together by our MSE team, and I have to admit that some of it looks a little optimistic to me, but let's hope, but I see that we have already had the dolphin wahoo participatory workshops to define the conceptual management objectives. Then we're going to, through summer and fall of 2022, have more public meetings, to get those management objectives, and so to refine what we've already learned, and also consider sources of uncertainties and candidate management procedures, and then, of course, we'll look at any -- Obviously, there are some fairly hard operational management objectives, like what would be the proxy for MSY in this situation, that we need to consider.

Then, during fall of 2022, we'll build and condition the so-called operating models, how the population behaves, how the data is collected, et cetera, and then we'll continue to build the management procedure feedback loop, that circle diagram that I showed you, and then the idea is, by winter and spring of 2023, we'll finalize the management strategy evaluation design, and so sign-off on the operating model, all the types of uncertainties that we want to consider, data sources, et cetera, and hopefully have a suite of candidate management procedures.

Then we're going to move forward with the initial management strategy evaluation runs, and we'll have some preliminary output, and we'll revisit the stakeholders and present the management tradeoffs and other things that need to be considered. We'll try and refine the management procedures by the end of summer 2023, and then we'll summarize and write-up the results, and so, by fall of 2023, we're hoping to follow-up with and present the results to stakeholders.

Again, it's an ambitious timeline, and everything would have to go just right. My experience is that MSEs often end up taking longer than our proposed timeline, but that's what -- You want to shoot for -- You want to set the bar as high as you can, and aim for that, and hope you come close to it, but I think it's, like I said, an ambitious schedule, but we'll aim to meet it.

This is just a summary of the dolphin wahoo participatory workshops that have already been conducted. In 2020, we had a workshop in Beaufort, with seven participants, and we had another one in Wanchese, North Carolina, and we had fourteen participants. In Virginia Beach, we had four participants, and then, in Florida, we had workshops in 2021, but some of them got -- They were scheduled, originally, for the summer of 2020, but they were postponed, due to COVID, and so we had some one-on-one phone calls, with about twelve participants, and then a group webinar on April 12, with nine participants, and I think you heard, during public testimony and our question-and-answer session the day before, that there is several people that would like to get in on that, and they will have opportunity, as this progresses.

The MSE is going to be led by Matt Damiano at NC State University, and it's funded through a NMFS-Sea Grant population dynamics program, but we've got a lot of partners, from NC State, through MARFIN, and we've got our own Cassidy Peterson, who is the lead of our MSE program, and many of you know Kyle Shertzer, one of our lead stock assessment scientists, and, of course, Mandy Karnauskas and Matt McPherson have been running the stakeholder workshops so far. We also have Wes Merten, who you have heard from before, from Beyond our Shores, and he's volunteering to participate in this, and we do have some funding for stakeholder workshops, because we're keen to see this happen.

There is quite a bit of leveraged research that is going on, and not only the stakeholder workshops that we've already done, but we've got people, including Matt Damiano et al., to implement the so-called VAST modeling analysis, and this is a sophisticated way to look at the spatial and temporal correlations in all of our observed data and understand the distribution of dolphin, where the hotspots are, et cetera. We have that long-term tagging program that Wes Merten has been involved in, and you guys have seen some presentations on, and so we've got a real good crew, and I think we've got a great chance to make this work, and it's a great first step into management strategy evaluation.

There definitely are some challenges for MSE, because, ultimately, you need some reliable piece of information to base your harvest control rule on. Otherwise, you're just looking at what the catches are, but that doesn't tell you very much, and certainly it would be nice if we had a good fishery-independent survey. We don't have that, and we're not likely to get that, and the range of dolphin is just too wide. It would be extremely expensive to put a bunch of ships out there and run hook-and-line, or some other type of survey, to assess the annual trends in abundance from dolphin, but we do have some information on catch per unit effort from commercial longline and recreational fisheries, and that could inform the MSE. In fact, we could base a harvest control rule

in time and space, depending on what catch rates are, and it's something, of course, we would have to look at very carefully, but I think that's where this process will end up going.

If we wanted to eventually have a full stock assessment, we would have to get a better handle on what the international landings are, and I already spoke to that point, and they're mentioning here that, right now, even if we had the data, the infrastructure for international management doesn't really exist. In principle, the International Commission for the Conservation of Atlantic Tuna could take it on, and they don't want it. They're not likely to take it up, and they've got enough problems with the tunas, and there are so many countries that catch dolphin, and haven't been reporting them, and I can pretty much guarantee that they won't pick that up for many, many years to come.

We do have WECAFC that's coming online in the Caribbean. The U.S. is not currently a signatory, and so it doesn't -- We don't treat it like a full RFMO, like we do ICCAT, and that may happen, but that still doesn't solve the data problem, and so, again, I don't think anything will come of that very soon, except that they have formed that dolphin and flyingfish working group, and so it would be good to start communicating with them.

I think somebody already mentioned, earlier, that it would be useful also even to start communicating with the Caribbean and Gulf Council on this, and I don't suggest that we can all work in lockstep, because the South Atlantic Council is ahead, in terms of considering things like MSE and managing this species, and they also take the largest share of the landings, and so it makes sense for you guys to continue with this process, but it would be good to start talking with other potential partners in the Caribbean region.

This is just elaborating a little bit on what a management procedure is, in case you already didn't get it, and it's somewhat akin to the thermostat in your air conditioner. There is machinery that cools down the place, but you need something to tell the air conditioning whether to turn on or turn off, and that would be your thermostat, and so the management procedure, and particularly the harvest control rule, is the thing that looks at an index, and that's your thermostat. If the index goes down, then you're going to adjust the catches down. If the index goes up, you're going to adjust the catches up, in some way.

Exactly how you do it is going to depend on all your objectives and the harvest control rule that ends up getting vetted through all these simulation analyses, and they do expand here just the definition of an "empirical management procedure, and it's just, as it says here, a management procedure that is model free, and so you're not relying on a complicated stock assessment model, but you're just, again, using an indicator of some sort, and it could be catch per unit effort, or it could be something else, like mean size, and you adjust the allowable catch from year to year, according to whatever your management objectives are. Does that make sense? All right. No person left behind.

We did get some questions from council staff about the application of management procedures within the Magnuson-Stevens Act framework, and one of the questions was would management procedures provide stock status determination criteria, and I won't read through all these, but the NS 1 Guidelines, National Standard 1 Guidelines, do allow for cases where you may not have enough information to provide all the status determination criteria that would be used, for instance, to define overfished, and so, in some cases, I think we could get by with just specifying whether

overfishing is occurring, and that would be done by specifying the OFL, based on the harvest control rule, and so, if the catch ends up exceeding the OFL that you got in your harvest control rule, then you would say it's overfishing.

The other question is how does the MP explicitly account for multiple, and often competing, objectives, within the MSA, and, well, we would submit that that's actually the definition of optimum yield, right, and that's something that it's often challenging to do to quantify, but that's why we're having all the stakeholder workshops. Obviously, we need to do something that gets the stock as much in the vicinity of the maximum sustainable yield as we can, but we recognize that it's not a unit stock, and so then it's going to be something on the order of maximizing the yield per recruit, subject to other objectives that the council may have, and so it's basically just tackling optimum yield.

The other question was how does a management procedure work in practice, and so we come up with a recipe, right, that involves some sort of empirical harvest control rule that's keyed to an index of abundance and how it's changing in space and time, and we create sort of this recipe, and, at whatever interval the council wants to operate, we revisit that recipe, and we apply it to the data that we have and figure out what the catch rates should be, and we can do that in time and space, or we could do that overall. There's a number of ways that could go.

The bottom line is, if you structure the framework right, once the management procedure is adopted by the council, it can be almost automatic. If it's an empirical control rule, and it doesn't involve a big stock assessment, we can just do it in-house and quickly update it, and so, again, the index goes up, and there is a pre-determined way the council would respond, and we calculate what that is and give you that information, and so it's really fast.

Some of you who have been involved in the Gulf Council know that we do something called an interim analysis, and, in that case, we actually have a stock assessment that gave us an OFL, and then we look at the trends in the indices of abundance, our best indices of abundance, since that OFL was put into effect, and adjust the OFL up or down in response to the trends in the index of abundance, and so this could be very much like that, except, in this case, we don't have a stock assessment to pin the OFL on, and we would have to come up with some other way to determine the OFL, but it's basically the same concept. The idea is the fishery management plan would fully specify the whole management procedure. Do you have a question?

MR. WOODWARD: I was just curious, and, with a short-lived species like dolphin, what would you foresee as like the frequency that you would want to do this?

DR. PORCH: I mean, you could easily do it annually, and you might want to structure it so that you actually look at it more frequently, especially if you want to adjust catches as the population is moving up and down the coast, and so it's really going to be up to the council, but the math is simple, when it's an empirical harvest control rule, and so, as long as we have the data, we can update it fairly quickly.

The challenge would be -- For instance, let's say we linked it to commercial longline catch per unit effort, and, if you wanted to do it monthly, we would somehow need to be able to get that data monthly, and that might be a little bit challenging, and so there may be some practical limitations. Certainly we can do it annually, and we may be able to do it at even smaller intervals.

That was a point that -- You said that these guys don't live very long, and that's one of the other problems with trying to do a stock assessment. If you try and do a full stock assessment, as we know, at best, you're going to get the results two years after the last piece of data, and, by the time we get the management measures implemented, it might be three or four, and, by that time, all the fish that you assessed are dead, and so it makes sense to do something that would react a bit quicker. Any other questions? All right.

The fourth question we were asked is how does MSE and the resulting management procedure advice get peer reviewed, to ensure compliance with NS 2, National Standard Guideline 2, and best scientific information available, and that's actually something we talked about at the SEDAR Steering Committee meeting. I think, for developing the operating model and all the machinery that goes with it, it makes some sense to either take advantage of the machinery that already exists for SEDAR, especially something like the SEDAR research track, and run it through that, and we don't have to.

You could actually just have a CIE review, a desk audit, and then let the SSC review what comes out of that, but, given the complexity, something like the SEDAR process would be useful, and that's something we could discuss, but we haven't explicitly determined what that review should look like. The only thing that we would want to be sure happens is some sort of independent review. They make the point that, once the management procedure is adopted, it becomes pretty much automatic, again, and, if you want to, you could have the SSC review it, but, if they vet the procedure, it's really just plug-and-play.

Would stock assessments still be conducted, and the answer is not necessarily, and, in many cases, preferably no, and we already talked about that we're not likely to ever get a stock assessment of dolphin, but there's a number of other species that maybe the assessments are kind of marginal, and there are some species that, if it were up to me, I wouldn't have done an assessment for, because it's just not -- The data is not that strong, and I would rather do something simpler, using the best information we have, rather than stitch together a lot of little pieces, and so the answer is mixed.

I think there are some stocks that possibly we could move to this sort of framework, instead of trying to do a stock assessment, and there are a number of stocks that have never been assessed, and some of them might be assessable, like white grunt, but there's a lot of others that probably aren't candidates for full stock assessments, but they would be good candidates for something like a management strategy evaluation, especially where we have a good index of abundance, like the SEFIS survey. They are species that are fairly well represented in there, and we may not have enough other information for a stock assessment, but we could hinge a management procedure on that.

I already talked about this, and I won't drag this out any more, in terms of what the project objectives and deliverables would be, but you would want to consider several things. Certainly you want some probability of preventing overfishing, and so, when you're structuring the operating model, and this whole management procedure, what comes out of it should be something that has a better than 50 percent change of preventing overfishing.

Where you can, you want something that would have a high probability of keeping the stock from being overfished, and then, after that, you want to consider a lot of other objectives that the fishermen may have, whether it's maximizing catch, catch rate, or other things having to do with the quality of the catch, all these sorts of things that you've been talking about.

Then some people, particularly the commercial fishery, might value some stability in the management advice, and so, if your index goes up a lot, do you want to adjust catch in that same proportion, or do you want to kind of moderate things, and so, subsequently, if the index goes down, do you react as quickly? Those are the sorts of things we can talk about.

Stakeholder involvement, this is absolutely critical, not only for buy-in, but to utilize the ideas and make sure that whatever harvest control rule we end up coming up with is the best we can possibly get to meet the objectives of the stakeholders that are involved, and that's why there really needs to be a fairly thorough process engaging stakeholders, and the other thing is, when we're developing that operating model, we want to incorporate all the uncertainties that we actually have about the population dynamics, about data collection, anything.

For instance, one of the best-developed MSEs that I've been involved in is the one at ICCAT for bluefin tuna, and, there, they look at different stock-recruitment relationships, different degrees to which western bluefin mix with eastern bluefin, and it's really complicated, but they're trying to get the scale of the uncertainty. We don't know how much they're intermixing in any given year, and we don't know what the spawner-recruit relationship is, but, if we at least can bracket the range of possibilities, we can incorporate all of those uncertainties in that operating model, and then we pick the harvest control rule that seems most robust, given all those kinds of uncertainties that might exist.

The next slide is the proposed process for soliciting funneled stakeholder input, and so what we would do, from here, is move towards a first broad workshop that would be open to all interested parties, and we would have breakout groups for sector-specific discussions, and the objectives would be to refine those conceptual management objectives, receive the feedback from proposed candidate management procedures, and clarify any kinds of uncertainties, as I mentioned before, and we envision this being multiple regional workshops.

Then the second set of workshops would be more focused, and it would be small groups selected from the first workshop, and maybe some other participants, and the meeting objectives there would be, again, to refine all the things we got from the conceptual model in the first workshop and try and get the input to refine the candidate management procedures, and all that will be more clear, I think, as people participate in it and they see what we mean by candidate management procedures, and, ultimately, we want to prioritize the management objectives and figure out how we're going to weight them in the management procedure and get the overall stakeholder perspectives on MSE, and, again, all this, I think, facilitates buy-in as well.

