Amendment 7

to the Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic

and Amendment 33

to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic

Provision to allow dolphin and wahoo fillets to be brought into the U.S. Exclusive Economic Zone from The Bahamas and related issues for dolphin wahoo and snapper grouper species

March, 2014

Definitions, Abbreviations, and Acronyms Used in the Document

ABC	acceptable biological catch
ACL	annual catch limits
AM	accountability measures
ACT	annual catch target
B	a measure of stock biomass in either weight or other appropriate unit
B_{MSY}	the stock biomass expected to exist under equilibrium conditions when fishing at F_{MSY}
B_{OY}	the stock biomass expected to exist under equilibrium conditions when fishing at F_{OY}
B_{CURR}	the current stock biomass
CPUE	catch per unit effort
DEIS	draft environmental impact statement
EA	environmental assessment
EEZ	exclusive economic zone
EFH	essential fish habitat
F	a measure of the instantaneous rate of fishing mortality
$F_{30\%SPR}$	fishing mortality that will produce a static SPR = 30%
F_{CURR}	the current instantaneous rate of fishing mortality
F_{MSY}	the rate of fishing mortality expected to achieve MSY under equilibrium conditions and a corresponding biomass of B_{MSY}
F_{OY}	the rate of fishing mortality expected to achieve OY under equilibrium conditions and a corresponding biomass of B_{OY}
FEIS	final environmental impact statement
FMP	fishery management plan
FMU	fishery management unit
M	natural mortality rate
MARMAP	Marine Resources Monitoring Assessment and Prediction Program
MFMT	maximum fishing mortality threshold
MMPA	Marine Mammal Protection Act
MRFSS	Marine Recreational Fisheries Statistics Survey
MRIP	Marine Recreational Information Program
MSFCMA	Magnuson-Stevens Fishery Conservation and Management Act
MSST	minimum stock size threshold
MSY	maximum sustainable yield
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
OFL	overfishing limit
OY	optimum yield
PSE	proportional standard error
RIR	regulatory impact review
SAFMC	South Atlantic Fishery Management Council
SEDAR	Southeast Data, Assessment, and Review
SEFSC	Southeast Fisheries Science Center
SERO	Southeast Regional Office
SIA	social impact assessment
SPR	spawning potential ratio
SSC	Scientific and Statistical Committee

Amendment 7 to the Fishery Management Plan for the Dolphin and Wahoo Fishery for the Atlantic

Including a Categorical Exclusion (CE), Regulatory Impact Review (RIR), and Fishery Impact Statement (FIS)

Responsible Agencies and Contact Persons:

National Marine Fisheries Service
Southeast Regional Office
263 13th Avenue South
Saint Petersburg, Florida 33701
727-824-5305
727-824-5308 (fax)
http://sero.nmfs.noaa.gov
Contact: Nikhil Mehta
nikhil.mehta@noaa.gov

South Atlantic Fishery Management Council
4055 Faber Place Dr., Suite 201,
North Charleston, South Carolina 29405
843-571-4366
813-769-4520 (fax)
http://www.safmc.net
Contact: Brian Cheuvront
brian.cheuvront@safmc.net

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SUMMARY

of

AMENDMENT 7

to the Fishery Management Plan for the Dolphin and Wahoo Fishery for the Atlantic

Why is the South Atlantic Council Taking Action?

The South Atlantic Fishery Management Council (South Atlantic Council) was approached by recreational fishermen who requested a change in the regulations that currently make it illegal to bring filleted dolphin and wahoo into the U.S exclusive economic zone (EEZ) from Bahamian waters. Fishermen contend that storing fish safely with head and fins intact is difficult and impractical due to the size of the fish. The purpose of Amendment 7 to the Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic (Dolphin Wahoo Amendment 7) is to allow fishermen to bring dolphin and wahoo fillets from The Commonwealth of The Bahamas (The Bahamas) into the U.S. EEZ. Regulations at 50 C.F.R. § 622.186 (b) currently allow fillets of snapper grouper species from The Bahamas to be brought into the U.S. EEZ. The need for this action is to increase economic and social benefits to fishermen by removing unnecessary restrictions and implementing regulations for dolphin and wahoo that are consistent with snapper grouper species.

What would Dolphin Wahoo Amendment 7 do?

Dolphin Wahoo Amendment 7 would allow fillets of dolphin and wahoo lawfully harvested by fishermen from The Bahamas to be brought into the United States through the Atlantic EEZ

The current relevant regulations for dolphin and wahoo found at 50 C.F.R. § 622.276 (Landing fish intact) are:

(a) Dolphin and wahoo in or from the Atlantic EEZ must be maintained with head and fins intact. Such fish may be eviscerated, gilled, and scaled, but must otherwise be maintained in a whole condition.

(b) The operator of a vessel that fishes in the EEZ is responsible for ensuring that fish on that vessel in the EEZ are maintained intact and, if taken from the EEZ, are maintained intact through offloading ashore, as specified in this section.

Dolphin Wahoo Amendment 7 would allow dolphin and wahoo that are lawfully harvested in Bahamian waters to be exempt from the requirement that they be maintained with head and fins intact in the Atlantic EEZ, provided valid Bahamian fishing and cruising permits are on board the vessel, and the vessel is in transit through the Atlantic EEZ. A vessel is in transit through the Atlantic EEZ when it is on a direct and continuous course through the Atlantic EEZ and no one aboard the vessel fishes in the EEZ.

Pros and Cons of Dolphin Wahoo Amendment 7

Pros

- Fillets take up less room in a cooler, thus easier to transport safely.
- Regulations would be consistent with what is currently allowed for bringing snapper grouper species from The Bahamas into the U.S. EEZ.

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).

While in Bahamian waters, fishermen would be required to obtain the necessary Bahamian cruising and fishing permits and obey all Bahamian regulations. If dolphin or wahoo are retained from Bahamian waters and the vessel transits back into U.S. waters with any filleted dolphin or wahoo, Bahamian cruising and fishing permits must remain on the vessel. If there are no filleted fish onboard once the vessel returns to the Atlantic EEZ, all U.S. possession and size limits must be adhered to regardless of where the fish were caught. **If there are filleted fish onboard while the vessel is in the U.S. EEZ, the vessel and fishermen would be required to abide by all U.S. federal regulations including possession limits. Furthermore, the vessel possessing fillets may not engage in any fishing, and must remain in a continuous transit until reaching a U.S. port.** 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.

Summary of Effects

Allow dolphin and wahoo that are lawfully harvested in Bahamian waters to be exempt from the requirement that they be maintained with head and fins intact in the Atlantic EEZ, provided valid Bahamian fishing and cruising permits are on board the vessel, and the vessel is in transit through the Atlantic EEZ. A vessel is in transit through the Atlantic EEZ when it is on a direct and continuous course through the Atlantic EEZ and no one aboard the vessel fishes in the EEZ.

Biological Effects

The management measure proposed in Dolphin Wahoo Amendment 7 would allow legally harvested dolphin and wahoo from The Bahamas to be filleted and transported on vessels through the Atlantic EEZ to the U.S. Vessels with dolphin and wahoo fillets would not be allowed to stop and fish in the U.S. EEZ, therefore, no biological impact on species included in the Dolphin Wahoo FMP would be expected.

