

DOLPHIN & YELLOWTAIL ALLOCATION  
Amendment 10 to the Fishery  
Management Plan for the Dolphin Wahoo  
Fishery of the Atlantic and Amendment 44  
to the Fishery Management Plan for the  
Snapper Grouper Fishery of the South  
Atlantic Region



Decision Document  
December 2016



**Modify sector allocations and accountability measures for dolphin and yellowtail snapper, revise the definition of optimum yield in the dolphin fishery, and revise authorized gear types for the possession of dolphin or wahoo.**

**Note:** Committee actions or new language for actions and alternatives are highlighted in yellow.

## **Actions for Dolphin Wahoo Amendment 10 and Snapper Grouper Amendment 44**

- Action 1. Revise definition of optimum yield (OY) for dolphin.
- Action 2. Revise authorized gear types for the harvest of dolphin or wahoo
- Action 3. Revise sector allocations and accountability measures for dolphin.
- Action 4. Revise sector allocations and accountability measures for South Atlantic yellowtail snapper.

### **Background**

In 2015, the commercial sectors for dolphin in the Atlantic and yellowtail snapper sector in the South Atlantic met their sector annual catch limits (ACL) and were closed before the end of the fishing year. The commercial dolphin sector closed on June 30, 2015, and the commercial yellowtail snapper sector closed on October 31, 2015. In 2015, the recreational sector harvested a little over half of the recreational ACL for each species respectively.

Since there were commercial closures for these species but the total ACL was not met, the South Atlantic Fishery Management Council (South Atlantic Council) is considering options to reallocate a portion of the total ACL and potentially allow flexibility in management of the annual catch limits (ACLs) for dolphin and yellowtail snapper. These actions are intended to prevent or delay closures of the commercial sectors for dolphin and yellowtail snapper. The South Atlantic Council is also considering changes to the definition of optimum yield for dolphin to better address the needs of the commercial and recreational sectors. In addition, the South Atlantic Council is examining options for changes to the allowable gear types for the possession of dolphin or wahoo in response to a request from commercial fishermen in New England who would like to continue the historical practice of harvesting dolphin by hook and line gear while in the possession of lobster pots.

### **Purpose and Need**

#### **Purpose for Action**

The *purpose* of this amendment is to modify sector allocations, update the sector ACLs and AMs, and minimize the risk of closures in the fisheries for dolphin and yellowtail snapper.

#### **Need for Action**

The *need* for the amendment is to better achieve optimum yield (OY) for dolphin and yellowtail snapper while minimizing, to the extent possible, adverse social and economic effects due to closures.

#### **COMMITTEE ACTION:**

OPTION 1. APPROVE THE PURPOSE AND NEED

OPTION 2. MODIFY THE PURPOSE AND NEED AND APPROVE THE MODIFIED WORDING

OPTION 3. OTHERS??

## Actions and Alternatives

### **Action 1. Revise the definition of optimum yield (OY) for dolphin.**

**Alternative 1 (No Action).** Optimal yield (OY) is equal to the total ACL (15,344,846 lbs ww). (Note: Total ACL=ABC=OY)

**Alternative 2.** Optimal yield (OY) is equal to the Commercial ACL (1,534,485 lbs ww) + Recreational ACT (ACT equals [sector ACL \*(1-PSE)] or [ACL\*0.5], whichever is greater).

**Alternative 3.** Optimal yield (OY) is equal to 75% MSY.

**Alternative 4.** Optimal yield (OY) is the long-term average catch, which is not designed to exceed the total ACL, and will fall between the total ACL (15,344,846 lbs ww) and ACT (ACT equals [sector ACL \*(1-PSE)] or [ACL\*0.5], whichever is greater).

**Table 1.** OY values (lbs ww) in **Action 1** under the different alternatives.

<b>Alternative 1 (No Action)</b> (OY=Total ACL=ABC) (lbs ww)	<b>Alternative 2</b> (OY=Comm. ACL + Rec. ACT) (lbs ww)	<b>Alternative 3</b> (OY=75% MSY) (lbs ww)	<b>Alternative 4</b> (OY=Value between Total ACL and ACT) (lbs ww)
15,344,846	13,130,288	Value between 14,000,000 – 35,000,000	Value between 11,595,803-15,344,846

*Discussion:* The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) defines optimum yield (OY) as the amount of fish that will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities and taking into account the protection of marine ecosystems; that is prescribed on the basis of the maximum sustainable yield (MSY) from the fishery, as reduced by any relevant economic, social, or ecological factor; and, in the case of an overfished fishery, that provides for rebuilding to a level consistent with producing the MSY in such fishery [600.310 (i)(A)]. Currently, OY for the dolphin fishery is set at the ACL, which is equal to the ABC.

