

# Dolphin Commercial Trip Limits



## Discussion Document

South Atlantic Fishery Management Council

September 2015

## Background

On June 30, 2015, the commercial dolphin fishery was closed for the first time because the ACL of 1,157,001 pounds whole weight was projected to be met. The purpose of this discussion paper is to review past management related to the commercial dolphin fishery in the EEZ of the U.S. Atlantic states and look at potential reasons why the ACL was met early in 2015.

## History of Dolphin Management by the SAFMC

### **1. Dolphin Wahoo Emergency Request (January 11, 2001) – sent to NMFS on 1/1/11; notified NMFS was not implementing the emergency request on 10/3/2001.**

The Council requested “implementation of the following regulations for the dolphin wahoo fishery in the Atlantic EEZ through emergency action:

- (1) establish a 3,000 pound trip limit for dolphin north of 31° N. Latitude (a line situated between Jekyll Island and Little Cumberland Island, Georgia) and a 1,000 pound trip limit for dolphin south of 31° N. Latitude in the EEZ southward through the SAFMC’s area of jurisdiction for all vessels; dolphin must be landed with head and tail intact and no transfer at sea is allowed;
- (2) specify 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); and
- (3) prohibit the use of surface and pelagic longline gear for dolphin and wahoo within any “time or area closure” in the Atlantic EEZ, which is closed to the use of pelagic gear for highly migratory pelagic species.

The Council approved this request (with the Regional Administrator as the only dissenting vote) at the November 30, 2000 Council meeting in Atlantic Beach, North Carolina. The Council made this emergency request because it believed substantial disruption in the fishery would occur in the time it would take to follow standard rule-making procedures.”

In a letter from Dr. Joseph Powers, Acting Regional Administrator, to Chairman Fulton Love, NMFS outlined their rationale for not approving the request: “Based on the information provided by the Council, as well as additional information reviewed by our agency, we have determined that there is no current basis for implementing the proposed actions under and EIR.”... “Based on the evidence that an emergency situation did not develop during 2001, NMFS will not be implementing the proposed actions under and EIR.”

### **2. Dolphin Wahoo FMP (January 2003) - sent to NMFS for formal review on 1/14/03; partially approved 12/23/03; final rule published 5/27/04 with regulations effective on 6/28/04, 9/24/04, and 11/23/04**

The Fishery Management Plan for the Dolphin and Wahoo Fishery off the Atlantic States was partially approved on December 23, 2003. The FMP represents a proactive approach to maintaining healthy stocks of dolphin and wahoo, with action intended to cap participation, effort, and landings in the fishery. Approved actions provide equitable harvesting restrictions to the recreational and commercial sectors, and maintain the historical participation by both user groups. The intended effects of the FMP are to conserve and manage dolphin and wahoo off the Atlantic states (Maine through the east coast of Florida), and to ensure that no new fisheries for dolphin and wahoo develop.

Dolphin MSY = 14.1 – 34.9 million pounds and for wahoo, MSY = 1.41 – 1.63 million pounds.

The following regulations were effective on June 28, 2004:

- (1) a 20-inch fork length minimum size limit for dolphin off the coasts of Georgia and Florida with no size restrictions elsewhere;
- (2) prohibition of longline fishing for dolphin and wahoo in areas closed to the use of such gear for highly migratory pelagic species; and
- (3) allowable gear to be used in the fishery (hook-and-line gear including manual, electric, and hydraulic rods and reels; bandit gear; handlines; longlines; and spearfishing (including powerheads) gear.

In addition, other approved portions of the FMP were also effective on this date, including:

- (1) the management unit and designations of stock status criteria for the unit;
- (2) a fishing year of January 1 through December 31;
- (3) a non-binding 1.5 million pound (or 13% of the total harvest) cap on commercial landings;
- (4) establishment of a framework procedure by which the SAFMC may modify its management measures; and
- (5) designations of Essential Fish Habitat and Essential Fish habitat-Habitat Areas of Particular Concern.

The following regulations were effective on September 24, 2004:

- (1) owners of commercial vessels and/or charter vessels/headboats must have vessel permits and, if selected, submit reports;
- (2) dealers must have permits and, if selected, submit reports;
- (3) longline vessels must comply with sea turtle protection measures;
- (4) a recreational bag limit of 10 dolphin and 2 wahoo per person per day, with a limit of 60 dolphin per boat per day (headboats are excluded from the boat limit);
- (5) prohibition on recreational sale of dolphin and wahoo caught under a bag limit unless the seller holds the necessary commercial permits; and
- (6) a commercial trip limit of 500 pounds for wahoo; and
- (7) a commercial trip limit of 200 pounds of dolphin and wahoo combined for commercially permitted vessels fishing north of 39 degrees north latitude that do not have a federal commercial vessel permit for dolphin or wahoo.

The following regulations were effective on November 23, 2004:

- (1) operators of commercial vessels, charter vessels and headboats that are required to have a federal vessel permit for dolphin and wahoo must display operator permits.

The following items were disapproved:

- (1) income qualification for a commercial vessel permit;
- (2) 3,000 pound trip limit for dolphin north of 31° N. Latitude and a 1,000 pound trip limit for dolphin south of 31° N. Latitude (between Jekyll Island and Little Cumberland Island, Georgia) in the EEZ southward through the SAFMC's area of jurisdiction for dolphin (landed head and tail intact) with no transfer at sea allowed; and
- (3) previously approved Pelagic *Sargassum* as EFH and EFH-HAPC.

Council Rational for wanting commercial trip limits: "The Councils concluded establishing a trip limit is an appropriate method to regulate and cap commercial harvest of dolphin, insure highly efficient gear are not employed in the fishery, and prevent a rapid increase in commercial landings which could shift allocation from the recreational sector to the commercial sector. This action is supported by the fact that a longline fishery exists in North Carolina where a 1,000 pound trip limit will unfairly penalize this fishery

and commercial catches south of 31° N. latitude have traditionally been taken by hook and line, and rarely exceed 1,000 pounds.

The Councils determined a split trip limit of 3,000/1,000 pounds best achieves the goals of the FMP and the management objectives to: (1) address localized reduction in fish abundance, (2) minimize market disruption, (3) minimize conflict and/or competition between recreational and commercial user groups, (4) optimize the social and economic benefits, and (5) reduce bycatch in the dolphin fishery.”

NOAA Fisheries rejected the trip limit and provided the following rationale:

“The FMP would have established a 3,000 pound commercial trip limit north of 31° N. latitude, and a 1,000 pound commercial trip limit south of 31° N. latitude for dolphin, with no transfer at sea allowed. The SAFMC, noting that landings in excess of these limits have occurred in recent years, intended this action to maintain the historical participation between the recreational and commercial sectors, and not allow for an expansion of commercial effort in what has been a predominantly recreational fishery.

NOAA Fisheries believes that the current highly migratory species (HMS) area closures have already greatly restricted the commercial fishery. Most landings of dolphin occur in Florida. Florida longline landings of dolphin in March and April of 2001 (the first year of the HMS closures) declined by nearly 50 percent from landings during the same time frame in 2000. That trend in landings has continued through 2002. Recent landings by the recreational sector have increased from less than 10 million pounds to more than 13 million pounds, while commercial landings have declined from highs of 2.2 and 1.5 million pounds in the mid-1990s to less than 1 million pounds since 1999. Based on the average landings in recent years (1997-2002), the current contribution by sector is approximately a 93:7 percent allocation.

