SAFMC
Scoping Document
January 2013

Amendment 5
to the Fishery Management Plan of the Dolphin Wahoo Fishery for the Atlantic

January 2013

What Actions Are Being Proposed?

Revisions to acceptable biological catches (ABCs), annual catch limits (ACLs) (including sector ACLs), accountability measures, and annual catch targets (ACTs) implemented through the Comprehensive ACL Amendment (SAFMC 2011) for dolphin and wahoo, changes in how dolphin are allocated to the commercial and recreational sectors, and to the management framework in the Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic (Dolphin Wahoo FMP; SAFMC 2003).

Who is Proposing the Actions?

The South Atlantic Fishery Management Council (South Atlantic Council) is proposing the actions. The South Atlantic Council develops the plans/amendments/regulations and submits them to the National Marine Fisheries Service (NMFS) who ultimately approves, disapproves, or partially approves the actions in the amendment on behalf of the Secretary of Commerce. NMFS is an agency in the National Oceanic and Atmospheric Administration.

South Atlantic Fishery Management Council

- Responsible for conservation and management of fish stocks
- Consists of 13 voting members: 8 appointed by the Secretary of Commerce, 1 representative from each of the 4 South Atlantic states, the Southeast Regional Director of NMFS; and 4 non-voting members
- Management area is from 3 to 200 mi off the coasts of North Carolina, South Carolina, Georgia, and Florida through the Atlantic side of Key West with the exception of Mackerel which is from New York to Florida, and Dolphin-Wahoo, which is from Maine to Florida
- Responsible for developing fishery management plans and amendments under the Magnuson-Stevens Act: recommends actions to NMFS for implementation

Why is the South Atlantic Council Considering Action?

Recreational catch estimates for dolphin and wahoo in the Comprehensive ACL Amendment (SAFMC 2011, Dolphin Wahoo Amendment 3) were computed using data generated by the Marine Recreational Fisheries Statistics Survey (MRFSS). Following an independent review by the National Research Council and a mandate from Congress, NMFS has overhauled MRFSS. The Marine Recreational Information Program (MRIP) was developed to provide more accurate recreational catch estimates. The South Atlantic Council stated in the Comprehensive ACL Amendment that they would take action as needed, via plan amendment or framework amendment, to revise the appropriate values as needed, in 2012 and beyond. MRIP methods have been used to recalculate previous MRFSS estimates dating back to 2004, and will be the basis for all new estimates moving forward.

The revisions are necessary because if the ABC, ACL, and ACT values are not updated with the new MRIP estimates, the result would be ACLs set using MRFSS data while the landings being used to track the ACLS will be estimated using MRIP data. This would result in an inconsistency in the how ACLs are calculated versus how they are monitored. In addition to MRIP data, ACLs would be updated to include revisions to commercial and for-hire landings data. The changes in data impact the allocations to the commercial and recreational sectors because the underlying formula used to establish the allocations remains unchanged from what was implemented previously in the Comprehensive ACL Amendment.

The Council is considering revising the accountability measures (AMs) applied to both dolphin and wahoo as a means to standardize them across species.

Purpose for Action

The purpose of Dolphin Wahoo Amendment 5 to the Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic (Amendment 5) is to revise the ABCs, ACLs (including sector ACLs), sector allocations, AMs and ACTs implemented by the Comprehensive ACL Amendment (SAFMC 2011c). The revisions may prevent a disjunction between the established ACLs and the landings used to determine if AMs are triggered. Dolphin Wahoo Amendment 5 would also ensure that the best available science is utilized, as per National Standard 2. Revisions to the framework will incorporate updated language reflected in the Magnuson-Stevens Fishery Conservation and Management Act (2007).

Need for Action

To prevent unnecessary negative socio-economic impacts that may otherwise be realized in the dolphin and wahoo fishery and fishing community, in accordance with the provisions set forth in the Magnuson-Stevens Fishery Conservation and Management Act.

The Council is considering revising the framework action established in the original Dolphin Wahoo FMP (SAFMC 2003) to track more recent changes from amendments to the Magnuson-Stevens Act.

The Council is considering revising the method for allocating the total ACL for dolphin to the commercial and recreational sectors as requested by the Council's Dolphin Wahoo Advisory Panel.

