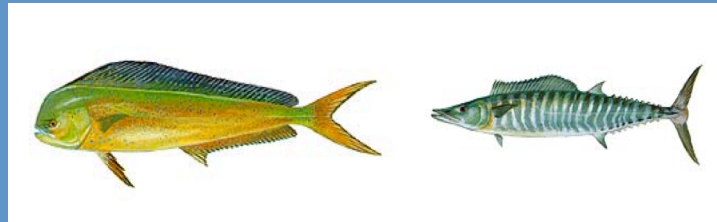


Regulatory Amendment 1 to the Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic



Decision Document

Modify commercial trip limits for dolphin



November 17, 2015

SUMMARY

Regulatory Amendment 1 to the Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic

Why is the South Atlantic Council Taking Action?

The commercial dolphin season for 2015 closed for the first time in the history of South Atlantic Fishery Management Council (South Atlantic Council) on June 30, 2015 due to the commercial sector ACL being met. In 2014 and 2015 there was an increase in the number of longline trips targeting dolphin resulting in drastically higher than average landings. It is not entirely clear why this occurred.

One possibility for the higher longline landings is that vessels with federal highly migratory (HMS) permits were reacting to the more stringent longline fishing regulations put in place for pelagic longline species as a result of HMS Amendment 7 (NMFS 2014). However, these regulations did not go into effect until January 1, 2015. So while the change in HMS longline regulations may have affected the 2015 season, this is not enough to explain why longline landings were much higher in 2014, as well.

Anecdotal information has suggested that the dolphin were further offshore earlier in the year in 2014 and 2015 perhaps because the water closer to the shore warmed up more quickly in those two years than was typical in previous years. Such conditions could have resulted in a greater availability for harvesting dolphin by the longline sector while resulting in lower recreational landings than average during those months when coastal waters were warmer than normal.

Much of the traditional hook and line fishery for dolphin ended with the dolphin fishery closing on June 30, 2015. Many commercial dolphin permit holders who rely on this fishery as a substantial portion of their fishing income, were no longer able to sell dolphin that they caught.

Dolphin Wahoo Amendment 8 to the to the Fishery Management Plan for the Dolphin and Wahoo Fishery for the Atlantic (SAFMC 2015) increased the commercial sector ACL for dolphin from 7.54% (1,157,001 lbs ww) to 10% (1,534,485 lbs ww). The amendment was sent for formal review on February 27, 2015. However, the ACL increase for the commercial sector was not yet in place prior to the June 30, 2015 closure and will be implemented and effective by the 2016 fishing season. The South Atlantic Council is considering taking action to prevent early closure of the commercial sector dolphin fishery so that all permitted gear users and consumer markets will have access to the resource as long as is possible.

What would Dolphin Wahoo Regulatory Amendment 1 do?

Dolphin Regulatory Amendment 1 would establish commercial trip limits after a certain percentage of the total commercial sector ACL has been met. The percentages of the ACL being considered by the South Atlantic Council are 65%, 70%, and 75% of the commercial ACL being taken prior to instituting a trip limit of 1,000, 2,000, 3,000, or 4,000 lbs whole weight until the end of the fishing year or until the commercial ACL is met or projected to be met, whichever comes first. In each fishing year that begins on January 1, there would be no commercial trip limit in place.

What Action is Being Proposed in Dolphin Wahoo Regulatory Amendment 1?

Dolphin Wahoo Regulatory Amendment 1 considers one action that would establish a step down trip limit for the dolphin fishery.

Who is Proposing the Management Measures?

The South Atlantic Fishery Management Council (South Atlantic Council) is proposing these management measures. The South Atlantic Council recommends management measures and sends 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 a line office in the National Oceanic and Atmospheric Administration within the Department of Commerce.

The South Atlantic Council made versions of the document available during scoping and public hearings. The final amendment will be made available during the public comment period on the proposed rule. All versions of the document are or will be available on the South Atlantic Council's and NMFS's Web sites.