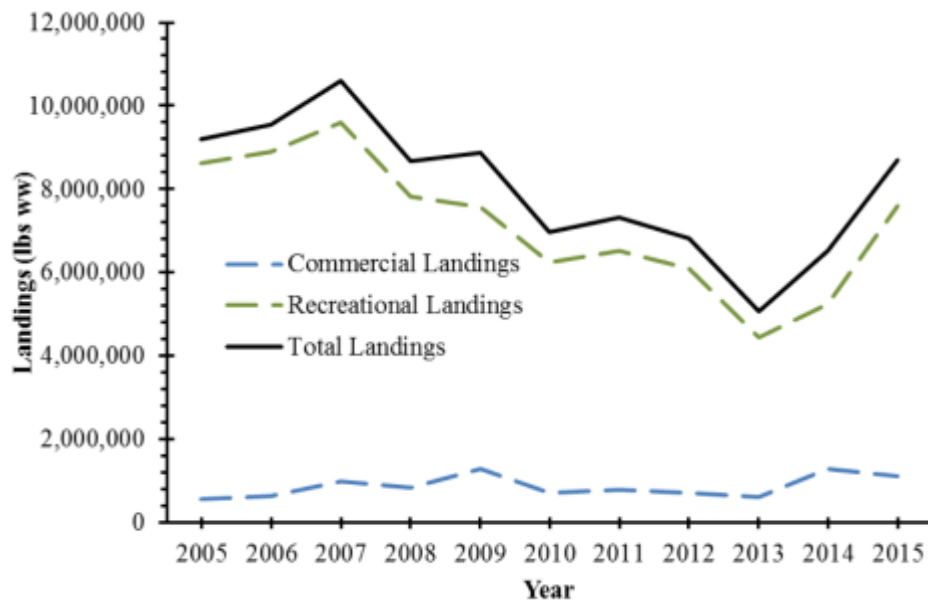
**Table 2** and **Figure 1** show annual dolphin landings from 2005-2015. Total landings for dolphin were well under the current total ACL during the time period (**Table 1**). Commercial landings were higher in 2009, 2014, and 2015 (**Table 1** and **Figure 1**). However, ACLs were not in place in 2009 and updated commercial landings were not available in a timely manner during 2014. The commercial ACL was projected to be met in 2015, and hence, the commercial sector was closed. Updated commercial landings data revealed that approximately 95% of the commercial ACL (1,157,001 lbs ww) was met in 2015. For 2016, the commercial sector is not expected to harvest its revised ACL (1,534,485 lbs ww) that went into place as a result of Dolphin Wahoo Amendment 8 (effective 2/22/16). During 2005-2015, the recreational sector did not exceed the current recreational ACL and harvested an average of 52 percent of the current recreational ACL. With the dolphin fishery substantially under harvesting the total ACL in most years, OY is not being achieved as it is currently defined.

**Table 2.** Landings of dolphin (lbs ww) during 2005-2015. Data includes North, Mid- and South Atlantic Regions. The current total ACL for dolphin is 15,344,846 lbs ww, commercial ACL is 1,534,485 lbs ww, and the recreational ACL is 13,810,361 lbs ww.

Year	Commercial (lbs ww)	Recreational (lbs ww)	Total (lbs ww)
2005	577,655	8,629,313	9,206,968
2006	650,121	8,898,207	9,548,328
2007	998,023	9,598,841	10,596,864
2008	835,177	7,833,547	8,668,724
2009	1,296,014	7,570,195	8,866,209
2010	715,334	6,243,399	6,958,733
2011	792,293	6,522,301	7,314,594
2012	709,131	6,099,788	6,808,919
2013	616,953	4,444,755	5,061,708
2014	1,291,092	5,240,659	6,531,751
2015	1,098,135	7,586,553	8,684,688
Average	870,903	7,151,596	8,022,499

Note: Commercial data from ACL\_FILES\_09142016.xlsx.

Recreational data comes from MRIPACLspec\_rec81\_16ww2\_15Aug16\_w14and15LACreel.xlsx



**Figure 1.** Annual landings of dolphin (lbs ww) for the North, Mid-, and South Atlantic Regions during 2005-2015.

*IPT comments:*

- For **Alternative 4**, the IPT needs clarification from the Council on “long-term average”. What general time period and is it static or dynamic?

**COMMITTEE ACTION:**

OPTION 1. APPROVE THE REVISED WORDING OF ACTION 1 IN DOLPHIN WAHOO AMENDMENT 10/SNAPPER GROUPER AMENDMENT 44

OPTION 2. MODIFY THE REVISED WORDING OF ACTION 1 IN DOLPHIN WAHOO AMENDMENT 10/SNAPPER GROUPER AMENDMENT 44 AND APPROVE THE MODIFIED WORDING

OPTION 3. OTHERS??

**Action 2. Revise authorized gear types for the harvest of dolphin or wahoo**

**Alternative 1 (No Action).** The following are the only authorized gear types in the fisheries for dolphin and wahoo in the Atlantic EEZ: Automatic reel, bandit gear, handline, pelagic longline, rod and reel, and spearfishing gear (including powerheads). A person aboard a vessel in the Atlantic EEZ that has on board gear types other than authorized gear types may not possess a dolphin or wahoo.