The support that we're requesting of the council and council staff is, obviously, we want this to be highly collaborative, and the council needs to be involved at the outset, and you have been, with the stakeholder workshops that we've already had, and so we're not asking for any funding, but we would like the council to co-host some of the stakeholder meetings. You've got great outreach, and you've got a lot of people that, obviously, are keenly interested in this, and many of you will want to participate, and so I think that's absolutely critical.

We would like to convene a dolphin MSE panel, with stakeholders and members of the AP and SSC and council staff and our staff and outside experts, and our question then, I guess, at this point, is how would the council like to be involved? I mean, how do you see your role in all of this, and so I'm turning it around and asking you the question. The future outlook then is simple. The council adopts a management procedure that reflects interannual variability in dolphin, avoids closures and localized depletions, and equitably allocates fish. Pie in the sky, but we've got to go for it, right? All right. That's it for me. Thank you.

MS. MARHEFKA: Thanks, Clay. That was a great discussion. Shep, go ahead.

MR. GRIMES: Thank you, Madam Chair. Just one thing that I wanted to mention is, obviously, a lot of discussion about getting management objectives from the public and then structuring the process so that it's tailored to achieve those management objectives. From a Magnuson standpoint, the objectives under the FMP are dictated by the council, and they're specified in the FMP, and so we need to make sure that what other objectives you get from the public square with the objectives from the FMP, and then maybe some feedback loop in that initial process, if there are objectives that are at conflict with what's in the FMP, and you could try to hammer that out through council discussion, before you guys proceed down to discuss what management procedure might be best tailored to fit those. Thank you.

MS. MARHEFKA: Good point. All right, and so keep in mind what our outcome from this discussion needs to be, is to give them guidance on how the council wants to be involved in this process, and I see Mel is on the line, and the second question there is would the council like to formally appoint an MSE panel supporting this effort, and questions surrounding that, and so I'm going to go to Mel, and let's ask any questions of Clay about the presentation and have a discussion of that, but keep in mind the outcomes we want from this discussion. Mel.

MR. BELL: Thanks, Kerry. Thanks, Clay. That was very informative, and I think, for the first time ever, I have a grasp of what MSE is and what it can do for you, and I do find it kind of an appealing approach, and particularly we hear, over and over again, what we need is a stock assessment, a stock assessment, and I don't think we're ever going to be able to do a stock assessment, and, in light of that, this provides you an alternative and an ability to set up some sort of practical harvest control rule, and it's a very interactive process, obviously, and publicly open, and it just has a lot of appeal to me, and I do appreciate the presentation and in kind of opening my eyes, and I guess John probably constructed this, John Walter, but thank you for doing that, and I think it's certainly worth seriously considering.

MS. MARHEFKA: Thanks, Mel. Jessica.

MS. MCCAWLEY: Thanks for the presentation, Clay. I guess I was just curious if other councils have used this for other species, and is that what you used to set up this model, and just how did it work out when other councils used it?

DR. PORCH: I think there are some other councils that are moving down this road, and I'm not sure exactly how it's been implemented. We've done this primarily through the FRMOs, and we've been heavily engaged with albacore and swordfish and bluefin tuna in ICCAT, but, in

principle, there's no reason that you can't apply it here, but it's just a matter of making sure that it lines up with the objectives of the Magnuson-Stevens Act.

MS. MARHEFKA: Chester.

MR. BREWER: Obviously, I think that the council should be involved, and this is -- Dolphin is the most economically important fishery that we manage, and it is also probably the one that is most difficult to get any hard data on, and we've never had a stock assessment, and I think we're hearing, and I think it's true, that we're never going to have one, quite frankly, and so this kind of approach is one that I think could be very effective, and I do think the council should be very much involved in the process.

MS. MARHEFKA: Thanks, Chester. Any other comments? Trish.

MS. MURPHEY: So, with the issues that are facing dolphin right now, the differences in -- Well, the differences in the issues with North Carolina not having the same problems that Florida is having, and how is this -- Will this be able to start addressing how to best manage this fishery regionally, and it seems like it's more -- It makes me almost think of a stoplight assessment, in a way, because you're looking at you can adapt your OFLs and ABCs over time, and so would this -- Will this be a tool that you think will be helpful in addressing the -- To address the balance of the importance of this fishery throughout the region, especially Florida and North Carolina?

DR. PORCH: Thank you for the question, and so great question, and the short answer is yes. The longer answer is it depends on how you structure it, and so we have to figure out what pieces of data we're going to hinge it on, and then, once you get that procedure in place, then you don't second-guess it anymore, and so, if you decide to hinge it on a piece of catch per unit effort information, and maybe you do that by region, then you need to let it run, and so you plug that data in, and it gives you the catch adjustments that you were seeking.

If, every time you -- Once you put a procedure in place, and then you second-guess it and modify it, or try and modify it, then you're not going to achieve the objective you want, because it has to happen in fairly short order, right, and so the key is finding a management procedure that you agree on that achieves the objectives, whether it's annual or regional or smaller scale, and stick with it, but you've got to agree on it to begin with.

MS. MARHEFKA: Trish.

MS. MURPHEY: So do you think this this MSE, management procedure, would feed well into addressing what we're addressing now in Amendment 3? I mean, could we start looking at that and feeding that into 3, because that is going to be the issue in Regulatory Amendment 3, are the regional differences between, you know, Florida's issues and our issues.

DR. PORCH: Again, the short answer is yes. It just depends on what the council wants to agree to as we're moving forward through this, but we can take into account all the various stakeholder considerations, but it's just a matter of getting people to agree on how we move forward.

MS. MARHEFKA: Jessica.

MS. MCCAWLEY: I just wanted to point out that Clay mentioned that the fastest that this could go would be completed in 2023, with regs likely following that, and so maybe we're looking at 2025, and so I just think that's a little too long for us. I like that we're starting this, and I like that the council is going to be involved, the stakeholders are going to be involved, but, at least for us, it's just a little too far away, based on what we're hearing and seeing.

MS. MARHEFKA: Trish.

MS. MURPHEY: I agree, and I see where you're coming from, Jessica, because, you know, I heard the comments from Florida last night, and I know there are big concerns down here, but I wonder if taking a little bit longer to do it better might be worth it.

MS. MARHEFKA: Jessica, and then I have Mel.

MS. MCCAWLEY: It's an interesting thought, but I noticed, from the AP and from others, that it sounds like we're starting to hear concerns, including from places like South Carolina, and so I feel like what is playing out here in Florida, as I mentioned, is really kind of the canary in the coalmine, and it's starting to move up, but I agree that I don't think a stock assessment is possible, and I think that this is an international issue.

As I mentioned, FWC has gone to the State Department, and we're on WECAFC. I mean, we're doing everything we can, and we feel like more needs to be done here, throughout the coast of the U.S., sooner rather than later. I like that we're starting this process, and I like that we're working on that, and I am very excited about it, but I do think that we need to do a little bit more now, in that reg amendment.

MS. MARHEFKA: Mel.

MR. BELL: I was just trying to think this through, in terms of that integration between trying to move forward now with something in Reg Amendment 3, but not getting somehow cross-wired with -- You know, if we start the MSE, how do we blend the two together, in terms of timing, as well as being able to actually apply what we do use, or what we do get out of the MSE, at the appropriate time, and, in other words, if we're kind of too far ahead with an amendment, and we learn things in the MSE that would help to kind of better inform where we're going with the amendment -- See, I'm just trying to think through the integration of these two things together, and certainly we have heard a lot of public outcry for action, and action immediately, but, you know, I'm just trying to envision how the two things work together and in tandem and not contradict each other at some point, and that's what I am struggling with, is just trying to think that through and I realize that the timing is a big deal with this.

MS. MARHEFKA: Thanks, Mel. I have Rick Bellavance that is on the line and has his hand raised, and then I have you, Dewey.

MR. BELLAVANCE: Thank you, Madam Chair. Just two quick things, if I may. First, hi, everybody, and thanks for having me here today from the New England Council. In New England, we went through an MSE, a management strategy evaluation, for our herring fishery, and it weighed a lot on help from the Northeast Fisheries Science Center, and so, from a resource perspective, that was pretty reasonable, compared to our second management strategy evaluation

for our ecosystem-based fishery management plan that we're looking to work towards, and that's using outside contractors, and so that's something to keep in mind there, that resources can be different, depending on how you do it.

About the only criticism we heard from our herring MSE that was we didn't take enough time to do it completely, from stakeholders' perspectives, and it was, you know, a three-year process, but that's likely -- I heard some comments to that effect earlier, and so I just wanted to mention that, and, then, specifically to the question that you have on the board here about equitability and representatively-appointed, the New England Council, the New England region, appreciates the South Atlantic Council's efforts to include the New England region in their advisory panel membership, and I just wanted to give a shoutout to the New England region as part of this process as well, if you guys go forward. Thank you.

MS. MARHEFKA: Thanks, Rick. That was helpful. Dewey.

MR. HEMILRIGHT: I was just wondering, and what happens if, going forward with Amendment 3, that you implement something more restrictive than you have in Amendment 10, and, a year goes by, and, if it's more restrictive, you should see results from that, because dolphin are fast-growing and different things like that, and what happens if, after two years, you see no results? What are we going to look to then, because we clearly can't -- We're not the only component in this, from the east coast here, and so I'm just curious how we're going to gauge that?

By changing something -- In theory, if you change something, you should see results -- It depends on -- You should see results almost immediately. Within a year, you should see results of something changing, because these are fast-growing fish, and they grow so far, an inch every week or two, or whatever how they do, and so it's like, if we go forward with something, we should see instant results, almost, within a year, and what happens if we don't? What does that mean?

MS. MARHEFKA: Clay, to that point, and then I would like to sort of lay out a path forward, because we're going to have the Amendment 3 discussion, and so I kind of want to stay on track, but to that point.

DR. PORCH: So it depends on what you mean by see results, keeping in mind that a lot of other countries catch a lot of dolphin, and, I mean, we could -- If it was just as simple as seeing more dolphin out there, you couldn't guarantee that, because we don't know what the take is elsewhere, and we can't control that, but what you can do is maximize the utility of the ones that you do see, the ones that are coming into U.S. waters, and I think that's a lot of what this would focus on.

Now maybe, if it resulted in reduced harvest, maybe the stocks would increase, but I couldn't guarantee that, because there is several things that affect how many are coming into U.S. waters. One is how many are being caught elsewhere, and two is just a changing environment, and so it may be just more of them are diverting to other places outside the South Atlantic, and so I think the key is how do we best utilize the fish that are coming into our area, and how do you distribute that, in space and time, because we've heard, you know, some users say they all get caught up in one place, and then nobody else gets any of the quota, and so those are the sorts of things that you can address, and, at the same time, you can come up with metrics that make the best utilization of the fish that do come in here, yield per recruit type metrics.

You don't want to fish so hard that you catch them all while they're -- You may not want to fish so hard that you catch them all when they're tiny, and just the small ones that come in, and there's lots of things you could look at. Does that answer your question?

MR. HEMILRIGHT: Well, I mean, are we under the assumption, when these fish come around, that they're twenty inches in Florida, and, when they get up to Maine, they're thirty inches, and are we under that assumption? My reason for asking is I've had friends of mine send me pictures of mahi in the Mid-Atlantic, off of Delaware, around the buoys, that are eight to ten inches.

Well, that ain't a ten-inch fish -- It didn't start at two or three inches in Florida and swim up to them buoys and was eight to ten inches, and it come from somewhere else, and I'm just wondering how is that part of the science and what we're looking at, because I just think there's something else going on here besides fish doing a loop and all the fish coming up here and getting taken out, and there ain't none coming back in the loop, and so that's the problem. There is somewhere else these fish are coming from, a different area, where something else is going on, and the reason why you're seeing eight, ten, and twelve-inch mahi around the lobster pot buoys and stuff off of Delaware and New Jersey.

DR. PORCH: Just to answer that, we're not under any assumptions at this point. I mean, we don't have a dolphin assessment, and we haven't looked at all the possible information that's out there, and that would be all part of this process, but at least the agency is not making any assumptions about what size they are where.

MS. MARHEFKA: All right, and so this is what I would like to do. What I'm hearing around the table, and correct me if I'm wrong, is that, you know, everyone is interested in this process, in general. How it fits in with what we already have on our schedule and how they meld together, that's a different discussion, and so let's tackle the first question, which is the how the council would like to be involved, and I've asked John to sort of explain what kind of direction to staff would help us come to that conclusion.

MR. HADLEY: Thank you. In relation to that, I mean, part of that question was whether or not the council is interested in, you know, seeing this through and being involved in the management side, on the backend of this, and it sounds like a resounding, yes, there is interest in pursuing that, as Kerry mentioned.

The other part of that is just to make sure that you're okay with some of your staff time being put towards this effort and working with the Science Center, which I would imagine that would be a yes, considering you're interested, but I just wanted to confirm that overall, and I'm seeing some heads nodding.

MS. MARHEFKA: I am not seeing anyone, for the record, saying no, and so that's a yes.

MR. HADLEY: Okay, and so that's some of the feedback we were looking for, just to bring the council into the fold, so to speak, on this effort. I think, in relation to the second question, part of this is how much does the council want to be formally involved, as far as the MSE panel, and there is obviously some benefits to being able to screen participants on that panel and help with that. On the other side of that is that there's considerably more structure, and some time lags, if the

council is going to be heavily involved with that, you know dealing with the quarterly meetings, as well as some of the limitations on who can officially be your advisors.

Perhaps a suggestion there is that the MSE workgroup, and, specifically speaking, the Science Center staff that are working on that, could maybe take more of a lead role on that, with some clarifying points from the council along the way, but that's kind of where that second question was based, is how much of a hand, so to speak, does the council want to have in appointing those -- Or who ends up on that MSE panel, which is, as Clay went over, sort of the stakeholder group that's going to help inform this whole process.

MS. MARHEFKA: Thank you. That's helpful. I have Carolyn and then Jessica.

