

**FISHERY MANAGEMENT PLAN FOR THE
DOLPHIN AND WAHOO FISHERY
OF THE ATLANTIC
INCLUDING A FINAL ENVIRONMENTAL IMPACT STATEMENT,
REGULATORY IMPACT REVIEW,
INITIAL REGULATORY FLEXIBILITY ANALYSIS, AND
SOCIAL IMPACT ASSESSMENT/FISHERY IMPACT STATEMENT**

JANUARY 2003

The fishery management plan was submitted to the Secretary of Commerce on January 14, 2003, was partially approved on December 23, 2003 and regulations effective on June 28th, September 24th and November 23rd 2004.

LIST OF ACTIONS (Page number in FMP for each action shown in bold; disapproved actions are indicated in bold.)

ACTION 1. The management unit is the population of dolphin (common dolphin - *Coryphaena hippurus* and pompano dolphin - *Coryphaena equiselis*) from the U.S. South Atlantic, the Mid-Atlantic, and the New England coasts. **115**

ACTION 2. The management unit is the population of wahoo (*Acanthocybium solandri*) from the U.S. South Atlantic, the Mid-Atlantic, and the New England coasts. **119**

ACTION 3. In the Atlantic any dealer, defined as the person who first receives dolphin or wahoo harvested in or from the EEZ by way of purchase, barter, trade, or transfer in commerce, will be required to possess a valid dealer permit issued by the National Marine Fisheries Service and to report data needed to monitor the dolphin and wahoo fisheries. Requirements for a federal dolphin and wahoo permit are that the applicant possesses a state dealer's license and that the applicant must have a physical facility at a fixed location in the state where the dealer has a state license. A fee will be charged to cover the administrative costs of issuing the federal dolphin and wahoo permit. In addition, reporting requirements are specified in Action 6. **122**

ACTION 4. Require that the owner of a for-hire vessel obtain a vessel permit from the National Marine Fisheries Service to harvest or possess dolphin or wahoo in or from the Atlantic EEZ.

Require that the owner of a commercial vessel obtain a vessel permit from the National Marine Fisheries Service to harvest or possess dolphin or wahoo in or from the Atlantic EEZ.

PORTION IN BRACKETS DISAPPROVED:

[In order to qualify for a commercial vessel permit in the Atlantic, during one of the three calendar years preceding the control date, the vessel owner (1) must have 25 percent of his or her earned income derived from commercial or for-hire fishing, or must have earned at least \$10,000 from either commercial or for-hire fishing and (2) must be able to document 250

pounds of landings and sale of dolphin and/or wahoo on or before the control date of May 21, 1999 in the Atlantic. Alternatively individuals may also qualify for a commercial permit if they hold a valid permit in the snapper-grouper, king mackerel, or swordfish fisheries. The commercial permit is transferable (1 for 1) with vessel when sold or replaced.] Allow a 200 pound incidental harvest possession limit of dolphin and/or wahoo for vessels with a valid federal commercial permit fishing North of 39° North latitude.

For a person aboard a fishing vessel to fish for dolphin and wahoo in the exclusive economic zone (EEZ), possess dolphin and wahoo in or from the EEZ, off-load dolphin and wahoo from the EEZ, or sell dolphin and wahoo in or from the EEZ, a vessel permit for dolphin and wahoo must be issued to the vessel and be on board.

A fee will be charged to cover the administrative costs of issuing federal vessel permits. There are no requirements to qualify for a for-hire vessel permit. **127**

ACTION 5. Require that the operator of a commercial or for-hire vessel obtain an operator's permit issued by the National Marine Fisheries Service to harvest or possess dolphin or wahoo in or from the Atlantic EEZ. On each federally permitted dolphin/wahoo commercial or for-hire vessel, there must be on board at least one operator who has been issued a federal operator's permit for the dolphin/wahoo fishery. The federally permitted operator will be held accountable for violations of fishing regulations and also may be subject to a permit sanction. If an operator's permit has been sanctioned, during the permit sanction period the individual operator may not work in any capacity aboard a federally permitted fishing vessel. No performance or competency testing will be required to obtain a permit. However, the permit may be revoked for violation of Federal dolphin and wahoo regulations as authorized by 15 C.F.R. 904.

The federal permit program will have the following requirements:

1. Any operator of a vessel fishing for dolphin or wahoo (either commercial or forhire) must have an operator's permit issued by the NMFS Regional Administrator.
2. An operator is defined as the master or other individual on board a vessel who is in charge of that vessel (see 50 CFR 620.2).
3. The operator is required to submit an application, supplied by the Regional Administrator, for an Operator's Permit. The permit will be issued for a period of up to three years.
4. The applicant must provide his/her name, mailing address, telephone number, date of birth, and physical characteristics (height, weight, hair, and eye color) on the application. In addition to this information, the applicant must provide two passport size color photos.
5. The permit is not transferable.
6. Permit holders will be required to carry their permit aboard the fishing vessel during fishing and off-loading operations and must have it available for inspection upon request by an authorized officer.
7. The Regional Administrator may charge an administrative fee for the operator permit consistent with NOAA guidelines. **132**