NOAA Fisheries agrees that, overall, only a small number of the total commercial trips would be affected by the proposed trip limits. However, NOAA Fisheries has determined that such a restriction is unnecessary at this time given the current trends in commercial landings and the SAFMC’s establishment of a cap on commercial landings.”

**3. Dolphin Wahoo Amendment 1 – sent to NMFS for formal review on 10/23/09; approved 6/1/10; final rule published 6/22/10 with regulations effective on 7/22/10.**

Amendment 1 updated the spatial information of Council-designated EFH and EFH-HAPCs for dolphin and wahoo. No regulations resulted from updating this information.

**4. Dolphin Wahoo Amendment 2 (part of the Comprehensive ACL Amendment) – sent to NMFS for formal review on 10/14/11; approved 1/18/12; final rule published 3/16/12 with regulations effective on 4/16/12.**

Amendment 2 (Comp ACL Am) established the following for dolphin and wahoo:

- (1) Acceptable Biological Catch (ABC) Control Rule
- (2) Allocations based on 50% times the average of long catch range (lbs) 1999-2008 + 50% times the average of recent catch trend (lbs) 2006-2008. Dolphin = 7.3% commercial and 92.7% recreational. Wahoo = 4.3% commercial and 95.7% recreational.
- (3) Overfishing Limit (OFL), Acceptable Biological Catch (ABC), Annual Catch Limit (ACL), Optimum Yield (OY), and Annual Catch Target (ACT) – see table below.

	ACL=OY=ABC	Com ACL	Rec ACL	Rec ACT
Dolphin	14,596,216	1,065,524	13,530,692	11,595,803
Wahoo	1,491,785	64,147	1,427,638	1,164,953

Values are pounds whole weight. Dolphin updated OFL = 13,709,523 lbs ww.

- (4) Dolphin & Wahoo Accountability Measures (AMs) – no commercial ACT; after the commercial ACL is met or projected to be met, all purchase and sale of dolphin is prohibited and harvest and/or possession is limited to the bag limit. Recreational ACT =  $ACL \cdot (1 - PSE)$  or  $ACL \cdot 0.5$ , whichever is greater; Council guidance to use the PSE 3-year average (2007-09=7.0) for dolphin and the 5-year average (2005-09=18.4) for wahoo. If the recreational annual landings exceed the ACL in a given year, the AM would be triggered. There is no recreational in-season AM. Post-season recreational AM: If the recreational ACL is exceeded, the following year’s landings would be monitored in-season for persistence in increased landings. The Regional Administrator will publish a notice to reduce the length of the fishing season as necessary.
- (5) Dolphin Management Measures:
  - a. Prohibit bag limit sales of dolphin from for-hire vessels. Note: It is the South Atlantic Council’s intent that if a for-hire vessel has a commercial permit, they would be allowed to sell their catch only when they are not operating under a for-hire mode.
  - b. Establish a minimum size limit of 20” fork length from Florida through South Carolina.
- (6) Wahoo Management Measures: the Council evaluated boat limits but ultimately decided to leave the recreational bag limit at 2 wahoo per person per day.

The Council considered a dolphin trip limit but ultimately determined only the prohibition on sale from for-hire vessels and the 20” size limit were necessary.

Alternative 7. Consider a series of trip limits for the commercial fishery (e.g., 4,000 lbs with alternatives higher and lower).

Sub-alternative 7a. Establish a 3,000 pound trip limit for dolphin north of 31° N. Latitude and a 1,000 pound trip limit for dolphin south of 31° N. Latitude (between Jekyll Island and Little Cumberland Island, Georgia) in the EEZ southward through the SAFMC’s area of jurisdiction for dolphin (landed head and tail intact) with no transfer at sea allowed.

Sub-alternative 7b. Establish a 5,000 pound trip limit.

Sub-alternative 7c. Establish a 4,000 pound trip limit.

Sub-alternative 7d. Establish a 3,000 pound trip limit.

Sub-alternative 7e. Establish a 2,000 pound trip limit.

Sub-alternative 7f. Establish a 1,000 pound trip limit.

**5. Dolphin Wahoo Amendment 3 – this is a part of the Comprehensive Ecosystem-Based Amendment 3 addressing bycatch/discards that is currently under development.**

The amendment would specify the bycatch reporting/monitoring requirements for the dolphin wahoo fishery.

**6. Dolphin Wahoo Amendment 4 – this is part of the Generic Dealer Amendment. The revised amendment was sent to NMFS for formal review on 9/26/13; approved 3/18/14; final rule published 4/9/14 with regulations effective on 8/7/14.**

The Dealer Amendment established the following for dolphin and wahoo (and other species):

- (1) Establish one federal dealer permit for the Gulf of Mexico and South Atlantic regions.
- (2) Require a single dealer permit to purchase the following federally-managed species or species complexes, except South Atlantic coral, South Atlantic *Sargassum*, Gulf of Mexico coral and coral reefs, and penaeid shrimp species.

[Note: It is the Councils' intent that the generic dealer permit requirements apply to any dealer purchasing South Atlantic Council or Gulf Council managed species and to all federally permitted vessels that sell South Atlantic Council or Gulf Council managed species. This would require that permitted vessels can only sell to permitted dealers in those fisheries where a dealer permit exists. This will also apply to for-hire vessels with a for-hire Coastal Migratory Pelagic Permit and to vessels with a federal spiny lobster tailing or spiny lobster permit.]

- (3) Require forms be submitted *electronically* (via computer or Internet).

- (4) *Weekly*. Forms from trips landing between Sunday and Saturday must be submitted to the SRD by 11:59 P.M. local time on the following Tuesday.

[Note: The Councils clarified that allowing dealers to report ahead of time if they are closed meets the intent of the weekly reporting in the preferred alternative. The current program design will allow dealers to report up to 90 days ahead of time and this was satisfactory to the Councils. The Councils also wanted to allow flexibility for NMFS to modify this allowance and so did not specify a time limit.]

- (5) During catastrophic conditions only, the ACL monitoring program provides for use of paper-based components for basic required functions as a backup. The Regional Administrator (RA) will determine when catastrophic conditions exist, the duration of the catastrophic conditions, and which participants or geographic areas are deemed affected by the catastrophic conditions. The RA will provide timely notice to affected participants via publication of notification in the *Federal Register*, National Oceanic and Atmospheric Administration (NOAA) weather radio, fishery bulletins, and other appropriate means and will authorize the affected participants' use of paper-based components for the duration of the catastrophic conditions. The paper forms will be available from NMFS. The RA has the authority to waive or modify reporting time requirements.

- (6) "No purchase forms" must be submitted at the same frequency, via the same process, and for the same species as specified for "purchased forms" in Actions 1 and 2. A dealer would only be authorized to receive commercially-harvested species if the dealer's previous reports have been submitted by the dealer and received by NMFS in a timely manner. Any delinquent reports would need to be submitted and received by NMFS before a dealer could receive commercially harvested species from a federally-permitted U.S. vessel.