**Alternative 2.** Add lobster pot to list of authorized gear types for the harvest of dolphin or wahoo.

**Alternative 3.** Remove gear limitations for the harvest of dolphin or wahoo.

*Discussion:* A representative of the Atlantic Offshore Lobstermen’s Association requested that the Council modify regulations to allow the historical practice of harvesting dolphin and wahoo while in the possession of lobster pots to continue:

“Recently, one Association member was notified by NOAA law enforcement, during a dockside inspection, that it is illegal to possess dolphin and lobster during a single trip. No citations were issued in this case. This member holds both a valid dolphin and American offshore lobster permit, but was notified that he violated the above quoted regulation because lobster pot gear is not an authorized or exempted gear type for the dolphin and wahoo fishery. It has been a long standing practice for permitted offshore lobstermen to fish a few lures behind their vessel, between lobster trawls, especially when they encounter the Gulf Stream, and have long transit times between lobster trawls. The targets being a range of pelagic species, mahi are frequently caught during the summer months. During this activity they are usually in possession of Jonah crab, lobster, and lobster traps. Given the distinct nature of the gear and fisheries, i.e., you can’t catch dolphin with lobster pots, and you can’t catch lobsters with lures, both gear types should be allowed in possession on the same trip. Obviously any such practice should be subject and consistent with the licensing and reporting provisions of each FMP. Therefore we are requesting that the SAFMC work with NOAA Fisheries to modify the current regulations to provide an exemption for lobster vessels or list lobster gear as an authorized gear type under 622.272.”

The current list of allowable gears in the dolphin wahoo fishery does not include lobster pots, therefore these species may not be harvested when lobster pots are onboard a vessel (**Alternative 1**). In the regulations, “gear” applies to the dolphin wahoo fishery itself. The intent behind **Alternative 2** is to allow participants to possess lobster pots on board the vessel while also possessing dolphin and wahoo.

Removing the current gear limitations for the possession of dolphin or wahoo under **Alternative 3**, gear such as gill nets could be utilized, which could have a direct negative impact on dolphin, wahoo, and co-occurring species, and negative indirect effects on habitat and indiscriminate capture of all species that are encountered by the gill nets.

*IPT comments:*

- In the regulations, “gear” applies to fishery itself, if lobster pots are authorized, that would allow dolphin wahoo fishery participants to fish with them which may trigger some protected resources issues.
- For **Alternative 3**, if current prohibitions are removed, it will open up the dolphin and wahoo fishery to other gears such as gill nets, seines, etc. which has the potential to change the dynamics of the fishery and cause user conflicts.

**COMMITTEE ACTION:**

OPTION 1. APPROVE THE REVISED WORDING OF ACTION 2 IN DOLPHIN WAHOO AMENDMENT 10/SNAPPER GROUPER AMENDMENT 44

OPTION 2. MODIFY THE REVISED WORDING OF ACTION 2 IN DOLPHIN WAHOO AMENDMENT 10/SNAPPER GROUPER AMENDMENT 44 AND APPROVE THE MODIFIED WORDING

OPTION 3. OTHERS??

### **Action 3: Revise sector allocations and accountability measures for dolphin.**

**Alternative 1 (No Action).** The current allocation for the recreational sector for dolphin is 90% (14,187,845 13,810,361 lbs ww) of the total ACL. The current allocation for the commercial sector for dolphin is 10% (1,157,001 1,534,485 lbs ww) of the total ACL.

The current commercial AM includes an in-season closure to take place if the commercial ACL is met or projected to be met. If the commercial ACL is exceeded, it will be reduced by the amount of the commercial overage in the following fishing year only if the species is overfished and the total ACL is exceeded.

The current recreational AM includes a shortening of the recreational season that may be triggered if the recreational ACL is exceeded, but only after recreational landings have been monitored for persistence in increased landings. The length of the recreational season will not be reduced if the RA determines the best available science shows that it is not necessary. If a reduction is necessary, the recreational season may be reduced and the ACL in the following fishing year will be reduced by the amount of the recreational overage only if the species is overfished and the total ACL is exceeded.

**Alternative 2.** Maintain the current sector ACLs, but revise the AM to ~~not close either sector until the total ACL is met~~ prohibit harvest for both sectors once a portion of the total ACL is landed. **Note: Total ACL=ABC=OY.**

- Sub-alternative 2a:** Sectors will not close until 60% (9,206,908 lbs ww) of the total ACL is landed.
- Sub-alternative 2b:** Sectors will not close until 70% (10,741,392 lbs ww) of the total ACL is landed.
- Sub-alternative 2c:** Sectors will not close until 80% (12,275,877 lbs ww) of the total ACL is landed.
- Sub-alternative 2d:** Sectors will not close until 90% (13,810,361 lbs ww) of the total ACL is landed.
- Sub-alternative 2e:** Sector will not close until 100% (15,344,846 lbs ww) of the total ACL is landed.