Economic Effects

Allowing dolphin and wahoo to be brought into the Atlantic EEZ from The Bahamas is not expected to have significant economic effects for the U.S. Atlantic dolphin wahoo fishery. Fishermen carrying dolphin and wahoo fillets from The Bahamas could not fish for any South Atlantic Council managed species in the Atlantic EEZ; however, negative economic effects would be expected to be minimal.

Social Effects

The effects of the proposed action on the fishing fleets, and associated businesses and communities, are expected to be minimal. Allowing filets to be brought into the U.S. EEZ could contribute to improved quality of dolphin and wahoo caught on these trips since whole fish would not have to be stored with head and fins intact. This management measure could be beneficial to South Atlantic fishermen harvesting dolphin and wahoo in The Bahamas, particularly for fishermen coming in and out of south Florida and the Florida Keys.

Administrative Effects

The management measure in Dolphin Wahoo Amendment 7 would make regulations regarding transport of dolphin and wahoo fillets from The Bahamas to the U.S. consistent with existing regulations for snapper grouper species. This would help reduce confusion among fishermen. However, NMFS Office of Law Enforcement has expressed concern over enforcing the bag limits in the U.S. EEZ, as well as Lacey Act as it applies to vessels claiming to be returning from The Bahamas.

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Chapter 1.
Introduction

1.1 What Is Being Proposed in Dolphin Wahoo Amendment 7?

Dolphin Wahoo Amendment 7 would allow:

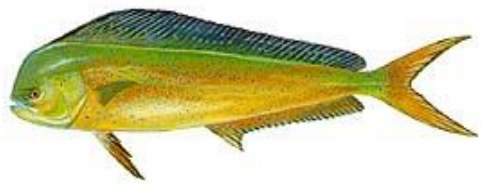
- Fishermen to bring dolphin and wahoo fillets from The Bahamas into the U.S. exclusive economic zone (EEZ).

1.2 Who is Proposing the Management Measure?

The South Atlantic Fishery Management Council (South Atlantic Council) is proposing this management measure. The South Atlantic Council recommends management measures and submits them to the National Marine Fisheries Service (NMFS) who ultimately approves, disapproves, or partially approves, and implements the actions in the amendment through the development of regulations on behalf of the Secretary of Commerce. NMFS is an agency in the National Oceanic and Atmospheric Administration within the Department of Commerce.

South Atlantic Fishery Management Council

- Responsible for conservation and management of fish stocks in the South Atlantic Region
- 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
- Responsible for developing fishery management plans and amendments under the Magnuson-Stevens Act; recommends actions to NMFS for implementation
- Management area is from 3 to 200 miles off the coasts of North Carolina, South Carolina, Georgia, and east Florida through Key West with the exception of Mackerel which is from New York to Florida, and Dolphin-Wahoo, which is from Maine to Florida



1.3 Where is the Project Located?

Management of the federal dolphin and wahoo fishery located off the eastern United States (Atlantic) in the 3-200 nautical miles U.S. EEZ is conducted under the Dolphin Wahoo FMP (SAFMC 2003) (**Figure 1-1**).

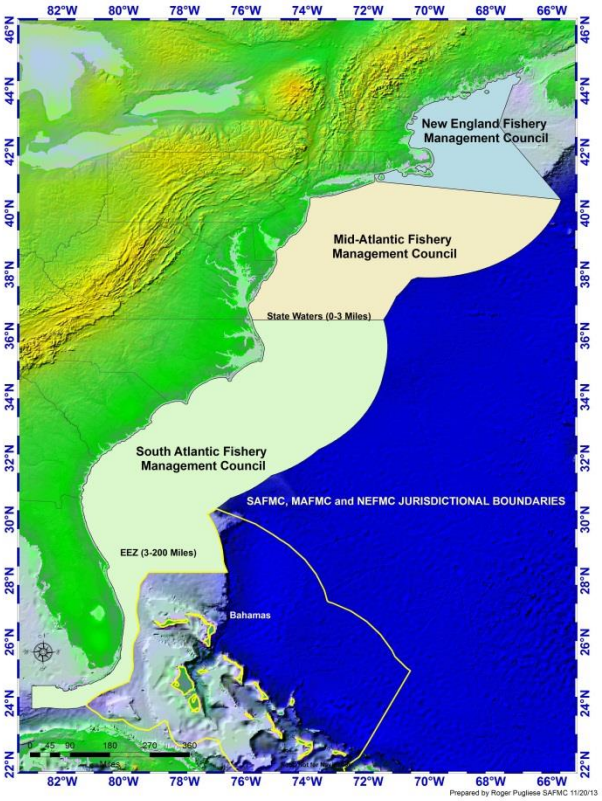


Figure 1-1. The EEZ of The Bahamas and jurisdictional boundaries of the Dolphin and Wahoo Fishery Management Plan for the Atlantic as managed by the South Atlantic Fishery Management Council.

1.4 Why are the Council and NMFS Considering this Action?

In spring of 2013, the South Atlantic Council was approached by recreational fishermen who requested changes to regulations that currently make it illegal to bring filleted dolphin and wahoo into the EEZ from Bahamian waters. The fishermen contend that storing fish safely with head and fins intact is difficult and impractical. Regulations currently allow fillets of snapper grouper species from The Bahamas to be brought into the U.S. EEZ. Inconsistent regulations for snapper grouper and dolphin wahoo is confusing to fishermen and a law enforcement concern.

The purpose of this management measure is to allow fishermen to bring dolphin and wahoo fillets from The Bahamas into the U.S. EEZ. The management measure is needed to increase the social and economic benefits to fishermen by removing impediments to the possession of fish in the U.S. EEZ that were legally harvested in Bahamian waters and the harvest of which would not adversely impact U.S. resources.

1.5 What are the regulations for snapper grouper species regarding fillets being brought from The Bahamas?

Current regulations for snapper grouper at 50 C.F.R. § 622.186 (landing fish intact) are:

(a) South Atlantic snapper grouper in or from the South Atlantic EEZ must be maintained with head and fins intact, except as specified in paragraph (b) of this section. Such fish may be eviscerated, gilled, and scaled, but must otherwise be maintained in a whole condition. The operator of a vessel that fishes in the EEZ is responsible for ensuring that fish on that vessel in the EEZ are maintained intact and, if taken from the EEZ, are maintained intact through offloading ashore, as specified in this section.

(b) In the South Atlantic EEZ, snapper grouper lawfully harvested in Bahamian waters are exempt from the requirement that they be maintained with head and fins intact, provided valid Bahamian fishing and cruising permits are

on board the vessel and the vessel is in transit through the South Atlantic EEZ. For the purpose of this paragraph, a vessel is in transit through the South Atlantic EEZ when it is on a direct and continuous course through the South Atlantic EEZ and no one aboard the vessel fishes in the EEZ.

1.6 What are the regulations in The Bahamas?

Current Bahamian regulations state that: "any migratory fishery resource (such as kingfish, dolphin, tuna, or wahoo) that is caught shall not in total exceed 18 fish aboard the vessel at any time." Bahamian regulations do not prohibit filleting these species. For more information, see: http://laws.bahamas.gov.bs/cms/images/LEGISLATION/SUBORDINATE/1986/1986-0010/FisheriesResourcesJurisdictionandConservationRegulations_1.pdf

1.7 What are the regulations in Florida?

In Florida, dolphin and wahoo are required to be landed whole in State waters. Current regulations in the State of Florida (Atlantic side) for dolphin are a bag limit of 10 fish per person or 60 per vessel (whichever is less), a size limit of 20 inch fork length, and no seasonal closure . For more information, see: https://www.flrules.org/gateway/ChapterHome.asp?Chapter=68B-41

Wahoo has a 2 fish per person bag limit, no minimum size limit, and no seasonal closure. For more information, see: https://www.flrules.org/gateway/ChapterHome.asp?Chapter=68B-57

1.8 What is the History of Management for Dolphin and Wahoo?

Dolphin and wahoo were originally a part of the Fishery Management Plan for Coastal Pelagic Resources in the Gulf of Mexico and South Atlantic Regions. Under that plan, a control date of May 21, 1999, for possible future limited entry was established for the commercial dolphin and wahoo fishery in the South Atlantic.