Why are the South Atlantic Council and NMFS Considering this Action?

The commercial dolphin season for 2015 closed for the first time in the history of South Atlantic Council on June 30, 2015 due to the commercial sector ACL being met. In 2014 and 2015 there was an increase in the number of longline trips that resulted in higher than average landings. It is not entirely clear why this occurred.

One possibility for the higher longline landings is that vessels with federal highly migratory (HMS) permits were reacting to the more stringent longline fishing regulations put in place for pelagic longline species as a result of HMS Amendment 7 (NMFS 2014). However, these regulations did not go into effect until January 1, 2015. While the change in HMS longline regulations may have affected the 2015 season, it does not explain why longline landings were much higher in 2014, as well.

Anecdotal information from HMS longline fishermen (who also have dolphin wahoo permits) has suggested that the dolphin were further offshore earlier in the year in 2014 and 2015 perhaps because the water closer to the shore warmed up more quickly in those two years than was typical in previous years. Such conditions could have resulted in a greater availability for harvesting dolphin by the longline sector while resulting in lower recreational landings than average during those months when coastal waters were warmer than normal. Much of the traditional hook and line fishery for dolphin ended with the dolphin fishery closing on June 30, 2015. Many commercial dolphin permit holders who rely on this fishery as a substantial portion of their fishing income, were no longer able to sell dolphin that they caught.

Dolphin Wahoo Amendment 8 to the Fishery Management Plan for the Dolphin and Wahoo Fishery for the Atlantic (SAFMC 2015) increased the commercial sector ACL for dolphin from 7.54% (1,157,001 lbs ww) to 10% (1,534,485 lbs ww). The amendment was sent for formal review on February 27, 2015. However, the ACL increase for the commercial sector was not yet in place prior to the June 30, 2015 closure but will be implemented and effective by the 2016 fishing season. The South Atlantic Council is considering taking action to try to prevent early closure of the commercial sector dolphin fishery so that all permitted gear users and consumer markets will have access to the resource as long as is possible.

Purpose and Need for Action

Purpose for Action

The purpose of Dolphin Wahoo Regulatory Amendment 1 is to institute a commercial trip limit for the dolphin.

Need for Action

The need for this amendment is to maintain optimum yield for dolphin in the commercial sector of the dolphin wahoo fishery and to prevent potential socio-economic impacts caused by an early closure of dolphin.

Required Committee Actions:

- Option 1: Accept the Purpose and Need as stated.
- Option 2: Modify the Purpose and Need
- Option 3: Others?

Action

Establish a commercial trip limit for dolphin in the exclusive economic zone (EEZ) in the South Atlantic Council's area of jurisdiction.

Alternative 1 (No Action). There is no commercial trip limit for dolphin in the Atlantic EEZ. The commercial fishery for dolphin will remain open until the entire commercial portion of the ACL is met or projected to be met.

Alternative 2. A commercial trip limit for dolphin will be established once 65% of the commercial ACL is met.

Sub-Alternative 2a: 1,000 lbs trip limit

Sub-Alternative 2b: 2,000 lbs trip limit

Sub-Alternative 2c: 3,000 lbs trip limit

Sub-Alternative 2d: 4,000 lbs trip limit

Alternative 3. A commercial trip limit for dolphin will be established once 70% of the commercial ACL is met.

Sub-Alternative 3a: 1,000 lbs trip limit

Sub-Alternative 3b: 2,000 lbs trip limit

Sub-Alternative 3c: 3,000 lbs trip limit

Sub-Alternative 3d: 4,000 lbs trip limit

Alternative 4. A commercial trip limit for dolphin will be established once 75% of the commercial ACL is met.