## **7. Dolphin Wahoo Amendment 5 – sent to NMFS for formal review on 11/22/13; approved 5/23/14; final rule published 6/9/14 with regulations effective on 7/9/14.**

The amendment revised the ABC, ACL, and ACT for dolphin and wahoo based on updated landings from the Marine Recreational Information Program (MRIP), commercial accumulated landings system, and NMFS headboat survey. Using the Council's formula for allocations specified in the Comprehensive ACL Amendment, with the updated landings data, changed the dolphin allocations from 7.3% commercial/92.7% recreational to 7.54% commercial/92.46% recreational and the wahoo allocations from 4.3% commercial/95.7% recreational to 3.93% commercial/96.07% recreational. The revised ABC, ACL, and ACT values (pounds whole weight) are:

	ACL=OY=ABC	Com ACL	Rec ACL	Rec ACT
Dolphin	15,344,846	1,157,001	14,187,845	12,769,061
Wahoo	1,794,960	70,542	1,724,418	1,258,825

The amendment also modified portions of the Accountability Measures (AMs) for dolphin and wahoo:

**Commercial:** If commercial landings as estimated by the SRD reach or are projected to reach the commercial ACL, the RA shall publish a notice to close the commercial sector for the remainder of the fishing year. Additionally, if the commercial ACL is exceeded, the RA shall publish a notice to reduce the commercial ACL in the following fishing year by the amount of the commercial overage, only if the species is overfished and the total ACL (commercial ACL and recreational ACL) is exceeded.

**Recreational:** If recreational landings, as estimated by the SRD, exceed the recreational ACL, then during the following fishing year, recreational landings will be monitored for a persistence in increased landings. If necessary, the RA shall publish a notice to reduce the length of fishing season and the recreational ACL in the following fishing year by the amount of the recreational overage, only if the species is overfished and the total ACL (commercial ACL and recreational ACL) is exceeded. The length of the recreational season and recreational ACL will not be reduced if the RA determines, using the best scientific information available, that a reduction is unnecessary.

The Council did not change the provision that after a commercial closure, harvest and/or possession is limited to the bag limit, that is, commercial fishermen may have the bag limit of dolphin or wahoo but they may not be bought or sold.

The amendment revised the framework procedure in the Dolphin Wahoo FMP:

**Preferred Alternative 2.** Include the following in the Dolphin Wahoo FMP framework: Update the framework procedure to revise the specification of Total Allowable Catch (TAC) for the Dolphin Wahoo FMP in terms that incorporate ACLs, ACTs, and AMs. Such modifications would be based upon new scientific information indicating such modifications are prudent. Changes to the ACLs, ACTs and AMs will be made using the following procedure once the new ACLs, ACTs and AMs are established by the Council. The framework language will reflect SEDAR and SSC roles in setting MSY, OY, and ABC. The framework will also allow for modifications of the acceptable biological catch (ABC) Control Rule for dolphin and wahoo.

**Modification of the Acceptable Biological Catch (ABC) Control Rule Procedure**

1. Modifications to the ABC Control Rule will be proposed to the South Atlantic Council by the South Atlantic Council’s Scientific and Statistical Committee (SSC).
2. At the Council meeting following the receipt of the recommended changes to the ABC Control Rule, the South Atlantic Council will determine if changes are needed to the ABC Control Rule and make changes as appropriate.

**Preferred Alternative 3.** Institute an abbreviated process for revising ABCs, ACLs and ACTs according to the existing ABC control rule as outlined below:

Finally, the Council also considered a trip limit, but in the end chose no action:

The South Atlantic Council chose Alternative 1 (No Action) as its preferred alternative. The South Atlantic Council determined that other alternatives/sub-alternatives would not be the best choices because they did not address a current management need. Preferred Alternative 1 (No Action) was determined to be the best alternative because neither sector had reached its ACL, the Council historically has not imposed trip limits on fisheries that are not meeting their ACLs, and it was impossible to determine whether localized depletion was occurring. The Council reasoned that even if localized depletion was occurring, it could not be determined how much of the depletion was due to commercial or recreational fishing activity.

The South Atlantic Council concluded Preferred Alternative 1 (No Action) best meets the purpose and need, the objectives of the FMP for the Snapper Grouper Fishery of the South Atlantic Region, as amended, and other applicable law.

Action 4: Establish a commercial trip limit for dolphin in the exclusive economic zone (EEZ) throughout the SAFMC's area of jurisdiction.

Preferred Alternative 1. No action. There is no commercial trip limit for dolphin for commercial dolphin wahoo permit holders.

Alternative 2: 1,000 lbs ww trip limit for commercial dolphin wahoo permit holders.

Sub-Alternative 2a: south of 31° N. Latitude

Sub-Alternative 2b: north of 31° N. Latitude

Alternative 3: 2,000 lbs ww trip limit for commercial dolphin wahoo permit holders.

Sub-Alternative 3a: south of 31° N. Latitude

Sub-Alternative 3b: north of 31° N. Latitude

Alternative 4: 3,000 lbs ww trip limit for commercial dolphin wahoo permit holders.

Sub-Alternative 4a: south of 31° N. Latitude

Sub-Alternative 4b: north of 31° N. Latitude

Alternative 5: 4,000 lbs ww trip limit for commercial dolphin wahoo permit holders.

Sub-Alternative 5a: south of 31° N. Latitude

Sub-Alternative 5b: north of 31° N. Latitude

Alternative 6: 5,000 lbs ww trip limit for commercial dolphin wahoo permit holders.

Sub-Alternative 6a: south of 31° N. Latitude

Sub-Alternative 6b: north of 31° N. Latitude

Alternative 7: 10,000 lbs ww trip limit for commercial dolphin wahoo permit holders.

Sub-Alternative 7a: south of 31° N. Latitude

Sub-Alternative 7b: north of 31° N. Latitude

**8. Dolphin Wahoo Amendment 6 – this is part of the Joint South Atlantic/Gulf of Mexico Generic Charter/Headboat Reporting in the South Atlantic Amendment. The amendment was sent to NMFS for formal review on 4/23/13; approved 12/16/13; final rule published 12/27/13 with regulations effective on 1/27/14.**

The amendment required headboats submit fishing records to the Science and Research Director (SRD) weekly or at intervals shorter than a week if notified by the SRD via electronic reporting (via computer or Internet). Weekly = 7 days after the end of each week (Sunday).

It is the South Atlantic Councils' intent that headboats must remain current with reporting to remain in compliance with the conditions of a valid permit (i.e., to be authorized to conduct trips) and that in catastrophic conditions (i.e., when electronic means to report data are not feasible) paper reporting be authorized.

**9. Dolphin Wahoo Amendment 7 (Filletts) – sent to NMFS for formal review on 5/1/15. The formal review process has not started.**

The amendment proposes to:

**Action 1:** Allow dolphin and wahoo lawfully harvested in The Bahamas and brought into the U.S. EEZ from The Bahamas as fillets. The vessel must have stamped and dated passports to prove that the vessel passengers were in The Bahamas, as well as valid current Bahamian cruising and fishing permits onboard the vessel. The vessel must be in continuous transit in the U.S. EEZ when dolphin and/or wahoo fillets are onboard. 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. All fishing gear must be appropriately stowed while in transit.

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

Note: This action applies only to the recreational sector as there is no commercial harvest of dolphin and wahoo by U.S. vessels allowed in Bahamian waters. Fishing gear appropriately stowed means-- Terminal gear (i.e., hook, leader, sinker, flasher, or bait) used with an automatic reel, bandit gear, buoy gear, handline, or rod and reel must be disconnected and stowed separately from such fishing gear. Sinkers must be disconnected from the down rigger and stowed separately.

**Action 2 (No Action):** The Council considered exempting dolphin and wahoo harvested in the Bahamas from the U.S. bag limits but in the end took no action to change existing regulations. Current U.S. regulations state the bag limit for the possession of dolphin and wahoo is 10 dolphin (60 dolphin per boat)/2 wahoo per person per day, in the U.S. EEZ. These limits currently also apply to fish lawfully harvested from the Bahamas.