Action 1: Revise ABC, ACL (including sector ACLs), sector allocations, and recreational ACT for dolphin and wahoo based on MRIP estimates.

Alternative 1. No action. Do not revise ABC, ACLs, allocations, and ACTs for dolphin and wahoo. Data will not be updated with data from Marine Recreational Information Program (MRIP), commercial, and for-hire landings.

Alternative 2. Revise the ABC, ACLs (including sector ACLs), sector allocations, and the recreational ACT for dolphin and wahoo with updated data from MRIP, commercial, and for-hire landings.

Table 1. ABC, sector allocations, sector ACLs, and recreational ACT for dolphin and wahoo, as implemented by the Comprehensive ACL Amendment (SAFMC 2011).

Comp ACL Actions		Commercial	Recreational	Total
Dolphin				
Action 22:	ACL=OY=ABC (lbs ww)	---	---	14,596,216
Action 21:	Allocation %	7.3%	92.7%	100%
Action 22:	Sector ACL (lbs ww)	1,065,524	13,530,692	
Actions 23/24:	Sector ACT (lbs ww)	None	ACT equals [sector ACL *(1-PSE)] or [ACL*0.5], whichever is greater = 11,595,803	---
Wahoo				
Action 28:	ACL=OY=ABC (lbs ww)	---	---	1,491,785
Action 27:	Allocation %	4.3%	95.7%	100%
Action 28:	Sector ACL (lbs ww)	64,147	1,427,638	---
Actions 29/30:	Sector ACT (lbs ww)	None	ACT equals [sector ACL *(1-PSE)] or [ACL*0.5], whichever is greater = 1,164,953	---

Table 2. Revised ABC, sector allocations, sector ACLs, and recreational ACT for dolphin and wahoo.

Dolphin Wahoo Amend 5 Actions		Commercial	Recreational	Total
Dolphin				
Action 1:	ACL=OY=ABC (lbs ww)	---	---	15,344,846
Action 1:	Allocation %	7.54398%	92.45602%	100%
Action 1:	Sector ACL (lbs ww)	1,157,612	14,187,234	
Action 1:	Sector ACT (lbs ww)	None	ACT equals [sector ACL *(1-PSE)] or [ACL*0.5], whichever is greater = 12,749,594	---
Wahoo				
Action 1:	ACL=OY=ABC (lbs ww)	---	---	1,794,960
Action 1:	Allocation %	3.93047%	96.06953%	100%
Action 1:	Sector ACL (lbs ww)	70,550	1,724,409	---
Action 1:	Sector ACT (lbs ww)	None	ACT equals [sector ACL *(1-PSE)] or [ACL*0.5], whichever is greater = 1,258,819	---

Action 2: Revise the accountability measures for dolphin and wahoo

Note: Alternatives 2 through 9 consider adding a pay-back provision to the existing accountability measures (AMs). They are not intended to replace what is currently in Alternative 1, just add to what is currently in place. In Alternative 1, round weight is the same as whole weight.

Alternative 1. No action. § 622.49 (e) Atlantic dolphin--(1) Commercial sector. If commercial landings for Atlantic dolphin, as estimated by the SRD, reach or are projected to reach the commercial ACL of 1,065,524 lb (483,314 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of Atlantic dolphin is prohibited and harvest or possession of this species in or from the South Atlantic EEZ is limited to the bag and possession limit. This bag and possession limit applies in the South Atlantic on board a vessel for which a valid Federal charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, i.e., in state or Federal waters.

(2) Recreational sector. If recreational landings for Atlantic dolphin, as estimated by the SRD, exceed the recreational ACL of 13,530,692 lb (6,137,419 kg), round weight, then during the following fishing year, recreational landings will be monitored for a persistence in increased landings and, if necessary, the AA will file a notification with the Office of the Federal Register, to reduce the length of the following recreational fishing season by the amount necessary to ensure recreational landings do not exceed the recreational ACL in the following fishing year. However, the length of the recreational season will also not be reduced during the following fishing year if the RA determines, using the best scientific information available, that a reduction in the length of the following fishing season is unnecessary.