DR. BELCHER: I am just asking for clarification on council involvement, and is that this group around this table, or is that the council overall, because the involvement of the SSC in that process is -- I think just understanding the lines of what we're asking in that, especially when it comes down to the review of the science, if you're asking whether or not the SSC is going to be the person who is reviewing the science for BSIA, or if it's a CIE review, because it seems like, the more you put scientific staff into that, you're taking -- The potential for you to take the ability for the SSC to be that review body out of it I think is -- It's just, again, coming up with that clarification of what we want to do and what the tasks of that panel would be.

MR. CARMICHAEL: I think the SSC would be involved certainly at the end, when it comes around to doing it and applying it. Are they involved, and is this panel viewed like a SEDAR working group? You know, we have those, and they include agency people, and they include SSC, and they include advisors.

If that's the case, and if the council appoints something like that, keep in mind this falls under the FACA, and it falls under all the Magnuson guidelines for council meetings, and we'll be dealing with Federal Register notices and all of that stuff, and we'll have to appoint people, and they have to be considered advisors, just like all the people we have say on SEDAR, in our SEDAR pool, who are advisors.

We have SSC members, advisors, and council members, and that's the people in our world, and we have to fit them into this, and so, if we do a panel like this, just keep in mind that process, and I'm thinking of some of the frustration that I've heard through SEDAR, with some of the folks in the Science Center working on analysis and data, about the timing of that, and so I think we do want to be involved, but we need to consider this, versus our SSC and our Dolphin Wahoo AP, to begin with, and how do we factor them in with a broader group like this.

DR. BELCHER: Well, just to further expound on that too, and so, Clay, I know that you indicated who the group was that's going to be working on this, and I know it says that it's not been fully sorted out, but the funding -- If it has to go the route of CIE, is that embedded in the funding that's going towards that project now? I mean, that's the other thing, is there stuff that we're going to have to talk about for potential fill-in for a funding shortfall?

DR. PORCH: I mean, whether we did that through SEDAR or not, we can always, even as an agency, just go to our headquarters and say we need X number of folks for a CIE review, and so I don't see that as an impediment. I think, just to be clear, with this MSE panel, what we really want

is sort of ambassadors, right? They will help shepherd the process along, but they'll also make sure that all the right people are getting involved, make sure people are getting contacted, because this is something that you really want the buy-in of all your stakeholders.

MS. MCCAWLEY: Since this is the first time we're doing something like this, I'm wondering if somebody, whether it's council staff or NOAA staff, if somebody could bring back kind of a layout of this, because I'm getting a little bit confused on the MSE panel, what the nexus is with our SSC, et cetera, and so maybe it's kind of listed out, and it's a timeline, and it's pros and cons of some of the things that John mentioned, and is there some way that we could see that, the next time we meet the Dolphin Wahoo Committee?

DR. PORCH: I guess I'm not sure, and pros and cons of which? Maybe be a little more explicit, but do you mean in terms of who is going to shepherd this process along, who is going to do the review, because I don't think who does the review should -- That the determination of who does the review should hold up the process. I mean, we can get moving on it. The big part, right now, is getting the stakeholders together and start talking about what are the objectives and how do we structure the operating model.

We already have somebody funded the construct the operating model, and that's the group at NC State, and so we need to get moving. I mean, we'll move forward one way or the other, and it's already funded, and so it would be better to move forward with as much stakeholder engagement as we can get.

MS. MCCAWLEY: I guess it's just confusing to me, and I'm not saying holding up the process and not getting started, but who is appointing these stakeholders, and who is deciding who they are? Is this, or isn't it coming through the SSC, and just how does it come to the council, and when are there check-in points? I'm just -- I would like to see that laid out just a little bit more, and it's just still kind of confused in my head, and I'm sorry, but I'm not saying don't get started.

MS. MARHEFKA: Especially since this is the first time we've done this, right, and so we're in uncharted territory, and so I think the questions are all really valid, and that doesn't go to the point of it not being a valid and wonderful tool. Jessica, really quick, and then Spud and then Trish.

MS. MCCAWLEY: Just one more, and it's hard for me to figure out -- I heard some questions, but like is the council on the hook for certain pieces of the funding of this? Like are we funding the MSE panel, and all that is just a little bit unclear to me, and so I just wanted to see that laid out a little bit more.

MS. MARHEFKA: Did you want to address that point? If not, I'm going to go to Spud.

DR. PORCH: Yes, and, I mean, whether you fund them or not would, I guess, depend on how people wanted to participate, but that would be a decision on the council's part. We're not explicitly asking for funding, but whether some people would be interested enough to volunteer, or whether you would need to fund their participation, and I don't know the answer to that, but we are leaving that to the council.

MS. MARHEFKA: Go ahead, Spud.

MR. WOODWARD: I am just trying to figure out what we need to do now to make this move forward, because, you know, I think it's very important that we get wide geographic representation on this stakeholder group, and obviously you heard it from Rick, and you've got interest up in New England to be on this, and so how do we -- What do we need to do now to facilitate that beginning to happen and to make sure that we get that broad group of people that can then sort of distill down into a more functional group of people, because, I think, you know, we're going to -- Trish has alluded to it, but you're going to have very diverse objectives in this fishery, and it's going to be very important to make sure all those perspectives and objectives are represented and then reconciled back to something that actually focuses this into a productive outcome, because, otherwise, we're sort of -- We never get out of the place we're in now.

I mean, we're fixing to have a discussion about this reg amendment, and we've obviously got diametrically-opposed perspectives on things, and so, I mean, that's -- What do we need to do now to make that happen, so that we can get this moving, because, I mean, you heard yesterday that people want us to do something different than the hand-wringing that we're doing now.

MS. MARHEFKA: Trish, I would like to go to you, real quick, and then Clay, because I just want to -- I want you to have all the questions, because I think we could do a lot of back-and-forth with you, and so let's circle all of our questions together for you, and then you can address it.

MS. MURPHEY: I think all of this has been great discussion, and I know, when we look at these council workplans, they're always teetering on the red, and how is this going to impact that, and, again, because there are so many opinions on how this needs to be done, and, again, I think the -- You know, going to this MSE and letting that inform this upcoming regulatory amendment may also help with any kind of workflow, because, like I said, the last time we met, you guys were teetering on red, and I think that needs to be considered too, and, again, I think we can blend the two together, but it just may take -- Put us on a longer timeline, but I guess that's a question for John, as far as workload.

MS. MARHEFKA: I mean, I know we're going to have that discussion later too, as far as timing of Reg Amendment 3, but you were going to say something to that point?

MR. CARMICHAEL: Yes. To that, I mean, we'll definitely have to talk about the workload. We have Reg 3, and we have a staff person on dolphin, and the staff is fully engaged, and I think just the council probably does want to be involved, and that seems clear. This MSE panel, I think, given what Jessica said, I have similar questions, and like what exactly would this panel do, and how does it fit in with the broader process, and I think, Carolyn, is that on the slides, and maybe we could scroll down a little bit.

DR. BELCHER: Yes, and it's Slide 17.

MR. CARMICHAEL: Because that, to me, raises a number of the questions, and it's got the like Number 8 on it, which I think really gets to the gist of -- To me, which is the logistical aspects of it, and like cohost stakeholder meetings. You know, my first question is, okay, that's a meeting in a hotel, and who is going to pay for it, pay for travel, et cetera. You know, co-host is we send a staff person to help facilitate it and run it, but a meeting means people are there, and someone has got to pay for them.

The MSE panel, stakeholders, APs, SSC, council staff, et cetera, that's an AP. In the eyes of Magnuson, that's going to have to be Federal Register noticed and all that, to go through the regular process, and the council would probably want to appoint all of those people. You can take people from existing APs, et cetera, staff and all, and put them together, and they're already named. If you bring in the outside experts, that's a little bit of a wrinkle.

My understanding, also, is that, if the agency were to set up something like this, with that broad representation, they could not get consensus advice from those people, because of FACA, and so it kind of needs to be under a council umbrella to get the consensus, and so, you know, I think it's all doable, and we do this kind of stuff all the time, but it's just there is a number of pitfalls out there, procedurally, that we need to follow, and I think we all know that, a lot of times, those types of things can add to the time. I think the concept is good there, but we just figure out who does what, and who pays for it, and how we fit it into, you know, the plan, so it doesn't draw out an already long process.

DR. PORCH: The first order of business is the cohost the stakeholder meetings, and so we have some funding for those meetings, and it's a little bit different beast, because this is going through a grant to NC State, and so there may be some flexibility that wouldn't exist if we were doing it as an agency here, or at least NMFS directly, but we definitely would like to take advantage of the machinery that you have in place for outreach. I mean, you've got a lot of interested stakeholders that want to participate, and we heard about it, and you've got a great outreach program here.

I think it would be beneficial to the process to have the council involved in whatever we define as cohosting stakeholder meetings. The only issue is -- We can talk further, and I'm not sure how much funding we have, and how much it would cover people's travel, if that were the issue, and so those sorts of details could be brought up. I mean, a lot of times, when we have stakeholder meetings, we're not paying for the fishermen all to go there, and so we'll just have to --

Like the stakeholder workshops that we already held, and I imagine that it would look somewhat like that, but we may want some key people to be there, maybe the ones on the MSE panel, and maybe it would require covering their travel, and so I think we could talk out those details and see what funding is available, what the council can do, and come back with a more detailed proposal, but it is definitely helpful to know if the council is interested, in one way or another, in cohosting those stakeholder meetings, because we need to make those happen, and you can see that we had, on the schedule, for those to be basically summer and fall of 2022, and so there's some urgency in moving forward there, if we want this to go forward.

MS. MARHEFKA: I had a question, and it escaped me. Does anyone else have something, while it comes back to my head? I mean, I think, for myself, what would be important -- Because I don't think we've still addressed sort of -- Oh, I know what I was going to say first. When you talk about the management procedures that sort of feed into this, that loop you had -- I mean, at some point, you're asking stakeholders about suggestions for, you know, what kind of management, or I would guess, what kind of management they would like to see, what would work.

What worries me is sort of any confusion between what's happening with this process and any other management that we may be pursuing at the time and how that would be confusing to stakeholders, you know, and so, if this body does decide to move forward with Reg Amendment

3, but, at the same time, this process is happening, you know, any confusion that could sow worries me a little.

I think what I'm hearing is what we kind of want to see is it laid out, when things are happening, who is responsible for what, who is paying for what, and how it's all going to work, specific for a plan forward, and is that we're stuck on? I mean, the money part is above my paygrade, and so is that something we need to figure out here?

DR. BELCHER: Maybe one of the things, and I don't know that the table is the place to have that conversation, but Clay's group, obviously, already has some idea of how they are proceeding, if they're got timelines for summer of 2022, and so the question would be what's already on the table, and can we insert at that point, and what do you need from us to help advance that, and does that seem like a reasonable --

DR. PORCH: Yes, that's exactly it, and, as far as to your question, Kerry, you can -- If the council adopts measures, and they decide, long-term, that they want to stick with those measures, you can build those in, and that's a necessary part of the management procedure. I mean, that's why the council needs to be involved, because, ultimately, anything that gets enacted is going to go through you, right, and so if -- Now, it may be that you run this MSE saying, hey, that's not set in stone, necessarily, and let's look at other options, and that's all part of the process, is what is that you actually want to achieve.

The MSE, until you adopt it, whatever the harvest control rule is is just an exercise, right, and it's an information exercise, and then you will see different -- The performance of different management procedures, which could include what you've already adopted, whatever those constraints are, and maybe you see something that satisfies even more stakeholders, or maybe not, but, again, there is nothing set in stone until the council adopts it.

MS. MARHEFKA: I get that, but I just was thinking -- You know, we saw it happen last night, and sometimes, you know, the word gets out ahead of what the council is even thinking, or not ahead of, but, you know, people get confused about who is throwing certain proposals out there, and that's kind of what I meant. It's out of our control of the process that we normally go through, in a way, and it comes from our AP, and then it goes to us, and then we discuss it, and we come up with like this range, you know, and that was sort of just giving me a little concern, because we'll get -- There will be a public hearing, and we'll get yelled at, because some person at one of these stakeholder meetings suggested, you know, banning longlining, and then we have a room full of, you know, angry longliners, when that's not even something the council has discussed yet. That's a bad example, because we have talked about it, but you know what I mean, but John had something.

MR. CARMICHAEL: I'm thinking like getting the stakeholder meetings going is an important first step, and I think the stakeholder workshops are a good model for that. We've done some of those, and we've got a sense of how much they cost, and we could certainly work with Clay to think about, you know, how much broader this potentially could be, and the expenses associated with that, and staff travel is not a horribly expensive thing, you know, and I think that's something we can certainly handle.

What becomes the sticking point then becomes staff time, and I think the question, for the Dolphin Wahoo Committee, is what is your priority? Do you want to -- I will just -- You know me, and I will cut to the chase, and do you want to do Dolphin Wahoo Reg Amendment 3, or do you want to do this? What do you want your staff to be supporting, because that's the practical decisions that we have to make, as a staff, to say it's kind of one or the other, because, to do this right, it's going to take a fair amount of time.

Those stakeholder workshops took a fair amount of time, and I think, to do this right, we -- This process relies on that stakeholder input, and I feel that you could build on that, because we had some people that came out, and we could reach out to them and say, all right, and we're continuing on with this, and are you interested in coming out again and talking about this with a focus, at this point, and with the possibility, the knowledge, that analysis is coming, and this exercise is going to be done, and it is going to address one of the biggest concerns about dolphin, which is that lack of technical information.

MS. MARHEFKA: I like it when you put it straightforward like that, and that helps me, I can tell you that, and so hopefully everyone heard sort of the real decision we have to make. I have Trish, and then I have Tim.

MS. MURPHEY: So, kind of following what you guys are saying, my concern was, you know, we've got -- We'll have these two things going on at the same time, the amendment and the MSE, and the stakeholders and stuff, and I have concerns about those going on at the same time, I think mostly because it is going to be confusing, and some of the other things we heard last night was, you know, engagement and trust, and I think going this MSE route, where we get our stakeholders, that is going to help build all that trust, help build the trust of our stakeholders and the council, and we'll be feeding in their input, and then that can all feed into the amendment later.