**Action 3:** Snapper grouper fillets brought into the U.S. EEZ from The Bahamas must have the skin intact. Dolphin and wahoo fillets brought into the U.S. EEZ from The Bahamas must have the skin intact.

**Action 4:** Vessels bringing snapper grouper fillets into the U.S. EEZ from The Bahamas are required to have stamped and dated passports to prove that the vessel passengers were in The Bahamas, as well as valid current Bahamian cruising and fishing permits onboard the vessel. All fishing gear must be appropriately stowed while in transit.

Fishing gear appropriately stowed means--

Terminal gear (i.e., hook, leader, sinker, flasher, or bait) used with an automatic reel, bandit gear, buoy gear, handline, or rod and reel must be disconnected and stowed separately from such fishing gear. Sinkers must be disconnected from the down rigger and stowed separately.

**Action 5:** Two fillets of snapper grouper species, regardless of the size of the fillet will count as 1 fish towards the possession limit. Fishermen must abide by U.S. bag and possession limits for snapper grouper species, as well as Bahamian bag and possession limits for fillets brought into the U.S. EEZ.

**10. Dolphin Wahoo Amendment 8 (Generic AM & Dolphin Allocation) – sent to NMFS for formal review on 2/27/15. The notice of availability of the amendment published on 7/15/15 with comments due by 9/14/15.**

The amendment proposes changes to the Accountability Measures (AMs) for snapper grouper species and golden crab but does not address dolphin and wahoo. The amendment proposes the following change to the dolphin allocation and ACL and ACT:

The amendment proposes to change the dolphin allocation using the average of the percentages of the total catch for 2008-2012. The dolphin allocations would change from 7.54% commercial/92.46% recreational to 10% commercial/90% recreational:

	<b>ACL=OY=ABC</b>	<b>Com ACL</b>	<b>Rec ACL</b>	<b>Rec ACT</b>
Dolphin	15,344,846	1,534,485	13,810,361	N/A

**11. Dolphin Wahoo Amendment 9 (Joint South Atlantic/Gulf Generic Commercial Logbook Amendment – under development)**

The amendment would change the paper commercial logbook to electronic and specify the necessary data elements and reporting requirements. This amendment is on hold pending completion of the NMFS SEFSC Pilot Project. The Council is also working on a voluntary program whereby fishermen could report electronically instead of on paper starting later in 2015.

**12. Dolphin Wahoo Amendment 10 (Joint South Atlantic/Gulf Charter Vessel Reporting Amendment) – currently under development; anticipate public hearings in November 2015 with final Council approval in December 2015 or March 2016.**

The intent of this amendment is to bring charter vessels up to the electronic reporting requirements currently in place for headboats.

**13. NMFS Southeast Fishery Bulletin 6/19/15: Commercial Closure of Atlantic Dolphin from Maine through the east coast of Florida effective 12:01 am, (local time), June 24, 2015; commercial harvest will reopen at 12:01 am (local time) on January 1, 2016.**

The operator of a vessel with a federal commercial permit for dolphin wahoo that is landing dolphin for sale must have landed and bartered, traded, or sold such dolphin prior to 12:01 am (local time), June 24, 2015. The prohibition on sale does not apply to sale or purchase of dolphin that were harvested, landed ashore, and sold prior to 12:01 am (local time), June 24, 2015, and held in cold storage by a dealer or processor.

During the closure:

- Harvest or possession of dolphin is limited to the recreational bag and possession limits.
- Sale and purchase of dolphin is prohibited.
- The closure applies in both state and federal waters.

This closure is necessary to protect the dolphin-wahoo fishery.

#### **14. NMFS Southeast Fishery Bulletin 6/24/15: Commercial Harvest of Atlantic Dolphin from Maine through the east coast of Florida will reopen from 4:15 pm, (local time), June 24, until 12:01 am (local time) June 30, 2015.**

A previous Federal Register notification announced the commercial sector for dolphin would close at 12:01 am June 24, 2015. However, a landings update indicates the dolphin catch limit has not yet been met. Information received from fishermen after the notification indicates that some vessels are far offshore and need additional time to return to port. Therefore, we are reopening the commercial sector for five days to allow for the catch limit to be caught and for vessels to return to port without having to discard dolphin.

The operator of a vessel with a federal commercial permit for dolphin wahoo that is landing dolphin for sale must have landed and bartered, traded, or sold such dolphin prior to 12:01 am (local time), June 30, 2015. The prohibition on sale does not apply to sale or purchase of dolphin that were harvested, landed ashore, and sold prior to 12:01 am (local time), June 30, 2015, and held in cold storage by a dealer or processor.

During the closure:

- Harvest or possession of dolphin is limited to the recreational bag and possession limits.
- Sale and purchase of dolphin is prohibited.
- The closure applies in both state and federal waters.

This closure is necessary to protect the dolphin-wahoo fishery because the commercial annual catch limit will be reached.

The Council has considered commercial trip limits four times in the past once through an emergency action request in 2001, in the original Dolphin Wahoo Amendment (2003), in Amendment 2 (2011), and most recently in Amendment 5 (2014). Additionally, the Council has developed a fishery management plan amendment (Amendment 8) that would increase the commercial sector's dolphin allocation from 7.54% to 10%, and the resulting catch limit from 1,157,001 pounds whole weight to 1,534,485 pounds whole weight. If the amendment is approved prior to the end of 2015, and landings are below the catch limit, the commercial sector will be reopened later this year.

### **Recent changes in the dolphin fishery**

Dolphin Wahoo Amendment 5, the last time commercial trip limits were considered, analyzed data through 2012. In its conclusion for why a trip limit was not implemented, the Council decided that since the ACL had not been reached for either sector of the fishery and because it was not possible to determine whether localized depletion had occurred, the trip limit was not necessary.

With the commercial sector early closure in 2015, the circumstances around the Council's conclusion for not implementing a commercial trip limit have changed. Several Council members asked staff to look into recent years' landings and other factors that may have influenced landings. The Southeast Fishery Science Center (SEFSC) was asked to research recent changes in dolphin landings and provide other information that might help explain what has happened in recent years (**Briefing Book Attachment 1**).

To assist the Council in their deliberations, **Action 4** from Dolphin Wahoo Amendment 5 is presented below:

## 4.4 Action 4. Establish a commercial trip limit for dolphin in the exclusive economic zone (EEZ) in the SAFMC's area of jurisdiction

### 4.4.1 Biological Effects

In the Dolphin Wahoo FMP (SAFMC 2003), the South Atlantic Council proposed establishing trip limits (3,000 lbs north of 31° n. latitude and 1,000 lbs south of 31° n. latitude) as an appropriate method to regulate and cap commercial harvest of dolphin; ensure highly efficient gear are not employed for dolphin; and prevent a rapid increase in commercial landings, which could shift allocation from the recreational sector to the commercial sector. However, NMFS rejected this measure because it was unnecessary given the current trends in commercial landings and the Council's cap on commercial landings.

As shown in **Table 4-2** and **Figures 4-1, 4-2, and 4-3**, most of the commercial harvest of dolphin continues to be north of 31° n. latitude, and hook-and-line gear is used primarily south of 31° n. latitude. Regulations at Section 635.21 prohibit the use of pelagic longline gear in the East Florida Coast Closed Area south of 31°00' N. During 2008-2012, almost all of the trips caught less than 3,000 lbs ww of dolphin, with only two trips reported landings in excess of 10,000 lbs ww (**Table 4-2**). Hook-and-line gear was the dominant gear used south of 31° n. latitude to commercially harvest dolphin while longline was the dominant gear north of 31° n. latitude (**Table 4-2**).