*Discussion:* In this scenario, harvest would not necessarily close for either sector even when one sector harvests more than its sector ACL. The fishery would close for both sectors if a certain percentage (**Sub-alternatives 2a through 2e**) of the total ACL was met (**Table 3**), regardless of which sector landed more fish.

**Table 3.** Percentage of the total ACL and ACL value (lbs ww) resulting in a closure of both the commercial and recreational sectors for dolphin.

<b>Sub-alternative</b>	<b>Percentage of Total ACL (%)</b>	<b>ACL (lbs ww)</b>
Sub-alternative 2a	60	9,206,908
Sub-alternative 2b	70	10,741,392
Sub-alternative 2c	80	12,275,877
Sub-alternative 2d	90	13,810,361
Sub-alternative 2e	100	15,344,846

**Alternative 3.** Set aside a portion of the total ACL that can be used by either sector as a common pool allocation. **Note: Total ACL=ABC=OY.**

**Sub-alternative 3a:** 1% (153,448 lbs ww) of the total ACL becomes a common pool category. The remaining total ACL (15,191,398 lbs ww) is split between the recreational sector (13,672,258 lbs ww) and the commercial sector (1,518,140 lbs ww) according to the current allocation.

**Sub-alternative 3b:** 2.5% (383,621 lbs ww) of the total ACL becomes a common pool category. The remaining total ACL (14,961,225 lbs ww) is split between the recreational sector (13,465,103 lbs ww) and the commercial sector (1,496,123 lbs ww) according to the current allocation.

**Sub-alternative 3c:** 5% (767,242 lbs ww) of the total ACL becomes a common pool category. The remaining total ACL (14,577,604 lbs ww) is split between the recreational sector (13,119,844 lbs ww) and the commercial sector (1,457,760 lbs ww) according to the current allocation.

**Sub-alternative 3d:** 10% (1,534,485 lbs ww) of the total ACL becomes a common pool category. The remaining total ACL (13,810,361 lbs ww) is split between the recreational sector (12,429,325 lbs ww) and the commercial sector (1,381,036 lbs ww) according to the current allocation.

*Discussion:* This alternative would set aside a portion of the total ACL that can be used by either sector if needed to prevent a closure in the fishery. Under this scenario, a certain percentage of the total ACL is set aside into a “common pool” category for use by either sector. The ACLs for both sectors are then re-set based on the remaining total ACL. The outcome will be reduced ACLs for both the recreational and commercial sectors, but either sector may use the common pool ACL if they exceed their respective sector ACLs and the common pool category ACL has not been exhausted (**Table 4**).

**Table 4.** Commercial and Recreational ACLs (lbs ww) under Sub-alternatives 3a-3d.

Sub-alternative	Common pool ACL (lbs ww) / Percentage (%) of Total ACL	Remaining Total ACL (lbs ww)	Commercial ACL (lbs ww)	Recreational ACL (lbs ww)	*Commercial ACL (lbs ww) + common pool ACL	*Recreational ACL (lbs ww) + common pool ACL
Sub-alternative 3a	153,448/ 1%	15,191,398	1,518,140	13,672,258	1,671,588	13,825,706
Sub-alternative 3b	383,621/ 2.5%	14,961,225	1,496,123	13,465,103	1,879,744	13,848,724
Sub-alternative 3c	767,242/ 5%	14,577,604	1,457,760	13,119,844	2,225,002	13,887,086
Sub-alternative 3d	1,534,485/ 10%	13,810,361	1,381,036	12,429,325	2,915,521	13,963,810

\* Assumes only one sector would be allowed to utilize the common pool at a given time to avoid exceeding the total ACL.



**Alternative 4:** If the sector ACL is not met in a fishing year, establish a sector ACL “credit” derived from the difference between the total pounds of dolphin landed in the sector and the sector ACL for that same fishing year. In the following fishing year, the credit would transfer to the sector’s ACL and could be used if the sector ACL is met or exceeded. The sector ACL credit would only apply if a minimum percentage of the total ACL was not harvested in a given fishing year (Draft Sub-alternatives 4a-4c), and only a certain percentage of the unharvested sector ACL from the previous fishing year would make up the carry-over credit (Draft Sub alternatives 4d-4f). The carry-over credit would remain until used, but could not exceed a certain percentage of the sector ACL (Draft Sub-alternatives 4g-4j) and the total harvest **when the carryover is used** could not exceed the total ACL. **Note: Total ACL=ABC=OY.**