Dolphin and wahoo regulations were first implemented in 2003 through a separate Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic (SAFMC 2003). That plan established:

1. A separate management unit for dolphin and wahoo in the U.S. Atlantic
2. A dealer permit
3. For-hire and commercial vessel permits
4. For-hire and commercial operator permits
5. Reporting requirements
6. Maximum Sustainable Yield (MSY) and Optimal Yield (OY)
7. Defined overfishing
8. A management framework
9. Prohibit recreational sale of dolphin or wahoo except by for-hire vessels with a commercial permit
10. A 1.5 million lb or 13% of the total catch soft cap for the commercial sector
11. A recreational bag limit of 10 dolphin per person, 60 dolphin per vessel maximum
12. A minimum size limit of 20 inches fork length off Georgia and Florida
13. A commercial trip limit of 500 lb of wahoo with no at-sea transfer
14. A recreational bag limit of 2 wahoo per person, per day
15. Allowable gear for dolphin and wahoo in the Atlantic EEZ as longline; hook and line gear including manual, electric, or hydraulic rod and reels; bandit gear; handline; and spearfishing gear (including powerheads)

16. A prohibition on the use of surface and pelagic longline gear for dolphin and wahoo within any "time or area closure" in the South Atlantic Council's area of jurisdiction (Atlantic Coast) which is closed to the use of pelagic gear for highly migratory pelagic species
17. The fishing year of January 1 to December 31 for the dolphin and wahoo fishery
18. Essential Fish Habitat (EFH) for dolphin and wahoo as the Gulf Stream, Charleston Gyre, and Florida Current
19. Essential Fish Habitat-Habitat Areas of Particular Concern (EFH-HAPC) for dolphin and wahoo in the Atlantic to include The Point, The Ten-Fathom Ledge, and Big Rock (North Carolina); the Charleston Bump and The Georgetown Hole (South Carolina); The Point off Jupiter Inlet Florida); The Hump off Islamorada, Florida; The Marathon Hump off Marathon, Florida; and The "Wall" off of the Florida Keys

The Fishery Management Plan for Pelagic Sargassum Habitat in the South Atlantic Region (SAFMC 2002) and the Comprehensive Ecosystem-Based Amendment 1 (SAFMC 2009a) designated additional EFH and EFH-HAPCs for dolphin and wahoo.

The Comprehensive ACL Amendment (SAFMC 2011) established the acceptable biological catch (ABC) control rule, ABC, annual catch limits, OY, and accountability measures in the dolphin and wahoo fishery. The Comprehensive ACL Amendment also set an annual catch target for the recreational sector dolphin and wahoo.

Chapter 2. Proposed Actions

Dolphin or wahoo that are lawfully harvested in Bahamian waters are exempt from the requirement that they be maintained with head and fins intact in the U.S. EEZ, provided valid Bahamian fishing and cruising permits are on board the vessel and the vessel is in transit through the South Atlantic EEZ.

Current regulations for dolphin and wahoo are found at 50 C.F.R. § 622.276 (landing fish intact) are:

(a) Dolphin and wahoo in or from the Atlantic EEZ must be maintained with head and fins intact. Such fish may be eviscerated, gilled, and scaled, but must otherwise be maintained in a whole condition.

(b) The operator of a vessel that fishes in the EEZ is responsible for ensuring that fish on that vessel in the EEZ are maintained intact and, if taken from the EEZ, are maintained intact through offloading ashore, as specified in this section.

The South Atlantic Council's intent is for dolphin and wahoo lawfully harvested in Bahamian waters to be exempt in the Atlantic EEZ from the requirement that they be maintained with head and fins intact, provided valid Bahamian fishing and cruising permits are on board the vessel and the vessel is in transit through the Atlantic EEZ. A vessel is in transit through the South Atlantic EEZ when it is on a direct and continuous course through the Atlantic EEZ and no one aboard the vessel fishes in the Atlantic EEZ.

The IPT recommends the above action be deleted and replaced with following actions based on direction given at the December 2013 meeting of the SAFMC:

Action 1: Consider exempting dolphin and wahoo harvested lawfully in The Bahamas from regulations that require them to be landed with head and fins intact in the U.S. EEZ.

Alternative 1 (No Action): Dolphin and wahoo in or from the Atlantic EEZ must be maintained with head and fins intact. Such fish may be eviscerated, gilled, and scaled, but must otherwise be maintained in a whole condition.

Alternative 2: Allow dolphin and wahoo brought into the U.S. EEZ from The Bahamas as fillets. The vessel must have valid current Bahamian cruising and fishing permits onboard the vessel. The vessel must be in continuous transit in the U.S. EEZ.

Subalternative 2a: Two fillets of dolphin or wahoo, regardless of the size of the fillet will count as 1 fish towards the possession limit.

Subalternative 2b: Regardless of the number of dolphin/wahoo fillets, 10 lbs of fillets will be counted as one fish.

Subalternative 2c: Regardless of the number of dolphin/wahoo fillets, 20 lbs of fillets will be counted as one fish.

Subalternative 2d: Regardless of the number of dolphin/wahoo fillets, 30 lbs of fillets will be counted as one fish.

Subalternative 2e: Regardless of the number of dolphin/wahoo fillets, 40 lbs of fillets will be counted as one fish.

Action 2. Consider an exemption of dolphin and wahoo harvested lawfully from The Bahamas from the bag and possession limits in the U.S. EEZ.

Alternative 1 (No Action): The bag limit for the possession of dolphin and wahoo lawfully harvested from the Bahamas, is 10

dolphin (60 dolphin per boat)/2 wahoo per person per day, in the U.S. EEZ.

Alternative 2: Exempt dolphin and wahoo lawfully harvested in The Bahamas from regulations for bag limits in the U.S. EEZ. *Note: If Alternative 2 in Action 1 is selected as preferred, a sub-alternative could be selected to define a fish in terms of fillets.*

Action 3: Consider reporting requirements for vessels bringing fillets of dolphin, wahoo, and snapper grouper species into the U.S. EEZ from The Bahamas.

Alternative 1 (No Action): There are no reporting requirements.

Alternative 2: Vessels lawfully bringing fillets of dolphin, wahoo, and snapper grouper species into the U.S. EEZ from The Bahamas must call law enforcement identifying themselves as having fish harvested in The Bahamas onboard.

Alternative 3: Vessels lawfully bringing fillets of dolphin, wahoo, and snapper grouper species into the U.S. EEZ from The Bahamas must have an operating, NMFS-approved VMS unit onboard.

Action 4. Consider requiring fillets of dolphin, wahoo, and snapper grouper species brought into the U.S. EEZ from The Bahamas to have the skin intact.

Alternative 1 (No Action): Snapper grouper fillets possessed in the U.S. EEZ from The Bahamas are currently not required to have skin intact.