Trip limits are often considered for a species to reduce the rate that the ACL is met, reduce derby conditions, prevent the market from being flooded by fish, and prevent localized depletion. Trip limits can be an effective tool to constrain harvest in the absence of a commercial quota or ACL, and can also be useful in extending the fishing season for species with small quotas or ACLs. The commercial ACL for dolphin became effective on April 16, 2012, and it has not been met. Prior to 2012, a soft cap was in place, which would not close the commercial sector if met; however, it would trigger a review of the data by the South Atlantic Council and a determination whether action is necessary.

**Alternatives 2-7** include a wide range of trip limits from 1,000 lbs ww under **Alternative 2**, which is the most restrictive alternative, to 10,000 lbs ww, under **Alternative 7**, which is the least restrictive alternative. **Alternatives 2-7** would have very little effect on constraining harvest of dolphin as **Table 4-2** reveals that 98% of the trips harvested 1,000 lbs ww or less of dolphin. Longline gear is more efficient at harvesting large quantities of dolphin than hook-and-line, and would be most affected by the trip limit **Alternatives 2-7**. Although there were very few trips, only the longline sector had trips of 3,000 lbs ww to 5,000 lbs ww (**Alternatives 4-6**), and they were the dominant gear for trips landing 1,000 lbs ww to 2,000 lbs ww (**Alternatives 2 and 3**).

### **Alternatives<sup>1</sup>**

*(preferred alternatives in bold)*

**1. No action. Do not establish a commercial trip limit for dolphin. Currently, there is no commercial trip limit for dolphin.**

Alternatives 2 through 9 have two sub-alternatives that would apply the trip limit only south and/or north of 31° n. latitude.

2. 1,000 pound<sup>2</sup> trip limit
3. 2,000 pound trip limit
4. 3,000 pound trip limit
5. 4,000 pound trip limit
6. 5,000 pound trip limit
7. 10,000 pound trip limit

<sup>1</sup>See Chapter 2 for a more detailed description of the alternatives.

<sup>2</sup>Pounds are in whole weight.

Competitor, predator, and prey relationships in marine ecosystems are complex and poorly understood. As a result, the exact nature and magnitude of the ecological effects of management measures are difficult to accurately predict or distinguish. Fishermen are able to target dolphin without interaction with other fish species. There is no evidence to suggest any ecosystem changes have occurred as a result of harvesting dolphin.

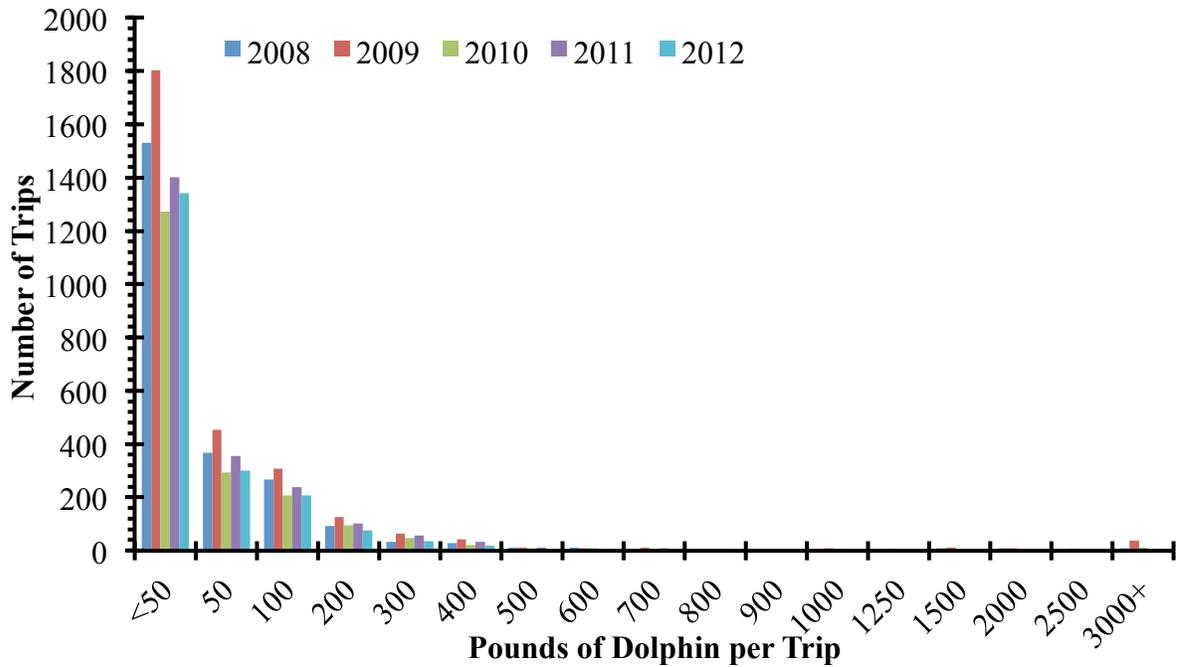
Since **Alternatives 2-7** do little to constrain harvest of dolphin, and ACLs and AMs are in place to ensure overfishing of dolphin does not occur; biological effects of **Preferred Alternative 1 (No Action)** and **Alternatives 2-7** for dolphin are expected to be similar, and no ecosystem effects are expected.

**Preferred Alternative 1 (No Action)** would not modify the way in which the dolphin wahoo fishery in the southeast is prosecuted; nor would this action increase fishing or change fishing methods for species targeted within the Dolphin Wahoo FMP. Therefore, no adverse effects to the protected species most likely to interact with the dolphin wahoo fishery (e.g., sea turtles) are likely to result under this alternative. **Alternatives 2-7** could alter fishing behavior in a way that would cause adverse effects to these species. Bycatch of protected species such as sea turtles are documented with longline gear (NMFS 2003). Therefore, alternatives that would establish a higher trip limit (or no trip limit), that would likely be met using longline gear, would be expected to have lower biological benefits.

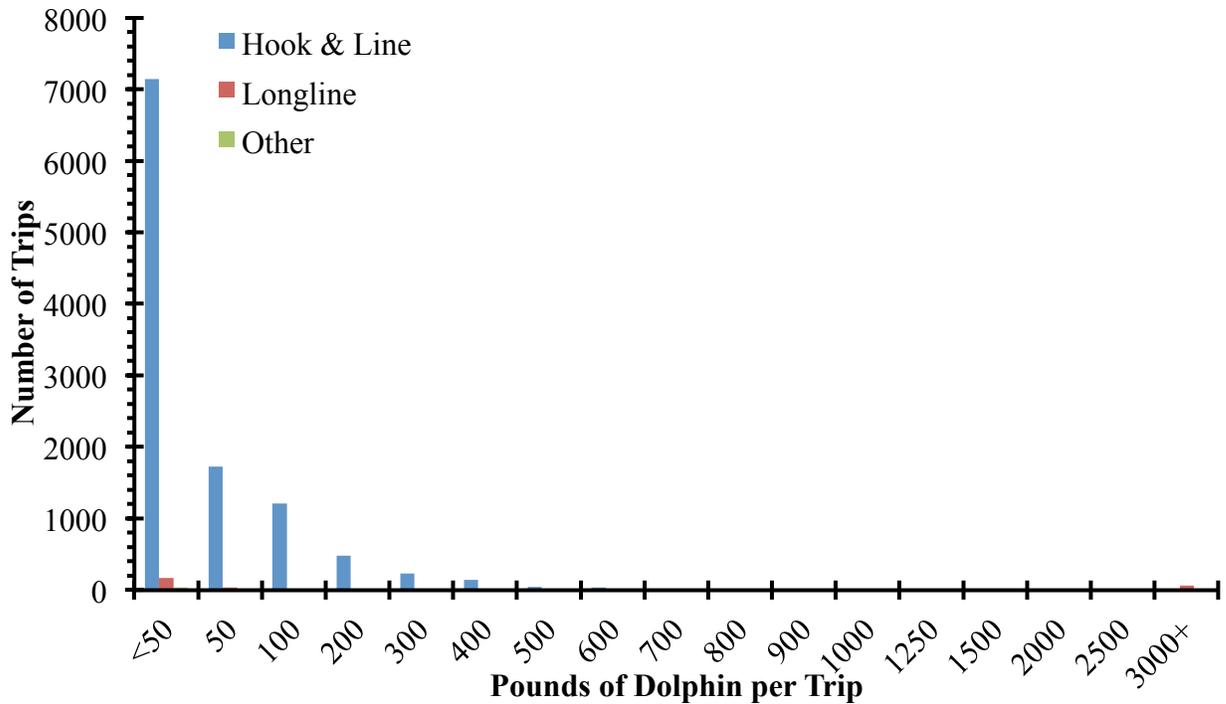
**Table 4-2.** Trips and total pounds (ww) of dolphin landed by hook and line and longline gears north and south of 31° n. latitude for **Alternatives 2 through 7 of Action 4** averaged across the years **2008 through 2012**.