Sub-Alternative 4a: 1,000 lbs trip limit

Sub-Alternative 4b: 2,000 lbs trip limit

Sub-Alternative 4c: 3,000 lbs trip limit

Sub-Alternative 4d: 4,000 lbs trip limit

Comparison of Alternatives

Biological Effects

The biological effects of **Alternative 1 (No Action)**, **Alternative 2** (and its sub-alternatives), and **Alternative 3** (and its sub-alternatives), and **Alternative 4** (and sub-alternatives) would be expected to be neutral because ACLs and AMs are in place to cap harvest, and take action if ACLs are exceeded. **Alternative 1 (No Action)** could present a greater biological risk to dolphin in terms of exceeding the ACL than the action alternatives since no trip limit would be in place to slow down the rate of harvest and help ensure the ACL is not exceeded. However, 2015 was the first year that the ACL was met for the dolphin fishery. The recent approval of the Generic AM amendment will establish a revised ACL that increases the ACL for the commercial sector by 377,484 lbs ww to 1,534,485 lbs ww revised ACL for the commercial sector of the dolphin fishery once the final rule is published and effective. Although trip limits may be triggered under **Alternative 2**, **Alternative 3** and **Alternative 4**, it is unlikely that the ACL will be reached under any trip limit proposed as sub-alternatives. Therefore, establishing a commercial trip limit is not expected to have any biological benefits or effect at all. Assuming future dolphin fishery seasons are similar to the average of the 2010 – 2014 seasons, trip limits are not expected to go into effect (see **Figure 2**).

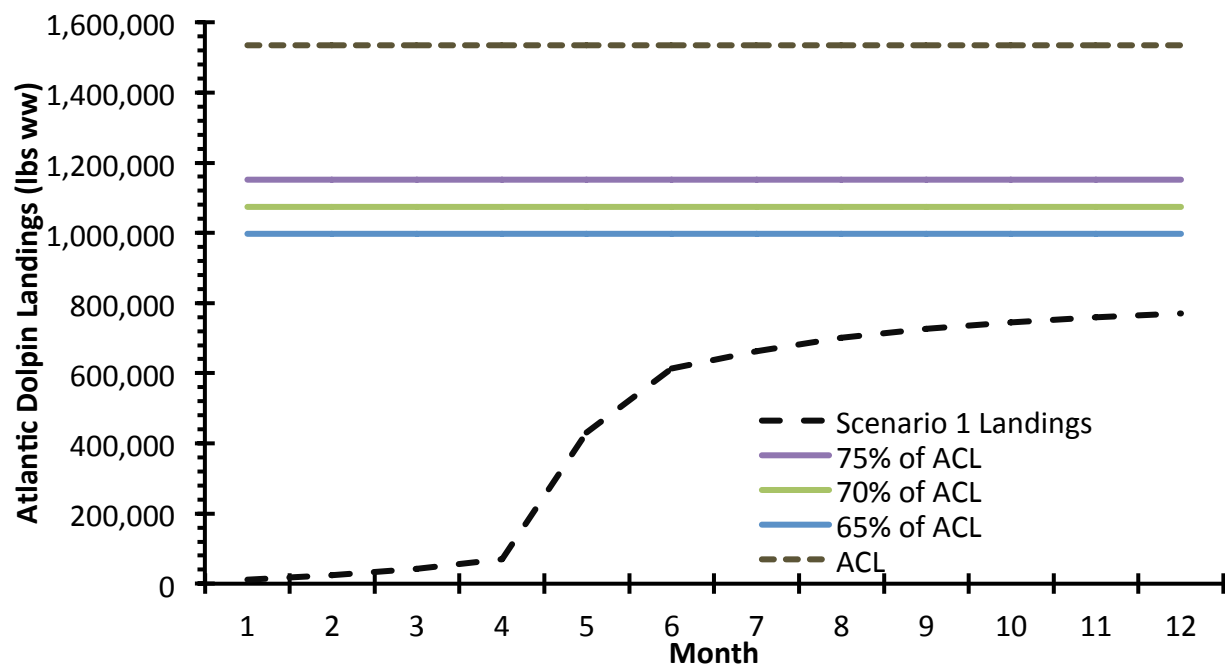


Figure 2. Cumulative landings for landings plotted with the different percentages of the ACL that would trigger a trip limit (average 2010-2014 landings, based on revised ACL of 1,534,485 lbs ww).