Alternative 2: Snapper grouper fillets brought into the U.S. EEZ from The Bahamas must have the skin intact.

Alternative 3. Dolphin and wahoo fillets brought into the U.S. EEZ from The Bahamas must have the skin intact.

Action 5: Consider removing the exemption that allows fillets of snapper grouper species harvested lawfully in The Bahamas to be landed in the U.S. EEZ.

Alternative 1 (No Action): In the South Atlantic EEZ, snapper grouper lawfully harvested in Bahamian waters are exempt from the requirement that they be maintained with head and fins intact, provided valid Bahamian fishing and cruising permits are on board the vessel and the vessel is in transit through the South Atlantic EEZ.

Alternative 2: Require snapper grouper lawfully harvested in Bahamian waters to be maintained with head and fins intact.

Action 6. Consider exempting snapper grouper species harvested lawfully from The Bahamas from the bag and possession limits in the U.S. EEZ.

Alternative 1 (No Action): Snapper grouper species lawfully harvested from The Bahamas are subject to the bag and possession limits in the U.S. EEZ.

Alternative 2: Exempt snapper grouper lawfully harvested in The Bahamas from regulations for bag limits in the U.S. EEZ.

Chapter 3 Affected Environment

Amendment 7 to the Fishery Management Plan for the Dolphin Wahoo Fishery of the Atlantic (Dolphin Wahoo Amendment 7) addresses dolphin and wahoo fillets lawfully harvested in Bahamian waters. The reader is referred to Dolphin Wahoo Amendment 5 (SAFMC 2013) for details on the affected environment for these species in the Atlantic EEZ, and is summarized below.

3.1 Habitat Environment

Information on the habitat utilized by dolphin and wahoo in the Atlantic is included in Volume II of the Fishery Ecosystem Plan (SAFMC 2009b) and incorporated here by reference. The Fishery Ecosystem Plan can be found at: http://www.safmc.net/ecosystem/Home/EcosystemHome/tabid/435/Default.aspx

3.1.1 Essential Fish Habitat

Essential fish habitat (EFH) for dolphin and wahoo is the Gulf Stream, Charleston Gyre, Florida Current, and pelagic *Sargassum.*

Note: This EFH definition for dolphin was approved by the Secretary of Commerce on June 3, 1999, as a part of the South Atlantic Fishery Management Council's (South Atlantic Council) Comprehensive Habitat Amendment (SAFMC, 1998). Dolphin was included within the Fishery Management Plan for the Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region (Coastal Migratory Pelagics FMP). This definition does not apply to extra-jurisdictional areas.

3.1.2 Habitat Areas of Particular Concern

EFH-habitat of particular concern (HAPCs) for dolphin and wahoo in the Atlantic include The Point, The Ten-Fathom Ledge, and Big Rock (North Carolina); The Charleston Bump and The Georgetown Hole (South Carolina); The Point off Jupiter Inlet (Florida); The Hump off Islamorada, Florida; The Marathon Hump off Marathon, Florida; The "Wall" off of the Florida Keys; and Pelagic Sargassum.

Note: This EFH-HAPC definition for dolphin was approved by the Secretary of Commerce on June 3, 1999 as a part of the South Atlantic Council's Comprehensive Habitat Amendment (SAFMC 1998)(dolphin was included within the Coastal Migratory Pelagics FMP).

3.2 Biological and Ecological Environment

The marine environment in the Atlantic management area affected by actions in this environmental assessment is defined by two components (**Figure 3-1**). Each component is described in detail in Chapter 3 of Dolphin Wahoo Amendment 5 (SAFMC 2013).

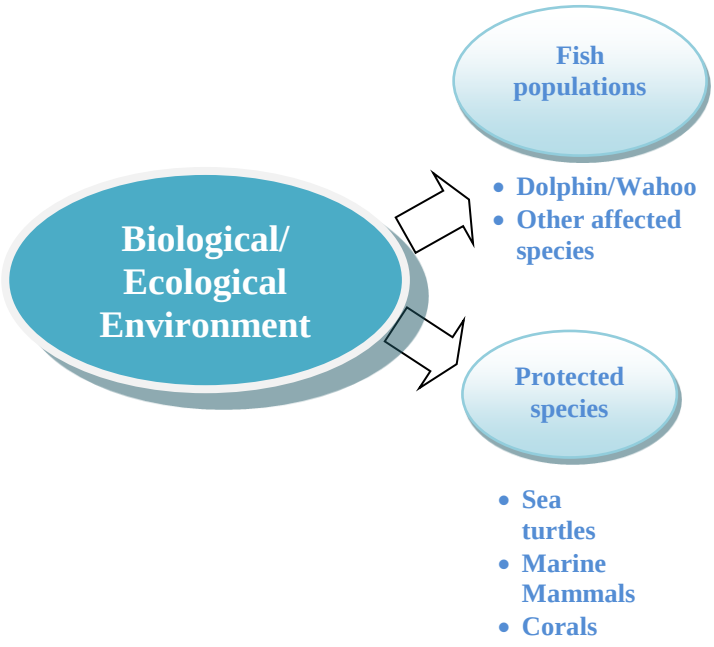


Figure 3-1. Two components of the biological environment described in this document.

3.2.1 Fish Populations

Dolphin and wahoo are highly migratory pelagic species occurring in tropical and subtropical waters worldwide. In the western Atlantic, dolphin and wahoo are distributed from Nova Scotia to Brazil, including Bermuda and the greater Caribbean region, and the Gulf of Mexico. They are found near the surface around natural and artificial floating objects, including *Sargassum* (in the Atlantic).

Dolphin eat a wide variety of species, including small pelagic fish, juvenile tuna, billfish, jacks, and pompano, and pelagic larvae of nearshore, bottom-living species. They also eat invertebrates such as cephalopods, mysids, and jellyfish. Large tuna, rough-toothed dolphin, marlin, sailfish, swordfish, and sharks feed on dolphin, particularly juveniles. Wahoo mainly feed on squid and fish, including frigate mackerel, butterfish, porcupine fish, and round herring. They generally compete with tuna for the same kind of food, but can feed on larger prey. A number of predators such as sharks and large tuna that share their habitat feed on young wahoo. Dolphin and Wahoo are likely to be caught when longline fishermen target other species such as billfish and tuna. Additional background information regarding the fish populations for dolphin and wahoo can be found in the Dolphin Wahoo FMP (SAFMC 2003) at: http://www.safmc.net/Library/Dolphin/Wahoo/tabid/410/Default.aspx

3.2.2 Dolphin, *Coryphaena hippurus*

In the western Atlantic ocean, dolphin are most common from North Carolina, throughout the Gulf of Mexico and Caribbean, to the northeast coast of Brazil (Oxenford 1999). Dolphin are highly migratory and pelagic with adults found in open water, and juveniles with floating seagrass and marine debris and occasionally

Dolphin Life History
An Overview

- Worldwide distribution; In the western Atlantic ocean, from Nova Scotia to Brazil (including Bermuda, The Bahamas, the Gulf of Mexico, and the Caribbean)
- Oceanic, adults in open water and juveniles with floating seagrass and marine debris
- Highly migratory
- Protracted multiple spawning behavior throughout the year, varying with region. Off North Carolina, peak spawning is during April through July
- Maximum age is 4 years (mean <2 years)

found in estuaries and harbors (Palko et al. 1982; Johnson 1978).