				Alternative 2		Alternative 3		Alternative 4		Alternative 5		Alternative 6		Alternative 7	
		<1,000 lb		1,000-1,999 lbs		2,000-2,999 lbs		3,000-3,999 lbs		4,000-4,999 lbs		5,000-9,999 lbs		>10,000 lb	
Zone	Gear	Trips	Pounds	Trips	Pounds	Trips	Pounds	Trips	Pounds	Trips	Pounds	Trips	Pounds	Trips	Pounds
North 31	Hook & Line	903	67,817	3	4,285	1	1,327	0	749	0	919	0	0	0	0
	Longline	43	6,440	10	15,044	6	14,983	4	13,968	2	6,880	5	34,965	2	27,688
	<b>Total (N 31)</b>	<b>946</b>	<b>74,257</b>	<b>13</b>	<b>19,329</b>	<b>7</b>	<b>16,310</b>	<b>4</b>	<b>14,717</b>	<b>2</b>	<b>7,799</b>	<b>5</b>	<b>34,965</b>	<b>2</b>	<b>27,688</b>
South 31	Hook & Line	1,311	86,680	3	3,248	1	3,251	0	0	0	988	0	0	0	0
	Longline	11	429	0	0	0	0	0	0	0	0	0	0	0	0
	<b>Total (S 31)</b>	<b>1,322</b>	<b>87,109</b>	<b>3</b>	<b>3,248</b>	<b>1</b>	<b>3,251</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>988</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total (both N &amp; S)</b>		<b>2,268</b>	<b>161,366</b>	<b>16</b>	<b>22,577</b>	<b>8</b>	<b>19,561</b>	<b>4</b>	<b>14,717</b>	<b>2</b>	<b>8,787</b>	<b>5</b>	<b>34,965</b>	<b>2</b>	<b>27,688</b>

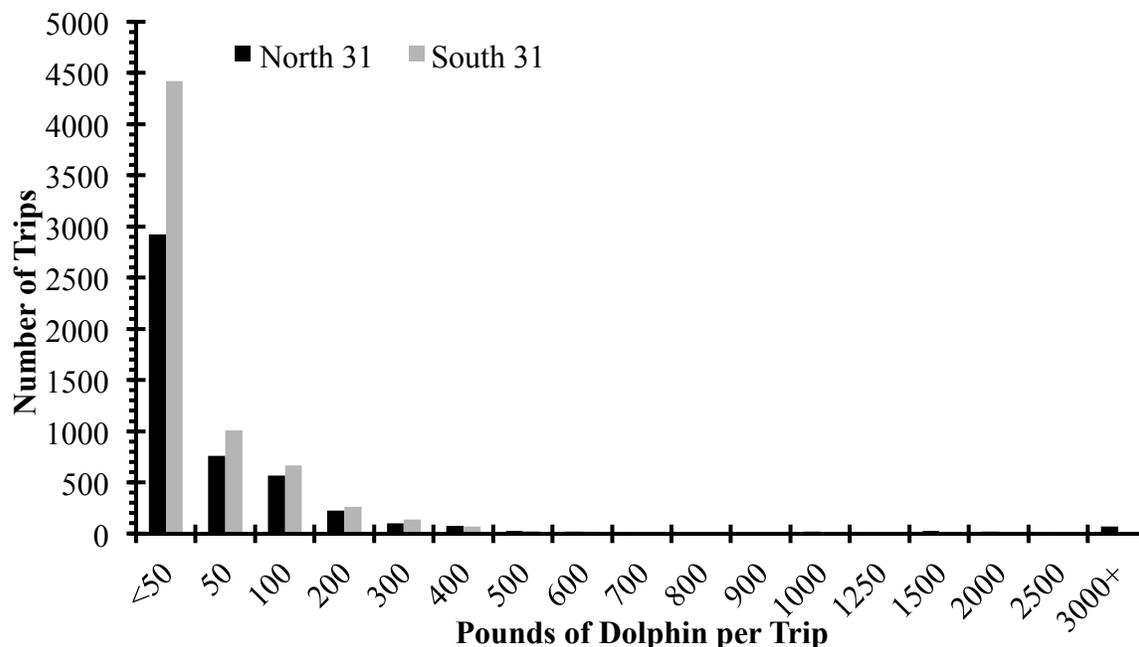
Source: NMFS SERO



**Figure 4-1.** Number of logbook-reported trips that commercially harvested dolphin for the five most recent fishing years (n= 11,582 trips).  
Source: NMFS SERO



**Figure 4-2.** Number of logbook-reported trips that commercially harvested dolphin from 2008 to 2012 separated by gear (n= 11,582 trips).  
Source: NMFS SERO



**Figure 4-3.** Number of logbook-reported trips that commercially harvested dolphin from 2008 to 2012 separated by fishing areas north and south of latitude 31° n. latitude (n= 11,582 trips).  
Source: NMFS SERO

#### 4.4.2 Economic Effects

Setting trip limits has direct economic effects on per trip revenues and possibly per trip profits for commercial vessels. In general, the lower the trip limit, the greater the direct negative effect that comes as a result of ending a trip sooner to keep from going over the trip limit. Trip limits are employed largely to avoid localized depletion or to extend a fishing season. A trip limit tends to increase trip costs per pound of fish landed. The lower the trip limit, the greater the trip cost per fish, and unless other equally valuable species are caught in the trip, per trip profit would tend to decrease. If a trip limit were successful in extending the fishing season, industry revenues and possibly profits would not necessarily decrease as a result of the trip limit. Revenues and possibly profits forgone by vessels adversely affected by the trip limit could be recouped by other vessels able to participate in the fishery during the extended part of the fishing season.

**Preferred Alternative 1 (No Action)** imposes no trip limits on commercial dolphin catches and therefore would not be expected to have economic effects. Trip limits would have a minimal economic impact for any hook and line trips, or on longline trips south of 31° n. latitude. In each case, the average number of trips across the years 2008 through 2012 where more than 1,000 lbs ww of dolphin were landed on a single trip was less than 1% of all the trips (**Table 4-2**). Trip limits would be expected to have economic effects for longline trips north of 31° n. latitude.

