

## Public Comments for Dolphin Wahoo Amendment 7

The public comment period for Dolphin Wahoo Amendment 7 was November 1 – 20, 2013. Eight written comments were accepted during this period. Council staff hosted an information session and public hearing via webinar on Monday, November 18, 2013. While seven people listened in on the webinar, none chose to make oral public comment. An additional public comment period will be held on Thursday, December 5, 2013 as part of the South Atlantic Council's quarterly meeting in Wilmington, NC.

**All comments received were in favor** of allowing fillets of dolphin and wahoo caught in the Bahamas to be brought into the U.S. EEZ. There were no comments received in opposition to this action.

### Specific comments received:

The most frequently cited comment in addition to being in favor of the action was that in general, fishermen want the Council to find a way to allow fishermen to bring back into the U.S. any dolphin and wahoo that are legally landed in the Bahamas, even if the fish in their possession do not conform to U.S. possession limits. As long as they do not fish in the U.S. EEZ and possess proper Bahamian cruising and fishing permits, they feel they should be allowed to bring them back on board their vessel.

There is some concern that there are vessels that go to the Bahamas for the entire season and when they return to the U.S. frequently they only have two persons onboard. Allowing fishermen to bring back only four wahoo is considered by some to be a hardship.

There is also concern by fishermen if only two fillets per fish are allowed. It is impracticable, if not impossible to bring back only two fillets per fish, especially from larger fish. Fishermen would prefer not to have a limit on the number of fillets per fish they are allowed to bring back into the U.S. EEZ. Many fishermen prefer to fillet the fish and vacuum seal them before storing them as it keeps the fish fresher and safer for consumption. Requiring one fillet per side of fish makes this nearly impossible, especially for larger dolphin and wahoo.

For the most part, fishermen do not mind having to keep the skin on the fish to aid in species identification.

I attended Monday night's webinar.

First of all, let me commend you for taking action on this issue. Law abiding citizens going to court and getting fined is not right. We've been bringing back fillets for decades, and to now enforce unknown laws is not fair. I appreciate the fact that you are trying to correct this.

Second, I appreciate your urgency. I make 3 to 5 trips to the Bahamas every summer, and we cancelled one last year due to this controversy. We would like to return next spring, but we will not go if this issue is not cleared up.

We are law abiding citizens. I have no desire to spend time in a Bahamian jail or have my boat impounded. We always clear in the Bahamas before fishing, and always clear in the US when we return. We typically visit for more than a week, so keeping whole fish is not practical. While we are not trying to fill the freezer, we do keep some of the trophy fish and tag the smaller ones. We fillet, vacuum bag, and freeze the fillets so they are of good quality. Why can't I bring them home?

I can ship them back on a plane, or cruise ship, or container ship, or freighter, and probably could send them on a motor yacht, so why can't I transport them on my fishing boat? It seems large, fast center console boats are being profiled and targeted. I agree that if I'm fishing on the way home, that would make for a confusing situation, but I'm not fishing, I'm merely transporting my legal catch through the EEZ.

I've reviewed the summary presentation. While I think it is a step in the right direction, there is much more that could be done. As currently proposed, the rules can change based on whether or not fillets are on board. This is wrong. No fillets, and I can poach and substantially exceed Bahamian limits. Fillets on board, both regulations apply, so I need to have enough passengers to cover the 2 wahoo per person rule. Your examples show how confusing this could be, plus:

- What happens if I have snapper or grouper fillets? What category do I fall into? Tuna fillets? Tripletail or triggerfish fillets?
- Some boats go over for the entire season, and only the captain and mate return with the boat. Only 4 wahoo all year?
- What about a cargo ship with processed fish from other Caribbean nations heading for markets in the US?

It looks like the issue is pretty clear to me. Slide 2 states 50 C.F.R. § 622.276 applies to fish in or from the Atlantic EEZ, and to operators of vessels fishing in the EEZ. Slide 3 requires "The vessel does not stop or engage in any fishing activity in the Atlantic EEZ until it reaches a U.S. port." I'm not a lawyer, but it seems pretty cut and dried: Stop and fish, and U.S. limits apply. Transition through, and Bahamian limits apply.