In a study by Schwenke and Buckel (2008) off North Carolina, dolphin ranged from 3.5 in (89 mm) fork length (FL) to 57 in (1451 mm) FL. Mean dolphin weight ranged from 14.2 lbs (6.44 kg) for males to 7.6 lbs (3.44 kg) for females. Estimated average growth rate was 0.15 in (3.78 mm)/day during the first six months, and maximum reported age was 3 years. Size at 50% maturity was slightly smaller for female dolphin (18.1 in FL; 460 mm), when compared with males (18.7 in FL; 475 mm); and peak spawning occurred from April through July off North Carolina (Schwenke and Buckel 2008). Prager (2000) estimated natural mortality for dolphin to be between 0.68 and 0.80.

For a more comprehensive record of the literature on the biology and ecology of dolphin, see **Section 3.0** in the Dolphin Wahoo FMP (SAFMC 2003) found at: http://www.safmc.net/Library/Dolphin/Wahoo/tabid/410/Default.aspx

3.2.3 Wahoo, *Acanthocybium solanderi*

In the western Atlantic, the highly migratory, pelagic wahoo are found from New York through Columbia including Bermuda, The Bahamas, the Gulf of Mexico, and the Caribbean (Theisen et al. 2008; Garber et al. 2005; Collette 2002). Wahoo typically occur far offshore, inhabit waters around pinnacles, reef edges, and walls, and may be attracted to oceanic frontal zones and temperature discontinuities (Garber et al. 2005).

Wahoo Life History
An Overview

- Worldwide distribution; In the western Atlantic wahoo are found from New York through Columbia (including Bermuda, The Bahamas, the Gulf of Mexico, and the Caribbean)
- Oceanic
- Highly migratory
- The spawning season extends from June through August, with peak spawning in June and July
- Maximum age is 9.3 years (mean 1.8 years)

In studies off Florida and the northern Bahamas, McBride et al. (2008) reported rapid growth to a large size, with sizes ranging from 24.7 in (628 mm) FL to 77 in (1956 mm) FL. Males were smaller than females, with the largest male at 72.3 lbs (32.8 kg) and the largest female was 101.4 lbs (46.0 kg). Maximum age was 9.3 years. Maki Jenkins and McBride (2009) reported size and age at 50% maturity for female wahoo at 36.4 in (925 mm) FL and 0.64 years, respectively, with peak spawning in the summer.

For a more comprehensive record of the literature on the biology and ecology of wahoo, see **Section 3.0** in the Dolphin Wahoo FMP (SAFMC 2003) found at: http://www.safmc.net/Library/Dolphin/Wahoo/tabid/410/Default.aspx

3.2.4 Stock Status of Dolphin and Wahoo

The Report to Congress on the Status of U.S. Stocks indicates dolphin is not overfished, and is not undergoing overfishing (http://www.nmfs.noaa.gov/sfa/statusoffisheries/SOSmain.htm). The overfished/overfishing status of wahoo is unknown, but all indications are that it is a healthy stock. Prager (2000) conducted an exploratory assessment of dolphin, but the results were not conclusive. A Southeast Data, Assessment, and Review (SEDAR) stock assessment for dolphin and wahoo is expected within the next 5 years. The SEDAR process, initiated in 2002, is a cooperative Fishery Management Council process intended to improve the quality, timeliness, and reliability of fishery stock assessments in the South Atlantic, Gulf of Mexico, and U.S. Caribbean. SEDAR is managed by the Caribbean, Gulf of Mexico, and South Atlantic Fishery Management Councils in coordination with NMFS and the Atlantic and Gulf States Marine Fisheries Commissions.

Oxenford and Hunte (1986) suggested that there were at least two separate unit stocks of dolphin in the northeast and southeast Caribbean Sea. Oxenford (1999) suggested that it was very likely that additional stocks of dolphin existed in the Gulf of Mexico and central/western Caribbean. Theisen et al. (2008) indicated that a worldwide stock for wahoo consisted of a single globally distributed population. However, Zischke et al. (2012) concluded that despite genetic homogeneity in wahoo, multiple discrete phenotypic stocks existed in the Pacific and eastern Indian oceans.

Life-history characteristics of dolphin and wahoo such as rapid growth rates, early maturity, batch spawning over an extended season, a short life span, and a varied diet could help sustain fishing pressures on these species (Schwenke and Buckel 2008; McBride et al. 2008; Prager 2000; and Oxenford 1999). Dolphin and wahoo are listed as species of "least concern" under the International Union for Conservation of Nature Red List, i.e., species that have a low risk of extinction. See **Section 1.5** for a history of recent management of dolphin and wahoo.

3.2.5 Protected Species

There are 31 different species of marine mammals that may occur in the exclusive economic zone (EEZ) of the South Atlantic region. All 31 species are protected under the Marine Mammal Protection Act (MMPA) and six are also listed as endangered under the Endangered Species Act (ESA) (i.e., sperm, sei, fin, blue, humpback, and North Atlantic right whales). Other species protected under the ESA occurring in the South Atlantic include five species of sea turtle (green, hawksbill, Kemp's ridley, leatherback, and loggerhead); the smalltooth sawfish; four distinct population segments of Atlantic sturgeon; and two *Acropora* coral species (elkhorn [*Acropora palmata*] and staghorn [*A. cervicornis*]).

Designated critical habitat for the *Acropora* corals and North Atlantic right whales also occurs within the South Atlantic region. However, only sea turtles are likely to interact with the hook-and line dolphin and wahoo fishery. Sea turtles are discussed in detail in Section 3.2.5.1 of Dolphin Wahoo Amendment 5 (SAFMC 2013).

3.3 Socio-economic Environment

3.3.1 Economic Description

U.S. vessels most likely to participate in Bahamian dolphin and wahoo fisheries could also participate in the dolphin wahoo, snapper grouper, and coastal migratory pelagic fisheries in the south Atlantic region of the U.S.

Additional information on the recreational sector of the dolphin wahoo fishery contained in previous or concurrent amendments is incorporated herein by reference [see Comprehensive ACL Amendment for the South Atlantic Region (SAFMC 2011a)].

Additional information on the recreational sector of the snapper grouper fishery is contained in previous or concurrent amendments and is incorporated herein by reference [see Snapper Grouper Fishery Amendment 13C (SAFMC 2006), Amendment 15A (SAFMC 2008a), Amendment 15B (SAFMC 2008b), Amendment 16 (SAFMC 2009a), Amendment 17A (SAFMC 2010a), Amendment 17B (SAFMC 2010b), Regulatory Amendment 9 (SAFMC 2011a), Regulatory Amendment 11 (SAFMC 2011b), Comprehensive ACL Amendment for the South Atlantic Region (SAFMC 2011c), and Amendment 24 (SAFMC 2011d)].

Additional information on the recreational sector of the coastal migratory pelagics fishery is contained in previous or concurrent amendments and is incorporated herein by reference [see Coastal Migratory Pelagic Fishery Amendment 20A (SAFMC 2013)

Those affected by the economic description of the fishery are those persons and vessels who arrive in Bahamian waters by sea, are not on a cruise ship, and whose vessel obtains both cruising and fishing permits.

According to the Internet website of the Bahamian Ministry of Tourism, in 2012, 148,578 individuals arrived in Bahamian ports by sea, but not on a cruise ship (http://www.tourismtoday.com/home/statistics/visitor-arrivals/foreign-air-sea/). Potentially, each of these persons could be affected by this action.