(f) Atlantic wahoo--(1) Commercial sector. If commercial landings for Atlantic wahoo, as estimated by the SRD, reach or are projected to reach the commercial ACL of 64,147 lb (29,097 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of Atlantic wahoo is prohibited and harvest or possession of this species in or from the South Atlantic EEZ is limited to the bag and possession limit. This bag and possession limit applies in the South Atlantic on board a vessel for which a valid Federal charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, i.e., in state or Federal waters.

(2) Recreational sector. If recreational landings for Atlantic wahoo, as estimated by the SRD, exceed the recreational ACL of 1,427,638 lb (647,566 kg), round weight, then during the following fishing year, recreational landings will be monitored for a persistence in increased landings and, if necessary, the AA will file a notification with the Office of the Federal Register, to reduce the length of the following recreational fishing season by the amount necessary to ensure recreational landings do not exceed the recreational ACL in the following fishing year. However, the length of the recreational season will also not be reduced during the following fishing year if the RA determines, using the best scientific information available, that a reduction in the length of the following fishing season is unnecessary.

Alternative 2. If the commercial ACL for dolphin and wahoo is exceeded, the Regional Administrator (RA) shall publish a notice to reduce the ACL in the following season by the amount of the overage, only if the species is overfished.

Alternative 3. If the commercial ACL for dolphin and wahoo is exceeded, the Regional Administrator (RA) shall publish a notice to reduce the ACL in the following season by the amount of the overage, regardless of the stock status of the species.

Alternative 4. If the commercial ACL for dolphin and wahoo is exceeded, the Regional Administrator (RA) shall publish a notice to reduce the ACL in the following season by the amount of the overage, only if the total ACL (commercial ACL + recreational ACL) is exceeded.

Alternative 5. If the commercial ACL for dolphin and wahoo is exceeded, the Regional Administrator (RA) shall publish a notice to reduce the ACL in the following season by the amount of the overage, only if overfished and the total ACL (commercial ACL + recreational ACL) is exceeded.

Alternative 6. If the recreational ACL for dolphin and wahoo is exceeded, the Regional Administrator (RA) shall publish a notice to reduce the ACL in the following season by the amount of the overage, only if the species is overfished.

Alternative 7. If the recreational ACL for dolphin and wahoo is exceeded, the Regional Administrator (RA) shall publish a notice to reduce the ACL in the following season by the amount of the overage, regardless of the stock status of the species.

Alternative 8. If the recreational ACL for dolphin and wahoo is exceeded, the Regional Administrator (RA) shall publish a notice to reduce the ACL in the following season by the amount of the overage, only if the total ACL (commercial ACL + recreational ACL) is exceeded.

Alternative 9. If the recreational ACL for dolphin and wahoo is exceeded, the Regional Administrator (RA) shall publish a notice to reduce the ACL in the following season by the amount of the overage, only if overfished and the total ACL (commercial ACL + recreational ACL) is exceeded.

Other Alternatives?

Action 3: Modify the dolphin sector allocations

Alternative 1. No action. Do not modify the current sector allocations for dolphin. The recreational sector allocation for dolphin is 92.7% (current recreational ACL = 13,530,692 lbs ww, **Table 1**). The commercial sector allocation for dolphin is 7.3% (current commercial ACL = 1,065,524 lbs ww, **Table 1**). The sector allocations for dolphin were set in the Comprehensive ACL Amendment (SAFMC 2011) using the sector allocation rule where 50% of sector allocations are based on a longer term landings series (1999 – 2008) and 50% of the sector allocation are based on a shorter time series (2006-2008).

Note: The allocations cited above are what are currently in place. Depending on whether the Council selects **Action 1, Alternative 2** could change the sector allocations further.

Alternative 2. Establish the sector allocations for dolphin that were in place prior to the Comprehensive ACL Amendment making the "soft cap" allocations the sector allocations. The recreational sector allocation for dolphin would be 87%. Should the Council select **Alternative 2** of **Action 1**, the new recreational ACL would be 13,350,016 lbs ww (**Table 2**). The commercial sector allocation would be 13%. Should the Council select **Alternative 2** of **Action 1**, the new commercial ACL would be 1,994,830 lbs ww (**Table 2**).

Other Alternatives?