Bottom line: treat pelagics the same way that snapper and grouper are treated now. It's that easy!

One last topic: it was discussed to perhaps require the skin to be left on, or only allow 2 fillets per fish. I only know one person that freezes dolphin with the skin on. And where would you find Ziplocs or vacuum bags for a 40# dolphin or 50# wahoo fillet? And that might be a bit much to defrost for the family for dinner! Let's be reasonable.

Sorry for the length of this response, but I am passionate about fishing in the Bahamas. Our last trip, we gave away all the dolphin and froze two 50# tuna whole. They did not turn out well. It was a terrific trip, but I felt bad about wasting the fish. I'm looking forward to your quick resolution of this problem, before my trip next April. Thanks for your attention.

Capt Bob Frevert

[FrevertBob@aol.com](mailto:FrevertBob@aol.com)

My friends and I travel to the Bahamas several times a year. We stay for a couple of days to a couple of weeks. We follow the Bahamian laws, and the Bahamians are happy to see us and our cash.

The current law is ridiculous. Below is one of my friend's thoughts.

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WOW... politicians and lawmakers: we should just call them professional obfuscators. No matter how simple a matter might be, they can always figure out a way to make it seem extremely complicated and confusing for the poor bastards that will ultimately have to comply with whatever moronic law they come up with!

How about this:

If you are obviously returning straight from the Bahamas (a GPS track history is a simple way to show this!), and you have a stamped passport showing you legally cleared customs in the Bahamas, (fishing permit or NOT!), then you're good to go, sorry for bothering you, have a nice day!! You were obviously NOT fishing in the US or local waters, so the US and local authorities have no business in what you may have caught or kept or whether or not you had a Bahamian fishing permit to do so! Please go straight to the dock and unload your catch and enjoy the harvest that you have paid so dearly to obtain! And, thanks for helping both the US and Bahamian economies by spending enormous amounts of your hard earned money on fuel, bait, supplies, accommodations and other stuff! It's mostly "thanks to you" that our respective governments even have enough money to employ people like me to ~~harass~~ protect our citizens in the first place.

If you cannot prove that you cleared customs in the Bahamas, then you have to comply with local and US regs. Good luck! Hope you have a mobile electronic device onboard so that you can at least try to keep up with the continual changes we are always making to the myriad of confusing rules and regulations

Thank for taking action on this issue. Law abiding citizens going to court and getting fined is not right. We've been bringing back fillets for many years, and to now enforce unknown laws is not fair. I appreciate the fact that you are trying to correct this.

We are law abiding citizens and have no desire to spend time in a Bahamian jail or have my boat impounded. Sometimes we visit for more than a week, so keeping whole fish is not practical. While we are not trying to fill the freezer, we do keep some of the larger fish. We fillet, vacuum bag, and freeze the fillets so they are of good quality. Why can't I bring them home?

I can ship them back on a plane, or cruise ship, or container ship, or freighter, and probably could send them on a motor yacht, so why can't I transport them on my fishing boat?

I am particularly concerned that center console boats are being profiled and targeted! I agree that if I'm fishing on the way home, that would make for a confusing situation, but I'm not fishing, I'm merely transporting my legal catch through the EEZ.

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Bottom line: treat pelagics the same way that snapper and grouper are treated now. It's that easy!

One last topic: it was discussed to perhaps require the skin to be left on, or only allow 2 fillets per fish. I only know one person that freezes dolphin with the skin on. And where would you

find Ziplocs or vacuum bags for a 40# dolphin or 50# wahoo fillet? And that might be a bit much to defrost for the family for dinner! Let's be reasonable.

On a separate note, the conch rules are ridiculous too!. I can fly them back, but cannot bring them on my boat, even if my boat has no freezer and they are frozen in a block, I have a receipt from purchase, and have Bahamian paperwork. But my neighbor can bring them home on his airplane?