Based on landings from 2015 and the revised commercial sector ACL, future landings would be significantly higher than the average landings from 2010-2014 and would result in the trip limits being triggered under **Alternative 2** (65%), **Alternative 3** (70%) and **Alternative 4** (75%). **Table 1** provides estimates of when the when the trip limit triggers are predicted to be met.

Table 1. Predicted trip limit trigger dates (based 2015 landings data and the revised commercial sector ACL of 1,534,485 lbs ww).

Percent of ACL	Trigger Date
65%	20-Jun
70%	2-Jul
75%	25-Aug

Figure 3 shows the monthly commercial landings for dolphin for the 2010 through 2015 seasons, indicating that much of the volatility from season to season occurs in the spring months of April through June when longline trips have their greatest harvest. There is much less volatility the rest of the fishing year.

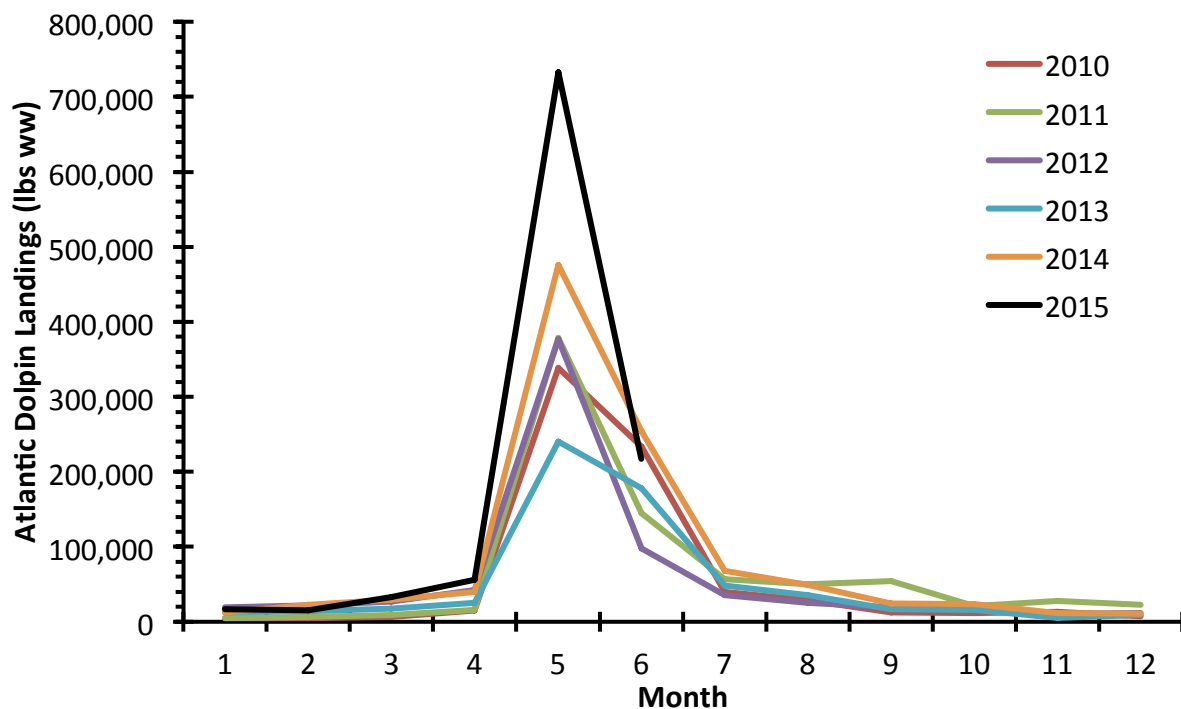


Figure 3. Atlantic dolphin commercial landings by month from 2010 through 2015. Atlantic dolphin commercial landings were obtained from the Southeast Fisheries Science Center. These landings include all commercial dolphin landings (both from HMS and from dolphin wahoo permit holders) from Maine to Florida.