ACTION 6. In the Atlantic, require reporting of vessel permit holders (commercial and forhire) and include reporting requirements as specified in the Atlantic Coastal Cooperative Statistics Program (ACCSP). It is the Councils' intent that existing logbook requirements continue until the cooperating partners meet to determine whether these efforts will continue

under ACCSP. **135**

ACTION 7. Maximum Sustainable Yield for dolphin in the Atlantic, U.S. Caribbean, and Gulf of Mexico is between 18.8 and 46.5 million pounds. The Maximum Sustainable Yield proxy for wahoo in the Atlantic, U.S. Caribbean, and Gulf of Mexico is between 1.41 and 1.63 million pounds. **146**

ACTION 8. Optimum Yield (OY) for dolphin and wahoo is the amount of harvest that can be taken by fishermen while not exceeding 75% of MSY (between 14.1 and 34.9 million pounds) for dolphin and 100% of MSY (between 1.41 and 1.63 million pounds) for wahoo. **149**

ACTION 9. Overfishing Level. Overfishing is defined in terms of the NMFS Guidelines Checklist.

A maximum fishing mortality threshold (MFMT) - In the Atlantic, U.S. Caribbean, and Gulf of Mexico overfishing for dolphin and wahoo is defined as a fishing mortality rate (F) in excess of F_{MSY} ($F_{30\%Static SPR}$).

A minimum stock size threshold (MSST) – In the Atlantic, U.S. Caribbean, and Gulf of Mexico the minimum stock size threshold for dolphin and wahoo is defined as a ratio of current biomass ($B_{current}$) to biomass at MSY or $(1-M)*B_{MSY}$, where $1-M$ should never be less than 0.5. Using the best available estimates of natural mortality ($M = 0.68-0.80$) in the formula results in a MSST of 50% B_{MSY} . The stock would be overfished if current biomass ($B_{current}$) was less than MSST and would be recovered when current biomass was equal or greater than the biomass at MSY. **153**

ACTION 10. Establish a framework procedure for the Dolphin and Wahoo FMP to provide the South Atlantic Fishery Management Council with a mechanism to independently adjust the management measures for their area of responsibility through framework action. **156**

ACTION 11. Prohibit sale of recreationally caught dolphin or wahoo in or from the Atlantic EEZ except for allowing for-hire vessels that possess the necessary state and Federal commercial permits to sell dolphin harvested under the bag limit in or from the Atlantic EEZ. **164**

ACTION 12. Establish a cap of 1.5 million pounds or 13% of total landings, whichever is greater, for the commercial fishery for dolphin. Should the catch exceed this level, the Council will review the data and evaluate the need for additional regulations which may be established through the framework. **170**

ACTION 13. Establish a recreational daily bag limit of 10 dolphin per person per day in or from the EEZ not to exceed 60 dolphin per boat per day whichever is less. Headboats (with a valid certificate of inspection) will be allowed a bag limit of 10 dolphin per paying passenger. **174**

PORTION IN BRACKETS DISAPPROVED:

[**ACTION 14.** 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. **186]**

ACTION 15. Establish a minimum size limit for dolphin of 20 inches fork length off Florida and Georgia and no minimum size limit north of Georgia. **199**

ACTION 16. Establish a commercial trip limit for wahoo (landed head and tail intact) of 500 pounds with no transfer at sea allowed. **209**

ACTION 17. Do not establish a size limit for wahoo in the Atlantic EEZ. **212**

ACTION 18. Establish a recreational bag limit of 2 wahoo per person per day in the Atlantic EEZ. **216**

ACTION 19. 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). **221**

ACTION 20. Prohibit 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. **223**

ACTION 21. Establish a fishing year of January 1 to December 31 for the dolphin and wahoo fishery in the Atlantic EEZ. **229**

ACTION 22. Expand the list of Essential Fish Habitat (EFH) definitions that were approved for dolphin by the Secretary of Commerce to apply to dolphin and wahoo throughout the Atlantic.

PORTION IN BRACKETS DISAPPROVED; HOWEVER, IT WAS APPROVED FOR DOLPHIN IN THE COMPREHENSIVE HABITAT AMENDMENT:

EFH for dolphin and wahoo is the Gulf Stream, Charleston Gyre, Florida Current, and [pelagic *Sargassum*]. **230**

PORTION IN BRACKETS DISAPPROVED:

ACTION 23. Expand the list of Essential Fish Habitat-Habitat Areas of Particular Concern (EFH-HAPCs) that were approved for dolphin by the Secretary of Commerce to apply to dolphin and wahoo throughout the Atlantic.

EFH-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*]. **239**

ACTION 24. Assessment of the Impacts of Present Fishing Activities on EFH. No action to implement additional management measures to reduce impacts of fishing on dolphin wahoo EFH. Defer to measures in the *Sargassum* Fishery Management Plan which has been submitted to the Secretary of Commerce for formal review, and incorporate by reference the

Comprehensive Habitat Amendment approved by the Secretary, on June 3, 1999. **250**