Our government needs to wake up and be more rational.

Thank you  
Kris Heiser

I am totally confused with the rationale behind the current regulations on bringing fish back from the Bahamas. I have been going to the Bahamas since 1968 and have always brought back fillets due to the fact that it is impossible to secure enough ice to keep several whole Dolphin or Wahoo cold for two days or so. My boat partner was in the Bahamas and caught several Wahoo and Dolphin as well as a 50lb Tuna (four fisherman). There was no way to get enough ice to keep the fish for the two days remaining on his trip so he had to fillet the fish. He was stopped on the way back, the fish were confiscated and he got a date in court. This is an example of what went on all summer. Why does the US insist in enforcing US fishing regulations on boats coming back from the Bahamas? It makes no sense. As long as the captain can show they were in transit directly home from the port of departure in the Bahamas, why not allow Bahamian fishing laws to stand? Enforcing the lowest denominator between the US and Bahamian fishing laws is confusing and makes it impossible to keep fish whole for more than a day or so. I understand the US EEZ regulations; however, they should not override Bahamian fishing regulations when fish are being brought back. Every boat has a GPS that can show the course taken from the Bahama port of departure. That and the proper Bahamian paperwork is all that should be required to demonstrate where the fish were caught when a boat is checked. The fillets and or whole fish take should comply with Bahamian law – **Period!!!!**

The Florida economy benefits greatly from boats going to the Bahamas. Prior to going, the fisherman need a boat, bait, rigs, tackle, fuel, dive gear etc.

Upon returning, the boats need refueling, probably engine service, and the fishermen need to restock their gear. Continuation of the current regulations will discourage trips to the Bahamas and hurt local economies. Additionally, if fish are brought back whole, there is the temptation to sell them; however, fillets typically cannot be sold. This would discourage the black market sale of fish. An angler with fillets meeting Bahamian regulations is clearly bringing back the catch for personal consumption.

All that is needed is some common sense in this matter. Just require US regulations for fish caught in the US EEZ and Bahamian regulations for fish caught in the Bahamas. Plain and simple?

Thanks,

Thomas Johnson  
Floridian resident and fisherman for 60+ years

After reviewing again, sleeping on it and talking to a few people the amendment is a step in the right direction but is far from a comprehensive solution to the problem.

Thank you.

Nikolaus Schroth



Please be advised I have reviewed the proposed amendment and take issue with the following parts of the amendment. I recognize that the points I bring up may be related to existing laws, other than the fillet pelagic issue. The intent of my endeavor to educate the SAFMC about the injustices of law enforcement action on the recreational fisherman traveling back from the Bahamas were related to the differences between the laws of the Bahamas and the laws of the SAFMC and Florida. Please take time to resolve these differences, it is unfair to the recreational angler and it is unfair to the Law Enforcement officers that you task with the responsibility of enforcing these laws to create such confusion.

In my mind it is very simple, if I am taking fish from the Bahamas I am to abide by Bahamian laws regardless of where I take those fish. Until you use that logic you will continue to hear outrage from the South Florida fishermen. You have drones that monitor us returning from the Bahamas, so you should know where these fish are being taken from.