3.3.2 Social Environment

Descriptions of the social environment of the dolphin-wahoo fishery are contained in Amendment 5 (SAFMC 2013) and are incorporated herein by reference where appropriate. The South Atlantic, Mid-Atlantic, and New England regions are included in the description of the social environment. The referenced description focuses on available geographic and demographic data to identify communities with strong relationships with dolphin or wahoo fishing (i.e., significant landings and revenue), and positive or negative impacts from regulatory change are expected to occur in places with greater landings of wahoo or dolphin.

The descriptions of South Atlantic communities in Amendment 5 (SAFMC 2013) include information about the top communities based upon regional quotients of commercial landings and value for dolphin and wahoo. These top communities are referred to in this document as "dolphin communities" and "wahoo communities" because these are the areas that would be most likely to experience the effects of proposed actions that could change the

dolphin or wahoo fisheries and impact the participants and associated businesses and communities within the region. Additionally, the descriptions in Amendment 5 (SAFMC 2013) for all Atlantic regions also include reliance and engagement indices to identify other areas in which dolphin and wahoo fishing is important, and provide information of how a community overall is involved with commercial and recreational fishing and could experience effects from regulatory actions for any species (see Amendment 5 for more details about the reliance and engagement indices). The identified communities in this section are referenced in Section 4.1.3 in order to provide information on how the alternatives could affect specific areas. Overall, the dolphin and wahoo fisheries are primarily recreational, and effort and landings predominantly occur in south Florida and the Florida Keys.

Commercial Dolphin and Wahoo Communities in the South Atlantic

Using the regional quotient to identify dolphin communities, Wadmalaw Island, South Carolina and Palm Beach Gardens, Florida make up about 1/3 of the total commercial dolphin landings and value. Most commercial dolphin communities are in Florida and include Mayport, St. Augustine, Cocoa, and Margate in addition to a few communities in the Florida Keys (Key West, Key Largo, Marathon, and Islamorada). North Carolina communities with higher regional quotients include Wanchese, Wrightsville Beach, Hatteras, and Beaufort. In addition to Wadmalaw Island, the community of McClellanville, South Carolina also has a high regional quotient for dolphin. No Georgia communities are identified as dolphin communties.

Communities with high regional quotients for wahoo are similar to those for dolphin. Wadmalaw Island, South Carolina and Palm Beach Gardens, Florida make up the highest levels of commercial dolphin landings and value. Wahoo communities in Florida include Key West, Margate, St. Augustine, Ft. Lauderdale, Miami, Jupiter, New Smyrna Beach, and Hialeah. North Carolina communities with higher regional quotients include Wanchese, Wrightsville Beach, and Morehead City. In addition to Wadmalaw Island, the community of Yonges Island, South Carolina also has a high regional quotient for wahoo. No areas in Georgia are identified as wahoo communities.

Reliance on and Engagement with Commercial and Recreational Fishing in the South Atlantic

Reliance and engagement indices are used in Amendment 5 (SAFMC 2013) to identify several communities in the South Atlantic that are substantially engaged in commercial and recreational fishing. The communities of Islamorada, Key West, and Marathon, Florida; and Atlantic Beach, Beaufort, and Wanchese, North Carolina are both engaged and reliant on commercial fishing. The communities of Islamorada, Key West, Marathon, Florida, and St. Augustine, Florida; Atlantic Beach, Morehead City, Nags Head and Wanchese, North Carolina. Wrightsville Beach, North Carolina and Murrell's Inlet, South Carolina are above the threshold for recreational engagement and reliance. These communities would most likely have local economies with some dependence upon recreational fishing and its supporting businesses.

In terms of overall fishing dependence, the communities of Islamorada, Key West, and Marathon, Florida and Atlantic Beach, and Wanchese, North Carolina are engaged and reliant for both commercial and recreational fishing. These communities would have an especially strong dependence upon fishing throughout their overall economy with substantial support infrastructure.

<u>Mid-Atlantic and New England Regions</u>

The South Atlantic Council manages dolphin and wahoo through the Mid-Atlantic and New England regions. Overall, landings of these

species in the Mid-Atlantic and New England regions are very low compared to landings in the South Atlantic, and management actions by the South Atlantic Council likely have minimal impacts on Mid-Atlantic and New England communities. More detailed information about these communities and how they were identified is described in Amendment 5 (SAFMC 2013).

Commercial Dolphin and Wahoo Communities in the Mid-Atlantic and New England Regions
Using the regional quotient to identify dolphin communities, New Bedford, Massachusetts is the leading port in terms of dolphin landings with Ocean City, Maryland a distant second. Several other communities follow with near comparable amounts of dolphin landed but far less than the leading community. Wahoo landings for 2011were far less than dolphin with only three communities reporting landings: New Bedford, Massachusetts; Hatteras, North Carolina; and Cape May, New Jersey.

Reliance on and Engagement with Commercial and Recreational Fishing in the Mid-Atlantic and New England Regions
Ocean City, Maryland; Belmar, Barnegat Light, Cape May, and Point Pleasant, New Jersey; Montauk, New York; Virginia Beach, and Watchapreague, Virginia; Boston, and New Bedford, Massachusetts; and Point Lookout, New York are all over either the engaged or reliant threshold for commercial fishing or both. In terms of recreational fishing engagement and reliance for Northeast communities with dolphin and wahoo landings, almost every community is over the threshold for either engagement or reliance for recreational fishing.

3.4 Administrative Environment

3.4.1 The Fishery Management Process and Applicable Laws

3.4.1.1 Federal Fishery Management

Federal fishery management is conducted under the authority of the Magnuson-Stevens Act (16 U.S.C. 1801 et seq.), originally enacted in 1976 as the Fishery Conservation and Management Act. The Magnuson-Stevens Act claims sovereign rights and exclusive fishery management authority over most fishery resources within the EEZ, an area extending 200 nm from the seaward boundary of each of the coastal states, and authority over U.S. anadromous species and continental shelf resources that occur beyond the U.S. EEZ.

Responsibility for federal fishery management decision-making is divided between the U.S. Secretary of Commerce (Secretary) and eight regional fishery management councils that represent the expertise and interests of constituent states. Regional councils are responsible for preparing, monitoring, and revising management plans for fisheries needing management within their jurisdiction. The Secretary is responsible for collecting and providing the data necessary for the councils to prepare fishery management plans and for promulgating regulations to implement proposed plans and amendments after ensuring that management measures are consistent with the Magnuson-Stevens Act and with other applicable laws. In most cases, the Secretary has delegated this authority to NMFS.

The South Atlantic Council, in cooperation with the Mid-Atlantic Fishery Management Council and the New England Fishery Management Council, is responsible for conservation and management of dolphin and wahoo in federal waters off the Atlantic states. These waters extend from 3 to 200 mi offshore from the seaward boundary of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New

York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and east Florida to Key West. The South Atlantic Council has thirteen voting members: one from NMFS; one each from the state fishery agencies of North Carolina, South Carolina, Georgia, and Florida; and eight public members appointed by the Secretary. On the South Atlantic Council, there are two public members from each of the four South Atlantic States. Non-voting members include representatives of the U.S. Fish and Wildlife Service, U.S. Coast Guard, State Department, and Atlantic States Marine Fisheries Commission (ASMFC). The South Atlantic Council has adopted procedures whereby the non-voting members serving on the South Atlantic Council Committees have full voting rights at the Committee level but not at the full South Atlantic Council level. South Atlantic Council members serve three-year terms and are recommended by state governors and appointed by the Secretary from lists of nominees submitted by state governors. Appointed members may serve a maximum of three consecutive terms.