On average, there were 72 longline trips north of 31° n. latitude each year from 2008 through 2012 (**Table 4-2**). While the majority (60%) of longline trips landed less than 1,000 lbs ww north of 31° n. latitude, 40% of the longline trips from this area landed more than 1,000 lbs ww. However, there were only two trips on average each year landed more than 10,000 lbs ww of dolphin north of 31° n. latitude.

Using the price per pound of dolphin for 2011 as shown in **Table 3-3-1b** and assuming the level of market demand for dolphin will be the same regardless of the alternative, **Table 4-3** shows the expected direct negative economic effects of each of the alternatives for **Action 4**. In order from least to most expected direct economic effects, **Alternative 2** would be expected to have the greatest effects at \$249,762 annually, followed in order by **Alternative 3, 4, 5, 6, and 7**. These effects assume that forgone revenues by those affected by the trip limit would not be recouped by other vessels especially in the event the trip limits were effective in extending the fishing season. If the commercial fishing season for dolphin remained open throughout the year even without the trip limit and no additional vessels enter that portion of the dolphin wahoo fishery, then the revenue reductions shown in **Table 4-3** would likely occur. (Note: Limiting longline trips could increase commercial hook and line revenue and perhaps recreational landings as well because of the greater availability of dolphin.)

**Table 4-3.** Expected number and percent of trips (primarily longline trips north of 31° North latitude) with expected negative economic effects for each alternative for **Action 4**. (Amounts shown are in 2011 dollars.)

	% of Total		Pounds	Economic Effect
	Trips	Trips		
<b>Preferred Alt 1 (No Action)</b>	0	0%	0	\$ -
Alternative 2	29	40%	113,528	\$ 249,762
Alternative 3	19	26%	98,484	\$ 216,665
Alternative 4	13	18%	83,501	\$ 183,702
Alternative 5	9	13%	69,533	\$ 152,973
Alternative 6	7	10%	62,653	\$ 137,837
Alternative 7	2	3%	27,688	\$ 60,914

Data Source: NMFS SERO

### Consideration of 2013 and 2014 commercial landings

At the September 2015 meeting the NMFS is expected to provide a comprehensive presentation on landings and quota monitoring issues from recent years (**Briefing Book Attachment 2**). However, to help with a more direct comparison to the landings considered in **Action 4** of Dolphin Wahoo Amendment 5, **Table 4-2** was recreated with the addition of landings from 2013 and 2014.

**Recreation of Table 4-2.** Trips and total pounds (ww) of dolphin landed by hook and line and longline gears north and south of 31° n. latitude for **Alternatives 2 through 7 of Action 4** averaged across the years **2008 through 2014**.

				Alternative 2		Alternative 3		Alternative 4		Alternative 5		Alternative 6		Alternative 7	
		<1,000 lbs.		1,000-1,999 lbs.		2,000-2,999 lbs.		3,000-3,999 lbs.		4,000-4,999 lbs.		5,000-5,999 lbs.		>10,000 lbs.	
Zone	Gear	Trips	Pounds	Trips	Pounds	Trips	Pounds	Trips	Pounds	Trips	Pounds	Trips	Pounds	Trips	Pounds
North 31°	Hook & Line	1,055	70,338	5	7,043	1	2,689	0	0	0	0	0	0	0	0
	Longline	272	49,401	26	38,023	12	29,272	9	32,391	4	18,464	9	62,084	7	119,482
	<b>Total (N 31)</b>	<b>1,327</b>	<b>119,739</b>	<b>31</b>	<b>45,065</b>	<b>13</b>	<b>31,961</b>	<b>9</b>	<b>32,391</b>	<b>4</b>	<b>18,464</b>	<b>9</b>	<b>62,084</b>	<b>7</b>	<b>119,482</b>
South 31°	Hook & Line	1,197	70,942	0	580	1	1,652	0	0	0	0	0	0	0	0
	Longline	238	49,509	10	13,006	3	6,226	1	3,845	0	1,223	2	17,659	3	60,342
	<b>Total (N 31)</b>	<b>1,435</b>	<b>120,451</b>	<b>10</b>	<b>13,586</b>	<b>3</b>	<b>7,878</b>	<b>1</b>	<b>3,845</b>	<b>0</b>	<b>1,223</b>	<b>2</b>	<b>17,659</b>	<b>3</b>	<b>60,342</b>
<b>Total</b>	<b>(Both N &amp; S)</b>	<b>2,762</b>	<b>240,190</b>	<b>42</b>	<b>58,651</b>	<b>16</b>	<b>39,839</b>	<b>10</b>	<b>38,571</b>	<b>4</b>	<b>19,687</b>	<b>11</b>	<b>81,670</b>	<b>10</b>	<b>182,008</b>

When adding in commercial trips from 2013 and 2014 to **Table 4-2**, it can be seen that the average number of longline trips with large catches increased considerably. When looking at average landings from 2008 through 2012, the percent of all commercial dolphin trips that landed at least 3,000 lbs was 0.56% and those trips accounted for 29.74% of all the commercial landings. When looking at average landings from 2008 through 2014, the percent of all commercial dolphin trips that landed at least 3,000 lbs was 1.26% and those trips accounted for 48.73% of all the commercial landings.

**Table A** below shows landings by sector from 2000-2014. Further the commercial landings are shown by longline versus other gears. The overall trend in recreational landings is decreasing. The commercial landings, even by gear type don't seem to have a definitive trend. There are occasional spikes in both gear types and they do not always correspond with the same fishing year. In 2009, both longlines and other commercial gears had higher than average landings. However, in 2011 other gears had much higher landings than their adjacent years while longline landings were lower than the adjacent years. In 2014, longline gear landed more than any other year in the time series.

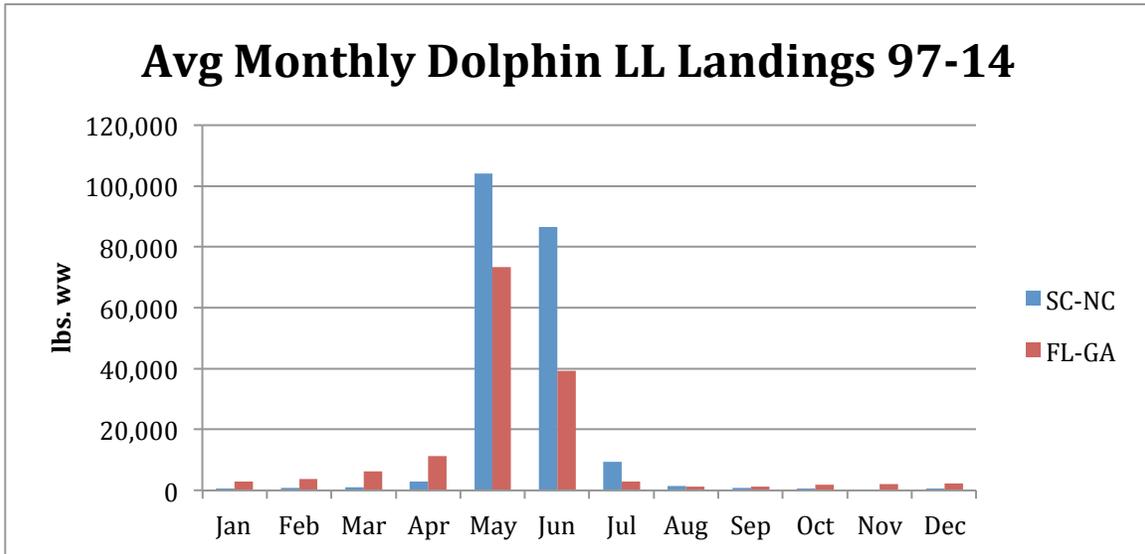
**Table A.** South Atlantic landings of Dolphin for 2000-2014, for commercial (including longline versus other gear) and recreational sectors.