- This amendment would limit boats on return to 10 dolphin and 2 wahoo per person- Completely unacceptable. Although this doesn't have much effect with regard to dolphin, a 2 per person wahoo limit is inconsistent with the Bahamian Laws and would create an impractical situation where I can be punished upon return from the Bahamas all the while having been in compliance with the laws of the land where the fish was taken.
- Page S-2 seems to imply that if the boat doesn't have filleted fish then it would have to obey US laws. Regardless of whether there are filled fish on board or not, the boat with proof of having caught the fish in the Bahamas should only be bound by Bahamian Laws.
- There is discussion about requiring skin to stay on the fish. If an FWC officer cannot distinguish Wahoo from Dolphin from Tuna from Kingfish etc they should be, well they shouldn't be FWC.
- Your public hearing draft is quite in depth, which I can appreciate. However, you are regulating a resource of another country with no consideration to the impacts to that country. Particularly the Economic and Social Effects of that country, which you identify this amendment as having little effect. Please update the draft to include what the impacts of over regulating South Florida recreational fishermen returning from the Bahamas will have on the Bahamas. Although it is not part of your territory and as such, I can easily see how it has been overlooked as part of this draft, the impact SF boaters have on the Bahamas is huge. Several years ago the Bahamian government sought to tighten fishing regulations to 20lbs of scale fish (down from 60) and limited Pelagics to 6 total (down from 18). This was met with such an opposition by those who travel to the Bahamas that when the economic impact of these groups not traveling to the Bahamas was realized the law was quickly changed back. Please understand that tourism is the only economy for the Bahamas and recreational sport fishermen are the only ones that support most of the out island areas such as Bimini, West end, Great Harbor/Walkers Cay, Spanish Cay, Great Harbor, Cat Cay, Sweetings Cay, the Abaco's etc. When the revenues from south Florida Sport fishing gets taken away these people still have to put food on their table and often times turn to illegal activity such as drug running or poaching.
- I would like to point out that in the List of Agencies, Organizations, and persons Consulted is included people from Georgia, South Carolina, North Carolina, Gulf of Mexico, New England and the Washington office of NMFS. Although I am sure that there are people in FWC, the 4 branches of SAFMC and some of the other FLA agencies that can speak a little bit to how travel to the Bahamas works, I don't see CCA or any other organization, person etc. that would be able to with any high level of experience speak to the logistics of travelling to the Bahamas. Although this does capture the essence of my initial discussions and the reason for my petition, attending SAFMC meetings and FWC meetings, it brings to light the issue relative to the Wahoo bag limit.

I reached out a month ago to find out how this was going to be written as I was afraid of these issues. The prevailing issue here is that the laws pertaining to boats returning from the Bahamas should be the Bahamian laws, in fact, it is part of the Lacey Act that LE officers need to enforce the laws of the land where the resource was taken. Please consider that I am a Florida native of 30 years, grew up travelling to the Bahamas, hold a bachelor's degree from UCF, have family in state law enforcement and until my phone conversation today with Brian I didn't realize that the bag limit on Wahoo returning from the Bahamas was 2 per person, because logic would tell me if I am returning from the Bahamas then I would have to be in compliance with their laws. If I can't figure out the laws imagine how many other people are just downright confused by them.

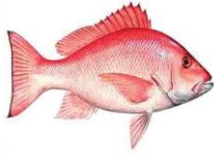
Sincerely,

Nikolaus M. Schroth, CCIM  
Vice President/Broker Associate



2055 S. Kanner Highway  
Stuart, FL 34994

# SOUTHEASTERN FISHERIES ASSOCIATION (SFA)



## EAST COAST FISHERIES SECTION (ECFS)

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Mr. Bob Mahood, Executive Director  
Dolphin Wahoo Amendment 7 Comments  
South Atlantic Fishery Management Council  
4055 Faber Place Drive, Suite 201  
North Charleston, SC 29405

Date: Tuesday November 19, 2013

Re: Dolphin Wahoo Amendment 7 regulatory change to allow dolphin and wahoo fillets to be transported from the Bahamas by US recreational vessels, with restrictions

<mailto:DWAmend7Comments@safmc.net>

Mr. Mahood,

The Southeastern Fisheries Association (SFA) East Coast Fisheries Section (ECFS) is submitting this written comment to the South Atlantic Fishery Management Council (SAFMC) with regard to the current Dolphin-Wahoo (DW) Amendment 7 regulatory changes to allow dolphin and wahoo fillets to be transported from the Bahamas by US recreational vessels, with restrictions.