*Remaining Total ACL Threshold (MUST CHOOSE ONE):*

**Sub-alternative 4a:** At least 15% (2,301,727 lbs) of the total ACL remains unharvested.

**Sub-alternative 4b:** At least 20% (3,068,969 lbs) of the total ACL remains unharvested.

**Sub-alternative 4c:** At least 25% (3,836,212 lbs) of the total ACL remains unharvested.

*Percentage of Remaining sector ACL to Transfer (MUST CHOOSE ONE):*

**Sub-alternative 4d:** The carry-over credit will be equal to 10% of the unharvested sector ACL.

**Sub-alternative 4e:** The carry-over credit will be equal to 15% of the unharvested sector ACL.

**Sub-alternative 4f:** The carry-over credit will be equal to 20% of the unharvested sector ACL.

*Percentage cap for carry-over credit in relation to sector ACL (MUST CHOOSE ONE):*

**Sub-alternative 4g:** The carry-over credit could not exceed 10% of the sector ACL.

**Sub-alternative 4h:** The carry-over credit could not exceed 20% of the sector ACL.

**Sub-alternative 4i:** The carry-over credit could not exceed 30% of the sector ACL.

**Sub-alternative 4j:** The carry-over credit could not exceed 100% of the sector ACL.

*Discussion:* This alternative would allow for a credit that can be carried over indefinitely when a sector does not land all of its ACL. As a precautionary measure to prevent exceeding the total ACL, a credit would not be issued for either sector unless a given amount of the total ACL was unharvested (**Sub-alternative 4a through 4c**). If this stipulation was met, then a carry-over credit would be issued for a certain percentage of the uncaught sector ACL where applicable for each sector (**Sub alternatives 4d through 4f**). This credit would “roll over” year after year until used and may grow if a sector does not harvest its entire ACL. So as not to have excessively large roll-over credits that may occur if a sector consistently does not harvest its sector ACL, a cap will be placed on how large the carry over credit can grow based on a certain percentage of the sector ACL (**Sub-alternatives 4g through 4j**).

**Alternative 5:** At the beginning of the fishing year, conditionally transfer a certain percentage (Sub-alternatives 5a-5d) of the ACL from a sector that is not landing its ACL to the other sector that is landing all or almost all of its ACL in the next fishing year, if the minimum landings threshold is not met for the donating sector (Sub-alternatives 5e-5g). If the receiving sector does not land at least 90% of its unadjusted ACL, this transfer will not occur. The highest landings from the donating sector based on available finalized data from the five years prior will be used as criteria to determine if allocation transfers will occur. Note: Total ACL=ABC=OY.

*Conditional Quota Transfer (MUST CHOOSE ONE):*

**Sub-alternative 5a:** Conditionally transfer 1% of the unadjusted ACL of one sector to the other sector.

**Sub-alternative 5b:** Conditionally transfer 2.5% of the unadjusted ACL of one sector to the other sector.

**Sub-alternative 5c:** Conditionally transfer 5% of the unadjusted ACL of one sector to the other sector.

**Sub-alternative 5d:** Conditionally transfer 10% of the unadjusted ACL of one sector to the other sector.

*Donating sector's ACL Minimum Threshold (MUST CHOOSE ONE), if the donating sector's landings are:*

**Sub-alternative 5e:** less than 50% of its unadjusted ACL.

**Sub-alternative 5f:** less than 65% of its unadjusted ACL.

**Sub-alternative 5g:** less than 75% of its unadjusted ACL.

*Discussion:* This alternative allows the conditional transfer of ACL from one sector to the other with limitations on the amount of ACL that can be transferred from the donating sector (**Sub-alternatives 5a-5d**). Additionally, stipulations are in place that do not allow the transfer to take place unless the donating sector is under-harvesting its ACL by at least a given percentage (**Sub-alternatives 5e-5g**) every year over the previous five years of available data. Also, the receiving sector must be harvesting at least 90% of its unadjusted ACL.

*IPT comments:*

- **Alternatives 3, 4, and 5** may be cumbersome to implement in a timely manner due to time lags in the landings data. May also need a framework procedure to allow transfers/credits to occur.
- For **Alternative 4**, if ACL is carried over to the next year for a sector and the ABC is exceeded, then the SSC will need to approve the increased ABC. In addition, the ACL could not be carried over and then have the total ACL greater than the OFL.

**COMMITTEE ACTION:**

OPTION 1. APPROVE THE REVISED WORDING OF ACTION 3 IN DOLPHIN WAHOO AMENDMENT 10/SNAPPER GROUPER AMENDMENT 44

OPTION 2. MODIFY THE REVISED WORDING OF ACTION 3 IN DOLPHIN WAHOO AMENDMENT 10/SNAPPER GROUPER AMENDMENT 44 AND APPROVE THE MODIFIED WORDING

OPTION 3. OTHERS??

#### **Action 4. Revise sector allocations and accountability measures for South Atlantic yellowtail snapper.**

**Alternative 1 (No Action).** The current recreational sector allocation for yellowtail snapper is 47.44% (1,440,990 lbs ww) of the total ACL. The current commercial sector allocation for yellowtail snapper is 52.56% (1,596,510 lbs ww) of the total ACL.