Year	Longline	Other Comm	Total Comm	Rec	Total
2000	296,907	648,123	945,030	14,989,092	15,934,122
2001	166,143	518,216	684,359	14,290,345	14,974,704
2002	153,600	418,445	572,045	15,178,280	15,750,325
2003	225,268	430,148	655,416	9,576,048	10,231,464
2004	377,761	414,543	792,304	6,988,442	7,780,746
2005	248,293	287,351	535,644	8,414,637	8,950,281
2006	320,901	282,144	603,045	8,194,176	8,797,221
2007	545,252	318,377	863,629	9,436,178	10,299,807
2008	478,216	282,579	760,795	7,679,572	8,440,367
2009	678,152	459,741	1,137,893	6,855,259	7,993,152
2010	378,548	282,628	661,176	6,020,479	6,681,655
2011	233,222	512,509	745,731	6,134,938	6,880,669
2012	363,385	250,117	613,502	5,861,772	6,475,274
2013	328,725	225,128	553,853	3,864,320	4,418,173
2014	710,084	252,054	962,139	4,572,907	5,535,045

Source: 2000-2013 SERO; 2014 ACCSP.

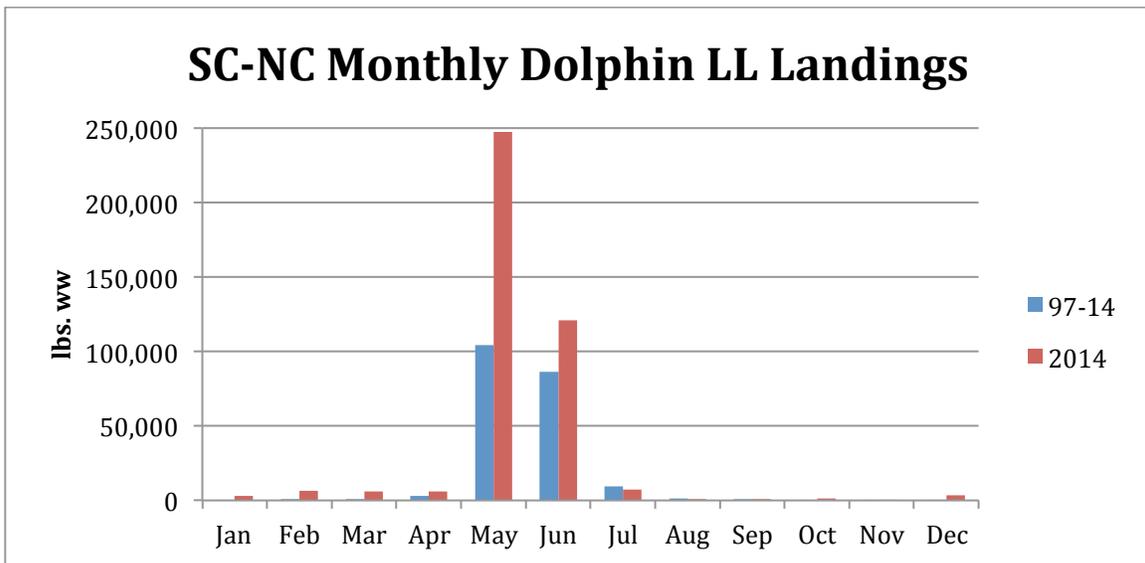
Furthermore, longline landings seem to spike in spring. **Figure A** shows average longline landings by month separated out by North and South Carolina combined and

Georgia and Florida combined. As can be seen, there tends to be large spikes in longline landings of dolphin in May and June.

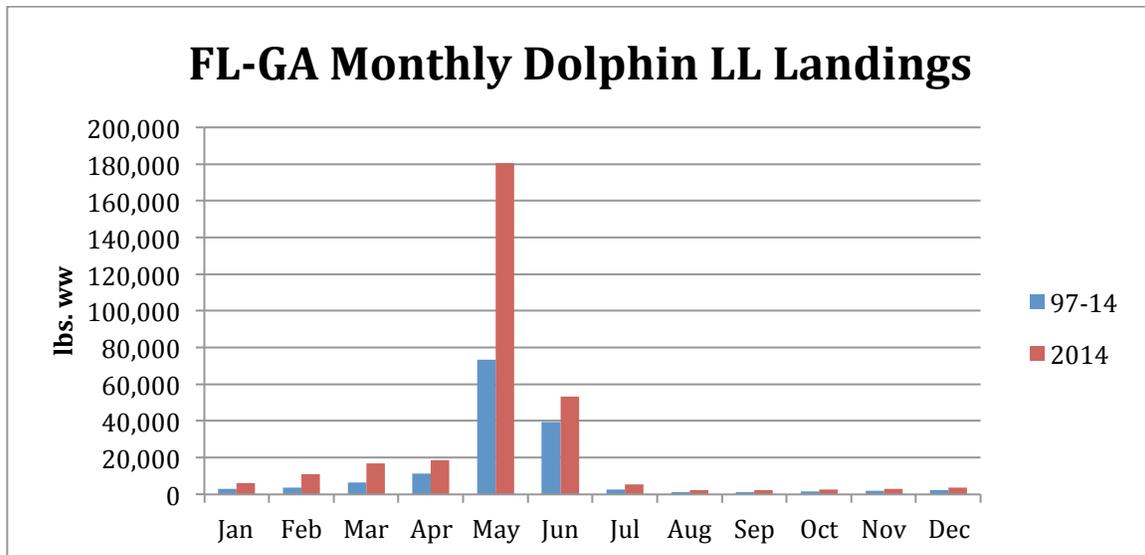


**Figure A.** Average monthly landings of dolphin with longline gear, 1997-2014 with landings combined for North Carolina/South Carolina and Georgia/Florida.

Landings from 2014 were more than twice as high by longlines than the 1997-2014 average for the gear for both the Carolinas and GA/FL regions in the months of May and June, as well as higher in all other months. **Figures B** and **C** show these differences.



**Figure B.** Longline landings of dolphin by month with 2014 landings compared to the 1997-2014 average for North Carolina and South Carolina.



**Figure C.** Longline landings of dolphin by month with 2014 landings compared to the 1997-2014 average for Georgia and Florida.

### Potential Council Actions:

1. Do nothing and wait to see if the trends continue
2. Wait to see whether the effect of the increase to the Commercial ACL from Amendment 8 ends the problem
3. Start a new Regulatory Amendment that would reconsider commercial trip limits
4. Others?

### Timing Considerations

1. To affect the 2016 season, the Council would need to approve a regulatory amendment at the December 2015 meeting and request NMFS expedite review/implementation so that regulations are effective by April 1, 2016.
2. The regulatory amendment would need to be simple and only include a commercial trip limit and not adjustments to recreational/commercial or hook-and-line/longline allocations. A preferred alternative would need to be chose at the September 14-18, 2015 meeting on Hilton Head Island, SC.
3. Webinar public hearing(s) would be held in November 2015.
4. The Council would take comments and approve for formal review/implementation during the December 7-11, 2015 meeting in Atlantic Beach, NC.