Public interests also are involved in the fishery management process through participation on Advisory Panels and through council meetings, which, with few exceptions for discussing personnel matters and litigation, are open to the public. The South Atlantic Council uses its Scientific and Statistical Committee (SSC) to review the data and science being used in assessments and fishery management plans/amendments. In addition, the regulatory process is in accordance with the Administrative Procedure Act, in the form of "notice and comment" rulemaking.

3.4.1.2 State Fishery Management

The state governments of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia North Carolina, South Carolina, Georgia, and Florida have the authority to manage fisheries that occur in waters extending three nautical miles from their respective shorelines. The Department of Marine Fisheries is responsible for marine fisheries in Maine's state waters. In New Hampshire, marine fisheries are managed by the Marine Fisheries Division of the New Hampshire Fish and Game Department. Massachusetts's marine fisheries are managed by the Division of Marine Fisheries of the Massachusetts Department of Fish and Game. Rhode Island's marine fisheries are managed by the Division of Fish and Wildlife of Rhode Island's Department of Environmental Management. Connecticut manages its marine fisheries through the Department of Energy and Environmental Protection. New York's marine fisheries are managed by the Division of Fish, Wildlife and Marine Resources of the Department of Environmental Conservation. New Jersey manages its marine fisheries through the Division of Fish and Wildlife of the Department of Environmental Protection. Pennsylvania manages its fisheries through the Pennsylvania Fish and Boat Commission. Marine fisheries in Delaware are managed by the Fisheries Section of the Division of Fish and Wildlife. Maryland's Department of Natural Resources manages its marine fisheries. Marine fisheries in Virginia are managed by the Virginia Marine Resources Commission. North Carolina's marine fisheries are managed by the Marine Fisheries Division of the North Carolina Department of Environment and Natural Resources. The Marine Resources Division of the South Carolina Department of Natural Resources regulates South Carolina's marine fisheries. Georgia's marine fisheries are managed by the Coastal Resources Division of the Department of Natural Resources. The Marine Fisheries Division of the Florida Fish and Wildlife Conservation Commission is responsible for managing Florida's marine fisheries. Each state fishery management agency has a designated seat on the South Atlantic Council. The purpose of state representation at the South Atlantic Council

level is to ensure state participation in federal fishery management decision-making and to promote the development of compatible regulations in state and federal waters.

The Atlantic States are also involved through the ASMFC in management of marine fisheries. This commission was created to coordinate state regulations and develop management plans for interstate fisheries. It has significant authority, through the Atlantic Striped Bass Conservation Act and the Atlantic Coastal Fisheries Cooperative Management Act, to compel adoption of consistent state regulations to conserve coastal species. The ASFMC is also represented at the South Atlantic Council level, but does not have voting authority at the South Atlantic Council level.

NMFS' State-Federal Fisheries Division is responsible for building cooperative partnerships to strengthen marine fisheries management and conservation at the state, inter-regional, and national levels. This division implements and oversees the distribution of grants for two national (Inter-jurisdictional Fisheries Act and Anadromous Fish Conservation Act) and two regional (Atlantic Coastal Fisheries Cooperative Management Act and Atlantic Striped Bass Conservation Act) programs. Additionally, it works with the ASMFC to develop and implement cooperative State-Federal fisheries regulations.

3.4.1.3 Management of Fisheries in The Bahamas

Fisheries Resources (Jurisdiction and Conservation) Regulations in The Bahamas are covered under Chapter 244-Section 48 of the Subsidiary Legislation of The Bahamas. The Bahamas allow for a total of 18 fish in any aggregation of king mackerel, tunas, dolphin, or wahoo. Filleting of dolphin and wahoo is not prohibited under Bahamian law. There are no size limits for dolphin or wahoo in The Bahamas. Foreign (e.g., U.S. vessels) are required to have a cruising and fishing permit onboard, otherwise the vessel has a possession limit of six fish. For more information, see: http://laws.bahamas.gov.bs/cms/images/LEGISLATION/SUBORDINATE/1986/1986-0010/FisheriesResourcesJurisdictionandConservationRegulations_1.pdf

3.4.1.3 Enforcement

Both the National Oceanic and Atmospheric Administration (NOAA) Fisheries Office for Law Enforcement (NOAA/OLE) and the United States Coast Guard (USCG) have the authority and the responsibility to enforce South Atlantic Council regulations. NOAA/OLE agents, who specialize in living marine resource violations, provide fisheries expertise and investigative support for the overall fisheries mission. The USCG is a multi-mission agency, which provides at sea patrol services for the fisheries mission.

Neither NOAA/OLE nor the USCG can provide a continuous law enforcement presence in all areas due to the limited resources of NOAA/OLE and the priority tasking of the USCG. To supplement at sea and dockside inspections of fishing vessels, NOAA entered into Cooperative Enforcement Agreements with all but one of the states in the Southeast Region (North Carolina), which granted authority to state officers to enforce the laws for which NOAA/OLE has jurisdiction. In recent years, the level of involvement by the states has increased through Joint Enforcement Agreements, whereby states conduct patrols that focus on federal priorities and, in some circumstances, prosecute resultant violators through the state when a state violation has occurred.

The NOAA Office of General Counsel Penalty Policy and Penalty Schedules can be found at www.gc.noaa.gov/enforce-office3.html.

Chapter 4. Environmental Consequences

This action would allow dolphin and wahoo that are lawfully harvested in Bahamian waters to be exempt from the requirement that they be maintained with head and fins intact in the Atlantic exclusive economic zone (EEZ), provided valid Bahamian fishing and cruising permits are on board the vessel, and the vessel is in transit through the Atlantic EEZ. A vessel is in transit through the Atlantic EEZ when it is on a direct and continuous course through the Atlantic EEZ and no one aboard the vessel fishes in the EEZ.

4.1.1 Biological Effects

The biological effects of the proposed management measure to allow dolphin and wahoo fillets lawfully harvested in Bahamian waters to be exempt from the requirement that they be maintained with head and fins intact in the South Atlantic EEZ are expected to be negligible. Dolphin and wahoo subject to proposed measure would be lawfully harvested in Bahamian waters according to Bahamian regulations. Currently, fishermen can harvest a bag limit of up to 18 fish in any aggregation of king mackerel, tuna, dolphin, or wahoo per vessel as long as they possess the necessary permits issued by the government of The Bahamas. The management measure proposed in Dolphin Wahoo Amendment 7 would allow legally harvested dolphin and wahoo from The Bahamas to be filleted and transported on vessels through the South Atlantic EEZ to the U.S. However, the exemption would not apply to possession of bag limits in the U.S. EEZ, i.e. the bag limit of 10 dolphin and 2 wahoo per person would apply. Furthermore, vessels with dolphin and wahoo fillets would not be allowed to stop and fish in the U.S. EEZ, therefore, no biological impact on species included in the Dolphin Wahoo FMP would be expected.