The current commercial AM includes an in-season closure to take place if the commercial ACL is met or projected to be met. If the commercial ACL is exceeded, it will be reduced by the amount of the commercial overage in the following fishing year only if the species is overfished and the total ACL is exceeded.

The current recreational AM includes an in-season closure to take place if the recreational ACL is met or projected to be met. It also includes a shortening of the recreational season that may be triggered if the recreational ACL is exceeded, but only after recreational landings have been monitored for persistence in increased landings. The length of the recreational season will not be reduced if the RA determines the best available science shows it is not necessary. If a reduction is necessary, the recreational season may be reduced and the ACL in the following fishing year will be reduced by the amount of the recreational overage only if the species is overfished and the total ACL is exceeded.

**Alternative 2.** Maintain current sector ACLs, but revise AM to not close either sector until total ACL is met. **Note: Total ACL=ABC=OY.**

*Discussion:* In this scenario, harvest would not close for either sector even when one sector harvests more than its sector ACL as long as the other sector is under-harvesting its sector ACL by an equal or greater amount. The fishery would close for both sectors if the total ACL was met, regardless of which sector landed more fish.

**Alternative 3.** Establish a permanent allocation shift between the **Modify** sector ACLs.

**Sub-alternative 3a.** Allocate 42% (1,275,750 lbs ww) of the total ACL to the recreational sector. Allocate 58% (1,761,750 lbs ww) of the total ACL to the commercial sector. (Based on average landings from 2005-2014)

**Sub-alternative 3b.** Allocate 40% (1,215,000 lbs ww) of the total ACL to the recreational sector. Allocate 60% (1,822,500 lbs ww) of the total ACL to the commercial sector. (Based on 2013 landings).

**Sub-alternative 3c.** Allocate 30% (911,250 lbs ww) of the total ACL to the recreational sector. Allocate 70% (2,126,250 lbs ww) of the total ACL to the commercial sector. (Based on 2012 landings)

**Sub-alternative 3d.** Allocate 28% (850,500 lbs ww) of the total ACL to the recreational sector. Allocate 72% (2,187,000 lbs ww) of the total ACL to the commercial sector. (Based on 2011 landings)

*Discussion:* This alternative would reallocate the total ACL to provide a larger portion for the commercial sector. The amount of ACL that is reallocated would be dependent upon which sub-alternative is chosen (**Table 5**).

**Table 5.** Commercial and recreational ACLs under **Sub-alternatives 3a-3d** and the difference from current sector ACLs for yellowtail snapper. The current total ACL for yellowtail snapper is 3,037,500 lbs ww, commercial ACL is 1,596,510 lbs ww (52.56% of total ACL), and the recreational ACL is 1,440,990 lbs ww (47.44% of total ACL).

Sub-alternative (Average landings based on these years)	Commercial ACL (lbs ww) / Percentage (%) of Total ACL	Recreational ACL (lbs ww) / Percentage (%) of Total ACL	Difference in commercial ACL (lbs ww)	Difference in recreational ACL (lbs ww)
Sub-alternative 3a (2005-2014)	1,761,750/ 58%	1,275,750 / 42%	+ 165,240	- 165,240
Sub-alternative 3b (2013)	1,822,500/ 60%	1,215,000/ 40%	+ 225,990	- 225,990
Sub-alternative 3c (2012)	2,126,250/ 70%	911,250/ 30%	+ 529,740	- 529,740
Sub-alternative 3d (2011)	2,187,000/ 72%	850,500/ 28%	+ 590,490	- 590,490

**Alternative 4.** Set aside a portion of the total ACL that can be used by either sector as a common pool allocation. **Note: Total ACL=ABC=OY.**

**Sub-alternative 4a:** 1% (30,375 lbs ww) of the total ACL becomes a common pool category. The remaining ACL (3,007,125 lbs ww) is split between the recreational sector (1,426,580 lbs ww) and the commercial sector (1,580,545 lbs ww) according to the current allocation.

**Sub-alternative 4b:** 2.5% (75,938 lbs ww) of the total ACL becomes a common pool category. The remaining ACL (2,961,562 lbs ww) is split between the recreational sector (1,404,965 lbs ww) and the commercial sector (1,556,597 lbs ww) according to the current allocation.

**Sub-alternative 4c:** 5% (151,875 lbs ww) of the total ACL becomes a common pool category. The remaining ACL (2,885,625 lbs ww) is split between the recreational sector (1,368,941 lbs ww) and the commercial sector (1,516,685 lbs ww) according to the current allocation.

**Sub-alternative 4d:** 10% (303,750 lbs ww) of the total ACL becomes a common pool category. The remaining ACL (2,733,750 lbs ww) is split between the recreational sector (1,296,891 lbs ww) and the commercial sector (1,436,859 lbs ww) according to the current allocation.