I think -- I'm not saying throw out Amendment 3, but I'm just saying that let's go this route first, and get that stakeholder buy-in, and what are some of the out-of-the-box ideas, get that management procedure, which gives us a little more science to go off of, and then feed that on into the amendment and go that way, and so, you know, thinking of all those things, the engagement, workflow, trying to decrease confusion between the two different processes that would be going on at the same time, and, again, I do understand that this makes it a longer process, but I think, in the long run, we're going to have better results, and, you know, hopefully the stakeholders are going to be a little more happier with what we do, and, you know, we can try to balance the issues going on in south Florida and, you know, how things are managed in North Carolina and Maine.

I mean, we are seeing all sorts of things that play into this, like climate, international species, or international takes and everything, and so I just think it may take longer, but I think we're going to all be better, in the long run.

MS. MARHEFKA: Thank you, Trish. I have Tim, and then I have Jessica, and then I have Mel.

MR. GRINER: Thank you for that, John. I kind of agree with Trish here, and, I mean, as Rick told us, Amendment 10 has only been in effect since May 2, and we have to give these things time to work, and I think, long-term, the stakeholders are going to get a lot more benefit from this MSE approach, and so I really think that, by jumping into another Regulatory Amendment 3, you're not even letting 10 do what it was designed to do.

We're not going to even know whether 3 does anything for years to come anyway, and so I would really like to see the time put into this MSE, and I think it's really, really important, and I think it is the best way to go about managing this fishery in the future, and so we've got to get started on it, and, if it's one or the other, my vote would be MSE.

MS. MARHEFKA: Thanks, Tim. I have Jessica and then Mel and then Andy.

MS. MCCAWLEY: I think we need to continue moving forward on this reg amendment, and so the reduction that was made, the six fish, that is really no reduction, and so it really didn't do anything, and you heard from folks that all these additional actions are needed. There was a sign-on letter that's by all these different industry partners about how something really needs to be done now, and I don't feel like, you know, that we're making a hasty decision, or that we're jumping out ahead of another long-term project, and I feel like we're just kind of staying the course on the conservation of dolphin in general, that this is what we do for other species, and so I feel like we're also now hearing concerns from other areas, like we heard the AP talk about how you're hearing concerns from South Carolina, and I feel like the concerns are becoming even more magnified down here in the Keys, and so, while I look forward to this MSE, I feel like we need to stay the course on this amendment.

We don't know what's going to come out of the MSE, and we could be in the exact same place in 2025, or 2026, and we have an opportunity now to respond to the problem now, before it gets worse, and before we have to ultimately take drastic action, and so I feel like we can take a little bit more action at this point. There's a question of whether it's proactive or reactive, and I think kind of dependent on where you are along the coast of the U.S., but I feel like we need to stay the course on this.

MS. MARHEFKA: All right, and so lots of interest in discussing this. I have Mel, Andy, Chester.

MR. BELL: Thanks, and so what I'm struggling with is that you've got the potential to use a tool here that would better inform, perhaps, decisions you're trying to make about the fishery, but you're employing the tool while you're -- You're going to make decisions before that, and so where I'm going is like, if you move forward -- I'm saying move forward with 3, but is there anything that comes out of the MSE that would help us better inform these decisions we're looking at now, or, if we go ahead and we make certain decisions now, and we get through the MSE process, and then we realize that, oh, we may have done some things in 3 that we didn't need to do, or that were perhaps overly restrictive in certain areas, and then are we prepared to come back, after the MSE, with Regulatory Amendment 4 and readjust again?

I mean, that's where you -- That's where I am trying to blend these two together, to see that what you get out of the MSE -- Is it better to use that to inform the things you're trying to do now, and I certainly understand the public outcry for action, action, action now, but what if you find that you're -- You know, that you took too much action, or you're not taking the right action, or in the right way, is all I'm saying, and so that's where blending these two things together, and it's unfortunate on the timing, the timeline, but we're kind of being -- You know, we're being told a lot, and, of course, there's a divergence of opinions, and we heard it last night as well, but, you know, people are crying for action, but, if we take the wrong action, or we take too much action or something, can we come back after the MSE, or do we have a willingness to come back after

the MSE, based on now we've got this new thermostat, and readjust, and that's the position we would be in.

MS. MARHEFKA: Thanks, Mel. I'm going to continue down the list, but, after that, we might have a little plan forward out of this, at the moment, and so Andy, Chester, Trish.

MR. STRELCHECK: Certainly I'm hearing the concerns, and, obviously, differently based on your geography, where you're located, and that's kind of setting up the discussion here, in terms of move forward or don't move forward with Reg Amendment 3. I think we're fooling ourselves if we say we're going to see what the impacts are from Dolphin Wahoo 10, because that really didn't accomplish a lot, in terms of reducing harvest or conservation value, and it's not significant, in terms of the grand benefits that you would achieve from that.

I agree with Mel, and I think we can move forward, and we can adaptively manage this, and we can, obviously, figure out what we want to do with Reg Amendment 3, and then, if the MSE comes back and gives us, you know, additional guidance that we need to adaptively change some things, then we can do that through a future reg amendment, and I think the key to Reg Amendment 3 right now is really the differences we're hearing and seeing between Florida and maybe the rest of the region, but it is fairly rare to get public testimony like we did last night, and there was consensus that there is a problem with dolphin.

Now, how much is that in our control, and how much is out of our control? That's to be determined, maybe, or maybe it's not even able to be determined, but I think, you know, given the council's charge to conserve and manage fisheries, there's an opportunity there to be responsive to our constituents and take some actions that could benefit this fishery in the interim, before we have the MSE results.

MR. BREWER: I echo a lot of what Andy just said. I -- This is not something that happened overnight, and we've been hearing about this, certainly down in south Florida, for years now, years, and it was a -- Amendment 10 was pretty much a slap in the face, because, as Andy pointed out, it really didn't accomplish much, and so waiting to see what it will do, or what the effects of Amendment 10 will be, I can answer that for you right now. Nothing.

I think that there is an opportunity here to, in a sense, have something like the MSE going on until MSE is actually put in place, and that is we've got -- I mean, we don't have hard, empirical data as to what kind of shape the dolphin fishery is in. What we do have is information from people that have been on the water, for years and years and years, people who have been active in the fishery, and what we used to call anecdotal evidence that there is a problem.

I think that we need to go forward with Regulatory Amendment 3, and I think that we need to look very carefully at what the FWC did, and I think we need to look very carefully at suggestions that are coming from your user groups, from the media, and actually just a plethora of sources, and utilize that information, or those suggestions, in Regulatory Amendment 3, and then we need to listen to, and solicit information from, the same people that were here last night, and others like them, as to what they're seeing on the water, and, in a sense, that's adaptive management. For right now, it's going to be the best adaptive management that we can have, and so let's go forward with 3.

MS. MARHEFKA: I have Trish, and then, Tim, I see you.

MS. MURPHEY: I am hearing everybody, but Amendment 10 was passed, and it was approved by the Secretary of Commerce. If the agency, or the Secretary, felt like this -- What was in there was going to be detrimental to the stock, they would not have passed it, and so it's passed. Granted, I know a lot of people feel like nothing happened in it, but you did get a change in vessel limit.

The discussion that I heard last night was to apply all of Florida rules up the coast, and those rules will not work in North Carolina, not at all, and, just like the area closures are not going to work in Florida, and these are not going to work in North Carolina, and so, with that said, I guess I'm in disagreement with this, and I really think --

I think we can move forward with Amendment 3, but I think we need to take a longer timeline and feed the MSE into it as we go along, and I will stop now, but just I wanted to kind of lay out some facts there, that what is done in Florida state waters, and, actually, from my understanding, that didn't even happen in the Gulf, and so there's some inconsistency there, but this will not work in North Carolina, and I know our fishermen, our stakeholders, are going to come out in droves about it, and I think this council needs to think about that, on top of the fact that we heard a lot of people saying they don't trust us, and their engagement -- North Carolina is going to definitely go that way, if we move forward with the things that are in this amendment, and now I will stop.

MS. MARHEFKA: Tim and then Andy.

MR. GRINER: I guess my confusion here is, number one, it sounded like it was either or, from the staff time, but I think it's hard to say that Amendment 10 didn't accomplish anything, when it's only been in place for six weeks. You know, if the real problem is down in the State of Florida, and the State of Florida has adopted these rules, then why is it not working then? I mean, I don't understand why, if Florida has made changes to fix a problem that is a Florida problem, then those changes obviously don't seem to be working, if they're still having the same problem.

I'm not sure -- I'm not sure how we go about solving a problem, that is either real or perceived, when we really can't control the biology of the fishery, and all we can control is effort, and, if the effort problem is in Florida, which it obviously is, then Florida needs to control the effort down there, but I don't really see that -- If 10 didn't work, I don't really see 3 working any better. I mean, I think you're just grasping at straws at this point. I think we need to look at a long-term approach that will help us get our arms around this international fishery. Thank you.

MS. MARHEFKA: Andy.

MR. STRELCHECK: All right. A couple of responses back and then a suggestion. Jessica can correct me if I'm wrong, but I believe your new dolphin regulations are just now going into effect, and is that correct, as of this summer?

MS. MCCAWLEY: That's correct.

MR. STRELCHECK: So, I mean, the fishery hasn't even had a chance to really see how it's responding to those new regulations, and they're only in state waters, and not federal waters, and, Trish, you mentioned about the agency approving Dolphin Wahoo Amendment 10, and, just to be

clear, the agency has authority to approve, disapprove, or partially approve an amendment, but we have to base that decision on whether or not it's consistent with federal law, right, and so we don't assess the adequacy of the conservation and management, unless it's evaluated in the context of Magnuson and other federal laws, and we determined that Dolphin Wahoo 10 was consistent, and we wouldn't have any reason to disapprove it.

With that said, we have a very unusual situation, right, and we're adjusting the catch limit, and the advice from the SSC in Dolphin Wahoo Amendment 10, but, overlaid on that, is we're hearing lots of public comments and concerns about the fishery as a whole, and that changing, in certain at least areas of our geography.

Right now, we're spending a lot of time debating whether we should move forward with Reg Amendment 3, or whether we shouldn't, and my recommendation is maybe we put it up for a vote, and then we move into Reg Amendment 3, if it's supported, or we table Reg Amendment 3 and move on our merry way the rest of the meeting at this point, and so that's just a suggestion, Madam Chair.

MS. MARHEFKA: We've been over here talking about sort of our way out of this circle we've found ourselves in, and staff came up with what I thought was another alternative, is to hold the stakeholder meetings, to tackle that first, and not come back to Amendment 3 until December or March, after the stakeholder meetings have been held, to see where we're at, to see what input we're getting from the stakeholders, and then decide how we're going to move forward, and so that was another suggestion that came forward, and I'm sorry if I butchered that idea, and feel free to correct me if I did.

So, I mean, I think, at this point, we are going to need to -- We don't have a motion on the table, but we have to come to some sort of conclusion about what we want to do here before we move into Reg Amendment 3, and so I'm looking at -- I don't know if we need a motion, and I don't know what you all want to do, and we certainly don't have a consensus at this point, and so we've got to get out of this situation right now. Chester.

MR. BREWER: I would make a motion that we instruct staff that we want to proceed, post-haste, with Regulatory Amendment 3.

MS. MARHEFKA: To be clear, the idea of having the stakeholder meetings and then skipping a meeting and having the stakeholder -- That's not okay with you?

MR. BREWER: No. I mean, we had a pretty strong shareholder meeting, or stakeholder meeting, last night, and, I mean, if you listened to it -- The list of people kind of got -- Jessica is showing me the sign-on thought that Blair Wickstrom was talking about, and that's a strong group of folks.

MS. MARHEFKA: So is there a second for this motion, before we begin discussion?

MS. MCCAWLEY: Second.

MS. MARHEFKA: It's seconded by Jessica. Andy.

MR. STRELCHECK: More of a point of order. I believe we've already directed staff to move forward with Reg Amendment 3, and is that correct? Have we made that motion already, or given guidance to staff?

MS. MARHEFKA: Go ahead.

MR. CARMICHAEL: I think if you just said, in this, as a priority over the MSE project support.

MR. STRELCHECK: Okay. Perfect.

MS. MARHEFKA: All right, and so we have a motion on the table by Chester, and it's seconded by Jessica, and is there any discussion on the motion that we haven't already had? I am not seeing anyone's hand raised. **The motion is to direct staff to move forward with Reg Amendment 3 as a priority over the MSE for dolphin. All in favor, raise their hands, four in favor; all opposed. Any abstentions, two abstentions. The motion fails.** Trish.

MS. MURPHEY: **I would like to make a motion to direct staff to move forward with the MSE on dolphin, as a priority over the Regulatory Amendment 3.**

MS. MARHEFKA: It's seconded by Tim. Jessica.

MS. MCCAWLEY: So what does it mean that it's a priority? When does Reg Amendment 3 come back, is my question with this motion.

MR. CARMICHAEL: I was just going to say, and should we clarify this as what was discussed, that we attempt to do the support for the stakeholder workshops, and then you discuss Dolphin Wahoo 3 here and give guidance and work on that, and attempt to come back to you in December with the results of today's discussion and whatever analysis is necessarily -- Ideally, some input from the stakeholder meetings that would be held around the region, and does that seem -- John, does that seem like a reasonable timeline?

MR. HADLEY: I'm sorry, and I was a little caught up in this, but was the timeline coming back December? Was that correct?

MR. CARMICHAEL: Yes, to try to come back in December with responses to whatever is discussed here today, and then next steps on the amendment, and then outcomes from doing the stakeholder workshops, that it basically would be one extra meeting extended.

MR. HADLEY: That sounds reasonable to me, if it's reasonable for the committee.

MS. MCCAWLEY: What I just heard from John is not exactly what I see in the motion, and so can -- I mean, is the motion maker intending that? Can you just help me?