The Report to Congress on the Status of U.S. Stocks indicates dolphin is not overfished, and is not undergoing overfishing (http://www.nmfs.noaa.gov/sfa/statusoffisheries/SOSmain.htm). The overfished/overfishing status of wahoo is unknown, but all indications are that it is a healthy stock. Prager (2000) conducted an exploratory assessment of dolphin, but the results were not conclusive. A Southeast Data, Assessment, and Review (SEDAR) stock assessment for dolphin and wahoo is expected within the next 5 years. Life-history characteristics of dolphin and wahoo such as rapid growth rates, early maturity, batch spawning over an extended season, short life span, and varied diet help sustain fishing pressures on these species (Schwenke and Buckel 2008; McBride et al. 2008; Prager 2000; and Oxenford 1999). Furthermore, dolphin and wahoo are currently listed as species of "least concern" under the International Union for Conservation of Nature Red List, i.e., species that have a low risk of extinction. Therefore, no adverse biological effects are expected from the management measure in Dolphin Wahoo Amendment 7.

4.1.2 Economic Effects

The current prohibition on bringing dolphin and wahoo fillets has several economic effects. Some fishermen have been confused about what is and is not allowed. While snapper and grouper species can be filleted and brought from The Bahamas into the U.S. EEZ, fishermen have received violations for mistakenly filleting dolphin and wahoo as they can with snapper grouper species. This leads to legal costs and additional economic losses due to missed work to appear in court.

Not allowing dolphin and wahoo to be brought back as fillets could impact whether or not fishermen will make trips. Many fishermen make trips to The Bahamas in order to keep the fish they catch to eat them later. Many dolphin and wahoo are too large to be stored whole and placed in a cooler. Some fishermen may become less likely to plan a trip to The Bahamas if they think they are not likely to be able to bring back fish they feel is safe enough to eat through proper refrigeration. Fillets are generally, easier to store and refrigerate than are fish with head and fins intact.

Allowing dolphin and wahoo to be brought into the Atlantic EEZ from The Bahamas is not expected to have significant economic effects in regards to the U.S. Atlantic dolphin wahoo fishery. However, it is not known whether allowing dolphin and wahoo fillets into the Atlantic EEZ would have an impact on the number of trips made to The Bahamas to fish for dolphin and wahoo. Vessels carrying dolphin or wahoo fillets could not stop or fish in the Atlantic EEZ; however, any negative economic effects would be expected to be minimal.

Allowing recreational fishermen to bring into the U.S. EEZ dolphin and wahoo fillets from fish caught in The Bahamas could potentially have a small effect on the number of fish that might otherwise be purchased by these fishermen once back in the U.S. However, the estimated impact of lost sales due to Bahamian dolphin and wahoo brought into the U.S. is expected to be minimal.

4.1.3 Social Effects

Overall, the effects of the proposed action on the fishing fleets, and associated businesses and communities, would be expected to be minimal. Allowing fillets to be brought into the U.S. EEZ from The Bahamas could contribute to improved quality and quantity of dolphin and wahoo caught on these trips. The proposed action could contribute to improved quality of dolphin and wahoo caught on these trips since whole fish would not have to be stored with head and fins intact. This management measure should be beneficial to South Atlantic fishermen harvesting dolphin and wahoo in The Bahamas, particularly for fishermen coming in and out of south Florida and the Florida Keys. It is not expected that removal of the requirement for fish to be intact would result in negative impacts on fishermen or communities in Florida or across the Atlantic coast. Additionally, allowing fillets to be brought into the Atlantic EEZ would make the Dolphin Wahoo FMP consistent with the regulations for snapper grouper species that allows fillets legally harvest in The Bahamas to be brought into the U.S. EEZ from The Bahamas.

4.1.4 Administrative Effects

National Marine Fisheries Service's (NMFS) Office of Law Enforcement (OLE), in conjunction with state enforcement agencies inspects some vessels for violations and issues citations as applicable. The management measure in Dolphin Wahoo Amendment 7 would make regulations regarding transport of dolphin and wahoo fillets from The Bahamas to the U.S. consistent with existing regulations for snapper grouper species and help reduce confusion among fishermen. However, NMFS Office of Law Enforcement has expressed concern over enforcing the bag limits in the U.S. EEZ, as well as the Lacey Act as it applies to vessels returning from The Bahamas. Other administrative burdens that may result from the management measure in Dolphin Wahoo Amendment 7 would take the form of development and dissemination of outreach and education materials for fishery participants and law enforcement.

Chapter 5. Council Conclusions

Chapter 6. Fishery Impact Statement

Chapter 7. List of Preparers

Table 7-1. List of preparers of the document.

Name	SAFMC	Title
Brian Cheuvront	SAFMC	IPT Lead/Economist
David Dale	NMFS/HC	EFH Specialist
Nikhil Mehta	NMFS/SF	IPT Lead/Fishery Biologist
Adam Brame	NMFS/PR	Fishery Biologist
Brent Stoffle	NMFS/SEFSC	Social Scientist
Jack McGovern	NMFS/SF	Fishery Biologist
Roger Pugliese	SAFMC	Senior Biologist
Monica Smit-Brunello	NMFS/GC	Attorney
Kari MacLauchlin	SAFMC	Social Scientist
Erik Williams	NMFS/SEFSC	Fishery Biologist
Stephen Holiman	NMFS/SF	Economist

NMFS = National Marine Fisheries Service, SAFMC = South Atlantic Fishery Management Council, SF = Sustainable Fisheries Division, PR = Protected Resources Division, SERO = Southeast Regional Office, HC = Habitat Conservation Division, GC = General Counsel, Eco=Economics

Table 7-2. List of interdisciplinary plan team members for the document.

Name	Organization	Title
Brian Cheuvront	SAFMC	IPT Lead/Economist
Scott Sandorf	NMFS/SF	Technical Writer Editor
Brent Stoffle	NMFS/SEFSC	Social Scientist
David Dale	NMFS/HC	EFH Specialist
Nikhil Mehta	NMFS/SF	IPT Lead/Fishery Biologist
Otha Easley	NMFS/LE	Supervisory Criminal Investigator
Adam Brame	NMFS/PR	Fishery Biologist (Protected Resources)
David Keys	NMFS/SER	Regional NEPA Coordinator
Roger Pugliese	SAFMC	Senior Biologist
Stephen Holiman	NMFS/SF	Economist
Kari MacLauchlin	SAFMC	Fishery Social Scientist
Gregg Waugh	SAFMC	Deputy Executive Director
Monica Smit-Brunello	NOAA/GC	Attorney
Jack McGovern	NMFS/SF	Fishery Biologist

NMFS = National Marine Fisheries Service, SAFMC = South Atlantic Fishery Management Council, SF = Sustainable Fisheries Division, PR = Protected Resources Division, SERO = Southeast Regional Office, HC = Habitat Conservation Division, GC = General Counsel, Eco=Economics

Chapter 8. Agencies and Persons Consulted

Responsible Agency for CE
NMFS, Southeast Region
263 13th Avenue South
St. Petersburg, Florida 33701
(727) 824-5301 (TEL)
(727) 824-5320 (FAX)

List of Agencies, Organizations, and Persons Consulted
SAFMC Law Enforcement Advisory Panel
SAFMC Dolphin Wahoo Advisory Panel
SAFMC Scientific and Statistical Committee
SAFMC Information and Education Advisory Panel
Florida Fish and Wildlife Conservation Commission
Georgia Department of Natural Resources
South Carolina Department of Natural Resources
North Carolina Division of Marine Fisheries
Atlantic States Marine Fisheries Commission
Gulf of Mexico Fishery Management Council
Mid Atlantic Fishery Management Council
New England Fishery Management Council
National Marine Fisheries Service
- Washington Office
- Office of Ecology and Conservation
- Southeast Regional Office
- Southeast Fisheries Science Center

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