Alternative 2 was the preferred option selected by the SAFMC Dolphin/Wahoo AP. At their April 2012 meeting the AP reiterated their preferred sector allocation follow their original recommendation and requested the Council reconsider the sector allocation.

Action 4: Revise the framework procedure in the Dolphin Wahoo FMP

Alternative 1. No action. Do not modify the framework procedure established in the Dolphin Wahoo FMP (SAFMC 2003). The existing framework (p.160 of the Dolphin Wahoo FMP (2003) includes the following text:

If the RA concurs that the Council's recommendations are consistent with the goals and objectives of the plan, the National Standards, and other applicable law, he/she shall implement the regulations by proposed and final rules in the Federal Register prior to the appropriate fishing year or such dates as may be agreed upon with the Councils. A reasonable period for public comment shall be afforded, consistent with the urgency, if any, of the need to implement the management measure.

Appropriate regulatory changes recommended by the Council that may be implemented by the Regional Administrator by proposed and final rules in the Federal Register are:

a. Adjustment of the best estimate of maximum sustainable yield (MSY, range and/or best point estimate).
b. Adjustment of the best estimate of optimum yield (OY, range and/or best point estimate).
c. Initial specification of ABC and subsequent adjustment of the ABC range and/or best estimate when this information becomes available.
d. Setting or modifying total allowable catch (TAC).
e. Reopening of a previously closed area/season, timeframe for recovery of dolphin and wahoo should they become overfished, or fishing year which may not be adjusted by more than two months.
f. Bag limits.
g. Size limits.
h. Tackle configuration (e.g., minimum hook size).
i. Season/area closures (including spawning area closures).
j. Gear restrictions and/or prohibitions.
k. Permitting restrictions.
1. Trip limits.
m. Overfishing/overfished definitions and related thresholds (e.g., minimum stock size threshold (MSST) and maximum fishing mortality threshold (MFMT).
n. Annual specification/quota setting process.
o. Assessment Panel composition and process.
p. Identification, designation, and modification of essential fish habitat (EFH) and EFH-habitat areas of particular concern (HAPCs).
q. Management measures to reduce or eliminate the impact of fishing gear/activities on EFH or EFH-HAPCs.
r. Specify quota for scientific research.
s. Designation of areas for scientific research.
t. Regulations of longline length if ongoing research with marine mammals documents usefulness.
u. Any other action to minimize the interaction of fishing gear with endangered species or marine mammals.
v. Allocations and modifications to allocations.

Alternative 2. Include the following in the Dolphin Wahoo FMP framework: Update the framework procedure to revise the specification of Total Allowable Catch (TAC) for the Dolphin Wahoo FMP in terms that incorporate ACLs, ACTs, and AMs. Such modifications would be based upon new scientific information indicating such modifications are prudent. Changes to the ACLs, ACTs and AMs will be made using the following procedure once the new ACLs, ACTs and AMs are established by the Council.

Acceptable Biological Catch (ABC), Annual Catch Limits (ACLs) and Annual Catch Targets (ACTs) Adjustment Procedure

1. Stock assessments will continue to be conducted for snapper grouper species in the management area through the SEDAR process.
2. Following the Scientific and Statistical Committee (SSC)'s review of the stock assessment and a public hearing, the Council will determine if changes are needed in the OFL, ABC, ACLs, and ACTs and so advise the RA.
3. Following a review for consistency with the FMP and applicable law, the RA may reject or may implement changes by notice in the *Federal Register* to be effective for the next fishing season.

Modifications to the ACLs, ACTs, and AMs via *Federal Register* notice would be based on new scientific information. This would eliminate the lengthy regulatory amendment process, since a regulatory amendment would not be required to make such changes. This process would entail a review of new scientific information by the South Atlantic Council, and a recommendation from the South Atlantic Council to the RA for any changes to harvest levels they determine need to be made. If the RA agrees to the South Atlantic Council's recommendations, a *Federal Register* notice would be prepared outlining the modifications and the notice would be published by the office of the *Federal Register*, after which, the changes would be effective. At this point outreach materials such as fishery bulletins, and frequently asked questions would be developed and disseminated to fishery participants to notify them of the change.

Alternative 3. In addition to revisions in Option 2, also include additional language to reflect SEDAR and SSC roles in setting MSY, OY, and ABC.