*Discussion:* This alternative would set aside a portion of the total ACL that can be used by either sector if needed to prevent a closure in the fishery. Under this scenario, a certain percentage of the total ACL is set aside into a “common pool” category for use by either sector. The ACLs for both sectors are then re-set based on the remaining total ACL. The outcome will be reduced ACLs for both the recreational and commercial sectors, but either sector may use the common pool ACL if they exceed their respective sector ACLs and the common pool category ACL has not been exhausted (**Table 6**).

**Table 6.** Commercial and Recreational ACLs (lbs ww) under Sub-alternatives 4a-4d. The current total ACL for yellowtail snapper is 3,037,500 lbs ww, commercial ACL is 1,596,510 lbs ww, and the recreational ACL is 1,440,990 lbs ww.

Sub-alternative	Common pool ACL (lbs ww) / Percentage (%) of Total ACL	Remaining Total ACL (lbs ww)	Commercial ACL (lbs ww)	Recreational ACL (lbs ww)	*Commercial ACL + common pool ACL (lbs ww)	*Recreational ACL + common pool ACL (lbs ww)
Sub-alternative 4a	30,375/ 1%	3,007,125	1,580,545	1,426,580	1,610,920	1,456,955
Sub-alternative 4b	75,938/ 2.5%	2,961,562	1,556,597	1,404,965	1,632,535	1,480,903
Sub-alternative 4c	151,875/ 5%	2,885,625	1,516,685	1,368,941	1,668,560	1,520,816
Sub-alternative 4d	303,750/ 10%	2,733,750	1,436,859	1,296,891	1,740,609	1,600,641

\* Assumes that only one sector would be allowed to utilize the common pool at a given time to avoid exceeding the total ACL.

**Alternative 5:** If the sector ACL is not met in a fishing year, establish a sector ACL “credit” derived from the difference between the total pounds of yellowtail snapper landed in the sector and the sector ACL for that same fishing year. In the following fishing year, the credit would transfer to the sector’s ACL if the sector ACL is met or exceeded. The sector ACL credit would only apply if a minimum percentage of the total ACL was not harvested in a given fishing year (Draft Sub-alternatives 5a-5c), and only a certain percentage of the unharvested sector ACL from the previous fishing year would make up the carry-over credit (Draft Sub alternatives 5d-5f). The carry-over credit would remain until used, but could not exceed a certain percentage of the sector ACL (Draft Sub-alternatives 5g-5j) and the total harvest **when the carryover is used** could not exceed the total ACL. **Note: Total ACL=ABC=OY.**

*Remaining Total ACL Threshold (MUST CHOOSE ONE):*

**Sub-alternative 5a:** At least 15% (455,625 lbs ww) of the total ACL remains unharvested.

**Sub-alternative 5b:** At least 20% (607,500 lbs ww) of the total ACL remains unharvested.

**Sub-alternative 5c:** At least 25% (759,375 lbs ww) of the total ACL remains unharvested.

*Percentage of Remaining Stock ACL to Transfer (MUST CHOOSE ONE):*

**Sub-alternative 5d:** The carry-over credit will be equal to 10% of the unharvested sector ACL.

**Sub-alternative 5e:** The carry-over credit will be equal to 15% of the unharvested sector ACL.

**Sub-alternative 5f:** The carry-over credit will be equal to 20% of the unharvested sector ACL.

*Percentage cap for carry-over credit in relation to sector ACL (MUST CHOOSE ONE):*

**Sub-alternative 5g:** The carry-over credit could not exceed 10% of the sector ACL.

**Sub-alternative 5h:** The carry-over credit could not exceed 20% of the sector ACL.

**Sub-alternative 5i:** The carry-over credit could not exceed 30% of the sector ACL.

**Sub-alternative 5j:** The carry-over credit could not exceed 100% of the sector ACL.

*Discussion:* This alternative would allow for a credit that can be carried over indefinitely when a sector does not land all of its ACL. As a precautionary measure to prevent exceeding the total ACL, a credit would not be issued for either sector unless a given amount of the total ACL was unharvested (**Sub-alternative 5a** through **5c**). If this stipulation was met, then a carry-over credit would be issued for a certain percentage of the uncaught sector ACL where applicable for each sector (**Sub alternatives 5d-5f**). This credit would “roll over” year after year until used and may grow if a sector does not harvest its entire ACL. So as not to have excessively large roll-over credits that may occur if a sector consistently does not harvest its sector ACL, a cap will be placed on how large the carry over credit can grow based on a certain percentage of the sector ACL (**Sub-alternatives 5g-5j**).