Economic Effects

Historical landings would suggest that **Alternative 1 (No Action)** would have the highest probability of getting closest to the commercial sector ACL, without going over it when compared to all of the other alternatives. The rate at which any alternative/sub-alternative

combination restricts landings could needlessly increase the probability of direct negative economic effects by applying restrictions that might not be needed.

Nonetheless, the rate at which dolphin was landed increased in 2014 and 2015 compared to previous years (**Figure 3**). Whether or not that trend will continue is unknown. Establishing a trip limit at some point in the season that is not too restrictive is precautionary in terms of increasing the length of the fishing season should it be likely that there would be an early closure otherwise. To that end, **Alternative 4** which establishes a trip limit after 75% of the commercial sector ACL is taken would be the least restrictive closure trigger, followed by **Alternative 3**, then **Alternative 2**. The sub-alternatives for **Alternatives 2 – 4** are the same. The smallest proposed trip limit of 1,000 (**Sub-Alternatives 2a, 3a, and 4a**) would be less likely to result in an early closure of the commercial sector ACL. The largest proposed trip limit of 4,000 (**Sub-Alternatives 2d, 3d, and 4d**) would be more likely to result in an earlier closure of the commercial sector ACL, if needed. The more restrictive the alternative/sub-alternative chosen as the preferred alternative/sub-alternative the lower the expected landings resulting in lower expected positive, direct economic effects.

Table 2 estimates the future landings in pounds and value (in 2014 dollars) of dolphin assuming the 2015 catch rate from January through June and then the average landings from 2010 through 2014 for July through December for each of the alternative/sub-alternative combination. **Alternative 1 (No Action)** is expected to have the highest overall landings and value. The last column estimates the difference between **Alternative 1 (No Action)** and all of the other alternative/sub-alternative combinations. In each case, every alternative/sub-alternative combination was expected to result in lower landings and subsequent lower economic value. The differences range from \$324,261 to \$169,539 less. As these are estimates based on past landings history, the least direct negative economic effects would be expected from **Alternative 3, Sub-Alternatives 3b - 3d and Alternative 4, Sub-Alternatives 4b - 4d**.

Social Effects

In general the social effects of a trip limit are associated with the economic benefits and costs, as described in **Section 4.1.2**. Relative to **Alternative 1 (No Action)**, **Alternatives 2-4** could reduce the risk of derby conditions and any associated negative effects that can occur due to an in-season closure or payback provision if the ACL is exceeded. The earlier trigger that implements the step-down in **Alternative 2** (65% of the ACL) would slow the rate of harvest and lengthen the season, followed by **Alternative 3** (70%) and **Alternative 4** (75%). As noted in **Section 4.1.1**, it is possible that implementation of a trip limit at any point during the season would result in commercial landings not reaching the commercial ACL.

However, if the trend in increased landings from 2013 through 2015 continues, an early closure could occur if a trip limit and trigger are not in place. Should this early closure occur again in the future, the hook-and-line sector would again experience economic and social losses.

Table 2. Estimated annual pounds landed and value (in 2014 dollars) for dolphin for the alternative/sub-alternative combinations for the action.

		Estimated Pounds	Estimated Value	Estimated Diff. from 2015
Alternative 1	Estimated 2015	1,285,622	\$3,895,436	
Alternative 2 - 65% trigger	Sub-Alternative 2a (1,000 lbs)	1,178,605	\$3,571,175	\$324,261
	Sub-Alternative 2b (2,000 lbs)	1,196,808	\$3,626,329	\$269,107
	Sub-Alternative 2c (3,000 lbs)	1,206,196	\$3,654,774	\$240,662
	Sub-Alternative 2d (4,000 lbs)	1,212,362	\$3,673,455	\$221,980
Alternative 3 - 70% trigger	Sub-Alternative 3a (1,000 lbs)	1,225,309	\$3,712,686	\$182,750
	Sub-Alternative 3b (2,000 lbs)	1,229,622	\$3,725,756	\$169,680
	Sub-Alternative 3c (3,000 lbs)	1,229,669	\$3,725,896	\$169,539
	Sub-Alternative 3d (4,000 lbs)	1,229,669	\$3,725,896	\$169,539
Alternative 4 - 75% trigger	Sub-Alternative 4a (1,000 lbs)	1,227,200	\$3,718,417	\$177,019
	Sub-Alternative 4b (2,000 lbs)	1,229,669	\$3,725,896	\$169,539
	Sub-Alternative 4c (3,000 lbs)	1,229,669	\$3,725,896	\$169,539
	Sub-Alternative 4d (4,000 lbs)	1,229,669	\$3,725,896	\$169,539