Other Alternatives? While the Council is defining framework actions to add to the Dolphin Wahoo FMP, it might want to consider whether there are other framework type actions they wish to include. The first column of **Table 3** below shows the framework currently in the Dolphin Wahoo FMP (SAFMC 2003, Dolphin Wahoo FMP). The second column shows framework items that could be revised. Items shaded in gray are contained in Alternative 2. All items shown in the second column would be revised under Alternative 3.

Table 3. Proposed framework modifications for the SAFMC Dolphin Wahoo FMP.

Items retained from the current framework	Items added to current framework
Adjustment of the best estimate of MSY, range and/or best point estimate.	Use of SEDAR reports or other documentation the Council deems appropriate to provide biological analyses.

Items retained from the current framework	Items added to current framework
Adjustment of the best estimate of OY, range and/or best point estimate.	The SSC prepares a written report to the Council specifying OFL and a range of ABCs for species in need of catch reductions to achieve OY.
Setting or modifying TAC.	
Initial specification of ABC and subsequent adjustment of the ABC range and/or best estimate when this information becomes available.	The SEDAR report or SSC will recommend rebuilding periods.
Adjustments to or implementation of trip limits.	Adjustment to ACLs and/or sector ACLs.
Adjustments to or implementation of bag limits.	Adjustment to or implementation of ACTs and/or sector ACTs.
Adjustments to or implementation of size limits.	Adjustments to or implementation of AMs.
Tackle configuration (e.g., minimum hook size).	
Season/area closures (including spawning area closures).	
Reopening of a previously closed area/season, timeframe for recovery of dolphin and wahoo should they become overfished, or fishing year which may not be adjusted by more than two months.	
Gear restrictions and/or prohibitions.	
Permitting restrictions.	
Overfishing/overfished definitions and related thresholds (e.g. MSST and MFMT).	
Annual specification/quota setting process.	
Assessment Panel composition and process.	
Identification, designation, and modification of EFH and EFH- HAPCs.	
Management measures to reduce or eliminate the impact of fishing gear/activities on EFH or EFH-HAPCs.	
Specify quota for scientific research.	
Designation of areas for scientific research.	
Regulations of longline length if ongoing research with marine mammals documents usefulness.	
Any other action to minimize the interaction of fishing gear with endangered species or marine mammals.	

Items retained from the current framework	Items added to current framework
Allocations and modifications to allocations.	

The following language affecting the framework mirrors procedures being considered in Amendment 27 the Snapper Grouper FMP for modification of the Snapper Grouper FMP and may be applicable to the Dolphin Wahoo FMP framework. NOAA General Council will determine the extent to which additional actions such as revising ACLs may be revised by the NMFS RA through notice action.

Dolphin Wahoo FMP Framework Procedure for Specification of Annual Catch Limits, Annual Catch Targets, Overfishing Limits, Acceptable Biological Catch, and annual adjustments:

Procedure for Specifications:

1. At times determined by the SEDAR Steering Committee, and in consultation with the Council and NMFS Southeast Regional Office (SERO), stock assessments (or future assessment updates) will be conducted under the SEDAR process for stocks managed under the Dolphin Wahoo FMP. Each SEDAR stock assessment or assessment update will: a) assess to the extent possible the current biomass, biomass proxy, or SPR levels for each stock; b) estimate fishing mortality (F) in relation to F_{MSY} (MFMT) and F_{OY}; c) determine the overfishing limit (OFL); d) estimate other population parameters deemed appropriate; e) summarize statistics on the fishery for each stock or stock complex; f) specify the geographical variations in stock abundance, mortality recruitment, and age of entry into the fishery for each stock or stock complex; and g) develop estimates of B_{MSY}.

2. The Council will consider SEDAR stock assessments or other documentation the Council deems appropriate to provide the biological analysis and data listed above in paragraph 1. Either the SEFSC or the stock assessment branch of a state agency may serve as the lead in conducting the analysis, as determined by the SEDAR Steering Committee. After reviewing the SEDAR stock assessments, the Scientific and Statistical Committee (SSC) will prepare a written report to the Council specifying an OFL and may recommend a range of ABCs for each stock complex that is in need of catch reductions for attaining or maintaining OY. The OFL is the annual harvest level corresponding to fishing at MFMT (F_{MSY}). The ABC range is intended to provide guidance to the SSC and is the OFL as reduced due to scientific uncertainty in order to reduce the probability that overfishing will occur in a year. To the extent practicable, the probability that overfishing will occur at various levels of ABC and the annual transitional yields (i.e., catch streams) calculated for each level of fishing mortality within the ABC range should be included with the recommended range.