**Alternative 6:** At the beginning of the fishing year, conditionally transfer a certain percentage (Sub-alternatives 6a-6d) of the ACL from a sector that is not landing its ACL to the other sector that is landing all or almost all of its ACL in the next fishing year, if the minimum landings threshold is not met for the donating sector (Sub-alternatives 6e-6g). If the receiving sector does not land at least 90% of its unadjusted ACL, this transfer will not occur. The highest landings from the donating sector based on available finalized data from the five years prior will be used as criteria to determine if allocation transfers will occur. Note: Total ACL=ABC=OY

*Conditional ACL Transfer (MUST CHOOSE ONE):*

**Sub-alternative 6a:** Conditionally transfer 5% of the unadjusted ACL of one sector to the other sector.

**Sub-alternative 6b:** Conditionally transfer 10% of the unadjusted ACL of one sector to the other sector.

**Sub-alternative 6c:** Conditionally transfer 15% of the unadjusted ACL of one sector to the other sector.

**Sub-alternative 6d:** Conditionally transfer 20% of the unadjusted ACL of one sector to the other sector.

*Donating sector's ACL Minimum Threshold (MUST CHOOSE ONE), if the donating sector's landings are:*

**Sub-alternative 6e:** less than 50% of its unadjusted ACL.

**Sub-alternative 6f:** less than 65% of its unadjusted ACL.

**Sub-alternative 6g:** less than 75% of its unadjusted ACL.

*Discussion:* This alternative allows the conditional transfer of ACL from one sector to the other with limitations on the amount of ACL that can be transferred from the donating sector (**Sub-alternatives 6a-6d**). Additionally, stipulations are in place that do not allow the transfer to take place unless the donating sector is under-harvesting its ACL by at least a given percentage (**Sub-alternatives 6e-6g**) every year over the previous five years of available data. Also, the receiving sector must be harvesting at least 90% of its unadjusted ACL.

*Snapper Grouper AP comments:*

- AP members expressed concern that the fishery was closed in 2015 based on projections that left a large portion of the ACL unharvested. They asked “How will NMFS be able to monitor landings to apply some of the alternatives being considered in Amendment 44 when landings cannot be reliably tracked right now?”
- Concern was also expressed about the timeliness of recreational landings; estimates might not be available in time for some of the alternatives under consideration in Amendment 44 to be feasible.
- AP members expressed concern about Alternatives 3, 5, & 6 – they are complex to execute and there is much concern about re-allocations of quotas.
- Common pool alternative (Alt. 4) – AP members expressed support for this approach because it does not seem to pit the sectors against each other.
- Some concern about taking away the ability to “leave fish in the water” for conservation and to avoid possible overfishing.

- Concern about sectors going against each other under the approach proposed in Alternative 2. However, if the need is to achieve OY, then Alternative 2 is the best way to achieve that without harming either sector.
- It was noted that none of the alternatives under consideration in Amendment 44 would be needed if NMFS could effectively monitor the landings.
- It was noted that the fishing year for Yellowtail Snapper just changed to August 1 three months ago. It is expected that this will make a big difference in terms of the commercial sector reaching its ACL; it is likely that there will not be early closures anymore.
- If the commercial sector catches its entire ACL under the new fishing year but the recreational sector does not, then this is good for the fishery especially because the uncaught fish would be in spawning condition and they should not be harvested.
- AP members suggested waiting to see the effect of the fishing year change and then consider making changes if needed.
- Alternative 4 – suggestion to initially establish the “common pool” with underages from previous year so as not to take it off the ACL in the first year.

MOTION: SELECT ALTERNATIVE 1 AS PREFERRED  
 APPROVED BY AP (1 OPPOSED) (Note: Alternative 1 is No Action.)

*IPT comments:*

- The IPT expressed some concern over modifying the sector ACLs (**Alternative 3**). Issues raised included litigation risks, the controversial nature of such reallocations, and potential difficulty in the analysis of the alternatives.
- **Alternatives 4, 5, and 6** may be cumbersome to implement in a timely manner due to time lags in the landings data. May also need a framework procedure to allow transfers/credits to occur.

**COMMITTEE ACTION:**

OPTION 1. APPROVE THE REVISED WORDING OF ACTION 4 IN DOLPHIN WAHOO AMENDMENT 10/SNAPPER GROUPER AMENDMENT 44

OPTION 2. MODIFY THE REVISED WORDING OF ACTION 4 IN DOLPHIN WAHOO AMENDMENT 10/SNAPPER GROUPER AMENDMENT 44 AND APPROVE THE MODIFIED WORDING

OPTION 3. OTHERS??

**COMMITTEE ACTION: Public hearings in January and February 2017**

OPTION 1. APPROVE AMENDMENT 10 TO THE FISHERY MANAGEMENT PLAN FOR THE DOLPHIN WAHOO FISHERY OF THE ATLANTIC AND AMENDMENT 44 TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER GROUPER FISHERY OF THE SOUTH AS MODIFIED FOR PUBLIC HEARINGS. GIVE STAFF EDITORIAL LICENSE TO MAKE ANY NECESSARY EDITORIAL CHANGES TO THE DOCUMENT AND GIVE THE COUNCIL CHAIR AUTHORITY TO APPROVE THE REVISIONS.

OPTION 2. DO NOT APPROVE FOR PUBLIC HEARINGS

OPTION 3. OTHERS??