MS. MURPHEY: I'm sorry. That's my intent, and I just kind of went -- I just flip-flopped, but I don't know if we can word something in that to -- I'm not sure how to better word what John said. For dolphin by beginning with the stakeholders -- What did you say, John?

MR. CARMICHAEL: **I said to move forward with the MSE stakeholder meetings during the fall and bring Regulatory Amendment 3 to the council in December of 2022.**

MS. MARHEFKA: Is that amendable to both the motion maker and the seconder?

MR. GRINER: Yes, I think that's great.

MS. MARHEFKA: We have Mel.

MR. BELL: I was just trying to help with the wording, and John had mentioned the stakeholder meetings, which you're capturing that now, and so that's kind of the road -- What Kerry was talking about.

MS. MURPHEY: I'm sorry, and I didn't -- I just kind of flip-flopped, because I'm not good at making motions, but you guys captured that much better. **Thank you, and so, yes, just forget the other one.**

MS. MARHEFKA: Spud.

MR. WOODWARD: I fully support this, and I don't -- I am not supportive of just kicking Reg Amendment 3 to the curb and forgetting about it, but this is a mechanism to move forward to being perhaps better. Maybe we won't hear anything any better that helps us, but, you know, Georgia is in kind of a unique situation. I mean, we are a trivial player, and I don't even think that we account for a whole percentage point of the harvest, but I think it is important that we get as broad input as we can, because we obviously have a highly-divisive issue here, and we're going to have to try to find some common ground somewhere, and so a little more investment of time in this I think is worthwhile, and not to forget about it, but, if we can invest a little more time and maybe help us, and maybe not, but at least we're, you know, giving ourselves an opportunity, and so that's why I support this.

MS. MARHEFKA: Thanks, Spud. Clay, we just wanted to clarify, and does that work okay with you all's timeline, as far as the stakeholder meetings and when we come back and look at that information?

DR. PORCH: I mean, we would like to hold the meetings actually by the fall, but, as far as reporting, yes.

MS. MARHEFKA: Chester.

MR. BREWER: I just want to -- If I were to say, hypothetically, vote in favor of this motion, is it written in stone that we will see Amendment 3 in December? I have an affirmative nod, but perhaps a statement on the record might be better.

MR. CARMICHAEL: I would write it in stone as strongly as we write anything in stone, and we will certainly highlight that at the top of the list for your priorities in December. It doesn't mean that you may boot something else out at December, but this would be one that we would put in ink, so to say, in terms of working on the agenda, kind of like the ones that are statutory-deadline-oriented, but, yes, that's the plan.

MR. BREWER: Okay. Thank you.

MS. MARHEFKA: All right. Any other discussion on this motion? Is everyone comfortable with the way the motion reads, now that we've wordsmithed it a little? Okay. **All in favor of the motion, raise your hand. I think we're good. Perfect. Let me make sure I cover all the bases, and is there anyone opposed; any abstentions. Hearing none, the motion carries.** Before anyone gets hangrier, I think Carolyn is okay with us breaking now for lunch, and I will hand it over to you to tell us when to be back.

DR. BELCHER: We're going to stick to -- Again, the hour-and-a-half is kind of the limit that we've got on this for lunch, and I guess the good news is at least it doesn't look like it's raining right now, and so an hour-and-a-half, and so it's twenty to. We'll come back at 1:10. We'll return for 1:10, and Kerry will pick back up.

(Whereupon, a recess was taken.)

MS. MARHEFKA: All right, you all. Head on over to the table so that we can get started and maybe make up some time, or else I heard we're going to have to start at 7:00 a.m. tomorrow. I hope that everyone had a good lunch. We're going to move into Reg Amendment 3 now, and the first thing we're going to do is have Chris talk about the AP's discussion of this amendment. He has got to leave at 3:00, and so, any questions you have about the AP's meeting and their opinions, please make sure you ask before he gets out of here, and then John then will work us through the actions for Reg Amendment 3.

I'm sure that no one has forgotten, but we did come up with a timeline for that already, and we have a plan. We did that before lunch, and so, once we get into Reg Amendment 3, what we hope to do is just to be able to sort of ensure that we're within the scope of options we want. We don't need to debate on, you know, any specifics in the amendment, as long as we have the range that we want in there, and so just keep that in mind. With that, I'm going to pass it on over to Chris, and we'll talk about the AP's discussions.

MR. BURROWS: Thank you. Regulatory Amendment 3, Action 1, modifying the applicable geographic range of the minimum size limit, a split decision. If you have a size limit in your state, it seems like you support it, and that is definitely the case for Florida, and they want to see the size minimum extended from the North Carolina/South Carolina line northwards all the way to Maine. If you're in North Carolina, you're against it. I don't think there's an easier way to state that.

There is a directed bailer fishery in North Carolina that you don't really see anywhere else, and I know some south Florida boats do catch that size, but it's not as much of a directed fishery as you see among the North Carolina charter boats. North Carolina is the second-most statistically-significant state, when it comes to dolphin catch, after Florida, but North Carolina takes a third of the dolphin, just looking at the raw numbers, and there are much greater resources needed to target dolphin in North Carolina versus south Florida.

I do understand that northern parts of Florida are similar to what you find in the Carolinas, as far as the run needed, but, talking about south Florida, there's a lot of boats that catch a lot of dolphin down here. North Carolina, not quite so much, and so the recommendations from the advisory

panel -- Again, if you are south of the border, extend the size limit to be consistent across the entire management unit, or, if you're from North Carolina, don't make changes. Leave it as it is.

There was some fraction, in the advisory panel, of having some kind of hybridized solution, and Jon Reynolds was very much a proponent of bringing that to the table, and, while it wasn't unanimously adopted as a recommendation, a concept would be you can have three fish short of the twenty-inch size minimum, or you could have five fish, or six fish, counting towards the vessel limit, and so that is on the table too, at the advisory panel level.

It wasn't as rejected outright as the concept of a twenty-inch size minimum in North Carolina, and, also, another idea would be to -- The variation between size limits between the for-hire and private vessel sectors, that the for-hire could maintain something close to what they are seeing now, where that would change with the recreational boats, and so, again, that kind of hybridized solution.

Action 2 was modifying the daily recreational bag limit, and most of the harvest is coming from private recreational vessels, but for-hire vessels catch more dolphin per trip than recreational vessels do, and so a recommendation is, if limits are changed, consider higher limits for charter vessels than private vessels, help protect the viability of the charter industry, by maintaining an incentive for customers to book trips, while encouraging buy-in if other measures are considered.

If the bag limit is changed for charter vessels, change the bag limit onboard headboat vessels to the same number of fish, and, for Florida, they thought that the charter model should remain at ten, which is now nine, and the limit could be dropped to five fish per person onboard private vessels, and so you're back to the same hybrid solution.

Regulatory Amendment 3, Action 3, modify the recreational vessel limit, and, again, for-hire vessels, the charter sector, catch more dolphin per trip, per unit effort, than the private recreational sector, and it was pretty much consensus that the headboat catch of dolphin is insignificant, with regards to the total ACL, and the recommendation there is do not implement a vessel limit for headboats.

Several AP members advocated for a higher vessel limit for charter boats than for private recreational vessels, again, and, if the vessel limit is changed, maintain a limit divisible by six, which makes sense with all the six-pack licenses out there, and Florida felt that their charter industry could live with thirty fish per vessel, and North Carolina -- Several AP members felt that charter vessels could not go with a lower vessel limit than was passed in Amendment 10, which we're down to fifty-four fish per vessel.

One statement made by AP member Ron Whitaker was that dolphin conservation started in Hatteras, and he felt that taking anything from that charter fleet now was kind of, for lack of a better term, double-dinging them for conservation they've done in the past, and so they felt that needed to be stated.

Action 4, modify captain and crew bag limits, it's the consensus, from all advisory panel members, that captain and crew should still be able to retain a daily bag limit. In the case that we do have to reduce a vessel limit, or, sorry, for an individual limit, having the captain and crew counting would potentially keep for-hire vessels in the game, closer to where they want to be, as far as bag limit. Are there any questions on that?

MS. MARHEFKA: All right. Any questions for Chris? Just member that he's not -- He's here for a little bit longer, but he does have to leave in about an hour-and-a-half, and so hopefully you'll be here for some of the discussion, and then, if we need to, we can ask you, and so let's go into having John Hadley walk us through the actions in Reg Amendment 3. Again, just a reminder that all we're making sure is that we have the range of options that we want in that plan, given our new timing.

MR. HADLEY: All right. Thank you. Just to kind of orient everyone where we left off, we do have the four actions that were just covered in the amendment currently, and, also, going along with this, as mentioned, there are regulations within Florida state waters that do differ from the current federal regulations, and so there's that sort of difference -- Well, difference in regulations in general for dolphin in the Atlantic, on the east coast of Florida, and so those are kind of two ongoing factors that are recently in place.

Really, I will come back to that point a little bit, when we get into the discussion of the purpose and need and some of the IPT comments, but, overall, the objectives are to review the potential timing, look over the draft purpose and need, review the AP comments and recommendations, which we just did, provide guidance on the general range of options, and so are you comfortable with the range that you currently have in the amendment, and then specify timing for scoping. If everyone remembers the last time this was discussed, this amendment was approved for scoping, but the guidance was not to take it out to scoping just yet, and so I think there's an idea for that that we can come back to at the very end.

Looking at the tentative timing of the amendment, assuming this amendment moves along, looking at some final approval likely sometime the middle part of next year, or latter part of next year, with regulation changes effective in 2024.

Then, moving along to the draft purpose and need statements, this statement is very similar to what you saw last time, overall, and I know that there was a discussion on kind of the rationale for this amendment, and part of that revolved around picking up where it was left off with Amendment 10, and, I think, from a NEPA standpoint, the IPT didn't feel like that was -- That we necessarily needed to incorporate that into the purpose and need statement. I will say that it helps me, going out to the public with scoping and helping to explain some of the council's rationale for continuing moving on with this, but, overall, the purpose and need statements are fairly streamlined at this point.

The purpose of the amendment is to extend the applicable geographic range of the minimum size limit and modify recreational retention limits for dolphin, and the need is to provide increased conservation benefits to the dolphin fishery in the Atlantic region.

That latter part was sort of a focus of discussion for the IPT, and there was interest in whether or not the sole -- That the intent of the amendment is solely to provide conservation benefits, presumably for dolphin, or is there also an intent to align federal regulations, given the recent regulatory changes effective in state waters off of the eastern part of Florida, and so that was one question that the IPT had, and we could use a little bit of clarification.

Also, what also came up from the IPT, during discussion of this, was that, given that there was the recent change in the ACL that was put in place via Amendment 10 that involved rescaling of recreational landings using the FES method, is there a need to address optimum yield in this amendment, since many, if not most, if not all, of these actions would likely result in further restricting harvest below the ACL.

Doing so, basically bringing in optimum yield into this amendment, would change it from a framework to a full plan amendment, and it's not necessarily required that the committee and the council discuss OY at this time, but it would be helpful to have some input on that, given that, currently, OY equals the ACL, and so redefining -- As a reminder, redefining OY was considered in Amendment 10, and the council had a pretty rigorous discussion about that, and it ended up including considerations to reduce OY below the ACL, but this action was removed, with the intent to examine OY holistically across multiple FMPs, specifically looking at long-term OY measures. With that, I will turn it over, and, again, the two items from the IPT were is there interest in aligning the regulations off the State of Florida and then the point about OY.

MS. MARHEFKA: Sorry. I'm having technical issues. Once again, my Mac is causing problems. Can you restate the question, just because Nick was talking to me?

MR. HADLEY: Sure. Absolutely, and so do you want to build in the alignment of regulations off of Florida in federal state waters into the purpose of the amendment, or is that not necessarily the purpose of this amendment? Are you okay with what you have at the moment? Then the other is do you want to include a discussion of OY, and, again, it's not mandatory, but we just wanted to make sure that that's not something that the council, or the committee, wants to bring into this amendment at this time.

MS. MCCAWLEY: I think we should maybe come back to the purpose and need after we go through the document, and so, yes, I think it would be okay to add that in there, that the purpose is to reconsider this, partly based on what Florida did, but I think that there's other reasons as well, but maybe we get further in this process and then come back and edit the purpose and need, and that's just my thought.

MS. MARHEFKA: Tim.

MR. GRINER: Yes, and I think that's a good way to do it. Obviously, I think that the need statement needs a lot. I mean, that's -- I really can't see that that's what we're doing here, but let's come back to that after we go through the document.

MS. MARHEFKA: Trish.

MS. MURPHEY: I was just going to add that, if we are going to be looking at the MSE in the process, that may -- As we go through, that may be brought in too, and so I'm good with waiting, and it looks like the process -- That we can typically kind of play with the purpose and need through each review anyway, right, and so I would just leave it open-ended, at this point, and see where we end up.

MS. MARHEFKA: Okay. John, that sounds like a plan, and do you want to move forward then?

MR. HADLEY: Yes, absolutely. Thank you. With that, we will jump into the draft actions, and so the first one being modifying the applicable geographic range of the minimum size limit for dolphin, and the previous committee direction to staff was to include a range of options that would cover North Carolina only, North Carolina through New York, and so essentially covering North Carolina and then up through the Mid-Atlantic, and then the last option would be North Carolina through Maine, and so essentially the size limit would be in place throughout the Atlantic, the U.S. Atlantic, EEZ.

I won't go over the draft options right now, and we're just trying to make sure the range is there, but you do have preliminary analysis that I will point out, looking at the proportion of fish under twenty inches by region, or by state or by region, and that's in Figure 1, and it's really variable year-to-year, but you can see, on a numbers basis, and not a weight basis, this would be much smaller, likely, or likely much smaller, but, on a numbers basis, there are some fish showing up in the MRIP sampling that are below the twenty-fish range, and you can see there, looking at the average over here on the right, in North Carolina, over the time series examined, it's just under 20 percent. When you tie-in additional regions, you're looking at just approximately 25 percent, again by number, based on the samples available.