For overfished stocks, the recommended range of ABCs shall be calculated so as to end overfishing and achieve stock population levels at or above B_{MSY} within the rebuilding periods specified by the Council and approved by NMFS. The SEDAR report or SSC will recommend rebuilding periods based on the provisions of the National Standard Guidelines, including generation times for the affected stocks. Generation times are to be specified by the stock assessment panel based on the biological characteristics of the individual stocks. The report will recommend to the Council a B_{MSY} level and a MSST from B_{MSY}. The report may also

recommend more appropriate estimates of F_{MSY} for any stock. The report may also recommend more appropriate levels for the MSY proxy, OY, the overfishing threshold (MFMT), and overfished threshold (MSST). For stock or stock complexes where data are inadequate to compute an OFL and recommended ABC range, the SSC will use other available information as a guide in providing their best estimate of an OFL corresponding to MFMT and ABC range that should result in not exceeding the MFMT.

3. The SSC will examine SEDAR reports or other new information, the OFL determination, and the recommended range of ABC. In addition, the SSC will examine information provided by the social scientists and economists from the Council staff and from the SERO Fisheries Social Science Branch analyzing social and economic impacts of any specification demanding adjustments of allocations, ACLs, ACTs, AMs, quotas, bag limits, or other fishing restrictions. The SSC will use the ABC control rule to set their ABC recommendation at or below the OFL, taking in account scientific uncertainty. If the SSC sets their ABC recommendations equal to OFL, the SSC will provide its rational why it believes that level of fishing will not exceed MFMT.

4. The Council may conduct a public hearing on the reports and the SSC's ABC recommendation at, or prior, to the time it is considered by the Council for action. Other public hearings may be held also. The Council may request a review of the report by its Dolphin Wahoo Advisory Panel and optionally by its socioeconomic experts and convene these groups before taking action.

5. The Council, in selecting an ACL, ACT, AM, and a stock restoration time period, if necessary, for each stock or stock complex for which an ABC has been identified, will, in addition to taking into consideration the recommendations and information provided for in paragraphs 1, 2, 3, and 4, utilize the following criteria:

> **a.** Set ACL at or below the ABC specified by the SSC or set a series of annual ACLs at or below the projected ABCs in order to account for management uncertainty. If the Council sets ACL equal to ABC, and ABC has been set equal to OFL, the Council will provide its rationale as to why it by it believes that level of fishing will not exceed MFMT.
>
> **b.** May subdivide the ACLs into commercial, for-hire, and private recreational sector ACLs that maximize the net benefits of the fishery to the nation. The Sector ACLs will be based on allocations determined by criteria established by the Council and specified by the Council through a plan amendment. If, for an overfished stock, harvest in any year exceeds the ACL or sector ACL, management measure and catch levels for that sector will be adjusted in accordance with the AMs established for that stock.
>
> **c.** Set ACTs or sector ACTs at or below ACLs and in accordance with the provision of the AM for that stock. The ACT is the management target that accounts for management uncertainty in controlling the actual catch at or below the ACL. If an ACL is exceeded repeatedly, the Council has the option to establish an ACT if one does not already exist for a particular stock and adjust or establish AMs for that stock as well.

6. The Council will provide the SSC specification of OFL; SSC recommendation of ABC; and its recommendations to the NMFS RA for ACLs, sector ACLs, ACTs, sector ACTs, AMs, sector AMs, and stock restoration target dates for each stock or stock complex, estimates of B_{MSY} and MSST, estimates of MFMT, and the quotas, bag limits, trip limits, size limits, closed seasons, and gear restrictions necessary to avoid exceeding the ACL or sector ACLS, along with the reports, a regulatory impact review and proper National Environmental Policy Act (NEPA) documentation, and the proposed regulations within a predetermined time as agreed upon by the Council and RA. The Council may also recommend new levels or statements for MSY (or proxy) and OY.