Source: Southeast Fisheries Science Center (SEFSC)/Social Science Research Group (SSRG) Economic Panel Data.

Higher trip limits will slow the rate of harvest overall, but low trip limits will affect trip efficiency, which may change job opportunities for crews if a captain or vessel owner chooses not to forego a trip due to low trip limits. The lowest trip limit of 1,000 lbs (**Sub-Alternatives 2a, 3a and 4a**) would be the most likely to affect trip efficiency, followed by the next two levels (2,000 lbs in **Sub-Alternatives 2b, 3b, and 4b**; 3,000 lbs in **Sub-Alternatives 2c, 3c, and 4c**). The highest trip limit of 4,000 lbs in **Sub-Alternatives 2d, 3d, and 4d** would be the least restrictive for vessels, except for no commercial trip limit under **Alternative 1 (No Action)**.

Alternative 1 (No Action) would have less administrative impacts than **Alternatives 2, Alternative 3, and Alternative 4**. Administrative impacts associated with the alternatives would come in the form of rulemaking, outreach, education, monitoring, and enforcement. NMFS has implemented trip limits for other species and the impacts associated with **Alternative 2, Alternative 3, or Alternative 4** are expected to be minor.

REQUIRED COMMITTEE ACTION:

- Option 1: Accept the alternatives/sub-alternatives as stated for the Action.
- Option 2: Modify the alternatives/sub-alternatives for the Action.
- Option 4: Select a preferred alternative/sub-alternative.
- Option 5: Others?

REQUIRED COMMITTEE ACTION:

- Option 1. Approve DW Regulatory Amendment 1 for formal secretarial review and deem the codified text as necessary and appropriate.
- Option 2. Do not approve DW Regulatory Amendment 1 for formal secretarial review and do not deem the codified text as necessary and appropriate.
- Option 3. Others??

DRAFT MOTION: APPROVE DOLPHIN WAHOO REGULATORY AMENDMENT 1 FOR FORMAL SECRETARIAL REVIEW AND DEEM THE CODIFIED TEXT AS NECESSARY AND APPROPRIATE. GIVE STAFF EDITORIAL LICENSE TO MAKE ANY NECESSARY EDITORIAL CHANGES TO THE DOCUMENT/CODIFIED TEXT AND GIVE THE COUNCIL CHAIR AUTHORITY TO APPROVE THE REVISIONS AND RE-DEEM THE CODIFIED TEXT.

Timing for DW Regulatory Amendment 1

- South Atlantic Council reviews the final document, makes any modifications as necessary, and approves for formal review in December 2015.
- Send DW Regulatory Amendment 1 for formal review by January 15, 2016.
- Target date for regulations to be in place is by May 1, 2016.

References

NMFS (National Marine Fisheries Service). 2014. Final Amendment 7 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan. HMS Management Division, Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, M.D. 20910.

SAFMC (South Atlantic Fishery Management Council). 2015. Amendment 34 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region, Amendment 9 to the Fishery Management Plan for the Golden Crab of the South Atlantic Region, and Amendment 8 to the Fishery Management Plan for the Dolphin Wahoo Fishery of the Atlantic. South Atlantic Fishery Management Council, 4055 Faber Place Drive, Ste 201, Charleston, S.C. 29405.