Then that was recreational. Moving down to commercial, overall, based on the -- I will note that there is some sampling limitations for the commercial information, but, overall, it was noted that we're looking at very few fish under twenty inches, at least based on the percent of samples, and so this an unexpanded sample, but looking at just the number, the sampled catch, of dolphin commercially. Overall, most of those fish are over the twenty-inch -- The vast majority of those fish are over the twenty-inch minimum size limit, which is consistent with also the AP comments that they noted as well.

I won't go into it, because we went over it quite a bit earlier, but there was a pretty rigorous discussion amongst the AP on those in support and those not in support of extending the minimum size limit for dolphin north of the North Carolina/South Carolina state line, kind of a pros and cons of such, and then their list of recommendations.

With that, turning it over to the committee, and we're looking at -- After considering some of the -- I will mention that the IPT, when examining this, was interested, and wanted clarification, that this minimum size limit would apply to both the commercial and recreational sectors, and I believe, based on the committee's discussion, that is the intent, but I did want to confirm it, and so we're looking at a confirmation of that and a confirmation on the range of options.

MS. MARHEFKA: All right. Perfect. There is our charge for that action. Dewey.

MR. HEMILRIGHT: Can you scroll back down to your size limit range graph? What is the sample size of this? I'm looking at this thing, and I'm going to look at 2018, and I'm looking at 40 percent, and that's 40 percent of what was sampled, and is that correct, and so what's the sample sizes of these?

MR. HADLEY: That's a good question, Dewey. I don't have that information in front of me, the actual number, the number of samples that were within that analysis, essentially, or the number of observations.

MR. HEMILRIGHT: Well, maybe, further along, you might include it, because, I mean, this could be thirty fish, or forty fish, and you've got 2016 through 2021, and there was millions of pounds caught, and so it would be good to know the sample size, and I think that's always good to know. I didn't even ask for PSEs on this one, but just sample size.

MS. MARHEFKA: Clay.

DR. PORCH: I mean, I don't know what the sample size is in it, but, looking at how stable those distributions are from year to year, there's no way it's only thirty or forty, and it's probably in the hundreds. It wouldn't be that smooth, just having looked at these kinds of plots many times over the years.

MS. MARHEFKA: That's insightful. Thank you. Okay, and so remember that I don't recall the discussion about size limits, and so let's just get confirmation of what John Hadley said, that he remembers us sort of implying that it was for both sectors, and let's just confirm that. Jessica.

MS. MCCAWLEY: Yes, that's what I had as well, and so yes.

MS. MARHEFKA: Then the other question for this action is -- I mean, I don't think there is a broader range we could -- I think we kind of have it all covered, but, in case I'm missing something, does anyone see anything outside of the scope of what we have on there that we need to add? All right. Well, I'm not seeing anything, and so we can move along to the next one. Thanks.

MR. HADLEY: Okay. Thank you. Moving along to Action 2, this covers the recreational daily bag limit. As it was left off, as of the last council meeting, the direction was to include a range of options for a bag limit between two and ten dolphin per person, with the consideration of different bag limits by mode, and so looking at different bag limits, potentially, onboard private, charter, and headboat vessels, and then there was the addition of the option that would include a vessel limit or a bag limit, whichever is greater, instead of whichever is more restrictive, and so kind of a reverse of the way the regulations are written now, as far as the relationship between the bag limit and the vessel limit.

I have sort of a -- Not focusing on the wording here, but this is how it would likely be developed, assuming this moves forward, and then, moving into some of the background overall, just as a note, this would apply, at least currently, to the entire geographic range of the Dolphin Wahoo FMP, and so the Atlantic coast, Maine through approximately Key West, Florida, and then, of note, and this is something that the AP discussed a little bit, is that, when you look at where the dolphin harvest tends to come from, overall, looking at the recreational-specific harvest, approximately 17 percent, in recent years, has come from charter vessels, and approximately 83 percent of the recreational harvest has come from private recreational vessels.

When you look at it on a total harvest, and so commercial plus recreational, it's fairly similar there, with charter vessels accounting for approximately 16 percent of the total harvest, whereas private vessels account for approximately 80 percent of the total harvest.

Looking at the distribution of harvest per angler, and so this is in the entire Atlantic, and just broadly divided up onboard for-hire and private vessels, and so, again, this would be MRIP data, covering landings from 2016 through 2021, and, as you can see, private vessels tend to harvest

fewer fish per angler per trip than charter vessels, and so the blue is the charter vessel, or the for-hire vessel, and then the orange bar would be the private, and you can see most of that tail there, over to the right, those blue bars represent largely for-hire trips, harvesting upwards of ten per person.

Then, kind of drilling down into the MRIP data a little bit more, looking at the cumulative percentage of harvest per angler on a vessel trip, what was pulled out here is data specifically by charter, or for-hire and private vessels, in Florida and those in North Carolina, and you can see the orange up here, at the very top, and that represents Florida private vessels, and the yellow represents North Carolina private vessels. The blue is Florida for-hire, and the gray is North Carolina for-hire. Of note, essentially, what this is showing is that these trips tend to exhibit higher landings per angler onboard charter vessels, particularly for those vessels out of North Carolina.

I won't go into the AP comments again, since we did go over those, and a few of the IPT comments is, given the large number of potential options and sub-options, it would certainly be beneficial, for staff, if the committee can narrow down the range before the expectation of additional analysis would be -- Before there would be an expectation of additional analysis completed.

The less-restrictive terminology in Options 5 through 7, I know the intent is likely to, if that were to go into place, potentially drop both the bag limit and vessel limit, but, as currently written, it is possibly that they could increase harvest, which seems contrary to the need of the amendment, as currently written, and it was noted that similar outcomes could occur if an action were to simply remove a bag limit, or a vessel limit, and simply defer to one management option or the other, and so, i.e., only have a bag limit or only have a vessel limit, and so, with that, I will turn it over to the committee. I wanted to make sure that you are okay with your range of options, and, if there's any discussion on potentially narrowing the range of options, prior to analysis.

MS. MARHEFKA: Jessica.

MS. MCCAWLEY: My question is about that whichever is less and whichever is more restrictive language. Why can't we stay with the whichever is less language, instead of going to the whichever is more restrictive and whichever is less restrictive, and so why can't we just continue with the whichever is less?

MR. HADLEY: I think you could. That was just -- I believe that was -- If I'm understanding correctly, that was the guidance from the committee, to add those options in there, to have the --

MS. MCCAWLEY: Yes, and so I think it's just the wording of the options, and so our law enforcement is saying use the words "less" and "greater", as opposed to "less restrictive" and "more restrictive", in the wording, and that's all.

MR. HADLEY: Okay, and so, in the wording of the options themselves.

MS. MCCAWLEY: Right, and so the no action is, you know, less restrictive, but then, in all the others, it changes it to different wording of that, and is there a way that we could change just the phrasing a little bit?

MR. HADLEY: That can be direction to the IPT, and we could certainly work on that. I've got you.

MS. MCCAWLEY: Thank you.

MS. MARHEFKA: Anyone else on this action? Again, is there any that we want to throw out of here, to make analysis easier, or do we want to just leave this as our range of options for right now? I am not seeing any desire to throw any out, and I'm hearing a little chatter about leaving it, and so, unless anyone -- Jessica.

MS. MCCAWLEY: Well, the whole Option 5 through 7 thing, do we need that? Let me just throw it out as a question.

MS. MARHEFKA: Trish, you look like you want to say something.

MS. MURPHEY: I guess I'm kind of -- The wording is a little confusing, to me, but I kind of wonder if we just need to remove them.

MS. MCCAWLEY: That's what I would say. I would remove Options 5 through 7.

MS. MURPHEY: I mean, that's kind of where I am.

MS. MARHEFKA: Does anyone have a problem with that? It sounds like we have consensus on removing Options 5 through 7.

MR. HADLEY: If I could, just to make sure that I understand that correctly, and so I can take that back to the IPT, so they're going to be removed from the amendment, and so, essentially, you would be removing the -- You're essentially removing this bullet point, and so the options that would include a vessel or bag limit, whichever is greater, instead of whichever is more restrictive, and so removing that concept from the amendment.

MS. MCCAWLEY: Let me ask more questions, because it's just kind of confusing, and so it's like you have spelled out the ones of whichever is less, but you didn't spell out the whichever is greater options, and is that right, because they're just lumped as Options 5 through 7, and that's -- Sorry, but it's just a little confusing.

MR. HADLEY: No, and understood, and it is confusing. I apologize for that. They weren't spelled out, just because it would be a very long list of options, with all of the sub-options below them, and so that's why it wasn't spelled out, and the intent was to give an example, wording-wise, of what it would look like in option form, and so I just wanted to make sure that I am capturing the committee's guidance here.

I guess the question on the table is do you want to continue to consider this bullet point right here, and so do you want to include options that would -- I am being repetitive here, but that would include a vessel limit or bag limit, whichever is greater, instead of whichever is more restrictive, which is -- The intent is that that would be captured in Options 5 through 7.

MS. MCCAWLEY: So let me try to give a fake example here, and so I think that those options would allow like two people to keep fifty-four fish, and I don't think that that is our intent, and so I'm just -- Is that a good example of what this means? Okay, and so that is -- That is why I'm suggesting that maybe we throw them out.

MS. MARHEFKA: Tom, go ahead.

MR. ROLLER: I just want to say I would agree with throwing that language out.

MS. MARHEFKA: All right. That made all of our heads spin, but I think we have it now, and so, just to be clear, we are still in agreement of removing options, the whatever wording would have been associated with Options 5 through 7, as a committee. Yay. Look at us. Okay. Moving on.

MR. HADLEY: Okay. Thank you. I appreciate that, and sorry for the confusion. I am going to scroll on down here to Action 3, which covers the recreational vessel limit for dolphin. The previous direction to staff was to consider a range of options for a vessel limit between twelve and sixty dolphin per vessel, and it is currently at fifty-four per vessel. Include increments divisible by six, as well as a vessel limit of thirty. Add an option that would remove vessel limits altogether, continue consideration of different vessel limits by mode, and then add a regional option for vessel limit changes only off of Florida, and also potentially other regional vessel limits, with that input being gathered during scoping.

This last bullet point I would assume would be removed, and so that's the option that would include a vessel limit or bag limit, whichever is greater, instead of whichever is more restrictive. As long as that's okay with the committee, I would assume that that would be removed, since it was removed in the previous action, since those two are tied together.

Then, moving down, there's a bit of analysis available for you, and so a similar breakdown to the figure that we looked at for harvest per angler, and this is harvest per vessel, divided up by for-hire and private vessels, the blue being for-hire vessels and the orange being private vessels. Again, essentially, what this is showing is that there are -- Particularly this tail out to the right, that the higher numbers of fish landed on trips tend to occur onboard for-hire vessels, again looking at the Atlantic as a whole, and so Florida through Maine, and then, kind of drilling down on the data a little bit, and pulling out the information for Florida and North Carolina specifically, the orange represents Florida private vessels, and the yellow represents North Carolina private vessels, and the blue is the Florida for-hire, and the gray is the North Carolina for-hire.

You can see kind of the -- It's interesting here that the North Carolina private and Florida for-hire vessels, from a harvest per vessel standpoint, tend to have kind of a similar cumulative percentage there. Up top, you have Florida private vessels tend to harvest notably fewer dolphin per vessel, and then North Carolina for-hire vessels, there at the bottom, the gray, tend to harvest more, notably more, dolphin per vessel.

You do have the AP comments. I will just -- Really quickly, we have the AP comments and recommendations on this, and, of note, they did recommend not implementing a vessel limit for headboats, and then there was the same IPT comments, which that would be repetitive at this point, and so I won't go through that again, regarding the "less restrictive" terminology, and then, also,

of note, there is a great deal of potential options and sub-options, and so narrowing a range of options would help for additional analysis, and so, with that, I will turn it over.

Really, the two action items here are do you want to consider a range of options, and, as long as it's okay with the committee, I did take out those Options 5 through 7, and then, also, do you want to retain an option for a headboat vessel limit?

MS. MARHEFKA: All right. Laurilee, was your hand up?

MS. THOMPSON: Yes, and I think there's a typo in here, under Option 2, Sub-Option 2c, and I think that should be twenty-four dolphin per vessel, because we were asked to put them in increments of six, and that is the only numerical figure in that whole list that is not a -- It's not divisible by six.

MS. MARHEFKA: Nice catch. I think they put that in there just to make sure we're really reading the documents, and so well done. Jessica.

MS. MCCAWLEY: I agree with removing that 5 through 7, or whatever those numbers were, to match the previous one. Also, the same thing that I mentioned earlier, about whichever is less, and kind of keeping that language consistent.

MS. MARHEFKA: Trish.

MS. MURPHEY: So, since we already have Amendment 10 that has the fifty-four, is the group interested in just deleting, or removing, h, i, and j from this group, from this -- I mean, I was thinking it was less stuff to analyze, and that would be Sub-Option 2h, 2i, and 2j, the fifty-four, sixty, and the vessel limit.

MS. MARHEFKA: I'm going to go to Chris while everyone marines on that for a minute.

MR. CONKLIN: I was going to suggest nixing 2a, 2b, 2c, 2i, and 2j, and I think 2h as well, because that would be status quo.

MS. MARHEFKA: So let's make sure -- 2a -- What are the top ones, Chris?

MR. CONKLIN: a, b, c, h, i, and j.

MS. MARHEFKA: Tom.

MR. ROLLER: A clarification on this. If we decided to retain at status quo, would we need to continue to keep Option h in there?

MR. HADLEY: I was just thinking about that. If you don't mind letting the IPT discuss that, what the -- Since you are thinking about different limits onboard by mode, and so onboard private vessels versus charter vessels, you may -- Say you wanted to leave it at fifty-four onboard one mode, and then change it on the other, and you may need to specify that, since that would be different than the current no-action alternative, which is the same onboard private and charter vessels, and so we can come back to that.

MS. MARHEFKA: Andy.