7. The RA will review the Council's recommendations and supporting information, and, if he concurs that the recommendations are consistent with the objectives of the FMP, the National Standards, and other applicable law, he shall forward for publication notice of proposed rules to the Assistant Administrator (providing appropriate time for additional public comment). The RA will take into consideration all public comment and information received and will forward for publication in the *Federal Register* of a final rule within 30 days of the close of the public comment, or such other time as agreed upon by the Council and RA.

8. Appropriate regulatory changes that may be implemented by final rule in the *Federal Register* include:

- **a.** ACLs or sector ACLs, or a series of annual ACLs or sector ACLs.
- **b.** ACTs or sector ACTs, or a series of annual ACTs or sector ACTs and establish ACTs for stocks which do not have an ACT.
- **c.** AMs or sector AMs.
- **d.** Bag limits, size limits, vessel trip limits, closed seasons or area, gear restrictions, and quotas designed to achieve OY and keep harvest levels from exceeding the ACL or sector ACL.
- **e.** The time period specified for rebuilding an overfished stock, estimated MSY and MSST for overfished stocks, and MFMT.
- **f.** New levels or statements of MSY (or proxy) and OY for any stock.
- **g.** New levels of total allowable catch (TAC).
- **h.** Adjust fishing seasons/years.

9. The NMFS RA is authorized, through notice action, to conduct the following activities.

- **a.** Close the commercial fishery for the dolphin or wahoo fishery at such time as projected to be necessary to prevent the commercial sector form exceeding its sector ACL or ACT for the remainder of the fishing year or sub-quota season.
- **b.** Close the recreational fishery for the dolphin or wahoo fishery at such time as projected to be necessary to prevent recreational sector ACLs or ACTs from being exceeded.
- **c.** Reopen a commercial or recreational season that had been prematurely closed if needed to assure that a sector ACL or ACT can be reached.

10. If NMFS decides not to publish the proposed rule for the recommended management measures, or to otherwise hold the measures in abeyance, then the RA must notify the Council of

its intended action and the reasons for NMFS concern along with suggested changes to the proposed management measures that would alleviate the concerns. Such notice shall specify: 1) The applicable law with which the amendment is inconsistent; 2) the nature of such inconsistencies; and 3) recommendation concerning the action that could be taken by the Council to conform the amendment to the requirements of applicable law.

References

SAFMC (South Atlantic Fishery Management Council). 2003. Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic. South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 306, Charleston, South Carolina 29407.

SAFMC (South Atlantic Fishery Management Council). 2011. Comprehensive Annual Catch Limit (ACL) Amendment of the South Atlantic Region including Snapper Grouper Amendment 25. South Atlantic Fishery Management Council, 4055 Faber Place, Ste 201, North Charleston, S.C. 29405.

The Council is taking Dolphin Wahoo Amendment 5 out for Scoping at the January 2013 round of scoping/public hearings. The meetings are scheduled at the following locations from 4-7 p.m.:

January 22, 2013 Mighty Eighth Air Force Museum 175 Bourne Avenue Pooler, GA 31322 Phone: 912-748-8888	**January 23, 2013** Hilton Garden Inn Airport 5265 International Blvd. North Charleston, SC 29418 Phone: 843-308-9330
January 24, 2013 New Bern Riverfront Convention Center 203 South Front Street New Bern, NC 28563 Phone: 252-637-1551	**January 28, 2013** Jacksonville Marriott 4670 Salisbury Road Jacksonville, FL 32256 Phone: 904-296-2222
January 29, 2013 Doubletree by Hilton Oceanfront 2080 North Atlantic Ave. Cocoa Beach, FL 32931 Phone: 321-783-9222	**January 30, 2013** Holiday Inn Key Largo 97701 Overseas Highway Key Largo, FL 33037 Phone: 305-451-2121

Get involved early to provide your input BEFORE the Council approves the amendment for public hearings:

- Speak on the record in the comment room.
- Email comments to DolphinWahooAmend5ScopingComments@safmc.net
- Mail written comments to SAFMC, 4055 Faber Place Dr, Suite 201, North Charleston SC 29405

**Email and written comments are due by 5 p.m. on February 4th and will be provided to the Council for the March Council meeting.