SFA ECFS supports the DW Amendment 7 quoted reasoning identified in the;

### ***"Pros and Cons of Dolphin Wahoo Amendment 7"***

#### **Pros**

- ☐ *Fillets take up less room in a cooler, thus easier to transport safely.*
- ☐ *Regulations will be consistent with what is currently allowed for bringing snapper grouper species from The Bahamas*

#### **Cons**

- ☐ *A vessel with dolphin or wahoo fillets onboard must be in continuous transit within the U.S. EEZ (i.e., cannot stop or fish).*
- ☐ *Vessels would be restricted to 10 dolphin and 2 wahoo per person, and must be in compliance with Bahamian regulations (i.e. have valid Bahamian cruising and fishing permits and no more than 18 fish total in any combination of king mackerel, tuna, dolphin, or wahoo)."*

*"In December 2013, the South Atlantic Council will also consider whether fillets brought into the U.S. EEZ would be required to have the skin intact on the fish to aid law enforcement in species identification."*

Jimmy Hull, Chair, SFA ECFS jgh/rhh

Greetings,

I truly appreciate all the effort of SAMFC reviewing and addressing the pelagic fishing regulations of Dolphin and Wahoo under Amendment 7 that deals with fish being brought in to the US EEZ from the Bahamas. As a frequent traveler/fisherman in the Bahamas I will tell you allowing an exemption from having to keep head and fins intact is a welcomed provision that will enable U.S. residents who travel to and from the Bahamas to preserve their catch in a much more practical manner. I appreciate you recognizing the need for such.

I do want to encourage the SAMFC to try to promote consistency with this exemption for purposes of enforcement of laws that differ between two countries. Currently Bahamian law allows for 18 pelagic species to be onboard a vessel. Under the proposed exemption regarding having head and fins intact, it appears as the vessel would be subject to US law and only allow for 2 wahoo per person. This is not consistent with Bahamian law and needs to be addressed.

If the SAFMC is going to grant an exemption for requiring fish head and fins to be intact it would also make logical sense to make the law(s) consistent to Bahamian law which allows for a total of 18 pelagic species. Please look into this provision and future issues concerning fish being transported thru the EEZ and I encourage you to make the changes to reflect one simple, easy to know, follow, and enforce premise: **If a vessel is returning from the Bahamas thru the EEZ and can provide valid Bahamian Cruising and Fishing Permit – That vessel should be bound by Bahamian law(s).**

Again, thank you to all the folks at SAFMC for looking onto these issues and I hope you are able to write Amendment 7 that will promote consistency/ease of enforcement between Bahamian and U.S. law.

I welcome any feedback or questions regarding my above comments.

Best,  
Hub



Building | Maintenance | Solutions

**Hub Spooner**

**President**

**City Wide Maintenance of South Florida**

To whom this concerns:

A simple clarification of the existing guidelines to prevent the ill treatment of US Citizens by US law enforcement agencies is what is needed not a new amendment. My goal is to not be cited unnecessarily for laws I have not broken in the Bahamas when entering the US from the Bahamas. What is the goal of the SAFMC by proposing this amendment 7?

Does the current Bahamian law regulate catch in Bahamian waters when recreational visitors are cleared through the immigration and customs process? If so why would the SAFMC need to redefine those take limits and the transportation of fillet fish during the time abroad in the Bahamas by any US citizen engaged in recreational fishing under Bahamian law? The proposed amendment is inconsistent with the Bahamian law.

- 1) Is the Amendment aligned with the Bahamian laws for fishing?
- 2) Why would boats cleared through the Bahamian process with a legal Bahamas fishing permit be bound by US or SAFMC laws? Or found in violation of any US law while in the legal frame work of Bahamian laws?
- 3) Why would any US citizen be cited when in possession of both fish that are filleted and fish that are whole head when that take is consistent with the number to the days of stay in the Bahamas?
- 4) Why are law enforcement officers allowed to cite a recreational US citizen, having broken no other law, for fish possession limits, when inbound to the US from the Bahamas?

As a visitor of the Bahamas I pay for the right to visit, fish and stay in the Bahamas as their guest under their laws. Why is the SAFMC combative with this arrangement?

Thank you for your help in understanding the intent of this amendment and the SAFMC's goals.