MR. STRELCHECK: I am struggling with the conversation and us already removing sub-options. We talked about deferring the discussion of the purpose and need until we walked through this, but this, to me, points directly to why we need to discuss the purpose and need. I get that maybe South Carolina northward, or Georgia northward, wouldn't want these options, but, from my viewpoint, looking at and hearing the testimony yesterday, these are certainly reasonable within the range, and not something we may ultimately select as preferred, but something we should maintain in the document at this early stage.

MS. THOMPSON: I would be opposed to taking out a, b, and c, and, since we're talking about carving out an area in the northern part of North Carolina for blueline tilefish, why could we not carve out an area south of the Florida-Georgia line, where we could have, you know, a smaller bag limit, because, when you listened to the people that were in the room last night, and many of whom are very influential, it seems like we have a problem here in Florida, and it doesn't make sense, since we've recognized that we have a problem, that we continue to allow this unnecessary mass harvest to take place so that North Carolina have their fish. If we're going to do it for blueline tilefish, why can't we do carve out the southern end on the dolphin for Florida, and have a smaller bag limit for Florida than North Carolina?

MR. HADLEY: If I could, to that point, I think that's the way this would be scoped and structured, because the guidance would be that there would be potential regional options, which, for those of you that were around for the discussion of Amendment 10, the dolphin vessel limit action had some geographic specifications to it, and so in the Atlantic, or off of Florida only, or off of basically South Carolina through Florida, and there could be a specific bag limit that is geographically applicable, and so I think that's something that would be further developed. It's within your range of options for scoping, I guess is my point, as is currently specified, and it's currently a possibility to do just what you were referring to.

MS. THOMPSON: So do we need to add that language to the draft options? It's in there?

MR. HADLEY: Yes, and I think it's with the "add the regional option for vessel limits", and the idea would be to say, when it's going out to scoping, these reduced vessel limits could apply off of Florida only, or maybe a different geographic region, with the idea to get feedback on what that geographic region would be.

MS. MARHEFKA: Tim.

MR. GRINER: Thanks for the clarification, and I thought that was already in the document, and it says off of Florida only, or potential regional options, and so I think we already have it in the document, don't we?

MS. MARHEFKA: All right, and so I think we know where we're moving the 5 through 7 language, and I don't remember where we -- Did we have consensus on sort of the range within Option 2? Tom.

MR. ROLLER: I just want to bring up that I think we should leave in Option h, as discussed previously, right?

MR. BREWER: John, could you scroll down just a little bit, where it's talking about headboats? Okay. Somewhere in here, it said ten fish per person on the headboats, with no trip limit, or with no -- Yes, with no boat limit, and I think that -- I'm sorry. That's the no action. Excuse me. I apologize. Sorry for taking up your time.

MS. MARHEFKA: Chris.

MR. CONKLIN: So, I mean, I get that there is a reasonable realm of numbers here, but there are two that really stick out to me that aren't, and that would be i and j, if you're really asking for us to get rid of something, for analysis purposes.

MS. MARHEFKA: All right. I'm seeing a lot of heads nod around the table for that, and so we'll lose i and j, and we'll remove that complicated -- The "greater than" language from 5 through 7, and then I think that clarifies this, moving forward. Go ahead.

MR. STRELCHECK: Just related to the range of alternatives, I guess a couple of things. One is we have a dolphin wahoo charter/headboat permit, right, and we don't distinguish between the two, and so we need to define, I think, how we would specify what's a headboat, versus a charter boat, here, and the distinction I think the Fisheries Service always used is it participates in the Southeast Headboat Survey, or it doesn't, right, and so I think clarity in the document will be helpful there. Then, when we're thinking about private versus charter, or private -- Well, I guess, really, private versus charter, and, if we have differential bag limits and vessel limits, and it's an open-access permit, you potentially are setting up incentives to go out and get that open-access permit.

MS. MARHEFKA: Mel.

MR. BELL: I was just going to back up what Andy was saying, and I think it's clear, to be very clear on that, because there are different definitions. The Coast Guard looks at it one way, and we might look at it another way, and so, whatever we're calling a headboat, we need to make it really clear that that's what a headboat is, for the purposes of this.

MR. HEMILRIGHT: Wouldn't the headboat be an inspected vessel, and a charter/for-hire be an uninspected vessel, by the labeling of it? Is that the definition that SERO has?

MR. GRIMES: That is in the existing definition, and it's codified in Part 622 of the Code of Federal Regulations, but you're not tied to that definition. If you wanted to define it for purposes of whatever specific requirement, as to who gets the headboat survey, then I don't see why we couldn't do that.

MR. HEMILRIGHT: So, basically, you all are talking about -- Well, that boat that's doing the survey, more than likely, is an inspected vessel from the Coast Guard, and so I would just -- I will be quiet.

MR. GRIMES: But I think -- I mean, you could meet the definition of "inspected vessel" and not otherwise meet the definition of headboat.

MS. MARHEFKA: All right . Well, I think the intent is clear, for the IPT to go back and work that out, right, and we all know what we mean, and do you know what we mean?

MR. HADLEY: I think we can come back with more information on the headboat piece of that, going forward. It sounds like the committee would like to continue considering headboats in this action, and so we'll come back with more information.

MS. MARHEFKA: Okay. Moving on to the next action, John.

MR. HADLEY: All right, and so last, but not least, is Action 4. This would modify captain and crew daily bag limits for dolphin onboard charter vessels, and so the previous direction was to consider removing or reducing captain and crew bag limits for dolphin, with a range of two to ten dolphin per person, if the bag limit is reduced, and also consider a regional option, and so, essentially, the region that was specified was off of Florida only, and so, in this case, and say captain and crew bag limits were removed, there would be an option in there to remove them off of Florida only.

Sort of a kind of preview of how this would end up looking is you would have an option that would essentially specify the new for-hire captain and crew bag limit, and so that's Option 2, and so that would allow you to essentially reduce it from its existing ten per person. Option 3 would remove captain and crew bag limits altogether, and, again, there would be sub-options for that last one that specify a regional component to them.

I won't go into it too much overall, but of note is that, previously, there were some species where captain and crew bag limits were not allowed, snapper grouper species specifically, and the council did change that, and so, currently, with the intent, I believe, in Snapper Grouper Amendment 27, to bring regulatory consistency, where captain and crew bag limits are allowed in the South Atlantic fishery management plans that require a for-hire permit.

Of note, just preliminary analysis, based on MRIP data, it appears that captain and crew bag limits make up a fairly small percentage, likely less than 1 percent of total dolphin -- Account for approximately less than 1 percent of total dolphin landings, and so they seem to be a fairly small component of overall harvest. As you heard from the AP, there was a pretty strong consensus, across-the-board, that captain and crew bag limits should remain.

Then, overall, it was noted that Option 2 may not be necessary, and this is coming from the IPT, that Option 2 may not be necessary, unless the intent is to specify a different captain and crew bag limit than would be allowed for the passengers onboard charter vessels, if that makes sense, and so, if you wanted to specify say a lower bag limit for captain and crew than for their passengers, their paying passengers, then Option 2 would be useful. However, if the idea is to keep those the same, you don't necessarily need Option 2, since whatever you do to change the bag limit for those anglers would apply to the captain and crew, by default. The idea here, for the committee, is to consider the AP comments, consider whether you want to retain Option 2, and we'll save that last bullet for after that discussion, regarding scoping.

MS. MARHEFKA: Chris.

MR. CONKLIN: I just wanted to go back to Action 3, real quick, and just clarify if Action 3, Option 3, and Option 4, if we -- If it was our intent to get rid of Sub-Option 3i and 3j and 4i and 4j, or will those be included in those actions?

MR. HADLEY: I think how I would interpret the guidance is those come off of all -- You're essentially narrowing your range, and so, up here, I tried to start on that, and you will see this in the committee report, but, essentially, your range would be twelve to fifty-four dolphin per vessel, and then you're no longer considering an option that would remove vessel limits, and so that would apply to each one of the options, and so, essentially, in a nutshell, i and j would be removed across-the-board.

MR. CONKLIN: I wanted to ask the committee if they were comfortable with the range of twelve to fifty-four fish for charter boats, or would you like to have -- To get rid of some more of those.

MS. MARHEFKA: I am feeling like, based on what Andy said earlier, and what I'm hearing around the table, the consensus is to leave that wide range in, but tell me if I'm misunderstanding that. All right. I'm seeing some heads nod yes, as far as the range. John, go ahead.

MR. HADLEY: Just to be clear, when this goes out to scoping, you would be looking at a vessel limit range, for each potential mode, between twelve and fifty-four dolphin per vessel, and that's essentially your bookends there, going out, unless otherwise specified.

MS. MARHEFKA: Jessica.

MS. MCCAWLEY: Well, for charter and headboats, there's also an option to remove the vessel limit, and so it's just defaulting to the per-person limit, times the number of paying passengers, and so that's an option as well, and I just wanted to make sure that that's still in there. That's how I read it.

MR. HADLEY: It can stay in there, absolutely, but would you like to include that just for charter vessels, because the idea was to take out 2j, where there is no vessel limit. Now, that just applies to private vessels, but, if the guidance is to keep it in there, removal of vessel limits onboard charter vessels and headboats, we can certainly keep that in there, but I can just specify it as such.

MS. MARHEFKA: All right, John. I am seeing everyone nod their head and saying, yes, that's what we would like to do.

MR. HADLEY: Jessica.

MS. MCCAWLEY: So I know that he's still typing, but, on Action 4, which is the captain and crew, I think that we can remove Option 2, which would be selecting some sort of different, or lower, if you will, bag limit for captain and crew, other than what you're approving on that other action, and so I don't know that it's needed, unless we are going to sit there and give captain and crew something different than what we're going to give the paying passengers, or what have you, and so it's just kind of strange to me. Either the captain and crew gets a bag limit, whatever we

have selected, or they don't get a bag limit, and like why would we select a different limit for them?

MS. MARHEFKA: I agree. Does anyone else have any heartburn with that? All right, and so then I'm hearing consensus on removing Option 2 from Action 4.

MR. HADLEY: Essentially, what you would be left with is considering removing captain and crew bag limits for dolphin and with a potential regional component to that that could go anywhere between the entire Atlantic to off of Florida only, at this point. Does that sound good? Okay.

MS. MARHEFKA: So that's the end of the actions that we have in this regulatory amendment, right, John? We've gotten through, and we discussed timing earlier of Reg Amendment 3, and so we know what we're doing there. Are there any other comments or questions to come before this committee? John, have we given you everything you needed?

MR. HADLEY: If I could --

MS. MARHEFKA: Yes, please.

MR. HADLEY: So we were talking a little bit about the scoping piece after the previous discussion, and, since there will be multiple, presumably, upcoming stakeholder workgroups that will likely end up discussing some of these topics, and so potentially a size limit change or a retention limit change, and that -- We were wondering if the committee would be interested in, partially at least, using those to scope some of these concepts overall, or would you like to have specific scoping hearings that are separate from that?

These are preliminary discussions, and so there is no set-in-stone solid plans yet, but I think the idea is to hold a fairly large geographic range for those, up into the Mid-Atlantic region, and so, essentially, kind of a two-for-one with the MSE portion of the stakeholder input sessions, where these concepts could also be scoped, and the idea of that feedback, at least specifically related to these items that we just discussed, could be provided, at least in summary form, at the December meeting, when this comes back to the committee.

MS. MCCAWLEY: Sure, and I guess, but it's just strange scenario, since we've never been in this place before, and I don't want to say, no, don't scope it, but it's kind of -- It seems like there are some nuances in how it is presented, and maybe we can just give staff direction that they can scope as they see fit, as part of this speaking to folks about it.

MS. MARHEFKA: Yes, and, I mean, personally, I have faith in our staff, and they know what they need to do to make sure that we're compliant, and I don't want them to be in a position where they're having to deal with, you know, anything that's challenging for them, but I know that -- I have faith that they will guide us through that properly, personally. John, to that?

MR. HADLEY: To that point, the idea is to, at the very least, come back to the committee with scoping comments at the December meeting, and is that --

MS. MCCAWLEY: Yes, I think so, and just use whatever procedures you need to to get the information, and we're not saying don't show the public this, or don't get input on it, because of

this other process, and so I think we're saying, sure, if you can get some comments before December, then that would be great.

MS. MARHEFKA: This will be a learning process for all of us, I think, at this point, with this MSE, and so, Trish, did you have something?

MS. MURPHEY: Yes, and I must apologize, and I kind of missed the beginning part of the conversation on scoping, and so I'm -- So we're talking about scoping in December, or when are we talking about scoping? I apologize that I missed some of that conversation.

MR. HADLEY: The guidance would be to bring back scoping comments at the December meeting.

MS. MCCAWLEY: So let me try to clarify. We're saying that we're giving staff the latitude to figure out how to do this, since we don't know what scoping looks like, exactly, as part of this, but we're not saying don't tell the public that we're not working on this. As part of this, they can end up getting input on these various options and thoughts in here and bring that back in December, with the rest of the information, and does that help?

MS. MURPHEY: Yes, and I think that's fine. Then, in the meantime, we'll have those meetings, and that's going to be input, and so I think that sounds fine.

MS. MARHEFKA: Shep.

MR. GRIMES: For what it's worth, I just wanted to say that it sounded to me like the MSE stuff is very much akin to scoping, and the kind of feedback that you're going to get through that process is exactly the same, and so you might, you know, kill two birds with one stone.

MS. MARHEFKA: I think we're all coming to that realization, and I think it's just because it feels like this shift, you know, and we're just wrapping our heads around it, and we'll get there, I think. John, as long as you're comfortable, and you understand, and, obviously, we have faith in you, as staff, but we also don't want to be putting you in a bad position, and so if you're comfortable with the guidance you've been given.

MR. HADLEY: I think so. Absolutely. I appreciate it.

MS. MARHEFKA: Is there anything else that I have forgotten that you need from us?

MR. HADLEY: I don't believe so, unless there is other business.

MS. MARHEFKA: Is there any other --

MS. MCCAWLEY: For the purpose and need, I still think we just leave it hanging out there, right now. We leave it hanging out there until after scoping.

MS. MARHEFKA: Okay. I am seeing heads nod yes for that. Tim.

MR. GRINER: I mean, I think we can leave it out there until after scoping, but, I mean, obviously, we've got some work to do on the need statement, and so it's a discussion we've got to have to get the document right.

MS. MARHEFKA: Chris.

MR. CONKLIN: **I would like to make a motion to set a control date for the charter and commercial permits for the dolphin wahoo fishery of June 16, 2022.**

MS. MARHEFKA: Is there a second? It's seconded by Tom. Let's discuss. Tim.

MR. GRINER: I don't have a problem with that, and I don't know that it -- I don't know what it -- I don't know, in practicality, how that helps the situation with dolphin any, but, overall, I think this probably is a good idea, but, you know, again back to our need statement here, and we're talking about conservation, and, you know, I don't see a rush to run out and get commercial dolphin permits, and I don't see a rush to go out and get a charter permit from the private angler, and so, you know, the private angler, if he wants to go out and circumvent these new bag limits, by getting a commercial permit, which is open access, then, all of a sudden, he's going to have a commercial fishing license, and he's going to have to comply with all the safety regulations, and he's going to start doing coastal logbooks, and so most guys -- I mean, I don't know anybody that is going to go do that for a two-week pulse fishery.

For guys to go out and say, okay, well, now I'll just go get a charter/for-hire permit, there again, you're going to have to get your state six-pack, and you're going to have to jump through all the hoops, and you're going to be electronically reporting, and I can't see anybody going through all that for a two-week or three-week fishery, but, overall, I don't have a problem with it.

MS. MARHEFKA: I will recognize Chris and Tom in a second, but I just forget that it's been a long time since I've been involved with a control date being set, and does it have to go through the regulatory process? In other words, does it have to be an action in a reg amendment, or in an amendment, and is that how that proceeds? Let me get an answer from whoever wants to answer it.

MR. DEVICTOR: We do advanced notice of proposed rulemaking, and we put that out for comment, and I just wanted to point out that there are control dates on the books right, now, just so you know, and I did a quick search. For the commercial, I saw for May 21, 1999, and then, for federal charter vessel and headboats, I saw June 15, 2016. I don't know if there's any more recent for the commercial than that, but that was just a quick search.

MS. MARHEFKA: All right. Shep and then Chris and then Tom.

MR. GRIMES: Thank you, Madam Chair. Well, just to set the control date, I mean, it's just all about putting the public on notice that you're considering limiting access after that point, and I presume that's why the motion -- It's dated today, and so you do it today, and it's letting the public know, and it's not a rule, and we -- The Fisheries Service typically publishes something in the Federal Register, to let them know, but it doesn't have to be -- I would say that you already have control dates, and I haven't worked with you guys a lot, but I've been through this a bunch in the Gulf, and I would just encourage you to think long and hard about it.

If you set a bunch of them, and if you go back in time, and you had one in 2016, and you probably had one in 2007, and now you've got one in 2022, and, if you're not intending to move forward with something, and you're not serious about it, then what's the point of it? It's a confusing message, and, also, think of the time that it takes to get something done.

I have worked on these, and, every time we get to doing a rule to implement it, it's at least five years after that date, and how do you accommodate people that have come in, and, I mean, there are just a lot of considerations to it, and so it's not something that I would just do without significant forethought, I guess. Thank you.

MS. MARHEFKA: I have Chris and then Tom and then Dewey and then Chester.

MR. CONKLIN: So, I mean, the committee, if we're going to make all these drastic changes in the future, and I was going off of the 1999 control date, which I think is commercial only, and I'm unfamiliar with the -- If there is one for charter/for-hire, but it's something that needs to be updated. Otherwise, if we don't pay attention to it, and, if for some reason, you folks do move ahead and limit the access to the fishery, anyone before 1999, at least on the commercial side, would be in, and everyone else would be out, and so that's something to think about, but, moving forward, this is tough, but we need to really analyze this kind of stuff. There's a lot of effort, and it needs to be controlled, and that's been kind of the drumbeat for the past couple of meetings, is controlling effort, and this is one way to do it, and, if nobody else has a backbone, at least I do.

MS. MARHEFKA: I want to get real quick clarification, and I don't think it's that anyone before 1999 would automatically be out, but it's just that you couldn't exclude anyone -- You just couldn't exclude those people, but you could --

MR. CONKLIN: It's a twenty-three-year-old control date. I mean, it's pretty old.

MS. MARHEFKA: Well, I'm just trying to get the logistics in my head, and that is noted, for sure. Okay. I've got to stick with my list. Tom and then Tim.

MR. ROLLER: Thank you, Madam Chair. I will just make this brief. I want to put this in there for consideration, because it's an open-access permit, and we have thousands of permits, and one of the things we are discussing is sourcing out the charter bag limit from the private recreational bag limit, and I think, if we're going to have that discussion, with an open-access permit, of which we already have thousands of them, many more than some of the other permits, I think it's just something that we need to look at.

MS. MARHEFKA: All right. Dewey and then Chester and then Tim and then Spud.

MR. HEMILRIGHT: I am probably totally on the opposite end of anybody else on why in the heck would you put a control date on a fishery, particularly commercial, where you're not harvesting the quota? A control date is there, whether you want to use or don't want to use, in the future, but what's the purpose here? I heard limited access, and limiting access, on the commercial side, when you're not even harvesting the quota, and I just -- I wouldn't be -- I just don't understand. I mean, I guess it's updating -- Chris said updating a twenty-three-year-old rule, and I guess we're updating something just to update it.

MS. MARHEFKA: Also, just remember that the control date itself does not limit us.

MR. HEMILRIGHT: I understand that, but it's like there's going to be work done from this. There's got to be work done from this, and so it's -- It doesn't matter. It's just more work. Remember everybody talks about the limited time period that everybody has got, but it makes no mention of the recreational industry here that harvests ninety-some percent, 90 percent, of the fish.

MS. MARHEFKA: Chester.

MR. BREWER: I agree with Dewey. It scares me, but I agree with Dewey. I agree with Dewey. I don't see the need to do this. They do get contentious, and Shep has -- You know, I think about when we went through all that with Zach, and, I mean, we had an incredible amount of time that got spent on it, and I don't see the purpose. We're not -- The commercial folks are not catching anywhere near their quota. I mean, it doesn't make any sense to me.

MS. MARHEFKA: I have Tim and then Spud.

MR. GRINER: Yes, and I was going to say a lot of what Dewey was saying, but we already have control dates, and so, I mean, adding another one -- I don't even know what it does for you, but at the end of the day, the need for this whole amendment is to increase conservation, and, like Dewey said, and how do you increase conservation on a stock of fish that you can't catch 20 percent of? I mean, you're already conserving 80 percent of the quota. The last three years, the recreational sector has caught 20 percent, 18 percent, and 28 percent of their quota, and so what increase in conservation can you really gain by setting a control date in this document, and a control date that we already have?

MR. WOODWARD: My concern is I think you're adding another opportunity for some confusion, in something that's already kind of confusing to people, and I think you, you know, you've got to be prepared to -- You're going to have to fully inform and educate people of what does this really mean, and, if it doesn't mean anything, then they go, well, why did you put it in there, if it doesn't mean anything, and so, anyway, that's just my concern.

MS. MARHEFKA: Thanks, Spud. Mel.

MR. BELL: That's where I was going, and I would just be concerned about the confusion it would cause right now, and I'm not saying it's not needed at some point, but throwing it in right now would probably just add a layer of confusion to this that we don't need to do right now.

MS. MARHEFKA: All right. I have Chris and then Jessica and then Andy.

MR. CONKLIN: So, I'm not super passionate about this, and so that's fine. I mainly did it to get you folks to actually talk about it on the record, because everybody is scared, you know, and the only thing is -- I tend to disagree with Tim, and these are open-access permits. When you go making all these rules, and you let charter and headboats keep more fish, and people don't -- They can go get a permit, and they don't have to comply with it, and all they have to do is get caught not reporting or something, and they get a little slap on the wrist, and so all you have to do is apply for one in your son's name, or on a different boat, or another LLC or whatever kind of bogus stuff

these people are dreaming up, and don't think that they don't figure out a way around stuff, and they will go and be running clandestine recreational charter trips that aren't even charters, so they can catch a different limit, and so it's something to think about in your future endeavors on this committee, because it's going to happen.

MS. MARHEFKA: I mean, just my two-cents is that, ultimately, I think, in 2022, the idea of an open-access commercial fishery does not set well with me. It probably won't make me popular with my people, but that was sort of my thinking as well, but then we do -- This is an interesting fishery to do it with, because you're right that we're not catching what we can catch now, and so it's a conundrum of a fishery to do it in, but that's just my two-cents, and not that anyone asked for it. I had -- Sorry, you all, and I forgot who was after Chris, but, Jessica, I think it was you.

MS. MCCAWLEY: I kind of agree with what Mel and Spud were suggesting. I think, at this point, it's just a little confusing to explain why we would be doing this right now, and I'm not saying never set a control date, but, just right here at this juncture, I wouldn't do it.

MS. MARHEFKA: Andy.

MR. WOODWARD: Call the question.

MS. MARHEFKA: Let me let Andy and Tom speak, because I had them on the list, and then we'll call the question.

MR. STRELCHECK: Well, certainly, Chris, you can take the motion off the board, if you want to. You made the statement about you're the only one with a backbone around this table to throw this out here, and I don't think you were meaning that, and I appreciate you, obviously, bringing this up for discussion, and struggle with what's the vision here, what's the goal we're trying to accomplish.

That's why I wouldn't support it at this time, but it gets to the crux of what we've been talking about for quite some time, which is effort continues to increase, right, and, whether we're talking charter or commercial or private, at this point, we have effort increasing in all of our sectors, in various forms, with the exception of those that may have had limited access already, right, and so we have some hard decisions ahead, but I think we need to be very intentional then, if we're going to go down this path of setting control dates, as to why we're setting those control dates and what we want to use them for, as Shep said.

I am certainly not opposed to this, and the other component to this is, like with dolphin, the majority of the harvest isn't even coming out of these two sectors, and it's coming out of the private sector, based on our statistics, and so you're really not solving the broader problem here, in terms of how you would manage the effort for dolphin. Thanks.

MS. MARHEFKA: All right. I know, Chris, you want to discuss your motion. Do you want to go, Tom, before he does? Okay. Chris.

MR. CONKLIN: **If it's okay with the seconder, I will withdraw the motion.**

MR. ROLLER: I'm fine with that.

MS. MARHEFKA: Okay. **The motion is withdrawn.** All right. Is there any other business to come before this committee? Hearing none, the committee is adjourned.

(Whereupon, the meeting adjourned on June 16, 2022.)

- - -

Certified By _____ Date _____

Transcribed By
Amanda Thomas
July 15, 2022

*Dolphin Wahoo Crib
Thurs, 6/16/22*

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SAFMC June Council

Attendee Report: Meeting (6/13/22 - 6/17/22)

Report Generated:

06/16/2022 08:28 PM EDT

Webinar ID

778-545-691

Actual Start Date/Time

06/16/2022 07:19 AM EDT

Duration

10 hours 18 minutes

Attendee Details

Attended

Last Name

First Name

Yes

Aukeman

Trip

Yes

BROUWER

MYRA

Yes

BYRD

01JULIA

Yes

Bell

00 Mel

Yes

✓ Bellavance

00 - Rick

Yes

Berry

James "chip"

Yes

Bianchi

Alan

Yes

Bonney

Rick

Yes

Bonura

Vincent

Yes

Brame

Richen

Yes

Bublely

Walter

Yes

Buckel

Jeff

Yes

Calay

Shannon

Yes

Chaya

Cindy

Yes

Cimo

Laura

Yes

Coggins

Lew

Yes

Collier

Chip

Yes

Conklin

00The Real Chris

Yes

web ✓ Copeland

00 Bobby

Yes

Cox

Derek

Yes

Curtis

Judd

Yes

Darden

Tanya

Yes

DeVictor

Rick

Yes

Dover

Miles

Yes

Drury

Mark

Yes

Dukes

Amy

Yes

Flowers

Jared

Yes

Franco

Dawn

Yes

Franke

Emilie

Yes

Gentry

Lauren

Yes

Glazier

Ed

Yes

Glazier

Ed

Yes

Gore

Karla

Yes

Gray

Alisha

Yes	Hadley	John
Yes	Harrison	Alana
Yes	Helies	Frank
Yes	✓Hemilright	Dewey
Yes	Howington	Kathleen
Yes	Hudson	Rusty
Yes	✓Iverson	Kim
Yes	Jacoski	Greg
Yes	Karnauskas	Mandy
Yes	Keener	Paula
Yes	Kittle	Christine
Yes	Kuehn	James
Yes	Laks	Ira
Yes	Lee	Jennifer
Yes	MERRIFIELD	JEANNA
Yes	Malinowski	Rich
Yes	Masi	Michelle
Yes	✓McGovern	Jack
Yes	McPherson	Matthew
Yes	Meehan	Sean
Yes	Mehta	Nikhil
Yes	Murphey	Trish
Yes	Neer	Julie
Yes	Newman	Thomas
Yes	O'Malley	Rachel
Yes	O'Shaughnessy	Patrick
Yes	Oliver	Ashley
Yes	Parker	Bill
Yes	Patten	Willow
Yes	Peterson	Cassidy
Yes	Phillips	Charlie
Yes	Poston	Will
Yes	Powell	Jessica
Yes	✓Pugliese	01Roger
Yes	Ralston	Kellie
Yes	Ramsay	Chloe
Yes	Rawls	Kathy
Yes	Reichert	Marcel
Yes	Reynolds	Jon
Yes	Roller	00Tom
Yes	Sauls	Beverly
Yes	Sedberry	George
Yes	Seward	McLean
Yes	Shertzner	Kyle
Yes	Shervanick	Kara
Yes	Smillie	Nick
Yes	Smith	Bradley

